



**Environmental
Planning
Commission**

**Agenda Number: 1
Project #: PR-2021-006278
Case #: RZ-2021-00051
Hearing Date: March 17, 2022**

Supplemental Staff Report

Agent	Consensus Planning
Applicant	Stovall Paradise LLC and S&W Assisted Living LLC
Request	Zoning Map Amendment – EPC
Legal Description	Tract A-1 Plat of Tracts A-1, A-2, C-1 & T Paradise Hills Golf Course Subdivision
Location	10035 Country Club Lane NW, between Golf Course Rd. and Paradise Hills Golf Course
Size	Approximately 0.76 acre
Existing Zoning	NR-C
Proposed Zoning	R-ML

Staff Recommendation

APPROVAL of RZ-2021-00051, based on the Findings beginning on p.21.

**STAFF PLANNERS
Megan Jones, Planner
Leroy Duarte, Planner**

Summary of Analysis

The request is for a Zoning Map Amendment from NR-C to R-ML for an approximately 0.76-acre site, which was continued at the February 17, 2022 hearing. The request would facilitate re-development of the subject site in a manner that is generally consistent with the R-ML zoning nearby.

The applicant has adequately justified the request pursuant to the IDO zone change criteria in 14-16-6-7(G)(3). The proposed zoning would be more advantageous to the community overall because it furthers a preponderance of applicable Comprehensive Plan Goals and policies and there are no major conflicts.

The subject site is in an Area of Consistency. It is not in an Activity Center or along a corridor.

The applicant notified the Westside Coalition of Neighborhood Associations, the Paradise Hills Civic Association, and property owners as required. Staff has received a letter of opposition from the adjacent neighbor, the Paradise Hills Golf Course. The golf course owner and the applicant had a facilitated meeting on March 4, 2022 and still have areas of disagreement.

Staff recommends approval.



I. OVERVIEW

Request

The request is for a Zoning Map Amendment (zone change) for an approximately 0.76-acre site legally described as Tract A-1 Plat of Tracts A-1, A-2, C-1 & T Paradise Hills Golf Course Subdivision and located at 10035 Country Club Lane NW, between Golf Course Rd. and Paradise Hills Golf Course, (“the subject site”). The subject site is currently zoned NR-C (Non-Residential – Commercial Zone District).

The applicant requests a Zoning Map Amendment from NR-C (Non-Residential – Commercial) to R-ML (Residential – Multi-Family Low Density). This would allow the subject site to develop in a manner that is generally consistent with the character of the surrounding residential uses and the R-ML zoned residential community to the north east of the subject site. The applicant states that the zone change would allow for future redevelopment of the existing, vacant, building on the subject site into an assisted living facility.

The request was first heard at the February 17, 2022 EPC hearing and was continued to the March 17, 2022 EPC hearing. The continuance was offered to give the applicant and the opposing adjacent neighbor, 24 LLC, the Paradise Hills Golf Course owner, time to come to a private agreement.

Surrounding zoning, plan designations, and land uses; EPC Role; Context; History; Transportation System; Comprehensive Plan Corridor Designation; Trails/Bikeways; Transit; Public Facilities/Community Services

» See p. 8-10 of the original Staff report.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

» See p. 10 of the original Staff report.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

» See p. 11-13 of the original Staff report.

Integrated Development Ordinance (IDO) 14-16-6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments

» See p. 13-18 of the original Staff report.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

» See p. 18 of the original Staff report.

Neighborhood/Public

Notification requirements are found in 14-16-6, in the Procedures Table 6-1-1 and are further explained in 14-16-6-4(K), Public Notice. The affected, registered Neighborhood Associations Westside Coalition of Neighborhood Association and the Paradise Hills Civic Association were notified as required. Property owners within 100 feet of the subject site were also notified as required (see attachments).

A pre-application neighborhood meeting was not held and a facilitated meeting was not requested. On February 8, 2022 Staff received a letter of opposition from Rodey Law Firm, representing the owners of the neighboring Paradise Hills Golf Course. The letter requests denial of the zoning map amendment based on potential detrimental impacts that it could have on the Golf Course (see attached letter in the original staff report).

