



City of Albuquerque

Action Summary

City Council

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

Council President, Don Harris, District 9
Vice-President, Rey Garduño, District 6

Ken Sanchez, District 1; Debbie O'Malley, District 2
Isaac Benton, District 3; Brad Winter, District 4
Dan Lewis, District 5; Michael D. Cook, District 7
Trudy E. Jones, District 8

Monday, October 17, 2011

5:04 PM

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

O-11-65 Adopting A Uniform Administrative Code And Technical Codes Prescribing Minimum Standards Regulating The Construction, Alteration, Moving, Repair And Use And Occupancies Of Buildings And Structures And Building Service Equipment And Installations Including Plumbing, Swimming Pools, Electrical, Mechanical, Signs, Solar, Energy Conservation, Building Conservation And The Abatement Of Dangerous Buildings Within The City Of Albuquerque; Providing For The Issuance Of Permits And Collecting Fees Therefore; Repealing Chapter 14, Article 1, ROA 1994, The Present Uniform Administrative Code And Technical Codes Including The Building Code, The Plumbing Code, The Swimming Pool Code, The Mechanical Code, The Solar Energy Code, The Electrical Code, Providing For Penalties For Violation Of The Code (Jones, Lewis)

Motion: *Postpone, due back on December 5, 2011*

Status: Passed

Votes: For: 9 - Council Members: Sanchez, O'Malley, Benton, Winter, Garduño, Lewis, Cook, Jones and Harris

R-11-281 Providing An Appropriation To The Cultural Services Department From Settlement Money Paid To The City By Philips Semiconductor For An Agreement With Explora Science Center And Children's Museum, Inc. (O'Malley)

Motion: *Postpone, due back on November 7, 2011*

Status: Passed

Votes: For: 9 - Council Members: Sanchez, O'Malley, Benton, Winter, Garduño, Lewis, Cook, Jones and Harris

R-11-280 Approving And Authorizing A Draft Memorandum Of Agreement With The New Mexico Department Of Health For The West Nile Virus Surveillance And Data Management Program And Making An Appropriation To The Environmental Health Department (Sanchez, by request)

Motion: *Do Pass*

Status: Passed

Votes: For: 9 - Council Members: Sanchez, O'Malley, Benton, Winter, Garduño, Lewis, Cook, Jones and Harris

AC-11-3 Project #1004906 - 11DRB-70154 Subdivision Design Variance from Min DPM Standards - 11DRB-70168 - Minor - Preliminary/Final Plat Approval - Emily MacLeod, Appeals the Development Review Board's Approval for all or a portion of Tract(s) 118-C, 118-D, & 118-E, MRGCD MAP 32 zoned R-1, located on the east side of Guadalupe Trail NW between Griegos Rd NW and Montano Rd NW containing approximately 2.06 acres

Motion: *To Accept the Land Use Hearing Officer Recommendation*

Status: Passed

Votes: For: 8 - Council Members: Sanchez, O'Malley, Benton, Winter, Lewis, Cook, Jones and Harris

Against: 1 - Council Members: Garduño

EC-11-588 Mayor's Appointment of Mr. Matthew Higgins to the Albuquerque Energy Council

Motion: *Confirm*

Status: Passed

Votes: For: 8 - Council Members: Sanchez, O'Malley, Benton, Garduño, Lewis, Cook, Jones and Harris

Excused: 1 - Council Members: Winter

EC-11-589 Mayor's Appointment of Mr. M. Boone Birdsell to the Albuquerque Energy Council

Motion: *Confirm*

Status: Passed

Votes: For: 8 - Council Members: Sanchez, O'Malley, Benton, Garduño, Lewis, Cook, Jones and Harris

Excused: 1 - Council Members: Winter

EC-11-590 Mayor's Reappointment of Ms. Victoria T. Sandoval to the Albuquerque Energy Council

Motion: *Confirm*

Status: Passed

Votes: For: 8 - Council Members: Sanchez, O'Malley, Benton, Garduño, Lewis, Cook, Jones and Harris

Excused: 1 - Council Members: Winter

O-11-69 Amending The Zoning Code, Subsections 14-16-1-5(B) And 14-16-3-5(A), (B), (C) And (D) ROA 1994 To Update The Regulation Of Electronic Signs; Adding Restrictions To New Off-Premise Electronic Signs (Benton)

Motion: *Do Pass as Amended*

Status: Passed

Votes: For: 7 - Council Members: O'Malley, Benton, Winter, Lewis, Cook, Jones and Harris

Against: 2 - Council Members: Sanchez and Garduño

R-11-212 F/S Approving A Performance Based Payment Policy For Community Housing Development Organizations (CHDO) And Affordable Housing Development Organizations (AHDO) When Developing Affordable Housing Using City Resources (O'Malley, by request)

Motion: *Do Pass as Substituted*

October 12, 2011

The following comments were provided to the City Council by Council staff for the October 17, 2011 Council meeting.

AC-11-3 Appeal of DRB's Subdivision Design Variance

{ACCEPT OR REJECT}

SUMMARY: The property is located in the North Valley. The issue involves a short dirt private road off of Guadalupe Trail. The road is named "Pedro's Place." The road is currently 17½ feet wide for part of its length and 22 feet wide for the remainder of its length.

There are currently five dwellings served by Pedro's Place. The applicant for the variance intends to subdivide three of the lots currently served by the road so that Pedro's Place will serve twelve lots. Under the City's Design Process Manual a twelve lot subdivision is required to be served by a 28 foot wide roadway with asphalt paving. In addition there must be four foot wide sidewalks on either side of the roadway. A 46 foot wide easement is also required.

The applicant sought and obtained a variance from the DRB that the roadway and easement need only be 24 feet wide. In addition the applicant received a variance providing that the roadway be gravel and not paved and with no requirement for sidewalks.

In order to prevent gravel from coming off Pedro's Place and ending up on Guadalupe Trail the DRB required that the first 25 feet of Pedro's Place next to Guadalupe Trail be paved.

The appellant challenges the density of the development and the variances that have been granted. The appellant is not seeking a 24 foot wide paved roadway with sidewalks. The appellant wants to maintain Pedro's Place in its current condition without any widening, without gravel, without sidewalks and without the 25 feet of asphalt at the start of the road.

Legal Standard: This variance procedure is within the Subdivision Ordinance and has different standards from those in the Zoning Code. The DRB Decision includes all of the required findings.

First, the proposal must meet one of several requirements. Here the DRB found that the variance was appropriate as a case:

Where varying from the normal requirements will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

14-14-6-1(A)(1).

Second, the DRB must make the following additional findings:

- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community; and
- (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted

plan or policy, the applicable zoning ordinance, or any other city code or ordinance; and

(3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain; and

(4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

In this appeal in order to reverse the DRB, the Council must find that the DRB erred:

(a) In applying adopted city plans, policies, and ordinances in arriving at the decision;

(b) In the appealed action or decision, including its stated facts;

(c) In acting arbitrarily or capriciously or manifestly abusive of discretion.

Appellant's Position: (1) The Appellant argues that the variances will be injurious to adjacent property because of increased development and the change to Pedro's Place. (2) The Appellant argues that the variances are in conflict with adopted city plans; the Los Griegos Historic District.

Response: (1) The response of Planning is that the variance actually reduces injury because it allows for a much lower impact change to Pedro's Place than what would be required without a variance. (2) A small portion of Pedro's Place, near Guadalupe Trail, is in the historic district. The historic district does not deal with infrastructure such as roads but is "substantially architectural."

LUHO RECOMMENDATION: The LUHO recommends upholding the decision of the DRB, finding that the DRB decision was well supported. The LUHO finds that density is allowed under the zoning (R-1), and that the variances reduce the injurious impact that would result from complying with the development requirements of the DPM. The LUHO also finds that the variances are not in conflict with the Los Griegos Historic District.

COUNCIL OPTIONS:

1) A vote to accept the LUHO's Findings and Recommendation will deny the appeal and allow the variances.

2) A vote to reject the Findings and Recommendation of the LUHO means the matter will be set for hearing before the City Council.

HEARING DATE 6-29-11 (SDV)
(NS)11-62-0

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

10. **Project#-1004906**
09DRB-70359 SKETCH PLAT REVIEW
AND COMMENT

TOM & SUSAN SLATES request(s) the above action(s) for all or a portion of Lot(s) 118C, 118D, 118E, 119, zoned R-1, located on GUADALUPE TRAIL NW BETWEEN GRIEGOS NW AND DELAMAR NW containing approximately 2 acre(s). (F-14)**THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

11. Other Matters:

Project# 1008064
09DRB-70350 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

WAYJOHN SURVEYING INC agent(s) for COE & PETERSON LLC request(s) the above action(s) for all or a portion of Tract(s) 1, **LANDS OF RAYMOND C WATSON** zoned C-2/ C-3, located on 4TH ST NW BETWEEN HAINES AVE NW AND MCKNIGHT AVE NW containing approximately .9455 acre(s). (H-14)

THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO ABCWUA FOR SEWER ACCOUNT SET UP VIA TAPPING PERMIT AND TO PLANNING TO COMPLY WITH COMMENTS.

ADJOURNED: 10:00 AM

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
December 2, 2009
DRB Comments

ITEM # 10

PROJECT # 1004906

APPLICATION # 09DRB-70359

RE: Tracts 118-C, -D, -E, and 119, MRGCD Map # 32

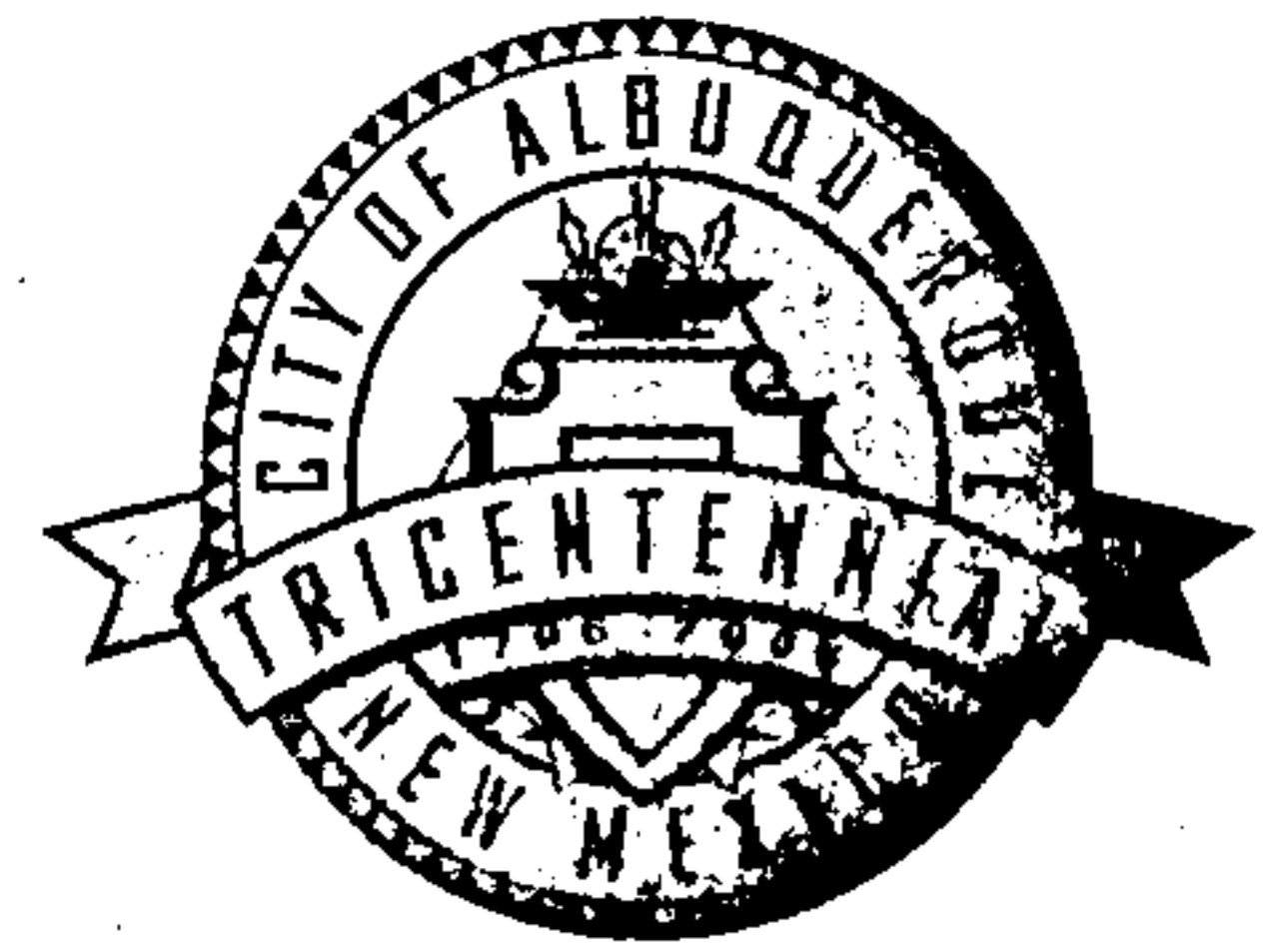
to Prop Line
A Side Yard Setback Variance would be needed for Tract 119 (for a 3 foot setback instead of a 10 foot corner side yard per the Zoning Ordinance – setback is measured from the edge of the access easement). Additionally, minimum lot area is calculated exclusive of access easement area, so it appears that more than 20 feet from Tract 118-E would need to be deeded to Tract 119 to create a new lot. *+ lot area*

There are actually 8 lots using the existing access easement from Guadalupe Trail (includes Tract 118A), and the proposal would result in a total of 12 lots. The Subdivision Ordinance/ Development Process Manual calls for a standard street section for more than 8 lots, so this proposal would require a Street Design Variance as well as a Sidewalk Waiver. If the Side Yard Variance is approved by the Zoning Hearing Examiner, application would then need to be made to the DRB for the variances from the Subdivision Ordinance. The application must specify how the variances would encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, and how the subdivision design will secure substantially the objectives of the standards or requirements of the Subdivision Ordinance [§ 14-14-6].



Jack Cloud AICP, DRB Chairman
924-3880/ jcloud@cabq.gov

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1004906

AGENDA ITEM NO: 14

SUBJECT:

Sketch Plat

ACTION REQUESTED:

REV/CMT: (X) APPROVAL: () SIGN-OFF: () EXTN: () AMEND: ()

ENGINEERING COMMENTS:

An approved infrastructure list is required for Preliminary Plat approval.
An approved drainage report must be on file prior to Preliminary Plat approval.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

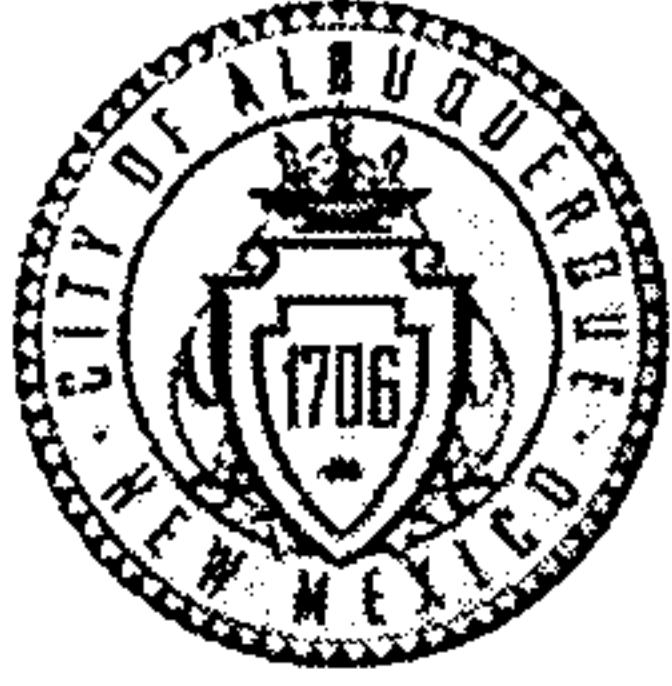
APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee

DATE: AUGUST 8, 2007
505-924-3986

0



IMPACT FEES

Development Review Board 8/8/07

Project Number: 1004906

Agenda Item number: 14

Site: MRGCD Map 32

Tract: 118E

Zoned: R-1

At this time of platting, splitting one residential lot into two does not require the payment of impact fees. However, the construction of a new home on the new lot will require payment of Impact Fees. Using an estimate of 2000sf of heated area, the impact fees would be as follows.

1. Public Safety Facilities for the Eastside: \$552.00
2. Parks, Trails & Open Space for North Valley: \$3,260.00

The schedule for these fees are available on the city's website- www.cabq.gov. Go to the "A-Z" feature and under the letter "I" Impact Fees will be the first item in this list. Impact fees are to be paid at the time of issuance of building permits.

JACK CLOUD
IMPACT FEE ADMINISTRATOR

PLANNING TRACKING LOG

Date	Project Name & #	Action Request	Action Taken
08/08/07	TR. 118E MRGD MAP 32 1004906	SKETCH PLAT	COMMENTS GIVEN

PLANNING TRACKING LOG

Date	Project Name & #	Action Request	Action Taken
5/31/06	Lands of D. Lopez & Kirkwood Lopez Pkg 1004906	Sketch	Comments Given

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1004906

AGENDA ITEM NO: 24

SUBJECT:

Sketch Plat/Plan

ACTION REQUESTED:

REV/CMT:() APP:(x) 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:

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: May 31, 2006

discussed

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
May 31, 2006
DRB Comments**

ITEM # 24

PROJECT # 1004906

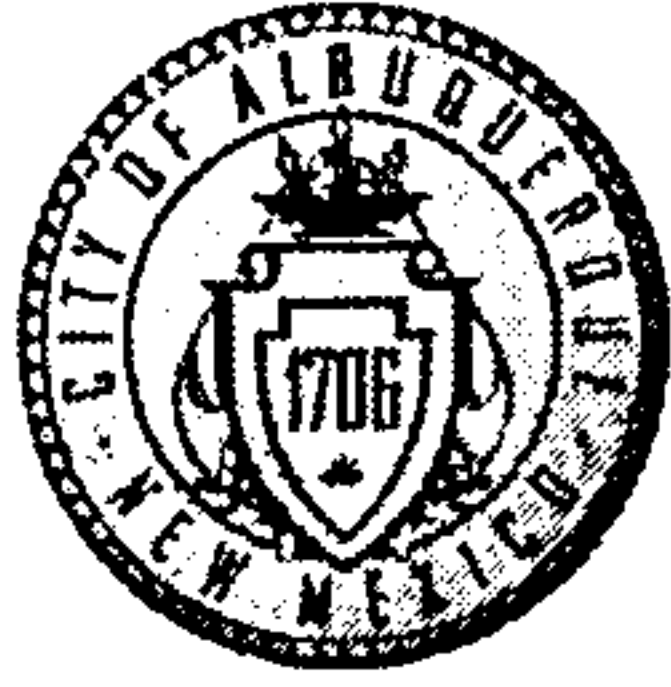
APPLICATION # 06-00699

**RE: Tracts 118C, 118D, 118E, Lands of Daniel H. Lopez and
Linda vigil Lopez/sketch plat**

There are no adverse comments to this request.

Major subdivision - public hearing

Andrew Garcia
Andrew Garcia, Planning Alternate
924-3858 Fax 924-3864 agarcia@cabq.gov

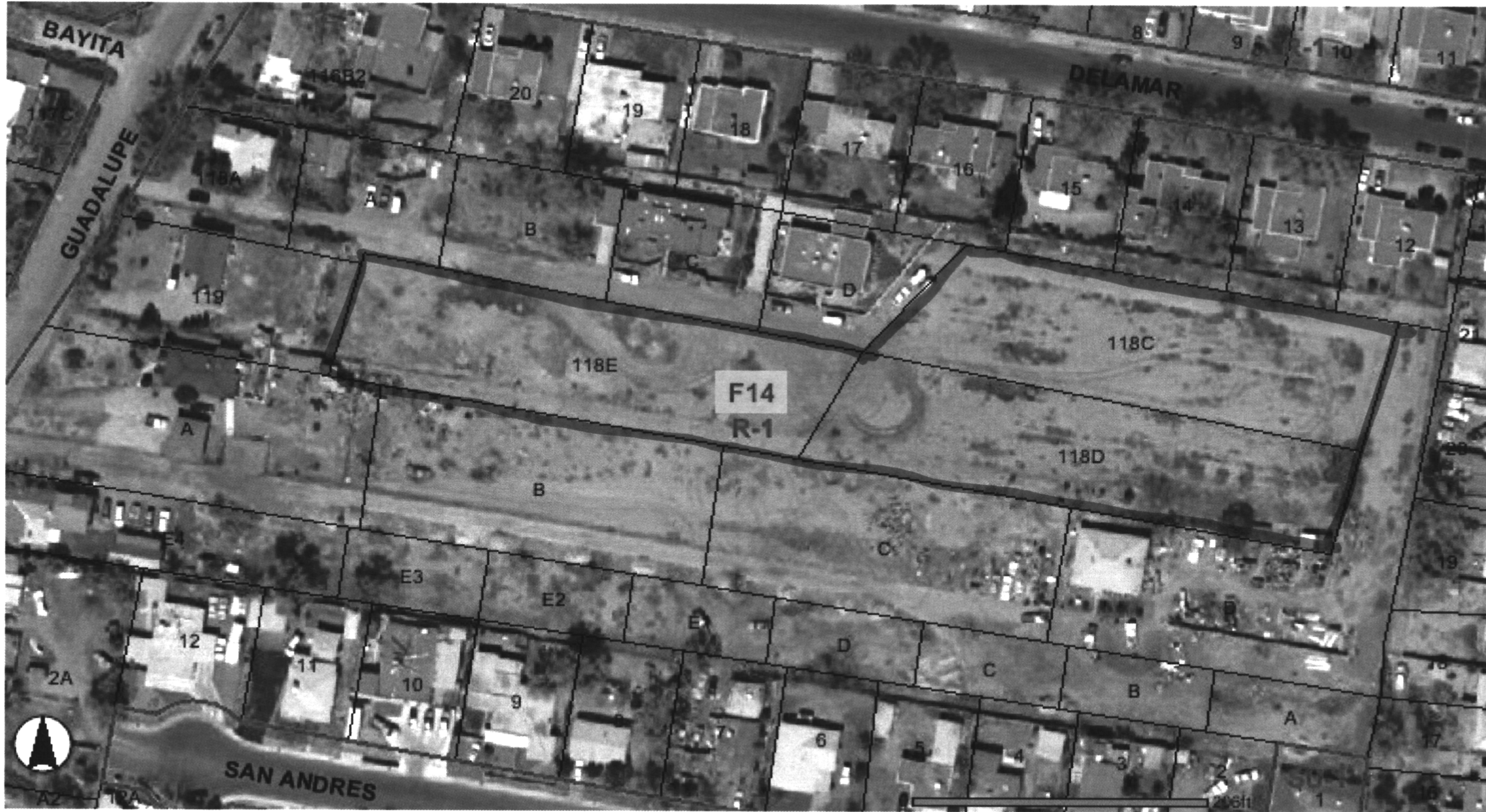


IMPACT FEES – # 1004906

**Development Review Board 5/31/06 Agenda Item #24
Sketch Plat: Tracts 118C, 118D, & 118E, Lands of Daniel H.
Lopez and Linda Vigil Lopez**

Construction of a new single family residence within the proposed subdivision will require payment of Impact Fees. Based on a house size of approximately 2,000 square feet, it is estimated that impact fees will total approximately \$2,554 if a permit is obtained prior to December 29, 2006 and \$3,812 thereafter.

**JACK CLOUD
IMPACT FEE ADMINISTRATOR**



POLICY

Zoning Regulations Applicable To a Premises Abutting an Access Easement

A premises which has access only by an easement shall conform to all provisions of the zone in which it is located and as found in the Comprehensive City Zoning Code, ROA 1994.

An access easement is characterized as a street, a thoroughfare primarily devoted to vehicular use.

For the purpose of establishing the front yard of the premises adjacent to an access easement, the premise face abutting the access easement will normally be considered the front. Premises having access by multiple easements shall determine the front by concurring with the front access easement in use by existing adjacent properties.

Certain premises require extraordinary consideration and application of standards in order to build for allowed use, due to the unusual or atypical relative configuration of lot subdivision. Where subdivision has created lots with a lot width greater than lot depth, and application of standard front and rear setback regulations will then result in a building footprint less than typical of that allowed by a conventional lot configuration for the zone category, the Zoning Enforcement Officer may declare an appropriate side lot line to be the front, and the access easement to be the street side. Such declaration will be recorded by the owner as a property restriction with the office of Bernalillo County Clerk prior to issuance of building permit, with a copy of the approved site plan and any attached documentation from the Zoning Enforcement Officer.

This policy offers an administrative remedy other than public hearing for assuring that properties are developable by allowing the Zoning Enforcement Officer to recognize the extraordinary lot configuration and to provide immediate relief through the construction plan submittal process. The policy is consistent with Section 14-16-3-4(D), Nonconforming Lot Size, and with stated City of Albuquerque policies encouraging infill.

This policy expands and modifies the declaratory ruling dated July 23, 1979.

See also the policy "Zoning Regulations Applicable To Setback at Street".

Robert E. Romero
Zoning Enforcement Manager
March 23, 2000

Ellen Concini
Zoning Enforcement Manager
September 22, 2003

POLICY

Zoning Regulations Applicable To Setback at Street

“Setback” means “the shortest distance between a structure and a lot line or future street line”, (Section 14-16-1-5(B), Definitions).

The phrase “future street line” clarifies that the setback at a public street is measured from the right-of-way line that is the corresponding lot line, anticipating improvements including widening within the public property.

For properties abutting private streets, setback is measured from lot line, except that a structure shall not be permitted within the private street right-of-way. Where a site development plan assesses a setback requirement, that standard shall apply.

Refer to the following definitions, Section 14-16-5-1(B): “Lot”; “Lot, Corner”; “Lot Line, Front”; “Setback”; “Street”; and “Street Frontage”.

See also the policy “Zoning Regulations Applicable To a Premises Abutting an Access Easement”.

Ellen Concini
Zoning Enforcement Manager
September 22, 2003



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 3, 2011

Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS
11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, & 118-E, **MRGCD MAP 32** zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)

At the August 3, 2011 Development Review Board meeting, the subdivision design
variance was approved as shown on the Exhibit in the planning file, based on the
following findings:

FINDINGS:

- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community, and in fact would improve emergency access for this subdivision with a wider and improved surface, and the minimal 25 foot length of asphalt paving is not considered a significant impact or injurious to adjacent property; and
- (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance, and in fact is consistent with the zoning ordinance and the North Valley Area Plan which encourages the proposed development, and is also similar to an existing street, Bayita Lane NW, on the opposite site of Guadalupe Trail NW from the subject subdivision; and
- (3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain, but will aid in management of storm water drainage; and
- (4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements because this involves a private street; and
- (5) Varying from the normal requirements will encourage flexibility and economy in subdivision design, allowing a gravel road surface in conjunction with ponding street flow runoff in front yards.

With an approved grading and drainage plan engineer stamp dated 7/22/11 and with the signing of the infrastructure list dated 8/03/11, the preliminary plat was approved; t he

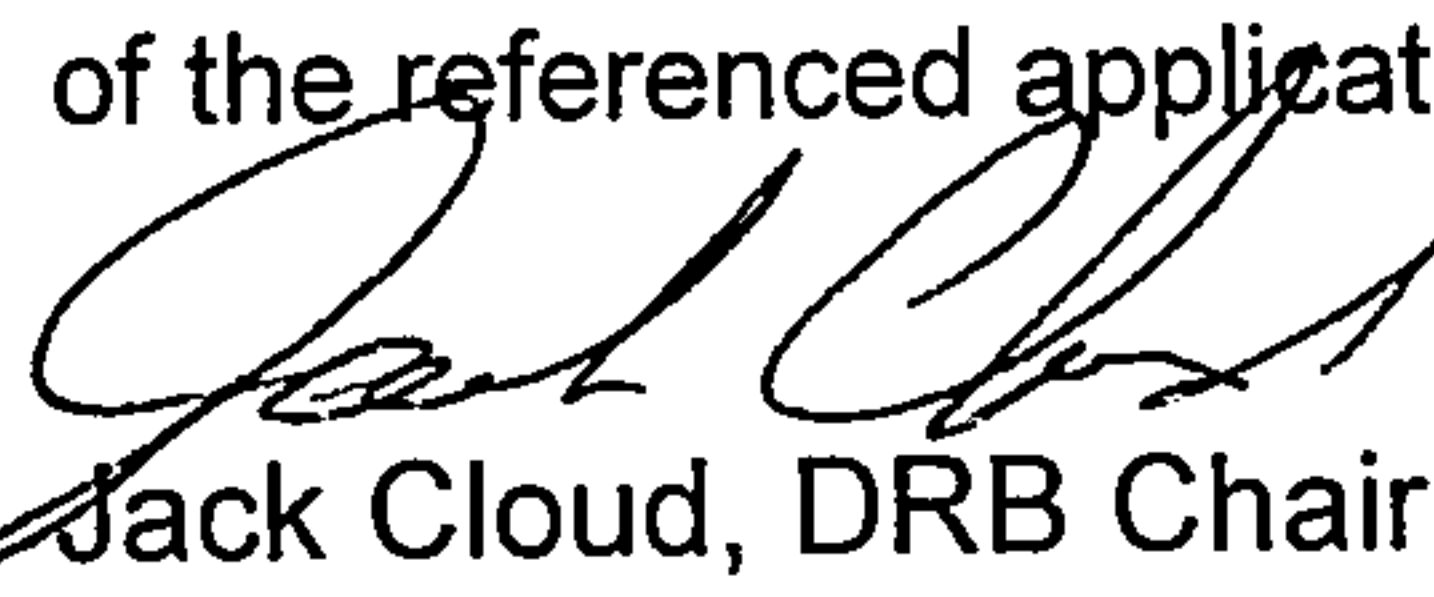
final plat was indefinitely deferred pending expiration of the appeal period and the acceptance or financial guarantee of the Infrastructure List.

If you wish to appeal this decision, you must do so by August 18, 2011, 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, DRB Chair

Cc: Thompson Engineering Consultants – P.O. Box 65760 – Albuquerque, NM 87193
Cc: Thomas Slates – 5108 Guadalupe Trail NW – Albuquerque, NM 87107
Cc: Cartesian Surveys Inc. – P.O. Box 44414 – Albuquerque, NM 87174
Cc: Jennifer Ramo – 5105 Guadalupe Tr. NW, Albuquerque, NM 87107
Cc: Emily Maclead – 5110 Guadalupe Tr. NW, Albuquerque, NM 87107
Cc: Dennis Plummer – 5112 Guadalupe Tr. NW, Albuquerque, NM 87107

Marilyn Maldonado
File



CITY OF ALBUQUERQUE

City Council

P.O. Box 1293
Albuquerque, NM 87103
Tel: (505) 768-3100
Fax: (505) 768-3227
www.cabq.gov/council

President Don Harris
District 9

Vice President Rey Garduño
District 6

Ken Sanchez
District 1

Debbie O'Malley
District 2

Isaac Benton
District 3

Brad Winter
District 4

Dan Lewis
District 5

Michael D. Cook
District 7

Trudy E. Jones
District 8

Laura Mason
Council Director

October 6, 2011

To all interested parties:

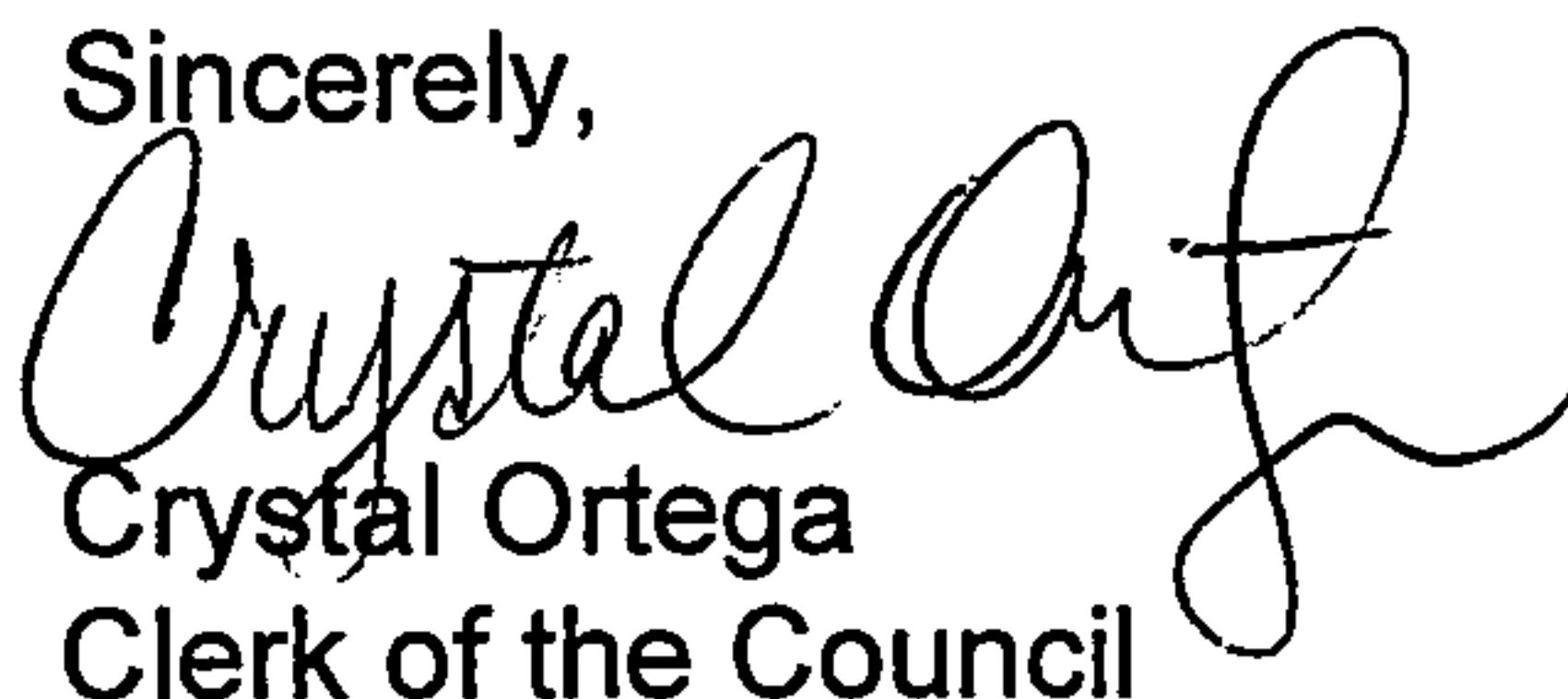
The following appeal is on the agenda of the **Monday, October 17, 2011** City Council meeting, which will begin at 5:00 p.m. in the Vincent E. Griego Chambers, Basement Level, 1 Civic Plaza NW:

AC-11-3 Project #1004906 - 11DRB-70154 Subdivision Design Variance from Min DPM Standards - 11DRB-70168 - Minor - Preliminary/Final Plat Approval - Emily MacLeod, Appeals the Development Review Board's Approval for all or a portion of Tract(s) 118-C, 118-D, & 118-E, MRGCD MAP 32 zoned R-1, located on the east side of Guadalupe Trail NW between Griegos Rd NW and Montano Rd NW containing approximately 2.06 acres

The City Council will be voting to either "Accept" or "Reject" the Land Use Hearing Officer's recommended Decision, therefore, public testimony is generally not taken at this time. Should the City Council reject the Land Use Hearing Officer's recommended Decision, the appeal will then be scheduled for a full hearing before the City Council at a date no earlier than the next regular meeting of the full Council.

If you have any questions, I can be reached at 768-3100.

Sincerely,


Crystal Ortega
Clerk of the Council

Attachments:

Land Use Hearing Officer's Recommendation
Excerpt from the Council's Rules of Procedure

LAND USE HEARING OFFICER'S RECOMMENDATION

City of Albuquerque

APPEAL NO. AC-11-03

Project No. 1004906

11DRB-70154

11DRB-70168

EMILY MACLEOD, Appellant,

TOM SLATES, Party Opponent.

1 **I. PROCEDURAL BACKGROUND**

2 This is an appeal of a decision of the City of Albuquerque Development Review Board
3 (DRB) approving a minor subdivision and design variances for road width, paving, and sidewalks
4 on the single roadway providing access into the subdivision. I find that decision is well supported
5 by a preponderance of the evidence in the record. For the reasons explained in detail below, I
6 recommend that the City Council deny this appeal.

7 On June 3, 2011, Tom Slates, the developer and applicant submitted an application to the
8 DRB for their review of his proposed subdivision. The DRB held three public hearings regarding
9 Mr. Slates' proposed subdivision. At the first public hearing on June 29, 2011, the DRB heard
10 testimony from area residents. The DRB voted to defer its decision on the proposed subdivision
11 until the developer submitted additional detail regarding infrastructure and water/sewer availability.
12 At its next public hearing on July 27, 2011, the DRB took up Mr. Slates' subdivision proposal. The
13 DRB heard additional testimony from area residents, from the developer, and from his project
14 engineer. At the DRB public hearing, the Appellant submitted a petition signed by over 40 residents
15 opposing the development. The petition was included in the record of this appeal. After some

1 discussion from DRB members regarding the three part variance request, the DRB asked the
2 developer to amend the infrastructure list. The DRB then deferred a decision on the application
3 until the August 3, 2011 hearing. At the third and final public hearing the DRB again opened the
4 floor to additional testimony from area residents and from the developer. After discussion regarding
5 the variances, the DRB approved the subdivision and the design variances.

6 On August 16, 2011, Emily MacLeod filed her timely appeal to the City Council. The City
7 Council referred the appeal to this Land Use Hearing Officer for a recommendation. A Land Use
8 Appeal Hearing was held on September 26, 2011. At the appeal hearing, parties were sworn in and
9 testimony was heard, and I accepted and included in the record additional evidence which clarifies
10 the record.

11

12 **II. STANDARD OF REVIEW**

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

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

17 The decision and record must be supported by a preponderance of the evidence to be upheld.

18 The Land Use Hearing Officer may not substitute his judgment for that of the DRB. The Land Use
19 Hearing Officer's opinion is advisory to the City Council. The Land Use Hearing Officer may
20 recommend that the City Council "grant, in whole or in part, an appeal, deny, in whole or in part, an
21 appeal, or remand an appeal for reconsideration if the remand is necessary to clarify or supplement

1 the record, or if the remand would expeditiously dispose of the matter.”¹

2
3 **IV. DISCUSSION**

4 Appellant makes a two prong attack on the proposed subdivision. First she takes a general
5 position that the number of homes in the subdivision will have a harmful effect on the neighborhood.
6 In addition, she claims that the variances approved by the DRB lack supporting evidence that they
7 will not be “injurious” to the neighborhood. The Appellant’s general appeal claims regarding density
8 are taken up first and then I will discuss at length Appellants more specific claims concerning the
9 variances.

10 **A. *Density of Subdivision***

11 The Appellant generally contends that the density of the proposed subdivision is too high for
12 the area— that there are too many homes for the size of the subdivision. Without pointing to any rule,
13 regulation, or ordinance, Appellant vaguely argues that the density is injurious to the historic district
14 which abuts the subdivision’s road entrance. I find that the proposed subdivision satisfies the zoning
15 requirements for density. Its density is permitted by the R-1 zoning at this location. Despite its
16 proximity to the Los Griegos Historic District, the seven new lots at this site are allowed under the
17 Zoning Ordinance and under the Subdivision Regulation.

18 The proposed subdivision contains approximately 2.06 acres of land. It is located on the East
19 side of Guadalupe Trail Road, between Griegos Road and Montano Road, N.W. The proposed
20 subdivision is zoned R-1 under the standards of the City’s Zoning Code, §14-16-2-6. In an R-1 zone,

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

1 minimum lot sizes in the subdivision must be 6,000 square feet. See §14-16-2-6(D)(1). There is no
2 dispute from any party that each of the proposed seven new lots within the subdivision do not satisfy
3 the minimum lot size of 6,000 square feet required—they do.

4 Because there are only seven proposed lots, the subdivision qualifies as a “minor
5 subdivision.” The City of Albuquerque Subdivision Regulation distinguishes two types of
6 subdivision of land, providing a different review process for each. In this matter, the DRB correctly
7 concluded that Mr. Slates proposal was a “minor subdivision.” A minor subdivision is defined as:

8 “[a]ny subdivision:

9 (1) Within the city or the city's extraterritorial jurisdiction:

10 (a) **Creating not more than ten lots** on any single lot which existed three
11 years previously; and

12 (b) Not requiring installation of any significant infrastructure; and

13 (c) Not containing any lots which do not front on a street; but

14 (d) Including plats which only combine lots and terminate easements created
15 by plat where it is clear that all benefited and burdened parties agree to the
16 easement termination; and

17 (2) Within the city's extraterritorial jurisdiction and qualifying as a "land
18 division" as defined by the Bernalillo County Subdivision Ordinance; and

19 (3) Not adversely affecting the remainder of the parcel or adjoining property.”
20 (Emphasis added).

21
22 City of Albuquerque Subdivision Regulation, §14-14-1-6.

23 Accordingly, the densities proposed in the subdivision are permissive and do not conflict
24 with the Subdivision Regulations or with the Zoning Code. Moreover, the proposed subdivision
25 satisfies the City’s in-fill policy. I find nothing irregular in how the DRB handled this application
26 with respect to the actual subdivision and replatting for lots that satisfy the City’s requirements.

27 ***B. Variances***

28 The DRB approved variances regarding the single existing roadway that is to be utilized for
29 access in and out of the subdivision. The roadway currently exists as a dirt road. Apparently, without

1 improvements the roadway is 17.5 feet wide from Gaudalupe Trail Rd. extending 103 feet East and
2 the remaining 410 feet East is 22 feet wide. The road currently serves five existing dwellings and
3 it will serve a total of twelve at full capacity. The record reflects that the road is a private easement
4 and it will remain a private easement when construction is completed.

5 The DRB granted a variance to the developer from having to pave the entire length of the
6 road. In doing so, the DRB approved improvements to the road with road type gravel on all but the
7 first 25 feet of the road from Guadalupe Trail Road.² The DRB also granted a variance to the
8 developer waiving traditional curb, gutter, and sidewalks. Finally, the DRB granted a variance for
9 the width of the roadway from 46 feet (which is required of new roads) to 24 feet.³

10 Pursuant to §14-14-6-3 of the City's Subdivision Regulations, the DRB has the express
11 authority to approve a variance, (or a number of them) to a minor subdivision if:

- 12 (1) The variance *will not be injurious to the public safety, health or welfare,*
13 *or to adjacent property, the neighborhood* or the community; and
14 (2) The variance will not conflict significantly with the goals and provisions
15 of any city, county, or AMAFCA adopted plan or policy, the applicable
16 zoning ordinance, or any other city code or ordinance; and
17 (3) The variance will not permit, encourage or make possible undesired
18 development in the 100-year Floodplain; and
19 (4) The variance will not hinder future planning, public right-of-way
20 acquisition, or the financing or building of public infrastructure
21 improvements; and
22 (5) One or more bases listed in §14-14-6-1 applies. (Emphasis added).

23
24 The Appellant appeals the variance which has the effect of widening the road to 24 feet and

² Note that the developer requested a variance for the paving of the first 25 feet of the road from Guadalupe Trail Rd. The developer requested the he be allowed to use a three inch base rather than the required six inch base paving. The DRB denied that request and required a six inch base.

³ Notably, the developer will have to actually widen the existing roadway to satisfy the width variance approved by the DRB.

1 the variance which requires that the developer pave only the first 25 feet of the roadway from
2 Guadalupe Trail Rd.⁴ She believes that widening and paving the front 25 feet will “significantly
3 impact the historic road.”⁵ Appellant also believes that paving the entry to the subdivision is
4 inconsistent with the “historic values” of the neighborhood. Finally, Appellant claims that “no
5 evidence was presented to prove lack of injury to the neighborhood or community.”⁶ The Appellant
6 did not raise complaints about the variance waiving sidewalks, curb, and gutter. Appellant
7 essentially wants the road to remain unimproved. It is clear from the record that approximately 150
8 feet of the subdivision road borders the Los Griegos Historic District. In addition, the record also
9 demonstrates that Appellant’s home is in the historic district as well.

10 The record reflects that the DRB gave much time and discussion to the road and to the
11 variances. In fact, the two deferrals in the record were the result of the developer providing to the
12 DRB insufficient information regarding the variances and their impacts on the area. At the third
13 public hearing the DRB made several findings relating to the variances. In its August 3, 2011 written
14 decision, the DRB summarized its findings.⁷

15 In support of its findings the DRB debated whether or not the subdivision road should be
16 paved, with sidewalks. In debating this issue, the record demonstrates that the DRB weighed the
17 effects of paving the entire roadway verses a graveled roadway. All DRB members agreed that the

⁴ Appellant’s home is situated at the North-Eastern corner of Guadalupe Rd. and the subdivision road and it abuts the subdivision road on her Southern boundary.

⁵ See page 35 of the record.

⁶ See page 3 of the record.

⁷ See Page 8 of the Record.

1 roadway should have a gravel surface, except for the entry way which should be paved.⁸ It was
2 determined that the “overall drainage needs for this area” necessitated a non-impervious roadway
3 and pedestrian walkway rather than paving and sidewalks.⁹ The DRB unanimously agreed that the
4 subdivision and surrounding areas encompasses existing problems with storm-water drainage issues
5 of which adding impervious street paving and sidewalks would compound the existing flooding and
6 drainage problems. I find that the approved variances are rationally related to the flooding and
7 drainage problems. The Appellant did not rebut any of the DRB findings regarding the flooding
8 problems.

9 The DRB also compared the improvements encompassed in the variances with similar
10 roadways in the area and determined that the minor improvements to the road (25 ft. of paving,
11 widening 7.5 ft. and a gravel surface) would not be injurious to the character of the neighborhood
12 because other similar roadways existed nearby. I find nothing irrational, arbitrary or capricious about
13 the compromises approved by the DRB. Nor do I find that the DRB misused its discretion to
14 conduct a comparative analysis in the manner it did. There is a mix of road types in the immediate
15 vicinity of the proposed subdivision.¹⁰

16 The DRB also found that widening the existing roadway from 17.5 ft. and 22 ft. to 24 ft.

⁸ The DRB required paving the 25 feet entry because paving would mitigate the impact of gravel intruding on Guadalupe Trail Rd. See Page 38 of the record.

⁹ See Page 17 of the record. Discussion of Transportation Development Engineer, Kristal Metro. See also Page 30 of the record where DRB engineer, Kristal Metro said: “Hydrology does prefer the road and parking areas to be gravel due to the ponding of street flows...”

¹⁰ The DRB found that Rosalee Rd., Pablito Ln., and Bayita Ln. are similar in character to the subdivision road in that they are either dirt or gravel. It also found that these roads, as well as a portion of Guadalupe Trail Rd. does not have curb and gutter.

1 consistently down the entire length of the roadway will improve emergency access and access in
2 general to the additional seven new households.¹¹ The DRB also took into its consideration, the
3 North Valley Area Plan, a City rank two plan in effect regarding the subject area. The DRB
4 concluded that the variances do not significantly conflict with the policies of the Plan—which is the
5 second prong of the variance analysis of §14-14-6-3.¹² The North Valley Area Plan is included in
6 the record and I can find no conflicts in the Plan with the components of the subdivision or with the
7 variances approved by the DRB.

8 Although, Appellant claims in her appeal that widening the road would have a harmful effect
9 on her and on the alleged “historic road,” she failed to articulate what that harmful effect is other
10 than increased traffic on the subject roadway. However, increased traffic is a secondary effect of the
11 development in the subdivision and has nothing to do with the variances. Presumably, traffic would
12 be at the same level regardless of any improvements to the road. And, as stated above, the
13 subdivision proposal satisfied the City’s Subdivision Regulations regarding lots sizes, density, and
14 number of new lots.

15 Appellant’s claim that the subject private roadway is a historic road and deserves protection
16 from any changes is unsupported by the record. There is no evidence that the existing 17.5 roadway
17 that abuts Appellants home has any historic value. Appellant has not pointed to any policy, rule,
18 regulation, ordinance, or historic overlay protection that requires any level of preservation of the
19 subject private roadway from improvements. Moreover, in the record is the “*National Register of*
20 *Historic Places Inventory–Nomination Form, Historic Resources of Albuquerque’s North Valley*”

¹¹ See Finding Number 1, Official Notice of Decision, page 8 of the record.

¹² Id at Finding No. 2.

1 in which identifies only certain residences with historic significance. Roadways are not identified
2 or included in the inventory. There being no evidence that the road should not, or cannot be
3 improved, the DRB was free to use its reasonable discretion. I find that the road improvements
4 approved by the DRB were minimally necessary to handle the light but increased traffic generated
5 from an additional seven households the road will service with the permitted subdivision.¹³

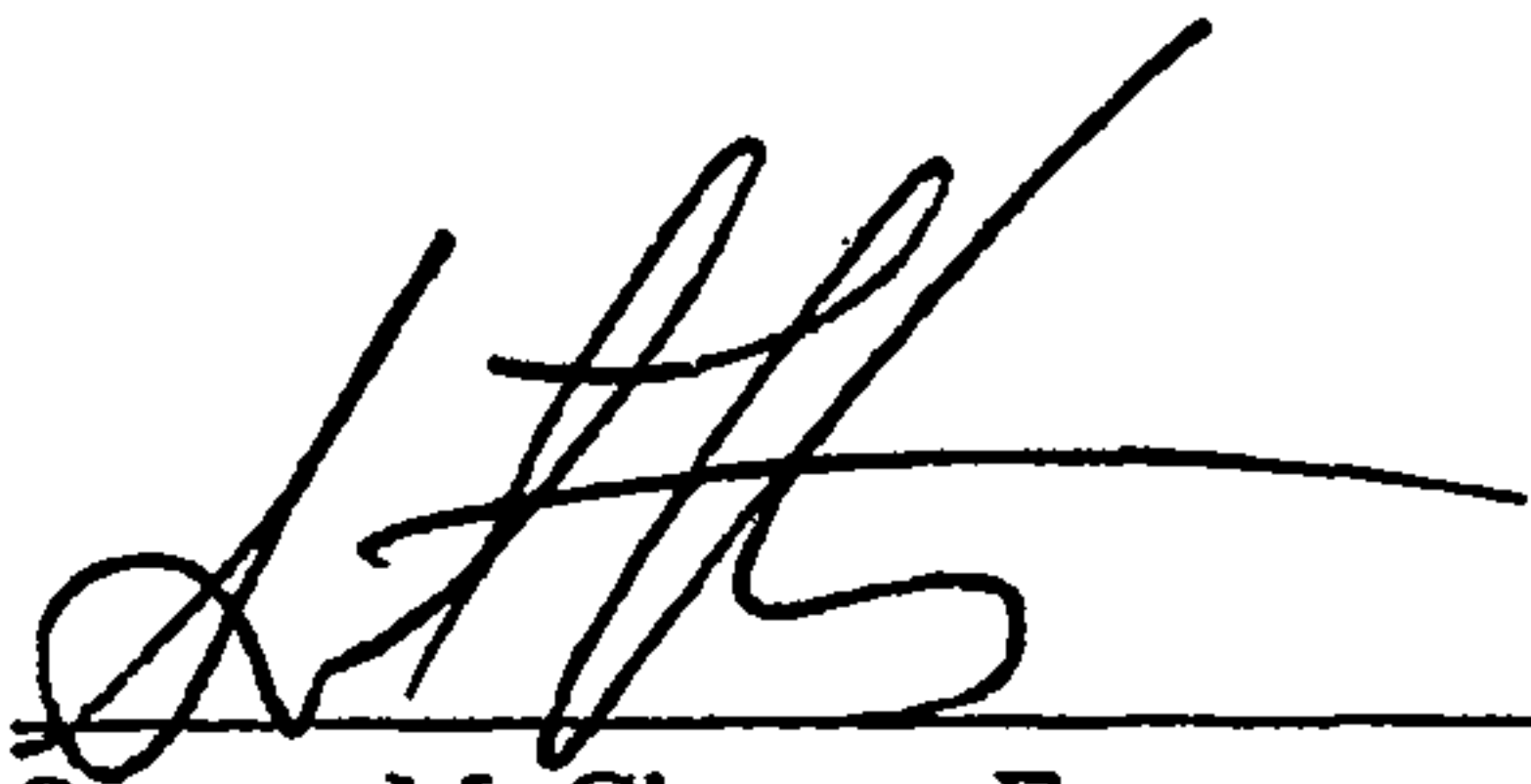
6 I also find that there is no evidence in the record that the DRB “dismissed” the “historic
7 values of the area.” Indeed, each of the approved variances are rational compromises to preserving
8 the rural character of the neighborhood while addressing the harmful effects of flooding and a
9 increase of traffic. The preponderance of the evidence in the record supports a finding that the DRB
10 acted with great caution, taking into account the opposition and the area character. As indicated
11 above, the DRB held three public hearings on this application and I find there was considerable
12 discourse on these issues specifically with regard to the variances. And, although Appellant asked
13 that I recommend this matter be remanded to the DRB, I can find no good basis to do so. The record
14 demonstrates that the DRB allowed ample time in each of the three hearings for testimony and
15 contemplation of the issues.

16 Moreover, I can find no evidence in the record that the DRB “dismissed” the petitions as the
17 Appellant claims. I find that this claim is speculative at best. I do note for the record that the
18 petitions in the record only demonstrate a vague opposition to the improvements. They include no
19 reasons for the opposition. A quasi-judicial body has authority to weigh the significance of
20 opposition (petitions) depending on the facts and circumstances. If the DRB gave the petitions little
21 weight (of which there is no evidence) it may be because of the vague language in them. I find

¹³ Note that a traffic study is not generally required with a minor subdivision.

1 nothing irrational about how the DRB handled the petitions. Land use decisions should never be
2 solely made on referendum. Quasi-judicial public hearing are not a contest based on what side has
3 the most proponents or opponents. Zoning and subdivision decisions must be based primarily on
4 the laws and official policies on record taking into consideration the good judgment of the experts
5 and those whom are effected. That is why the City of Albuquerque has a comprehensive zoning
6 ordinance and comprehensive subdivision regulations. The record clearly demonstrates the DRB
7 applied the applicable laws and policies rationally and accurately.

8 In conclusion, I find that the DRB acted in accordance with the laws of the City of
9 Albuquerque in approving the subdivision and in approving the variances. The Appellant has not
10 met her burden, in that she has not proven by a preponderance of the evidence in the record that the
11 DRB erred, acted arbitrary, or abused its discretion in approving the subdivision and accompanying
12 variances. Therefore, I respectfully recommend that the City Council deny the Appellant's appeal
13 in full.

14
15 
16 _____
17 Steven M. Chavez, Esq.
18 Land Use Hearing Officer
19

10-5-2011
Date

**Excerpt from the City Council's Rules of Procedure (8/2011)
Regarding the Hearing of the Land Use Hearing Officer's
Recommended Decision by the City Council***

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.

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.

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.

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.

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.

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.

*For the complete set of rules that apply to land use appeals, see the City Council Rules of Procedure, which can be viewed on the Council's website at <http://www.cabq.gov/council>

conditions existed at the time of the adoption of the regulation or were created by natural forces or governmental action for which no compensation was paid; ~~and~~

~~(b) As a result of the exceptional aspect of the property, the regulations produce unnecessary hardship; an unnecessary hardship is one that either:~~

1. Creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of his property; or

2. Deprives the owner of a reasonable return on the property under any use permitted by its existing zone.

(c) A particular variance is appropriate to prevent the unnecessary hardship. The decision on whether to grant a particular variance depends upon a comparison of the special circumstances shown by the applicant (i.e., as per divisions (a) and (b) above) and the public interest. To be justified, a variance must permit only development which meets the following criteria:

1. It differs from development which would be permitted under existing regular zoning regulations no more than is necessary to overcome the unnecessary hardship;

2. The variance will not significantly interfere with the enjoyment of other land in the vicinity; and

3. It is consistent with the spirit of this Zoning Code, substantial justice, and the general public interest.

~~(d) Financial gain or loss shall not be the sole determining factor in deciding a variance.~~

(3) The expansion of a nonconforming use, including the expansion of a building to accommodate such expanded nonconforming use, shall be approved if and only if, in the circumstances of the particular case and under conditions imposed:

(a) The expanded use will not significantly interfere with the enjoyment of other land in the vicinity;

(b) The expanded use will not be significantly damaged by surrounding structures or activities;

(c) The expanded use is consistent with the spirit of this Zoning Code, substantial justice, and the general public interest;

(d) The owner will experience unnecessary hardship and in addition will be denied a continued reasonable use of the property if the expansion is not approved;

(e) The expansion does not exceed 25% of the floor or ground area in nonconforming uses on the site at the time it became nonconforming; and

(f) The owner covenants that the use of the entire premises will be ceased or made conforming at the time specified by this Zoning Code for termination of the original nonconforming use on the premises.

(D) *Voiding of Special Exceptions.*

(1) An approved special exception shall be void one year after the date approval vested if the rights and privileges granted thereby have not been utilized.

(2) An approved special exception shall be void if it is utilized in a way materially in violation of the terms of approval for a continuous period of one year or more. Such voidance is in addition to and not instead of other remedies available to the city at any time for violation of this Zoning Code.

(3) An approved conditional use shall be void if, after the use has begun, it ceases on the approved site for a continuous period of one year or more.

(E) A person who acquires a property interest in a site which was previously granted a special exception has the responsibility to learn the terms of such approval. The existence of an activity or structure which is not in compliance with regular zoning provisions constitutes constructive notice that there may be a special exception, the terms of which must be met. ('74 Code, § 7-14-42) (Ord. 80-1975; Am. Ord. 78-1980; Am. Ord. 49-1987; Am. Ord. 58-1987; Am. Ord. 45-1990; Am. Ord. 13-1991; Am. Ord. 8-1995; Am. Ord. 32-1995; Am. Ord. 23-2001; Am. Ord. 30-2002)

(7) A party shall be afforded an opportunity to present evidence and argument and to question witnesses on all relevant issues, but the Zoning Hearing Examiner may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony and questioning. The Zoning Hearing Examiner may call witnesses and introduce papers on his own volition during the public hearing. All testimony at the hearing shall be under oath or affirmation. Nothing in this Zoning Code shall prohibit interested members of the public from testifying at hearings.

(8) The Planning Director shall make a full record of the hearing by sound recording; any person shall have the opportunity to listen to, copy, or transcribe the recording at any reasonable time at the office of the Planning Director. Summary minutes shall be kept of all Zoning Hearing Examiner's hearings, and they shall be kept available for public inspection.

(9) Prior to making a decision, the Zoning Hearing Examiner shall neither:

(a) Communicate, directly or indirectly, with any party or his representatives in connection with the merits of any issue involved, except upon notice and opportunity for all parties to participate;

(b) Use nor rely upon any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless made a part of the record; nor

(c) Inspect the site with any party or his representative unless all parties are given opportunity to be present.

(10) An advertised hearing may be continued to a time and place announced at the hearing without readvertising or reposting of signs.

(11) The Zoning Hearing Examiner shall act on an application within 15 days of the conclusion of the hearing. He shall prepare a written decision, which includes the key findings of fact. This report shall be made part of the record. Each material finding shall be supported by substantial evidence or, if it is noted on the record, by the personal knowledge of or inspection of the Zoning Hearing Examiner.

(12) The Zoning Hearing Examiner may, when approving a special exception, impose conditions

necessary to meet the stated criteria for granting special exceptions.

(13) Notification. When any special exception is approved, approved with conditions, or denied, as provided in this section, written notification of the action listing any conditions imposed shall be sent within one day of the action to every party and to any other person who has entered an appearance and also requested a copy of the decision; however, when the decision is made in the public hearing, notice shall be mailed only to the applicant and other persons who have entered an appearance and who have requested to be so informed.

(C) *Criteria for Decision.* The city shall approve a special exception if the evidence presented to the record shows that the following criteria are met. Although others may submit evidence, it is the burden of the applicant to ensure that there is such evidence in the record.

~~[(1) A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed:]~~

~~[(a) Will not be injurious to the adjacent property, the neighborhood, or the community;]~~

~~[(b) Will not be significantly damaged by surrounding structures or activities.]~~

~~[(2) Variance. A variance shall be approved if and only if the following tests are met:]~~

~~[(a) The property is exceptional:]~~

~~[(1) The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the physical characteristics of the land, which physical characteristics existed at the time of the adoption of the regulation or were created by natural forces or by governmental action for which no compensation was paid.~~

~~[(2) The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the conditions or use of the parcel or other land in the vicinity which condition or use existed at the time of adoption of the regulations; or~~

~~[(3) The parcel is irregular, unusually narrow or shallow in shape, and the~~

PART 6: VARIANCES FROM MINIMUM STANDARDS § 14-14-6-2 CONDITIONS.**§ 14-14-6-1 GENERAL.**

(A) The Development Review Board may vary the provisions of Part 3 of this article, Minimum Standards for the Design of Subdivisions and the *Development Process Manual* in cases:

(1) Where varying from the normal requirements will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning;

(2) Where extraordinary hardship or practical difficulty may result from strict compliance with the minimum standards;

(3) Where the county standards of public infrastructure improvements and/or standards for franchised and private water and sanitary sewer systems are deemed appropriate by the Development Review Board and geographical locations are not in the city and are unlikely to be added to such urban systems; or

(4) Involving bulk land subdivisions where use of the land for building purposes is not expected by the Development Review Board prior to further subdivision or zoning site development plan approval. Provisions of Part 5 of this article may also be waived under these circumstances.

(B) In the case of subdivisions governed by an approved site development plan, the Development Review Board normally should grant a variance to assure conformance with that approved development plan.

(C) In accordance with an SU-2 Sector Development Plan adopted pursuant to Section 14-16-2-23(C)(4) of the Zoning Code, the Development Review Board may vary the minimum standards for the design of subdivisions as specified in Part 4 of this article and in the *Development Process Manual*. This division (C) shall terminate and be repealed effective January 1, 1993; variances granted under the terms of this division shall remain in force for the duration provided in the specific variance.
(74 Code, § 7-16-7A)

(A) In approving variances, the Development Review Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this article.

(B) Any waiver of provisions of Part 5 of this article shall require notice of waiver as approved by the Development Review Board to be placed on the final subdivision plat and on a separately recorded document.

(C) Where a variance is based upon a bulk land transfer, significant development shall require subsequent additional public agency review for further subdivision or for zoning site development plan approval; such review and approval must be more comprehensive than issuance of a building permit.
(74 Code, § 7-16-7B)

§ 14-14-6-3 FINDINGS.

(A) If the variance is requested pursuant to § 14-14-6-1(A) and (B), the Development Review Board shall not approve variances unless it shall make findings, based upon the evidence presented to it at a public meeting, that:

(1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community; and

(2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance; and

(3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain; and

(4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements; and

(5) One or more bases listed in § 14-14-6-1 applies.

(B) If the variance is requested pursuant to § 14-14-6-1(C), the Development Review Board shall

**Plat of
Lots 1-P2 thru 7-P2
Lands of Simpatico
Comprising of
Tracts 118-C, 118-D and 118-E
MRGCD Map Number 32
City of Albuquerque
Bernalillo County, New Mexico
June 2011**

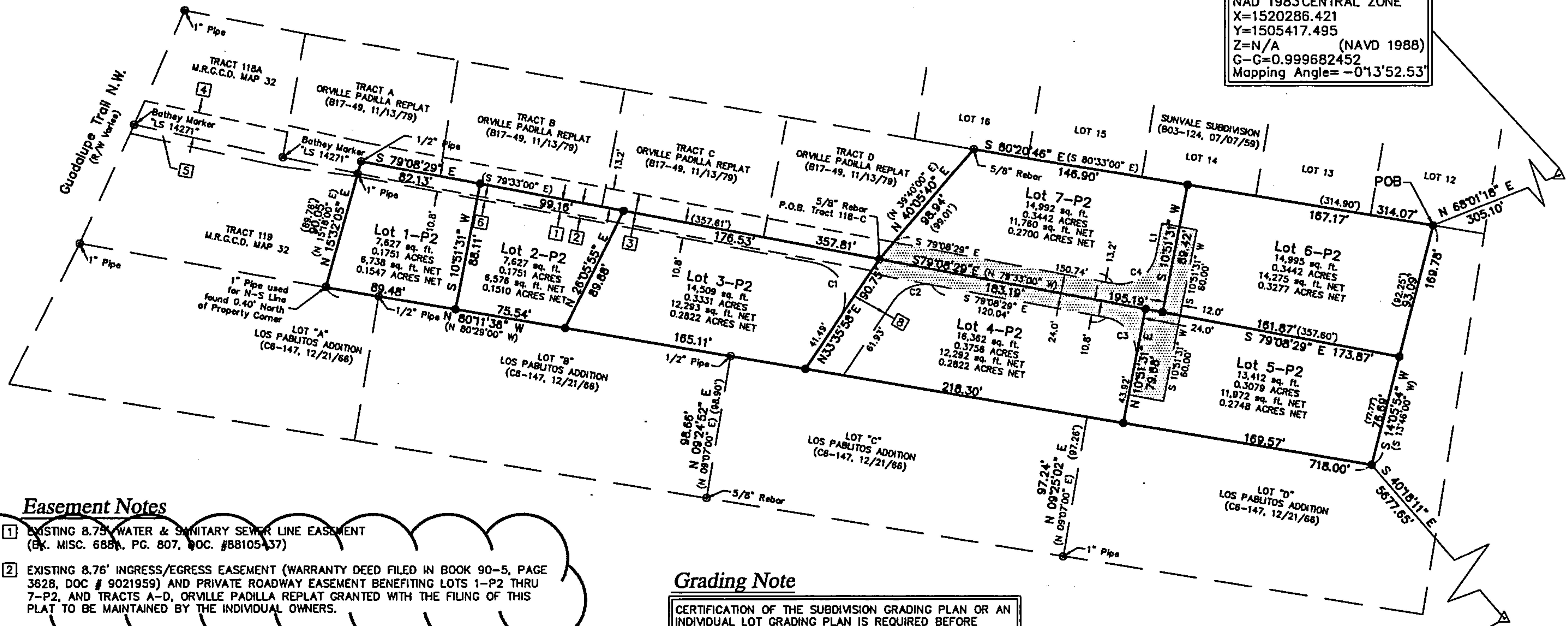
Legend

N 90°00'00" E	MEASURED BEARING AND DISTANCES
●	FOUND MONUMENT AS INDICATED
○	SET BATHEY MARKER WITH CAP "LS 14271"
▨	SEE EASEMENT NOTE 7.

LINE TABLE		
LINE	LENGTH	BEARING
L1	21.76'	S10°51'31"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	49.19'	25.00'	112°44'27"	41.63'	N 22°46'16" W
C2	29.35'	25.00'	67°15'33"	27.69'	S 67°13'44" W
C3	39.27'	25.00'	90°00'00"	35.36'	N 34°08'29" W
C4	39.27'	25.00'	90°00'00"	35.36'	N 55°51'31" E

ACS Monument "DOUGLAS"
NAD 1983 CENTRAL ZONE
X=1520286.421
Y=1505417.495
Z=N/A (NAVD 1988)
G-G=0.999682452
Mapping Angle=-0°13'52.53"



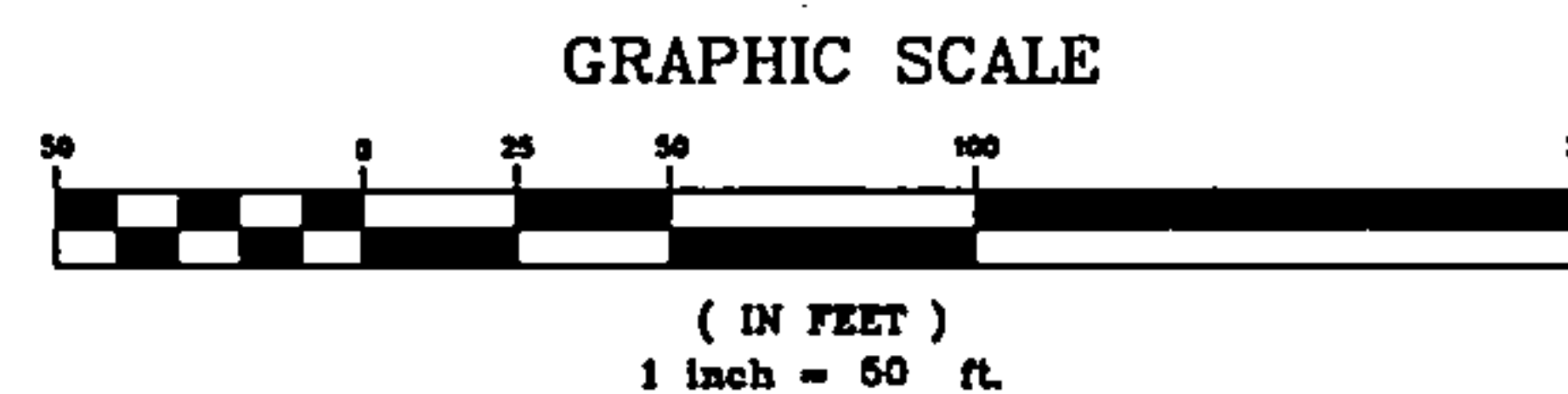
Easement Notes

- 1 EXISTING 8.75' WATER & SANITARY SEWER LINE EASEMENT (B.K. MISC. 688A, PG. 807, DOC. #88105437)
- 2 EXISTING 8.76' INGRESS/EGRESS EASEMENT (WARRANTY DEED FILED IN BOOK 90-5, PAGE 3628, DOC # 9021959) AND PRIVATE ROADWAY EASEMENT BENEFITING LOTS 1-P2 THRU 7-P2, AND TRACTS A-D, ORVILLE PADILLA REPLAT GRANTED WITH THE FILING OF THIS PLAT TO BE MAINTAINED BY THE INDIVIDUAL OWNERS.
- 3 EXISTING 22' ROADWAY EASEMENT (ORVILLE PADILLA REPLAT, 817-49, 11/13/73)
- 4 EXISTING 17.50 FOOT EASEMENT FOR INGRESS AND EGRESS (WARRANTY DEED 8/23/85, 248A, 564-565).
- 5 EXISTING PRIVATE ROADWAY EASEMENT FILED _____ AS DOCUMENT
- 6 2' ADDITIONAL PRIVATE ROADWAY EASEMENT BENEFITING LOTS 1-P2 THRU 7-P2, AND TRACTS A-D, ORVILLE PADILLA REPLAT GRANTED WITH THE FILING OF THIS PLAT TO BE MAINTAINED BY THE INDIVIDUAL OWNERS.
- 7 PRIVATE ROADWAY AND PUBLIC UTILITY, PUBLIC SEWER AND WATER EASEMENT BENEFITING LOTS 1-P2 THRU 7-P2, GRANTED WITH THE FILING OF THIS PLAT. THE PRIVATE ROADWAY EASEMENT TO BE MAINTAINED BY THE INDIVIDUAL OWNERS.
- 8 24' PARKING EASEMENT BENEFITING THE OWNERS OF TRACT C AND D, ORVILLE PADILLA REPLAT, TO BE MAINTAINED BY THE OWNER OF LOT 4-P2.

Grading Note

CERTIFICATION OF THE SUBDIVISION GRADING PLAN OR AN INDIVIDUAL LOT GRADING PLAN IS REQUIRED BEFORE A BUILDING PERMIT CAN BE APPROVED FOR THAT LOT.

ACS Monument "NM_47_10"
NAD 1983 CENTRAL ZONE
X=1523633.488
Y=1500810.208
Z=4970.252 (NAVD 1988)
G-G=0.999681770
Mapping Angle=-0°13'28.96"



CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896-3050 Fax (505) 891-0244

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev. 9-20-05)

Date Submitted: 7-29-11
Date Site Plan Approved: _____
Date Preliminary Plat Approved: 8-3-11
Date Preliminary Plat Expires: 8-3-12
DRB Project No.: 1004906
DRB Application No.: _____

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

LOTS 1-7, LANDS OF SIMPATICO
PROPOSED NAME OF PLAT

TRACTS 118-C, 118-D, AND 118-E, MRGCD MAP NO. 32
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. The 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 the 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.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cnst Engineer
			Paving						
		24' wide	2" Residential Paving Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	Guadalupe Road	25 Feet East of Guadalupe Road	/	/	/
		24' wide	6" Gravel Surfacing Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	25 Feet East Of Guadalupe Road	Lots 5 & 6	/	/	/
			Utilities						
		6"	Water Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private		City Cnst Engineer
							Inspector	P. E.	
		<u>Util. (cont.)</u>							
		8"	Sanitary Sewer Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/
		<u>Drainage</u>							
		1' High	Solid Perimeter Wall	1040 Feet			/	/	/
		1' High	Solid Side Lot Line Wall	360 Feet			/	/	/

NOTES

Street lights per City requirements

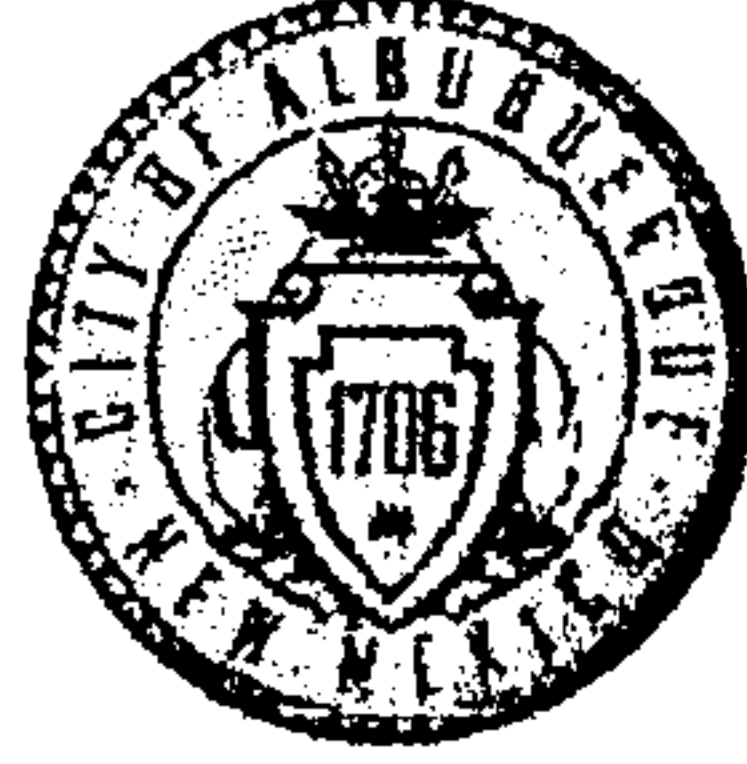
- 1) Grading and Drainage Certification is required prior to release of Financial Guarantees
- 2) Waterlines include valves, fittings and services
- 3) Sanitary Sewer Lines include manholes and services
- 4) Wall certification from registered engineer required prior to release of financial guarantees
- 5) Add Signage per DRC

AGENT/OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS
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David B. Thompson		8-3-11	
NAME (print)	DRB CHAIR	Date	PARKS & GENERAL SERVICES Recreation Date
Thompson Engineering Consultants, Inc.		08-03-11	
FIRM	TRANSPORTATION DEVELOPMENT	Date	AMAFCA Date
		08/03/11	
SIGNATURE	UTILITY DEVELOPMENT	Date	Date
		8-3-11	
	CITY ENGINEER	Date	Date

DESIGN REVIEW COMMITTEE REVISIONS				
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REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER



DEVELOPMENT REVIEW BOARD

MINUTES

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

June 29, 2011

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

**Kristal Metro, P.E., Transportation Development
Curtis Cherne, P.E., Hydrology/ Alternate City Engineer**

**Allan Porter, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development**

Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS

11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

**THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, &118-E, MRGCD MAP 32 zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)**

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Tom Slates - 5108 Guadalupe Trail NW, 87107

Mr. Will Plotner - Cartesian Surveys, 2104 Southern Blvd., Rio Rancho 87124

Mr. Dave Thompson – Thompson Engineering, Box 65760, Albuquerque 87193

PERSONS PRESENT IN INTEREST:

Mr. Dennis Plummer - 5112 Guadalupe Trail NW, 87107

Ms. Jennifer Ramo - 5105 Guadalupe Trail NW, 87107

Mr. Keith Haney - 5110 Guadalupe Trail NW, 87107

MR. JACK CLOUD, DRB CHAIRMAN: Good Morning

MR. WILL PLOTNER: We'd like to get comments from the Board regarding the subdivision.

CHAIRMAN CLOUD: Okay, there should be some written comments. Parks and recreation, Christina, did you have comments on the variance and/ or the plat?

MS. CHRISTINA SANDOVAL PARKS/MUNICIPAL DEVELOPMENT: I have no objection to either request.

CHAIRMAN CLOUD: City Engineer, Curtis?

MR. CURTIS CHERNE HYDROLOGY ENGINEER: Yeah, there's.... it looks like 3 different design variances. For the materials of the road, Hydrology prefers the road and parking areas to be gravel since the subdivision will be ponding street flows in front yards. For the sidewalk waiver I defer to Transportation and Planning and same for the easement variance, I defer to Transportation and Planning. For plat approval, I received the grading and drainage plan yesterday and its currently being reviewed and an infrastructure list will be required that will have the road on it, but I would like to include the walls that are required for drainage. I don't know how high you want to make them, I think they only need to be a couple courses, but the grading plan didn't show a top wall.

MR. DAVE THOMPSON: I do have an infrastructure list here that I can give to you. I apologize for the delay in getting it to you, but at least you can take a look. It's fairly simple, but it may not have everything you need on it.

CHAIRMAN CLOUD: Right, so again, on Curtis' comment, it sounds like your grading plan is dependent upon a perimeter wall as a water block, so that would need to be an individual item, is that correct?

MR. CHERNE: Yes

CHAIRMAN CLOUD: Okay.

MR. THOMPSON: Do we need to add that as a line item?

MR. CHERNE: I'd like it a line item please.

MR. THOMPSON: Okay.

CHAIRMAN CLOUD: So then as a point of information, the Zoning Code has a minimum 8 ft wall height, so depending on how much of this is, shall we call it a retaining wall or just call it ...

MR. CHERNE: No its no a retaining wall...

CHAIRMAN CLOUD: Maximum 8 ft including whatever is water blocked, whatever is garden wall...

MR. CHERNE: It needs to be about a foot, you'll have to figure out how high you'll need to put it for the infrastructure list.

CHAIRMAN CLOUD: Just as a point of information, if you build a one foot wall, you're left with 7 feet for the garden wall. What are you going to call it, a water block?

MR. CHERNE: Probably just Perimeter Wall.

CHAIRMAN CLOUD: Perimeter Wall, okay,

MR. CHERNE: There is also going to include the walls in between the lots too.

MR. THOMPSON: Okay.

MR. CHERNE: I hadn't thought what I was going to call it yet.

CHAIRMAN CLOUD: Because I mean, that may be porous to some degree. It seems like you need to indicate somehow that it's meant to be water proof.

MR. CHERNE: Yeah and its.....

CHAIRMAN CLOUD: That's why I say water block or something, that's more of a street term I guess.

MR. CHERNE: Yeah, we'll figure it out.

CHAIRMAN CLOUD: Water Authority, comments on NUMBER 13?

MR. ALLAN PORTER, ABCWUA: Yeah I've given you some written comments in the upcoming availability statement. And just as a note, you've got a reference for easement note 7 but I can't find that on the plat anywhere.

MR. PLOTNER: You know that, there was a, if you look in the legend there was a hatch that showed and that layer apparently got turned off but it included the roadway easement as shown in four through seven but we will make that correction.

MR. PORTER: Okay, thank you.

MR. THOMPSON: So Allen where do you want the branch going to the south?

MR. PORTER: Well if you did the hammerhead, you had that access that extends down from the hammerhead south to the south property line. But let's talk about that when we get, when we're looking at the availability again. If you change that layout it may not be available. Basically we are looking at doing a opportunity to try to loop that line in with some stuff that's on the south of you but that may not be, probably or may never happen, so we can address that in the availability if we could.

CHAIRMAN CLOUD: So is the availability different? Did it reflect the same development as this plat?

MR. PORTER: Yes, for the most part, yes.

CHAIRMAN CLOUD: Okay, so it should be a fairly quick response I would expect then. Transportation, Kristal, comments on design variances and the plat.

MS. KRISTAL METRO TRANSPORTATION DEVELOPMENT ENGINEER: I would like something in writing from the Fire Marshall and solid waste regarding this proposed roadway layout, most specifically the turnaround. Typically that would be a stamp they put on the plan. If you have the stamped plans if you could provide a copy at least for the main file that would be very helpful.

MR. SLATES: How many copies would you like?

MS. METRO: I'd like one, but we need to make sure there is at least one in the main file. So TWO would be helpful.

CHAIRMAN CLOUD: If I may, I'm sorry Fire Marshall stamp...?

MR. SLATES: Fire Marshall and solid waste, yes.

CHAIRMAN CLOUD: Okay.

MS. METRO: We already talked about the infrastructure list. As far as a gravel roadway, due to the overall drainage needs for this area, Transportation Development will have no objection to the use of gravel versus asphalt for this roadway. I have no objection to the other variance requests as well.

CHAIRMAN CLOUD: Okay. Planning, we have received today some letters. I have a letter here from David and Elizabeth Wiley at 5118 Guadalupe Trail. Is this one of the lots of the Orville Padilla Plat, do you know?

MR. SLATES: That is correct, 118 B-C.

CHAIRMAN CLOUD: Tract C of the Orville Padilla plat is Wiley?

MR. SLATES: It would be Tract C of the Orville Padilla replat.

CHAIRMAN CLOUD: Okay. In support of the proposal I also have a letter from Melissa Salazar, 5120, I'm going to presume that to be tract D.

MR. SLATES: That is Tract D.

CHAIRMAN CLOUD: 'D' as in dog?

MR. SLATES: 'D' as in dog.

CHAIRMAN CLOUD: Also in support of the proposal for Salazar.

Okay was there anyone else here interested in the plat? Okay, if you gentlemen could let them get up on the microphone so we can get them on the record please.

MR. DENNIS PLUMMER: Hi Mr. Cloud, thank you for your return phone calls and I know its probably a bit unusual for this many responses on a minor plat and so I wanted just to explain from my perspective why this is the case.

CHAIRMAN CLOUD: Could you identify yourself please?

MR. PLUMMER: My name is Dennis Plummer and I am a resident at 5112 Guadalupe Trail which is one of the adjacent plots.

CHAIRMAN CLOUD: Which would be I believe, Tract A of the Orville...?

MR. PLUMMER: It's the second one off of Guadalupe.

CHAIRMAN CLOUD: Okay, go ahead.

MR. PLUMMER: Last year we had major opposition and this project was placed into mediation until Mr. Slates removed it from the table. Last year the approach was to come in as a major subdivision and so it was made public hearing. This time its being piece-mealed together from the backend, and even though it's a minor plot its really about instilling six homes in lots that are plotted for two. And so there is major concern, we were told at our neighborhood association meeting this is a private matter to be decided privately without public comment and Mr. Cloud clarified that for me and that's why we've only had about a day to talk to some of the other neighbors and bring in the other views. We are very concerned about the impact of the land use, traffic, the infill and lots that are currently as I said zoned for two.

CHAIRMAN CLOUD: I believe that we have 3 tracts that are being replatted here, 118 C, D, and E.

MR. PLUMMER: It's true and the third plot already has the current allowed one house, it's being subdivided to then add two more houses, and then the other two lots which are single would be also double lots. So we haven't had time to talk to

the other neighbors effected, but those of us that are here did want to speak our opposition and concern that little by little approval of things that don't seem major are actually part of a major subdivision which we believe needs to be a larger public conversation.

CHAIRMAN CLOUD: Okay, the City Subdivision Ordinance defines a Major Subdivision as ten lots or more or have significant infrastructure. So I'm not sure that... we are talking about a gravel road and water line and sewer line extensions, I'm not sure that's going to be considered as significant infrastructure. So per the Subdivision [Ordinance] this is going to be considered a minor subdivision, just for the record. Mr. Plummer, you have provided a letter in opposition and you oppose the increased density from the subdivision?

MR. PLUMMER: Currently the lane would accommodate eight homes. This subdivision would increase that lane to accommodating twelve homes. So it goes over the ten. I realize you're saying that we're not adding more than ten but collectively it is over ten.

CHAIRMAN CLOUD: Okay, I see what you are saying.

MR. PLUMMER: If we added two at a time it would never be a major subdivision.

CHAIRMAN CLOUD: Okay.

MS. JENNIFER RAMO: Hi, good morning, thank you, my name is Jennifer Ramo. I live at 5105 Guadalupe Trail and as you know this is one of the oldest neighborhoods in the city. It is the Los Griegos neighborhood and we are one of the few remaining narrow little dirt lanes there that we really treasure and nobody I think opposes development and certainly we all know that its necessary and important for our city to grow. But we also really want to treasure what we have down there with cows and kids playing outside, and you know Pedro's Place is one of those little lanes and I think its something I think that should be taken into consideration when looking at what this larger plan is which is its this little teeny thing and you know I think what we feel like is that this plan is trying to turn a Chihuahua into a Great Dane. And it can't happen I mean, its just a little tiny lane and, you can't really open it, it just is what it is, it's a small lane, it really isn't meant to accommodate this large subdivision of twelve houses and certainly is such a huge impact. We would love to see, have the opportunity to have all of the neighbors chime in. And again, none of us are strict preservationists or you know, tying ourselves to any trees but we really see this as a pretty large deal and this little teeny lane, I mean you just can't crank it open, there's no right, you couldn't open it any wider to accommodate these houses. And I think as Dennis mentioned it's disconcerting, the process for sure, it has felt somewhat dishonest and kind of under the radar for something that will have such a big impact. My experience last year when they were trying to get this passed was that Mr. Slates came to me trying to make an agreement on behalf of the house on the corner that he had no rights to make an agreement, he wasn't the owner, the owner had

just actually gone to prison for a little bit, or I don't know what happened with that but the owner, so you know, you can't make an agreement based on somebody else's property. And so for us you know between that, kind of this idea that it's not a community decision. And again, nobody in the neighborhood is crazed about development or building but I mean this is a big deal and to rip open one of these little lanes, it's one of the last remaining lanes in the valley, is something that should take community approval and working with us. The way it's plotted right now is that there would be these high walls in this narrow lane with houses right up against the walls and I mean it just would be disastrous I think for this beautiful place that has cows and goats and kids. Thank you.

MR. KEITH HANEY: Hello my name is Keith Haney. I'm representing Emily McLeod at 5110 Guadalupe Trail, you have a letter from her as well. Just to add my input because I do stay there is you know, the lane is not built to accommodate the "improvements" he'd like to make just by the fact that he's having to get variances to do what little stuff he can do. He's made it very clear that this is driven out of a place of financial gain for him and he doesn't really care about the community's input or support and frankly we're to tell you that there isn't much community support regarding his desires today. And I do have a little girl who stays with me half time there and it will make a definite impact on her and how she lives her life. If you keep the lane the way it is now or if you turn it into an inner city alleyway with these walls to allow his subdivision. Thank you.

CHAIRMAN CLOUD: And we did receive a letter from Emily McLeod who is the property owner, the first house here?

MR. HANEY: Yes.

CHAIRMAN CLOUD: Okay, and this is also in opposition.

MR. PLOTNER: Jack, one thing I think should be mentioned is that the developer does care about the community in fact he is the one who occupies the house on the one lot and so he is a part of the community so I would like to state that. I think he might have some more to add.

MR. SLATES: I would like to address the comments. Number one, this area is just north of the Los Griegos historical neighborhood. My name is Tom Slates, I live at 5108 Guadalupe Trail, I've lived there since 2007, and prior to this the previous owner who had owned the property since 1984 Dan and Linda Lopez, Dan Lopez is the Dan Lopez who is president of New Mexico Tech. We sat down, the Lopez' and my wife and I to find out the best use of this property. Dan and Linda originally purchased the property in order to put one house on it, all three tracts. 1984 values, 1984 ideas become 2011 ideas. We purchased the property in 2006. Dan and Linda have a house in Socorro and they are very happy in their house at Thomas Village that is why this property came on the market. We own Tracts 118 D and Tracts 118 E. We built on the east 1/2 of Tract 118 E in order to show not just for us but also to show what can be done on 1/3 of an acre. We are approaching 70% of open space we're building on about 30%

so we are in excess of the 65% that the north valley character study is recommending for open space and landscaping. In regards to one year ago I was and I have in my possession a letter of being an agent for the owner of the Tract 119. And he and I had entered into a written agreement that we were going to swap, because 17 ½ feet is certainly a narrow easement. The fire department cannot remember it was ever approved, that narrow an easement. Keith being involved in emergency services told me at our neighborhood meeting which we had about ten days ago on Monday that the fire department will come down there, it's not recommended. In order to do this lot division of three extremely long and narrow lots, with today's water restrictions, weed and litter problems, dust control, I could have petitioned... number one I could have bought the house that Emily McLeod purchased two years ago, and correct me if I'm wrong. I could have also bought the house that Dennis Plummer, both of those were on the market, they were part of Jane Batton's estate when she passed away, both of those houses were rentals. I could have gone down the street with the 46 foot wide paved roadway, sidewalks on both sides and subdivided this property into not 12 lots but I could have gone to 16. I've done those calculations. I also have my heart in the North Valley and I do not like to be called greedy and that this is only something that is going to enrich me. My history in this area goes back to being a student of Dr. Bainbridge Bunting at UNM in the 1960s.

CHAIRMAN CLOUD: Mr. Slates we really need to address the subdivision that's before us if we could.

MR. SLATES: Okay, I will leave those comments. The reason that we pulled our request, and that was because we needed a variance because we were getting too close to the residence at 5104 was because, yes an individual got arrested the owner of that house. The property then went for sale and other people purchased it. I have entered into an agreement with those people to buy the 6 ½ feet roadway easement, excuse me to use it, I don't know, its an easement only, and we have that in writing with an attorney and it is awaiting being signed. That's who I am, that's where we are coming from. And I think it is a matter of open space. What I am trying to do with this piece of property is no different than what is done in the 4900 block of Guadalupe Trail, what is done on Rosalie, what is done on Pablita Lane, and initially, yes the lots are much larger on Bayita Lane but there are no sidewalks, there is no paving and that the roadway width is within the standards that I'm also willing to build.

CHAIRMAN CLOUD: Do you happen to know when those subdivisions were done?

MR. SLATES: I believe that Bayita was 1951, I believe the other dates were probably... most of the subdivision in this area was done prior to 1979 and that was also indicative of the Orville Padilla replat.

CHAIRMAN CLOUD: That's probably, well 1979...we had a subdivision ordinance in '73 but it's obviously evolved since then. We now have a minimum

standard for access. You did provide at least some justification for your variances. I think the...as noted, regarding the gravel surface, I'm not sure that there's going to be an objection to a variance for a gravel surface rather than a paved right-of-way. I think that is in keeping with the character per the North Valley study. But with current standards, we do have...does raise concerns about separated pedestrian access. I'm not sure that 8 is necessarily a magic number for when we need to kick in the pavement so obviously I think we could consider the gravel paving. I think if you all had been here all morning you could have heard us discuss some of these different sidewalk situations. I think we could probably, we could try to go without a separate pedestrian easement but if we approve this width variance, we're precluded from ever getting a separate pedestrian way. That concerns me a little bit, especially with the number of lots.

MR. SLATES: Mr. Cloud I do have some comments about that. The past president of the association, a woman by the name of Rav Freeman who lives in the 4900 block of Guadalupe Trail and also Alice Cushing who is a 1950s resident on Bayita Lane said that the South Guadalupe Trail Neighborhood Association during the extension of the Montano Road and bridge access fought aggressively and their comment to me that over their dead bodies would there ever be sidewalks on Guadalupe Trail. Now I'm approaching 70 years old and I won't discuss the age of these 2 ladies in kindness, but our deaths may be eminent but they are adamantly opposed and have records for that case. It's a very pedestrian community, there's no question. We walk the ditches we walk to roads to Columbus Park and so far we survive.

CHAIRMAN CLOUD: And so far that's great. But that's why we have standards for separate pedestrian access. It's a very unfortunate metaphor of dead bodies because when that happens then the city is going to be called on the carpet for not providing sidewalks I can guarantee you that. We do have to review your infrastructure list, we do need an updated water and sewer availability before we could act on this plat, so we can't take action on your request today. [to MR. PORTER]: I don't know that you'll have a response in 2 weeks would you, its probably cutting it pretty close.

MR. PORTER: Right now the cue is about 3-4 weeks.

CHAIRMAN CLOUD: So although you get your request in right away, we're still looking at probably 4 weeks before we'll have a response.

MR. SLATES: I'll have that in this afternoon.

CHAIRMAN CLOUD: I think we need to defer this at least 4 weeks before we could act on it. That would be the meeting of July 27th. I would urge you to take a look, also I had additional comments which I have provided in writing Will, this is regarding the plat. Notations and what have you...

MR. PLOTNER: And so get the easement request...

MR. SLATES: Mr. Cloud, for the purposes of lot 3 there are 8 on street parking spaces.

CHAIRMAN CLOUD: Okay we just need an exhibit to show that.

MR. SLATES: I will provide that.

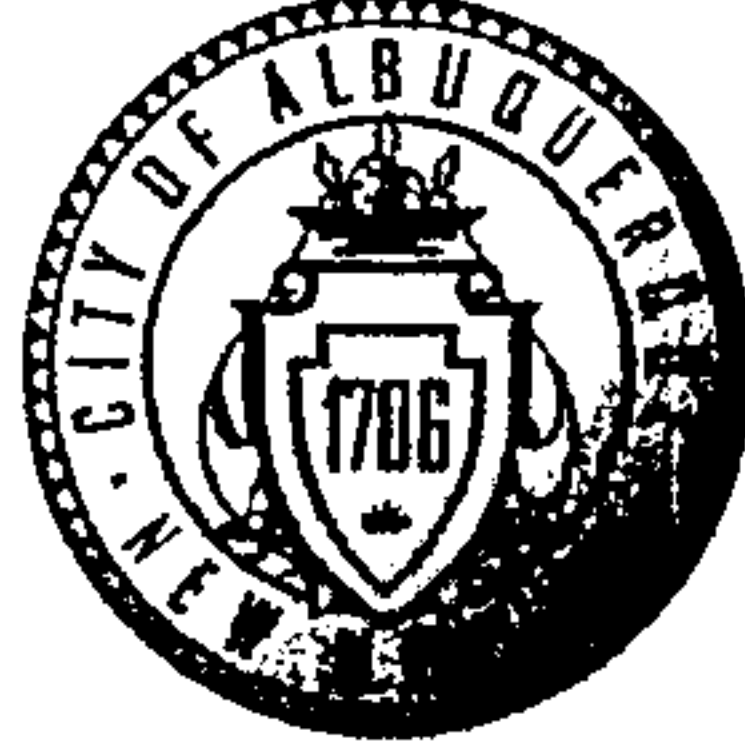
CHAIRMAN CLOUD: And understanding that this is R-1 zoning and that you're well above the minimum lot size, assuming that's the case after you figure the net lot area, this is a funnel effect we are trying to do an R-1 development with a very rural access situation.

MR. SLATES: For the smallest of the 2 lots, subtracting the roadway easement from the lot space and then using a 2500 square foot non-permeable build surface that includes 1800 square feet of house, double garage, and about 370 square feet of covered portals, we are still looking at having I believe 60% open space.

CHAIRMAN CLOUD: It's more of a number situation, you know, you're going to have 12 lots using this easement so that's what we need to consider.

MR. SLATES: Correct.

CHAIRMAN CLOUD: We are going to defer this 4 weeks. It will be the meeting of July 27th and thank you all for your time.



DEVELOPMENT REVIEW BOARD

MINUTES

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

July 27, 2011

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

**Kristal Metro, P.E., Transportation Development
Curtis Cherne, P.E., Hydrology/ Alternate City Engineer**

**Allan Porter, P.E., Albuquerque/ Bernalillo Co.WUA
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Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS

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THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, &118-E, **MRGCD MAP 32** zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
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PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Tom Slates - 5108 Guadalupe Trail NW, 87107

Mr. Will Plotner - Cartesian surveys, 2104 Southern Blvd., Rio Rancho 87124

PERSONS PRESENT IN INTEREST:

Mr. Dennis Plummer - 5112 Guadalupe Trail NW, 87107

Ms. Jennifer Ramo - 5105 Guadalupe Trail NW, 87107

Mr. Keith Haney - 5110 Guadalupe Trail NW, 87107

MR. JACK CLOUD, DRB CHAIRMAN: Good Morning

MR. WILL PLOTNER: Will Plotner with Cartesian Surveys. 2104 Southern Blvd. Rio Rancho 87124.

MR. TOM SLATES: Tom Slates 5108 Guadalupe Trail, NW

CHAIRMAN CLOUD: We had heard this a few weeks ago, we did receive some additional justification for the subdivision design variance. Will, I believe you have made revisions to the plat?

MR. PLOTNER: No, I don't believe so. Can you be more specific about what requirements you are requesting?

CHAIRMAN CLOUD: You had sent us a red line copy of revisions. Maybe its just the exhibit. There was some information that still wasn't on the...that we'd asked for some clarification on?

MR. PLOTNER: Yes that is correct.

MR. SLATES; You also keyed some notes.

CHAIRMAN CLOUD: Can you bring that up and show that to the board please?

MS. KRISTAL METRO: So that's no longer a turn around that's a parking easement?

MR. PLOTNER: No it's both.

MS. METRO: You can't really have it be a turnaround if people are parked in it. I'm a little confused by that, what kind of parking easement....

MR. SLATES: I believe that we clarified that as to be only parking

CHAIRMAN CLOUD: So that the turnaround is actually at the end.

MS. METRO: So is the Fire Marshall's office aware of that?

MR. SLATES: The hammer head if for the fire and the Fire Marshall is aware of that because the, if we're talking of the same thing we're taling between lots 3 and 4?

MR. PLOTNER: Yes.

CHAIRMAN CLOUD: Do you have copies of the easement notes 2 and 4? Those access easements?

MR. PLOTNER: Yes I emailed those to you.

CHAIRMAN CLOUD: I do need hard copies of that for the file. We did have a couple of people signed up if you could allow them to come up please. Jennifer Ramo?

MS. EMILY MCLEOD: Hi I'm Emily McLeod I live at 5110 Guadalupe. I live at the corner of Guadalupe Trail and Pedro's Place. Today I brought a petition signed by 12 neighbors. Four of whom are on Pedro's Place, some of whom are on Guadalupe and some of whom are on Bayita Lane. All 12 of these neighbors oppose widening the road and further subdivision to Tom Slates property.

CHAIRMAN CLOUD: I'm sorry, oppose...?

MS. MCLEOD: Opposed to widening of Pedro's Place and further subdivision to Mr. Slates properties. Currently Pedro's Place has capacity for Tom to build 2 homes. The neighbors opposed anything beyond the 2 homes that Pedro's Place has capacity for. And then I also have letters from the neighbors.

CHAIRMAN CLOUD: Okay. If you want to start those over there and we can pass them down and take a look.

MS. JENNIFER RAMO: Jennifer Ramo, I'm at 5105 Guadalupe Trail. So I came last time and I think what came up, I was here with a different neighbor, Dennis Plummer. The main issue that came up was a procedural issue which is a concern that this is kind of an end run around public comment and really what we have here is a subdivision that requires public comment, because it has so much impact in the neighborhood and what we have is kind of this piece-meal, you know if you add 2 homes at once it's not a subdivision because its under 10 houses, but its not under 10 houses

CHAIRMAN CLOUD: It's called a major subdivision. This is a subdivision

MS. RAMO: Yeah it's a major subdivision...

CHAIRMAN CLOUD: No, we have a definition, an ordinance definition or major subdivision. This is a subdivision, it does not meet the definition of a major subdivision.

MS. RAMO: 12 homes correct?

CHAIRMAN CLOUD: With the platting action. This platting action only has 7 lots.

MR. RAMO: Right, but when you look at all of Pedro's place that is, and he has a name for it too I think like "Happy Landings Subdivision" I don't know what it is but I mean he's considering this to be a subdivision.

CHAIRMAN CLOUD: This is a subdivision, we are having a public meeting right now so if you could comment on the request before us, please go ahead.

MS. RAMO: Okay, sure. I thought that there was a procedural issue with that, so if you're saying that there is not a procedural issue that's fine.

CHAIRMAN CLOUD: We're having a procedure right now...

MS. RAMO: No no no, a procedure that requires public notice.

CHAIRMAN CLOUD: Right, did not require public notice

MS. RAMO: Right, that's what we're asking is doesn't this require public notice?

CHAIRMAN CLOUD: No it does not.

MR. RAMO: Okay even though it's a subdivision of 12?

CHARIMAN CLOUD: This was advertised in the paper, that was the only notice that was required.

MS. RAMO: So that was different than our understanding of this but, so the main issue really is that this is widening this teeny tiny land that is really meant for a limited number of homes. You can widen it but it's still is a small area that shouldn't be turned into a giant subdivision, or whatever the technical term is. The history of this I think has been very frustrating for the neighborhood because it has, it originally started something with an acknowledgment that it was an impact on the community and it kind of ended up in this very secretive way. No one is opposed to him developing his land but there is great concern about the number of homes that are going to be crammed into this little neighborhood and how it's going, it sounds like it would require sidewalks and how it would really kind of destroy the character of this neighborhood.

MS. MCLEOD: One other thing just to represent some of the opposition. Each of the five property owners on Pedro's Place plus Mr. Slates understood the limitations of Pedro's Place when they bought their properties. What the neighbors feel is widening a road for one man's project is unreasonable.

CHARIMAN CLOUD: Okay thank you. Was there anyone else here interested in agenda item # 12? Okay. Mr. Slates did you want to respond?

MR SLATES: I would like to respond. Number one, last week on the 20th of July and I was aware that this petition was being circulated, what I would like to do, I have not seen the petition. It was not presented to me for obvious reasons to sign or to reject. I believe that if I was listening correctly that the statement was made that there were 4 people of Pedro's Place who signed your petition. Would you please be kind enough to let me know who those people were?

CHARIMAN CLOUD: Kristal, would you mind? Okay there are the addresses on there?

MS. MCLEOD: Its Guadalupe Trail addresses even though we all live on Pedro's way so what we were ...

CHARIMAN CLOUD: Dennis Plummer who was here and submitted a letter last week. Kevin Sarbor is listed at 5112.

MR SLATES: Okay now I understand where you got the four. By my calculations there are existing 8 lots or residences on Pedro's Place. If each one of those people is given one vote rather than the aggregate of how many people are residing in that house and I do believe in Dennis Plummer's case there is a man there who is only going to be there for another month. My calculations are that we have five people approving this those people are Tom and Susan Slates, who have two pieces of property my cousins who I'm acting as an agent, they are in Falls Church Virginia they own Tract 118 C and they wish to build two small houses back there, Melissa Salazar who lives at 5120 and David and Beth Wiley who live at 5118. I do believe that Emily you contacted as well as I have...

CHARIMAN CLOUD: Mr. Slates, please address the Board not ...

MR SLATES: Okay. Emily Thalier who owns a lot there and has yet to build so by my calculations, I have 5 people who approve of this which is 5 of 8 which is 62 ½% . 25% disapprove, and I understand that. 12 ½% remain neutral so those are my calculations. Now on the 20th of July I was approached by a man named Stephen Posse who lives on Bayita Lane. He called me and he asked if he could come over and he is a past president of the South Guadalupe Trail Neighborhood Association. We had an hour meeting between 7:15 and 8:15 last Wednesday evening he said that the petition was presented to him but he did not feel he was properly informed on both sides of that issue. When left he said, "Tom I don't know the solution to your problem. I presented him with as much information as I have presented the Board in our file. I chose not to go door to door with a petition although Angus McPherson who lives in the area as well as Dennis Pile, they have written previous letters as well as Rav Freeman who lives in the 4800 block. I am not at ease with the amount of dissent and the divisive character that this has happened in the beautiful area of Albuquerque. I don't like it and I'm sorry that we have gotten to this level. At that point, Stephen remained neutral with the information that was given to him. That is my rebuttal

to what is stated. If someone were to walk and analyze this particular section of the City of Albuquerque, they would find that 20 - 24 foot roadway easements are not in not keeping with the character of neighborhood. They'd find that they would be in keeping with the character and I have documented roadway widths as well as the number of people and lots and lot sizes. I have tried to keep this to a position of facts. This is not an teensie piece of easement and 24 feet maintains, in 2011, basic egress and ingress requirements for the various services that we now require. In 1979 that was not the case or in this particular case for 8 lots, 17 ½ feet widening to 22 was adequate. Thank you.

CHARIMAN CLOUD: Ms McLeod, yes?

MS. MCLEOD: Just also to clarify when we canvassed around the neighborhood, we made it very clear to neighbors to contact Mr. Slates, that we were not representing his side, that we had concerns. Stephen, we made it clear to Stephen that we couldn't answer some of his questions. When we attended the neighborhood meeting when Mr. Slates first presented this plan, to a few of the neighbors, he had distributed 3 pages of information that he had submitted to your department for us to review at that meeting. We were not allowed to take a copy of that from that neighborhood meeting

CHARIMAN CLOUD: Okay, this file, we can give you a copy of anything that you want here.

MS. MCLEOD: So some of the questions that Stephen had we were not able to answer and we encouraged him to contact Mr. Slates.

CHARIMAN CLOUD: Thank you. Again this is what qualifies as, what's called a minor subdivision. There is no procedural issue that hasn't been followed with this request. It was advertised in the paper, that's the minimal advertisement requirement. We have received comments from abutting property owners at the original hearing in June and again today. The problem seems to be, we've got cross purposes here with some of the design variances and the desires of the neighbors. The property owners are zoned R-1, they are well within the minimum lot size for that zoning.

The issue that comes up is the City has minimum standards for subdivision that, because of the cumulative number of lots, this is a what we consider a less than standard street section. I think the Board has previously indicated there's some desire to go with some of these standards because of their beneficial nature, I mean this was supposed to be a paved road, you're proposing gravel, I think the benefits to the drainage situation by not paving this may outweigh the gravel standards. However you are in a tough situation that you're wanting to reduce the standards. If you were to not request a subdivision design variance your road would be even bigger than what we're proposing.

MR. PLOTNER: I think in this particular area I can see your point Mr. Chairman, but in this particular area this is the same in that entire area as far as these roadway widths go. I don't think that that particular standard should apply in this case.

CHAIRMAN CLOUD: Well, and Mr. Slates has provided substantial documentation to support his variance, but really the main policy statement, adopted policy is the North Valley Area Plan – the North Fourth Street zoning code as I understand it is still just a draft document, Mr. Slates is that correct?

MR. SLATES: That is correct.

CHAIRMAN CLOUD: So we really can't use that as a basis for approval because it's not an adopted document.

MR. PLOTNER: But if you listen to the opposition's case, they don't want that street any wider than it is now. They are not asking for it to be wider and neither are we, wider than necessary. The only ones that are asking for it to be wider or is the subdivision design requirements, so the objection to that design variance seems to be on both sides here today.

CHAIRMAN CLOUD: Well I would like to ask if you would consider one more time of trying to meet with the neighbors. I know you'd said you did not go door to door but I'm not sure that the opposition understands he has certain zoning entitlements. He is well within his minimum lot size. If he wanted to, he could come in with a much bigger street which would not require a variance and then we'd have no basis to deny his subdivision. Because he's asking for a variance we have some leeway in determining if that's appropriate. I think it might benefit the adjacent property owners to let Mr. Slates try to convince them as he's trying to convince this Board why he should not be putting in paved street and sidewalk for this street which if he did, you know, we'd probably have an approved subdivision. And I think I would like a week to review the material that's been submitted today anyway. Parks and Recreation, Christina, comments on agenda item number 12?

MS. CHRISTINA SANDOVAL, PARKS AND RECREATION: I would have no objection to a week deferral.

CHAIRMAN CLOUD: Okay. City Engineer, Kristal?

MS. KRISTAL METRO, HYDROLOGY: Hydrology does prefer the road and parking areas to be gravel due to the ponding of street flows in the front yards in the subdivision. Hydrology does have an approved grading and drainage plan dated 7/22/11 approved for Preliminary Plat and would be able to sign the infrastructure list. For final plat approval a note to the plat needs to be added stating certification of the subdivision grading plan or an individual lot grading

plan is required before building permit can be approved for that lot. In addition a recorded SIA will be required prior to any final platting action.

CHAIRMAN CLOUD: Okay. Water Authority, Allan?

MR. ALLAN PORTER, ABCWUA: Will I still have some questions on the designation of a easement for the water and sewer lines on the plat so we can probably discuss that.

CHAIRMAN CLOUD: Is that not clear?

MR. PORTER: It's still not clear to me.

MR. PLOTNER: do you want to discuss it now or do you want to discuss it later?

MR. PORTER: When the meeting is out we can catch up, we're going to end up deferring anyway.

MR PLOTNER: Okay.

CHAIRMAN CLOUD: but it is called out as a public water and...

MR. PORTER: Well it's called out as a private roadway and public utility, private sewer and private water easement.

CHAIRMAN CLOUD: Oh, no I'm sorry I thought that was fixed, that should be a public water and public sewer easement. Because we do have a fireline going back there correct?

MR. PORTER: Right, line extension...

CHAIRMAN CLOUD: And we have a public line extension ...

MR. PORTER: So we need to include that in there as a public line extension.

CHAIRMAN CLOUD: So that would be a public water and public sewer

MR. PORTER: Right public utility designates the different dry utilities really so we need to make provision for that to specifically call out public water and public sewer. Thank you.

CHAIRMAN CLOUD: comments on the infrastructure list? It's showing a six inch water line extension and 8 inch sewer line extension?

MR. PORTER: Right that's no problem at all, that's agreed to in the availability.

CHAIRMAN CLOUD: Transportation development, Nilo?

MR. NILO SALGADO-FERNANDEZ, TRANSPORTATION DEVELOPMENT:
Okay, Transportation Development has no objection to the use of gravel versus the asphalt for the roadway and its due to the fact the overall drainage needs to be for this area. I do have extra comments here that the first 25 feet of your segment of roadway needs to be asphalt and that's per our city standard. Also your gravel needs to be six inches thick, not 3 inches thick and that's per our city standards. If you have a copy of them you may refer to it, okay? That's all I have thank you.

CHAIRMAN CLOUD: Okay so we'd need a revised infrastructure list. It would need to indicate asphalt paving and the six inch gravel. It sounds like the water and sewer lines are adequate. And Hydrology had indicated that they had their items also properly listed?

MS. METRO: Correct they had no objection to the infrastructure list.

CHAIRMAN CLOUD: I do not have a signed copy of the infrastructure list. Has Dave Thompson given you one? Okay so I think if you can change that easement to public water and sewer easement and revise the infrastructure list, give us a chance to review the material we received today and then we'll make a decision next week.

MR. SLATES: Thank you very much.

CHAIRMAN CLOUD: We going to defer this one more week, that will be to the meeting of August 3rd.

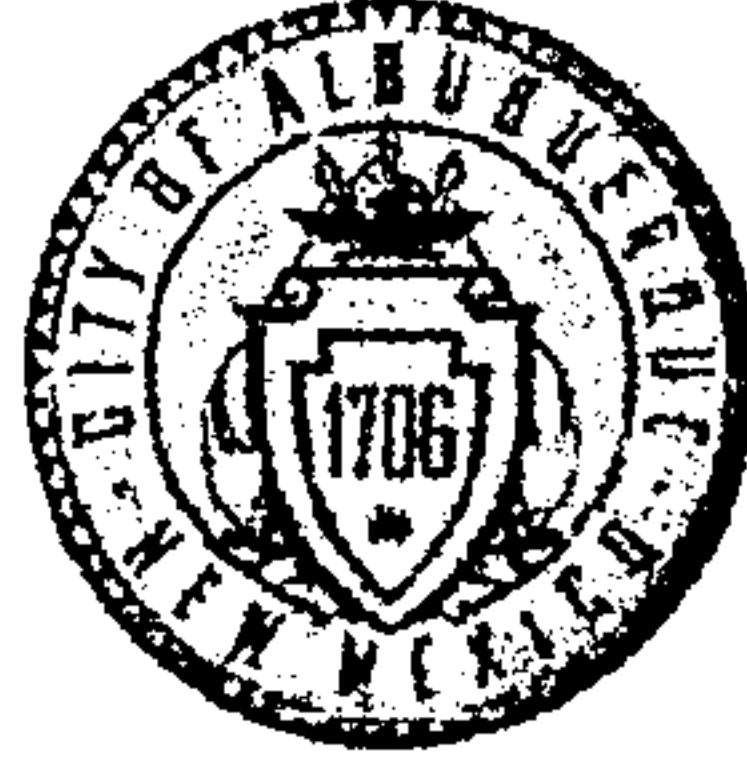
MR. SLATES: After last meeting, I did go over to Emily and Jennifer and Dennis Plummer and I did say that I would like to have a meeting. In the 30 days that have passed, Dennis Plummer did avail himself of that meeting and we....

MS. MCLEOD: ...(unclear)....

MS. RAMO: ...(unclear)....

CHAIRMAN CLOUD: Excuse me everybody, this item is closed now I am urging you as the applicant to try to provide the material you've provided us and let them peruse that and then we'll meet here next week.

MR. SLATES: Very Good.



DEVELOPMENT REVIEW BOARD

MINUTES

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

August 3, 2011

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

Kristal Metro, P.E., Transportation Development

Curtis Cherne, P.E., Hydrology/ Alternate City Engineer

Allen Porter, P.E., Albuquerque/ Bernalillo Co.WUA

Christina Sandoval, Parks/Municipal Development

Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS

11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

**THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, &118-E, MRGCD MAP 32 zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)**

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Tom Slates - 5108 Guadalupe Trail NW, 87107

Mr. Will Plotner - Cartesian surveys, 2104 Southern Blvd., Rio Rancho 87124

PERSONS PRESENT IN INTEREST:

Ms. Emily McLeod – 5110 Guadalupe Trail NW, 87107

Mr. Dennis Plummer - 5112 Guadalupe Trail NW, 87107

MR. JACK CLOUD, DRB CHAIRMAN: Item 8, project 1004906, Thompson engineering consultants and Cartesian Surveys agents for Thomas Slates requesting subdivision design variance and preliminary and final plat approval for tracts 118 C,D and E of the Conservancy District map # 32.

MR. PLOTNER: Will, with Cartesian surveys, 2104 Southern Blvd., Rio Rancho 87124.

MR. SLATES: Tom Slates, 5108 Guadalupe Trail NW, 87107

CHAIRMAN CLOUD: This had been deferred from last week. Will did you bring copies for people or do you just have the one?

MR. PLOTNER: Well I did send copies out via email I believe.

CHAIRMAN CLOUD: I thought you were going to make some hard copies for the meeting.

MR. PLOTNER: As far as for the....?

CHAIRMAN CLOUD: The plat.

MR. PLOTNER: The plat, no I do not have copies for you.

MS. KRISTAL METRO TRANSPORTATION DEVELOPMENT ENGINEER: Do we have a revised infrastructure list available?

MR. PLOTNER: No we do not. He's supposed to be here this morning, but he hasn't shown up yet.

MR. SLATES: I left a call for him.

CHAIRMAN CLOUD: Okay.

MR. PLOTNER: We were asked to make a note on the plat, sheet 3 regarding the grading and drainage plan note and to clarify the easement number 7.

CHAIRMAN CLOUD: Okay can you bring your original up and show Mr. Porter the note? Can you show that to Curtis please? Okay Will, I did receive a copy of one of your referenced easements. I think it was note 2. It references an access easement but that access easement was not part of the warranty deed that you reference it was for parcel one, which is described as 118 C, and it says that access is provided through 118 D, and I'm not sure how valid this easement is, since you are now replatting that lot instead of just granting the 2 foot additional, I think you need to grant the full 10 feet with this plat. Let's see 1985?

MR. PLOTNER: You're talking about easement note 2?

CHAIRMAN CLOUD: Right. I'm sorry I'm talking about....right, yes that was a deed for tract 118C and says you get access through 118 D, but 118 D wasn't a part of the deed that I can tell so I think its okay to reference on there but then for your note 6 where you say 2 feet of additional private roadway I believe we just need to just go ahead and say this plat hereby grants the 10.8 feet unless you wanted to research that at the same time this deed for 118 C went through Mr. Padilla owned 118 D, and he probably did but we would need to document all of that to make it valid.

MR. PLOTNER: Instead of changing that 6, can we go ahead and just change 2 to go ahead and grant that at the same time to clear up any...

CHAIRMAN CLOUD: Okay, yes actually that's probably better. Go ahead and reference the old deed and then say, "also hereby granted by this plat."

MR. PLOTNER: Okay

CHAIRMAN CLOUD: That would be a good way to keep the history of it I think

MR. PLOTNER: I think so.

CHAIRMAN CLOUD: Kristal are you still looking at that infrastructure list?

MS. METRO: No I've finished. Did you want to take a look at it?

CHAIRMAN CLOUD: Yes why don't you pass it down and let everybody else see that original. Okay so we've go a revised infrastructure list, we've go a revised plat, do you have anything else to add or provide this morning?

MR. SLATES: I do not.

CHAIRMAN CLOUD: Okay we do have one person that signed up to speak so if you would allow them room so we can get them on the microphone. Emily McLeod?

MS. EMILY MCLEOD: Okay so I just want to thank you again for allowing comment. We have 4 points to discuss. They are outlined in your packets. We'll try to get through this quickly. Our first point is that the first thing you see in front of you is a map of Los Griegos Historic District and behind that is a picture, a current picture of Pedro's Place at the entrance. You can see on the highlighted map that Guadalupe Trail up to the entrance and including the entrance to Pedro's Place is considered the Griegos Historic district. Last week your board clarified that if the variances are approved for Pedro's Place the first 25 feet of it will have to be asphalt. That will significantly impact this historic road. It will also impact the 118 A which is the plot that is adjacent to Pedro's Place.

Our second point is that Mr. Slates' road variance does not meet minimum standard criteria as outlined in chapter 14 of zoning, planning and building. So

the next thing you'll find are 2 letters written by the chairman, the first on December 2, 2009 and the second one June 29, 2011. In both of those letters Mr. Chairman asked Mr. Slates to specify how the variances would encourage flexibility, economy, effective use of Open Space or ingenuity of design of subdivision. In the second letter he also asked, he states that if the easement is to be gravel, then ADA access needed to be addressed. So what you'll find next is, I know you are all familiar with this, but we included the copy of chapter 14 and highlighted a few areas about the Development Review Board may vary the provisions of part 3 of this article, minimum standards for the design of subdivisions and development process manual in cases where varying for the normal requirements will encourage flexibility, economy, effective use of Open Space or ingenuity of design of subdivision, or number 2 where extraordinary hardship or practical difficulty may result from strict compliance with minimum standards. What follows after that is just criteria for your decision when considering Mr. Slates' variances.

Also an important point of the third page of the zoning code is that financial gain or loss shall not be the sole determining factor in deciding a variance. So, we've reviewed Mr. Slates' outline specifying how his variances and his subdivision will encourage each of the things outlined by Mr. Chairman. So I'm just going to go through how he addresses hardship, flexibility, economy, effective use of usable space, ingenuity of design, and then finally how he addressed the ADA access. In summary he described hardship as a 10 foot to 12 foot roadway easement, would essentially encroach on his developable property. That does not meet the criteria for hardship. He also mentioned that widening the road 10-12 feet would also have to destroy adobe walls and those adobe walls sit on his property. That does not meet the criteria for hardship. The next issue he addresses is flexibility and he said that widening the road improves access to fire, emergency and solid waste vehicles. Currently Pedro's place already has access for fire and EMS and in fact it has a fire hydrant on it. And currently the residents of Guadalupe Trail take their garbage to the curbside so Solid Waste picks up our garbage on the curbside. In terms of addressing economy, there was not a clear explanation. Encouraging effective use of usable space his summary of that is that people in the area appreciate open space in two ways. He notes the farm, the working farm that's located on the 5000 block of Guadalupe trail. He also notes that people also like to create private retreats or patios behind adobe walls. So essentially what he's saying is by building homes, more homes that have private patios behind walls that's encouraging effective use of usable space. That does not meet the criteria.

Also as a note the farm located on the 5000 block of Guadalupe Trail which is the only working farm in the neighborhood signed our petition opposing his road variances and his subdivision. Tom also notes that one home per tract of land would prevent open vistas of mountains and volcanoes. So my understanding of what he's suggesting there is that somehow if you build more homes that are smaller you're going to have a better view of mountains and volcanoes so I'm not quite sure how he was suggesting that that is encouraging effective use of usable open space. He also makes a note and includes photographs for you of land and

property that is not on Pedro's Place and he talks about how that open land has become a junkyard for derelict cars, boats and dying plants. What he didn't include is photographs of residences that are actually on Pedro's Place so I've included 3 of them for you there. That does not meet the criteria because by building and changing Pedro's place he's not going to effect or change or remove the junk that's on the properties that he's noted.

And then the final thing that Mr. Slates suggests is that if he is not permitted to subdivide the current 1/3 acre parcels that those parcels will remain non productive, unusable, and un-xeriscaped. The irony with that is that those are sellable properties as they are now and he is the owner of them so he certainly is capable of taking care of them as would be the property owners that have bought one of his parcels and any other future property owners that could by his land as it is now. In terms of ingenuity of design of subdivision, he did not give an explanation for that. And finally as far as addressing Mr. Chairman's comment about ADA access, he doesn't address or at least I don't have a public document that has him addressing.

Our Third point and what you'll see next is 40 plus signatures of local residents between Griegos and Montano in the area where we live, in the neighborhoods where we live who have opposed the road variances and the further subdividing of Mr. Slates property.

Our final point is really just to ask for some clarification. So Pedro's Place on this plat is described as a private roadway with public utility easement. So our question is that if the variances are approved who will be absorbing the cost of maintaining Pedro's Place.

CHAIRMAN CLOUD: It would be the properties in this subdivision.

MS. MCLEOD: Only in the subdivision?

CHAIRMAN CLOUD: This particular subdivision before us...

MS. MCLEOD: Just finally many of the people who signed the petition would have liked to be here today. I appreciate your time during these hearings unfortunately for working people it's a very hard time to come. That's all we have. I'm sorry one other thing. There is also a letter included in there just so that you guys have a copy of some of those points we outlined around Mr. Slates not meeting the minimum criteria for a variance. So there is a 7 page outline in there for you.

CHAIRMAN CLOUD: Okay let me make a clarification right now. This is not a variance under the zoning code this is a variance under the subdivision ordinance. That is a whole different criteria, it's not the criteria for the, that you quoted from the zoning code does not apply in this case. It's just the subdivision ordinance and again the subdivision ordinance is not, its not a checklist that you

have to have everything, you just need meet some of those criteria to get the variance, you don't have to prove it all. I just wanted to clarify that.

MR. DENNIS PLUMMER: 5112 Guadalupe Trail which is located of Pedro's place. I just wanted to highlight the first point. I have been at these hearings previously and I know that it was a concern of this board at the very first one is this in a historic district and you were informed that it is not. I just want to clarify that indeed what we're talking about is in the historic district and I don't know if Los Griegos Historic District have been notified.

CHAIRMAN CLOUD: Okay at first I was concerned that perhaps they hadn't seen your latest submittal but they did actually submit copies of that so I think they are just, the main point of the opposition was to counter your supplement of July for the variance.

The comments that I provided earlier were prior to this supplemental information and as I just stated, for the variances from minimum standards from the subdivision ordinances, it's not you have to meet everything so I would agree with what the opponents were saying. I don't believe that this is actually having and effective use on Open Space but I do believe you're encouraging some flexibility and economy in the design of this subdivision, particularly the gravel surface and to provide for a safer access for emergency vehicles. In terms of 25 feet of asphalt, I don't think I would consider that significant impact but I'll check with the board members. The opponents are proposing that that would be a significant impact and be injurious to the public welfare so I don't know if any of the board members would like to comment. I don't think 25 feet is that significant but I'll poll the board. Parks and Recreation, Christina?

