

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-7 ENACTMENT NO. O-2022-010

SPONSORED BY: Brook Bassan, by request

1 ORDINANCE

2 ADOPTING A ZONING MAP AMENDMENT FOR AN APPROXIMATELY 14.1
3 ACRE SITE LOCATED ON THE SOUTHERN SIDE OF HARPER ROAD NE,
4 BETWEEN WYOMING BOULEVARD NE AND VENTURA STREET NE, FROM
5 MX-L TO R-1C IN ORDER TO FACILITATE FUTURE DEVELOPMENT.

6 WHEREAS, the subject site is legally described as Tract A2, Plat of Tracts
7 A-1 and A-2 Hoffmantown Baptist Church Site; and

8 WHEREAS, the subject site is vacant and the applicant wants to develop a
9 single-family subdivision; and

10 WHEREAS, the subject site is currently zoned MX-L (Mixed-Use Low
11 Intensity Zone District), which it received upon adoption of the Integrated
12 Development Ordinance (IDO) in May 2018 as a conversion from the former
13 zoning of SU-1 for Senior Living Facility and Related Services, including On –
14 premise Liquor Consumption; and

15 WHEREAS, the purpose of the MX-L zone district is to provide for
16 neighborhood-scale convenience shopping needs, primarily at intersections
17 of collector streets. Primary land uses include non-destination retail and
18 commercial uses, as well as townhouses, low-density multi-family, and civic
19 and institutional uses to serve the surrounding area, with taller, multi-story
20 buildings encouraged in Centers and Corridors; and

21 WHEREAS, the MX-L zone does not allow single-family detached homes;
22 and

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1 **WHEREAS, the purpose of the R-1 zone district is to provide for**
2 **neighborhoods of single-family homes with a variety of lot sizes and**
3 **dimensions. When applied in developed areas, an additional purpose is to**
4 **require that redevelopment reinforce the established character of the existing**
5 **neighborhood. Primary land uses include single-family detached homes on**
6 **individual lots, with limited civic and institutional uses to serve the**
7 **surrounding residential area; and**

8 **WHEREAS, the subject site is located in an area that the Comprehensive**
9 **Plan has designated an Area of Consistency and is not in a designated**
10 **Activity Center or along a designated Corridor; and**

11 **WHEREAS, at its October 21, 2021 public hearing, the Environmental**
12 **Planning Commission voted to forward a recommendation of APPROVAL of**
13 **the zone change to the City Council.**

14 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
15 **ALBUQUERQUE:**

16 **SECTION 1. The Official Zone Map is hereby amended to show the R-1C**
17 **zone on the property known as Tract A2, Plat of Tracts A-1 and A-2**
18 **Hoffmantown Baptist Church Site.**

19 **SECTION 2. FINDINGS.**

20 **(A) The request is for a zoning map amendment for an approximately 14.1-**
21 **acre site legally described a Tract A2, Plat of Tracts A-1 and A-2 Hoffmantown**
22 **Baptist Church Site, between Barstow St. NE and Ventura St. NE,**
23 **approximately 14.1 acres (the “subject site”).**

24 **(B) The subject site is located on the south side at the intersection of**
25 **Harper Rd NE and Red Sky Rd NE. The subject site is vacant.**

26 **(C) The subject site is zoned MX-L (Mixed Use – Low Intensity). The**
27 **applicant is requesting a zone change to R-1C (Single-Family Large Lot) to**
28 **facilitate future development of 39 single-family dwellings.**

1 (D) The subject site is in an Area of Consistency and is not in a designated
2 center or along a designated corridor. The Facility Plan for Arroyos also
3 applies due to the adjacency of the South Pino Arroyo.

4 (E) Sites greater than 10 gross acres are required to also be heard by the
5 City Council as required by IDO section 14-16-6-7(H) Zoning Map Amendment-
6 Council.

7 (F) The Albuquerque/Bernalillo County Comprehensive Plan and the
8 Integrated Development Ordinance (IDO) are incorporated herein by reference
9 and made part of the record for all purposes.

10 (G) The request furthers the following, applicable Comprehensive Plan
11 Goals and policies:

12 (1) Goal 4.1 – Character: Enhance, protect, and preserve distinct
13 communities.

14 (2) Policy 4.1.2 – Identity and Design: Protect the identity and
15 cohesiveness of neighborhoods by ensuring the appropriate scale and
16 location of development, mix of uses, and character of building design.

17 (3) Goal 5.2 Complete Communities: Foster communities where
18 residents can live, work, learn, shop and play together.

19 (4) Sub-policy(c) 5.2.1 – Land Uses: Maintain the characteristics of
20 distinct communities through zoning and design standards that are
21 consistent with long-established residential development patterns.

22 (5) Sub-policy(h) 5.2.1 – Land Uses: Encourage infill development that
23 adds complementary uses and is compatible in form and scale to the
24 immediately surrounding development.

25 (6) Sub-policy(n) 5.2.1 – Land Uses: Encourage more productive use of
26 vacant lots and underutilized lots, including surface parking.

27 (7) Goal 5.3 Efficient Development Patterns: Promote development
28 patterns that maximize the utility of existing infrastructure and public
29 facilities and the efficient use of land to support the public good.

1 **(8) Goal 5.6 City Development areas: Encourage and direct growth to**
2 **Areas of Change where it is expected and desired to ensure that**
3 **development in and near Areas of Consistency reinforces the character**
4 **and intensity of the surrounding area.**

5 **(9) Policy 5.6.3 Areas of Consistency: Protect and enhance the character**
6 **of existing single-family neighborhoods, areas outside of Centers and**
7 **Corridors, parks, and Major Public Open Space.**

8 **(10) Sub-policy(b) 5.6.3 Areas of Consistency: Ensure that development**
9 **reinforces the scale, intensity, and setbacks of the immediately**
10 **surrounding context.**

11 **(11) Goal 9.2.1 – Compatibility: Encourage housing development that**
12 **enhances neighborhood character, maintains compatibility with**
13 **surrounding land uses, and responds to its development context – i.e.**
14 **urban, suburban, or rural – with appropriate densities, site design, and**
15 **relationship to the street.**

16 **(H) The request is justified pursuant to IDO Subsection 14-16-6-7(G)(3)-**
17 **Review and Decision Criteria for Zone Map Amendments, as follows:**

18 **(1) Criterion A: Consistency with the City’s health, safety, morals and**
19 **general welfare is shown by demonstrating that a request furthers**
20 **applicable Comprehensive Plan Goals and policies (and other plans if**
21 **applicable) and does not significantly conflict with them. The applicant’s**
22 **policy-based response demonstrates that the request furthers a**
23 **preponderance of applicable Goals and policies regarding character,**
24 **identity, complete communities, land uses, efficient development patterns,**
25 **infill development, city development areas and compatibility. Therefore, the**
26 **request is consistent with the City’s health, safety, morals and general**
27 **welfare.**

28 **(2) Criterion B: The subject site is located in an Area of Consistency.**
29 **The applicant’s response demonstrates that the request would clearly**
30 **reinforce a preponderance of applicable Comprehensive Plan Goals and**

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1 policies and therefore would be more advantageous to the community than
2 the current zoning.

3 (3) Criterion C: This criterion does not apply because the subject site is
4 not located in an Area of Change, either wholly or in part.

5 (4) Criterion D: The applicant compared the existing MX-L zoning and
6 the proposed R-1C zoning and discussed that all non-residential uses
7 would be eliminated. Since the surrounding land is zoned R-1C, uses that
8 would become permissive already exist in the current zoning and are not
9 considered to be detrimental in this setting because the uses would
10 become identical.

11 (5) Criterion E: The subject site is an infill site that is adequately served
12 by existing infrastructure and therefore meets requirement 1.

13 (6) Criterion F: The request is not based on the property's location on a
14 major street. The request reinforces and strengthens the character of the
15 area in accordance with the Comprehensive Plan.

16 (7) Criterion G: The applicant has adequately demonstrated that the
17 request furthers a preponderance of applicable Comprehensive Plan Goals
18 and policies and does not conflict with them.

19 (8) Criterion H: The applicant has demonstrated the request will match
20 with the existing zoning of the surrounding area and therefore would not
21 create a "spot zone".

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

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

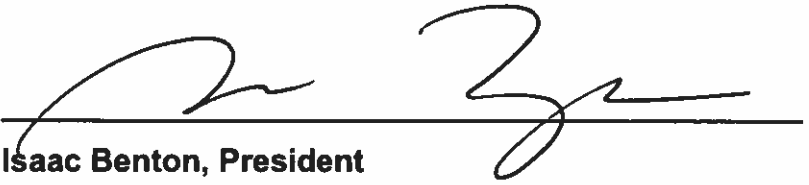
SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 7th DAY OF March, 2022
2 BY A VOTE OF: 7 FOR 2 AGAINST.

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4 For: Bassan, Davis, Grout, Jones, Lewis, Peña, Sanchez
5 Against: Benton, Fiebelkorn
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11 Isaac Benton, President
12 City Council
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16 APPROVED THIS _____ DAY OF _____, 2022
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19 Bill No. O-22-7
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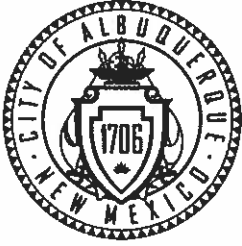
24 _____
25 Timothy M. Keller, Mayor
26 City of Albuquerque
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28 ATTEST:

29  for PW
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31 Ethan Watson, City Clerk
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City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

Interoffice Memorandum

March 28, 2022

To: CITY COUNCIL

From: Camille Cordova, Assistant City Clerk

Subject: BILL NO. O-22-7; ENACTMENT NO. O-2022-010

I hereby certify that on March 25, 2022, the Office of the City Clerk received Bill No. O-22-7 as signed by the president of the City Council, Isaac Benton. Enactment No. O-2022-010 was passed at the March 7, 2022 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect beginning April 4, 2022 without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. F/S O-21-78.

Sincerely,

Ethan Watson
City Clerk