



## Legislation Details (With Text)

**File #:** O-22-32  
**Type:** Ordinance  
**File created:** 6/6/2022  
**Status:** Denied  
**In control:** City Council  
**Final action:** 9/19/2022  
**Enactment date:**  
**Enactment #:**  
**Title:** Adopting A Zoning Map Amendment For An Approximately 0.76-Acre Site Located At 10035 Country Club Land NW, Between Golf Course Road NW And Paradise Hills Golf Course, From NR-C To R-ML In Order To Facilitate Future Redevelopment Under The R-ML Zone District (Benton)  
**Sponsors:** Isaac Benton  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. O-32

Date	Ver.	Action By	Action	Result
9/19/2022	1	City Council	Motion	Pass
9/7/2022	1	City Council	Denied	Pass
8/15/2022	1	City Council	Accepted Without Recommendation	
8/10/2022	1	Land Use, Planning, and Zoning Committee	Sent to Council Without Recommendation	Pass
6/6/2022	1	President	Referred	
6/6/2022	1	City Council	Introduced and Referred	

## CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

**COUNCIL BILL NO.** O-22-32 **ENACTMENT NO.**

**SPONSORED BY:** Isaac Benton

**Adopting A Zoning Map Amendment For An Approximately 0.76-Acre Site Located At 10035 Country Club Land NW, Between Golf Course Road NW And Paradise Hills Golf Course, From NR-C To R-ML In Order To Facilitate Future Redevelopment Under The R-ML Zone District (Benton)**

- 1 **ORDINANCE**
- 2 **ADOPTING A ZONING MAP AMENDMENT FOR AN APPROXIMATELY 0.76-**
- 3 **ACRE SITE LOCATED AT 10035 COUNTRY CLUB LAND NW, BETWEEN GOLF**

**COURSE ROAD NW AND PARADISE HILLS GOLF COURSE, FROM NR-C TO R-ML IN ORDER TO FACILITATE FUTURE REDEVELOPMENT UNDER THE R-ML ZONE DISTRICT.**

**WHEREAS, the subject site is legally described as Tract A-1, Plat of Tracts A-1, A-2, C-1 & T, Paradise Hills Golf Course Subdivision; and**

**WHEREAS, the subject site contains a building that the applicant wants to redevelop into and assisted living facility; and**

**WHEREAS, the subject site is currently zoned NR-C (Non-Residential Commercial 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 Golf Course and PDA - 72 dwelling units max and 16-unit guest house; and**

**WHEREAS, the zoning conversions were based on the most intense uses allowed by the prior zone, which in this case is outdoor recreation, first allowed as a primary permissive use in the NR-C zone district in Table 6-1-1 of the IDO; and**

**WHEREAS, the purpose of the NR-C zone district is to accommodate medium-scale retail, office, commercial, and institutional uses, particularly where additional residential development is not appropriate or not desired because of a deficit of jobs or services in relation to housing units in the area; and**

**WHEREAS, primary land uses allowable in NR-C include a wide spectrum of retail and commercial uses intended to serve both neighborhood and area-wide needs, as well as some light industrial uses; and**

**WHEREAS, the NR-C zone does not allow residential uses in either the household living category or the group living category; and**

**WHEREAS, the purpose of the R-ML zone district is to provide for a variety of low-to-medium-density housing options. The primary land uses are townhouses and small-scale multi-family development, as well as 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**

12 Activity Center or along a designated Corridor; and

13 WHEREAS, at its February 17, 2022 public hearing, the EPC voted to  
14 continue the case to its March 17, 2022 public hearing, in order to allow time  
15 for the applicant and opposing parties to meet and discuss their concerns,  
16 after which the parties met but did not come to agreement; and

17 WHEREAS, at its March 17, 2022 public hearing, the EPC voted to approve  
18 the zoning map amendment, based on findings included in its Notice of  
19 Decision.

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

22 SECTION 1. The Official Zoning Map is hereby amended to show the R-ML  
23 zone on the property known as Tract A-1, Plat of Tracts A-1, A-2, C-1 and T,  
24 Paradise Hills Golf Course Subdivision.

25 SECTION 2. FINDINGS.

26 (A) The request is for a a Zoning Map Amendment, for an approximately  
27 0.76-acre site legally described as Tract A-1 Plat of Tracts A-1, A-2, C-1 & T  
28 Paradise Hills Golf Course Subdivision and located at 10035 Country Club  
29 Lane NW, between Golf Course Rd. and Paradise Hills Golf Course (“the  
30 subject site”).

31 (B) The subject site is zoned NR-C (Non-residential -- Commercial). The  
32 applicant is requesting a zone change to R-ML (Residential - Multi-family  
1 low density) to facilitate future redevelopment of the subject site, which  
2 contains an existing building.