MS. CHRISTINA SANDOVAL PARKS/MUNICIPAL DEVELOPMENT: I would not see that as significant but I'll defer to Transportation.

CHAIRMAN CLOUD: Okay, City Engineer?

MR. CURTIS CHERNE, HYDROLOGY ENGINEER: There may have been a concern because of the more impervious surface but it's such a small piece that I don't think it's going to cause any flooding problems.

CHAIRMAN CLOUD: Water Authority, Allan?

MR. ALLAN PORTER, ABCWUA: I don't feel that that's significant impact.

CHAIRMAN CLOUD: Okay, Transportation Development, Kristal?

MS. KRISTAL METRO, TRANSPORTATION DEVELOPMENT: Well the gravel roadway is due to the unique drainage requirements in this area, however the 25 feet is standard so that gravel does not intrude upon the public roadway. If it doesn't have an adverse impact to the drainage plan which it doesn't sound like it will according to Mr. Cherne, I would see not problem with that 25 foot of asphalt,

it's a very small area when you compare it to the rest of the roadway, it's simply a maintenance issue for the City streets.

CHAIRMAN CLOUD: We did defer this last time to review the material that had been submitted at that time. At that time, many of the people signing the petition were BaYita Lane and opposing the variance which actually would have allowed this property to build something similar to Baita Lane, so I find that ironic that they are opposed to that. I do see now you have other signatures but quite a few on Delmar which is a City street and Guadalupe Trail which again does not have sidewalks.

I think that the applicant has provided a justification for flexibility and economy. This is consistent with the adopted north valley area plan, it does encourage this type of development and I'm inclined to approve the variances but again this is a consensus board so I'll poll the board. Parks and Recreation, Christina, would you approve the design variance for the street design for this subdivision?

MS. SANDOVAL: I would have no objection to a variance.

CHAIRMAN CLOUD: City Engineer, Curtis?

MR. CHERNE: Hydrology prefers the road and parking areas to be gravel since the subdivision will be ponding street flows and front yards. I defer to transportation and planning for the other variances as far as widths. I have an approved grading and plan stamp dated 7/22/11 for preliminary plat approval and I can sign the infrastructure list.

CHAIRMAN CLOUD: Okay, water Authority Allan?

MR. PORTER: I have no objection to the variance and I can also sign the infrastructure list.

CHAIRMAN CLOUD: Okay, Transportation Development, Kristal?

MS. METRO: I have no comments on the infrastructure list my concerns have all been addressed there. In addition, due to the unique location in the Los Griegos historic district and the overall drainage needs for this area, Transportation Development would have no objection to the subdivision design variance requests.

CHAIRMAN CLOUD: We will then grant the subdivision design variance request. The criteria for that, that it does encourage flexibility and economy in the design of subdivision. It will benefit the drainage in the area as previously mentioned. And it's the boards opinion that it will not be injurious to the public safety, health or welfare or adjacent property. It does not conflict with the goals and provisions of city plans and in fact, that it is consistent with the North Valley Area Plan. That it will not encourage a development in the hundred flood plane based again on the variance design and will not hinder future planning or public right-of-way

acquisitions as this is a private street. We do have an approved grading and drainage plan dated July 22, 2011 and so then with the signing of this infrastructure list we can grant preliminary plat approval. You folks do have a right of appeal. The appeal must be filed by someone with standing so you have to have property within 300 feet. Anyone further than that cannot appeal or it must be filed by a recognized neighborhood association. If you do appeal, it must be done within 15 days of today's date that would be August 18th by 5:00pm. If you file an appeal you must allege errors by the board and errors in applying adopted plans and policies or error in stated facts or error in acting arbitrarily or capriciously. So the people that signed in for the hearings will receive a written notice of this decision. The appeal would be filed here at the ground level and will be referred to the City Council, but they have a Land Use hearing Officer who would hear if first and then make a recommendation to the full City Council. We'll indefinitely defer final plat pending expiration of the appeal period and subdivision improvement agreement.

MR SLATES: Thank you.

CHAIRMAN CLOUD: Thank you all.

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
- 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 2nd 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): THOMPSON ENGINEERING CONSULTANTS PHONE: 271-2199
 ADDRESS: P.O. BOX 65760 FAX: 830-9248
 CITY: ALBUQUERQUE STATE NM ZIP 87193 E-MAIL: tecm@yahoo.com

APPLICANT: THOMAS SLATES PHONE: 766-9165
 ADDRESS: 5108 GUADALUPE TRAIL NW FAX: 247-1207
 CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: _____

Proprietary interest in site: OWNER List all owners: SUSAN SLATES, MARY IVYTOR, NANCY KINNEMAN

DESCRIPTION OF REQUEST: SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS

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. TRACTS 118-C, 118-D, & 118-E Block: _____ Unit: _____
 Subdiv/Addn/TBKA: MRGCD MAP 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No 32
 Zone Atlas page(s): F-14 UPC Code: 101406110920730935, 101406110919830938, 101406107220530936

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 3 No. of proposed lots: 7 Total area of site (acres): 2.06

LOCATION OF PROPERTY BY STREETS: On or Near: GUADALUPE TRAIL NW
 Between: CARIEGOS ROAD NW and MONTANO ROAD NW

Check-off if project was previously reviewed by Sketch Plat/Plan or Pre-application Review Team . Date of review: 12-2-09

SIGNATURE David B. Thompson DATE 6-3-11
 (Print) DAVID B. THOMPSON Applicant: Agent:

FOR OFFICIAL USE ONLY

- 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

1 DRB - 70154

Action
SDY
ADY
CMF

Form revised 4/07

S.F.	Fees
_____	\$ <u>20.00</u>
_____	\$ <u>20.00</u>
_____	\$ _____
_____	\$ _____
Total	\$ <u>20.00</u>

Hearing date June 29, 2011

Verlym

 Planner signature / date

Project # 1004906

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.

David Thompson
Applicant name (print)
David Thompson 6-3-11
Applicant signature / date



- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
1/DRB - 70154

Form revised 4/07
[Signature] 6-3-11
Planner signature / date
Project # 10049016

Tom and Susan Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107
(505) 766-9165

May 20, 2011

Development Review Board
City of Albuquerque

We, the undersigned, are the owners of Tract 118D and 118E. We reside at 5108 Guadalupe Trail (the eastern ½ of Tract 118E). We are also representing Mary Porter and Nancy Kinnemann, owners of Tract 118C.

We are asking to divide three 2/3-acre R-1 parcels (118C, 118D and 118E) into five 1/3-acre parcels and two 1/6-acre parcels. The new subdivision will be called "Lands of Simpatico". The three existing tracts are approximately 82' deep and 330' to 387' long. After allowing for road easements and setbacks, the building pads are approximately 44' X 345' which are unusually narrow, a condition that existed prior to 1959 and before implementation of current DPM requirements for sidewalks, easement widths and pavement requirements. The limitations on the 3 tracts, because of size (29,987 sq. ft., 29,773 sq. ft. and 29,763 sq. ft.) and narrowness, prevent the complete use as R-1 properties. No irrigation rights or ditch access comes with the property and an irrigation well would, in light of the City's current water use guidelines, be a waste of a precious resource. Large R-1 lots already cause weed and litter problems.

Our neighborhood, which lies just north of the Los Griegos Historic District, wishes to maintain its unique character, charm and semi-rural atmosphere. The North Valley Character Study (7-03-08 draft review, a study initiated by councilor O'Malley and City Council Services concerning the impacts of continued residential development on the unique character of the North Valley) recommends less infrastructure than is associated with urban development, such as curbs, gutters, sidewalks and standard-width streets.

We are requesting a sidewalk waiver (DPM Table 23.2.1.B). No sidewalks exist on Guadalupe Trail from Griegos north past Delamar or on any feeder roads (Bayita Lane, Pablita Lane or Rosalee St.). The nearest sidewalk is at Delamar and Guadalupe Tr., 175' north of our existing access easement.

We request an easement variance from 46' wide to 24' wide (no sidewalks; no curb and gutter) and a roadway surface variance from asphalt paving to 3" gravel over a 12" compacted base (EPC Resolution April 1979; DPM Tables 23.2.1.B & D).

We do not have the privilege of designing this subdivision on a clean sheet of paper. We have 5 existing R-1 lots (Tract 118A, Tract 118B-A, 118B-B, 118B-C, 118B-D) with the inherent problems of narrow access easements (17.5' at Guadalupe Tr.), non-compliance with maintenance of access width and drainage issues. The history of this area goes back hundreds of years and the land division, lack of "urban infrastructure" and the meandering nature of Guadalupe Tr. are qualities the South Guadalupe Trail Neighborhood Association (SGTNA) values highly.

At the existing access to the subdivision, Guadalupe Tr. is 23' wide (asphalt with no sidewalks, no curbs and no gutter). It currently serves 98 residences, traffic to Columbus Park, and access for 38 residences on Delamar NW and Douglas MacArthur who wish to access west-bound Griegos Rd. (source: SGTNA membership roll 2010).

Existing gravel/dirt access roads feeding Guadalupe Tr. north from Griegos are as follows:

- A. 4824, 4828, 4832, 4836, 4840, 4842, 4844, 4848, and 4900 Guadalupe Tr. (east side) plus 3 recently platted lots in Los Castillos all share a 20' wide access road.
- B. Rosalee NW: 9 lots, 20' wide access road
- C. Pablito Lane (Platted 12/21/66): 12 lots, 20' wide dirt access road with a 14' wide constriction.
- D. Bayita Lane: 13 residences, 25' wide access road, length at 1,056'

The existing access/utility easement road for the existing lots is 17.5' wide for its first 103' east of Guadalupe Trail and then widens to 22' wide for its remaining 410'. This width was permitted on November 13, 1979 as part of the Orville Padilla Replat. In speaking with the Fire Marshall's plan checking office, they can't remember ever approving an emergency access road less than 20' wide. This access currently serves as the only emergency access/access to eight R-1 lots: (Tracts 118A, 118B-A, 118B-B, 118B-C, 118B-D, 118C, 118D and 118E).

As part of our development plan, we can widen the existing road to 24' from Guadalupe Trail east 718 feet to the new hammerhead turn-around. We have an agreement with the owners of Tract 119 to enable us to purchase a 6 1/2' access easement from the north side of their property. Also, we are granting the additional 2' width easement from Tracts 118E and 118D to accommodate the 24' access width for two-way traffic. Mail service is currently provided by a cluster box on Guadalupe Trail for all 12 lots. Garbage service is currently on Guadalupe Trail and we see no change to this service.

All of the newly created lots (1-7) would have P-2 parking to reduce on-street parking demands. All off street vehicle parking shall be on a 3" crushed rock on a 4" compacted base. We are also granting a 24' wide off street parking area between Lots 3 and 4.

For the above reasons we are asking for a variance from the DPM Table 23.2.2 street design standards for width and material.

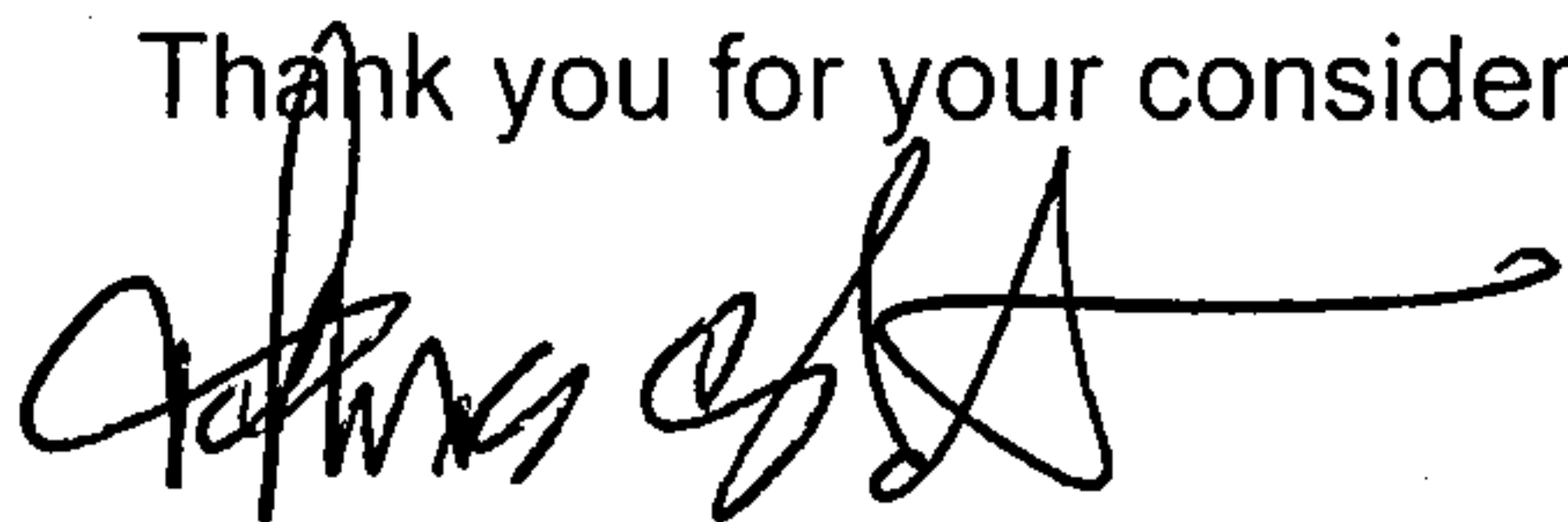
As per a conversation I had with Kristal Metro, I contacted the Environmental Health Dept. concerning any dust complaints they may have received in the last three years. Maritza Perez responded that no complaints existed for our area.

The drainage plan has been designed for a permeable 24' wide, 3" gravel over 12" compacted base driving surface in keeping with the character of the neighborhood.

In designing lot sizes, lots 1 and 2 at 7,600 sq.ft. relate to the smaller lot sizes of the Orville Padilla Replat. The other 5 lots provide more open space as is recommended by the North Valley Character Study (open space at 65% of lot size).

These variances would improve the access for existing residents, improve access for emergency vehicles, cut down on dust and maintain the scale and character of the neighborhood.

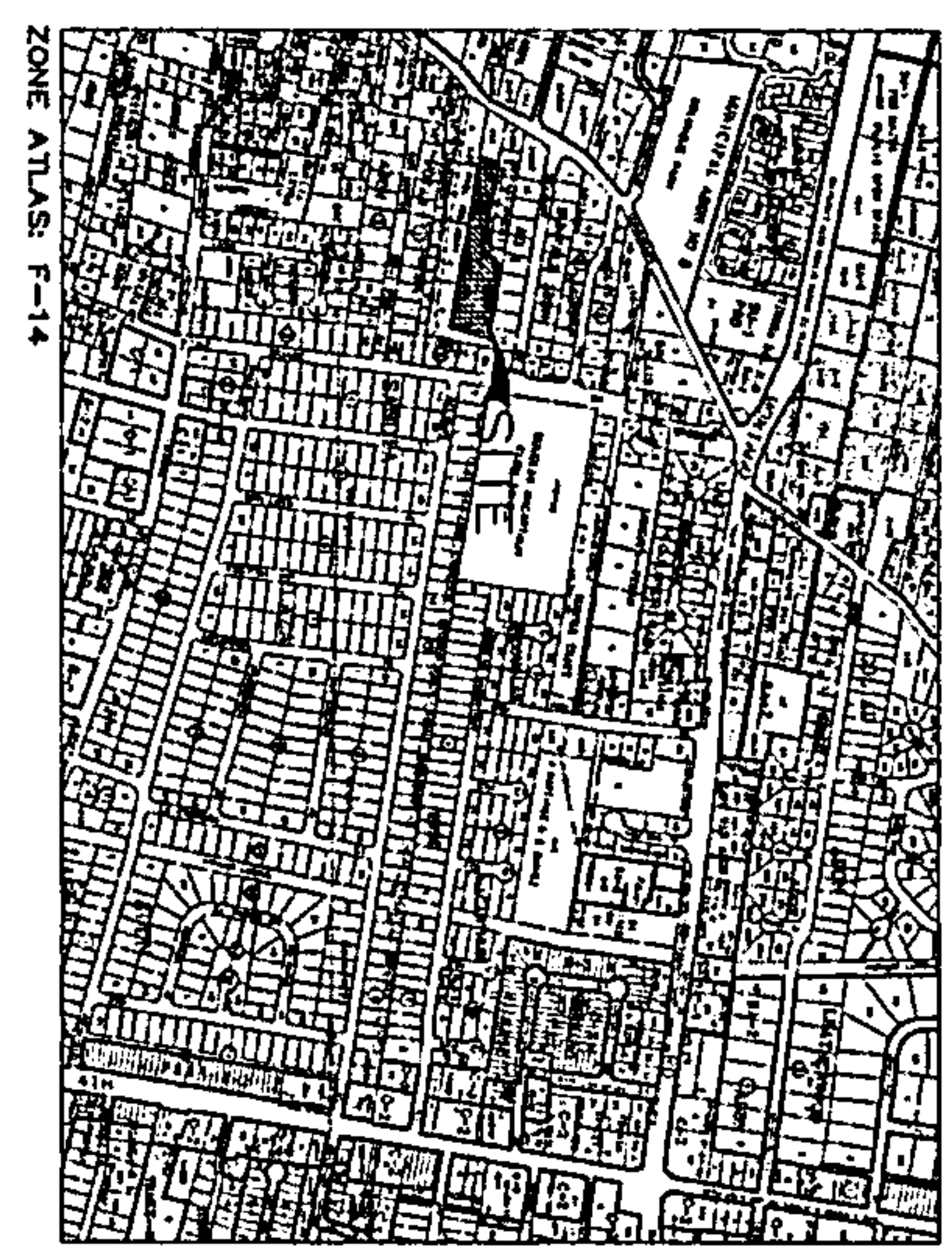
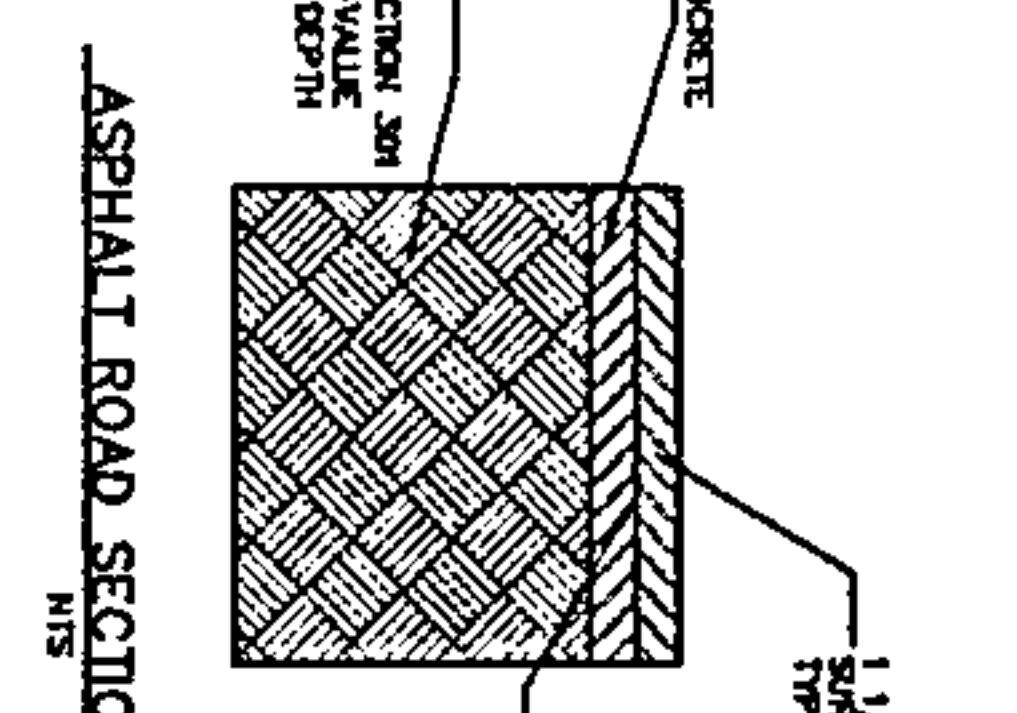
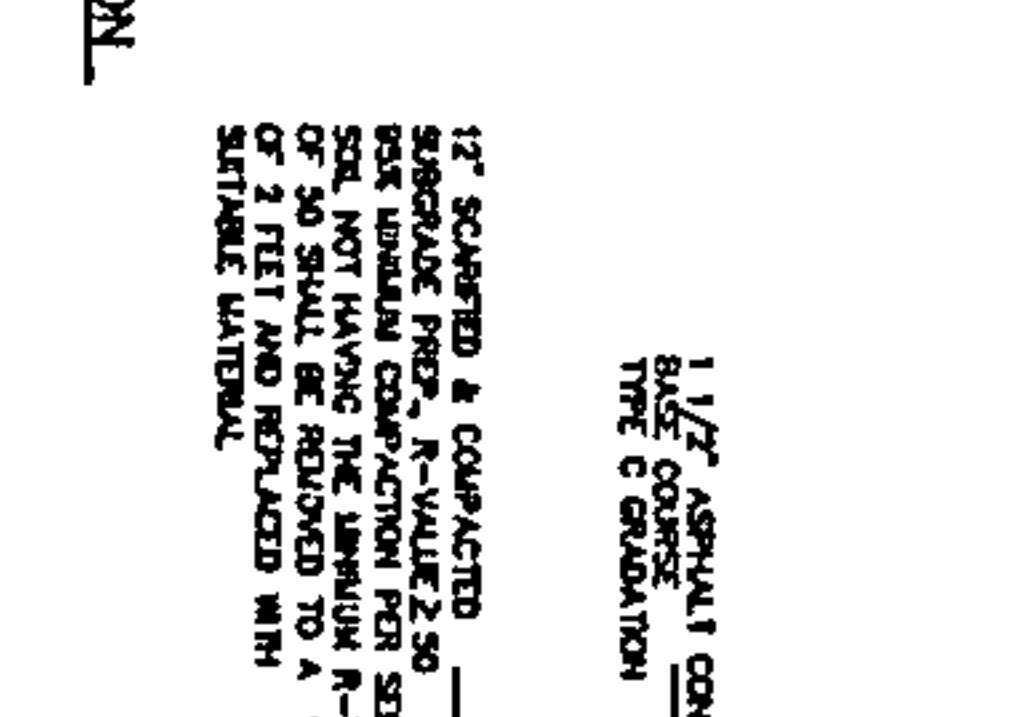
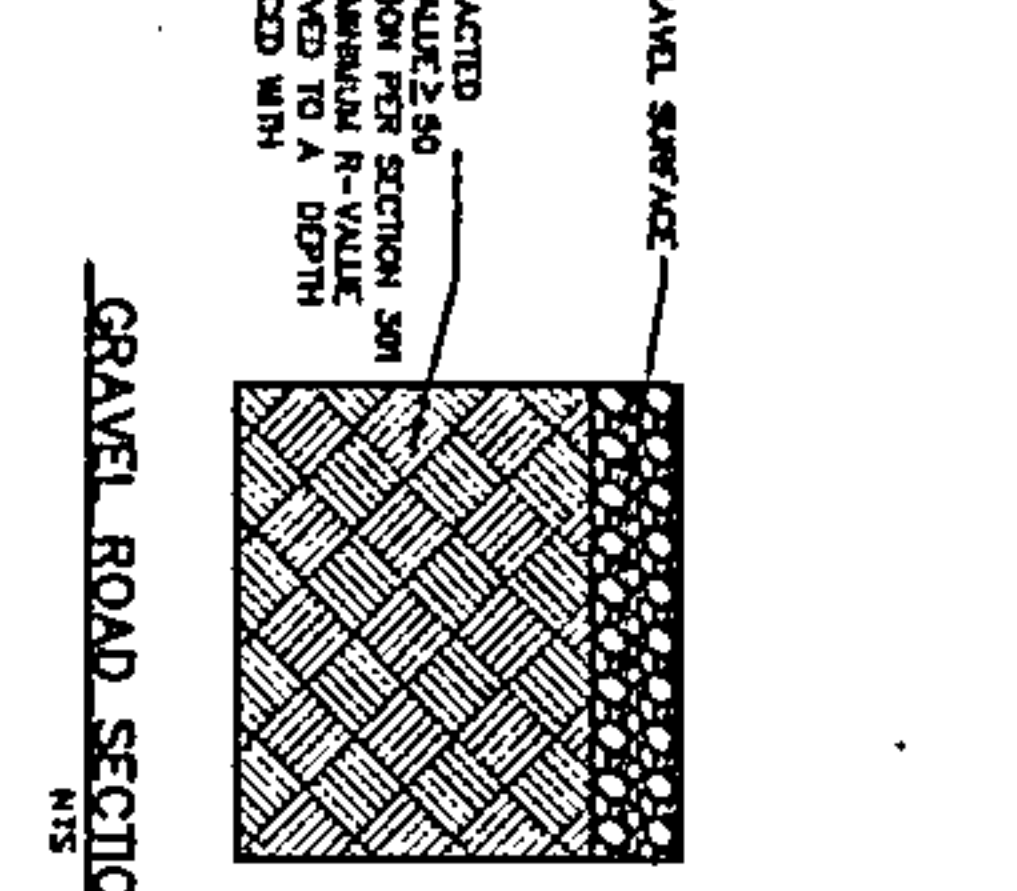
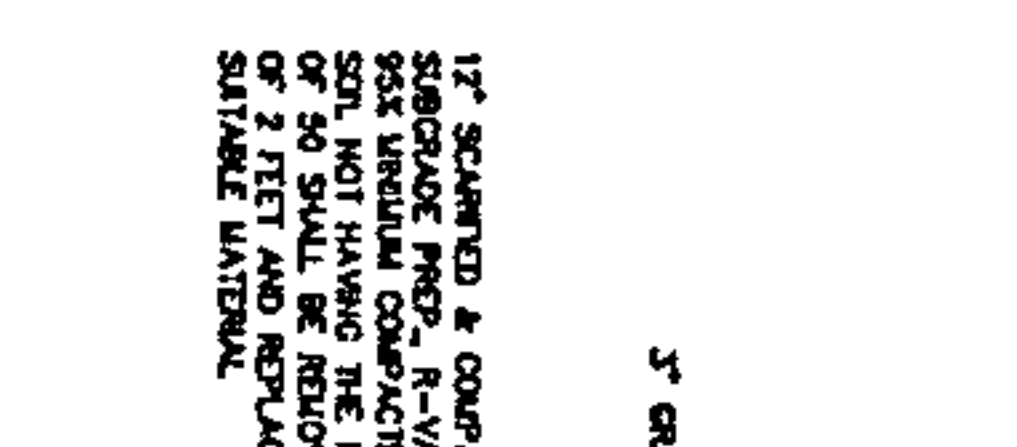
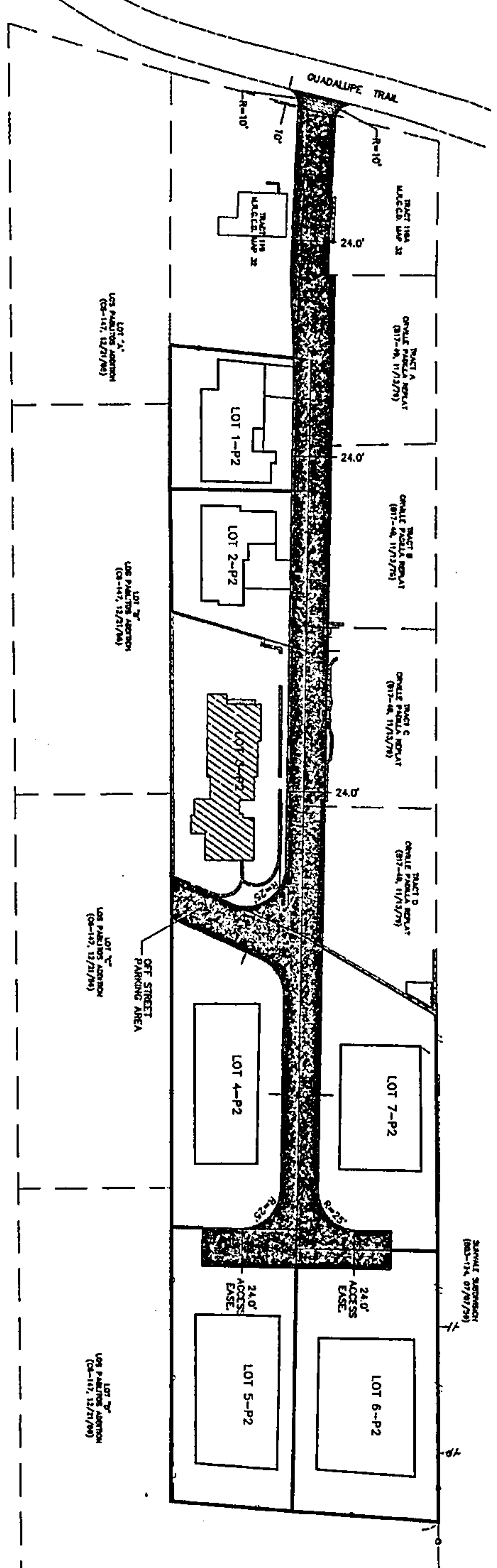
Thank you for your consideration,



R. Thomas (Tom) Slates



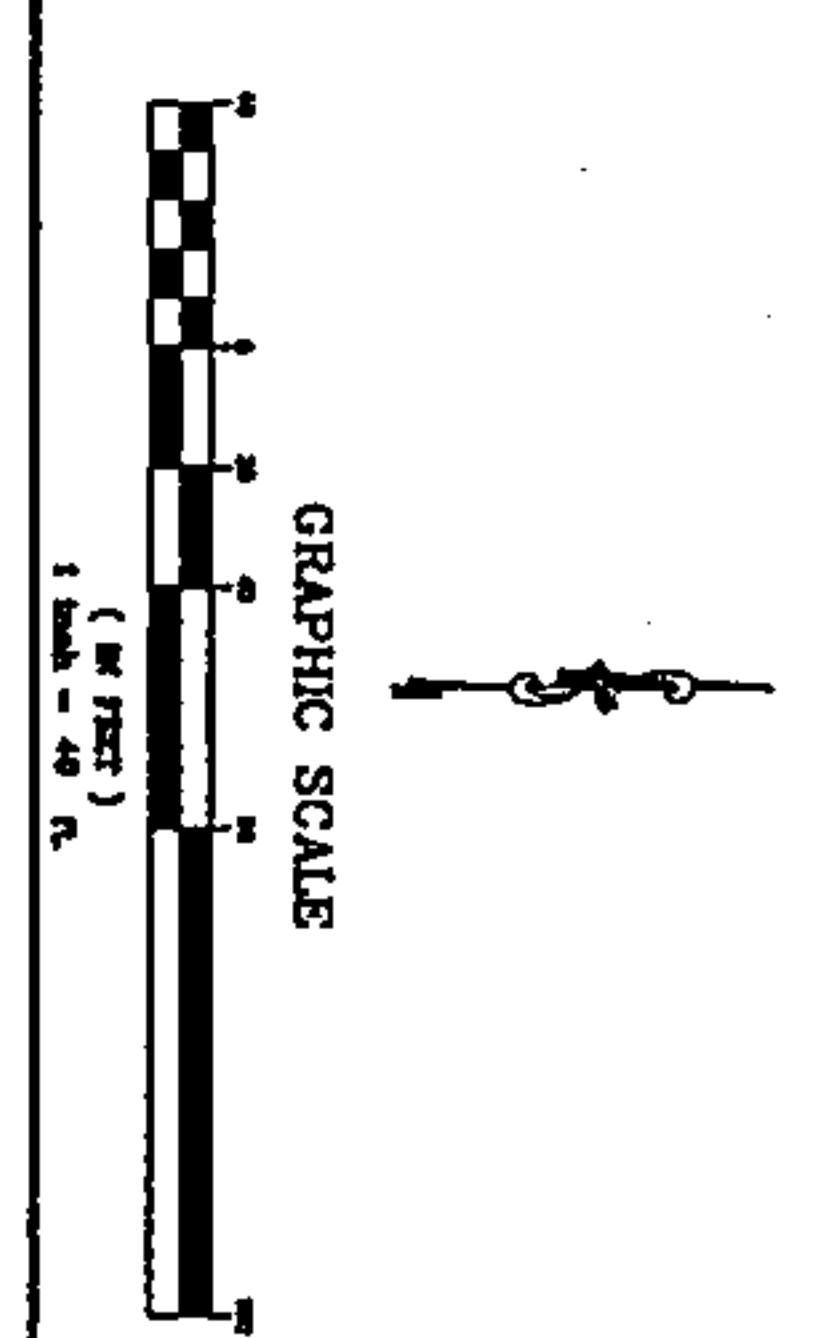
Susan Slates



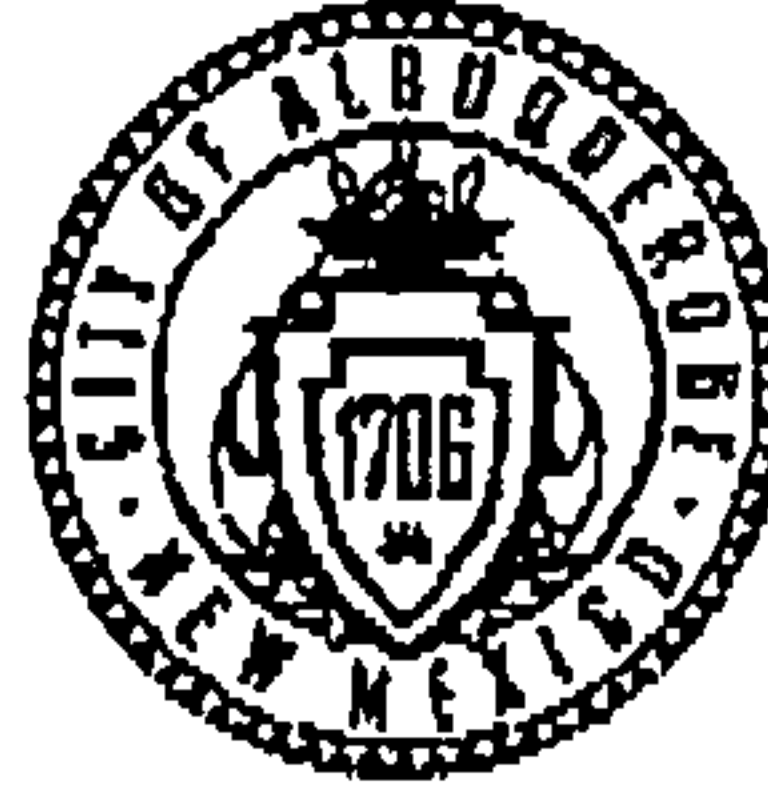
LEGEND

24' WIDE PRIVATE GRAVEL ROAD

24' WIDE ASPHALT PAVEMENT



SHEET NO. 1 OF 1	CITY/COUNTY REVIEW			LOTS 1 - 7 LANDS OF SIMPATICO DESIGN VARIANCE EXHIBIT		NO. REVISION BY DATE		Thompson Engineering Consultants, Inc. www.thompsoneng.com P.O. BOX 65762 PHONE: (505) 271-3199 ALBUQUERQUE, NM 87115 FAX: (505) 250-8240
	DEPARTMENT	SIGN-OFF	DATE			PROJECT:	DRAWN BY:	
WASTEWATER MGMT. DIV.			DATE:	CHECKED BY:				
WATER SERVICES			HORIZ. SCALE:	APPROVED BY:				
SUBDIVISION ENG.			VERT. SCALE:	FILE:				
STREETS			FOR CITY/COUNTY USE ONLY					
TRAFFIC								



City of Albuquerque

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.

Date: 5-25-11

TO CONTACT NAME: DAVID THOMSON
 COMPANY/AGENCY: THOMSON ENGINEERING
 ADDRESS/ZIP: Box 65760 87193
 PHONE/FAX #: 271-2199 830-9248

Thank you for your inquiry of 5-25-11 (date) requesting the names of **ALL Affected**

Neighborhood and/or Homeowner Associations who would be affected under the provisions of O-92 by your proposed project at Guadalupe Cir NW between
Conroy's Road NW and Montoya Rd NW
 zone map page(s) F-14

Our records indicate that the **Affected Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

Las CRIEAS
 Neighborhood or Homeowner Association

SOUTH GUADALUPE TRAIL
 Neighborhood or Homeowner Association

Contacts: _____

Contacts: _____

Get attached

See reverse side for additional Neighborhood and/or Homeowner Associations Information:

YES { } NO {x}

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 our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,
Robert Mark
 OFFICE OF NEIGHBORHOOD COORDINATION

ATTENTION: Both contacts for each Neighborhood and/or Homeowner Associations need to be notified.

LOS GRIEGOS N.A. (LGS)

***Steve Reuter** e-mail: sreuter@comcast.net
3817 Don Juan Ct. NW/87107 342-0191 (h)
Joan McDougall e-mail: joanmcdougall@gmail.com
4020 Grande Dr. NW/87107 344-9272 (h)

Council District: 2
County District: 1
Police Beat: 237/VA
Zone Map #: F-G-13-14

SOUTH GUADALUPE TRAIL N.A. (SGT) "R"

Ken Gilman
5219 Guadalupe Trail NW/87107
Stefan Posse e-mail: pstefan2@comcast.net
1616 Bayita Ln. NW/87107 342-1395 (h)

Council District: 2
County District: 2
Police Beat: 239/VA
Zone Map: F-13-14

7006 0100 0006 5414 5234

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ALBUQUERQUE NM 87107 **OFFICIAL USE**

Postage	\$	\$0.44	0118
Certified Fee		\$2.85	32
Return Receipt Fee (Endorsement Required)		\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.59	06/03/2011

Sent To *John McDougall*
 Street, Apt. No.; or PO Box No. *4022 Grande Dr. NW*
 City, State, ZIP+4 *Albuquerque, NM 87107*

PS Form 3800, June 2002 See Reverse for Instructions

7003 2260 0005 8331 0855

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ALBUQUERQUE NM 87107 **OFFICIAL USE**

Postage	\$	\$0.44	0118
Certified Fee		\$2.85	32
Return Receipt Fee (Endorsement Required)		\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.59	06/03/2011

Sent To *Steve Renter*
 Street, Apt. No.; or PO Box No. *3817 Don Juan Ct. NW*
 City, State, ZIP+4 *Albuquerque, NM 87107*

PS Form 3800, June 2002 See Reverse for Instructions

7006 0100 0006 5414 5222

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ALBUQUERQUE NM 87107 **OFFICIAL USE**

Postage	\$	\$0.44	0118
Certified Fee		\$2.85	32
Return Receipt Fee (Endorsement Required)		\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.59	06/03/2011

Sent To *Ken Gilman*
 Street, Apt. No.; or PO Box No. *5219 Guadalupe Trail NW*
 City, State, ZIP+4 *Albuquerque, NM 87107*

PS Form 3800, June 2002 See Reverse for Instructions

7003 2260 0005 8331 0862

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ALBUQUERQUE NM 87107 **OFFICIAL USE**

Postage	\$	\$0.44	0118
Certified Fee		\$2.85	32
Return Receipt Fee (Endorsement Required)		\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.59	06/03/2011

Sent To *Stefan Posses*
 Street, Apt. No.; or PO Box No. *1616 Bayita Ln NW*
 City, State, ZIP+4 *Albuquerque, NM 87107*

PS Form 3800, June 2002 See Reverse for Instructions

June 3, 2011

Mr. Ken Gilman
South Guadalupe Trail Neighborhood Association
5219 Guadalupe Trail NW
Albuquerque, NM 87107

**RE: REQUEST FOR SUBDIVISION DESIGN VARIANCE FROM MINIMUM
DPM STANDARDS**

Dear Mr. Gilman:

We are writing to you on behalf of our client, Simpatico Construction. Our client is requesting a subdivision design variance for the private access road (refer to enclosed location map). We are requesting that the City of Albuquerque approves the 24 foot-wide access road with a gravel surface. This road construction and width is consistent with other access roads in the vicinity. The request for design variance is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, June 29, 2011.

If you should have any questions please call me at 271-2199.

Sincerely,



David B. Thompson, PE



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

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)
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 2nd 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): Cartesian Surveys Inc. PHONE: 896-3050
ADDRESS: PO Box 44414 FAX:
CITY: Rio Rancho STATE NM ZIP 87174 E-MAIL: cartesianamber@aol.com

APPLICANT: Thomas Slates PHONE: 505-766-9165
ADDRESS: 5108 Guadalupe trail NW FAX:
CITY: Albuquerque STATE NM ZIP 87107 E-MAIL:

Proprietary interest in site: List all owners: 118C - Nancy Kinnemann + Mary Porter

DESCRIPTION OF REQUEST: Lots 118D + 118E - Tom + Susan Slates
to create seven new lots from the existing three tracts and grant easements
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. 118-C, 118-D, 118-E Block: Unit:
Subdiv/Addn/TBKA: MRGCD, MAP 32
Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No 32
Zone Atlas page(s): F14 UPC Code: 118-C(101406110920730935)
118-D(10140610819830938)
118-E(10140610720530936)

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
DRB case No: 1004906

CASE INFORMATION:

Within city limits? Yes No Within 1000FT of a landfill? No
No. of existing lots: 3 No. of proposed lots: 7 Total area of site (acres): 2.0562 Acres
LOCATION OF PROPERTY BY STREETS: On or Near: Guadalupe trail NW
Between: Delamar Ave NW and San Andres Ave NW

Check-off if project was previously reviewed by Sketch Plat/Plan or Pre-application Review Team. Date of review:

SIGNATURE Amber Palmer DATE 6/20/11
(Print) Amber Palmer Applicant: Agent: X

FOR OFFICIAL USE ONLY

- 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

Table with columns: Application case numbers, Action, S.F., Fees. Includes entries for 110RB, 70168, PAF, CMF, and Total fees of \$655.00.

Hearing date June 29, 2011

Planner signature / date 6-21-11 Project # 1004906

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application
- Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls 3 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- ~~NA~~ 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- ~~NA~~ Design elevations and cross sections of perimeter walls (11" by 17" maximum) 3 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- ~~NA~~ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- ~~K~~ Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (verify with DRB Engineer)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) Your attendance is required.

- 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
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers 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.

Charles Calderon
Applicant name (print)
Charles Calderon 6-21-11
Applicant signature / date



Form revised October 2007

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
11DRB-70168

[Signature] 6-21-11
Planner signature / date
Project # 1004906

Cartesian Surveys Inc.
PO Box 44414, Rio Rancho, NM 87174
896-3050 Fax 891-0244

June 20, 2011

Development Review Board
City of Albuquerque

Re: Tracts 118-C, 118-D, and 118-E, MRGCD Map. No. 32
(Lands of Simpatico)

Members of the Board:

Cartesian Surveys is acting as an agent for the owners and requests a hearing for a subdivision platting action. Whereas the existing 3 tracts be platted into seven lots.

Thank you for your time and consideration.

Will Plotner Jr., NMLS 14271



ALBUQUERQUE PUBLIC SCHOOLS

Capital Master Plan
Expect Great Things!

Winston Brooks
SUPERINTENDENT

**Pre-Development Facilities Fee (PDFF)
Cover Sheet**

Please drop off and pick up all Pre-Development Facilities Fee agreements at APS Capital Master Plan office. The office is located in Suite 9, 2nd Floor of the Lincoln Building at 915 Locust St SE. A map to our offices is located at: <http://apsfacilities.org/capital/map.php>

Project # (if already assigned by DRB) _____

Please check one:

Preliminary PDFF

(Preliminary PDFF are required for preliminary plat submittals.)

Final PDFF

(Final PDFF are required for final plat submittals and must be recorded prior to DRB hearing)

Waiver/Deferral

(Must provide reason for Waiver/deferral)

Project Information

Subdivision Name: Lands of Simpatico

Legal Description: Lots 1-P2 thru 7-P2

Location of Project (address or major cross streets) 5108 Guadalupe Trl NW

Proposed Number of Units 6 Single-Family _____ Multi-Family 6 Total Units

Waiver Information

Property Owner: _____ Legal Description: _____

Zoning: _____

Reason for Waiver/Deferral: _____

Contact Information

Name: Tom Slates

Company: Simpatico

Phone: 350-9816

E-Mail: _____

Please include with your submittal:

- Zone Atlas map with the entire property (ies) precisely and clearly outlined
- Copy of a plat or plan for the proposed project
- List of new legal description (e.g. lot, block) and street address for each lot (for final plat only)
- Please include project number on the top right corner of all documents

Original Legal Description:

OLD: Tract 118C MRGCD Map #32, one R-1 lot

NEW: Lot 7-P2 5128 Guadalupe Trl. NW

NEW: Lot 6-P2 5126 Guadalupe Trl. NW

(Tract 118C is jointly owned by Mary Porter and Nancy Kinnemann of Falls Church, VA. They will remain the owners of 5128 and 5126 Guadalupe Trl.)

Original Legal Description:

OLD: Tract 118D MRGCD Map #32, one R-1 lot

NEW: Lot 5-P2 5124 Guadalupe Trl. NW

NEW: Lot 4-P2 5122 Guadalupe Trl. NW

(Tract 118D is owned by Tom and Susan Slates. They will remain the owners of 5124 and 5122 Guadalupe Trl.)

Original Legal Description:

OLD: Tract 118E MRGCD Map #32, one R-1 lot

OLD: Lot 3-P2 5108 Guadalupe Trl. NW

(existing residence built in 2007)

NEW: Lot 2-P2 5106 Guadalupe Trl. NW

NEW: Lot 1-P2 5102 Guadalupe Trl. NW

(Tract 118E is owned by Tom and Susan Slates. They live at 5108 Guadalupe Trl. and will remain the owners of 5106 and 5102 Guadalupe Trl.)

EXHIBIT B

FINAL
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and R. THOMAS SLATES ("Developer") effective as of this ___ day of _____, 20___, and pertains to the subdivision commonly known as LOTS 1-7, LANDS OF SIMPATICO and more particularly described as THE PLAT OF TRACTS 118-C, 118-D, AND 118-E OF MRGCD MAP 32.

(the "Subdivision".) The following individual lots comprise the subdivision: SEE ATTACHED LIST. [List lots by street address; Lots which will be used for multi-family residences should be marked "multifamily- ___ units" with the number of units filled in.]

WHEREAS, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new residential subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, Developer is the owner of the real estate being subdivided and platted; and

WHEREAS, Developer is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance; and

WHEREAS, APS has determined that the amount of the facilities fee is reasonably related to the impact the subdivision will have on the operation of the area schools.

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees to pay to APS a facilities fee for each dwelling unit to be constructed in the Subdivision.
2. The amount of the fee shall be:

Doc# 2011054502

06/13/2011 11:10 AM Page: 1 of 5
AGRE R: \$17.00 M. Toulouse Oliver, Bernalillo County



- If the building permit is issued on or after January 1, 2007, the fee shall be \$1875 per dwelling unit.
- If the building permit is issued on or after July 1, 2008, the fee shall be \$2425 per dwelling unit.
- If the permit is issued on or after January 1, 2010, the fee shall be \$2975 per dwelling unit.

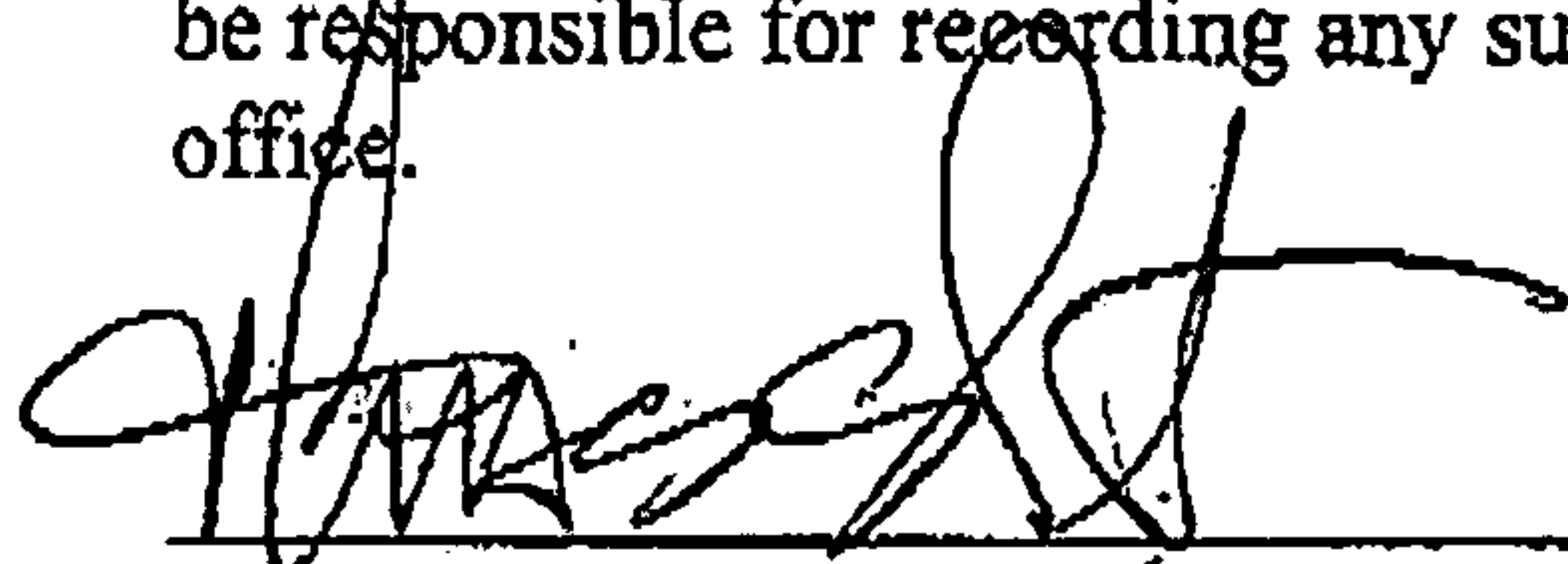
The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60 %) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.

4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.

5. This contract may be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."

6. APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgment in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.



Signature

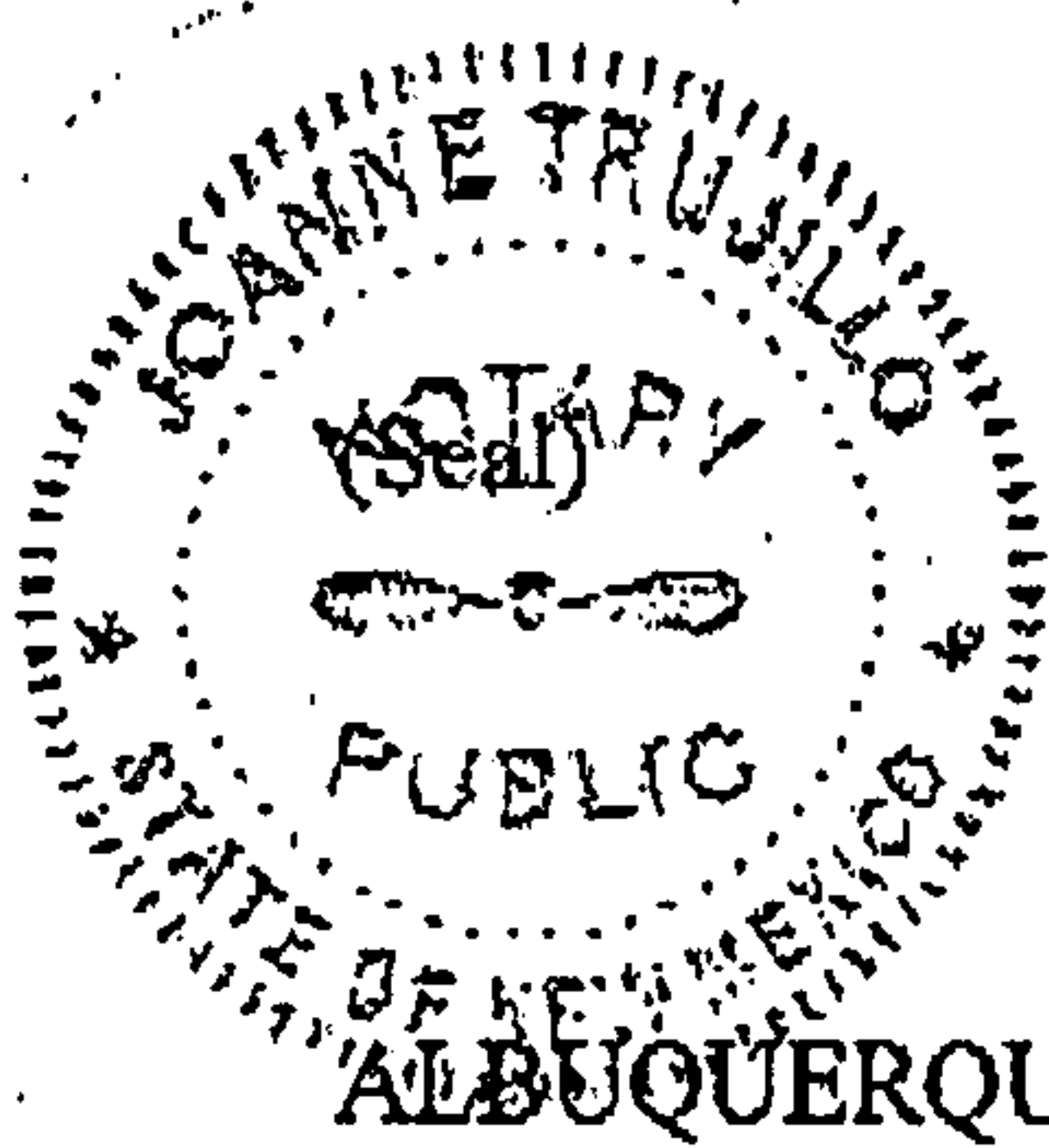
R. THOMAS SLATES

Name (typed or printed) and title **DEVELOPER**

Developer

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on 6/7/11, by R. Thomas Slates as _____ of _____, a corporation.



Joanne Yruijillo
Notary Public

My commission expires: 9-21-14

ALBUQUERQUE PUBLIC SCHOOLS

By: April L. Winters
Signature

April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

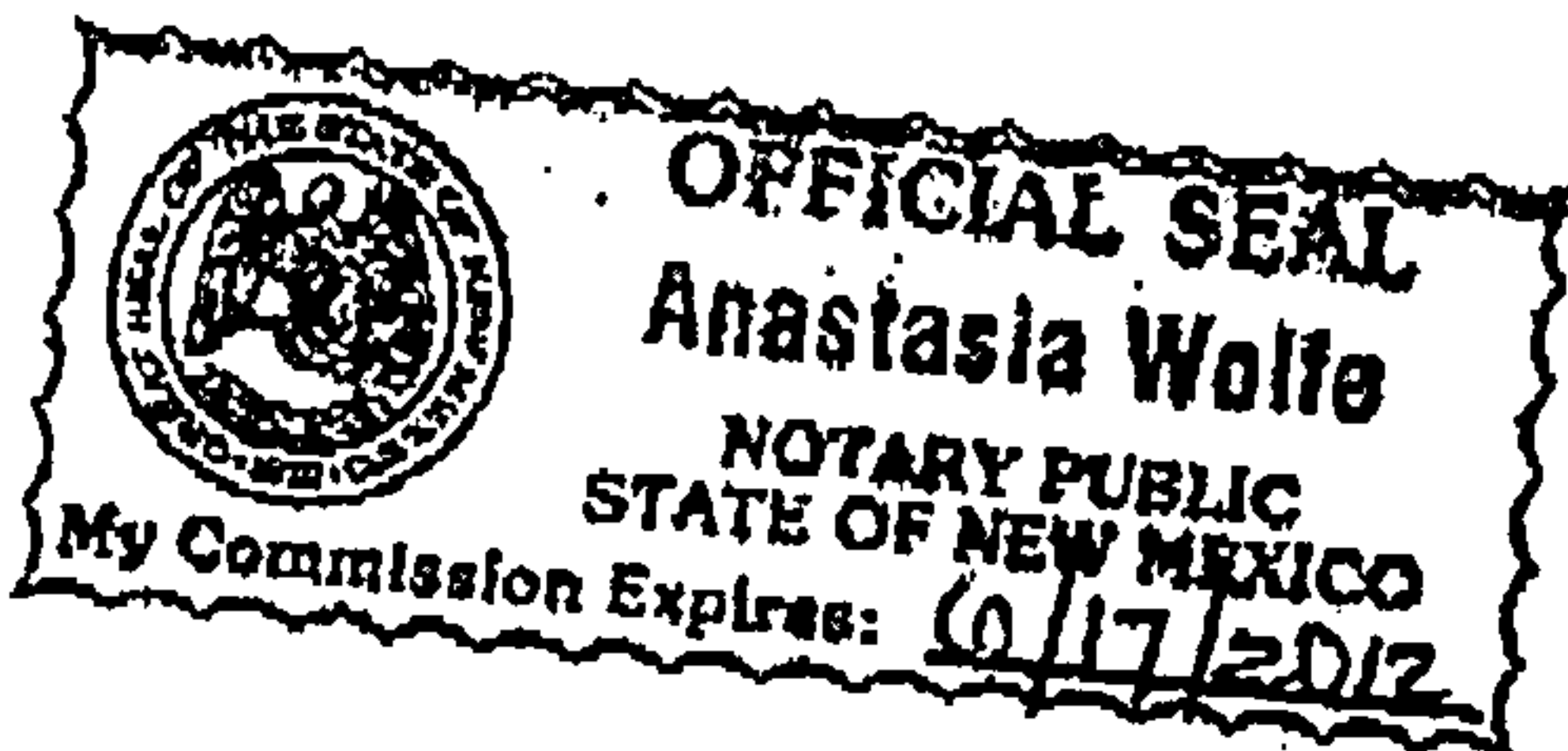
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on June 9, 2011, by April L. Winters as Facilities Fee Planner of the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under the laws of the State of New Mexico.

(Seal)

Anastasia Wolfe
Notary Public

My commission expires: 6/17/2012



Mary K. Porter
Signature

MARY PORTER
Name (typed or printed) and title

OWNER TRACT 118C

Nancy Kinnemann
SIGNATURE

NANCY KINNEMANN

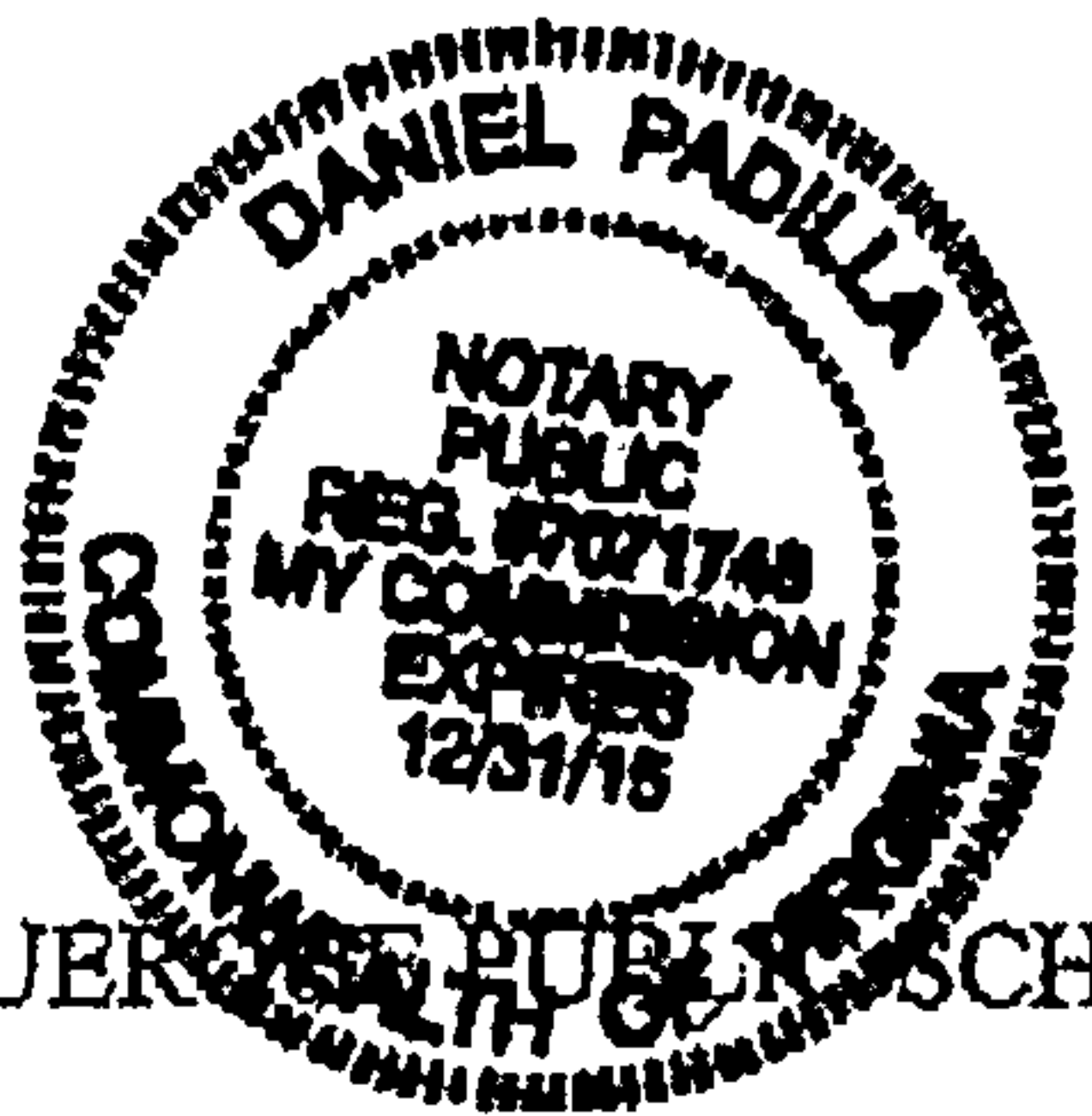
OWNER TRACT 118C

~~Developer~~

~~STATE OF NEW MEXICO~~ State of Virginia
~~COUNTY OF BERNALILLO~~ County of Fairfax

This instrument was acknowledged before me on 6-7-11, by Mary K. Porter & Nancy Kinnemann as _____ of _____, a corporation.

(Seal)



[Signature]
Notary Public

My commission expires: 12-31-15

ALBUQUERQUE PUBLIC SCHOOLS

By: April L. Winters
Signature

April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

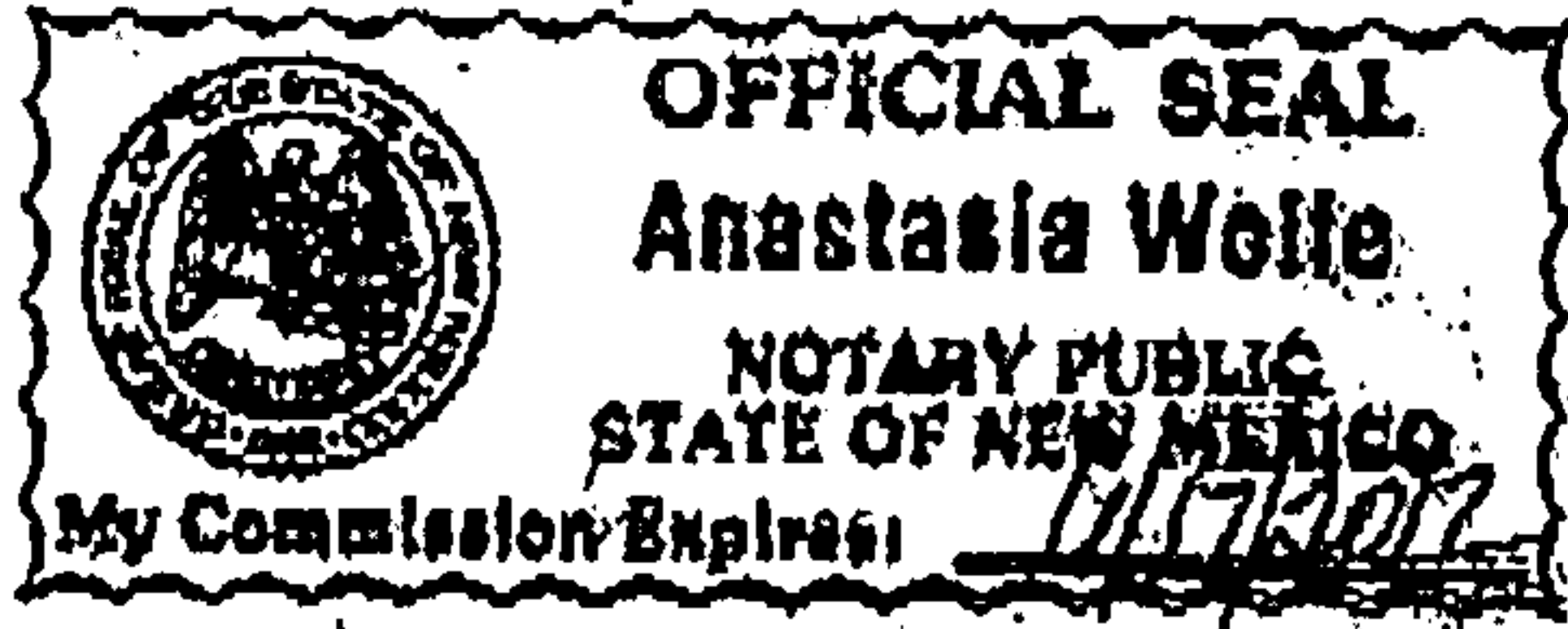
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

April Winters as facilities Fee Planner of the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under the laws of the State of New Mexico.

(Seal)

Anastasia Wolfe
Notary Public

My commission expires: 6/17/2012



87-3 SHORT WARRANTY DEED UNDER 143-101-NEW MEXICO STATUTE 1998

9021859

WARRANTY DEED (Joint Tenants)

3828

JOSE E. PADILLA, a single man

DANIELA R. LOPEZ

for consideration paid in cash

2726 Campbell Road N.W., #3, Albuquerque, New Mexico 87104

LINDA VIGIL-LOPEZ, husband and wife

2726 Campbell Road N.W., #3, Albuquerque, New Mexico 87104

Parcel 1 Bernalillo County, New Mexico

A certain tract of land situate in Section 32, Township 11 N., Range 3 E., of the New Mexico Principal Meridian, Bernalillo County, New Mexico, being identified as all of Tract No. 118-C, as shown on the Middle Rio Grande Conservancy District's Property Map No. 32, being bounded as follows; On the North by land of San Shalit, On the East by land of Celestino Pizaro, On the South by land of Oralia P. Candelaria, On the West by land of Devilla Padilla, being more particularly described by metes and bounds survey as follows; Beginning at the Southwest Corner, whence, the West 1/4 Corner of Section 32, Township 11 N., Range 3 E., of the New Mexico Principal Meridian, as shown on the Bernalillo County Survey Sheet No. 19, bears N 58° 49' 30" W., 1644 feet distance, thence; N 39° 40' E., 99.01 feet to the Northwest Corner, thence; S 80° 33' E., 314.90 feet to the Northeast Corner, thence; S 13° 46' N., 92.25 feet to the Southeast Corner, thence; N 79° 33' N., 357.60 feet to the place of beginning and containing 0.687 acres, more or less. The above described tract of land is to have a perpetual easement for the right of ingress and egress from Guadalupe Road through the Southerly 17.50 feet of Tract No. 118-A, M.R.G.C.D. Property Map No. 32; also through the Southerly 17.50 feet of the Northerly 53.19 feet of Tract 118-B and through the Southerly 8.75 feet of the remaining portion of Tract 118-B, M.R.G.C.D. Map No. 32; also through the Northerly 8.75 feet of Tract 118-B and 118-D, M.R.G.C.D. Map No. 32. The Southerly 8.75 feet of the above described tract is to be reserved for a perpetual easement for the right of ingress and egress for the Owners, their heirs and assigns, of Tract 118-D, M.R.G.C.D. Property Map No. 32.

Subject to the Lien of the Middle Rio Grande Conservancy District.

Subject to patent reservations, restrictions and easements of record and to taxes for the current year and subsequent years.

WITNESS MY hand and seal this 19th day of AUGUST 1981

JOSE E. PADILLA (Seal)

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
 COUNTY OF BERNALILLO
 The foregoing instrument was acknowledged before me this 19th day of AUGUST 1981 by Jose E. Padilla, a single man
 My commission expires: 7-27-84
 (Seal)

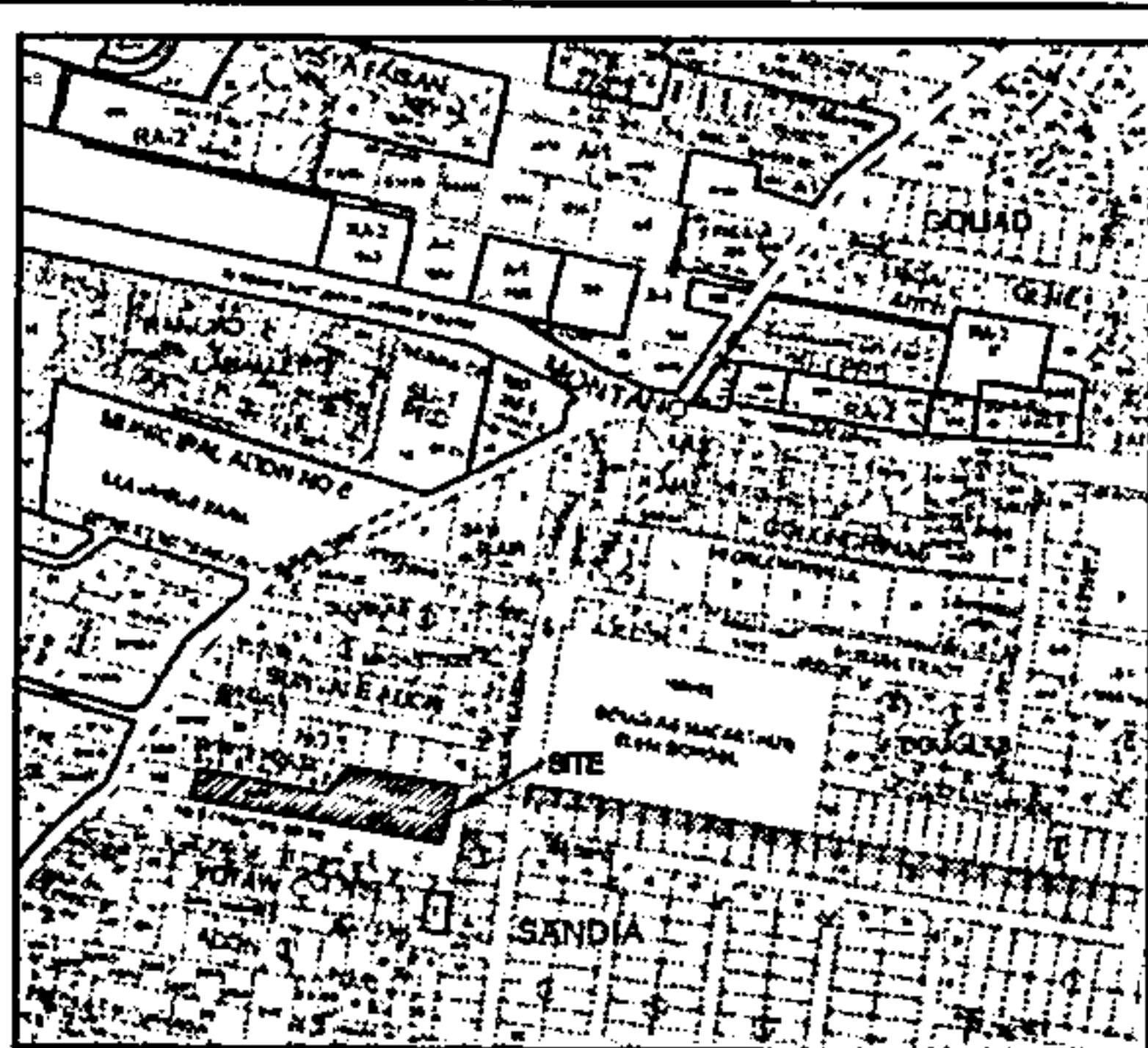
FOR RECORDERS USE ONLY
 STATE OF NEW MEXICO
 COUNTY OF BERNALILLO
 FILED FOR RECORD
 1990 OCT 22 AM 8:00
 2550
 90-5
 3628

ACKNOWLEDGMENT FOR CORPORATION
 STATE OF NEW MEXICO
 COUNTY OF
 The foregoing instrument was acknowledged before me this day of 19
 by
 (Name of Officer)
 (Name of Corporation)
 My commission expires:
 (Name of Officer)

F14/15

Indexing Information

Section 32, Township 11 North, Range 3 East,
 N.M.P.M. as Projected in the Albuquerque Grant
 M.R.G.C.D. MAP NO. 32
 Tract 118-E L.P.C. #101408107220530936
 Tract 118-D L.P.C. #10140810818030838
 Tract 118-C L.P.C. #10140810920730935



Vicinity Map

Legal

A CERTAIN PARCEL OF LAND IDENTIFIED AS TRACT 118-C M.R.G.C.D. MAP NUMBER 32, SITUATE WITHIN PROJECTED SECTION 32, TOWNSHIP 11 NORTH, RANGE 3 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF HERIN DESCRIBED TRACT, POINT BEING MARKED BY A 5/8" REBAR, WHENCE THE NORTHWEST CORNER OF LOT C OF LOS PABLITOS ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY ON DECEMBER 21, 1968 IN BOOK 68, PAGE 147 BEARS S 33°17'34" W, A DISTANCE OF 90.75, THENCE N 80°30'00" W, A DISTANCE OF 31.47;

THENCE FROM SAID POINT OF BEGINNING, N 39°47'16" E, A DISTANCE OF 98.94 FEET, TO THE NORTHWEST CORNER OF HERIN DESCRIBED TRACT, MARKED BY A 5/8" REBAR;

THENCE, S 80°30'11" E, A DISTANCE OF 314.07 FEET, TO THE NORTHEAST CORNER OF HERIN DESCRIBED TRACT, MARKED BY A BATHEY MARKER WITH CAP "LS 14271";

THENCE, S 13°47'30" W, A DISTANCE OF 93.09 FEET TO THE SOUTHEAST CORNER OF THE HERIN DESCRIBED TRACT, MARKED BY A BATHEY MARKER WITH CAP "LS 14271";

THENCE, N 79°26'33" W, A DISTANCE OF 357.08 FEET, TO THE POINT OF BEGINNING CONTAINING 0.6884 ACRES (29,987 SQ. FT.) MORE OR LESS.

AND
 A CERTAIN PARCEL OF LAND IDENTIFIED AS TRACT 118-D M.R.G.C.D. MAP NUMBER 32, SITUATE WITHIN PROJECTED SECTION 32, TOWNSHIP 11 NORTH, RANGE 3 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF HERIN DESCRIBED TRACT, POINT BEING MARKED BY A BATHEY MARKER WITH CAP "LS 14271", WHENCE THE NORTHWEST CORNER OF LOT C OF LOS PABLITOS ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY ON DECEMBER 21, 1968 IN BOOK 68, PAGE 147 BEARS N 80°30'00" W, A DISTANCE OF 31.47;

THENCE FROM SAID POINT OF BEGINNING, N 33°17'34" E, A DISTANCE OF 90.75 FEET, TO THE NORTHWEST CORNER OF HERIN DESCRIBED TRACT, MARKED BY A 5/8" REBAR;

THENCE, S 79°26'33" E, A DISTANCE OF 357.08 FEET, TO THE NORTHEAST CORNER OF HERIN DESCRIBED TRACT, MARKED BY A BATHEY MARKER WITH CAP "LS 14271";

THENCE, S 13°47'30" W, A DISTANCE OF 76.68 FEET TO THE SOUTHEAST CORNER OF THE HERIN DESCRIBED TRACT, MARKED BY A BATHEY MARKER WITH CAP "LS 14271";

THENCE, N 80°30'00" W, A DISTANCE OF 387.87 FEET, TO THE POINT OF BEGINNING CONTAINING 0.6835 ACRES (29,773 SQ. FT.) MORE OR LESS.

AND
 A CERTAIN PARCEL OF LAND IDENTIFIED AS TRACT 118-E M.R.G.C.D. MAP NUMBER 32, SITUATE WITHIN PROJECTED SECTION 32, TOWNSHIP 11 NORTH, RANGE 3 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF HERIN DESCRIBED TRACT, POINT BEING MARKED BY A BATHEY MARKER WITH CAP "LS 14271", WHENCE THE NORTHWEST CORNER OF LOT C OF LOS PABLITOS ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY ON DECEMBER 21, 1968 IN BOOK 68, PAGE 147 BEARS N 80°30'00" W, A DISTANCE OF 31.47;

THENCE FROM SAID POINT OF BEGINNING, N 80°30'00" W, A DISTANCE OF 330.13 FEET, TO THE SOUTHWEST CORNER OF HERIN DESCRIBED TRACT, MARKED BY A 1" PIPE;

THENCE, N 15°13'41" E, A DISTANCE OF 90.05 FEET, TO THE NORTHWEST CORNER OF HERIN DESCRIBED TRACT, MARKED BY A BATHEY MARKER WITH 1/2" PIPE;

THENCE, S 79°26'33" E, A DISTANCE OF 357.81 FEET TO THE NORTHEAST CORNER OF THE HERIN DESCRIBED TRACT, MARKED BY A 5/8" REBAR;

THENCE, S 33°17'34" W, A DISTANCE OF 90.75 FEET, TO THE POINT OF BEGINNING CONTAINING 0.6833 ACRES (29,763 SQ. FT.) MORE OR LESS.

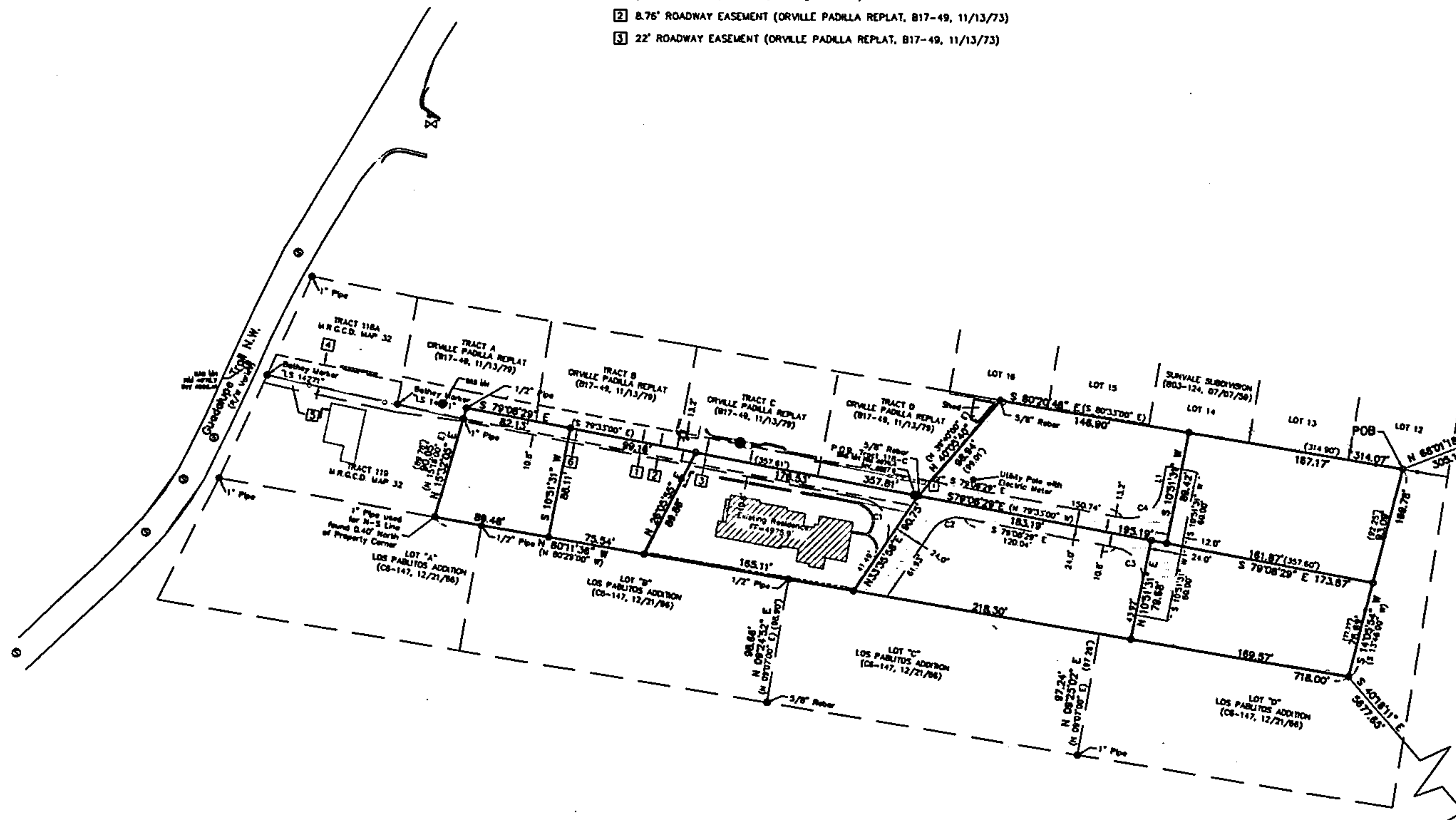
Easement Notes

- 1) 8.75' WATER & SANITARY SEWER LINE EASEMENT (BK. MISC. 688A, PG. 807, DOC. #88105437)
- 2) 8.76' ROADWAY EASEMENT (ORVILLE PADILLA REPLAT, B17-49, 11/13/73)
- 3) 22' ROADWAY EASEMENT (ORVILLE PADILLA REPLAT, B17-49, 11/13/73)

Site Sketch
Existing Conditions
 Tracts 118-C-1, 118-C-2, 118-D-1, 118-D-2
 118-E-1, 118-E-2 and 118-E-3
 M.R.G.C.D. Map 32
 City of Albuquerque
 Bernalillo County, New Mexico
 March 2011

Legend

(N 90°00'00" E)	RECORD BEARINGS PLAT OF RECORD
N 80°00'00" E	MEASURED BEARINGS AND DISTANCES
●	FOUND AND USED MONUMENT AS INDICATED
○	SET BATHEY MARKER "LS 14271"
—	WOOD FENCE
—	BLOCK WALL
—	CHAINLINK FENCE
—	WIRE FENCE
XX	FIRE HYDRANT
⊙	SANITARY SEWER MANHOLE
⊕	EDGE OF PAVEMENT ELEVATION
⊖	BACK OF CURB ELEVATION
⊗	FLOW LINE ELEVATION
⊙	HIGH SIDE OF WALL ELEVATION
⊖	LOW SIDE OF WALL ELEVATION
⊙	SPOT ELEVATION



ACS Monument "DOUGLAS"
 NAD 1983 CENTRAL ZONE
 X=1520286.421
 Y=1505417.495
 Z=N/A (NAVD 1988)
 G-G=0.999682452
 Mapping Angle=-0°13'52.53"

ACS Monument "M_47_10"
 NAD 1983 CENTRAL ZONE
 X=1523633.488
 Y=1500810.208
 Z=4970.252 (NAVD 1988)
 G-G=0.999681770
 Mapping Angle=-0°13'28.96"

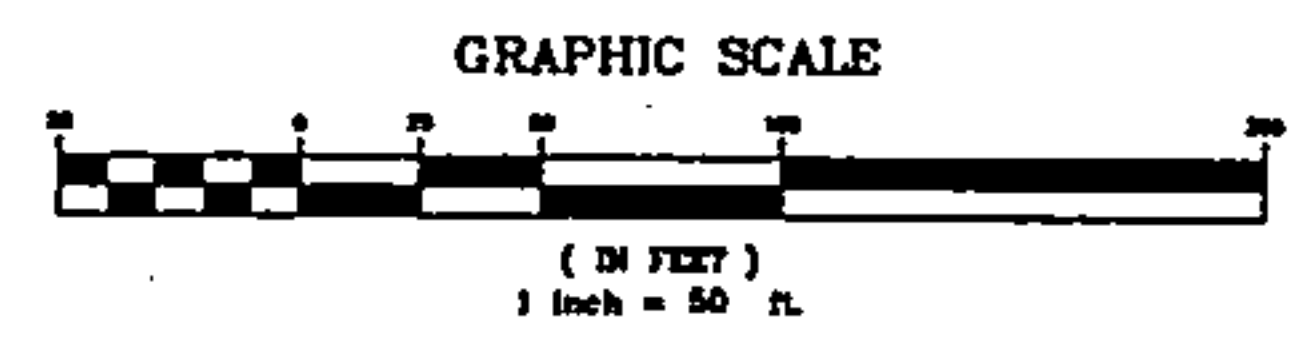
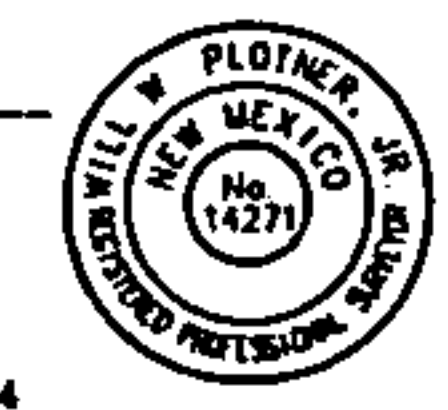
Notes

1. FIELD SURVEY PERFORMED IN NOVEMBER/DECEMBER 2008 WITH SUPPLEMENTAL DATA COLLECTED IN MARCH 2011.
2. ALL DISTANCES ARE GROUND DISTANCES; U.S. SURVEY FOOT
3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (GRD-NAID 83).

Surveyor's Certificate

I, WILL PLOTNER JR., A NEW MEXICO REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE TOPOGRAPHIC MAP SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WILL PLOTNER JR. DATE _____
 N.M.R.P.S. No. 14271
CARTESIAN SURVEYS INC.
 P.O. BOX 44414 RIO RANCHO, N.M. 87174
 Phone (505) 896-3060 Fax (505) 891-0244



**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT**

June 29, 2011

DRB Comments

ITEM # 13

PROJECT # 1004906

APPLICATION # 11-70154/ 11-70168

RE: Tracts 118C-E, MRGCD Map #32

Please note the Net Lot Area for each lot on the plat (minimum lot area is calculated exclusive of access easement area). Please provide copies of the keyed notes 2 and 4 (Existing Ingress and Egress Easements). Please define the resulting setback from the proposed easement on Tract 119. Keyed notes 6 and 7 need to reference full lot numbers (1-P2 thru 7-P2) and the easements need to include Tracts A-D of the Orville Padilla Replat as beneficiaries. Compliance with P2 parking requirements needs to be documented for existing development on proposed lot 3-P2. Keyed note 7 does not appear to be identified on the plat drawing. Sketch/ Variance exhibit indicates parking along the common lot line for proposed lots 3-P2 and 4-P2; if this is the case, it needs to be a separate easement.

The Subdivision Ordinance/ Development Process Manual calls for a standard street section for more than 8 lots; the resulting easement for this proposal would serve 12 lots. The variance application must specify how the variances would encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, and how the subdivision design will secure substantially the objectives of the standards or requirements of the Subdivision Ordinance [§ 14-14-6]. There could be benefits to the drainage in this area with a gravel easement design instead standard asphalt. Construction of a sidewalk could justifiably be waived due to a lack of connection; however, if the easement is to be gravel then ADA access needs to be addressed. Even if construction of a sidewalk is waived, granting a variance for easement width would preclude installation of a separate pedestrian connection should such a facility be constructed in the future on Guadalupe Trail.

Jack Cloud, DRB Chairman
924-3880/ jcloud@cabq.gov

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1004096

AGENDA ITEM NO: 13

SUBJECT:

ENGINEERING COMMENTS:

Subdivision Design Variance from DPM
Materials

Minimum DPM Specs

Hydrology prefers the road and parking areas to be gravel, since this subdivision will be ponding street flows in front yards.

Sidewalk Waiver

Hydrology defers to Transportation and Planning.

Easement Variance

Hydrology defers to Transportation and Planning.

PO Box 1293

Plat Approval

Hydrology received the Grading and Drainage plan yesterday. It is currently being reviewed.

Albuquerque

An Infrastructure List is required to include walls required for drainage.

NM 87103

deferred to 7-27-11

RESOLUTION COMMENTS:

www.cabq.gov

Neighbors - 3 Letters

Letters in opposition - too much traffic

3 people spoke

Tim state - 70% open space - 65% is recommended by Sun Valley Study

SIGNED:

DATE: 6-29-11

Curtis Cherne
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

Plan concerned about no pedestrian easement / access on this Rd.

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1004906

AGENDA ITEM NO: 12

SUBJECT:

Sub Design Variance from Min DPM
Stds

ENGINEERING COMMENTS:

Hydrology prefers the road and parking areas to be gravel, since this subdivision will be ponding street flows in front yards.
Hydrology defers to Transportation and Planning for the other variances.

Plat Approval

PO Box 1293

Hydrology has an approved Grading Plan, stamp date 7-22-11 for Preliminary Plat approval and can sign the Infrastructure List.

Albuquerque

For Final Plat approval:

- Add a Note to the Plat "Certification of the subdivision Grading Plan or an individual lot Grading Plan is required before a Building Permit can be approved for that lot."
- Recorded SIA required prior to Final Plat

NM 87103

www.cabq.gov

RESOLUTION COMMENTS:

*Deferred
08-03-11*

SIGNED:

Curtis Cherne
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

DATE: 7-27-11

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1004906

AGENDA ITEM NO: 8

SUBJECT:

Sub Design Variance from Min DPM
Stds

ENGINEERING COMMENTS:

Hydrology prefers the road and parking areas to be gravel, since this subdivision will be ponding street flows in front yards.
Hydrology defers to Transportation and Planning for the other variances.

Preliminary Plat Approval

Hydrology has an approved Grading Plan, stamp date 7-22-11 for Preliminary Plat approval and can sign the Infrastructure List.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov RESOLUTION COMMENTS:

don't want to pave 1st 25' of pecos pl

SIGNED:

Curtis Cherne
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

DATE: 8-3-11



**Development Review Board (DRB)
Review Comments
Utility Development Section
Phone: 505.924.3989**

D.R.B. Case No: 1004906	Date: 06/29/2011	Item No: #13
Zone Atlas Page: F-14	LOCATION: Guadalupe Tr. NW between Griegos Rd. NW & Montano Rd. NW Tract(s) 118-C, 118-D & 118-E MRGCD Map 32	
Request For: Subdivision Design Variance; Prelim/Final Plat		

ABCWUA Comment: March 2010 Availability Statement needs to be renewed. Easement note 7 not located on plat.

SIGNED: _____

DATE: _____

July 22, 2011

Chair
Art De La Cruz
County of Bernalillo
Commissioner, District 2

Vice Chair
Trudy E. Jones
City of Albuquerque
Councilor, District 8

Richard J. Berry
City of Albuquerque
Mayor

Rey Garduño
City of Albuquerque
Councilor, District 6

Maggie Hart Stebbins
County of Bernalillo
Commissioner, District 3

Michele Lujan Grisham
County of Bernalillo
Commissioner, District 1

Ken Sanchez
City of Albuquerque
Councilor, District 1

Ex-Officio Member
Pablo R. Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Tom Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107

**RE: Water and Sanitary Sewer Availability Statement #110522
5108 Guadalupe Tr. NW - MRGCD Map 32-Lots 118C-118E and 119
Zone Atlas Map: F-14**

Dear Mr. Burak:

Service requirements were last addressed in an Availability Statement #00304, dated March 31, 2010, (attached). That service commitment has expired, however the information and conditions described in that correspondence are still applicable.

The attached letter, in conjunction with the statements presented in this document, is hereby renewed for a period of one year from the date of this correspondence.

Please feel free to contact the Utility Development Office at (505) 924-3987 or by fax at (505) 924-3864 if you have questions regarding the information presented herein or need additional information.

Sincerely,



Mark S. Sanchez
Executive Director

Encl: Availability Statement #00304

Email: Jim Best, Bernalillo County, Planning Dept.
Christi Tanner, Bernalillo County, Public Works Dept
Chris Gonzales, Bernalillo County Environmental Health Dept
Lucas Tafoya, Bernalillo County Environmental Health Dept
Dan McGregor, Bernalillo County, Public Works, Water Resource
f/ Availability R-13



March 31, 2010

Chair

Trudy E. Jones
City of Albuquerque
Councilor, District 8

Vice Chair

Maggie Hart Stebbins
County of Bernalillo
Commissioner, District 3

Alan B. Amijo
County of Bernalillo
Commissioner, District 1

Richard J. Berry
City of Albuquerque
Mayor

Art De La Cruz
County of Bernalillo
Commissioner, District 2

Rey Garduño
City of Albuquerque
Councilor, District 6

Debbie O'Malley
City of Albuquerque
Councilor, District 2

Ex-Officio Member
Pablo R. Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Tom Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107

**RE: Water and Sanitary Sewer Availability Statement #00304
5108 Guadalupe Tr. NW - MRGCD Map 32-Lots 118C-118E and 119
Zone Atlas Map: F-14**

Dear Mr. Slates:

Project Information: The subject site is ± 2.3 acres of partially developed land located on the east side of Guadalupe Trail, within the City Of Albuquerque. The site is currently zoned R-1 and lies in the 1E pressure zone within the Montgomery trunk. The request for availability indicates that plans are to subdivide the lots and to construct single family residential dwellings.

Existing Conditions: Water infrastructure in the area is limited to an on-site 6 inch water line, project # 26-3640-89.

Sanitary sewer infrastructure in the area includes is limited to an on-site 8 inch line, project # 26-3640-89.

Service: New metered water service is available to the site contingent upon both a public line extension and compliance with the Fire Marshal's fire flow requirements. The new line will consist of an 8-inch extension of the existing on-site line approximately 300 feet to the east end of the access roadway. The extension can then extend south in the proposed hammerhead turn-around to the property boundary. The southern line extension shall be no smaller than 6 inches. A hydrant needs to be placed either at the end of the east-west extension, or at the terminus of the north-south extension. New service taps may then be made to these new public lines. Metered water service will not be sold without adequate fire protection. Water service will only be sold in conjunction with sewer service.

Sewer service is available to the site contingent upon construction of a new public line. Due to the depth and length of the line, the new public line may have to be a force main and private grinder pump systems may be necessary for the eastern lots.

Fire Protection: The instantaneous fire flow requirements for the subject property were not submitted in the request for availability; therefore, this statement may not be complete and/or valid at the time of future construction. Current mapping shows that there is a fire hydrant available for fire protection in the area.

Design and Construction: All required improvements will be at the developer/property owner's expense and must be coordinated through the City of Albuquerque and Water Authority DRC and Work Order process. Designs must be

done by a New Mexico Registered Professional Engineer. Construction of all public improvements must be by a licensed, bonded, public utility contractor.

Easements: Water Authority public water and sanitary sewer easements are required for all lines that may be constructed outside of any dedicated rights-of-way. The minimum easement width for public water and sanitary sewer lines shall be 25 feet in width and 20 feet for a single line. Acceptable easements must be documented on the final site plan and/or plat prior to approval.

Costs and Fees: Water and sanitary sewer service accounts must be established with New Services at 924-3920. In addition to installation and construction costs, each metered water service will be subject to water and sanitary sewer Utility Expansion Charges (UEC) payable at the time of service application. All charges and rates collected will be based on the ordinances and policies in effect at the time service is actually requested and authorized.

Water Use: All new development shall be required to meet the standard water usage of 180 gallons per household per day which is equivalent to 75 gallons per capita per day. Indoor water use shall consist of 70% of total use with outdoor limited to 30%. Where available, outdoor water usage shall utilize reclaimed water. All new commercial developments shall be subject to the requirements for water usage and water conservation requirements as defined by the Water Authority, particularly the Water Waste Ordinance, Water Conservation Large Users Ordinance and Water Conservation Water by Request Ordinance.

Closure: This statement of availability will remain in effect for a period of one year from the date of issue and applies only to the development identified herein. Its validity is, in part, contingent upon the continuing accuracy of the information supplied by the developer. Changes in the proposed development may require reevaluation of availability and should be brought to the attention of the Utility Development Section of the Water Authority as soon as possible.

Please feel free to contact the Utility Development Office at (505) 924-3987, or by fax at (505) 924-3864 if you have questions regarding the information presented herein or need additional information.

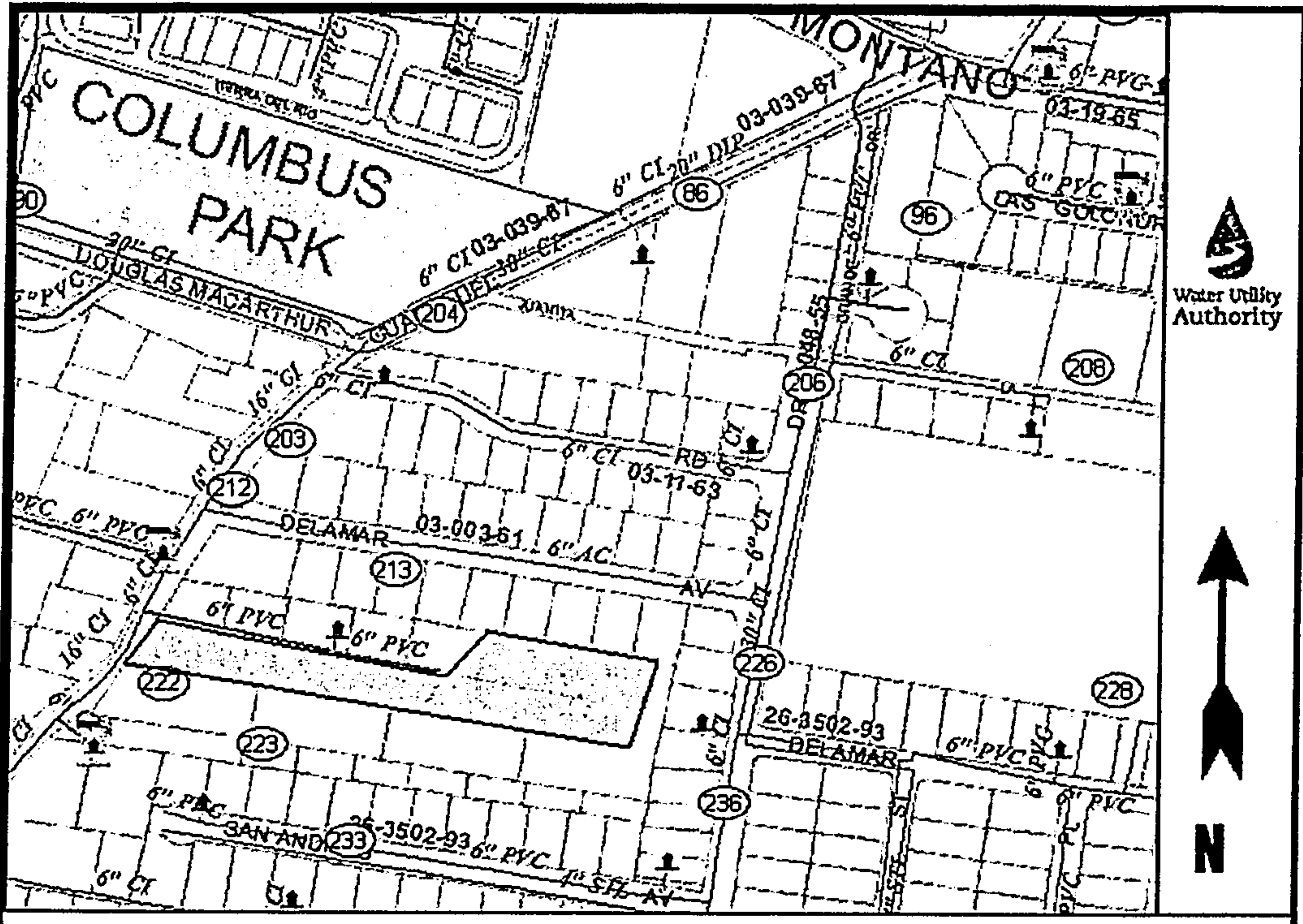
Sincerely,



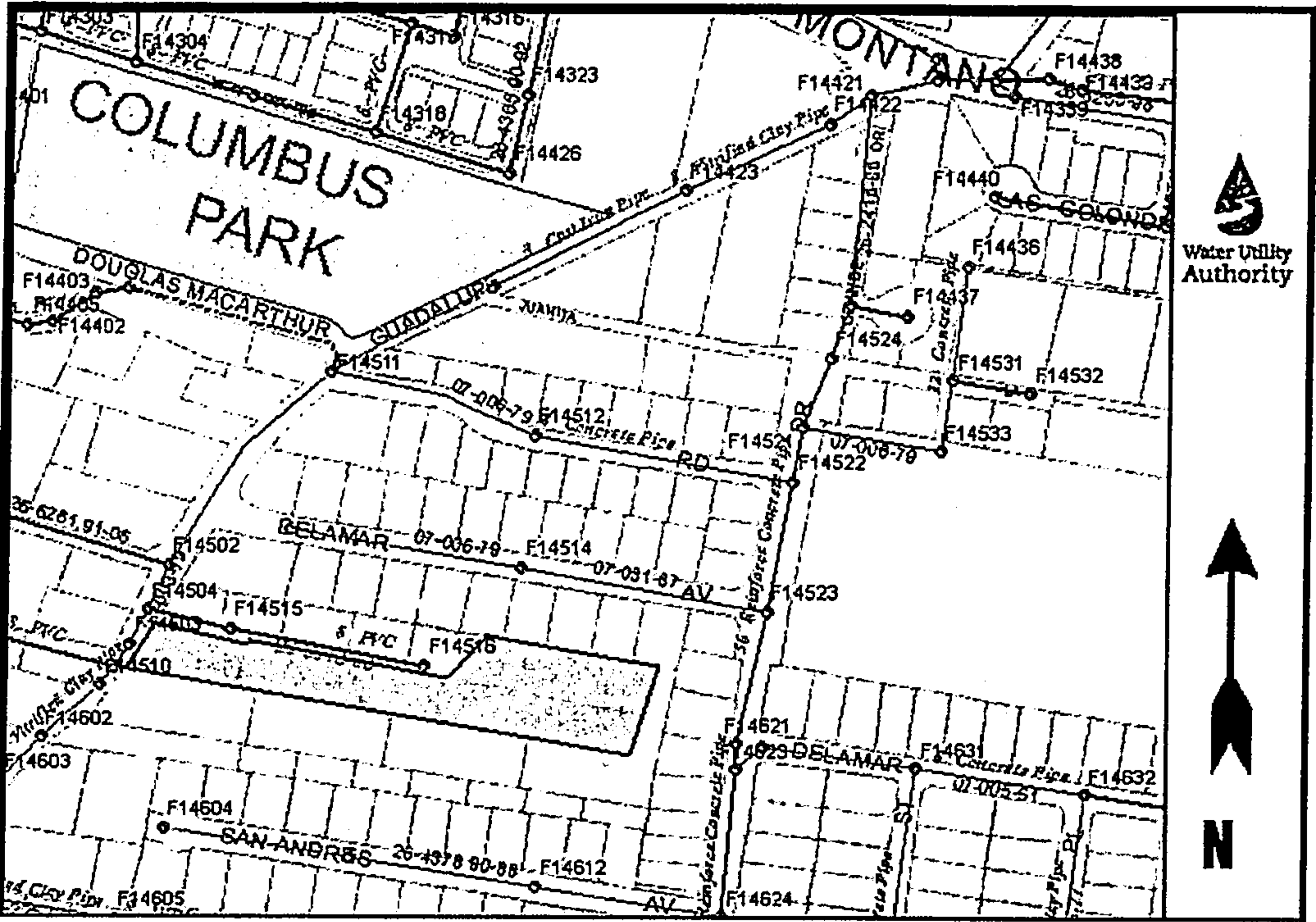
Mark S. Sanchez
Executive Director

Encl: Site and Infrastructure Maps (3)

f/ Availability F-14
DRB 1004906



Availability Statement #00304-Water Lines



Availability Statement #00304-Sewer Lines

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1004906

AGENDA ITEM NO: 13

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
SUBDIVISION DESIGN VARIANCE

ENGINEERING COMMENTS:

Provide approval from the fire marshal and solid waste for the proposed roadway layout, including the turnarounds.

An infrastructure list will be required.

Gravel Roadway: due to the overall drainage needs for this area, Transportation Development has no objection to the use of gravel versus asphalt for this roadway.

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

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

SIGNED:

Kristal D. Metro
Transportation Development

505-924-3991

DATE: JUNE 29, 2011

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1004906

AGENDA ITEM NO: 12

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
SUBDIVISION DESIGN VARIANCE

ENGINEERING COMMENTS:

Gravel Roadway: due to the overall drainage needs for this area, Transportation Development has no objection to the use of gravel versus asphalt for this roadway.

Infrastructure List Comments

For a private way, the first 25 feet past the pavement on the intersecting street must be paved with a minimum of 2 inches of asphalt on compacted subgrade (see Table 23.2.2 of the *Development Process Manual*).

Per the *City of Albuquerque Standard Specifications*, Section 308.5.1, “Natural gravel surfacing shall have a minimum compacted thickness of 6 inches.”

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

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

SIGNED:

Kristal D. Metro
Transportation Development

505-924-3991

DATE: JULY 27, 2011

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1004906

AGENDA ITEM NO: 8

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
SUBDIVISION DESIGN VARIANCE

ENGINEERING COMMENTS:

Gravel Roadway: due to the overall drainage needs for this area, Transportation Development has no objection to the use of gravel versus asphalt for this roadway.

Infrastructure List Comments

For a private way, the first 25 feet past the pavement on the intersecting street must be paved with a minimum of 2 inches of asphalt on compacted subgrade (see Table 23.2.2 of the *Development Process Manual*).

Per the *City of Albuquerque Standard Specifications*, Section 308.5.1, “Natural gravel surfacing shall have a minimum compacted thickness of 6 inches.”

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

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

SIGNED:

Kristal D. Metro
Transportation Development

505-924-3991

DATE: AUGUST 3, 2011

June 21, 2011

Development Review Board
City of Albuquerque

I, the undersigned, live in the 5100 block of Guadalupe Trail NW and access Guadalupe Trail from a private access road.

I understand that Tom and Susan Slates have a request before the Development Review Board (DRB) to widen the existing access easement from 17.5 feet and 22 feet to 24 feet for its entire length of approximately 720 feet.

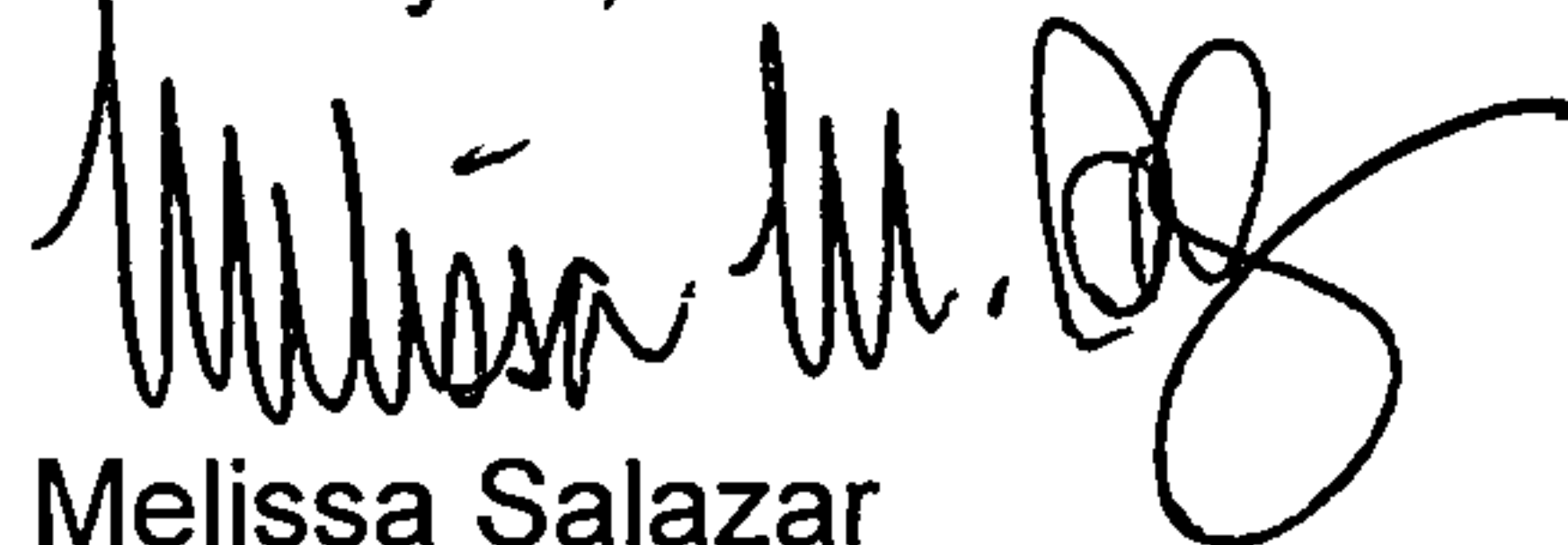
I understand that the Design Process Manual (DPM) requirements for a 12-lot subdivision include a 28-foot wide roadway (with asphalt paving or the equivalent), 5-foot sidewalk setbacks and 4-foot wide sidewalks on each side of the roadway.

I support the Slates' request to:

1. Reduce the roadway width to 24 feet.
2. Delete sidewalks from this area.
3. Install 3 inches of gravel over a 12-inch compacted base instead of asphalt paving.

I also acknowledge the increase in the number of R-1 lots from 8 to 12, and I understand that Fire Department and Solid Waste approval has been granted.

Thank you,



Melissa Salazar
5120 Guadalupe Trl NW

David & Elizabeth Wiley
5118 Guadalupe Trail N.W.
Albuquerque, New Mexico 87107

June 27, 2011

City of Albuquerque

Development Review Board Members:

Jack Cloud, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant
Kristal Metro, P.E., Transportation Development
Allan Porter, P.E., Albuquerque/ Bernalillo Co. WUA
Curtis Cherne, P.E., Acting Hydrology P.E.
Christina Sandoval, Parks/Municipal Development

We live in a home located in the 5100 block of Guadalupe Trail NW. Currently, it is reached from Guadalupe Trail using a private access road to the east of the Trail.

This existing dirt access road ranges in width from 17.5 feet to 22 feet. We understand that Tom and Susan Slates have a request before the Development Review Board to widen the road to 24 feet along its entire 720-foot length.

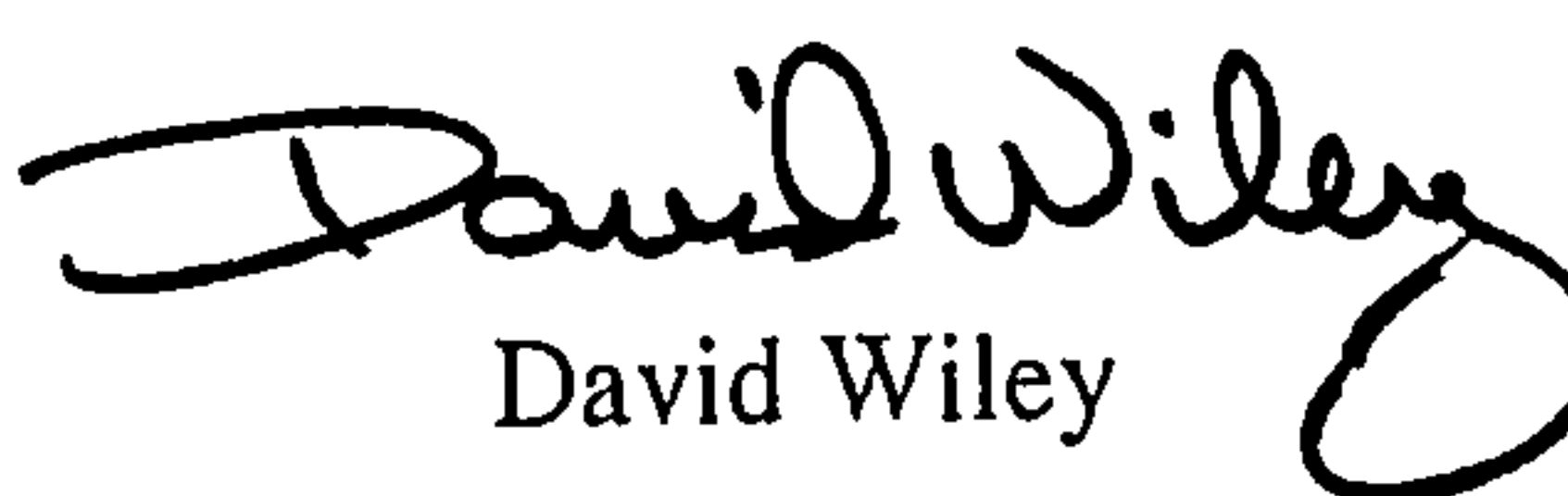
According to the Design Process Manual, a 12-lot subdivision is required to have a 28-foot-wide roadway with asphalt paving or the equivalent, five-foot sidewalk setbacks, and four-foot-wide sidewalks on each side of the road.

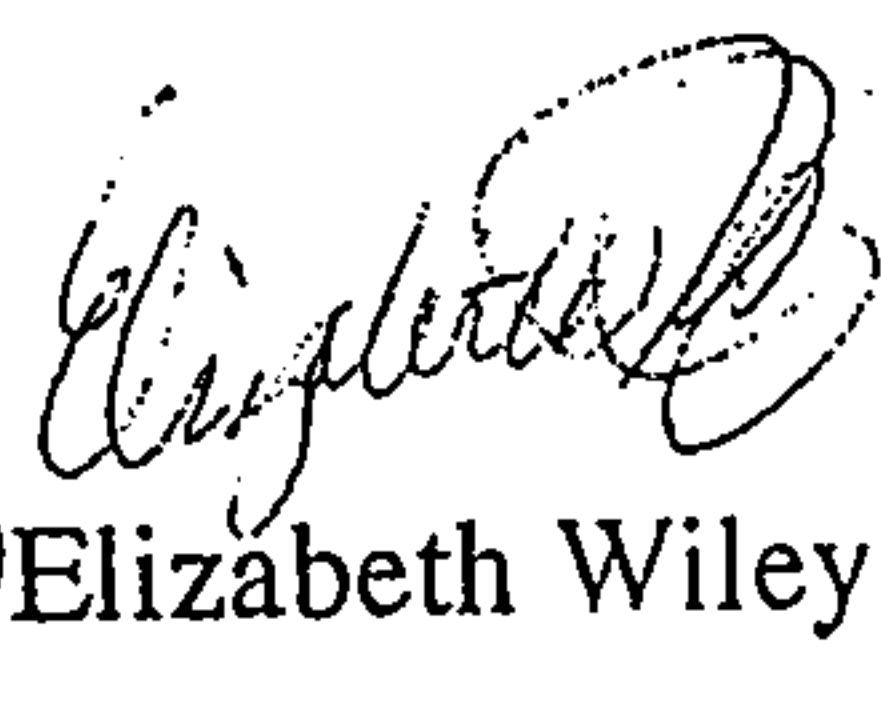
We understand that the number of R-1 lots is increased from eight to 12, and that Fire Department and Solid Waste approval has been granted.

We support the Slates' request to construct a 24-foot-wide road with no sidewalks and a surface of three inches of gravel over a 12-inch compacted base instead of asphalt paving.

Our support is based upon our perception that the proposed roadway design is more in keeping with existing homes and with the historical nature of our neighborhood. Access will be improved for police and fire protection and for other municipal and private sector services by the proposed road.

Sincerely


David Wiley


Elizabeth Wiley

FILE # 1004906-11 DRB 70154

ANGUS MACPHERSON

August 2, 2011

To whom it may concern:

I am writing in support of the development of LANDS OF SIMPATICO, lots 1-7, by project designer and contractor Tom Slates – project 1004906, application #11-70154/11-70168; tracts 118 C-D; MRGCD Map 32.

When I met Tom and Susan Slates, about five years ago he told me about this project. We have discussed this project several times over the years with the Slates. My wife Melissa and I own and live in a home a few hundred feet from the Slates, and their development area. The Slates are wonderful neighbors and I have served on the neighborhood association board with Susan. Certainly other folks attending neighborhood association events have known about this project for a couple of years. I feel completely confident that the development they are planning will only enhance this lovely place where we live.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angus Macpherson', with a long horizontal flourish extending to the right.

Angus Macpherson

5027 Guadalupe Trail NW
Box 2
Albuquerque, NM 87107
505.270.2777

City of Albuquerque Development Review Board
600 2nd NW
Albuquerque, New Mexico

Attention: Mr. Jack Cloud

Dear: City of Albuquerque Development Review Board,

Subject: Variance for Pedro's Place Road NW- Proposed by Tom Slates

Mr. Tom Slates is requesting three variances from the City of Albuquerque Development Review Board: a 24-foot widening of the Pedro's Place Road with no sidewalks, no gutter system, and no asphalt.

Mr. Slates is requesting these variances in order to meet minimum requirements to allow him to further subdivide his properties that would allow for a total of twelve homes on Pedro's Place, where it currently has capacity for eight homes.

Mr. Slates currently owns three lots that are approved for two more homes. He owns two lots that he would like to divide into four, and he would like to divide his current home's lot into 2 more additional lots. Mr. Slates declared these plans at a local neighborhood association meeting at which I was in attendance on June 20, 2011. It was at this meeting that Mr. Slates advised the community that his plans were moving forward regardless of input from the neighborhood, and he made no mention of public access to the variance meeting on June 29, 2011. Mr. Slates further informed the community that his retirement hinges on further subdivision, and he does not require or desire permission from the community to further subdivide his properties.

When Mr. Slates purchased his property in 2007, he was fully aware of the building limitations and structural capacity of Pedro's Place Road. Although Mr. Slates has made it clear that he desires no feedback from his neighborhood community, he is now asking them to accommodate his retirement and financial incentives at the expense of the current neighborhood landscape.

In 2009, I purchased a home located on Pedro's Place and Guadalupe Trail. At that time, it was my understanding that only two more additional homes would be built on Mr. Slates' properties. I bought my home specifically for the rural and quiet character of the neighborhood. Further subdivision on Pedro's Place will undoubtedly increase traffic, noise, and pollution. Although I appreciate Mr. Slates as a neighbor, I don't agree with his plans to further subdivide. As his neighbor, I am not obligated to help him achieve his financial goals for retirement.

Respectfully,

EMACLEOD

Emily A. MacLeod
5110 Guadalupe Trail NW
Albuquerque, New Mexico 87107
(505) 550-0234 cell
Registered Nurse
Albuquerque Healthcare for the Homeless

City of Albuquerque Development Review Board
ATT: Jack Cloud
600 2nd Street, NW
Albuquerque, NM 87103

RE: Project# 1004906 / design variance request by Thompson Engineering Consultants, Inc. & Cartesian Surveys Inc. agents for Thomas Slates

Wednesday, June 29, 2011

Dear Mr. Cloud and Members of the Board,

Mr. Slates is requesting three variances for Pedro's Place lane in the north valley. The requests were presented at an unadvertised North Valley Neighborhood Association meeting. However, at the end of that meeting, Mr. Slates demanded that all documents shared be returned to him. Thus, I apologize that I am not certain here of all details concerning the three variances.

What I do understand is that none of the variances—exemptions for pavement, curbing and sidewalk—are necessary because none of these items are currently allowed for Pedro's Place anyway. The variances are not needed given the current status of the lane.

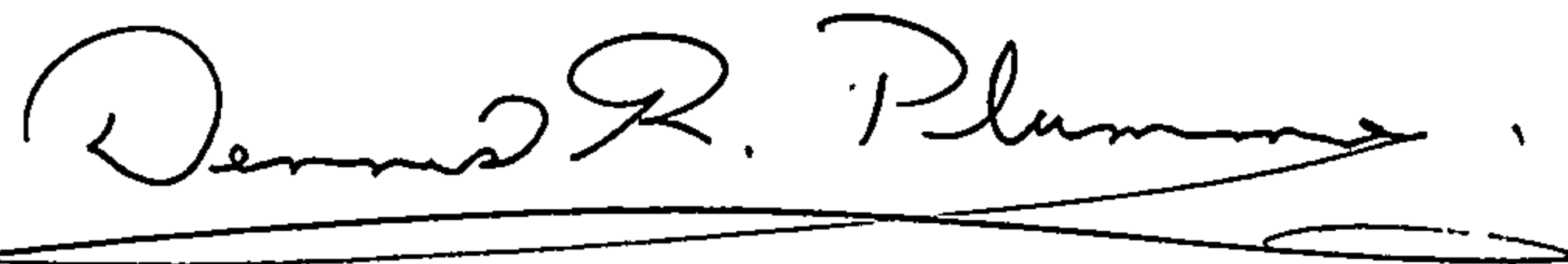
Any need for such variances arises only from Mr. Slates's larger plan to install a sub-division and the widening of Pedro's Place that would be needed to accommodate such a sub-division. His sub-division would place six houses on land currently plotted for two.

I oppose this increased density, its increased traffic load and its impact on surrounding land value and quality of life for the north valley neighborhood. Pedro's Place is a dirt lane not intended for use as a sub-division. Mr. Slates's design variance requests are intended to change that.

Last year, Mr. Slates approached this same project from a different approach. Then, he began with the sub-division itself and zoning regulations. The required public, yellow notice sign was posted—and the project received such neighborhood opposition that the matter was assigned mediation until Mr. Slates withdrew his proposal.

I respectfully suggest that the same opposition and concerns need to be addressed before any variances are granted. Thus, I request that the Development Review Board deny project request number 1004906.

Respectfully,



Dennis R. Plummer
5112 Guadalupe Trail, NW
Albuquerque, NM 87107
505-730-6542
drpnewmex@yahoo.com

City of Albuquerque Development Review Board
ATT: Jack Cloud
600 2nd Street, NW
Albuquerque, NM 87103

RE: Project# 1004906 / design variance request by Thompson Engineering Consultants, Inc. & Cartesian Surveys Inc. agents for Thomas Slates

July 26, 2007

Mr. Chair and Members of the Board,

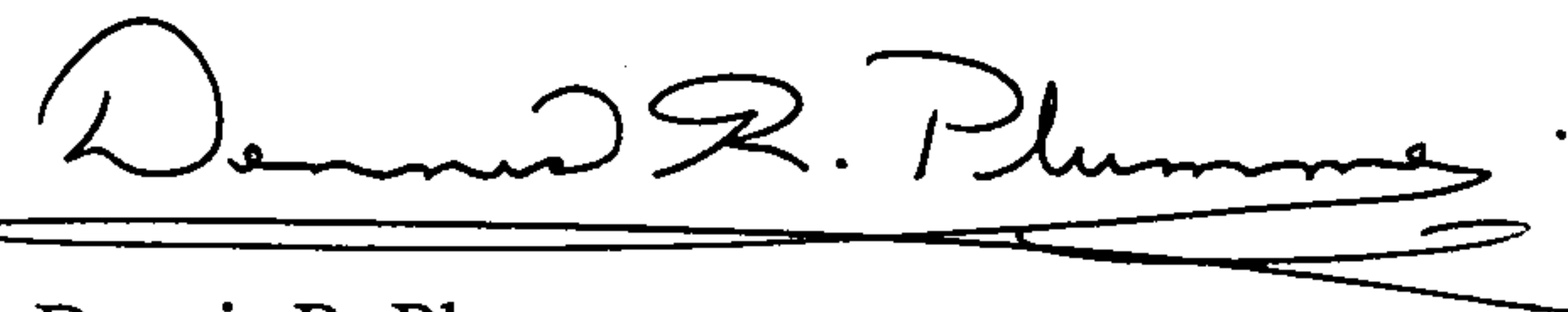
Since the last hearing regarding Project # 1004906, seven households on or near Pedro's Place were surveyed as to their position concerning this proposed project. Six have signed in opposition of the proposal; one expressed hope that there would be wider public conversation about it. I believe that, given more time and public awareness of the proposed impact, even more would be opposed to such a change in the North Valley.

The proposal would increase use impact to 12 dwellings on one, dead-end lane. This is two above the City's threshold that identifies major sub-divisions. I submit that this moves the proposal from being a minor plot revision to that of being a major sub-division and, thus, requires a public hearing.