The request was continued at the February 17, 2022 EPC hearing, for the applicant and the neighboring Paradise Hills Golf Course property owner to have extra time to discuss a private agreement. A facilitated meeting was held on March 2, 2022, where no agreement was made and there are still unresolved issues and concerns (see attached facilitated meeting notes).

V. CONCLUSION

The request is for Zoning Map Amendment from NR-C to R-ML for Tract A-1 Plat of Tracts A-1, A-2, C-1 & T Paradise Hills Golf Course Subdivision. The subject site is approximately 0.76 of an acre and located at 10035 Country Club Lane NW, between Golf Course Rd. and Paradise Hills Golf Course (“the subject site”). The request was continued at the February 17, 2022 EPC hearing to March 17, 2022.

The Applicant has satisfactorily justified the zoning map amendment based upon the proposed zoning being generally more advantageous to the community than the current zoning, and because it would further a preponderance of applicable Goals and policies in the Comprehensive Plan.

Staff received a letter of opposition from the neighboring Paradise Hills Golf Course on February 8, 2022. General concerns include hours of operation, noise, landscape buffer issues and potential impacts that a residential development will have on a neighboring commercial use. A facilitated meeting was held on March 2, 2022 with no agreement or resolution of conflicts made between the applicant and the neighboring property owner.

Staff recommends approval.

FINDINGS – RZ-2021-00051, March 17, 2022 – Zoning Map Amendment

1. The request is for a Zoning Map Amendment, for an approximately 0.76-acre site legally described as Tract A-1 Plat of Tracts A-1, A-2, C-1 & T Paradise Hills Golf Course Subdivision and located at 10035 Country Club Lane NW, between Golf Course Rd. and Paradise Hills Golf Course (“the subject site”).
2. The subject site is zoned NR-C (Non-residential -- Commercial). The applicant is requesting a zone change to R-ML (Residential – Multi-family low density) to facilitate future redevelopment of the subject site, which contains an existing building.
3. The subject site is in an Area of Consistency, and is not located in a designated Center or along a designated Corridor.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 4: Community Identity

A. Goal 4.1 – Character: Enhance, protect, and preserve distinct communities.

The requested zone change from NR-C to R-ML would enhance the area by allowing development consistent with the surrounding R-ML zoned, single-family residential community. The zone change would also protect the surrounding neighborhood by limiting the amount of more intense and higher density uses, therefore preserving the identity of the community.

B. Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The subject site is within a community that could be considered distinct because it is surrounded by the Paradise Hills Special Zoning District. The subject site is intended to be redeveloped as an assisted living facility, which would replace a currently underutilized building, therefore allowing quality development according to IDO requirements. This development would be consistent with the surrounding multi-family and single-family community adjacent to the subject site and golf course.

C. Policy 4.1.2 – Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request would protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development and character of building design by changing the zone from NR-C to R-ML. The requested zone would be more consistent with the surrounding multi-family and single-family residential neighborhood surrounding the subject site and adjacent golf course. The request would eliminate the possibility of a higher density use of the site and limit the uses to low-density residential development. The proposed R-ML zone is consistent with the surrounding zoning and development. By changing the zoning to reflect the surrounding neighborhoods current land uses, the identity of the neighborhood is protected.

6. The request furthers the following, additional polices from Comprehensive Plan Chapter 5: Land Use.

- A. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop and play together.

The request would allow the applicant to facilitate redevelopment of the subject site that is surrounded by multi-family and single-family residential neighborhoods. Although the subject site is not in an Activity Center or along a Corridor, residents living on the subject site would have the opportunity to live, work, learn, shop and play together based on the amenities close in proximity to the subject site. The subject site is located adjacent to Paradise Hills Golf Course and within 0.06 of a mile from Golf Course Road, a Major Transit corridor with transit access.

- B. Policy 5.2.1 – Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request would allow development to occur with land uses that are similar to the surrounding community. Development of the subject site would allow a variety of low-density residential housing types in the area that already contain multi-family, single-family, and community uses. Any future development would be conveniently accessible to surrounding uses such as entertainment, retail, and recreational.

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

The request would encourage development that is consistent with the surrounding area. The proposed redevelopment of the existing vacant building to a residential use will be compatible in form and scale to the immediate surrounding area.

