



# 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 *cc*

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* *EW*

Ethan Watson  
City Clerk

**CITY of ALBUQUERQUE  
TWENTY FIFTH COUNCIL**

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

SPONSORED BY:     **Brook Bassan, by request**

**ORDINANCE**

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

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

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

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

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

**WHEREAS, the MX-L zone does not allow single-family detached homes; 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.

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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.

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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.

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

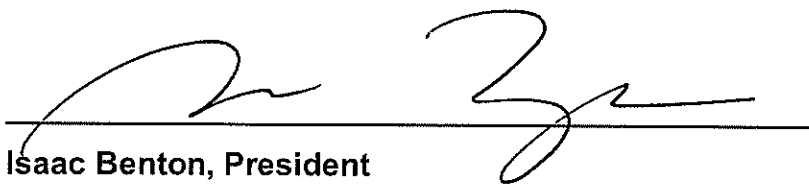
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1 PASSED AND ADOPTED THIS 7<sup>th</sup> DAY OF March, 2022  
2 BY A VOTE OF: 7 FOR 2 AGAINST.

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For: Bassan, Davis, Grout, Jones, Lewis, Peña, Sanchez  
Against: Benton, Fiebelkorn



Isaac Benton, President  
City Council

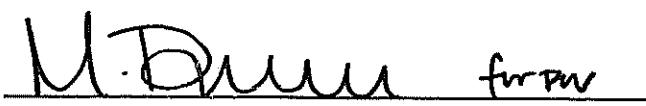
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

Bill No. O-22-7

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Timothy M. Keller, Mayor  
City of Albuquerque

ATTEST:



Ethan Watson, City Clerk

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