3 (C) The subject site is in an Area of Consistency and is not located in a  
4 designated Center or along a designated Corridor.

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

8 (E) The request is consistent with the following Comprehensive Plan Goals  
9 and Policies from Chapter 4 - Community Identity:

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

12           **(2) Policy 4.1.1 - Distinct Communities: Encourage quality development**  
13           **that is consistent with the distinct character of communities.**

14           **(3) 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           **(F) The request furthers the following, additional polices from**  
18           **Comprehensive Plan Chapter 5- Land Use:**

19           **(1) Goal 5.2 - Complete Communities: Foster communities where**  
20           **residents can live, work, learn, shop and play together.**

21           **(2) Policy 5.2.1 - Land Uses: Create healthy, sustainable, and distinct**  
22           **communities with a mix of uses that are conveniently accessible from**  
23           **surrounding neighborhoods.**

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

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

29           **(G) The request furthers the following, additional polices regarding efficient**  
30           **development patterns from Comprehensive Plan Chapter 5- Land Use:**

31           **(1) Goal 5.3 - Efficient Development Patterns: Promote development**  
32           **patterns that maximize the utility of existing infrastructure and public**  
33           **facilities and the efficient use of land to support the public good.**

1           **(2) Policy 5.3.1 - Infill Development: Support additional growth in areas**  
2           **with existing infrastructure and public facilities.**

3           **(H) The request furthers the following, additional policy regarding City**  
4           **Development Areas from Comprehensive Plan Chapter 5 - Land Use:**

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

8           **(I) The request furthers the following Comprehensive Plan Goals and**  
9           **policies from Chapter 9- Housing:**

10           **(1) Goal 9.1 - Supply: Ensure a sufficient supply and range of high-**

11           quality housing types that meet current and future needs at a variety of  
12           price levels to ensure more balanced housing options.

13           (2) Policy 9.1.1 - Housing Options: Support the development,  
14           improvement, and conservation of housing for a variety of income  
15           levels and types of residents and households.

16           (3) Goal 9.2.1 - Compatibility: Encourage housing development that  
17           enhances neighborhood character, maintains compatibility with  
18           surrounding land uses, and responds to its development context - i.e.  
19           urban, suburban, or rural - with appropriate densities, site design, and  
20           relationship to the street.

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

24           (1) Criterion A: Consistency with the City's health, safety, morals and  
25           general welfare is shown by demonstrating that a request furthers  
26           applicable Comprehensive Plan Goals and policies (and other plans if  
27           applicable) and does not significantly conflict with them. The applicant's  
28           policy-based response demonstrates that the request furthers a  
29           preponderance of applicable Goals and policies regarding character,  
30           identity and design, complete communities, land uses, infill  
31           development, city development areas, areas of consistency, and  
32           compatibility. Therefore, the request is consistent with the City's health,  
33           safety, morals and general welfare.

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

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

8           (4) Criterion D: The applicant compared the existing NR-C zoning and  
9           the proposed R-ML zoning and discussed that impactful higher density

10 uses would be eliminated. The R-ML zone district eliminates many  
11 impactful uses that are currently permissive on the subject site to  
12 residential uses with few accessory and conditional uses. Since the  
13 surrounding land is zoned for residential and community uses, uses  
14 that would become permissive already exist in the current zoning and  
15 are not considered to be detrimental in this setting.

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

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

21 (7) Criterion G: The applicant has adequately demonstrated that  
22 requested zone change is not based on the cost of land or economic  
23 considerations and that the request furthers a preponderance of  
24 applicable Comprehensive Plan Goals and policies and does not  
25 conflict with them.

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

29 (K) The affected, registered neighborhood organizations, the West Side  
30 Coalition of Neighborhood Association and the Paradise Hills Civic  
31 Association, were notified as required. Property owners within 100 feet of  
32 the subject site were also notified as required.

1 (L) A pre-application neighborhood meeting was not held. A facilitated  
2 meeting was not requested.

3 (M) On February 8, 2022 Staff received a letter of opposition from Rodey  
4 Law Firm, representing the owners of the neighboring Paradise Hills Golf  
5 Course. The letter requests denial of the zoning map amendment based on  
6 potential detrimental impacts that the zone change could have on the Golf  
7 Course. General concerns include hours of operation, noise, landscape  
8 buffer issues and potential impacts that a residential development will have  
9 on a neighboring commercial use.

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

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

22 **SECTION 4. COMPILATION.** Section 1 of this ordinance shall be incorporated  
23 in and made part of the Revised Ordinances of Albuquerque, New Mexico, 24  
1994.

25 **SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect five days after  
26 publication by title and general summary.