- D. Sub-policy(n) 5.2.1 – Land Uses: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request would result in a future proposed assisted living facility. The 0.76-acre lot is currently occupied by a vacant building in an area that is surrounded by residential and community uses. A future residential development would encourage productive use of the underutilized lot.

7. The request furthers the following, additional polices regarding efficient development patterns from Comprehensive Plan Chapter 5: Land Use.

- A. Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request would promote efficient use by providing the opportunity in which multi-family residential uses would become permissive. Future development would promote land use patterns that are similar to the surrounding Neighborhood, while also utilizing existing infrastructure that surrounds the site.

- B. Policy 5.3.1 – Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is surrounded by Paradise Hills Golf Course (zoned NR-C) and low-density residential development. Future development of the subject site would utilize existing infrastructure, including water and sewer, paved streets, and dry utilities. Access to the subject site would be directly off of Country Club Lane. Country Club Lane has access to Golf Course Road, a major transit corridor with sidewalks and additional infrastructure.

8. The request furthers the following, additional polices regarding City Development Areas from Comprehensive Plan Chapter 5: Land Use.

- A. 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.

The request would protect and enhance the character of the existing single-family neighborhood by eliminating the opportunity to develop the subject site with higher density uses outside of a designated center.

9. The request furthers the following Comprehensive Plan Goal from Chapter 9: Housing:

- A. 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.

The request would ensure that the subject site is developed with a residential land use. The proposed future assisted living facility would add a new high-quality housing option to the area where these services are lacking.

- B. Policy 9.1.1 -- Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The request would allow the underutilized subject site to be redeveloped into a residential use. The applicant is proposing future redevelopment of the existing building on the subject site into an assisted living facility for seniors and people needing specialized medical care.

- C. Goal 9.2.1 --Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

The request would ensure that future proposed development of the subject site would reinforce and strengthen the neighborhood characteristics and maintain appropriate densities through low density residential development that is consistent with the surrounding neighborhood and development context.

10. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City’s health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant’s policy-based response demonstrates that the request furthers a preponderance of applicable Goals and policies regarding character, identity and design, complete communities, land uses, infill development, city development areas, areas of consistency, and compatibility. Therefore, the request is consistent with the City’s health, safety, morals and general welfare.
 - B. Criterion B: The subject site is located in an Area of Consistency. The applicant’s response demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.
 - C. Criterion C: This criterion does not apply because the subject site is not located in an Area of Change, either wholly or in part.
 - D. Criterion D: The applicant compared the existing NR-C zoning and the proposed R-ML zoning and discussed that impactful higher density uses would be eliminated. An R-ML zone eliminates many impactful uses that are currently permissive on the subject site to residential uses with few accessory and conditional uses. Since the surrounding land is zoned for residential and community uses, uses that would become permissive already exist in the current zoning and are not considered to be detrimental in this setting.
 - E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure and therefore meets requirement 1.
 - F. Criterion F: The request is not based on the property’s location on a major street. The request reinforces and strengthens the character of the area in accordance with the Comprehensive Plan.
 - G. Criterion G: The applicant has adequately demonstrated that requested zone change is not based on the cost of land or economic considerations and that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
 - H. Criterion H: The applicant has demonstrated the requested zone will match with the existing zoning of the surrounding area and therefore would not create a “spot zone”.
- 11. The affected, registered neighborhood organizations, the Westside Coalition of Neighborhood Association and the Paradise Hills Civic Association, were notified as required. Property owners within 100 feet of the subject site were also notified as required.
 - 12. A pre-application neighborhood meeting was not held. A facilitated meeting was not requested
 - 13. On February 8, 2022 Staff received a letter of opposition from Rodey Law Firm, representing the owners of the neighboring Paradise Hills Golf Course. The letter requests denial of the zoning map amendment based on potential detrimental impacts that the zone change could have

on the Golf Course. General concerns include hours of operation, noise, landscape buffer issues and potential impacts that a residential development will have on a neighboring commercial use.

14. A facilitated meeting was held on March 2, 2022. Participants expressed concerns about the noise ordinance changes and how to prevent noise complaints, landscape buffer requirement changes, incompatible uses, and issues outside of the zone change decision, in particular, encroachments and access issues. The participants did not come to any agreement during this meeting.