The proposed widening and subsequent sub-division would introduce pedestrian safety hazards such that the City has acknowledged it would be responsible for injuries if it did not follow zoning regulations requiring sidewalk installation. Both the widening of the lane and the addition of a sidewalk are non-compliant with the North Valley Character Study that guides ongoing development in our neighborhood.

I ask that any variance relating to the expansion of Pedro's Place lane be denied. At the very least, the matter needs to be placed properly into a public hearing venue.

Sincerely,



Dennis R. Plummer
5112 Guadalupe Trail, NW (Pedro's Place)
Albuquerque, NM 87107

July 19, 2011

Development Review Board

City of Albuquerque

Project 1004906 Application #11-70154 / 11-70168

Re: Tracts 118C-D MRGCD Map 32

As developers of the Lands of Simpatico Lots 1-7, we are giving prime consideration to the historic nature of the community in which we are located. Included are existing road easements, utilities and the predominant New Mexico adobe style of residences.

One of our goals is to maintain the beauty and unique qualities of this portion of the historic North Valley shown on maps made in 1888, 1892 and 1916. Over a span of more than 100 years, this area has adapted to introduction of gasoline powered cars and trucks, electrical machines, appliances and lighting, and modern water and sewer systems.

It has been transformed from a farming and ranching community into a largely residential area that provides homeowners with a calm, pleasant way of life as it offers a sense of New Mexico history. With its low-density pattern of housing, this Guadalupe Trail NW area is part of the vibrant City of Albuquerque, yet offers the advantages and more relaxed mood of a rural community.

In 1979, the Orville Padilla Replat resulted in lots that are wide and relatively shallow.

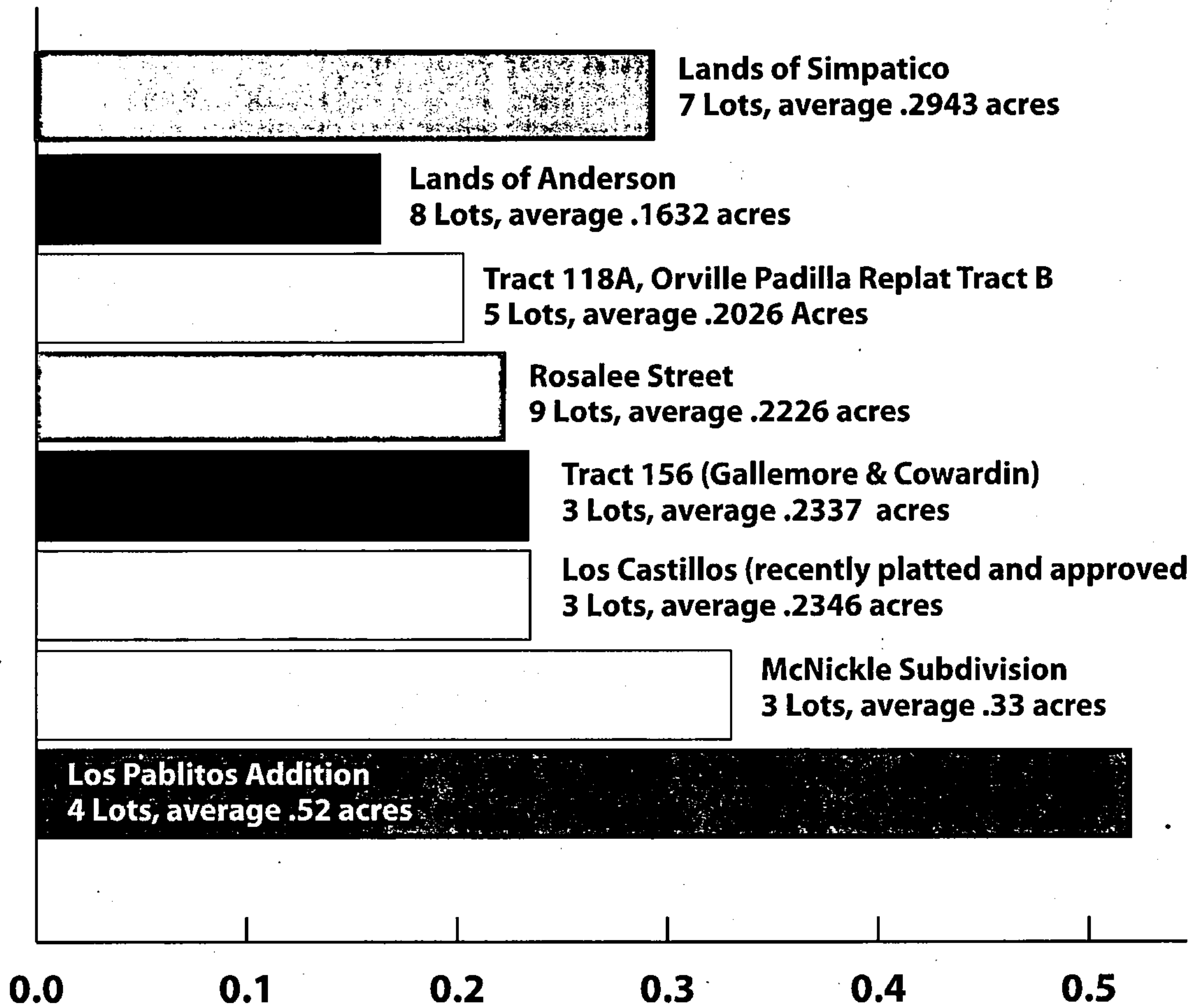
Our plan respects existing road and street width patterns and surfaces and the absence of sidewalks—maintaining the traditional identity of the area.

With no irrigation easements, the existing vegetation of currently vacant lots consists of a mixture of tumbleweeds, goat-heads, and bindweed. On adjoining land, what once was an orchard was long ago divided into quarter-acre lots.

On Page 119 of the North Valley Area Plan, published in April 1993, a survey showed that more than 60 percent of area residents preferred houses located on a mixture of large and small lots. Old and young, upper and lower income residents live in close proximity and share schools, roads and shopping.

The seven lots of Lands of Simpatico average **.2943** acres or 12,819 sq. ft. each (see Lands of Simpatico Proposed Lot Sizes on the plat).

Lands of Simpatico Lot Sizes 123% Existing Area Average



For comparison purposes, we offer the following existing R-1 areas off the east side of Guadalupe Trail between Griegos and Delamar streets:

(All calculations include road easements)

Tract 118A, Orville Padilla Replat Tract B

5 lots – average lot size = .2026 acres each

Los Castillos (recently platted and approved)

3 lots – average lot size = .2346 acres each

Rosalee Street

9 lots – average lot size = .2226 acres each

Lands of Anderson (5000 block)

8 lots – average lot size = .1632 acres each

Los Pablitos Addition

4 lots – average lot size = .52 acres each

McNickle Subdivision

3 lots – average lot size = .33 acres each

Tract 156 (Gallemore and Cowardin)

3 lots – average lot size = .2337 acres each

These 35 existing and platted lots are on 8.7969 acres with an average lot size of **.20945** acres each.

The Lands of Simpatico average lot sizes are 1.23 times the existing average for area.

We believe that both extraordinary hardship and practical difficulty will result from strict compliance with the minimum standards for street width and sidewalks.

1. Existing road easements are narrow (17.5' and 22') and would require demolition of adobe walls and would severely impact the already wide and shallow building pads available on Tracts 118C, 118d and 118E.
2. Normal R-1 lot proportions are commonly 1-to-2 (width to depth).

Because of the historical patterns of lot divisions in this old section of the valley, our three tracts of land and their proportions are as follows:

Tract 118C – 336'x93' (3.5 to 1)

Tract 118D – 372'x76' (4.9 to 1)

Tract 118E – 344'x90' (3.8 to 1)

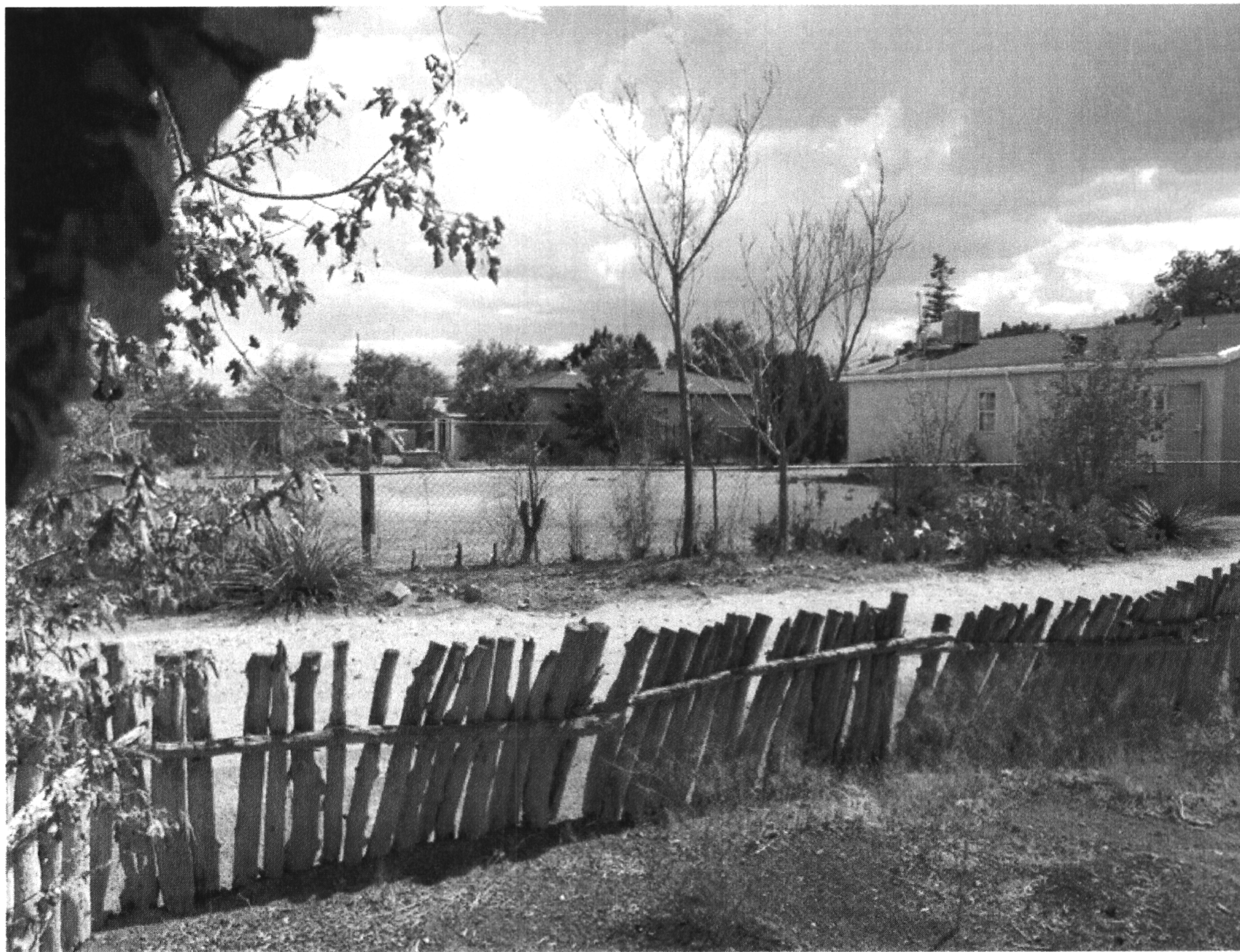
The proportions become even more extreme when a roadway easement of 10'–12' of each side of a property line is factored in. Each of these tracts is zoned R-1 and building pads of 175'x45' do not define normal single family home proportions.

Varying from the normal requirements will encourage **FLEXIBILITY** (characterized by a ready capability to adapt to new, different or changing requirements). Widening the easement to 24 feet allows for improved access for fire, emergency and solid waste vehicles.

EFFECTIVE USABLE OPEN SPACE, is defined by the City of Albuquerque Zoning Code (Rev. 7/2009) as “an area on the same lot with a dwelling, in relation to which it serves to permanently provide light and air, as well as visual, psychological, and recreational needs for open space. Usable open space may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides”

Residents who are fond of open space receive a special reward as they pass by the Farm Lands located in the 5000 block of Guadalupe Trail. Regardless of the season cattle and horses may be seen grazing there. But many residences in the South Guadalupe Neighborhood Association area lie behind adobe walls that create private retreats for their owners.

If only one home per tract of land were allowed (on lots 118C, 118D and 118E) there would be no open vistas of mountains and volcanoes. Instead, to the south one sees uncared for and dying plants, uncultivated dirt, discarded wood, a broken down shed, and cinderblock or chain link fences. Derelict cars in various states of disrepair, an unused and rusted motor hoist, a makeshift grease pit, and an abandoned boat litter the property between Simpatico Lands and older homes further south. (see following pictures)







Rather than have three one-third-acre parcels of non-productive land untaxed at R-1 assessment values, our plan provides for seven R-1 lots with seven owners to design, xeriscape and maintain the 1.12 acres of open space and individual gardens around their homes. Otherwise the unused parcels would remain vacant, unxeriscaped and unusable pieces of R-1 land (weeded reluctantly by three homeowners),

ROAD SURFACE

Instead of the required asphalt paved road, we request a gravel easement design. Currently, there are 50,200 square feet of gravel roads in the South Guadalupe Trail Neighborhood and 19,500 square feet of dirt roads. Because of the extreme flatness and land-locked topography, permeability of the road surface is important. Hydrology prefers the road and parking areas to be graveled since the subdivision will be ponding street flows in front yards.

SIDEWALKS

There are no sidewalks on Guadalupe Trail from Griegos Rd. to its dead-end with Montano. Nor are there any sidewalks on the feeder streets to Guadalupe Trail from Rosalee, Pablito Lane, Bayita Lane or on the access road to 4824, 4828, 4832, 4836, 4840, 4842, 4844, 4848 & 4900 Guadalupe Trail. The three recently platted lots in Los Castillos Addition also have no sidewalks.

Our access road is 175 feet south of the nearest sidewalk at the corner of Delamar and Guadalupe Trail. Our access road has no sidewalk connection available. **There are no sidewalks in our vicinity.** (see accompanying pictures)

Page 2 of the Review Draft of North Valley Area Zoning Code Amendments, dated 7/3/2008, states “according to the area plan, rural character areas have one or more of the following:

- *A mixed pattern of lot sizes and shapes and housing types, sizes and styles reflecting older settlement patterns and agricultural activities.*
- *Less infrastructure than is associated with urban development such as curbs, gutters, sidewalks, or standard width paved streets.*

Page 107 of the North Valley Area Plan, April 1993:

“The interest in walking, jogging and running throughout the country is also evident in the North Valley. People walk on streets, on a few sidewalks, on canal paths, drains and the Bosque. *Local streets within North Valley neighborhoods often lack sidewalks but have little traffic which makes walking the street a comfortable alternative.*”

Page 16 of the Los Griegos Sector Development Plan Status Report 1987:

“Residents describe the plan area as quiet and semi-rural with all the conveniences of the city. Because of development pressures in Albuquerque, areas such as Los Griegos need to receive special attention if they are to be preserved.”



TOM STATTER

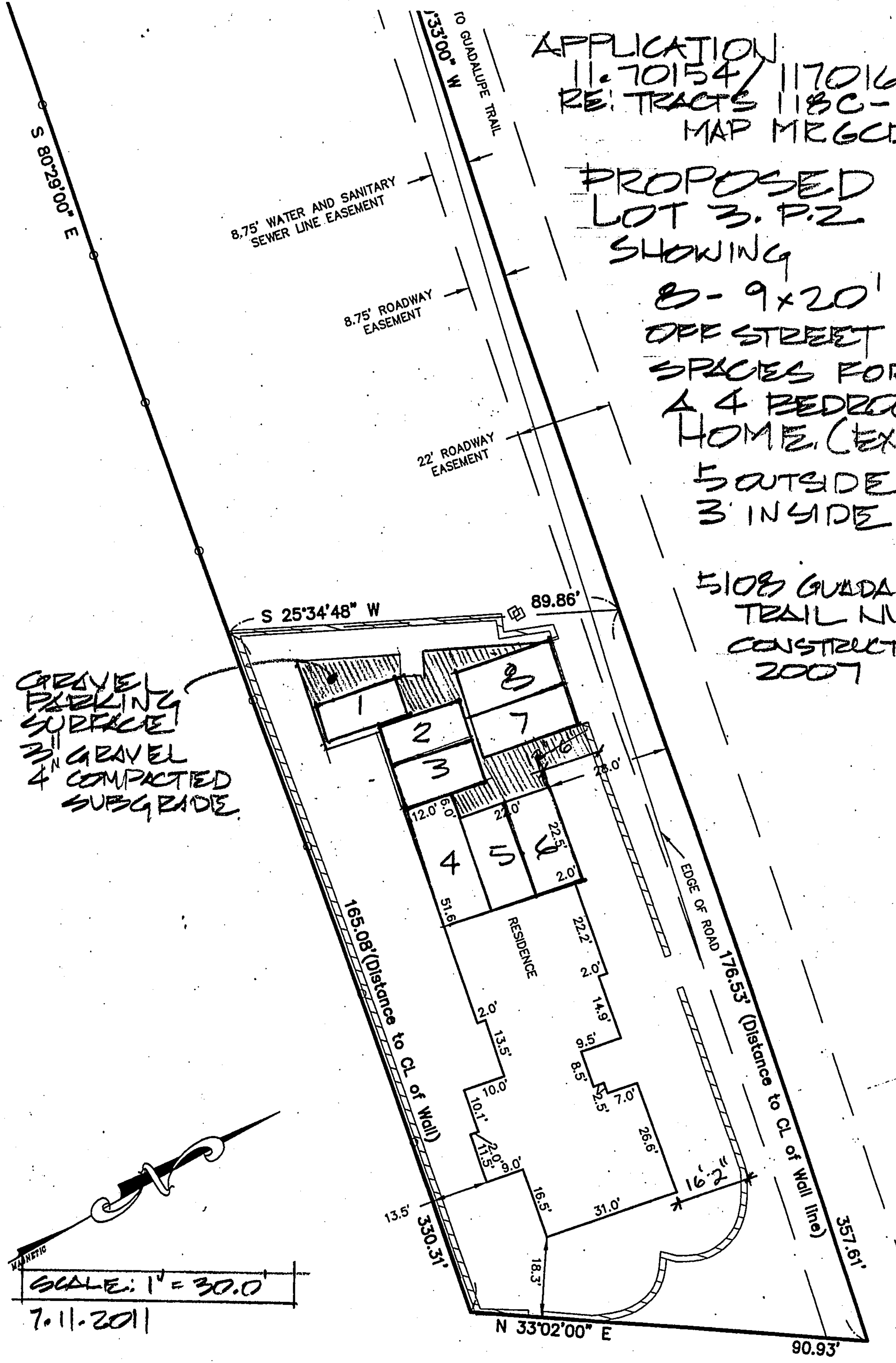
LANDS OF SIMPATICO PROPOSED LOT SIZES

Lot #	Total Lot Area	Road Easement	Net Lot Area	Maximum Build Area	Floor Area Ratio	% Open Space	Open Space Sq. Footage
Lot 1 - P2	7627	884	6743	3000	0.44	56%	3743
Lot 2 - P2	7627	1067	6560	3000	0.46	54%	3560
Lot 3 - P2	14504	2100	12404	3494	0.28	72%	8910
Lot 4 - P2	16362	4159	12203	4200	0.34	66%	7493
Lot 5 - P2	13412	1440	11972	4200	0.35	65%	7772
Lot 6 - P2	14995	720	14275	4500	0.32	68%	9775
Lot 7 - P2	14992	3279	11713	4200	0.36	64%	7513
	89,519	13,649	75,780	26,594			48,766
	2.06 acres	.313 acres	1.742 acres	.6105 acres			1.12 acres
All area figures are expressed in square footage							
All floor area ratios (F.A.R.) are below the maximum calculations from page 25, 7-03-08 review draft of North Valley Area Zoning Code Amendments (Chapter 2 of North Valley Character Study)							

APPLICATION
 11-70154 / 1170168
 RE: TRACTS 18C-185E
 MAP MR6CD 32

PROPOSED
 LOT 3, P.Z.
 SHOWING
 8-9x20'
 OFF STREET
 SPACES FOR
 A 4 BEDROOM
 HOME (EXISTING)
 5 OUTSIDE
 3 INSIDE

5108 GUADALUPE
 TRAIL NW
 CONSTRUCTED
 2007



GRAVEL
 PARKING
 SURFACE
 3" GRAVEL
 4" COMPACTED
 SUBGRADE

SCALE: 1" = 30.0'
 7.11.2011

Chapter 2

GUIDELINES FOR NARROWER RESIDENTIAL STREET WIDTHS IN THE NORTH VALLEY DESIGN OVERLAY ZONE

The character of the North Valley is significantly and positively influenced by the presence of narrow rural residential streets in many of its neighborhoods. The purpose of the North Valley Design Overlay Zone is to help retain what remains of North Valley character in light of the goals stated in the North Valley Area Plan and in sector development plans for subareas of the North Valley. Consistent with North Valley Area Plan policies, the guidelines in this chapter encourage the retention and building of new narrow residential streets and privateways in the North Valley. In addition to supporting character, narrower streets also support lowered infrastructure costs and decreased impervious surface, which are additional objectives of the North Valley Area Plan.

The guidelines and photographic assessments that follow provide the rationale and justification for encouraging the use of narrow streets that are allowed in the *Development Process Manual* (DPM). In the case of privateways in the North Valley, these guidelines should be used by the City through the Development Review Board in granting variances in accordance with Section 14-14-6, City Subdivision Regulations from street width standards in Chapter 23 of the DPM.

Reference in the DPM to the narrower streets guidelines in the North Valley Design Overlay document is also recommended.

Traffic-calming features, in addition to narrower streets, are already in place in many areas of the North Valley, including:

- “Chicane” horizontal shifts require drivers to slow down. There are many windy lanes.
- Maximum design speed of curves of 20 miles per hour or less on many residential streets
- Landscaping, including large trees in or near rights-of-way that limit the distance visible to a driver, thus tending

- to slow down traffic
- Gravel shoulders and driveways that create a change in the street surface that a driver sees and feels, and that require more caution
- Pavement irregularities also tend to slow down traffic.

IN OUR NEIGHBORHOOD
PRIVATE GRAVEL
STREETS SERVE
12-13 LOTS QUITE
WELL.

Private gravel streets typically serving two to four lots (some as many as eight lots) are a common feature in North Valley residential neighborhoods. These small streets often interface between the public and private realms in an aesthetically unique manner that contributes to the neighborhood character and calms traffic flow.

These guidelines take into account that the allowance of secondary dwelling units will likely result in a small increase in the number of residents and likely vehicular traffic in some neighborhoods. If, on an access local street or on a private way with up to eight lots, as many as half the lots have a secondary unit, it is believed that these narrower street guidelines remain appropriate.

Another North Valley Design Overlay Zone code amendment that will likely affect the circulation design pertains to private commons developments. Paths that are not contiguous to streets and are accessible to most residents in a development may be located in the private commons area, supplanting the need for a sidewalk contiguous to a street or private way. It is expected that this option will be chosen for some developments.

2.1 GUIDELINES FOR USE OF DPM NARROW STREET PROVISIONS OR VARIANCES TO REDUCE STREET WIDTHS

These guidelines apply to all future street improvements within the residential zones in the North Valley Design Overlay Zone.

Normal local street pavement is permitted through the *Development Process Manual* to be reduced from the current standard of 32' to 30' with intermittent parking, or 29' with a mountable curb.

No variance is needed.

No variance is needed.

Normal local street with intermittent parking design — where more off-street parking is provided, resulting in a need for only intermittent parking on a normal local street, required pavement can be reduced to 28'. (Note: 28' with intermittent parking, or 27' with a mountable curb is the current standard. While this option is encouraged, no variance is needed.)

No variance is needed.

Access local streets — defined in the DPM as streets with anticipated 250 Average Weekday Daily Traffic (AWDT) or less, typically 25 or fewer single family houses, should be permitted to be reduced from the current standard 26' to 24' under conditions where there are chicane horizontal shifts, curvilinear streets or other traffic calming features, and an **infrequent parking design**, e.g., even more off-street parking.

A variance is needed for a 22' wide private way serving more than 3 lots.

Privateways serving eight or fewer lots have lesser street width and sidewalk requirements than local streets through the DPM. Further reductions are considered appropriate in the North Valley Overlay Design Zone under circumstances where there is an **infrequent parking design** and the private way street length is limited. Short streets as narrow as 22' are typically safe for vehicles and pedestrians to share because the narrowness and the limited length discourage cars from accelerating, and pedestrians do not need to walk far on the private way.

Where a fire hydrant is located along a private way, 26' minimum width is required, in compliance with the International Fire Code.

The following guidelines apply where infrequent parking is provided, and one side of the street is restricted to no parking. "No parking" signage should be posted, and a covenant agreement should obligate property owners not to park in a no-parking portion of a street.

Exhibit 2-1
Street Width and Pedestrian Path Guidelines

Guidelines for Street Widths and Pedestrian Paths for Short Private Ways in the North Valley Design Overlay Zone			
Number of lots in development	Maximum length of private way	Pedestrian path needed	Minimum width of private way
4 and fewer	200 feet	None	22 feet
5 to 8	300 feet	1 path	22 feet

The following illustrations and comments provide visual references to supplement the guidelines.

Exhibit 2-2 *Pedroncelli Street South of Griegos, an example of a “normal local street” measuring 32’ curb-to-curb, with 4’ sidewalks on both sides, complying with standards set in the Development Process Manual.*



Exhibit 2-3 *McMullen Lane A “normal local street” with 24’ pavement. The standard is 30’ with “intermittent parking” provided off-street and mountable curbs. Thirty houses are accessed off this street, and the street appears to function well.*

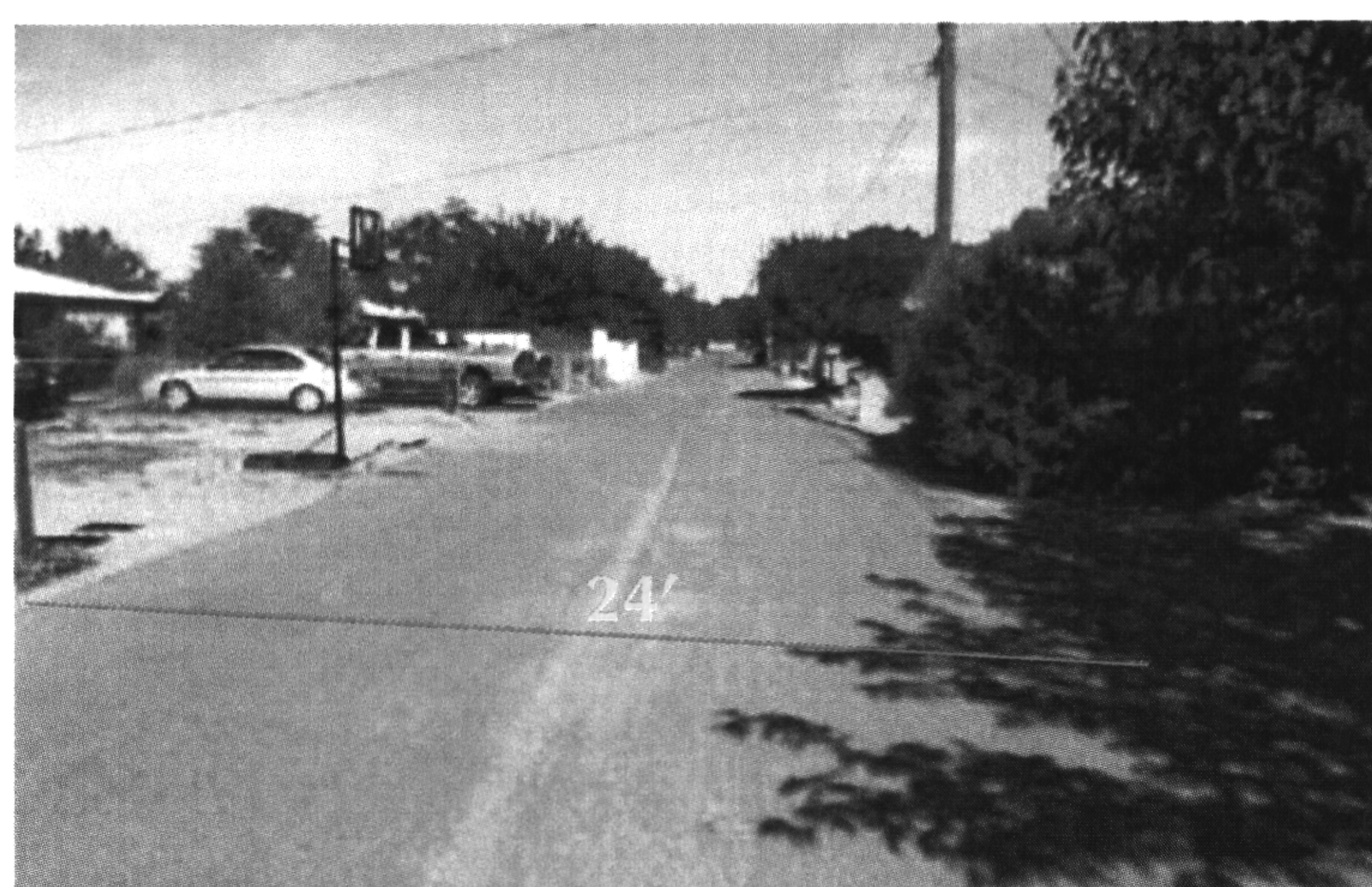


Exhibit 2-4 *Sioux Lane North of the west end of Menaul, functions as a “normal local street.” It has 14.4’-wide pavement and no sidewalk within a 16’ ROW. This appears to be so narrow that emergency service response may be hampered.*



Exhibit 2-5 Tierra Vida Street

A “normal local street” in a Private Commons Development. Pavement is 27’ from edge of concrete to edge of concrete. Additional parking is provided off-street. Occasional parking on one side leaves adequate space for most local street functions.

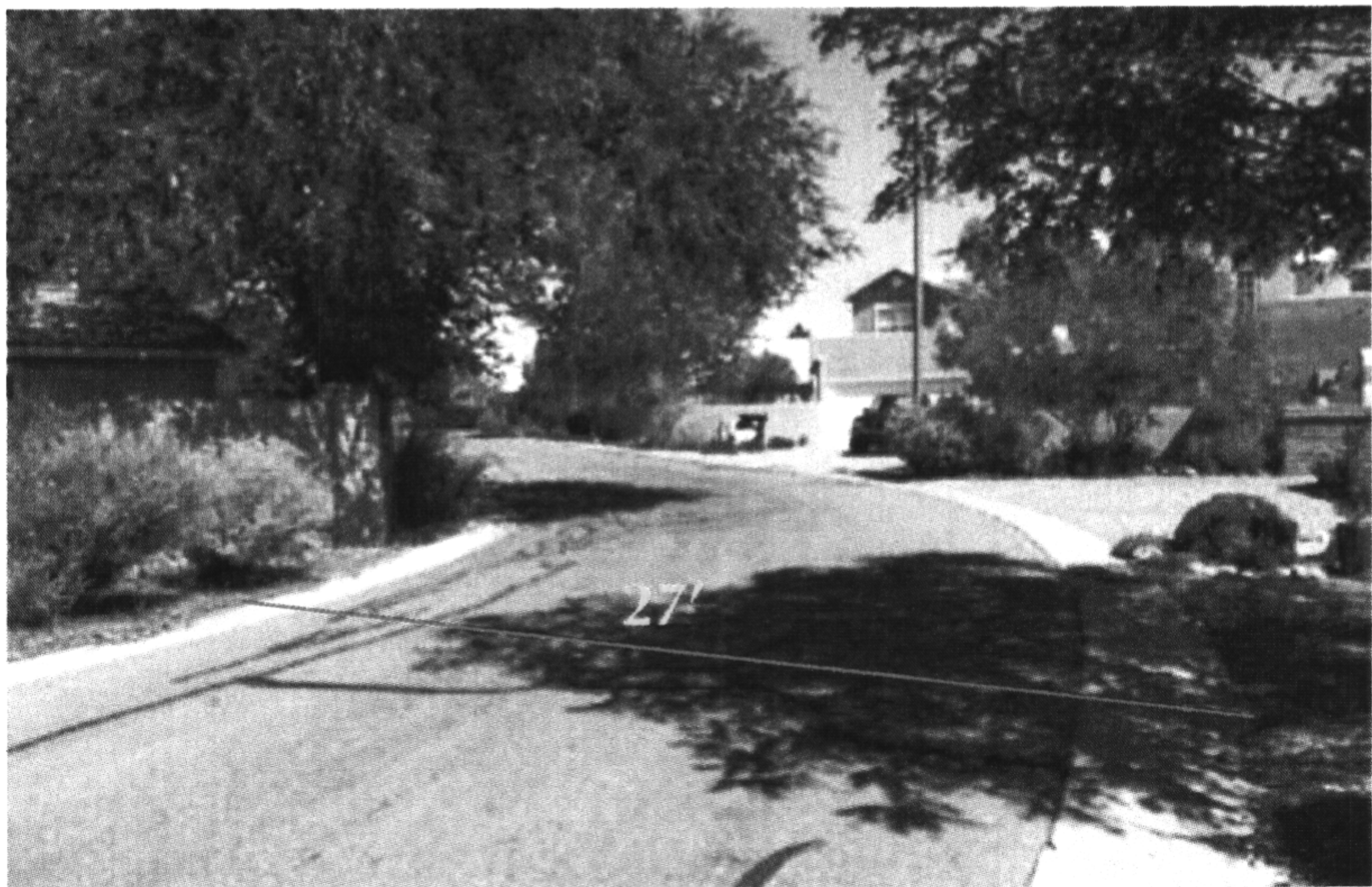


Exhibit 2-6 Guadalupe Trail North of Griegos, has a functional classification of a “collector street.” Its pavement width of 22’ is far less than the 48’ standard. While it has a 44’ right-of-way (fence to fence), utility poles and trees restrict expanding pavement in places. In 2007, south of Montañó, average daily traffic (ADT) was 900, and north of Montañó, 4,000.

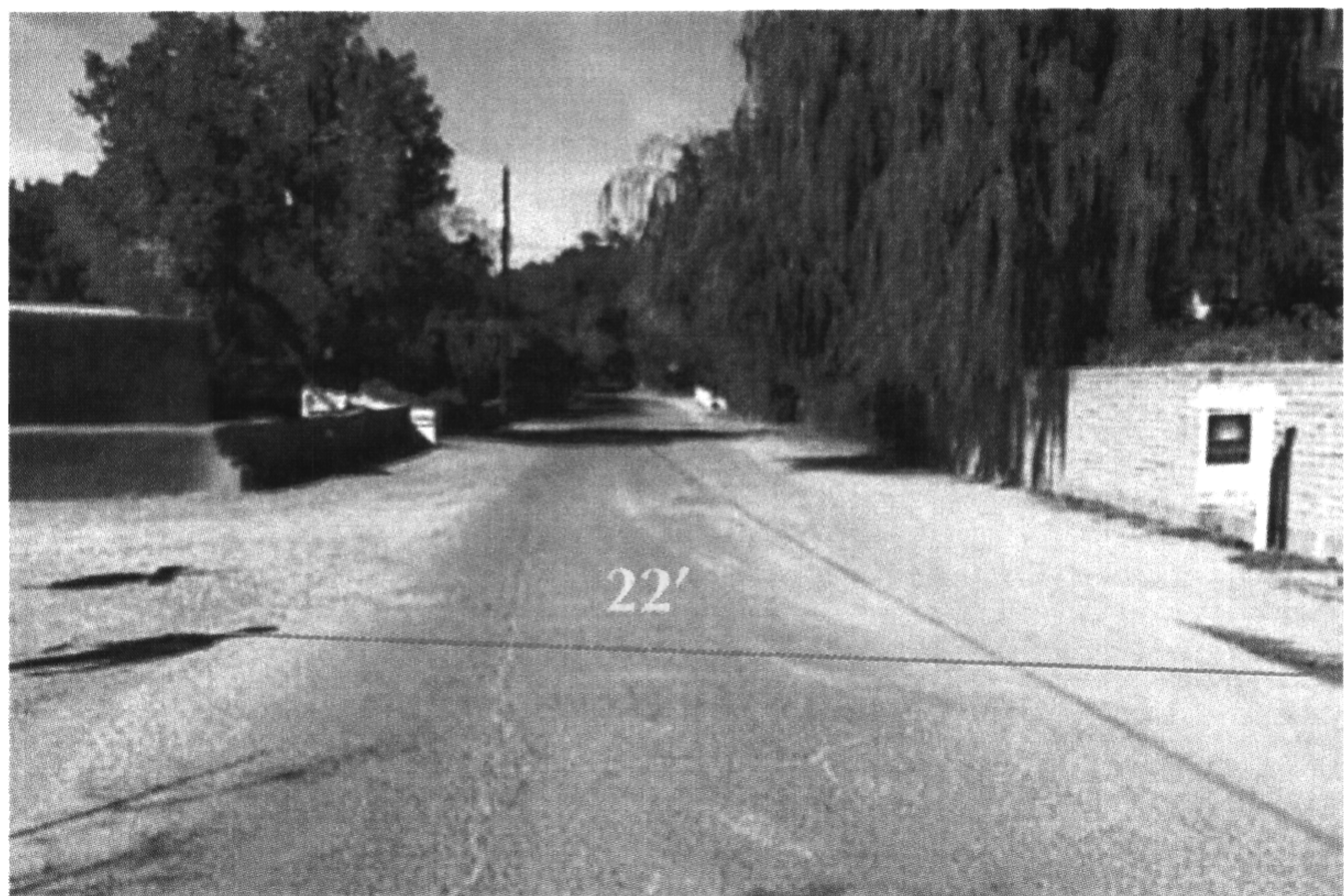


Exhibit 2-7 Joem Lane North of Griegos, classified as an “access local street.” Eight houses are accessed off this street. Pavement is 24’ wide with no sidewalk, while the standard is 28’, or with intermittent parking off-street and mountable curb, 26’.



National literature on narrow streets and fire trucks

The *Development Process Manual* note 9, accompanying Table 23.2.1.B., states: "Fire vehicles and apparatus require a twenty foot wide driveable space." Standard fire trucks with mirrors are 9.3' wide. Outrigger spreads on ladder trucks are typically 16' wide.

(Source: R. Ewing T. Stevens and S.J. Brown, *Urban Land Magazine*, "Skinny Streets and Fire Trucks," August 2007.)

According to this study, where ladder trucks are unnecessary in low-rise areas, 12' of clearance should suffice.

Exhibit 2-8 "Privateway" off McMullen Lane

A 20.5'-wide gravel street accessing three houses. This street is wide enough to meet the DPM's 20' driveable surface for fire vehicles and provides sufficient space for two vehicles to pass.

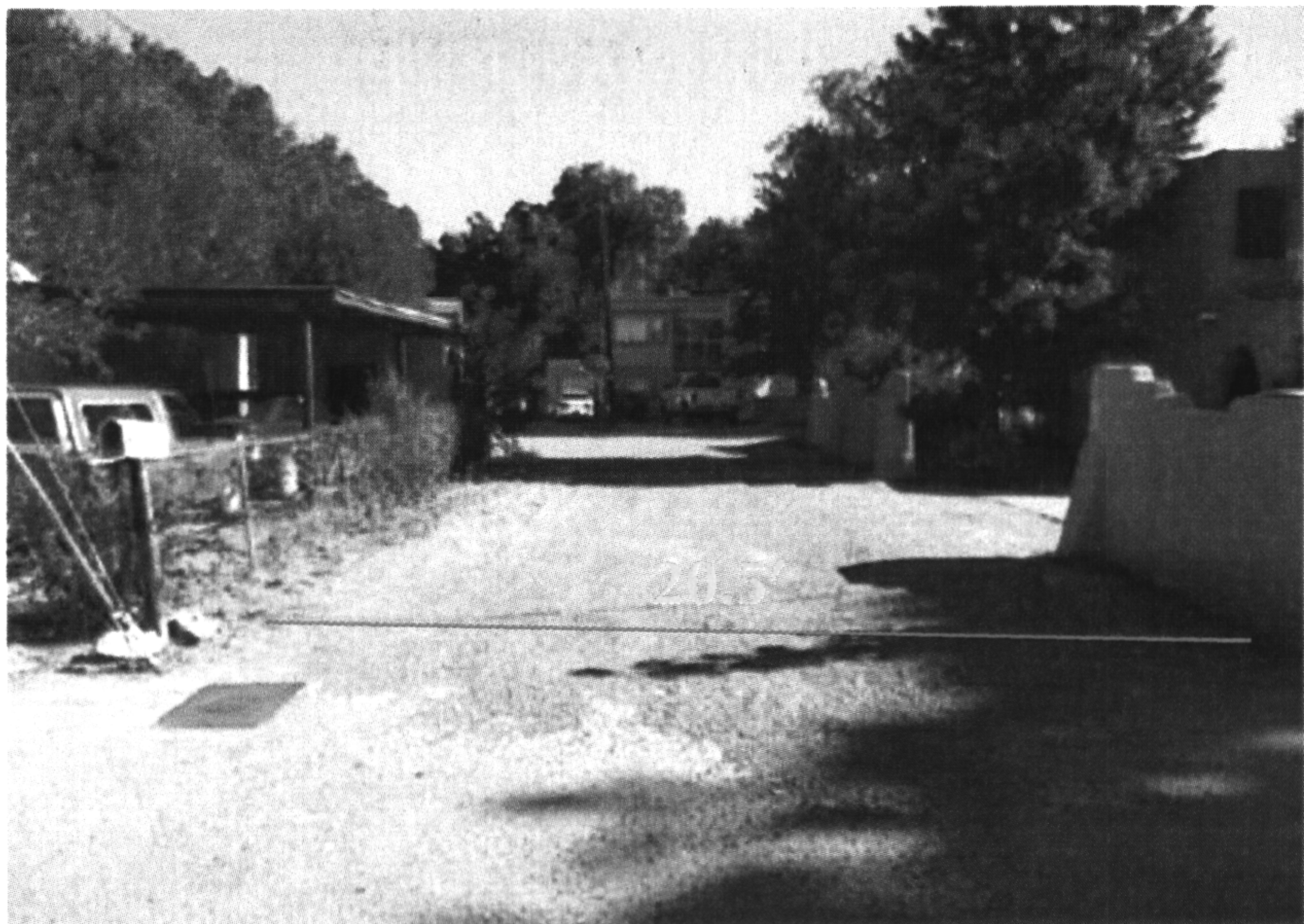


Exhibit 2-9 "Privateway" south of Bayita Lane off Guadalupe Trail

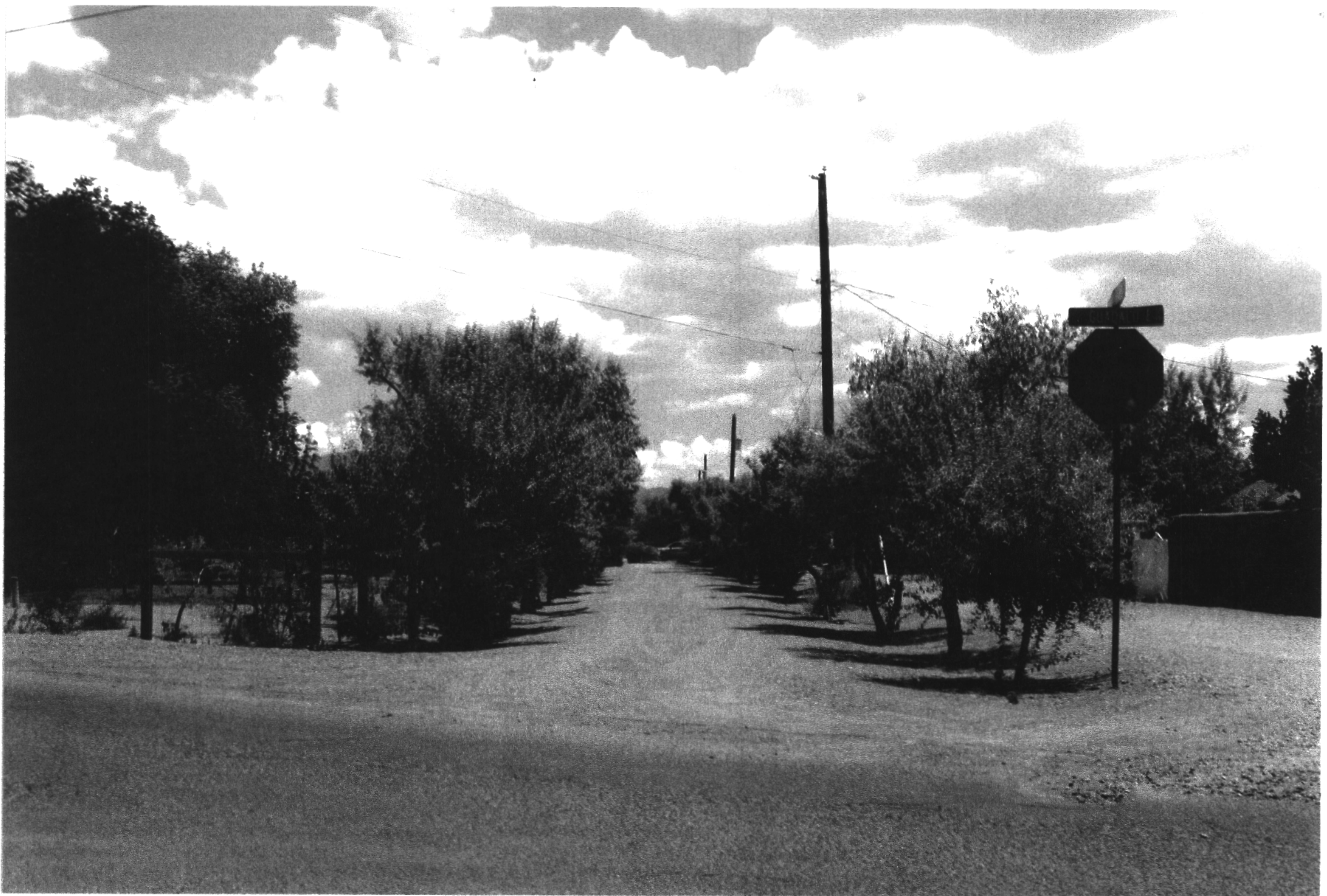
A 12'-wide easement accessing six houses. The standard is 24' with a 4' sidewalk.

This lane appears to be too narrow for two vehicles passing, although residents like its narrowness.





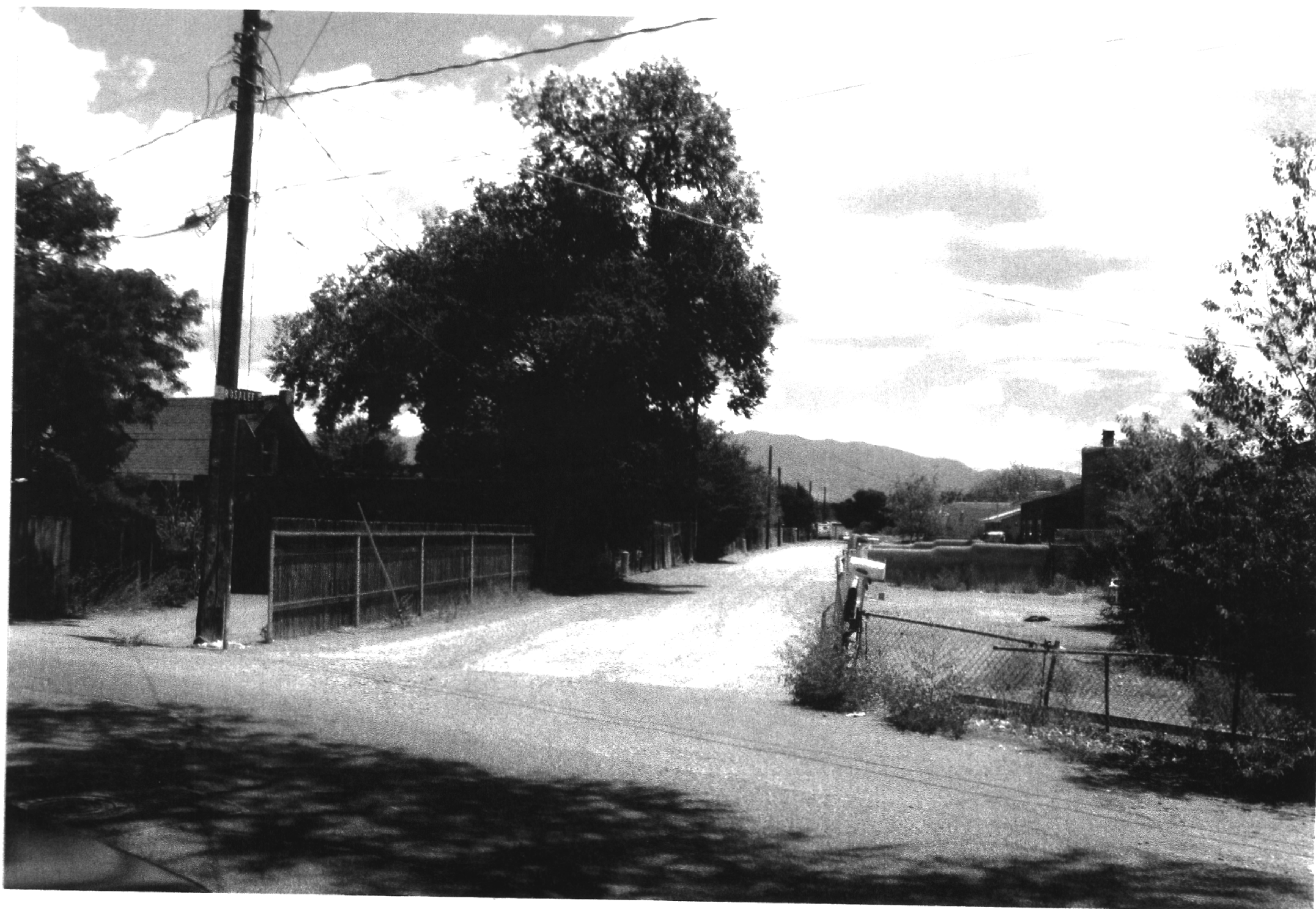
East Access at 4800 Guadalupe Tr
BLK



McNickle Subdivision



Lands of Simpatico Access
(Pedro's Place)



Rosalee Pl.



Pablito Lane / Lands of Anderson



Guadalupe Trl Looking North From
5100 Block



Guadalupe Trail Looking North at
5000 Block



Looking North on Guadalupe Tr from
4400 Block



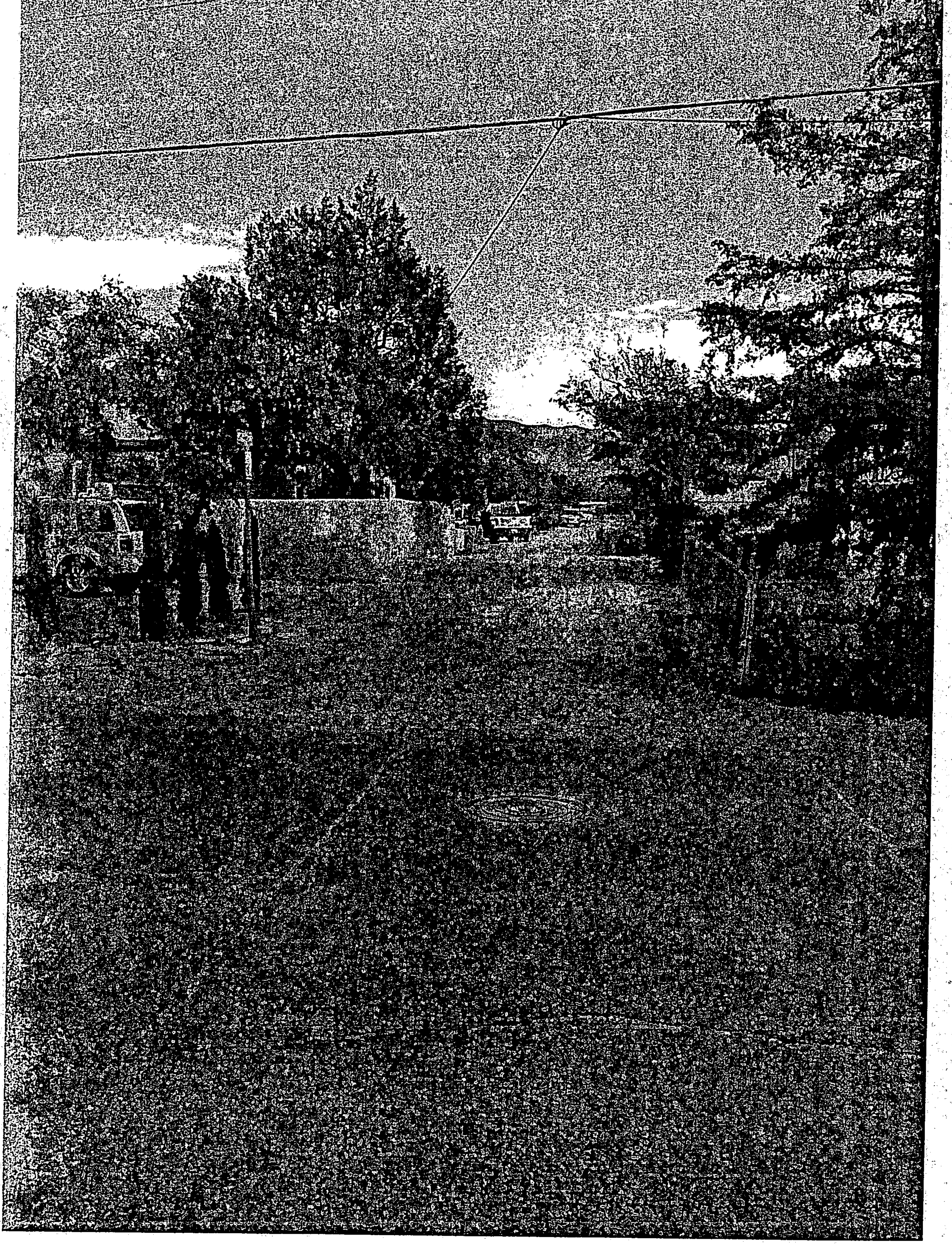
Entrance to Los Castillos



Los Castillos

LOS GRIEGOS HISTORIC DISTRICT





CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

December 2, 2009

DRB Comments

ITEM # 10

PROJECT # 1004906

APPLICATION # 09DRB-70359

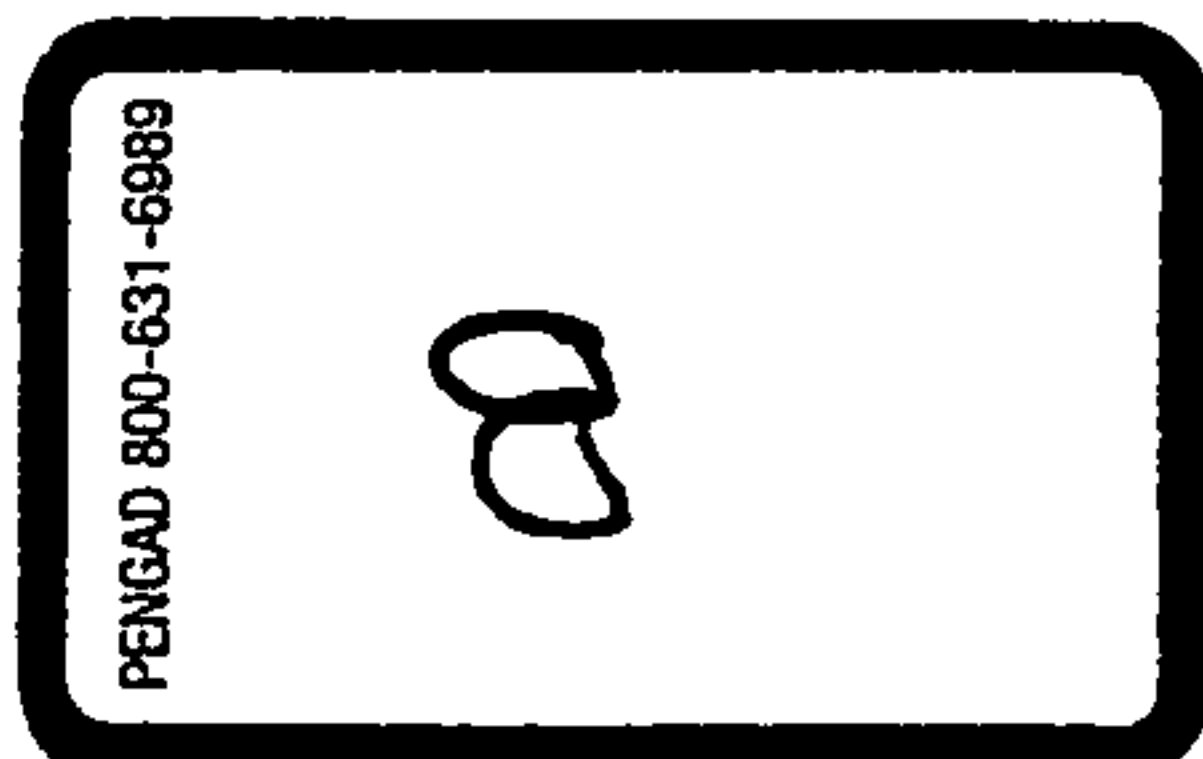
RE: Tracts 118-C, -D, -E, and 119, MRGCD Map # 32

to Prop Line
A Side Yard Setback Variance would be needed for Tract 119 (for a 3 foot setback instead of a 10 foot corner side yard per the Zoning Ordinance – setback is measured from the edge of the access easement). Additionally, minimum lot area is calculated exclusive of access easement area, so it appears that more than 20 feet from Tract 118-E would need to be deeded to Tract 119 to create a new lot. + lot area

There are actually 8 lots using the existing access easement from Guadalupe Trail (includes Tract 118A), and the proposal would result in a total of 12 lots. The Subdivision Ordinance/ Development Process Manual calls for a standard street section for more than 8 lots, so this proposal would require a Street Design Variance as well as a Sidewalk Waiver. If the Side Yard Variance is approved by the Zoning Hearing Examiner, application would then need to be made to the DRB for the variances from the Subdivision Ordinance. The application must specify how the variances would encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, and how the subdivision design will secure substantially the objectives of the standards or requirements of the Subdivision Ordinance [§ 14-14-6].



Jack Cloud AICP, DRB Chairman
924-3880/ jcloud@cabq.gov



P.L.

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

June 29, 2011
DRB Comments

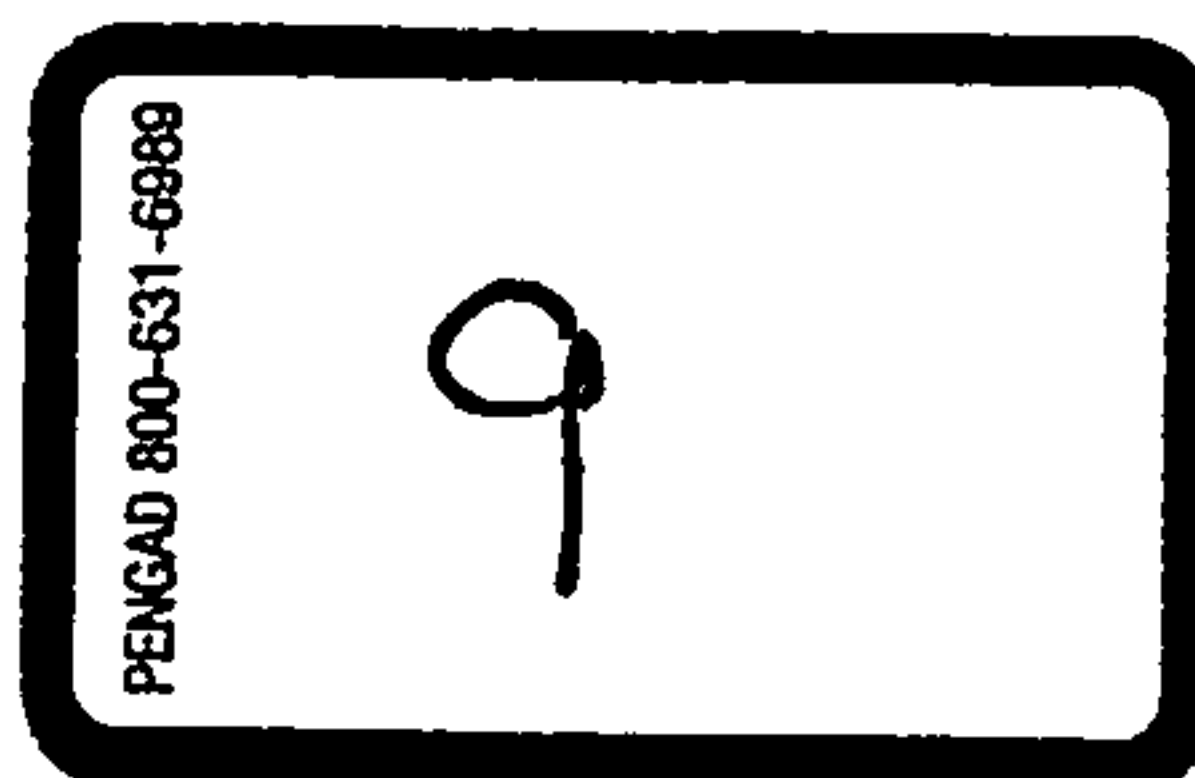
ITEM # 13

PROJECT # 1004906 APPLICATION # 11-70154/ 11-70168
RE: Tracts 118C-E, MRGCD Map #32

✓
✓
Please note the Net Lot Area for each lot on the plat (minimum lot area is calculated exclusive of access easement area). Please provide copies of the keyed notes 2 and 4 (Existing Ingress and Egress Easements). Please define the resulting setback from the proposed easement on Tract 119. Keyed notes 6 and 7 need to reference full lot numbers (1-P2 thru 7-P2) and the easements need to include Tracts A-D of the Orville Padilla Replat as beneficiaries. Compliance with P2 parking requirements needs to be documented for existing development on proposed lot 3-P2. Keyed note 7 does not appear to be identified on the plat drawing. Sketch/ Variance exhibit indicates parking along the common lot line for proposed lots 3-P2 and 4-P2; if this is the case, it needs to be a separate easement.

The Subdivision Ordinance/ Development Process Manual calls for a standard street section for more than 8 lots; the resulting easement for this proposal would serve 12 lots. The variance application must specify how the variances would encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, and how the subdivision design will secure substantially the objectives of the standards or requirements of the Subdivision Ordinance [§ 14-14-6]. There could be benefits to the drainage in this area with a gravel easement design instead standard asphalt. Construction of a sidewalk could justifiably be waived due to a lack of connection; however, if the easement is to be gravel then ADA access needs to be addressed. Even if construction of a sidewalk is waived, granting a variance for easement width would preclude installation of a separate pedestrian connection should such a facility be constructed in the future on Guadalupe Trail.

Jack Cloud, DRB Chairman
924-3880/ jcloud@cabq.gov



This letter respectfully requests that the Albuquerque Development/Plan Review Board (DRB) deny Variance request 11DRB-70154. Thomas Slates (Applicant) seeks a multiple variances including an easement variance from 46' wide to 24' wide. Applicant's request for these variances does not meet any of the strict tests permitting the DRB to approve the request.

1. **Variance request 11DRB-70154 does not meet the test laid forth in Section 14-14-6-1 of the Albuquerque that would permit the Development Review Board to vary the provisions of Zoning, Planning and Building Code.**

The Albuquerque Zoning code states, in part:

Section 14-14-6-1: GENERAL

(A) The Development Review Board May vary the provisions of Part 3 of this article, Minimum Standards for the Design of Subdivisions and the Development Process Manual in cases:

- (1) Where varying from the normal requirements will encourage flexibility, economy, effective use of open space or ingenuity in design of a subdivision, in accordance with accepted principles of site planning;
- (2) Where extraordinary hardship or practical difficulty may result from strict compliance with the minimum standards;"¹

Applicant meets none of the criteria set forth in 14-14-6-1:

There is nothing in his plan that encourages flexibility, economy, effective use of open space or ingenuity. While the language in the standards is not clear as to whether an applicant for a variance must meet both (1) and (2) or either one, Applicant meets neither of these criteria.

Neither applicant's variance request to widen an existing roadway from 17' to 24' (instead of the 46 feet required for other roads) nor Applicant's proposed subdivision encourages flexibility, economy, effective use of open space or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

Applicant merely wants to use his existing property to build an ordinary subdivision. Nothing about this subdivision meets the criteria triggering a variance from the standards.

- **Applicant does not meet the criteria for a variance based on flexibility:**

¹ Cited in applicable part.

Applicant does not demonstrate flexibility. Applicant argues in his letter supporting his request for a variance that the variance will encourage flexibility by allowing for improved access for fire, emergency and solid waste vehicles. This does not meet the criteria for demonstrating flexibility, characterized by a ready capability to adapt to new, different or changing requirements.

- **Applicant does not meet the criteria for a variance based on effective use of open space:**

Applicant does not demonstrate effective use of open space. Applicant argues that by adding more houses on a plot of land, he would effectively use open space. Open space would be used, he argues, by eliminating open space and placing more houses on a single plot of land.

Applicant includes photos of properties not on Pedro's place that will not be affected either by this variance or his development of his property to argue that this variance will encourage an effective use of open space. Photos and references to derelict cars, abandoned boats, and discarded wood are referring to totally different and unaffected property. Again, Applicant's proposed development will not remove the cars, boats or wood because they are not within his plan or even on same the street.

- **Applicant does not meet the criteria for deviating from strict standards due to extraordinary hardship or practical difficulty:**

Applicant purchased this property with its existing restrictions and limitations. He purchased this property knowing of the "historical patterns of lot divisions" and the narrow road easements. If this would have created a hardship on him, he should not have purchased this property.

The mere fact that applicant wishes to develop in a way that is contrary to the strict standards creates neither extraordinary hardship on him nor does it create practical difficulty. Applicant is free to develop the property he purchased and enjoy his zoning without the variance.

2. Variance request 11DRB-70154 does not meet the test laid forth in Section 14-14-6-3 of the Albuquerque that would permit the Development Review Board to approve the variance.

Section 14-14-6-3 Findings²:

² Cited in relevant part

(A) If the variance is requested pursuant to Section 14-14-6-1(A) and (B), the Development Review board *shall not* approve variances unless it shall make findings, based upon the evidence presented to it at a public meeting that:³

- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood community and
- (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicant zoning ordinance;

The Variance will be injurious to the public safety contrary to the requirements of 14-14-6-3(A)(1):

- **The variance requested does two things to be injurious to the public safety**

Pedro's Place is currently a narrow dirt lane with little traffic. Children play on this road. This variance laces a paved road within three feet of a house and within inches of a wall of an existing house. With the increased traffic proposed by the new subdivision, both houses and their residents are at increased danger of injuries.

This variance dramatically increases traffic in a rural and low traffic area with many children. The dramatic increase in the number of houses requiring road access proposed by this subdivision will lead to many more cars, garbage trucks and delivery trucks servicing an area that right now has few houses and very few large trucks on it.

Residents happily bring their garbage to Guadalupe trail, so there are no solid waste trucks driving down the road. Residents accustomed to this low volume are in danger of getting hurt by the increased traffic.

- **The variance will be injurious to the adjacent property:** The adjacent property of Tract 118A will be injured in multiple ways.

The variance will destroy the historic and rural character of the neighborhood. The property was purchased to enjoy the rural feeling of the dirt road that is Pedro's place and the Los Griegos historic neighborhood in which it sits (see subsequent paragraph relating to historic neighborhood). The widening of the street and addition of 25' of asphalt will severely impact Tract 118A's value and its owners enjoyment of the property.

The variance will increase traffic on a low traffic street will decrease quiet enjoyment of property.

- **The variance will be injurious to the neighborhood community**

³ Emphasis added.

The variance will be injurious to the neighborhood community because it destroys the neighborhood character of the Los Griegos historical neighborhood. Over 40 residents of this community have signed a petition disapproving of the variance request and asking the DRB to deny it. This is because the neighborhood community treasures the few narrow dirt roads that are left in the neighborhood. Neighbors are concerned that what is now a quaint country and rural entryway to a narrow dirt lane will be turned into a generic black tar opening that could be anywhere in the city and is contrary to the character of the historic neighborhood.

The variance will conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicant zoning ordinance contrary to 14-14-6-3(A)(2).

While it is unclear what city and neighborhood plans have been approved and are applicable, what is clear is that this variance will conflict with the city-wide and neighborhood priority of keeping the rural character of the North Valley. These small flat dirt roads are increasingly rare in the North Valley. Only a few neighborhoods like Los Duranes and Los Griegos still have these roads and they must be protected.

Allowing this variance opens a Pandora's box of consequences that would ultimately harm the neighborhood. Not only will the variance itself and the required asphalt entry be contrary to maintaining the character of the neighborhood, but the potential of adding sidewalks, ADA compliant sidewalk cuts, and streetlights, looms large in the neighborhood's eyes.

3. Variance does not meet the Special Exceptions outlined in Section 14-16-4-2(C)(2):

Section 14-16-4-2(C)(2) Variance. A variance shall be approved if and only if the following tests are met:

(a) the Property is exceptional:

1. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the physical characteristics of the land, which physical characteristics existed at the time of the adoption of the regulation or were created by natural forces or by governmental action for which no compensation was paid.
2. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the conditions or use of the parcel or other land in the vicinity which condition or use existed at the time of adoption of the regulations; or
3. The parcel is irregular, unusually narrow or shallow in shape, and the conditions existed at the time of the adoption of the regulation or were

- created by natural forces or governmental action for which no compensation was paid and
- (b) As a result of the exceptional aspect of the property, the regulations produce unnecessary hardship; an unnecessary hardship is one that either:
 - 1. creates an exceptional substantial, and unjustified limitation of the property owner's reasonable use of his property; or
 - 2. Deprives the owner of a reasonable return on the property under any use permitted by its existing zone.
 - (c) A particular variance is appropriate to prevent the unnecessary hardship.⁴ ... To be justified, a variance must permit only development which meets the following criteria:
 - 1. It differs from development which would be permitted under existing regular zoning regulations no more than is necessary to overcome the unnecessary hardship.
 - 2. The variance will not significantly interfere with the enjoyment of other land in the vicinity: AND⁵
 - 3. It is consistent with the spirit of the Zoning Code, substantial justice, and the general public interest.
 - (d) *Financial gain or loss shall not be the sole determining factor in deciding a variance.*⁶

Applicant's property is not exceptional and does not meet the Variance Test in Section 14-16-4-2(C)(2).

Nothing about this property is exceptional. It is no different than any other property. It is wide enough for homes such as that of the Applicant. It is not irregular, unusually narrow or shallow in shape. No act of God or man has made this property exceptional.

Even if the property was exceptional, the regulations do not produce unnecessary hardship nor does it deprive the owner of a reasonable return:

For the variance to meet the requirements of exceptionality and to demonstrate unnecessary hardship, Applicant must show that without the variance, he would have an exceptional substantial and unjustified limitation of his reasonable use of his property. The fact that he cannot put 12 houses does not mean that there is any hardship, much less unexceptional, substantial and unjustified limitation of the property owner's reasonable use of his property. Applicant can still develop the property he purchased with full knowledge of the restrictions. He could put the appropriate number of houses supported by the existing roadway.

Variance fails the hardship test set forth in 14-16-4-2 because it significantly interferes with the enjoyment of other land in the vicinity and is inconsistent with the spirit of the Zoning Code, substantial justice and the general public interest.

⁴ Cited in relevant part

⁵ Emphasis added

⁶ Emphasis added

Applicant requests a variance that, as discussed above, significantly interferes with the enjoyment of other land in the neighborhood. With so many neighbors opposed to the variance, it is clear that they perceive this variance as one that would impinge upon the quiet enjoyment of their land and their interest in maintaining the rural character of the neighborhood.

Just as importantly, this variance is inconsistent with the spirit of the Zoning Code, substantial justice and the general public interest. The idea that one man's financial interest in developing his property would outweigh the general public interest in maintaining the rural nature of the neighborhood and protecting the increasingly diminishing inventory of narrow dirt lanes, the adjacent property owner's financial and enjoyment interests and the Zoning Code's overall interest in protecting neighborhood character, keeping residents safe makes the variance request unjustifiable as defined in the Zoning Code.

Variance fails the Special Exception test set forth in 14-16-4-2(C)(2) for approval of a variance where financial gain or loss is the sole determining factor in requesting a variance.

The sole reason for Applicant's variance request is to maximize his financial gain. Applicant has full access to his property and has the ability to develop his property. His financial gain or potential loss cannot be the sole reason to determine whether or not he can obtain a variance.

ATTN: Emily MacLeod

We the undersigned are residents of the North Valley who live in close proximity to Pedro's Place lane, and:

- *Are opposed to a road variance to Pedro's Place
- *Are opposed to the further subdivision to properties on Pedro's Place

	Printed Name	Address	Signature	Date
1.	Keith - Alicia Hamme	5110 Guadalupe Trail NW	[Signature]	7/18/11
2.	Dennis R. Plummer	5112 Guadalupe Tr, NW	[Signature]	7/18/11
3.	EMACLEOD, EMILY	5110 Guadalupe Tr NW	EMACLEOD	7/18/11
4.	JANE MCGRAH	1614 Bayita Lane NW	[Signature]	7/18/11
5.	Sandra Murdock	1617 Bayita Ln NW	[Signature]	7/18/11
6.	David Levin	1617 Bayita Lane NW	[Signature]	7/18/11
7.	Peter Levin	1617 Bayita Lane NW	[Signature]	7/18/11
8.	Nick Levin	1617 Bayita Lane NW	[Signature]	7/18/11
9.	Leon Ferranto	1615 Bayita Ln, NW	[Signature]	7/18/11
10.	Elizabeth M Galo	1615 Bayita Lane, NW	[Signature]	7/18/11
11.	Jenny Ramo	5105 Guadalupe Tr NW	by phone 903-3086	7/11/11
12.	Kevin Sarber	5112 Guadalupe Tr NW	by phone 274-6984	7/20/11
13.				
14.				
15.				
16.				

We the residents of Guadalupe Trail between the streets of Griegos and Montano oppose the following:

- The widening of Pedro's Place
- The subdivision beyond 2 homes on the properties of Tom Slates

	Name	Address	Signature	Date
1.	} Already submitted.			
2.				
3.				
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12.				
13.	David Kutz	5105 Guadalupe Trail NW 87107	<i>[Signature]</i>	7/30/11
14.	Carlos Kutz	5105 Guadalupe Tr. NW 87107	<i>[Signature]</i>	7/30/11
15.	Rafael Kutz	5105 Guadalupe Tr NW 87107	<i>[Signature]</i>	7/30/11
16.	Carl Jeffrey Gaebel	5105 1/2 Guadalupe Tr NW 87107	<i>[Signature]</i>	7/30/11
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19.	DARLEEN JACKSON	1316 Delamar Ave NW 87107	<i>[Signature]</i>	7-30-11
20.	MICHAEL MCCARTHY	1312 DELAMAR AVE NW 87107	<i>[Signature]</i>	7/30/11
21.	Joseph Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
22.	Irna Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
23.	Josh Gutierrez	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11

NAME	ADDRESS	SIGNATURE	DATE
24. Angela Butler Angela S. Dik	1610 Baylitha Ln NY 1611 Baylitha Ln N.W.	Angela S. Dik	7/30/11
25. Jennifer Anderson	1615 Rausch Guadalupe Tr NW	Jennifer Anderson	7/30/11
26. Christopher Brown	1615 Rausch Guadalupe Tr NW	Christopher Brown	7/30/11
27. Mama Dettell Mama Dettell	1638 Rausch Guadalupe Tr NW	Mama Dettell	7/30/11
28. Elizabeth Szalay Kagera to #1 only	5219 Guadalupe NW	Elizabeth Szalay	7/31/11

- 30. Tom Tegarden 5222 Guadalupe Tr., NW
- 31. Elvira Edroncelli 5005 Guadalupe Tr. NW
- 32. DORTHA MORA 5005 GUADALUPE TR NW
- 33. Loren Kahn 4913 Guadalupe Tr NW
- 34. Isabel KESSLER 4913 Guadalupe Tr. NW
- 35. JANEY JERKINS 4935 GUADALUPE TR NW
- 36. ELSE MANS 4911 GUADALUPE TR NW
- 37. Heather Brislen 4905 Guadalupe Tr NW
- 38. Dan Waldman 4905 Guadalupe Tr NW
- 39. Matt & Teresa Roubie 5207 Guadalupe Tr NW
- 40. Anita Garza Sanchez 1631 Patch Lake Pl NW
- 41. Brian O'Rourke 1619 Baylitha Ln NW
- 42. Baylitha Garofolo O'Rourke 1619 Baylitha Ln NW
- 43. Arlene TERRAR 1604 BAYLITHA Ln NW
- 44. NORR TERRAR 1604 BAYLITHA Ln NW

- 30. Tom Tegarden 5222 Guadalupe Tr., NW
Signature: Tom Tegarden
Date: 7/31/11
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Signature: Else Mans
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Date: 7/31/11
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- 40. Anita Garza Sanchez 1631 Patch Lake Pl NW
Signature: Anita Garza Sanchez
Date: 8/1/11
- 41. Brian O'Rourke 1619 Baylitha Ln NW
Signature: Brian O'Rourke
Date: 8/1/11
- 42. Baylitha Garofolo O'Rourke 1619 Baylitha Ln NW
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- 43. Arlene TERRAR 1604 BAYLITHA Ln NW
Signature: Arlene TERRAR
Date: 8/1/11
- 44. NORR TERRAR 1604 BAYLITHA Ln NW
Signature: NORR TERRAR
Date: 8/1/11

CITY OF ALBUQUERQUE

Planning Department

Deborah L. Stover, Director
Development Review Division
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

August 19, 2011

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on August 18, 2011. You will receive a Notice of Hearing as to when the appeal will be heard by the Land Use Hearing Officer.

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-11-03

PLANNING DEPARTMENT CASE FILE NUMBERS: 1004906
11-DRB-70154
11-DRB-70168

APPELLANT(s): Emily MacLeod
5110 Guadalupe Trail NW
Albuquerque, New Mexico 87107

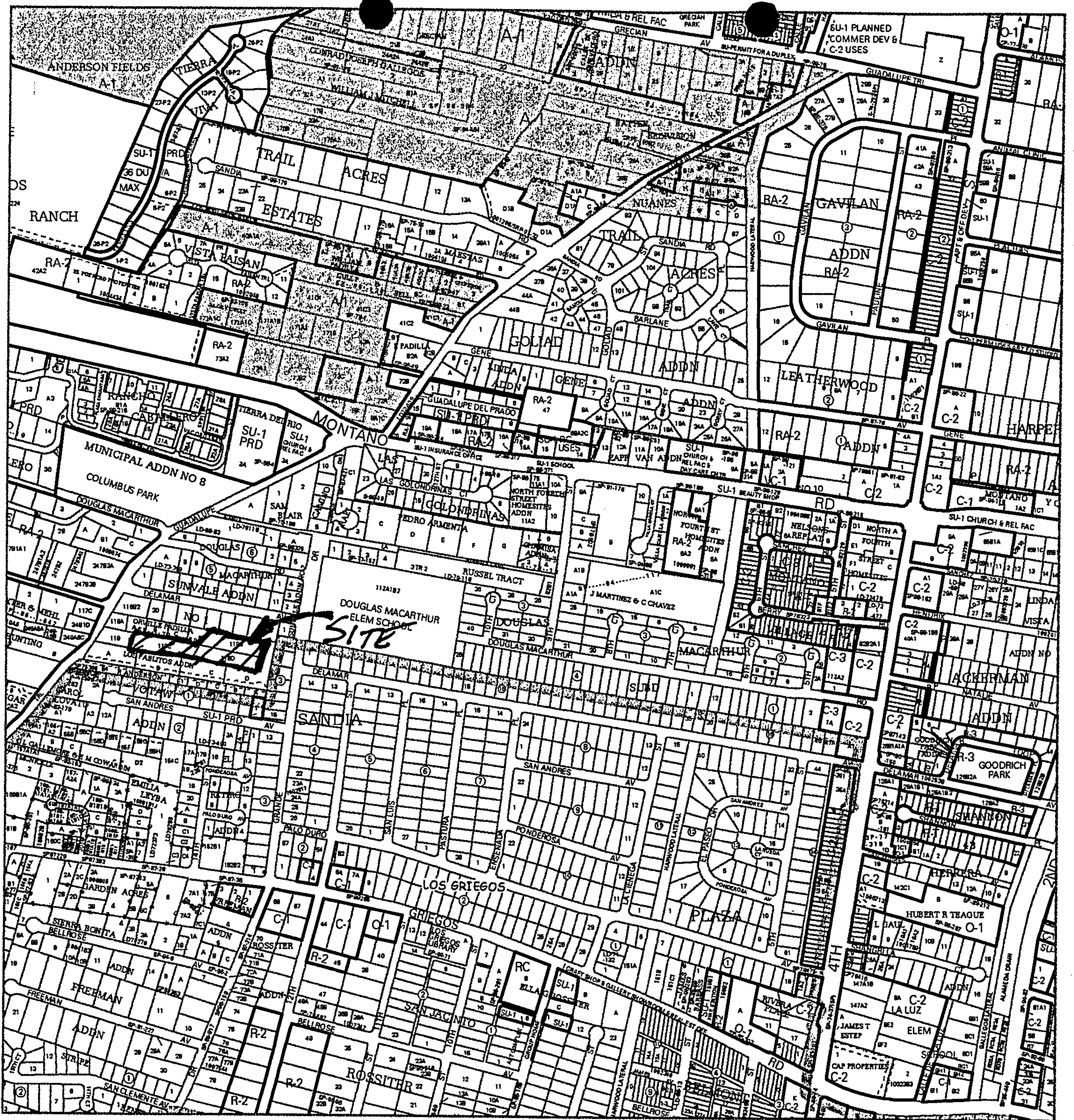
CC: Thompson Engineering Consultants – P.O. Box 65760, Albuquerque, NM 87193
Thomas Slates, 5108 Guadalupe Trail NW, Albuquerque, NM 87107
Cartesian Surveys Inc., P.O. Box 44414, Albuquerque, NM 87174
Jennifer Ramo, 5105 Guadalupe Tr. NW, Albuquerque, NM 87107
Dennis Plummer, 5112 Guadalupe Tr. NW, Albuquerque, NM 87107
Jack McLeod, DRB
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov



For more current information and more details visit: <http://www.cabq.gov/gis>

AGIS
Albuquerque Geographic Information System

Map amended through: 2/4/2010

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
F-14-Z

Selected Symbols

	SECTOR PLANS		Escarpment
	Design Overlay Zones		2 Mile Airport Zone
	City Historic Zones		Airport Noise Contours
	H-1 Buffer Zone		Wall Overlay Zone
	Petroglyph Mon.		

0 750 1,500 Feet



City of Albuquerque

PLANNING DEPARTMENT

Richard J. Berry, Mayor

Interoffice Memorandum

September 7, 2011

To: Don Harris, President, City Council

From: Deborah L. Stover, Planning Department Director 

SUBJECT: AC-11-03 – Project #1004906 – 11DRB-70154 – Subdivision Design Variance from Min DPM STANDARDS - 11DRB-70168 - Minor – Preliminary/Final Plat Approval - Emily MacLeod, appeals the Development Review Board's (DRB's) approval of the referenced request(s) for all or a portion of Tract(s) 118-C, 118-D, & 118-E, MRGCD MAP 32 zoned R-1, located on the east side of GUADALUPE TRAIL NW between GRIEGOS RD NW and MONTANO RD NW containing approximately 2.06 acre(s). (F-14)

This is an appeal of a decision of the Development Review Board (DRB) to approve a Subdivision Design Variance and the resultant Preliminary Subdivision Plat for 3 tracts of land in the North Valley off of Guadalupe Trail NW. Section 14-14-8-2(A) of the Subdivision Ordinance gives standing for appeal to owners of a property interest within 300 feet of the subject site, and that is the case in this appeal; in fact, the appellant owns property which abuts and shares the access easement that is the subject of the design variance. Section 14-14-8-3 of the Subdivision Ordinance allows for one or more of the following alleged errors as a basis of appeal:

- (A) Error in applying adopted city plans, policies, and ordinances in arriving at the decision;
- (B) Error in the appealed action or decision, including its stated facts;
- (C) Error in acting arbitrarily or capriciously or being manifestly abusive of discretion.

This appeal essentially argues the second and third errors as a basis for denying the subject applications.

BASIS OF APPEAL

Below is a list of the appellant's arguments (**in bold text**) followed by responses from the City of Albuquerque Development Review Board (DRB).

1. **The DRB decision was in error with stated facts regarding a) the subject property being within an historic district, and b) the second Finding of Fact for the design variance that compared the proposed private street with an existing private street across from the subject subdivision on Guadalupe Trail NW.**

In the initial hearing on this project, the subdivider/ applicant did misspeak in stating that the property did not fall within the Los Griegos Historic District – what the applicant was referring to was the Los Griegos Sector Development Plan which is approximately 250 feet south of this site. In testimony at the final public hearing the appellant claimed that 25 feet of proposed asphalt paving at the intersection of private street, Pedro's Place NW, with Guadalupe Trail NW, would "significantly impact this historic road." For the record, the Los Griegos *Historic District* was nominated and listed on the National Register of Historic Places in the early

1980's. The significance of the district is substantially architectural, as well as being noted for maintaining the overall cultural traditions of a 19th Century village in Albuquerque's north valley. However, there is no restriction on providing modern urban infrastructure in the historic district, and the DRB action served to minimize the impact of the street from this development. The 25 feet of asphalt paving is considered the minimum from an engineering standpoint to provide for stability and efficient maintenance of the City's infrastructure in (paved) Guadalupe Trail NW. The DRB members unanimously agreed that this amount of paving was not a significant impact on adjacent property, the neighborhood, or the community.

Regarding the comparison of the proposed improvements for the subject street (Pedro's Pl NW) with the private street on the opposite side of Guadalupe Trail (Bayita Ln NW), the appellant points out that the [p]lots on Bayita Lane are 'two to three times deeper than those on Pedro's Place.' This difference in lot sizes is actually a result of the difference in the zoning designation, which is RA-2 for Bayita Lane (minimum 10,890 sq ft) while the subject property on the east side of Guadalupe Trail is zoned R-1 for Pedro's Place (minimum 6,000 sq ft). More of an impact on the performance of a street is its width and the number of lots, not the depth of the lots. Bayita Lane serves 18 parcels and is approximately 20 feet wide; Pedro's Place is proposed to be 22 feet wide and serve a total of 12 lots.

2. The DRB acted arbitrarily by a) dismissing the historic value of the subject property being within an historic district, b) deciding the design variance would not be injurious to the appellant's property, and c) finding a petition in opposition to the variance to be insignificant.

In actuality the DRB action minimized the impact from this development by granting the design variance and allowing most of the private street to be a gravel surface. As previously noted, the significance of the Los Griegos Historic District is substantially architectural, and since there is no restriction on infrastructure development within the district there was no plan, policy or ordinance requirement to 'dismiss.' The DRB did consider the cultural value of this subdivision's design in accordance with the City's North Valley Area Plan, which was adopted subsequent to the listing of the Los Griegos Historic District and incorporated recommendations to emulate the early village development of Albuquerque's north valley. The historic value of the district, as carried forward by the North Valley Area Plan, was cited by the applicant and approved by the DRB based on the 'higher' authority of the area plan.

In approving the design variance, the DRB members individually considered whether the proposal was a significant impact, and none agreed that it was. A major design item which was granted a variance was to allow a gravel street to serve more than 8 lots, however for maintenance purposes the City required the first 25 feet of the private street to be asphalt pavement where it connects to the asphalt Guadalupe Trail (a City street). Understandably the appellant's property which is the first house on this private street would be impacted by the proposed improvements, but the asphalt paving will stop short of the appellant's driveway. The appellant appears to be objecting to the asphalt paving, but that is not part of the variance – the variance is to allow the remainder of the street to be gravel. Additionally, the improvements being proposed could be done without having to seek subdivision approval, i.e. the subdivider/ applicant could have obtained a work order for the 25 feet of asphalt paving and new gravel street based on the existing and additional easements.

Finally, the appellant claims that the DRB arbitrarily considered a petition in opposition to the variance to be insignificant. The petition is quite brief, and simply states that "the undersigned...are opposed to a road variance to Pedro's Place, and are opposed to the further subdivision to properties on Pedro's Place.' There was no citation of adopted plans, policies, or ordinances to support this opposition. As previously noted, residents on Bayita Lane have a very similar road as what was being proposed with the variance; it would appear to be a matter of equity, and not significance of numbers of petitioners, as to the validity of this opposition. The other signatures were substantially from petitioners who lived on paved, public streets, and it was not clear what the relevance of the opposition was to allowing a private street to remain as a (mostly) gravel road. As to opposing

further subdivision, again this property is currently zoned R-1 and the proposed lots are well within the minimum requirements. Had there been a concurrent request for a zone change to a lower density this opposition would have had substantial validity, but this was not the case.

CONCLUSION

The DRB held a fair public hearing without acting arbitrarily, capriciously, or by abusing its discretion. The subdivider/ applicant demonstrated conformance with the North Valley Area Plan and justified the requested variance based on that plan. There is no evident error in the facts of its decision. It is recommended that the City Council uphold the Findings of Fact and the decision of the DRB and DENY this appeal, thereby affirming that there is no error in the DRB's application of adopted plans, policies, and ordinances, and thus upholding the decision to approve the Subdivision Design Variance and the Preliminary Plat.

APPROVED:

A handwritten signature in black ink, appearing to read 'Jack Cloud', is written over a horizontal line.

Jack Cloud, Chair
Development Review Board

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AC-11-3
Project #1004906
11DRB-70154 & 11DRB70168

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Supplemental Form (SF)

SUBDIVISION	S	Z	ZONING & PLANNING
___ Major subdivision action			___ Annexation
___ Minor subdivision action			
___ Vacation	V		___ Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plan boundaries)
___ Variance (Non-Zoning)			___ Sector Plan (Phase I, II, III)
SITE DEVELOPMENT PLAN	P		___ Amendment to Sector, Area, Facility or Comprehensive Plan
___ for Subdivision			___ Text Amendment (Zoning Code/Sub Regs)
___ for Building Permit			___ Street Name Change (Local & Collector)
___ Administrative Amendment/Approval (AA)	D		
___ IP Master Development Plan			
___ Cert. of Appropriateness (LUCC)	L	A	APPEAL / PROTEST of...
STORM DRAINAGE (Form D)			<input checked="" type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Board of Appeals
___ 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 2nd 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): _____ PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: EMILY MACLEOD PHONE: 505 550 0234
 ADDRESS: 5110 GUADALUPE TRAIL NW FAX: none
 CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: emily.macleod@gmail.com
 Proprietary interest in site: _____ List all owners: EMILY MACLEOD

DESCRIPTION OF REQUEST: APPEAL OF PROJECT #1004906, 11DRB-70154, 11DRB-70168

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. 11B-C, 11B-D, 11B-E Block: NA Unit: NA
 Subdiv/Addn/TBKA: Lands of Simpatico
 Existing Zoning: R-1 Proposed zoning: NA MRGCD Map No 32
 Zone Atlas page(s): NA UPC Code: NA

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):
11DRB-70154, 11DRB-70168

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 3 No. of proposed lots: 7 Total site area (acres): 2.06
 LOCATION OF PROPERTY BY STREETS: On or Near: PEDRO'S PLACE / GUADALUPE TR NW
 Between: GUADALUPE TRAIL NW and GRIEGOS E MONTANO RD NW

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE EMACLEOD DATE 8-16-11
 (Print Name) EMILY MACLEOD Applicant Agent

FOR OFFICIAL USE ONLY

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>11CC - 30002</u>	<u>Appeal</u>		<u>\$ 190.00</u>
<input checked="" type="checkbox"/> All fees have been collected				\$
<input checked="" 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			Total
	<u>8-17-11</u>			<u>\$ 190.00</u>

Project # 1004906

FORM A: APPEAL/ PROTEST

Appeal to the Zoning Board of Appeals regarding:

- DECISION OF THE ZONING HEARING EXAMINER (BOA01)

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 (LUCCAPP)

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 (EPC09)
DETERMINATION OF THE IMPACT FEE ADMINISTRATOR (EPC10)

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/ Protest to the City Council and/ or the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT/DECISION OF PLANNING DIRECTOR/STAFF (CCSTAFF)
DETERMINATION OR ACTION OF THE EPC (CCEPC)
DETERMINATION OR ACTION OF THE DRB RE: SUBDIVISION ORD (CCDRB)
ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL (CCBOA)
DECISION OF THE LANDMARKS URBAN CONSERVATION COMMISSION (CCLUCC)

Project number of case being appealed: 1004906
Application number of case being appealed: 11DRB-70154 & 70168
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.

EMILY MACLEOD
Applicant name (print)
EMACLEOD
8-10-11
Applicant signature / date



Form revised 04/2007

Checklists complete
Fees collected
Case #s assigned
Related #s listed
Application case numbers
11CC - 30002

Planner signature / date
8-17-11
Project # 1004906

Appeal regarding determination or action of the DRB regarding sub-division ord.
Project #1004906
August 16, 2011

Application for appeal is based upon the following errors:

1. Misstated facts of the action.
 - a. At its initial hearing of Project #1004906, the DRB specifically asked if this project fell within an historic district and was told that it did not. (See also: point 2.a.)
 - b. Finding 2 states that the variance is similar to “an existing street, Bayita Lane, NW, on the opposite site of Guadalupe Trail, NW from the subject subdivision.” It is not. Plots adjacent to Bayita Lane are two to three times deeper than those on Pedro’s Place. Homes are significantly further set back from that lane. Impact of Project #1004906’s variances are not comparable to Bayita Lane variances.
2. Acting arbitrarily.
 - a. On August 3, 2011, the DRB was notified that, in fact, the entrance to Pedro’s Place, proposed by this project to be widened and paved, does lie within Los Griegos Historic Neighborhood District. However, the historic value of this area was dismissed by the DRB and no evidence was presented to prove lack of injury to the neighborhood or community.
 - b. The DRB arbitrarily decided that the variance will not be injurious to Property 118-A, which lies within Los Griegos Historic Neighborhood District, is 100 years old, is on the National Historic Register—and is adjacent to the road variance.
 - c. The DRB summarily and arbitrarily dismissed as insignificant over 40 signatures of neighbors. Signatures that were dismissed include property owners on Delamar Street, Guadalupe Trail, Bayita Lane and Pedro’s Place whose properties lie within 300 feet of the proposed project.

LOS GRIEGOS HISTORIC DISTRICT



We the undersigned are residents of the North Valley who live in close proximity to Pedro's Place lane, and:

- *Are opposed to a road variance to Pedro's Place
- *Are opposed to the further subdivision to properties on Pedro's Place

	Printed Name	Address	Signature	Date
1.	Keith - Alicia Ramirez	5110 Guadalupe Trail NW	[Signature]	7/18/11
2.	Dennis R. Plummer	5112 Guadalupe Tr, NW	[Signature]	7/18/11
3.	EMACLEOD, EMILY	5110 Guadalupe Tr NW	EMACLEOD	7/18/11
4.	JANE MCGRATH	1614 Bayita Lane NW	[Signature]	7/18/11
5.	Sandra Murdock	1617 Bayita Ln NW	[Signature]	7/18/11
6.	David Levin	1617 Bayita Lane NW	[Signature]	7/18/11
7.	Peter Levin	1617 Bayita lane NW	[Signature]	7/18/11
8.	Nick Levin	1617 Bayita Lane NW	[Signature]	7/18/11
9.	Leon Ferrante	1615 Bayita Ln, NW	[Signature]	7/18/11
10.	Elizabeth M. Gal	1615 Bayita Lane, NW	[Signature]	7/18/11
11.	Jenny Ramo	5105 Guadalupe Tr NW	by phone 903-3086	7/11/11
12.	Kevin Sarber	5112 Guadalupe Tr NW	by phone 274-6984	7/20/11
13.				
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16.				

5

We the residents of Guadalupe Trail between the streets of Griegos and Montano oppose the following:

- The widening of Pedro's Place
- The subdivision beyond 2 homes on the properties of Tom Slates

	Name	Address	Signature	Date
1.				
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13.	David Kutz	5105 Guadalupe Trail NW 87107	<i>[Signature]</i>	7/30/11
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21.	Joseph Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
22.	Irina Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
23.	Josh Gutierrez	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11

Already submitted.

7

NAME	ADDRESS	SIGNATURE	DATE
24. Agneta Badilla	1610 Bayita Ln NW	Agneta Badilla	7/30/11
25. Anne S. Dill	1611 Bayita Ln NW	Anne S. Dill	7/30/11
26. Jennifer Anderson	1615 Rancho Guadalupe Tr NW	Jennifer Anderson	7/30/11
27. Christopher Boone	1615 Rancho Guadalupe Tr NW	Christopher Boone	7/30/11
28. Marlene Jessell	1638 Keneb Guadalupe Ave	Marlene Jessell	7/30/11
29. Elizabeth Szalay	Kagna to #1 only 5219 Guadalupe NW	Elizabeth Szalay	7/31/11
30. Tom Tegarden	5222 Guadalupe Trail, NW	Tom Tegarden	7/31/11
31. Elvira E Pedroncelli	5005 Guadalupe Tr. NW	Elvira E Pedroncelli	7/31/11
32. DOBILA MORA	5005 GUADALUPE TR NW	Dorelle More	7/31/11
33. Loren Kahn	4913 Guadalupe Tr. NW	Loren Kahn	7/31/11
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38. Don Waldman	4905 Guadalupe Tr NW	Don Waldman	7/31/11
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41. Brian O'Rourke	1619 Bayita Ln NW	Brian O'Rourke	8/1/11
42. Bayita Garoffolo O'Rourke	1619 Bayita Ln NW	Bayita Garoffolo O'Rourke	8/1/11
43. Amline TERRAR	1604 BAYITA Ln NW	Amline TERRAR	8/9/11
44. NORA TERRAR	1604 BAYITA Ln NW	NORA TERRAR	8/11/11





OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 3, 2011

Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS
11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, & 118-E, **MRGCD MAP 32** zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)

At the August 3, 2011 Development Review Board meeting, the subdivision design
variance was approved as shown on the Exhibit in the planning file, based on the
following findings:

FINDINGS:

- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community, and in fact would improve emergency access for this subdivision with a wider and improved surface, and the minimal 25 foot length of asphalt paving is not considered a significant impact or injurious to adjacent property; and
- (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance, and in fact is consistent with the zoning ordinance and the North Valley Area Plan which encourages the proposed development, and is also similar to an existing street, Bayita Lane NW, on the opposite site of Guadalupe Trail NW from the subject subdivision; and
- (3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain, but will aid in management of storm water drainage; and
- (4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements because this involves a private street; and
- (5) Varying from the normal requirements will encourage flexibility and economy in subdivision design, allowing a gravel road surface in conjunction with ponding street flow runoff in front yards.

With an approved grading and drainage plan engineer stamp dated 7/22/11 and with the signing of the infrastructure list dated 8/03/11, the preliminary plat was approved; t he

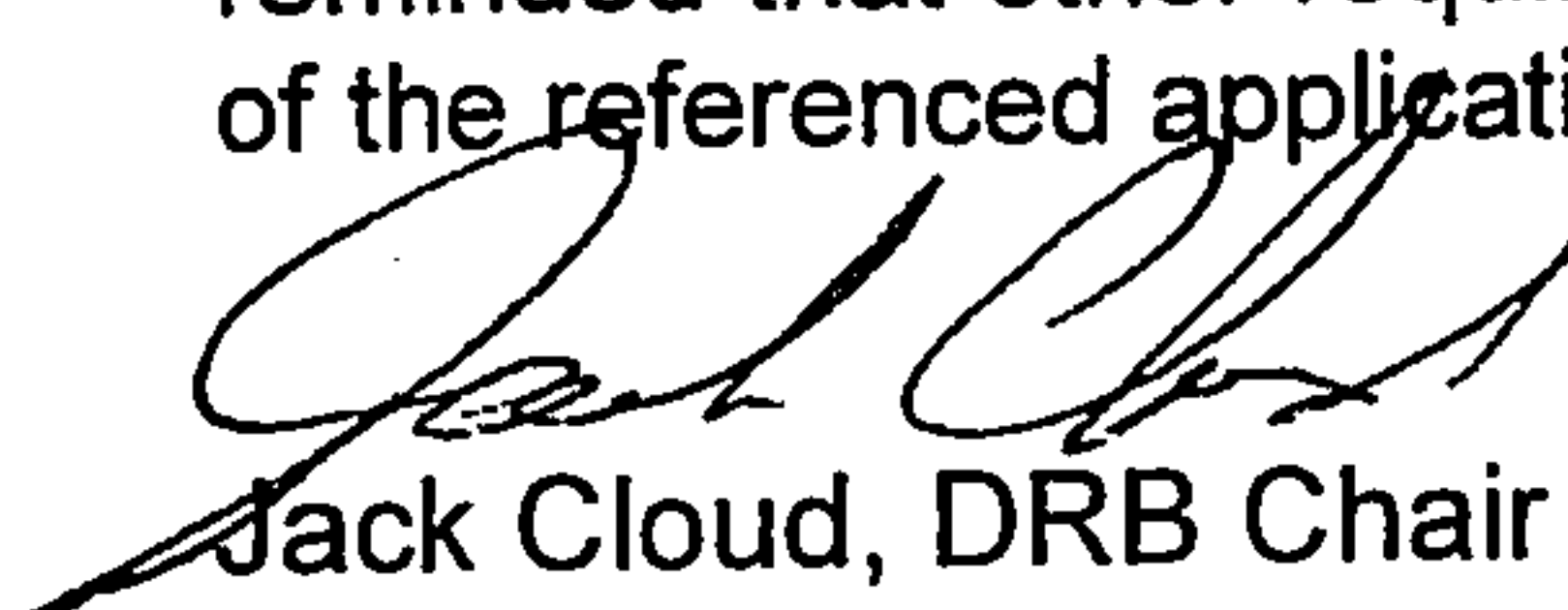
final plat was indefinitely deferred pending expiration of the appeal period and the acceptance or financial guarantee of the Infrastructure List.

If you wish to appeal this decision, you must do so by August 18, 2011, 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, DRB Chair

- Cc: Thompson Engineering Consultants – P.O. Box 65760 – Albuquerque, NM 87193
- Cc: Thomas Slates – 5108 Guadalupe Trail NW – Albuquerque, NM 87107
- Cc: Cartesian Surveys Inc. – P.O. Box 44414 – Albuquerque, NM 87174
- Cc: Jennifer Ramo – 5105 Guadalupe Tr. NW, Albuquerque, NM 87107
- Cc: Emily Maclead – 5110 Guadalupe Tr. NW, Albuquerque, NM 87107
- Cc: Dennis Plummer – 5112 Guadalupe Tr. NW, Albuquerque, NM 87107

Marilyn Maldonado
File

**Plat of
Lots 1-P2 thru 7-P2
Lands of Simpatico
Comprising of
Tracts 118-C, 118-D and 118-E
MRGCD Map Number 32
City of Albuquerque
Bernalillo County, New Mexico
June 2011**

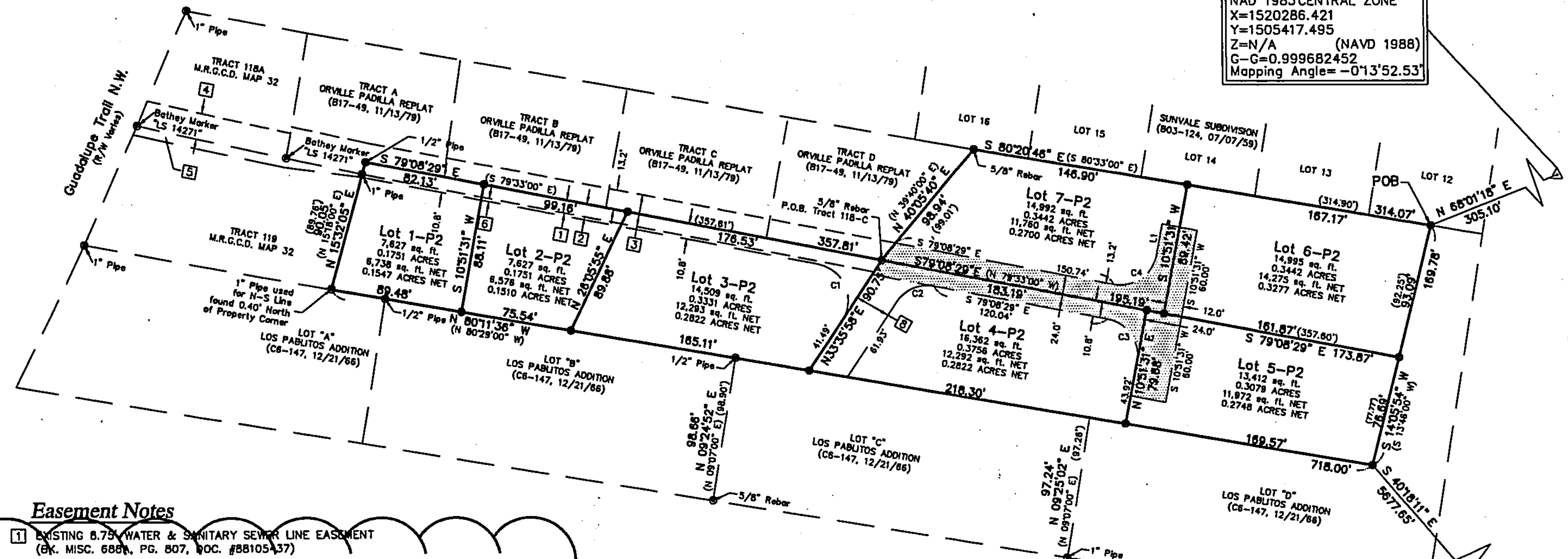
Legend

N 90°00'00" E	MEASURED BEARING AND DISTANCES
●	FOUND MONUMENT AS INDICATED
○	SET BATHEY MARKER WITH CAP "LS 14271"
▨	7 SEE EASEMENT NOTE 7.

LINE TABLE		
LINE	LENGTH	BEARING
L1	21.76'	S10°51'31"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	49.19'	25.00'	112°44'27"	41.63'	N 22°46'16" W
C2	29.35'	25.00'	67°15'33"	27.69'	S 67°13'44" W
C3	39.27'	25.00'	90°00'00"	35.36'	N 34°08'29" W
C4	39.27'	25.00'	90°00'00"	35.36'	N 55°51'31" E

ACS Monument "DOUGLAS"
NAD 1983 CENTRAL ZONE
X=1520286.421
Y=1505417.495
Z=N/A (NAVD 1988)
G-G=0.999682452
Mapping Angle=-0°13'52.53"

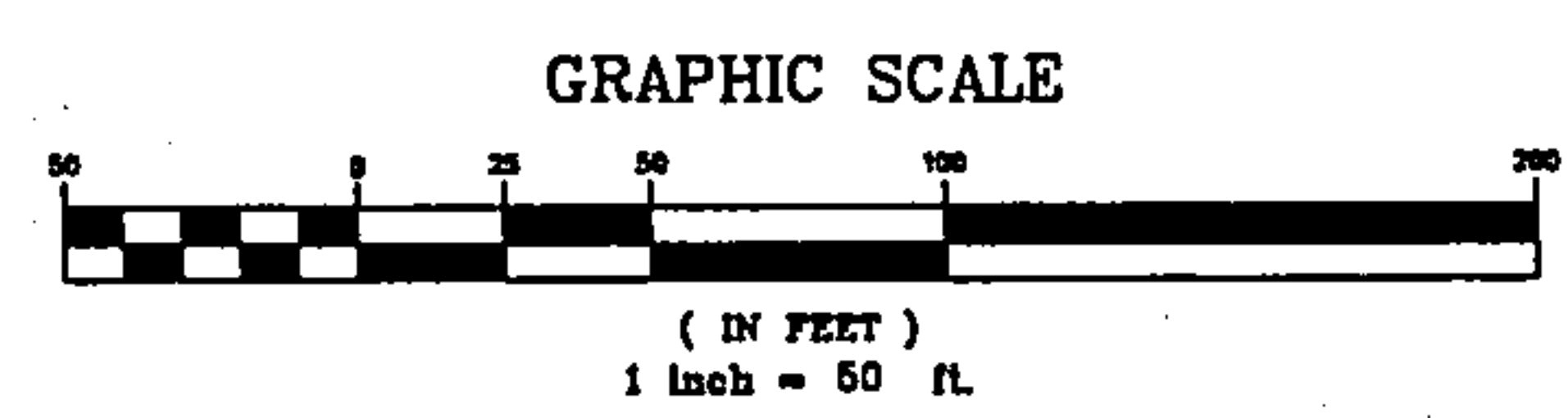


Easement Notes

- 1 EXISTING 8.75' WATER & SANITARY SEWER LINE EASEMENT (EX. MISC. 688, PG. 807, DOC. #88105437)
- 2 EXISTING 8.76' INGRESS/EGRESS EASEMENT (WARRANTY DEED FILED IN BOOK 90-5, PAGE 3628, DOC # 9021959) AND PRIVATE ROADWAY EASEMENT BENEFITING LOTS 1-P2 THRU 7-P2, AND TRACTS A-D, ORVILLE PADILLA REPLAT GRANTED WITH THE FILING OF THIS PLAT TO BE MAINTAINED BY THE INDIVIDUAL OWNERS.
- 3 EXISTING 22' ROADWAY EASEMENT (ORVILLE PADILLA REPLAT, 817-49, 11/13/73)
- 4 EXISTING 17.50 FOOT EASEMENT FOR INGRESS AND EGRESS (WARRANTY DEED 8/23/85, 248A, 564-565).
- 5 EXISTING PRIVATE ROADWAY EASEMENT FILED _____ AS DOCUMENT
- 6 2' ADDITIONAL PRIVATE ROADWAY EASEMENT BENEFITING LOTS 1-P2 THRU 7-P2, AND TRACTS A-D, ORVILLE PADILLA REPLAT GRANTED WITH THE FILING OF THIS PLAT TO BE MAINTAINED BY THE INDIVIDUAL OWNERS.
- 7 PRIVATE ROADWAY AND PUBLIC UTILITY, PUBLIC SEWER AND WATER EASEMENT BENEFITING LOTS 1-P2 THRU 7-P2, GRANTED WITH THE FILING OF THIS PLAT. THE PRIVATE ROADWAY EASEMENT TO BE MAINTAINED BY THE INDIVIDUAL OWNERS.
- 8 24' PARKING EASEMENT BENEFITING THE OWNERS OF TRACT C AND D, ORVILLE PADILLA REPLAT, TO BE MAINTAINED BY THE OWNER OF LOT 4-P2.

Grading Note

CERTIFICATION OF THE SUBDIVISION GRADING PLAN OR AN INDIVIDUAL LOT GRADING PLAN IS REQUIRED BEFORE A BUILDING PERMIT CAN BE APPROVED FOR THAT LOT.



ACS Monument "NM_47_10"
NAD 1983 CENTRAL ZONE
X=1523633.488
Y=1500810.208
Z=4970.252 (NAVD 1988)
G-G=0.999681770
Mapping Angle=-0°13'28.96"

CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 898-3050 Fax (505) 891-0244

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev. 9-20-05)

Date Submitted: 7-29-11
Date Site Plan Approved: _____
Date Preliminary Plat Approved: 8-3-11
Date Preliminary Plat Expires: 8-3-12
DRB Project No.: 1004906
DRB Application No.: _____

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

LOTS 1-7, LANDS OF SIMPATICO
PROPOSED NAME OF PLAT

TRACTS 118-C, 118-D, AND 118-E, MRGCD MAP NO. 32
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. The 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 the 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.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cnst Engineer
			Paving						
		24' wide	2" Residential Paving Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	Guadalupe Road	25 Feet East of Guadalupe Road	/	/	/
		24' wide	6" Gravel Surfacing Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	25 Feet East Of Guadalupe Road	Lots 5 & 6	/	/	/
			Utilities						
		6"	Water Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private		City Cnst Engineer
							Inspector	P. E.	
		<u>Util. (cont.)</u>							
		8"	Sanitary Sewer Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/
		<u>Drainage</u>							
		1' High	Solid Perimeter Wall	1040 Feet			/	/	/
		1' High	Solid Side Lot Line Wall	360 Feet			/	/	/

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NOTES

Street lights per City requirements

- 1) Grading and Drainage Certification is required prior to release of Financial Guarantees
- 2) Waterlines include valves, fittings and services
- 3) Sanitary Sewer Lines include manholes and services
- 4) Wall certification from registered engineer required prior to release of financial guarantees
- 5) Add Signage per DRC

AGENT/OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

David B. Thompson
NAME (print)

Thompson Engineering Consultants, Inc.
FIRM

David B. Thompson 7-29-11
SIGNATURE Date

DRB CHAIR

TRANSPORTATION DEVELOPMENT

UTILITY DEVELOPMENT

CITY ENGINEER

8-3-11

08-03-11

08/03/11

8-3-11

Date

Date

Date

Date

Bandorval 8/3/11
PARKS & GENERAL SERVICES Recreation Date

AMAFCA

Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

13



DEVELOPMENT REVIEW BOARD

MINUTES

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

June 29, 2011

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

Kristal Metro, P.E., Transportation Development
Curtis Cherne, P.E., Hydrology/ Alternate City Engineer

Allan Porter, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

Project# 1004906

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GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Tom Slates - 5108 Guadalupe Trail NW, 87107

Mr. Will Plotner - Cartesian Surveys, 2104 Southern Blvd., Rio Rancho 87124

Mr. Dave Thompson – Thompson Engineering, Box 65760, Albuquerque 87193

PERSONS PRESENT IN INTEREST:

Mr. Dennis Plummer - 5112 Guadalupe Trail NW, 87107

Ms. Jennifer Ramo - 5105 Guadalupe Trail NW, 87107

Mr. Keith Haney - 5110 Guadalupe Trail NW, 87107

MR. JACK CLOUD, DRB CHAIRMAN: Good Morning

MR. WILL PLOTNER: We'd like to get comments from the Board regarding the subdivision.

CHAIRMAN CLOUD: Okay, there should be some written comments. Parks and recreation, Christina, did you have comments on the variance and/ or the plat?

MS. CHRISTINA SANDOVAL PARKS/MUNICIPAL DEVELOPMENT: I have no objection to either request.

CHAIRMAN CLOUD: City Engineer, Curtis?

MR. CURTIS CHERNE HYDROLOGY ENGINEER: Yeah, there's.... it looks like 3 different design variances. For the materials of the road, Hydrology prefers the road and parking areas to be gravel since the subdivision will be ponding street flows in front yards. For the sidewalk waiver I defer to Transportation and Planning and same for the easement variance, I defer to Transportation and Planning. For plat approval, I received the grading and drainage plan yesterday and its currently being reviewed and an infrastructure list will be required that will have the road on it, but I would like to include the walls that are required for drainage. *I don't know how high you want to make them, I think they only need to be a couple courses, but the grading plan didn't show a top wall.*

MR. DAVE THOMPSON: I do have an infrastructure list here that I can give to you. I apologize for the delay in getting it to you, but at least you can take a look. It's fairly simple, but it may not have everything you need on it.

CHAIRMAN CLOUD: Right, so again, on Curtis' comment, it sounds like your grading plan is dependent upon a perimeter wall as a water block, so that would need to be an individual item, is that correct?

MR. CHERNE: Yes

CHAIRMAN CLOUD: Okay.

MR. THOMPSON: Do we need to add that as a line item?

MR. CHERNE: I'd like it a line item please.

MR. THOMPSON: Okay.

CHAIRMAN CLOUD: So then as a point of information, the Zoning Code has a minimum 8 ft wall height, so depending on how much of this is, shall we call it a retaining wall or just call it ...

MR. CHERNE: No its no a retaining wall...

CHAIRMAN CLOUD: Maximum 8 ft including whatever is water blocked, whatever is garden wall...

MR. CHERNE: It needs to be about a foot, you'll have to figure out how high you'll need to put it for the infrastructure list.

CHAIRMAN CLOUD: Just as a point of information, if you build a one foot wall, you're left with 7 feet for the garden wall. What are you going to call it, a water block?

MR. CHERNE: Probably just Perimeter Wall.

CHAIRMAN CLOUD: Perimeter Wall, okay,

MR. CHERNE: There is also going to include the walls in between the lots too.

MR. THOMPSON: Okay.

MR. CHERNE: I hadn't thought what I was going to call it yet.

CHAIRMAN CLOUD: Because I mean, that may be porous to some degree. It seems like you need to indicate somehow that it's meant to be water proof.

MR. CHERNE: Yeah and its.....

CHAIRMAN CLOUD: That's why I say water block or something, that's more of a street term I guess.

MR. CHERNE: Yeah, we'll figure it out.

CHAIRMAN CLOUD: *Water Authority, comments on NUMBER 13?*

MR. ALLAN PORTER, ABCWUA: Yeah I've given you some written comments in the upcoming availability statement. And just as a note, you've got a reference for easement note 7 but I can't find that on the plat anywhere.

MR. PLOTNER: You know that, there was a, if you look in the legend there was a hatch that showed and that layer apparently got turned off but it included the roadway easement as shown in four through seven but we will make that correction.

MR. PORTER: Okay, thank you.

MR. THOMPSON: So Allen where do you want the branch going to the south?

MR. PORTER: Well if you did the hammerhead, you had that access that extends down from the hammerhead south to the south property line. But let's talk about that when we get, when we're looking at the availability again. If you change that layout it may not be available. Basically we are looking at doing a opportunity to try to loop that line in with some stuff that's on the south of you but that may not be, probably or may never happen, so we can address that in the availability if we could.

CHAIRMAN CLOUD: So is the availability different? Did it reflect the same development as this plat?

MR. PORTER: Yes, for the most part, yes.

CHAIRMAN CLOUD: Okay, so it should be a fairly quick response I would expect then. Transportation, Kristal, comments on design variances and the plat.

MS. KRISTAL METRO TRANSPORTATION DEVELOPMENT ENGINEER: I would like something in writing from the Fire Marshall and solid waste regarding this proposed roadway layout, most specifically the turnaround. Typically that would be a stamp they put on the plan. If you have the stamped plans if you could provide a copy at least for the main file that would be very helpful.

MR. SLATES: How many copies would you like?

MS. METRO: I'd like one, but we need to make sure there is at least one in the main file. So TWO would be helpful.

CHAIRMAN CLOUD: If I may, I'm sorry Fire Marshall stamp...?

MR. SLATES: Fire Marshall and solid waste, yes.

CHAIRMAN CLOUD: Okay.

MS. METRO: We already talked about the infrastructure list. As far as a gravel roadway, due to the overall drainage needs for this area, Transportation Development will have no objection to the use of gravel versus asphalt for this roadway. I have no objection to the other variance requests as well.

CHAIRMAN CLOUD: Okay. Planning, we have received today some letters. I have a letter here from David and Elizabeth Wiley at 5118 Guadalupe Trail. Is this one of the lots of the Orville Padilla Plat, do you know?

MR. SLATES: That is correct, 118 B-C.

CHAIRMAN CLOUD: Tract C of the Orville Padilla plat is Wiley?

MR. SLATES: It would be Tract C of the Orville Padilla replat.

CHAIRMAN CLOUD: Okay. In support of the proposal I also have a letter from Melissa Salazar, 5120, I'm going to presume that to be tract D.

MR. SLATES: That is Tract D.

CHAIRMAN CLOUD: 'D' as in dog?

MR. SLATES: 'D' as in dog.

CHAIRMAN CLOUD: Also in support of the proposal for Salazar.

Okay was there anyone else here interested in the plat? Okay, if you gentlemen could let them get up on the microphone so we can get them on the record please.

MR. DENNIS PLUMMER: Hi Mr. Cloud, thank you for your return phone calls and I know its probably a bit unusual for this many responses on a minor plat and so I wanted just to explain from my perspective why this is the case.

CHAIRMAN CLOUD: Could you identify yourself please?

MR. PLUMMER: My name is Dennis Plummer and I am a resident at 5112 Guadalupe Trail which is one of the adjacent plots.

CHAIRMAN CLOUD: Which would be I believe, Tract A of the Orville...?

MR. PLUMMER: It's the second one off of Guadalupe.

CHAIRMAN CLOUD: Okay, go ahead.

MR. PLUMMER: Last year we had major opposition and this project was placed into mediation until Mr. Slates removed it from the table. Last year the approach was to come in as a major subdivision and so it was made public hearing. This time its being piece-mealed together from the backend, and even though it's a minor plot its really about instilling six homes in lots that are plotted for two. And so there is major concern, we were told at our neighborhood association meeting this is a private matter to be decided privately without public comment and Mr. Cloud clarified that for me and that's why we've only had about a day to talk to some of the other neighbors and bring in the other views. We are very concerned about the impact of the land use, traffic, the infill and lots that are currently as I said zoned for two.

CHAIRMAN CLOUD: I believe that we have 3 tracts that are being replatted here, 118 C, D, and E.

MR. PLUMMER: It's true and the third plot already has the current allowed one house, it's being subdivided to then add two more houses, and then the other two lots which are single would be also double lots. So we haven't had time to talk to

the other neighbors effected, but those of us that are here did want to speak our opposition and concern that little by little approval of things that don't seem major are actually part of a major subdivision which we believe needs to be a larger public conversation.

CHAIRMAN CLOUD: Okay, the City Subdivision Ordinance defines a Major Subdivision as ten lots or more or have significant infrastructure. So I'm not sure that... we are talking about a gravel road and water line and sewer line extensions, I'm not sure that's going to be considered as significant infrastructure. So per the Subdivision [Ordinance] this is going to be considered a minor subdivision, just for the record. Mr. Plummer, you have provided a letter in opposition and you oppose the increased density from the subdivision?

MR. PLUMMER: Currently the lane would accommodate eight homes. This subdivision would increase that lane to accommodating twelve homes. So it goes over the ten. I realize you're saying that we're not adding more than ten but collectively it is over ten.

CHAIRMAN CLOUD: Okay, I see what you are saying.

MR. PLUMMER: If we added two at a time it would never be a major subdivision.

CHAIRMAN CLOUD: Okay.

MS. JENNIFER RAMO: Hi, good morning, thank you, my name is Jennifer Ramo. I live at 5105 Guadalupe Trail and as you know this is one of the oldest neighborhoods in the city. It is the Los Griegos neighborhood and we are one of the few remaining narrow little dirt lanes there that we really treasure and nobody I think opposes development and certainly we all know that its necessary and important for our city to grow. But we also really want to treasure what we have down there with cows and kids playing outside, and you know Pedro's Place is one of those little lanes and I think its something I think that should be taken into consideration when looking at what this larger plan is which is its this little teeny thing and you know I think what we feel like is that this plan is trying to turn a Chihuahua into a Great Dane. And it can't happen I mean, its just a little tiny lane and, you can't really open it, it just is what it is, it's a small lane, it really isn't meant to accommodate this large subdivision of twelve houses and certainly is such a huge impact. We would love to see, have the opportunity to have all of the neighbors chime in. And again, none of us are strict preservationists or you know, tying ourselves to any trees but we really see this as a pretty large deal and this little teeny lane, I mean you just can't crank it open, there's no right, you couldn't open it any wider to accommodate these houses. And I think as Dennis mentioned it's disconcerting, the process for sure, it has felt somewhat dishonest and kind of under the radar for something that will have such a big impact. My experience last year when they were trying to get this passed was that Mr. Slates came to me trying to make an agreement on behalf of the house on the corner that he had no rights to make an agreement, he wasn't the owner, the owner had

just actually gone to prison for a little bit, or I don't know what happened with that but the owner, so you know, you can't make an agreement based on somebody else's property. And so for us you know between that, kind of this idea that it's not a community decision. And again, nobody in the neighborhood is crazed about development or building but I mean this is a big deal and to rip open one of these little lanes, it's one of the last remaining lanes in the valley, is something that should take community approval and working with us. The way it's plotted right now is that there would be these high walls in this narrow lane with houses right up against the walls and I mean it just would be disastrous I think for this beautiful place that has cows and goats and kids. Thank you.

