



Legislation Text

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CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-21-140 ENACTMENT NO. _____

SPONSORED BY: Brook Bassan

RESOLUTION

Declaring A Stay Of Enforcement On Section 6-4(L)(2) Of The Integrated Development Ordinance
Related To The Delay Of A Final Decision By The Planning Department On Applications For
Administrative Decisions (Bassan)

DECLARING A STAY OF ENFORCEMENT ON SECTION 6-4(L)(2) OF THE INTEGRATED
DEVELOPMENT ORDINANCE RELATED TO THE DELAY OF A FINAL DECISION BY THE
PLANNING DEPARTMENT ON APPLICATIONS FOR ADMINISTRATIVE DECISIONS.

WHEREAS, the ability to request a post-application facilitated meeting was adopted during the
2019 Integrated Development Ordinance (IDO) update; and

WHEREAS, the purpose of this amendment to the IDO was to allow for more neighborhood
participation in certain administrative decisions if requested; and

WHEREAS, the IDO today requires that after an application has been submitted for a Site
Plan - Administrative decision that there is a 15-day period in which property owners within 330
feet of the subject site or Neighborhood Associations within 660 feet of the subject site may
request a post-application facilitated meeting; and

WHEREAS, a Site Plan - Administrative is the “zoning check” for applications that don’t meet
the threshold for an approval by the Development Review Board or Environmental Planning
Commission where the request is determined to be in compliance with the IDO or not and an
application can’t move on to other relevant reviewers until the Site Plan - Admin has been
approved by the Planning Department; and

WHEREAS, Site Plan - Administrative is applicable to small-scale development that may not have as big of an impact on the surrounding community as applications that are required to go before the Development Review Board or the Environmental Planning Commission; and

WHEREAS, the requirements of Section 6-4(L)(2) of the IDO require that no final decision be made until the 15-day period in which an eligible party may request a post-application facilitated meeting; and

WHEREAS, this unintended consequence of this addition to the IDO results in all Site Plan - Administrative applications being left without a final decision for at least 15 days; and

WHEREAS, in some instances the Planning Department is able to provide a final decision on Site Plan - Administrative requests in a day for low-density residential development or a matter of days for other Site Plan - Administrative applications; and

WHEREAS, the Planning Department's review and approval software does not have the ability for the Department to review an application when it first enters the system but not issue an immediate "approval" or "denial" of the application; and

WHEREAS, over the last several years the Planning Department has worked diligently to reduce the time in which an applicant will receive approval to continue with their development project for the purposes of promoting economic development in the city; and

WHEREAS, a stay of enforcement is appropriate to issue for Section 6-4(L)(2) until the 2020 IDO Annual update is adopted; and

WHEREAS, Council Staff in coordination with the Planning Department will prepare an amendment for the 2020 IDO Annual Update to allow for post-application facilitated meetings for Site Plan - Administrative decisions in a manner that will not disrupt the Planning Departments review and approval process and economic development within the City.

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

SECTION 1. That upon the effective date of this Resolution and until the 2020 Integrated Development Ordinance Annual Update is finally acted upon by the City Council, the City shall not act upon Section 6-4(L)(2) of the Integrated Development Ordinance, which prohibits the Planning Department from issuing a final decision on all Site Plan - Administrative Decisions for a period of 15 days.

SECTION 2. Council Staff in coordination with the Planning Department shall propose an amendment to the IDO to be included in the 2020 IDO Annual Update that will retain the ability to

request a post-application facilitated meeting for most Site Plan - Administrative decisions in a manner that will not disrupt the Planning Department's review and approval process and economic development in the city.

SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this resolution 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 resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

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