RECOMMENDATION – PR-2021-006278, RZ-2021-00051, March 17, 2022

APPROVAL of Project#2021-006278, Case#RZ-2021-00051, a zone change from NR-C to R-ML, for Tract A-1 Plat of Tracts A-1, A-2, C-1 & T Paradise Hills Golf Course Subdivision and located at 10035 Country Club Lane NW, between Golf Course Rd. and Paradise Hills Golf Course, approximately 0.76 acre, based on the preceding findings.



***Megan Jones
Current Planner***



***Leroy Duarte
Current Planner***

Notice of Decision CC list:

Consensus Planning, Jacqueline Fishman, fishman@consensusplanning.com
Stovall Paradise LLC and S&W Assisted Living LLC, esanchez0809@hotmail.com
Westside Coalition of Neighborhood Associations, Elizabeth Haley, ekhaley@comcast.net
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Legal, kmorrow@cabq.gov
EPC file

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

February 18, 2022

Stovall Paradise LLC
and S&W Assisted Living
2429 Dietz Farm Road.
Los Ranchos, NM 87107

Project #2021-006278
RZ-2021-00051– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for Stovall LLC/S&W Assisted Living LLC, requests a zoning map amendment from NR-C to R-ML for all or a portion of Tract A-1 Plat of Tracts A-1, A-2, C-1 & T Paradise Hills Golf Course Subdivision, located at 10035 Country Club Lane NW, between Golf Course Rd. and Paradise Hills Golf Course, approximately 0.76 acre (B-12-Z)

Staff Planners: Leroy Duarte & Megan Jones

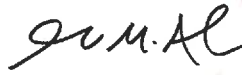
On February 17, 2022, the Environmental Planning Commission (EPC) voted to CONTINUE PR-2021-006278/RZ-2021-00051, a Zoning Map Amendment (Zone Change), for 30 days to the March 17, 2022 EPC public hearing.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **March 4, 2022**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the IDO must be complied with, even after approval of the referenced application(s).

Sincerely,



Digitally signed by James M. Aranda
DN: cn=James M. Aranda, o=City of
Albuquerque, ou=Planning
Department,
email=jmaranda@cabq.gov, c=US
Date: 2022.02.24 14:21:12 -07'00'

for Alan M. Varela,
Planning Director

AV/MJ

cc: Stovall Paradise LLC and S&W Assisted Living LLC. esanchez0809@hotmail.com
Consensus Planning, fishman@consensusplanning.com
Jenica Jacobi, jjacobi@rodey.com
John bailey, 5104 High Desert NE, Albuquerque NM, 87111
Elizabeth Sanchez, 2429 Deets Farm Rd. Albuquerque NM, 87107
Anna Stovall, 832 Solo Rd. NW Albuquerque NM 87107
Legal, dking@cabq.gov
EPC File

**CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT**

Project Number: 2021-006278
Property Description: 10035 Country Club Lane NW
Date Submitted: March 4, 2022
Submitted by: Philip Crump
Meeting Date and Time: March 2, 2022, 1:30 PM
Meeting Location: Online
Facilitator: Philip Crump
Co-facilitator: Jessie Lawrence

Parties:

- **Applicant:**
 - Stovall Paradise, LLC
 - S&W Assisted Living, LLC
- **Agent:**
 - Consensus Planning
- **Neighbor:**
 - Paradise Hills Golf Course
- **Affected Neighborhood Associations (per City of Albuquerque notification requirements):**
 - N/A

Background/Meeting Summary:

Applicant requests a Zoning Map Amendment for property at 10035 Country Club Lane NW, approximately .76 acres in size and currently zoned NR-C. Applicant requests a zone change to R-ML to allow an assisted living facility at the site. The request was heard by the Environmental Planning Commission on February 18, 2022 and was continued to allow for a facilitated meeting between Applicant and a neighbor, the owner of the Paradise Hills Golf Course.

