



**Environmental
Planning
Commission**

**Agenda Number: 07
Project Number: 1001620
Case #: 15EPC 40002
February 12, 2015**

Staff Report

Agent City of Albuquerque Planning Department

Applicant City of Albuquerque Council Services

Request
Changes to the Subdivision Ordinance to provide for a 'Phasing Plan' with Preliminary Subdivision Plats, and thus allow phasing of Final Subdivision Plats

Location City-Wide

Staff Recommendation

That a recommendation of APPROVAL of 15EPC 40002 be forwarded to the City Council, based on the Findings beginning on page 4.

Staff Planner

**Jack Cloud, Chair
Development Review Board**

Summary of Analysis

This request is for a recommendation to City Council regarding revisions to the Subdivision Ordinance §14-14-1-6, 14-14-3-4 and 14-14-3-5, ROA 1994, to provide for phasing of Preliminary Plats and thus allowing for Final Plats to be done in phases as well. The revisions are in Bill No. **O-14-33** which was introduced at City Council on December 15, 2014 and referred to the Planning Department for recommendation from the Environmental Planning Commission/ EPC.

The intent of the proposed ordinance is to allow larger subdivision to be submitted as a single preliminary plat along with a phasing plan. This would then allow individual final plats to be submitted for each phase, instead of the current language of the ordinance which requires a final plat to '*substantially conform*' or *encompass all* of an approved preliminary plat.

City Departments and other interested agencies had the opportunity to review this application from 12/30/2014 to 01/10/2015. Agency comments used in the preparation of this report begin on Page 5.

I. INTRODUCTION

Request

This is a proposed change to the Subdivision Ordinance (**O-14-33**) to provide for a ‘Phasing Plan’ to be submitted with a Preliminary Plat, such that individual Final Plats could be submitted for each phase. The current ordinance requires that a Final Plat “...substantially conform to the preliminary plat as approved...” which requires the entire area of the preliminary plat to be final platted; this includes construction or financial guarantee of all the proposed streets and infrastructure.

Purpose/Intent

The basic intent of the proposed text amendments to the Subdivision Ordinance are to allow a Preliminary Plat to be submitted to the City as a single application that shows ‘phases,’ which would then allow Final Plats to be submitted in phases as well. For instance, a developer may want to get approval for a 100 lot subdivision but only want to Final Plat 50 lots at a time. These changes would allow the City to approve a single 100 lot Preliminary Plat and Phasing Plan, and then do two 50 lot Final Plats (or four 25 lot Final Plats if that’s what the Phasing Plan showed, etc.) Currently the Subdivision Ordinance requires separate Preliminary Plats such that the Preliminary Plats match the Final Plats (two applications for two 50 lot plats, four applications for four 25 lot plats, etc.).

Environmental Planning Commission (EPC) Role

The task of the Environmental Planning Commission (EPC) is to make a recommendation to the City Council regarding the proposed text amendments; the EPC is a recommending body with review authority similar to the Zoning Code, but in this case it is a provision of the Subdivision Ordinance §14-14-1-7(B). The City Council is Albuquerque’s legislative body with the authority to amend or adopt ordinances, and as such will have the authority to adopt changes after receiving the EPC’s review.

II. PROPOSED TEXT AMENDMENTS

This proposed legislation (**O-14-33**) would add a definition of PHASING PLAN to the Subdivision Ordinance:

PHASING PLAN. A detailed proposal for sequential subdivision and construction of a larger plan of development that allows for smaller portions to be finally platted and developed independently of each other. Any particular phase must individually be able to meet the requirements of this Article in order to receive final plat approval.

The ordinance would further amend the *Purpose and Intent* sections for both Preliminary Plats and Final Plats to allow for approval of a phasing plan, by inserting new [+underlined+] language in each section as follows:

SECTION 2. SECTION 14-14-3-4, PRELIMINARY PLAT, SUBSECTION A, IS HEREBY AMENDED AS FOLLOWS:

(A) Purpose and Intent. The preliminary plat details the development concept worked out as a result of the sketch plat review. **[+If a subdivider desires to submit final plats in phases, then a phasing plan must be approved in conjunction with the preliminary plat approval.+]**

SECTION 3. SECTION 14-14-3-5, FINAL PLAT, SUBSECTION A, IS HEREBY AMENDED AS FOLLOWS:

(A) Purpose and Intent.

(1) The final plat when recorded is the legal instrument which will allow transfer of land within the subdivision to take place. Legal commitments, dedications, assurances, [+ phasing plan requirements,+] and any other special agreements must be explicitly stated either upon the plat or by separate instrument to which reference is made on the subdivision plat.

The current requirement that a final plat "...substantially conform to the preliminary plat as approved..." would now include conformance to any **[+ phasing plan,+]** as well in §14-14-3-5(A)(2) immediately following §14-14-3-5(A)(1) above.

III. ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Note: Policy citations are in regular text; *Staff analysis is in bold italics.*

Charter of the City of Albuquerque

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

"The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. The purpose of this Charter is to provide for maximum local self government. A liberal construction shall be given to the powers granted by this Charter."

Adding provisions to the Subdivision Ordinance to allow for phasing of Preliminary Plats is a responsible exercise in local self-government, and generally expresses the Council's desire to ensure the proper use and development of land.

Albuquerque/Bernalillo County Comprehensive Plan

The Comprehensive Plan, the Rank I planning document for the City, contains goals and policies that provide a framework for development and service provision.

The proposed text amendments to the Subdivision Ordinance would provide a framework for more predictable and efficient platting review and approval for larger subdivisions.

