CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-43 ENACTMENT NO. O-2020-0410

SPONSORED BY: Diane G. Gibson, by request

1 ORDINANCE
2 ADOPTING A ZONING MAP AMENDMENT FOR A 19.67 ACRE SITE KNOWN AS
3 PORTERS REPLAT PORTION SW 1/4 SE 1/4 SEC 3 T1ON R3E, 3000 AZTEC
4 RD. NE, CHANGING EXISTING NR-C ZONE TO R-MC IN ORDER TO CODIFY A
5 CONFORMING USE STATUS ON THE SITE.
6 WHEREAS, the subject site is zoned N-RC (Non-Residential Commercial),
7 which it received upon the adoption of the Integrated Development Ordinance
8 (IDO) as a conversion from the former zoning of C-3. The conversion changed
9 the existing mobile home park from a C-3 allowed conditional use to a non-
10 conforming use in the NR-C zoning district; and
11 WHEREAS, for over 50 years the site, Aztec Mobile Home Village has
12 operated as a mobile home community at full capacity with all 163 lots/spaces
13 occupied with homes; and
14 WHEREAS, when the IDO was adopted in May of 2018, the property’s use
15 became legally non-conforming and allows the current owner a 30-year grace
16 period to transition the site to conforming use; and
17 WHEREAS, this zoning map amendment will secure the use as a mobile
18 home community; and
19 WHEREAS, the subject site is in an area that the Comprehensive Plan has
20 designated an Area of Consistency; and
21 WHEREAS, the procedure to adopt a new Zoning Map Amendment –
22 Council, pursuant to IDO Subsection 14-16-6-7(H); and
23 WHEREAS, the Environmental Planning Commission voted to send a
24 recommendation of APPROVAL to the City Council.
25 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
26 ALBUQUERQUE:
SECTION 1. The Official Zone Map is hereby amended to show the R-MC zone on 3000 AZTEC RD. NE, PORTERS REPLAT PORTION SW 1/4 SE 1/4 SEC 3 T10N R3E.

SECTION 2. FINDINGS.

(A) Per IDO Subsection 14-16-6-7(H), a new zone in an Area of Consistency and is 10 gross acres or above is established through a Zoning Map Amendment – Council, which is first reviewed and recommended by the Environmental Planning Commission (EPC) and decided by the City Council as the City’s zoning authority.

(B) The Albuquerque City Charter, the Albuquerque/Bernalillo County Comprehensive Plan, and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.

(C) The request furthers the following applicable Comprehensive Plan goals and policies:

1. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.
2. Policy 4.1.4: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.
3. Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.
4. Policy 5.1.8: Premium Transit Corridors: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.
5. Policy 5.1.10 Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.
6. Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.
7. Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas, outside of Centers and Corridors, parks, and Major Public Open Space.
(8) Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

(9) Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.

a) Prioritize support for affordable housing that the market is unable to provide for populations with the lowest income levels and/or special needs.

(10) Goal 9.5 Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations.

(D) The request is justified pursuant to IDO Subsection 6-7(F)(3) Review and Decision Criteria for Zoning Map Amendments as follows:

(1) Criterion a: Consistency with the City’s health, safety, and general welfare is shown by demonstrating that a request furthers applicable ABC Comprehensive Plan goals and policies and does not significantly conflict with them. The zone map amendment would be consistent with the City’s health safety, morals, and general welfare by allowing the site to continue operating as a mobile home community which provides affordable housing and avoids potential displacement of community members. It is important that affordable housing options like the Aztec Village remain protected to prevent homelessness and provide shelter, which is a major component of health, safety, and general welfare.

(2) Criterion b: The Zone Map Amendment for R-MC will be more advantageous by preserving an existing use that will continue to offer affordable housing options to community members. Additionally, it will not allow for an increase in density or intensity of use. The use will be strictly limited to residential with the option of adding amenities such as a club house, pool, or recreation center. The requested zoning district is more advantageous to the community as articulated by the ABC Comp Plan.

(3) Criterion c: This criterion does not apply as the subject site is not located in an Area of Change.
(4) Criterion d: Overall, the number and intensity of uses will decrease dramatically. The only permitted uses are residential and site amenities (pool, club house etc.). This is a significant downzone that will not be harmful to those residing on the site, nor the adjacent properties.

(5) Criterion e: This criterion does not apply due to the site being fully developed and use on the subject site will not require any capital expenditure by the City.

(6) Criterion f: This Zone Map Amendment is not based on locality. This request is based on securing conforming use status of the site and to preserve and protect an already limited supply of affordable housing and not on the property’s location on a major street.

(7) Criterion g: The new zone is not based primarily on economic considerations, but rather on fulfilling the policy intentions for designated Centers and Corridors in the ABC Comp Plan, as amended.

(8) Criterion h: This request will create a “spot zone” that aligns with 6-7(F)(3)(h)(3) as the existing mobile home community makes the premises unsuitable for the uses allowed in any other zoning district of adjacent properties.

SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 4. COMPILATION. Section 1 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.
PASSED AND ADOPTED THIS 7th DAY OF December, 2020
BY A VOTE OF: 9 FOR 0 AGAINST.

Patrick Davis, President
City Council

APPROVED THIS 16 DAY OF December, 2020

Timothy M. Keller, Mayor
City of Albuquerque

Ethan Watson, City Clerk