MR. KEITH HANEY: Hello my name is Keith Haney. I'm representing Emily McLeod at 5110 Guadalupe Trail, you have a letter from her as well. Just to add my input because I do stay there is you know, the lane is not built to accommodate the "improvements" he'd like to make just by the fact that he's having to get variances to do what little stuff he can do. He's made it very clear that this is driven out of a place of financial gain for him and he doesn't really care about the community's input or support and frankly we're to tell you that there isn't much community support regarding his desires today. And I do have a little girl who stays with me half time there and it will make a definite impact on her and how she lives her life. If you keep the lane the way it is now or if you turn it into an inner city alleyway with these walls to allow his subdivision. Thank you.

CHAIRMAN CLOUD: And we did receive a letter from Emily McLeod who is the property owner, the first house here?

MR. HANEY: Yes.

CHAIRMAN CLOUD: Okay, and this is also in opposition.

MR. PLOTNER: Jack, one thing I think should be mentioned is that the developer does care about the community in fact he is the one who occupies the house on the one lot and so he is a part of the community so I would like to state that. I think he might have some more to add.

MR. SLATES: I would like to address the comments. Number one, this area is just north of the Los Griegos historical neighborhood. My name is Tom Slates, I live at 5108 Guadalupe Trail, I've lived there since 2007, and prior to this the previous owner who had owned the property since 1984 Dan and Linda Lopez, Dan Lopez is the Dan Lopez who is president of New Mexico Tech. We sat down, the Lopez' and my wife and I to find out the best use of this property. Dan and Linda originally purchased the property in order to put one house on it, all three tracts. 1984 values, 1984 ideas become 2011 ideas. We purchased the property in 2006. Dan and Linda have a house in Socorro and they are very happy in their house at Thomas Village that is why this property came on the market. We own Tracts 118 D and Tracts 118 E. We built on the east 1/2 of Tract 118 E in order to show not just for us but also to show what can be done on 1/3 of an acre. We are approaching 70% of open space we're building on about 30%

so we are in excess of the 65% that the north valley character study is recommending for open space and landscaping. In regards to one year ago I was and I have in my possession a letter of being an agent for the owner of the Tract 119. And he and I had entered into a written agreement that we were going to swap, because 17 ½ feet is certainly a narrow easement. The fire department cannot remember it was ever approved, that narrow an easement. Keith being involved in emergency services told me at our neighborhood meeting which we had about ten days ago on Monday that the fire department will come down there, it's not recommended. In order to do this lot division of three extremely long and narrow lots, with today's water restrictions, weed and litter problems, dust control, I could have petitioned... number one I could have bought the house that Emily McLeod purchased two years ago, and correct me if I'm wrong. I could have also bought the house that Dennis Plummer, both of those were on the market, they were part of Jane Batton's estate when she passed away, both of those houses were rentals. I could have gone down the street with the 46 foot wide paved roadway, sidewalks on both sides and subdivided this property into not 12 lots but I could have gone to 16. I've done those calculations. I also have my heart in the North Valley and I do not like to be called greedy and that this is only something that is going to enrich me. My history in this area goes back to being a student of Dr. Bainbridge Bunting at UNM in the 1960s.

CHAIRMAN CLOUD: Mr. Slates we really need to address the subdivision that's before us if we could.

MR. SLATES: Okay, I will leave those comments. The reason that we pulled our request, and that was because we needed a variance because we were getting too close to the residence at 5104 was because, yes an individual got arrested the owner of that house. The property then went for sale and other people purchased it. I have entered into an agreement with those people to buy the 6 ½ feet roadway easement, excuse me to use it, I don't know, its an easement only, and we have that in writing with an attorney and it is awaiting being signed. That's who I am, that's where we are coming from. And I think it is a matter of open space. What I am trying to do with this piece of property is no different than what is done in the 4900 block of Guadalupe Trail, what is done on Rosalie, what is done on Pablita Lane, and initially, yes the lots are much larger on Bayita Lane but there are no sidewalks, there is no paving and that the roadway width is within the standards that I'm also willing to build.

CHAIRMAN CLOUD: Do you happen to know when those subdivisions were done?

MR. SLATES: I believe that Bayita was 1951, I believe the other dates were probably... most of the subdivision in this area was done prior to 1979 and that was also indicative of the Orville Padilla replat.

CHAIRMAN CLOUD: That's probably, well 1979...we had a subdivision ordinance in '73 but it's obviously evolved since then. We now have a minimum

standard for access. You did provide at least some justification for your variances. I think the...as noted, regarding the gravel surface, I'm not sure that there's going to be an objection to a variance for a gravel surface rather than a paved right-of-way. I think that is in keeping with the character per the North Valley study. But with current standards, we do have...does raise concerns about separated pedestrian access. I'm not sure that 8 is necessarily a magic number for when we need to kick in the pavement so obviously I think we could consider the gravel paving. I think if you all had been here all morning you could have heard us discuss some of these different sidewalk situations. I think we could probably, we could try to go without a separate pedestrian easement but if we approve this width variance, we're precluded from ever getting a separate pedestrian way. That concerns me a little bit, especially with the number of lots.

MR. SLATES: Mr. Cloud I do have some comments about that. The past president of the association, a woman by the name of Rav Freeman who lives in the 4900 block of Guadalupe Trail and also Alice Cushing who is a 1950s resident on Bayita Lane said that the South Guadalupe Trail Neighborhood Association during the extension of the Montano Road and bridge access fought aggressively and their comment to me that over their dead bodies would there ever be sidewalks on Guadalupe Trail. Now I'm approaching 70 years old and I won't discuss the age of these 2 ladies in kindness, but our deaths may be eminent but they are adamantly opposed and have records for that case. It's a very pedestrian community, there's no question. We walk the ditches we walk to roads to Columbus Park and so far we survive.

CHAIRMAN CLOUD: And so far that's great. But that's why we have standards for separate pedestrian access. It's a very unfortunate metaphor of dead bodies because when that happens then the city is going to be called on the carpet for not providing sidewalks I can guarantee you that. We do have to review your infrastructure list, we do need an updated water and sewer availability before we could act on this plat, so we can't take action on your request today. [to MR. PORTER]: I don't know that you'll have a response in 2 weeks would you, its probably cutting it pretty close.

MR. PORTER: Right now the cue is about 3-4 weeks.

CHAIRMAN CLOUD: So although you get your request in right away, we're still looking at probably 4 weeks before we'll have a response.

MR. SLATES: I'll have that in this afternoon.

CHAIRMAN CLOUD: I think we need to defer this at least 4 weeks before we could act on it. That would be the meeting of July 27th. I would urge you to take a look, also I had additional comments which I have provided in writing Will, this is regarding the plat. Notations and what have you...

MR. PLOTNER: And so get the easement request...

MR. SLATES: Mr. Cloud, for the purposes of lot 3 there are 8 on street parking spaces.

CHAIRMAN CLOUD: Okay we just need an exhibit to show that.

MR. SLATES: I will provide that.

CHAIRMAN CLOUD: And understanding that this is R-1 zoning and that you're well above the minimum lot size, assuming that's the case after you figure the net lot area, this is a funnel effect we are trying to do an R-1 development with a very rural access situation.

MR. SLATES: For the smallest of the 2 lots, subtracting the roadway easement from the lot space and then using a 2500 square foot non-permeable build surface that includes 1800 square feet of house, double garage, and about 370 square feet of covered portals, we are still looking at having I believe 60% open space.

CHAIRMAN CLOUD: It's more of a number situation, you know, you're going to have 12 lots using this easement so that's what we need to consider.

MR. SLATES: Correct.

CHAIRMAN CLOUD: We are going to defer this 4 weeks. It will be the meeting of July 27th and thank you all for your time.



DEVELOPMENT REVIEW BOARD

MINUTES

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

July 27, 2011

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

**Kristal Metro, P.E., Transportation Development
Curtis Cherne, P.E., Hydrology/ Alternate City Engineer**

**Allan Porter, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development**

Project# 1004906

**11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS
11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL**

**THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, &118-E, MRGCD MAP 32 zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)**

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Tom Slates - 5108 Guadalupe Trail NW, 87107

Mr. Will Plotner - Cartesian surveys, 2104 Southern Blvd., Rio Rancho 87124

PERSONS PRESENT IN INTEREST:

Mr. Dennis Plummer - 5112 Guadalupe Trail NW, 87107

Ms. Jennifer Ramo - 5105 Guadalupe Trail NW, 87107

Mr. Keith Haney - 5110 Guadalupe Trail NW, 87107

MR. JACK CLOUD, DRB CHAIRMAN: Good Morning

MR. WILL PLOTNER: Will Plotner with Cartesian Surveys. 2104 Southern Blvd. Rio Rancho 87124.

MR. TOM SLATES: Tom Slates 5108 Guadalupe Trail, NW

CHAIRMAN CLOUD: We had heard this a few weeks ago, we did receive some additional justification for the subdivision design variance. Will, I believe you have made revisions to the plat?

MR. PLOTNER: No, I don't believe so. Can you be more specific about what requirements you are requesting?

CHAIRMAN CLOUD: You had sent us a red line copy of revisions. Maybe its just the exhibit. There was some information that still wasn't on the...that we'd asked for some clarification on?

MR. PLOTNER: Yes that is correct.

MR. SLATES; You also keyed some notes.

CHAIRMAN CLOUD: Can you bring that up and show that to the board please?

MS. KRISTAL METRO: So that's no longer a turn around that's a parking easement?

MR. PLOTNER: No it's both.

MS. METRO: You can't really have it be a turnaround if people are parked in it. I'm a little confused by that, what kind of parking easement....

MR. SLATES: I believe that we clarified that as to be only parking

CHAIRMAN CLOUD: So that the turnaround is actually at the end.

MS. METRO: So is the Fire Marshall's office aware of that?

MR. SLATES: The hammer head if for the fire and the Fire Marshall is aware of that because the, if we're talking of the same thing we're taling between lots 3 and 4?

MR. PLOTNER: Yes.

CHAIRMAN CLOUD: Do you have copies of the easement notes 2 and 4?
Those access easements?

MR. PLOTNER: Yes I emailed those to you.

CHAIRMAN CLOUD: I do need hard copies of that for the file. We did have a couple of people signed up if you could allow them to come up please. Jennifer Ramo?

MS. EMILY MCLEOD: Hi I'm Emily McLeod I live at 5110 Guadalupe. I live at the corner of Guadalupe Trail and Pedro's Place. Today I brought a petition signed by 12 neighbors. Four of whom are on Pedro's Place, some of whom are on Guadalupe and some of whom are on Bayita Lane. All 12 of these neighbors oppose widening the road and further subdivision to Tom Slates property.

CHAIRMAN CLOUD: I'm sorry, oppose...?.

MS. MCLEOD: Opposed to widening of Pedro's Place and further subdivision to Mr. Slates properties. Currently Pedro's Place has capacity for Tom to build 2 homes. The neighbors opposed anything beyond the 2 homes that Pedro's Place has capacity for. And then I also have letters from the neighbors.

CHAIRMAN CLOUD: Okay. If you want to start those over there and we can pass them down and take a look.

MS. JENNIFER RAMO: Jennifer Ramo, I'm at 5105 Guadalupe Trail. So I came last time and I think what came up, I was here with a different neighbor, Dennis Plummer. The main issue that came up was a procedural issue which is a concern that this is kind of an end run around public comment and really what we have here is a subdivision that requires public comment, because it has so much impact in the neighborhood and what we have is kind of this piece-meal, you know if you add 2 homes at once it's not a subdivision because its under 10 houses, but its not under 10 houses

CHAIRMAN CLOUD: It's called a major subdivision. This is a subdivision

MS. RAMO: Yeah it's a major subdivision...

CHAIRMAN CLOUD: No, we have a definition, an ordinance definition or major subdivision. This is a subdivision, it does not meet the definition of a major subdivision.

MS. RAMO: 12 homes correct?

CHAIRMAN CLOUD: With the platting action. This platting action only has 7 lots.

MR. RAMO: Right, but when you look at all of Pedro's place that is, and he has a name for it too I think like "Happy Landings Subdivision" I don't know what it is but I mean he's considering this to be a subdivision.

CHAIRMAN CLOUD: This is a subdivision, we are having a public meeting right now so if you could comment on the request before us, please go ahead.

MS. RAMO: Okay, sure. I thought that there was a procedural issue with that, so if you're saying that there is not a procedural issue that's fine.

CHAIRMAN CLOUD: We're having a procedure right now...

MS. RAMO: No no no, a procedure that requires public notice.

CHAIRMAN CLOUD: Right, did not require public notice

MS. RAMO: Right, that's what we're asking is doesn't this require public notice?

CHAIRMAN CLOUD: No it does not.

MR. RAMO: Okay even though it's a subdivision of 12?

CHARIMAN CLOUD: This was advertised in the paper, that was the only notice that was required.

MS. RAMO: So that was different than our understanding of this but, so the main issue really is that this is widening this teeny tiny land that is really meant for a limited number of homes. You can widen it but it's still is a small area that shouldn't be turned into a giant subdivision, or whatever the technical term is. The history of this I think has been very frustrating for the neighborhood because it has, it originally started something with an acknowledgment that it was an impact on the community and it kind of ended up in this very secretive way. No one is opposed to him developing his land but there is great concern about the number of homes that are going to be crammed into this little neighborhood and how it's going, it sounds like it would require sidewalks and how it would really kind of destroy the character of this neighborhood.

MS. MCLEOD: One other thing just to represent some of the opposition. Each of the five property owners on Pedro's Place plus Mr. Slates understood the limitations of Pedro's Place when they bought their properties. What the neighbors feel is widening a road for one man's project is unreasonable.

CHARIMAN CLOUD: Okay thank you. Was there anyone else here interested in agenda item # 12? Okay. Mr. Slates did you want to respond?

MR SLATES: I would like to respond. Number one, last week on the 20th of July and I was aware that this petition was being circulated, what I would like to do, I have not seen the petition. It was not presented to me for obvious reasons to sign or to reject. I believe that if I was listening correctly that the statement was made that there were 4 people of Pedro's Place who signed your petition. Would you please be kind enough to let me know who those people were?

CHARIMAN CLOUD: Kristal, would you mind? Okay there are the addresses on there?

MS. MCLEOD: Its Guadalupe Trail addresses even though we all live on Pedro's way so what we were ...

CHARIMAN CLOUD: Dennis Plummer who was here and submitted a letter last week. Kevin Sarbor is listed at 5112.

MR SLATES: Okay now I understand where you got the four. By my calculations there are existing 8 lots or residences on Pedro's Place. If each one of those people is given one vote rather than the aggregate of how many people are residing in that house and I do believe in Dennis Plummer's case there is a man there who is only going to be there for another month. My calculations are that we have five people approving this those people are Tom and Susan Slates, who have two pieces of property my cousins who I'm acting as an agent, they are in Falls Church Virginia they own Tract 118 C and they wish to build two small houses back there, Melissa Salazar who lives at 5120 and David and Beth Wiley who live at 5118. I do believe that Emily you contacted as well as I have...

CHARIMAN CLOUD: Mr. Slates, please address the Board not ...

MR SLATES: Okay. Emily Thalier who owns a lot there and has yet to build so by my calculations, I have 5 people who approve of this which is 5 of 8 which is 62 ½% . 25% disapprove, and I understand that. 12 ½% remain neutral so those are my calculations. Now on the 20th of July I was approached by a man named Stephen Posse who lives on Bayita Lane. He called me and he asked if he could come over and he is a past president of the South Guadalupe Trail Neighborhood Association. We had an hour meeting between 7:15 and 8:15 last Wednesday evening he said that the petition was presented to him but he did not feel he was properly informed on both sides of that issue. When left he said, "Tom I don't know the solution to your problem. I presented him with as much information as I have presented the Board in our file. I chose not to go door to door with a petition although Angus McPherson who lives in the area as well as Dennis Pile, they have written previous letters as well as Rav Freeman who lives in the 4800 block. I am not at ease with the amount of dissent and the divisive character that this has happened in the beautiful area of Albuquerque. I don't like it and I'm sorry that we have gotten to this level. At that point, Stephen remained neutral with the information that was given to him. That is my rebuttal

to what is stated. If someone were to walk and analyze this particular section of the City of Albuquerque, they would find that 20 - 24 foot roadway easements are not in not keeping with the character of neighborhood. They'd find that they would be in keeping with the character and I have documented roadway widths as well as the number of people and lots and lot sizes. I have tried to keep this to a position of facts. This is not an teensie piece of easement and 24 feet maintains, in 2011, basic egress and ingress requirements for the various services that we now require. In 1979 that was not the case or in this particular case for 8 lots, 17 ½ feet widening to 22 was adequate. Thank you.

CHARIMAN CLOUD: Ms McLeod, yes?

MS. MCLEOD: Just also to clarify when we canvassed around the neighborhood, we made it very clear to neighbors to contact Mr. Slates, that we were not representing his side, that we had concerns. Stephen, we made it clear to Stephen that we couldn't answer some of his questions. When we attended the neighborhood meeting when Mr. Slates first presented this plan, to a few of the neighbors, he had distributed 3 pages of information that he had submitted to your department for us to review at that meeting. We were not allowed to take a copy of that from that neighborhood meeting

CHARIMAN CLOUD: Okay, this file, we can give you a copy of anything that you want here.

MS. MCLEOD: So some of the questions that Stephen had we were not able to answer and we encouraged him to contact Mr. Slates.

CHARIMAN CLOUD: Thank you. Again this is what qualifies as, what's called a minor subdivision. There is no procedural issue that hasn't been followed with this request. It was advertised in the paper, that's the minimal advertisement requirement. We have received comments from abutting property owners at the original hearing in June and again today. The problem seems to be, we've got cross purposes here with some of the design variances and the desires of the neighbors. The property owners are zoned R-1, they are well within the minimum lot size for that zoning.

The issue that comes up is the City has minimum standards for subdivision that, because of the cumulative number of lots, this is a what we consider a less than standard street section. I think the Board has previously indicated there's some desire to go with some of these standards because of their beneficial nature, I mean this was supposed to be a paved road, you're proposing gravel, I think the benefits to the drainage situation by not paving this may outweigh the gravel standards. However you are in a tough situation that you're wanting to reduce the standards. If you were to not request a subdivision design variance your road would be even bigger than what we're proposing.

MR. PLOTNER: I think in this particular area I can see your point Mr. Chairman, but in this particular area this is the same in that entire area as far as these roadway widths go. I don't think that that particular standard should apply in this case.

CHAIRMAN CLOUD: Well, and Mr. Slates has provided substantial documentation to support his variance, but really the main policy statement, adopted policy is the North Valley Area Plan – the North Fourth Street zoning code as I understand it is still just a draft document, Mr. Slates is that correct?

MR. SLATES: That is correct.

CHAIRMAN CLOUD: So we really can't use that as a basis for approval because it's not an adopted document.

MR. PLOTNER: But if you listen to the opposition's case, they don't want that street any wider than it is now. They are not asking for it to be wider and neither are we, wider than necessary. The only ones that are asking for it to be wider or is the subdivision design requirements, so the objection to that design variance seems to be on both sides here today.

CHAIRMAN CLOUD: Well I would like to ask if you would consider one more time of trying to meet with the neighbors. I know you'd said you did not go door to door but I'm not sure that the opposition understands he has certain zoning entitlements. He is well within his minimum lot size. If he wanted to, he could come in with a much bigger street which would not require a variance and then we'd have no basis to deny his subdivision. Because he's asking for a variance we have some leeway in determining if that's appropriate. I think it might benefit the adjacent property owners to let Mr. Slates try to convince them as he's trying to convince this Board why he should not be putting in paved street and sidewalk for this street which if he did, you know, we'd probably have an approved subdivision. And I think I would like a week to review the material that's been submitted today anyway. Parks and Recreation, Christina, comments on agenda item number 12?

MS. CHRISTINA SANDOVAL, PARKS AND RECREATION: I would have no objection to a week deferral.

CHAIRMAN CLOUD: Okay. City Engineer, Kristal?

MS. KRISTAL METRO, HYDROLOGY: Hydrology does prefer the road and parking areas to be gravel due to the ponding of street flows in the front yards in the subdivision. Hydrology does have an approved grading and drainage plan dated 7/22/11 approved for Preliminary Plat and would be able to sign the infrastructure list. For final plat approval a note to the plat needs to be added stating certification of the subdivision grading plan or an individual lot grading

plan is required before building permit can be approved for that lot. In addition a recorded SIA will be required prior to any final platting action.

CHAIRMAN CLOUD: Okay. Water Authority, Allan?

MR. ALLAN PORTER, ABCWUA: Will I still have some questions on the designation of a easement for the water and sewer lines on the plat so we can probably discuss that.

CHAIRMAN CLOUD: Is that not clear?

MR. PORTER: It's still not clear to me.

MR. PLOTNER: do you want to discuss it now or do you want to discuss it later?

MR. PORTER: When the meeting is out we can catch up, we're going to end up deferring anyway.

MR PLOTNER: Okay.

CHAIRMAN CLOUD: but it is called out as a public water and...

MR. PORTER: Well it's called out as a private roadway and public utility, private sewer and private water easement.

CHAIRMAN CLOUD: Oh, no I'm sorry I thought that was fixed, that should be a public water and public sewer easement. Because we do have a fireline going back there correct?

MR. PORTER: Right, line extension...

CHAIRMAN CLOUD: And we have a public line extension ...

MR. PORTER: So we need to include that in there as a public line extension.

CHAIRMAN CLOUD: So that would be a public water and public sewer

MR. PORTER: Right public utility designates the different dry utilities really so we need to make provision for that to specifically call out public water and public sewer. Thank you.

CHAIRMAN CLOUD: comments on the infrastructure list? It's showing a six inch water line extension and 8 inch sewer line extension?

MR. PORTER: Right that's no problem at all, that's agreed to in the availability.

CHAIRMAN CLOUD: Transportation development, Nilo?

MR. NILO SALGADO-FERNANDEZ, TRANSPORTATION DEVELOPMENT:
Okay, Transportation Development has no objection to the use of gravel versus the asphalt for the roadway and its due to the fact the overall drainage needs to be for this area. I do have extra comments here that the first 25 feet of your segment of roadway needs to be asphalt and that's per our city standard. Also your gravel needs to be six inches thick, not 3 inches thick and that's per our city standards. If you have a copy of them you may refer to it, okay? That' all I have thank you.

CHAIRMAN CLOUD: Okay so we'd need a revised infrastructure list. It would need to indicate asphalt paving and the six inch gravel. It sounds like the water and sewer lines are adequate. And Hydrology had indicated that they had their items also properly listed?

MS. METRO: Correct they had no objection to the infrastructure list.

CHAIRMAN CLOUD: I do not have a signed copy of the infrastructure list. Has Dave Thompson given you one? Okay so I think if you can change that easement to public water and sewer easement and revise the infrastructure list, give us a chance to review the material we received today and then we'll make a decision next week.

MR. SLATES: Thank you very much.

CHAIRMAN CLOUD: We going to defer this one more week, that will be to the meeting of August 3rd.

MR. SLATES: After last meeting, I did go over to Emily and Jennifer and Dennis Plummer and I did say that I would like to have a meeting. In the 30 days that have passed, Dennis Plummer did avail himself of that meeting and we....

MS. MCLEOD: ...(unclear)....

MS. RAMO: ...(unclear)....

CHAIRMAN CLOUD: Excise me everybody, this item is closed now I am urging you as the applicant to try to provide the material you've provided us and let them peruse that and then we'll meet here next week.

MR. SLATES: Very Good.



DEVELOPMENT REVIEW BOARD

MINUTES

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

August 3, 2011

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

**Kristal Metro, P.E., Transportation Development
Curtis Cherne, P.E., Hydrology/ Alternate City Engineer**

**Allen Porter, P.E., Albuquerque/ Bernalillo Co. WUA
Christina Sandoval, Parks/Municipal Development**

Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS

11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

**THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
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PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Tom Slates - 5108 Guadalupe Trail NW, 87107

Mr. Will Plotner - Cartesian surveys, 2104 Southern Blvd., Rio Rancho 87124

PERSONS PRESENT IN INTEREST:

Ms. Emily McLeod - 5110 Guadalupe Trail NW, 87107

Mr. Dennis Plummer - 5112 Guadalupe Trail NW, 87107

MR. JACK CLOUD, DRB CHAIRMAN: Item 8, project 1004906, Thompson engineering consultants and Cartesian Surveys agents for Thomas Slates requesting subdivision design variance and preliminary and final plat approval for tracts 118 C,D and E of the Conservancy District map # 32.

MR. PLOTNER: Will, with Cartesian surveys, 2104 Southern Blvd., Rio Rancho 87124.

MR. SLATES: Tom Slates, 5108 Guadalupe Trail NW, 87107

CHAIRMAN CLOUD: This had been deferred from last week. Will did you bring copies for people or do you just have the one?

MR. PLOTNER: Well I did send copies out via email I believe.

CHAIRMAN CLOUD: I thought you were going to make some hard copies for the meeting.

MR. PLOTNER: As far as for the....?

CHAIRMAN CLOUD: The plat.

MR. PLOTNER: The plat, no I do not have copies for you.

MS. KRISTAL METRO TRANSPORTATION DEVELOPMENT ENGINEER: Do we have a revised infrastructure list available?

MR. PLOTNER: No we do not. He's supposed to be here this morning, but he hasn't shown up yet.

MR. SLATES: I left a call for him.

CHAIRMAN CLOUD: Okay.

MR. PLOTNER: We were asked to make a note on the plat, sheet 3 regarding the grading and drainage plan note and to clarify the easement number 7.

CHAIRMAN CLOUD: Okay can you bring your original up and show Mr. Porter the note? Can you show that to Curtis please? Okay Will, I did receive a copy of one of your referenced easements. I think it was note 2. It references an access easement but that access easement was not part of the warranty deed that you reference it was for parcel one, which is described as 118 C, and it says that access is provided through 118 D, and I'm not sure how valid this easement is, since you are now replatting that lot instead of just granting the 2 foot additional, I think you need to grant the full 10 feet with this plat. Let's see 1985?

MR. PLOTNER: You're talking about easement note 2?

CHAIRMAN CLOUD: Right. I'm sorry I'm talking about....right, yes that was a deed for tract 118C and says you get access through 118 D, but 118 D wasn't a part of the deed that I can tell so I think its okay to reference on there but then for your note 6 where you say 2 feet of additional private roadway I believe we just need to just go ahead and say this plat hereby grants the 10.8 feet unless you wanted to research that at the same time this deed for 118 C went through Mr. Padilla owned 118 D, and he probably did but we would need to document all of that to make it valid.

MR. PLOTNER: Instead of changing that 6, can we go ahead and just change 2 to go ahead and grant that at the same time to clear up any...

CHAIRMAN CLOUD: Okay, yes actually that's probably better. Go ahead and reference the old deed and then say, "also hereby granted by this plat."

MR. PLOTNER: Okay

CHAIRMAN CLOUD: That would be a good way to keep the history of it I think

MR. PLOTNER: I think so.

CHAIRMAN CLOUD: Kristal are you still looking at that infrastructure list?

MS. METRO: No I've finished. Did you want to take a look at it?

CHAIRMAN CLOUD: Yes why don't you pass it down and let everybody else see that original. Okay so we've go a revised infrastructure list, we've go a revised plat, do you have anything else to add or provide this morning?

MR. SLATES: I do not.

CHAIRMAN CLOUD: Okay we do have one person that signed up to speak so if you would allow them room so we can get them on the microphone. Emily McLeod?

MS. EMILY MCLEOD: Okay so I just want to thank you again for allowing comment. We have 4 points to discuss. They are outlined in your packets. We'll try to get through this quickly. Our first point is that the first thing you see in front of you is a map of Los Griegos Historic District and behind that is a picture, a current picture of Pedro's Place at the entrance. You can see on the highlighted map that Guadalupe Trail up to the entrance and including the entrance to Pedro's Place is considered the Griegos Historic district. Last week your board clarified that if the variances are approved for Pedro's Place the first 25 feet of it will have to be asphalt. That will significantly impact this historic road. It will also impact the 118 A which is the plot that is adjacent to Pedro's Place.

Our second point is that Mr. Slates' road variance does not meet minimum standard criteria as outlined in chapter 14 of zoning, planning and building. So

the next thing you'll find are 2 letters written by the chairman, the first on December 2, 2009 and the second one June 29, 2011. In both of those letters Mr. Chairman asked Mr. Slates to specify how the variances would encourage flexibility, economy, effective use of Open Space or ingenuity of design of subdivision. In the second letter he also asked, he states that if the easement is to be gravel, then ADA access needed to be addressed. So what you'll find next is, I know you are all familiar with this, but we included the copy of chapter 14 and highlighted a few areas about the Development Review Board may vary the provisions of part 3 of this article, minimum standards for the design of subdivisions and development process manual in cases where varying for the normal requirements will encourage flexibility, economy, effective use of Open Space or ingenuity of design of subdivision, or number 2 where extraordinary hardship or practical difficulty may result from strict compliance with minimum standards. What follows after that is just criteria for your decision when considering Mr. Slates' variances.

Also an important point of the third page of the zoning code is that financial gain or loss shall not be the sole determining factor in deciding a variance. So, we've reviewed Mr. Slates' outline specifying how his variances and his subdivision will encourage each of the things outlined by Mr. Chairman. So I'm just going to go through how he addresses hardship, flexibility, economy, effective use of usable space, ingenuity of design, and then finally how he addressed the ADA access. In summary he described hardship as a 10 foot to 12 foot roadway easement, would essentially encroach on his developable property. That does not meet the criteria for hardship. He also mentioned that widening the road 10-12 feet would also have to destroy adobe walls and those adobe walls sit on his property. That does not meet the criteria for hardship. The next issue he addresses is flexibility and he said that widening the road improves access to fire, emergency and solid waste vehicles. Currently Pedro's place already has access for fire and EMS and in fact it has a fire hydrant on it. And currently the residents of Guadalupe Trail take their garbage to the curbside so Solid Waste picks up our garbage on the curbside. In terms of addressing economy, there was not a clear explanation. Encouraging effective use of usable space his summary of that is that people in the area appreciate open space in two ways. He notes the farm, the working farm that's located on the 5000 block of Guadalupe trail. He also notes that people also like to create private retreats or patios behind adobe walls. So essentially what he's saying is by building homes, more homes that have private patios behind walls that's encouraging effective use of usable space. That does not meet the criteria.

Also as a note the farm located on the 5000 block of Guadalupe Trail which is the only working farm in the neighborhood signed our petition opposing his road variances and his subdivision. Tom also notes that one home per tract of land would prevent open vistas of mountains and volcanoes. So my understanding of what he's suggesting there is that somehow if you build more homes that are smaller you're going to have a better view of mountains and volcanoes so I'm not quite sure how he was suggesting that that is encouraging effective use of usable open space. He also makes a note and includes photographs for you of land and

property that is not on Pedro's Place and he talks about how that open land has become a junkyard for derelict cars, boats and dying plants. What he didn't include is photographs of residences that are actually on Pedro's Place so I've included 3 of them for you there. That does not meet the criteria because by building and changing Pedro's place he's not going to effect or change or remove the junk that's on the properties that he's noted.

And then the final thing that Mr. Slates suggests is that if he is not permitted to subdivide the current 1/3 acre parcels that those parcels will remain non productive, unusable, and un-xeriscaped. The irony with that is that those are sellable properties as they are now and he is the owner of them so he certainly is capable of taking care of them as would be the property owners that have bought one of his parcels and any other future property owners that could buy his land as it is now. In terms of ingenuity of design of subdivision, he did not give an explanation for that. And finally as far as addressing Mr. Chairman's comment about ADA access, he doesn't address or at least I don't have a public document that has him addressing.

Our Third point and what you'll see next is 40 plus signatures of local residents between Griegos and Montano in the area where we live, in the neighborhoods where we live who have opposed the road variances and the further subdividing of Mr. Slates property.

Our final point is really just to ask for some clarification. So Pedro's Place on this plat is described as a private roadway with public utility easement. So our question is that if the variances are approved who will be absorbing the cost of maintaining Pedro's Place.

CHAIRMAN CLOUD: It would be the properties in this subdivision.

MS. MCLEOD: Only in the subdivision?

CHAIRMAN CLOUD: This particular subdivision before us...

MS. MCLEOD: Just finally many of the people who signed the petition would have liked to be here today. I appreciate your time during these hearings unfortunately for working people it's a very hard time to come. That's all we have. I'm sorry one other thing. There is also a letter included in there just so that you guys have a copy of some of those points we outlined around Mr. Slates not meeting the minimum criteria for a variance. So there is a 7 page outline in there for you.

CHAIRMAN CLOUD: Okay let me make a clarification right now. This is not a variance under the zoning code this is a variance under the subdivision ordinance. That is a whole different criteria, it's not the criteria for the, that you quoted from the zoning code does not apply in this case. It's just the subdivision ordinance and again the subdivision ordinance is not, its not a checklist that you

have to have everything, you just need meet some of those criteria to get the variance, you don't have to prove it all. I just wanted to clarify that.

MR. DENNIS PLUMMER: 5112 Guadalupe Trail which is located of Pedro's place. I just wanted to highlight the first point. I have been at these hearings previously and I know that it was a concern of this board at the very first one is this in a historic district and you were informed that it is not. I just want to clarify that indeed what we're talking about is in the historic district and I don't know if Los Griegos Historic District have been notified.

CHAIRMAN CLOUD: Okay at first I was concerned that perhaps they hadn't seen your latest submittal but they did actually submit copies of that so I think they are just, the main point of the opposition was to counter your supplement of July for the variance.

The comments that I provided earlier were prior to this supplemental information and as I just stated, for the variances from minimum standards from the subdivision ordinances, it's not you have to meet everything so I would agree with what the opponents were saying. I don't believe that this is actually having and effective use on Open Space but I do believe you're encouraging some flexibility and economy in the design of this subdivision, particularly the gravel surface and to provide for a safer access for emergency vehicles. In terms of 25 feet of asphalt, I don't think I would consider that significant impact but I'll check with the board members. The opponents are proposing that that would be a significant impact and be injurious to the public welfare so I don't know if any of the board members would like to comment. I don't think 25 feet is that significant but I'll poll the board. Parks and Recreation, Christina?

MS. CHRISTINA SANDOVAL PARKS/MUNICIPAL DEVELOPMENT: I would not see that as significant but I'll defer to Transportation.

CHAIRMAN CLOUD: Okay, City Engineer?

MR. CURTIS CHERNE, HYDROLOGY ENGINEER: There may have been a concern because of the more impervious surface but it's such a small piece that I don't think it's going to cause any flooding problems.

CHAIRMAN CLOUD: Water Authority, Allan?

MR. ALLAN PORTER, ABCWUA: I don't feel that that's significant impact.

CHAIRMAN CLOUD: Okay, Transportation Development, Kristal?

MS. KRISTAL METRO, TRANSPORTATION DEVELOPMENT: Well the gravel roadway is due to the unique drainage requirements in this area, however the 25 feet is standard so that gravel does not intrude upon the public roadway. If it doesn't have an adverse impact to the drainage plan which it doesn't sound like it will according to Mr. Cherne, I would see not problem with that 25 foot of asphalt,

it's a very small area when you compare it to the rest of the roadway, it's simply a maintenance issue for the City streets.

CHAIRMAN CLOUD: We did defer this last time to review the material that had been submitted at that time. At that time, many of the people signing the petition were BaYita Lane and opposing the variance which actually would have allowed this property to build something similar to Baita Lane, so I find that ironic that they are opposed to that. I do see now you have other signatures but quite a few on Delmar which is a City street and Guadalupe Trail which again does not have sidewalks.

I think that the applicant has provided a justification for flexibility and economy. This is consistent with the adopted north valley area plan, it does encourage this type of development and I'm inclined to approve the variances but again this is a consensus board so I'll poll the board. Parks and Recreation, Christina, would you approve the design variance for the street design for this subdivision?

MS. SANDOVAL: I would have no objection to a variance.

CHAIRMAN CLOUD: City Engineer, Curtis?

MR. CHERNE: Hydrology prefers the road and parking areas to be gravel since the subdivision will be ponding street flows and front yards. I defer to transportation and planning for the other variances as far as widths. I have an approved grading and plan stamp dated 7/22/11 for preliminary plat approval and I can sign the infrastructure list.

CHAIRMAN CLOUD: Okay, water Authority Allan?

MR. PORTER: I have no objection to the variance and I can also sign the infrastructure list.

CHAIRMAN CLOUD: Okay, Transportation Development, Kristal?

MS. METRO: I have no comments on the infrastructure list my concerns have all been addressed there. In addition, due to the unique location in the Los Griegos historic district and the overall drainage needs for this area, Transportation Development would have no objection to the subdivision design variance requests.

CHAIRMAN CLOUD: We will then grant the subdivision design variance request. The criteria for that, that it does encourage flexibility and economy in the design of subdivision. It will benefit the drainage in the area as previously mentioned. And it's the boards opinion that it will not be injurious to the public safety, health or welfare or adjacent property. It does not conflict with the goals and provisions of city plans and in fact, that it is consistent with the North Valley Area Plan. That it will not encourage a development in the hundred flood plane based again on the variance design and will not hinder future planning or public right-of-way

acquisitions as this is a private street. We do have an approved grading and drainage plan dated July 22, 2011 and so then with the signing of this infrastructure list we can grant preliminary plat approval. You folks do have a right of appeal. The appeal must be filed by someone with standing so you have to have property within 300 feet. Anyone further than that cannot appeal or it must be filed by a recognized neighborhood association. If you do appeal, it must be done within 15 days of today's date that would be August 18th by 5:00pm. If you file an appeal you must allege errors by the board and errors in applying adopted plans and policies or error in stated facts or error in acting arbitrarily or capriciously. So the people that signed in for the hearings will receive a written notice of this decision. The appeal would be filed here at the ground level and will be referred to the City Council, but they have a Land Use hearing Officer who would hear if first and then make a recommendation to the full City Council. We'll indefinitely defer final plat pending expiration of the appeal period and subdivision improvement agreement.

MR SLATES: Thank you.

CHAIRMAN CLOUD: Thank you all.

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S Z ZONING & PLANNING
<input type="checkbox"/> Major Subdivision action	<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor Subdivision action	<input type="checkbox"/> County Submittal
<input type="checkbox"/> Vacation	<input checked="" type="checkbox"/> V <input type="checkbox"/> EPC Submittal
<input checked="" type="checkbox"/> Variance (Non-Zoning)	<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	<input checked="" type="checkbox"/> P <input type="checkbox"/> Sector Plan (Phase I, II, III)
<input type="checkbox"/> for Subdivision	<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"/> Administrative Amendment (AA)	<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> IP Master Development Plan	<input checked="" type="checkbox"/> D <input checked="" type="checkbox"/> A APPEAL / PROTEST of...
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
STORM DRAINAGE (Form D)	
<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 2nd 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): THOMPSON ENGINEERING CONSULTANTS PHONE: 271-2199
 ADDRESS: P.O. Box 65760 FAX: 930-9248
 CITY: ALBUQUERQUE STATE NM ZIP 87193 E-MAIL: tecm@yahoo.com

APPLICANT: THOMAS SLATES PHONE: 766-9165
 ADDRESS: 5108 GUADALUPE TRAIL NW FAX: 247-1207
 CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: _____

Proprietary interest in site: Owner List all owners: SUSAN SLATES, MARY IYETS, NANCY HINEMAN

DESCRIPTION OF REQUEST: SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS

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. TRACTS 118-C, 118-D, & 118-E Block: _____ Unit: _____
 Subdiv/Addn/TBKA: MRGCD MAP 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No 32
 Zone Atlas page(s): F-14 UPC Code: 101406110920730935, 101406110819830938, 101406107220530936

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 3 No. of proposed lots: 7 Total area of site (acres): 2.06

LOCATION OF PROPERTY BY STREETS: On or Near: GUADALUPE TRAIL NW
 Between: GRIEGOS ROAD NW and MONTANO ROAD NW

Check-off if project was previously reviewed by Sketch Plat/Plan or Pre-application Review Team . Date of review: 12-2-09

SIGNATURE [Signature] DATE 6-3-11
 (Print) DAVID B. THOMPSON Applicant: Agent:

FOR OFFICIAL USE ONLY

- 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 1 DRB - 7054

Action	S.F.	Fees
<u>SDV</u>	---	\$ <u>0</u>
<u>ADY</u>	---	\$ <u>0</u>
<u>CMF</u>	---	\$ <u>20.00</u>
---	---	\$ _____
---	---	\$ _____
---	---	\$ _____
---	---	\$ _____
Total		\$ <u>20.00</u>

Hearing date June 29, 2011

[Signature] 6-3-11
 Planner signature / date

Project # 1004906

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.

David Thompson
Applicant name (print)
David Thompson 6-3-11
Applicant signature / date



- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
1/DRB - 70154

Form revised 4/07
[Signature] 6-3-11
Planner signature / date
Project # 10049016

Tom and Susan Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107
(505) 766-9165

May 20, 2011

Development Review Board
City of Albuquerque

We, the undersigned, are the owners of Tract 118D and 118E. We reside at 5108 Guadalupe Trail (the eastern ½ of Tract 118E). We are also representing Mary Porter and Nancy Kinnemann, owners of Tract 118C.

We are asking to divide three 2/3-acre R-1 parcels (118C, 118D and 118E) into five 1/3-acre parcels and two 1/6-acre parcels. The new subdivision will be called "Lands of Simpatico". The three existing tracts are approximately 82' deep and 330' to 387' long. After allowing for road easements and setbacks, the building pads are approximately 44' X 345' which are unusually narrow, a condition that existed prior to 1959 and before implementation of current DPM requirements for sidewalks, easement widths and pavement requirements. The limitations on the 3 tracts, because of size (29,987 sq. ft., 29,773 sq. ft. and 29,763 sq. ft.) and narrowness, prevent the complete use as R-1 properties. No irrigation rights or ditch access comes with the property and an irrigation well would, in light of the City's current water use guidelines, be a waste of a precious resource. Large R-1 lots already cause weed and litter problems.

Our neighborhood, which lies just north of the Los Griegos Historic District, wishes to maintain its unique character, charm and semi-rural atmosphere. The North Valley Character Study (7-03-08 draft review, a study initiated by councilor O'Malley and City Council Services concerning the impacts of continued residential development on the unique character of the North Valley) recommends less infrastructure than is associated with urban development, such as curbs, gutters, sidewalks and standard-width streets.

We are requesting a sidewalk waiver (DPM Table 23.2.1.B). No sidewalks exist on Guadalupe Trail from Griegos north past Delamar or on any feeder roads (Bayita Lane, Pablita Lane or Rosalee St.). The nearest sidewalk is at Delamar and Guadalupe Tr., 175' north of our existing access easement.

We request an easement variance from 46' wide to 24' wide (no sidewalks; no curb and gutter) and a roadway surface variance from asphalt paving to 3" gravel over a 12" compacted base (EPC Resolution April 1979; DPM Tables 23.2.1.B & D).

We do not have the privilege of designing this subdivision on a clean sheet of paper. We have 5 existing R-1 lots (Tract 118A, Tract 118B-A, 118B-B, 118B-C, 118B-D) with the inherent problems of narrow access easements (17.5' at Guadalupe Tr.), non-compliance with maintenance of access width and drainage issues. The history of this area goes back hundreds of years and the land division, lack of "urban infrastructure" and the meandering nature of Guadalupe Tr. are qualities the South Guadalupe Trail Neighborhood Association (SGTNA) values highly.

At the existing access to the subdivision, Guadalupe Tr. is 23' wide (asphalt with no sidewalks, no curbs and no gutter). It currently serves 98 residences, traffic to Columbus Park, and access for 38 residences on Delamar NW and Douglas MacArthur who wish to access west-bound Griegos Rd. (source: SGTNA membership roll 2010).

Existing gravel/dirt access roads feeding Guadalupe Tr. north from Griegos are as follows:

- A. 4824, 4828, 4832, 4836, 4840, 4842, 4844, 4848, and 4900 Guadalupe Tr. (east side) plus 3 recently platted lots in Los Castillos all share a 20' wide access road.
- B. Rosalee NW: 9 lots, 20' wide access road
- C. Pablito Lane (Platted 12/21/66): 12 lots, 20' wide dirt access road with a 14' wide constriction.
- D. Bayita Lane: 13 residences, 25' wide access road, length at 1,056'

The existing access/utility easement road for the existing lots is 17.5' wide for its first 103' east of Guadalupe Trail and then widens to 22' wide for its remaining 410'. This width was permitted on November 13, 1979 as part of the Orville Padilla Replat. In speaking with the Fire Marshall's plan checking office, they can't remember ever approving an emergency access road less than 20' wide. This access currently serves as the only emergency access/access to eight R-1 lots: (Tracts 118A, 118B-A, 118B-B, 118B-C, 118B-D, 118C, 118D and 118E).

As part of our development plan, we can widen the existing road to 24' from Guadalupe Trail east 718 feet to the new hammerhead turn-around. We have an agreement with the owners of Tract 119 to enable us to purchase a 6 ½' access easement from the north side of their property. Also, we are granting the additional 2' width easement from Tracts 118E and 118D to accommodate the 24' access width for two-way traffic. Mail service is currently provided by a cluster box on Guadalupe Trail for all 12 lots. Garbage service is currently on Guadalupe Trail and we see no change to this service.

All of the newly created lots (1-7) would have P-2 parking to reduce on-street parking demands. All off street vehicle parking shall be on a 3" crushed rock on a 4" compacted base. We are also granting a 24' wide off street parking area between Lots 3 and 4.

For the above reasons we are asking for a variance from the DPM Table 23.2.2 street design standards for width and material.

As per a conversation I had with Kristal Metro, I contacted the Environmental Health Dept. concerning any dust complaints they may have received in the last three years. Maritza Perez responded that no complaints existed for our area.

The drainage plan has been designed for a permeable 24' wide, 3" gravel over 12" compacted base driving surface in keeping with the character of the neighborhood.

In designing lot sizes, lots 1 and 2 at 7,600 sq.ft. relate to the smaller lot sizes of the Orville Padilla Replat. The other 5 lots provide more open space as is recommended by the North Valley Character Study (open space at 65% of lot size).

These variances would improve the access for existing residents, improve access for emergency vehicles, cut down on dust and maintain the scale and character of the neighborhood.

Thank you for your consideration,

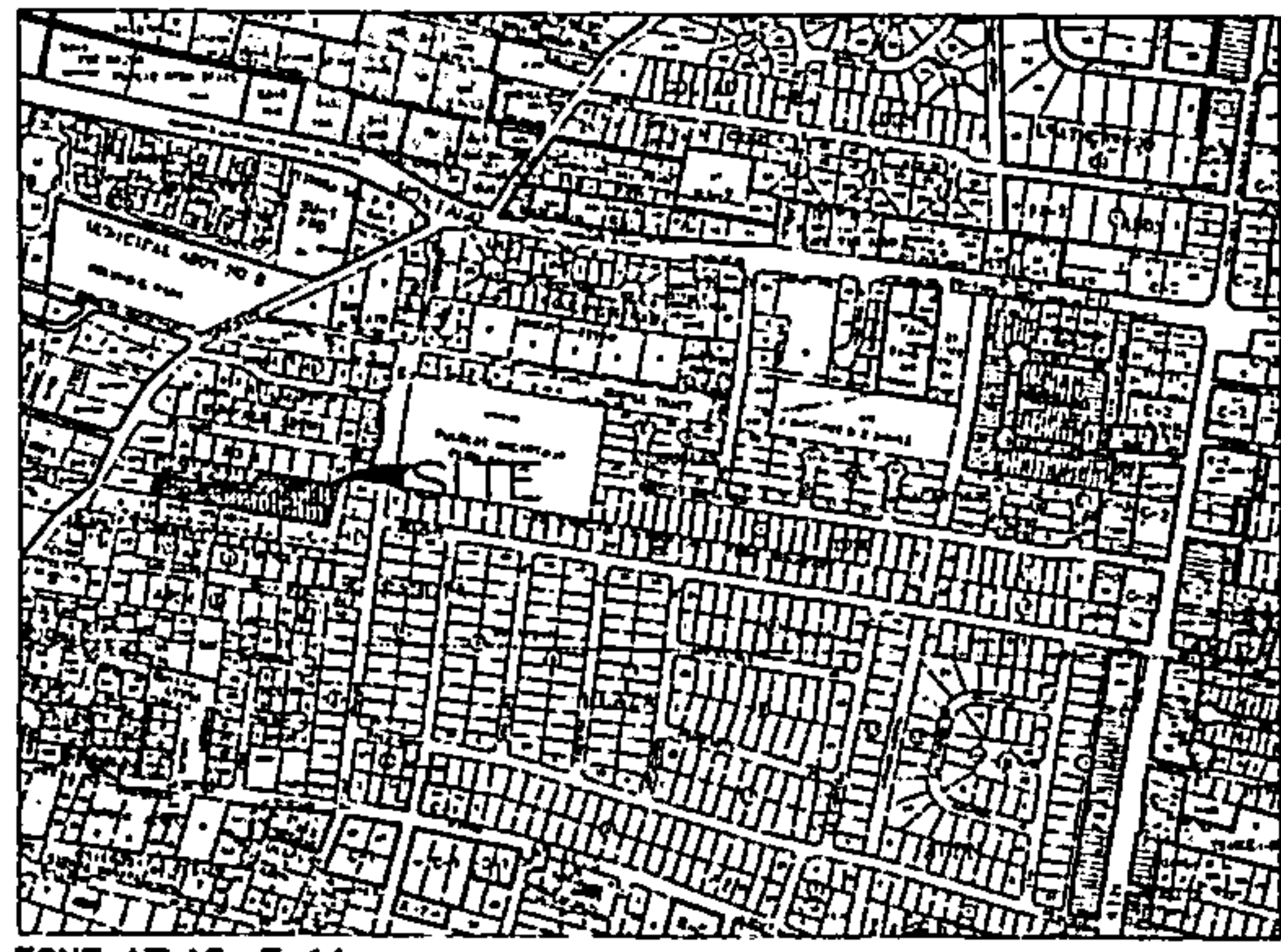
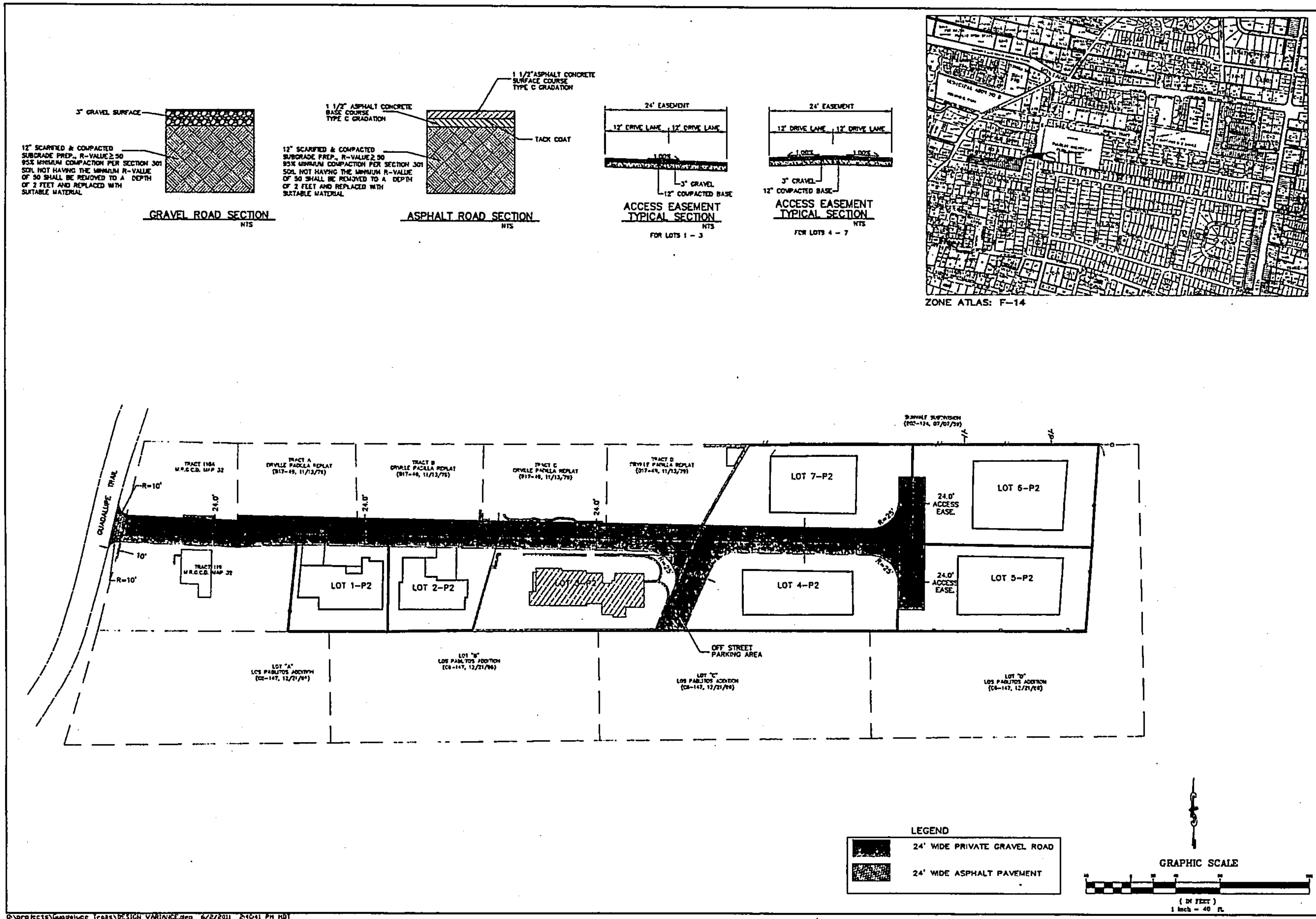


R. Thomas (Tom) Slates

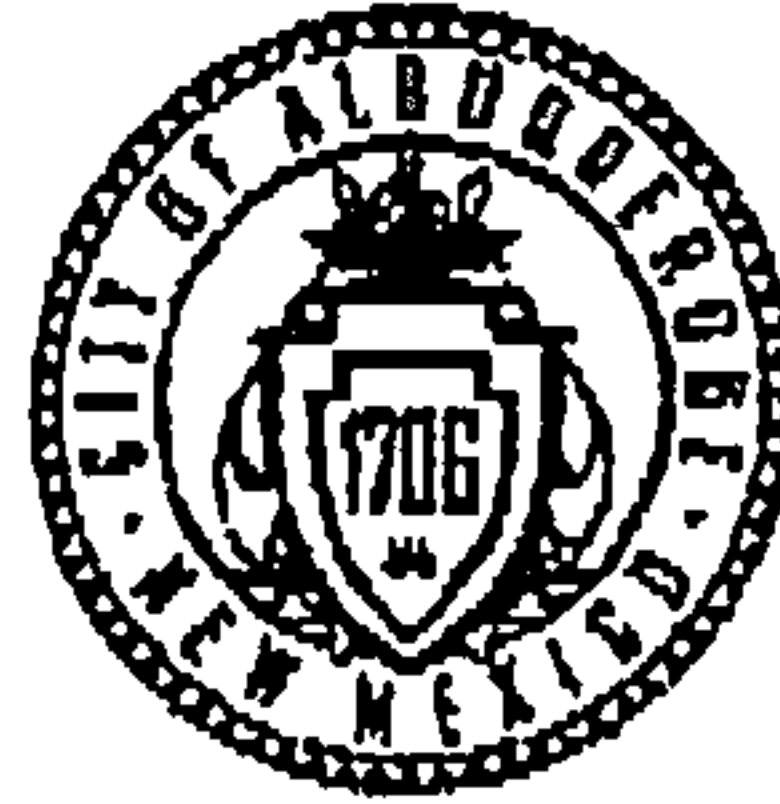


Susan Slates

74



NO.	REVISION
BY	DATE
PROJECT: _____ DATE: _____ HORIZ. SCALE: _____ VERT. SCALE: _____	
DRAWN BY: DCB CHECKED BY: _____ APPROVED BY: _____ FILE: _____	
LOTS 1 - 7 LANDS OF SIMPATICO	
DESIGN VARIANCE EXHIBIT	
CITY/COUNTY REVIEW DEPARTMENT: _____ SCHED-OFF: _____ DATE: _____ WASTEWATER MGMT. DIV. WATER SERVICES SUBDIVISION DIV. STREETS TRAFFIC	
SHEET No. 1 of 1 FOR CITY/COUNTY USE ONLY	



City of Albuquerque

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.

Date: 5-25-11

TO CONTACT NAME: DAVID THOMSON
 COMPANY/AGENCY: THOMSON ENGINEERING
 ADDRESS/ZIP: Box 65760 87193
 PHONE/FAX #: 971-2199 830-9248

Thank you for your inquiry of 5-25-11 (date) requesting the names of ALL Affected

Neighborhood and/or Homeowner Associations who would be affected under the provisions of O-92 by your proposed project at Guadalupe Cir NW between
Cuyoga Road NW and Montoya Rd NW
 zone map page(s) F-14.

Our records indicate that the **Affected Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

Los CRIEGOS
 Neighborhood or Homeowner Association

SOUTH GUADALUPE TRAIL
 Neighborhood or Homeowner Association

Contacts: _____

Contacts: _____

Set Attached

See reverse side for additional Neighborhood and/or Homeowner Associations

Information:

YES { } NO {x}

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 our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

[Signature]
 OFFICE OF NEIGHBORHOOD COORDINATION

ATTENTION: Both contacts for each Neighborhood and/or Homeowner Associations need to be notified.

LOS GRIEGOS N.A. (LGS)

***Steve Reuter** e-mail: sreuter@comcast.net
3817 Don Juan Ct. NW/87107 342-0191 (h)
Joan McDougall e-mail: joanmcdougall@gmail.com
4020 Grande Dr. NW/87107 344-9272 (h)

Council District: 2
County District: 1
Police Beat: 237/NA
Zone Map #: F-G-13-14

SOUTH GUADALUPE TRAIL N.A. (SGT) "R"

Ken Gilman
5219 Guadalupe Trail NW/87107
Stefan Posse e-mail: pstefan2@comcast.net
1616 Bayita Ln. NW/87107 342-1395 (h)

Council District: 2
County District: 2
Police Beat: 239/NA
Zone Map: F-13-14

7006 0100 0006 5414 5234

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Certified Fee	\$2.85	
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$5.59	

Sent To John McDougall
 Street, Apt. No.; or PO Box No. 4020 Grande Dr. NW
 City, State, ZIP+4 Albuquerque, NM 87107

PS Form 3800, June 2002 See Reverse for Instructions

7003 2260 0005 8331 0855

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87107 OFFICIAL USE

Postage	\$ 0.44	0118 32 JUN 03 2011 Postmark Here 06/03/2011
Certified Fee	\$2.85	
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$5.59	

Sent To Steve Renter
 Street, Apt. No.; or PO Box No. 3817 Don Juan Ct. NW
 City, State, ZIP+4 Albuquerque, NM 87107

PS Form 3800, June 2002 See Reverse for Instructions

7006 0100 0006 5414 5227

U.S. Postal Service™
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ALBUQUERQUE NM 87107 OFFICIAL USE

Postage	\$ 0.44	0118 32 JUN 03 2011 Postmark Here 06/03/2011
Certified Fee	\$2.85	
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$5.59	

Sent To Ken Gilman
 Street, Apt. No.; or PO Box No. 5219 Guadalupe Trail NW
 City, State, ZIP+4 Albuquerque, NM 87107

PS Form 3800, June 2002 See Reverse for Instructions

7003 2260 0005 8331 0862

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87107 OFFICIAL USE

Postage	\$ 0.44	0118 32 JUN 03 2011 Postmark Here 06/03/2011
Certified Fee	\$2.85	
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$5.59	

Sent To Stefan Posser
 Street, Apt. No.; or PO Box No. 1616 Bayita Blvd NW
 City, State, ZIP+4 Albuquerque, NM 87107

PS Form 3800, June 2002 See Reverse for Instructions

June 3, 2011

Mr. Ken Gilman
South Guadalupe Trail Neighborhood Association
5219 Guadalupe Trail NW
Albuquerque, NM 87107

**RE: REQUEST FOR SUBDIVISION DESIGN VARIANCE FROM MINIMUM
DPM STANDARDS**

Dear Mr. Gilman:

We are writing to you on behalf of our client, Simpatico Construction. Our client is requesting a subdivision design variance for the private access road (refer to enclosed location map). We are requesting that the City of Albuquerque approves the 24 foot-wide access road with a gravel surface. This road construction and width is consistent with other access roads in the vicinity. The request for design variance is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, June 29, 2011.

If you should have any questions please call me at 271-2199.

Sincerely,



David B. Thompson, PE

50



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

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)
- 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 2nd 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): Cartesian Surveys Inc. PHONE: 896-3050
 ADDRESS: PO Box 44414 FAX: _____
 CITY: Rio Rancho STATE NM ZIP 87174 E-MAIL: cartesianamber@aol.com

APPLICANT: Thomas Slates PHONE: 505-766-9165
 ADDRESS: 5108 Guadalupe trail NW FAX: _____
 CITY: Albuquerque STATE NM ZIP 87107 E-MAIL: _____
 Proprietary interest in site: _____ List all owners: 118C - Nancy Kinnemann + Mary Porter

DESCRIPTION OF REQUEST: Lots 118D + 118E - Tom + Susan Slates
to create seven new lots from the existing three tracts and grant easements
 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. 118-C, 118-D, 118-E Block: _____ Unit: _____
 Subdiv/Addn/TBKA: MRGCD, MAP 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No. 32
 Zone Atlas page(s): F14 UPC Code: 118-C (101406110920730935)
118-D (10140610819830938)
118-E (101406107220530936)

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
DRB case No: 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 3 No. of proposed lots: 7 Total area of site (acres): 2.0562 Acres
 LOCATION OF PROPERTY BY STREETS: On or Near: Guadalupe trail NW
 Between: Delamar Ave NW and San Andres Ave NW

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Amber Palmer DATE 6/20/11
 (Print) Amber Palmer Applicant: Agent:

FOR OFFICIAL USE ONLY

- 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
110RB - 70168

Action	S.F.	Fees
<u>PAF</u>	_____	\$ <u>635.00</u>
<u>CMF</u>	_____	\$ <u>20.00</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
Total		\$ <u>655.00</u>

Hearing date June 29, 2011

6-21-11
 Planner signature / date

Project # 1004906

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application
- Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls 3 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations and cross sections of perimeter walls (11" by 17" maximum) 3 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (verify with DRB Engineer)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) Your attendance is required.

- 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
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers 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.

Charles Calderon
Applicant name (print)
Charles Calderon 6-21-11
Applicant signature / date



Form revised October 2007

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
110RB-70168

[Signature] 6-21-11
Planner signature / date
Project # 1004906

Cartesian Surveys Inc.
PO Box 44414, Rio Rancho, NM 87174
896-3050 Fax 891-0244

June 20, 2011

Development Review Board
City of Albuquerque

Re: Tracts 118-C, 118-D, and 118-E, MRGCD Map. No. 32
(Lands of Simpatico)

Members of the Board:

Cartesian Surveys is acting as an agent for the owners and requests a hearing for a subdivision platting action. Whereas the existing 3 tracts be platted into seven lots.

Thank you for your time and consideration.

Will Plotner Jr., NMLS 14271



ALBUQUERQUE PUBLIC SCHOOLS

Capital Master Plan
Expect Great Things!

Winston Brooks
SUPERINTENDENT

**Pre-Development Facilities Fee (PDFF)
Cover Sheet**

Please drop off and pick up all Pre-Development Facilities Fee agreements at APS Capital Master Plan office. The office is located in Suite 9, 2nd Floor of the Lincoln Building at 915 Locust St SE. A map to our offices is located at: <http://apsfacilities.org/capital/map.php>

Project # (if already assigned by DRB) _____

Please check one:

Preliminary PDFF
(Preliminary PDFF are required for preliminary plat submittals.)

Final PDFF
(Final PDFF are required for final plat submittals and must be recorded prior to DRB hearing)

Waiver/Deferral
(Must provide reason for Waiver/deferral)

Project Information

Subdivision Name: Lands of Simpatico

Legal Description: Lots 1-P2 thru 7-P2

Location of Project (address or major cross streets) 5108 Guadalupe Trl NW

Proposed Number of Units 6 Single-Family _____ Multi-Family 6 Total Units

Waiver Information

Property Owner: _____ Legal Description: _____

Zoning: _____

Reason for Waiver/Deferral: _____

Contact Information

Name: Tom Slates

Company: Simpatico

Phone: 350-9816

E-Mail: _____

Please include with your submittal:

- Zone Atlas map with the entire property (ies) precisely and clearly outlined
- Copy of a plat or plan for the proposed project
- List of new legal description (e.g. lot, block) and street address for each lot (for final plat only)
- Please include project number on the top right corner of all documents

Original Legal Description:

OLD: Tract 118C MRGCD Map #32, one R-1 lot

NEW: Lot 7-P2 5128 Guadalupe Trl. NW

NEW: Lot 6-P2 5126 Guadalupe Trl. NW

(Tract 118C is jointly owned by Mary Porter and Nancy Kinnemann of Falls Church, VA. They will remain the owners of 5128 and 5126 Guadalupe Trl.)

Original Legal Description:

OLD: Tract 118D MRGCD Map #32, one R-1 lot

NEW: Lot 5-P2 5124 Guadalupe Trl. NW

NEW: Lot 4-P2 5122 Guadalupe Trl. NW

(Tract 118D is owned by Tom and Susan Slates. They will remain the owners of 5124 and 5122 Guadalupe Trl.)

Original Legal Description:

OLD: Tract 118E MRGCD Map #32, one R-1 lot

OLD: Lot 3-P2 5108 Guadalupe Trl. NW

(existing residence built in 2007)

NEW: Lot 2-P2 5106 Guadalupe Trl. NW

NEW: Lot 1-P2 5102 Guadalupe Trl. NW

(Tract 118E is owned by Tom and Susan Slates. They live at 5108 Guadalupe Trl. and will remain the owners of 5106 and 5102 Guadalupe Trl.)

EXHIBIT B

FINAL
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and R. THOMAS SLATES ("Developer") effective as of this ___ day of _____, 20___, and pertains to the subdivision commonly known as LOTS 1-7, LANDS OF SIMPATICO and more particularly described as THE DEPLAT OF TRACTS 118-C, 118-D, AND 118-E OF MRGCD MAP 32.

(the "Subdivision".) The following individual lots comprise the subdivision: SEE ATTACHED LIST. [List lots by street address; Lots which will be used for multi-family residences should be marked "multifamily- ___ units" with the number of units filled in.]

WHEREAS, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new residential subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, Developer is the owner of the real estate being subdivided and platted; and

WHEREAS, Developer is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance; and

WHEREAS, APS has determined that the amount of the facilities fee is reasonably related to the impact the subdivision will have on the operation of the area schools.

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees to pay to APS a facilities fee for each dwelling unit to be constructed in the Subdivision.
2. The amount of the fee shall be:

Doc# 2011054502

06/13/2011 11:10 AM Page 1 of 5
AGRE R: \$17.00 M. Toulouse Oliver, Bernalillo County



- If the building permit is issued on or after January 1, 2007, the fee shall be \$1875 per dwelling unit.
- If the building permit is issued on or after July 1, 2008, the fee shall be \$2425 per dwelling unit.
- If the permit is issued on or after January 1, 2010, the fee shall be \$2975 per dwelling unit.

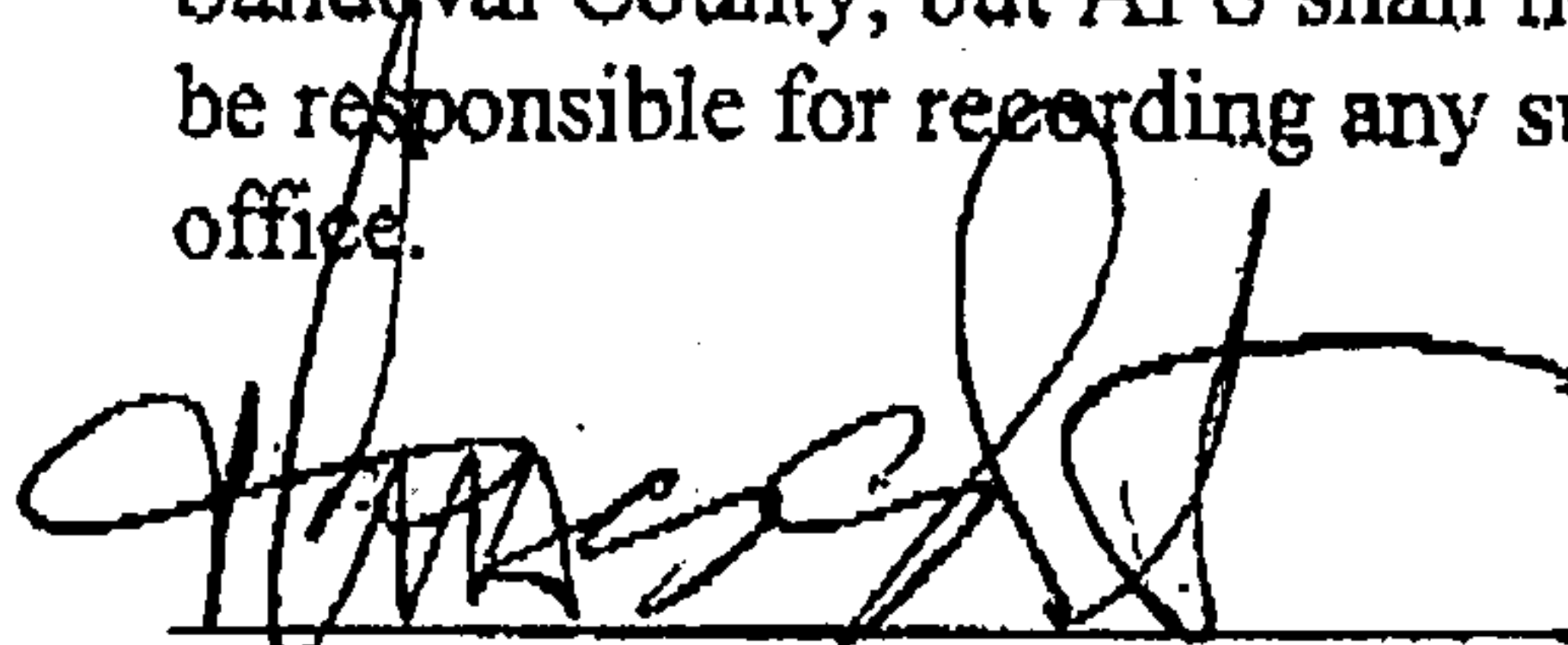
The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60 %) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.

4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.

5. This contract may be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."

6. APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgment in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.



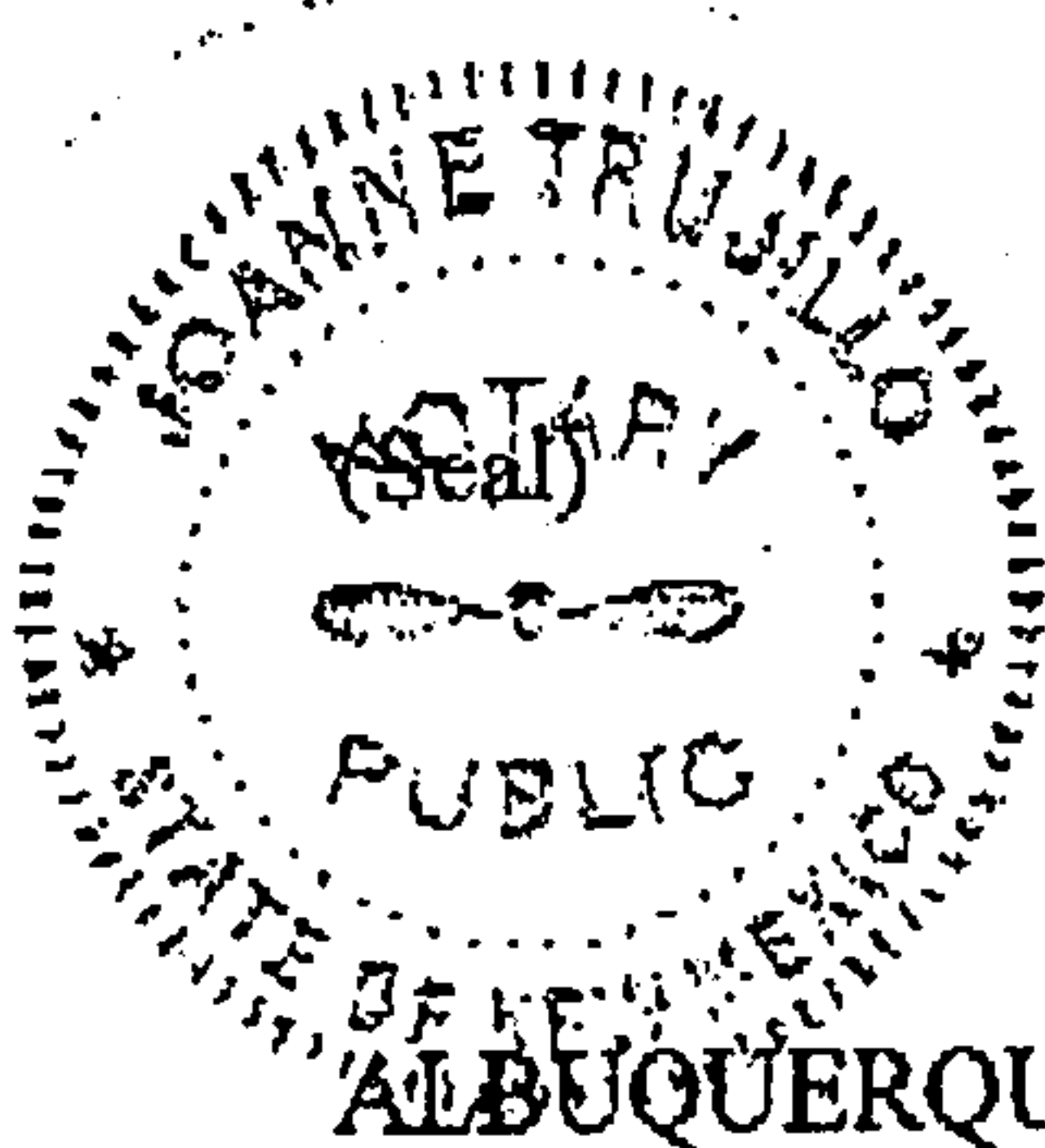
 Signature

R. THOMAS SLATES
 Name (typed or printed) and title **DEVELOPER**

Developer

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on 6/7/11, by R. Thomas
States as _____ of _____, a corporation.



Joanne Cruzillo
Notary Public

My commission expires: 9-21-14

ALBUQUERQUE PUBLIC SCHOOLS

By: April L. Winters
Signature

April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

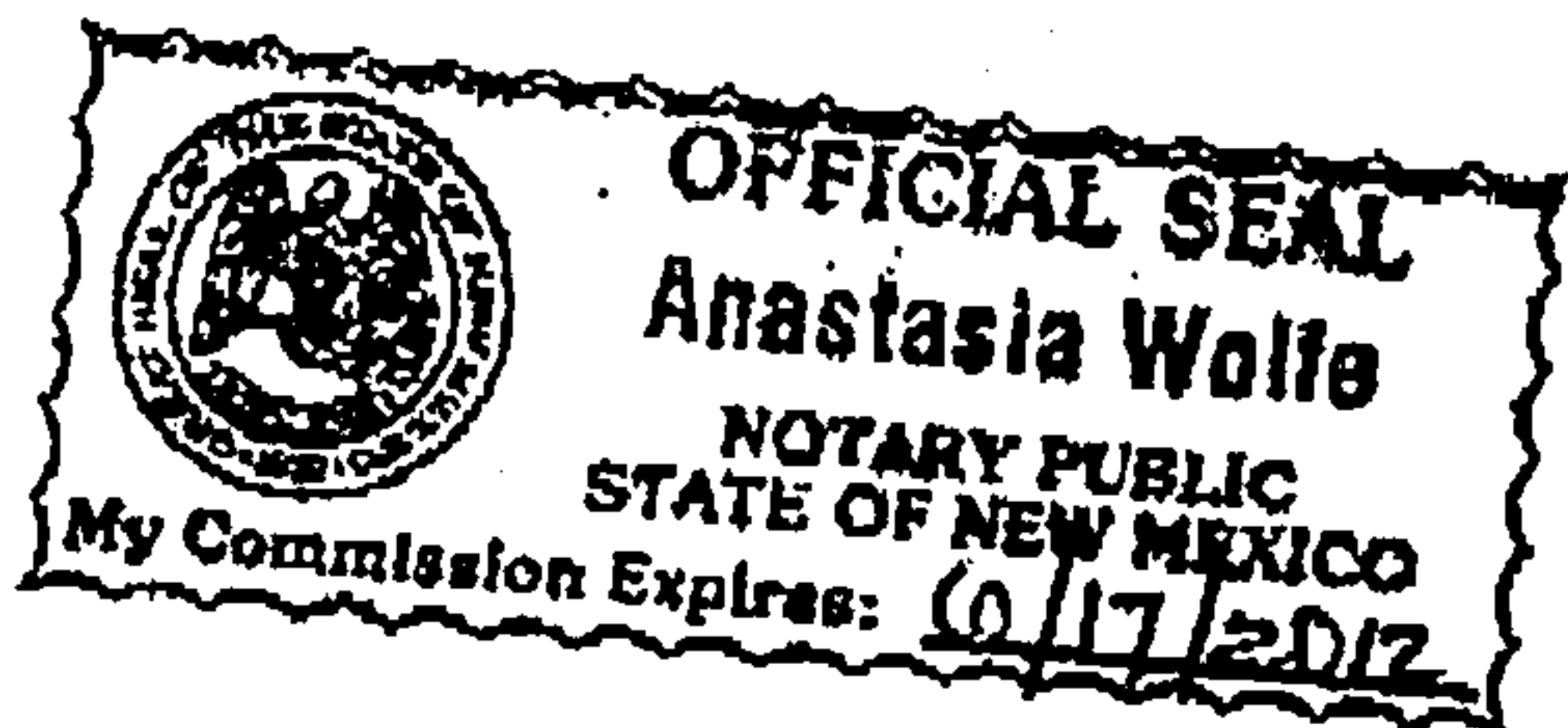
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on June 9, 2011, by April L. Winters
as Facilities Fee Planner of the Albuquerque Municipal School
District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under
the laws of the State of New Mexico.

(Seal)

Anastasia Wolfe
Notary Public

My commission expires: 6/17/2012



Mary K. Porter
Signature

MARY PORTER
Name (typed or printed) and title

OWNER TRACT 118C

Nancy Kinnemann
SIGNATURE

NANCY KINNEMANN

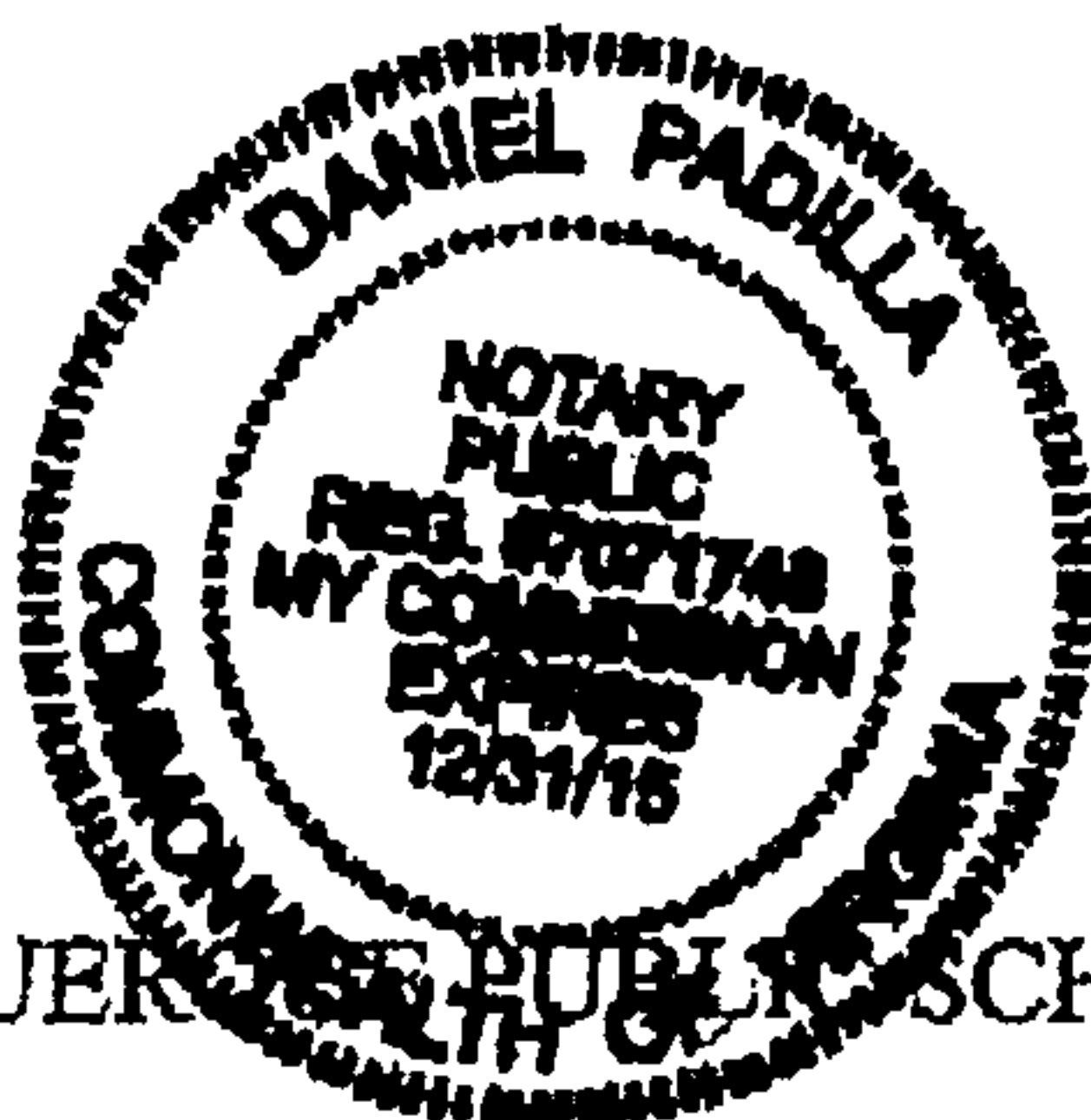
OWNER TRACT 118C

~~Developer~~

~~STATE OF NEW MEXICO~~ State of Virginia
~~COUNTY OF BERNALILLO~~ County of Fairfax

This instrument was acknowledged before me on 6-7-11, by Mary K. Porter and Nancy Kinnemann as _____ of _____, a corporation.

(Seal)



[Signature]
Notary Public

My commission expires: 12-31-15

ALBUQUERQUE PUBLIC SCHOOLS

By: April L. Winters
Signature

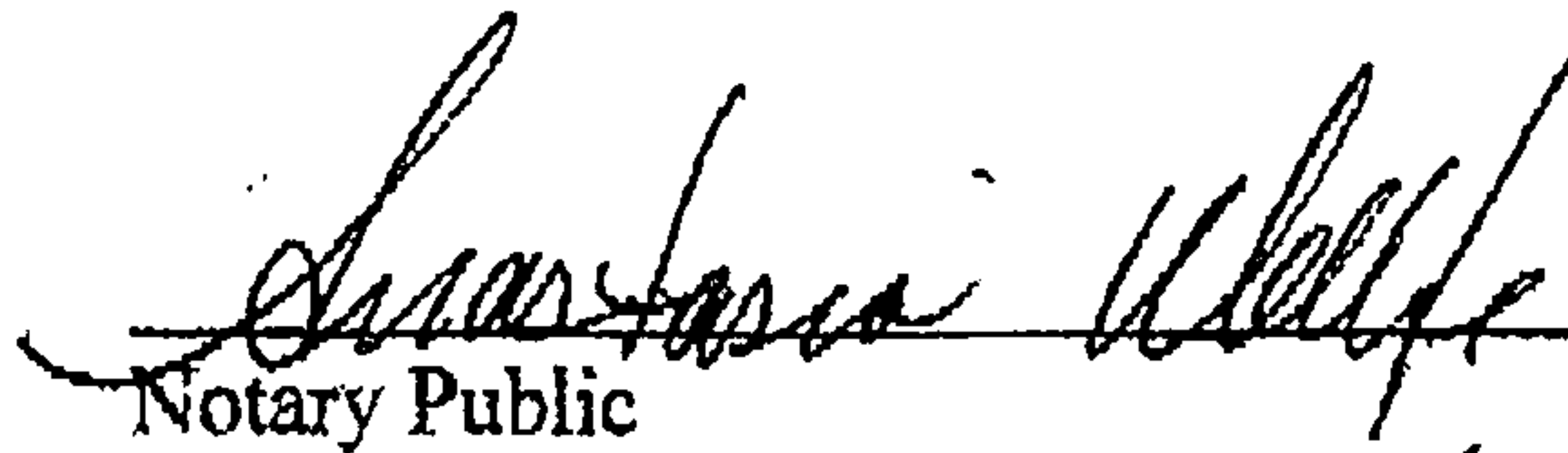
April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

~~Yvonne L. Winters~~ as ~~TACILINES TEE TANNER~~ of the Albuquerque Municipal School

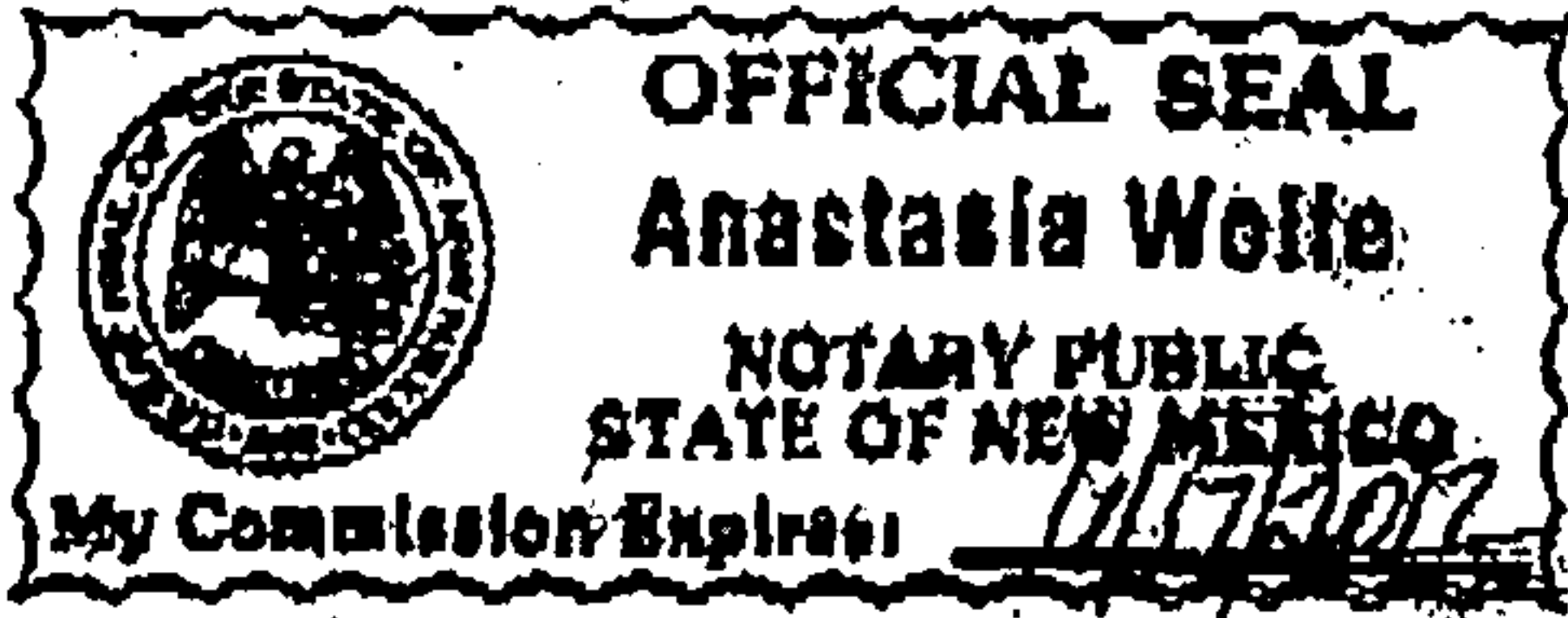
District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under the laws of the State of New Mexico.

(Seal)



Notary Public

My commission expires: 6/17/2012



NEW MEXICO WARRANTY DEED (Joint Tenants) (Subj) - Rev. 1-98 - New Mexico Statutory Form

9021959

WARRANTY DEED (Joint Tenants)

3828

JOSE E. PADILLA, a single man

for consideration paid, grant

DANIEL H. LOPEZ

whose address is 2726 Campbell Road N.W., #3, Albuquerque, New Mexico 87104

and LINDA VIGIL-LOPEZ, husband and wife

whose address is 2726 Campbell Road N.W., #3, Albuquerque, New Mexico 87104

as joint tenants the following described real estate in Bernalillo County, New Mexico:

Parcel 1

A certain tract of land situate in Section 32, Township 11 N., Range 3 E., of the New Mexico Principal Meridian, Bernalillo County, New Mexico, being identified as all of Tract No. 118-C, as shown on the Middle Rio Grande Conservancy District's Property Map No. 32. Being bounded as follows; On the North by land of Sam Shalit, On the East by land of Orestino Pizaro, On the South by land of Oralia P. Candelaria, On the West by land of Orville Padilla, being more particularly described by notes and bounds survey as follows; Beginning at the Southwest Corner, whence, The West 1/4 Corner of Section 32, Township 11 N., Range 3 E., of the New Mexico Principal Meridian, as shown on the Bernalillo County Survey Sheet No. 19, bears N 58° 49' 30" W., 1044 foot distance, thence; N 39° 40' E., 99.01 feet to the Northwest Corner, thence; S 80° 33' E., 314.90 feet to the Northeast Corner, thence; S 13° 46' W., 92.25 feet to the Southeast Corner, thence; N 79° 33' W., 357.60 feet to the place of beginning and containing 0.687 acres, more or less. The above described tract of land is to have a perpetual easement for the right of ingress and egress from Guadalupe Road through the southerly 17.50 feet of Tract No. 118-A, M.R.G.C.D. Property Map No. 32; also through the southerly 17.50 feet of the westerly 53.19 feet of Tract 118-B and through the southerly 8.75 feet of the remaining portion of Tract 118-B, M.R.G.C.D. Map No. 32; also through the northerly 8.75 feet of tract 118-E and 118-D, M.R.G.C.D. Map No. 32. The southerly 8.75 feet of the above described tract is to be reserved for a perpetual easement for the right of ingress and egress for the Owners, their heirs and Assignees, of Tract 118-D, M.R.G.C.D. Property Map No. 32.

Subject to the Lien of the Middle Rio Grande Conservancy District.

Subject to patent reservations, restrictions and easements of record and to taxes for the current year and subsequent years.

UPC: 1-014-061-109207-30935 CHAMOS 05/17/06

with warranty covenants

WITNESS MY hand and seal this 19th day of August, 19 81

(Seal)

Jose E. Padilla

(Seal)

(Seal)

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF Bernalillo

The foregoing instrument was acknowledged before me this 19th day of August, 19 81

by Jose E. Padilla, a single man

(Name or Names of Parties Acknowledging)

My commission expires: 7-27-84

[Signature]

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this day of 19

day of

by (Name of Officer)

(Title of Officer) (Name of Corporation Acknowledging)

(Name of Corporation) corporation, on behalf of said corporation.

My commission expires: Henry Padilla

FOR RECORDER'S USE ONLY
STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD
19811022 AM 8:00

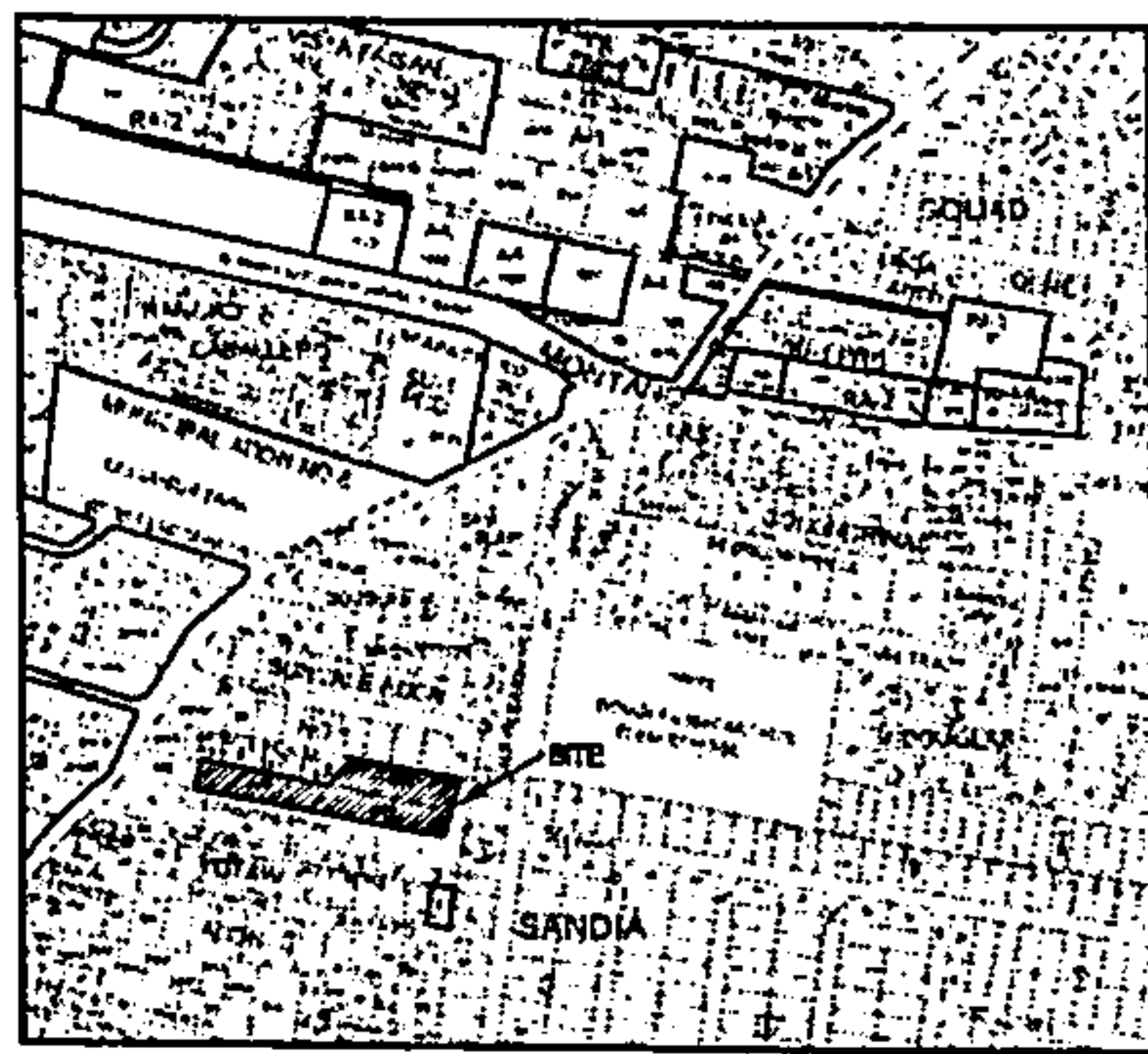
25 OCT 30 1981
CLAYTON H. DEAN
RECORDER & CLERK

THE CLERK OF THE DISTRICT COURT OF BERNALILLO COUNTY, NEW MEXICO

F14/15

Indexing Information

Section 32, Township 11 North, Range 3 East,
 UTM, as Projected in the Albuquerque Grant
 M.R.G.C.D. MAP NO. 32
 Tract 118-E UPC #101408107220330838
 Tract 118-D UPC #101408108191330838
 Tract 118-C UPC #101408110920730835



Vicinity Map

Site Sketch
 Existing Conditions
 Tracts 118-C-1, 118-C-2, 118-D-1, 118-D-2
 118-E-1, 118-E-2 and 118-E-3
 M.R.G.C.D. Map 32
 City of Albuquerque
 Bernalillo County, New Mexico
 March 2011

Easement Notes

- 8.75' WATER & SANITARY SEWER LINE EASEMENT (BK. MSC. 688A, PG. 807, DDC. #88103437)
- 8.75' ROADWAY EASEMENT (ORVILLE PADILLA REPLAT, B17-49, 11/13/73)
- 22' ROADWAY EASEMENT (ORVILLE PADILLA REPLAT, B17-49, 11/13/73)

Legend

(N 80°00'00" E)	RECORD BEARINGS PLAT OF RECORD
(N 80°00'00" E)	MEASURED BEARING AND DISTANCES
●	FOUND AND USED MONUMENT AS INDICATED
○	SET BATHY MARKER "LS 14271"
—	WOOD FENCE
—	BLOCK WALL
—	CHAINLINK FENCE
—	WIRE FENCE
⊗	FIRE HYDRANT
⊙	SANITARY SEWER MANHOLE
10' ±	EDGE OF PAVEMENT ELEVATION
12' ±	BACK OF CURB ELEVATION
14' ±	FLOW LINE ELEVATION
16' ±	HIGH SIDE OF WALL ELEVATION
18' ±	LOW SIDE OF WALL ELEVATION
111.29	SPOT ELEVATION

Legal

A CERTAIN PARCEL OF LAND IDENTIFIED AS TRACT 118-C M.R.G.C.D. MAP NUMBER 32, SITUATE WITHIN PROJECTED SECTION 32, TOWNSHIP 11 NORTH, RANGE 3 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF HEREN DESCRIBED TRACT, POINT BEING MARKED BY A 5/8" REBAR, WHENCE THE NORTHWEST CORNER OF LOT C OF LOS PABLOS ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY ON DECEMBER 21, 1968 IN BOOK CB, PAGE 147 BEARS S 3317°34' W, A DISTANCE OF 90.75, THENCE N 80°30'00" W, A DISTANCE OF 51.47;

THENCE FROM SAID POINT OF BEGINNING, N 39°47'18" E, A DISTANCE OF 98.94 FEET, TO THE NORTHWEST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A 5/8" REBAR;

THENCE, S 80°38'11" E, A DISTANCE OF 314.07 FEET, TO THE NORTHEAST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A BATHY MARKER WITH CAP "LS 14271";

THENCE, S 13°47'30" W, A DISTANCE OF 93.09 FEET TO THE SOUTHEAST CORNER OF THE HEREN DESCRIBED TRACT, MARKED BY A BATHY MARKER WITH CAP "LS 14271";

THENCE, N 78°28'33" W, A DISTANCE OF 357.06 FEET, TO THE POINT OF BEGINNING CONTAINING 0.6884 ACRES (29,967 SQ. FT.) MORE OR LESS.

AND

A CERTAIN PARCEL OF LAND IDENTIFIED AS TRACT 118-D M.R.G.C.D. MAP NUMBER 32, SITUATE WITHIN PROJECTED SECTION 32, TOWNSHIP 11 NORTH, RANGE 3 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF HEREN DESCRIBED TRACT, POINT BEING MARKED BY A BATHY MARKER WITH CAP "LS 14271", WHENCE THE NORTHWEST CORNER OF LOT C OF LOS PABLOS ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY ON DECEMBER 21, 1968 IN BOOK CB, PAGE 147 BEARS N 80°30'00" W, A DISTANCE OF 51.47;

THENCE FROM SAID POINT OF BEGINNING, N 33°17'34" E, A DISTANCE OF 90.75 FEET, TO THE NORTHWEST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A 5/8" REBAR;

THENCE, S 78°28'33" E, A DISTANCE OF 357.06 FEET, TO THE NORTHEAST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A BATHY MARKER WITH CAP "LS 14271";

THENCE, S 13°47'30" W, A DISTANCE OF 78.89 FEET TO THE SOUTHEAST CORNER OF THE HEREN DESCRIBED TRACT, MARKED BY A BATHY MARKER WITH CAP "LS 14271";

THENCE, N 80°30'00" W, A DISTANCE OF 387.87 FEET, TO THE POINT OF BEGINNING CONTAINING 0.6833 ACRES (29,773 SQ. FT.) MORE OR LESS.

AND

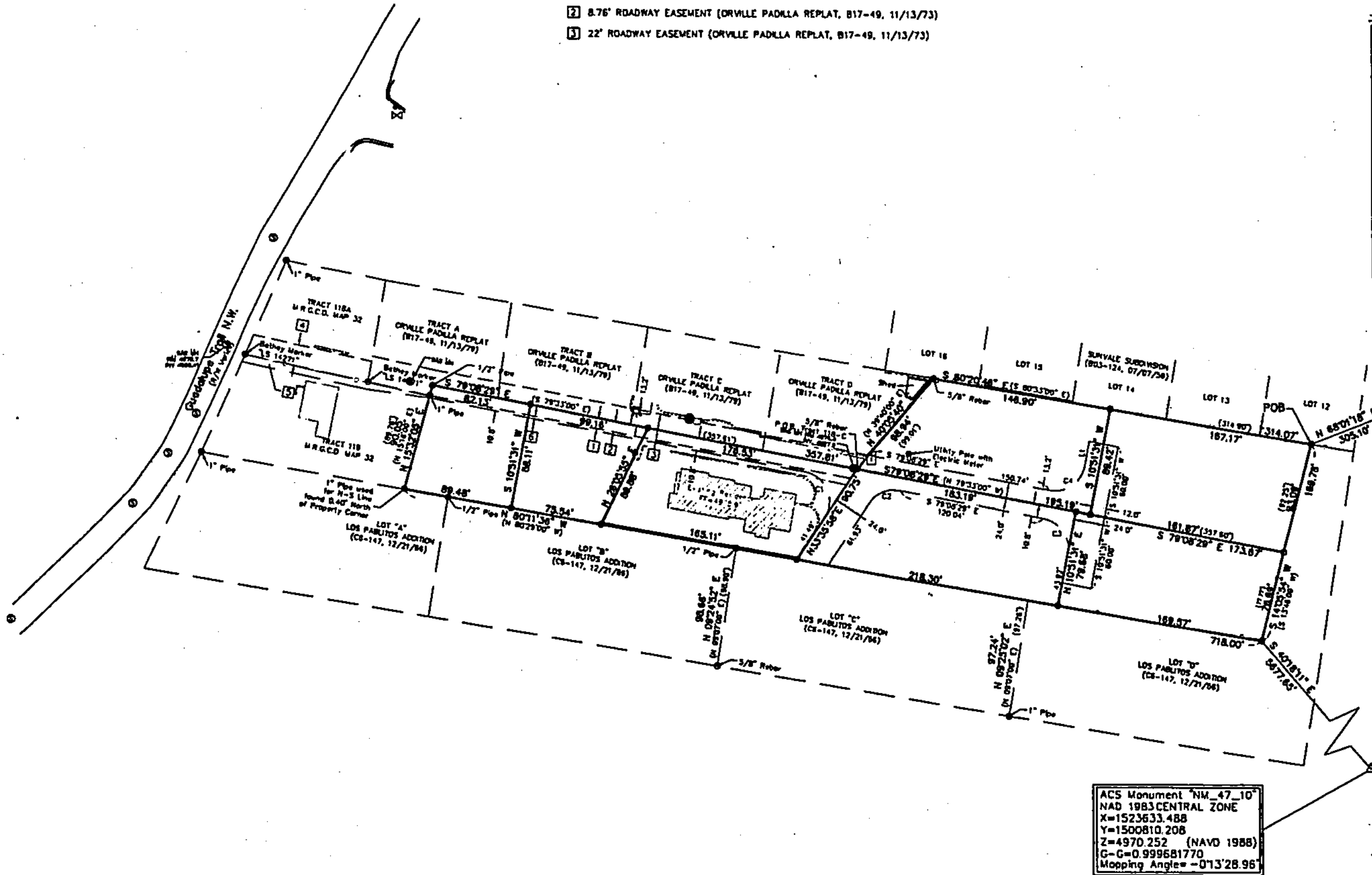
A CERTAIN PARCEL OF LAND IDENTIFIED AS TRACT 118-E M.R.G.C.D. MAP NUMBER 32, SITUATE WITHIN PROJECTED SECTION 32, TOWNSHIP 11 NORTH, RANGE 3 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF HEREN DESCRIBED TRACT, POINT BEING MARKED BY A BATHY MARKER WITH CAP "LS 14271", WHENCE THE NORTHWEST CORNER OF LOT C OF LOS PABLOS ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY ON DECEMBER 21, 1968 IN BOOK CB, PAGE 147 BEARS N 80°30'00" W, A DISTANCE OF 51.47;

THENCE FROM SAID POINT OF BEGINNING, N 80°30'00" W, A DISTANCE OF 330.13 FEET, TO THE SOUTHWEST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A 1" PIPE;

THENCE, N 15°15'41" E, A DISTANCE OF 90.05 FEET, TO THE NORTHWEST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A BATHY MARKER WITH 1/2" PIPE;

THENCE, S 78°28'33" E, A DISTANCE OF 357.01 FEET TO THE NORTHEAST CORNER OF THE HEREN DESCRIBED TRACT, MARKED BY A 5/8" REBAR;

THENCE, S 33°17'34" W, A DISTANCE OF 90.75 FEET, TO THE POINT OF BEGINNING CONTAINING 0.6833 ACRES (29,783 SQ. FT.) MORE OR LESS.



ACS Monument "DOUGLAS
 NAD 1983 CENTRAL ZONE
 X=1520286.421
 Y=1505417.495
 Z=N/A (NAVD 1988)
 G-G=0.999682452
 Mapping Angle=-0°13'52.53"

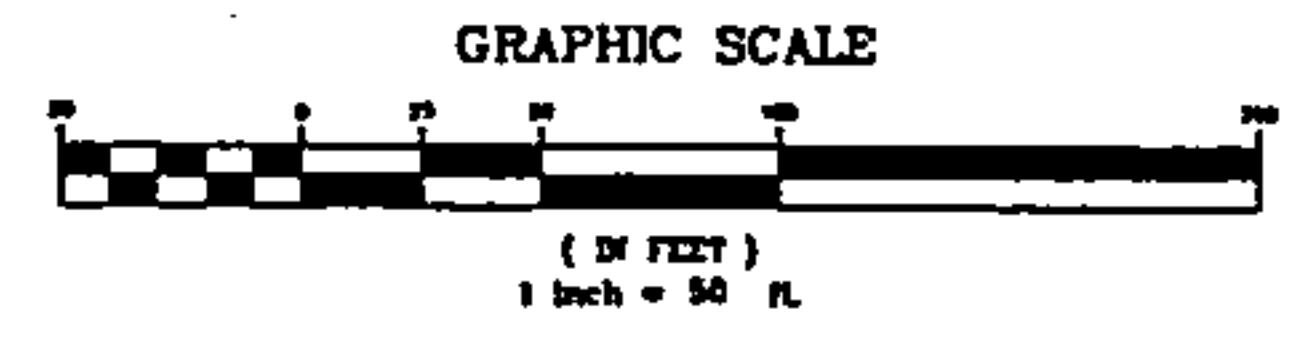
ACS Monument "NM_47_10"
 NAD 1983 CENTRAL ZONE
 X=1523633.488
 Y=1500810.208
 Z=4970.252 (NAVD 1988)
 G-G=0.999681770
 Mapping Angle=-0°13'28.96"

Notes

- FIELD SURVEY PERFORMED IN NOVEMBER/DECEMBER 2008 WITH SUPPLEMENTAL DATA COLLECTED IN MARCH 2011.
- ALL DISTANCES ARE GROUND DISTANCES; U.S. SURVEY FOOT.
- THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (GRID-NAD 83).

Surveyor's Certificate

I, WILL PLOTNER JR., A NEW MEXICO REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE TOPOGRAPHIC MAP SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



WILL PLOTNER JR. DATE
 N.M.P.S. No. 14271
CARTESIAN SURVEYS INC.
 P.O. BOX 44414 RIO RANCHO, N.M. 87174
 Phone (505) 896-3050 Fax (505) 891-0244
 Sheet 1 of 2



**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT**

June 29, 2011

DRB Comments

ITEM # 13

PROJECT # 1004906 APPLICATION # 11-70154/ 11-70168

RE: Tracts 118C-E, MRGCD Map #32

Please note the Net Lot Area for each lot on the plat (minimum lot area is calculated exclusive of access easement area). Please provide copies of the keyed notes 2 and 4 (Existing Ingress and Egress Easements). Please define the resulting setback from the proposed easement on Tract 119. Keyed notes 6 and 7 need to reference full lot numbers (1-P2 thru 7-P2) and the easements need to include Tracts A-D of the Orville Padilla Replat as beneficiaries. Compliance with P2 parking requirements needs to be documented for existing development on proposed lot 3-P2. Keyed note 7 does not appear to be identified on the plat drawing. Sketch/ Variance exhibit indicates parking along the common lot line for proposed lots 3-P2 and 4-P2; if this is the case, it needs to be a separate easement.

The Subdivision Ordinance/ Development Process Manual calls for a standard street section for more than 8 lots; the resulting easement for this proposal would serve 12 lots. The variance application must specify how the variances would encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, and how the subdivision design will secure substantially the objectives of the standards or requirements of the Subdivision Ordinance [§ 14-14-6]. There could be benefits to the drainage in this area with a gravel easement design instead standard asphalt. Construction of a sidewalk could justifiably be waived due to a lack of connection; however, if the easement is to be gravel then ADA access needs to be addressed. Even if construction of a sidewalk is waived, granting a variance for easement width would preclude installation of a separate pedestrian connection should such a facility be constructed in the future on Guadalupe Trail.

Jack Cloud, DRB Chairman
924-3880/ jcloud@cabq.gov

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1004096

AGENDA ITEM NO: 13

SUBJECT:

ENGINEERING COMMENTS:

Subdivision Design Variance from DPM
Materials

Minimum DPM SFS

Hydrology prefers the road and parking areas to be gravel, since this subdivision will be ponding street flows in front yards.

Sidewalk Waiver

Hydrology defers to Transportation and Planning.

Easement Variance

Hydrology defers to Transportation and Planning.

PO Box 1293

Plat Approval

Hydrology received the Grading and Drainage plan yesterday. It is currently being reviewed.

Albuquerque

An Infrastructure List is required to include walls required for drainage.

NM 87103

defence to 7-27-11

RESOLUTION COMMENTS:

www.cabq.gov

Neighbors - 3 Letters

Letters in opposition - too much traffic

3 people spoke

Tim state - 70% open space - 65% is recommended by Sun Valley Study

SIGNED:

DATE: 6-29-11

Curtis Cheme
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

Plan - concerned about no pedestrian easement / access on the rd.



**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1004906

AGENDA ITEM NO: 12

SUBJECT:

Sub Design Variance from Min DPM
Stds

ENGINEERING COMMENTS:

Hydrology prefers the road and parking areas to be gravel, since this subdivision will be ponding street flows in front yards.

Hydrology defers to Transportation and Planning for the other variances.

Plat Approval

PO Box 1293

Hydrology has an approved Grading Plan, stamp date 7-22-11 for Preliminary Plat approval and can sign the Infrastructure List.

Albuquerque

For Final Plat approval:

- Add a Note to the Plat "Certification of the subdivision Grading Plan or an individual lot Grading Plan is required before a Building Permit can be approved for that lot."
- Recorded SIA required prior to Final Plat

NM 87103

www.cabq.gov

RESOLUTION COMMENTS:

Deferred
08-03-11

SIGNED:

Curtis Cherne
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

DATE: 7-27-11

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1004906

AGENDA ITEM NO: 8

SUBJECT:

Sub Design Variance from Min DPM
Stds

APP

ENGINEERING COMMENTS:

Hydrology prefers the road and parking areas to be gravel, since this subdivision will be ponding street flows in front yards.
Hydrology defers to Transportation and Planning for the other variances.

Preliminary Plat Approval

PO Box 1293

APP

Hydrology has an approved Grading Plan, stamp date 7-22-11 for Preliminary Plat approval and can sign the Infrastructure List.

Albuquerque

A recorded SIA is required for Final Plat approval.

NM 87103

www.cabq.gov **RESOLUTION COMMENTS:**

don't want to pave 1st 25' of petros pl

SIGNED:

Curtis Cherne
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

DATE: 8-3-11



**Development Review Board (DRB)
Review Comments
Utility Development Section
Phone: 505.924.3989**

D.R.B. Case No: 1004906	Date: 06/29/2011	Item No: #13
Zone Atlas Page: F-14	LOCATION: Guadalupe Tr. NW between Griegos Rd. NW & Montano Rd. NW Tract(s) 118-C, 118-D & 118-E MRGCD Map 32	
Request For: Subdivision Design Variance; Prelim/Final Plat		

ABCWUA Comment: March 2010 Availability Statement needs to be renewed. Easement note 7 not located on plat.

SIGNED: _____

DATE: _____

UTILITY DEVELOPMENT

July 22, 2011

Chair
Art De La Cruz
County of Bernalillo
Commissioner, District 2

Vice Chair
Trudy E. Jones
City of Albuquerque
Councilor, District 8

Richard J. Berry
City of Albuquerque
Mayor

Rey Garduño
City of Albuquerque
Councilor, District 6

Maggie Hart Stebbins
County of Bernalillo
Commissioner, District 3

Michele Lujan Grisham
County of Bernalillo
Commissioner, District 1

Ken Sanchez
City of Albuquerque
Councilor, District 1

Ex-Officio Member
Pablo R. Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Tom Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107

**RE: Water and Sanitary Sewer Availability Statement #110522
5108 Guadalupe Tr. NW - MRGCD Map 32-Lots 118C-118E and 119
Zone Atlas Map: F-14**

Dear Mr. Burak:

Service requirements were last addressed in an Availability Statement #00304, dated March 31, 2010, (attached). That service commitment has expired, however the information and conditions described in that correspondence are still applicable.

The attached letter, in conjunction with the statements presented in this document, is hereby renewed for a period of one year from the date of this correspondence.

Please feel free to contact the Utility Development Office at (505) 924-3987 or by fax at (505) 924-3864 if you have questions regarding the information presented herein or need additional information.

Sincerely,



Mark S. Sanchez
Executive Director

Encl: Availability Statement #00304

Email: Jim Best, Bernalillo County, Planning Dept.
Christi Tanner, Bernalillo County, Public Works Dept
Chris Gonzales, Bernalillo County Environmental Health Dept
Lucas Tafoya, Bernalillo County Environmental Health Dept
Dan McGregor, Bernalillo County, Public Works, Water Resource
f/ Availability R-13



March 31, 2010

Chair

Trudy E. Jones
City of Albuquerque
Councilor, District 8

Vice Chair

Maggie Hart Stebbins
County of Bernalillo
Commissioner, District 3

Alan B. Amijo
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Richard J. Berry
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Mayor

Art De La Cruz
County of Bernalillo
Commissioner, District 2

Rey Garduño
City of Albuquerque
Councilor, District 6

Debbie O'Malley
City of Albuquerque
Councilor, District 2

Ex-Officio Member
Pablo R. Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcvua.org

Tom Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107

**RE: Water and Sanitary Sewer Availability Statement #00304
5108 Guadalupe Tr. NW - MRGCD Map 32-Lots 118C-118E and 119
Zone Atlas Map: F-14**

Dear Mr. Slates:

Project Information: The subject site is ±2.3 acres of partially developed land located on the east side of Guadalupe Trail, within the City Of Albuquerque. The site is currently zoned R-1 and lies in the 1E pressure zone within the Montgomery trunk. The request for availability indicates that plans are to subdivide the lots and to construct single family residential dwellings.

Existing Conditions: Water infrastructure in the area is limited to an on-site 6 inch water line, project # 26-3640-89.

Sanitary sewer infrastructure in the area includes is limited to an on-site 8 inch line, project # 26-3640-89.

Service: New metered water service is available to the site contingent upon both a public line extension and compliance with the Fire Marshal's fire flow requirements. The new line will consist of an 8-inch extension of the existing on-site line approximately 300 feet to the east end of the access roadway. The extension can then extend south in the proposed hammerhead turn-around to the property boundary. The southern line extension shall be no smaller than 6 inches. A hydrant needs to be placed either at the end of the east-west extension, or at the terminus of the north-south extension. New service taps may then be made to these new public lines. Metered water service will not be sold without adequate fire protection. Water service will only be sold in conjunction with sewer service.

Sewer service is available to the site contingent upon construction of a new public line. Due to the depth and length of the line, the new public line may have to be a force main and private grinder pump systems may be necessary for the eastern lots.

Fire Protection: The instantaneous fire flow requirements for the subject property were not submitted in the request for availability; therefore, this statement may not be complete and/or valid at the time of future construction. Current mapping shows that there is a fire hydrant available for fire protection in the area.

Design and Construction: All required improvements will be at the developer/property owner's expense and must be coordinated through the City of Albuquerque and Water Authority DRC and Work Order process. Designs must be

done by a New Mexico Registered Professional Engineer. Construction of all public improvements must be by a licensed, bonded, public utility contractor.

Easements: Water Authority public water and sanitary sewer easements are required for all lines that may be constructed outside of any dedicated rights-of-way. The minimum easement width for public water and sanitary sewer lines shall be 25 feet in width and 20 feet for a single line. Acceptable easements must be documented on the final site plan and/or plat prior to approval.

Costs and Fees: Water and sanitary sewer service accounts must be established with New Services at 924-3920. In addition to installation and construction costs, each metered water service will be subject to water and sanitary sewer Utility Expansion Charges (UEC) payable at the time of service application. All charges and rates collected will be based on the ordinances and policies in effect at the time service is actually requested and authorized.

Water Use: All new development shall be required to meet the standard water usage of 180 gallons per household per day which is equivalent to 75 gallons per capita per day. Indoor water use shall consist of 70% of total use with outdoor limited to 30%. Where available, outdoor water usage shall utilize reclaimed water. All new commercial developments shall be subject to the requirements for water usage and water conservation requirements as defined by the Water Authority, particularly the Water Waste Ordinance, Water Conservation Large Users Ordinance and Water Conservation Water by Request Ordinance.

Closure: This statement of availability will remain in effect for a period of one year from the date of issue and applies only to the development identified herein. Its validity is, in part, contingent upon the continuing accuracy of the information supplied by the developer. Changes in the proposed development may require reevaluation of availability and should be brought to the attention of the Utility Development Section of the Water Authority as soon as possible.

Please feel free to contact the Utility Development Office at (505) 924-3987, or by fax at (505) 924-3864 if you have questions regarding the information presented herein or need additional information.

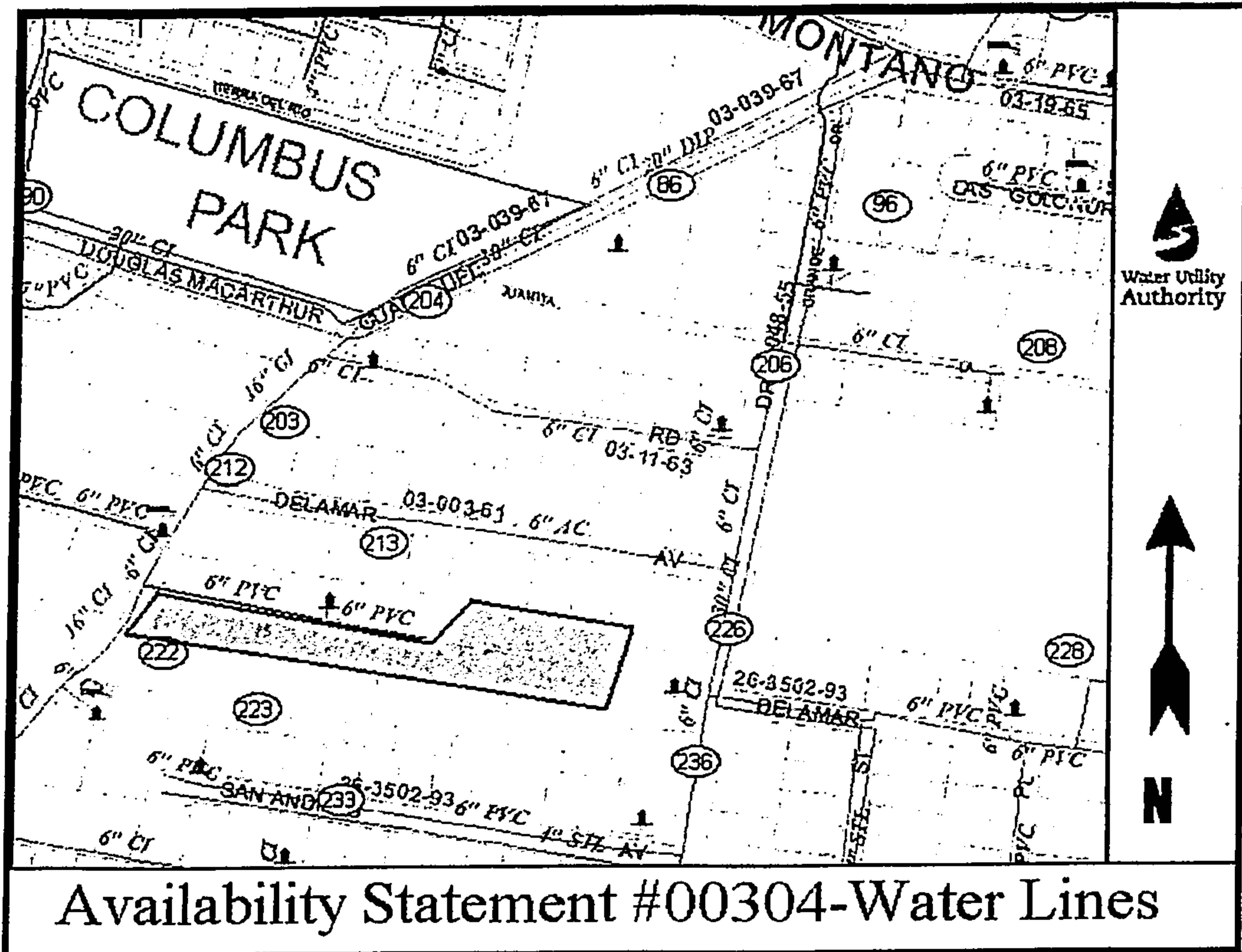
Sincerely,

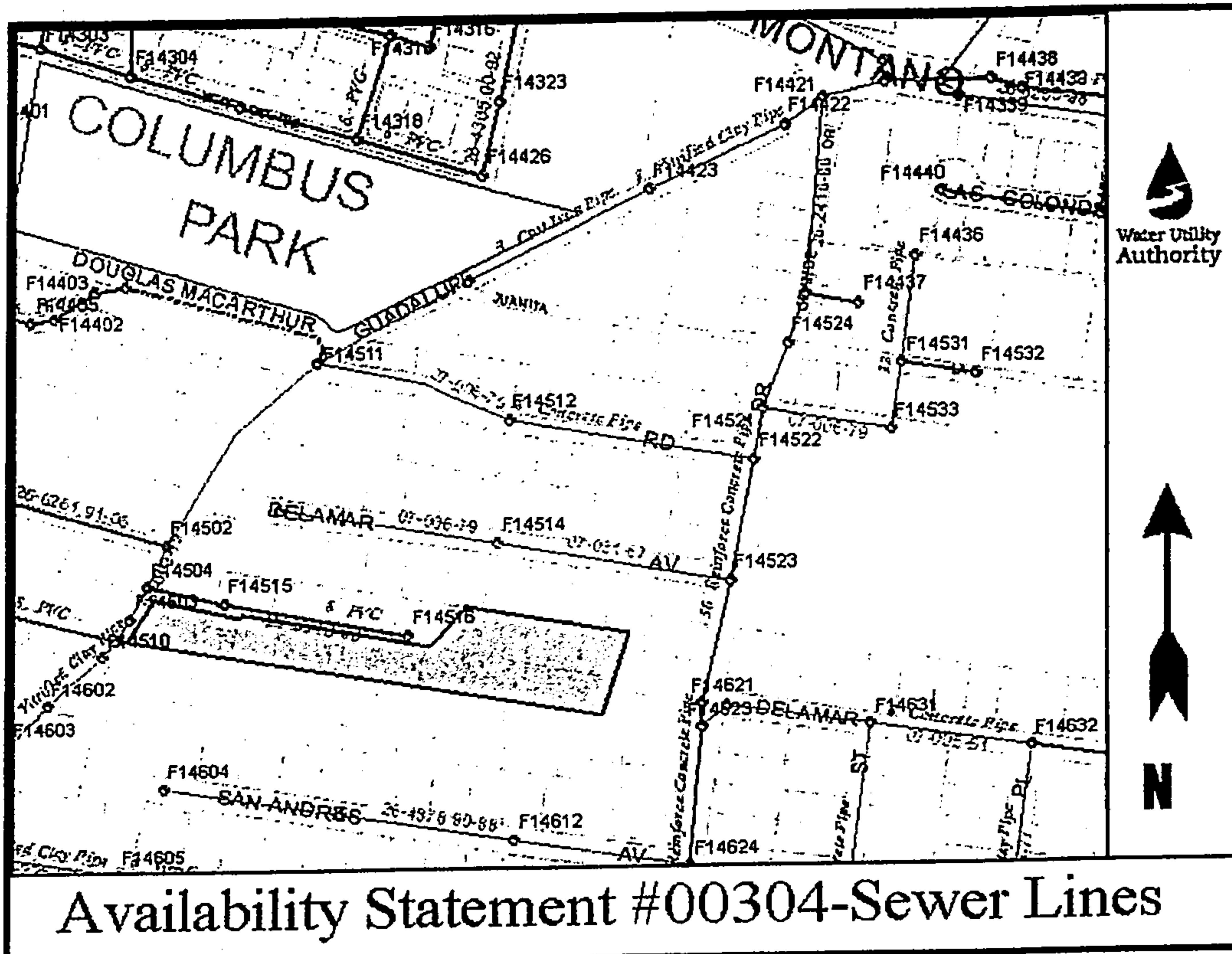


Mark S. Sanchez
Executive Director

Encl: Site and Infrastructure Maps (3)

f/ Availability F-14
DRB 1004906





Availability Statement #00304-Sewer Lines

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1004906

AGENDA ITEM NO: 13

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
SUBDIVISION DESIGN VARIANCE

ENGINEERING COMMENTS:

Provide approval from the fire marshal and solid waste for the proposed roadway layout, including the turnarounds.

An infrastructure list will be required.

Gravel Roadway: due to the overall drainage needs for this area, Transportation Development has no objection to the use of gravel versus asphalt for this roadway.

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

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

SIGNED: Kristal D. Metro
Transportation Development

DATE: JUNE 29, 2011
505-924-3991

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1004906

AGENDA ITEM NO: 12

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
SUBDIVISION DESIGN VARIANCE

ENGINEERING COMMENTS:

Gravel Roadway: due to the overall drainage needs for this area, Transportation Development has no objection to the use of gravel versus asphalt for this roadway.

Infrastructure List Comments

For a private way, the first 25 feet past the pavement on the intersecting street must be paved with a minimum of 2 inches of asphalt on compacted subgrade (see Table 23.2.2 of the *Development Process Manual*).

Per the *City of Albuquerque Standard Specifications*, Section 308.5.1, "Natural gravel surfacing shall have a minimum compacted thickness of 6 inches."

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

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

SIGNED:

Kristal D. Metro
Transportation Development

505-924-3991

DATE: JULY 27, 2011

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1004906

AGENDA ITEM NO: 8

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
SUBDIVISION DESIGN VARIANCE

ENGINEERING COMMENTS:

Gravel Roadway: due to the overall drainage needs for this area, Transportation Development has no objection to the use of gravel versus asphalt for this roadway.

Infrastructure List Comments

For a private way, the first 25 feet past the pavement on the intersecting street must be paved with a minimum of 2 inches of asphalt on compacted subgrade (see Table 23.2.2 of the *Development Process Manual*).

Per the *City of Albuquerque Standard Specifications*, Section 308.5.1, "Natural gravel surfacing shall have a minimum compacted thickness of 6 inches."

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

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

SIGNED:

Kristal D. Metro
Transportation Development

505-924-3991

DATE: AUGUST 3, 2011

June 21, 2011

Development Review Board
City of Albuquerque

I, the undersigned, live in the 5100 block of Guadalupe Trail NW and access Guadalupe Trail from a private access road.

I understand that Tom and Susan Slates have a request before the Development Review Board (DRB) to widen the existing access easement from 17.5 feet and 22 feet to 24 feet for its entire length of approximately 720 feet.

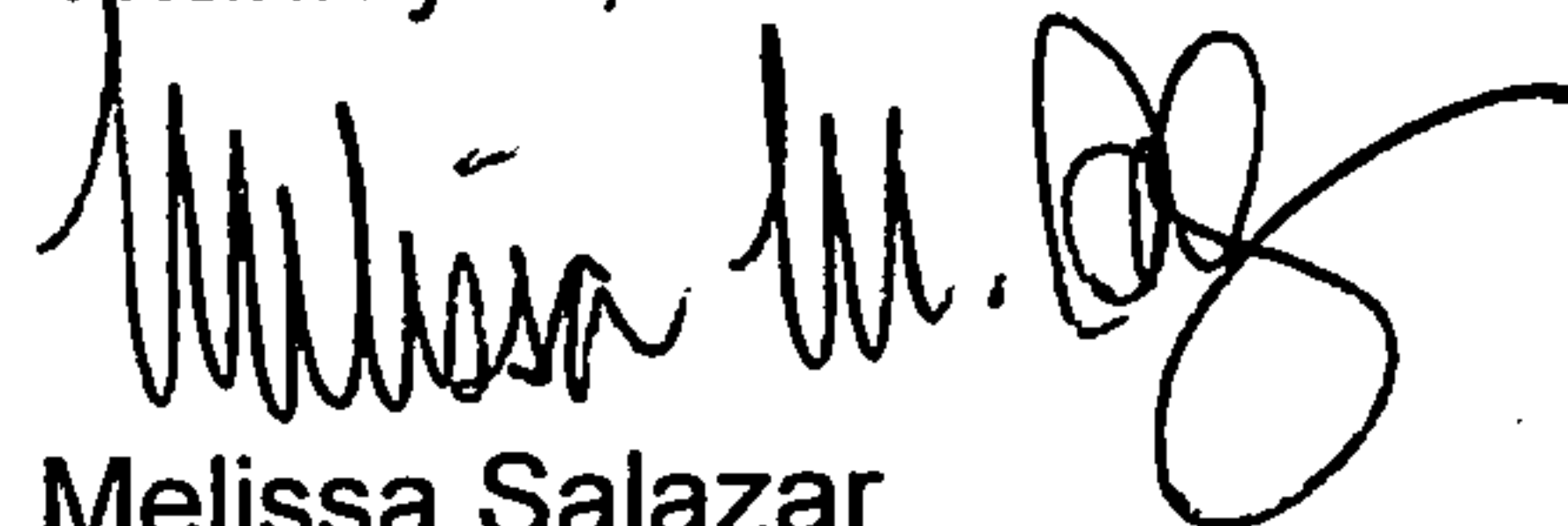
I understand that the Design Process Manual (DPM) requirements for a 12-lot subdivision include a 28-foot wide roadway (with asphalt paving or the equivalent), 5-foot sidewalk setbacks and 4-foot wide sidewalks on each side of the roadway.

I support the Slates' request to:

1. Reduce the roadway width to 24 feet.
2. Delete sidewalks from this area.
3. Install 3 inches of gravel over a 12-inch compacted base instead of asphalt paving.

I also acknowledge the increase in the number of R-1 lots from 8 to 12, and I understand that Fire Department and Solid Waste approval has been granted.

Thank you,



Melissa Salazar
5120 Guadalupe Trl NW

David & Elizabeth Wiley
5118 Guadalupe Trail N.W.
Albuquerque, New Mexico 87107

June 27, 2011

City of Albuquerque

Development Review Board Members:

Jack Cloud, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant
Kristal Metro, P.E., Transportation Development
Allan Porter, P.E., Albuquerque/ Bernalillo Co. WUA
Curtis Cherne, P.E., Acting Hydrology P.E.
Christina Sandoval, Parks/Municipal Development

We live in a home located in the 5100 block of Guadalupe Trail NW. Currently, it is reached from Guadalupe Trail using a private access road to the east of the Trail.

This existing dirt access road ranges in width from 17.5 feet to 22 feet. We understand that Tom and Susan Slates have a request before the Development Review Board to widen the road to 24 feet along its entire 720-foot length.

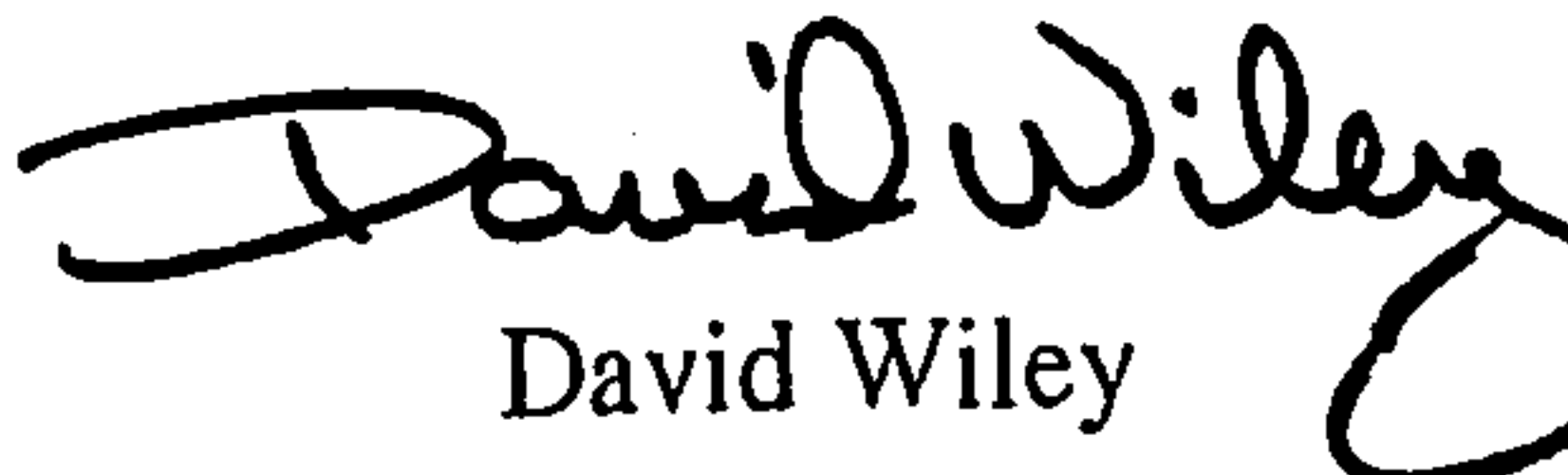
According to the Design Process Manual, a 12-lot subdivision is required to have a 28-foot-wide roadway with asphalt paving or the equivalent, five-foot sidewalk setbacks, and four-foot-wide sidewalks on each side of the road.

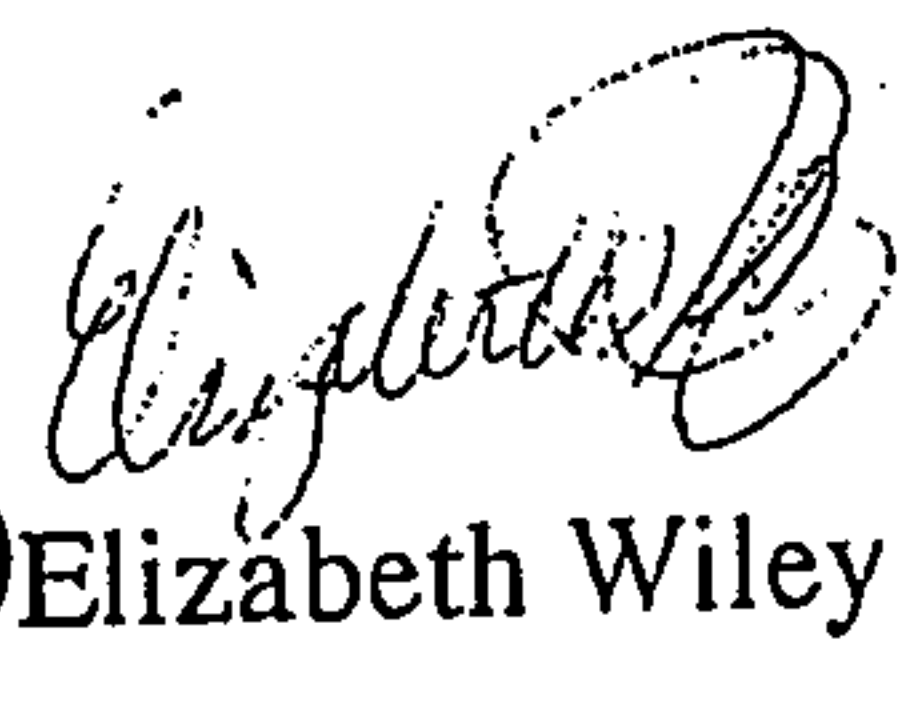
We understand that the number of R-1 lots is increased from eight to 12, and that Fire Department and Solid Waste approval has been granted.

We support the 'Slates' request to construct a 24-foot-wide road with no sidewalks and a surface of three inches of gravel over a 12-inch compacted base instead of asphalt paving.

Our support is based upon our perception that the proposed roadway design is more in keeping with existing homes and with the historical nature of our neighborhood. Access will be improved for police and fire protection and for other municipal and private sector services by the proposed road.

Sincerely


David Wiley


Elizabeth Wiley

ANGUS MACPHERSON

August 2, 2011

To whom it may concern:

I am writing in support of the development of LANDS OF SIMPATICO, lots 1-7, by project designer and contractor Tom Slates – project 1004906, application #11-70154/11-70168; tracts 118 C-D; MRGCD Map 32.

When I met Tom and Susan Slates, about five years ago he told me about this project. We have discussed this project several times over the years with the Slates. My wife Melissa and I own and live in a home a few hundred feet from the Slates, and their development area. The Slates are wonderful neighbors and I have served on the neighborhood association board with Susan. Certainly other folks attending neighborhood association events have known about this project for a couple of years. I feel completely confident that the development they are planning will only enhance this lovely place where we live.

Sincerely,



Angus Macpherson

5027 Guadalupe Trail NW
Box 2
Albuquerque, NM 87107
505.270.2777

City of Albuquerque Development Review Board
600 2nd NW
Albuquerque, New Mexico

Attention: Mr. Jack Cloud

Dear: City of Albuquerque Development Review Board,

Subject: Variance for Pedro's Place Road NW- Proposed by Tom Slates

Mr. Tom Slates is requesting three variances from the City of Albuquerque Development Review Board: a 24-foot widening of the Pedro's Place Road with no sidewalks, no gutter system, and no asphalt.

Mr. Slates is requesting these variances in order to meet minimum requirements to allow him to further subdivide his properties that would allow for a total of twelve homes on Pedro's Place, where it currently has capacity for eight homes.

Mr. Slates currently owns three lots that are approved for two more homes. He owns two lots that he would like to divide into four, and he would like to divide his current home's lot into 2 more additional lots. Mr. Slates declared these plans at a local neighborhood association meeting at which I was in attendance on June 20, 2011. It was at this meeting that Mr. Slates advised the community that his plans were moving forward regardless of input from the neighborhood, and he made no mention of public access to the variance meeting on June 29, 2011. Mr. Slates further informed the community that his retirement hinges on further subdivision, and he does not require or desire permission from the community to further subdivide his properties.

When Mr. Slates purchased his property in 2007, he was fully aware of the building limitations and structural capacity of Pedro's Place Road. Although Mr. Slates has made it clear that he desires no feedback from his neighborhood community, he is now asking them to accommodate his retirement and financial incentives at the expense of the current neighborhood landscape.

In 2009, I purchased a home located on Pedro's Place and Guadalupe Trail. At that time, it was my understanding that only two more additional homes would be built on Mr. Slates' properties. I bought my home specifically for the rural and quiet character of the neighborhood. Further subdivision on Pedro's Place will undoubtedly increase traffic, noise, and pollution. Although I appreciate Mr. Slates as a neighbor, I don't agree with his plans to further subdivide. As his neighbor, I am not obligated to help him achieve his financial goals for retirement.

Respectfully,



Emily A. MacLeod
5110 Guadalupe Trail NW
Albuquerque, New Mexico 87107
(505) 550-0234 cell
Registered Nurse
Albuquerque Healthcare for the Homeless

City of Albuquerque Development Review Board
ATT: Jack Cloud
600 2nd Street, NW
Albuquerque, NM 87103

RE: Project# 1004906 / design variance request by Thompson Engineering Consultants, Inc. & Cartesian Surveys Inc. agents for Thomas Slates

Wednesday, June 29, 2011

Dear Mr. Cloud and Members of the Board,

Mr. Slates is requesting three variances for Pedro's Place lane in the north valley. The requests were presented at an unadvertised North Valley Neighborhood Association meeting. However, at the end of that meeting, Mr. Slates demanded that all documents shared be returned to him. Thus, I apologize that I am not certain here of all details concerning the three variances.

What I do understand is that none of the variances—exemptions for pavement, curbing and sidewalk—are necessary because none of these items are currently allowed for Pedro's Place anyway. The variances are not needed given the current status of the lane.

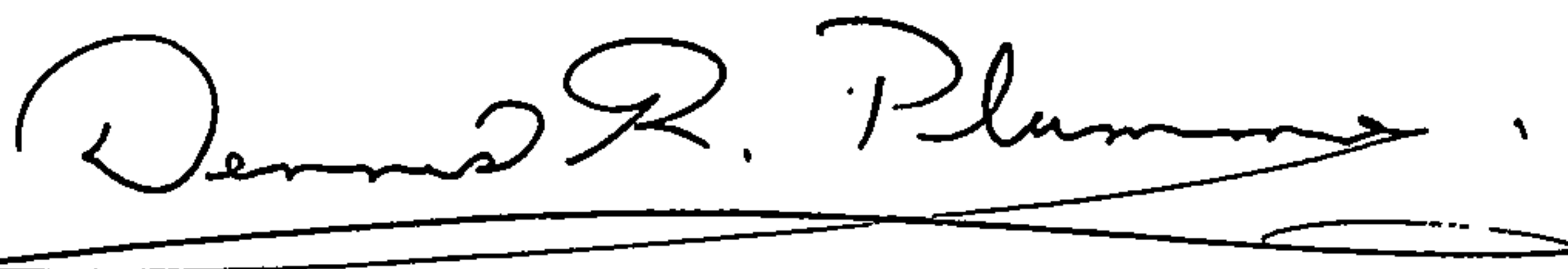
Any need for such variances arises only from Mr. Slates's larger plan to install a sub-division and the widening of Pedro's Place that would be needed to accommodate such a sub-division. His sub-division would place six houses on land currently plotted for two.

I oppose this increased density, its increased traffic load and its impact on surrounding land value and quality of life for the north valley neighborhood. Pedro's Place is a dirt lane not intended for use as a sub-division. Mr. Slates's design variance requests are intended to change that.

Last year, Mr. Slates approached this same project from a different approach. Then, he began with the sub-division itself and zoning regulations. The required public, yellow notice sign was posted—and the project received such neighborhood opposition that the matter was assigned mediation until Mr. Slates withdrew his proposal.

I respectfully suggest that the same opposition and concerns need to be addressed before any variances are granted. Thus, I request that the Development Review Board deny project request number 1004906.

Respectfully,



Dennis R. Plummer
5112 Guadalupe Trail, NW
Albuquerque, NM 87107
505-730-6542
drpnewmex@yahoo.com

City of Albuquerque Development Review Board
ATT: Jack Cloud
600 2nd Street, NW
Albuquerque, NM 87103

RE: Project# 1004906 / design variance request by Thompson Engineering Consultants, Inc. & Cartesian Surveys Inc. agents for Thomas Slates

July 26, 2007

Mr. Chair and Members of the Board,

Since the last hearing regarding Project # 1004906, seven households on or near Pedro's Place were surveyed as to their position concerning this proposed project. Six have signed in opposition of the proposal; one expressed hope that there would be wider public conversation about it. I believe that, given more time and public awareness of the proposed impact, even more would be opposed to such a change in the North Valley.

The proposal would increase use impact to 12 dwellings on one, dead-end lane. This is two above the City's threshold that identifies major sub-divisions. I submit that this moves the proposal from being a minor plot revision to that of being a major sub-division and, thus, requires a public hearing.

The proposed widening and subsequent sub-division would introduce pedestrian safety hazards such that the City has acknowledged it would be responsible for injuries if it did not follow zoning regulations requiring sidewalk installation. Both the widening of the lane and the addition of a sidewalk are non-compliant with the North Valley Character Study that guides ongoing development in our neighborhood.

I ask that any variance relating to the expansion of Pedro's Place lane be denied. At the very least, the matter needs to be placed properly into a public hearing venue.

Sincerely,



Dennis R. Plummer
5112 Guadalupe Trail, NW (Pedro's Place)
Albuquerque, NM 87107

July 19, 2011

Development Review Board
City of Albuquerque
Project 1004906 Application #11-70154 / 11-70168
Re: Tracts 118C-D MRGCD Map 32

As developers of the Lands of Simpatico Lots 1-7, we are giving prime consideration to the historic nature of the community in which we are located. Included are existing road easements, utilities and the predominant New Mexico adobe style of residences.

One of our goals is to maintain the beauty and unique qualities of this portion of the historic North Valley shown on maps made in 1888, 1892 and 1916. Over a span of more than 100 years, this area has adapted to introduction of gasoline powered cars and trucks, electrical machines, appliances and lighting, and modern water and sewer systems.

It has been transformed from a farming and ranching community into a largely residential area that provides homeowners with a calm, pleasant way of life as it offers a sense of New Mexico history. With its low-density pattern of housing, this Guadalupe Trail NW area is part of the vibrant City of Albuquerque, yet offers the advantages and more relaxed mood of a rural community.

In 1979, the Orville Padilla Replat resulted in lots that are wide and relatively shallow.

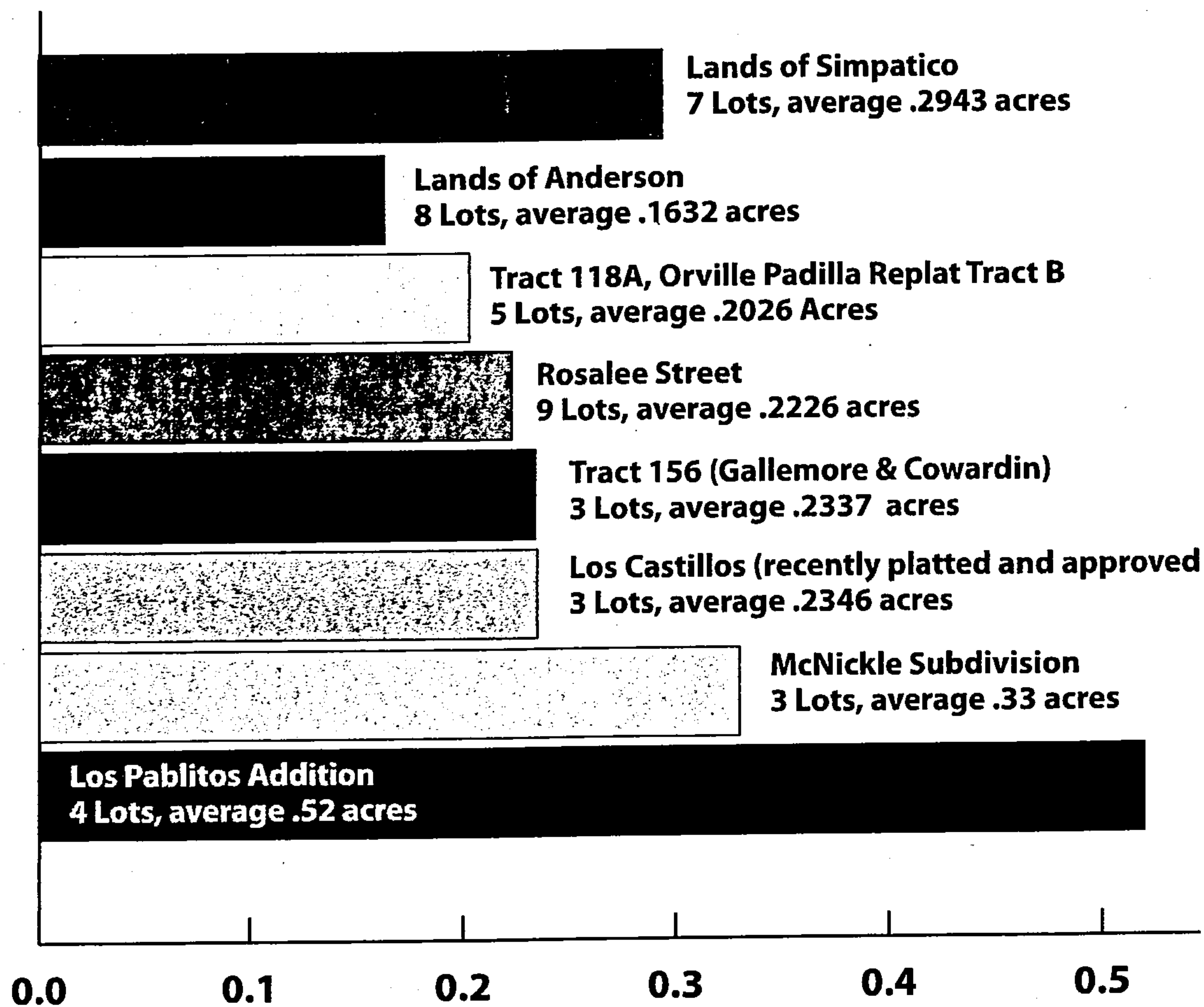
Our plan respects existing road and street width patterns and surfaces and the absence of sidewalks—maintaining the traditional identity of the area.

With no irrigation easements, the existing vegetation of currently vacant lots consists of a mixture of tumbleweeds, goat-heads, and bindweed. On adjoining land, what once was an orchard was long ago divided into quarter-acre lots.

On Page 119 of the North Valley Area Plan, published in April 1993, a survey showed that more than 60 percent of area residents preferred houses located on a mixture of large and small lots. Old and young, upper and lower income residents live in close proximity and share schools, roads and shopping.

The seven lots of Lands of Simpatico average **.2943** acres or 12,819 sq. ft. each (see Lands of Simpatico Proposed Lot Sizes on the plat).

Lands of Simpatico Lot Sizes 123% Existing Area Average



For comparison purposes, we offer the following existing R-1 areas off the east side of Guadalupe Trail between Griegos and Delamar streets:

(All calculations include road easements)

Tract 118A, Orville Padilla Replat Tract B

5 lots – average lot size = .2026 acres each

Los Castillos (recently platted and approved)

3 lots – average lot size = .2346 acres each

Rosalee Street

9 lots – average lot size = .2226 acres each

Lands of Anderson (5000 block)

8 lots – average lot size = .1632 acres each

Los Pablitos Addition

4 lots – average lot size = .52 acres each

McNickle Subdivision

3 lots – average lot size = .33 acres each

Tract 156 (Gallemore and Cowardin)

3 lots – average lot size = .2337 acres each

These 35 existing and platted lots are on 8.7969 acres with an average lot size of **.20945** acres each.

The Lands of Simpatico average lot sizes are 1.23 times the existing average for area.

We believe that both extraordinary hardship and practical difficulty will result from strict compliance with the minimum standards for street width and sidewalks.

1. Existing road easements are narrow (17.5' and 22') and would require demolition of adobe walls and would severely impact the already wide and shallow building pads available on Tracts 118C, 118d and 118E.
2. Normal R-1 lot proportions are commonly 1-to-2 (width to depth).

Because of the historical patterns of lot divisions in this old section of the valley, our three tracts of land and their proportions are as follows:

Tract 118C – 336'x93' (3.5 to 1)

Tract 118D – 372'x76' (4.9 to 1)

Tract 118E – 344'x90' (3.8 to 1)

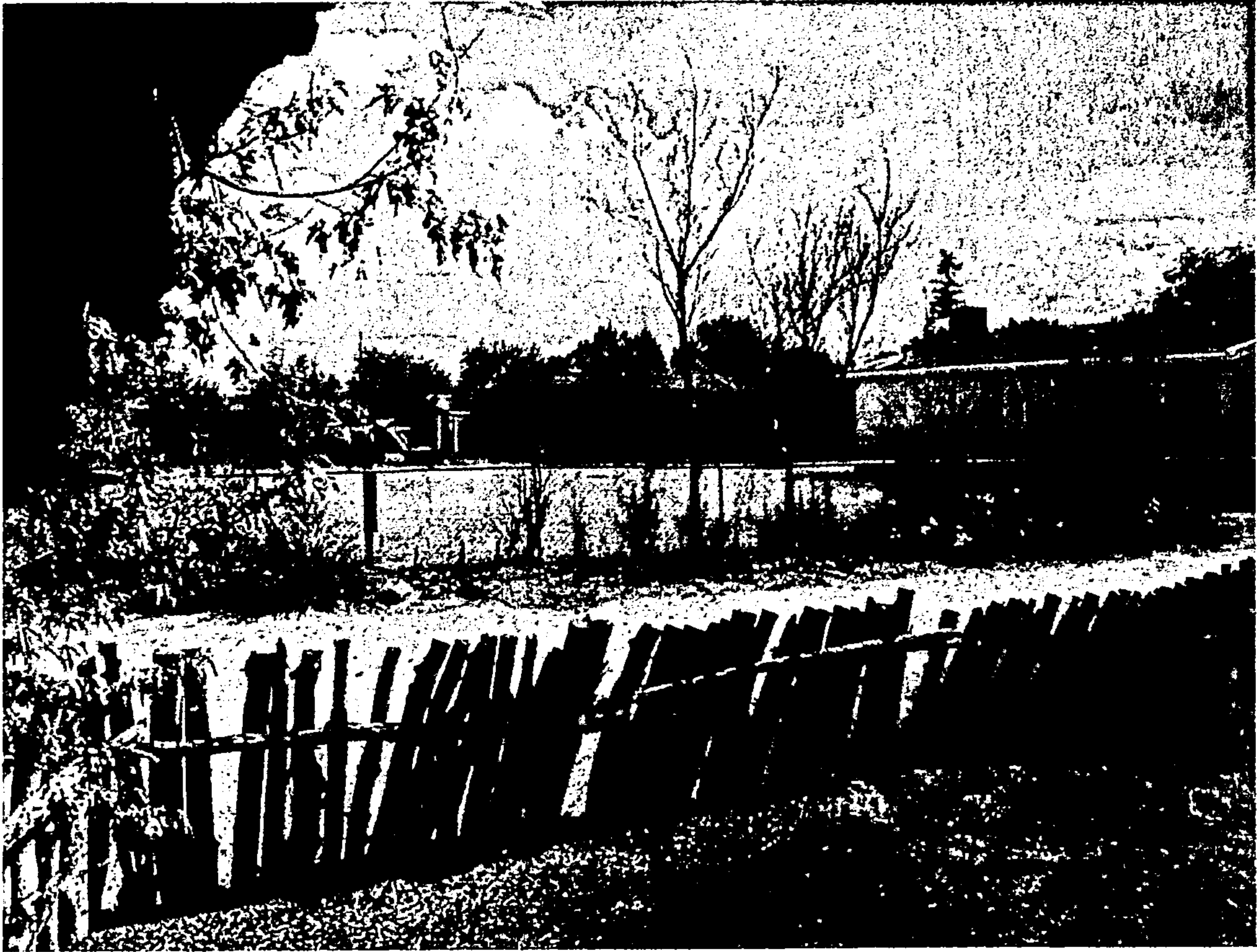
The proportions become even more extreme when a roadway easement of 10'–12' of each side of a property line is factored in. Each of these tracts is zoned R-1 and building pads of 175'x45' do not define normal single family home proportions.

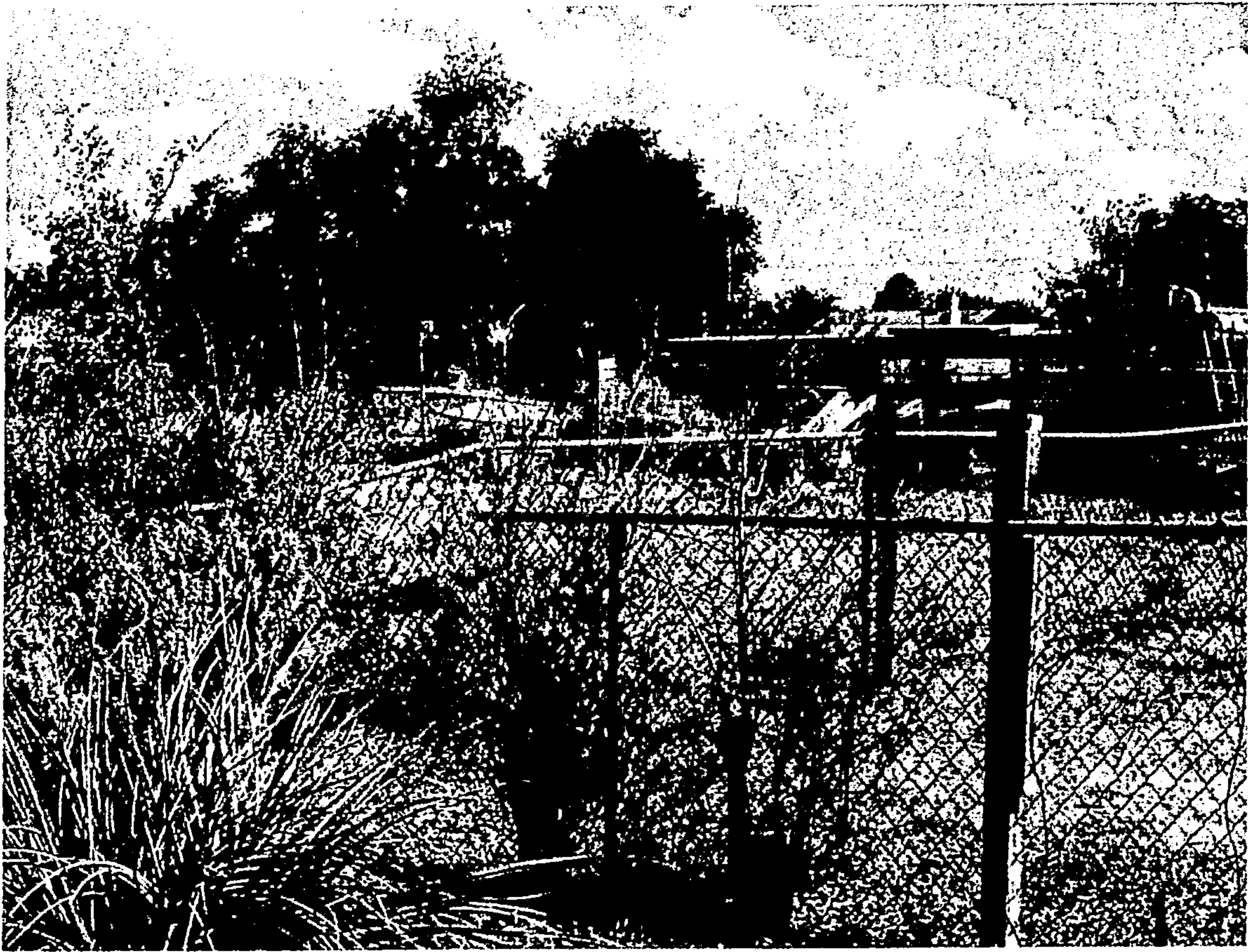
Varying from the normal requirements will encourage **FLEXIBILITY** (characterized by a ready capability to adapt to new, different or changing requirements). Widening the easement to 24 feet allows for improved access for fire, emergency and solid waste vehicles.

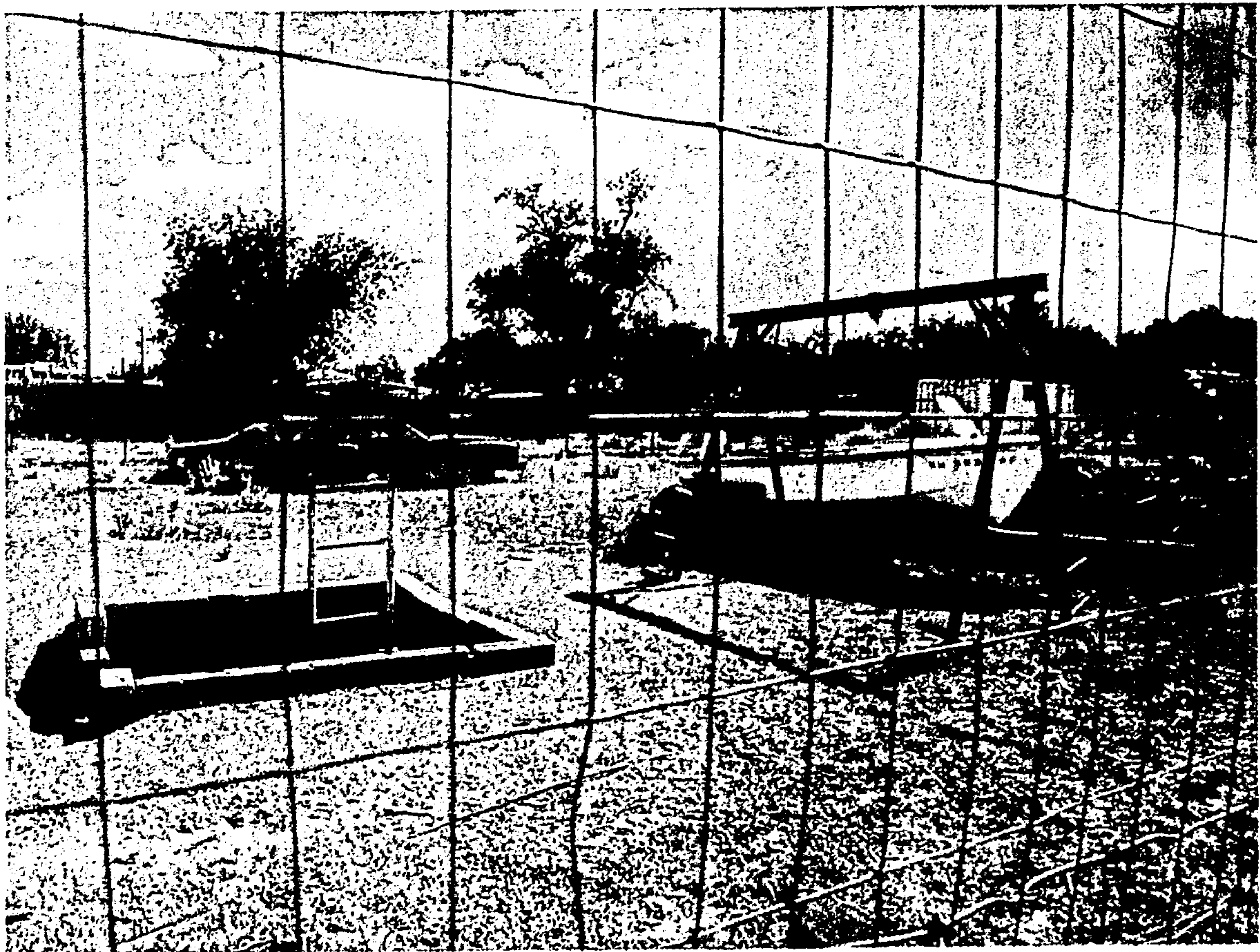
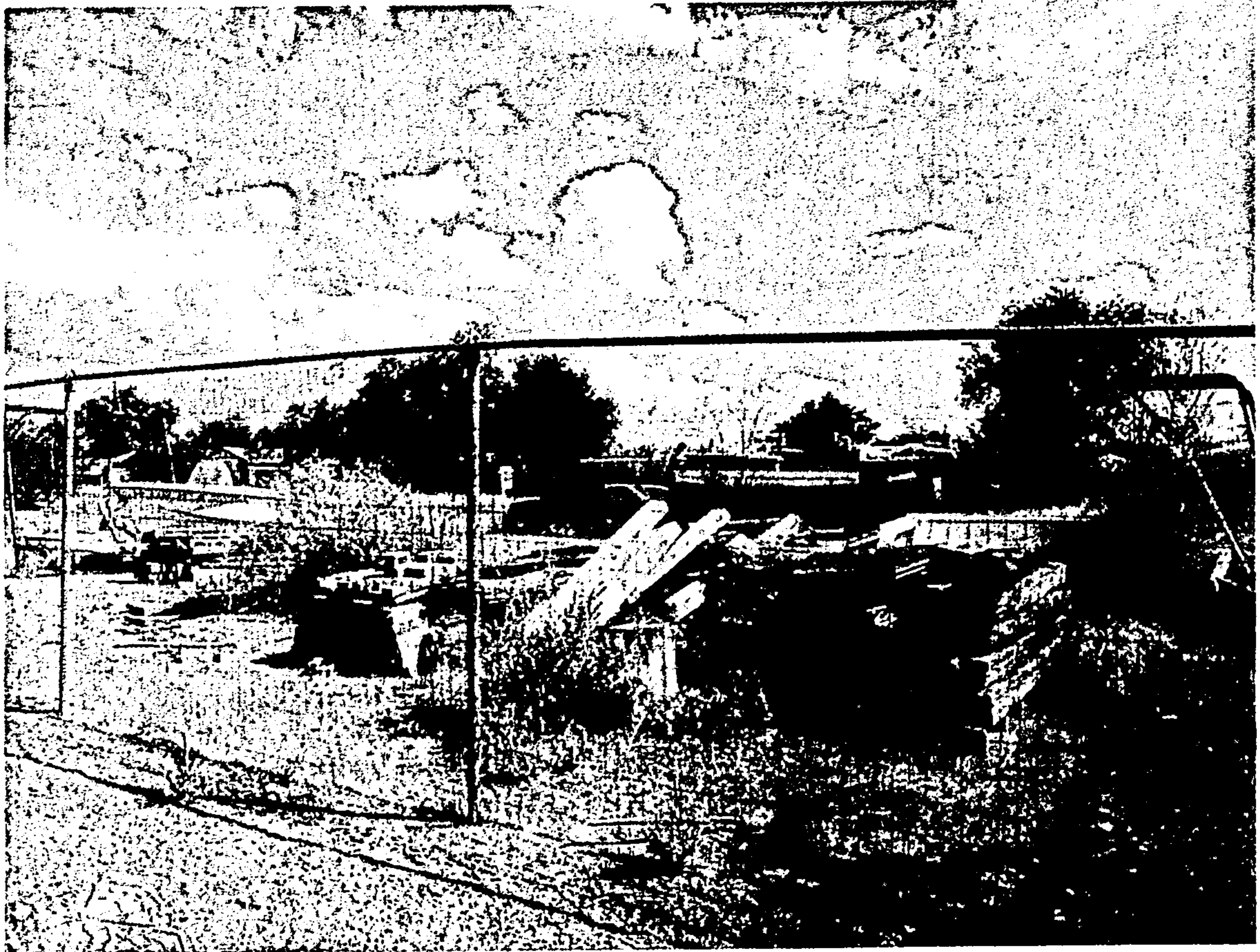
EFFECTIVE USABLE OPEN SPACE, is defined by the City of Albuquerque Zoning Code (Rev. 7/2009) as “an area on the same lot with a dwelling, in relation to which it serves to permanently provide light and air, as well as visual, psychological, and recreational needs for open space. Usable open space may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides”

Residents who are fond of open space receive a special reward as they pass by the Farm Lands located in the 5000 block of Guadalupe Trail. Regardless of the season cattle and horses may be seen grazing there. But many residences in the South Guadalupe Neighborhood Association area lie behind adobe walls that create private retreats for their owners.

If only one home per tract of land were allowed (on lots 118C, 118D and 118E) there would be no open vistas of mountains and volcanoes. Instead, to the south one sees uncared for and dying plants, uncultivated dirt, discarded wood, a broken down shed, and cinderblock or chain link fences. Derelict cars in various states of disrepair, an unused and rusted motor hoist, a makeshift grease pit, and an abandoned boat litter the property between Simpatico Lands and older homes further south. (see following pictures)







Rather than have three one-third-acre parcels of non-productive land untaxed at R-1 assessment values, our plan provides for seven R-1 lots with seven owners to design, xeriscape and maintain the 1.12 acres of open space and individual gardens around their homes. Otherwise the unused parcels would remain vacant, unxeriscaped and unusable pieces of R-1 land (weeded reluctantly by three homeowners),

ROAD SURFACE

Instead of the required asphalt paved road, we request a gravel easement design. Currently, there are 50,200 square feet of gravel roads in the South Guadalupe Trail Neighborhood and 19,500 square feet of dirt roads. Because of the extreme flatness and land-locked topography, permeability of the road surface is important. Hydrology prefers the road and parking areas to be graveled since the subdivision will be ponding street flows in front yards.

SIDEWALKS

There are no sidewalks on Guadalupe Trail from Griegos Rd. to its dead-end with Montano. Nor are there any sidewalks on the feeder streets to Guadalupe Trail from Rosalee, Pablito Lane, Bayita Lane or on the access road to 4824, 4828, 4832, 4836, 4840, 4842, 4844, 4848 & 4900 Guadalupe Trail. The three recently platted lots in Los Castillos Addition also have no sidewalks.

Our access road is 175 feet south of the nearest sidewalk at the corner of Delamar and Guadalupe Trail. Our access road has no sidewalk connection available. **There are no sidewalks in our vicinity.** (see accompanying pictures)

Page 2 of the Review Draft of North Valley Area Zoning Code

Amendments, dated 7/3/2008, states “according to the area plan, rural character areas have one or more of the following:

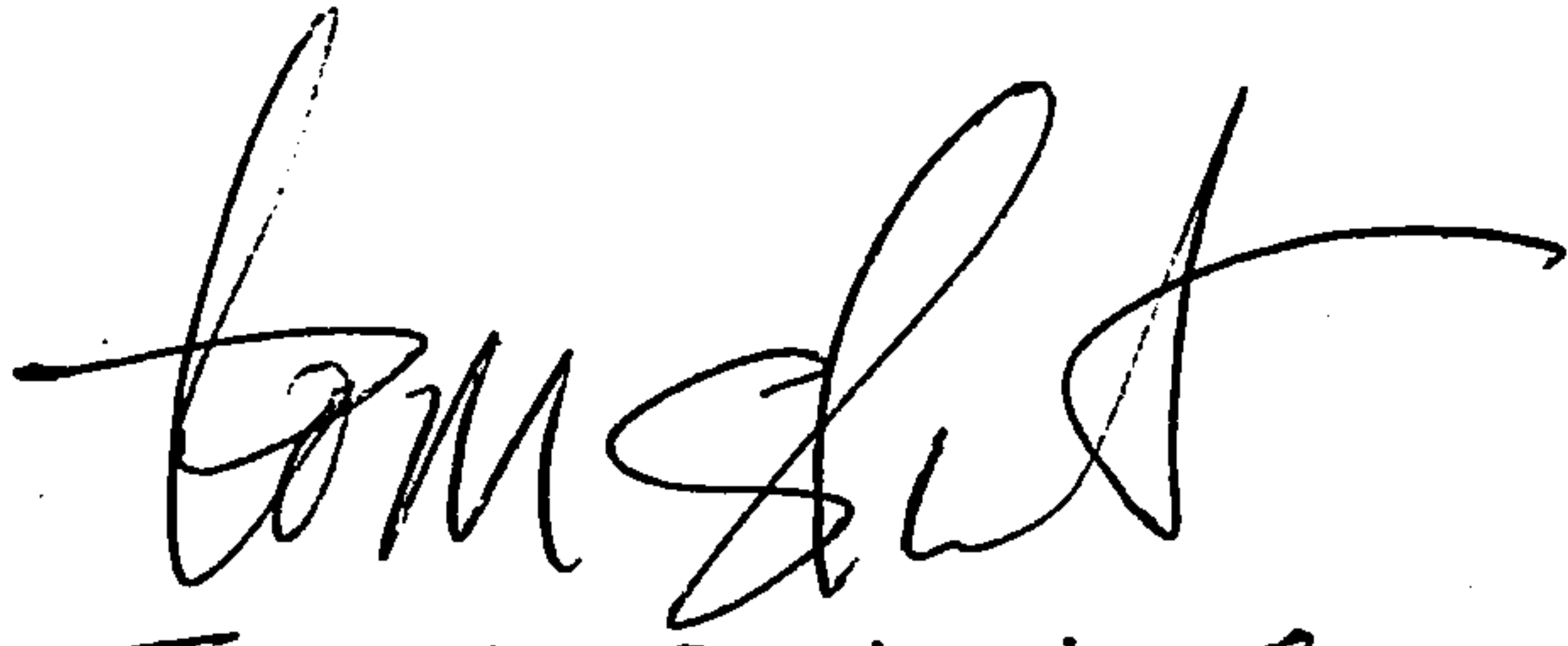
- *A mixed pattern of lot sizes and shapes and housing types, sizes and styles reflecting older settlement patterns and agricultural activities.*
- *Less infrastructure than is associated with urban development such as curbs, gutters, sidewalks, or standard width paved streets.*

Page 107 of the North Valley Area Plan, April 1993:

“The interest in walking, jogging and running throughout the country is also evident in the North Valley. People walk on streets, on a few sidewalks, on canal paths, drains and the Bosque. *Local streets within North Valley neighborhoods often lack sidewalks but have little traffic which makes walking the street a comfortable alternative.*”

Page 16 of the Los Griegos Sector Development Plan Status Report 1987:

“Residents describe the plan area as quiet and semi-rural with all the conveniences of the city. Because of development pressures in Albuquerque, areas such as Los Griegos need to receive special attention if they are to be preserved.”


TOM SATTLES

LANDS OF SIMPATICO PROPOSED LOT SIZES

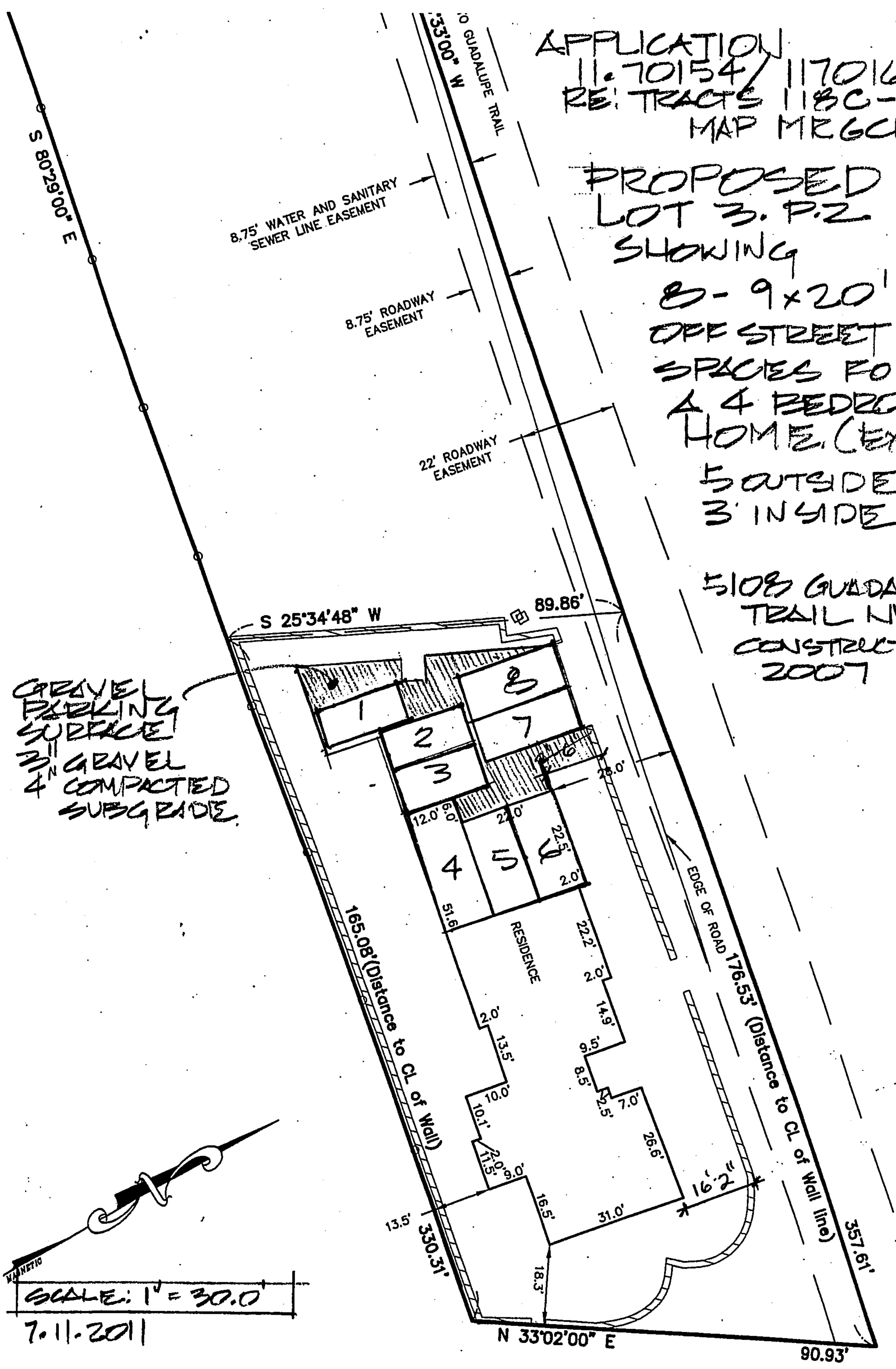
Lot #	Total Lot Area	Road Easement	Net Lot Area	Maximum Build Area	Floor Area Ratio	% Open Space	Open Space Sq. Footage
Lot 1 - P2	7627	884	6743	3000	0.44	56%	3743
Lot 2 - P2	7627	1067	6560	3000	0.46	54%	3560
Lot 3 - P2	14504	2100	12404	3494	0.28	72%	8910
Lot 4 - P2	16362	4159	12203	4200	0.34	66%	7493
Lot 5 - P2	13412	1440	11972	4200	0.35	65%	7772
Lot 6 - P2	14995	720	14275	4500	0.32	68%	9775
Lot 7 - P2	14992	3279	11713	4200	0.36	64%	7513
	89,519	13,649	75,780	26,594			48,766
	2.06 acres	.313 acres	1.742 acres	.6105 acres			1.12 acres
All area figures are expressed in square footage							
All floor area ratios (F.A.R.) are below the maximum calculations from page 25, 7-03-08 review draft of North Valley Area Zoning Code Amendments (Chapter 2 of North Valley Character Study)							

APPLICATION
 11.70154 / 1170168
 RE: TRACTS 118C-118E
 MAP MR 6CD 32

PROPOSED
 LOT 3. P.2
 SHOWING
 8-9x20'
 OFF STREET
 SPACES FOR
 A 4 BEDROOM
 HOME, EXISTING
 5 OUTSIDE
 3 INSIDE.

5108 GUADALUPE
 TRAIL NW
 CONSTRUCTED
 2007

GRAVEL
 PAVING
 SURFACE
 3" GRAVEL
 4" COMPACTED
 SUBGRADE



SCALE: 1" = 30.0'
 7.11.2011

Chapter 2

GUIDELINES FOR NARROWER RESIDENTIAL STREET WIDTHS IN THE NORTH VALLEY DESIGN OVERLAY ZONE

The character of the North Valley is significantly and positively influenced by the presence of narrow rural residential streets in many of its neighborhoods. The purpose of the North Valley Design Overlay Zone is to help retain what remains of North Valley character in light of the goals stated in the North Valley Area Plan and in sector development plans for subareas of the North Valley. Consistent with North Valley Area Plan policies, the guidelines in this chapter encourage the retention and building of new narrow residential streets and privateways in the North Valley. In addition to supporting character, narrower streets also support lowered infrastructure costs and decreased impervious surface, which are additional objectives of the North Valley Area Plan.

The guidelines and photographic assessments that follow provide the rationale and justification for encouraging the use of narrow streets that are allowed in the *Development Process Manual* (DPM). In the case of privateways in the North Valley, these guidelines should be used by the City through the Development Review Board in granting variances in accordance with Section 14-14-6, City Subdivision Regulations from street width standards in Chapter 23 of the DPM.

Reference in the DPM to the narrower streets guidelines in the North Valley Design Overlay document is also recommended.

Traffic-calming features, in addition to narrower streets, are already in place in many areas of the North Valley, including:

- "Chicane" horizontal shifts require drivers to slow down. There are many windy lanes.
- Maximum design speed of curves of 20 miles per hour or less on many residential streets
- Landscaping, including large trees in or near rights-of-way that limit the distance visible to a driver, thus tending

IN OUR NEIGHBORHOOD
PRIVATE GRAVEL
STREETS SERVE
12-13 LOTS QUITE
WELL.

- to slow down traffic
- Gravel shoulders and driveways that create a change in the street surface that a driver sees and feels, and that require more caution
- Pavement irregularities also tend to slow down traffic.

Private gravel streets typically serving two to four lots (some as many as eight lots) are a common feature in North Valley residential neighborhoods. These small streets often interface between the public and private realms in an aesthetically unique manner that contributes to the neighborhood character and calms traffic flow.

These guidelines take into account that the allowance of secondary dwelling units will likely result in a small increase in the number of residents and likely vehicular traffic in some neighborhoods. If, on an access local street or on a private way with up to eight lots, as many as half the lots have a secondary unit, it is believed that these narrower street guidelines remain appropriate.

Another North Valley Design Overlay Zone code amendment that will likely affect the circulation design pertains to private commons developments. Paths that are not contiguous to streets and are accessible to most residents in a development may be located in the private commons area, supplanting the need for a sidewalk contiguous to a street or private way. It is expected that this option will be chosen for some developments.

2.1 GUIDELINES FOR USE OF DPM NARROW STREET PROVISIONS OR VARIANCES TO REDUCE STREET WIDTHS

These guidelines apply to all future street improvements within the residential zones in the North Valley Design Overlay Zone.

Normal local street pavement is permitted through the *Development Process Manual* to be reduced from the current standard of 32' to 30' with intermittent parking, or 29' with a mountable curb.

No variance is needed.

No variance is needed.

Normal local street with intermittent parking design — where more off-street parking is provided, resulting in a need for only intermittent parking on a normal local street, required pavement can be reduced to 28'. (Note: 28' with intermittent parking, or 27' with a mountable curb is the current standard. While this option is encouraged, no variance is needed.)

No variance is needed.

Access local streets — defined in the DPM as streets with anticipated 250 Average Weekday Daily Traffic (AWDT) or less, typically 25 or fewer single family houses, should be permitted to be reduced from the current standard 26' to 24' under conditions where there are chicane horizontal shifts, curvilinear streets or other traffic calming features, and an infrequent parking design, e.g., even more off-street parking.

A variance is needed for a 22' wide private way serving more than 3 lots.

Privateways serving eight or fewer lots have lesser street width and sidewalk requirements than local streets through the DPM. Further reductions are considered appropriate in the North Valley Overlay Design Zone under circumstances where there is an **infrequent parking design** and the private way street length is limited. Short streets as narrow as 22' are typically safe for vehicles and pedestrians to share because the narrowness and the limited length discourage cars from accelerating, and pedestrians do not need to walk far on the private way.

Where a fire hydrant is located along a private way, 26' minimum width is required, in compliance with the International Fire Code.

The following guidelines apply where infrequent parking is provided, and one side of the street is restricted to no parking. "No parking" signage should be posted, and a covenant agreement should obligate property owners not to park in a no-parking portion of a street.

Exhibit 2-1
Street Width and Pedestrian Path Guidelines

Guidelines for Street Widths and Pedestrian Paths for Short Private Ways in the North Valley Design Overlay Zone			
Number of lots in development	Maximum length of private way	Pedestrian path needed	Minimum width of private way
4 and fewer	200 feet	None	22 feet
5 to 8	300 feet	1 path	22 feet

The following illustrations and comments provide visual references to supplement the guidelines.

Exhibit 2-2 Pedroncelli Street
South of Griegos, an example of a "normal local street" measuring 32' curb-to-curb, with 4' sidewalks on both sides, complying with standards set in the Development Process Manual.



Exhibit 2-3 McMullen Lane
A "normal local street" with 24' pavement. The standard is 30' with "intermittent parking" provided off-street and mountable curbs. Thirty houses are accessed off this street, and the street appears to function well.



Exhibit 2-4 Sioux Lane
North of the west end of Menaul, functions as a "normal local street." It has 14.4'-wide pavement and no sidewalk within a 16' ROW. This appears to be so narrow that emergency service response may be hampered.



Exhibit 2-5 *Tierra Vida Street*

A "normal local street" in a Private Commons Development. Pavement is 27' from edge of concrete to edge of concrete. Additional parking is provided off-street. Occasional parking on one side leaves adequate space for most local street functions.



Exhibit 2-6 *Guadalupe Trail North of Griegos*, has a functional classification of a "collector street." Its pavement width of 22' is far less than the 48' standard. While it has a 44' right-of-way (fence to fence), utility poles and trees restrict expanding pavement in places. In 2007, south of Montaño, average daily traffic (ADT) was 900, and north of Montaño, 4,000.



Exhibit 2-7 *Joem Lane North of Griegos*, classified as an "access local street." Eight houses are accessed off this street. Pavement is 24' wide with no sidewalk, while the standard is 28', or with intermittent parking off-street and mountable curb, 26'.



National literature on narrow streets and fire trucks

The Development Process Manual note 9, accompanying Table 23.2.1.B., states: "Fire vehicles and apparatus require a twenty foot wide driveable space." Standard fire trucks with mirrors are 9.3' wide. Outrigger spreads on ladder trucks are typically 16' wide.

(Source: R. Ewing T. Stevens and S.J. Brown, *Urban Land Magazine*, "Skinny Streets and Fire Trucks," August 2007.)

According to this study, where ladder trucks are unnecessary in low-rise areas, 12' of clearance should suffice.

Exhibit 2-8 "Privateway" off McMullen Lane
A 20.5'-wide gravel street accessing three houses. This street is wide enough to meet the DPM's 20' driveable surface for fire vehicles and provides sufficient space for two vehicles to pass.



Exhibit 2-9 "Privateway" south of Bayita Lane off Guadalupe Trail
A 12'-wide easement accessing six houses. The standard is 24' with a 4' sidewalk.

This lane appears to be too narrow for two vehicles passing, although residents like its narrowness.





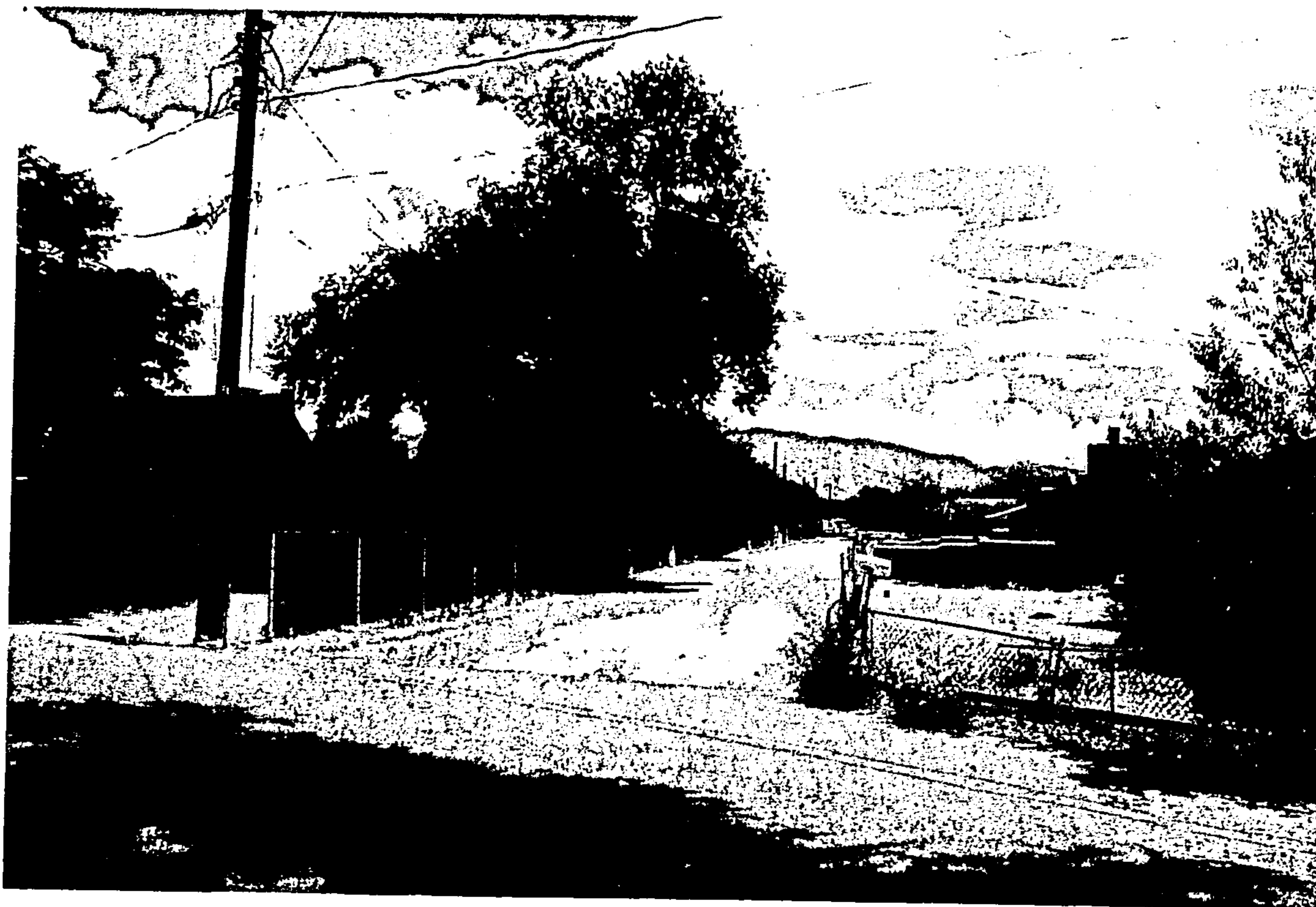
East Access at 4800 Guadalupe Tr
BLK



McNickle Subdivision



Lands of Simpatico Access
(Pedro's Place)



Rosalee Pl.

104

Guadalupe Trl Looking North from
5100 Block



Rabbito Lane / Lands of Anderson





Guadalupe Trail Looking North at
5000 Block



Looking North on Guadalupe Tr from
4600 Block



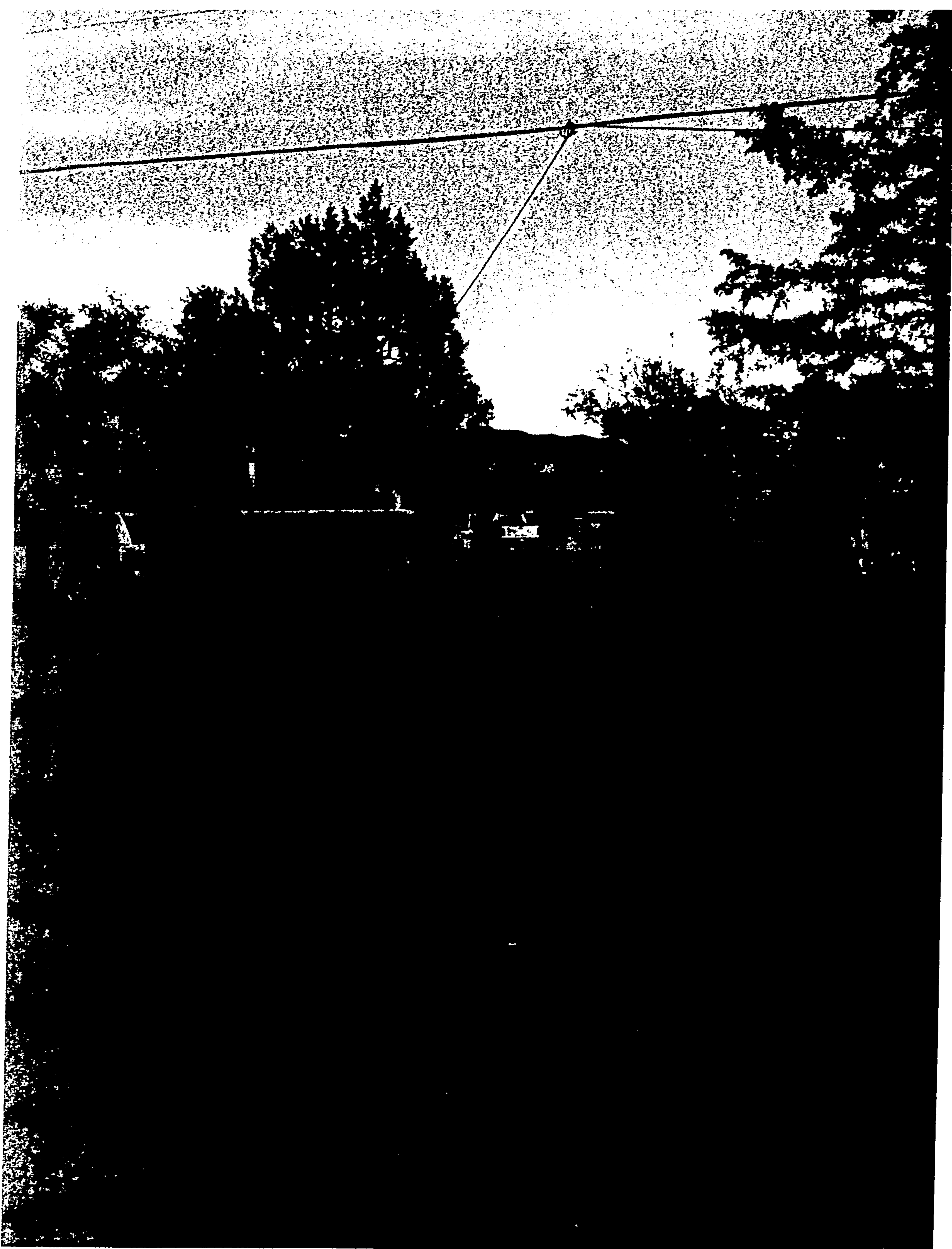
Entrance to Los Castillos



Los Castillos



LOS GRIEGOS HISTORIC DISTRICT



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

December 2, 2009
DRB Comments

ITEM # 10

PROJECT # 1004906

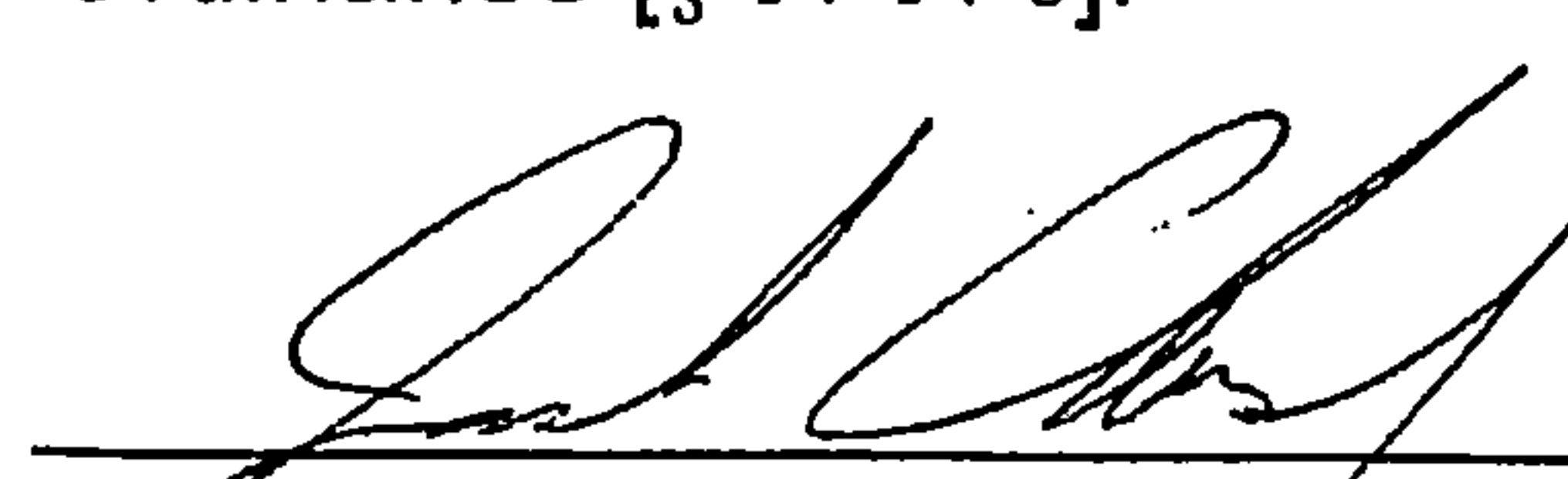
APPLICATION # 09DRB-70359

RE: Tracts 118-C, -D, -E, and 119, MRGCD Map # 32

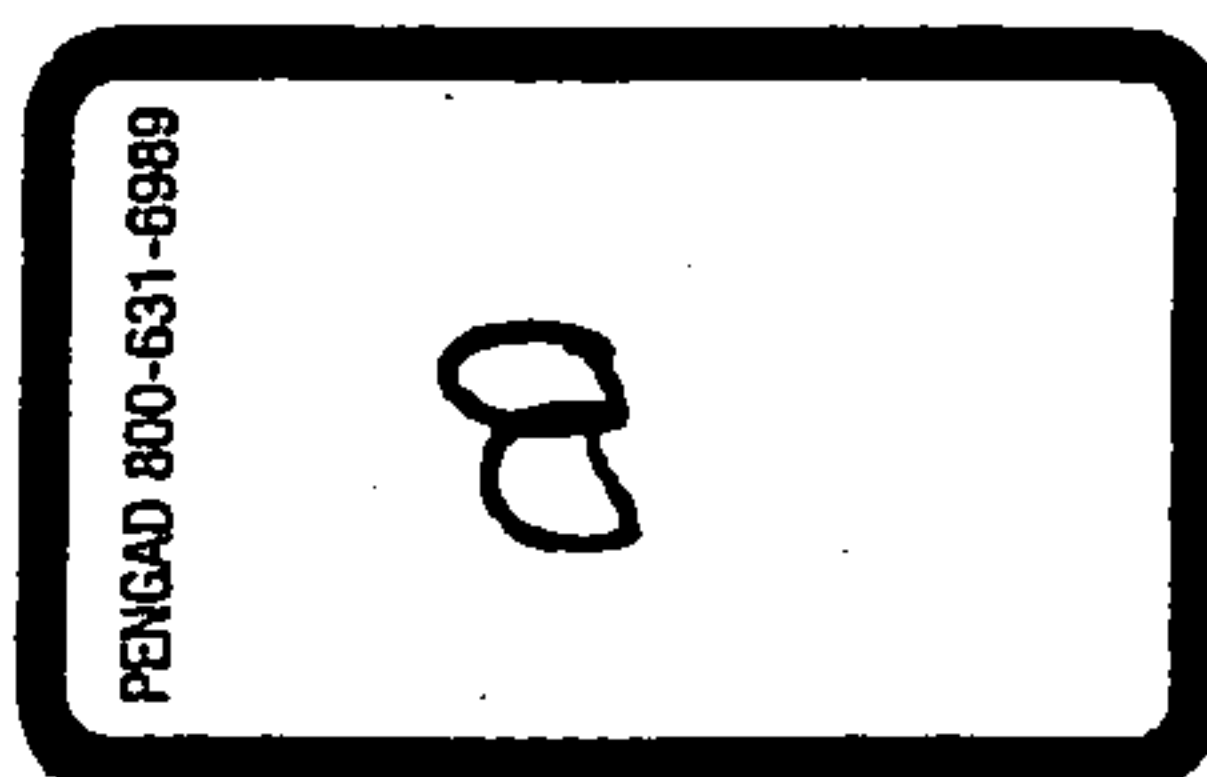
to Prop Line

A Side Yard Setback Variance would be needed for Tract 119 (for a 3 foot setback instead of a 10 foot corner side yard per the Zoning Ordinance – setback is measured from the edge of the access easement). Additionally, minimum lot area is calculated exclusive of access easement area, so it appears that more than 20 feet from Tract 118-E would need to be deeded to Tract 119 to create a new lot. *+ lot area*

There are actually 8 lots using the existing access easement from Guadalupe Trail (includes Tract 118A), and the proposal would result in a total of 12 lots. The Subdivision Ordinance/ Development Process Manual calls for a standard street section for more than 8 lots, so this proposal would require a Street Design Variance as well as a Sidewalk Waiver. If the Side Yard Variance is approved by the Zoning Hearing Examiner, application would then need to be made to the DRB for the variances from the Subdivision Ordinance. The application must specify how the variances would encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, and how the subdivision design will secure substantially the objectives of the standards or requirements of the Subdivision Ordinance [§ 14-14-6].



Jack Cloud AICP, DRB Chairman
924-3880/ jcloud@cabq.gov



p. 2

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**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT**

**June 29, 2011
DRB Comments**

ITEM # 13

PROJECT # 1004906

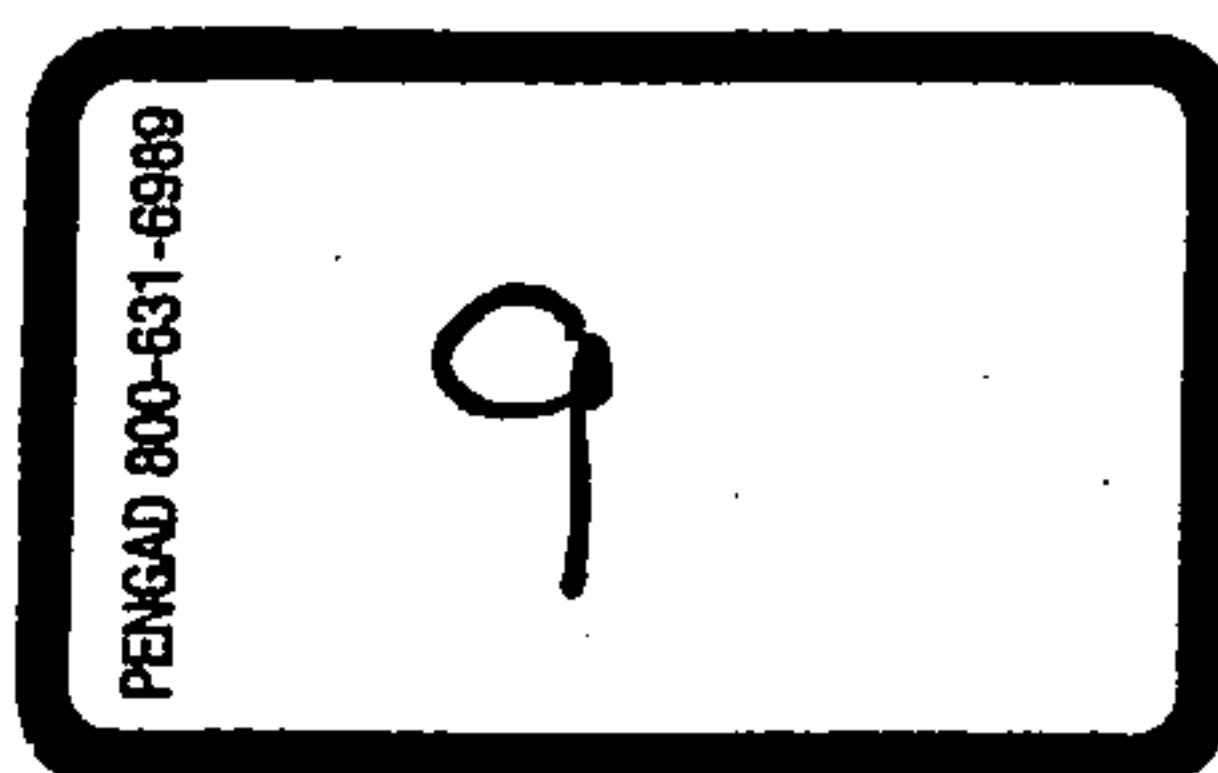
APPLICATION # 11-70154/ 11-70168

RE: Tracts 118C-E, MRGCD Map #32

✓
✓
Please note the Net Lot Area for each lot on the plat (minimum lot area is calculated exclusive of access easement area). Please provide copies of the keyed notes 2 and 4 (Existing Ingress and Egress Easements). Please define the resulting setback from the proposed easement on Tract 119. Keyed notes 6 and 7 need to reference full lot numbers (1-P2 thru 7-P2) and the easements need to include Tracts A-D of the Orville Padilla Replat as beneficiaries. Compliance with P2 parking requirements needs to be documented for existing development on proposed lot 3-P2. Keyed note 7 does not appear to be identified on the plat drawing. Sketch/ Variance exhibit indicates parking along the common lot line for proposed lots 3-P2 and 4-P2; if this is the case, it needs to be a separate easement.

The Subdivision Ordinance/ Development Process Manual calls for a standard street section for more than 8 lots; the resulting easement for this proposal would serve 12 lots. The variance application must specify how the variances would encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, and how the subdivision design will secure substantially the objectives of the standards or requirements of the Subdivision Ordinance [§ 14-14-6]. There could be benefits to the drainage in this area with a gravel easement design instead standard asphalt. Construction of a sidewalk could justifiably be waived due to a lack of connection; however, if the easement is to be gravel then ADA access needs to be addressed. Even if construction of a sidewalk is waived, granting a variance for easement width would preclude installation of a separate pedestrian connection should such a facility be constructed in the future on Guadalupe Trail.

Jack Cloud, DRB Chairman
924-3880/ jcloud@cabq.gov



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PART 6: VARIANCES FROM MINIMUM STANDARDS**§ 14-14-6-1 GENERAL**

(A) The Development Review Board may vary the provisions of Part 3 of this article, Minimum Standards for the Design of Subdivisions and the *Development Process Manual* in cases:

(1) Where varying from the normal requirements will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning;

(2) Where extraordinary hardship or practical difficulty may result from strict compliance with the minimum standards;

(3) Where the county standards of public infrastructure improvements and/or standards for franchised and private water and sanitary sewer systems are deemed appropriate by the Development Review Board and geographical locations are not in the city and are unlikely to be added to such urban systems; or

(4) Involving bulk land subdivisions where use of the land for building purposes is not expected by the Development Review Board prior to further subdivision or zoning site development plan approval. Provisions of Part 5 of this article may also be waived under these circumstances.

(B) In the case of subdivisions governed by an approved site development plan, the Development Review Board normally should grant a variance to assure conformance with that approved development plan.

(C) In accordance with an SU-2 Sector Development Plan adopted pursuant to Section 14-16-2-23(C)(4) of the Zoning Code, the Development Review Board may vary the minimum standards for the design of subdivisions as specified in Part 4 of this article and in the *Development Process Manual*. This division (C) shall terminate and be repealed effective January 1, 1993; variances granted under the terms of this division shall remain in force for the duration provided in the specific variance.
(74 Code, § 7-16-7A)

§ 14-14-6-2 CONDITIONS.

(A) In approving variances, the Development Review Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this article.

(B) Any waiver of provisions of Part 5 of this article shall require notice of waiver as approved by the Development Review Board to be placed on the final subdivision plat and on a separately recorded document.

(C) Where a variance is based upon a bulk land transfer, significant development shall require subsequent additional public agency review for further subdivision or for zoning site development plan approval; such review and approval must be more comprehensive than issuance of a building permit.
(74 Code, § 7-16-7B)

§ 14-14-6-3 FINDINGS.

(A) If the variance is requested pursuant to § 14-14-6-1(A) and (B), the Development Review Board shall not approve variances unless it shall make findings, based upon the evidence presented to it at a public meeting, that:

(1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community; and

(2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance; and

(3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain; and

(4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements; and

(5) One or more bases listed in § 14-14-6-1 applies.

(B) If the variance is requested pursuant to § 14-14-6-1(C), the Development Review Board shall

(7) A party shall be afforded an opportunity to present evidence and argument and to question witnesses on all relevant issues, but the Zoning Hearing Examiner may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony and questioning. The Zoning Hearing Examiner may call witnesses and introduce papers on his own volition during the public hearing. All testimony at the hearing shall be under oath or affirmation. Nothing in this Zoning Code shall prohibit interested members of the public from testifying at hearings.

(8) The Planning Director shall make a full record of the hearing by sound recording; any person shall have the opportunity to listen to, copy, or transcribe the recording at any reasonable time at the office of the Planning Director. Summary minutes shall be kept of all Zoning Hearing Examiner's hearings, and they shall be kept available for public inspection.

(9) Prior to making a decision, the Zoning Hearing Examiner shall neither:

(a) Communicate, directly or indirectly, with any party or his representatives in connection with the merits of any issue involved, except upon notice and opportunity for all parties to participate;

(b) Use nor rely upon any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless made a part of the record; nor

(c) Inspect the site with any party or his representative unless all parties are given opportunity to be present.

(10) An advertised hearing may be continued to a time and place announced at the hearing without readvertising or reposting of signs.

(11) The Zoning Hearing Examiner shall act on an application within 15 days of the conclusion of the hearing. He shall prepare a written decision, which includes the key findings of fact. This report shall be made part of the record. Each material finding shall be supported by substantial evidence or, if it is noted on the record, by the personal knowledge of or inspection of the Zoning Hearing Examiner.

(12) The Zoning Hearing Examiner may, when approving a special exception, impose conditions

necessary to meet the stated criteria for granting special exceptions.

(13) Notification. When any special exception is approved, approved with conditions, or denied, as provided in this section, written notification of the action listing any conditions imposed shall be sent within one day of the action to every party and to any other person who has entered an appearance and also requested a copy of the decision; however, when the decision is made in the public hearing, notice shall be mailed only to the applicant and other persons who have entered an appearance and who have requested to be so informed.

(C) *Criteria for Decision.* The city shall approve a special exception if the evidence presented to the record shows that the following criteria are met. Although others may submit evidence, it is the burden of the applicant to ensure that there is such evidence in the record.

(1) A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed:

(a) Will not be injurious to the adjacent property, the neighborhood, or the community;

(b) Will not be significantly damaged by surrounding structures or activities.

(2) Variance. A variance shall be approved if and only if the following tests are met:

(a) The property is exceptional:

1. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the physical characteristics of the land, which physical characteristics existed at the time of the adoption of the regulation or were created by natural forces or by governmental action for which no compensation was paid.

2. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the conditions or use of the parcel or other land in the vicinity which condition or use existed at the time of adoption of the regulations; or

3. The parcel is irregular, unusually narrow or shallow in shape, and the

conditions existed at the time of the adoption of the regulation or were created by natural forces or governmental action for which no compensation was paid; and:

(b) As a result of the exceptional aspect of the property, the regulations produce unnecessary hardship; an unnecessary hardship is one that either:

1. Creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of his property; or

2. Deprives the owner of a reasonable return on the property under any use permitted by its existing zone.

(c) A particular variance is appropriate to prevent the unnecessary hardship. The decision on whether to grant a particular variance depends upon a comparison of the special circumstances shown by the applicant (i.e., as per divisions (a) and (b) above) and the public interest. To be justified, a variance must permit only development which meets the following criteria:

1. It differs from development which would be permitted under existing regular zoning regulations no more than is necessary to overcome the unnecessary hardship;

2. The variance will not significantly interfere with the enjoyment of other land in the vicinity; and

3. It is consistent with the spirit of this Zoning Code, substantial justice, and the general public interest.

(d) Financial gain or loss shall not be the sole determining factor in deciding a variance.

(3) The expansion of a nonconforming use, including the expansion of a building to accommodate such expanded nonconforming use, shall be approved if and only if, in the circumstances of the particular case and under conditions imposed:

(a) The expanded use will not significantly interfere with the enjoyment of other land in the vicinity;

(b) The expanded use will not be significantly damaged by surrounding structures or activities;

(c) The expanded use is consistent with the spirit of this Zoning Code, substantial justice, and the general public interest;

(d) The owner will experience unnecessary hardship and in addition will be denied a continued reasonable use of the property if the expansion is not approved;

(e) The expansion does not exceed 25% of the floor or ground area in nonconforming uses on the site at the time it became nonconforming; and

(f) The owner covenants that the use of the entire premises will be ceased or made conforming at the time specified by this Zoning Code for termination of the original nonconforming use on the premises.

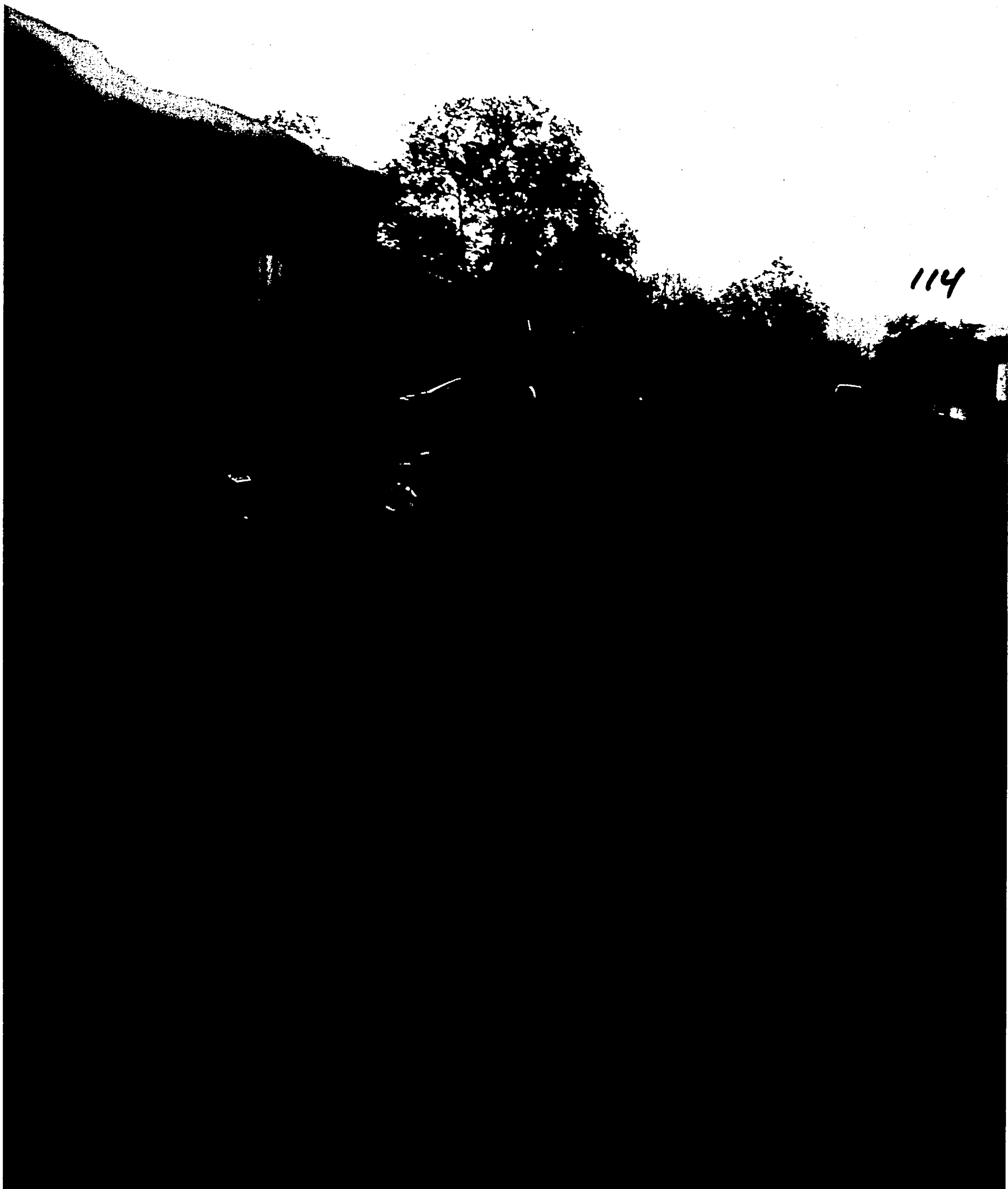
(D) *Voiding of Special Exceptions.*

(1) An approved special exception shall be void one year after the date approval vested if the rights and privileges granted thereby have not been utilized.

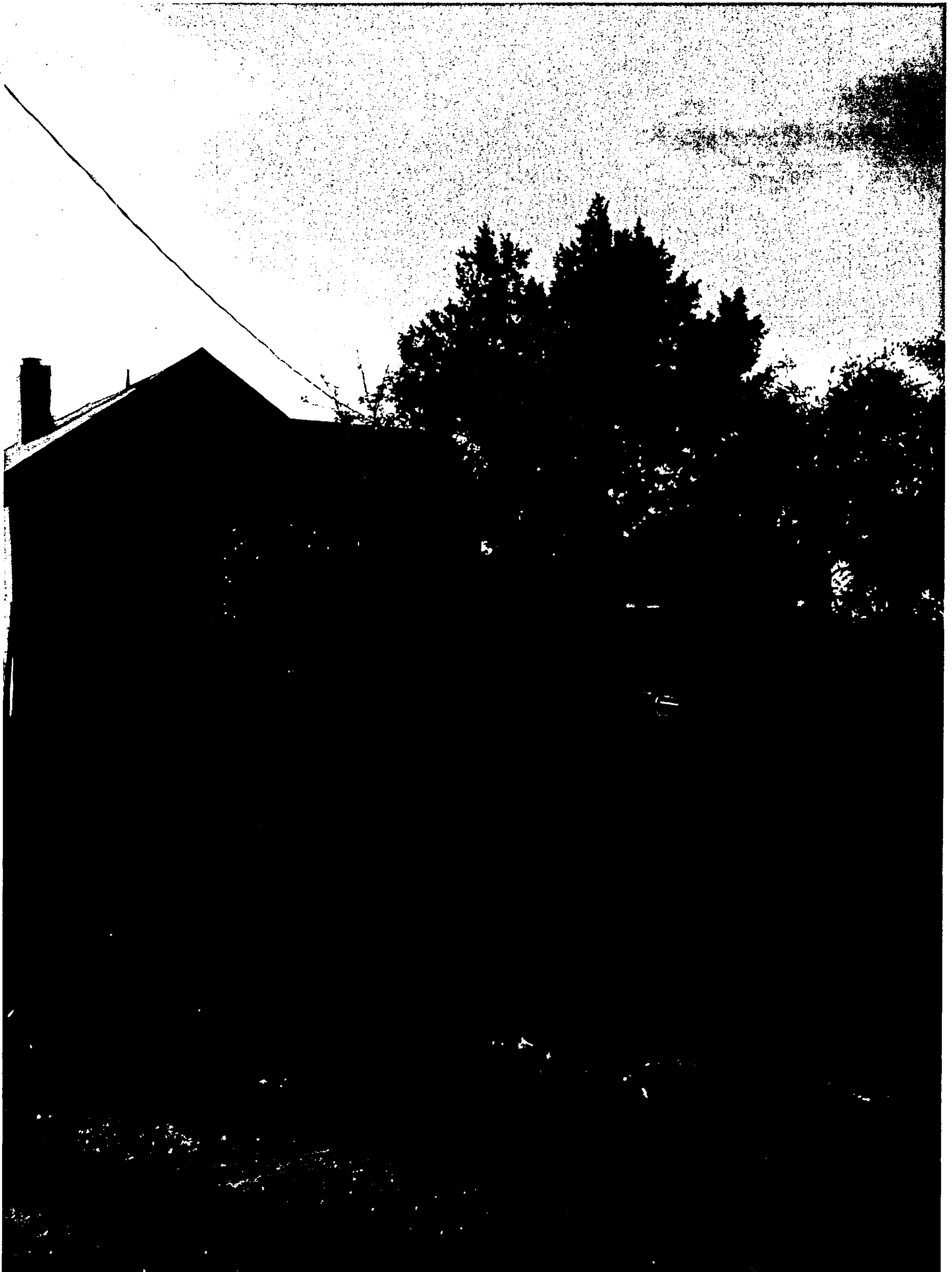
(2) An approved special exception shall be void if it is utilized in a way materially in violation of the terms of approval for a continuous period of one year or more. Such voidance is in addition to and not instead of other remedies available to the city at any time for violation of this Zoning Code.

(3) An approved conditional use shall be void if, after the use has begun, it ceases on the approved site for a continuous period of one year or more.

(E) A person who acquires a property interest in a site which was previously granted a special exception has the responsibility to learn the terms of such approval. The existence of an activity or structure which is not in compliance with regular zoning provisions constitutes constructive notice that there may be a special exception, the terms of which must be met. ('74 Code, § 7-14-42) (Ord. 80-1975; Am. Ord. 78-1980; Am. Ord. 49-1987; Am. Ord. 58-1987; Am. Ord. 45-1990; Am. Ord. 13-1991; Am. Ord. 8-1995; Am. Ord. 32-1995; Am. Ord. 23-2001; Am. Ord. 30-2002)



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This letter respectfully requests that the Albuquerque Development/Plan Review Board (DRB) deny Variance request 11DRB-70154. Thomas Slates (Applicant) seeks a multiple variances including an easement variance from 46' wide to 24' wide. Applicant's request for these variances does not meet any of the strict tests permitting the DRB to approve the request.

1. **Variance request 11DRB-70154 does not meet the test laid forth in Section 14-14-6-1 of the Albuquerque that would permit the Development Review Board to vary the provisions of Zoning, Planning and Building Code.**

The Albuquerque Zoning code states, in part:

Section 14-14-6-1: GENERAL

(A) The Development Review Board May vary the provisions of Part 3 of this article, Minimum Standards for the Design of Subdivisions and the Development Process Manual in cases:

- (1) Where varying from the normal requirements will encourage flexibility, economy, effective use of open space or ingenuity in design of a subdivision, in accordance with accepted principles of site planning;
- (2) Where extraordinary hardship or practical difficulty may result from strict compliance with the minimum standards;"¹

Applicant meets none of the criteria set forth in 14-14-6-1:

There is nothing in his plan that encourages flexibility, economy, effective use of open space or ingenuity. While the language in the standards is not clear as to whether an applicant for a variance must meet both (1) and (2) or either one, Applicant meets neither of these criteria.

Neither applicant's variance request to widen an existing roadway from 17' to 24' (instead of the 46 feet required for other roads) nor Applicant's proposed subdivision encourages flexibility, economy, effective use of open space or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

Applicant merely wants to use his existing property to build an ordinary subdivision. Nothing about this subdivision meets the criteria triggering a variance from the standards.

- **Applicant does not meet the criteria for a variance based on flexibility:**

¹ Cited in applicable part.

Applicant does not demonstrate flexibility. Applicant argues in his letter supporting his request for a variance that the variance will encourage flexibility by allowing for improved access for fire, emergency and solid waste vehicles. This does not meet the criteria for demonstrating flexibility, characterized by a ready capability to adapt to new, different or changing requirements.

- **Applicant does not meet the criteria for a variance based on effective use of open space:**

Applicant does not demonstrate effective use of open space. Applicant argues that by adding more houses on a plot of land, he would effectively use open space. Open space would be used, he argues, by eliminating open space and placing more houses on a single plot of land.

Applicant includes photos of properties not on Pedro's place that will not be affected either by this variance or his development of his property to argue that this variance will encourage an effective use of open space. Photos and references to derelict cars, abandoned boats, and discarded wood are referring to totally different and unaffected property. Again, Applicant's proposed development will not remove the cars, boats or wood because they are not within his plan or even on same the street.

- **Applicant does not meet the criteria for deviating from strict standards due to extraordinary hardship or practical difficulty:**
Applicant purchased this property with its existing restrictions and limitations. He purchased this property knowing of the "historical patterns of lot divisions" and the narrow road easements. If this would have created a hardship on him, he should not have purchased this property.

The mere fact that applicant wishes to develop in a way that is contrary to the strict standards creates neither extraordinary hardship on him nor does it create practical difficulty. Applicant is free to develop the property he purchased and enjoy his zoning without the variance.

2. Variance request 11DRB-70154 does not meet the test laid forth in Section 14-14-6-3 of the Albuquerque that would permit the Development Review Board to approve the variance.

Section 14-14-6-3 Findings²:

² Cited in relevant part

- (A) If the variance is requested pursuant to Section 14-14-6-1(A) and (B), the Development Review board *shall not* approve variances unless it shall make findings, based upon the evidence presented to it at a public meeting that:³
- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood community and
 - (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicant zoning ordinance;

The Variance will be injurious to the public safety contrary to the requirements of 14-14-6-3(A)(1):

- **The variance requested does two things to be injurious to the public safety**

Pedro's Place is currently a narrow dirt lane with little traffic. Children play on this road. This variance laces a paved road within three feet of a house and within inches of a wall of an existing house. With the increased traffic proposed by the new subdivision, both houses and their residents are at increased danger of injuries.

This variance dramatically increases traffic in a rural and low traffic area with many children. The dramatic increase in the number of houses requiring road access proposed by this subdivision will lead to many more cars, garbage trucks and delivery trucks servicing an area that right now has few houses and very few large trucks on it.

Residents happily bring their garbage to Guadalupe trail, so there are no solid waste trucks driving down the road. Residents accustomed to this low volume are in danger of getting hurt by the increased traffic.

- **The variance will be injurious to the adjacent property:** The adjacent property of Tract 118A will be injured in multiple ways.

The variance will destroy the historic and rural character of the neighborhood. The property was purchased to enjoy the rural feeling of the dirt road that is Pedro's place and the Los Griegos historic neighborhood in which it sits (see subsequent paragraph relating to historic neighborhood). The widening of the street and addition of 25' of asphalt will severely impact Tract 118A's value and its owners enjoyment of the property.

The variance will increase traffic on a low traffic street will decrease quiet enjoyment of property.

- **The variance will be injurious to the neighborhood community**

³ Emphasis added.

The variance will be injurious to the neighborhood community because it destroys the neighborhood character of the Los Griegos historical neighborhood. Over 40 residents of this community have signed a petition disapproving of the variance request and asking the DRB to deny it. This is because the neighborhood community treasures the few narrow dirt roads that are left in the neighborhood. Neighbors are concerned that what is now a quaint country and rural entryway to a narrow dirt lane will be turned into a generic black tar opening that could be anywhere in the city and is contrary to the character of the historic neighborhood.

The variance will conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicant zoning ordinance contrary to 14-14-6-3(A)(2).

While it is unclear what city and neighborhood plans have been approved and are applicable, what is clear is that this variance will conflict with the city-wide and neighborhood priority of keeping the rural character of the North Valley. These small flat dirt roads are increasingly rare in the North Valley. Only a few neighborhoods like Los Duranes and Los Griegos still have these roads and they must be protected.

Allowing this variance opens a Pandora's box of consequences that would ultimately harm the neighborhood. Not only will the variance itself and the required asphalt entry be contrary to maintaining the character of the neighborhood, but the potential of adding sidewalks, ADA compliant sidewalk cuts, and streetlights, looms large in the neighborhood's eyes.

3. Variance does not meet the Special Exceptions outlined in Section 14-16-4-2(C)(2):

Section 14-16-4-2(C)(2) Variance. A variance shall be approved if and only if the following tests are met:

(a) the Property is exceptional:

1. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the physical characteristics of the land, which physical characteristics existed at the time of the adoption of the regulation or were created by natural forces or by governmental action for which no compensation was paid.
2. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the conditions or use of the parcel or other land in the vicinity which condition or use existed at the time of adoption of the regulations; or
3. The parcel is irregular, unusually narrow or shallow in shape, and the conditions existed at the time of the adoption of the regulation or were

- created by natural forces or governmental action for which no compensation was paid and
- (b) As a result of the exceptional aspect of the property, the regulations produce unnecessary hardship; an unnecessary hardship is one that either:
1. creates an exceptional substantial, and unjustified limitation of the property owner's reasonable use of his property; or
 2. Deprives the owner of a reasonable return on the property under any use permitted by its existing zone.
- (c) A particular variance is appropriate to prevent the unnecessary hardship.⁴ ... To be justified, a variance must permit only development which meets the following criteria:
1. It differs from development which would be permitted under existing regular zoning regulations no more than is necessary to overcome the unnecessary hardship.
 2. The variance will not significantly interfere with the enjoyment of other land in the vicinity: AND⁵
 3. It is consistent with the spirit of the Zoning Code, substantial justice, and the general public interest.
- (d) *Financial gain or loss shall not be the sole determining factor in deciding a variance.*⁶

Applicant's property is not exceptional and does not meet the Variance Test in Section 14-16-4-2(C)(2).

Nothing about this property is exceptional. It is no different than any other property. It is wide enough for homes such as that of the Applicant. It is not irregular, unusually narrow or shallow in shape. No act of God or man has made this property exceptional.

Even if the property was exceptional, the regulations do not produce unnecessary hardship nor does it deprive the owner of a reasonable return:

For the variance to meet the requirements of exceptionality and to demonstrate unnecessary hardship, Applicant must show that without the variance, he would have an exceptional substantial and unjustified limitation of his reasonable use of his property. The fact that he cannot put 12 houses does not mean that there is any hardship, much less unexceptional, substantial and unjustified limitation of the property owner's reasonable use of his property. Applicant can still develop the property he purchased with full knowledge of the restrictions. He could put the appropriate number of houses supported by the existing roadway.

Variance fails the hardship test set forth in 14-16-4-2 because it significantly interferes with the enjoyment of other land in the vicinity and is inconsistent with the spirit of the Zoning Code, substantial justice and the general public interest.

⁴ Cited in relevant part

⁵ Emphasis added

⁶ Emphasis added

Applicant requests a variance that, as discussed above, significantly interferes with the enjoyment of other land in the neighborhood. With so many neighbors opposed to the variance, it is clear that they perceive this variance as one that would impinge upon the quiet enjoyment of their land and their interest in maintaining the rural character of the neighborhood.

Just as importantly, this variance is inconsistent with the spirit of the Zoning Code, substantial justice and the general public interest. The idea that one man's financial interest in developing his property would outweigh the general public interest in maintaining the rural nature of the neighborhood and protecting the increasingly diminishing inventory of narrow dirt lanes, the adjacent property owner's financial and enjoyment interests and the Zoning Code's overall interest in protecting neighborhood character, keeping residents safe makes the variance request unjustifiable as defined in the Zoning Code.

Variance fails the Special Exception test set forth in 14-16-4-2(C)(2) for approval of a variance where financial gain or loss is the sole determining factor in requesting a variance.

The sole reason for Applicant's variance request is to maximize his financial gain. Applicant has full access to his property and has the ability to develop his property. His financial gain or potential loss cannot be the sole reason to determine whether or not he can obtain a variance.

ATTN: Emily MacLeod

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We the undersigned are residents of the North Valley who live in close proximity to Pedro's Place lane, and:

- *Are opposed to a road variance to Pedro's Place
- *Are opposed to the further subdivision to properties on Pedro's Place

	Printed Name	Address	Signature	Date
1.	Keith - Alicia Hamrick	5110 Guadalupe Trail NW	[Signature]	7/18/11
2.	Dennis R. Plummer	5112 Guadalupe Tr, NW	[Signature]	7/18/11
3.	EMACLEOD, EMILY	5110 Guadalupe Tr NW	EMACLEOD	7/18/11
4.	JANE MCGRATH	1614 Bayita Lane NW	[Signature]	7/18/11
5.	Sandra Murdock	1617 Bayita Ln NW	[Signature]	7/18/11
6.	David Levin	1617 Bayita Lane NW	[Signature]	7/18/11
7.	Peter Levin	1617 Bayita lane NW	[Signature]	7/18/11
8.	Nick Levin	1617 Bayita Lane NW	[Signature]	7/18/11
9.	Leon Ferranto	1615 Bayita Ln, NW	[Signature]	7/18/11
10.	Elizabeth M Gallo	1615 Bayita Lane, NW	[Signature]	7/18/11
11.	Jenny Ramo	5105 Guadalupe Tr NW	by phone 903-3086	7/11/11
12.	Kevin Sarber	5112 Guadalupe Tr NW	by phone 274-6984	7/20/11
13.				
14.				
15.				
16.				

We the residents of Guadalupe Trail between the streets of Griegos and Montano oppose the following:

- The widening of Pedro's Place
- The subdivision beyond 2 homes on the properties of Tom Slates

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	Name	Address	Signature	Date
1.	} Already submitted.			
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.	David Kutz	5105 Guadalupe Trail NW 87107	<i>[Signature]</i>	7/30/11
14.	Carlos Kutz	5105 Guadalupe Tr. NW 87107	<i>[Signature]</i>	7/30/11
15.	Rafael Kutz	5105 Guadalupe Tr NW 87107	<i>[Signature]</i>	7/30/11
16.	Carl Jeffrey Gaebel	5105 1/2 Guadalupe Tr NW 87107	<i>[Signature]</i>	7/30/11
17.	Benevieve Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
18.	CARLA JARAMILLO	1400 Delamar Ave NW 87107	<i>[Signature]</i>	7/30/11
19.	DARLEEN JACKSON	1316 Delamar Ave NW 87107	<i>[Signature]</i>	7-30-11
20.	MICHAEL MCCARTHY	1312 DELAMAR AVE NW 87107	<i>[Signature]</i>	7/30/11
21.	Joseph Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
22.	Irna Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
23.	Josh Gutierrez	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11

	NAME	ADDRESS	SIGNATURE	DATE
24.	Angela Bell	1610 Bayita Ln NW	Angela Baker	7/30/11
25.	Paula S. Dale	1611 Bayita Ln NW	Paula S. Dale	7/30/11
26.	Jennifer Anderson	1615 Rancho Guadalupe Tr NW	Jennifer Anderson	7/30/11
27.	Christopher Brown	1615 Rancho Guadalupe Tr NW	Christopher Brown	7/30/11
28.	John James Doherty	1638 Rancho Guadalupe Tr NW	John James Doherty	7/30/11
29.	Elizabeth Szalay	1638 Rancho Guadalupe Tr NW	Elizabeth Szalay	7/30/11
30.	Tom Teegarden	5222 Guadalupe Trail, NW	Tom Teegarden	7/31/11
31.	Elvira Pedroncelli	5505 Guadalupe Tr. NW	Elvira Pedroncelli	7/31/11
32.	Dorothy Moore	5005 Guadalupe Tr NW	Dorothy Moore	7/31/11
33.	Loren Kahn	4913 Guadalupe Tr NW	Loren Kahn	7/31/11
34.	Isabelle Kessler	4913 Guadalupe Tr. NW	Isabelle Kessler	7/31/11
35.	JANET JENKINS	4935 Guadalupe Tr NW	Janet Jenkins	7/31/11
36.	ELSA MANS	4911 Guadalupe Tr NW	Elsa Mans	7/31/11
37.	Heather Brislen	4905 Guadalupe Tr NW	Heather Brislen	7/31/11
38.	Dan Dalkman	4905 Guadalupe Tr NW	Dan Dalkman	7/31/11
39.	Matt & Teresa Renke	5207 Guadalupe Trail NW	Matt & Teresa Renke	7/31/11
40.	Anita Garcia Sanchez	1631 Patricia Pl NW	Anita Garcia Sanchez	8/1/11
41.	Brian O'Rourke	1619 Bayita Ln NW	Brian O'Rourke	8/1/11
42.	Bayita Canafolo O'Rourke	1619 Bayita Ln NW	Bayita Canafolo O'Rourke	8/1/11
43.	Arlene TERRAZ	1604 Bayita Ln NW	Arlene Terraz	8/9/11
44.	NORA TERRAZ	1604 Bayita Ln NW	Nora Terraz	8/11/11

CITY OF ALBUQUERQUE

Planning Department

Deborah L. Stover, Director
Development Review Division
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

August 19, 2011

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on August 18, 2011. You will receive a Notice of Hearing as to when the appeal will be heard by the Land Use Hearing Officer.

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-11-03

PLANNING DEPARTMENT CASE FILE NUMBERS: 1004906
11-DRB-70154
11-DRB-70168

APPELLANT(s): Emily MacLeod
5110 Guadalupe Trail NW
Albuquerque, New Mexico 87107

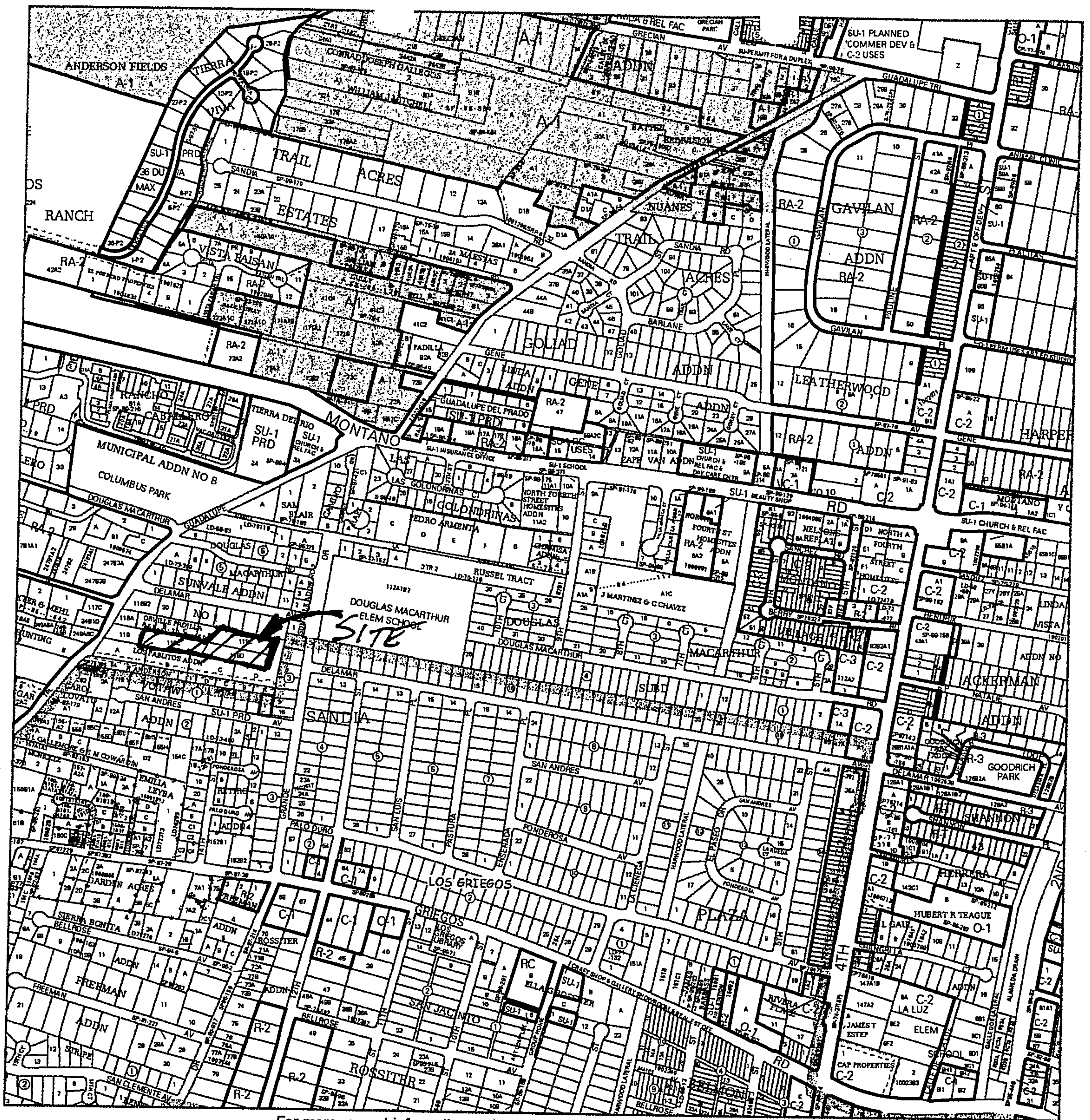
CC: Thompson Engineering Consultants – P.O. Box 65760, Albuquerque, NM 87193
Thomas Slates, 5108 Guadalupe Trail NW, Albuquerque, NM 87107
Cartesian Surveys Inc., P.O. Box 44414, Albuquerque, NM 87174
Jennifer Ramo, 5105 Guadalupe Tr. NW, Albuquerque, NM 87107
Dennis Plummer, 5112 Guadalupe Tr. NW, Albuquerque, NM 87107
Jack McLeod, DRB
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor

PO Box 1293

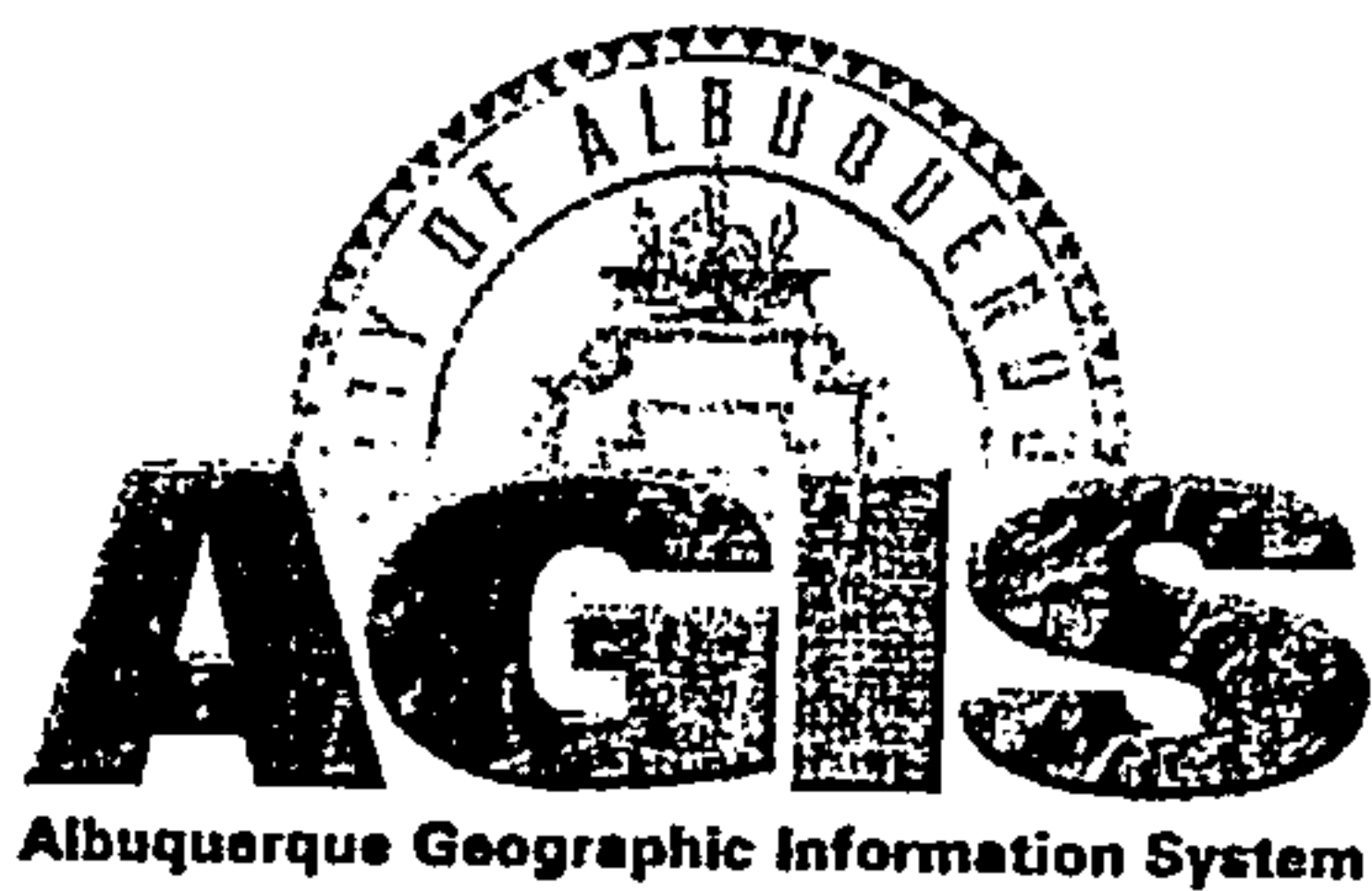
Albuquerque

NM 87103

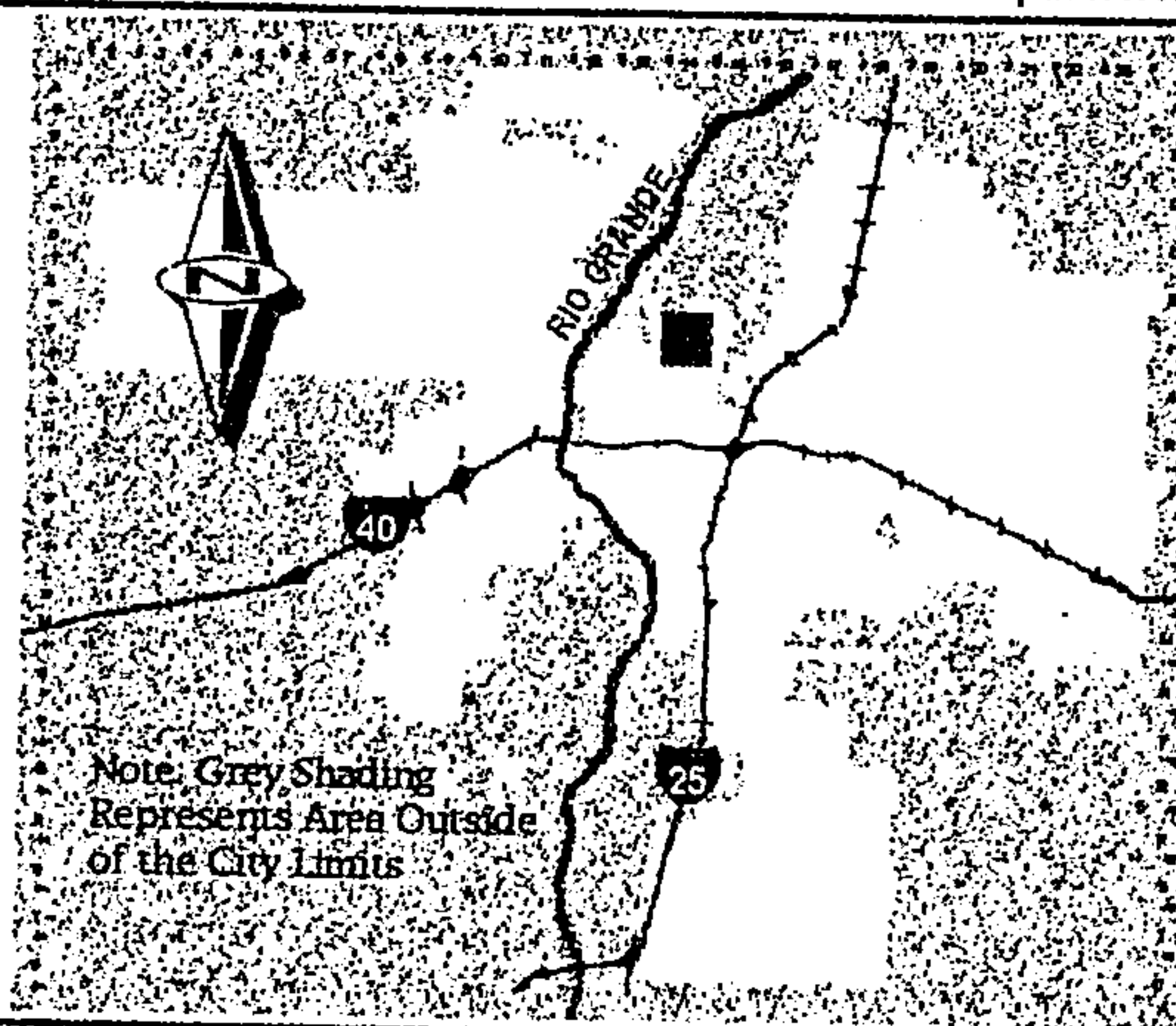
www.cabq.gov



For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 2/4/2010



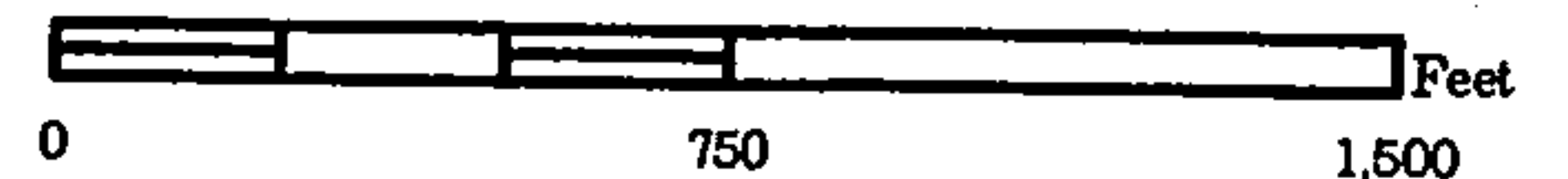
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

F-14-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





City of Albuquerque

PLANNING DEPARTMENT

Richard J. Berry, Mayor

Interoffice Memorandum

September 7, 2011

To: Don Harris, President, City Council

From: Deborah L. Stover, Planning Department Director 

SUBJECT: AC-11-03 – Project #1004906 – 11DRB-70154 – Subdivision Design Variance from Min DPM STANDARDS - 11DRB-70168 - Minor – Preliminary/Final Plat Approval - Emily MacLeod, appeals the Development Review Board's (DRB's) approval of the referenced request(s) for all or a portion of Tract(s) 118-C, 118-D, & 118-E, MRGCD MAP 32 zoned R-1, located on the east side of GUADALUPE TRAIL NW between GRIEGOS RD NW and MONTANO RD NW containing approximately 2.06 acre(s). (F-14)

This is an appeal of a decision of the Development Review Board (DRB) to approve a Subdivision Design Variance and the resultant Preliminary Subdivision Plat for 3 tracts of land in the North Valley off of Guadalupe Trail NW. Section 14-14-8-2(A) of the Subdivision Ordinance gives standing for appeal to owners of a property interest within 300 feet of the subject site, and that is the case in this appeal; in fact, the appellant owns property which abuts and shares the access easement that is the subject of the design variance. Section 14-14-8-3 of the Subdivision Ordinance allows for one or more of the following alleged errors as a basis of appeal:

- (A) Error in applying adopted city plans, policies, and ordinances in arriving at the decision;
- (B) Error in the appealed action or decision, including its stated facts;
- (C) Error in acting arbitrarily or capriciously or being manifestly abusive of discretion.

This appeal essentially argues the second and third errors as a basis for denying the subject applications.

BASIS OF APPEAL

Below is a list of the appellant's arguments (**in bold text**) followed by responses from the City of Albuquerque Development Review Board (DRB).

1. **The DRB decision was in error with stated facts regarding a) the subject property being within an historic district, and b) the second Finding of Fact for the design variance that compared the proposed private street with an existing private street across from the subject subdivision on Guadalupe Trail NW.**

In the initial hearing on this project, the subdivider/ applicant did misspeak in stating that the property did not fall within the Los Griegos Historic District – what the applicant was referring to was the Los Griegos Sector Development Plan which is approximately 250 feet south of this site. In testimony at the final public hearing the appellant claimed that 25 feet of proposed asphalt paving at the intersection of private street, Pedro's Place NW, with Guadalupe Trail NW, would "significantly impact this historic road." For the record, the Los Griegos *Historic District* was nominated and listed on the National Register of Historic Places in the early

1980's. The significance of the district is substantially architectural, as well as being noted for maintaining the overall cultural traditions of a 19th Century village in Albuquerque's north valley. However, there is no restriction on providing modern urban infrastructure in the historic district, and the DRB action served to minimize the impact of the street from this development. The 25 feet of asphalt paving is considered the minimum from an engineering standpoint to provide for stability and efficient maintenance of the City's infrastructure in (paved) Guadalupe Trail NW. The DRB members unanimously agreed that this amount of paving was not a significant impact on adjacent property, the neighborhood, or the community.

Regarding the comparison of the proposed improvements for the subject street (Pedro's Pl NW) with the private street on the opposite side of Guadalupe Trail (Bayita Ln NW), the appellant points out that the [p]lots on Bayita Lane are 'two to three times deeper than those on Pedro's Place.' This difference in lot sizes is actually a result of the difference in the zoning designation, which is RA-2 for Bayita Lane (minimum 10,890 sq ft) while the subject property on the east side of Guadalupe Trail is zoned R-1 for Pedro's Place (minimum 6,000 sq ft). More of an impact on the performance of a street is its width and the number of lots, not the depth of the lots. Bayita Lane serves 18 parcels and is approximately 20 feet wide; Pedro's Place is proposed to be 22 feet wide and serve a total of 12 lots.

2. The DRB acted arbitrarily by a) dismissing the historic value of the subject property being within an historic district, b) deciding the design variance would not be injurious to the appellant's property, and c) finding a petition in opposition to the variance to be insignificant.

In actuality the DRB action minimized the impact from this development by granting the design variance and allowing most of the private street to be a gravel surface. As previously noted, the significance of the Los Griegos Historic District is substantially architectural, and since there is no restriction on infrastructure development within the district there was no plan, policy or ordinance requirement to 'dismiss.' The DRB did consider the cultural value of this subdivision's design in accordance with the City's North Valley Area Plan, which was adopted subsequent to the listing of the Los Greigos Historic District and incorporated recommendations to emulate the early village development of Albuquerque's north valley. The historic value of the district, as carried forward by the North Valley Area Plan, was cited by the applicant and approved by the DRB based on the 'higher' authority of the area plan.

In approving the design variance, the DRB members individually considered whether the proposal was a significant impact, and none agreed that it was. A major design item which was granted a variance was to allow a gravel street to serve more than 8 lots, however for maintenance purposes the City required the first 25 feet of the private street to be asphalt pavement where it connects to the asphalt Guadalupe Trail (a City street). Understandably the appellant's property which is the first house on this private street would be impacted by the proposed improvements, but the asphalt paving will stop short of the appellant's driveway. The appellant appears to be objecting to the asphalt paving, but that is not part of the variance – the variance is to allow the remainder of the street to be gravel. Additionally, the improvements being proposed could be done without having to seek subdivision approval, i.e. the subdivider/ applicant could have obtained a work order for the 25 feet of asphalt paving and new gravel street based on the existing and additional easements.

Finally, the appellant claims that the DRB arbitrarily considered a petition in opposition to the variance to be insignificant. The petition is quite brief, and simply states that "the undersigned...are opposed to a road variance to Pedro's Place, and are opposed to the further subdivision to properties on Pedro's Place." There was no citation of adopted plans, policies, or ordinances to support this opposition. As previously noted, residents on Bayita Lane have a very similar road as what was being proposed with the variance; it would appear to be a matter of equity, and not significance of numbers of petitioners, as to the validity of this opposition. The other signatures were substantially from petitioners who lived on paved, public streets, and it was not clear what the relevance of the opposition was to allowing a private street to remain as a (mostly) gravel road. As to opposing

further subdivision, again this property is currently zoned R-1 and the proposed lots are well within the minimum requirements. Had there been a concurrent request for a zone change to a lower density this opposition would have had substantial validity, but this was not the case.

CONCLUSION

The DRB held a fair public hearing without acting arbitrarily, capriciously, or by abusing its discretion. The subdivider/ applicant demonstrated conformance with the North Valley Area Plan and justified the requested variance based on that plan. There is no evident error in the facts of its decision. It is recommended that the City Council uphold the Findings of Fact and the decision of the DRB and DENY this appeal, thereby affirming that there is no error in the DRB's application of adopted plans, policies, and ordinances, and thus upholding the decision to approve the Subdivision Design Variance and the Preliminary Plat.

APPROVED:

A handwritten signature in black ink, appearing to read "Jack Cloud", is written over a horizontal line.

Jack Cloud, Chair
Development Review Board

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Project #1004906
11DRB-70154 & 11DRB70168

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Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment/Approval (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plan boundaries)
- 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, 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 2nd 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): _____ PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: EMILY MACLEOD PHONE: 505 550 0234
 ADDRESS: 5110 GUADALUPE TRAIL NW FAX: none
 CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: emily.macleod@gmail.com
 Proprietary interest in site: _____ List all owners: EMILY MACLEOD

DESCRIPTION OF REQUEST: APPEAL OF PROJECT #1004906, 11DRB-70154, 11DRB-70168

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. 11B-C, 11B-D, 11B-E Block: NA Unit: NA
 Subdiv/Addn/TBKA: Lands of Simpatico
 Existing Zoning: R-1 Proposed zoning: NA MRGCD Map No 32
 Zone Atlas page(s): NA UPC Code: NA

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
11DRB-70154, 11DRB-70168

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 3 No. of proposed lots: 7 Total site area (acres): 2.06
 LOCATION OF PROPERTY BY STREETS: On or Near: PEDRO'S PLACE / GUADALUPE TR NW
 Between: GUADALUPE TRAIL NW and GRIEGOS & MONTANO RD NW

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE EMACLEOD DATE 8-16-11
 (Print Name) EMILY MACLEOD Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 6/2011

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>11CC - 30002</u>	<u>Appeal</u>		<u>\$ 190.00</u>
<input checked="" type="checkbox"/> All fees have been collected				\$
<input checked="" 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>\$ 190.00</u>

Hearing date 8-17-11 Project # 1004906

FORM A: APPEAL/ PROTEST

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER (BOA01)

- ___ 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 (LUCCAPP)

- ___ 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 (EPC09)
 DETERMINATION OF THE IMPACT FEE ADMINISTRATOR (EPC10)

- ___ 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/ Protest to the City Council and/ or the Land Use Hearing Officer regarding:

ADMINISTRATIVE AMENDMENT/DECISION OF PLANNING DIRECTOR/STAFF (CCSTAFF)
 DETERMINATION OR ACTION OF THE EPC (CCEPC)
 DETERMINATION OR ACTION OF THE DRB RE: SUBDIVISION ORD (CCDRB)
 ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL (CCBOA)
 DECISION OF THE LANDMARKS URBAN CONSERVATION COMMISSION (CCLUCC)

- Project number of case being appealed: 1004906
- Application number of case being appealed: 11DRB-70154 & 70168
- 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.

EMILY MACLEOD Applicant name (print)
EMACLEOD Applicant signature / date
8-16-11



Checklists complete
 Fees collected
 Case #'s assigned
 Related #'s listed

Application case numbers	
<u>11CC</u> - <u>30002</u>	
_____ - _____	
_____ - _____	

Form revised 04/2007

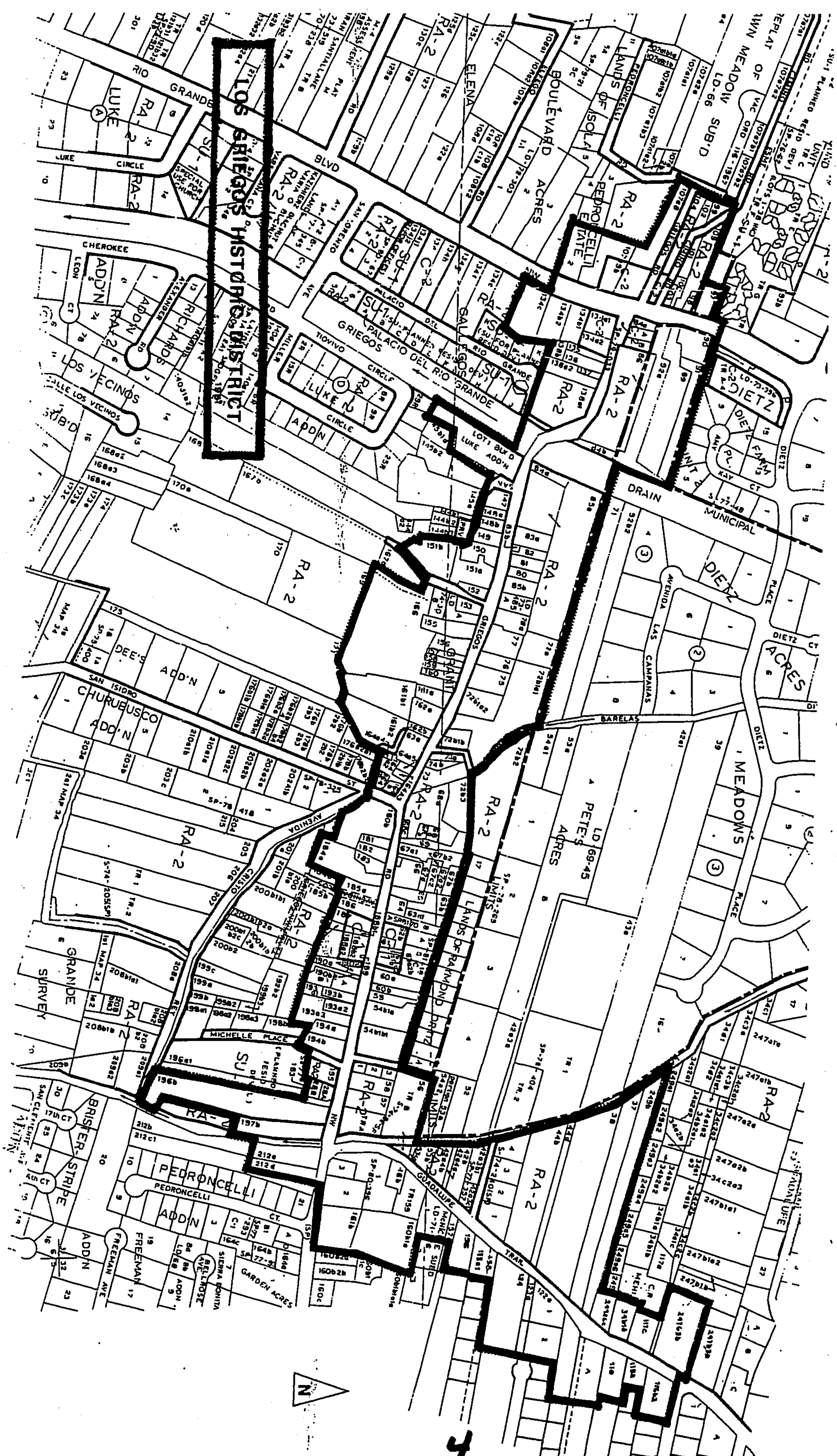
[Signature] 8-17-11
Planner signature / date
Project # 1004906

Appeal regarding determination or action of the DRB regarding sub-division ord.
Project #1004906
August 16, 2011

Application for appeal is based upon the following errors:

1. Misstated facts of the action.
 - a. At its initial hearing of Project #1004906, the DRB specifically asked if this project fell within an historic district and was told that it did not. (See also: point 2.a.)
 - b. Finding 2 states that the variance is similar to “an existing street, Bayita Lane, NW, on the opposite site of Guadalupe Trail, NW from the subject subdivision.” It is not. Plots adjacent to Bayita Lane are two to three times deeper than those on Pedro’s Place. Homes are significantly further set back from that lane. Impact of Project #1004906’s variances are not comparable to Bayita Lane variances.
2. Acting arbitrarily.
 - a. On August 3, 2011, the DRB was notified that, in fact, the entrance to Pedro’s Place, proposed by this project to be widened and paved, does lie within Los Griegos Historic Neighborhood District. However, the historic value of this area was dismissed by the DRB and no evidence was presented to prove lack of injury to the neighborhood or community.
 - b. The DRB arbitrarily decided that the variance will not be injurious to Property 118-A, which lies within Los Griegos Historic Neighborhood District, is 100 years old, is on the National Historic Register—and is adjacent to the road variance.
 - c. The DRB summarily and arbitrarily dismissed as insignificant over 40 signatures of neighbors. Signatures that were dismissed include property owners on Delamar Street, Guadalupe Trail, Bayita Lane and Pedro’s Place whose properties lie within 300 feet of the proposed project.

LOS GRIEGOS HISTORIC DISTRICT



ATTN: Emily MacLeod

We the undersigned are residents of the North Valley who live in close proximity to Pedro's Place lane, and:

- *Are opposed to a road variance to Pedro's Place
- *Are opposed to the further subdivision to properties on Pedro's Place

	Printed Name	Address	Signature	Date
1.	Keith - Alicia Hammie	5110 Guadalupe Tr NW	[Signature]	7/18/11
2.	Dennis R. Plummer	5112 Guadalupe Tr, NW	[Signature]	7/18/11
3.	EMACLEOD, EMILY	5110 Guadalupe Tr NW	EMACLEOD	7/18/11
4.	JANE MCGRATH	1614 Bayita Lane NW	[Signature]	7/18/11
5.	Sandra Murdock	1617 Bayita Ln NW	[Signature]	7/18/11
6.	David Levin	1617 Bayita Lane NW	[Signature]	7/18/11
7.	Peter Levin	1617 Bayita Lane NW	[Signature]	7/18/11
8.	Nick Levin	1617 Bayita Lane NW	[Signature]	7/18/11
9.	Leon Ferranto	1615 Bayita Ln, NW	[Signature]	7/18/11
10.	Elizabeth Magab	1615 Bayita Lane, NW	[Signature]	7/18/11
11.	Jenny Ramo	5105 Guadalupe Tr NW	by phone 903-3086	7/11/11
12.	Kevin Sarber	5112 Guadalupe Tr NW	by phone 274-6984	7/20/11
13.				
14.				
15.				
16.				

We the residents of Guadalupe Trail between the streets of Griegos and Montano oppose the following:

- The widening of Pedro's Place
- The subdivision beyond 2 homes on the properties of Tom Slates

	Name	Address	Signature	Date
1.	} Already submitted.			
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.	David Kutz	5105 Guadalupe Trail NW 87107	<i>[Signature]</i>	7/30/11
14.	Carlos Kutz	5105 Guadalupe Tr. NW 87107	<i>[Signature]</i>	7/30/11
15.	Rafael Kutz	5105 Guadalupe Tr NW 87107	<i>[Signature]</i>	7/30/11
16.	Carl Jeffrey Gaebel	5105 1/2 Guadalupe Tr NW 87107	<i>[Signature]</i>	7/30/11
17.	Benevieve Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
18.	CARLA JARAMILLO	1400 Delamar Ave NW 87107	<i>[Signature]</i>	7/30/11
19.	DARLEEN JACKSON	1316 Delamar Ave NW 87107	<i>[Signature]</i>	7-30-11
20.	MICHAEL MCCARTHY	1312 DELAMAR AVE NW 87107	<i>[Signature]</i>	7/30/11
21.	Joseph Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
22.	Irina Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
23.	Josh Gutierrez	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11

NAME	ADDRESS	SIGNATURE	DATE
24. Agnes Baxter	1610 Bayita Ln NW	Agnes Baxter	7/30/11
25. Anne S. Dobb	1611 Bayita Ln NW	MS	7-30-11
26. Jennifer Anderson	1615 Rancho Guadalupe Tr NW	JCA	7/30/11
27. Christopher Boone	1615 Rancho Guadalupe Tr NW	Christopher Boone	7/30/11
28. N. Marie Dessel	1638 Keneb Guadalupe Area	N. Marie Dessel	7/30/11
29. Elizabeth Szalay	Kagnea to #1 only 5219 Guadalupe NW	Elizabeth Szalay	7/31/11
30. Tom Teegarden	5222 Guadalupe Trail, NW	Tom Teegarden	7/31/11
31. Elvira E. Pedroncelli	5005 Guadalupe Tr. NW	Elvira E. Pedroncelli	7/31/11
32. DOBILA MORA	5005 GUADALUPE TR NW	Dorelle More	
33. Loren Kahn	4913 Guadalupe Tr. NW	Loren Kahn	7/31/11
34. Isabella KESSLER	4913 Guadalupe Tr. NW	Isabella Kessler	7/31/11
35. JANET JENKINS	4935 GUADALUPE TR NW	Janet Jenkins	7/31/11
36. ELSE MANS	4911 GUADALUPE TR NW	Else Mans	7/31/11
37. Heather Briden	4905 Guadalupe Tr NW	Heather Briden	7/31/11
38. Dan Waldman	4905 Guadalupe Tr NW	Dan Waldman	7/31/11
39. Matt & Teresa Rembe	5207 Guadalupe Trail NW	Matt & Teresa Rembe	7/31/11
40. Anita Garcia Sanchez	1631 Patricia Pl NW	Anita Garcia Sanchez	8/1/11
41. Brian O'Rourke	1619 Bayita Ln NW	Brian O'Rourke	8/1/11
42. Bayita Garoffolo O'Rourke	1619 Bayita Ln NW	Bayita Garoffolo O'Rourke	8/1/11
43. Arlene TERRAR	1604 BAYITA Ln NW	Arlene Terrar	8/9/11
44. NORA TERRAR	1604 BAYITA Ln NW	Nora Terrar	8/11/11





OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 3, 2011

Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS
11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, & 118-E, **MRGCD MAP 32** zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)

At the August 3, 2011 Development Review Board meeting, the subdivision design
variance was approved as shown on the Exhibit in the planning file, based on the
following findings:

FINDINGS:

- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community, and in fact would improve emergency access for this subdivision with a wider and improved surface, and the minimal 25 foot length of asphalt paving is not considered a significant impact or injurious to adjacent property; and
- (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance, and in fact is consistent with the zoning ordinance and the North Valley Area Plan which encourages the proposed development, and is also similar to an existing street, Bayita Lane NW, on the opposite site of Guadalupe Trail NW from the subject subdivision; and
- (3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain, but will aid in management of storm water drainage; and
- (4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements because this involves a private street; and
- (5) Varying from the normal requirements will encourage flexibility and economy in subdivision design, allowing a gravel road surface in conjunction with ponding street flow runoff in front yards.

With an approved grading and drainage plan engineer stamp dated 7/22/11 and with the signing of the infrastructure list dated 8/03/11, the preliminary plat was approved; t he

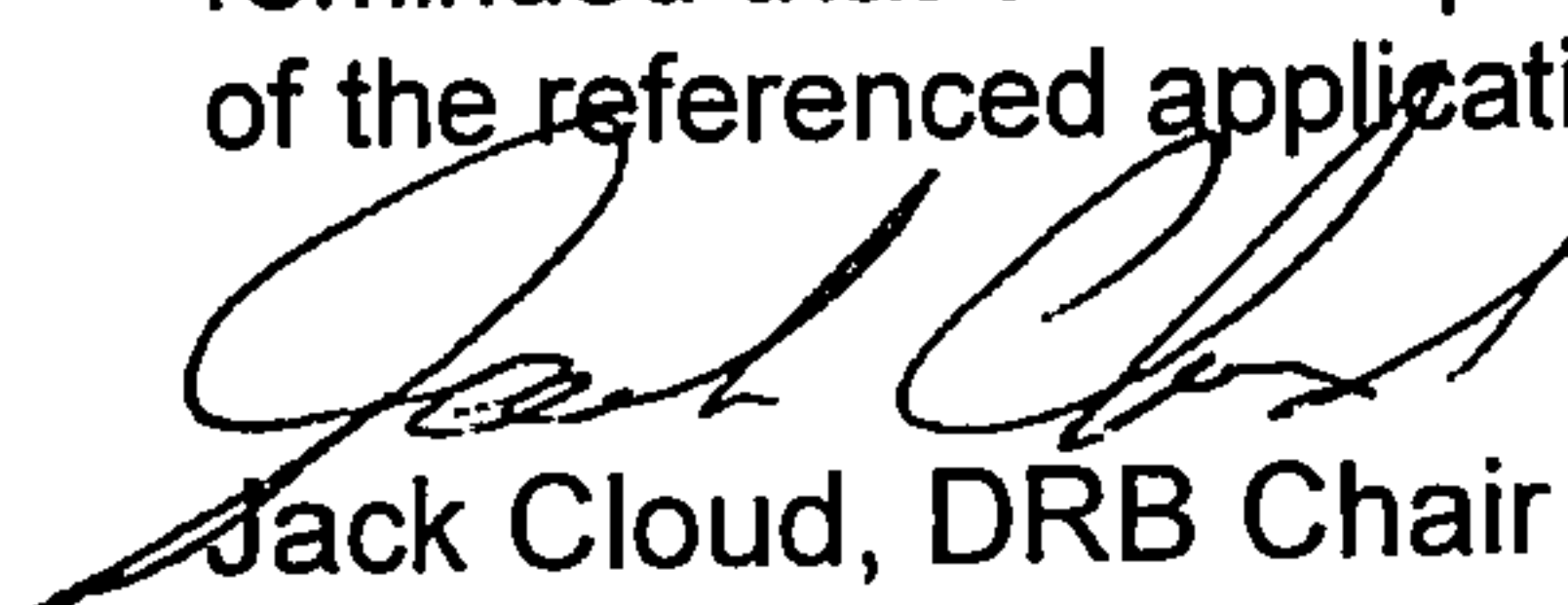
final plat was indefinitely deferred pending expiration of the appeal period and the acceptance or financial guarantee of the Infrastructure List.

If you wish to appeal this decision, you must do so by August 18, 2011, 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, DRB Chair

Cc: Thompson Engineering Consultants – P.O. Box 65760 – Albuquerque, NM 87193
Cc: Thomas Slates – 5108 Guadalupe Trail NW – Albuquerque, NM 87107
Cc: Cartesian Surveys Inc. – P.O. Box 44414 – Albuquerque, NM 87174
Cc: Jennifer Ramo – 5105 Guadalupe Tr. NW, Albuquerque, NM 87107
Cc: Emily Maclead – 5110 Guadalupe Tr. NW, Albuquerque, NM 87107
Cc: Dennis Plummer – 5112 Guadalupe Tr. NW, Albuquerque, NM 87107

Marilyn Maldonado
File

Plat of
 Lots 1-P2 thru 7-P2
 Lands of Simpatico
 Comprising of
 Tracts 118-C, 118-D and 118-E
 MRGCD Map Number 32
 City of Albuquerque
 Bernalillo County, New Mexico
 June 2011

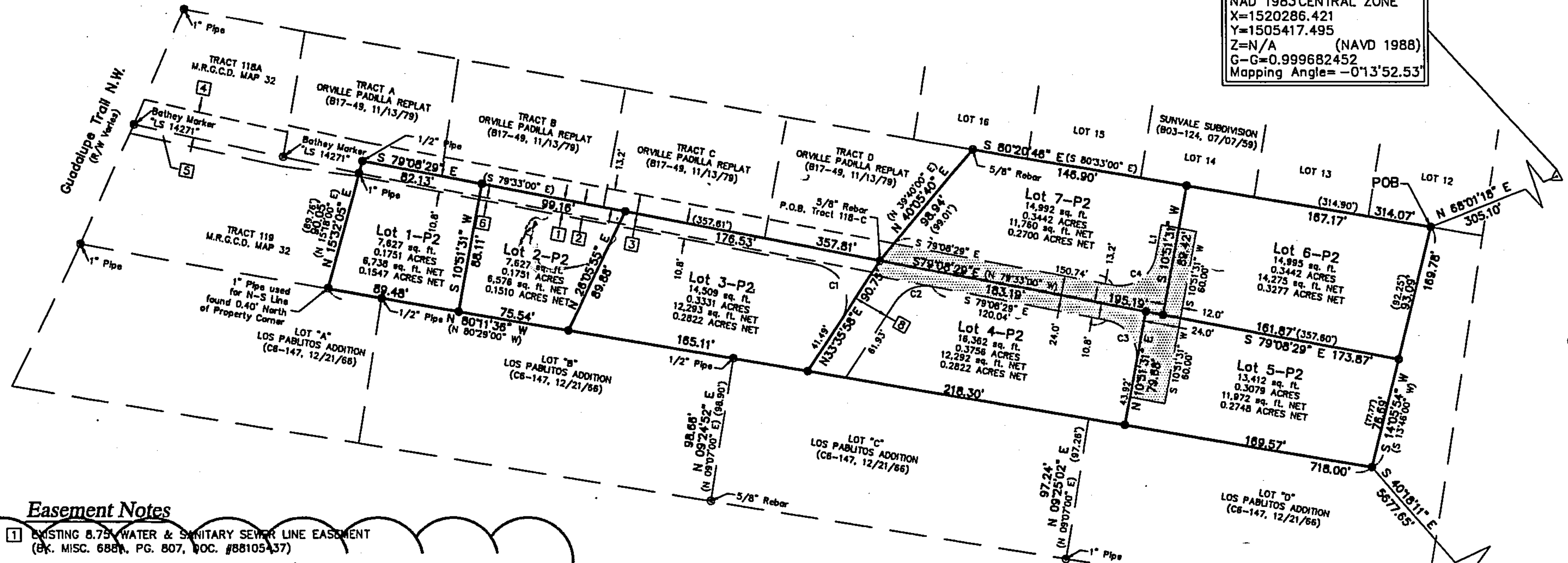
Legend

N 90°00'00" E	MEASURED BEARING AND DISTANCES
●	FOUND MONUMENT AS INDICATED
○	SET BATHEY MARKER WITH CAP "LS 14271"
▨	SEE EASEMENT NOTE 7.

LINE TABLE		
LINE	LENGTH	BEARING
L1	21.76'	S10°51'31"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	49.19'	25.00'	112°44'27"	41.63'	N 22°46'16" W
C2	29.35'	25.00'	67°15'33"	27.69'	S 67°13'44" W
C3	39.27'	25.00'	90°00'00"	35.36'	N 34°08'29" W
C4	39.27'	25.00'	90°00'00"	35.36'	N 55°51'31" E

ACS Monument "DOUGLAS"
 NAD 1983 CENTRAL ZONE
 X=1520286.421
 Y=1505417.495
 Z=N/A (NAVD 1988)
 G-G=0.999682452
 Mapping Angle=-0°13'52.53"



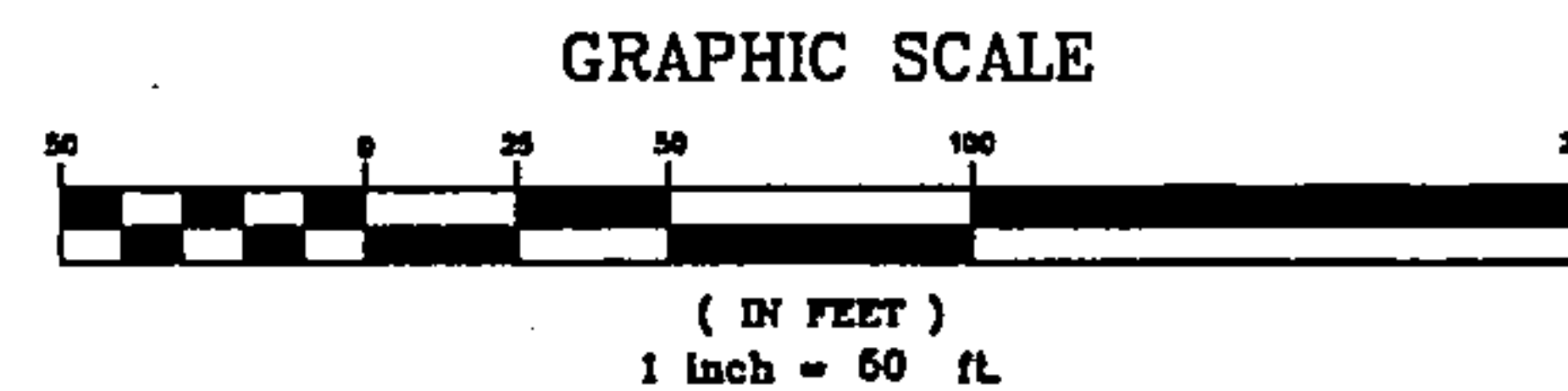
Easement Notes

- 1 EXISTING 8.75' WATER & SANITARY SEWER LINE EASEMENT (B.K. MISC. 688A, PG. 807, DOC. #88105437)
- 2 EXISTING 8.76' INGRESS/EGRESS EASEMENT (WARRANTY DEED FILED IN BOOK 90-5, PAGE 3628, DOC # 9021959) AND PRIVATE ROADWAY EASEMENT BENEFITING LOTS 1-P2 THRU 7-P2, AND TRACTS A-D, ORVILLE PADILLA REPLAT GRANTED WITH THE FILING OF THIS PLAT TO BE MAINTAINED BY THE INDIVIDUAL OWNERS.
- 3 EXISTING 22' ROADWAY EASEMENT (ORVILLE PADILLA REPLAT, B17-49, 11/13/73)
- 4 EXISTING 17.50 FOOT EASEMENT FOR INGRESS AND EGRESS (WARRANTY DEED 8/23/85, 248A, 564-565).
- 5 EXISTING PRIVATE ROADWAY EASEMENT FILED _____ AS DOCUMENT
- 6 2' ADDITIONAL PRIVATE ROADWAY EASEMENT BENEFITING LOTS 1-P2 THRU 7-P2, AND TRACTS A-D, ORVILLE PADILLA REPLAT GRANTED WITH THE FILING OF THIS PLAT TO BE MAINTAINED BY THE INDIVIDUAL OWNERS.
- 7 PRIVATE ROADWAY AND PUBLIC UTILITY, PUBLIC SEWER AND WATER EASEMENT BENEFITING LOTS 1-P2 THRU 7-P2, GRANTED WITH THE FILING OF THIS PLAT, THE PRIVATE ROADWAY EASEMENT TO BE MAINTAINED BY THE INDIVIDUAL OWNERS.
- 8 24' PARKING EASEMENT BENEFITING THE OWNERS OF TRACT C AND D, ORVILLE PADILLA REPLAT, TO BE MAINTAINED BY THE OWNER OF LOT 4-P2.

Grading Note

CERTIFICATION OF THE SUBDIVISION GRADING PLAN OR AN INDIVIDUAL LOT GRADING PLAN IS REQUIRED BEFORE A BUILDING PERMIT CAN BE APPROVED FOR THAT LOT.

ACS Monument "NM_47_10"
 NAD 1983 CENTRAL ZONE
 X=1523633.488
 Y=1500810.208
 Z=4970.252 (NAVD 1988)
 G-G=0.999681770
 Mapping Angle=-0°13'28.96"



CARTESIAN SURVEYS INC.

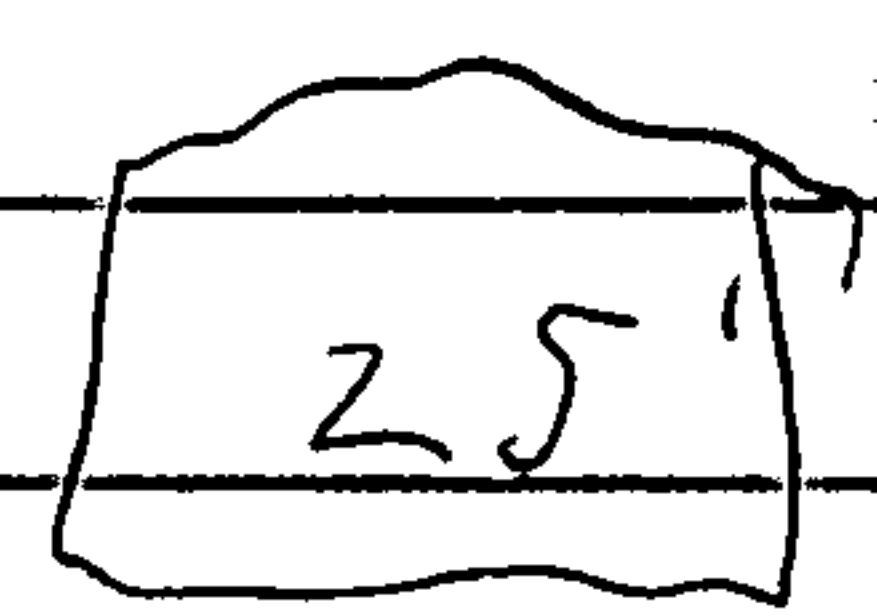
P.O. BOX 44414 RIO RANCHO, N.M. 87174
 Phone (505) 898-3050 Fax (505) 891-0244

Format / Steps

S Yaley East Area? Rio Grande?

9:35

Pg 20



vs. 2,500'

substantial difference

significant to the community

INJURIOUS

1) EXPLAIN THE VARIANCE

2) PETITION ^{32' x 24'} ~~plans~~ ~~policy~~ 46 ROW 2 to 6

3) EXPLAIN HISTORIC DISTRICT

yes she can put a work order in

unacceptable July 27

not saying applicant is unaffordable

11:05

IMPROVEMENTS ARE IN DISTRICT

Aesthetic

~~Mailing Address~~

No Setback Variance

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev. 9-20-05)

Date Submitted: 7-29-11
Date Site Plan Approved: _____
Date Preliminary Plat Approved: 8-3-11
Date Preliminary Plat Expires: 8-3-12
DRB Project No.: 1004906
DRB Application No.: _____

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

LOTS 1-7, LANDS OF SIMPATICO
PROPOSED NAME OF PLAT

TRACTS 118-C, 118-D, AND 118-E, MRGCD MAP NO. 32
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. The 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 the 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.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cnst Engineer
			Paving						
		24' wide	2" Residential Paving Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	Guadalupe Road	25 Feet East of Guadalupe Road	/	/	/
		24' wide	6" Gravel Surfacing Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	25 Feet East Of Guadalupe Road	Lots 5 & 6	/	/	/
			Utilities						
		6"	Water Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private		City Cnst Engineer
							Inspector	P. E.	
		<u>Util. (cont.)</u>							
		8"	Sanitary Sewer Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/
		<u>Drainage</u>							
		1' High	Solid Perimeter Wall	1040 Feet			/	/	/
		1' High	Solid Side Lot Line Wall	360 Feet			/	/	/

12

NOTES

Street lights per City requirements

- 1) Grading and Drainage Certification is required prior to release of Financial Guarantees
- 2) Waterlines include valves, fittings and services
- 3) Sanitary Sewer Lines include manholes and services
- 4) Wall certification from registered engineer required prior to release of financial guarantees
- 5) Add Signage per DRC

AGENT/OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

David B. Thompson
NAME (print)

Thompson Engineering Consultants, Inc.
FIRM

David B. Thompson 7-29-11
SIGNATURE Date

DRB CHAIR

TRANSPORTATION DEVELOPMENT

UTILITY DEVELOPMENT

CITY ENGINEER

[Signature] 8-3-11

08-03-11

08/03/11

8-3-11

Date

Date

Date

Date

[Signature] 8/3/11
PARKS & GENERAL SERVICES Recreation Date

AMAFCA

Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

13



DEVELOPMENT REVIEW BOARD

MINUTES

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

June 29, 2011

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

**Kristal Metro, P.E., Transportation Development
Curtis Cherne, P.E., Hydrology/ Alternate City Engineer**

**Allan Porter, P.E., Albuquerque/ Bernalillo Co. WUA
Christina Sandoval, Parks/Municipal Development**

Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS

11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

**THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, & 118-E, MRGCD MAP 32 zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)**

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Tom Slates - 5108 Guadalupe Trail NW, 87107

Mr. Will Plotner - Cartesian Surveys, 2104 Southern Blvd., Rio Rancho 87124

Mr. Dave Thompson - Thompson Engineering, Box 65760, Albuquerque 87193

PERSONS PRESENT IN INTEREST:

Mr. Dennis Plummer - 5112 Guadalupe Trail NW, 87107

Ms. Jennifer Ramo - 5105 Guadalupe Trail NW, 87107

Mr. Keith Haney - 5110 Guadalupe Trail NW, 87107

MR. JACK CLOUD, DRB CHAIRMAN: Good Morning

MR. WILL PLOTNER: We'd like to get comments from the Board regarding the subdivision.

CHAIRMAN CLOUD: Okay, there should be some written comments. Parks and recreation, Christina, did you have comments on the variance and/ or the plat?

MS. CHRISTINA SANDOVAL PARKS/MUNICIPAL DEVELOPMENT: I have no objection to either request.

CHAIRMAN CLOUD: City Engineer, Curtis?

MR. CURTIS CHERNE HYDROLOGY ENGINEER: Yeah, there's.... it looks like 3 different design variances. For the materials of the road, Hydrology prefers the road and parking areas to be gravel since the subdivision will be ponding street flows in front yards. For the sidewalk waiver I defer to Transportation and Planning and same for the easement variance, I defer to Transportation and Planning. For plat approval, I received the grading and drainage plan yesterday and its currently being reviewed and an infrastructure list will be required that will have the road on it, but I would like to include the walls that are required for drainage. *I don't know how high you want to make them, I think they only need to be a couple courses, but the grading plan didn't show a top wall.*

MR. DAVE THOMPSON: I do have an infrastructure list here that I can give to you. I apologize for the delay in getting it to you, but at least you can take a look. It's fairly simple, but it may not have everything you need on it.

CHAIRMAN CLOUD: Right, so again, on Curtis' comment, it sounds like your grading plan is dependent upon a perimeter wall as a water block, so that would need to be an individual item, is that correct?

MR. CHERNE: Yes

CHAIRMAN CLOUD: Okay.

MR. THOMPSON: Do we need to add that as a line item?

MR. CHERNE: I'd like it a line item please.

MR. THOMPSON: Okay.

CHAIRMAN CLOUD: So then as a point of information, the Zoning Code has a minimum 8 ft wall height, so depending on how much of this is, shall we call it a retaining wall or just call it ...

MR. CHERNE: No its no a retaining wall...

CHAIRMAN CLOUD: Maximum 8 ft including whatever is water blocked, whatever is garden wall...

MR. CHERNE: It needs to be about a foot, you'll have to figure out how high you'll need to put it for the infrastructure list.

CHAIRMAN CLOUD: Just as a point of information, if you build a one foot wall, you're left with 7 feet for the garden wall. What are you going to call it, a water block?

MR. CHERNE: Probably just Perimeter Wall.

CHAIRMAN CLOUD: Perimeter Wall, okay,

MR. CHERNE: There is also going to include the walls in between the lots too.

MR. THOMPSON: Okay.

MR. CHERNE: I hadn't thought what I was going to call it yet.

CHAIRMAN CLOUD: Because I mean, that may be porous to some degree. It seems like you need to indicate somehow that it's meant to be water proof.

MR. CHERNE: Yeah and its.....

CHAIRMAN CLOUD: That's why I say water block or something, that's more of a street term I guess.

MR. CHERNE: Yeah, we'll figure it out.

CHAIRMAN CLOUD: Water Authority, comments on NUMBER 13?

MR. ALLAN PORTER, ABCWUA: Yeah I've given you some written comments in the upcoming availability statement. And just as a note, you've got a reference for easement note 7 but I can't find that on the plat anywhere.

MR. PLOTNER: You know that, there was a, if you look in the legend there was a hatch that showed and that layer apparently got turned off but it included the roadway easement as shown in four through seven but we will make that correction.

MR. PORTER: Okay, thank you.

MR. THOMPSON: So Allen where do you want the branch going to the south?

MR. PORTER: Well if you did the hammerhead, you had that access that extends down from the hammerhead south to the south property line. But let's talk about that when we get, when we're looking at the availability again. If you change that layout it may not be available. Basically we are looking at doing a opportunity to try to loop that line in with some stuff that's on the south of you but that may not be, probably or may never happen, so we can address that in the availability if we could.

CHAIRMAN CLOUD: So is the availability different? Did it reflect the same development as this plat?

MR. PORTER: Yes, for the most part, yes.

CHAIRMAN CLOUD: Okay, so it should be a fairly quick response I would expect then. Transportation, Kristal, comments on design variances and the plat.

MS. KRISTAL METRO TRANSPORTATION DEVELOPMENT ENGINEER: I would like something in writing from the Fire Marshall and solid waste regarding this proposed roadway layout, most specifically the turnaround. Typically that would be a stamp they put on the plan. If you have the stamped plans if you could provide a copy at least for the main file that would be very helpful.

MR. SLATES: How many copies would you like?

MS. METRO: I'd like one, but we need to make sure there is at least one in the main file. So TWO would be helpful.

CHAIRMAN CLOUD: If I may, I'm sorry Fire Marshall stamp...?

MR. SLATES: Fire Marshall and solid waste, yes.

CHAIRMAN CLOUD: Okay.

MS. METRO: We already talked about the infrastructure list. As far as a gravel roadway, due to the overall drainage needs for this area, Transportation Development will have no objection to the use of gravel versus asphalt for this roadway. I have no objection to the other variance requests as well.

CHAIRMAN CLOUD: Okay. Planning, we have received today some letters. I have a letter here from David and Elizabeth Wiley at 5118 Guadalupe Trail. Is this one of the lots of the Orville Padilla Plat, do you know?

MR. SLATES: That is correct, 118 B-C.

CHAIRMAN CLOUD: Tract C of the Orville Padilla plat is Wiley?

MR. SLATES: It would be Tract C of the Orville Padilla replat.

CHAIRMAN CLOUD: Okay. In support of the proposal I also have a letter from Melissa Salazar, 5120, I'm going to presume that to be tract D.

MR. SLATES: That is Tract D.

CHAIRMAN CLOUD: 'D' as in dog?

MR. SLATES: 'D' as in dog.

CHAIRMAN CLOUD: Also in support of the proposal for Salazar.

Okay was there anyone else here interested in the plat? Okay, if you gentlemen could let them get up on the microphone so we can get them on the record please.

MR. DENNIS PLUMMER: Hi Mr. Cloud, thank you for your return phone calls and I know its probably a bit unusual for this many responses on a minor plat and so I wanted just to explain from my perspective why this is the case.

CHAIRMAN CLOUD: Could you identify yourself please?

MR. PLUMMER: My name is Dennis Plummer and I am a resident at 5112 Guadalupe Trail which is one of the adjacent plots.

CHAIRMAN CLOUD: Which would be I believe, Tract A of the Orville...?

MR. PLUMMER: It's the second one off of Guadalupe.

CHAIRMAN CLOUD: Okay, go ahead.

MR. PLUMMER: Last year we had major opposition and this project was placed into mediation until Mr. Slates removed it from the table. Last year the approach was to come in as a major subdivision and so it was made public hearing. This time its being piece-mealed together from the backend, and even though it's a minor plot its really about instilling six homes in lots that are plotted for two. And so there is major concern, we were told at our neighborhood association meeting this is a private matter to be decided privately without public comment and Mr. Cloud clarified that for me and that's why we've only had about a day to talk to some of the other neighbors and bring in the other views. We are very concerned about the impact of the land use, traffic, the infill and lots that are currently as I said zoned for two.

CHAIRMAN CLOUD: I believe that we have 3 tracts that are being replatted here, 118 C, D, and E.

MR. PLUMMER: It's true and the third plot already has the current allowed one house, it's being subdivided to then add two more houses, and then the other two lots which are single would be also double lots. So we haven't had time to talk to

the other neighbors effected, but those of us that are here did want to speak our opposition and concern that little by little approval of things that don't seem major are actually part of a major subdivision which we believe needs to be a larger public conversation.

CHAIRMAN CLOUD: Okay, the City Subdivision Ordinance defines a Major Subdivision as ten lots or more or have significant infrastructure. So I'm not sure that... we are talking about a gravel road and water line and sewer line extensions, I'm not sure that's going to be considered as significant infrastructure. So per the Subdivision [Ordinance] this is going to be considered a minor subdivision, just for the record. Mr. Plummer, you have provided a letter in opposition and you oppose the increased density from the subdivision?

MR. PLUMMER: Currently the lane would accommodate eight homes. This subdivision would increase that lane to accommodating twelve homes. So it goes over the ten. I realize you're saying that we're not adding more than ten but collectively it is over ten.

CHAIRMAN CLOUD: Okay, I see what you are saying.

MR. PLUMMER: If we added two at a time it would never be a major subdivision.

CHAIRMAN CLOUD: Okay.

MS. JENNIFER RAMO: Hi, good morning, thank you, my name is Jennifer Ramo. I live at 5105 Guadalupe Trail and as you know this is one of the oldest neighborhoods in the city. It is the Los Griegos neighborhood and we are one of the few remaining narrow little dirt lanes there that we really treasure and nobody I think opposes development and certainly we all know that its necessary and important for our city to grow. But we also really want to treasure what we have down there with cows and kids playing outside, and you know Pedro's Place is one of those little lanes and I think its something I think that should be taken into consideration when looking at what this larger plan is which is its this little teeny thing and you know I think what we feel like is that this plan is trying to turn a Chihuahua into a Great Dane. And it can't happen I mean, its just a little tiny lane and, you can't really open it, it just is what it is, it's a small lane, it really isn't meant to accommodate this large subdivision of twelve houses and certainly is such a huge impact. We would love to see, have the opportunity to have all of the neighbors chime in. And again, none of us are strict preservationists or you know, tying ourselves to any trees but we really see this as a pretty large deal and this little teeny lane, I mean you just can't crank it open, there's no right, you couldn't open it any wider to accommodate these houses. And I think as Dennis mentioned it's disconcerting, the process for sure, it has felt somewhat dishonest and kind of under the radar for something that will have such a big impact. My experience last year when they were trying to get this passed was that Mr. Slates came to me trying to make an agreement on behalf of the house on the corner that he had no rights to make an agreement, he wasn't the owner, the owner had

just actually gone to prison for a little bit, or I don't know what happened with that but the owner, so you know, you can't make an agreement based on somebody else's property. And so for us you know between that, kind of this idea that it's not a community decision. And again, nobody in the neighborhood is crazed about development or building but I mean this is a big deal and to rip open one of these little lanes, it's one of the last remaining lanes in the valley, is something that should take community approval and working with us. The way it's plotted right now is that there would be these high walls in this narrow lane with houses right up against the walls and I mean it just would be disastrous I think for this beautiful place that has cows and goats and kids. Thank you.

MR. KEITH HANEY: Hello my name is Keith Haney. I'm representing Emily McLeod at 5110 Guadalupe Trail, you have a letter from her as well. Just to add my input because I do stay there is you know, the lane is not built to accommodate the "improvements" he'd like to make just by the fact that he's having to get variances to do what little stuff he can do. He's made it very clear that this is driven out of a place of financial gain for him and he doesn't really care about the community's input or support and frankly we're to tell you that there isn't much community support regarding his desires today. And I do have a little girl who stays with me half time there and it will make a definite impact on her and how she lives her life. If you keep the lane the way it is now or if you turn it into an inner city alleyway with these walls to allow his subdivision. Thank you.

CHAIRMAN CLOUD: And we did receive a letter from Emily McLeod who is the property owner, the first house here?

MR. HANEY: Yes.

CHAIRMAN CLOUD: Okay, and this is also in opposition.

MR. PLOTNER: Jack, one thing I think should be mentioned is that the developer does care about the community in fact he is the one who occupies the house on the one lot and so he is a part of the community so I would like to state that. I think he might have some more to add.

MR. SLATES: I would like to address the comments. Number one, this area is just north of the Los Griegos historical neighborhood. My name is Tom Slates, I live at 5108 Guadalupe Trail, I've lived there since 2007, and prior to this the previous owner who had owned the property since 1984 Dan and Linda Lopez, Dan Lopez is the Dan Lopez who is president of New Mexico Tech. We sat down, the Lopez' and my wife and I to find out the best use of this property. Dan and Linda originally purchased the property in order to put one house on it, all three tracts. 1984 values, 1984 ideas become 2011 ideas. We purchased the property in 2006. Dan and Linda have a house in Socorro and they are very happy in their house at Thomas Village that is why this property came on the market. We own Tracts 118 D and Tracts 118 E. We built on the east 1/2 of Tract 118 E in order to show not just for us but also to show what can be done on 1/3 of an acre. We are approaching 70% of open space we're building on about 30%

so we are in excess of the 65% that the north valley character study is recommending for open space and landscaping. In regards to one year ago I was and I have in my possession a letter of being an agent for the owner of the Tract 119. And he and I had entered into a written agreement that we were going to swap, because 17 ½ feet is certainly a narrow easement. The fire department cannot remember it was ever approved, that narrow an easement. Keith being involved in emergency services told me at our neighborhood meeting which we had about ten days ago on Monday that the fire department will come down there, it's not recommended. In order to do this lot division of three extremely long and narrow lots, with today's water restrictions, weed and litter problems, dust control, I could have petitioned... number one I could have bought the house that Emily McLeod purchased two years ago, and correct me if I'm wrong. I could have also bought the house that Dennis Plummer, both of those were on the market, they were part of Jane Batton's estate when she passed away, both of those houses were rentals. I could have gone down the street with the 46 foot wide paved roadway, sidewalks on both sides and subdivided this property into not 12 lots but I could have gone to 16. I've done those calculations. I also have my heart in the North Valley and I do not like to be called greedy and that this is only something that is going to enrich me. My history in this area goes back to being a student of Dr. Bainbridge Bunting at UNM in the 1960s.

CHAIRMAN CLOUD: Mr. Slates we really need to address the subdivision that's before us if we could.

MR. SLATES: Okay, I will leave those comments. The reason that we pulled our request, and that was because we needed a variance because we were getting too close to the residence at 5104 was because, yes an individual got arrested the owner of that house. The property then went for sale and other people purchased it. I have entered into an agreement with those people to buy the 6 ½ feet roadway easement, excuse me to use it, I don't know, its an easement only, and we have that in writing with an attorney and it is awaiting being signed. That's who I am, that's where we are coming from. And I think it is a matter of open space. What I am trying to do with this piece of property is no different than what is done in the 4900 block of Guadalupe Trail, what is done on Rosalie, what is done on Pablita Lane, and initially, yes the lots are much larger on Bayita Lane but there are no sidewalks, there is no paving and that the roadway width is within the standards that I'm also willing to build.

CHAIRMAN CLOUD: Do you happen to know when those subdivisions were done?

MR. SLATES: I believe that Bayita was 1951, I believe the other dates were probably... most of the subdivision in this area was done prior to 1979 and that was also indicative of the Orville Padilla replat.

CHAIRMAN CLOUD: That's probably, well 1979...we had a subdivision ordinance in '73 but it's obviously evolved since then. We now have a minimum

standard for access. You did provide at least some justification for your variances. I think the...as noted, regarding the gravel surface, I'm not sure that there's going to be an objection to a variance for a gravel surface rather than a paved right-of-way. I think that is in keeping with the character per the North Valley study. But with current standards, we do have...does raise concerns about separated pedestrian access. I'm not sure that 8 is necessarily a magic number for when we need to kick in the pavement so obviously I think we could consider the gravel paving. I think if you all had been here all morning you could have heard us discuss some of these different sidewalk situations. I think we could probably, we could try to go without a separate pedestrian easement but if we approve this width variance, we're precluded from ever getting a separate pedestrian way. That concerns me a little bit, especially with the number of lots.

MR. SLATES: Mr. Cloud I do have some comments about that. The past president of the association, a woman by the name of Rav Freeman who lives in the 4900 block of Guadalupe Trail and also Alice Cushing who is a 1950s resident on Bayita Lane said that the South Guadalupe Trail Neighborhood Association during the extension of the Montano Road and bridge access fought aggressively and their comment to me that over their dead bodies would there ever be sidewalks on Guadalupe Trail. Now I'm approaching 70 years old and I won't discuss the age of these 2 ladies in kindness, but our deaths may be eminent but they are adamantly opposed and have records for that case. It's a very pedestrian community, there's no question. We walk the ditches we walk to roads to Columbus Park and so far we survive.

CHAIRMAN CLOUD: And so far that's great. But that's why we have standards for separate pedestrian access. It's a very unfortunate metaphor of dead bodies because when that happens then the city is going to be called on the carpet for not providing sidewalks I can guarantee you that. We do have to review your infrastructure list, we do need an updated water and sewer availability before we could act on this plat, so we can't take action on your request today. [to MR. PORTER]: I don't know that you'll have a response in 2 weeks would you, its probably cutting it pretty close.

MR. PORTER: Right now the cue is about 3-4 weeks.

CHAIRMAN CLOUD: So although you get your request in right away, we're still looking at probably 4 weeks before we'll have a response.

MR. SLATES: I'll have that in this afternoon.

CHAIRMAN CLOUD: I think we need to defer this at least 4 weeks before we could act on it. That would be the meeting of July 27th. I would urge you to take a look, also I had additional comments which I have provided in writing Will, this is regarding the plat. Notations and what have you...

MR. PLOTNER: And so get the easement request...

MR. SLATES: Mr. Cloud, for the purposes of lot 3 there are 8 on street parking spaces.

CHAIRMAN CLOUD: Okay we just need an exhibit to show that.

MR. SLATES: I will provide that.

CHAIRMAN CLOUD: And understanding that this is R-1 zoning and that you're well above the minimum lot size, assuming that's the case after you figure the net lot area, this is a funnel effect we are trying to do an R-1 development with a very rural access situation.

MR. SLATES: For the smallest of the 2 lots, subtracting the roadway easement from the lot space and then using a 2500 square foot non-permeable build surface that includes 1800 square feet of house, double garage, and about 370 square feet of covered portals, we are still looking at having I believe 60% open space.

CHAIRMAN CLOUD: It's more of a number situation, you know, you're going to have 12 lots using this easement so that's what we need to consider.

MR. SLATES: Correct.

CHAIRMAN CLOUD: We are going to defer this 4 weeks. It will be the meeting of July 27th and thank you all for your time.



DEVELOPMENT REVIEW BOARD

MINUTES

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

July 27, 2011

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

**Kristal Metro, P.E., Transportation Development
Curtis Cherne, P.E., Hydrology/ Alternate City Engineer**

**Allan Porter, P.E., Albuquerque/ Bernalillo Co. WUA
Christina Sandoval, Parks/Municipal Development**

Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS

11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, & 118-E, **MRGCD MAP 32** zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Tom Slates - 5108 Guadalupe Trail NW, 87107

Mr. Will Plotner - Cartesian surveys, 2104 Southern Blvd., Rio Rancho 87124

PERSONS PRESENT IN INTEREST:

Mr. Dennis Plummer - 5112 Guadalupe Trail NW, 87107

Ms. Jennifer Ramo - 5105 Guadalupe Trail NW, 87107

Mr. Keith Haney - 5110 Guadalupe Trail NW, 87107

National Register of Historic Places Inventory—Nomination Form

Historic Resources of Albuquerque's North Valley

For NPS use only

received

date entered

Continuation sheet Los Griegos Historic District Item number _____ Page 1

7. PHYSICAL DESCRIPTION

The village of Los Griegos is an old Spanish agricultural community located a little over three miles north of downtown Albuquerque; it is clustered primarily around Griegos Road N.W. between Rio Grande Boulevard and Guadalupe Trail. The village is strung between and beyond two loci: the church at 1858 Griegos Road and the Griegos Ditch. The grant for Los Griegos was for lands immediately to the north of the Albuquerque Grant and roughly between the mountains to the east and the Rio Grande to the west. The Los Griegos Historic District stands on those grant lands closest to the river, where there is the greatest concentration of structures built before 1930.

The Los Griegos Historic District contains 121 inventoried buildings dating from the mid-19th century through the present time. The buildings are in various states of repair/disrepair and line the major streets of the district: Rio Grande Boulevard on the west, Guadalupe Trail on the east and Griegos Road which connects the two.

The Griegos Drain runs east of and parallel to Rio Grande Boulevard on the west end of the village dividing those houses along the Boulevard from those on the east side along Griegos Road and Guadalupe Trail. Arcing across the original northern boundary of the village is the old Griegos/Candelarias Ditch which curves to the southeast to cross Griegos Road at its intersection with Guadalupe Trail. The disused Barelvas Ditch crosses the center of the district from northwest to southeast. Surrounding much of the district are open lands reflecting the original settlement pattern of residences set along the road with the farmlands to the back. The population is approximately 350 people. Primarily residential in nature, the district contained a society hall, a church, and several small stores all of which have been converted into residences.

The houses in Los Griegos are primarily owner/community built and are excellent examples of the basic form, growth and continuity of vernacular New Mexican architectural design. Most buildings in the district are single-story, stuccoed, and were built of terrones, sod blocks cut from marsh lands near the river. The vernacular style continues into the twentieth century in Los Griegos with the buildings maintaining a modest appearance with only a hint of a given style. Most of the vernacular New Mexico architectural styles described in the resource area nomination are included within the district.

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8. SIGNIFICANCE

The Los Griegos Historic District is locally significant because it is the only 19th-century village in Albuquerque's north valley which has retained its architectural continuity and cultural traditions. The buildings in Los Griegos are the embodiment of a unique culture that has its base in 18th-century Spanish custom.

In 1708 a grant of lands was given to Juan Griego, a direct descendant of one of the soldiers who served under Onate in the original Spanish conquest of New Mexico. (Los Griegos, when translated from the Spanish means "The Greeks" and refers to the nationality of the Griego who served as a mercenary in Onate's army.) Juan Griego received a concession of lands just north of the Albuquerque grant. Since Los Griegos was a small Spanish subsistence farming community, it was not required to have a plaza. Rather, it took a linear form, stretching along the road between the river and the main irrigation ditch. Farmland stretched north and south from the houses to contra acequias (private ditches) which took irrigation water from the Griegos-Candelarias ditch. Even with recent infill and modern subdivision of property, this traditional settlement pattern is still evident in Los Griegos.

The census of 1790 listed 109 people in Los Griegos in 25 households. Six men were farmers, one was a day laborer and nine processed wool. The village had two tailors and one shoemaker. Only one family could afford a servant. By 1860 the population had grown considerably. Many were still farmers and day laborers (which may have included the wool workers) and Griegos had the distinction of having the only grocery storekeeper and schoolmaster in the north valley. Most prominent among the residents were Juan Cristobal Armijo, listed as a merchant, and his son Nestor, also a merchant. Juan Cristobal was probably living near or in Los Poblanos, the old plaza just north of Los Griegos and subsequently absorbed into it. The Armijos were not typical of the population of Los Griegos, for the people of the village had a modest rural life until the coming of the railroad.

A building boom occurred in Los Griegos after the railroad arrived when rural Hispanic immigrants came to the city to work on the railroad or for the newly-opened Breece Lumber Company located just to the northeast of old Albuquerque; many settled in Los Griegos, building their own adobe homes. These buildings have remained fairly intact architecturally. This is the

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primary reason why Los Griegos contains excellent examples of vernacular architecture dating from the late 19th and 20th centuries.

After statehood in 1912 several large farms immediately to the north of the village were developed which enabled the people of Los Griegos to supplement their income as day laborers on the dairy farms of Congressman Albert Simms' "Los Poblanos" and Robert Dietz' "Dietz Farm". Additionally, employment was found at the Rossiter Greenhouse on the outskirts of the village as well as at the sawmill and the railroad shops. With the growing number of jobs available outside the village, the traditional patterns of community life which were based on subsistence farming began to break down.

While the patterns of modern life in Los Griegos are clearly different from those maintained during the village's days as a farming community, many customs and traditions are continued by long-time village residents. Cooperation in clearing the local ditches of overgrowth is demonstrated each spring among those still having irrigation rights. Villagers clear the smaller ditches, while responsibility for the main acequias is held by the Middle Rio Grande Conservancy District.

While the ditches assured the economic salvation for the subsistence farmers of the village, the Catholic Church guaranteed their spiritual salvation. Los Griegos probably had a small chapel since the early 1800's to which a priest from San Felipe de Neri in Albuquerque would come to hear confessions and say mass. In 1876 construction began on a chapel dedicated to San Isidro - the patron saint of the fields. Later called Our Lady of Guadalupe, the chapel (now a private house at 1858 Griegos Road) was the center of village religious life until a new church was built to the south in 1955.

The people of Los Griegos have continued seventeenth-century traditions that were centered on the Catholic faith. The morality play called Los Pastores dates from the seventeenth-century methods of the Franciscan friar missionaries who would use plays to demonstrate precepts of the Catholic faith to the Indian population. Each village that performed Los Pastores developed a different version of the story of the shepherds' quest for the Christ Child on Christmas Eve. Archaic Spanish is evident in the Los Griegos version. Los Posadas precedes the play and entails actors playing the parts of Mary and Joseph knocking on the doors of nine houses

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requesting shelter for the night. They are refused until the ninth house admits them. In Los Griegos the ninth house was the meeting hall bridging the property between 1708 and 1714 Griegos Road. Los Pastores would then be performed in the meeting hall. All houses along the processional route would place luminarias - small pitch stick fires - outside to guide the Christ Child. Los Pastores in Los Griegos was televised in 1953. Because of the time consuming preparations, Los Pastores traditionally is not performed each year, but on an indefinite schedule.

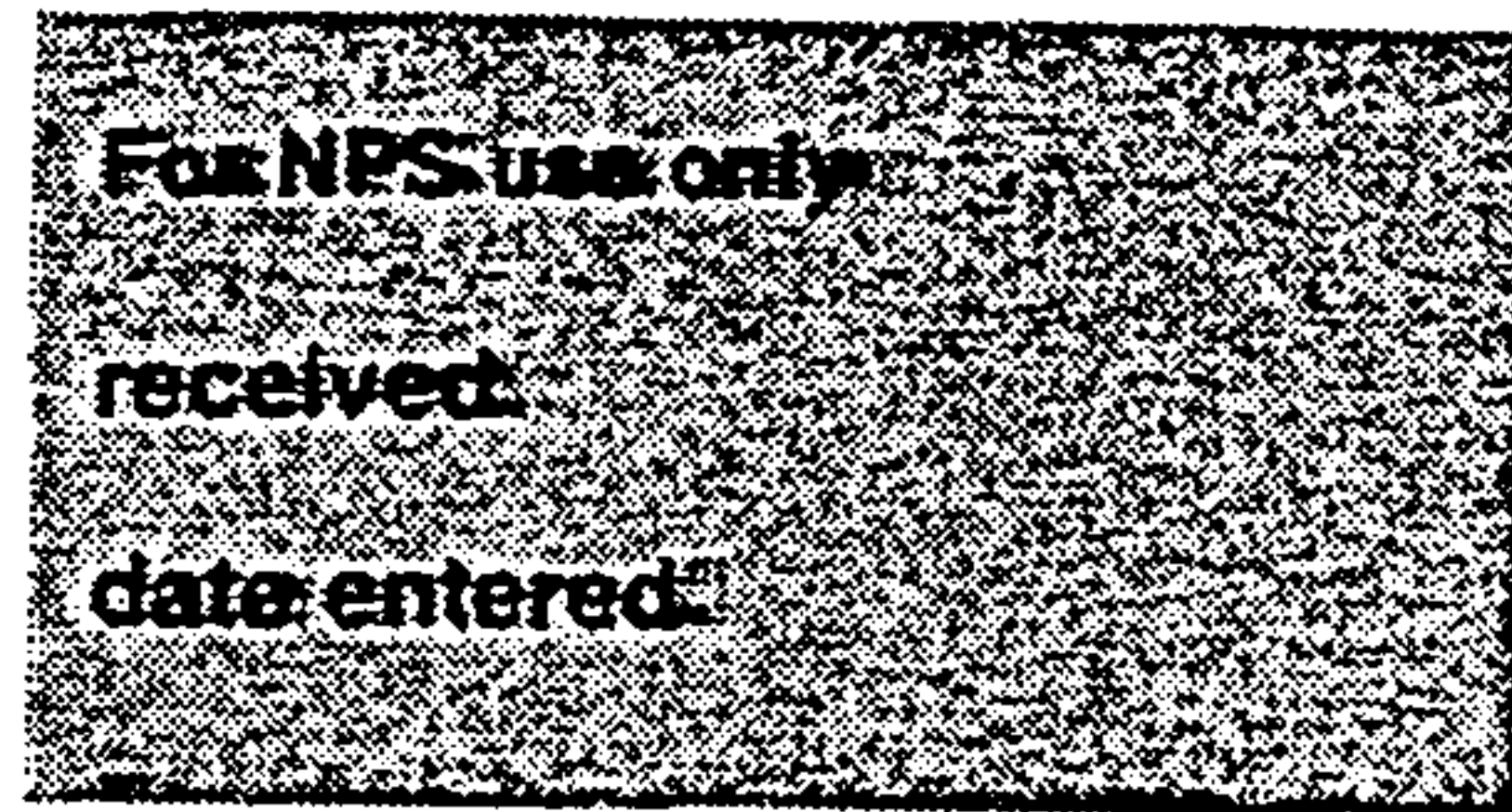
The Penitente Brotherhood was also active in Los Griegos and its activities provoked many outraged editorials in Albuquerque's newspapers. The Penitentes are the self-flagellating lay third order outgrowth of the Franciscans. Although the men of the Brotherhood would care for the sick of the village, they were best known for their dramatic Good Friday rituals involving penitential flagellations. The Penitentes were not a common phenomenon outside of northern New Mexico, but they had a stronghold in Los Griegos and moradas elsewhere in the north valley. In recent years, the Los Griegos Penitentes have either disbanded or gone underground. Two locations for their moradas (meeting halls) in the village have been given - on the southeast corner of Griegos Road and Rio Grande Boulevard and at 5014 Guadalupe Trail NW.

The traditional New Mexican village crafts also continue in Los Griegos. Roland Dickey wrote his book New Mexico Village Arts while living in Los Griegos and based it on first person knowledge of the craftsmen of the village. Two craftsmen presently living in the village are Atilano Tsutsumi and George Sandoval. Tsutsumi (of predominately Spanish blood with a Japanese surname) lives at 1850 Griegos Road and is a tinsmith who makes traditional New Mexican lighting fixtures and shrines. Sandoval, who owns the house at 1733 Griegos Road, is a well-known craftsman who hand manufactures traditional New Mexican furniture of pine as well as hand carved and panelled doors.

Little if any historical research on Los Griegos has been done before that done for this nomination. Bathtub and Silver Bullet and More Bathtubs and Fewer Bullets, two books by noted local newspaper columnist Irene Fisher, are anecdotes based on her life in Los Griegos in the 1930's. In both these books the author attempts to convey the cultural traditions of the Spanish-speaking village. She discusses the centering of village life on the Church traditions and field work. During

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her residence in Los Griegos, the hub was the meeting hall between 1708 and 1714 Griegos Road (torn down when the street was paved in the 1960's) and the store across the street at 1717 Griegos Road that sold canned goods, gasoline and boot-legged liquor. The Society Hall at 1620 Griegos Road was also used as a community meeting place until 1977 when it was turned into a residence.

After annexation to Albuquerque in 1948 and 1951 and the extension of city services, an increasing number of people have sought residence in the Los Griegos area. The 500-acre Simms farm has been sold and partially subdivided. The Dietz farm was sold and subdivided in the early 1960's. As the older residents of Los Griegos die, their properties are not being occupied by their children but, rather, sold to outsiders who find Los Griegos a charming and distinctive place to live.

The District is much like a rural New Mexico village within the city of Albuquerque. Vernacular architectural styles and traditional culture in Los Griegos clearly define the historic center, which, although now surrounded by modern subdivisions, still keeps its basic identity and integrity.

MR. JACK CLOUD, DRB CHAIRMAN: Good Morning

MR. WILL PLOTNER: Will Plotner with Cartesian Surveys. 2104 Southern Blvd. Rio Rancho 87124.

MR. TOM SLATES: Tom Slates 5108 Guadalupe Trail, NW

CHAIRMAN CLOUD: We had heard this a few weeks ago, we did receive some additional justification for the subdivision design variance. Will, I believe you have made revisions to the plat?

MR. PLOTNER: No, I don't believe so. Can you be more specific about what requirements you are requesting?

CHAIRMAN CLOUD: You had sent us a red line copy of revisions. Maybe its just the exhibit. There was some information that still wasn't on the...that we'd asked for some clarification on?

MR. PLOTNER: Yes that is correct.

MR. SLATES; You also keyed some notes.

CHAIRMAN CLOUD: Can you bring that up and show that to the board please?

MS. KRISTAL METRO: So that's no longer a turn around that's a parking easement?

MR. PLOTNER: No it's both.

MS. METRO: You can't really have it be a turnaround if people are parked in it. I'm a little confused by that, what kind of parking easement....

MR. SLATES: I believe that we claified that as to be only parking

CHAIRMAN CLOUD: So that the turnaround is actually at the end.

MS. METRO: So is the Fire Marshall's office aware of that?

MR. SLATES: The hammer head if for the fire and the Fire Marshall is aware of that because the, if we're talking of the same thing we're taling between lots 3 and 4?

MR. PLOTNER: Yes.

CHAIRMAN CLOUD: Do you have copies of the easement notes 2 and 4?
Those access easements?

MR. PLOTNER: Yes I emailed those to you.

CHAIRMAN CLOUD: I do need hard copies of that for the file. We did have a couple of people signed up if you could allow them to come up please. Jennifer Ramo?

MS. EMILY MCLEOD: Hi I'm Emily McLeod I live at 5110 Guadalupe. I live at the corner of Guadalupe Trail and Pedro's Place. Today I brought a petition signed by 12 neighbors. Four of whom are on Pedro's Place, some of whom are on Guadalupe and some of whom are on Bayita Lane. All 12 of these neighbors oppose widening the road and further subdivision to Tom Slates property.

CHAIRMAN CLOUD: I'm sorry, oppose...?

MS. MCLEOD: Opposed to widening of Pedro's Place and further subdivision to Mr. Slates properties. Currently Pedro's Place has capacity for Tom to build 2 homes. The neighbors opposed anything beyond the 2 homes that Pedro's Place has capacity for. And then I also have letters from the neighbors.

CHAIRMAN CLOUD: Okay. If you want to start those over there and we can pass them down and take a look.

MS. JENNIFER RAMO: Jennifer Ramo, I'm at 5105 Guadalupe Trail. So I came last time and I think what came up, I was here with a different neighbor, Dennis Plummer. The main issue that came up was a procedural issue which is a concern that this is kind of an end run around public comment and really what we have here is a subdivision that requires public comment, because it has so much impact in the neighborhood and what we have is kind of this piece-meal, you know if you add 2 homes at once it's not a subdivision because its under 10 houses, but its not under 10 houses

CHAIRMAN CLOUD: It's called a major subdivision. This is a subdivision

MS. RAMO: Yeah it's a major subdivision...

CHAIRMAN CLOUD: No, we have a definition, an ordinance definition or major subdivision. This is a subdivision, it does not meet the definition of a major subdivision.

MS. RAMO: 12 homes correct?

CHAIRMAN CLOUD: With the platting action. This platting action only has 7 lots.

MR. RAMO: Right, but when you look at all of Pedro's place that is, and he has a name for it too I think like "Happy Landings Subdivision" I don't know what it is but I mean he's considering this to be a subdivision.

CHAIRMAN CLOUD: This is a subdivision, we are having a public meeting right now so if you could comment on the request before us, please go ahead.

MS. RAMO: Okay, sure. I thought that there was a procedural issue with that, so if you're saying that there is not a procedural issue that's fine.

CHAIRMAN CLOUD: We're having a procedure right now...

MS. RAMO: No no no, a procedure that requires public notice.

CHAIRMAN CLOUD: Right, did not require public notice

MS. RAMO: Right, that's what we're asking is doesn't this require public notice?

CHAIRMAN CLOUD: No it does not.

MR. RAMO: Okay even though it's a subdivision of 12?

CHARIMAN CLOUD: This was advertised in the paper, that was the only notice that was required.

MS. RAMO: So that was different than our understanding of this but, so the main issue really is that this is widening this teeny tiny land that is really meant for a limited number of homes. You can widen it but it's still is a small area that shouldn't be turned into a giant subdivision, or whatever the technical term is. The history of this I think has been very frustrating for the neighborhood because it has, it originally started something with an acknowledgment that it was an impact on the community and it kind of ended up in this very secretive way. No one is opposed to him developing his land but there is great concern about the number of homes that are going to be crammed into this little neighborhood and how it's going, it sounds like it would require sidewalks and how it would really kind of destroy the character of this neighborhood.

MS. MCLEOD: One other thing just to represent some of the opposition. Each of the five property owners on Pedro's Place plus Mr. Slates understood the limitations of Pedro's Place when they bought their properties. What the neighbors feel is widening a road for one man's project is unreasonable.

CHARIMAN CLOUD: Okay thank you. Was there anyone else here interested in agenda item # 12? Okay. Mr. Slates did you want to respond?

MR SLATES: I would like to respond. Number one, last week on the 20th of July and I was aware that this petition was being circulated, what I would like to do, I have not seen the petition. It was not presented to me for obvious reasons to sign or to reject. I believe that if I was listening correctly that the statement was made that there were 4 people of Pedro's Place who signed your petition. Would you please be kind enough to let me know who those people were?

CHARIMAN CLOUD: Kristal, would you mind? Okay there are the addresses on there?

MS. MCLEOD: Its Guadalupe Trail addresses even though we all live on Pedro's way so what we were ...

CHARIMAN CLOUD: Dennis Plummer who was here and submitted a letter last week. Kevin Sarbor is listed at 5112.

MR SLATES: Okay now I understand where you got the four. By my calculations there are existing 8 lots or residences on Pedro's Place. If each one of those people is given one vote rather than the aggregate of how many people are residing in that house and I do believe in Dennis Plummer's case there is a man there who is only going to be there for another month. My calculations are that we have five people approving this those people are Tom and Susan Slates, who have two pieces of property my cousins who I'm acting as an agent, they are in Falls Church Virginia they own Tract 118 C and they wish to build two small houses back there, Melissa Salazar who lives at 5120 and David and Beth Wiley who live at 5118. I do believe that Emily you contacted as well as I have...

CHARIMAN CLOUD: Mr. Slates, please address the Board not ...

MR SLATES: Okay. Emily Thalier who owns a lot there and has yet to build so by my calculations, I have 5 people who approve of this which is 5 of 8 which is 62 ½% . 25% disapprove, and I understand that. 12 ½% remain neutral so those are my calculations. Now on the 20th of July I was approached by a man named Stephen Posse who lives on Bayita Lane. He called me and he asked if he could come over and he is a past president of the South Guadalupe Trail Neighborhood Association. We had an hour meeting between 7:15 and 8:15 last Wednesday evening he said that the petition was presented to him but he did not feel he was properly informed on both sides of that issue. When left he said, "Tom I don't know the solution to your problem. I presented him with as much information as I have presented the Board in our file. I chose not to go door to door with a petition although Angus McPherson who lives in the area as well as Dennis Pile, they have written previous letters as well as Rav Freeman who lives in the 4800 block. I am not at ease with the amount of dissent and the divisive character that this has happened in the beautiful area of Albuquerque. I don't like it and I'm sorry that we have gotten to this level. At that point, Stephen remained neutral with the information that was given to him. That is my rebuttal

to what is stated. If someone were to walk and analyze this particular section of the City of Albuquerque, they would find that 20 - 24 foot roadway easements are not in not keeping with the character of neighborhood. They'd find that they would be in keeping with the character and I have documented roadway widths as well as the number of people and lots and lot sizes. I have tried to keep this to a position of facts. This is not an teensie piece of easement and 24 feet maintains, in 2011, basic egress and ingress requirements for the various services that we now require. In 1979 that was not the case or in this particular case for 8 lots, 17 ½ feet widening to 22 was adequate. Thank you.

CHARIMAN CLOUD: Ms McLeod, yes?

MS. MCLEOD: Just also to clarify when we canvassed around the neighborhood, we made it very clear to neighbors to contact Mr. Slates, that we were not representing his side, that we had concerns. Stephen, we made it clear to Stephen that we couldn't answer some of his questions. When we attended the neighborhood meeting when Mr. Slates first presented this plan, to a few of the neighbors, he had distributed 3 pages of information that he had submitted to your department for us to review at that meeting. We were not allowed to take a copy of that from that neighborhood meeting

CHARIMAN CLOUD: Okay, this file, we can give you a copy of anything that you want here.

MS. MCLEOD: So some of the questions that Stephen had we were not able to answer and we encouraged him to contact Mr. Slates.

CHARIMAN CLOUD: Thank you. Again this is what qualifies as, what's called a minor subdivision. There is no procedural issue that hasn't been followed with this request. It was advertised in the paper, that's the minimal advertisement requirement. We have received comments from abutting property owners at the original hearing in June and again today. The problem seems to be, we've got cross purposes here with some of the design variances and the desires of the neighbors. The property owners are zoned R-1, they are well within the minimum lot size for that zoning.

The issue that comes up is the City has minimum standards for subdivision that, because of the cumulative number of lots, this is a what we consider a less than standard street section. I think the Board has previously indicated there's some desire to go with some of these standards because of their beneficial nature, I mean this was supposed to be a paved road, you're proposing gravel, I think the benefits to the drainage situation by not paving this may outweigh the gravel standards. However you are in a tough situation that you're wanting to reduce the standards. If you were to not request a subdivision design variance your road would be even bigger than what we're proposing.

MR. PLOTNER: I think in this particular area I can see your point Mr. Chairman, but in this particular area this is the same in that entire area as far as these roadway widths go. I don't think that that particular standard should apply in this case.

CHAIRMAN CLOUD: Well, and Mr. Slates has provided substantial documentation to support his variance, but really the main policy statement, adopted policy is the North Valley Area Plan – the North Fourth Street zoning code as I understand it is still just a draft document, Mr. Slates is that correct?

MR. SLATES: That is correct.

CHAIRMAN CLOUD: So we really can't use that as a basis for approval because it's not an adopted document.

MR. PLOTNER: But if you listen to the opposition's case, they don't want that street any wider than it is now. They are not asking for it to be wider and neither are we, wider than necessary. The only ones that are asking for it to be wider or is the subdivision design requirements, so the objection to that design variance seems to be on both sides here today.

CHAIRMAN CLOUD: Well I would like to ask if you would consider one more time of trying to meet with the neighbors. I know you'd said you did not go door to door but I'm not sure that the opposition understands he has certain zoning entitlements. He is well within his minimum lot size. If he wanted to, he could come in with a much bigger street which would not require a variance and then we'd have no basis to deny his subdivision. Because he's asking for a variance we have some leeway in determining if that's appropriate. I think it might benefit the adjacent property owners to let Mr. Slates try to convince them as he's trying to convince this Board why he should not be putting in paved street and sidewalk for this street which if he did, you know, we'd probably have an approved subdivision. And I think I would like a week to review the material that's been submitted today anyway. Parks and Recreation, Christina, comments on agenda item number 12?

MS. CHRISTINA SANDOVAL, PARKS AND RECREATION: I would have no objection to a week deferral.

CHAIRMAN CLOUD: Okay. City Engineer, Kristal?

MS. KRISTAL METRO, HYDROLOGY: Hydrology does prefer the road and parking areas to be gravel due to the ponding of street flows in the front yards in the subdivision. Hydrology does have an approved grading and drainage plan dated 7/22/11 approved for Preliminary Plat and would be able to sign the infrastructure list. For final plat approval a note to the plat needs to be added stating certification of the subdivision grading plan or an individual lot grading

plan is required before building permit can be approved for that lot. In addition a recorded SIA will be required prior to any final platting action.

CHAIRMAN CLOUD: Okay. Water Authority, Allan?

MR. ALLAN PORTER, ABCWUA: Will I still have some questions on the designation of a easement for the water and sewer lines on the plat so we can probably discuss that.

CHAIRMAN CLOUD: Is that not clear?

MR. PORTER: It's still not clear to me.

MR. PLOTNER: do you want to discuss it now or do you want to discuss it later?

MR. PORTER: When the meeting is out we can catch up, we're going to end up deferring anyway.

MR PLOTNER: Okay.

CHAIRMAN CLOUD: but it is called out as a public water and...

MR. PORTER: Well it's called out as a private roadway and public utility, private sewer and private water easement.

CHAIRMAN CLOUD: Oh, no I'm sorry I thought that was fixed, that should be a public water and public sewer easement. Because we do have a fireline going back there correct?

MR. PORTER: Right, line extension...

CHAIRMAN CLOUD: And we have a public line extension ...

MR. PORTER: So we need to include that in there as a public line extension.

CHAIRMAN CLOUD: So that would be a public water and public sewer

MR. PORTER: Right public utility designates the different dry utilities really so we need to make provision for that to specifically call out public water and public sewer. Thank you.

CHAIRMAN CLOUD: comments on the infrastructure list? It's showing a six inch water line extension and 8 inch sewer line extension?

MR. PORTER: Right that's no problem at all, that's agreed to in the availability.

CHAIRMAN CLOUD: Transportation development, Nilo?

MR. NILO SALGADO-FERNANDEZ, TRANSPORTATION DEVELOPMENT:

Okay, Transportation Development has no objection to the use of gravel versus the asphalt for the roadway and its due to the fact the overall drainage needs to be for this area. I do have extra comments here that the first 25 feet of your segment of roadway needs to be asphalt and that's per our city standard. Also your gravel needs to be six inches thick, not 3 inches thick and that's per our city standards. If you have a copy of them you may refer to it, okay? That' all I have thank you.

CHAIRMAN CLOUD: Okay so we'd need a revised infrastructure list. It would need to indicate asphalt paving and the six inch gravel. It sounds like the water and sewer lines are adequate. And Hydrology had indicated that they had their items also properly listed?

MS. METRO: Correct they had no objection to the infrastructure list.

CHAIRMAN CLOUD: I do not have a signed copy of the infrastructure list. Has Dave Thompson given you one? Okay so I think if you can change that easement to public water and sewer easement and revise the infrastructure list, give us a chance to review the material we received today and then we'll make a decision next week.

MR. SLATES: Thank you very much.

CHAIRMAN CLOUD: We going to defer this one more week, that will be to the meeting of August 3rd.

MR. SLATES: After last meeting, I did go over to Emily and Jennifer and Dennis Plummer and I did say that I would like to have a meeting. In the 30 days that have passed, Dennis Plummer did avail himself of that meeting and we....

MS. MCLEOD: ...(unclear)....

MS. RAMO: ...(unclear)....

CHAIRMAN CLOUD: Excise me everybody, this item is closed now I am urging you as the applicant to try to provide the material you've provided us and let them peruse that and then we'll meet here next week.

MR. SLATES: Very Good.



DEVELOPMENT REVIEW BOARD

MINUTES

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

August 3, 2011

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

**Kristal Metro, P.E., Transportation Development
Curtis Cherne, P.E., Hydrology/ Alternate City Engineer**

**Allen Porter, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development**

Project# 1004906

**11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS
11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL**

**THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, &118-E, MRGCD MAP 32 zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)**

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Tom Slates - 5108 Guadalupe Trail NW, 87107

Mr. Will Plotner - Cartesian surveys, 2104 Southern Blvd., Rio Rancho 87124

PERSONS PRESENT IN INTEREST:

Ms. Emily McLeod - 5110 Guadalupe Trail NW, 87107

Mr. Dennis Plummer - 5112 Guadalupe Trail NW, 87107

MR. JACK CLOUD, DRB CHAIRMAN: Item 8, project 1004906, Thompson engineering consultants and Cartesian Surveys agents for Thomas Slates requesting subdivision design variance and preliminary and final plat approval for tracts 118 C,D and E of the Conservancy District map # 32.

MR. PLOTNER: Will, with Cartesian surveys, 2104 Southern Blvd., Rio Rancho 87124.

MR. SLATES: Tom Slates, 5108 Guadalupe Trail NW, 87107

CHAIRMAN CLOUD: This had been deferred from last week. Will did you bring copies for people or do you just have the one?

MR. PLOTNER: Well I did send copies out via email I believe.

CHAIRMAN CLOUD: I thought you were going to make some hard copies for the meeting.

MR. PLOTNER: As far as for the....?

CHAIRMAN CLOUD: The plat.

MR. PLOTNER: The plat, no I do not have copies for you.

MS. KRISTAL METRO TRANSPORTATION DEVELOPMENT ENGINEER: Do we have a revised infrastructure list available?

MR. PLOTNER: No we do not. He's supposed to be here this morning, but he hasn't shown up yet.

MR. SLATES: I left a call for him.

CHAIRMAN CLOUD: Okay.

MR. PLOTNER: We were asked to make a note on the plat, sheet 3 regarding the grading and drainage plan note and to clarify the easement number 7.

CHAIRMAN CLOUD: Okay can you bring your original up and show Mr. Porter the note? Can you show that to Curtis please? Okay Will, I did receive a copy of one of your referenced easements. I think it was note 2. It references an access easement but that access easement was not part of the warranty deed that you reference it was for parcel one, which is described as 118 C, and it says that access is provided through 118 D, and I'm not sure how valid this easement is, since you are now replatting that lot instead of just granting the 2 foot additional, I think you need to grant the full 10 feet with this plat. Let's see 1985?

MR. PLOTNER: You're talking about easement note 2?

CHAIRMAN CLOUD: Right. I'm sorry I'm talking about....right, yes that was a deed for tract 118C and says you get access through 118 D, but 118 D wasn't a part of the deed that I can tell so I think its okay to reference on there but then for your note 6 where you say 2 feet of additional private roadway I believe we just need to just go ahead and say this plat hereby grants the 10.8 feet unless you wanted to research that at the same time this deed for 118 C went through Mr. Padilla owned 118 D, and he probably did but we would need to document all of that to make it valid.

MR. PLOTNER: Instead of changing that 6, can we go ahead and just change 2 to go ahead and grant that at the same time to clear up any...

CHAIRMAN CLOUD: Okay, yes actually that's probably better. Go ahead and reference the old deed and then say, "also hereby granted by this plat."

MR. PLOTNER: Okay

CHAIRMAN CLOUD: That would be a good way to keep the history of it I think

MR. PLOTNER: I think so.

CHAIRMAN CLOUD: Kristal are you still looking at that infrastructure list?

MS. METRO: No I've finished. Did you want to take a look at it?

CHAIRMAN CLOUD: Yes why don't you pass it down and let everybody else see that original. Okay so we've go a revised infrastructure list, we've go a revised plat, do you have anything else to add or provide this morning?

MR. SLATES: I do not.

CHAIRMAN CLOUD: Okay we do have one person that signed up to speak so if you would allow them room so we can get them on the microphone. Emily McLeod?

MS. EMILY MCLEOD: Okay so I just want to thank you again for allowing comment. We have 4 points to discuss. They are outlined in your packets. We'll try to get through this quickly. Our first point is that the first thing you see in front of you is a map of Los Griegos Historic District and behind that is a picture, a current picture of Pedro's Place at the entrance. You can see on the highlighted map that Guadalupe Trail up to the entrance and including the entrance to Pedro's Place is considered the Griegos Historic district. Last week your board clarified that if the variances are approved for Pedro's Place the first 25 feet of it will have to be asphalt. That will significantly impact this historic road. It will also impact the 118 A which is the plot that is adjacent to Pedro's Place.

Our second point is that Mr. Slates' road variance does not meet minimum standard criteria as outlined in chapter 14 of zoning, planning and building. So

the next thing you'll find are 2 letters written by the chairman, the first on December 2, 2009 and the second one June 29, 2011. In both of those letters Mr. Chairman asked Mr. Slates to specify how the variances would encourage flexibility, economy, effective use of Open Space or ingenuity of design of subdivision. In the second letter he also asked, he states that if the easement is to be gravel, then ADA access needed to be addressed. So what you'll find next is, I know you are all familiar with this, but we included the copy of chapter 14 and highlighted a few areas about the Development Review Board may vary the provisions of part 3 of this article, minimum standards for the design of subdivisions and development process manual in cases where varying for the normal requirements will encourage flexibility, economy, effective use of Open Space or ingenuity of design of subdivision, or number 2 where extraordinary hardship or practical difficulty may result from strict compliance with minimum standards. What follows after that is just criteria for your decision when considering Mr. Slates' variances.

Also an important point of the third page of the zoning code is that financial gain or loss shall not be the sole determining factor in deciding a variance. So, we've reviewed Mr. Slates' outline specifying how his variances and his subdivision will encourage each of the things outlined by Mr. Chairman. So I'm just going to go through how he addresses hardship, flexibility, economy, effective use of usable space, ingenuity of design, and then finally how he addressed the ADA access. In summary he described hardship as a 10 foot to 12 foot roadway easement, would essentially encroach on his developable property. That does not meet the criteria for hardship. He also mentioned that widening the road 10-12 feet would also have to destroy adobe walls and those adobe walls sit on his property. That does not meet the criteria for hardship. The next issue he addresses is flexibility and he said that widening the road improves access to fire, emergency and solid waste vehicles. Currently Pedro's place already has access for fire and EMS and in fact it has a fire hydrant on it. And currently the residents of Guadalupe Trail take their garbage to the curbside so Solid Waste picks up our garbage on the curbside. In terms of addressing economy, there was not a clear explanation. Encouraging effective use of usable space his summary of that is that people in the area appreciate open space in two ways. He notes the farm, the working farm that's located on the 5000 block of Guadalupe trail. He also notes that people also like to create private retreats or patios behind adobe walls. So essentially what he's saying is by building homes, more homes that have private patios behind walls that's encouraging effective use of usable space. That does not meet the criteria.

Also as a note the farm located on the 5000 block of Guadalupe Trail which is the only working farm in the neighborhood signed our petition opposing his road variances and his subdivision. Tom also notes that one home per tract of land would prevent open vistas of mountains and volcanoes. So my understanding of what he's suggesting there is that somehow if you build more homes that are smaller you're going to have a better view of mountains and volcanoes so I'm not quite sure how he was suggesting that that is encouraging effective use of usable open space. He also makes a note and includes photographs for you of land and

property that is not on Pedro's Place and he talks about how that open land has become a junkyard for derelict cars, boats and dying plants. What he didn't include is photographs of residences that are actually on Pedro's Place so I've included 3 of them for you there. That does not meet the criteria because by building and changing Pedro's place he's not going to effect or change or remove the junk that's on the properties that he's noted.

And then the final thing that Mr. Slates suggests is that if he is not permitted to subdivide the current 1/3 acre parcels that those parcels will remain non productive, unusable, and un-xeriscaped. The irony with that is that those are sellable properties as they are now and he is the owner of them so he certainly is capable of taking care of them as would be the property owners that have bought one of his parcels and any other future property owners that could buy his land as it is now. In terms of ingenuity of design of subdivision, he did not give an explanation for that. And finally as far as addressing Mr. Chairman's comment about ADA access, he doesn't address or at least I don't have a public document that has him addressing.

Our Third point and what you'll see next is 40 plus signatures of local residents between Griegos and Montano in the area where we live, in the neighborhoods where we live who have opposed the road variances and the further subdividing of Mr. Slates property.

Our final point is really just to ask for some clarification. So Pedro's Place on this plat is described as a private roadway with public utility easement. So our question is that if the variances are approved who will be absorbing the cost of maintaining Pedro's Place.

CHAIRMAN CLOUD: It would be the properties in this subdivision.

MS. MCLEOD: Only in the subdivision?

CHAIRMAN CLOUD: This particular subdivision before us...

MS. MCLEOD: Just finally many of the people who signed the petition would have liked to be here today. I appreciate your time during these hearings unfortunately for working people it's a very hard time to come. That's all we have. I'm sorry one other thing. There is also a letter included in there just to so that you guys have a copy of some of those points we outlined around Mr. Slates not meeting the minimum criteria for a variance. So there is a 7 page outline in there for you.

CHAIRMAN CLOUD: Okay let me make a clarification right now. This is not a variance under the zoning code this is a variance under the subdivision ordinance. That is a whole different criteria, it's not the criteria for the, that you quoted from the zoning code does not apply in this case. It's just the subdivision ordinance and again the subdivision ordinance is not, its not a checklist that you

have to have everything, you just need meet some of those criteria to get the variance, you don't have to prove it all. I just wanted to clarify that.

MR. DENNIS PLUMMER: 5112 Guadalupe Trail which is located of Pedro's place. I just wanted to highlight the first point. I have been at these hearings previously and I know that it was a concern of this board at the very first one is this in a historic district and you were informed that it is not. I just want to clarify that indeed what we're talking about is in the historic district and I don't know if Los Griegos Historic District have been notified.

CHAIRMAN CLOUD: Okay at first I was concerned that perhaps they hadn't seen your latest submittal but they did actually submit copies of that so I think they are just, the main point of the opposition was to counter your supplement of July for the variance.

The comments that I provided earlier were prior to this supplemental information and as I just stated, for the variances from minimum standards from the subdivision ordinances, it's not you have to meet everything so I would agree with what the opponents were saying. I don't believe that this is actually having and effective use on Open Space but I do believe you're encouraging some flexibility and economy in the design of this subdivision, particularly the gravel surface and to provide for a safer access for emergency vehicles. In terms of 25 feet of asphalt, I don't think I would consider that significant impact but I'll check with the board members. The opponents are proposing that that would be a significant impact and be injurious to the public welfare so I don't know if any of the board members would like to comment. I don't think 25 feet is that significant but I'll poll the board. Parks and Recreation, Christina?

MS. CHRISTINA SANDOVAL PARKS/MUNICIPAL DEVELOPMENT: I would not see that as significant but I'll defer to Transportation.

CHAIRMAN CLOUD: Okay, City Engineer?

MR. CURTIS CHERNE, HYDROLOGY ENGINEER: There may have been a concern because of the more impervious surface but it's such a small piece that I don't think it's going to cause any flooding problems.

CHAIRMAN CLOUD: Water Authority, Allan?

MR. ALLAN PORTER, ABCWUA: I don't feel that that's significant impact.

CHAIRMAN CLOUD: Okay, Transportation Development, Kristal?

MS. KRISTAL METRO, TRANSPORTATION DEVELOPMENT: Well the gravel roadway is due to the unique drainage requirements in this area, however the 25 feet is standard so that gravel does not intrude upon the public roadway. If it doesn't have an adverse impact to the drainage plan which it doesn't sound like it will according to Mr. Cherne, I would see not problem with that 25 foot of asphalt,

it's a very small area when you compare it to the rest of the roadway, it's simply a maintenance issue for the City streets.

CHAIRMAN CLOUD: We did defer this last time to review the material that had been submitted at that time. At that time, many of the people signing the petition were BaYita Lane and opposing the variance which actually would have allowed this property to build something similar to Baita Lane, so I find that ironic that they are opposed to that. I do see now you have other signatures but quite a few on Delmar which is a City street and Guadalupe Trail which again does not have sidewalks.

I think that the applicant has provided a justification for flexibility and economy. This is consistent with the adopted north valley area plan, it does encourage this type of development and I'm inclined to approve the variances but again this is a consensus board so I'll poll the board. Parks and Recreation, Christina, would you approve the design variance for the street design for this subdivision?

MS. SANDOVAL: I would have no objection to a variance.

CHAIRMAN CLOUD: City Engineer, Curtis?

MR. CHERNE: Hydrology prefers the road and parking areas to be gravel since the subdivision will be ponding street flows and front yards. I defer to transportation and planning for the other variances as far as widths. I have an approved grading and plan stamp dated 7/22/11 for preliminary plat approval and I can sign the infrastructure list.

CHAIRMAN CLOUD: Okay, water Authority Allan?

MR. PORTER: I have no objection to the variance and I can also sign the infrastructure list.

CHAIRMAN CLOUD: Okay, Transportation Development, Kristal?

MS. METRO: I have no comments on the infrastructure list my concerns have all been addressed there. In addition, due to the unique location in the Los Griegos historic district and the overall drainage needs for this area, Transportation Development would have no objection to the subdivision design variance requests.

CHAIRMAN CLOUD: We will then grant the subdivision design variance request. The criteria for that, that it does encourage flexibility and economy in the design of subdivision. It will benefit the drainage in the area as previously mentioned. And it's the boards opinion that it will not be injurious to the public safety, health or welfare or adjacent property. It does not conflict with the goals and provisions of city plans and in fact, that it is consistent with the North Valley Area Plan. That it will not encourage a development in the hundred flood plane based again on the variance design and will not hinder future planning or public right-of-way

acquisitions as this is a private street. We do have an approved grading and drainage plan dated July 22, 2011 and so then with the signing of this infrastructure list we can grant preliminary plat approval. You folks do have a right of appeal. The appeal must be filed by someone with standing so you have to have property within 300 feet. Anyone further than that cannot appeal or it must be filed by a recognized neighborhood association. If you do appeal, it must be done within 15 days of today's date that would be August 18th by 5:00pm. If you file an appeal you must allege errors by the board and errors in applying adopted plans and policies or error in stated facts or error in acting arbitrarily or capriciously. So the people that signed in for the hearings will receive a written notice of this decision. The appeal would be filed here at the ground level and will be referred to the City Council, but they have a Land Use hearing Officer who would hear if first and then make a recommendation to the full City Council. We'll indefinitely defer final plat pending expiration of the appeal period and subdivision improvement agreement.

MR SLATES: Thank you.

CHAIRMAN CLOUD: Thank you all.



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

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)
- D
- 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 2nd 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): THOMPSON ENGINEERING CONSULTANTS PHONE: 271-2199
 ADDRESS: P.O. Box 65760 FAX: 830-9248
 CITY: ALBUQUERQUE STATE NM ZIP 87193 E-MAIL: tecm@yahoo.com

APPLICANT: THOMAS SLATES PHONE: 766-9165
 ADDRESS: 5108 GUADALUPE TRAIL NW FAX: 247-1207
 CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: _____

Proprietary interest in site: Owner List all owners: SUSAN SLATES, MARY LITVOS, NANCY HINNEMAN

DESCRIPTION OF REQUEST: SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS

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. TRACTS 118-C, 118-D, & 118-E Block: _____ Unit: _____
 Subdiv/Addn/TBKA: MRGCD MAP 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No 32
 Zone Atlas page(s): F-14 UPC Code: 101406110920730935, 101406110919830938, 101406107220530936

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 3 No. of proposed lots: 7 Total area of site (acres): 2.06
 LOCATION OF PROPERTY BY STREETS: On or Near: GUADALUPE TRAIL NW
 Between: CRIEGOS ROAD NW and MONTANO ROAD NW

Check-off if project was previously reviewed by Sketch Plat/Plan or Pre-application Review Team . Date of review: 12-2-09

SIGNATURE David B. Thompson DATE 6-3-11
 (Print) DAVID B. THOMPSON Applicant: Agent:

FOR OFFICIAL USE ONLY

- 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

1 DRB - 7054

Action

SNV
ADY
CMF

Form revised 4/07

S.F.	Fees
_____	\$ <u>20.00</u>
_____	\$ <u>20.00</u>
_____	\$ _____
_____	\$ _____
Total	\$ <u>20.00</u>

Hearing date June 29, 2011

V. [Signature] 6-3-11
 Planner signature / date

Project # 1004906

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.

David Thomson
Applicant name (print)
David Thomson 6-3-11
Applicant signature / date



Form revised 4/07

<input checked="" type="checkbox"/> Checklists complete	Application case numbers
<input checked="" type="checkbox"/> Fees collected	1/DRB - 70154
<input checked="" type="checkbox"/> Case #s assigned	_____
<input checked="" type="checkbox"/> Related #s listed	_____

[Signature] 6-3-11
Planner signature / date
Project # 10049016

Tom and Susan Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107
(505) 766-9165

May 20, 2011

Development Review Board
City of Albuquerque

We, the undersigned, are the owners of Tract 118D and 118E. We reside at 5108 Guadalupe Trail (the eastern ½ of Tract 118E). We are also representing Mary Porter and Nancy Kinnemann, owners of Tract 118C.

We are asking to divide three 2/3-acre R-1 parcels (118C, 118D and 118E) into five 1/3-acre parcels and two 1/6-acre parcels. The new subdivision will be called "Lands of Simpatico". The three existing tracts are approximately 82' deep and 330' to 387' long. After allowing for road easements and setbacks, the building pads are approximately 44' X 345' which are unusually narrow, a condition that existed prior to 1959 and before implementation of current DPM requirements for sidewalks, easement widths and pavement requirements. The limitations on the 3 tracts, because of size (29,987 sq. ft., 29,773 sq. ft. and 29,763 sq. ft.) and narrowness, prevent the complete use as R-1 properties. No irrigation rights or ditch access comes with the property and an irrigation well would, in light of the City's current water use guidelines, be a waste of a precious resource. Large R-1 lots already cause weed and litter problems.

Our neighborhood, which lies just north of the Los Griegos Historic District, wishes to maintain its unique character, charm and semi-rural atmosphere. The North Valley Character Study (7-03-08 draft review, a study initiated by councilor O'Malley and City Council Services concerning the impacts of continued residential development on the unique character of the North Valley) recommends less infrastructure than is associated with urban development, such as curbs, gutters, sidewalks and standard-width streets.

We are requesting a sidewalk waiver (DPM Table 23.2.1.B). No sidewalks exist on Guadalupe Trail from Griegos north past Delamar or on any feeder roads (Bayita Lane, Pablita Lane or Rosalee St.). The nearest sidewalk is at Delamar and Guadalupe Tr., 175' north of our existing access easement.

We request an easement variance from 46' wide to 24' wide (no sidewalks; no curb and gutter) and a roadway surface variance from asphalt paving to 3" gravel over a 12" compacted base (EPC Resolution April 1979; DPM Tables 23.2.1.B & D).

We do not have the privilege of designing this subdivision on a clean sheet of paper. We have 5 existing R-1 lots (Tract 118A, Tract 118B-A, 118B-B, 118B-C, 118B-D) with the inherent problems of narrow access easements (17.5' at Guadalupe Tr.), non-compliance with maintenance of access width and drainage issues. The history of this area goes back hundreds of years and the land division, lack of "urban infrastructure" and the meandering nature of Guadalupe Tr. are qualities the South Guadalupe Trail Neighborhood Association (SGTNA) values highly.

At the existing access to the subdivision, Guadalupe Tr. is 23' wide (asphalt with no sidewalks, no curbs and no gutter). It currently serves 98 residences, traffic to Columbus Park, and access for 38 residences on Delamar NW and Douglas MacArthur who wish to access west-bound Griegos Rd. (source: SGTNA membership roll 2010).

Existing gravel/dirt access roads feeding Guadalupe Tr. north from Griegos are as follows:

- A. 4824, 4828, 4832, 4836, 4840, 4842, 4844, 4848, and 4900 Guadalupe Tr. (east side) plus 3 recently platted lots in Los Castillos all share a 20' wide access road.
- B. Rosalee NW: 9 lots, 20' wide access road
- C. Pablito Lane (Platted 12/21/66): 12 lots, 20' wide dirt access road with a 14' wide constriction.
- D. Bayita Lane: 13 residences, 25' wide access road, length at 1,056'

The existing access/utility easement road for the existing lots is 17.5' wide for its first 103' east of Guadalupe Trail and then widens to 22' wide for its remaining 410'. This width was permitted on November 13, 1979 as part of the Orville Padilla Replat. In speaking with the Fire Marshall's plan checking office, they can't remember ever approving an emergency access road less than 20' wide. This access currently serves as the only emergency access/access to eight R-1 lots: (Tracts 118A, 118B-A, 118B-B, 118B-C, 118B-D, 118C, 118D and 118E).

As part of our development plan, we can widen the existing road to 24' from Guadalupe Trail east 718 feet to the new hammerhead turn-around. We have an agreement with the owners of Tract 119 to enable us to purchase a 6 ½' access easement from the north side of their property. Also, we are granting the additional 2' width easement from Tracts 118E and 118D to accommodate the 24' access width for two-way traffic. Mail service is currently provided by a cluster box on Guadalupe Trail for all 12 lots. Garbage service is currently on Guadalupe Trail and we see no change to this service.

All of the newly created lots (1-7) would have P-2 parking to reduce on-street parking demands. All off street vehicle parking shall be on a 3" crushed rock on a 4" compacted base. We are also granting a 24' wide off street parking area between Lots 3 and 4.

For the above reasons we are asking for a variance from the DPM Table 23.2.2 street design standards for width and material.

As per a conversation I had with Kristal Metro, I contacted the Environmental Health Dept. concerning any dust complaints they may have received in the last three years. Maritza Perez responded that no complaints existed for our area.

The drainage plan has been designed for a permeable 24' wide, 3" gravel over 12" compacted base driving surface in keeping with the character of the neighborhood.

In designing lot sizes, lots 1 and 2 at 7,600 sq.ft. relate to the smaller lot sizes of the Orville Padilla Replat. The other 5 lots provide more open space as is recommended by the North Valley Character Study (open space at 65% of lot size).

These variances would improve the access for existing residents, improve access for emergency vehicles, cut down on dust and maintain the scale and character of the neighborhood.

Thank you for your consideration,



R. Thomas (Tom) Slates

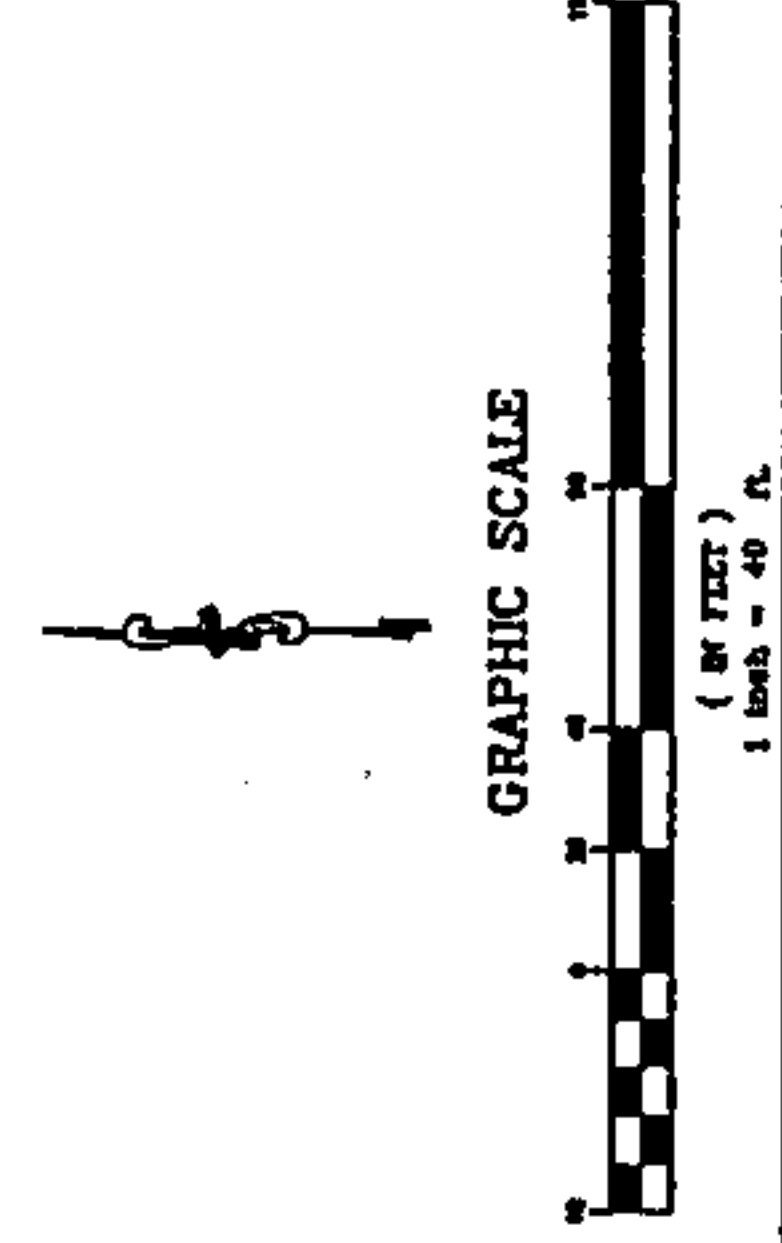
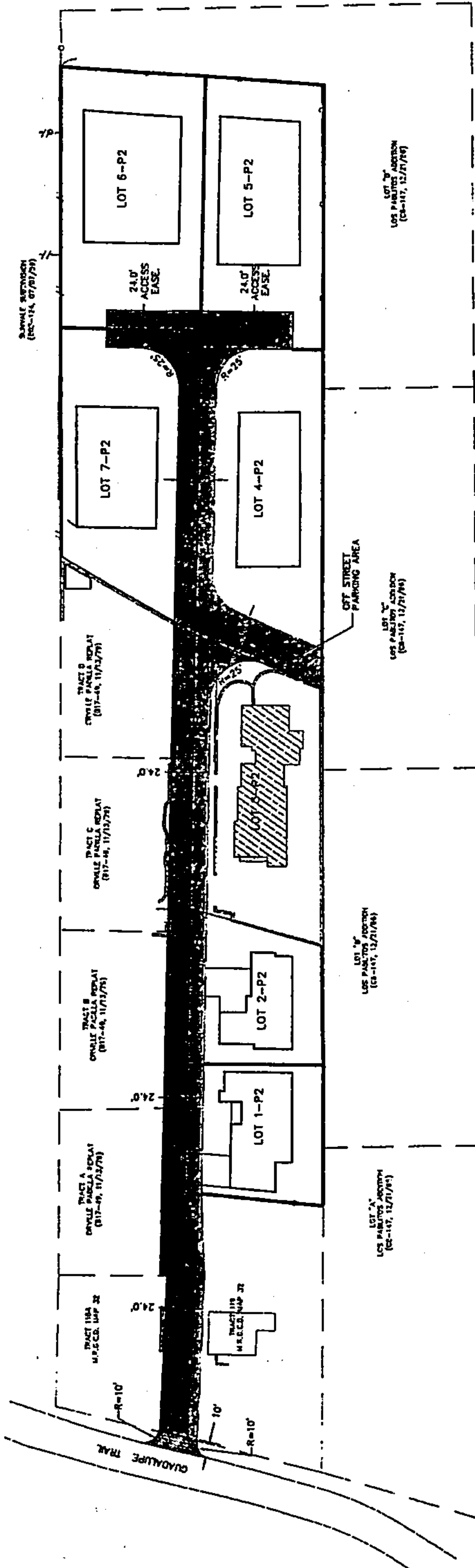


Susan Slates

FOR CITY/COUNTY USE ONLY	
TRAFFIC	
STREETS	
SUBMISSION ENG.	
WATER SERVICES	
WASTEWATER MGMT. DIV.	
DEPARTMENT	SIGN-OFF
DATE	
CITY/COUNTY REVIEW	
SHEET No. 1 of 1	

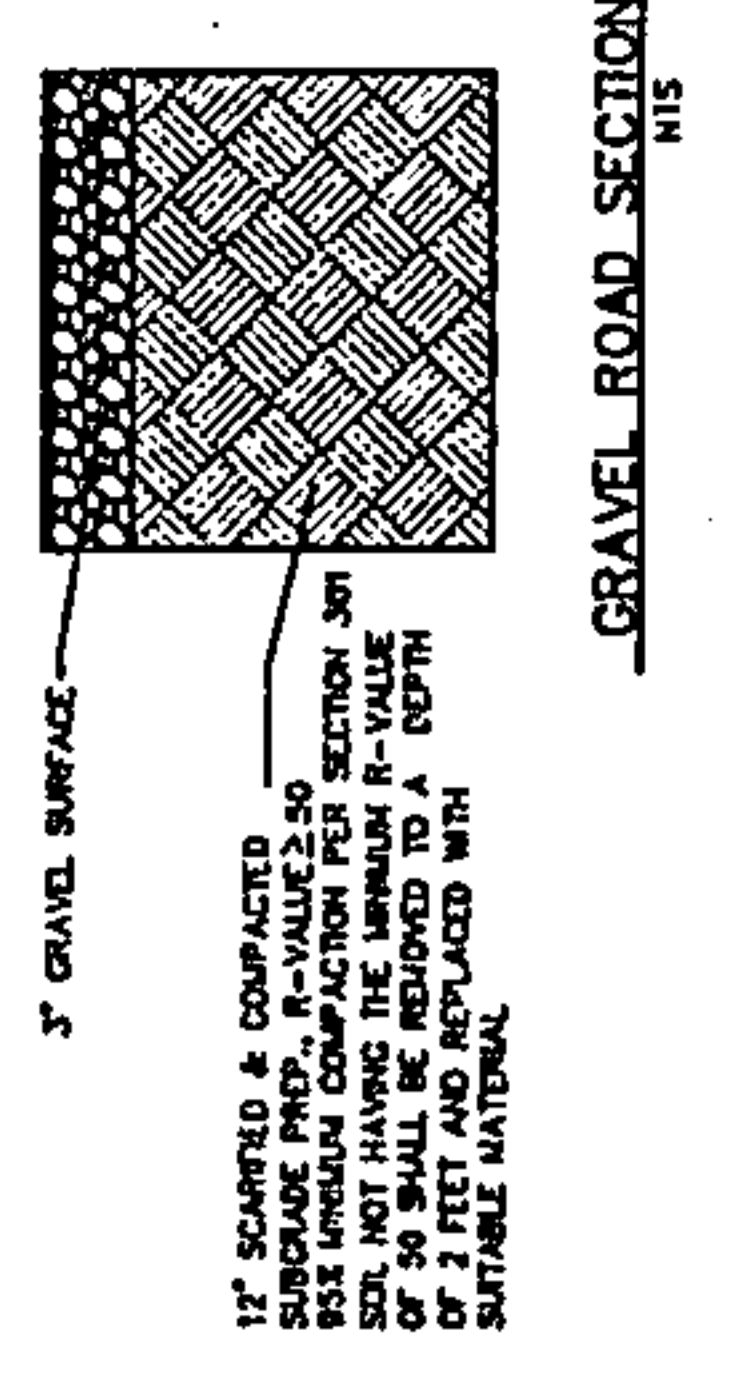
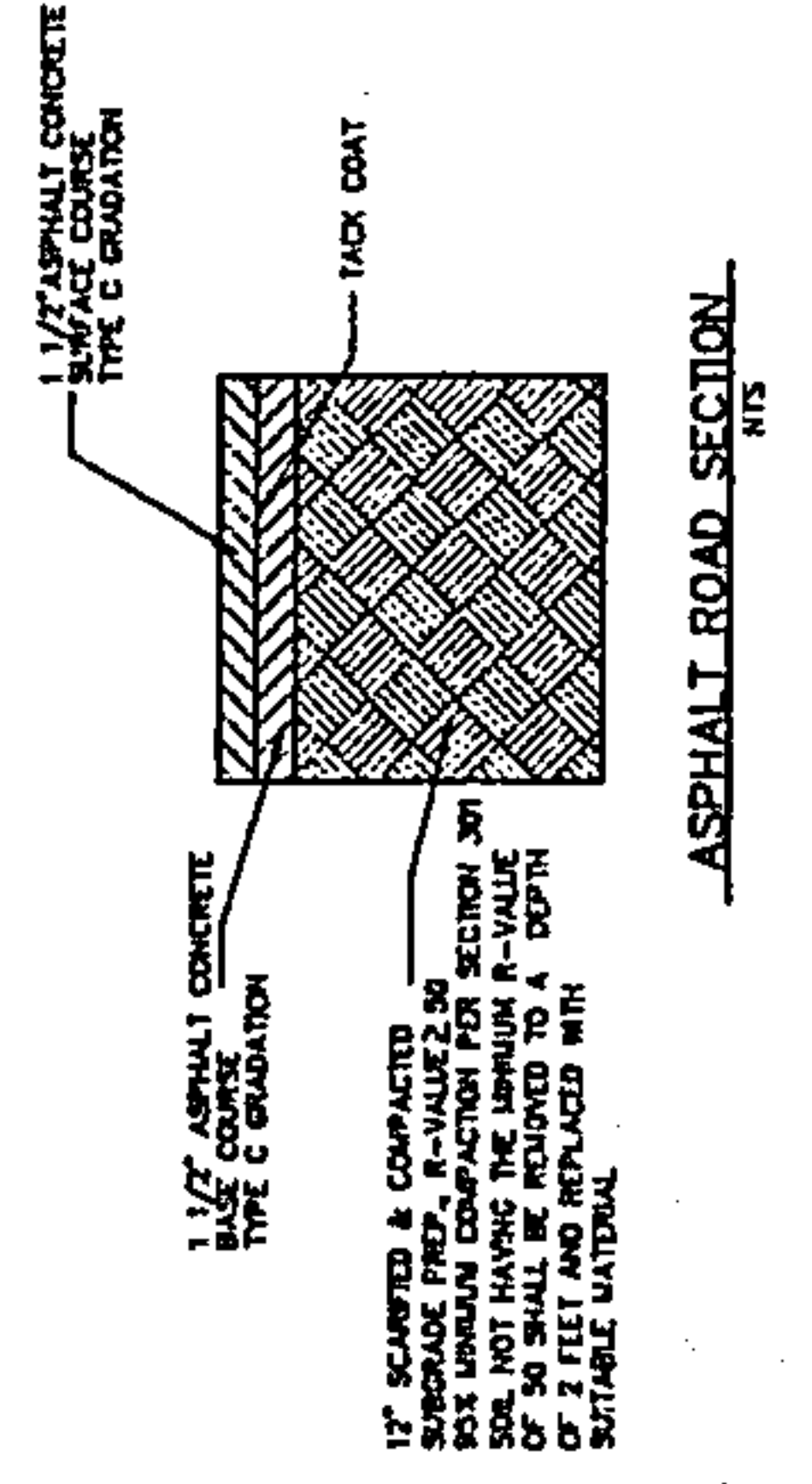
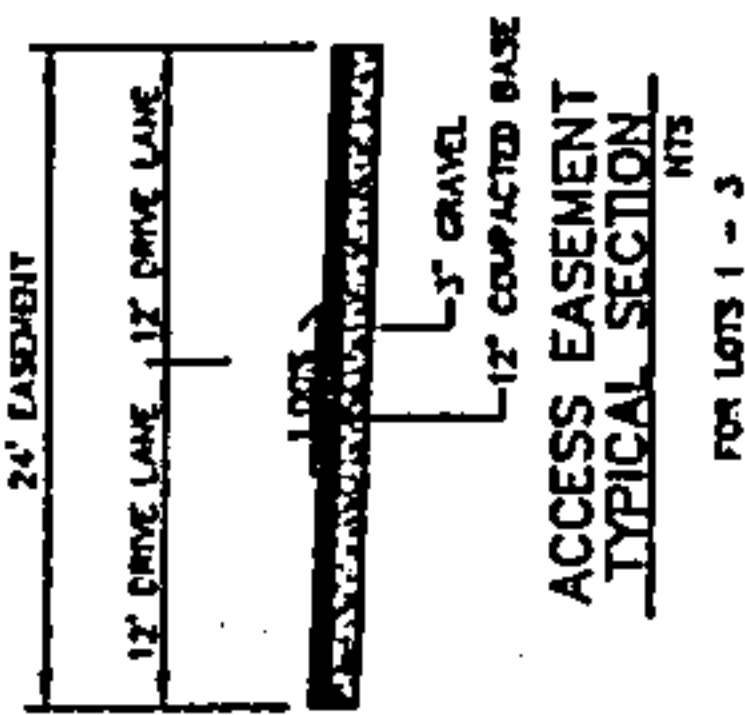
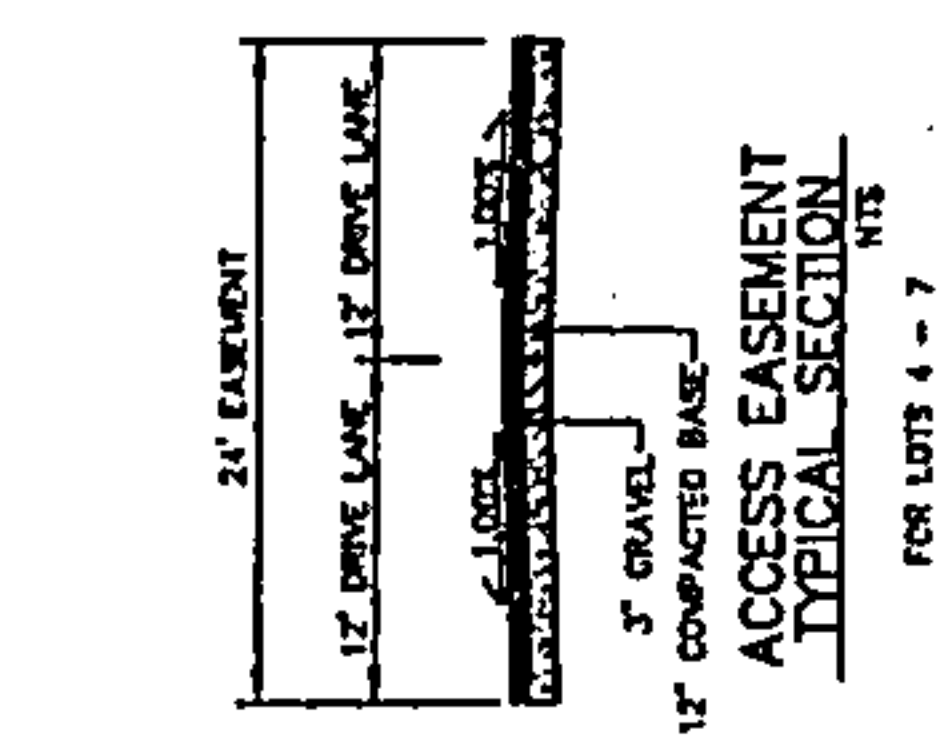


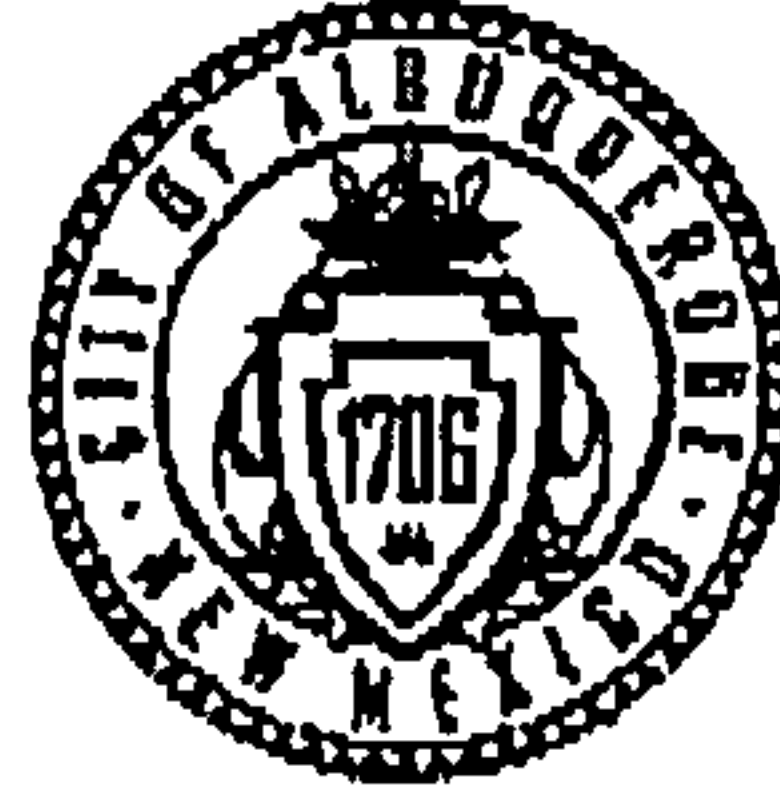
ZONE ATLAS: F-14



LEGEND

	24' WIDE PRIVATE GRAVEL ROAD
	24' WIDE ASPHALT PAVEMENT





City of Albuquerque

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.