IV. CONCERNS OF REVIEWING AGENCIES

Long Range Planning Staff supports the text amendments but expressed some concern for providing language in the proposed definition to include ‘an interconnected transportation system for phases.’ However, this appears to be addressed by the last sentence in the proposed definition which requires any phase “to meet the requirements of this Article;” the Subdivision Article/ Ordinance includes §14-14-4-2 ***STREET LOCATION AND ARRANGEMENTS*** whereby all streets “shall be consistent and appropriate in their relationship to existing and planned streets.”

V. NEIGHBORHOOD/PUBLIC CONCERNS

The proposed text amendments were posted on the Planning Department’s website and announced in January/ February 2015 issue of the Neighborhood News (NN); Staff sent a brief article to the Office of Neighborhood Coordination (ONC) for inclusion in the NN, and has not received any comments as of this writing.

VI. CONCLUSION

The proposed amendments to the Subdivision Ordinance would allow for a more efficient subdivision application and review, by permitting a single preliminary plat application for a large subdivision. Currently, individual preliminary plat applications are required if a subdivider wants to develop a tract in phases. This results in excessive paperwork and potential fragmentation of development. A phasing plan could allow for a simpler and more comprehensive understanding of a large subdivision.

By requiring in the proposed definition that the phasing plan be approved “in conjunction with the preliminary plat approval”, the phasing plan and preliminary plat become tied together. The proposed text amendments also anticipate conditions or requirements on a phasing plan, which could for example control the sequencing of platting to avoid ‘leapfrog’ development.

RECOMMENDED FINDINGS -15EPC-40002, 02/12/2015- Subdivision Ordinance Text Amendments

1. The request is for a recommendation to City Council regarding text amendments to the City's Subdivision Ordinance to allow for phasing of preliminary plats, such that individual final plats can be submitted for each phase.
2. The intent of these particular text amendments to the Subdivision Ordinance is to modify the current requirement of the Subdivision Ordinance that a final plat encompasses all of an approved preliminary plat, and thus eliminate the need for multiple preliminary plats when phasing of a large subdivision is proposed.
3. The proposed text amendments are found in legislation authored by Council Services Staff and known as Bill No. **O-14-33**. O-14-33 was introduced at City Council on December 15, 2014 and subsequently referred to the Planning Department for review. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's legislative body and will make the final decision regarding City Ordinances.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Subdivision Ordinance are incorporated herein by reference and made part of the record for all purposes.
5. Intent of the City Charter:
Adding provisions to the Subdivision Ordinance to allow for phasing of plats is a responsible exercise in local self-government, and generally expresses the Council's desire to ensure the proper use and development of land. (*City Charter, Article I*).
6. Goals and Policies of the Comprehensive Plan:
The proposed text amendments to the Subdivision Ordinance would provide a framework for predictable and efficient platting review and approval.

RECOMMENDATION - 15EPC-40002, 02/12/2015- Subdivision Ordinance Text Amendments

That a Recommendation of APPROVAL of Text Amendments to the Subdivision Ordinance in O-14-33, be forwarded to the City Council based on the preceding Findings.

Jack Cloud, Chair
Development Review Board

cc: City of Albuquerque, City Council, Attn: Jon Zaman, P.O. Box 1293, Abq. NM 87102
City of Albuquerque, Planning Department, P.O. Box 1293, Abq. NM 87102

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

1/10/15 – Article to be published in the January/ February 2015 issue of “Neighborhood News” newsletter for official notification to the NA/HOA/Coalitions.

Long Range Planning

Long Range Planning generally supports the proposed changes. These text amendments should consider adding language that requires preliminary transportation system design for the entire development, to ensure that the future phases of the development are able to develop a seamless and interconnected system of roads. This concept could be addressed with the following text:

“PHASING PLAN. A detailed proposal for sequential subdivision and construction of a larger plan of development that allows for smaller portions to be finally platted and developed independently of each other, including an interconnected transportation system for all phases. Any particular phase must individually be able to meet the requirements of this Article in order to receive final plats.”

An example of a network connectivity analysis approach is adopted in the Rio Bravo Sector Development Plan, page 26j:

SUBDIVISION AND PUBLIC RIGHT-OF-WAY REGULATIONS

Apply the following regulations through the City approval process for subdivision plats and through street projects undertaken by the City.

A. Space street intersections and Pedestrian Access Routes so that walking and bicycling route lengths from trip origins to trip destinations are no greater than 1.4 times the minimum distance between the same origin and destination.

1. Calculate walking route directness by dividing the proposed route from trip origin (*a lot or building on a lot*) to potential trip destination (*another lot or local street within an area bounded by the same collector and arterial streets, a collector street, an arterial street, a bicycle trail, buildings within a designated activity center or other commercial service area, a school, community center, park, or transit stop*) by the minimum distance (*as the crow flies*) between those two points.

2. Apply to Local, Collector, and Arterial streets the same Pedestrian Access Route and street intersection spacing regulations that pertain to Major Local Streets in the Subdivision Ordinance 14-14-4-5(A)(4)(b)1 and Development Process Manual (DPM) Chapter 23 Section 2A.9.d.(1). “*Pedestrian Access Route*” is described in Section 14-14-4-5 of the Subdivision Ordinance and Chapter 23 of the Development Process Manual.

CITY ENGINEER

Transportation Development Services

Traffic Engineering Operations

Hydrology

DEPARTMENT OF MUNICIPAL DEVELOPMENT

Transportation Planning

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/PLANNING

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/PLANNING

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO