

#8



# DRB CASE ACTION LOG (FINAL PLAT)

REVISED 9/28/05

Comp V-5 1/31/06

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: <u>06DRB-00060 (FP)</u>	Project # <u>1003520</u>
Project Name: <u>BENJAMIN PLACE</u>	
Agent: <u>MARK GOODWIN &amp; ASSOCIATES</u>	Phone No.: <u>828-2200</u>

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 1/25/06 by the DRB with delegation of signature(s) to the following departments.

### OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

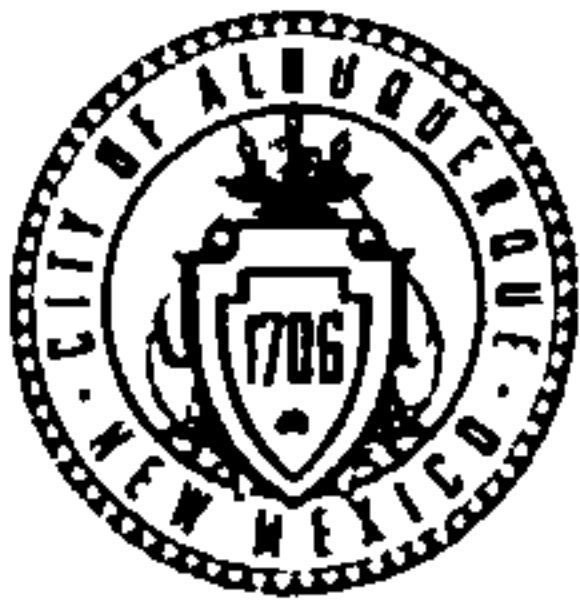
- TRANSPORTATION: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- UTILITIES: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- CITY ENGINEER / AMAFCA: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- PARKS / CIP: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- PLANNING (Last to sign): record plat
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Project Number 1003520



### Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). RECORDED DATE: \_\_\_\_\_
- Tax printout from the County Assessor.
- 3 copies of the approved site plan. Include all pages.
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required. WOK
- Copy of recorded plat for Planning.



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

December 23, 2009

**Project# 1003520**

09DRB-70363 MAJOR - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT (2YR SIA)  
09DRB-70365 2YEAR EXTENSION OF SIA FOR TEMPORARY DEFERAL - SIDEWALK CONST

MARK GOODWIN AND ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS, LLC request(s) the referenced/ above action(s) for all or a portion of **BENJAMIN PLACE**, zoned R-D, located on the north side of GLENDALE AVE NE between BARSTOW ST NE and VENTURA ST NE containing approximately 1.9980 acre(s). (B-20)

At the December 23, 2009, Development Review Board meeting, a two year extension of the Subdivision Improvements Agreements was approved.

If you wish to appeal this decision, you must do so by January 7, 2009, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

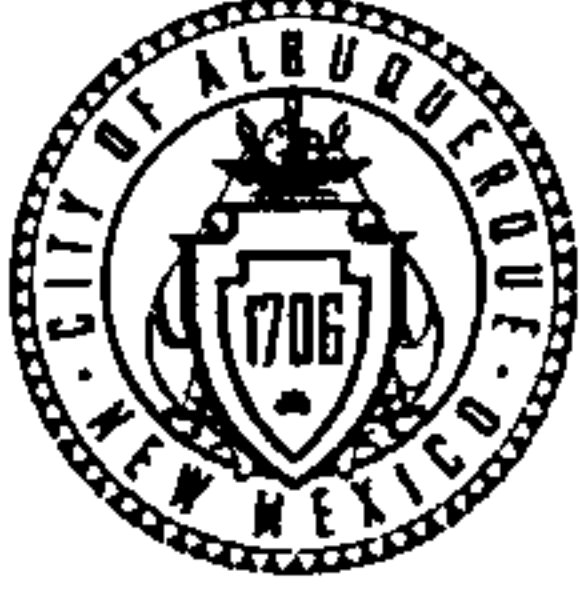
  
Jack Cloud, AICP, DRB Chair

Cc: Mark Goodwin & Associates, PA – P.O. Box 90606 – Albuquerque, NM 87199

Cc: Washington Street Investors, LLC – Albuquerque, NM 87102

Marilyn Maldonado

File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

December 23, 2009

**Project# 1003520**

09DRB-70363 MAJOR - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS  
AGREEMENT (2YR SIA)

09DRB-70365 2YEAR EXTENSION OF SIA FOR TEMPORARY DEFERAL -  
SIDEWALK CONST

MARK GOODWIN AND ASSOCIATES PA agent(s) for WASHINGTON STREET  
INVESTORS, LLC request(s) the referenced/ above action(s) for all or a portion of  
**BENJAMIN PLACE**, zoned R-D, located on the north side of GLENDALE AVE NE  
between BARSTOW ST NE and VENTURA ST NE containing approximately 1.9980  
acre(s). (B-20)

At the December 23, 2009, Development Review Board meeting, a two year extension  
of the Subdivision Improvements Agreements was approved.

If you wish to appeal this decision, you must do so by January 7, 2009, in the manner  
described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any  
determination of the Development Review Board may file an appeal on the  
Planning Department form, to the Planning Department, within 15 days of the  
Development Review Board's decision. The date the determination in question is  
issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System  
Ordinance, the next working day is considered as the deadline for filing the appeal. Such  
appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are  
reminded that other requirements of the City must be complied with, even after approval  
of the referenced application(s).

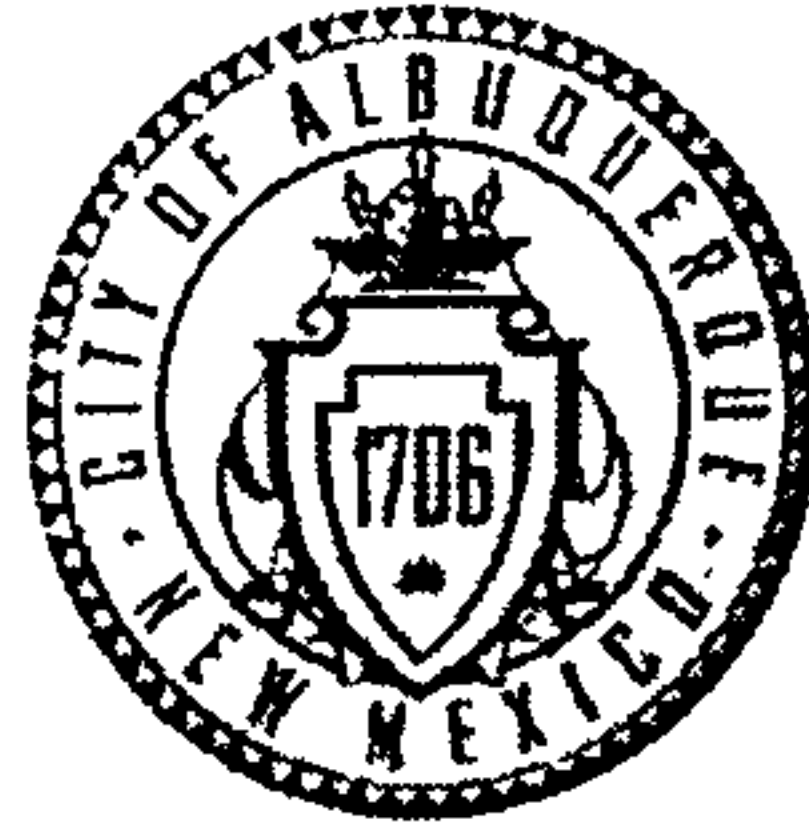
Jack Cloud, AICP, DRB Chair

Cc: Mark Goodwin & Associates, PA – P.O. Box 90606 – Albuquerque, NM 87199

Cc: Washington Street Investors, LLC – Albuquerque, NM 87102

Marilyn Maldonado

File



**DEVELOPMENT REVIEW BOARD**  
**Action Sheet**

**Plaza del Sol Hearing Room, Basement, Plaza del Sol Building**

December 23, 2009 9:00 AM  
MEMBERS:

**Jack Cloud, AICP, DRB Chairman, Planning Department**  
**Angela Gomez, Administrative Assistant**

**Kristal Metro, P.E. , Transportation Development**      **Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA**  
**Brad Bingham, P.E., Hydrology/ Alternate City Engineer**      **Christina Sandoval, Parks/Municipal Development**

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**  
**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

- 1. Project# 1000934**  
09DRB-70368 MAJOR - 2YEAR  
EXTENSION OF SUBDIVISION  
IMPROVEMENTS AGREEMENT  
(2YR SIA)

LONGFORD HOMES request(s) the referenced/ above action(s) for all or a portion of **SUNRISE RANCH WEST Unit(s) 2**, zoned R-D, located on the southeast corner of 106TH ST SW and SUNSET GARDENS SW containing approximately 9.0586 acre(s). **(L-8) A ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**
- 2. ~~Project# 1003520~~**  
09DRB-70363 MAJOR - 2YEAR  
EXTENSION OF SUBDIVISION  
IMPROVEMENTS AGREEMENT  
(2YR SIA) 09DRB-70365 2YEAR  
EXTENSION OF SIA FOR  
TEMPORARY DEFERAL - SIDEWALK  
CONST

MARK GOODWIN AND ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS, LLC request(s) the referenced/ above action(s) for all or a portion of **BENJAMIN PLACE**, zoned R-D, located on the north side of GLENDALE AVE NE between BARSTOW ST NE and VENTURA ST NE containing approximately 1.9980 acre(s). **(B-20) A TWO YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**
- 3. Project# 1004546**  
09DRB-70367 MAJOR - 2YEAR  
EXTENSION OF SUBDIVISION  
IMPROVEMENTS AGREEMENT  
(2YR SIA)

SOUTH COORS LP request(s) the referenced/ above action(s) for all or a portion of Lot(s) A-1A-3A & A-1A-3B, **HUBBELL PLAZA**, zoned C-2, located on the northeast corner of CENTRAL AVE NW and AIRPORT DR NW containing approximately 3.694 acre(s). **(K-10) A ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

December 23, 2009

**Project# 1003520**

09DRB-70363 MAJOR - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS  
AGREEMENT

(2YR SIA) 09DRB-70365 2YEAR EXTENSION OF SIA FOR TEMPORARY DEFERAL -  
SIDEWALK CONST

MARK GOODWIN AND ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS,  
LLC request(s) the referenced/ above action(s) for all or a portion of **BENJAMIN PLACE**, zoned R-D,  
located on the north side of GLENDALE AVE NE between BARSTOW ST NE and VENTURA ST NE  
containing approximately 1.9980 acre(s). (B-20)

**AMAFCA**

No comment.

**COG**

MPO staff have no comment on this project.

**TRANSIT**

Project # 1003520

09DRB-70363

MAJOR--2 YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT (2YR SIA)

09DRB-70367

2 YEAR EXTENSION OF SIA FOR TEMPORARY DEFERAL-SIDEWALK CONSTRUCTION.

Adjacent and nearby routes

None

Adjacent bus stops

None

Site plan requirements

None

Large site TDM suggestions

None.

Other information

None.

**ZONING ENFORCEMENT**

No comment.

**NEIGHBORHOOD COORDINATION**

Letters sent to: **No Neighborhood and/or Homeowner Association(s)**

**APS**

Benjamin Place is located on the north side of Glendale Ave NE between Barstow St NE and Ventura St NE. The owner of the above property requests a Major 2 Year Extension of Subdivision Improvements Agreement, and an Extension of SIA for Temporary Deferral of Sidewalk Construction for a development that will consist of 5 single family units. This will impact North Star Elementary School. Desert Ridge Middle

School, and La Cueva High School. North Star Elementary School is exceeding capacity, Desert Ridge Middle School and La Cueva High School have excess capacity.

Loc No	School	2009-10 40th Day	2009-10 Capacity	Space Available
268	North Star	660	523	-137
430	Desert Ridge	1,028	1,217	189
525	La Cueva	2,137	2,200	63

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
  - Construct new schools or additions
  - Add portables
  - Use of non-classroom spaces for temporary classrooms
  - Lease facilities
  - Use other public facilities
- Improve facility efficiency (short term solution)
  - Schedule Changes
    - Double sessions
    - Multi-track year-round
  - Other
    - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
  - Boundary Adjustments / Busing
  - Grade reconfiguration
- Combination of above strategies

**All planned additions to existing educational facilities are contingent upon taxpayer approval**

**POLICE DEPARTMENT**

No comment.

**FIRE DEPARTMENT**

No comment.

**PNM ELECTRIC & GAS**

No comment.

**COMCAST**

No comment.

**QWEST**

Concerning the subject case number(s), Qwest has no adverse comments at this time provided all utility easement rights are maintained. Prior to any final plat approval, we will need a copy for review.

**ENVIRONMENTAL HEALTH**

No comment.

**M.R.G.C.D**

No Adverse Comments.

**OPEN SPACE DIVISION**

No comment.

**CITY ENGINEER**

The Hydrology section has no objection to the extension request.

**TRANSPORTATION DEVELOPMENT**

No objection to extension request.

**PARKS AND RECREATION**

No comment.

**ABCWUA**

No objection to Extension requests.

**PLANNING DEPARTMENT**

Refer to comments from affected agencies plus any public hearing comments regarding proposed extension(s).

**IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, December 23, 2009, beginning at 9:00 a.m. for the purpose of considering the following:

**Project# 1000934**

09DRB-70368 MAJOR - 2YEAR  
EXTENSION OF SUBDIVISION  
IMPROVEMENTS AGREEMENT  
(2YR SIA)

LONGFORD HOMES request(s) the referenced/ above action(s) for all or a portion of **SUNRISE RANCH WEST Unit(s) 2**, zoned R-D, located on the southeast corner of 106TH ST SW and SUNSET GARDENS SW containing approximately 9.0586 acre(s). (L-8)

**Project# 1003520**

09DRB-70363 MAJOR - 2YEAR  
EXTENSION OF SUBDIVISION  
IMPROVEMENTS AGREEMENT  
(2YR SIA) 09DRB-70365 2YEAR  
EXTENSION OF SIA FOR TEMPORARY  
DEFERAL - SIDEWALK CONST

MARK GOODWIN AND ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS, LLC request(s) the referenced/ above action(s) for all or a portion of **BENJAMIN PLACE**, zoned R-D, located on the north side of GLENDALE AVE NE between BARSTOW ST NE and VENTURA ST NE containing approximately 1.9980 acre(s). (B-20)

**Project# 1004546**

09DRB-70367 MAJOR - 2YEAR  
EXTENSION OF SUBDIVISION  
IMPROVEMENTS AGREEMENT  
(2YR SIA)

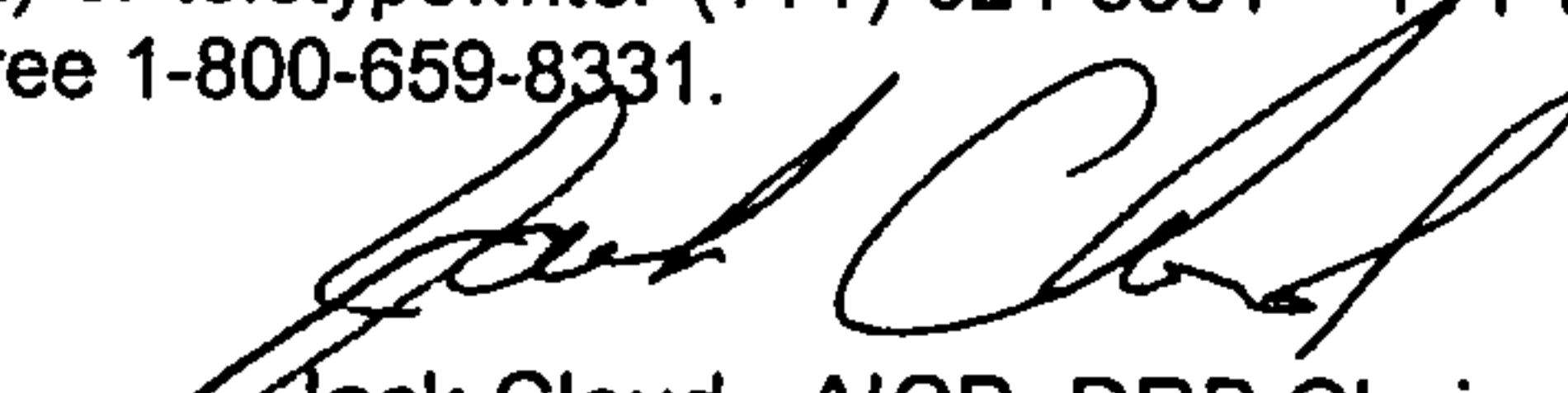
SOUTH COORS LP request(s) the referenced/ above action(s) for all or a portion of Lot(s) A-1A-3A & A-1A-3B, **HUBBELL PLAZA**, zoned C-2, located on the northeast corner of CENTRAL AVE NW and AIRPORT DR NW containing approximately 3.694 acre(s). (K-10)

**Project# 1007885**

09DRB-70283 VACATION OF PUBLIC  
RIGHT-OF-WAY

The NATIONAL PARK SERVICE request(s) the referenced/ above action(s) for all or a portion of LAVA SHADOWS LOOP NW, located on the west side of UNSER BLVD NW across from WESTERN TRAIL NW. (F-10)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 - TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

  
Jack Cloud, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, DECEMBER 7, 2009.**



**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
PROPERTY OWNERSHIP LIST**

**Meeting Date:** December 23, 2009  
**Zone Atlas Page:** B-20  
**Notification Radius:** 100 Ft.

**Project#** 1003520  
**App#** 09DRB-70363  
09DRB-70364  
09DRB-70365

**Cross Reference and Location:** GLENDALE BETWEEN BARSTOW AND VENTURA

**Applicant:** WASHINGTON STREET INVESTORS LLC  
100 GOLD ST SW STE 209  
ALBUQUERQUE, NM 87102

**Agent:** MARK GOODWIN & ASSOC. PA  
PO BOX 90606  
ALBUQUERQUE, NM 87199

**Special Instructions:**

**Notice must be mailed from the  
City's 15 day's prior to the meeting.**

**Date Mailed:** DECEMBER 4, 2009  
**SIGNATURE:** ERIN TREMLIN

R e c	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OW NE R ST AT E	OW NE R ZIP CO DE	PRO PER TY CLA SS	TAX DIS TRI CT	LEGAL	ACR ES
1	10200650 58038301 29	KASSAM MOHAMED & SH AMSHID	8809 SCARL ET KNIGHT NE	ALBUQU ERQUE	NM	871 22	V	A1A	* 004 017TRACT 1 UNIT 3 NORTH ALBUQUERQUE A CRES	0.86 0692 45
2	10200650 74038301 28	FRANK RANDALL A & MA RIA	360 CORAL DR	RIO RAN CHO	NM	871 24	V	A1A	* 005 017TR 1 UNIT 3 NO ALBUQ ACRES	0.85 8619 54
3	10200651 08069302 07	OWENS DIANE L	PO BOX 260 91	ALBUQU ERQUE	NM	871 25	R	A1A	* 026 016TR 1 UNIT 3 NOR TH ALBUQUERQUE ACRE S	0.89 8047 33
4	10200650 82055302 37	TUGGLE BENJAMIN N	9200 BENJA MIN PL NE	ALBUQU ERQUE	NM	871 22	R	A1A	LT 1- P1 PLAT FOR BENJAMIN PLACE CONT .2633 AC	0.26 3270 63
5	10200650 63059302 33	SALCIDO HOMAR & GRUE T NATHALIE L	9205 BENJA MIN PL NE	ALBUQU ERQUE	NM	871 22	R	A1A	LT 5- P1 PLAT FOR BENJAMIN PLACE CONT .5020 AC	0.50 1946 56
6	10200650 90038301 27	QURASHI SHAIKH MOHA MMED & RIZWANA	222 GIRARD SE	ALBUQU ERQUE	NM	871 04	V	A1A	* 006 017TR 1 UNIT 3 NO ALBUQ ACRES	0.87 5790 33
7	10200650 58069302 04	RAWSON F LEWIS	8421 GLEN DALE AVE NE	ALBUQU ERQUE	NM	871 22	R	A1A	* 029 016TR 1 UNIT 3 NO ALBUQ ACRES	0.88 2265 63
8	10200650 82071302 35	LOWE COMPANY (THE)	449 LIVE OA K LP NE	ALBUQU ERQUE	NM	871 22	V	A1A	LT 3- P1 PLAT FOR BENJAMIN PLACE CONT .2440 AC	0.24 4216 65
9	10200650 82062302 36	METZGER WESLEY D	9204 BENJA MIN PL NE	ALBUQU ERQUE	NM	871 22	V	A1A	LT 2- P1 PLAT FOR BENJAMIN PLACE CONT .2475 AC	0.24 7260 59
1 0	10200651 08093302 26	PHILLIPS JAMES R JR & S ANDRA E	8600 FLORE NCE AVE N E	ALBUQU ERQUE	NM	871 22	R	A1A	* 007 016TR 1 UNIT 3 NO ALBUQ ACRES	0.88 2084 53
1 1	10200650 58093302 29	CERVANTES RICHARD A & MARIAN C SCANLAND	8420 FLORE NCE AVE N E	ALBUQU ERQUE	NM	871 22	R	A1A	* 004 016TR 1 UNIT 3 NO ALBUQ ACRES	0.85 9996 24
1 2	10200650 90093302 27	HOLM RUDY & DIANA	8516 FLORE NCE AVE N E	ALBUQU ERQUE	NM	871 22	R	A1A	* 006 016TR 1 UNIT 3 NO ALBUQ ACRES	0.85 8052 98
1 3	10200650 74093302 28	MILLINGTON LARRY D & P ATRICIA LYNNETTE	8508 FLORE NCE AVE N E	ALBUQU ERQUE	NM	871 22	R	A1A	* 005 016TR 1 UNIT 3 N AL BUQ ACRES	0.86 3196 69
1 4	10200651 08038301 26	VANITA LAND CORP ATTE NTION THEODORE G JOH NSEN	512 ALMA R EAL DR	PACIFIC PALISAD ES	CA	902 72	V	A1A	* 007 017TR 1 UNIT 3 NOR TH ALBUQUERQUE ACRE S	0.89 2341 73
1 5	10200650 63071302 34	GALYA GEORGE M & ZAL LA A TRUSTEES GALYA R VT	9209 BENJA MIN PL NE	ALBUQU ERQUE	NM	871 22	R	A1A	LT 4- P1 PLAT FOR BENJAMIN PLACE CONT .2445 AC	0.24 4448 13

OR CURRENT RESIDENT  
102006505809330229  
CERVANTES RICHARD A & MARIAN  
C SCANLAND  
8420 FLORENCE AVE NE  
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT  
102006509009330227  
HOLM RUDY & DIANA  
8516 FLORENCE AVE NE  
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT  
102006508206230236  
METZGER WESLEY D  
9204 BENJAMIN PL NE  
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT  
102006510809330226  
PHILLIPS JAMES R JR & SANDRA E  
8600 FLORENCE AVE NE  
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT  
102006506305930233  
SALCIDO HOMAR & GRUET  
NATHALIE L  
9205 BENJAMIN PL NE  
ALBUQUERQUE, NM 87122

Project# 1003520  
MARK GOODWIN & ASSOC. PA  
PO BOX 90606  
ALBUQUERQUE, NM 87199

OR CURRENT RESIDENT  
102006507403830128  
FRANK RANDALL A & MARIA  
360 CORAL DR  
RIO RANCHO, NM 87124

OR CURRENT RESIDENT  
102006505803830129  
KASSAM MOHAMED & SHAMSHID  
8809 SCARLET KNIGHT NE  
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT  
102006507409330228  
MILLINGTON LARRY D & PATRICIA  
LYNNETTE  
8508 FLORENCE AVE NE  
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT  
102006509003830127  
QURAIISHI SHAIKH MOHAMMED &  
RIZWANA  
222 GIRARD SE  
ALBUQUERQUE, NM 87104

OR CURRENT RESIDENT  
102006508205530237  
TUGGLE BENJAMIN N  
9200 BENJAMIN PL NE  
ALBUQUERQUE, NM 87122

Project# 1003520  
WASHINGTON STREET INVESTORS  
LLC  
100 COLD SW STE 209  
ALBUQUERQUE, NM 87102

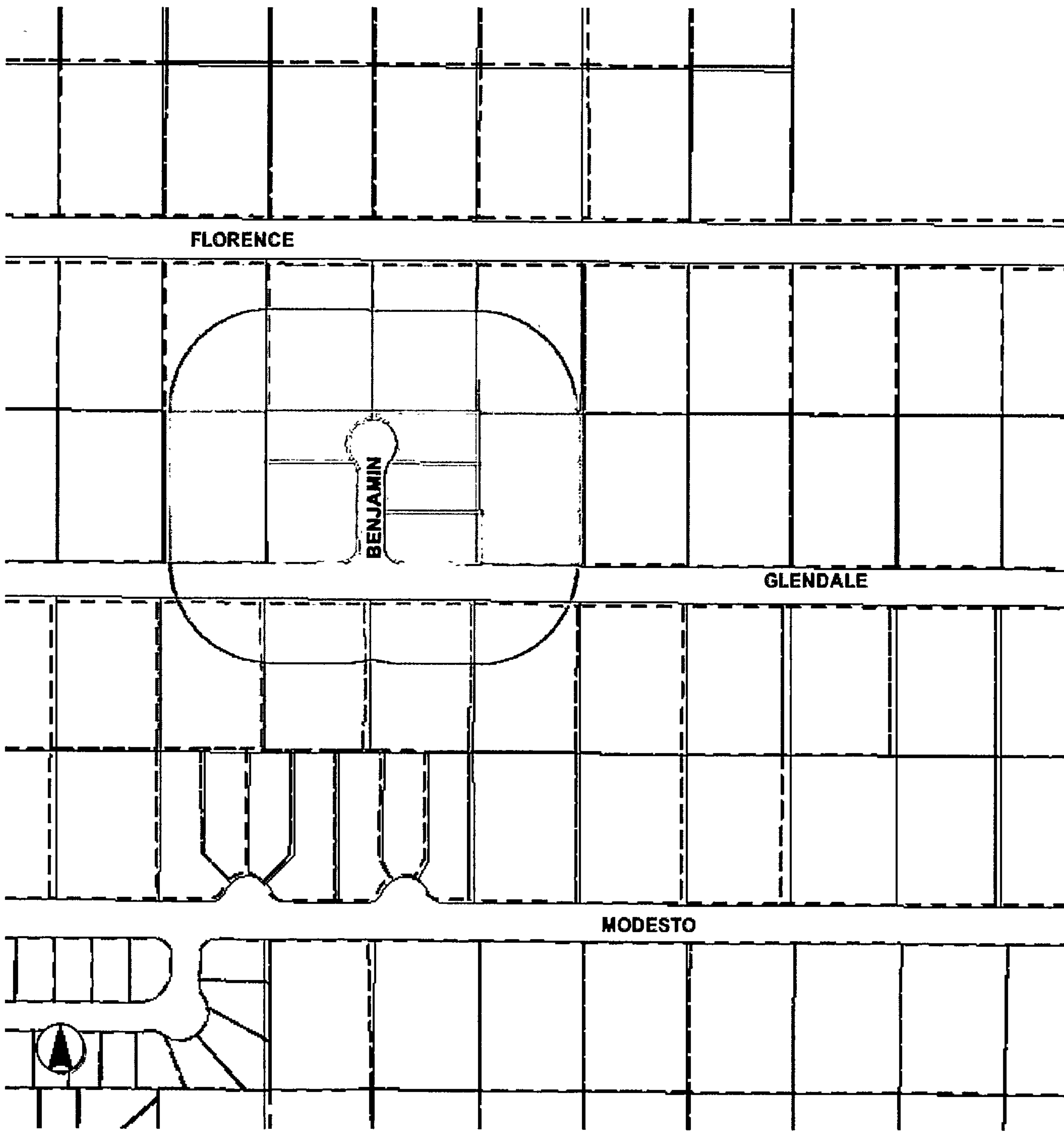
OR CURRENT RESIDENT  
102006506307130234  
GALYA GEORGE M & ZALLA A  
TRUSTEES GALYA RVT  
9209 BENJAMIN PL NE  
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT  
102006508207130235  
LOWE COMPANY (THE)  
449 LIVE OAK LP NE  
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT  
102006510806930207  
OWENS DIANE L  
PO BOX 26091  
ALBUQUERQUE, NM 87125

OR CURRENT RESIDENT  
102006505806930204  
RAWSON F LEWIS  
8421 GLENDALE AVE NE  
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT  
102006510803830126  
VANITA LAND CORP ATTENTION  
THEODORE G JOHNSEN  
512 ALMA REAL DR  
PACIFIC PALISADES, CA 90272





## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

November 21, 2007

1. **Project# 1003520**  
07DRB-70337 MAJOR - 2YR SUBD IMP AGMT (2YR SIA)

MARK GOODWIN & ASSOCIATES agent(s) for WASHINGTON STREET INVESTORS, LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, **NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as BENJAMIN PLACE SUBD)**, zoned RD/3 DU/AC, located on GLENDALE AVE NE BETWEEN BARSTOW NE AND VENTURA NE containing approximately 2 acre(s). (B-20)

At the November 21, 2007 Development Review Board meeting, the two year extension of the Subdivision Improvements Agreement was approved.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

If you wish to appeal this decision, you must do so by December 6, 2007, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

*for Angela Gomez*  
for Sheran Matson, AICP, DRB Chair

Cc: Washington Street Investors, LLC – 100 Gold SW, Ste 209 – Albuquerque, NM  
87102

Cc: Mark Goodwin & Associates – P.O. Box 90606 – Albuquerque, NM 87199

Marilyn Maldonado

File

# DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1003520 AGENDA# 2 DATE: 11/21/07

- ✓ 1. Name: JOE YARDIMIAN Address: 7801 RCGORNAN Zip: 87122
2. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
3. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
4. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
5. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
6. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
7. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
8. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
9. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
10. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
12. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
15. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
16. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
17. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_



CITY OF ALBUQUERQUE  
 PLANNING DEPARTMENT  
 DEVELOPMENT REVIEW BOARD

November 21, 2007

**Project# 1003520**  
 07DRB-70337 MAJOR - 2YR SUBD IMP AGMT (2YR SIA)

MARK GOODWIN & ASSOCIATES agent(s) for WASHINGTON STREET INVESTORS, LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, **NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as BENJAMIN PLACE SUBD)**, zoned RD 3 DU/AC, located on GLENDALE AVE NE BETWEEN BARSTOW NE AND VENTURA NE containing approximately 2 acre(s). (B-20)

**AMAFCA** No adverse comments.

**COG**  
 MPO staff have no comment on this proposal.

**Transit** No comments Dkreceived.

**Zoning Enforcement** No adverse comments.

**Neighborhood Coordination** Letter(s) sent to: **Nor Este NA (R)**  
**North Albuquerque Acres Comm. Assoc. (R)**

**APS**

**Benjamin Place Subdivision**, Lots 27 and 28, Block 16, Tract 1, North Albuquerque Acres Unit 3, is located on Glendale Av NE between Barstow NE and Ventura NE. The above property owner requests a Major 2YR SIA. This development will consist of 5 residential lots. This will impact North Star Elementary School, Desert Ridge Middle School, and La Cueva High School. North Star Elementary School is exceeding capacity. Desert Ridge Middle School and La Cueva High School will be nearing capacity, as development continues in the area.

Loc No	School	2007-08 40th Day	2007-08 Capacity	Space Available
268	North Star	573	523	-50
430	Desert Ridge	1,068	1,217	149
525	La Cueva	2,141	2,200	59

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
  - Construct new schools or additions
  - Add portables
  - Use of non-classroom spaces for temporary classrooms
  - Lease facilities
  - Use other public facilities

- Improve facility efficiency (short term solution)
  - Schedule Changes
    - Double sessions
    - Multi-track year-round
  - Other
    - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
  - Boundary Adjustments / Busing
  - Grade reconfiguration
- Combination of above strategies

**All planned additions to existing educational facilities are contingent upon taxpayer approval**

**Police Department**

**No crime prevention or CPTED comments concerning the proposed two (2) year extension of SIA at this time.**

**Fire Department**

No adverse comments.

**PNM Electric & Gas**

No adverse comments.

**Comcast**

No comments received.

**QWEST**

No comments received.

**Environmental Health**

No comments received.

**M.R.G.C.D.**

No adverse comments.

**Open Space Division**

Open Space has no adverse comments.

**City Engineer**

The Hydrology section has no objection to the extension request.

**Transportation Development**

No adverse comments

**Parks & Recreation**

No objection

**ABCWUA**

No objection to Extension request.

**Planning Department**

No objection to the requested 2 year extension.

**Impact Fee Administrator**

No comment on 2 year extension of the SIA

**IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING**

Cc: Washington Street Investors LLC – 100 Gold SW, Suite 209 - Albuquerque, NM 87102

Cc: Mark Goodwin & Associates – P.O. Box 90606 – Albuquerque, NM 87199





**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, November 21, 2007, beginning at 9:00 a.m. for the purpose of considering the following:

**~~Project# 1003520~~**

07DRB-70337 MAJOR - 2YR SUBD IMP  
AGMT (2YR SIA)

MARK GOODWIN & ASSOCIATES agent(s) for WASHINGTON STREET INVESTORS, LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, **NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as BENJAMIN PLACE SUBD)**, zoned RD 3 DU/AC, located on GLENDALE AVE NE BETWEEN BARSTOW NE AND VENTURA NE containing approximately 2 acre(s). (B-20)

**Project# 1003655**

07DRB-70339 VACATION OF PUBLIC  
RIGHT-OF-WAY

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 15-17 & a portion of Lot 18, Block 1, **NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as LA VISTA @ DESERT RIDGE TRAILS)**, zoned RD/5 & 7du/a, located on WYOMING BLVD NE BETWEEN EAGLE ROCK NW AND MODESTO NE containing approximately 2.5 acre(s). (C-19)

**Project# 1003703**

07DRB-70338 VACATION OF PUBLIC  
RIGHT-OF-WAY

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 1-P1 & 15-P1, Block(s) 2, **NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as EAGLE'S VIEW ESTATE)**, zoned RD/3du/a, located on VENTURA ST NE BETWEEN EAGLE ROCK AVE NE AND OAKLAND AVE NE containing approximately 6 acre(s). (C-20)

**Project# 1005536**

07DRB-70344 MAJOR - PRELIMINARY  
PLAT APPROVAL  
07DRB-70345 MINOR - TEMP DEFR SWDK  
CONST

AMY NIESS, ISAACSON & ARFMAN PA agent(s) for BCR CONSTRUCTION (BILLY BACA) request(s) the above action(s) for all or a portion of Lot(s) 57-59, **ROSSITER ADDITION (to be known as 12TH STREET VILLAS)** zoned R-2, located on 12TH ST NW BETWEEN CANDELARIA RD NW AND GRIEGOS RD NW containing approximately 1.1 acre(s). (G-14)

**Project# 1006854**

07DRB-70340 VACATION OF PUBLIC  
EASEMENT

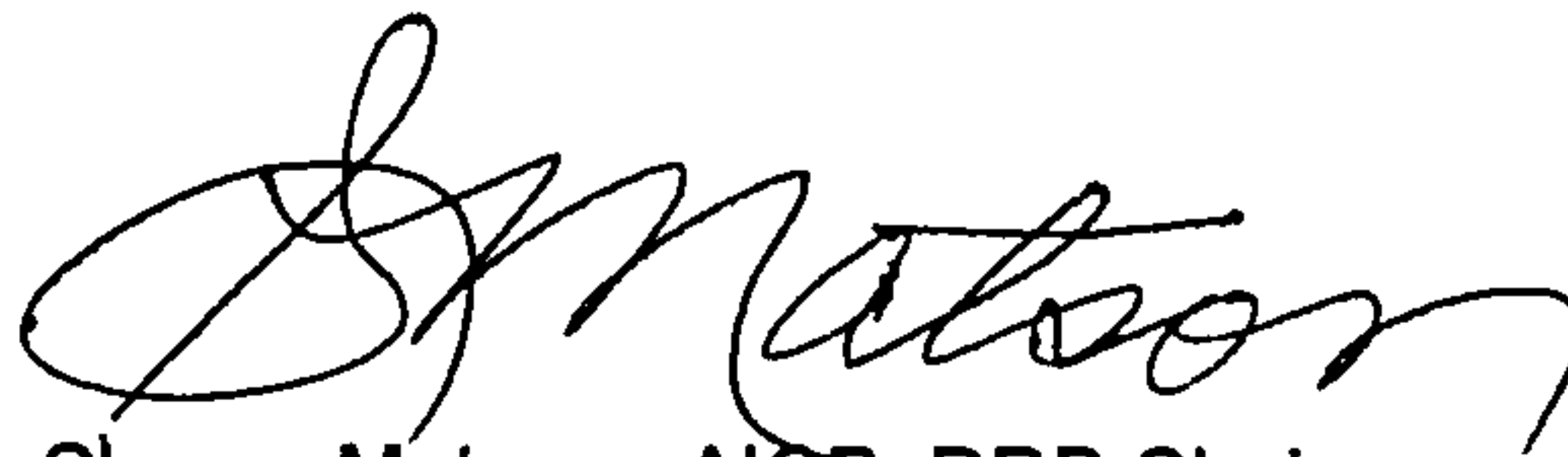
07DRB-70341 VACATION OF PUBLIC  
RIGHT-OF-WAY

07DRB-70342 BULK LAND VARIANCE

07DRB-70343 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for THE TRAILS  
LLC request(s) the above action(s) for all or a portion of  
**UNPLATTED LAND SECTION 15 (to be known as THE  
TRAILS UNIT 4)**, zoned SU2-UR35, SU2-SRLL18, SU-1  
FOR OPEN SPACE, SU2-TC65 & SU2-NMU35, located on  
UNIVERSE BLVD NW BETWEEN AVENIDA DE  
JAIMITO NW AND WOODMONT AVE NW containing  
approximately 34.85 acre(s). (C-10)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.



Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, NOVEMBER 5, 2007.**

STEVEN M. CHAVEZ, Esq.  
ELIAS BARELA, Esq.

Sent via facsimile at the below listed  
numbers

May 24, 2005

Mr. James Phillips, Jr.  
8600 Florence Ave. N.E.  
Albuquerque, N.M. 87122  
facsimile: 344-7022

Richard Dineen  
Planning Director  
Plaza Del Sol Building  
600 Second Street NW  
Albuquerque, NM 87102  
Facsimile: 924-3339

William Kraemer  
Washington Street Investors, LLC  
501 3rd Street S.W. 87102  
facsimile: 242-9728

RE: Albuquerque Appeal No. AC-05-06

Dear Parties:

Attached is a copy of my decision on the above referenced appeal matter. The Original has been forwarded to the City Council. Please call the City Council for information about when this matter will be reviewed by the Council. Thank you.

Cordially,

CHAVEZ & BARELA, P.C.

By:

  
Steven M. Chavez, Esq.  
Land Use Hearing Officer

cc/ Office of the City Council  
File

## LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-05-06 (04DRB-01567: Project No. 10003520)

James R. Philips, Jr.,  
Appellant,

v.

Washington Street Investors, LLC,  
Party Opponents.

### I. PROCEDURAL BACKGROUND

The record reflects Washington Street Investors, LLC, the owners of the proposed subdivision of land, by and through their agents Mark Goodwin & Associates, PA (hereinafter "Party Opponents"), submitted an application to the City of Albuquerque Development Review Board (hereinafter "DRB") on October 8, 2004. The application was for a "major subdivision action," which included the division of 1.8 acres of land into six adjoining lots with a right-of-way reserved for access to the proposed lots.

The DRB held a public hearing on the application on November 3, 2005. After some testimony the DRB deferred a decision on the proposal to its December 1, 2004 public hearing.

A facilitated meeting between the developer and the neighborhood took place November 30, 2004. Thereafter three additional public hearings before the DRB were held regarding the subdivision application. At its final public hearing on the matter, on January 5, 2005, the DRB approved the preliminary plat subject to various conditions. The City of Albuquerque Planning Department issued its official notice of the decision on January 12, 2005.

Appellant filed his timely appeal of the DRB decision to the Environmental Planning Commission (hereinafter the "EPC") on January 24, 2005. Pursuant to the City of Albuquerque Comprehensive Zoning Code (hereinafter "Code"), an appeal of a decision of the DRB is heard by the The EPC. On March 17, 2005, the EPC took up the matter of Appellant's appeal at its scheduled public hearing. In denying Appellant's appeal the EPC made four findings which were made a part of this record.

An Official Notification of Decision from the EPC dated March 18, 2005, encompassing the four findings was sent to appellant. Appellant filed his timely appeal of the EPC decision on April 1, 2005. An appeal hearing on the record was held before this Land Use Hearing Officer on May 12, 2005.

### II. ISSUES PRESENTED

Appellant raises several issues. Each issues raised, however, may be classified under two general charges. The First concerns the developer's grading plan on the proposed subdivision.

Appellant generally claims the 1.8 acre site is unsuitable for the proposed density of housing. He specifically asserts that the grading plan would spoil the natural environment and topography of the area. He further asserts the grading plan essentially violates several policies and goals of the City's Comprehensive Plan and the La Cueva Sector Development Plan.

The second issue raised by Appellant pertains to the proposed heights of retaining walls and garden walls around the perimeter of the site. Appellant contends the walls are too high and also violate the height provisions and intent of the Code.

### III. STANDARD OF REVIEW

A review of an appeal is a whole record review to determine if the EPC or the DRB erred:

1. In applying adopted city plans, policies, and ordinances in arriving at the decision;
2. In the appealed action or decision, including its stated facts;
3. In acting arbitrary, capriciously or manifestly abusive of discretion.

The decision and record must be supported by a preponderance of the evidence to be upheld. If the evidence is not supported, the Land Use Hearing Officer may not substitute his judgment for that of the DRB. The Land Use Hearing Officer's opinion is advisory to the City Council. The Hearing Officer may recommend that the Council "grant, in whole or in part, an appeal, deny, in whole or in part, an appeal, or remand an appeal for reconsideration if the remand is necessary to clarify or supplement the record, or if the remand would expeditiously dispose of the matter."<sup>1</sup> Decisions of the City are presumably valid and the burden of proving otherwise rests upon a party seeking to void such decision.

### IV. DISCUSSION

#### 1. Did the DRB and the EPC Error in Approving the Grading Plan?

It is clear from the evidence that the proposed density of units in the subdivision will be very different from the existing densities in the area. Evidence was presented demonstrating that the general existing density in the area of the proposed subdivision is about one dwelling unit per acre. Consequently, Appellant's argument that the subdivision, if constructed, will be very different in character, at least in comparison to surrounding density ratios, is well founded. As a result it stands to good reason that the proposed grading within the proposed 1.8 acre site will also have distinct differences as well. It is these differences which Appellant attacks. It is undisputed that the proposed subdivision will change the existing topography within the subdivision site. Nevertheless, it is accepted that the proposed density of housing depicted on the preliminary plat satisfies the minimum zoning requirements established for a R-D Zone.

---

<sup>1</sup> See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

Appellant contends that the modifications in the existing topography is contrary to the general intent and specific provisions of the Comprehensive Plan and the La Cueva Sector Development Plan (hereinafter "La Cueva Plan"). Appellant first cites the La Cueva Plan in his appeal for the proposition that this proposed development should not have been approved because it "disregards natural topography and drainage patterns."<sup>2</sup> (Emphasis added.) As stated above, it is undisputed that the topography within the site will change from the surrounding topography as a result of the proposed subdivision. Yet Appellant has not shown how the change in topography signifies that the natural topography and drainage patterns will be disregarded.

At the appeal hearing before this Officer there was considerable testimony from the engineer who is responsible for establishing the grading plan. Moreover, there was considerable evidence in the form of testimony from the City Hydrologist, Brad Bingham, that the change in grades on the proposed site would not detrimentally effect offsite run-off flows or patterns. Appellant has not put forth any evidence to the contrary.

I also cannot find that the provisions of the La Cueva Plan and the Comprehensive Plan cited by Appellant are violated by the proposed grading within the site. The language cited by Appellant are not regulatory in nature but rather are general policy goals. In addition I cannot find that a change in grade in and of itself is violative of the intent of either of the sections of the La Cueva Plan and the Comprehensive Plans respectively. It is not the intent of either of these plans to proscribe grade changes in development. Notwithstanding, however, a development which "disregards" or ignores the natural topography will undoubtedly run afoul with the language cited by Appellant. That is not the case here.

Similarly, I cannot find that the purpose or the intent of the of Section 14-14-1-3 and 14-14-2-1 of the Code can be construed in the manner Appellant requests. Each of these Code provisions are guiding principles against a backdrop of the specific Code regulations.

Appellant also cites to Section 14-14-2-3 of the Code for the proposition that the proposed 1.8 acres should not be developed with five dwelling units because of its "unsuitability" for such development.<sup>3</sup> His position, however, assumes or infers that the 1.8 acres is unsuitable for development. No viable evidence was presented by Appellant on this point.

Even if the land is unsuitable as Appellant claims, Section 14-14-2-3 of the Code acknowledges that land which is unsuitable in it natural state can still be developed if the subject land is "corrected or mitigated to the satisfaction of the City."<sup>4</sup> As stated above there was sufficient evidence presented by the City indicating that the subject site will be ameliorated with the grading plan which Appellant criticizes.

---

<sup>2</sup> See Page i of the La Cueva Plan and page 4 of the record proper.

<sup>3</sup> See the Code, Section 14-14-2-3, Land Suitability.

<sup>4</sup> Id.

### **3. Did The DRB And The EPC Error in How They Dealt with The Proposed Walls?**

Appellant next argues that the proposed heights of various sections of the walls on the subject site exceeds that which is allowed in the Code. Appellant cites to Section 14-16-3-9 of the Code in support of his claim. Appellant correctly explained the problem to the DRB and then again to the EPC in his appeal hearing. Appellant pointed to the Wall Sections depicted on the Grading and Drainage Plan, Sheet 2, to show that certain sections of wall, namely rear walls and side walls exceed the eight foot restriction of the Code.<sup>5</sup>

It is clear several of the 19 wall sections depicted in the Plans seem to exceed the height restrictions encompassed in the Code. Notwithstanding however, it is equally clear, the DRB in its January 12, 2005 Official Notification of Decision did not approve the **design** of the proposed perimeter walls when it approved the preliminary plat.<sup>6</sup> The DRB stated in its decision that “[a]n approved perimeter wall design must occur before final plat approval.” Design is appropriate for review at final plat. DRB members also explained to Appellant that the Zoning Hearing Examiner would have an opportunity to review the issues appertaining to the walls.

This deferral however, does little to alleviate the issue presented by Appellant. Appellant’s appeal does not pertain to the design of the walls. Appellant is concerned with the height. Appellant is also concerned with the stepping of walls in intervals which in combination seemingly exceeds 8 feet from grade on the lower sides. Because the step intervals of walls have multifarious grades on the lower sides, the DRB should have been concerned and should have made findings to determine which grades should be used in the calculations to ascertain height as defined in the relevant Code Section.

These issues should have been addressed by the DRB. The DRB as a technical board with the authority over all aspects of a preliminary subdivision plat is properly equipped and best suited to handle the technical issues of the walls as presented in the preliminary plat. The issues presented by Appellant having to do with the walls were appropriate for preliminary plat review by the DRB as they may have an affect on other aspects of the preliminary plat.

Rather than review the walls as part of the preliminary plat, the DRB deferred the issues pertaining to the walls for the Zoning Hearing Examiner (hereinafter “ZHE”) presumably as part of a conditional use application submission by the developer. There was no evidence, however, that the developer had submitted an application for an exception for the walls.

I find that the DRB erred by not properly applying the Code section pertaining to walls in its review of this proposal. I also find that the EPC similarly erred. The DRB should take up the matters of wall heights and wall intervals. It should review the walls against the Code provisions

---

<sup>5</sup> See the Code, Section 14-16- 3-19(A)(1)(a) and Section 14-16-3-19(A)(2) respectively.

<sup>6</sup> See page 85 of the record proper.

of Section 14-16-3-19. If the Party Opponents wish to seek variances for the walls it must do so during the preliminary plat review process in order that the DRB and the Appellants have some assurance of compliance.

V. SUMMARY OF FINDINGS AND RECOMMENDATION

In summary I find that the preponderance of the evidence supports a finding that the grading plan is adequate and the proposed 1.8 acre site is suitable for residential development of the kind proposed. I also find that the DRB wrongfully deferred the issues pertaining to the walls, including heights, and stepping with intervals as defined in the Code.

Accordingly, I respectfully recommend that the City Council remand this matter to the DRB so that it may properly redress the issues pertaining to height and step intervals with respect to the walls.



---

Steven M. Chavez, Esq.  
Land Use Hearing Officer

May 22, 2005



#8



# DRB CASE ACTION LOG (FINAL PLAT)

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 06DRB-00060 (FP)

Project # 1003520

Project Name: BENJAMIN PLACE

Agent: MARK GOODWIN & ASSOCIATES

Phone No.: 828-2200

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 1/25/06 by the DRB with delegation of signature(s) to the following departments.

### OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- TRANSPORTATION: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- UTILITIES: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- CITY ENGINEER / AMAFCA: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- PARKS / CIP: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- PLANNING (Last to sign): *record plat*
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Project Number 1003520



### Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). RECORDED DATE: \_\_\_\_\_
- Tax printout from the County Assessor.
- 3 copies of the approved site plan. Include all pages.
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required.
- Copy of recorded plat for Planning.

*OK*



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

**Plaza del Sol Hearing Room, Basement, Plaza del Sol Building**

January 25, 2006

9:00 a.m.

**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

**NOTE:** UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

**NOTE:** INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

**NOTE:** REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. Call to Order: 9:00 A.M.

Adjourned: 10:55 A.M.

B. Changes and/or Additions to the Agenda

C. New or Old Business

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

**1. Project # 1000696**

05DRB-01529 Major-Preliminary Plat  
Approval

05DRB-01530 Minor-Sidewalk Waiver

05DRB-01531 Minor-Temp Defer

SDWK

MARK GOODWIN & ASSOCIATES agent(s) for ICDC LLC request(s) the above action(s) for all or a portion of Tract(s) C, LEE'S BOSQUE SUBDIVISION (to be known as **BOSQUECITO SUBDIVISION**) zoned RD, located on BOSQUE MEADOWS BLVD NW, between LA ORILLA NW and PASEO DEL NORTE containing approximately 7 acre(s). [Deferred from 10/26/05 & 11/9/05 & 11/23/05 & 11/30/05 & 1/4/06 & 1/25/06] (D-12) **DEFERRED AT THE AGENT'S REQUEST TO 2/22/06.**

2. **Project # 1004282**  
05DRB-01061 Major-Preliminary Plat  
Approval

GARCIA/KRAEMER & ASSOCIATES agent(s) for PAT MILLIGAN request(s) the above action(s) for all or a portion of Lots(s) A-1, B-1, C-1, D-1, E-1, F-1, H-1, J-1, K-1, **ALAMOSA ADDITION**, zoned R-T residential zone, located on TRUJILLO RD SW, between 62<sup>nd</sup> ST SW and BATAAN DR SW containing approximately 2 acre(s). [Deferred from 7/20/05 & 7/27/05 & 1/11/06 & 1/18/06 & 1/25/06] (K-11) **DEFERRED AT THE AGENT'S REQUEST TO 2/1/06.**

3. **Project # 1004607**  
05DRB-01904 Major-Preliminary Plat  
Approval  
05DRB-01905 Minor-Temp Defer  
SDWK

WILSON & COMPANY, INC. agent(s) for VISTA VIEJA INVESTMENTS, LLC request(s) the above action(s) for all or a portion of Tract(s) 3 & 4, **VISTA VIEJA SUBDIVISION**, zoned RD, located on SCENIC NW, between 81<sup>ST</sup> ST NW and ALBERICOQUE PL NW containing approximately 78 acre(s). [REF: 04DRB-00825, 04DRB-01460, 05DRB-01235, 05DRB-01236] [Deferred from 1/11/06 & 1/18/06 & 1/25/06](D-9) **DEFERRED AT THE AGENT'S REQUEST TO 2/1/06.**

**SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)**

**NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.**

4. **Project # 1003445**  
06DRB-00075 Minor-SiteDev Plan  
BldPermit

JLS ARCHITECTS agent(s) for TERRY CORLIS request(s) the above action(s) for all or a portion of Tract(s) E2 and F, **ALBUQUERQUE WEST, UNIT 1**, zoned SU-1 PDA to include C-3, located on EDUCATION PLACE NW, between PARADISE BLVD NW and PASEO DEL NORTE NW containing approximately 5 acre(s). [REF: 05EPC-00022] [Deferred from 1/25/06] (C-12) **DEFERRED AT THE AGENT'S REQUEST TO 2/1/06.**

5. **Project # 1002112**  
05DRB-01933 Minor-SiteDev Plan  
Subd/EPC  
05DRB-01934 Minor-SiteDev Plan  
BldPermit/EPC
- 02DRB-01110 Minor-Prelim&Final Plat  
Approval

DCSW INC agent(s) for SOLID GOLD CLASSIC LTD request(s) the above action(s) for all or a portion of Lot(s) 1-5 and 28-32, Block(s) 21, Tract(s) A, **NORTH ALBUQUERQUE ACRES, UNIT A**, zoned SU-2 special neighborhood zone, located on PASEO DEL NORTE NE, between WYOMING BLVD NE and PALOMAS DR NE containing approximately 6 acre(s). [REF: 04EPC01221, 04EPC01222][**Carmen Marrone, EPC Case Planner**] [*Indef deferred on 1/25/06*] (D-19) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

SURVEYS SOUTHWEST LTD agent(s) for PEGGY DASKALOS request(s) the above action(s) for all or a portion of Lot(s) 1-5, 28-32, Block(s) 21, Tract(s) A, **NORTH ALBUQUERQUE ACRES - UNIT A**, zoned SU-2 / Mixed Use, located on PASEO DEL NORTE NE, between WYOMING BLVD NE and PALOMAS AVE NE containing approximately 6 acre(s). [REF: Z-98-141,AX-98-16] [*Was Indef Deferred 7/31/02. [Indef deferred on 1/25/06]*] (D-19) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

6. **Project # 1003859**  
06DRB-00074 Minor-SiteDev Plan  
BldPermit/EPC

CONSENSUS PLANNING agent(s) for SILVERLEAF VENTURES LLC request(s) the above action(s) for all or a portion of Tract(s) 2 & 3, **LANDS OF NORTH ANDALUCIA**, zoned SU-1, 0-1, C-2 AND PRD, located on COORS BLVD NW, between MONTANO RD NW and LEARNING RD NW containing approximately 15 acre(s). [REF: 04EPC-01844] [**Juanita Garcia, EPC Case Planner**] (E-12/ F-12) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT TO ADDRESS COMMENTS AND PLANNING FOR JUANITA GARCIA'S INITIALS, SHPO APPROVAL AND 3 COPIES OF THE SITE PLAN.**

7. **Project # 1001275**  
06DRB-00076 Minor-SiteDev Plan  
BldPermit/EPC

CONSENSUS PLANNING INC agent(s) for TEAM RETAIL COTTONWOOD LTD request(s) the above action(s) for all or a portion of Tract(s) 1, LOWE'S, (to be known as **COTTONWOOD COMMONS**) zoned SU-1 FOR C-1, located on OLD AIRPORT RD NW, between COTTONWOOD NW and COORS NW containing approximately 9 acre(s). [REF: CZ-82-4, CSU-88-45, Z-97-106, SC-78-38, AX-97-17] **[Stephanie Shumsky, EPC Case Planner] [Deferred from 1/25/06] (A-14) DEFERRED AT THE AGENT'S REQUEST TO 2/1/06.**

**MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS**

8. **Project # 1003520**  
06DRB-00060 Minor-Final Plat  
Approval

MARK GOODWIN & ASSOCIATES agent(s) for WASHINGTON STREET INVESTORS LLC, request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES, UNIT 3 (to be known as **BENJAMIN PLACE**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB01567] **(B-20) FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

9. **Project # 1004575**  
06DRB-00069 Minor-Prelim&Final Plat  
Approval

SURVEY'S SOUTHWEST, LTD agent(s) for VITALIA CANDELARIA C/O BARBARA DELGADO request(s) the above action(s) for all or a portion of Tract(s) D, **PEREA ACRES**, zoned RA-2, located on DURANES RD NW, between DURANES DITCH and JULIET NW containing approximately 2 acre(s). [REF: DRB-95-338, 05DRB-01847] **(H-12) PRELIMINARY AND FINAL PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR PERIMETER WALL DESIGN APPROVAL ALONG LOS DURANES PARK.**

10. **Project # 1004651**  
06DRB-00073 Minor-Prelim&Final Plat  
Approval

WAYJOHN SURVEYING INC agent(s) for GARY & STEPHANIE HOLBERT, STEVE DINH & STAN PADILLA request(s) the above action(s) for all or a portion of Lot(s) 12, 13 & 14, Block(s) 10, **KNOLLS OF PARADISE HILLS, UNIT 2**, zoned R-1 residential zone, located on CHANTILLY RD NW, between ARROWHEAD AVE NW and CONGRESS AVE NW containing approximately 1 acre(s). (B-13) **PRELIMINARY AND FINAL PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR NMU INC SIGNATURE.**

11. **Project # 1001789**  
05DRB-01718 Minor-Prelim&Final Plat  
Approval

PRECISION SURVEYS INC agent(s) for DASKALOS NOB HILL request(s) the above action(s) for all or a portion of Block(s) 6, Tract(s) 17-28, **MONTE VISTA**, zoned CCR, located on CENTRAL AVE NE, between TULANE NE and WELLESLEY NE containing approximately 1 acre(s). *[Deferred from 11/16/05 & Indef deferred on 11/23/05]* (K-16) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 1/25/06 THE PRELIMINARY PLAT WAS APPROVED WITH A CONDITION OF FINAL PLAT: DEDICATION ALONG TULANE WITH WHATEVER THEY ARE PUTTING IN AND DEDICATION ALONG CENTRAL AVENUE. FINAL PLAT WAS INDEFINITELY DEFERRED FOR SIA.**

12. **Project # 1003366**  
06DRB-00056 Minor-Prelim&Final Plat  
Approval

ADVANCED ENGINEERING & CONSULTING agent(s) for SHARIF (FELIX) RABADI request(s) the above action(s) for all or a portion of Tract(s) T-1A-2, **TOWN OF ALAMEDA GRANT**, zoned SU-1 FOR PRD, located on GOLF COURSE RD NW, between IRVING BLVD NW and the CALABACILLAS ARROYO, containing approximately 9 acre(s). [REF: 05DRB01272, 05DRB01273, 04EPC00498, 04DRB00596, Z-80-74, AX-80-16, Z-85-84, AX-85-20, Z-93-131, DRB-94-146, V-96-89] *[Deferred from 1/18/06 & 1/25/06]* (A-12/B-12) **DEFERRED AT THE AGENT'S REQUEST TO 2/8/06.**

**NO ACTION IS TAKEN ON THESE CASES:**  
**APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING**

13. **Project # 1003793**  
06DRB-00058 Minor-Sketch Plat or Plan
- SUSAN L HOMER request(s) the above action(s) for all or a portion of Lot(s) 18 & 19, Block(s) A, **GRANDE HEIGHTS ADDITION**, zoned R-1 residential zone, located on SEQUOIA RD NW and SEQUOIA CT NW and containing approximately 1 acre(s). [REF: 04DRB01803] (G-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
14. **Project # 1004648**  
06DRB-00067 Minor-Sketch Plat or Plan
- VINCENTE M QUINTANA request(s) the above action(s) for all or a portion of Tract(s) 5, Block(s) 0000, **ORONA ADDITION**, zoned R-2, located on MONTE ALTO NE, between TRAMWAY NE and MONTE LARGO NE containing approximately 1 acre(s). (L-23) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
15. **Project # 1004652**  
06DRB-00070 Minor-Sketch Plat or Plan
- MARK GOODWIN & ASSOCIATES PA agent(s) for ADAL DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) RR-3-E, WESTLAND SOUTH, (to be known as **CEJA VISTA, UNIT 1**) zoned R-LT residential zone, located on DENNIS CHAVEZ BLVD SW AND FUTURE UNSER BLVD SW and containing approximately 19 acre(s). (P-9) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

- 16. Project # 1004649**  
06DRB-00071 Minor-Sketch Plat or  
Plan

MARK GOODWIN & ASSOCIATES PA agent(s) for ADAL DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) RR-3-D, WESTLAND SOUTH, (to be known as **CEJA VISTA, UNIT 2**) zoned R-LT residential zone, located on DENNIS CHAVEZ BLVD SW south of UNSER BLVD SW AND 98<sup>TH</sup> ST SW containing approximately 42 acre(s). (P-9) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

- 17. Project # 1004650**  
06DRB-00072 Minor-Sketch Plat or  
Plan

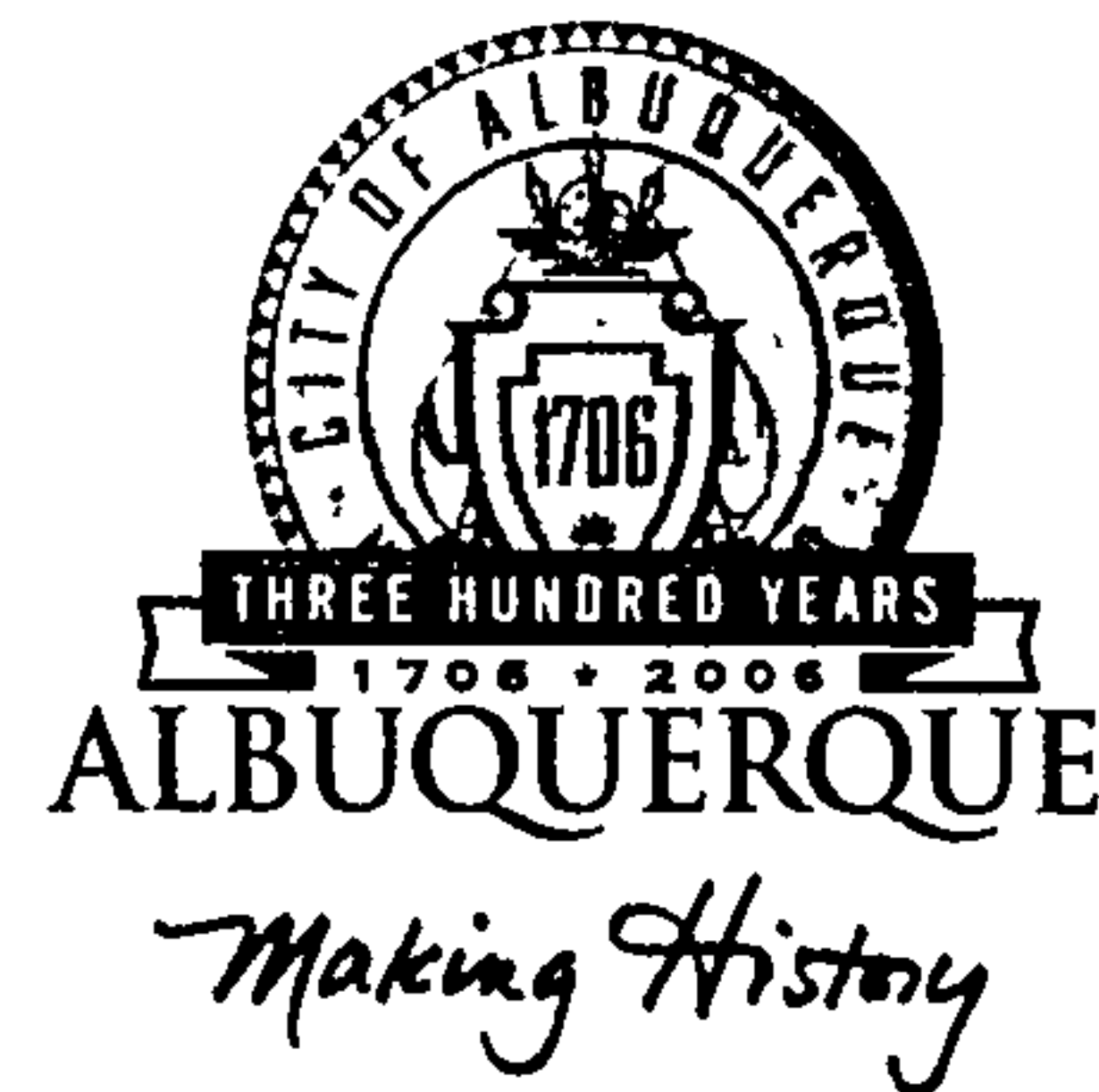
MARK GOODWIN & ASSOCIATES PA agent(s) for ADAL DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) RR-3-A, WESTLAND SOUTH, (to be known as **CEJA VISTA, UNIT 3**) zoned R-LT residential zone, located on DENNIS CHAVEZ BLVD SW south of UNSER BLVD SW AND 118<sup>TH</sup> ST SW containing approximately 15 acre(s). (P-9) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

- 18. Approval of the Development Review Board Minutes for January 18, 2006. THE DRB MINUTES FOR JANUARY 18, 2006 WERE APPROVED BY THE BOARD.**

ADJOURNED: 10:55 A.M.



# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1003520**

**AGENDA ITEM NO: 8**

**SUBJECT:**

Final Plat

**ACTION REQUESTED:**

REV/CMT:() APP:() SIGN-OFF:(x) EXTN:() AMEND:()

P.O. Box 1293

**ENGINEERING COMMENTS:**

No adverse comments.

Albuquerque

New Mexico 87103

**RESOLUTION:**

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** January 25, 2006

**CITY OF ALBUQUERQUE**  
**Planning Department**  
**January 25, 2006**  
**DRB Comments**

**ITEM # 8**

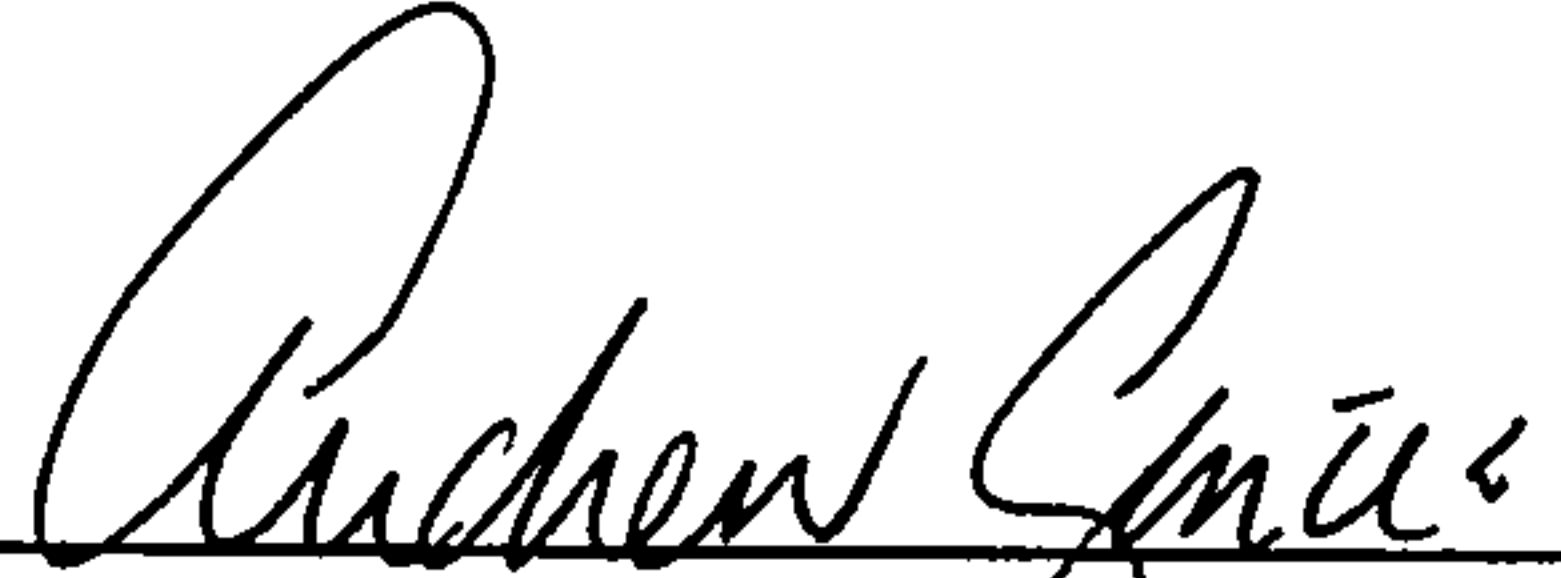
**PROJECT # 1003520    APPLICATION # 06-00060**

**RE: Benjamin Place/final plat**

**AGIS dxf approval dated 1/12/06 is on file.**

**SIA was recorded on 1/9/06.**

**Planning will take delegation to record the plat.**

  
\_\_\_\_\_  
Andrew Garcia, Planning Alternate  
924-3858 fax 924-3864 agarcia@cabq.gov

**CITY OF ALBUQUERQUE**  
**Planning Department**  
**January 25, 2006**  
**DRB Comments**

**ITEM # 8**

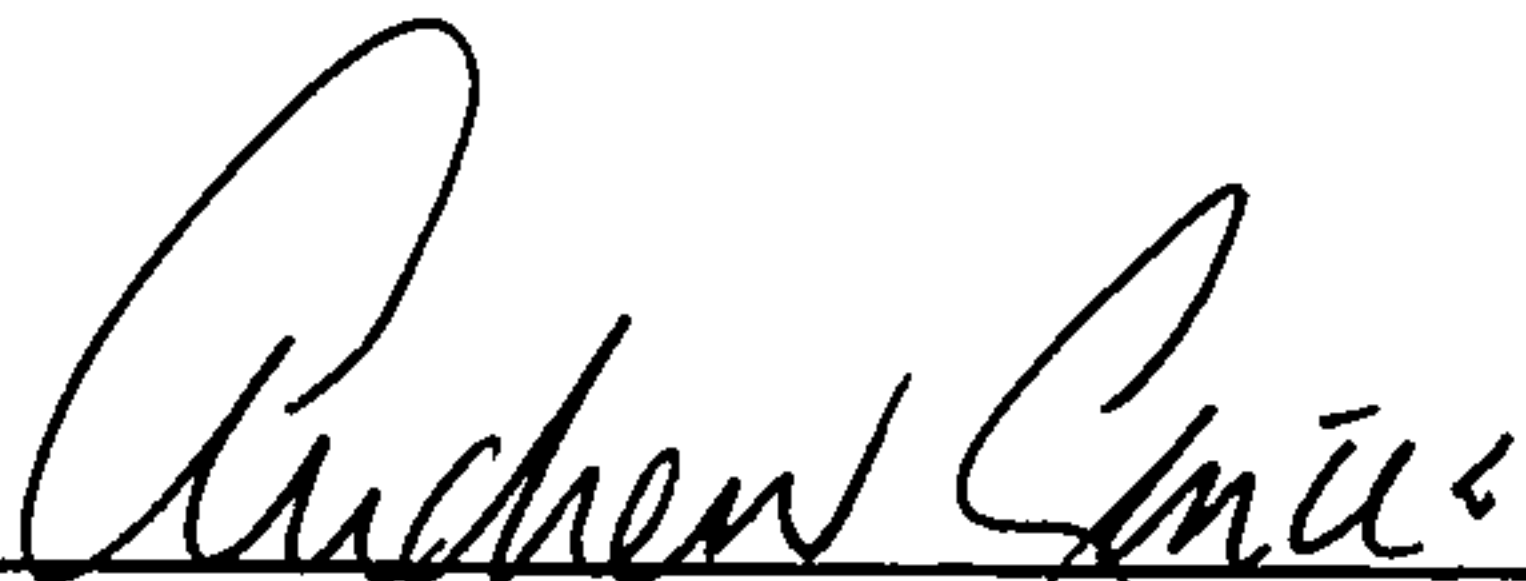
**PROJECT # 1003520 APPLICATION # 06-00060**

**RE: Benjamin Place/final plat**

**AGIS dxf approval dated 1/12/06 is on file.**

**SIA was recorded on 1/9/06.**

**Planning will take delegation to record the plat.**

  
\_\_\_\_\_  
Andrew Garcia, Planning Alternate  
924-3858 fax 924-3864 agarcia@cabq.gov

**3520**

### DXF Electronic Approval Form

DRB Project Case #: 1003520

Subdivision Name: BENJAMIN PLACE

Surveyor: TIMOTHY ALDRICH

Contact Person: STEPHEN P STASIEWICZ

Contact Information: 828-2200

DXF Received: 1/12/2006

Hard Copy Received: 1/12/2006

Coordinate System: NMSP Grid (NAD 83)

  
Approved

01-12-2006  
Date

\* The DXF file cannot be accepted (at this time) for the following reason(s):

---

---

---

---

---

---

---

---

**AGIS Use Only**  
Copied fc 3520 to agiscov on 1/12/2006 Contact person notified on 1/12/2006

# Memo

**To:** Sheran Matson, Chair, Development Review Board

**From:** Ronald Vonderhaar, Zoning Enforcement Inspector *RLV*

**Date:** 6/2/2005

**Re:** Albuquerque Appeal No. AC-05-06

---

Per your request, I reviewed the plans for the subdivision walls for the Benjamin Place Subdivision located in Zone Atlas Map B-20, on the north side of Glendale Avenue Northeast between Barstow Street and Ventura Street Northeast.

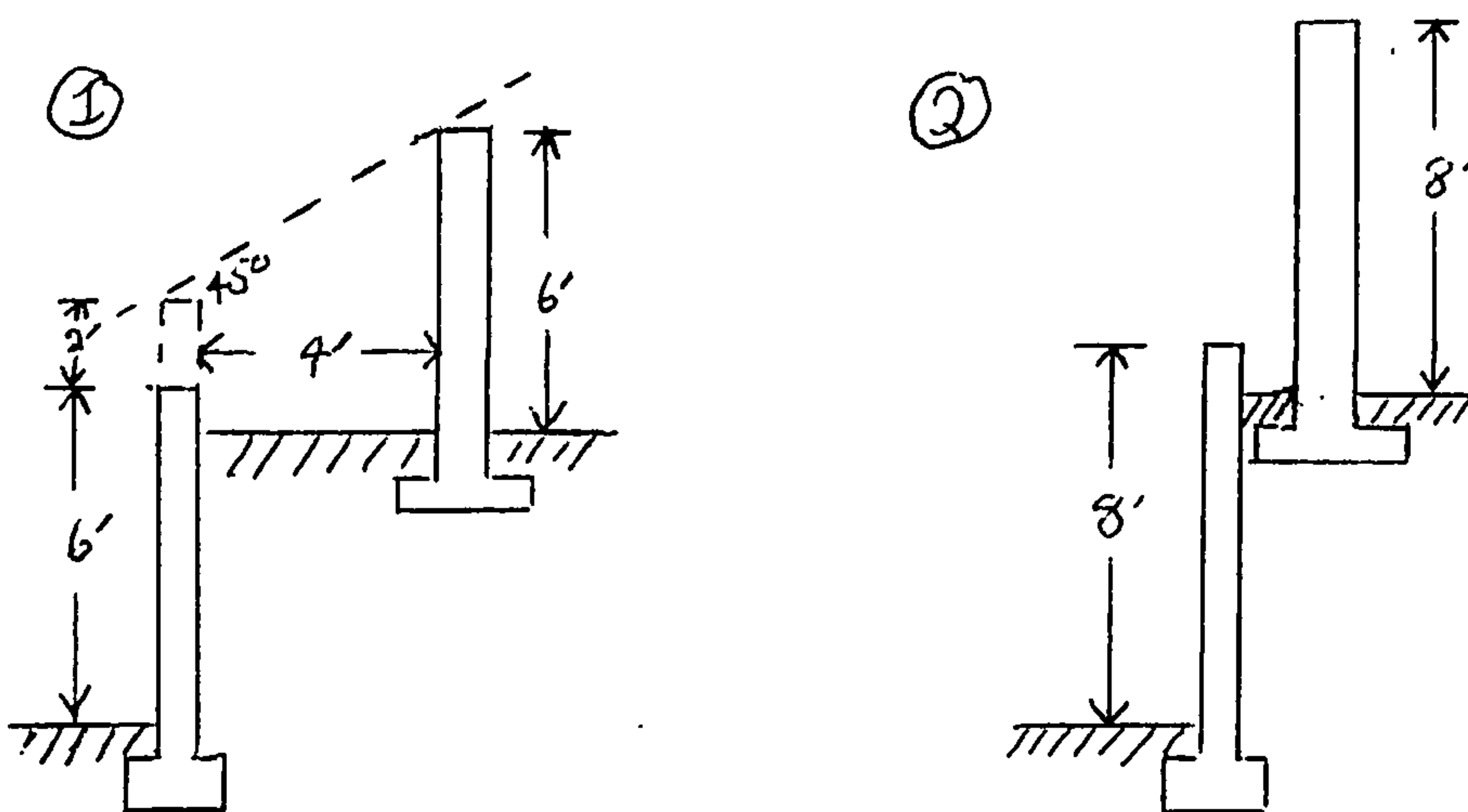
The plans indicate the intent to construct perimeter retaining walls and perimeter garden wall with varying heights. The question posed is whether the combination of retaining and garden walls in this subdivision is exceeding the height allowance per the Comprehensive Zoning Code. The Zoning Code in Section 14-16-3-19(A)(1)(a) states: "(1) A wall, fence or vertical combination of these (the "wall") that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within the required setback, provided: (a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard."

The plans are divided into nineteen sections labeled "Wall Section – A" through "Wall Section – S" inclusively. Each section notes an existing retaining wall or garden wall lying on the property line or lying outside the properties in question. Most of the sections include the construction of a four-foot wide concrete drainage channel on the respective properties. The question regarding height allowances affects the retaining wall, channel, and garden wall combinations in wall sections A, B, C, D, M, N, O, P, Q, and R as noted on the plans.

The determination of the Zoning Division is that the walls and combinations of walls are compliant within the Zone Code. Within the required setback area, a maximum of eight feet in height is allowed. The new retaining walls all lie inside the property lines by at least one foot with the required footing extending to the property line. A four-foot wide concrete channel is to be constructed at the upper grade. A subsequent garden wall is to be constructed at the new grade interior to the channel. Although the combined height exceeds eight feet, it is allowed. An historic interpretation allows that combinations of fences as in the plans provided are allowed so long as the interior fence exceeding the eight feet lie one foot interior for each foot that exceeds eight feet. This allows for a 45-degree angle visual and solar plane for the benefit of the neighboring property at the lower grade.

For example, a six feet retaining wall is built on the property line. The property owner wishes to have a garden wall that combined with the retaining wall is a total of twelve feet high. The garden wall must be placed at the higher grade four feet to the interior of the retaining wall in order to maintain the visual / solar plane. (Please see diagram 1 below.) If this interpretation is not made, the property owner on the higher side would conceivably be able to construct a wall eight feet high on the property line, move one foot (or less as is practical for construction) inside at what would be considered the new grade, and would be able to construct another wall eight feet high, thus impeding the visual / solar access plane to the detriment of the lower lot. (Please see diagram 2 below.)

In addition, I have reviewed the perimeter wall plans for this subdivision. The garden wall plan is in compliance with the Zone Code. The west retaining wall at the Glendale Avenue right-of-way line will, as indicated on the plan, require a special exception approval. A conditional use approval in lieu of a variance is recommended, as the portion of the fence over three feet high only amounts to four inches on one pilaster, and therefore according to 14-16-2-6(B)(13)(a)2., a conditional use may be granted provided that the portion over three feet in height is essentially open.



Bill Tafoya, being duly sworn, declares and says that he is Classified Advertising Manager of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times, the first publication being on the 23 day of Feb., 2005 and the subsequent consecutive publications on \_\_\_\_\_, 20\_\_\_\_.

*[Handwritten Signature]*

Sworn and subscribed to before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 23 day of Feb. of 2005

PRICE \$138.09

Statement to come at end of month.

ACCOUNT NUMBER C80583



OF A 22-A (R-1/93)



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a Study Session on Thursday, March 10, 2005, 4:00 p.m. in the Plaza del Sol Meeting Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following:

Distribution & Review - Current Land Use Matters for the March 17, 2005 Public Hearing, which include the projects listed below.

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a Public Hearing on Thursday, March 17, 2005, 6:30 p.m. in the Plaza del Sol Meeting Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items: Public Hearing will be held in the order they will be heard.

Project # 1003445  
05EP-0022 EPC Site Development Plan Subdivision DEVIN CANNADY agent for INTERSTATE DEVELOPMENT CO. LLC request the above action for Lots 2 and 3 of Block 2, Lots 10A1 and 10A2 of Block D, Lot C1, Lot B1, Lot E2, Lot D4, Lot D1, Albuquerque West and Lot 11, Albuquerque West, zoned SU-1. The above action is for a portion of the parcel located on PARADISE BLVD. NW between PARADISE BLVD. NW and PASEO DEL NORTE NW, containing approximately 11 acres. (C-10) David Salazar, Planner

Project # 1003801  
05EP-0008 Zone Map Amendment MARTHA CARMONA requests the above action for all of a portion of Tracts 81 and 82, MRCOD Map 37, a zone map amendment from SU-3C-3 to SU-1, located on the west side of EDNA GULLERUD NE between ROSEMONT AVENUE NE and HINLEY AVENUE NE, containing approximately 25 acres. (H-20) Carmen Marrone, Staff Planner

Project # 1003818  
05EP-00171 Zone Map Amendment ARCH PLAN LAND USE CONSULTANTS, LLC, agent for INTERSTATE DEVELOPMENT CO. INC., requests the above action for all of a portion of Tract A, Unit A, Blocks 18 and 19, North Albuquerque Acres, a zone map amendment from SU-1 for Mobile Home Park to B-1 located on the west side of LOUISIANA BOULEVARD NE between CERRILSON AVENUE NE and SANTA MONICA AVENUE NE, containing approximately 68.6 acres. (H-18) David Salazar, Planner

Project # 1003918  
05EP-00174 EPC Site Development Plan Building Permit RIO GRANDE ENGINEERS agents for DAVID & JENNIFER BOULE request the above action(s) for all of a portion of Tracts 10A & 11A Paradise Hills Investment Properties, Unit 1, zoned SU-1 for C-1 Uses, located on BIGLO AVE. NW, between LYONS BLVD. NW and Lillian Ave. NW, containing approximately 2 acres. (H-18) David Salazar, Staff Planner

Project # 1001948  
05EP-00178 EPC Site Development Plan Subdivision DEBISH & XLIVE ASSOCIATES, INC. agents for CHIPS INC. request the above action for Lot 4, Los Angeles Center, Tracts 26, 27, 28 & 6, Block 2, Lot 5, 6, 7, 27 & 28, Block 3, AAA Tr. A, Unit A, zoned R-1, located on PASEO DEL NORTE NE between INTERSTATE 25 and SAN PEDRO DR., containing approximately 30 acres. (H-18) David Salazar, Staff Planner

Project # 1002457  
05EP-00177 EPC Site Development Plan Building Permit DEBISH & XLIVE ASSOCIATES, INC. agents for CHIPS INC. request the above action for all of a portion of Tracts X1-A and X2-A, Block 2, zoned MLC Unit 1, zoned C-1 and P located at the southwest corner of TRAMWAY BOULEVARD, NE and MONTGOMERY BOULEVARD, NE, containing approximately 21 acres. (H-20) David Salazar, Planner

Project # 1003818  
05EP-00171 EPC Site Development Plan Amendment to Building Permit CONSENSUS PLANNING, INC. agents for CITY OF ALBUQUERQUE DEPT. OF MUNIC. DEV. request the above action for all of a portion of Lot A1, Paradise Hills Unit 1, zoned SU-1 for C-1 Uses, located on SAGITTARIUS AVE. NW, between ROCKCLIFF COURT NW and CASSIDREA ST. NW, containing approximately 1 acre. (H-18) David Salazar, Staff Planner

Project # 1003818  
05EP-00171 EPC Site Development Plan Amendment to Building Permit CONSENSUS PLANNING, INC. agents for CITY OF ALBUQUERQUE DEPT. OF MUNIC. DEV. request the above action for all of a portion of Lot 4, 7, 8, 9 and 10, zoned R-1, located on NEW YORK SW, between GALLER SW and CENTRAL SW, containing approximately 1 acre. (H-18) David Salazar, Staff Planner

1) Stephanie Shumsky, Staff Planner  
Project # 1003821  
05EP-00181 Zone Map Amendment  
05EP-00182 Amendment - La Cueva  
05EP-00183 Park Master Development Plan  
CONSENSUS PLANNING, INC. DEPT. OF MUNIC. DEV agents for CITY OF ALBUQUERQUE request the above actions, including a zone map amendment from R-DY R-T to SU-1 for all or a portion of Lots 1-32, Tract 2, Unit 3, North Albuquerque Acres, located on CAROLINE BLVD. NE and WYOMING BLVD. NE, containing approximately 60 acres. (C-10) Carmen Marrone, Staff Planner  
Project # 1002358  
05EP-00187 SPR Special Planning Request CIP agents for CITY OF ALBUQUERQUE/CIP request the above action for as required by CIP Ordinance, this request is for EPC to hold a public hearing on the proposed 2005 GO Bond Program & 2005-2014 Decade Plan.  
Project # 1003747  
05EP-00024 EPC Site Development Plan Subdivision  
05EP-00025 EPC Site Development Plan Building Permit TIERRA WEST LLC agents for WALMART STORES EAST, LP & WINGARTEN REALTY INVESTORS request the above actions for all of Tracts 1, 4 and 5, being a portion of the Wyoming Mail Summary Plat, zoned C-2 (SC), located on WYOMING BLVD. NE between EMERALD BLVD. NE and NORTHEAST AVENUE ST. NE, containing approximately 25 acres. (H-20) Carmen Marrone, Staff Planner  
Project # 1001820  
05EP-00207 Amendment to the Zone Code CITY OF ALBUQUERQUE/Planning Dept. agents for City of Albuquerque/City Council request an amendment to the Comprehensive City Zoning Code regarding Off Premise Signs.  
05EP-00122 Project # 1003520  
04DRB-01587 Major Vacation of Public Right-of-Way  
James R. Phillips Jr. appeals the Development Review Board's approval of a re-Block(s) 18, Tract(s) 27 & 28, QUERQUE ACRES UNIT 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as BENJAMIN PLACE SUBDIVISION) zoned R-D, located on GLENDALE AVE. NE between BABSTOW ST. NE and VENTURA ST. NE, containing approximately 2 acre(s). (REF: 04DRB00999) & 1/5/05) (04DRB-1570 WAS WITHDRAWN) (B-20)  
Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza del Sol Building, 600 Second Street, NW between 10:00 a.m. and 12:00 p.m. and between 2:00 and 4:00 p.m. Monday through Friday, or you may call April Candalaria at 824-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candalaria at 824-3886.  
Jens Deichmann, Chairman  
Environmental Planning Commission  
Russell Brito, Senior Planner  
Planning Department  
Journal: February 23, 2005



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

July 13, 2005

**6. Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB-01568, 01863] (B-20)

The preliminary plat for Benjamin Place was originally approved 1/12/05. The approval was appealed to EPC, then City Council. City Council remanded the plat to DRB to re-examine the perimeter walls' compliance with Section 14-16-3-19. of the Zone Code. Following the re-examination, DRB re-approved the preliminary plat at the July 13, 2005 meeting.

If you wish to appeal this decision, you must do so by July 28, 2005, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

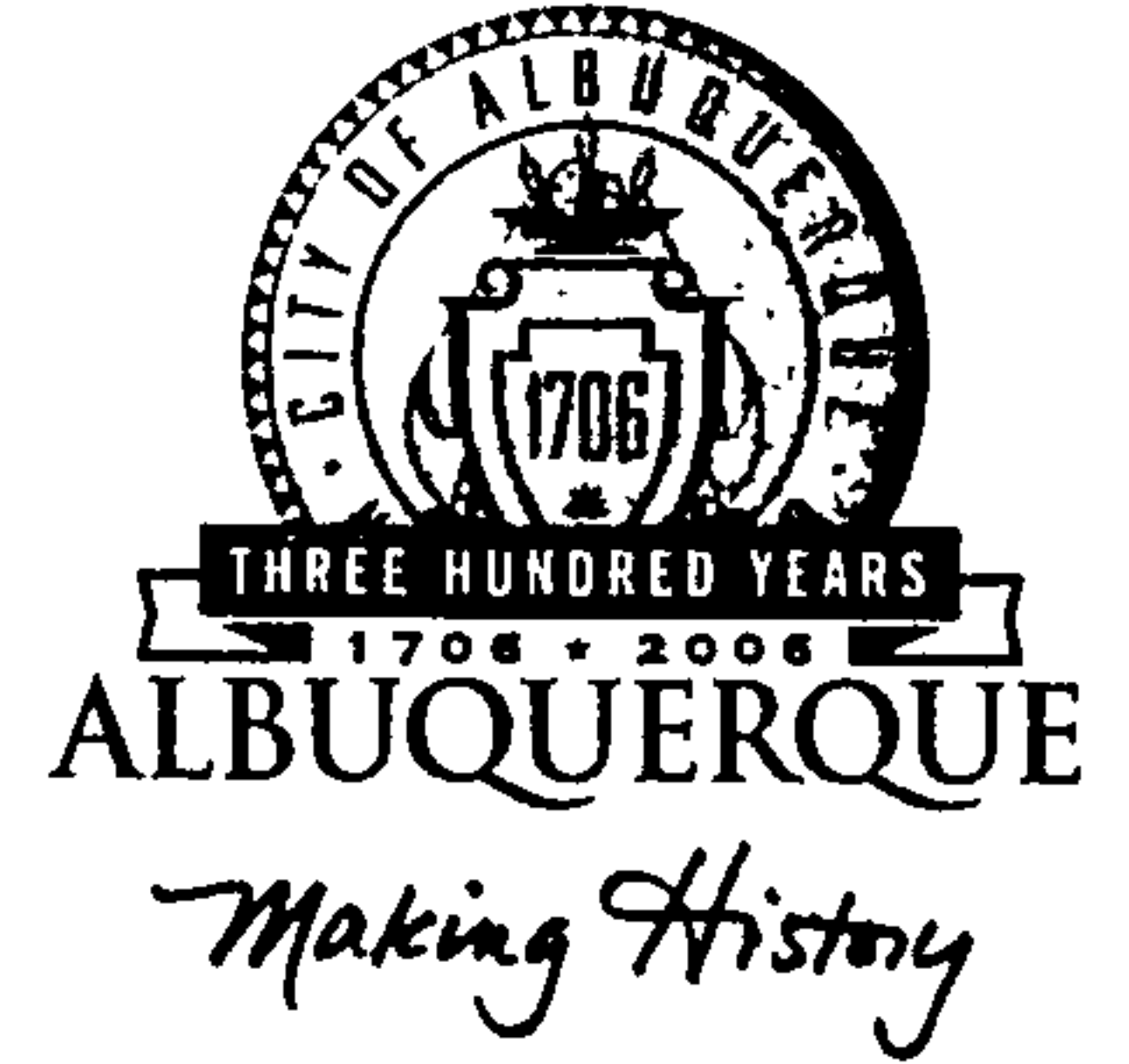
Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

Sheran Matson, AICP, DRB Chair

cc: Washington Street Investors, LLC, 501 3<sup>rd</sup> St SW, Abq., NM 87102  
Mark Goodwin & Associates, PA, PO Box 90606, Abq., NM 87199  
Scott Howell, Property Management/Legal Department 4<sup>th</sup> Floor, City/County Bldg  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
DRB File



# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1003520**

**AGENDA ITEM NO: 6**

**SUBJECT:**

Preliminary Plat

**ACTION REQUESTED:**

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

P.O. Box 1293

**ENGINEERING COMMENTS:**

See staff report and LUHO ruling.

Albuquerque

New Mexico 87103

**RESOLUTION:**

APPROVED ; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

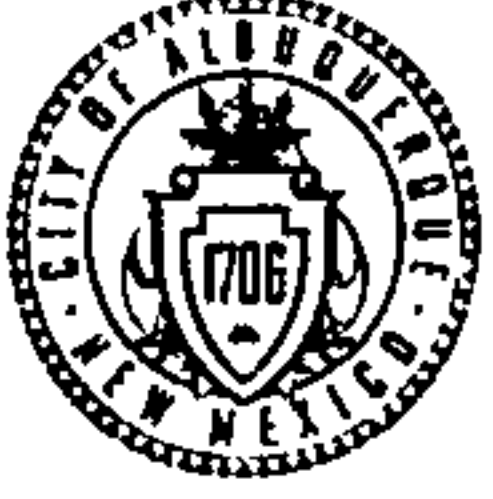
**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** July 13, 2005

# DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003520 AGENDA#: 6 DATE: 7/13/15

1. Name: Ron Vonderhaar Address: Zoning Ent. Zip: \_\_\_\_\_
2. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
3. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
4. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
5. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
6. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
7. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
8. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
9. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
10. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
12. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

July 13, 2005

**Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval

05EPC-00122

AC-05-06

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] (B-20) **REMANDED BACK TO DRB FOR WALL HEIGHTS AND STEP INTERVALS.**

AMAFCA No comments received.

COG No comments received.

Transit No objection to the request.

Zoning Enforcement

See memo submitted to Sheran Matson, Chair, DRB for full commentary.

Neighborhood Coordination Letter sent to North Albuquerque Acres NA (R).

APS No comments received.

Police Department No CPTED or crime prevention comments at this time.

Fire Department Fire Department is not approving street widths less than 32 feet at this time. Per Ray Sanchez, AFD.

All required fire hydrants shall be installed and made serviceable prior to and during construction of subdivision.

PNM Electric & Gas	No package received.
Comcast	No comments received.
QWEST	No comments received.
Environmental Health	Site is not within 1000 feet of a landfill. No comment.
M.R.G.C.D.	No comments received.
Open Space Division	No adverse comments.
City Engineer	Grading plan was acceptable to Land Use Hearing Officer and if wall heights and locations are acceptable to zoning then no revision to the plan will be required.
Transportation Development	Defer to Planning and Hydrology.
Parks & Recreation	No objection to Preliminary Plat Approval.
Utilities Development	No objection to Preliminary Plat approval.
Planning Department	Remanded back to DRB for wall heights and step intervals.

**IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING**

cc: Washington Street Investors LLC, 501 3<sup>rd</sup> St NW, 87102

Mark Goodwin & Associates PA, P.O. Box 90606, 87199

**CITY OF PLANNING  
PLANNING DEPARTMENT  
PROPERTY OWNERSHIP LIST**

**Meeting Date:** JULY 13, 2005  
**Zone Atlas Page:** B-20-Z  
**Notification Radius:** 100 Ft.

**Project# 1003520**  
**App# 04DRB-01567**  
**App# 05DRB-00122**  
**App# AC-05-06**

**Cross Reference and Location:**

**Applicant:** WASHINGTON STREET INVESTORS, LLC  
**Address:** 501 3<sup>RD</sup> ST. NW  
ALBUQUERQUE NM 87102

**Agent:** MARK GOODWIN & ASSOCIATES, P.A.  
**Address:** PO BOX 90606  
ALBUQUERQUE NM 87199

**Special Instructions:**

**Notice must be mailed from the  
City's 15 day prior to the meeting.**

**Date Mailed:** JUNE 24, 2005

**Signature:** KYLE TSETHLIKAI





<mainframe@coa1mp3.  
cabq.gov>

02/24/2005 10:35 AM

To:  
cc:  
cc:  
Subject:

1 R E C O R D S W I T H L A B E L S PAGE  
1  
01020065 \*\*\* THIS UPC CODE HAS NO MASTER RECORD ON FILE  
0102006507506930205 LEGAL: 028 016T RACT 1 UNIT 3 NORTH ALBUQUERQUE ACRES  
LAND USE:  
PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: MARRON FAMILY LTD PTNS LLP  
OWNER ADDR: 01111 ROADRUNNER LN NW  
ALBUQUERQUE NM 87107  
0102006509006930206 LEGAL: 027 016T R 1 UNIT 3 NO ALBUQ ACRES  
LAND USE:  
PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: MARRON FAMILY LTD PTNS LLP  
OWNER ADDR: 01111 ROADRUNNER LN NW  
ALBUQUERQUE NM 87107  
0102006505806930204 LEGAL: 029 016T R 1 UNIT 3 NO ALBUQ ACRES  
LAND USE:  
PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: RAWSON F LEWIS  
OWNER ADDR: 07415 SUNROSE NW  
ALBUQUERQUE NM 87105  
0102006510806930207 LEGAL: 026 016T R 1 UNIT 3 NORTH ALBUQUERQUE ACRES  
LAND USE:  
PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: OWENS DIANE L  
OWNER ADDR: PO BOX 26091  
ALBUQUERQUE NM 87125  
0102006510809330226 LEGAL: 007 016T R 1 UNIT 3 NO ALBUQ ACRES  
LAND USE:  
PROPERTY ADDR: 00000 FLORENCE  
OWNER NAME: PHILLIPS JAMES R JR & SANDRA E  
OWNER ADDR: 08600 FLORENCE AV NE  
ALBUQUERQUE NM 87122  
0102006509009330227 LEGAL: 006 016T R 1 UNIT 3 NO ALBUQ ACRES  
LAND USE:  
PROPERTY ADDR: 00000 FLORENCE  
OWNER NAME: OLONA DENNIS A & BARBARA C  
OWNER ADDR: 08516 FLORENCE AV NE  
ALBUQUERQUE NM 87122  
0102006507409330228 LEGAL: 005 016T R 1 UNIT 3 N ALBUQ ACRES  
LAND USE:  
PROPERTY ADDR: 00000 FLORENCE  
OWNER NAME: MILLINGTON LARRY D & PATRICIA  
OWNER ADDR: 08508 FLORENCE AV NE  
ALBUQUERQUE NM 87122  
0102006505809330229 LEGAL: 004 016T R 1 UNIT 3 NO ALBUQ ACRES  
LAND USE:  
PROPERTY ADDR: 00000 FLORENCE  
OWNER NAME: SCANLAND MARIAN C  
OWNER ADDR: 01795 EL DORADO LP  
BOSQUE FARMSNM 87068

PAGE 2

0102006510803830126 LEGAL: 007 017T R 1 UNIT 3 NORTH ALBUQUERQUE ACRES  
LAND USE:

PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: VANITA LAND CORP  
OWNER ADDR: 00512 ALMA REAL DR

PACIFIC PALICA 90272

0102006509003830127 LEGAL: 006 017T R 1 UNIT 3 NO ALBUQ ACRES  
LAND USE:

PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: HOHNER DARRELL & MARY  
OWNER ADDR: 01664 CAMINO REDONDO

LOS ALAMOS NM 87544

0102006507403830128 LEGAL: 005 017T R 1 UNIT 3 NO ALBUQ ACRES  
LAND USE:

PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: FRANK RANDALL A & MARIA  
OWNER ADDR: 00360 CORAL DR

RIO RANCHO NM 87124

0102006505803830129 LEGAL: 004 017T RACT 1 UNIT 3 NORTH ALBUQUERQUE ACRES  
LAND USE:

PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: KASSAM MOHAMED & SHAMSHID  
OWNER ADDR: 13215 VELMA CT NE

ALBUQUERQUE NM 87112

QUIT



Project# 1003520

WASHINGTON STREET INVESTORS  
501 3RD ST. SW  
ALBUQUERQUE NM 87102

JACKIE McDOWELL  
North Albuquerque Acres Comm. Assoc.  
7820 BEVERLY HILLS NE  
ALBUQUERQUE NM 87122

102006510806930207

OWENS DIANE L  
PO BOX 26091  
ALBUQUERQUE NM 87125

102006507409330228

MILLINGTON LARRY D & PATRICIA  
8508 FLORENCE AV NE  
ALBUQUERQUE NM 87122

102006509003830127

HOHNER DARRELL & MARY  
1664 CAMINO REDONDO  
LOS ALAMOS NM 87544

MARK GOOD WIN & ASSOCIATES  
PO BOX 90606  
ALBUQUERQUE NM 87199

102006507506930205

MARRON FAMILY LTD PTNS LLP  
1111 ROADRUNNER LN NW  
ALBUQUERQUE NM 87107

102006510809330226

PHILLIPS JAMES R JR & SANDRA  
8600 FLORENCE AV NE  
ALBUQUERQUE NM 87122

102006505809330229

SCANLAND MARIAN C  
1795 EL DORADO LP  
BOSQUE FARMSNM 87068

102006507403830128

FRANK RANDALL A & MARIA  
360 CORAL DR  
RIO RANCHO NM 87124

CYNTHIA REINHART  
North Albuquerque Acres Comm. Assoc.  
11300 OAKLAND NE  
ALBUQUERQUE NM 87122

102006505806930204

RAWSON F LEWIS  
7415 SUNROSE NW  
ALBUQUERQUE NM 87105

102006509009330227

OLONA DENNIS A & BARBARA C  
8516 FLORENCE AV NE  
ALBUQUERQUE NM 87122

102006510803830126

VANITA LAND CORP  
512 ALMA REAL DR  
PACIFIC PALI CA 90272

102006505803830129

KASSAM MOHAMED & SHAMSHID  
13215 VELMA CT NE  
ALBUQUERQUE NM 87112



PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE

PAGE 2

**Project # 1004139**  
05DRB-00969 Major-Preliminary Plat Approval

BRASHER & LORENZ agent(s) for STEVE SLICK request(s) the above action(s) for all or a portion of Lot(s) 27, 28 & 29, and Tract(s) 1, Block(s) 17, Tract(s) 1, NORTH ALBUQUERQUE ACRES, UNIT 3 (to be known as **MODESTO SEVEN**) zoned R-D, 3DU/ACRE, located on MODESTO AVE NE, between BARSTOW NE and VENTURA NE containing approximately 3 acre(s). [REF: 05DRB-00668] (B-20)

**Project # 1004272**  
05DRB-01033 Major-Preliminary Plat Approval  
05DRB-01038 Minor-Sidewalk Waiver  
05DRB-01039 Minor-Temp Defer SDWK

ISAACSON & ARFMAN agent(s) for CURB INC request(s) the above action(s) for Tract(s) 16D, BULK LAND PLAT, Tract(s) 16-A, 16-B, 16-C, 16-D, 16-E & 16-F, (to be known as **EL RANCHO GRANDE, UNIT 17**) zoned R-D residential and related uses zone, developing area, located on GIBSON BLVD SW, between MESSINA DR SW and DELGADO DR SW containing approximately 3 acre(s). (N-8)

**Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
05EPC-00122  
AC-05-06

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] (B-20) **REMANDED BACK TO DRB FOR WALL HEIGHTS AND STEP INTERVALS.**

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Claire Senova, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 - TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

  
Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, JUNE 27, 2005.**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW**, on **Wednesday, July 13, 2005**, beginning at **9:00 a.m.** for the purpose of considering the following:

**Project # 1000614**

05DRB-00982 Major-Two Year SIA

TIERRA WEST LLC agent(s) for DEVELOPMENT SERVICES LTD CO request(s) the above action(s) for, **LA CUEVA OESTE, UNITS 2 & 4**, zoned R-D residential and related uses zone, developing area, located on HOLLY AVE NE, between LOUISIANA BLVD NE and SAN PEDRO DR NE containing approximately 37 acre(s). [REF: 04DRB000913] (C-18)

**Project # 1002397**

05DRB-01042 Major-One Year SIA

TIERRA WEST LLC agent(s) for SHULL REALTY & WATERS EDGE LLC request(s) the above action(s) for all or a portion of Lot(s) 1-10, **BOSQUE PLAZA**, zoned C-1, located on LA ORILLA RD NW, between COORS BLVD NW and CORRALES DRAIN containing approximately 12 acre(s). [REF: Z-87-56, DRB-87-200, 02DRB01925, 04DRB01196] (E-12)

**Project # 1000724**

05DRB-00989 Major-One Year SIA

MARK GOODWIN & ASSOCIATES agent(s) for GSR GROUP, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **RAYO DEL SOL, UNIT 1**, zoned R-LT, located behind TOM TENORIO PARK, between COORS BLVD SW and UNSER BLVD SW containing approximately 9 acre(s). [REF: 02DRB-01268,0044001098, Z-97-87] (M-10)

**Project # 1000965**

05DRB-01025 Major-Vacation of Public Easements

BOHANNAN HUSTON INC agent(s) for ANDALUCIA DEVELOPMENT CO INC request(s) the above action(s) for all or a portion of Tract(s) 1, **LANDS OF RAY GRAHAM III** (to be known as **ANDALUCIA AT LA LUZ**) zoned SU-1 PRD special use zone, located on COORS BLVD NW, between NAMASTE RD NW and LA BIENVENIDA PL NW containing approximately 85 acre(s). [REF: 05DRB00124] (F-11)

**SEE PAGE 2 . . .**



# City of Albuquerque

## Meeting Agenda

### City Council

Albuquerque/Bernalillo  
County  
Government Center  
One Civic Plaza  
Albuquerque, NM  
87102

*Council President Brad Winter, District 4  
Vice President Miguel A. Gómez, District 1*

*Council Members: Debbie O'Malley, District 2;  
Eric Griego, District 3 ; Michael J. Cadigan, District 5;  
Martin Heinrich, District 6; Sally Mayer, District 7;  
Craig Loy, District 8; Tina L. Cummins, District 9*

*TTY Phone # - 1-800-659-8331  
For Weekly Schedule of Meetings Call: 768-4777*

---

Monday, June 6, 2005

4:00 PM

Vincent E. Griego Chamber  
One Civic Plaza  
Albuquerque/Bernalillo County  
Government Center

---

#### SIXTEENTH COUNCIL - FORTY-FOURTH MEETING

- 1 ROLL CALL
- 2 MOMENT OF SILENCE  
Pledge of Allegiance - Tina Cummins, Councillor, District 9
- 3 APPROVAL OF JOURNAL  
May 23, 2005  
May 25, 2005 (Special Meeting)  
May 31, 2005 (Special Meeting)
- 4 COMMUNICATIONS AND INTRODUCTIONS
- 5 REPORTS OF COMMITTEES
- 6 GENERAL PUBLIC COMMENTS
- 7 ANNOUNCEMENTS
- 8 CONSENT AGENDA - {Items may be removed at the request of any Councilor}

**EC-05-425** Recommendation of Award to the Mental Health Housing Coalition for a Behavioral Health Housing Intermediary Organization

Behavioral Health Housing Intermediary Organization

*Attachments:* ec-425.doc

- EC-05-426** Annual Landfill Monitoring, Investigation and Remediation Status Report  
*Attachments:* ec-426.doc,  
ec-426att.doc
- EC-05-427** Recommendation of Design Collaborative Southwest, Inc. for the Expansion and Enhancement of the Albuquerque Fire Department Training Academy  
*Attachments:* EC-427.doc
- EC-05-428** Approval of Lease Agreement with the Albuquerque Museum Foundation for the Museum Store and Café Located at the Albuquerque Museum  
*Attachments:* ec-428.doc,  
ec-428att.doc,  
ec-428att2.doc
- EC-05-431** Approval of Lease Agreement between the City's Alamosa Health and Social Services Center and the Regents of the University of New Mexico for the Operation of its Maternity and Infant Care Project  
*Attachments:* ec-431.doc,  
ec-431att.doc,  
ec-431att2.doc
- EC-05-432** Approval of Lease Agreement between the City's Alamosa Health and Social Services Center and First Choice Community Health Care for the Operation of its Women and Infant Care Nutrition Program  
*Attachments:* EC-432.doc
- EC-05-433** Approval of Lease Agreement between the City's East Central Health and Social Services Center and the Regents of the University of New Mexico for the Operation of the Maternity and Infant Care District Administrative Office  
*Attachments:* ec-433.doc,  
ec-433att1.doc,  
ec-433att2.doc
- EC-05-434** Approval of Lease Agreement between the City's East Central Health and Social Services Center and the Regents of the University of New Mexico for the Operation of the Southeast Heights Primary Family Dental Clinic  
*Attachments:* ec-434.doc,  
ec-434att.doc,  
ec-434att2.doc
- EC-05-435** Approval of Lease Agreement between the City's East Central Health and Social Services Center and the Regents of the University of New Mexico for the Operation of the Southeast Heights Center for Family Health  
*Attachments:* ec-435.doc,  
ec-435att.doc,  
ec-435att2.doc
- EC-05-436** Approval of Lease Agreement between the City's Los Griegos Health and Social Services Center and First Choice Community Health Care for its

Social Services Center and the Regents of the University of New Mexico for the Operation of its Maternity and Infant Care Project

Attachments: ec-452.doc, ec-452att.doc

EC-05-453 Approval of Lease Agreement between the City's Los Griegos Health and Social Services Center and the Regents of the University of New Mexico for the Operation of its Maternity and Infant Care Project

Attachments: ec-453.doc, ec-453att.doc

EC-05-454 Approval of Lease Agreement between the City's Alamosa Health and Social Services Center and First Choice Community Health Care

Attachments: ec-454.doc, ec-454att.doc, ec-454att2.doc

EC-05-455 Approval of Lease Agreement between the City's Alamosa Health and Social Services Center and Youth Development Inc.

Attachments: ec-455.doc, ec-455att.doc, ec-455att2.doc

9 PUBLIC HEARINGS - {Appeals, SAD Protest Hearings}

AC-05-6

James R. Phillips, Jr. Appeals the EPC's Denial of an Appeal of the DRB's Approval of a Major-Preliminary Plat Request, Located on Glendale Avenue NE Between Barstow Street NE and Ventura Street NE

Attachments: ac-6.doc

*abimeel*  
*kgk*

10 APPROVALS: {Contracts, Agreements, and Appointments}

EC-05-466 Contract Between the City of Albuquerque and PetData, to Provide Animal Licensing and Related Services to the Animal Services Division

Attachments: ec-466.doc, ec-466att.doc

11 FINAL ACTIONS

O-04-53 Amending ROA 1994, A Portion of the Comprehensive Zoning Code; Prohibiting Billboards Advertising Alcoholic Beverages Near Schools, Churches and Parks (Winter)

Attachments: o-53.doc

O-04-60 Enacting the Pesticide Notification Ordinance (Cadigan)

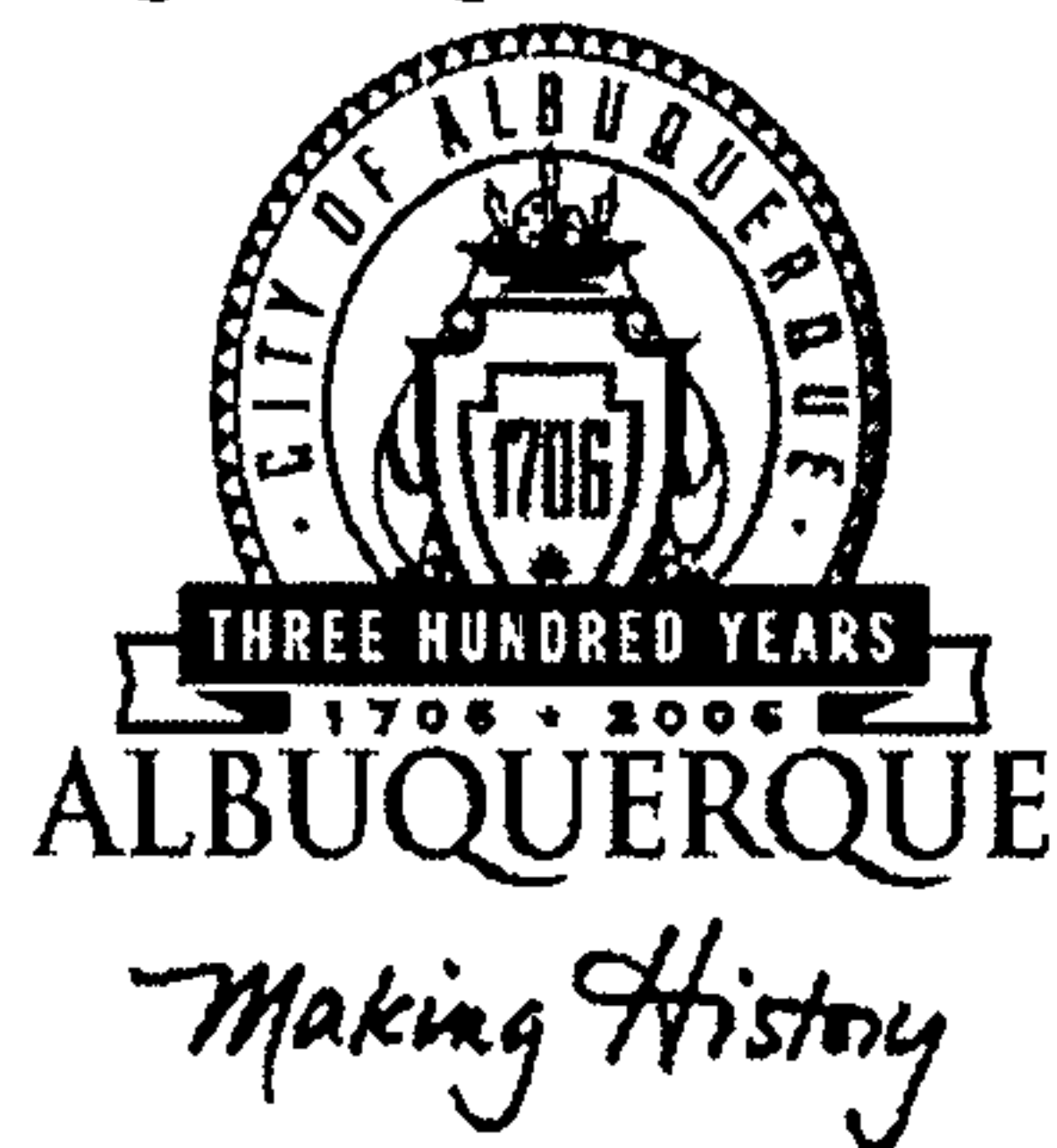
Attachments: o-60.doc

O-04-67 Enacting the Preservation of Archaeological Sites Ordinance (Heinrich)

Attachments: o-67.doc

O-05-00 Zoning Map Amendment and Site Development Plan for 10 Acres Located on

- O-03-50** ZONE MAP AMENDMENT AND SITE DEVELOPMENT PLAN FOR 19 ACRES LOCATED ON Indian School NW between Menaul and 12th Street; Amending Zone Map from R-1 to SU-1 for C-2 Zoning (O'Malley, by request)  
*Attachments:* O-98.doc
- R-04-158** C/S Amending Huning Highland Boundary Map and Zoning Map for Lots in the Boundary Expansion Area as Articulated (Griego)  
*Attachments:* R-158.doc,  
R-158cs.doc
- R-04-195** Condemnation - 317 Neal Ln, NW (Gomez, by request)  
*Attachments:* R-195.doc
- R-05-267** Condemnation - 2340 Hollywood Ave NW (O'Malley, by request)  
*Attachments:* r-267.doc
- R-05-268** Condemnation - 1319 2nd St SW (Griego, by request)  
*Attachments:* r-268.doc
- R-05-269** Condemnation - 10505 Towner Ave NE (Cummins)  
*Attachments:* r-269.doc
- R-05-291** Concerning a Municipal Bond Election to be Held at the Next City General Election; Submitting Questions for Authorizing the Issuance of G.O. Bonds for Specified Public Purposes (Winter, by request)  
*Attachments:* r-291.doc
- R-05-292** Concerning the Municipal Runoff Election to be Held on Tuesday, November 15, 2005 (Winter, by request)  
*Attachments:* r-292.doc,  
r-292att.doc,  
r-292att2.doc
- R-05-293** Concerning the Regular Municipal Election to be Held on Tuesday, October 4, 2005 (Winter, by request)  
*Attachments:* r-293.doc,  
r-293att.doc
- O-05-99** Annexation - Annexing 7 Acres Located on 94th NW between Endee NW and I-40; Amending Zone Map to Establish SU-2 for R-LT Zoning (Gomez)  
*Attachments:* O-99.doc
- R-05-223** Amending the Boundaries of the Westland Sector Development Plan to Include Tract 37, Town of Atrisco Grant, in the Plan Boundaries (Gomez)  
*Attachments:* R-223.doc
- O-05-102** Annexation - Annexing 14 Acres Located on 98th between Endee NW and I-40; Amending Zone Map to Establish SU-2 for R-LT Zoning (Gomez, by request)



**NOTICE OF PUBLIC HEARING  
CITY COUNCIL OF THE CITY OF ALBUQUERQUE**

**TO ALL CITIZENS AND PARTIES IN INTEREST:**

Notice is hereby given that the City of Albuquerque Land Use Hearing Officer will hold a public hearing on **THURSDAY, MAY 12, 2005 at 10:00 a.m.** in the Council Committee Room, 9<sup>th</sup> floor, Room 9081, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, to consider the following:

**AC-05-06 – 05EPC-00122 (04DRB-01567) Project #1003520** James R. Phillips, Jr. appeals the decision of the Environmental Planning Commission to deny an appeal of the Development Review Board's approval of a Major-Preliminary Plat request, on all or a portion of Lots 27 and 28, Block 16, Tract 1, North Albuquerque Acres Unit 3 (to be known as Benjamin Place Subdivision) zoned R-D, located on Glendale Avenue NE between Barstow Street NE and Ventura Street NE, containing approximately 2 acres. (B-20) Sheran Matson, Chair, Development Review Board.

Details of the above may be examined at the Development Review Division of the Planning Department, 3<sup>rd</sup> Floor, Plaza del Sol Building, 600 Second St. NW, Monday thru Friday, between 9 am - 4 pm.

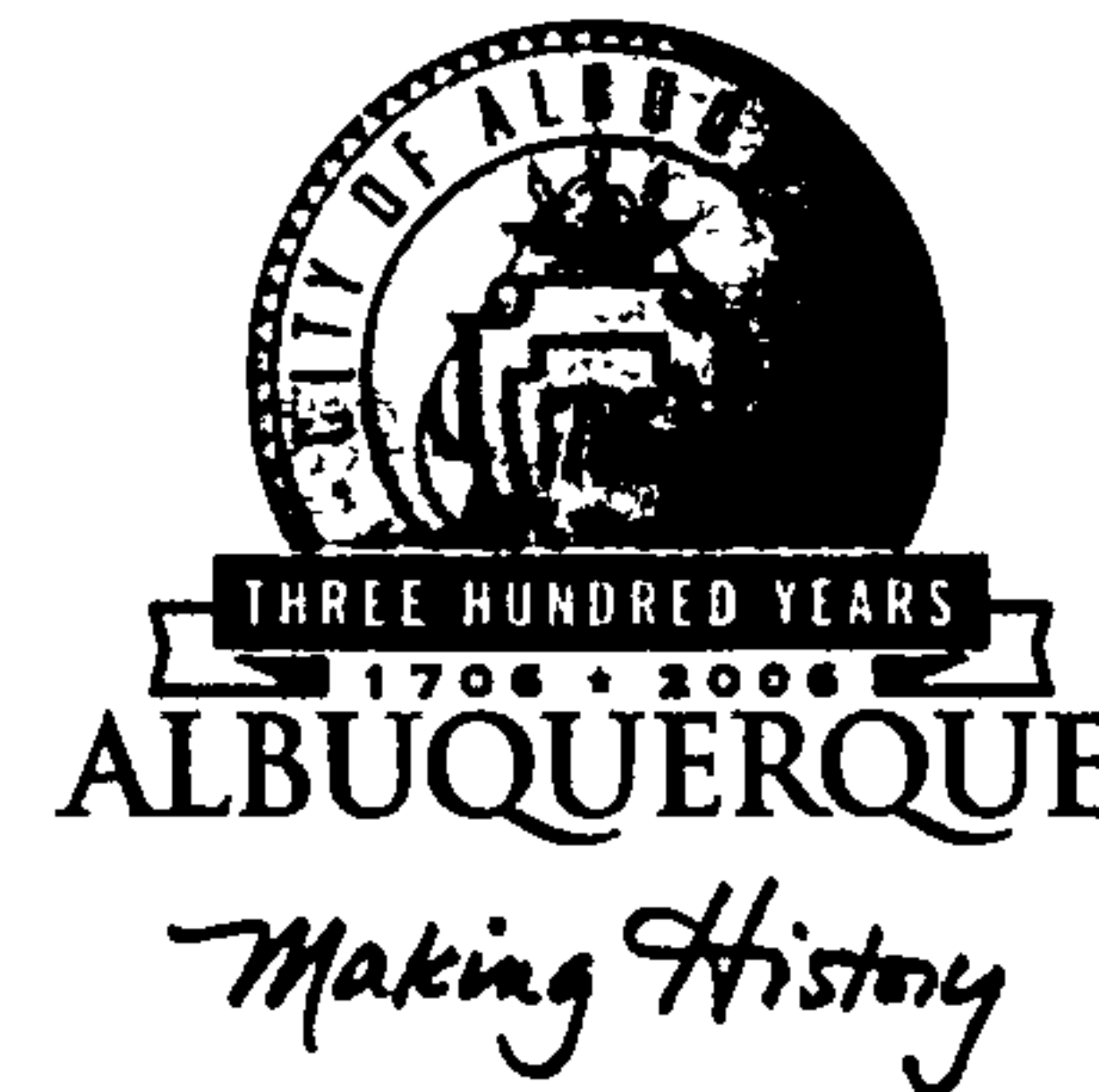
Brad Winter  
City Council President

**NOTICE TO PERSONS WITH DISABILITIES:** If you have a disability and require special assistance to participate in this meeting, please contact the Council office at least one day before the meeting date at 768-3100 (voice) or by the TTY at 768-2474. TTY users may also access the voice number via the New Mexico Relay Network by calling toll free 1-800-659-8331.

APPROVED: \_\_\_\_\_  
Bob Paulsen, Development Review Manager



# CITY OF ALBUQUERQUE



## *Planning Department*

Richard Dineen, Director

### *Development Review Division*

600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

## NOTICE OF HEARING

April 25, 2005

James R. Phillips, Jr.  
8600 Florence Ave NE  
Albuquerque, NM 87122

**AC-05-06 – 05EPC-00122 (04DRB-01567) Project #1003520** James R. Phillips, Jr. appeals the decision of the Environmental Planning Commission to deny an appeal of the Development Review Board's approval of a Major-Preliminary Plat request, on all or a portion of Lots 27 and 28, Block 16, Tract 1, North Albuquerque Acres Unit 3 (to be known as Benjamin Place Subdivision) zoned R-D, located on Glendale Avenue NE between Barstow Street NE and Ventura Street NE, containing approximately 2 acres. (B-20) Sheran Matson, Chair, Development Review Board.

P.O. Box 1293

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **THURSDAY, May 12, 2005**. The hearing begins at **10:00 am** and will be held in the Council Committee Room, #9081, 9<sup>th</sup> floor of the Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Albuquerque

Please note that any information submitted after the final EPC hearing (other than the appeal application and related materials) **IS NOT** part of the EPC record and is therefore not included in the record submitted to City Council.

New Mexico 87103

***Submittal of new information or questions you may have regarding the hearing with the Land Use Hearing Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9<sup>th</sup> Floor, Albuquerque NM 87102, (505) 768-3100.***

www.cabq.gov

If you would like a copy of the record submitted to City Council, copies are available for pick up in the Planning Department, Plaza del Sol Building, 600 2nd Street NW, 3rd Floor, Monday thru Friday, 8 am – 5 pm. If you have any questions or need further assistance, you can contact me at (505) 924-3889.

Sincerely,

Barbara J. Findley  
Administrative Assistant

cc: William Kraemer, 200 Lomas Blvd NW, #1111, Abq., NM 87102  
John MacKenzie, PO Box 90606, Abq., NM 87199  
Scott Ashcraft, Washington Investors, 501 3<sup>rd</sup> St SW, Abq., NM 87102  
Diane Owens, 8601 Glendale Ave NE, Abq., NM 87122  
Mark Goodwin & Associates, PO Box 90606, Abq., NM 87199  
Larry Millington, 8508 Florence Ave NE, Abq., NM 87122  
Lewis Rawson, 8421 Glendale NE, Abq., NM 87122  
Laura Turon, 8700 Florence Ave NE, Abq., NM 87122  
File



City of Albuquerque  
Planning Department  
Development Review Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: March 18, 2005

**OFFICIAL NOTIFICATION OF DECISION**

FILE: **05EPC-00122** Project # **1003520**  
04DRB-01567 Major-Vacation of Pub Right-of-Way

James Phillips  
8600 Florence Ave. NE  
Albuq. NM 87122

**LEGAL DESCRIPTION:** James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lots 27 & 28, Block 16, Tract 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acres.

On March 17, 2005 the Environmental Planning Commission voted to deny Project 1003520/ 05EPC 00122, an appeal of the Development Review Board, based on the following Findings:

**FINDINGS:**

1. The DRB followed the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the Benjamin Place Subdivision preliminary plat with 5 lots, in approving the grading and drainage plan per the Development Process Manual and not requiring site plan review of the subdivision with lots at least 5,000 square feet in size.
2. The La Cueva Sector Development Plan is the implementation tool for Section II, #5, Policies d, m and n of the Albuquerque/Bernalillo County Comprehensive Plan. By following the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the preliminary plat for the Benjamin Place Subdivision, the DRB upheld the intent of the Comprehensive Plan.
3. The La Cueva Sector Development Plan established the zoning designations to assure orderly physical patterns of land development as called for in the Comprehensive Plan and the City Subdivision Ordinance. The DRB followed the La Cueva Sector Development Plan requirements in approving the Benjamin Place Subdivision preliminary plat.

OFFICIAL NOTICE OF DECISION  
MARCH 17, 2005  
PROJECT #1003520  
PAGE 2 OF 3

4. The DRB approved grading and drainage plan adequately addresses the grade change and runoff issues existing on the Benjamin Place Subdivision property.

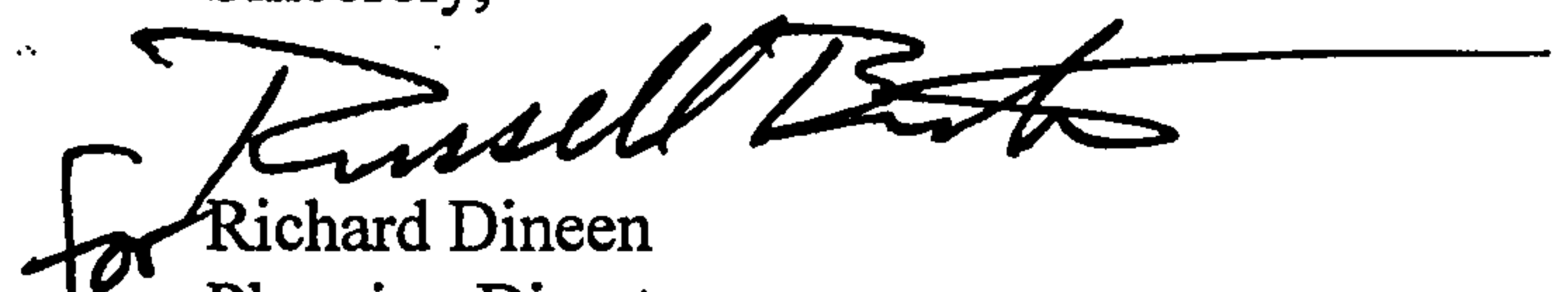
IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **APRIL 1, 2005** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

  
for Richard Dineen  
Planning Director

OFFICIAL NOTICE OF DECISION  
MARCH 17, 2005  
PROJECT #1003520  
PAGE 3 OF 3

RD/SM/ac

cc: William Kraemer, 200 Lomas NW, #1111, Albuquerque, NM 87102  
John MacKenzie, P.O. Box 90606, Albuquerque, NM 87199  
Scott Ashcraft, Washington Investors, 501 3<sup>rd</sup> St. SW, Albuquerque, NM 87102  
Diane Owens, 8601 Glendale Ave. NE, Albuquerque, NM 87122  
Mark Goodwin & Associates, P.O. Box 90606, Albuquerque, NM 87199  
Larry Millington, 8508 Florence Ave. NE, Albuquerque, NM 87122  
Lewis Rawson, 8421 Glendale NE, Albuquerque, NM 87122  
Laura Turon, 8700 Florence Ave. NE, Albuquerque, NM 87122

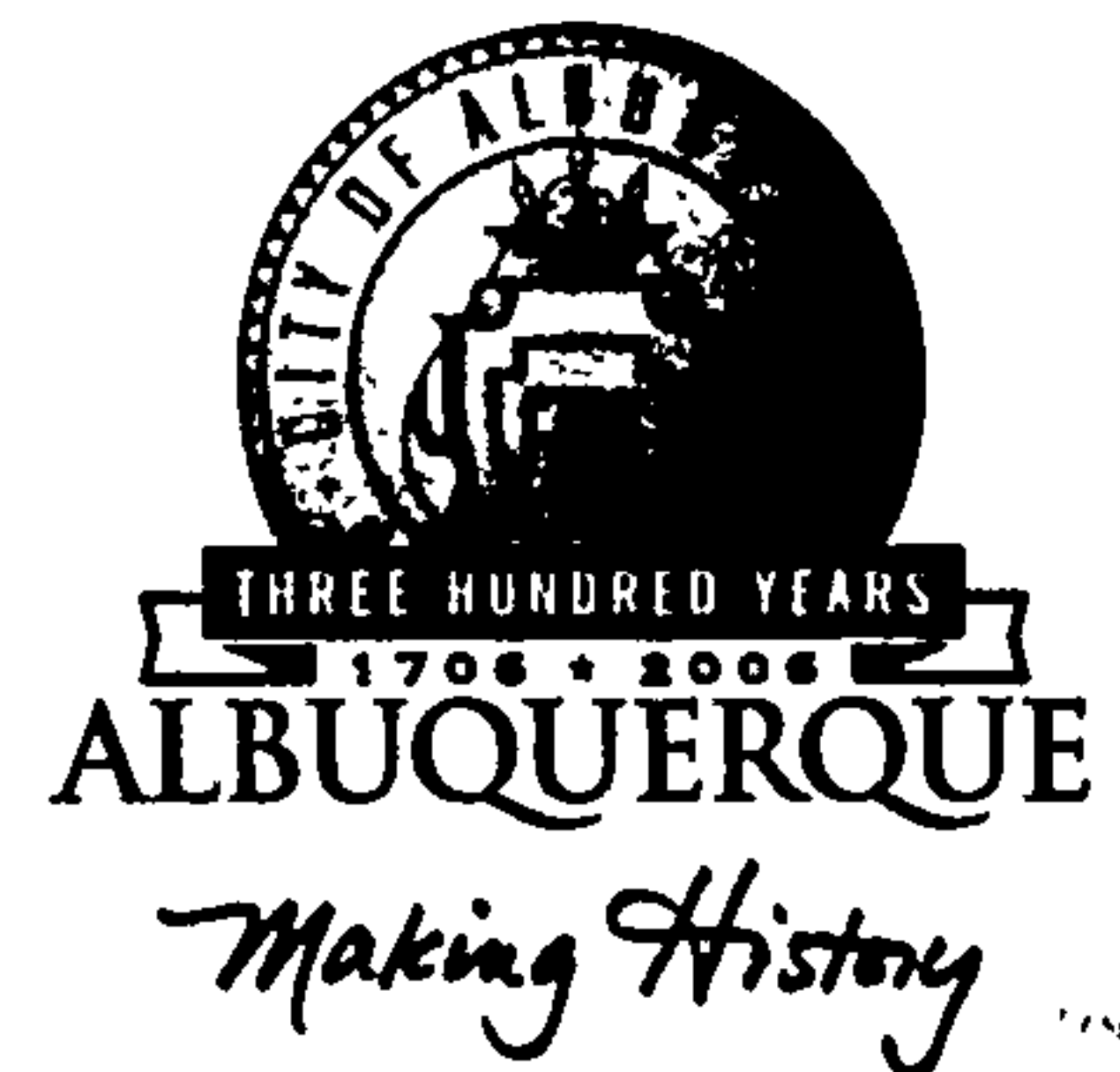
# CITY OF ALBUQUERQUE

## *Planning Department*

Richard Dineen, Director

### *Development Review Division*

600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102



April 5, 2005

#### TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on April 1, 2005. You will be notified by mail as to when this appeal will be heard before the **Land Use Hearing Officer**.

Enclosed for your reference is a copy of Bill F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications.

If you have any questions please contact Barbara Findley, Administrative Assistant, Planning Department, Development Services Division at (505) 924-3889.

**CITY COUNCIL APPEAL NUMBER:** **AC-05-06**

P.O. Box 1293

**PLANNING DEPARTMENT CASE FILE NUMBERS:** 05EPC-00122; 04DRB-01567  
Project #1003520

Albuquerque

**APPELLANT:** James R. Philips, Jr.  
8600 Florence Ave NE  
Albuquerque, NM 87122

New Mexico 87103

**AGENT:** N/A

www.cabq.gov

cc: William Kraemer, 200 Lomas Blvd NW, #1111, Abq., NM 87102  
John MacKenzie, PO Box 90606, Abq., NM 87199  
Scott Ashcraft, Washington Investors, 501 3<sup>rd</sup> St SW, Abq., NM 87102  
Diane Owens, 8601 Glendale Ave NE, Abq., NM 87122  
Mark Goodwin & Associates, PO Box 90606, Abq., NM 87199  
Larry Millington, 8508 Florence Ave NE, Abq., NM 87122  
Lewis Rawson, 8421 Glendale NE, Abq., NM 87122  
Laura Turon, 8700 Florence Ave NE, Abq., NM 87122  
File

Enclosure: LUHO Rules of Procedure and Qualifications (6 pages)

---

## CITY OF ALBUQUERQUE CITY COUNCIL

---

### INTEROFFICE MEMORANDUM

**TO: Michael Cadigan, President, City Council**  
**FROM: Laura Mason**  
**SUBJECT: Land Use Hearing Officer Rules of Procedure and Qualifications**  
**DATE: February 18, 2004**  
**CC: All Councilors**

---

Pursuant to Section 14-16-4-4 ROA 1994 (the Appeal section of the Zoning Code), the Council is to adopt rules of procedure and regulations setting forth the qualifications for the Land Use Hearing Officer. The following rules are adopted for appeals of land use decisions other than appeals involving a zone map amendment:

1. Notice for any appeal hearing by the Land Use Hearing Officer ("Hearing Officer") shall be given at the City Council meeting at which the appeal is introduced or at least two weeks prior to the hearing held by the Hearing Officer.
2. The sequence and the time allowed for appeal hearings shall be as follows:
  - 25 minutes for appellant;
  - 30 minutes for party opponent(s) of the appeal;
  - 10 minutes for city staff, unless that staff spoke as opponents;
  - 5 minutes for appellant rebuttal.
3. The Hearing Officer may combine separate appeals of the same action, in which case each appeal will receive an equal share of the appellants' time. The Hearing Officer shall indicate in advance the division of opponent time if more than one private party is shown by the record to be in opposition.
4. The Hearing Officer shall follow the above maximum times unless, based on the complexity of the issues, the Hearing Officer gives notice of differing times to all parties. In all cases, the maximum time available to proponents and opponents shall be equal, in accordance with the pattern above.
5. The parties shall decide on the speakers to use the time assigned to the appellant and the opponents of the appeal.
6. Evidence:

(A) The Hearing Officer shall make his or her decision and findings on the record of the decision appealed supplemented by any evidence allowed to be presented and matters officially noticed.

(B) If the Hearing Officer determines that certain additional evidence proposed is necessary and appropriate for the proper disposition of the matter he or she may take that evidence.

(C) New evidence which could have been put in the record during the previous hearing(s) is not favored for introduction at a Hearing Officer hearing. New evidence which clarifies evidence already in the record may be allowed. New evidence which is offered to contradict evidence in the record may be allowed; if such evidence appears convincing and is on an important point, it can justify the recommendation of a remand. If new evidence is allowed, it shall be restricted to a type and subject deemed admissible by the Hearing Officer.

(D) When a hearing will be expedited and the interest of the parties will not be prejudiced substantially, the Hearing Officer may accept specific items of evidence in written form; the fact that the author of written evidence is not present for cross examination does not disallow its admission unless the Hearing Officer rules that such absence makes the particular evidence inappropriate.

(E) Witnesses shall be sworn: "Do you swear (or affirm) that you will tell the truth, the whole truth, and nothing but the truth?" Attorneys may testify on their attorney's oath.

(F) Cross-examination of witnesses is allowed concerning the evidence and opinions they have presented in testimony to the Hearing Officer in order to disclose facts truly and fully. Cross-examination questions may be asked only by parties to the appeal. Any such questions shall be asked immediately following the witnesses' testimony. Questions may be asked by an adverse party or the party's attorney or representative of record. Improper questions will be disallowed by the Hearing Officer and the Hearing Officer may impose reasonable time limits on cross-examination. The Hearing Officer may restate questions to the witness and may require that questions be addressed to the Hearing Officer. The Hearing Officer will rule irrelevant questions and unnecessarily long answers out of order.

7. With regard to any appeal that has been filed with and is pending before the City Council and referred to the Hearing Officer:

(A) Communication with Parties. No City Councilor shall communicate outside a hearing with a party or representative of a party about an appeal, and no party or representative of a party shall communicate outside a hearing with a Councilor about an appeal. Any facts or documents not in the record before the

City Council when an appeal is filed are subject to the rules regarding new evidence that are set forth herein.

(B) **Communication with Persons other than Parties.** No Councillor shall knowingly communicate with a member of the public or an organization about the subject of the appeal, and persons or organizations not parties to the appeal shall not communicate with any Councillor about the subject of the appeal and/or attempt to influence the outcome of the appeal. Information and correspondence that is not in the record at the time the appeal is filed is not evidence and should not be considered in making a decision regarding the outcome of the appeal unless accepted as new evidence.

(C) **Communication Between Hearing Officer and Councillor.** No Councillor shall knowingly communicate with the Hearing Officer about the subject of a pending appeal, and the Hearing Officer shall not communicate with any Councillor about the subject of a pending appeal other than by written findings and recommended decision as set forth herein.

(D) **Communication with Parties by Hearing Officer.** The Hearing Officer shall not communicate outside a hearing with a party or representative of a party about an appeal, and no party or representative of a party shall communicate outside a hearing with the Hearing Officer about an appeal. Any facts or documents not in the record before the Hearing Officer when an appeal is filed are subject to the rules regarding new evidence that are set forth herein.

(E) **Communication with Persons other than Parties.** The Hearing Officer shall not knowingly communicate with a member of the public or an organization about the subject of the appeal, and persons or organizations not parties to an appeal shall not communicate with the Hearing Officer about the subject of an appeal and/or attempt to influence the outcome of an appeal. Information and correspondence that is not in the record at the time an appeal is filed is not evidence and should not be considered in making a decision regarding the outcome of an appeal unless accepted as new evidence.

(F) Any correspondence regarding the subject of an appeal that is an ex parte communication and is inadvertently received by the Hearing Officer shall be kept separately from the record on the appeal. The Hearing Officer shall advise the parties to the appeal of the receipt of the ex parte written communication which shall be available for review by the parties.

(G) Notwithstanding the above, staff of the Council Services and other City departments (other than employees of a City department which is the appellant or appellee, or employees who have a personal or pecuniary interest in the outcome of the appeal) may, upon the request of the Hearing Officer, communicate with the Hearing Officer at any time and by any means.



8. The Hearing Officer shall recuse himself or herself from any proceedings in which he or she has a direct or indirect financial conflict of interest or otherwise cannot accord a fair and impartial hearing. In the event that the Hearing Officer has a conflict of interest regarding a particular appeal or a party to that appeal, the Hearing Officer shall immediately notify the Council of the conflict and the appeal shall be scheduled to be heard by the full Council.

9. The Hearing Officer shall enter his or her findings and recommended decision ("decision") within 5 days after the close of the hearing and shall forward the decision and findings to the parties and the Council within 5 days of entering the decision.

10. The Hearing Officer shall base his or her decision on a preponderance of the evidence. He or she may reweigh the evidence in the record.

11. The Hearing Officer may decide to recommend that the Council grant, in whole or in part, an appeal, deny, in whole or in part, an appeal, or remand an appeal for reconsideration if the remand is necessary to clarify or supplement the record or if remand would more expeditiously dispose of the matter.

12. When the Council receives the Hearing Officer's findings and decision, the Council shall place the decision on the agenda of the next regular full Council meeting provided that there is a period of at least 7 days between the receipt of the decision and the Council meeting. The parties may submit comments to the Council regarding the Hearing Officer's decision and findings provided such comments are in writing and received by the Council and the other parties of record four days prior to the Council meeting.

13. The Council shall vote whether to accept or reject the Hearing Officer's decision and findings. A motion to reject or accept the Hearing Officer's decision and findings must be approved by a majority of the membership of the Council.

14. The Council may accept the decision and amend the findings of the Hearing Officer if such an amendment is consistent with the decision of the Hearing Officer.

15. If the Hearing Officer's decision is rejected, the appeal shall be scheduled to be heard by the full Council no earlier than the next regular meeting of the full Council.

16. If the Hearing Officer rules are in conflict with the Zoning Code, the Zoning Code shall prevail. If the Hearing Officer rules are silent regarding an area that is addressed by the Zoning Code, the Zoning Code shall apply.

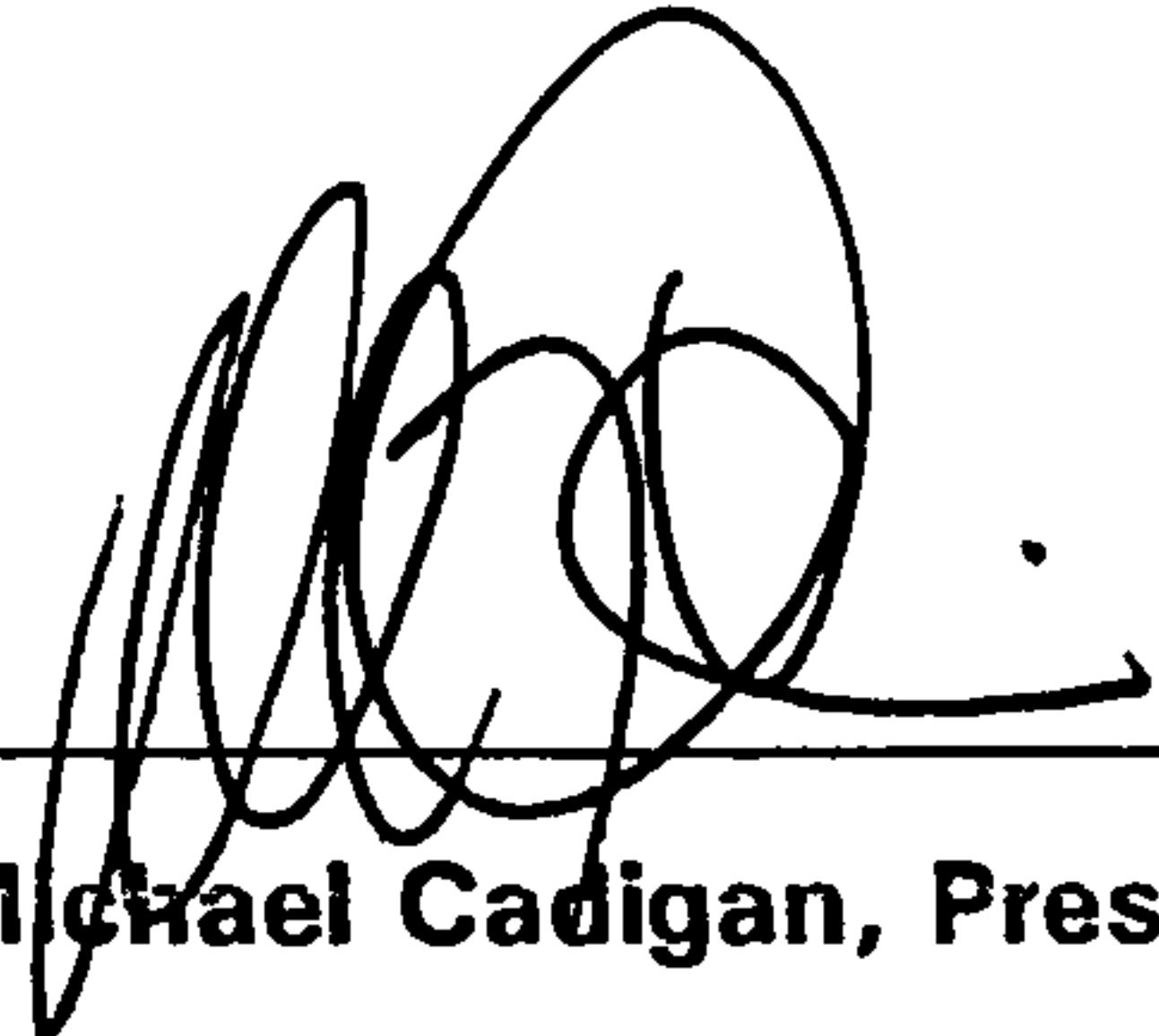
**Qualifications of the Land Use Hearing Officer**

1. Prior experience with administrative hearing procedures, land use law and/or City planning and zoning procedures.
2. A record that demonstrates a high level of integrity.
3. Excellent analytical, communication and drafting skills.

1 PASSED AND ADOPTED THIS 18th DAY OF FEBRUARY, 2004  
2 BY A VOTE OF: 5 FOR 0 AGAINST.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Yes: 5  
Excused: Cadigan, Gomez, Loy, Winter



---

Michael Cadigan, President  
City Council

Bill No. F/S OC-04-6

[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough Material-] - Deletion



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Study Session on Thursday, March 10, 2005, 4:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following:

1. Distribution & Review – Current Land Use Matters for the March 17, 2005 Public Hearing, which include the projects listed below.

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, March 17, 2005, 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items: [Note: these items are not in the order they will be heard]

**Project # 1003445**  
05EPC-00022 EPC Site Development Plan-  
Subdivision

DEVIN CANNADY agent for INTERSTATE DEVELOPMENT CO. LLC request the above action for Lots 2 and 3 of Block B, Lots 10A1 and 10A2 of Block D, Lot C1, Lot B1, Lot F, Lot E2, Lot 6A1, Lot D1, Albuquerque West and Lot 1, Tabernacle Praise Church, zoned SU-1 PDE to include C-3 Uses, located on PARADISE BLVD. NW, between PARADISE BLVD. NW and PASEO DEL NORTE NW, containing approximately 38 acres. (C-12) Elvira Lopez, Staff Planner

**Project # 1003901**  
05EPC-00098 Zone Map Amendment

MARTHA CARMONA requests the above action for all of a portion of Tracts 81 and 82, **MRCGD Map 37**, a zone map amendment from SU-2/C-3 to SU2/R-2, located on the west side of EDITH BOULEVARD, NE, between ROSEMONT AVENUE, NE and KINLEY AVENUE, NE, containing approximately .25 acres. (J-14) David Stallworth, Planner

**Project # 1003916**  
05EPC-00171 Zone Map Amendment

ARCH+PLAN LAND USE CONSULTANTS, LLC, agent for INTERSTATE DEVELOPMENT CO. INC., requests the above action for all of a portion of Tract A, Unit A, Blocks 18 and 19, **North Albuquerque Acres**, a zone map amendment from SU-1 for Mobile Home Park to R-1, located on the west side of LOUISIANA BOULEVARD, NE, between DERICKSON AVENUE, NE and SANTA MONICA AVENUE, NE, containing approximately 59.5 acres. (D-18) David Stallworth, Planner

**Project # 1003918**  
05EPC-00174 EPC Site Development Plan-  
Building Permit

RIO GRANDE ENGINEERS agents for DAVID & JENNIFER SOULE request the above action(s) for all or a portion of Tracts 10A & 11A, **Paradise Hills Investment Properites, Unit 1**, zoned SU-1 for C-1 Uses, located on BUGLO Ave. NW, between LYONS BLVD. NW and Lilienthal Ave. NW, containing approximately 2 acres. (B-11) Elvira Lopez, Staff Planner

**Project # 1001946**  
05EPC-00176 EPC Site Development Plan-  
Subdivision

DENISH + KLINE ASSOCIATES, INC. agents for LOWE'S INC. request the above action for Lot A (Los Angeles Center); Remainder 26, 27, 28 & 6, Block 2; Lot 5, 6, 7, 27 & 28, Block 3, NAA Tr. A, Unit A, zoned M-1, located on PASEO DEL NORTE NE, between INTERSTATE 25 and SAN PEDRO DR., containing approximately 10 acres. (D-18) Makita Hill, Staff Planner

**Project # 1002457**  
05EPC-00177 EPC Site Development Plan-  
Building Permit  
05EPC-00178 Zone Map Amendment

CONSENSUS PLANNING, INC., agents for REMAX ELITE, requests the above actions for all of a portion of Tracts X1-A and X2-A, Block 2, **Glenwood Hills, Unit 1**, zoned C-1 and P, located at the southeast corner of TRAMWAY BOULEVARD, NE and MONTGOMERY BOULEVARD, NE, containing approximately 2.1 acres. (G-23) David Stallworth, Planner

**Project # 1003919**  
05EPC-00179 EPC Site Development Plan-  
Amendment to Building Permit

CONSENSUS PLANNING, INC. agents for CITY OF ALBUQUERQUE/DEPT. OF MUNIC DEVEL request the above action for all or a portion of Lot A1, **Paradise Skies Unit 5**, zoned SU-1/R-T, located on SAGITTARIUS AVE. NW, between ROCKCLIFF COURT NW and CASSIOPEIA ST. NW, containing approximately 5 acres. (A-10) Stephanie Shumsky, Staff Planner

**Project # 1003920**  
05EPC-00180 Zone Map Amendment

DAVID WEATHERMAN agent for LINDA & RONNIE CARRELL request the above action for all or a portion of Lots 6, 7, 8, 9, and 10 **Westpark**, a zone map amendment from R-1 to RT, located on NEW YORK SW, between GALLUP SW and CENTRAL SW, containing approximately 1 acre. (J-13) Stephanie Shumsky, Staff Planner

**Project # 1003921**  
05EPC-00181 Zone Map Amendment  
05EPC-00182 Amendment - La Cueva Sector  
Development Plan  
05EPC-00183 Park Master Development Plan

CONSENSUS PLANNING, INC. agents for CITY OF ALBUQUERQUE/DEPT. OF MUNIC. DEV request the above actions, including a zone map amendment from R-D/R-T to SU-1 for Community Park & Related Facilities, for all or a portion of Lots 1-32, Tract 2, Unit 3, **North Albuquerque Acres**, located on CARMEL AVE. NE, between LOUISIANA BLVD. NE and WYOMING BLVD. NE, containing approximately 60 acres. (C-19) Carmen Marrone, Staff Planner

**Project # 1002358**  
05EPC-00187 SPR Special Planning Request

CIP agents for CITY OF ALBUQUERQUE/CIP request the above action for as required by CIP Ordinance, this request is for EPC to hold a public hearing on the proposed 2005 GO Bond Program & 2005-2014 Decade Plan.

**Project # 1003747**  
05EPC-00024 EPC Site Development Plan-  
Subdivision  
05EPC-00025 EPC Site Development Plan-  
Building Permit

TIERRA WEST LLC agents for WALMART STORES EAST, LP & WEINGARTEN REALTY INVESTORS request the above actions for all of Tracts 1, 4 and 5, being a portion of the **Wyoming Mall Summary Plat**, zoned C-2 (SC), located on WYOMING BLVD. NE, between MENAUL BLVD. NE and NORTHEASTERN ST. NE, containing approximately 25 acres. (H-20) Carmen Marrone, Staff Planner

**Project # 1001620**  
05EPC-00207 Amendment to the Zone Code

CITY OF ALBUQUERQUE/Planning Department, agents for City of Albuquerque/ City Council request an amendment to the Comprehensive City Zoning Code regarding Off Premise Signs.

**05EPC-00122 Project # 1003520**  
04DRB-01567 Major-Vacation of Pub  
Right-of-Way

James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, **NORTH ALBUQUERQUE ACRES UNIT 3** (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05] [04DRB-1570 WAS WITHDRAWN] (B-20)

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 10:00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886.

Jens Deichmann, Chairman  
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL FEBRUARY 23, 2005.

APPROVED



Russell Brito, Senior Planner  
Planning Department

**CITY OF PLANNING  
PLANNING DEPARTMENT  
PROPERTY OWNERSHIP LIST**

**Meeting Date:** MARCH 17, 2005  
**Zone Atlas Page:** B-20-Z  
**Notification Radius:** 100 Ft.

**Project# 1003520**  
**App# 05EPC-00122**  
**App# 04DRB-01567**

**Cross Reference and Location:**

**Applicant:** WASHINGTON STREET INVESTORS, LLC  
**Address:** 501 3<sup>RD</sup> ST. SW  
ALBUQUERQUE NM 87102

**Agent:** MARK GOODWIN & ASSOCIATES, P.A.  
**Address:** PO BOX 90606  
ALBUQUERQUE NM 87199

**Special Instructions:**

**Notice must be mailed from the  
City's 21 day prior to the meeting.**

**Date Mailed:** FEBRUARY 24, 2005

**Signature:** KYLE TSEHLIKAI







<mainframe@coa1mp3.cabq.gov>

02/24/2005 10:35 AM

To:
cc:
cc:
Subject:

1 RECORDS WITH LABELS PAGE
1
01020065 \*\*\* THIS UPC CODE HAS NO MASTER RECORD ON FILE
0102006507506930205 LEGAL: 028 016T RACT 1 UNIT 3 NORTH ALBUQUERQUE ACRES
LAND USE:
PROPERTY ADDR: 00000 GLENDALE
OWNER NAME: MARRON FAMILY LTD PTNS LLP
OWNER ADDR: 01111 ROADRUNNER LN NW
ALBUQUERQUE NM 87107
0102006509006930206 LEGAL: 027 016T R 1 UNIT 3 NO ALBUQ ACRES
LAND USE:
PROPERTY ADDR: 00000 GLENDALE
OWNER NAME: MARRON FAMILY LTD PTNS LLP
OWNER ADDR: 01111 ROADRUNNER LN NW
ALBUQUERQUE NM 87107
0102006505806930204 LEGAL: 029 016T R 1 UNIT 3 NO ALBUQ ACRES
LAND USE:
PROPERTY ADDR: 00000 GLENDALE
OWNER NAME: RAWSON F LEWIS
OWNER ADDR: 07415 SUNROSE NW
ALBUQUERQUE NM 87105
0102006510806930207 LEGAL: 026 016T R 1 UNIT 3 NORTH ALBUQUERQUE ACRES
LAND USE:
PROPERTY ADDR: 00000 GLENDALE
OWNER NAME: OWENS DIANE L
OWNER ADDR: PO BOX 26091
ALBUQUERQUE NM 87125
0102006510809330226 LEGAL: 007 016T R 1 UNIT 3 NO ALBUQ ACRES
LAND USE:
PROPERTY ADDR: 00000 FLORENCE
OWNER NAME: PHILLIPS JAMES R JR & SANDRA E
OWNER ADDR: 08600 FLORENCE AV NE
ALBUQUERQUE NM 87122
0102006509009330227 LEGAL: 006 016T R 1 UNIT 3 NO ALBUQ ACRES
LAND USE:
PROPERTY ADDR: 00000 FLORENCE
OWNER NAME: OLONA DENNIS A & BARBARA C
OWNER ADDR: 08516 FLORENCE AV NE
ALBUQUERQUE NM 87122
0102006507409330228 LEGAL: 005 016T R 1 UNIT 3 N ALBUQ ACRES
LAND USE:
PROPERTY ADDR: 00000 FLORENCE
OWNER NAME: MILLINGTON LARRY D & PATRICIA
OWNER ADDR: 08508 FLORENCE AV NE
ALBUQUERQUE NM 87122
0102006505809330229 LEGAL: 004 016T R 1 UNIT 3 NO ALBUQ ACRES
LAND USE:
PROPERTY ADDR: 00000 FLORENCE
OWNER NAME: SCANLAND MARIAN C
OWNER ADDR: 01795 EL DORADO LP
BOSQUE FARMSNM 87068

PAGE 2

0102006510803830126 LEGAL: 007 017T R 1 UNIT 3 NORTH ALBUQUERQUE ACRES  
LAND USE:

PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: VANITA LAND CORP  
OWNER ADDR: 00512 ALMA REAL

DR

PACIFIC PALICA 90272  
0102006509003830127  
LAND USE:

LEGAL: 006 017T R 1 UNIT 3 NO ALBUQ ACRES

PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: HOHNER DARRELL & MARY  
OWNER ADDR: 01664 CAMINO REDONDO

LOS ALAMOS NM 87544  
0102006507403830128  
LAND USE:

LEGAL: 005 017T R 1 UNIT 3 NO ALBUQ ACRES

PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: FRANK RANDALL A & MARIA  
OWNER ADDR: 00360 CORAL

DR

RIO RANCHO NM 87124  
0102006505803830129  
LAND USE:

LEGAL: 004 017T RACT 1 UNIT 3 NORTH ALBUQUERQUE ACRES

PROPERTY ADDR: 00000 GLENDALE  
OWNER NAME: KASSAM MOHAMED & SHAMSHID  
OWNER ADDR: 13215 VELMA

CT NE

ALBUQUERQUE NM

87112

.  
QUIT

Project# 1003520

WASHINGTON STREET INVESTORS  
501 3RD ST. SW  
ALBUQUERQUE NM 87102

JACKIE McDOWELL  
North Albuquerque Acres Comm. Assoc.  
7820 BEVERLY HILLS NE  
ALBUQUERQUE NM 87122

102006510806930207

OWENS DIANE L  
PO BOX 26091  
ALBUQUERQUE NM 87125

102006507409330228

MILLINGTON LARRY D & PATRICIA  
8508 FLORENCE AV NE  
ALBUQUERQUE NM 87122

102006509003830127

HOHNER DARRELL & MARY  
1664 CAMINO REDONDO  
LOS ALAMOS NM 87544

MARK GOOD WIN & ASSOCIATES  
PO BOX 90606  
ALBUQUERQUE NM 87199

102006507506930205

MARRON FAMILY LTD PTNS LLP  
1111 ROADRUNNER LN NW  
ALBUQUERQUE NM 87107

102006510809330226

PHILLIPS JAMES R JR & SANDRA  
8600 FLORENCE AV NE  
ALBUQUERQUE NM 87122

102006505809330229

SCANLAND MARIAN C  
1795 EL DORADO LP  
BOSQUE FARMSNM 87068

102006507403830128

FRANK RANDALL A & MARIA  
360 CORAL DR  
RIO RANCHO NM 87124

CYNTHIA REINHART  
North Albuquerque Acres Comm. Assoc.  
11300 OAKLAND NE  
ALBUQUERQUE NM 87122

102006505806930204

RAWSON F LEWIS  
7415 SUNROSE NW  
ALBUQUERQUE NM 87105

102006509009330227

OLONA DENNIS A & BARBARA C  
8516 FLORENCE AV NE  
ALBUQUERQUE NM 87122

102006510803830126

VANITA LAND CORP  
512 ALMA REAL DR  
PACIFIC PALI CA 90272

102006505803830129

KASSAM MOHAMED & SHAMSHID  
13215 VELMA CT NE  
ALBUQUERQUE NM 87112



## NOTICE OF HEARING

January 25, 2005

James R Phillips Jr.  
8600 Florence Ave NE  
Albuquerque, NM 87122

**RE: APPEAL 05EPC-001221/PROJECT #1003520 (CASE WAS HEARD UNDER APPLICATION NUMBER #04DRB-01567 Major-Preliminary Plat approval**

Dear Mr. Phillips:

The above referenced appeal, which was filed January 24, 2005, has been **scheduled** to be heard before the Environmental Planning Commission (EPC) on **Thursday, March 17, 2005 at 8:30 A.M.**

The meeting will be held in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2<sup>nd</sup> Street, NW, 87102.**

Approximately one week prior to the hearing, you will receive a copy of the agenda and a staff report. **THIS WILL SHOW YOU WHERE YOUR CASE WILL BE ON THE AGENDA.**

If you have any questions, please contact Claire Senova, Administrative Assistant at 924-3946.

Sincerely,

Sheran Matson, AICP, Chair, Development Review Board

Cc: Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102  
Mark Goodwin & Associates PA, P.O. Box 90606, 87199  
Larry Millington, 8508 Florence Ave NE, 87122  
Louis Rawson, 8421 Glendale NE, 87122  
Laura Turon, 8700 Florence Ave NE, 87122  
Stephani Winklepleck, Neighborhood Coordination  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 12, 2005

- 1. Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [*Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05*] 04DRB-1570 WAS WITHDRAWN. (B-20)

At the January 12, 2005, Development Review Board meeting, with the signing of the infrastructure list dated 1/12/05 and approval of the grading plan engineer stamp dated 12/29/04 the preliminary plat was approved with the following condition of final plat:

An approved perimeter wall design must occur before final plat approval.

The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

A sidewalk variance from design standards was approved as shown on Exhibit C in the Planning file with the following condition:

Variance is for non-placement of sidewalks which will not preclude any future project from constructing sidewalk later.

If you wish to appeal this decision, you must do so by January 27, 2005, in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.



**OFFICIAL NOTICE OF DECISION  
PAGE 2**

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

Sheran Matson, AICP, DRB Chair

Cc: Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102  
Mark Goodwin & Associates PA, P.O. Box 90606, 87199  
James & Sandra Phillips, 8500 Florence Ave NE, 87122  
Larry Millington, 8508 Florence Ave NE, 87122  
Louis Rawson, 8421 Glendale NE, 87122  
Laura Turon, 8700 Florence Ave NE, 87122  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File

# DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 100.3520 AGENDA#: 1 DATE: 1-12-05

*Comments*

✓ 1. Name: James Phillips Address: 4600 Florence Ave NE Zip: 87122

*No comments*

✓ 2. Name: Sandra Phillips Address: 800 FLORENCE AVE NE Zip: 87122

*No comments*

✓ 3. Name: LARRY MILLINGTON Address: 8508 FLORENCE NE Zip: 87122

✓ 4. Name: LOUIS RAWSON Address: 4421 Glenview NE Zip: 87122

*No comments*

✓ 5. Name: LAURA TORON Address: 8700 Florence NE Zip: 87122

6. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

8. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

9. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

10. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

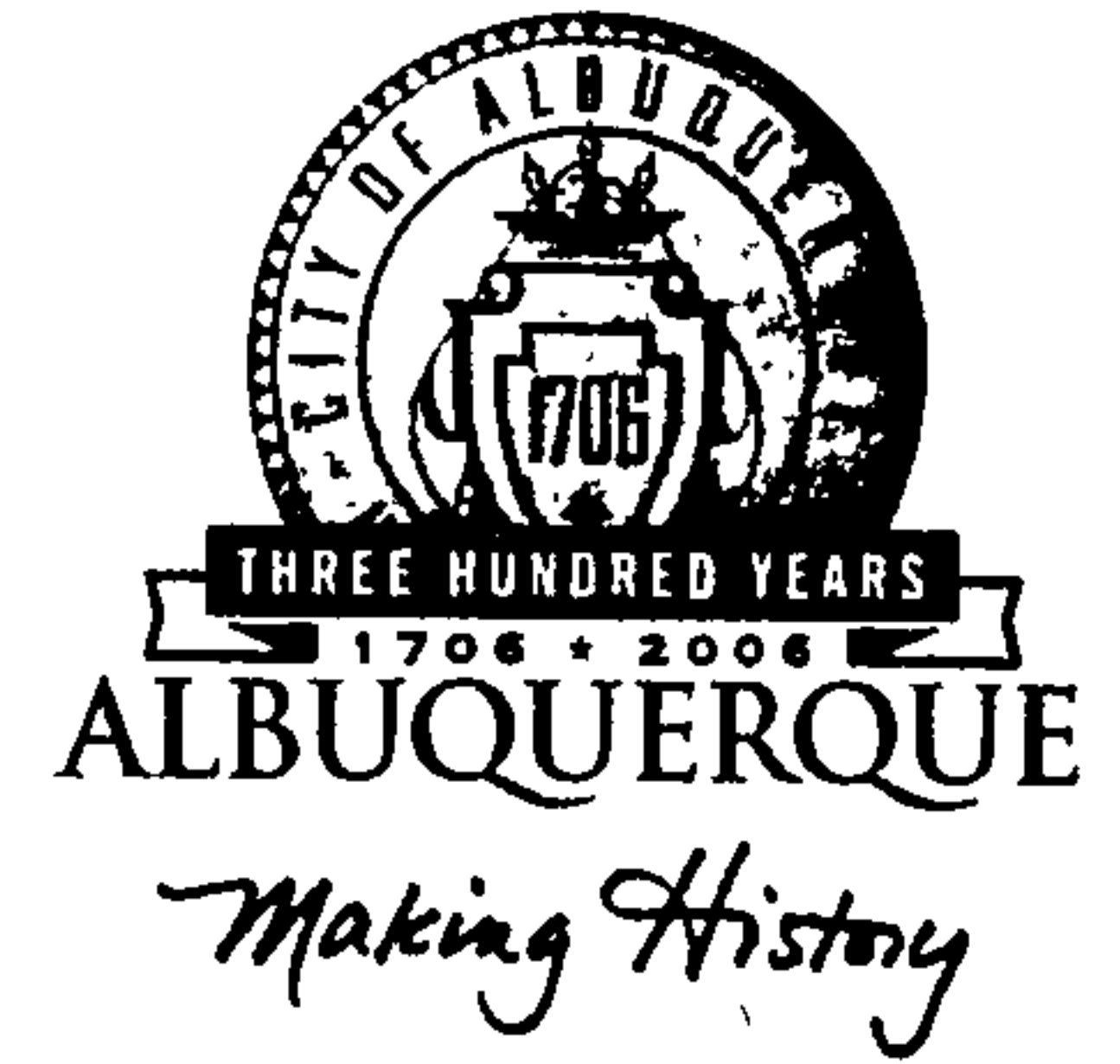
12. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_



# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD--SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1003520**

**AGENDA ITEM NO: 1**

**SUBJECT:**

- |                         |                          |                           |
|-------------------------|--------------------------|---------------------------|
| (01) Sketch Plat/Plan   | (05) Site Plan for Subd  | (10) Sector Dev Plan      |
| (02) Bulk Land Variance | (06) Site Plan for BP    | (11) Grading Plan         |
| (03) Sidewalk Variance  | (07) Vacation            | (12) SIA Extension        |
| (03a) Sidewalk Deferral | (08) Final Plat          | (13) Master Dev. Plan     |
| (04) Preliminary Plat   | (09) Infrastructure List | (14) Cost Allocation Plan |

**ACTION REQUESTED:**

P.O. Box 1293

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

Albuquerque

**ENGINEERING COMMENTS:**

An approved grading and drainage plan dated 12-29-04 is on file for Preliminary Plat approval.

New Mexico 87103

**RESOLUTION:**

www.cabq.gov

APPROVED ; DENIED ; DEFERRED ; COMMENTS PROVIDED ; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** January 12, 2005

Refer to 1-12-05

# DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003520 AGENDA#: 1 DATE: 1-5-05

1. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

2. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

3. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

4. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

6. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

8. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

9. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

10. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

12. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

**Plaza del Sol Hearing Room, Basement, Plaza del Sol Building**

January 5, 2005

9:00 a.m.

**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

**NOTE:** UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

**NOTE:** INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

**NOTE:** REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. Call to Order: 9:00 A.M.

Adjourned: 10:55 A.M.

B. Changes and/or Additions to the Agenda

C. New or Old Business

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

1. <Project # 1003520  
04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05] 04DRB-1570 WAS WITHDRAWN. (B-20) **DEFERRED AT THE AGENT'S REQUEST TO 1/12/05.**

2. **Project # 1000269**  
04DRB-01894 Major-Two Year SIA

TIERRA WEST LLC agent(s) for UNION PENSION TRANSACTION TRUST NM 2000-02 request(s) the above action(s) for all or a portion of Tract(s) 5B2C1B, 5B2B1 and 5B2C1A1, **RENAISSANCE CENTER**, zoned SU-1 C-2, located on MERCANTILE AVE NE, between CULTURE AVE NE and PAN AMERICAN FWY NE containing approximately 1 acre(s). [REF: 00DRB00226, 03DRB01269] (F-16) **A TWO-YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENTS AGREEMENT WAS APPROVED.**

3. **Project # 1000419**  
04DRB-01897 Major-Two Year SIA

TIERRA WEST LLC agent(s) for UNION PENSION TRANSACTION TRUST NM 2000-02 request(s) the above action(s) for all or a portion of Tract(s) 1B1A, 1B1B and 1B1C, **RENAISSANCE CENTER**, zoned SU1 C-1, located on RENAISSANCE BLVD NE, between MONTANO RD NE and UNION WAY RD NE containing approximately 3 acre(s). [REF: 02AA00165 & 00164, 02AA00814, 03DRB00590] (F-16) **A TWO-YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENTS AGREEMENT WAS APPROVED.**

4. **Project # 1000662**  
04DRB-01893 Major-Two Year SIA

TIERRA WEST LLC agent(s) for UNION PENSION TRANSACTION TRUST NM 2000-02 request(s) the above action(s) for all or a portion of Tract(s) 3A3A1, 3A3A3 and 3A3A2A, **RENAISSANCE CENTER**, zoned SU-1 IP, located on MISSION BLVD NE, between ALEXANDER BLVD NE and CULTURE DR NE containing approximately 8 acre(s) [REF: 00AA00943, 04DRB00370 & 00310] (F-16) **A TWO-YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENTS AGREEMENT WAS APPROVED.**

5. **Project # 1000874**  
04DRB-01895 Major-Two Year SIA

TIERRA WEST LLC agent(s) for UNION PENSION TRANSACTION TRUST NM 2000-02 request(s) the above action(s) for all or a portion of Tract(s) B1, C2, C3 and C4, **RENAISSANCE CENTER**, zoned SU-1 IP, located on MONTANO RD NE, between ALEXANDER BLVD NE and PAN AMERICAN FWY NE containing approximately 9 acre(s). [REF: 00DRB01464, 03DRB00444 ] (F-16) **A TWO-YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENTS AGREEMENT WAS APPROVED.**

6. **Project # 1001118**  
04DRB-01896 Major-Two Year SIA

TIERRA WEST LLC agent(s) for UNION PENSION TRANSACTION TRUST NM 2000-02 request(s) the above action(s) for all or a portion of Tract(s) 4A1 and 4A2, **RENAISSANCE CENTER**, zoned SU-1 FOR IP, located on RENAISSANCE BLVD NE, between CULTURE AVE NE and ALEXANDER BLVD NE containing approximately 9 acre(s). [REF: 03AA02065, 01DRB00342] (F-16) **A TWO-YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENTS AGREEMENT WAS APPROVED.**

7. **Project # 1002051**  
03DRB-02008 Major-Preliminary Plat Approval  
03DRB-02009 Major-Vacation of Public Easements  
03DRB-02010 Minor-Vacation of Private Easements  
03DRB-02011 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for GELTMORE LAND LTD CO request(s) the above action(s) for all or a portion of Tract(s) A, **CHAMISA RIDGE - UNIT 1**, zoned R-LT, located on PARADISE BLVD NW, between BIG SAGE DR NW and CONEFLOWER DR NW containing approximately 18 acre(s). [*Deferred from 6/9/04, 6/23/04, 8/4/04, 9/29/04, Indefinitely Deferred on 11/10/04, 12/8/04 & 1/5/05*] [REF:02DRB-00963](B-10) **DEFERRED AT THE AGENT'S REQUEST TO 1/12/05.**

8. **Project # 1003429**  
04DRB-01891 Major-Bulk Land Variance  
04DRB-01892 Minor-Prelim&Final Plat  
Approval

ALDRICH LAND SURVEYING agent(s) for RIO BRAVO PARTNERS request(s) the above action(s) for all or a portion of Parcel 1, **RIO BRAVO PARTNERS**, Tract(s) 16, **EL RANCHO GRANDE, UNIT 14** and a portion of **WESTGATE DRAINAGE DAM**, zoned RD & RLT, located on GIBSON BLVD SW, between MESSINA DR SW and DELGADO DR SW containing approximately 121 acre(s). [REF: 04DRB00717] (N-8) **BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR AMAFCA'S SIGNATURE AND PLANNING FOR AGIS DXF FILE.**

9. **Project # 1003778**  
04DRB-01750 Major-Preliminary Plat  
Approval  
04DRB-01751 Major-Vacation of Pub  
Right-of-Way  
04DRB-01753 Minor-Temp Defer SDWK  
04DRB-01752 Minor-Sidewalk Variance

LARRY READ & ASSOCIATES INC agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 21 & 22, Block(s) 2, Tract(s) 2, **NORTH ALBUQUERQUE ACRES, UNIT 3**, (to be known as **SHAHEEN SUBDIVISION**) zoned R-D, located on OAKLAND AVE NE, between WYOMING BLVD NE and LOUISIANA BLVD NE containing approximately 2 acre(s). [Deferred from 12/8/04, 12/15/04 & 12/29/04] (C-19) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 1/5/05 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 9/7/04 THE PRELIMINARY PLAT WAS APPROVED WITH 3 CONDITIONS OF FINAL PLAT. THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. A SIDEWALK VARIANCE FOR WAIVER OF SIDEWALKS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

10. **Project # 1003779**  
04DRB-01754 Major-Preliminary Plat Approval  
04DRB-01765 Major-Vacation of Pub Right-of-Way  
04DRB-01756 Minor-Sidewalk Variance  
04DRB-01757 Minor-Temp Defer SDWK

LARRY READ & ASSOCIATES INC agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 17 & 18, Block(s) 2, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **KUMAIL SUBDIVISION**) zoned R-D, located on OAKLAND AVE NE, between WYOMING BLVD NE and LOUISIANA BLVD NE containing approximately 2 acre(s). [Deferred from 12/8/04, 12/15/04 & 12/29/05] (C-19) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 1/5/05 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 1/3/05 THE PRELIMINARY PLAT WAS APPROVED WITH 2 CONDITIONS OF FINAL PLAT. THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. A SIDEWALK VARIANCE FOR WAIVER OF SIDEWALKS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

11. **PROJECT #1003699**  
**(DRB-97-165 - V-97-507)**

Tierra West Development Management Services, agents for Tim Eichenberg, request Vacation (voiding) of Public Power Line Easement, Site Development Plan Final Sign Off (for EPC) plus Sketch Plat Review and Comment for Tracts B and C, Blocks 2 and 7, WELLS SANDIA MANOR, zoned SU-1/PRD (City) and located on Trimble Blvd NE and Camino de la Sierra NE between I-40 and Arcadia Rd NE containing approximately 4.90 acres. [FIRST TIME ON THE AGENDA 5/6/97] [Z-96-25] DEFERRED FROM 5/24/00, DEFERRED AT THE AGENT'S REQUEST FROM 7/26/00 TO 9/13/00 TO WORK WITH STATE HIGHWAY DEPARTMENT WHICH HAS BEEN AN ONGOING PROCESS SINCE 5/6/97] [DEFERRED AT THE AGENT'S REQUEST FROM 9/13/00 TO 9/20/00 TO WORK WITH THE STATE HIGHWAY DEPARTMENT, DEFERRED AT THE APPLICANT'S REQUEST FOR ONE-YEAR FROM 11/8/00 TO 11/7/01] [DEFERRED AT THE AGENT'S REQUEST FOR ONE-YEAR FROM 11/7/01 TO 11/6/02] [DEFERRED AT THE AGENT'S REQUEST FOR ONE-YEAR FROM 11/6/02 TO 11/5/03] [Deferred from 11/5/03, 1/7/04, Deferred from 1/5/05 to 7/13/05. **A NEW PROJECT NUMBER WAS ISSUED FOR THIS CASE - PROJECT #1003699] (L-23) DEFERRED AT THE AGENT'S REQUEST TO 7/13/05.**

1 **SITE DEVELOPMENT PLANS, AMENDED PLANS, AND MASTER DEVELOPMENT PLANS**

3 **NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THE REQUEST MAY BE INDEFINITELY DEFERRED.**

12. **Project # 1003826**  
04DRB-01905 Minor-SiteDev Plan Subd

LEE GAMELSKY ARCHITECTS PC agent(s) for CERTIFIED AUTO SALES LLC request(s) the above action(s) for all or a portion of Tract(s) 1-A, **LEVI STRAUSS & COMPANY**, zoned SU-2 M-1, located on ALAMEDA BLVD NE, between SAN MATEO NE and I-25 containing approximately 3 acre(s). [REF: AX-70-33, Z-70-124] *[Deferred from 12/29/04]* (C-18) **THE SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT TO PROVIDE A COPY OF RECORDED EASEMENT.**

13. **Project # 1002378**  
04DRB-01972 Minor-SiteDev Plan  
BldPermit/EPC

MAHLMAN & MILES, ARCHITECTS agent(s) for THOMAS H HEFLIN request(s) the above action(s) for all or a portion of Lot(s) 9-A, **LA CUEVA TOWN CENTER** AND Lot(s) 10-A, Block(s) 20, Tract(s) 2, UNIT 3, **NORTH ALBUQUERQUE ACRES**, zoned C-2 SC, located on CARMEL NE, between WYOMING NE and BARSTOW NE containing approximately 2 acre(s). [REF: Z-98-98, DRB-98-402, 04EPC0091, 04EPC0515] **[Russell Brito for Debbie Stover, EPC Case Planner]** *[Deferred from 12/29/04]* (C-19) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 3 COPIES OF THE SITE PLAN.**



## MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

14. **Project # 1000922**  
04DRB-01984 Minor-Extension of Preliminary Plat

WILSON & COMPANY INC agent(s) for LEGACY SUSTAINABLE DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) A, **LA CUENTISTA UNIT 1**, zoned R-1, located on KIMMICK DR NW, between URRACA ST NW and CAMINO DE PAZ NW containing approximately 50 acre(s). [REF: 04DRB01880, 04DRB01881] (C-10/D-10) **A ONE-YEAR EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED TO JANUARY 5, 2006 WITH A CONDITION OF FINAL PLAT.**
  
15. **Project # 1001218**  
04DRB-01433 Minor-Final Plat Approval

SURVEYS SOUTHWEST, LTD agent(s) for DALE ARMSTRONG request(s) the above action(s) for all or a portion of Lot(s) 1, 2 & 3, **LANDS OF LAFARGE**, zoned M-1 light manufacturing zone, located on EDITH BLVD NE, between CARMONY RD NE and EDITH BLVD NE containing approximately 15 acre(s). [REF: 01EPC00690, 01EPC00689, 01DRB00690] [Was Indef. Deferred on 10/27/04 for SIA] (G-15) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT TO SHOW EXISTING 20-FOOT PUBLIC WATER LINE EASEMENT ON ADJOINING TRACT 4 AND TO PLANNING FOR THE AGIS DXF FILE.**
  
16. **Project # 1003860**  
04DRB-01976 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for JACK CLIFFORD request(s) the above action(s) for all or a portion of Lot(s) B, **TOGETHER WITH AMAFCA DRAINAGE EASEMENT, RAFAR INVESTMENTS**, zoned SU-2 M-1, located on WASHINGTON ST NE, between ANAHEIM NE and PASEO DEL NORTE NE containing approximately 13 acre(s). (C-17) **THE PRELIMINARY PLAT WS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER TO COORDINATE WITH DMD AND TO PLANNING TO CHECK IF THERE IS AN EXISTING SP FOR SITE? IF SO, NEEDS AMENDING.**

17. **Project # 1002856**  
04DRB-01987 Major-Final Plat Approval

MARK GOODWIN & ASSOCIATES agent(s) for D. R. HORTON, INC request(s) the above action(s) for all or a portion of Lot(s) 19-P1, Tract(s) HH & Parcel 5, MEADOWS @ ANDERSON HILLS, Blossom Ridge, Phase 1 (to be known as **BLOSSOM RIDGE, PHASE 2**), zoned RLT, located on DENNIS CHAVEZ BLVD SW, between UNSER BLVD SW and 98<sup>TH</sup> ST SW containing approximately 18 acre(s). [REF: Z-99-58, 04DRB01793, 04DRB00230, 04DRB00231] (P-9) **FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

18. **Project # 1003604**  
04DRB-01794 Minor-Final Plat Approval

ABQ ENGINEERING agent(s) for D T LAND DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) 217, 218, 219 and 220, **MIRA MESA SUBDIVISION**, zoned R-2 residential zone, located on HANOVER RD NW, between GLENRIO RD NW and 68<sup>TH</sup> ST NW containing approximately 13 acre(s). [REF 04DRB01233, 04DRB01452, 04DRB01453] [*Deferred from 12/1/04, 12/8/04 & 1/5/05*] (J-10) **DEFERRED AT THE AGENT'S REQUEST TO 1/12/05.**

19. **Project # 1003854**  
04DRB-01964 Minor-Prelim&Final Plat Approval

WAYJOHN SURVEYING, INC agent(s) for A & J STURTEVANT AND D & N STAFFORD request(s) the above action(s) for all or a portion of Lot(s) 1, Block(s) 26, **WAGGOMAN-DENISON ADDITION**, zoned R-T, located on GENERAL BRADLEY ST NE, between COPPER AVE NE and DOMINGO RD NE containing approximately 1 acre(s). [*Indef. Deferred from 12/29/04*] (K-20) **PRELIMINARY PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR WATER AND SEWER CONNECTION AND PLANNING FOR AGIS DXF FILE.**

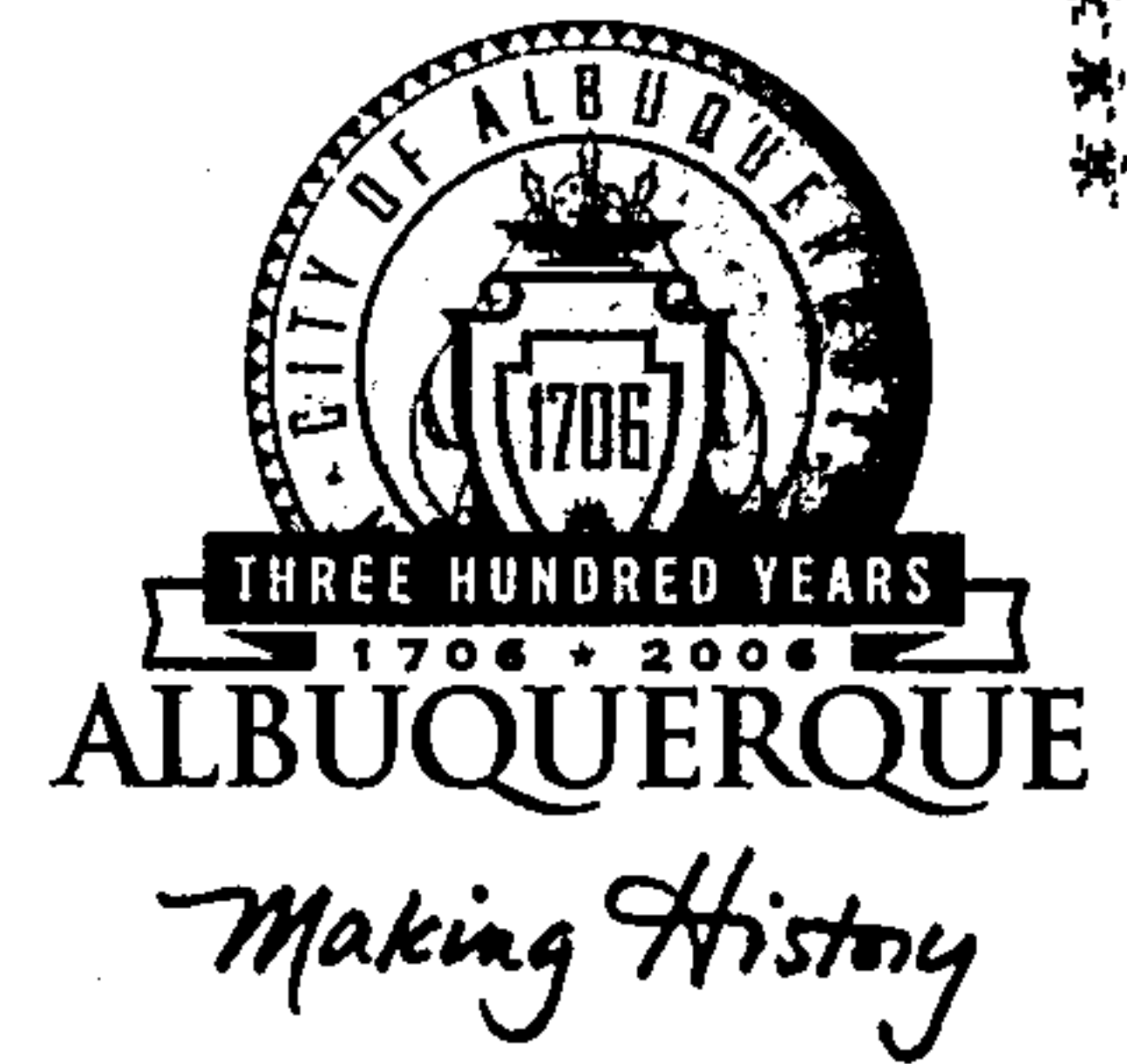
**NO ACTION IS TAKEN ON THESE CASES:**

**APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING**

20. **Project # 1003861**  
04DRB-01983 Minor-Sketch Plat or Plan
- SOUTHWEST SURVEYING agent(s) for AMBER KENNINGTON OF INFILL 505 request(s) the above action(s) for all or a portion of Tract(s) 60A-2, 60-B and 86-A, **MRGCD MAP 35**, zoned R-1, located on RIO GRANDE BLVD NW, between EL NIDO NW and ZICKERT NW containing approximately 2 acre(s). (H-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
21. **Project # 1001990**  
04DRB-01963 Minor-Sketch Plat or Plan
- WAYJOHN SURVEYING INC agent(s) for HARDEN ENTERPRISES LLC, MARK A HARDEN request(s) the above action(s) for all or a portion of Tract(s) A, **TANNEHILL-TAYLOR ADDITION**, zoned C-2, located on MONTGOMERY BLVD NE, between EUBANK NE and JUAN TABO NE containing approximately 4 acre(s). [REF: 02DRB00844] [*Indef. Deferred from 12/29/04*] (G-21) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
22. Approval of the Development Review Board Minutes for December 29, 2004. **APPROVAL OF MINUTES DEFERRED TO 1/12/05 MEETING.**

ADJOURNED: 10:55 A.M.

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1003520**

**AGENDA ITEM NO: 1**

**SUBJECT:**

- |                         |                          |                           |
|-------------------------|--------------------------|---------------------------|
| (01) Sketch Plat/Plan   | (05) Site Plan for Subd  | (10) Sector Dev Plan      |
| (02) Bulk Land Variance | (06) Site Plan for BP    | (11) Grading Plan         |
| (03) Sidewalk Variance  | (07) Vacation            | (12) SIA Extension        |
| (03a) Sidewalk Deferral | (08) Final Plat          | (13) Master Dev. Plan     |
| (04) Preliminary Plat   | (09) Infrastructure List | (14) Cost Allocation Plan |
|                         |                          | (15) DPM Variance         |

**ACTION REQUESTED:**

P.O. Box 1293

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

Albuquerque

See DRB minutes/speed memo dated 12-15-04.

New Mexico 87103

**RESOLUTION:**

www.cabq.gov

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED X; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** January 5, 2005

# DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003520 AGENDA#: 1 DATE: 12.15.04

- ✓ 1. Name: Scott Ashcroft Address: 8813 2<sup>nd</sup> NW Zip: 87114
- ✓ 2. Name: James Phillips Address: 8600 Florence NE Zip: 87122
- ✓ 3. Name: John Mackenzie Address: MGA Zip: \_\_\_\_\_
- ✓ 4. Name: Breg Krenk Address: MGA Zip: \_\_\_\_\_
- ✓ 5. Name: DENNIS OLONA Address: 8516 Florence Ave NE Zip: 87122
- ✓ 6. Name: LAURA TURON Address: 8700 Florence Ave NE Zip: 87122
- ✓ 7. Name: Sandra Phillips Address: 8600 Florence Ave Zip: 87122
- ✓ 8. Name: LARRY MILLING<sup>TRN</sup> Address: 8508 FLORENCE<sup>NE</sup> Zip: 87122
- ✓ 9. Name: Diane Owens Address: 8601 Glendale<sup>NE</sup> Zip: 87122
- ✓ 10. Name: Ced's Rawson Address: 8421 6th St<sup>NE</sup> Zip: 87122
- ✓ 11. Name: LENA EDDINGS Address: 8620 FLORENCE Ave<sup>NE</sup> Zip: 87122
12. Name: Kevin Curran Address: City Attorney Zip: \_\_\_\_\_
13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_
14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET  
Plaza del Sol Hearing Room, Basement, Plaza del Sol Building**

December 15, 2004 9:00 a.m.

**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

**NOTE:** UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

**NOTE:** INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

**NOTE:** REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

- A. Call to Order: 9:00 A.M. Adjourned: 1:15 P.M.  
B. Changes and/or Additions to the Agenda  
C. New or Old Business

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

1. **Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance
- MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04 & 12/15/04] 04DRB-1570 WAS WITHDRAWN. (B-20) DEFERRED AT THE AGENT'S REQUEST TO 1/5/05.

2. **Project # 1002779**  
04DRB-01730 Major-Preliminary  
Plat Approval  
04DRB-01731 Major-Vacation of  
Public Easements  
04DRB-01732 Minor-Temp Defer  
SDWK

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for SANHIL DEVELOPMENT LTD CO request(s) the above action(s) for all or a portion of Tract(s) C, A-1 & A-2, LANDS OF POLO CHAVEZ and SAN JOSE TRACTS, (to be known as CIELO LINDO SUBDIVISION) zoned R-1 residential zone, located on AIRPORT DR SW, between DONA BARBARA AVE SW and EDUARDO RD SW containing approximately 9 acre(s). [REF: 04DRB00959, 03EPC02049, 03EPC01061][*Deferred from 12/1 & 12/8/04*](M-11) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 12/15/04 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 12/6/04 THE PRELIMINARY PLAT WAS APPROVED WITH CONDITION: THE FINAL PLAT CAN NOT BE APPROVED UNTIL THE CITY HAS ACCEPTED DRC PROJECT #705581 WHICH CONSTRUCTED THE PUBLIC LINES IN COORS. THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

3. **Project # 1002397**  
04DRB-01784 Major-Two Year SIA

TIERRA WEST LLC agent(s) for SHULL REALTY & WATERS EDGE LLC request(s) the above action(s) for all or a portion of Lot(s) 1-10, **BOSQUE PLAZA**, zoned C-1 neighborhood commercial zone, located on LA ORILLA RD NW, between COORS BLVD NW and the CORRALES DRAIN containing approximately 12 acre(s). [REF: Z-87-56, DRB-87-200, 02DRB01925, 04DRB01196] (E-12) **A 6-MONTH EXTENSION OF THE SIA WAS APPROVED.**

4. **Project # 1003778**  
04DRB-01750 Major-Preliminary  
Plat Approval  
04DRB-01751 Major-Vacation of  
Pub Right-of-Way  
04DRB-01753 Minor-Temp Defer  
SDWK  
04DRB-01752 Minor-Sidewalk  
Variance

LARRY READ & ASSOCIATES INC agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 21 & 22, Block(s) 2, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **SHAHEEN SUBDIVISION**) zoned R-D, located on OAKLAND AVE NE, between WYOMING BLVD NE and LOUISIANA BLVD NE containing approximately 2 acre(s). *[Deferred from 12/8/04 & 12/15/04]* (C-19) **DEFERRED AT THE AGENT'S REQUEST TO 12/29/04.**

5. **Project # 1003779**  
04DRB-01754 Major-Preliminary  
Plat Approval  
04DRB-01765 Major-Vacation of  
Pub Right-of-Way  
04DRB-01756 Minor-Sidewalk  
Variance  
04DRB-01757 Minor-Temp Defer  
SDWK

LARRY READ & ASSOCIATES INC agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 17 & 18, Block(s) 2, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **KUMAIL SUBDIVISION**) zoned R-D, located on OAKLAND AVE NE, between WYOMING BLVD NE and LOUISIANA BLVD NE containing approximately 2 acre(s). *[Deferred from 12/8/04 & 12/15/04]* (C-19) **DEFERRED AT THE AGENT'S REQUEST TO 12/29/04.**

6. **Project # 1003757**  
04DRB-01688 Major-Vacation of  
Pub Right-of-Way

ISAACSON & ARFMAN PA agent(s) for DEAN FOODS, DBA CREAMLAND DAIRIES request(s) the above action(s) for **ALVARADO ADDITION**, located on HAINES NW, between 2<sup>ND</sup> ST NW and 3<sup>RD</sup> ST NW containing approximately 1 acre(s). [REF: V-89-87, DRB 89-490] *[Deferred from 12/1/04 & 12/15/04]* (H-14) **DEFERRED AT THE AGENT'S REQUEST TO 1/12/05.**



**SITE DEVELOPMENT PLANS, AMENDED PLANS, AND MASTER DEVELOPMENT PLANS**

**NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THE REQUEST MAY BE INDEFINITELY DEFERRED.**

7. **Project # 1003384**  
04DRB-01874 Minor-SiteDev Plan  
BldPermit/EPC

TIERRA WEST LLC agent(s) for RSF LAND & CATTLE CO LLC request(s) the above action(s) for all or a portion of Tract(s) MM-1A, SEVEN BAR RANCH, (to be known as **IRONSTONE BANK**) zoned C-2 (SC), located on SEVEN BAR LOOP RD NW, between COTTONWOOD DR NW and OLD AIRPORT AVE NW containing approximately 7 acre(s). [REF: AX85-28 Z-85-34-1(2), 04EPC01035] [**Juanita Garcia, EPC Case Planner**] (B-14) **THE INFRASTRUCTURE LIST DATED 12/15/04 WAS APPROVED. THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND TRANSPORTATION DEVELOPMENT FOR EASEMENT THROUGH TRACT MM-1-B AND UNIDIRECTIONAL RAMPS.**
  
8. **Project # 1000134**  
04DRB-01867 Minor-SiteDev Plan  
BldPermit/EPC

ALEX HARRISON, ARCHITECT agent(s) for TEAM SPECIALTY PRODUCTS request(s) the above action(s) for all or a portion of Block(s) 2, Tract(s) 1-A-1, **SANDIA RESEARCH PARK**, zoned SU-1, IP, located on EUBANK RD SE, between DEVELOPMENT SE and RESEARCH SE containing approximately 2 acre(s). [REF: 02EPC00451, DRB-99-351, Z-99-122, 00DRB00061] [**Makita Hill, EPC Case Planner**] (M-21) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR SIDEWALK WIDTH AND DRIVE LOCATION.**
  
9. **Project # 1003816**  
04DRB-01879 Minor-SiteDev Plan  
BldPermit  
04DRB-01878 Minor-Prelim&Final  
Plat Approval

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for JEFF HENRY FOR JEFFERSON ONE, LLC request(s) the above action(s) for all or a portion of Lot(s) F-6-A & 2-F-1, **ATRISCO BUSINESS PARK, UNIT 3**, zoned SU-1 PLANNED IP, located on COORS BLVD NW, between LOS VOLCANOS NW and BLUEWATER NW containing approximately 5 acre(s). [REF: Z-92-57, AA-97-45] (J-10) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED AND SIGNED OFF BY THE BOARD. THE PRELIMINARY AND FINAL PLAT WERE APPROVED AND SIGNED OFF BY THE BOARD.**

10. **Project # 1000676**  
04DRB-01798 Minor-SiteDev Plan  
Subd/EPC  
04DRB-01800 Minor-SiteDev Plan  
BldPermit/EPC

ED FITZGERALD ARCHITECTS agent(s) for MARK & JEAN BERNSTEIN request(s) the above action(s) for all or a portion of Tract(s) F-3, **LAS TIENDAS DE CORRALES CENTER**, zoned SU-1, IP, located on CORRALES RD NW, between CORRALES ACEQUIA NW and ALAMEDA BLVD NW containing approximately 3 acre(s). [REF: ZA-97-274, 04EPC01353, 04EPC01354] [Elvira Lopez, EPC Case Planner] [*Deferred from 12/1/04*] (A-14) **AN INFRASTRUCTURE LIST DATED 12/15/04 WAS APPROVED. THE SITE PLAN FOR SUBDIVISION WAS APPROVED AND SIGNED OFF BY THE BOARD. THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR NMUI APPROVAL AND REVISED LANDSCAPING PLAN AND CITY ENGINEER FOR SIA AND COORDINATION OF ENTRANCE WITH NMDOT AND SITE PLAN FOR BUILDING PERMIT TITLE.**

11. **Project # 1001946**  
04DRB-01670 Minor-SiteDev Plan  
BldPermit/EPC

WADE-TRIM agent(s) for TARGET CORPORATION request(s) the above action(s) for all or a portion of Tract(s) A-1, **LOS ANGELES CENTER**, zoned M-1 light manufacturing zone, located on PASEO DEL NORTE NE, between I-25 and SAN PEDRO NE containing approximately 11 acre(s). [REF: 04EPC01032, 04DRB01177, 04DRB01178, 04DRB01176] [Makita Hill, EPC Case Planner] [*Deferred from 11/3/04 & 11/17/04*] (D-18) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR ENVIRONMENTAL HEALTH'S SIGNATURE.**

**MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS**

12. **Project # 1000029**  
04DRB-01873 Minor-Amnd Prelim  
Plat Approval

BOHANNAN HUSTON INC agent(s) for SAWMILL COMMUNITY LAND & TRUST request(s) the above action(s) for all or a portion of Lot(s) C & B-1A-1 **DUKE CITY LUMBER COMPANY AND LOT D-1-A OF ARBOLERA DE VIDA PHASE 2**, zoned S-M1, S-DR, located on BELLAMAH AVE NW, between 19<sup>TH</sup> ST NW and 18<sup>TH</sup> ST NW containing approximately 26 acre(s). [REF: 03DRB01785,03DRB01786] (H-13) **AN INFRASTRUCTURE LIST DATED 12/15/04 WAS APPROVED. THE AMENDED PRELIMINARY PLAT WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE ALREADY APPROVED PRELIMINARY PLAT.**

13. **Project # 1000922**  
04DRB-01880 Major-Amnd  
Prelim Plat Approval  
04DRB-01881 Minor-Temp  
Defer SDWK

WILSON & COMPANY INC agent(s) for LEGACY SUSTAINABLE DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) A, **LA CUENTISTA SUBDIVISION**, zoned R-1, located on KIMMICK DR NW, between URRACA ST NW and CAMINO DE PAZ NW containing approximately 50 acre(s). (C-10/11, D-10/11) **AN AMENDED INFRASTRUCTURE LIST DATED 12/15/04 AND AN APPROVED AMENDED GRADING PLAN ENGINEER STAMP DATED 12/7/04 WAS APPROVED. THE AMENDED PRELIMINARY PLAT WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE ALREADY APPROVED PRELIMINARY PLAT. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

14. **Project # 1002194**  
04DRB-01836 Minor-Final Plat  
Approval

GREATER ALBUQUERQUE HOUSING PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) 2, **SUNPORT LODGING ADDITION**, zoned R-2, located on WELLESLEY SE, between CARLISLE SE and GIBSON SE containing approximately 2 acre(s). [REF: 04DRB01778] [Deferred from 12/15/04] (L-16) **DEFERRED AT THE AGENT'S REQUEST TO 1/12/05.**

15. **Project # 1003188**  
04DRB-01876 Minor-Prelim&Final  
Plat Approval

COMMUNITY SCIENCES agent(s) for ANGELA & MARIO GARCIA request(s) the above action(s) for all or a portion of Lot(s) 26R, Tract(s) 144-B-1, 145-A, 145-A-2, MRGCD MAP 31, **LUKE ADDITION**, zoned RA-2, located on SAN MARTIN PL NW, between GRIEGOS NW and MILLER CIRCLE NW containing approximately 2 acre(s). [REF: 04DRB-00038] (F-13) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PARKS FOR CASH-IN-LIEU AND PLANNING FOR AGIS DXF FILE.**

16. **Project # 1003568**  
04DRB-01877 Minor-Prelim&Final  
Plat Approval

RHOMBUS, PA INC agent(s) for MIGUEL SHERMAN request(s) the above action(s) for all or a portion of Lot(s) 44, **SANDIA HILLS**, zoned SU-1 FOR PRD, located on NARCISCO ST NE, between LOMAS NE and MONTE VERDE NE containing approximately 1 acre(s). [REF: Z-81-46, DRB-94-135, DRB-83-391, V-88-6] (J-23) **PRELIMINARY AND FINAL PLAT WERE APPROVED AND SIGNED OFF BY THE BOARD.**

17. **Project # 1003604**  
04DRB-01794 Minor-Final Plat  
Approval

ABQ ENGINEERING agent(s) for D T LAND DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) 217, 218, 219 and 220, **MIRA MESA SUBDIVISION**, zoned R-2 residential zone, located on HANOVER RD NW, between GLENRIO RD NW and 68<sup>TH</sup> ST NW containing approximately 13 acre(s). [REF: 04DRB01233, 04DRB01452, 04DRB01453] *[Deferred from 12/1/04 & 12/8/04]* (J-10) **DEFERRED AT THE AGENT'S REQUEST TO 12/29/04.**

**NO ACTION IS TAKEN ON THESE CASES:**  
**APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING**

18. **Project # 1003814**  
04DRB-01870 Minor-Sketch Plat or  
Plan

FORSTBAUER SURVEYING agent(s) for JOHN & CYNTHIA MECHENBIER request(s) the above action(s) for all or a portion of Tract(s) H-1, **LANDS OF LOS ANGELES INVESTORS**, zoned SU-2, M-1, located on WASHINGTON ST NE, between PASEO DEL NORTE NE and ALAMEDA NE containing approximately 5 acre(s). [REF: 02DRB00491] (C-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

19. **Project # 1003815**  
04DRB-01871 Minor-Sketch Plat or  
Plan

FORSTBAUER SURVEYING LLC agent(s) for JOHN & CYNTHIA MECHENBIER request(s) the above action(s) for all or a portion of Lot(s) 1, Block(s) 4, **NORTH ALBUQUERQUE ACRES, TRACT A, UNIT B**, zoned IP, located on SAN MATEO BLVD NE, between BEVERLY HILLS AVE NE and VENICE AVE NE containing approximately 1 acre(s). (B-18) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. **Project # 1001043**  
04DRB-01872 Minor-Sketch Plat or Plan
- BOHANNAN HUSTON INC agent(s) for MCMAHON EQUITIES request(s) the above action(s) for all or a portion of Tract(s) B-1 & B-2, **STONEBRIDGE POINTE SUBDIVISION**, zoned SU-1 for R-2, located on MCMAHON BLVD NW, between BANDELIER DR NW and MCMAHON NW containing approximately 9 acre(s). [REF: 04EPC01209, 04EPC01210, 03DRB01288, 01289, 01290 & 01377] (A-12) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
21. **Project # 1003442**  
04DRB-01864 Minor-Sketch Plat or Plan
- WILKS COMPANY agent(s) for BRENT HEISCH request(s) the above action(s) for all or a portion of Tract(s) 37, **ALVARADO GARDENS, UNIT 2**, zoned RA-2, W7 located on CAMPBELL RD NW, between GLENWOOD NW and TRELIS NW containing approximately 2 acre(s). [REF: 04ZHE00742, 04ZHE00744] (G-12) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
22. **Project # 1003811**  
04DRB-01865 Minor-Sketch Plat or Plan
- MORRIS R GUTIERREZ request(s) the above action(s) for all or a portion of Lot(s) 6 & 7, Block(s) 3, **BEL-AIR SUBDIVISION**, zoned C-1, located on SAN MATEO BLVD NE, between MENAUL BLVD NE and CANDELARIA RD NE containing approximately 1 acre(s). (H-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
23. **Project # 1003612**  
04DRB-01868 Minor-Sketch Plat or Plan
- THOMPSON ENGINEERING CONSULTANTS agent(s) for DRAGONFLY DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 37, TOWN OF ATRISCO GRANT, (to be known as **SUNDORO, UNIT 9**, zoned A-1, located on LADERA DR NW, between 98<sup>TH</sup> ST NW and GAVIN RD NW containing approximately 7 acre(s) REF: 04EPC01552, 04EPC01259, 04EPC01550, 04EPC01652] (J-9) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

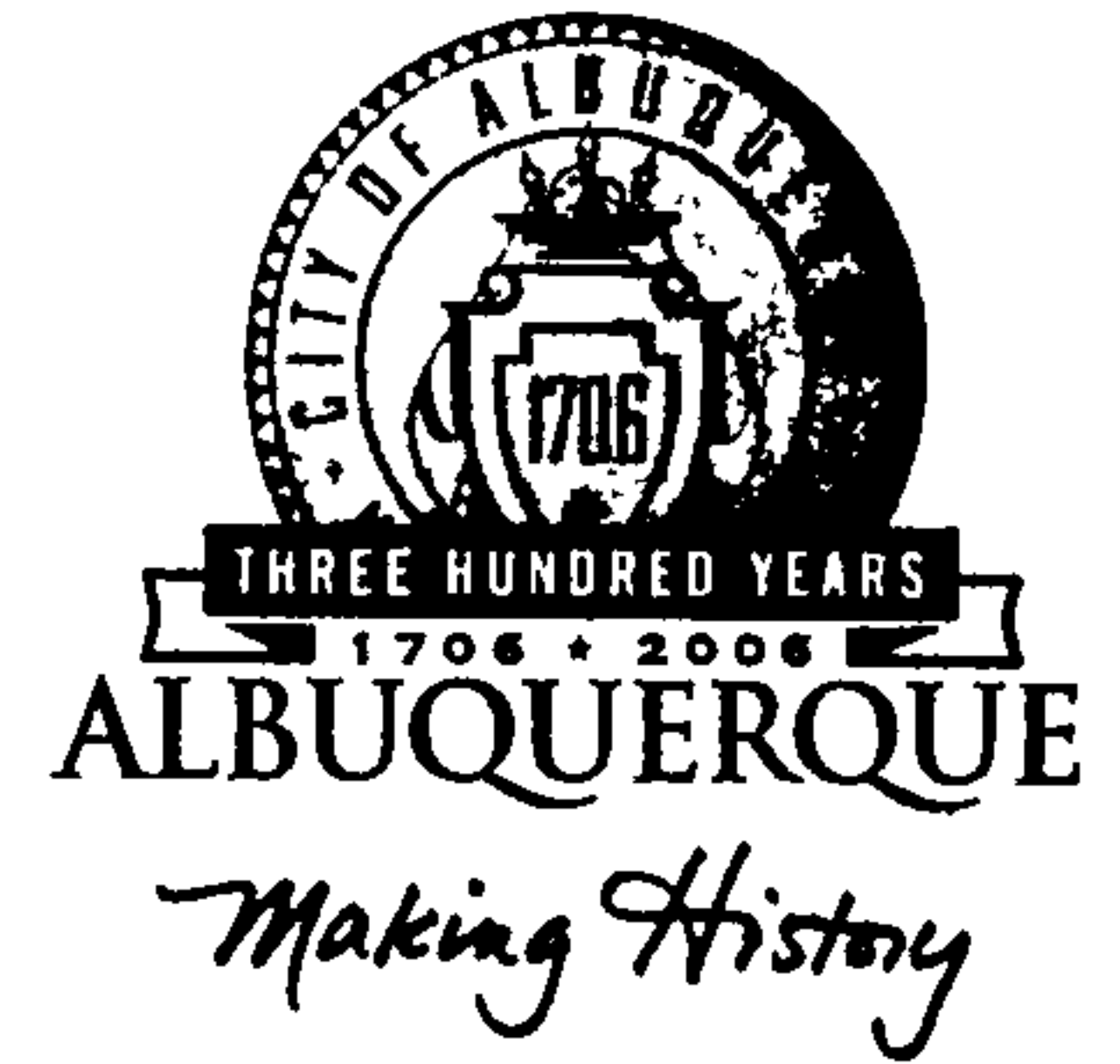
24. **Project # 1003813**  
04DRB-01869 Minor-Sketch Plat or  
Plan

THOMPSON ENGINEERING CONSULTANTS agent(s) for  
DRAGONFLY DEVELOPMENT INC request(s) the above action(s)  
for all or a portion of Tract(s) 1-2, Lot(s) 24 & 25, TOWN OF  
ATRISCO GRANT, GURULE ESTATES, (to be known as  
**SUNDORO, UNIT 8**), zoned SU-2 RLT, located on LADERA DR  
NW, between 98<sup>TH</sup> ST NW and GAVIN RD NW containing  
approximately 15 acre(s). **(J-9) THE ABOVE REQUEST WAS  
REVIEWED AND COMMENTS WERE GIVEN.**

25. Approval of the Development Review Board Minutes for December 1, 2004. **THE DRB MINUTES FOR  
DECEMBER 1, 2004 WERE APPROVED.**

ADJOURNED: 1:15 P.M.

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD--SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1003520**

**AGENDA ITEM NO: 1**

**SUBJECT:**

- |                         |                          |                           |
|-------------------------|--------------------------|---------------------------|
| (01) Sketch Plat/Plan   | (05) Site Plan for Subd  | (10) Sector Dev Plan      |
| (02) Bulk Land Variance | (06) Site Plan for BP    | (11) Grading Plan         |
| (03) Sidewalk Variance  | (07) Vacation            | (12) SIA Extension        |
| (03a) Sidewalk Deferral | (08) Final Plat          | (13) Master Dev. Plan     |
| (04) Preliminary Plat   | (09) Infrastructure List | (14) Cost Allocation Plan |
|                         |                          | (15) DPM Variance         |

**ACTION REQUESTED:**

P.O. Box 1293

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

Albuquerque

An approved drainage report 12-14-04 is on file for Preliminary Plat approval.

New Mexico 87103

**RESOLUTION:**

www.cabq.gov

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED X; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

1-5-05

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** December 15, 2004



DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003520 AGENDA#: 13 DATE: 12-1-04

RAWSON

✓ 1. Name: Lewis Rawson Address: 8421 Glendale<sup>NE</sup> Zip: 87122

2. Name: James Phillips Address: 8600 Florence<sup>NE</sup> Zip: 87122

✓ 3. Name: Lena Eddings Address: 8620 Florence<sup>NE</sup> Zip: 87122

✓ 4. Name: SCOTT FANNING Address: 8820 GLENDALE Zip: 87122

5. Name: Jeff Moreland Address: 8401 Moreland Zip: 87122

6. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

8. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

9. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

10. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

12. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

**Plaza del Sol Hearing Room, Basement, Plaza del Sol Building**

December 1, 2004                      9:00 a.m.  
**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

**NOTE:** UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

**NOTE:** INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

**NOTE:** REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

- A. Call to Order:     9:00 a.m.    Adjourned: 4:30 p.m.  
B. Changes and/or Additions to the Agenda  
C. New or Old Business

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

1.    **Project # 1003470**  
      04DRB-01522 Major-Bulk Land  
      Variance  
      04DRB-01523 Major-Preliminary Plat  
      Approval  
      04DRB-01524 Minor-Temp Defer  
      SDWK
- WILSON & COMPANY agent(s) for SCOTT  
      SCHIABOR SPS LC request(s) the above action(s) for  
      all or a portion of Tract(s) 1A, 2A, 1B & 2B, **VISTA  
      VIEJA SUBDIVISION**, KASSUBA-MONTBEL LANDS,  
      zoned R-1 residential zone, located on 81<sup>ST</sup> ST NW  
      and ALBERICOQUE PL NW containing approximately  
      152 acre(s). [REF: 04DRB00825, 04DRB01460]  
      [Deferred from 11/3/04, 11/10/04 & 12/1/04] (D-9)  
      **DEFERRED AT THE AGENT'S REQUEST TO  
      1/12/05**

2. **Project # 1000464**  
04DRB-01729 Major-Preliminary Plat Approval

TIERRA WEST LLC agent(s) for WAL-MART STORES EAST INC request(s) the above action(s) for all or a portion of Tract(s) H6A1A, **RIVERVIEW SUBDIVISION**, zoned SU-1 IP, located on GOLF COURSE RD NW, between PASEO DEL NORTE NW and SHELLY ROSE RD NW containing approximately 7 acre(s). [REF: Z-99-11, Z-99-17, 04DRB01226, 04AA01474] (C-12) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 12/1/04 THE PRELIMINARY PLAT WAS APPROVED WITH CONDITIONS.**
  
3. **Project # 1002315**  
04DRB-01723 Major-Vacation of Public Easements

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) 13B, **WILDERNESS COMPOUND @ HIGH DESERT**, zoned SU-2 HD/R-R, located on FOOTHILLS TRAIL NE, between WILDERNESS TR NE and HIGH DESERT PLACE NE containing approximately 34 acre(s). [REF: 03DRB01651] (F-23) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**
  
4. **Project # 1002702**  
04DRB-01664 Major-Vacation of Public Easements  
04DRB-01686 Minor-Prelim&Final Plat Approval

ALAN J VINCIONI Request(s) the above action(s) for all or a portion of Tract(s) 1, HUNING HIGHLANDS ADDITION (to be known as **IRON PROPERTIES**) zoned M-1 light manufacturing zone, located on BROADWAY SE AND IRON SE between COAL SE and HAZELDINE SE containing approximately 8 acre(s). [REF:03DRB00886] [*Deferred from 12/1/04*] (K-14) **DEFERRED AT THE AGENT'S REQUEST TO 12/8/04.**

5. **Project # 1001445**  
04DRB-01681 Major-Bulk Land  
Variance

SURV-TEK INC agent(s) for DAVE GARDUNO AND LORETTA ROMERO request(s) the above action(s) for all or a portion of Tract(s) 13, **BLACK RANCH**, zoned SU-1 FOR C-1 AND SU-1 FOR O-1, located on COORS BLVD NW, between 7-BAR LOOP ROAD NW and ALAMEDA BLVD NW containing approximately 6 acre(s). [REF: 03EPC01029, 01EPC01244, 02EPC00991, 03EPC00351, 03EPC00864] [*Deferred from 12/1/04*] (B-14) **DEFERRED AT THE AGENT'S REQUEST TO 12/8/04.**

04DRB-01634 Minor-SiteDev Plan  
Subd

CONSENSUS PLANNING agent(s) for DAVE AND LORETTA GARDUNO request(s) the above action(s) for all or a portion of Tract(s) 13, **BLACK RANCH**, zoned SU-1 FOR C-1 AND SU-1 FOR O-1, located on COORS BLVD NW, between 7-BAR LOOP ROAD NW and ALAMEDA BLVD NW containing approximately 5 acre(s). [REF: 03EPC001029, 01EPC0244, 02EPC00991, 03EPC00351, 03EPC00804, CITY COUNCIL BILL 0-02-16, ENACTMENT 13-2002] [*Was Indef Deferred 10/27/04*] [*Deferred from 12/1/04*] (B-14) **DEFERRED AT THE AGENT'S REQUEST TO 12/8/04.**

04DRB-01633 Minor-Prelim&Final Plat  
Approval

SURV-TEK INC agent(s) for DAVE GARDUNO AND LORETTA ROMERO request(s) the above action(s) for all or a portion of Tract(s) 13, **BLACK RANCH**, zoned SU-1 FOR C-1 AND SU-1 FOR O-1, located on COORS BLVD NW, between 7-BAR LOOP ROAD NW and ALAMEDA BLVD NW containing approximately 6 acre(s). [REF: 03EPC01029, 01EPC01244, 02EPC00991, 03EPC00351, 03EPC00864] [*Was Indef Deferred 10/27/04*] [*Deferred from 12/1/04*] (B-14) **DEFERRED AT THE AGENT'S REQUEST TO 12/8/04.**

6. **Project # 1002779**  
04DRB-01730 Major-Preliminary Plat Approval  
04DRB-01731 Major-Vacation of Public Easements  
04DRB-01732 Minor-Temp Defer SDWK
- ADVANCED ENGINEERING & CONSULTING LLC agent(s) for SANHIL DEVELOPMENT LTD CO request(s) the above action(s) for all or a portion of Tract(s) C, A-1 & A-2, LANDS OF POLO CHAVEZ and SAN JOSE TRACTS, (to be known as **CIELO LINDO SUBDIVISION**) zoned R-1 residential zone, located on AIRPORT DR SW, between DONA BARBARA AVE SW and EDUARDO RD SW containing approximately 9 acre(s). [REF: 04DRB00959, 03EPC02049, 03EPC01061] *[Deferred from 12/1/04]* (M-11) **DEFERRED AT THE AGENT'S REQUEST TO 12/8/04.**
7. **Project # 1003039**  
04DRB-01675 Major-Preliminary Plat Approval  
04DRB-01676 Major-Vacation of Pub Right-of-Way  
04DRB-01677 Minor-Temp Defer SDWK
- RIO GRANDE ENGINEERING agent(s) for DAVID SOULE request(s) the above action(s) for all or a portion of Lot(s) 1, 2, & 3, Block(s) 16, Tract(s) 3, NORTH ALBUQUERQUE ACRES UNIT 3, (to be known as **WILSHIRE ESTATES**) zoned RD, located on WILSHIRE BLVD NE, between VENTURA BLVD NE and HOLBROOK BLVD NE containing approximately 3 acre(s). [REF: 04DRB01077] *[Deferred from 12/1/04]* (C-20) **DEFERRED AT THE AGENT'S REQUEST TO 12/8/04.**
8. **Project # 1003475**  
04DRB-01694 Major-Vacation of Pub Right-of-Way  
04DRB-01695 Major-Preliminary Plat Approval  
04DRB-01696 Minor-Temp Defer SDWK
- WILSON & COMPANY INC agent(s) for FELIX RABADI request(s) the above action(s) for unplatted lands and all or a portion of Tract(s) 2, PARAGON RESOURCES, (to be known as **PARADISE VIEW SUBDIVISION**) zoned SU-1 PRD, located on PARADISE BLVD NW, between CONEFLOWER NW and LYON NW containing approximately 22 acre(s). [REF: 04DRB00842] *[Deferred from 12/1/04]* (B-10) **DEFERRED AT THE AGENT'S REQUEST TO 1/25/2005.**

9. **Project # 1003522**  
04DRB-01725 Major-Preliminary Plat  
Approval  
04DRB-01726 Major-SiteDev Plan  
Subd  
04DRB-01727 Minor-Subd Design  
(DPM) Variance  
04DRB-01728 Minor-Temp Defer  
SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for ALPHA EQUITIES LLC request(s) the above action(s) for all or a portion of Lot(s) 89 and 6, Tract(s) B2, LANDS OF JANE BATTEN, ESTATE OF EMILIANO N GUTIERREZ (to be known as **SYDNEY PLACE**), zoned RA-2, located on CANDELARIA RD NW, between INDIAN FARM LN NW and LA PLAZA DR NW containing approximately 5 acre(s). [REF: 04DRB 01002] (G-13) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 12/1/04 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 11/3/04 THE PRELIMINARY PLAT WAS APPROVED. SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR LANDSCAPE PLANS FOR OPEN SPACE TRACTS. A SIDEWALK VARIANCE FROM DESIGN STANDARDS WAS APPROVED AS SHOWN ON EXHIBIT D IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR LOTS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

10. **Project # 1003606**  
04DRB-01689 Major-Vacation of Pub  
Right-of-Way  
04DRB-01690 Major-Preliminary Plat  
Approval  
04DRB-01691 Minor-Sidewalk Waiver  
04DRB-01692 Minor-Temp Defer  
SDWK  
04DRB-01693 Minor-Vacation of  
Private Easements

MARK GOODWIN & ASSOCIATES PA agent(s) for WESTLAND DEVELOPMENT CO INC request(s) the above action(s) for all or a portion of Lot(s) J09-26, J09-27, 19W, 12B, Tract(s) L and B, Unit(s) A, TOWN OF ATRISCO GRANT, WESTLAND NORTH SUBDIVISION, PAINTED SKY UNIT 1, SUNDORO SOUTH UNIT 1, **SUNDORO SOUTH UNIT 5**, zoned SU-2 RLT, located on LADERA DR NW, between 94<sup>TH</sup> ST NW and 90<sup>TH</sup> ST NW containing approximately 22 acre(s). [*Deferred from 12/1/04*](J-9) **DEFERRED AT THE AGENT'S REQUEST TO 12/8/04.**

11. **Project # 1003752**  
04DRB-01679 Major-Vacation of  
Public Easements

SURV-TEK INC agent(s) for WELLS FARGO BANK request(s) the above action(s) for all or a portion of Tract(s) F, **MENAU DEVELOPMENT AREA**, zoned C-3, located on MENAU BLVD NE, between PRINCETON NE and VASSAR NE containing approximately 2 acre(s). (H-16) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

12. **Project # 1003757**  
04DRB-01688 Major-Vacation of Pub  
Right-of-Way

ISAACSON & ARFMAN PA agent(s) for DEAN FOODS, DBA CREAMLAND DAIRIES request(s) the above action(s) for **ALVARADO ADDITION**, located on HAINES NW, between 2<sup>ND</sup> ST NW and 3<sup>RD</sup> ST NW containing approximately 1 acre(s). [REF: V-89-87, DRB 89-490] [*Deferred from 12/1/04*] (H-14) **DEFERRED AT THE AGENT'S REQUEST TO 12/15/04.**

13. **Project # 1003520**  
04DRB-01567 Major-Preliminary Plat  
Approval  
04DRB-01568 Minor-Temp Defer  
SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [*Deferred from 11/3/04 & 12/1/04*] 04DRB-1570 WAS WITHDRAWN. (B-20) **DEFERRED AT THE AGENT'S REQUEST TO 12/15/04.**

14. **Project # 1001273**  
04DRB-01659 Major-SiteDev Plan  
BldPermit

TIERRA WEST LLC agent(s) for SEDBERRY & ASSOCIATES request(s) the above action(s) for all or a portion of Tract(s) 5B2C1B2A, **RENAISSANCE CENTER**, zoned SU-1 FOR C-2, located on MERCANTILE AVE NE, between I-25 FRONTAGE ROAD and CULTURE AVE NE containing approximately 4 acre(s). [REF: Z-94-13-1] *[Deferred from 11/17/04]* (F-16) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 12/1/04 THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA.**

15. **Project # 1003696**  
04DRB-01654 Major-Vacation of Pub  
Right-of-Way  
04DRB-01655 Major-Preliminary Plat  
Approval  
04DRB-01656 Minor-Temp Defer  
SDWK

RIO GRANDE ENGINEERING agent(s) for DAVID SOULE request(s) the above action(s) for all or a portion of Lot(s) 1-17, VINCINTI MONTANO SUBDIVISION AND Tract(s) A, B & C, JUANITA LOPEZ VIGIL SUBDIVISION, (to be known as **TORRENTINO SUBDIVISION**, zoned R-D residential and related uses zone, developing area, located on 97<sup>TH</sup> ST SW, between TOWER RD SW and SAN YGNACIO RD SW containing approximately 6 acre(s). [REF:04DRB01495] *[Deferred from 11/17/04]* (L-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 12/1/04 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 11/29/04 THE PRELIMINARY PLAT WAS APPROVED WITH THE CONDITION OF FINAL PLAT THAT P-1 DESIGNATION ON LOTS. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**



16. **Project # 1003571**  
04DRB-01517 Major-Vacation of  
Public Easements  
04DRB-01518 Major-Preliminary Plat  
Approval  
04DRB-01519 Minor-Sidewalk Waiver  
04DRB-01520 Minor-Temp Defer  
SDWK

MARK GOODWIN & ASSOCIATES agent(s) for CURB INC request(s) the above action(s) for all or a portion of Tract(s) 9-B-1, 9-B-2 and 12-A-2, **EL RANCHO GRANDE 1, UNIT 9B**, zoned R-LT residential zone, located on BLAKE RD NW, between AMOLE CHANNEL and 98<sup>TH</sup> ST NW containing approximately 36 acre(s). [REF: 04DRB01134] *[Deferred from 11/3/04 & 11/10/04 & 11/17/04]* (N-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 12/1/04 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 11/6/04 THE PRELIMINARY PLAT WAS APPROVED. A SIDEWALK VARIANCE FOR WAIVER OF SIDEWALKS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

**SITE DEVELOPMENT PLANS, AMENDED PLANS, AND MASTER DEVELOPMENT PLANS**

**NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THE REQUEST MAY BE INDEFINITELY DEFERRED.**

17. **Project # 1003782**  
04DRB-01773 Minor-SiteDev Plan  
BldPermit
- DORMAN BREEN ARCHITECTS agent(s) for THE CHAPMAN COMPANIES request(s) the above action(s) for all or a portion of Lot(s) 12A, 12B, 13 and 14, JOURNAL CENTER 2, UNIT 2, (to be known as **MASTHEAD POINTE @ JOURNAL CENTER**, zoned IP, located on BARTLETT ST NE, between MASTHEAD ST NE and RUTLEDGE NE containing approximately 4 acre(s). [REF: DRB-95-268] (D-17) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR CROSS ACCESS EASEMENTS, COMPACT SPACE LABELING, OFFSITE MITIGATION, ADA RAMPS AT BARTLETT AND MASTHEAD AND PLANNING FOR SCALED VICINITY MAP ON SITE PLAN, SHEET ELEVATION DRAWING OF REFUSE CONTAINER AND ENCLOSURE, REPLAT APPROVED AT DRB.**
18. **Project # 1002962**  
04DRB-01783 Minor-SiteDev Plan  
BldPermit/EPC
- BOHANNAN HUSTON INC agent(s) for NMUI request(s) the above action(s) for all or a portion of Tract(s) H, **THE TRAILS SUBDIVISION**, zoned RD, located on RAINBOW BLVD NW, between PASEO DEL NORTE BLVD NW and RAINBOW BLVD NW containing approximately 1 acre(s). [REF: 04EPC00299, 04DRB001322, 04DRB01321, 04DRB01320, 04DRB01319, 04DRB00929, 03DRB01530, 03DRB01529, 03DRB01528, 03DRB01527] **[Russell Brito, EPC Case Planner] (C-9) SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 3 COPIES OF THE SITE PLAN.**

19. **Project # 1003775**  
04DRB-01745 Minor-SiteDev Plan  
BldPermit

SCHLEGEL LEWIS ARCHITECTS agent(s) for DGM LLC request(s) the above action(s) for all or a portion of Tract(s) G-1A-1, **SEVEN BAR RANCH**, zoned SU-1 FOR C-2 USES, located on COTTONWOOD DR NW, between COTTONWOOD PARK NW and OLD AIRPORT AVE NW containing approximately 2 acre(s). [REF: Z-96-92, AA-98-138] [*Deferred from 11/17/04*] (A-14) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR TIS OFFSITE MITIGATION MEASURES.**

20. **Project # 1000676**  
04DRB-01798 Minor-SiteDev Plan  
Subd/EPC  
04DRB-01800 Minor-SiteDev Plan  
BldPermit/EPC

ED FITZGERALD ARCHITECTS agent(s) for MARK & JEAN BERNSTEIN request(s) the above action(s) for all or a portion of Tract(s) F-3, **LAS TIENDAS DE CORRALES CENTER**, zoned SU-1, IP, located on CORRALES RD NW, between CORRALES ACEQUIA NW and ALAMEDA BLVD NW containing approximately 3 acre(s). [REF: ZA-97-274, 04EPC01353, 04EPC01354] [**Elvira Lopez, EPC Case Planner**] [*Deferred from 12/1/04*] (A-14) **DEFERRED AT THE AGENT'S REQUEST TO 12/15/04.**

21. **Project # 1002405**  
04DRB-01795 Minor-SiteDev Plan  
Subd/EPC  
04DRB-01797 Minor-SiteDev Plan  
BldPermit/EPC

RAINHART ARCHITECT & ASSOCIATES agent(s) for BLAUGRUND LEE ETAL request(s) the above action(s) for all or a portion of Block(s) F1, Tract(s) A28B1, **REDLANDS SHOPPING CENTER**, zoned SU-1, C-1, located on REDLANDS NW, between COORS BLVD NW and 57<sup>TH</sup> ST NW containing approximately 2 acre(s). [REF: 04DRB01703, 03DRB00879] [**Carmen Marrone, EPC Case Planner**] (G-11) **SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 3 COPIES OF SITE PLAN AND CARMEN'S COMMENTS. SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 3 COPIES OF SITE PLAN AND CARMEN'S COMMENTS.**

04DRB-01703 Minor-Prelim&Final Plat  
Approval

MARK GOODWIN & ASSOC PA agent(s) for TANGER REDLANDS, LLC request(s) the above action(s) for all or a portion of Tract(s) A-28-B1, NORTHEAST UNIT TOWN OF ATRISCO GRANT, **REDLANDS SHOPPING CENTER**, zoned SU-1/C-1, located on REDLANDS RD NW, between COORS BLVD NW and ATRISCO DR NW containing approximately 5 acre(s). [REF: 03DRB00879] [*Deferred from 11/10/04*] (G-11) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PANNING FOR PNM SIGNED RELEASE OF EASEMENT.**

22. **Project # 1003791**  
04DRB-01799 Minor-SiteDev Plan  
BldPermit

CLAUDIO VIGIL ARCHITECTS agent(s) for BRUNACINI DEVELOPMENT request(s) the above action(s) for all or a portion of Lot(s) 5, **MERIDIAN BUSINESS PARK**, zoned IP industrial park zone, located on MERIDIAN PLACE NW, between SILVER CREEK RD NW and GALLATIN PL NW containing approximately 6 acre(s). [REF: Z-92-57] (K-10) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR COPY OF FIRE FLOW CALCULATION SHEET. NEED TO VERIFY SYSTEM CAPACITY AND TRANSPORTATION DEVELOPMENT FOR SIDEWALKS WIDTH AND MEANDERING SIDEWALKS CITY STANDARD DWG NO. 5 AND OFFSITE MITIGATION FEE.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

23. **Project # 1003781**  
04DRB-01768 Minor-Prelim&Final Plat  
Approval

ALBUQUERQUE SURVEYING CO., INC. agent(s) for TEAM SOUTHWEST, SPERRY VAN NESS request(s) the above action(s) for all or a portion of Tract(s) 1A, 2A1 & 2B1, **UNIVERSITY TOWERS**, zoned C-3 heavy commercial zone, located on UNIVERSITY BLVD NE, between INDIAN SCHOOL RD NE and I-40 containing approximately 9 acre(s). (H-15) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 12/1/04 THE PRELIMINARY PLAT WAS APPROVED. FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

24. **Project # 1001347**  
04DRB-01792 Minor-Prelim&Final Plat  
Approval

ALDRICH LAND SURVEYING INC agent(s) for CURB, INC request(s) the above action(s) for all or a portion of Lot(s) 2 & 3, Block(s) L, **EL RANCHO GRANDE, UNIT 8A**, zoned R-LT, located on EL PATRON RD SW, between DEL REY RD SW and SALIZA DR SW containing approximately 1 acre(s). [REF: 04DRB00057] (M-9) **PRELIMINARY AND FINAL PLAT WAS APPROVED AND SIGNED OFF BY THE BOARD.**

25. **Project # 1000635**  
04DRB-01764 Minor-Prelim&Final Plat  
Approval

PRECISION SURVEYS INC agent(s) for COORS & MONTANO, LLC request(s) the above action(s) for all or a portion of Tract(s) 38-1-A, 38-2-A and 38-3-A, **TAYLOR RANCH**, zoned SU-1 FOR C-1, located on MONTANO RD NW, between COORS RD NW and MONTANO RD NW containing approximately 4 acre(s). [REF: 04DRB01092, 04DRB01093, 03DRB00613, 03DRB00454, 03DRB00455, 04DRB01698] (E-12) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF.**

26. **Project # 1003497**  
04DRB-01759 Minor-Prelim&Final Plat  
Approval

GENE & DOROTHY DYER request(s) the above action(s) for all or a portion of Lot(s) 7-12, Block(s) 20, **FAIRGROUNDS ADDITION**, zoned C-3, located on DOMINGO NE, between SAN PEDRO NE and CALIFORNIA NE containing approximately 1 acre(s). [REF: 04DRB00936] (K-18) **PRELIMINARY AND FINAL PLAT WAS APPROVED AND SIGNED OFF BY THE BOARD.**

27. **Project # 1002632**  
04DRB-01761 Minor-Prelim&Final Plat  
Approval

TIERRA WEST LLC agent(s) for BUILDERS INVESTMENT CO OF NM request(s) the above action(s) for all or a portion of Tract(s) 1 & 2, PARAGON RESOURCES INC, (to be known as **SUNDANCE ESTATES**) zoned RD FOR R-LT, located on PARADISE BLVD NW, between LYONS BLVD NW and BLANDA CT NW containing approximately 122 acre(s). [REF: 03DRB01306, 03EPC006901, 04DRB00760, 04DRB00761] (B-10) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR GRANTING OF PUBLIC EASEMENT ON LOT 6 TO CITY OF ALBUQUERQUE, CORRECT SOUTH BOUNDARY TRACT 6, TRACT 1 ACREAGE.**

28. **Project # 1002250**  
04DRB-01770 Minor-Final Plat  
Approval

BOHANNAN HUSTON INC agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) A-1-B, **VENTANA TOWNHOMES @ VENTANA RANCH**, zoned R-LT residential zone, located on IRVING BLVD NW, between UNIVERSE BLVD NW and VENTANA RD NW containing approximately 7 acre(s). [REF: 04DRB01314] (B-10) **FINAL PLAT WAS APPROVED AND SIGNED OFF BY THE BOARD.**

29. **Project # 1001222**  
04DRB-01772 Minor-Prelim&Final Plat  
Approval

WAYJOHN SURVEYING INC agent(s) for NICKOLSON FAMILY LTD PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) 3-A-2, **SHELL SUBDIVISION NO. 2**, zoned C-2 community commercial zone, located on COORS BLVD NW, between ILIFF RD NW and HANOVER RD NW containing approximately 2 acre(s). [REF: 03DRB01769, 01DRB00587, 03DRB01769] (H-11) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR A COPY OF PRIVATE UTILITY EASEMENT (NOTE 4d) AND CALL OUT NOTE 4d ON THE PLAT AND TRANSPORTATION DEVELOPMENT FOR TIS AND CLOSURE OF DRIVE ONTO COORS (NORTH).**

30. **Project # 1003786**  
04DRB-01778 Minor-Prelim&Final Plat  
Approval

SURVEYS SOUTHWEST LTD agent(s) for BILL WADE request(s) the above action(s) for all or a portion of Lot(s) 64 & 66, **BREEZE @ MOUNTAIN GATE**, zoned SU-1 PRD,C-1, SC, located on WENONAH AVE SE, between SHAFFER CT SE and KAYLYN DR SE containing approximately 1 acre(s). [REF: Z-91-5, Z-70-60-1, DRB-98-45] (L-23) **PRELIMINARY AND FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**



31. **Project # 1001289**  
04DRB-01701 Minor-Ext of SIA for  
Temp Defer SDWK

TIERRA WEST LLC agent(s) for K B HOME NEW MEXICO INC request(s) the above action(s) for all or a portion of Lot(s) 1-114, **DESERT PINE UNIT 2**, zoned RD, located on EUCARIZ AVE SW, between 94<sup>TH</sup> STREET SW and 98<sup>TH</sup> STREET SW containing approximately 16 acre(s). [REF: 01DRB00777, 02DRB01207] [11/10/04 *NEITHER THE APPLICANT NOR THE AGENT WERE PRESENT*] (L-9) **A TWO-YEAR EXTENSION TO THE FOUR-YEAR AGREEMENT FOR THE DEFERRAL OF SIDEWALKS WAS APPROVED.**

32. **Project # 1003688**  
04DRB-01463 Minor-Prelim&Final Plat  
Approval

SURV-TEK INC., agent(s) for JAMES BAKER, THE TRAILS LLC, LONGFORD GROUP INC., request(s) the above action(s) for all or a portion of Tract(s) H, **THE TRAILS**, zoned RD, located on RAINBOW BLVD NW south of PASEO DEL NORTE NW containing approximately 6 acre(s). [*Deferred from 11/17/04*](C-9) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF.**

33. **Project # 1003604**  
04DRB-01794 Minor-Final Plat  
Approval

ABQ ENGINEERING agent(s) for D T LAND DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) 217, 218, 219 and 220, **MIRA MESA SUBDIVISION**, zoned R-2 residential zone, located on HANOVER RD NW, between GLENRIO RD NW and 68<sup>TH</sup> ST NW containing approximately 13 acre(s). [REF: 04DRB01233, 04DRB01452, 04DRB01453] [*Deferred from 12/1/04*] (J-10) **DEFERRED AT THE AGENT'S REQUEST TO 12/8/04.**

34. **Project # 1002506**  
04DRB-01791 Minor-Subd Design  
(DPM) Variance

TIERRA WEST LLC agent(s) for STH INVESTMENTS request(s) the above action(s) for all or a portion of Tract(s) 6C, 12A and 12B, **PARTITION OF BLACK RANCH**, zoned RA-1 residential and agricultural zone, semi-urban area, located on COORS BLVD NW, between PASEO DEL NORTE NW and WESTSIDE DR NW containing approximately 68 acre(s). [REF: 03EPC00300, 03EPC00301, 04DRB00217, 04DRB00360] (C-13) **A SIDEWALK VARIANCE FROM DESIGN STANDARDS WAS APPROVED AS SHOWN ON EXHIBIT D IN THE PLANNING FILE.**

35. **Project # 1002856**  
04DRB-01793 Minor-Amnd Prelim Plat  
Approval

MARK GOODWIN & ASSOCIATES agent(s) for D R HORTON CUSTOM HOMES request(s) the above action(s) for all or a portion of Tract(s) 5, **MEADOWS @ ANDERSON HILLS, UNIT 3B**, zoned R-LT, located on DENNIS CHAVEZ BLVD SW, between UNSER BLVD SW and 98TH ST SW containing approximately 18 acre(s). [REF: Z-99-58,04DRB00230] (P-9) **THE AMENDED INFRASTRUCTURE LIST DATED 12/1/04 AND THE AMENDED GRADING PLAN DATED 9/23/04 WERE APPROVED. THE AMENDED PRELIMINARY PLAT WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE ALREADY APPROVED PRELIMINARY PLAT (4-7-04).**

**NO ACTION IS TAKEN ON THESE CASES:**  
**APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING**

36. **Project # 1002590**  
04DRB-01769 Minor-Sketch Plat or Plan  
GND, LLC agent(s) for MICHAEL WACHOCKI request(s) the above action(s) for all or a portion of Tract(s) B-2, **LANDS OF BRACKSON A COURSON**, zoned R-D, located on 64<sup>TH</sup> ST NW, between WAYNE NW and CLEGHORN NW containing approximately 4 acre(s). [REF: Z-85-138, DRB-93-389] (G-10) **COMMENTS RECEIVED.**
37. **Project # 1003788**  
04DRB-01787 Minor-Sketch Plat or Plan  
CARLOS J TRUJILLO request(s) the above action(s) for all or a portion of Lot(s) 8 & 9, **TOHATCHI TRAIL TRACK ADDITION**, zoned R-1, located on MOUNTAIN RD NW and TOHATCHI TRAIL NW. (J-12) **COMMENTS RECEIVED.**
38. **Project # 1003790**  
04DRB-01790 Minor-Sketch Plat or Plan  
BOHANNAN HUSTON INC request(s) the above action(s) for all or a portion of Tract(s) H1C, **GURULE-FILBERTO**, zoned IP, located on I-25 NE, between BALLOON FIESTA PARKWAY NE and SAN MATEO DR NE [REF: ZA-96-97] (B-18) **COMMENTS RECEIVED.**

39. **Project # 1001386**  
04DRB-01796 Minor-Sketch Plat or  
Plan

BERNARD LOEFFLER agent(s) for EMILIANO SAIZ request(s) the above action(s) for all or a portion of Tract(s) 22B1, **CORONA DEL SOL SUBDIVISION**, zoned SU-1 special use zone, located on SEQUOIA RD NW, between COORS BLVD NW and REDLANDS RD NW containing approximately 6 acre(s). [REF: DRB-94-68, AA-01236, 01109, AA-0300279] (G-11) **COMMENTS RECEIVED.**

40. Approval of the Development Review Board Minutes for November 10 and November 17, 2004.  
**THE DRB MINUTES FOR NOVEMBER 10 AND NOVEMBER 17, 2004 WERE APPROVED.**

ADJOURNED: 4:30 P.M.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	2346	
CONNECTION TEL		97979539
SUBADDRESS		
CONNECTION ID		
ST. TIME	10/19 14:05	
USAGE T	00'50	
PGS.	2	
RESULT	OK	

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
FAX FORM

TO: Amy Niese FAX # 797-9539

# PAGES (INCLUDING COVER SHEET) 2

FROM: Sheran Matson, DRB Chair FAX # 924-3864 PHONE # 924-3880

COMMENTS:

Planning comments  
# 1003520  
X Re-sent 10/19/04

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	2322	
CONNECTION TEL		97979539
SUBADDRESS		
CONNECTION ID		
ST. TIME	10/12 16:02	
USAGE T	00'48	
PGS.	2	
RESULT	OK	

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
FAX FORM**

TO: Amy Niese FAX # 797-9539

# PAGES (INCLUDING COVER SHEET) 2

FROM: Sheran Matson, DRB Chair FAX # 924-3864 PHONE # 924-3880

**COMMENTS:**

Planning comments  
# 1003520  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Project # 1003520**

04DRB-01567 Major-Preliminary Plat  
Approval

04DRB-01570 Minor-Ext of SIA for Temp  
Defer SDWK

04DRB-01568 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] (B-20)

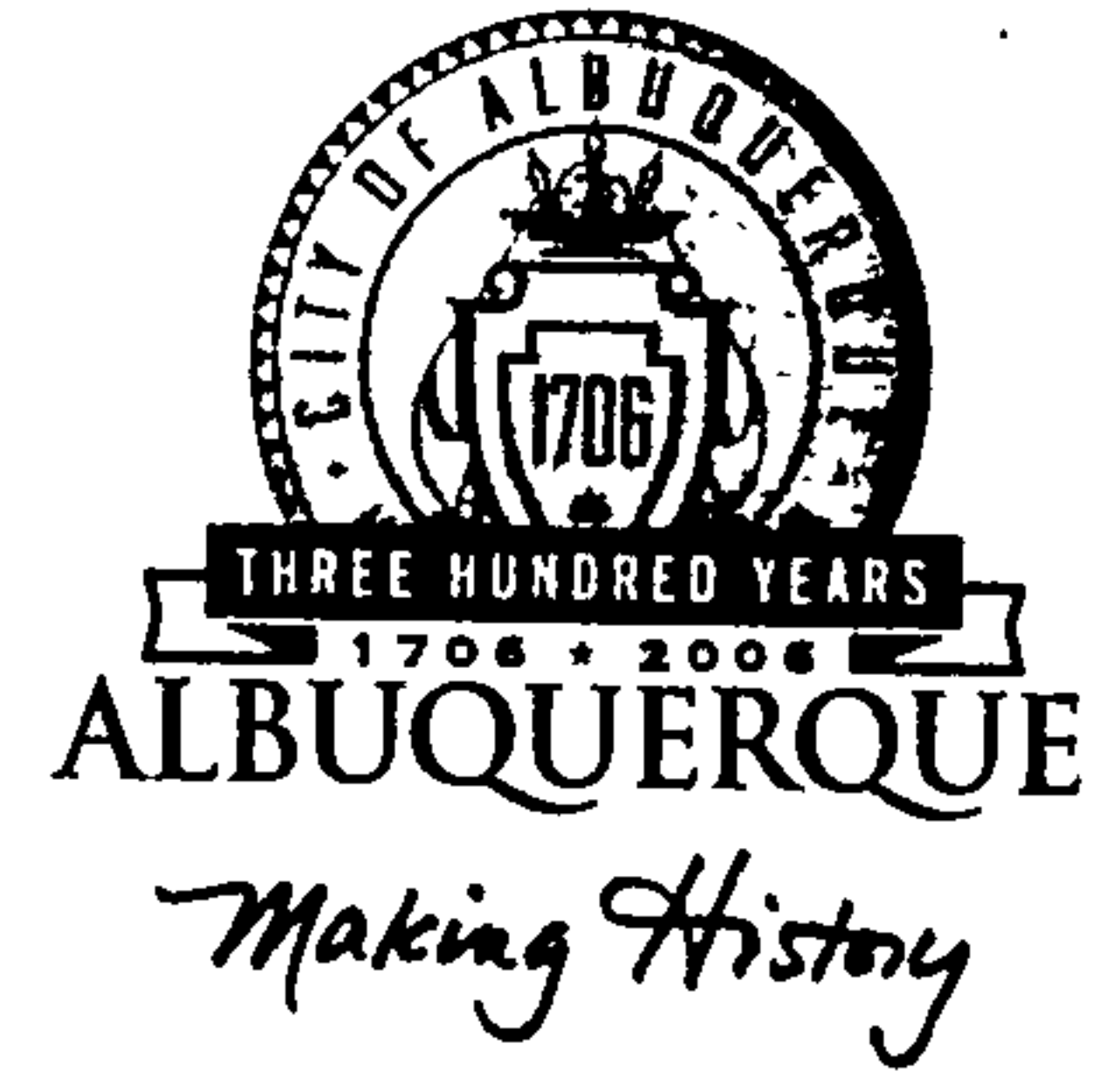
OK ✓  
The perimeter wall design submittal has these problems: (1) the 40" wide sections are referred to as pilasters in one drawing and decorative columns in another. They should be called decorative columns. (2) The decorative columns should have a note stating they will project a minimum of 2" on the public side. (3) The nearest intersection is also missing from the submittal.

OK ✓  
(4) A location map the same size as the design sheet should be included with the submittal. The map shows the location of the perimeter walls to which the design applies. Please revise & re-submit 3 copies of the wall submittal by Monday November 1<sup>st</sup> to avoid deferral of the platting action.

OK ✓  
The agent checked "extension of SIA for temporary deferral of sidewalk construction" in addition to "temporary deferral of sidewalk" on the application checklist. So, an application number was assigned to each action. In reality, the extension is not needed at this time. The agent should write a letter or send an e-mail to Claire Senova asking to withdraw the request to extend the SIA (04DRB-01570).

No objection to the two remaining requested actions once the problems noted above are resolved.

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1003520**

**AGENDA ITEM NO: 13**

**SUBJECT:**

- |                                |                          |                           |
|--------------------------------|--------------------------|---------------------------|
| (01) Sketch Plat/Plan          | (05) Site Plan for Subd  | (10) Sector Dev Plan      |
| (02) Bulk Land Variance        | (06) Site Plan for BP    | (11) Grading Plan         |
| (03) Sidewalk Variance         | (07) Vacation            | (12) SIA Extension        |
| <b>(03a)</b> Sidewalk Deferral | (08) Final Plat          | (13) Master Dev. Plan     |
| <b>(04)</b> Preliminary Plat   | (09) Infrastructure List | (14) Cost Allocation Plan |

**ACTION REQUESTED:**

P.O. Box 1293

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

Albuquerque

An approved drainage report is required for Preliminary Plat approval.  
An approved infrastructure list is required for Preliminary Plat approval.

New Mexico 87103

**RESOLUTION:**

12-15-04

www.cabq.gov

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED X; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

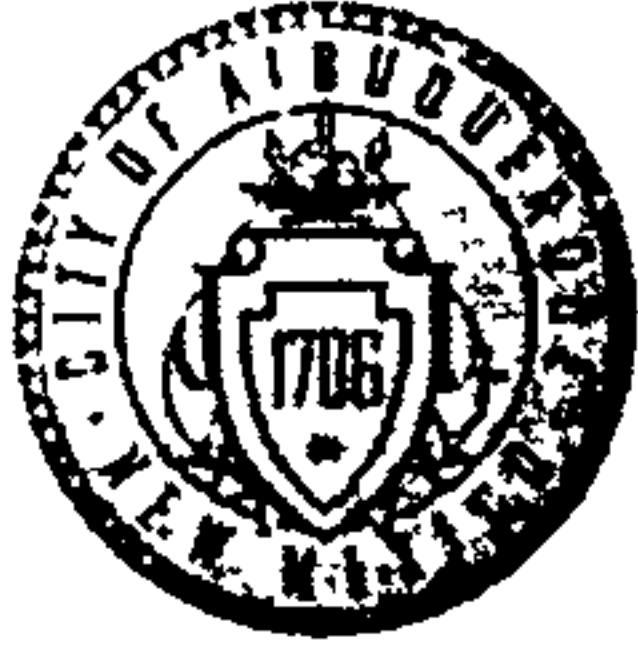
DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** December 1, 2004





**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

**Plaza del Sol Hearing Room, Basement, Plaza del Sol Building**

November 3, 2004

9:00 a.m.

**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

**NOTE:** UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

**NOTE:** INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

**NOTE:** REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

- A. Call to Order: 9:00 a.m. Adjourned: 11:40 a.m.  
B. Changes and/or Additions to the Agenda  
C. New or Old Business

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

1. **Project # 1003571**  
04DRB-01517 Major-Vacation of Public Easements  
04DRB-01518 Major-Preliminary Plat Approval  
04DRB-01519 Minor-Sidewalk Waiver  
04DRB-01520 Minor-Temp Defer SDWK
- MARK GOODWIN & ASSOCIATES agent(s) for CURB INC request(s) the above action(s) for all or a portion of Tract(s) 9-B-1, 9-B-2 and 12-A-2, **EL RANCHO GRANDE 1, UNIT 9B**, zoned R-LT residential zone, located on BLAKE RD NW, between AMOLE CHANNEL and 98<sup>TH</sup> ST NW containing approximately 36 acre(s). [REF: 04DRB01134] [Deferred from 11/3/04] (N-9) **DEFERRED AT THE AGENT'S REQUEST TO 11/10/04.**

2. **Project # 1003520**  
04DRB-01567 Major-Preliminary Plat  
Approval  
04DRB-01570 Minor-Ext of SIA for Temp  
Defer SDWK (WITHDRAWN)  
04DRB-01568 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04] (B-20) 04DRB-1570 WAS WITHDRAWN. ~~DEFERRED~~ **AT THE AGENT'S REQUEST TO 12/1/04.**

3. **Project # 1001685**  
04DRB-01566 Major-Vacation of Pub  
Right-of-Way

WILSON & COMPANY agent(s) for GOLF COURSE & MCMAHON LLC request(s) the above action(s) for all or a portion of Tract(s) 1-B, **PARADISE NORTH**, zoned SU-1 FOR IP, located on GOLF COURSE RD NW, between MCMAHON BLVD NW and IRVING BLVD NW containing approximately 24 acre(s). [REF: 02DRB-00005] (A-12) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

4. **Project # 1003470**  
04DRB-01522 Major-Bulk Land Variance  
04DRB-01523 Major-Preliminary Plat  
Approval  
04DRB-01524 Minor-Temp Defer SDWK

WILSON & COMPANY agent(s) for SCOTT SCHIABOR SPS LC request(s) the above action(s) for all or a portion of Tract(s) 1A, 2A, 1B & 2B, **VISTA VIEJA SUBDIVISION**, KASSUBA-MONTBEL LANDS, zoned R-1 residential zone, located on 81<sup>ST</sup> ST NW and ALBERICOQUE PL NW containing approximately 152 acre(s). [REF: 04DRB00825, 04DRB01460] [Deferred from 11/3/04] (D-9) **DEFERRED AT THE AGENT'S REQUEST TO 11/10/04.**

5. **Project # 1003238**  
04DRB-01569 Major-Preliminary Plat Approval  
04DRB-01573 Minor-Vacation of Private Easements  
04DRB-01571 Minor-Sidewalk Waiver  
04DRB-01572 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for AMC DEVELOPMENT SERVICES request(s) the above action(s) for all or a portion of Lot(s) A, B C, Tract(s) 267, 268-B, 270-A-2, 270-A-1-C, 270-A-1-D, 270-B AND 315-A-1-A-1, M.R.G.C.D. MAP 35 AND LAND OF ALBERT PEREZ, TRACT(S) B1 AND B2, LAND OF MACIEL & TRUJILLO (to be known as **FLORAL MEADOWS, SUBDIVISION**, zoned R-LT residential zone, located on INTERSTATE 40 between RIO GRANDE BLVD NW and MONTOYA ST NW containing approximately 8 acre(s). [REF: 04EPC00156, 04EPC00157, 04DRB00661, 04DRB01227] *[Deferred from 11/3/04]* (H-12/H-13) **DEFERRED AT THE AGENT'S REQUEST TO 11/17/04.**

6. **Project # 1003705**  
04DRB-01540 Major-Vacation of Public Easements  
04DRB-01539 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for DR VIJAY AGARWAL request(s) the above action(s) for all or a portion of Lot(s) 7, 8 AND 9 and the south 47 feet of Lot(s) 4, 5, 6, Block(s) 22, **BROWNEWELL & LAILS HIGHLAND ADDITION**, zoned SU-2 MC, located on OAK ST NE, between TIJERAS NE and COPPER NE containing approximately 1 acre(s). [REF:V-78-38] *[Deferred from 11/3/04]* (K-15) **DEFERRED AT THE AGENT'S REQUEST TO 11/10/04.**

7. **Project # 1003717**  
04DRB-01565 Major-Vacation of Pub Right-of-Way

ERIC C JOHNSON request(s) the above action(s) for all or a portion of Lot(s) 6, Block(s) 38, **EASTERN ADDITION**, zoned SU-2 NCR, located on AVENIDA CESAR CHAVEZ SE, between BROADWAY SE and ARNO SE containing approximately 1 acre(s). (L-14) **VACATION WAS DENIED.**

8. **Project # 1003369**  
04DRB-00514 Major-Drainage Plan to  
Determine the Cost Allocation for Storm  
Drainage Improvements

BOB KEERAN agent(s) for LLAVE CONSTRUCTION INC request(s) these action(s) for all or a portion of Unit(s) 3, Lot(s) 6 & 7, Tract(s) 3, Block(s) 16, NORTH ALBUQUERQUE ACRES, **VINTNER COURT SUBDIVISION**, zoned DETENTION POND, located on VINTNER NE, between VENTURA NE and CORONA NE containing approximately 2 acre(s). [Deferred from 5/12/04, 5/26/04, 6/9/04, 6/23/04, 7/14/04, 7/21/04, 8/11/04, 8/25/04, 9/8/04, 10/6/04 & 11/3/04] (C-20) **DEFERRED AT THE BOARD'S REQUEST TO JANUARY 12, 2005.**

9. **Project # 1003125**  
04DRB-01505 Major-Bulk Land Variance  
04DRB-01506 Minor-Prelim&Final Plat  
Approval

MOLZEN-CORBIN & ASSOCIATES agent(s) for CITY OF ALBUQUERQUE, AVIATION DEPARTMENT AND RANCH JOINT VENTURE request(s) the above action(s) for all or a portion of Tract(s) D & S, LANDS OF DOUBLE EAGLE II AIRPORT, (to be known as **AEROSPACE TECHNOLOGY PARK**) zoned SU-1 for AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW, between PASEO DEL VOLCAN (OLD) NW and SHOOTING RANGE PARK RD NW containing approximately 300 acre(s). [Deferred from 10/27/04 & 11/3/04] [REF: 03EPC02054](F-6/G-6) **DEFERRED AT THE AGENT'S REQUEST TO 11/10/04.**

04DRB-01630 Minor-SiteDev Plan  
Subd/EPC

CONSENSUS PLANNING agent(s) for CITY OF ALBUQUERQUE, AVIATION DEPARTMENT AND RANCH JOINT VENTURE request(s) the above action(s) for all or a portion of Tract(s) D, F AND S, LANDS OF DOUBLE EAGLE II AIRPORT, (to be known as **AEROSPACE TECHNOLOGY PARK**) zoned SU-1 for AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW, between PASEO DEL VOLCAN NW and SHOOTING RANGE ACCESS RD NW containing approximately 300 acre(s). [REF: 03EPC02054, 04DRB01505, 04DRB01506][Chris Hyer, EPC Case Planner] [Deferred from 10/27/04 & 11/3/04] (F-5/G-6) **DEFERRED AT THE AGENT'S REQUEST TO 11/10/04.**

**SITE DEVELOPMENT PLANS, AMENDED PLANS, AND MASTER DEVELOPMENT PLANS**

**NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THE REQUEST MAY BE INDEFINITELY DEFERRED.**

10. **Project # 1001946**  
04DRB-01670 Minor-SiteDev Plan  
BldPermit/EPC
- WADE-TRIM agent(s) for TARGET CORPORATION request(s) the above action(s) for all or a portion of Tract(s) A-1, **LOS ANGELES CENTER**, zoned M-1 light manufacturing zone, located on PASEO DEL NORTE NE, between I-25 and SAN PEDRO NE containing approximately 11 acre(s). [REF: 04EPC01032, 04DRB01177, 04DRB01178, 04DRB01176] **[Makita Hill, EPC Case Planner] [Deferred from 11/3/04] (D-18) DEFERRED AT THE AGENT'S REQUEST TO 11/17/04.**
11. **Project # 1003372**  
04DRB-01234 Minor-SiteDev Plan Subd
- DEKKER/PERICH/SABATINI agent(s) for TIM OTT request(s) the above action(s) for all or a portion of Lot(s) 30-A, Block(s) 11, Tract(s) A, **NORTH ALBUQUERQUE ACRES, UNIT B**, zoned SU-2 FOR M-1, located on ALAMEDA BLVD NE, between SAN MATEO BLVD NE and I-25 containing approximately 1 acre(s). [REF: 03DRB00092, DRB-96-352] (The site plan for building permit was withdrawn at the agent's request.) *[Site Plan for Subdivision was deferred from 8/18/04 & 9/8/04] (C-18) THE SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT TO ACCOMMODATE NEW PUBLIC SAS MANHOLE WITHIN NEW PUBLIC SAS & WATER EASEMENTS AND TO PLANNING FOR 3 COPIES OF SITE PLAN.*
- 04DRB-01665 Minor-Prelim&Final Plat  
Approval
- Forstbauer Surveying agent(s) for Tijeras Place LLC request(s) the above action(s) for all or a portion of Lot(s) 30-A, Block(s) 11, Tract(s) A, **NORTH ALBUQUERQUE ACRES, UNIT B**, zoned SU-2 FOR M-1, located on ALAMEDA BLVD NE, between SAN MATEO BLVD NE and I-25 containing approximately 1 acre(s). [REF: 03DRB00092, DRB-96-352, 04DRB01369] (C-18) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT TO ACCOMMODATE NEW PUBLIC SAS MANHOLE WITHIN NEW PUBLIC SAS & WATER EASEMENTS AND TO PLANNING TO RECORD.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

12. **Project # 1002397**  
04DRB-01668 Minor-Prelim&Final Plat Approval
- SURV-TEK INC agent(s) for LA ORILLA GROUP LLC request(s) the above action(s) for all or a portion of Tract(s) 10, **BOSQUE PLAZA**, zoned C-1 (SC), located on COORS BLVD NW, between COORS BLVD NW and LA ORILLA RD WEST containing approximately 3 acre(s). [REF: 02DRB-01925, 01926, 03DRB00634, 04DRB00768, 04DRB01588, 04DRB01587, 04DRB00707, 04DRB00798] [Deferred from 11/3/04] (E-12) **DEFERRED AT THE AGENT'S REQUEST TO 11/10/04.**
13. **Project # 1002711**  
04DRB-01646 Minor-Final Plat Approval
- MARK GOODWIN & ASSOCIATES agent(s) for STV INVESTMENTS VII, LLC request(s) the above action(s) for all or a portion of Lot(s) 7-12 and 21-26, Tract(s) A, NORTH ALBUQUERQUE ACRES, (to be known as **OAKLAND ESTATES**, zoned R-D residential and related uses zone, developing area, located on EAGLE ROCK AVE NE, between SAN PEDRO NE and LOUISIANA BLVD NE containing approximately 11 acre(s). [REF: 03EPC00907, 03EPC00908, 03EPC00915] (C-18) **FINAL PLAT WS APPROVED WITH FINAL SIGN OFF DELEGATED TO PARKS FOR CASH-IN-LIEU AND OPEN SPACE NOTE.**
14. **Project # 1002948**  
04DRB-01669 Minor-Final Plat Approval
- ISAACSON & ARFMAN, PA agent(s) for MS DEV ONE, LLC request(s) the above action(s) for all or a portion of Lot(s) 1 & 2, Tract(s) A1,171A1BA, LANDS OF JACK F CULLY (to be known as **VISTA FAISAN SUBDIVISION**, zoned RA-2, located on ADOBE RD NW, between GUADALUPE TRAIL NW and OPEN SPACE containing approximately 6 acre(s). [REF: 03EPC01736, 03DRB01485, 03DRB01486, 03DRB01497, 04DRB01504] (F-14) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR M.R.G.C.D. SIGNATURE AND PARKS FOR CASH-IN-LIEU.**

15. **Project # 1003573**  
04DRB-01417 Minor-Prelim&Final Plat  
Approval

RIO GRANDE ENGINEERING agent(s) for ERIMY PROPERTIES LTD request(s) the above action(s) for all or a portion of Lot(s) 28, 29 & 30, Block(s) 2, Tract(s) 3, NORTH ALBUQUERQUE ACRES, UNIT 3, **OAKLAND NORTH SUBDIVISION**, zoned R-D residential and related uses zone, developing area, located on OAKLAND AVE NE, between VENTURA BLVD NE and BARSTOW BLVD NE containing approximately 3 acre(s). [REF: 04DRB-01138] *[Deferred from 9/22/04 & 10/6/04]* (C-20) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

16. **Project # 1003673**  
04DRB-01637 Minor-Prelim&Final Plat  
Approval  
04DRB-01638 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for ERIMY PROPERTIES LTD request(s) the above action(s) for all or a portion of Lot(s) 7, 8 and 9, Block(s) 3, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **OAKLAND SOUTH SUBDIVISION**) zoned RD, located on OAKLAND AVE NE, between VENTURA BLVD NE and BARSTOW BLVD NE containing approximately 3 acre(s). [REF: 04DRB01424] *[Deferred from 10/27/04 & 11/3/04]* (C-20) **DEFERRED AT THE AGENT'S REQUEST TO 11/10/04.**

**NO ACTION IS TAKEN ON THESE CASES:**

APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

17. **Project # 1003748**  
04DRB-01660 Minor-Sketch Plat or Plan

SANDRA DAVIS request(s) the above action(s) for all or a portion of Tract(s) 8-E & 9-E, **LANDS OF HOLLINGSWORTH**, zoned RA-2 residential and agricultural zone, located on ARCADIAN TRAIL NW, between VAN CLEAVE RD NW and GRIEGOS RD NW containing approximately 2 acre(s). (G-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. Approval of the Development Review Board Minutes for October 20, 2004. **THE DRB MINUTES FOR OCTOBER 20, 2004 WERE APPROVED BY THE BOARD.**

ADJOURNED: 11:40 A.M.



DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003520 AGENDA#: 2 DATE: 11.3.04

1. Name: Diane Owens Address: 8601 Glendale Ave NE Zip: 87122

2. Name: James Phillips Address: 6600 Florence NE Zip: 87122

3. Name: Jeff Moreland Address: 8401 Modesto Ave NE Zip: 87122

4. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

6. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

8. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

9. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

10. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

12. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

11/3/04

Diane Owens

1. Public Notice -  
subdiv - N.A. + 100' of property

2. Wall location & ht.

3. Mastair wraps

Jim Phillips

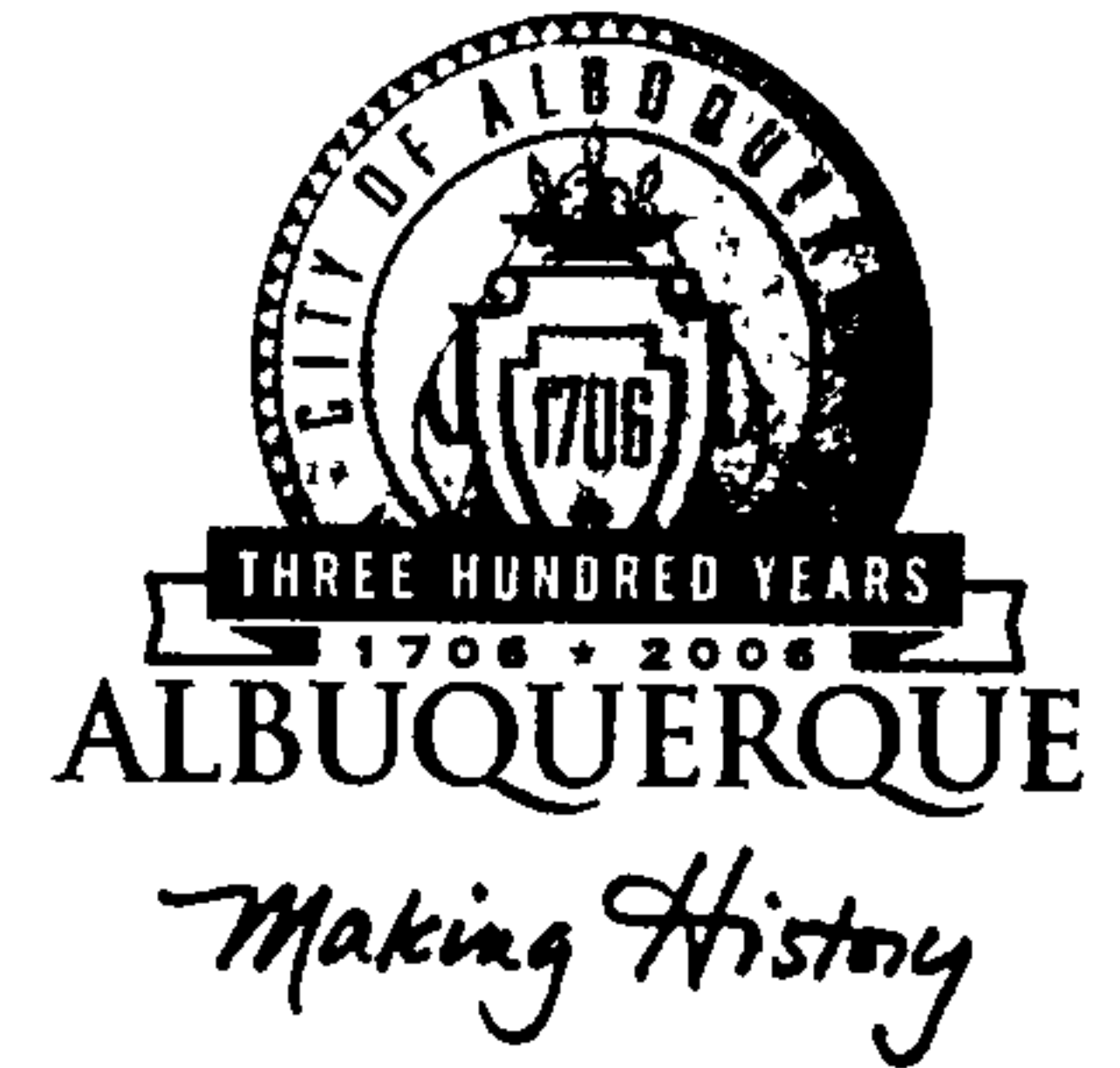
Size of lots - allowed by  
zones

Jeff Moreland

1. Milling - potholes

2. Density.

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1003520**

**AGENDA ITEM NO: 2**

**SUBJECT:**

- |                                |                          |                           |
|--------------------------------|--------------------------|---------------------------|
| (01) Sketch Plat/Plan          | (05) Site Plan for Subd  | (10) Sector Dev Plan      |
| (02) Bulk Land Variance        | (06) Site Plan for BP    | (11) Grading Plan         |
| (03) Sidewalk Variance         | (07) Vacation            | (12) SIA Extension        |
| <b>(03a)</b> Sidewalk Deferral | (08) Final Plat          | (13) Master Dev. Plan     |
| <b>(04)</b> Preliminary Plat   | (09) Infrastructure List | (14) Cost Allocation Plan |

**ACTION REQUESTED:**

P.O. Box 1293

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

Albuquerque

An approved drainage report dated 10-7-04 is on file for Preliminary Plat approval.  
Comments on infrastructure list.

New Mexico 87103

**RESOLUTION:**

12-1-04

www.cabq.gov

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED X; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** November 3, 2004



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

November 3, 2004

**Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01570 Minor-Ext of SIA for Temp Defer SDWK  
04DRB-01568 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] (B-20)

AMAFCA No comment.

COG No adverse comments.

Transit No objection to any of the requests.

Zoning Enforcement No comments received.

Neighborhood Coordination

Letter sent to North Albuquerque Acres (R) Neighborhood Assn.

APS No comments received.

Police Department No adverse comments.

Fire Department

Fire Department is not approving street widths less than 32 feet at this time.  
Per Ray Sanchez, AFD. All required fire hydrants shall be installed and made serviceable prior to and during construction of subdivision.

PNM Electric & Gas Approves.

Comcast No comments received

QWEST No comments received

Environmental Health      Site is not within 1000 feet of a landfill. No comment.

M.R.G.C.D.      No comments received.

Open Space Division      No adverse comments.

City Engineer      An approved drainage report is required for Preliminary Plat approval.

#### Transportation Development

Is Glendale paved to the subdivision? No objection to temporary deferral of sidewalk. What is the minor extension of SIA for temporary deferral of sidewalk?

#### Parks & Recreation

This request will be subject to the following requirements of the City Park Dedication and Development Ordinance:

Prior to sign-off on the final plat, a fee in-lieu of and equal to the value of the required park land dedication for 6 new residential lots will be required. The fee will be based on an estimate of land value to be provided by the City Real Property office. Alternatively, the applicant may submit current appraisal information mutually acceptable to the applicant and the City.

The park development requirement will be met via the payment of a fee prior to issuance of building permit for each new dwelling unit.

Add the following note to the plat. All open space requirements are met on the lot with the dwelling per the provisions of Section 14-16-3-8 (A) (1). No objection to the sidewalk requests.

#### Utilities Development

Infrastructure list did not address future PRV vault. See Availability letter. No objection to Sidewalk Deferral.

#### Planning Department

The perimeter wall design submittal has these problems: (1) the 40" wide sections are referred to as pilasters in one drawing and decorative columns in another. They should be called decorative columns. (2) The decorative columns should have a note stating they will project a minimum of 2" on the public side. (3) The nearest intersection is also missing from the submittal. (4) A location map the same size as the design sheet should be included with the submittal. The map shows the location of the perimeter walls to which the design applies.

Planning Department

Please revise & re-submit 3 copies of the wall submittal by Monday November 1<sup>st</sup> to avoid deferral of the platting action.

The agent checked "extension of SIA for temporary deferral of sidewalk construction" in addition to "temporary deferral of sidewalk" on the application checklist.

So, an application number was assigned to each action. In reality, the extension is not needed at this time. The agent should write a letter or send an e-mail to Claire Senova asking to withdraw the request to extend the SIA (04DRB-01570).

No objection to the two remaining requested actions once the problems noted above are resolved.

**IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING**

cc: Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102

Mark Goodwin & Associates PA, P.O. Box 90606, 87199



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, November 3, 2004, beginning at 9:00 a.m. for the purpose of considering the following:

**Project # 1003571**

04DRB-01517 Major-Vacation of Public Easements  
04DRB-01518 Major-Preliminary Plat Approval  
04DRB-01519 Minor-Sidewalk Waiver  
04DRB-01520 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES agent(s) for CURB INC request(s) the above action(s) for all or a portion of Tract(s) 9-B-1, 9-B-2 and 12-A-2, **EL RANCHO GRANDE 1, UNIT 9B**, zoned R-LT residential zone, located on BLAKE RD NW, between AMOLE CHANNEL and 98<sup>TH</sup> ST NW containing approximately 36 acre(s). [REF: 04DRB01134] (N-9)

**Project # 1003520 =>**

04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01570 Minor-Ext of SIA for Temp Defer SDWK  
04DRB-01568 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] (B-20)

**Project # 1001685**

04DRB-01566 Major-Vacation of Pub Right-of-Way

WILSON & COMPANY agent(s) for GOLF COURSE & MCMAHON LLC request(s) the above action(s) for all or a portion of Tract(s) 1-B, **PARADISE NORTH**, zoned SU-1 FOR IP, located on GOLF COURSE RD NW, between MCMAHON BLVD NW and IRVING BLVD NW containing approximately 24 acre(s). [REF: 02DRB-00005] (A-12)

**Project # 1003470**

04DRB-01522 Major-Bulk Land Variance  
04DRB-01523 Major-Preliminary Plat Approval  
04DRB-01524 Minor-Temp Defer SDWK

WILSON & COMPANY agent(s) for SCOTT SCHIABOR SPS LC request(s) the above action(s) for all or a portion of Tract(s) 1A, 2A, 1B & 2B, **VISTA VIEJA SUBDIVISION**, KASSUBA-MONTBEL LANDS, zoned R-1 residential zone, located on 81<sup>ST</sup> ST NW and ALBERICOQUE PL NW containing approximately 152 acre(s). [REF: 04DRB00825, 04DRB01460] (D-9)

**SEE PAGE 2 . . .**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE  
PAGE 2**

**Project # 1003238**

04DRB-01569 Major-Preliminary Plat  
Approval  
04DRB-01573 Minor-Vacation of Private  
Easements  
04DRB-01571 Minor-Sidewalk Waiver  
04DRB-01572 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for AMC DEVELOPMENT SERVICES request(s) the above action(s) for all or a portion of Lot(s) A, B C, Tract(s) 267, 268-B, 270-A-2, 270-A-1-C, 270-A-1-D, 270-B AND 315-A-1-A-1, M.R.G.C.D. MAP 35 AND LAND OF ALBERT PEREZ, TRACT(S) B1 AND B2, LAND OF MACIEL & TRUJILLO (to be known as **FLORAL MEADOWS SUBDIVISION**, zoned R-LT residential zone, located on INTERSTATE 40 between RIO GRANDE BLVD NW and MONTOYA ST NW containing approximately 8 acre(s). [REF: 04EPC00156, 04EPC00157, 04DRB00661, 04DRB01227] (H-12/H-13)

**Project # 1003705**

04DRB-01540 Major-Vacation of Public  
Easements  
04DRB-01539 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for DR VIJAY AGARWAL request(s) the above action(s) for all or a portion of Lot(s) 7, 8 AND 9 and the south 47 feet of Lot(s) 4, 5, 6, Block(s) 22, **BROWNEWELL & LAILS HIGHLAND ADDITION**, zoned SU-2 MC, located on OAK ST NE, between TIJERAS NE and COPPER NE containing approximately 1 acre(s).[REF:V-78-38](K-15)

**Project # 1003717**

04DRB-01565 Major-Vacation of Pub  
Right-of-Way

ERIC C JOHNSON request(s) the above action(s) for all or a portion of Lot(s) 6, Block(s) 38, **EASTERN ADDITION**, zoned SU-2 NCR, located on AVENIDA CESAR CHAVEZ SE, between BROADWAY SE and ARNO SE containing approximately 1 acre(s). (L-14)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays. Individuals with disabilities who need special assistance to participate at this meeting should contact Claire Senova, Planning Department, at 924-3946. Hearing Impaired users may contact her via the New Mexico Relay Network by calling toll-free: 1-800-659-8331.

Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, OCTOBER 18, 2004.**



**CITY OF PLANNING  
PLANNING DEPARTMENT  
PROPERTY OWNERSHIP LIST**

**Meeting Date:** NOVEMBER 3, 2004  
**Zone Atlas Page:** B-20-Z  
**Notification Radius:** 100 Ft.

**Project#** 1003520  
**App#** 04DRB-01567  
**App#** 04DRB-01568  
**App#** 04DRB-01570

**Cross Reference and Location:**

**Applicant:** WASHINGTON STREET INVESTORS, LLC  
**Address:** 501 3<sup>RD</sup> ST. SW  
ALBUQUERQUE NM 87102

**Agent:** MARK GOODWIN & ASSOC.  
**Address:** PO BOX 90606  
ALBUQUERQUE NM 87199

**Special Instructions:**

**Notice must be mailed from the  
City's 15 day prior to the meeting.**

**Date Mailed:** OCTOBER 15, 2004

**Signature:** KYLE TSETHLIKAI

RECORDS WITH LABELS

PAGE 1

102006505809330229	LEGAL: 004 016T R 1 UNIT 3 NO ALBUQ ACRES PROPERTY ADDR: 00000 FLORENCE OWNER NAME: SCANLAND MARIAN C OWNER ADDR: 01795 EL DORADO	LAND USE: LP BOSQUE FARMSNM 87068
102006507409330228	LEGAL: 005 016T R 1 UNIT 3 N ALBUQ ACRES PROPERTY ADDR: 00000 FLORENCE OWNER NAME: MILLINGTON LARRY D & PATRICIA OWNER ADDR: 08508 FLORENCE	LAND USE: AV NE ALBUQUERQUE NM 87122
102006509009330227	LEGAL: 006 016T R 1 UNIT 3 NO ALBUQ ACRES PROPERTY ADDR: 00000 FLORENCE OWNER NAME: OLONA DENNIS A & BARBARA C OWNER ADDR: 08516 FLORENCE	LAND USE: AV NE ALBUQUERQUE NM 87122
102006510809330226	LEGAL: 007 016T R 1 UNIT 3 NO ALBUQ ACRES PROPERTY ADDR: 00000 FLORENCE OWNER NAME: PHILLIPS JAMES R JR & SANDRA E OWNER ADDR: 08600 FLORENCE	LAND USE: AV NE ALBUQUERQUE NM 87122
102006505806930204	LEGAL: 029 016T R 1 UNIT 3 NO ALBUQ ACRES PROPERTY ADDR: 00000 GLENDALE OWNER NAME: RAWSON F LEWIS OWNER ADDR: 07415 SUNROSE	LAND USE: NW ALBUQUERQUE NM 87105
102006507506930205	LEGAL: 028 016T RACT 1 UNIT 3 NORTH ALBUQUERQUE ACRES PROPERTY ADDR: 00000 GLENDALE OWNER NAME: MARRON FAMILY LTD PTNS LLP OWNER ADDR: 01111 ROADRUNNER	LAND USE: LN NW ALBUQUERQUE NM 87107
102006509006930206	LEGAL: 027 016T R 1 UNIT 3 NO ALBUQ ACRES PROPERTY ADDR: 00000 GLENDALE OWNER NAME: MARRON FAMILY LTD PTNS LLP OWNER ADDR: 01111 ROADRUNNER	LAND USE: LN NW ALBUQUERQUE NM 87107
102006510806930207	LEGAL: 026 016T R 1 UNIT 3 NORTH ALBUQUERQUE ACRES PROPERTY ADDR: 00000 GLENDALE OWNER NAME: OWENS DIANE I OWNER ADDR: <del>00000</del> BX 26091	LAND USE: ALBUQUERQUE NM 87125
102006505803830129	LEGAL: 004 017T RACT 1 UNIT 3 NORTH ALBUQUERQUE ACRES PROPERTY ADDR: 00000 GLENDALE OWNER NAME: KASSAM MOHAMED & SHAMSHID OWNER ADDR: 13215 VELMA	LAND USE: CT NE ALBUQUERQUE NM 87112
102006507403830128	LEGAL: 005 017T R 1 UNIT 3 NO ALBUQ ACRES PROPERTY ADDR: 00000 GLENDALE OWNER NAME: FRANK RANDALL A & MARIA OWNER ADDR: 00360 CORAL	LAND USE: DR RIO RANCHO NM 87124
102006509003830127	LEGAL: 006 017T R 1 UNIT 3 NO ALBUQ ACRES PROPERTY ADDR: 00000 GLENDALE OWNER NAME: HOHNER DARRELL & MARY OWNER ADDR: 01664 CAMINO REDONDO	LAND USE: LOS ALAMOS NM 87544

RECORDS WITH LABELS

PAGE 2

102006510803830126	LEGAL: 007 017T R 1 UNIT 3 NORTH ALBUQUERQUE ACRES PROPERTY ADDR: 00000 GLENDALE OWNER NAME: VANITA LAND CORP OWNER ADDR: 00512 ALMA REAL	LAND USE: DR PACIFIC PALICA 90272
--------------------	--	--------------------------------------

# "Attachment A"

Beth Gonzales, Mark Goodwin and Associates, PA  
Zone Map: B-20

**NORTH ALBUQ. ACRES COMM. ASSOC. (R)**

**\*Cynthia Reinhart**

11003 Anaheim Ave. NE/87122 856-6054 (h)

Jackie McDowell

7820 Beverly Hills Ave. NE/87122 828-2430 (h)

**LETTERS MUST BE SENT TO BOTH**  
**CONTACTS OF EACH**  
**NEIGHBORHOOD ASSOCIATION.**

**FORM DRWS: DRAINAGE REPORT / WATER & SEWER AVAILABILITY**

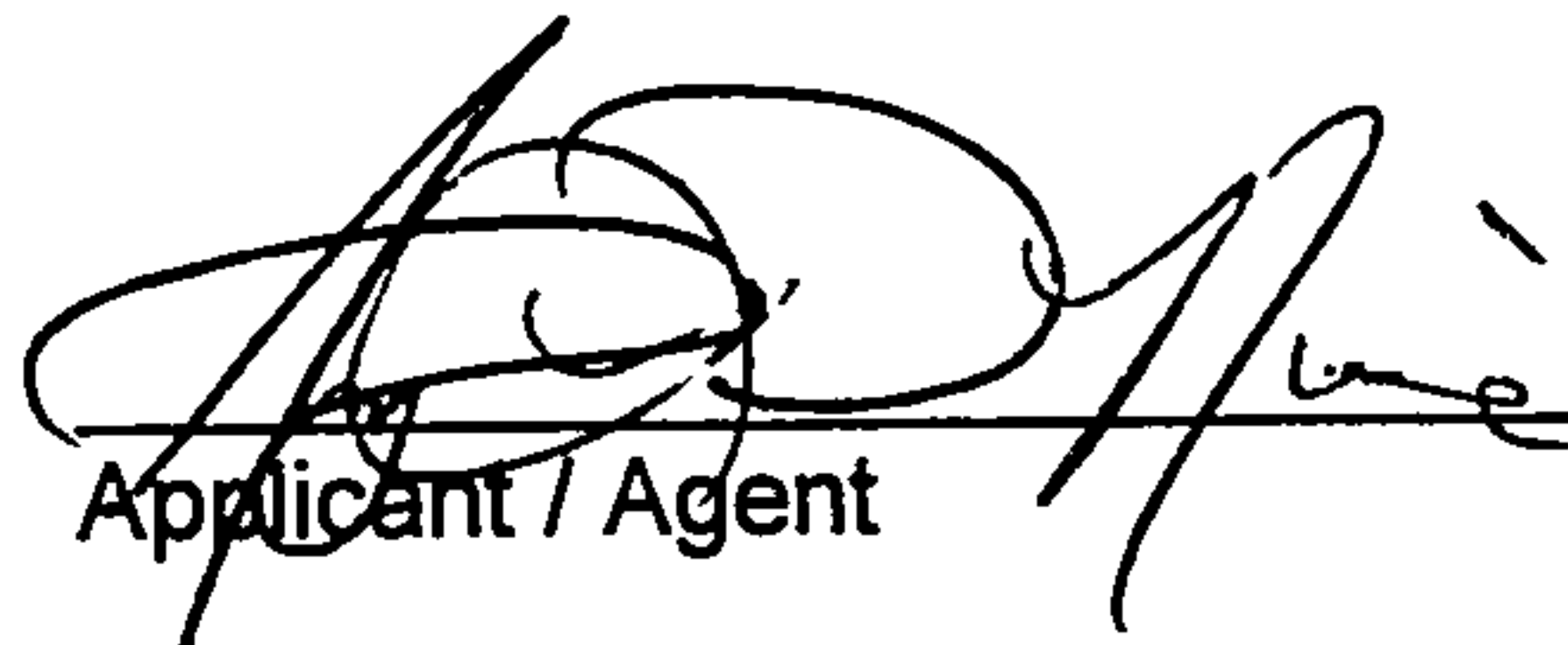
THIS FORM IS REQUIRED WITH THE DEVELOPMENT REVIEW BOARD APPLICATION FOR MAJOR SUBDIVISIONS AND SITE DEVELOPMENT PLANS.

PROJECT NAME: Benjamin Place Subdivision  
AGIS MAP #: B-20  
LEGAL DESCRIPTION: Lots 27 & 28, Block 16, Tract 1, Unit 3, North Albuquerque Acres

✓

**DRAINAGE REPORT**

A drainage report, as per the Drainage Ordinance, was submitted to the City of Albuquerque Public Works Department, Hydrology Division (2nd floor Plaza del Sol) on 10/08/04 [date].


  
Applicant / Agent \_\_\_\_\_ Date 10/8/04

\_\_\_\_\_  
Hydrology Division Representative \_\_\_\_\_ Date

✓

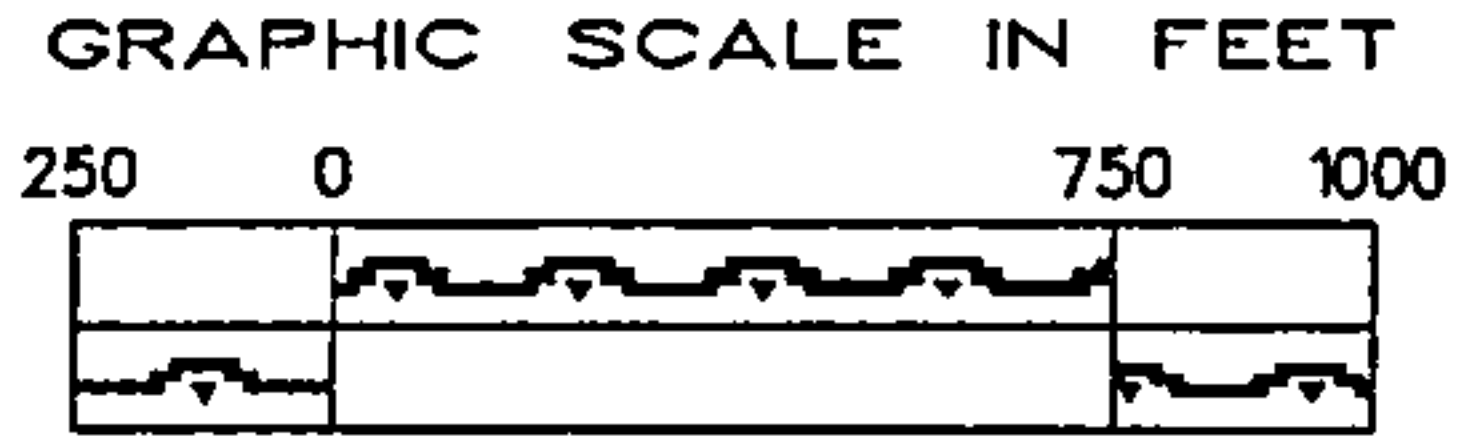
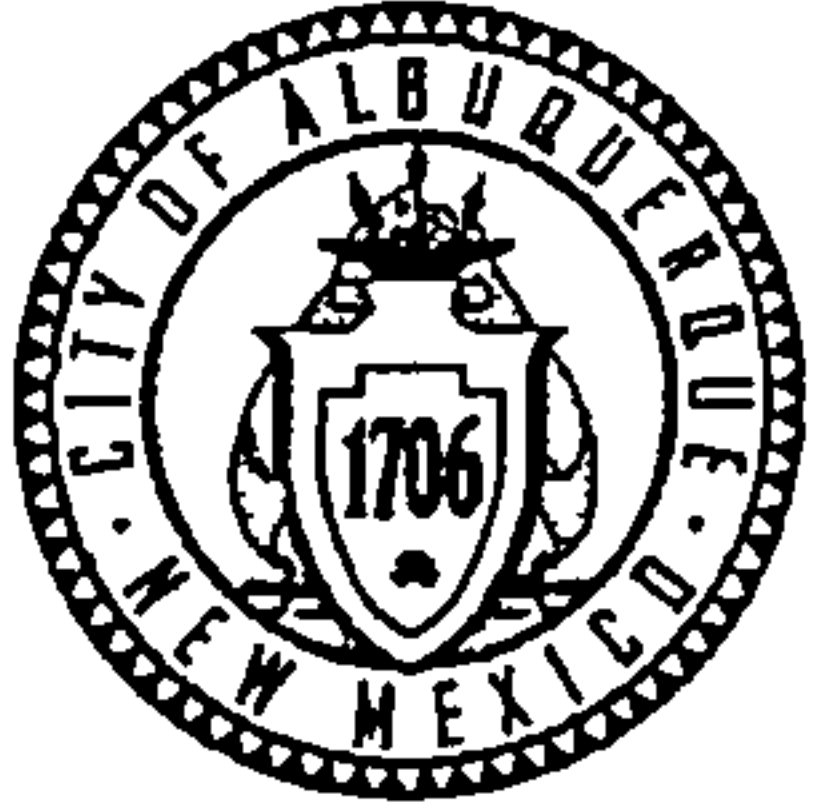
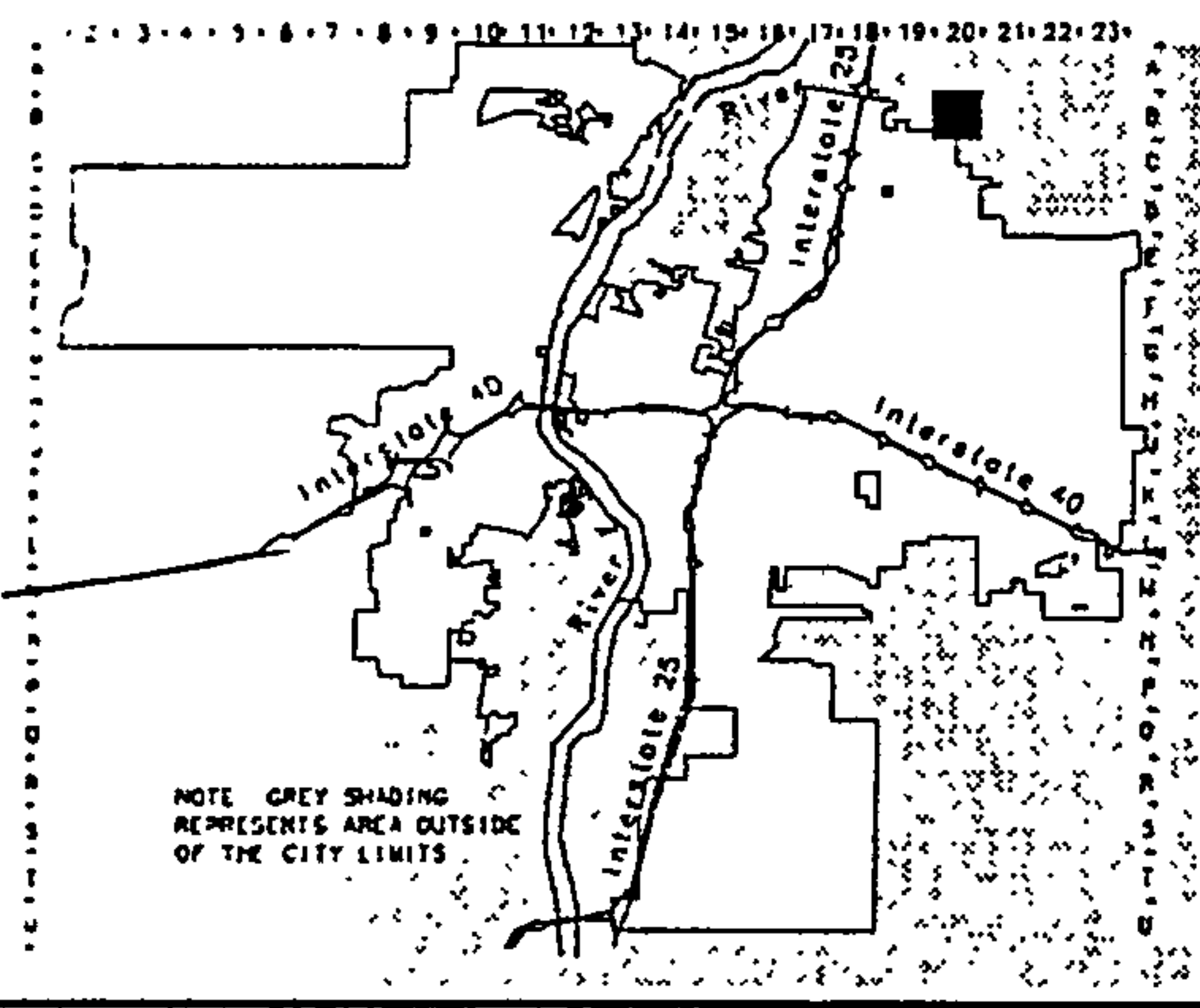
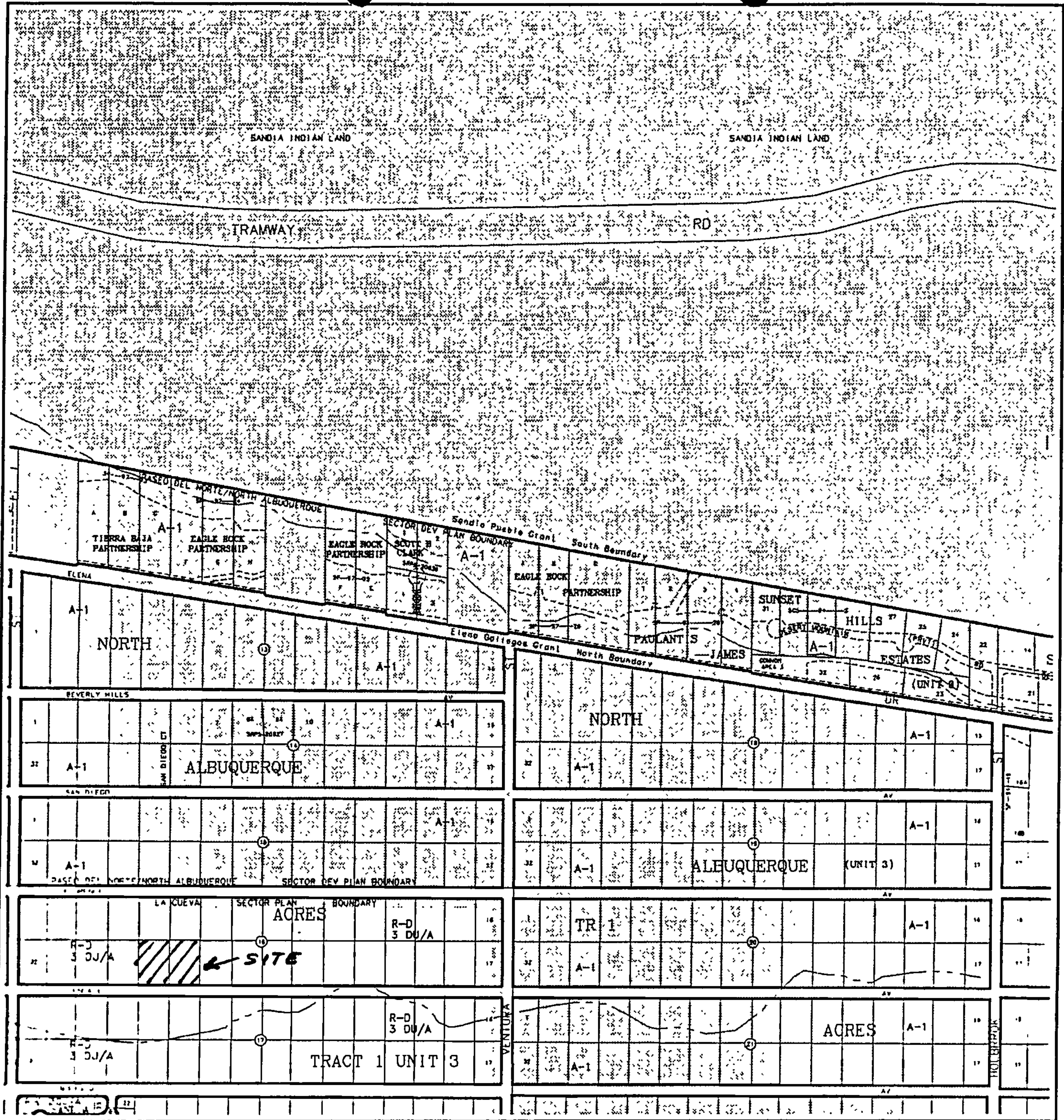
**WATER AND SEWER AVAILABILITY STATEMENT**

A Water and Sewer Availability Statement for this project was received from the City of Albuquerque Utilities Development Division (2nd floor Plaza del Sol) on 07/22/2004 [date].

  
Applicant / Agent \_\_\_\_\_ Date 10/8/04

\_\_\_\_\_  
Utility Division Representative \_\_\_\_\_ Date

DRB# 1003520



**A**lbuquerque **G**eographic **I**nformation **S**ystem  
**PLANNING DEPARTMENT**  
© Copyright 2003

**Zone Atlas Page**  
**B-20-Z**  
Map Amended through November 01, 2003

**FORM V: SUBDIVISION VARIANCES & VACATIONS**

- BULK LAND VARIANCE (Public Hearing Case)**
    - Application for subdivision (Plat) on FORM S-3, including those submittal requirements. Variance and subdivision should be applied for simultaneously. (24 copies)
    - Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived
    - Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
    - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - Sign Posting Agreement
    - Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
    - Any original and/or related file numbers are listed on the cover application
- DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**


- VACATION OF PUBLIC RIGHT-OF-WAY**
  - VACATION OF PUBLIC EASEMENT**
    - The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies. (Not required for dedicated and City owned public right-of-way.)
    - Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 24 copies
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the request
    - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - Sign Posting Agreement
    - Fee (see schedule)
    - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire. DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

- SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL)**
  - SIDEWALK DESIGN VARIANCE**
  - SIDEWALK WAIVER**
    - Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the variance or waiver
    - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
  - EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
    - Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the deferral or extension
    - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

- VACATION OF PRIVATE EASEMENT**
    - The complete document which created the private easement (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
    - Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the vacation
    - Letter of authorization from the grantors and the beneficiaries
    - Fee (see schedule)
    - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire. DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

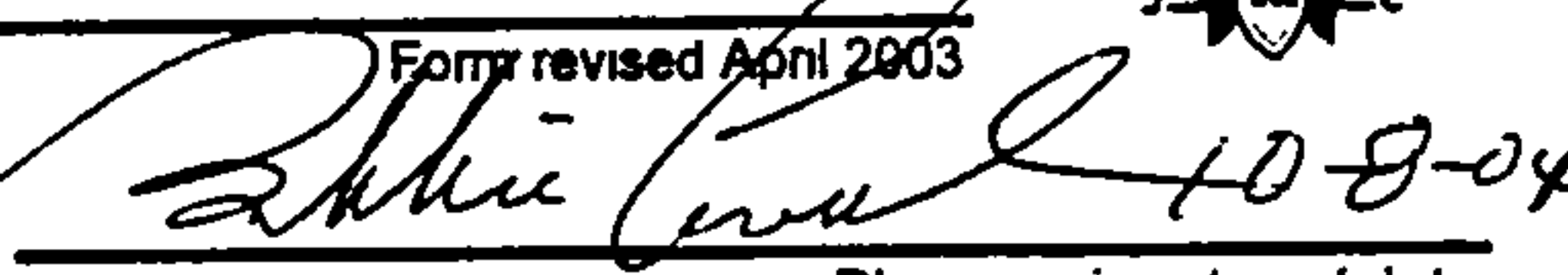
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

AMY L. D. NIESE, PE  
 Applicant name (print)  
  
 Applicant signature / date  
 10/8/04



Checklists complete  
 Fees collected  
 Case #s assigned  
 Related #s listed

Application case numbers  
04 DRB - 01568  
04 DRB - 01570

Form revised April 2003  
  
 Planner signature / date  
 10-8-04

Project # 1003520



Supplemental form

**SUBDIVISION**

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
  - Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICATION INFORMATION:**

Professional/Agent (if any): MARK GOODWIN & ASSOCIATES, PA PHONE: 828-2200  
 ADDRESS: P.O. Box 90606 FAX: \_\_\_\_\_  
 CITY: Albuquerque STATE NM ZIP 87199 E-MAIL: \_\_\_\_\_

APPLICANT: WASHINGTON STREET INVESTORS, LLC PHONE: 922-9411  
 ADDRESS: 100 GOLD SW, SUITE 209 FAX: \_\_\_\_\_  
 CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_

Proprietary interest in site: OWNER List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: 2-YEAR EXTENSION OF SIA (FOR SD); 2-YEAR EXTENSION OF SIDEWALK DEFERRAL (BENJAMIN PLACE)

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. 27 & 28 Block: 16 Unit: 3  
 Subdiv/Addn/TBKA: BENJAMIN PLACE  
 Existing Zoning: R-D Proposed zoning: R-D MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): B-20 UPC Code: \_\_\_\_\_

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1003520  
04DRB-01568, 01863

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? no  
 No. of existing lots: \_\_\_\_\_ No. of proposed lots: \_\_\_\_\_ Total area of site (acres): ~2  
 LOCATION OF PROPERTY BY STREETS: On or Near: GLENDALE  
 Between: BARSTOW and VENTURA  
 Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: \_\_\_\_\_

SIGNATURE [Signature] DATE 11.19.09  
 (Print) GREGORY J. KRENK, PE Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Form revised 4/07

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
<u>09DRB-70363</u>	<u>SIA</u>	_____	<u>\$50.00</u>
<u>09DRB-70364</u>	<u>TDS</u>	_____	<u>\$0</u>
<u>09DRB-70365</u>	<u>ETDS</u>	_____	<u>\$50.00</u>
_____	<u>ADV</u>	_____	<u>\$75.00</u>
_____	<u>CMF</u>	_____	<u>\$20.00</u>
			Total
			<u>\$195.00</u>

Hearing date Dec 23, 2009

[Signature] 11-24-09  
 Planner signature / date

Project # 1003520

**FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING**

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

**MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL (DRB13)**

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Proposed Infrastructure List
- Signed Preliminary Pre-Development Facilities Fee Agreement for **Residential** development only
- Design elevations & cross sections of perimeter walls **3 copies** (11" x 17" maximum)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed plat
- FORM DRWS Drainage Report, Water & Sewer availability statement filing information
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Signed** Pre-Annexation Agreement if Annexation required.
- TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

**Preliminary plat approval expires after one year.**

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

**MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (DRB11) (with significant changes)**

**PLEASE NOTE:** There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed amended plat, if applicable
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers are listed on the cover application

**Amended preliminary plat approval expires after one year.**

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

**MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT (DRB09)**

**(Temporary sidewalk deferral extension use FORM-V)**

- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Plat or plan reduced to 8.5" x 11"
- Official D.R.B. Notice of the original approval
- Approved Infrastructure List. If not applicable, please initial. \_\_\_\_\_
- Previous SIA extension notice, if one has been issued. If not applicable, please initial. \_\_\_\_\_
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers on the cover application
- Fee (see schedule)

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

GREGORY J. KRASIK, PE  
 Applicant name (print)  
[Signature] 11-19-09  
 Applicant signature / date



Form revised October 2007

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
09DRB - 70363  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature] 11-24-09  
 Planner signature / date  
 Project # 1003520



**FORM V: SUBDIVISION VARIANCES & VACATIONS**

- BULK LAND VARIANCE (DRB04)** **(PUBLIC HEARING CASE)**  
 \_\_\_ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**  
 \_\_\_ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.  
 \_\_\_ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)  
 \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts  
 \_\_\_ Sign Posting Agreement  
 \_\_\_ Fee (see schedule)  
 \_\_\_ List any original and/or related file numbers on the cover application  
**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- VACATION OF PUBLIC EASEMENT (DRB27)**  
 **VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**  
 \_\_\_ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**  
 (Not required for City owned public right-of-way.)  
 \_\_\_ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**  
 \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined  
 \_\_\_ Letter briefly describing, explaining, and justifying the request  
 \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts  
 \_\_\_ Sign Posting Agreement  
 \_\_\_ Fee (see schedule)  
 \_\_\_ List any original and/or related file numbers on the cover application  
 Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.  
**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- SIDEWALK VARIANCE (DRB20)**  
 **SIDEWALK WAIVER (DRB21)**  
 \_\_\_ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**  
 \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined  
 \_\_\_ Letter briefly describing, explaining, and justifying the variance or waiver  
 \_\_\_ List any original and/or related file numbers on the cover application  
**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**  
 \_\_\_ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**  
 \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined  
 \_\_\_ Letter briefly describing, explaining, and justifying the variance  
 \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts  
 \_\_\_ Sign Posting Agreement  
 \_\_\_ Fee (see schedule)  
 \_\_\_ List any original and/or related file numbers on the cover application  
**DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**  
 **EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**  
 \_\_\_ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**  
 Zone Atlas map with the entire property(ies) clearly outlined  
 Letter briefly describing, explaining, and justifying the deferral or extension  
 List any original and/or related file numbers on the cover application  
**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- VACATION OF PRIVATE EASEMENT (DRB26)**  
 **VACATION OF RECORDED PLAT (DRB29)**  
 \_\_\_ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**  
 \_\_\_ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**  
 \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined  
 \_\_\_ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**  
 \_\_\_ Letter of authorization from the grantors and the beneficiaries (private easement only)  
 \_\_\_ Fee (see schedule)  
 \_\_\_ List any original and/or related file numbers on the cover application  
 Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.  
**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

GREGORY J. KRENK, PE  
 Applicant name (print)  
[Signature] 11-19-09  
 Applicant signature / date



Form revised 4/07

- Checklists complete  
 Fees collected  
 Case #s assigned  
 Related #s listed

Application case numbers  
 09DRB - 70364  
 09DRB - 70365

[Signature] 11-24-09  
 Planner signature / date  
 Project # 1003520

# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

#### 1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

#### 2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

#### 3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

#### 4. TIME

Signs must be posted from December 8, 2009 To December 23, 2009

#### 5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

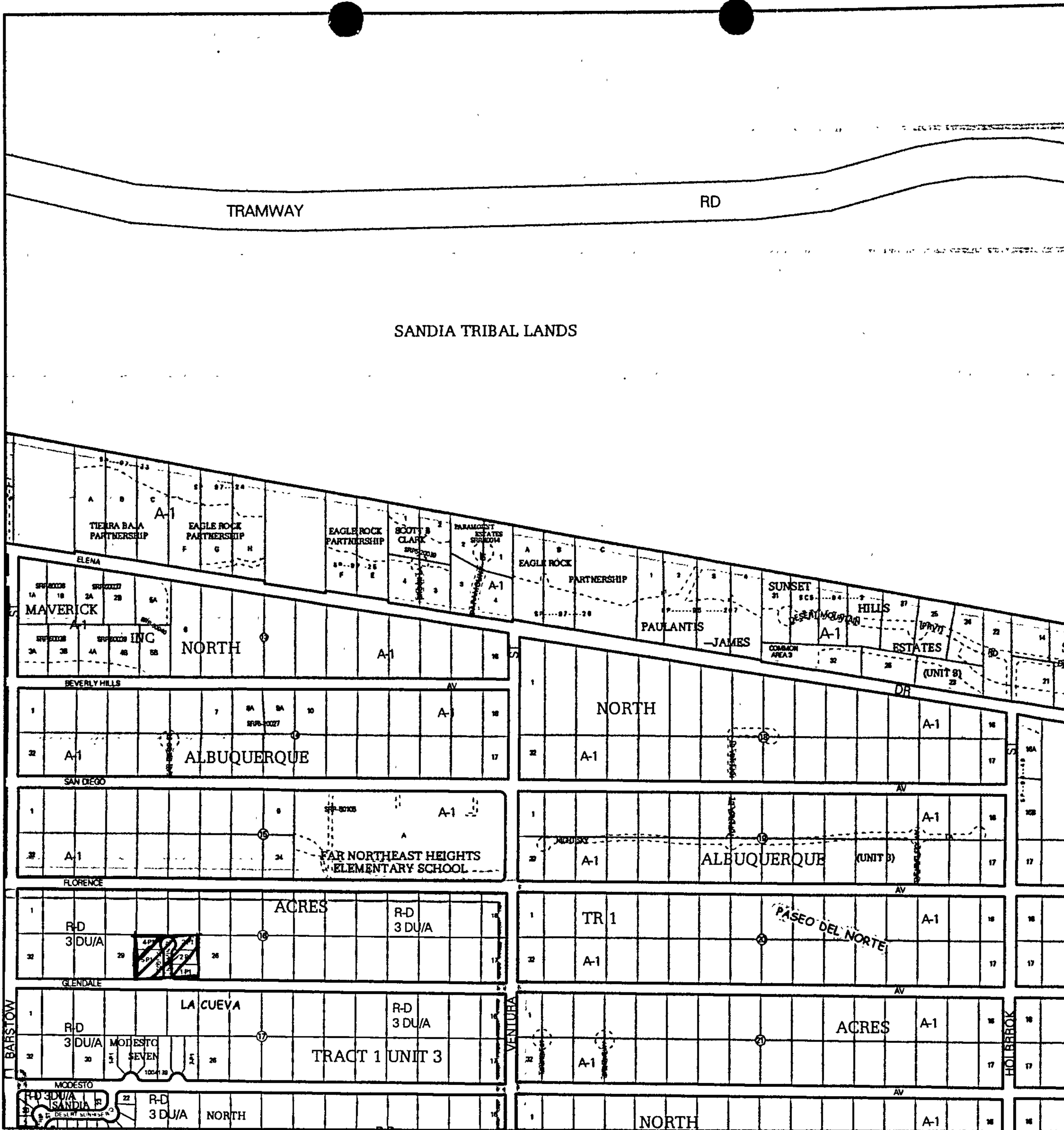
[Signature] FOR GREENDAY J. KOENIG  
(Applicant or Agent)

11/24/09  
(Date)

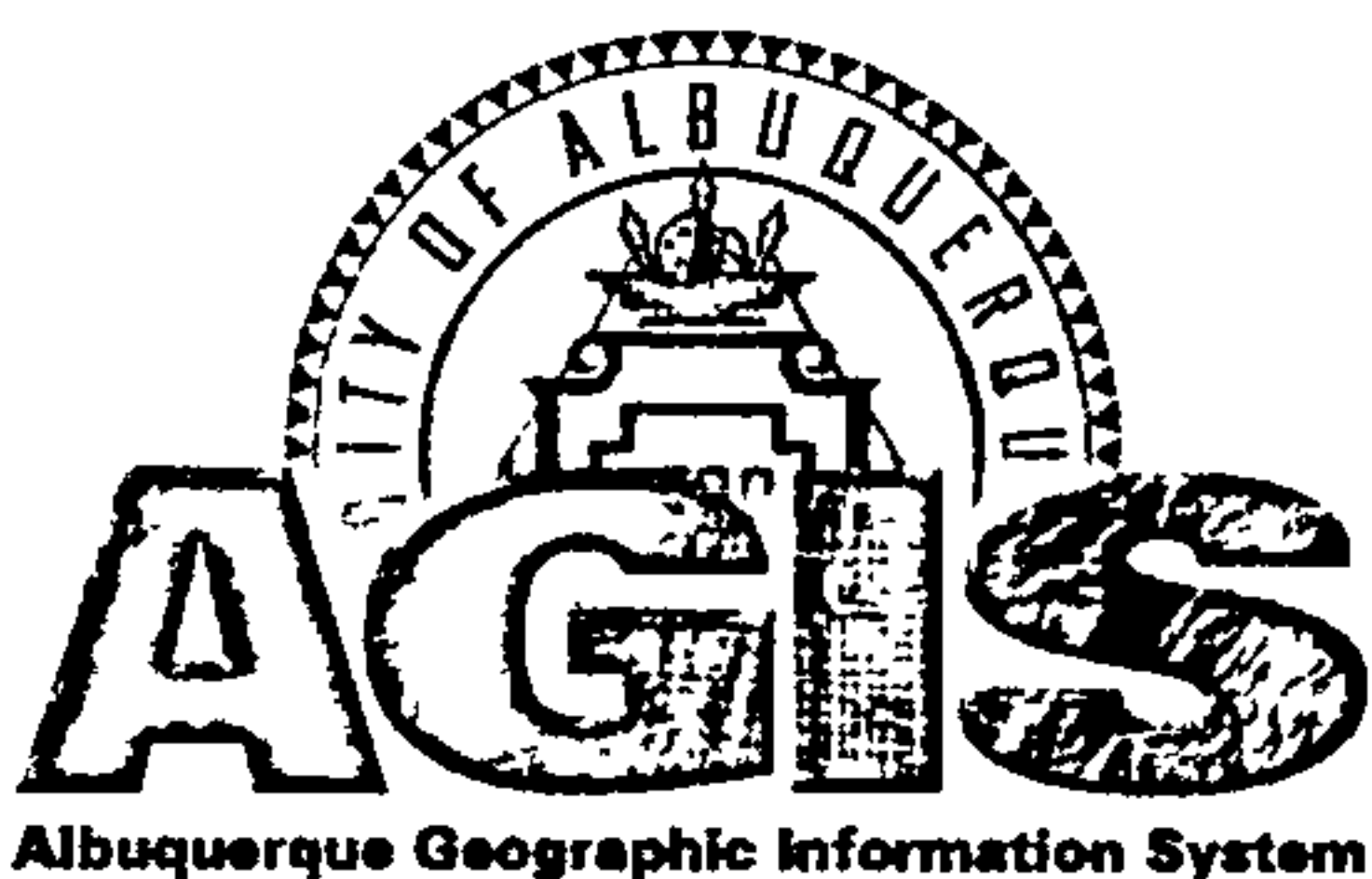
I issued 2 signs for this application, 11-24-09  
(Date)

[Signature]  
(Staff Member)

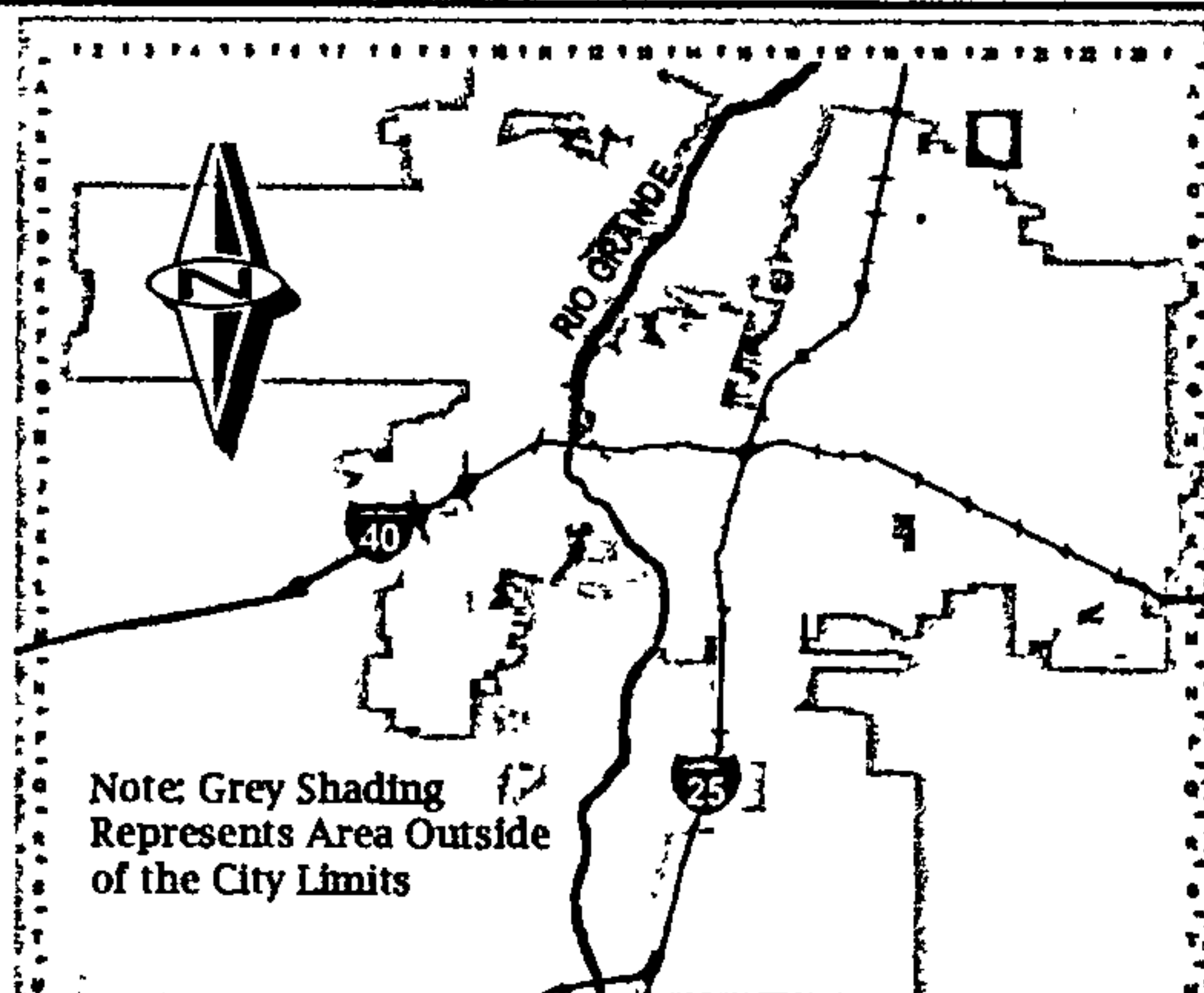
DRB PROJECT NUMBER: 1003520



For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 3/10/2009

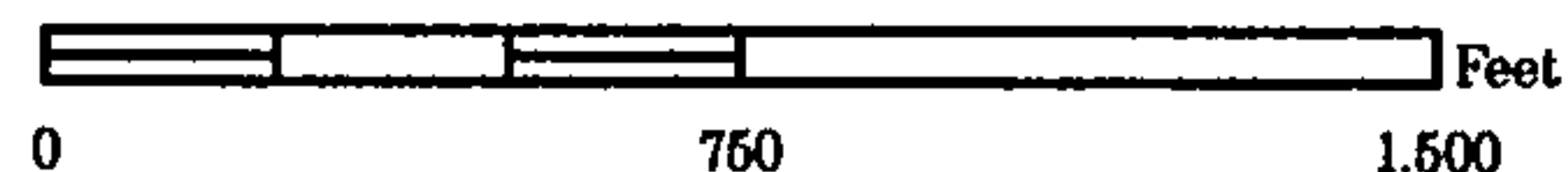


Zone Atlas Page:

**B-20-Z**

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone





D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

*~ 2008 ACEC/NM Award Winner for Engineering Excellence, Small Firm ~*

November 19, 2009

Mr. Jack Cloud  
DRB Chair  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

**Re: Benjamin Place - 1003520**

Dear Mr. Cloud:

On behalf of our client, Washington Street Investors, LLC, and the requirements of the DPM we are submitting the following DRB application. We are requesting a 2-year extension of the Subdivision Improvements Agreement and a 2-year extension of the Sidewalk Deferral Agreement. We would like to request that both items be heard together.

The SIA is for the remaining storm drain which will not be built until there is development upstream, per Brad Bingham. There is one remaining sidewalk to be installed once the property has been built.

Please contact our office if you have any questions or comments.

Sincerely,

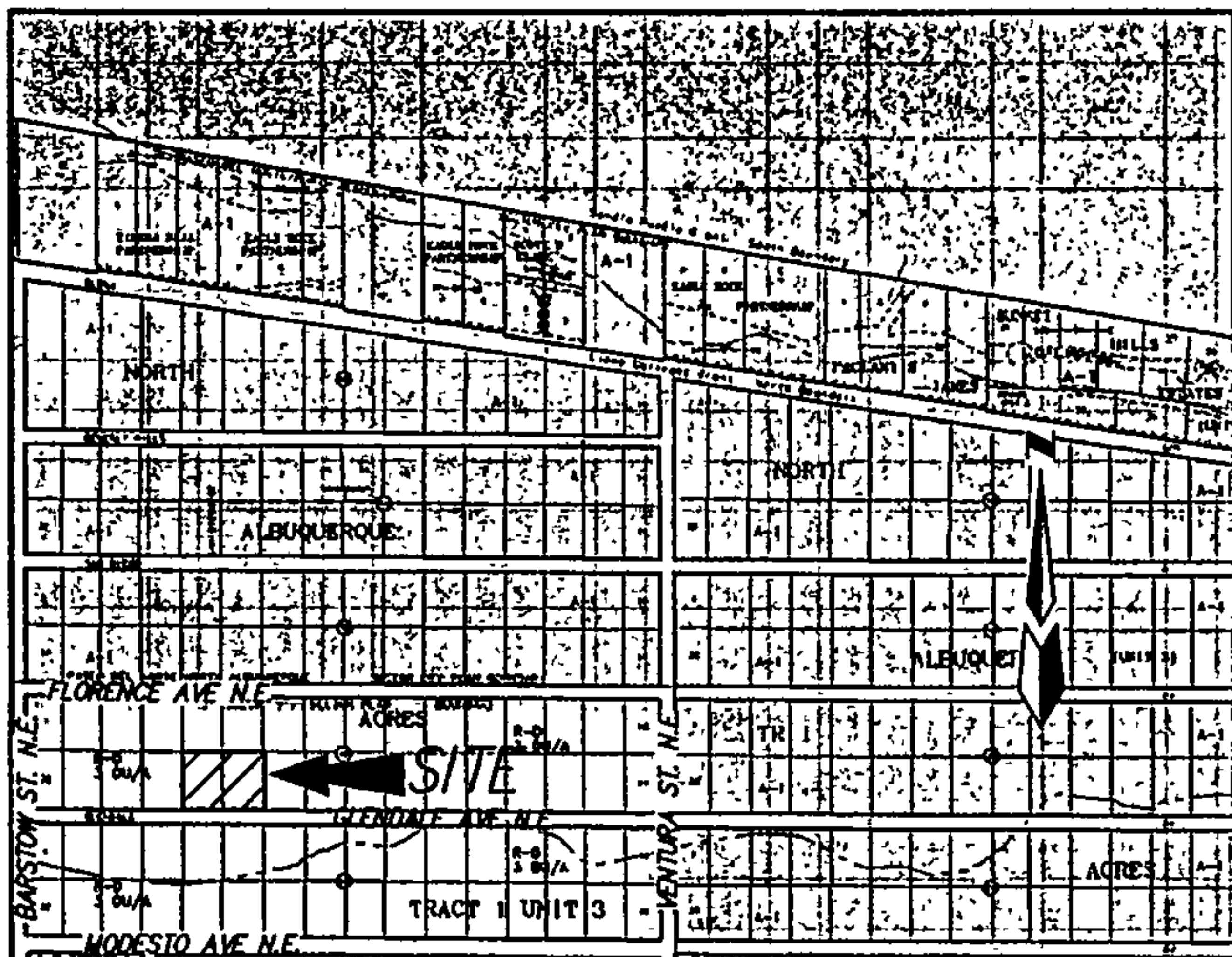
MARK GOODWIN & ASSOCIATES, PA



Gregory J. Krenik, PE  
Senior Engineer

GJK/sr

Attachments



VICINITY MAP ZONE ATLAS B-20-Z SCALE: NONE

**SUBDIVISION DATA**

GROSS ACREAGE 1.9980 AC  
 ZONE ATLAS NO. B-20-Z  
 NO. OF EXISTING TRACTS/LOTS 0 TRACTS/2 LOTS  
 NO. OF TRACTS/LOTS CREATED 0 TRACTS/5 LOTS  
 NO. OF TRACTS/LOTS ELIMINATED 0 TRACTS/2 LOTS  
 AREA DEDICATED TO CITY OF ALBUQUERQUE (WITHOUT WARRANTY COVENANTS) 0.2277 AC  
 AREA DEDICATED TO CITY OF ALBUQUERQUE (WITH WARRANTY COVENANTS) 0.2669 AC  
 MILES OF FULL WIDTH STREETS CREATED 0.03 MILE  
 DATE OF SURVEY AUGUST, 2004  
 UTILITY CONTROL LOCATION SYSTEM LOG NUMBER 2005081920  
 ZONING R-D, 3 DU/A

**FREE CONSENT AND DEDICATION**

The subdivision hereon described is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) thereof and said owner(s) and/or proprietor(s) do hereby dedicate Benjamin Place N.E., as shown hereon to the City of Albuquerque in fee simple with warranty covenants and do hereby dedicate portions of Glendale Avenue N.E. to the City of Albuquerque in fee simple without warranty covenants and do hereby grant: all access, utility and drainage easements shown hereon including the right to construct, operate, inspect, and maintain facilities therein; and all public utility easements shown hereon for the common and joint use of gas, electrical power, water, sewer and communication services for buried distribution lines, conduits, and pipes for underground utilities where shown or indicated, and including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. Said owner(s) and/or proprietor(s) do hereby consent to all of the foregoing and do hereby certify that this subdivision is their free act and deed. Said owner(s) warrant that they hold among them complete and indefeasible title in fee simple to the land subdivided.

OWNER: Washington Street Investors, LLC  
 BY: T. Scott Ashcraft  
 TITLE: Managing Member

*[Signature]*  
 9-30-05  
 DATE

**OWNER'S ACKNOWLEDGMENT**

STATE OF NEW MEXICO SS  
 COUNTY OF BERNALILLO

This instrument was acknowledged before me on 9/30/2005  
 By: T. Scott Ashcraft, Managing Member, Washington Street Investors, LLC, A New Mexico Corporation on behalf of said corporation

*[Signature]*  
 NOTARY PUBLIC  
 10/13/2008  
 MY COMMISSION EXPIRES



**LEGAL DESCRIPTION**

A tract of land situate, within the Elena Gallegos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 27 and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 10, 1931 in Volume D, Folio 121 and containing 1.9980 acres more or less.

**PURPOSE OF PLAT**

1. Subdivide two (2) residential lots into five (5) Residential lots.
2. Grant easements as shown hereon.
3. Dedicate Right-of-way as shown hereon.

**PUBLIC UTILITY EASEMENT**

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

1. The PNM Electric Services Division for the installation, maintenance and service of overhead and underground electrical lines, transformers, poles and any other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical service.
2. The PNM Gas Services Division for installation, maintenance, and service of natural gas lines, valves and any other equipment and facilities reasonably necessary to provide natural gas.
3. Qwest for installation, maintenance and service of such lines, cable and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.
4. Comcast cable for installation, maintenance and service of such lines, cable and other related facilities reasonably necessary to provide Cable TV service.

Included, is the right to build, rebuild, construct, reconstruct, locate, Relocate, change, remove, modify, renew, operate and maintain facilities for the purposes described above, together with the free access to, from and over said easement, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code caused by construction of pools, decking or any structures adjacent to within or near easements shown on this plat.

In approving this plat, the utility companies did not conduct a Title Search of the properties shown hereon. Consequently, the utility companies do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

Easements for electric transformers/switchgears, as installed, shall extend ten feet (10') in front of transformer/switchgear doors and five feet (5') on each side.

**NOTES**

1. All open space requirements are met on the lot with the dwelling per the provisions of section 14-16-3-8 (A) (I).



THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON UPC # 10200650900980206/102006507506930205  
 PROPERTY OWNER OF RECORD  
 Washington Street Investments  
 BERNALILLO COUNTY TREASURER'S OFFICE  
*[Signature]*  
 1/27/06

**PLAT FOR BENJAMIN PLACE**

WITHIN THE ELENA GALLEGOS GRANT PROJECTED SECTION 8 TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM CITY OF ALBUQUERQUE BERNALILLO COUNTY, NEW MEXICO SEPTEMBER, 2005

**APPROVED AND ACCEPTED BY:**

APPROVAL AND CONDITIONAL ACCEPTANCE as specified by the Albuquerque subdivision Ordinance, Chapter 14 Article 14 of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Project Number: 1003520  
 Application Number: 06DRB-00060

**PLAT APPROVAL**

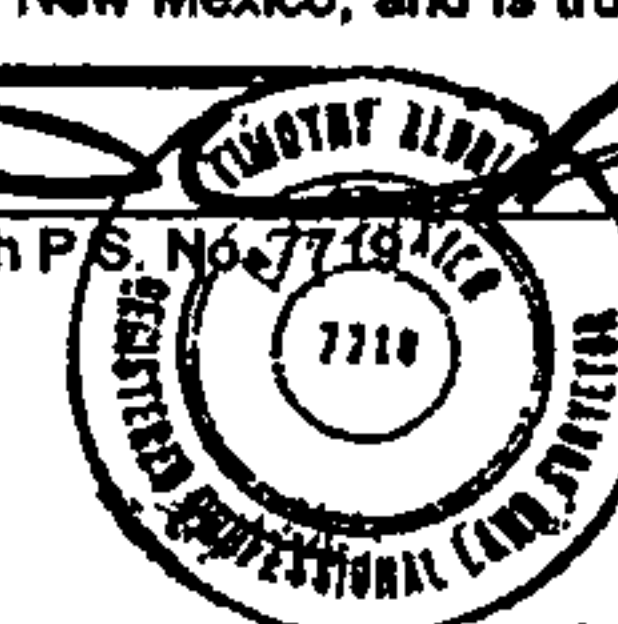
Utility Approvals:

<i>[Signature]</i> PNM Electric Services	10-11-05 Date
<i>[Signature]</i> PNM Gas Services	10-11-05 Date
<i>[Signature]</i> Qwest	10/11/05 Date
<i>[Signature]</i> Comcast	10-11-05 Date
City Approvals:	
<i>[Signature]</i> City Surveyor	10-11-05 Date
N/A	1-25-06 Date
Real Property Division	
<i>[Signature]</i> Traffic Engineering, Transportation Division	1-25-06 Date
<i>[Signature]</i> Albuquerque-Bernalillo County Utility Authority	1/25/06 Date
<i>[Signature]</i> Parks and Recreation Department	1/25/06 Date
<i>[Signature]</i> AMA/CA	1/25/06 Date
<i>[Signature]</i> City Engineer	1/25/06 Date
<i>[Signature]</i> DRB Chairperson, Planning Department	1-25-06 Date

**SURVEYOR'S CERTIFICATION**

"I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby certify that this plat and description were prepared by me or under my supervision, shows all easements as shown on the plat of record or made known to me by the owners and/or proprietors of the subdivision shown hereon, utility companies and other parties expressing an interest and meets the minimum requirements for monumentation and surveys of the Albuquerque Subdivision Ordinance, and further meets the Minimum Standards for Land Surveying in the State of New Mexico, and is true and correct to the best of my knowledge and belief."

*[Signature]*  
 Timothy Aldrich P.S. No. 7718  
 10-03-05  
 Date



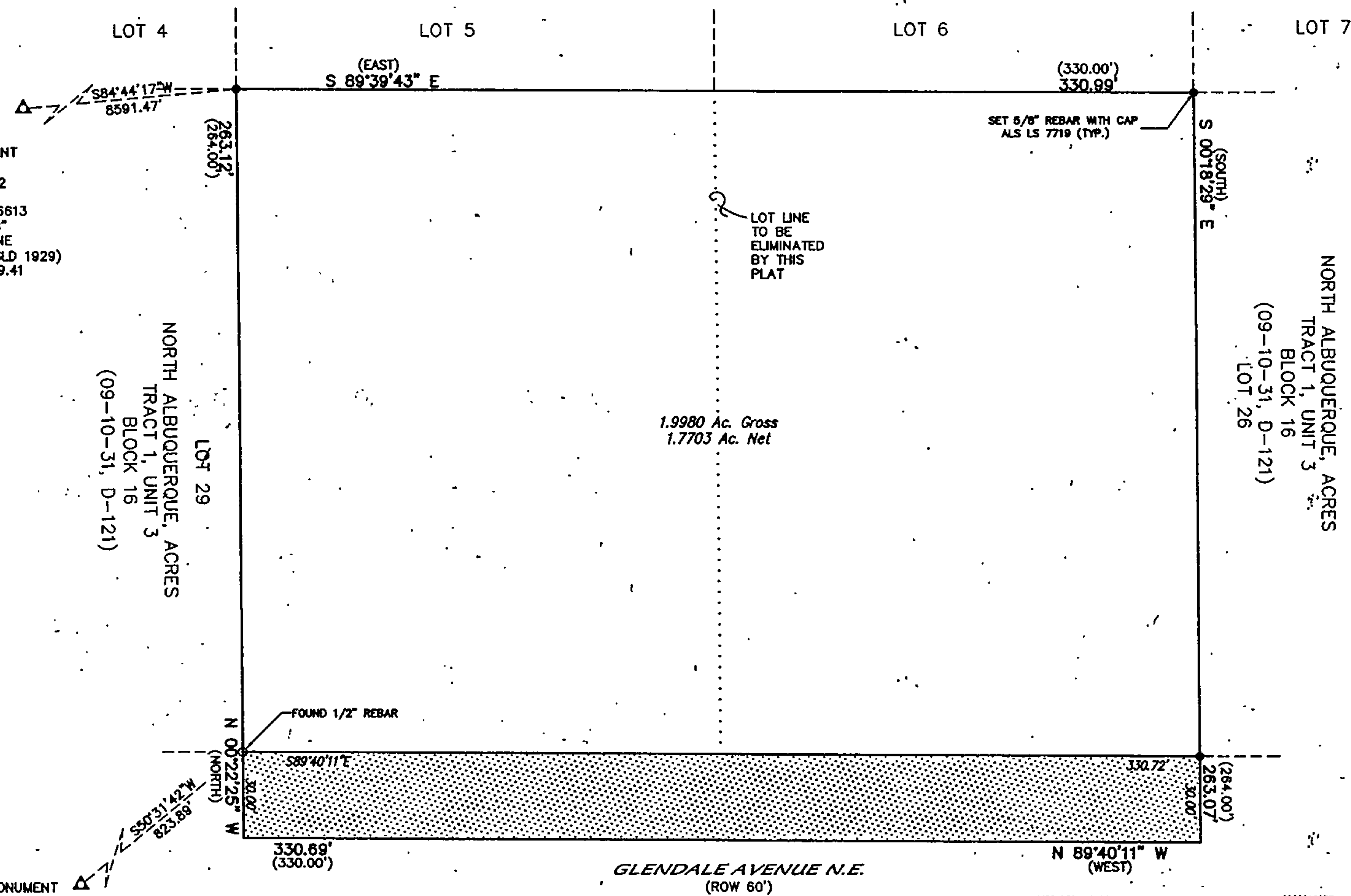
**ALDRICH LAND SURVEYING**

P.O. BOX 30701, ALBQ., N.M. 87190  
 505-884-1990

Dwg: Cover.dwg	Drawn: STEPHEN	Checked: ALS	Sheet 1 of 3
Scale: N/A	Date: 09/15/05	Job: A04023	

PLAT FOR  
**BENJAMIN PLACE**  
 WITHIN THE  
 ELENA GALLEGOS GRANT  
 PROJECTED SECTION 8  
 TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 SEPTEMBER, 2005

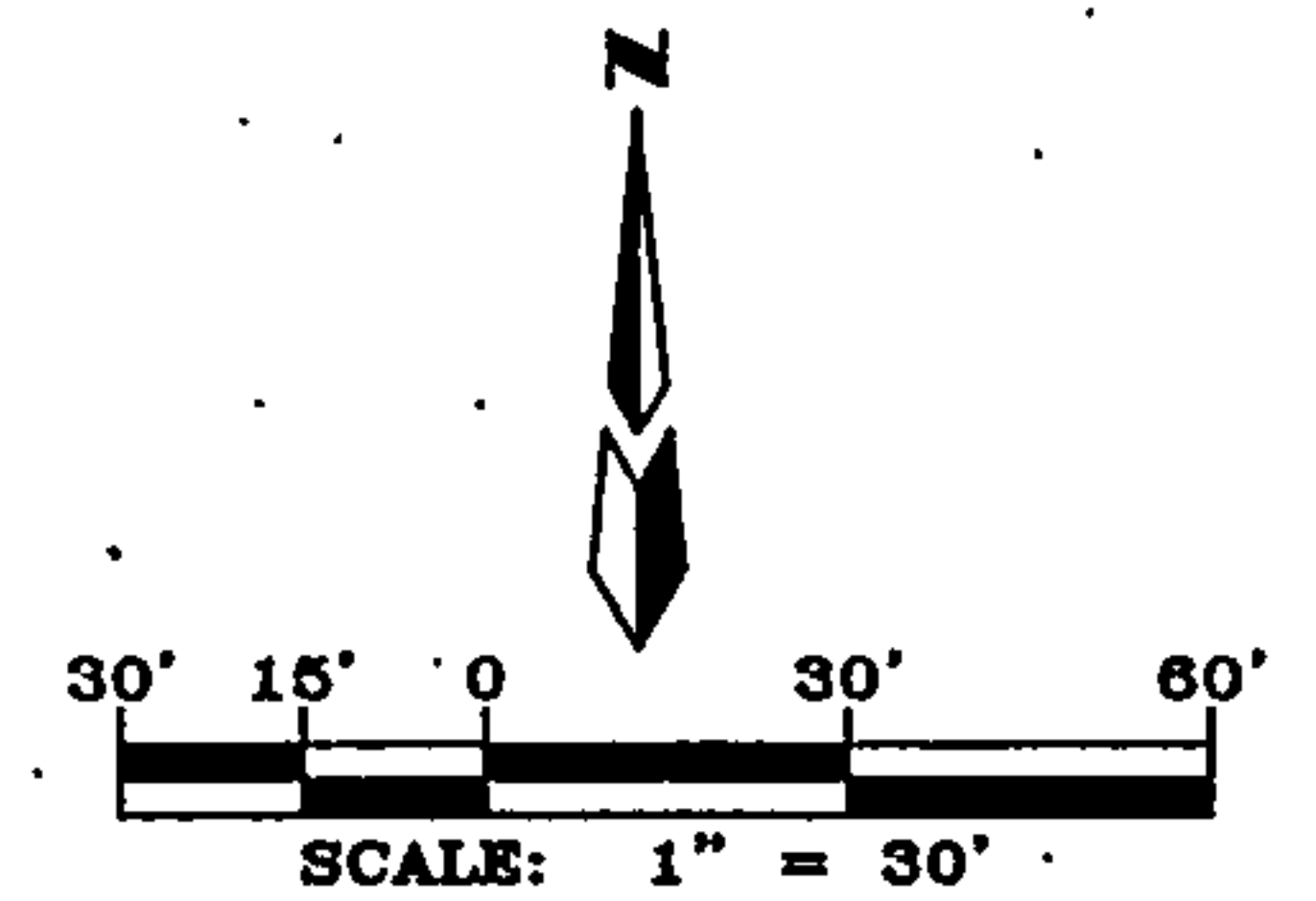
NORTH ALBUQUERQUE, ACRES  
 TRACT 1, UNIT 3  
 BLOCK 16  
 (09-10-31, D-121)



ACS MONUMENT  
 "10-C18"  
 Y=1524061.42  
 X=402319.45  
 G-G= 0.9996613  
 Δα=-0°11' 18"  
 CENTRAL ZONE  
 (NAD 1927/SLD 1929)  
 ELEV. = 5219.41

NORTH ALBUQUERQUE, ACRES  
 TRACT 1, UNIT 3  
 BLOCK 16  
 (09-10-31, D-121)  
 LDF 29

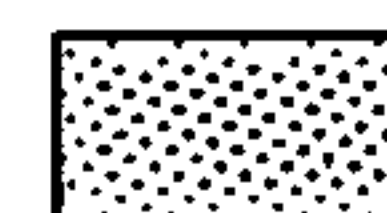
NORTH ALBUQUERQUE, ACRES  
 TRACT 1, UNIT 3  
 BLOCK 16  
 (09-10-31, D-121)  
 LOT 26



ACS MONUMENT  
 "1-B20"  
 Y=1524092.46  
 X=410237.56  
 G-G= 0.99964740  
 Δα=-0°10' 23"  
 CENTRAL ZONE  
 (NAD 1927/SLD 1929)  
 ELEVATION=5474.510

**SURVEY NOTES**

1. Bearings are New Mexico State Plane Grid Bearings (Central Zone).
2. Distances are ground distances.
3. Bearings and distances in parenthesis are record.
4. Basis of boundary is from the plat of record entitled:  
 PLAT FOR "NORTH ALBUQUERQUE ACRES, TRACT 1, UNIT 3",  
 (09-10-31, D-121)  
 all being records of Bernalillo County, New Mexico.
5. Field Survey: performed August, 2004.
6. Title Report(s): None provided
7. Address of Property: None provided.
8. City of Albuquerque, New Mexico Zone: R-D, 3 DU/A
9. Encroachments: None apparent.



(HATCHED AREA)  
 ADDITIONAL STREET RIGHT-OF-WAY  
 DEDICATED TO THE CITY OF ALBUQUERQUE  
 BY THIS PLAT WITHOUT WARRANTY COVENANTS.  
 (0.2277 ACRES)



2666812355  
 Page 2 of 3  
 8/27/2005 10:31A  
 Bx-2806C Pg-26

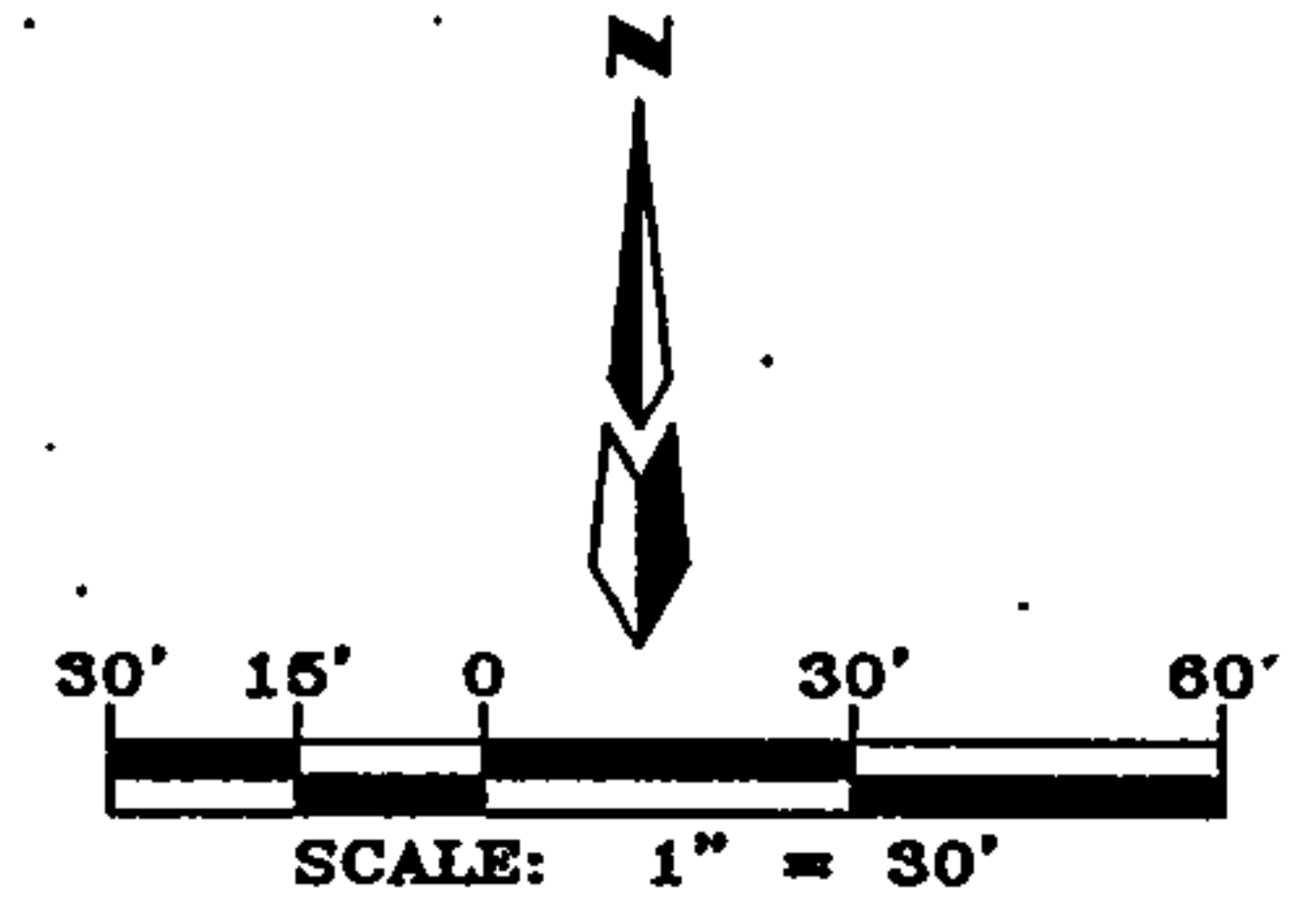
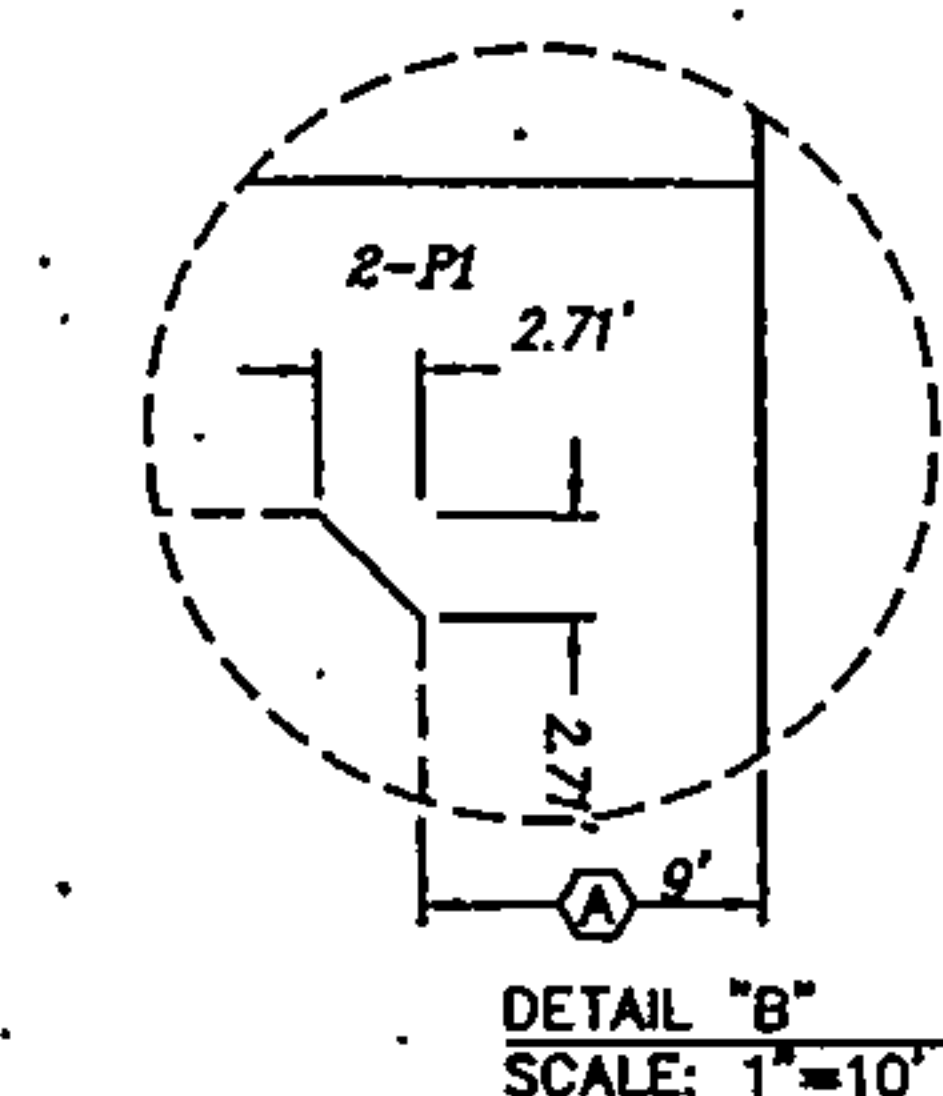
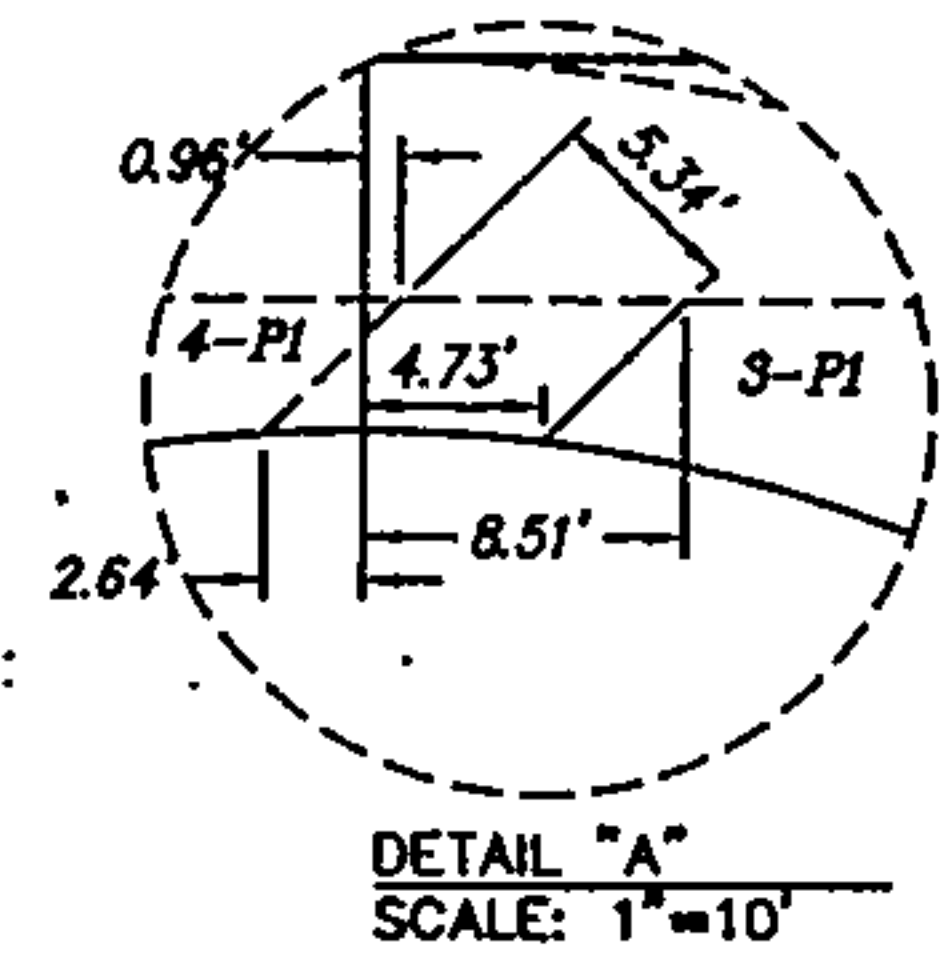
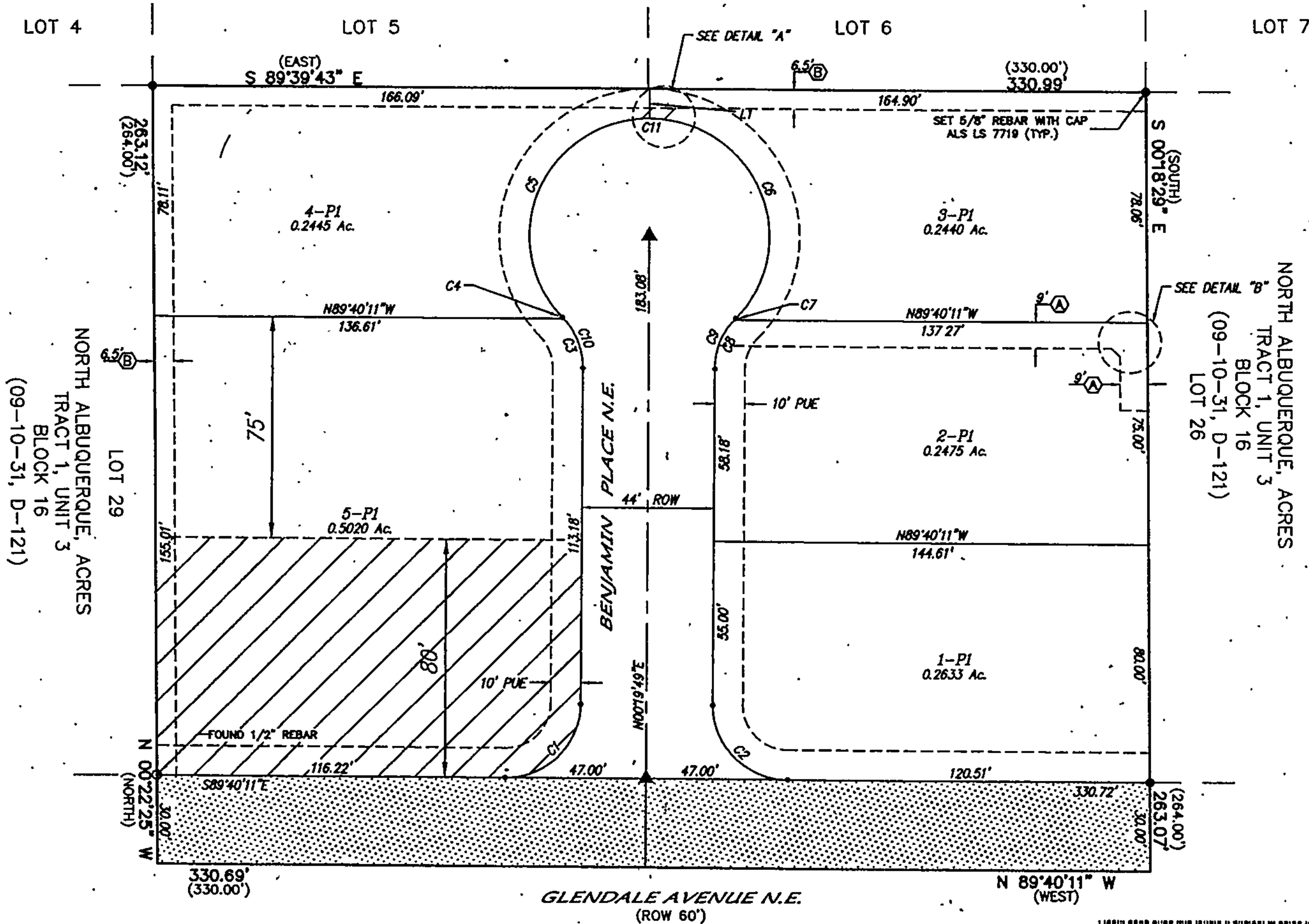
**ALDRICH LAND SURVEYING**

P.O. BOX 30701, ALBQ., N.M. 87190  
 505-884-1990

Dwg: A04023-FP-sheet2.dwg	Drawn: STEPHEN	Checked: ALS	Sheet 2 of 3
Scale: AS SHOWN	Date: 10/06/05	Job: A04023	3

NORTH ALBUQUERQUE, ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
(09-10-31, D-121)

PLAT FOR  
**BENJAMIN PLACE**  
WITHIN THE  
ELENA GALLEGOS GRANT  
PROJECTED SECTION 8  
TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
SEPTEMBER, 2005



CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD-BEARING	CHORD-DISTANCE
C1	25.00'	90°00'00"	39.27'	25.00'	N45°19'49"E	35.36'
C2	25.00'	90°00'00"	39.27'	25.00'	N44°40'11"W	35.36'
C3	25.00'	42°17'35"	18.45'	9.67'	N20°48'59"W	18.04'
C4	25.00'	01°23'52"	0.61'	0.31'	N42°39'42"W	0.61'
C5	40.00'	133°41'56"	93.34'	93.55'	N23°29'19"E	73.56'
C6	40.00'	133°40'59"	93.33'	93.51'	S22°49'14"E	73.55'
C7	25.00'	01°23'52"	0.61'	0.31'	S43°19'20"W	0.61'
C8	25.00'	42°17'35"	18.45'	9.67'	N21°28'36"E	18.04'
C9	25.00'	43°41'27"	19.06'	10.02'	N22°10'32"E	18.61'
C10	25.00'	43°41'27"	19.06'	10.02'	N21°30'55"W	18.61'
C11	40.00'	267°22'54"	186.67'	---	N89°40'11"W	57.85'

LINE	BEARING	DISTANCE
L1	N00°20'17"E	10.00'

- (HATCHED AREA)  
ADDITIONAL STREET RIGHT-OF-WAY DEDICATED TO THE CITY OF ALBUQUERQUE BY THIS PLAT WITHOUT WARRANTY COVENANTS. (0.2277 ACRES)
- (A) A NEW 9' WIDE PRIVATE DRAINAGE EASEMENT GRANTED FOR THE BENEFIT OF LOT 2-P1 (BENJAMIN PLACE) AND LOTS 22-26 (NORTH ALBUQUERQUE ACRES) AND TO BE MAINTAINED BY THE OWNERS OF LOTS 2-P1.
- (B) A NEW 6.5' WIDE PRIVATE DRAINAGE EASEMENT GRANTED FOR THE BENEFIT OF LOTS 3-P1 TO 5-P1 (BENJAMIN PLACE) AND LOT 7 (NORTH ALBUQUERQUE ACRES) AND TO BE MAINTAINED BY THE OWNERS OF LOTS 3-P1 TO 5-P1.
- (DIAGONAL HATCHED AREA) A TEMPORARY PUBLIC DRAINAGE EASEMENT GRANTED TO CITY OF ALBUQUERQUE WITH THIS PLAT TO BE MAINTAINED BY OWNERS OF LOT 5-P1.



**ALDRICH LAND SURVEYING**  
P.O. BOX 30701, ALBQ., N.M. 87190  
505-884-1990



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

November 21, 2007

1. **Project# 1003520**  
07DRB-70337 MAJOR - 2YR SUBD IMP AGMT (2YR SIA)

MARK GOODWIN & ASSOCIATES agent(s) for WASHINGTON STREET INVESTORS, LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, **NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as BENJAMIN PLACE SUBD)**, zoned RD/3 DU/AC, located on GLENDALE AVE NE BETWEEN BARSTOW NE AND VENTURA NE containing approximately 2 acre(s). (B-20)

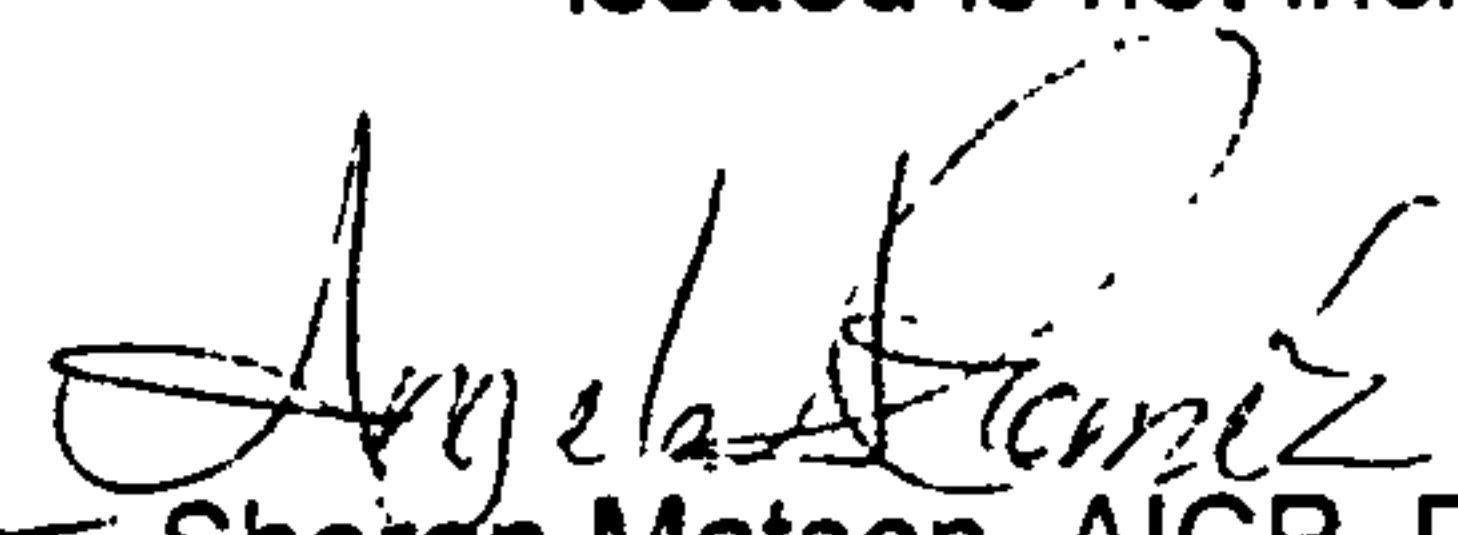
At the November 21, 2007 Development Review Board meeting, the two year extension of the Subdivision Improvements Agreement was approved.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

If you wish to appeal this decision, you must do so by December 6, 2007, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

*for*   
Sheran Matson, AICP, DRB Chair

Cc: Washington Street Investors, LLC – 100 Gold SW, Ste 209 – Albuquerque, NM  
87102

Cc: Mark Goodwin & Associates – P.O. Box 90606 – Albuquerque, NM 87199  
Marilyn Maldonado

File





## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

July 13, 2005

**6. Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB-01568, 01863] (B-20)

The preliminary plat for Benjamin Place was originally approved 1/12/05. The approval was appealed to EPC, then City Council. City Council remanded the plat to DRB to re-examine the perimeter walls' compliance with Section 14-16-3-19. of the Zone Code. Following the re-examination, DRB re-approved the preliminary plat at the July 13, 2005 meeting.

If you wish to appeal this decision, you must do so by July 28, 2005, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

  
Sherah Matson, AICP, DRB Chair

cc: Washington Street Investors, LLC, 501 3<sup>rd</sup> St SW, Abq., NM 87102  
✓ Mark Goodwin & Associates, PA, PO Box 90606, Abq., NM 87199  
Scott Howell, Property Management/Legal Department 4<sup>th</sup> Floor, City/County Bldg  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
DRB File

**ORIGINAL**

**INFRASTRUCTURE LIST**

**EXHIBIT "A"**

**TO SUBDIVISION IMPROVEMENTS AGREEMENT  
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

**Benjamin Place Subdivision  
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN**

**Lots 27 & 28, Blk 16, Tract 1, Unit 3, North Albuquerque Acres  
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION**

Date Submitted: 12/21/2004  
 Date Site Plan Approved: \_\_\_\_\_  
 Date Preliminary Plat Approved: 1/12/05  
 Date Preliminary Plat Expires: 1/12/05  
 DRB Project No.: 1003520  
 DRB Application No.: 04-01567

**11-21-05**

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
15-1 Sux-1	770381	26' FF 4"	PAVING Res Pvmnt C & G (Both sides) Sidewalk (Both Sides) (1)	Benjamin Place	Glendale Avenue	End of Cul de Sac	/	/	/
		24' FF 6"	Perm Pvmnt C & G (North Side) <del>Gravel Path (North Side)</del> Sidewalk (North Side) <b>WAIVED</b>	Glendale Avenue	West Prop Line	East Prop Line	/	/	/
B-1	770381		Pvmnt Transition Design Elevation of Road Street Lights per DPM	Glendale Avenue Glendale Avenue	East & West PL Barstow Street	Existing Pavement Ventura Street	/	/	/
		4" 8" 12"	WATER Waterline Waterline Waterline	Benjamin Place Glendale Avenue Barstow Street	End of Cul de Sac East Prop Line Glendale Avenue	Glendale Avenue Barstow Street Modesto Avenue	/	/	/
		8" 8" 8"	SAS SAS (B) SAS	Benjamin Place Glendale Avenue Glendale Avenue	End of Cul de Sac Wyoming Boulevard Barstow Street	Glendale Avenue Barstow Street East Prop Line	/	/	/

Project name: Benjamin Place Subdivision

ORIGINAL

SIA Sequence #	COA DRC Project #
13-1	770311
13-B-1	770384

Size	Type of Improvement	Location	From	To
8"	STORM Concrete Channel	9' Private Drainage Esmt	Entire Length	
4"	Concrete Channel	6.5' Private Drain Esmt	NE Corner Lot 3-P1	Glendale Avenue
24"	RCP	Benjamin Place	Lot 5-P1	Glendale Avenue
24"	Temporary RCP	Lot 5-P1	Benjamin Place	Retention Pond
	Temporary Retention Pond & Spillway W/A & C	Lot 5-P1		
72"	Storm Drain (2)	Glendale Avenue	West East Prop Line	Benjamin Place West Prop Line

Private Inspector	City Inspector	City Cnst Engineer
1	1	1
1	1	1
1	1	1
1	1	1
1	1	1
1	1	1

- 1 Sidewalk to be deferred
- 2 Storm Drain to be deferred
- 3 Grading & Drainage Certification per DPM, including retaining walls as shown on the Grading & Drainage Plan for Release of SIA and Financial Guaranty
- 4 Water Infrastructure to include valves, valve boxes, and fire hydrants and design of future PRV on Barstow Street
- 5 SAS to include manholes and service connections
- 6 Financially Guaranteed with COA 729781 (Quivira Estates)

AGENT / OWNER

Gregory J. Krenik, P.E.  
NAME (print)

MARK GOODWIN & ASSOCIATES  
FIRM

*[Signature]*  
SIGNATURE - date 12-21-04

MAXIMUM TIME ALLOWED TO CONSTRUCT THE IMPROVEMENTS WITHOUT A DRB EXTENSION: N/A

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

*[Signature]* 1/12/05  
DRB CHAIR - date

*[Signature]* 1/12/05  
PARKS & GENERAL SERVICES - date

*[Signature]* 1-12-05  
TRANSPORTATION DEVELOPMENT - date

*[Signature]* 1/12/05  
UTILITY DEVELOPMENT - date

*[Signature]* 1-12-05  
CITY ENGINEER - date

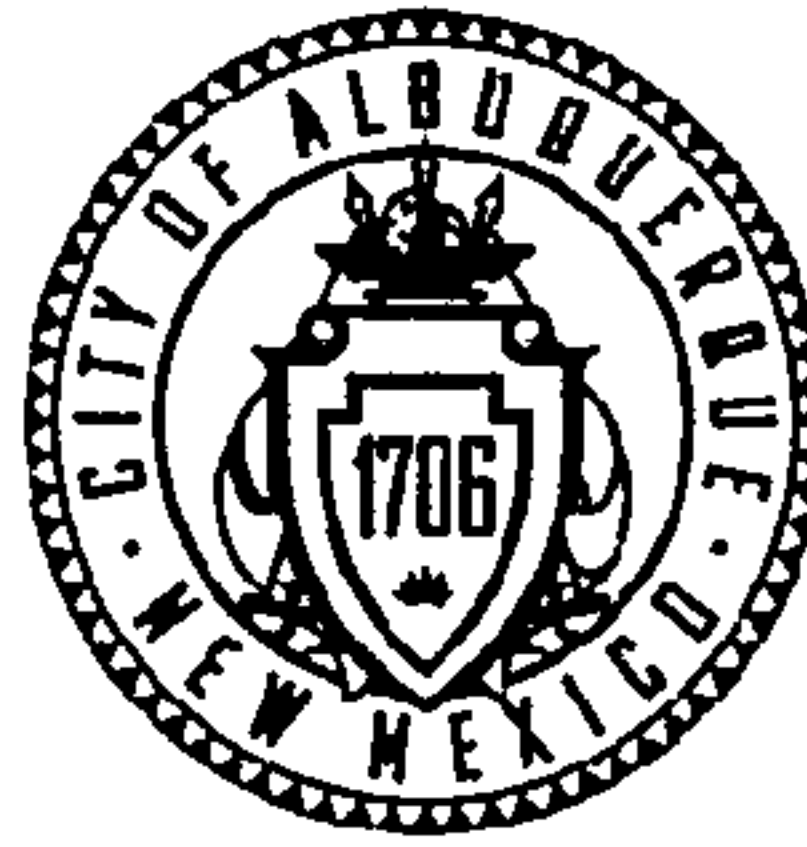
AMAFCA - date

- date

- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER
1	12-21-05	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>



**City of Albuquerque**  
P.O. Box 1293, Albuquerque, NM 87103

**PLEASE NOTE:** The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

November 18, 2009

Planning Department  
Plaza Del Sol Building  
600 Second St. NW  
Second Floor (924-3860)

This letter will serve to notify you that on **November 18, 2009:**

Contact Name: SUSAN RASINSKI  
Company or Agency: MARK GOODWIN AND ASSOCIATES, PA  
P.O. BOX 90606/87199  
PHONE: 828-2200/FAX: 797-9539

contacted the Office of Neighborhood Coordination requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) - BENJAMIN PLACE LOCATED ON GLENDALE AVENUE NE BETWEEN BARSTOW STREET NE AND VENTURA STREET NE** zone map **B-20**.

*Our records indicate that as of November 18, 2009, there were no Neighborhood and/or Homeowner Associations in this area.*

If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

*Stephani Winklepleck*

Stephani Winklepleck  
Neighborhood Liaison  
OFFICE OF NEIGHBORHOOD COORDINATION  
PLANNING DEPARTMENT

planningrnaform(07/17/08)

# !!!Notice to Applicants!!!

## SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

### WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
  - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
  - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.>").
  - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
  - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

## Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- [ ] ONC's "Official" Letter to the applicant (*if there are associations*). A copy must be submitted with application packet -OR-
- [X] **The ONC "Official" Letter (*if there are no associations*). A copy must be submitted with application packet.**
- [ ] Copies of Letters to Neighborhood and/or Homeowners Associations (*if there are associations*). A copy must be submitted with application packet.
- [ ] Copies of the certified receipts to Neighborhood and/or Homeowners Associations (*if there are associations*). A copy must be submitted with application packet.

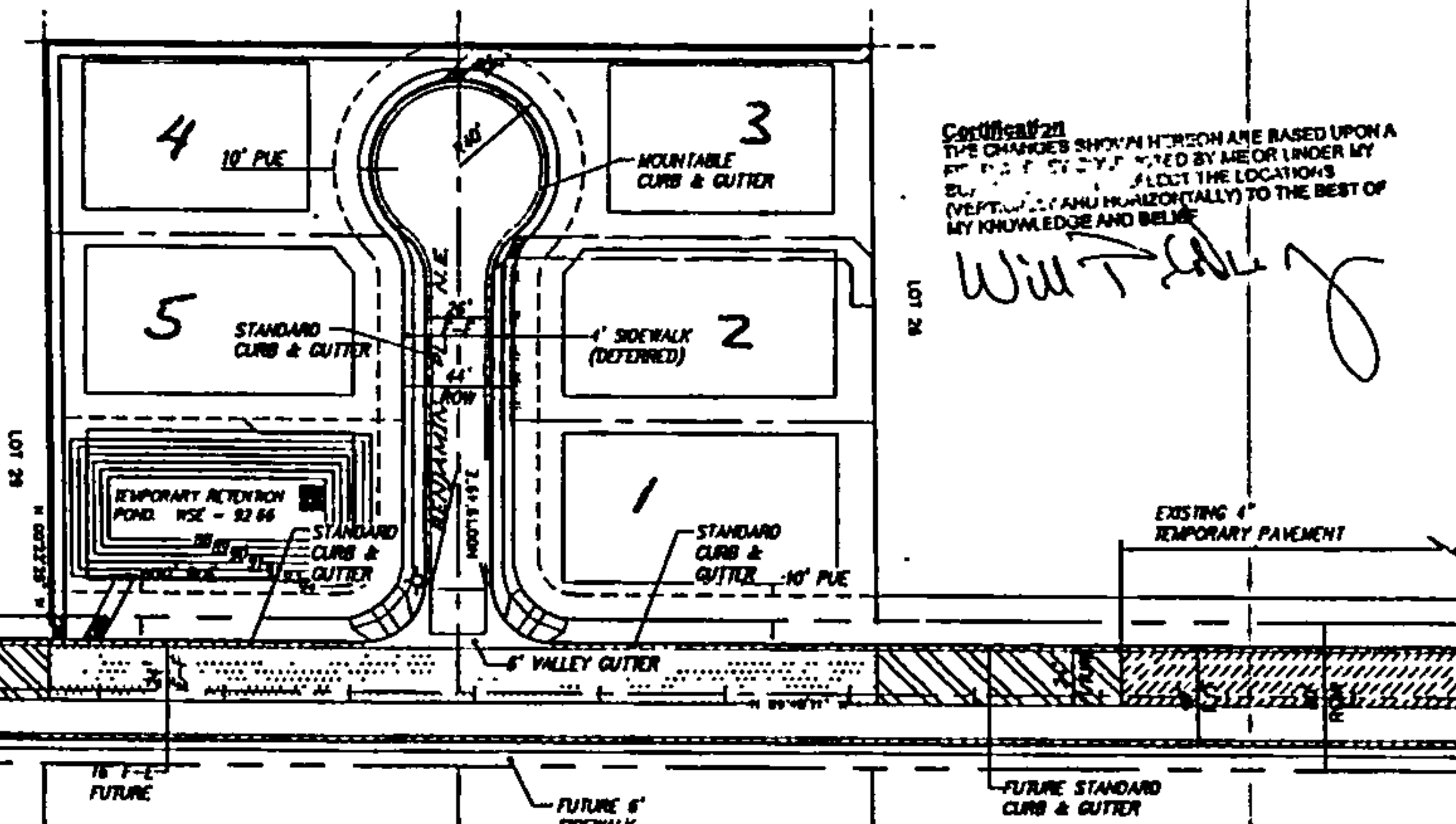
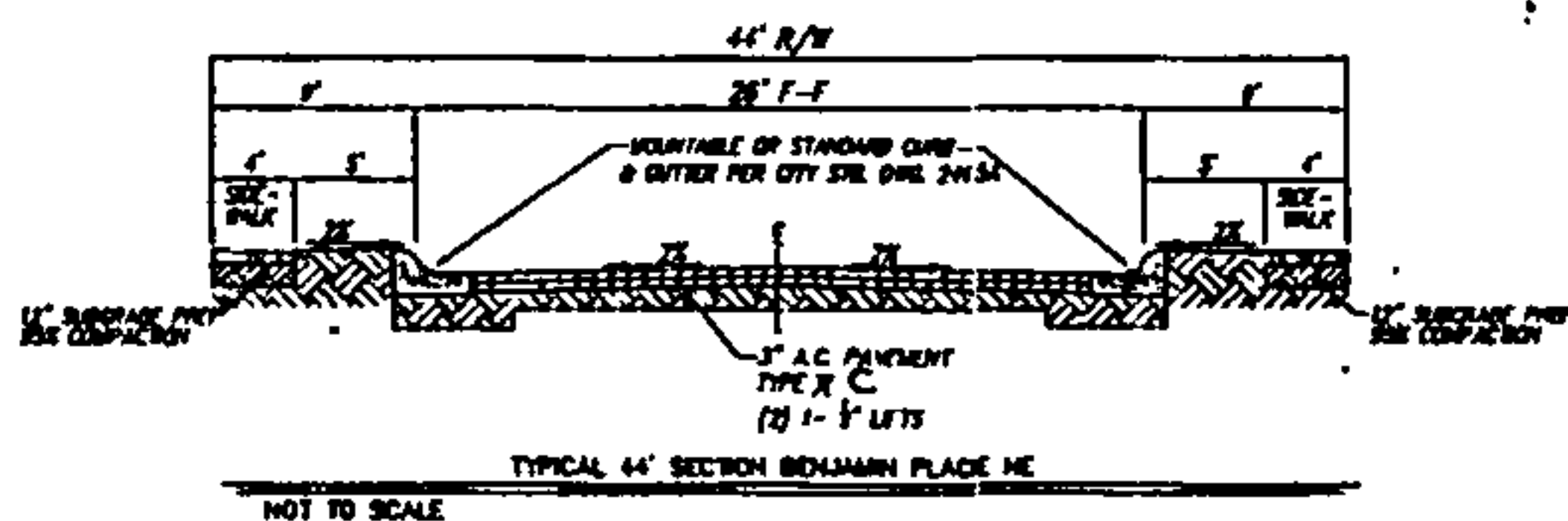
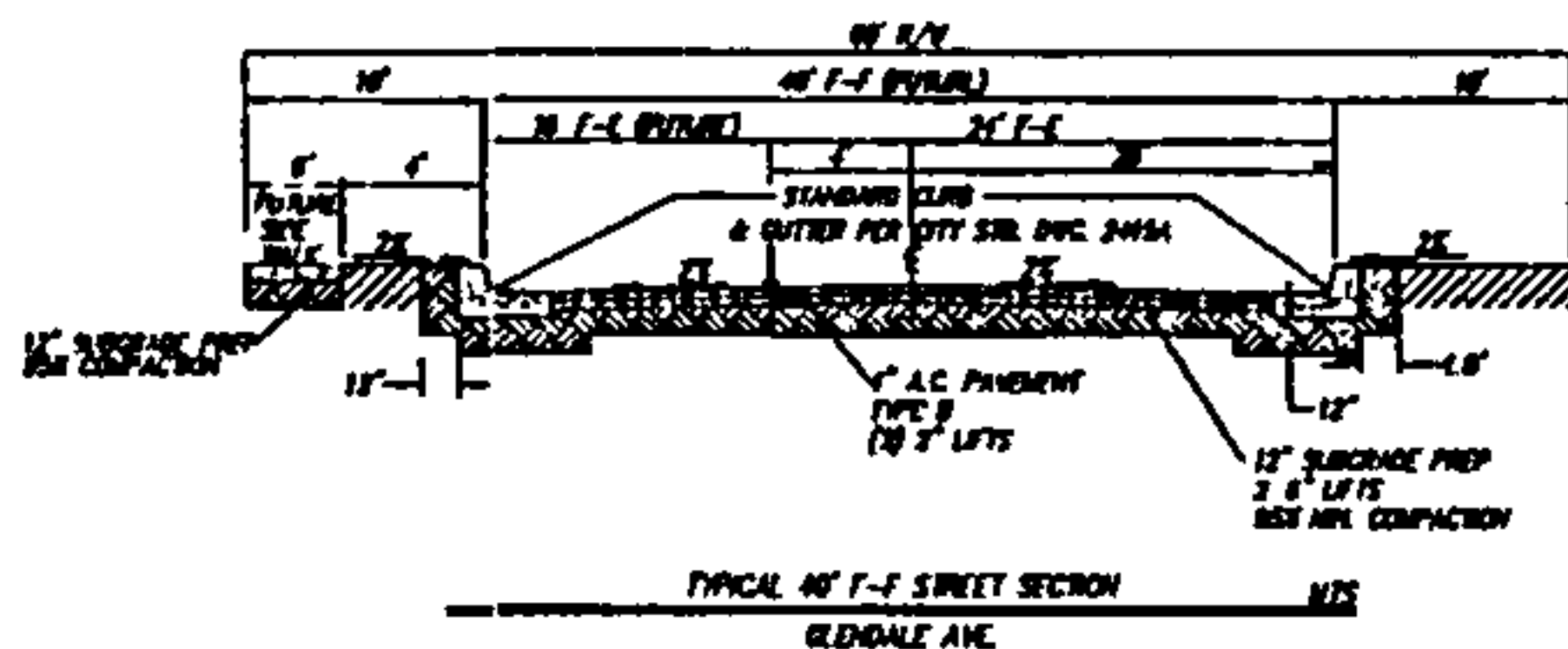
**Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.**

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov).

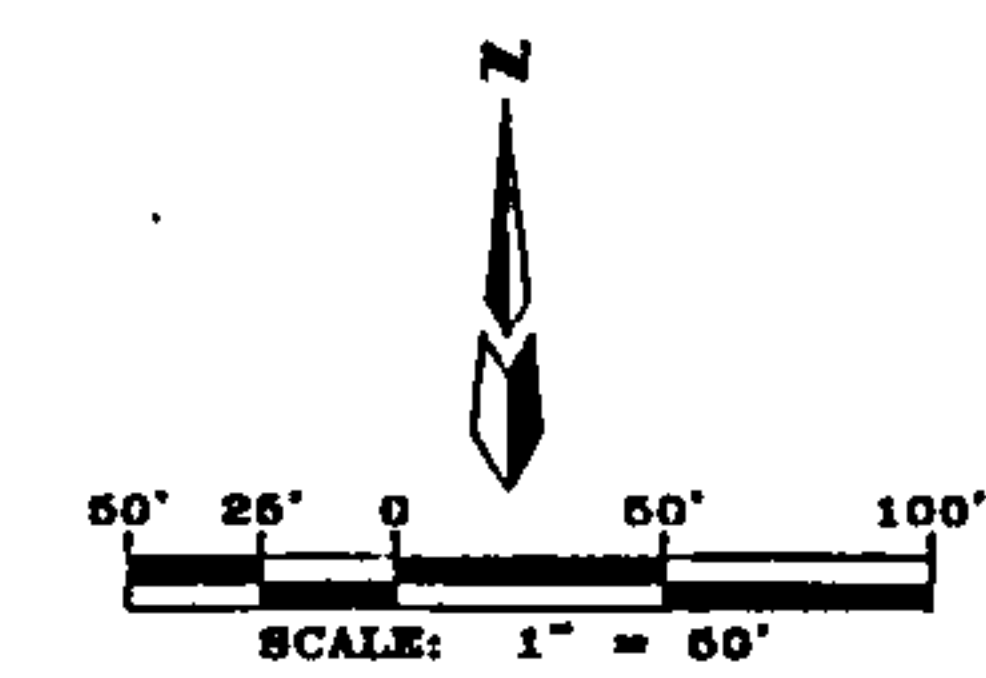
Thank you for your cooperation on this matter.

\*\*\*\*\*  
(below this line for ONC use only)

Date of Inquiry: 11/18/09 Time Entered: 8:45 a.m. ONC Rep. Initials: siw



CERTIFICATION  
 THE CHANGES SHOWN HEREON ARE BASED UPON A  
 TYPE CHANGES SHOWN UNDER MY  
 SUPERVISION BY ME OR UNDER MY  
 SUPERVISION BY SELECTED THE LOCATIONS  
 (VERTICAL AND HORIZONTAL) TO THE BEST OF  
 MY KNOWLEDGE AND BELIEF  
 W. J. Krenk



CERTIFICATE OF SUBSTANTIAL COMPLIANCE ON PLANS

I, Gregory J. Krenk, N.M.P.E. 11928, of the firm Mark Goodwin & Associates, P.A., a Registered Professional Engineer in the State of New Mexico, do hereby certify, to the best of my knowledge and belief that the infrastructure installed as part of this project has been inspected by me or by a qualified person under my direct supervision and has been constructed in accordance with the plans and specifications approved by the City Engineer and that the construction of the project in accordance with the approved plans has been met, except as noted by me on the as-built construction drawings. This certification is based on site inspections by me or personnel under my direction, and survey information provided by the Surveyor, Inc., MAPS number 14271.  
 Gregory J. Krenk  
 5-306  
 REGISTERED PROFESSIONAL ENGINEER

LEGEND	
	EXISTING CHAIN LINK/WIRE FENCE
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING POWER POLE
	EXISTING GUY WIRE
	EXISTING TELEPHONE MANHOLE
	EXISTING TELEPHONE PEDESTAL
	NEW MOUNTABLE CURB & GUTTER
	NEW STANDARD CURB & GUTTER
	NEW STREET LIGHT
	NEW SIDEWALK
	NEW RIGHT-OF-WAY
	NEW CENTERLINE
	NEW LOT LINES
	NEW EASEMENTS
	NEW RETAINING WALL
	NEW PAVEMENT THIS PROJECT PER COA PROJECT #729781 (QUINERA ESTATES)
	NEW 4" TEMPORARY PAVEMENT - PER COA STD DWG 2415B
	EXISTING PERMANENT PAVEMENT
	EXISTING 4" TEMPORARY PAVEMENT

- CONSTRUCTION NOTES**
- ALL SIDEWALKS PER CITY OF ALBUQUERQUE STANDARD DRAWING 2430.
  - ALL 6" VALLEY GUTTERS PER CITY OF ALBUQUERQUE STANDARD DRAWING 2420.
  - ALL HANDICAP RAMPS ARE PER COA DETAIL 2441. CASE B WITH TRUNCATED DOMES.
  - TRANSITION FROM MOUNTABLE CURB TO STANDARD CURB SHALL BE 10 FEET.
  - TRANSITION SECTION FROM FULL CROWN TO NO CROWN TO BE A MINIMUM OF 30 FEET PER C.O.A. STD DETAIL #2401.
  - ALL 10' VALLEY GUTTERS PER CITY OF ALBUQUERQUE STANDARD DRAWING 2422.
  - TRANSITION FROM MOUNTABLE CURB TO STANDARD CURB AT INTERSECTIONS SHALL OCCUR THROUGH THE MC RAMP PER C.O.A. STANDARD DRAWING 2418.
  - SOE NOT HAVING THE MINIMUM R-VALLE OF 30 SHALL BE REMOVED TO A DEPTH OF 2 FEET AND REPLACED BY THE CONTRACTOR, WITH SUITABLE MATERIAL, ON A PAVEMENT SECTION SHALL BE DESIGNED BY THE CONSULTANT ACCORDING TO THE EXISTING R-VALLE PER C.O.A. STANDARD SPECIFICATIONS.
  - ALL MEDIAN HOSES TO BE PAINTED REFLECTORIZED YELLOW.

**dmg** MARK GOODWIN & ASSOCIATES, P.A.  
 CONSULTING ENGINEERS  
 P.O. BOX 80808  
 ALBUQUERQUE, NEW MEXICO 87189  
 (505) 828-2200, FAX (505) 787-9539

**CITY OF ALBUQUERQUE  
 PUBLIC WORKS DEPARTMENT**

TITLE: **BENJAMIN PLACE SUBDIVISION  
 MASTER PAVING PLAN**

DESIGNED BY FEB - 1 2006	CITY ENGINEER APPROVAL FEB 08 2006 CITY ENGINEER	MO/DATE/HR	MO/DATE/HR
REVIEW	LAST DESIGN UPDATE		

CITY PROJECT NO **770381** ZONE MAP NO **B-20** SHEET **4** OF **9**

AS BUILT INFORMATION	
CONTRACTOR	BY/DATE
INSPECTOR	BY/DATE
REVISIONS	NO. DATE
NO.	DATE

SURVEY INFORMATION	
FIELD NOTES	NO. DATE
NO.	DATE

ENGINEER'S SEAL	
DESIGNED BY	DATE
DRAWN BY	DATE

**City of Albuquerque Planning Department**  
**One Stop Shop – Development and Building Services**

10/25/2007 Issued By: PLNABG

-----  
**Permit Number: 2007 070 337** **Category Code 910**

**Application Number:** 07DRB-70337, Major - 2yr Subd Imp Agmt (2yr Sia)

**Address:**

**Location Description:** GLENDALE AVE NE BETWEEN BARSTOWNE AND VENTURA NE

**Project Number:** 1003520

**Applicant**

Washington Street Investors, Llc

100 Gold Sw, Suite 209  
Albuquerque, NM 87102  
922-9411

**Agent / Contact**

Mark Goodwin & Associates

Po Box 90608  
Albuquerque, NM 87199

**Application Fees**

441018/4971000	Public Notification	\$75.00
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	\$50.00
<b>TOTAL:</b>		<b>\$145.00</b>

City Of Albuquerque  
Treasury Division

10/25/2007 11:57AM LOC: ANHX  
NSH 006 TRANS# 0025  
RECEIPT# 00083838-00083838  
PERMIT# 2007070337 TRSCCS  
Trans Amt \$145.00  
APN Fee \$75.00  
Conflict Manag. Fee \$20.00  
DRB Actions \$50.00  
CK \$145.00  
CHANGE \$0.00



**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD--SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1003520**

**AGENDA ITEM NO: 2**

**SUBJECT:**

SIA Extension

**ACTION REQUESTED:**

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

P.O. Box 1293

**ENGINEERING COMMENTS:**

The Hydrology Section has no objection to the extension request.

Albuquerque

New Mexico 87103

**RESOLUTION:**

APPROVED 2/27; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee  
924-3986

**DATE:** November 21, 2007



**ORIGINAL**

INFRASTRUCTURE LIST

Date Site Plan Approved: \_\_\_\_\_  
Date Preliminary Plat Approved: 1/12/05  
Date Preliminary Plat Expires: 1/12/08

EXHIBIT "A"  
TO SUBDIVISION IMPROVEMENTS AGREEMENT  
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

DRB Project No.: 1003520  
DRB Application No.: 04-01547

Benjamin Place Subdivision  
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

11-21-05

Lots 27 & 28, Blk 16, Tract 1, Unit 3, North Albuquerque Acres  
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		26' FF	<b>PAVING</b> Res Pvmnt C & G (Both sides) Sidewalk (Both Sides) (1)	Benjamin Place	Glendale Avenue	End of Cul de Sac	/	/	/
		24' FF	Perm Pvmnt C & G (North Side) <del>Gravel Path (North Side)</del> Sidewalk (North Side) <i>WAIVED</i>	Glendale Avenue	West Prop Line	East Prop Line	/	/	/
		6'	Pvmnt Transition Design Elevation of Road Street Lights per DPM	Glendale Avenue Glendale Avenue	East & West PL Barstow Street	Existing Pavement Ventura Street	/	/	/
		4"	<b>WATER</b> Waterline	Benjamin Place	End of Cul de Sac	Glendale Avenue	/	/	/
		8"	Waterline	Glendale Avenue	East Prop Line	Barstow Street	/	/	/
		12"	Waterline	Barstow Street	Glendale Avenue	Modesto Avenue	/	/	/
		8"	<b>SAS</b> SAS	Benjamin Place	End of Cul de Sac	Glendale Avenue	/	/	/
		8"	SAS (6)	Glendale Avenue	Wyoming Boulevard	Barstow Street	/	/	/
		8"	SAS	Glendale Avenue	Barstow Street	East Prop Line	/	/	/

ORIGINAL

Project name: Benjamin Place Subdivision

SIA Sequence #	COA DRC Project #

Size	Type of Improvement	Location	From	To
	STORM			
8'	Concrete Channel	9' Private Drainage Esmt	Entire Length	
4'	Concrete Channel	6.5' Private Drain Esmt	NE Corner Lot 3-P1	Glendale Avenue
24"	RCP	Benjamin Place	Lot 5-P1	Glendale Avenue
24"	Temporary RCP	Lot 5-P1	Benjamin Place	Retention Pond
	Temporary Retention Pond & Spillway W/A & C	Lot 5-P1		
72"	Storm Drain (2)	Glendale Avenue	west East Prop Line	Benjamin Place West Prop Line

Private Inspector	City Inspector	City Cnst Engineer
/	/	/
/	/	/
/	/	/
/	/	/
/	/	/
/	/	/



- 1 Sidewalk to be deferred
- 2 Storm Drain to be deferred
- 3 Grading & Drainage Certification per DPM, including retaining walls as shown on the Grading & Drainage Plan for Release of SIA and Financial Guaranty
- 4 Water Infrastructure to include valves, valve boxes, and fire hydrants and design of future PRV on Barstow Street
- 5 SAS to include manholes and service connections
- 6 Financially Guaranteed with COA 729781 (Quivera Estates)

AGENT / OWNER

Gregory J. Krenik, P.E.  
NAME (print)

MARK GOODWIN & ASSOCIATES  
FIRM

*[Signature]*  
12-21-04  
SIGNATURE - date

MAXIMUM TIME ALLOWED TO CONSTRUCT  
THE IMPROVEMENTS WITHOUT A DRB  
EXTENSION: N/A

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

*[Signature]* 1/12/05 DRB CHAIR - date  
*[Signature]* 1/12/05 Christina Sandoral 1/12/05 PARKS & GENERAL SERVICES - date

*[Signature]* 1-12-05 TRANSPORTATION DEVELOPMENT - date  
*[Signature]* 1/12/05 UTILITY DEVELOPMENT - date  
*[Signature]* 1-12-05 CITY ENGINEER - date

AMAFCA - date  
- date  
- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER
△	11-21-05	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

**SUBDIVISION**

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

- for Subdivision Purposes
- for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

**STORM DRAINAGE**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
- D** Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: Washington Street Investors, LLC PHONE: 922-9411  
 ADDRESS: 100 Gold SW, Suite 209 FAX: 922-9418  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: owner List all owners: \_\_\_\_\_  
 AGENT (if any): Mark Goodwin & Associates PHONE: 828-2200  
 ADDRESS: P.O. Box 90600 FAX: 1797-9539  
 CITY: Albuquerque STATE NM ZIP 87199 E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: Benjamin Place - 2 year extension of SIA

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. Lots 27 & 28, Tract 1 Block: 16 Unit: 3  
 Subdiv. / Adn. North Albuquerque Acres (Benjamin Place Subd)  
 Current Zoning: RD 3 DU/AC Proposed zoning: same  
 Zone Atlas page(s): B-20 No. of existing lots: 5 No. of proposed lots: 5  
 Total area of site (acres): 2.0 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes.  No, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. 102006507506930205, 102006509006930206 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Ave NE  
 Between: Barstow NE and Ventura NE

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): 1003520

Check-off if project was previously reviewed by Sketch Plat/Plan?, or Pre-application Review Team?. Date of review: \_\_\_\_\_

SIGNATURE Gregory J. Krenik, PE DATE 10.23.2007  
 (Print) \_\_\_\_\_ Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 4/04

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>02DRB - 70337</u>	<u>SIA</u>	_____	<u>\$ 50.00</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>ADU</u>	_____	<u>\$ 75.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	<u>CME</u>	_____	<u>\$ 20.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	<u>\$ 145.00</u>

Hearing date Nov. 21, 2007

Red for 10/25/07

Project # 1003520

**FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING**

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

**MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL (DRB13)**

- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Proposed Infrastructure List
- Signed Preliminary Pre-Development Facilities Fee Agreement for **Residential** development only
- Design elevations & cross sections of perimeter walls **3 copies** (11" x 17" maximum)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed plat
- FORM DRWS Drainage Report, Water & Sewer availability statement filing information
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Signed** Pre-Annexation Agreement if Annexation required.
- TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

**Preliminary plat approval expires after one year.**

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

**MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (DRB11) (with significant changes)**

**PLEASE NOTE:** There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed amended plat, if applicable
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers are listed on the cover application

**Amended preliminary plat approval expires after one year.**

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

**MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT (DRB09)**

**(Temporary sidewalk deferral extension use FORM-V)**

- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Plat or plan reduced to 8.5" x 11"
- Official D.R.B. Notice of the original approval
- Approved Infrastructure List. If not applicable, please initial. \_\_\_\_\_
- Previous SIA extension notice, if one has been issued. If not applicable, please initial. \_\_\_\_\_
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers on the cover application
- Fee (see schedule)

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Gregory J. Krenik, PE  
Applicant name (print)  
[Signature]  
10-23-07  
Applicant signature / date



Form revised 4/07

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
07DRB - 70332

[Signature] 10/25/07  
Planner signature / date  
**Project # 1003520**

# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

#### 1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street; and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

#### 2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

#### 3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

#### 4. TIME

Signs must be posted from 11/6/07 To 11/21/07

#### 5. REMOVAL

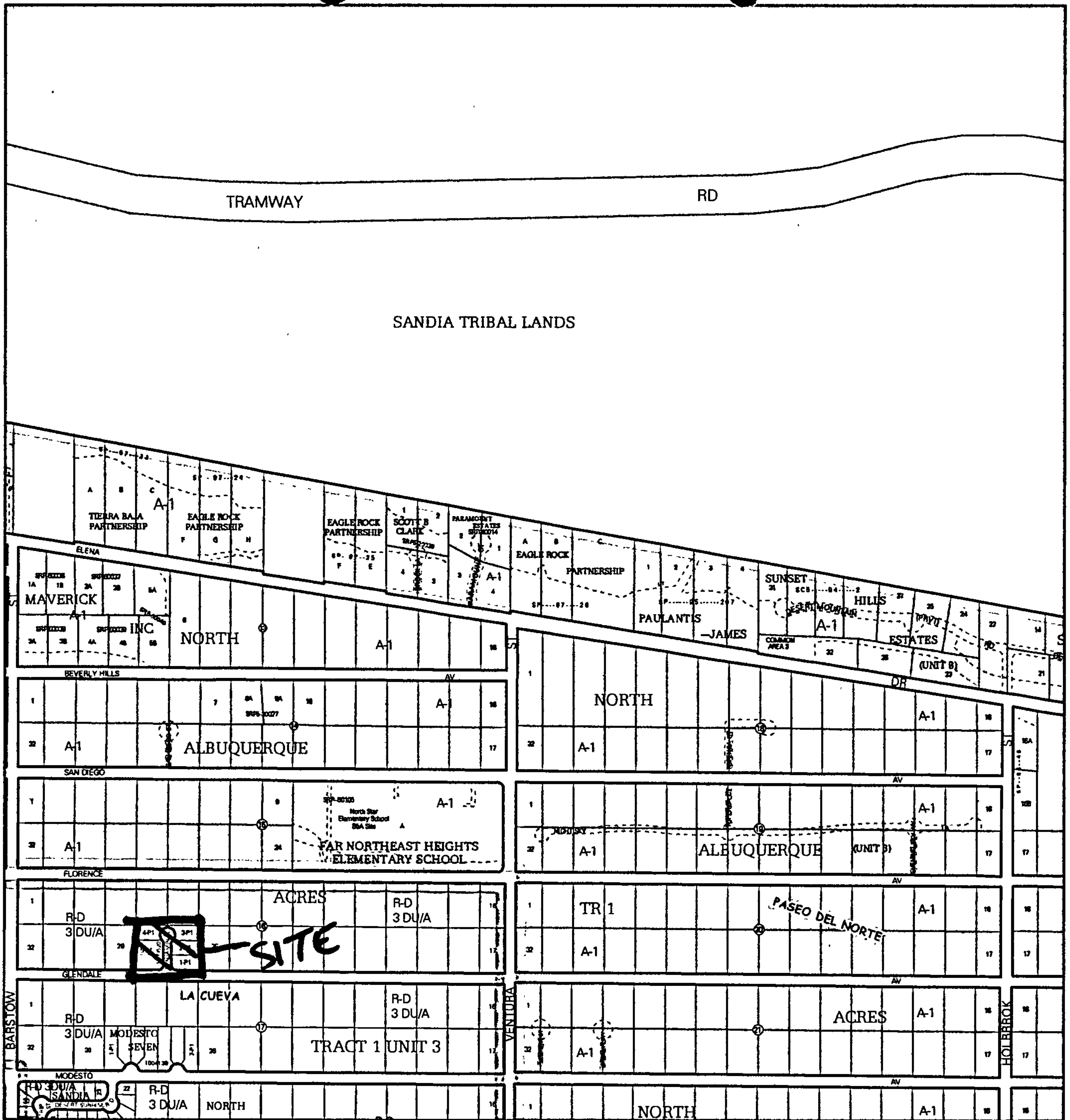
- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Signature Mark Goodwin <sup>Use</sup> MARK Goodwin + Asst. 10-25-07  
(Applicant or Agent) (Date)

I issued 1 signs for this application, 10/25/07 [Signature]  
(Date) (Staff Member)

DRB PROJECT NUMBER: 1003520



For more current information and more details visit: <http://www.cabq.gov/gis>

Map amended through: 9/6/2007

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**B-20-Z**

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

0 750 1,500 Feet



D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

*October 24, 2007*

*Ms. Sheran Matson  
DRB Chair  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103*

**Re: Benjamin Place**

*Dear Ms. Matson:*

*On behalf of our client, Ashwater Homes, LLC, we are submitting the following DRB application package for a 2 Year Extension of Subdivision Improvements Agreement. The storm drain is part of a master plan which is not ready to be constructed at this time, therefore asking for the 2 Year Extension.*

*Please contact our office if you have any questions or comments.*

*Sincerely,*

**MARK GOODWIN & ASSOCIATES, PA**



*Gregory J. Krenik, PE*

*GJK/la*

*Attachments*



D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

October 24, 2007

Mr. Jeff Peterson  
Nor Este Neighborhood Association  
7800 Eagle Rock Ave. NE  
Albuquerque, NM 87111

Mr. Joe Yardumian  
Nor Este Neighborhood Association  
7801 R. C. Gorman Ave. NE  
Albuquerque, NM 87122

**Re: Iliff Road Storage**

Dear Mr. Peterson and Mr. Yardumian:

Enclosed please find a copy of the DRB Application for the 2 Year Extension for Subdivision Improvements Agreement for the referenced project. The anticipated date to be heard is November 21, 2007. Please contact Gregory Krenik of our office if you have any questions or concerns.

Sincerely,

MARK GOODWIN & ASSOCIATES, PA

Lisa Anglada  
Administrative Assistant

/a

Enclosure





D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

October 24, 2007

Ms. Cynthia Reinhart  
North Albuquerque Acres Community Association  
11300 Oakland NE  
Albuquerque, NM 87122

Mr. Jo Hunter  
North Albuquerque Acres Community Association  
9805 San Bernadino NE  
Albuquerque, NM 87122

Re: **Iliff Road Storage**

Dear Ms. Reinhart and Mr. Hunter:

Enclosed please find a copy of the DRB Application for the 2 Year Extension for Subdivision Improvements Agreement for the referenced project. The anticipated date to be heard is November 21, 2007. Please contact Gregory Krenik of our office if you have any questions or concerns.

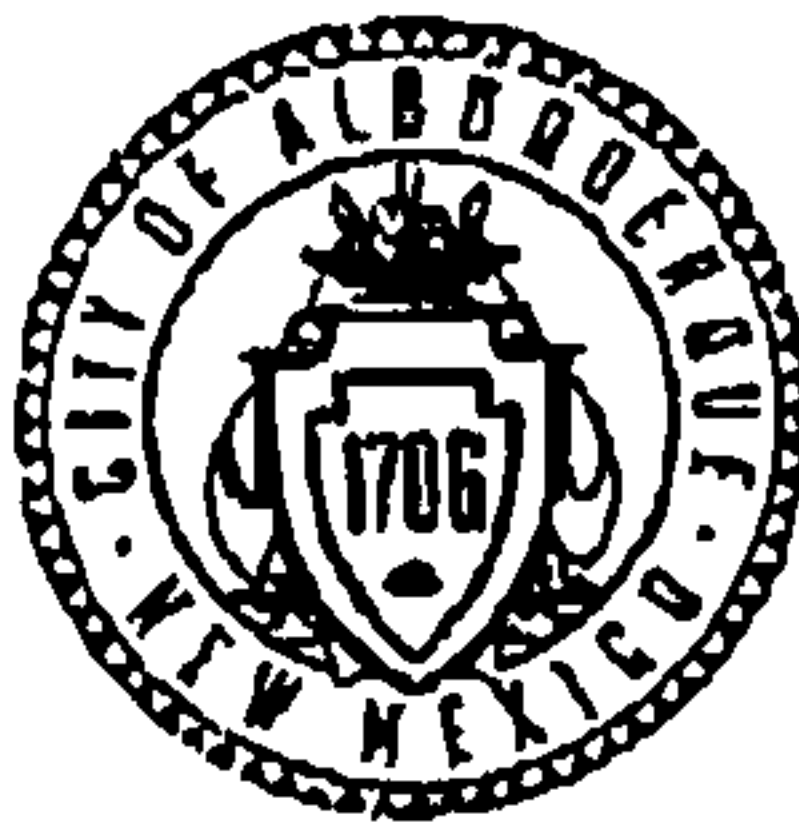
Sincerely,

MARK GOODWIN & ASSOCIATES, PA

Lisa Anglada  
Administrative Assistant

/la

Enclosure



## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

October 23, 2007

Lisa Anglada  
 Mark Goodwin and Associates, PA  
 P.O. Box 90606/87199  
 Phone: 828-2200/Fax: 797-9539  
 E-mail: [lisa@goodwinengineers.com](mailto:lisa@goodwinengineers.com)

Dear Lisa:

Thank you for your inquiry of October 23, 2007 requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **LOTS 27 AND 28, BLOCK 156, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES** zone map **B-20**.

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

**NOR ESTE N.A. (NRE) "R"**

Jeff Peterson

7800 Eagle Rock Ave. NE/87111 797-3477 (h) 846-3476 (w) 615-6729 (c)

Joe Yardumian

7801 R.C. Gorman Ave. NE/87122-2748 797-1851 (h)

**NORTH ALBUQ. ACRES COMM. ASSOC. (NAA) "R"**

\*Cynthia Reinhart

11300 Oakland NE/87122 856-6054 (h)

Jo Hunter

9805 San Bernadino NE/87122 897-2939 (h)

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

**Stephani Winklepleck**

Neighborhood Liaison  
 OFFICE OF NEIGHBORHOOD COORDINATION  
 Planning Department

planningrnaform(07/23/07)

**PLEASE NOTE:** The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

**LETTERS MUST BE SENT TO  
 BOTH CONTACTS OF EACH  
 NEIGHBORHOOD  
 ASSOCIATION.**

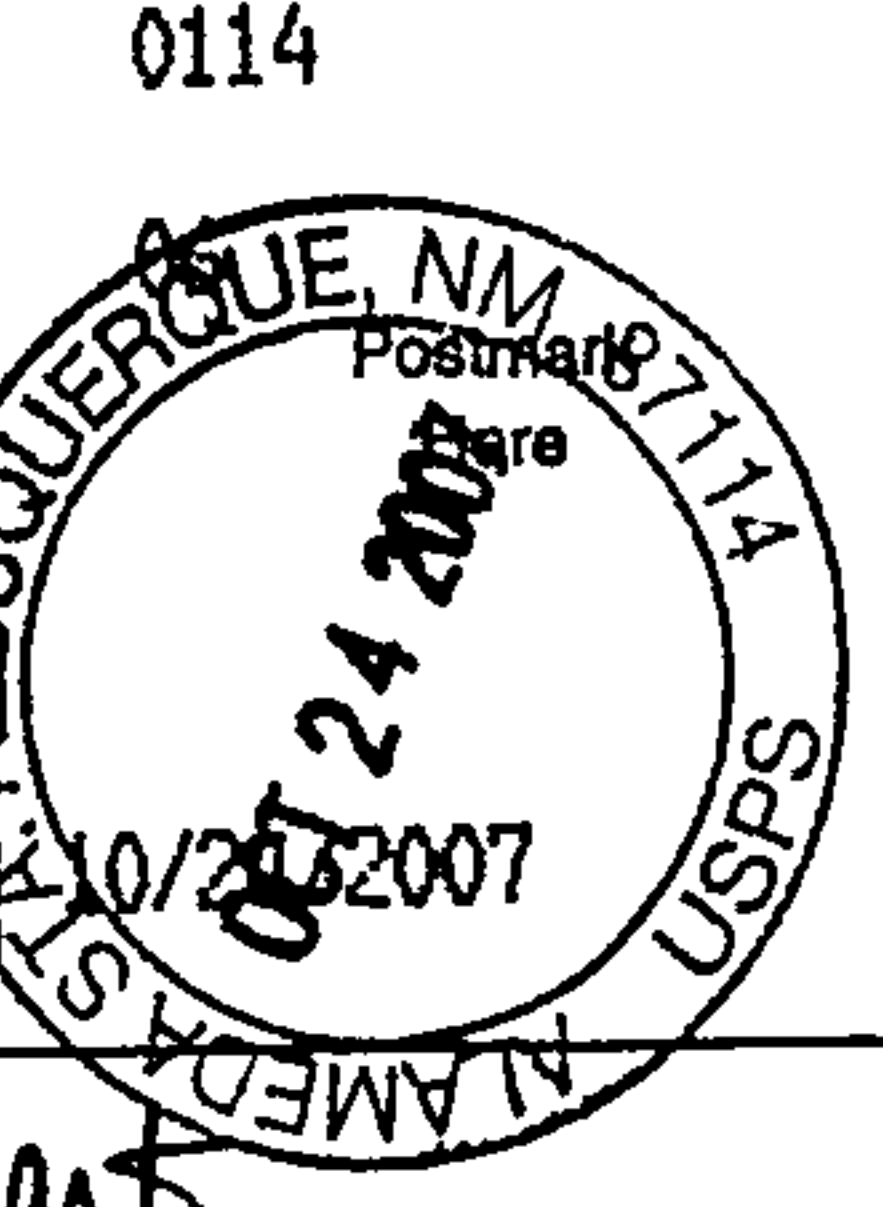
9295 2919 2000 0922 9002  
7006 2760 0002 6187 5678

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ALBUQUERQUE NM 87122 **OFFICIAL USE**

Postage	\$ 0.41
Certified Fee	\$2.65
Return Receipt Fee (Endorsement Required)	\$2.15
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.21</b>



Sent To Ms. Cynthia Reinhart  
Street, Apt. No., or PO Box No. 11300 Oakland NE  
City, State, ZIP+4 Albuquerque NM 87122  
PS Form 3800, August 2006 See Reverse for Instructions

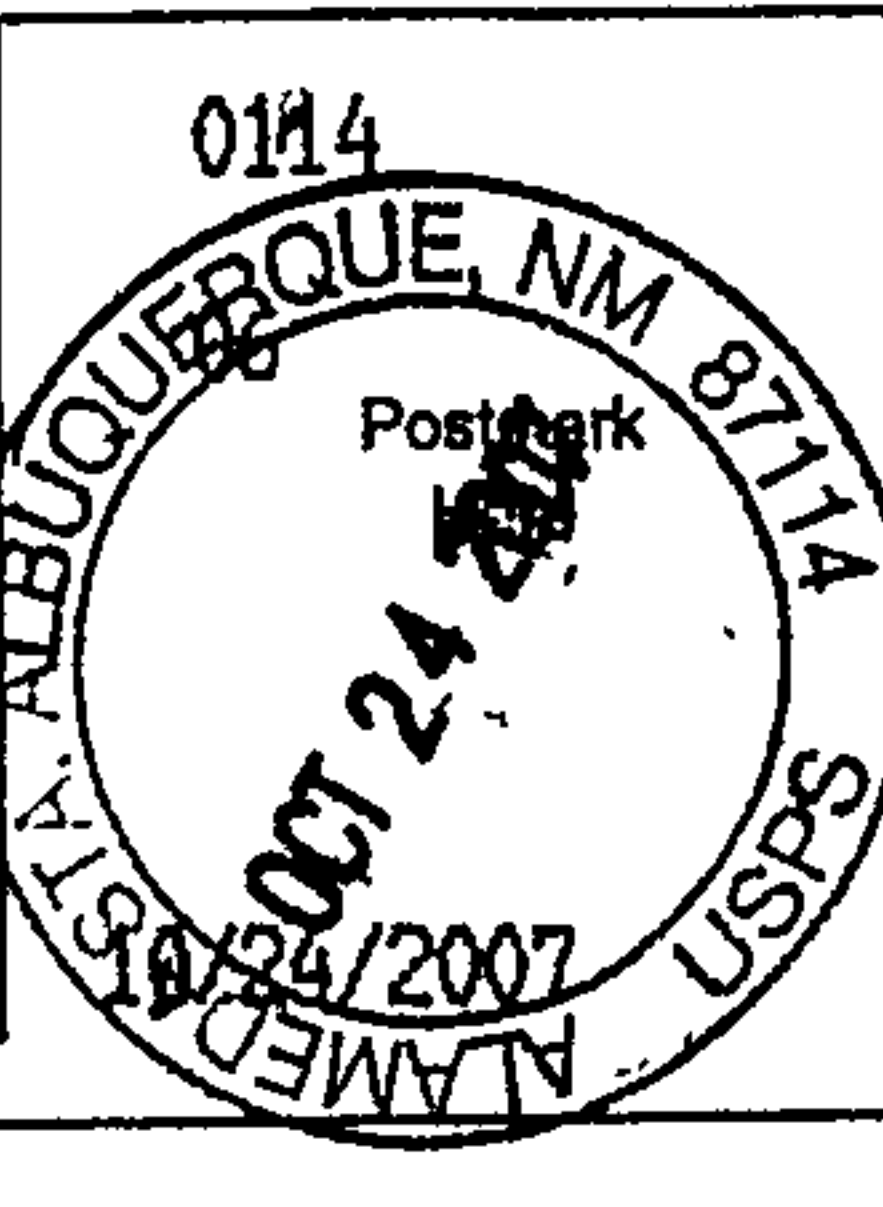
5895 2919 2002 6187 5685  
7006 2760 0002 6187 5685

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ALBUQUERQUE NM 87122 **OFFICIAL USE**

Postage	\$ 0.41
Certified Fee	\$2.65
Return Receipt Fee (Endorsement Required)	\$2.15
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.21</b>



Sent To Mr. Joe Hunter  
Street, Apt. No., or PO Box No. 9805 San Bernardino NE  
City, State, ZIP+4 Albuquerque NM 87122  
PS Form 3800, August 2006 See Reverse for Instructions

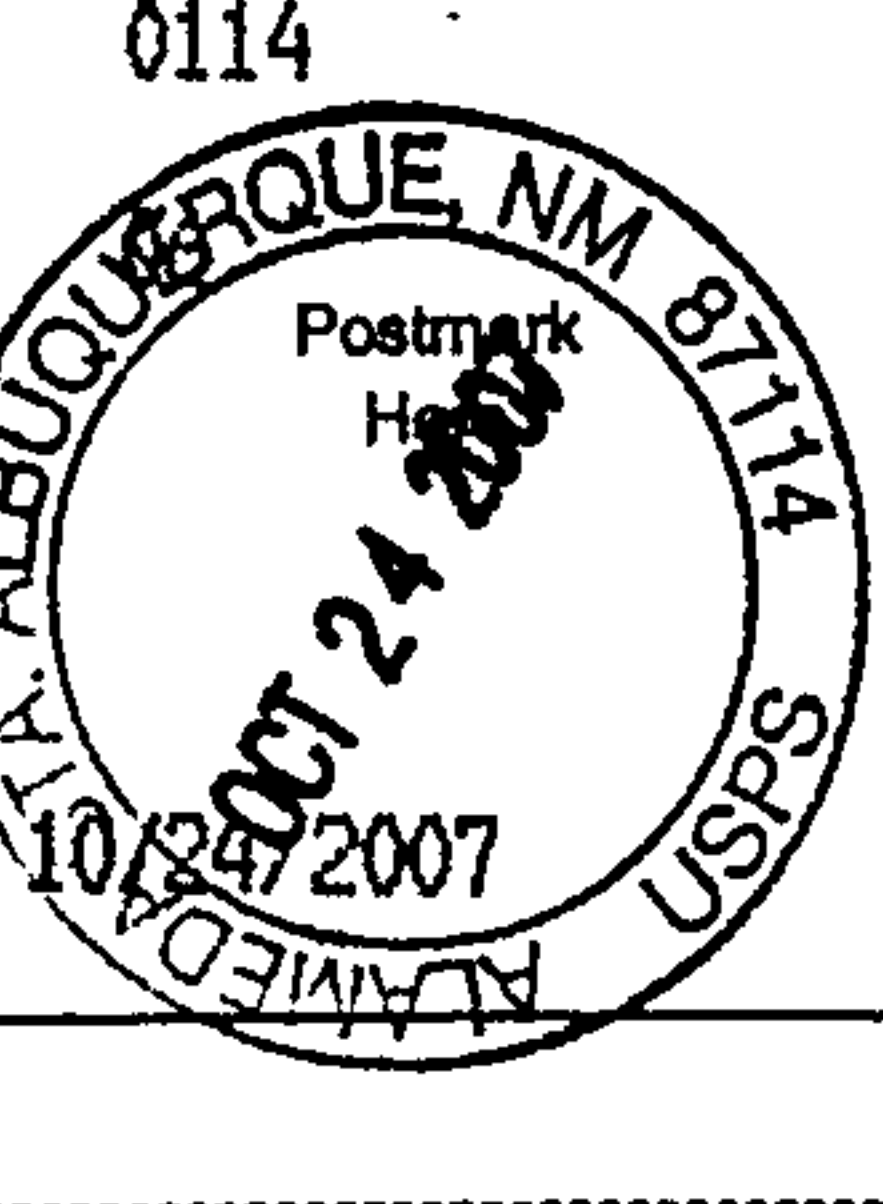
4595 2919 2002 6187 5654  
7006 2760 0002 6187 5654

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ALBUQUERQUE NM 87111 **OFFICIAL USE**

Postage	\$ 0.41
Certified Fee	\$2.65
Return Receipt Fee (Endorsement Required)	\$2.15
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.21</b>



Sent To Mr. Jeff Peterson  
Street, Apt. No., or PO Box No. 7800 Eagle Rock Ave NE  
City, State, ZIP+4 Albuquerque NM 87111  
PS Form 3800, August 2006 See Reverse for Instructions

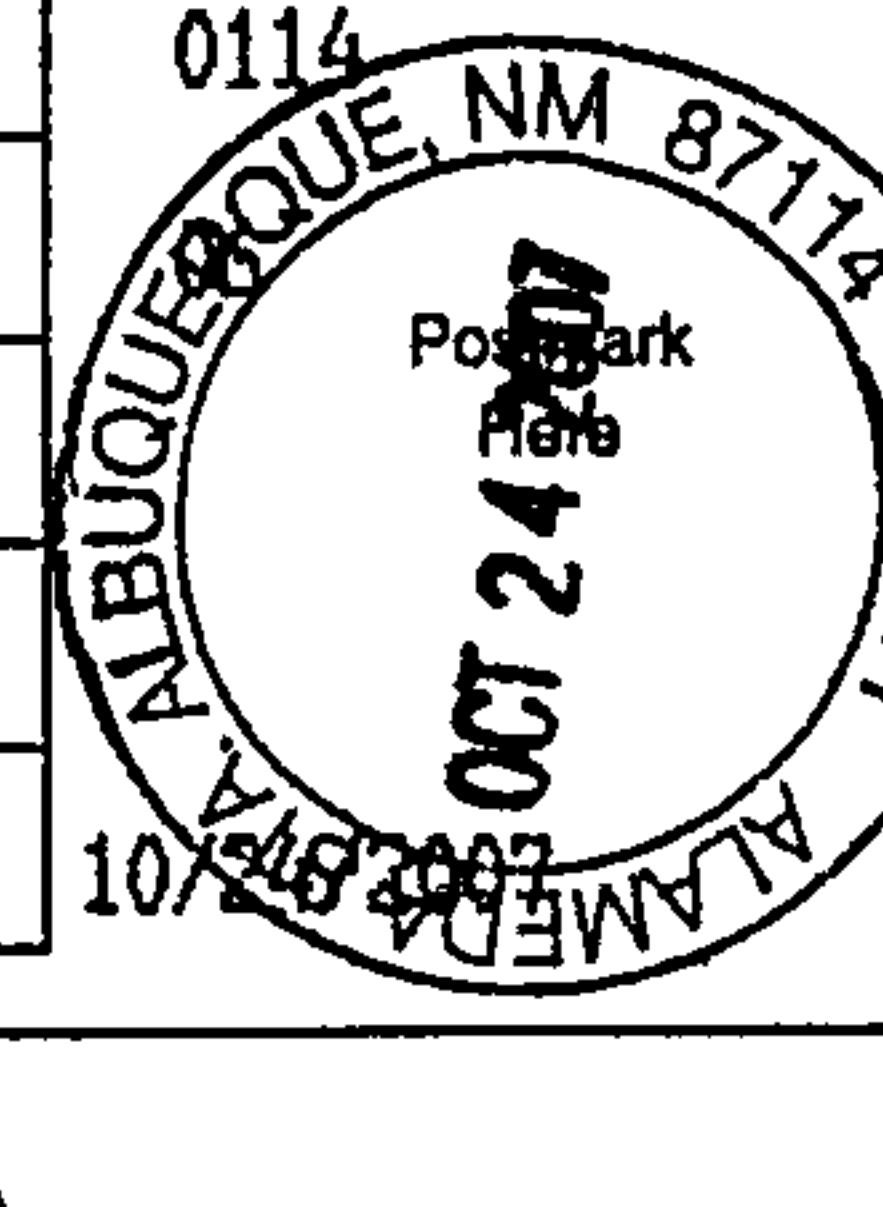
1995 2919 2002 6187 5617  
7006 2760 0002 6187 5617

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ALBUQUERQUE NM 87122 **OFFICIAL USE**

Postage	\$ 0.41
Certified Fee	\$2.65
Return Receipt Fee (Endorsement Required)	\$2.15
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.21</b>



Sent To Mr. Joe Yerdumian  
Street, Apt. No., or PO Box No. 7801 R.C. Gorman Ave NE  
City, State, ZIP+4 Albuquerque NM 87122  
PS Form 3800, August 2006 See Reverse for Instructions

PO Box 90606  
Albuquerque, NM 87199  
(505) 828-2200  
(505) 797-9539 fax  
lisa@goodwinengineers.com  
www.goodwinengineers.com

**Mark Goodwin & Associates**

# Fax

**To:** Stephani Winklepleck

**From:** Lisa Anglada

---

**Fax:** 924-3913

**Pages:** 2

---

**Re:** Benjamin Place

**Date:** 10/23/2007

---

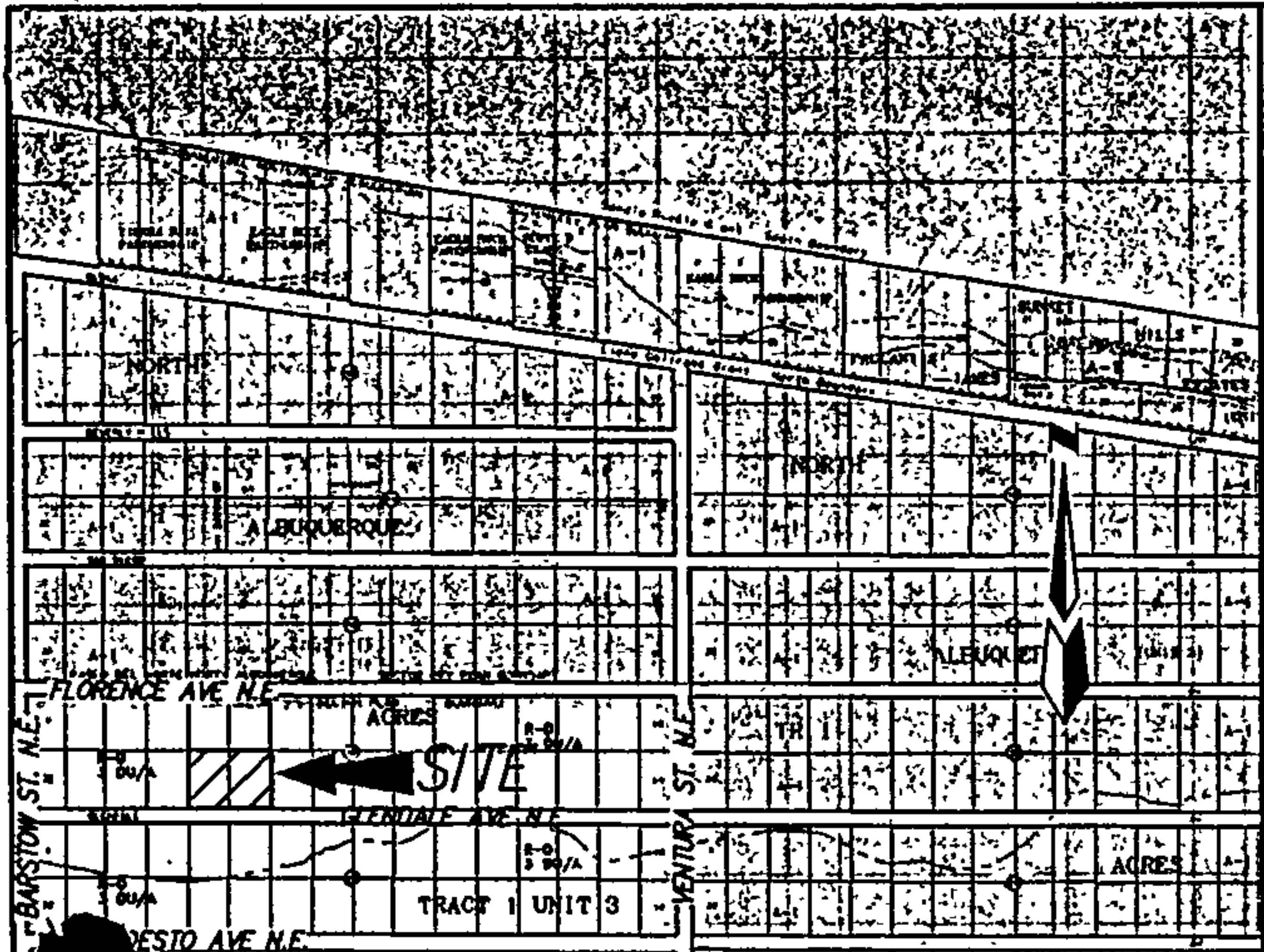
Please provide us with the Recognized Neighborhood Associations for the above reference project. The following is the Legal Description and the Zone Atlas Map is attached for reference to the property;

"Lots 27 & 28, Block 16, Tract 1, Unit 3, NAA"

Please contact our office if you have any questions.

Thank You.

---



VICINITY MAP ZONE ATLAS B-20-Z SCALE: NONE

**SUBDIVISION DATA**

GROSS ACREAGE	1.9980 AC
ZONE ATLAS NO.	B-20-Z
NO. OF EXISTING TRACTS/LOTS	0 TRACTS/ 2 LOTS
NO. OF TRACTS/LOTS CREATED	0 TRACTS/ 5 LOTS
NO. OF TRACTS/LOTS ELIMINATED	0 TRACTS/ 2 LOTS
AREA DEDICATED TO CITY OF ALBUQUERQUE (WITHOUT WARRANTY COVENANTS)	0.2277 AC
AREA DEDICATED TO CITY OF ALBUQUERQUE (WITH WARRANTY COVENANTS)	0.2689 AC
MILES OF FULL WIDTH STREETS CREATED	0.03 MILE
DATE OF SURVEY	AUGUST, 2004
UTILITY CONTROL LOCATION SYSTEM LOG NUMBER	2005081920
ZONING	R-D, 3 DU/A

**FREE CONSENT AND DEDICATION**

The subdivision hereon described is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) thereof and said owner(s) and/or proprietor(s) do hereby dedicate Benjamin Place N.E., as shown hereon to the City of Albuquerque in fee simple with warranty covenants and do hereby dedicate portions of Glendale Avenue N.E. to the City of Albuquerque in fee simple without warranty covenants and do hereby grant: all access, utility and drainage easements shown hereon including the right to construct, operate, inspect, and maintain facilities therein; and all public utility easements shown hereon for the common and joint use of gas, electrical power, water, sewer and communication services for buried distribution lines, conduits, and pipes for underground utilities where shown or indicated, and including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. Said owner(s) and/or proprietor(s) do hereby consent to all of the foregoing and do hereby certify that this subdivision is their free act and deed. Said owners(s) warrant that they hold among them complete and indefeasible title in fee simple to the land subdivided.

OWNER: Washington Street Investors, LLC  
 BY: T. Scott Ashcraft  
 TITLE: Managing Member

9-30-05  
DATE

**OWNER'S ACKNOWLEDGMENT**

STATE OF NEW MEXICO  
 COUNTY OF BERNALILLO

This instrument was acknowledged before me on 9/30/2005  
 By: T. Scott Ashcraft, Managing Member, Washington Street Investors, LLC, A New Mexico Corporation on behalf of said corporation

Whitney L. Phillips  
 NOTARY PUBLIC

10/13/2008  
 MY COMMISSION EXPIRES



**LEGAL DESCRIPTION**

A tract of land situate, within the Elena Gallegos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 27 and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 10, 1931 in Volume D, Folio 121 and containing 1.9980 acres more or less.

**PURPOSE OF PLAT**

1. Subdivide two (2) residential lots into five (5) Residential lots.
2. Grant easements as shown hereon.
3. Dedicate Right-of-way as shown hereon.

**PUBLIC UTILITY EASEMENT**

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

1. The PNM Electric Services Division for the installation, maintenance and service of overhead and underground electrical lines, transformers, poles and any other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical service.
2. The PNM Gas Services Division for installation, maintenance, and service of natural gas lines, valves and any other equipment and facilities reasonably necessary to provide natural gas.
3. Qwest for installation, maintenance and service of such lines, cable and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.
4. Comcast cable for installation, maintenance and service of such lines, cable and other related facilities reasonably necessary to provide Cable TV service.

Included, is the right to build, rebuild, construct, reconstruct, locate, Relocate, change, remove, modify, renew, operate and maintain facilities for the purposes described above, together with the free access to, from and over said easement, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code caused by construction of pools, decking or any structures adjacent to within or near easements shown on this plat.

In approving this plat, the utility companies did not conduct a Title Search of the properties shown hereon. Consequently, the utility companies do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

Easements for electric transformers/switchgears, as installed, shall extend ten feet (10') in front of transformer/switchgear doors and five feet (5') on each side.

**NOTES**

1. All open space requirements are met on the lot with the dwelling per the provisions of section 14-16-3-8 (A) (I).



THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND  
 PAID ON UPC #: 10200650900920206/102006507506930205  
 PROPERTY OWNER OF RECORD  
Washington Street Investments LLC  
 BERNALILLO COUNTY TREASURER'S OFFICE  
Juan Carlos Sanchez 1/27/06

**PLAT FOR  
 BENJAMIN PLACE**  
 WITHIN THE  
 ELENA GALLEGOS GRANT  
 PROJECTED SECTION 8  
 TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 SEPTEMBER, 2005

**APPROVED AND ACCEPTED BY:**

APPROVAL AND CONDITIONAL ACCEPTANCE as specified by the Albuquerque subdivision Ordinance, Chapter 14 Article 14 of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Project Number: 1003520

Application Number: 06DRB-00060

**PLAT APPROVAL**

Utility Approvals:

<u>Lennie D. Marks</u> PNM Electric Services	<u>10-11-05</u> Date
<u>Lennie D. Marks</u> PNM Gas Services	<u>10-11-05</u> Date
<u>Edith R. Ramirez</u> Qwest	<u>10/11/05</u> Date
<u>Juanie Zubin</u> Comcast	<u>10-11-05</u> Date
<u>M. B. Hunt</u> City Surveyor	<u>10-11-05</u> Date
<u>NIA</u> Real Property Division	<u>1-25-06</u> Date
<u>[Signature]</u> Traffic Engineering, Transportation Division	<u>1-25-06</u> Date
<u>William J. Baschke</u> Albuquerque-Bernalillo County Utility Authority	<u>1/25/06</u> Date
<u>Christina Sandoval</u> Parks and Recreation Department	<u>1/25/06</u> Date
<u>Bradley J. Bingham</u> AMA/CA	<u>1/25/06</u> Date
<u>Bradley J. Bingham</u> City Engineer	<u>1/25/06</u> Date
<u>Andrew Garcia</u> DRB Chairperson, Planning Department	<u>1-25-06</u> Date

**SURVEYOR'S CERTIFICATION**

"I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby certify that this plat and description were prepared by me or under my supervision, shows all easements as shown on the plat of record or made known to me by the owners and/or proprietors of the subdivision shown hereon, utility companies and other parties expressing an interest and meets the minimum requirements for monumentation and surveys of the Albuquerque Subdivision Ordinance, and further meets the Minimum Standards for Land Surveying in the State of New Mexico, and is true and correct to the best of my knowledge and belief."

10-03-05  
Date



**ALDRICH LAND  
 SURVEYING**

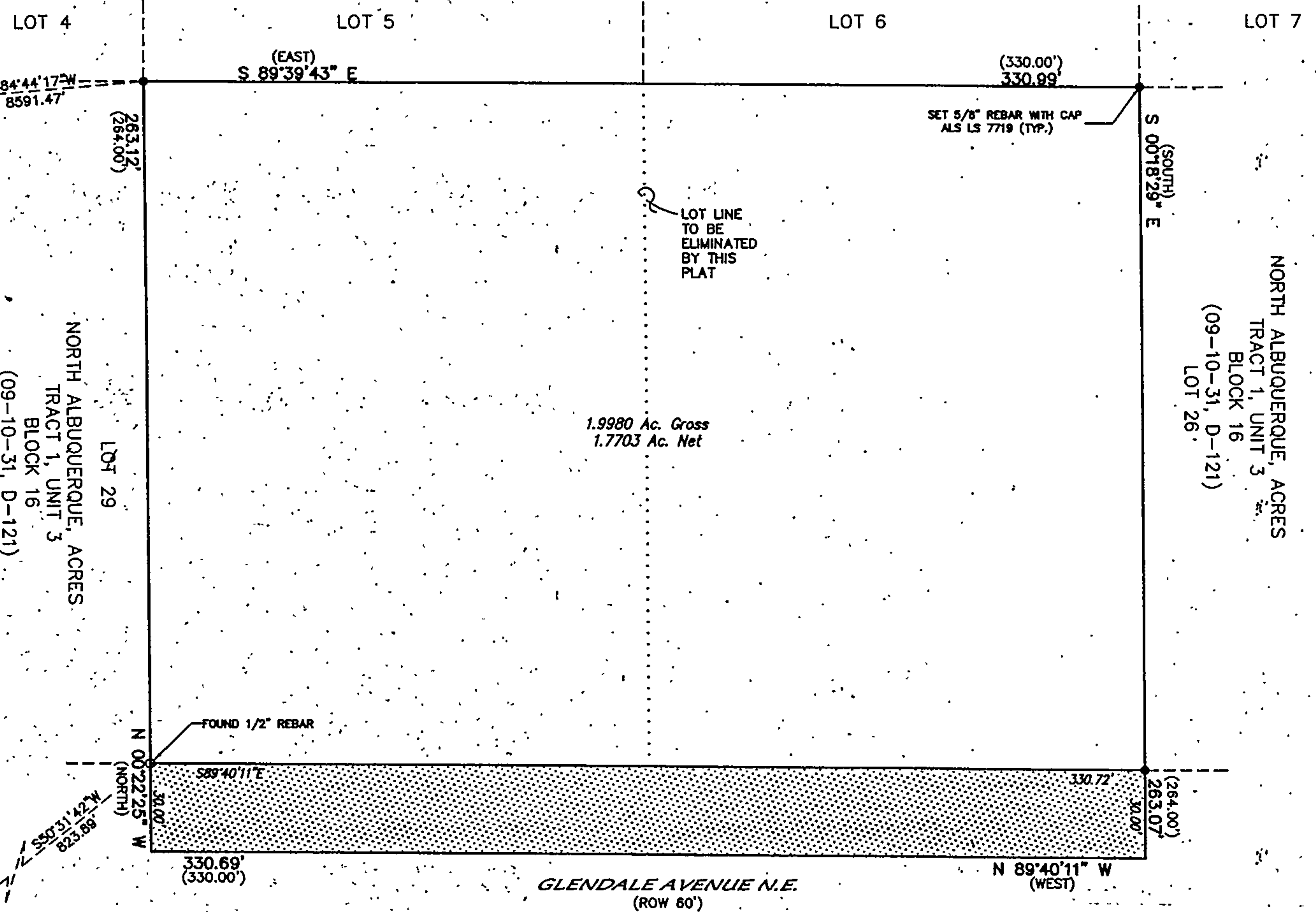
P.O. BOX 30701, ALBQ., N.M. 87190  
 505-884-1990

Dwg: Cover.dwg	Drawn: STEPHEN	Checked: ALS	Sheet 1 of 3
Scale: N/A	Date: 09/15/05	Job: A04023	

PLAT FOR  
**BENJAMIN PLACE**

WITHIN THE  
ELENA GALLEGOS GRANT  
PROJECTED SECTION 8  
TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
SEPTEMBER, 2005

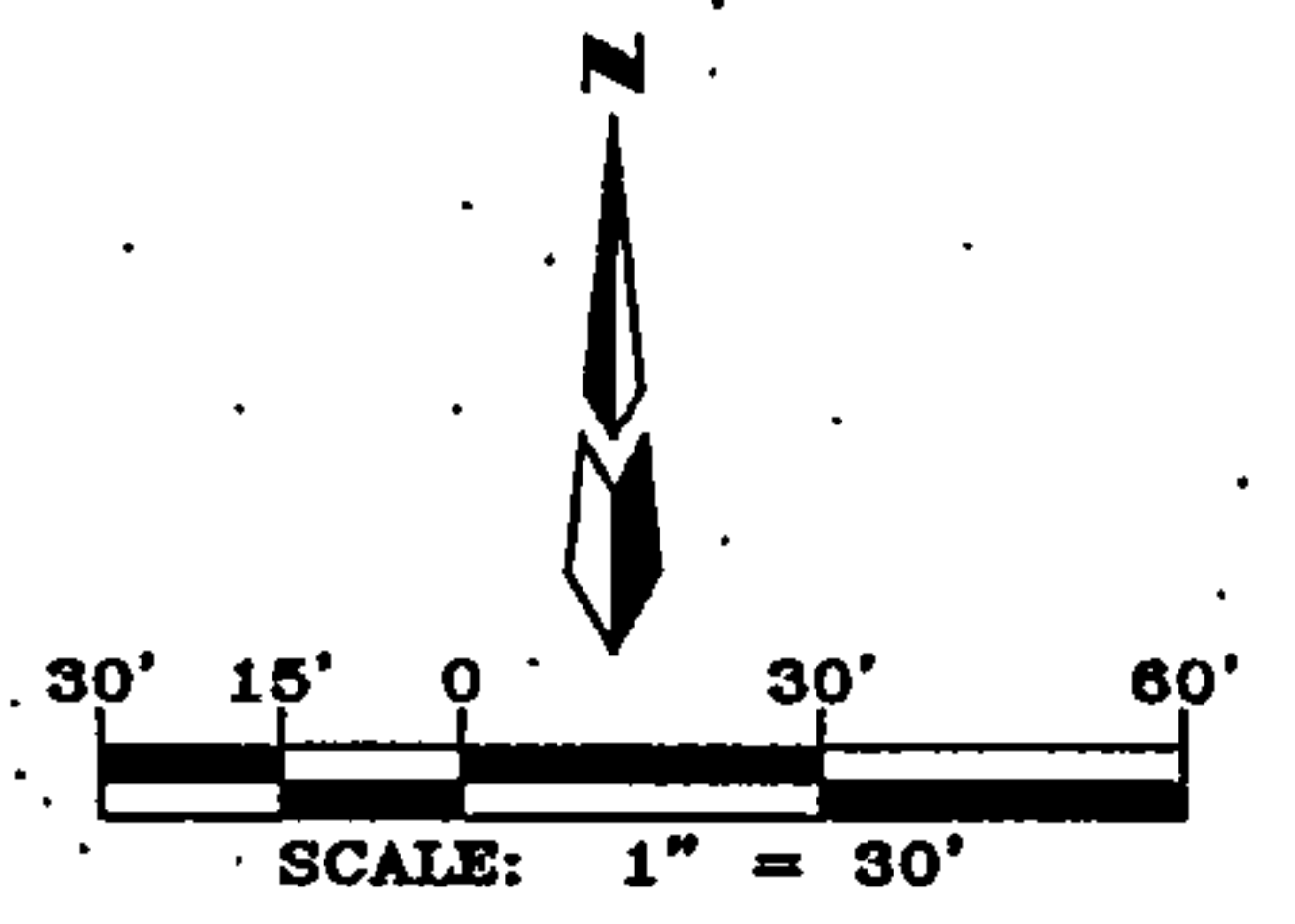
NORTH ALBUQUERQUE, ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
(09-10-31, D-121)



ACS MONUMENT  
"10-C18"  
Y=1524061.42  
X=402319.45  
G-G= 0.9996613  
A<sub>CS</sub>=-0°11' 18"  
CENTRAL ZONE  
(NAD 1927/SLD 1929)  
ELEV. = 5219.41

NORTH ALBUQUERQUE, ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
(09-10-31, D-121)

NORTH ALBUQUERQUE, ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
LOT 26  
(09-10-31, D-121)



ACS MONUMENT  
"1-B20"  
Y=1524092.46  
X=410237.56  
G-G= 0.99964740  
A<sub>CS</sub>=-0°10'23"  
CENTRAL ZONE  
(NAD 1927/SLD 1929)  
ELEVATION=5474.510

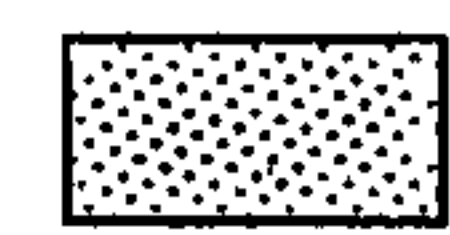
**SURVEY NOTES**

1. Bearings are New Mexico State Plane Grid Bearings (Central Zone).
2. Distances are ground distances.
3. Bearings and distances in parenthesis are record.
4. Basis of boundary is from the plat of record, entitled:

PLAT FOR "NORTH ALBUQUERQUE ACRES, TRACT 1, UNIT 3",  
(09-10-31, D-121)

all being records of Bernalillo County, New Mexico.

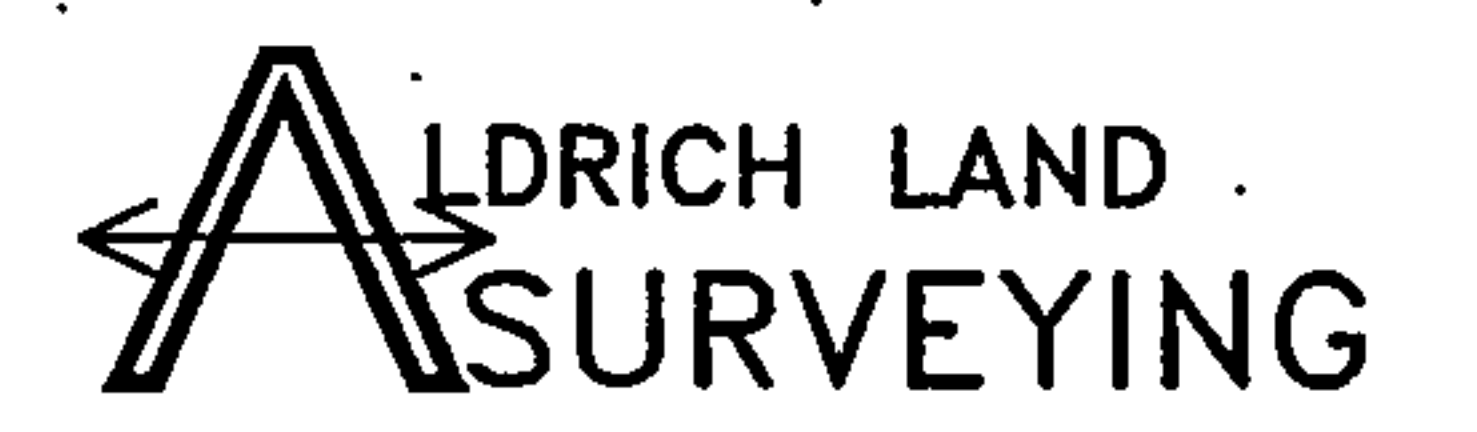
5. Field Survey: performed August, 2004.
6. Title Report(s): None provided
7. Address of Property: None provided.
8. City of Albuquerque, New Mexico Zone: R-D, 3 DU/A
9. Encroachments: None apparent.



(HATCHED AREA)  
ADDITIONAL STREET RIGHT-OF-WAY  
DEDICATED TO THE CITY OF ALBUQUERQUE  
BY THIS PLAT WITHOUT WARRANTY COVENANTS.  
(0.2277 ACRES)



2866812355  
Page: 2 of 3  
01/27/2006 10 31R  
Bk-2866C Pg-28

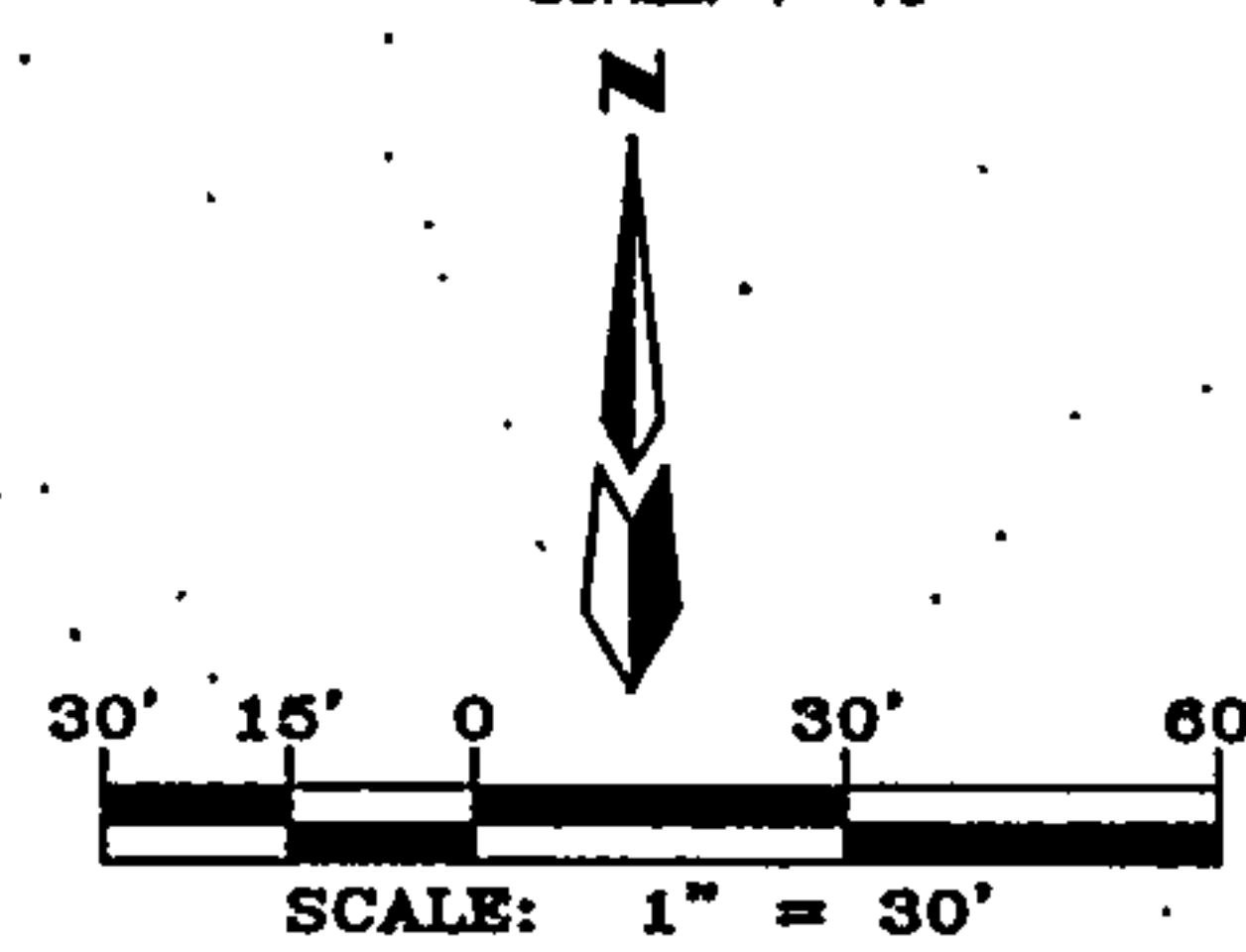
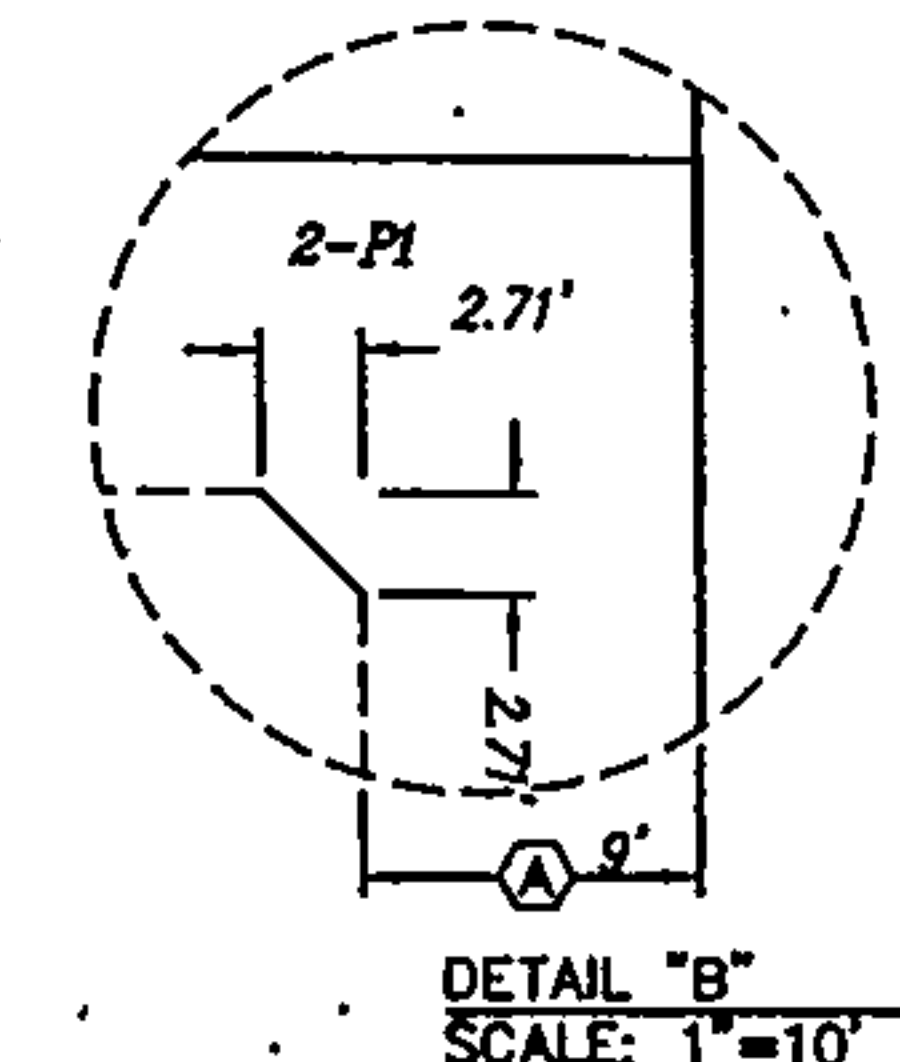
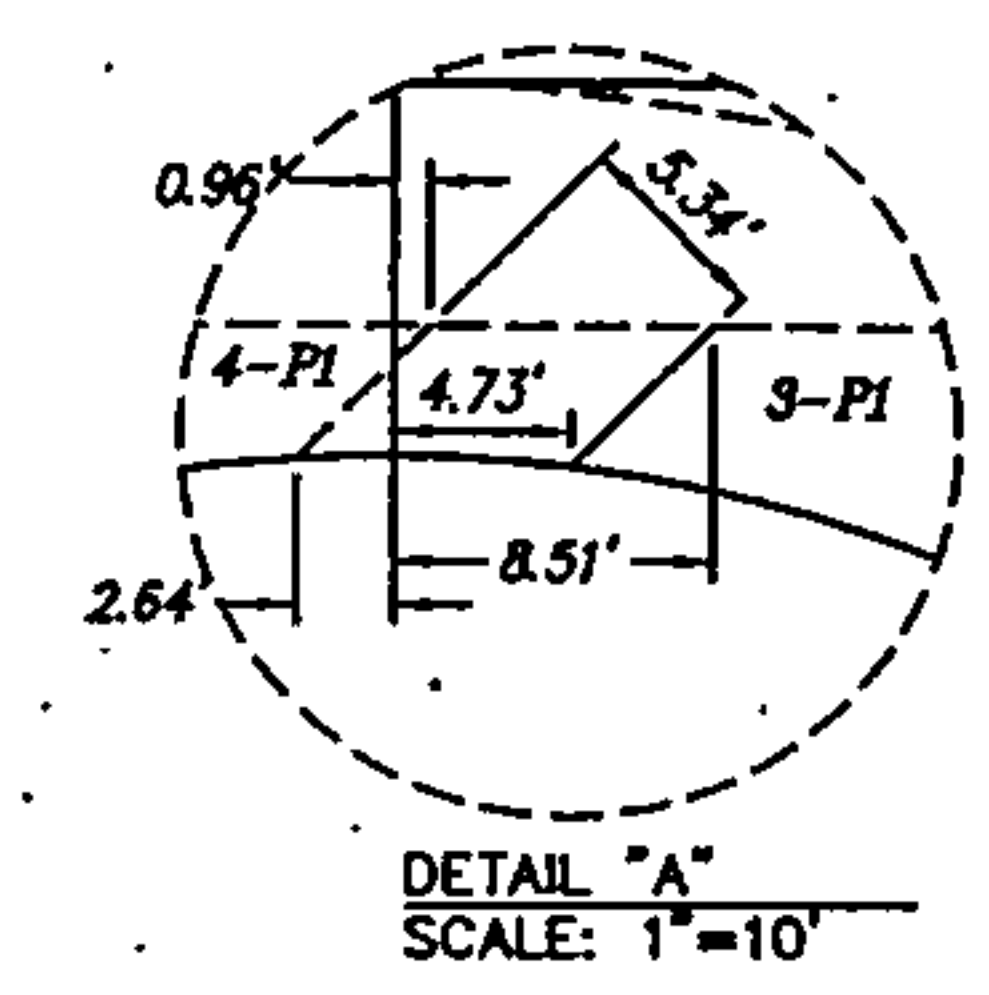
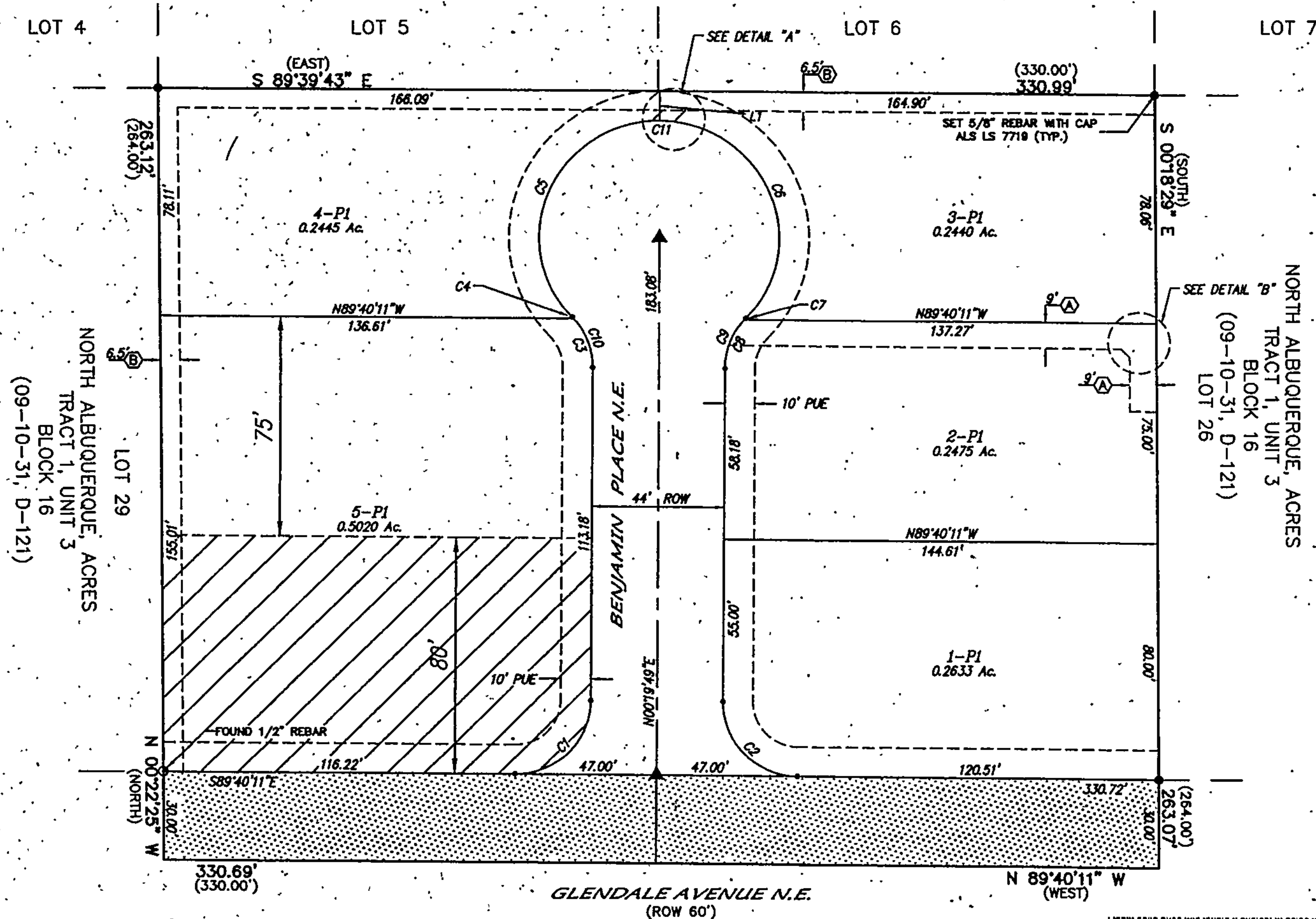


P.O. BOX 30701, ALBQ., N.M. 87190  
505-884-1990

Dwg: A04023-FP-sheet2.dwg	Drawn: STEPHEN	Checked: ALS	Sheet
Scale: AS SHOWN	Date: 10/06/05	Job: A04023	2 of 3

NORTH ALBUQUERQUE, ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
(09-10-31, D-121)

PLAT FOR  
**BENJAMIN PLACE**  
WITHIN THE  
ELENA GALLEGOS GRANT  
PROJECTED SECTION 8  
TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
SEPTEMBER, 2005



CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD-BEARING	CHORD-DISTANCE
C1	25.00'	90°00'00"	39.27'	25.00'	N45°19'49"E	35.36'
C2	25.00'	90°00'00"	39.27'	25.00'	N44°40'11"W	35.36'
C3	25.00'	42°17'35"	18.45'	9.67'	N20°48'59"W	18.04'
C4	25.00'	01°23'52"	0.61'	0.31'	N42°39'42"W	0.61'
C5	40.00'	133°41'56"	93.34'	93.55'	N23°29'19"E	73.56'
C6	40.00'	133°40'59"	93.33'	93.51'	S22°49'14"E	73.55'
C7	25.00'	01°23'52"	0.61'	0.31'	S43°19'20"W	0.61'
C8	25.00'	42°17'35"	18.45'	9.67'	N21°28'36"E	18.04'
C9	25.00'	43°41'27"	19.06'	10.02'	N22°10'32"E	18.61'
C10	25.00'	43°41'27"	19.06'	10.02'	N21°30'55"W	18.61'
C11	40.00'	267°22'54"	186.67'	---	N89°40'11"W	57.85'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°20'17"E	10.00'

- (HATCHED AREA)  
ADDITIONAL STREET RIGHT-OF-WAY DEDICATED TO THE CITY OF ALBUQUERQUE BY THIS PLAT WITHOUT WARRANTY COVENANTS. (0.2277 ACRES)
- (A) A NEW 9' WIDE PRIVATE DRAINAGE EASEMENT GRANTED FOR THE BENEFIT OF LOT 2-P1 (BENJAMIN PLACE) AND LOTS 22-26 (NORTH ALBUQUERQUE ACRES) AND TO BE MAINTAINED BY THE OWNERS OF LOTS 2-P1.
- (B) A NEW 6.5' WIDE PRIVATE DRAINAGE EASEMENT GRANTED FOR THE BENEFIT OF LOTS 3-P1 TO 5-P1 (BENJAMIN PLACE) AND LOT 7 (NORTH ALBUQUERQUE ACRES) AND TO BE MAINTAINED BY THE OWNERS OF LOTS 3-P1 TO 5-P1.
- (DIAGONAL HATCHED AREA) A TEMPORARY PUBLIC DRAINAGE EASEMENT GRANTED TO CITY OF ALBUQUERQUE WITH THIS PLAT TO BE MAINTAINED BY OWNERS OF LOT 5-P1.

2696812355  
Page: 3 of 3  
01/27/2006 10:31A  
R 17 00 05-2006C Pg-28

**ALDRICH LAND SURVEYING**  
P.O. BOX 30701, ALBQ., N.M. 87190  
505-884-1990



EXHIBIT "A"

## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 12, 2005

1. **Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05] 04DRB-1570 WAS WITHDRAWN. (B-20)

At the January 12, 2005, Development Review Board meeting, with the signing of the infrastructure list dated 1/12/05 and approval of the grading plan engineer stamp dated 12/29/04 the preliminary plat was approved with the following condition of final plat:

An approved perimeter wall design must occur before final plat approval.

The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

A sidewalk variance from design standards was approved as shown on Exhibit C in the Planning file with the following condition:

Variance is for non-placement of sidewalks which will not preclude any future project from constructing sidewalk later.

If you wish to appeal this decision, you must do so by January 27, 2005, in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.



# LOS ALAMOS NATIONAL BANK

Post Office Box 60, Los Alamos, New Mexico 87544 / Telephone (505) 662-5171

## Irrevocable Letter of Credit No. 1665

December 13, 2005

AMOUNT: \$6,359.04

Mr. James Lewis  
Chief Administrative Officer  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

RE: Letter of Credit for: Washington Street Investment, LLC  
City of Albuquerque Project No.: 770381  
Project Name: Benjamin Place Subdivision, Phase/Unit #: 1

Dear Mr. Lewis:

This letter is to advise the City of Albuquerque ("City") that, at the request of Washington Street Investment, LLC, Los Alamos National Bank in Los Alamos, New Mexico, has established an Irrevocable Letter of Credit in the sum of Six Thousand Three Hundred Fifty Nine and 04/100's (\$6,359.04) U. S. Currency Dollars ("Letter of Credit") for the exclusive purpose of providing the financial guarantee which the City requires, Washington Street Investment, LLC ("Subdivider") to provide for the installation of the improvements which must be constructed at Benjamin Place Subdivision No. 770381 ("Project"). The amount of the Letter of Credit is 125% of the City's estimated cost of construction of improvements as required by the City's Subdivision Ordinance. The improvements are identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on 1-9 2006 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. 110, at pages 3423 to 3423, as amended ("Agreement").

A Draft or Drafts for any amount up to, but not in excess of Six Thousand Three Hundred Fifty Nine and 04/100's (\$6,359.04) U. S. Currency Dollars is/are available at sight at Los Alamos National Bank, 1200 Trinity Drive, Los Alamos, New Mexico 87544 between October 14, 2006 and December 13, 2006.

When presented for negotiation, the Draft(s) is/are to be accompanied by the City's notarized certification stating: "1) Washington Street Investment, LLC has failed to comply with the terms of the Agreement; 2) the undersigned is the Chief Administrative Officer of the City of Albuquerque and is authorized to sign this certification; and 3) the amount of the Draft does not exceed 125% of the City's estimated cost of completing the improvements specified in the Agreements."

We hereby agree with the drawer of Draft(s) drawn under and in compliance with the terms of this credit that such Draft(s) will be duly honored upon presentation to the drawee if negotiated between October 14, 2006 and December 13, 2006.

The Draft(s) drawn under this credit must contain the clause: "Drawn under Letter of Credit and Agreement No. 1665 of Los Alamos National Bank, Los Alamos, New Mexico, dated December 13, 2005 and the original Letter of Credit must be endorsed on the reverse side with the amount of each draft. This Letter of Credit must accompany each draft and be attached to the draft which exhausts this credit.

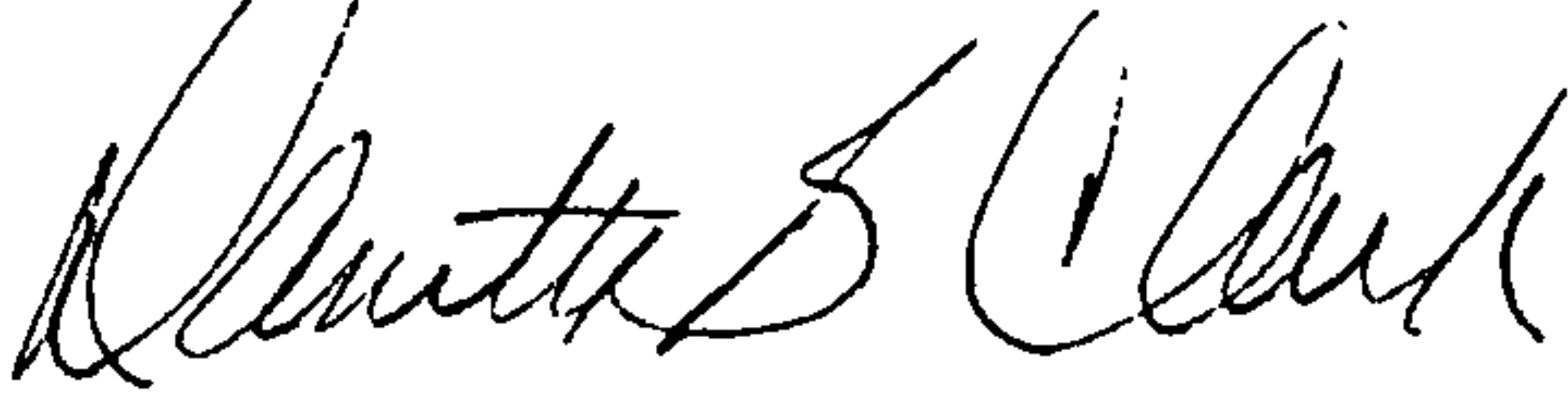
This Letter of Credit for the benefit of the City of Albuquerque shall be irrevocable until:

1. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or
2. City notification of Washington Street Investment, LLC failure to comply with the terms of the Agreement, and payment by Certified Check from Los Alamos National Bank to the City of Albuquerque of 125% of the City's estimated costs of completing the improvements specified in the Agreement; or
3. Expiration of the date December 13, 2006 or
4. Written termination of this Letter of Credit by the City of Albuquerque, signed by its Chief Administrative Officer.

This Letter of Credit will terminate at 3:00 o'clock p.m., New Mexico time, December 13, 2006.

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision) International Chamber of Commerce Publication No. 500.

Sincerely,



Danette B. Clark  
Administrative Officer

ACCEPTED:

CITY OF ALBUQUERQUE

By:   
Chief Administrative Officer

Dated: 1-05-06

*lge 11/10/06*

*JW  
12-29-05*

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

### SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

### SITE DEVELOPMENT PLAN

- for Subdivision Purposes
- for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

### STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

### Supplemental form

### S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
- D** Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

### APPLICANT INFORMATION:

NAME: Washington Street Investors, LLC PHONE: 922-4911  
 ADDRESS: 501 3<sup>rd</sup> Street SW FAX: \_\_\_\_\_  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: Owners List all owners: \_\_\_\_\_  
 AGENT (if any): Mark Goodwin & Associates, PA PHONE: 828-2200  
 ADDRESS: P.O. Box 90606 FAX: 797-9539  
 CITY: Albuquerque STATE NM ZIP 87199 E-MAIL: gregc.goodwinengineers.com

DESCRIPTION OF REQUEST: Final Plat Approval

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

### SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lots 27 & 28, Tract 1 Block: 16 Unit: 3  
 Subdiv. / Addn. North Albuquerque Acres TRK BENJAMIN PLACE  
 Current Zoning: R-D 3 DU/AC Proposed zoning: Same  
 Zone Atlas page(s): B-20 No. of existing lots: 2 No. of proposed lots: 5  
 Total area of site (acres): 2.0 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes.  No, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. 102006507506930205#102006509006930206 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Avenue NE  
 Between: Barstow Street NE and Ventura Street NE

### CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1003520

Check-off if project was previously reviewed by Sketch Plat/Plan ?, or Pre-application Review Team ?. Date of review: \_\_\_\_\_

SIGNATURE [Signature] DATE 1-12-06  
 (Print) Gregory J. Krenik, P.E. Applicant  Agent

### FOR OFFICIAL USE ONLY

Form revised 4/04

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>06DRB - 06060</u>	<u>FP</u>	<u>53</u>	<u>\$ 0</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.50</u>
<input checked="" type="checkbox"/> All case #s are assigned				\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent				\$ _____
<input checked="" type="checkbox"/> Case history #s are listed				\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input checked="" type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date <u>1/25/06</u>			Total <u>\$ 20.50</u>

Mothers 1/12/06 Project # 1003520

**FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING**

**SKETCH PLAT REVIEW AND COMMENT**

**YOUR ATTENDANCE IS REQUIRED.**

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. Sketches are not reviewed through internal routing.
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Any original and/or related file numbers are listed on the cover application

**MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT**

**Your attendance is required.**

- Preliminary Plat reduced to 8.5" x 11"
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Copy of previous D.R.B. approved infrastructure list
  - Copy of the LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
  - Any original and/or related file numbers are listed on the cover application
- Extensions are not reviewed through internal routing.**  
Extension of preliminary plat approval expires after one year.

**MAJOR SUBDIVISION FINAL PLAT APPROVAL**

**Your attendance is required.**

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
  - N/A* Design elevations & cross sections of perimeter walls **3 copies APPROVED AT PRELIMINARY PLAT**
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting
  - Property owner's and City Surveyor's signatures on the Mylar drawing
  - SIA financial guaranty verification
  - N/A* Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
  - Any original and/or related file numbers are listed on the cover application
- DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

**MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL**

**Your attendance is required.**

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
  - Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
  - Property owner's and City Surveyor's signatures on the Mylar drawing
  - Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
  - Signed** Pre-Annexation Agreement if Annexation required.
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
  - Infrastructure list if required (**verify with DRB Engineer**) **NO INTERNAL ROUTING**
- DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

**AMENDMENT TO PRELIMINARY PLAT (with minor changes)**

**Your attendance is required.**

**AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)**

**AMENDMENT TO GRADING PLAN (with minor changes)**

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings.
  - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
  - Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
  - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

GREGORY J. KRENK

Applicant name (print)

[Signature] 1-12-06  
Applicant signature / date

Form revised 11/04



- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
 DRB - 00060  
 - -  
 - -

Kris 1/12/06

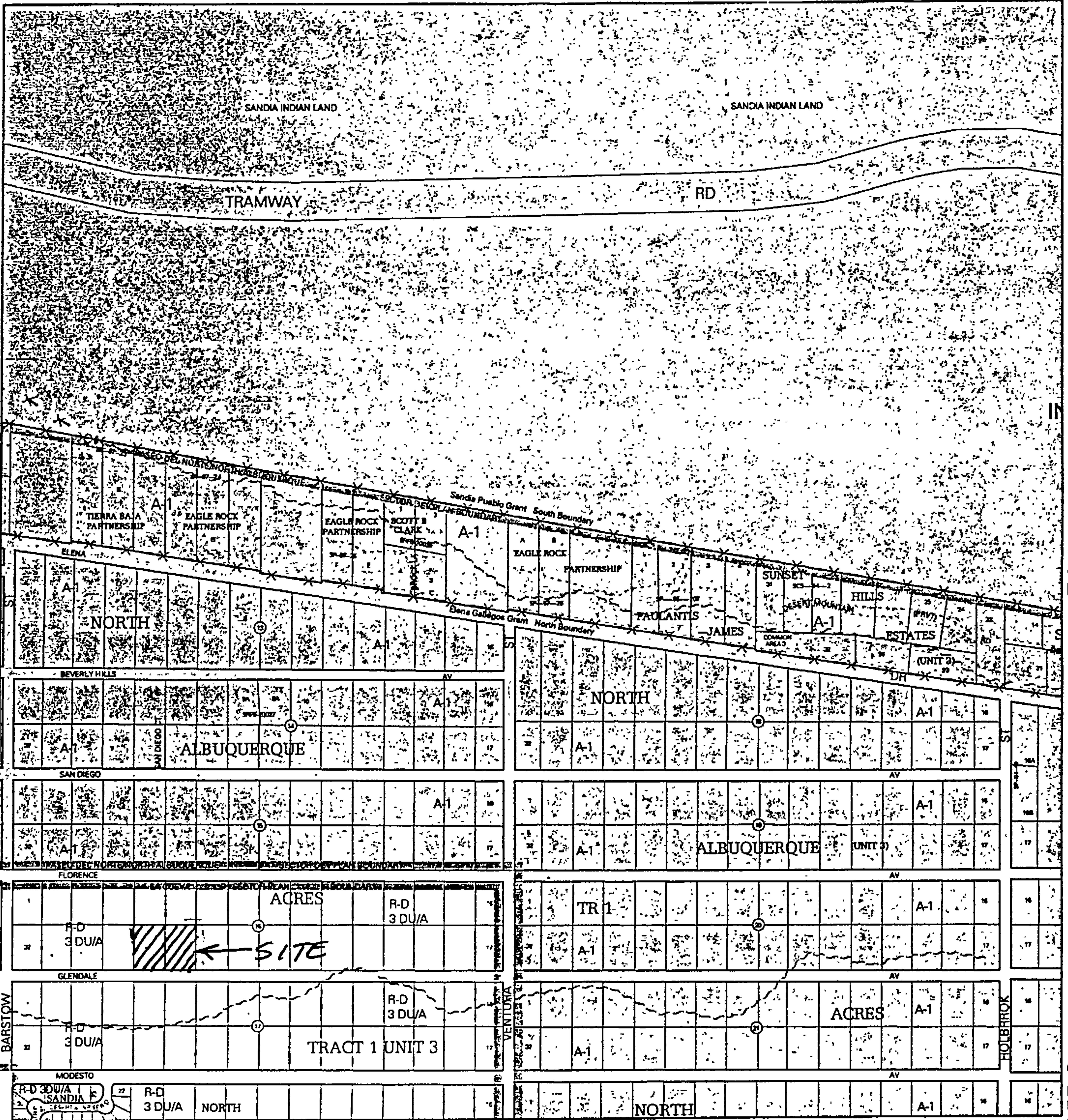
Planner signature / date

**Project # 1003520**

A-19-Z

A-20-Z

A-21-Z



B-19-Z

B-21-Z

C-19-Z

C-21-Z

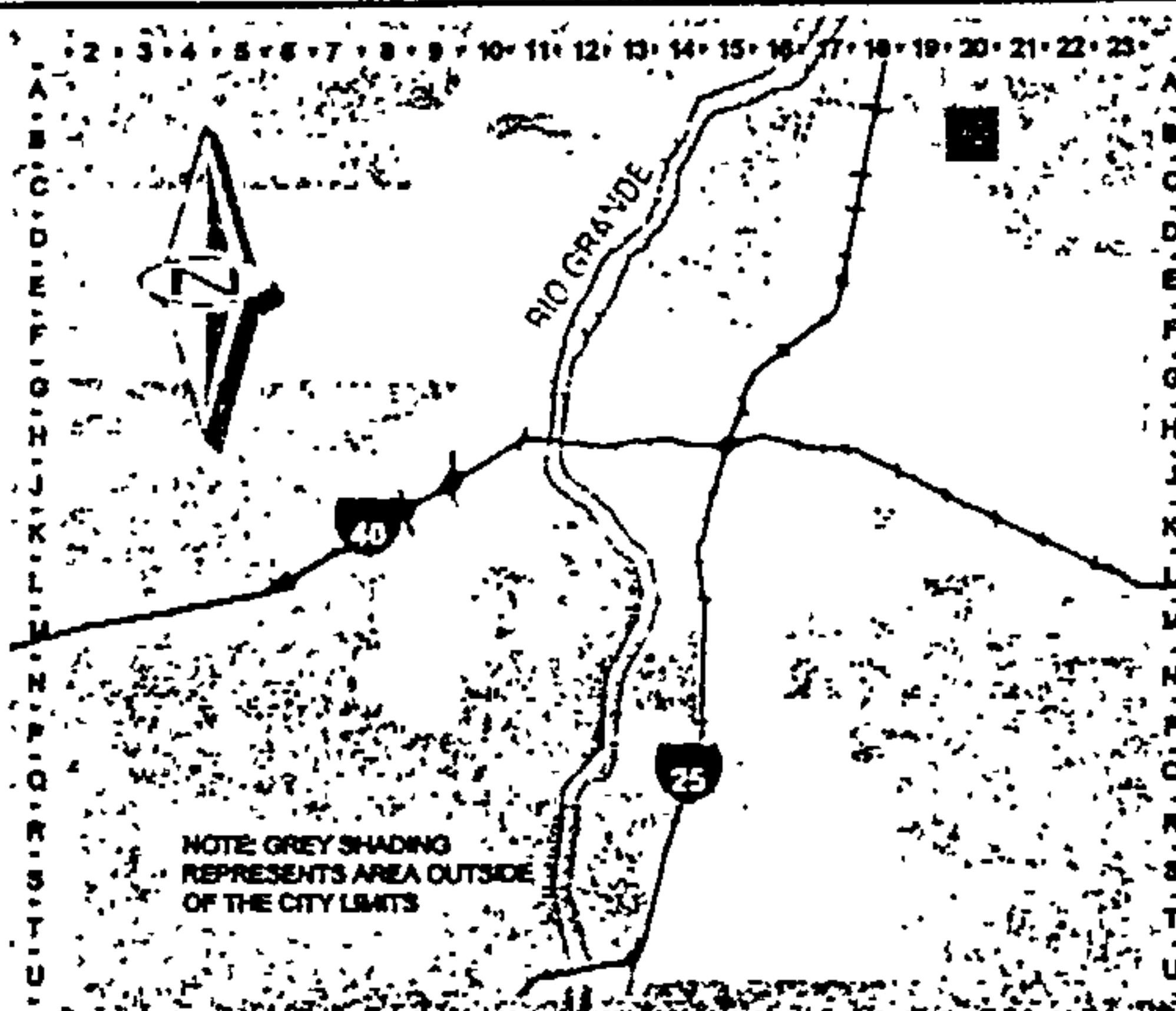
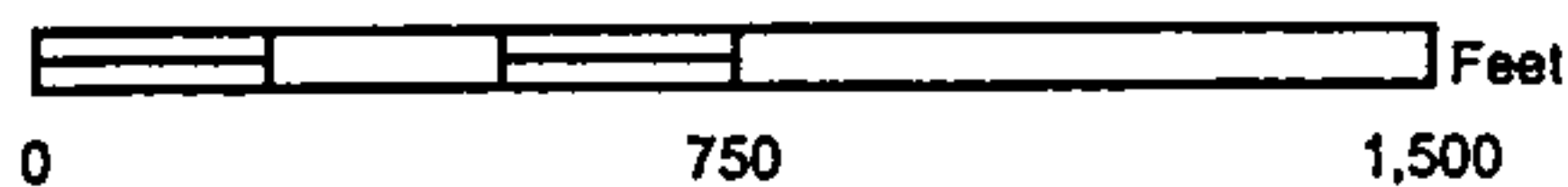
C-20-Z

Zone Atlas Page: **B-20-Z**

Map amended through: Aug 06, 2004

Selected Symbols

- Unincorporated Areas
- Sector Plan Boundaries
- Parcel Boundaries
- Easement Lines
- Freeway Lanes
- Jurisdictional Boundaries
- Westgate Wall
- Escarpment
- Grant Boundaries
- Petroglyph
- H-1 Buffer Zone
- Arroyos
- LDN Noise Level
- Airport Clearance Zone
- Design Overlay Zones



**CITY OF ALBUQUERQUE**  
**THREE HUNDRED YEARS**  
 1706 • 2006  
**ALBUQUERQUE**  
*Haciendo Historia*  
**AGIS**  
 Albuquerque Geographic Information System  
**PLANNING DEPARTMENT**  
 © Copyright 2004

No. of Lots:  
Nearest Major Streets

FIGURE 12

SUBDIVISION IMPROVEMENTS  
AGREEMENT-PUBLIC AND/OR PRIVATE  
(Procedure B)

Benjamin Place

CPN 770381

AGREEMENT TO CONSTRUCT  
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 5<sup>TH</sup> day of January, 2006, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and Washington Street Investors, LLC ("Subdivider"), a [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.:] New Mexico limited liability company, whose address is 100 Gold SW, Suite 209, Albuquerque, NM 87102 whose telephone number is 922-9411, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description:] Lots 27 & 28, Block 16, Tract 1, Unit 3, NAA, recorded on September 10, 1931 in the records of the Bernalillo County Clerk at Book D, pages 121 through -- (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] Washington Street Investors, LLC ("Owner").

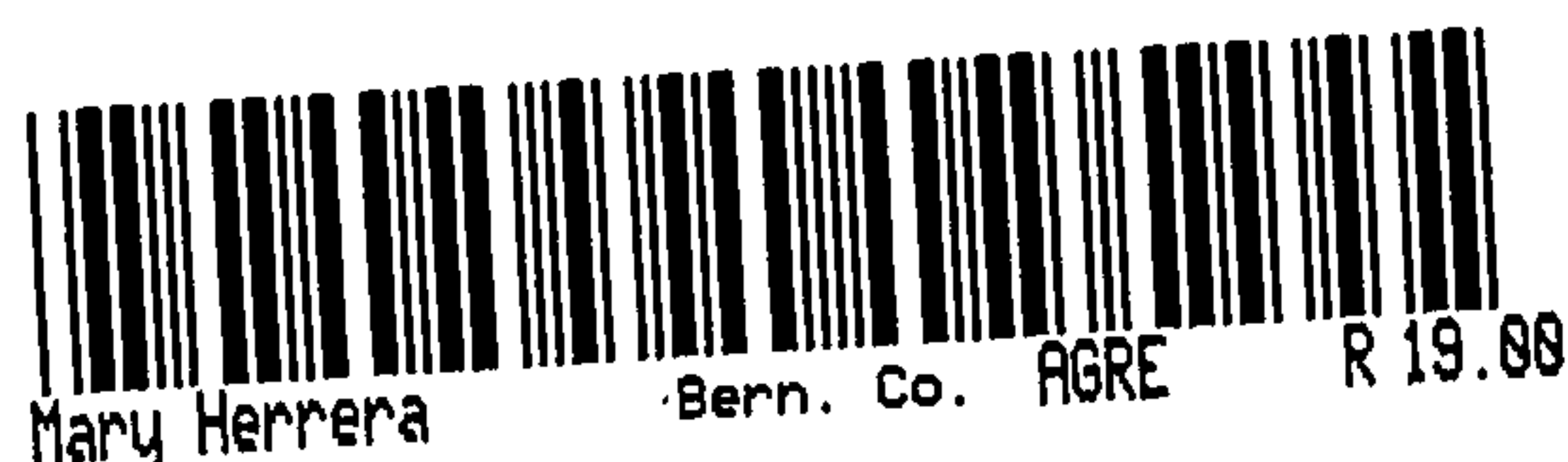
The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as BENJAMIN PLACE SUBDIVISION describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 14-16-3-11, require the Subdivider, at no cost to the City, to install certain public and/or private Improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private improvements as a prerequisite to approval of the final plat of, or the Site Development Plan for the Subdivision.

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the 14<sup>th</sup> of October 2006 ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 770381.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board ("DRB"), unless

Figure 12 - page 1



2006083447  
6399995  
Page: 1 of 6  
01/09/2006 02:54P  
Bk-A118 Pg-3421

07/02

ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME WASHINGTON INVESTORS  
AGENT MARK GOODWIN & Assoc.  
ADDRESS P.O. Box 90606  
PROJECT & APP # 1003520 / 06 DRB 05060  
PROJECT NAME BENJAMIN PLACE

\$ 20.<sup>00</sup> 441032/3424000 Conflict Management Fee  
\$ 0 441006/4983000 DRB Actions  
\$ \_\_\_\_\_ 441006/4971000 EPC/AA/LUCC Actions & All Appeals  
\$ \_\_\_\_\_ 441018/4971000 Public Notification  
\$ \_\_\_\_\_ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY\*\*\*  
( ) Major/Minor Subdivision ( ) Site Development Plan ( ) Bldg Permit  
( ) Letter of Map Revision ( ) Conditional Letter of Map Revision  
( ) Traffic Impact Study  
\$ 20.<sup>00</sup> TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

D. MARK GOODWIN AND ASSOCIATES, P.A.  
P.O. BOX 90606  
ALBUQUERQUE, NM 87199  
(505) 828-2200

4729

DATE 1-12-06 95-681/1070

PAY TO THE ORDER OF City of Albuquerque City Of Albuquerque \$ 20.00  
TREASURY DIVISION

[Signature]

BANK OF THE WEST  
5901 MENAUL BLVD. NE  
ALBUQUERQUE, NM 87110

RECEIPT# 00052746 WSH 006 TRANSH 0007  
Account 441032 Fund 0110  
Activity 3424000 TRSEJA

FOR Benjamin Place PD [Signature]

MP

⑈004729⑈ ⑆107006813⑆ 283007003⑈ \$20.00

CHANGE

Thank You

\$0.00

Current DRC  
Project Number: \_\_\_\_\_

**ORIGINAL**

FIGURE 12

INFRASTRUCTURE LIST

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT  
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

Benjamin Place Subdivision  
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 27 & 28, Blk 16, Tract 1, Unit 3, North Albuquerque Acres  
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

*Claire*

Date Submitted: 12/21/2004

Date Site Plan Approved: \_\_\_\_\_

Date Preliminary Plat Approved: 1/12/05

Date Preliminary Plat Expires: 1/12/08

DRB Project No.: 1003520

DRB Application No.: 04-01567

11-21-05

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
<b>PAVING</b>									
		26' FF	Res Pvmt	Benjamin Place	Glendale Avenue	End of Cul de Sac	/	/	/
		4'	C & G (Both sides) Sidewalk (Both Sides) (1)						
		24' FF	Perm Pvmt	Glendale Avenue	West Prop Line	East Prop Line	/	/	/
		6'	C & G (North Side) <del>Gravel Path (North Side)</del> Sidewalk (North Side) <i>UNDIVED</i>						
			Pvmt Transition	Glendale Avenue	East & West PL	Existing Pavement	/	/	/
			Design Elevation of Road	Glendale Avenue	Barstow Street	Ventura Street	/	/	/
			Street Lights per DPM				/	/	/
<b>WATER</b>									
		4"	Waterline	Benjamin Place	End of Cul de Sac	Glendale Avenue	/	/	/
		8"	Waterline	Glendale Avenue	East Prop Line	Barstow Street	/	/	/
		12"	Waterline	Barstow Street	Glendale Avenue	Modesto Avenue	/	/	/
<b>SAS</b>									
		8"	SAS	Benjamin Place	End of Cul de Sac	Glendale Avenue	/	/	/
		8"	SAS (6)	Glendale Avenue	Wyoming Boulevard	Barstow Street	/	/	/
		8"	SAS	Glendale Avenue	Barstow Street	East Prop Line	/	/	/



ORIGINAL

Project name: Benjamin Place Subdivision

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
			STORM						
		8'	Concrete Channel	9' Private Drainage Esmt	Entire Length		/	/	/
		4'	Concrete Channel	6.5' Private Drain Esmt	NE Corner Lot 3-P1	Glendale Avenue	/	/	/
		24"	RCP	Benjamin Place	Lot 5-P1	Glendale Avenue	/	/	/
		24"	Temporary RCP	Lot 5-P1	Benjamin Place	Retention Pond	/	/	/
			Temporary Retention Pond & Spillway W/A & C	Lot 5-P1			/	/	/
		72"	Storm Drain (2)	Glendale Avenue	west East Prop Line	Benjamin Place West Prop Line	/	/	/

- 1 Sidewalk to be deferred
- 2 Storm Drain to be deferred
- 3 Grading & Drainage Certification per DPM, including retaining walls as shown on the Grading & Drainage Plan for Release of SIA and Financial Guaranty
- 4 Water Infrastructure to include valves, valve boxes, and fire hydrants and design of future PRV on Barstow Street
- 5 SAS to include manholes and service connections
- 6 Financially Guaranteed with COA 729781 (Quivera Estates)

AGENT / OWNER DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Gregory J. Krenik, P.E.  
NAME (print)

*[Signature]* 1/12/05 DRB CHAIR - date  
*[Signature]* 1/12/05 Christina Sandoral 1/12/05 PARKS & GENERAL SERVICES - date

MARK GOODWIN & ASSOCIATES  
FIRM

*[Signature]* 12-21-04  
SIGNATURE - date

*[Signature]* 1-12-05 TRANSPORTATION DEVELOPMENT - date  
*[Signature]* 1/12/05 ROBERT SHEAN UTILITY DEVELOPMENT - date  
*[Signature]* 1-12-05 CITY ENGINEER - date

\_\_\_\_\_  
AMA FCA - date  
 \_\_\_\_\_ - date  
 \_\_\_\_\_ - date

MAXIMUM TIME ALLOWED TO CONSTRUCT THE IMPROVEMENTS WITHOUT A DRB EXTENSION: N/A

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER
△	11-21-05	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

**SUBDIVISION**

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

- for Subdivision Purposes
- for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

**STORM DRAINAGE**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: James R Phillips Jr PHONE: 505 821 0658  
 ADDRESS: 8600 Florence Ave NE FAX: 505 344 7022  
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: james.r.phillips@comcast.net  
 Proprietary interest in site: No List all owners: \_\_\_\_\_  
 AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: This is an appeal of the EPC notice of decision 4 March 18, 2005

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. lots 27+28 Tract 1 Block: 16 Unit: NAA unit 3  
 Subdiv. / Addn. Benjamin Place Subdivision  
 Current Zoning: R-10 Proposed zoning: R-10  
 Zone Atlas page(s): B-20 No. of existing lots: 2 No. of proposed lots: 5  
 Total area of site (acres): 1.8 Density if applicable: dwellings per gross acre: 3 dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No  
 UPC No. \_\_\_\_\_ MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Ave NE  
 Between: Barstow NE and Ventura NE

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):  
04DR13 01567, 01568, 01863

Check-off if project was previously reviewed by Sketch Plan/Plan?, or Pre-application Review Team? . Date of review: \_\_\_\_\_

SIGNATURE [Signature] DATE 1 April 05  
 (Print) JAMES R PHILLIPS JR  Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 4/04

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>0500</u> <u>00545</u>	<u>Appeal</u>	<u>A</u>	\$ <u>55.00</u>
<input type="checkbox"/> All fees have been collected	_____	<u>AD Fee</u>	_____	\$ <u>50.00</u>
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ <u>105.00</u>

Referred 4-1-05

Project # 1003520

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

- DECISION OF THE ZONING HEARING EXAMINER

Project number of case being appealed;

Application number of case being appealed;

- Reason for the appeal \*
Appellant's basis of standing as an appellant \*
Letter of authorization from the appellant if this application for appeal is submitted by an agent
Copy of the Official Notification of Decision regarding the matter being appealed
Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

- CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

Project number of case being appealed;

Application number of case being appealed;

- Reason for the appeal \*
Appellant's basis of standing as an appellant \*
Letter of authorization from the appellant if this application for appeal is submitted by an agent
Copy of the Official Notification of Decision regarding the matter being appealed
Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

- DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

Project number of case being appealed;

Application number of case being appealed;

- Reason for the appeal \*
Appellant's basis of standing as an appellant \*
Letter of authorization from the appellant if this application for appeal is submitted by an agent
Copy of the Official Notification of Decision regarding the matter being appealed
Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD
ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

Project number of case being appealed; # 1003520/05 EPC 00122
Application number of case being appealed; 04DRB01567
Reason for the appeal \* attached
Appellant's basis of standing as an appellant \* attached
Letter of authorization from the appellant if this application for appeal is submitted by an agent
Copy of the Official Notification of Decision regarding the matter being appealed
Fee (see schedule)

\* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

James R Phillips Jr
Applicant name (print)
Applicant signature / date



Form revised 10/04 & March 2005

- Checklists complete
Fees collected
Case #s assigned
Related #s listed
Application case numbers
05CC - 00545

Planner signature / date
Project # 1003520

TO: City Council

April 1, 2005

FROM: James R Phillips, Jr (8600 Florence Ave NE)

SUBJECT: Basis of Appeal  
Environmental Planning Commission  
Official Notice of Decision, March 18, 2005  
Denial of Appeal Project # 1003520/05EPC 00122

Dear Sirs,

I am representing the neighbors surrounding the proposed development "Benjamin Place" to be located on Glendale Ave NE. My neighbors and I consider ourselves aggrieved by the decision of the EPC.

**Standing to Appeal.** I live and own property within 300 feet of the subject site. The list of neighbors supporting this appeal is attached. They also live and own property within 300 feet of the subject site.

We are also in the process of forming a Neighborhood Association in accordance with the Neighborhood Association Recognition Ordinance (14-8-2-1) to help us with this case, as well as other issues affecting this area of North Albuquerque Acres, which is in the La Cueva Sector. We have met with the Albuquerque Office of Neighborhood Coordination and will be working with them in the weeks ahead. Unfortunately, there is no existing association representing this area at this time. We anticipate satisfying all the criteria in the applicable ordinance and being recognized by the City of Albuquerque within the next eight weeks.

**Basis of Appeal.** The EPC denied our appeal of the DRBs approval of this proposed subdivision. Our appeal is based on our opinion that there has been an error in applying adopted city plans, policies, and ordinances by the DRB's approval of the preliminary plat.

Specifically, we feel that (details are laid out in the following paragraphs):

- The intent of the La Cueva Sector Development, the Development Process Manual or the Albuquerque/Bernalillo County Comprehensive plan has not been followed.
- The stringent enforcement of all required subdivision rules, regardless of subdivision size or existing topography within an established neighborhood, and the City's reluctance to examine/approve alternate solutions makes these lots unsuitable for a subdivision.
- The grading plan, as proposed, violates numerous clauses of the subdivision ordinance infringing inappropriately on existing neighbors to the site and that alternatives to the grading plan have not been fully analyzed.

The EPC Chairman, in deliberation discussed the option of sending the subdivision plan back to the DRB for action to ensure all options were fully covered for this subdivision, in an effort to mitigate or ameliorate the concerns of the existing neighbors. This discussion, and the proposed action, was exactly what the neighbors adjoining the site were seeking. It would allow all concerned parties to investigate and understand all the issues involved, and even allow the city to adjust subdivision requirements to better accommodate concerns while moving forward. However the EPC elected to deny the appeal.

Our primary goal in filing this appeal is to ensure that the subdivision, if deemed suitable for this small location, meshes appropriately with the surrounding, existing homes and topography. These existing single lot homes were carefully terraced into the existing terrain—we would hope that this subdivision would appear and be developed in the same way. If it cannot be—than it should not be built.

In addition, at the end of this listing, we offer numerous suggestions to mitigate these issues that should be discussed as alternatives to the developer's plans. These, and similar options were discussed with the DRB and EPC—however the developer has not offered us a direct explanation of why these options are not possible. In our opinion these alternatives should establish a framework for discussion with the developer and the City that could lead to subdividing this property in a way to have minimal adverse impact on the existing community, satisfy City requirements, and allow the developer to achieve his goals.

Our lengthy but detailed list of issues follows. In each citing of an ordinance, rule, or regulation, we have written in italics the specific violation.

### **La Cueva Sector Development Plan**

The La Cueva Sector Development Plan, a Rank Three Plan, was published June 2000. The Environment Planning Commission recommended approval in 1999. It was signed by Mayor Baca, passed by unanimous vote of the City Council and reviewed and Approved by the Development Review Board. It was written to “protect public well being” in the La Cueva Sector that was annexed by the City in 1995.

The plan “recommends land uses, zoning, design regulations and strategies to encourage effectively organized urban development.”

On Page i it states “The purpose of the plan is to suggest solutions to the barriers that have hindered sound urban development in the plan area. These include existing platting that disregards natural topography and drainage patterns; diverse ownership that inhibits consolidated developments; and piecemeal planning that disregards area-wide needs for parks, major streets and major drainage improvements”

*It is our belief that the regulatory guidance as well as the intent of the La Cueva Sector plan is not being followed. The proposed development completely disregards the natural topography of the site, which was the original*

*problem before the Las Cueva Plan was developed. Homes in the immediate area (completely surrounding the proposed subdivision) have respected the natural arroyos and topography by allowing water to flow naturally and have terraced their home—without additional fill or grading, into the natural topography. This subdivision offers no improvement—in fact just the opposite. The design does not integrate with, nor complement the existing development and disregards the natural topography. Whereas the intent of the La Cueva Plan was to encourage comprehensive development by window, this subdivision will do just the opposite by allow piece-meal development right in the middles of what is an already established, consolidated neighborhood.*

### **Albuquerque/Bernalillo County Comprehensive Plan**

Another plan that covers certain details of this development is the Albuquerque/Bernalillo County Comprehensive Plan. In that plan, this area is classified as Developing Urban and within the North Albuquerque Acres Community as identified on the Community Areas Map. As such the following rules apply:

Section 5. DEVELOPING AND ESTABLISHED URBAN AREAS. The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

Policy d - The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern. Possible Techniques:

- 3) Assist area property owners, neighborhood groups, and developers, (by negotiation and public education) in achieving, with coordination and harmony of development plans.

*It is our opinion that many aspects of Policy d have been carried into the La Cueva Sector development plan—but not followed. This subdivision does not respect existing neighborhood values or the environmental conditions. It will not be a visually pleasing built environment when compared to all of the homes surrounding it. Other than one meeting arranged by the City that produced a Facilitator's Report (November 30, 2004) no follow-up dialogue occurred. Even though the report was 10 pages long and contained numerous issues and proposed changes—and ended with the statement "All issues are unresolved" there was no effort by the City to stimulate resolutions to the issues. This report was offered into*

*evidence at the DRB hearings but no action was taken and no dialogue occurred. The plan has exceptional and encouraging wording to encourage the City to facilitate meetings between developers and property owners to achieve optimum solutions. The City has failed to implement these meetings, or to educate the property owners.*

## Section 9. COMMUNITY IDENTITY AND URBAN DESIGN

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

Policy a - The City and County differentiate into thirteen sub-areas as shown on the Community Areas map; the unique character and constituent neighborhoods of each area identified on the Community Areas map shall be respected in all planning and development actions.

*This area is identified as the Community of North Albuquerque Acres and this particular neighborhood is unique because of the open space, views, lot sizes, minimal traffic, natural environment that respects the existing topography and minimal, non-polluting lighting. This subdivision will violate all these unique characteristics.*

Policy b - In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

- 1) The natural environment
  - Indigenous vegetation and other materials appropriate to landscapes.
  - Topography and landscape features such as arroyos, the Rio Grande and bosque, the foothills, and escarpments
  - Soils and erosion potential
  - Colors and textures of the natural environment
  - Views

*The natural environment is not being respected due to excessive grading and the destruction of the arroyos. In addition, the views—a major positive issue to this community are being destroyed by the construction of a “floating compound” in the middle of existing homes already established.*

- 2) Built environment
  - Height and massing of buildings
  - Setbacks from the street
  - Walls and fences
  - Street furniture (e.g. bus stops, street lights, signs)
  - Relationship between built and natural environment

*The height and massing of the buildings in this subdivision will far exceed the established neighboring homes. Existing setbacks for existing homes will not be respected because this subdivision will push homes right up to the property lines. Walls will be excessive and present the appearance of a compound. There are no street lights in this area which enhances its beauty and night sky—but this subdivision, as required for all subdivisions, will have a street light. There will be no logical or meaningful relationship between the homes and the natural environment because the construction technique will simply be to fill in and level the entire two lots.*

### **City of Albuquerque, Code of Ordinances, Chapter 14**

Within the City of Albuquerque, New Mexico, Code of Ordinances, Chapter 14, Zoning, Planning and Building, are all ordinances covering this proposed subdivision.

Article 14 contains all the Subdivision Regulations.

14-14-1-3 Purpose and Intent. The Public health, safety, comfort, convenience, and general welfare of the people of the city require harmonious, orderly, and coordinated development of land within the city...The intent of such control is to secure:

- (A) Coordination of land development in accordance with orderly physical patterns as stated in the Albuquerque/Bernalillo County Comprehensive Plan.
- (F) Safety and suitability of land for the development contemplated.

*It is our opinion that the development of these two lots as a subdivision violates any orderly pattern of development and the land is not suitable for subdividing. The orderly pattern of development is one home, per lot with lot fronts facing Glendale Ave and set back from the public right of way. Wedging a higher density subdivision in between an already established orderly pattern of development is not acceptable. Subdivisions make more sense, and are more applicable to larger areas where they do not affect established orderly patterns of the existing neighborhood.*

14-14-2-1 General Appropriateness. Land may be subdivided only in accordance with procedures established by this article. The Development Review Board shall approve the subdivision of land when it determines that the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare.

*It is our opinion that the provisions of "general welfare" are violated by the approval of this subdivision. Welfare is defined as "good fortune, wealth, and happiness of people or a group of people." None of the existing residents*



*surrounding this subdivision will be positively affected and all are in opposition. The only one whose "welfare" will benefit is the developer who does not live here.*

#### 14-14-2-3 LAND SUITABILITY.

(A) No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. In determining suitability the city shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority.

*These two lots, comprising approximately 1.8 acres is clearly unacceptable, and NOT SUITABLE for subdividing.*

*In order to appropriately handle all drainage requirements and simultaneously satisfy building requirements for subdivisions, radical and drastic grade changes are required that will result in unacceptable wall construction. These walls will potentially be in violation of other ordinances when constructed.*

*In addition, a temporary drainage retention pond will be constructed until a storm drain at some future unknown date is constructed.*

*It should be noted that other recent subdivisions in the area have, and are continuing to cause drainage problems that are causing excess run-off of water onto existing, occupied lots. This is a result of creating artificial drainage patterns rather than using existing natural drainage arroyos and patterns.*

*The topography is also not satisfactory for building. The lots drop away significantly—over 8 ft from South to North. This is away from the main access street, and in the opposite direction required for drainage to the future storm drain. This will result in a much higher elevation than neighboring properties on the North and West sides. Massive wall heights will result creating the illusion of a compound sitting above the surrounding property.*

*There is a fairly new subdivision, platted and designed in a very similar fashion near the corner of Wyoming and Modesto. The requirements for grading resulted in massive*

*15 ft walls that have forever wrecked the views and aesthetics of the neighboring existing properties.*

(E) Grades set for new subdivisions must blend the plat's development into the adjacent environment with a minimum of sudden grade change. Extensive fill which raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property should be avoided... Where needed for a subdivision, grade changes are usually best done within the interior of the subdivision. City staff appropriately goes beyond mere approval or disapproval of a developer-proposed grading plan and identifies less intrusive grading approaches consistent with the policy/standard of this section...

*This is by-far our biggest concern.*

*The proposed grades, especially South to North, DO NOT blend the development into the adjacent environment. EXTENSIVE fill is required and it will raise the grade significantly above the lot to the North and the West. This "sudden grade" change is not acceptable to the neighbors for many reasons; views, privacy, property values and we would expect the city to enforce this ordinance to protect the public as a whole. Not just the interested developers that do not live here. The requirement for the grade change is tied to subdivision requirements for drainage and since the city will not allow the subdivision to be built without a proper approved drainage plan—this property is de-facto unsuitable for a subdivision. Alternatives to the grading plan were not discussed in detail—but there are many possibilities that need pursuing. These are listed at the end of this paper.*

*In addition to this, it should be clearly understood that the drastic grade increase on the West side of this proposed subdivision will undoubtedly increase the value of the west building lots because the views will be exceptional since they will be well above surrounding neighbors. This increase in value will clearly come at the expense of these surrounding neighbors. That is not acceptable.*

*All the surrounding homes do not have excessive grade changes within their lots, and it would be appropriate that this subdivision develop its lots in the same manner.*

#### 14-16-3-19 GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS.

(A) *Height regulations.*

(1) A wall, fence, retaining wall, or vertical combination of these (the "wall")

that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within a required setback, provided:

(a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard.

*The wall heights proposed on the preliminary plat, located in the NW corner of the subdivision will be a combination of a retaining wall and a garden wall. This combination, according to the plat, will be 12 ft high. This is in clear violation of this ordinance. The DRB stated, after their approval of the preliminary plat, that the wall heights are issues for zoning. If this is true, then why are all walls, and heights outlined on the preliminary plat?*

(c) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the street side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.

*The walls located in the SE and SW corner are technically rear yards that are contiguous to the front yards of the existing homes and they abut a public street. These walls exceed three feet in height within 20 feet of the right-of-way line in clear violation of this ordinance*

### **Conclusions and Recommendations:**

These ordinances and their violation is the basis of our appeal. Subjectively we feel that the overriding issue should be focused on the creation of a subdivision, the requirements for a subdivision to follow very stringent rules, and the fact that these rules are not easily applied to subdivisions with such a small scope, on unique property. Subdivisions, and their requirements for utilities, drainage and streets, are more logical on larger scales—not squeezed onto 1.8 acres--thus making these two lots unsuitable for a subdivision.

Our preference would be to continue the development of the immediate community as already mandated by the existing developed lots, and required in not only the Albuquerque/Bernalillo Comprehensive Plan but the La Cueva Sector Development Plan. At the very least, community involvement is mandated by these plans for such a radical change to the established neighborhood—and that has not happened.

In order to incorporate the proposed subdivision into the established, coherent neighborhood, the subdivision needs to respect the pattern of existing development and

not use extensive fill for grading. If the City mandates that subdivision drainage requirements can not be altered, requiring a sudden grade change, then that should make the lots not suitable.

As an alternate to the developer's plan, there should have been discussions about changes to the proposed plan that may have made the site more usable by the developer and more acceptable to the neighbors. These following items are ideas that could help to mitigate the concerns:

1. Move the proposed drainage pond and the house locations within the subdivision, to reduce the perception of a floating compound that will occur in the NW corner.
2. Split each lot into 2 narrower .45 acre lots, increasing profits for landowner/ developer (their goal) yet maintaining the fundamental construct of our neighborhood. Houses would face the street and would be set back approximately the same distance from the road as existing homes and the lots would maintain the natural slope from east to west. The City should recognize that although this would be technically "subdividing" and desire to apply all standard generic subdivision rules—in this case it makes sense not to. The developer would not need to do as much grading, wall building or need to construct a cul-de-sac road or retention pond—thus saving him considerable money which would make up for the loss of one home (four versus five).
3. There is a soon to be completed drainage pond (cement lined) at the SE corner of Barstow and Glendale. The developer could seek an agreement with the pond owner and determine the feasibility of taking the subdivision's outflow, through a storm drain, and into this pond. This would be temporary until a permanent storm drain is placed under Glendale. If the developer did this, he would not need to construct a drainage pond (saving money), be able to lower the grade of his subdivision, and make his individual lots larger (increasing profit).
4. Wait to develop these two lots until a storm drain is permanently placed under Glendale. Establishing new subdivisions prior to required infrastructure improvements causes eye sores like the drainage/retention pond. If the developer waited, his five houses could be more evenly placed on the 1.8 acres thus increasing open space and preserving some views.

### Summary

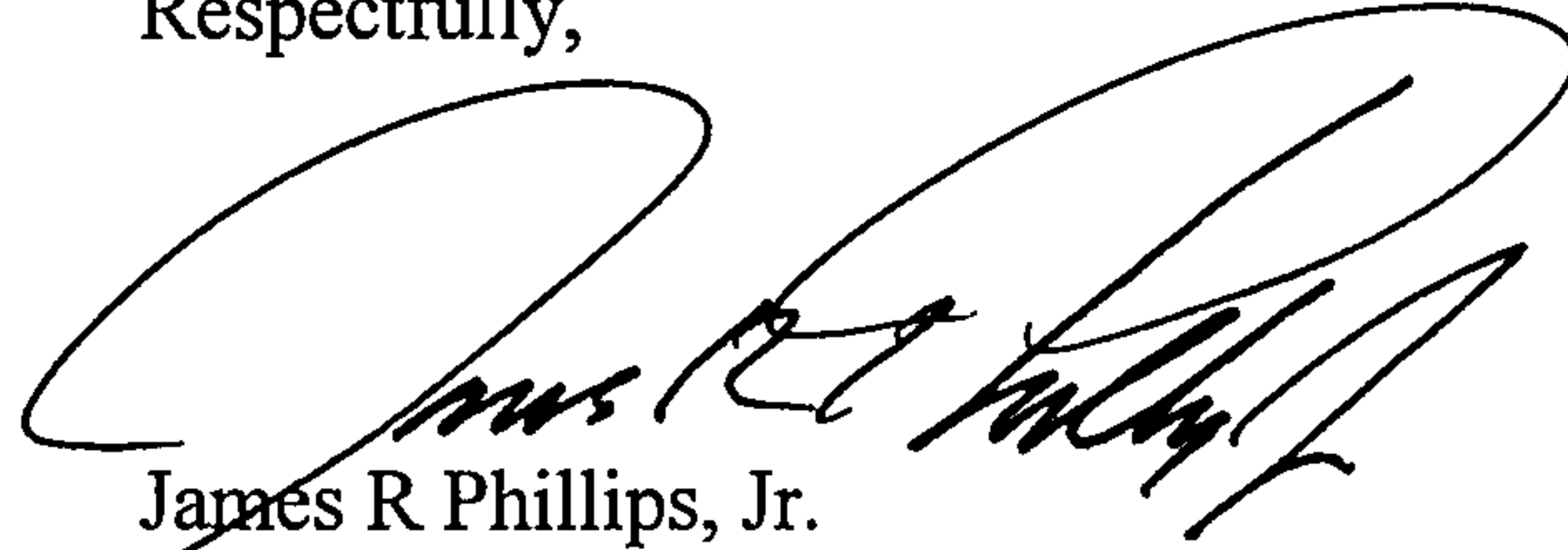
As we stated in the opening of our appeal, our primary goal in filing this appeal is to:

- Ensure the City Council understands our concern that this subdivision represents an intrusive and piecemeal development of an existing neighborhood. By wedging a subdivision into such a small area, in amongst existing development is not in the best interests of the City or the residents.
- Subdivisions and all their requirements make perfectly good sense on larger scales and have been correctly developed in North Albuquerque Areas in sections (windows) that could be consolidated. This has been done successfully. Trying to do the same thing on these two lots will not be successful.

- If in the end, this subdivision is deemed suitable for this small location, it needs to mesh appropriately with the surrounding, existing homes and topography. These existing single lot homes were carefully terraced into the existing terrain—we would hope that this subdivision would appear and be developed in the same way.

This is the basis for our appeal and some possible resolutions.

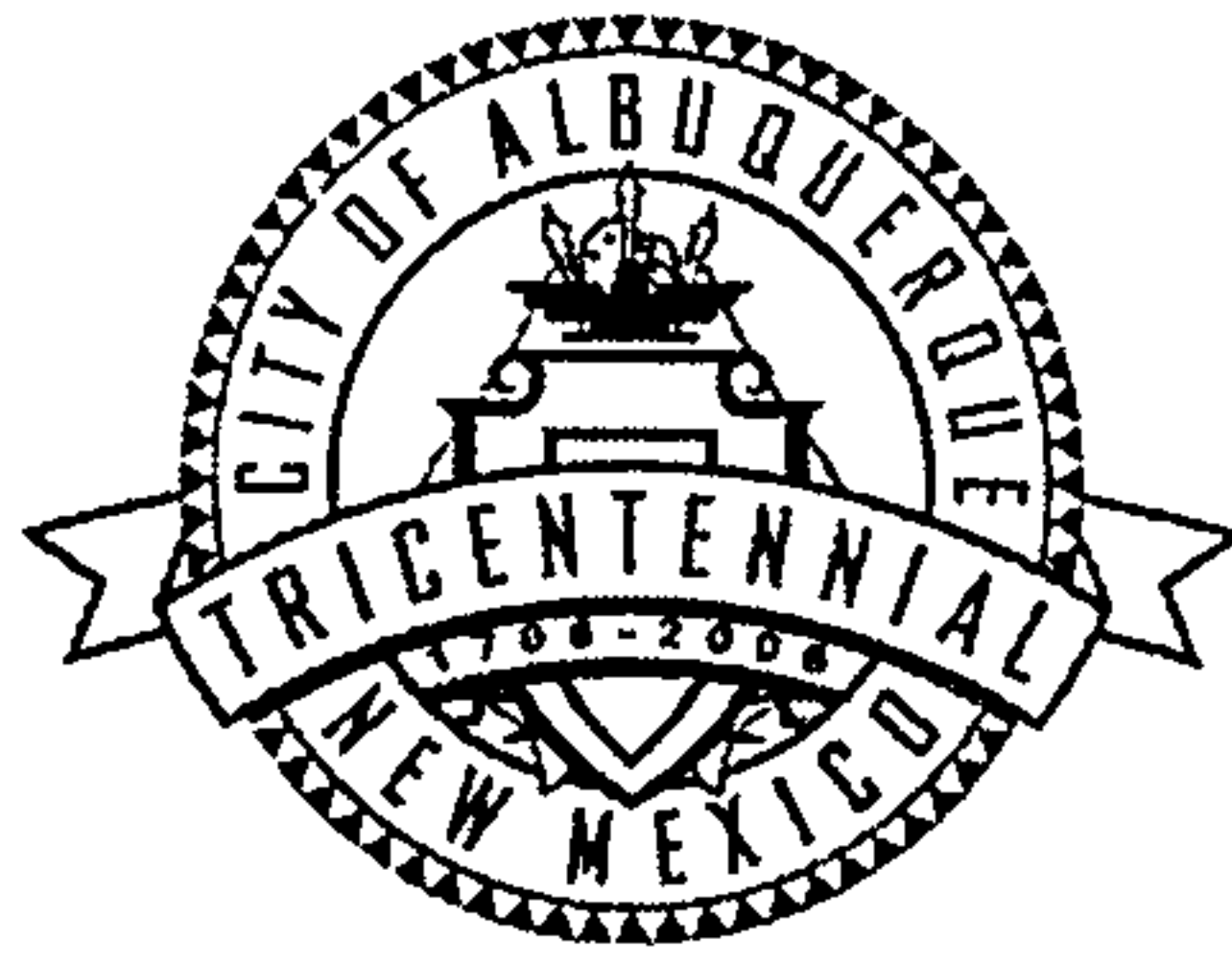
Respectfully,

A handwritten signature in black ink, appearing to read "James R Phillips, Jr.", written in a cursive style. The signature is positioned above the printed name.

James R Phillips, Jr.

The following neighbors are all in opposition to this subdivision as approved by the DRB:

Eddings	Scott and Lena	8620 Florence Ave NE
Fanning	Scott and Trudi	8820 Glendale Ave NE
Gorenz	Don and Judy	8717 Glendale Ave NE
Millington	Lynnette and Larry	8508 Florence Ave NE
Olona	Dennis and Barbara	8516 Florence Ave NE
Owens	Diane	8601 Glendale Ave NE
Phillips	James and Sandra	8600 Florence Ave NE
Rawson	Lewis and Nadia	8421 Glendale Ave NE
Schell	Dan and Cheryl	8361 Modesto Ave NE
Smith	Mike and Janet	8341 Modesto Ave NE
Turon	John and Laura	8700 Florence Ave NE
Verner	Diane	8800 Florence Ave NE
Zaffery	Dean and Corin	9001 Glendale Ave NE



City of Albuquerque  
Planning Department  
Development Review Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: March 18, 2005

**OFFICIAL NOTIFICATION OF DECISION**

FILE: **05EPC-00122** Project # **1003520**  
04DRB-01567 Major-Vacation of Pub Right-of-  
Way

James Phillips  
8600 Florence Ave. NE  
Albuq. NM 87122

LEGAL DESCRIPTION: James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lots 27 & 28, Block 16, Tract 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acres.

On March 17, 2005 the Environmental Planning Commission voted to deny Project 1003520/ 05EPC 00122, an appeal of the Development Review Board, based on the following Findings:

**FINDINGS:**

1. The DRB followed the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the Benjamin Place Subdivision preliminary plat with 5 lots, in approving the grading and drainage plan per the Development Process Manual and not requiring site plan review of the subdivision with lots at least 5,000 square feet in size.
2. The La Cueva Sector Development Plan is the implementation tool for Section II, #5, Policies d, m and m of the Albuquerque/Bernalillo County Comprehensive Plan. By following the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the preliminary plat for the Benjamin Place Subdivision, the DRB upheld the intent of the Comprehensive Plan.
3. The La Cueva Sector Development Plan established the zoning designations to assure orderly physical patterns of land development as called for in the Comprehensive Plan and the City Subdivision Ordinance. The DRB followed the La Cueva Sector Development Plan requirements in approving the Benjamin Place Subdivision preliminary plat.

OFFICIAL NOTICE OF DECISION  
MARCH 17, 2005  
PROJECT #1003520  
PAGE 2 OF 3

4. The DRB approved grading and drainage plan adequately addresses the grade change and runoff issues existing on the Benjamin Place Subdivision property.


IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **APRIL 1, 2005** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

  
for Richard Dineen  
Planning Director



OFFICIAL NOTICE OF DECISION  
MARCH 17, 2005  
PROJECT #1003520  
PAGE 3 OF 3

RD/SM/ac

cc: William Kraemer, 200 Lomas NW, #1111, Albuquerque, NM 87102  
John MacKenzie, P.O. Box 90606, Albuquerque, NM 87199  
Scott Ashcraft, Washington Investors, 501 3<sup>rd</sup> St. SW, Albuquerque, NM 87102  
Diane Owens, 8601 Glendale Ave. NE, Albuquerque, NM 87122  
Mark Goodwin & Associates, P.O. Box 90606, Albuquerque, NM 87199  
Larry Millington, 8508 Florence Ave. NE, Albuquerque, NM 87122  
Lewis Rawson, 8421 Glendale NE, Albuquerque, NM 87122  
Laura Turon, 8700 Florence Ave. NE, Albuquerque, NM 87122

ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME James R. Phillips Jr  
AGENT Same  
ADDRESS 8600 FLORENCE NE  
PROJECT & APP # 1003520 / 05CC 00545  
PROJECT NAME Benjamin Pl

\$ \_\_\_\_\_ 441032/3424000 Conflict Management Fee

\$ \_\_\_\_\_ 441006/4983000 DRB Actions

\$ 55.00 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ 50.00 441018/4971000 Public Notification

\$ \_\_\_\_\_ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY\*\*\*  
( ) Major/Minor Subdivision ( ) Site Development Plan ( ) Bldg Permit  
( ) Letter of Map Revision ( ) Conditional Letter of Map Revision  
( ) Traffic Impact Study

\$ 105.00 TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

4/1/2005  
RECEIPT# 00038244 WSH 006  
Account 441006  
Activity 4971000  
Trans Amt  
J24 Misc

\*\*\*DUPLICATE\*\*\*  
City Of Albuquerque  
Treasury Division

10:12AM

LOC: ANNEX

6/21/04

Thank You

Counterreceipt.doc  
\$105.00  
\$50.00

\*\*\*DUPLICATE\*\*\*  
City Of Albuquerque  
Treasury Division

4/1/2005 10:13AM LOC: ANNEX  
RECEIPT# 00038245 WSH 006 TRANSH 0001  
Account 441018 Fund 0110  
Activity 4971000 TRSEJA  
Trans Amt \$105.00  
J24 Misc \$50.00  
MC \$105.00  
CHANGE \$0.00

Thank You

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

**SUBDIVISION**

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

- for Subdivision Purposes
- for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

**STORM DRAINAGE**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)

**L A APPEAL / PROTEST of...**

- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: James R Phillips Jr. PHONE: 505 821 0558  
 ADDRESS: 8600 Florence Ave NE FAX: 505 344 7022  
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: james.r.phillips@comcast.net  
 Proprietary interest in site: No List all owners: \_\_\_\_\_  
 AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: This is an appeal of the DRB's approval of the preliminary plat on Jan 12, 05

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. Lots 27+28, Tract 1 Block: 16 Unit: NAA Unit 3  
 Subdiv. / Adn. Benjamin Place Subdivision  
 Current Zoning: R-D Proposed zoning: R-D  
 Zone Atlas page(s): 13-20 No. of existing lots: 2 No. of proposed lots: 5  
 Total area of site (acres): 1.8 Density if applicable: dwellings per gross acre: 3 dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes.  No, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No  
 UPC No. \_\_\_\_\_ MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Ave NE  
 Between: Barstow NE and Ventura NE

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 04 DRB 01567  
04 DRB 01568, 04 DRB 01863

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: \_\_\_\_\_

SIGNATURE [Signature] DATE 24 Jan 05  
 (Print) James R Phillips Jr  Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 4/04

	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING	<u>05 EPC 00122</u>	<u>Appeal</u>	<u>14</u>	<u>\$ 190.00</u>
<input type="checkbox"/> All checklists are complete		<u>AD Fee</u>		<u>\$ 50.00</u>
<input type="checkbox"/> All fees have been collected				
<input type="checkbox"/> All case #s are assigned				
<input type="checkbox"/> AGIS copy has been sent				
<input type="checkbox"/> Case history #s are listed				
<input type="checkbox"/> Site is within 1000ft of a landfill				
<input type="checkbox"/> F.H.D.P. density bonus				
<input type="checkbox"/> F.H.D.P. fee rebate				
	Hearing date <u>3.17.05</u>			Total <u>\$ 240.00</u>

[Signature]  
 Planner signature / date

Project # 1003520

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD

Project number of case being appealed; # 1003520

Application number of case being appealed; 04DRB 0567

- Reason for the appeal \* attached
- Appellant's basis of standing as an appellant \* attached
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF

DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION

ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL

DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

\* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

James R Phillips Jr

Applicant name (print)

[Signature] 24 JAN 05

Applicant signature / date



Form revised - October 2004

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

EPC  
 Application case numbers  
05-0001 Appeal - 00122  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature]  
 Planner signature / date  
 Project # 1003520

TO: Environmental Planning Commission

January 24, 2005

FROM: James R Phillips, Jr (8600 Florence Ave NE)

SUBJECT: Basis of Appeal  
Development Review Board Decision. January 12, 2005  
Approval of Preliminary Plat  
Project # 1003520

Dear Sirs,

I am representing the neighbors surrounding the proposed development "Benjamin Place" to be located on Glendale Ave NE. My neighbors and I consider ourselves aggrieved by the decision of the DRB.

**Standing to Appeal.** We live within 300 feet of the subject site. The list of neighbors supporting this appeal is attached.

We are also in the process of forming a Neighborhood Association in accordance with the Neighborhood Association Recognition Ordinance (14-8-2-1) to help us with this case, as well as other issues affecting this area of North Albuquerque Acres, which is in the La Cueva Sector. We have met with the Albuquerque Office of Neighborhood Coordination and will be working with them in the weeks ahead. Unfortunately, there is no existing association representing this area at this time. We anticipate satisfying all the criteria in the applicable ordinance and being recognized by the City of Albuquerque within the next eight weeks.

**Basis of Appeal.** The basis of our appeal is that there has been an error in applying adopted city plans, policies, and ordinances by the DRB's approval of the preliminary plat. Our lengthy but detailed list of issues follows. In each citing of an ordinance, rule, or regulation, we have written in italics the specific violation.

In addition, at the end of this listing, we offer numerous suggestions to mitigate these issues that should be discussed as alternatives to the developer's plans. In our opinion these alternatives should establish a framework for discussion with the developer and the City that could lead to subdividing this property in a way to have minimal adverse impact on the existing community, satisfy City requirements, and allow the developer to achieve his goals.

### **La Cueva Sector Development Plan**

The La Cueva Sector Development Plan, a Rank Three Plan, was published June 2000. The Environment Planning Commission recommended approval in 1999. It was signed by Mayor Baca, passed by unanimous vote of the City Council and reviewed and Approved by the Development Review Board. It was written to "protect public well being" in the La Cueva Sector that was annexed by the City in 1995.

The plan “recommends land uses, zoning, design regulations and strategies to encourage effectively organized urban development.”

On Page i it states “The purpose of the plan is to suggest solutions to the barriers that have hindered sound urban development in the plan area. These include existing platting that disregards natural topography and drainage patterns; diverse ownership that inhibits consolidated developments; and piecemeal planning that disregards area-wide needs for parks, major streets and major drainage improvements”

*It is our belief that the regulatory guidance as well as the intent of the La Cueva Sector plan is not being followed. The proposed development completely disregards the natural topography of the site and the existing drainage patterns—in other words, the hap-hazard development of this area continues as it did before.*

*The following specifics are offered as proof of this:*

Section 5. Zoning – states as “One of the guiding principles - Site plan review of higher density uses is recommended to assure positive relationship between land uses.”

*The proposed subdivision has not evaluated nor proposed a solution that assures a positive relationship with existing land uses. The proposed subdivision is completely surrounded by developed land, all with established homes that have existing views, open space, significant set-backs, and other positive characteristics. This proposed subdivision will in no way provide a positive relationship with these established homes.*

Para 5.4.6 Common Design regulations. (In para 5.2, it states that “Development in the RD zone that requires a site development plan must meet the design regulations in section 5.4.6 of this plan”)

#10 Perimeter Walls. Intent: Add visual interest and character to the streetscape and increase the overall appeal of the development.

10R-1: Walls shall be designed to complement the architectural character of the subdivision or neighboring architecture by incorporating the architecture features and motifs on adjacent homes or buildings.”

*As proposed by the developer, block walls will be built around the development. Adjacent homes do not have block walls but instead have either adobe walls or stucco covered walls. Therefore the subdivision will be in violation of this requirement.*

#11. Views. Intent: Ensure that the development respects the views of the Sandia Mountains to the east and the mesa to the west. This includes preserving views from out of the site and site design to take advantage of views from the site.

11R-1: Site development plans shall include a View Analysis that shall identify views into and out of the site and indicate how these views shall be protected within the site.

*The developer has not conducted a view analysis and has had no discussion with the neighbors most affected. The neighbor to the West will completely lose all of his views towards the Sandia Mountains. The neighbor to the East will completely lose all views of the West Mesa. Other neighbors abutting the proposed subdivision will also lose varying degrees of existing views. Therefore, the development is in violation of these requirements for not conducting a view analysis and not preserving existing views.*

### **Albuquerque/Bernalillo County Comprehensive Plan**

Another plan that covers certain details of this development is the Albuquerque/Bernalillo County Comprehensive Plan. In that plan, this area is classified as Developing Urban and within the North Albuquerque Acres Community as identified on the Community Areas Map. As such the following rules apply:

Section 5. DEVELOPING AND ESTABLISHED URBAN AREAS. The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

Policy d - The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern. Possible Techniques:

3) Assist area property owners, neighborhood groups, and developers, (by negotiation and public education) in achieving, with coordination and harmony of development plans.

*It is our opinion that many aspects of Policy d have been carried into the La Cueva Sector development plan—but not followed. This subdivision does not respect existing neighborhood values or the environmental conditions. It will not be a visually pleasing built environment when compared to all of the homes surrounding it. Other than one meeting arranged by the City that produced a Facilitator's Report (November 30, 2004) no follow-up*

*dialogue occurred. Even though the report was 10 pages long and contained numerous issues and proposed changes—and ended with the statement “All issues are unresolved” there was no effort by the City to stimulate resolutions to the issues. This report was offered into evidence at the DRB hearings but no action was taken and no dialogue occurred.*

*There has been no assistance provided to the property owners in conjunction with the developers to assure that the plans for this subdivision address everyone’s concerns.*

Policy m - Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

*There has been no dialogue about the very negative impact this proposed subdivision will have on the quality of the visual environment. This development will clearly degrade the visual environment; not only because of the loss of views by neighbors, but the subdivision itself will float higher than surrounding homes thus destroying the aesthetics of the area. Other subdivisions in the area have been built without regard to this policy leading to obtrusive developments that have destroyed the unique vistas of this area and created eyesores.*

Policy n - Areas prematurely subdivided and having problems with multiple ownership, platting, inadequate right-of-way, or drainage should be reassembled or sector planned before annexation and service extension is assured. Possible Techniques:

- 1) Bring land holders and private developers together to replan and re-subdivide problem areas.

*There has been no attempt to bring land holders together with developers in this area to replan and settle on solutions as this requires. Since annexation developers have been able to by-up vacant land and propose subdivisions with absolutely no coordination with existing land holders who only find out about developments after they have reached the DRB.*

- 3) Resolve platting problems before extending urban public facilities.

*Clearly this subdivision is not appropriate because of its small size, wedged in amongst existing homes that are established on .89 acres each, but also because the area is not yet properly developed with infrastructure to support sub-dividing. Service extension, primarily storm drains, should be established before subdivision.*



## Section 9. COMMUNITY IDENTITY AND URBAN DESIGN

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

Policy a - The City and County differentiate into thirteen sub-areas as shown on the Community Areas map; the unique character and constituent neighborhoods of each area identified on the Community Areas map shall be respected in all planning and development actions.

*This area is identified as the Community of North Albuquerque Acres and this particular neighborhood is unique because of the open space, views, lot sizes, minimal traffic, natural environment that respects the existing topography and minimal, non-polluting lighting. This subdivision will violate all these unique characteristics.*

Policy b - In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

- 1) The natural environment
  - Indigenous vegetation and other materials appropriate to landscapes.
  - Topography and landscape features such as arroyos, the Rio Grande and bosque, the foothills, and escarpments
  - Soils and erosion potential
  - Colors and textures of the natural environment
  - Views

*The natural environment is not being respected due to excessive grading and the destruction of the arroyos. In addition, the views—a major positive issue to this community are being destroyed by the construction of a “compound” in the middle of existing homes already established on .89 acres each.*

- 2) Built environment
  - Height and massing of buildings
  - Setbacks from the street
  - Walls and fences
  - Street furniture (e.g. bus stops, street lights, signs)
  - Relationship between built and natural environment

*The height and massing of the buildings in this subdivision will far exceed the established neighboring homes. Existing setbacks for existing homes will not be respected because this subdivision will push homes right up to the property lines. Walls will be excessive and present the appearance of a compound. There are no street lights in*

*this area which enhances its beauty and night sky—but this subdivision, as required for all subdivisions, will have a street light. There will be no logical or meaningful relationship between the homes and the natural environment because the construction technique will simply be to fill in and level the entire two lots.*

**City of Albuquerque, Code of Ordinances, Chapter 14**

Within the City of Albuquerque, New Mexico, Code of Ordinances, Chapter 14, Zoning, Planning and Building, are all ordinances covering this proposed subdivision.

Article 14 contains all the Subdivision Regulations.

14-14-1-3 Purpose and Intent. The Public health, safety, comfort, convenience, and general welfare of the people of the city require harmonious, orderly, and coordinated development of land within the city...The intent of such control is to secure:

(A) Coordination of land development in accordance with orderly physical patterns as stated in the Albuquerque/Bernalillo Country Comprehensive Plan.

(F) Safety and suitability of land for the development contemplated.

*It is our opinion that the development of these two lots as a subdivision violates any orderly pattern of development and the land is not suitable for subdividing. The orderly pattern of development is one home, per lot with lot fronts facing Glendale Ave and set back from the public right of way. Wedging a higher density subdivision in between an already established orderly pattern of development is not acceptable. Subdivisions make more sense, and are more applicable to larger areas where they do not affect established orderly patterns of the existing neighborhood.*

14-14-2-1 General Appropriateness. Land may be subdivided only in accordance with procedures established by this article. The Development Review Board shall approve the subdivision of land when it determines that the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare.

*It is our opinion that the provisions of "general welfare" are violated by the approval of this subdivision. Welfare is defined as "good fortune, wealth, and happiness of people or a group of people." None of the existing residents surrounding this subdivision will be positively affected and all are in opposition. The only one whose "welfare" will benefit is the developer who does not live here.*

14-14-2-3 LAND SUITABILITY.

(A) No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. In determining suitability the city shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority.

*These two lots, comprising approximately 1.8 acres is clearly unacceptable, and NOT SUITABLE for subdividing.*

*It has a very active arroyo that runs through the property carrying the runoff of numerous other lots. It will be susceptible to flooding and causing potential water problems upstream as well as downstream. The plan submitted to the DRB—after several attempts supposedly mitigates this issue but a detailed analysis of all potential inflows has not been accomplished. In order to appropriately handle all drainage requirements and simultaneously satisfy building requirements for subdivisions, radical and drastic grade changes are required that will result in unacceptable wall construction and deterioration of views from surrounding properties. In addition, a temporary drainage retention pond will be constructed until the city constructs a storm drain at some future unknown date.*

*It should be noted that other recent subdivisions in the area have, and are continuing to cause drainage problems that are causing excess run-off of water onto existing, occupied lots.*

*The topography is also not satisfactory for building. The lots drop away significantly—over 8 ft from South to North. This is away from the main access street, and in the opposite direction required for drainage to the future storm drain. This will result in a much higher elevation than neighboring properties on the North and West sides. Massive wall heights will result creating the illusion of a compound sitting above the surrounding property.*

*There is a fairly new subdivision, platted and designed in a very similar fashion near the corner of Wyoming and Modesto. The requirements for grading resulted in massive 15 ft walls that have forever wrecked the views and aesthetics of the neighboring existing properties.*

*In determining suitability the DRB was to take into consideration existing land use of the surrounding areas. This proposed development is surrounded by properties that have not implemented drastic grade changes, or wall heights—and it should not be allowed here.*

(E) Grades set for new subdivisions must blend the plat's development into the adjacent environment with a minimum of sudden grade change. Extensive fill which raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property should be avoided... Where needed for a subdivision, grade changes are usually best done within the interior of the subdivision. City staff appropriately goes beyond mere approval or disapproval of a developer-proposed grading plan and identifies less intrusive grading approaches consistent with the policy/standard of this section...

*The proposed grades, especially South to North, DO NOT blend the development into the adjacent environment. EXTENSIVE fill is required and it will raise the grade significantly above the lot to the North and the West. This "sudden grade" change is not acceptable to the neighbors for many reasons; views, privacy, solar access, property values and we would expect the city to enforce this ordinance to protect the public as a whole. Not just the interested developers that do not live here. The requirement for the grade change is tied to subdivision requirements for drainage and since the city can not allow the subdivision to be built without a proper approved drainage plan—this property is de-facto unsuitable for a subdivision. Alternatives to the grading plan were not discussed in detail—but there are many possibilities that need pursuing. These are listed at the end of this paper.*

*In addition to this, it should be clearly understood that the drastic grade increase on the West side of this proposed subdivision will undoubtedly increase the value of the west building lots because the views will be exceptional since they will be well above surrounding neighbors. This increase in value will clearly come at the expense of these surrounding neighbors. That is not acceptable.*

#### 14-16-3-3 SUPPLEMENTARY HEIGHT, AREA, AND USE REGULATIONS.

(7) Building Height Limitations to Preserve Solar Access. The additional height limitations of this division (A) shall apply to all residential zones where the basic height limitation is 26 feet. The height of any building shall comply with certain height requirements.

*The Solar Access requirements indicate that a home of 26ft in height must be offset from the Northern Lot line by 35*

*feet. In accordance with the developer's plans, the two northern pads for home to be constructed are about 18 feet from the lot line. This is made even worse by the excessive grade increase on the NW corner lot. The developer has not inquired of the two residents affected by this potential loss of Solar Access and therefore this plat is unacceptable.*

*On top of that, the Solar Access ordinance does not discuss the impact of a developer placing a 26 ft high house, on top of a drastic grade change of 8 ft—with the result being 34 ft above the neighbors property to the North. That reduction in Solar energy (sunshine) will be significant.*

#### 14-16-3-19 GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS.

(A) *Height regulations.*

(1) A wall, fence, retaining wall, or vertical combination of these (the "wall") that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within a required setback, provided:

(a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard.

*The walls to be located in the NW corner of the subdivision will be a combination of a retaining wall and a garden wall. This combination, according to the plat, will be 12 ft high. This is in clear violation of this ordinance.*

(c) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the street side or the abutting front yard grade whichever is most restrictive.

*The walls located in the SE and SW corner are technically rear yards that are contiguous to the front yards of the existing homes. These walls exceed three feet in height within ten feet of the right-of-way line in clear violation of this ordinance.*

(c) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the street side within 20 feet of the rear right-of-way line; however, this

setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.

*The walls located in the SE and SW corner are technically rear yards that are contiguous to the front yards of the existing homes and they abut a public street. These walls exceed three feet in height within 20 feet of the right-of-way line in clear violation of this ordinance*

### **Conclusions and Recommendations:**

These ordinances and their violation is the basis of our appeal. Subjectively we feel that the overriding issue should be focused on the creation of a subdivision, the requirements for a subdivision to follow very stringent rules, and the fact that these rules are not easily applied to subdivisions with such a small scope, on unique property. Subdivisions, and their requirements for utilities, drainage and streets, are more logical on larger scales—not squeezed onto 1.8 acres thus making these two lots unsuitable for a subdivision.

Our preference would be to continue the development of the immediate community as already mandated by the existing developed lots, and required in not only the Albuquerque/Bernalillo Comprehensive Plan but the La Cueva Sector Development Plan. At the very least, community involvement is mandated by these plans for such a radical change to the established neighborhood—and that has not happened.

It is also suggested that the City actually see these lots and the surrounding area. The poor topography and very negative impact of grade changes and wall heights will be obvious when compared to all the neighboring homes—and you can see it first hand.

As an alternate to the developer's plan, there should have been discussions about changes to the proposed plan that may have made the site more usable by the developer and more acceptable to the neighbors. These following six items are ideas that could help to mitigate the concerns:

1. Since the zoning of these two lots only allows five homes, why not put the draining pond in the NW corner. This would help mitigate the drastic grade change issues which are problematic. Depending on when and if the storm drain is going to be built up Glendale Ave NE, it appears there is sufficient downslope, even with the drainage pond in the NW corner to run a storm drain from there to the street. By doing this, you will all but eliminate the wall issue and solar access issue in the NW corner.
2. Split each lot into 2 narrower .45 acre lots, increasing profits for landowner/ developer (their goal) yet maintaining the fundamental construct of our neighborhood. Houses would face the street and would be set back approximately the same distance from the road as existing homes and the lots would maintain the natural slope from east to west. The City should recognize that although this would be technically “subdividing” and desire to apply all standard generic subdivision rules—in this case it makes sense not to. The developer would not

need to do as much grading, wall building or need to construct a cul-de-sac road or retention pond—thus saving him considerable money which would make up for the loss of one home (four versus five). Though not the perfect solution (maintaining 1 home per .9 acre is perfect), this is a reasonable compromise.

3. The neighbor to the West has already said that he would be willing to grant an easement to allow drainage water to flow across his property. If this was done, the grade changes on the West and in the NW corner might be eliminated solving wall issues as well. The developer was not interested in investigating if the owners of the other three lots down stream (along the existing arroyo) would allow easements.
4. There is a soon to be completed drainage pond (cement lined) at the SE corner of Barstow and Glendale. The developer could seek an agreement with the pond owner and determine the feasibility of taking the subdivisions outflow, through a storm drain, and into this pond. This would be temporary until the City installs a large one up Glendale, but if the developer did this, he might not need a drainage pond, and be able to lower the grade of his subdivision.
5. Rather than raise the grade of the NW and West side of the subdivision, why not lower the grade of the East and SE corners. The effect would be the same—the subdivision would all be one height, but the unacceptable walls would be reduced in height considerably.
6. Wait until the City constructs the storm drain up Glendale. Establishing new subdivisions prior to required infrastructure improvements causes eye sores like the drainage/retention pond. If the developer waited, his five houses could be more evenly placed on the 1.8 acres thus increasing open space and preserving some views.
7. Guarantee that the five homes in the proposed subdivision will only be single story. Since a major concern is the grading plan which will elevate the subdivision above surrounding properties by a significant amount, reducing the height of the home will help negate this effect and also help preserve views and open space. Basements could be added for increased square footage which is common in the area.

This is the basis for our appeal and some possible resolutions.



James R Phillips, Jr.

The following neighbors are all in opposition to this subdivision as approved by the DRB:

Eddings	Scott and Lena	8620 Florence Ave NE
Fanning	Scott and Trudi	8820 Glendale Ave NE
Gorenz	Don and Judy	8717 Glendale Ave NE
Millington	Lynnette and Larry	8508 Florence Ave NE
Olona	Dennis and Barbara	8516 Florence Ave NE
Owens	Diane	8601 Glendale Ave NE
Phillips	James and Sandra	8600 Florence Ave NE
Rawson	Lewis and Nadia	8421 Glendale Ave NE
Schell	Dan and Cheryl	8361 Modesto Ave NE
Smith	Mike and Janet	8341 Modesto Ave NE
Turon	John and Laura	8700 Florence Ave NE
Verner	Diane	8800 Florence Ave NE
Zaffery	Dean and Corin	9001 Glendale Ave NE





## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 12, 2005

- 1. Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [*Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05*] 04DRB-1570 WAS WITHDRAWN. (B-20)

At the January 12, 2005, Development Review Board meeting, with the signing of the infrastructure list dated 1/12/05 and approval of the grading plan engineer stamp dated 12/29/04 the preliminary plat was approved with the following condition of final plat:

An approved perimeter wall design must occur before final plat approval.

The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

A sidewalk variance from design standards was approved as shown on Exhibit C in the Planning file with the following condition:

Variance is for non-placement of sidewalks which will not preclude any future project from constructing sidewalk later.

If you wish to appeal this decision, you must do so by January 27, 2005, in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.



OFFICIAL NOTICE OF DECISION  
PAGE 2

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

Sheran Matson, AICP, DRB Chair

Cc: Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102  
Mark Goodwin & Associates PA, P.O. Box 90606, 87199  
James & Sandra Phillips, 8500 Florence Ave NE, 87122  
Larry Millington, 8508 Florence Ave NE, 87122  
Louis Rawson, 8421 Glendale NE, 87122  
Laura Turon, 8700 Florence Ave NE, 87122  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File

ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME James R. Phillips Jr  
AGENT Same  
ADDRESS 8600 Florence Ave NE  
PROJECT & APP # 1003520/05 EPC 00122  
PROJECT NAME Benjamin Place Lt 27 & 28 Tr 1, B1K16  
NAA UNIT 3

\$ \_\_\_\_\_ 441032/3424000 Conflict Management Fee

\$ \_\_\_\_\_ 441006/4983000 DRB Actions

\$ 19000 441006/4971000 EPC/AA/LUCC Actions & All Appeals cc

\$ 50.00 441018/4971000 Public Notification

\$ \_\_\_\_\_ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY\*\*\*  
( ) Major/Minor Subdivision ( ) Site Development Plan ( ) Bldg Permit  
( ) Letter of Map Revision ( ) Conditional Letter of Map Revision  
( ) Traffic Impact Study

\$ 240.00 TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

City Of Albuquerque  
Treasury Division

City Of Albuquerque  
Treasury Division

1/24/2005 10:25AM LOC: ANNX  
RECEIPT# 00034976 WSH# 008 TRANS# 0006  
Account 441006 Fund 0110  
Activity 4971000 TRSDMM  
Trans Amt \$240.00  
Counterfeit Doc 6/21/04 \$190.00  
Thank You

1/24/2005 10:25AM LOC: ANNX  
RECEIPT# 00034977 WSH# 008 TRANS# 0006  
Account 441018 Fund 0110  
Activity 4971000 TRSDMM  
Trans Amt \$240.00  
J24 Misc \$50.00  
MC \$240.00  
CHANGE \$0.00  
Thank You

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

## Facilitated Meeting Held:

Date and Time: Tuesday, November 30, 2004 6:30-8:15 PM

Location: Fire Station #20, 7520 Corona NE

Between:

Agent John MacKenzie; Mark Goodwin and Associates

AND

All parties requested a copy of the report. All zip codes are 87122.

1. James Phillips 8600 Florence Ave. NE
2. John Turon 8700 Florence Ave. NE
3. Scott Eddings 8620 Florence Ave. NE
4. Diane Owens 8601 Glendale Ave. NE
5. Lewis Rawson 8421 Glendale Ave. NE
6. Mr. & Mrs. L. Millington 8508 Florence Ave. NE
7. Mr. & Mrs. Scott Fanning 8820 Glendale Ave. NE
8. Duke E. Zaffery 9001 Glendale Ave. NE
9. J. Rowland\* 7729 R.C. Gorman Ave NE
10. Joe Yarvuminan\* 7801 R.C. Gorman Ave. NE

\* Not at meeting, but requested copy of report

RE:

Project #: 1003520

Address/Property Description: Lots 27 & 28 Tract 1 – North Albuquerque Acres, On Glendale Ave. NE between Barstow St. NE and Ventura St. NE

## Meeting Summary:

Mr. MacKenzie, agent for Washington Street Investors, and concerned residents met to discuss the proposed 2 acre project located on Glendale Ave between Barstow and Ventura Streets.

Representatives from the Nor Este Neighborhood Association were not able to attend the meeting but conveyed over the phone that the neighborhood was “fine with the project as long as the home density was capped at 3 homes per acre.”

The primary concern of residents was how the proposed project would affect their property values. Residents were specifically concerned about the height of walls and their proximity to the street, the interference of their view corridors, and the density of the proposed subdivision.

Residents expressed frustration at feeling powerless to have input into the proposed projects entering their neighborhood, including this project. Residents stated that they have been told by City officials that the Residents can not change anything at this point and that the residents should have objected when the County annexed the property to the City.

Residents would ideally like to see the property rezoned at 1 dwelling unit per acre; however,

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

residents did suggest a number of alternatives to the proposed plan that they would like to see implemented.

## Primary Issues/Interests of Applicants:

Mr. MacKenzie stated that the Applicants are proposing to divide two 1 acre parcels into 6 lots in accordance with the La Cueva Sector Plan. The parcels are located on Glendale, half way between Barstow and Ventura. Existing zoning for the lots is RD 3 Dwelling Units ("DU") per acre. The Applicants have had one hearing at DRB for preliminary plat approval.

Mr. MacKenzie stated that the property lines for the lots extend to the center of Glendale, as is traditional for North Albuquerque Acres properties. Mr. MacKenzie stated that since the property line extend into the street that it will be necessary to formally grant easements to the City because easements have never been formally granted.

Mr. MacKenzie provided a drawing showing the proposed layout of the home sites with a cul-de-sac street ("Benjamin Place") that divides the 6 lots into two sets of three. Mr. MacKenzie stated that the proposed development is in accordance with the City subdivision ordinance. Mr. MacKenzie stated that the City requires the Applicant to do a grading and drainage plan that takes into account offsite flows that drain onto the property from the East. The Applicants are proposing to channel the offsite flows through the property to inlets located within Benjamin Place. The water would then flow from the street inlets to the temporary pond, currently proposed on one of the proposed homes sites.

The temporary pond, designed for a 100 year storm, will be in place until the storm drain is constructed on Glendale. The storm drain is proposed to be constructed during the first phase of the project. Mr. MacKenzie stated that once the storm drain was constructed, the temporary pond would be filled in and the site would then be used as an additional homesite. The storm drain would be constructed and paid for by the developer and would run along the front of the property. Additional sections of the storm drain would be added later if and when other properties in the area are developed.

Mr. MacKenzie stated that the developer is required by the City to grade the site so that water does not drain from one lot to another. Mr. MacKenzie stated that the City mandates that water drainage from properties be taken to the street (Benjamin Place) and into a storm drain. As a result there will be no offsite drainage flows from the property – all drainage flows will be placed into the new storm drain.

Mr. MacKenzie stated that in order to comply with the City mandate, the grade on some of the lots must be changed. Two of the six proposed lots will be graded below the grade of the adjacent lot. Two other lots are proposed to have the grade of the lots raised to a maximum of 8 feet in order to have the lot drain to the East, contrary to the normal drainage flow to the West. The lots proposed to have their grade raised, will also have retention ponds to handle backyard drainage. The ponds were added to the proposed plan in response to a concern about wall height. The retention ponds will allow the Applicant to have a 2-3 foot lower wall height in that area of the site.

Mr. MacKenzie stated that Benjamin Place is in conformance with the City subdivision ordinance. The City requires the Applicant to put in sidewalks on all frontage areas and across Glendale. Mr. MacKenzie also stated that the City requires curbs and gutters be built in front of the property. Mr. MacKenzie stated that the existing pavement will remain and that the developer will add pavement to the North half of Glendale. Mr. MacKenzie stated that the water and sewer lines will be brought up to the property from Glendale, at the seller's expense. A resident noted that gas is currently available on the property.

## Primary Issues/Interests of Neighbors:

*Topics of concern are in Bold Font. Individual questions, responses, and comments are detailed*

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

*below the issues.*

- **Concerns expressed about Walls**
  - A resident inquired whether there would be any walls adjacent to the road
    - § Mr. MacKenzie stated that there would be walls adjacent to the road and provided a drawing of the wall that is proposed to front Glendale
      - The resident noted that the proposed wall is to be 64 inches tall
  - Residents that own the properties adjacent to the site expressed equitable concerns about the proposed wall
    - § Residents that own property adjacent to the proposed subdivision stated as of September 2002 that when they received permits to build their walls that the residents were told that the walls had to come down to a 1.5 - 3 foot height by the road and had to be 20 feet from the property line
      - A resident also asserted that the 20 feet was to be measured from where the property stakes were located – not the middle of Glendale
    - § Residents expressed concern about the height of the proposed wall and proximity to the street
  - Residents expressed concern about the proposed perimeter wall for the proposed subdivision.
    - § A resident stated that they did not want to see a “barricaded” community next to them and further expressed desire for landscaping and
    - § Mr. MacKenzie stated that the Applicants have submitted the application to the City and indicated where the proposed walls will be located. Mr. MacKenzie stated that the Applicant has not received adverse comments in regard to wall locations or heights.
      - A resident stated that at the last public hearing that the City did not seem aware of the wall requirements the resident was subjected to
  - A resident stated that they were told that they had to put a 5 foot perimeter wall around their property
    - § The resident stated that if the grade was raised to 8 feet then the wall would be a total of 13 feet and stated that they felt that the wall would look like a “prison” from his home
      - Mr. MacKenzie stated that there was a possibility of moving the wall back so that there was not an additional 5 foot wall on top of the increased grade
  - A resident stated that if the grade was lowered next to her wall, that it would affect the footing of the resident’s wall
    - § Mr. MacKenzie stated that there would not be a direct cut next to the property line. Mr. MacKenzie stated that there would be a slope.
- Conversely, a resident stated that they were told that they could not place dirt up against their wall and that the raised grade would ruin the integrity of the resident’s wall (resident owns property to back)
  - Mr. MacKenzie stated that the Applicant was going to build the wall within the property line to protect the structural integrity of existing walls
- **Concern expressed about the proposed density of the site**
  - A resident inquired whether Glendale was a City street
    - § Mr. MacKenzie stated that Glendale was a City street
  - A resident inquired whether Glendale had a City Right of Way
    - § Mr. MacKenzie stated that there currently was not a City right of way, but the Applicant would grant a right a way with the project
  - A resident noted that after the granting of a City right of way that the 2 acres would be

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

less than 2 acres

- § Mr. MacKenzie stated that once the City right away is granted that you would not have the original right away.
- A resident noted that lots sold in Albuquerque Acres were 0.89 acres, not a full acre after the City right of way was taken into account
- Residents expressed concern in regard to the property being considered a full 2 acres for calculating DUs per acre for the site, when the site will actually be less than 2 full acres after the City right of way is granted
  - § Residents expressed that they felt that the Applicant actually had 2 parcels that were 0.89 acres each – not 2 full acres.
  - § Residents stated that they were under the impression that 6 homes could not be placed on the site because the Residents asserted that the Applicant did not have 2 full acres
  - § Residents expressed that with the current zoning of 3 DUs per acre with the asserted two 0.89 acre parcels that the Applicant should not be able to put in 6 homes. Residents asserted that at maximum the Applicant should be able to put in 5 homes.
- A resident who owns the lot adjacent to the proposed subdivision disputed Mr. MacKenzie's assertion that North Albuquerque Acre property lines traditionally extend into the streets because when the resident closed on her property the line was recorded as at the edge of Glendale.
  - § Mr. MacKenzie stated that the Applicant has been involved in subdivisions to the East and that the proposed site plan followed the pattern from the subdivisions developed to the East.
  - § Residents and Mr. MacKenzie had a discussion about whether the subdivisions to the East were similar in circumstance to the proposed site. Mr. MacKenzie and the residents compared the existing lots (1 acre custom homes) and zoning. Mr. MacKenzie asserted that the circumstances were similar, the Residents disagreed.
- A resident inquired whether the 3 DU were to be usable acreage
  - § Mr. MacKenzie stated that the full property was used to calculate Dwelling unit numbers, including property that would have walls on it
- **Concern expressed about increasing the grade of some of the lots**
  - A resident expressed concern that raising the grade of the lot eight feet would interfere with his view corridor
    - § The Resident stated that he did not raise the grade of his home eight feet because it would have interfered with the views of the surrounding homes
- **Concern expressed about the Height of the proposed homes**
  - A resident inquired about the maximum height of homes permitted
    - § Mr. MacKenzie stated that the maximum height allowed is 26 feet
  - A resident expressed concern that the height permitted for the proposed homes would permit 2 and possible 3 story homes that would interfere with their current view corridor
- **Concern expressed about the effect the proposed site would have on existing property values**
  - Residents expressed concern that interference with their current view corridors would negatively affect their current home values
  - Residents expressed concern that viewing tall walls from existing properties will negatively affect existing home owners property values
  - Residents stated that they feel that increased density will negatively affect existing property values

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

- Residents expressed that their existing homes are valued between \$185-200/square foot
  - § Mr. MacKenzie said the proposed homes would be of equal value to the existing homes and felt that the proposed homes would maintain home values in the area
- **Concern expressed about reconciling conflicting City Regulations regarding grade**
  - A resident stated that current City subdivision regulations stated that grading had to match surrounding lots
    - § Mr. MacKenzie stated that he was not aware of the grading requirement “trumping” the subdivision requirement for drainage.
    - § Mr. MacKenzie stated that in order to meet the subdivision drainage requirement, grade could not be matched everywhere and stated that they have always complied with the drainage requirement
  - The resident stated that they felt it was clear in the regulations that the grade had to match the surrounding lots
- **Concern expressed about pockets of homes and the La Cueva Sector Plan**
  - Residents expressed concern that the 2 acre development would create a “pocket of homes” that was different then existing homes designed with 1 home per acre
  - A resident inquired whether the Applicant would consider changing the proposed plan
    - § Mr. MacKenzie stated that based upon previous projects completed on the other side of Barstow that the Applicant is not likely to want to change the proposed plan. Mr. MacKenzie stated that previous projects had identical zoning to the proposed site
      - Residents asserted that the areas on the other side of Barstow are contiguous and therefore different then the resident’s area.
    - § Mr. MacKenzie stated that the La Cueva Sector Plan established zoning at 3 DUs per acre five years ago. Mr. MacKenzie stated that he thought that the City’s thinking that the density of homes would be higher in the core of the La Cueva Sector Plan and transition to lower density towards the outside boundaries of the Sector Plan
      - A resident stated that this is more like a new trend because the majority of the existing homes are 1 home per acre. The resident stated that the transition has not occurred.
- **Inquiry regarding Storm Drain/Drainage Plan**
  - A resident stated that when the resident investigated the Storm Drain issue in 2000/2001 that the City had not adopted one plan, but had 2 or 3 plans for a storm drain down Glendale. The resident inquired whether the City had adopted one plan
    - § Mr. MacKenzie stated that the storm drain will be built in accordance with City Plans and approval
  - A resident stated that a Storm drain was not the only option for drainage.
    - § Mr. MacKenzie stated that a Storm Drain is the cleanest solution because a paved swale could create a lot of flow across the road and would make the road impassable during storms
  - A resident inquired if Applicant had to characterized all off site flows
    - § Mr. MacKenzie stated that the Applicant did have to characterize all offsite flows.
      - The resident inquired whether a master drainage plan had been completed and approved
        - Mr. MacKenzie stated that the offsite flows had been study through the master drainage plan completed for North Albuquerque Acres



# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

- The resident inquired whether the North Albuquerque Acres master drainage plan had considered a development like the proposed site (3 DUs per acre, paving, etc)
  - Mr. MacKenzie answered affirmatively that the master plan had considered the proposed development
- A resident inquired whether the City would consider another type of diversion other than an 8 foot increase to the grade. The resident provided a sub pump as an example
  - § Mr. MacKenzie stated that the City does not accept a sub pump. Mr. MacKenzie stated that the City prefers a gravity drain
    - The resident inquired whether the City would consider an underground pipe to drain the property instead of the 8 foot build up
      - Mr. MacKenzie stated that the Applicants were working within City restrictions and regulations for drainage
- A resident inquired why the drainage was required to go to the street
  - § Mr. MacKenzie stated that the City mandates drainage be accessible for maintenance
- Many residents expressed concern that the existing drainage plan will not protect existing properties from runoff
- **General Questions/Comments**
  - A resident expressed concern about being assessed by the City for improvements
    - § Mr. MacKenzie stated that the Applicant will be paying for all improvements. No tax assessments are intended for the neighbors
  - A resident inquired as to what the average proposed lot size approximately ¼ acre
  - A resident inquired whether there was an arroyo on the property
    - § Mr. MacKenzie stated that there was a small swale on the property.
      - The resident inquired whether the Applicant intended to fill the arroyo
        - Mr. MacKenzie stated that the applicant intended to fill the swale
      - The resident inquired whether the Applicant needed a Corp permit to fill the arroyo
        - Mr. MacKenzie stated that they did not because the arroyo was not considered waters of the U.S.
  - A resident stated that in 2000 a compromise was done between the developers and neighbors in the area West of Wyoming and South of Venice to reduce the density to 2 DUs per acre
  - A resident inquired whether street lights be put in
    - § Mr. MacKenzie stated that the City mandates a street light at the intersection
      - The resident does not want a street light
      - A resident stated that the area was in a dark zone
      - A resident asked what it would take to get the street light removed
        - Mr. MacKenzie stated that the residents could call the City and voice their concerns. Mr. MacKenzie also stated that the City regulations require street lights for safety concerns
  - A resident inquired whether the power lines would be underground
    - § Mr. MacKenzie answered affirmatively that the power lines would be underground
  - A resident inquired if the owner would be willing to sell the property
    - § Mr. MacKenzie will ask, but he didn't believe that the owner would want to sell.
  - A resident inquired how dust would be controlled during construction
    - § Mr. MacKenzie stated that the Applicant must comply with City dust regulations

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

- Contact: Charles Aragon from Environmental Health
  
- **Suggestions from the Residents**
  - The residents would prefer that homes be one story; maximum 2 story
  - Residents would like temporary pond enclosed with livestock fencing, a block wall, or cedar fencing
  - Houses have flat roofs
  - Alternatives to the 8 foot increase in grade
  - A lightpole different than a standard aluminum pole
    - § Suggestion a bronze shoe box similar to the light poles by Macaroni Grill/High Desert
  - Landscaping with trees rather than sidewalk
  - More architecture to walls
  - Cobblestone roads
  - Guidelines for homeowners on fences
    - § Specifically no chain link fences
  - Less density
    - § Alternative 4 or 5 homes rather than the 6 proposed
  - Alternatives to Wall
    - § Adobe wall along Glendale
    - § Latilla fence
  - Covenants for home owners regarding
    - § Minimum square footage for homes
    - § Building style/architecture of homes
    - § Number of vehicles in driveway
    - § Wall height that home owners can install
    - § Closeness of walls to road
  - Alternatives to perimeter wall around development
  
- **DRB Hearing Logistics**
  - A resident stated that there are 45 items on the DRB agenda items on the Dec 1 agenda
  - The resident stated that this project is number 10 or 12 on the agenda
  - A resident inquired as to whether the City can approve with this proposed plan tomorrow
    - § Mr. MacKenzie stated affirmatively
  - A resident inquired whether the City can approve with conditions
    - § Mr. MacKenzie stated that approval with conditions is not routine
  - After DRB Action the final plat will be completed in 30-60 days and construction will occur 120-150 days
  - A resident stated that if residents would like to comment that residents should sign up to speak

## Outcome:

### Areas of Agreement:

- Residents offered suggestions to the Mr. MacKenzie as alternatives that they would like implemented

### Unresolved Issues, Interests, Concerns:

- All issues are unresolved.

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

### SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

### SITE DEVELOPMENT PLAN

- for Subdivision Purposes
- for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

### STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

### Supplemental form

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <b>S</b>                 | <b>Z</b>                 | <b>ZONING &amp; PLANNING</b>  |
| <input type="checkbox"/> | <input type="checkbox"/> | Annexation  |
| <input type="checkbox"/> | <input type="checkbox"/> | County Submittal  |
| <b>V</b>                 | <input type="checkbox"/> | EPC Submittal   |
| <input type="checkbox"/> | <input type="checkbox"/> | Zone Map Amendment (Establish or Change Zoning)                                       |
| <b>P</b>                 | <input type="checkbox"/> | Sector Plan (Phase I, II, III)  |
| <input type="checkbox"/> | <input type="checkbox"/> | Amendment to Sector, Area, Facility or Comprehensive Plan                             |
| <input type="checkbox"/> | <input type="checkbox"/> | Text Amendment (Zoning Code/Sub Regs)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Street Name Change (Local & Collector)  |
| <b>L</b>                 | <b>A</b>                 | <b>APPEAL / PROTEST of...</b>   |
| <b>D</b>                 | <input type="checkbox"/> | Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals |

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

### APPLICANT INFORMATION:

NAME: Washington Street Investors, LLC PHONE: 922-4911  
 ADDRESS: 501 3rd Street SW FAX: \_\_\_\_\_  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: Owners List all owners: \_\_\_\_\_  
 AGENT (if any): Mark Goodwin & Associates, PA PHONE: 828-2200  
 ADDRESS: P.O. Box 90606 FAX: 797-9539  
 CITY: Albuquerque STATE NM ZIP 87199 E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: Benjamin Place Subdivision: Application for Subdivision Design Variance from minimum standards of DPM

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

### SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lots 27 & 28, Tract 1 Block: 16 Unit: 3  
 Subdiv. / Adn. North Albuquerque Acres  
 Current Zoning: R-D 3 Du/Ac Proposed zoning: Same  
 Zone Atlas page(s): B-20 No. of existing lots: 2 No. of proposed lots: 6  
 Total area of site (acres): 2.0 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No  
 UPC No. 102006507506930205 & 102006509006930206 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Avenue NE  
 Between: Barstow Street NE and Ventura Street NE

### CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_, Z\_, V\_, S\_, etc.): 1003520

Check-off if project was previously reviewed by Sketch Plat/Plan ?, or Pre-application Review Team ?. Date of review: \_\_\_\_\_

SIGNATURE [Signature] DATE 12-6-04  
 (Print) Gregory J. Krenik, P.E. Applicant  Agent

### FOR OFFICIAL USE ONLY

Form revised 4/04

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>04 DRB 01863</u>	<u>SDV</u>	<u>✓</u>	\$ <u>0</u>
<input type="checkbox"/> All fees have been collected	_____	<u>CMF</u>	_____	\$ <u>20.00</u>
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F.H.D.P. density bonus	Hearing date <u>12-15-04</u>	_____	_____	Total
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	<u>12-6-04</u>	_____	_____	\$ <u>20.00</u>

[Signature] Project # 1003520

**FORM V: SUBDIVISION VARIANCES & VACATIONS**

**BULK LAND VARIANCE**

(PUBLIC HEARING CASE)

- Application for subdivision (Plat) on FORM S-3, including those submittal requirements. **24 copies** of the plat are required. The Variance and subdivision should be applied for simultaneously.
- Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived.
- Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
- Any original and/or related file numbers are listed on the cover application

**DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.**

**VACATION OF PUBLIC RIGHT-OF-WAY**

**VACATION OF PUBLIC EASEMENT**

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies**. (Not required for dedicated and City owned public right-of-way.)
- Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

**DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.**

**SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL)**

**SIDEWALK DESIGN VARIANCE**

**SIDEWALK WAIVER**

- Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings. These actions are not approved through internal routing.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the variance or waiver
- Any original and/or related file numbers are listed on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

**TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

**EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

- Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings. These actions are not approved through internal routing.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the deferral or extension
- Any original and/or related file numbers are listed on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

**VACATION OF PRIVATE EASEMENT**

- The complete document which created the private easement (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings. These actions are not approved through internal routing.
- Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the vacation
- Letter of authorization from the grantors and the beneficiaries
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Gregory J. Kzenik, P.E.

*[Signature]*  
 Applicant name (print)  
 12-6-04  
 Applicant signature / date

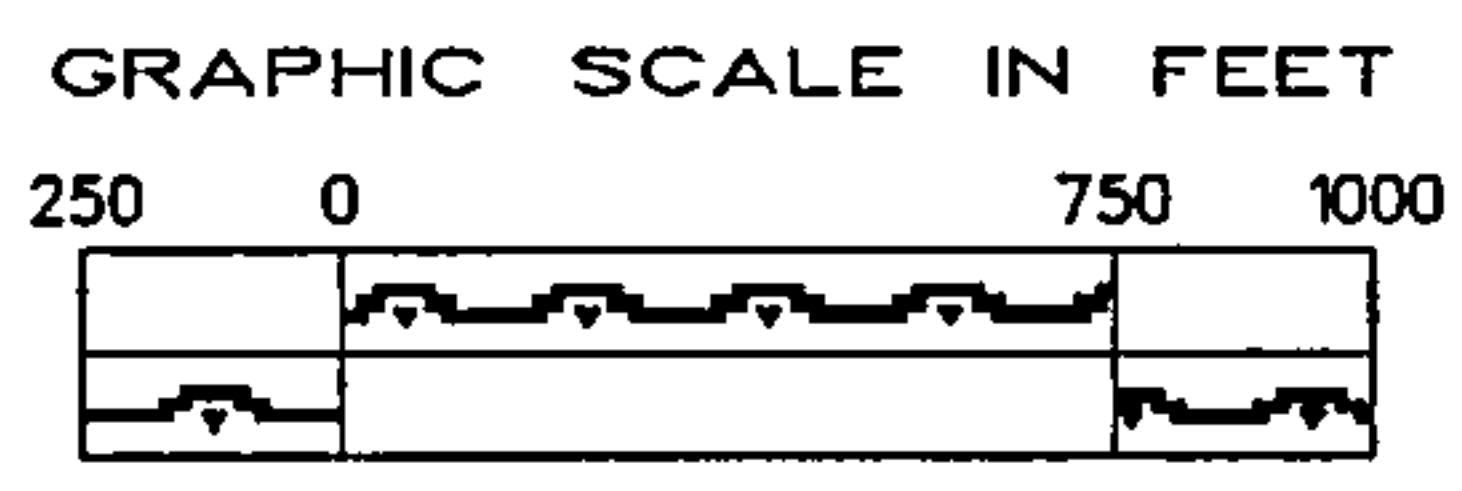
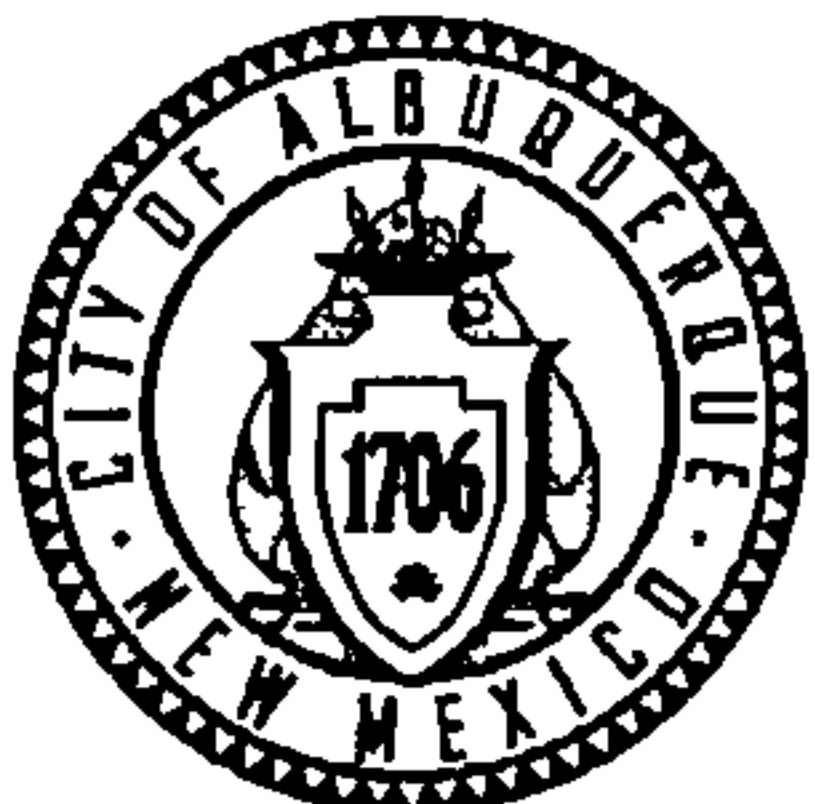
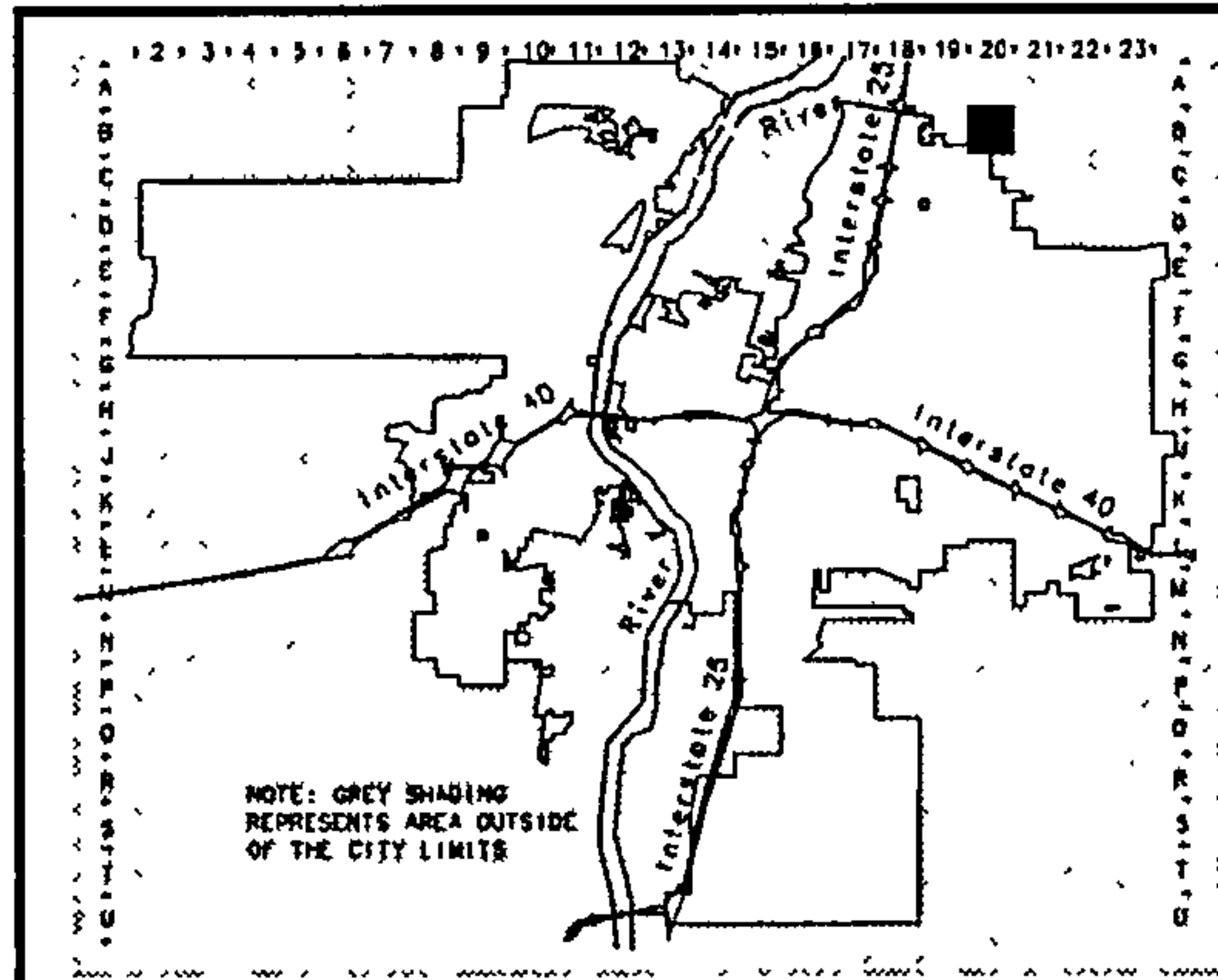
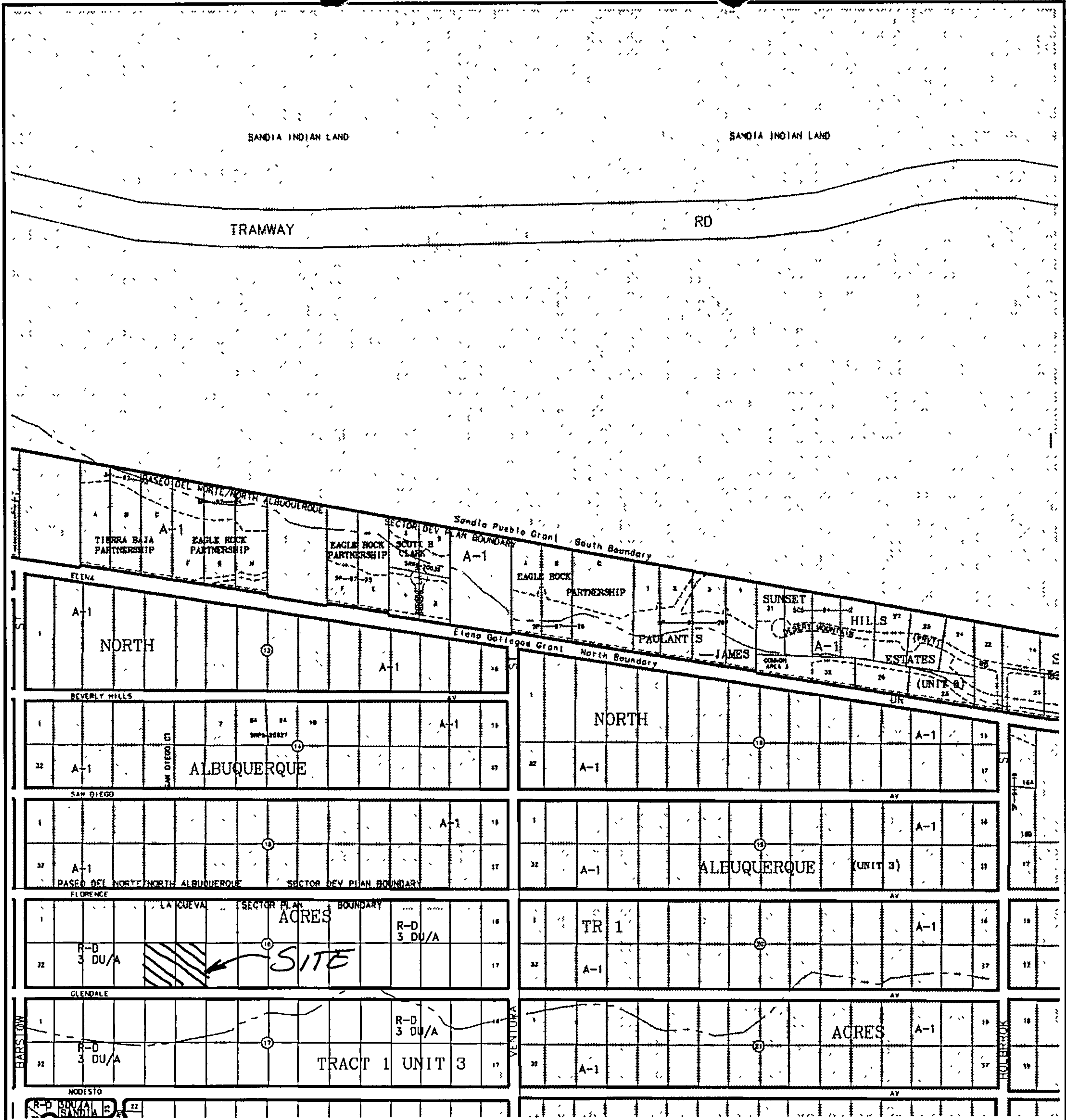


Form revised 4/03 and October 2003

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
 04 DRB - 01863

*[Signature]* 12-6-04  
 Planner signature / date  
 Project # 1003520



**A**buquerque **G**eographic **I**nformation **S**ystem  
**PLANNING DEPARTMENT**

© Copyright 2003

**Zone Atlas Page**

**B-20-Z**

Map Amended through November 01, 2003



D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

*December 6, 2004*

*Ms. Sheran Matson, Chair  
Design Review Board  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103*

**Re: Benjamin Place Subdivision (DRB # 1003520)**

*Dear Ms. Matson:*

*The owner wishes to eliminate the sidewalk along Glendale Avenue at the request of the adjacent homeowners. In place would be a gravel walkway which would meander through the landscaping. This is a request for a design variance from the minimum standards of the DPM.*

*Please call me if you have any questions concerning this issue.*

*Sincerely,*

MARK GOODWIN & ASSOCIATES, PA

  
Gregory J. Krenik, P.E.  
Vice President

DMG/bg

ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME Washington Street Investors  
AGENT Mark Goodwin & Assoc  
ADDRESS PO Box 90606  
PROJECT & APP # 1003520/04DRB01863  
PROJECT NAME N.A.A Lts 27 & 28 Tr 1 Unit 3

\$ 20.00 441032/3424000 Conflict Management Fee  
\$ \_\_\_\_\_ 441006/4983000 DRB Actions  
\$ \_\_\_\_\_ 441006/4971000 EPC/AA/LUCC Actions & All Appeals  
\$ \_\_\_\_\_ 441018/4971000 Public Notification  
\$ \_\_\_\_\_ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY\*\*\*  
( ) Major/Minor Subdivision ( ) Site Development Plan ( ) Bldg Permit  
( ) Letter of Map Revision ( ) Conditional Letter of Map Revision  
( ) Traffic Impact Study

\$ 20.00 TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

D. MARK GOODWIN AND ASSOCIATES, P.A.  
P.O. BOX 90606  
ALBUQUERQUE, NM 87199-0606  
(505) 828-2200

4391

95-681/1070

DATE Dec 6, 2004  
Treasury Division

PAY TO THE ORDER OF City of Albuquerque  
Treasury NO/100

\$ 20.00

12/07/2004  
RECEIPT# 00032220 WSH 004 TRASH 00

DOLLARS



Coronado Office  
1-800-488-2265

Activity TRSEJA  
Trans Amt \$20.00

FOR Benjamin Place

J24 Mis  
CK Eisen Rasmussen

⑈004391⑈ ⑆107006813⑆ 283007003⑈

Thank You

4.) Appellant doesn't mention the Subdivision Regulations contained in the La Cueva Plan. Those regulations support the layout approved herein. (See paragraph 6.2 and Figure 10 of the La Cueva Plan.)

- IV. Appellants' references and arguments based on the Albuquerque/Bernalillo County Comprehensive Plan are not relevant, helpful or controlling. Comprehensive Plan issues were considered and complied with by the City in its adoption of the La Cueva Sector Plan. Appellant's real complaint is that the annexation and establishment of RD zoning, as well as the adoption of the La Cueva Plan, established zoning on the subject property which clearly allows subdivision of the subject property as approved by the DRB. The time to appeal those approvals expired long ago.
- V. It is difficult to know what to make of Appellant's arguments based on Sections 14-16-3-3 and 14-16-3-19 of the Zoning Code. These issues are not relevant to the scope of the DRB's review of a preliminary plat. The regulations cited by Appellant are valid and enforceable against all property in the City. It would require speculation and conjecture to determine if the ultimate development of the subject property might require consideration of these regulations.
- VI. It is commendable that Appellant has raised six or seven ideas that might mitigate his concerns. Most or all of these ideas were raised before the DRB. The Applicant and his engineers have considered them and find them not supportable by standard engineering, zoning or planning practices.

In conclusion, we respectfully request the EPC to deny the appeal and that the property owners be allowed to proceed with their development.

*William J Kraemer*





Supplemental form

**SUBDIVISION** **S**

Major Subdivision action  
 Minor Subdivision action  
 Vacation **V**  
 Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN** **P**

...for Subdivision Purposes  
 ...for Building Permit  
 IP Master Development Plan  
 Cert. of Appropriateness (LUCC) **L**

Supplemental form

**ZONING & PLANNING** **Z**

Annexation  
 County Submittal  
 EPC Submittal  
 Zone Map Amendment (Establish or Change Zoning)  
 Sector Plan (Phase I, II, III)  
 Amendment to Sector, Area, Facility or Comprehensive Plan  
 Text Amendment (Zoning Code/Sub Regs)

**APPEAL / PROTEST of...** **A**

Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: Washington Street Investors, LLC PHONE: 922-4911  
 ADDRESS: 501 3<sup>rd</sup> Street SW FAX:  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL:  
 Proprietary interest in site: Owner List all owners:  
 AGENT (if any): Mark Goodwin & Associates, PA PHONE: 828-2200  
 ADDRESS: PO Box 90606 FAX: 797-9539  
 CITY: Albuquerque STATE NM ZIP 87199 E-MAIL: Amy@goodwinengineers.com

**DESCRIPTION OF REQUEST:** Benjamin Place - Major Subdivision: Preliminary Plat, and Sidewalk deferral approval

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. Lot s 27 & 28, Tract 1 Block: 16 Unit: 3  
 Subdiv. / Addn. North Albuquerque Acres  
 Current Zoning: R-D 3 Du/Ac Proposed zoning: Same  
 Zone Atlas page(s): B-20 No. of existing lots: 2 No. of proposed lots: 6  
 Total area of site (acres): 2.0 Density if applicable: dwellings per gross acre dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill?  No  
 UPC No. 102006507506930205; 102006509006930206 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Avenue NE  
 Between: Barstow Street NE and Ventura Street NE

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1003520

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: 10/8/04

SIGNATURE [Signature] DATE 10/8/04  
 (Print) Amy L. D. Niese, PE Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 9/01, 3/03, 7/03, 10/03, 3/04

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>04DRB - 01567</u>	<u>P.P</u>	<u>SC2</u>	<u>\$ 750.00</u>
<input checked="" type="checkbox"/> All fees have been collected	<u>04DRB - 01568</u>	<u>FDS</u>	<u>V</u>	<u>\$ 0</u>
<input checked="" type="checkbox"/> All case #s are assigned	<u>04DRB - 01570</u>	<u>ESIA</u>	<u>V</u>	<u>\$ 0</u>
<input checked="" type="checkbox"/> AGIS copy has been sent		<u>CME</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> Case history #s are listed		<u>ADFee</u>		<u>\$ 75.00</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				<u>Total</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus				<u>\$ 845.00</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				
	Hearing date <u>11-3-04</u>			
<u>[Signature]</u> <u>10-8-04</u>	Planner signature / date	Project # <u>1003520</u>		

**FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING**

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

**MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL**

- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24** copies
  - Proposed Infrastructure List
  - Design elevations & cross sections of perimeter walls
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Property owner's and City Surveyor's signature on the proposed plat
  - FORM DRWS Drainage Report, Water & Sewer availability statement filing information
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Preliminary plat approval expires after one year.  
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

**MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (with significant changes)**

**MAJOR SUBDIVISION AMENDMENT TO INFRASTRUCTURE LIST (with significant changes)**

**MAJOR SUBDIVISION AMENDMENT TO GRADING PLAN (with significant changes)**

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **24** copies
  - Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Property owner's and City Surveyor's signature on the proposed amended plat, if the preliminary plat is being amended
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year.  
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

**MAJOR SUBDIVISION EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT**

**(Temporary sidewalk deferral uses FORM-V)**

- 1 copy of each of the following items
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Plat or plan reduced to 8.5" x 11"
- Official D.R.B. Notice of the original approval
- Approved Infrastructure List. If not applicable, please initial. \_\_\_\_\_
- Previous SIA extension notice, if one has been issued. If not applicable, please initial. \_\_\_\_\_
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Any original and/or related file numbers are listed on the cover application
- Fee (see schedule)

DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

AM L. D. NIESE, PE  
Applicant name (print)  
[Signature]  
Applicant signature / date  
10/8/04



Form revised 9/01, 8/03 and 9/03

- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
04DRB - 01567

[Signature]  
Planner signature / date  
**Project # 1003520**

**FORM V: SUBDIVISION VARIANCES & VACATIONS**

**BULK LAND VARIANCE (Public Hearing Case)**

- Application for subdivision (Plat) on FORM S-3, including those submittal requirements. Variance and subdivision should be applied for simultaneously. (24 copies)
  - Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived
  - Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
  - Any original and/or related file numbers are listed on the cover application
- DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

**VACATION OF PUBLIC RIGHT-OF-WAY**

**VACATION OF PUBLIC EASEMENT**

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies. (Not required for dedicated and City owned public right-of-way.)
  - Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 24 copies
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire. DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

**SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL)**

**SIDEWALK DESIGN VARIANCE**

**SIDEWALK WAIVER**

- Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the variance or waiver
  - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

**TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

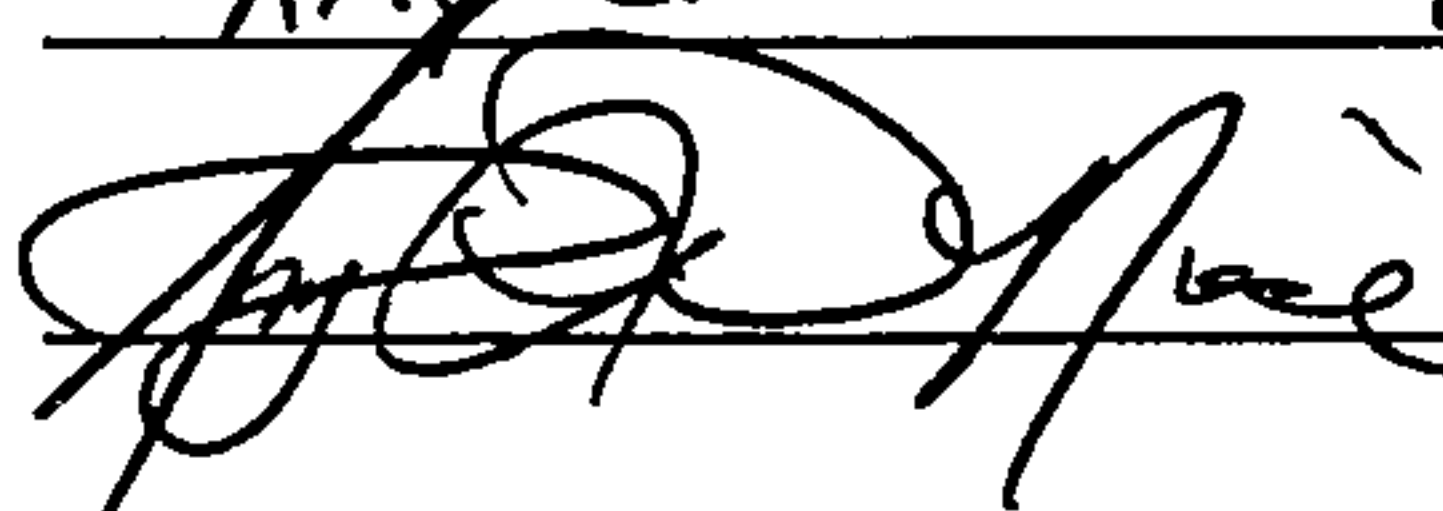
**EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

- Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the deferral or extension
  - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

**VACATION OF PRIVATE EASEMENT**

- The complete document which created the private easement (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
  - Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the vacation
  - Letter of authorization from the grantors and the beneficiaries
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire. DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

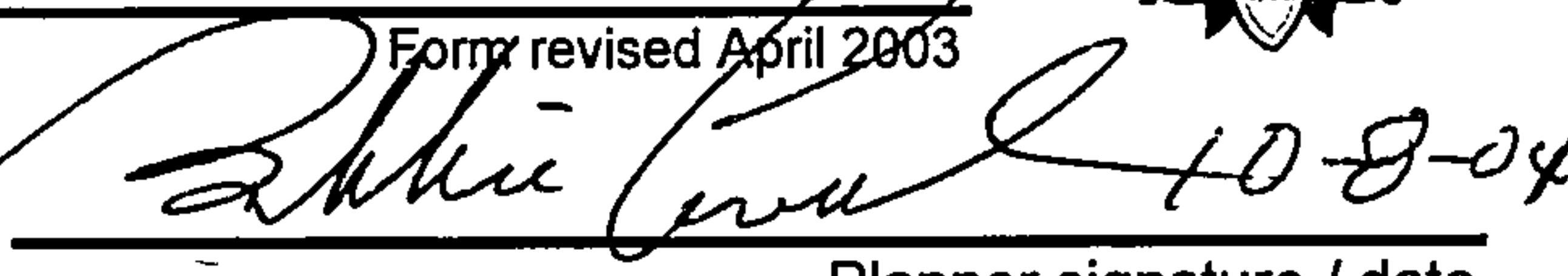
AMY L. D. NIESE, PE  
 Applicant name (print)  
  
 Applicant signature / date  
 10/8/04

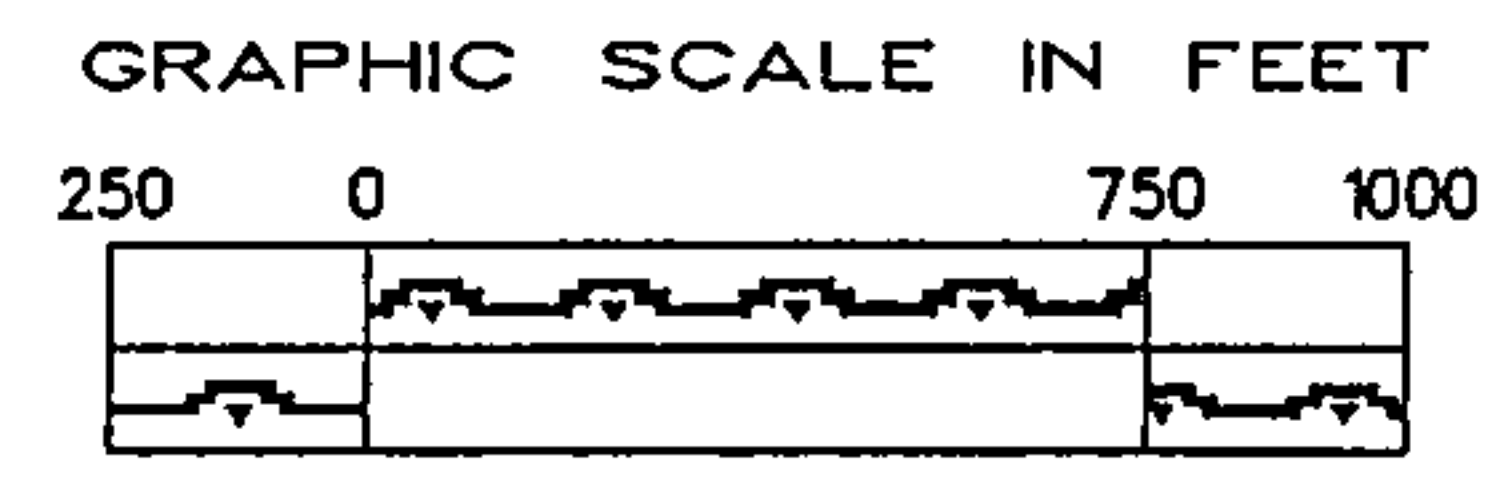
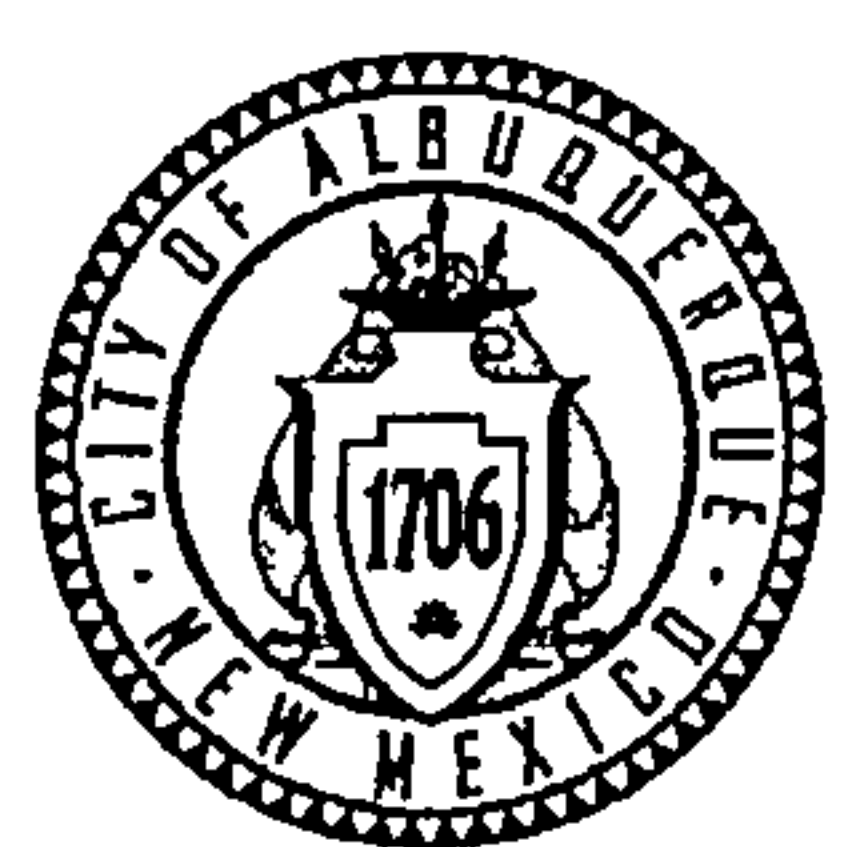
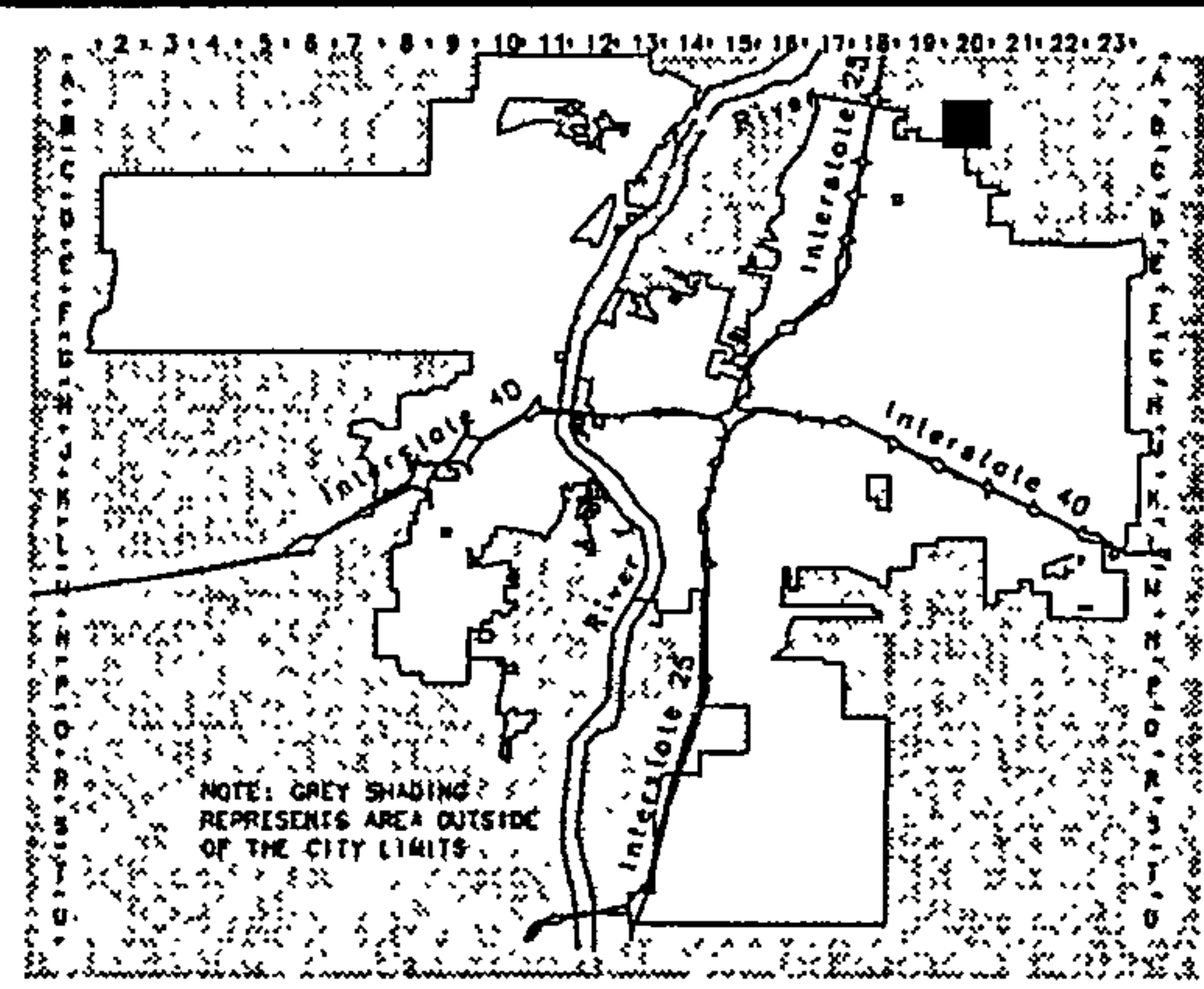
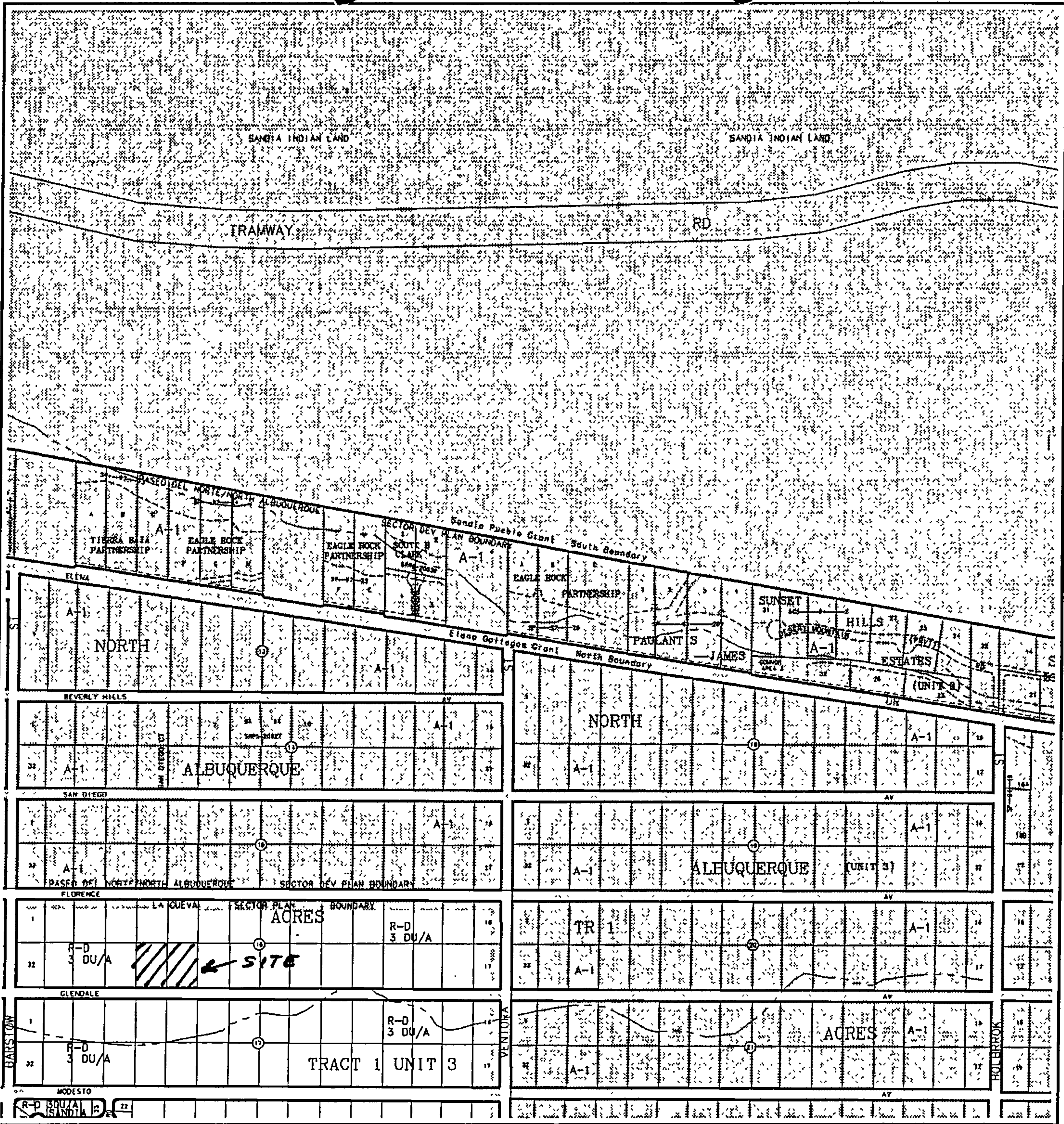


Form revised April 2003

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
 04 DRB - 01568  
 04 DRB - 01570

  
 Planner signature / date  
 10-8-04  
**Project # 1003520**



**A**lbuquerque **G**eographic **I**nformation **S**ystem  
**PLANNING DEPARTMENT**  
 © Copyright 2003

**Zone Atlas Page**  
**B-20-Z**  
 Map Amended through November 01, 2003



D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

October 8, 2004

Ms. Sheran Matson  
Development Review Board  
City of Albuquerque  
600 2nd Street SW  
Albuquerque, NM 87103

**Re: Benjamin Place Subdivision**

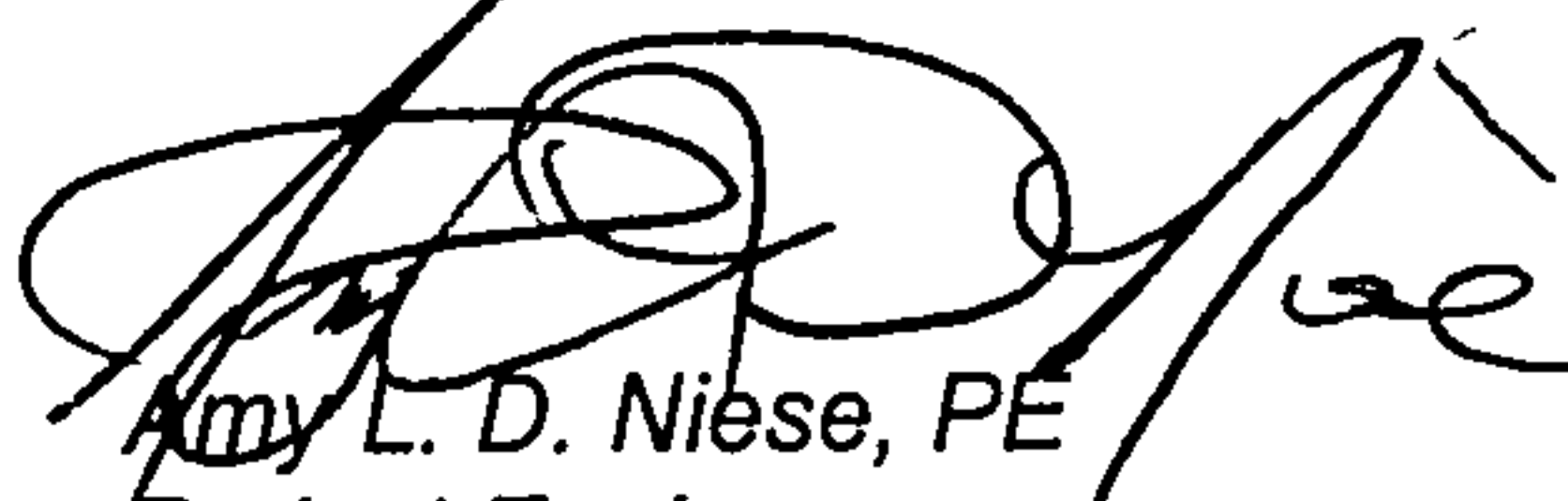
Dear Ms. Matson:

*Benjamin Place Subdivision is being submitted for Major Subdivision Preliminary Plat and Sidewalk Deferral approval. The site is shown on Zone Atlas B20, and the zoning is R-D 3DU/AC. We are proposing 6 lots for this subdivision.*

*Please contact me if I can be of further assistance.*

Sincerely,

MARK GOODWIN & ASSOCIATES, P.A.



Amy L. D. Niесе, PE  
Project Engineer

F:\benjaminplace\drb2

**ORIGINAL**

**INFRASTRUCTURE LIST**  
**EXHIBIT "A"**  
**TO SUBDIVISION IMPROVEMENTS AGREEMENT**  
**DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

**Benjamin Place Subdivision**  
**PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN**

**Lots 27 & 28, Blk 16, Tract 1, Unit 3, North Albuquerque Acres**  
**EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION**

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		26' FF	<b>PAVING</b> Res Pvmt C & G (Both sides)	Benjamin Place	Glendale Avenue	End of Cul de Sac	/	/	/
		4'	Sidewalk (Both Sides) (1)						
		24' FF	Perm Pvmt C & G (North Side)	Glendale Avenue	West Prop Line	East Prop Line	/	/	/
		6'	<del>Gravel Path (North Side)</del> SIDEWALK (North Side) <i>WIDENED</i>						
			Pvmt Transition Design Elevation of Road Street Lights per DPM	Glendale Avenue Glendale Avenue	East & West PL Barstow Street	Existing Pavement Ventura Street	/	/	/
			<b>WATER</b>						
		4"	Waterline	Benjamin Place	End of Cul de Sac	Glendale Avenue	/	/	/
		8"	Waterline	Glendale Avenue	East Prop Line	Barstow Street	/	/	/
		12"	Waterline	Barstow Street	Glendale Avenue	Modesto Avenue	/	/	/
			<b>SAS</b>						
		8"	SAS	Benjamin Place	End of Cul de Sac	Glendale Avenue	/	/	/
		8"	SAS (6)	Glendale Avenue	Wyoming Boulevard	Barstow Street	/	/	/
		8"	SAS	Glendale Avenue	Barstow Street	East Prop Line	/	/	/

ORIGINAL

Project name: Benjamin Place Subdivision

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
			<b>STORM</b>						
		8'	Concrete Channel	9' Private Drainage Esmt	Entire Length		/	/	/
		4'	Concrete Channel	6.5' Private Drain Esmt	NE Corner Lot 3-P1	Glendale Avenue	/	/	/
		24"	RCP	Benjamin Place	Lot 5-P1	Glendale Avenue	/	/	/
		24"	Temporary RCP	Lot 5-P1	Benjamin Place	Retention Pond	/	/	/
			Temporary Retention Pond & Spillway W / A & C	Lot 5-P1			/	/	/
		72"	Storm Drain (2)	Glendale Avenue	East Prop Line	West Prop Line	/	/	/

- 1 Sidewalk to be deferred
- 2 Storm Drain to be deferred
- 3 Grading & Drainage Certification per DPM, including retaining walls as shown on the Grading & Drainage Plan for Release of SIA and Financial Guaranty
- 4 Water Infrastructure to include valves, valve boxes, and fire hydrants and design of future PRV on Barstow Street
- 5 SAS to include manholes and service connections
- 6 Financially Guaranteed with COA 729781 (Quivera Estates)

AGENT / OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Gregory J. Krenik, P.E.  
NAME (print)

*[Signature]* 1/12/05 *[Signature]* 1/12/05  
DRB CHAIR - date      PARKS & GENERAL SERVICES - date

MARK GOODWIN & ASSOCIATES  
FIRM

*[Signature]* 12-21-04  
SIGNATURE - date

*[Signature]* 1-12-05  
TRANSPORTATION DEVELOPMENT - date

*[Signature]* 1/12/05  
UTILITY DEVELOPMENT - date

*[Signature]* 1-12-05  
CITY ENGINEER - date

AMAFCA - date

- date

- date

MAXIMUM TIME ALLOWED TO CONSTRUCT  
THE IMPROVEMENTS WITHOUT A DRB  
EXTENSION: N/A

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER



D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

December 15, 2004

Ms. Sheran Matson, Chair  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

**Re: Benjamin Place Subdivision (#1003520)**

Dear Ms. Matson:

In a letter to the Board, dated December 7, 2004, James R. Phillips listed three cases in which he considered this subdivision to be in violation of city codes. This letter is a brief response to each of those claims.

Firstly, the issue of lot size. Attached is a copy of the original North Albuquerque Acres plat, filed in September 1931, and a deed for the property, both of which indicate the property is all of Lots 27 and 28, Block 16, North Albuquerque Acres, Unit 1, Tract 3. Under the plat title it says "each lot, including to the center of adjoining street, is one acre unless otherwise indicated."

Secondly, the proposed grading plan has been revised a third time, now lowering the proposed grade along the west boundary as much as possible, but still draining all runoff generated within the subdivision and that from off-site areas south into Glendale Avenue. This is required, per the city's Drainage Ordinance. In order to drain the northwest corner of the site south to Glendale Avenue, a 6-foot high retaining wall is necessary at the northwest corner of the site, which from there tapers down to a 3-foot high wall as it approaches Glendale Avenue.

Thirdly, Mr. Phillips claims that the walls are in violation of city wall codes. Wall heights and their locations have recently been revised to now be in compliance. Partial walls (those being less than three-foot high) are located in front, side or rear yard setbacks where necessary. Outside of setbacks, privacy walls will be built to 6-foot high. Those which are located adjacent to retaining walls are stepped back one foot horizontally for every foot of vertical height.

Please contact me if I can be of further assistance.

Sincerely,

MARK GOODWIN & ASSOCIATES, PA

John M. MacKenzie, PE  
Vice President

JMM/sr



WARRANTY DEED

MARRON FAMILY LIMITED PARTNERSHIP, LLP, a New Mexico limited liability partnership, for consideration paid, grants to WASHINGTON STREET INVESTMENTS, L.L.C., a New Mexico limited liability company, whose address is 8813 2nd Street, NW, Suite E, Albuquerque, New Mexico 87114, the following described real estate in Bernalillo County, New Mexico:

Lots numbered Twenty-seven (27) and Twenty-eight (28) in Block numbered Sixteen (16), Tract numbered One (1), Unit numbered Three (3) of NORTH ALBUQUERQUE ACRES, a subdivision of a tract of land in School Districts 3 and 4, Bernalillo County, New Mexico, as the same are shown and designated on the map of said Subdivision, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 10, 1931, in Plat Book D, folio 121.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2004 and years thereafter and all other matters of record.

We certify the foregoing is a true copy of the original hereof.  
Land America Albuquerque Title  
By [Signature]

with warranty covenants.

WITNESS its hand and seal on March 31, 2004.

MARRON FAMILY LIMITED PARTNERSHIP, LLP,  
a New Mexico limited liability partnership

By [Signature]  
JOHN J. MARRON, General Partner

ACKNOWLEDGMENT

STATE OF NEW MEXICO )  
  )  
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on March 31st, 2004, by JOHN J. MARRON, General Partner of MARRON FAMILY LIMITED PARTNERSHIP, LLP, a New Mexico limited liability partnership.

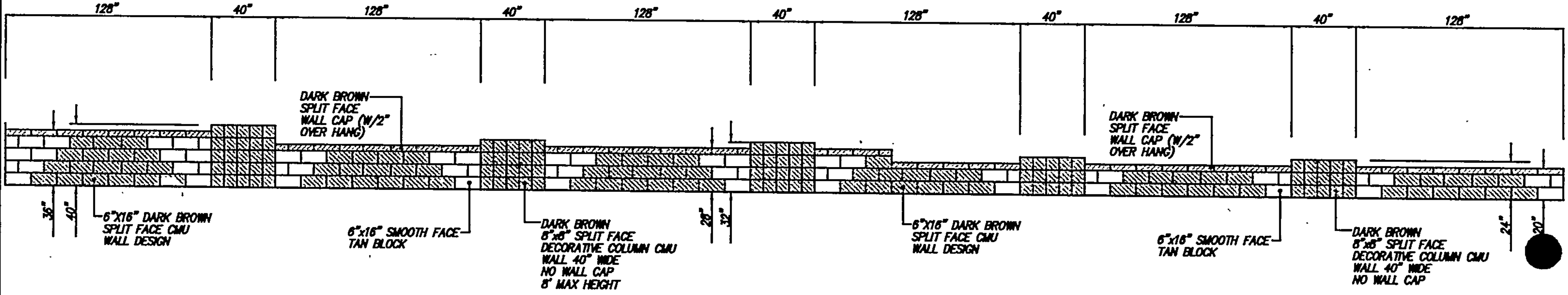
MY COMMISSION EXPIRES: 12/28/06

[Signature]  
NOTARY PUBLIC

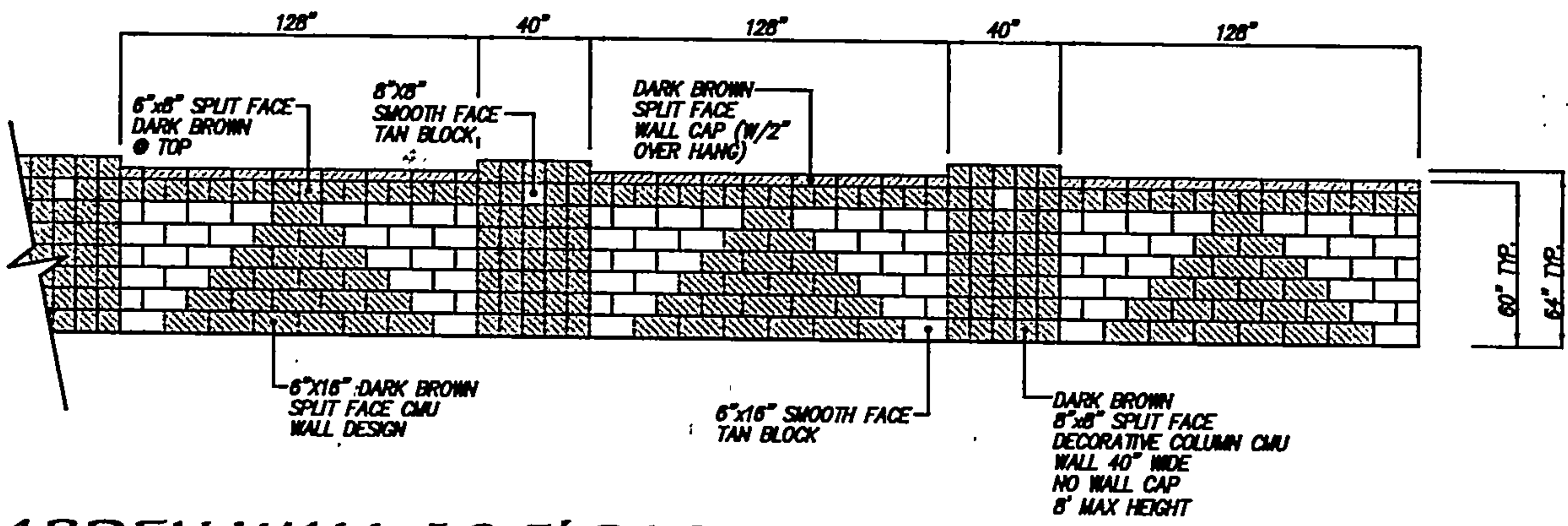


AMY J. JORDAN  
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: \_\_\_\_\_

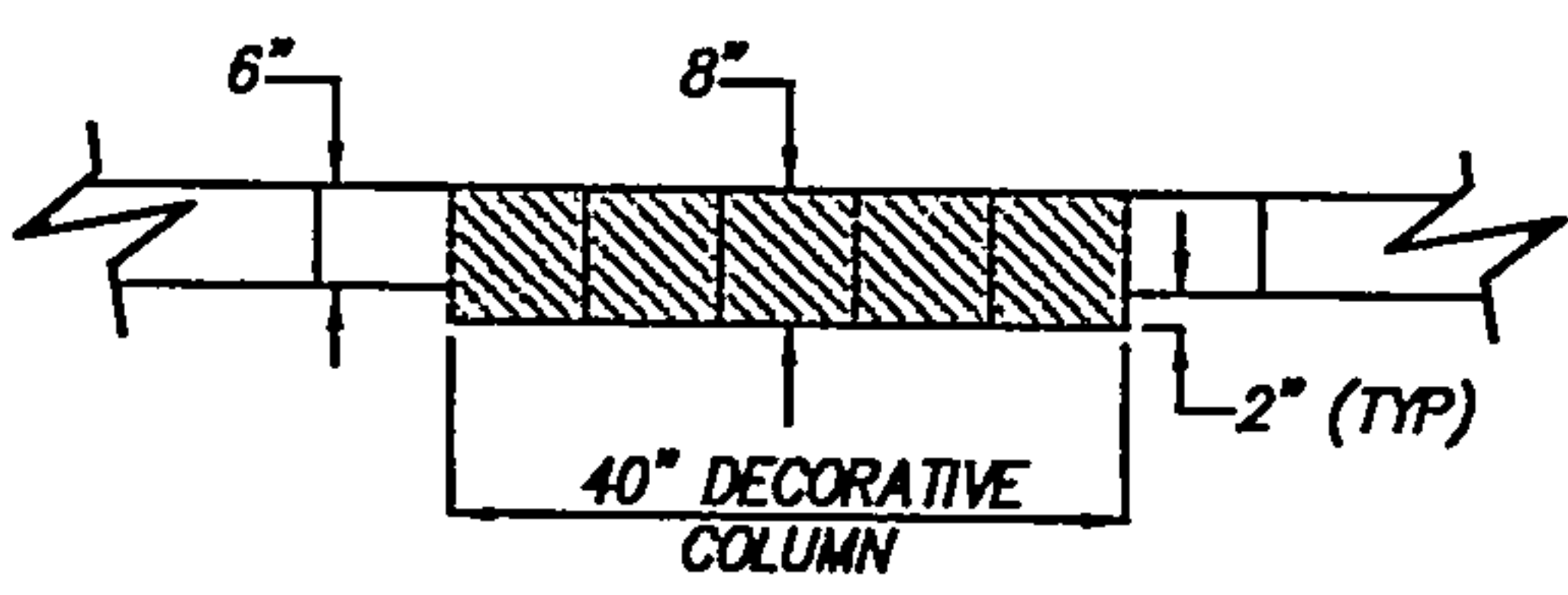


**WEST RETAINING WALL AT GLENDALE AVE ROW LINE**



**GARDEN WALL 10.5' BACK FROM GLENDALE AVE ROW**

- NOTES: 1. WALL TO BE LOCATED ON SOUTH SIDE OF SUBDIVISION ALONG GLENDALE.  
 2. WALLS ALREADY EXIST ON OTHER 3 SIDES.



**dmg** MARK GOODWIN & ASSOCIATES, P.A.  
 CONSULTING ENGINEERS  
 P.O. BOX 90606  
 ALBUQUERQUE, NEW MEXICO 87199  
 (505) 828-2200, FAX (505) 797-9539

A4023QUIV3/GRADE AND DRAIN/A4023-WALL/12-14-04/ACH GJK

TITLE:	<b>BENJAMIN PLACE SUBDIVISION SITE PERIMETER WALL</b>	
LOCATION:	<b>ON GLENDALE AVE. NEAR BARSTOW. LOTS 27 &amp; 28, BLOCK 16, TRACT 1, UNIT 5, NORTH ALB. ACRES</b>	
DRB PROJECT NO.	<b>1003520</b>	ZONE MAP NO. <b>B-20-Z</b>

ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME ALPHA Equities

AGENT Mark Goodwin

ADDRESS \_\_\_\_\_

PROJECT & APP # 1003520

PROJECT NAME Benjamin Place Subd.

\$ \_\_\_\_\_ 441032/3424000 Conflict Management Fee

\$ 110.00 441006/4983000 DRB Actions Deferral Fee

\$ \_\_\_\_\_ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ \_\_\_\_\_ 441018/4971000 Public Notification

\$ \_\_\_\_\_ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY\*\*\*  
( ) Major/Minor Subdivision ( ) Site Development Plan ( ) Bldg Permit  
( ) Letter of Map Revision ( ) Conditional Letter of Map Revision  
( ) Traffic Impact Study

\$ 110.00 TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

ALPHA EQUITIES, LLC  
PO BOX 10005  
ALBUQUERQUE, NM 87184

LOS ALAMOS NATIONAL BANK  
LOS ALAMOS, NM 87544  
95-101/1070

10218

PAY TO THE ORDER OF

City of Albuquerque  
one Hundred Ten and 00/100

1/10/05  
\$ 110

RECEIPT# 00033729 WSH 006 TRANS# 0062  
Account 441006 Fund 0110  
Activity 4983000 TRFSE IA  
Trans Amt \$110.00  
J24 Misc  
CK  
CHANGE

MEMO Benjamin Place Subd. 1003520

⑈010218⑈ ⑈107001012⑈

00688231100

Thank You

© 2003 INTUIT INC. #7857-800-433-8810

**f a c s i m i l e**  
**T R A N S M I T T A L**

---

to: CLAIRE SENOVA  
fax #: 924-3864  
re: BENJAMIN PLACE  
date: 12-29-04  
pages: 1, including this cover sheet

---

PROJECT # 1003520

THE OWNER WISHES TO DEFER THIS PROJECT  
ONE WEEK TO JAN. 12. THE TIME IS  
NEEDED SO LEGAL COUNCIL CAN DECIDE  
ABOUT THE 3 DUS/ACRE SITUATION.

---

from the desk of

GREGORY J KRENK, PE  
Vice President

Mark Goodwin & Associates, PA  
PO Box 90606  
Albuquerque, NM 87199  
phone: (505) 828-2200  
fax: (505) 797-9539  
email: goodwinengrs@comcast.net

**INFRASTRUCTURE LIST**

**EXHIBIT "A"**  
**TO SUBDIVISION IMPROVEMENTS AGREEMENT**  
**DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

**Benjamin Place Subdivision**  
**PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN**

**Lots 27 & 28, Blk 16, Tract 1, Unit 3, North Albuquerque Acres**  
**EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION**

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
<b>PAVING</b>									
<input type="text"/>	<input type="text"/>	26' FF	Res Pvmt	Benjamin Place	Glendale Avenue	End of Cul de Sac	/	/	/
		4'	C & G (Both sides) Sidewalk (Both Sides) (1)						
<input type="text"/>	<input type="text"/>	24' FF	Perm Pvmt	Glendale Avenue	West Prop Line	East Prop Line	/	/	/
		6'	C & G (North Side) Gravel Path (North Side)						
<input type="text"/>	<input type="text"/>		Pvmt Transition	Glendale Avenue	East & West PL	Existing Pavement	/	/	/
<input type="text"/>	<input type="text"/>		Design Elevation of Road	Glendale Avenue	Barstow Street	Ventura Street	/	/	/
<input type="text"/>	<input type="text"/>		Street Lights per DPM				/	/	/
<b>WATER</b>									
<input type="text"/>	<input type="text"/>	4"	Waterline	Benjamin Place	End of Cul de Sac	Glendale Avenue	/	/	/
<input type="text"/>	<input type="text"/>	8"	Waterline	Glendale Avenue	East Prop Line	Barstow Street	/	/	/
<input type="text"/>	<input type="text"/>	12"	Waterline	Barstow Street	Glendale Avenue	Modesto Avenue	/	/	/
<b>SAS</b>									
<input type="text"/>	<input type="text"/>	8"	SAS	Benjamin Place	End of Cul de Sac	Glendale Avenue	/	/	/
<input type="text"/>	<input type="text"/>	8"	SAS (6)	Glendale Avenue	Wyoming Boulevard	Barstow Street	/	/	/
<input type="text"/>	<input type="text"/>	8"	SAS	Glendale Avenue	Barstow Street	East Prop Line	/	/	/

Project name: Benjamin Place Subdivision

SIA Sequence #	COA DRC Project #

Size	Type of Improvement	Location	From	To
	STORM			
8'	Concrete Channel	9' Private Drainage Esmt	Entire Length	
4'	Concrete Channel	6.5' Private Drain Esmt	NE Corner Lot 3-P1	Glendale Avenue
24"	RCP	Benjamin Place	Lot 5-P1	Glendale Avenue
24"	Temporary RCP	Lot 6-P1	Benjamin Place	Retention Pond
	Temporary Retention Pond & Spillway W / A & C	Lot 6-P1		
72"	Storm Drain (2)	Glendale Avenue	East Prop Line	West Prop Line

Private Inspector	City Inspector	City Cnst Engineer

- 1 Sidewalk to be deferred
- 2 Storm Drain to be deferred
- 3 Grading & Drainage Certification per DPM, including retaining walls as shown on the Grading & Drainage Plan for Release of SIA and Financial Guaranty
- 4 Water Infrastructure to include valves, valve boxes, and fire hydrants and design of future PRV on Barstow Street
- 5 SAS to include manholes and service connections
- 6 Financially Guaranteed with COA 729781 (Quivera Estates)

AGENT / OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Gregory J. Krenik, P.E.  
NAME (print)

DRB CHAIR - date

PARKS & GENERAL SERVICES - date

MARK GOODWIN & ASSOCIATES  
FIRM

TRANSPORTATION DEVELOPMENT - date

AMAFCA - date

*[Signature]*  
SIGNATURE - date  
12-14-04

UTILITY DEVELOPMENT - date

\_\_\_\_\_ - date

MAXIMUM TIME ALLOWED TO CONSTRUCT  
THE IMPROVEMENTS WITHOUT A DRB  
EXTENSION: N/A

CITY ENGINEER - date

\_\_\_\_\_ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER



**"Amy Niese"**  
**<Amy@goodwinengineers.com>**

10/18/04 02:02 PM

To: <csenova@cabq.gov>  
cc: "Sheran Matson \ (Sheran Matson\)" <smatson@cabq.gov>  
Subject: Benjamin Place, DRB # 1003520

On the DRB form for Benjamin Place, the Extension of SIA for Temporary Deferral of Sidewalk Construction was accidentally checked. A number was assigned for it, 04DRB-01570. I would like to have this request withdrawn. Thanks.

Amy L. D. Niese, PE  
Project Engineer  
Mark Goodwin and Associates, P.A.  
(505) 828-2200

BENJAMIN PLACE SUBDIVISION  
DRB #1003520

Open Space Calculation Table

Lot Number	Lot Size (SF)	Building & Driveway Area (SF)	Provided Open Space (SF) <i>{2,400 SF Required}</i>	Remaining Open Space Requirement (SF)
P1	11,469	6,480	4,989	none
P2	10,781	6,480	4,301	none
P3	10,629	5,760	4,869	none
P4	10,650	5,760	4,890	none
P5	10,663	6,480	4,183	none
P6	11,204	6,480	4,724	none
<b>Total Remaining Requirement:</b>				<b>0</b>

All open space requirements are met on the lots with the dwellings per the provisions of Section 14-16-3-8 (A) (1



# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) / ENVIRONMENTAL HEALTH INFORMATION FORM

APPLICANT: Washington Street Investors Date of request: 10/7/04 Zone atlas page(s): B-20

**CURRENT:**

Zoning R-D 3 DU / AC

Parcel Size (acres / sq.ft.) 2-0 Acres

**Legal Description -**

Lot or Tract # 27 & 28, Tr 1, Unit 3 Block #16

Subdivision Name North Albuquerque Acres

**REQUESTED CITY ACTION(S):**

Annexation	[ ]	Sector Plan	[ ]	Site Development Plan:	Building Permit	[ ]
Comp. Plan		Zone Change	[ ]	a) Subdivision	Access Permit	[ ]
Amendment	[ ]	Conditional Use	[ ]	b) Build'g Purposes	Other	[ X ]
				c) Amendment	<u>MAYOR SUBDIVISION</u>	

**PROPOSED DEVELOPMENT:**

No construction / development [ ]  
 New Construction [ X ]  
 Expansion of existing development [ ]

**GENERAL DESCRIPTION OF ACTION: <sup>1</sup>**

# of units - 4  
Building Size - \_\_\_\_\_ (sq. ft.)

Notes: 1. Changes made to development proposals / assumptions, from the information provided above, may change the TIS or AQIA analysis requirements.

Applicant or Representative [Signature] Date 10-7-04  
(To be signed upon completion of processing by Traffic Engineer and Environmental Health)

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [X] BORDERLINE [ ]

Planning Dept., Dev. & Bldg. Services Div., Transportation Dev. Section - 2nd FL. 600 2nd St. NW Plaza del Sol Bldg. 924-3994

THRESHOLDS MET? YES [ ] NO [X] Mitigating reasons for not requiring TIS: Previously studied: [ ]

Notes:

IF A TIS IS REQUIRED: A scoping meeting (as outlined in the Development Process Manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new TIS.

[Signature] 10-7-04  
TRAFFIC ENGINEER DATE

Per letter dated August 7, 2003 from the Director of the Environmental Health Department to the Director of the Planning Department, "all 5 CO monitors within Bernalillo County are yielding 8-hour average CO levels at less than 50% of the Federal CO standard ..." and "based on our review of the available scientific data, we do not foresee a circumstance where preparation of a detailed air quality study for a land use development will be warranted - regardless of the project size, location or traffic generated".

Required TIS must be completed prior to applying to the EPC. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS - SUBMITTED \_\_\_/\_\_\_/\_\_\_  
- FINALIZED \_\_\_/\_\_\_/\_\_\_  
TRAFFIC ENGINEER DATE

TO BE COMPLETED BY APPLICANT  
TRANSPORTATION DEVELOPMENT  
ENVIRONMENTAL HEALTH



D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

October 8, 2004

Ms. Cynthia Reinhart  
North Albuquerque Acres Community Assoc.  
11003 Anaheim Avenue NE  
Albuquerque, NM 87122

Ms. Jackie McDowell  
North Albuquerque Acres Community Assoc.  
7820 Beverly Hills Avenue NE  
Albuquerque, NM 87122

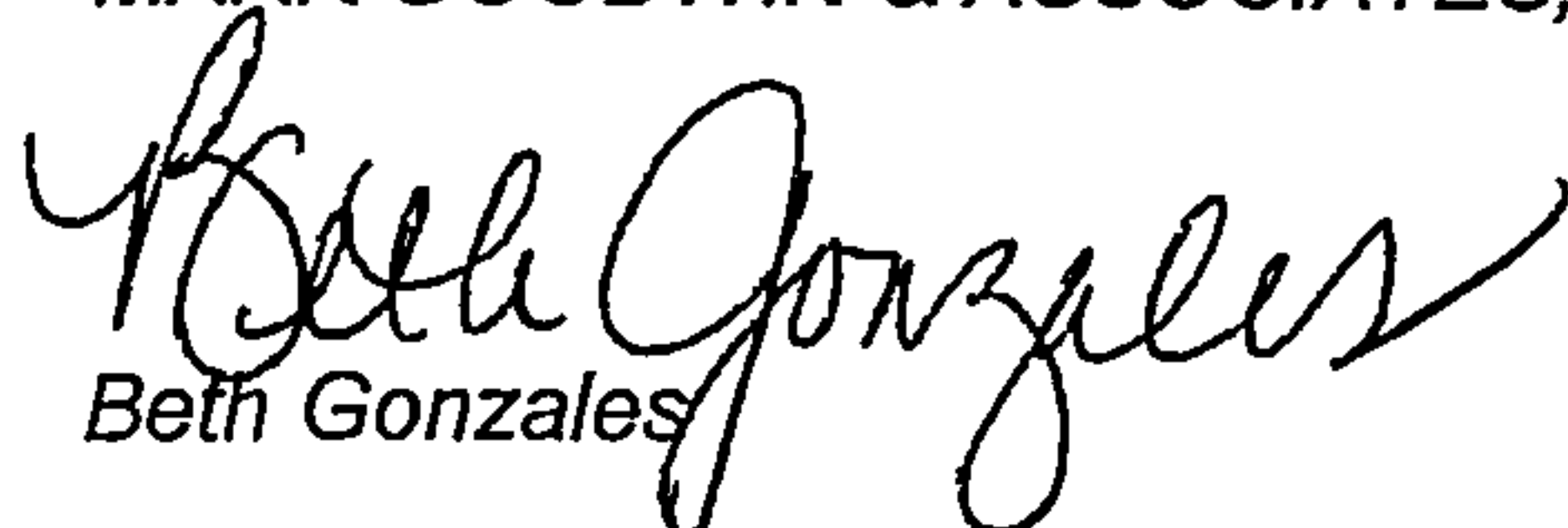
**Re: Benjamin Place Subdivision**

Dear Ms. Reinhart and Mr. McDowell:

Enclosed please find a copy of the Preliminary Plat approval and Temporary Sidewalk Deferral application for City of Albuquerque for the referenced project. The anticipated date to be heard November 3, 2004. Please contact Amy L. D. Niese, PE, of our office if you have any questions or concerns.

Sincerely,

MARK GOODWIN & ASSOCIATES, PA

  
Beth Gonzales

ALDN/bg

Enclosure



D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

October 8, 2004

Ms. Cynthia Reinhart  
North Albuquerque Acres Community Assoc.  
11003 Anaheim Avenue NE  
Albuquerque, NM 87122

Ms. Jackie McDowell  
North Albuquerque Acres Community Assoc.  
7820 Beverly Hills Avenue NE  
Albuquerque, NM 87122

**Re: Benjamin Place Subdivision**

Dear Ms. Reinhart and Mr. McDowell:

Enclosed please find a copy of the Preliminary Plat approval and Temporary Sidewalk Deferral application for City of Albuquerque for the referenced project. The anticipated date to be heard November 3, 2004. Please contact Amy L. D. Niese, PE, of our office if you have any questions or concerns.

Sincerely,

MARK GOODWIN & ASSOCIATES, PA

  
Beth Gonzalez

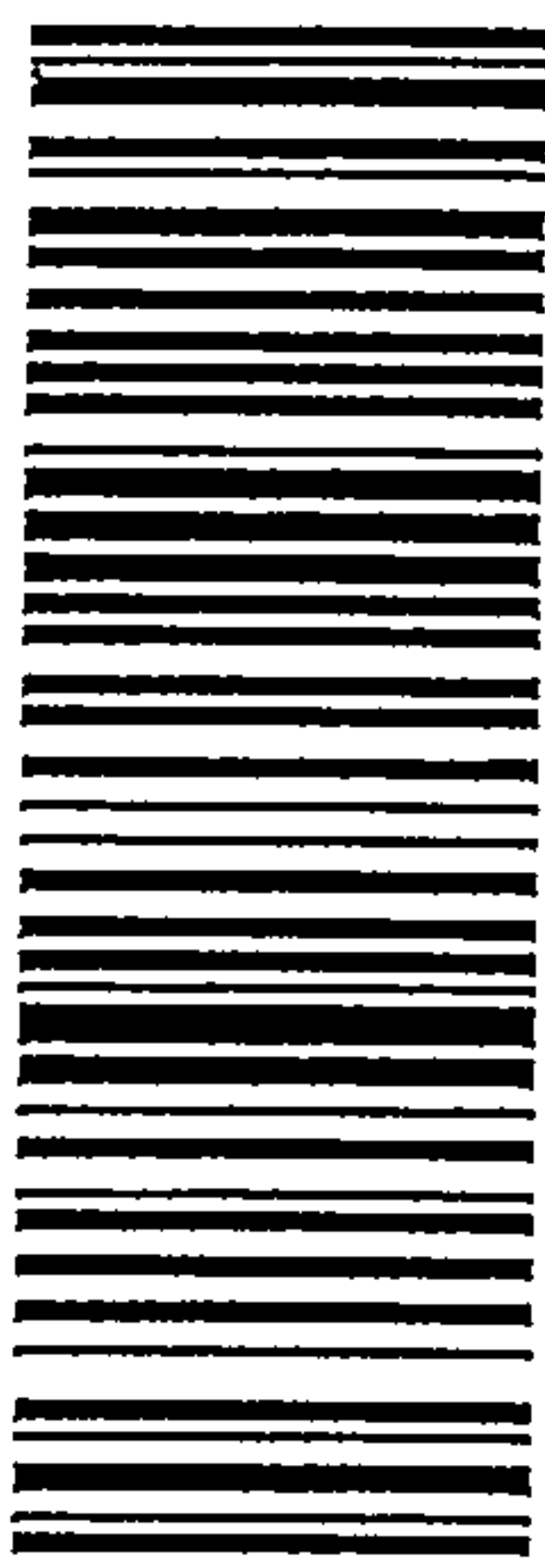
ALDN/bg

Enclosure

155 555 3153 3153

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL



7002 0860 0003 3153 5500  
7002 0860 0003 3153 5500

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	

Sent To  
*Mr. Jackie McNeill, N.A.A.C.A.*  
Street, Apt. No.,  
or PO Box No. *7820 Beverly Hills Ave NE*  
City, State, ZIP+ 4 *Albuquerque NM 87122*  
PS Form 3800, April 2002 See Reverse for Instructions

Domestic Mail Only; No Insurance Coverage Provided

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	

Sent To  
*Mrs. Cynthia Reinhart, N.A.A.C.A.*  
Street, Apt. No.,  
or PO Box No. *11003 Anaheim Ave NE*  
City, State, ZIP+ 4 *Albuquerque, NM 87122*  
PS Form 3800, April 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Mr. Jackie McNeill  
N.A.A. Comm. Assoc.  
7820 Beverly Hills Ave NE  
Albuquerque, NM  
87122*

2. Article Number  
(Transfer from service label)

PS Form 3811, February 2004 *A04023-ALDN* Domestic Return Receipt 102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*X*

B. Received by (Printed Name)

D. Is delivery address different from Item 1?  
If YES, enter delivery address below:

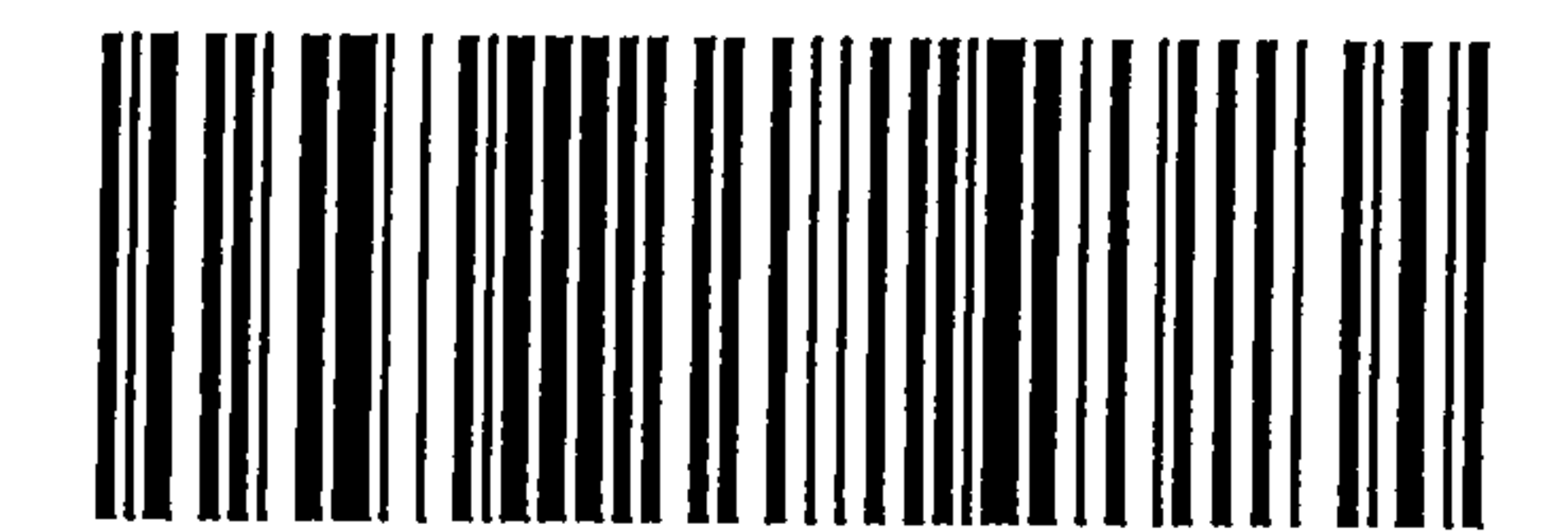
3. Service Type
- Certified Mail
  - Express Mail
  - Registered
  - Return Receipt for Merchandise
  - Insured Mail
  - C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

CERTIFIED MAIL

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

4645 3153 3000 0980 2002



4645 3153 3000 0980 2002

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Mrs. Cynthia Reinhart  
N.A.A. Comm. Assoc.  
11003 Anaheim Ave NE  
Albuquerque, NM  
87122*

2. Article Number  
(Transfer from service label)

PS Form 3811, February 2004 *A04023-ALDN* Domestic Return Receipt 102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

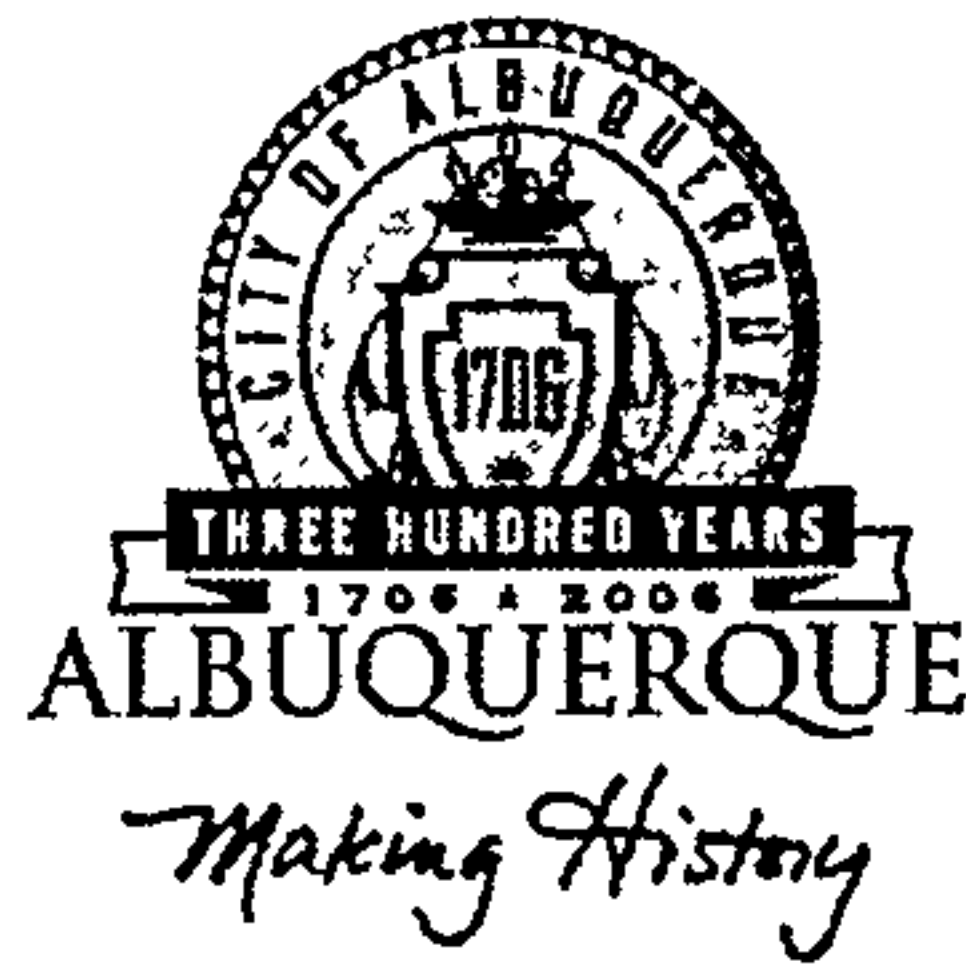
A. Signature  
*X*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from Item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Certified Mail
  - Express Mail
  - Registered
  - Return Receipt for Merchandise
  - Insured Mail
  - C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



**City of Albuquerque**  
P.O. Box 1293, Albuquerque, NM 87103

**PLEASE NOTE:** The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

October 6, 2004

Beth Gonzales  
Mark Goodwin and Associates, PA  
P.O. Box 90606/87199  
Phone: 828-2200/Fax: 797-9539  
E-mail: [beth@goodwinengineers.com](mailto:beth@goodwinengineers.com)

Dear Beth:

Thank you for your inquiry of **October 6, 2004** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **LOTS 27 AND 28, TRACT 1, BLOCK 16, UNIT 3, NORTH ALBUQUERQUE ACRES LOCATED ON GLENDALE AVENUE NE BETWEEN BARSTOW STREET NE AND VENTURA STREET NE zone map B-20.**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

**SEE "ATTACHMENT A" FOR NEIGHBORHOOD INFORMATION.**

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested**, before the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

*Stephani Winklepleck*

Neighborhood Program Coordinator  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

planningrnaform(10/05/04)

# NOTICE TO APPLICANTS

## SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

### WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
  - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
  - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
  - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
5. The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

\*\*\*\*\*

*(below this line for OCNC use only)*

Date of Inquiry: **10/06/04** Time Entered: **4:45 p.m.** ONC Rep. Initials: **SW**

# **"Attachment A"**

Beth Gonzales, Mark Goodwin and Associates, PA  
Zone Map: B-20

**NORTH ALBUQ. ACRES COMM. ASSOC. (R)**

**\*Cynthia Reinhart**

11003 Anaheim Ave. NE/87122 856-6054 (h)

Jackie McDowell

7820 Beverly Hills Ave. NE/87122 828-2430 (h)

**LETTERS MUST BE SENT TO BOTH**  
**CONTACTS OF EACH**  
**NEIGHBORHOOD ASSOCIATION.**

**FORM DRWS: DRAINAGE REPORT / WATER & SEWER AVAILABILITY**


THIS FORM IS REQUIRED WITH THE DEVELOPMENT REVIEW BOARD APPLICATION FOR MAJOR SUBDIVISIONS AND SITE DEVELOPMENT PLANS.

PROJECT NAME: Benjamin Place Subdivision  
AGIS MAP #: B-20  
LEGAL DESCRIPTION: Lots 27 & 28, Block 16, Tract 1, Unit 3, North Albuquerque Acres

✓

**DRAINAGE REPORT**

A drainage report, as per the Drainage Ordinance, was submitted to the City of Albuquerque Public Works Department, Hydrology Division (2nd floor Plaza del Sol) on 10/08/04 [date].


  
Applicant / Agent \_\_\_\_\_ 10/8/04 \_\_\_\_\_  
Date

\_\_\_\_\_  
Hydrology Division Representative \_\_\_\_\_ Date

✓

**WATER AND SEWER AVAILABILITY STATEMENT**

A Water and Sewer Availability Statement for this project was received from the City of Albuquerque Utilities Development Division (2nd floor Plaza del Sol) on 07/22/2004 [date].

  
Applicant / Agent \_\_\_\_\_ 10/8/04 \_\_\_\_\_  
Date

\_\_\_\_\_  
Utility Division Representative \_\_\_\_\_ Date

DRB# 1003520



# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.50 each.

#### 1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

#### 2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

#### 3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

#### 4. TIME

Signs must be posted from 10-19-04 To 11-3-04

#### 5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Laurence Davis  
(Applicant or Agent)

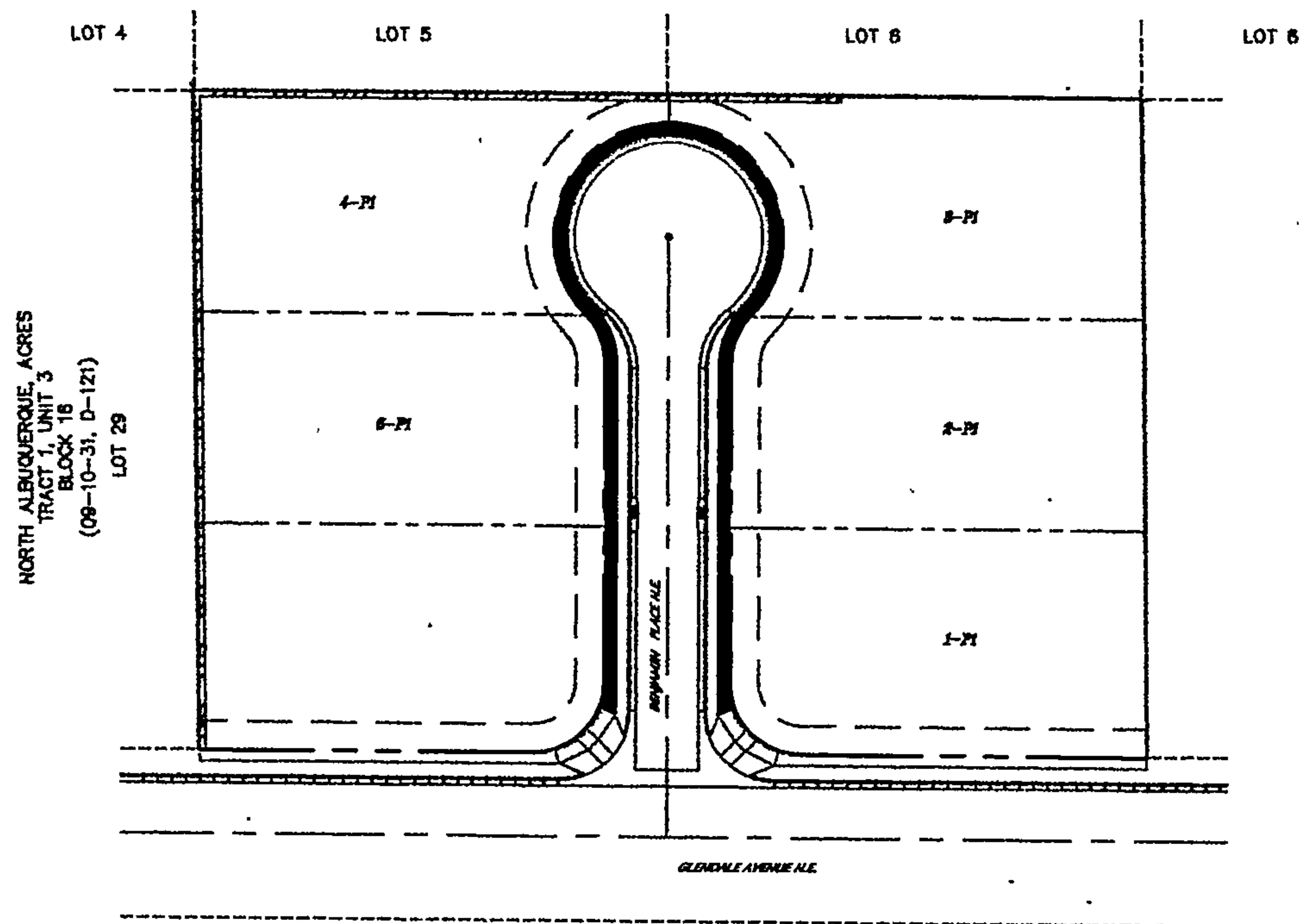
10-8-04  
(Date)

I issued 1 signs for this application, 10-8-04  
(Date)

Shirley Paul  
(Staff Member)

DRB PROJECT NUMBER: 1003520

NORTH ALBUQUERQUE, ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
(09-10-31, D-121)



NORTH ALBUQUERQUE, ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
(09-10-31, D-121)  
LOT 29

NORTH ALBUQUERQUE, ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
(09-10-31, D-121)  
LOT 29



NTS

EXHIBIT **C**  
Date 11/3/04

**dmg** MARK GOODWIN & ASSOCIATES, P.A.  
CONSULTING ENGINEERS  
P.O. BOX 90606  
ALBUQUERQUE, NEW MEXICO 87199  
(505) 828-2200, FAX (505) 797-9539

**LEGEND**

 SIDEWALK TO BE DEFERRED

**BENJAMIN PLACE SUBDIVISION  
SIDEWALK DEFERRAL EXHIBIT**

A4023QUIV3/GRADE AND DRAIN/A4023-SIDEWALK/10-07-04/ACH

## **GARCIA/KRAEMER & ASSOCIATES**

Wells Fargo Bank Building  
200 Lomas Blvd. N.W.  
Suite 1111  
Albuquerque, NM 87102  
(505) 242-5566  
Fax #(505) 242-9028

### **RESPONSE TO APPEAL** 05 EPC 00 1221 PROJECT NO. 1003520 04 DRB 01567

This response is on behalf of Washington Street Investors, LLC, owners of Lots 27 and 28, Block 16, Tract 1 North Albuquerque Acres, Unit 3, to be known as Benjamin Place Subdivision. The property is zoned RD 3 du/acre under the La Cueva Sector Plan.

The appeal of the DRB's preliminary plat approval by Mr. Phillips is not well founded and should be denied. The DRB's preliminary plat approval should be upheld.

I. Appellant's Standing of Appeal is **uncertain**.

A.) Mr. Phillips fails to allege facts which meet standing requirements of the Subdivision Regulations. Mr. Phillips states that he and his neighbors "live within 300 feet of the subject site", but Section 14-14-18 2(A) gives standing to persons who **own property** within 300 feet, a fact not alleged, but which must be proven for Standing.

B.) Section 14-14-18 2(B) gives certain recognized neighborhood associations standing, but Mr. Phillips admits that he and his neighbors can and do not bring this appeal as a neighborhood association.

II. Mr. Phillips' twelve (12) page Basis of Appeal purportedly raises issues based upon a variety of adopted plans and policies, including the Comprehensive Plan, Subdivision Regulations, La Cueva Sector Development Plan and portions of the Zoning Ordinance. Careful analysis of the Basis of Appeal reveals a lack of understanding by Appellant of the development process as well as the scope and authority of the DRB in their review and approval of a Preliminary Plat.

The basic flaw of the appeal is that it starts with the **unsupportable conclusions** that the subject property is not suitable for subdivision and that the **only** "orderly pattern of development" is the antiquated one acre grid pattern of North Albuquerque Acres. Ironically, the platting pattern advocated by Appellant has consistently been identified as a "barrier that has hindered sound urban development in North Albuquerque Acres".

III. The preliminary plat approval by the DRB clearly finds that the subject property is **suitable for subdivision**.

A. Any determination of suitability for subdivision requires consideration of the following **physical factors**:

- i. adequacy of access;
- ii. availability of water and sewer;
- iii. existence of geological formations or adverse soil conditions; and,
- iv. grading and drainage issues to handle surface hydrology.

Of these legitimate concerns, the problems raised by Appellants appear primarily to relate to surface hydrology.

The grading and drainage plan prepared by Mark Goodwin and Associates and specifically approved by the Public Works Department and the DRB demonstrate that hydrology concerns can and will be "corrected or mitigated" to the satisfaction of the City based on standard engineering practices. ( see Section 14-14-2-3 A, Subdivision Regulations)

B. **Zoning** is the regulatory factor that the **DRB is required** to consider in its determination of suitability for subdivision. Contrary to arguments by Appellant, the approval of this preliminary plat **conforms to all applicable zoning regulations**.

1.) The La Cueva Sector Plan established RD 3 du/ac zoning for the subject property. The same zoning designation applies to the surrounding lots which are developed with existing single-family residences on .89± acre lots (original platting). The RD 3 du/ac zoning designation provides the least intense residential land use in the Sector Plan area. Many of the developed one (1) acre lots on Florence were built prior to the adoption of the La Cueva Plan (see exhibit 2 La Cueva). Areas North and East of the Sector Plan area are zoned A-1 in Bernalillo County.

2.) Contrary to assertions by Appellant the RD 3 du/ac zoning classification **does not require site plan review**. A site plan is required only for "higher density uses". The common design regulations including issues raised about Perimeter Walls and Views under 5.4.6 of the La Cueva Plan are not applicable since they apply only where site plan review is required.

3.) RD 3 du/ac zoning is essentially equivalent to the standard R-1 zone (albeit with larger lots). The lots in this subdivision meet or exceed all applicable requirements (especially lot size).

WARRANTY DEED

MARRON FAMILY LIMITED PARTNERSHIP, LLP, a New Mexico limited liability partnership, for consideration paid, grants to WASHINGTON STREET INVESTMENTS, L.L.C., a New Mexico limited liability company, whose address is 8813 2nd Street, NW, Suite E, Albuquerque, New Mexico 87114, the following described real estate in Bernalillo County, New Mexico:

Lots numbered Twenty-seven (27) and Twenty-eight (28) in Block numbered Sixteen (16), Tract numbered One (1), Unit numbered Three (3) of NORTH ALBUQUERQUE ACRES, a subdivision of a tract of land in School Districts 3 and 4, Bernalillo County, New Mexico, as the same are shown and designated on the map of said Subdivision, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 10, 1931, in Plat Book D, folio 121.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2004 and years thereafter and all other matters of record.

We certify the foregoing is a true copy of the original thereof. Land America Albuquerque Title By *[Signature]*

with warranty covenants.

WITNESS its hand and seal on March 31, 2004.

MARRON FAMILY LIMITED PARTNERSHIP, LLP, a New Mexico limited liability partnership By *[Signature]* JOHN J. MARRON, General Partner

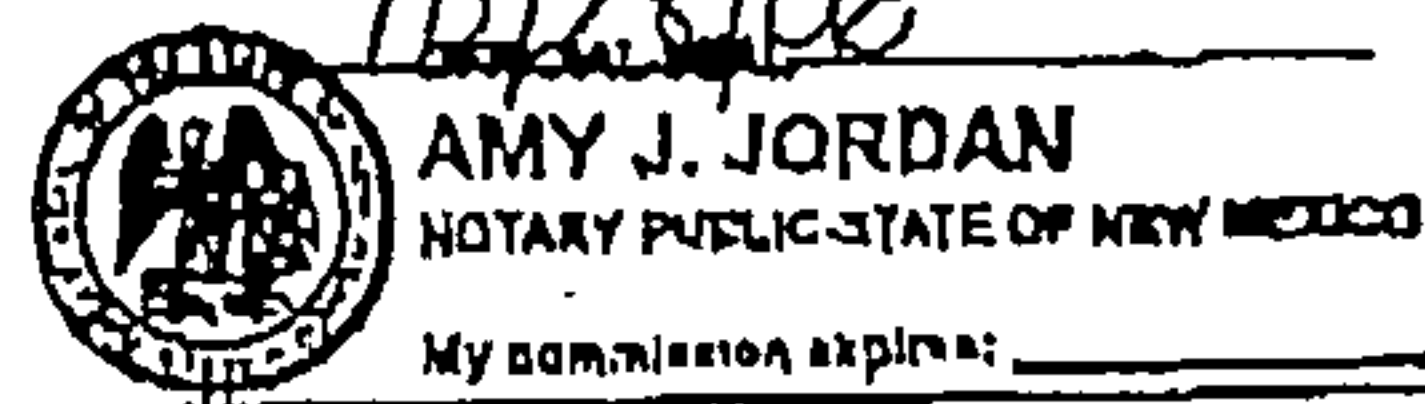
ACKNOWLEDGMENT

STATE OF NEW MEXICO ) ) COUNTY OF BERNALILLO )

This instrument was acknowledged before me on March 31st, 2004, by JOHN J. MARRON, General Partner of MARRON FAMILY LIMITED PARTNERSHIP, LLP, a New Mexico limited liability partnership.

MY COMMISSION EXPIRES: 12/28/06

*[Signature]* NOTARY PUBLIC



## PLANNING TRACKING LOG

<b>Date</b>	<b>Project Name &amp; #</b>	<b>Action Request</b>	<b>Action Taken</b>
7/14/04	1003520	Sketch	Comments

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
Development Review Board  
July 14, 2004 Comments**

**ITEM # 31**

**PROJECT # 1003520**

**APPLICATION # 04-00999**

**Re: Benjamin Place/sketch**

A site plan is not required as long as the densities stay at R-1 level or less per the LaCueva Sector Plan.

A perimeter wall design submittal is required for walls or fences abutting streets, public parks, open space or trails.



Sheran Matson, AICP DRB Chair  
924-3880 Fax 924-3864 smatson@cabq.gov

**DEVELOPMENT REVIEW BOARD**  
**TRANSPORTATION DEVELOPMENT**  
**Standard Comment Sheet**

DRB- 1003520                      Item No. 31                      Zone Atlas B-20

DATE ON AGENDA 7-14-04

INFRASTRUCTURE REQUIRED  YES ( ) NO

CROSS REFERENCE: \_\_\_\_\_  
\_\_\_\_\_

**TYPE OF APPROVAL REQUESTED:**

- SKETCH PLAT ( ) PRELIMINARY PLAT ( ) FINAL PLAT  
( ) SITE PLAN REVIEW AND COMMENT ( ) SITE PLAN FOR SUBDIVISION AMENDM.  
( ) SITE PLAN FOR BUILDING PERMIT

No.    Comment

- 1) Are these P1 lots?
- 2) Radii per DPM
- 3) Standard infrastructure required per DPM.
- 4) Need x-section of Glendale and right-of-way dedication should be shown. Use the new Major Local Standards.
- 5) Is Glendale paved to the subdivision?

**If you have any questions or comments please call Wilfred Gallegos at 924-3991. Meeting notes:**



**DEVELOPMENT REVIEW BOARD**  
**UTILITY DEVELOPMENT**  
**Standard Comment Sheet**

DRB- 1003520

Item No. 31

Zone Atlas B-20

DATE ON AGENDA 7/14/04

INFRASTRUCTURE REQUIRED  YES ( ) NO

CROSS REFERENCE: \_\_\_\_\_  
\_\_\_\_\_

TYPE OF APPROVAL REQUESTED: ( ) ANNEXATION  
(X) SKETCH PLAT ( ) PRELIMINARY PLAT ( ) FINAL PLAT  
( ) SITE PLAN REVIEW AND COMMENT ( ) SITE PLAN FOR SUBDIVISION AMENDM.  
( ) SITE PLAN FOR BUILDING PERMIT

No. Comment

Water line will need to be extended from the intersection of Modesto and Bartow.

Sewer line will need to be extended from Barstow.

If you have any questions or comments please call Roger Green at 924-3989. Meeting notes:



# City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

## PLANNING DEPARTMENT DEVELOPMENT AND BUILDING SERVICES HYDROLOGY DEVELOPMENT SECTION

### DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1003520**

**AGENDA ITEM NO: 31**

**SUBJECT:**

- |                         |                          |                              |
|-------------------------|--------------------------|------------------------------|
| (01) Sketch Plat/Plan   | (05) Site Plan for Subd  | (10) Sector Dev Plan         |
| (02) Bulk Land Variance | (06) Site Plan for BP    | (11) Grading Plan            |
| (03) Sidewalk Variance  | (07) Vacation            | (12) SIA Extension           |
| (03a) Sidewalk Deferral | (08) Final Plat          | (13) Master Development Plan |
| (04) Preliminary Plat   | (09) Infrastructure List | (14) Other                   |

**ACTION REQUESTED:**

REV/CMT:(x) APP:() SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

An approved drainage report is required for Preliminary Plat approval.  
An approved infrastructure list is required for Preliminary Plat approval.

**RESOLUTION:**

*discussal*

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED X; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** July 14, 2004

# A City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

**SUBDIVISION** **S**

Major Subdivision action

Minor Subdivision action

Vacation **V**

Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN** **P**

...for Subdivision Purposes

...for Building Permit

IP Master Development Plan

Cert. of Appropriateness (LUCC) **L**

Supplemental form

**ZONING & PLANNING** **Z**

Annexation

County Submittal

EPC Submittal

Zone Map Amendment (Establish or Change Zoning)

Sector Plan (Phase I, II, III)

Amendment to Sector, Area, Facility or Comprehensive Plan

Text Amendment (Zoning Code/Sub Regs)

**APPEAL / PROTEST of...** **A**

Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: Washington Street Investments, LLC PHONE: 922-4911

ADDRESS: 501 3<sup>rd</sup> Street SW FAX:

CITY: Albuquerque STATE NM ZIP 87102 E-MAIL:

Proprietary interest in site: Owner List all owners: ,

AGENT (if any): Mark Goodwin & Associates, PA PHONE: 828-2200

ADDRESS: PO Box 90606 FAX: 797-9539

CITY: Albuquerque STATE NM ZIP 87199 E-MAIL: Amy@goodwinengineers.com

**DESCRIPTION OF REQUEST:** Benjamin Place - Sketch Plat Approval

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. Lot s 27 & 28, Tract 1 Block: 16 Unit: 3

Subdiv. / Addn. North Albuquerque Acres

Current Zoning: R-D 3 Du/Ac Proposed zoning: Same

Zone Atlas page(s): B-20 No. of existing lots: 2 No. of proposed lots: 6

Total area of site (acres): 1.77 Density if applicable: dwelling per gross acre dwelling per net acre: \_\_\_\_\_

Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill?  No

UPC No. 102006507506930205; 102006509006930206 MRGCD Map No. \_\_\_\_\_

LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Avenue NE (8501 & 8521)

Between: Barstow Street NE and Ventura Street NE

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): N/A

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review:

SIGNATURE Amy L. D. Niese DATE 6/24/04

(Print) Amy L. D. Niese, PE \_\_\_\_\_ Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 9/01, 3/03, 7/03, 10/03, 3/04

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>04 DRB - 00999</u>	<u>Sketch</u>	<u>5(3)</u>	<u>\$ 0</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> All case #'s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #'s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ <u>0</u>

Hearing date JULY 14<sup>th</sup> 04

Brendan 6/25/04  
Planner signature / date

Project # 1003520

**FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING**

**SKETCH PLAT REVIEW AND COMMENT**

**YOUR ATTENDANCE IS REQUIRED.**

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. Sketches are not reviewed through internal routing.
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Any original and/or related file numbers are listed on the cover application

**MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT**

**Your attendance is required.**

- Preliminary Plat reduced to 8.5" x 11"
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Copy of previous D.R.B. approved infrastructure list
- Copy of the LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
- Any original and/or related file numbers are listed on the cover application

**Extensions are not reviewed through internal routing.**  
Extension of preliminary plat approval expires after one year.

**MAJOR SUBDIVISION FINAL PLAT APPROVAL**

**Your attendance is required.**

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Design elevations & cross sections of perimeter walls
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- SIA financial guaranty verification
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Any original and/or related file numbers are listed on the cover application
- DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

**MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL**

**Your attendance is required.**

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application
- Infrastructure list if required (verify with DRB Engineer) **NO INTERNAL ROUTING**
- DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

**AMENDMENT TO PRELIMINARY PLAT (with minor changes)**

**Your attendance is required.**

**AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)**

**AMENDMENT TO GRADING PLAN (with minor changes)**

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings.
  - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
  - Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
  - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

AMY L. D. NIESE, PE  
Applicant name (print)

[Signature]  
Applicant signature / date



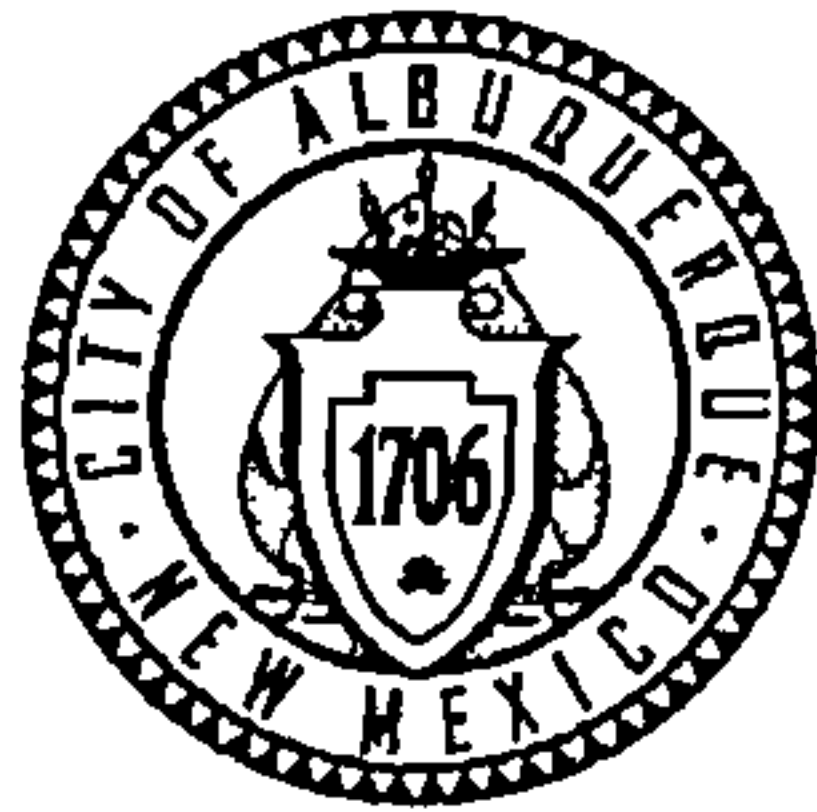
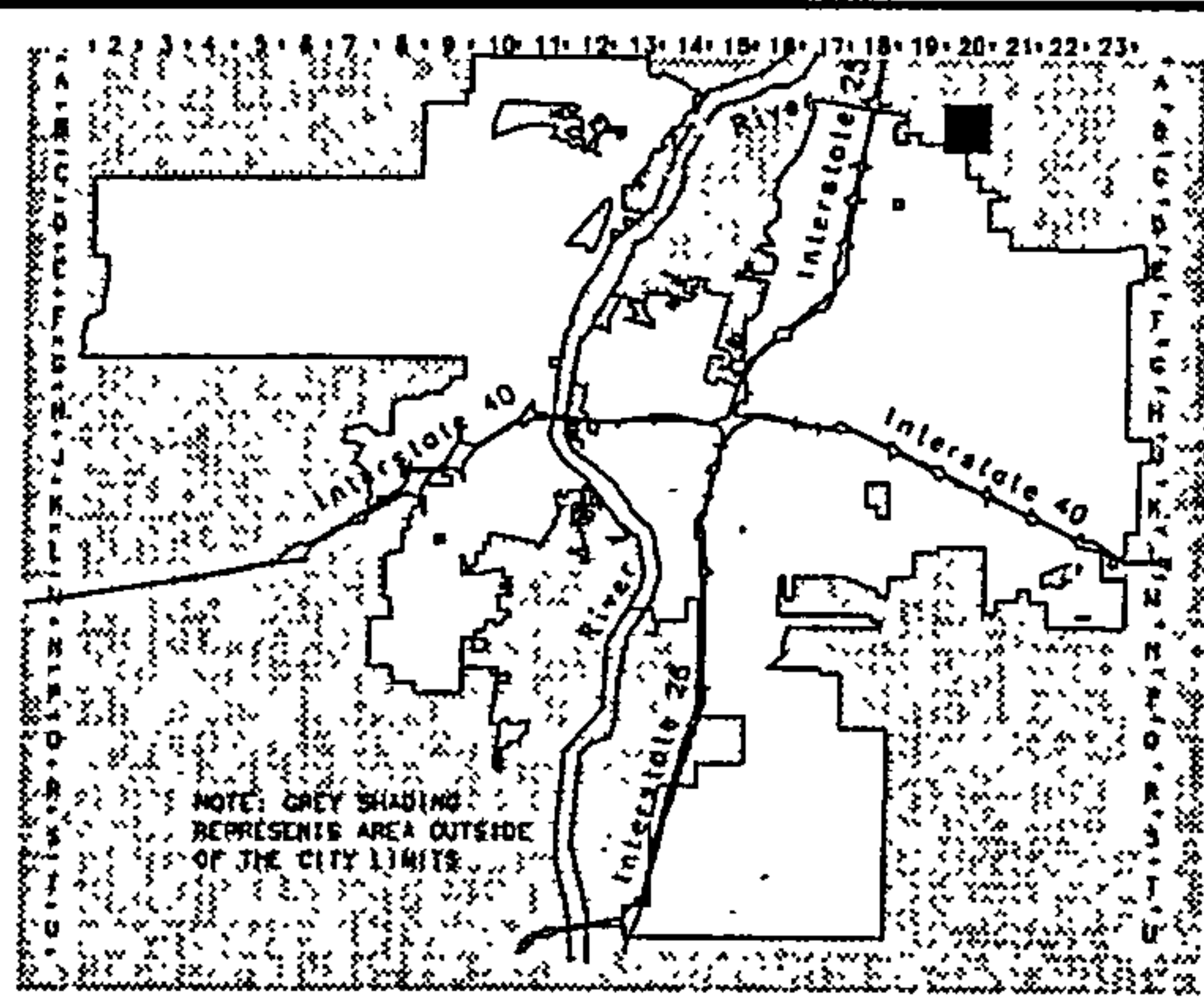
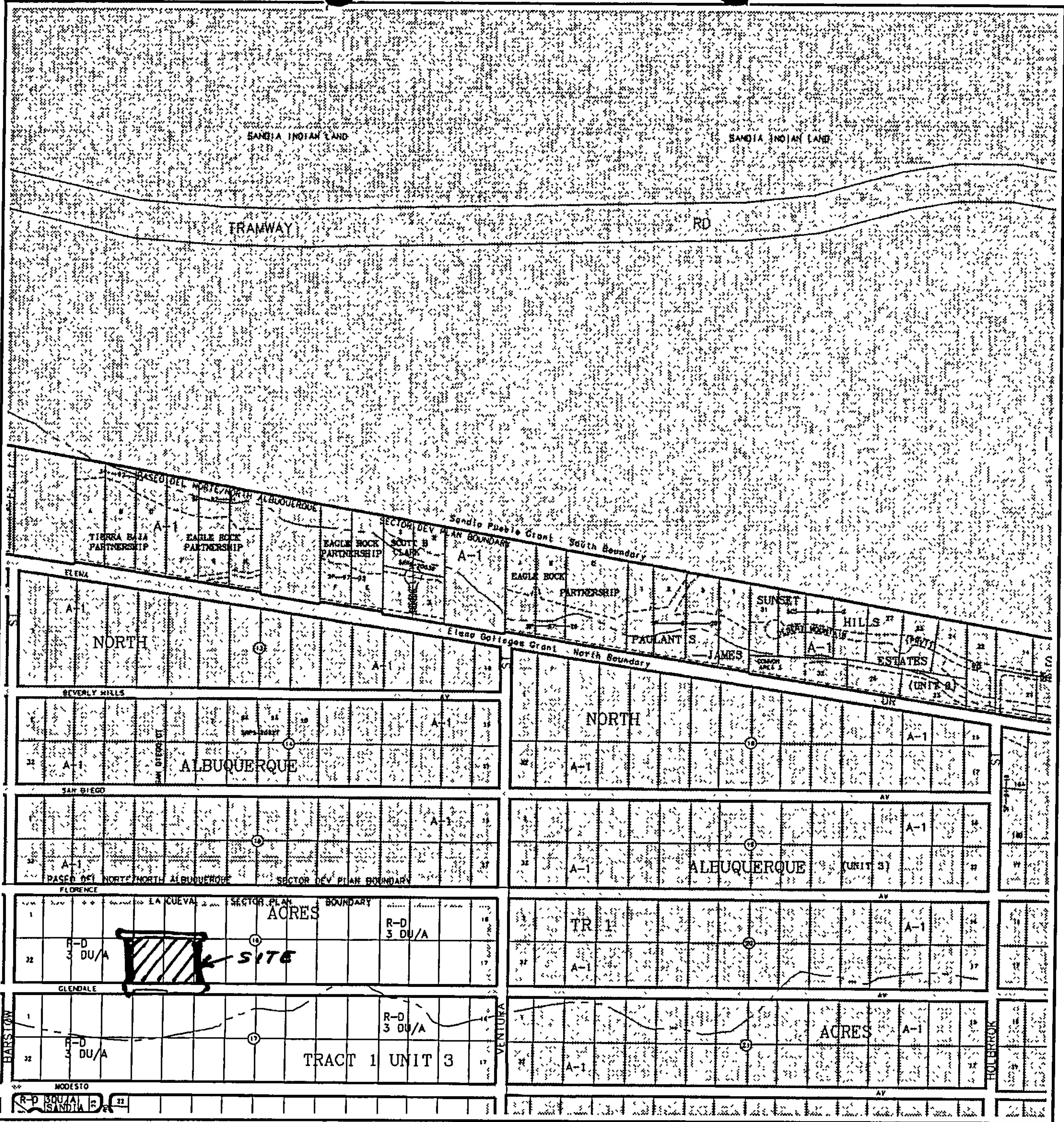
Form revised 3/03, 8/03 and 11/03

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
 04DRB - 00999

[Signature] 6/25/04  
 Planner signature / date

**Project # 1003520**



**A**lbuquerque **G**eographic **I**nformation **S**ystem  
**PLANNING DEPARTMENT**  
© Copyright 2003

**Zone Atlas Page**

**B-20-Z**

Map Amended through November 01, 2003



D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539  
e-mail: goodwinengrs@comcast.net

July 24, 2004

Ms. Sheron Matson  
Development Review Board  
City of Albuquerque  
600 2nd Street SW  
Albuquerque, NM 87103

**Re: Benjamin Place Subdivision**

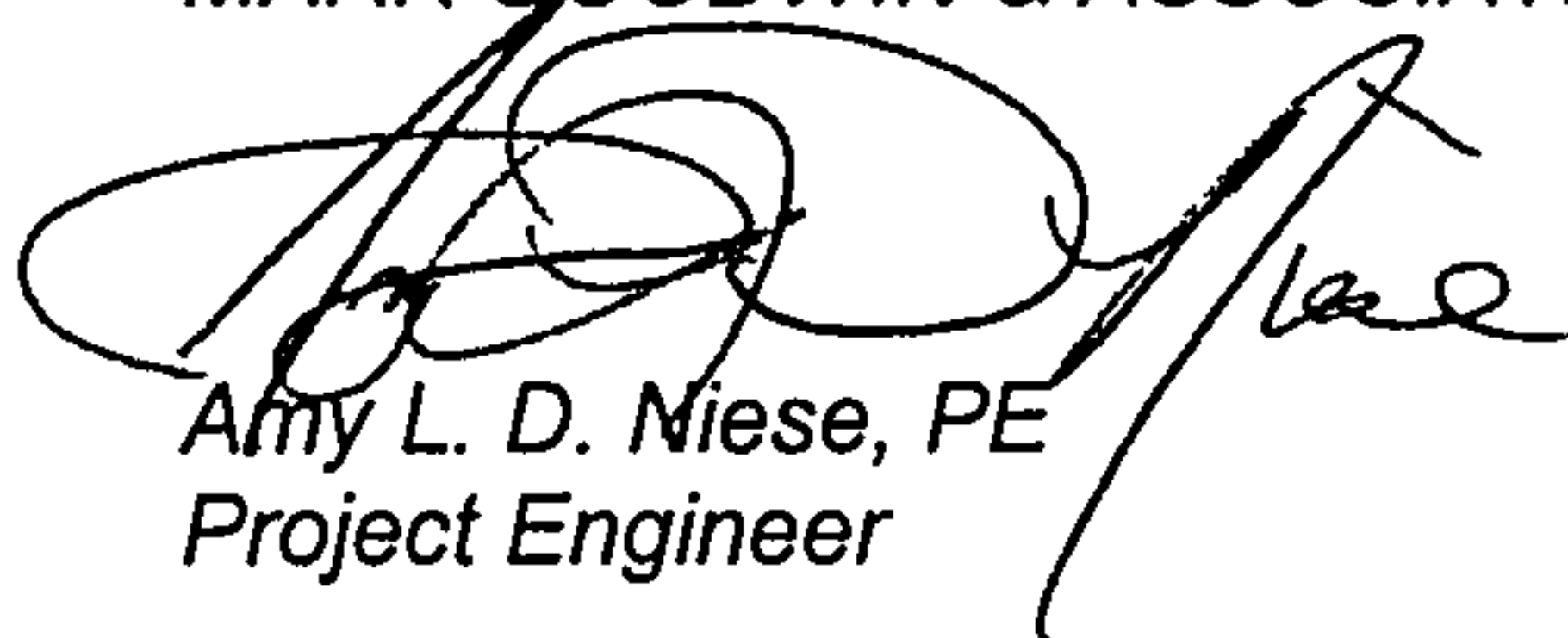
Dear Ms. Matson:

Enclosed is the Sketch Plat application for Benjamin Place Subdivision. The site is shown on Zone Atlas B20, and the zoning is R-D 3DU/AC. We are proposing 6 lots for this subdivision.

Please contact me if I can be of further assistance.

Sincerely,

MARK GOODWIN & ASSOCIATES, P.A.

A handwritten signature in black ink, appearing to read 'Amy L. D. Niese', is written over the typed name. The signature is fluid and cursive.

Amy L. D. Niese, PE  
Project Engineer



4-P1

3-P1

5-P1

2-P1

1-P1

BENJAMIN

GLENDALE

Item# 2

Project# 1003520

Hearing Date: Nov. 21, 2007

26





## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Study Session on Thursday, March 10, 2005, 4:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following:

1. Distribution & Review – Current Land Use Matters for the March 17, 2005 Public Hearing, which include the projects listed below.

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, March 17, 2005, 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items: [Note: these items are not in the order they will be heard]

**Project # 1003445**  
05EPC-00022 EPC Site Development Plan-  
Subdivision

DEVIN CANNADY agent for INTERSTATE DEVELOPMENT CO. LLC request the above action for Lots 2 and 3 of Block B, Lots 10A1 and 10A2 of Block D, Lot C1, Lot B1, Lot F, Lot E2, Lot 6A1, Lot D1, Albuquerque West and Lot 1, Tabernacle Praise Church, zoned SU-1 PDE to include C-3 Uses, located on PARADISE BLVD. NW, between PARADISE BLVD. NW and PASEO DEL NORTE NW, containing approximately 38 acres. (C-12) Elvira Lopez, Staff Planner

**Project # 1003901**  
05EPC-00098 Zone Map Amendment

MARTHA CARMONA requests the above action for all of a portion of Tracts 81 and 82, **MRCGD Map 37**, a zone map amendment from SU-2/C-3 to SU2/R-2, located on the west side of EDITH BOULEVARD, NE, between ROSEMONT AVENUE, NE and KINLEY AVENUE, NE, containing approximately .25 acres. (J-14) David Stallworth, Planner

**Project # 1003916**  
05EPC-00171 Zone Map Amendment

ARCH+PLAN LAND USE CONSULTANTS, LLC, agent for INTERSTATE DEVELOPMENT CO. INC., requests the above action for all of a portion of Tract A, Unit A, Blocks 18 and 19, **North Albuquerque Acres**, a zone map amendment from SU-1 for Mobile Home Park to R-1, located on the west side of LOUISIANA BOULEVARD, NE, between DERICKSON AVENUE, NE and SANTA MONICA AVENUE, NE, containing approximately 59.5 acres. (D-18) David Stallworth, Planner

**Project # 1003918**  
05EPC-00174 EPC Site Development Plan-  
Building Permit

RIO GRANDE ENGINEERS agents for DAVID & JENNIFER SOULE request the above action(s) for all or a portion of Tracts 10A & 11A, **Paradise Hills Investment Properites, Unit 1**, zoned SU-1 for C-1 Uses, located on BUGLO Ave. NW, between LYONS BLVD. NW and Lilienthal Ave. NW, containing approximately 2 acres. (B-11) Elvira Lopez, Staff Planner

**Project # 1001946**  
05EPC-00176 EPC Site Development Plan-  
Subdivision

DENISH + KLINE ASSOCIATES, INC. agents for LOWE'S INC. request the above action for Lot A (Los Angeles Center); Remainder 26, 27, 28 & 6, Block 2; Lot 5, 6, 7, 27 & 28, Block 3, NAA Tr. A, Unit A, zoned M-1, located on PASEO DEL NORTE NE, between INTERSTATE 25 and SAN PEDRO DR., containing approximately 10 acres. (D-18) Makita Hill, Staff Planner

**Project # 1002457**  
05EPC-00177 EPC Site Development Plan-  
Building Permit  
05EPC-00178 Zone Map Amendment

CONSENSUS PLANNING, INC., agents for REMAX ELITE, requests the above actions for all of a portion of Tracts X1-A and X2-A, Block 2, **Glenwood Hills, Unit 1**, zoned C-1 and P, located at the southeast corner of TRAMWAY BOULEVARD, NE and MONTGOMERY BOULEVARD, NE, containing approximately 2.1 acres. (G-23) David Stallworth, Planner

**Project # 1003919**  
05EPC-00179 EPC Site Development Plan-  
Amendment to Building Permit

CONSENSUS PLANNING, INC. agents for CITY OF ALBUQUERQUE/DEPT. OF MUNIC DEVEL request the above action for all or a portion of Lot A1, **Paradise Skies Unit 5**, zoned SU-1/R-T, located on SAGITTARIUS AVE. NW, between ROCKCLIFF COURT NW and CASSIOPEIA ST. NW, containing approximately 5 acres. (A-10) Stephanie Shumsky, Staff Planner

**Project # 1003920**  
05EPC-00180 Zone Map Amendment

DAVID WEATHERMAN agent for LINDA & RONNIE CARRELL request the above action for all or a portion of Lots 6, 7, 8, 9, and 10 **Westpark**, a zone map amendment from R-1 to RT, located on NEW YORK SW, between GALLUP SW and CENTRAL SW, containing approximately 1 acre. (J-13) Stephanie Shumsky, Staff Planner

**Project # 1003921**  
05EPC-00181 Zone Map Amendment  
05EPC-00182 Amendment - La Cueva Sector  
Development Plan  
05EPC-00183 Park Master Development Plan

CONSENSUS PLANNING, INC. agents for CITY OF ALBUQUERQUE/DEPT. OF MUNIC. DEV request the above actions, including a zone map amendment from R-D/R-T to SU-1 for Community Park & Related Facilities, for all or a portion of Lots 1-32, Tract 2, Unit 3, **North Albuquerque Acres**, located on CARMEL AVE. NE, between LOUISIANA BLVD. NE and WYOMING BLVD. NE, containing approximately 60 acres. (C-19) Carmen Marrone, Staff Planner

**Project # 1002358**  
05EPC-00187 SPR Special Planning Request

CIP agents for CITY OF ALBUQUERQUE/CIP request the above action for as required by CIP Ordinance, this request is for EPC to hold a public hearing on the proposed 2005 GO Bond Program & 2005-2014 Decade Plan.

**Project # 1003747**  
05EPC-00024 EPC Site Development Plan-  
Subdivision  
05EPC-00025 EPC Site Development Plan-  
Building Permit

TIERRA WEST LLC agents for WALMART STORES EAST, LP & WEINGARTEN REALTY INVESTORS request the above actions for all of Tracts 1, 4 and 5, being a portion of the **Wyoming Mall Summary Plat**, zoned C-2 (SC), located on WYOMING BLVD. NE, between MENAUL BLVD. NE and NORTHEASTERN ST. NE, containing approximately 25 acres. (H-20) Carmen Marrone, Staff Planner

**Project # 1001620**  
05EPC-00207 Amendment to the Zone Code

CITY OF ALBUQUERQUE/Planning Department, agents for City of Albuquerque/ City Council request an amendment to the Comprehensive City Zoning Code regarding Off Premise Signs.

**05EPC-00122** **Project # 1003520**  
04DRB-01567 Major-Vacation of Pub  
Right-of-Way

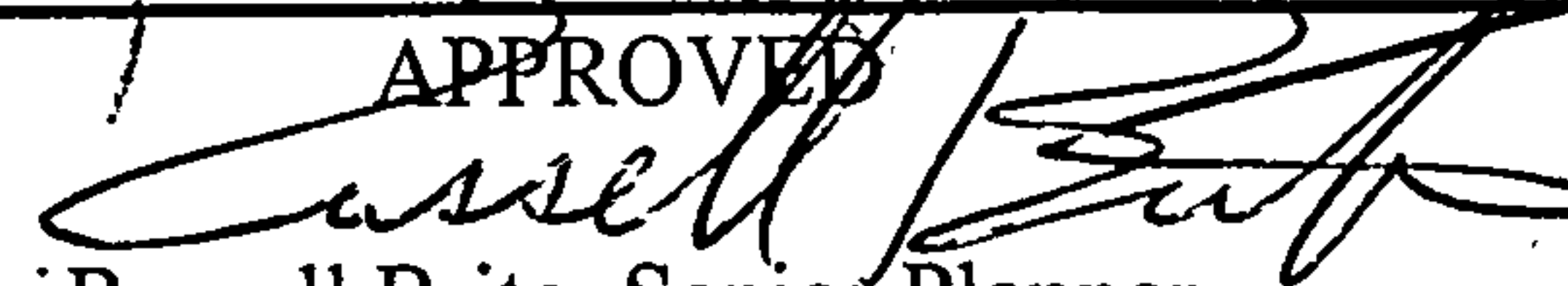
James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05] [04DRB-1570 WAS WITHDRAWN] (B-20)

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 10:00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886.

Jens Deichmann, Chairman  
Environmental Planning Commission

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL FEBRUARY 23, 2005.**

APPROVED

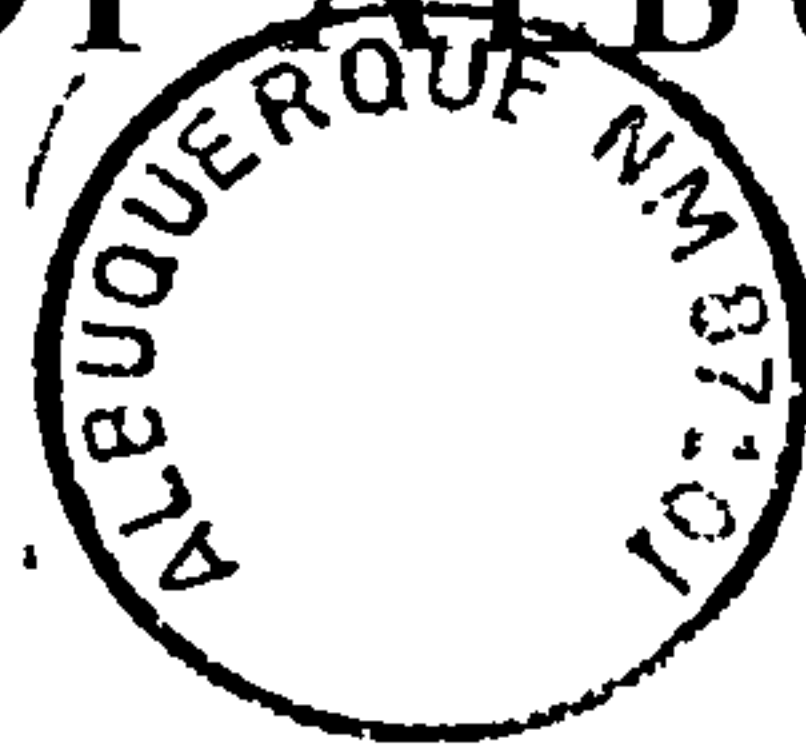


Russell Brito, Senior Planner  
Planning Department

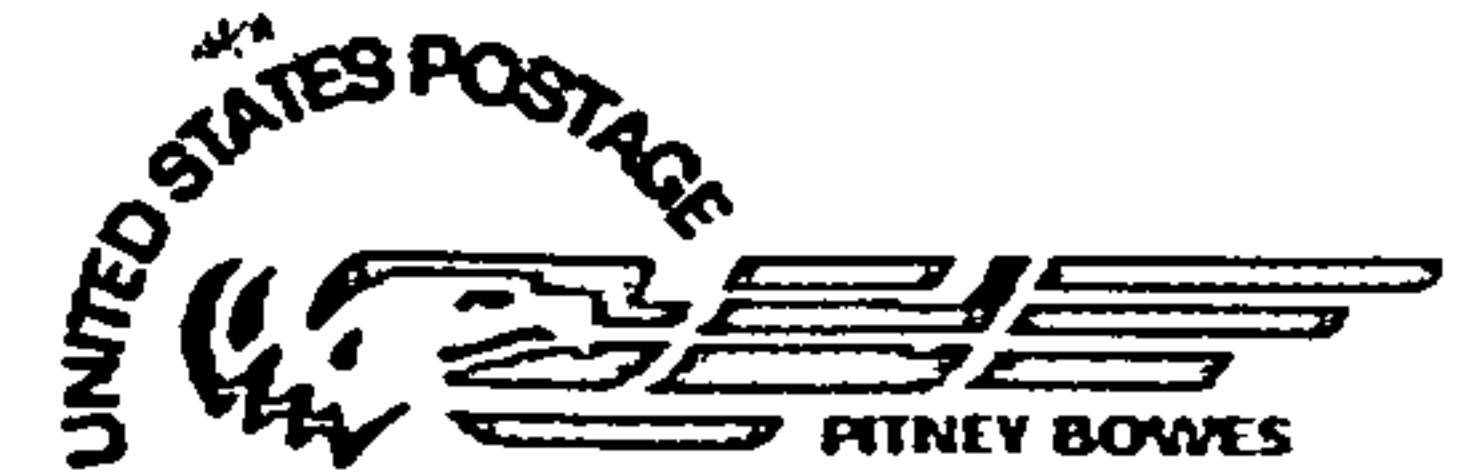
# CITY OF ALBUQUERQUE



*FPC  
ORS*



RETURN  
TO SENDER  
NOT DELIVERABLE  
AS ADDRESSED  
UNABLE TO FORWARD



02 1A \$ 00.370  
0004329277 FEB 24 2005  
MAILED FROM ZIP CODE 87102

102006505806930204

RAWSON F LEWIS  
7415 SUNROSE NW  
ALBUQUERQUE NM 87105

Planning Department

P.O. Box 1293

Albuquerque, NM 87103

87120+2773 5A



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, November 3, 2004, beginning at 9:00 a.m. for the purpose of considering the following:

**Project # 1003571**

04DRB-01517 Major-Vacation of Public Easements  
04DRB-01518 Major-Preliminary Plat Approval  
04DRB-01519 Minor-Sidewalk Waiver  
04DRB-01520 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES agent(s) for CURB INC request(s) the above action(s) for all or a portion of Tract(s) 9-B-1, 9-B-2 and 12-A-2, **EL RANCHO GRANDE 1, UNIT 9B**, zoned R-LT residential zone, located on BLAKE RD NW, between AMOLE CHANNEL and 98<sup>TH</sup> ST NW containing approximately 36 acre(s). [REF: 04DRB01134] (N-9)

**Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01570 Minor-Ext of SIA for Temp Defer SDWK  
04DRB-01568 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] (B-20)

**Project # 1001685**

04DRB-01566 Major-Vacation of Pub Right-of-Way

WILSON & COMPANY agent(s) for GOLF COURSE & MCMAHON LLC request(s) the above action(s) for all or a portion of Tract(s) 1-B, **PARADISE NORTH**, zoned SU-1 FOR IP, located on GOLF COURSE RD NW, between MCMAHON BLVD NW and IRVING BLVD NW containing approximately 24 acre(s). [REF: 02DRB-00005] (A-12)

**Project # 1003470**

04DRB-01522 Major-Bulk Land Variance  
04DRB-01523 Major-Preliminary Plat Approval  
04DRB-01524 Minor-Temp Defer SDWK

WILSON & COMPANY agent(s) for SCOTT SCHIABOR SPS LC request(s) the above action(s) for all or a portion of Tract(s) 1A, 2A, 1B & 2B, **VISTA VIEJA SUBDIVISION**, KASSUBA-MONTBEL LANDS, zoned R-1 residential zone, located on 81<sup>ST</sup> ST NW and ALBERICOQUE PL NW containing approximately 152 acre(s). [REF: 04DRB00825, 04DRB01460] (D-9)

**SEE PAGE 2 . . .**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE  
PAGE 2**

**Project # 1003238**

04DRB-01569 Major-Preliminary Plat  
Approval  
04DRB-01573 Minor-Vacation of Private  
Easements  
04DRB-01571 Minor-Sidewalk Waiver  
04DRB-01572 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for AMC DEVELOPMENT SERVICES request(s) the above action(s) for all or a portion of Lot(s) A, B C, Tract(s) 267, 268-B, 270-A-2, 270-A-1-C, 270-A-1-D, 270-B AND 315-A-1-A-1, M.R.G.C.D. MAP 35 AND LAND OF ALBERT PEREZ, TRACT(S) B1 AND B2, LAND OF MACIEL & TRUJILLO (to be known as **FLORAL MEADOWS SUBDIVISION**, zoned R-LT residential zone, located on INTERSTATE 40 between RIO GRANDE BLVD NW and MONTOYA ST NW containing approximately 8 acre(s). [REF: 04EPC00156, 04EPC00157, 04DRB00661, 04DRB01227] (H-12/H-13)

**Project # 1003705**

04DRB-01540 Major-Vacation of Public  
Easements  
04DRB-01539 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for DR VIJAY AGARWAL request(s) the above action(s) for all or a portion of Lot(s) 7, 8 AND 9 and the south 47 feet of Lot(s) 4, 5, 6, Block(s) 22, **BROWNEWELL & LAILS HIGHLAND ADDITION**, zoned SU-2 MC, located on OAK ST NE, between TIJERAS NE and COPPER NE containing approximately 1 acre(s).[REF:V-78-38](K-15)

**Project # 1003717**

04DRB-01565 Major-Vacation of Pub  
Right-of-Way

ERIC C JOHNSON request(s) the above action(s) for all or a portion of Lot(s) 6, Block(s) 38, **EASTERN ADDITION**, zoned SU-2 NCR, located on AVENIDA CESAR CHAVEZ SE, between BROADWAY SE and ARNO SE containing approximately 1 acre(s). (L-14)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays. Individuals with disabilities who need special assistance to participate at this meeting should contact Claire Senova, Planning Department, at 924-3946. Hearing Impaired users may contact her via the New Mexico Relay Network by calling toll-free: 1-800-659-8331.

Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, OCTOBER 18, 2004.**

# CITY OF ALBUQUERQUE

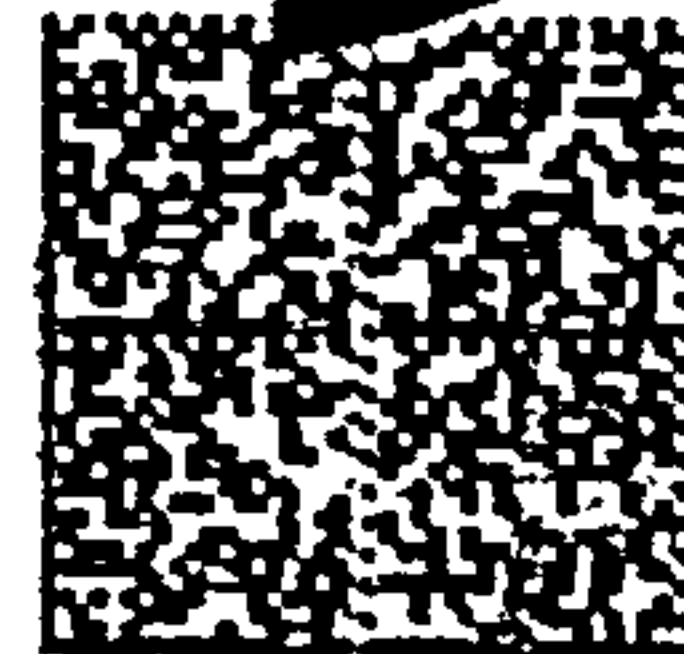


*Making History*

Planning Department

P.O. Box 1293

Albuquerque, NM 87103



02 1A \$ 00.37<sup>0</sup>  
0004829277 OCT 18 2004  
MAILED FROM ZIP CODE 87102

SEND

102006505809330229

SCANLAND MARIAN C  
1795 EL DORADO  
BOSQUE FARMSNM

LP

[Redacted]

- Forwarding Order Expired
  - Inefficient Address
  - Moved, Left No Address
  - Unclaimed  Refused
  - Attempted - Not Known
  - No Such Street
  - No Such Number
  - No Mail Acceptance
- Do Not Re-mail in This Envelope  
Comments M

DRB





**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, November 3, 2004, beginning at 9:00 a.m. for the purpose of considering the following:

**Project # 1003571**

04DRB-01517 Major-Vacation of Public Easements  
04DRB-01518 Major-Preliminary Plat Approval  
04DRB-01519 Minor-Sidewalk Waiver  
04DRB-01520 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES agent(s) for CURB INC request(s) the above action(s) for all or a portion of Tract(s) 9-B-1, 9-B-2 and 12-A-2, **EL RANCHO GRANDE 1, UNIT 9B**, zoned R-LT residential zone, located on BLAKE RD NW, between AMOLE CHANNEL and 98<sup>TH</sup> ST NW containing approximately 36 acre(s). [REF: 04DRB01134] (N-9)

**Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01570 Minor-Ext of SIA for Temp Defer SDWK  
04DRB-01568 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] (B-20)

**Project # 1001685**

04DRB-01566 Major-Vacation of Pub Right-of-Way

WILSON & COMPANY agent(s) for GOLF COURSE & MCMAHON LLC request(s) the above action(s) for all or a portion of Tract(s) 1-B, **PARADISE NORTH**, zoned SU-1 FOR IP, located on GOLF COURSE RD NW, between MCMAHON BLVD NW and IRVING BLVD NW containing approximately 24 acre(s). [REF: 02DRB-00005] (A-12)

**Project # 1003470**

04DRB-01522 Major-Bulk Land Variance  
04DRB-01523 Major-Preliminary Plat Approval  
04DRB-01524 Minor-Temp Defer SDWK

WILSON & COMPANY agent(s) for SCOTT SCHIABOR SPS LC request(s) the above action(s) for all or a portion of Tract(s) 1A, 2A, 1B & 2B, **VISTA VIEJA SUBDIVISION**, KASSUBA-MONTBEL LANDS, zoned R-1 residential zone, located on 81<sup>ST</sup> ST NW and ALBERICOQUE PL NW containing approximately 152 acre(s). [REF: 04DRB00825, 04DRB01460] (D-9)

**SEE PAGE 2 . . .**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE  
PAGE 2**

**Project # 1003238**

04DRB-01569 Major-Preliminary Plat  
Approval  
04DRB-01573 Minor-Vacation of Private  
Easements  
04DRB-01571 Minor-Sidewalk Waiver  
04DRB-01572 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for AMC DEVELOPMENT SERVICES request(s) the above action(s) for all or a portion of Lot(s) A, B C, Tract(s) 267, 268-B, 270-A-2, 270-A-1-C, 270-A-1-D, 270-B AND 315-A-1-A-1, M.R.G.C.D. MAP 35 AND LAND OF ALBERT PEREZ, TRACT(S) B1 AND B2, LAND OF MACIEL & TRUJILLO (to be known as **FLORAL MEADOWS SUBDIVISION**, zoned R-LT residential zone, located on INTERSTATE 40 between RIO GRANDE BLVD NW and MONTOYA ST NW containing approximately 8 acre(s). [REF: 04EPC00156, 04EPC00157, 04DRB00661, 04DRB01227] (H-12/H-13)

**Project # 1003705**

04DRB-01540 Major-Vacation of Public  
Easements  
04DRB-01539 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for DR VIJAY AGARWAL request(s) the above action(s) for all or a portion of Lot(s) 7, 8 AND 9 and the south 47 feet of Lot(s) 4, 5, 6, Block(s) 22, **BROWNEWELL & LAILS HIGHLAND ADDITION**, zoned SU-2 MC, located on OAK ST NE, between TIJERAS NE and COPPER NE containing approximately 1 acre(s).[REF:V-78-38](K-15)

**Project # 1003717**

04DRB-01565 Major-Vacation of Pub  
Right-of-Way

ERIC C JOHNSON request(s) the above action(s) for all or a portion of Lot(s) 6, Block(s) 38, **EASTERN ADDITION**, zoned SU-2 NCR, located on AVENIDA CESAR CHAVEZ SE, between BROADWAY SE and ARNO SE containing approximately 1 acre(s). (L-14)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays. Individuals with disabilities who need special assistance to participate at this meeting should contact Claire Senova, Planning Department, at 924-3946. Hearing Impaired users may contact her via the New Mexico Relay Network by calling toll-free: 1-800-659-8331.

Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, OCTOBER 18, 2004.**

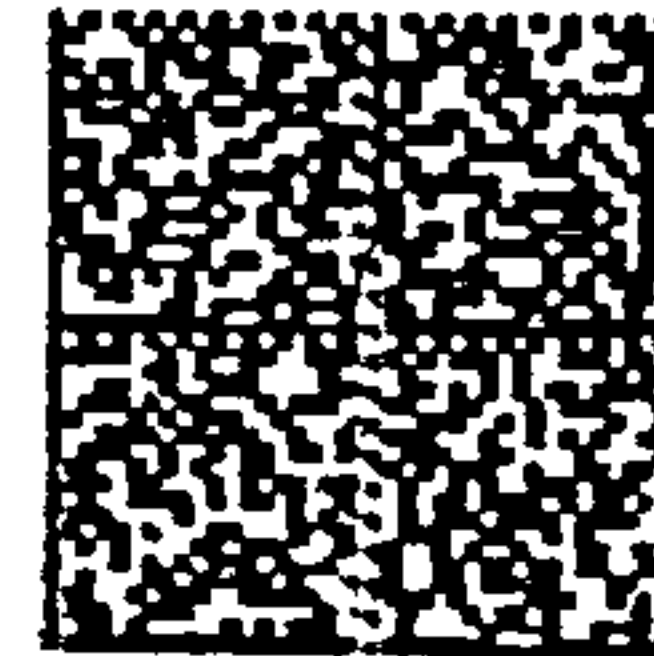
# CITY OF ALBUQUERQUE



Planning Department

P.O. Box 1293

Albuquerque, NM 87103



02 1A \$ 00.37<sup>0</sup>  
0004329277 OCT 18 2004  
MAILED FROM ZIP CODE 87102

*DLB*

*%*

102006505806930204

**RAWSON** \* LEWIS  
7415 SUNROSE  
ALBUQUERQUE NM

RAWS415 871202008 1703 11 10/23/04  
FORWARD TIME EXP RTN TO SEND  
RAWSON  
8421 GLENDALE AVE NE  
ALBUQUERQUE NM 87122-3895

87:

RETURN TO SENDER

8712042773 SA

|||



PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE

PAGE 2

**Project # 1004139**  
05DRB-00969 Major-Preliminary Plat Approval

BRASHER & LORENZ agent(s) for STEVE SLICK request(s) the above action(s) for all or a portion of Lot(s) 27, 28 & 29, and Tract(s) 1, Block(s) 17, Tract(s) 1, NORTH ALBUQUERQUE ACRES, UNIT 3 (to be known as **MODESTO SEVEN**) zoned R-D, 3DU/ACRE, located on MODESTO AVE NE, between BARSTOW NE and VENTURA NE containing approximately 3 acre(s). [REF: 05DRB-00668] (B-20)

**Project # 1004272**  
05DRB-01033 Major-Preliminary Plat Approval  
05DRB-01038 Minor-Sidewalk Waiver  
05DRB-01039 Minor-Temp Defer SDWK

ISAACSON & ARFMAN agent(s) for CURB INC request(s) the above action(s) for Tract(s) 16D, BULK LAND PLAT, Tract(s) 16-A, 16-B, 16-C, 16-D, 16-E & 16-F, (to be known as **EL RANCHO GRANDE, UNIT 17**) zoned R-D residential and related uses zone, developing area, located on GIBSON BLVD SW, between MESSINA DR SW and DELGADO DR SW containing approximately 3 acre(s). (N-8)

**Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
05EPC-00122  
AC-05-06

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] (B-20) **REMANDED BACK TO DRB FOR WALL HEIGHTS AND STEP INTERVALS.**

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Claire Senova, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 - TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

  
Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, JUNE 27, 2005.**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW**, on **Wednesday, July 13, 2005**, beginning at **9:00 a.m.** for the purpose of considering the following:

**Project # 1000614**

05DRB-00982 Major-Two Year SIA

TIERRA WEST LLC agent(s) for DEVELOPMENT SERVICES LTD CO request(s) the above action(s) for, **LA CUEVA OESTE, UNITS 2 & 4**, zoned R-D residential and related uses zone, developing area, located on HOLLY AVE NE, between LOUISIANA BLVD NE and SAN PEDRO DR NE containing approximately 37 acre(s). [REF: 04DRB000913] (C-18)

**Project # 1002397**

05DRB-01042 Major-One Year SIA

TIERRA WEST LLC agent(s) for SHULL REALTY & WATERS EDGE LLC request(s) the above action(s) for all or a portion of Lot(s) 1-10, **BOSQUE PLAZA**, zoned C-1, located on LA ORILLA RD NW, between COORS BLVD NW and CORRALES DRAIN containing approximately 12 acre(s). [REF: Z-87-56, DRB-87-200, 02DRB01925, 04DRB01196] (E-12)

**Project # 1000724**

05DRB-00989 Major-One Year SIA

MARK GOODWIN & ASSOCIATES agent(s) for GSR GROUP, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **RAYO DEL SOL, UNIT 1**, zoned R-LT, located behind TOM TENORIO PARK, between COORS BLVD SW and UNSER BLVD SW containing approximately 9 acre(s). [REF: 02DRB-01268,0044001098, Z-97-87] (M-10)

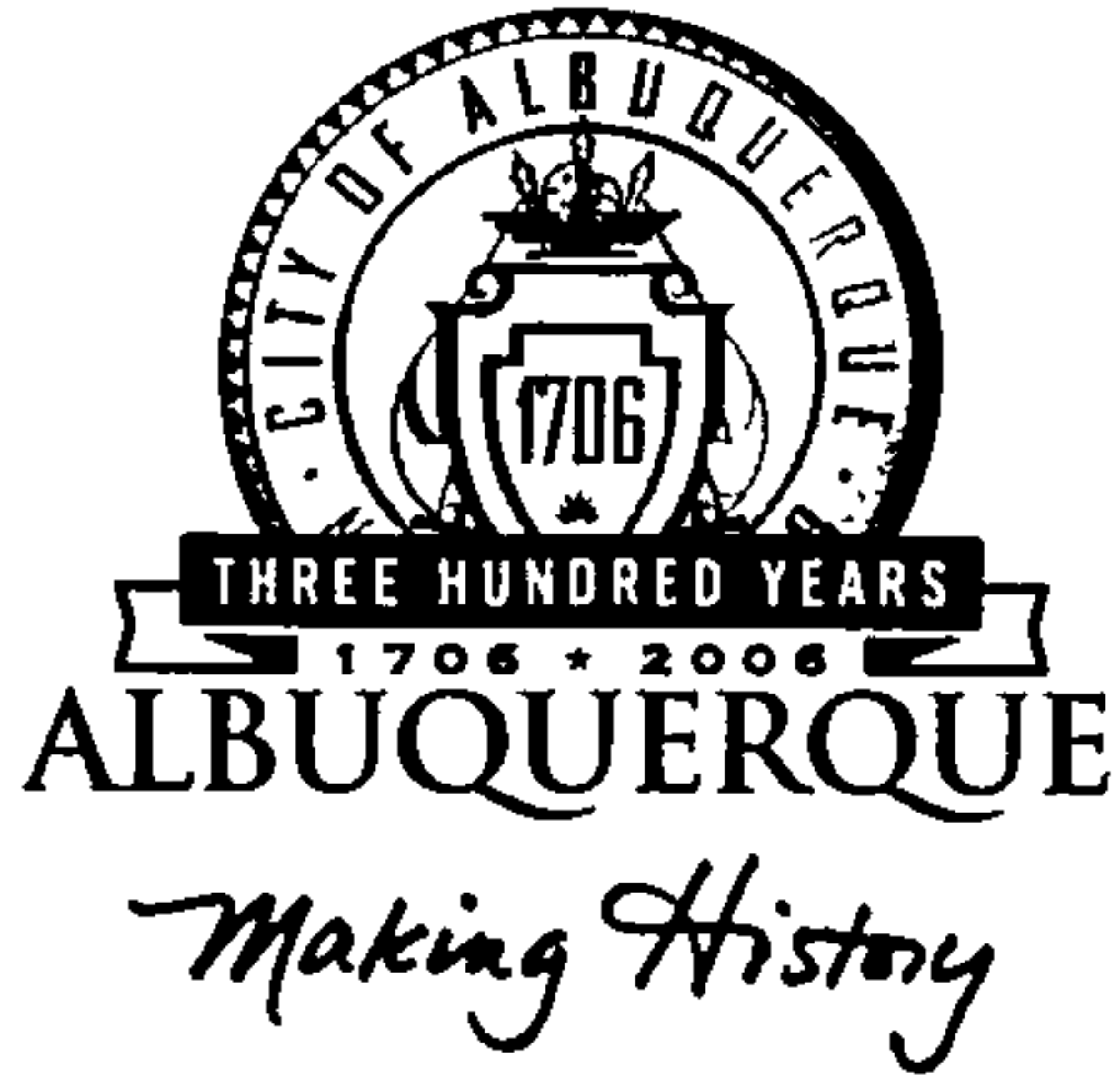
**Project # 1000965**

05DRB-01025 Major-Vacation of Public Easements

BOHANNAN HUSTON INC agent(s) for ANDALUCIA DEVELOPMENT CO INC request(s) the above action(s) for all or a portion of Tract(s) 1, **LANDS OF RAY GRAHAM III** (to be known as **ANDALUCIA AT LA LUZ**) zoned SU-1 PRD special use zone, located on COORS BLVD NW, between NAMASTE RD NW and LA BIENVENIDA PL NW containing approximately 85 acre(s). [REF: 05DRB00124] (F-11)


**SEE PAGE 2 . . .**

# CITY OF ALBUQUERQUE



DRB

RETURN  
TO SENDER  
NOT DELIVERABLE  
AS ADDRESSED  
UNABLE TO FORWARD

UNITED STATES POSTAGE  
  
FITNEY BOWES  
02 1A \$ 00.37<sup>0</sup>  
0004329277 JUN 23 2005  
MAILED FROM ZIP CODE 87102

102000505806930204

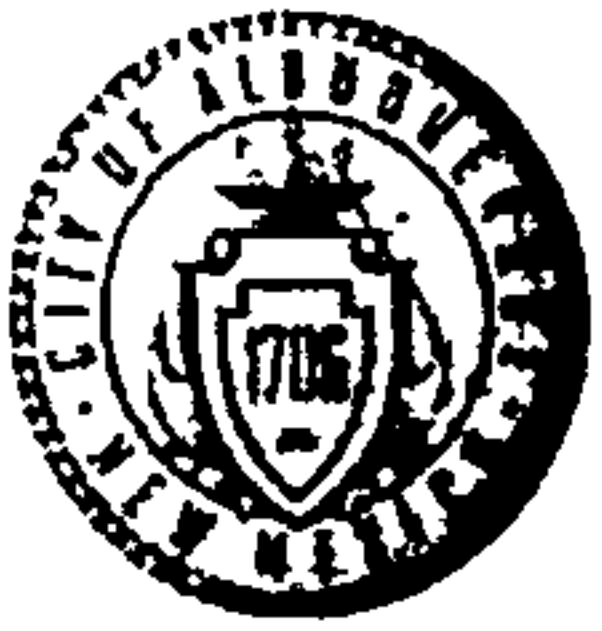
RAWSON F LEWIS  
7415 SUNROSE NW  
ALBUQUERQUE NM 87105

Planning Department

P.O. Box 1293

Albuquerque, NM 87103

87120+2773 3B



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, November 21, 2007, beginning at 9:00 a.m. for the purpose of considering the following:

- Project# 1003520**  
07DRB-70337 MAJOR - 2YR SUBD IMP  
AGMT (2YR SIA)
- Project# 1003655**  
07DRB-70339 VACATION OF PUBLIC  
RIGHT-OF-WAY
- Project# 1003703**  
07DRB-70338 VACATION OF PUBLIC  
RIGHT-OF-WAY
- Project# 1005536**  
07DRB-70344 MAJOR - PRELIMINARY  
PLAT APPROVAL  
07DRB-70345 MINOR - TEMP DEFR SWDK  
CONST

MARK GOODWIN & ASSOCIATES agent(s) for WASHINGTON STREET INVESTORS, LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, **NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as BENJAMIN PLACE SUBD)**, zoned RD 3 DU/AC, located on GLENDALE AVE NE BETWEEN BARSTOW NE AND VENTURA NE containing approximately 2 acre(s). (B-20)

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 15-17 & a portion of Lot 18, Block 1, **NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as LA VISTA @ DESERT RIDGE TRAILS)**, zoned RD/5 & 7du/a, located on WYOMING BLVD NE BETWEEN EAGLE ROCK NW AND MODESTO NE containing approximately 2.5 acre(s). (C-19)

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 1-P1 & 15-P1, Block(s) 2, **NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as EAGLE'S VIEW ESTATE)**, zoned RD/3du/a, located on VENTURA ST NE BETWEEN EAGLE ROCK AVE NE AND OAKLAND AVE NE containing approximately 6 acre(s). (C-20)

AMY NIESS, ISAACSON & ARFMAN PA agent(s) for BCR CONSTRUCTION (BILLY BACA) request(s) the above action(s) for all or a portion of Lot(s) 57-59, **ROSSITER ADDITION (to be known as 12TH STREET VILLAS)** zoned R-2, located on 12TH ST NW BETWEEN CANDELARIA RD NW AND GRIEGOS RD NW containing approximately 1.1 acre(s). (G-14)

**Project# 1006854**

07DRB-70340 VACATION OF PUBLIC  
EASEMENT

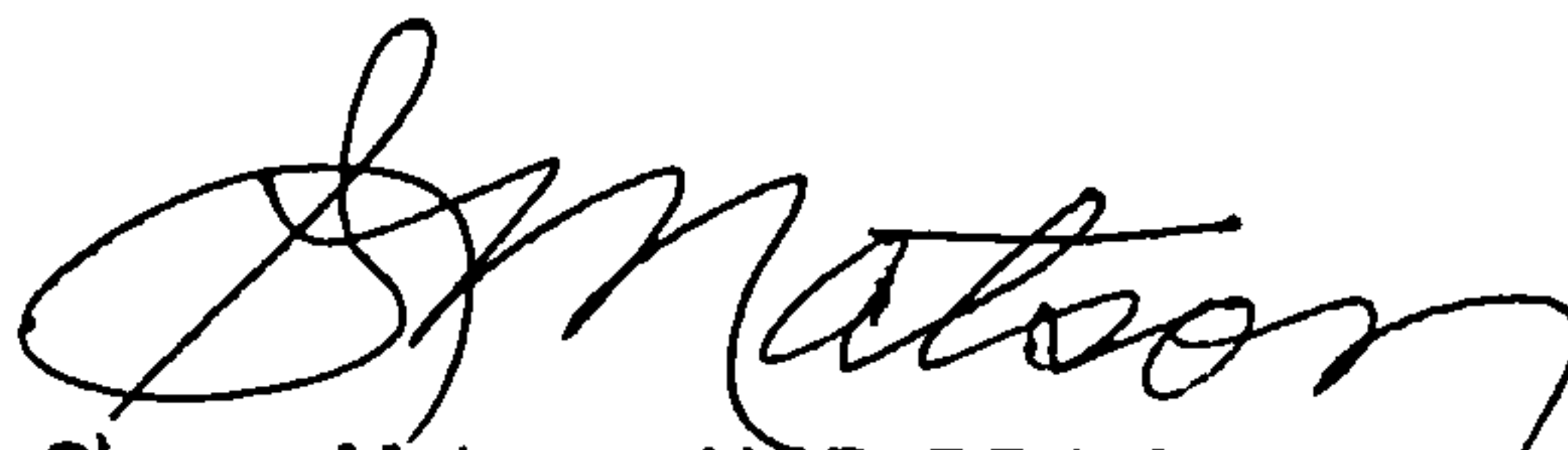
07DRB-70341 VACATION OF PUBLIC  
RIGHT-OF-WAY

07DRB-70342 BULK LAND VARIANCE

07DRB-70343 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for THE TRAILS  
LLC request(s) the above action(s) for all or a portion of  
**UNPLATTED LAND SECTION 15 (to be known as THE  
TRAILS UNIT 4)**, zoned SU2-UR35, SU2-SRLL18, SU-1  
FOR OPEN SPACE, SU2-TC65 & SU2-NMU35, located on  
UNIVERSE BLVD NW BETWEEN AVENIDA DE  
JAIMITO NW AND WOODMONT AVE NW containing  
approximately 34.85 acre(s). (C-10)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays **INDIVIDUALS WITH DISABILITIES** who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.



Sheran Matson, AICP, DRB Chair  
Development Review Board

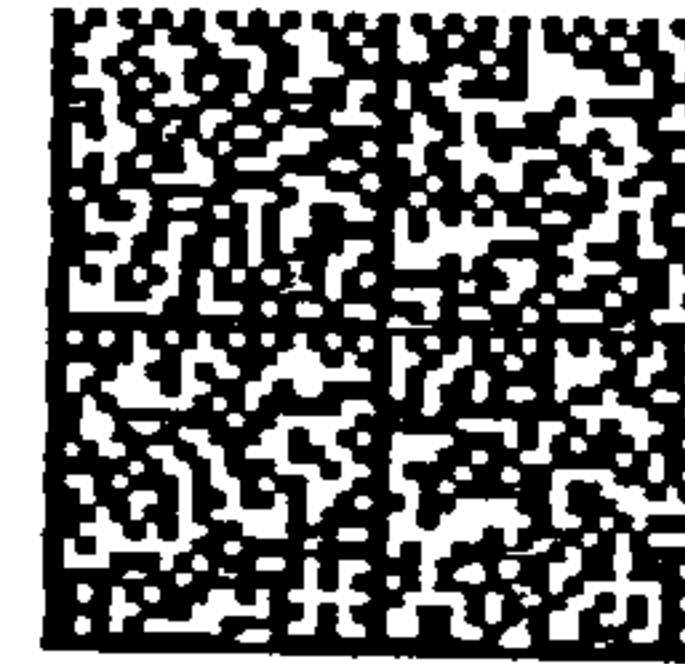
**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, NOVEMBER 5, 2007.**



# CITY OF ALBUQUERQUE



Planning Department



02 1M \$ 00.41<sup>0</sup>  
0004219022 OCT 31 2007  
MAILED FROM ZIP CODE 87102



# VACANT

Or Current Resident  
WASHINGTON STREET  
INVESTMENTS LLC  
8813 2ND ST NW SUITE E  
ALBUQUERQUE, NM 87114

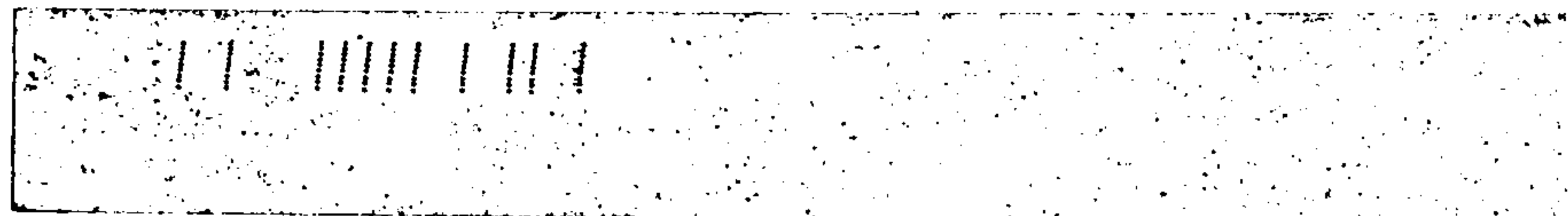
DRB



P O Box 1293 Albuquerque New Mexico 87103



VAC



PRELIMINARY PLAT FOR  
**BENJAMIN PLACE**  
 WITHIN THE  
 ELENA GALLEGOS GRANT  
 PROJECTED SECTION 8  
 TOWNSHIP 11 NORTH, RANGE 4 EAST  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 SEPTEMBER, 2004

APPROVED BY DRB  
 9/12/05

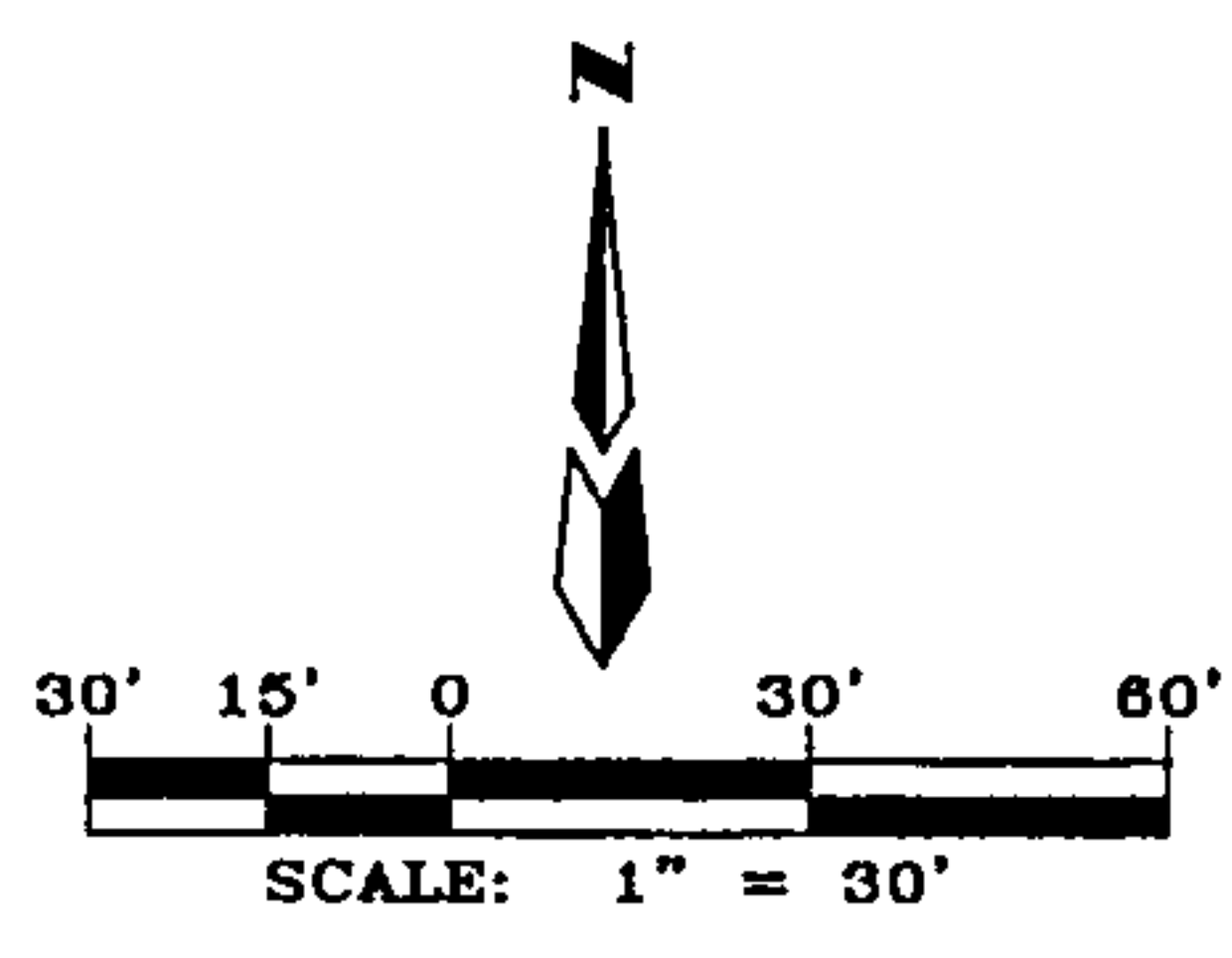
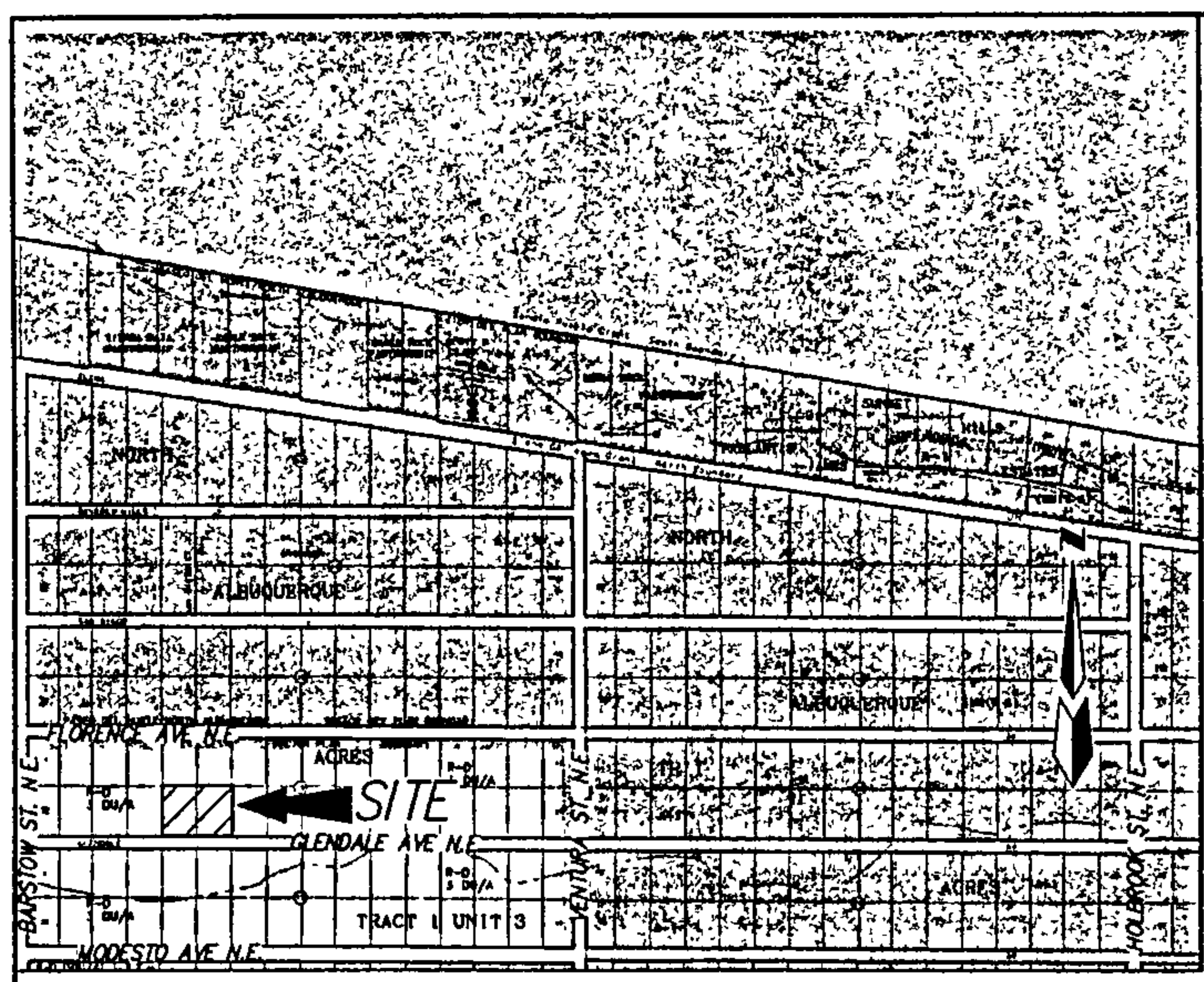
**DESCRIPTION**  
 A tract of land situate, within the Elena Gallegos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 27 and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 10, 1931 in Volume D, Folio 121 and containing 1.9980 acres more or less.

- PURPOSE OF PLAT**
- SUBDIVIDE TWO LOTS INTO 5 RESIDENTIAL LOTS.
  - DEDICATE RIGHT-OF-WAY AS SHOWN
  - GRANT NEW EASEMENTS AS SHOWN

**SUBDIVISION DATA**

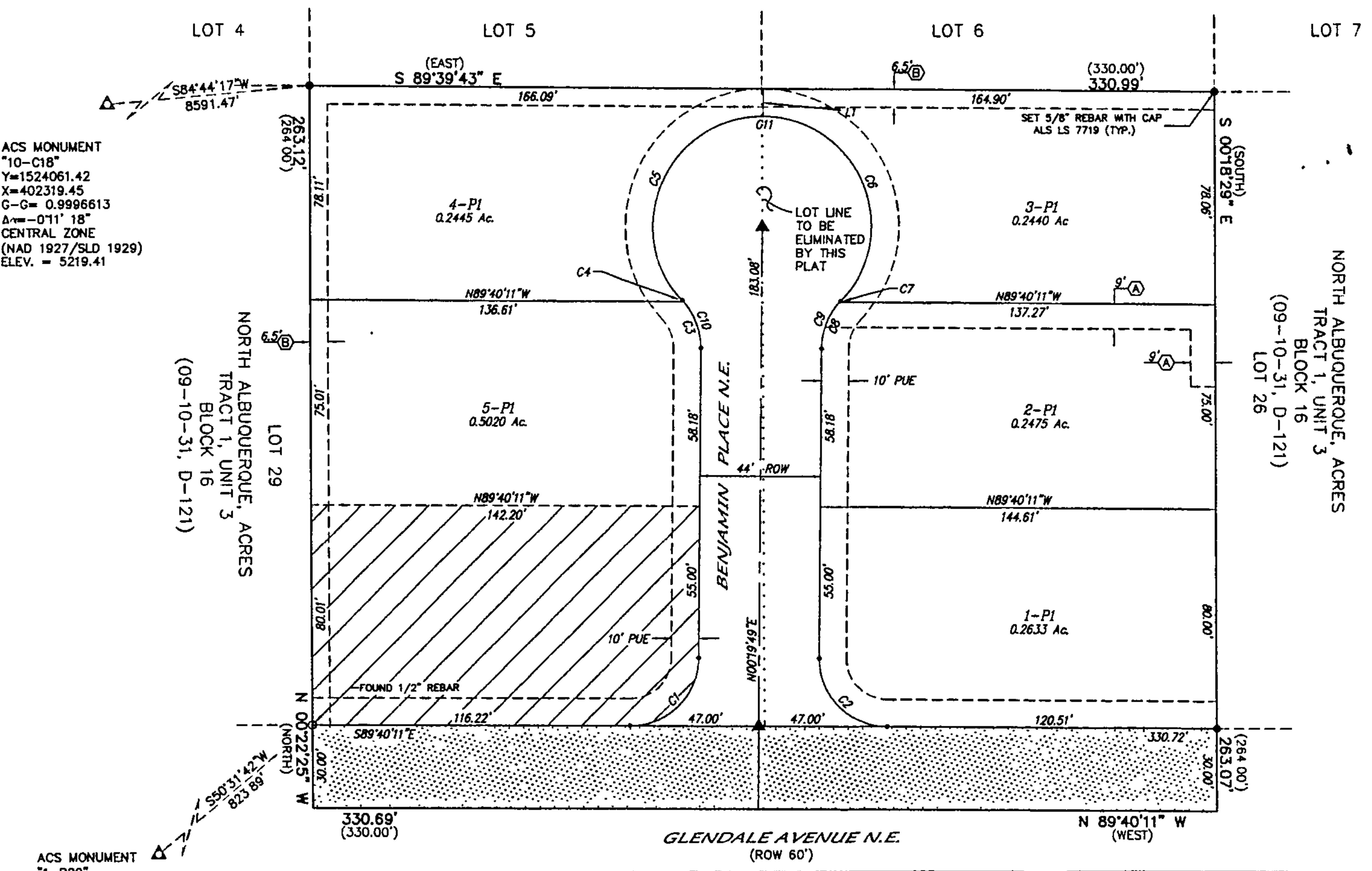
GROSS ACREAGE ..... 1.9980 AC  
 ZONE ATLAS NO. .... B-20-Z  
 NO. OF LOTS CREATED ..... 5 LOTS  
 NO. OF EXISTING LOTS ..... 2 LOTS  
 AREA DEDICATED TO CITY ..... 0.2277 AC  
 (WITHOUT WARRANTY COVENANTS)  
 AREA DEDICATED TO CITY ..... 0.2689 AC  
 (WITH WARRANTY COVENANTS)  
 DATE OF SURVEY ..... AUGUST, 2004  
 ZONING ..... R-D, 3 DU/A

- NOTES**
- UNLESS OTHERWISE NOTED, ALL BOUNDARY CORNERS SHOWN THUS ○ SHALL BE MARKED BY A #5 REBAR W/CAP STAMPED PS#11993
  - ALL STREET CENTERLINE MONUMENTATION SHALL BE INSTALLED AT ALL CENTERLINE PC'S, PT'S, ANGLE POINTS, AND STREET INTERSECTIONS AND SHOWN THUS ▲, WILL BE MARKED BY A FOUR INCH (4") ALUMINUM CAP STAMPED:  
 "CITY OF ALBUQUERQUE CENTERLINE MONUMENTATION"  
 "DO NOT DISTURB"  
 PS#7719"
  - BOUNDARY SHALL BE TIED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM AS SHOWN.
  - BASIS OF BEARING SHALL BE NEW MEXICO STATE PLANE GRID BEARINGS.
  - ALL DISTANCES SHALL BE GROUND DISTANCES.
  - MANHOLES WILL BE OFFSET AT ALL POINTS OF CURVATURE, POINTS OF TANGENCY, STREET INTERSECTIONS, AND ALL OTHER ANGLE POINTS TO ALLOW USE OF CENTERLINE MONUMENTATION.



ZONE ATLAS MAP # B-20-Z  
 SCALE: NONE

NORTH ALBUQUERQUE ACRES  
 TRACT 1, UNIT 3  
 BLOCK 16  
 (09-10-31, D-121)



ACS MONUMENT  
 "10-C18"  
 Y=1524061.42  
 X=402319.45  
 G-G= 0.9996613  
 Δm= -0°11' 18"  
 CENTRAL ZONE  
 (NAD 1927/SLD 1929)  
 ELEV. = 5219.41

ACS MONUMENT  
 "1-B20"  
 Y=1524092.46  
 X=410237.56  
 G-G= 0.99964740  
 Δm= -0°10' 23"  
 CENTRAL ZONE  
 (NAD 1927/SLD 1929)  
 ELEVATION=5474.533

- LEGEND**
- 5-P1 LOT NUMBER
  - 0.2448 Ac. LOT ACREAGE
  - ▲ CENTER LINE MONUMENT
  - ROW RIGHT-OF-WAY
  - 10' PUE PUBLIC UTILITY EASEMENT (GRANTED WITH THIS PLAT)

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD-BEARING	CHORD-DISTANCE
C1	25.00'	90°00'00"	39.27'	25.00'	N45°19'49"E	35.36'
C2	25.00'	90°00'00"	39.27'	25.00'	N44°40'11"W	35.36'
C3	25.00'	42°17'35"	18.45'	9.67'	N20°48'59"W	18.04'
C4	25.00'	01°23'52"	0.61'	0.31'	N42°39'42"W	0.61'
C5	40.00'	133°41'56"	93.34'	93.55'	N23°29'19"E	73.56'
C6	40.00'	133°40'59"	93.33'	93.51'	S22°49'14"E	73.55'
C7	25.00'	01°23'52"	0.61'	0.31'	S43°19'20"W	0.61'
C8	25.00'	42°17'35"	18.45'	9.67'	N21°28'36"E	18.04'
C9	25.00'	43°41'27"	19.06'	10.02'	N22°10'32"E	18.61'
C10	25.00'	43°41'27"	19.06'	10.02'	N21°30'55"W	18.61'
C11	40.00'	26°7'22"54"	186.67'	---	N89°40'11"W	57.85'

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N00°20'17"E	10.00'

- (HATCHED AREA) ADDITIONAL STREET RIGHT-OF-WAY DEDICATED TO THE CITY OF ALBUQUERQUE BY THIS PLAT WITHOUT WARRANTY COVENANTS. (0.2277 ACRES)
- ▲ A NEW 9' WIDE PRIVATE DRAINAGE EASEMENT DEDICATED FOR THE BENEFIT OF LOT 2-P1 (BENJAMIN PLACE) AND LOTS 22-26 (NORTH ALBUQUERQUE ACRES) AND TO BE MAINTAINED BY THE OWNERS OF LOTS 2-P1.
- ⓐ A NEW 6.5' WIDE PRIVATE DRAINAGE EASEMENT DEDICATED FOR THE BENEFIT OF LOTS 3-P1 TO 5-P1 (BENJAMIN PLACE) AND LOT 7 (NORTH ALBUQUERQUE ACRES) AND TO BE MAINTAINED BY THE OWNERS OF LOTS 3-P1 TO 5-P1.
- ⓑ A TEMPORARY PUBLIC DRAINAGE EASEMENT DEDICATED TO CITY OF ALBUQUERQUE WITH THIS PLAT TO BE MAINTAINED BY OWNERS OF LOT 5-P1.

APPROVED FOR MONUMENTATION AND STREET NAMES

*[Signature]*  
 City Surveyor, City of Albuquerque, N.M.      1-7-05  
 Date

Owner: WASHINGTON STREET INVESTORS, LLC

*[Signature]*  
 Scott T. Ashcraft      1/5/05  
 Member                      DATE

**OWNERS**  
 WASHINGTON STREET INVESTORS, LLC  
 501 3rd St. S.W.  
 ALBUQUERQUE, N.M. 87102

**ENGINEERS**  
 D. MARK GOODWIN & ASSOCIATES, P.A.  
 CONSULTING ENGINEERS  
 P.O. BOX 90806  
 ALBUQUERQUE, N.M. 87190-0701  
 (505) 828-2200

**SURVEYOR**  
 ALDRICH LAND SURVEY  
 P.O. BOX 30701  
 ALBUQUERQUE, N.M. 87190-0701  
 (505) 884-1990

Dwg: BASE.dwg    Drawn: CHRIS    Checked: ALS    Sheet 2 of 2  
 Scale: 1" = 50'    Date: 12/29/04    Job: A04023

F:\A04023\A04023\A04023\PRELIMINARY PLAT\BASE.dwg - 12/29/2004 4 01:25 PM chris  
 S:\ser\ser01\hp Design\kdt 10500.k

PRELIMINARY PLAT FOR  
BENJAMIN PLACE

WITHIN THE  
ELENA GALLEGOS GRANT  
PROJECTED SECTION 8  
TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
SEPTEMBER, 2004

**DESCRIPTION**  
A tract of land situate, within the Elena Gallegos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 27 and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 10, 1931 in Volume D, Folio 121 and containing 1.9980 acres more or less.

PURPOSE OF PLAT

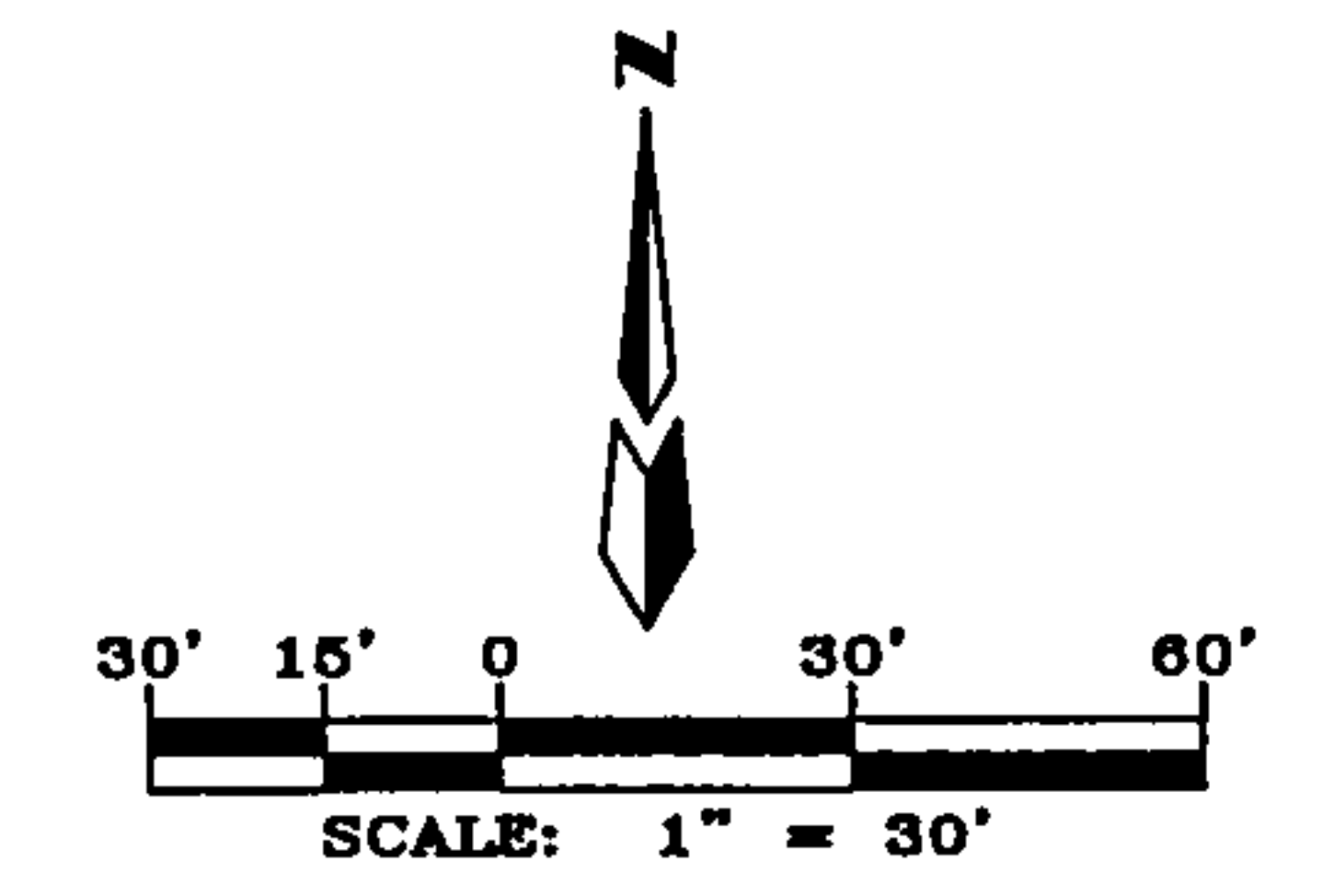
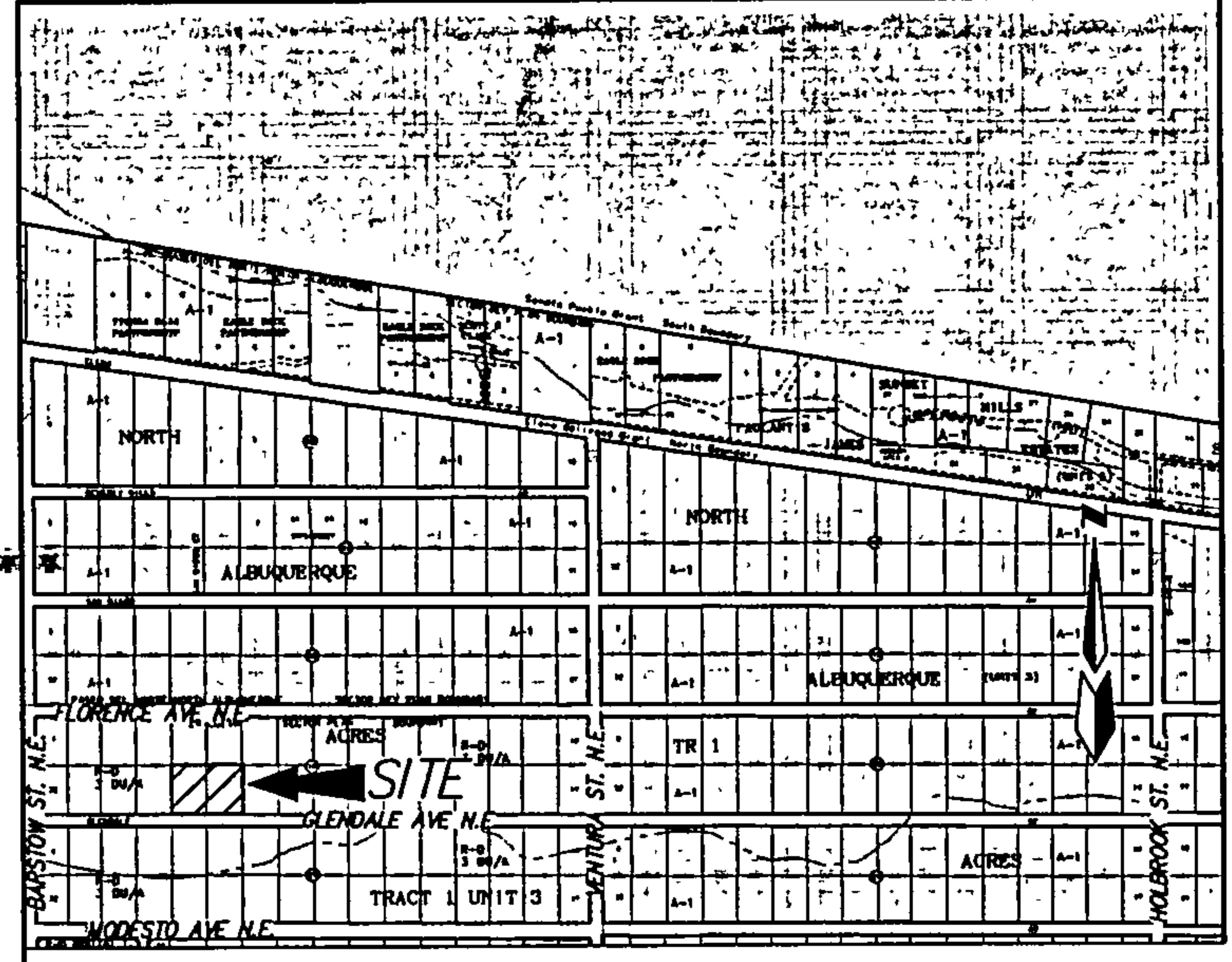
- SUBDIVIDE TWO LOTS INTO RESIDENTIAL LOTS.
- DEDICATE RIGHT-OF-WAY AS SHOWN
- GRANT NEW EASEMENTS AS SHOWN

SUBDIVISION DATA

GROSS ACREAGE	1.9980 AC
ZONE ATLAS NO.	B-20-Z
NO. OF LOTS CREATED	8 LOTS
NO. OF EXISTING LOTS	2 LOTS
AREA DEDICATED TO CITY (WITHOUT WARRANTY COVENANTS)	0.2277 AC
AREA DEDICATED TO CITY (WITH WARRANTY COVENANTS)	0.2689 AC
DATE OF SURVEY	AUGUST, 2004
ZONING	R-D, 3 DU/A

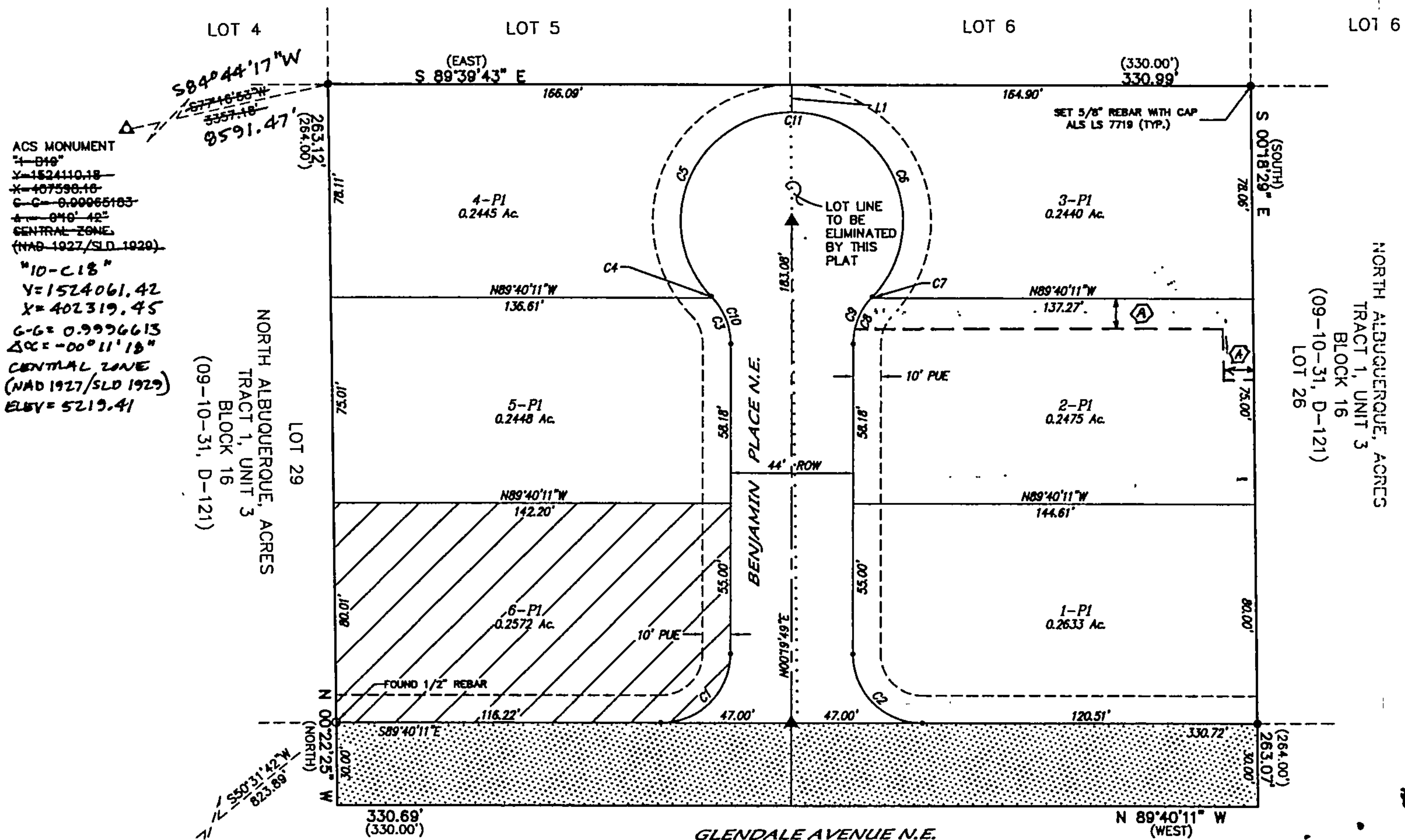
NOTES

- UNLESS OTHERWISE NOTED, ALL BOUNDARY CORNERS SHOWN THUS ○ SHALL BE MARKED BY A #5 REBAR W/CAP STAMPED PS#11993
- ALL STREET CENTERLINE MONUMENTATION SHALL BE INSTALLED AT ALL CENTERLINE PC'S, PT'S, ANGLE POINTS, AND STREET INTERSECTIONS AND SHOWN THUS ▲, WILL BE MARKED BY A FOUR INCH (4") ALUMINUM CAP STAMPED:  
"CITY OF ALBUQUERQUE CENTERLINE MONUMENTATION"  
"DO NOT DISTURB"  
PS#7719"
- BOUNDARY SHALL BE TIED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM AS SHOWN.
- BASIS OF BEARING SHALL BE NEW MEXICO STATE PLANE GRID BEARINGS.
- ALL DISTANCES SHALL BE GROUND DISTANCES.
- MANHOLES WILL BE OFFSET AT ALL POINTS OF CURVATURE, POINTS OF TANGENCY, STREET INTERSECTIONS, AND ALL OTHER ANGLE POINTS TO ALLOW USE OF CENTERLINE MONUMENTATION.



NORTH ALBUQUERQUE, ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
(09-10-31, D-121)

ZONE ATLAS MAP # B-20-Z  
SCALE: NONE



APPROVED FOR MONUMENTATION AND STREET NAMES

*[Signature]* 10-5-04  
City Surveyor, City of Albuquerque, N.M. Date

Owner: WASHINGTON STREET INVESTORS, LLC

*[Signature]* 10-5-04  
Scott T. Ashcraft DATE  
Member

DPM EXHIBIT

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD-BEARING	CHORD-DISTANCE
C1	25.00'	90°00'00"	39.27'	25.00'	N45°19'49"E	35.36'
C2	25.00'	90°00'00"	39.27'	25.00'	N44°40'11"W	35.36'
C3	25.00'	42°17'35"	18.45'	9.67'	N20°48'59"W	18.04'
C4	25.00'	01°23'52"	0.61'	0.31'	N42°39'42"W	0.61'
C5	40.00'	133°41'56"	93.34'	93.55'	N23°29'19"E	73.56'
C6	40.00'	133°40'59"	93.33'	93.51'	S22°49'14"E	73.55'
C7	25.00'	01°23'52"	0.61'	0.31'	S43°19'20"W	0.61'
C8	25.00'	42°17'35"	18.45'	9.67'	N21°28'36"E	18.04'
C9	25.00'	43°41'27"	19.06'	10.02'	N22°10'32"E	18.61'
C10	25.00'	43°41'27"	19.06'	10.02'	N21°30'55"W	18.61'
C11	40.00'	267°22'54"	186.67'	---	N89°40'11"W	57.85'

**LINE TABLE**

BEARING	DISTANCE
N45°19'49"E	35.36'

(HATCHED AREA)  
ADDITIONAL STREET RIGHT-OF-WAY DEDICATED TO THE CITY OF ALBUQUERQUE BY THIS PLAT WITHOUT WARRANTY COVENANTS. (0.2277 ACRES)

(A)  
A NEW 11' WIDE PRIVATE DRAINAGE EASEMENT DEDICATED FOR THE BENEFIT OF LOT 2-P1 (BENJAMIN PLACE) AND LOTS 22-26 (NORTH ALBUQUERQUE ACRES) AND TO BE MAINTAINED BY THE OWNERS OF LOTS 2-P1.

(/)  
ALL OF LOT 6-P1 IS ENCUMBERED BY A TEMPORARY PUBLIC DRAINAGE EASEMENT DEDICATED TO CITY OF ALBUQUERQUE WITH THIS PLAT TO BE MAINTAINED BY OWNERS OF LOTS 1-P1 THRU 5-P1

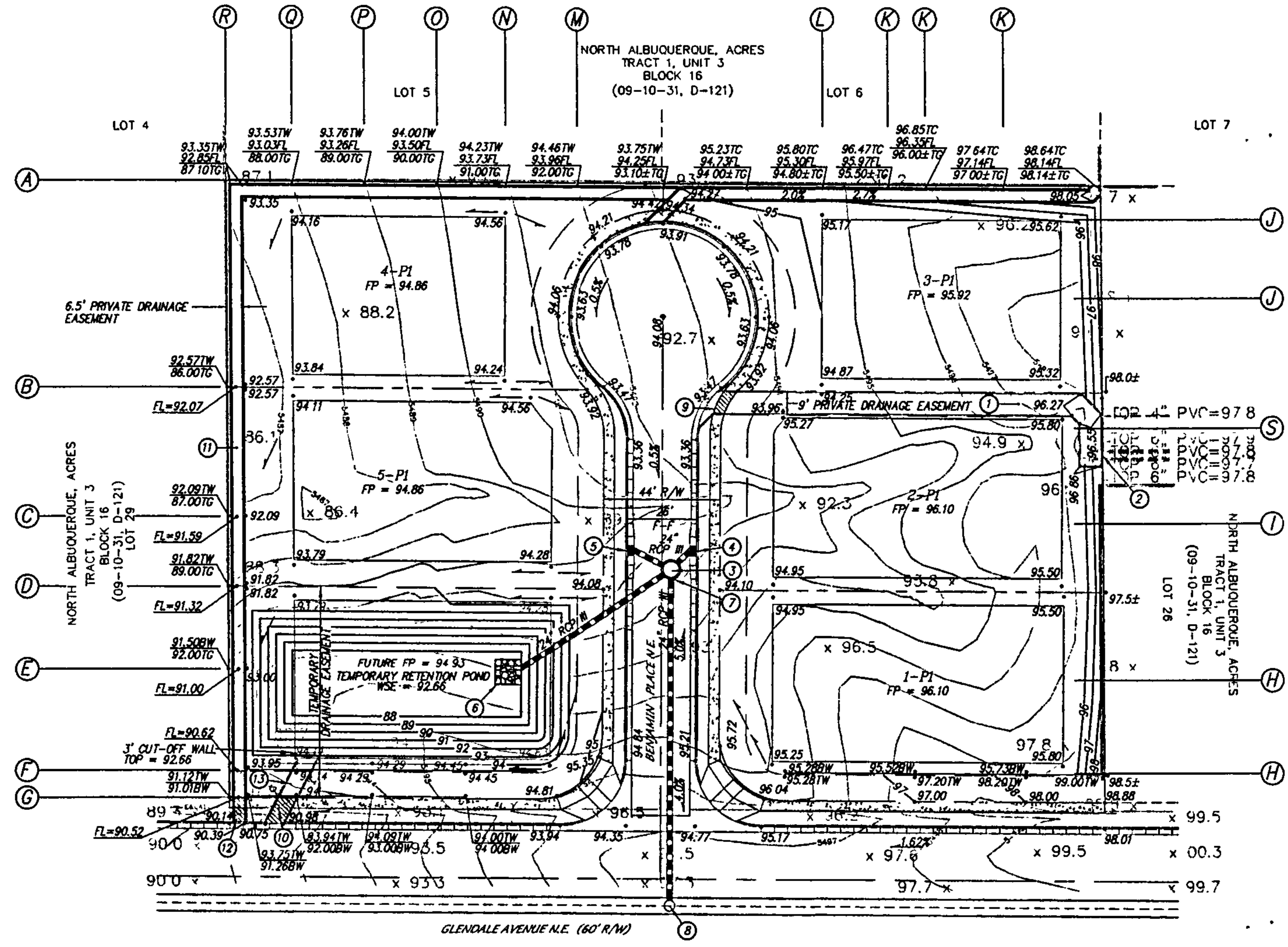
- LEGEND**
- 5-P1 LOT NUMBER
  - 0.2448 Ac. LOT ACREAGE
  - ▲ CENTER LINE MONUMENT
  - ROW RIGHT-OF-WAY
  - 10' PUE PUBLIC UTILITY EASEMENT (GRANTED WITH THIS PLAT)

**OWNERS**  
WASHINGTON STREET INVESTORS, LLC  
501 3rd St. S.W.  
ALBUQUERQUE, N.M. 87102

**ENGINEERS**  
D. MARK GOODWIN & ASSOCIATES, P.A.  
CONSULTING ENGINEERS  
P.O. BOX 90606  
ALBUQUERQUE, NEW MEXICO 87199  
(505) 828-2200

**SURVEYOR**  
ALDRICH LAND SURVEY  
P.O. BOX 30701  
ALBUQUERQUE, N.M. 87190-0701  
(505) 884-1990

Dwg: BASE.dwg	Drawn: STEPHEN	Checked: ALS	Sheet 1 of 1
Scale: 1" = 50'	Date: 10/04/04	Job: A04023	



**NOTES**

- CONTRACTOR MUST OBTAIN A TOPSOIL DISTURBANCE PERMIT FROM THE ENVIRONMENTAL HEALTH DIVISION PRIOR TO CONSTRUCTION.
- CITY OF ALBUQUERQUE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION SHALL GOVERN ALL WORK.
- THE CONTRACTOR SHALL CONFORM TO ALL CITY, COUNTY, STATE AND FEDERAL DUST CONTROL MEASURES AND REQUIREMENTS AND WILL BE RESPONSIBLE FOR PREPARING AND OBTAINING ALL NECESSARY APPLICATIONS AND APPROVALS.
- THE CONTRACTOR SHALL ENSURE THAT NO SOIL ERODES FROM THE LOTS INTO PUBLIC RIGHT-OF-WAY. THIS CAN BE ACHIEVED BY CONSTRUCTING TEMPORARY BERMS AND WETTING THE SOIL TO KEEP IT FROM BLOWING.
- THE EARTHWORK CONTRACTOR SHALL STOCKPILE ENOUGH MATERIAL ADJACENT TO RETAINING WALL LOCATIONS TO BE UTILIZED FOR WALL BACKFILL.

**LEGEND**

- - - - -	5615	EXISTING CONTOUR (MAJOR)	- - - - -	NEW CENTERLINE
- - - - -	5616	EXISTING CONTOUR (MINOR)	- - - - -	NEW LOT LINES
- - - - -	TC=	EXISTING SPOT ELEVATION	- - - - -	NEW EASEMENTS
- - - - -	FC=	EXISTING CHAIN LINK/WIRE FENCE	- - - - -	NEW RETAINING WALL
- - - - -	---	EXISTING OVERHEAD ELECTRIC LINE	20.00	NEW SPOT ELEVATIONS
- - - - -	---	EXISTING POWER POLE	- - - - -	NEW FLOW
- - - - -	○	EXISTING GUY WIRE	- - - - -	NEW STORM DRAIN
- - - - -	⊙	EXISTING TELEPHONE MANHOLE	- - - - -	NEW STORM DRAIN MANHOLE
- - - - -	■	EXISTING TELEPHONE PEDESTAL	- - - - -	NEW WATERBLOCK
- - - - -	- - - - -	NEW MOUNTABLE CURB & GUTTER	00.00TW 00.00TG	TOP OF WALL TOP OF GRADE
- - - - -	- - - - -	NEW STANDARD CURB & GUTTER	20.00	FUTURE SPOT ELEVATIONS
- - - - -	- - - - -	NEW SIDEWALK	00.00TW 00.00TG	FUTURE RETAINING WALL FUTURE TOP OF WALL FUTURE TOP OF GRADE
- - - - -	- - - - -	NEW RIGHT-OF-WAY		

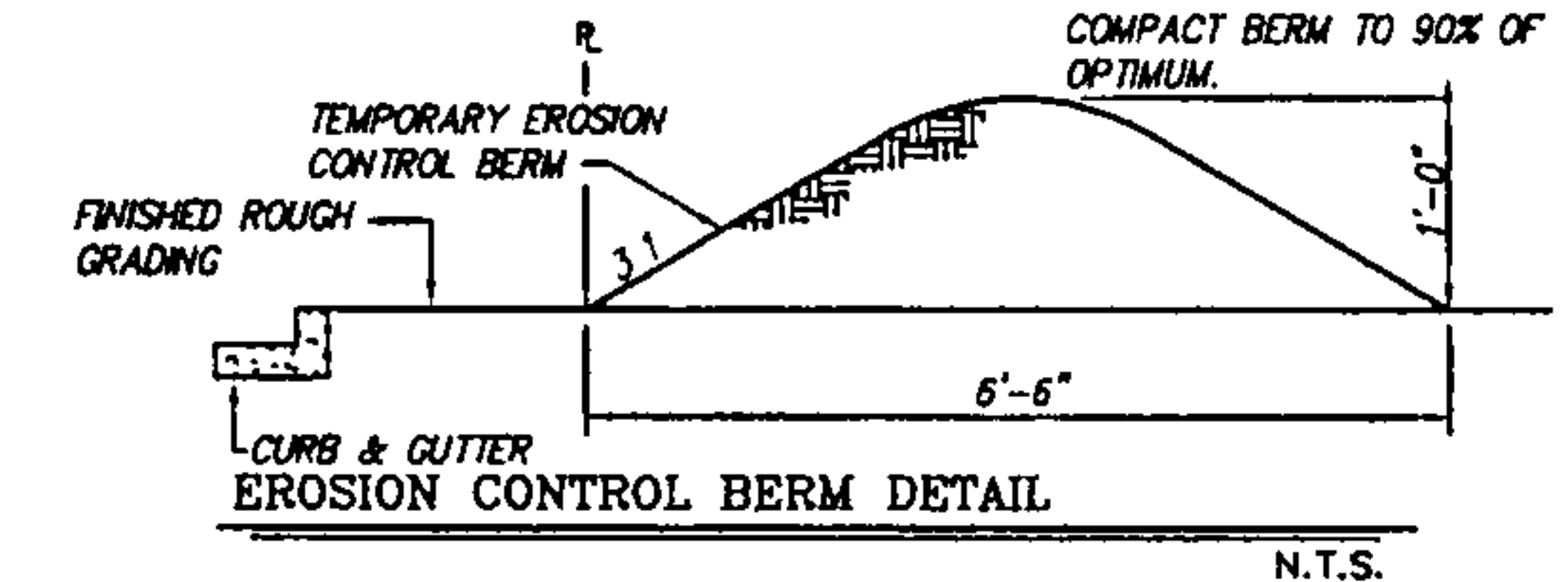
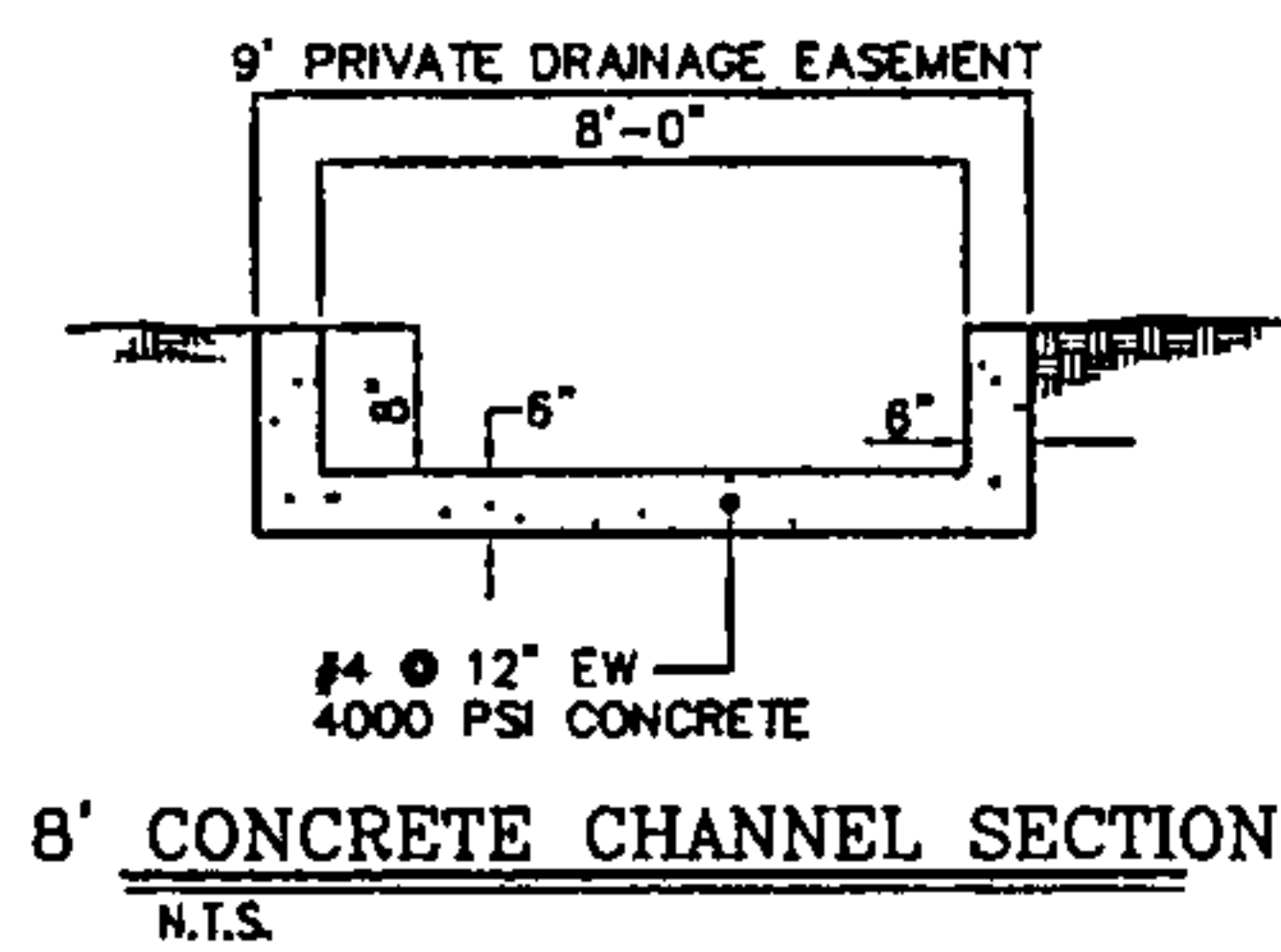
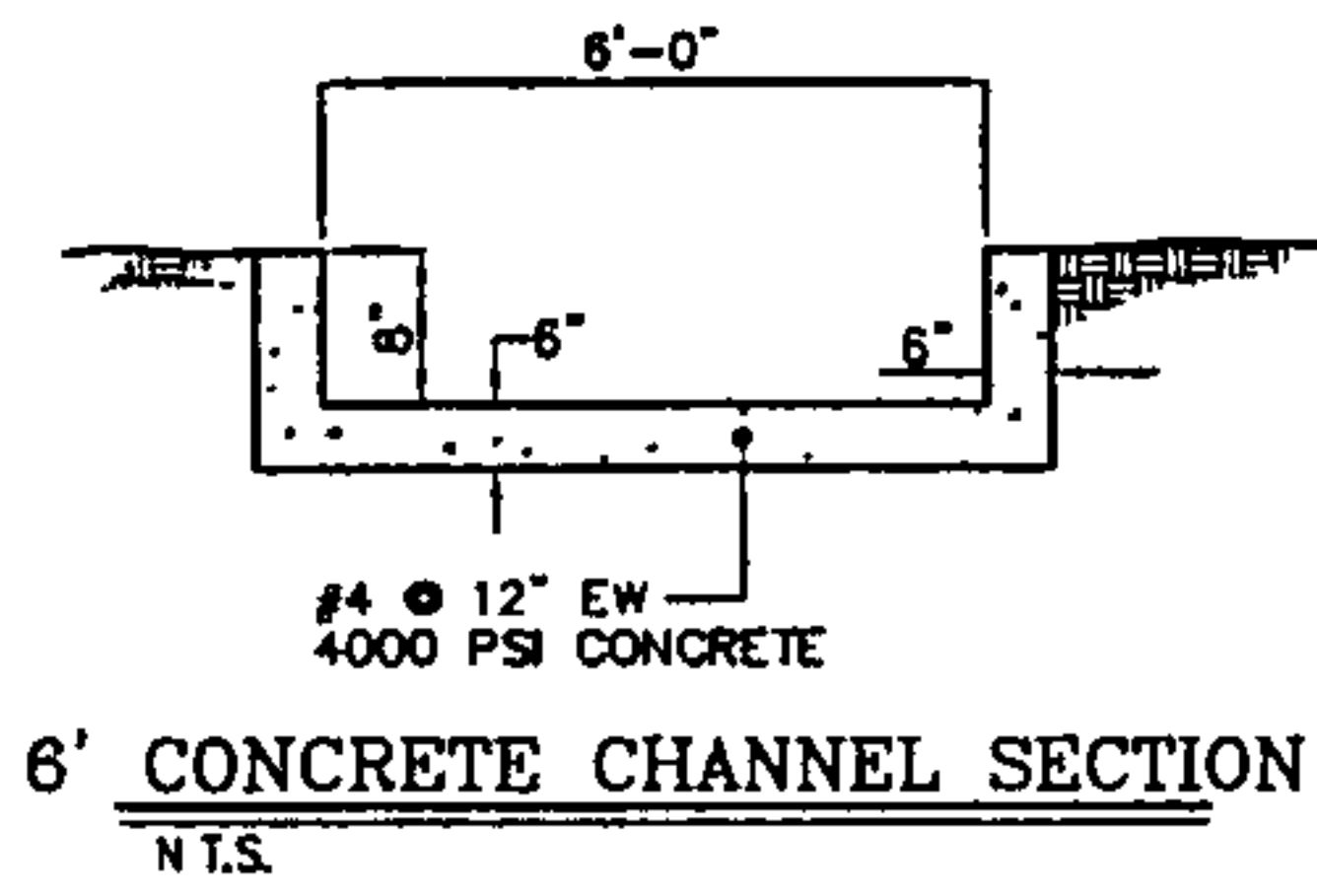
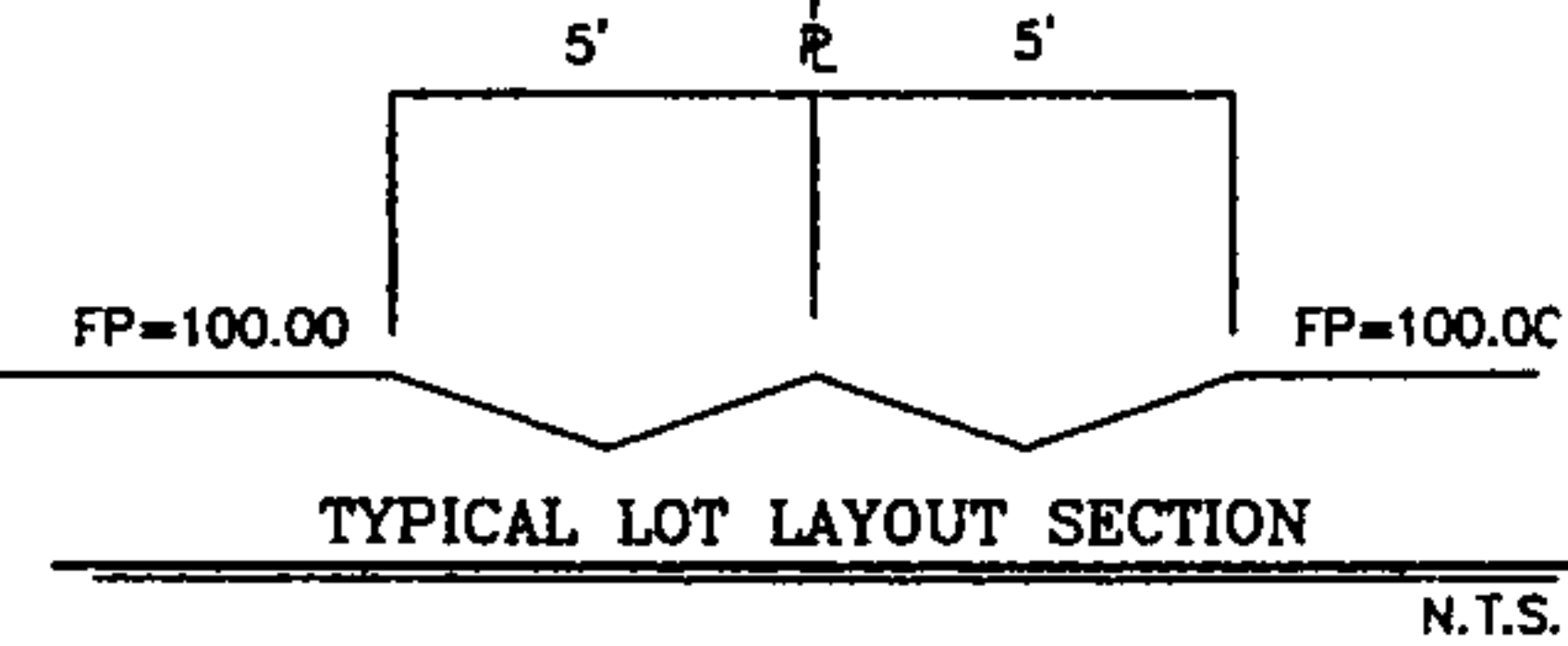
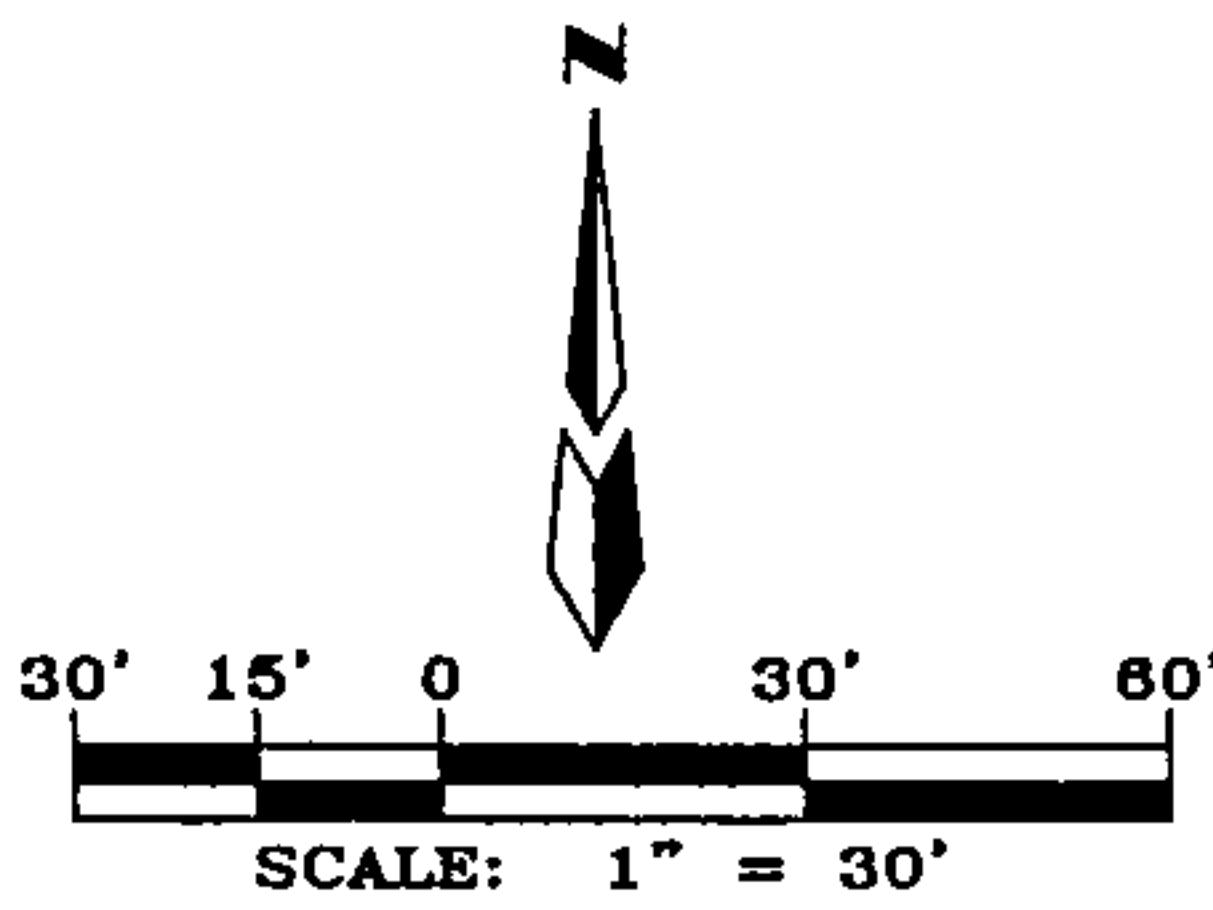
**TYPICAL LOT LAYOUT: PLAN VIEW**

N.T.S.

- NOTES:
- ALL RUNOFF FOR LOTS 1, 2 & 3 DRAINS TO THE STREET IN FRONT OF THE LOT.
  - THE FRONT YARD RUNOFF FOR LOTS 4, 5 & 6 DRAINS TO THE STREET IN FRONT OF THE LOT. THE REMAINDER DRAINS TO THE CONCRETE CHANNEL IN THE BACKYARD.

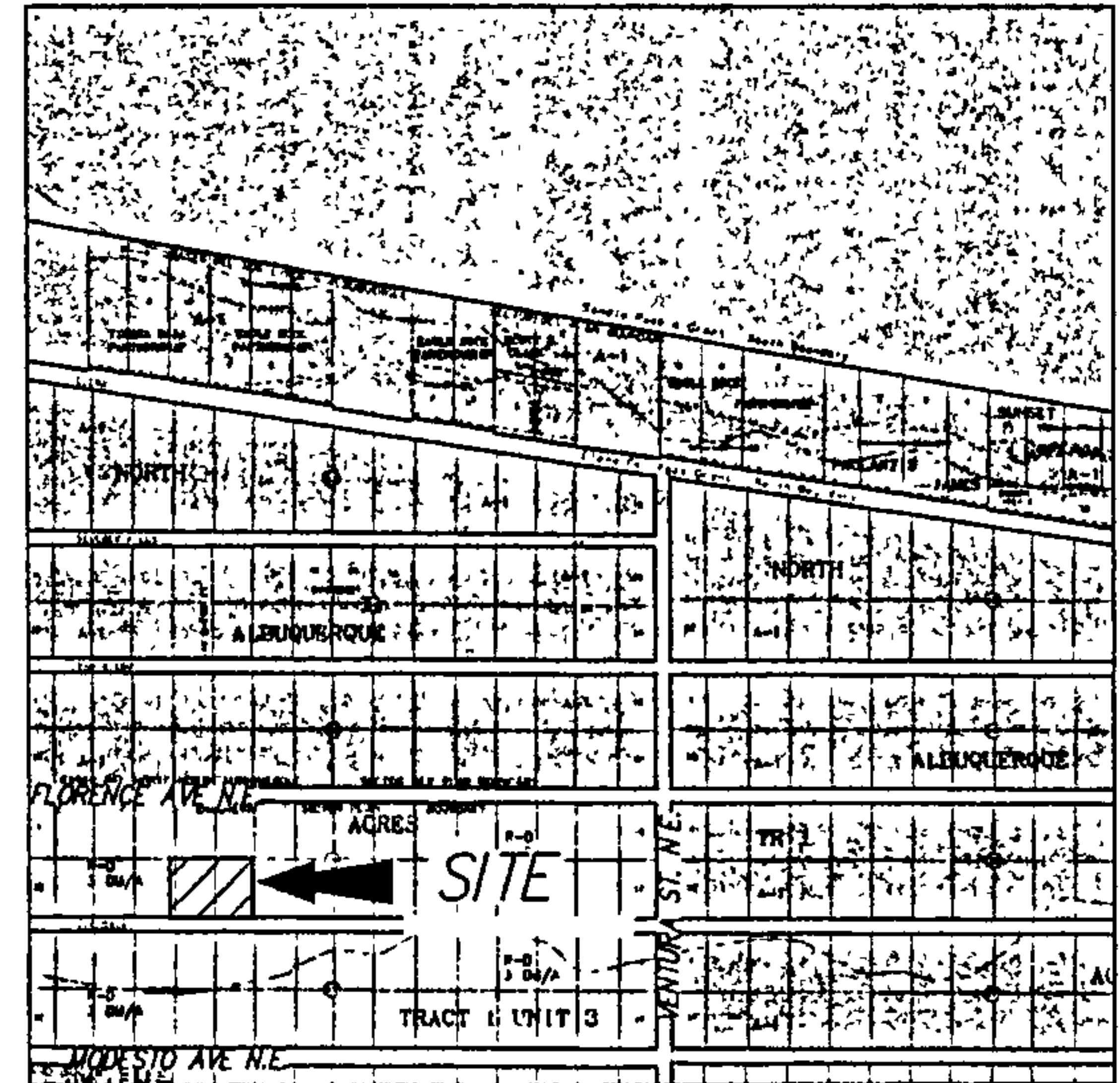
**NEW INLET SUMMARY**

- 8" CONCRETE CHANNEL
- GOOSENECK EXIST PIPES TO NEW 8" CONCRETE CHANNEL
- 6" DIA STORM DRAIN MANHOLE INV = 90.34
- NEW SCL "A" DBL THROAT INLET TC= 92.93 INV(OUT)= 90.47
- NEW SCL "A" DBL THROAT INLET TC= 92.92 INV(OUT)= 90.47
- NEW SD OUTFALL WITH 10'x10'x1.5' WIRE ENCLOSED RRP-RAP PAD INV(OUT) = 88.00
- TEMPORARY CONC. PLUG
- NEW 24" SD INV= 87.89
- NEW 8' WIDE SIDEWALK BRIDGE
- NEW 6' WIDE SIDEWALK CULVERT
- 4" CONCRETE CHANNEL
- NEW 4' WIDE SIDEWALK CULVERT
- 4" CONCRETE CHANNEL



**EROSION CONTROL NOTES**

- CONTRACTOR IS RESPONSIBLE FOR OBTAINING A TOPSOIL DISTURBANCE PERMIT PRIOR TO BEGINNING WORK.
- CONTRACTOR IS RESPONSIBLE FOR KEEPING ALL SEDIMENT OUT OF EXISTING RIGHT-OF-WAY.
- CONTRACTOR IS RESPONSIBLE FOR CLEANING UP ANY SEDIMENT THAT GETS INTO EXISTING RIGHT-OF-WAY.
- EROSION CONTROL BERMS ARE REQUIRED AROUND THE ENTIRE SITE.
- ALL EROSION CONTROL BERMS MUST BE IN PLACE AND ENGINEER CERTIFIED PRIOR TO BUILDING PERMIT RELEASE.



**VICINITY MAP** ZONE: B-20-Z

**LEGAL DESCRIPTION**

A tract of land situate, within the Elena Gallegos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 2<sup>nd</sup> and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 10, 1931 in Volume D, Folio 121 and containing 1.9980 acres more or less.

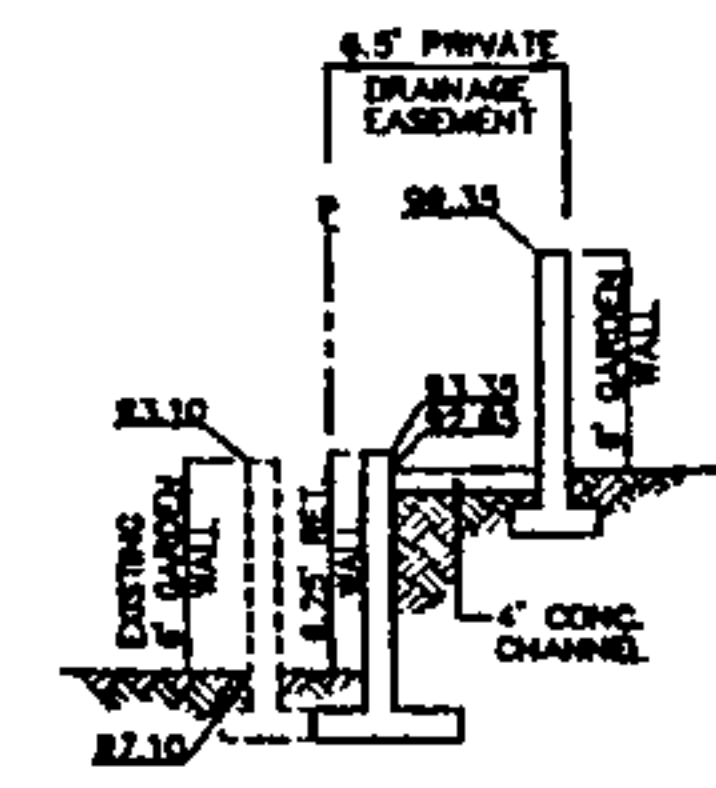
AS BUILT INFORMATION		BENCH MARKS		SURVEY INFORMATION		ENGINEER'S SEAL		REVISIONS	
CONTRACTOR	DATE	CONTRACTOR	DATE	NO.	BY	NO.	DATE	NO.	DATE
Intersection of Modesto Ave. N.E. and Barton St. N.E., approximately 30' north from the centerline of Modesto Ave. N.E. and approximately 30' east from the centerline of Barton St. N.E.									
Geographic Position (NAD 1927), in feet		M.M. State Plane Coordinates (Central Zone)		Elevation=5474.533 NGVD29, in feet		DESIGNED BY: ALN		DATE: 10/04	
RECORDED BY:		RECORDED BY:		CHECKED BY: DMG		DRAWN BY: ACH		DATE: 10/04	
NO.		NO.		NO.		NO.		NO.	
DATE		DATE		DATE		DATE		DATE	
DATE		DATE		DATE		DATE		DATE	
DATE		DATE		DATE		DATE		DATE	

**dmg** MARK GOODWIN & ASSOCIATES, P.A. CONSULTING ENGINEERS  
P.O. BOX 90606  
ALBUQUERQUE, NEW MEXICO 87199  
(505) 828-2200, FAX (505) 797-9539

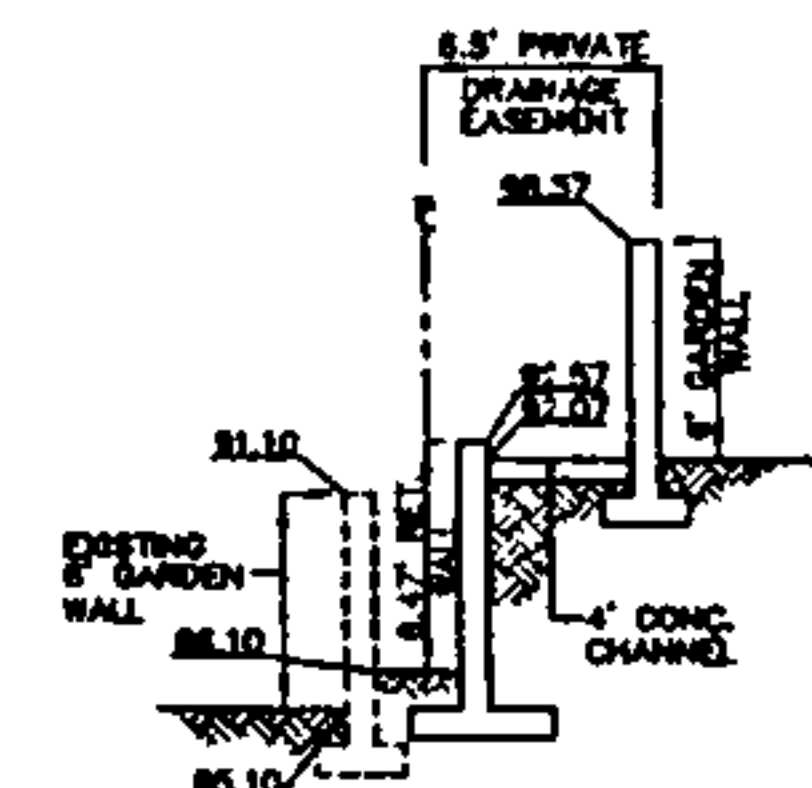
**CITY OF ALBUQUERQUE PUBLIC WORKS DEPARTMENT**

**TITLE: BENJAMIN PLACE SUBDIVISION GRADING & DRAINAGE PLAN**

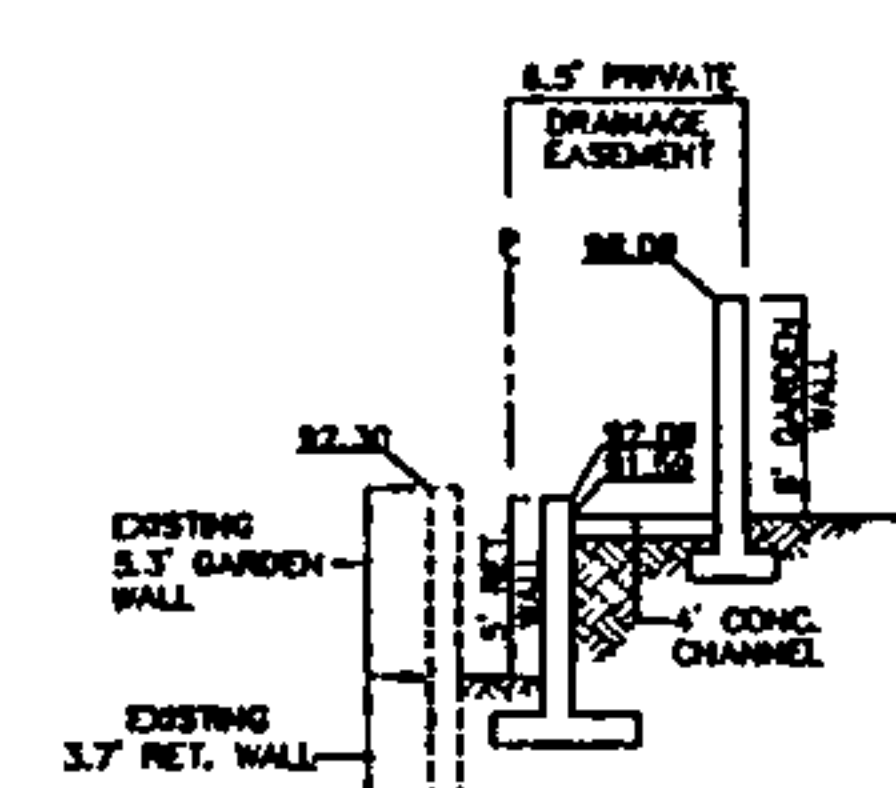
DESIGN REVIEW COMMITTEE	CITY ENGINEER APPROVAL	MO/DAY/YR	MO/DAY/YR
CITY PROJECT NO.		ZONE MAP NO. B-20	
SHEET		OF 2	



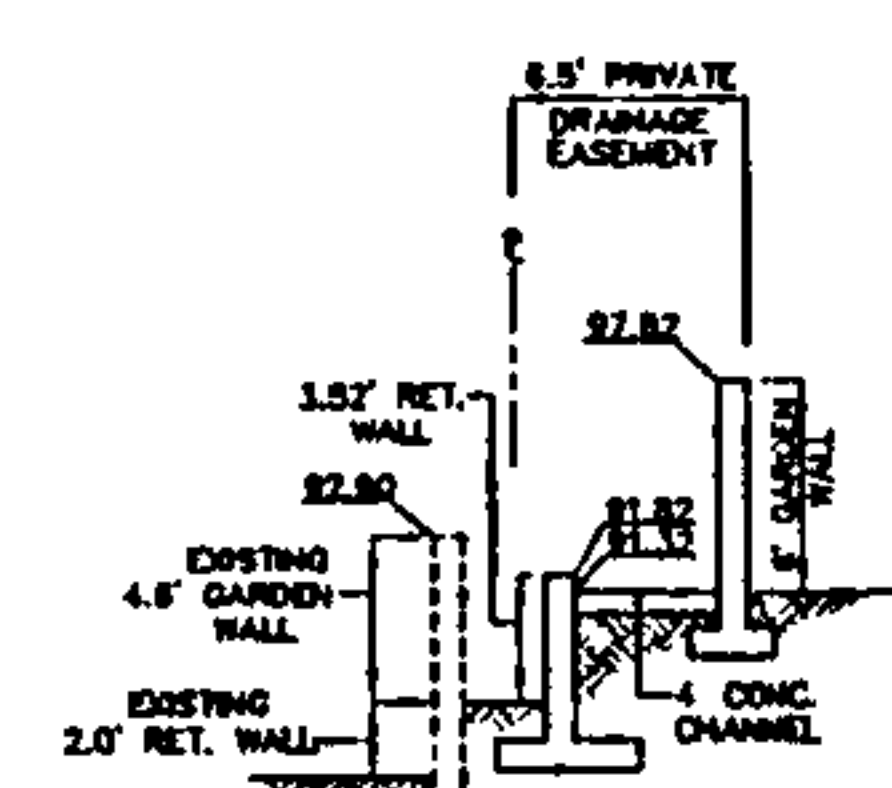
WALL SECTION - A



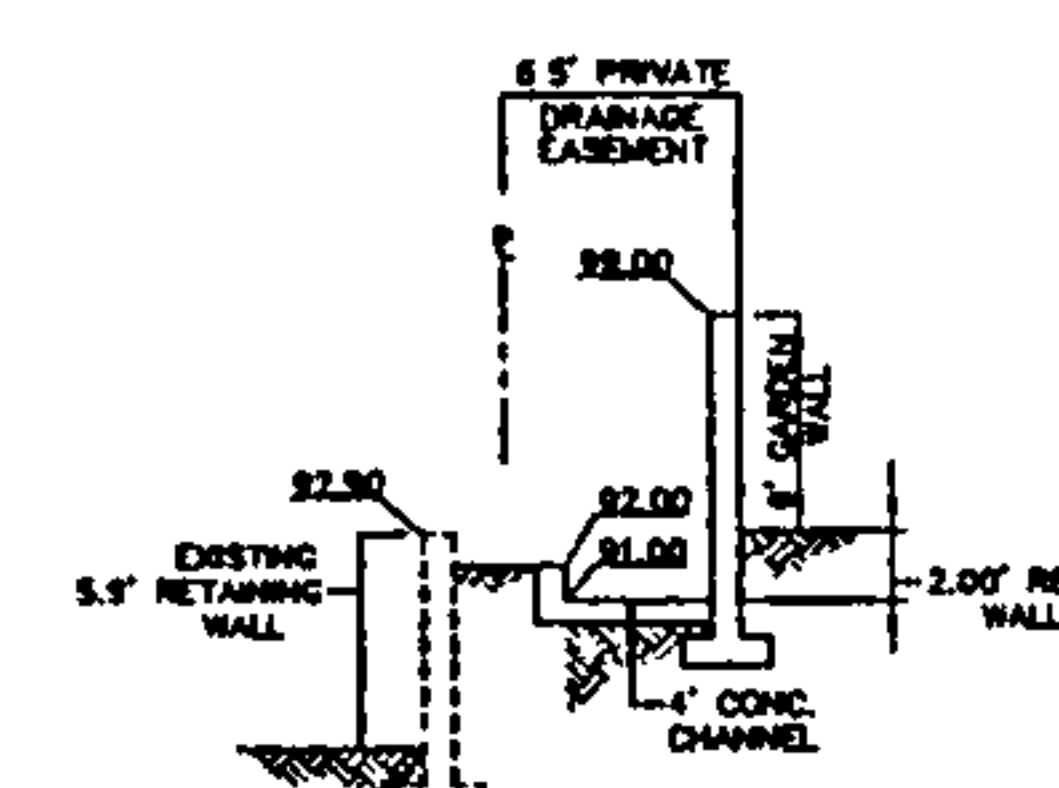
WALL SECTION - B



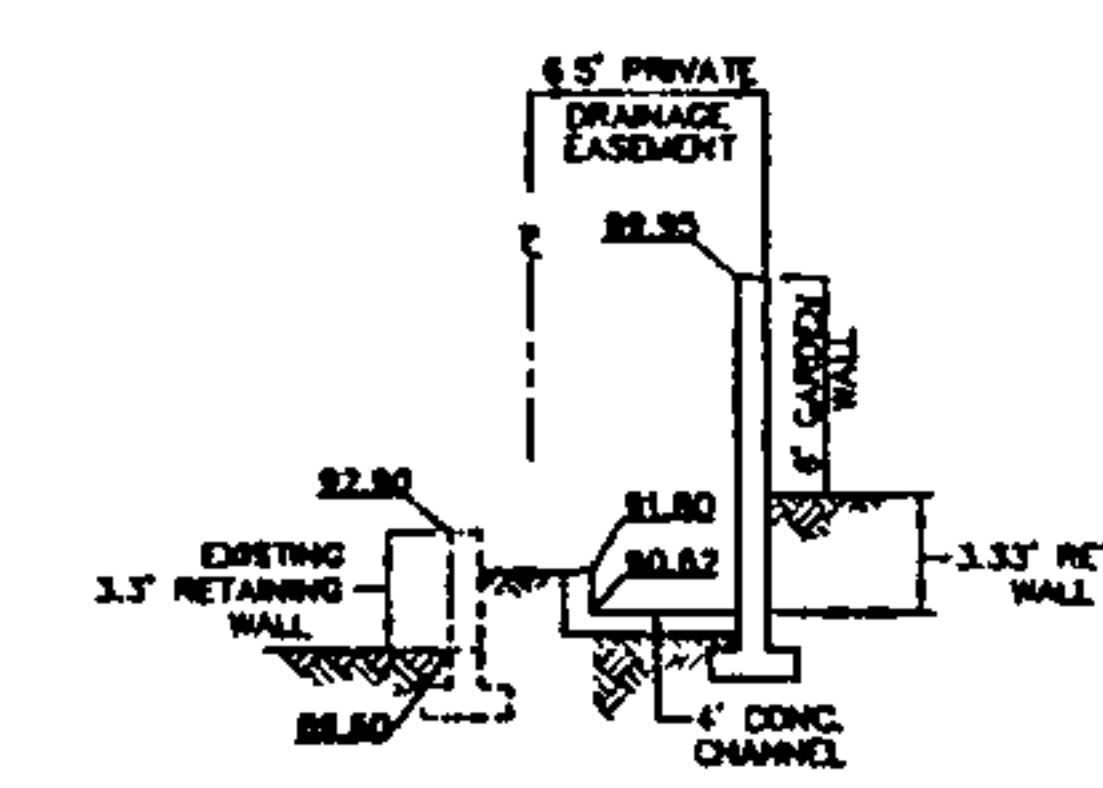
WALL SECTION - C



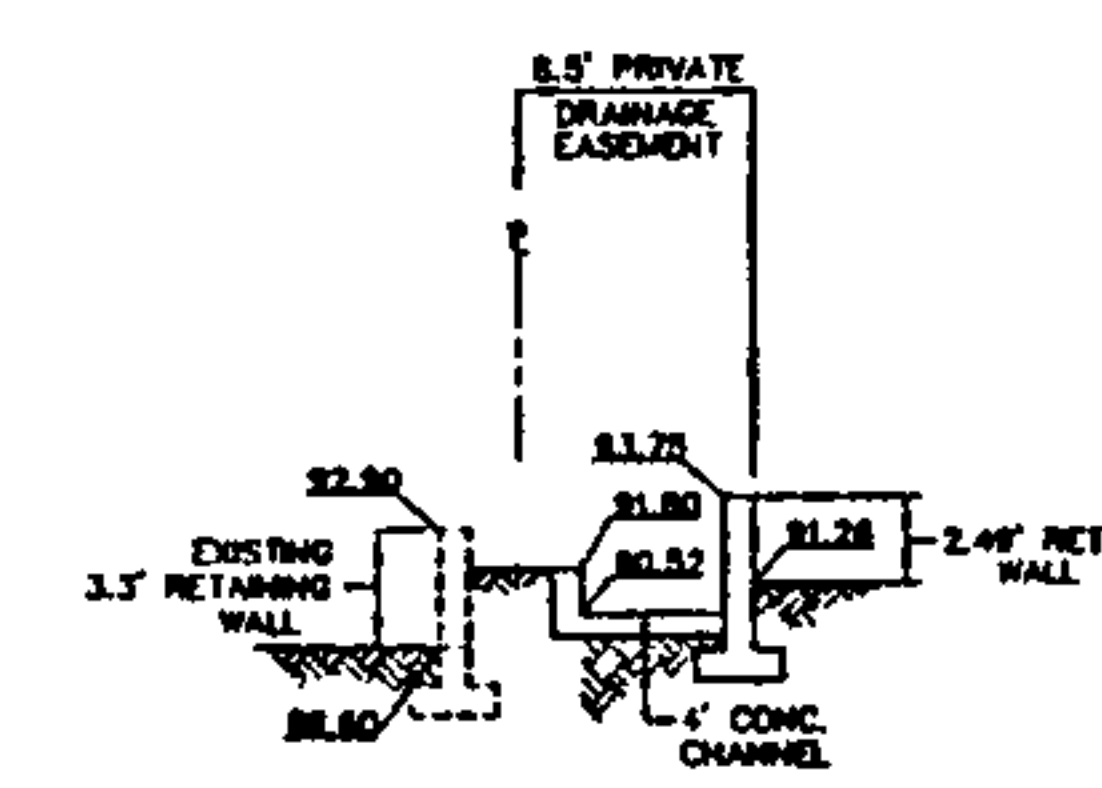
WALL SECTION - D



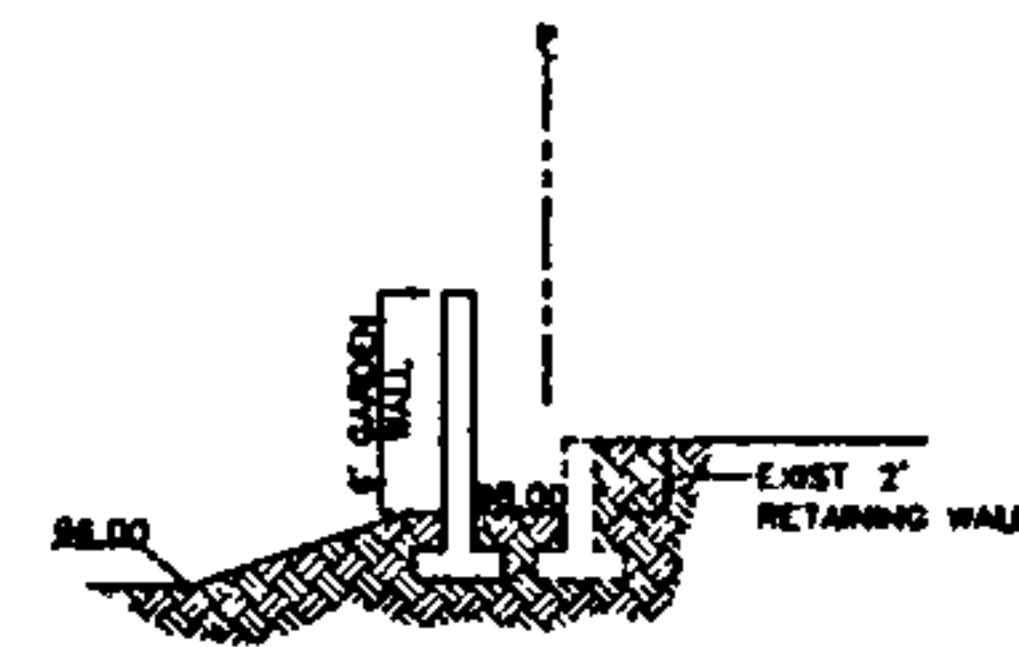
WALL SECTION - E



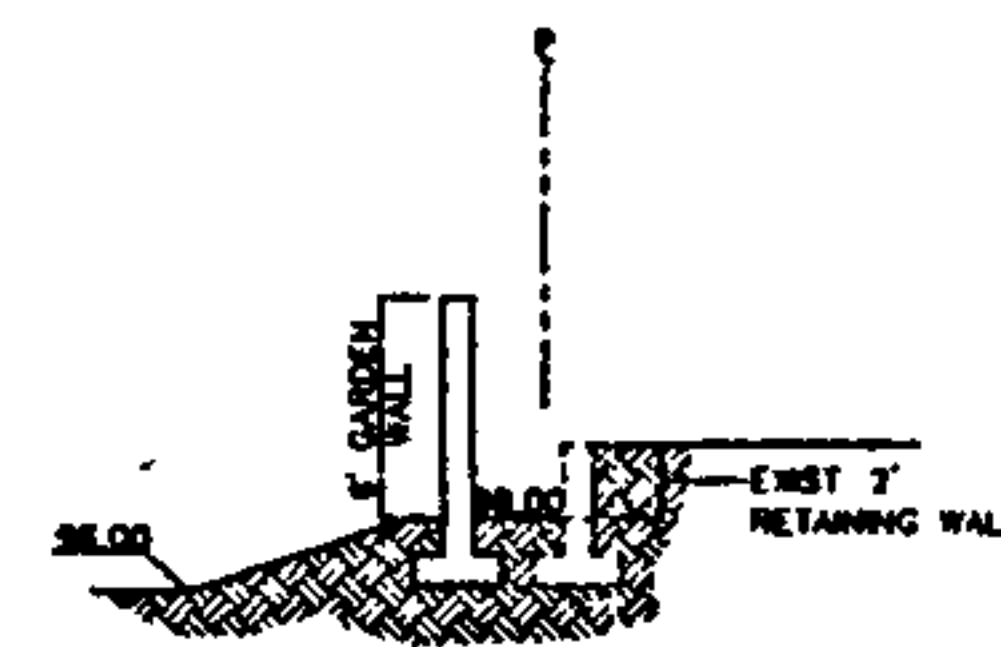
WALL SECTION - F



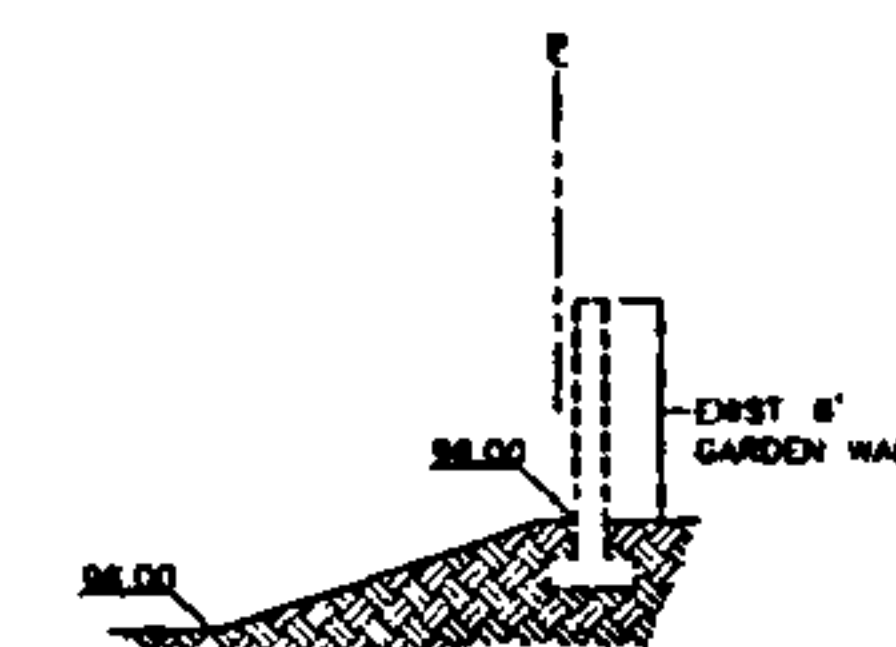
WALL SECTION - G



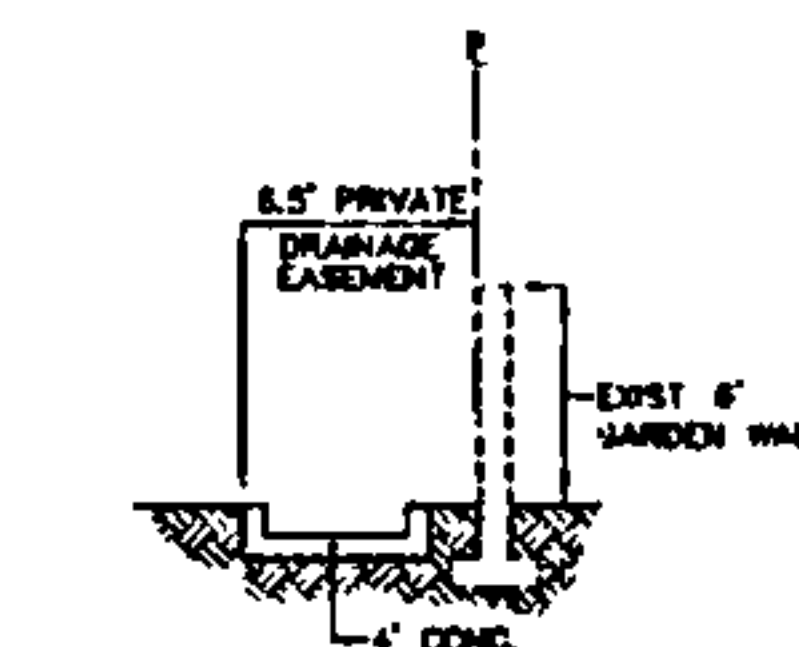
WALL SECTION - H



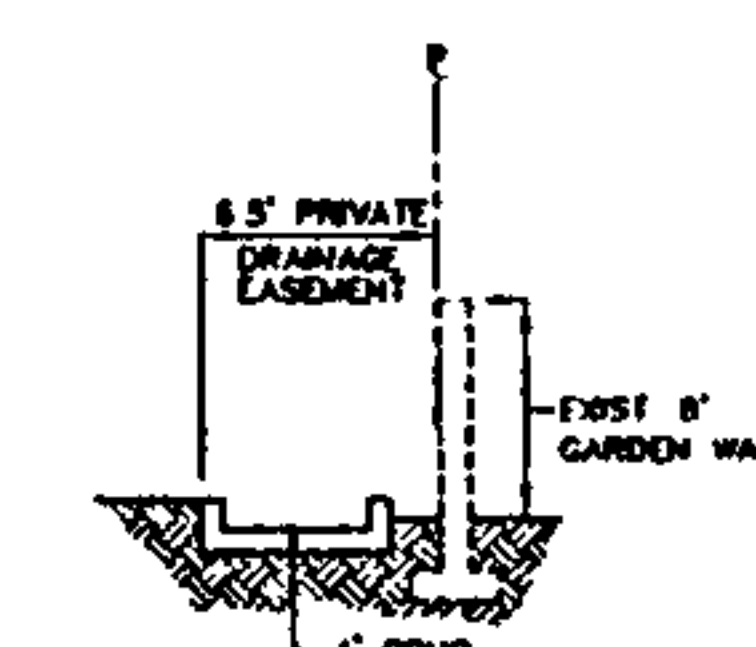
WALL SECTION - I



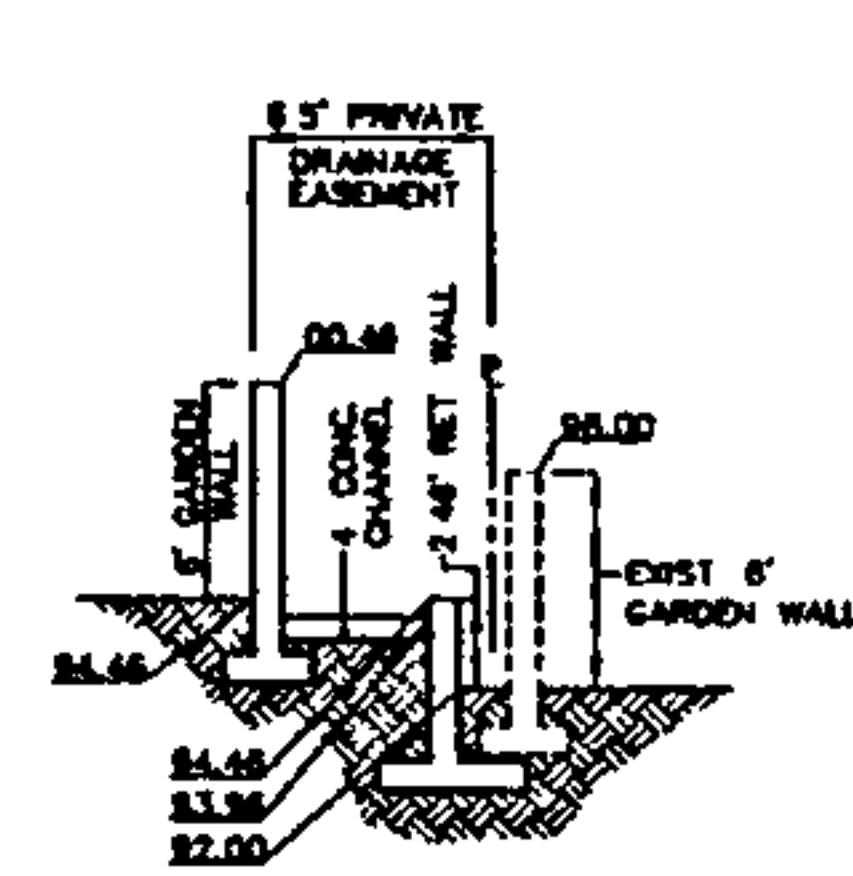
WALL SECTION - J



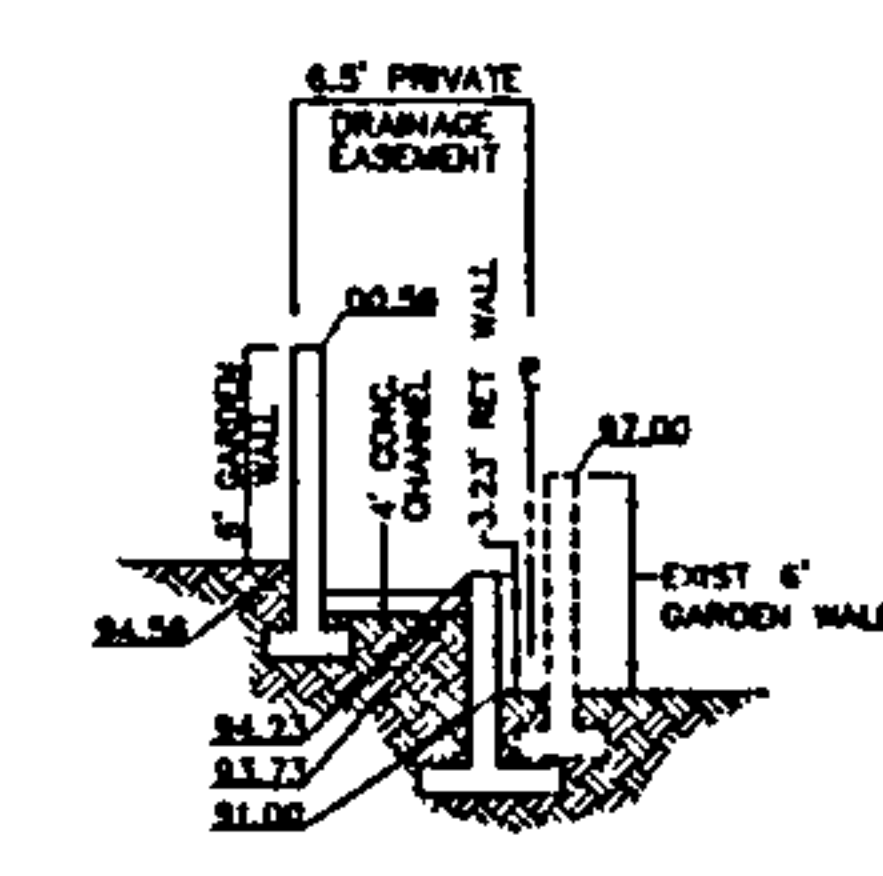
WALL SECTION - K



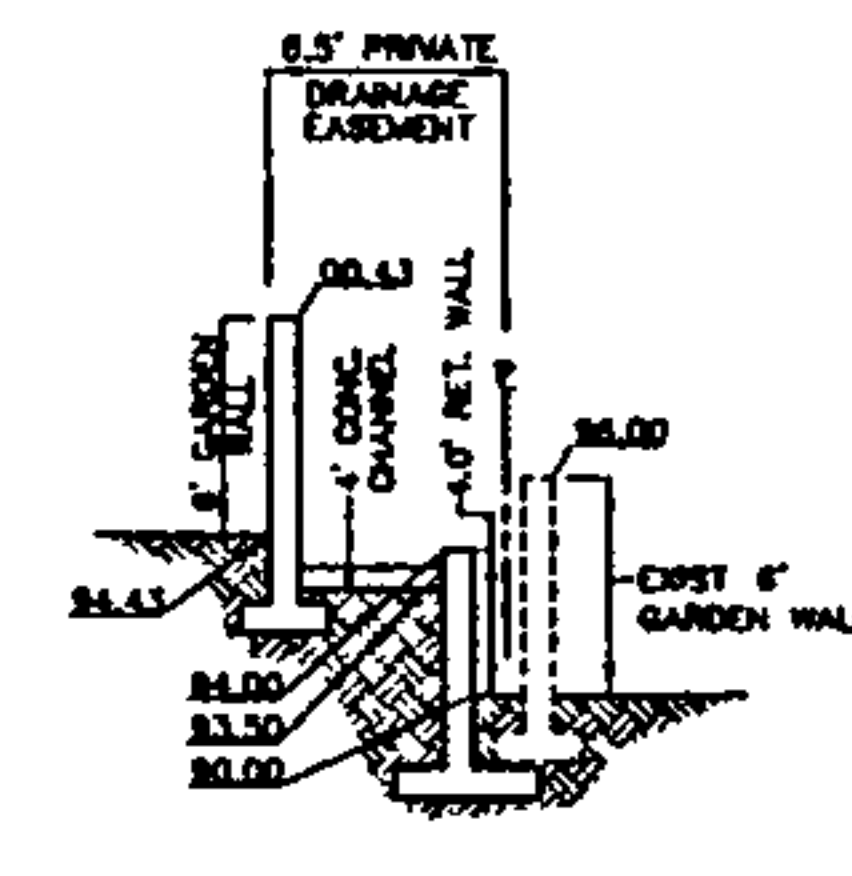
WALL SECTION - L



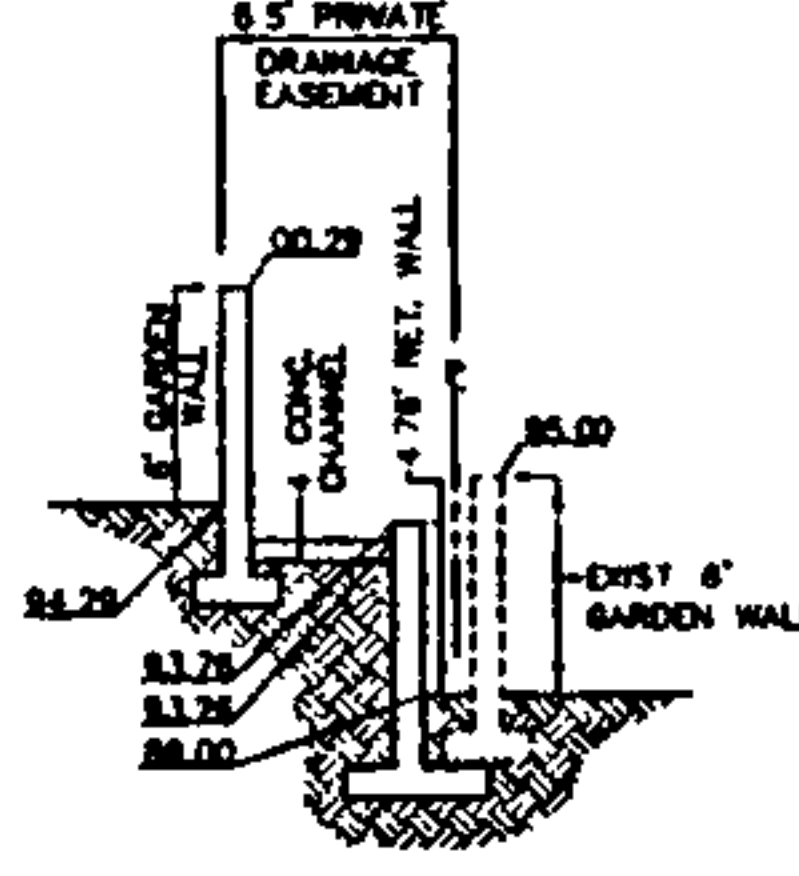
WALL SECTION - M



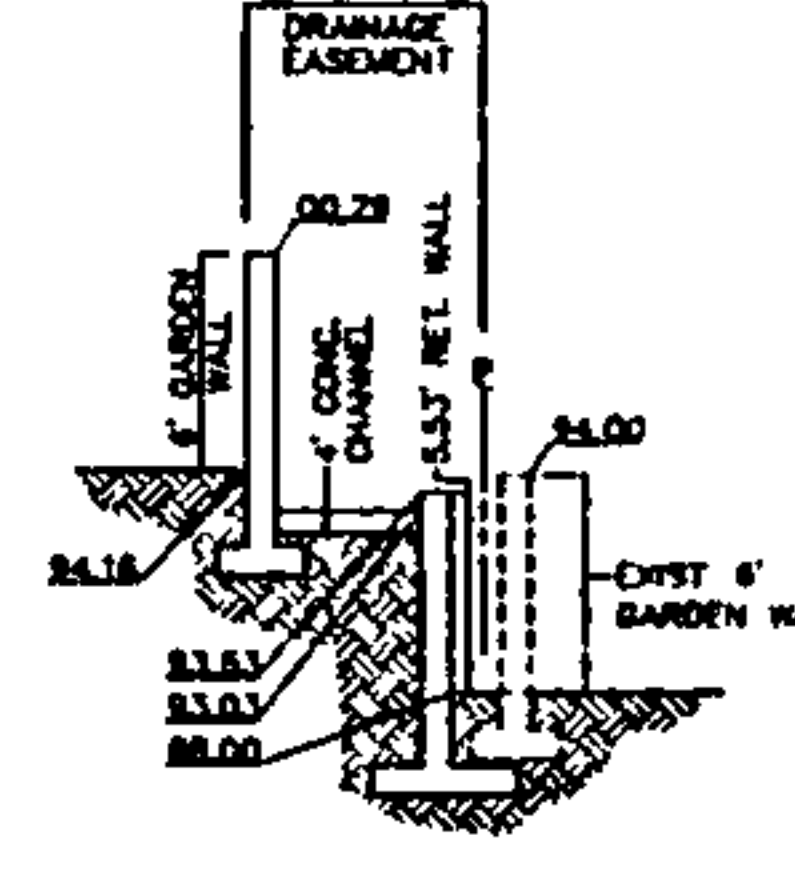
WALL SECTION - N



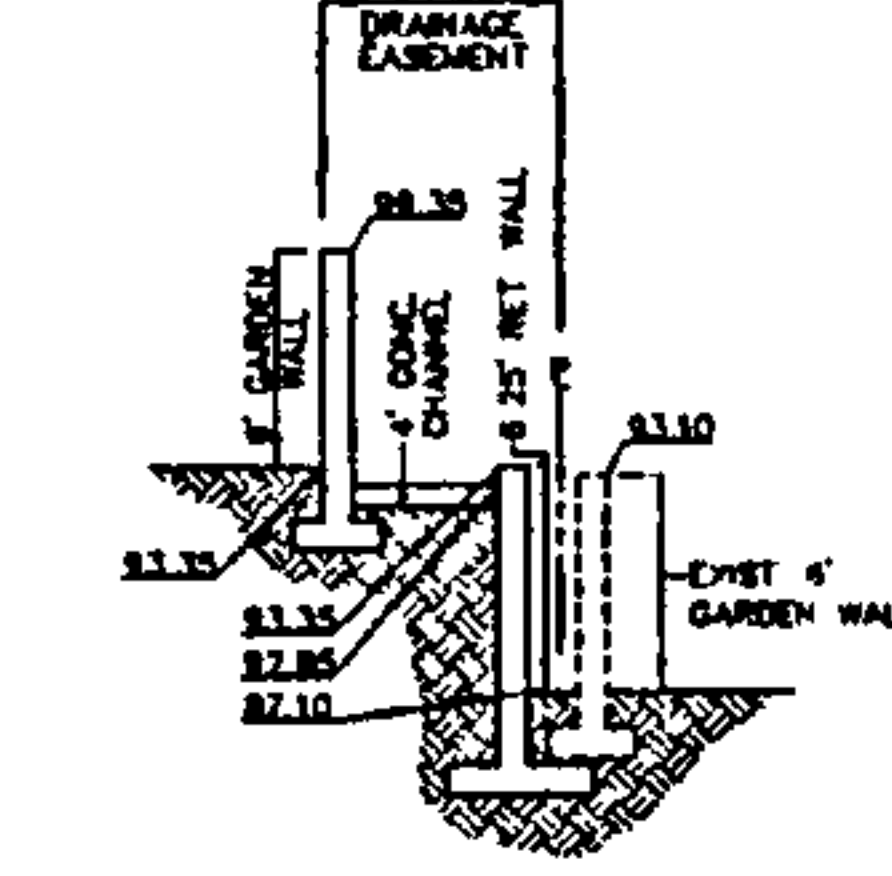
WALL SECTION - O



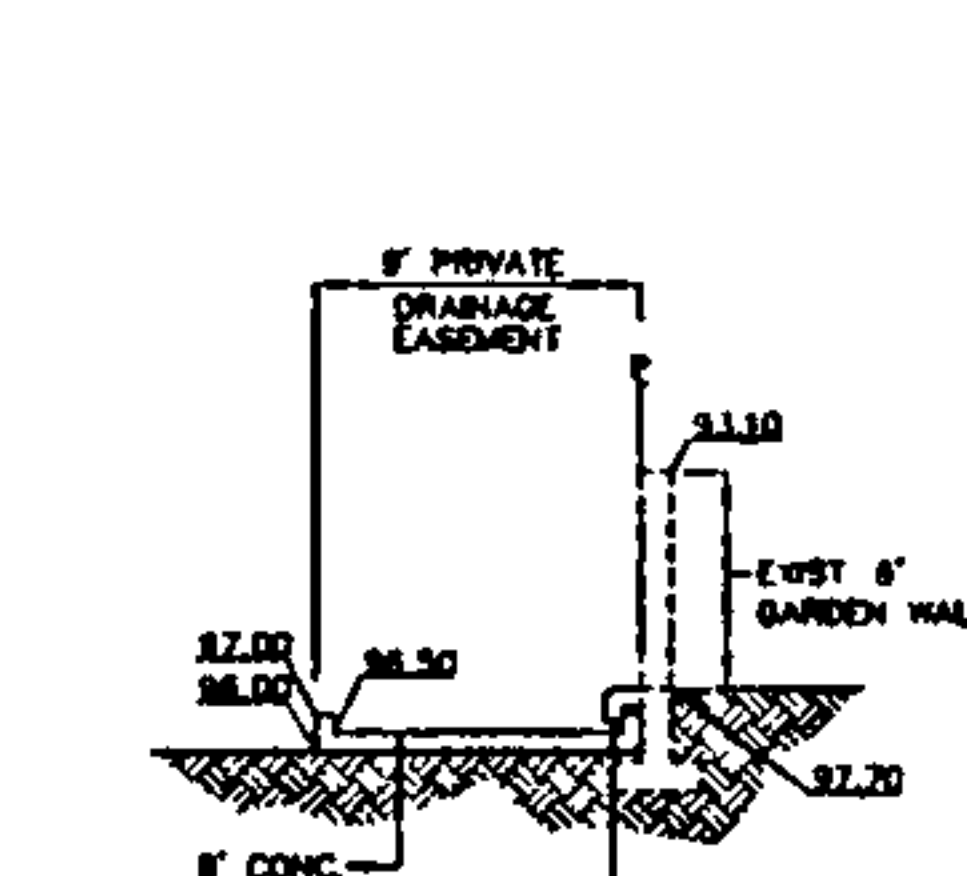
WALL SECTION - P



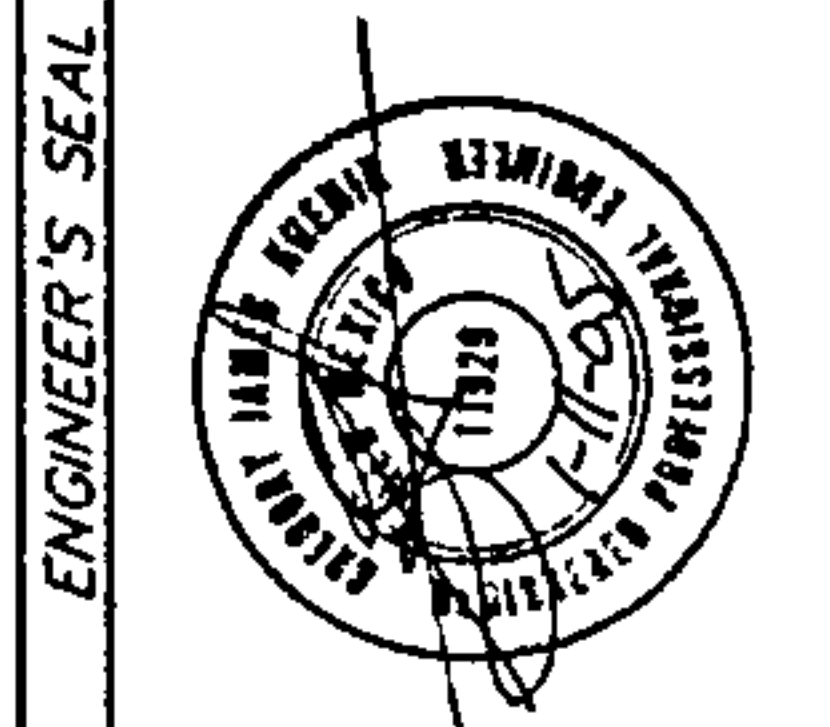
WALL SECTION - Q



WALL SECTION - R



WALL SECTION - S



ENGINEER'S SEAL

NO.	DATE	REVISIONS	BY
		DESIGN	ALM
		CHECK	ACH
		DWG	DMG

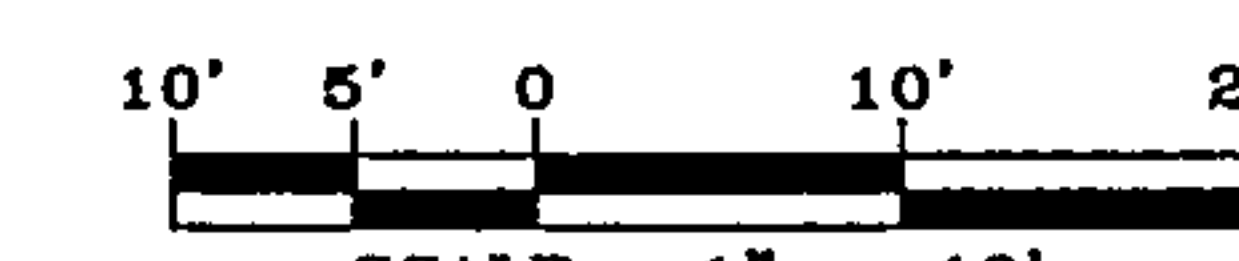
DESIGN REVIEW COMMITTEE	CITY ENGINEER APPROVAL	LAST DESIGN UPDATE	MO./DAY/YR	MO./DAY/YR

CITY PROJECT NO. ZONE MAP NO. SHEET OF

MARK GOODWIN & ASSOCIATES, P.A.  
CONSULTING ENGINEERS  
P.O. BOX 90806  
ALBUQUERQUE, NEW MEXICO 87199  
(505) 828-2200, FAX (505) 797-9539

CITY OF ALBUQUERQUE  
PUBLIC WORKS DEPARTMENT

TITLE: BENJAMIN PLACE SUBDIVISION  
GRADING & DRAINAGE PLAN



AS BUILT INFORMATION	
CONTRACTOR	WORK
DATE	DATE
ACCEPTANCE BY	DATE
REVISIONS BY	DATE
RECORDING BY	DATE
MICRO-FILM INFORMATION	
RECORDED BY	DATE
NO.	

BENCH MARKS  
ACS Brass Cap stamped "1-820"  
Located in the northeast quadrant of the intersection of Modesto Ave. N.E. and Barlow St. N.E., approximately 30' north from the centerline of Modesto Ave. N.E. and approximately 30' east from the centerline of Barlow St. N.E.  
Geographic Position (NAD 1927), in feet  
N.M. State Plane Coordinates (Central Zone)  
X=410,237.56 Y=1,524,092.46  
Elevation=5474.33, NGVD29, in feet

SURVEY INFORMATION	
FIELD NOTES	BY
NO.	DATE

LUHO/Council  
Packet



Mayor Martin J. Chávez

## CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

### INTER-OFFICE MEMORANDUM

April 20, 2005

**TO:** Brad Winter, President, City Council

**FROM:** Richard Dineen, Planning Director

**SUBJECT:** AC-05-06 – 05EPC-00122 (04DRB-01567) Project #1003520 James R. Phillips, Jr. appeals the decision of the Environmental Planning Commission to deny an appeal of the Development Review Board's approval of a Major-Preliminary Plat request, on all or a portion of Lots 27 and 28, Block 16, Tract 1, North Albuquerque Acres Unit 3 (to be known as Benjamin Place Subdivision) zoned R-D, located on Glendale Avenue NE between Barstow Street NE and Ventura Street NE, containing approximately 2 acres. (B-20) Sheran Matson, Chair, Development Review Board.

The March 17, 2005 EPC denial of the appeal was based on these findings: (1) The DRB followed the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the Benjamin Place Subdivision preliminary plat with 5 lots, in approving the grading and drainage plan per the Development Process Manual (DPM) and not requiring site plan review of the subdivision with lots at least 5,000 square feet in size. (2) The La Cueva Sector Development Plan is the implementation tool for Section II, #5, Policies d, m and n of the Albuquerque/Bernalillo County Comprehensive Plan. By following the regulatory guidance and intent of the La Cueva Plan in approving the preliminary plat for the Benjamin Place Subdivision, the DRB upheld the intent of the Comprehensive Plan. (3) The La Cueva Sector Development Plan established the zoning designations to assure orderly physical patterns of land development as called for in the Comprehensive Plan and the City Subdivision Ordinance. The DRB followed the La Cueva Sector Plan requirements in approving the Benjamin Place Subdivision preliminary plat. (4) The DRB approved grading and drainage plan adequately addresses the grade change and runoff issues existing on the Benjamin Place Subdivision property.

The DRB held four separate public hearings on the Benjamin Place preliminary plat application to allow concerned parties the opportunity to understand the issues and reach some common ground. In addition, a City facilitated meeting was held between the developer and the concerned neighbors. The majority of the issues raised during the facilitated meeting depended for resolution on agreement between the developer and the neighbors.

The Appellant and the other residents testifying at the DRB public hearings have lived on approximately one acre lots surrounding Benjamin Place before the area was annexed into the City. They testified that

they prefer the area develop as one-acre lots.

LA CUEVA SECTOR DEVELOPMENT PLAN. Appellant refers to the regulatory nature of the La Cueva Sector Development Plan. The portions of the La Cueva Plan that appellant relies on, are in fact, advisory in nature and do not carry the force of law. The DRB is permitted to use reasonable discretion in applying the provisions of the plan.

For instance, the City Hydrologist, in following the North Albuquerque Acres Drainage Master Plan (NAADMP), required the applicant's engineer to design this project to drain to Glendale because the NAADMP is the controlling document determining how new development is designed to drain. The City Hydrologist exercised reasonable discretion to lower Glendale in this area and allow the new lots on the west side of the new street to drain from the front yard to the backyard to limit the height of retaining walls and better blend the project with existing topography.

ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN. Similarly, the Albuquerque/Bernalillo County Comprehensive Plan, as the Rank 1 plan, is advisory in nature. This plan's overall purpose is to guide the City's growth through its broad development policies. The DRB is allowed to use reasonable discretion in applying the provisions of the plan. The La Cueva Sector Development Plan is an implementation tool for the Comprehensive Plan.

With regard to Appellant's statements that the natural environment is not respected due to excessive grading, destruction of arroyos and the excessive height of Benjamin Place Subdivision compared to the existing, established homes,

1. The highest retaining wall is 6 feet, within the allowable maximum height in Section 14-16-3-19 of the City Zone Code.
2. There is a small channel on this property, but it was blocked by the construction of the western existing house and now puddles on applicant's property. This drainage is adequately quantified and mitigated in the approved drainage report and grading plan.
3. The new lots are 7 feet lower than the pad of the existing residence to the east, 5 feet lower than the existing residence to the northeast, 2 feet higher than the existing residence to the northwest and 6 feet higher than the existing residence to the west. In addition, Glendale Avenue was lowered two feet to allow Benjamin Place lots to have lower pads. This project is "terraced" into the surrounding homes and is not artificially raised above them to provide better views.

CITY OF ALBUQUERQUE SUBDIVISION ORDINANCE. Appellant states the development of Benjamin Place violates the orderly physical pattern of development and the land is unsuitable for subdividing. The La Cueva Sector Development Plan, pages 39 and 40, refers directly to a pattern of subdivision mirroring the Benjamin Place Subdivision layout. (See Exhibit B, Pages 25A & 25B of the EPC appeal packet) Several subdivisions very similar in layout to Benjamin Place now exist or are under construction in close proximity to Benjamin Place. The DRB, by approving the Benjamin Place preliminary plat, determined the land is suitable and the approved grading and drainage plan satisfies the DPM requirements (Chapter 22, Section 7-VI) for the following reasons:

- Runoff from the on-site and upstream basins are adequately quantified and mitigated, creating no adverse impact to the upstream or downstream property owners,



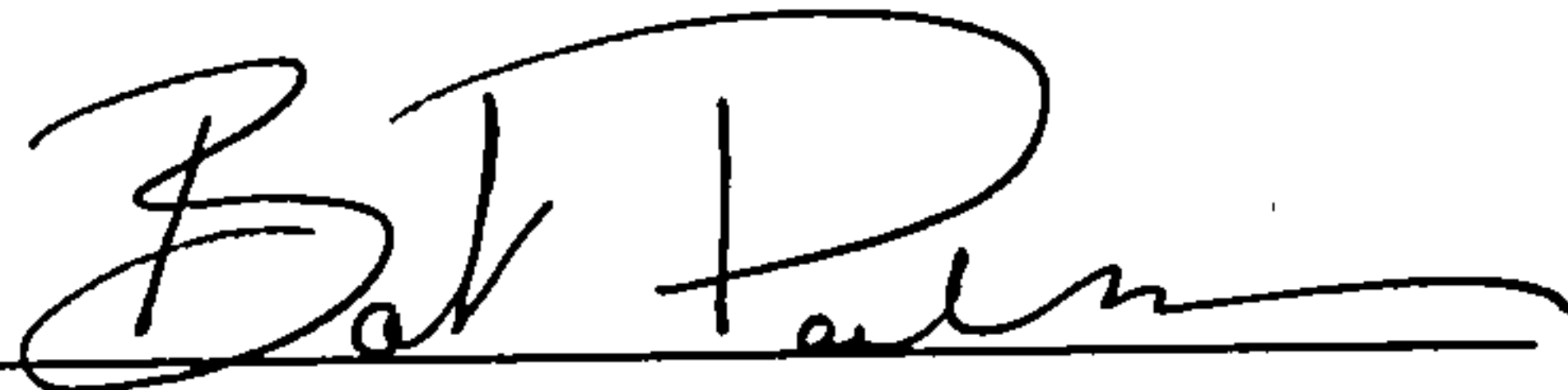
- Design of the grading plan conforms to the NAADMP, the adopted master plan for drainage in this area,
- All required infrastructure is identified on the plan,
- Future and interim infrastructure are shown on the plan and the ability to function as a stand-alone system is demonstrated,
- The approved report was prepared by a licensed engineer, registered in the State of New Mexico, experienced in subdivision design and City drainage submittal requirements.

In New Mexico, decisions that determine how a particular piece of property can be used are quasi-judicial. Quasi-judicial is a term that is applied to the action of a public administrative body which is required to investigate facts, or ascertain the existence of facts, hold hearings, and draw conclusions from them, as a basis for their official action. Dugger v. City of Santa Fe 114 NM 47, 834 P2d. 424 (Ct. App.1992). The Development Review Board (DRB), acting as a public administrative body, acts in a quasi-judicial capacity to ascertain facts on which it bases its decision to approve or disapprove subdivision plats under the City's Subdivision Regulations (Section 14-14-1-1 et Seq. R.O. Albuquerque 1994.) As a quasi-judicial body, the DRB is the finder of fact. As the finder of fact, if the DRB's decision is supported by substantial evidence it must be upheld. Muller v. City of Albuquerque 92 NM 264, 587 P2d 42 (1978). Furthermore, formal findings are not required. City of Roswell v. New Mexico Water Quality Con. Com'n. 84 NM 561, 505 P2d 1237 (Ct. App. 1972). However, the record must indicate the reasoning and the basis for the decision.

The foregoing requirements demonstrate that the grading and drainage requirements for preliminary plat approval are supported by substantial evidence. Decisions supported by substantial evidence must be accorded deference and, as a matter of law, are neither arbitrary nor capricious nor an abuse of discretion.

CITY OF ALBUQUERQUE COMPREHENSIVE ZONING CODE. Appellant raises issues with regard to perimeter walls that are prematurely and improperly raised except as they apply to perimeter wall design for walls abutting streets, public open space, parks or trails. Appellant's cited references in his appeal apply to walls not requiring design approval. Perimeter walls not requiring design approval at the time of preliminary plat approval are issued permits at the time of construction. DRB is not the approval body for wall permits at the time of construction.

APPROVED:

  
Bob Paulsen, Manager  
Development Review Division  
Planning Department

**TABLE OF CONTENTS**

**AC-05-06**

05EPC-00122 (Project #1003520)

	<u>PAGE (S)</u>
APPEAL APPLICATION/REASON FOR APPEAL .....	1 - 17
DRB PACKET / COMMENTS TO EPC, March 17, 2005 .....	18 - 157
ADDITIONAL INFORMATION .....	158 - 160
EPC NOTIFICATION OF DECISION, March 17, 2005 .....	161 - 163
EPC MINUTES, March 17, 2005 .....	164 - 176
NOTICE OF APPEAL .....	177
ZONING MAP .....	178
LAND USE MAP .....	179
APPROVED PRELIMINARY PLAT .....	180
APPROVED GRADING & DRAINAGE PLAN .....	181 – 182
TRAFFIC IMPACT STUDY .....	183

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

<b>SUBDIVISION</b> <input checked="" type="checkbox"/> Major Subdivision action <input type="checkbox"/> Minor Subdivision action <input type="checkbox"/> Vacation <input type="checkbox"/> Variance (Non-Zoning)		Supplemental form <b>S Z ZONING &amp; PLANNING</b> <input type="checkbox"/> Annexation <input type="checkbox"/> County Submittal <input type="checkbox"/> EPC Submittal <input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning) <input type="checkbox"/> Sector Plan (Phase I, II, III) <input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan <input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs) <input type="checkbox"/> Street Name Change (Local & Collector)	
<b>SITE DEVELOPMENT PLAN</b> <input type="checkbox"/> for Subdivision Purposes <input type="checkbox"/> for Building Permit <input type="checkbox"/> IP Master Development Plan <input type="checkbox"/> Cert. of Appropriateness (LUCC)		<b>P</b> <input type="checkbox"/> <b>L A APPEAL / PROTEST of...</b> <input checked="" type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	
<b>STORM DRAINAGE</b> <input type="checkbox"/> Storm Drainage Cost Allocation Plan			

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: James R Phillips Jr PHONE: 505 821 0558  
 ADDRESS: 6600 Florence Ave NE FAX: 505 344 7022  
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: james.r.phillips@comcast.net  
 Proprietary interest in site: No List all owners: \_\_\_\_\_  
 AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: This is an appeal of the EPC notice of decision 4 March 18, 2005

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. lots 27+28 Tract 1 Block: 16 Unit: NAA unit 3  
 Subdiv. / Adn. Benjamin Place Subdivision  
 Current Zoning: R-10 Proposed zoning: R-10  
 Zone Atlas page(s): B-20 No. of existing lots: 2 No. of proposed lots: 5  
 Total area of site (acres): 1.8 Density if applicable: dwellings per gross acre: 3 dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No  
 UPC No. \_\_\_\_\_ MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Ave NE  
 Between: Barstow NE and Ventura NE

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.):  
04DR13 01567, 01568, 01863

Check-off if project was previously reviewed by Sketch Plan/Plan 2, or Pre-application Review Team? . Date of review: \_\_\_\_\_

SIGNATURE [Signature] DATE 17 April 05  
 (Print) JAMES R Phillips Jr  Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 4/04

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>0500</u> <u>00545</u>	<u>Appeal</u>	<u>A</u>	\$ <u>55.00</u>
<input type="checkbox"/> All fees have been collected		<u>AD Fee</u>		\$ <u>50.00</u>
<input type="checkbox"/> All case #s are assigned				\$ _____
<input type="checkbox"/> AGIS copy has been sent				\$ _____
<input type="checkbox"/> Case history #s are listed				\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate				\$ _____
				Total
				\$ <u>105.00</u>

Hearing date April 21 2005 Project # 1003520

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

- DECISION OF THE ZONING HEARING EXAMINER

Project number of case being appealed;

Application number of case being appealed;

- Reason for the appeal \*
Appellant's basis of standing as an appellant \*
Letter of authorization from the appellant if this application for appeal is submitted by an agent
Copy of the Official Notification of Decision regarding the matter being appealed
Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

- CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

Project number of case being appealed;

Application number of case being appealed;

- Reason for the appeal \*
Appellant's basis of standing as an appellant \*
Letter of authorization from the appellant if this application for appeal is submitted by an agent
Copy of the Official Notification of Decision regarding the matter being appealed
Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

- DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

Project number of case being appealed;

Application number of case being appealed;

- Reason for the appeal \*
Appellant's basis of standing as an appellant \*
Letter of authorization from the appellant if this application for appeal is submitted by an agent
Copy of the Official Notification of Decision regarding the matter being appealed
Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD
ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

Project number of case being appealed; # 1003520/05 EPC 00122

Application number of case being appealed; 04DRB 01567

- Reason for the appeal \* attached
Appellant's basis of standing as an appellant \* attached
Letter of authorization from the appellant if this application for appeal is submitted by an agent
Copy of the Official Notification of Decision regarding the matter being appealed
Fee (see schedule)

\* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

James R. Phillips Jr
Applicant name (print)
Applicant signature / date



Form revised 10/04 & March 2005

- Checklists complete
Fees collected
Case #s assigned
Related #s listed

Application case numbers
05CC - 00545

Planner signature / date
Project # 100 3520

TO: City Council

April 1, 2005

FROM: James R Phillips, Jr (8600 Florence Ave NE)

SUBJECT: Basis of Appeal  
Environmental Planning Commission  
Official Notice of Decision, March 18, 2005  
Denial of Appeal Project # 1003520/05EPC 00122

Dear Sirs,

I am representing the neighbors surrounding the proposed development "Benjamin Place" to be located on Glendale Ave NE. My neighbors and I consider ourselves aggrieved by the decision of the EPC.

**Standing to Appeal.** I live and own property within 300 feet of the subject site. The list of neighbors supporting this appeal is attached. They also live and own property within 300 feet of the subject site.

We are also in the process of forming a Neighborhood Association in accordance with the Neighborhood Association Recognition Ordinance (14-8-2-1) to help us with this case, as well as other issues affecting this area of North Albuquerque Acres, which is in the La Cueva Sector. We have met with the Albuquerque Office of Neighborhood Coordination and will be working with them in the weeks ahead. Unfortunately, there is no existing association representing this area at this time. We anticipate satisfying all the criteria in the applicable ordinance and being recognized by the City of Albuquerque within the next eight weeks.

**Basis of Appeal.** The EPC denied our appeal of the DRBs approval of this proposed subdivision. Our appeal is based on our opinion that there has been an error in applying adopted city plans, policies, and ordinances by the DRB's approval of the preliminary plat.

Specifically, we feel that (details are laid out in the following paragraphs):

- The intent of the La Cueva Sector Development, the Development Process Manual or the Albuquerque/Bernalillo County Comprehensive plan has not been followed.
- The stringent enforcement of all required subdivision rules, regardless of subdivision size or existing topography within an established neighborhood, and the City's reluctance to examine/approve alternate solutions makes these lots unsuitable for a subdivision.
- The grading plan, as proposed, violates numerous clauses of the subdivision ordinance infringing inappropriately on existing neighbors to the site and that alternatives to the grading plan have not been fully analyzed.

The EPC Chairman, in deliberation discussed the option of sending the subdivision plan back to the DRB for action to ensure all options were fully covered for this subdivision, in an effort to mitigate or ameliorate the concerns of the existing neighbors. This discussion, and the proposed action, was exactly what the neighbors adjoining the site were seeking. It would allow all concerned parties to investigate and understand all the issues involved, and even allow the city to adjust subdivision requirements to better accommodate concerns while moving forward. However the EPC elected to deny the appeal.

Our primary goal in filing this appeal is to ensure that the subdivision, if deemed suitable for this small location, meshes appropriately with the surrounding, existing homes and topography. These existing single lot homes were carefully terraced into the existing terrain—we would hope that this subdivision would appear and be developed in the same way. If it cannot be—than it should not be built.

In addition, at the end of this listing, we offer numerous suggestions to mitigate these issues that should be discussed as alternatives to the developer's plans. These, and similar options were discussed with the DRB and EPC—however the developer has not offered us a direct explanation of why these options are not possible. In our opinion these alternatives should establish a framework for discussion with the developer and the City that could lead to subdividing this property in a way to have minimal adverse impact on the existing community, satisfy City requirements, and allow the developer to achieve his goals.

Our lengthy but detailed list of issues follows. In each citing of an ordinance, rule, or regulation, we have written in italics the specific violation.

### **La Cueva Sector Development Plan**

The La Cueva Sector Development Plan, a Rank Three Plan, was published June 2000. The Environment Planning Commission recommended approval in 1999. It was signed by Mayor Baca, passed by unanimous vote of the City Council and reviewed and Approved by the Development Review Board. It was written to “protect public well being” in the La Cueva Sector that was annexed by the City in 1995.

The plan “recommends land uses, zoning, design regulations and strategies to encourage effectively organized urban development.”

On Page i it states “The purpose of the plan is to suggest solutions to the barriers that have hindered sound urban development in the plan area. These include existing platting that disregards natural topography and drainage patterns; diverse ownership that inhibits consolidated developments; and piecemeal planning that disregards area-wide needs for parks, major streets and major drainage improvements”

*It is our belief that the regulatory guidance as well as the intent of the La Cueva Sector plan is not being followed. The proposed development completely disregards the natural topography of the site, which was the original*

*problem before the Las Cueva Plan was developed. Homes in the immediate area (completely surrounding the proposed subdivision) have respected the natural arroyos and topography by allowing water to flow naturally and have terraced their home—without additional fill or grading, into the natural topography. This subdivision offers no improvement—in fact just the opposite. The design does not integrate with, nor complement the existing development and disregards the natural topography. Whereas the intent of the La Cueva Plan was to encourage comprehensive development by window, this subdivision will do just the opposite by allow piece-meal development right in the middles of what is an already established, consolidated neighborhood.*

### **Albuquerque/Bernalillo County Comprehensive Plan**

Another plan that covers certain details of this development is the Albuquerque/Bernalillo County Comprehensive Plan. In that plan, this area is classified as Developing Urban and within the North Albuquerque Acres Community as identified on the Community Areas Map. As such the following rules apply:

Section 5. DEVELOPING AND ESTABLISHED URBAN AREAS. The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

Policy d - The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern. Possible Techniques:

- 3) Assist area property owners, neighborhood groups, and developers, (by negotiation and public education) in achieving, with coordination and harmony of development plans.

*It is our opinion that many aspects of Policy d have been carried into the La Cueva Sector development plan—but not followed. This subdivision does not respect existing neighborhood values or the environmental conditions. It will not be a visually pleasing built environment when compared to all of the homes surrounding it. Other than one meeting arranged by the City that produced a Facilitator's Report (November 30, 2004) no follow-up dialogue occurred. Even though the report was 10 pages long and contained numerous issues and proposed changes—and ended with the statement "All issues are unresolved" there was no effort by the City to stimulate resolutions to the issues. This report was offered into*

*evidence at the DRB hearings but no action was taken and no dialogue occurred. The plan has exceptional and encouraging wording to encourage the City to facilitate meetings between developers and property owners to achieve optimum solutions. The City has failed to implement these meetings, or to educate the property owners.*

## Section 9. COMMUNITY IDENTITY AND URBAN DESIGN

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

Policy a - The City and County differentiate into thirteen sub-areas as shown on the Community Areas map; the unique character and constituent neighborhoods of each area identified on the Community Areas map shall be respected in all planning and development actions.

*This area is identified as the Community of North Albuquerque Acres and this particular neighborhood is unique because of the open space, views, lot sizes, minimal traffic, natural environment that respects the existing topography and minimal, non-polluting lighting. This subdivision will violate all these unique characteristics.*

Policy b - In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

- 1) The natural environment
  - Indigenous vegetation and other materials appropriate to landscapes.
  - Topography and landscape features such as arroyos, the Rio Grande and bosque, the foothills, and escarpments
  - Soils and erosion potential
  - Colors and textures of the natural environment
  - Views

*The natural environment is not being respected due to excessive grading and the destruction of the arroyos. In addition, the views—a major positive issue to this community are being destroyed by the construction of a “floating compound” in the middle of existing homes already established.*

- 2) Built environment
  - Height and massing of buildings
  - Setbacks from the street
  - Walls and fences
  - Street furniture (e.g. bus stops, street lights, signs)
  - Relationship between built and natural environment



*The height and massing of the buildings in this subdivision will far exceed the established neighboring homes. Existing setbacks for existing homes will not be respected because this subdivision will push homes right up to the property lines. Walls will be excessive and present the appearance of a compound. There are no street lights in this area which enhances its beauty and night sky—but this subdivision, as required for all subdivisions, will have a street light. There will be no logical or meaningful relationship between the homes and the natural environment because the construction technique will simply be to fill in and level the entire two lots.*

**City of Albuquerque, Code of Ordinances, Chapter 14**

Within the City of Albuquerque, New Mexico, Code of Ordinances, Chapter 14, Zoning, Planning and Building, are all ordinances covering this proposed subdivision.

Article 14 contains all the Subdivision Regulations.

14-14-1-3 Purpose and Intent. The Public health, safety, comfort, convenience, and general welfare of the people of the city require harmonious, orderly, and coordinated development of land within the city...The intent of such control is to secure:

- (A) Coordination of land development in accordance with orderly physical patterns as stated in the Albuquerque/Bernalillo Country Comprehensive Plan.
- (F) Safety and suitability of land for the development contemplated.

*It is our opinion that the development of these two lots as a subdivision violates any orderly pattern of development and the land is not suitable for subdividing. The orderly pattern of development is one home, per lot with lot fronts facing Glendale Ave and set back from the public right of way. Wedging a higher density subdivision in between an already established orderly pattern of development is not acceptable. Subdivisions make more sense, and are more applicable to larger areas where they do not affect established orderly patterns of the existing neighborhood.*

14-14-2-1 General Appropriateness. Land may be subdivided only in accordance with procedures established by this article. The Development Review Board shall approve the subdivision of land when it determines that the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare.

*It is our opinion that the provisions of "general welfare" are violated by the approval of this subdivision. Welfare is defined as "good fortune, wealth, and happiness of people or a group of people." None of the existing residents*

*surrounding this subdivision will be positively affected and all are in opposition. The only one whose "welfare" will benefit is the developer who does not live here.*

#### 14-14-2-3 LAND SUITABILITY.

(A) No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. In determining suitability the city shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority.

*These two lots, comprising approximately 1.8 acres is clearly unacceptable, and NOT SUITABLE for subdividing.*

*In order to appropriately handle all drainage requirements and simultaneously satisfy building requirements for subdivisions, radical and drastic grade changes are required that will result in unacceptable wall construction. These walls will potentially be in violation of other ordinances when constructed.*

*In addition, a temporary drainage retention pond will be constructed until a storm drain at some future unknown date is constructed.*

*It should be noted that other recent subdivisions in the area have, and are continuing to cause drainage problems that are causing excess run-off of water onto existing, occupied lots. This is a result of creating artificial drainage patterns rather than using existing natural drainage arroyos and patterns.*

*The topography is also not satisfactory for building. The lots drop away significantly—over 8 ft from South to North. This is away from the main access street, and in the opposite direction required for drainage to the future storm drain. This will result in a much higher elevation than neighboring properties on the North and West sides. Massive wall heights will result creating the illusion of a compound sitting above the surrounding property.*

*There is a fairly new subdivision, platted and designed in a very similar fashion near the corner of Wyoming and Modesto. The requirements for grading resulted in massive*

*15 ft walls that have forever wrecked the views and aesthetics of the neighboring existing properties.*

(E) Grades set for new subdivisions must blend the plat's development into the adjacent environment with a minimum of sudden grade change. Extensive fill which raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property should be avoided... Where needed for a subdivision, grade changes are usually best done within the interior of the subdivision. City staff appropriately goes beyond mere approval or disapproval of a developer-proposed grading plan and identifies less intrusive grading approaches consistent with the policy/standard of this section...

*This is by-far our biggest concern.*

*The proposed grades, especially South to North, DO NOT blend the development into the adjacent environment. EXTENSIVE fill is required and it will raise the grade significantly above the lot to the North and the West. This "sudden grade" change is not acceptable to the neighbors for many reasons; views, privacy, property values and we would expect the city to enforce this ordinance to protect the public as a whole. Not just the interested developers that do not live here. The requirement for the grade change is tied to subdivision requirements for drainage and since the city will not allow the subdivision to be built without a proper approved drainage plan—this property is de-facto unsuitable for a subdivision. Alternatives to the grading plan were not discussed in detail—but there are many possibilities that need pursuing. These are listed at the end of this paper.*

*In addition to this, it should be clearly understood that the drastic grade increase on the West side of this proposed subdivision will undoubtedly increase the value of the west building lots because the views will be exceptional since they will be well above surrounding neighbors. This increase in value will clearly come at the expense of these surrounding neighbors. That is not acceptable.*

*All the surrounding homes do not have excessive grade changes within their lots, and it would be appropriate that this subdivision develop its lots in the same manner.*

#### 14-16-3-19 GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS.

(A) *Height regulations.*

(1) A wall, fence, retaining wall, or vertical combination of these (the "wall")

that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within a required setback, provided:

(a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard.

*The wall heights proposed on the preliminary plat, located in the NW corner of the subdivision will be a combination of a retaining wall and a garden wall. This combination, according to the plat, will be 12 ft high. This is in clear violation of this ordinance. The DRB stated, after their approval of the preliminary plat, that the wall heights are issues for zoning. If this is true, then why are all walls, and heights outlined on the preliminary plat?*

(c) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the street side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.

*The walls located in the SE and SW corner are technically rear yards that are contiguous to the front yards of the existing homes and they abut a public street. These walls exceed three feet in height within 20 feet of the right-of-way line in clear violation of this ordinance*

### **Conclusions and Recommendations:**

These ordinances and their violation is the basis of our appeal. Subjectively we feel that the overriding issue should be focused on the creation of a subdivision, the requirements for a subdivision to follow very stringent rules, and the fact that these rules are not easily applied to subdivisions with such a small scope, on unique property. Subdivisions, and their requirements for utilities, drainage and streets, are more logical on larger scales—not squeezed onto 1.8 acres--thus making these two lots unsuitable for a subdivision.

Our preference would be to continue the development of the immediate community as already mandated by the existing developed lots, and required in not only the Albuquerque/Bernalillo Comprehensive Plan but the La Cueva Sector Development Plan. At the very least, community involvement is mandated by these plans for such a radical change to the established neighborhood—and that has not happened.

In order to incorporate the proposed subdivision into the established, coherent neighborhood, the subdivision needs to respect the pattern of existing development and

not use extensive fill for grading. If the City mandates that subdivision drainage requirements can not be altered, requiring a sudden grade change, then that should make the lots not suitable.

As an alternate to the developer's plan, there should have been discussions about changes to the proposed plan that may have made the site more usable by the developer and more acceptable to the neighbors. These following items are ideas that could help to mitigate the concerns:

1. Move the proposed drainage pond and the house locations within the subdivision, to reduce the perception of a floating compound that will occur in the NW corner.
2. Split each lot into 2 narrower .45 acre lots, increasing profits for landowner/ developer (their goal) yet maintaining the fundamental construct of our neighborhood. Houses would face the street and would be set back approximately the same distance from the road as existing homes and the lots would maintain the natural slope from east to west. The City should recognize that although this would be technically "subdividing" and desire to apply all standard generic subdivision rules—in this case it makes sense not to. The developer would not need to do as much grading, wall building or need to construct a cul-de-sac road or retention pond—thus saving him considerable money which would make up for the loss of one home (four versus five).
3. There is a soon to be completed drainage pond (cement lined) at the SE corner of Barstow and Glendale. The developer could seek an agreement with the pond owner and determine the feasibility of taking the subdivision's outflow, through a storm drain, and into this pond. This would be temporary until a permanent storm drain is placed under Glendale. If the developer did this, he would not need to construct a drainage pond (saving money), be able to lower the grade of his subdivision, and make his individual lots larger (increasing profit).
4. Wait to develop these two lots until a storm drain is permanently placed under Glendale. Establishing new subdivisions prior to required infrastructure improvements causes eye sores like the drainage/retention pond. If the developer waited, his five houses could be more evenly placed on the 1.8 acres thus increasing open space and preserving some views.

### Summary

As we stated in the opening of our appeal, our primary goal in filing this appeal is to:

- Ensure the City Council understands our concern that this subdivision represents an intrusive and piecemeal development of an existing neighborhood. By wedging a subdivision into such a small area, in amongst existing development is not in the best interests of the City or the residents.
- Subdivisions and all their requirements make perfectly good sense on larger scales and have been correctly developed in North Albuquerque Areas in sections (windows) that could be consolidated. This has been done successfully. Trying to do the same thing on these two lots will not be successful.

- If in the end, this subdivision is deemed suitable for this small location, it needs to mesh appropriately with the surrounding, existing homes and topography. These existing single lot homes were carefully terraced into the existing terrain—we would hope that this subdivision would appear and be developed in the same way.

This is the basis for our appeal and some possible resolutions.

Respectfully,

  
James R Phillips, Jr.

The following neighbors are all in opposition to this subdivision as approved by the DRB:

Eddings	Scott and Lena	8620 Florence Ave NE
Fanning	Scott and Trudi	8820 Glendale Ave NE
Gorenz	Don and Judy	8717 Glendale Ave NE
Millington	Lynnette and Larry	8508 Florence Ave NE
Olona	Dennis and Barbara	8516 Florence Ave NE
Owens	Diane	8601 Glendale Ave NE
Phillips	James and Sandra	8600 Florence Ave NE
Rawson	Lewis and Nadia	8421 Glendale Ave NE
Schell	Dan and Cheryl	8361 Modesto Ave NE
Smith	Mike and Janet	8341 Modesto Ave NE
Turon	John and Laura	8700 Florence Ave NE
Verner	Diane	8800 Florence Ave NE
Zaffery	Dean and Corin	9001 Glendale Ave NE



City of Albuquerque  
Planning Department  
Development Review Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: March 18, 2005

**OFFICIAL NOTIFICATION OF DECISION**

FILE: **05EPC-00122** Project # **1003520**  
04DRB-01567 Major-Vacation of Pub Right-of-Way

James Phillips  
8600 Florence Ave. NE  
Albuq. NM 87122

**LEGAL DESCRIPTION:** James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lots 27 & 28, Block 16, Tract 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acres.

On March 17, 2005 the Environmental Planning Commission voted to deny Project 1003520/ 05EPC 00122, an appeal of the Development Review Board, based on the following Findings:

**FINDINGS:**

1. The DRB followed the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the Benjamin Place Subdivision preliminary plat with 5 lots, in approving the grading and drainage plan per the Development Process Manual and not requiring site plan review of the subdivision with lots at least 5,000 square feet in size.
2. The La Cueva Sector Development Plan is the implementation tool for Section II, #5, Policies d, m and n of the Albuquerque/Bernalillo County Comprehensive Plan. By following the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the preliminary plat for the Benjamin Place Subdivision, the DRB upheld the intent of the Comprehensive Plan.
3. The La Cueva Sector Development Plan established the zoning designations to assure orderly physical patterns of land development as called for in the Comprehensive Plan and the City Subdivision Ordinance. The DRB followed the La Cueva Sector Development Plan requirements in approving the Benjamin Place Subdivision preliminary plat.



4. The DRB approved grading and drainage plan adequately addresses the grade change and runoff issues existing on the Benjamin Place Subdivision property.

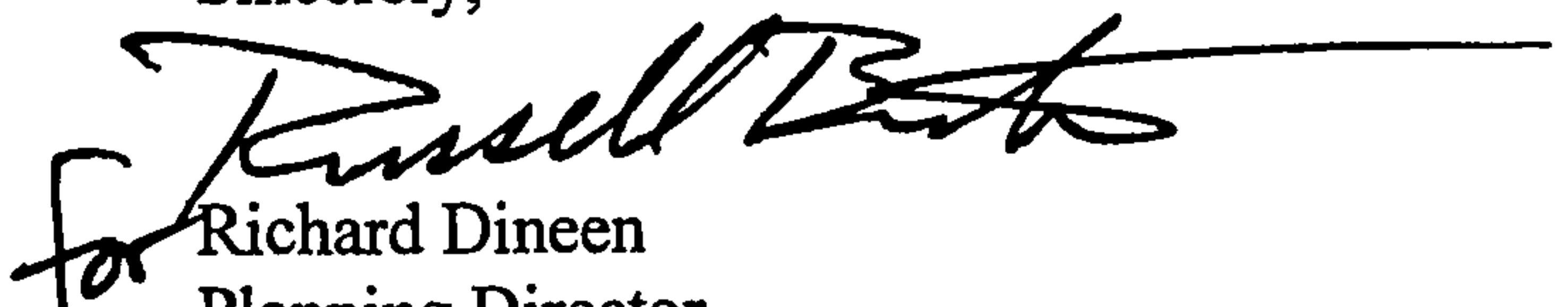
IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY APRIL 1, 2005 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

  
for Richard Dineen  
Planning Director

OFFICIAL NOTICE OF DECISION  
MARCH 17, 2005  
PROJECT #1003520  
PAGE 3 OF 3

RD/SM/ac

cc: William Kraemer, 200 Lomas NW, #1111, Albuquerque, NM 87102  
John MacKenzie, P.O. Box 90606, Albuquerque, NM 87199  
Scott Ashcraft, Washington Investors, 501 3<sup>rd</sup> St. SW, Albuquerque, NM 87102  
Diane Owens, 8601 Glendale Ave. NE, Albuquerque, NM 87122  
Mark Goodwin & Associates, P.O. Box 90606, Albuquerque, NM 87199  
Larry Millington, 8508 Florence Ave. NE, Albuquerque, NM 87122  
Lewis Rawson, 8421 Glendale NE, Albuquerque, NM 87122  
Laura Turon, 8700 Florence Ave. NE, Albuquerque, NM 87122

**ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services**

**PAID RECEIPT**

APPLICANT NAME James R. Phillips Jr  
 AGENT Same  
 ADDRESS 8600 FLORENCE NE  
 PROJECT & APP # 1803520 / 05CC 00545  
 PROJECT NAME Benjamin PI

\$ \_\_\_\_\_ 441032/3424000 Conflict Management Fee

\$ \_\_\_\_\_ 441006/4983000 DRB Actions

\$ 55.00 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ 50.00 441018/4971000 Public Notification

\$ \_\_\_\_\_ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY\*\*\*  
 Major/Minor Subdivision  Site Development Plan  Bldg Permit  
 Letter of Map Revision  Conditional Letter of Map Revision  
 Traffic Impact Study

\$ 105.00 TOTAL AMOUNT DUE

**\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.**

4/1/2005 10:13AM  
 RECEIPT# 00038245 WS# 008 TRANS# 0001  
 Account 441018 Fund 0110  
 Activity 4971000 TRSEJA  
 Trans Amt \$105.00  
 J24 Misc

\*\*\*DUPLICATE\*\*\*  
 City of Albuquerque  
 Treasury Division

\*\*\*DUPLICATE\*\*\*  
 City of Albuquerque  
 Treasury Division

4/1/2005 10:13AM 1001 ANN  
 RECEIPT# 00038245 WS# 008 TRANS# 0001  
 Account 441018 Fund 0110  
 Activity 4971000 TRSEJA  
 Trans Amt \$105.00  
 J24 Misc \$50.00  
 MC \$105.00  
 CHANGE \$105.00

-17-

Thank You

Counter receipt.doc 6/21/04



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
LAND DEVELOPMENT COORDINATION

AGENDA NUMBER: 26  
ENVIRONMENTAL PLANNING COMMISSION

Project # <sup>11/1/04</sup>1003520  
04DRB-01567 Major-Preliminary Plat  
Approval

James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05] [04DRB-1570 WAS WITHDRAWN.] (B-20)

**DEVELOPMENT REVIEW BOARD'S COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION MARCH 17, 2005:**

**Request Summary:**

This is an appeal of the January 12, 2005, Development Review Board (DRB) approval of the preliminary plat for Benjamin Place Subdivision.

**Background/Analysis:**

Appellant is an owner of property adjacent to Benjamin Place Subdivision.

The subdivision contains approximately two acres and is located on Oakland Avenue, NE, within the La Cueva Sector Development Plan area. The approved preliminary plat includes five lots around a cul de sac, within the allowed RD/3 dwelling units (dus) per acre existing zoning. (SEE EXHIBIT A.)

Appellant and several others present at the three DRB hearings on this subdivision plat have their residences on approximately 0.89 acre lots surrounding the Benjamin Place Subdivision. They lived there before the area was annexed into the City and before the La Cueva Sector Plan was adopted.

Their expectations are that the vacant land surrounding their properties would develop at the same densities as their lots, i.e., 1 dwelling unit per 0.89 acre. They are aware that, when the North Albuquerque Acres annexation occurred, the property on which the Benjamin Place Subdivision is proposed for development was zoned RD/7 dus per acre. They are also aware that the La Cueva Plan adoption lowered the density to the current 3 dus per acre.

Response to Appeal:

Appellant states his basis of appeal is the DRB's error in applying adopted city plans, policies and ordinances, specifically, the La Cueva Sector Development Plan, the Albuquerque Comprehensive Plan, the City Subdivision Ordinance and the City of Albuquerque Comprehensive City Zoning Code.

Below are the DRB's responses to his appeal summarized and organized by cited document. In italics are the Appellant's appeal points.

LA CUEVA SECTOR DEVELOPMENT PLAN

*Appellant believes the regulatory guidance and the intent of the La Cueva Plan is not followed, specifically:*

- *The proposed development completely disregards the natural topography and existing drainage patterns of the site.*
  1. There is no requirement in the DPM to "match the natural topography and drainage patterns." In fact, the prevailing drainage master plan for North Albuquerque Acres (NAADMP) required that these lots drain to Glendale and that the developer install his portion of a 72" pipe in Glendale (along his frontage) as part of the master-planned facility needed to drain the upstream properties.
- *Site plan review of higher density uses is recommended.*
  1. The La Cueva Sector Plan requires a site plan for subdivision only when the proposed lot sizes are more intense than what is allowed in R-1 zoning (i.e., lot sizes smaller than 5,000 square feet). (SEE EXHIBIT B.) Benjamin Place lots are platted at three dus per acre, significantly larger than 5,000 square foot lots. No site plan was required for approval of the subdivision.
- *Section 5.4.6 Design Regulations. Walls shall be designed to complement the architectural character of the subdivision or neighborhood character by incorporating architectural features and motifs on adjacent buildings. The block walls proposed are in violation since the adjacent homes either have adobe or stucco walls.*

1. The Design Regulations apply only to proposed subdivisions with lots 5,000 square feet or smaller which must have an approved site plan before plat approval by DRB.
  2. Even though Benjamin Place did not require an approved site plan, the perimeter walls facing streets had to meet the requirements in the City Comprehensive Zoning Code.
- **Section 5.4.6 Design Regulations. Ensure the development respects the views of the Sandia Mountains and the West Mesa. The site development plan shall include a view analysis. The subdivision is in violation for not conducting a view analysis & preserving neighbors' views.**
    1. Benjamin Place did not have to have an approved site plan for subdivision. So the view analysis was not required.

The La Cueva Plan in Section 6 refers to small subdivision design very similar to Benjamin Place. (SEE EXHIBIT B.)

#### ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN

- **Appellant states that many aspects of Policy d in Section 5 [ Section II, #5,] Developing & Urban Areas (SEE EXHIBIT C.) were carried into the La Cueva Sector Plan but not followed in developing Benjamin Place, particularly with regard to respecting existing neighborhood values or environmental conditions. He states the subdivision will not be a visually pleasing built environment in comparison to all the surrounding homes.**
  1. Appellant and his neighbors prefer that the new subdivision mirror their lot sizes, 0.89 acres per dwelling unit. With RD/3 dus per acre zoning on the property, the developer chose to place 5 dwelling units on his almost 2 acres. The zoning allows him to do so. (In fact, when the area was annexed prior to the adoption of the La Cueva Sector Plan, the zoning was 7 dus/acre.)

The Sector Plan improved the lot size from this perspective. Those involved in the development of the La Cueva Plan, many of whom were area residents, were satisfied that the 3 dus per acre respected the existing values and environmental conditions as called for in the Comprehensive Plan.

- **Appellant states that the November 30, 2004 facilitated meeting between the developer and the neighbors produced a report which has been ignored. (SEE EXHIBIT D.)**
  1. After the meeting, the number of lots in the subdivision changed from 6 to 5 lots, one of the concerns expressed by the neighbors. Also, changes in the grading plan to lower the overall subdivision height and, thus, the walls occurred.

2. Many of the other issues raised were between the homebuilder and the neighbors, outside the DRB's authority.
- *Appellant states the quality of the visual environment Policy m, Section 5 [Section II, #5] of the Comprehensive Plan) is negatively impacted by the subdivision which will "float" higher than surrounding homes. (SEE EXHIBIT E.)*
    1. These proposed lots are higher than the lot to the west. They are lower than the lot to the east. They are essentially the same grade as the ones to the north
  - *Appellant believes that Policy n, Section 5 [Section II, #5] of the Comprehensive Plan that speaks to areas prematurely subdivided with problems of multiple ownership, platting, drainage. etc is not followed in this project. Specifically, he states there was no attempt to bring landholders together with developers to re-plan & settle on solutions (amenable to all) or resolve platting problems before extending urban public facilities. (SEE EXHIBIT F.)*
    1. The process leading to the creation and adoption of the La Cueva Sector Development Plan addressed both of these concerns. The La Cueva Plan is the product of communication and compromise between landholders, residents, a consultant team and City planners.
    2. When the County portion of North Albuquerque Acres was originally annexed into the City, some of the property such as Benjamin Place was originally zoned RD/7dus per acre. As a result of compromise and communication, the adoption of the La Cueva Plan changed this zoning to a lower density to better address these Comprehensive Plan policies.
  - *The remaining policies cited by Appellant under Section 5 [Section II, C # 9], Community Identity and Urban Design address views, lot sizes and natural environment. (SEE EXHIBIT G.)*

DRB's responses to these issues are already outlined in the responses above.

#### CITY SUBDIVISION ORDINANCE

- *Appellant states that the orderly pattern of development, namely one home per lot with lots fronting on Glendale and set back significantly from public right of way, is violated by wedging a higher density subdivision between these one acre developed lots. Appellant contends Benjamin Place thus violates Section 14-14-1-3 (A & F) of the City Subdivision Ordinance. SEE EXHIBIT H.)*

*(A) Coordination of land development in accordance with orderly physical patterns as stated in the Comprehensive Plan.*

*(F) Safety and suitability of land for the development contemplated.*

*14-14-2-1...the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article and is not contrary to the best interests of the public health, safety, and general welfare. (SEE EXHIBIT I.)*

1. The La Cueva Sector Plan, as the implementation vehicle of the Comprehensive Plan in this instance, says, by virtue of the zoning established in this area including the Benjamin Place Subdivision property, that three dwelling units per acre is the orderly and suitable pattern of development.
  2. The hydrology, utilities, parks, transportation and planning requirements of the technical staff of the DRB prior to approval of a subdivision plat ensure that the best interests of the public health, safety and welfare are protected. Appellant does not cite any engineering or planning specifics which he believes violated these interests.
  3. The DRB acted according to these cited sections of the Subdivision Ordinance in approving the preliminary plat.
- *Appellant cites Section 14-14-2-3(A) of the Subdivision Ordinance (SEE EXHIBIT J.), again claiming the two original lots in Benjamin Place are unsuitable for subdividing, this time because they have a very active arroyo running through the property carrying the runoff of numerous other lots. He contends the grading and drainage plan submitted to DRB "supposedly" mitigates the runoff issue but a detailed analysis of all potential inflows has not been done. He also states the topography is not satisfactory for building.*
    1. Section 14-14-2-3(A) states no property can be subdivided which is found unsuitable by reason of flooding, ponding, poor drainage...unless such conditions are mitigated to the satisfaction of the City. The submitted drainage report has adequately satisfied the condition. Further, Section 14-14-2-3(B) (SEE EXHIBIT J.): a subdivision must be provided with adequate infrastructure, which the developer will install as part of his proposal. The appellant is in error when he states that a detailed analysis was not done. The Subdivision Ordinance clearly requires a drainage report. The City reviewed and approved the drainage report.

A visit to the site did confirm a small channel (which was shown on the grading plan) but the lot owner downstream has built his property wall on this channel causing the water to pond on site. This situation does not fit the definition of a "very active arroyo".



- *Appellant also cites Subsection (E) of Section 14-14-2-4 of the Subdivision Ordinance. (SEE EXHIBIT J.) stating that the proposed grades for Benjamin Place, particularly South to North, do not blend the development into the adjacent environment as required by this section of the Ordinance.*
  1. Subsection (E) states raising the grade for proposed lots near the edge of the subdivision should be avoided wherever feasible without unreasonable costs. Again, the subdivision is terraced into the existing topography. Typically, each lot must drain to the street on which it fronts. The lots on the west were required to drain to a backyard channel and this channel then had to drain to Glendale. Offsite drainage entering this subdivision also uses this channel to drain to the required outfall location.

#### CITY OF ALBUQUERQUE COMPREHENSIVE ZONING CODE

- *Appellant cites Section 14-16-3-3(A(7)) (SEE EXHIBIT K.). This Section pertains to building height limitations to preserve solar access. Appellant specifically cites (A) which applies to residential zones with a 26 foot height limit.*

*Appellant claims the table in this Section requires a 26 foot high residence to be offset from the North lot line by 35 feet.*

1. This setback applies unless the homes meet the minimum efficiency standards in Section 14-16-3-3A(7)(d). (SEE EXHIBIT K.) The developer will meet these standards. In this case the 35 foot setback is waived by the Zoning Enforcement Officer.
  2. The homes directly to the north of this proposed subdivision have significant setbacks from their south property lines. In fact, Appellant's home measured at a 72 foot setback from his south property line on our computer.
- *Appellant further cites Section 14-16-3-19(A) General Height and Design Regulations for Walls, Fences and Retaining Walls (SEE EXHIBIT L.) stating the walls located in the northwest, southeast and southwest corners of Benjamin Place are in violation of this Section.*
    1. The DRB approved Perimeter Wall Design does not include the portions of the walls cited by Appellant.

2. DRB approves those portions of perimeter walls abutting public streets, public open space, parks or trails. These are the only walls that must be approved prior to approval of the subdivision preliminary plat.
3. Wall permits are issued by Zoning Services for perimeter walls including those portions not under DRB jurisdiction. Zoning approves those portions of walls not approved by DRB when the builder applies for wall permits.

### APPELLANT'S SUMMARY AND CONCLUSIONS

- *Since the zoning of these two lots only allows five homes, why not put the draining pond in the northwest corner?*
  1. The requirements of the DPM are clear. Every pond must have an overflow to a public right-of-way or easement to handle storm events greater than the design storm. The only place to put this temporary pond is next to Glendale.
- *Split each lot into two narrower 0.45 acre lots facing the street and setback about the same distance from the street as existing homes.*
  1. Four lots is the maximum number allowed under this scenario. The developer has to decide if this is an option for him. The lots would measure approximately 84' wide x 233' long.
- *The neighbor to the West is willing to grant a drainage easement to allow flows across his property. This would eliminate the need for grade changes on the West and in the Northwest corner.*
  1. It is not permissible to allow public runoff to enter private property without a public easement 20' wide. One would be needed through every lot downstream. From past experience, obtaining easements from private property owners is very expensive. The City already has an easement in Glendale. It is not desirable to get an additional easement to maintain.

*The developer could determine the feasibility of taking the subdivision outflow through a storm drain and into a pond soon to be completed at the southeast corner of Barstow and Glendale. This action might result in the lowering the grade of Benjamin Place.*

The required pipe size is 72" in diameter. The developer was planning to install the pipe to the pond until he had to decrease his density from 6 lots to 5. The value of the sixth lot would have paid for the additional length of storm drain needed to negate the pond.

*Rather than raise the grade of the NW and West side of the subdivision, why not lower the grade at the East and SE corners? The wall heights would be lower.*

Actually, the approved plan already lowers the elevations along the east side by 2-3 feet. However, this option does not lower the grades in the northwest corner. Those grades are dictated by the elevation of Glendale because the northwest corner must drain to Glendale. The proposed design along Glendale is lower than the existing grade to help blend this design as much as possible.

*Wait until the City constructs the storm drain up Glendale. Establishing new subdivisions prior to required infrastructure improvements causes eyesores like the drainage retention pond.*

1. The City Department of Municipal Development has no plans to extend the storm drain up Glendale. Construction of this portion of the master planned storm drain is the responsibility of the developers who subdivide the property along Glendale.

*Guarantee the five homes in Benjamin Place will only be single story.*


1. The developer builds what the market dictates. To satisfy this homebuyers' market and meet the required setbacks, etc, two story homes are often the result.

#### FINDINGS:

1. The DRB followed the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the Benjamin Place Subdivision preliminary plat with 5 lots, in approving the grading and drainage plan per the Development Process Manual and not requiring site plan review of the subdivision with lots at least 5,000 square feet in size.
2. The La Cueva Sector Development Plan is the implementation tool for Section II, #5, Policies d, m and m of the Albuquerque/Bernalillo County Comprehensive Plan. By following the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the preliminary plat for the Benjamin Place Subdivision, the DRB upheld the intent of the Comprehensive Plan.

3. The La Cueva Sector Development Plan established the zoning designations to assure orderly physical patterns of land development as called for in the Comprehensive Plan and the City Subdivision Ordinance. The DRB followed the La Cueva Sector Development Plan requirements in approving the Benjamin Place Subdivision preliminary plat.
4. The DRB approved grading and drainage plan adequately addresses the grade change and runoff issues existing on the Benjamin Place Subdivision property.

**RECOMMENDATION: DENIAL OF Appeal Application 05EPC-00122, Project # 1003520, 04DRB-01567 Major-Preliminary Plat, based on the preceding Summary/Findings.**

  
Sheran Matson, AICP  
Development Review Board Chair

# BENJAMIN PLACE SUBDIVISION APPEAL

## TABLE OF CONTENTS

RESPONSE TO APPEAL	1-9
APPEAL	10-23
EXHIBIT A. BENJAMIN PLACE SUBDIVISION LAYOUT & LOCATION	24
EXHIBIT B. LA CUEVA SECTOR DEVELOPMENT PLAN, PAGES 26, 39 & 40	25
EXHIBIT C. SECTION II, #5, POLICY D, ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN	26
EXHIBIT D. NOVEMBER 30, 2004 FACILITATOR'S REPORT	27-33
EXHIBIT E. SECTION II, #5, POLICY M, ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN	34
EXHIBIT F. SECTION II, #5, POLICY N, ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN	35
EXHIBIT G. SECTION II, C #9, ALBUQUERQUE/BERNALILLO COUNTY COUNTY COMPREHENSIVE PLAN	36-37
EXHIBIT H. SECTION 14-14-1-3(A & F), CITY OF ALBUQUERQUE SUBDIVISION ORDINANCE	38
EXHIBIT I. SECTION 14-14-2-1 CITY OF ALBUQUERQUE SUBDIVISION ORDINANCE.	39
EXHIBIT J. SECTION 14-14-2-3(A) AND SECTION 14-14-2-4(E) CITY OF ALBUQUERQUE SUBDIVISION ORDINANCE	40-42
EXHIBIT K. SECTION 14-16-3-3(A)(7) CITY OF ALBUQUERQUE COMPREHENSIVE ZONE CODE	43-44
EXHIBIT L. SECTION 14-16-3-19(A) CITY OF ALBUQUERQUE COMPREHENSIVE ZONE CODE	45-47
BASYE E-MAIL: RULING ON NUMBER OF LOTS PERMITTED	48
DECEMBER 7, 2004, PHILLIPS LETTER TO DRB	49-57

PAGE 2, TABLE OF CONTENTS/ BENJAMIN PLACE APPEAL

ORIGINAL DRB APPLICATION FOR BENJAMIN PLACE PRELIMINARY PLAT	58-63
JANUARY 12, 2005 DRB NOTICE OF DECISION APPROVING BENJAMIN PLACE PRELIMINARY PLAT	64-65
DRB MINUTES OF 11/3/04, 12/1/04, 12/15/04, 1/12/05 PERTAINING TO BENJAMIN PLACE PRELIMINARY PLAT	66-132
DRB LEGAL AD FOR EPC MARCH 17, 2005 APPEAL HEARING	133-135
DRB NOTICE OF MARCH 17, 2005 EPC APPEAL HEARING	136



Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision Purposes
- for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)

APPEAL / PROTEST of...

- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: James R Phillips Jr. PHONE: 505 821 0558  
 ADDRESS: 8600 Florence Ave NE FAX: 505 344 7022  
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: james.r.phillips@comcast.net  
 Proprietary interest in site: No List all owners: \_\_\_\_\_  
 AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: This is an appeal of the DRB's approval of the preliminary plat on Jan 12, 05

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes.  No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lots 27+28, Tract 1 Block: 16 Unit: NAA Unit 3  
 Subdiv. / Adn. Benjamin Place Subdivision  
 Current Zoning: R-D Proposed zoning: R-D  
 Zone Atlas page(s): 13-20 No. of existing lots: 2 No. of proposed lots: 5  
 Total area of site (acres): 1.8 Density if applicable: dwellings per gross acre: 3 dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No  
 UPC No. \_\_\_\_\_ MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Ave NE  
 Between: Barston NE and Ventura NE

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.): 04 DRB 01567

04 DRB 01568, 04 DRB 01862

Check-off if project was previously reviewed by Sketch Plat/Plan  or Pre-application Review Team . Date of review: \_\_\_\_\_  
DATE 29 JAN 05

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
(Print) James R Phillips Jr  Applicant  Agent

FOR OFFICIAL USE ONLY

Form revised 4/04

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers  
05 EPC 00122  
 Action Appeal  
 S.F. A  
 Fees \$ 190.00  
\$ 50.00  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 Total \$ 240.00  
 Hearing date 3.17.05 - 29 -

Project # 1003520

10

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD

Project number of case being appealed; # 1003520

Application number of case being appealed; 04DRB 0567

- Reason for the appeal \* attached
- Appellant's basis of standing as an appellant \* attached
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
- DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
- DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

\* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

James R Phillips Jr  
 Applicant name (print)  
[Signature] 29 JAN 05  
 Applicant signature / date



Form revised October 2004

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

EPC  
 Application case numbers  
05-0009 Appeal - 00122

[Signature]  
 Planner signature / date  
 Project # 1003520



TO: Environmental Planning Commission

January 24, 2005

FROM: James R Phillips, Jr (8600 Florence Ave NE)

SUBJECT: Basis of Appeal  
Development Review Board Decision. January 12, 2005  
Approval of Preliminary Plat  
Project # 1003520

Dear Sirs,

I am representing the neighbors surrounding the proposed development "Benjamin Place" to be located on Glendale Ave NE. My neighbors and I consider ourselves aggrieved by the decision of the DRB.

**Standing to Appeal.** We live within 300 feet of the subject site. The list of neighbors supporting this appeal is attached.

We are also in the process of forming a Neighborhood Association in accordance with the Neighborhood Association Recognition Ordinance (14-8-2-1) to help us with this case, as well as other issues affecting this area of North Albuquerque Acres, which is in the La Cueva Sector. We have met with the Albuquerque Office of Neighborhood Coordination and will be working with them in the weeks ahead. Unfortunately, there is no existing association representing this area at this time. We anticipate satisfying all the criteria in the applicable ordinance and being recognized by the City of Albuquerque within the next eight weeks.

**Basis of Appeal.** The basis of our appeal is that there has been an error in applying adopted city plans, policies, and ordinances by the DRB's approval of the preliminary plat. Our lengthy but detailed list of issues follows. In each citing of an ordinance, rule, or regulation, we have written in italics the specific violation.

In addition, at the end of this listing, we offer numerous suggestions to mitigate these issues that should be discussed as alternatives to the developer's plans. In our opinion these alternatives should establish a framework for discussion with the developer and the City that could lead to subdividing this property in a way to have minimal adverse impact on the existing community, satisfy City requirements, and allow the developer to achieve his goals.

#### **La Cueva Sector Development Plan**

The La Cueva Sector Development Plan, a Rank Three Plan, was published June 2000. The Environment Planning Commission recommended approval in 1999. It was signed by Mayor Baca, passed by unanimous vote of the City Council and reviewed and Approved by the Development Review Board. It was written to "protect public well being" in the La Cueva Sector that was annexed by the City in 1995.

The plan “recommends land uses, zoning, design regulations and strategies to encourage effectively organized urban development.”

On Page i it states “The purpose of the plan is to suggest solutions to the barriers that have hindered sound urban development in the plan area. These include existing platting that disregards natural topography and drainage patterns; diverse ownership that inhibits consolidated developments; and piecemeal planning that disregards area-wide needs for parks, major streets and major drainage improvements”

*It is our belief that the regulatory guidance as well as the intent of the La Cueva Sector plan is not being followed. The proposed development completely disregards the natural topography of the site and the existing drainage patterns—in other words, the hap-hazard development of this area continues as it did before.*

*The following specifics are offered as proof of this:*

Section 5. Zoning – states as “One of the guiding principles - Site plan review of higher density uses is recommended to assure positive relationship between land uses.”

*The proposed subdivision has not evaluated nor proposed a solution that assures a positive relationship with existing land uses. The proposed subdivision is completely surrounded by developed land, all with established homes that have existing views, open space, significant set-backs, and other positive characteristics. This proposed subdivision will in no way provide a positive relationship with these established homes.*

Para 5.4.6 Common Design regulations. (In para 5.2, it states that “Development in the RD zone that requires a site development plan must meet the design regulations in section 5.4.6 of this plan”)

#10 Perimeter Walls. Intent: Add visual interest and character to the streetscape and increase the overall appeal of the development.

10R-1: Walls shall be designed to complement the architectural character of the subdivision or neighboring architecture by incorporating the architecture features and motifs on adjacent homes or buildings.”

*As proposed by the developer, block walls will be built around the development. Adjacent homes do not have block walls but instead have either adobe walls or stucco covered walls. Therefore the subdivision will be in violation of this requirement.*

#11. Views. Intent: Ensure that the development respects the views of the Sandia Mountains to the east and the mesa to the west. This includes preserving views from out of the site and site design to take advantage of views from the site.

11R-1: Site development plans shall include a View Analysis that shall identify views into and out of the site and indicate how these views shall be protected within the site.

*The developer has not conducted a view analysis and has had no discussion with the neighbors most affected. The neighbor to the West will completely lose all of his views towards the Sandia Mountains. The neighbor to the East will completely lose all views of the West Mesa. Other neighbors abutting the proposed subdivision will also lose varying degrees of existing views. Therefore, the development is in violation of these requirements for not conducting a view analysis and not preserving existing views.*

### Albuquerque/Bernalillo County Comprehensive Plan

Another plan that covers certain details of this development is the Albuquerque/Bernalillo County Comprehensive Plan. In that plan, this area is classified as Developing Urban and within the North Albuquerque Acres Community as identified on the Community Areas Map. As such the following rules apply:

Section 5. DEVELOPING AND ESTABLISHED URBAN AREAS. The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

Policy d - The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern. Possible Techniques:

3) Assist area property owners, neighborhood groups, and developers, (by negotiation and public education) in achieving, with coordination and harmony of development plans.

*It is our opinion that many aspects of Policy d have been carried into the La Cueva Sector development plan—but not followed. This subdivision does not respect existing neighborhood values or the environmental conditions. It will not be a visually pleasing built environment when compared to all of the homes surrounding it. Other than one meeting arranged by the City that produced a Facilitator's Report (November 30, 2004) no follow-up*

*dialogue occurred. Even though the report was 10 pages long and contained numerous issues and proposed changes—and ended with the statement “All issues are unresolved” there was no effort by the City to stimulate resolutions to the issues. This report was offered into evidence at the DRB hearings but no action was taken and no dialogue occurred.*

*There has been no assistance provided to the property owners in conjunction with the developers to assure that the plans for this subdivision address everyone's concerns.*

Policy m - Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

*There has been no dialogue about the very negative impact this proposed subdivision will have on the quality of the visual environment. This development will clearly degrade the visual environment; not only because of the loss of views by neighbors, but the subdivision itself will float higher than surrounding homes thus destroying the aesthetics of the area. Other subdivisions in the area have been built without regard to this policy leading to obtrusive developments that have destroyed the unique vistas of this area and created eyesores.*

Policy n - Areas prematurely subdivided and having problems with multiple ownership, platting, inadequate right-of-way, or drainage should be reassembled or sector planned before annexation and service extension is assured. Possible Techniques:

- 1) Bring land holders and private developers together to replan and re-subdivide problem areas.

*There has been no attempt to bring land holders together with developers in this area to replan and settle on solutions as this requires. Since annexation developers have been able to by-up vacant land and propose subdivisions with absolutely no coordination with existing land holders who only find out about developments after they have reached the DRB.*

- 3) Resolve platting problems before extending urban public facilities.

*Clearly this subdivision is not appropriate because of its small size, wedged in amongst existing homes that are established on .89 acres each, but also because the area is not yet properly developed with infrastructure to support sub-dividing. Service extension, primarily storm drains, should be established before subdivision.*

## Section 9. COMMUNITY IDENTITY AND URBAN DESIGN

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

Policy a - The City and County differentiate into thirteen sub-areas as shown on the Community Areas map; the unique character and constituent neighborhoods of each area identified on the Community Areas map shall be respected in all planning and development actions.

*This area is identified as the Community of North Albuquerque Acres and this particular neighborhood is unique because of the open space, views, lot sizes, minimal traffic, natural environment that respects the existing topography and minimal, non-polluting lighting. This subdivision will violate all these unique characteristics.*

Policy b - In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

1) The natural environment

- Indigenous vegetation and other materials appropriate to landscapes.
- Topography and landscape features such as arroyos, the Rio Grande and bosque, the foothills, and escarpments
- Soils and erosion potential
- Colors and textures of the natural environment
- Views

*The natural environment is not being respected due to excessive grading and the destruction of the arroyos. In addition, the views—a major positive issue to this community are being destroyed by the construction of a "compound" in the middle of existing homes already established on .89 acres each.*

2) Built environment

- Height and massing of buildings
- Setbacks from the street
- Walls and fences
- Street furniture (e.g. bus stops, street lights, signs)
- Relationship between built and natural environment

*The height and massing of the buildings in this subdivision will far exceed the established neighboring homes. Existing setbacks for existing homes will not be respected because this subdivision will push homes right up to the property lines. Walls will be excessive and present the appearance of a compound. There are no street lights in*

*this area which enhances its beauty and night sky—but this subdivision, as required for all subdivisions, will have a street light. There will be no logical or meaningful relationship between the homes and the natural environment because the construction technique will simply be to fill in and level the entire two lots.*

**City of Albuquerque, Code of Ordinances, Chapter 14**

Within the City of Albuquerque, New Mexico, Code of Ordinances, Chapter 14, Zoning, Planning and Building, are all ordinances covering this proposed subdivision.

Article 14 contains all the Subdivision Regulations.

14-14-1-3 Purpose and Intent. The Public health, safety, comfort, convenience, and general welfare of the people of the city require harmonious, orderly, and coordinated development of land within the city... The intent of such control is to secure:

- (A) Coordination of land development in accordance with orderly physical patterns as stated in the Albuquerque/Bernalillo County Comprehensive Plan.
- (F) Safety and suitability of land for the development contemplated.

*It is our opinion that the development of these two lots as a subdivision violates any orderly pattern of development and the land is not suitable for subdividing. The orderly pattern of development is one home, per lot with lot fronts facing Glendale Ave and set back from the public right of way. Wedging a higher density subdivision in between an already established orderly pattern of development is not acceptable. Subdivisions make more sense, and are more applicable to larger areas where they do not affect established orderly patterns of the existing neighborhood.*

14-14-2-1 General Appropriateness. Land may be subdivided only in accordance with procedures established by this article. The Development Review Board shall approve the subdivision of land when it determines that the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare.

*It is our opinion that the provisions of "general welfare" are violated by the approval of this subdivision. Welfare is defined as "good fortune, wealth, and happiness of people or a group of people." None of the existing residents surrounding this subdivision will be positively affected and all are in opposition. The only one whose "welfare" will benefit is the developer who does not live here.*

14-14-2-3 LAND SUITABILITY.

(A) No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. In determining suitability the city shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority.

*These two lots, comprising approximately 1.8 acres is clearly unacceptable, and NOT SUITABLE for subdividing.*

*It has a very active arroyo that runs through the property carrying the runoff of numerous other lots. It will be susceptible to flooding and causing potential water problems upstream as well as downstream. The plan submitted to the DRB—after several attempts supposedly mitigates this issue but a detailed analysis of all potential inflows has not been accomplished. In order to appropriately handle all drainage requirements and simultaneously satisfy building requirements for subdivisions, radical and drastic grade changes are required that will result in unacceptable wall construction and deterioration of views from surrounding properties. In addition, a temporary drainage retention pond will be constructed until the city constructs a storm drain at some future unknown date.*

*It should be noted that other recent subdivisions in the area have, and are continuing to cause drainage problems that are causing excess run-off of water onto existing, occupied lots.*

*The topography is also not satisfactory for building. The lots drop away significantly—over 8 ft from South to North. This is away from the main access street, and in the opposite direction required for drainage to the future storm drain. This will result in a much higher elevation than neighboring properties on the North and West sides. Massive wall heights will result creating the illusion of a compound sitting above the surrounding property.*

*There is a fairly new subdivision, platted and designed in a very similar fashion near the corner of Wyoming and Modesto. The requirements for grading resulted in massive 15 ft walls that have forever wrecked the views and aesthetics of the neighboring existing properties.*

*In determining suitability the DRB was to take into consideration existing land use of the surrounding areas. This proposed development is surrounded by properties that have not implemented drastic grade changes, or wall heights—and it should not be allowed here.*

(E) Grades set for new subdivisions must blend the plat's development into the adjacent environment with a minimum of sudden grade change. Extensive fill which raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property should be avoided... Where needed for a subdivision, grade changes are usually best done within the interior of the subdivision. City staff appropriately goes beyond mere approval or disapproval of a developer-proposed grading plan and identifies less intrusive grading approaches consistent with the policy/standard of this section...

*The proposed grades, especially South to North, DO NOT blend the development into the adjacent environment. EXTENSIVE fill is required and it will raise the grade significantly above the lot to the North and the West. This "sudden grade" change is not acceptable to the neighbors for many reasons; views, privacy, solar access, property values and we would expect the city to enforce this ordinance to protect the public as a whole. Not just the interested developers that do not live here. The requirement for the grade change is tied to subdivision requirements for drainage and since the city can not allow the subdivision to be built without a proper approved drainage plan—this property is de-facto unsuitable for a subdivision. Alternatives to the grading plan were not discussed in detail—but there are many possibilities that need pursuing. These are listed at the end of this paper.*

*In addition to this, it should be clearly understood that the drastic grade increase on the West side of this proposed subdivision will undoubtedly increase the value of the west building lots because the views will be exceptional since they will be well above surrounding neighbors. This increase in value will clearly come at the expense of these surrounding neighbors. That is not acceptable.*

14-16-3-3 SUPPLEMENTARY HEIGHT, AREA, AND USE REGULATIONS.

(7) Building Height Limitations to Preserve Solar Access. The additional height limitations of this division (A) shall apply to all residential zones where the basic height limitation is 26 feet. The height of any building shall comply with certain height requirements.

*The Solar Access requirements indicate that a home of 26ft in height must be offset from the Northern Lot line by 35*



*feet. In accordance with the developer's plans, the two northern pads for home to be constructed are about 18 feet from the lot line. This is made even worse by the excessive grade increase on the NW corner lot. The developer has not inquired of the two residents affected by this potential loss of Solar Access and therefore this plat is unacceptable.*

*On top of that, the Solar Access ordinance does not discuss the impact of a developer placing a 26 ft high house, on top of a drastic grade change of 8 ft—with the result being 34 ft above the neighbors property to the North. That reduction in Solar energy (sunshine) will be significant.*

#### 14-16-3-19 GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS.

(A) *Height regulations.*

(1) A wall, fence, retaining wall, or vertical combination of these (the "wall") that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within a required setback, provided:

(a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard.

*The walls to be located in the NW corner of the subdivision will be a combination of a retaining wall and a garden wall. This combination, according to the plat, will be 12 ft high. This is in clear violation of this ordinance.*

(c) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the street side or the abutting front yard grade whichever is most restrictive.

*The walls located in the SE and SW corner are technically rear yards that are contiguous to the front yards of the existing homes. These walls exceed three feet in height within ten feet of the right-of-way line in clear violation of this ordinance.*

(c) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the street side within 20 feet of the rear right-of-way line; however, this

setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.

*The walls located in the SE and SW corner are technically rear yards that are contiguous to the front yards of the existing homes and they abut a public street. These walls exceed three feet in height within 20 feet of the right-of-way line in clear violation of this ordinance*

### **Conclusions and Recommendations:**

These ordinances and their violation is the basis of our appeal. Subjectively we feel that the overriding issue should be focused on the creation of a subdivision, the requirements for a subdivision to follow very stringent rules, and the fact that these rules are not easily applied to subdivisions with such a small scope, on unique property. Subdivisions, and their requirements for utilities, drainage and streets, are more logical on larger scales—not squeezed onto 1.8 acres thus making these two lots unsuitable for a subdivision.

Our preference would be to continue the development of the immediate community as already mandated by the existing developed lots, and required in not only the Albuquerque/Bernalillo Comprehensive Plan but the La Cueva Sector Development Plan. At the very least, community involvement is mandated by these plans for such a radical change to the established neighborhood—and that has not happened.

It is also suggested that the City actually see these lots and the surrounding area. The poor topography and very negative impact of grade changes and wall heights will be obvious when compared to all the neighboring homes—and you can see it first hand.

As an alternate to the developer's plan, there should have been discussions about changes to the proposed plan that may have made the site more usable by the developer and more acceptable to the neighbors. These following six items are ideas that could help to mitigate the concerns:

1. Since the zoning of these two lots only allows five homes, why not put the draining pond in the NW corner. This would help mitigate the drastic grade change issues which are problematic. Depending on when and if the storm drain is going to be built up Glendale Ave NE, it appears there is sufficient downslope, even with the drainage pond in the NW corner to run a storm drain from there to the street. By doing this, you will all but eliminate the wall issue and solar access issue in the NW corner.
2. Split each lot into 2 narrower .45 acre lots, increasing profits for landowner/ developer (their goal) yet maintaining the fundamental construct of our neighborhood. Houses would face the street and would be set back approximately the same distance from the road as existing homes and the lots would maintain the natural slope from east to west. The City should recognize that although this would be technically "subdividing" and desire to apply all standard generic subdivision rules—in this case it makes sense not to. The developer would not

need to do as much grading, wall building or need to construct a cul-de-sac road or retention pond—thus saving him considerable money which would make up for the loss of one home (four versus five). Though not the perfect solution (maintaining 1 home per .9 acre is perfect), this is a reasonable compromise.

3. The neighbor to the West has already said that he would be willing to grant an easement to allow drainage water to flow across his property. If this was done, the grade changes on the West and in the NW corner might be eliminated solving wall issues as well. The developer was not interested in investigating if the owners of the other three lots down stream (along the existing arroyo) would allow easements.
4. There is a soon to be completed drainage pond (cement lined) at the SE corner of Barstow and Glendale. The developer could seek an agreement with the pond owner and determine the feasibility of taking the subdivisions outflow, through a storm drain, and into this pond. This would be temporary until the City installs a large one up Glendale, but if the developer did this, he might not need a drainage pond, and be able to lower the grade of his subdivision.
5. Rather than raise the grade of the NW and West side of the subdivision, why not lower the grade of the East and SE corners. The effect would be the same—the subdivision would all be one height, but the unacceptable walls would be reduced in height considerably.
6. Wait until the City constructs the storm drain up Glendale. Establishing new subdivisions prior to required infrastructure improvements causes eye sores like the drainage/retention pond. If the developer waited, his five houses could be more evenly placed on the 1.8 acres thus increasing open space and preserving some views.
7. Guarantee that the five homes in the proposed subdivision will only be single story. Since a major concern is the grading plan which will elevate the subdivision above surrounding properties by a significant amount, reducing the height of the home will help negate this effect and also help preserve views and open space. Basements could be added for increased square footage which is common in the area.

This is the basis for our appeal and some possible resolutions.



James R. Phillips, Jr.

The following neighbors are all in opposition to this subdivision as approved by the DRB:

Eddings	Scott and Lena	8620 Florence Ave NE
Fanning	Scott and Trudi	8820 Glendale Ave NE
Gorenz	Don and Judy	8717 Glendale Ave NE
Millington	Lynnette and Larry	8508 Florence Ave NE
Olona	Dennis and Barbara	8516 Florence Ave NE
Owens	Diane	8601 Glendale Ave NE
Phillips	James and Sandra	8600 Florence Ave NE
Rawson	Lewis and Nadia	8421 Glendale Ave NE
Schell	Dan and Cheryl	8361 Modesto Ave NE
Smith	Mike and Janet	8341 Modesto Ave NE
Turon	John and Laura	8700 Florence Ave NE
Verner	Diane	8800 Florence Ave NE
Zaffery	Dean and Corin	9001 Glendale Ave NE

PRELIMINARY PLAN FOR  
**BENJAMIN PLACE**  
 WITHIN THE  
 ELENA GALLEGOS GRANT  
 PROJECTED SECTION 8  
 TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 SEPTEMBER, 2004

**DESCRIPTION**  
 A tract of land situated within the Elena Gallegos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Privileged Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 27 and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 10, 1931 in Volume 8, Page 171 and containing 1.9988 acres more or less.

**PURPOSE OF PLAN**

1. SUBDIVIDE TWO LOTS INTO 8 RESIDENTIAL LOTS.
2. DEDICATE RIGHT-OF-WAY AS SHOWN.
3. GRANT NEW EASEMENTS AS SHOWN.

**SUBDIVISION DATA**

GRAND ACRES	1.9988 AS
ZONE ATLAS NO.	D-30-2
NO. OF LOTS CREATED	8 LOTS
NO. OF CHANGING LOTS	2 LOTS
AREA REMOVED TO CITY (WITH EASEMENT COVENANTS)	0.3277 AS
AREA REMOVED TO CITY (WITH EASEMENT COVENANTS)	0.9988 AS
DATE OF SURVEY	AUGUST, 2004
ZONING	R-O, 3 BU/A

**NOTES**

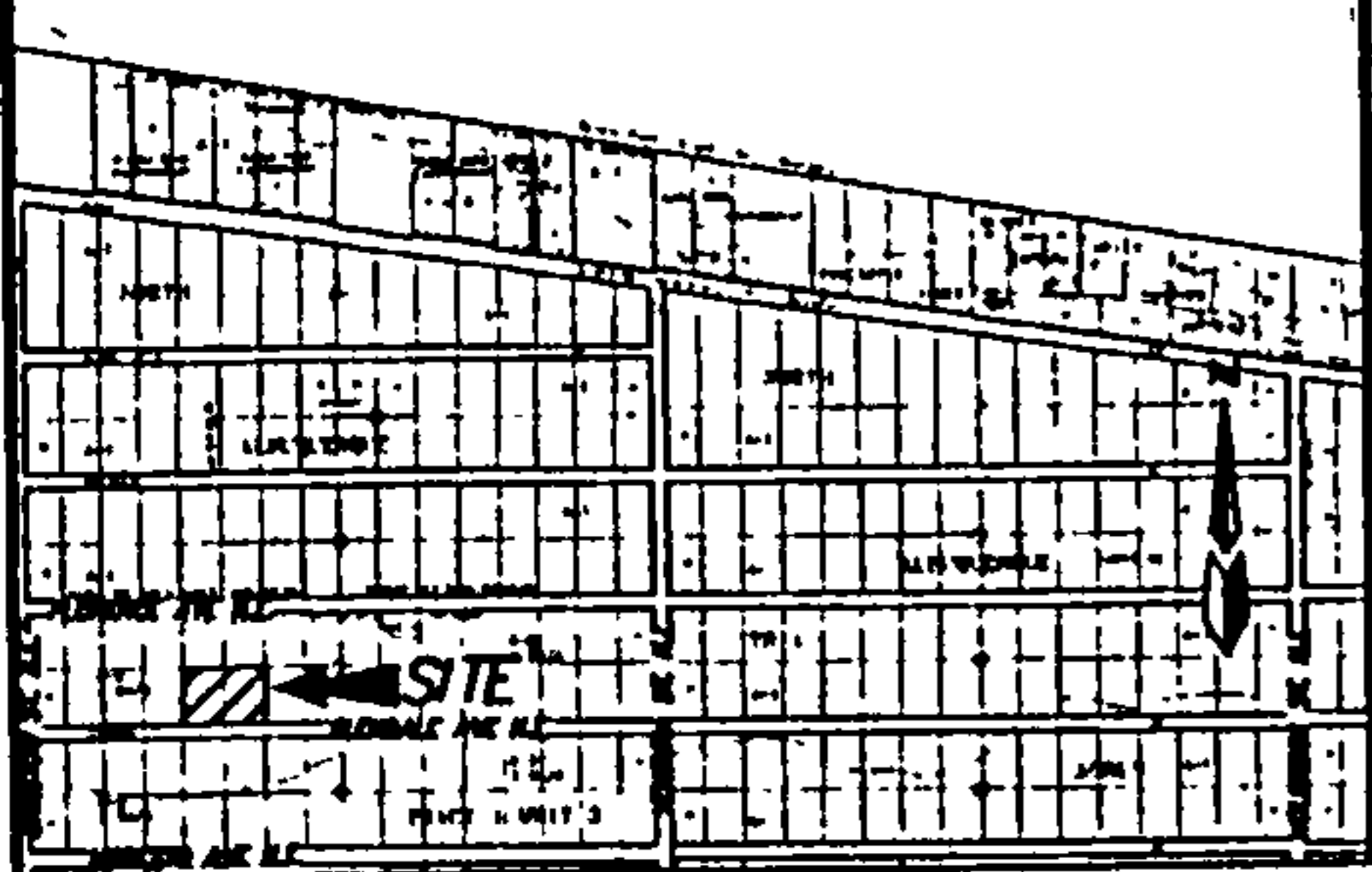
1. UNLESS OTHERWISE NOTED, ALL BOUNDARY CORNERS SHALL BE MARKED BY A 3/8" IRON N/CWP STAMPED PER1003.
2. ALL STREET CENTERLINE MONUMENTATION SHALL BE INSTALLED AT ALL CENTERLINE P.C.'S, P.T.'S, ANGLE POINTS, AND STREET INTERSECTIONS AND SHOWN THEREON. ALL SHALL BE MARKED BY A FOUR INCH (4") ALUMINUM CWP STAMPED "CITY OF ALBUQUERQUE CENTERLINE MONUMENTATION" TO BE SET BY THE "P077716".
3. BOUNDARY SHALL BE TIED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM AS SHOWN.
4. BASIS OF BEARINGS SHALL BE NEW MEXICO STATE PLANE GRID BEARINGS.
5. ALL DISTANCES SHALL BE GRID DISTANCES.
6. MONUMENTS WILL BE OFFSET AT ALL POINTS OF CURVATURE, POINTS OF TANGENCY, STREET INTERSECTIONS, AND ALL OTHER ANGLE POINTS TO ALLOW USE OF CENTERLINE MONUMENTATION.

**APPROVED FOR MONUMENTATION AND STREET NAMES**

City Engineer, City of Albuquerque, N.M. \_\_\_\_\_ DATE \_\_\_\_\_

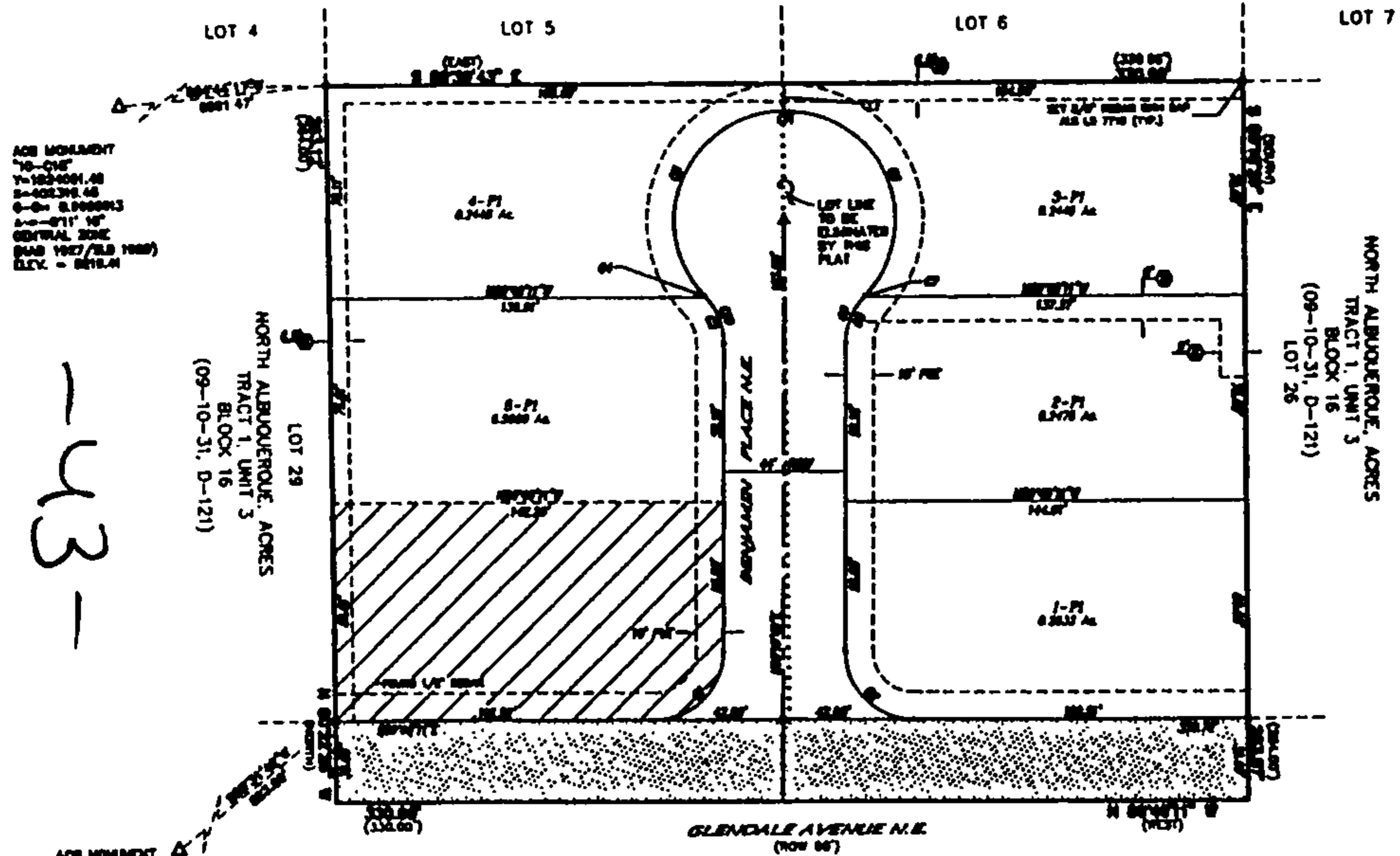
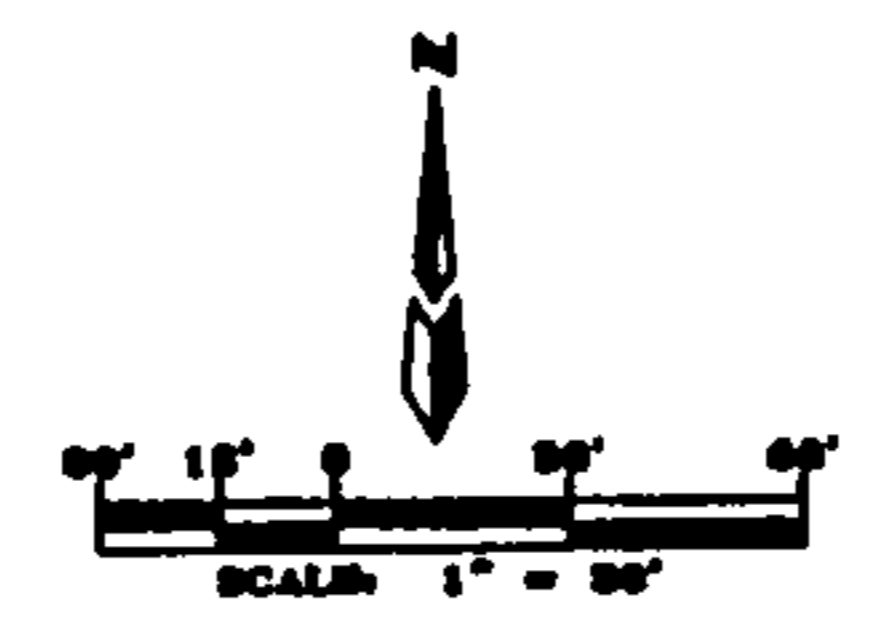
Owner: WASHINGTON STREET INVESTORS, L.L.O. \_\_\_\_\_

Surveyor: \_\_\_\_\_ DATE \_\_\_\_\_



ZONE ATLAS MAP # D-30-2  
 SCALE: NONE

NORTH ALBUQUERQUE, ACRES  
 TRACT 1, UNIT 3  
 BLOCK 16  
 (09-10-31, D-121)



AGE MONUMENT  
 10-016  
 Y=1024001.48  
 X=402378.48  
 S=0.0000043  
 A=0.0111 10°  
 CENTRAL ZONE  
 GRID 1987/ELS 1089  
 ELEV. = 5615.4

-43-  
 NORTH ALBUQUERQUE, ACRES  
 TRACT 1, UNIT 3  
 BLOCK 16  
 (09-10-31, D-121)

AGE MONUMENT  
 1-028  
 Y=1024002.48  
 X=402377.88  
 S=0.00004748  
 A=0.0111 22°  
 CENTRAL ZONE  
 GRID 1987/ELS 1089  
 ELEVATION=5614.55

**CURVE TABLE**

STATION	CHORD BEARING	CHORD DIST.	ARC BEARING	ARC DIST.	PI	PC	PT	PT	PT
1+00.00	S 89° 58' 00" W	100.00	S 0° 00' 00" W	100.00	100.00	1+00.00	1+00.00	1+00.00	1+00.00
1+00.00	S 89° 58' 00" W	100.00	S 0° 00' 00" W	100.00	100.00	1+00.00	1+00.00	1+00.00	1+00.00
1+00.00	S 89° 58' 00" W	100.00	S 0° 00' 00" W	100.00	100.00	1+00.00	1+00.00	1+00.00	1+00.00

- LEGEND**
- 5-P1 LOT NUMBER
  - 0.248 AC LOT ACREAGE
  - ▲ CENTER LINE MONUMENT
  - R/W RIGHT-OF-WAY
  - 10' P.E. PUBLIC UTILITY EASEMENT (GRANTED WITH THIS PLAN)
- LINK TABLE**
- | LINK | AREA      | REMARKS         |
|------|-----------|-----------------|
| 1    | 0.3277 AC | REMOVED TO CITY |
| 2    | 0.9988 AC | REMOVED TO CITY |
- (HATCHED AREA) A NEW 10' WIDE PUBLIC UTILITY EASEMENT REQUIRED FOR THE REMOVAL OF LOT 5-P1 (RESIDENTIAL PLANT) AND LOT 28-01 (PUBLIC UTILITY) AREAS TO BE SURVEYED BY THE OFFICE OF LOT 5-P1.
  - A NEW 10' WIDE PUBLIC UTILITY EASEMENT REQUIRED FOR THE REMOVAL OF LOTS 3-P1 TO 5-P1 (RESIDENTIAL PLANT) AND LOT 2 (PUBLIC UTILITY) AREAS TO BE SURVEYED BY THE OFFICE OF LOTS 3-P1 TO 5-P1.
  - A TEMPORARY PUBLIC UTILITY EASEMENT GRANTED TO CITY OF ALBUQUERQUE WITH THIS PLAN TO BE SURVEYED BY OFFICE OF LOT 5-P1.

**OWNERS**

WASHINGTON STREET INVESTORS, L.L.O.  
 BY: [Signature] R.E.  
 ALBUQUERQUE, N.M. 87102

**ENGINEERS**

A. DAVID GARDNER & ASSOCIATES, P.A.  
 CIVIL AND SURVEYING ENGINEERS  
 P.O. BOX 8000  
 ALBUQUERQUE, NEW MEXICO 87108  
 (505) 263-2880

**SURVEYOR**

ALBION LAND SURVEY  
 P.O. BOX 3099  
 ALBUQUERQUE, N.M. 87106-0309  
 (505) 264-1000

Drawn: JTT/EN	Checked: ALL	Sheet: 2 of 2
Scale: 1" = 80'	Date: 09/09/04	Job: A04075

tabbles  
 A  
 EXHIBIT  
 24

- SU-2 zoning is established along Alameda and Paseo del Norte where more intense land uses are desired and where existing platting and fragmented ownership pose a problem.
- Window C will provide the primary focus, identity, and sense of character for the entire plan area and will contain the most intense land uses.
- New development should contribute to the identity of this part of Albuquerque, reinforcing its relationship to the Sandia Mountains, Rio Grande Valley and the natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character, and overall community design.
- Site plan review of higher density uses is recommended to assure positive relationships between land uses.

## 5.2 RD Zone

The RD (developing residential) zone is the predominant residential zone in the plan area. Maximum densities for areas zoned RD are established in the Zoning Plan (Exhibit 12). Densities are based on gross acreage of the lot, which is measured from property line to property line, excluding existing public right-of-way and/or prescriptive roadway easements. The residential uses in the RD zone shall be regulated according to the City Zoning Code, subject to the density maximums shown in Exhibit 12.

Residential development more-intense than what is typically allowed in the R-1 zone (i.e. lot size less than 5,000 square feet) will be subject to site development plan for subdivision approval by the DRB. Residential development requiring a site development plan for subdivision must also meet the Design Regulations in Section 5.4.6 of this plan.

For Lots 10 through 16, Block 19, Tract 3, Unit 3, North Albuquerque Acres and Lots 10 through 16, Block 18, Tract 3, Unit 1, North Albuquerque Acres, any lot that is less than three quarters of an acre in size will not have access to Carmel N.E.

## 5.3 R-LT Zone

R-LT zoning (limited townhouses) is proposed along the south side of Paseo del Norte between Barstow and Ventura. Residential uses in the R-LT zone shall be regulated according to the City Zoning Code. Development in the R-LT zone that requires a site development plan must meet the design regulations in Section 5.4.6 of this sector plan.

## 5.4 SU-2 Zones

SU-2 (special neighborhood) zoning is proposed along Alameda and Paseo del Norte where a mixture of high density, residential and non-residential uses are desired and where the current platting and ownership pattern poses a constraint. The intent of the SU-2 zone is to ensure compatibility of higher density land uses within the lot configurations and ownership pattern of these areas.

The SU-2 zones establish minimum site sizes for multifamily uses. Site size goals can be accomplished through consolidation of multiple lots into single parcels or through cooperative planning of multiple parcels.

Exceptions that are specific to a particular zone include site size and height as shown in the description of each zone. Exceptions that are common to all SU-2 zoned properties are listed together following the descriptions of individual zones.

Design regulations for SU-2 zoned property are contained in Section 5.4.6. The design regulations will be implemented through the site development plan review and approval process.

1-4-4-1

25



# 6. Subdivision Regulations

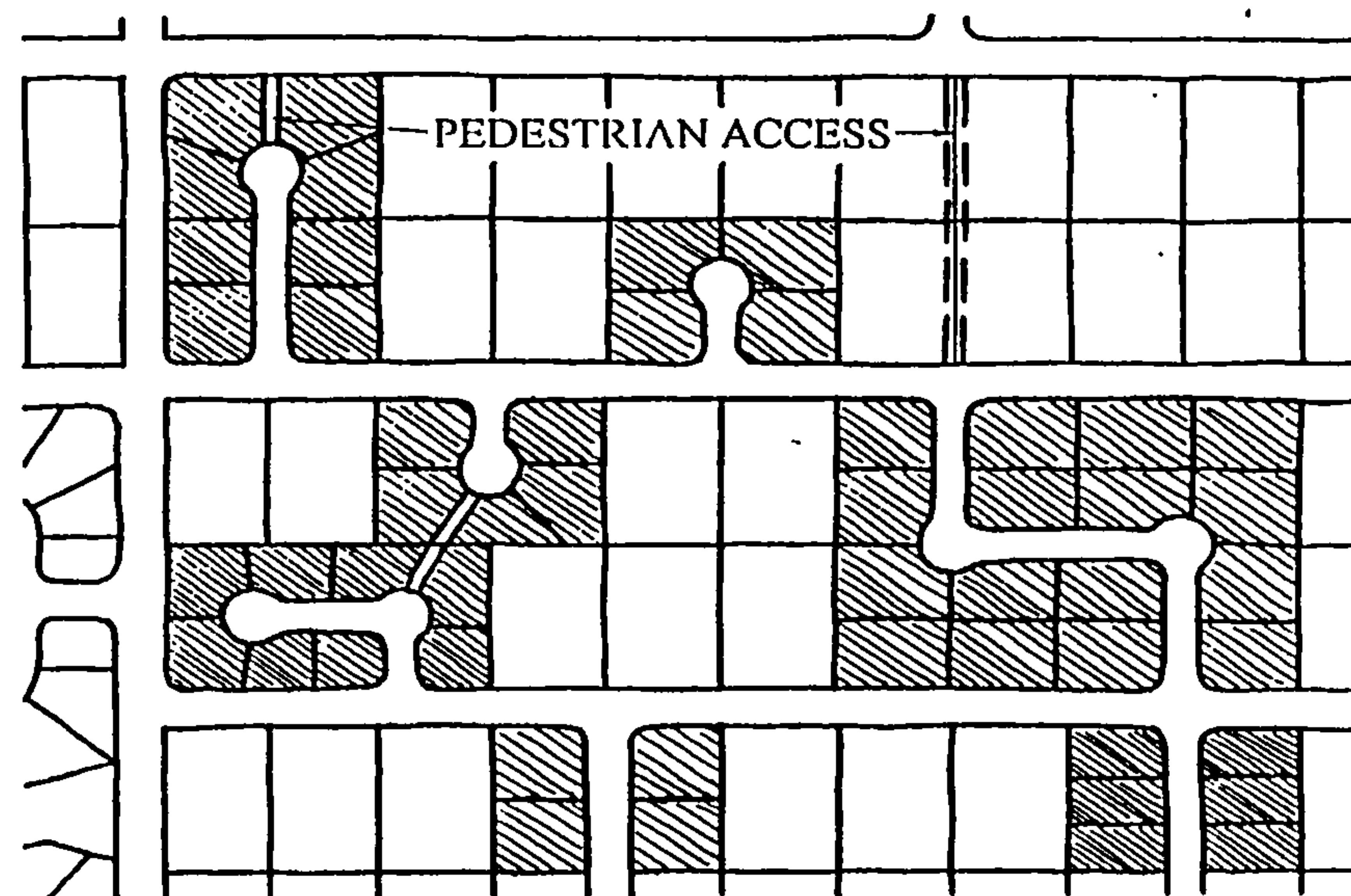
The following regulations will be implemented through the approval process for subdivision plats by the DRB.

## 6.1 Subdivision Regulations

The pattern of streets determines access by pedestrians, bicycles, automobiles, transit and emergency services. It also influences the types and character of neighborhoods. The senses of security, neighborliness, and community identification are directly related to the pattern and design of streets. In order to increase access, livable streets and security through having people on and overlooking the street, this plan establishes the following patterns for subdivision layouts.

1. **Live end streets.** Live end streets facilitate access and utility service. Cul-de-sacs are problematic for pedestrian movement and for utility systems. The intent of this regulation is to support pedestrian circulation and to allow for looped water and sewer lines. No sidewalk or pedestrian path greater than 500 feet in length shall dead end. Cul-de-sacs shall have pedestrian/bicycle trails that directly connect to other streets, regional trails and/or parks. These connector trails shall be paved to trail standards, visible from the street and lighted. Walls or fences bordering these connectors shall be constructed in accordance with CEPTED (Crime Prevention through Environmental Design) Standards and a maximum of six feet in height. Figure 10 illustrates live-end streets.

Live end streets provide space for water and sewer line easements through subdivisions, allowing looped lines rather than dead-end lines.



\* Figure 10 - Small Subdivisions with live-end streets

The maintenance of connector trails shall be the responsibility of the homeowners association or adjacent property owner.

2. **Through Streets.** Any subdivision greater than six acres shall have a minimum of one street that passes through the subdivision. Through streets shall be spaced near the midpoint between through streets in adjacent subdivisions and connect as closely as possible to neighborhood amenities such as open space, schools, parks and trails.
3. **Trails.** In accordance with the Facility Plan for Arroyos, trails shall be developed along the North Domingo Baca and La Cueva arroyos. Each subdivision bordering or encompassing a trail shall provide a

155-

254

minimum of one access point to the trail from the street system. Additional access points shall be required to ensure 1) that there is an access/ egress point at a maximum of every 900 feet along the trail, and 2) all portions of the subdivision have a direct route to the trail. In areas where development occurs on single one-acre lots, the city shall obtain both a drainage and a trail easement with drainage plans.

4. **North-south routes.** The current pattern of major streets and pedestrian trails provides reasonable pedestrian and bicycle east-west access, but a poor selection of north-south routes. Streets and pedestrian ways through subdivisions shall provide for continuous mid-block circulation in the approximate locations shown in Exhibit 11 and consistent with the proposed trail network. These routes will be composed of sidewalks and/or trails. Figure 10 illustrates a north-south route through a subdivision.

5. **Lot orientation to streets.** Subdivisions in the area are designed so that backs of lots and walls line the major local streets. This has encouraged speeding and created visually unappealing public spaces. Lot layouts as shown in Figure 10 are preferred.

## 6.2 Other Subdivision Issues

Other issues related to subdivisions in the plan area include layouts for small subdivisions in the northeast portion of the plan area and subdivisions along Alameda where roadway construction will reduce the depth of residential lots. The alternatives described below are not regulatory but offer suggestions for how the properties in these areas can be platted to avoid some of the potential problems with creating smaller lots.

1. **Alternative layouts for small subdivisions.** When entire windows cannot be assembled and replatted, smaller subdivisions may be an appropriate way to increase densities appropriate to surrounding

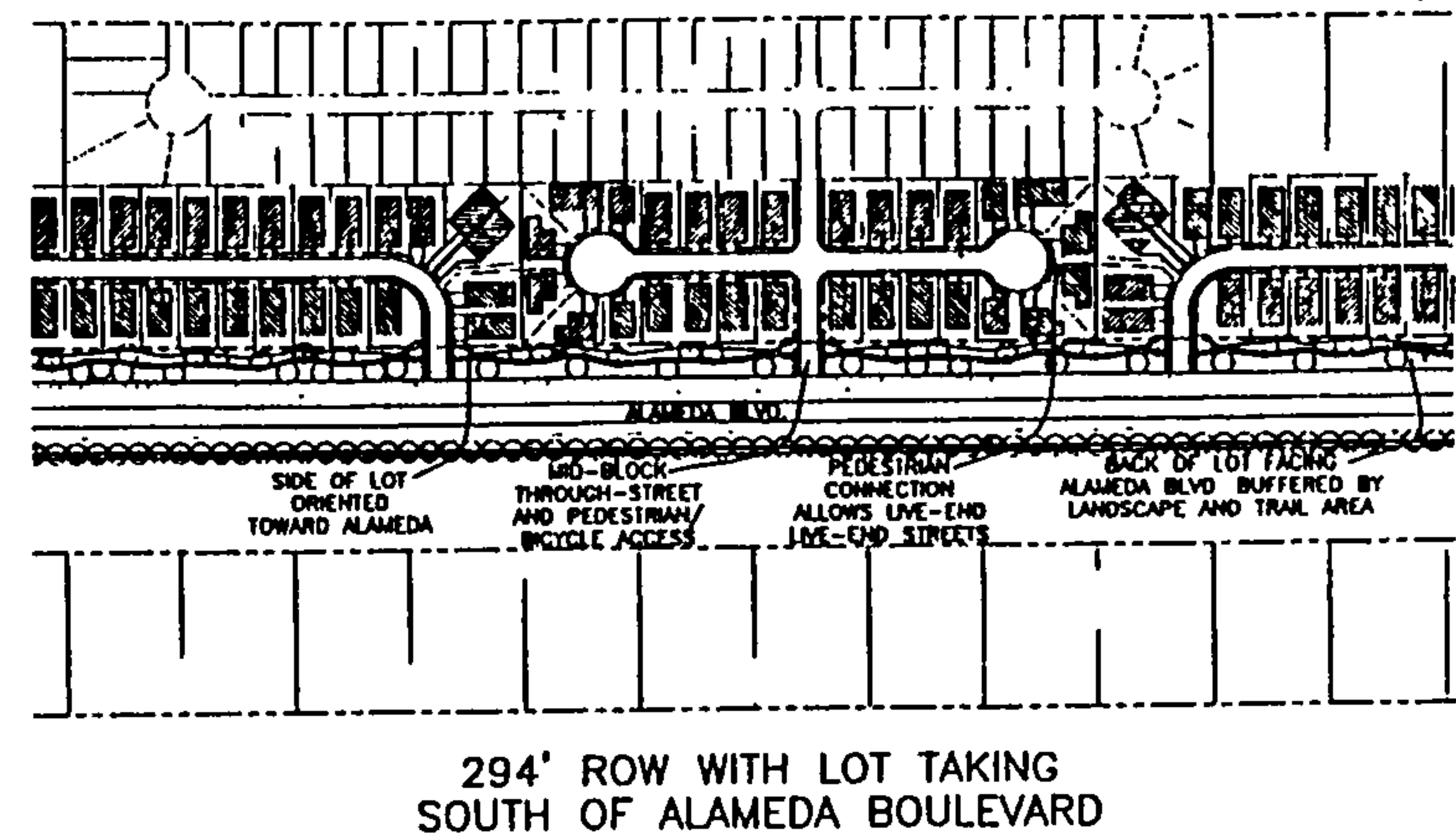


Figure 11 - Alameda Frontage Subdivision Layouts

development. Figure 10 illustrates approaches to small subdivisions that allow for residential densities of up to three units per acre.

2. **Alternative layouts along Alameda.** The widening of Alameda Boulevard will reduce the depth of residential lots along the arterial. Figure 11 shows alternatives for residential subdivisions adjacent to Alameda between Louisiana and Wyoming where existing development restricts the depth of development.

1461

\* 25B



**Policy d**

**The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.**

**Possible Techniques**

- 1) Use environmental impact analysis and design criteria in the development review process for infrastructure development and for building siting and design.
- 2) Specify development guidelines based on local environmental characteristics and community values in sector and area plans; implement through Comprehensive Land Development Code or traditional zoning, subdivision, and development review process.
- 3) Assist area property owners, neighborhood groups, and developers, (by negotiation and public education) in achieving, with coordination and harmony of development plans.
- 4) Assist appropriate development through public or public/private efforts when private development is not feasible (title problems, old platting).
- 5) Use special assessment districts, issuance of public revenue bonds, tax increment financing, and/or tax incentives for improvements where public funds are unavailable for optimum protection of resources or provision of amenities.
- 6) Shape and manage development by:
  - low density zoning districts
  - controlling water rights
  - subdivision and re-subdivision
  - cluster development
  - Greenbelt Law
- 7) Monitor development through a comprehensive data base.
- 8) Consider a Zoning Ordinance amendment to specify that carrying capacity studies should accompany development applications in environmentally sensitive areas of the city and county designated Developing Urban or Established Urban.



# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

## Facilitated Meeting Held:

Date and Time: Tuesday, November 30, 2004 6:30-8:15 PM

Location: Fire Station #20, 7520 Corona NE

## Between:

Agent John MacKenzie; Mark Goodwin and Associates

AND

All parties requested a copy of the report. All zip codes are 87122.

1. James Phillips 8600 Florence Ave. NE
2. John Turon 8700 Florence Ave. NE
3. Scott Eddings 8620 Florence Ave. NE
4. Diane Owens 8601 Glendale Ave. NE
5. Lewis Rawson 8421 Glendale Ave. NE
6. Mr. & Mrs. L. Millington 8508 Florence Ave. NE
7. Mr. & Mrs. Scott Fanning 8820 Glendale Ave. NE
8. Duke E. Zaffery 9001 Glendale Ave. NE
9. J. Rowland\* 7729 R.C. Gorman Ave NE
10. Joe Yarvuminan\* 7801 R.C. Gorman Ave. NE

\* Not at meeting, but requested copy of report

## RE:

Project #: 1003520

Address/Property Description: Lots 27 & 28 Tract 1 – North Albuquerque Acres, On Glendale Ave. NE between Barstow St. NE and Ventura St. NE

## Meeting Summary:

Mr. MacKenzie, agent for Washington Street Investors, and concerned residents met to discuss the proposed 2 acre project located on Glendale Ave between Barstow and Ventura Streets.

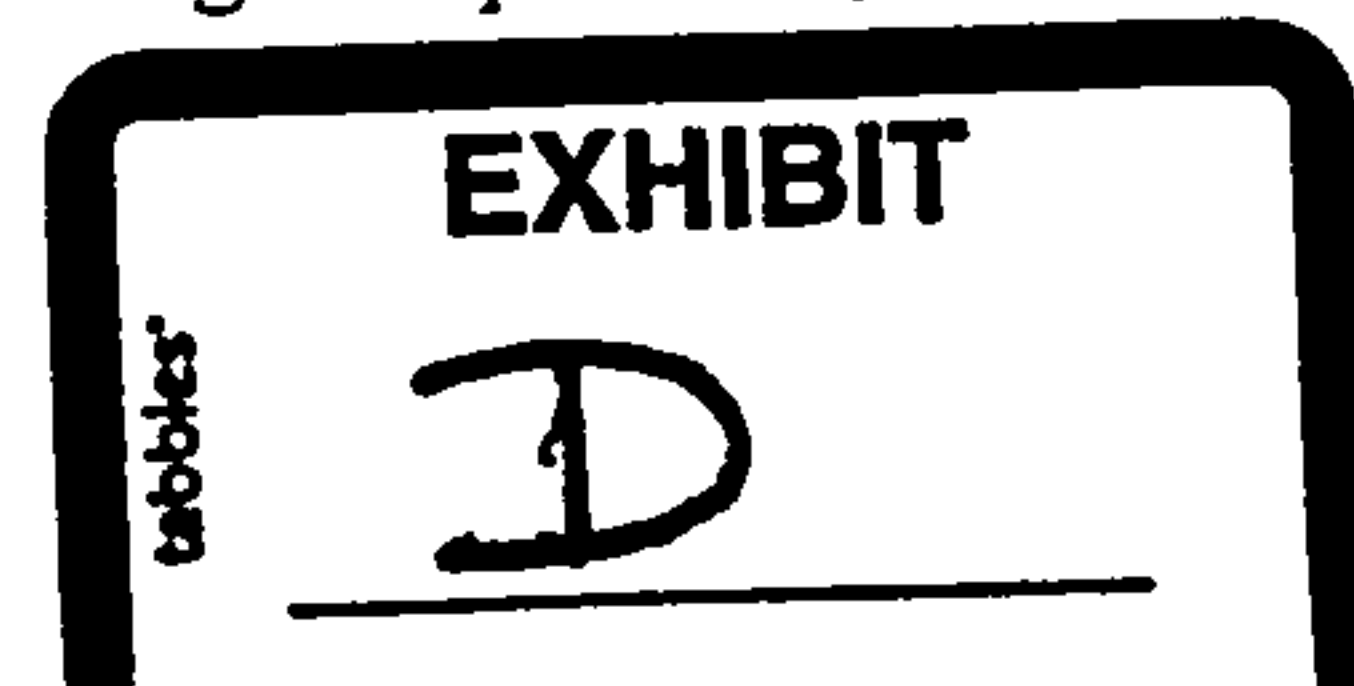
Representatives from the Nor Este Neighborhood Association were not able to attend the meeting but conveyed over the phone that the neighborhood was "fine with the project as long as the home density was capped at 3 homes per acre."

The primary concern of residents was how the proposed project would affect their property values. Residents were specifically concerned about the height of walls and their proximity to the street, the interference of their view corridors, and the density of the proposed subdivision.

Residents expressed frustration at feeling powerless to have input into the proposed projects entering their neighborhood, including this project. Residents stated that they have been told by City officials that the Residents can not change anything at this point and that the residents should have objected when the County annexed the property to the City.

Residents would ideally like to see the property rezoned at 1 dwelling unit per acre; however,

-48-



27

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

residents did suggest a number of alternatives to the proposed plan that they would like to see implemented.

## Primary Issues/Interests of Applicants:

Mr. MacKenzie stated that the Applicants are proposing to divide two 1 acre parcels into 6 lots in accordance with the La Cueva Sector Plan. The parcels are located on Glendale, half way between Barstow and Ventura. Existing zoning for the lots is RD 3 Dwelling Units ("DU") per acre. The Applicants have had one hearing at DRB for preliminary plat approval.

Mr. MacKenzie stated that the property lines for the lots extend to the center of Glendale, as is traditional for North Albuquerque Acres properties. Mr. MacKenzie stated that since the property line extend into the street that it will be necessary to formally grant easements to the City because easements have never been formally granted.

Mr. MacKenzie provided a drawing showing the proposed layout of the home sites with a cul-de-sac street ("Benjamin Place") that divides the 6 lots into two sets of three. Mr. MacKenzie stated that the proposed development is in accordance with the City subdivision ordinance. Mr. MacKenzie stated that the City requires the Applicant to do a grading and drainage plan that takes into account offsite flows that drain onto the property from the East. The Applicants are proposing to channel the offsite flows through the property to inlets located within Benjamin Place. The water would then flow from the street inlets to the temporary pond, currently proposed on one of the proposed homes sites.

The temporary pond, designed for a 100 year storm, will be in place until the storm drain is constructed on Glendale. The storm drain is proposed to be constructed during the first phase of the project. Mr. MacKenzie stated that once the storm drain was constructed, the temporary pond would be filled in and the site would then be used as an additional homesite. The storm drain would be constructed and paid for by the developer and would run along the front of the property. Additional sections of the storm drain would be added later if and when other properties in the area are developed.

Mr. MacKenzie stated that the developer is required by the City to grade the site so that water does not drain from one lot to another. Mr. MacKenzie stated that the City mandates that water drainage from properties be taken to the street (Benjamin Place) and into a storm drain. As a result there will be no offsite drainage flows from the property – all drainage flows will be placed into the new storm drain.

Mr. MacKenzie stated that in order to comply with the City mandate, the grade on some of the lots must be changed. Two of the six proposed lots will be graded below the grade of the adjacent lot. Two other lots are proposed to have the grade of the lots raised to a maximum of 8 feet in order to have the lot drain to the East, contrary to the normal drainage flow to the West. The lots proposed to have their grade raised, will also have retention ponds to handle backyard drainage. The ponds were added to the proposed plan in response to a concern about wall height. The retention ponds will allow the Applicant to have a 2-3 foot lower wall height in that area of the site.

Mr. MacKenzie stated that Benjamin Place is in conformance with the City subdivision ordinance. The City requires the Applicant to put in sidewalks on all frontage areas and across Glendale. Mr. MacKenzie also stated that the City requires curbs and gutters be built in front of the property. Mr. MacKenzie stated that the existing pavement will remain and that the developer will add pavement to the North half of Glendale. Mr. MacKenzie stated that the water and sewer lines will be brought up to the property from Glendale, at the seller's expense. A resident noted that gas is currently available on the property.

## Primary Issues/Interests of Neighbors:

*Topics of concern are in Bold Font. Individual questions, responses, and comments are detailed*

28

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

*below the issues.*

- **Concerns expressed about Walls**
    - A resident inquired whether there would be any walls adjacent to the road
      - § Mr. MacKenzie stated that there would be walls adjacent to the road and provided a drawing of the wall that is proposed to front Glendale
        - The resident noted that the proposed wall is to be 64 inches tall
    - Residents that own the properties adjacent to the site expressed equitable concerns about the proposed wall
      - § Residents that own property adjacent to the proposed subdivision stated as of September 2002 that when they received permits to build their walls that the residents were told that the walls had to come down to a 1.5 - 3 foot height by the road and had to be 20 feet from the property line
        - A resident also asserted that the 20 feet was to be measured from where the property stakes were located – not the middle of Glendale
      - § Residents expressed concern about the height of the proposed wall and proximity to the street
    - Residents expressed concern about the proposed perimeter wall for the proposed subdivision.
      - § A resident stated that they did not want to see a “barricaded” community next to them and further expressed desire for landscaping and
      - § Mr. MacKenzie stated that the Applicants have submitted the application to the City and indicated where the proposed walls will be located. Mr. MacKenzie stated that the Applicant has not received adverse comments in regard to wall locations or heights.
        - A resident stated that at the last public hearing that the City did not seem aware of the wall requirements the resident was subjected to
    - A resident stated that they were told that they had to put a 5 foot perimeter wall around their property
      - § The resident stated that if the grade was raised to 8 feet then the wall would be a total of 13 feet and stated that they felt that the wall would look like a “prison” from his home
        - Mr. MacKenzie stated that there was a possibility of moving the wall back so that there was not an additional 5 foot wall on top of the increased grade
    - A resident stated that if the grade was lowered next to her wall, that it would affect the footing of the resident’s wall
      - § Mr. MacKenzie stated that there would not be a direct cut next to the property line. Mr. MacKenzie stated that there would be a slope.
  - Conversely, a resident stated that they were told that they could not place dirt up against their wall and that the raised grade would ruin the integrity of the resident’s wall (resident owns property to back)
    - Mr. MacKenzie stated that the Applicant was going to build the wall within the property line to protect the structural integrity of existing walls
- **Concern expressed about the proposed density of the site**
  - A resident inquired whether Glendale was a City street
    - § Mr. MacKenzie stated that Glendale was a City street
  - A resident inquired whether Glendale had a City Right of Way
    - § Mr. MacKenzie stated that there currently was not a City right of way, but the Applicant would grant a right a way with the project
  - A resident noted that after the granting of a City right of way that the 2 acres would be

29

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

less than 2 acres

- § Mr. MacKenzie stated that once the City right away is granted that you would not have the original right away.
- A resident noted that lots sold in Albuquerque Acres were 0.89 acres, not a full acre after the City right of way was taken into account
- Residents expressed concern in regard to the property being considered a full 2 acres for calculating DUs per acre for the site, when the site will actually be less than 2 full acres after the City right of way is granted
  - § Residents expressed that they felt that the Applicant actually had 2 parcels that were 0.89 acres each – not 2 full acres.
  - § Residents stated that they were under the impression that 6 homes could not be placed on the site because the Residents asserted that the Applicant did not have 2 full acres
  - § Residents expressed that with the current zoning of 3 DUs per acre with the asserted two 0.89 acre parcels that the Applicant should not be able to put in 6 homes. Residents asserted that at maximum the Applicant should be able to put in 5 homes.
- A resident who owns the lot adjacent to the proposed subdivision disputed Mr. MacKenzie's assertion that North Albuquerque Acre property lines traditionally extend into the streets because when the resident closed on her property the line was recorded as at the edge of Glendale.
  - § Mr. MacKenzie stated that the Applicant has been involved in subdivisions to the East and that the proposed site plan followed the pattern from the subdivisions developed to the East.
  - § Residents and Mr. MacKenzie had a discussion about whether the subdivisions to the East were similar in circumstance to the proposed site. Mr. MacKenzie and the residents compared the existing lots (1 acre custom homes) and zoning. Mr. MacKenzie asserted that the circumstances were similar, the Residents disagreed.
- A resident inquired whether the 3 DU were to be usable acreage
  - § Mr. MacKenzie stated that the full property was used to calculate Dwelling unit numbers, including property that would have walls on it
- **Concern expressed about increasing the grade of some of the lots**
  - A resident expressed concern that raising the grade of the lot eight feet would interfere with his view corridor
    - § The Resident stated that he did not raise the grade of his home eight feet because it would have interfered with the views of the surrounding homes
- **Concern expressed about the Height of the proposed homes**
  - A resident inquired about the maximum height of homes permitted
    - § Mr. MacKenzie stated that the maximum height allowed is 26 feet
  - A resident expressed concern that the height permitted for the proposed homes would permit 2 and possible 3 story homes that would interfere with their current view corridor
- **Concern expressed about the effect the proposed site would have on existing property values**
  - Residents expressed concern that interference with their current view corridors would negatively affect their current home values
  - Residents expressed concern that viewing tall walls from existing properties will negatively affect existing home owners property values
  - Residents stated that they feel that increased density will negatively affect existing property values

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

- Residents expressed that their existing homes are valued between \$185-200/square foot
  - § Mr. MacKenzie said the proposed homes would be of equal value to the existing homes and felt that the proposed homes would maintain home values in the area
- **Concern expressed about reconciling conflicting City Regulations regarding grade**
  - A resident stated that current City subdivision regulations stated that grading had to match surrounding lots
    - § Mr. MacKenzie stated that he was not aware of the grading requirement "trumping" the subdivision requirement for drainage.
    - § Mr. MacKenzie stated that in order to meet the subdivision drainage requirement, grade could not be matched everywhere and stated that they have always complied with the drainage requirement
  - The resident stated that they felt it was clear in the regulations that the grade had to match the surrounding lots
- **Concern expressed about pockets of homes and the La Cueva Sector Plan**
  - Residents expressed concern that the 2 acre development would create a "pocket of homes" that was different than existing homes designed with 1 home per acre
  - A resident inquired whether the Applicant would consider changing the proposed plan
    - § Mr. MacKenzie stated that based upon previous projects completed on the other side of Barstow that the Applicant is not likely to want to change the proposed plan. Mr. MacKenzie stated that previous projects had identical zoning to the proposed site
      - Residents asserted that the areas on the other side of Barstow are contiguous and therefore different than the resident's area.
    - § Mr. MacKenzie stated that the La Cueva Sector Plan established zoning at 3 DUs per acre five years ago. Mr. MacKenzie stated that he thought that the City's thinking that the density of homes would be higher in the core of the La Cueva Sector Plan and transition to lower density towards the outside boundaries of the Sector Plan
      - A resident stated that this is more like a new trend because the majority of the existing homes are 1 home per acre. The resident stated that the transition has not occurred.
- **Inquiry regarding Storm Drain/Drainage Plan**
  - A resident stated that when the resident investigated the Storm Drain issue in 2000/2001 that the City had not adopted one plan, but had 2 or 3 plans for a storm drain down Glendale. The resident inquired whether the City had adopted one plan
    - § Mr. MacKenzie stated that the storm drain will be built in accordance with City Plans and approval
  - A resident stated that a Storm drain was not the only option for drainage.
    - § Mr. MacKenzie stated that a Storm Drain is the cleanest solution because a paved swale could create a lot of flow across the road and would make the road impassable during storms
  - A resident inquired if Applicant had to characterize all off site flows
    - § Mr. MacKenzie stated that the Applicant did have to characterize all offsite flows.
      - The resident inquired whether a master drainage plan had been completed and approved
        - Mr. MacKenzie stated that the offsite flows had been study through the master drainage plan completed for North Albuquerque Acres

# Facilitators Report

Dated: Tuesday, November 30, 2004

Facilitators: Shannon Watson & Diane Grover

- The resident inquired whether the North Albuquerque Acres master drainage plan had considered a development like the proposed site (3 DUs per acre, paving, etc)
  - Mr. MacKenzie answered affirmatively that the master plan had considered the proposed development
- A resident inquired whether the City would consider another type of diversion other than an 8 foot increase to the grade. The resident provided a sub pump as an example
  - § Mr. MacKenzie stated that the City does not accept a sub pump. Mr. MacKenzie stated that the City prefers a gravity drain.
  - The resident inquired whether the City would consider an underground pipe to drain the property instead of the 8 foot build up
    - Mr. MacKenzie stated that the Applicants were working within City restrictions and regulations for drainage
- A resident inquired why the drainage was required to go to the street
  - § Mr. MacKenzie stated that the City mandates drainage be accessible for maintenance
- Many residents expressed concern that the existing drainage plan will not protect existing properties from runoff
- **General Questions/Comments**
  - A resident expressed concern about being assessed by the City for improvements
    - § Mr. MacKenzie stated that the Applicant will be paying for all improvements. No tax assessments are intended for the neighbors
  - A resident inquired as to what the average proposed lot size approximately ¼ acre
  - A resident inquired whether there was an arroyo on the property
    - § Mr. MacKenzie stated that there was a small swale on the property.
      - The resident inquired whether the Applicant intended to fill the arroyo
        - Mr. MacKenzie stated that the applicant intended to fill the swale
      - The resident inquired whether the Applicant needed a Corp permit to fill the arroyo
        - Mr. MacKenzie stated that they did not because the arroyo was not considered waters of the U.S.
  - A resident stated that in 2000 a compromise was done between the developers and neighbors in the area West of Wyoming and South of Venice to reduce the density to 2 DUs per acre
  - A resident inquired whether street lights be put in
    - § Mr. MacKenzie stated that the City mandates a street light at the intersection
      - The resident does not want a street light
      - A resident stated that the area was in a dark zone
      - A resident asked what it would take to get the street light removed
        - Mr. MacKenzie stated that the residents could call the City and voice their concerns. Mr. MacKenzie also stated that the City regulations require street lights for safety concerns
  - A resident inquired whether the power lines would be underground
    - § Mr. MacKenzie answered affirmatively that the power lines would be underground
  - A resident inquired if the owner would be willing to sell the property
    - § Mr. MacKenzie will ask, but he didn't believe that the owner would want to sell.
  - A resident inquired how dust would be controlled during construction
    - § Mr. MacKenzie stated that the Applicant must comply with City dust regulations

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

- Contact: Charles Aragon from Environmental Health
- **Suggestions from the Residents**
  - The residents would prefer that homes be one story; maximum 2 story
  - Residents would like temporary pond enclosed with livestock fencing, a block wall, or cedar fencing
  - Houses have flat roofs
  - Alternatives to the 8 foot increase in grade
  - A lightpole different than a standard aluminum pole
    - § Suggestion a bronze shoe box similar to the light poles by Macaroni Grill/High Desert
  - Landscaping with trees rather than sidewalk
  - More architecture to walls
  - Cobblestone roads
  - Guidelines for homeowners on fences
    - § Specifically no chain link fences
  - Less density
    - § Alternative 4 or 5 homes rather than the 6 proposed
  - Alternatives to Wall
    - § Adobe wall along Glendale
    - § Latilla fence
  - Covenants for home owners regarding
    - § Minimum square footage for homes
    - § Building style/architecture of homes
    - § Number of vehicles in driveway
    - § Wall height that home owners can install
    - § Closeness of walls to road
  - Alternatives to perimeter wall around development
- **DRB Hearing Logistics**
  - A resident stated that there are 45 items on the DRB agenda items on the Dec 1 agenda
  - The resident stated that this project is number 10 or 12 on the agenda
  - A resident inquired as to whether the City can approve with this proposed plan tomorrow
    - § Mr. MacKenzie stated affirmatively
  - A resident inquired whether the City can approve with conditions
    - § Mr. MacKenzie stated that approval with conditions is not routine
  - After DRB Action the final plat will be completed in 30-60 days and construction will occur 120-150 days
  - A resident stated that if residents would like to comment that residents should sign up to speak

## Outcome:

### Areas of Agreement:

- Residents offered suggestions to the Mr. MacKenzie as alternatives that they would like implemented

### Unresolved Issues, Interests, Concerns:

- All issues are unresolved.



**Policy l**

**Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.**

**Possible Techniques**

- 1) Achieve through sector plans, and Zoning Ordinance.
- 2) Establish design awards.
- 3) Review development regulations to identify and minimize those which may restrict design innovation and quality.
- 4) Consider incentives (e.g. density bonuses) to encourage good design/amenities.



**Policy m**

**Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.**

**Possible Techniques**

- 1) Improve Zoning Ordinance and Subdivision Ordinance design standards, and apply design through their site design review processes.
- 2) Design public facilities (including buildings, parks, plazas, utilities, bridges, streets, stadiums, and airports) with respect for environmental and visual qualities.

**Policy n**

**Areas prematurely subdivided and having problems with multiple ownership, platting, inadequate right-of-way, or drainage should be reassembled or sector planned before annexation and service extension is assured.**

**Possible Techniques**

- 1) Bring land holders and private developers together to replan and re-subdivide problem areas.
- 2) Provide public reassembly assistance.
- 3) Resolve platting problems before extending urban public facilities.
- 4) Re-zone for low density until acceptable re-subdivision is proposed.



**Policy l**

**Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.**

Possible Techniques

1.B.C.

- 1) Achieve through sector plans, and Zoning Ordinance.
- 2) Establish design awards.
- 3) Review development regulations to identify and minimize those which may restrict design innovation and quality.
- 4) Consider incentives (e.g. density bonuses) to encourage good design/amenities.

**Policy m**

**Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.**

Possible Techniques

- 1) Improve Zoning Ordinance and Subdivision Ordinance design standards, and apply design through their site design review processes.
- 2) Design public facilities (including buildings, parks, plazas, utilities, bridges, streets, stadiums, and airports) with respect for environmental and visual qualities.



**Policy n**

**Areas prematurely subdivided and having problems with multiple ownership, platting, inadequate right-of-way, or drainage should be reassembled or sector planned before annexation and service extension is assured.**

Possible Techniques

- 1) Bring land holders and private developers together to replan and re-subdivide problem areas.
- 2) Provide public reassembly assistance.
- 3) Resolve platting problems before extending urban public facilities.
- 4) Re-zone for low density until acceptable re-subdivision is proposed.

## 9. COMMUNITY IDENTITY AND URBAN DESIGN

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

### Policy a

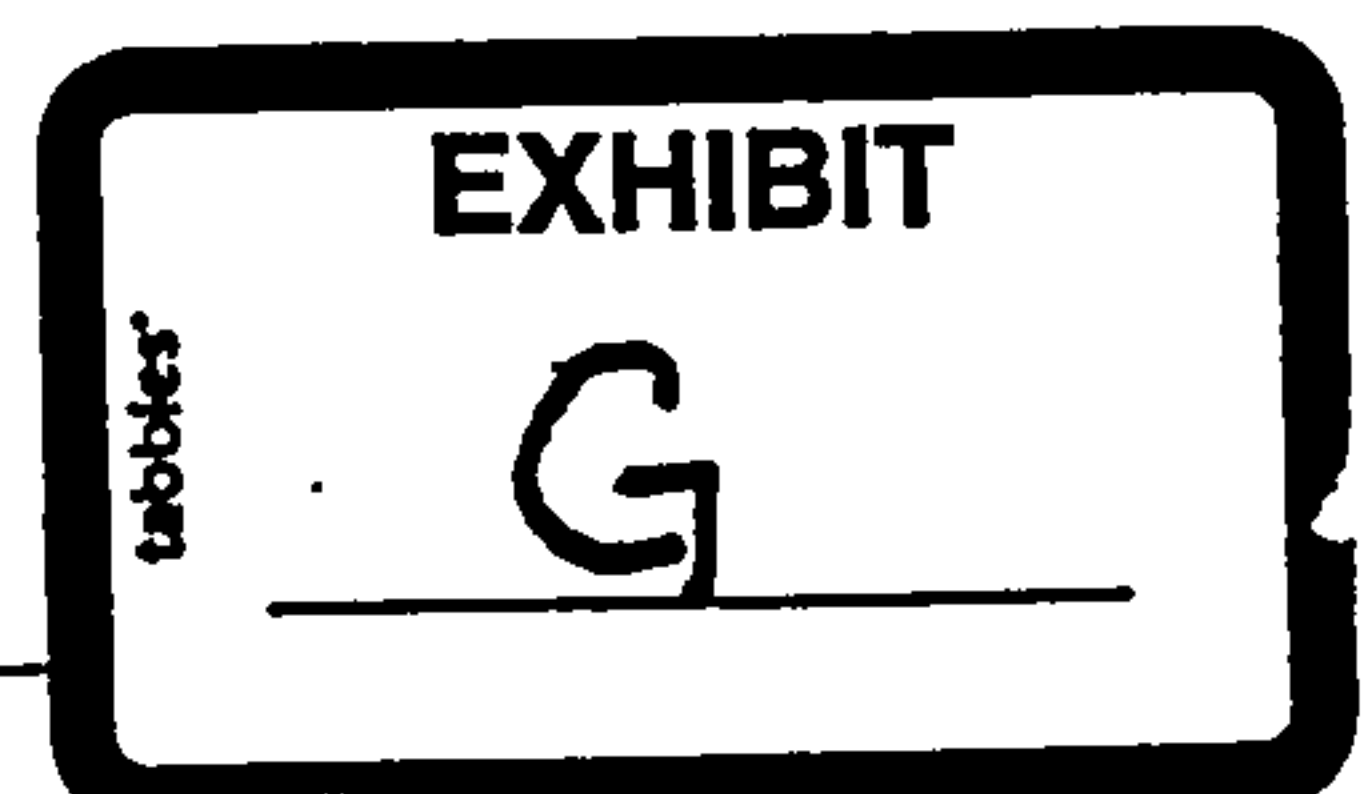
The City and County differentiate into thirteen sub-areas as shown on the Community Areas map; the unique character and constituent neighborhoods of each area identified on the Community Areas map shall be respected in all planning and development actions.

### Policy b

In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

- 1) **The natural environment**
  - Indigenous vegetation and other materials appropriate to landscapes.
  - Topography and landscape features such as arroyos, the Rio Grande and bosque, the foothills, and escarpments
  - Soils and erosion potential
  - Colors and textures of the natural environment
  - Views
  
- 2) **Built environment**
  - Height and massing of buildings
  - Setbacks from the street
  - Placement of entrances and windows
  - Walls and fences
  - Parking areas design and relationship to buildings
  - Road widths, sidewalks, curb cuts, medians
  - Grain of streets/size of parcels
  - Patterns of movement (e.g. pedestrian connections, access to transportation/transit)
  - Street furniture (e.g. bus stops, street lights, signs)
  - Landscaping materials, both planting and hardscape
  - Public infrastructure (e.g. drainage facilities, bridges)
  - Social interaction opportunities
  - Relationship between built and natural environment
  
- 3) **Local history**
  - Architectural styles and traditions
  - Current and historic significance to Albuquerque
  - Historic plazas and other Activity Centers

- 57 -



36

- 4) **Culture and traditions**
  - Cultural characteristics of residents
  - Community celebrations and events

Policy c

**The identity and cohesiveness of each community shall be strengthened through identification and enhancement of community Activity Centers that have a scale, mix of uses, design character, and location appropriate to the unique character of the community. (See also policies under "Activity Centers")**

Policy d

**Development projects within Community Activity Centers should contribute the following:**

1. **Related land uses that effectively encourage walking trips from one destination to another within the center, including shopping, schools, parks or plazas, employment, entertainment, and civic uses such as public libraries, recreation or senior centers, post office or fire station.**
2. **Pedestrian linkages among uses in the Activity Center and connecting to surrounding neighborhoods.**
3. **Buildings designed and arranged to reflect local architectural traditions, scale, height, massing and setbacks appropriate to the community served by the Activity Center and that support public transit and pedestrian activity.**
4. **Landscaping, street furniture, public art, colored or textured paving and other improvements to the public realm that reinforce the cultural, social and design traditions of the community served by the Activity Center.**

Policy e

**Roadway corridors (collectors, arterials, Enhanced Transit and Major Transit) within each community and that connect the community's Activity Centers shall be designed and developed to reinforce the community's unique identity; streetscape improvements to these roadways shall be designed to:**

- minimize water use
- screen parking areas
- create useful and attractive signage and building facades
- facilitate walking safety and convenience

**Part 7: Resubdivision, Amendment and Vacation of Plats, Rights of Way, Private Ways and Easements**

- 14-14-7-1 Resubdivision or amendment of previous plat
- 14-14-7-2 Vacation of public rights of way, private ways and easements
- 14-14-7-3 Technical corrections

**Part 8: Appeal**

- 14-14-8-1 Right to appeal
- 14-14-8-2 Standing
- 14-14-8-3 Basis of appeal
- 14-14-8-4 Appeal to planning commission
- 14-14-8-5 Appeal to city council

**Part 9: Violations; Enforcement; Penalty**

- 14-14-9-1 Violations as to the act of subdividing
- 14-14-9-2 Violations as to transferring real property
- 14-14-9-3 Violations as to construction or site alteration
- 14-14-9-4 Issuance of building permit
- 14-14-9-99 Penalty

*Editor's note: For the convenience of the code user and to aid in supplementation, sections of this Subdivision Ordinance, which was originally codified in the 1974 edition of the code of ordinances, have been subdivided into separate sections under the parts of this article. Because of this editorial change, the ordinance histories of affected sections is set forth at the end of their respective parts.*

**PART 1: GENERAL PROVISIONS**

**§ 14-14-1-1 SHORT TITLE**

This article may be cited as "the Subdivision Ordinance" and is referred to elsewhere herein as "this article."  
(74 Code, § 7-16-1B)

**§ 14-14-1-2 AUTHORITY.**

This article is adopted pursuant to the authority set forth in Article 1 of the Charter of the City of

-59-

Albuquerque, which was adopted at a special election on June 29, 1971, pursuant to Article X, Section 6, of the Constitution of the State of New Mexico and pursuant to the authority set forth in Sections 3-19-1 to 3-19-12 and Sections 3-20-1 to 3-20-16 NMSA 1978.  
(74 Code, § 7-16-1A)

**§ 14-14-1-3 PURPOSE AND INTENT.**

The public health, safety, comfort, convenience, and general welfare of the people of the city require the harmonious, orderly, and coordinated development of land within the city and its planning and platting jurisdiction. In furtherance of this purpose, this article provides for control by the city of the subdivision of land. The intent of such control is to secure:

\* (A) Coordination of land development in accordance with orderly physical patterns as stated in the Albuquerque/Bernalillo County Comprehensive Plan, and such further plans, policies, and ordinances as may have been or may hereafter be adopted by the City Council;

(B) Adequate provision for light and air, solar access, public open spaces, water supply, drainage, flood control, sanitation including sewer service, and other public facilities;

(C) Economy for governmental purposes and efficiency in governmental operations;

(D) Minimization of traffic hazards and provision of safe, convenient circulation of people, goods, and vehicles;

(E) Accurate and complete surveying, and preparation and recording of plats thereof; and

\* (F) Safety and suitability of land for the development contemplated.  
(74 Code, § 7-16-1C)

**§ 14-14-1-4 JURISDICTION.**

(A) *Territorial Jurisdiction.* This article shall govern the subdivision of land within the corporate limits of the city, as now or hereafter established, and within the area of the city's extra-jurisdictional platting jurisdiction as established by the City Council. Subdivisions partially or wholly within the jurisdiction of both the county

38

**EXHIBIT**

H

accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of this article, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the city except as shall be expressly provided for in this article.

(74 Code, § 7-16-12F) (Ord. 56-1983)

§ 14-14-1-14 EFFECTIVE DATE.

This article shall become effective within five days after publication by title and general summary in a newspaper of general circulation.

(74 Code, § 7-16-12G) (Ord. 56-1983)

§ 14-14-1-15 ORDINANCES REPEALED.

Ordinance 97-1973 as amended, compiled as Article 7-11 in the 1974 Code of Ordinances, the previous Subdivision Ordinance, is hereby repealed. However, subdivisions that received preliminary plat approval under Ordinance 97-1973 as amended may receive city final plat approval consistent with that preliminary plat until one year after the effective date of this article; recording of such plats shall be controlled by this article.

(74 Code, § 7-16-13) (Ord. 56-1983)

PART 2: FUNDAMENTAL CONSIDERATIONS

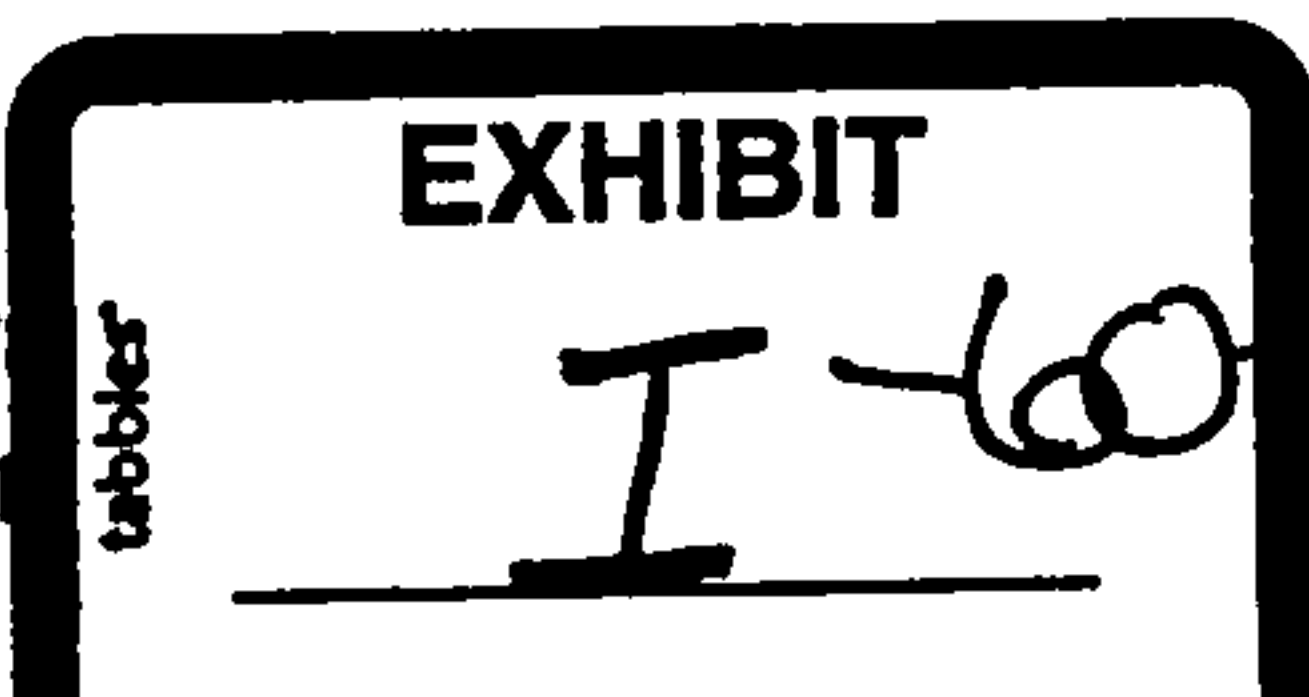
\* § 14-14-2-1 GENERAL APPROPRIATENESS.

Land may be subdivided only in accordance with procedures established by this article. The Development Review Board shall approve the subdivision of land when it determines that the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare.

(74 Code, § 7-16-3A)

§ 14-14-2-2 CONFORMANCE WITH PLANNING AND ZONING.

(A) Planning. The arrangement, extent, width, grade, and location



general nature and extent of the lots and uses proposed shall conform to the Albuquerque/Bernalillo County Comprehensive Plan and any other adopted plan, including but not limited to the Long Range Major Street Plan and other facility plans. No plat shall be approved if it contains elements clearly and significantly inconsistent with the adopted plans.

(B) Zoning.

(1) Plats must contain lot sizes and other elements consistent with the applicable zoning ordinance, or must meaningfully decrease the degree of already existing nonconformity.

(2) If the zoning on a property requires approval of a site development plan prior to development of the property:

(a) A site development plan must be approved prior to platting; and

(b) The plat must conform to the approved site development plan.

(74 Code, § 7-16-3B)

§ 14-14-2-3 LAND SUITABILITY.

(A) No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. In determining suitability the city shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority. The Development Review Board shall state any decision regarding unsuitability in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Development Review Board may affirm, modify or withdraw its determination regarding such unsuitability.

(B) Land to be subdivided must have or be provided with adequate infrastructure improvements as specified in Part 4 of this article. Demonstrated capability, agreements, and assurances to provide nonprogrammed facilities through private funding will be satisfactory as provided in Part 5 of this article.

accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of this article, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the city except as shall be expressly provided for in this article.

(74 Code, § 7-16-12F) (Ord. 56-1983)

§ 14-14-1-14 EFFECTIVE DATE.

This article shall become effective within five days after publication by title and general summary in a newspaper of general circulation.

(74 Code, § 7-16-12G) (Ord. 56-1983)

§ 14-14-1-15 ORDINANCES REPEALED.

Ordinance 97-1973 as amended, compiled as Article 7-11 in the 1974 Code of Ordinances, the previous Subdivision Ordinance, is hereby repealed. However, subdivisions that received preliminary plat approval under Ordinance 97-1973 as amended may receive city final plat approval consistent with that preliminary plat until one year after the effective date of this article; recording of such plats shall be controlled by this article.

(74 Code, § 7-16-13) (Ord. 56-1983)

PART 2: FUNDAMENTAL CONSIDERATIONS

§ 14-14-2-1 GENERAL APPROPRIATENESS.

Land may be subdivided only in accordance with procedures established by this article. The Development Review Board shall approve the subdivision of land when it determines that the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare.

(74 Code, § 7-16-3A)

§ 14-14-2-2 CONFORMANCE WITH PLANNING AND ZONING.

(A) Planning. The area, extent, width, grade, and location

general nature and extent of the lots and uses proposed shall conform to the Albuquerque/Bernalillo County Comprehensive Plan and any other adopted plan, including but not limited to the Long Range Major Street Plan and other facility plans. No plat shall be approved if it contains elements clearly and significantly inconsistent with the adopted plans.

(B) Zoning.

(1) Plats must contain lot sizes and other elements consistent with the applicable zoning ordinance, or must meaningfully decrease the degree of already existing nonconformity.

(2) If the zoning on a property requires approval of a site development plan prior to development of the property:

(a) A site development plan must be approved prior to platting; and

(b) The plat must conform to the approved site development plan.

(74 Code, § 7-16-3B)

§ 14-14-2-3 LAND SUITABILITY.

(A) No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. In determining suitability the city shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority. The Development Review Board shall state any decision regarding unsuitability in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Development Review Board may affirm, modify or withdraw its determination regarding such unsuitability.

(B) Land to be subdivided must have or be provided with adequate infrastructure improvements as specified in Part 4 of this article. Demonstrated capability, agreements, and assurances to provide nonprogrammed facilities through private funding will be satisfactory as provided in Part 5 of this article.



Programmed facilities. are those included in an adopted Capital Improvements Budget with funds authorized.

(C) The availability of adequate access, fire protection, police protection, refuse service, public schools, public parks and recreation facilities, other elements of public or private infrastructure, and privately provided utilities shall all be weighed in considering proposed subdivisions. They are not all necessarily required.

(D) The following types of problems will require an engineering analysis to demonstrate that such hazards have been or will be eliminated or sufficiently ameliorated:

- (1) Special drainage or flood hazard conditions;
  - (2) Difficult topography;
  - (3) Soil conditions which are unusually limiting; and
  - (4) Other physical hazards to life, health, or property.
- (74 Code, § 7-16-3C)

**§ 14-14-2-4 DEDICATIONS.**

(A) *Dedications Required.* Dedication of land for public use or purposes may be required for the following in accordance with the appropriate city policy and/or other applicable policies:

- (1) Park sites or cash in lieu thereof pursuant to Chapter 14, Article 9, Park Dedication and Development;
- (2) Streets and other access pursuant to the Long Range Major Street Plan, Part 4 of this article, and/or the *Development Process Manual*;
- (3) Drainage facilities pursuant to §§ 14-5-2-1 et seq. Drainage Control, Part 4 of this article, any AMAFCA Policies, and/or the *Development Process Manual*; and
- (4) Other public infrastructure pursuant to Part 4 of this article and/or the *Development Process Manual*.

(B) *Method of Dedication.*

(1) Dedication of public areas, as required by Part 4 of this article, or by other city policy requirements shall be free and clear of any liens or encumbrances and in fee simple unless:

(a) The subdivider demonstrates that fee simple dedication is legally infeasible; or

(b) The Development Review Board and the city Attorney find that a different type of dedication better accomplishes city policy or is provided for by specific ordinance.

(2) If dedication in other than fee simple is approved, the nature of the property interest dedicated shall be clearly indicated on the plat.

(3) When parks are dedicated, a deed to the land shall be delivered to the appropriate governmental entity.

(C) *Lots for Public Areas Shown in Adopted Plans.* If a proposed public area shown on an adopted city or county plan is located in whole or in part in the area being subdivided, an appropriate lot shall be shown as reserved or dedicated for public use on the plat; unless, when asked by the subdivider, the appropriate governmental body notifies the subdivider that it does not intend to either acquire or accept the lot within a reasonable time.

(D) *Acceptance of Dedications.* The procedure for accepting dedications of public areas and improvements is specified in § 14-14-3-5(B)(4) and § 14-14-5-9 of this article. Within the extraterritorial planning and platting jurisdiction dedications shall be accepted by the county in accordance with its subdivision requirements.

~~(E)~~ Grades set for new subdivisions must blend the plat's development into the adjacent environment with a minimum of sudden grade change. Extensive fill which raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property should be avoided wherever it is feasible without unreasonable cost. Significant cuts near the edges of proposed new subdivisions to lower the grade within the plat are to be avoided wherever there are reasonable alternatives. Where needed for a subdivision, grade changes are usually best done within the interior of the subdivision. City staff appropriately goes beyond mere approval or



disapproval of a developer-proposed grading plan and identifies less intrusive grading approaches consistent with the policy/standard of this section. It is recognized that infill development on steeper slopes may require compromise with the ideal grades, as viewed by neighboring development.

(74 Code, § 7-16-3)

(Ord. 56-1983; Am. Ord. 10-1991, 2-1993)

### **PART 9: PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS**

#### **§ 14-14-3-1 PRE-APPLICATION CONFERENCE.**

Prior to submission of a plat the subdivider shall discuss with the Planning Director the procedure and requirements for approval of that plat. The Planning Director shall provide guidance to the subdivider as to the appropriateness of the proposal in relation to current applicable city or county plans, policies, and zoning. The Planning Director shall advise the subdivider as appropriate regarding requirements for general layout of streets, for dedications of land, for provision of infrastructure improvements, drainage considerations, fire protection, and similar matters, as well as the availability of existing services. The Planning Director shall also advise the subdivider whether to schedule a review session with the Development Review Board when appropriate.

(74 Code, § 7-16-4A)

#### **§ 14-14-3-2 CLASSIFICATION OF SUBDIVISION AND OUTLINE OF PROCEDURE.**

(A) The Planning Director shall determine, normally as a part of pre-application review, whether the proposal is a major or minor subdivision.

(B) *Major Subdivisions.* The subdivider shall apply for and secure approval of major subdivisions, as defined in § 14-14-1-6 of this article, in accordance with the following procedure:

- (1) Sketch plat review;
- (2) Preliminary plat review and approval;  
and then
- (3) Final plat review and approval.

#### **(C) *Minor Subdivisions.***

(1) Minor subdivisions, as defined in § 14-14-1-6 of this article, may be processed and approved by the Development Review Board as a combined preliminary and final plat without notice or public hearing; no sketch plat need be prepared.

(2) The Development Review Board may delegate some minor subdivision review and approval to the Planning Director.

(74 Code, § 7-16-4B)

#### **§ 14-14-3-3 SKETCH PLAT.**

(A) *Purpose and Intent.* The purpose of sketch plat review is to obtain necessary information and describe the proposed subdivision, lot sizes, street arrangement, and purpose of the proposed subdivision. The subdivider shall describe the overall concept in the sketch plat. The city shall advise the subdivider of community goals, plans, available data, and policies pertinent to the site that might affect the potential development (including off-site considerations, whether the property can be served by community facilities), whether infrastructure is available, and shall advise the subdivider as to the general acceptability of the proposed subdivision concept.

#### **(B) *Procedure.***

(1) *Application.* Review and advice on sketch plat subdivision proposals are initiated by application to the Development Review Board. The application shall be accompanied by the number of copies of a sketch plat together with other supplementary material as specified in this article and the *Development Process Manual*. Subdividers shall bring in at the sketch plat stage a concept for all the contiguous land subject to their control, if any. However, the preliminary and final plat may encompass only a portion of such land.

(2) *Review.* The Development Review Board shall review the sketch plat and supplemental material submitted for conformity to this article. Within 15 days following receipt by the city of complete required submittals the Development Review Board shall inform the subdivider whether the proposal appears to meet the requirements of this article. If it is determined that the proposal does not appear to meet the requirements, the Development Review Board shall state in writing all the deficiencies found in the sketch

-63-

42

(c) No wall, fence, or retaining wall shall be erected in the clear sight triangle unless its type and location is approved by the Traffic Engineer based on a finding that it would not be a traffic hazard.

(5) Noncommercial antenna height may be up to but shall not exceed 65 feet in any residential zone.

(6) Special height and use regulations near airports are contained in Chapter 14, Article 15, Airport Zoning.



**(7)** Building Height Limitations to Preserve Solar Access. The additional height limitations of this division (A) shall apply to all residential zones where the basic height limitation is 26 feet. In any subdivision for which the preliminary or preliminary/final plat is submitted to the city after February 1, 1981, the height of any building shall comply with one of the following additional height limitations, either:

(a) The building height shall not exceed the following heights, determined by the distance cardinally south from the northern boundary of the lot as follows:

<i>Lot Line (feet)</i>	<i>Height (feet)</i>
0-5	10
5-10	11
10-15	14
15-20	17
20-25	20
25-30	23
30-35	25
35 or more	26

or alternatively:

(b) The height shall not exceed a 31° angle plane (as further defined in division 3. below) drawn upward from a horizontal line located two feet above the mean grade at either:

1. A line lying ten feet within the lot lying to the north and parallel to the general south side of the neighboring lot which is most nearly perpendicular to cardinal north, if the lot is vacant and no building permit for a structure has been applied for;
2. The facade of the principal residential building on the lot lying to the north, which most nearly faces cardinal south if the lot has an existing building intended for permanent occupancy or a building permit for a structure has been issued; or
3. The plane shall be made up of lines drawn cardinally south, 31° above horizontal, along all points identifying said southerly setback lines or building lines.

-64-



(c) The Zoning Enforcement Officer shall waive all or part of the provisions of divisions (a) and (b) above if he finds that, pursuant to rules and regulations promulgated by the Mayor and so records in his files, beneficial and important solar access can be protected for a lot to the north through the height requirements of this division (A) due to:

1. The lot(s) to the north being exceptionally large or high, so that there are many good locations for solar collector relating to passive or active solar energy systems which will not be blocked by the proposed construction; or
2. The development on the lot(s) to the north is already served by as much solar collector area as is likely to ever be needed and solar access to that collector surface will not be impaired by the proposed construction.

\* (d) The Zoning Enforcement Officer shall waive the provisions of divisions (a) and (b) above if he finds that the owner or builder proposing the height limit waiver has demonstrated:

1. That there will clearly not be a principal building in the area within 35 feet to the north of the proposed building; or
2. That any heated building which building is on separate lot, is built or is under construction to minimum energy efficient standards with a maximum average U value for the walls (U<sub>o wall</sub>) not to exceed .16 BTUs per hour per square foot degrees Fahrenheit and with a maximum average U value for the roof (U<sub>o roof</sub>) not to exceed .04 BTUs per hour per square foot per degrees Fahrenheit. The fact that the building adjacent to the north is connected to the proposed building does not change the regulations.

**(B) Area and Use Regulations.**

(1) Yards.

(a) All parts of required yards or open spaces must be open to the sky, except as follows:

1. Accessory buildings.
2. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon smoke towers which may project as much as ten feet into the rear yard.
3. Projections of skylights, sills, chimneys, belt courses, cornices, and ornamental features which may project as much as 24 inches into a required yard.
4. Evaporative coolers which may project as much as 48 inches into the required rear or side yards.

(b) Required yard or court area with any building or lot cannot be considered as providing a yard or court area for another building or lot.

§ 14-16-3-19 GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS.

(A) Height Regulations.

(1) A wall, fence, retaining wall, or vertical combination of these (the "wall") that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within a required setback, provided:

(a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard.

(b) Where contiguous to non-residential property, it does not exceed ten feet in height above the abutting grade on the residential side except in the required front-yard setback.

(c) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the street side or the abutting front yard grade whichever is most restrictive. However, a conditional use may be approved for a higher wall or fence.

(d) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the lower side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.

(2) A wall, fence, retaining wall, or vertical combination of these that face a public street right-of-way, a public park, open space, or designated trail and is in a residential zone may be built within a required setback, provided:

(a) It does not exceed three feet in height above the abutting grade on the street side and 11 feet in height above the abutting grade on the private side within the required front yard: or shall not exceed six feet in height above the abutting grade on the street side and 14 feet in height above the abutting grade on the private side within the required side or rear yard, except:

1. Any combination of a wall, fence and retaining wall height along the required side or rear yard that exceeds six feet in height above the abutting grade on the public side in order to retain higher ground on the private property side may be constructed up to eight feet in height; such wall shall not exceed six feet in height from the abutting grade on the private property side of the wall. The design of this wall combination shall include at least two of the façade design treatments specified in Section § 14-16-3-19 (B) (2) (b) and the design shall be consistent with the remainder of this section;

2. A wall, fence and retaining wall or a combination of these shall have no segment rising more than six feet in height visible from the public street right-of-way. A minimum horizontal distance of four feet shall separate the vertical height segments. The top-most segment may be constructed up to eight feet in height provided the wall

-66-

45

pages

EXHIBIT

L

does not exceed six feet in height above abutting grade on the private property side of the wall. Such wall combination shall include at least two of the façade design treatments specified in Section § 14-16-3-19 (B) (2) (b) and the design shall be consistent with remainder of this section.

3. Design elements may project vertically two feet above the allowed wall height. Such elements shall have a maximum width of five feet, and are allowed at intervals of no less than 200 feet.
- (b) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the public street side or the abutting front yard grade whichever is most restrictive. However, a conditional use may be approved for a higher wall or fence.
- (c) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the street side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.
- (d) Sound Mitigation. A wall, retaining wall or a vertical combination of these that face a public street right-of-way may be higher than otherwise allowed on any residentially zoned property, for an existing residence where approved as a conditional use. The wall height shall be no higher than eight feet in height above the abutting grade on the public side of the wall and must be at least ten feet from the property line in areas where walls are limited to three feet in height. Where a wall is along a sloped street, the wall may be stepped at intervals not to exceed eight feet, and each interval may be eight feet in height at the lower end of the interval. For approval of sound mitigation walls, the following conditions shall be met:
1. The existing traffic noise level during daytime exceeds 67 dB(A) Leq (Table 1 of Title 23 Part 772 of the Code of Federal Regulations, and as amended) at any location on the affected property.
  2. The proposed solid wall provides a sound level reduction of at least 4 dB(A) Leq as compared to the noise level without the solid wall;
  3. The maximum wall height approved shall be limited to that required to reduce sound levels to 67 dB(A);
  4. The design of the wall shall include at least two façade design treatments specified in Section § 14-16-3-19 (B) (2) (b) and the design shall be consistent with the remainder of this section;
  5. A noise analysis shall be certified by a licensed Engineer and must be collected in the following manner:
    - a. The existing sound levels must be measured using an instrument sensitive to pressure fluctuations and meeting the standards of the ANSI S1.4-1983 Type 1 or Type 2 or

- those of International Electro Commission (IEC) Publication 651 or those of the latest respective revisions thereof;
  - b. Sound level measurements shall be A-weighted equivalent levels (Leq) collected during a consecutive fifteen minute period;
  - c. Analysis of wall effectiveness must be demonstrated using the latest version of the Federal Highway Administration's (FHWA) Traffic Noise Model or equivalent methodology. An alternative predictive methodology consistent with FHWA's Traffic Noise Model may be used with prior written approval from the City of Albuquerque Environmental Health Department.
- (3) A wall, fence, retaining wall, or vertical combination of these in a non-residential zone is not limited as to height except:
- (a) Within five feet of public street right-of-way, where they shall not exceed three feet in height above the abutting grade on the street side; and
  - (b) If a wall, fence, retaining wall, or vertical combination of these abutting a residential zone has a height of over eight feet above the abutting grade on the residential side, the Zoning Hearing Examiner shall decide the required height through a conditional use.
- (4) No wall, fence, or retaining wall or vertical combination of these shall be erected in the clear sight triangle unless the Traffic Engineer based on a finding that it would not be a traffic hazard approves its type and location.

**(B) Design Regulations.**

- (1) Applicability. These design regulations shall apply to the following:
- (a) The side of all walls, fences, retaining walls or a vertical combination of these that exceed four feet in height and that face:
    1. Arterial, collector and local street rights-of-way;
    2. Public park;
    3. Public open space; and
    4. Designated Public trails.
  - (b) Any wall that does not exceed four feet in height above the abutting grade on the public side shall only comply with (2) (b) Façade and (2) (c) Materials & Texture of this section.
  - (c) The public street side of all front, side, and rear yard walls that require a special exception.
- (2) Design Standards. Walls shall contain variation in layout, façade surface, and/or pattern of openings, materials, texture and color.
- (a) Layout.
    1. The layout shall incorporate at least one of the following features to break the massing

-68-

47

*File*



**Jack J. Basye**

12/03/04 11:40 AM

To: "John MacKenzie" <John@goodwinengineers.com>@PUBCABQ  
cc: "Ellen Concini \ (Ellen Concini\)" <econcini@cabq.gov>, "Gregory Krenik" <Greg@goodwinengineers.com>, scottashcraft@comcast.net, "Sheran Matson \ (Sheran Matson\)" <smatson@cabq.gov>  
Subject: Re: Benjamin Place Subdivision - Lots 27 & 28, North Alb. Acres, Block 16, Tract 1, Unit 3 (#1003520) □

The zoning of the referenced property is R-D, three dwelling units per acre, La Cueva Sector Development Plan. Density is regulated based upon gross area of land being proposed for subdivision.

Research of assessor's records shows that these two lots combine for an area of 1.8 acres. Five dwelling units may be developed, per all other applicable restrictions of the sector development plan and Zoning Code.

FROM: James R Phillips  
8600 Florence Ave NE

December 7, 2004

SUBJ: Objection to the proposed Benjamin Place Subdivision – Project 1003520

Dear Members of the Development Review Board,

We have had two previous hearings in front of the Development Review Board (DRB), with another one planned. Myself, and the other neighbors surrounding this proposed subdivision continue to be concerned that the plan not only violates existing requirements for subdivisions, but the overall idea of “suitability” —which the DRB will consider—is also falling short.

There are many issues that have been carefully and accurately recorded in the “Facilitator's Report for Project 1003520” given to the DRB on December 1. This report should help in your evaluation of concerns and suitability.

Beyond that, this letter will focus on the primary issues that we feel are the most important and carry enough weight for your deliberate consideration before your final decision.

**First** and foremost is the **Actual Lot Size** issue. Each of us in the neighborhood holds a title and has a survey showing that we only own and can claim about .89 acres per lot—the same as the two lots proposed for Benjamin Place. The Zoning Enforcement Inspector of the Albuquerque Planning Department has confirmed this and also confirmed that in the process of determining lot size, you are forbidden to include easements, right-of-ways etc. In addition, when this area was annexed by the City, the La Cueva Development Sector plan was created, adopted, endorsed and agreed to by all concerned parties. Within that Plan it clearly states that “*Densities are based on gross acreage of the lot, which is measured from property line to property line, excluding existing public right-of-way and/or prescriptive roadway easements.*” If there have been other rulings or exceptions to this way of measuring the lot, it has **no bearing** on this development. We are not judging if there have been errors made in the past. In fact, a key word in the Sector Plan refers to measurements made “*excluding existing public right-of-way*” which may have been correctly applied to large subdivisions being built a mile to the West (west of Wyoming) because there were no “existing” public right-of-ways. But that is not the case here. There is an existing street, and occupied lots all around the proposed subdivision. The La Cueva Development Sector Plan was written and agreed to by all—and its language is binding and represents a negotiated agreement by those affected. If the DRB or the Zoning Office proposes to agree to another standard for measuring the lot size, then it is our feeling that the La Cueva Development Sector Plan must first be amended.

**Second.** The proposed grading plan is drastic, obtrusive and will be an eye sore in that Benjamin Pace will be established at a much higher elevation than surrounding lots. To quote from the City ordinances – “*Grades set for new subdivisions must blend the plat's development into the adjacent environment with a minimum of sudden grade change. Extensive fill which raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property should be avoided.*” Benjamin Place proposes to raise the grade **8 feet** above surrounding property on the west and northwest sides. The specific rationale for this dramatic increase is to satisfy drainage requirements for this subdivision. If you are forced to violate one set of rules to comply with another—there is something wrong. There are very good reasons that minimal grade changes are



written into the building codes—they need to be followed here. If the subdivision can not be built properly without drastic grade changes—then it should be assumed that these lots are **not suitable** for a subdivision. If you will kindly refer to Photo #1, it shows the current perspective of looking North towards the two lots, with the existing homes on the East and West. Photo #2 shows the result and approximate grade change of the proposed subdivision, with the new homes (a simple depiction only) added in. I would think this would certainly be considered a drastic grade change, and a significant alteration to the current environment.

**Third.** The developer has planned for numerous walls around the subdivision—almost all of which violate city building codes. Wall heights are carefully regulated so as not impinge neighbors' rights to have some views and not feel walled-in. Exceptions and variances from these very clear standards should only be approved in rare circumstances—but never in cases where neighbors are being adversely impacted.

Within the proposed subdivision, the developer must build an 8 foot retaining wall on the west side, on top of which or slightly behind he intends to place another wall of 6 feet. No matter how it is built, from the neighbor's perspective, it will appear to be 14 feet high. The rules clearly say that "A wall, fence, retaining wall, or **vertical combination of these**" can not exceed 8 feet. A similar recent sub-division of just six homes on two lots is near the corner of Wyoming and Modesto. A similar wall has been built on the West side. Photos #3 and #4 are pictures of that wall with one of the adversely affected existing homes. The people who live on both sides of this subdivision have been severely affected by this subdivision, and we do not want that to happen to us.

Two Benjamin Place lots are clearly defined as corner lots—whose rear yards are contiguous to their neighbor's front yard. The rules state that "*On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the lower side within 20 feet of the rear right-of-way line.*" In addition "*On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the street side or the abutting front yard grade whichever is most restrictive.*" This is a very good rule because it protects the neighbors from staring at a massive wall right out their front door. The developer plans to build 6 foot walls in these areas in **clear violation** of this regulation.

The same two Benjamin Place lots also have a property line that faces a public street. The rules state the wall must "*not exceed three feet in height above the abutting grade on the street side...within the required front yard*" for walls facing public streets. The developer's plans do not take this into account.

There are many more issues affecting the "walling in" of Benjamin Place. Besides the clear violation of required building regulations, as proposed it will look like a walled in compound of homes surrounded by a community of homes with open space and force the neighbors to be staring up at a walled in section.

These are the three major issues, amongst many others, that are clearly objectionable and not in compliance with City codes. However on top of that is the issue of suitability—which may in fact –

50

and should—have the greatest bearing on the decision of the DRB. The opening paragraph concerning the suitability of creating subdivisions in City Of Albuquerque planning guidance states:

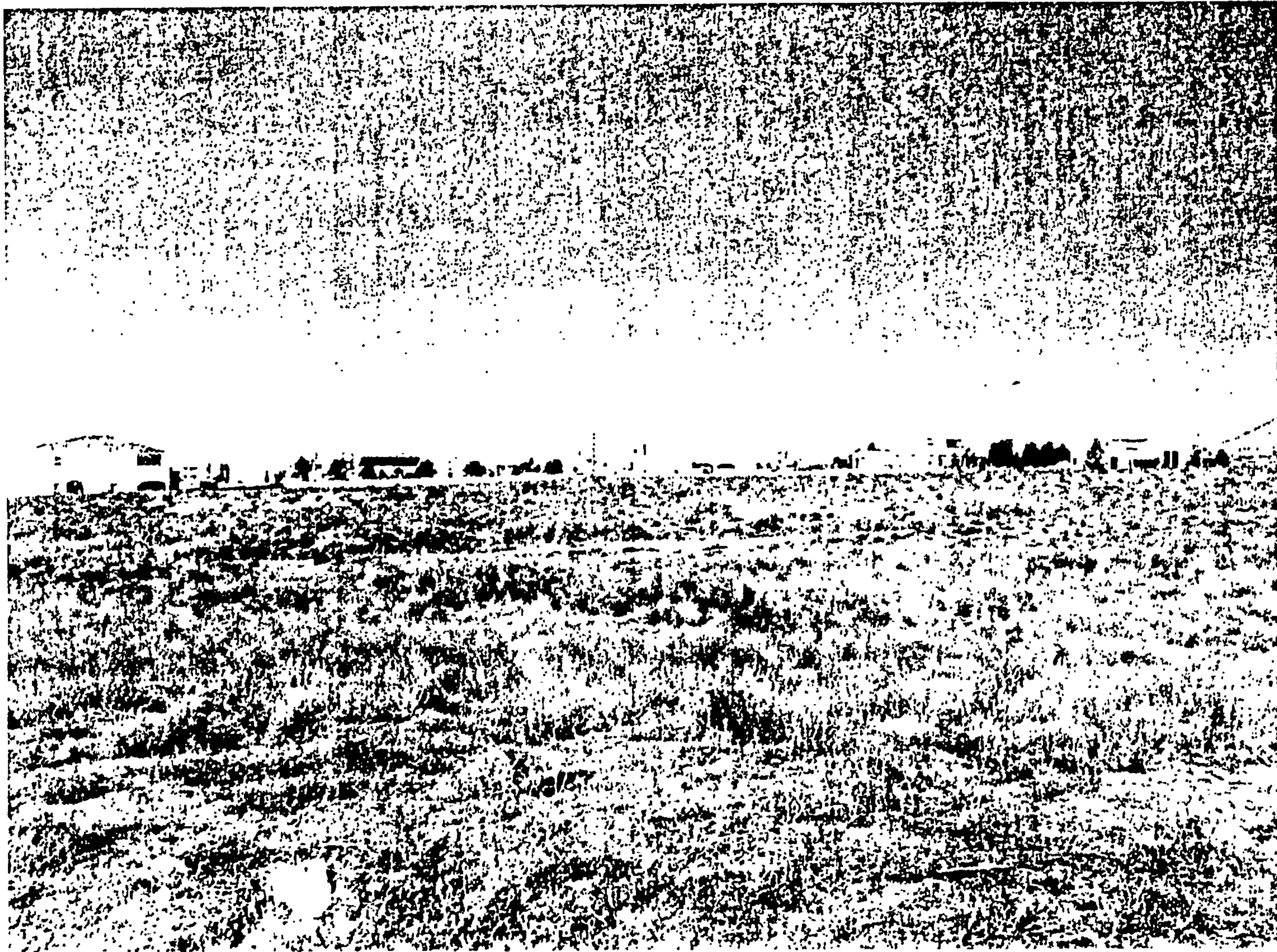
*“No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare.”*

At some point in listening to all the regulations that will be violated or variances that will be needed, a decision on whether the land is really suitable for subdividing must be made. The land is certainly suitable for single family residences that do not have to comply with the many rules required of subdivisions. Excessive grade alterations and excessive wall building, that are the result of unsatisfactory topography and a major drainage issue to tame a natural arroyo all contribute to ruling that these two lots are unsuitable. On top of that—as clearly stated—the “*general welfare*” of the public should and must be considered. Welfare is defined as something that *aids or promotes well-being; "for the common good" and is a contented state of being happy and healthy and prosperous.* The public in this instance is certainly represented by the neighbors (all of whom are objecting to this subdivision) and possibly the developer. The only person amongst the many involved who will be “prosperous” or “happy” about this subdivision will be the developer—certainly not any of the many people residing around the proposed site. There is no “common good” in this proposal. There is no benefit to any of us except the developer.

Although this area is zoned for multiple homes per acre (a regretful, but acknowledged decision by the City when the area was annexed) the area has not developed as such. It is full of one-house per lot residences—many of which were built, and are still being built, after the zoning was changed. Please look at the attached aerial photos. Photo # 5 shows the current homes (some are in light yellow that have been built since the photo was taken). It is clear that the only type of development in this area is one home per lot. The area has developed its own character—regardless of the zoning. If the picture was a bigger scale—you would see that through many blocks in each direction to the North, South and East—it remains at one house per lot. To the west about ¼ mile is a new, large subdivision that is being built—which is fine. It is large, homogenous, on un-developed land and is not affecting any neighbors. That is the way subdivisions ought to be built. Now look at Photo # 6—that will be the result of Benjamin Place. Not a pretty picture. Not consistent with the existing homes, community or the continuing trend in the immediate area.

Subdivisions are fine. They are needed for many reasons. But six homes crammed onto two lots and wedged in the middle of an established neighborhood of homes on one acre each does not pass the common sense test. Subdivisions, with all their requirements for drainage, grading, utilities, etc are better suited for larger areas. It makes no sense to squeeze a subdivision into this small space.

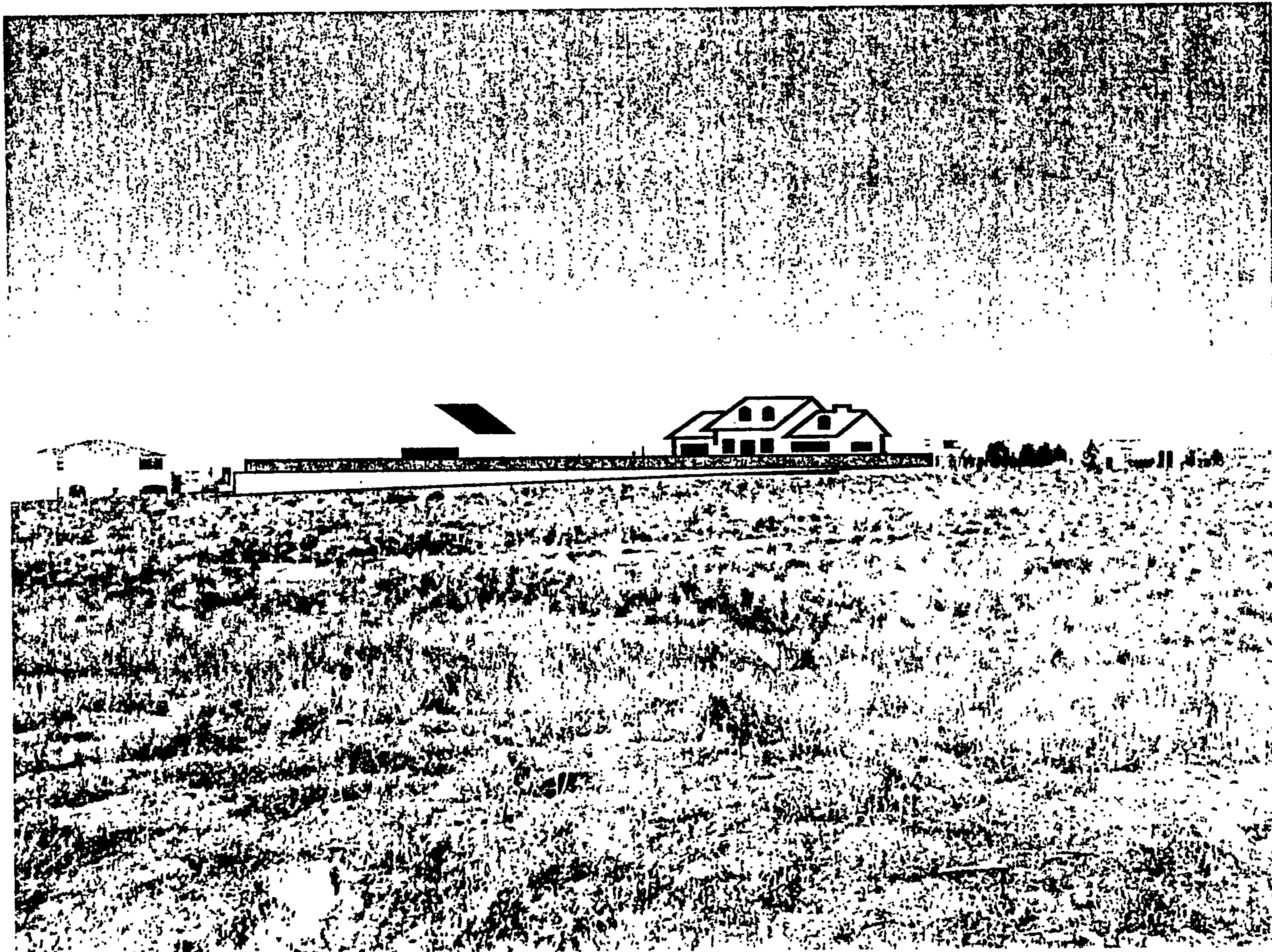
In our opinion, there are plenty of quantifiable reasons to disapprove the developers plan because of the several ordinances that must be violated. But even so, it is not in the publics’ or the City’s best interest –it is unsuitable – for a subdivision to be placed here. The DRB has the clear authority and justification to make that ruling.



-73-

53

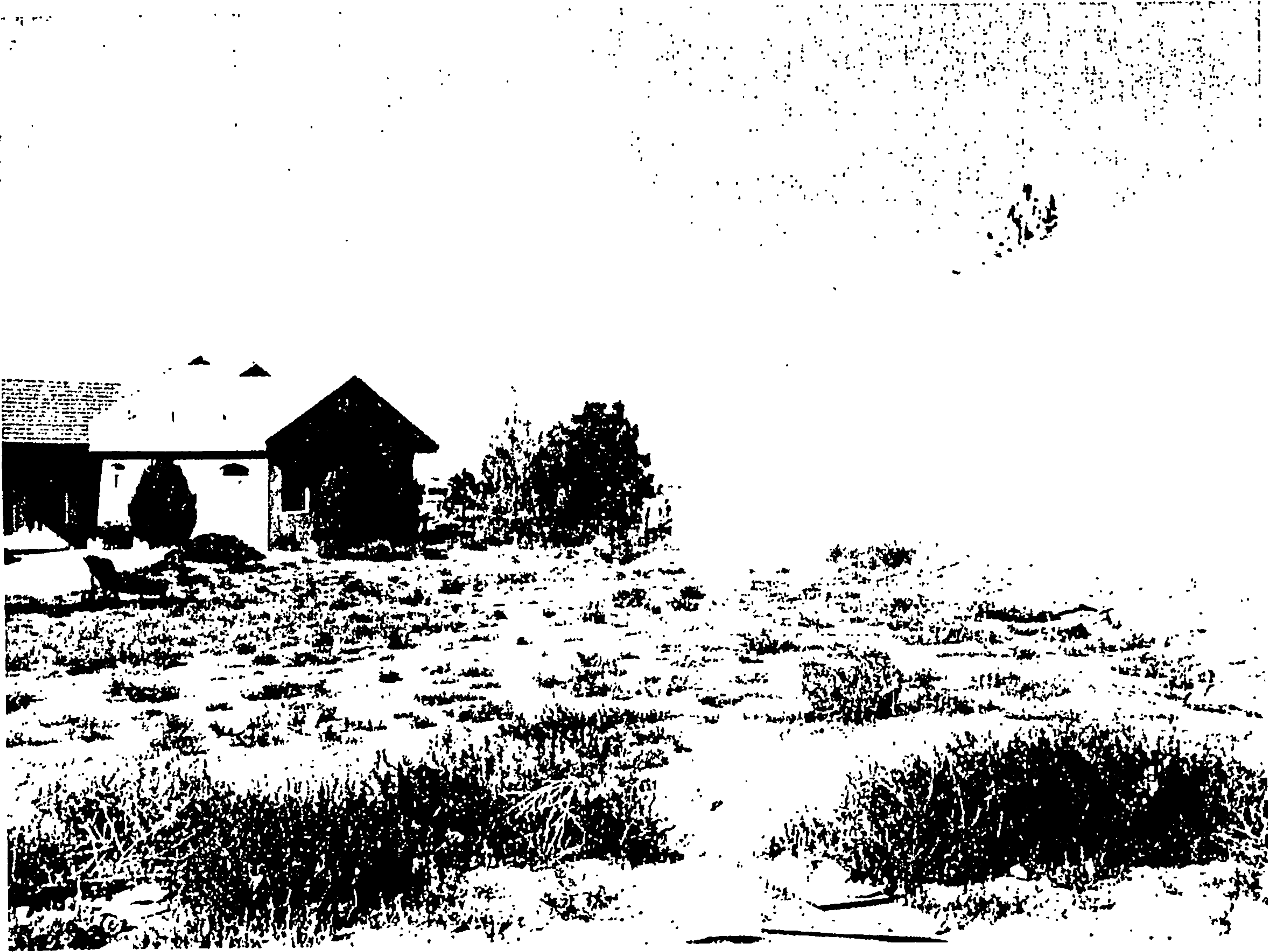
Photo #2



-74-

53

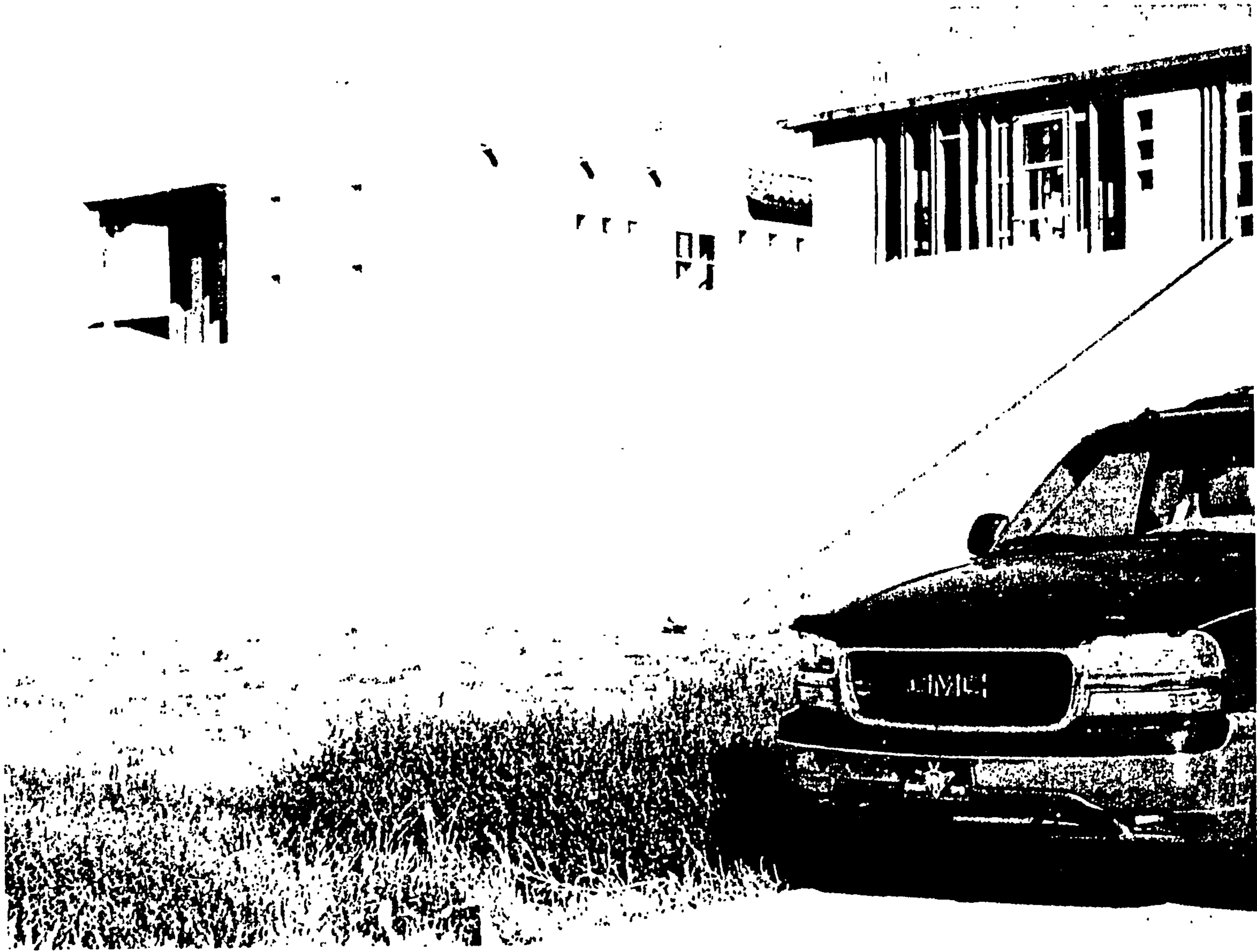
Photo #3



-75-

54

-76-

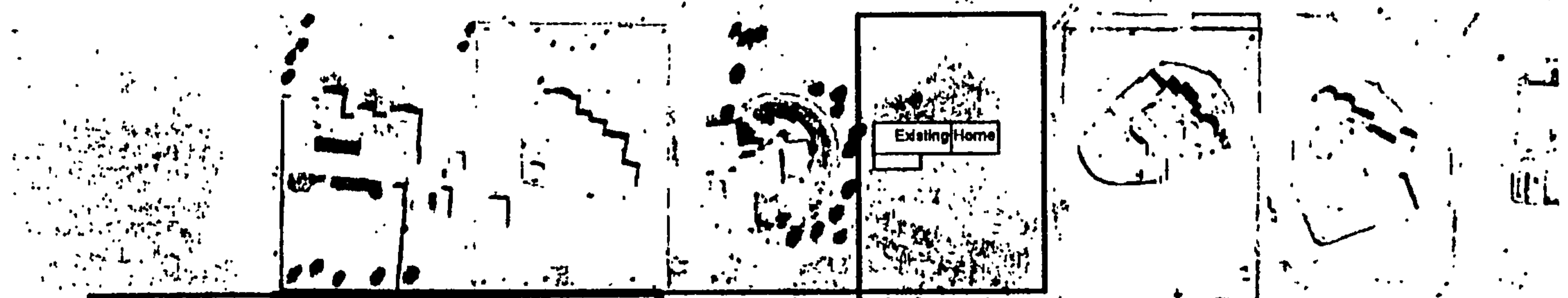


55

-77-



- 8L -



USGS

57



# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
<b>SUBDIVISION</b>	<b>S</b>	<b>ZONING &amp; PLANNING</b>	<b>Z</b>
<input checked="" type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input type="checkbox"/> Vacation	<b>V</b>	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
<b>SITE DEVELOPMENT PLAN</b>	<b>P</b>	<input type="checkbox"/> Sector Plan (Phase I, II, III)	
<input type="checkbox"/> ...for Subdivision Purposes		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan	
<input type="checkbox"/> ...for Building Permit		<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)	
<input type="checkbox"/> IP Master Development Plan			
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<b>L</b>	<b>APPEAL / PROTEST of...</b>	<b>A</b>
		<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: Washington Street Investors, LLC PHONE: 922-4911  
 ADDRESS: 501 3<sup>rd</sup> Street SW FAX:  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL:  
 Proprietary interest in site: Owner List all owners:  
 AGENT (if any): Mark Goodwin & Associates, PA PHONE: 828-2200  
 ADDRESS PO Box 90606 FAX: 797-9539  
 CITY: Albuquerque STATE NM ZIP 87199 E-MAIL: Amy@goodwinengineers.com

DESCRIPTION OF REQUEST: Benjamin Place - Major Subdivision: Preliminary Plat. and Sidewalk deferral approval

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lots 27 & 28, Tract 1 Block: 16 Unit: 3  
 Subdiv / Addn. North Albuquerque Acres  
 Current Zoning: R-D 3 Du/Ac Proposed zoning: Same  
 Zone Atlas page(s): B-20 No. of existing lots: 2 No. of proposed lots: 5  
 Total area of site (acres): 2.0 Density if applicable: dwelling per gross acre dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No  but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No  
 UPC No 102006507506930205; 102006509006930206 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Avenue NE  
 Between Barstow Street NE and Ventura Street NE

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): 1003520

Check-off if project was previously reviewed by Sketch Plat/Plan  or Pre-application Review Team . Date of review: 10/1/04  
 SIGNATURE: [Signature] DATE: 10/1/04  
 (Print) Amy L. D. Niese, PE Applicant  Agent

FOR OFFICIAL USE ONLY

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>04DRB - 01567</u>	<u>PP</u>	<u>SCR</u>	\$ <u>750.00</u>
<input checked="" type="checkbox"/> All fees have been collected	<u>04DRB - 01568</u>	<u>FDS</u>	<u>V</u>	\$ <u>0</u>
<input checked="" type="checkbox"/> All case #s are assigned	<u>04DRB - 01570</u>	<u>ESIA</u>	<u>V</u>	\$ <u>0</u>
<input checked="" type="checkbox"/> AGIS copy has been sent		<u>CME</u>		\$ <u>20.00</u>
<input checked="" type="checkbox"/> Case history #s are listed		<u>AD Fee</u>		\$ <u>75.00</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				Total
<input checked="" type="checkbox"/> SF H.D.P. density bonus				\$ <u>845.00</u>
<input checked="" type="checkbox"/> SF H.D.P. fee rebate				

Hearing date 11-3-04  
 Planner signature / date [Signature] 10-8-04 Project # 1003520

**FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING**

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

**MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL**

- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) 24 copies
  - Proposed Infrastructure List
  - Design elevations & cross sections of perimeter walls
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Property owner's and City Surveyor's signature on the proposed plat
  - FORM DRWS Drainage Report, Water & Sewer availability statement filing information
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Preliminary plat approval expires after one year.  
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

- MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (with significant changes)**
- MAJOR SUBDIVISION AMENDMENT TO INFRASTRUCTURE LIST (with significant changes)**
- MAJOR SUBDIVISION AMENDMENT TO GRADING PLAN (with significant changes)**

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 24 copies
  - Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Property owner's and City Surveyor's signature on the proposed amended plat, if the preliminary plat is being amended
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year.  
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

**MAJOR SUBDIVISION EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT**

**(Temporary sidewalk deferral uses FORM-V)**

- 1 copy of each of the following items
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Plat or plan reduced to 8.5" x 11"
- Official D.R.B. Notice of the original approval
- Approved Infrastructure List. If not applicable, please initial. \_\_\_\_\_
- Previous SIA extension notice, if one has been issued. If not applicable, please initial. \_\_\_\_\_
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Any original and/or related file numbers are listed on the cover application
- Fee (see schedule)

DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

AM L. D. NIESE, PE Applicant name (print)  
[Signature] Applicant signature / date 10/8/04



Form revised 9/01, 8/03 and 9/03

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
04DRB - 01567

[Signature] Planner signature / date  
**Project # 1003520**

59

**FORM V: SUBDIVISION VARIANCES & VACATIONS**

- BULK LAND VARIANCE (Public Hearing Case)**
    - Application for subdivision (Plat) on FORM S-3, including those submittal requirements. Variance and subdivision should be applied for simultaneously. (24 copies)
    - Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived
    - Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
    - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - Sign Posting Agreement
    - Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
    - Any original and/or related file numbers are listed on the cover application
- DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.


- VACATION OF PUBLIC RIGHT-OF-WAY**
  - VACATION OF PUBLIC EASEMENT**
    - The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies. (Not required for dedicated and City owned public right-of-way.)
    - Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 24 copies
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the request
    - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - Sign Posting Agreement
    - Fee (see schedule)
    - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire. DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

- SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL)**
  - SIDEWALK DESIGN VARIANCE**
  - SIDEWALK WAIVER**
    - Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the variance or waiver
    - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
  - EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
    - Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the deferral or extension
    - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- VACATION OF PRIVATE EASEMENT**
    - The complete document which created the private easement (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
    - Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the vacation
    - Letter of authorization from the grantors and the beneficiaries
    - Fee (see schedule)
    - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire. DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

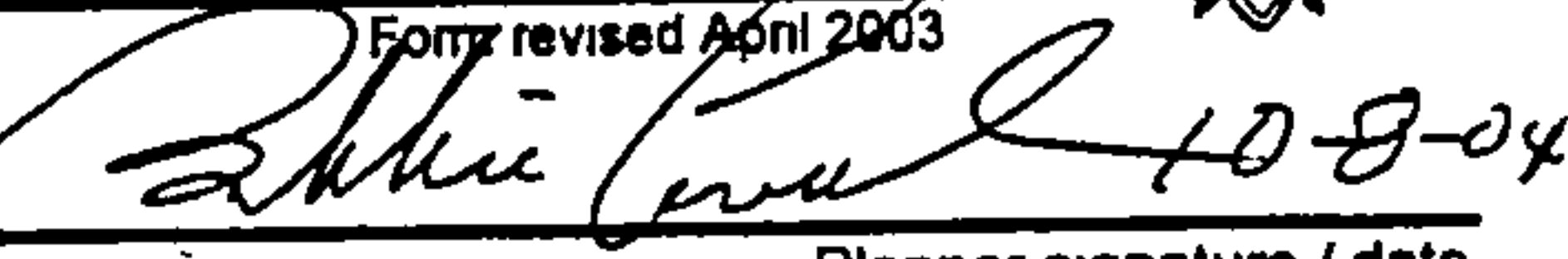
AMY L. D. NIESE, PE  
 Applicant name (print)  
  
 Applicant signature / date  
 10/8/04



Form revised April 2003

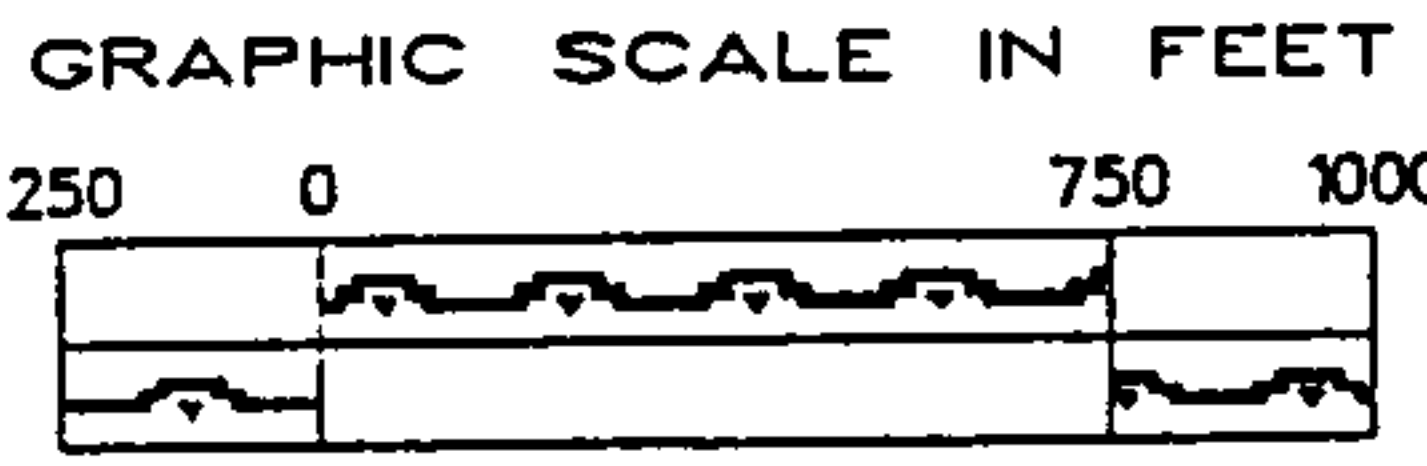
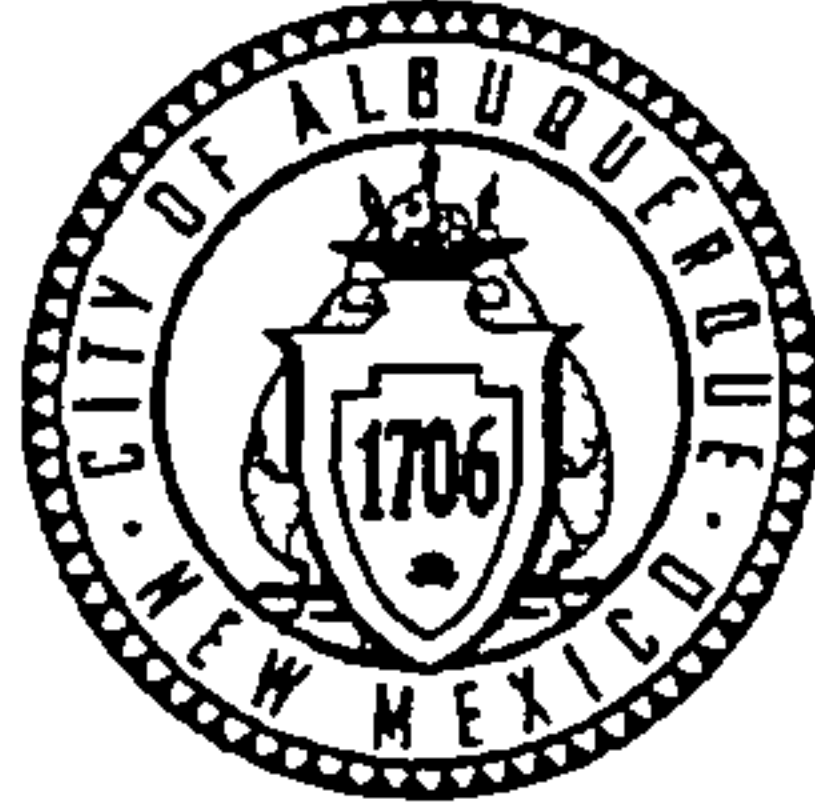
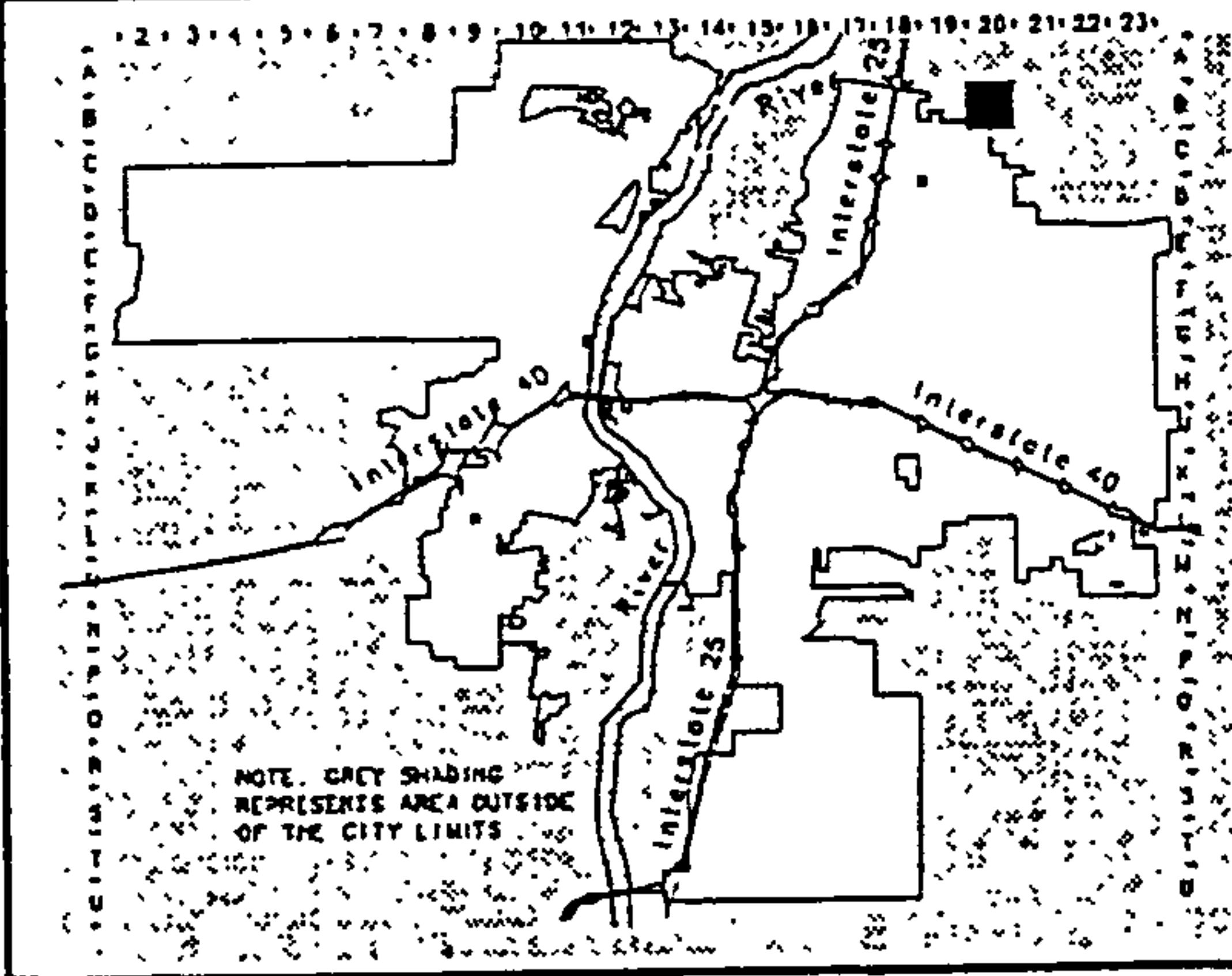
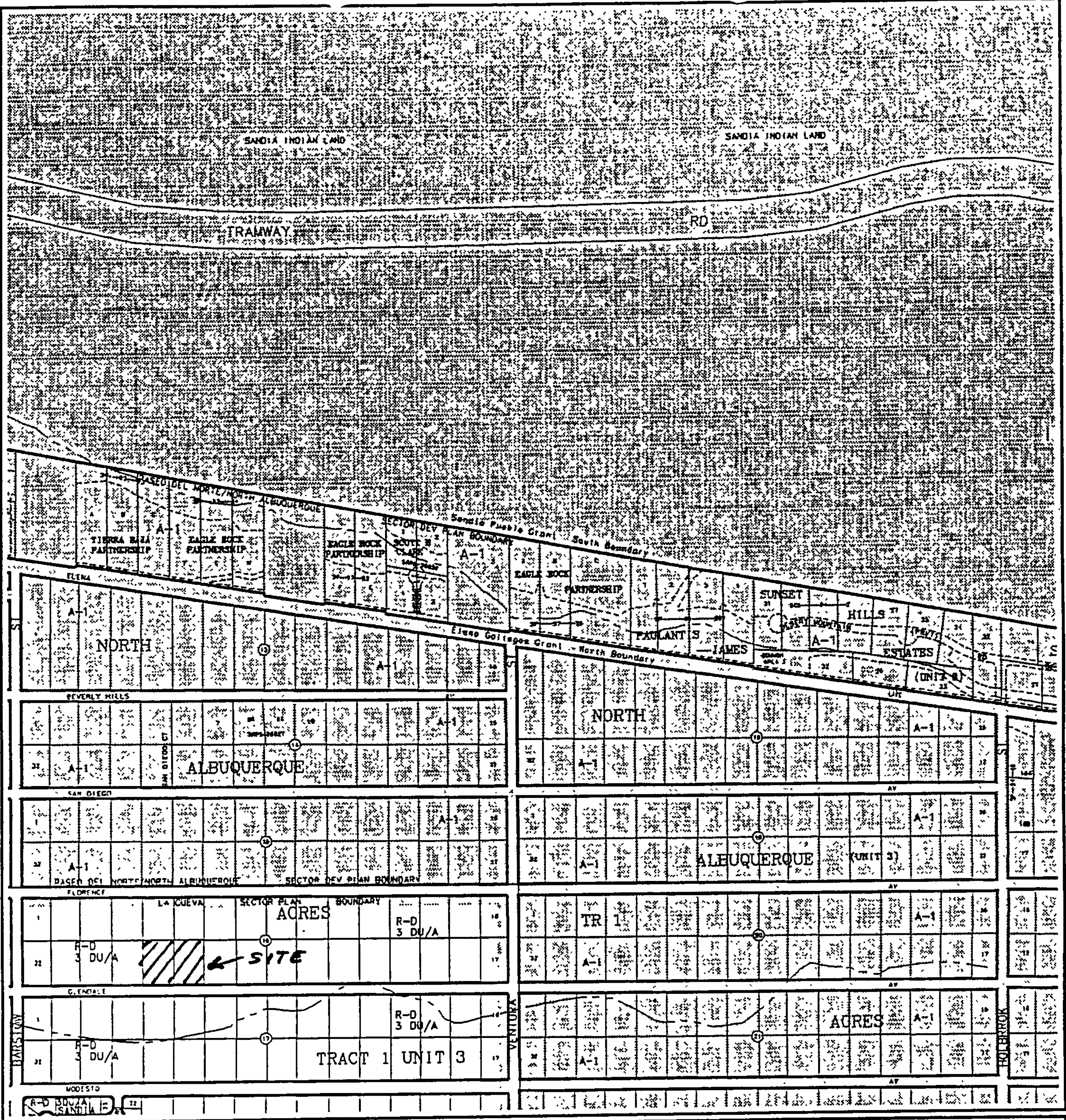
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
04 DRB - 01568  
04 DRB - 01570

  
 Planner signature / date  
 10-8-04

Project # 1003520

60



**A** Albuquerque **G** Geographic **I** Information **S** System  
**PLANNING DEPARTMENT**

© Copyright 2003

**Zone Atlas Page**

**B-20-Z**

Map Amended through November 01, 2003



D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

October 8, 2004

Ms. Sheran Matson  
Development Review Board  
City of Albuquerque  
600 2nd Street SW  
Albuquerque, NM 87103

**Re: Benjamin Place Subdivision**

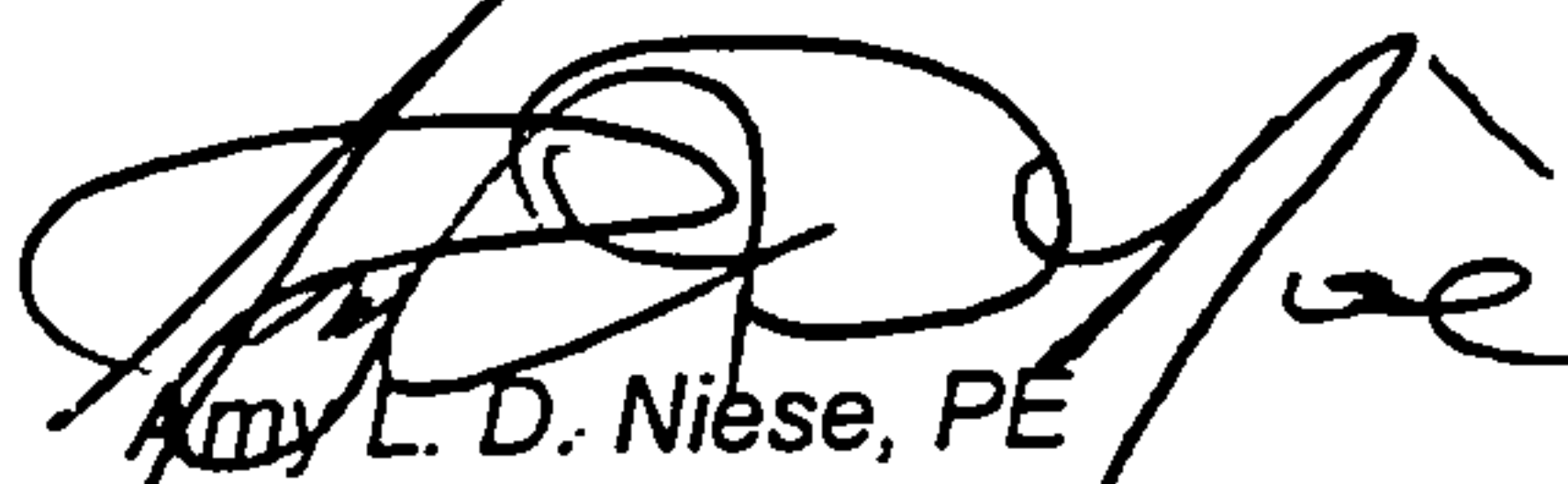
Dear Ms. Matson:

Benjamin Place Subdivision is being submitted for Major Subdivision Preliminary Plat and Sidewalk Deferral approval. The site is shown on Zone Atlas B20, and the zoning is R-D 3DU/AC. We are proposing 6 lots for this subdivision.

Please contact me if I can be of further assistance.

Sincerely,

MARK GOODWIN & ASSOCIATES, P.A.



Amy L. D. Niесе, PE  
Project Engineer

F:\benjaminplace\drb2

**PRELIMINARY PLAT FOR  
BENJAMIN PLACE**  
WITHIN THE  
ELENA CALLEGOS GRANT  
PROJECTED SECTION 8  
TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
SEPTEMBER, 2004

**DESCRIPTION**  
A tract of land shown with the Elena Callegos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 27 and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 16, 1931 in Volume 8, Page 121 and containing 1.9983 acres more or less.

**PURPOSE OF PLAT**

1. SUBDIVIDE TWO LOTS INTO 8 RESIDENTIAL LOTS.
2. DEDICATE RIGHT-OF-WAY AS SHOWN.
3. GRANT NEW EASEMENTS AS SHOWN.

**SUBDIVISION DATA**

GROUND ACRES ..... 1.9983 AC  
 ZONE ATLAS NO. .... B-28-2  
 NO. OF LOTS CREATED ..... 8 LOTS  
 NO. OF EXISTING LOTS ..... 2 LOTS  
 AREA DEPOSITED TO CITY (BY CITY BOUNDARY COORDINATES) ..... 0.2877 AC  
 AREA DEPOSITED TO CITY (BY BOUNDARY COORDINATES) ..... 0.2880 AC  
 DATE OF SURVEY ..... AUGUST, 2004  
 ZONING ..... B-2, 3 BU/A

**NOTES**

1. UNLESS OTHERWISE NOTED, ALL BOUNDARY CORNERS SHOWN HEREON SHALL BE MARKED BY A 3/8" ALUMINUM W/STAMP STAMPER P/411983.
2. ALL STREET CENTERLINE MEASUREMENTS SHALL BE CONTROLLED AT ALL CENTERLINE POINTS, PIVOT ANGLE POINTS AND STREET INTERSECTIONS AND SHOWN SHALL BE MARKED BY A FOUR INCH (4") ALUMINUM CAP STAMPER "CITY OF ALBUQUERQUE CENTERLINE MEASUREMENTS DO NOT BELIEVE" P/41777.
3. BOUNDARY SHALL BE TIED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM AS SHOWN.
4. BASIS OF BOUNDARY SHALL BE NEW MEXICO STATE PLANE GRID BOUNDARY.
5. ALL DISTANCES SHALL BE GROUND DISTANCES.
6. MARKERS WILL BE SET AT ALL POINTS OF SURVEY, POINTS OF BOUNDARY, STREET INTERSECTIONS, AND ALL OTHER ANGLE POINTS TO ALLOW USE OF CENTERLINE MEASUREMENTS.

**APPROVED FOR MONUMENTATION AND STREET NAMES**

City Engineer, City of Albuquerque, N.M. \_\_\_\_\_ DATE \_\_\_\_\_

Owner WASHINGTON STREET INVESTORS, L.L.C. \_\_\_\_\_

\_\_\_\_\_  
DATE \_\_\_\_\_

**OWNERS**

WASHINGTON STREET INVESTORS, L.L.C.  
 601 3rd St. S.E.  
 ALBUQUERQUE, N.M. 87102

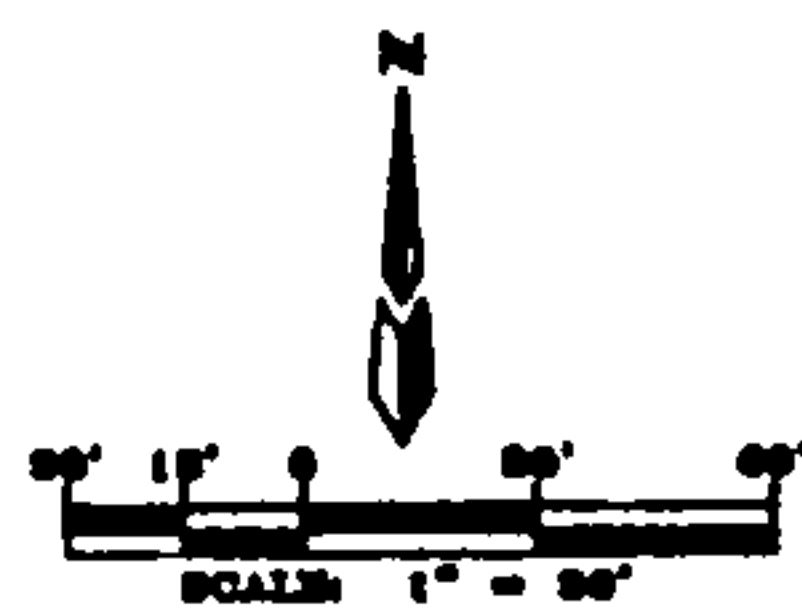
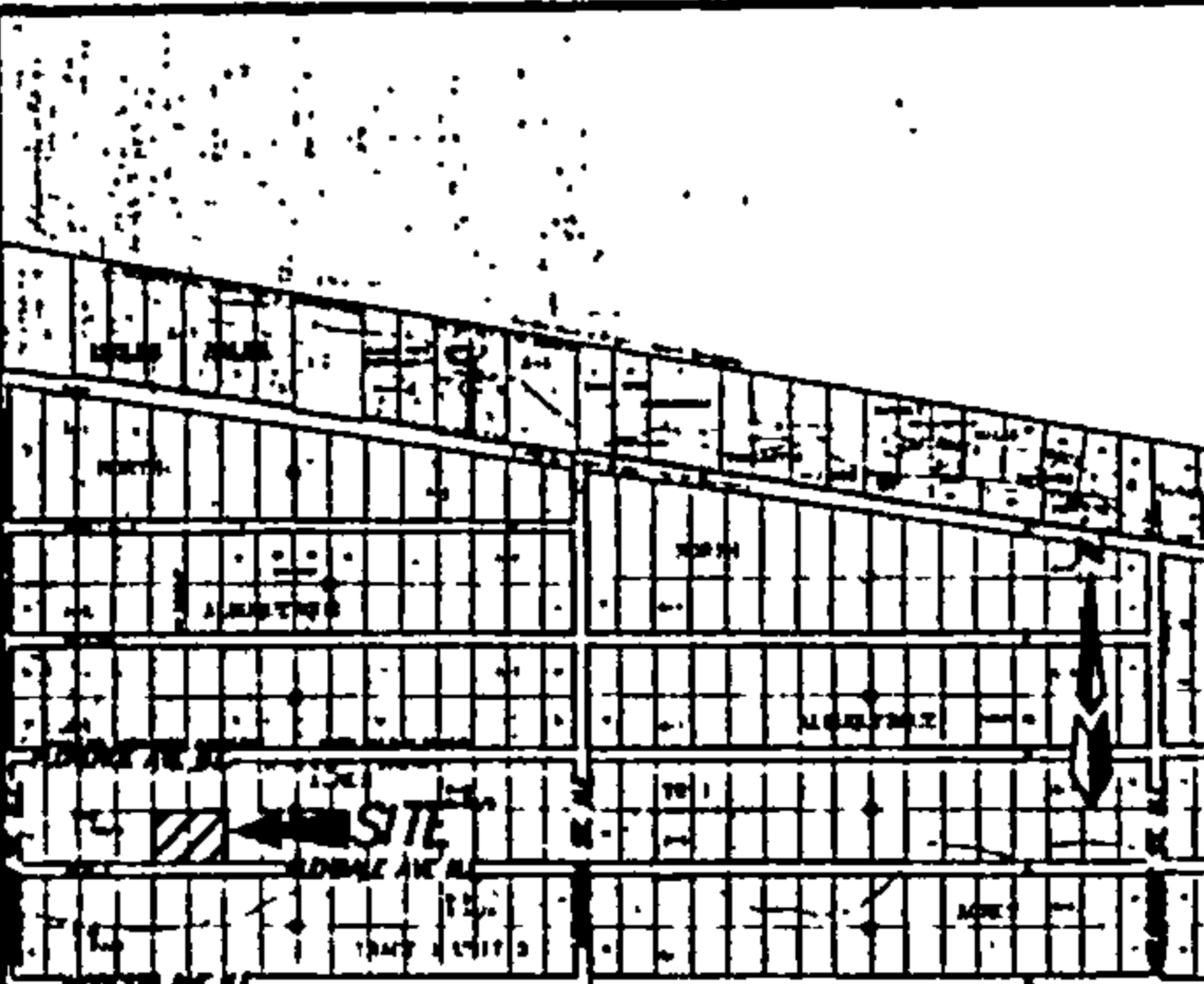
**ENGINEERS**

A. GARY GARDNER & ASSOCIATES, P.A.  
 6000 1st Avenue S.W.  
 ALBUQUERQUE, NEW MEXICO 87105  
 (505) 269-2289

**SURVEYOR**

AGREN LAND SURVEY  
 P.O. BOX 2009  
 ALBUQUERQUE, N.M. 87108-0209  
 (505) 269-1000

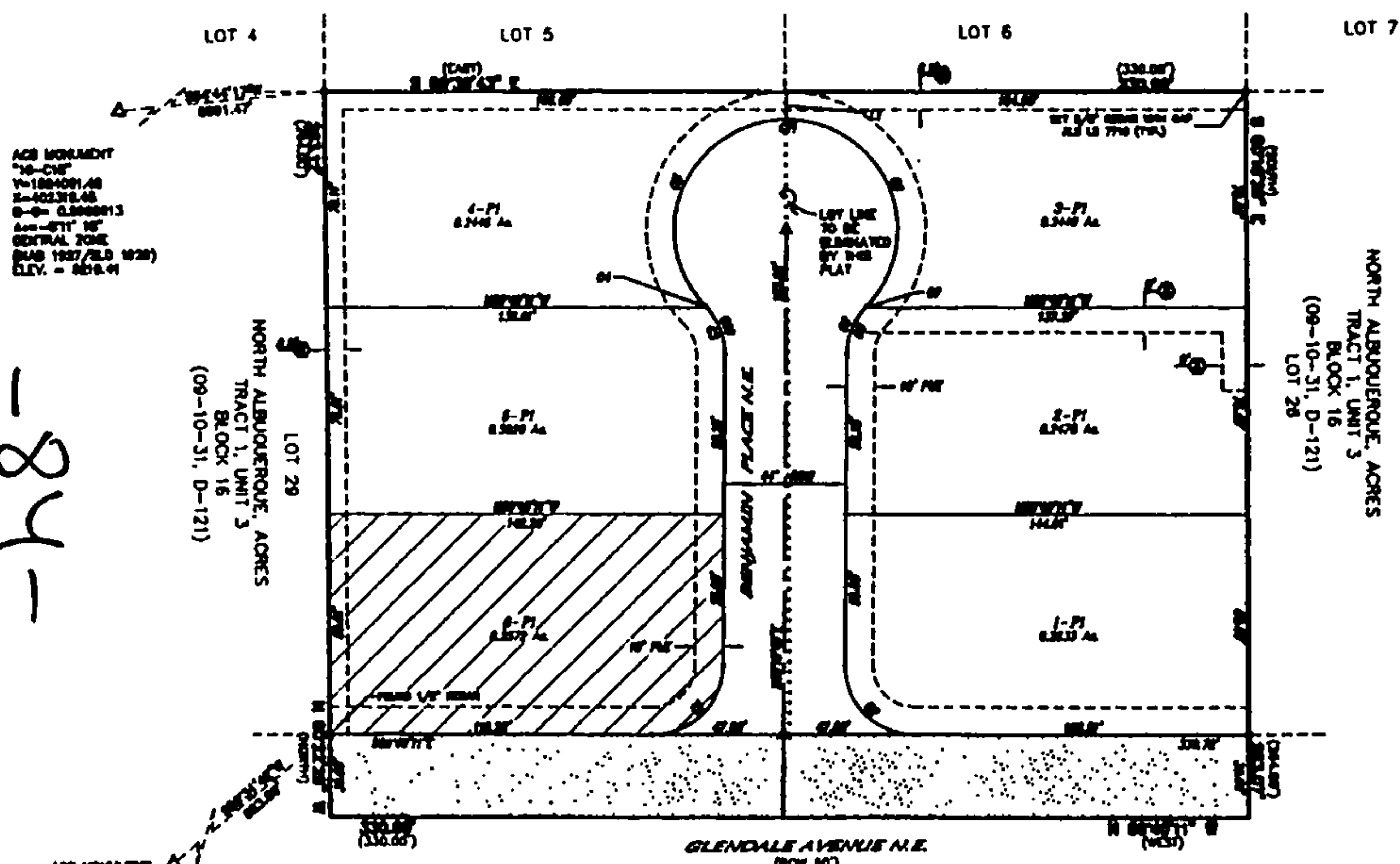
Drawn: STEPHEN	Checked: ALJ	Sheet: 2 of 2
Date: 08/07/05	Job: A04073	



NORTH ALBUQUERQUE, ACRES  
 TRACT 1, UNIT 3  
 BLOCK 16  
 (09-10-31, D-121)

ZONE ATLAS MAP # B-28-2  
 SCALE: NONE

-84-



ACE MONUMENT  
 70-CM  
 Y=188401.48  
 Z=402318.48  
 S=0-0-0-0  
 CENTRAL ZONE  
 (NAD 1983/BLD 1928)  
 ELEV. = 5858.91

ACE MONUMENT  
 71-CM  
 Y=188402.45  
 Z=402317.88  
 S=0-0-0-0  
 CENTRAL ZONE  
 (NAD 1983/BLD 1928)  
 ELEVATION=5874.533

**CURVE TABLE**

Curve No.	Stationing	Radius	Chord	Delta	Area
1	1+00.00 to 1+100.00	100.00	100.00	90.00	7853.98
2	1+100.00 to 1+200.00	100.00	100.00	90.00	7853.98
3	1+200.00 to 1+300.00	100.00	100.00	90.00	7853.98
4	1+300.00 to 1+400.00	100.00	100.00	90.00	7853.98
5	1+400.00 to 1+500.00	100.00	100.00	90.00	7853.98
6	1+500.00 to 1+600.00	100.00	100.00	90.00	7853.98
7	1+600.00 to 1+700.00	100.00	100.00	90.00	7853.98
8	1+700.00 to 1+800.00	100.00	100.00	90.00	7853.98
9	1+800.00 to 1+900.00	100.00	100.00	90.00	7853.98
10	1+900.00 to 2+000.00	100.00	100.00	90.00	7853.98

**LINE TABLE**

Line No.	Description	Length	Bearing
1	Centerline of Benjamin Place	100.00	N 00° 00' 00" E
2	Right-of-Way Boundary	100.00	N 00° 00' 00" E
3	Utility Easement Boundary	100.00	N 00° 00' 00" E

(MATCHED AREA)  
 THIS PLAT IS THE CITY OF ALBUQUERQUE  
 BY THIS PLAT WITHOUT WARRANTY COORDINATES  
 (SELECT AREA)

A NEW 1/2" WIDE PUBLIC UTILITY EASEMENT HEREBY  
 FOR THE BENEFIT OF LOT 5-PI (BENJAMIN PLACE) AND  
 LOTS 6-PI TO 8-PI (BENJAMIN PLACE) AND TO BE  
 MAINTAINED BY THE OWNERS OF LOTS 5-PI TO 8-PI.

A NEW 1/2" WIDE PUBLIC UTILITY EASEMENT HEREBY  
 FOR THE BENEFIT OF LOTS 3-PI TO 5-PI (BENJAMIN PLACE)  
 AND LOT 7 (NORTH ALBUQUERQUE ACRES) AND TO BE  
 MAINTAINED BY THE OWNERS OF LOTS 3-PI TO 8-PI.

A TEMPORARY PUBLIC UTILITY EASEMENT HEREBY TO CITY  
 OF ALBUQUERQUE BY THIS PLAT TO BE MAINTAINED BY  
 OWNERS OF LOT 5-PI.

**LEGEND**

- S-PI LOT NUMBER
- 0.2848 Ac LOT ACRES
- ▲ CENTER LINE MONUMENT
- RIGHT-OF-WAY
- PUBLIC UTILITY EASEMENT (SHOWN BY THIS PLAT)

63



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 12, 2005

- Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [*Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05*] 04DRB-1570 WAS WITHDRAWN. (B-20)

At the January 12, 2005, Development Review Board meeting, with the signing of the infrastructure list dated 1/12/05 and approval of the grading plan engineer stamp dated 12/29/04 the preliminary plat was approved with the following condition of final plat:

An approved perimeter wall design must occur before final plat approval.

The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

A sidewalk variance from design standards was approved as shown on Exhibit C in the Planning file with the following condition:

Variance is for non-placement of sidewalks which will not preclude any future project from constructing sidewalk later.

If you wish to appeal this decision, you must do so by January 27, 2005, in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.



**OFFICIAL NOTICE OF DECISION  
PAGE 2**

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

Sheran Matson, AICP, DRB Chair

Cc: Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102  
Mark Goodwin & Associates PA, P.O. Box 90606, 87199  
James & Sandra Phillips, 8500 Florence Ave NE, 87122  
Larry Millington, 8508 Florence Ave NE, 87122  
Louis Rawson, 8421 Glendale NE, 87122  
Laura Turon, 8700 Florence Ave NE, 87122  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File



**DRB MINUTES FROM THE NOVEMBER 3, 2004, DEVELOPMENT REVIEW BOARD MEETING.**

**2. Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval

04DRB-01570 Minor-Ext of SIA for Temp Defer SDWK (WITHDRAWN)

04DRB-01568 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04] (B-20) 04DRB-1570 WAS WITHDRAWN. **DEFERRED AT THE AGENT'S REQUEST TO 12/1/04.**

**PERSONS SPEAKING ON BEHALF OF THE REQUEST:**

Doug Hughes, Mark Goodwin & Associates, P.O. Box 90606, 87199

**PERSONS SPEAKING IN OPPOSITION:**

Diane Owens 8601 Glendale Ave NE, 87122

James Phillips, 8600 Florence NE, 87122

Jeff Moreland, 8401 Modesto Ave NE, 87122

CHAIR MATSON: We are now on Agenda Item 2, Project #1003520, Benjamin Place Subdivision. We do not have the agent here so we will defer this case to the end of the public hearing items, so it will come after Item 7.

MR. PHILLIPS: May I ask something?

CHAIR MATSON: Sure.

MR. PHILLIPS: Why would you defer them to the end of the hearing if they are not here on time? We're here as citizens and I've got to sit here all day because they're not here on time.

MR. BINGHAM: It won't be all day.

CHAIR MATSON: No, we are just deferring them to after agenda item #7 which is the end of the public hearing items.

MS. OWENS: We were here at 9 a.m. We all have jobs. They are the ones who filed this and they should be here on time.

CHAIR MATSON: I understand. If you want to make your comments now you can. You won't have the benefit of their responses. It may not be as fruitful as it would be if you waited until they came, so that's the problem. It's your choice, if you want to go ahead and make your comments and leave.

MR. MORELAND: Is it your choice to bump them off the docket? They're supposed to here.

CHAIR MATSON: Yes, I could do that but I'm giving them at least until after item #7, if they're not here by then they will be. The problem with deferring them is that then they have to readvertise and everything so I'm reluctant to do that unless they don't show up by the end of the public hearing items.

MS. OWENS: One of the comments I wanted to make was that . .

MS. SENOVA: Excuse me; you need to come up to the table and be sworn in.

MR. GALLEGOS: Are we taking comments now?

MS. OWENS: I'll go ahead and make my comments now.

CHAIR MATSON: Okay, you'd prefer to do them now rather than when they are actually here?

MS. OWENS: Yes. Like I said I have jobs and I'm sure other people here have jobs too.

CHAIR MATSON: Okay, we will take comments then on Agenda Item #2.

MS. OWENS WAS SWORN IN

CHAIR MATSON: If you'll state your name and address please.

MS. OWENS: Diane Owens and I live at 8601 Glendale Ave NE.

CHAIR MATSON: Would you give us your comments then please Ms. Owens.

MS. OWENS: Well one of the comments I wanted to make was that under this project they show the neighborhood coordination that a letter was sent to North Albuquerque Neighborhood Association. My understanding is that the neighbor that lives directly behind the subdivision that they're proposing was told that only people that were within 100 feet of the subdivision were notified. This is not the entire neighborhood association. This project does affect everybody that lives on Glendale, the street behind and the street to the south, which would be Modesto and Florence. So not everybody was notified of this hearing.

I did not have enough time to notify everybody of the hearing. That was one of the comments I wanted to make.

Everybody I did talk to opposed the project. If this project is approved they opposed anything that deviates from what we, the neighborhood, has to comply with the wall 20-feet from the property line and only 3-feet tall and only existing wall 6-feet high. That's just one of the examples that they opposed.

I do have here three (3) oppositions. I was not able to contact everybody. Again, it goes back to not everybody was notified of this public hearing that should have been that's in the neighborhood.

The one big problem I had was again they should comply with the same regulations that we have to comply with. I know when I came and got my permit for my fence I was told it had to be 20-feet from the property line and only 3-feet tall and the existing perimeter could only be 6-feet tall. They should have to comply with the same regulations.

CHAIR MATSON: What wall are you specifically talking about?

MS. OWENS: Just the wall from the property line.

CHAIR MATSON: Is it the front yard, the side yard, the back yard of their lots do you know? Because the height of the wall depends on where it's located also.

MS. OWENS: The front from the road or from the front of the property line on the road.

CHAIR MATSON: So it would be the walls that go along Glendale Avenue?

MS. OWENS: Yes.

CHAIR MATSON: Okay. The usual rule for that is that they're 3-feet high until they get 20-feet back and then they can go up a maximum of 8-feet.

MS. OWENS: I was told when I went to get the permit that the wall had to be 20-feet from the property line, not the road from the property line, and it could only be 3-feet tall at that point.

CHAIR MATSON: 20-feet from the property line, you mean inside the property line?

MS. OWENS: Inside the property line. So in this case they'd have to be 20-feet from the property line north of the property line and the wall can only be 3-feet tall at that point.

MR. GALLEGOS: Aren't those lots taking their frontage off Benjamin?

MR. BINGHAM: Yes.

CHAIR MATSON: Yes, so it's a side yard. If it faces a road, it's my understanding then that it's from the front of the property line back 20-feet, it's only 3-feet high and then it can go up higher.

MS. SENOVA: Madam Chair, the agent is present.

CHAIR MATSON: Ms. Owen, would you like to continue your comments or would you like him to explain the project a little bit before you do that.

MS. OWEN: I'd like him to explain it.

OTHERS PRESENT WERE SWORN IN.

CHAIR MATSON: If the agent will identify himself please and explain the project a little bit.

MR. HUGHES: My name is Doug Hughes with Mark Goodwin & Associates. I'm not that familiar with the project. I understand it's a North Albuquerque Acres subdivision and I'm basically here to receive comments at this point in time. If there are specific questions about it I can take those back to my office and the owner's and try and get answers to them.

CHAIR MATSON: So what you're planning on doing is just hearing comments today and then getting approval at a later date when the other agent is here?

MR. HUGHES: Yes ma'am.

CHAIR MATSON: So you're here for preliminary plat approval and then temporary deferral of sidewalk, is that correct?

MR. HUGHES: Yes ma'am.

CHAIR MATSON: Ms. Owens if you want to continue please with your comments and then we'll respond to them when you are done.

MS. OWEN: I was commenting that several neighbors were not notified. Only people that were within 100-feet of the perimeter. So they were not aware of it so they are not here to be able to make comments because they were not notified. I'm talking about all the people up and down Glendale, Florence and Modesto because that would be the whole neighborhood. It was only the people that were within 100-feet of the two lots that are in question. The ones that I did talk to they oppose it, but I don't know if we're going to have much luck in getting

this opposed anyway but if it was approved then we feel like you should have the same stipulations that we do as far as having the front wall along Glendale 20-foot back from the property line and only 3-feet tall. We're concerned about having the whole property taken over by houses and not being very appealing. Losing our property value because of it. There's a subdivision there at Modesto and Barstow that they just stacked in the houses and that's what we're concerned about.

MR. HUGHES: I can relay those comments and if you have anything in writing I would also like to take that back to the owners. They are not here today but we'll try to respond to your comments. I don't see that the wall comment is unreasonable.

I understand the notification procedure is just 100-feet around the property and there was a sign that was posted on the property to let the rest of the people in the neighborhood know that there was a preliminary plat.

MS. OWENS: I have not seen a sign.

MR. HUGHES: That's my understanding that there would have been a sign posted there.

CHAIR MATSON: Ms. Owens, the Subdivision Ordinance is what everyone complies with in terms of public notification. So what the agent is supposed to do is notify any neighborhood associations that the Office of Neighborhood Coordination, which is right next-door here, tells them. They are supposed to send a letter to two representatives of each neighborhood association. Then they are supposed to post at least one yellow sign and I imagine it would be just one because there's just one exterior street for this subdivision. The yellow sign is supposed to go up 15-days before the hearing. Then the City researches the County Assessors records for every property owner that's within 100-feet and we send a copy of the legal ad that we publish in the paper on Monday's and so there are all of those ways for people to receive notification.

Now the neighborhood association, do the people who are representatives from the neighborhood association do they routinely let you know if they receive a letter about a project that's in the neighborhood do you know? Do you belong to that neighborhood association?

MS. OWENS: No, I do not belong to the neighborhood association. I have not ever been contacted by them. Then I became aware after talking to neighbors that there is an actual neighborhood association you can join. I received notice because I received the mailing. Again, I was told that went to only the people who were within 100-feet of the property.

CHAIR MATSON: Right. That's the way the Subdivision Ordinance is written and most of the ordinances, the Zoning Ordinance within the City has the same notification requirements. If you are not a member of the neighborhood association and you don't live within the 100-feet, it's very likely that you may not have known unless you saw it in the paper or unless you saw the yellow sign that was posted. I can't speak to whether that sign was up the full 15-days or not. Hopefully, the agent who actually will come next week will be able to speak to that.

MS. OWENS: I live right next to the property and I see the for sale signs and if there was a sign posted it's not observable to the public passing by.

CHAIR MATSON: On Glendale, you didn't see one anywhere on Glendale?

MS. OWENS: No.

MR. HUGHES: Madam Chair, the agent that was handling this case from Mark Goodwin & Associates is no longer with Mark Goodwin & Associates. There is a good chance that they forgot to put up that sign. If that's the case would we be appropriate in readvertising this case before we go forward?

CHAIR MATSON: I don't necessarily think we have to go through all the readvertising, but we probably need to defer it for a couple of weeks and actually put up a sign so that there will be notification. When we decide on what deferral date, we don't send out notification for deferrals. It will be the responsibility of those folks who are here to let the other people know who are concerned about it. It isn't headed for approval or anything today anyway because apparently Doug's not the official agent he's just here to get comments. So it's good that you did come so you can find out what's going on. If you will, after the meeting, or after this hearing item, maybe you could talk to Doug outside and get the name and phone number of the agent and everybody who's concerned can meet with the agent before we actually have another meeting so that you can get your concerns ironed out. That will be a lot better for everybody that way.

MS. OWENS: Okay.

MR. PHILLIPS: I have a comment and a question. My name is Jim Phillips, 8600 Florence which is behind the property. I guess it's the difference between what is legal and what is logical in that particular area. I know they can build up to 3 houses per acre I guess is the density allowed in the area. If you take a downward shot at the neighborhood, this will be a small pocket of very high-density houses amongst a whole bunch of homes, one per acre. Is that really what we want in that neighborhood? I know it's legal but is that really acceptable for a harmonious neighborhood like that?

CHAIR MATSON: You know that's a very good question. Unfortunately, the Development Review Board has to follow what the zoning is. As long as their density meets the zoning requirements we, as a Board, don't have any power to change that.

MR. PHILLIPS: So we're all just wasting our time.

CHAIR MATSON: Not necessarily, I think your concerns about the walls can be worked out or if you have other concerns. You can certainly talk to the agent and the owner about making larger lots. I mean it doesn't hurt to talk to them about it anyway. I understand where you're coming from, I do. We as a Board do not have any right to deny them what they are legally entitled to by the zoning that's on the property.

MR. PHILLIPS: Okay, so we're wasting our time.

CHAIR MATSON: Well in terms of the size of lots probably.

MS. OWENS: Is the developer required to keep with the same arroyos that go through the property?

MR. BINGHAM: If they do their engineering technically sound there is no reason to have to maintain the drainage course at the same location. As a matter of fact, they are adding a lot of infrastructure to Glendale. Big pipe that's programmed and the only way to get those in is for development to happen it seems like or assessment districts that sort of thing. They're adding a large storm drain to Glendale that's programmed for the future and it will be part of their development.

MR. PHILLIPS: That storm drain though is south.

MR. BINGHAM: No that storm drain is in Glendale.

MR. PHILLIPS: They're going to tear the road back up and put the storm drain in?

MR. BINGHAM: Yes. Right now that road is only millings. It's not in the final grade elevations. It's in the right alignment but it's not in the final grades yet. It's just millings to keep the dust down at this point.

MR. PHILLIPS: Looks like asphalt to me.

MR. BINGHAM: Well it would look like that to most people but it's just millings, it hardens, but it's not a permanent road surface.

MR. MORELAND: Jeff Moreland and I live on Modesto and that's what you're talking about are the millings. It was full of potholes and stuff and we're in the City. When I moved in over there they just repaved, it's not even repaving, it's just barely a little bit better than what it was. They just kind of filled in some potholes there. That's like the millings. The road that they have is like a nice smooth road. They received a nice smooth road and Modesto got the leftover pieces. I guess they said they're just going to leave it like that is what the crew that was working on it told me. They said they are just going to leave it like that. I guess whatever thousands of dollars it costs just to put some millings down they could have just fixed potholes out there.

Where I live they built a subdivision right across from me and I've been there 3 years and I didn't know anything. Then, a little over a year ago, all of a sudden there's signs up that there's going to be a subdivision built directly across from me. I guess it had been in a legal battle with the City and that developer is able to build, I think 4 houses per acre, on that 6 acres there. All I have is just a huge block wall right in front of me coming out of my driveway there. Like this gentleman here, who I don't know, but he's a neighbor around us there. It's like an eyesore and there are 36 homes right across from me and then everything around there is single, one-acre homes. It just doesn't seem right.

My acre lot, well approximately an acre, the width of it there are 3 homes right across from me. They also raised the road on me over there too. So now my property sits lower than the grade of the road and I addressed the developer on that too about the water how it was draining in there. They said that's all legal and everything was done right. I still get water draining every time it rains hard draining right into my property. Nothings been done and apparently I can't do anything with the City or the developer on that. I think any other subdivisions they supposedly follow certain rules but I think some things they can get away with and no one really watches them too much. That's all I have to say. Thanks.

MR. HUGHES: I'll be happy to take everybody's name, address, phone number and try to put together a meeting so that we can try to work out these problems that you pointed out and get the new agent together with you.

CHAIR MATSON: I think we'll have the Board give their comments and then as soon as we're done we'll select a deferral date and then you can go out in the hall and give him the information he needs so he can contact you. Thanks for taking the time to come down. I know it's not easy especially when you work.

MS. SENOVA: The deferral date given will be your notice of that hearing.

CHAIR MATSON: In terms of comments from the outside agencies I don't see any adverse comments. So we'll go to Parks?



MS. SANDOVAL: Standard comment, this is subject to the Park Dedication Ordinance which requires a 170 sq. feet be dedicated to the City or cash-in-lieu of that. Due to the size of the development, we will be seeking cash-in-lieu. Then you will owe the Park Development Fee, the \$78 at building permit. It's also zoned RD, which has an open space requirement of 2400 square feet on the lot. According to the Open Space Table that has been met on the lots. I just need a note added to the final plat. I have no objection to the sidewalk requests.

CHAIR MATSON: Hydrology?

MR. BINGHAM: I had comments on the infrastructure list Doug.

MR. HUGHES: Did you give those to somebody else?

MR. BINGHAM: No, you're the first Mark Goodwin person I've talked to about this. The grading and drainage plan dated 10/7/04 is approved to support this subdivision. I think I would like to know what the outcome of your meeting is with the neighborhood to address wall issues. That may require revising the design somewhat.

MR. PHILLIPS: Jim Phillips, 8600 Florence. You talked about a culvert or something coming in on Glendale eventually. When will that happen in relation to this project?

MR. BINGHAM: They'll put their frontage in and have to pond the developed plus the offsite run-off that comes in to them. Actually what would be developed at the existing platting? They'll be ponding their portion until the downstream piece is installed. Right now there's a pond at the corner of Barstow and Glendale.

MR. PHILLIPS: Correct.

MR. BINGHAM: There's a 72-inch pipe that's supposed to go from Barstow up to Ventura. That will replace what is the arroyo. How that's done is going to be kind of fun to watch.

MR. PHILLIPS: Like I said that arroyo is south of Glendale.

MR. BINGHAM: I know. They'll collect the arroyo at Ventura and it will be in the pipe then and then it'll be just local drainage.

MR. PHILLIPS: Okay. Maybe I'm missing something here. Right in the middle of these two lots is a fairly significant but small arroyo that is lower than what you are talking about.

MR. BINGHAM: Correct.

MR. PHILLIPS: That carries a lot of water during a rainstorm.

MR. BINGHAM: They've shown me how much that is and they are collecting it in that same pond.

MR. PHILLIPS: It's going to go back uphill?

MR. BINGHAM: No, it's going to go in a pipe that will eventually connect to the 72-inch that they're going to put in. I've never been able to get water to go uphill. I'd like to.

MR. PHILLIPS: So they're going to take that across the road...

MR. BINGHAM: They're going to put it in a storm drain inside their subdivision and pond it temporarily until the rest of the system is in.

MR. PHILLIPS: Okay.

MR. HUGHES: If I may just to clarify that, we will receive that drainage from that arroyo that you are talking about, the minor arroyo, it's more of a major arroyo, but it's not the main arroyo that runs through there. We will receive that drainage into the development and we will discharge no water. We're going to put a pond inside the development that captures all of that runoff and stores it on site. That will be a temporary situation until this other pipe; the master plan pipe in Glendale is constructed downstream from us and upstream from us. Then we'll make the connection to that pipe and the pond will go away.

MR. PHILLIPS: Then the drainage that comes off of my property and the properties on Florence which flows that way, that's also going to get captured and taken out. It won't be stopped on my property.

MR. HUGHES: No, it won't back up on your property.

MR. PHILLIPS: Okay, thank you.

MR. HUGHES: We'll receive that drainage.

CHAIR MATSON: Doug, the perimeter wall design... I'm going to hold off approving that too, until we get whatever issue there is resolved. So let's see, the extension of SIA for temporary deferral of sidewalk was withdrawn at my request. For right now I don't have any other comments. Utilities?

MS. MUSINSKI: Utilities has no objection to the sidewalk item. Our availability letter reminded you of the future PRV that needs to be located to the south of Glendale at Barstow. That wasn't addressed on the infrastructure list so you'll need to address that.

MR. HUGHES: Okay.

CHAIR MATSON: Transportation?

MR. GALLEGOS: The only comment that I had basically was I wanted to know if Glendale had an all weather access to the subdivision and apparently it's paved out there.

MR. BINGHAM: No curb and gutter.

MR. GALLEGOS: No curb and gutter but there is pavement of some sort.

MR. HUGHES: I'll look into it, I can't answer that.

MR. GALLEGOS: Other than that I have no objection to the sidewalk request.

CHAIR MATSON: Doug, if we defer two weeks, that would be November 17. If we go three weeks, we're going to have to go to December 1, because we won't have a meeting this year during Thanksgiving week. We will not have a DRB meeting, so would you prefer the 17<sup>th</sup> of November or the 1<sup>st</sup> of December?

MR. HUGHES: I want some time to address these comments.

CHAIR MATSON: So we'll do December 1<sup>st</sup> then?

MR. HUGHES: December 1<sup>st</sup> is okay.

CHAIR MATSON: Please make sure you get a sign out there as soon as possible, a yellow sign. If you need a new sign come in and we'll get you one.

MR. HUGHES: Okay. Thank you.

CHAIR MATSON: We will see you, if you are interested, on December 1<sup>st</sup>.

The following action was taken:

The above request was deferred at the agent's request to December 1, 2004.

**DRB MINUTES FROM THE DECEMBER 1, 2004, DEVELOPMENT REVIEW BOARD MEETING.**

**13. Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval

04DRB-01568 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] *[Deferred from 11/3/04 & 12/1/04]* 04DRB-1570 WAS WITHDRAWN. (B-20) **DEFERRED AT THE AGENT'S REQUEST TO 12/15/04.**

**PERSONS SPEAKING ON BEHALF OF THE REQUEST:**

John MacKenzie, Mark Goodwin & Associates, P.O. Box 90606, 87199  
Greg Krenik, Mark Goodwin & Associates, P.O. Box 90606, 87199  
Scott Ashcraft, Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102

**PERSONS SPEAKING IN OPPOSITION:**

James Phillips, 8600 Florence NE, 87122  
Jeff Moreland, 8401 Modesto Ave NE, 87122  
Lewis Rawson, 8421 Glendale NE, 87122  
Lena Eddings, 8620 Florence NE, 87122  
Scott Fanning, 8820 Glendale NE, 87122

CHAIR MATSON: We are now on Item 13, Benjamin Place Subdivision, Project #1003520.

ALL PRESENT WERE SWORN IN

CHAIR MATSON: If you'll state your names for the record, please, and tell us why you are here.

MR. MACKENZIE: John MacKenzie, Mark Goodwin & Associates, requesting preliminary plat approval on the Benjamin Place Subdivision.

CHAIR MATSON: You are the only one who's going to speak?

MR. KRENIK: Greg Krenik, also with Mark Goodwin and Associates.

MR. ASHCRAFT: I'm Scott Ashcraft with Washington Street Investors, the owner of the property and developer of the property.

MR. MACKENZIE: Madam Chair, for the record I just wanted to report that we had a facilitated meeting last night at the fire station. I was there and I presented the subdivision to the neighbors. I wasn't here at the previous meeting but I understand that there was a lot of objection to the subdivision. We were asked by Brad Winter's office to attend a facilitated meeting. I believe there was a report generated out of that. I didn't get a chance to actually see that this morning, but I understand there was one. They said that they were going to send one out. I don't know if you got a copy of it?

CHAIR MATSON: No.

MR. MACKENZIE: They did have a facilitated report. We went over all the issues and explained the situation to the neighbors. This subdivision is much like others in the RD 3 DU zone we've done further to the west. We tried to deal with them on particular issues and there are some things that I've talked to the owner about that upfront we'd like to discuss if now is the appropriate time.

CHAIR MATSON: Sure.

MR. MACKENZIE: They brought up the issue of landscaping along Glendale. We now have a standard street section there with curb and gutter and sidewalk. They indicated they have a preference and also the developer would have a preference over having that be entirely landscaped and have a sidewalk waiver there. That landscaping would be maintained by the onsite homeowners' association.

Regarding the street light that we anticipate being required out on Glendale and the intersection of Benjamin Place, we talked about, instead of the standard cobra street light, we'd do the bronze shoebox light fixture there. I believe those are the only two options that we have for public lights, is that correct?

MR. GALLEGOS: I believe so.

MR. MACKENZIE: There was a question about chain-link fence around the proposed ponding area. We want to stay away from that. We're going to have some other more aesthetically acceptable fencing material.

The developer is going to be having covenants. That came up in the discussion. There are going to be limitations on what you can have in your front yard in terms of RV parking. There are various locations where existing walls are around the site and there was concern about there being multiple walls. We're going to try and minimize the number of walls.

The grading plan, I believe, was recently revised at the west boundary, the retaining wall has been lowered several feet in order to make it as low as possible. I believe there are small retention ponds in the rear yards that have been created as a result. That pretty much covers, in brief, the discussion that we had last night.

CHAIR MATSON: The retaining walls, are they going to be visible on the public side?

MR. MACKENZIE: No.

MR. KRENIK: It's a future wall. It is on the southwest portion of the project.

CHAIR MATSON: So the total height on the public side will not exceed 8 feet then, is that correct? With the retaining and the garden wall combined?

MR. KRENIK: Correct.

CHAIR MATSON: Because of the Zone Code, if you go above that, you have to get a variance.

MR. KRENIK: We have slightly less than a 2-foot maximum height wall along the frontage.

CHAIR MATSON: I didn't quite understand your comment about the walls. I think what the neighbors were asking and you were saying, is that you would have the same design on all the walls. Is that what you were saying about the perimeter walls?

MR. MACKENZIE: No. I was, in particular, addressing the northeast corner of the subdivision. The back yard of Lot 3 has an existing wall on the neighbor's property. We talked last night about how it seems unnecessary to have dual walls there and I just talked to the owner about it. We have a grade in there. A small slope in there, so there is a possibility of not doing two walls. Just having one wall. So that's what I was talking about.

CHAIR MATSON: Okay, thanks. Let's go to those folks who want to speak. Mr. Rawson, if you will move the microphone over and speak clearly with your name and address first, please.

MR. RAWSON: My name is Lewis Rawson. I'm at 8421 Glendale. I'm the property directly west of this development. One of the issues that I have is that, in order for them to meet the code and build this complex that they're doing, they need to raise the property grade 8 feet for drainage purposes. The problem with that is that with a pool in my backyard I have to have a 6-foot wall from the outside perimeter.

So that would make that 8 plus 6 is 14 feet. It would be like a prison on that side of our property line. That just seems outrageous. We're talking a 14-foot high wall going along that property side. Obviously, our property values will be affected along with all of the property owners around us including the guy in back of me because it will have to be raised up 8 feet for him as well. I understand that everybody is in business to make a profit. But if there's going to be a half dozen to a dozen people affected by this project where we're losing value so that they can make money, that just doesn't seem appropriate to me.

Another issue that we've got is that, when we built our property lines, we were told by the City that our walls could not exceed 3 feet high, 20 feet back from the property line.

MR. BINGHAM: The front.

MR. RAWSON: I don't know your jargon so you'll have to bear with me.

CHAIR MATSON: That's okay.

MR. RAWSON: As we see their property, they're going to enclose this entire development. So they don't have to comply with the same rules that we had to. That doesn't seem fair either.

CHAIR MATSON: Okay.

MR. RAWSON: Maybe there isn't any fairness here.

CHAIR MATSON: No, what I'm doing is waiting for you to get through your comments and then we'll respond to them. It doesn't mean that we're just saying okay. I didn't mean it like that.

MR. RAWSON: That's okay, there may not be and I guess we're just here to voice our opinions.

CHAIR MATSON: There is something we can do about the walls.

MR. RAWSON: The other issue, more in depth, well, actually, I think I'll just let you (Mr. Phillips) deal with that. It's regarding the acreage and the number of homes that we're allowed to have on that, you're going to cover that right?

MR. PHILLIPS: Right.

MR. RAWSON: All right, so we don't have repetition, I know you guys are busy as well.

CHAIR MATSON: Okay, let's address these two issues before we go on to the next person. Do you want to cover the drainage?

MR. BINGHAM: Yes. The plan was revised. They did want to limit the height of the western retaining walls. I, with the Thanksgiving holiday, did not get a chance, you're not going to like this, I didn't get a chance to review the drainage plan, the revisions. I'm not able to approve this, in other words, we're going to meet one more time next week. I'm going to defer them one more week.

They are lowering the walls a little but, no, they can't drain to your property. They do have to drain to the street they're building. That's what I have to make them do which does require fill on that side of the wall, yes. They are going to do it to minimize their own costs obviously. Right now the plan that is in front of me here and I don't have the revised plan, it's in my other files, is probably going to reduce it from the 10 feet I see here to maybe, what did you have Greg, maybe 7 feet or so of retaining on that side?

MR. KRENIK: 8 max in the corner.

MR. BINGHAM: 8 max in the corner. It's not going to be on top of that wall. It will have to be offset because your footing is not built for an additional 8 feet of fill against there.

MR. RAWSON: So we're still talking 8 feet plus it's got to be 6 feet on their side in order for us to comply with City Ordinances for having a pool in our backyard.

MR. BINGHAM: No. They don't have to build up 6 feet in order for you to have a pool.

MR. RAWSON: I was under the impression that I had to have a 6-foot.

MR. BINGHAM: Right, and you have that.

MR. RAWSON: I do, but once they increase the grade..

MR. BINGHAM: But the grade on the other side of your wall will be the same, in other words, their wall will have to be offset from that.

MR. RAWSON: Okay.

MR. BINGHAM: So your wall will still maintain that. They still need a garden wall on top of that, which will be 4 feet or whatever.

MR. RAWSON: I'm happy that I don't have an issue with the pool, but I'm still not crazy about having a prison wall there.



MR. BINGHAM: It's a retaining wall. It's not a prison.

MR. RAWSON: I understand, you can think a 14-foot wall is pretty high.

MR. BINGHAM: It's not going to be 14 feet. The wall itself is going to be offset. There's going to be a space in between. It won't be one big wall.

MR. RAWSON: How big a space?

MR. BINGHAM: Whatever is required geotechnically to support that wall. In other words, the construction of this wall can't affect your wall.

MR. RAWSON: Okay.

MR. BINGHAM: I'm not sure what space is needed on that.

CHAIR MATSON: Would it maybe be possible that it be wide enough that he could put some vegetation in there to kind of break up the wall?

MR. BINGHAM: It's very possible but that's up to when they get their wall permit. They will have to go through the City's permitting process to build their retaining wall. They'll have to show your wall and your section and that will have to be engineered.

MS. EDDINGS: My name is Lena Eddings and I own the property at 8620 Florence which is in the vicinity of this subdivision. I think the concern there is I'm all for development, too, first let me say that. It's what puts bread and butter on my very own table quite frankly. However, I'm for responsible development. To me that means homogeneous design. I think his concern about the 8-foot wall, yes it is just an 8-foot wall that's not going to be in addition onto his 6-foot wall, but there is a radical grade change that they are proposing in order to put this development in. I think that's a concern because it brings up other concerns, such as this height difference. The height difference is not out there naturally. It's my understanding that they're proposing that to bring everything up to a certain grade. So you are better versed in this.

MR. PHILLIPS: My name is James Phillips, 8600 Florence. I mean even your own regulations say grades set for new subdivisions must blend the plans development into the adjacent environment with minimum sudden grade changes. So if this sudden grade change creates this problem, why are we allowing it to happen?

MR. BINGHAM: By ordinance they cannot drain to your property.

MR. PHILLIPS: Doesn't this go to suitability then?

MR. BINGHAM: I'm talking about the engineering aspects of the ordinance. The ordinance says they have to drain to a public corridor. The only public corridor they have available, that lot especially, would be the street they're building. Then that street has to drain to Glendale.

MR. PHILLIPS: I absolutely agree with you. In order to make this work they've probably got to do that.

MR. BINGHAM: Right.

MR. PHILLIPS: But if they have to do that to violate all these other guidelines, rules and ordinances, there's something not right here. Maybe these two lots are not suitable to do this at all.

MR. GREEN: The landowner to the west can grant an easement.

MR. PHILLIPS: It's not only the grading issue. With the wall height that does not exceed 8 feet in height above the abutting grade on the lower side, that's one of your ordinances right there. We're going to violate that one. We're going to violate the grading one. We're going to make all these exceptions for ordinances and rules just so we can develop these two properties. Where is the cut off where we say maybe this is not a good place to do this? How much dirt is allowed? I mean can he bring in 20 feet, 40 feet? At what point is it too much?

MR. BINGHAM: The finished lots they are proposing to build, and I cannot comment on the suitability, I can only comment on the technical aspect, that's what I'm charged to do, requires them to drain to the road. They are showing me that with the grading plan and obviously I have, and I've stated before, I have not approved a new plan to show the grades. I mean that's the only place they can build unless they get an easement from, like Roger was saying, an offsite easement to drain across private property.

MR. PHILLIPS: You made a comment you're not ruling on suitability, which is? You?

CHAIR MATSON: Well, the Development Review Board unfortunately follows approved ordinances and rules and procedures and I don't, as a planner, often don't agree with what happens in terms of heights of walls and grade changes et cetera. There isn't anything to back me up in my personal opinion. It's an aesthetic thing.

MR. PHILLIPS: It's subjective. I mean 14-14-2-3 it says "no land shall be subdivided which is found to be unsuitable for subdividing by reasons of flooding, ponding, poor drainage" things like that. It's all laid out. Someone must rule on this. If it's not you, then who?

MR. BINGHAM: When I approve the grading plan, that will make this land suitable. They are proposing engineering fixes to make the land suitable for development.

MR. PHILLIPS: In order to get there you've got to violate all these other rules and ordinances.

CHAIR MATSON: What other rules and ordinances?

MR. PHILLIPS: The 8-foot high, the drastic grading change, it's all written down. I mean, is it not there for a reason?

MR. BINGHAM: Drastic is another subjective term.

MR. PHILLIPS: That's why I asked you. Tell me what drastic is?

MR. BINGHAM: Well that's not drastic to me if they're keeping runoff from going to your property or to his property like it's happening now. Yes, they are creating a higher pad site than is there, but they are properly handling their drainage.

MS. EDDINGS: I can agree with that but isn't that, in fact, why we are here and why we have these things for the opportunity for the neighbors to come and say hey, we think it's drastic and does that matter at all?

MR. BINGHAM: That's why there are appeals written into the ordinances and why you are welcome to do that. When I look at the grading plan I keep people from being flooded. To me 8 feet isn't drastic.

MS. EDDINGS: Well, since we're on drainage, let me ask you another question. I'm sure you can answer this because this is what you do. It's my understanding that for these plots of land out in this area that when water enters point "A", for example, at a certain CFS and it exits at point "B" at certain CFS, it's my understanding that the landowner can do what they need to do to work the water around what building print they may have or to deal with whatever natural water course issues there are so long as point "A" remains at point "A" with the same CFS and point "B" remains point "B" with the same CFS.

MR. BINGHAM: They don't have the rights to drain across developed lots which is what they would get from this development across a downstream property without that owner's permission. Hence, an easement. They are not wanting to get that easement. They want to drain the water to Glendale where it's supposed to go, not across somebody's pool. He's getting that water now. If they built the lots just as single family homes, they would have that right because there is no platting. There is no chance for me to tell them no, you have to drain it to the road. More water would get to him if they didn't replat.

MR. RAWSON: I don't agree with that actually because with single-family homes I wouldn't be getting more water than I am now.

MR. BINGHAM: Actually you would sir. You'd get twice the amount of water when all these lots develop as you're getting now.

MR. RAWSON: As long as our drainage plan accommodates that I don't know that I'd have an issue with that.

MR. BINGHAM: I don't know that it did or not. The drainage plan doesn't have to go through my office to get a building permit. It's kind of unfortunate but the ordinances as they are stated now doesn't require me to review a drainage plan unless there is a flood plain and there's no flood plain on this for single family residences. You could get more water if it's not developed.

MR. PHILLIPS: I still get kind of confused on the chicken or egg thing here. I mean we're raising grade above what's around which it says you are really not supposed to do. But we're going to do it anyway because we've got to have drainage for this property.

MR. BINGHAM: The ordinance doesn't say that you can't change the grade at the property line.

MR. PHILLIPS: Extensive fill, which raises the grade of proposed lots at the edge of a new subdivision above the grade of nearby property, should be avoided.

MR. BINGHAM: Avoided. That's correct. In order for this lot to drain, Lot 4 to drain, they're going to need to raise the grade in order for it to follow the rest of the ordinances.

MR. RAWSON: That's where we get into suitability. Maybe this project isn't suitable for the 2 acres they'd like to put it on.

MS. EDDINGS: Since it can't be done with "minimum of sudden grade change".

MR. PHILLIPS: Lot size. We've had this discussion last time as well as this time. All of us have title to property around .89 acre. This is zoned for 3 per acre.

CHAIR MATSON: Right.

MR. PHILLIPS: The developer has said really well it's an acre because of this the middle of the road, okay. Two things. We just talked to the Zoning Enforcement Inspector Steven Gebeke upstairs and he said negative.

CHAIR MATSON: He said negative to what?

MR. PHILLIPS: He said negative it is .89 acre 1 lot the other lot is .91 acre. It does not include the easements, the right-of-ways or anything else. On top of that the La Cueva Sector Development Plan spells it out very specifically. To measure acre for development it's not to the center of the street or to the easements, it's excluding those.

CHAIR MATSON: The interpretation that we've gotten consistently from the Zoning Enforcement Officer who is Ellen Concini is that the lot sizes determined including road right-of-way. It's the only easement or right-of-way that can be included in determining lot size.

MR. PHILLIPS: So the Zoning Department is disagreeing within their own department.

CHAIR MATSON: That's possible. The inspector might have misunderstood you. The sizes of the lots that show on this plat meet R1 requirements. These lot sizes meet R1 requirements.

MR. PHILLIPS: This is R3.

CHAIR MATSON: It's RD for 3 du's per acre.

MR. PHILLIPS: So if you don't have an acre...

CHAIR MATSON: Well I see what you're saying.

MR. PHILLIPS: In the La Cueva Sector Development Plan, I don't know where this guy is getting his information from, it says "densities are based on gross acreage of the lot, which is measured from property line to property line, excluding right-of-way and/or prescriptive roadway easements". Now how would I interpret that any other way.

CHAIR MATSON: I understand. I think probably what we're going to need to do is get a ruling from Ellen just to make sure. I was following what she has always said to me when we've had these questions. We can certainly get a ruling from her on that to make sure it's okay.

MR. PHILLIPS: Her name is?

CHAIR MATSON: Ellen Concini.

MS. EDDINGS: Can we ask if she can back up with written ordinances or rulings that won't just be off the top of her head without meaning any disrespect.

CHAIR MATSON: She is the official interpreter of the City's Zone Code. Now with regard to the issue you brought up about walls, Mr. Phillips. I need to ask these guys if they have applied for a variance to the section of the Zone Code that they're talking about where the wall is going to probably be 14 feet high?

MR. MACKENZIE: Madam Chair, I've got a little sketch here that shows the proposed situation. Can I show it to you?

CHAIR MATSON: Sure.

MR. MACKENZIE: Here is the existing grade right here.

CHAIR MATSON: Okay.

MR. MACKENZIE: Here is the existing grade on lot 5 and divert to the east. His 6-foot yard wall is located on his property west of the property line. We are going further to the east approximately at least 2 feet off the property line have our retaining wall, which starts from the same elevation as his going up 8 feet. It's not on top of one another. Then we're going to recess our garden wall 3 feet further to the east so we're not going to have an excess of 8 feet on any wall. It's going to be stepped in 3 different steps.

CHAIR MATSON: I'm not sure whether that meets the intent of what's written here though. It doesn't say, farther back where they are talking specifically about perimeter walls it goes "any combination". Right here it just says it doesn't exceed 8 feet in height above the abutting grade on the lower side within the required side yard.

MR. GREEN: It doesn't address setbacks.

MR. MACKENZIE: I think the ruling has always been that if you do exceed 8 feet you have to set it back.

MR. GREEN: How far?

MR. MACKENZIE: Is it 4 feet? Then we'll change it to whatever the regulation is.

MR. BINGHAM: It's 4 feet of setback between offsetting walls but they do anticipate larger walls.

MR. MACKENZIE: You've got to have walls greater than 8 feet. Sometimes you have retaining walls that are garden walls that you've have to overcome more than 8 feet. You set them back a prescribed amount.

CHAIR MATSON: Why don't you have Claire make me a copy of this and during the weeks deferral I'll get a ruling on it.

MR. BINGHAM: That should have been part of your grading plan anyway. Wall sections through the perimeter that is part of the ordinance.

MR. PHILLIPS: Can I also address something about the walls?

CHAIR MATSON: Sure.

MR. PHILLIPS: The other concern is the 2 lots that are on Glendale and they're rear walls. This is hard language to read but it says "on a corner lot" which these are "rear yards which are contiguous to front yard of a residentially zoned lot" which is his lot and the lot on the other side "a wall, fence, retaining wall or vertical combination of these does not exceed 3 feet in height within ten feet of the right-of-way line". So if I'm reading that right, those 2 corner lots their rear walls have got to be 3 feet within 10 feet. That's not the way it's currently proposed.

CHAIR MATSON: You're talking about Lot 6 and Lot 1?

MR. PHILLIPS: I don't have the map in front of me.

MR. GREEN: But the 2 on Lot 1 and 6.

MR. PHILLIPS: Those same 2 lots a "wall, fence, retaining wall or vertical combination of these" that face a public street right-of-way, they face Glendale "cannot exceed 3 feet in height" above the abutting grade on the street side. So he can't have a wall running down Glendale.

CHAIR MATSON: From the front property line, yes. Once we get to our comments that's what I was going to point out to them. It has to be 3 feet until you get 20 feet back from the front property line and then it can go up to 8 feet on your perimeter wall.

MR. KRENIK: The wall on Glendale is only 2 feet tall. The wall as it turns and goes north is only 2 feet tall. It doesn't get to be 8 feet until you are almost to the end of Lot 6.

CHAIR MATSON: So the wall along Glendale until you get to the back property line? It doesn't show that.

MR. PHILLIPS: When you're driving down Glendale you're not seeing the wall you're seeing the little 2-foot bumper.

MR. KRENIK: It's a 2-foot retaining wall but on Glendale you can have walls.

MR. PHILLIPS: A wall, fence, retaining wall that face a public street, okay that's what this does, cannot exceed 3 feet.

CHAIR MATSON: For 20 feet back because of the front property line and then it can go up to 8 feet. What he's saying is it's only going to be 2 feet tall the entire length of Glendale and then go around?

MR. MACKENZIE: He's talking about retaining wall. I need to understand which lot we're talking about. We're talking about for instance Lot 6, which is a corner lot of our subdivision.

CHAIR MATSON: Lot 6 and Lot 1.

MR. MACKENZIE: It's a side yard.

CHAIR MATSON: It's a side yard but because, I don't know how to explain this, it can only be 3 feet tall in the front and around to the side for 20 feet back because it abuts a public street.

MR. MACKENZIE: So from Benjamin Place back to the west and back to the east on each side it can be a maximum of 3 feet high right?

CHAIR MATSON: Right. 20-foot back, which is the front yard setback plus the 15-foot of driveway.

MR. MACKENZIE: Right. We can comply with that. Then, that's not a problem.

MR. KRENIK: Basically that's what we're doing anyway.

CHAIR MATSON: If you'd just get me a revised perimeter wall showing that so it clearly indicates what it's supposed to be. So these guys will be happy.

MR. MACKENZIE: Can I ask you a question about Ellen's opinion?

CHAIR MATSON: Yes.

MR. MACKENZIE: Do you have anything from her in the past regarding these subdivisions in writing?

CHAIR MATSON: I knew you were going to ask me that.

MR. MACKENZIE: It seems to me like you should have already had something from her. Every subdivision that comes in you're going to have to go to her for an opinion. It seems like maybe there's something already been issued on that.



CHAIR MATSON: There has. Unfortunately they're in the specific project files. I've kept them for each subdivision. Whenever we need a ruling on it, when we have people from the public that want specific opinions in the past, I've found that the folks aren't appealed unless it applies to that specific subdivision.

MR. MACKENZIE: Okay. I'm just wondering if the next time we come in, do you have a master that you can keep on the side?

CHAIR MATSON: I guess. One of the things that we try to do here is avoid appeals if we can. That's why, if there are folks present and they want a ruling on their specific subdivision, I usually request it.

MR. MACKENZIE: Okay.

CHAIR MATSON: That's why they are site specific.

MS. EDDINGS: I have a question too. Maybe this has to do with the appeal process and how it works. We really don't know how all this works anyway.

CHAIR MATSON: Okay.

MS. EDDINGS: What kind of recourse do we have back when these were zoned for 3 homes per. The community has sort of mandated a certain path out there. The majority out there, currently, especially in this specific area, has been one home per .89 acres or roughly thereabouts.

So what kind of recourse do we have to say, hey, you know, the community itself has mandated a certain homogenous neighborhood here and we'd like to protect that homogenous neighborhood?

What happens is now you're affecting a market of buyers. I think it's safe to say that you have a market out there right now for buyers that will come out and say we want to live in an area where the homes are spread out. We don't want an area where you walk out and the back yard is 5 feet right there in your face.

What happens when these spot subdivisions are able to come in is kind of a spitting here and there wherever two pieces of land maybe found together. I would have to think that it affects that buyers' market from saying oh no that's too close to that, or this gentleman's property specifically, oh it's right next-door. That's going to decrease the amount of buyers that are going to go to his specific property for that market. That does affect property value and so obviously that's kind of what we're concerned about is the general homogeneity of, the ability of rules that once were set out for 3 per acre but the community has sort of mandated a different course and maybe it's time for some flexibility. I don't know how you change zoning or go about asking for that.

CHAIR MATSON: In this case, because the area is covered by the La Cueva Sector Plan you all can certainly apply for an amendment to that plan. That probably would be the best thing to do. That goes through the Environmental Planning Commission. Then it would probably go on to City Council after that for approval. Were you not involved in the development or the revision of the La Cueva Sector Plan when it went through? No. Where you a recognized neighborhood association do you think at that time?

MR. PHILLIPS: I think a lot of that went through about the time we were buying. It's not a question of not knowing this could have happened but just the way the whole neighborhood has developed. It hasn't happened.

CHAIR MATSON: That is unfortunate for those of you who are there already. We're in a position, and I hope you understand, that if they have the density that's allowed by zoning then we don't have the authority to say no we don't agree with that.

MR. RAWSON: We agree with you ma'am as long as it doesn't impact us severely.

CHAIR MATSON: Right. Does anyone else want to make comments? Mr. Phillips have you finished? Scott hasn't spoken yet either.

MR. PHILLIPS: I just have a couple more. I live in the lot that's northeast of the development. Catty-corner.

MR. BINGHAM: East or northwest?

MR. PHILLIPS: Northeast. Obviously I'm looking down on these 6 houses. There's a lot of drainage that comes off my lot. My lot captures drainage from the lot next to me, the lot next to that, the lot next to that, it all comes to my backyard naturally. Flows through a corner of my lot into this area. I'm not sure this particular plan is accommodating of that drainage at all.

MR. BINGHAM: Well they'll have to. They have to show all the basics to this lot and deal with it effectively.

MR. PHILLIPS: I can't read a plat worth a darn. All I know is, when it rains, there's a lot of water flows through the lower part of my lot. I watch it go by. I have ditches to make sure it stays down there. That's all got to go someplace.

MR. BINGHAM: Well then their plan will not be allowed to change that on your side.

MR. PHILLIPS: Right.

MR. BINGHAM: They can accept it and then divert it correctly.

MR. PHILLIPS: It's just a concern.

MR. BINGHAM: Yes, I do worry about the neighbors when I look at the grading plan with respect to drainage. I have to follow all those ordinances. Some of them are conflicting sometimes. Some of them have a level of subjectiveness to it.

MR. PHILLIPS: That's why we're here. Subjective in nature. The other thing, obviously, none of you have this report because I have a copy of it. I got it by email.

CHAIR MATSON: What report?

MR. PHILLIPS: From last night.

CHAIR MATSON: No we haven't seen it.

MR. PHILLIPS: So it's a good thing you're going to defer because you really need to read that.

CHAIR MATSON: Okay.

MR. PHILLIPS: In less than 2 to 3 hours we had 15 people there. There would have been a lot more had we had forewarning. The City set that up and we appreciate it. There's a lot of concerns in there. I think we've captured the major ones here but there's a lot of other ones as well.

The other thing is you're going to defer for just one week?

MR. GREEN: We don't know. We haven't gone through the Board comments yet.

MR. PHILLIPS: I thought you said you were going to defer a week.

CHAIR MATSON: At least a week, but we don't know yet.

MR. PHILLIPS: If there's a preference to be had because we have a willingness to be here to talk about this, I'm not available next week. So if can be at least not next week that would at least help me because I'm the one with the biggest mouth down here so.

CHAIR MATSON: We'll go to Scott now?

MR. FANNING: I'm Scott Fanning, 8820 Glendale Avenue NE. I'm just really concerned about the precedent that we're setting here in the area as Lena has said. The harmony in the area is basically one home per acre. A lot of nice open space, very low water use. As Lena has said, we have concerns about the change in the neighborhood. We bought in the area for the open space. If this starts going in, it sets a precedent that will continue, obviously greed. Developers want money. They're going to put in 6 homes because they make more money. That's negative to us as homeowners, as taxpayers. It's an extremely win/lose situation. We lose a lot. They definitely gain a lot. That's very unfair. As a homeowner I just vote totally against this precedent that would be set.

CHAIR MATSON: On the lot sizes you're talking about specifically right or other things as well?

MR. FANNING: On the density of the housing. Certainly my preference is one per acre as has been kind of the precedent that was set before this in the area.

CHAIR MATSON: Okay, thanks.

MS. EDDINGS: I'm sorry I'm long winded because I'm Greek I guess.

CHAIR MATSON: Would you please state your name again please.

MS. EDDINGS: Lena Eddings, 8620 Florence. On that with the homogeneity you know there has to be a little bit of responsibility and I didn't catch if there was curb and gutter on this project?

MR. MACKENZIE: Yes.

MS. EDDINGS: So what you're going to be looking at is driving down a street that has no street lights, all one home per acre basically, so far. No curb and gutter and then boom just for a small little splat, you're going to see curb and gutter, one street light, nice as it sounded, but just one street light out in the middle of nowhere sticking out like a sore thumb. Then boom back up to the rest of what's at this point homogenous. To me that's irresponsible development. I just wanted to add to what he had to say.

CHAIR MATSON: Okay, thanks. Mr. Moreland?

MR. MORELAND: I'm Jeff Moreland, 8401 Modesto. I was here last time. These people here I don't even know them but they live on the other side of me. I live on Modesto. Anyway she mentioned several things that I was going to bring up. Can you hear me okay?

CHAIR MATSON: Yes.

MR. MORELAND: The high-density homes and the one-acre lot area. I wanted to talk about that real quick. I know you guys need to go to lunch here in a little bit or sometime today.

CHAIR MATSON: That's okay.

MR. MORELAND: I used to live on Manitoba off of Juan Tabo and Montgomery and I think it would look pretty ridiculous if you had all the homes there and all of sudden you had an acre lot with one home in the middle and then another 20 homes or so split with another acre lot with one home in the middle. That's kind of like what's happening here. It would be the same thing. Would that look normal if you guys were driving to, I don't know where you guys live at, but if you're driving down your street and all of sudden you're going through a residential street and then there's an acre lot with one home on it then more residential, that's what's coming out here. It's just the opposite. I wanted to bring that up.

The other thing too, is like they're saying with the growth going in there the homes being built in there and stuff there's a lot of traffic over there. Right now I live where a subdivision just popped up about a year ago. They're about half way done on it. To the west of me on Barstow and Modesto there's another subdivision going in with probably another 60 homes or so. Sandwiched between them there is an acre home here and there. It just doesn't look right over there. I just wanted to bring that up too.

The other thing I was going to ask you and I don't know if any of you know this is, like for them, they'll have water and sewer going in all the way up the road right to that subdivision, which they'll have to have. I questioned this and the people at the City couldn't tell me for sure. The subdivision that was built across from me they put water and sewer and storm drains and everything in there. Now this is done and the homeowners that are in the area with the sewer and water right now. I have a well and a septic and I have propane. Are they (the homeowners) going to be responsible for having to hook up? Are they going to make it mandatory for homeowners to switch over to that? That's a big expense to them that the homeowners shouldn't have to pay if it was single acre lots out there. I know there are several things you have to bring up after I'm done talking but I wanted to ask you that.

Also, that subdivision across from me, if this one is built correctly, hopefully they won't have problems like I have. The subdivision road was raised about a foot and a half and I tried working with the developer and stuff like that. I don't know if this was the company that I was trying to talk to but anyway the water is actually draining into my backyard from the road now that it's raised up. I've called and no one has come out to do anything on it. It drains from the lot next to me. It drains through that lot right into my back yard. So when that goes in to, like he has. When it rains heavy its floods in the back yard of mine.

What they did at the corner of Barstow, actually on Barstow, they have the 2 acres there, I don't know if you're familiar with it. They dug it out and it's like a drainage pond. I don't if anybody's seen that or knows about it but it's a big drainage pond. Actually what they did is they built up the dirt there and the water goes through my property and the property behind me and then it's really high where they built it up so the water kind of stops and it drains back into my property.

I don't know how they'll do it on this gentleman's property there but for me right now they built it up, which they would do like if they were building homes, and now the water is actually stopping there and it's actually coming back onto my property the way they built it up. It doesn't drain normally like it used to. They need to put a slot in there to let the water drain into that pond like they intended for it I think.

The other thing that they were talking about was the walls. I think that's kind of ridiculous having their own wall that they paid for and have a nice wall built up and then having an 8-foot, 12-foot whatever it is, when their property is lower because the road goes down. It's all sloped downhill. For him to have another wall next to him, and he paid good money for the wall he has, which is a nice wall. I've seen it since he's the neighbor behind me. To have another wall blocking his whole view of anything from this subdivision that's going in.

The other thing I was going to talk about is, and they've talked about it already, is the acreage. If it's 1.78 acres over there minus the easements I still can't see how you can get 6 homes. The subdivision across from me, somehow the developer was able to get approximately 5 homes per acre there. It's supposedly 6 acres but it's not quite 6 acres and there are 33 homes, I think, that are being built there. They're about halfway done. The people that built that subdivision across from me, they built a nice road. It's paved right up to the front of my house and stuff, it was paved before. Anyway they have a sidewalk, curb and gutter and everything but the landscaping they put up there they've had to replace the trees in front of my house several times. They died out there. There's no water or anything to those trees. So it looks terrible. Someone across the street in the subdivision pulled weeds and were throwing them on the side of my house till the neighbor below me saw them. They told them not to do that. Anyway, I'm saying there are things they need to do to make sure everything is correct before they build it.

The other thing is you were saying about that amendment to the La Cueva Sector Plan. So maybe we can do something on that to try and stop some of that. Developers and stuff that's there job and they make a living off of it building homes. It's just not right in this neighborhood to have, like in my case; there are 5 homes approximately per acre. I guess there are more than that because there are over 30 homes in that subdivision across from me.

Somehow that guy was able to do it. They may be able to push more homes than this for this subdivision for these guys.

The last thing I was going to say is, sorry I'm talking so long.

CHAIR MATSON: That's okay.

MR. MORELAND: When I bought that lot I didn't know they were going to build a subdivision right across from me. So I expected, like everybody here, to be one acre homes and now they're creeping up, all the way up, through the neighborhoods building these little small subdivisions. It's just not looking right over there. It's looking kind of awkward when you see my lot is as wide as 3 homes that are across from me. When I pull out of my driveway if I'm backed in my lights go right into their windows in two of the homes. I don't think that's fair to the homeowners buying that but the wall isn't high enough for them. If I would have known that the subdivision was going in there and stuff I wouldn't have bought the lot where I was at. I'm in the City. I'm paying City services. I pay high property taxes there, very high. I had no sewer, I had no water, I had nothing out there. Now they built a subdivision and then am I going to have to be stuck paying for all those things to hook up to City. I don't think that's fair. The developer will be long gone and a year or two from now I'll be stuck having to pay all those extra expenses, which I can't afford. I think the developer or someone should have to cover for that. Thanks.

CHAIR MATSON: My comment on that is that I've learned two things since serving on this Board about property. When you're looking at buying property, number one, don't believe the realtor. And number two, come down here to our department and do a thorough search on what the zoning is around you. What kind of uses are allowed et cetera. You won't always know but a lot of times people are too trusting when they buy property. They look around and they say, like I did when I was buying. I live on the west side. I've been over there almost 20 years. I looked around and said oh, look at all this open space. But you have to check out and see what the zoning is and what the development plans are if you're planning on staying there a long time. Okay? I'm sure that doesn't help any but...

MR. GREEN: In answer to the sewer, you are required to hook up to sewer service when it's available. That's a County Ordinance and part of our Ground Water Protection Policy with the City and County. You also, under the current ordinances, are charged your fair share of the construction costs across your frontage too. Half of that cost. So not only are you required to hook up and pay your normal fees but also help pay for the construction of the lines. You are not required to take water service but sewer service.

MR. MORELAND: Oh, you're not.

MR. GREEN: We have no enforcement in place to police that right now.

MR. MORELAND: So that means that all these people here that will be affected in front of their house and stuff.

MR. GREEN: If the lines are constructed across their frontage, yes.

MR. MORELAND: They'll have to hook up into that then.

MR. GREEN: Yes.

MR. PHILLIPS: Why doesn't the developer pay for that. We didn't ask for it.

MR. GREEN: He does up front. Like I said, the City and the County have a policy that all homes that have sewer service available are required to take sewer service to get people off of septic tanks.

MR. PHILLIPS: I understand what the ordinance is.

MR. GREEN: So you buy and build a house and put in a septic tank at your risk.

MR. PHILLIPS: If the City was bringing us the sewer I'd see that one thing, but the City is not.

MR. GREEN: The developer is. The City ordinances allow the developer to get reimbursement for that. Even if the City were extending lines, we would pro-rate against the properties also, unless it was a federal or state grant.

MR. PHILLIPS: So even more money in the developer's pockets.

MR. GREEN: It's not money into their pocket. They have to cover all their frontages whether they benefit from it or not. A lot of cases the subdivision does not benefit directly from the sewer and water lines they are required to build.

MS. EDDINGS: I would like to address Jeff's comment which I think is a prime example of what one of my concerns was. You can do the hydrology studies, you can pass everything which is, obviously you well, we don't have a lot of problems in the City. However, here is case in point. They went ahead and developed and now he has all this excess water on his land.

The fact of the matter is I do believe part of that is due to not following, to the best of everyone's ability, the natural watercourses. Unless you're going to go in and something is master planned and developed and you can have the arroyos like we do through town.



When you have something that the community has mandated and everybody's is kind of hodge-podged, it seems like too that this area developed a little bit as a self-driver. Things kind of happened out there faster than anybody could foresee or have master plans for.

The fact of the matter is here's a prime example of, I guess, a hydrology plan that maybe didn't show everything it needed to show and he's got drainage that I'm assuming isn't acceptable. Is it?

MR. BINGHAM: Actually he has a flood plain in his back yard. That arroyo that is in his back yard does have almost 1800 CFS in it. Yes, there's a flood plain in that portion. Building the road and having more water get in there than what was supposed to be in there, yes, isn't appropriate.

MS. EDDINGS: That would be the point.

MR. BINGHAM: I would be happy to meet with you outside of this to see what can or cannot be done. In fact, let me have your phone number if you would. This area has been master planned actually and there is supposed to be a big storm drain in Glendale that's going to run all the way up to Ventura and will pick up all that water that's in that arroyo and put it in the storm drain. They're required to put their portion in Glendale. They will be contributing to the big picture. No, this area won't have concrete lined arroyos like what's south of Montgomery. Anyhow that wasn't part of the plan. So yes, there is a master plan and they were following it with their grading plan or they have to. Everybody in the development across the street of yours did have to follow that plan. So did the one on the other side of Barstow.

CHAIR MATSON: Jeff, when you're done, why don't you give your name and phone number to Claire and she'll pass it on to Brad so you guys can talk?

MR. MORELAND: I talked to somebody who was building that stuff and also had some damage on my fence too, but they said that wasn't their fault that they didn't cause it. I put that fence up myself. It's like a wood post fence, like a horse type fence, I guess, whatever you put out there. Anyway, some type of equipment hit it and you can see there's yellow paint on there and they said there was nothing they could do because they didn't cause any damage. I said, well, you guys are the only ones that were doing road construction in the front, so I don't know where else it would have come from. I've already been through some of this so if they have problems like that, the developer can say no, we didn't touch that wall. They don't do anything about it so that's what I'm concerned with the building of this stuff too. That's just one thing.

CHAIR MATSON: Sometimes you have to pursue those issues between yourself and the developer in court or whatever if necessary. Okay, would you guys like to make responses or do you want us to go through our comments?

MR. MACKENZIE: I'd like, if you could, to go through your comments so we can get everything on the table. Maybe deal with it all at once.

CHAIR MATSON: Okay. We'll go to Parks then?

MS. SANDOVAL: Similar to comments made earlier today due to impact fees being adopted as of yesterday I will be speaking with legal and getting back to you as to which requirement will need to be met for park dedication requirements.

It's zoned RD so I will need the Open Space note put on the plat describing how you are meeting that 2400 square feet of open space on each lot requirement. I have no objection to the temporary deferral of sidewalk.

CHAIR MATSON: Hydrology?

MR. BINGHAM: I have not reviewed the revised plan. I've made comments before, so I'm not able to approve this project yet. I think I forwarded comments on the infrastructure list to Greg and you still have that infrastructure list. And, if not, can you forward another copy of it so I can review it appropriately please. I seem to have misplaced it.

MR. KRENIK: The revised one you misplaced?

MR. BINGHAM: Yes, well my comments also. If you'd give me another copy of that it would be good.

CHAIR MATSON: Is it the one that was November 18, 2004, do you know?

MR. KRENIK: Yes, that's the revised one.

MR. BINGHAM: Yes, but I generally make comments on the infrastructure list once I've approved the plan. This may be appropriate.

MR. KRENIK: There was a marked up infrastructure list but I didn't know who did it. It just had the channel added on there.

MR. BINGHAM: Yes, that was mine. Bring that back with you if you can.

MR. KRENIK: If I have it.

CHAIR MATSON: You can have this one.

MR. BINGHAM: No, I'll get the one I marked up. I have no objection to temporary deferral of sidewalk and but I do need a deferral until the grading plan is approved.

CHAIR MATSON: Planning's comments. The perimeter wall submittal needs to be revised. We'll need to wait on the ruling from Ellen on the lot size and I'll check on the back wall height the way you've got it drawn. I guess we'll do that during the deferral time. I have no problem with the temporary deferral of sidewalks. Utilities?

MR. GREEN: With water and sewer issues Greg's revised the infrastructure list to meet my requirements, so I'll have no objection. On some further comments, the public makes a lot of good comments here that I kind of agree with. Grading wise I don't know why we're looking at getting offsite easements for private drainage for rear lots and things like that. Why we're putting the road down the middle of a site. I don't know if it's appropriate to try to stick 6 lots on 2 acres like this, especially on 3% slopes. I think builders are trying to take an urban type home design and apply it out here on these sloping areas. I don't know if that's appropriate. We don't ever see plans for split-levels or basements or anything else to try to fit the home to the property. We have to go by our policies and ordinances here. I think there are a lot of options to look at with a grading plan that haven't been.

CHAIR MATSON: Transportation?

MR. GALLEGOS: I have no objection to any of the requests at this point in time. However, I was concerned with one of the comments there about waiving the sidewalk up along Glendale. I guess I'd have to have an idea, at least, of how the environment is built out before I would consider that. If this is the only two lots out there and everything else is single family that might be a consideration. If it's not, as we've seen a number of these subdivisions come in probably not then.

MR. MACKENZIE: Madam Chair, Wilfred, we have a number of residences surrounding the property that are already built out. Just one unit per lot. Obviously, I don't think you're going to see sidewalk in front of those for a long time, if at all. There are vacant properties around there that, depending on how they develop, they may or may not have sidewalk. If they're again one single-family dwelling, then they wouldn't. If they're subdivisions like we have, then you'll have disconnected sidewalk and I don't know if at some point in the future the City or someone would come in and connect those sidewalks. I don't know. We merely want to try and address the neighbors concerns that and we have proposed on their sidewalk right now. They prefer not to have sidewalks. If it's okay with you, we will delete the sidewalks and landscape which I think they think is better.

So we are planning to submit a sidewalk waiver request between now and the next hearing if that's something you want to give us positive or negative feedback on. Otherwise we won't go through the exercise.

MR. GALLEGOS: I think you can probably go through it but, again, I need to have an idea of how many houses are out there that exist now on these .8 acre lots so I've got an idea of what might happen in the future and whether this is next year or 5 years from now. I don't want to waive sidewalk where in the next 15 years this might change. If it looks like the neighborhood or the character of this might remain where we might not get any of these or the single families on the .8 acre stay, then I'm probably more akin to granting the waiver in there. However, we'll probably have to have at least the pedestrian path in there whether it's crusher fine or something else for a pedestrian way anyway where the sidewalk normally would be. Or you can meander it in there, you know, at some point so that, if we do put sidewalks in the future, the room is there. Obviously, you've dedicated the right-of-way for that.

MR. MACKENZIE: Yes. Well this goes back to some of the issues regarding how you got this flat of subdivision in this area that's got the single family dwellings already platted from the original North Albuquerque Acres. You've got a substantial number of vacant lots directly south of Glendale that are all contiguous. You've got vacant lots outside of this subdivision on the north side of Glendale that theoretically could all be built out just like this subdivision with new 3 du per acre development.

MR. GALLEGOS: Probably an aerial photo with that request would probably suffice so that I can just judge real quick as to what's there, at least, on that side of the street.

MR. MACKENZIE: Okay. I just wanted to make the point about how there is a possibility of having this area be predominantly new subdivisions with a minority of existing single-family dwellings. That's theoretically what could happen. It's not something where you have a predominance of existing single family. You might have a predominance of single family existing right now, but you could end up with quite a different character in ten years.

MR. PHILLIPS: Especially if one gets built, you bet.

CHAIR MATSON: With regard to the issue of the landscaping instead of the sidewalks, if you end up doing that, if any of it's going to be in public right-of-way, we'll need a Landscape Maintenance Agreement on your infrastructure list. All that other language that's part of the perimeter wall design submittal if you're going to do that.

MR. GREEN: A separate water meter too.

CHAIR MATSON: Yes, that's one of the things that's on there. Okay, how long do you need, Bradley?

MR. BINGHAM: If they're going to go through a sidewalk waiver, they're there going to need two weeks anyway.

MS. SENOVA: We are looking at the 15<sup>th</sup> of December.

CHAIR MATSON: Okay, we'll defer to December 15, 2004. Since the grading plan is not done, we won't charge you. Thank you for coming.

MS. SENOVA: Folks, this is your notice of that hearing on December 15.

MR. PHILLIPS: At 9 a.m.?

MS. SENOVA: Yes, at 9:00 a.m.

The following action was taken:

The above request was deferred at the agent's request to December 15, 2004.

**DRB MINUTES FROM THE DECEMBER 15, 2004, DEVELOPMENT REVIEW BOARD MEETING.**

1. **Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] *[Deferred from 11/3/04, 12/1/04 & 12/15/04]* 04DRB-1570 WAS WITHDRAWN. (B-20) **DEFERRED AT THE AGENT'S REQUEST TO 1/5/05.**

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

John MacKenzie, Mark Goodwin & Associates, P.O. Box 90606, 87199  
Greg Krenik, Mark Goodwin & Associates, P.O. Box 90606, 87199  
Scott Ashcraft, Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102

PERSONS SPEAKING IN OPPOSITION:

James & Sandra Phillips, 8600 Florence NE, 87122  
Lewis Rawson, 8421 Glendale NE, 87122  
Lena Eddings, 8620 Florence NE, 87122  
Dennis Olona, 8516 Florence NE, 87122  
Laura Turon, 8708 Florence NE, 87122  
Larry Millington, 8508 Florence NE, 87122  
Diane Owens, 8601 Glendale NE, 87122

STAFF PRESENT:

Kevin Curran, Assistant City Attorney, City of Albuquerque

CHAIR MATSON: We are now on Item 1, Benjamin Place Subdivision, Project #1003520. Good morning. If the agents, developer/owner will please give me your names please and then if one of you will explain why you are here today.

MR. MACKENZIE: My name is John MacKenzie and I'm with Mark Goodwin & Associates here on behalf of Washington Street Investors.

MR. KRENIK: Greg Krenik with Mark Goodwin & Associates for the same.

MR. ASHCRAFT: My name is Scott Ashcraft and I'm one of the owners of Washington Street Investors.

CHAIR MATSON: Okay.

MR. MACKENZIE: I just delivered a package of materials to you dated with today's date. It includes a letter, a copy of our wall submittal that was made previously, a copy of the deed to the property and a copy of the 1931 North Albuquerque Acres plat for Tract 1, Unit 3.

I also delivered a copy to the City Engineer and there have been various emails exchanged with legal regarding the question of lot size and what can be developed relative to the zoning. As stated in this letter, we think that the zoning allows for 3 units per acre in accordance with the North Albuquerque Acres plat which you have in front of you which underneath the title says that "each lot included to the center of adjoining street is one acre unless otherwise indicated." There has been some communication with the City Surveyor regarding what the status is of the street out there. It is going to be required with this platting action and, up until now, it has never been dedicated before. So it still is contained within the lot. They are all gross 1-acre lots and we feel that there is justification for 3 units per acre. Thereby being 6 lots in this subdivision.

As I mentioned, Richard Dourte has a copy of it and I think there's probably going to have to be some type of ruling on that. I'd like to defer to that. I think all the evidence points to the fact that we have appropriate zoning for the 6 units.

This letter was in response to a letter from James Phillips I received via email. The letter dated December 7 and he has 3 main points in his letter. The first being the lot sizes I just talked about.

Secondly, he objects to the grading plan being obtrusive based upon the high walls that are required in order to drain the property.

Greg Krenik has revised the grading plan and just finished it yesterday. We have copies here that we have given to Mr. Phillips. And there are others available if anyone would like to see them. There are several copies here. We have about 20 different wall sections here that explain how the property is to be graded. We've reduced this to the maximum extent possible in terms of retaining wall height along the west boundary. The northwest corner is approximately 6 feet of retainage which is the minimum in order to get that property to fully drain to Glendale. We've installed channels along the north boundary and the west boundary of the subdivision in order to facilitate that drainage.

As you go from north to south along the west boundary it tapers from 6 feet down to about 1 foot of retainage along the west boundary. In other areas of the site we're keeping the existing wall.

There is existing wall along all sides. And we intend to preserve that wall and keep it as is without any additional garden walls except in some locations where we have perhaps an additional 3 to 4 feet of wall. It's identified on the plan, there is, like I mentioned, 20 sections.

These walls have all been redesigned in accordance with the latest City wall design guidelines that we've had an opportunity to review since the last hearing. We believe that we are fully in compliance and we stand by our request to get preliminary plat this morning. If there are any questions, I'd be able to answer those unless you want to hear from others.

CHAIR MATSON: We are trying to locate Mr. Curran. He told us he'd be down here this morning and we are searching the building for him. Hopefully, he'll be here soon. He's the assistant City Attorney for the Development Review Board. I think what we'll do while we're waiting for him is just go ahead and hear comments from the neighbors who are here today. I'll start with James Phillips. If you will give us your name and address and then tell us why you are here, please.

MR. PHILLIPS: I'm James Phillips, 8600 Florence Avenue NE. I seem to become somewhat of a spokesman for most of the neighbors in the neighborhood on this particular issue.

You want me to just not discuss the lot size issue until Mr. Curran gets here?

CHAIR MATSON: You can certainly restate your position at this time and then we'll go over it again if we need to.

MR. PHILLIPS: Thank you and others for allowing us to provide you this information and also to set this up as the first agenda item. That's really helpful to us. I appreciate it.

The actual lot size issue: we'll restate what we stated before. All the neighbors hold title to 0.89 acres. We've talked to the City about that. They said, "yes, you own 0.89 acres. No, you cannot include easements or streets or public right-of-ways in determining your lot size. That's why you have 0.89. Those two lots are also, according to them, 0.89 acres. If you go back to, I guess, it was the 1931 platting, they were all 1-acre lots. But things have changed since then for whatever reason. I don't know the history. Right now they are 0.89 approximately.

On top of that, when this was rezoned for 3 [du's] per lot when the City annexed this area in the La Cueva Development Sector Plan, it very clearly states densities are based on lot size exclusive of right-of-ways, streets, easements things like that. It says that very clearly. The Zoning Department says that now overrides any prior guidance on determining densities. That's the ruling.



Now, is that street existing? Yes it's existing. The City came out and paved it. It's out there as an existing public City street.

Whether or not they've gone through the actual legal action to say we now own the street, I don't know, but it's certainly in control of the City. The La Cueva Development Sector Plan was written specifically to have progressively increased density as it moved toward North Albuquerque Acres. And that was an acceptable solution to determine lot density by using that determination. Everybody agreed to it.

So, if we now go back and say no, no, no, we're going to exclude the existing street and say it's a full acre and allow this to go in, then that's overriding the sector plan. That is obviously wrong in our opinion. We'd have to revisit the sector plan in its entirety then because that was an agreement between developers, the City and homeowners that were existing out there at the time.

So we'll wait for the attorney to come and to see what he says. Quite frankly, I don't know who to talk to all the time. Talking to the zoning people I got lots of "consider this, consider this". I said, well, who's going to make this decision? Not us. So I guess this Mr. Curran will offer an opinion when he comes down so we'll find out.

I think they have made some changes to the grading plan which I think are significant and appropriate for the development. It goes back to though, the subdivision rules are very clear and they're very good and they're very important. Okay, that's great. Trying to squeeze all the subdivision rules into two small lots and make them meet all the rules is part of the problem here actually. They have to come up with all these drainage plans. And they have to have City lights and everything else has to occur that is far more appropriate for large subdivisions which are existing in the area.

There is one on the corner of Modesto and Barstow. There's one going up between Barstow and Wyoming. There's one just west of Wyoming. They are all big areas completely undeveloped, nothing surrounding. There were no existing streets.

Bring in a full subdivision and do all the work. To try and squeeze all those rules into these small lots is what's causing all these problems. I think the City needs to revisit what's appropriate for a subdivision rule. Is it simply because you divide a lot now you've got to abide by all these rules? It doesn't make a whole lot of sense to me.

The grading height seems to have been reduced significantly, which was one of our primary concerns. There is a subdivision that will look just like this approximately that's on Modesto just east of Wyoming. Six homes squeezed into six lots. If you drive around the area, you see that from everywhere you're at.

It's sitting up so high because of the grading they had to do to bring everything up to level and that's two of the pictures that are in the package that I gave you showing the walls that had to go up to let that occur.

I'm being assured by the plan now that's not going to happen here. That's great. That gives you an indication that trying to squeeze these subdivisions into small spots like this just doesn't look right.

So that is that issue. He seems to have solved the wall issues again. I'm not a civil engineer but I'm trying to read the wall regs about what's legal and not legal. It's very confusing. At least based on our discussions here in the last few boards he has changed the wall plan to bring it down to within required ordinances and requirements.

The last thing comes with the basic suitability issue which we talked about before. I think Mr. Green even offered an opinion on that at the last meeting. When is it suitable to stick a subdivision in amongst an established neighborhood. Again, it's tactically legal to do this. I'm not arguing that point, but then the question of suitability. I make the assumption that, you're right that's in the ordinances. The suitability has to be considered for the reasons that we're stating here. Everybody I talked to seemed to lean towards whatever we can do to make it suitable for subdivision we're going to do.

I'm not sure that's fair to the people that are currently living around the neighborhood. What's suitable for us? So we still have a suitability issue. We don't think it's appropriate to be stuck in there. So the subdivision is not good in larger areas. I know I'm repeating myself. That's why photos 5 and 6 that I put in there show the outline of the current neighborhood in the immediate area.

Regardless if this is rezoned for R-3 or not, you can see how it's developed. It's not R-3, but we're going to still squeeze a subdivision in the middle of all that. Is that really the correct thing to do? Anybody have any questions for me at this point?

CHAIR MATSON: Any questions? (None) Claire, would you tell us who's next please?

MS. SENOVA: Dennis Olona.

CHAIR MATSON: Good morning, would you state your name for the record please and your address.

MR. OLONA: My name is Dennis Olona, my address is 8516 Florence Avenue NE. I too would like to thank you for the opportunity to speak to you this morning. I'm directly back up to Lot 3 on there. I'm north of Lot number 3.

Several years ago, probably from the very beginning when the City annexed these 160 acres, I was very active in participating in some of the meetings that were going on. I was asked at one point, again several years ago, to participate in an advisory board and I was the only homeowner. The rest of the board members were all developers. They asked that I represent an owner in this area. We were developing the sector plan for the North Albuquerque Acres area.

From the very beginning, this lot, the lots that they're proposing to build on, were always one home per acre. Then it went through several changes. We kept on changing and the City proposed high density. But, again, they were saying that there were established homes like Jim just stated on the overview, that there's a lot of houses that have been put up in this area.

So the last meeting, and this was about 2 years ago, I think it was Mayor Baca, we went to Mayor Baca at the time and asked him to make a ruling on the sector plan. He just said one to three per acre. I asked the City at that time what do you think? Is that going to impact us? He said, "no way".

He said most of those houses where you're at and on Glendale have already been purchased by individuals and there's homes going up there. So you being impacted by this would be very... it probably wouldn't happen. So I stopped going and pursuing this thing. That was a mistake because now they're proposing to put a subdivision on two acres. I don't think that was ever envisioned. They looked at the high density or the three on the other streets where there are very few homes in that area. At that time there was probably none and a few have gone up in that area. That's one of the concerns that I have because the original concern was they didn't think that would ever impact us.

The second thing was the Environmental Impact Statement. We have septic tanks and we have wells. The rule on that was a separation of 100 feet between your septic field and your well in order to avoid contamination of the City water. We're not talking about just my contamination on my property. We're talking the City.

This is the City water source and now we're talking about putting several ponds. This is not going to be an isolated development area. There's another house east of this and then another 2 acres and then another house.

I think what we do today, or what you rule on, is going to be something that we set for the future. Right now, we've got a situation where that temporary retaining pond is going to be at least 6 feet, I think is what you're telling me. We've got a drain field, I believe your drain field is right here and I don't know where yours is at, but it could be in the back yard. My drain field, I have a well so right now I'm supposed to put a cap around my well because the situation has changed.

MR. MACKENZIE: Section K is an example of what your situation is against your property.

MR. OLONA: Okay,

MR. MACKENZIE: K is right here.

MR. OLONA: I think it's L.

MR. MACKENZIE: Well L, they're the same essentially. An existing 6-foot wall along your property, that's going to remain as is. We have a new channel that's going to be coming in.

MR. OLONA: This is me right now. Is that going to be the same height then? I'm not saying about the wall. I'm saying on my side of the wall is 6-foot. If this is the wall I'm looking at 6-foot on her side, she's elevated on her side, so the wall is 6-foot here but on her side it may only be 4-foot. Do you know what I'm saying?

MR. MACKENZIE: Are you speaking of her side being our side?

MR. OLONA: Yes. Okay.

MR. KRENIK: No, on our side of the wall it will be 6-foot.

MR. OLONA: The only concern that I want to express is that, on your side, it still will be 6-feet even if you add dirt or whatever.

MR. MACKENZIE: If you look at section K, the grade is this line right here. It's the same on both sides except for the channel.

MR. OLONA: Okay great. I think the wall will be brought up too because I know that some of this wall is not on the property. It's on the owner's side. I don't know if that's an issue too.

CHAIR MATSON: What do you mean?

MR. OLONA: This back wall.

CHAIR MATSON: The existing wall?

MR. OLONA: Yes. I put it on my side of the line.

CHAIR MATSON: Okay.

MR. OLONA: Does that affect what they do or not?

CHAIR MATSON: If it's within your own property then it shouldn't affect what they do.

MR. OLONA: Again, the intent has always been 1 house per acre. That was what we were told and we kind of went along with that. I feel that the drainage problems going to that. We have to do another sector plan to insure that the water is not contaminated. That's it.

CHAIR MATSON: Who is next, Claire?

MS. SENOVA: Laura Turon?

CHAIR MATSON: What I would suggest of the remaining people, if you have the same concerns as the two guys who have already spoken, if you'll just briefly say that. I don't think you need to repeat everything.

MS. TURON: Right. I'm not a very technical person. I'll just talk about the emotional side of the suitability issue. Laura Turon, 8700 Florence NE. I'm about 3 lots northeast of where they are building. The suitability issue, it's just not appropriate. It's one house per acre everywhere you look. You can stand in my driveway, look around 360 degrees and there's one house on every acre lot. This is just horrible that they would do this. It just upsets me because it just seems like it's all about greed. You could build one house on each lot and still make a lot of money and that's how it's supposed to be.

When we moved there, we got information from our realtor telling us, it was from the owner's before us, who said it's one acre per lot all around us and that's how it is everywhere you look. We don't want the traffic. I don't want the streets. I don't want the lights. Right now we have a great view which, when you have all the extra lights and all the extra houses, it's just going to be too much. I like the privacy.

I don't like all the people. That's why we moved out there. That's why everybody moves out there. I just don't want any of it and that's all I have to say.

CHAIR MATSON: In response to your issue about one house per acre, I understand where all of you are coming from. However, I think that you also recognize that the zoning that is there now allows three dwelling units per acre. Even though it's not what you prefer. The Development Review Board doesn't have the authority to require them to do one house per acre versus three houses per acre.

If we would do that, then they would appeal it and they would win because the zone code is what overrides. You're right about the La Cueva Sector Plan overriding those portions of the zone code that are different.

We're punching holes in the subsurface where we have the possibility of getting some contamination in the City water.

I work on Sandia, the Department of Energy, I worked there in the environmental field at one time. We have some monitoring wells that we are finding that the City is pumping contamination that is not supposed to go that way. Water is supposed to go downhill. Because the aquifer's dropping at such a tremendous rate, those wells are being pumped. The water is being pumped uphill okay or towards a source that we never thought would happen.

Now the Indians are developing a resort and a golf course and they're going to be pumping lots of water.

Again, the conditions have changed. It's true they're going to bring up sewer and water but I've got a drain field here. They've got a drain field there, we have four drain fields that are probably about the lowest part of this pond. As you stated, it drops from east to west.

I haven't seen the drainage plans but there is that possibility and I feel because the conditions have changed that they should be told to do another environmental assessment. They may have to put a liner on this thing to avoid that but again in other developments they do have drainage plans. Those are for major, you're talking, lots of acres. You're not talking 2 acres here.

Like Jim has stated those sector plans or the ordinances that were developed were never intended to be on small lots like this. I think there needs to be a new definition of a subdivision. Is two acres a subdivision? Or is it 5 or 10 or 15 whatever that might be. I think we're violating some of the ordinances and the standards that are in place today because conditions have changed.

CHAIR MATSON: Dennis, can you tell me specifically what ordinances you think we're violating?

MR. OLONA: Well, I think, again, it's the Environmental Protection, the Clean Water Act, not the clean air, but it's probably the Clean Air Clean Water Act. That's what I would look at because right now we've got a situation that is different then the original environmental plan showed. That's a concern.

The other concerns that I have is that wall. I didn't look at the wall and that was a concern before. I paid for my wall and, unfortunately, I wasn't able to share the cost with the developers either. I have a 6-foot wall that's what the City Ordinance is. I don't know if they plan to raise the elevation or keep it the same. Will that wall be 6-foot on my side? I know it will be 6-foot on your side, but will it be 6-foot on my side? That's my concern. Are you going to raise it? Didn't you say that you wanted to have a 1-foot drainage on Glendale, it was going to go 6-foot?

We'll get to the issue of what the real size of those lots are here shortly. But I just wanted to tell you that I empathize with where you're coming from. But, because of the fact that the zoning allows 3 du's 1 acre, there's really nothing that we can do about that.

MS. TURON: Then there's something about the suitability though, where it just doesn't blend with the area. If you look at pictures of the area, it's just one house per lot and it's just open and spacious. It's not like that. It just would be kind of an eyesore I think.

CHAIR MATSON: Suitability in the Subdivision Ordinance is directed towards objective things rather than subjective. Unfortunately, aesthetics is more of a subjective opinion rather than where the ordinance is coming from. I don't know if it helps or not, but I'm sure all of us understand where you're coming from.

MS. TURON: I said I was emotional, not technical.

CHAIR MATSON: I've told many people and unfortunately it's usually too late by the time I tell them, that realtors and developers, no offense, will sometimes tell prospective homeowners or purchasers what they want to hear and not what's really true. So, sorry.

MS. TURON: I know.

CHAIR MATSON: Who's next Claire?

MS. SENOVA: Sandra Phillips?

MS. PHILLIPS: Sandra Phillips, 8600 Florence. I'm just here in general in opposition. My husband is Jim Phillips and he pretty much stated how we both feel and how the neighborhood feels.

CHAIR MATSON: Okay, thank you.

MS. SENOVA: Larry Millington?

MR. MILLINGTON: My name is Larry Millington and I live at 8508 Florence. I have the same beliefs and thoughts as the other neighbors. I was under the impression that the sector plan was to prevent areas like this. It was to get some kind of uniformity in the zoning and the houses in North Albuquerque Acres area. It's such an unusual area where there is horse property next to residential and it was trying to make some uniformity in the residential area out there. I've always been aware that it's been 1 to 3 houses per acre. I never would have thought that some developer would come in and try to force 3 houses on 1-acre lots. I'm just here to support the other neighbors and give you my thoughts.

CHAIR MATSON: Okay. Thank you.

MS. SENOVA: Diane Owens?

MS. OWENS: Diane Owens and I live at 8601 Glendale Avenue NE. I have the house that is directly east of the two lots, Lots 27 and 28, I'm on Lot 26. I realize that we can't fight the zoning enforcement, but I think Lewis Rawson is going to speak next. He's got the La Cueva Sector Plan which shows that the number of dwellings per acre is based on the net acreage. The gross acreage less the road easements.

The engineers have figured that they've got the 2 acres based on going all the way to the middle of Glendale. I think a normal person would realize that is not the intent of when they figured the dwellings per acre to be figured including the middle of the street. They have got a plan for 6 houses on the 2 acres. If you went on that acreage they don't have 2 acres. So the max they could do would be 5 houses. I think when the zoning was made to do the 3 dwellings per acre. I don't think it was the intent to, in this case, where you would have a max of 5 houses on the 2 lots, have 3 houses on one part and 2 on the other side, even if they changed it to do it that way.

A comparison analogy would be having 20 houses that were zoned eligible to do 20 houses on 5-acres and you put 15 houses on half of that and only 5 on the other half. I would like to see that they do 2 houses on each side. Or 1 at the end of the cul-de-sac and then the 2 on each side to go along with the 3 dwellings per acre, or do the max of the 5 houses.

As I spoke before at the previous public hearing, when I got my wall, I had to go with requirements that City Zoning has and that's the 3-foot height and 20-foot from the property line. Not the road, from the property line. I wasn't here prior to the public hearing to see what changes they made on the wall. If they're going to make any changes on that. The last meeting that we had they were wanting to put a 5-foot wall right next to the road. I don't think that is in accordance with the City zoning. Can you explain that?

MR. MACKENZIE: These sections, we have the plan right in front of you and you can take a copy home with you. Your property is from section H up to J and we've got section H, I, J identified on the plan and H shows your existing approximately 2-foot wall in front, which is right here. Then you go to I, further north on your property line and we have a 2-foot wall shown there as well. In each case, we have a 6-foot wall behind your 2-foot wall and so that's 6-feet relative to our property and 4-feet relative to your property. So you'll see a 4-foot exposure in addition to your 2-foot exposure. So approximately 6-feet of exposure when you're looking at it from the east side being your side. I'm sorry, she'll see 4-feet.



When you go to J, which is your back wall, that on our side remains unchanged. We're going to go to 3:1 slope down and not have 2 walls like you indicated before you'd prefer not to have. This is our latest plan with relatively minimal impact.

Then we have at the very front we have a wall setback in accordance with this plan right here to show how we're less than 3-feet high in the front and then it's going to taper back to the higher heights that we have listed here.

MS. OWENS: So I understand your 6-foot wall is going to be 2-feet from my 2-foot wall?

MR. MACKENZIE: On this drawing here it's not to scale, but it's going to be approximately 2-feet away from your wall.

MS. OWENS: I don't know where this fits in the zoning but that's the 3-foot height requirement and 20-feet from the existing right-of-way, if that complies with that, I ask the City to look at that and see if what they're proposing does comply with the zoning.

The last time I was here and I didn't bring it with me, but I had the specifications from a person upstairs with the zoning enforcement where it specifies the height and the feet from the road. It is in the code and the federal regulations.

MR. GREEN: That is what Sheran is confirming with their wall submittal.

MS. OWENS: Like I said, I didn't bring it with me, but there is a section that speaks about, if a backyard of a property adjoins to the front yard of an existing property, which would be the situation in these. These 3 houses back yards would adjoin to my front yard.

MR. GREEN: Correct.

MS. OWENS: It speaks of that. That's what I have to say. I don't see how this plan as it is with 6 houses can pass according to the La Cueva Sector Plan. As I said Lewis Rawson has the section of that La Cueva Sector Plan that shows that.

CHAIR MATSON: Who is next Claire?

MS. SENOVA: Lewis Rawson?

MR. RAWSON: I'm Lewis Rawson of 8421 Glendale. I guess you can tell this is emotional. So, thanks for bearing with us all. I have just the two issues. I have spoken with Mr. Bingham regarding the height of the wall on the west side and you expressed to me that they were going to change the grade from 8-feet down to 3-feet?

MR. BINGHAM: Not to 3-feet.

MR. RAWSON: You were looking at 3; I think is what was said. Was there some determination as to what was going to happen on that?

MR. BINGHAM: There's the plan in front of you and I would like the agent to explain that to you the best he can.

MR. MACKENZIE: We have a drawing. Like I mentioned before, you can have a copy, that shows 8 wall sections along your property line. We acknowledge that we have in front, to comply with a maximum 3-foot wall height within the first 10-feet of your property. That's what we're going to do here. Beyond that we have sections A through G and this is our proposed wall section at G, which is the southwest corner. Then as you go up your existing wall is 6-feet high and we have a retaining wall plus a 6-foot wall along F, which is located right here that is going to be at elevation 99.95 and yours is at 92 so that will be an 8-foot differential between here and your exiting grade. If you take out your wall which is 6-feet, there will just a couple of feet showing right there.

MR. RAWSON: Okay.

MR. MACKENZIE: As we go back, to other sections here at the northwest corner, we have a 6-foot wall similar to yours. It is a retaining wall and, then from that, we have a channel that's going to convey water and then, as you go into our property, there's going to be a 6-foot privacy wall offset approximately another 6-feet. Beyond your wall you will see that 6-foot garden wall.

MR. RAWSON: Okay, my 6-foot wall and then another 6-foot wall on top of that. That's 12-feet. How much are you going to raise the grade?

MR. MACKENZIE: 6-feet.

MR. RAWSON: So you're going to increase the dirt 6-feet high, put another 6-foot wall on top of that.

MR. MACKENZIE: That's correct. We have a 6-foot mandate to drain this corner of the property, being the northwest corner, out to Glendale. Then the City regulations specify that we need to have another 4-foot offset if we are to build another wall behind that. It's not one wall on top of another. It's offset. We're doing 6-feet. The minimum is 4-feet so we're off setting it back for every foot that we go higher.

MR. RAWSON: While I appreciate that, I understand that the Subdivision Ordinance states that new development has to conform to existing topography and not adversely impact the adjacent properties. I would still say that 12-foot high above our property line is still adversely impacting it.

The other issue I want to point out or bring up, is that, and this may have been brought up already. I spoke with the woman who helped write this La Cueva Sector Development Plan. She either assisted in it; I think her name is Ellen Concini? Is that the right one?

CHAIR MATSON: It should be Carmen Marrone, I think.

MR. RAWSON: Okay, I'm not sure. I spoke with a number of people. So you'll have to bear with me. In any case, they told me that on page 26 of the La Cueva Sector Plan, it specifically states that the RD developing residential zone "maximum densities for acres zoned RD are established for zoning plan. Densities are based on gross acreage of the lot which is measured from property line to property line excluding existing public right-of-way and/or perspective roadway easements". She told me they specifically put that in there to prevent this type of development occurring within a 2-acre span. This is not what they intended when they did the RDU 3 acre verbiage. So they specifically put this in here, so they could not include that. So the maximum amount of properties for this type of development would be 5 and not 6.

CHAIR MATSON: That whole decision is depending on what the determination is on the lot sizes which I'm sure everybody realizes.

MR. RAWSON: Sure, of course. That's what I have to say. My concern would be the increase in the acreage, or the dirt and the zoning issue. Thank you.

MS. SENOVA: Lena Eddings?

MS. EDDINGS: Lena Eddings and I live at 8620 Florence NE. We've all reiterated quite a bit and so I'll try and keep this brief. I completely concur every homeowner needs to have their own responsibility for where they're moving, what the affect is, what the surrounding property, especially when there's vacant property. When you go in an area and you build a home where there's a lot of vacant land, it's a good idea to know what the possibilities are around you.

Having said that, I do believe that rules, zoning, are written up so that there is some sort of planning, if you will, for lack of a better word. However, sometimes zoning no longer applies, or certain rules no longer apply exactly as intended because the public mandated a different situation. Which is what has happened out there. I'd like to point that out. It's maybe my naïve hope that these forums are not just a formality between City personnel and developers but in actuality to let the public be heard and actually maybe even say 'hmm, maybe we should rethink this'. That's why we're here. We believe it's our responsibility to come out and say, "hey, that's not what's going on here". And I'm hoping that you all think it's your responsibility to stop and rethink everything. Maybe we need to come back and appeal the actual zoning.

In addition to that, I would like to add that we talked to; I never had a chance to talk to Ellen Concini, very hard to get a hold of somebody upstairs. We did actually talk to Jack, and I'm going to mess up his last name, Basye. He read through the zoning rules and he questioned it. He said, you know as I read it, he said, the acre should not include the right-of-way in the road. So as he saw it, it was 5 homes on these two lots. That's all I have to say.

CHAIR MATSON: Okay, thank you.

MS. SENOVA: That is all of the public who have signed up.

CHAIR MATSON: Is there anyone else that wanted to speak that hasn't had a chance to sign up?

MR. PHILLIPS: Can I follow up on something?

CHAIR MATSON: Sure, come up to the microphone.

MR. PHILLIPS: Jim Phillips. You mentioned that part of your function here is to make sure that City rules, regulations and ordinances are followed and that if the developer meets that requirement. Then we go ahead. I understand that. I still, on both cases, to allow variances or changes that make sense you have the authority to do as well as say it doesn't make sense. Within our own planning regulations, I'm going to attack this suitability thing again.

CHAIR MATSON: Okay.

MR. PHILLIPS: It says "no land shall be subdivided which is found to be unsuitable for" lots of reasons you know, "flooding, poor drainage" that's subjective. "Adversarial conditions" that's subjective, "unsatisfactory topography" that's subjective. You get down to the other conditions like "likely to be harmful to the public health, safety or general welfare". Again subjective. That's it within your purview. Someone has to make that call and say it's suitable. You can say we determine it is suitable and make such call that we would not like. But you also have the power to say that it's not suitable. Which the developer wouldn't like.

Someone has to be able to make that decision here as opposed to just saying, yes they meet all the rules we're going ahead with it. There is a suitability issue. The welfare issue is the biggest one we're really attacking here. Our welfare is being affected by this subdivision. Not only financially but emotionally. That should be considered. It is supposed to be considered and it should be considered as part of your decision. That's what we're asking. Thank you.

CHAIR MATSON: In my reading of the Subdivision Ordinance when it talks about "public health, safety or general welfare", it's talking about a more broader interpretation than a neighborhood, unfortunately.

The rest of it says "unless such unsuitable conditions are corrected or mitigated to the satisfaction of the City". That's why we are here today is to see whether or not we can have that happen. At least appease some of your concerns because development is going to happen and I think you all realize that. We're trying to work with the developer. We're trying too to make it as least objectionable as possible and recognize the fact that the zoning is 3 du's per acre. Did the agent's have any comments they want to make?

MR. MACKENZIE: We have nothing further to add.

CHAIR MATSON: We'll turn to Kevin Curran, who is the Assistant City Attorney, and ask him what his opinion is on the size of the lots.

MR. CURRAN: Madam Chair, in my opinion, these lots that were platted in North Albuquerque Acres starting in the 1930's were platted with road easements on them. I'm not going to make an opinion on the size of the lot, what I'm going to do is I'm going to opine on the status of the roadway.

According to the plat, each of the lots goes to the centerline of each of the streets that adjoins it. However, encumbering that street is an easement in favor of the City. The easement is for road right-of-way purposes. It's also part of the City's regulations that, when a property comes in for subdivision platting, the City requires that easement to be turned into a fee simple right-of way pursuant to the dedication on the plat. Even though currently the City has an existing road right-of-way easement pursuant to the subdivision platting action that road easement would become a fee simple right-of-way. That's under the City Subdivision Regulations and I'm assuming that's what's going to happen in this case. The road right-of-way that is currently an easement will become a fee simple piece of property in favor of the City. It will no longer be part of this lot. Now I don't know if that explanation helps or hurts as far as the lot size or what can be developed. That's the legal status of the road.

CHAIR MATSON: Mr. Curran what I'd like to do is read you a sentence from the La Cueva Sector Plan, it says, "densities are based on gross acreage of the lot which is measured from property line to property line, excluding existing public right-of-way and/or prescriptive roadway easements". In your opinion are the roadway easements prescriptive or not?

MR. CURRAN: In my opinion, the acreage of the lot has to be minus the road right-of-way. Those easements that the City has are not prescriptive easements. They are validly granted pursuant to the 1931 plat.

CHAIR MATSON: So, then, if we take that opinion, then, our conclusion should be that these two, one-acre lots are, in fact, not one-acre lots?

MR. CURRAN: They are one-acre lots as shown on the plat. However, under the language of the La Cueva Sector Plan, the right-of-way has to be subtracted from the gross acreage of the lot. It doesn't matter whether or not the right-of-way is in the form of an easement or fee simple dedication. It needs, under the La Cueva Sector Plan, under that language that you've recited; it needs to be subtracted from the gross acreage of the lot. Questions or comments from the Board?

CHAIR MATSON: Thank you. Anyone have any comments on the Board? Does the agent have any questions or opinions they'd like to express?

MR. MACKENZIE: I'd like some clarification on Kevin's ruling. I'm looking for grant language on here. Are you finding some grant language on here or are you going by the figure regarding the appearance of the road?

MR. CURRAN: It's a valid question. I can find no grant language on the plat. The ruling, or my opinion, comes from New Mexico Case Law. In 1931 when this property was platted, there was no State Statute that applied to dedications within the County. Shortly after this property was platted, some cases went to New Mexico Supreme Court, in which the Supreme Court said that, even though there is no dedication language on a plat, if there are roads shown on the plat and they are intending to be public roads, we're going to treat that as a dedication.

So that's why the roads shown on this 1931 plat even though there is no dedication language. They're considered to be dedicated pursuant to the New Mexico Case Law.

MR. MACKENZIE: I think, given this opinion, or I guess it wasn't an opinion, an official opinion, that we should defer and perhaps get more of a clarification on this because I think we have some question about that. That should probably be something that we could resolve between now and the next hearing I think.

CHAIR MATSON: When did you want to defer to, the first hearing in January or sooner than that?

MR. MACKENZIE: Yes.

CHAIR MATSON: Is that January 5, Claire, the first hearing in January?

MS. SENOVA: Yes, that is the 5<sup>th</sup> of January 2005, and folks, this is your notice of that hearing. Same time, same place.

MR. PHILLIPS: We may keep going like this. Is someone going to decide if it's an acre or it's not an acre? Who is that person?

CHAIR MATSON: He gave his opinion. Everybody has their opinion. It's up to the Development Review Board to decide whether or not this preliminary plat will be approved based on, I guess what our opinion is, after we listen to everybody else on the size of the lots.

MR. PHILLIPS: Shouldn't it be something more than an opinion? It should be official, that's it? This is going to come up again and again. In fact, there are some existing developments that are affected by this.

CHAIR MATSON: If DRB at this particular time decides to approve the preliminary plat with 5 du's or approves it with 6 du's, that certainly is going to set some precedent in terms of our future rulings. Unless something happens to change that opinion in the future.

MR. PHILLIPS: My concern is, if the developer comes back to the next hearing and somehow has more documentation that starts to sway you in that direction, then I think the neighbors will ask for a deferment until we can go, and this is why this is going to go back and forth, ping-ponging until we have a clear way to do this. I would think the City Attorney's opinion is binding. So I don't know why...

MR. CURRAN: If I might speak to that. The City Attorney's opinion is the City Attorney's opinion. That doesn't mean it's hard to classify it as other than that. That doesn't mean the Development Review Board has to agree with the City Attorney's opinion. It's not the law. It's an opinion.

I would suggest to the Board, that regardless of how you rule on this subdivision plat, I would suggest that you make a finding either if you deny or approve, make a finding on the size of these lots. Specifically, put that in the approval or the denial.

MR. PHILLIPS: Okay, I understand your position. Are you going to put your opinion in writing for the record?

MR. CURRAN: If the Board wishes me to do that certainly.

CHAIR MATSON: Yes, that would be helpful.

MR. CURRAN: Okay.

MS. OWENS: Diane Owens, I request that at the next hearing, if this is going to be deferred, that we get somebody from La Cueva Sector Plan. You yourself said the La Cueva Sector Plan overrides any City zoning. The person who wrote that stipulation that they have a say in it also.

CHAIR MATSON: I have talked to Carmen Marrone about this subject. I guess we can certainly get her down here at the next hearing. She said exactly what the sector plan says. That it needs to be exclusive of public right-of-way or easements so depending on what DRB decides that's the way that it will occur. We can certainly get her down here. But she states her opinion is exactly what's in the plan because that is what they intended.

MS. OWENS: We have some misunderstanding here as to why the Development Review Board can't make a decision based on what it says in black and white in the La Cueva Sector Plan saying it does not include the road easement. The City Attorney's opinion, he just stipulated that it does not include the easements so I don't why we need to defer it or what more information is going to be a value to that.

CHAIR MATSON:

The Development Review Board will make a decision. I believe that the last time we deferred this a couple of weeks so that you folks could have some time. So now I think because they [the agent and developer] are just aware of what the Assistant City Attorney said, I think it's only fair that we allow them some time too. Plus, it's important for the DRB to have all the information possible before we make our decision, so that's why. Okay?

MS. OWENS: Okay.

CHAIR MATSON: Does anybody else have any questions? Mr. Curran?

MR. CURRAN: One suggestion, Madam Chair, if the La Cueva Sector Plan is going to be instrumental in this decision, I would strongly suggest that it be made part of the record at today's hearing, if it hasn't already been put into the record.

CHAIR MATSON: Mr. Lewis Rawson did make the specific page a part of the record and read it into the record. Thank you. I guess we'll see you on January 5, 2005. Did you have another comment, Mr. MacKenzie?

MR. MACKENZIE: I just wanted to thank you for being patient on this. This has been a lot of work for you folks and you've bent over backwards especially Brad, to get those grading plans approved and reviewed. We're just trying to get this thing done. Thanks.

CHAIR MATSON: Your welcome. I guess we'll see everybody on January 5, 2005.

The following action was taken:

The above request was deferred at the agent's request to January 5, 2005.



**DRB MINUTES FROM THE JANUARY 5, 2005, DEVELOPMENT REVIEW BOARD MEETING.**

1. **Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] *[Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05]* 04DRB-1570 WAS WITHDRAWN. (B-20) **DEFERRED AT THE AGENT'S REQUEST TO 1/12/05.**

NEITHER THE APPLICANT NOR THE AGENT WERE PRESENT.

The following action was taken:

**The above request was deferred at the agent's request to January 12, 2005.**

**DRB MINUTES FROM THE JANUARY 12, 2005, DEVELOPMENT REVIEW BOARD MEETING.**

1. **Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] *[Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05]* 04DRB-1570 WAS WITHDRAWN. (B-20)

**PERSONS SPEAKING ON BEHALF OF THE REQUEST:**

Greg Krenik, Mark Goodwin & Associates, P.O. Box 90606, 87199  
Scott Ashcraft, Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102

**PERSONS SPEAKING IN OPPOSITION:**

James Phillips, 8600 Florence NE, 87122  
Sandra Phillips, 8600 Florence NE, 87122

Larry Millington, 8508 Florence NE, 87122  
Lewis Rawson, 8421 Glendale NE, 87122  
Laura Turon, 8700 Florence NE, 87122

CHAIR MATSON: We are now on Item 1, Project #1003520, Benjamin Place Subdivision. Good morning.

ALL PRESENT WERE SWORN IN

CHAIR MATSON: If the agent and the applicant will state their names for the record and tell us why you are here today, please.

MR. KRENIK: We were deferred because of, I guess it would be the du's per acre issue. We've since revised the project to be 5 du's instead of the 6 that was originally shown.

CHAIR MATSON: Okay, we'll go to public comments. James Phillips?

MR. PHILLIPS: Is it possible to see the revised plat?

CHAIR MATSON: Here you are. You can take a look at this one if you want to.

MR. KRENIK: It's essentially the same layout except these two lots were made into one.

MR. PHILLIPS: There's no difference. Okay. I'm Jim Phillips, 8600 Florence Ave NE. We're here again. We've addressed a lot of the prior issues. I'd like to go back to the grading issue again if I could.

The best way to say this is, I know you guys don't have time to go out and walk these lots or look at them. All you are doing is looking at drawings. If you can picture in your mind that these lots not only slope dramatically from east to west, they slope dramatically from the street, south to north. They drop a full, I think 8-feet. What that does is, you're creating a subdivision that's going to float above everything in the area. It's going to destroy the aesthetics of the area. It's going to destroy bike use in the area. That's why you have ordinances that says sudden grade changes are not acceptable.

Again, it goes back to the point, the topography doesn't allow or shouldn't allow this thing to go in the way it is. It's a two edged sword because you've also stated that they must comply with all subdivision regulations. So you're going to make them comply with all the subdivision regulations which require them to bring in all this fill to basically level these lots to one height at the same time requiring them to do that to meet your subdivision regulations. At the same time it's going to create all these walls, this floating subdivision, this drastic grade change.

It seems to me something's got to give and I'm not sure it should be the fact that we're going to have this drastic grading and this complex or compound floating above everybody in the area.

Why isn't there a way to waive the subdivision regulations so he can build a little bit lower? That's a question.

MR. DOURTE: I'll let Greg reply to that.

MR. KRENIK: I can't answer to the regulations. The project isn't floating. It's only "floating" in that one corner. The eastern side of the subdivision is lower than the property to the east. The only area that is above grade is in that northwest corner. Everything else is at grade or below grade.

MR. PHILLIPS: To the perspective of the neighbors there to the north of that corner, to the north and west, it is going to be floating. I mean there is a very similar development on Modesto. It's just like this. Those neighbors are up against a 16-foot wall with houses sticking up above even that. So from their perspective, it's clearly floating well above.

MR. KRENIK: Right, just in that corner.

MR. PHILLIPS: If you didn't have to comply with all these drainage rules, would you have that thing sitting up there that high? You wouldn't have to.

MR. KRENIK: We wouldn't have to, but in order to get things waived, you have to get a drainage easement from all the downstream property owners which means we would have to get an easement from the property owner to the west. He would have to get an easement from the property owners to the west of him and so on and so forth, down until the water.

MR. DOURTE: Greg, may I intervene here. The northern edge of your site is above the existing ground. Everything has to drain to the street, sir, essentially to the storm drain in the street.

MR. PHILLIPS: Well there is no storm drain now.

MR. DOURTE: To the future storm drain. That is for safety reasons; we don't want to be flooding anybody downstream.

MR. PHILLIPS: There is a natural arroyo that runs through there now not to flood anybody.

MR. DOURTE: There are no conditions. Even a natural arroyo you cannot drain to unless everybody downstream agrees to let you drain down there. My question is, have you looked at any scenario to lower that end of the subdivision?

MR. KRENIK: This is the third addition of lowering that corner.

MR. DOURTE: Okay.

MR. KRENIK: The original grading plan of that corner was 10-feet above grade. I've lowered it twice since then.

MR. DOURTE: What enabled it to be lowered? Was it the location of the catch basins?

MR. KRENIK: We added that channel behind the wall and drained the backyards. Instead of draining the backyards to the front of the house, we drained the pads and the backyards to the back and added that channel. So the houses drain to the backyard and not the front yard.

MR. DOURTE: So you've looked at moving the catch basins as far to the north as possible so that you could keep the grade as low as possible.

MR. KRENIK: I did not slope the cul-de-sac all the way to the north. I don't know if we can get the drainage to tie back into the storm drain that's going to be out in the street if we go too much lower. The storm drain out in Glendale is that large 72-inch to 78-inch pipe and we can't tie into the pipe itself. We have to tie into the "T" manholes which are going to be a bit on the shallower side than the invert of that pipe.

MR. DOURTE: Okay. It looks like the grade of the pipe that's eventually going to be in Glendale is a constraining factor on the grading of your subdivision.

MR. KRENIK: That and being able to drain the back corner property out. The way it's set up now is we're accepting flows in two locations from the properties to the northeast and to the east. That water we are passing through that pond right now and the water coming from the northeast corner we are taking that through a channel into the street. Then it runs out to the inlets and then in through the pond. In the future that will go into that storm drain. What we did is we put a water block at the entrance and then sloped up at 1/2%.

MR. DOURTE: You've got a 6-foot fill on one side, or is it 5-foot, about a 5-foot fill on one side and then you've got a 4-foot cut on the other side?

MR. KRENIK: That's about right. That's what happens with the properties that have like a 4 to 5% cross-slope across all those. You're lower on one end and you're higher on the other end. Which is to show, for example, the existing property to the east of us built a retaining wall on their west end. The property to the west of us has a small retaining wall also. So what they did is nothing different than what we're doing.

MR. DOURTE: I just wanted to make sure everything was looked at before a grading plan gets approved. So you lowered it originally from 10-feet down to about 5-1/2 feet, 5-feet.

MR. KRENIK: That's correct.

MR. DOURTE: Okay sir, you can continue if you wish.

MR. PHILLIPS: You made a comment about having to get easements on property downstream but as individual homeowners we didn't have to do that.

MR. DOURTE: Right.

MR. PHILLIPS: So again we go back to the fact a subdivision requires that.

MR. DOURTE: The ordinance does require that.

MR. PHILLIPS: Again I ask the question, are there ways that the subdivision rules can be...

MR. DOURTE: No, the Subdivision Ordinance does not give an exception method. When you come in and you do a subdivision versus a single lot, you need to comply with the Subdivision Ordinance.

MR. PHILLIPS: Okay, that's our basic point.

MR. DOURTE: The ordinance requires these drainage requirements and there is no means for a variance to that.

MR. PHILLIPS: Right, then that would tell me the subdivision is inappropriate for this area if there is no way that you can work through this.

MR. DOURTE: Well, there is a way and it's being done. You can get it to drain in accordance with the ordinance.

MR. PHILLIPS: By building the grade up significantly about the homes around it.

MR. DOURTE: That's right

MR. PHILLIPS: So do the neighbors that are affected by this drastic grading, are there considerations here for them?

MR. DOURTE: They need to comply with the ordinance. These gentlemen need to comply with the ordinance just like every other subdivision does.

MR. PHILLIPS: The point again is...

MR. DOURTE: I don't believe, and I guess I'll go to Sheran, that there is a requirement for. I don't know. What are you basing...you are just saying that this subdivision should not be developed because it has a retaining wall?

MR. PHILLIPS: In your rules and regulations, ordinances, it talks about suitability of sites for subdivisions. It goes through all kinds of lists about what is suitable and not suitable.

MR. DOURTE: Right.

MR. PHILLIPS: So, at some point in time, you would have to say, is it suitable? If you've got to do drastic grade changes and get variances for walls and things like that, then, at some point in time, you would say maybe it's not suitable. That's our point.

MR. DOURTE: The thing is, this Board is a technical board. We look at the technical aspects. Can it be done? Yes, it can be done.

MR. PHILLIPS: Well, that's why the public is allowed to comment on the fact that the site is not suitable. If that's not anywhere in your decision process then what board would make that determination?

MR. DOURTE: If there is an objection to this, all appeals go to the Environmental Planning Commission.

MR. PHILLIPS: In advance, we will be appealing to that because I see where you're going with this decision right now.

MR. DOURTE: Okay.

MR. PHILLIPS: The other part of this too, is you walk out there and you look at all the homes that are sitting there now. There are no sidewalks. There are no street lights. Yet, we're going to force a subdivision compliance to put those things in. It doesn't make any sense. Sidewalks to nowhere. One street light all by itself in the middle of the desert. Well, because the subdivision rules require it. That doesn't make sense. It doesn't fit with the environment. But you're telling me, to bad, it's in concrete. It's black and white, it's got to be done. That doesn't make sense.

CHAIR MATSON: Just so you'll know, the applicant and agent did apply for a variance which allows them to eliminate the sidewalk along Glendale Avenue.

MR. PHILLIPS: Okay.

CHAIR MATSON: So that's before the Board. That's something new that I don't think you knew about.

MR. PHILLIPS: We didn't.

MR. DOURTE: That is something that's coming up later.

MR. PHILLIPS: Let me talk about something that's sort of related to this. When the La Cueva Sector Development Plan was developed, it was done so with a lot of people and a lot of effort. This is why we feel put upon. This is why I'm going down this path. It said, we want increasing, the City wanted and there was an agreement or at least a buy-in, the City wanted increasing density as it approached the County line. Which is 1 du per acre. That's why the La Cueva Plan was developed, where it went from 7 3 du's per acre to 3 to 1. It all kind of made sense. There was a lot of disagreement but finally everybody said fine, that's the way it's going to be.

So you drive around this area now that's supposed to be 3 du's per acre. There are 4 new subdivisions in the immediate area that are on property, 3 du's per acre. One is selling lots at a quarter-acre lot homes. There's a brand new development on Barstow and Modesto that's got 7 lots and 43 home sites. It was originally 3 du's per acre. There's the one on the south, on the northwest corner of Barstow and Modesto that's got quarter-acre lots. So everybody's been able to come in and say, yes, that was a great plan. But we're going to get a variance and we're going to get approval for it and that was done.

So what good is the La Cueva Sector Development Plan? I don't know if you all were involved in all that. I guess the DRB at some point is. Is that correct?

CHAIR MATSON: Yes.

MR. PHILLIPS: The plan is trashed. This is not an exact example of this, but that's why we're in here talking about this. All that area now is no longer being developed the way the La Cueva Plan envisioned it. Someone needs to step up to the plate and say, this has got to stop.

CHAIR MATSON: The La Cueva Sector Plan, I am sure that when it was adopted, the DRB did take a look at it. I wasn't here then. One of the DRB's roles is to make a recommendation to EPC on the La Cueva Plan. We've had, unfortunately, different representatives for the Planning Department, over the period of time that the La Cueva Plan has been in place. Apparently, all of us were not as diligent in trying to make sure that the du's per acre were upheld. I'm trying to do that now that I'm here. So any mistakes that were made in the past won't be repeated. However, the La Cueva Plan does allow these 5 du's for these 2 acres.

MR. PHILLIPS: We're just concerned about the grading issue and the excessive walling that we think is going to occur.

CHAIR MATSON: The wall has improved significantly from the first submittal that I saw. It's still not perfect. I agree with you and I understand your concerns, I really do.

MR. PHILLIPS: That's part of our issue too. Had we not shown up at this first hearing, where are we at the fourth hearing, they'd be breaking ground on all that stuff right now. We have all now agreed, it's probably in violation. Okay. I kind of wish the City would be our representative in this case, as opposed to supporting the developers, which is what apparently has happened in Window O or P or whatever it is.

CHAIR MATSON: I disagree a little bit with that. I think that what our role is, as City representatives, is to make sure the plans and ordinances are upheld. Unfortunately, we're human like everybody else, and there are some mistakes made. We're going to try and correct that from this point on. That's the best we can do. I wish we could go back and correct some of those other errors but it is too late. Once they get their preliminary plat approved, then they pretty much have property rights to go ahead and develop.

MR. PHILLIPS: That's my next question. What good is an appeal?

CHAIR MATSON: Well, because the preliminary plat is approved, but if it's appealed, the developer can't go any farther with developing the project until that appeal is over. The Development Review Board cannot approve anything further on the project until that appeal is over.

MR. PHILLIPS: Of course, the appeal mainly deals with the grading and the walls. Those will go up with preliminary plat approval.

CHAIR MATSON: No. Once you file that appeal, the agent and applicant are notified and they are not to do anything further.

MR. DOURTE: That's right. They are not granted any permits to do construction until the appeal has been rectified.

MR. PHILLIPS: Okay, that's all I've got.

CHAIR MATSON: Sandra Phillips?

MRS. PHILLIPS: I don't have anything to add right now.

CHAIR MATSON: Larry Millington?

MR. MILLINGTON: Larry Millington, 8508 Florence and I don't have anything more to add.



CHAIR MATSON: Mr. Rawson?

MR. RAWSON: I'm Lewis Rawson at 8421 Glendale and I'll be brief also. You made the statement that we're complying with the La Cueva Sector Area Plan now, but in reality we're not. We are complying with the grading and drainage but we're violating the suitability issues, which I understand are objective.

My real question to you is the appeals process, and maybe this isn't where we voice this question, but I believe you're probably going to accept this plan as it is and how do we appeal it? Who do we go through to do that? Do you give us the stuff or do we need to find that out through another City division?

CHAIR MATSON: No. I can tell you. You have 15 days from the day that we render our decision to file your appeal. There are forms upstairs at the Front Counter on the second floor. You can get those forms and fill them out and then file your appeal. Once that happens, I believe EPC has to hear your appeal within 60 days. It's still EPC, we are in the process of changing from EPC as the appellant board to the Land Use Hearing Officer. As far as I know, right now at this point in time, it's still the Environmental Planning Commission.

MR. MILLINGTON: Okay. I understand that, after the appeal then depending on the verdict of the appeal, we can also take that then to the City Commissioners?

MR. DOURTE: The City Council. Yes sir.

MR. MILLINGTON: Okay thank you.

CHAIR MATSON: You're welcome. No more comments? Okay.

MS. TURON: Laura Turon at 8700 Florence. Does the suitability count for anything other than the 5 houses? I mean because if you pull up to, like Lou's house, you have 6-feet of dirt, a 6-foot wall, a two-story house with probably a pitched roof. That's almost 3 stories. I mean, I wouldn't want to, if his house was for sale, I wouldn't even want to walk in and look inside. I mean his property value is gone. That's stealing I think. I believe it's pretty much theft. That's how I feel. Does the suitability count for anything, because the grading doesn't fit in that area?

MR. DOURTE: That is a matter of opinion. That is subjective. We are a technical review board. We review the technical aspects. If you wish to appeal, and the grading is technically correct. If you wish to appeal it you may appeal to the Environmental Planning Commission.

CHAIR MATSON: Okay. Is there anyone else that would like to speak that is out in the audience? Okay. Did you have any further comments you wanted to make, Mr. Krenik?

MR. KRENIK: No.

CHAIR MATSON: We'll go to Parks then for your comments, please.

MS. SANDOVAL: Due to the decrease in lots, Greg, I'll send a new deposit slip reflecting that for your cash-in-lieu requirement. That's all I have.

CHAIR MATSON: Hydrology?

MR. DOURTE: The drainage plan has been reviewed and complies with the City requirements. The grading plan is dated 12/29/04.

CHAIR MATSON: Okay. Planning's comments. Now that the number of lots has gone down from 6 to 5, they do conform to the La Cueva Sector Plan intent. So we have no objection to that. A condition of final plat will be that an approved perimeter wall design occur before final plat. The agent and I have agreed on the wall design. We just need the number of copies so that I can make those approvals. I have no objection to the temporary deferral of sidewalks or the subdivision design variance waiving the sidewalks along Glendale. Utilities?

MR. GREEN: I have no objection to the preliminary plat approval, the deferral of sidewalks and the design variance to waive sidewalks.

CHAIR MATSON: Transportation?

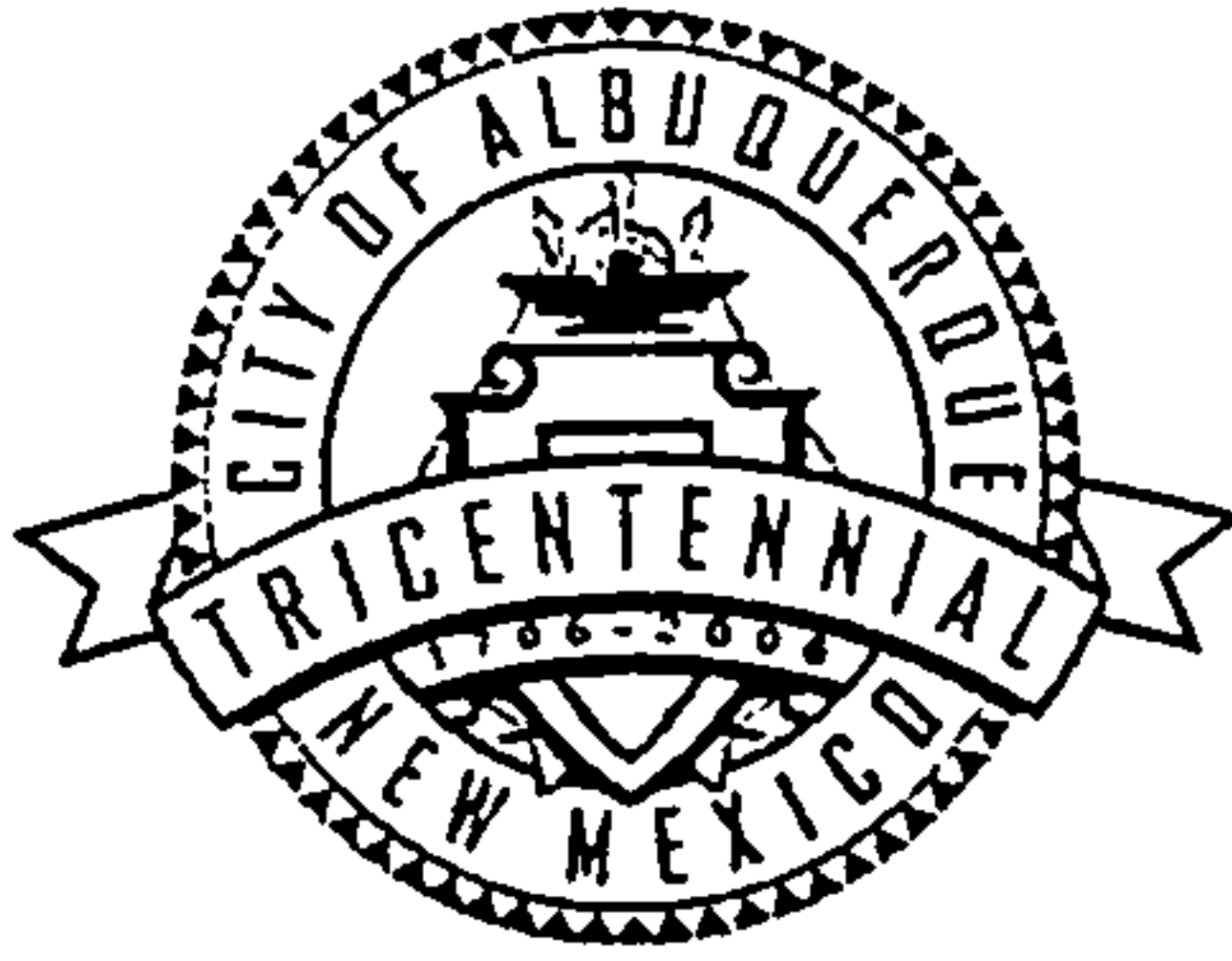
MR. GALLEGOS: No objection to the preliminary plat approval. No objection to the temporary deferral of sidewalks. The subdivision design variance for a waiver of sidewalk along Glendale, I have no objection to. However, there will be a condition: Any future public projects will not preclude it from placing the sidewalk. So if a project comes along that actually places sidewalk along the entire street in there, they will be allowed to do so.

On your infrastructure list you've got that 6-foot gravel path on the north side. Remove that, since the City does not maintain gravel paths. Why don't you put back in 6-foot sidewalk waived? No other comments.

CHAIR MATSON: Okay. With the signing of the infrastructure list dated today and approval of the grading and drainage plan dated 12/29/04, the preliminary plat is approved subject to the provisions of the Subdivision Ordinance. We approved the temporary deferral of construction of sidewalks on the interior streets as shown on Exhibit C. Approval of this variance is subject to provisions of the DPM. We are also approving the subdivision design variance for a minimum DPM design standards as indicated also on Exhibit C in the Planning file. You got those two conditions of final plat, correct, Claire, about the perimeter walls and then the sidewalk?

MS. SENOVA: Yes.

CHAIR MATSON: Okay, thank you.



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Study Session on Thursday, March 10, 2005, 4:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following:

1. Distribution & Review – Current Land Use Matters for the March 17, 2005 Public Hearing, which include the projects listed below.

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, March 17, 2005, 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items: [Note: these items are not in the order they will be heard]

**Project # 1003445**  
05EPC-00022 EPC Site Development Plan-  
Subdivision

DEVIN CANNADY agent for INTERSTATE DEVELOPMENT CO. LLC request the above action for Lots 2 and 3 of Block B, Lots 10A1 and 10A2 of Block D, Lot C1, Lot B1, Lot F, Lot E2, Lot 6A1, Lot D1, Albuquerque West and Lot 1, Tabernacle Praise Church, zoned SU-1 PDE to include C-3 Uses, located on PARADISE BLVD. NW, between PARADISE BLVD. NW and PASEO DEL NORTE NW, containing approximately 38 acres. (C-12) Elvira Lopez, Staff Planner

**Project # 1003901**  
05EPC-00098 Zone Map Amendment

MARTHA CARMONA requests the above action for all of a portion of Tracts 81 and 82, **MRCGD Map 37**, a zone map amendment from SU-2/C-3 to SU2/R-2, located on the west side of EDITH BOULEVARD, NE, between ROSEMONT AVENUE, NE and KINLEY AVENUE, NE, containing approximately .25 acres. (J-14) David Stallworth, Planner

**Project # 1003920**  
05EPC-00180 Zone Map Amendment

DAVID WEATHERMAN agent for LINDA & RONNIE CARRELL request the above action for all or a portion of Lots 6, 7, 8, 9, and 10 Westpark, a zone map amendment from R-1 to RT, located on NEW YORK SW, between GALLUP SW and CENTRAL SW, containing approximately 1 acre. (J-13) Stephanie Shumsky, Staff Planner

**Project # 1003921**  
05EPC-00181 Zone Map Amendment  
05EPC-00182 Amendment - La Cueva Sector Development Plan  
05EPC-00183 Park Master Development Plan

CONSENSUS PLANNING, INC. agents for CITY OF ALBUQUERQUE/DEPT. OF MUNIC. DEV request the above actions, including a zone map amendment from R-D/R-T to SU-1 for Community Park & Related Facilities, for all or a portion of Lots 1-32, Tract 2, Unit 3, North Albuquerque Acres, located on CARMEL AVE. NE, between LOUISIANA BLVD. NE and WYOMING BLVD. NE, containing approximately 60 acres. (C-19) Carmen Marrone, Staff Planner

**Project # 1002358**  
05EPC-00187 SPR Special Planning Request


CIP agents for CITY OF ALBUQUERQUE/CIP request the above action for as required by CIP Ordinance, this request is for EPC to hold a public hearing on the proposed 2005 GO Bond Program & 2005-2014 Decade Plan.

**Project # 1003747**  
05EPC-00024 EPC Site Development Plan-Subdivision  
05EPC-00025 EPC Site Development Plan-Building Permit

TIERRA WEST LLC agents for WALMART STORES EAST, LP & WEINGARTEN REALTY INVESTORS request the above actions for all of Tracts 1, 4 and 5, being a portion of the Wyoming Mall Summary Plat, zoned C-2 (SC), located on WYOMING BLVD. NE, between MENAUL BLVD. NE and NORTHEASTERN ST. NE, containing approximately 25 acres. (H-20) Carmen Marrone, Staff Planner

**Project # 1001620**  
05EPC-00207 Amendment to the Zone Code

CITY OF ALBUQUERQUE/Planning Department, agents for City of Albuquerque/ City Council request an amendment to the Comprehensive City Zoning Code regarding Off Premise Signs.

 **05EPC-00122 Project # 1003520**  
04DRB-01567 Major-Vacation of Pub Right-of-Way

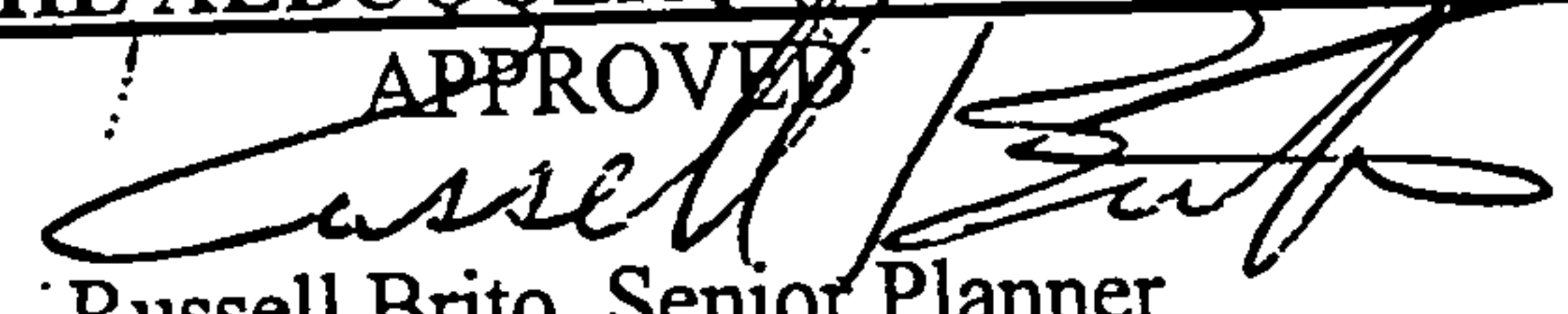
James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as BENJAMIN PLACE SUBDIVISION) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05] [04DRB-1570 WAS WITHDRAWN] (B-20)

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 10:00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886.

Jens Deichmann, Chairman  
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL FEBRUARY 23, 2005.

APPROVED



Russell Brito, Senior Planner  
Planning Department



## NOTICE OF HEARING

January 25, 2005

James R Phillips Jr.  
8600 Florence Ave NE  
Albuquerque, NM 87122

**RE: APPEAL 05EPC-001221/PROJECT #1003520 (CASE WAS HEARD UNDER APPLICATION NUMBER #04DRB-01567 Major-Preliminary Plat approval**

Dear Mr. Phillips:

The above referenced appeal, which was filed January 24, 2005, has been scheduled to be heard before the Environmental Planning Commission (EPC) on **Thursday, March 17, 2005 at 8:30 A.M.**

The meeting will be held in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2<sup>nd</sup> Street, NW, 87102.**

Approximately one week prior to the hearing, you will receive a copy of the agenda and a staff report. **THIS WILL SHOW YOU WHERE YOUR CASE WILL BE ON THE AGENDA.**

If you have any questions, please contact Claire Senova, Administrative Assistant at 924-3946.

Sincerely,

Sheran Matson, AICP, Chair, Development Review Board

Cc: Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102  
Mark Goodwin & Associates PA, P.O. Box 90606, 87199  
Larry Millington, 8508 Florence Ave NE, 87122  
Louis Rawson, 8421 Glendale NE, 87122  
Laura Turon, 8700 Florence Ave NE, 87122  
Stephani Winklepleck, Neighborhood Coordination  
File

## GARCIA/KRAEMER & ASSOCIATES

Wells Fargo Bank Building  
200 Lomas Blvd. N.W.  
Suite 1111  
Albuquerque, NM 87102  
(505) 242-5566  
Fax #(505) 242-9028

### RESPONSE TO APPEAL

05 EPC 00 1221 PROJECT NO. 1003520  
04 DRB 01567

This response is on behalf of Washington Street Investors, LLC, owners of Lots 27 and 28, Block 16, Tract 1 North Albuquerque Acres, Unit 3, to be known as Benjamin Place Subdivision. The property is zoned RD 3 du/acre under the La Cueva Sector Plan.

The appeal of the DRB's preliminary plat approval by Mr. Phillips is not well founded and should be denied. The DRB's preliminary plat approval should be upheld.

I. Appellant's Standing of Appeal is **uncertain**.

A.) Mr. Phillips fails to allege facts which meet standing requirements of the Subdivision Regulations. Mr. Phillips states that he and his neighbors "live within 300 feet of the subject site", but Section 14-14-18 2(A) gives standing to persons who own property within 300 feet, a fact not alleged, but which must be proven for Standing.

B.) Section 14-14-18 2(B) gives certain recognized neighborhood associations standing, but Mr. Phillips admits that he and his neighbors can and do not bring this appeal as a neighborhood association.

II. Mr. Phillips' twelve (12) page Basis of Appeal purportedly raises issues based upon a variety of adopted plans and policies, including the Comprehensive Plan, Subdivision Regulations, La Cueva Sector Development Plan and portions of the Zoning Ordinance. Careful analysis of the Basis of Appeal reveals a lack of understanding by Appellant of the development process as well as the scope and authority of the DRB in their review and approval of a Preliminary Plat.

The basic flaw of the appeal is that it starts with the **unsupportable conclusions** that the subject property is not suitable for subdivision and that the **only** "orderly pattern of development" is the antiquated one acre grid pattern of North Albuquerque Acres. Ironically, the platting pattern advocated by Appellant has consistently been identified as a "barrier that has hindered sound urban development in North Albuquerque Acres".



III. The preliminary plat approval by the DRB clearly finds that the subject property is **suitable for subdivision**.

A. Any determination of suitability for subdivision requires consideration of the following **physical factors**:

- i. adequacy of access;
- ii. availability of water and sewer;
- iii. existence of geological formations or adverse soil conditions; and,
- iv. grading and drainage issues to handle surface hydrology.

Of these legitimate concerns, the problems raised by Appellants appear primarily to relate to surface hydrology.

The grading and drainage plan prepared by Mark Goodwin and Associates and specifically approved by the Public Works Department and the DRB demonstrate that hydrology concerns can and will be "corrected or mitigated" to the satisfaction of the City based on standard engineering practices. ( see Section 14-14-2-3 A, Subdivision Regulations)

**B. Zoning is the regulatory factor that the DRB is required to consider in its determination of suitability for subdivision. Contrary to arguments by Appellant, the approval of this preliminary plat conforms to all applicable zoning regulations.**

1.) The La Cueva Sector Plan established RD 3 du/ac zoning for the subject property. The same zoning designation applies to the surrounding lots which are developed with existing single-family residences on .89± acre lots (original platting). The RD 3 du/ac zoning designation provides the least intense residential land use in the Sector Plan area. Many of the developed one (1) acre lots on Florence were built prior to the adoption of the La Cueva Plan (see exhibit 2 La Cueva). Areas North and East of the Sector Plan area are zoned A-1 in Bernalillo County.

2.) Contrary to assertions by Appellant the RD 3 du/ac zoning classification **does not require site plan review**. A site plan is required only for "higher density uses". The common design regulations including issues raised about Perimeter Walls and Views under 5.4.6 of the La Cueva Plan are not applicable since they apply only where site plan review is required.

3.) RD 3 du/ac zoning is essentially equivalent to the standard R-1 zone (albeit with larger lots). The lots in this subdivision meet or exceed all applicable requirements (especially lot size).

4.) Appellant doesn't mention the Subdivision Regulations contained in the La Cueva Plan. Those regulations support the layout approved herein. (See paragraph 6.2 and Figure 10 of the La Cueva Plan.)

- IV. Appellants' references and arguments based on the Albuquerque/Bernalillo County Comprehensive Plan are not relevant, helpful or controlling. Comprehensive Plan issues were considered and complied with by the City in its adoption of the La Cueva Sector Plan. Appellant's real complaint is that the annexation and establishment of RD zoning, as well as the adoption of the La Cueva Plan, established zoning on the subject property which clearly allows subdivision of the subject property as approved by the DRB. The time to appeal those approvals expired long ago.
- V. It is difficult to know what to make of Appellant's arguments based on Sections 14-16-3-3 and 14-16-3-19 of the Zoning Code. These issues are not relevant to the scope of the DRB's review of a preliminary plat. The regulations cited by Appellant are valid and enforceable against all property in the City. It would require speculation and conjecture to determine if the ultimate development of the subject property might require consideration of these regulations.
- VI. It is commendable that Appellant has raised six or seven ideas that might mitigate his concerns. Most or all of these ideas were raised before the DRB. The Applicant and his engineers have considered them and find them not supportable by standard engineering, zoning or planning practices.

In conclusion, we respectfully request the EPC to deny the appeal and that the property owners be allowed to proceed with their development.

*William J Kraemer*



City of Albuquerque  
Planning Department  
Development Review Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: March 18, 2005

**OFFICIAL NOTIFICATION OF DECISION**

FILE: **05EPC-00122** Project # **1003520**  
04DRB-01567 Major-Vacation of Pub Right-of-  
Way

James Phillips  
8600 Florence Ave. NE  
Albuq. NM 87122

**LEGAL DESCRIPTION:** James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lots 27 & 28, Block 16, Tract 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acres.

On March 17, 2005 the Environmental Planning Commission voted to deny Project 1003520/ 05EPC 00122, an appeal of the Development Review Board, based on the following Findings:

**FINDINGS:**

1. The DRB followed the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the Benjamin Place Subdivision preliminary plat with 5 lots, in approving the grading and drainage plan per the Development Process Manual and not requiring site plan review of the subdivision with lots at least 5,000 square feet in size.
2. The La Cueva Sector Development Plan is the implementation tool for Section II, #5, Policies d, m and m of the Albuquerque/Bernalillo County Comprehensive Plan. By following the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the preliminary plat for the Benjamin Place Subdivision, the DRB upheld the intent of the Comprehensive Plan.
3. The La Cueva Sector Development Plan established the zoning designations to assure orderly physical patterns of land development as called for in the Comprehensive Plan and the City Subdivision Ordinance. The DRB followed the La Cueva Sector Development Plan requirements in approving the Benjamin Place Subdivision preliminary plat.

OFFICIAL NOTICE OF DECISION  
MARCH 17, 2005  
PROJECT #1003520  
PAGE 2 OF 3

4. The DRB approved grading and drainage plan adequately addresses the grade change and runoff issues existing on the Benjamin Place Subdivision property.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY APRIL 1, 2005 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

  
Richard Dineen  
Planning Director

OFFICIAL NOTICE OF DECISION  
MARCH 17, 2005  
PROJECT #1003520  
PAGE 3 OF 3

RD/SM/ac

cc: William Kraemer, 200 Lomas NW, #1111, Albuquerque, NM 87102  
John MacKenzie, P.O. Box 90606, Albuquerque, NM 87199  
Scott Ashcraft, Washington Investors, 501 3<sup>rd</sup> St. SW, Albuquerque, NM 87102  
Diane Owens, 8601 Glendale Ave. NE, Albuquerque, NM 87122  
Mark Goodwin & Associates, P.O. Box 90606, Albuquerque, NM 87199  
Larry Millington, 8508 Florence Ave. NE, Albuquerque, NM 87122  
Lewis Rawson, 8421 Glendale NE, Albuquerque, NM 87122  
Laura Turon, 8700 Florence Ave. NE, Albuquerque, NM 87122

**18. 05EPC-00122 Project # 1003520**  
04DRB-01567 Major-Vacation of Pub  
Right-of-Way

James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05] [04DRB-1570 WAS WITHDRAWN] (B-20) **(APPEAL DENIED)**

**STAFF PRESENT:**

Sheran Matson, DRB Chair  
Brad Bingham, City Hydrologist

**PERSON PRESENT TO SPEAK IN FAVOR OF THIS REQUEST:**

James Phillips

**PERSON PRESENT TO SPEAK IN OPPOSITION OF THIS REQUEST:**

Bill Kraemer, Garcia/Kraemer & Associates

MR. PHILLIPS: My name is James Phillips, Jim Phillips, I live and own the property at 8600 Florence Avenue NE which is the lot directly northeast.

CHAIR JESIONOWSKI: Do you swear to tell the truth under penalty of perjury?

MR. PHILLIPS: I swear, I do. You guys are saints, you do this every month, I just . . . and I won't mention Walmart during my presentation. I represent the neighbors who completely surround the proposed subdivision and all the other neighbors who live within 300 feet. All of those are landowners. I guess I was sort of elected to file the appeal and be the primary speaker either because of my eloquence or lack of it. Anyway, please understand that I'm speaking for a group of people. This was mentioned along with their names on the appeal paperwork. We do not currently have an approved neighborhood association. Unfortunately, we live in a sliver of land that is bracketed between two other associations, we've been left out. That happened when the area was annexed. So we're in the process of trying to form one and working with the Office of Neighborhood Coordination. But, of course, that's a long process, we're not there yet. Before I respond to DRB's rebuttal to my appeal, I think it would be a good idea to understand our frame of mind, our concerns at a very generic level. We live in a section of what was once 1-acre home sites until annexed by the City. Through a lot of negotiations and meetings in the late 90's, the La Cueva Sector Development Plan was

recommended for approval by this Commission and approved by the City Council. The intent as stated in the plan "protect public well being" and recommend land uses, zoning, design regulations and strategies to encourage effective organized urban development. The residents of this area, although not in total agreement, at least felt assured that, as the density increased, there would be some guarantee that the area would be responsibly developed. And let me make it clear that the La Cueva Plan, there are a lot of sections to it. This section is the 1-acre section. There are other sections that are already high-density sections so the opposition to the re-zoning was in a fairly small area.

Well, not just because of this latest proposal for a subdivision, it is increasingly clear that the La Cueva Plan has not been followed and basically much of that hard work and expense to develop coordinate, and negotiate and approve the plan has been wasted. Case in point. There is a subdivision on Modesto called Desert Highlands that exceeds the 3du's/acre, the maximum allowed under the plan for this area and violates zoning restrictions for wall heights. There is a subdivision called Sandia Sunrise at the southwest corner of Barstow and Modesto that exceeds 3du's/acre. It's up to 6/acre. There's a subdivision just started at the corner of Florence and Wyoming, it is advertising, it's unbuilt yet, for quarter acre lots, which obviously exceeds 3/acre. How can that all happen? And there are others still that are in violation.

So as residents we are perplexed. We thought there would be some oversight. We thought there would be some guarantee that the La Cueva Plan would be followed and adhered to. Even Miss Matson stated at the 12 January hearing, sorry I'm going to quote you here, that the DRB was "not as diligent" as needed with reference to density decisions and that any "mistakes that were made in the past won't be repeated," but we're not confident about that.

To be perfectly clear, we are not directly objecting to the proposed density of these two lots. The developer has agreed to reduce the density to 3du's/acre which is in compliance with the sector plan. The language directing the density is also clear, even the City Attorney, Mr. Curran, stated on 15 December hearing confirmed by case law that they can only build five homes on this 1.8 acres that they are proposing. However, this was an enormous issue that dragged the residents and the developer through four DRB hearings requiring the participation of the City Attorney until the developer agreed to downsize. So through our diligence, we've achieved a small victory by getting the developer to cut it from six to five homes but I'm not sure that's really our job. Why can't the DRB simply enforce what is written? You can see why we don't trust the system as it is.

Now let me address the DRB's rebuttal to my points of appeal. I struggle with how to respond to Miss Matson's counterpoint and they are very, very valid. I lack a degree of technical expertise on all the Zoning Ordinance and Regs. I'm just a resident out there trying to interpret this stuff and I tell you it's not an easy job. So I'm going to stick to those things that I think are still valid and I will rebut those items that I think are completely wrong in her rebuttal. So I'm going to keep things in focus and move along.

The two things that bother us most, excessive walls, and excessive grading; the excessive grading itself lends itself to the total suitability issue of having a subdivision in this area. The developer is proposing extensive wall building. The DRB has stated for the first time in their rebuttal that they are only approving the walls that front on Glendale.

If the Grading and Drainage plan, also approved by the DRB, from what I can tell contains every wall that's going to get built around the perimeter of the subdivision. So I have to address it here I think. In the worst case there will be a six to eight foot retaining wall topped by six-foot garden walls. In accordance with the Zoning Code that's not allowed, it says a combination of these can't exceed eight feet. There are also two corner lots in this subdivision where the rear lot line is contiguous to the front yard of another residentially zoned lot. The rules are more restrictive in this case, a wall in that location can't exceed three feet in height above the abutting grade. But if you look at their plan, those walls exist. Miss Matson states that the future wall building will have to be approved by Zoning services. Is Zoning services going to offer us, the neighbors, the same opportunity to object? We do not believe this because, quite frankly, if you drive down Modesto today along the south sides of the two newest subdivisions, you will see massive walls, some as high as 14'. Can you imagine having that in your back yard? How did that happen? Why did Zoning approve that?

The second most predominant issue is the grading plan. It contributes to the issue of suitability for the site for its subdivision. First of all, the DRB rebuttal is very wrong in stating the subdivision is terraced into the existing topography. If it were truly terraced, then it will be a simple effort to move dirt from the high side to the low side leaving the average height the same as it is today. That is the way all the homes in the area are currently constructed. But that will not happen here. The developer will be bringing in considerable fill to level this lot because it dramatically drops in elevation, not only from east to west, but from south to north. Terracing is certainly an incorrect description.

In addition, the DRB rebuttal states that the lots are essentially the same grades as the ones to the north. Not so. The grade to the northwest corner will be raised by almost eight feet in accordance with the grading plan. Therefore, it will be a dramatic grade increase, and to the neighbors to the north, the bottom of the proposed lot behind his property will be the top of his rear wall. Let me read you exactly what the grading ordinance says. Grades set for new subdivisions must blend the plat's development into the adjacent environment with a minimum of sudden grade change. Extensive fill, which raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property should be avoided. Where needed for a subdivision, grade changes are usually best done within the interior of the subdivision.

City staff appropriately goes beyond mere approval or disapproval of a developer-proposed grading plan and identifies less intrusive grading approaches consistent with the policy/standard of this section. So it doesn't blend into the adjacent environment, it does involve extensive fill which raises the grade at the edge of the subdivision above neighboring property. The grade changes create changes not handled within the interior of the subdivision, and, lastly, there's been no real active discussion that I'm aware of on other solutions that could be less intrusive. Granted, the developer did drop the corner by about two feet after the first DRB hearing but it's still excessive. So I would think at this point we agree the grading plan may be excessive and possibly in violation of code.

We all know, I think you may know, what's driving the grade change and that's the drainage requirements for subdivisions. Here we have competing requirements; subdivision drainage requirements state that everything must flow to the street, in this case Glendale. So the developer is forced to raise grade to get water to flow what is currently uphill in two directions to the east for his western lots, and to the south for his northern lots. So where is the common



sense here? When is it okay to violate one requirement in order to comply with another? Or when are there so many adverse factors like topography, drainage, or insufficient size for a plot of land that just maybe it should be ruled unsuitable for a subdivision.

Subdivisions and all their rules for drainage, sidewalks, lighting, etc. are better suited for larger tracts of land and can be developed in a cohesive manner. Having just 1.8 acres in bad topography wedged into a sliver of land completely surrounded by one-acre home sites doesn't make much sense. Even the DRB representative, Mr. Green, stated the following and I'll quote "the public makes a lot of good comments here that I agree with, grading wise I don't know why we're getting off-site easements for private drainage for rear lots and things like that. We were putting the road down the middle of a site, I don't know if it's appropriate to stick six lots on two acres like this especially on 3% slopes. I think builders are trying to take urban type home designs and fit them on these sloping areas. I don't know if this appropriate.

I think there are a lot of options to look at with a grading plan that haven't been. Nothing was ever followed up on that comment. In addition, we have offered alternative ideas and plans to alter the grading. They've been discarded piecemeal. For example, we suggested putting the drainage pond in the northwest corner to minimize the perceptual impact of the grade change. With no houses built on that grade height on that corner, the neighbor would not be adversely affected. That's been rejected.

We also suggested another option to go ahead and establish a storm drainage pipe, large or small, down Glendale to an existing drainage pond that only four lots away. This would help the subdivision by not having an internal requirement for a pond and being able to spread the homes further apart, which would be similar to suggested layouts in the La Cueva plan that even the DRB has referenced in their rebuttal. Thus mitigating the some of the grading impacts, but I've been advised that that costs too much and the builder says he can't do that with only five lots. Well if he truly can't afford it and this is the correct solution, that's his problem.

So what do we want? We want the intent and letter of the rules contained in the La Cueva Plan to be followed. We would like the EPC to deliberate carefully on whether these two small lots are really suitable for subdivision development if they have to comply with the (inaudible) rules designed for larger subdivisions. We would appreciate a careful analysis of alternate grading plans that may solve the drainage requirements without so drastically intruding on the existing residence. We would like some insurance that future development in this area will not be in violation of the densities prescribed in the La Cueva plan as has taken place in the past so we don't have to return to multiple DRB hearings to ensure zoning is followed and quite frankly I would like to understand how the four nearby subdivisions are all in violation. And finally, we would like the DRB and EPC and City Council to understand the annexation in this area and subsequent change in zoning does not result in the expected increase in density. The character of the small section of land within the city limits has robustly continued development in an overwhelming way to maintain one-acre home sites. This is what the residents have defacto mandated. That's really all I have to say.

CHAIR JESIONOWSKI: Mr. Phillips, I can say that I can appreciate why your neighbors picked you to speak on their behalf. Very eloquent and articulate presentation. Any questions of Mr. Phillips? Thank you sir. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Phillips, in reading the response to your appeal there was a question about standing.

MR. PHILLIPS: Yeah, isn't that amazing? As I said at the opening, I said I own the property.

COMMISSIONER CHAVEZ: Okay, thank you.

MR. PHILLIPS: How does this work up right here?

CHAIR JESIONOWSKI: We'll change it for you right here, hang on.

MR. PHILLIPS: He'll change it? This is very similar to the picture that you just had. I've added one home that's currently under construction, as you can see the area is all one acre home sites pretty much except to the south which is basically a floodplain at this point. This is part of our concern. We're going to stick those homes in that spot. You can imagine, it's perfectly legal, I'm not arguing that point but you can see why we're very uncomfortable. This area hasn't developed. The City thought it was going to develop in high density, that's why they changed the zoning. It hasn't happened. In 1999, I got the stats here and some pictures but I won't put 'em up. Seventeen percent of the lots in this immediate four-block area were occupied. They were all one-acre homes. You would think that zoning change wouldn't change all that. It didn't occur. So now 50% are one-acre homes. There's only 6% are multi-density or higher density. The area continues to grow that way. So that's why we're concerned.

CHAIR JESIONOWSKI: Thank you Mr. Phillips.

MR. PHILLIPS: You're welcome.

CHAIR JESIONOWSKI: Okay, the party opponent. Do you swear to tell the truth under penalty of perjury?

MR. KRAEMER: I do. My name is William Kraemer. My address is 200 Lomas NW. I'm here representing Washington Street Investors. Also here to answer any questions are John Mackenzie with Mark Goodwin & Associates, who are the engineers on this project, and Scott Ashcraft, who is a principal in Washington Street Investors.

I'm glad that some of the issues that I raised have been cleared up. In fact the standing issue was brought up, it was not alleged, no facts were alleged in the appeal that would convince that it had standing. I'm glad Mr. Phillips did clear that up. Also glad that he disposed of most of his 12 pages of appeal on this and I think that although, he was very articulate and the pictures that he put up show you what the problem is, the problem is, he doesn't agree with the zoning that's on this property.

We can blame whoever subdivided this property back in the 40's and sold all of these lots for \$50 out here and created this one-acre .89-acre grid pattern out there that disregarded all of the problems that the area had. All of us that have been involved in the planning process over the years have worked very hard to make this work.

And when the City annexed this property, the zoning that was established on this property was RD that would allow up to seven dwelling units per acre on this property by the very fact that this property was annexed. Then when we went through 2 ½ , 3 years of work on the La Cueva Sector Plan, the zoning that was designated for this area was RD and a down-zone to 3du/acre. If you notice the existing aerial photograph that was adopted as part of La Cueva Plan, many of these houses were there at that time.

The complaints that he has, and I understand his complaints and you have to sympathize with him, but he thinks that this property should be one unit to an .89 acre lot and his real beef is with the zoning of the area and that is something that is not open for question now. It wasn't open for question before the DRB. It was established when the property was annexed into the City of Albuquerque and then it was down zoned to the existing RD 3du/acre when the La Cueva Sector Plan was adopted.

My clients have purchased this property and they have gone through great expense to look at what can be done to develop this property. They've done investigations of, I mean the access is clear, the availability of water and sewer is also not something that's complained about. All of his complaints are, if they're not on zoning, they're on grading and drainage and in the adoption of the La Cueva Sector Plan they talked about bringing a . . . taking care of the drainage through this area with a storm sewer down this drain, down this area. Our grading plan accomplishes that.

The alternatives that they raise are far more complicated than they would have you believe and our engineers have looked at those and they've discarded them, not because they cost more money, but in large part because they may not be achievable. They require more than the agreement of the appellants in this case. They involve property rights that are controlled by other people.

We would urge you to deny this appeal. We sympathize with Mr. Phillips and his neighbors, that they don't like what the zoning allows here and if you have any specific questions on drainage I'll have Mr. Mackenzie answer those but with that, I stand for any questions.

CHAIR JESIONOWSKI: Questions of Mr. Kraemer. Thank you sir. Miss Matson.

MISS MATSON: Good evening. It's been a long evening for you guys. I just wanted to, I'm Sheran Matson, the Chair of the Development Review Board, and what I would like to do is relinquish my time at this point to Brad Bingham who is the City Hydrologist so he can respond to the grading and drainage issues that were raised.

CHAIR JESIONOWSKI: Very good. Mr. Bingham.

MR. BINGHAM: Good evening. I'll too keep this as brief as possible. I do have an approved grading and drainage plan and the master plan for the area required all these lots to drain into Glendale. The developer was responsible for a large diameter 72" pipe along his frontage. Myself and the engineer worked three months, (I have four different submittals) to try to blend this subdivision in as best as possible but it was required to drain everything to Glendale.

He's lowered Glendale on his plan two feet, 2 ½ feet in some places. Yes, there is a retaining wall along the northwest side, there's a three foot cut along the east side. These lots will be essentially the same elevation as the lots on the north side and I have the contours of their lots and these lots and we can look at that if we need to.

The pond has to overflow into a public right-of-way, the only place for that to go is to Glendale. So there's no other place for the pond to go, lowering the grades at that corner is dependent on the grade of Glendale not where the pond is. It had nothing to do with the pond.

I don't believe that the lots are unsuitable for subdivision, there is a number of subdivisions all over that you have to move four or five feet of dirt from one place to the other and, personally, I don't think it would be my position to claim that it is unsuitable. So that's not for me to count on.

The pipe down Glendale is an option and that's again the DRB essentially, the City policy is to for them to account for their frontage on the infrastructure. If they want to do more than that, that's fine. The pond can go away but the grades are still required to be graded toward Glendale. So, whether there's a pond there or a pipe, the grades are set by the grade of Glendale which he has lowered two feet, in some cases, and a foot along the western boundary. So I think we've blended it very well and I'm ready for any questions you might have.

CHAIR JESIONOWSKI: Have you put any special requirements or requirements on this above and beyond what you would normally with any other subdivision?

MR. BINGHAM: Actually, typically the lots drain to the street on which it fronts. And I required them to drain to the back or to the west instead of their own internal new street but to drain to the back yard and then from the back yard out to the lowest point which would be the western side of the property. I was real sympathetic on the wall issue. The walls themselves have like I said six foot on the northwest corner down to a one footer on the southwest side and then a four foot concrete channel was part of their infrastructure on that.

CHAIR JESIONOWSKI: But in North Albuquerque Acres because of the grade differential you see a lot of those size walls like that with differences, is that correct?

MR. BINGHAM: This wouldn't be the first place where there was a wall of six feet and then I've got wall sections through here that show an offset garden wall and a privacy wall 8 ½' I think from that retaining wall which is at the boundary.

CHAIR JESIONOWSKI: Other questions of Mr. Bingham? Thank you sir. Commissioner Deichmann.

COMMISSIONER DEICHMANN: Just trying to visualize this as far as so you say that's not unusual to have that but how does that work those 8 ½ foot walls?

MR. BINGHAM: The wall is a max of six feet. I have the approved plan here. It's a maximum of six feet of elevation difference from the existing grade to their new back yard grade. There's a channel at that wall and then their property wall, their privacy wall will be offset six or eight

feet I guess, depending on where that easement is into the property. So it'll be a terraced wall appearance.

CHAIR JESIONOWSKI: So you're not violating this, you're actually building two separate walls. So it's not a wall that's 14' high.

MR. BINGHAM: No the wall ordinance prohibits that.

CHAIR JESIONOWSKI: Okay, other questions of Mr. Bingham? Thank you sir. Mr. Phillips, you've got five minutes for a rebuttal.

MR. PHILLIPS: That's a 14' wall in a subdivision that's just like the one they're trying to build. Now how far they offset the walls I don't know. It started with they were on top of each other, then it became two feet, now they're saying six feet, I don't know what the plan is. So it's hard for me to discuss that here.

Couple of points, one, a simple check of City records would show that I'm a landowner out there. Took me two minutes to find my name okay so, and I also I non-concur with the assertion of the developers attorney that the issue here is zoning. I'll make it clear again, it's not zoning, okay. We are in concurrence with the fact that they're going to put five homes on that lot. It started as a zoning issue because they were pushing for six, which was not in accordance with the plan but right now it's not zoning.

Our issue is to make the five homes, which are very inconsistent with the surrounding homes fit the best they can. That's it, that's all we're pushing for. Okay. The grade plan creates a floating subdivision, a floating compound in the northwest corner. It will stand above everything around it. Okay.

I don't understand all the rules about the drainage. I'm not a practicing engineer but logically if I was to put the pond in a different area, I'm not sure exactly why that changes everything. It's hard for me to understand that. I would have to defer to someone else that says it can't be done.

So obviously discussions have taken place behind the scenes without our involvement to come to all these conclusions so I don't know what was discussed. I also would surmise to you, and I hope this is not taken the wrong way, I walked into the two subdivisions under development that are on Modesto right now that have walls like this. I acted like a potential buyer. The people selling these lots made it very clear to me that those lots have premiums on them because they were able to build them high enough for better views over top of the adjacent homes. I surmise that may be the same thing going on here. I don't know it but I surmise that.

The issue of easements was brought up in the DRB several times, just another idea, another way to handle the downstream flow. You got to remember that all the lots out there at North Albuquerque Acres don't have this issue. We take inflow to our properties, it goes out the same way. We try to keep all the arroyos active that's the way it's supposed to be. When you bring in a subdivision in the middle, all those rules change. You've got to follow subdivision rules and that's why we have this problem. If somehow you can build six homes and allow the water to flow in and flow out just like for every other house in the area we wouldn't be having

this discussion. But no it's a subdivision so we're going to apply these rules just for these two lots and that's causing the problems. That's all we want is the five homes to fit in with the existing property around. That's it.

CHAIR JESIONOWSKI: Questions of Mr. Phillips. Commissioner Deichmann.

COMMISSIONER DEICHMANN: Could you then summarize real quickly since we have to basically look and determine whether the DRB applied the rules properly, could you give me a quick summary of why they did not in this case.

MR. PHILLIPS: Well in my opinion the grading plan specifically of all the things that have been brought up, and I agree, that in my appeal we went through as much as we could to find things that we thought were not in compliance. Many of those items I now fully admit that I didn't understand the letter of the law.

COMMISSIONER DEICHMANN: That's why I need a summary because I got lost on all those.

MR. PHILLIPS: Right, exactly. I'm still confused about the walls. What I see on their plan that was approved by the DRB shows me walls that are not in compliance. It seems to be that there's a maximum height limit of eight feet and you build another wall just a little bit behind it another eight feet, isn't that still a 16' wall? Isn't that a combination? How far do you have to set it back before it's considered not a wall out of limits? But since the walls keep moving back I don't know where it is now. I don't know what works. In fact, if you read some of the minutes of the DRB meetings, those questions came up. How far does setback have to be before those two walls are not considered on top of each other or in combination I still don't have an answer to that. So the remaining issue is still the grading. Can't we do something with the grading plan?

CHAIR JESIONOWSKI: Commissioner Steele.

COMMISSIONER STEELE: With regard to walls (Inaudible – microphone is not turned on) . . . is the grading changed that much that you may not be aware of it?

MR. PHILLIPS: No I think the grading has not changed. I think the plan I currently have which was given to me at the third hearing I believe, that grading plan stayed the same. That's the grading plan that actually put in a, what do we call it, a water channel, and so the walls moved back some but, apparently from what I've just heard, they've moved back even more, so I'm not quite sure.

COMMISSIONER STEELE: How much change (inaudible- microphone is still off) . . .

MR. PHILLIPS: I don't think it changed the fill at all, I think it just changed how the walls are going to be built. The rebuttals to me from the DRB say the DRB's not ruling on the walls. So I don't know where we are with that. Is that another issue that's going to come up later, we're kind of confused. We spent a lot of hours talking about it . . .

CHAIR JESIONOWSKI: The City has requirements on walls so the Zoning Code has to be followed on the walls.

MR. PHILLIPS: I agree but I see it all over the place where it hasn't followed – what's going on, I don't know you know. Personally, I think if the property is developed with retaining walls at eight feet and filled in and then you come in and say now I want to build a wall on top and we object, they're going to say, you know what there's a financial issue now, he's got to be able to build that wall.

CHAIR JESIONOWSKI: No, I think there's still a requirement for an offset so you can't, unless you go to the Zoning Hearing Examiner but that would have to be another public hearing.

MR. PHILLIPS: Right.

CHAIR JESIONOWSKI: So you can't build an eight-foot high wall on top of an eight-foot high wall. Now there's places where they've done it but . . .

COMMISSIONER STEELE: (inaudible – microphone still off)

CHAIR JESIONOWSKI: But that's not appropriate . . .

MR. PHILLIPS: I'll trust the system that, when that comes up for zoning, then there'll be a discussion about it. And that's all I can do at this point because it's been deferred. But like I said, the DRB spent a lot of hours talking about this one issue but now it's apparently not within their prevue to rule on.

CHAIR JESIONOWSKI: Okay other questions of Mr. Phillips? Commissioner Grout.

COMMISSIONER GROUT: When did this project start? How long ago on this walls?

MR. PHILLIPS: All is I know is that the hearing notice for the first DRB hearing went up in November and it's been going since then.

COMMISSIONER GROUT: When did they actually start building the walls though?

MR. PHILLIPS: Nothings happened yet.

COMMISSIONER GROUT: Oh nothing's happening yet, okay.

MR. PHILLIPS: There's no ground broken yet.

COMMISSIONER GROUT: Okay. So they're just proposing an eight-foot wall with bringing the dirt up and then putting another eight-foot wall above it?

MR. PHILLIPS: Yes, yes just plans.

COMMISSIONER GROUT: I was on that Walls Committee I don't recall you can do that . . .

CHAIR JESIONOWSKI: Any other questions of Mr. Phillips? Thank you sir. Mr. Mackenzie, you're out of time you don't have any more so I'm going to ask you to sit down.

MR. MACKENZIE: Can I tell you about . . .

CHAIR JESIONOWSKI: No, no you can't.

MR. MACKENZIE: Okay.

CHAIR JESIONOWSKI: Because I want to follow the rules here and your time is up.

MR. MACKENZIE: I just wanted to answer the question about the wall offset but I'll talk to Jack Basye about it.

CHAIR JESIONOWSKI: No. Okay any other discussion? We'll close the floor. I think it's up to us to make . . .

?: I'm a neighbor, do I have two minutes?

CHAIR JESIONOWSKI: No ma'am. The party of the appellant was Mr. Phillips. He was speaking on behalf of a group of people. The affected person was the developer of the project and then the City board responds. So I'm just trying to follow our rules to make sure that we do it the way that we're supposed to do it. So you were represented by Mr. Phillips. Okay, discussions.

COMMISSIONER DEICHMANN: This is kind of confusing but I think it's kind of clarified a little bit but my inclination would be to send it back to DRB to reconsider the wall issue.

CHAIR JESIONOWSKI: Well but I don't think DRB has done anything wrong with the walls because I don't think DRB has approved any walls higher than six feet or higher than eight feet. If you look at the grading plan, the grading plan specifies retaining walls between one foot, five, and six foot and that's all they're approving is a retaining wall. The garden walls that go either on top or on side of a retaining wall would be more of a compliance issue and I don't think that falls within DRB's approval. So just in looking at the grading plan I don't see where the DRB has done anything wrong with approving the grading plan. That's my take.

COMMISSIONER DEICHMANN: So then the wall issue would only become an issue when they go under construction.

CHAIR JESIONOWSKI: Right, when the homebuilder goes in to construct and he builds a wall on top of that eight-foot high wall it's not offset, I don't know there's a provision in here for whatever the walls are and I'm not sure where it is in the Zoning Code but that governs it. We just went through all this recently with the aesthetics of walls and everything else and what subdivisions are required so that's not allowed. If it happens, then it shouldn't and that's a whole different level through the ZHE.

COMMISSIONER DEICHMANN: This is jumping the gun.

CHAIR JESIONOWSKI: Yeah. So I would think that that would become a Zoning Hearing Examiner issue and really, in looking at this, I think DRB was within their jurisdiction to approve



that grading plan and there's four findings and I think the appeal should be denied based on those four findings. Any other discussion? Any motions? You guys aren't going to treat me like this on that Walmart case are you?

COMMISSIONER STEELE: Mr. Chairman, I heard Mr. Phillips say that all he wanted and all the members wanted was the five homes to be built to where they blend in (inaudible). That being as it is the drainage situation (inaudible) DRB primarily hasn't done anything wrong with the walls or doesn't have authority over (inaudible) I agree with (inaudible) to either approve or deny and I'm in a position right now to make a motion to deny the request.

CHAIR JESIONOWSKI: There's four findings right here to support the denial.

COMMISSIONER STEELE: Where is that?

CHAIR JESIONOWSKI: It's on pages eight and nine. So, if you want to make a motion, we'd have to do it based on those four findings.

COMMISSIONER STEELE: Mr. Chairman I would like to make a motion of denial based on the findings, and this is on page eight and nine, one through four.

CHAIR JESIONOWSKI: Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR JESIONOWSKI: Okay a motion by Commissioner Steele, a second by Commissioner Chavez. Is there any further discussion? All in favor say Aye. All opposed? That passes unanimously. Thank you very much.

On March 17, 2005 the Environmental Planning Commission voted to deny Project 1003520/05EPC 00122, an appeal of the Development Review Board, based on the following Findings:

**FINDINGS:**

1. The DRB followed the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the Benjamin Place Subdivision preliminary plat with 5 lots, in approving the grading and drainage plan per the Development Process Manual and not requiring site plan review of the subdivision with lots at least 5,000 square feet in size.
2. The La Cueva Sector Development Plan is the implementation tool for Section II, #5, Policies d, m and m of the Albuquerque/Bernalillo County Comprehensive Plan. By following the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the preliminary plat for the Benjamin Place Subdivision, the DRB upheld the intent of the Comprehensive Plan.
3. The La Cueva Sector Development Plan established the zoning designations to assure orderly physical patterns of land development as called for in the Comprehensive Plan

and the City Subdivision Ordinance. The DRB followed the La Cueva Sector Development Plan requirements in approving the Benjamin Place Subdivision preliminary plat.

4. The DRB approved grading and drainage plan adequately addresses the grade change and runoff issues existing on the Benjamin Place Subdivision property.

**12. Project # 1003747**  
05EPC-00024 EPC Site Development  
Plan-Subdivision  
05EPC-00025 EPC Site Development  
Plan-Building Permit

TIERRA WEST LLC agents for WALMART STORES EAST, LP & WEINGARTEN REALTY INVESTORS request the above actions for all of Tracts 1, 4 and 5, being a portion of the **Wyoming Mall Summary Plat**, zoned C-2 (SC), located on WYOMING BLVD. NE, between MENAUL BLVD. NE and NORTHEASTERN ST. NE, containing approximately 25 acres. (H-20) Carmen Marrone, Staff Planner **(CONTINUED TO APRIL 21, 2005)**

**STAFF PRESENT:**

**PERSON PRESENT TO SPEAK IN FAVOR OF THIS REQUEST:**

**THERE WAS NO ONE PRESENT TO SPEAK IN OPPOSITION OF THIS REQUEST:**

On March 17, 2005 the Environmental Planning Commission voted to continue Project 1003747/05EPC-00024 EPC Site Development Plan-Subdivision and 05EPC-00025 EPC Site Development Plan-Building Permit to the Environmental Planning Commission Public Hearing on April 21, 2005.

**19. Other Matters**  
**ADJOURNED AT 10:17 P.M.**

# CITY OF ALBUQUERQUE

## *Planning Department*

Richard Dineen, Director

### *Development Review Division*

600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor

Albuquerque, NM 87102



April 5, 2005

#### TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on April 1, 2005. You will be notified by mail as to when this appeal will be heard before the Land Use Hearing Officer.

Enclosed for your reference is a copy of Bill F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications.

If you have any questions please contact Barbara Findley, Administrative Assistant, Planning Department, Development Services Division at (505) 924-3889.

**CITY COUNCIL APPEAL NUMBER:** AC-05-06

P.O. Box 1293

**PLANNING DEPARTMENT CASE FILE NUMBERS:** 05EPC-00122; 04DRB-01567  
Project #1003520

Albuquerque

**APPELLANT:** James R. Phillips, Jr.  
8600 Florence Ave NE  
Albuquerque, NM 87122

New Mexico 87103

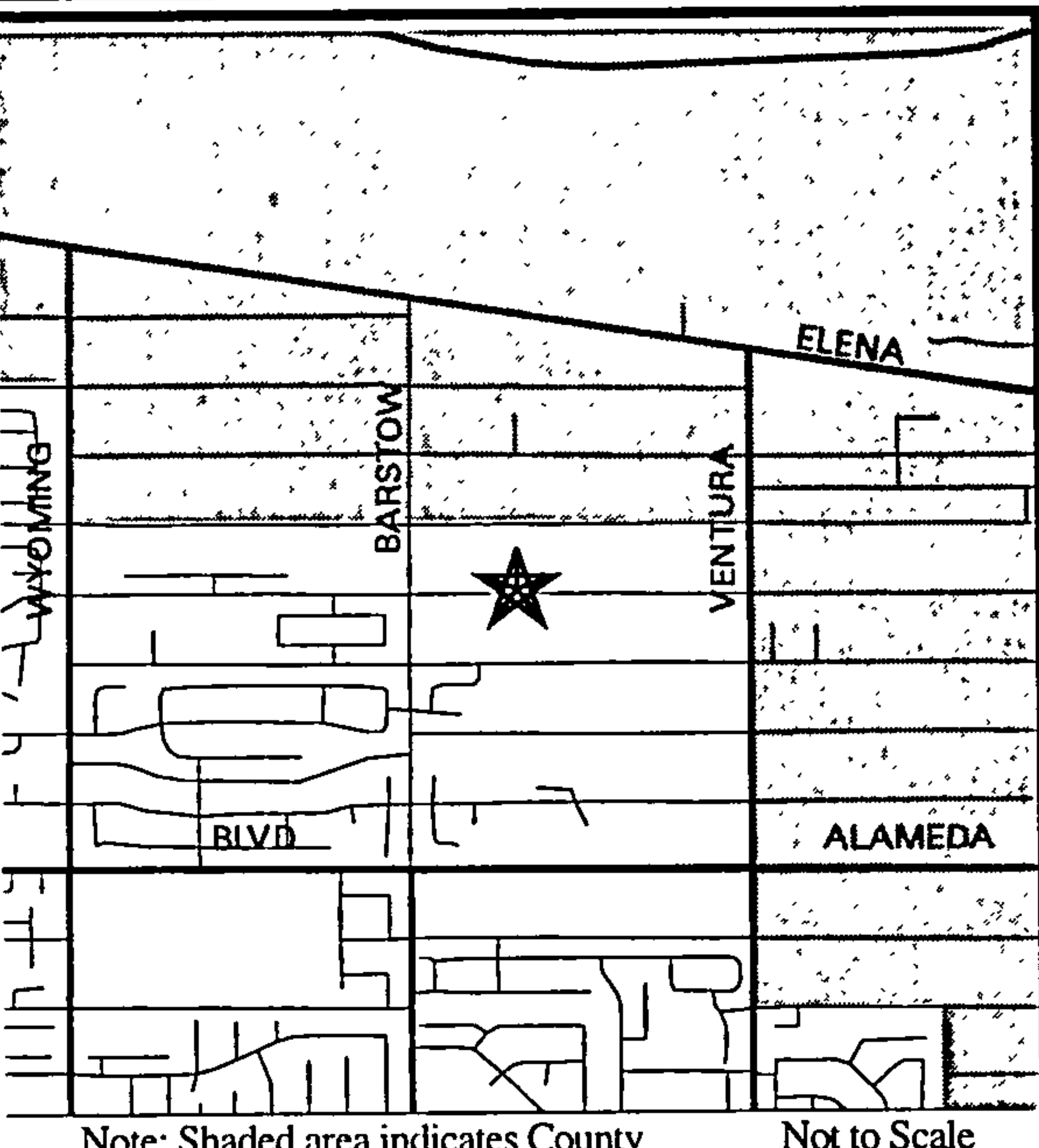
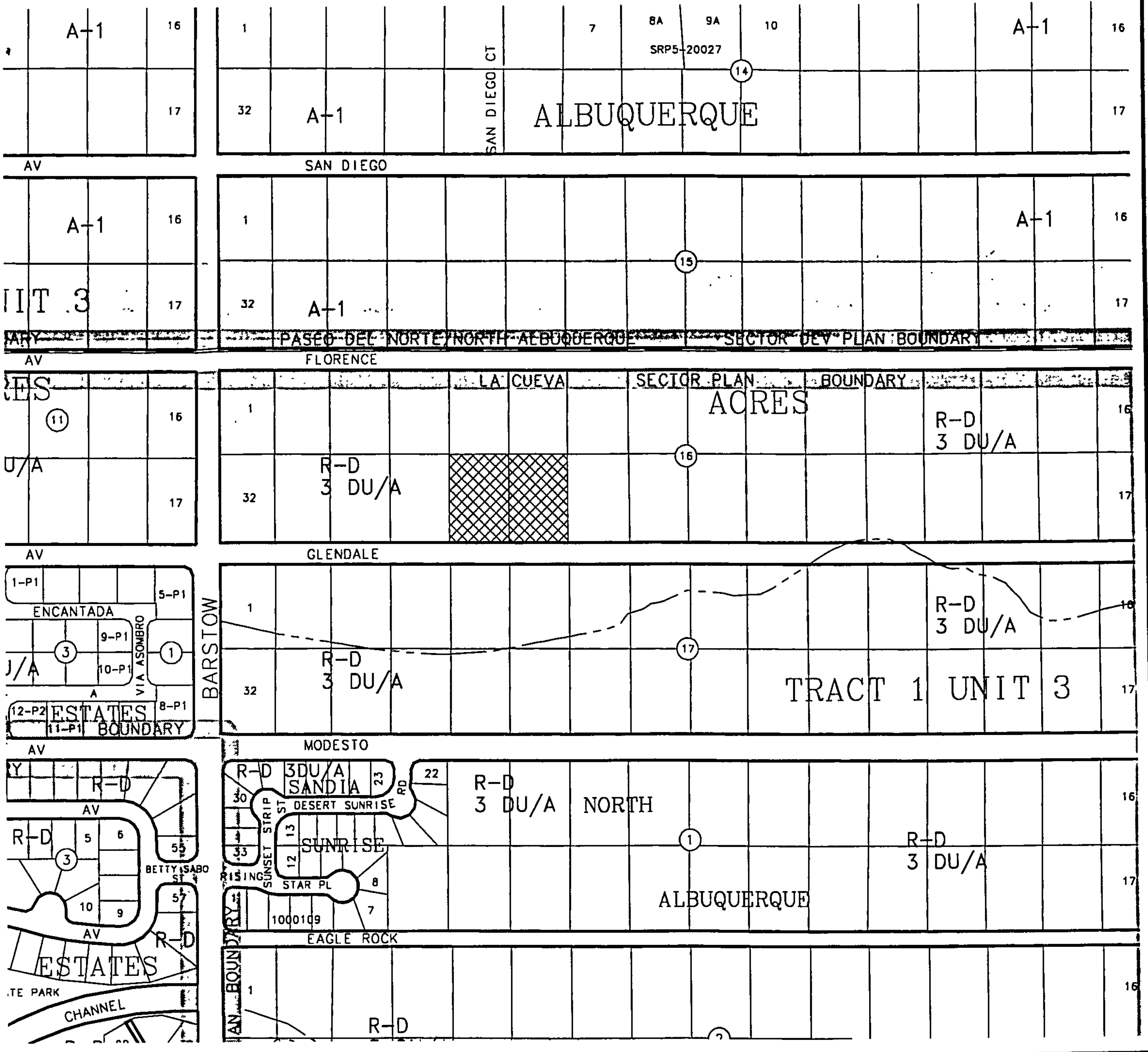
**AGENT:** N/A

www.cabq.gov

cc: William Kraemer, 200 Lomas Blvd NW, #1111, Abq., NM 87102  
John MacKenzie, PO Box 90606, Abq., NM 87199  
Scott Ashcraft, Washington Investors, 501 3<sup>rd</sup> St SW, Abq., NM 87102  
Diane Owens, 8601 Glendale Ave NE, Abq., NM 87122  
Mark Goodwin & Associates, PO Box 90606, Abq., NM 87199  
Larry Millington, 8508 Florence Ave NE, Abq., NM 87122  
Lewis Rawson, 8421 Glendale NE, Abq., NM 87122  
Laura Turon, 8700 Florence Ave NE, Abq., NM 87122  
File

Enclosure: LUHO Rules of Procedure and Qualifications (6 pages)

-177-



**ZONING MAP**



Scale 1"=403'

PROJECT NO.  
1003520

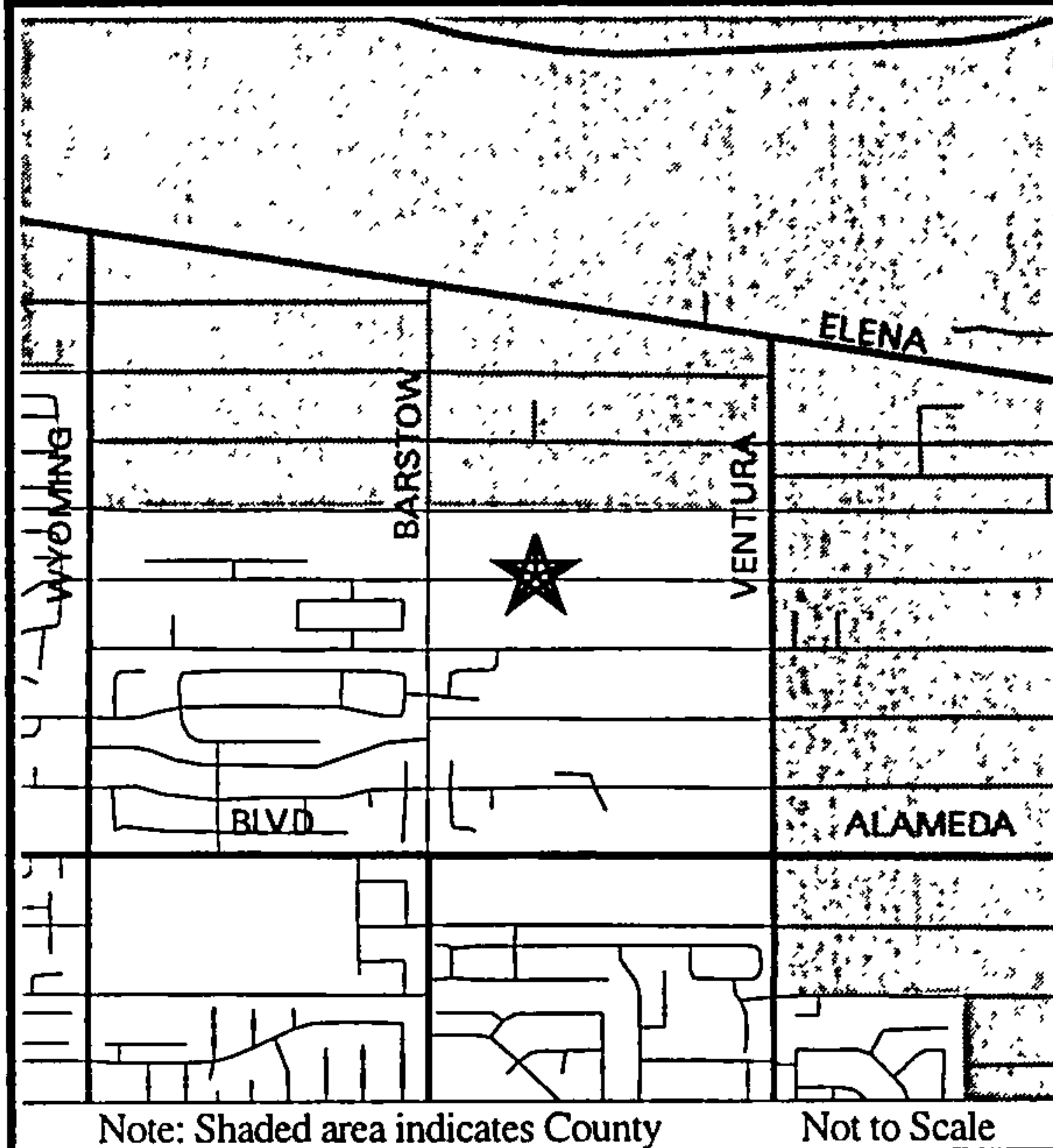
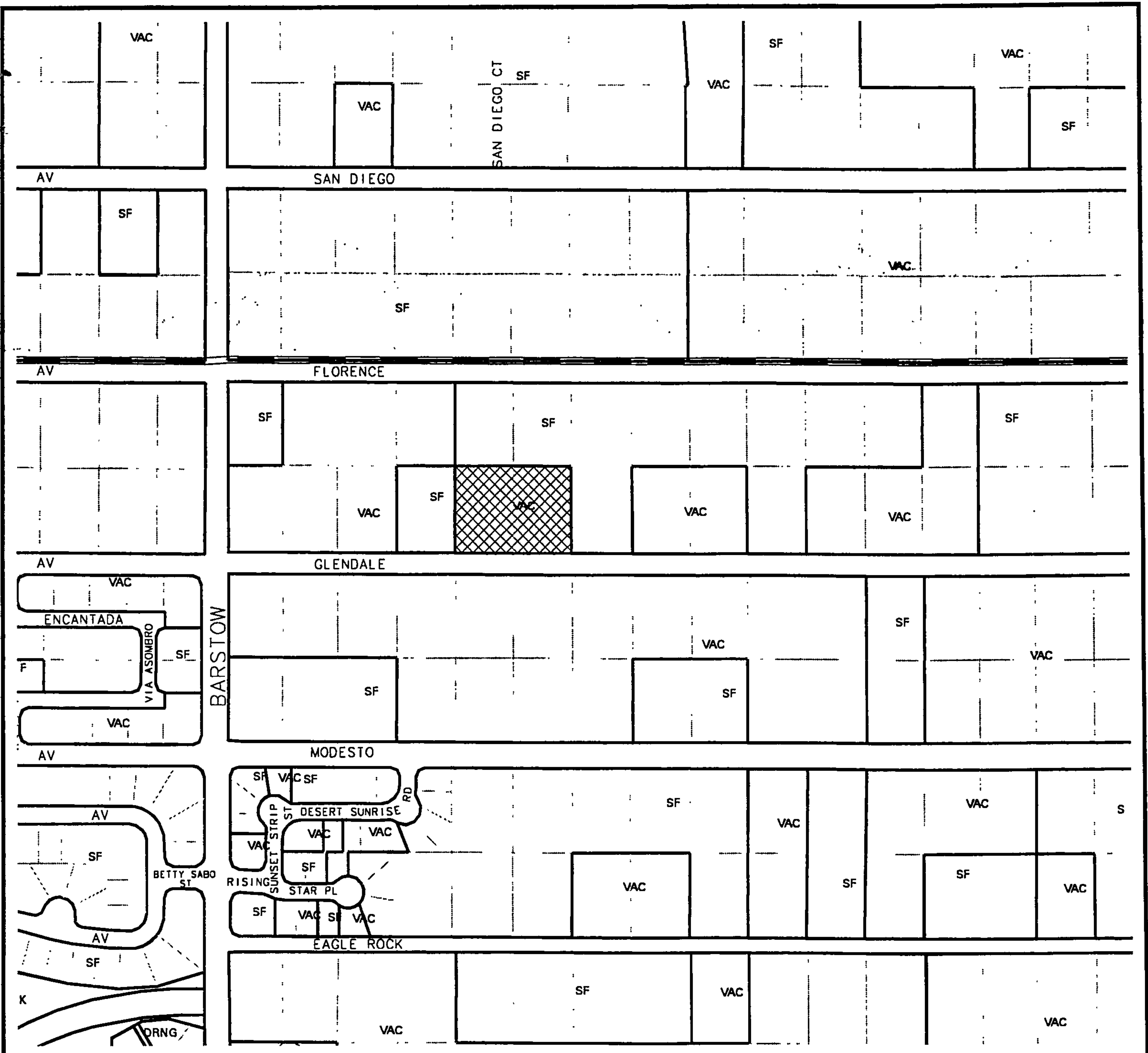
HEARING DATE

MAP NO.  
B-20

ADDITIONAL CASE NUMBER(S)  
05CC-00545  
05EPC-00122  
05DRB-01567

-178-

Note: Shaded area indicates County Not to Scale



# LAND USE MAP

## KEY to Land Use Abbreviations

- AGRI Agricultural
- COMM Commercial -Retail, Service, Wholesale
- DRNG Drainage
- EDUC Public or Private School
- GOLF Golf Course
- MED Medical Office or Facility
- MFG Manufacturing or Mining
- MH Mobile Home
- MULT Multi-Family or Group Home
- OFF Office
- ORG Social or Civic Organization
- PARK Park, Recreation or Open Space
- PRKG Parking
- PUBF Public Facility
- RELG Religious Facility
- SF Single Family
- TRAN Transportation Facility
- UTIL Utility
- VAC Vacant Land or Abandoned Bldgs
- WH Warehousing & Storage



Scale 1"=403'

PROJECT NO.  
1003520

HEARING DATE

MAP NO.  
B-20

ADDITIONAL CASE NUMBER(S)  
05CC-00545  
05EPC-00122  
05DRB-01567

-179-

PRELIMINARY PLAT FOR  
BENJAMIN PLACE

WITHIN THE  
ELENA GALLEGOS GRANT  
PROJECTED SECTION 8  
TOWNSHIP 11 NORTH, RANGE 4 EAST, APPROVED BY  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
SEPTEMBER, 2004

**DESCRIPTION**  
A tract of land situated within the Elena Gallegos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 27 and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and designated an said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 10, 1931 in Volume D, Page 121 and containing 1.9980 acres more or less.

**PURPOSE OF PLAT**

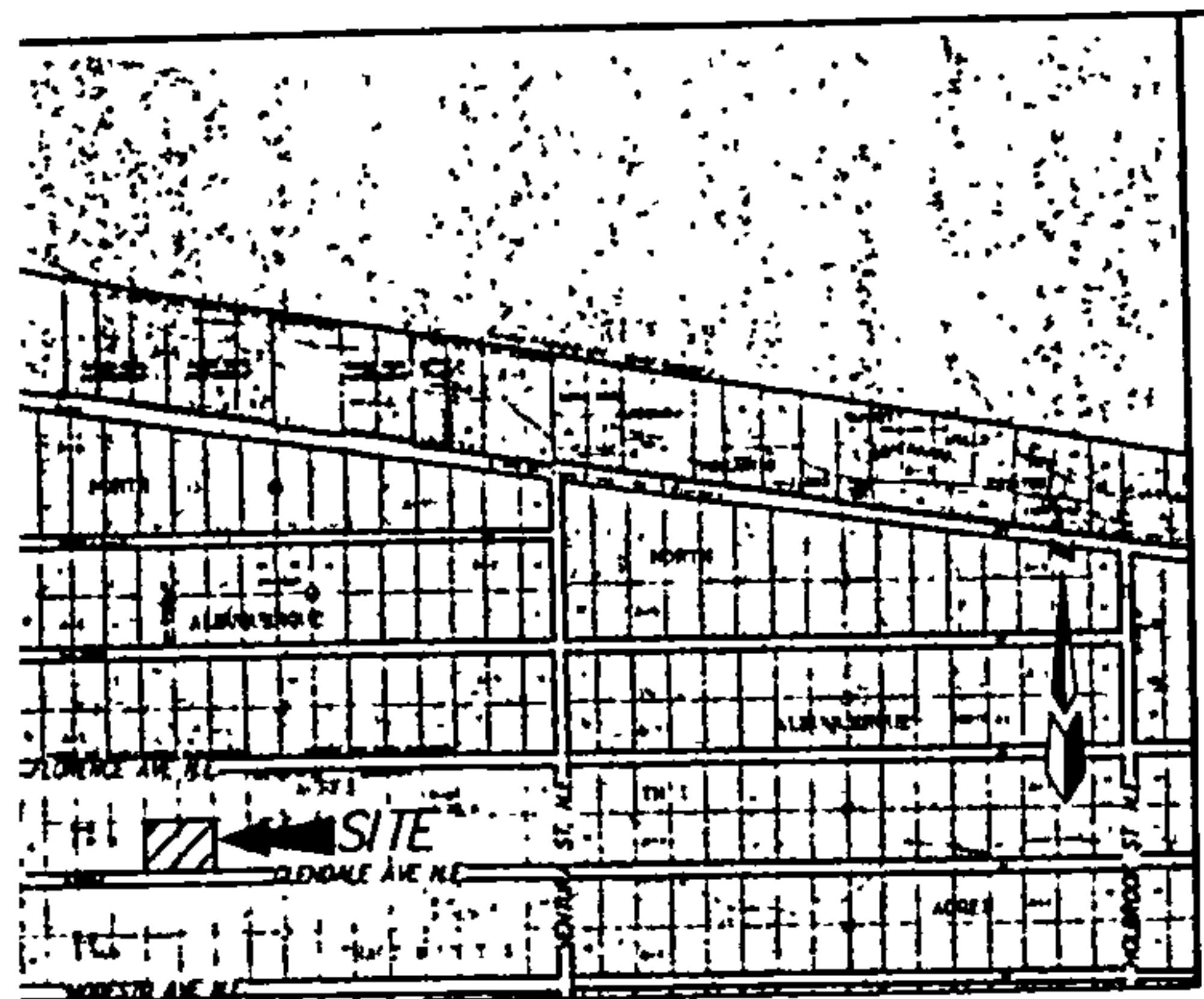
- SUBDIVIDE TWO LOTS INTO 5 RESIDENTIAL LOTS.
- DEDICATE RIGHT-OF-WAY AS SHOWN
- GRANT NEW EASEMENTS AS SHOWN

**SUBDIVISION DATA**

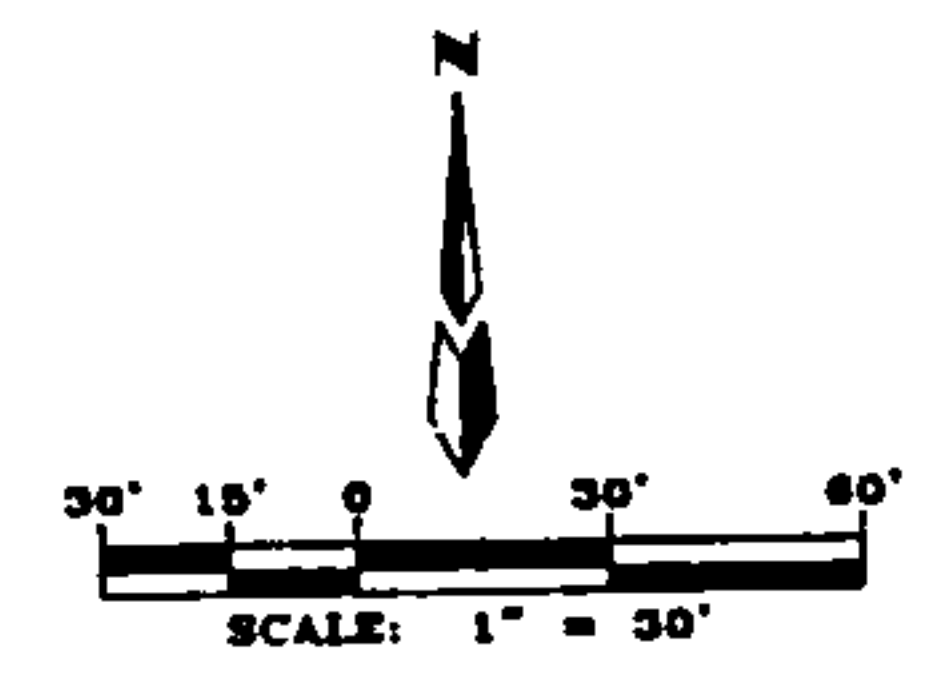
GROSS ACREAGE	1.9980 AC
ZONE ATLAS NO	B-20-Z
NO OF LOTS CREATED	5 LOTS
NO OF EXISTING LOTS	2 LOTS
AREA DEDICATED TO CITY (WITHOUT WARRANTY COVENANTS)	0.2277 AC
AREA DEDICATED TO CITY (WITH WARRANTY COVENANTS)	0.2688 AC
DATE OF SURVEY	AUGUST, 2004
ZONING	R-D, 3 DU/A

**NOTES**

- UNLESS OTHERWISE NOTED, ALL BOUNDARY CORNERS SHOWN THUS  $\odot$  SHALL BE MARKED BY A 1/2" REBAR W/CAP STAMPED PS#11993
- ALL STREET CENTERLINE MONUMENTATION SHALL BE INSTALLED AT ALL CENTERLINE PC'S, PTS, ANGLE POINTS, AND STREET INTERSECTIONS AND SHOWN THUS  $\Delta$ , WILL BE MARKED BY A FOUR INCH (4") ALUMINUM CAP STAMPED "CITY OF ALBUQUERQUE CENTERLINE MONUMENTATION" "DO NOT DISTURB" PS#7719
- BOUNDARY SHALL BE TIED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM AS SHOWN.
- BASIS OF BEARING SHALL BE NEW MEXICO STATE PLANE GRID BEARINGS.
- ALL DISTANCES SHALL BE GROUND DISTANCES.
- MANHOLES WILL BE OFFSET AT ALL POINTS OF CURVATURE, POINTS OF TANGENCY, STREET INTERSECTIONS, AND ALL OTHER ANGLE POINTS TO ALLOW USE OF CENTERLINE MONUMENTATION



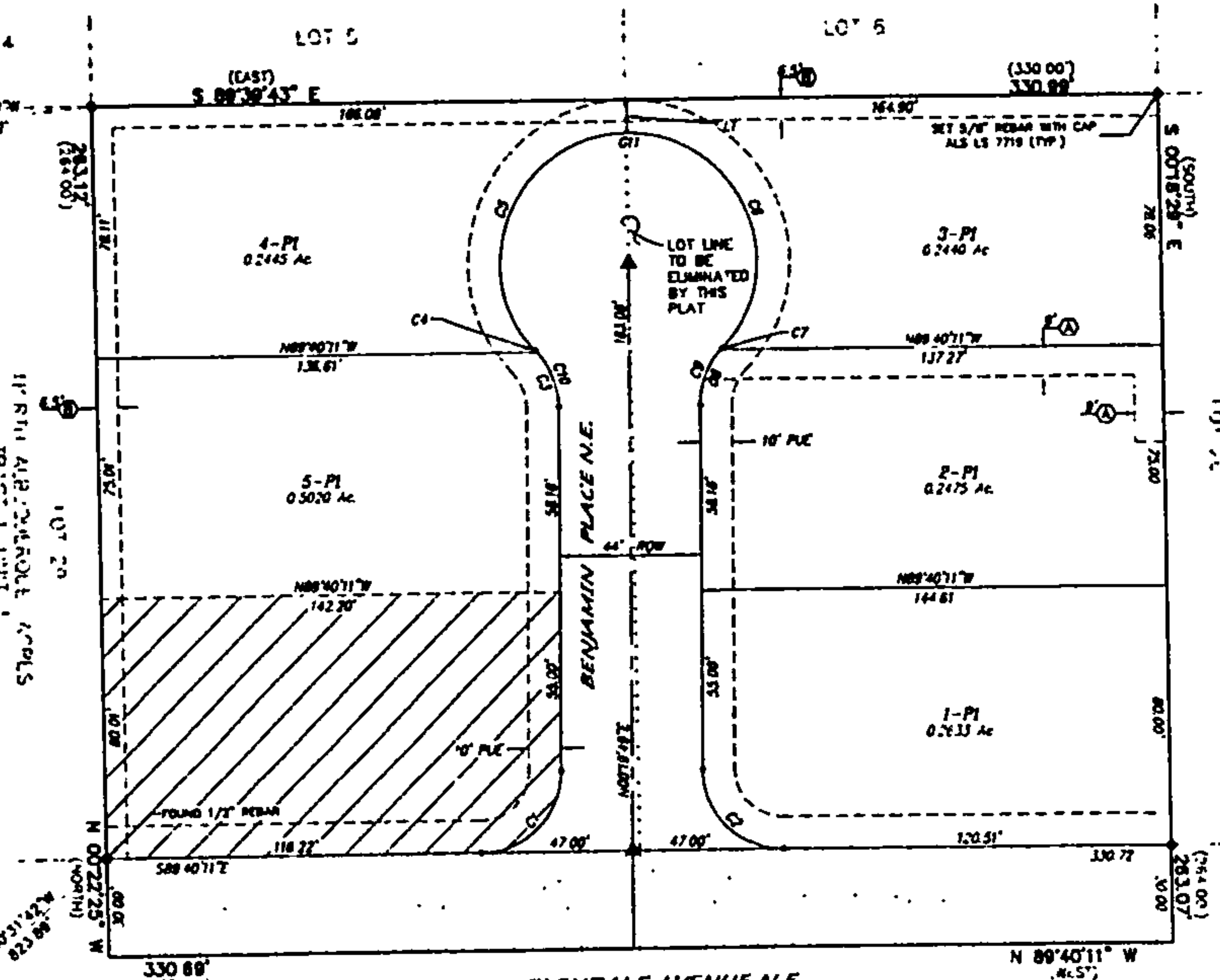
ZONE ATLAS MAP # B-20-Z  
SCALE: NONE



NORTH ALBUQUERQUE ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
(09-11)-31, 0-121)

ACS MONUMENT  
"10-C18"  
Y=1524081.42  
X=402319.45  
G-C= 0.9998613  
S=-011' 18"  
CENTRAL ZONE  
(NAD 1927/SLD 1928)  
ELEV = 5219.41

-180-



ACS MONUMENT  
"1-B20"  
Y=1524082.46  
X=410237.56  
G-C= 0.99984740  
S=-010' 23"  
CENTRAL ZONE  
(NAD 1927/SLD 1928)  
ELEVATION=5474.533

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD-BEARING	CHORD-DISTANCE
C1	25.00'	90°00'00"	39.27'	25.00'	N45°19'09"E	35.36'
C2	25.00'	90°00'00"	39.27'	25.00'	N44°40'11"W	35.36'
C3	25.00'	42°17'35"	18.45'	9.67'	N20°48'59"W	18.04'
C4	25.00'	01°23'32"	0.81'	0.31'	N42°39'42"W	0.81'
C5	40.00'	113°01'56"	83.34'	83.55'	N23°29'19"E	73.56'
C6	40.00'	113°04'56"	83.33'	83.51'	S27°19'14"E	73.55'
C7	25.00'	01°23'32"	0.81'	0.31'	S43°19'20"W	0.81'
C8	25.00'	42°17'35"	18.45'	9.67'	N21°28'36"E	18.04'
C9	25.00'	45°41'57"	19.06'	10.02'	N27°10'32"E	18.61'
C10	25.00'	45°41'57"	19.06'	10.02'	N21°30'55"W	18.61'
C11	40.00'	26°22'54"	186.87'	---	N89°40'11"W	57.85'

LINE	BEARING	DISTANCE
1	N00°20'17"E	10.00'

- (MATCHED AREA) ADDITIONAL 5' STREET RIGHT-OF-WAY DEDICATED TO THE CITY OF ALBUQUERQUE BY THIS PLAT WITHOUT WARRANTY COVENANTS (0.2277 ACRES)
- A NEW 8' WIDE PRIVATE DRAINAGE EASEMENT DEDICATED FOR THE BENEFIT OF LOT 2-P1 (BENJAMIN PLACE) AND LOT 3 (NORTH ALBUQUERQUE ACRES) AND TO BE MAINTAINED BY THE OWNERS OF LOTS 2-P1 TO 5-P1
- A NEW 8.5' WIDE PRIVATE DRAINAGE EASEMENT DEDICATED FOR THE BENEFIT OF LOTS 3-P1 TO 5-P1 (BENJAMIN PLACE) AND LOT 3 (NORTH ALBUQUERQUE ACRES) AND TO BE MAINTAINED BY THE OWNERS OF LOTS 3-P1 TO 5-P1
- A TEMPORARY PUBLIC DRAINAGE EASEMENT DEDICATED TO CITY OF ALBUQUERQUE WITH THIS PLAT TO BE MAINTAINED BY OWNERS OF LOT 5-P1

APPROVED FOR MONUMENTATION AND STREET NAMES

*[Signature]* 1-7-05  
City Surveyor, City of Albuquerque, N.M. Date

Owner: WASHINGTON STREET INVESTORS, LLC  
*[Signature]* 1/5/05  
Scott J Ashcraft Member DATE

**OWNERS**

WASHINGTON STREET INVESTORS, LLC  
501 3RD SE, SR  
ALBUQUERQUE, N.M. 87102

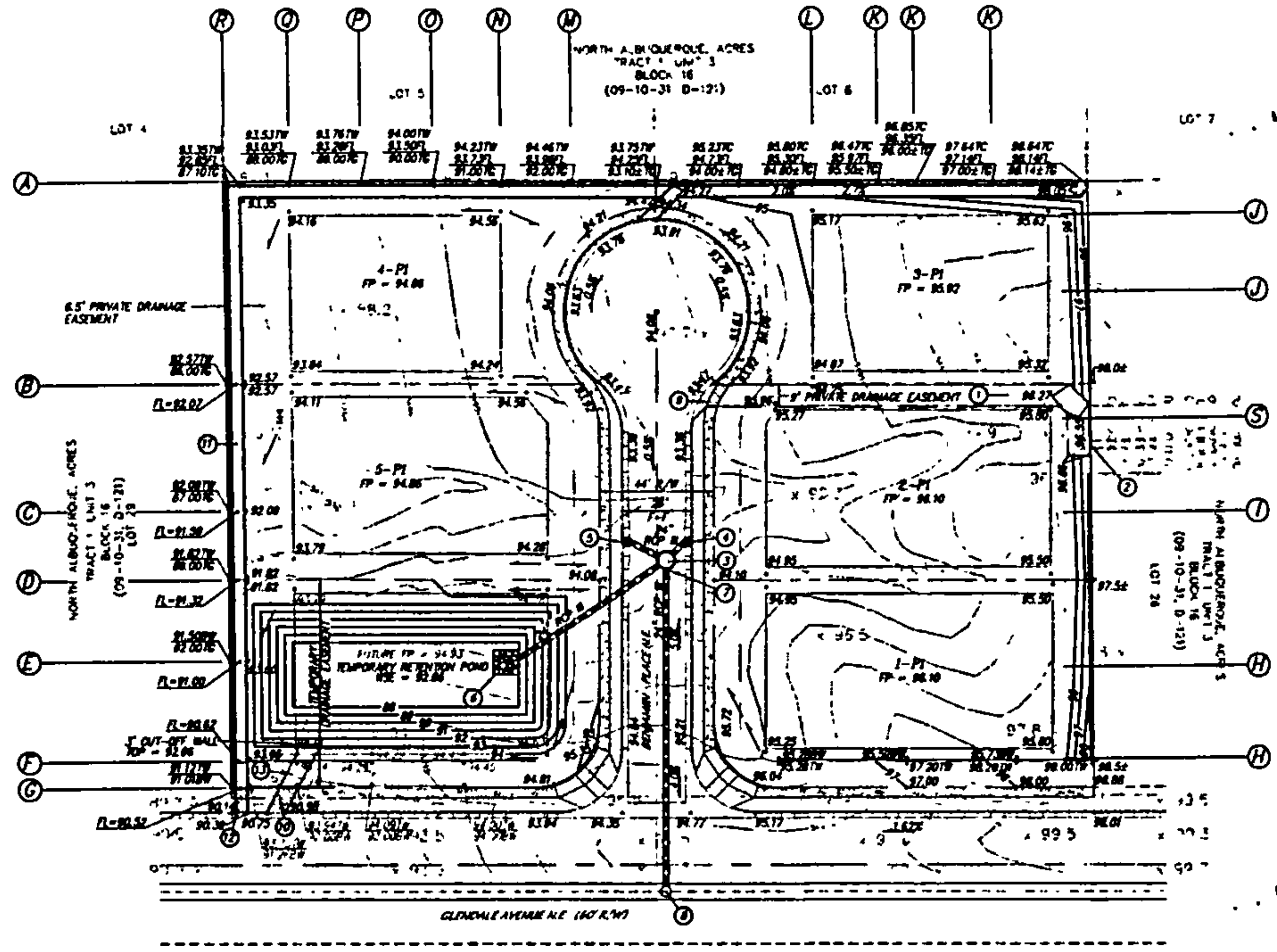
**ENG NEEDS**

3 MARK GOODWIN & ASSOCIATES, P.A.  
CONSULTING ENGINEERS  
P.O. BOX 92008  
ALBUQUERQUE, NEW MEXICO 87199  
(505) 628-2200

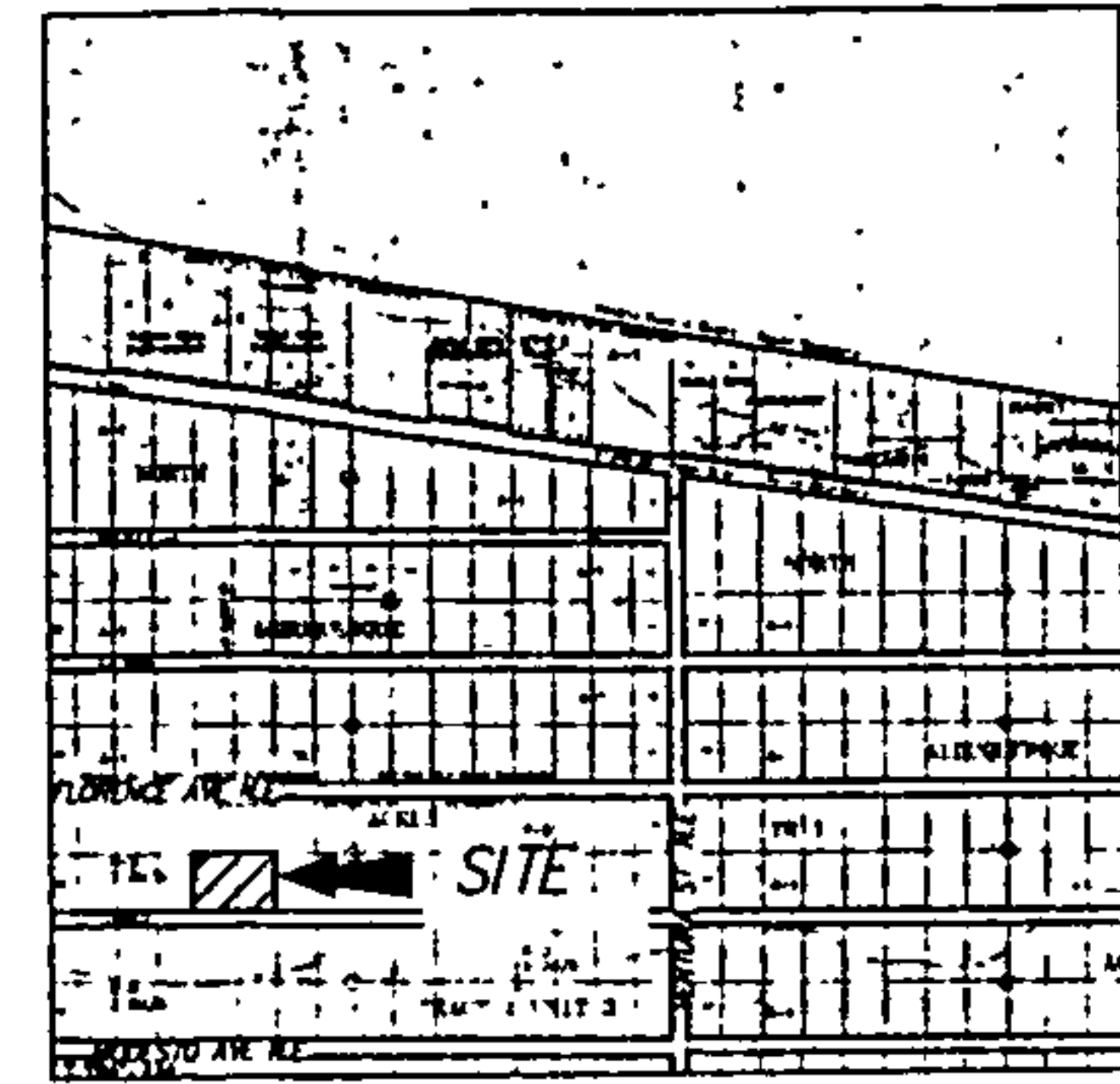
**SURVEYOR**

ALDRICH LAND SURVEY  
P.O. BOX 30701  
ALBUQUERQUE, N.M. 87190-0701  
(505) 884-1990

-181-



- NEW INLET SUMMARY**
- ① 6" CONCRETE CHANNEL
  - ② CHECK EXIST PIPES TO NEW 6" CONCRETE CHANNEL
  - ③ 6" DIA STORM DRAIN MANHOLE INV = 90.34
  - ④ NEW 30" 2" DIA BRGHT INLET TO = 92.83 INV(OUT) = 90.47
  - ⑤ NEW 30" 1" DIA BRGHT INLET TO = 92.82 INV(OUT) = 90.47
  - ⑥ NEW 30" OUTFALL WITH 10"x10"x1' 3" WIRE ENCLOSED RP-RAP PAD INV(OUT) = 90.00
  - ⑦ TEMPORARY CONC. PLUG
  - ⑧ NEW 24" SD SIDEWALK BRIDGE
  - ⑨ NEW 6" WIDE SIDEWALK CULVERT
  - ⑩ 4" CONCRETE CHANNEL
  - ⑪ NEW 4" WIDE SIDEWALK CULVERT
  - ⑫ 4" CONCRETE CHANNEL

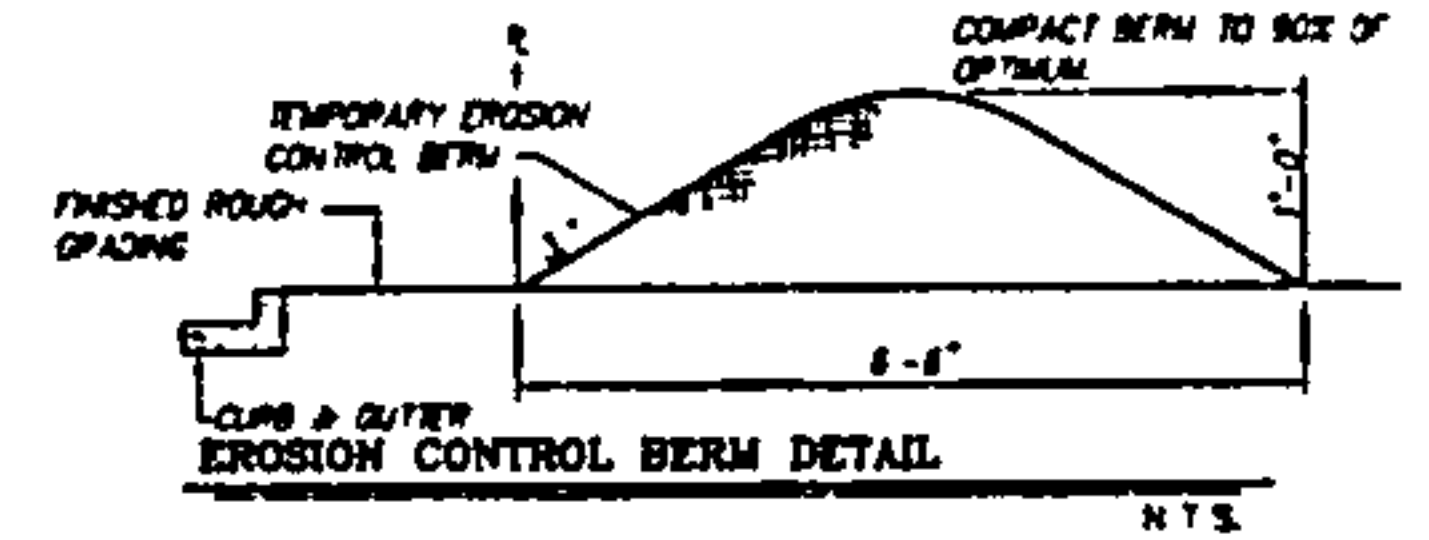
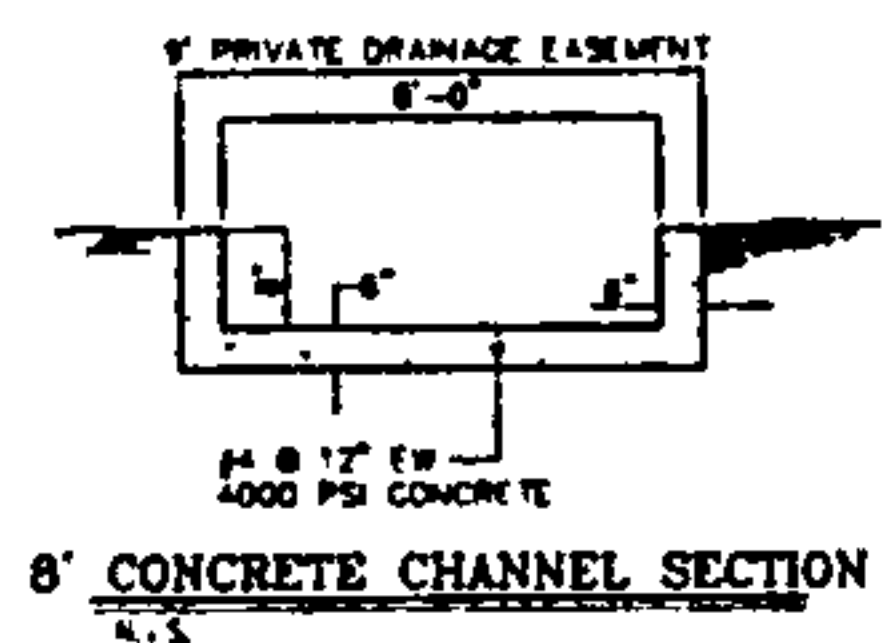
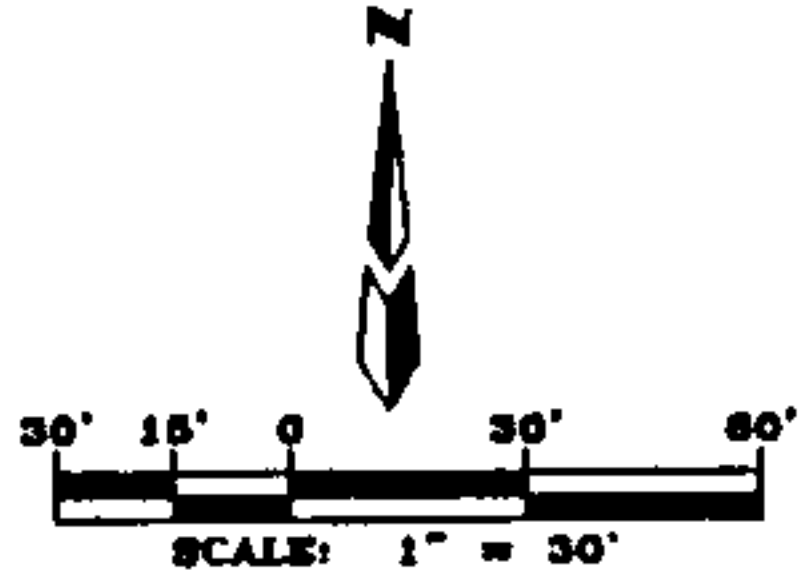
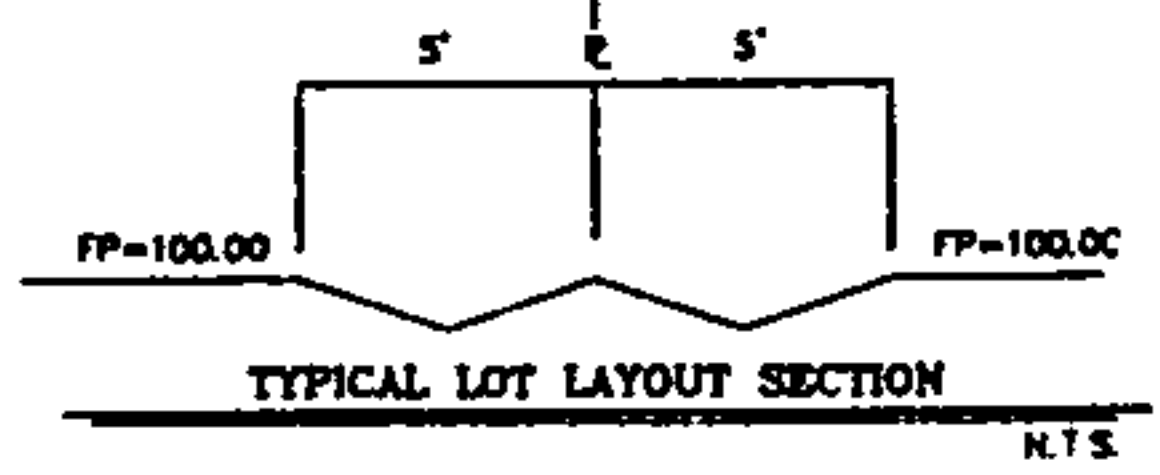
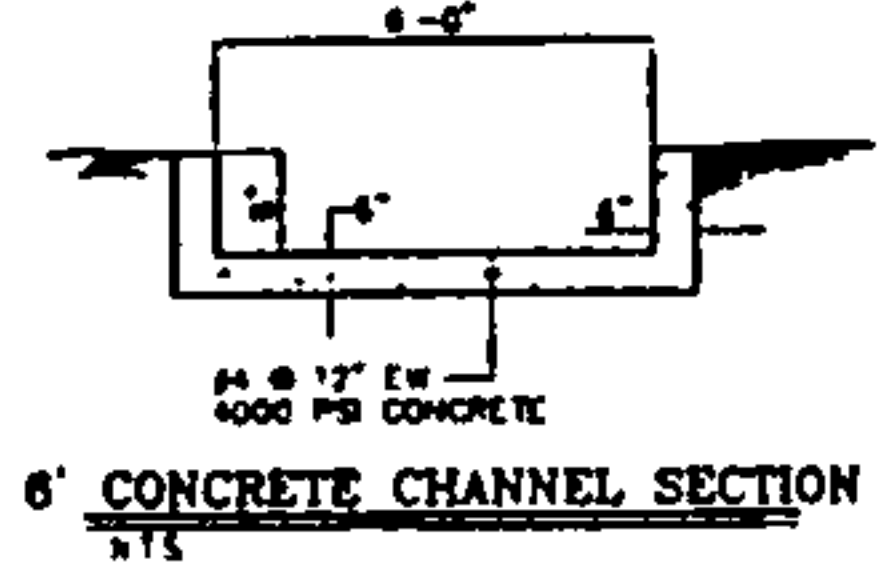


VICINITY MAP ZONE B-20-Z

**LEGAL DESCRIPTION**

A tract of land situate, within the Dena Gageos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 27 and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 10, 1931 in Volume D Page 121 and containing 1.9980 acres more or less.

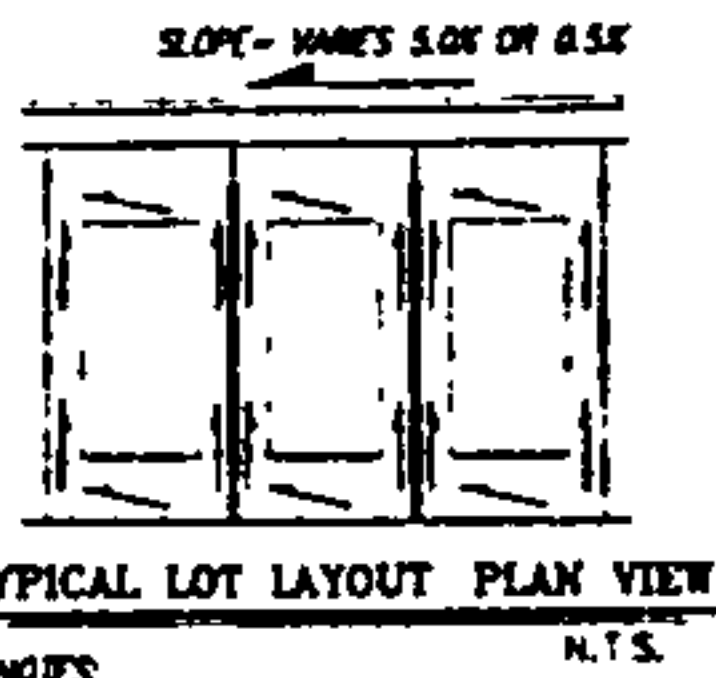
NO.	DATE	BY	REVISIONS
1			ISSUED FOR PERMIT
2			REVISED
3			REVISED
4			REVISED
5			REVISED
6			REVISED
7			REVISED
8			REVISED
9			REVISED
10			REVISED



- NOTES**
1. CONTRACTOR MUST OBTAIN A TOPSOIL DISTURBANCE PERMIT FROM THE ENVIRONMENTAL HEALTH DIVISION PRIOR TO CONSTRUCTION.
  2. CITY OF ALBUQUERQUE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION, SHALL GOVERN ALL WORK.
  3. THE CONTRACTOR SHALL CONFORM TO ALL CITY, COUNTY, STATE AND FEDERAL DUST CONTROL MEASURES AND REQUIREMENTS AND WILL BE RESPONSIBLE FOR PREPARING AND OBTAINING ALL NECESSARY APPLICATIONS AND APPROVALS.
  4. THE CONTRACTOR SHALL ENSURE THAT NO SOIL ERODES FROM THE LOTS INTO PUBLIC RIGHT-OF-WAY. THIS CAN BE ACHIEVED BY CONSTRUCTING TEMPORARY BERMS AND NETTING THE SOIL TO KEEP IT FROM BLOWING.
  5. THE EARTHWORK CONTRACTOR SHALL STOCKPILE ENOUGH MATERIAL ADJACENT TO RETAINING WALL LOCATIONS TO BE UTILIZED FOR WALL BACKFILL.

**LEGEND**

	EXISTING CONTOUR (MAJOR)		NEW CENTERLINE
	EXISTING CONTOUR (MINOR)		NEW LOT LINES
	EXISTING SPOT ELEVATION		NEW EASEMENTS
	EXISTING CHAIN LINK/WIRE FENCE		NEW RETAINING WALL
	EXISTING OVERHEAD ELECTRIC LINE		NEW SPOT ELEVATIONS
	EXISTING POWER POLE		NEW FLOW
	EXISTING GUY WIRE		NEW STORM DRAIN
	EXISTING TELEPHONE MANHOLE		NEW STORM DRAIN MANHOLE
	EXISTING TELEPHONE PEDestal		NEW WATERLOCK
	NEW MOUNTABLE CURB & GUTTER		TOP OF WALL
	NEW STANDARD CURB & GUTTER		TOP OF GRADE
	NEW SIDEWALK		FUTURE SPOT ELEVATIONS
	NEW RIGHT-OF-WAY		FUTURE RETAINING WALL
			FUTURE TOP OF WALL
			FUTURE TOP OF GRADE



- NOTES**
1. ALL RUNOFF FOR LOTS 1, 2 & 3 DRAINS TO THE STREET IN FRONT OF THE LOT.
  2. THE FRONT YARD RUNOFF FOR LOTS 4, 5 & 6 DRAINS TO THE STREET IN FRONT OF THE LOT. THE REMAINDER DRAINS TO THE CONCRETE CHANNEL IN THE BACKYARD.

- EROSION CONTROL NOTES**
1. CONTRACTOR IS RESPONSIBLE FOR OBTAINING A TOPSOIL DISTURBANCE PERMIT PRIOR TO BEGINNING WORK.
  2. CONTRACTOR IS RESPONSIBLE FOR KEEPING ALL SEDIMENT OUT OF EXISTING RIGHT-OF-WAY.
  3. CONTRACTOR IS RESPONSIBLE FOR CLEANING UP ANY SEDIMENT THAT GETS INTO EXISTING RIGHT-OF-WAY.
  4. EROSION CONTROL BERMS ARE REQUIRED AROUND THE ENTIRE SITE.
  5. ALL EROSION CONTROL BERMS MUST BE IN PLACE AND ENGINEER CERTIFIED PRIOR TO BUILDING PERMIT RELEASE.

44023QUV3/GRADE AND DRAIN/CADREV8/2-29-04/ADH.GJK

**dmg** MARK GOODWIN & ASSOCIATES, P.A.  
CONSULTING ENGINEERS  
975 BOX 9008  
ALBUQUERQUE, NEW MEXICO 87198  
(505) 828-2200, FAX (505) 797-9539

**CITY OF ALBUQUERQUE  
PUBLIC WORKS DEPARTMENT**

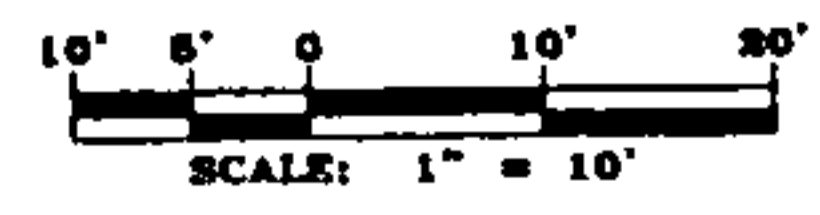
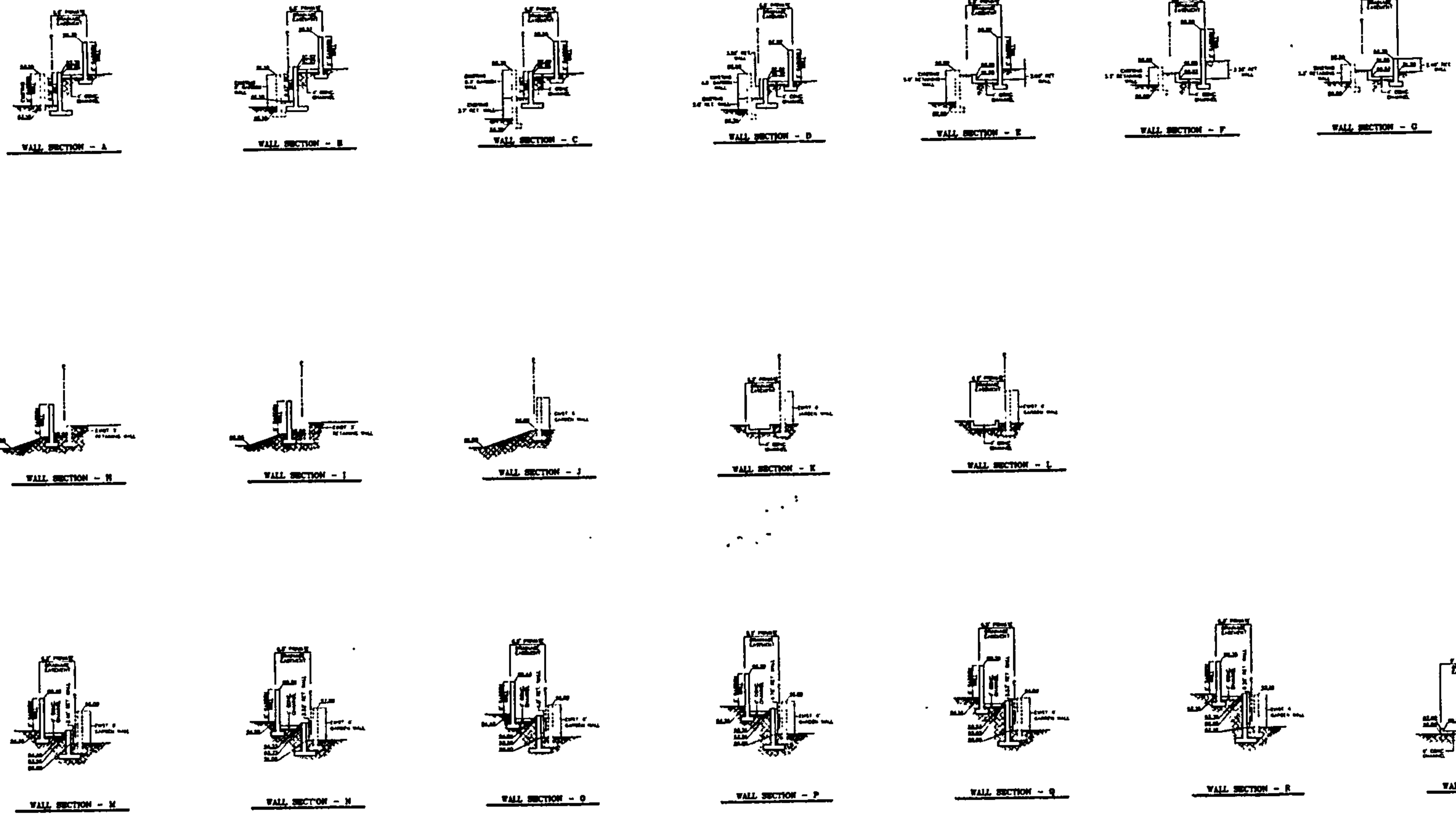
**BENJAMIN PLACE SUBDIVISION  
GRADING & DRAINAGE PLAN**

DESIGN REVIEW: [ ] DATE: [ ]

CITY PROJECT NO. [ ] SHEET [ ] OF [ ]

DATE: [ ]

-182-



**dmg** MARK GOODWIN & ASSOCIATES, P.A.  
CONSULTING ENGINEERS  
P.O. BOX 90808  
ALBUQUERQUE, NEW MEXICO 87199  
(505) 826-2200, FAX (505) 797-9539

**CITY OF ALBUQUERQUE  
PUBLIC WORKS DEPARTMENT**

**BENJAMIN PLACE SUBDIVISION  
GRADING & DRAINAGE PLAN**

DESIGN BY: NEW QUANTITY	CITY ENGINEER APPROVAL	NO. DATE	BY

CITY PROJECT NO. **B-20** SHEET **2** OF **2**

SLAVEY INFORMATION		AS BUILT INFORMATION	
NO.	FILED DATES	NO.	DATE

ENGINEER'S SEAL

REMARKS	DATE
DESIGN	10/10/04
BY: ACH	DATE: 10/10/04
BY: ACH	DATE: 10/10/04
BY: ACH	DATE: 10/10/04



# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) / ENVIRONMENTAL HEALTH INFORMATION FORM

APPLICANT: Washington Street Investors Date of request: 10/7/04 Zone atlas page(s): B-20

**CURRENT:**

Zoning R-D 3 DU / AC

Parcel Size (acres / sq.ft.) 2-0 Acres

**Legal Description -**

Lot or Tract # 27 & 28, Tr 1, Unit 3 Block #16

Subdivision Name North Albuquerque Acres

**REQUESTED CITY ACTION(S):**

Annexation [ ] Sector Plan [ ]  
Comp. Plan [ ] Zone Change [ ]  
Amendment [ ] Conditional Use [ ]

Site Development Plan:  
a) Subdivision [ ] Building Permit [ ]  
b) Build'g Purposes [ ] Access Permit [ ]  
c) Amendment [ ] Other [ X ]  
*MAJOR SUBDIVISION*

**PROPOSED DEVELOPMENT:**

No construction / development [ ]  
New Construction [ X ]  
Expansion of existing development [ ]

**GENERAL DESCRIPTION OF ACTION: 1**

# of units - 6  
Building Size - \_\_\_\_\_ (sq. ft.)

Notes: 1. Changes made to development proposals / assumptions, from the information provided above, may change the TIS or AQIA analysis requirements.

Applicant or Representative [Signature] Date 10-7-04  
(To be signed upon completion of processing by Traffic Engineer and Environmental Health)

**TRAFFIC IMPACT STUDY (TIS) REQUIRED:** YES [ ] NO [ X ] **BORDERLINE** [ ]

Planning Dept., Dev. & Bldg. Services Div., Transportation Dev. Section - 2nd FL. 600 2nd St. NW Plaza del Sol Bldg. 924-3994

**THRESHOLDS MET?** YES [ ] NO [ X ] Mitigating reasons for not requiring TIS: Previously studied: [ ]

Notes:

IF A TIS IS REQUIRED: A scoping meeting (as outlined in the Development Process Manual) must be held to define the level of analysis needed and the parameters of the study. **Any subsequent changes to the development proposal identified above may require an update or new TIS.**

[Signature] 10-7-04  
TRAFFIC ENGINEER DATE

Per letter dated August 7, 2003 from the Director of the Environmental Health Department to the Director of the Planning Department, "all 5 CO monitors within Bernalillo County are yielding 8-hour average CO levels at less than 50% of the Federal CO standard ..." and "based on our review of the available scientific data, we do not foresee a circumstance where preparation of a detailed air quality study for a land use development will be warranted - regardless of the project size, location or traffic generated".

Required TIS **must be completed prior to applying to the EPC.** Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS - SUBMITTED \_\_\_/\_\_\_/\_\_\_  
- FINALIZED \_\_\_/\_\_\_/\_\_\_

\_\_\_\_\_  
TRAFFIC ENGINEER

\_\_\_\_\_  
DATE

TO BE COMPLETED BY APPLICANT  
TRANSPORTATION DEVELOPMENT  
ENVIRONMENTAL HEALTH



CITY OF ALBUQUERQUE  
 PLANNING DEPARTMENT  
 LAND DEVELOPMENT COORDINATION

AGENDA NUMBER: 26  
 ENVIRONMENTAL PLANNING COMMISSION

**Project # 1003520**  
 04DRB-01567 Major-Preliminary Plat  
 Approval

James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05] [04DRB-1570 WAS WITHDRAWN.] (B-20)

**DEVELOPMENT REVIEW BOARD'S COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION MARCH 17, 2005:**

**Request Summary:**

This is an appeal of the January 12, 2005, Development Review Board (DRB) approval of the preliminary plat for Benjamin Place Subdivision.

**Background/Analysis:**

Appellant is an owner of property adjacent to Benjamin Place Subdivision.

The subdivision contains approximately two acres and is located on Oakland Avenue, NE, within the La Cueva Sector Development Plan area. The approved preliminary plat includes five lots around a cul de sac, within the allowed RD/3 dwelling units (dus) per acre existing zoning. (SEE EXHIBIT A.)

Appellant and several others present at the three DRB hearings on this subdivision plat have their residences on approximately 0.89 acre lots surrounding the Benjamin Place Subdivision. They lived there before the area was annexed into the City and before the La Cueva Sector Plan was adopted.

7:30 AM 07/23

Their expectations are that the vacant land surrounding their properties would develop at the same densities as their lots, i.e., 1 dwelling unit per 0.89 acre. They are aware that, when the North Albuquerque Acres annexation occurred, the property on which the Benjamin Place Subdivision is proposed for development was zoned RD/7 dus per acre. They are also aware that the La Cueva Plan adoption lowered the density to the current 3 dus per acre.

Response to Appeal:

Appellant states his basis of appeal is the DRB's error in applying adopted city plans, policies and ordinances, specifically, the La Cueva Sector Development Plan, the Albuquerque Comprehensive Plan, the City Subdivision Ordinance and the City of Albuquerque Comprehensive City Zoning Code.

Below are the DRB's responses to his appeal summarized and organized by cited document. In italics are the Appellant's appeal points.

LA CUEVA SECTOR DEVELOPMENT PLAN

*Appellant believes the regulatory guidance and the intent of the La Cueva Plan is not followed, specifically:*

- *The proposed development completely disregards the natural topography and existing drainage patterns of the site.*
  1. There is no requirement in the DPM to "match the natural topography and drainage patterns." In fact, the prevailing drainage master plan for North Albuquerque Acres (NAADMP) required that these lots drain to Glendale and that the developer install his portion of a 72" pipe in Glendale (along his frontage) as part of the master-planned facility needed to drain the upstream properties.
  
- *Site plan review of higher density uses is recommended.*
  1. The La Cueva Sector Plan requires a site plan for subdivision only when the proposed lot sizes are more intense than what is allowed in R-1 zoning (i.e., lot sizes smaller than 5,000 square feet). (SEE EXHIBIT B.) Benjamin Place lots are platted at three dus per acre, significantly larger than 5,000 square foot lots. No site plan was required for approval of the subdivision.
  
- *Section 5.4.6 Design Regulations. Walls shall be designed to complement the architectural character of the subdivision or neighborhood character by incorporating architectural features and motifs on adjacent buildings. The block walls proposed are in violation since the adjacent homes either have adobe or stucco walls.*

2

1. The Design Regulations apply only to proposed subdivisions with lots 5,000 square feet or smaller which must have an approved site plan before plat approval by DRB.
  2. Even though Benjamin Place did not require an approved site plan, the perimeter walls facing streets had to meet the requirements in the City Comprehensive Zoning Code.
- *Section 5.4.6 Design Regulations. Ensure the development respects the views of the Sandia Mountains and the West Mesa. The site development plan shall include a view analysis. The subdivision is in violation for not conducting a view analysis & preserving neighbors' views.*
    1. Benjamin Place did not have to have an approved site plan for subdivision. So the view analysis was not required.

The La Cueva Plan in Section 6 refers to small subdivision design very similar to Benjamin Place. (SEE EXHIBIT B.)

#### ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN

- *Appellant states that many aspects of Policy d in Section 5 [ Section II, #5,] Developing & Urban Areas (SEE EXHIBIT C.) were carried into the La Cueva Sector Plan but not followed in developing Benjamin Place, particularly with regard to respecting existing neighborhood values or environmental conditions. He states the subdivision will not be a visually pleasing built environment in comparison to all the surrounding homes.*
  1. Appellant and his neighbors prefer that the new subdivision mirror their lot sizes, 0.89 acres per dwelling unit. With RD/3 dus per acre zoning on the property, the developer chose to place 5 dwelling units on his almost 2 acres. The zoning allows him to do so. (In fact, when the area was annexed prior to the adoption of the La Cueva Sector Plan, the zoning was 7 dus/acre.)

The Sector Plan improved the lot size from this perspective. Those involved in the development of the La Cueva Plan, many of whom were area residents, were satisfied that the 3 dus per acre respected the existing values and environmental conditions as called for in the Comprehensive Plan.
- *Appellant states that the November 30, 2004 facilitated meeting between the developer and the neighbors produced a report which has been ignored. (SEE EXHIBIT D.)*
  1. After the meeting, the number of lots in the subdivision changed from 6 to 5 lots, one of the concerns expressed by the neighbors. Also, changes in the grading plan to lower the overall subdivision height and, thus, the walls occurred.

2. Many of the other issues raised were between the homebuilder and the neighbors, outside the DRB's authority.
- *Appellant states the quality of the visual environment Policy m, Section 5 [Section II, #5] of the Comprehensive Plan) is negatively impacted by the subdivision which will "float" higher than surrounding homes. (SEE EXHIBIT E.)*
    1. These proposed lots are higher than the lot to the west. They are lower than the lot to the east. They are essentially the same grade as the ones to the north
  - *Appellant believes that Policy n, Section 5 [Section II, #5] of the Comprehensive Plan that speaks to areas prematurely subdivided with problems of multiple ownership, platting, drainage, etc is not followed in this project. Specifically, he states there was no attempt to bring landholders together with developers to re-plan & settle on solutions (amenable to all) or resolve platting problems before extending urban public facilities. (SEE EXHIBIT F.)*
    1. The process leading to the creation and adoption of the La Cueva Sector Development Plan addressed both of these concerns. The La Cueva Plan is the product of communication and compromise between landholders, residents, a consultant team and City planners.
    2. When the County portion of North Albuquerque Acres was originally annexed into the City, some of the property such as Benjamin Place was originally zoned RD/7dus per acre. As a result of compromise and communication, the adoption of the La Cueva Plan changed this zoning to a lower density to better address these Comprehensive Plan policies.
  - *The remaining policies cited by Appellant under Section 5 [Section II, C # 9], Community Identity and Urban Design address views, lot sizes and natural environment. (SEE EXHIBIT G.)*

DRB's responses to these issues are already outlined in the responses above.

#### CITY SUBDIVISION ORDINANCE

- *Appellant states that the orderly pattern of development, namely one home per lot with lots fronting on Glendale and set back significantly from public right of way, is violated by wedging a higher density subdivision between these one acre developed lots. Appellant contends Benjamin Place thus violates Section 14-14-1-3 (A & F) of the City Subdivision Ordinance. SEE EXHIBIT H.)*

*(A) Coordination of land development in accordance with orderly physical patterns as stated in the Comprehensive Plan.*

*(F) Safety and suitability of land for the development contemplated.*

*14-14-2-1...the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article and is not contrary to the best interests of the public health, safety, and general welfare. (SEE EXHIBIT I.)*

1. The La Cueva Sector Plan, as the implementation vehicle of the Comprehensive Plan in this instance, says, by virtue of the zoning established in this area including the Benjamin Place Subdivision property, that three dwelling units per acre is the orderly and suitable pattern of development.
  2. The hydrology, utilities, parks, transportation and planning requirements of the technical staff of the DRB prior to approval of a subdivision plat ensure that the best interests of the public health, safety and welfare are protected. Appellant does not cite any engineering or planning specifics which he believes violated these interests.
  3. The DRB acted according to these cited sections of the Subdivision Ordinance in approving the preliminary plat.
- *Appellant cites Section 14-14-2-3(A) of the Subdivision Ordinance (SEE EXHIBIT J.), again claiming the two original lots in Benjamin Place are unsuitable for subdividing, this time because they have a very active arroyo running through the property carrying the runoff of numerous other lots. He contends the grading and drainage plan submitted to DRB "supposedly" mitigates the runoff issue but a detailed analysis of all potential inflows has not been done. He also states the topography is not satisfactory for building.*
    1. Section 14-14-2-3(A) states no property can be subdivided which is found unsuitable by reason of flooding, ponding, poor drainage...unless such conditions are mitigated to the satisfaction of the City. The submitted drainage report has adequately satisfied the condition. Further, Section 14-14-2-3(B) (SEE EXHIBIT J.): a subdivision must be provided with adequate infrastructure, which the developer will install as part of his proposal. The appellant is in error when he states that a detailed analysis was not done. The Subdivision Ordinance clearly requires a drainage report. The City reviewed and approved the drainage report.

A visit to the site did confirm a small channel (which was shown on the grading plan) but the lot owner downstream has built his property wall on this channel causing the water to pond on site. This situation does not fit the definition of a "very active arroyo".

- *Appellant also cites Subsection (E) of Section 14-14-2-4 of the Subdivision Ordinance. (SEE EXHIBIT J.) stating that the proposed grades for Benjamin Place, particularly South to North, do not blend the development into the adjacent environment as required by this section of the Ordinance.*
  1. Subsection (E) states raising the grade for proposed lots near the edge of the subdivision should be avoided wherever feasible without unreasonable costs. Again, the subdivision is terraced into the existing topography. Typically, each lot must drain to the street on which it fronts. The lots on the west were required to drain to a backyard channel and this channel then had to drain to Glendale. Offsite drainage entering this subdivision also uses this channel to drain to the required outfall location.

#### CITY OF ALBUQUERQUE COMPREHENSIVE ZONING CODE

- *Appellant cites Section 14-16-3-3(A(7)) (SEE EXHIBIT K.). This Section pertains to building height limitations to preserve solar access. Appellant specifically cites (A) which applies to residential zones with a 26 foot height limit.*

*Appellant claims the table in this Section requires a 26 foot high residence to be offset from the North lot line by 35 feet.*

1. This setback applies unless the homes meet the minimum efficiency standards in Section 14-16-3-3A(7)(d). (SEE EXHIBIT K.) The developer will meet these standards. In this case the 35 foot setback is waived by the Zoning Enforcement Officer.
  2. The homes directly to the north of this proposed subdivision have significant setbacks from their south property lines. In fact, Appellant's home measured at a 72 foot setback from his south property line on our computer.
- *Appellant further cites Section 14-16-3-19(A) General Height and Design Regulations for Walls, Fences and Retaining Walls (SEE EXHIBIT L.) stating the walls located in the northwest, southeast and southwest corners of Benjamin Place are in violation of this Section.*
    1. The DRB approved Perimeter Wall Design does not include the portions of the walls cited by Appellant.

2. DRB approves those portions of perimeter walls abutting public streets, public open space, parks or trails. These are the only walls that must be approved prior to approval of the subdivision preliminary plat.
3. Wall permits are issued by Zoning Services for perimeter walls including those portions not under DRB jurisdiction. Zoning approves those portions of walls not approved by DRB when the builder applies for wall permits.

#### APPELLANT'S SUMMARY AND CONCLUSIONS

- *Since the zoning of these two lots only allows five homes, why not put the draining pond in the northwest corner?*
  1. The requirements of the DPM are clear. Every pond must have an overflow to a public right-of-way or easement to handle storm events greater than the design storm. The only place to put this temporary pond is next to Glendale.
- *Split each lot into two narrower 0.45 acre lots facing the street and setback about the same distance from the street as existing homes.*
  1. Four lots is the maximum number allowed under this scenario. The developer has to decide if this is an option for him. The lots would measure approximately 84' wide x 233' long.
- *The neighbor to the West is willing to grant a drainage easement to allow flows across his property. This would eliminate the need for grade changes on the West and in the Northwest corner.*
  1. It is not permissible to allow public runoff to enter private property without a public easement 20' wide. One would be needed through every lot downstream. From past experience, obtaining easements from private property owners is very expensive. The City already has an easement in Glendale. It is not desirable to get an additional easement to maintain.

*The developer could determine the feasibility of taking the subdivision outflow through a storm drain and into a pond soon to be completed at the southeast corner of Barstow and Glendale. This action might result in the lowering the grade of Benjamin Place.*

The required pipe size is 72" in diameter. The developer was planning to install the pipe to the pond until he had to decrease his density from 6 lots to 5. The value of the sixth lot would have paid for the additional length of storm drain needed to negate the pond.



*Rather than raise the grade of the NW and West side of the subdivision, why not lower the grade at the East and SE corners? The wall heights would be lower.*

Actually, the approved plan already lowers the elevations along the east side by 2-3 feet. However, this option does not lower the grades in the northwest corner. Those grades are dictated by the elevation of Glendale because the northwest corner must drain to Glendale. The proposed design along Glendale is lower than the existing grade to help blend this design as much as possible.

*Wait until the City constructs the storm drain up Glendale. Establishing new subdivisions prior to required infrastructure improvements causes eyesores like the drainage retention pond.*

1. The City Department of Municipal Development has no plans to extend the storm drain up Glendale. Construction of this portion of the master planned storm drain is the responsibility of the developers who subdivide the property along Glendale.

*Guarantee the five homes in Benjamin Place will only be single story.*


1. The developer builds what the market dictates. To satisfy this homebuyers' market and meet the required setbacks, etc, two story homes are often the result.

#### FINDINGS:

1. The DRB followed the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the Benjamin Place Subdivision preliminary plat with 5 lots, in approving the grading and drainage plan per the Development Process Manual and not requiring site plan review of the subdivision with lots at least 5,000 square feet in size.
2. The La Cueva Sector Development Plan is the implementation tool for Section II, #5, Policies d, m and m of the Albuquerque/Bernalillo County Comprehensive Plan. By following the regulatory guidance and intent of the La Cueva Sector Development Plan in approving the preliminary plat for the Benjamin Place Subdivision, the DRB upheld the intent of the Comprehensive Plan.

3. The La Cueva Sector Development Plan established the zoning designations to assure orderly physical patterns of land development as called for in the Comprehensive Plan and the City Subdivision Ordinance. The DRB followed the La Cueva Sector Development Plan requirements in approving the Benjamin Place Subdivision preliminary plat.
4. The DRB approved grading and drainage plan adequately addresses the grade change and runoff issues existing on the Benjamin Place Subdivision property.

**RECOMMENDATION: DENIAL OF Appeal Application 05EPC-00122, Project # 1003520, 04DRB-01567 Major-Preliminary Plat, based on the preceding Summary/Findings.**

  
Sheran Matson, AICP  
Development Review Board Chair

# BENJAMIN PLACE SUBDIVISION APPEAL

## TABLE OF CONTENTS

RESPONSE TO APPEAL	1-9
APPEAL	10-23
EXHIBIT A. BENJAMIN PLACE SUBDIVISION LAYOUT & LOCATION	24
EXHIBIT B. LA CUEVA SECTOR DEVELOPMENT PLAN, PAGES 26, 39 & 40	25
EXHIBIT C. SECTION II, #5, POLICY D, ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN	26
EXHIBIT D. NOVEMBER 30, 2004 FACILITATOR'S REPORT	27-33
EXHIBIT E. SECTION II, #5, POLICY M, ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN	34
EXHIBIT F. SECTION II, #5, POLICY N, ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN	35
EXHIBIT G. SECTION II, C #9, ALBUQUERQUE/BERNALILLO COUNTY COUNTY COMPREHENSIVE PLAN	36-37
EXHIBIT H. SECTION 14-14-1-3(A &F), CITY OF ALBUQUERQUE SUBDIVISION ORDINANCE	38
EXHIBIT I. SECTION 14-14-2-1 CITY OF ALBUQUERQUE SUBDIVISION ORDINANCE.	39
EXHIBIT J. SECTION 14-14-2-3(A) AND SECTION 14-14-2-4(E) CITY OF ALBUQUERQUE SUBDIVISION ORDINANCE	40-42
EXHIBIT K. SECTION 14-16-3-3(A)(7) CITY OF ALBUQUERQUE COMPREHENSIVE ZONE CODE	43-44
EXHIBIT L. SECTION 14-16-3-19(A) CITY OF ALBUQUERQUE COMPREHENSIVE ZONE CODE	45-47
BASYE E-MAIL: RULING ON NUMBER OF LOTS PERMITTED	48
DECEMBER 7, 2004, PHILLIPS LETTER TO DRB	49-57

**PAGE 2, TABLE OF CONTENTS/ BENJAMIN PLACE APPEAL**

ORIGINAL DRB APPLICATION FOR BENJAMIN PLACE PRELIMINARY PLAT	58-63
JANUARY 12, 2005 DRB NOTICE OF DECISION APPROVING BENJAMIN PLACE PRELIMINARY PLAT	64-65
DRB MINUTES OF 11/3/04, 12/1/04, 12/15/04, 1/12/05 PERTAINING TO BENJAMIN PLACE PRELIMINARY PLAT	66-132
DRB LEGAL AD FOR EPC MARCH 17, 2005 APPEAL HEARING	133-135
DRB NOTICE OF MARCH 17, 2005 EPC APPEAL HEARING	136



**SUBDIVISION**

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

- for Subdivision Purposes
- for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

**STORM DRAINAGE**

- Storm Drainage Cost Allocation Plan

Supplemental form

**S Z ZONING & PLANNING**

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)

**L A APPEAL / PROTEST of...**

- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: James R Phillips Jr. PHONE: 505 821 0558  
 ADDRESS: 8600 Florence Ave NE FAX: 505 344 7022  
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: james.r.phillips@comcast.net  
 Proprietary interest in site: No List all owners: \_\_\_\_\_  
 AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: This is an appeal of the DRB's approval of the preliminary plat on Jan 12, 05

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. Lots 27+28, Tract 1 Block: 16 Unit: NAA Unit 3  
 Subdiv. / Addn. Benjamin Place Subdivision  
 Current Zoning: R-D Proposed zoning: R-D  
 Zone Atlas page(s): 13-20 No. of existing lots: 2 No. of proposed lots: 5  
 Total area of site (acres): 1.8 Density if applicable: dwellings per gross acre: 3 dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No  
 UPC No. \_\_\_\_\_ MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Ave NE  
 Between: Barstow NE and Ventura NE

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.): 04 DRB 01567  
04 DRB 01568, 04 DRB 01862

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: \_\_\_\_\_  
 SIGNATURE [Signature] DATE 24 JAN 05

(Print) James R Phillips Jr  Applicant  Agent

**FOR OFFICIAL USE ONLY**

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>05 EPC 00122</u>	<u>Appeal</u>	<u>14</u>	<u>\$ 190.00</u>
<input type="checkbox"/> All fees have been collected		<u>AD Fee</u>		<u>\$ 50.00</u>
<input type="checkbox"/> All case #s are assigned				\$ _____
<input type="checkbox"/> AGIS copy has been sent				\$ _____
<input type="checkbox"/> Case history #s are listed				\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date <u>3.17.05</u>			Total <u>240.00</u>

Planner signature / date \_\_\_\_\_ Project # 1003520

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD

Project number of case being appealed; # 1003520

Application number of case being appealed; 04DRB 0567

- Reason for the appeal \* attached
- Appellant's basis of standing as an appellant \* attached
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
- DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
- DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

\* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

James R Phillip Jr  
 Applicant name (print)  
[Signature] 29 JAN 05  
 Applicant signature / date



Form revised - October 2004

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

EPC  
 Application case numbers  
05-0018 Appeal - 00122

[Signature]  
 Planner signature / date  
 Project # 1003520

TO: Environmental Planning Commission

January 24, 2005

FROM: James R Phillips, Jr (8600 Florence Ave NE)

SUBJECT: Basis of Appeal  
Development Review Board Decision. January 12, 2005  
Approval of Preliminary Plat  
Project # 1003520

Dear Sirs,

I am representing the neighbors surrounding the proposed development "Benjamin Place" to be located on Glendale Ave NE. My neighbors and I consider ourselves aggrieved by the decision of the DRB.

**Standing to Appeal.** We live within 300 feet of the subject site. The list of neighbors supporting this appeal is attached.

We are also in the process of forming a Neighborhood Association in accordance with the Neighborhood Association Recognition Ordinance (14-8-2-1) to help us with this case, as well as other issues affecting this area of North Albuquerque Acres, which is in the La Cueva Sector. We have met with the Albuquerque Office of Neighborhood Coordination and will be working with them in the weeks ahead. Unfortunately, there is no existing association representing this area at this time. We anticipate satisfying all the criteria in the applicable ordinance and being recognized by the City of Albuquerque within the next eight weeks.

**Basis of Appeal.** The basis of our appeal is that there has been an error in applying adopted city plans, policies, and ordinances by the DRB's approval of the preliminary plat. Our lengthy but detailed list of issues follows. In each citing of an ordinance, rule, or regulation, we have written in italics the specific violation.

In addition, at the end of this listing, we offer numerous suggestions to mitigate these issues that should be discussed as alternatives to the developer's plans. In our opinion these alternatives should establish a framework for discussion with the developer and the City that could lead to subdividing this property in a way to have minimal adverse impact on the existing community, satisfy City requirements, and allow the developer to achieve his goals.

#### **La Cueva Sector Development Plan**

The La Cueva Sector Development Plan, a Rank Three Plan, was published June 2000. The Environment Planning Commission recommended approval in 1999. It was signed by Mayor Baca, passed by unanimous vote of the City Council and reviewed and Approved by the Development Review Board. It was written to "protect public well being" in the La Cueva Sector that was annexed by the City in 1995.

The plan “recommends land uses, zoning, design regulations and strategies to encourage effectively organized urban development.”

On Page i it states “The purpose of the plan is to suggest solutions to the barriers that have hindered sound urban development in the plan area. These include existing platting that disregards natural topography and drainage patterns; diverse ownership that inhibits consolidated developments; and piecemeal planning that disregards area-wide needs for parks, major streets and major drainage improvements”

*It is our belief that the regulatory guidance as well as the intent of the La Cueva Sector plan is not being followed. The proposed development completely disregards the natural topography of the site and the existing drainage patterns—in other words, the hap-hazard development of this area continues as it did before.*

*The following specifics are offered as proof of this:*

Section 5. Zoning – states as “One of the guiding principles - Site plan review of higher density uses is recommended to assure positive relationship between land uses.”

*The proposed subdivision has not evaluated nor proposed a solution that assures a positive relationship with existing land uses. The proposed subdivision is completely surrounded by developed land, all with established homes that have existing views, open space, significant set-backs, and other positive characteristics. This proposed subdivision will in no way provide a positive relationship with these established homes.*

Para 5.4.6 Common Design regulations. (In para 5.2, it states that “Development in the RD zone that requires a site development plan must meet the design regulations in section 5.4.6 of this plan”)

#10 Perimeter Walls. Intent: Add visual interest and character to the streetscape and increase the overall appeal of the development.

10R-1: Walls shall be designed to complement the architectural character of the subdivision or neighboring architecture by incorporating the architecture features and motifs on adjacent homes or buildings.”

*As proposed by the developer, block walls will be built around the development. Adjacent homes do not have block walls but instead have either adobe walls or stucco covered walls. Therefore the subdivision will be in violation of this requirement.*



#11. Views. Intent: Ensure that the development respects the views of the Sandia Mountains to the east and the mesa to the west. This includes preserving views from out of the site and site design to take advantage of views from the site.

11R-1: Site development plans shall include a View Analysis that shall identify views into and out of the site and indicate how these views shall be protected within the site.

*The developer has not conducted a view analysis and has had no discussion with the neighbors most affected. The neighbor to the West will completely lose all of his views towards the Sandia Mountains. The neighbor to the East will completely lose all views of the West Mesa. Other neighbors abutting the proposed subdivision will also lose varying degrees of existing views. Therefore, the development is in violation of these requirements for not conducting a view analysis and not preserving existing views.*

### Albuquerque/Bernalillo County Comprehensive Plan

Another plan that covers certain details of this development is the Albuquerque/Bernalillo County Comprehensive Plan. In that plan, this area is classified as Developing Urban and within the North Albuquerque Acres Community as identified on the Community Areas Map. As such the following rules apply:

Section 5. DEVELOPING AND ESTABLISHED URBAN AREAS. The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

Policy d - The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern. Possible Techniques:

3) Assist area property owners, neighborhood groups, and developers, (by negotiation and public education) in achieving, with coordination and harmony of development plans.

*It is our opinion that many aspects of Policy d have been carried into the La Cueva Sector development plan—but not followed. This subdivision does not respect existing neighborhood values or the environmental conditions. It will not be a visually pleasing built environment when compared to all of the homes surrounding it. Other than one meeting arranged by the City that produced a Facilitator's Report (November 30, 2004) no follow-up*

*dialogue occurred. Even though the report was 10 pages long and contained numerous issues and proposed changes—and ended with the statement “All issues are unresolved” there was no effort by the City to stimulate resolutions to the issues. This report was offered into evidence at the DRB hearings but no action was taken and no dialogue occurred.*

*There has been no assistance provided to the property owners in conjunction with the developers to assure that the plans for this subdivision address everyone’s concerns.*

Policy m - Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

*There has been no dialogue about the very negative impact this proposed subdivision will have on the quality of the visual environment. This development will clearly degrade the visual environment; not only because of the loss of views by neighbors, but the subdivision itself will float higher than surrounding homes thus destroying the aesthetics of the area. Other subdivisions in the area have been built without regard to this policy leading to obtrusive developments that have destroyed the unique vistas of this area and created eyesores.*

Policy n - Areas prematurely subdivided and having problems with multiple ownership, platting, inadequate right-of-way, or drainage should be reassembled or sector planned before annexation and service extension is assured. Possible Techniques:

- 1) Bring land holders and private developers together to replan and re-subdivide problem areas.

*There has been no attempt to bring land holders together with developers in this area to replan and settle on solutions as this requires. Since annexation developers have been able to by-up vacant land and propose subdivisions with absolutely no coordination with existing land holders who only find out about developments after they have reached the DRB.*

- 3) Resolve platting problems before extending urban public facilities.

*Clearly this subdivision is not appropriate because of its small size, wedged in amongst existing homes that are established on .89 acres each, but also because the area is not yet properly developed with infrastructure to support sub-dividing. Service extension, primarily storm drains, should be established before subdivision.*

## Section 9. COMMUNITY IDENTITY AND URBAN DESIGN

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

Policy a - The City and County differentiate into thirteen sub-areas as shown on the Community Areas map; the unique character and constituent neighborhoods of each area identified on the Community Areas map shall be respected in all planning and development actions.

*This area is identified as the Community of North Albuquerque Acres and this particular neighborhood is unique because of the open space, views, lot sizes, minimal traffic, natural environment that respects the existing topography and minimal, non-polluting lighting. This subdivision will violate all these unique characteristics.*

Policy b - In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

- 1) The natural environment
  - Indigenous vegetation and other materials appropriate to landscapes.
  - Topography and landscape features such as arroyos, the Rio Grande and bosque, the foothills, and escarpments
  - Soils and erosion potential
  - Colors and textures of the natural environment
  - Views

*The natural environment is not being respected due to excessive grading and the destruction of the arroyos. In addition, the views—a major positive issue to this community are being destroyed by the construction of a "compound" in the middle of existing homes already established on .89 acres each.*

- 2) Built environment
  - Height and massing of buildings
  - Setbacks from the street
  - Walls and fences
  - Street furniture (e.g. bus stops, street lights, signs)
  - Relationship between built and natural environment

*The height and massing of the buildings in this subdivision will far exceed the established neighboring homes. Existing setbacks for existing homes will not be respected because this subdivision will push homes right up to the property lines. Walls will be excessive and present the appearance of a compound. There are no street lights in*

*this area which enhances its beauty and night sky—but this subdivision, as required for all subdivisions, will have a street light. There will be no logical or meaningful relationship between the homes and the natural environment because the construction technique will simply be to fill in and level the entire two lots.*

### City of Albuquerque, Code of Ordinances, Chapter 14

Within the City of Albuquerque, New Mexico, Code of Ordinances, Chapter 14, Zoning, Planning and Building, are all ordinances covering this proposed subdivision.

Article 14 contains all the Subdivision Regulations.

14-14-1-3 Purpose and Intent. The Public health, safety, comfort, convenience, and general welfare of the people of the city require harmonious, orderly, and coordinated development of land within the city... The intent of such control is to secure:

- (A) Coordination of land development in accordance with orderly physical patterns as stated in the Albuquerque/Bernalillo Country Comprehensive Plan.
- (F) Safety and suitability of land for the development contemplated.

*It is our opinion that the development of these two lots as a subdivision violates any orderly pattern of development and the land is not suitable for subdividing. The orderly pattern of development is one home, per lot with lot fronts facing Glendale Ave and set back from the public right of way. Wedging a higher density subdivision in between an already established orderly pattern of development is not acceptable. Subdivisions make more sense, and are more applicable to larger areas where they do not affect established orderly patterns of the existing neighborhood.*

14-14-2-1 General Appropriateness. Land may be subdivided only in accordance with procedures established by this article. The Development Review Board shall approve the subdivision of land when it determines that the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare.

*It is our opinion that the provisions of "general welfare" are violated by the approval of this subdivision. Welfare is defined as "good fortune, wealth, and happiness of people or a group of people." None of the existing residents surrounding this subdivision will be positively affected and all are in opposition. The only one whose "welfare" will benefit is the developer who does not live here.*

14-14-2-3 LAND SUITABILITY.

(A) No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. In determining suitability the city shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority.

*These two lots, comprising approximately 1.8 acres is clearly unacceptable, and NOT SUITABLE for subdividing.*

*It has a very active arroyo that runs through the property carrying the runoff of numerous other lots. It will be susceptible to flooding and causing potential water problems upstream as well as downstream. The plan submitted to the DRB—after several attempts supposedly mitigates this issue but a detailed analysis of all potential inflows has not been accomplished. In order to appropriately handle all drainage requirements and simultaneously satisfy building requirements for subdivisions, radical and drastic grade changes are required that will result in unacceptable wall construction and deterioration of views from surrounding properties. In addition, a temporary drainage retention pond will be constructed until the city constructs a storm drain at some future unknown date.*

*It should be noted that other recent subdivisions in the area have, and are continuing to cause drainage problems that are causing excess run-off of water onto existing, occupied lots.*

*The topography is also not satisfactory for building. The lots drop away significantly—over 8 ft from South to North. This is away from the main access street, and in the opposite direction required for drainage to the future storm drain. This will result in a much higher elevation than neighboring properties on the North and West sides. Massive wall heights will result creating the illusion of a compound sitting above the surrounding property.*

*There is a fairly new subdivision, platted and designed in a very similar fashion near the corner of Wyoming and Modesto. The requirements for grading resulted in massive 15 ft walls that have forever wrecked the views and aesthetics of the neighboring existing properties.*

18

*In determining suitability the DRB was to take into consideration existing land use of the surrounding areas. This proposed development is surrounded by properties that have not implemented drastic grade changes, or wall heights—and it should not be allowed here.*

(E) Grades set for new subdivisions must blend the plat's development into the adjacent environment with a minimum of sudden grade change. Extensive fill which raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property should be avoided... Where needed for a subdivision, grade changes are usually best done within the interior of the subdivision. City staff appropriately goes beyond mere approval or disapproval of a developer-proposed grading plan and identifies less intrusive grading approaches consistent with the policy/standard of this section...

*The proposed grades, especially South to North, DO NOT blend the development into the adjacent environment. EXTENSIVE fill is required and it will raise the grade significantly above the lot to the North and the West. This "sudden grade" change is not acceptable to the neighbors for many reasons; views, privacy, solar access, property values and we would expect the city to enforce this ordinance to protect the public as a whole. Not just the interested developers that do not live here. The requirement for the grade change is tied to subdivision requirements for drainage and since the city can not allow the subdivision to be built without a proper approved drainage plan—this property is de-facto unsuitable for a subdivision. Alternatives to the grading plan were not discussed in detail—but there are many possibilities that need pursuing. These are listed at the end of this paper.*

*In addition to this, it should be clearly understood that the drastic grade increase on the West side of this proposed subdivision will undoubtedly increase the value of the west building lots because the views will be exceptional since they will be well above surrounding neighbors. This increase in value will clearly come at the expense of these surrounding neighbors. That is not acceptable.*

#### 14-16-3-3 SUPPLEMENTARY HEIGHT, AREA, AND USE REGULATIONS.

(7) Building Height Limitations to Preserve Solar Access. The additional height limitations of this division (A) shall apply to all residential zones where the basic height limitation is 26 feet. The height of any building shall comply with certain height requirements.

*The Solar Access requirements indicate that a home of 26ft in height must be offset from the Northern Lot line by 35*

*feet. In accordance with the developer's plans, the two northern pads for home to be constructed are about 18 feet from the lot line. This is made even worse by the excessive grade increase on the NW corner lot. The developer has not inquired of the two residents affected by this potential loss of Solar Access and therefore this plat is unacceptable.*

*On top of that, the Solar Access ordinance does not discuss the impact of a developer placing a 26 ft high house, on top of a drastic grade change of 8 ft—with the result being 34 ft above the neighbors property to the North. That reduction in Solar energy (sunshine) will be significant.*

#### 14-16-3-19 GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS.

(A) *Height regulations.*

(1) A wall, fence, retaining wall, or vertical combination of these (the "wall") that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within a required setback, provided:

(a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard.

*The walls to be located in the NW corner of the subdivision will be a combination of a retaining wall and a garden wall. This combination, according to the plat, will be 12 ft high. This is in clear violation of this ordinance.*

(c) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the street side or the abutting front yard grade whichever is most restrictive.

*The walls located in the SE and SW corner are technically rear yards that are contiguous to the front yards of the existing homes. These walls exceed three feet in height within ten feet of the right-of-way line in clear violation of this ordinance.*

(c) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the street side within 20 feet of the rear right-of-way line; however, this

20

setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.

*The walls located in the SE and SW corner are technically rear yards that are contiguous to the front yards of the existing homes and they abut a public street. These walls exceed three feet in height within 20 feet of the right-of-way line in clear violation of this ordinance*

### Conclusions and Recommendations:

These ordinances and their violation is the basis of our appeal. Subjectively we feel that the overriding issue should be focused on the creation of a subdivision, the requirements for a subdivision to follow very stringent rules, and the fact that these rules are not easily applied to subdivisions with such a small scope, on unique property. Subdivisions, and their requirements for utilities, drainage and streets, are more logical on larger scales—not squeezed onto 1.8 acres thus making these two lots unsuitable for a subdivision.

Our preference would be to continue the development of the immediate community as already mandated by the existing developed lots, and required in not only the Albuquerque/Bernalillo Comprehensive Plan but the La Cueva Sector Development Plan. At the very least, community involvement is mandated by these plans for such a radical change to the established neighborhood—and that has not happened.

It is also suggested that the City actually see these lots and the surrounding area. The poor topography and very negative impact of grade changes and wall heights will be obvious when compared to all the neighboring homes—and you can see it first hand.

As an alternate to the developer's plan, there should have been discussions about changes to the proposed plan that may have made the site more usable by the developer and more acceptable to the neighbors. These following six items are ideas that could help to mitigate the concerns:

1. Since the zoning of these two lots only allows five homes, why not put the draining pond in the NW corner. This would help mitigate the drastic grade change issues which are problematic. Depending on when and if the storm drain is going to be built up Glendale Ave NE, it appears there is sufficient downslope, even with the drainage pond in the NW corner to run a storm drain from there to the street. By doing this, you will all but eliminate the wall issue and solar access issue in the NW corner.
2. Split each lot into 2 narrower .45 acre lots, increasing profits for landowner/ developer (their goal) yet maintaining the fundamental construct of our neighborhood. Houses would face the street and would be set back approximately the same distance from the road as existing homes and the lots would maintain the natural slope from east to west. The City should recognize that although this would be technically "subdividing" and desire to apply all standard generic subdivision rules—in this case it makes sense not to. The developer would not



- need to do as much grading, wall building or need to construct a cul-de-sac road or retention pond—thus saving him considerable money which would make up for the loss of one home (four versus five). Though not the perfect solution (maintaining 1 home per .9 acre is perfect), this is a reasonable compromise.
3. The neighbor to the West has already said that he would be willing to grant an easement to allow drainage water to flow across his property. If this was done, the grade changes on the West and in the NW corner might be eliminated solving wall issues as well. The developer was not interested in investigating if the owners of the other three lots down stream (along the existing arroyo) would allow easements.
  4. There is a soon to be completed drainage pond (cement lined) at the SE corner of Barstow and Glendale. The developer could seek an agreement with the pond owner and determine the feasibility of taking the subdivisions outflow, through a storm drain, and into this pond. This would be temporary until the City installs a large one up Glendale, but if the developer did this, he might not need a drainage pond, and be able to lower the grade of his subdivision.
  5. Rather than raise the grade of the NW and West side of the subdivision, why not lower the grade of the East and SE corners. The effect would be the same—the subdivision would all be one height, but the unacceptable walls would be reduced in height considerably.
  6. Wait until the City constructs the storm drain up Glendale. Establishing new subdivisions prior to required infrastructure improvements causes eye sores like the drainage/retention pond. If the developer waited, his five houses could be more evenly placed on the 1.8 acres thus increasing open space and preserving some views.
  7. Guarantee that the five homes in the proposed subdivision will only be single story. Since a major concern is the grading plan which will elevate the subdivision above surrounding properties by a significant amount, reducing the height of the home will help negate this effect and also help preserve views and open space. Basements could be added for increased square footage which is common in the area.

This is the basis for our appeal and some possible resolutions.



James R. Phillips, Jr.

The following neighbors are all in opposition to this subdivision as approved by the DRB:

Eddings	Scott and Lena	8620 Florence Ave NE
Fanning	Scott and Trudi	8820 Glendale Ave NE
Gorenz	Don and Judy	8717 Glendale Ave NE
Millington	Lynnette and Larry	8508 Florence Ave NE
Olona	Dennis and Barbara	8516 Florence Ave NE
Owens	Diane	8601 Glendale Ave NE
Phillips	James and Sandra	8600 Florence Ave NE
Rawson	Lewis and Nadia	8421 Glendale Ave NE
Schell	Dan and Cheryl	8361 Modesto Ave NE
Smith	Mike and Janet	8341 Modesto Ave NE
Turon	John and Laura	8700 Florence Ave NE
Verner	Diane	8800 Florence Ave NE
Zaffery	Dean and Corin	9001 Glendale Ave NE

**PRELIMINARY PLAT FOR  
BENJAMIN PLACE**  
WITHIN THE  
ELENA GALLEGOS GRANT  
PROJECTED SECTION 8  
TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM  
CITY OF ALBUQUERQUE,  
BERNALILLO COUNTY, NEW MEXICO  
SEPTEMBER, 2004

**DESCRIPTION**  
A tract of land situated within the Elena Gallegos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 27 and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 10, 1991 in Volume 6, Page 121 and containing 1.3960 acres more or less.

**PURPOSE OF PLAT**

1. SUBDIVIDE TWO LOTS INTO 8 RESIDENTIAL LOTS.
2. DEDICATE RIGHT-OF-WAY AS SHOWN.
3. GRANT NEW EASEMENTS AS SHOWN.

**SUBDIVISION DATA**

GRAND ACRES	1.3960 AG
ZONE ATLAS NO.	D-50-2
NO. OF LOTS CREATED	8 LOTS
NO. OF EXISTING LOTS	2 LOTS
AREA DEDICATED TO CITY (WITHOUT UTILITY CONDUITS)	0.3277 AG
AREA DEDICATED TO CITY (WITH UTILITY CONDUITS)	0.3668 AG
DATE OF SURVEY	AUGUST, 2004
ZONE	R-8, 3 BU/A

**NOTES**

1. UNLESS OTHERWISE NOTED, ALL BOUNDARY CORNERS SHOWN SHALL BE MARKED BY A 1/2" IRON 1 1/2" DIA. CAP STAMPED PER 1063.
2. ALL STREET CENTERLINE MONUMENTATION SHALL BE INSTALLED AT ALL CENTERLINE POINTS, POINTS OF CURVATURE, AND STREET INTERSECTIONS AND SHALL BE MARKED BY A FOUR INCH (4") ALUMINUM CAP STAMPED "CITY OF ALBUQUERQUE CENTERLINE MONUMENTATION" "DO NOT REMOVE" PER 7716.
3. BOUNDARY SHALL BE TIED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM AS SHOWN.
4. BASIS OF BEARING SHALL BE NEW MEXICO STATE PLANE GRID BEARING.
5. ALL DISTANCES SHALL BE GRID DISTANCES.
6. MANHOLES WILL BE OFFSET AT ALL POINTS OF CURVATURE, POINTS OF TRANSITION, STREET INTERSECTIONS, AND ALL OTHER ANGLE POINTS TO ALLOW USE OF CENTERLINE MONUMENTATION.

**APPROVED FOR MONUMENTATION AND STREET NAMES**

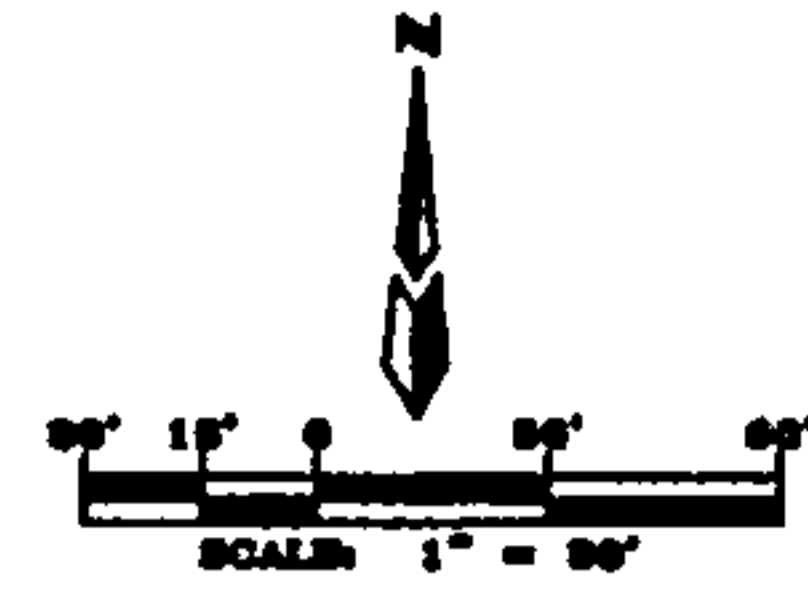
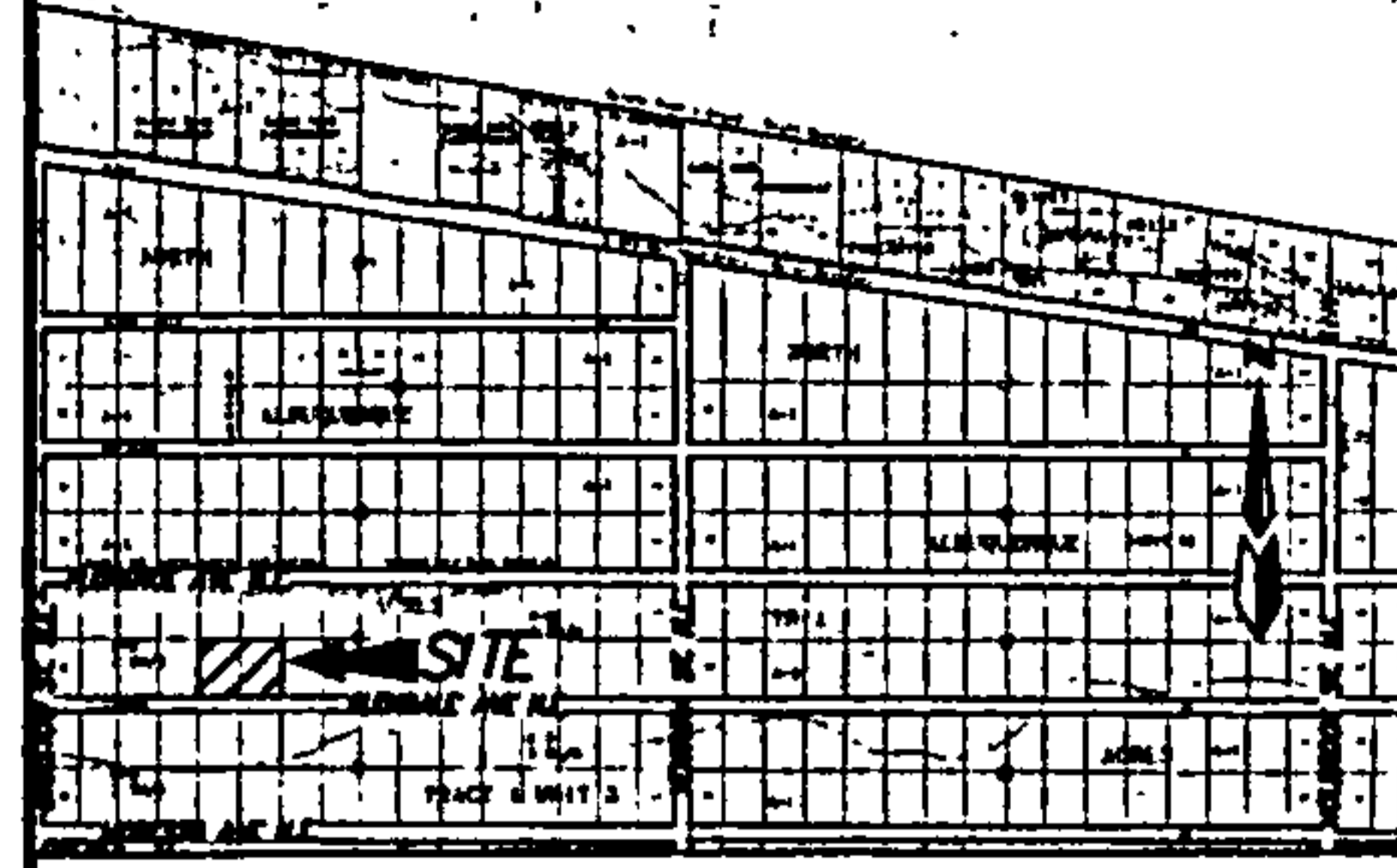
City Surveyor, City of Albuquerque, N.M. JMS

Owner WASHINGTON STREET INVESTORS, LLC

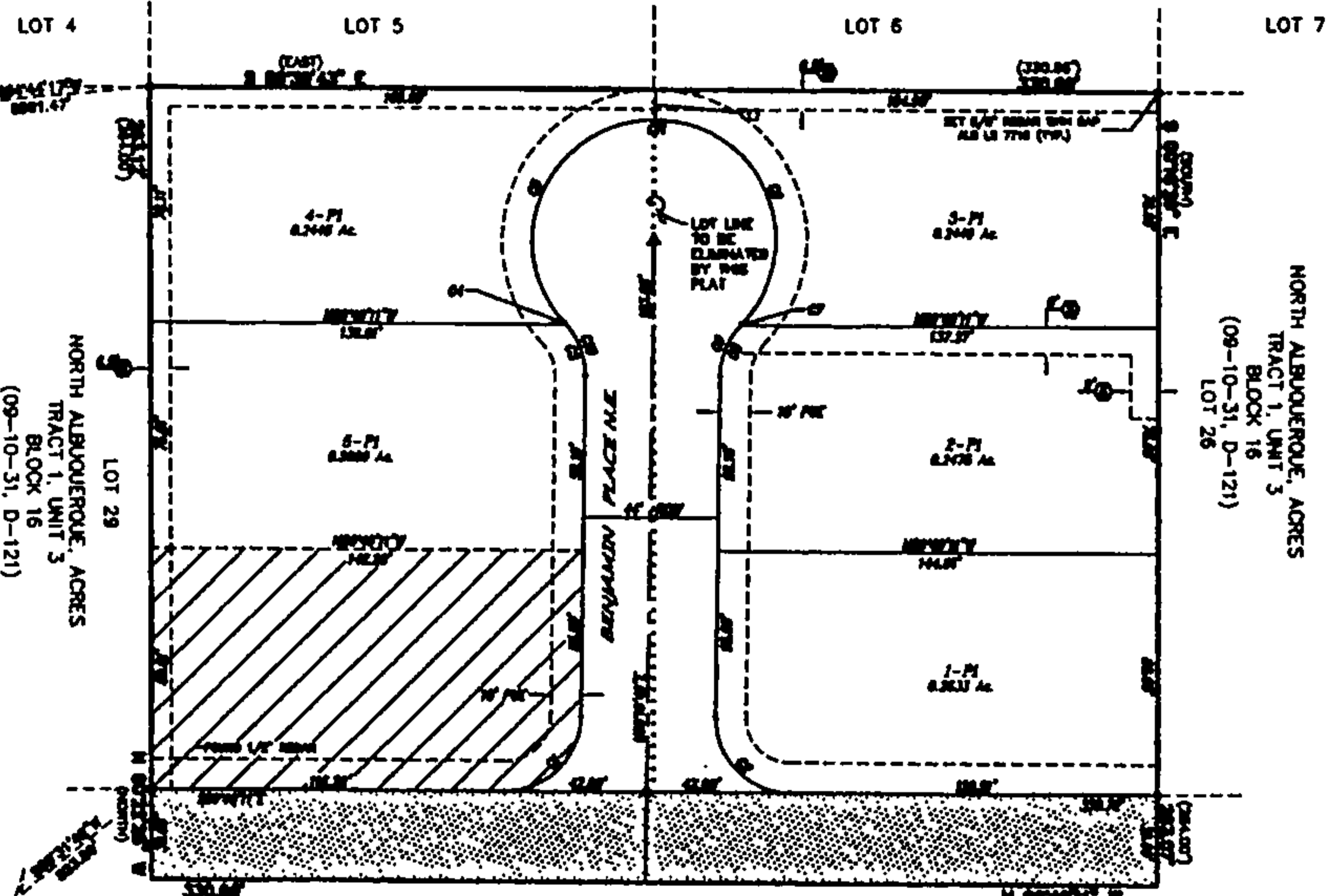
\_\_\_\_\_ DATE

<b>OWNERS</b> WASHINGTON STREET INVESTORS, LLC BY J.W. DE, S.E. ALBUQUERQUE, N.M. 87101	<b>ENGINEERS</b> S. MARK GARDNER & ASSOCIATES, P.A. CIVIL AND SURVEYING P.O. BOX 2000 ALBUQUERQUE, NEW MEXICO 87101 (505) 262-5500	<b>SURVEYOR</b> ALBION LAND SURVEY P.O. BOX 3000 ALBUQUERQUE, N.M. 87103-0300 (505) 264-3000
--	---	--

Drawn: BASE/ang	Drawn: STEPHEN	Checked: ALS	Sheet: 2 of 2
Scale: 1" = 50'	Plot: DS/AN/MS	Job: A04021	



NORTH ALBUQUERQUE, ACRES  
TRACT 1, UNIT 3  
BLOCK 16  
(09-10-31, D-121)



ZONE ATLAS MAP # D-50-2  
SCALE: NONE

AGE MONUMENT  
1-1-2007  
Y=1024001.48  
X=402375.48  
E=0-0-0.0000013  
D=0-0-0.0111110  
CENTRAL ZONE  
DMS 1027/SLD 1989  
ELEV. = 5678.21

AGE MONUMENT  
1-1-2007  
Y=1024002.48  
X=402377.48  
E=0-0-0.00004748  
D=0-0-0.0111110  
CENTRAL ZONE  
DMS 1027/SLD 1989  
ELEVATION=5474.553

**LEGEND**

S-P1 LOT NUMBER  
0.2448 AC. LOT ACREAGE  
▲ CENTER LINE MONUMENT  
--- RIGHT-OF-WAY  
--- PUBLIC UTILITY EASEMENT (SHOWN WITH THIS PLAT)

**CURVE TABLE**

LINE	BEARING	ANGLE	CHORD	CHORD BEARING	ARC LENGTH	PIECE POINT
1	N 89° 01' 11" W	90° 00' 00"	100.00	S 89° 01' 11" E	100.00	100.00
2	S 89° 01' 11" E	90° 00' 00"	100.00	N 89° 01' 11" W	100.00	100.00

**LINE TABLE**

LINE	BEARING	LENGTH
1	N 89° 01' 11" W	100.00
2	S 89° 01' 11" E	100.00

(HATCHED AREA)  
RESERVED PUBLIC RIGHT-OF-WAY  
DEDICATED TO THE CITY OF ALBUQUERQUE  
BY THIS PLAT WITHOUT UTILITY CONDUITS  
(0.3277 ACRES)

● A NEW 6" IRON PRIVATE BRASSIC CURBSTONE MARKER BEARING FOR THE BOUNDARY OF LOT 3-P1 TO 5-P1 (BENJAMIN PLACE) AND LOT 20-22 (BENJAMIN PLACE) ACCORDING TO BE MARKED BY THE OWNERS OF LOT 3-P1.

● A NEW 6" IRON PRIVATE BRASSIC CURBSTONE MARKER BEARING FOR THE BOUNDARY OF LOTS 3-P1 TO 5-P1 (BENJAMIN PLACE) AND LOT 20-22 (BENJAMIN PLACE) ACCORDING TO BE MARKED BY THE OWNERS OF LOTS 3-P1 TO 5-P1.

■ A TEMPORARY PUBLIC BRASSIC CURBSTONE MARKER TO CITY OF ALBUQUERQUE WITH THIS PLAT TO BE MARKED BY OWNERS OF LOT 5-P1.

tabbles®  
**A**  
**EXHIBIT**

24

40100514024007\3101\PRELIMINARY PLAT\BASE.dwg (10/27/04) 2/2

- SU-2 zoning is established along Alameda and Paseo del Norte where more intense land uses are desired and where existing platting and fragmented ownership pose a problem.
- Window C will provide the primary focus, identity, and sense of character for the entire plan area and will contain the most intense land uses.
- New development should contribute to the identity of this part of Albuquerque, reinforcing its relationship to the Sandia Mountains, Rio Grande Valley and the natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character, and overall community design.
- Site plan review of higher density uses is recommended to assure positive relationships between land uses.

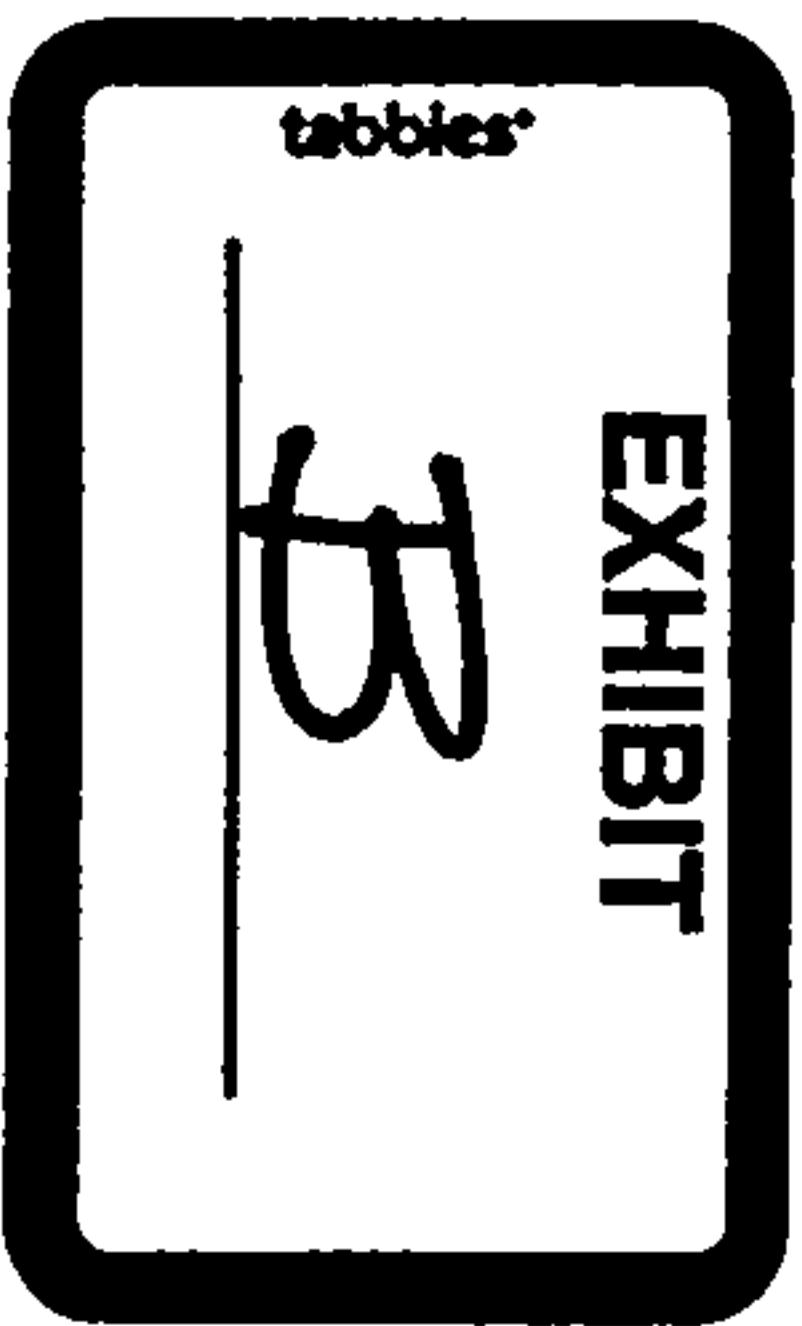
## 5.2 RD Zone

The RD (developing residential) zone is the predominant residential zone in the plan area. Maximum densities for areas zoned RD are established in the Zoning Plan (Exhibit 12). Densities are based on gross acreage of the lot, which is measured from property line to property line, excluding existing public right-of-way and/or prescriptive roadway easements. The residential uses in the RD zone shall be regulated according to the City Zoning Code, subject to the density maximums shown in Exhibit 12.

25



Residential development more-intense than what is typically allowed in the R-1 zone (i.e. lot size less than 5,000 square feet) will be subject to site development plan for subdivision approval by the DRB. Residential development requiring a site development plan for subdivision must also meet the Design Regulations in Section 5.4.6 of this plan.



For Lots 10 through 16, Block 19, Tract 3, Unit 3, North Albuquerque Acres and Lots 10 through 16, Block 18, Tract 3, Unit 1, North Albuquerque Acres, any lot that is less than three quarters of an acre in size will not have access to Carmel N.E.

## 5.3 R-LT Zone

R-LT zoning (limited townhouses) is proposed along the south side of Paseo del Norte between Barstow and Ventura. Residential uses in the R-LT zone shall be regulated according to the City Zoning Code. Development in the R-LT zone that requires a site development plan must meet the design regulations in Section 5.4.6 of this sector plan.

## 5.4 SU-2 Zones

SU-2 (special neighborhood) zoning is proposed along Alameda and Paseo del Norte where a mixture of high density, residential and non-residential uses are desired and where the current platting and ownership pattern poses a constraint. The intent of the SU-2 zone is to ensure compatibility of higher density land uses within the lot configurations and ownership pattern of these areas.

The SU-2 zones establish minimum site sizes for multifamily uses. Site size goals can be accomplished through consolidation of multiple lots into single parcels or through cooperative planning of multiple parcels.

Exceptions that are specific to a particular zone include site size and height as shown in the description of each zone. Exceptions that are common to all SU-2 zoned properties are listed together following the descriptions of individual zones.

Design regulations for SU-2 zoned property are contained in Section 5.4.6. The design regulations will be implemented through the site development plan review and approval process.

# 6. Subdivision Regulations

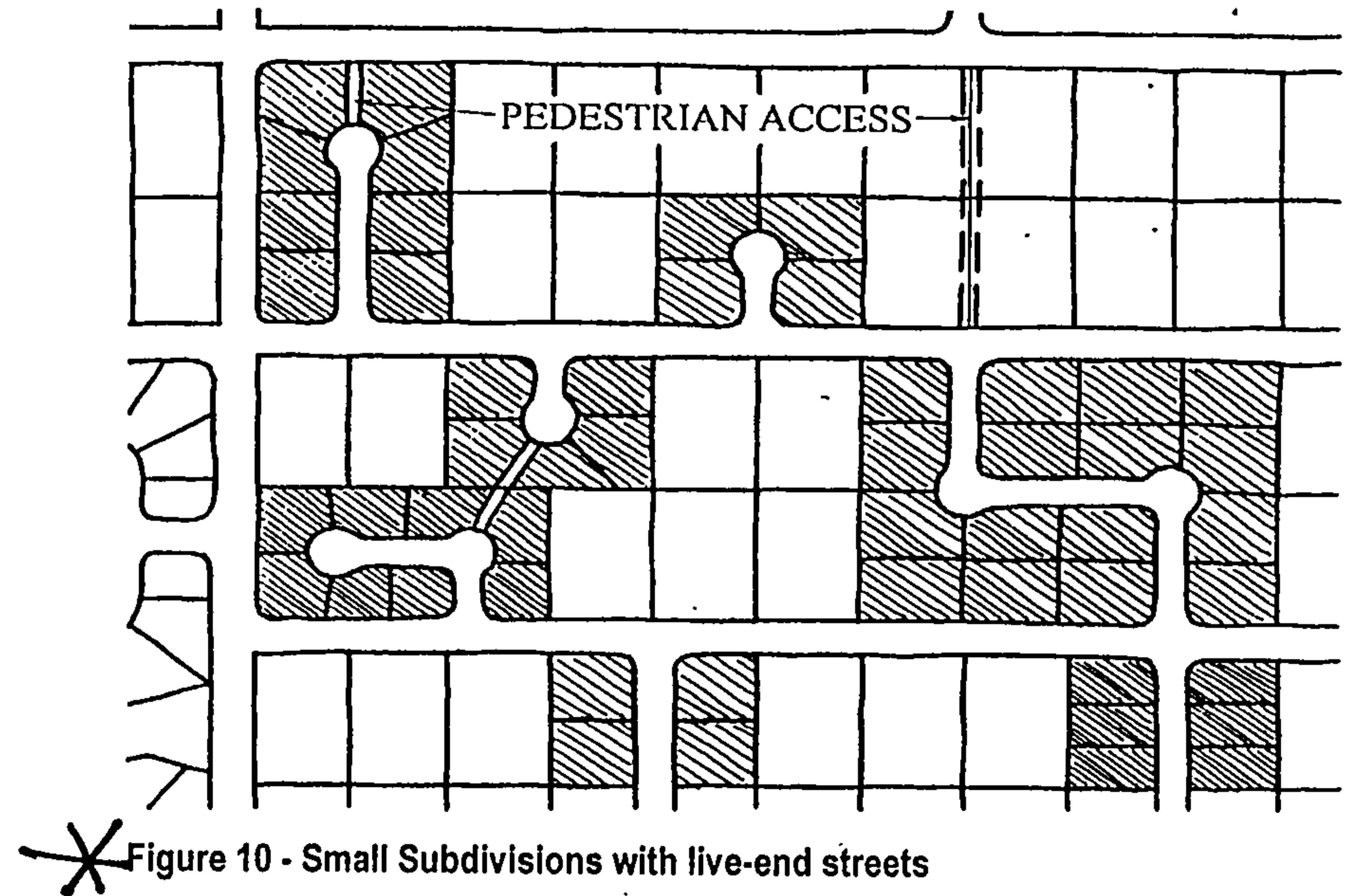
The following regulations will be implemented through the approval process for subdivision plats by the DRB.

## 6.1 Subdivision Regulations

The pattern of streets determines access by pedestrians, bicycles, automobiles, transit and emergency services. It also influences the types and character of neighborhoods. The senses of security, neighborliness, and community identification are directly related to the pattern and design of streets. In order to increase access, livable streets and security through having people on and overlooking the street, this plan establishes the following patterns for subdivision layouts.

1. **Live end streets.** Live end streets facilitate access and utility service. Cul-de-sacs are problematic for pedestrian movement and for utility systems. The intent of this regulation is to support pedestrian circulation and to allow for looped water and sewer lines. No sidewalk or pedestrian path greater than 500 feet in length shall dead end. Cul-de-sacs shall have pedestrian/bicycle trails that directly connect to other streets, regional trails and/or parks. These connector trails shall be paved to trail standards, visible from the street and lighted. Walls or fences bordering these connectors shall be constructed in accordance with CEPTED (Crime Prevention through Environmental Design) Standards and a maximum of six feet in height. Figure 10 illustrates live-end streets.

Live end streets provide space for water and sewer line easements through subdivisions, allowing looped lines rather than dead-end lines.



\* Figure 10 - Small Subdivisions with live-end streets

The maintenance of connector trails shall be the responsibility of the homeowners association or adjacent property owner.

2. **Through Streets.** Any subdivision greater than six acres shall have a minimum of one street that passes through the subdivision. Through streets shall be spaced near the midpoint between through streets in adjacent subdivisions and connect as closely as possible to neighborhood amenities such as open space, schools, parks and trails.
3. **Trails.** In accordance with the Facility Plan for Arroyos, trails shall be developed along the North Domingo Baca and La Cueva arroyos. Each subdivision bordering or encompassing a trail shall provide a

254

minimum of one access point to the trail from the street system. Additional access points shall be required to ensure 1) that there is an access/ egress point at a maximum of every 900 feet along the trail, and 2) all portions of the subdivision have a direct route to the trail. In areas where development occurs on single one-acre lots, the city shall obtain both a drainage and a trail easement with drainage plans.

4. **North-south routes.** The current pattern of major streets and pedestrian trails provides reasonable pedestrian and bicycle east-west access, but a poor selection of north-south routes. Streets and pedestrian ways through subdivisions shall provide for continuous mid-block circulation in the approximate locations shown in Exhibit 11 and consistent with the proposed trail network. These routes will be composed of sidewalks and/or trails. Figure 10 illustrates a north-south route through a subdivision.
5. **Lot orientation to streets.** Subdivisions in the area are designed so that backs of lots and walls line the major local streets. This has encouraged speeding and created visually unappealing public spaces. Lot layouts as shown in Figure 10 are preferred.

## 6.2 Other Subdivision Issues

Other issues related to subdivisions in the plan area include layouts for small subdivisions in the northeast portion of the plan area and subdivisions along Alameda where roadway construction will reduce the depth of residential lots. The alternatives described below are not regulatory but offer suggestions for how the properties in these areas can be platted to avoid some of the potential problems with creating smaller lots.

- \* 1. **Alternative layouts for small subdivisions.** When entire windows cannot be assembled and replatted, smaller subdivisions may be an appropriate way to increase densities appropriate to surrounding

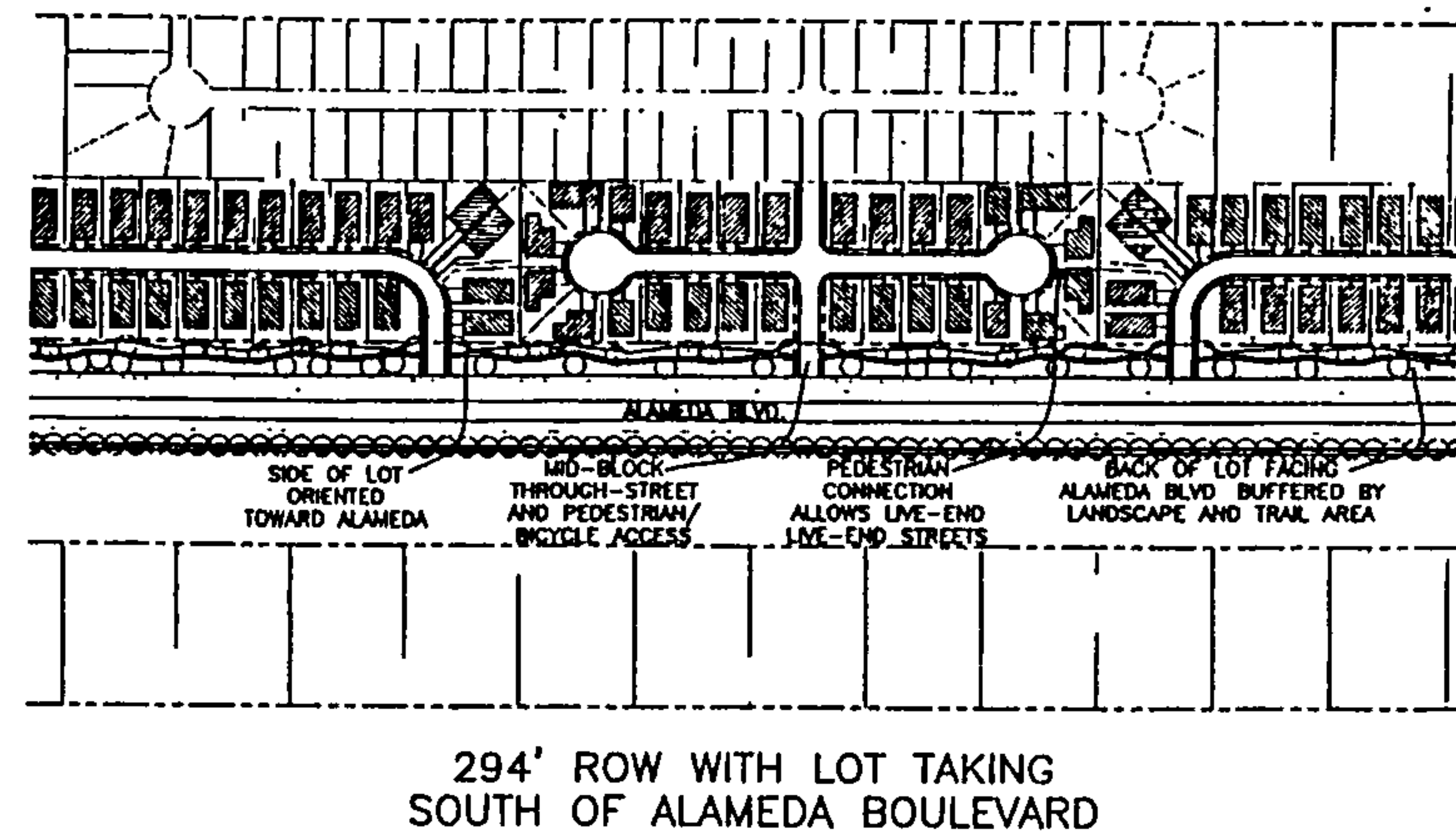


Figure 11 - Alameda Frontage Subdivision Layouts

development. Figure 10 illustrates approaches to small subdivisions that allow for residential densities of up to three units per acre.

2. **Alternative layouts along Alameda.** The widening of Alameda Boulevard will reduce the depth of residential lots along the arterial. Figure 11 shows alternatives for residential subdivisions adjacent to Alameda between Louisiana and Wyoming where existing development restricts the depth of development.

\* 25B

**Policy d**

**The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.**

**Possible Techniques**

- 1) Use environmental impact analysis and design criteria in the development review process for infrastructure development and for building siting and design.
- 2) Specify development guidelines based on local environmental characteristics and community values in sector and area plans; implement through Comprehensive Land Development Code or traditional zoning, subdivision, and development review process.
- 3) Assist area property owners, neighborhood groups, and developers, (by negotiation and public education) in achieving, with coordination and harmony of development plans.
- 4) Assist appropriate development through public or public/private efforts when private development is not feasible (title problems, old platting).
- 5) Use special assessment districts, issuance of public revenue bonds, tax increment financing, and/or tax incentives for improvements where public funds are unavailable for optimum protection of resources or provision of amenities.
- 6) Shape and manage development by:
  - low density zoning districts
  - controlling water rights
  - subdivision and re-subdivision
  - cluster development
  - Greenbelt Law
- 7) Monitor development through a comprehensive data base.
- 8) Consider a Zoning Ordinance amendment to specify that carrying capacity studies should accompany development applications in environmentally sensitive areas of the city and county designated Developing Urban or Established Urban.



# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

## Facilitated Meeting Held:

Date and Time: Tuesday, November 30, 2004 6:30-8:15 PM

Location: Fire Station #20, 7520 Corona NE

## Between:

Agent John MacKenzie; Mark Goodwin and Associates

AND

All parties requested a copy of the report. All zip codes are 87122.

1. James Phillips 8600 Florence Ave. NE
2. John Turon 8700 Florence Ave. NE
3. Scott Eddings 8620 Florence Ave. NE
4. Diane Owens 8601 Glendale Ave. NE
5. Lewis Rawson 8421 Glendale Ave. NE
6. Mr. & Mrs. L. Millington 8508 Florence Ave. NE
7. Mr. & Mrs. Scott Fanning 8820 Glendale Ave. NE
8. Duke E. Zaffery 9001 Glendale Ave. NE
9. J. Rowland\* 7729 R.C. Gorman Ave NE
10. Joe Yarvuminan\* 7801 R.C. Gorman Ave. NE

\* Not at meeting, but requested copy of report

## RE:

Project #: 1003520

Address/Property Description: Lots 27 & 28 Tract 1 – North Albuquerque Acres, On Glendale Ave. NE between Barstow St. NE and Ventura St. NE

## Meeting Summary:

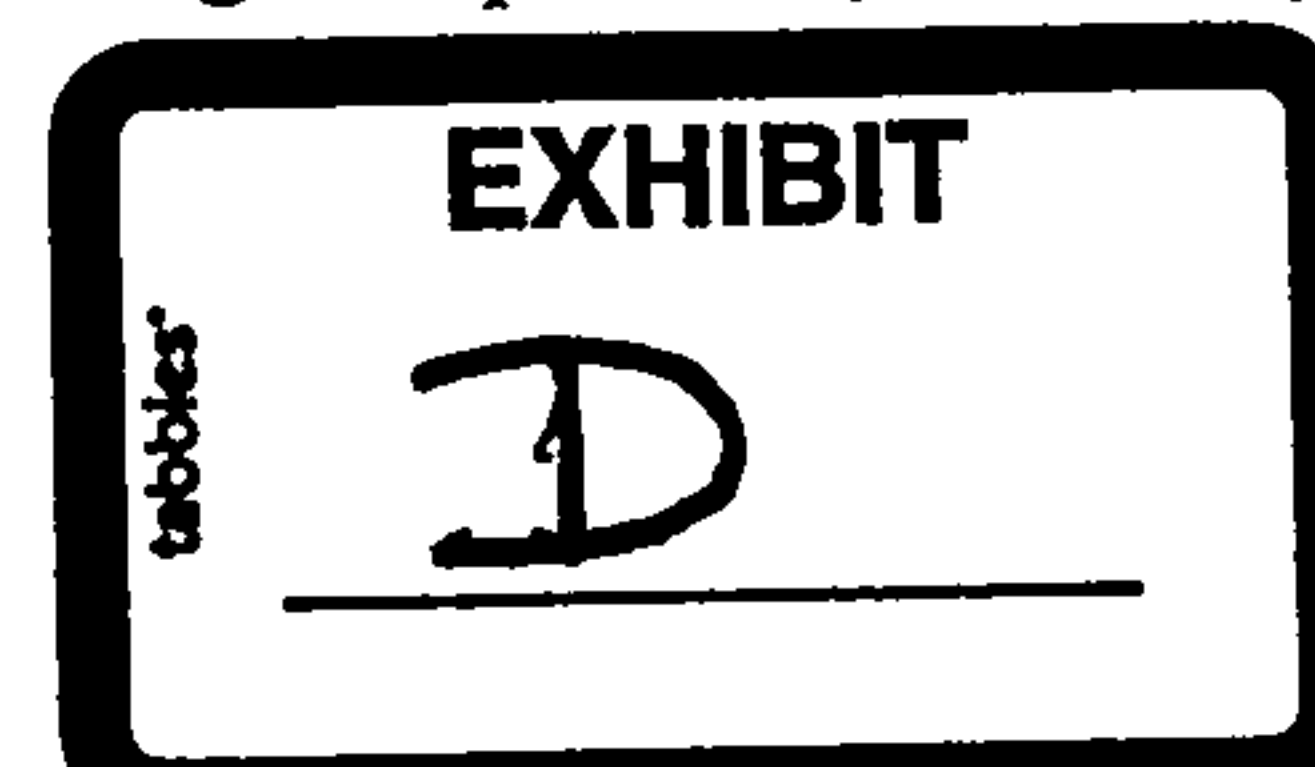
Mr. MacKenzie, agent for Washington Street Investors, and concerned residents met to discuss the proposed 2 acre project located on Glendale Ave between Barstow and Ventura Streets.

Representatives from the Nor Este Neighborhood Association were not able to attend the meeting but conveyed over the phone that the neighborhood was "fine with the project as long as the home density was capped at 3 homes per acre."

The primary concern of residents was how the proposed project would affect their property values. Residents were specifically concerned about the height of walls and their proximity to the street, the interference of their view corridors, and the density of the proposed subdivision.

Residents expressed frustration at feeling powerless to have input into the proposed projects entering their neighborhood, including this project. Residents stated that they have been told by City officials that the Residents can not change anything at this point and that the residents should have objected when the County annexed the property to the City.

Residents would ideally like to see the property rezoned at 1 dwelling unit per acre; however,





# Facilitators Report

Dated: Tuesday, November 30, 2004

Facilitators: Shannon Watson & Diane Grover

residents did suggest a number of alternatives to the proposed plan that they would like to see implemented.

## Primary Issues/Interests of Applicants:

Mr. MacKenzie stated that the Applicants are proposing to divide two 1 acre parcels into 6 lots in accordance with the La Cueva Sector Plan. The parcels are located on Glendale, half way between Barstow and Ventura. Existing zoning for the lots is RD 3 Dwelling Units ("DU") per acre. The Applicants have had one hearing at DRB for preliminary plat approval.

Mr. MacKenzie stated that the property lines for the lots extend to the center of Glendale, as is traditional for North Albuquerque Acres properties. Mr. MacKenzie stated that since the property line extend into the street that it will be necessary to formally grant easements to the City because easements have never been formally granted.

Mr. MacKenzie provided a drawing showing the proposed layout of the home sites with a cul-de-sac street ("Benjamin Place") that divides the 6 lots into two sets of three. Mr. MacKenzie stated that the proposed development is in accordance with the City subdivision ordinance. Mr. MacKenzie stated that the City requires the Applicant to do a grading and drainage plan that takes into account offsite flows that drain onto the property from the East. The Applicants are proposing to channel the offsite flows through the property to inlets located within Benjamin Place. The water would then flow from the street inlets to the temporary pond, currently proposed on one of the proposed homes sites.

The temporary pond, designed for a 100 year storm, will be in place until the storm drain is constructed on Glendale. The storm drain is proposed to be constructed during the first phase of the project. Mr. MacKenzie stated that once the storm drain was constructed, the temporary pond would be filled in and the site would then be used as an additional homesite. The storm drain would be constructed and paid for by the developer and would run along the front of the property. Additional sections of the storm drain would be added later if and when other properties in the area are developed.

Mr. MacKenzie stated that the developer is required by the City to grade the site so that water does not drain from one lot to another. Mr. MacKenzie stated that the City mandates that water drainage from properties be taken to the street (Benjamin Place) and into a storm drain. As a result there will be no offsite drainage flows from the property – all drainage flows will be placed into the new storm drain.

Mr. MacKenzie stated that in order to comply with the City mandate, the grade on some of the lots must be changed. Two of the six proposed lots will be graded below the grade of the adjacent lot. Two other lots are proposed to have the grade of the lots raised to a maximum of 8 feet in order to have the lot drain to the East, contrary to the normal drainage flow to the West. The lots proposed to have their grade raised, will also have retention ponds to handle backyard drainage. The ponds were added to the proposed plan in response to a concern about wall height. The retention ponds will allow the Applicant to have a 2-3 foot lower wall height in that area of the site.

Mr. MacKenzie stated that Benjamin Place is in conformance with the City subdivision ordinance. The City requires the Applicant to put in sidewalks on all frontage areas and across Glendale. Mr. MacKenzie also stated that the City requires curbs and gutters be built in front of the property. Mr. MacKenzie stated that the existing pavement will remain and that the developer will add pavement to the North half of Glendale. Mr. MacKenzie stated that the water and sewer lines will be brought up to the property from Glendale, at the seller's expense. A resident noted that gas is currently available on the property.

## Primary Issues/Interests of Neighbors:

*Topics of concern are in Bold Font. Individual questions, responses, and comments are detailed*

28

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

*below the issues.*

- **Concerns expressed about Walls**
    - A resident inquired whether there would be any walls adjacent to the road
      - § Mr. MacKenzie stated that there would be walls adjacent to the road and provided a drawing of the wall that is proposed to front Glendale
        - The resident noted that the proposed wall is to be 64 inches tall
    - Residents that own the properties adjacent to the site expressed equitable concerns about the proposed wall
      - § Residents that own property adjacent to the proposed subdivision stated as of September 2002 that when they received permits to build their walls that the residents were told that the walls had to come down to a 1.5 - 3 foot height by the road and had to be 20 feet from the property line
        - A resident also asserted that the 20 feet was to be measured from where the property stakes were located – not the middle of Glendale
      - § Residents expressed concern about the height of the proposed wall and proximity to the street
    - Residents expressed concern about the proposed perimeter wall for the proposed subdivision.
      - § A resident stated that they did not want to see a “barricaded” community next to them and further expressed desire for landscaping and
      - § Mr. MacKenzie stated that the Applicants have submitted the application to the City and indicated where the proposed walls will be located. Mr. MacKenzie stated that the Applicant has not received adverse comments in regard to wall locations or heights.
        - A resident stated that at the last public hearing that the City did not seem aware of the wall requirements the resident was subjected to
    - A resident stated that they were told that they had to put a 5 foot perimeter wall around their property
      - § The resident stated that if the grade was raised to 8 feet then the wall would be a total of 13 feet and stated that they felt that the wall would look like a “prison” from his home
        - Mr. MacKenzie stated that there was a possibility of moving the wall back so that there was not an additional 5 foot wall on top of the increased grade
    - A resident stated that if the grade was lowered next to her wall, that it would affect the footing of the resident’s wall
      - § Mr. MacKenzie stated that there would not be a direct cut next to the property line. Mr. MacKenzie stated that there would be a slope.
  - Conversely, a resident stated that they were told that they could not place dirt up against their wall and that the raised grade would ruin the integrity of the resident’s wall (resident owns property to back)
    - Mr. MacKenzie stated that the Applicant was going to build the wall within the property line to protect the structural integrity of existing walls
- **Concern expressed about the proposed density of the site**
  - A resident inquired whether Glendale was a City street
    - § Mr. MacKenzie stated that Glendale was a City street
  - A resident inquired whether Glendale had a City Right of Way
    - § Mr. MacKenzie stated that there currently was not a City right of way, but the Applicant would grant a right a way with the project
  - A resident noted that after the granting of a City right of way that the 2 acres would be

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

less than 2 acres

- § Mr. MacKenzie stated that once the City right away is granted that you would not have the original right away.
- A resident noted that lots sold in Albuquerque Acres were 0.89 acres, not a full acre after the City right of way was taken into account
- Residents expressed concern in regard to the property being considered a full 2 acres for calculating DUs per acre for the site, when the site will actually be less than 2 full acres after the City right of way is granted
  - § Residents expressed that they felt that the Applicant actually had 2 parcels that were 0.89 acres each – not 2 full acres.
  - § Residents stated that they were under the impression that 6 homes could not be placed on the site because the Residents asserted that the Applicant did not have 2 full acres
  - § Residents expressed that with the current zoning of 3 DUs per acre with the asserted two 0.89 acre parcels that the Applicant should not be able to put in 6 homes. Residents asserted that at maximum the Applicant should be able to put in 5 homes.
- A resident who owns the lot adjacent to the proposed subdivision disputed Mr. MacKenzie's assertion that North Albuquerque Acre property lines traditionally extend into the streets because when the resident closed on her property the line was recorded as at the edge of Glendale.
  - § Mr. MacKenzie stated that the Applicant has been involved in subdivisions to the East and that the proposed site plan followed the pattern from the subdivisions developed to the East.
  - § Residents and Mr. MacKenzie had a discussion about whether the subdivisions to the East were similar in circumstance to the proposed site. Mr. MacKenzie and the residents compared the existing lots (1 acre custom homes) and zoning. Mr. MacKenzie asserted that the circumstances were similar, the Residents disagreed.
- A resident inquired whether the 3 DU were to be usable acreage
  - § Mr. MacKenzie stated that the full property was used to calculate Dwelling unit numbers, including property that would have walls on it
- **Concern expressed about increasing the grade of some of the lots**
  - A resident expressed concern that raising the grade of the lot eight feet would interfere with his view corridor
    - § The Resident stated that he did not raise the grade of his home eight feet because it would have interfered with the views of the surrounding homes
- **Concern expressed about the Height of the proposed homes**
  - A resident inquired about the maximum height of homes permitted
    - § Mr. MacKenzie stated that the maximum height allowed is 26 feet
  - A resident expressed concern that the height permitted for the proposed homes would permit 2 and possible 3 story homes that would interfere with their current view corridor
- **Concern expressed about the effect the proposed site would have on existing property values**
  - Residents expressed concern that interference with their current view corridors would negatively affect their current home values
  - Residents expressed concern that viewing tall walls from existing properties will negatively affect existing home owners property values
  - Residents stated that they feel that increased density will negatively affect existing property values

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

- Residents expressed that their existing homes are valued between \$185-200/square foot
  - § Mr. MacKenzie said the proposed homes would be of equal value to the existing homes and felt that the proposed homes would maintain home values in the area
- **Concern expressed about reconciling conflicting City Regulations regarding grade**
  - A resident stated that current City subdivision regulations stated that grading had to match surrounding lots
    - § Mr. MacKenzie stated that he was not aware of the grading requirement “trumping” the subdivision requirement for drainage.
    - § Mr. MacKenzie stated that in order to meet the subdivision drainage requirement, grade could not be matched everywhere and stated that they have always complied with the drainage requirement
  - The resident stated that they felt it was clear in the regulations that the grade had to match the surrounding lots
- **Concern expressed about pockets of homes and the La Cueva Sector Plan**
  - Residents expressed concern that the 2 acre development would create a “pocket of homes” that was different than existing homes designed with 1 home per acre
  - A resident inquired whether the Applicant would consider changing the proposed plan
    - § Mr. MacKenzie stated that based upon previous projects completed on the other side of Barstow that the Applicant is not likely to want to change the proposed plan. Mr. MacKenzie stated that previous projects had identical zoning to the proposed site
      - Residents asserted that the areas on the other side of Barstow are contiguous and therefore different than the resident’s area.
    - § Mr. MacKenzie stated that the La Cueva Sector Plan established zoning at 3 DUs per acre five years ago. Mr. MacKenzie stated that he thought that the City’s thinking that the density of homes would be higher in the core of the La Cueva Sector Plan and transition to lower density towards the outside boundaries of the Sector Plan
      - A resident stated that this is more like a new trend because the majority of the existing homes are 1 home per acre. The resident stated that the transition has not occurred.
- **Inquiry regarding Storm Drain/Drainage Plan**
  - A resident stated that when the resident investigated the Storm Drain issue in 2000/2001 that the City had not adopted one plan, but had 2 or 3 plans for a storm drain down Glendale. The resident inquired whether the City had adopted one plan
    - § Mr. MacKenzie stated that the storm drain will be built in accordance with City Plans and approval
  - A resident stated that a Storm drain was not the only option for drainage.
    - § Mr. MacKenzie stated that a Storm Drain is the cleanest solution because a paved swale could create a lot of flow across the road and would make the road impassable during storms
  - A resident inquired if Applicant had to characterize all off site flows
    - § Mr. MacKenzie stated that the Applicant did have to characterize all offsite flows.
      - The resident inquired whether a master drainage plan had been completed and approved
        - Mr. MacKenzie stated that the offsite flows had been study through the master drainage plan completed for North Albuquerque Acres

31

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

- The resident inquired whether the North Albuquerque Acres master drainage plan had considered a development like the proposed site (3 DUs per acre, paving, etc)
  - Mr. MacKenzie answered affirmatively that the master plan had considered the proposed development
- A resident inquired whether the City would consider another type of diversion other than an 8 foot increase to the grade. The resident provided a sub pump as an example
  - § Mr. MacKenzie stated that the City does not accept a sub pump. Mr. MacKenzie stated that the City prefers a gravity drain.
  - The resident inquired whether the City would consider an underground pipe to drain the property instead of the 8 foot build up
    - Mr. MacKenzie stated that the Applicants were working within City restrictions and regulations for drainage
- A resident inquired why the drainage was required to go to the street
  - § Mr. MacKenzie stated that the City mandates drainage be accessible for maintenance
- Many residents expressed concern that the existing drainage plan will not protect existing properties from runoff
- **General Questions/Comments**
  - A resident expressed concern about being assessed by the City for improvements
    - § Mr. MacKenzie stated that the Applicant will be paying for all improvements. No tax assessments are intended for the neighbors
  - A resident inquired as to what the average proposed lot size approximately ¼ acre
  - A resident inquired whether there was an arroyo on the property
    - § Mr. MacKenzie stated that there was a small swale on the property.
      - The resident inquired whether the Applicant intended to fill the arroyo
        - Mr. MacKenzie stated that the applicant intended to fill the swale
      - The resident inquired whether the Applicant needed a Corp permit to fill the arroyo
        - Mr. MacKenzie stated that they did not because the arroyo was not considered waters of the U.S.
  - A resident stated that in 2000 a compromise was done between the developers and neighbors in the area West of Wyoming and South of Venice to reduce the density to 2 DUs per acre
  - A resident inquired whether street lights be put in
    - § Mr. MacKenzie stated that the City mandates a street light at the intersection
      - The resident does not want a street light
      - A resident stated that the area was in a dark zone
      - A resident asked what it would take to get the street light removed
        - Mr. MacKenzie stated that the residents could call the City and voice their concerns. Mr. MacKenzie also stated that the City regulations require street lights for safety concerns
  - A resident inquired whether the power lines would be underground
    - § Mr. MacKenzie answered affirmatively that the power lines would be underground
  - A resident inquired if the owner would be willing to sell the property
    - § Mr. MacKenzie will ask, but he didn't believe that the owner would want to sell.
  - A resident inquired how dust would be controlled during construction
    - § Mr. MacKenzie stated that the Applicant must comply with City dust regulations

32

# Facilitators Report

Dated: Tuesday, November 30, 2004  
Facilitators: Shannon Watson & Diane Grover

- Contact: Charles Aragon from Environmental Health
  
- **Suggestions from the Residents**
  - The residents would prefer that homes be one story; maximum 2 story
  - Residents would like temporary pond enclosed with livestock fencing, a block wall, or cedar fencing
  - Houses have flat roofs
  - Alternatives to the 8 foot increase in grade
  - A lightpole different than a standard aluminum pole
    - § Suggestion a bronze shoe box similar to the light poles by Macaroni Grill/High Desert
  - Landscaping with trees rather than sidewalk
  - More architecture to walls
  - Cobblestone roads
  - Guidelines for homeowners on fences
    - § Specifically no chain link fences
  - Less density
    - § Alternative 4 or 5 homes rather than the 6 proposed
  - Alternatives to Wall
    - § Adobe wall along Glendale
    - § Latilla fence
  - Covenants for home owners regarding
    - § Minimum square footage for homes
    - § Building style/architecture of homes
    - § Number of vehicles in driveway
    - § Wall height that home owners can install
    - § Closeness of walls to road
  - Alternatives to perimeter wall around development
  
- **DRB Hearing Logistics**
  - A resident stated that there are 45 items on the DRB agenda items on the Dec 1 agenda
  - The resident stated that this project is number 10 or 12 on the agenda
  - A resident inquired as to whether the City can approve with this proposed plan tomorrow
    - § Mr. MacKenzie stated affirmatively
  - A resident inquired whether the City can approve with conditions
    - § Mr. MacKenzie stated that approval with conditions is not routine
  - After DRB Action the final plat will be completed in 30-60 days and construction will occur 120-150 days
  - A resident stated that if residents would like to comment that residents should sign up to speak

## Outcome:

### Areas of Agreement:

- Residents offered suggestions to the Mr. MacKenzie as alternatives that they would like implemented

### Unresolved Issues, Interests, Concerns:

- All issues are unresolved.

Policy l

**Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.**

Possible Techniques

- 1) Achieve through sector plans, and Zoning Ordinance.
- 2) Establish design awards.
- 3) Review development regulations to identify and minimize those which may restrict design innovation and quality.
- 4) Consider incentives (e.g. density bonuses) to encourage good design/amenities.



Policy m

**Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.**

Possible Techniques

- 1) Improve Zoning Ordinance and Subdivision Ordinance design standards, and apply design through their site design review processes.
- 2) Design public facilities (including buildings, parks, plazas, utilities, bridges, streets, stadiums, and airports) with respect for environmental and visual qualities.

Policy n

**Areas prematurely subdivided and having problems with multiple ownership, platting, inadequate right-of-way, or drainage should be reassembled or sector planned before annexation and service extension is assured.**

Possible Techniques

- 1) Bring land holders and private developers together to replan and re-subdivide problem areas.
- 2) Provide public reassembly assistance.
- 3) Resolve platting problems before extending urban public facilities.
- 4) Re-zone for low density until acceptable re-subdivision is proposed.



**Policy l**

**Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.**

**Possible Techniques**

- 1) Achieve through sector plans, and Zoning Ordinance.
- 2) Establish design awards.
- 3) Review development regulations to identify and minimize those which may restrict design innovation and quality.
- 4) Consider incentives (e.g. density bonuses) to encourage good design/amenities.

**Policy m**

**Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.**

**Possible Techniques**

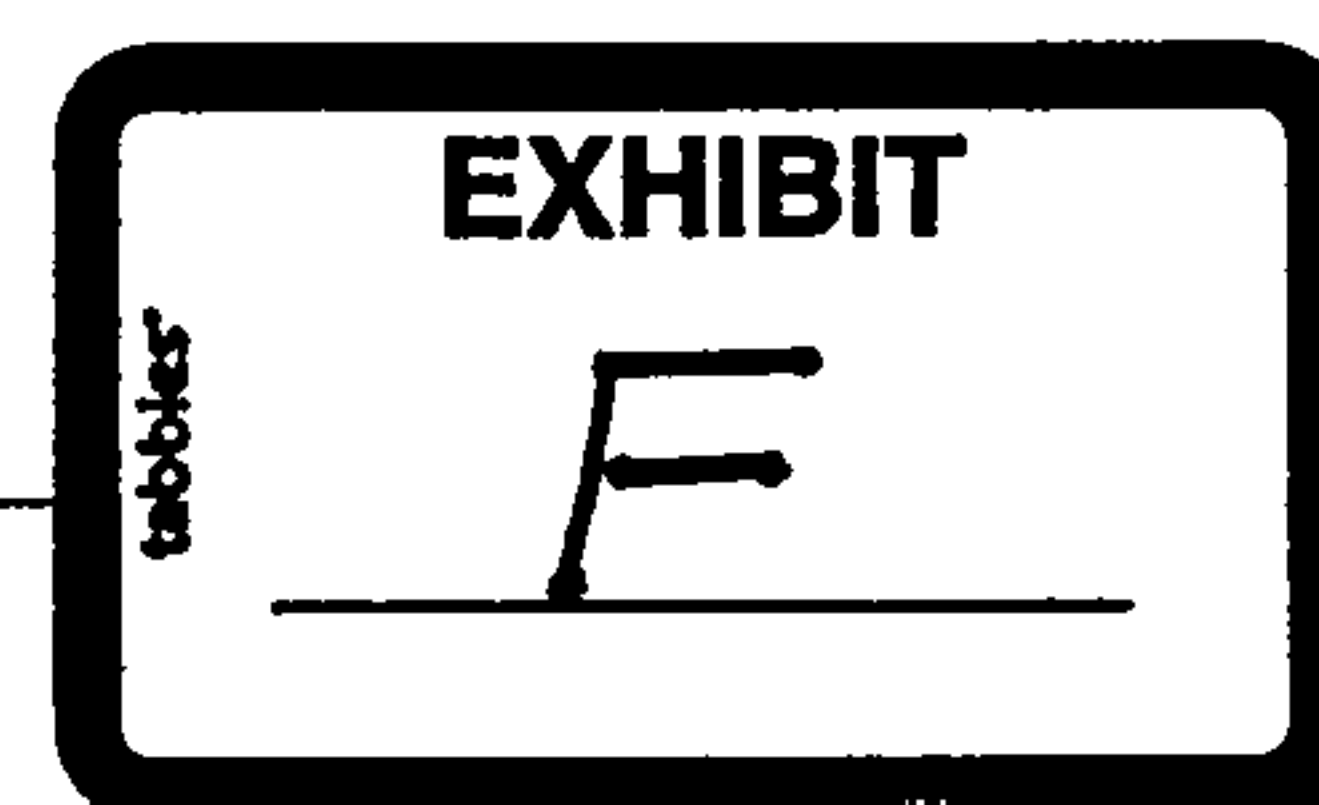
- 1) Improve Zoning Ordinance and Subdivision Ordinance design standards, and apply design through their site design review processes.
- 2) Design public facilities (including buildings, parks, plazas, utilities, bridges, streets, stadiums, and airports) with respect for environmental and visual qualities.

**Policy n**

**Areas prematurely subdivided and having problems with multiple ownership, platting, inadequate right-of-way, or drainage should be reassembled or sector planned before annexation and service extension is assured.**

**Possible Techniques**

- 1) Bring land holders and private developers together to replan and re-subdivide problem areas.
- 2) Provide public reassembly assistance.
- 3) Resolve platting problems before extending urban public facilities.
- 4) Re-zone for low density until acceptable re-subdivision is proposed.



35



## 9. COMMUNITY IDENTITY AND URBAN DESIGN

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

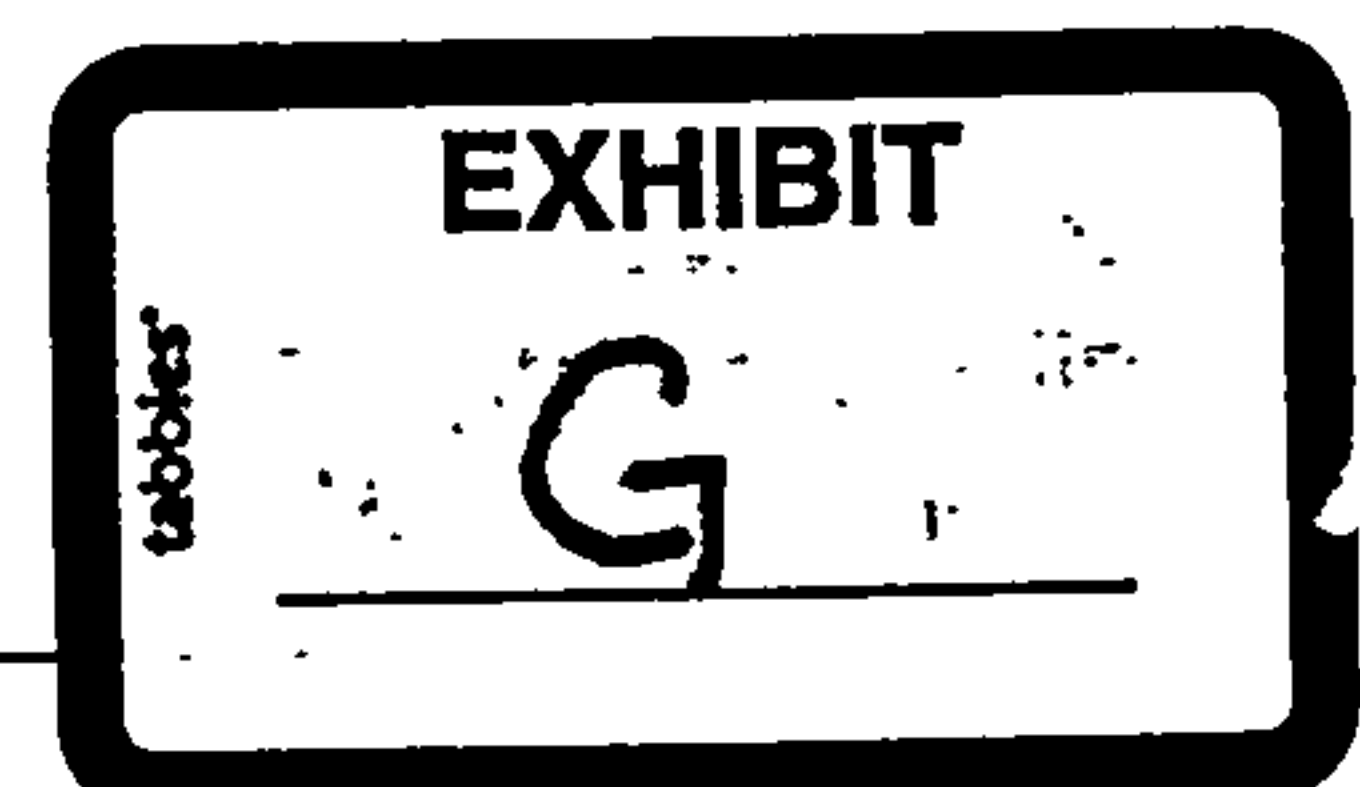
### Policy a

The City and County differentiate into thirteen sub-areas as shown on the Community Areas map; the unique character and constituent neighborhoods of each area identified on the Community Areas map shall be respected in all planning and development actions.

### Policy b

In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

- 1) **The natural environment**
  - Indigenous vegetation and other materials appropriate to landscapes.
  - Topography and landscape features such as arroyos, the Rio Grande and bosque, the foothills, and escarpments
  - Soils and erosion potential
  - Colors and textures of the natural environment
  - Views
  
- 2) **Built environment**
  - Height and massing of buildings
  - Setbacks from the street
  - Placement of entrances and windows
  - Walls and fences
  - Parking areas design and relationship to buildings
  - Road widths, sidewalks, curb cuts, medians
  - Grain of streets/size of parcels
  - Patterns of movement (e.g. pedestrian connections, access to transportation/transit)
  - Street furniture (e.g. bus stops, street lights, signs)
  - Landscaping materials, both planting and hardscape
  - Public infrastructure (e.g. drainage facilities, bridges)
  - Social interaction opportunities
  - Relationship between built and natural environment
  
- 3) **Local history**
  - Architectural styles and traditions
  - Current and historic significance to Albuquerque
  - Historic plazas and other Activity Centers



36

- 4) **Culture and traditions**
- Cultural characteristics of residents
  - Community celebrations and events

**Policy c**

**The identity and cohesiveness of each community shall be strengthened through identification and enhancement of community Activity Centers that have a scale, mix of uses, design character, and location appropriate to the unique character of the community. (See also policies under "Activity Centers")**

**Policy d**

**Development projects within Community Activity Centers should contribute the following:**

- 1. Related land uses that effectively encourage walking trips from one destination to another within the center, including shopping, schools, parks or plazas, employment, entertainment, and civic uses such as public libraries, recreation or senior centers, post office or fire station.**
- 2. Pedestrian linkages among uses in the Activity Center and connecting to surrounding neighborhoods.**
- 3. Buildings designed and arranged to reflect local architectural traditions, scale, height, massing and setbacks appropriate to the community served by the Activity Center and that support public transit and pedestrian activity.**
- 4. Landscaping, street furniture, public art, colored or textured paving and other improvements to the public realm that reinforce the cultural, social and design traditions of the community served by the Activity Center.**

**Policy e**

**Roadway corridors (collectors, arterials, Enhanced Transit and Major Transit) within each community and that connect the community's Activity Centers shall be designed and developed to reinforce the community's unique identity; streetscape improvements to these roadways shall be designed to:**

- minimize water use
- screen parking areas
- create useful and attractive signage and building facades
- facilitate walking safety and convenience

**Part 7: Resubdivision, Amendment and  
Vacation of Plats, Rights of Way,  
Private Ways and Easements**

- 14-14-7-1 Resubdivision or amendment of  
previous plat  
14-14-7-2 Vacation of public rights of way,  
private ways and easements  
14-14-7-3 Technical corrections

**Part 8: Appeal**

- 14-14-8-1 Right to appeal  
14-14-8-2 Standing  
14-14-8-3 Basis of appeal  
14-14-8-4 Appeal to planning commission  
14-14-8-5 Appeal to city council

**Part 9: Violations; Enforcement; Penalty**

- 14-14-9-1 Violations as to the act of subdividing  
14-14-9-2 Violations as to transferring real  
property  
14-14-9-3 Violations as to construction or site  
alteration  
14-14-9-4 Issuance of building permit  
14-14-9-99 Penalty

*Editor's note: For the convenience of the code user and to aid in supplementation, sections of this Subdivision Ordinance, which was originally codified in the 1974 edition of the code of ordinances, have been subdivided into separate sections under the parts of this article. Because of this editorial change, the ordinance histories of affected sections is set forth at the end of their respective parts.*

**PART 1: GENERAL PROVISIONS**

**§ 14-14-1-1 SHORT TITLE.**

This article may be cited as "the Subdivision Ordinance" and is referred to elsewhere herein as "this article."  
(74 Code, § 7-16-1B)

**§ 14-14-1-2 AUTHORITY.**

This article is adopted pursuant to the authority set forth in Article 1 of the Charter of the City of

Albuquerque, which was adopted at a special election on June 29, 1971, pursuant to Article X, Section 6, of the Constitution of the State of New Mexico and pursuant to the authority set forth in Sections 3-19-1 to 3-19-12 and Sections 3-20-1 to 3-20-16 NMSA 1978.  
(74 Code, § 7-16-1A)

**§ 14-14-1-3 PURPOSE AND INTENT.**

The public health, safety, comfort, convenience, and general welfare of the people of the city require the harmonious, orderly, and coordinated development of land within the city and its planning and platting jurisdiction. In furtherance of this purpose, this article provides for control by the city of the subdivision of land. The intent of such control is to secure:

\* (A) Coordination of land development in accordance with orderly physical patterns as stated in the Albuquerque/Bernalillo County Comprehensive Plan, and such further plans, policies, and ordinances as may have been or may hereafter be adopted by the City Council;

(B) Adequate provision for light and air, solar access, public open spaces, water supply, drainage, flood control, sanitation including sewer service, and other public facilities;

(C) Economy for governmental purposes and efficiency in governmental operations;

(D) Minimization of traffic hazards and provision of safe, convenient circulation of people, goods, and vehicles;

(E) Accurate and complete surveying, and preparation and recording of plats thereof; and

\* (F) Safety and suitability of land for the development contemplated.  
(74 Code, § 7-16-1C)

**§ 14-14-1-4 JURISDICTION.**

(A) *Territorial Jurisdiction.* This article shall govern the subdivision of land within the corporate limits of the city, as now or hereafter established, and within the area of the city's extra-territorial platting jurisdiction as established by the City Council. Subdivisions partially or wholly within the jurisdiction of both the county

EXHIBIT

H

38

accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of this article, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the city except as shall be expressly provided for in this article.

(\*74 Code, § 7-16-12F) (Ord. 56-1983)

#### § 14-14-1-14 EFFECTIVE DATE.

This article shall become effective within five days after publication by title and general summary in a newspaper of general circulation.

(\*74 Code, § 7-16-12G) (Ord. 56-1983)

#### § 14-14-1-15 ORDINANCES REPEALED.

Ordinance 97-1973 as amended, compiled as Article 7-11 in the 1974 Code of Ordinances, the previous Subdivision Ordinance, is hereby repealed. However, subdivisions that received preliminary plat approval under Ordinance 97-1973 as amended may receive city final plat approval consistent with that preliminary plat until one year after the effective date of this article; recording of such plats shall be controlled by this article.

(\*74 Code, § 7-16-13) (Ord. 56-1983)

### PART 2: FUNDAMENTAL CONSIDERATIONS

#### \* § 14-14-2-1 GENERAL APPROPRIATENESS.

Land may be subdivided only in accordance with procedures established by this article. The Development Review Board shall approve the subdivision of land when it determines that the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare.

(\*74 Code, § 7-16-3A)

#### § 14-14-2-2 CONFORMANCE WITH PLANNING AND ZONING.

(A) *Planning.* The arrangement, extent, width, grade, and location

general nature and extent of the lots and uses proposed shall conform to the Albuquerque/Bernalillo County Comprehensive Plan and any other adopted plan, including but not limited to the Long Range Major Street Plan and other facility plans. No plat shall be approved if it contains elements clearly and significantly inconsistent with the adopted plans.

#### (B) *Zoning.*

(1) Plats must contain lot sizes and other elements consistent with the applicable zoning ordinance, or must meaningfully decrease the degree of already existing nonconformity.

(2) If the zoning on a property requires approval of a site development plan prior to development of the property:

(a) A site development plan must be approved prior to platting; and

(b) The plat must conform to the approved site development plan.

(\*74 Code, § 7-16-3B)

#### § 14-14-2-3 LAND SUITABILITY.

(A) No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. In determining suitability the city shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority. The Development Review Board shall state any decision regarding unsuitability in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Development Review Board may affirm, modify or withdraw its determination regarding such unsuitability.

(B) Land to be subdivided must have or be provided with adequate infrastructure improvements as specified in Part 4 of this article. Demonstrated capability, agreements, and assurances to provide nonprogrammed facilities through private funding will be satisfactory as provided in Part 5 of this article.

EXHIBIT

I

accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of this article, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the city except as shall be expressly provided for in this article.

(74 Code, § 7-16-12F) (Ord. 56-1983)

**§ 14-14-1-14 EFFECTIVE DATE.**

This article shall become effective within five days after publication by title and general summary in a newspaper of general circulation.

(74 Code, § 7-16-12G) (Ord. 56-1983)

**§ 14-14-1-15 ORDINANCES REPEALED.**

Ordinance 97-1973 as amended, compiled as Article 7-11 in the 1974 Code of Ordinances, the previous Subdivision Ordinance, is hereby repealed. However, subdivisions that received preliminary plat approval under Ordinance 97-1973 as amended may receive city final plat approval consistent with that preliminary plat until one year after the effective date of this article; recording of such plats shall be controlled by this article.

(74 Code, § 7-16-13) (Ord. 56-1983)

**PART 2: FUNDAMENTAL CONSIDERATIONS**

**§ 14-14-2-1 GENERAL APPROPRIATENESS.**

Land may be subdivided only in accordance with procedures established by this article. The Development Review Board shall approve the subdivision of land when it determines that the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare.

(74 Code, § 7-16-3A)

**§ 14-14-2-2 CONFORMANCE WITH PLANNING AND ZONING.**

(A) *Planning.* The arrangement, extent, width, grade, and location

general nature and extent of the lots and uses proposed shall conform to the Albuquerque/Bernalillo County Comprehensive Plan and any other adopted plan, including but not limited to the Long Range Major Street Plan and other facility plans. No plat shall be approved if it contains elements clearly and significantly inconsistent with the adopted plans.

**(B) Zoning.**

(1) Plats must contain lot sizes and other elements consistent with the applicable zoning ordinance, or must meaningfully decrease the degree of already existing nonconformity.

(2) If the zoning on a property requires approval of a site development plan prior to development of the property:

(a) A site development plan must be approved prior to platting; and

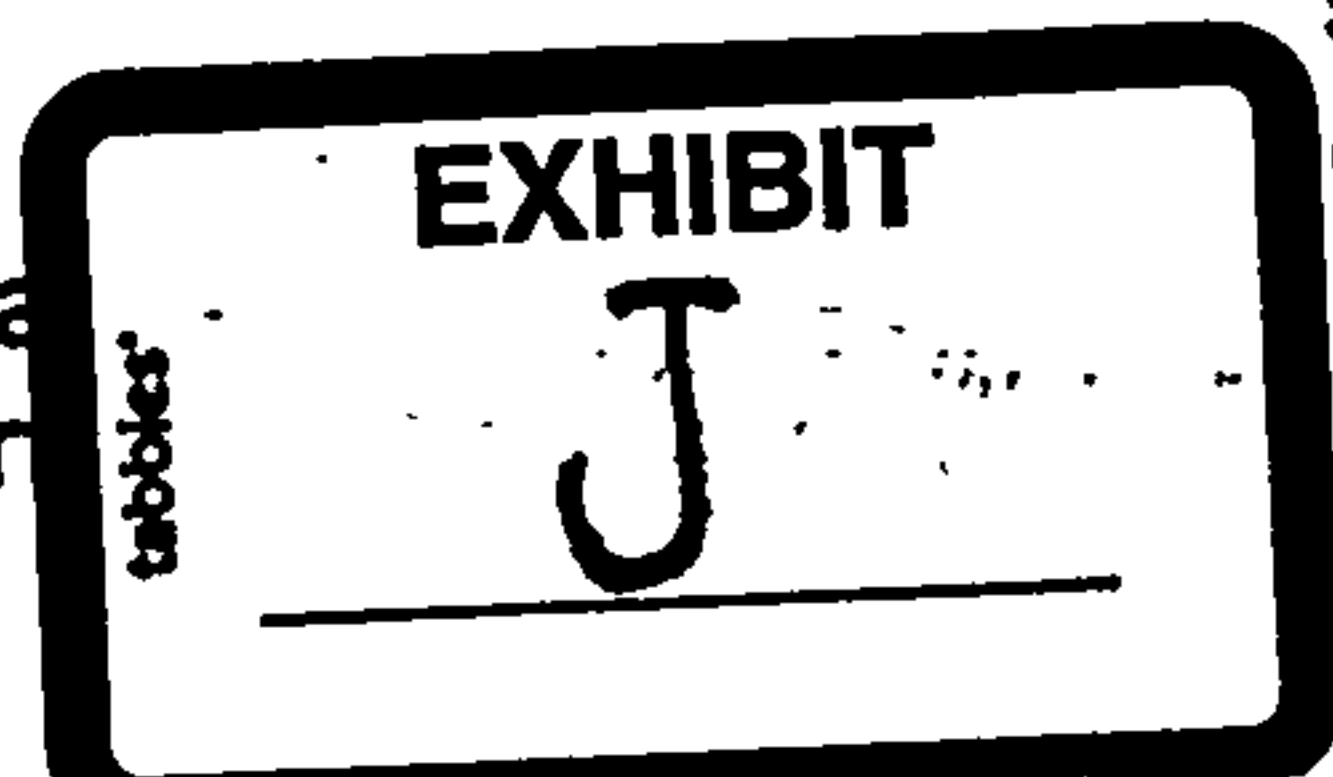
(b) The plat must conform to the approved site development plan.

(74 Code, § 7-16-3B)

**§ 14-14-2-3 LAND SUITABILITY.**

(A) No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. In determining suitability the city shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority. The Development Review Board shall state any decision regarding unsuitability in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Development Review Board may affirm, modify or withdraw its determination regarding such unsuitability.

(B) Land to be subdivided must have or be provided with adequate infrastructure improvements as specified in Part 4 of this article. Demonstrated capability, agreements, and assurances to provide nonprogrammed facilities through private funding will be satisfactory as provided in Part 5 of this article.



40

Programmed facilities. are those included in an adopted Capital Improvements Budget with funds authorized.

(C) The availability of adequate access, fire protection, police protection, refuse service, public schools, public parks and recreation facilities, other elements of public or private infrastructure, and privately provided utilities shall all be weighed in considering proposed subdivisions. They are not all necessarily required.

(D) The following types of problems will require an engineering analysis to demonstrate that such hazards have been or will be eliminated or sufficiently ameliorated:

- (1) Special drainage or flood hazard conditions;
  - (2) Difficult topography;
  - (3) Soil conditions which are unusually limiting; and
  - (4) Other physical hazards to life, health, or property.
- (74 Code, § 7-16-3C)

**§ 14-14-2-4 DEDICATIONS.**

(A) *Dedications Required.* Dedication of land for public use or purposes may be required for the following in accordance with the appropriate city policy and/or other applicable policies:

- (1) Park sites or cash in lieu thereof pursuant to Chapter 14, Article 9, Park Dedication and Development;
- (2) Streets and other access pursuant to the Long Range Major Street Plan, Part 4 of this article, and/or the *Development Process Manual*;
- (3) Drainage facilities pursuant to §§ 14-5-2-1 et seq. Drainage Control, Part 4 of this article, any AMAFCA Policies, and/or the *Development Process Manual*; and
- (4) Other public infrastructure pursuant to Part 4 of this article and/or the *Development Process Manual*.

(B) *Method of Dedication.*

(1) Dedication of public areas, as required by Part 4 of this article, or by other city policy requirements shall be free and clear of any liens or encumbrances and in fee simple unless:

- (a) The subdivider demonstrates that fee simple dedication is legally infeasible; or
- (b) The Development Review Board and the city Attorney find that a different type of dedication better accomplishes city policy or is provided for by specific ordinance.

(2) If dedication in other than fee simple is approved, the nature of the property interest dedicated shall be clearly indicated on the plat.

(3) When parks are dedicated, a deed to the land shall be delivered to the appropriate governmental entity.

(C) *Lots for Public Areas Shown in Adopted Plans.* If a proposed public area shown on an adopted city or county plan is located in whole or in part in the area being subdivided, an appropriate lot shall be shown as reserved or dedicated for public use on the plat; unless, when asked by the subdivider, the appropriate governmental body notifies the subdivider that it does not intend to either acquire or accept the lot within a reasonable time.

(D) *Acceptance of Dedications.* The procedure for accepting dedications of public areas and improvements is specified in § 14-14-3-5(B)(4) and § 14-14-5-9 of this article. Within the extraterritorial planning and platting jurisdiction dedications shall be accepted by the county in accordance with its subdivision requirements.

~~(E)~~ Grades set for new subdivisions must blend the plat's development into the adjacent environment with a minimum of sudden grade change. Extensive fill which raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property should be avoided wherever it is feasible without unreasonable cost. Significant cuts near the edges of proposed new subdivisions to lower the grade within the plat are to be avoided wherever there are reasonable alternatives. Where needed for a subdivision, grade changes are usually best done within the interior of the subdivision. City staff appropriately goes beyond mere approval or

disapproval of a developer-proposed grading plan and identifies less intrusive grading approaches consistent with the policy/standard of this section. It is recognized that infill development on steeper slopes may require compromise with the ideal grades, as viewed by neighboring development.

(\*74 Code, § 7-16-3)

(Ord. 56-1983; Am. Ord. 10-1991, 2-1993)

### **PART 3: PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS**

#### **§ 14-14-3-1 PRE-APPLICATION CONFERENCE.**

Prior to submission of a plat the subdivider shall discuss with the Planning Director the procedure and requirements for approval of that plat. The Planning Director shall provide guidance to the subdivider as to the appropriateness of the proposal in relation to current applicable city or county plans, policies, and zoning. The Planning Director shall advise the subdivider as appropriate regarding requirements for general layout of streets, for dedications of land, for provision of infrastructure improvements, drainage considerations, fire protection, and similar matters, as well as the availability of existing services. The Planning Director shall also advise the subdivider whether to schedule a review session with the Development Review Board when appropriate.

(\*74 Code, § 7-16-4A)

#### **§ 14-14-3-2 CLASSIFICATION OF SUBDIVISION AND OUTLINE OF PROCEDURE.**

(A) The Planning Director shall determine, normally as a part of pre-application review, whether the proposal is a major or minor subdivision.

(B) *Major Subdivisions.* The subdivider shall apply for and secure approval of major subdivisions, as defined in § 14-14-1-6 of this article, in accordance with the following procedure:

- (1) Sketch plat review;
- (2) Preliminary plat review and approval;  
and then
- (3) Final plat review and approval.

#### *(C) Minor Subdivisions.*

(1) Minor subdivisions, as defined in § 14-14-1-6 of this article, may be processed and approved by the Development Review Board as a combined preliminary and final plat without notice or public hearing; no sketch plat need be prepared.

(2) The Development Review Board may delegate some minor subdivision review and approval to the Planning Director.

(\*74 Code, § 7-16-4B)

#### **§ 14-14-3-3 SKETCH PLAT.**

(A) *Purpose and Intent:* The purpose of sketch plat review is to obtain necessary information and describe the proposed subdivision, lot sizes, street arrangement, and purpose of the proposed subdivision. The subdivider shall describe the overall concept in the sketch plat. The city shall advise the subdivider of community goals, plans, available data, and policies pertinent to the site that might affect the potential development (including off-site considerations, whether the property can be served by community facilities), whether infrastructure is available, and shall advise the subdivider as to the general acceptability of the proposed subdivision concept.

#### *(B) Procedure.*

(1) *Application.* Review and advice on sketch plat subdivision proposals are initiated by application to the Development Review Board. The application shall be accompanied by the number of copies of a sketch plat together with other supplementary material as specified in this article and the *Development Process Manual*. Subdividers shall bring in at the sketch plat stage a concept for all the contiguous land subject to their control, if any. However, the preliminary and final plat may encompass only a portion of such land.

(2) *Review.* The Development Review Board shall review the sketch plat and supplemental material submitted for conformity to this article. Within 15 days following receipt by the city of complete required submittals the Development Review Board shall inform the subdivider whether the proposal appears to meet the requirements of this article. If it is determined that the proposal does not appear to meet the requirements, the Development Review Board shall state in writing all the deficiencies found in the sketch

42

(c) No wall, fence, or retaining wall shall be erected in the clear sight triangle unless its type and location is approved by the Traffic Engineer based on a finding that it would not be a traffic hazard.

(5) Noncommercial antenna height may be up to but shall not exceed 65 feet in any residential zone.

(6) Special height and use regulations near airports are contained in Chapter 14, Article 15, Airport Zoning.



**(7)** Building Height Limitations to Preserve Solar Access. The additional height limitations of this division (A) shall apply to all residential zones where the basic height limitation is 26 feet. In any subdivision for which the preliminary or preliminary/final plat is submitted to the city after February 1, 1981, the height of any building shall comply with one of the following additional height limitations, either:

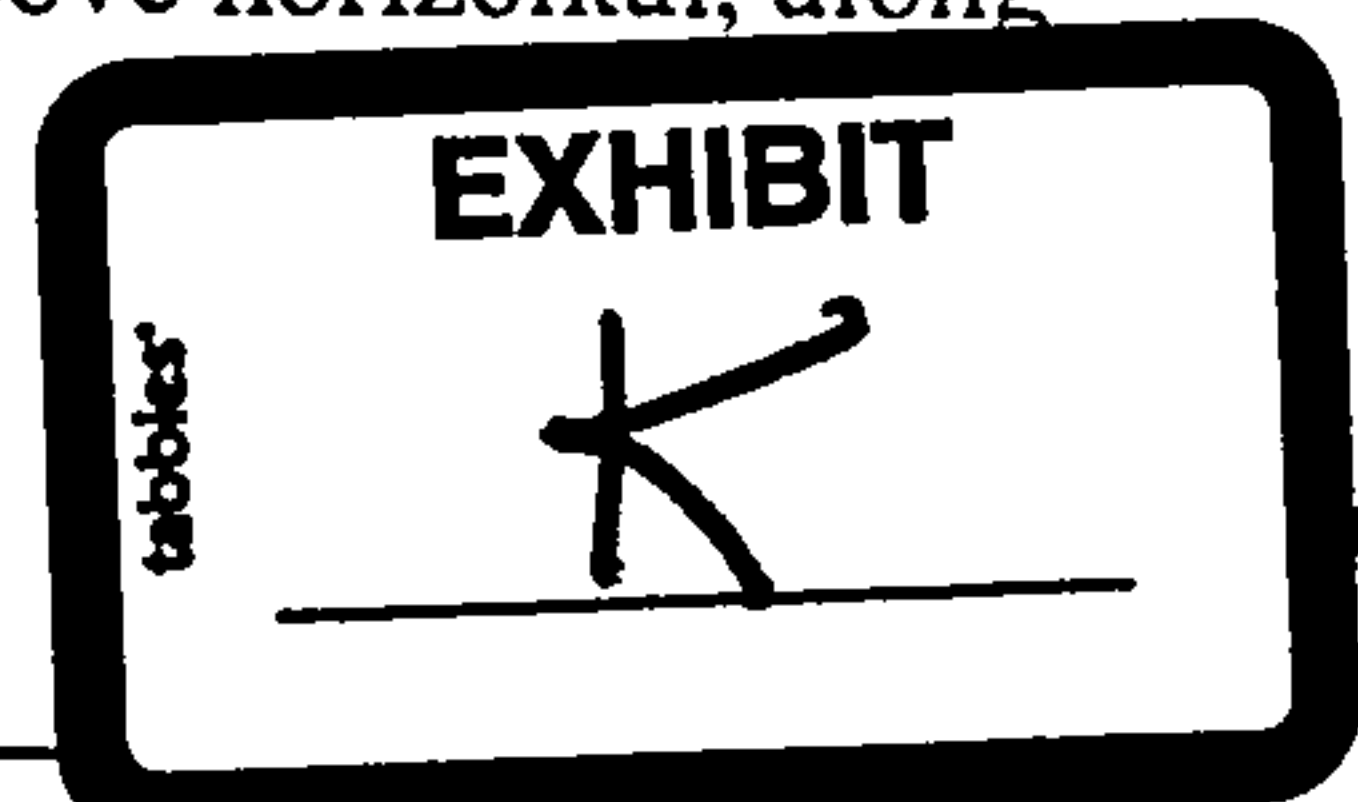
(a) The building height shall not exceed the following heights, determined by the distance cardinally south from the northern boundary of the lot as follows:

<i>Lot Line (feet)</i>	<i>Height (feet)</i>
0-5	10
5-10	11
10-15	14
15-20	17
20-25	20
25-30	23
30-35	25
35 or more	26

or alternatively:

(b) The height shall not exceed a 31° angle plane (as further defined in division 3. below) drawn upward from a horizontal line located two feet above the mean grade at either:

1. A line lying ten feet within the lot lying to the north and parallel to the general south side of the neighboring lot which is most nearly perpendicular to cardinal north, if the lot is vacant and no building permit for a structure has been applied for;
2. The facade of the principal residential building on the lot lying to the north, which most nearly faces cardinal south if the lot has an existing building intended for permanent occupancy or a building permit for a structure has been issued; or
3. The plane shall be made up of lines drawn cardinally south, 31° above horizontal, along all points identifying said southerly setback lines or building lines.





(c) The Zoning Enforcement Officer shall waive all or part of the provisions of divisions (a) and (b) above if he finds that, pursuant to rules and regulations promulgated by the Mayor and so records in his files, beneficial and important solar access can be protected for a lot to the north through the height requirements of this division (A) due to:

1. The lot(s) to the north being exceptionally large or high, so that there are many good locations for solar collector relating to passive or active solar energy systems which will not be blocked by the proposed construction; or
2. The development on the lot(s) to the north is already served by as much solar collector area as is likely to ever be needed and solar access to that collector surface will not be impaired by the proposed construction.

\* (d) The Zoning Enforcement Officer shall waive the provisions of divisions (a) and (b) above if he finds that the owner or builder proposing the height limit waiver has demonstrated:

1. That there will clearly not be a principal building in the area within 35 feet to the north of the proposed building; or

2. That any heated building which building is on separate lot, is built or is under construction to minimum energy efficient standards with a maximum average U value for the walls ( $U_{o\ wall}$ ) not to exceed .16 BTUs per hour per square foot degrees Fahrenheit and with a maximum average U value for the roof ( $U_{o\ roof}$ ) not to exceed .04 BTUs per hour per square foot per degrees Fahrenheit. The fact that the building adjacent to the north is connected to the proposed building does not change the regulations.

**(B) Area and Use Regulations.**

**(1) Yards.**

(a) All parts of required yards or open spaces must be open to the sky, except as follows:

1. Accessory buildings.
2. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon smoke towers which may project as much as ten feet into the rear yard.
3. Projections of skylights, sills, chimneys, belt courses, cornices, and ornamental features which may project as much as 24 inches into a required yard.
4. Evaporative coolers which may project as much as 48 inches into the required rear or side yards.

(b) Required yard or court area with any building or lot cannot be considered as providing a yard or court area for another building or lot.

**§ 14-16-3-19 GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS.****(A) Height Regulations.**

- (1) A wall, fence, retaining wall, or vertical combination of these (the "wall") that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within a required setback, provided:
- (a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard.
  - (b) Where contiguous to non-residential property, it does not exceed ten feet in height above the abutting grade on the residential side except in the required front-yard setback.
  - (c) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the street side or the abutting front yard grade whichever is most restrictive. However, a conditional use may be approved for a higher wall or fence.
  - (d) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the lower side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.
- (2) A wall, fence, retaining wall, or vertical combination of these that face a public street right-of-way, a public park, open space, or designated trail and is in a residential zone may be built within a required setback, provided:
- (a) It does not exceed three feet in height above the abutting grade on the street side and 11 feet in height above the abutting grade on the private side within the required front yard; or shall not exceed six feet in height above the abutting grade on the street side and 14 feet in height above the abutting grade on the private side within the required side or rear yard, except:
    - 1. Any combination of a wall, fence and retaining wall height along the required side or rear yard that exceeds six feet in height above the abutting grade on the public side in order to retain higher ground on the private property side may be constructed up to eight feet in height; such wall shall not exceed six feet in height from the abutting grade on the private property side of the wall. The design of this wall combination shall include at least two of the façade design treatments specified in Section § 14-16-3-19 (B) (2) (b) and the design shall be consistent with the remainder of this section;
    - 2. A wall, fence and retaining wall or a combination of these shall have no segment rising more than six feet in height visible from the public street right-of-way. A minimum horizontal distance of four feet shall separate the vertical height segments. The top-most segment may be constructed up to eight feet in height provided the wall

does not exceed six feet in height above abutting grade on the private property side of the wall. Such wall combination shall include at least two of the façade design treatments specified in Section § 14-16-3-19 (B) (2) (b) and the design shall be consistent with remainder of this section.

3. Design elements may project vertically two feet above the allowed wall height. Such elements shall have a maximum width of five feet, and are allowed at intervals of no less than 200 feet.
- (b) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the public street side or the abutting front yard grade whichever is most restrictive. However, a conditional use may be approved for a higher wall or fence.
- (c) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the street side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.
- (d) Sound Mitigation. A wall, retaining wall or a vertical combination of these that face a public street right-of-way may be higher than otherwise allowed on any residentially zoned property, for an existing residence where approved as a conditional use. The wall height shall be no higher than eight feet in height above the abutting grade on the public side of the wall and must be at least ten feet from the property line in areas where walls are limited to three feet in height. Where a wall is along a sloped street, the wall may be stepped at intervals not to exceed eight feet, and each interval may be eight feet in height at the lower end of the interval. For approval of sound mitigation walls, the following conditions shall be met:
1. The existing traffic noise level during daytime exceeds 67 dB(A) Leq (Table 1 of Title 23 Part 772 of the Code of Federal Regulations, and as amended) at any location on the affected property.
  2. The proposed solid wall provides a sound level reduction of at least 4 dB(A) Leq as compared to the noise level without the solid wall;
  3. The maximum wall height approved shall be limited to that required to reduce sound levels to 67 dB(A);
  4. The design of the wall shall include at least two façade design treatments specified in Section § 14-16-3-19 (B) (2) (b) and the design shall be consistent with the remainder of this section;
  5. A noise analysis shall be certified by a licensed Engineer and must be collected in the following manner:
    - a. The existing sound levels must be measured using an instrument sensitive to pressure fluctuations and meeting the standards of the ANSI S1.4-1983 Type 1 or Type 2 or

- those of International Electro Commission (IEC) Publication 651 or those of the latest respective revisions thereof;
  - b. Sound level measurements shall be A-weighted equivalent levels (Leq) collected during a consecutive fifteen minute period;
  - c. Analysis of wall effectiveness must be demonstrated using the latest version of the Federal Highway Administration's (FHWA) Traffic Noise Model or equivalent methodology. An alternative predictive methodology consistent with FHWA's Traffic Noise Model may be used with prior written approval from the City of Albuquerque Environmental Health Department.
- (3) A wall, fence, retaining wall, or vertical combination of these in a non-residential zone is not limited as to height except:
- (a) Within five feet of public street right-of-way, where they shall not exceed three feet in height above the abutting grade on the street side; and
  - (b) If a wall, fence, retaining wall, or vertical combination of these abutting a residential zone has a height of over eight feet above the abutting grade on the residential side, the Zoning Hearing Examiner shall decide the required height through a conditional use.
- (4) No wall, fence, or retaining wall or vertical combination of these shall be erected in the clear sight triangle unless the Traffic Engineer based on a finding that it would not be a traffic hazard approves its type and location.

**(B) Design Regulations.**

- (1) Applicability. These design regulations shall apply to the following:
- (a) The side of all walls, fences, retaining walls or a vertical combination of these that exceed four feet in height and that face:
    - 1. Arterial, collector and local street rights-of-way;
    - 2. Public park;
    - 3. Public open space; and
    - 4. Designated Public trails.
  - (b) Any wall that does not exceed four feet in height above the abutting grade on the public side shall only comply with (2) (b) Façade and (2) (c) Materials & Texture of this section.
  - (c) The public street side of all front, side, and rear yard walls that require a special exception.
- (2) Design Standards. Walls shall contain variation in layout, façade surface, and/or pattern of openings, materials, texture and color.
- (a) Layout.
    - 1. The layout shall incorporate at least one of the following features to break the massing

47

File



**Jack J. Basye**

12/03/04 11:40 AM

To: "John MacKenzie" <John@goodwinengineers.com>@PUBCABQ  
cc: "Ellen Concini \ (Ellen Concini\)" <econcini@cabq.gov>, "Gregory Krenik" <Greg@goodwinengineers.com>, scottashcraft@comcast.net, "Sheran Matson \ (Sheran Matson\)" <smatson@cabq.gov>  
Subject: Re: Benjamin Place Subdivision - Lots 27 & 28, North Alb. Acres, Block 16, Tract 1, Unit 3 (#1003520) □

The zoning of the referenced property is R-D, three dwelling units per acre, La Cueva Sector Development Plan. Density is regulated based upon gross area of land being proposed for subdivision.

Research of assessor's records shows that these two lots combine for an area of 1.8 acres. Five dwelling units may be developed, per all other applicable restrictions of the sector development plan and Zoning Code.

FROM: James R Phillips  
8600 Florence Ave NE

December 7, 2004

SUBJ: Objection to the proposed Benjamin Place Subdivision – Project 1003520

Dear Members of the Development Review Board,

We have had two previous hearings in front of the Development Review Board (DRB), with another one planned. Myself, and the other neighbors surrounding this proposed subdivision continue to be concerned that the plan not only violates existing requirements for subdivisions, but the overall idea of “suitability” —which the DRB will consider—is also falling short.

There are many issues that have been carefully and accurately recorded in the “Facilitator's Report for Project 1003520” given to the DRB on December 1. This report should help in your evaluation of concerns and suitability.

Beyond that, this letter will focus on the primary issues that we feel are the most important and carry enough weight for your deliberate consideration before your final decision.

**First** and foremost is the **Actual Lot Size** issue. Each of us in the neighborhood holds a title and has a survey showing that we only own and can claim about .89 acres per lot—the same as the two lots proposed for Benjamin Place. The Zoning Enforcement Inspector of the Albuquerque Planning Department has confirmed this and also confirmed that in the process of determining lot size, you are forbidden to include easements, right-of-ways etc. In addition, when this area was annexed by the City, the La Cueva Development Sector plan was created, adopted, endorsed and agreed to by all concerned parties. Within that Plan it clearly states that “*Densities are based on gross acreage of the lot, which is measured from property line to property line, excluding existing public right-of-way and/or prescriptive roadway easements.*” If there have been other rulings or exceptions to this way of measuring the lot, it has **no bearing** on this development. We are not judging if there have been errors made in the past. In fact, a key word in the Sector Plan refers to measurements made “*excluding existing public right-of-way*” which may have been correctly applied to large subdivisions being built a mile to the West (west of Wyoming) because there were no “existing” public right-of-ways. But that is not the case here. There is an existing street, and occupied lots all around the proposed subdivision. The La Cueva Development Sector Plan was written and agreed to by all—and its language is binding and represents a negotiated agreement by those affected. If the DRB or the Zoning Office proposes to agree to another standard for measuring the lot size, then it is our feeling that the La Cueva Development Sector Plan must first be amended.

**Second.** The proposed grading plan is drastic, obtrusive and will be an eye sore in that Benjamin Pace will be established at a much higher elevation than surrounding lots. To quote from the City ordinances – “*Grades set for new subdivisions must blend the plat's development into the adjacent environment with a minimum of sudden grade change. Extensive fill which raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property should be avoided.*” Benjamin Place proposes to raise the grade 8 feet above surrounding property on the west and northwest sides. The specific rationale for this dramatic increase is to satisfy drainage requirements for this subdivision. If you are forced to violate one set of rules to comply with another—there is something wrong. There are very good reasons that minimal grade changes are

written into the building codes—they need to be followed here. If the subdivision can not be built properly without drastic grade changes—then it should be assumed that these lots are **not suitable** for a subdivision. If you will kindly refer to Photo #1, it shows the current perspective of looking North towards the two lots, with the existing homes on the East and West. Photo #2 shows the result and approximate grade change of the proposed subdivision, with the new homes (a simple depiction only) added in. I would think this would certainly be considered a drastic grade change, and a significant alteration to the current environment.

**Third.** The developer has planned for numerous walls around the subdivision—almost all of which violate city building codes. Wall heights are carefully regulated so as not impinge neighbors' rights to have some views and not feel walled-in. Exceptions and variances from these very clear standards should only be approved in rare circumstances—but never in cases where neighbors are being adversely impacted.

Within the proposed subdivision, the developer must build an 8 foot retaining wall on the west side, on top of which or slightly behind he intends to place another wall of 6 feet. No matter how it is built, from the neighbor's perspective, it will appear to be 14 feet high. The rules clearly say that "A wall, fence, retaining wall, or **vertical combination of these**" can not exceed 8 feet. A similar recent sub-division of just six homes on two lots is near the corner of Wyoming and Modesto. A similar wall has been built on the West side. Photos #3 and #4 are pictures of that wall with one of the adversely affected existing homes. The people who live on both sides of this subdivision have been severely affected by this subdivision, and we do not want that to happen to us.

Two Benjamin Place lots are clearly defined as corner lots—whose rear yards are contiguous to their neighbor's front yard. The rules state that "*On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the lower side within 20 feet of the rear right-of-way line.*" In addition "*On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the street side or the abutting front yard grade whichever is most restrictive.*" This is a very good rule because it protects the neighbors from staring at a massive wall right out their front door. The developer plans to build 6 foot walls in these areas in **clear violation** of this regulation.

The same two Benjamin Place lots also have a property line that faces a public street. The rules state the wall must "*not exceed three feet in height above the abutting grade on the street side...within the required front yard*" for walls facing public streets. The developer's plans do not take this into account.

There are many more issues affecting the "walling in" of Benjamin Place. Besides the clear violation of required building regulations, as proposed it will look like a walled in compound of homes surrounded by a community of homes with open space and force the neighbors to be staring up at a walled in section.

These are the three major issues, amongst many others, that are clearly objectionable and not in compliance with City codes. However on top of that is the issue of suitability—which may in fact –

and should—have the greatest bearing on the decision of the DRB. The opening paragraph concerning the suitability of creating subdivisions in City Of Albuquerque planning guidance states:

*“No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare.”*

At some point in listening to all the regulations that will be violated or variances that will be needed, a decision on whether the land is really suitable for subdividing must be made. The land is certainly suitable for single family residences that do not have to comply with the many rules required of subdivisions. Excessive grade alterations and excessive wall building, that are the result of unsatisfactory topography and a major drainage issue to tame a natural arroyo all contribute to ruling that these two lots are unsuitable. On top of that—as clearly stated—the “*general welfare*” of the public should and must be considered. Welfare is defined as something that *aids or promotes well-being; "for the common good" and is a contented state of being happy and healthy and prosperous.* The public in this instance is certainly represented by the neighbors (all of whom are objecting to this subdivision) and possibly the developer. The only person amongst the many involved who will be “prosperous” or “happy” about this subdivision will be the developer—certainly not any of the many people residing around the proposed site. There is no “common good” in this proposal. There is no benefit to any of us except the developer.

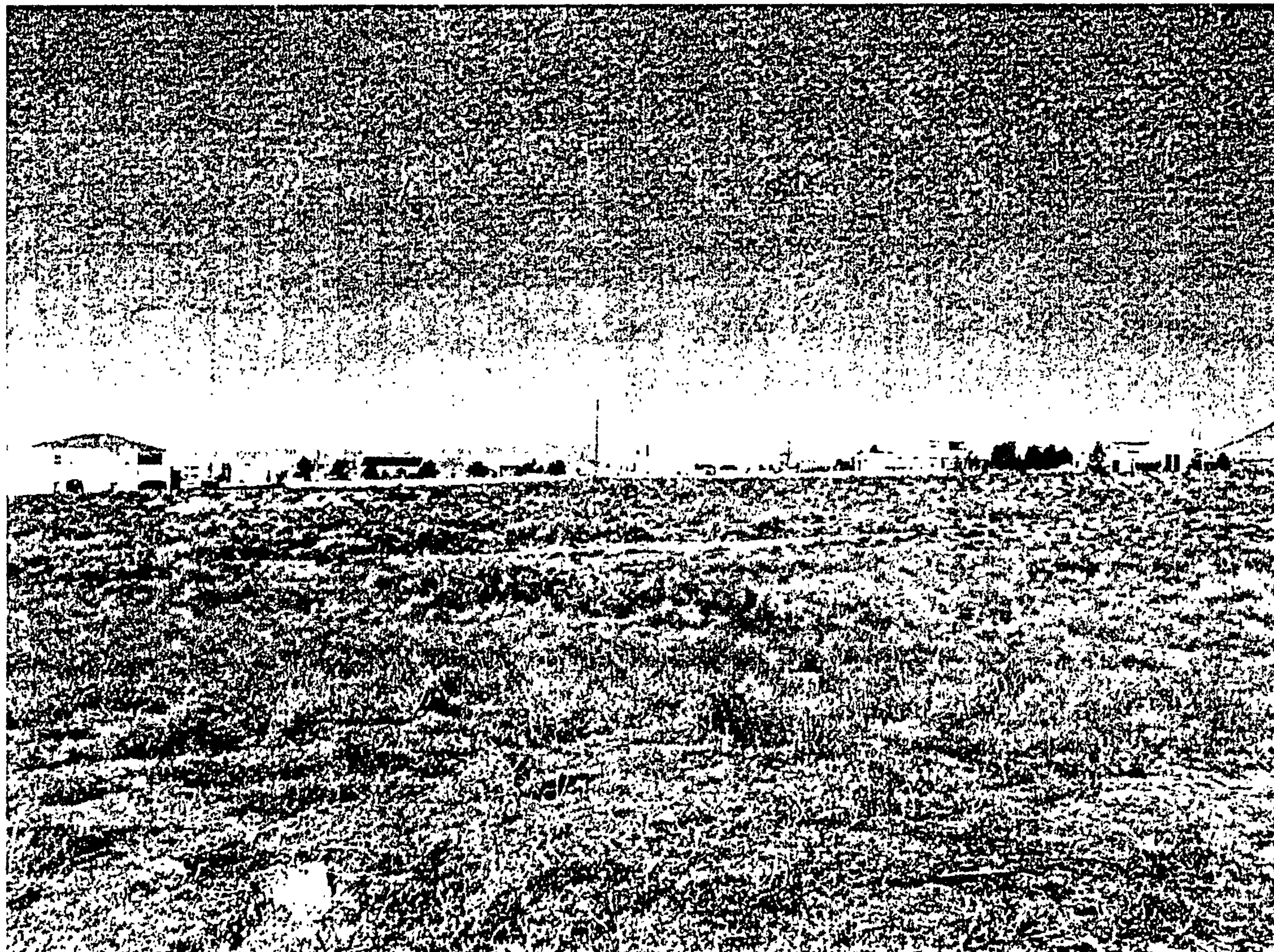
Although this area is zoned for multiple homes per acre (a regretful, but acknowledged decision by the City when the area was annexed) the area has not developed as such. It is full of one-house per lot residences—many of which were built, and are still being built, after the zoning was changed. Please look at the attached aerial photos. Photo # 5 shows the current homes (some are in light yellow that have been built since the photo was taken). It is clear that the only type of development in this area is one home per lot. The area has developed its own character—regardless of the zoning. If the picture was a bigger scale—you would see that through many blocks in each direction to the North, South and East—it remains at one house per lot. To the west about ¼ mile is a new, large subdivision that is being built—which is fine. It is large, homogenous, on un-developed land and is not affecting any neighbors. That is the way subdivisions ought to be built. Now look at Photo # 6—that will be the result of Benjamin Place. Not a pretty picture. Not consistent with the existing homes, community or the continuing trend in the immediate area.

Subdivisions are fine. They are needed for many reasons. But six homes crammed onto two lots and wedged in the middle of an established neighborhood of homes on one acre each does not pass the common sense test. Subdivisions, with all their requirements for drainage, grading, utilities, etc are better suited for larger areas. It makes no sense to squeeze a subdivision into this small space.

In our opinion, there are plenty of quantifiable reasons to disapprove the developers plan because of the several ordinances that must be violated. But even so, it is not in the publics’ or the City’s best interest –it is unsuitable – for a subdivision to be placed here. The DRB has the clear authority and justification to make that ruling.

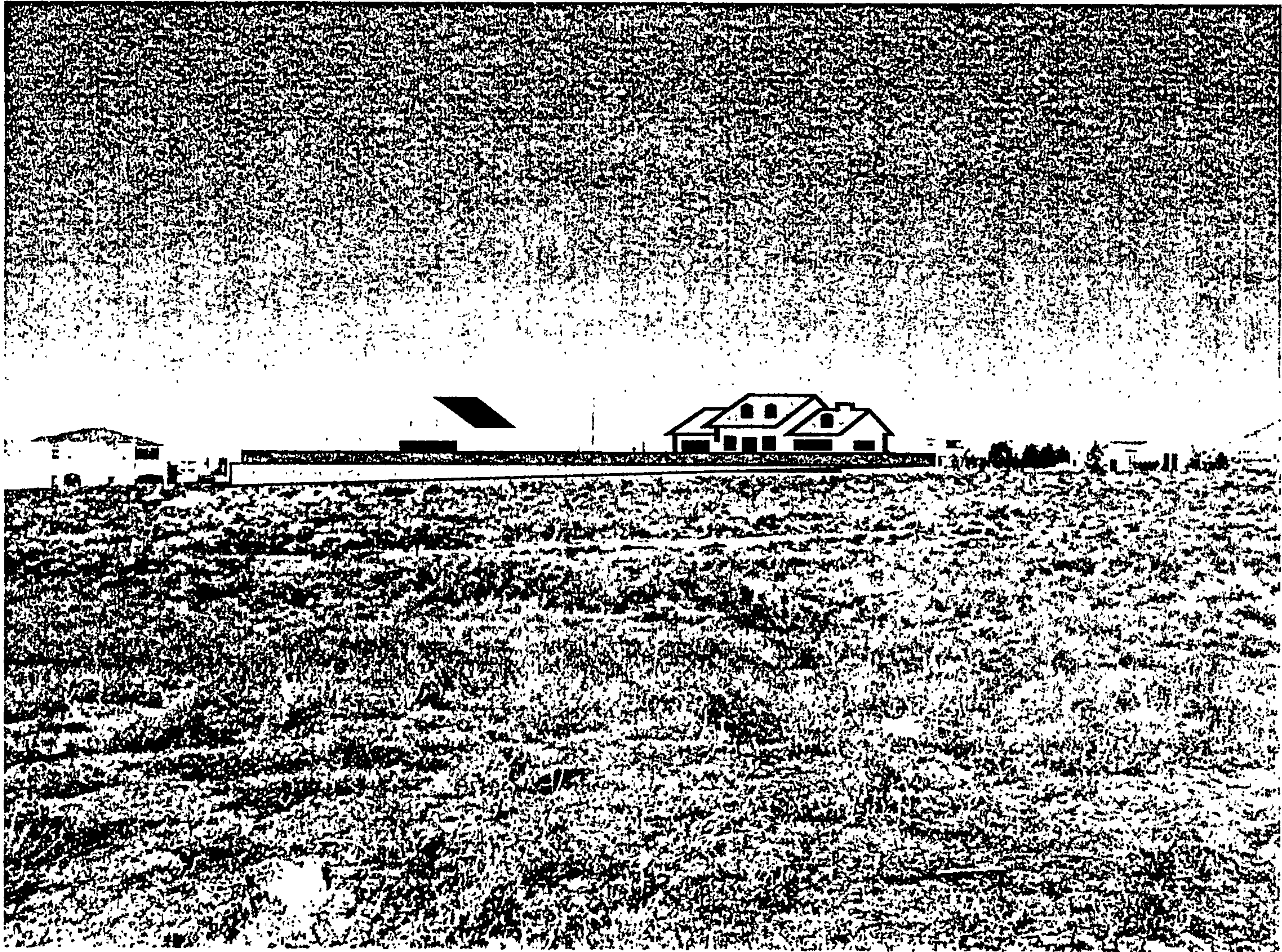


Photo #1



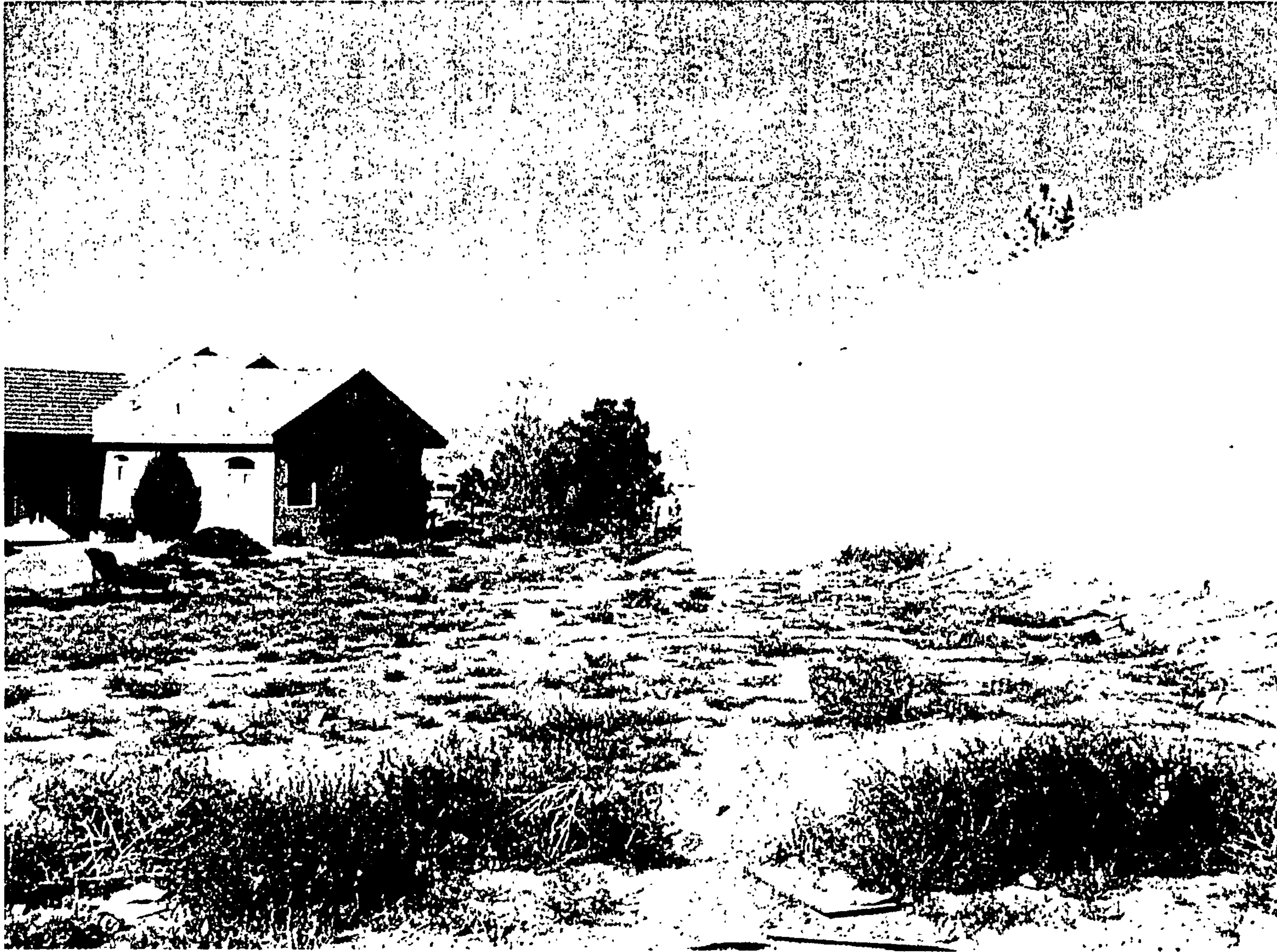
53

Photo #2



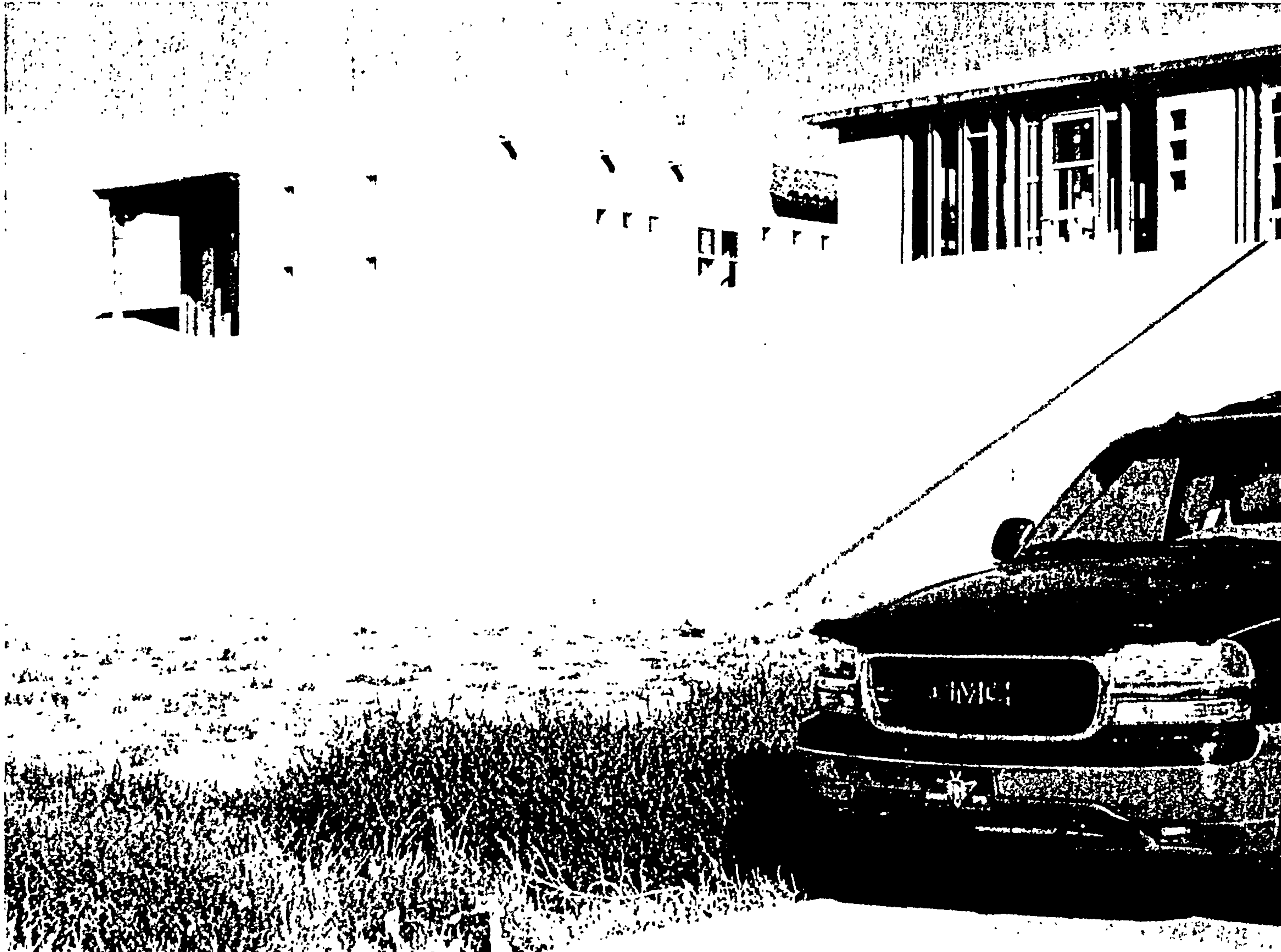
53

Photo #3



54

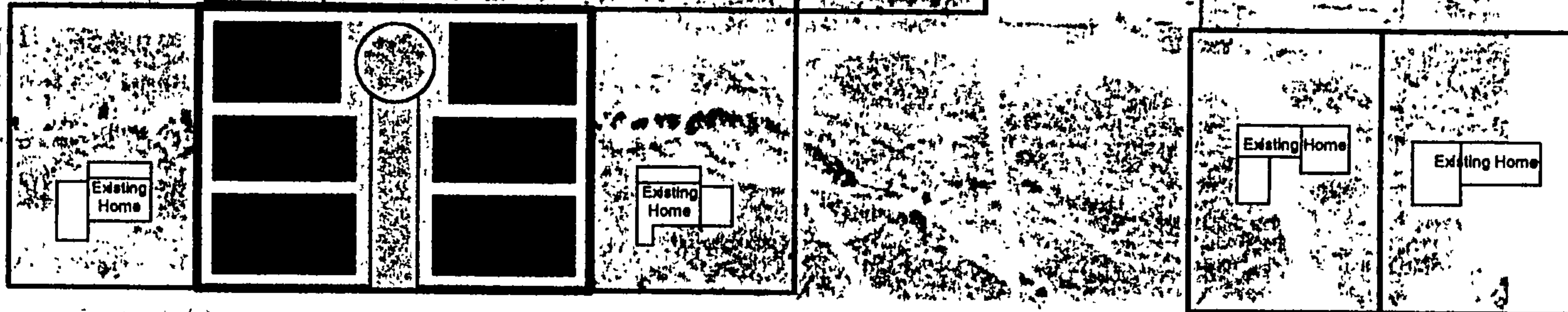
Photo #4



55



56





Supplemental form

Supplemental form

**SUBDIVISION** S

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

V

**SITE DEVELOPMENT PLAN** P

- ... for Subdivision Purposes
- ... for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

L

**ZONING & PLANNING** Z

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)

**APPEAL / PROTEST of...** A

- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: Washington Street Investors, LLC PHONE: 922-4911  
 ADDRESS: 501 3<sup>rd</sup> Street SW FAX:  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL:  
 Proprietary interest in site: Owner List all owners:  
 AGENT (if any): Mark Goodwin & Associates, PA PHONE: 828-2200  
 ADDRESS: P.O. Box 90606 FAX: 797-9539  
 CITY: Albuquerque STATE NM ZIP 87199 E-MAIL: Amy@goodwinengineers.com

**DESCRIPTION OF REQUEST:** Benjamin Place - Major Subdivision: Preliminary Plat, and Sidewalk deferral approval

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. Lot s 27 & 28, Tract 1 Block: 16 Unit: 3  
 Subdiv / Addn. North Albuquerque Acres  
 Current Zoning: R-D 3 Du/Ac Proposed zoning: Same  
 Zone Atlas page(s): B-20 No. of existing lots: 2 No. of proposed lots: 6  
 Total area of site (acres): 2.0 Density if applicable: dwellings per gross acre dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No  but site is within 5 miles of the city limits.) Within 1000FT of a landfill?  No  
 UPC No 102006507506930205; 102006509006930206 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Glendale Avenue NE  
 Between Barstow Street NE and Ventura Street NE

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): 1003520

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: 10/1/04

SIGNATURE [Signature] DATE 10/1/04  
 (Print) Amy L. D. Niese, PE  Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 9/01, 3/03, 7/03, 10/03, 3/04

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>04DRB-01567</u>	<u>P.P.</u>	<u>SCR2</u>	<u>\$ 750.00</u>
<input type="checkbox"/> All fees have been collected	<u>04DRB-01568</u>	<u>TDS</u>	<u>V</u>	<u>\$ 0</u>
<input type="checkbox"/> All case #s are assigned	<u>04DRB-01570</u>	<u>ESIA</u>	<u>V</u>	<u>\$ 0</u>
<input checked="" type="checkbox"/> AGIS copy has been sent		<u>CME</u>		<u>\$ 20.00</u>
<input type="checkbox"/> Case history #s are listed		<u>ADFee</u>		<u>\$ 75.00</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				Total
<input checked="" type="checkbox"/> F.H.D.P. density bonus				<u>\$ 845.00</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				

Hearing date 11-3-04  
 Planner signature / date [Signature] 10-8-04 Project # 1003520

FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL

- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) 24 copies
  - Proposed Infrastructure List
  - Design elevations & cross sections of perimeter walls
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Property owner's and City Surveyor's signature on the proposed plat
  - FORM DRWS Drainage Report, Water & Sewer availability statement filing information
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Preliminary plat approval expires after one year.  
DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

- MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (with significant changes)
  - MAJOR SUBDIVISION AMENDMENT TO INFRASTRUCTURE LIST (with significant changes)
  - MAJOR SUBDIVISION AMENDMENT TO GRADING PLAN (with significant changes)
- PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 24 copies
  - Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Property owner's and City Surveyor's signature on the proposed amended plat, if the preliminary plat is being amended
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year.  
DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

- MAJOR SUBDIVISION EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT  
(Temporary sidewalk deferral uses FORM-V)
- 1 copy of each of the following items
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Plat or plan reduced to 8.5" x 11"
  - Official D R.B. Notice of the original approval
  - Approved Infrastructure List. If not applicable, please initial. \_\_\_\_\_
  - Previous SIA extension notice, if one has been issued. If not applicable, please initial. \_\_\_\_\_
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Any original and/or related file numbers are listed on the cover application
  - Fee (see schedule)
- DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

AM L. D. NIESE, PE Applicant name (print)  
[Signature] Applicant signature / date 10/8/04



Form revised 9/01, 8/03 and 9/03

<input type="checkbox"/> Checklists complete	Application case numbers	<u>[Signature]</u> Planner signature / date
<input type="checkbox"/> Fees collected	<u>04DRB - 01567</u>	
<input type="checkbox"/> Case #s assigned		
<input type="checkbox"/> Related #s listed		Project # <u>1003520</u>



**FORM V: SUBDIVISION VARIANCES & VACATIONS**

- BULK LAND VARIANCE (Public Hearing Case)**
    - Application for subdivision (Plat) on FORM S-3, including those submittal requirements. Variance and subdivision should be applied for simultaneously. (24 copies)
    - Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived
    - Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
    - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - Sign Posting Agreement
    - Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
    - Any original and/or related file numbers are listed on the cover application
- DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.


- VACATION OF PUBLIC RIGHT-OF-WAY**
  - VACATION OF PUBLIC EASEMENT**
    - The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies. (Not required for dedicated and City owned public right-of-way.)
    - Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 24 copies
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the request
    - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - Sign Posting Agreement
    - Fee (see schedule)
    - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire. DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

- SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL)**
  - SIDEWALK DESIGN VARIANCE**
  - SIDEWALK WAIVER**
    - Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the variance or waiver
    - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
  - EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
    - Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the deferral or extension
    - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- VACATION OF PRIVATE EASEMENT**
    - The complete document which created the private easement (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
    - Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
    - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - Letter briefly describing, explaining, and justifying the vacation
    - Letter of authorization from the grantors and the beneficiaries
    - Fee (see schedule)
    - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire. DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

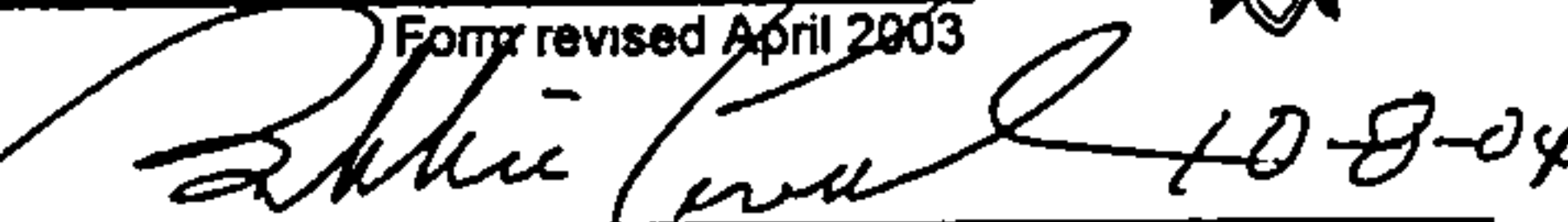
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

AMY L. D. NIESE, PE  
 Applicant name (print)  
  
 Applicant/signature / date



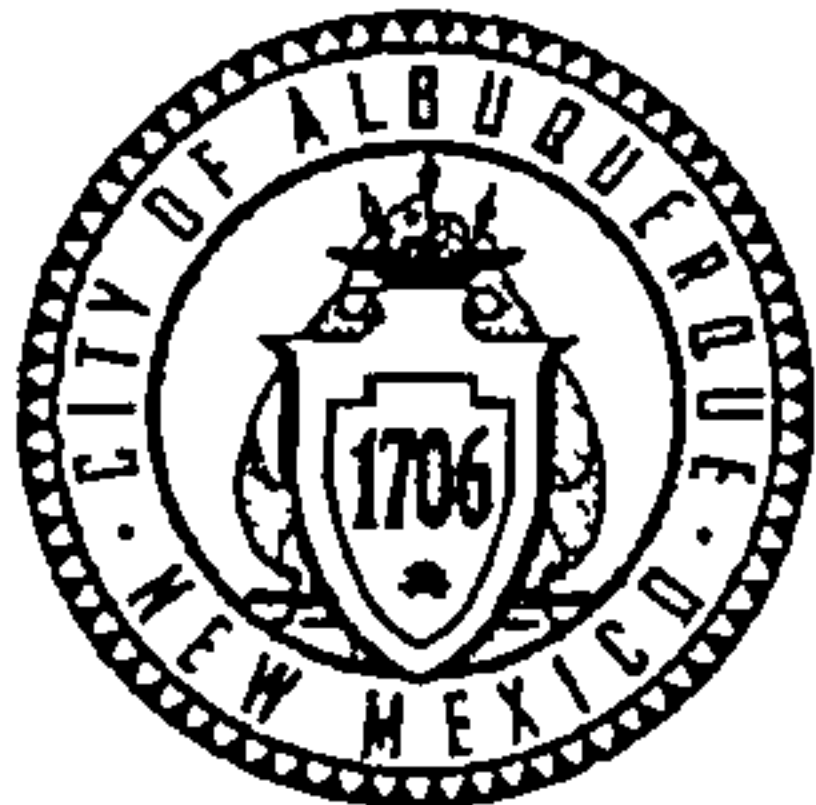
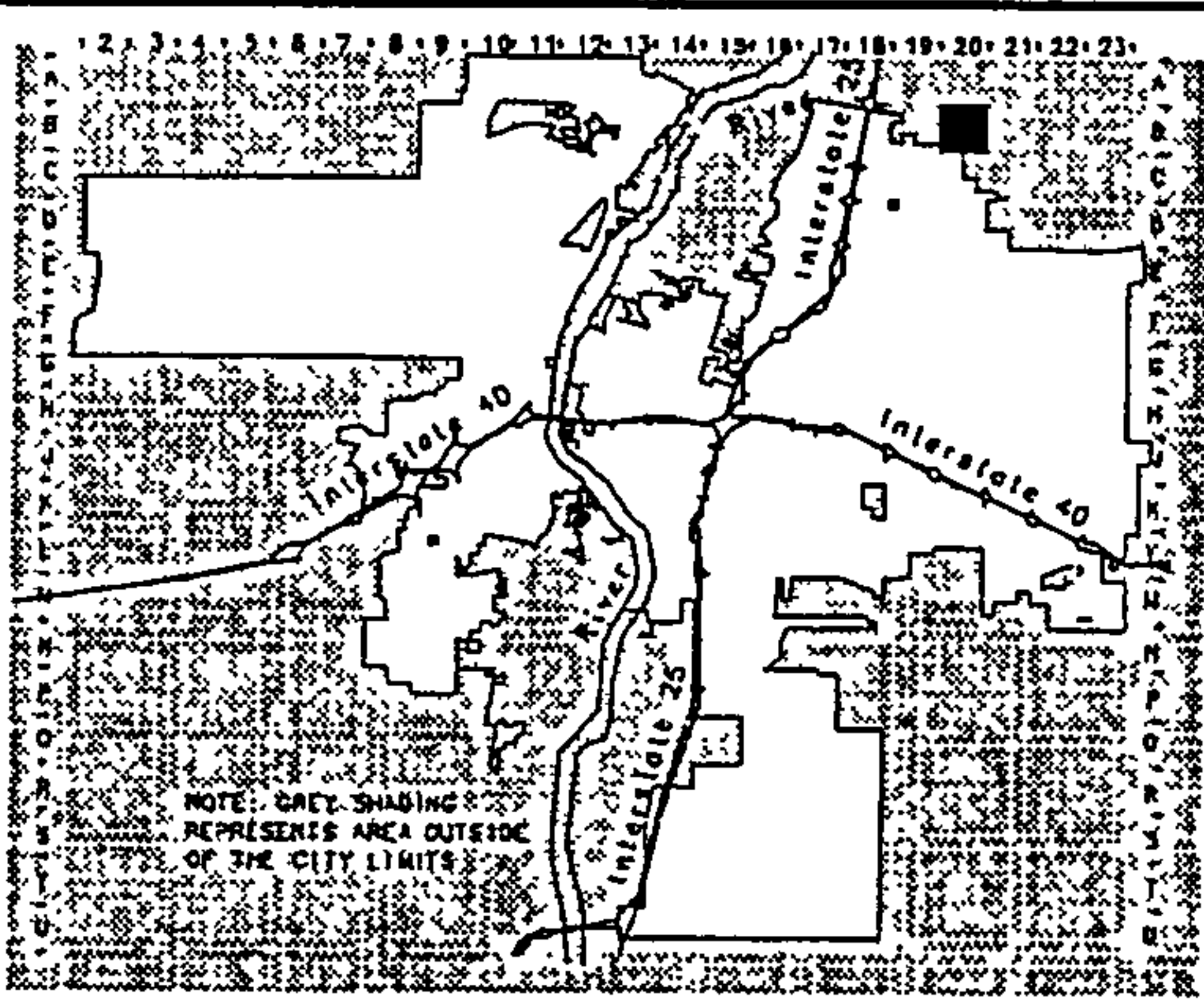
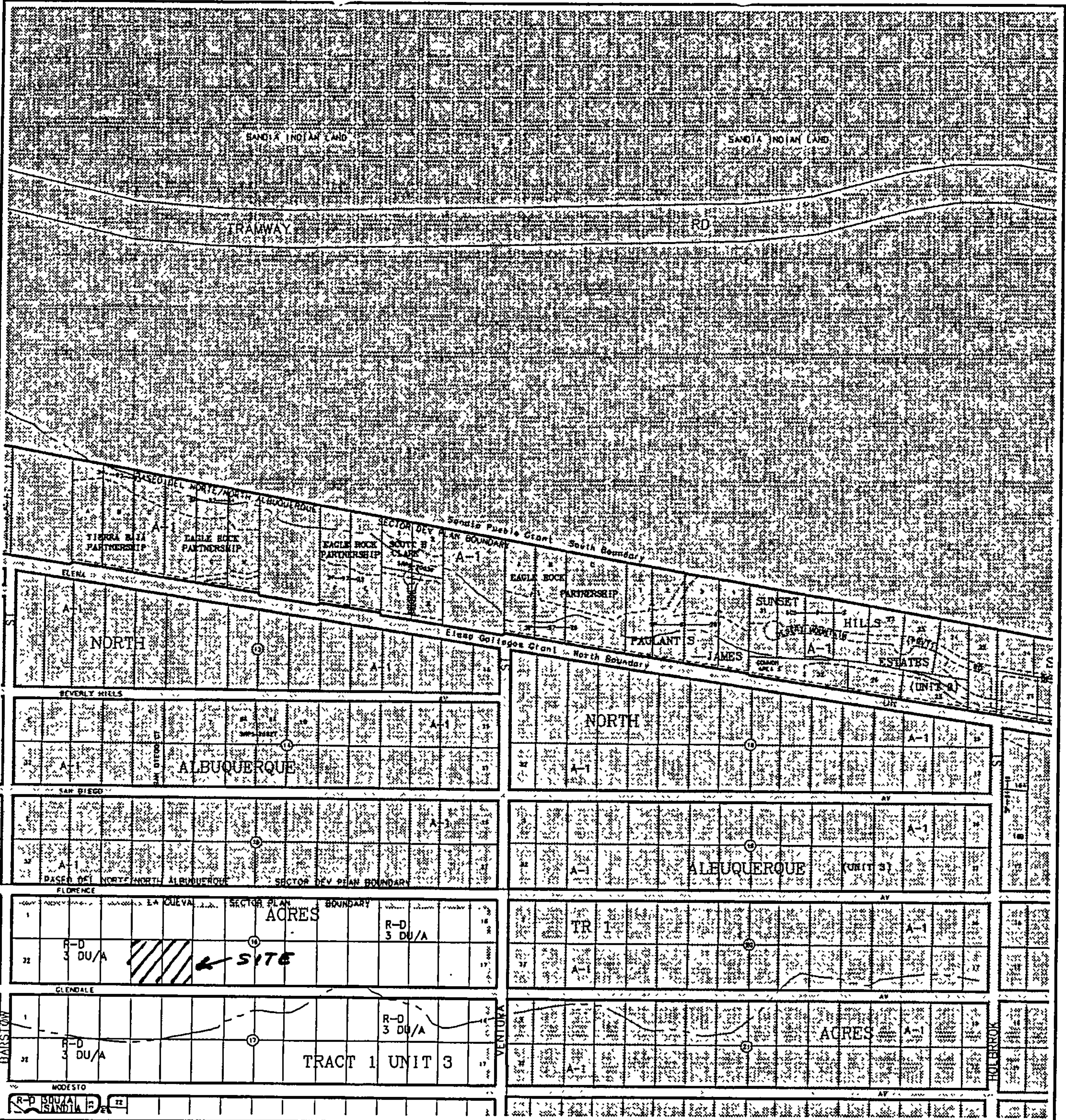
Checklists complete  
 Fees collected  
 Case #s assigned  
 Related #s listed

Application case numbers  
04 DRB - 01568  
04 DRB - 01570

Planner signature / date  
 10-8-04

Project # 1003520

60



Albuquerque Geographic Information System  
**PLANNING DEPARTMENT**  
 © Copyright 2003

**Zone Atlas Page**  
**B-20-Z**  
 Map Amended through November 01, 2003

61



D. Mark Goodwin & Associates, P.A.  
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199  
(505) 828-2200 FAX 797-9539

October 8, 2004

Ms. Sheran Matson  
Development Review Board  
City of Albuquerque  
600 2nd Street SW  
Albuquerque, NM 87103

**Re: Benjamin Place Subdivision**

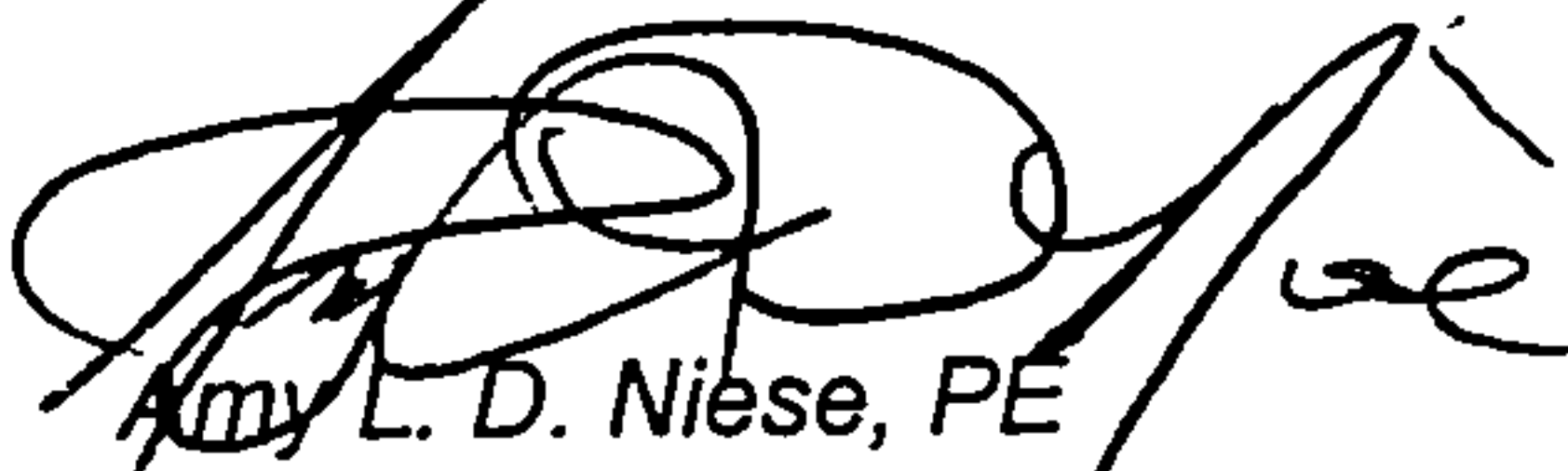
Dear Ms. Matson:

Benjamin Place Subdivision is being submitted for Major Subdivision Preliminary Plat and Sidewalk Deferral approval. The site is shown on Zone Atlas B20, and the zoning is R-D 3DU/AC. We are proposing 6 lots for this subdivision.

Please contact me if I can be of further assistance.

Sincerely,

MARK GOODWIN & ASSOCIATES, P.A.



Amy L. D. Niese, PE  
Project Engineer

F:\benjaminplace\drb2

62.

PRELIMINARY PLAT FOR  
**BENJAMIN PLACE**  
 WITHIN THE  
 ELENA CALLEGOS GRANT  
 PROJECTED SECTION 8  
 TOWNSHIP 11 NORTH, RANGE 4 EAST, NMPM  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 SEPTEMBER, 2004

**DESCRIPTION**  
 A tract of land situated within the Elena Callegos Grant, projected Section 8, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being all of LOTS 27 and 28, BLOCK 16, TRACT 1, UNIT 3, NORTH ALBUQUERQUE ACRES as the same is shown and described on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on September 16, 1991 in Volume D, Folio 121 and containing 1.9989 acres more or less.

**PURPOSE OF PLAT**

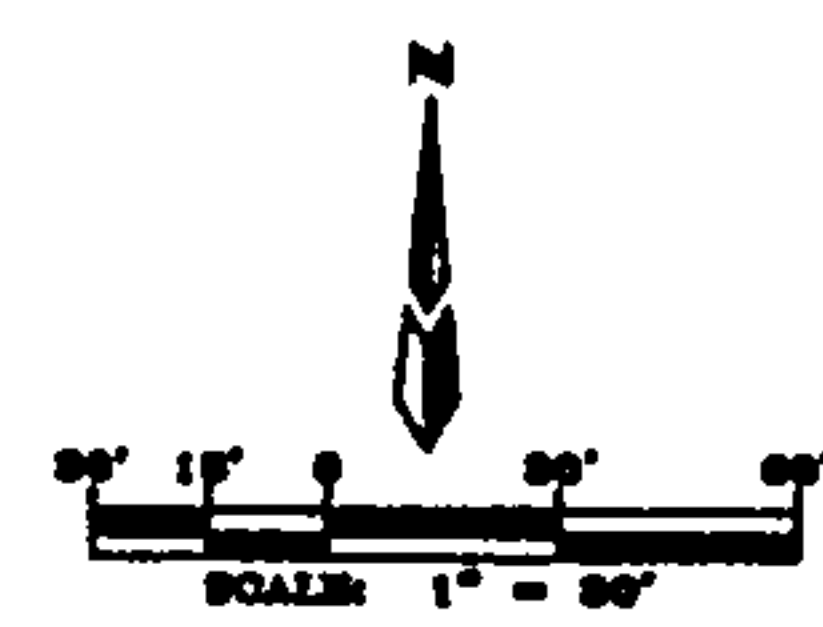
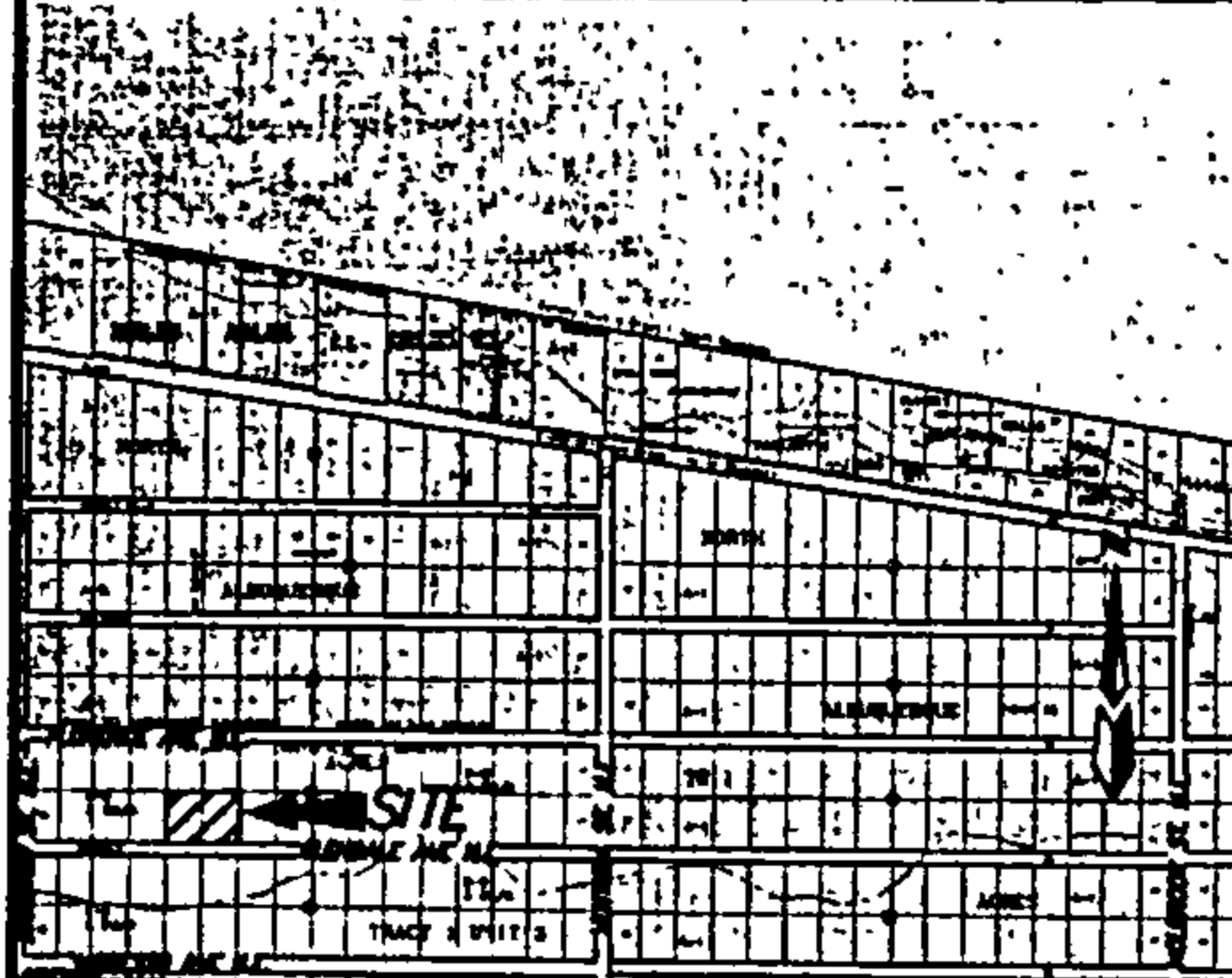
- SUBDIVIDE TWO LOTS INTO 8 RESIDENTIAL LOTS.
- DEDICATE RIGHT-OF-WAY AS SHOWN
- GRANT NEW EASEMENTS AS SHOWN

**SUBDIVISION DATA**

GROSS ACRES ..... 1.9989 AC  
 ZONE ATLAS NO. .... 8-28-2  
 NO. OF LOTS CREATED ..... 8 LOTS  
 NO. OF CHANGING LOTS ..... 2 LOTS  
 AREA DEPOSITED TO CITY (WITHOUT WARRANTY COVENANTS) ..... 0.2877 AC  
 AREA DEPOSITED TO CITY (WITH WARRANTY COVENANTS) ..... 0.2886 AC  
 DATE OF SURVEY ..... AUGUST, 2004  
 ZONING ..... R-8, 3 BU/A

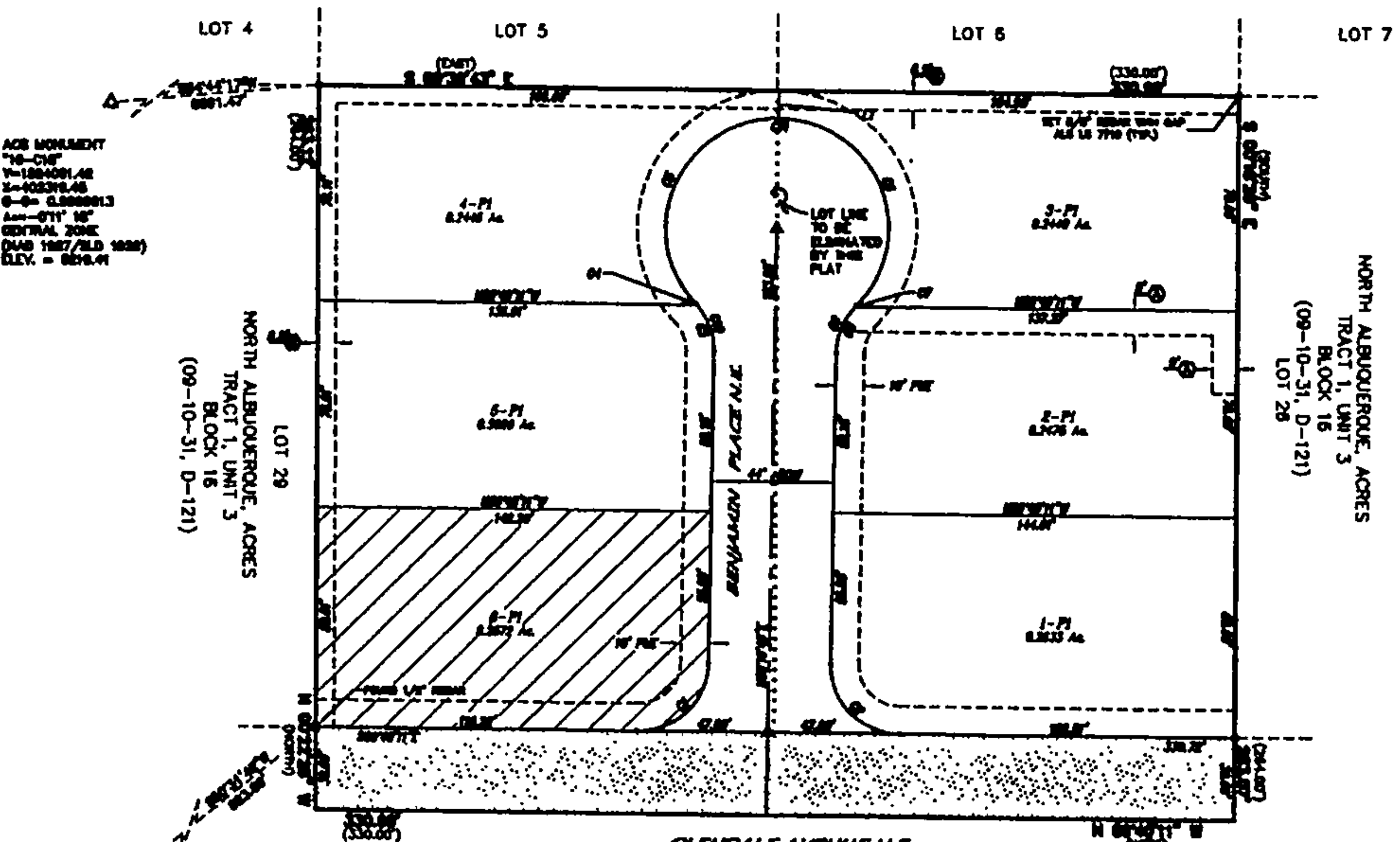
**NOTES**

- UNLESS OTHERWISE NOTED, ALL BOUNDARY CORNERS SHOWN THIS PLAT SHALL BE MARKED BY A 3/8" NEAR 1/2" DIA. STAMPED PLATIRON.
- ALL STREET CENTERLINE MONUMENTATION SHALL BE INSTALLED AT ALL CENTERLINE POINTS, PIVOT, ANGLE POINTS, AND STREET INTERSECTIONS AND SHOWN THIS PLAT SHALL BE MARKED BY A FOUR INCH (4") ALUMINUM CAP STAMPED "CITY OF ALBUQUERQUE CENTERLINE MONUMENTATION" "DO NOT DISTURB" PLATIRON.
- BOUNDARY SHALL BE TIED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM AS SHOWN.
- BARS OF SURVEY SHALL BE NEW MEXICO STATE PLANE GRID BEARING.
- ALL BARRIERS SHALL BE BOUND DISTANCES.
- MANHOLELS WILL BE OFFSET AT ALL POINTS OF CURVATURE, POINTS OF TANGENCY, STREET INTERSECTIONS, AND ALL 90-DEGREE ANGLES POINTS TO ALLOW USE OF CENTERLINE MONUMENTATION.



ZONING ATLAS MAP 8-28-2  
 SCALE NONE

NORTH ALBUQUERQUE ACRES  
 TRACT 1, UNIT 3  
 BLOCK 16  
 (09-10-31, D-121)



ACE MONUMENT  
 "16-ONE"  
 Y=1284991.46  
 X=402378.48  
 Z=0= 0.2886813  
 AREA=0.117 16'  
 CENTRAL ZONE  
 QUAD 19E7/R4 1989  
 ELEV. = 9578.41

ACE MONUMENT  
 "7-ONE"  
 Y=1284992.46  
 X=402377.98  
 Z=0= 0.28864746  
 AREA=0.117 28'  
 CENTRAL ZONE  
 QUAD 19E7/R4 1989  
 ELEVATION=9574.53

**CURVE TABLE**

NO.	CHORD	CHORD BEARING	ANGLE	PIVOT	CHORD BEARING	CHORD
1	100.00'	S 89° 58' 14" W	100.00'	100.00'	N 89° 58' 14" E	100.00'
2	100.00'	S 89° 58' 14" W	100.00'	100.00'	N 89° 58' 14" E	100.00'
3	100.00'	S 89° 58' 14" W	100.00'	100.00'	N 89° 58' 14" E	100.00'
4	100.00'	S 89° 58' 14" W	100.00'	100.00'	N 89° 58' 14" E	100.00'
5	100.00'	S 89° 58' 14" W	100.00'	100.00'	N 89° 58' 14" E	100.00'
6	100.00'	S 89° 58' 14" W	100.00'	100.00'	N 89° 58' 14" E	100.00'
7	100.00'	S 89° 58' 14" W	100.00'	100.00'	N 89° 58' 14" E	100.00'
8	100.00'	S 89° 58' 14" W	100.00'	100.00'	N 89° 58' 14" E	100.00'

- LINE TABLE**
- | LINE NO. | FROM    | TO      | BEARING         | DISTANCE |
|----------|---------|---------|-----------------|----------|
| 1        | 100.00' | 100.00' | S 89° 58' 14" W | 100.00'  |
| 2        | 100.00' | 100.00' | S 89° 58' 14" W | 100.00'  |
| 3        | 100.00' | 100.00' | S 89° 58' 14" W | 100.00'  |
| 4        | 100.00' | 100.00' | S 89° 58' 14" W | 100.00'  |
| 5        | 100.00' | 100.00' | S 89° 58' 14" W | 100.00'  |
| 6        | 100.00' | 100.00' | S 89° 58' 14" W | 100.00'  |
| 7        | 100.00' | 100.00' | S 89° 58' 14" W | 100.00'  |
| 8        | 100.00' | 100.00' | S 89° 58' 14" W | 100.00'  |
- (HATCHED AREA) MONUMENTED STREET RIGHT-OF-WAY (CORNER TO THE CITY OF ALBUQUERQUE) AS SHOWN BY THIS PLAT WITHOUT WARRANTY COVENANTS (0.2877 ACRES)
  - A NEW 6" D.I.P. PUBLIC UTILITY EASEMENT (SHOWN) BEING GRANTED FOR THE BENEFIT OF LOT 5-PI (BENJAMIN PLACE) AND LOTS 28-31 OF BURNING ALBUQUERQUE ACRES AND TO BE MARKED BY THE BARRIERS OF LOTS 2-PI.
  - A NEW 6" D.I.P. PUBLIC UTILITY EASEMENT (SHOWN) BEING GRANTED FOR THE BENEFIT OF LOTS 3-PI TO 5-PI (BENJAMIN PLACE) AND LOT 3 (BURNING ALBUQUERQUE ACRES) AND TO BE MARKED BY THE BARRIERS OF LOTS 3-PI TO 5-PI.
  - A TEMPORARY PUBLIC UTILITY EASEMENT BEING GRANTED TO CITY OF ALBUQUERQUE FOR THIS PLAT TO BE MARKED BY CORNER OF LOT 5-PI.

- LEGEND**
- 5-PI LOT NUMBER
  - 0.2846 AC LOT ACREAGE
  - ▲ CENTER LINE MONUMENT
  - ROW RIGHT-OF-WAY
  - 1/2" P.U.E. PUBLIC UTILITY EASEMENT (SHOWN WITH THIS PLAT)

**OWNERS**  
 WASHINGTON STREET INVESTORS, LLC  
 801 3rd St. S.E.  
 ALBUQUERQUE, N.M. 87102

**ENGINEERS**  
 B. BARK GARDNER & ASSOCIATES, P.A.  
 800 10th Street  
 P.O. BOX 10000  
 ALBUQUERQUE, NEW MEXICO 87108  
 (505) 263-2800

**SURVEYOR**  
 ALBERT LIND SURVEY  
 P.O. BOX 10000  
 ALBUQUERQUE, N.M. 87108-0000  
 (505) 263-1000

Dwg: BASE.dwg    Dwnr: STEPHEN    Checked: ALS    Sheet 2 of 2  
 Scale: 1" = 30'    Date: 08/07/05    Job: A04025

Handwritten signature or initials.



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 12, 2005

- Project # 1003520**  
04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05] 04DRB-1570 WAS WITHDRAWN. (B-20)

At the January 12, 2005, Development Review Board meeting, with the signing of the infrastructure list dated 1/12/05 and approval of the grading plan engineer stamp dated 12/29/04 the preliminary plat was approved with the following condition of final plat:

An approved perimeter wall design must occur before final plat approval.

The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

A sidewalk variance from design standards was approved as shown on Exhibit C in the Planning file with the following condition:

Variance is for non-placement of sidewalks which will not preclude any future project from constructing sidewalk later.

If you wish to appeal this decision, you must do so by January 27, 2005, in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.



OFFICIAL NOTICE OF DECISION  
PAGE 2

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

Sheran Matson, AICP, DRB Chair

Cc: Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102  
Mark Goodwin & Associates PA, P.O. Box 90606, 87199  
James & Sandra Phillips, 8500 Florence Ave NE, 87122  
Larry Millington, 8508 Florence Ave NE, 87122  
Louis Rawson, 8421 Glendale NE, 87122  
Laura Turon, 8700 Florence Ave NE, 87122  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File

**DRB MINUTES FROM THE NOVEMBER 3, 2004, DEVELOPMENT REVIEW BOARD MEETING.**

**2. Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval

04DRB-01570 Minor-Ext of SIA for Temp Defer SDWK (WITHDRAWN)

04DRB-01568 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04] (B-20) 04DRB-1570 WAS WITHDRAWN. **DEFERRED AT THE AGENT'S REQUEST TO 12/1/04.**

**PERSONS SPEAKING ON BEHALF OF THE REQUEST:**

Doug Hughes, Mark Goodwin & Associates, P.O. Box 90606, 87199

**PERSONS SPEAKING IN OPPOSITION:**

Diane Owens 8601 Glendale Ave NE, 87122

James Phillips, 8600 Florence NE, 87122

Jeff Moreland, 8401 Modesto Ave NE, 87122

CHAIR MATSON: We are now on Agenda Item 2, Project #1003520, Benjamin Place Subdivision. We do not have the agent here so we will defer this case to the end of the public hearing items, so it will come after Item 7.

MR. PHILLIPS: May I ask something?

CHAIR MATSON: Sure.

MR. PHILLIPS: Why would you defer them to the end of the hearing if they are not here on time? We're here as citizens and I've got to sit here all day because they're not here on time.

MR. BINGHAM: It won't be all day.

CHAIR MATSON: No, we are just deferring them to after agenda item #7 which is the end of the public hearing items.

MS. OWENS: We were here at 9 a.m. We all have jobs. They are the ones who filed this and they should be here on time.

CHAIR MATSON: I understand. If you want to make your comments now you can. You won't have the benefit of their responses. It may not be as fruitful as it would be if you waited until they came, so that's the problem. It's your choice, if you want to go ahead and make your comments and leave.

MR. MORELAND: Is it your choice to bump them off the docket? They're supposed to here.

CHAIR MATSON: Yes, I could do that but I'm giving them at least until after item #7, if they're not here by then they will be. The problem with deferring them is that then they have to readvertise and everything so I'm reluctant to do that unless they don't show up by the end of the public hearing items.

MS. OWENS: One of the comments I wanted to make was that . .

MS. SENOVA: Excuse me; you need to come up to the table and be sworn in.

MR. GALLEGOS: Are we taking comments now?

MS. OWENS: I'll go ahead and make my comments now.

CHAIR MATSON: Okay, you'd prefer to do them now rather than when they are actually here?

MS. OWENS: Yes. Like I said I have jobs and I'm sure other people here have jobs too.

CHAIR MATSON: Okay, we will take comments then on Agenda Item #2.

MS. OWENS WAS SWORN IN

CHAIR MATSON: If you'll state your name and address please.

MS. OWENS: Diane Owens and I live at 8601 Glendale Ave NE.

CHAIR MATSON: Would you give us your comments then please Ms. Owens.

MS. OWENS: Well one of the comments I wanted to make was that under this project they show the neighborhood coordination that a letter was sent to North Albuquerque Neighborhood Association. My understanding is that the neighbor that lives directly behind the subdivision that they're proposing was told that only people that were within 100 feet of the subdivision were notified. This is not the entire neighborhood association. This project does affect everybody that lives on Glendale, the street behind and the street to the south, which would be Modesto and Florence. So not everybody was notified of this hearing.



I did not have enough time to notify everybody of the hearing. That was one of the comments I wanted to make.

Everybody I did talk to opposed the project. If this project is approved they opposed anything that deviates from what we, the neighborhood, has to comply with the wall 20-feet from the property line and only 3-feet tall and only existing wall 6-feet high. That's just one of the examples that they opposed.

I do have here three (3) oppositions. I was not able to contact everybody. Again, it goes back to not everybody was notified of this public hearing that should have been that's in the neighborhood.

The one big problem I had was again they should comply with the same regulations that we have to comply with. I know when I came and got my permit for my fence I was told it had to be 20-feet from the property line and only 3-feet tall and the existing perimeter could only be 6-feet tall. They should have to comply with the same regulations.

CHAIR MATSON: What wall are you specifically talking about?

MS. OWENS: Just the wall from the property line.

CHAIR MATSON: Is it the front yard, the side yard, the back yard of their lots do you know? Because the height of the wall depends on where it's located also.

MS. OWENS: The front from the road or from the front of the property line on the road.

CHAIR MATSON: So it would be the walls that go along Glendale Avenue?

MS. OWENS: Yes.

CHAIR MATSON: Okay. The usual rule for that is that they're 3-feet high until they get 20-feet back and then they can go up a maximum of 8-feet.

MS. OWENS: I was told when I went to get the permit that the wall had to be 20-feet from the property line, not the road from the property line, and it could only be 3-feet tall at that point.

CHAIR MATSON: 20-feet from the property line, you mean inside the property line?

MS. OWENS: Inside the property line. So in this case they'd have to be 20-feet from the property line north of the property line and the wall can only be 3-feet tall at that point.

MR. GALLEGOS: Aren't those lots taking their frontage off Benjamin?

MR. BINGHAM: Yes.

CHAIR MATSON: Yes, so it's a side yard. If it faces a road, it's my understanding then that it's from the front of the property line back 20-feet, it's only 3-feet high and then it can go up higher.

MS. SENOVA: Madam Chair, the agent is present.

CHAIR MATSON: Ms. Owen, would you like to continue your comments or would you like him to explain the project a little bit before you do that.

MS. OWEN: I'd like him to explain it.

OTHERS PRESENT WERE SWORN IN.

CHAIR MATSON: If the agent will identify himself please and explain the project a little bit.

MR. HUGHES: My name is Doug Hughes with Mark Goodwin & Associates. I'm not that familiar with the project. I understand it's a North Albuquerque Acres subdivision and I'm basically here to receive comments at this point in time. If there are specific questions about it I can take those back to my office and the owner's and try and get answers to them.

CHAIR MATSON: So what you're planning on doing is just hearing comments today and then getting approval at a later date when the other agent is here?

MR. HUGHES: Yes ma'am.

CHAIR MATSON: So you're here for preliminary plat approval and then temporary deferral of sidewalk, is that correct?

MR. HUGHES: Yes ma'am.

CHAIR MATSON: Ms. Owens if you want to continue please with your comments and then we'll respond to them when you are done.

MS. OWEN: I was commenting that several neighbors were not notified. Only people that were within 100-feet of the perimeter. So they were not aware of it so they are not here to be able to make comments because they were not notified. I'm talking about all the people up and down Glendale, Florence and Modesto because that would be the whole neighborhood. It was only the people that were within 100-feet of the two lots that are in question. The ones that I did talk to they oppose it, but I don't know if we're going to have much luck in getting

this opposed anyway but if it was approved then we feel like you should have the same stipulations that we do as far as having the front wall along Glendale 20-feet back from the property line and only 3-feet tall. We're concerned about having the whole property taken over by houses and not being very appealing. Losing our property value because of it. There's a subdivision there at Modesto and Barstow that they just stacked in the houses and that's what we're concerned about.

MR. HUGHES: I can relay those comments and if you have anything in writing I would also like to take that back to the owners. They are not here today but we'll try to respond to your comments. I don't see that the wall comment is unreasonable.

I understand the notification procedure is just 100-feet around the property and there was a sign that was posted on the property to let the rest of the people in the neighborhood know that there was a preliminary plat.

MS. OWENS: I have not seen a sign.

MR. HUGHES: That's my understanding that there would have been a sign posted there.

CHAIR MATSON: Ms. Owens, the Subdivision Ordinance is what everyone complies with in terms of public notification. So what the agent is supposed to do is notify any neighborhood associations that the Office of Neighborhood Coordination, which is right next-door here, tells them. They are supposed to send a letter to two representatives of each neighborhood association. Then they are supposed to post at least one yellow sign and I imagine it would be just one because there's just one exterior street for this subdivision. The yellow sign is supposed to go up 15-days before the hearing. Then the City researches the County Assessors records for every property owner that's within 100-feet and we send a copy of the legal ad that we publish in the paper on Monday's and so there are all of those ways for people to receive notification.

Now the neighborhood association, do the people who are representatives from the neighborhood association do they routinely let you know if they receive a letter about a project that's in the neighborhood do you know? Do you belong to that neighborhood association?

MS. OWENS: No, I do not belong to the neighborhood association. I have not ever been contacted by them. Then I became aware after talking to neighbors that there is an actual neighborhood association you can join. I received notice because I received the mailing. Again, I was told that went to only the people who were within 100-feet of the property.

CHAIR MATSON: Right. That's the way the Subdivision Ordinance is written and most of the ordinances, the Zoning Ordinance within the City has the same notification requirements. If you are not a member of the neighborhood association and you don't live within the 100-feet, it's very likely that you may not have known unless you saw it in the paper or unless you saw the yellow sign that was posted. I can't speak to whether that sign was up the full 15-days or not. Hopefully, the agent who actually will come next week will be able to speak to that.

MS. OWENS: I live right next to the property and I see the for sale signs and if there was a sign posted it's not observable to the public passing by.

CHAIR MATSON: On Glendale, you didn't see one anywhere on Glendale?

MS. OWENS: No.

MR. HUGHES: Madam Chair, the agent that was handling this case from Mark Goodwin & Associates is no longer with Mark Goodwin & Associates. There is a good chance that they forgot to put up that sign. If that's the case would we be appropriate in readvertising this case before we go forward?

CHAIR MATSON: I don't necessarily think we have to go through all the readvertising, but we probably need to defer it for a couple of weeks and actually put up a sign so that there will be notification. When we decide on what deferral date, we don't send out notification for deferrals. It will be the responsibility of those folks who are here to let the other people know who are concerned about it. It isn't headed for approval or anything today anyway because apparently Doug's not the official agent he's just here to get comments. So it's good that you did come so you can find out what's going on. If you will, after the meeting, or after this hearing item, maybe you could talk to Doug outside and get the name and phone number of the agent and everybody who's concerned can meet with the agent before we actually have another meeting so that you can get your concerns ironed out. That will be a lot better for everybody that way.

MS. OWENS: Okay.

MR. PHILLIPS: I have a comment and a question. My name is Jim Phillips, 8600 Florence which is behind the property. I guess it's the difference between what is legal and what is logical in that particular area. I know they can build up to 3 houses per acre I guess is the density allowed in the area. If you take a downward shot at the neighborhood, this will be a small pocket of very high-density houses amongst a whole bunch of homes, one per acre. Is that really what we want in that neighborhood? I know it's legal but is that really acceptable for a harmonious neighborhood like that?

CHAIR MATSON: You know that's a very good question. Unfortunately, the Development Review Board has to follow what the zoning is. As long as their density meets the zoning requirements we, as a Board, don't have any power to change that.

MR. PHILLIPS: So we're all just wasting our time.

CHAIR MATSON: Not necessarily, I think your concerns about the walls can be worked out or if you have other concerns. You can certainly talk to the agent and the owner about making larger lots. I mean it doesn't hurt to talk to them about it anyway. I understand where you're coming from, I do. We as a Board do not have any right to deny them what they are legally entitled to by the zoning that's on the property.

MR. PHILLIPS: Okay, so we're wasting our time.

CHAIR MATSON: Well in terms of the size of lots probably.

MS. OWENS: Is the developer required to keep with the same arroyos that go through the property?

MR. BINGHAM: If they do their engineering technically sound there is no reason to have to maintain the drainage course at the same location. As a matter of fact, they are adding a lot of infrastructure to Glendale. Big pipe that's programmed and the only way to get those in is for development to happen it seems like or assessment districts that sort of thing. They're adding a large storm drain to Glendale that's programmed for the future and it will be part of their development.

MR. PHILLIPS: That storm drain though is south.

MR. BINGHAM: No that storm drain is in Glendale.

MR. PHILLIPS: They're going to tear the road back up and put the storm drain in?

MR. BINGHAM: Yes. Right now that road is only millings. It's not in the final grade elevations. It's in the right alignment but it's not in the final grades yet. It's just millings to keep the dust down at this point.

MR. PHILLIPS: Looks like asphalt to me.

MR. BINGHAM: Well it would look like that to most people but it's just millings, it hardens, but it's not a permanent road surface.

MR. MORELAND: Jeff Moreland and I live on Modesto and that's what you're talking about are the millings. It was full of potholes and stuff and we're in the City. When I moved in over there they just repaved, it's not even repaving, it's just barely a little bit better than what it was. They just kind of filled in some potholes there. That's like the millings. The road that they have is like a nice smooth road. They received a nice smooth road and Modesto got the leftover pieces. I guess they said they're just going to leave it like that is what the crew that was working on it told me. They said they are just going to leave it like that. I guess whatever thousands of dollars it costs just to put some millings down they could have just fixed potholes out there.

Where I live they built a subdivision right across from me and I've been there 3 years and I didn't know anything. Then, a little over a year ago, all of a sudden there's signs up that there's going to be a subdivision built directly across from me. I guess it had been in a legal battle with the City and that developer is able to build, I think 4 houses per acre, on that 6 acres there. All I have is just a huge block wall right in front of me coming out of my driveway there. Like this gentleman here, who I don't know, but he's a neighbor around us there. It's like an eyesore and there are 36 homes right across from me and then everything around there is single, one-acre homes. It just doesn't seem right.

My acre lot, well approximately an acre, the width of it there are 3 homes right across from me. They also raised the road on me over there too. So now my property sits lower than the grade of the road and I addressed the developer on that too about the water how it was draining in there. They said that's all legal and everything was done right. I still get water draining every time it rains hard draining right into my property. Nothings been done and apparently I can't do anything with the City or the developer on that. I think any other subdivisions they supposedly follow certain rules but I think some things they can get away with and no one really watches them too much. That's all I have to say. Thanks.

MR. HUGHES: I'll be happy to take everybody's name, address, phone number and try to put together a meeting so that we can try to work out these problems that you pointed out and get the new agent together with you.

CHAIR MATSON: I think we'll have the Board give their comments and then as soon as we're done we'll select a deferral date and then you can go out in the hall and give him the information he needs so he can contact you. Thanks for taking the time to come down. I know it's not easy especially when you work.

MS. SENOVA: The deferral date given will be your notice of that hearing.

CHAIR MATSON: In terms of comments from the outside agencies I don't see any adverse comments. So we'll go to Parks?

MS. SANDOVAL: Standard comment, this is subject to the Park Dedication Ordinance which requires a 170 sq. feet be dedicated to the City or cash-in-lieu of that. Due to the size of the development, we will be seeking cash-in-lieu. Then you will owe the Park Development Fee, the \$78 at building permit. It's also zoned RD, which has an open space requirement of 2400 square feet on the lot. According to the Open Space Table that has been met on the lots. I just need a note added to the final plat. I have no objection to the sidewalk requests.

CHAIR MATSON: Hydrology?

MR. BINGHAM: I had comments on the infrastructure list Doug.

MR. HUGHES: Did you give those to somebody else?

MR. BINGHAM: No, you're the first Mark Goodwin person I've talked to about this. The grading and drainage plan dated 10/7/04 is approved to support this subdivision. I think I would like to know what the outcome of your meeting is with the neighborhood to address wall issues. That may require revising the design somewhat.

MR. PHILLIPS: Jim Phillips, 8600 Florence. You talked about a culvert or something coming in on Glendale eventually. When will that happen in relation to this project?

MR. BINGHAM: They'll put their frontage in and have to pond the developed plus the offsite run-off that comes in to them. Actually what would be developed at the existing platting? They'll be ponding their portion until the downstream piece is installed. Right now there's a pond at the corner of Barstow and Glendale.

MR. PHILLIPS: Correct.

MR. BINGHAM: There's a 72-inch pipe that's supposed to go from Barstow up to Ventura. That will replace what is the arroyo. How that's done is going to be kind of fun to watch.

MR. PHILLIPS: Like I said that arroyo is south of Glendale.

MR. BINGHAM: I know. They'll collect the arroyo at Ventura and it will be in the pipe then and then it'll be just local drainage.

MR. PHILLIPS: Okay. Maybe I'm missing something here. Right in the middle of these two lots is a fairly significant but small arroyo that is lower than what you are talking about.

MR. BINGHAM: Correct.

MR. PHILLIPS: That carries a lot of water during a rainstorm.

MR. BINGHAM: They've shown me how much that is and they are collecting it in that same pond.

MR. PHILLIPS: It's going to go back uphill?

MR. BINGHAM: No, it's going to go in a pipe that will eventually connect to the 72-inch that they're going to put in. I've never been able to get water to go uphill. I'd like to.

MR. PHILLIPS: So they're going to take that across the road...

MR. BINGHAM: They're going to put it in a storm drain inside their subdivision and pond it temporarily until the rest of the system is in.

MR. PHILLIPS: Okay.

MR. HUGHES: If I may just to clarify that, we will receive that drainage from that arroyo that you are talking about, the minor arroyo, it's more of a major arroyo, but it's not the main arroyo that runs through there. We will receive that drainage into the development and we will discharge no water. We're going to put a pond inside the development that captures all of that runoff and stores it on site. That will be a temporary situation until this other pipe; the master plan pipe in Glendale is constructed downstream from us and upstream from us. Then we'll make the connection to that pipe and the pond will go away.

MR. PHILLIPS: Then the drainage that comes off of my property and the properties on Florence which flows that way, that's also going to get captured and taken out. It won't be stopped on my property.

MR. HUGHES: No, it won't back up on your property.

MR. PHILLIPS: Okay, thank you.

MR. HUGHES: We'll receive that drainage.

CHAIR MATSON: Doug, the perimeter wall design... I'm going to hold off approving that too, until we get whatever issue there is resolved. So let's see, the extension of SIA for temporary deferral of sidewalk was withdrawn at my request. For right now I don't have any other comments. Utilities?

MS. MUSINSKI: Utilities has no objection to the sidewalk item. Our availability letter reminded you of the future PRV that needs to be located to the south of Glendale at Barstow. That wasn't addressed on the infrastructure list so you'll need to address that.



MR. HUGHES: Okay.

CHAIR MATSON: Transportation?

MR. GALLEGOS: The only comment that I had basically was I wanted to know if Glendale had an all weather access to the subdivision and apparently it's paved out there.

MR. BINGHAM: No curb and gutter.

MR. GALLEGOS: No curb and gutter but there is pavement of some sort.

MR. HUGHES: I'll look into it, I can't answer that.

MR. GALLEGOS: Other than that I have no objection to the sidewalk request.

CHAIR MATSON: Doug, if we defer two weeks, that would be November 17. If we go three weeks, we're going to have to go to December 1, because we won't have a meeting this year during Thanksgiving week. We will not have a DRB meeting, so would you prefer the 17<sup>th</sup> of November or the 1<sup>st</sup> of December?

MR. HUGHES: I want some time to address these comments.

CHAIR MATSON: So we'll do December 1<sup>st</sup> then?

MR. HUGHES: December 1<sup>st</sup> is okay.

CHAIR MATSON: Please make sure you get a sign out there as soon as possible, a yellow sign. If you need a new sign come in and we'll get you one.

MR. HUGHES: Okay. Thank you.

CHAIR MATSON: We will see you, if you are interested, on December 1<sup>st</sup>.

The following action was taken:

The above request was deferred at the agent's request to December 1, 2004.

**DRB MINUTES FROM THE DECEMBER 1, 2004, DEVELOPMENT REVIEW BOARD MEETING.**

**13. Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval

04DRB-01568 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] *[Deferred from 11/3/04 & 12/1/04]* 04DRB-1570 WAS WITHDRAWN. (B-20) **DEFERRED AT THE AGENT'S REQUEST TO 12/15/04.**

**PERSONS SPEAKING ON BEHALF OF THE REQUEST:**

John MacKenzie, Mark Goodwin & Associates, P.O. Box 90606, 87199

Greg Krenik, Mark Goodwin & Associates, P.O. Box 90606, 87199

Scott Ashcraft, Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102

**PERSONS SPEAKING IN OPPOSITION:**

James Phillips, 8600 Florence NE, 87122

Jeff Moreland, 8401 Modesto Ave NE, 87122

Lewis Rawson, 8421 Glendale NE, 87122

Lena Eddings, 8620 Florence NE, 87122

Scott Fanning, 8820 Glendale NE, 87122

CHAIR MATSON: We are now on Item 13, Benjamin Place Subdivision, Project #1003520.

ALL PRESENT WERE SWORN IN

CHAIR MATSON: If you'll state your names for the record, please, and tell us why you are here.

MR. MACKENZIE: John MacKenzie, Mark Goodwin & Associates, requesting preliminary plat approval on the Benjamin Place Subdivision.

CHAIR MATSON: You are the only one who's going to speak?

MR. KRENİK: Greg Krenik, also with Mark Goodwin and Associates.

MR. ASHCRAFT: I'm Scott Ashcraft with Washington Street Investors, the owner of the property and developer of the property.

MR. MACKENZIE: Madam Chair, for the record I just wanted to report that we had a facilitated meeting last night at the fire station. I was there and I presented the subdivision to the neighbors. I wasn't here at the previous meeting but I understand that there was a lot of objection to the subdivision. We were asked by Brad Winter's office to attend a facilitated meeting. I believe there was a report generated out of that. I didn't get a chance to actually see that this morning, but I understand there was one. They said that they were going to send one out. I don't know if you got a copy of it?

CHAIR MATSON: No.

MR. MACKENZIE: They did have a facilitated report. We went over all the issues and explained the situation to the neighbors. This subdivision is much like others in the RD 3 DU zone we've done further to the west. We tried to deal with them on particular issues and there are some things that I've talked to the owner about that upfront we'd like to discuss if now is the appropriate time.

CHAIR MATSON: Sure.

MR. MACKENZIE: They brought up the issue of landscaping along Glendale. We now have a standard street section there with curb and gutter and sidewalk. They indicated they have a preference and also the developer would have a preference over having that be entirely landscaped and have a sidewalk waiver there. That landscaping would be maintained by the onsite homeowners' association.

Regarding the street light that we anticipate being required out on Glendale and the intersection of Benjamin Place, we talked about, instead of the standard cobra street light, we'd do the bronze shoebox light fixture there. I believe those are the only two options that we have for public lights, is that correct?

MR. GALLEGOS: I believe so.

MR. MACKENZIE: There was a question about chain-link fence around the proposed ponding area. We want to stay away from that. We're going to have some other more aesthetically acceptable fencing material.

The developer is going to be having covenants. That came up in the discussion. There are going to be limitations on what you can have in your front yard in terms of RV parking. There are various locations where existing walls are around the site and there was concern about there being multiple walls. We're going to try and minimize the number of walls.

The grading plan, I believe, was recently revised at the west boundary, the retaining wall has been lowered several feet in order to make it as low as possible. I believe there are small retention ponds in the rear yards that have been created as a result. That pretty much covers, in brief, the discussion that we had last night.

CHAIR MATSON: The retaining walls, are they going to be visible on the public side?

MR. MACKENZIE: No.

MR. KRENIK: It's a future wall. It is on the southwest portion of the project.

CHAIR MATSON: So the total height on the public side will not exceed 8 feet then, is that correct? With the retaining and the garden wall combined?

MR. KRENIK: Correct.

CHAIR MATSON: Because of the Zone Code, if you go above that, you have to get a variance.

MR. KRENIK: We have slightly less than a 2-foot maximum height wall along the frontage.

CHAIR MATSON: I didn't quite understand your comment about the walls. I think what the neighbors were asking and you were saying, is that you would have the same design on all the walls. Is that what you were saying about the perimeter walls?

MR. MACKENZIE: No. I was, in particular, addressing the northeast corner of the subdivision. The back yard of Lot 3 has an existing wall on the neighbor's property. We talked last night about how it seems unnecessary to have dual walls there and I just talked to the owner about it. We have a grade in there. A small slope in there, so there is a possibility of not doing two walls. Just having one wall. So that's what I was talking about.

CHAIR MATSON: Okay, thanks. Let's go to those folks who want to speak. Mr. Rawson, if you will move the microphone over and speak clearly with your name and address first, please.

MR. RAWSON: My name is Lewis Rawson. I'm at 8421 Glendale. I'm the property directly west of this development. One of the issues that I have is that, in order for them to meet the code and build this complex that they're doing, they need to raise the property grade 8 feet for drainage purposes. The problem with that is that with a pool in my backyard I have to have a 6-foot wall from the outside perimeter.

So that would make that 8 plus 6 is 14 feet. It would be like a prison on that side of our property line. That just seems outrageous. We're talking a 14-foot high wall going along that property side. Obviously, our property values will be affected along with all of the property owners around us including the guy in back of me because it will have to be raised up 8 feet for him as well. I understand that everybody is in business to make a profit. But if there's going to be a half dozen to a dozen people affected by this project where we're losing value so that they can make money, that just doesn't seem appropriate to me.

Another issue that we've got is that, when we built our property lines, we were told by the City that our walls could not exceed 3 feet high, 20 feet back from the property line.

MR. BINGHAM: The front.

MR. RAWSON: I don't know your jargon so you'll have to bear with me.

CHAIR MATSON: That's okay.

MR. RAWSON: As we see their property, they're going to enclose this entire development. So they don't have to comply with the same rules that we had to. That doesn't seem fair either.

CHAIR MATSON: Okay.

MR. RAWSON: Maybe there isn't any fairness here.

CHAIR MATSON: No, what I'm doing is waiting for you to get through your comments and then we'll respond to them. It doesn't mean that we're just saying okay. I didn't mean it like that.

MR. RAWSON: That's okay, there may not be and I guess we're just here to voice our opinions.

CHAIR MATSON: There is something we can do about the walls.

MR. RAWSON: The other issue, more in depth, well, actually, I think I'll just let you (Mr. Phillips) deal with that. It's regarding the acreage and the number of homes that we're allowed to have on that, you're going to cover that right?

MR. PHILLIPS: Right.

MR. RAWSON: All right, so we don't have repetition, I know you guys are busy as well.

CHAIR MATSON: Okay, let's address these two issues before we go on to the next person. Do you want to cover the drainage?

MR. BINGHAM: Yes. The plan was revised. They did want to limit the height of the western retaining walls. I, with the Thanksgiving holiday, did not get a chance, you're not going to like this, I didn't get a chance to review the drainage plan, the revisions. I'm not able to approve this, in other words, we're going to meet one more time next week. I'm going to defer them one more week.

They are lowering the walls a little but, no, they can't drain to your property. They do have to drain to the street they're building. That's what I have to make them do which does require fill on that side of the wall, yes. They are going to do it to minimize their own costs obviously. Right now the plan that is in front of me here and I don't have the revised plan, it's in my other files, is probably going to reduce it from the 10 feet I see here to maybe, what did you have Greg, maybe 7 feet or so of retaining on that side?

MR. KRENIK: 8 max in the corner.

MR. BINGHAM: 8 max in the corner. It's not going to be on top of that wall. It will have to be offset because your footing is not built for an additional 8 feet of fill against there.

MR. RAWSON: So we're still talking 8 feet plus it's got to be 6 feet on their side in order for us to comply with City Ordinances for having a pool in our backyard.

MR. BINGHAM: No. They don't have to build up 6 feet in order for you to have a pool.

MR. RAWSON: I was under the impression that I had to have a 6-foot.

MR. BINGHAM: Right, and you have that.

MR. RAWSON: I do, but once they increase the grade..

MR. BINGHAM: But the grade on the other side of your wall will be the same, in other words, their wall will have to be offset from that.

MR. RAWSON: Okay.

MR. BINGHAM: So your wall will still maintain that. They still need a garden wall on top of that, which will be 4 feet or whatever.

MR. RAWSON: I'm happy that I don't have an issue with the pool, but I'm still not crazy about having a prison wall there.

MR. BINGHAM: It's a retaining wall. It's not a prison.

MR. RAWSON: I understand, you can think a 14-foot wall is pretty high.

MR. BINGHAM: It's not going to be 14 feet. The wall itself is going to be offset. There's going to be a space in between. It won't be one big wall.

MR. RAWSON: How big a space?

MR. BINGHAM: Whatever is required geotechnically to support that wall. In other words, the construction of this wall can't affect your wall.

MR. RAWSON: Okay.

MR. BINGHAM: I'm not sure what space is needed on that.

CHAIR MATSON: Would it maybe be possible that it be wide enough that he could put some vegetation in there to kind of break up the wall?

MR. BINGHAM: It's very possible but that's up to when they get their wall permit. They will have to go through the City's permitting process to build their retaining wall. They'll have to show your wall and your section and that will have to be engineered.

MS. EDDINGS: My name is Lena Eddings and I own the property at 8620 Florence which is in the vicinity of this subdivision. I think the concern there is I'm all for development, too, first let me say that. It's what puts bread and butter on my very own table quite frankly. However, I'm for responsible development. To me that means homogeneous design. I think his concern about the 8-foot wall, yes it is just an 8-foot wall that's not going to be in addition onto his 6-foot wall, but there is a radical grade change that they are proposing in order to put this development in. I think that's a concern because it brings up other concerns, such as this height difference. The height difference is not out there naturally. It's my understanding that they're proposing that to bring everything up to a certain grade. So you are better versed in this.

MR. PHILLIPS: My name is James Phillips, 8600 Florence. I mean even your own regulations say grades set for new subdivisions must blend the plans development into the adjacent environment with minimum sudden grade changes. So if this sudden grade change creates this problem, why are we allowing it to happen?

MR. BINGHAM: By ordinance they cannot drain to your property.

MR. PHILLIPS: Doesn't this go to suitability then?

MR. BINGHAM: I'm talking about the engineering aspects of the ordinance. The ordinance says they have to drain to a public corridor. The only public corridor they have available, that lot especially, would be the street they're building. Then that street has to drain to Glendale.

MR. PHILLIPS: I absolutely agree with you. In order to make this work they've probably got to do that.

MR. BINGHAM: Right.

MR. PHILLIPS: But if they have to do that to violate all these other guidelines, rules and ordinances, there's something not right here. Maybe these two lots are not suitable to do this at all.

MR. GREEN: The landowner to the west can grant an easement.

MR. PHILLIPS: It's not only the grading issue. With the wall height that does not exceed 8 feet in height above the abutting grade on the lower side, that's one of your ordinances right there. We're going to violate that one. We're going to violate the grading one. We're going to make all these exceptions for ordinances and rules just so we can develop these two properties. Where is the cut off where we say maybe this is not a good place to do this? How much dirt is allowed? I mean can he bring in 20 feet, 40 feet? At what point is it too much?

MR. BINGHAM: The finished lots they are proposing to build, and I cannot comment on the suitability, I can only comment on the technical aspect, that's what I'm charged to do, requires them to drain to the road. They are showing me that with the grading plan and obviously I have, and I've stated before, I have not approved a new plan to show the grades. I mean that's the only place they can build unless they get an easement from, like Roger was saying, an offsite easement to drain across private property.

MR. PHILLIPS: You made a comment you're not ruling on suitability, which is? You?

CHAIR MATSON: Well, the Development Review Board unfortunately follows approved ordinances and rules and procedures and I don't, as a planner, often don't agree with what happens in terms of heights of walls and grade changes et cetera. There isn't anything to back me up in my personal opinion. It's an aesthetic thing.

MR. PHILLIPS: It's subjective. I mean 14-14-2-3 it says "no land shall be subdivided which is found to be unsuitable for subdividing by reasons of flooding, ponding, poor drainage" things like that. It's all laid out. Someone must rule on this. If it's not you, then who?



MR. BINGHAM: When I approve the grading plan, that will make this land suitable. They are proposing engineering fixes to make the land suitable for development.

MR. PHILLIPS: In order to get there you've got to violate all these other rules and ordinances.

CHAIR MATSON: What other rules and ordinances?

MR. PHILLIPS: The 8-foot high, the drastic grading change, it's all written down. I mean, is it not there for a reason?

MR. BINGHAM: Drastic is another subjective term.

MR. PHILLIPS: That's why I asked you. Tell me what drastic is?

MR. BINGHAM: Well that's not drastic to me if they're keeping runoff from going to your property or to his property like it's happening now. Yes, they are creating a higher pad site than is there, but they are properly handling their drainage.

MS. EDDINGS: I can agree with that but isn't that, in fact, why we are here and why we have these things for the opportunity for the neighbors to come and say hey, we think it's drastic and does that matter at all?

MR. BINGHAM: That's why there are appeals written into the ordinances and why you are welcome to do that. When I look at the grading plan I keep people from being flooded. To me 8 feet isn't drastic.

MS. EDDINGS: Well, since we're on drainage, let me ask you another question. I'm sure you can answer this because this is what you do. It's my understanding that for these plots of land out in this area that when water enters point "A", for example, at a certain CFS and it exits at point "B" at certain CFS, it's my understanding that the landowner can do what they need to do to work the water around what building print they may have or to deal with whatever natural water course issues there are so long as point "A" remains at point "A" with the same CFS and point "B" remains point "B" with the same CFS.

MR. BINGHAM: They don't have the rights to drain across developed lots which is what they would get from this development across a downstream property without that owner's permission. Hence, an easement. They are not wanting to get that easement. They want to drain the water to Glendale where it's supposed to go, not across somebody's pool. He's getting that water now. If they built the lots just as single family homes, they would have that right because there is no platting. There is no chance for me to tell them no, you have to drain it to the road. More water would get to him if they didn't replat.

MR. RAWSON: I don't agree with that actually because with single-family homes I wouldn't be getting more water than I am now.

MR. BINGHAM: Actually you would sir. You'd get twice the amount of water when all these lots develop as you're getting now.

MR. RAWSON: As long as our drainage plan accommodates that I don't know that I'd have an issue with that.

MR. BINGHAM: I don't know that it did or not. The drainage plan doesn't have to go through my office to get a building permit. It's kind of unfortunate but the ordinances as they are stated now doesn't require me to review a drainage plan unless there is a flood plain and there's no flood plain on this for single family residences. You could get more water if it's not developed.

MR. PHILLIPS: I still get kind of confused on the chicken or egg thing here. I mean we're raising grade above what's around which it says you are really not supposed to do. But we're going to do it anyway because we've got to have drainage for this property.

MR. BINGHAM: The ordinance doesn't say that you can't change the grade at the property line.

MR. PHILLIPS: Extensive fill, which raises the grade of proposed lots at the edge of a new subdivision above the grade of nearby property, should be avoided.

MR. BINGHAM: Avoided. That's correct. In order for this lot to drain, Lot 4 to drain, they're going to need to raise the grade in order for it to follow the rest of the ordinances.

MR. RAWSON: That's where we get into suitability. Maybe this project isn't suitable for the 2 acres they'd like to put it on.

MS. EDDINGS: Since it can't be done with "minimum of sudden grade change".

MR. PHILLIPS: Lot size. We've had this discussion last time as well as this time. All of us have title to property around .89 acre. This is zoned for 3 per acre.

CHAIR MATSON: Right.

MR. PHILLIPS: The developer has said really well it's an acre because of this the middle of the road, okay. Two things. We just talked to the Zoning Enforcement Inspector Steven Gebeke upstairs and he said negative.

CHAIR MATSON: He said negative to what?

MR. PHILLIPS: He said negative it is .89 acre 1 lot the other lot is .91 acre. It does not include the easements, the right-of-ways or anything else. On top of that the La Cueva Sector Development Plan spells it out very specifically. To measure acre for development it's not to the center of the street or to the easements, it's excluding those.

CHAIR MATSON: The interpretation that we've gotten consistently from the Zoning Enforcement Officer who is Ellen Concini is that the lot sizes determined including road right-of-way. It's the only easement or right-of-way that can be included in determining lot size.

MR. PHILLIPS: So the Zoning Department is disagreeing within their own department.

CHAIR MATSON: That's possible. The inspector might have misunderstood you. The sizes of the lots that show on this plat meet R1 requirements. These lot sizes meet R1 requirements.

MR. PHILLIPS: This is R3.

CHAIR MATSON: It's RD for 3 du's per acre.

MR. PHILLIPS: So if you don't have an acre...

CHAIR MATSON: Well I see what you're saying.

MR. PHILLIPS: In the La Cueva Sector Development Plan, I don't know where this guy is getting his information from, it says "densities are based on gross acreage of the lot, which is measured from property line to property line, excluding right-of-way and/or prescriptive roadway easements". Now how would I interpret that any other way.

CHAIR MATSON: I understand. I think probably what we're going to need to do is get a ruling from Ellen just to make sure. I was following what she has always said to me when we've had these questions. We can certainly get a ruling from her on that to make sure it's okay.

MR. PHILLIPS: Her name is?

CHAIR MATSON: Ellen Concini.

MS. EDDINGS: Can we ask if she can back up with written ordinances or rulings that won't just be off the top of her head without meaning any disrespect.

CHAIR MATSON: She is the official interpreter of the City's Zone Code. Now with regard to the issue you brought up about walls, Mr. Phillips. I need to ask these guys if they have applied for a variance to the section of the Zone Code that they're talking about where the wall is going to probably be 14 feet high?

MR. MACKENZIE: Madam Chair, I've got a little sketch here that shows the proposed situation. Can I show it to you?

CHAIR MATSON: Sure.

MR. MACKENZIE: Here is the existing grade right here.

CHAIR MATSON: Okay.

MR. MACKENZIE: Here is the existing grade on lot 5 and divert to the east. His 6-foot yard wall is located on his property west of the property line. We are going further to the east approximately at least 2 feet off the property line have our retaining wall, which starts from the same elevation as his going up 8 feet. It's not on top of one another. Then we're going to recess our garden wall 3 feet further to the east so we're not going to have an excess of 8 feet on any wall. It's going to be stepped in 3 different steps.

CHAIR MATSON: I'm not sure whether that meets the intent of what's written here though. It doesn't say, farther back where they are talking specifically about perimeter walls it goes "any combination". Right here it just says it doesn't exceed 8 feet in height above the abutting grade on the lower side within the required side yard.

MR. GREEN: It doesn't address setbacks.

MR. MACKENZIE: I think the ruling has always been that if you do exceed 8 feet you have to set it back.

MR. GREEN: How far?

MR. MACKENZIE: Is it 4 feet? Then we'll change it to whatever the regulation is.

MR. BINGHAM: It's 4 feet of setback between offsetting walls but they do anticipate larger walls.

MR. MACKENZIE: You've got to have walls greater than 8 feet. Sometimes you have retaining walls that are garden walls that you've have to overcome more than 8 feet. You set them back a prescribed amount.

CHAIR MATSON: Why don't you have Claire make me a copy of this and during the weeks deferral I'll get a ruling on it.

MR. BINGHAM: That should have been part of your grading plan anyway. Wall sections through the perimeter that is part of the ordinance.

MR. PHILLIPS: Can I also address something about the walls?

CHAIR MATSON: Sure.

MR. PHILLIPS: The other concern is the 2 lots that are on Glendale and they're rear walls. This is hard language to read but it says "on a corner lot" which these are "rear yards which are contiguous to front yard of a residentially zoned lot" which is his lot and the lot on the other side "a wall, fence, retaining wall or vertical combination of these does not exceed 3 feet in height within ten feet of the right-of-way line". So if I'm reading that right, those 2 corner lots their rear walls have got to be 3 feet within 10 feet. That's not the way it's currently proposed.

CHAIR MATSON: You're talking about Lot 6 and Lot 1?

MR. PHILLIPS: I don't have the map in front of me.

MR. GREEN: But the 2 on Lot 1 and 6.

MR. PHILLIPS: Those same 2 lots a "wall, fence, retaining wall or vertical combination of these" that face a public street right-of-way, they face Glendale "cannot exceed 3 feet in height" above the abutting grade on the street side. So he can't have a wall running down Glendale.

CHAIR MATSON: From the front property line, yes. Once we get to our comments that's what I was going to point out to them. It has to be 3 feet until you get 20 feet back from the front property line and then it can go up to 8 feet on your perimeter wall.

MR. KRENIK: The wall on Glendale is only 2 feet tall. The wall as it turns and goes north is only 2 feet tall. It doesn't get to be 8 feet until you are almost to the end of Lot 6.

CHAIR MATSON: So the wall along Glendale until you get to the back property line? It doesn't show that.

MR. PHILLIPS: When you're driving down Glendale you're not seeing the wall you're seeing the little 2-foot bumper.

MR. KRENIK: It's a 2-foot retaining wall but on Glendale you can have walls.

88

MR. PHILLIPS: A wall, fence, retaining wall that face a public street, okay that's what this does, cannot exceed 3 feet.

CHAIR MATSON: For 20 feet back because of the front property line and then it can go up to 8 feet. What he's saying is it's only going to be 2 feet tall the entire length of Glendale and then go around?

MR. MACKENZIE: He's talking about retaining wall. I need to understand which lot we're talking about. We're talking about for instance Lot 6, which is a corner lot of our subdivision.

CHAIR MATSON: Lot 6 and Lot 1.

MR. MACKENZIE: It's a side yard.

CHAIR MATSON: It's a side yard but because, I don't know how to explain this, it can only be 3 feet tall in the front and around to the side for 20 feet back because it abuts a public street.

MR. MACKENZIE: So from Benjamin Place back to the west and back to the east on each side it can be a maximum of 3 feet high right?

CHAIR MATSON: Right. 20-foot back, which is the front yard setback plus the 15-foot of driveway.

MR. MACKENZIE: Right. We can comply with that. Then, that's not a problem.

MR. KRENIK: Basically that's what we're doing anyway.

CHAIR MATSON: If you'd just get me a revised perimeter wall showing that so it clearly indicates what it's supposed to be. So these guys will be happy.

MR. MACKENZIE: Can I ask you a question about Ellen's opinion?

CHAIR MATSON: Yes.

MR. MACKENZIE: Do you have anything from her in the past regarding these subdivisions in writing?

CHAIR MATSON: I knew you were going to ask me that.

MR. MACKENZIE: It seems to me like you should have already had something from her. Every subdivision that comes in you're going to have to go to her for an opinion. It seems like maybe there's something already been issued on that.

CHAIR MATSON: There has. Unfortunately they're in the specific project files. I've kept them for each subdivision. Whenever we need a ruling on it, when we have people from the public that want specific opinions in the past, I've found that the folks aren't appealed unless it applies to that specific subdivision.

MR. MACKENZIE: Okay. I'm just wondering if the next time we come in, do you have a master that you can keep on the side?

CHAIR MATSON: I guess. One of the things that we try to do here is avoid appeals if we can. That's why, if there are folks present and they want a ruling on their specific subdivision, I usually request it.

MR. MACKENZIE: Okay.

CHAIR MATSON: That's why they are site specific.

MS. EDDINGS: I have a question too. Maybe this has to do with the appeal process and how it works. We really don't know how all this works anyway.

CHAIR MATSON: Okay.

MS. EDDINGS: What kind of recourse do we have back when these were zoned for 3 homes per. The community has sort of mandated a certain path out there. The majority out there, currently, especially in this specific area, has been one home per .89 acres or roughly thereabouts.

So what kind of recourse do we have to say, hey, you know, the community itself has mandated a certain homogenous neighborhood here and we'd like to protect that homogenous neighborhood?

What happens is now you're affecting a market of buyers. I think it's safe to say that you have a market out there right now for buyers that will come out and say we want to live in an area where the homes are spread out. We don't want an area where you walk out and the back yard is 5 feet right there in your face.

What happens when these spot subdivisions are able to come in is kind of a spitting here and there wherever two pieces of land maybe found together. I would have to think that it affects that buyers' market from saying oh no that's too close to that, or this gentleman's property specifically, oh it's right next-door. That's going to decrease the amount of buyers that are going to go to his specific property for that market. That does affect property value and so obviously that's kind of what we're concerned about is the general homogeneity of, the ability of rules that once were set out for 3 per acre but the community has sort of mandated a different course and maybe it's time for some flexibility. I don't know how you change zoning or go about asking for that.

CHAIR MATSON: In this case, because the area is covered by the La Cueva Sector Plan you all can certainly apply for an amendment to that plan. That probably would be the best thing to do. That goes through the Environmental Planning Commission. Then it would probably go on to City Council after that for approval. Were you not involved in the development or the revision of the La Cueva Sector Plan when it went through? No. Where you a recognized neighborhood association do you think at that time?

MR. PHILLIPS: I think a lot of that went through about the time we were buying. It's not a question of not knowing this could have happened but just the way the whole neighborhood has developed. It hasn't happened.

CHAIR MATSON: That is unfortunate for those of you who are there already. We're in a position, and I hope you understand, that if they have the density that's allowed by zoning then we don't have the authority to say no we don't agree with that.

MR. RAWSON: We agree with you ma'am as long as it doesn't impact us severely.

CHAIR MATSON: Right. Does anyone else want to make comments? Mr. Phillips have you finished? Scott hasn't spoken yet either.

MR. PHILLIPS: I just have a couple more. I live in the lot that's northeast of the development. Catty-corner.

MR. BINGHAM: East or northwest?

MR. PHILLIPS: Northeast. Obviously I'm looking down on these 6 houses. There's a lot of drainage that comes off my lot. My lot captures drainage from the lot next to me, the lot next to that, the lot next to that, it all comes to my backyard naturally. Flows through a corner of my lot into this area. I'm not sure this particular plan is accommodating of that drainage at all.

MR. BINGHAM: Well they'll have to. They have to show all the basics to this lot and deal with it effectively.

MR. PHILLIPS: I can't read a plat worth a darn. All I know is, when it rains, there's a lot of water flows through the lower part of my lot. I watch it go by. I have ditches to make sure it stays down there. That's all got to go someplace.

MR. BINGHAM: Well then their plan will not be allowed to change that on your side.

MR. PHILLIPS: Right.



MR. BINGHAM: They can accept it and then divert it correctly.

MR. PHILLIPS: It's just a concern.

MR. BINGHAM: Yes, I do worry about the neighbors when I look at the grading plan with respect to drainage. I have to follow all those ordinances. Some of them are conflicting sometimes. Some of them have a level of subjectiveness to it.

MR. PHILLIPS: That's why we're here. Subjective in nature. The other thing, obviously, none of you have this report because I have a copy of it. I got it by email.

CHAIR MATSON: What report?

MR. PHILLIPS: From last night.

CHAIR MATSON: No we haven't seen it.

MR. PHILLIPS: So it's a good thing you're going to defer because you really need to read that.

CHAIR MATSON: Okay.

MR. PHILLIPS: In less than 2 to 3 hours we had 15 people there. There would have been a lot more had we had forewarning. The City set that up and we appreciate it. There's a lot of concerns in there. I think we've captured the major ones here but there's a lot of other ones as well.

The other thing is you're going to defer for just one week?

MR. GREEN: We don't know. We haven't gone through the Board comments yet.

MR. PHILLIPS: I thought you said you were going to defer a week.

CHAIR MATSON: At least a week, but we don't know yet.

MR. PHILLIPS: If there's a preference to be had because we have a willingness to be here to talk about this, I'm not available next week. So if can be at least not next week that would at least help me because I'm the one with the biggest mouth down here so.

CHAIR MATSON: We'll go to Scott now?

MR. FANNING: I'm Scott Fanning, 8820 Glendale Avenue NE. I'm just really concerned about the precedent that we're setting here in the area as Lena has said. The harmony in the area is basically one home per acre. A lot of nice open space, very low water use. As Lena has said, we have concerns about the change in the neighborhood. We bought in the area for the open space. If this starts going in, it sets a precedent that will continue, obviously greed. Developers want money. They're going to put in 6 homes because they make more money. That's negative to us as homeowners, as taxpayers. It's an extremely win/lose situation. We lose a lot. They definitely gain a lot. That's very unfair. As a homeowner I just vote totally against this precedent that would be set.

CHAIR MATSON: On the lot sizes you're talking about specifically right or other things as well?

MR. FANNING: On the density of the housing. Certainly my preference is one per acre as has been kind of the precedent that was set before this in the area.

CHAIR MATSON: Okay, thanks.

MS. EDDINGS: I'm sorry I'm long winded because I'm Greek I guess.

CHAIR MATSON: Would you please state your name again please.

MS. EDDINGS: Lena Eddings, 8620 Florence. On that with the homogeneity you know there has to be a little bit of responsibility and I didn't catch if there was curb and gutter on this project?

MR. MACKENZIE: Yes.

MS. EDDINGS: So what you're going to be looking at is driving down a street that has no street lights, all one home per acre basically, so far. No curb and gutter and then boom just for a small little splat, you're going to see curb and gutter, one street light, nice as it sounded, but just one street light out in the middle of nowhere sticking out like a sore thumb. Then boom back up to the rest of what's at this point homogenous. To me that's irresponsible development. I just wanted to add to what he had to say.

CHAIR MATSON: Okay, thanks. Mr. Moreland?

MR. MORELAND: I'm Jeff Moreland, 8401 Modesto. I was here last time. These people here I don't even know them but they live on the other side of me. I live on Modesto. Anyway she mentioned several things that I was going to bring up. Can you hear me okay?

CHAIR MATSON: Yes.

MR. MORELAND: The high-density homes and the one-acre lot area. I wanted to talk about that real quick. I know you guys need to go to lunch here in a little bit or sometime today.

CHAIR MATSON: That's okay.

MR. MORELAND: I used to live on Manitoba off of Juan Tabo and Montgomery and I think it would look pretty ridiculous if you had all the homes there and all of sudden you had an acre lot with one home in the middle and then another 20 homes or so split with another acre lot with one home in the middle. That's kind of like what's happening here. It would be the same thing. Would that look normal if you guys were driving to, I don't know where you guys live at, but if you're driving down your street and all of sudden you're going through a residential street and then there's an acre lot with one home on it then more residential, that's what's coming out here. It's just the opposite. I wanted to bring that up.

The other thing too, is like they're saying with the growth going in there the homes being built in there and stuff there's a lot of traffic over there. Right now I live where a subdivision just popped up about a year ago. They're about half way done on it. To the west of me on Barstow and Modesto there's another subdivision going in with probably another 60 homes or so. Sandwiched between them there is an acre home here and there. It just doesn't look right over there. I just wanted to bring that up too.

The other thing I was going to ask you and I don't know if any of you know this is, like for them, they'll have water and sewer going in all the way up the road right to that subdivision, which they'll have to have. I questioned this and the people at the City couldn't tell me for sure. The subdivision that was built across from me they put water and sewer and storm drains and everything in there. Now this is done and the homeowners that are in the area with the sewer and water right now. I have a well and a septic and I have propane. Are they (the homeowners) going to be responsible for having to hook up? Are they going to make it mandatory for homeowners to switch over to that? That's a big expense to them that the homeowners shouldn't have to pay if it was single acre lots out there. I know there are several things you have to bring up after I'm done talking but I wanted to ask you that.

Also, that subdivision across from me, if this one is built correctly, hopefully they won't have problems like I have. The subdivision road was raised about a foot and a half and I tried working with the developer and stuff like that. I don't know if this was the company that I was trying to talk to but anyway the water is actually draining into my backyard from the road now that it's raised up. I've called and no one has come out to do anything on it. It drains from the lot next to me. It drains through that lot right into my back yard. So when that goes in to, like he has. When it rains heavy its floods in the back yard of mine.

What they did at the corner of Barstow, actually on Barstow, they have the 2 acres there, I don't know if you're familiar with it. They dug it out and it's like a drainage pond. I don't if anybody's seen that or knows about it but it's a big drainage pond. Actually what they did is they built up the dirt there and the water goes through my property and the property behind me and then it's really high where they built it up so the water kind of stops and it drains back into my property.

I don't know how they'll do it on this gentleman's property there but for me right now they built it up, which they would do like if they were building homes, and now the water is actually stopping there and it's actually coming back onto my property the way they built it up. It doesn't drain normally like it used to. They need to put a slot in there to let the water drain into that pond like they intended for it I think.

The other thing that they were talking about was the walls. I think that's kind of ridiculous having their own wall that they paid for and have a nice wall built up and then having an 8-foot, 12-foot whatever it is, when their property is lower because the road goes down. It's all sloped downhill. For him to have another wall next to him, and he paid good money for the wall he has, which is a nice wall. I've seen it since he's the neighbor behind me. To have another wall blocking his whole view of anything from this subdivision that's going in.

The other thing I was going to talk about is, and they've talked about it already, is the acreage. If it's 1.78 acres over there minus the easements I still can't see how you can get 6 homes. The subdivision across from me, somehow the developer was able to get approximately 5 homes per acre there. It's supposedly 6 acres but it's not quite 6 acres and there are 33 homes, I think, that are being built there. They're about halfway done. The people that built that subdivision across from me, they built a nice road. It's paved right up to the front of my house and stuff, it was paved before. Anyway they have a sidewalk, curb and gutter and everything but the landscaping they put up there they've had to replace the trees in front of my house several times. They died out there. There's no water or anything to those trees. So it looks terrible. Someone across the street in the subdivision pulled weeds and were throwing them on the side of my house till the neighbor below me saw them. They told them not to do that. Anyway, I'm saying there are things they need to do to make sure everything is correct before they build it.

The other thing is you were saying about that amendment to the La Cueva Sector Plan. So maybe we can do something on that to try and stop some of that. Developers and stuff that's their job and they make a living off of it building homes. It's just not right in this neighborhood to have, like in my case; there are 5 homes approximately per acre. I guess there are more than that because there are over 30 homes in that subdivision across from me.

Somehow that guy was able to do it. They may be able to push more homes than this for this subdivision for these guys.

The last thing I was going to say is, sorry I'm talking so long.

CHAIR MATSON: That's okay.

MR. MORELAND: When I bought that lot I didn't know they were going to build a subdivision right across from me. So I expected, like everybody here, to be one acre homes and now they're creeping up, all the way up, through the neighborhoods building these little small subdivisions. It's just not looking right over there. It's looking kind of awkward when you see my lot is as wide as 3 homes that are across from me. When I pull out of my driveway if I'm backed in my lights go right into their windows in two of the homes. I don't think that's fair to the homeowners buying that but the wall isn't high enough for them. If I would have known that the subdivision was going in there and stuff I wouldn't have bought the lot where I was at. I'm in the City. I'm paying City services. I pay high property taxes there, very high. I had no sewer, I had no water, I had nothing out there. Now they built a subdivision and then am I going to have to be stuck paying for all those things to hook up to City. I don't think that's fair. The developer will be long gone and a year or two from now I'll be stuck having to pay all those extra expenses, which I can't afford. I think the developer or someone should have to cover for that. Thanks.

CHAIR MATSON: My comment on that is that I've learned two things since serving on this Board about property. When you're looking at buying property, number one, don't believe the realtor. And number two, come down here to our department and do a thorough search on what the zoning is around you. What kind of uses are allowed et cetera. You won't always know but a lot of times people are too trusting when they buy property. They look around and they say, like I did when I was buying. I live on the west side. I've been over there almost 20 years. I looked around and said oh, look at all this open space. But you have to check out and see what the zoning is and what the development plans are if you're planning on staying there a long time. Okay? I'm sure that doesn't help any but...

MR. GREEN: In answer to the sewer, you are required to hook up to sewer service when it's available. That's a County Ordinance and part of our Ground Water Protection Policy with the City and County. You also, under the current ordinances, are charged your fair share of the construction costs across your frontage too. Half of that cost. So not only are you required to hook up and pay your normal fees but also help pay for the construction of the lines. You are not required to take water service but sewer service.

MR. MORELAND: Oh, you're not.

MR. GREEN: We have no enforcement in place to police that right now.

MR. MORELAND: So that means that all these people here that will be affected in front of their house and stuff.

MR. GREEN: If the lines are constructed across their frontage, yes.

MR. MORELAND: They'll have to hook up into that then.

MR. GREEN: Yes.

MR. PHILLIPS: Why doesn't the developer pay for that. We didn't ask for it.

MR. GREEN: He does up front. Like I said, the City and the County have a policy that all homes that have sewer service available are required to take sewer service to get people off of septic tanks.

MR. PHILLIPS: I understand what the ordinance is.

MR. GREEN: So you buy and build a house and put in a septic tank at your risk.

MR. PHILLIPS: If the City was bringing us the sewer I'd see that one thing, but the City is not.

MR. GREEN: The developer is. The City ordinances allow the developer to get reimbursement for that. Even if the City were extending lines, we would pro-rate against the properties also, unless it was a federal or state grant.

MR. PHILLIPS: So even more money in the developer's pockets.

MR. GREEN: It's not money into their pocket. They have to cover all their frontages whether they benefit from it or not. A lot of cases the subdivision does not benefit directly from the sewer and water lines they are required to build.

MS. EDDINGS: I would like to address Jeff's comment which I think is a prime example of what one of my concerns was. You can do the hydrology studies, you can pass everything which is, obviously you well, we don't have a lot of problems in the City. However, here is case in point. They went ahead and developed and now he has all this excess water on his land.

The fact of the matter is I do believe part of that is due to not following, to the best of everyone's ability, the natural watercourses. Unless you're going to go in and something is master planned and developed and you can have the arroyos like we do through town.

When you have something that the community has mandated and everybody's is kind of hodge-podged, it seems like too that this area developed a little bit as a self-driver. Things kind of happened out there faster than anybody could foresee or have master plans for.

The fact of the matter is here's a prime example of, I guess, a hydrology plan that maybe didn't show everything it needed to show and he's got drainage that I'm assuming isn't acceptable. Is it?

MR. BINGHAM: Actually he has a flood plain in his back yard. That arroyo that is in his back yard does have almost 1800 CFS in it. Yes, there's a flood plain in that portion. Building the road and having more water get in there than what was supposed to be in there, yes, isn't appropriate.

MS. EDDINGS: That would be the point.

MR. BINGHAM: I would be happy to meet with you outside of this to see what can or cannot be done. In fact, let me have your phone number if you would. This area has been master planned actually and there is supposed to be a big storm drain in Glendale that's going to run all the way up to Ventura and will pick up all that water that's in that arroyo and put it in the storm drain. They're required to put their portion in Glendale. They will be contributing to the big picture. No, this area won't have concrete lined arroyos like what's south of Montgomery. Anyhow that wasn't part of the plan. So yes, there is a master plan and they were following it with their grading plan or they have to. Everybody in the development across the street of yours did have to follow that plan. So did the one on the other side of Barstow.

CHAIR MATSON: Jeff, when you're done, why don't you give your name and phone number to Claire and she'll pass it on to Brad so you guys can talk?

MR. MORELAND: I talked to somebody who was building that stuff and also had some damage on my fence too, but they said that wasn't their fault that they didn't cause it. I put that fence up myself. It's like a wood post fence, like a horse type fence, I guess, whatever you put out there. Anyway, some type of equipment hit it and you can see there's yellow paint on there and they said there was nothing they could do because they didn't cause any damage. I said, well, you guys are the only ones that were doing road construction in the front, so I don't know where else it would have come from. I've already been through some of this so if they have problems like that, the developer can say no, we didn't touch that wall. They don't do anything about it so that's what I'm concerned with the building of this stuff too. That's just one thing.

CHAIR MATSON: Sometimes you have to pursue those issues between yourself and the developer in court or whatever if necessary. Okay, would you guys like to make responses or do you want us to go through our comments?

MR. MACKENZIE: I'd like, if you could, to go through your comments so we can get everything on the table. Maybe deal with it all at once.

CHAIR MATSON: Okay. We'll go to Parks then?

MS. SANDOVAL: Similar to comments made earlier today due to impact fees being adopted as of yesterday I will be speaking with legal and getting back to you as to which requirement will need to be met for park dedication requirements.

It's zoned RD so I will need the Open Space note put on the plat describing how you are meeting that 2400 square feet of open space on each lot requirement. I have no objection to the temporary deferral of sidewalk.

CHAIR MATSON: Hydrology?

MR. BINGHAM: I have not reviewed the revised plan. I've made comments before, so I'm not able to approve this project yet. I think I forwarded comments on the infrastructure list to Greg and you still have that infrastructure list. And, if not, can you forward another copy of it so I can review it appropriately please. I seem to have misplaced it.

MR. KRENIK: The revised one you misplaced?

MR. BINGHAM: Yes, well my comments also. If you'd give me another copy of that it would be good.

CHAIR MATSON: Is it the one that was November 18, 2004, do you know?

MR. KRENIK: Yes, that's the revised one.

MR. BINGHAM: Yes, but I generally make comments on the infrastructure list once I've approved the plan. This may be appropriate.

MR. KRENIK: There was a marked up infrastructure list but I didn't know who did it. It just had the channel added on there.

MR. BINGHAM: Yes, that was mine. Bring that back with you if you can.

MR. KRENIK: If I have it.

CHAIR MATSON: You can have this one.



MR. BINGHAM: No, I'll get the one I marked up. I have no objection to temporary deferral of sidewalk and but I do need a deferral until the grading plan is approved.

CHAIR MATSON: Planning's comments. The perimeter wall submittal needs to be revised. We'll need to wait on the ruling from Ellen on the lot size and I'll check on the back wall height the way you've got it drawn. I guess we'll do that during the deferral time. I have no problem with the temporary deferral of sidewalks. Utilities?

MR. GREEN: With water and sewer issues Greg's revised the infrastructure list to meet my requirements, so I'll have no objection. On some further comments, the public makes a lot of good comments here that I kind of agree with. Grading wise I don't know why we're looking at getting offsite easements for private drainage for rear lots and things like that. Why we're putting the road down the middle of a site. I don't know if it's appropriate to try to stick 6 lots on 2 acres like this, especially on 3% slopes. I think builders are trying to take an urban type home design and apply it out here on these sloping areas. I don't know if that's appropriate. We don't ever see plans for split-levels or basements or anything else to try to fit the home to the property. We have to go by our policies and ordinances here. I think there are a lot of options to look at with a grading plan that haven't been.

CHAIR MATSON: Transportation?

MR. GALLEGOS: I have no objection to any of the requests at this point in time. However, I was concerned with one of the comments there about waiving the sidewalk up along Glendale. I guess I'd have to have an idea, at least, of how the environment is built out before I would consider that. If this is the only two lots out there and everything else is single family that might be a consideration. If it's not, as we've seen a number of these subdivisions come in probably not then.

MR. MACKENZIE: Madam Chair, Wilfred, we have a number of residences surrounding the property that are already built out. Just one unit per lot. Obviously, I don't think you're going to see sidewalk in front of those for a long time, if at all. There are vacant properties around there that, depending on how they develop, they may or may not have sidewalk. If they're again one single-family dwelling, then they wouldn't. If they're subdivisions like we have, then you'll have disconnected sidewalk and I don't know if at some point in the future the City or someone would come in and connect those sidewalks. I don't know. We merely want to try and address the neighbors concerns that and we have proposed on their sidewalk right now. They prefer not to have sidewalks. If it's okay with you, we will delete the sidewalks and landscape which I think they think is better.

So we are planning to submit a sidewalk waiver request between now and the next hearing if that's something you want to give us positive or negative feedback on. Otherwise we won't go through the exercise.

MR. GALLEGOS: I think you can probably go through it but, again, I need to have an idea of how many houses are out there that exist now on these .8 acre lots so I've got an idea of what might happen in the future and whether this is next year or 5 years from now. I don't want to waive sidewalk where in the next 15 years this might change. If it looks like the neighborhood or the character of this might remain where we might not get any of these or the single families on the .8 acre stay, then I'm probably more akin to granting the waiver in there. However, we'll probably have to have at least the pedestrian path in there whether it's crusher fine or something else for a pedestrian way anyway where the sidewalk normally would be. Or you can meander it in there, you know, at some point so that, if we do put sidewalks in the future, the room is there. Obviously, you've dedicated the right-of-way for that.

MR. MACKENZIE: Yes. Well this goes back to some of the issues regarding how you got this flat of subdivision in this area that's got the single family dwellings already platted from the original North Albuquerque Acres. You've got a substantial number of vacant lots directly south of Glendale that are all contiguous. You've got vacant lots outside of this subdivision on the north side of Glendale that theoretically could all be built out just like this subdivision with new 3 du per acre development.

MR. GALLEGOS: Probably an aerial photo with that request would probably suffice so that I can just judge real quick as to what's there, at least, on that side of the street.

MR. MACKENZIE: Okay. I just wanted to make the point about how there is a possibility of having this area be predominantly new subdivisions with a minority of existing single-family dwellings. That's theoretically what could happen. It's not something where you have a predominance of existing single family. You might have a predominance of single family existing right now, but you could end up with quite a different character in ten years.

MR. PHILLIPS: Especially if one gets built, you bet.

CHAIR MATSON: With regard to the issue of the landscaping instead of the sidewalks, if you end up doing that, if any of it's going to be in public right-of-way, we'll need a Landscape Maintenance Agreement on your infrastructure list. All that other language that's part of the perimeter wall design submittal if you're going to do that.

MR. GREEN: A separate water meter too.

CHAIR MATSON: Yes, that's one of the things that's on there. Okay, how long do you need, Bradley?

MR. BINGHAM: If they're going to go through a sidewalk waiver, they're there going to need two weeks anyway.

MS. SENOVA: We are looking at the 15<sup>th</sup> of December.

CHAIR MATSON: Okay, we'll defer to December 15, 2004. Since the grading plan is not done, we won't charge you. Thank you for coming.

MS. SENOVA: Folks, this is your notice of that hearing on December 15.

MR. PHILLIPS: At 9 a.m.?

MS. SENOVA: Yes, at 9:00 a.m.

The following action was taken:

The above request was deferred at the agent's request to December 15, 2004.

**DRB MINUTES FROM THE DECEMBER 15, 2004, DEVELOPMENT REVIEW BOARD MEETING.**

**1. Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] *[Deferred from 11/3/04, 12/1/04 & 12/15/04]* 04DRB-1570 WAS WITHDRAWN. (B-20) **DEFERRED AT THE AGENT'S REQUEST TO 1/5/05.**

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

John MacKenzie, Mark Goodwin & Associates, P.O. Box 90606, 87199  
Greg Krenik, Mark Goodwin & Associates, P.O. Box 90606, 87199  
Scott Ashcraft, Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102

PERSONS SPEAKING IN OPPOSITION:

James & Sandra Phillips, 8600 Florence NE, 87122  
Lewis Rawson, 8421 Glendale NE, 87122  
Lena Eddings, 8620 Florence NE, 87122  
Dennis Olona, 8516 Florence NE, 87122  
Laura Turon, 8708 Florence NE, 87122  
Larry Millington, 8508 Florence NE, 87122  
Diane Owens, 8601 Glendale NE, 87122

STAFF PRESENT:

Kevin Curran, Assistant City Attorney, City of Albuquerque

CHAIR MATSON: We are now on Item 1, Benjamin Place Subdivision, Project #1003520. Good morning. If the agents, developer/owner will please give me your names please and then if one of you will explain why you are here today.

MR. MACKENZIE: My name is John MacKenzie and I'm with Mark Goodwin & Associates here on behalf of Washington Street Investors.

MR. KRENIK: Greg Krenik with Mark Goodwin & Associates for the same.

MR. ASHCRAFT: My name is Scott Ashcraft and I'm one of the owners of Washington Street Investors.

CHAIR MATSON: Okay.

MR. MACKENZIE: I just delivered a package of materials to you dated with today's date. It includes a letter, a copy of our wall submittal that was made previously, a copy of the deed to the property and a copy of the 1931 North Albuquerque Acres plat for Tract 1, Unit 3.

I also delivered a copy to the City Engineer and there have been various emails exchanged with legal regarding the question of lot size and what can be developed relative to the zoning. As stated in this letter, we think that the zoning allows for 3 units per acre in accordance with the North Albuquerque Acres plat which you have in front of you which underneath the title says that "each lot included to the center of adjoining street is one acre unless otherwise indicated." There has been some communication with the City Surveyor regarding what the status is of the street out there. It is going to be required with this platting action and, up until now, it has never been dedicated before. So it still is contained within the lot. They are all gross 1-acre lots and we feel that there is justification for 3 units per acre. Thereby being 6 lots in this subdivision.

As I mentioned, Richard Dourte has a copy of it and I think there's probably going to have to be some type of ruling on that. I'd like to defer to that. I think all the evidence points to the fact that we have appropriate zoning for the 6 units.

This letter was in response to a letter from James Phillips I received via email. The letter dated December 7 and he has 3 main points in his letter. The first being the lot sizes I just talked about.

Secondly, he objects to the grading plan being obtrusive based upon the high walls that are required in order to drain the property.

Greg Krenik has revised the grading plan and just finished it yesterday. We have copies here that we have given to Mr. Phillips. And there are others available if anyone would like to see them. There are several copies here. We have about 20 different wall sections here that explain how the property is to be graded. We've reduced this to the maximum extent possible in terms of retaining wall height along the west boundary. The northwest corner is approximately 6 feet of retainage which is the minimum in order to get that property to fully drain to Glendale. We've installed channels along the north boundary and the west boundary of the subdivision in order to facilitate that drainage.

As you go from north to south along the west boundary it tapers from 6 feet down to about 1 foot of retainage along the west boundary. In other areas of the site we're keeping the existing wall.

There is existing wall along all sides. And we intend to preserve that wall and keep it as is without any additional garden walls except in some locations where we have perhaps an additional 3 to 4 feet of wall. It's identified on the plan, there is, like I mentioned, 20 sections.

These walls have all been redesigned in accordance with the latest City wall design guidelines that we've had an opportunity to review since the last hearing. We believe that we are fully in compliance and we stand by our request to get preliminary plat this morning. If there are any questions, I'd be able to answer those unless you want to hear from others.

CHAIR MATSON: We are trying to locate Mr. Curran. He told us he'd be down here this morning and we are searching the building for him. Hopefully, he'll be here soon. He's the assistant City Attorney for the Development Review Board. I think what we'll do while we're waiting for him is just go ahead and hear comments from the neighbors who are here today. I'll start with James Phillips. If you will give us your name and address and then tell us why you are here, please.

MR. PHILLIPS: I'm James Phillips, 8600 Florence Avenue NE. I seem to become somewhat of a spokesman for most of the neighbors in the neighborhood on this particular issue.

You want me to just not discuss the lot size issue until Mr. Curran gets here?

CHAIR MATSON: You can certainly restate your position at this time and then we'll go over it again if we need to.

MR. PHILLIPS: Thank you and others for allowing us to provide you this information and also to set this up as the first agenda item. That's really helpful to us. I appreciate it.

The actual lot size issue: we'll restate what we stated before. All the neighbors hold title to 0.89 acres. We've talked to the City about that. They said, "yes, you own 0.89 acres. No, you cannot include easements or streets or public right-of-ways in determining your lot size. That's why you have 0.89. Those two lots are also, according to them, 0.89 acres. If you go back to, I guess, it was the 1931 platting, they were all 1-acre lots. But things have changed since then for whatever reason. I don't know the history. Right now they are 0.89 approximately.

On top of that, when this was rezoned for 3 [du's] per lot when the City annexed this area in the La Cueva Development Sector Plan, it very clearly states densities are based on lot size exclusive of right-of-ways, streets, easements things like that. It says that very clearly. The Zoning Department says that now overrides any prior guidance on determining densities. That's the ruling.

Now, is that street existing? Yes it's existing. The City came out and paved it. It's out there as an existing public City street.

Whether or not they've gone through the actual legal action to say we now own the street, I don't know, but it's certainly in control of the City. The La Cueva Development Sector Plan was written specifically to have progressively increased density as it moved toward North Albuquerque Acres. And that was an acceptable solution to determine lot density by using that determination. Everybody agreed to it.

So, if we now go back and say no, no, no, we're going to exclude the existing street and say it's a full acre and allow this to go in, then that's overriding the sector plan. That is obviously wrong in our opinion. We'd have to revisit the sector plan in its entirety then because that was an agreement between developers, the City and homeowners that were existing out there at the time.

So we'll wait for the attorney to come and to see what he says. Quite frankly, I don't know who to talk to all the time. Talking to the zoning people I got lots of "consider this, consider this". I said, well, who's going to make this decision? Not us. So I guess this Mr. Curran will offer an opinion when he comes down so we'll find out.

I think they have made some changes to the grading plan which I think are significant and appropriate for the development. It goes back to though, the subdivision rules are very clear and they're very good and they're very important. Okay, that's great. Trying to squeeze all the subdivision rules into two small lots and make them meet all the rules is part of the problem here actually. They have to come up with all these drainage plans. And they have to have City lights and everything else has to occur that is far more appropriate for large subdivisions which are existing in the area.

There is one on the corner of Modesto and Barstow. There's one going up between Barstow and Wyoming. There's one just west of Wyoming. They are all big areas completely undeveloped, nothing surrounding. There were no existing streets.

Bring in a full subdivision and do all the work. To try and squeeze all those rules into these small lots is what's causing all these problems. I think the City needs to revisit what's appropriate for a subdivision rule. Is it simply because you divide a lot now you've got to abide by all these rules? It doesn't make a whole lot of sense to me.

The grading height seems to have been reduced significantly, which was one of our primary concerns. There is a subdivision that will look just like this approximately that's on Modesto just east of Wyoming. Six homes squeezed into six lots. If you drive around the area, you see that from everywhere you're at.

It's sitting up so high because of the grading they had to do to bring everything up to level and that's two of the pictures that are in the package that I gave you showing the walls that had to go up to let that occur.

I'm being assured by the plan now that's not going to happen here. That's great. That gives you an indication that trying to squeeze these subdivisions into small spots like this just doesn't look right.

So that is that issue. He seems to have solved the wall issues again. I'm not a civil engineer but I'm trying to read the wall regs about what's legal and not legal. It's very confusing. At least based on our discussions here in the last few boards he has changed the wall plan to bring it down to within required ordinances and requirements.

The last thing comes with the basic suitability issue which we talked about before. I think Mr. Green even offered an opinion on that at the last meeting. When is it suitable to stick a subdivision in amongst an established neighborhood. Again, it's tactically legal to do this. I'm not arguing that point, but then the question of suitability. I make the assumption that, you're right that's in the ordinances. The suitability has to be considered for the reasons that we're stating here. Everybody I talked to seemed to lean towards whatever we can do to make it suitable for subdivision we're going to do.

I'm not sure that's fair to the people that are currently living around the neighborhood. What's suitable for us? So we still have a suitability issue. We don't think it's appropriate to be stuck in there. So the subdivision is not good in larger areas. I know I'm repeating myself. That's why photos 5 and 6 that I put in there show the outline of the current neighborhood in the immediate area.

Regardless if this is rezoned for R-3 or not, you can see how it's developed. It's not R-3, but we're going to still squeeze a subdivision in the middle of all that. Is that really the correct thing to do? Anybody have any questions for me at this point?

CHAIR MATSON: Any questions? (None) Claire, would you tell us who's next please?

MS. SENOVA: Dennis Olona.

CHAIR MATSON: Good morning, would you state your name for the record please and your address.

MR. OLONA: My name is Dennis Olona, my address is 8516 Florence Avenue NE. I too would like to thank you for the opportunity to speak to you this morning. I'm directly back up to Lot 3 on there. I'm north of Lot number 3.



Several years ago, probably from the very beginning when the City annexed these 160 acres, I was very active in participating in some of the meetings that were going on. I was asked at one point, again several years ago, to participate in an advisory board and I was the only homeowner. The rest of the board members were all developers. They asked that I represent an owner in this area. We were developing the sector plan for the North Albuquerque Acres area.

From the very beginning, this lot, the lots that they're proposing to build on, were always one home per acre. Then it went through several changes. We kept on changing and the City proposed high density. But, again, they were saying that there were established homes like Jim just stated on the overview, that there's a lot of houses that have been put up in this area.

So the last meeting, and this was about 2 years ago, I think it was Mayor Baca, we went to Mayor Baca at the time and asked him to make a ruling on the sector plan. He just said one to three per acre. I asked the City at that time what do you think? Is that going to impact us? He said, "no way".

He said most of those houses where you're at and on Glendale have already been purchased by individuals and there's homes going up there. So you being impacted by this would be very... it probably wouldn't happen. So I stopped going and pursuing this thing. That was a mistake because now they're proposing to put a subdivision on two acres. I don't think that was ever envisioned. They looked at the high density or the three on the other streets where there are very few homes in that area. At that time there was probably none and a few have gone up in that area. That's one of the concerns that I have because the original concern was they didn't think that would ever impact us.

The second thing was the Environmental Impact Statement. We have septic tanks and we have wells. The rule on that was a separation of 100 feet between your septic field and your well in order to avoid contamination of the City water. We're not talking about just my contamination on my property. We're talking the City.

This is the City water source and now we're talking about putting several ponds. This is not going to be an isolated development area. There's another house east of this and then another 2 acres and then another house.

I think what we do today, or what you rule on, is going to be something that we set for the future. Right now, we've got a situation where that temporary retaining pond is going to be at least 6 feet, I think is what you're telling me. We've got a drain field, I believe your drain field is right here and I don't know where yours is at, but it could be in the back yard. My drain field, I have a well so right now I'm supposed to put a cap around my well because the situation has changed.

MR. MACKENZIE: Section K is an example of what your situation is against your property.

MR. OLONA: Okay,

MR. MACKENZIE: K is right here.

MR. OLONA: I think it's L.

MR. MACKENZIE: Well L, they're the same essentially. An existing 6-foot wall along your property, that's going to remain as is. We have a new channel that's going to be coming in.

MR. OLONA: This is me right now. Is that going to be the same height then? I'm not saying about the wall. I'm saying on my side of the wall is 6-foot. If this is the wall I'm looking at 6-foot on her side, she's elevated on her side, so the wall is 6-foot here but on her side it may only be 4-foot. Do you know what I'm saying?

MR. MACKENZIE: Are you speaking of her side being our side?

MR. OLONA: Yes. Okay.

MR. KRENIK: No, on our side of the wall it will be 6-foot.

MR. OLONA: The only concern that I want to express is that, on your side, it still will be 6-feet even if you add dirt or whatever.

MR. MACKENZIE: If you look at section K, the grade is this line right here. It's the same on both sides except for the channel.

MR. OLONA: Okay great. I think the wall will be brought up too because I know that some of this wall is not on the property. It's on the owner's side. I don't know if that's an issue too.

CHAIR MATSON: What do you mean?

MR. OLONA: This back wall.

CHAIR MATSON: The existing wall?

MR. OLONA: Yes. I put it on my side of the line.

CHAIR MATSON: Okay.

MR. OLONA: Does that affect what they do or not?

CHAIR MATSON: If it's within your own property then it shouldn't affect what they do.

MR. OLONA: Again, the intent has always been 1 house per acre. That was what we were told and we kind of went along with that. I feel that the drainage problems going to that. We have to do another sector plan to insure that the water is not contaminated. That's it.

CHAIR MATSON: Who is next, Claire?

MS. SENOVA: Laura Turon?

CHAIR MATSON: What I would suggest of the remaining people, if you have the same concerns as the two guys who have already spoken, if you'll just briefly say that. I don't think you need to repeat everything.

MS. TURON: Right. I'm not a very technical person. I'll just talk about the emotional side of the suitability issue. Laura Turon, 8700 Florence NE. I'm about 3 lots northeast of where they are building. The suitability issue, it's just not appropriate. It's one house per acre everywhere you look. You can stand in my driveway, look around 360 degrees and there's one house on every acre lot. This is just horrible that they would do this. It just upsets me because it just seems like it's all about greed. You could build one house on each lot and still make a lot of money and that's how it's supposed to be.

When we moved there, we got information from our realtor telling us, it was from the owner's before us, who said it's one acre per lot all around us and that's how it is everywhere you look. We don't want the traffic. I don't want the streets. I don't want the lights. Right now we have a great view which, when you have all the extra lights and all the extra houses, it's just going to be too much. I like the privacy.

I don't like all the people. That's why we moved out there. That's why everybody moves out there. I just don't want any of it and that's all I have to say.

CHAIR MATSON: In response to your issue about one house per acre, I understand where all of you are coming from. However, I think that you also recognize that the zoning that is there now allows three dwelling units per acre. Even though it's not what you prefer. The Development Review Board doesn't have the authority to require them to do one house per acre versus three houses per acre.

If we would do that, then they would appeal it and they would win because the zone code is what overrides. You're right about the La Cueva Sector Plan overriding those portions of the zone code that are different.

We're punching holes in the subsurface where we have the possibility of getting some contamination in the City water.

I work on Sandia, the Department of Energy, I worked there in the environmental field at one time. We have some monitoring wells that we are finding that the City is pumping contamination that is not supposed to go that way. Water is supposed to go downhill. Because the aquifer's dropping at such a tremendous rate, those wells are being pumped. The water is being pumped uphill okay or towards a source that we never thought would happen.

Now the Indians are developing a resort and a golf course and they're going to be pumping lots of water.

Again, the conditions have changed. It's true they're going to bring up sewer and water but I've got a drain field here. They've got a drain field there, we have four drain fields that are probably about the lowest part of this pond. As you stated, it drops from east to west.

I haven't seen the drainage plans but there is that possibility and I feel because the conditions have changed that they should be told to do another environmental assessment. They may have to put a liner on this thing to avoid that but again in other developments they do have drainage plans. Those are for major, you're talking, lots of acres. You're not talking 2 acres here.

Like Jim has stated those sector plans or the ordinances that were developed were never intended to be on small lots like this. I think there needs to be a new definition of a subdivision. Is two acres a subdivision? Or is it 5 or 10 or 15 whatever that might be. I think we're violating some of the ordinances and the standards that are in place today because conditions have changed.

CHAIR MATSON: Dennis, can you tell me specifically what ordinances you think we're violating?

MR. OLONA: Well, I think, again, it's the Environmental Protection, the Clean Water Act, not the clean air, but it's probably the Clean Air Clean Water Act. That's what I would look at because right now we've got a situation that is different then the original environmental plan showed. That's a concern.

The other concerns that I have is that wall. I didn't look at the wall and that was a concern before. I paid for my wall and, unfortunately, I wasn't able to share the cost with the developers either. I have a 6-foot wall that's what the City Ordinance is. I don't know if they plan to raise the elevation or keep it the same. Will that wall be 6-foot on my side? I know it will be 6-foot on your side, but will it be 6-foot on my side? That's my concern. Are you going to raise it? Didn't you say that you wanted to have a 1-foot drainage on Glendale, it was going to go 6-foot?

We'll get to the issue of what the real size of those lots are here shortly. But I just wanted to tell you that I empathize with where you're coming from. But, because of the fact that the zoning allows 3 du's 1 acre, there's really nothing that we can do about that.

MS. TURON: Then there's something about the suitability though, where it just doesn't blend with the area. If you look at pictures of the area, it's just one house per lot and it's just open and spacious. It's not like that. It just would be kind of an eyesore I think.

CHAIR MATSON: Suitability in the Subdivision Ordinance is directed towards objective things rather than subjective. Unfortunately, aesthetics is more of a subjective opinion rather than where the ordinance is coming from. I don't know if it helps or not, but I'm sure all of us understand where you're coming from.

MS. TURON: I said I was emotional, not technical.

CHAIR MATSON: I've told many people and unfortunately it's usually too late by the time I tell them, that realtors and developers, no offense, will sometimes tell prospective homeowners or purchasers what they want to hear and not what's really true. So, sorry.

MS. TURON: I know.

CHAIR MATSON: Who's next Claire?

MS. SENOVA: Sandra Phillips?

MS. PHILLIPS: Sandra Phillips, 8600 Florence. I'm just here in general in opposition. My husband is Jim Phillips and he pretty much stated how we both feel and how the neighborhood feels.

CHAIR MATSON: Okay, thank you.

MS. SENOVA: Larry Millington?

MR. MILLINGTON: My name is Larry Millington and I live at 8508 Florence. I have the same beliefs and thoughts as the other neighbors. I was under the impression that the sector plan was to prevent areas like this. It was to get some kind of uniformity in the zoning and the houses in North Albuquerque Acres area. It's such an unusual area where there is horse property next to residential and it was trying to make some uniformity in the residential area out there. I've always been aware that it's been 1 to 3 houses per acre. I never would have thought that some developer would come in and try to force 3 houses on 1-acre lots. I'm just here to support the other neighbors and give you my thoughts.

CHAIR MATSON: Okay. Thank you.

MS. SENOVA: Diane Owens?

MS. OWENS: Diane Owens and I live at 8601 Glendale Avenue NE. I have the house that is directly east of the two lots, Lots 27 and 28, I'm on Lot 26. I realize that we can't fight the zoning enforcement, but I think Lewis Rawson is going to speak next. He's got the La Cueva Sector Plan which shows that the number of dwellings per acre is based on the net acreage. The gross acreage less the road easements.

The engineers have figured that they've got the 2 acres based on going all the way to the middle of Glendale. I think a normal person would realize that is not the intent of when they figured the dwellings per acre to be figured including the middle of the street. They have got a plan for 6 houses on the 2 acres. If you went on that acreage they don't have 2 acres. So the max they could do would be 5 houses. I think when the zoning was made to do the 3 dwellings per acre. I don't think it was the intent to, in this case, where you would have a max of 5 houses on the 2 lots, have 3 houses on one part and 2 on the other side, even if they changed it to do it that way.

A comparison analogy would be having 20 houses that were zoned eligible to do 20 houses on 5-acres and you put 15 houses on half of that and only 5 on the other half. I would like to see that they do 2 houses on each side. Or 1 at the end of the cul-de-sac and then the 2 on each side to go along with the 3 dwellings per acre, or do the max of the 5 houses.

As I spoke before at the previous public hearing, when I got my wall, I had to go with requirements that City Zoning has and that's the 3-foot height and 20-foot from the property line. Not the road, from the property line. I wasn't here prior to the public hearing to see what changes they made on the wall. If they're going to make any changes on that. The last meeting that we had they were wanting to put a 5-foot wall right next to the road. I don't think that is in accordance with the City zoning. Can you explain that?

MR. MACKENZIE: These sections, we have the plan right in front of you and you can take a copy home with you. Your property is from section H up to J and we've got section H, I, J identified on the plan and H shows your existing approximately 2-foot wall in front, which is right here. Then you go to I, further north on your property line and we have a 2-foot wall shown there as well. In each case, we have a 6-foot wall behind your 2-foot wall and so that's 6-feet relative to our property and 4-feet relative to your property. So you'll see a 4-foot exposure in addition to your 2-foot exposure. So approximately 6-feet of exposure when you're looking at it from the east side being your side. I'm sorry, she'll see 4-feet.

When you go to J, which is your back wall, that on our side remains unchanged. We're going to go to 3:1 slope down and not have 2 walls like you indicated before you'd prefer not to have. This is our latest plan with relatively minimal impact.

Then we have at the very front we have a wall setback in accordance with this plan right here to show how we're less than 3-feet high in the front and then it's going to taper back to the higher heights that we have listed here.

MS. OWENS: So I understand your 6-foot wall is going to be 2-feet from my 2-foot wall?

MR. MACKENZIE: On this drawing here it's not to scale, but it's going to be approximately 2-feet away from your wall.

MS. OWENS: I don't know where this fits in the zoning but that's the 3-foot height requirement and 20-feet from the existing right-of-way, if that complies with that, I ask the City to look at that and see if what they're proposing does comply with the zoning.

The last time I was here and I didn't bring it with me, but I had the specifications from a person upstairs with the zoning enforcement where it specifies the height and the feet from the road. It is in the code and the federal regulations.

MR. GREEN: That is what Sheran is confirming with their wall submittal.

MS. OWENS: Like I said, I didn't bring it with me, but there is a section that speaks about, if a backyard of a property adjoins to the front yard of an existing property, which would be the situation in these. These 3 houses back yards would adjoin to my front yard.

MR. GREEN: Correct.

MS. OWENS: It speaks of that. That's what I have to say. I don't see how this plan as it is with 6 houses can pass according to the La Cueva Sector Plan. As I said Lewis Rawson has the section of that La Cueva Sector Plan that shows that.

CHAIR MATSON: Who is next Claire?

MS. SENOVA: Lewis Rawson?

MR. RAWSON: I'm Lewis Rawson of 8421 Glendale. I guess you can tell this is emotional. So, thanks for bearing with us all. I have just the two issues. I have spoken with Mr. Bingham regarding the height of the wall on the west side and you expressed to me that they were going to change the grade from 8-feet down to 3-feet?

MR. BINGHAM: Not to 3-feet.

MR. RAWSON: You were looking at 3; I think is what was said. Was there some determination as to what was going to happen on that?

MR. BINGHAM: There's the plan in front of you and I would like the agent to explain that to you the best he can.

MR. MACKENZIE: We have a drawing. Like I mentioned before, you can have a copy, that shows 8 wall sections along your property line. We acknowledge that we have in front, to comply with a maximum 3-foot wall height within the first 10-feet of your property. That's what we're going to do here. Beyond that we have sections A through G and this is our proposed wall section at G, which is the southwest corner. Then as you go up your existing wall is 6-feet high and we have a retaining wall plus a 6-foot wall along F, which is located right here that is going to be at elevation 99.95 and yours is at 92 so that will be an 8-foot differential between here and your exiting grade. If you take out your wall which is 6-feet, there will just a couple of feet showing right there.

MR. RAWSON: Okay.

MR. MACKENZIE: As we go back, to other sections here at the northwest corner, we have a 6-foot wall similar to yours. It is a retaining wall and, then from that, we have a channel that's going to convey water and then, as you go into our property, there's going to be a 6-foot privacy wall offset approximately another 6-feet. Beyond your wall you will see that 6-foot garden wall.

MR. RAWSON: Okay, my 6-foot wall and then another 6-foot wall on top of that. That's 12-feet. How much are you going to raise the grade?

MR. MACKENZIE: 6-feet.

MR. RAWSON: So you're going to increase the dirt 6-feet high, put another 6-foot wall on top of that.

MR. MACKENZIE: That's correct. We have a 6-foot mandate to drain this corner of the property, being the northwest corner, out to Glendale. Then the City regulations specify that we need to have another 4-foot offset if we are to build another wall behind that. It's not one wall on top of another. It's offset. We're doing 6-feet. The minimum is 4-feet so we're off setting it back for every foot that we go higher.

MR. RAWSON: While I appreciate that, I understand that the Subdivision Ordinance states that new development has to conform to existing topography and not adversely impact the adjacent properties. I would still say that 12-feet high above our property line is still adversely impacting it.



The other issue I want to point out or bring up, is that, and this may have been brought up already. I spoke with the woman who helped write this La Cueva Sector Development Plan. She either assisted in it; I think her name is Ellen Concini? Is that the right one?

CHAIR MATSON: It should be Carmen Marrone, I think.

MR. RAWSON: Okay, I'm not sure. I spoke with a number of people. So you'll have to bear with me. In any case, they told me that on page 26 of the La Cueva Sector Plan, it specifically states that the RD developing residential zone "maximum densities for acres zoned RD are established for zoning plan. Densities are based on gross acreage of the lot which is measured from property line to property line excluding existing public right-of-way and/or perspective roadway easements". She told me they specifically put that in there to prevent this type of development occurring within a 2-acre span. This is not what they intended when they did the RDU 3 acre verbiage. So they specifically put this in here, so they could not include that. So the maximum amount of properties for this type of development would be 5 and not 6.

CHAIR MATSON: That whole decision is depending on what the determination is on the lot sizes which I'm sure everybody realizes.

MR. RAWSON: Sure, of course. That's what I have to say. My concern would be the increase in the acreage, or the dirt and the zoning issue. Thank you.

MS. SENOVA: Lena Eddings?

MS. EDDINGS: Lena Eddings and I live at 8620 Florence NE. We've all reiterated quite a bit and so I'll try and keep this brief. I completely concur every homeowner needs to have their own responsibility for where they're moving, what the affect is, what the surrounding property, especially when there's vacant property. When you go in an area and you build a home where there's a lot of vacant land, it's a good idea to know what the possibilities are around you.

Having said that, I do believe that rules, zoning, are written up so that there is some sort of planning, if you will, for lack of a better word. However, sometimes zoning no longer applies, or certain rules no longer apply exactly as intended because the public mandated a different situation. Which is what has happened out there. I'd like to point that out. It's maybe my naïve hope that these forums are not just a formality between City personnel and developers but in actuality to let the public be heard and actually maybe even say 'hmm, maybe we should rethink this'. That's why we're here. We believe it's our responsibility to come out and say, "hey, that's not what's going on here". And I'm hoping that you all think it's your responsibility to stop and rethink everything. Maybe we need to come back and appeal the actual zoning.

In addition to that, I would like to add that we talked to; I never had a chance to talk to Ellen Concini, very hard to get a hold of somebody upstairs. We did actually talk to Jack, and I'm going to mess up his last name, Basye. He read through the zoning rules and he questioned it. He said, you know as I read it, he said, the acre should not include the right-of-way in the road. So as he saw it, it was 5 homes on these two lots. That's all I have to say.

CHAIR MATSON: Okay, thank you.

MS. SENOVA: That is all of the public who have signed up.

CHAIR MATSON: Is there anyone else that wanted to speak that hasn't had a chance to sign up?

MR. PHILLIPS: Can I follow up on something?

CHAIR MATSON: Sure, come up to the microphone.

MR. PHILLIPS: Jim Phillips. You mentioned that part of your function here is to make sure that City rules, regulations and ordinances are followed and that if the developer meets that requirement. Then we go ahead. I understand that. I still, on both cases, to allow variances or changes that make sense you have the authority to do as well as say it doesn't make sense. Within our own planning regulations, I'm going to attack this suitability thing again.

CHAIR MATSON: Okay.

MR. PHILLIPS: It says "no land shall be subdivided which is found to be unsuitable for" lots of reasons you know, "flooding, poor drainage" that's subjective. "Adversarial conditions" that's subjective, "unsatisfactory topography" that's subjective. You get down to the other conditions like "likely to be harmful to the public health, safety or general welfare". Again subjective. That's it within your purview. Someone has to make that call and say it's suitable. You can say we determine it is suitable and make such call that we would not like. But you also have the power to say that it's not suitable. Which the developer wouldn't like.

Someone has to be able to make that decision here as opposed to just saying, yes they meet all the rules we're going ahead with it. There is a suitability issue. The welfare issue is the biggest one we're really attacking here. Our welfare is being affected by this subdivision. Not only financially but emotionally. That should be considered. It is supposed to be considered and it should be considered as part of your decision. That's what we're asking. Thank you.

CHAIR MATSON: In my reading of the Subdivision Ordinance when it talks about "public health, safety or general welfare", it's talking about a more broader interpretation than a neighborhood, unfortunately.

The rest of it says "unless such unsuitable conditions are corrected or mitigated to the satisfaction of the City". That's why we are here today is to see whether or not we can have that happen. At least appease some of your concerns because development is going to happen and I think you all realize that. We're trying to work with the developer. We're trying too to make it as least objectionable as possible and recognize the fact that the zoning is 3 du's per acre. Did the agent's have any comments they want to make?

MR. MACKENZIE: We have nothing further to add.

CHAIR MATSON: We'll turn to Kevin Curran, who is the Assistant City Attorney, and ask him what his opinion is on the size of the lots.

MR. CURRAN: Madam Chair, in my opinion, these lots that were platted in North Albuquerque Acres starting in the 1930's were platted with road easements on them. I'm not going to make an opinion on the size of the lot, what I'm going to do is I'm going to opine on the status of the roadway.

According to the plat, each of the lots goes to the centerline of each of the streets that adjoins it. However, encumbering that street is an easement in favor of the City. The easement is for road right-of-way purposes. It's also part of the City's regulations that, when a property comes in for subdivision platting, the City requires that easement to be turned into a fee simple right-of way pursuant to the dedication on the plat. Even though currently the City has an existing road right-of-way easement pursuant to the subdivision platting action that road easement would become a fee simple right-of-way. That's under the City Subdivision Regulations and I'm assuming that's what's going to happen in this case. The road right-of-way that is currently an easement will become a fee simple piece of property in favor of the City. It will no longer be part of this lot. Now I don't know if that explanation helps or hurts as far as the lot size or what can be developed. That's the legal status of the road.

CHAIR MATSON: Mr. Curran what I'd like to do is read you a sentence from the La Cueva Sector Plan, it says, "densities are based on gross acreage of the lot which is measured from property line to property line, excluding existing public right-of-way and/or prescriptive roadway easements". In your opinion are the roadway easements prescriptive or not?

MR. CURRAN: In my opinion, the acreage of the lot has to be minus the road right-of-way. Those easements that the City has are not prescriptive easements. They are validly granted pursuant to the 1931 plat.

CHAIR MATSON: So, then, if we take that opinion, then, our conclusion should be that these two, one-acre lots are, in fact, not one-acre lots?

MR. CURRAN: They are one-acre lots as shown on the plat. However, under the language of the La Cueva Sector Plan, the right-of-way has to be subtracted from the gross acreage of the lot. It doesn't matter whether or not the right-of-way is in the form of an easement or fee simple dedication. It needs, under the La Cueva Sector Plan, under that language that you've recited; it needs to be subtracted from the gross acreage of the lot. Questions or comments from the Board?

CHAIR MATSON: Thank you. Anyone have any comments on the Board? Does the agent have any questions or opinions they'd like to express?

MR. MACKENZIE: I'd like some clarification on Kevin's ruling. I'm looking for grant language on here. Are you finding some grant language on here or are you going by the figure regarding the appearance of the road?

MR. CURRAN: It's a valid question. I can find no grant language on the plat. The ruling, or my opinion, comes from New Mexico Case Law. In 1931 when this property was platted, there was no State Statute that applied to dedications within the County. Shortly after this property was platted, some cases went to New Mexico Supreme Court, in which the Supreme Court said that, even though there is no dedication language on a plat, if there are roads shown on the plat and they are intending to be public roads, we're going to treat that as a dedication.

So that's why the roads shown on this 1931 plat even though there is no dedication language. They're considered to be dedicated pursuant to the New Mexico Case Law.

MR. MACKENZIE: I think, given this opinion, or I guess it wasn't an opinion, an official opinion, that we should defer and perhaps get more of a clarification on this because I think we have some question about that. That should probably be something that we could resolve between now and the next hearing I think.

CHAIR MATSON: When did you want to defer to, the first hearing in January or sooner than that?

MR. MACKENZIE: Yes.

CHAIR MATSON: Is that January 5, Claire, the first hearing in January?

MS. SENOVA: Yes, that is the 5<sup>th</sup> of January 2005, and folks, this is your notice of that hearing. Same time, same place.

MR. PHILLIPS: We may keep going like this. Is someone going to decide if it's an acre or it's not an acre? Who is that person?

CHAIR MATSON: He gave his opinion. Everybody has their opinion. It's up to the Development Review Board to decide whether or not this preliminary plat will be approved based on, I guess what our opinion is, after we listen to everybody else on the size of the lots.

MR. PHILLIPS: Shouldn't it be something more than an opinion? It should be official, that's it? This is going to come up again and again. In fact, there are some existing developments that are affected by this.

CHAIR MATSON: If DRB at this particular time decides to approve the preliminary plat with 5 du's or approves it with 6 du's, that certainly is going to set some precedent in terms of our future rulings. Unless something happens to change that opinion in the future.

MR. PHILLIPS: My concern is, if the developer comes back to the next hearing and somehow has more documentation that starts to sway you in that direction, then I think the neighbors will ask for a deferment until we can go, and this is why this is going to go back and forth, ping-ponging until we have a clear way to do this. I would think the City Attorney's opinion is binding. So I don't know why...

MR. CURRAN: If I might speak to that. The City Attorney's opinion is the City Attorney's opinion. That doesn't mean it's hard to classify it as other than that. That doesn't mean the Development Review Board has to agree with the City Attorney's opinion. It's not the law. It's an opinion.

I would suggest to the Board, that regardless of how you rule on this subdivision plat, I would suggest that you make a finding either if you deny or approve, make a finding on the size of these lots. Specifically, put that in the approval or the denial.

MR. PHILLIPS: Okay, I understand your position. Are you going to put your opinion in writing for the record?

MR. CURRAN: If the Board wishes me to do that certainly.

CHAIR MATSON: Yes, that would be helpful.

MR. CURRAN: Okay.

MS. OWENS: Diane Owens, I request that at the next hearing, if this is going to be deferred, that we get somebody from La Cueva Sector Plan. You yourself said the La Cueva Sector Plan overrides any City zoning. The person who wrote that stipulation that they have a say in it also.

CHAIR MATSON: I have talked to Carmen Marrone about this subject. I guess we can certainly get her down here at the next hearing. She said exactly what the sector plan says. That it needs to be exclusive of public right-of-way or easements so depending on what DRB decides that's the way that it will occur. We can certainly get her down here. But she states her opinion is exactly what's in the plan because that is what they intended.

MS. OWENS: We have some misunderstanding here as to why the Development Review Board can't make a decision based on what it says in black and white in the La Cueva Sector Plan saying it does not include the road easement. The City Attorney's opinion, he just stipulated that it does not include the easements so I don't why we need to defer it or what more information is going to be a value to that.

CHAIR MATSON:

The Development Review Board will make a decision. I believe that the last time we deferred this a couple of weeks so that you folks could have some time. So now I think because they [the agent and developer] are just aware of what the Assistant City Attorney said, I think it's only fair that we allow them some time too. Plus, it's important for the DRB to have all the information possible before we make our decision, so that's why. Okay?

MS. OWENS: Okay.

CHAIR MATSON: Does anybody else have any questions? Mr. Curran?

MR. CURRAN: One suggestion, Madam Chair, if the La Cueva Sector Plan is going to be instrumental in this decision, I would strongly suggest that it be made part of the record at today's hearing, if it hasn't already been put into the record.

CHAIR MATSON: Mr. Lewis Rawson did make the specific page a part of the record and read it into the record. Thank you. I guess we'll see you on January 5, 2005. Did you have another comment, Mr. MacKenzie?

MR. MACKENZIE: I just wanted to thank you for being patient on this. This has been a lot of work for you folks and you've bent over backwards especially Brad, to get those grading plans approved and reviewed. We're just trying to get this thing done. Thanks.

CHAIR MATSON: Your welcome. I guess we'll see everybody on January 5, 2005.

The following action was taken:

The above request was deferred at the agent's request to January 5, 2005.

**DRB MINUTES FROM THE JANUARY 5, 2005, DEVELOPMENT REVIEW BOARD MEETING.**

**1. Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] *[Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05]* 04DRB-1570 WAS WITHDRAWN. (B-20) **DEFERRED AT THE AGENT'S REQUEST TO 1/12/05.**

NEITHER THE APPLICANT NOR THE AGENT WERE PRESENT.

The following action was taken:

**The above request was deferred at the agent's request to January 12, 2005.**

**DRB MINUTES FROM THE JANUARY 12, 2005, DEVELOPMENT REVIEW BOARD MEETING.**

**1. Project # 1003520**

04DRB-01567 Major-Preliminary Plat Approval  
04DRB-01568 Minor-Temp Defer SDWK  
04DRB-01863 Minor-Subd Design (DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for WASHINGTON STREET INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] *[Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05]* 04DRB-1570 WAS WITHDRAWN. (B-20)

**PERSONS SPEAKING ON BEHALF OF THE REQUEST:**

Greg Krenik, Mark Goodwin & Associates, P.O. Box 90606, 87199  
Scott Ashcraft, Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102

**PERSONS SPEAKING IN OPPOSITION:**

James Phillips, 8600 Florence NE, 87122  
Sandra Phillips, 8600 Florence NE, 87122

Larry Millington, 8508 Florence NE, 87122  
Lewis Rawson, 8421 Glendale NE, 87122  
Laura Turon, 8700 Florence NE, 87122

CHAIR MATSON: We are now on Item 1, Project #1003520, Benjamin Place Subdivision. Good morning.

ALL PRESENT WERE SWORN IN

CHAIR MATSON: If the agent and the applicant will state their names for the record and tell us why you are here today, please.

MR. KRENİK: We were deferred because of, I guess it would be the du's per acre issue. We've since revised the project to be 5 du's instead of the 6 that was originally shown.

CHAIR MATSON: Okay, we'll go to public comments. James Phillips?

MR. PHILLIPS: Is it possible to see the revised plat?

CHAIR MATSON: Here you are. You can take a look at this one if you want to.

MR. KRENİK: It's essentially the same layout except these two lots were made into one.

MR. PHILLIPS: There's no difference. Okay. I'm Jim Phillips, 8600 Florence Ave NE. We're here again. We've addressed a lot of the prior issues. I'd like to go back to the grading issue again if I could.

The best way to say this is, I know you guys don't have time to go out and walk these lots or look at them. All you are doing is looking at drawings. If you can picture in your mind that these lots not only slope dramatically from east to west, they slope dramatically from the street, south to north. They drop a full, I think 8-feet. What that does is, you're creating a subdivision that's going to float above everything in the area. It's going to destroy the aesthetics of the area. It's going to destroy bike use in the area. That's why you have ordinances that says sudden grade changes are not acceptable.

Again, it goes back to the point, the topography doesn't allow or shouldn't allow this thing to go in the way it is. It's a two edged sword because you've also stated that they must comply with all subdivision regulations. So you're going to make them comply with all the subdivision regulations which require them to bring in all this fill to basically level these lots to one height at the same time requiring them to do that to meet your subdivision regulations. At the same time it's going to create all these walls, this floating subdivision, this drastic grade change.



It seems to me something's got to give and I'm not sure it should be the fact that we're going to have this drastic grading and this complex or compound floating above everybody in the area.

Why isn't there a way to waive the subdivision regulations so he can build a little bit lower? That's a question.

MR. DOURTE: I'll let Greg reply to that.

MR. KRENİK: I can't answer to the regulations. The project isn't floating. It's only "floating" in that one corner. The eastern side of the subdivision is lower than the property to the east. The only area that is above grade is in that northwest corner. Everything else is at grade or below grade.

MR. PHILLIPS: To the perspective of the neighbors there to the north of that corner, to the north and west, it is going to be floating. I mean there is a very similar development on Modesto. It's just like this. Those neighbors are up against a 16-foot wall with houses sticking up above even that. So from their perspective, it's clearly floating well above.

MR. KRENİK: Right, just in that corner.

MR. PHILLIPS: If you didn't have to comply with all these drainage rules, would you have that thing sitting up there that high? You wouldn't have to.

MR. KRENİK: We wouldn't have to, but in order to get things waived, you have to get a drainage easement from all the downstream property owners which means we would have to get an easement from the property owner to the west. He would have to get an easement from the property owners to the west of him and so on and so forth, down until the water.

MR. DOURTE: Greg, may I intervene here. The northern edge of your site is above the existing ground. Everything has to drain to the street, sir, essentially to the storm drain in the street.

MR. PHILLIPS: Well there is no storm drain now.

MR. DOURTE: To the future storm drain. That is for safety reasons; we don't want to be flooding anybody downstream.

MR. PHILLIPS: There is a natural arroyo that runs through there now not to flood anybody.

MR. DOURTE: There are no conditions. Even a natural arroyo you cannot drain to unless everybody downstream agrees to let you drain down there. My question is, have you looked at any scenario to lower that end of the subdivision?

MR. KRENIK: This is the third addition of lowering that corner.

MR. DOURTE: Okay.

MR. KRENIK: The original grading plan of that corner was 10-feet above grade. I've lowered it twice since then.

MR. DOURTE: What enabled it to be lowered? Was it the location of the catch basins?

MR. KRENIK: We added that channel behind the wall and drained the backyards. Instead of draining the backyards to the front of the house, we drained the pads and the backyards to the back and added that channel. So the houses drain to the backyard and not the front yard.

MR. DOURTE: So you've looked at moving the catch basins as far to the north as possible so that you could keep the grade as low as possible.

MR. KRENIK: I did not slope the cul-de-sac all the way to the north. I don't know if we can get the drainage to tie back into the storm drain that's going to be out in the street if we go too much lower. The storm drain out in Glendale is that large 72-inch to 78-inch pipe and we can't tie into the pipe itself. We have to tie into the "T" manholes which are going to be a bit on the shallower side than the invert of that pipe.

MR. DOURTE: Okay. It looks like the grade of the pipe that's eventually going to be in Glendale is a constraining factor on the grading of your subdivision.

MR. KRENIK: That and being able to drain the back corner property out. The way it's set up now is we're accepting flows in two locations from the properties to the northeast and to the east. That water we are passing through that pond right now and the water coming from the northeast corner we are taking that through a channel into the street. Then it runs out to the inlets and then in through the pond. In the future that will go into that storm drain. What we did is we put a water block at the entrance and then sloped up at 1/2%.

MR. DOURTE: You've got a 6-foot fill on one side, or is it 5-foot, about a 5-foot fill on one side and then you've got a 4-foot cut on the other side?

MR. KRENIK: That's about right. That's what happens with the properties that have like a 4 to 5% cross-slope across all those. You're lower on one end and you're higher on the other end. Which is to show, for example, the existing property to the east of us built a retaining wall on their west end. The property to the west of us has a small retaining wall also. So what they did is nothing different than what we're doing.

MR. DOURTE: I just wanted to make sure everything was looked at before a grading plan gets approved. So you lowered it originally from 10-feet down to about 5-1/2 feet, 5-feet.

MR. KRENİK: That's correct.

MR. DOURTE: Okay sir, you can continue if you wish.

MR. PHILLIPS: You made a comment about having to get easements on property downstream but as individual homeowners we didn't have to do that.

MR. DOURTE: Right.

MR. PHILLIPS: So again we go back to the fact a subdivision requires that.

MR. DOURTE: The ordinance does require that.

MR. PHILLIPS: Again I ask the question, are there ways that the subdivision rules can be...

MR. DOURTE: No, the Subdivision Ordinance does not give an exception method. When you come in and you do a subdivision versus a single lot, you need to comply with the Subdivision Ordinance.

MR. PHILLIPS: Okay, that's our basic point.

MR. DOURTE: The ordinance requires these drainage requirements and there is no means for a variance to that.

MR. PHILLIPS: Right, then that would tell me the subdivision is inappropriate for this area if there is no way that you can work through this.

MR. DOURTE: Well, there is a way and it's being done. You can get it to drain in accordance with the ordinance.

MR. PHILLIPS: By building the grade up significantly about the homes around it.

MR. DOURTE: That's right

MR. PHILLIPS: So do the neighbors that are affected by this drastic grading, are there considerations here for them?

MR. DOURTE: They need to comply with the ordinance. These gentlemen need to comply with the ordinance just like every other subdivision does.

MR. PHILLIPS: The point again is...

MR. DOURTE: I don't believe, and I guess I'll go to Sheran, that there is a requirement for. I don't know. What are you basing...you are just saying that this subdivision should not be developed because it has a retaining wall?

MR. PHILLIPS: In your rules and regulations, ordinances, it talks about suitability of sites for subdivisions. It goes through all kinds of lists about what is suitable and not suitable.

MR. DOURTE: Right.

MR. PHILLIPS: So, at some point in time, you would have to say, is it suitable? If you've got to do drastic grade changes and get variances for walls and things like that, then, at some point in time, you would say maybe it's not suitable. That's our point.

MR. DOURTE: The thing is, this Board is a technical board. We look at the technical aspects. Can it be done? Yes, it can be done.

MR. PHILLIPS: Well, that's why the public is allowed to comment on the fact that the site is not suitable. If that's not anywhere in your decision process then what board would make that determination?

MR. DOURTE: If there is an objection to this, all appeals go to the Environmental Planning Commission.

MR. PHILLIPS: In advance, we will be appealing to that because I see where you're going with this decision right now.

MR. DOURTE: Okay.

MR. PHILLIPS: The other part of this too, is you walk out there and you look at all the homes that are sitting there now. There are no sidewalks. There are no street lights. Yet, we're going to force a subdivision compliance to put those things in. It doesn't make any sense. Sidewalks to nowhere. One street light all by itself in the middle of the desert. Well, because the subdivision rules require it. That doesn't make sense. It doesn't fit with the environment. But you're telling me, to bad, it's in concrete. It's black and white, it's got to be done. That doesn't make sense.

CHAIR MATSON: Just so you'll know, the applicant and agent did apply for a variance which allows them to eliminate the sidewalk along Glendale Avenue.

MR. PHILLIPS: Okay.

CHAIR MATSON: So that's before the Board. That's something new that I don't think you knew about.

MR. PHILLIPS: We didn't.

MR. DOURTE: That is something that's coming up later.

MR. PHILLIPS: Let me talk about something that's sort of related to this. When the La Cueva Sector Development Plan was developed, it was done so with a lot of people and a lot of effort. This is why we feel put upon. This is why I'm going down this path. It said, we want increasing, the City wanted and there was an agreement or at least a buy-in, the City wanted increasing density as it approached the County line. Which is 1 du per acre. That's why the La Cueva Plan was developed, where it went from 7 3 du's per acre to 3 to 1. It all kind of made sense. There was a lot of disagreement but finally everybody said fine, that's the way it's going to be.

So you drive around this area now that's supposed to be 3 du's per acre. There are 4 new subdivisions in the immediate area that are on property, 3 du's per acre. One is selling lots at a quarter-acre lot homes. There's a brand new development on Barstow and Modesto that's got 7 lots and 43 home sites. It was originally 3 du's per acre. There's the one on the south, on the northwest corner of Barstow and Modesto that's got quarter-acre lots. So everybody's been able to come in and say, yes, that was a great plan. But we're going to get a variance and we're going to get approval for it and that was done.

So what good is the La Cueva Sector Development Plan? I don't know if you all were involved in all that. I guess the DRB at some point is. Is that correct?

CHAIR MATSON: Yes.

MR. PHILLIPS: The plan is trashed. This is not an exact example of this, but that's why we're in here talking about this. All that area now is no longer being developed the way the La Cueva Plan envisioned it. Someone needs to step up to the plate and say, this has got to stop.

CHAIR MATSON: The La Cueva Sector Plan, I am sure that when it was adopted, the DRB did take a look at it. I wasn't here then. One of the DRB's roles is to make a recommendation to EPC on the La Cueva Plan. We've had, unfortunately, different representatives for the Planning Department, over the period of time that the La Cueva Plan has been in place. Apparently, all of us were not as diligent in trying to make sure that the du's per acre were upheld. I'm trying to do that now that I'm here. So any mistakes that were made in the past won't be repeated. However, the La Cueva Plan does allow these 5 du's for these 2 acres.

MR. PHILLIPS: We're just concerned about the grading issue and the excessive walling that we think is going to occur.

CHAIR MATSON: The wall has improved significantly from the first submittal that I saw. It's still not perfect. I agree with you and I understand your concerns, I really do.

MR. PHILLIPS: That's part of our issue too. Had we not shown up at this first hearing, where are we at the fourth hearing, they'd be breaking ground on all that stuff right now. We have all now agreed, it's probably in violation. Okay. I kind of wish the City would be our representative in this case, as opposed to supporting the developers, which is what apparently has happened in Window O or P or whatever it is.

CHAIR MATSON: I disagree a little bit with that. I think that what our role is, as City representatives, is to make sure the plans and ordinances are upheld. Unfortunately, we're human like everybody else, and there are some mistakes made. We're going to try and correct that from this point on. That's the best we can do. I wish we could go back and correct some of those other errors but it is too late. Once they get their preliminary plat approved, then they pretty much have property rights to go ahead and develop.

MR. PHILLIPS: That's my next question. What good is an appeal?

CHAIR MATSON: Well, because the preliminary plat is approved, but if it's appealed, the developer can't go any farther with developing the project until that appeal is over. The Development Review Board cannot approve anything further on the project until that appeal is over.

MR. PHILLIPS: Of course, the appeal mainly deals with the grading and the walls. Those will go up with preliminary plat approval.

CHAIR MATSON: No. Once you file that appeal, the agent and applicant are notified and they are not to do anything further.

MR. DOURTE: That's right. They are not granted any permits to do construction until the appeal has been rectified.

MR. PHILLIPS: Okay, that's all I've got.

CHAIR MATSON: Sandra Phillips?

MRS. PHILLIPS: I don't have anything to add right now.

CHAIR MATSON: Larry Millington?

MR. MILLINGTON: Larry Millington, 8508 Florence and I don't have anything more to add.

CHAIR MATSON: Mr. Rawson?

MR. RAWSON: I'm Lewis Rawson at 8421 Glendale and I'll be brief also. You made the statement that we're complying with the La Cueva Sector Area Plan now, but in reality we're not. We are complying with the grading and drainage but we're violating the suitability issues, which I understand are objective.

My real question to you is the appeals process, and maybe this isn't where we voice this question, but I believe you're probably going to accept this plan as it is and how do we appeal it? Who do we go through to do that? Do you give us the stuff or do we need to find that out through another City division?

CHAIR MATSON: No. I can tell you. You have 15 days from the day that we render our decision to file your appeal. There are forms upstairs at the Front Counter on the second floor. You can get those forms and fill them out and then file your appeal. Once that happens, I believe EPC has to hear your appeal within 60 days. It's still EPC, we are in the process of changing from EPC as the appellant board to the Land Use Hearing Officer. As far as I know, right now at this point in time, it's still the Environmental Planning Commission.

MR. MILLINGTON: Okay. I understand that, after the appeal then depending on the verdict of the appeal, we can also take that then to the City Commissioners?

MR. DOURTE: The City Council. Yes sir.

MR. MILLINGTON: Okay thank you.

CHAIR MATSON: You're welcome. No more comments? Okay.

MS. TURON: Laura Turon at 8700 Florence. Does the suitability count for anything other than the 5 houses? I mean because if you pull up to, like Lou's house, you have 6-feet of dirt, a 6-foot wall, a two-story house with probably a pitched roof. That's almost 3 stories. I mean, I wouldn't want to, if his house was for sale, I wouldn't even want to walk in and look inside. I mean his property value is gone. That's stealing I think. I believe it's pretty much theft. That's how I feel. Does the suitability count for anything, because the grading doesn't fit in that area?

MR. DOURTE: That is a matter of opinion. That is subjective. We are a technical review board. We review the technical aspects. If you wish to appeal, and the grading is technically correct. If you wish to appeal it you may appeal to the Environmental Planning Commission.

CHAIR MATSON: Okay. Is there anyone else that would like to speak that is out in the audience? Okay. Did you have any further comments you wanted to make, Mr. Krenik?

MR. KRENIK: No.

CHAIR MATSON: We'll go to Parks then for your comments, please.

MS. SANDOVAL: Due to the decrease in lots, Greg, I'll send a new deposit slip reflecting that for your cash-in-lieu requirement. That's all I have.

CHAIR MATSON: Hydrology?

MR. DOURTE: The drainage plan has been reviewed and complies with the City requirements. The grading plan is dated 12/29/04.

CHAIR MATSON: Okay. Planning's comments. Now that the number of lots has gone down from 6 to 5, they do conform to the La Cueva Sector Plan intent. So we have no objection to that. A condition of final plat will be that an approved perimeter wall design occur before final plat. The agent and I have agreed on the wall design. We just need the number of copies so that I can make those approvals. I have no objection to the temporary deferral of sidewalks or the subdivision design variance waiving the sidewalks along Glendale. Utilities?

MR. GREEN: I have no objection to the preliminary plat approval, the deferral of sidewalks and the design variance to waive sidewalks.

CHAIR MATSON: Transportation?

MR. GALLEGOS: No objection to the preliminary plat approval. No objection to the temporary deferral of sidewalks. The subdivision design variance for a waiver of sidewalk along Glendale, I have no objection to. However, there will be a condition: Any future public projects will not preclude it from placing the sidewalk. So if a project comes along that actually places sidewalk along the entire street in there, they will be allowed to do so.

On your infrastructure list you've got that 6-foot gravel path on the north side. Remove that, since the City does not maintain gravel paths. Why don't you put back in 6-foot sidewalk waived? No other comments.

CHAIR MATSON: Okay. With the signing of the infrastructure list dated today and approval of the grading and drainage plan dated 12/29/04, the preliminary plat is approved subject to the provisions of the Subdivision Ordinance. We approved the temporary deferral of construction of sidewalks on the interior streets as shown on Exhibit C. Approval of this variance is subject to provisions of the DPM. We are also approving the subdivision design variance for a minimum DPM design standards as indicated also on Exhibit C in the Planning file. You got those two conditions of final plat, correct, Claire, about the perimeter walls and then the sidewalk?



MS. SENOVA: Yes.

CHAIR MATSON: Okay, thank you.



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Study Session on Thursday, March 10, 2005, 4:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following:

1. Distribution & Review – Current Land Use Matters for the March 17, 2005 Public Hearing, which include the projects listed below.

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, March 17, 2005, 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items: [Note: these items are not in the order they will be heard]

**Project # 1003445**  
05EPC-00022 EPC Site Development Plan-  
Subdivision

DEVIN CANNADY agent for INTERSTATE DEVELOPMENT CO. LLC request the above action for Lots 2 and 3 of Block B, Lots 10A1 and 10A2 of Block D, Lot C1, Lot B1, Lot F, Lot E2, Lot 6A1, Lot D1, Albuquerque West and Lot 1, Tabernacle Praise Church, zoned SU-1 PDE to include C-3 Uses, located on PARADISE BLVD. NW, between PARADISE BLVD. NW and PASEO DEL NORTE NW, containing approximately 38 acres. (C-12) Elvira Lopez, Staff Planner

**Project # 1003901**  
05EPC-00098 Zone Map Amendment

MARTHA CARMONA requests the above action for all of a portion of Tracts 81 and 82, **MRCGD Map 37**, a zone map amendment from SU-2/C-3 to SU2/R-2, located on the west side of EDITH BOULEVARD, NE, between ROSEMONT AVENUE, NE and KINLEY AVENUE, NE, containing approximately .25 acres. (J-14) David Stallworth, Planner

**Project # 1003920**  
05EPC-00180 Zone Map Amendment

DAVID WEATHERMAN agent for LINDA & RONNIE CARRELL request the above action for all or a portion of Lots 6, 7, 8, 9, and 10 Westpark, a zone map amendment from R-1 to RT, located on NEW YORK SW, between GALLUP SW and CENTRAL SW, containing approximately 1 acre. (J-13) Stephanie Shumsky, Staff Planner

**Project # 1003921**  
05EPC-00181 Zone Map Amendment  
05EPC-00182 Amendment - La Cueva Sector Development Plan  
05EPC-00183 Park Master Development Plan

CONSENSUS PLANNING, INC. agents for CITY OF ALBUQUERQUE/DEPT. OF MUNIC. DEV request the above actions, including a zone map amendment from R-D/R-T to SU-1 for Community Park & Related Facilities, for all or a portion of Lots 1-32, Tract 2, Unit 3, North Albuquerque Acres, located on CARMEL AVE. NE, between LOUISIANA BLVD. NE and WYOMING BLVD. NE, containing approximately 60 acres. (C-19) Carmen Marrone, Staff Planner

**Project # 1002358**  
05EPC-00187 SPR Special Planning Request

CIP agents for CITY OF ALBUQUERQUE/CIP request the above action for as required by CIP Ordinance, this request is for EPC to hold a public hearing on the proposed 2005 GO Bond Program & 2005-2014 Decade Plan.

**Project # 1003747**  
05EPC-00024 EPC Site Development Plan-Subdivision  
05EPC-00025 EPC Site Development Plan-Building Permit

TIERRA WEST LLC agents for WALMART STORES EAST, LP & WEINGARTEN REALTY INVESTORS request the above actions for all of Tracts 1, 4 and 5, being a portion of the Wyoming Mall Summary Plat, zoned C-2 (SC), located on WYOMING BLVD. NE, between MENAUL BLVD. NE and NORTHEASTERN ST. NE, containing approximately 25 acres. (H-20) Carmen Marrone, Staff Planner

**Project # 1001620**  
05EPC-00207 Amendment to the Zone Code

CITY OF ALBUQUERQUE/Planning Department, agents for City of Albuquerque/ City Council request an amendment to the Comprehensive City Zoning Code regarding Off Premise Signs.

**05EPC-00122 Project # 1003520**  
04DRB-01567 Major-Vacation of Pub Right-of-Way

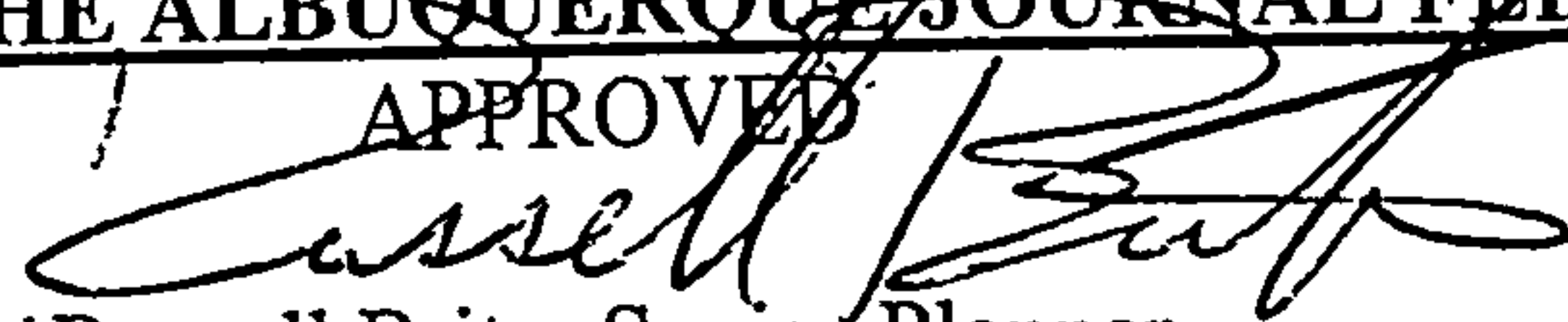
James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as BENJAMIN PLACE SUBDIVISION) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] [Deferred from 11/3/04, 12/1/04, 12/15/04 & 1/5/05] [04DRB-1570 WAS WITHDRAWN] (B-20)

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 10:00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886.

Jens Deichmann, Chairman  
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL FEBRUARY 23, 2005.

APPROVED



Russell Brito, Senior Planner  
Planning Department



## NOTICE OF HEARING

January 25, 2005

James R Phillips Jr.  
8600 Florence Ave NE  
Albuquerque, NM 87122

**RE: APPEAL 05EPC-001221/PROJECT #1003520 (CASE WAS HEARD UNDER APPLICATION NUMBER #04DRB-01567 Major-Preliminary Plat approval**

Dear Mr. Phillips:

The above referenced appeal, which was filed January 24, 2005, has been **scheduled to be heard before the Environmental Planning Commission (EPC) on Thursday, March 17, 2005 at 8:30 A.M.**

The meeting will be held in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2<sup>nd</sup> Street, NW, 87102.**

Approximately one week prior to the hearing, you will receive a copy of the agenda and a staff report. **THIS WILL SHOW YOU WHERE YOUR CASE WILL BE ON THE AGENDA.**

If you have any questions, please contact Claire Senova, Administrative Assistant at 924-3946.

Sincerely,

Sheran Matson, AICP, Chair, Development Review Board

Cc: Washington Street Investors LLC, 501 3<sup>rd</sup> St SW, 87102  
Mark Goodwin & Associates PA, P.O. Box 90606, 87199  
Larry Millington, 8508 Florence Ave NE, 87122  
Louis Rawson, 8421 Glendale NE, 87122  
Laura Turon, 8700 Florence Ave NE, 87122  
Stephani Winklepleck, Neighborhood Coordination  
File