At the meeting, participants discussed concerns from the neighbor and some ideas for solutions, but there was no agreement at the meeting. Issues discussed included:

- A zone change will change the relevant noise ordinance provisions affecting Paradise Hills Golf Course and lower the golf course's allowable noise limits. The project agent has contacted the Environmental Health Department for more information about enforcement of the ordinance. The applicants said they were open to an agreement about this, including one that would run with the property, and were open to additional landscaping or buffering on their part.
- A zone change could affect the landscape buffer requirements for Paradise Hills Golf Course with a five-foot difference, if the golf course were to make a change that would trigger the requirements in the IDO.
- The owner of Paradise Hills Golf Course is concerned that there will be other regulations that become more restrictive with this change that will negatively affect his property, including possible changes that he is not aware of at this time.
- The owner of Paradise Hills Golf Course is concerned that these two uses are incompatible, and allowing the zone change would put an incompatible business in the middle of existing conflicting operations.
- There are also issues that will need to be addressed regardless of the zone change decision:

- The two properties both encroach on each other and need clear access agreements.
- Country Club Lane is a private roadway and the golf club is the only entity with legal access on this lane.

See the Meeting Specifics section for a summary of all the questions and comments discussed.

Outcomes:

- **Areas of Agreement:**
 - None noted at this time among all participants at the meeting.
- **Unresolved Issues and Concerns:**
 - Noise ordinance changes and how to prevent noise complaints.
 - Landscape buffer requirement changes.
 - Concern about other regulation changes that will negatively affect the Paradise Hills Golf Course.
 - Concern that these uses are incompatible.
 - Issues outside of the zone change decision, and in particular encroachments and access issues.

Meeting Specifics:

1. Project Overview:

- a. Jackie Fishman, Principal at Consensus Planning and Project Agent, presented the project overview.
- b. The request is for a zone change from NR-C to R-ML.
 - i. The site is an existing building which had been a bed and breakfast. The building is vacant.
 - ii. The golf course is located to the north, west, and south of the site.
 - iii. The property is surrounded by the Paradise Hills Zoning District to the east and west.
 - iv. To the north is City of Albuquerque R-ML zoning.
 - v. The NR-C zoning was put in place as part of the IDO.
- c. The applicant wants to make this property a small assisted-living facility.
 - i. Any changes to the building will be to the interior.
 - ii. The footprint of the building will not change.
- d. There are issues with encroachments on both properties.
 - i. Ms. Fishman suggested that this needs to be addressed outside of a zoning hearing and with attorneys, so everyone has appropriate access.
- e. Country Club Lane is a private roadway, and the golf club is the only entity with legal access.
 - i. There are other properties on Country Club Lane affected by this.
 - ii. Ms. Fishman suggested that this also needs to be addressed outside of a zoning hearing.
- f. There have been conversations about noise and the impacts on the golf course clubhouse and bar if this is a residential zone.
 - i. Ms. Fishman said she contacted the Environmental Health Department (EHD) and left a message to get more information about the enforcement of the noise ordinance.

2. Discussion of Questions and Concerns:

- a. Jenica Jacobi, attorney for neighbor Paradise Hills Golf Course owned by John Bailey, said that the concerns are the general incompatibility of two very close neighbors and how

changing the zoning to a residential zone from a commercial zone impacts other regulations pertinent to her client's property.

- i. There are aspects of liability and incompatibility.
 1. Even if the owners say that they are comfortable, residents in the facility could generate noise complaints.
 2. There could be security and liability issues of residents wander onto the property.
 - ii. The noise ordinance is enforced as criminal law, and if this property changes to residential zoning, that will reduce the allowed amount of noise for her client's business.
- b. Ms. Fishman shared the relevant part of the noise ordinance.
- i. Currently, the golf course has a limit of 70 dB during the day and 65 dB at night.
 - ii. If the property is rezoned, the golf course would have a limit of 65 dB outside during the day and 60 dB at night. The golf course would have a limit of 60 dB inside during the day and 55 dB inside at night.
- c. Ms. Jacobi said that the golf course does outside seating all summer and is looking at permanent gazebo-type improvements.
- d. Ms. Jacobi said that even quiet golf carts produce just over 60 dB, and the change in the permitted noise level could make a difference between what is legal and not legal.
- i. Ms. Fishman asked if golf carts are driven at night.
 1. Ms. Jacobi responded that she thought there may be overlap in the hours based on the definition of nighttime in the noise ordinance.
 2. Ms. Jacobi said that part of the concern is that if the golf cart produces 60.5 dB, it doesn't take much more noise to get over the limit.
- e. Mr. Bailey stated that if the zone change requires them to reduce the noise they make, that is an additional restriction on their facility by 12-15%.
- f. Applicant Anna Stovall said that they'll need to come to agreement on this issue whether the property is a motel or assisted living, and she wants to work together.
- i. They may be able to adjust where carts are driving across their property.
 - ii. The area abutting the golf cart path right now is a commercial kitchen.
- g. Ms. Jacobi stated that a concern was that even if they believe that these owners are not going to make a noise complaint, a zone change is permanent, and future owners might take a different stance. Also, motel guests might complain to the motel management, but these will be permanent residents who could make complaints to the City.
- i. Ms. Fishman said that assisted-living residents are usually renting a space, and if there was an issue, they would go to their management company, not be calling EHD or the police.
- h. Mr. Bailey noted that this has been a hotel for decades, which has always been a commercial use, and changing it to residential would reduce the allowed noise level, which is unacceptable.
- i. Ms. Fishman responded that the property did not have commercial zoning until the IDO was adopted in 2018, and it is in a residential neighborhood. There are single-family homes approximately the same distance from the clubhouse as this property.
 1. Ms. Jacobi noted that those are in the County.
 2. Ms. Fishman said that she hoped EHD could provide more information about how they enforce the noise ordinance in this area. She also said that the County's allowed noise levels are lower than the City's.
- i. Ms. Jacobi said that she and Ms. Fishman had started to look at the impacts of a zone change on other regulations, including landscaping barriers.

- i. Ms. Fishman shared a comparison of acceptable uses in the R-ML, MX-L, and NR-C zones.
- ii. Ms. Fishman shared Section 5-6 of the IDO and the actions that would trigger a change in landscape buffer requirements.
 - 1. Ms. Jacobi said that it seemed likely that they would trigger one of those things if they looked to expand, and that would be another example of changing the regulations applying to her client.
 - a. Ms. Fishman agreed that there is a difference of five feet in the requirement if this property changes to residential zoning.
- j. Mr. Bailey expressed a concern that he didn't know what other regulations might change or what other new restrictions might be in place on his property, and no one seemed able to provide complete answers for that.
 - i. Ms. Fishman said that it did not appear that anything else would be impacted.
 - 1. The building height limitation would not change.
 - 2. Both R-ML and NR-C are regulated lots in the IDO, not protected lots, so Mr. Bailey's property would not be impacted by the neighborhood edge provisions.
 - ii. Mr. Bailey said that he was concerned that they would be too close to a residential property if he tried to get a building permit.
- k. Ms. Jacobi asked Ms. Stovall about ideas to address noise.
 - i. Ms. Stovall responded that she was open to any ideas, including agreements between the parties.
 - 1. There are plans to enclose the property for the security of residents, and that will provide an additional noise barrier.
 - ii. Applicant Daniel Warren said that they would be open to agreements that could run with the property.
- l. Mr. Bailey said that the two businesses are currently too intertwined, and the golf course is a highly active setting and can be dangerous to the people who would be living in assisted living. This would be an incompatible business stuck in the middle of existing operations.
 - i. Mr. Warren asked if Mr. Bailey was against the zoning or the usage.
 - 1. Mr. Bailey responded that he was against the usage and the zoning.
- m. Mr. Bailey said that the prior use was a hotel, although others are calling it a B&B.
 - i. Mr. Warren noted that it said B&B on the sign and someone was living on site.
 - ii. Ms. Jacobi noted that there is an IDO definition of B&B, and this was too big for that definition.
 - iii. Mr. Bailey said that he would like to work with owners to get this back to a hotel, but an assisted-living facility is not right here.
- n. Ms. Fishman said that the west edge seemed to be a sensitive edge, and asked if putting up fencing, trees, or something similar along the west edge would help. She also noted that the west side of the building seemed to be a less noise-sensitive part of the building.
 - i. Mr. Bailey said that he didn't think landscaping would resolve the issues, and there are still noise ordinance issues outside.
- o. Ms. Stovall asked if Mr. Bailey would be opposed to the zone change even if they agreed to address all of his concerns about the noise issues.
 - i. Mr. Bailey responded that from his standpoint, the two businesses are incompatible, and he is concerned about unknown additional restrictions that might be out there.
- p. Mr. Bailey said that others are saying they want to find a "win-win," but he isn't hearing anything that is a win for his property or his business.

- i. Ms. Stovall responded that they would be revitalizing the property, employing people, and being part of a vibrant community.

Application Hearing Details:

1. The Environmental Planning Commission (EPC) is an appointed, nine-member, volunteer citizen board with authority on many land use and planning issues. The EPC was formed in 1972 per City of Albuquerque Ordinance #294-1972. Members:
 - Jana Lynne Pfeiffer, Council District 1
 - Richard Meadows, Council District 2
 - Joseph Cruz, Council District 3
 - Robert Stetson, Council District 4
 - Dennis F. Armijo Sr., Council District 5
 - Gary L. Eyster P.E. (Ret.), Council District 6
 - David Shaffer, Council District 7
 - Timothy J. MacEachen, Council District 8
 - Johnathan R. Hollinger, Council District 9
2. Hearing Time:
 - i. The hearing is scheduled for March 17, 2022.
 - ii. The agenda is posted on <http://www.cabq.gov/planning/boards-and-commissions/environmental-planning-commission> on the Friday immediately prior to the EPC Hearing.
3. Hearing Process:
 - i. Comments from facilitated meetings will go into a report which goes to the City Planner.
 - ii. City Planner includes facilitator report in recommendations.
 - iii. The Commission will make a decision and parties have 15 days to appeal the decision.
4. Comments may be sent to Megan D. Jones, Staff Planner, at mdjones@cabq.gov.

Names and Affiliations of Attendees:

Jackie Fishman, Consensus Planning
 Charlene Johnson, Consensus Planning
 Anna Stovall, Stovall Paradise LLC
 Daniel Warren, S&W Assisted Living LLC
 Liz Sanchez, S&W Assisted Living LLC
 John Bailey, Paradise Hills Golf Course
 Jenica Jacobi, Rodey, Dickason, Sloan, Akin, & Robb

FACILITATED MEETING REPORT AMENDMENT

Paradise Zone Map Amendment Meeting

Date Submitted: 4 March 2022
Original Submission: 3 March 2022
Submitted By: Philip Crump
Facilitator: Philip Crump
Co-facilitator: Jessie Lawrence
EPC Project Number: 2021-006278
Meeting Date and Time: 2 March 2022, 1:30-3:15 pm

[Additions/Corrections/Clarifications are underlined]

Background/Meeting Summary:

At the meeting, participants discussed concerns from the neighbor and some ideas for solutions, but there was no agreement at the meeting. Issues discussed included:

- A zone change could affect the landscape buffer requirements for Paradise Hills Golf Course with a five-foot difference, if the golf course were to make a change that would trigger the requirements in the IDO [5-6(B) LANDSCAPING, BUFFERING, AND SCREENING Applicability].

Meeting Specifics:

Project Overview:

- a. Jackie Fishman, Principal at Consensus Planning and Project Agent, presented the project overview.
- b. The request is for a zone change from NR-C to R-ML. The site is an existing building which had been a bed and breakfast. The building is vacant. **The original annexation in zoning for all of this property had been SU-1 for PRD, which is planned residential development, with the golf course, 72 Townhouse units and 16 guest quarters.**
 - ii. The golf course is located to the north, west, and south of the site.
 - iii. The property is surrounded by the Paradise Hills Zoning District to the east and west.
 1. **There has been a golf course in there, since it was annexed or soon after it was annexed, but it's completely surrounded by residential uses.**

2. Discussion of Questions and Concerns:

- j. Mr. Bailey expressed a concern that he didn't know what other regulations might change or what other new restrictions might be in place on his property, and no one seemed able to provide complete answers for that.
 - ii. Ms. Fishman said that it did not appear that anything else would be impacted.
 1. The building height limitation would not change.
 2. Both R-ML and NR-C are regulated lots in the IDO, not protected lots, so Mr. Bailey's property would not be impacted by ~~the~~ **Neighborhood Edge provisions [IDO 5-9(B) NEIGHBORHOOD EDGES--Applicability]**.
- n. Ms. Fishman said that the west edge **[of the applicants' property]** seemed to be a sensitive edge, and asked if putting up fencing, trees, or something similar along the west edge would help. She also noted that the west side of the building seemed to be a less noise-sensitive part of the building.