



Legislation Text

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CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-7 ENACTMENT NO. _____

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 (Bassan, by request)

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

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

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

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

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

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

SECTION 2. FINDINGS.

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

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

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

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

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

(F) 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.

(G) The request furthers the following, applicable Comprehensive Plan

Goals and policies:

(1) Goal 4.1 - Character: Enhance, protect, and preserve distinct communities.

(2) Policy 4.1.2 - 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.

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

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

(5) 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.

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

(7) 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.

(8) 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.

(9) 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.

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

(11) 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.

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

(1) 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, complete communities, land uses, efficient development patterns, infill development, city development areas and compatibility. Therefore, the request is consistent with the City's health, safety, morals and general welfare.

(2) Criterion B: The subject site is located in an Area of Consistency. The applicant's response demonstrates that the request would clearly reinforce a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.

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

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

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

(6) 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.

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

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

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.

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