Date: 5-25-11

TO CONTACT NAME: DAVID THOMPSON
 COMPANY/AGENCY: THOMPSON ENGINEERING
 ADDRESS/ZIP: Box 65760 87193
 PHONE/FAX #: 971-2199 830-9248

Thank you for your inquiry of 5-25-11 (date) requesting the names of ALL Affected

Neighborhood and/or Homeowner Associations who would be affected under the provisions of O-92 by your proposed project at Guadalupe Cir NW between
Coronado Road NW and Montoya Rd NW
 zone map page(s) F-14

Our records indicate that the **Affected Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

Las Cienegas
 Neighborhood or Homeowner Association

SOUTH GUADALUPE TRAIL
 Neighborhood or Homeowner Association

Contacts: _____

Contacts: _____

Not attached

See reverse side for additional Neighborhood and/or Homeowner Associations Information: YES { } NO {X}

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 our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

 OFFICE OF NEIGHBORHOOD COORDINATION

ATTENTION: Both contacts for each Neighborhood and/or Homeowner Associations need to be notified.

LOS GRIEGOS N.A. (LGS)

***Steve Reuter** e-mail: sreuter@comcast.net
3817 Don Juan Ct. NW/87107 342-0191 (h)
Joan McDougall e-mail: joanmcdougall@gmail.com
4020 Grande Dr. NW/87107 344-9272 (h)

Council District: 2
County District: 1
Police Beat: 237/VA
Zone Map #: F-G-13-14

SOUTH GUADALUPE TRAIL N.A. (SGT) "R"

Ken Gilman
5219 Guadalupe Trail NW/87107
Stefan Posse e-mail: pstefan2@comcast.net
1616 Bayita Ln. NW/87107 342-1395 (h)

Council District: 2
County District: 2
Police Beat: 239/VA
Zone Map: F-13-14

7006 0100 0006 5414 5227

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87107 OFFICIAL USE

Postage	\$ 0.44	JUN 03 2011 0118 Postmark Here 06/03/2011
Certified Fee	\$2.85	
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$5.59	

Sent To Juan McDougall
 Street, Apt. No., or PO Box No. 4020 Grande Dr. NW
 City, State, ZIP+4 Albuquerque, NM 87107

PS Form 3800, June 2002 See Reverse for Instructions

7006 0100 0006 5414 5227

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87107 OFFICIAL USE

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Certified Fee	\$2.85	
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$5.59	

Sent To Steve Renter
 Street, Apt. No., or PO Box No. 3817 Don Juan Ct. NW
 City, State, ZIP+4 Albuquerque, NM 87107

PS Form 3800, June 2002 See Reverse for Instructions

7006 0100 0006 5414 5227

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

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Certified Fee	\$2.85	
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$5.59	

Sent To Ken Gilman
 Street, Apt. No., or PO Box No. 5219 Guadalupe Trail NW
 City, State, ZIP+4 Albuquerque, NM 87107

PS Form 3800, June 2002 See Reverse for Instructions

7006 0100 0006 5414 5227

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87107 OFFICIAL USE

Postage	\$ 0.44	JUN 03 2011 0118 Postmark Here 06/03/2011
Certified Fee	\$2.85	
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$5.59	

Sent To Stefan Posselt
 Street, Apt. No., or PO Box No. 1616 Bayita Ln NW
 City, State, ZIP+4 Albuquerque, NM 87107

PS Form 3800, June 2002 See Reverse for Instructions

June 3, 2011

Mr. Ken Gilman
South Guadalupe Trail Neighborhood Association
5219 Guadalupe Trail NW
Albuquerque, NM 87107

**RE: REQUEST FOR SUBDIVISION DESIGN VARIANCE FROM MINIMUM
DPM STANDARDS**

Dear Mr. Gilman:

We are writing to you on behalf of our client, Simpatico Construction. Our client is requesting a subdivision design variance for the private access road (refer to enclosed location map). We are requesting that the City of Albuquerque approves the 24 foot-wide access road with a gravel surface. This road construction and width is consistent with other access roads in the vicinity. The request for design variance is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, June 29, 2011.

If you should have any questions please call me at 271-2199.

Sincerely,



David B. Thompson, PE

50



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

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)
- 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 2nd 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): Cartesian Surveys Inc PHONE: 896-3050
 ADDRESS: PO Box 44414 FAX: _____
 CITY: Rio Rancho STATE NM ZIP 87174 E-MAIL: cartesianamber@aol.com

APPLICANT: Thomas Slates PHONE: 505-766-9165
 ADDRESS: 5108 Guadalupe trail NW FAX: _____
 CITY: Albuquerque STATE NM ZIP 87107 E-MAIL: _____

Proprietary interest in site: _____ List all owners: 118C - Nancy Kinnemann + Mary Porter

DESCRIPTION OF REQUEST: Lots 118D + 118E - Tom + Susan Slates
to create seven new lots from the existing three tracts and grant easements
 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. 118-C, 118-D, 118-E Block: _____ Unit: _____
 Subdiv/Addn/TBKA: MRGCD MAP 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No. 32
 Zone Atlas page(s): F14 UPC Code: 118-C (101406110920730935)
118-D (10140610819830938)
118-E (101406107220530936)

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z-, V-, S-, etc.):
DRB case No: 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 3 No. of proposed lots: 7 Total area of site (acres): 2.0552 Acres
 LOCATION OF PROPERTY BY STREETS: On or Near: Guadalupe trail NW
 Between: Delamar Ave NW and San Andres Ave NW

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Amber Palmer DATE 6/20/11
 (Print) Amber Palmer Applicant: Agent:

FOR OFFICIAL USE ONLY

- 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
110RB - 70168

Action
PAF
CMF
 S.F. Fees
 \$ 635.00
 \$ 20.00
 \$ _____
 \$ _____
 \$ _____
 Total
 \$ 655.00

Hearing date June 29, 2011

6-21-11
 Planner signature / date

Project # 1004906

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application
- Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls 3 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- ~~NA~~ 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- ~~NA~~ Design elevations and cross sections of perimeter walls (11" by 17" maximum) 3 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- ~~NA~~ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- ~~K~~ Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (verify with DRB Engineer)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) Your attendance is required.

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
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers 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.

Charles Calderon
Applicant name (print)
Charles Calderon 6-21-11
Applicant signature / date



Form revised October 2007

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
110RB-70168

[Signature] 6-21-11
Planner signature / date
Project # 1004906

Cartesian Surveys Inc.
PO Box 44414, Rio Rancho, NM 87174
896-3050 Fax 891-0244

June 20, 2011

Development Review Board
City of Albuquerque

Re: Tracts 118-C, 118-D, and 118-E, MRGCD Map. No. 32
(Lands of Simpatico)

Members of the Board:

Cartesian Surveys is acting as an agent for the owners and requests a hearing for a subdivision platting action. Whereas the existing 3 tracts be platted into seven lots.

Thank you for your time and consideration.

Will Plotner Jr., NMLS 14271



ALBUQUERQUE PUBLIC SCHOOLS

Capital Master Plan
Expect Great Things!

Winston Brooks
SUPERINTENDENT

**Pre-Development Facilities Fee (PDFF)
Cover Sheet**

Please drop off and pick up all Pre-Development Facilities Fee agreements at APS Capital Master Plan office. The office is located in Suite 9, 2nd Floor of the Lincoln Building at 915 Locust St SE. A map to our offices is located at: <http://apsfacilities.org/capital/map.php>

Project # (if already assigned by DRB) _____

Please check one:

Preliminary PDFF
(Preliminary PDFF are required for preliminary plat submittals.)

Final PDFF
(Final PDFF are required for final plat submittals and must be recorded prior to DRB hearing)

Waiver/Deferral
(Must provide reason for Waiver/deferral)

Project Information

Subdivision Name: Lands of Simpatico

Legal Description: Lots 1-P2 thru 7-P2

Location of Project (address or major cross streets) 5108 Guadalupe Trl NW

Proposed Number of Units 6 Single-Family _____ Multi-Family 6 Total Units

Waiver Information

Property Owner: _____ Legal Description: _____

Zoning: _____

Reason for Waiver/Deferral: _____

Contact Information

Name: Tom Slates

Company: Simpatico

Phone: 350-9816

E-Mail: _____

Please include with your submittal:

- Zone Atlas map with the entire property (ies) precisely and clearly outlined
- Copy of a plat or plan for the proposed project
- List of new legal description (e.g. lot, block) and street address for each lot (for final plat only)
- Please include project number on the top right corner of all documents

Original Legal Description:

OLD: Tract 118C MRGCD Map #32, one R-1 lot

NEW: Lot 7-P2 5128 Guadalupe Trl. NW

NEW: Lot 6-P2 5126 Guadalupe Trl. NW

(Tract 118C is jointly owned by Mary Porter and Nancy Kinnemann of Falls Church, VA. They will remain the owners of 5128 and 5126 Guadalupe Trl.)

Original Legal Description:

OLD: Tract 118D MRGCD Map #32, one R-1 lot

NEW: Lot 5-P2 5124 Guadalupe Trl. NW

NEW: Lot 4-P2 5122 Guadalupe Trl. NW

(Tract 118D is owned by Tom and Susan Slates. They will remain the owners of 5124 and 5122 Guadalupe Trl.)

Original Legal Description:

OLD: Tract 118E MRGCD Map #32, one R-1 lot

OLD: Lot 3-P2 5108 Guadalupe Trl. NW

(existing residence built in 2007)

NEW: Lot 2-P2 5106 Guadalupe Trl. NW

NEW: Lot 1-P2 5102 Guadalupe Trl. NW

(Tract 118E is owned by Tom and Susan Slates. They live at 5108 Guadalupe Trl. and will remain the owners of 5106 and 5102 Guadalupe Trl.)

EXHIBIT B

FINAL
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and R. THOMAS SLATES ("Developer") effective as of this ___ day of _____, 20___, and pertains to the subdivision commonly known as LOTS 1-7, LANDS OF SIMPATICO and more particularly described as THE REPLAT OF TRACTS 118-C, 118-D, AND 118-E OF MRGCD MAP 32.

(the "Subdivision".) The following individual lots comprise the subdivision: SEE ATTACHED LIST. [List lots by street address; Lots which will be used for multi-family residences should be marked "multifamily- ___ units" with the number of units filled in.]

WHEREAS, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new residential subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, Developer is the owner of the real estate being subdivided and platted; and

WHEREAS, Developer is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance; and

WHEREAS, APS has determined that the amount of the facilities fee is reasonably related to the impact the subdivision will have on the operation of the area schools.

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees to pay to APS a facilities fee for each dwelling unit to be constructed in the Subdivision.
2. The amount of the fee shall be:

Doc# 2011054502

06/12/2011 11:10 AM Page 1 of 5
AGRE R: \$17.00 M. Toulouse Oliver, Bernalillo County



- If the building permit is issued on or after January 1, 2007, the fee shall be \$1875 per dwelling unit.
- If the building permit is issued on or after July 1, 2008, the fee shall be \$2425 per dwelling unit.
- If the permit is issued on or after January 1, 2010, the fee shall be \$2975 per dwelling unit.

The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60 %) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.
4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.
5. This contract may be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."
6. APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgment in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.



Signature

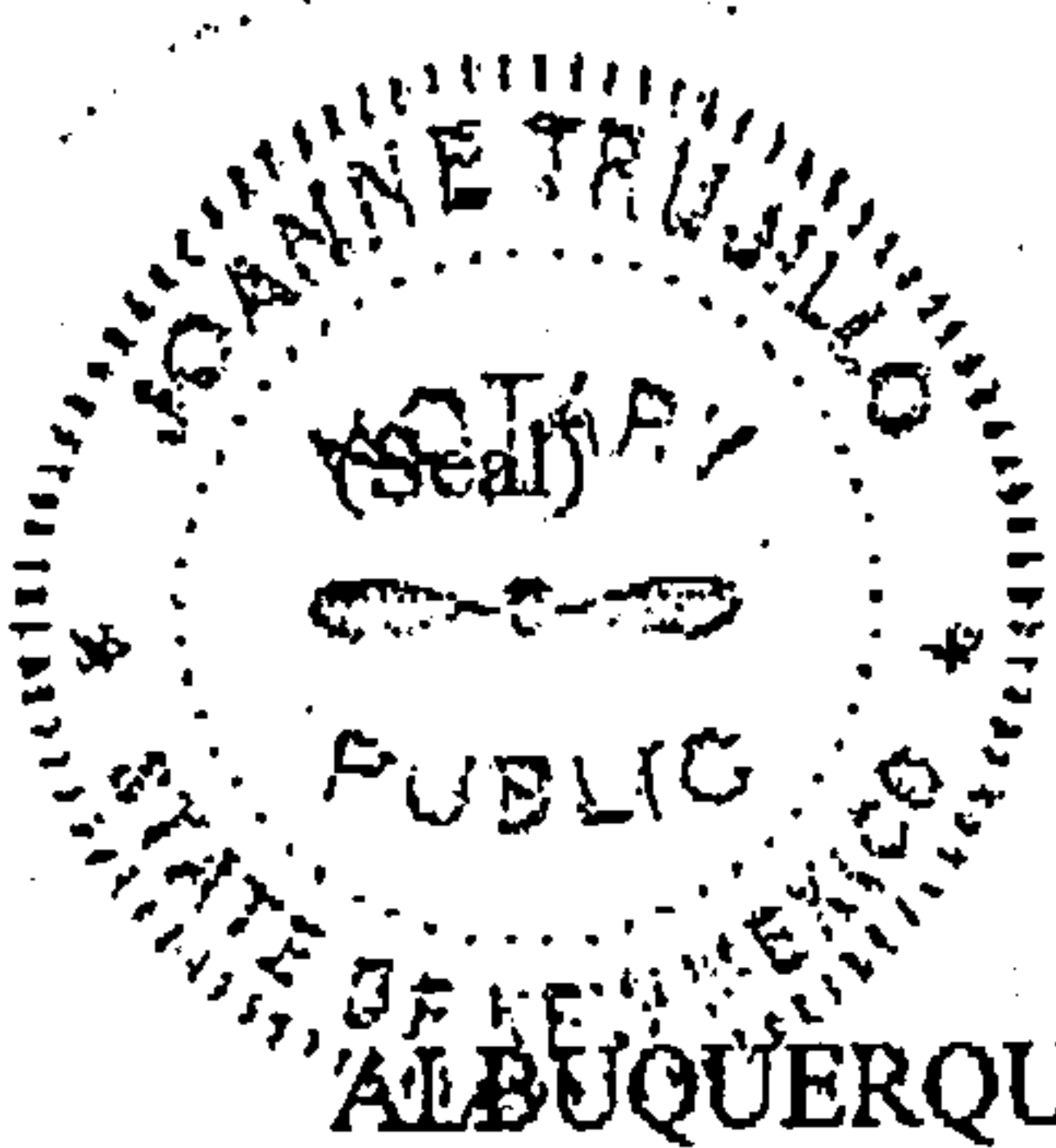
R. THOMAS SLATES

Name (typed or printed) and title **DEVELOPER**

Developer

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on 6/7/11, by R. Thomas
Slates as _____ of _____, a corporation.



Joanne Cruzillo
Notary Public

My commission expires: 9-21-14

By: April L. Winters
Signature

April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

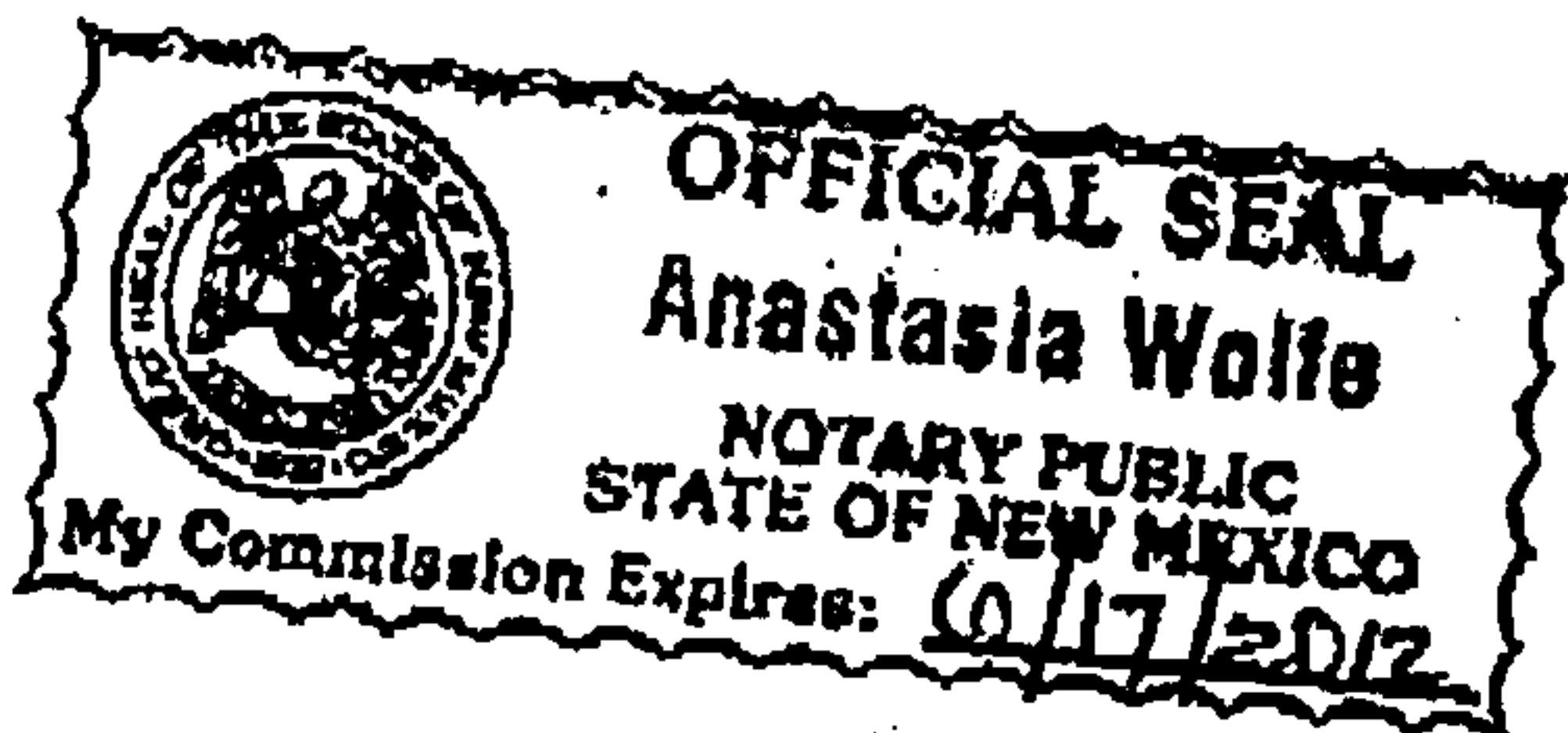
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on June 9, 2011, by April L. Winters
as Facilities Fee Planner of the Albuquerque Municipal School
District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under
the laws of the State of New Mexico.

(Seal)

Anastasia Wolfe
Notary Public

My commission expires: 6/17/2012



Mary K. Porter
Signature

MARY PORTER
Name (typed or printed) and title

OWNER, TRACT 118C

Nancy Kinnemann
SIGNATURE

NANCY KINNEMANN

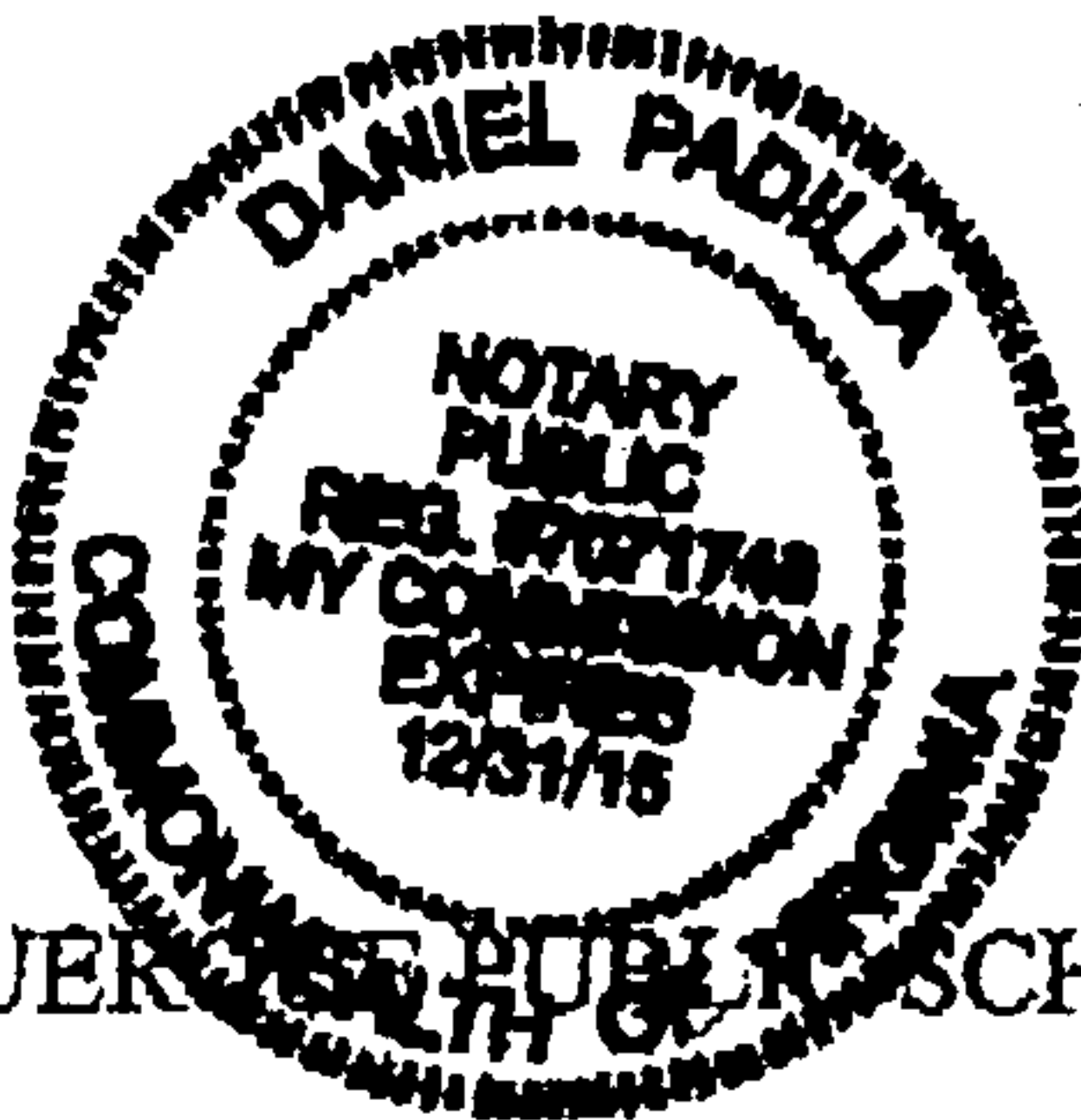
OWNER, TRACT 118C

~~Developer~~

~~STATE OF NEW MEXICO~~ State of Virginia
~~COUNTY OF BERNALILLO~~ County of Fairfax

This instrument was acknowledged before me on 6-7-11, by Mary K. Porter & Nancy Kinnemann as _____ of _____, a corporation.

(Seal)



[Signature]
Notary Public

My commission expires: 12-31-15

ALBUQUERQUE PUBLIC SCHOOLS

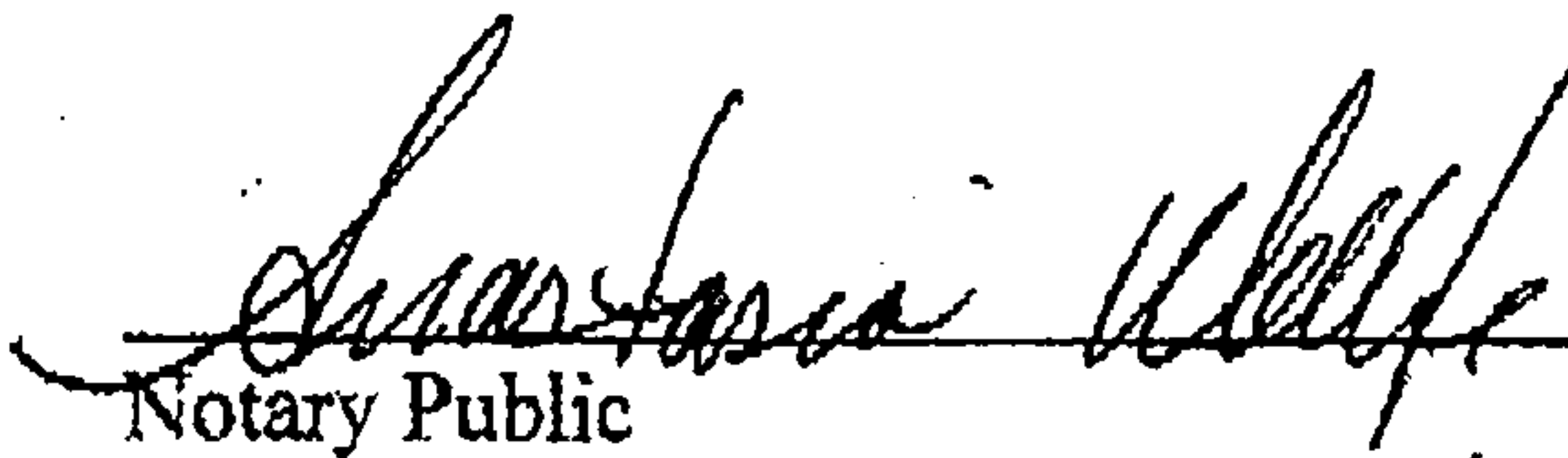
By: April L. Winters
Signature

April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

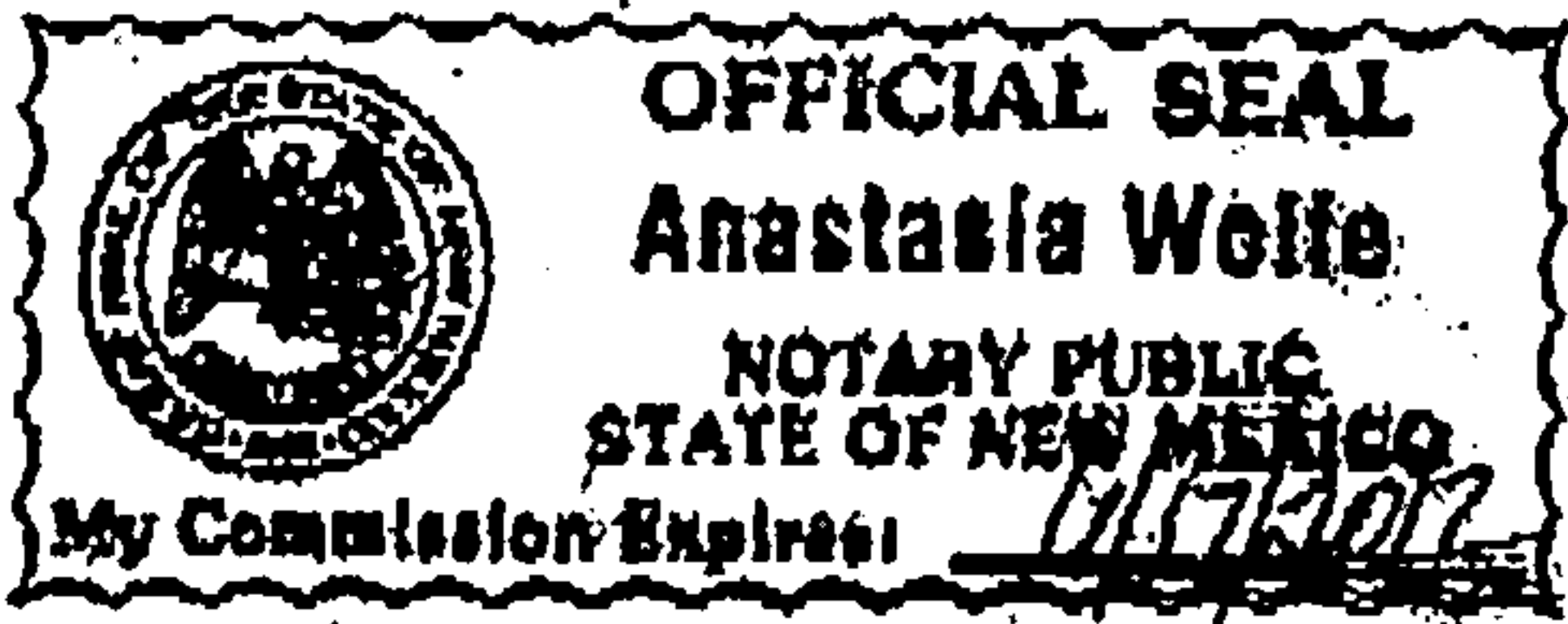
~~Yvonne L. Winters~~ as ~~TACILINES TO PLANNED~~ of the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under the laws of the State of New Mexico.

(Seal)



Notary Public

My commission expires: 6/17/2012



NEW MEXICO WARRANTY DEED (Joint Tenants) - Rev. 1-18- New Mexico Statutory Form

9021859

WARRANTY DEED (Joint Tenants)

3628

JOSE E. PADILLA, a single man

for consideration paid, grant

DANIEL H. LOPEZ

whose address is 2726 Campbell Road N.W., #3, Albuquerque, New Mexico 87104

and LINDA VIGIL-LOPEZ, husband and wife

whose address is 2726 Campbell Road N.W., #3, Albuquerque, New Mexico 87104

as joint tenants the following described real estate in Bernalillo County, New Mexico: Parcel 1

A certain tract of land situate in Section 32, Township 11 N., Range 3 E., of the New Mexico Principal Meridian, Bernalillo County, New Mexico, being identified as all of Tract No. 118-C, as shown on the Middle Rio Grande Conservancy District's Property Map No. 32. Being bounded as follows: On the North by land of Sam Shalit, On the East by land of Celestino Pizaro, On the South by land of Oralia P. Candelaria, On the West by land of Orville Padilla, being more particularly described by notes and bounds survey as follows: Beginning at the Southwest Corner, whence, The West 1/4 Corner of Section 32, Township 11 N., Range 3 E., of the New Mexico Principal Meridian, as shown on the Bernalillo County Survey Sheet No. 19, bears N 58° 49' 30" W., 1044 foot distance, thence; N 39° 40' E., 99.01 feet to the Northwest Corner, thence; S 80° 33' E., 314.90 feet to the Northeast Corner, thence; S 13° 46' W., 92.25 feet to the Southeast Corner, thence; N 79° 33' W., 357.60 feet to the place of beginning and containing 0.687 acres, more or less. The above described tract of land is to have a perpetual easement for the right of ingress and egress from Guadalupe Road through the Southerly 17.50 feet of Tract No. 118-A, M.R.G.C.D. Property Map No. 32; also through the Southerly 17.50 feet of the Westerly 53.19 feet of Tract 118-B and through the Southerly 8.75 feet of the remaining portion of Tract 118-B; M.R.G.C.D. Map No. 32; also through the Northerly 8.75 feet of Tract 118-E and 118-D, M.R.G.C.D. Map No. 32. The Southerly 8.75 feet of the above described tract is to be reserved for a perpetual easement for the right of ingress and egress for the Owners, their heirs and Assignees, of Tract 118-D, M.R.G.C.D Property Map No. 32.

Subject to the Lien of the Middle Rio Grande Conservancy District.

Subject to patent reservations, restrictions and easements of record and to taxes for the current year and subsequent years.

UPC: 1-014-001-109207-30935
CARRASCO 05/17/06

with warranty covenants

WITNESS MY hand and seal this 19th day of AUGUST, 19 81

(Seal) Jose E. Padilla (Seal)

(Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF Bernalillo

The foregoing instrument was acknowledged before me this 19th day of August, 19 81 by Jose E. Padilla, a single man

My commission expires: 7-27-84

Suzanne P. ... Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this day of 19

by (Name of Officer)

(Title of Officer) (Name of Corporation Acknowledging)

corporation, on behalf of said corporation. (Name of Corporation)

My commission expires: Notary Public

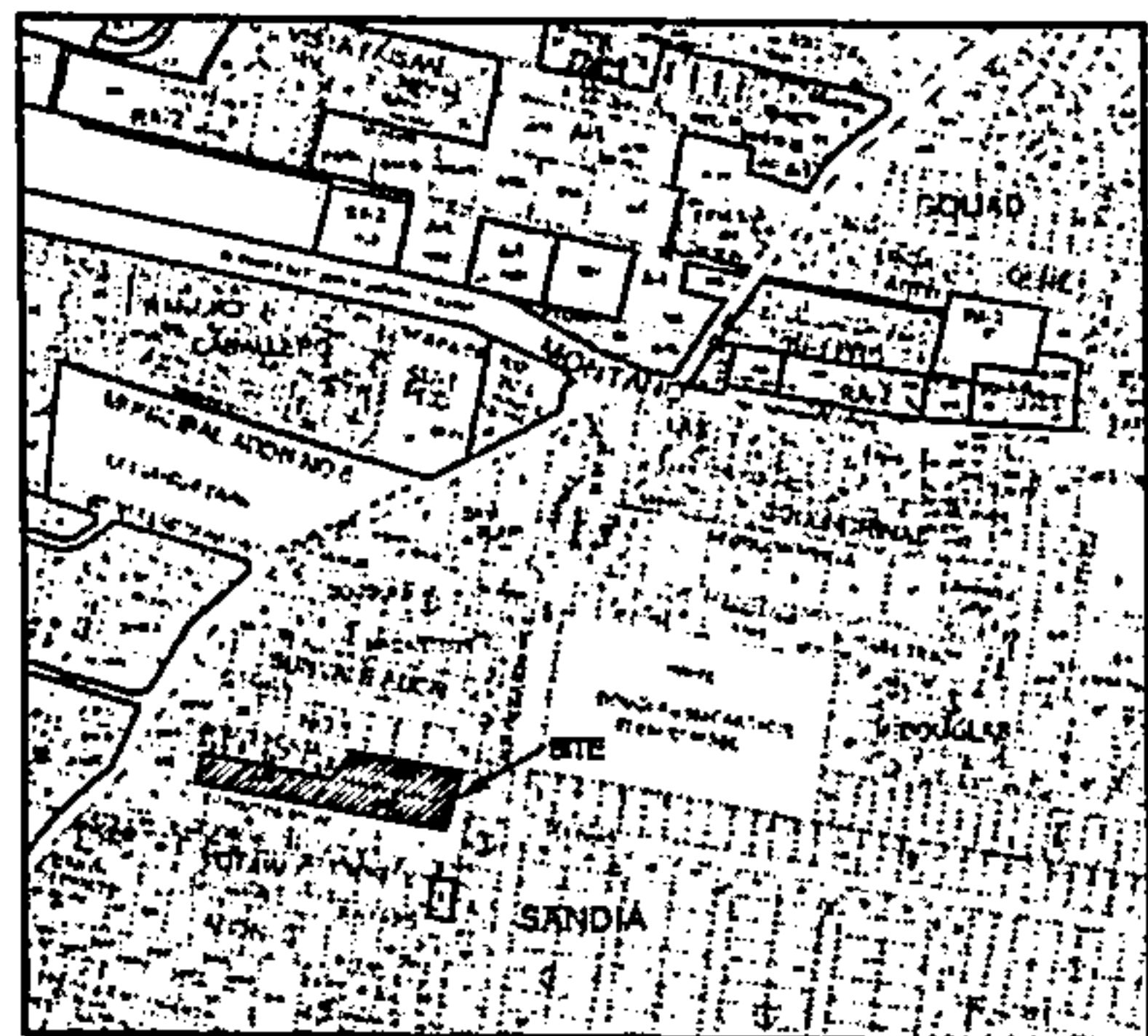
FOR RECORDERS USE ONLY
STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD
19811022 AM 8:00

EX 90-5-3628
CLAYTON B...
NOTARY PUBLIC

F 14/15

Indexing Information

Section 32, Township 11 North, Range 3 East
M.R.G.C.D. MAP NO. 32
Tract 118-C: UPC #101408107220530938
Tract 118-D: UPC #10140810819830938
Tract 118-E: UPC #10140810926730935



Vicinity Map

Site Sketch
Existing Conditions
Tracts 118-C-1, 118-C-2, 118-D-1, 118-D-2
118-E-1, 118-E-2 and 118-E-3
M.R.G.C.D. Map 32
City of Albuquerque
Bernalillo County, New Mexico
March 2011

Easement Notes

- 1) 8.75' WATER & SANITARY SEWER LINE EASEMENT (BK. MSC. 888A, PG. 807, DOC. #88105437)
- 2) 8.76' ROADWAY EASEMENT (ORVILLE PADILLA REPLAT, B17-49, 11/13/73)
- 3) 22' ROADWAY EASEMENT (ORVILLE PADILLA REPLAT, B17-49, 11/13/73)

Legend

(N 80°00'00" E)	RECORD BEARINGS PLAT OF RECORD
(N 90°00'00" E)	MEASURED BEARINGS AND DISTANCES
●	FINDING AND USED MONUMENT AS INDICATED
○	SET BATHEY MARKER 'LS 14271'
—	WOOD FENCE
—	BLOCK WALL
—	CHAINLINK FENCE
—	WIRE FENCE
XX	FIRE HYDRANT
⊙	SANITARY SEWER MANHOLE
17' ±	EDGE OF PAVEMENT ELEVATION
7' ±	BACK OF CURB ELEVATION
CL ±	FLOW LINE ELEVATION
78' ±	HIGH SIDE OF WALL ELEVATION
78' ±	LOW SIDE OF WALL ELEVATION
117' ±	SPOT ELEVATION

Legal

A CERTAIN PARCEL OF LAND IDENTIFIED AS TRACT 118-C M.R.G.C.D. MAP NUMBER 32, SITUATE WITHIN PROJECTED SECTION 32, TOWNSHIP 11 NORTH, RANGE 3 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF HEREN DESCRIBED TRACT, POINT BEING MARKED BY A 5/8" REBAR, WHENCE THE NORTHWEST CORNER OF LOT C OF LOS PABLITOS ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY ON DECEMBER 21, 1966 IN BOOK CB, PAGE 147 BEARS S 33°17'34" W, A DISTANCE OF 80.75; THENCE N 80°30'00" W, A DISTANCE OF 51.47;

THENCE FROM SAID POINT OF BEGINNING, N 36°47'18" E, A DISTANCE OF 98.84 FEET, TO THE NORTHWEST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A 5/8" REBAR;

THENCE, S 80°38'11" E, A DISTANCE OF 314.07 FEET, TO THE NORTHEAST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A BATHEY MARKER WITH CAP 'LS 14271';

THENCE, S 13°47'30" W, A DISTANCE OF 83.09 FEET TO THE SOUTHEAST CORNER OF THE HEREN DESCRIBED TRACT, MARKED BY A BATHEY MARKER WITH CAP 'LS 14271';

THENCE, N 79°26'53" W, A DISTANCE OF 357.08 FEET, TO THE POINT OF BEGINNING CONTAINING 0.8884 ACRES (29,987 SQ. FT.) MORE OR LESS.

AND

A CERTAIN PARCEL OF LAND IDENTIFIED AS TRACT 118-D M.R.G.C.D. MAP NUMBER 32, SITUATE WITHIN PROJECTED SECTION 32, TOWNSHIP 11 NORTH, RANGE 3 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF HEREN DESCRIBED TRACT, POINT BEING MARKED BY A BATHEY MARKER WITH CAP 'LS 14271', WHENCE THE NORTHWEST CORNER OF LOT C OF LOS PABLITOS ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY ON DECEMBER 21, 1966 IN BOOK CB, PAGE 147 BEARS N 80°30'00" W, A DISTANCE OF 51.47;

THENCE FROM SAID POINT OF BEGINNING, N 33°17'34" E, A DISTANCE OF 80.75 FEET, TO THE NORTHWEST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A 5/8" REBAR;

THENCE, S 79°26'53" E, A DISTANCE OF 357.08 FEET, TO THE NORTHEAST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A BATHEY MARKER WITH CAP 'LS 14271';

THENCE, S 13°47'30" W, A DISTANCE OF 78.68 FEET TO THE SOUTHEAST CORNER OF THE HEREN DESCRIBED TRACT, MARKED BY A BATHEY MARKER WITH CAP 'LS 14271';

THENCE, N 80°30'00" W, A DISTANCE OF 387.87 FEET, TO THE POINT OF BEGINNING CONTAINING 0.8835 ACRES (29,773 SQ. FT.) MORE OR LESS.

AND

A CERTAIN PARCEL OF LAND IDENTIFIED AS TRACT 118-E M.R.G.C.D. MAP NUMBER 32, SITUATE WITHIN PROJECTED SECTION 32, TOWNSHIP 11 NORTH, RANGE 3 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

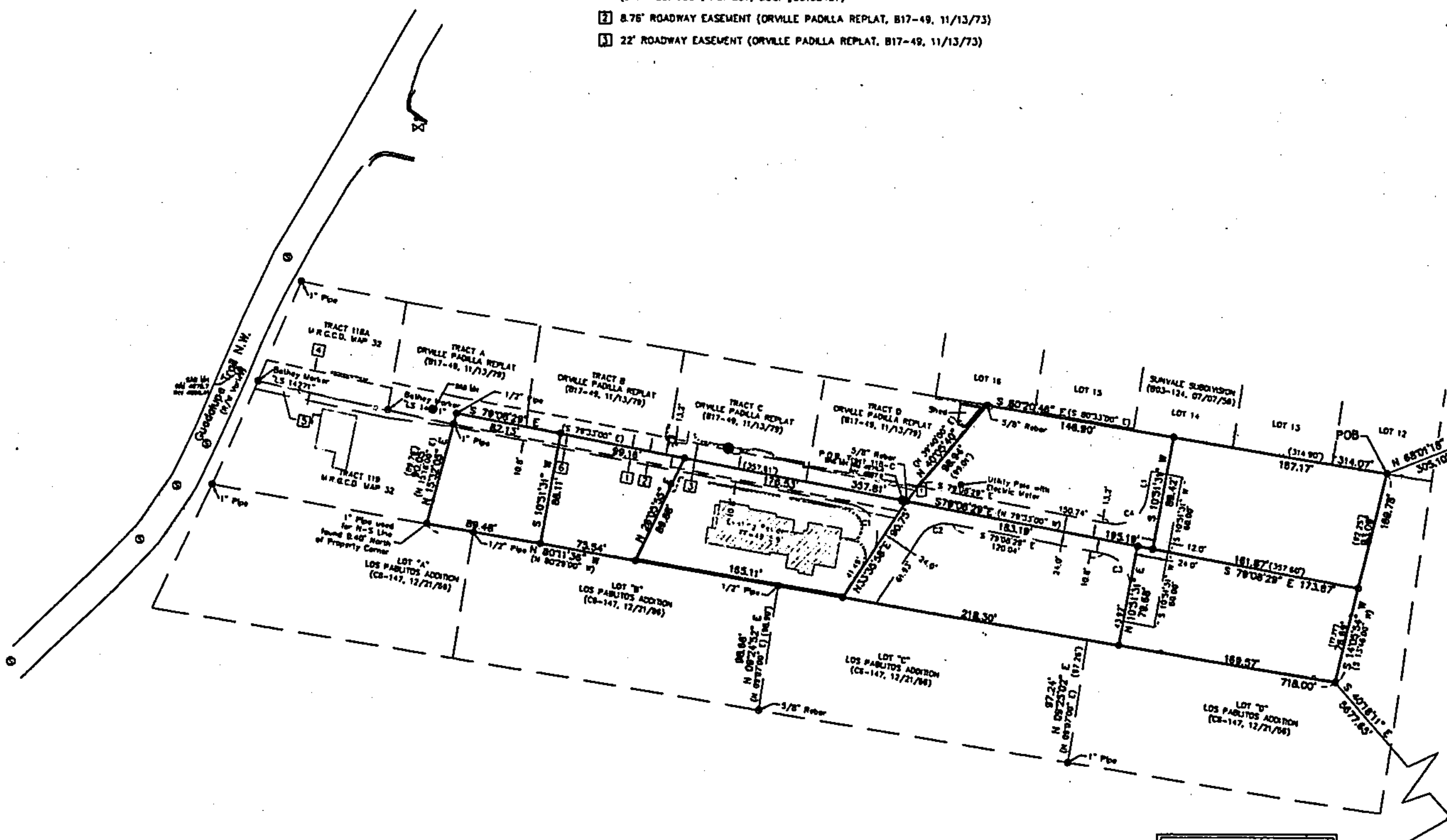
BEGINNING AT THE SOUTHWEST CORNER OF HEREN DESCRIBED TRACT, POINT BEING MARKED BY A BATHEY MARKER WITH CAP 'LS 14271', WHENCE THE NORTHWEST CORNER OF LOT C OF LOS PABLITOS ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY ON DECEMBER 21, 1966 IN BOOK CB, PAGE 147 BEARS N 80°30'00" W, A DISTANCE OF 51.47;

THENCE FROM SAID POINT OF BEGINNING, N 80°30'00" W, A DISTANCE OF 330.13 FEET, TO THE SOUTHWEST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A 1" PIPE;

THENCE, N 15°13'41" E, A DISTANCE OF 80.05 FEET, TO THE NORTHWEST CORNER OF HEREN DESCRIBED TRACT, MARKED BY A BATHEY MARKER WITH 1/2" PIPE;

THENCE, S 79°26'53" E, A DISTANCE OF 357.81 FEET TO THE NORTHEAST CORNER OF THE HEREN DESCRIBED TRACT, MARKED BY A 5/8" REBAR;

THENCE, S 33°17'34" W, A DISTANCE OF 80.75 FEET, TO THE POINT OF BEGINNING CONTAINING 0.8833 ACRES (29,783 SQ. FT.) MORE OR LESS.



ACS Monument 'DOUGLAS
NAD 1983 CENTRAL ZONE
X=1520286.421
Y=1505417.495
Z=N/A (NAVD 1988)
G-G=0.999682452
Mapping Angle = -0°13'52.53"

ACS Monument 'NM_47_10'
NAD 1983 CENTRAL ZONE
X=1523633.488
Y=1500810.208
Z=4970.252 (NAVD 1988)
G-G=0.999681770
Mapping Angle = -0°13'28.96"

Notes

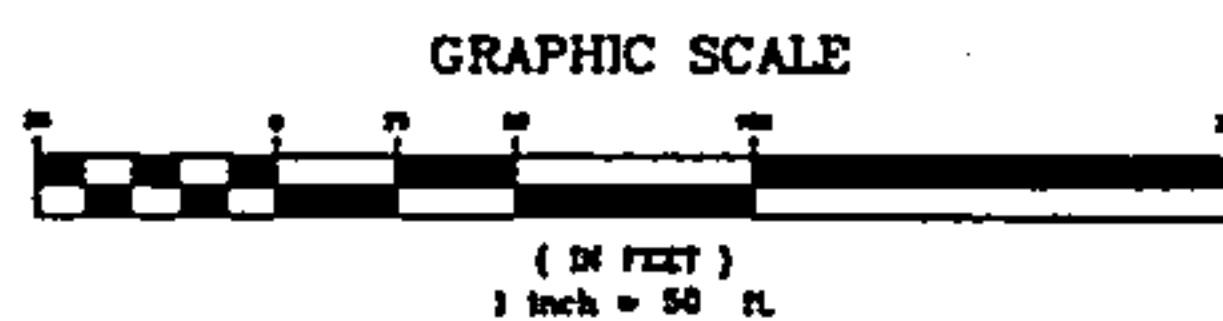
- 1. FIELD SURVEY PERFORMED IN NOVEMBER/DECEMBER 2008 WITH SUPPLEMENTAL DATA COLLECTED IN MARCH 2011.
- 2. ALL DISTANCES ARE GROUND DISTANCES: U.S. SURVEY FOOT.
- 3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (GRID-NAD 83).

Surveyor's Certificate

I, WILL PLOTNER JR., A NEW MEXICO REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE TOPOGRAPHIC MAP SHOWN HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WILL PLOTNER JR. DATE
N.M.R.P.S. No. 14271

CARTESIAN SURVEYS INC.
P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 898-3050 Fax (505)891-0244



**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
June 29, 2011
DRB Comments**

ITEM # 13

**PROJECT # 1004906 APPLICATION # 11-70154/ 11-70168
RE: Tracts 118C-E, MRGCD Map #32**

Please note the Net Lot Area for each lot on the plat (minimum lot area is calculated exclusive of access easement area). Please provide copies of the keyed notes 2 and 4 (Existing Ingress and Egress Easements). Please define the resulting setback from the proposed easement on Tract 119. Keyed notes 6 and 7 need to reference full lot numbers (1-P2 thru 7-P2) and the easements need to include Tracts A-D of the Orville Padilla Replat as beneficiaries. Compliance with P2 parking requirements needs to be documented for existing development on proposed lot 3-P2. Keyed note 7 does not appear to be identified on the plat drawing. Sketch/ Variance exhibit indicates parking along the common lot line for proposed lots 3-P2 and 4-P2; if this is the case, it needs to be a separate easement.

The Subdivision Ordinance/ Development Process Manual calls for a standard street section for more than 8 lots; the resulting easement for this proposal would serve 12 lots. The variance application must specify how the variances would encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, and how the subdivision design will secure substantially the objectives of the standards or requirements of the Subdivision Ordinance [§ 14-14-6]. There could be benefits to the drainage in this area with a gravel easement design instead standard asphalt. Construction of a sidewalk could justifiably be waived due to a lack of connection; however, if the easement is to be gravel then ADA access needs to be addressed. Even if construction of a sidewalk is waived, granting a variance for easement width would preclude installation of a separate pedestrian connection should such a facility be constructed in the future on Guadalupe Trail.

Jack Cloud, DRB Chairman
924-3880/ jcloud@cabq.gov

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1004096

AGENDA ITEM NO: 13

SUBJECT:

ENGINEERING COMMENTS:

Subdivision Design Variance from DPM
Materials

Minimum DPM S/D

Hydrology prefers the road and parking areas to be gravel, since this subdivision will be ponding street flows in front yards.

Sidewalk Waiver

Hydrology defers to Transportation and Planning.

Easement Variance

Hydrology defers to Transportation and Planning.

PO Box 1293

Plat Approval

Hydrology received the Grading and Drainage plan yesterday. It is currently being reviewed.

Albuquerque

An Infrastructure List is required to include walls required for drainage.

NM 87103

deferred to 7-27-11

RESOLUTION COMMENTS:

www.cabq.gov

Neighbors - 3 Letters

Letters in opposition - too much traffic

3 people spoke

Tim state - 70% open space - 65% is recommended by Sun Valley Study

SIGNED:

DATE: 6-29-11

Curtis Cheme
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

plng - concerned about no pedestrian easement / access on this rd.

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1004906

AGENDA ITEM NO: 12

SUBJECT:

Sub Design Variance from Min DPM
Stds

ENGINEERING COMMENTS:

Hydrology prefers the road and parking areas to be gravel, since this subdivision will be ponding street flows in front yards.
Hydrology defers to Transportation and Planning for the other variances.

Plat Approval

PO Box 1293

Hydrology has an approved Grading Plan, stamp date 7-22-11 for Preliminary Plat approval and can sign the Infrastructure List.

Albuquerque

For Final Plat approval:

- Add a Note to the Plat "Certification of the subdivision Grading Plan or an individual lot Grading Plan is required before a Building Permit can be approved for that lot."
- Recorded SIA required prior to Final Plat

NM 87103

www.cabq.gov

RESOLUTION COMMENTS:

Deferred
08-03-11

SIGNED:

Curtis Cherne
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

DATE: 7-27-11

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1004906

AGENDA ITEM NO: 8

SUBJECT:

ENGINEERING COMMENTS:

Sub Design Variance from Min DPM
Stds

APP

Hydrology prefers the road and parking areas to be gravel, since this subdivision will be ponding street flows in front yards.

Hydrology defers to Transportation and Planning for the other variances.

Preliminary Plat Approval

PO Box 1293

APP

Hydrology has an approved Grading Plan, stamp date 7-22-11 for Preliminary Plat approval and can sign the Infrastructure List.

Albuquerque

A recorded SIA is required for Final Plat approval.

NM 87103

www.cabq.gov **RESOLUTION COMMENTS:**

dont want to pave list 25' of pecros pl

SIGNED:

DATE: 8-3-11

Curtis Cherne
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986



**Development Review Board (DRB)
Review Comments
Utility Development Section
Phone: 505.924.3989**

D.R.B. Case No: 1004906	Date: 06/29/2011	Item No: #13
Zone Atlas Page: F-14	LOCATION: Guadalupe Tr. NW between Griegos Rd. NW & Montano Rd. NW Tract(s) 118-C, 118-D & 118-E MRGCD Map 32	
Request For: Subdivision Design Variance; Prelim/Final Plat		

ABCWUA Comment: March 2010 Availability Statement needs to be renewed. Easement note 7 not located on plat.

SIGNED: _____

DATE: _____

UTILITY DEVELOPMENT

July 22, 2011

Chair
Art De La Cruz
County of Bernalillo
Commissioner, District 2

Vice Chair
Trudy E. Jones
City of Albuquerque
Councilor, District 8

Richard J. Berry
City of Albuquerque
Mayor

Rey Garduño
City of Albuquerque
Councilor, District 6

Maggie Hart Stebbins
County of Bernalillo
Commissioner, District 3

Michele Lujan Grisham
County of Bernalillo
Commissioner, District 1

Ken Sanchez
City of Albuquerque
Councilor, District 1

Ex-Officio Member
Pablo R. Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Tom Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107

**RE: Water and Sanitary Sewer Availability Statement #110522
5108 Guadalupe Tr. NW - MRGCD Map 32--Lots 118C-118E and 119
Zone Atlas Map: F-14**

Dear Mr. Burak:

Service requirements were last addressed in an Availability Statement #00304, dated March 31, 2010, (attached). That service commitment has expired, however the information and conditions described in that correspondence are still applicable.

The attached letter, in conjunction with the statements presented in this document, is hereby renewed for a period of one year from the date of this correspondence.

Please feel free to contact the Utility Development Office at (505) 924-3987 or by fax at (505) 924-3864 if you have questions regarding the information presented herein or need additional information.

Sincerely,



Mark S. Sanchez
Executive Director

Encl: Availability Statement #00304

Email: Jim Best, Bernalillo County, Planning Dept.
Christi Tanner, Bernalillo County, Public Works Dept
Chris Gonzales, Bernalillo County Environmental Health Dept
Lucas Tafoya, Bernalillo County Environmental Health Dept
Dan McGregor, Bernalillo County, Public Works, Water Resource
f/ Availability R-13



March 31, 2010

Chair

Trudy E. Jones
City of Albuquerque
Councilor, District 8

Vice Chair

Maggie Hart Stebbins
County of Bernalillo
Commissioner, District 3

Alan B. Amijo
County of Bernalillo
Commissioner, District 1

Richard J. Berry
City of Albuquerque
Mayor

Art De La Cruz
County of Bernalillo
Commissioner, District 2

Rey Garduño
City of Albuquerque
Councilor, District 6

Debbie O'Malley
City of Albuquerque
Councilor, District 2

Ex-Officio Member
Pablo R. Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Tom Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107

**RE: Water and Sanitary Sewer Availability Statement #00304
5108 Guadalupe Tr. NW - MRGCD Map 32-Lots 118C-118E and 119
Zone Atlas Map: F-14**

Dear Mr. Slates:

Project Information: The subject site is ±2.3 acres of partially developed land located on the east side of Guadalupe Trail, within the City Of Albuquerque. The site is currently zoned R-1 and lies in the 1E pressure zone within the Montgomery trunk. The request for availability indicates that plans are to subdivide the lots and to construct single family residential dwellings.

Existing Conditions: Water infrastructure in the area is limited to an on-site 6 inch water line, project # 26-3640-89.

Sanitary sewer infrastructure in the area includes is limited to an on-site 8 inch line, project # 26-3640-89.

Service: New metered water service is available to the site contingent upon both a public line extension and compliance with the Fire Marshal's fire flow requirements. The new line will consist of an 8-inch extension of the existing on-site line approximately 300 feet to the east end of the access roadway. The extension can then extend south in the proposed hammerhead turn-around to the property boundary. The southern line extension shall be no smaller than 6 inches. A hydrant needs to be placed either at the end of the east-west extension, or at the terminus of the north-south extension. New service taps may then be made to these new public lines. Metered water service will not be sold without adequate fire protection. Water service will only be sold in conjunction with sewer service.

Sewer service is available to the site contingent upon construction of a new public line. Due to the depth and length of the line, the new public line may have to be a force main and private grinder pump systems may be necessary for the eastern lots.

Fire Protection: The instantaneous fire flow requirements for the subject property were not submitted in the request for availability; therefore, this statement may not be complete and/or valid at the time of future construction. Current mapping shows that there is a fire hydrant available for fire protection in the area.

Design and Construction: All required improvements will be at the developer/property owner's expense and must be coordinated through the City of Albuquerque and Water Authority DRC and Work Order process. Designs must be

done by a New Mexico Registered Professional Engineer. Construction of all public improvements must be by a licensed, bonded, public utility contractor.

Easements: Water Authority public water and sanitary sewer easements are required for all lines that may be constructed outside of any dedicated rights-of-way. The minimum easement width for public water and sanitary sewer lines shall be 25 feet in width and 20 feet for a single line. Acceptable easements must be documented on the final site plan and/or plat prior to approval.

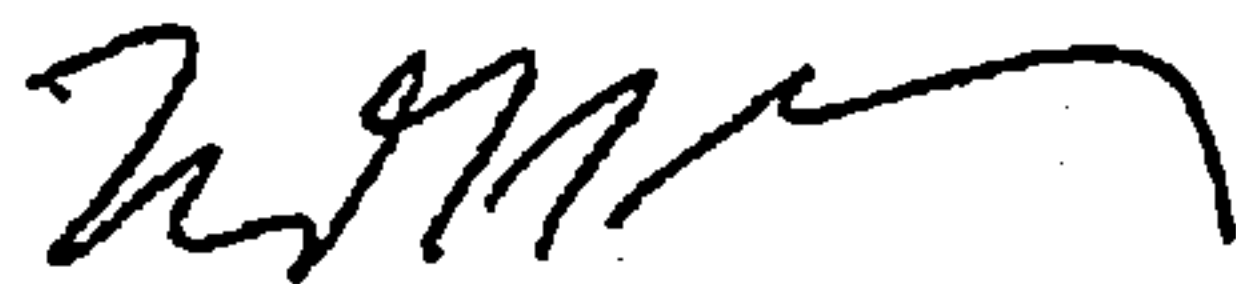
Costs and Fees: Water and sanitary sewer service accounts must be established with New Services at 924-3920. In addition to installation and construction costs, each metered water service will be subject to water and sanitary sewer Utility Expansion Charges (UEC) payable at the time of service application. All charges and rates collected will be based on the ordinances and policies in effect at the time service is actually requested and authorized.

Water Use: All new development shall be required to meet the standard water usage of 180 gallons per household per day which is equivalent to 75 gallons per capita per day. Indoor water use shall consist of 70% of total use with outdoor limited to 30%. Where available, outdoor water usage shall utilize reclaimed water. All new commercial developments shall be subject to the requirements for water usage and water conservation requirements as defined by the Water Authority, particularly the Water Waste Ordinance, Water Conservation Large Users Ordinance and Water Conservation Water by Request Ordinance.

Closure: This statement of availability will remain in effect for a period of one year from the date of issue and applies only to the development identified herein. Its validity is, in part, contingent upon the continuing accuracy of the information supplied by the developer. Changes in the proposed development may require reevaluation of availability and should be brought to the attention of the Utility Development Section of the Water Authority as soon as possible.

Please feel free to contact the Utility Development Office at (505) 924-3987, or by fax at (505) 924-3864 if you have questions regarding the information presented herein or need additional information.

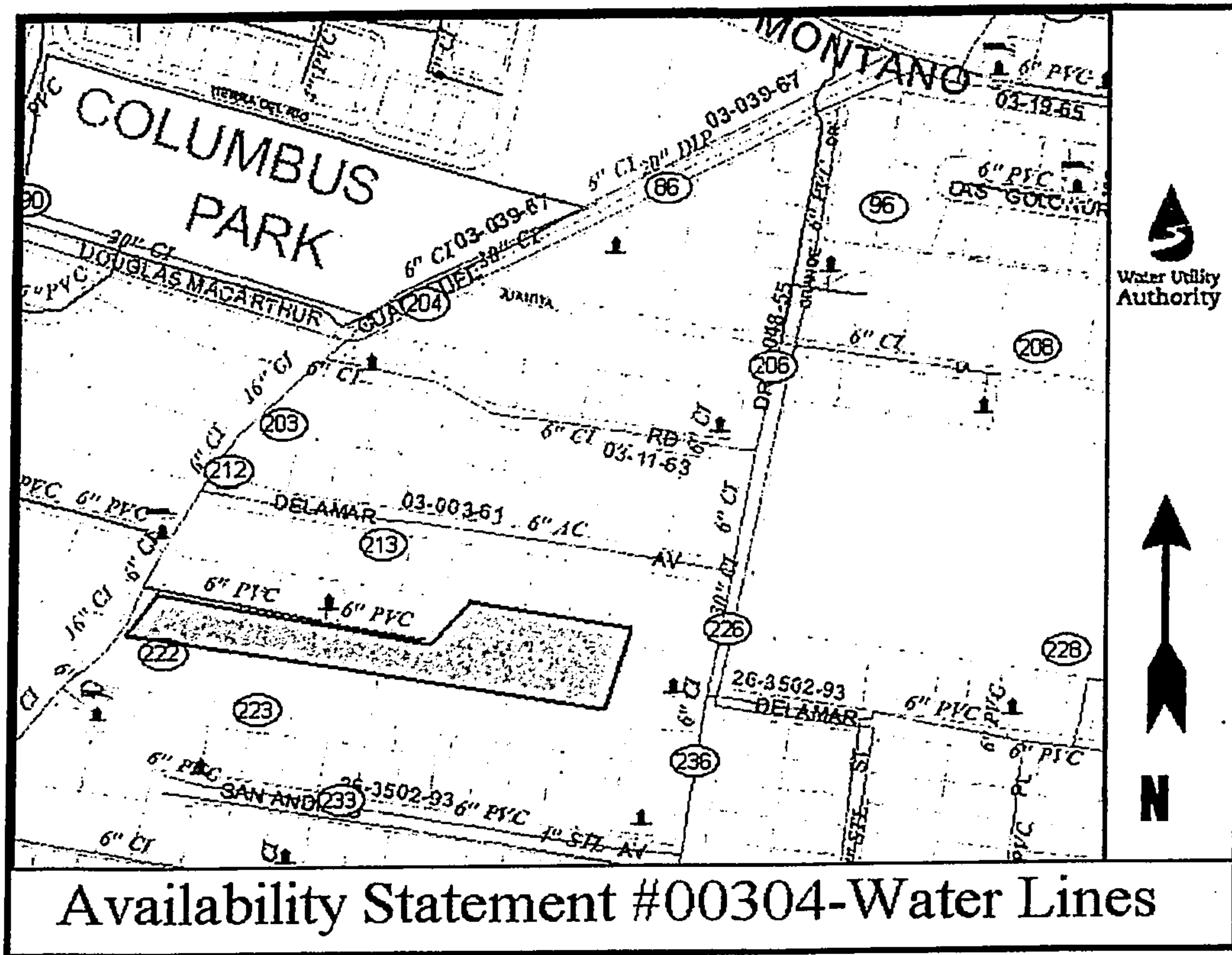
Sincerely,



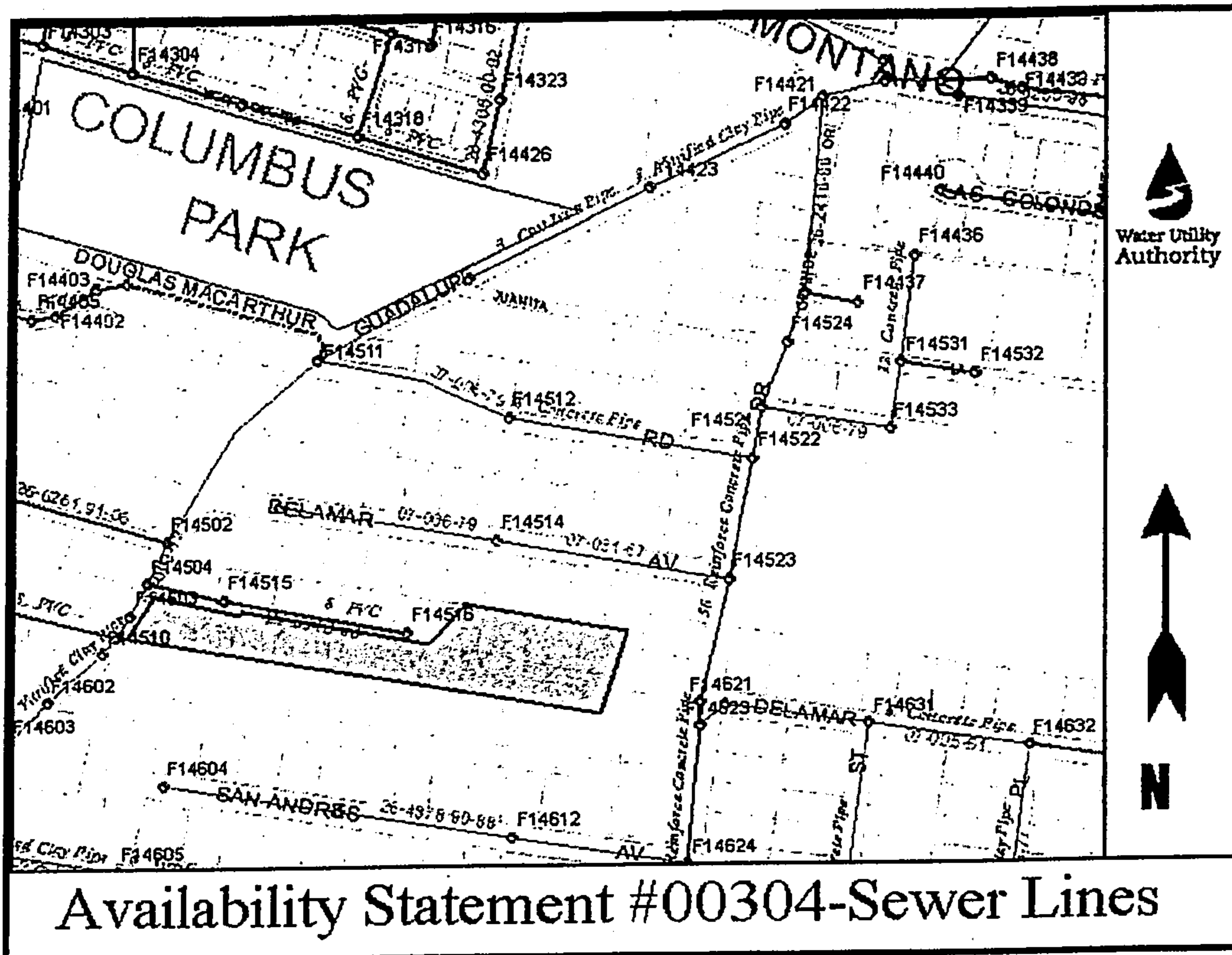
Mark S. Sanchez
Executive Director

Encl: Site and Infrastructure Maps (3)

f/ Availability F-14
DRB 1004906



Availability Statement #00304-Water Lines



Availability Statement #00304-Sewer Lines

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1004906

AGENDA ITEM NO: 13

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
SUBDIVISION DESIGN VARIANCE

ENGINEERING COMMENTS:

Provide approval from the fire marshal and solid waste for the proposed roadway layout, including the turnarounds.

An infrastructure list will be required.

Gravel Roadway: due to the overall drainage needs for this area, Transportation Development has no objection to the use of gravel versus asphalt for this roadway.

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

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

SIGNED: Kristal D. Metro
Transportation Development

DATE: JUNE 29, 2011
505-924-3991

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1004906

AGENDA ITEM NO: 12

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
SUBDIVISION DESIGN VARIANCE

ENGINEERING COMMENTS:

Gravel Roadway: due to the overall drainage needs for this area, Transportation Development has no objection to the use of gravel versus asphalt for this roadway.

Infrastructure List Comments

For a private way, the first 25 feet past the pavement on the intersecting street must be paved with a minimum of 2 inches of asphalt on compacted subgrade (see Table 23.2.2 of the *Development Process Manual*).

Per the *City of Albuquerque Standard Specifications*, Section 308.5.1, "Natural gravel surfacing shall have a minimum compacted thickness of 6 inches."

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

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

SIGNED: Kristal D. Metro
Transportation Development

DATE: JULY 27, 2011
505-924-3991

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1004906

AGENDA ITEM NO: 8

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
SUBDIVISION DESIGN VARIANCE

ENGINEERING COMMENTS:

Gravel Roadway: due to the overall drainage needs for this area, Transportation Development has no objection to the use of gravel versus asphalt for this roadway.

Infrastructure List Comments

For a private way, the first 25 feet past the pavement on the intersecting street must be paved with a minimum of 2 inches of asphalt on compacted subgrade (see Table 23.2.2 of the *Development Process Manual*).

Per the *City of Albuquerque Standard Specifications*, Section 308.5.1, "Natural gravel surfacing shall have a minimum compacted thickness of 6 inches."

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

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

SIGNED: Kristal D. Metro
Transportation Development 505-924-3991

DATE: AUGUST 3, 2011

June 21, 2011

Development Review Board
City of Albuquerque

I, the undersigned, live in the 5100 block of Guadalupe Trail NW and access Guadalupe Trail from a private access road.

I understand that Tom and Susan Slates have a request before the Development Review Board (DRB) to widen the existing access easement from 17.5 feet and 22 feet to 24 feet for its entire length of approximately 720 feet.

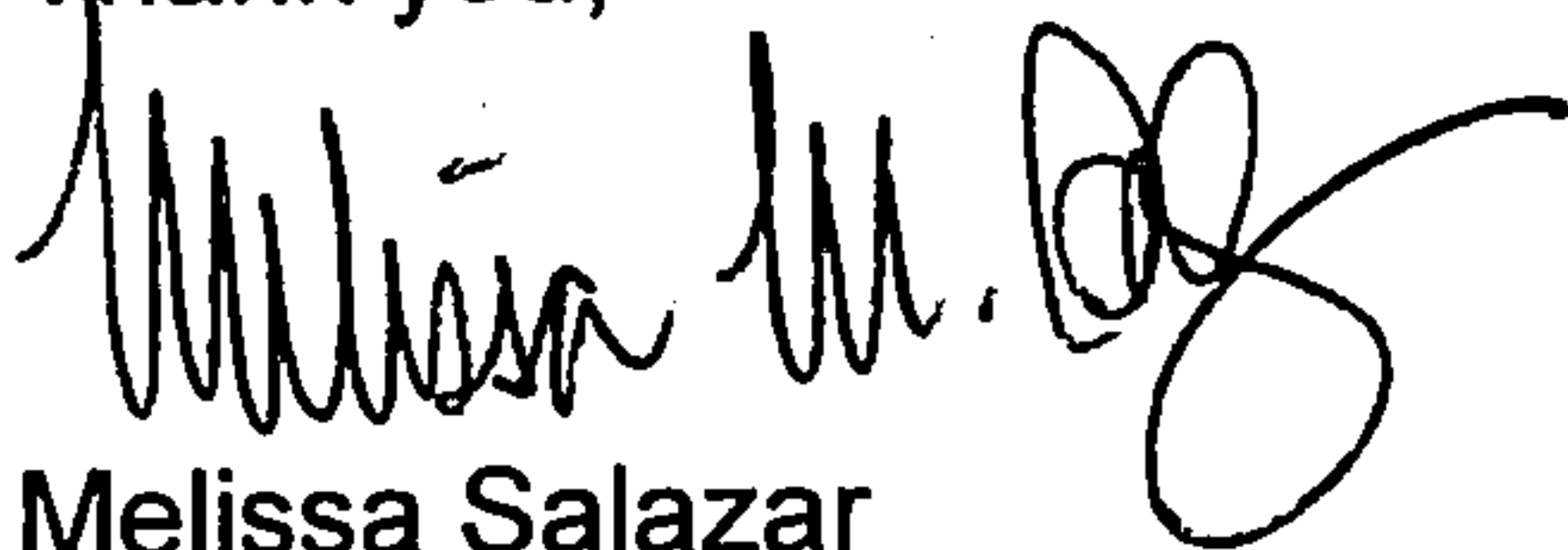
I understand that the Design Process Manual (DPM) requirements for a 12-lot subdivision include a 28-foot wide roadway (with asphalt paving or the equivalent), 5-foot sidewalk setbacks and 4-foot wide sidewalks on each side of the roadway.

I support the Slates' request to:

1. Reduce the roadway width to 24 feet.
2. Delete sidewalks from this area.
3. Install 3 inches of gravel over a 12-inch compacted base instead of asphalt paving.

I also acknowledge the increase in the number of R-1 lots from 8 to 12, and I understand that Fire Department and Solid Waste approval has been granted.

Thank you,



Melissa Salazar
5120 Guadalupe Trl NW

David & Elizabeth Wiley
5118 Guadalupe Trail N.W.
Albuquerque, New Mexico 87107

June 27, 2011

City of Albuquerque

Development Review Board Members:

Jack Cloud, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant
Kristal Metro, P.E., Transportation Development
Allan Porter, P.E., Albuquerque/ Bernalillo Co. WUA
Curtis Cherne, P.E., Acting Hydrology P.E.
Christina Sandoval, Parks/Municipal Development

We live in a home located in the 5100 block of Guadalupe Trail NW. Currently, it is reached from Guadalupe Trail using a private access road to the east of the Trail.

This existing dirt access road ranges in width from 17.5 feet to 22 feet. We understand that Tom and Susan Slates have a request before the Development Review Board to widen the road to 24 feet along its entire 720-foot length.


According to the Design Process Manual, a 12-lot subdivision is required to have a 28-foot-wide roadway with asphalt paving or the equivalent, five-foot sidewalk setbacks, and four-foot-wide sidewalks on each side of the road.

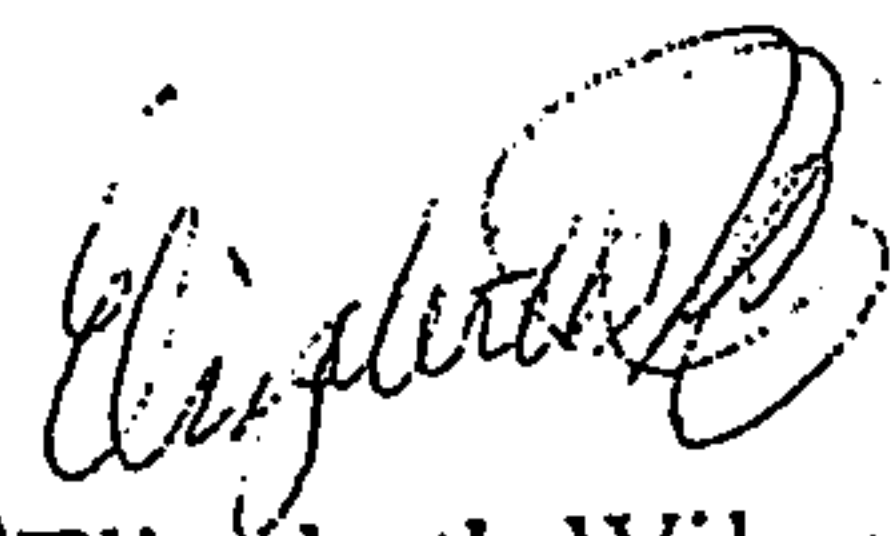
We understand that the number of R-1 lots is increased from eight to 12, and that Fire Department and Solid Waste approval has been granted.

We support the 'Slates' request to construct a 24-foot-wide road with no sidewalks and a surface of three inches of gravel over a 12-inch compacted base instead of asphalt paving.

Our support is based upon our perception that the proposed roadway design is more in keeping with existing homes and with the historical nature of our neighborhood. Access will be improved for police and fire protection and for other municipal and private sector services by the proposed road.

Sincerely


David Wiley


Elizabeth Wiley

ANGUS MACPHERSON

August 2, 2011

To whom it may concern:

I am writing in support of the development of LANDS OF SIMPATICO, lots 1-7, by project designer and contractor Tom Slates – project 1004906, application #11-70154/11-70168; tracts 118 C-D; MRGCD Map 32.

When I met Tom and Susan Slates, about five years ago he told me about this project. We have discussed this project several times over the years with the Slates. My wife Melissa and I own and live in a home a few hundred feet from the Slates, and their development area. The Slates are wonderful neighbors and I have served on the neighborhood association board with Susan. Certainly other folks attending neighborhood association events have known about this project for a couple of years. I feel completely confident that the development they are planning will only enhance this lovely place where we live.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angus Macpherson', with a long horizontal flourish extending to the right.

Angus Macpherson

5027 Guadalupe Trail NW
Box 2
Albuquerque, NM 87107
505.270.2777

City of Albuquerque Development Review Board
600 2nd NW
Albuquerque, New Mexico

Attention: Mr. Jack Cloud

Dear: City of Albuquerque Development Review Board,
Subject: Variance for Pedro's Place Road NW- Proposed by Tom Slates

Mr. Tom Slates is requesting three variances from the City of Albuquerque Development Review Board: a 24-foot widening of the Pedro's Place Road with no sidewalks, no gutter system, and no asphalt.

Mr. Slates is requesting these variances in order to meet minimum requirements to allow him to further subdivide his properties that would allow for a total of twelve homes on Pedro's Place, where it currently has capacity for eight homes.

Mr. Slates currently owns three lots that are approved for two more homes. He owns two lots that he would like to divide into four, and he would like to divide his current home's lot into 2 more additional lots. Mr. Slates declared these plans at a local neighborhood association meeting at which I was in attendance on June 20, 2011. It was at this meeting that Mr. Slates advised the community that his plans were moving forward regardless of input from the neighborhood, and he made no mention of public access to the variance meeting on June 29, 2011. Mr. Slates further informed the community that his retirement hinges on further subdivision, and he does not require or desire permission from the community to further subdivide his properties.

When Mr. Slates purchased his property in 2007, he was fully aware of the building limitations and structural capacity of Pedro's Place Road. Although Mr. Slates has made it clear that he desires no feedback from his neighborhood community, he is now asking them to accommodate his retirement and financial incentives at the expense of the current neighborhood landscape.

In 2009, I purchased a home located on Pedro's Place and Guadalupe Trail. At that time, it was my understanding that only two more additional homes would be built on Mr. Slates' properties. I bought my home specifically for the rural and quiet character of the neighborhood. Further subdivision on Pedro's Place will undoubtedly increase traffic, noise, and pollution. Although I appreciate Mr. Slates as a neighbor, I don't agree with his plans to further subdivide. As his neighbor, I am not obligated to help him achieve his financial goals for retirement.

Respectfully,



Emily A. MacLeod
5110 Guadalupe Trail NW
Albuquerque, New Mexico 87107
(505) 550-0234 cell
Registered Nurse
Albuquerque Healthcare for the Homeless

City of Albuquerque Development Review Board
ATT: Jack Cloud
600 2nd Street, NW
Albuquerque, NM 87103

RE: Project# 1004906 / design variance request by Thompson Engineering Consultants, Inc. & Cartesian Surveys Inc. agents for Thomas Slates

Wednesday, June 29, 2011

Dear Mr. Cloud and Members of the Board,

Mr. Slates is requesting three variances for Pedro's Place lane in the north valley. The requests were presented at an unadvertised North Valley Neighborhood Association meeting. However, at the end of that meeting, Mr. Slates demanded that all documents shared be returned to him. Thus, I apologize that I am not certain here of all details concerning the three variances.

What I do understand is that none of the variances—exemptions for pavement, curbing and sidewalk—are necessary because none of these items are currently allowed for Pedro's Place anyway. The variances are not needed given the current status of the lane.

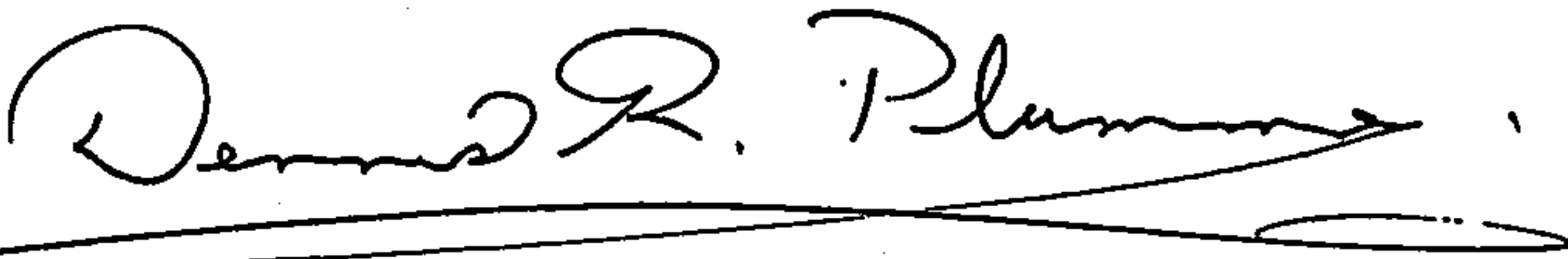
Any need for such variances arises only from Mr. Slates's larger plan to install a sub-division and the widening of Pedro's Place that would be needed to accommodate such a sub-division. His sub-division would place six houses on land currently plotted for two.

I oppose this increased density, its increased traffic load and its impact on surrounding land value and quality of life for the north valley neighborhood. Pedro's Place is a dirt lane not intended for use as a sub-division. Mr. Slates's design variance requests are intended to change that.

Last year, Mr. Slates approached this same project from a different approach. Then, he began with the sub-division itself and zoning regulations. The required public, yellow notice sign was posted—and the project received such neighborhood opposition that the matter was assigned mediation until Mr. Slates withdrew his proposal.

I respectfully suggest that the same opposition and concerns need to be addressed before any variances are granted. Thus, I request that the Development Review Board deny project request number 1004906.

Respectfully,



Dennis R. Plummer
5112 Guadalupe Trail, NW
Albuquerque, NM 87107
505-730-6542
drpnewmex@yahoo.com

City of Albuquerque Development Review Board
ATT: Jack Cloud
600 2nd Street, NW
Albuquerque, NM 87103

RE: Project# 1004906 / design variance request by Thompson Engineering Consultants, Inc. & Cartesian Surveys Inc. agents for Thomas Slates

July 26, 2007

Mr. Chair and Members of the Board,

Since the last hearing regarding Project # 1004906, seven households on or near Pedro's Place were surveyed as to their position concerning this proposed project. Six have signed in opposition of the proposal; one expressed hope that there would be wider public conversation about it. I believe that, given more time and public awareness of the proposed impact, even more would be opposed to such a change in the North Valley.

The proposal would increase use impact to 12 dwellings on one, dead-end lane. This is two above the City's threshold that identifies major sub-divisions. I submit that this moves the proposal from being a minor plot revision to that of being a major sub-division and, thus, requires a public hearing.

The proposed widening and subsequent sub-division would introduce pedestrian safety hazards such that the City has acknowledged it would be responsible for injuries if it did not follow zoning regulations requiring sidewalk installation. Both the widening of the lane and the addition of a sidewalk are non-compliant with the North Valley Character Study that guides ongoing development in our neighborhood.

I ask that any variance relating to the expansion of Pedro's Place lane be denied. At the very least, the matter needs to be placed properly into a public hearing venue.

Sincerely,



Dennis R. Plummer
5112 Guadalupe Trail, NW (Pedro's Place)
Albuquerque, NM 87107

July 19, 2011

Development Review Board
City of Albuquerque
Project 1004906 Application #11-70154 / 11-70168
Re: Tracts 118C-D MRGCD Map 32

As developers of the Lands of Simpatico Lots 1-7, we are giving prime consideration to the historic nature of the community in which we are located. Included are existing road easements, utilities and the predominant New Mexico adobe style of residences.

One of our goals is to maintain the beauty and unique qualities of this portion of the historic North Valley shown on maps made in 1888, 1892 and 1916. Over a span of more than 100 years, this area has adapted to introduction of gasoline powered cars and trucks, electrical machines, appliances and lighting, and modern water and sewer systems.

It has been transformed from a farming and ranching community into a largely residential area that provides homeowners with a calm, pleasant way of life as it offers a sense of New Mexico history. With its low-density pattern of housing, this Guadalupe Trail NW area is part of the vibrant City of Albuquerque, yet offers the advantages and more relaxed mood of a rural community.

In 1979, the Orville Padilla Replat resulted in lots that are wide and relatively shallow.

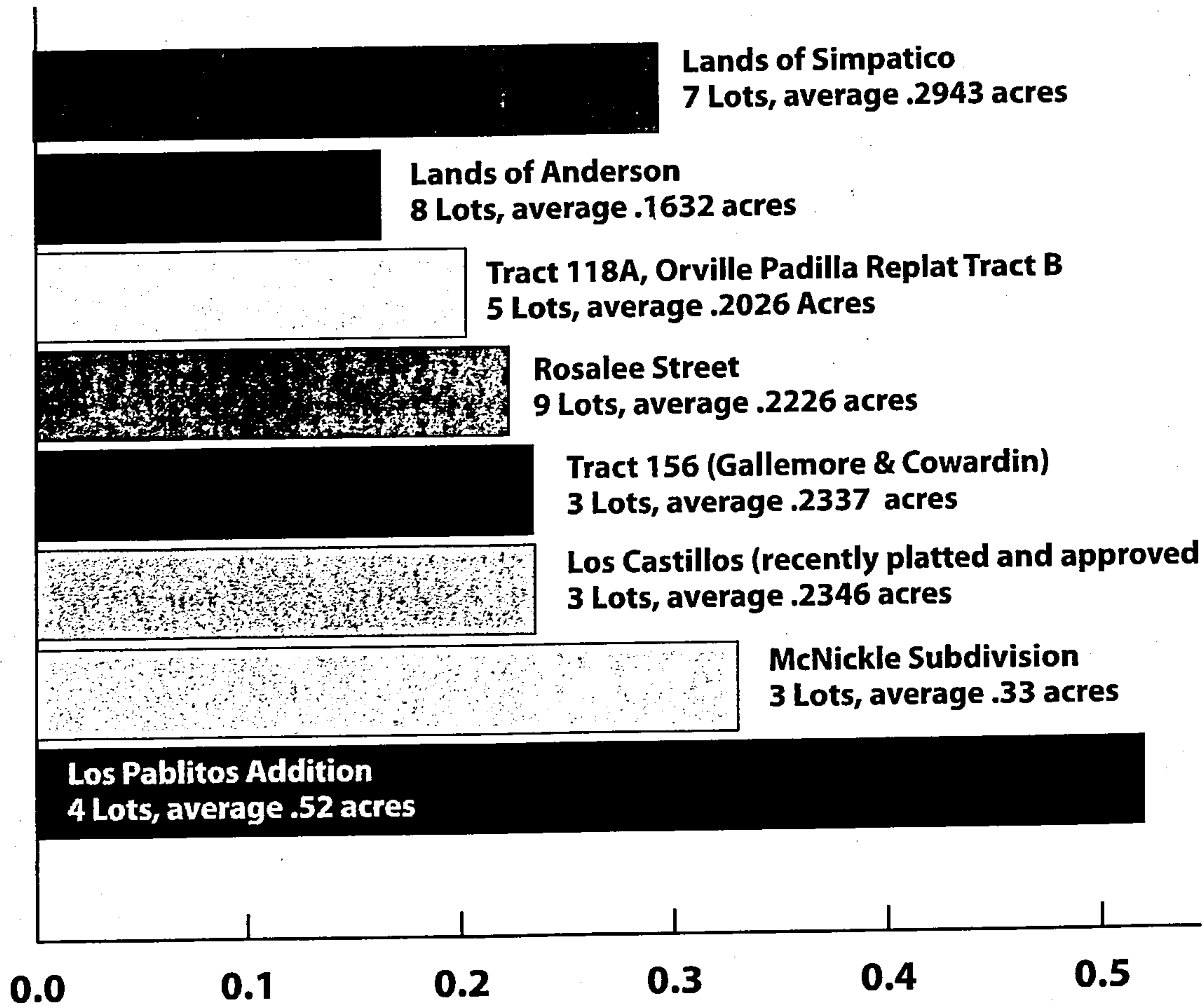
Our plan respects existing road and street width patterns and surfaces and the absence of sidewalks—maintaining the traditional identity of the area.

With no irrigation easements, the existing vegetation of currently vacant lots consists of a mixture of tumbleweeds, goat-heads, and bindweed. On adjoining land, what once was an orchard was long ago divided into quarter-acre lots.

On Page 119 of the North Valley Area Plan, published in April 1993, a survey showed that more than 60 percent of area residents preferred houses located on a mixture of large and small lots. Old and young, upper and lower income residents live in close proximity and share schools, roads and shopping.

The seven lots of Lands of Simpatico average **.2943** acres or 12,819 sq. ft. each (see Lands of Simpatico Proposed Lot Sizes on the plat).

Lands of Simpatico Lot Sizes 123% Existing Area Average



For comparison purposes, we offer the following existing R-1 areas off the east side of Guadalupe Trail between Griegos and Delamar streets:

(All calculations include road easements)

Tract 118A, Orville Padilla Replat Tract B

5 lots – average lot size = .2026 acres each

Los Castillos (recently platted and approved)

3 lots – average lot size = .2346 acres each

Rosalee Street

9 lots – average lot size = .2226 acres each

Lands of Anderson (5000 block)

8 lots – average lot size = .1632 acres each

Los Pablitos Addition

4 lots – average lot size = .52 acres each

McNickle Subdivision

3 lots – average lot size = .33 acres each

Tract 156 (Gallemore and Cowardin)

3 lots – average lot size = .2337 acres each

These 35 existing and platted lots are on 8.7969 acres with an average lot size of **.20945** acres each.

The Lands of Simpatico average lot sizes are 1.23 times the existing average for area.

We believe that both extraordinary hardship and practical difficulty will result from strict compliance with the minimum standards for street width and sidewalks.

1. Existing road easements are narrow (17.5' and 22') and would require demolition of adobe walls and would severely impact the already wide and shallow building pads available on Tracts 118C, 118d and 118E.
2. Normal R-1 lot proportions are commonly 1-to-2 (width to depth).

Because of the historical patterns of lot divisions in this old section of the valley, our three tracts of land and their proportions are as follows:

Tract 118C – 336'x93' (3.5 to 1)

Tract 118D – 372'x76' (4.9 to 1)

Tract 118E – 344'x90' (3.8 to 1)

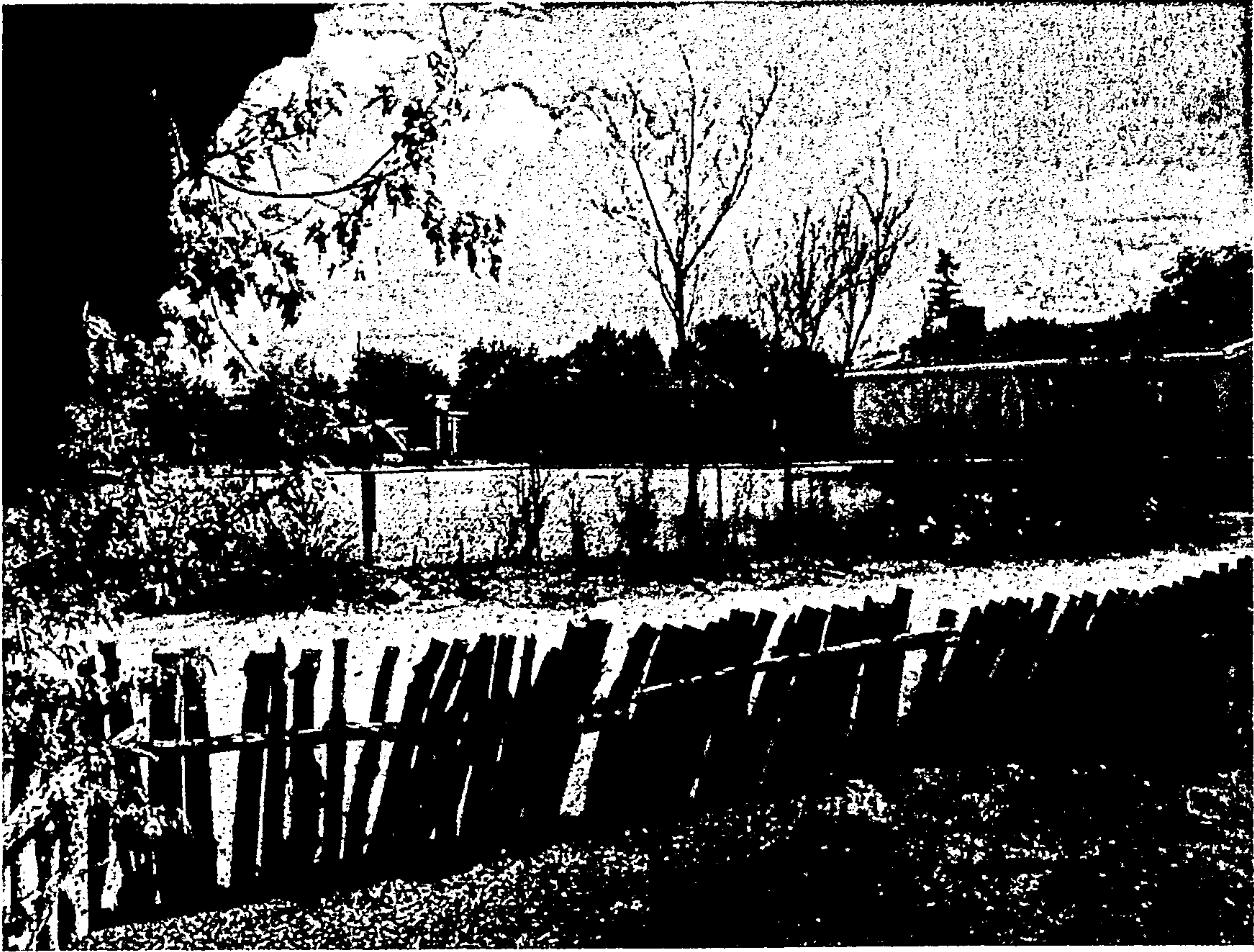
The proportions become even more extreme when a roadway easement of 10'–12' of each side of a property line is factored in. Each of these tracts is zoned R-1 and building pads of 175'x45' do not define normal single family home proportions.

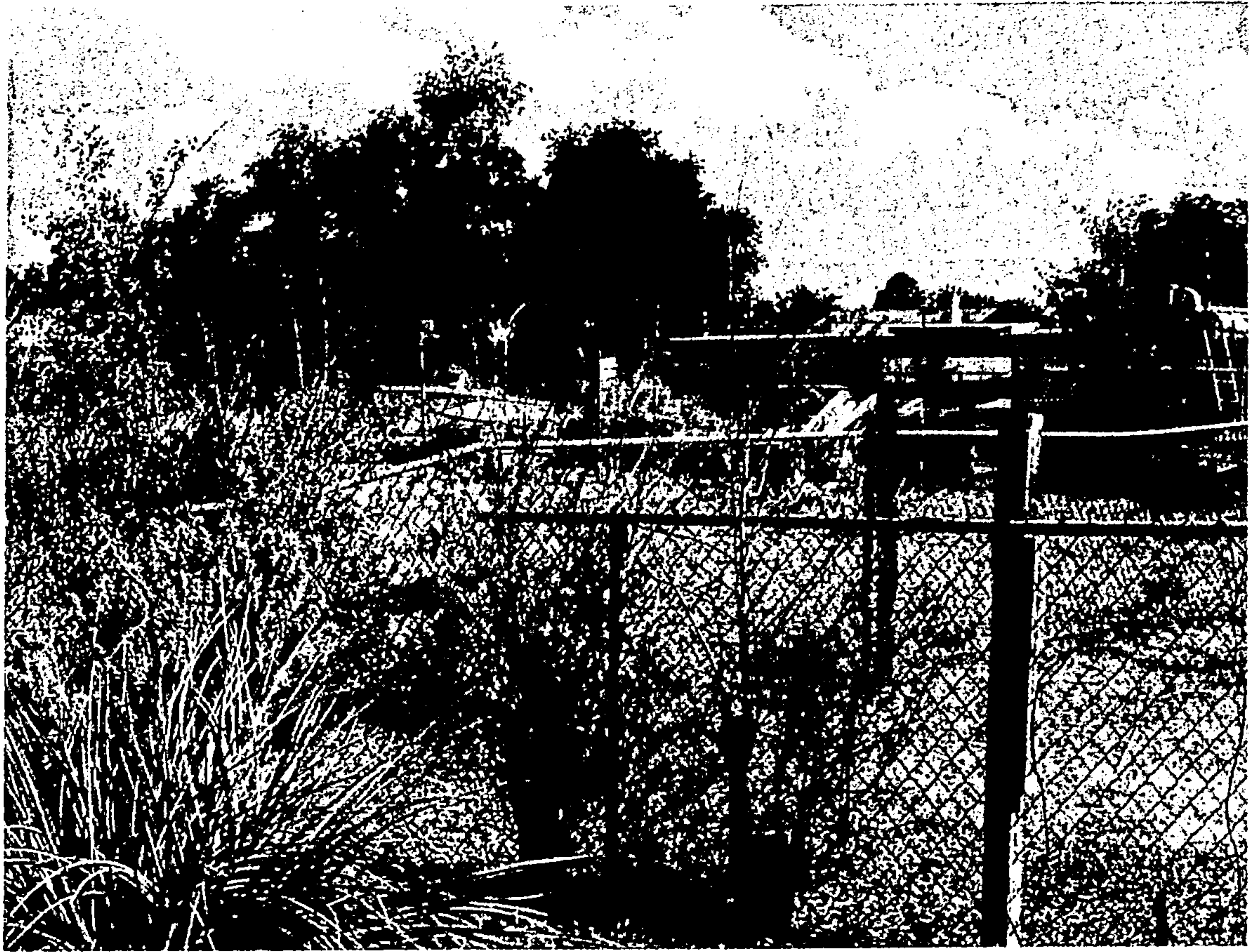
Varying from the normal requirements will encourage **FLEXIBILITY** (characterized by a ready capability to adapt to new, different or changing requirements). Widening the easement to 24 feet allows for improved access for fire, emergency and solid waste vehicles.

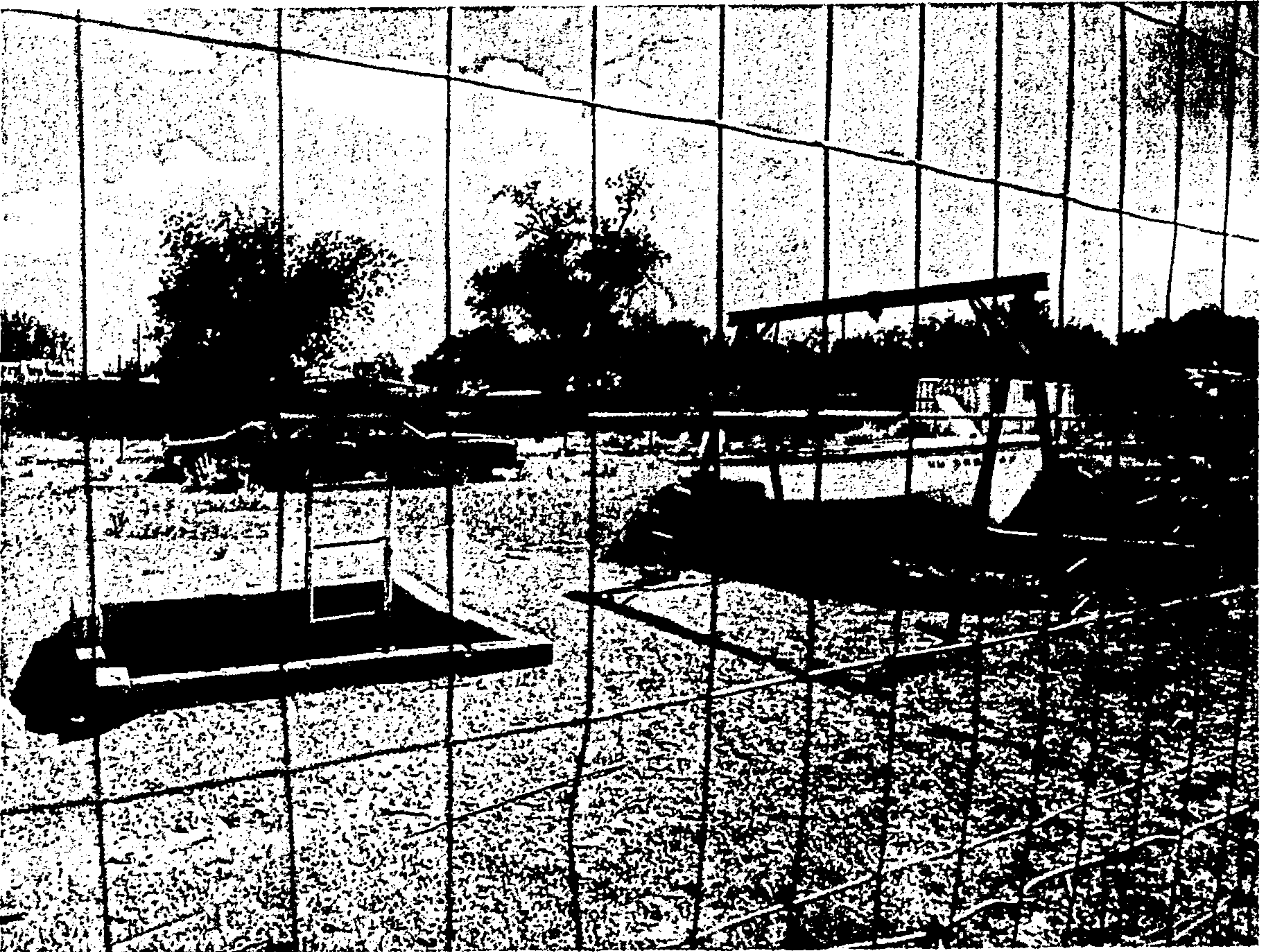
EFFECTIVE USABLE OPEN SPACE, is defined by the City of Albuquerque Zoning Code (Rev. 7/2009) as “an area on the same lot with a dwelling, in relation to which it serves to permanently provide light and air, as well as visual, psychological, and recreational needs for open space. Usable open space may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides”

Residents who are fond of open space receive a special reward as they pass by the Farm Lands located in the 5000 block of Guadalupe Trail. Regardless of the season cattle and horses may be seen grazing there. But many residences in the South Guadalupe Neighborhood Association area lie behind adobe walls that create private retreats for their owners.

If only one home per tract of land were allowed (on lots 118C, 118D and 118E) there would be no open vistas of mountains and volcanoes. Instead, to the south one sees uncared for and dying plants, uncultivated dirt, discarded wood, a broken down shed, and cinderblock or chain link fences. Derelict cars in various states of disrepair, an unused and rusted motor hoist, a makeshift grease pit, and an abandoned boat litter the property between Simpatico Lands and older homes further south. (see following pictures)







Rather than have three one-third-acre parcels of non-productive land untaxed at R-1 assessment values, our plan provides for seven R-1 lots with seven owners to design, xeriscape and maintain the 1.12 acres of open space and individual gardens around their homes. Otherwise the unused parcels would remain vacant, unxeriscaped and unusable pieces of R-1 land (weeded reluctantly by three homeowners),

ROAD SURFACE

Instead of the required asphalt paved road, we request a gravel easement design. Currently, there are 50,200 square feet of gravel roads in the South Guadalupe Trail Neighborhood and 19,500 square feet of dirt roads. Because of the extreme flatness and land-locked topography, permeability of the road surface is important. Hydrology prefers the road and parking areas to be graveled since the subdivision will be ponding street flows in front yards.

SIDEWALKS

There are no sidewalks on Guadalupe Trail from Griegos Rd. to its dead-end with Montano. Nor are there any sidewalks on the feeder streets to Guadalupe Trail from Rosalee, Pablito Lane, Bayita Lane or on the access road to 4824, 4828, 4832, 4836, 4840, 4842, 4844, 4848 & 4900 Guadalupe Trail. The three recently platted lots in Los Castillos Addition also have no sidewalks.

Our access road is 175 feet south of the nearest sidewalk at the corner of Delamar and Guadalupe Trail. Our access road has no sidewalk connection available. **There are no sidewalks in our vicinity.** (see accompanying pictures)

Page 2 of the Review Draft of North Valley Area Zoning Code Amendments, dated 7/3/2008, states “according to the area plan, rural character areas have one or more of the following:

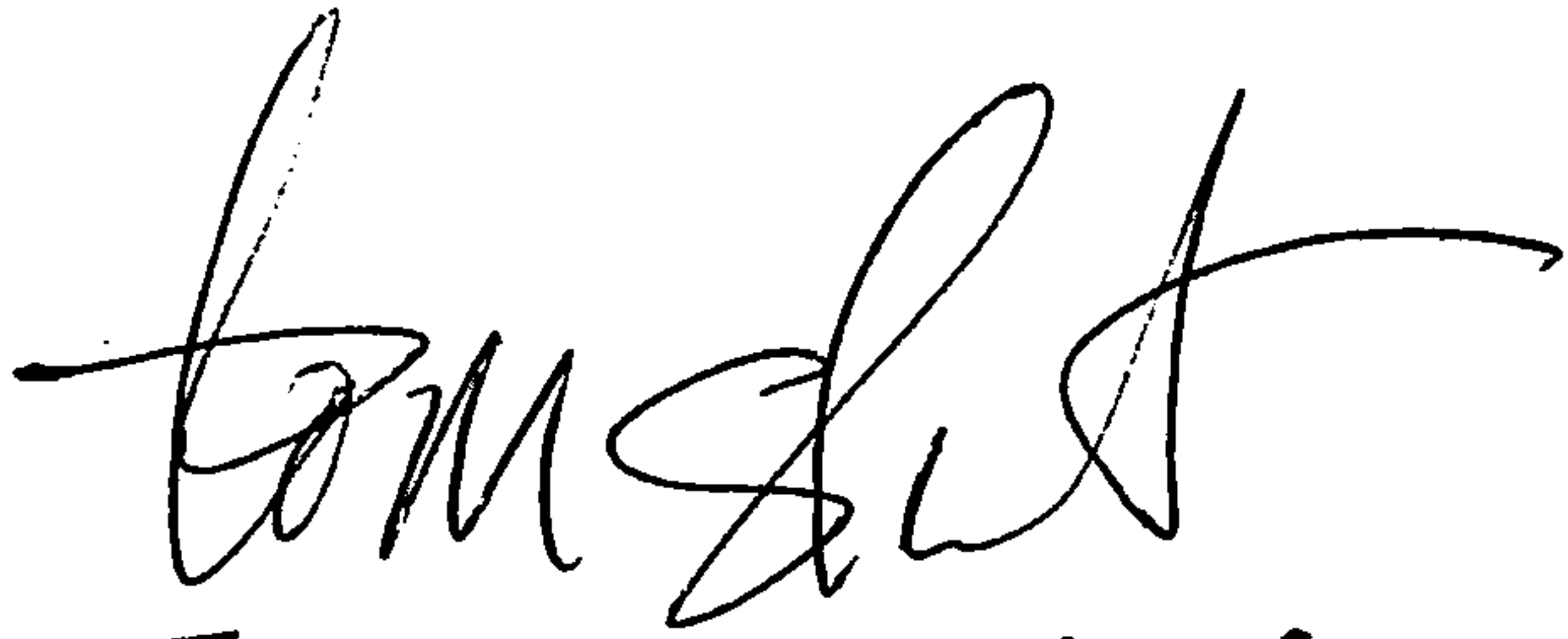
- *A mixed pattern of lot sizes and shapes and housing types, sizes and styles reflecting older settlement patterns and agricultural activities.*
- *Less infrastructure than is associated with urban development such as curbs, gutters, sidewalks, or standard width paved streets.*

Page 107 of the North Valley Area Plan, April 1993:

“The interest in walking, jogging and running throughout the country is also evident in the North Valley. People walk on streets, on a few sidewalks, on canal paths, drains and the Bosque. *Local streets within North Valley neighborhoods often lack sidewalks but have little traffic which makes walking the street a comfortable alternative.*”

Page 16 of the Los Griegos Sector Development Plan Status Report 1987:

“Residents describe the plan area as quiet and semi-rural with all the conveniences of the city. Because of development pressures in Albuquerque, areas such as Los Griegos need to receive special attention if they are to be preserved.”


TOM STATES

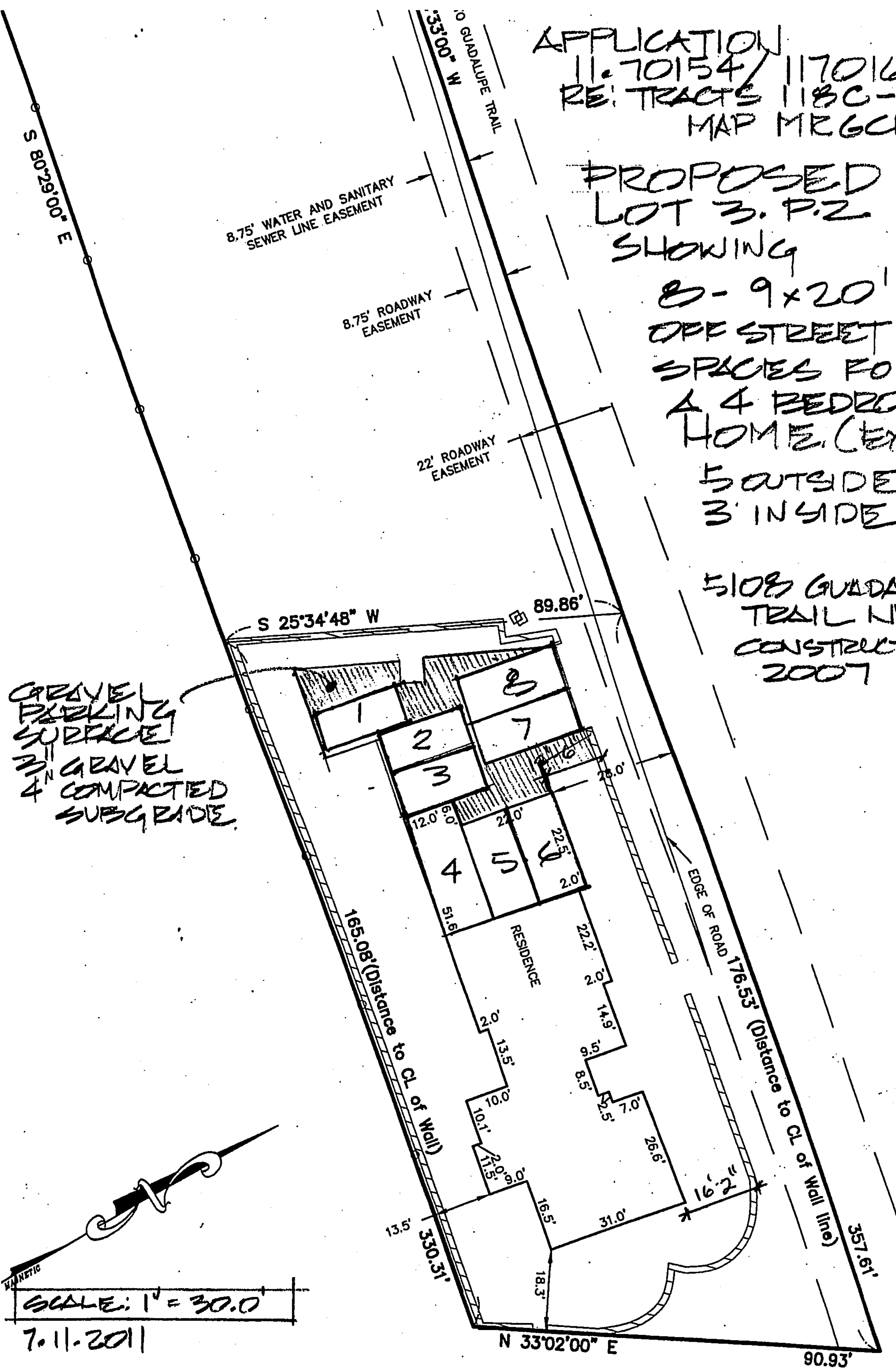
LANDS OF SIMPATICO PROPOSED LOT SIZES

Lot #	Total Lot Area	Road Easement	Net Lot Area	Maximum Build Area	Floor Area Ratio	% Open Space	Open Space Sq. Footage
Lot 1 - P2	7627	884	6743	3000	0.44	56%	3743
Lot 2 - P2	7627	1067	6560	3000	0.46	54%	3560
Lot 3 - P2	14504	2100	12404	3494	0.28	72%	8910
Lot 4 - P2	16362	4159	12203	4200	0.34	66%	7493
Lot 5 - P2	13412	1440	11972	4200	0.35	65%	7772
Lot 6 - P2	14995	720	14275	4500	0.32	68%	9775
Lot 7 - P2	14992	3279	11713	4200	0.36	64%	7513
	89,519	13,649	75,780	26,594			48,766
	2.06 acres	.313 acres	1.742 acres	.6105 acres			1.12 acres
All area figures are expressed in square footage							
All floor area ratios (F.A.R.) are below the maximum calculations from page 25, 7-03-08 review draft of North Valley Area Zoning Code Amendments (Chapter 2 of North Valley Character Study)							

APPLICATION
 11.70154 / 1170168
 RE: TRACTS 118C-118E
 MAP MR 6CD 32

PROPOSED
 LOT 3, P.2
 SHOWING
 8-9x20'
 OFF STREET
 SPACES FOR
 A 4 BEDROOM
 HOME. (EXISTING)
 5 OUTSIDE
 3 INSIDE.

5108 GUADALUPE
 TRAIL NW
 CONSTRUCTED
 2007



GRAVEL
 PARKING
 SURFACE
 3" GRAVEL
 4" COMPACTED
 SUBGRADE

MAGNETIC
 SCALE: 1" = 30.0'
 7.11.2011

Chapter 2

GUIDELINES FOR NARROWER RESIDENTIAL STREET WIDTHS IN THE NORTH VALLEY DESIGN OVERLAY ZONE

The character of the North Valley is significantly and positively influenced by the presence of narrow rural residential streets in many of its neighborhoods. The purpose of the North Valley Design Overlay Zone is to help retain what remains of North Valley character in light of the goals stated in the North Valley Area Plan and in sector development plans for subareas of the North Valley. Consistent with North Valley Area Plan policies, the guidelines in this chapter encourage the retention and building of new narrow residential streets and privateways in the North Valley. In addition to supporting character, narrower streets also support lowered infrastructure costs and decreased impervious surface, which are additional objectives of the North Valley Area Plan.

The guidelines and photographic assessments that follow provide the rationale and justification for encouraging the use of narrow streets that are allowed in the *Development Process Manual* (DPM). In the case of privateways in the North Valley, these guidelines should be used by the City through the Development Review Board in granting variances in accordance with Section 14-14-6, City Subdivision Regulations from street width standards in Chapter 23 of the DPM.

Reference in the DPM to the narrower streets guidelines in the North Valley Design Overlay document is also recommended.

Traffic-calming features, in addition to narrower streets, are already in place in many areas of the North Valley, including:

- "Chicane" horizontal shifts require drivers to slow down. There are many windy lanes.
- Maximum design speed of curves of 20 miles per hour or less on many residential streets
- Landscaping, including large trees in or near rights-of-way that limit the distance visible to a driver, thus tending

to slow down traffic

- Gravel shoulders and driveways that create a change in the street surface that a driver sees and feels, and that require more caution
- Pavement irregularities also tend to slow down traffic.

IN OUR NEIGHBORHOOD
PRIVATE GRAVEL
STREETS SERVE
12-13 LOTS QUITE
WELL.

Private gravel streets typically serving two to four lots (some as many as eight lots) are a common feature in North Valley residential neighborhoods. These small streets often interface between the public and private realms in an aesthetically unique manner that contributes to the neighborhood character and calms traffic flow.

These guidelines take into account that the allowance of secondary dwelling units will likely result in a small increase in the number of residents and likely vehicular traffic in some neighborhoods. If, on an access local street or on a private way with up to eight lots, as many as half the lots have a secondary unit, it is believed that these narrower street guidelines remain appropriate.

Another North Valley Design Overlay Zone code amendment that will likely affect the circulation design pertains to private commons developments. Paths that are not contiguous to streets and are accessible to most residents in a development may be located in the private commons area, supplanting the need for a sidewalk contiguous to a street or private way. It is expected that this option will be chosen for some developments.

2.1 GUIDELINES FOR USE OF DPM NARROW STREET PROVISIONS OR VARIANCES TO REDUCE STREET WIDTHS

These guidelines apply to all future street improvements within the residential zones in the North Valley Design Overlay Zone.

Normal local street pavement is permitted through the *Development Process Manual* to be reduced from the current standard of 32' to 30' with intermittent parking, or 29' with a mountable curb.

No variance is needed.

No variance is needed.

Normal local street with intermittent parking design — where more off-street parking is provided, resulting in a need for only intermittent parking on a normal local street, required pavement can be reduced to 28'. (Note: 28' with intermittent parking, or 27' with a mountable curb is the current standard. While this option is encouraged, no variance is needed.)

No variance is needed.

Access local streets — defined in the DPM as streets with anticipated 250 Average Weekday Daily Traffic (AWDT) or less, typically 25 or fewer single family houses, should be permitted to be reduced from the current standard 26' to 24' under conditions where there are chicane horizontal shifts, curvilinear streets or other traffic calming features, and an infrequent parking design, e.g., even more off-street parking.

A variance is needed for a 22' wide private way serving more than 3 lots.

Private ways serving eight or fewer lots have lesser street width and sidewalk requirements than local streets through the DPM. Further reductions are considered appropriate in the North Valley Overlay Design Zone under circumstances where there is an **infrequent parking design** and the private way street length is limited. Short streets as narrow as 22' are typically safe for vehicles and pedestrians to share because the narrowness and the limited length discourage cars from accelerating, and pedestrians do not need to walk far on the private way.

Where a fire hydrant is located along a private way, 26' minimum width is required, in compliance with the International Fire Code.

The following guidelines apply where infrequent parking is provided, and one side of the street is restricted to no parking. "No parking" signage should be posted, and a covenant agreement should obligate property owners not to park in a no-parking portion of a street.

Exhibit 2-1
Street Width and Pedestrian Path Guidelines

Guidelines for Street Widths and Pedestrian Paths for Short Private Ways in the North Valley Design Overlay Zone			
Number of lots in development	Maximum length of private way	Pedestrian path needed	Minimum width of private way
4 and fewer	200 feet	None	22 feet
5 to 8	300 feet	1 path	22 feet

The following illustrations and comments provide visual references to supplement the guidelines.

Exhibit 2-2 Pedroncelli Street
South of Griegos, an example of a "normal local street" measuring 32' curb-to-curb, with 4' sidewalks on both sides, complying with standards set in the Development Process Manual.



Exhibit 2-3 McMullen Lane
A "normal local street" with 24' pavement. The standard is 30' with "intermittent parking" provided off-street and mountable curbs. Thirty houses are accessed off this street, and the street appears to function well.



Exhibit 2-4 Sioux Lane
North of the west end of Menaul, functions as a "normal local street." It has 14.4'-wide pavement and no sidewalk within a 16' ROW. This appears to be so narrow that emergency service response may be hampered.



Exhibit 2-5 Tierra Vida Street

A "normal local street" in a Private Commons Development. Pavement is 27' from edge of concrete to edge of concrete. Additional parking is provided off-street. Occasional parking on one side leaves adequate space for most local street functions.



Exhibit 2-6 Guadalupe Trail North of Griegos, has a functional classification of a "collector street." Its pavement width of 22' is far less than the 48' standard. While it has a 44' right-of-way (fence to fence), utility poles and trees restrict expanding pavement in places. In 2007, south of Montaño, average daily traffic (ADT) was 900, and north of Montaño, 4,000.

