



**Environmental
Planning
Commission**

**Agenda Number: 6
Project Number: 1004831
Case #'s: 08EPC 40074
August 21, 2008**

Staff Report

Agent	City of Albuquerque Planning Department
Applicant	City of Albuquerque City Council
Request	Text Amendment to §14-14-1-4(B)(1) ROA 1994 (the Subdivision Ordinance), regarding the division or lease of airport property subject to FAA grant assurances
Location	City-wide
Zoning	NA

Staff Recommendation

That a recommendation of APPROVAL of a Text Amendment to Zoning Code 14-14-1-4(B)(1), 08EPC 40074, be forwarded to the City Council based on the Findings beginning on Page 2.

Staff Planner

**Jack Cloud, AICP
Chair, Development Review Board**

Summary of Analysis

This proposal consists of a text amendment to §14-14-1-4(B)(1) ROA 1994, the ‘Subdivision Ordinance,’ regarding what types of actions are subject to the regulations of the ordinance.

The proposed text amendment would exempt airport property from the Subdivision Ordinances jurisdiction when it is subject to Federal Aviation Administration (FAA) grant assurances.

Staff finds the type of property addressed by the proposed amendment to be substantially unique from other property subject to the Subdivision Ordinance, and therefore it would warrant exemption.

City-wide

City Departments and other interested agencies reviewed this application from 7/7/2008 to 7/18/2008. Agency comments begin on Page 3.

I. INTRODUCTION

Proposal

This proposal is for a text amendment to §14-14-1-4(B)(1) ROA 1994, the portion of the Subdivision Ordinance that describes what actions are under the jurisdiction of, and therefore subject to, the Subdivision Ordinance.

The Sunport and Double Eagle II Airport were designated as “certified sites” to further the City’s Economic Development Goals. These sites may be subject to long term leases that otherwise would be called a ‘subdivision,’ but in reality are more akin to a unique class of City property (such as right-of-way) which is expected to always have significant City control.

Environmental Planning Commission (EPC) Role

The EPC’s task is to make a recommendation to the City Council regarding the proposed changes to the Zoning Code. The City Council is the City’s Zoning Authority and the EPC is a recommending body.

Background and Context

The City Aviation Department has ‘cleaned up’ the platting of the property under its control over the past several years, to eliminate antiquated subdivisions and unify the property under its control into large tracts. In pursuit of the City’s Economic Development Strategy, the Department has sought airport-related commercial and industrial tenants at the Sunport and Double Eagle II Airport.

The Aviation Department has been confronted with some complex subdivisions when sometimes seeking only a single tenant, e.g. replatting hundreds of acres to create a small lease parcel for an office building, or an aircraft hanger.

II. ISSUES

The proposed text amendment would clearly put property under the City Aviation Department’s control in a special class of property, but not unreasonably so. As can be seen in this section of the City’s Subdivision Ordinance, there are already several types of property transactions that are exempted from the jurisdiction of the ordinance. As previously noted, the City already treats some its property, such as

right-of-way, in a manner that does not always require a subdivision plat. For instance, the City can acquire right-of-way under condemnation (or even threat of condemnation) without platting the entire parcel that is being affected.

III. ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

The applicable ordinance (Article 14 – Subdivision Regulations of Chapter 14 –Zoning, Planning and Building) is the subject of this proposed text amendment.

VI. CONCLUSION

The proposed text amendment regarding the division or lease of airport property subject to Federal Aviation Administration grant assurances should not compromise the City’s administration of rules and regulations regarding development, as these are unique sites under the City’s control.

FINDINGS- 08EPC 40074, August 21, 2008-Text Amendments

1. §14-14-1-4(B)(1) ROA 1994, the ‘Subdivision Ordinance’ of the Zoning Code, describes what types of property transactions are exempted for the jurisdiction, or application of the ordinance.
2. The purpose of the proposed text amendment is to exempt the division or lease of airport property subject to Federal Aviation Administration grant assurances from the jurisdiction of the Subdivision Ordinance.
3. Approval of the proposed text amendment would further the City’s Economic Development Goal of gaining lease revenues from the “certified sites” the Sunport and Double Eagle II Airport.

RECOMMENDATION

That a recommendation of APPROVAL of Text Amendments to Zoning Code §14-14-1-4(B)(1) be forwarded to the City Council based on the preceding Findings.

***Jack Cloud, AICP
Chair, Development Review Board***

cc: City of Albuquerque, City Council, Attn: Bruce Thompson, P.O. Box 1293, Albuquerque, NM 87102
City of Albuquerque, Planning Department, P.O. Box 1293, Albuquerque, NM 87102

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

No Comments

Office of Neighborhood Coordination

City-wide

6/8/08 – An article will be published in the “Neighborhood News” newsletter and on ONC’s website - siw

Advanced Planning

CITY ENGINEER

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no objection to the zone change request.

Transportation Planning (Department of Municipal Development):

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT

and NMDOT:

Conditions of approval for the proposed Zone Map/Subdivision Regs Amendment shall include:

- a. None.

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

Reviewed, no objection. Request does not affect our facilities.

Open Space Division

Open Space has no adverse comments

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No adverse comments.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

The City of Albuquerque proposes a **City-Wide** amendment to the Subdivision Ordinance, Section 14-14-1 (B)(1), ROA 1994, to exempt certain properties governed by FAA from the jurisdiction of the Subdivision Ordinance. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

Construction of new facilities may be necessary. Any relocation of existing utilities will be at customer's expense.