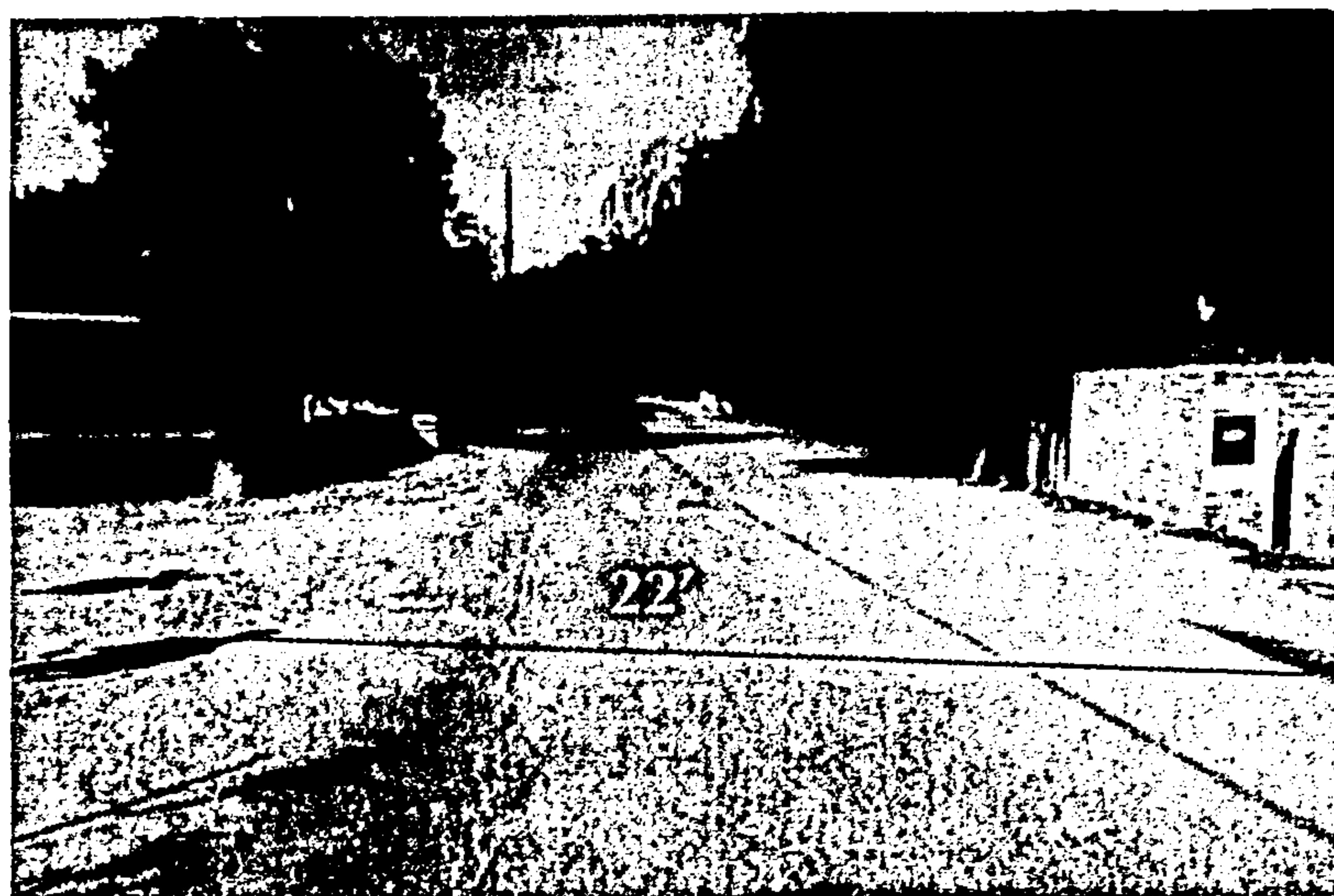
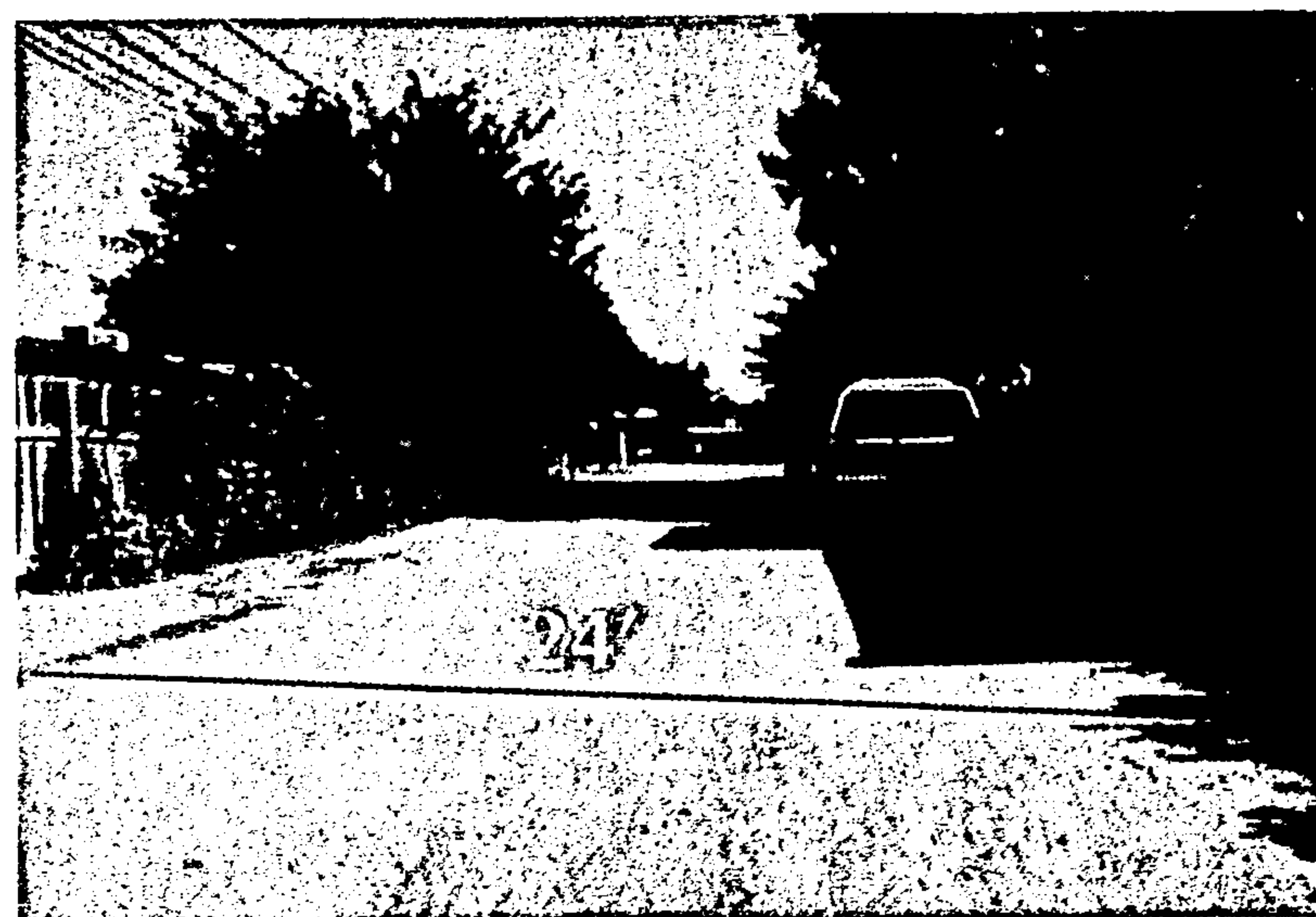


Exhibit 2-7 Joem Lane North of Griegos, classified as an "access local street." Eight houses are accessed off this street. Pavement is 24' wide with no sidewalk, while the standard is 28', or with intermittent parking off-street and mountable curb, 26'.



National literature on narrow streets and fire trucks

The Development Process Manual note 9, accompanying Table 23.2.1.B., states: "Fire vehicles and apparatus require a twenty foot wide driveable space." Standard fire trucks with mirrors are 9.3' wide. Outrigger spreads on ladder trucks are typically 16' wide.

(Source: R. Ewing T. Stevens and S.J. Brown, *Urban Land Magazine*, "Skinny Streets and Fire Trucks," August 2007.)

According to this study, where ladder trucks are unnecessary in low-rise areas, 12' of clearance should suffice.

Exhibit 2-8 "Privateway" off McMullen Lane
A 20.5'-wide gravel street accessing three houses. This street is wide enough to meet the DPM's 20' driveable surface for fire vehicles and provides sufficient space for two vehicles to pass.



Exhibit 2-9 "Privateway" south of Bayita Lane off Guadalupe Trail
A 12'-wide easement accessing six houses. The standard is 24' with a 4' sidewalk.

This lane appears to be too narrow for two vehicles passing, although residents like its narrowness.

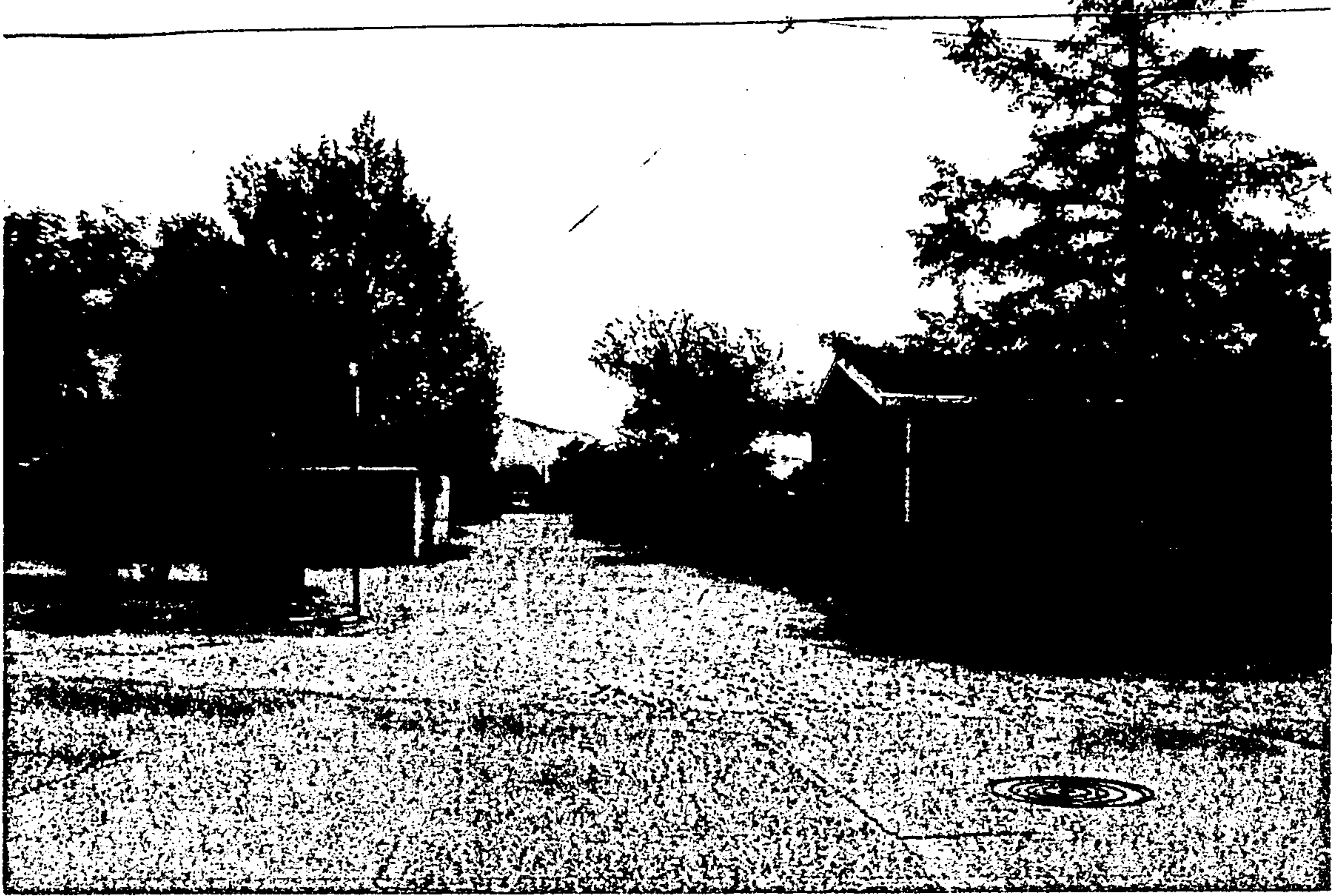




East Access at 4800 Guadalupe Tr
BLK



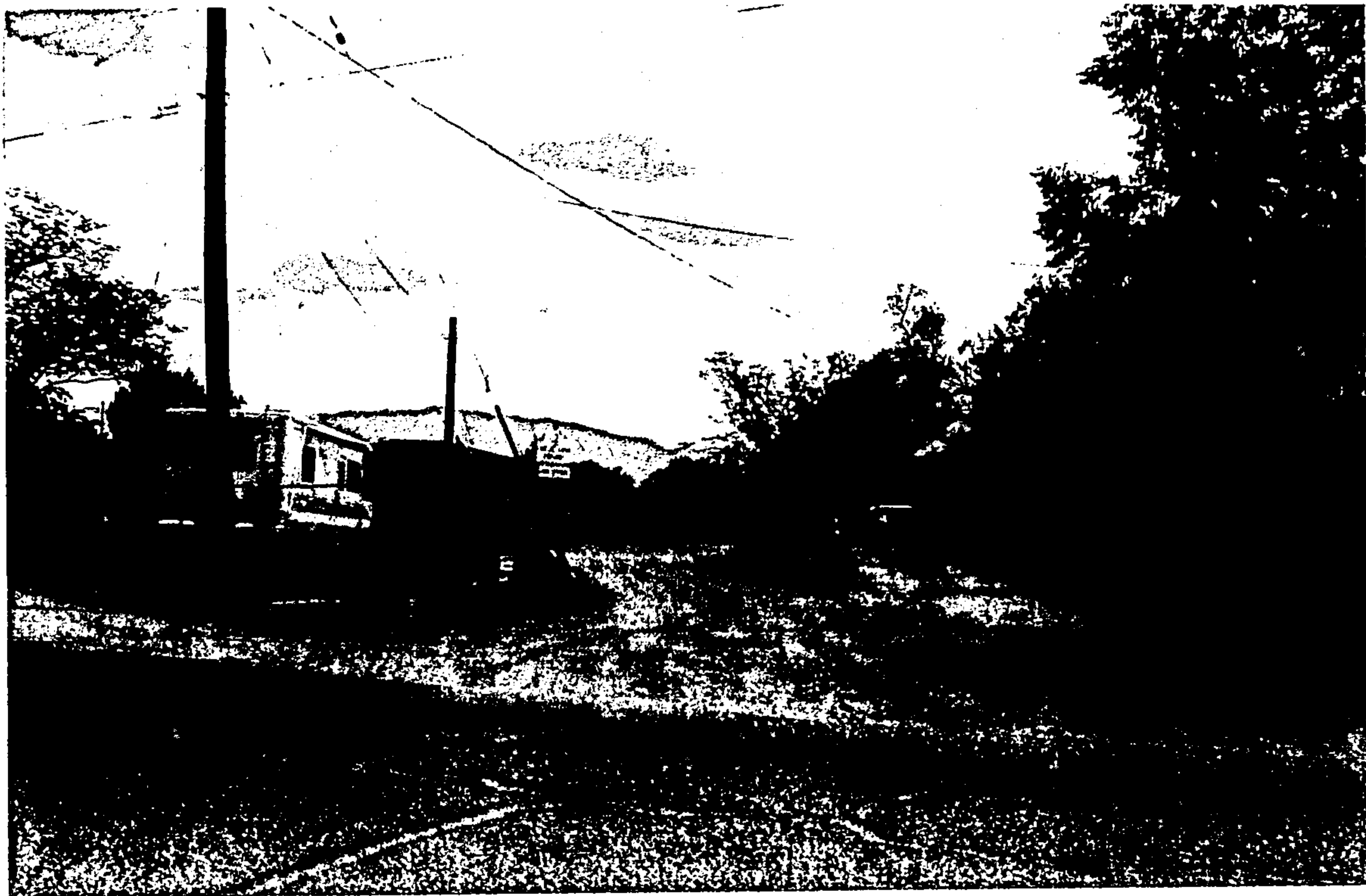
McNickle Subdivision



Lands of Simpatico Access
(Pedro's Place)



Rosalee Pl.



Pablito Lane / Lands of Anderson



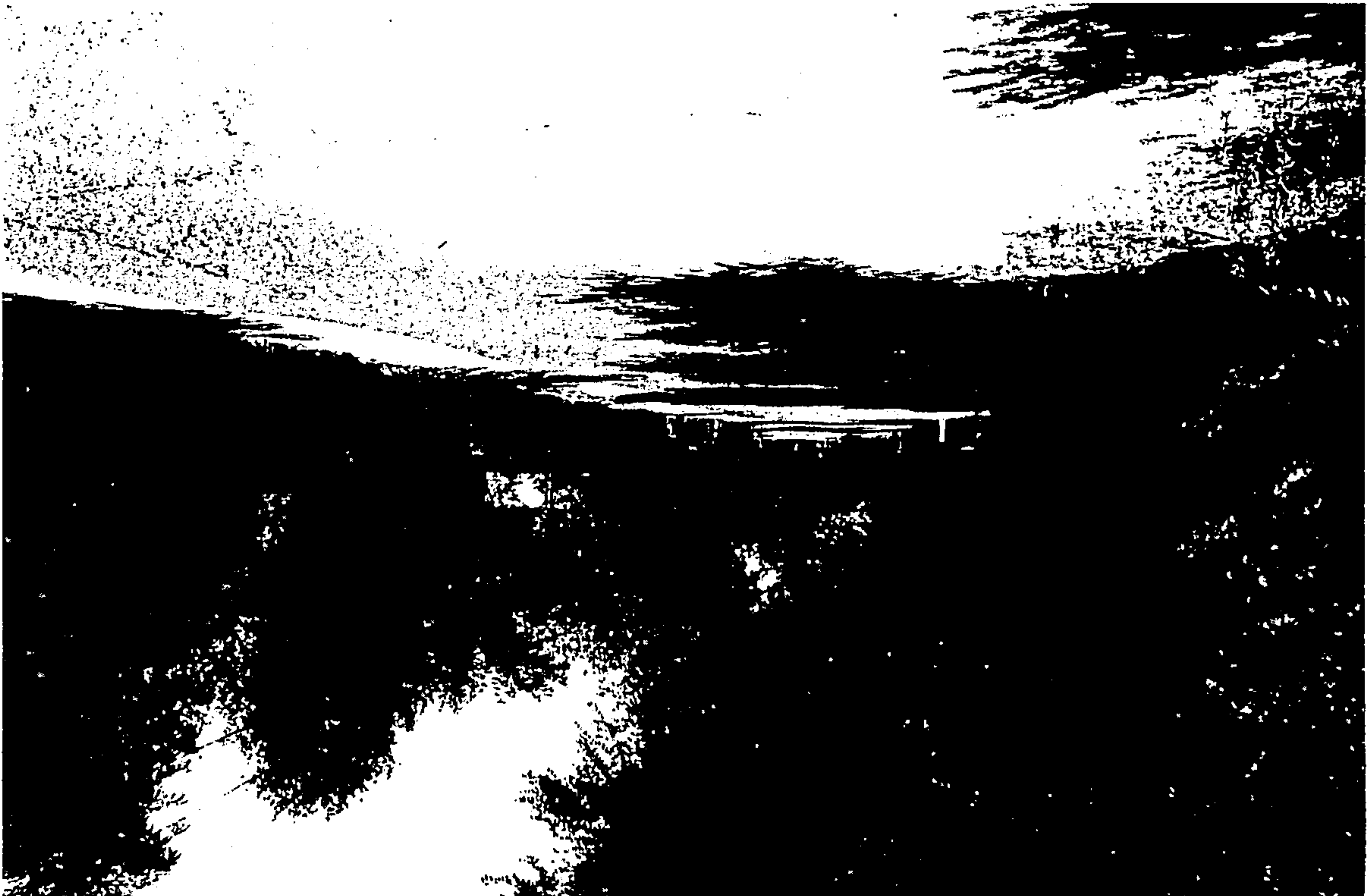
Guadalupe Trl Looking North From
5100 Block

105

Looking North on Guadalupe Tr from
4600 Block

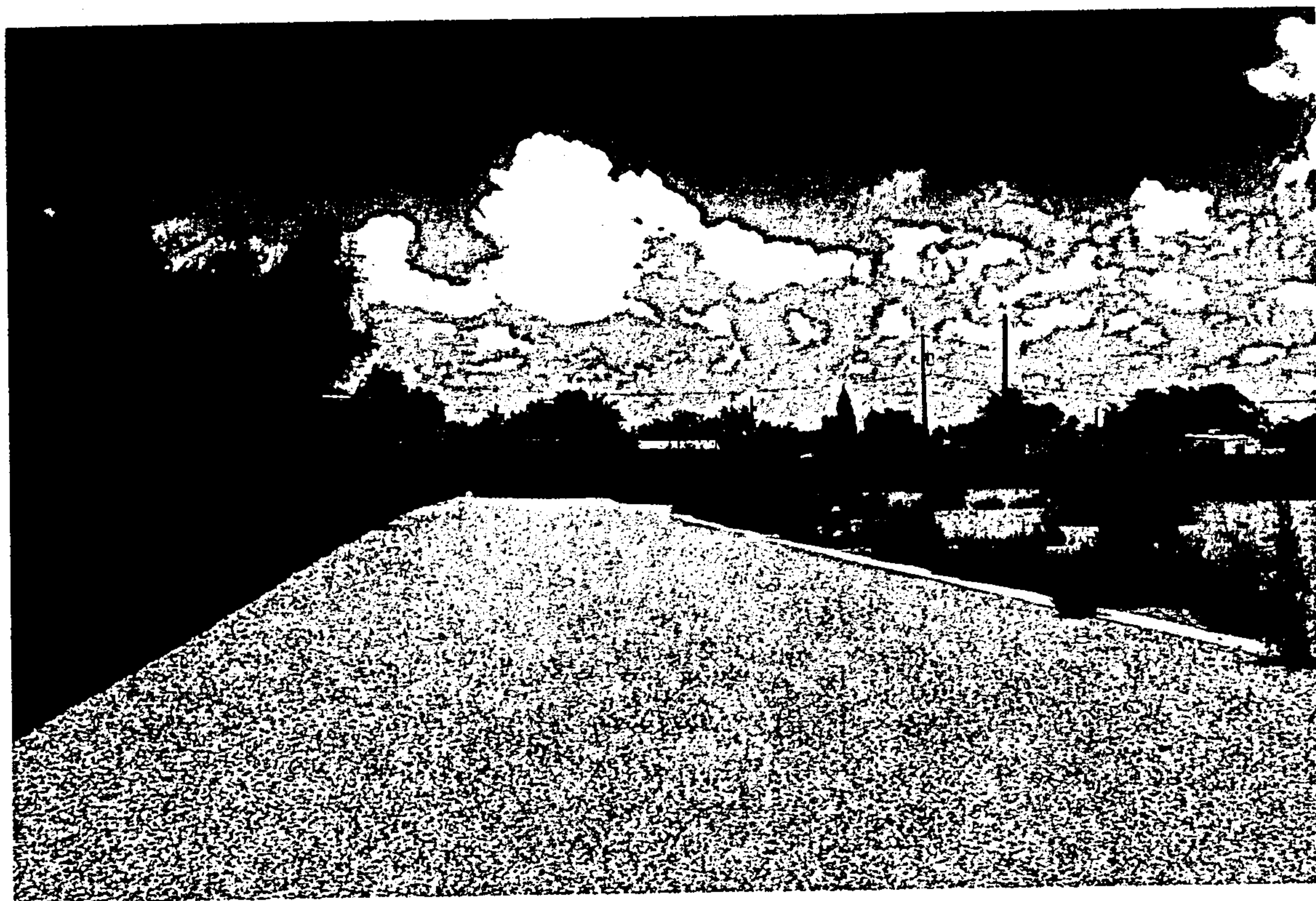


Guadalupe Trail Looking North at
5000 Block





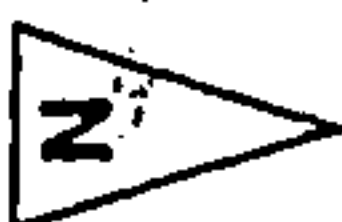
Entrance to Los Castillos

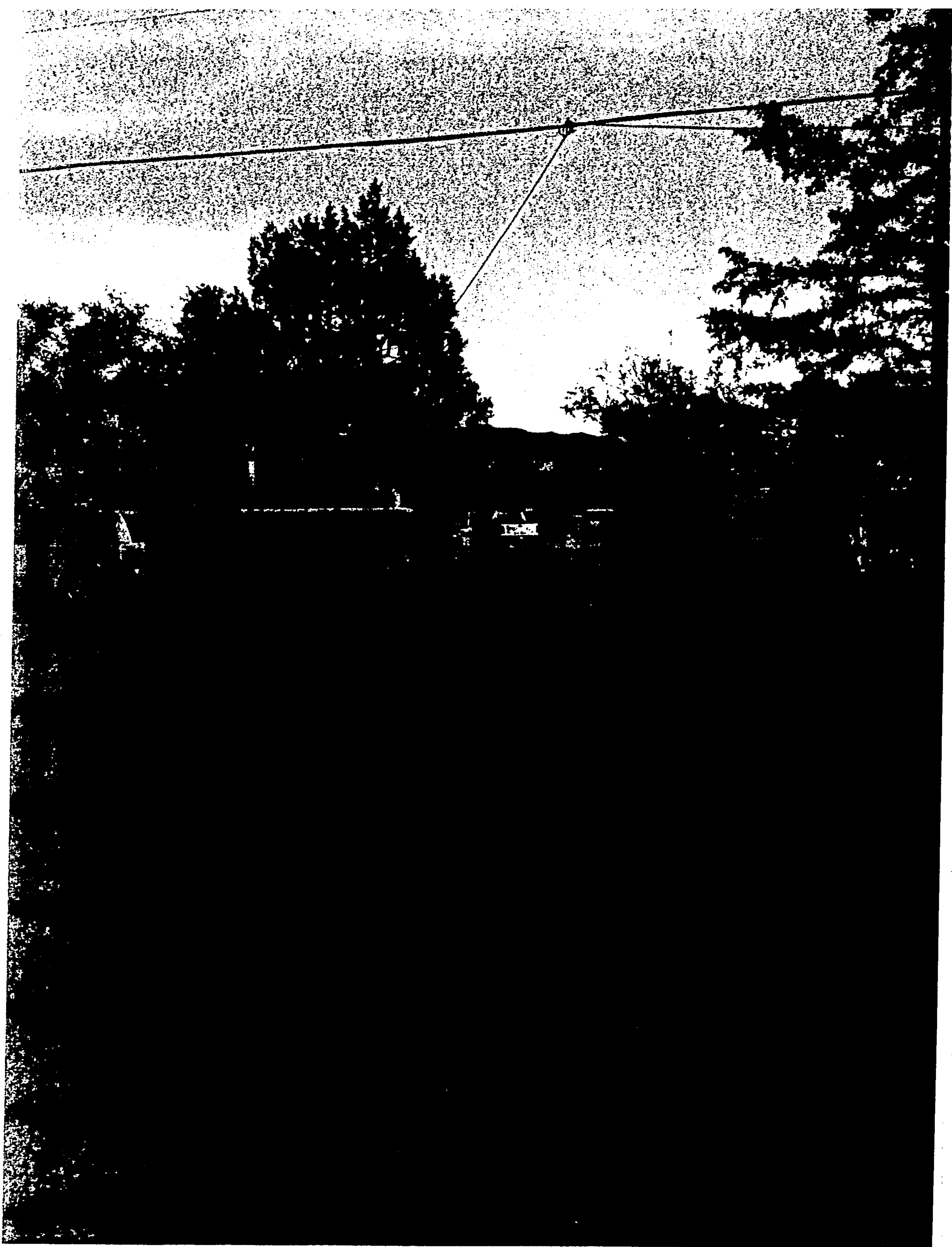


Los Castillos



LOS GRIEGOS HISTORIC DISTRICT





CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
December 2, 2009
DRB Comments

ITEM # 10

PROJECT # 1004906

APPLICATION # 09DRB-70359

RE: Tracts 118-C, -D, -E, and 119, MRGCD Map # 32

to Prop Line

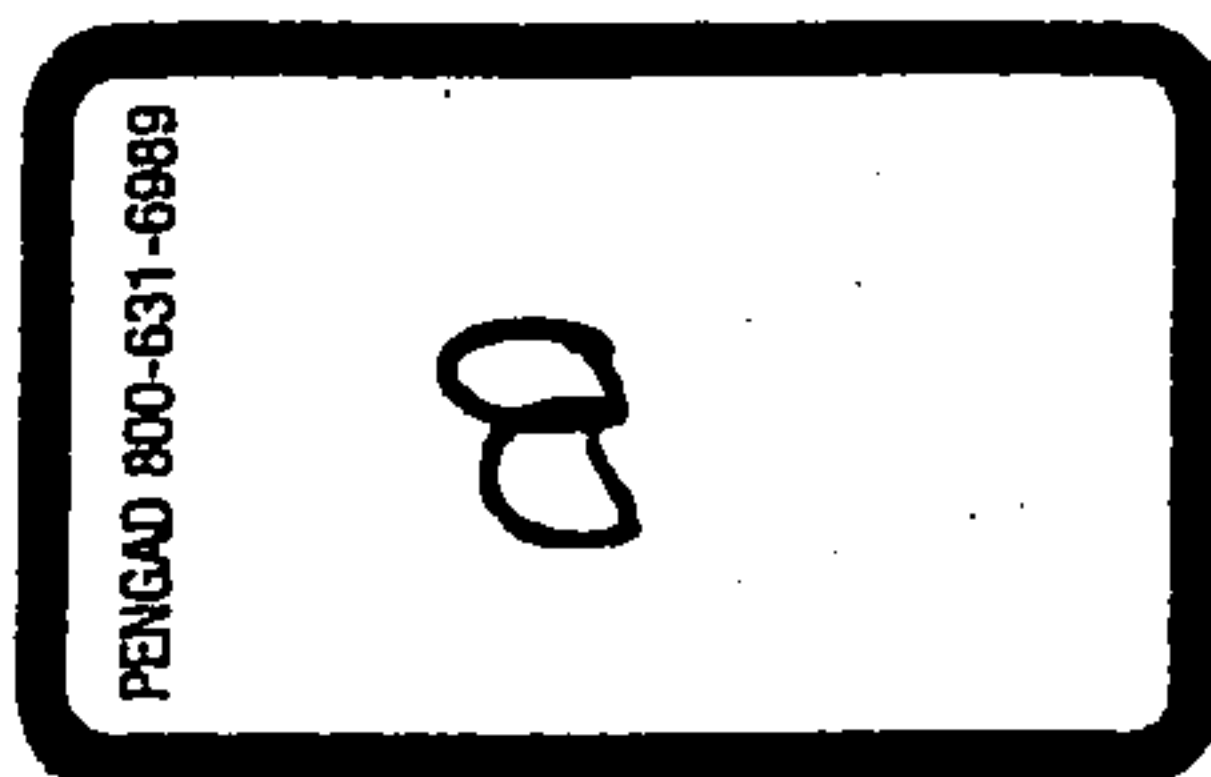
A Side Yard Setback Variance would be needed for Tract 119 (for a 3 foot setback instead of a 10 foot corner side yard per the Zoning Ordinance – setback is measured from the edge of the access easement). Additionally, minimum lot area is calculated exclusive of access easement area, so it appears that more than 20 feet from Tract 118-E would need to be deeded to Tract 119 to create a new lot.

+ lot area

There are actually 8 lots using the existing access easement from Guadalupe Trail (includes Tract 118A), and the proposal would result in a total of 12 lots. The Subdivision Ordinance/ Development Process Manual calls for a standard street section for more than 8 lots, so this proposal would require a Street Design Variance as well as a Sidewalk Waiver. If the Side Yard Variance is approved by the Zoning Hearing Examiner, application would then need to be made to the DRB for the variances from the Subdivision Ordinance. The application must specify how the variances would encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, and how the subdivision design will secure substantially the objectives of the standards or requirements of the Subdivision Ordinance [§ 14-14-6].



Jack Cloud AICP, DRB Chairman
924-3880/ jcloud@cabq.gov



P.L.

109

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT**

**June 29, 2011
DRB Comments**

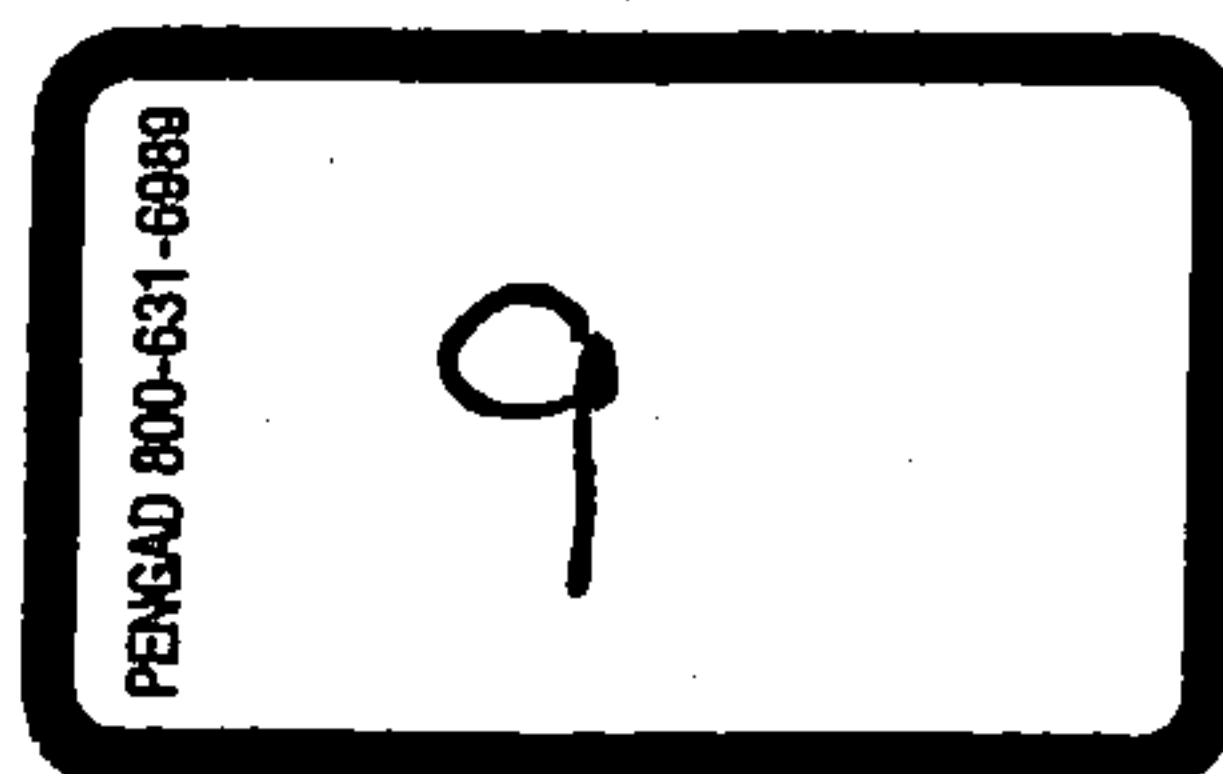
ITEM # 13

**PROJECT # 1004906 APPLICATION # 11-70154/ 11-70168
RE: Tracts 118C-E, MRGCD Map #32**

✓
✓
Please note the Net Lot Area for each lot on the plat (minimum lot area is calculated exclusive of access easement area). Please provide copies of the keyed notes 2 and 4 (Existing Ingress and Egress Easements). Please define the resulting setback from the proposed easement on Tract 119. Keyed notes 6 and 7 need to reference full lot numbers (1-P2 thru 7-P2) and the easements need to include Tracts A-D of the Orville Padilla Replat as beneficiaries. Compliance with P2 parking requirements needs to be documented for existing development on proposed lot 3-P2. Keyed note 7 does not appear to be identified on the plat drawing. Sketch/ Variance exhibit indicates parking along the common lot line for proposed lots 3-P2 and 4-P2; if this is the case, it needs to be a separate easement.

The Subdivision Ordinance/ Development Process Manual calls for a standard street section for more than 8 lots; the resulting easement for this proposal would serve 12 lots. The variance application must specify how the variances would encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, and how the subdivision design will secure substantially the objectives of the standards or requirements of the Subdivision Ordinance [§ 14-14-6]. There could be benefits to the drainage in this area with a gravel easement design instead standard asphalt. Construction of a sidewalk could justifiably be waived due to a lack of connection; however, if the easement is to be gravel then ADA access needs to be addressed. Even if construction of a sidewalk is waived, granting a variance for easement width would preclude installation of a separate pedestrian connection should such a facility be constructed in the future on Guadalupe Trail.

Jack Cloud, DRB Chairman
924-3880/ jcloud@cabq.gov



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PART 6: VARIANCES FROM MINIMUM STANDARDS**§ 14-14-6-1 GENERAL**

(A) The Development Review Board may vary the provisions of Part 3 of this article, Minimum Standards for the Design of Subdivisions and the *Development Process Manual* in cases:

(1) Where varying from the normal requirements will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning;

(2) Where extraordinary hardship or practical difficulty may result from strict compliance with the minimum standards;

(3) Where the county standards of public infrastructure improvements and/or standards for franchised and private water and sanitary sewer systems are deemed appropriate by the Development Review Board and geographical locations are not in the city and are unlikely to be added to such urban systems; or

(4) Involving bulk land subdivisions where use of the land for building purposes is not expected by the Development Review Board prior to further subdivision or zoning site development plan approval. Provisions of Part 5 of this article may also be waived under these circumstances.

(B) In the case of subdivisions governed by an approved site development plan, the Development Review Board normally should grant a variance to assure conformance with that approved development plan.

(C) In accordance with an SU-2 Sector Development Plan adopted pursuant to Section 14-16-2-23(C)(4) of the Zoning Code, the Development Review Board may vary the minimum standards for the design of subdivisions as specified in Part 4 of this article and in the *Development Process Manual*. This division (C) shall terminate and be repealed effective January 1, 1993; variances granted under the terms of this division shall remain in force for the duration provided in the specific variance.
(74 Code, § 7-16-7A)

§ 14-14-6-2 CONDITIONS.

(A) In approving variances, the Development Review Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this article.

(B) Any waiver of provisions of Part 5 of this article shall require notice of waiver as approved by the Development Review Board to be placed on the final subdivision plat and on a separately recorded document.

(C) Where a variance is based upon a bulk land transfer, significant development shall require subsequent additional public agency review for further subdivision or for zoning site development plan approval; such review and approval must be more comprehensive than issuance of a building permit.
(74 Code, § 7-16-7B)

§ 14-14-6-3 FINDINGS.

(A) If the variance is requested pursuant to § 14-14-6-1(A) and (B), the Development Review Board shall not approve variances unless it shall make findings, based upon the evidence presented to it at a public meeting, that:

(1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community; and

(2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance; and

(3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain; and

(4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements; and

(5) One or more bases listed in § 14-14-6-1 applies.

(B) If the variance is requested pursuant to § 14-14-6-1(C), the Development Review Board shall

(7) A party shall be afforded an opportunity to present evidence and argument and to question witnesses on all relevant issues, but the Zoning Hearing Examiner may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony and questioning. The Zoning Hearing Examiner may call witnesses and introduce papers on his own volition during the public hearing. All testimony at the hearing shall be under oath or affirmation. Nothing in this Zoning Code shall prohibit interested members of the public from testifying at hearings.

(8) The Planning Director shall make a full record of the hearing by sound recording; any person shall have the opportunity to listen to, copy, or transcribe the recording at any reasonable time at the office of the Planning Director. Summary minutes shall be kept of all Zoning Hearing Examiner's hearings, and they shall be kept available for public inspection.

(9) Prior to making a decision, the Zoning Hearing Examiner shall neither:

(a) Communicate, directly or indirectly, with any party or his representatives in connection with the merits of any issue involved, except upon notice and opportunity for all parties to participate;

(b) Use nor rely upon any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless made a part of the record; nor

(c) Inspect the site with any party or his representative unless all parties are given opportunity to be present.

(10) An advertised hearing may be continued to a time and place announced at the hearing without readvertising or reposting of signs.

(11) The Zoning Hearing Examiner shall act on an application within 15 days of the conclusion of the hearing. He shall prepare a written decision, which includes the key findings of fact. This report shall be made part of the record. Each material finding shall be supported by substantial evidence or, if it is noted on the record, by the personal knowledge of or inspection of the Zoning Hearing Examiner.

(12) The Zoning Hearing Examiner may, when approving a special exception, impose conditions

necessary to meet the stated criteria for granting special exceptions.

(13) Notification. When any special exception is approved, approved with conditions, or denied, as provided in this section, written notification of the action listing any conditions imposed shall be sent within one day of the action to every party and to any other person who has entered an appearance and also requested a copy of the decision; however, when the decision is made in the public hearing, notice shall be mailed only to the applicant and other persons who have entered an appearance and who have requested to be so informed.

(C) *Criteria for Decision.* The city shall approve a special exception if the evidence presented to the record shows that the following criteria are met. Although others may submit evidence, it is the burden of the applicant to ensure that there is such evidence in the record.

(1) A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed:

(a) Will not be injurious to the adjacent property, the neighborhood, or the community;

(b) Will not be significantly damaged by surrounding structures or activities.

(2) Variance. A variance shall be approved if and only if the following tests are met:

(a) The property is exceptional:

1. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the physical characteristics of the land, which physical characteristics existed at the time of the adoption of the regulation or were created by natural forces or by governmental action for which no compensation was paid.

2. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the conditions or use of the parcel or other land in the vicinity which condition or use existed at the time of adoption of the regulations; or

3. The parcel is irregular, unusually narrow or shallow in shape, and the

conditions existed at the time of the adoption of the regulation or were created by natural forces or governmental action for which no compensation was paid; and

(b) As a result of the exceptional aspect of the property, the regulations produce unnecessary hardship; an unnecessary hardship is one that either:

1. Creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of his property; or

2. Deprives the owner of a reasonable return on the property under any use permitted by its existing zone.

(c) A particular variance is appropriate to prevent the unnecessary hardship. The decision on whether to grant a particular variance depends upon a comparison of the special circumstances shown by the applicant (i.e., as per divisions (a) and (b) above) and the public interest. To be justified, a variance must permit only development which meets the following criteria:

1. It differs from development which would be permitted under existing regular zoning regulations no more than is necessary to overcome the unnecessary hardship;

2. The variance will not significantly interfere with the enjoyment of other land in the vicinity; and

3. It is consistent with the spirit of this Zoning Code, substantial justice, and the general public interest.

(d) Financial gain or loss shall not be the sole determining factor in deciding a variance.

(3) The expansion of a nonconforming use, including the expansion of a building to accommodate such expanded nonconforming use, shall be approved if and only if, in the circumstances of the particular case and under conditions imposed:

(a) The expanded use will not significantly interfere with the enjoyment of other land in the vicinity;

(b) The expanded use will not be significantly damaged by surrounding structures or activities;

(c) The expanded use is consistent with the spirit of this Zoning Code, substantial justice, and the general public interest;

(d) The owner will experience unnecessary hardship and in addition will be denied a continued reasonable use of the property if the expansion is not approved;

(e) The expansion does not exceed 25% of the floor or ground area in nonconforming uses on the site at the time it became nonconforming; and

(f) The owner covenants that the use of the entire premises will be ceased or made conforming at the time specified by this Zoning Code for termination of the original nonconforming use on the premises.

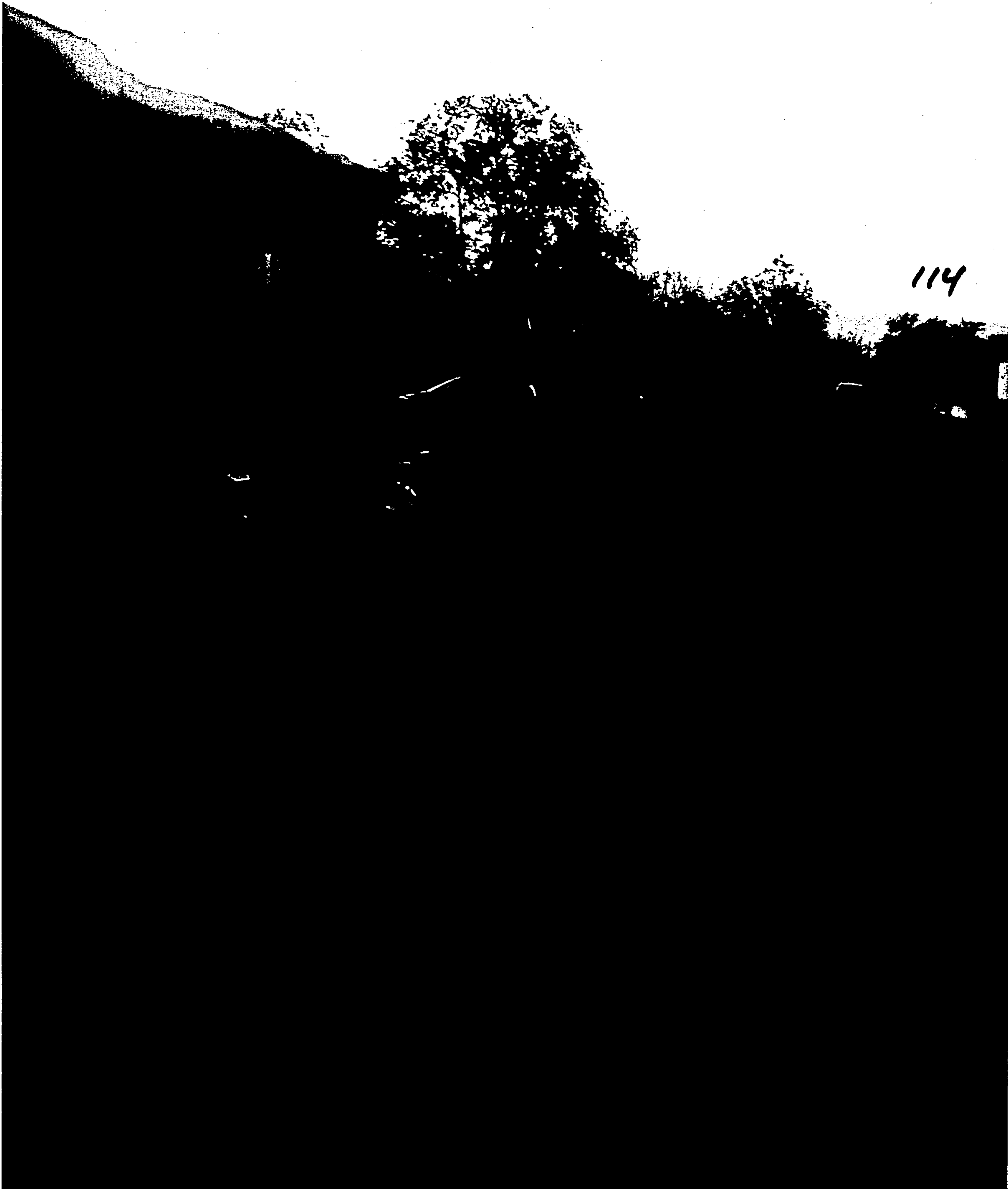
(D) *Voiding of Special Exceptions.*

(1) An approved special exception shall be void one year after the date approval vested if the rights and privileges granted thereby have not been utilized.

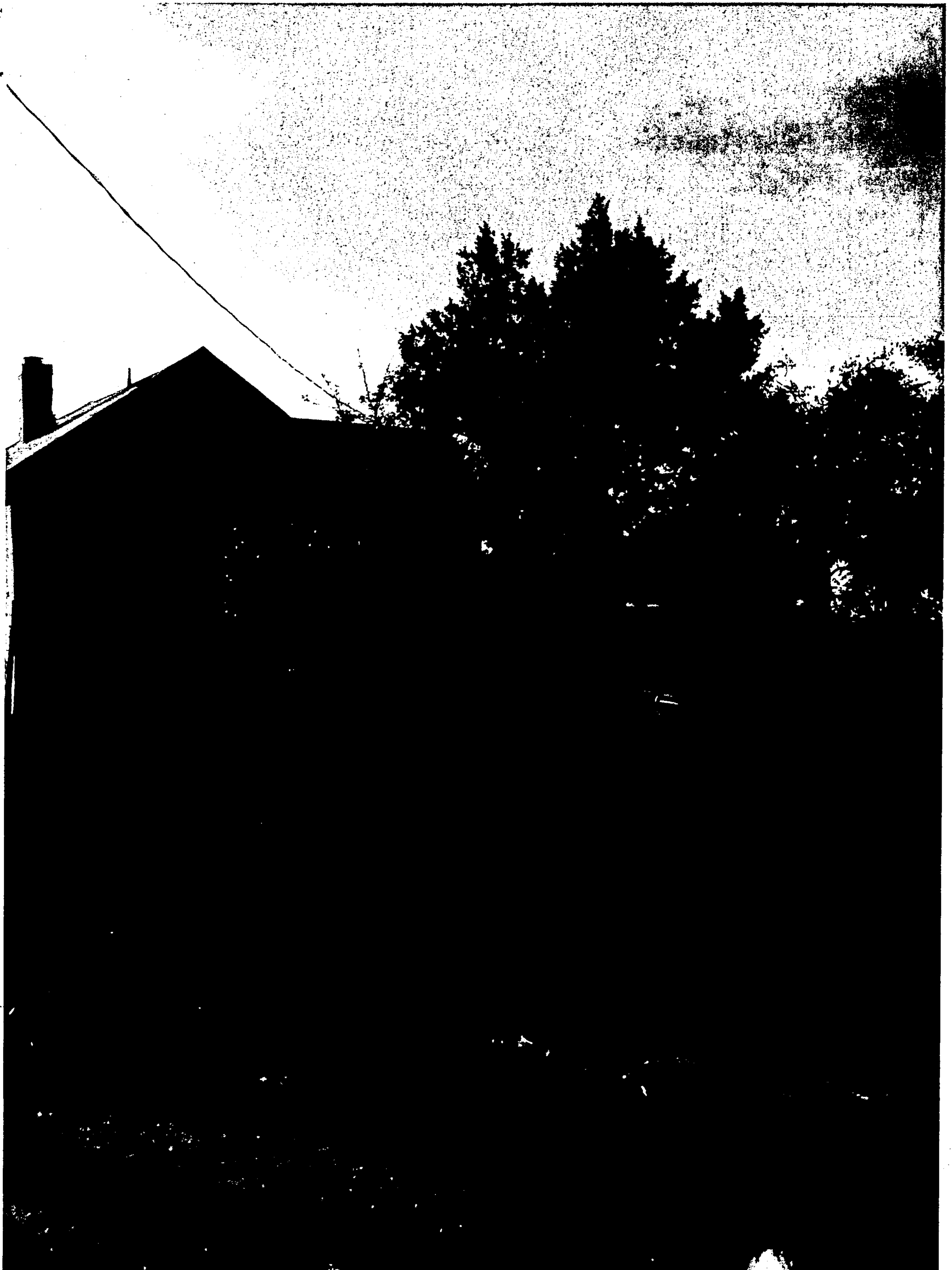
(2) An approved special exception shall be void if it is utilized in a way materially in violation of the terms of approval for a continuous period of one year or more. Such voidance is in addition to and not instead of other remedies available to the city at any time for violation of this Zoning Code.

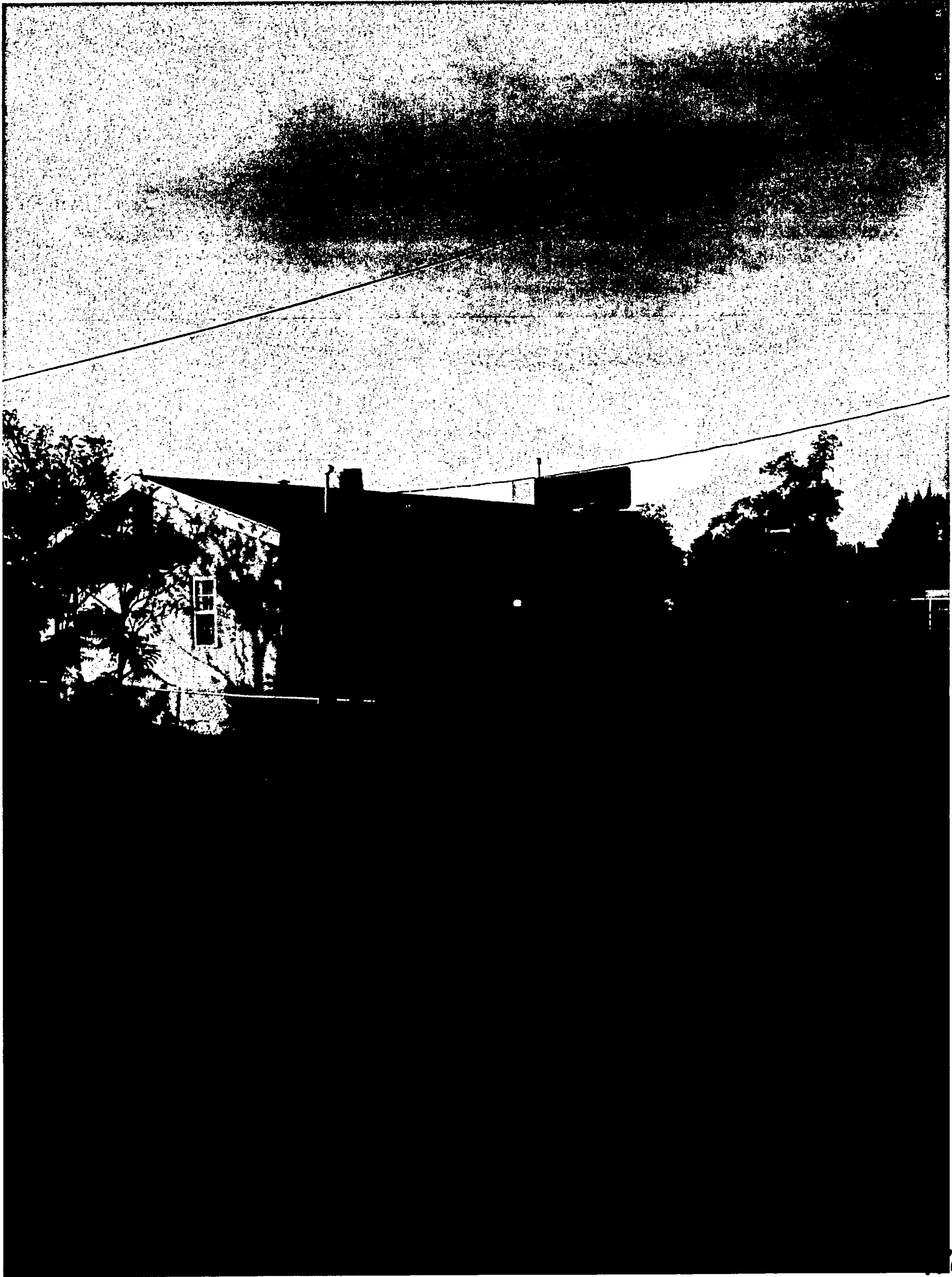
(3) An approved conditional use shall be void if, after the use has begun, it ceases on the approved site for a continuous period of one year or more.

(E) A person who acquires a property interest in a site which was previously granted a special exception has the responsibility to learn the terms of such approval. The existence of an activity or structure which is not in compliance with regular zoning provisions constitutes constructive notice that there may be a special exception, the terms of which must be met. (74 Code, § 7-14-42) (Ord. 80-1975; Am. Ord. 78-1980; Am. Ord. 49-1987; Am. Ord. 58-1987; Am. Ord. 45-1990; Am. Ord. 13-1991; Am. Ord. 8-1995; Am. Ord. 32-1995; Am. Ord. 23-2001; Am. Ord. 30-2002)



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This letter respectfully requests that the Albuquerque Development/Plan Review Board (DRB) deny Variance request 11DRB-70154. Thomas Slates (Applicant) seeks a multiple variances including an easement variance from 46' wide to 24' wide. Applicant's request for these variances does not meet any of the strict tests permitting the DRB to approve the request.

1. **Variance request 11DRB-70154 does not meet the test laid forth in Section 14-14-6-1 of the Albuquerque that would permit the Development Review Board to vary the provisions of Zoning, Planning and Building Code.**

The Albuquerque Zoning code states, in part:

Section 14-14-6-1: GENERAL

(A) The Development Review Board May vary the provisions of Part 3 of this article, Minimum Standards for the Design of Subdivisions and the Development Process Manual in cases:

- (1) Where varying from the normal requirements will encourage flexibility, economy, effective use of open space or ingenuity in design of a subdivision, in accordance with accepted principles of site planning;
- (2) Where extraordinary hardship or practical difficulty may result from strict compliance with the minimum standards;"¹

Applicant meets none of the criteria set forth in 14-14-6-1:

There is nothing in his plan that encourages flexibility, economy, effective use of open space or ingenuity. While the language in the standards is not clear as to whether an applicant for a variance must meet both (1) and (2) or either one, Applicant meets neither of these criteria.

Neither applicant's variance request to widen an existing roadway from 17' to 24' (instead of the 46 feet required for other roads) nor Applicant's proposed subdivision encourages flexibility, economy, effective use of open space or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

Applicant merely wants to use his existing property to build an ordinary subdivision. Nothing about this subdivision meets the criteria triggering a variance from the standards.

- **Applicant does not meet the criteria for a variance based on flexibility:**

¹ Cited in applicable part.

Applicant does not demonstrate flexibility. Applicant argues in his letter supporting his request for a variance that the variance will encourage flexibility by allowing for improved access for fire, emergency and solid waste vehicles. This does not meet the criteria for demonstrating flexibility, characterized by a ready capability to adapt to new, different or changing requirements.

- **Applicant does not meet the criteria for a variance based on effective use of open space:**

Applicant does not demonstrate effective use of open space. Applicant argues that by adding more houses on a plot of land, he would effectively use open space. Open space would be used, he argues, by eliminating open space and placing more houses on a single plot of land.

Applicant includes photos of properties not on Pedro's place that will not be affected either by this variance or his development of his property to argue that this variance will encourage an effective use of open space. Photos and references to derelict cars, abandoned boats, and discarded wood are referring to totally different and unaffected property. Again, Applicant's proposed development will not remove the cars, boats or wood because they are not within his plan or even on same the street.

- **Applicant does not meet the criteria for deviating from strict standards due to extraordinary hardship or practical difficulty:**

Applicant purchased this property with its existing restrictions and limitations. He purchased this property knowing of the "historical patterns of lot divisions" and the narrow road easements. If this would have created a hardship on him, he should not have purchased this property.

The mere fact that applicant wishes to develop in a way that is contrary to the strict standards creates neither extraordinary hardship on him nor does it create practical difficulty. Applicant is free to develop the property he purchased and enjoy his zoning without the variance.

2. Variance request 11DRB-70154 does not meet the test laid forth in Section 14-14-6-3 of the Albuquerque that would permit the Development Review Board to approve the variance.

Section 14-14-6-3 Findings²:

² Cited in relevant part

- (A) If the variance is requested pursuant to Section 14-14-6-1(A) and (B), the Development Review board *shall not* approve variances unless it shall make findings, based upon the evidence presented to it at a public meeting that:³
- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood community and
 - (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicant zoning ordinance;

The Variance will be injurious to the public safety contrary to the requirements of 14-14-6-3(A)(1):

- **The variance requested does two things to be injurious to the public safety**
Pedro's Place is currently a narrow dirt lane with little traffic. Children play on this road. This variance laces a paved road within three feet of a house and within inches of a wall of an existing house. With the increased traffic proposed by the new subdivision, both houses and their residents are at increased danger of injuries.
This variance dramatically increases traffic in a rural and low traffic area with many children. The dramatic increase in the number of houses requiring road access proposed by this subdivision will lead to many more cars, garbage trucks and delivery trucks servicing an area that right now has few houses and very few large trucks on it. Residents happily bring their garbage to Guadalupe trail, so there are no solid waste trucks driving down the road. Residents accustomed to this low volume are in danger of getting hurt by the increased traffic.
- **The variance will be injurious to the adjacent property:** The adjacent property of Tract 118A will be injured in multiple ways.

The variance will destroy the historic and rural character of the neighborhood. The property was purchased to enjoy the rural feeling of the dirt road that is Pedro's place and the Los Griegos historic neighborhood in which it sits (see subsequent paragraph relating to historic neighborhood). The widening of the street and addition of 25' of asphalt will severely impact Tract 118A's value and its owners enjoyment of the property.
The variance will increase traffic on a low traffic street will decrease quiet enjoyment of property.
- **The variance will be injurious to the neighborhood community**

³ Emphasis added.

The variance will be injurious to the neighborhood community because it destroys the neighborhood character of the Los Griegos historical neighborhood. Over 40 residents of this community have signed a petition disapproving of the variance request and asking the DRB to deny it. This is because the neighborhood community treasures the few narrow dirt roads that are left in the neighborhood. Neighbors are concerned that what is now a quaint country and rural entryway to a narrow dirt lane will be turned into a generic black tar opening that could be anywhere in the city and is contrary to the character of the historic neighborhood.

The variance will conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicant zoning ordinance contrary to 14-14-6-3(A)(2).

While it is unclear what city and neighborhood plans have been approved and are applicable, what is clear is that this variance will conflict with the city-wide and neighborhood priority of keeping the rural character of the North Valley. These small flat dirt roads are increasingly rare in the North Valley. Only a few neighborhoods like Los Duranes and Los Griegos still have these roads and they must be protected.

Allowing this variance opens a Pandora's box of consequences that would ultimately harm the neighborhood. Not only will the variance itself and the required asphalt entry be contrary to maintaining the character of the neighborhood, but the potential of adding sidewalks, ADA compliant sidewalk cuts, and streetlights, looms large in the neighborhood's eyes.

3. Variance does not meet the Special Exceptions outlined in Section 14-16-4-2(C)(2):

Section 14-16-4-2(C)(2) Variance. A variance shall be approved if and only if the following tests are met:

(a) the Property is exceptional:

1. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the physical characteristics of the land, which physical characteristics existed at the time of the adoption of the regulation or were created by natural forces or by governmental action for which no compensation was paid.
2. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the conditions or use of the parcel or other land in the vicinity which condition or use existed at the time of adoption of the regulations; or
3. The parcel is irregular, unusually narrow or shallow in shape, and the conditions existed at the time of the adoption of the regulation or were

created by natural forces or governmental action for which no compensation was paid and

- (b) As a result of the exceptional aspect of the property, the regulations produce unnecessary hardship; an unnecessary hardship is one that either:
1. creates an exceptional substantial, and unjustified limitation of the property owner's reasonable use of his property; or
 2. Deprives the owner of a reasonable return on the property under any use permitted by its existing zone.
- (c) A particular variance is appropriate to prevent the unnecessary hardship.⁴ ... To be justified, a variance must permit only development which meets the following criteria:
1. It differs from development which would be permitted under existing regular zoning regulations no more than is necessary to overcome the unnecessary hardship.
 2. The variance will not significantly interfere with the enjoyment of other land in the vicinity: AND⁵
 3. It is consistent with the spirit of the Zoning Code, substantial justice, and the general public interest.
- (d) *Financial gain or loss shall not be the sole determining factor in deciding a variance.*⁶

Applicant's property is not exceptional and does not meet the Variance Test in Section 14-16-4-2(C)(2).

Nothing about this property is exceptional. It is no different than any other property. It is wide enough for homes such as that of the Applicant. It is not irregular, unusually narrow or shallow in shape. No act of God or man has made this property exceptional.

Even if the property was exceptional, the regulations do not produce unnecessary hardship nor does it deprive the owner of a reasonable return:

For the variance to meet the requirements of exceptionality and to demonstrate unnecessary hardship, Applicant must show that without the variance, he would have an exceptional substantial and unjustified limitation of his reasonable use of his property. The fact that he cannot put 12 houses does not mean that there is any hardship, much less unexceptional, substantial and unjustified limitation of the property owner's reasonable use of his property. Applicant can still develop the property he purchased with full knowledge of the restrictions. He could put the appropriate number of houses supported by the existing roadway.

Variance fails the hardship test set forth in 14-16-4-2 because it significantly interferes with the enjoyment of other land in the vicinity and is inconsistent with the spirit of the Zoning Code, substantial justice and the general public interest.

⁴ Cited in relevant part

⁵ Emphasis added

⁶ Emphasis added

Applicant requests a variance that, as discussed above, significantly interferes with the enjoyment of other land in the neighborhood. With so many neighbors opposed to the variance, it is clear that they perceive this variance as one that would impinge upon the quiet enjoyment of their land and their interest in maintaining the rural character of the neighborhood.

Just as importantly, this variance is inconsistent with the spirit of the Zoning Code, substantial justice and the general public interest. The idea that one man's financial interest in developing his property would outweigh the general public interest in maintaining the rural nature of the neighborhood and protecting the increasingly diminishing inventory of narrow dirt lanes, the adjacent property owner's financial and enjoyment interests and the Zoning Code's overall interest in protecting neighborhood character, keeping residents safe makes the variance request unjustifiable as defined in the Zoning Code.

Variance fails the Special Exception test set forth in 14-16-4-2(C)(2) for approval of a variance where financial gain or loss is the sole determining factor in requesting a variance.

The sole reason for Applicant's variance request is to maximize his financial gain. Applicant has full access to his property and has the ability to develop his property. His financial gain or potential loss cannot be the sole reason to determine whether or not he can obtain a variance.

ATTN: Emily MacLeod

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We the undersigned are residents of the North Valley who live in close proximity to Pedro's Place lane, and:

- *Are opposed to a road variance to Pedro's Place
- *Are opposed to the further subdivision to properties on Pedro's Place

	Printed Name	Address	Signature	Date
1.	Keith - Alicia Haynie	5110 Guadalupe Trail NW	[Signature]	7/18/11
2.	Dennis R. Plummer	5112 Guadalupe Tr, NW	[Signature]	7/18/11
3.	EMACLEOD, EMILY	5110 Guadalupe Tr NW	EMACLEOD	7/18/11
4.	JANE MCGOATH	1614 Bayita Lane NW	[Signature]	7/18/11
5.	Sandra Murdock	1617 Bayita Ln NW	[Signature]	7/18/11
6.	David Levin	1617 Bayita Lane NW	[Signature]	7/18/11
7.	Peter Levin	1617 Bayita lane NW	[Signature]	7/18/11
8.	Nick Levin	1617 Bayita Lane NW	[Signature]	7/18/11
9.	Leon Ferrante	1615 Bayita Ln, NW	[Signature]	7/18/11
10.	Elizabeth M Galo	1615 Bayita Lane, NW	[Signature]	7/18/11
11.	Jenny Ramo	5105 Guadalupe Tr NW	by phone 903-3086	7/11/11
12.	Kevin Sarber	5112 Guadalupe Tr NW	by phone 274-6984	7/20/11
13.				
14.				
15.				
16.				

We the residents of Guadalupe Trail between the streets of Griegos and Montano oppose the following:

- The widening of Pedro's Place
- The subdivision beyond 2 homes on the properties of Tom Slates

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	Name	Address	Signature	Date
1.				
2.				
3.				
4.				
5.				
6.	} Already submitted.			
7.				
8.				
9.				
10.				
11.				
12.				
13.	David Kutz	5105 Guadalupe Trail NW 87107	<i>[Signature]</i>	7/30/11
14.	Carlos Kutz	5105 Guadalupe Tr. NW 87107	<i>[Signature]</i>	7/30/11
15.	Rafael Kutz	5105 Guadalupe Tr NW 87107	<i>[Signature]</i>	7/30/11
16.	Carl Jeffrey Gaebel	5105 1/2 Guadalupe Tr NW 87107	<i>[Signature]</i>	7/30/11
17.	Benevieve Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
18.	CARLA JARAMILLO	1400 Delamar Ave NW 87107	<i>[Signature]</i>	7/30/11
19.	DARLEEN JACKSON	1316 Delamar Ave NW 87107	<i>[Signature]</i>	7-30-11
20.	MICHAEL MCCARTHY	1312 DELAMAR AVE NW 87107	<i>[Signature]</i>	7/30/11
21.	Joseph Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
22.	Tina Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
23.	Josh Gutierrez	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11

	NAME	ADDRESS	SIGNATURE	DATE
24.	Angie Baxler	1610 Bayliff Ln NW	Angie Baxler	7/30/11
25.	Paula S. Dike	1611 Bayliff Ln NW	Paula S. Dike	7/30/11
26.	Jennifer Anderson	1615 Rancho Guadalupe Tr NW	Jennifer Anderson	7/30/11
27.	Christopher Boone	1615 Rancho Guadalupe Tr NW	Christopher Boone	7/30/11
28.	Thomas Dethleff	1635 Rancho Guadalupe Tr NW	Thomas Dethleff	7/30/11
29.	Elizabeth Szalay	1635 Rancho Guadalupe Tr NW	Elizabeth Szalay	7/30/11
30.	Tom Teegarden	5222 Guadalupe Trail NW	Tom Teegarden	7/31/11
31.	Elvira Pedroncelli	5505 Guadalupe Tr. NW	Elvira Pedroncelli	7/31/11
32.	Dorothy Moore	5005 Guadalupe Tr NW	Dorothy Moore	7/31/11
33.	Loren Kahn	4913 Guadalupe Tr. NW	Loren Kahn	7/31/11
34.	Isabelle Kessler	4913 Guadalupe Tr. NW	Isabelle Kessler	7/31/11
35.	JANET JENKINS	4935 Guadalupe Tr NW	Janet Jenkins	7/31/11
36.	ELSA MANS	4911 Guadalupe Tr. NW	Elsa Mans	7/31/11
37.	Heather Brislen	4905 Guadalupe Tr NW	Heather Brislen	7/31/11
38.	Dan Dalkman	4905 Guadalupe Tr NW	Dan Dalkman	7/31/11
39.	Matt & Teresa Renke	5207 Guadalupe Trail NW	Matt & Teresa Renke	7/31/11
40.	Anita Garis Samson	1631 Pathrick Pl NW	Anita Garis Samson	8/1/11
41.	Brian O'Rourke	1619 Bayliff Ln NW	Brian O'Rourke	8/1/11
42.	Bayliff Garofolo O'Rourke	1619 Bayliff Ln NW	Bayliff Garofolo O'Rourke	8/1/11
43.	Angie TERRAR	1604 Bayliff Ln NW	Angie Terrar	8/9/11
44.	NOORA TERRAR	1604 Bayliff Ln NW	Noora Terrar	8/11/11

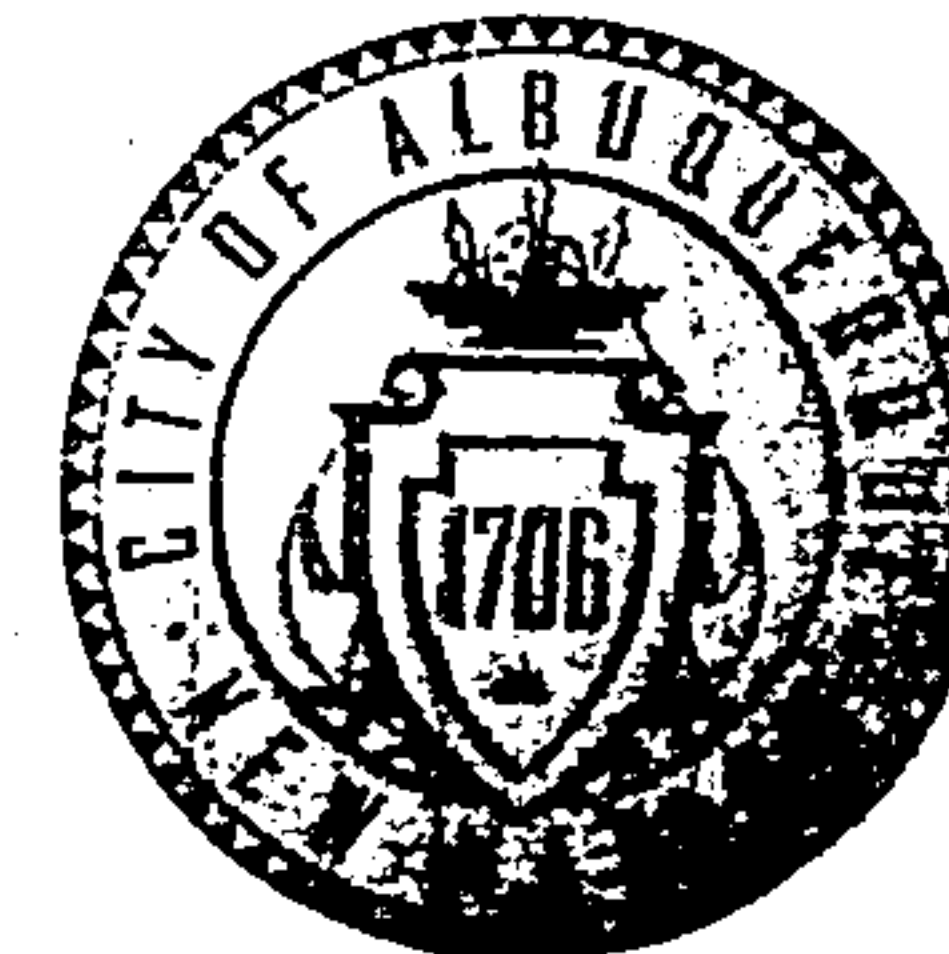
CITY OF ALBUQUERQUE

Planning Department

Deborah L. Stover, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

August 19, 2011

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on August 18, 2011. You will receive a Notice of Hearing as to when the appeal will be heard by the Land Use Hearing Officer.

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-11-03

**PLANNING DEPARTMENT CASE FILE NUMBERS: 1004906
11-DRB-70154
11-DRB-70168**

**APPELLANT(s): Emily MacLeod
5110 Guadalupe Trail NW
Albuquerque, New Mexico 87107**

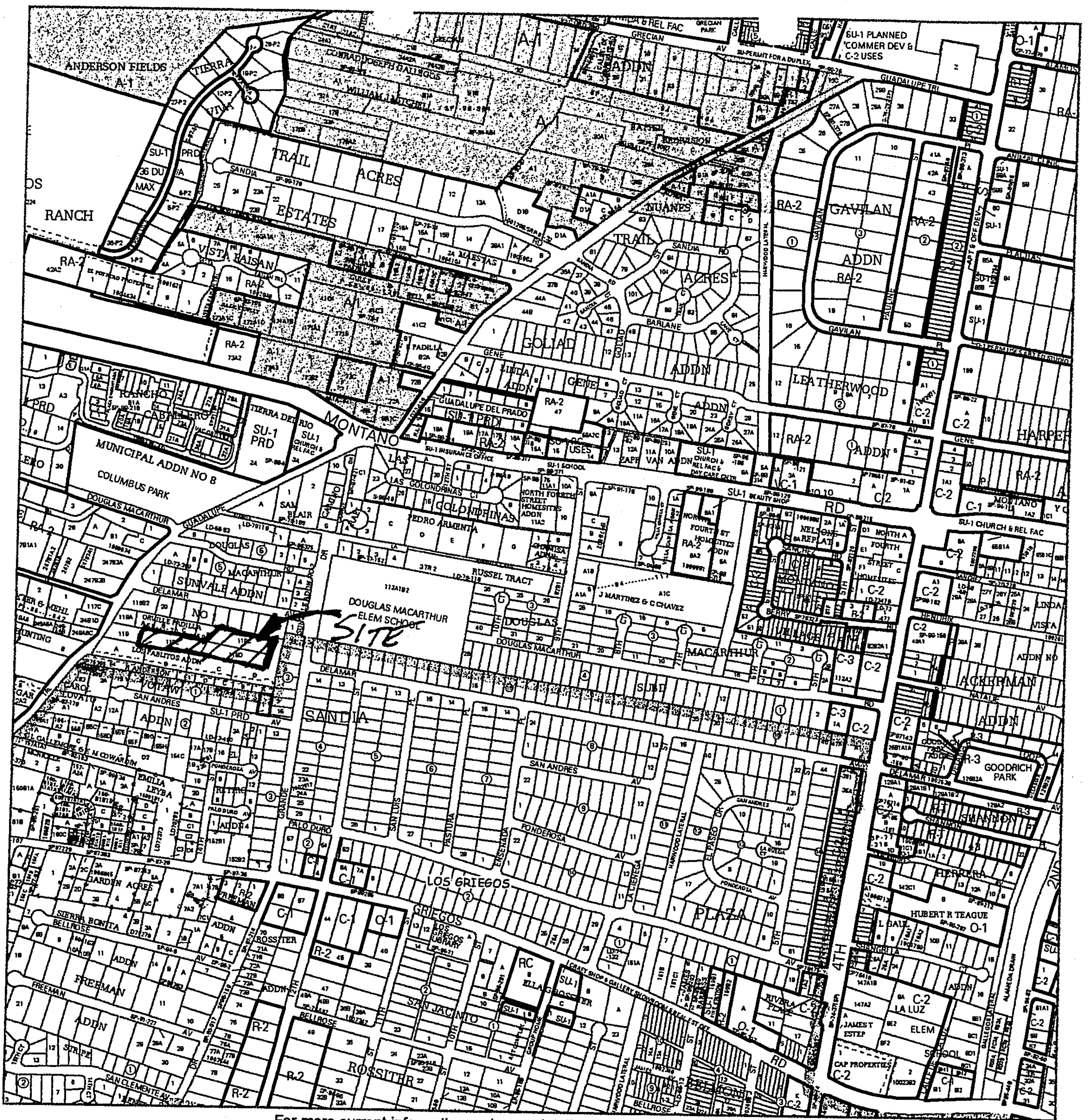
CC: Thompson Engineering Consultants – P.O. Box 65760, Albuquerque, NM 87193
Thomas Slates, 5108 Guadalupe Trail NW, Albuquerque, NM 87107
Cartesian Surveys Inc., P.O. Box 44414, Albuquerque, NM 87174
Jennifer Ramo, 5105 Guadalupe Tr. NW, Albuquerque, NM 87107
Dennis Plummer, 5112 Guadalupe Tr. NW, Albuquerque, NM 87107
Jack McLeod, DRB
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor

PO Box 1293

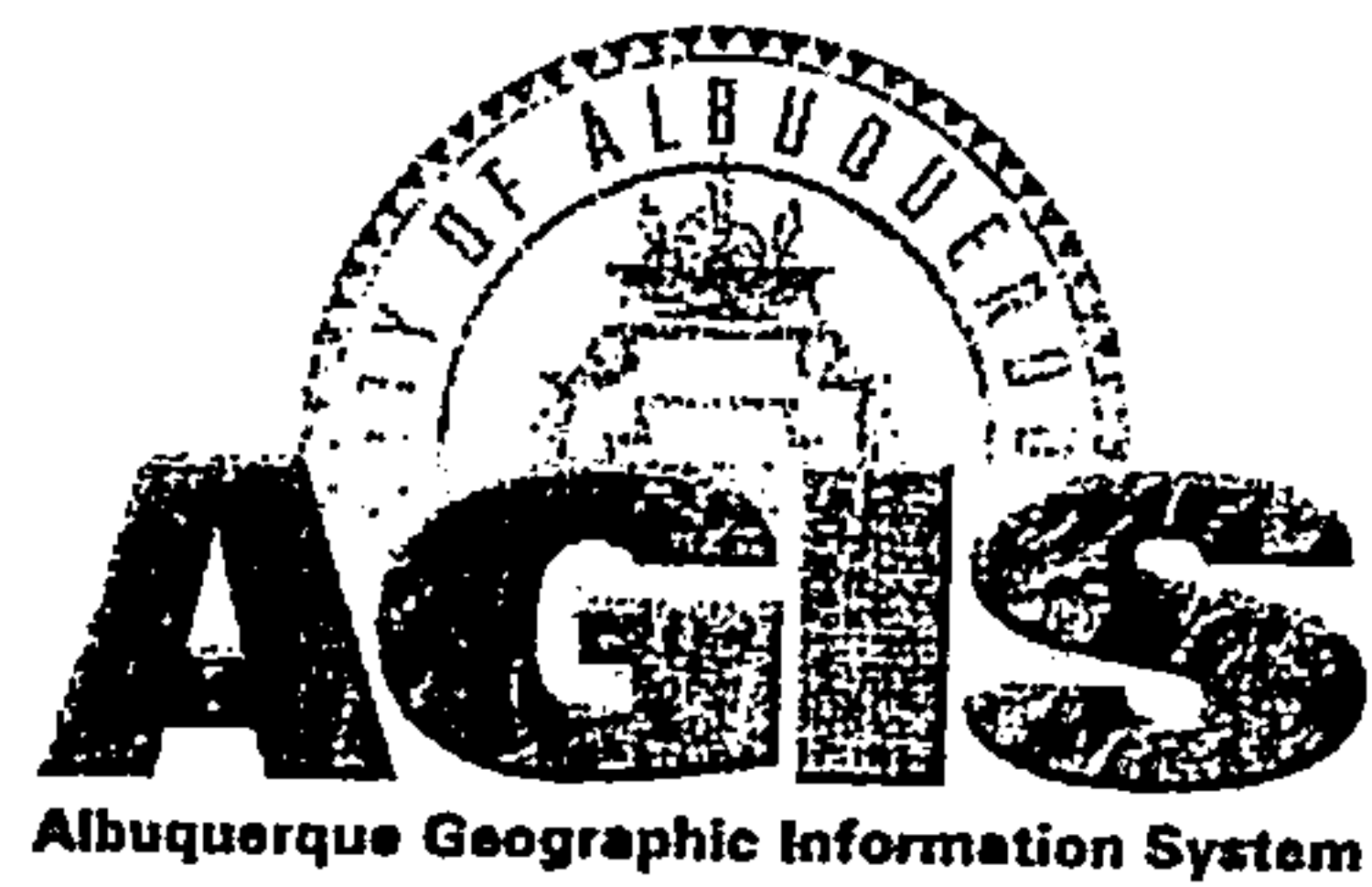
Albuquerque

NM 87103

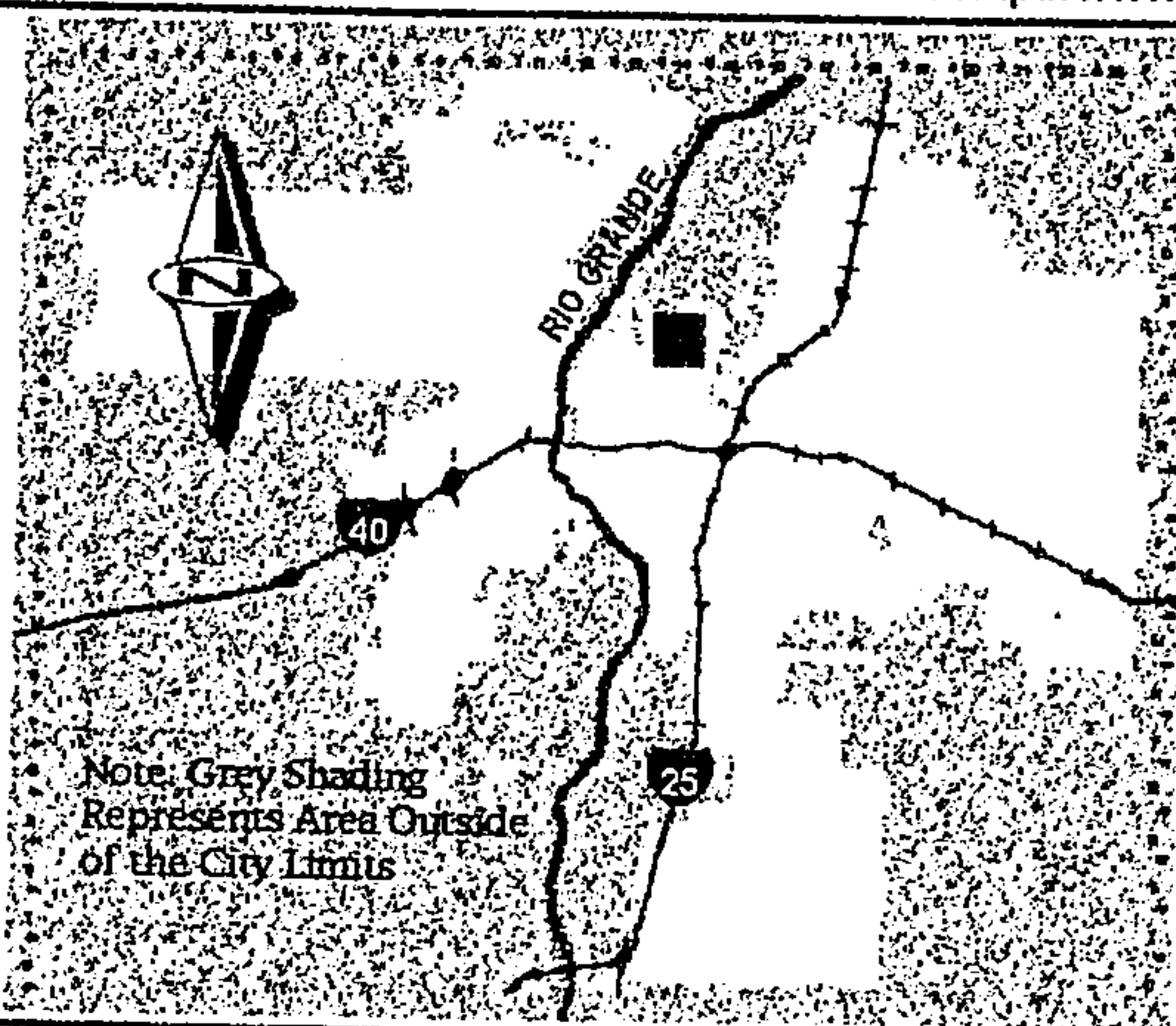
www.cabq.gov



For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 2/4/2010



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

F-14-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



CITY OF ALBUQUERQUE



Planning Department

Deborah L. Stover, Director

Current Planning Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102

NOTICE OF HEARING

September 8, 2011

Thompson Engineering Consultants
P.O. Box 65760
Albuquerque, NM 87193

Thomas Slates
5108 Guadalupe Trail NW
Albuquerque, NM 87107

AC-11-03 – Project #1004906 – 11DRB-70154 – Subdivision Design Variance from Min DPM STANDARDS - 11DRB-70168 - Minor – Preliminary/Final Plat Approval - Emily MacLeod, appeals the Development Review Board's (DRB's) approval of the referenced request(s) for all or a portion of Tract(s) 118-C, 118-D, & 118-E, MRGCD MAP 32 zoned R-1, located on the east side of GUADALUPE TRAIL NW between GRIEGOS RD NW and MONTANO RD NW containing approximately 2.06 acre(s). (F-14)

PO Box 1293

Albuquerque

NM 87103

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Monday, September 26, 2011**. The hearing begins at **9:00 am** in the Council Committee Room, 9th Floor, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Submittal of new information or questions regarding the hearing with the City Council should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th Floor, Albuquerque NM 87102, (505) 768-3100.

www.cabq.gov

If you would like a copy of the record submitted to the City Council, copies are available upon request by calling (505) 924-3883.

Sincerely,

Dora Henry

Administrative Assistant

CC: Emily MacLeod, 5110 Guadalupe Trail NW, Albuquerque, NM 87107
Cartesian Surveys Inc., P.O. Box 44414, Albuquerque, NM 87174
Jennifer Ramo, 5105 Guadalupe Tr. NW, Albuquerque, NM 87107
Dennis Plummer, 5112 Guadalupe Tr. NW, Albuquerque, NM 87107
Jack Mcleod, DRB
DRB File
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor

*** Proof ***

Albuquerque Publishing Company
7777 Jefferson NE
Albuquerque, NM 87109
(505)823-7777

Account Information

Phone: (505) 924-3359
Name: CITY OF ALB-PLANNING DEPT
Account #: C80583
Address: ATTN: VICKY CALA
P O BOX 1293
ALBUQUERQUE, NM 87103
Client:
Email:
Placed by: DORA HENRY
Fax #:

Ad Information

Classification: 0000-Legals - Government
Size: 1 x 92.840
Start date: 09-11-11 Billed size: 92.00 5.14 agate lines
Stop date: 09-11-11 Ad #: 6986863
Insertions: 1 Ad type: In-Column Display Ad
Description: NOTICE OF PUBLIC HEARING CITY COU
Rate code: Gov't Legal Display

Publications: Journal Sunday

Ad Cost: \$ 57.96
Tax @ 7.0000%: \$ 4.06
Tax @ 7.4375%: \$
Tax @ 8.1875%: \$
Total: \$ 62.02

Ad Copy:



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 MONDAY, September 26, 2011, at 9:00 a.m. in the Council Committee Room, 9th Floor, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, to consider the following:

AC-11-03 - Project #1004906 - 11DRB-70154 - Subdivision Design Variance from Min DPM STANDARDS - 11DRB-70168 - Minor - Preliminary/Final Plat Approval - Emily MacLeod, appeals the Development Review Board's (DRB's) approval of the referenced request(s) for all or a portion of Tract(s) 118-C, 118-D, & 118-E, MRGCD MAP 32 zoned R-1, located on the east side of GUADALUPE TRAIL NW between GR-

***** Proof *****

**Albuquerque Publishing Company
7777 Jefferson NE
Albuquerque, NM 87109
(505)823-7777**

IEGOS RD NW and MONTANO
RD NW containing approximately
2.06 acre(s). (F-14)

Details of the above may be ex-
amined at the Current Planning
Division of the Planning Depart-
ment, 3rd Floor, Plaza del Sol
Building, 600 Second St. NW,
Monday thru Friday, between 9 am
- 4 pm.

Don Harris
City Council President

**NOTICE TO PERSONS WITH
DISABILITIES:** If you have a dis-
ability and require special assis-
tance to participate in this meet-
ing, please contact the Council office
at least one day before the meet-
ing date at 768-3100. TTY users
please call New Mexico Relay
Network toll free at
1-800-659-8331.

APPROVED:
Jack Cloud, Chair
Development Review Board
Journal: September 11, 2011

CITY OF ALBUQUERQUE

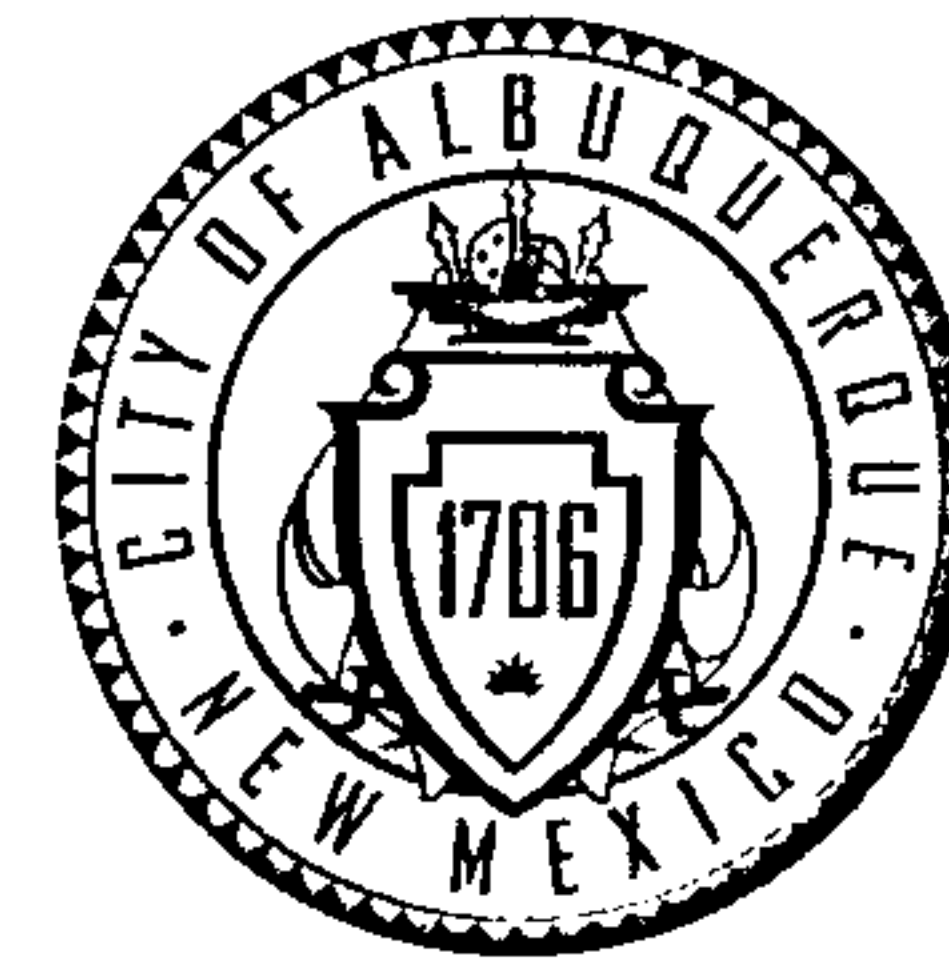
Planning Department

Deborah L. Stover, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102



NOTICE OF APPEAL

August 19, 2011

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on August 18, 2011. You will receive a Notice of Hearing as to when the appeal will be heard by the Land Use Hearing Officer.

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-11-03

PLANNING DEPARTMENT CASE FILE NUMBERS: 1004906
11-DRB-70154
11-DRB-70168

APPELLANT(s): Emily MacLeod
5110 Guadalupe Trail NW
Albuquerque, New Mexico 87107

CC: Thompson Engineering Consultants – P.O. Box 65760, Albuquerque, NM 87193
Thomas Slates, 5108 Guadalupe Trail NW, Albuquerque, NM 87107
Cartesian Surveys Inc., P.O. Box 44414, Albuquerque, NM 87174
Jennifer Ramo, 5105 Guadalupe Tr. NW, Albuquerque, NM 87107
Dennis Plummer, 5112 Guadalupe Tr. NW, Albuquerque, NM 87107
Jack McLeod, DRB
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov



Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment/Approval (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plan boundaries)
- 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, 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 2nd 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): _____ PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: EMILY MACLEOD PHONE: 505 550 0234
 ADDRESS: 5110 GUADALUPE TRAIL NW FAX: none
 CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: emily.macleod@gmail.com
 Proprietary interest in site: _____ List all owners: EMILY MACLEOD

DESCRIPTION OF REQUEST: APPEAL OF PROJECT #1004906, 11DRB-70154, 11DRB-70168

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. 118-C, 118-D, 118-E Block: NA Unit: NA
 Subdiv/Addn/TBKA: Lands of Simpatito
 Existing Zoning: R-1 Proposed zoning: NA MRGCD Map No 32
 Zone Atlas page(s): NA UPC Code: NA

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.):
11DRB-70154, 11DRB-70168

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 3 No. of proposed lots: 7 Total site area (acres): 2.06
 LOCATION OF PROPERTY BY STREETS: On or Near: PEDRO'S PLACE / GUADALUPE TR NW
 Between: GUADALUPE TRAIL NW and GRIEGOS & MONTANO RD NW

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE EMACLEOD DATE 8-16-11
 (Print Name) EMILY MACLEOD Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 6/2011

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>11CC - 30002</u>	<u>Appeal</u>		<u>\$ 190.00</u>
<input checked="" type="checkbox"/> All fees have been collected				\$
<input checked="" 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>\$ 190.00</u>

Hearing date 8-17-11 Project # 1004906
 Staff signature & Date _____

FORM A: APPEAL/ PROTEST

Appeal to the Zoning Board of Appeals regarding:

- DECISION OF THE ZONING HEARING EXAMINER** (BOA01)

___ 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** (LUCCAPP)

___ 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** (EPC09)
- DETERMINATION OF THE IMPACT FEE ADMINISTRATOR** (EPC10)

___ 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/ Protest to the City Council and/ or the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT/DECISION OF PLANNING DIRECTOR/STAFF (CCSTAFF)**
- DETERMINATION OR ACTION OF THE EPC** (CCEPC)
- DETERMINATION OR ACTION OF THE DRB RE: SUBDIVISION ORD** (CCDRB)
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL** (CCBOA)
- DECISION OF THE LANDMARKS URBAN CONSERVATION COMMISSION** (CCLUCC)

Project number of case being appealed: 1004906

Application number of case being appealed: 11DRB-70154 & 70168

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.

EMILY MACLEOD
Applicant name (print)

EMACLEOD 8-16-11
Applicant signature / date



Form revised 04/2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- | | |
|----------------------------|--|
| Application case numbers | |
| <u>11CC</u> - <u>30002</u> | |
| _____ - _____ | |
| _____ - _____ | |

[Signature] 8-17-11
Planner signature / date

Project # 1004906

Appeal regarding determination or action of the DRB regarding sub-division ord.
Project #1004906
August 16, 2011

Application for appeal is based upon the following errors:

1. Misstated facts of the action.
 - a. At its initial hearing of Project #1004906, the DRB specifically asked if this project fell within an historic district and was told that it did not. (See also: point 2.a.)
 - b. Finding 2 states that the variance is similar to “an existing street, Bayita Lane, NW, on the opposite site of Guadalupe Trail, NW from the subject subdivision.” It is not. Plots adjacent to Bayita Lane are two to three times deeper than those on Pedro’s Place. Homes are significantly further set back from that lane. Impact of Project #1004906’s variances are not comparable to Bayita Lane variances.
2. Acting arbitrarily.
 - a. On August 3, 2011, the DRB was notified that, in fact, the entrance to Pedro’s Place, proposed by this project to be widened and paved, does lie within Los Griegos Historic Neighborhood District. However, the historic value of this area was dismissed by the DRB and no evidence was presented to prove lack of injury to the neighborhood or community.
 - b. The DRB arbitrarily decided that the variance will not be injurious to Property 118-A, which lies within Los Griegos Historic Neighborhood District, is 100 years old, is on the National Historic Register—and is adjacent to the road variance.
 - c. The DRB summarily and arbitrarily dismissed as insignificant over 40 signatures of neighbors. Signatures that were dismissed include property owners on Delamar Street, Guadalupe Trail, Bayita Lane and Pedro’s Place whose properties lie within 300 feet of the proposed project.

LOS RIEGOS HISTORIC DISTRICT



ATTN: Emily MacLeod

We the undersigned are residents of the North Valley who live in close proximity to Pedro's Place lane, and:

- *Are opposed to a road variance to Pedro's Place
- *Are opposed to the further subdivision to properties on Pedro's Place

	Printed Name	Address	Signature	Date
1.	Keith - Alicia Henrique	5110 Guadalupe Trail NW	[Signature]	7/18/11
2.	Dennis R. Plummer	5112 Guadalupe Tr, NW	[Signature]	7/18/11
3.	EMACLEOD, EMILY	5110 Guadalupe Tr NW	EMACLEOD	7/18/11
4.	JANE MCGRATH	1614 Bayita Lane NW	[Signature]	7/18/11
5.	Sandra Murdock	1617 Bayita Ln NW	[Signature]	7/18/11
6.	David Levin	1617 Bayita Lane NW	[Signature]	7/18/11
7.	Peter Levin	1617 Bayita Lane NW	[Signature]	7/18/11
8.	Nick Levin	1617 Bayita Lane NW	[Signature]	7/18/11
9.	Leon Ferrante	1615 Bayita Ln, NW	[Signature]	7/18/11
10.	Elizabeth M Galo	1615 Bayita Lane, NW	[Signature]	7/18/11
11.	Jenny Ramo	5105 Guadalupe Tr NW	by phone 903-3086	7/11/11
12.	Kevin Sarber	5112 Guadalupe Tr NW	by phone 274-6984	7/20/11
13.				
14.				
15.				
16.				

We the residents of Guadalupe Trail between the streets of Griegos and Montano oppose the following:

- The widening of Pedro's Place
- The subdivision beyond 2 homes on the properties of Tom Slates

	Name	Address	Signature	Date
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.	David Kutz	5105 Guadalupe Trail NW 87107	<i>[Signature]</i>	7/30/11
14.	Carlos Kutz	5105 Guadalupe Tr. NW 87107	<i>[Signature]</i>	7/30/11
15.	Rafael Kutz	5105 Guadalupe Tr NW 87107	<i>[Signature]</i>	7/30/11
16.	Carl Jeffrey Gaebel	5105 1/2 Guadalupe Tr NW 87107	<i>[Signature]</i>	7/30/11
17.	Benevieve Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
18.	CARLA JARAMILLO	1400 Delamar Ave NW 87107	<i>[Signature]</i>	7/30/11
19.	DARLEEN JACKSON	1316 Delamar Ave NW 87107	<i>[Signature]</i>	7-30-11
20.	MICHAEL MCGARTHY	1312 DELAMAR AVE NW 87107	<i>[Signature]</i>	7/30/11
21.	Joseph Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
22.	Erna Kozlowski	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11
23.	Josh Gutierrez	1412 Delamar NW 87107	<i>[Signature]</i>	7/30/11

Already submitted.

	NAME	ADDRESS	SIGNATURE	DATE
24.	Agnus Balle	1610 Bayita Ln NW	Agnus Baxter	7/30/11
25.	Ann S Dido	1611 Bayita Ln NW	Ann S Dido	7/30/11
26.	Jennifer Anderson	1615 Rancho Guadalupe Tr NW	Jennifer Anderson	7/30/11
27.	Christopher Boone	1615 Rancho Guadalupe Tr NW	Christopher Boone	7/30/11
28.	Marnie Dessel	1638 Renebe Guadalupe Ave	Marnie Dessel	7/30/11
29.	Elizabeth Szalay	Wagner to #1 only 5219 Guadalupe NW	Elizabeth Szalay	7/31/11
30.	Tom Teegarden	5222 Guadalupe Trail, NW	Tom Teegarden	7/31/11
31.	Elvira E Pedroncelli	5005 Guadalupe Tr. NW	Elvira E Pedroncelli	7/31/11
32.	DO BILLY MORA	5005 GUADALUPE TR NW	Dorelle Moore	
33.	Loren Kahn	4913 Guadalupe Tr. NW	Loren Kahn	7/31/11
34.	Isabell KESSELL	4913 Guadalupe Tr. NW	Isabell Kessell	7/31/11
35.	JANET JENKINS	4935 GUADALUPE TR NW	Janet Jenkins	7/31/11
36.	ELSE MANS	4911 GUADALUPE TR NW	Else Mans	7/31/11
37.	Heather Brislen	4905 Guadalupe Tr NW	Heather Brislen	7/31/11
38.	Dan Waldman	4905 Guadalupe Tr NW	Dan Waldman	7/31/11
39.	Matt & Teresa Rembe	5207 Guadalupe Trail NW	Matt & Teresa Rembe	7/31/11
40.	Anita Garcia Sanchez	1631 Patrick Pl NW	Anita Garcia Sanchez	8/1/11
41.	Brian O'Rourke	1619 Bayita Ln NW	Brian O'Rourke	8/1/11
42.	Bayita Garoffolo O'Rourke	1619 Bayita Ln NW	Bayita Garoffolo O'Rourke	8/1/11
43.	Amine TEMMAR	1604 BAYITA Ln NW	Amine Temmar	8/9/11
44.	NORA TEMMAR	1604 BAYITA Ln NW	Nora Temmar	8/11/11

Appeal

1. John Salazar (\$)
Assoc.
2. Signatures
3 Bayita (not same property)
Delema (affected)
- 3.

So if widening/low clear
x

Road needs criteria
But not division



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 3, 2011

Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS
11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, & 118-E, **MRGCD MAP 32** zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)

At the August 3, 2011 Development Review Board meeting, the subdivision design
variance was approved as shown on the Exhibit in the planning file, based on the
following findings:

FINDINGS:

- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community, and in fact would improve emergency access for this subdivision with a wider and improved surface, and the minimal 25 foot length of asphalt paving is not considered a significant impact or injurious to adjacent property; and
- (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance, and in fact is consistent with the zoning ordinance and the North Valley Area Plan which encourages the proposed development, and is also similar to an existing street, Bayita Lane NW, on the opposite site of Guadalupe Trail NW from the subject subdivision; and
- (3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain, but will aid in management of storm water drainage; and
- (4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements because this involves a private street; and
- (5) Varying from the normal requirements will encourage flexibility and economy in subdivision design, allowing a gravel road surface in conjunction with ponding street flow runoff in front yards.

With an approved grading and drainage plan engineer stamp dated 7/22/11 and with the signing of the infrastructure list dated 8/03/11, the preliminary plat was approved; t he

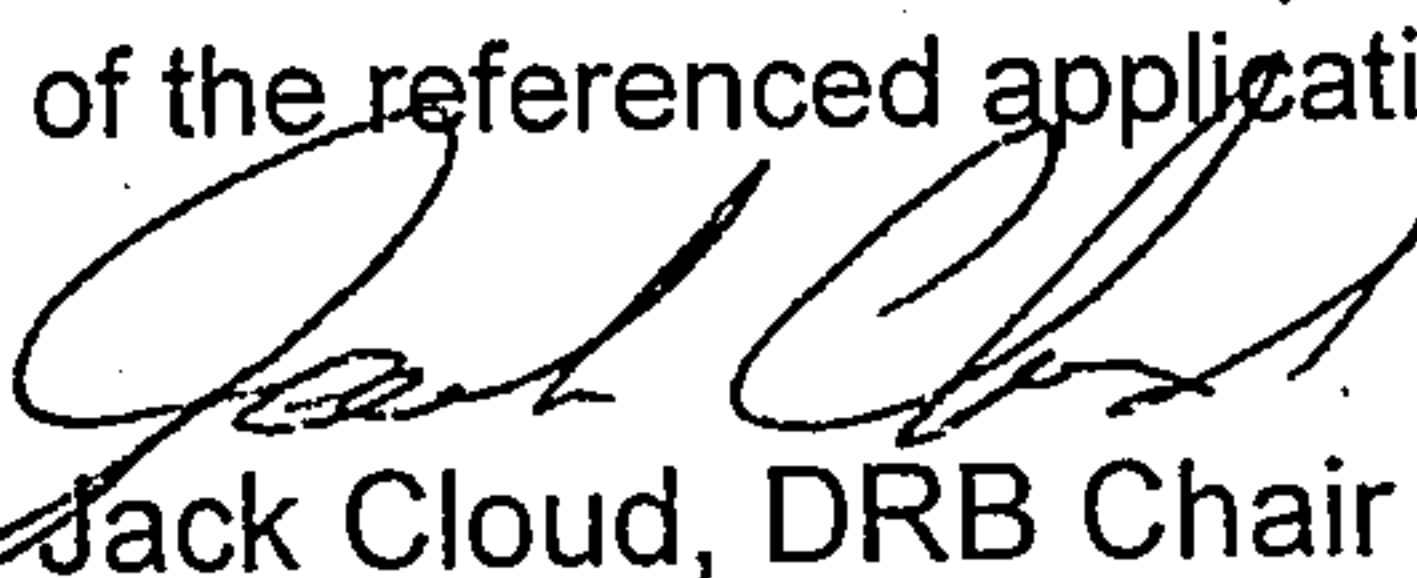
final plat was indefinitely deferred pending expiration of the appeal period and the acceptance or financial guarantee of the Infrastructure List.

If you wish to appeal this decision, you must do so by August 18, 2011, 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, DRB Chair

Cc: Thompson Engineering Consultants – P.O. Box 65760 – Albuquerque, NM 87193
Cc: Thomas Slates – 5108 Guadalupe Trail NW – Albuquerque, NM 87107
Cc: Cartesian Surveys Inc. – P.O. Box 44414 – Albuquerque, NM 87174
Cc: Jennifer Ramo – 5105 Guadalupe Tr. NW, Albuquerque, NM 87107
Cc: Emily Maclead – 5110 Guadalupe Tr. NW, Albuquerque, NM 87107
Cc: Dennis Plummer – 5112 Guadalupe Tr. NW, Albuquerque, NM 87107

Marilyn Maldonado
File

Tract 118A, Orville Padilla Replat Tract B

5 lots – average lot size = .2026 acres each

Los Castillos (recently platted and approved)

3 lots – average lot size = .2346 acres each

Rosalee Street

9 lots – average lot size = .2226 acres each

Lands of Anderson (5000 block)

8 lots – average lot size = .1632 acres each

Los Pablitos Addition

4 lots – average lot size = .52 acres each

McNickle Subdivision

3 lots – average lot size = .33 acres each

Tract 156 (Gallemore and Cowardin)

3 lots – average lot size = .2337 acres each

These 35 existing and platted lots are on 8.7969 acres with an average lot size of .20945 acres each.

The Lands of Simpatico average lot sizes are 1.23 times the existing average for area.

~~(We believe that both extraordinary hardship and practical difficulty will result from strict compliance with the minimum standards for street width and sidewalks.)~~

1. Existing road easements are narrow (17.5' and 22') and would require demolition of adobe walls and would severely impact the already wide and shallow building pads available on Tracts 118C, 118d and 118E.
2. Normal R-1 lot proportions are commonly 1-to-2 (width to depth).

Because of the historical patterns of lot divisions in this old section of the valley, our three tracts of land and their proportions are as follows:

Tract 118C – 336'x93' (3.5 to 1)

Tract 118D – 372'x76' (4.9 to 1)

Tract 118E – 344'x90' (3.8 to 1)

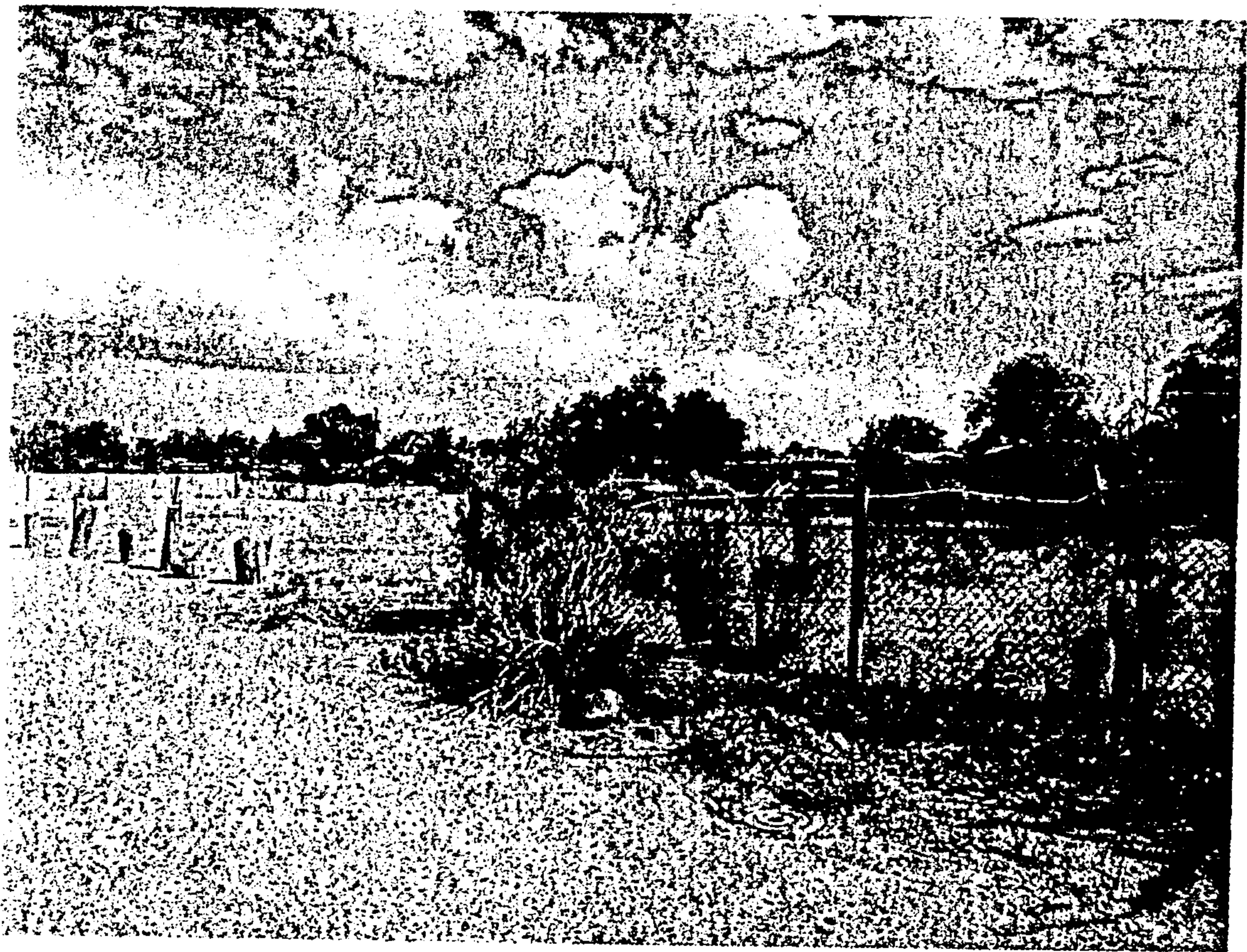
~~The proportions become even more extreme when a roadway easement of 10'-12' of each side of a property line is factored in.~~ Each of these tracts is zoned R-1 and building pads of 175'x45' do not define normal single family home proportions.

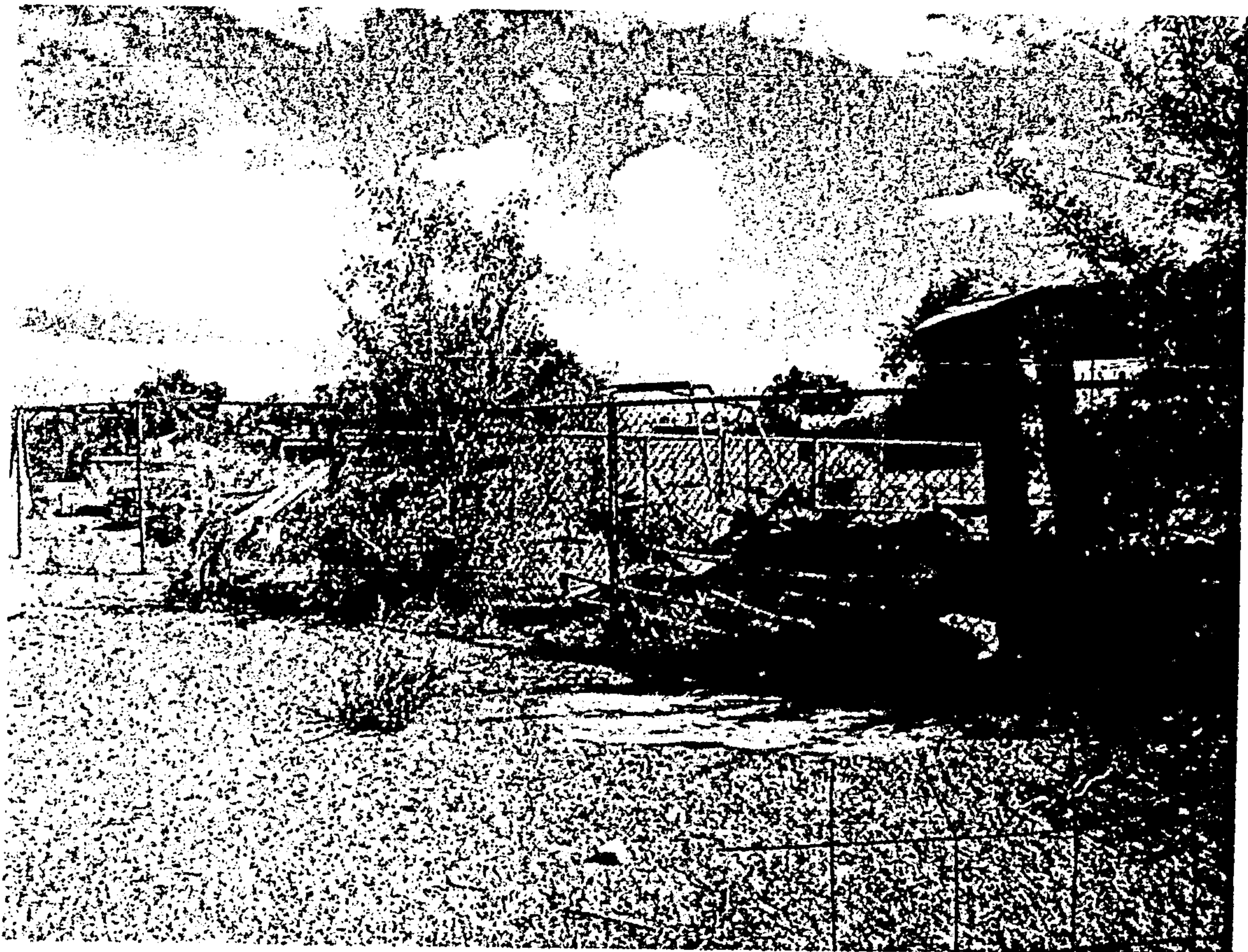
Varying from the normal requirements will encourage **FLEXIBILITY** (characterized by a ready capability to adapt to new, different or changing requirements). ~~Widening the easement to 24 feet allows for improved access for fire, emergency and solid waste vehicles.~~

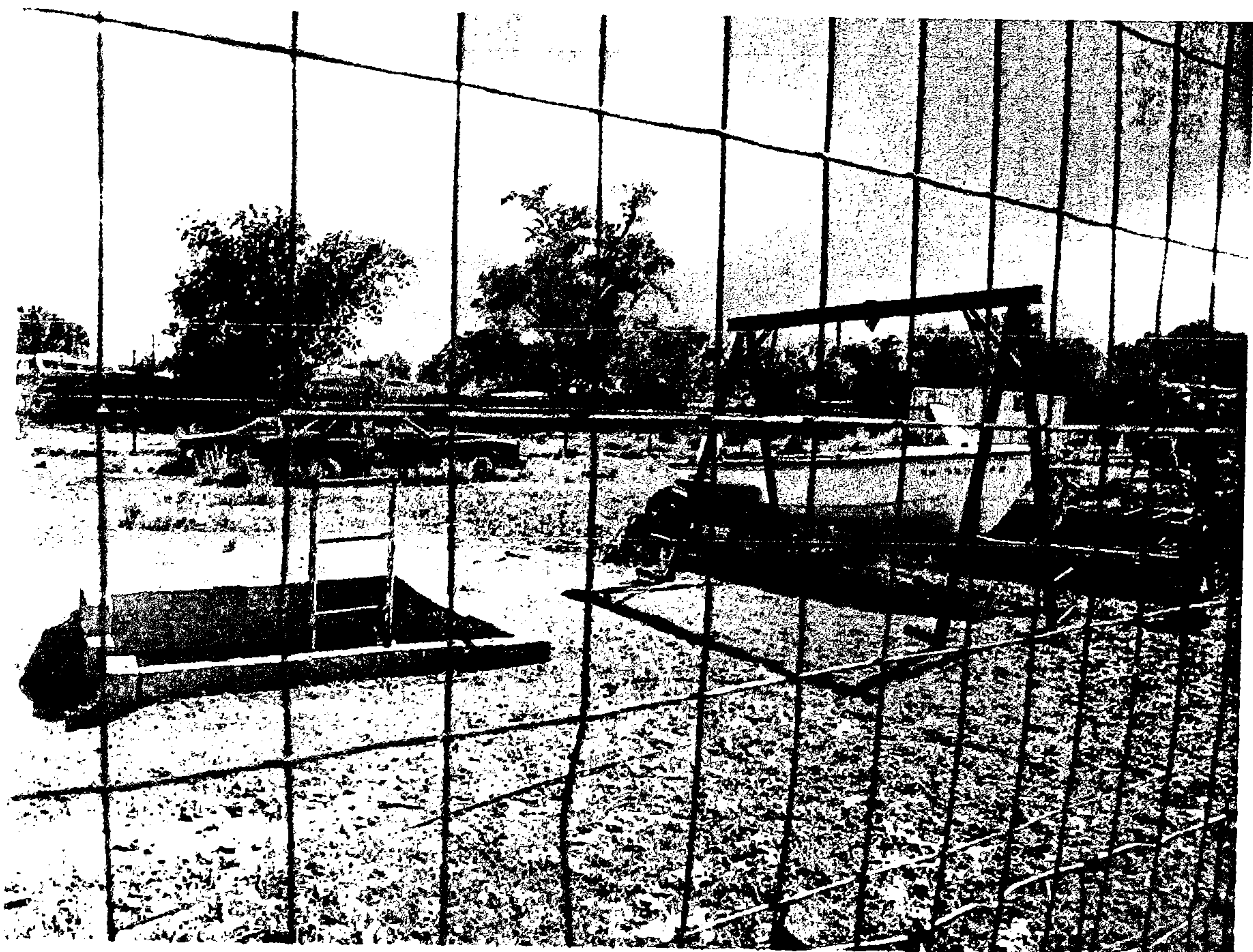
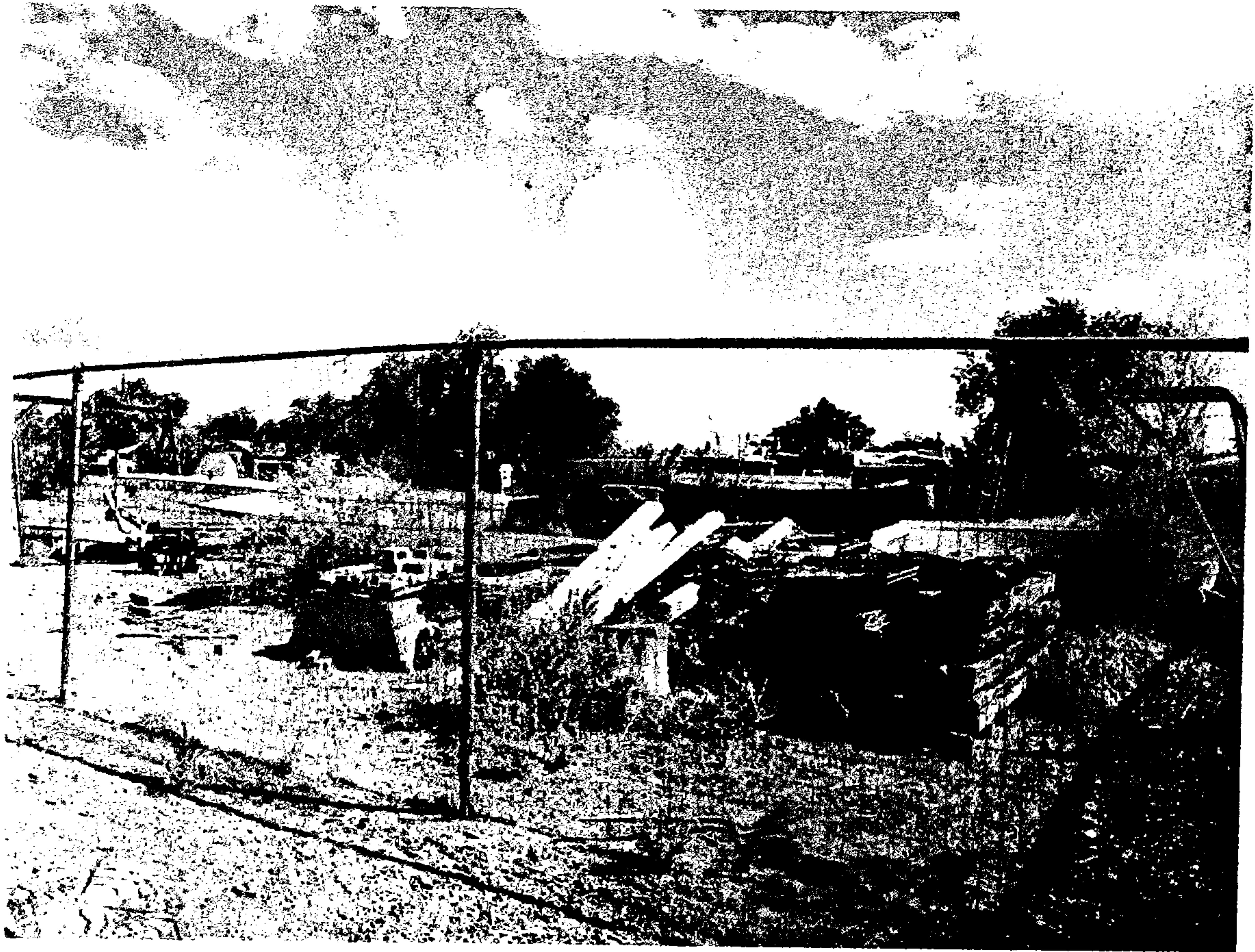
EFFECTIVE USABLE OPEN SPACE is defined by the City of Albuquerque Zoning Code (Rev. 7/2009) as “an area on the same lot with a dwelling, in relation to which it serves to permanently provide light and air, as well as visual, psychological, and recreational needs for open space. Usable open space may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides”

~~Residents who are fond of open space receive a special reward as they pass by the Farm Lands located in the 5000 block of Guadalupe Trail?~~ Regardless of the season cattle and horses may be seen grazing there. But many residences in the South Guadalupe Neighborhood Association area lie behind adobe walls that create private retreats for their owners.

~~If only one home per tract of land were allowed (on lots 118C, 118D and 118E) there would be no open vistas of mountains and volcanoes. Instead, to the south one sees uncared for and dying plants, uncultivated dirt, discarded wood, a broken down shed, and cinderblock or chain link fences. Derelict cars in various states of disrepair, an unused and rusted motor hoist, a makeshift grease pit, and an abandoned boat litter the property between Simpatico Lands and older homes~~ further south. (see following pictures)







Rather than have three one-third-acre parcels of non-productive land untaxed at R-1 assessment values, our plan provides for seven R-1 lots with seven owners to design, xeriscape and maintain the 1.12 acres of open space and individual gardens around their homes. ~~Otherwise the unused parcels would remain vacant, unxeriscaped and unusable pieces~~ of R-1 land (weeded reluctantly by three homeowners),

ROAD SURFACE

~~Instead of the required asphalt paved road, we request a gravel easement design.~~ Currently, there are 50,200 square feet of gravel roads in the South Guadalupe Trail Neighborhood and 19,500 square feet of dirt roads. Because of the extreme flatness and land-locked topography, permeability of the road surface is important. Hydrology prefers the road and parking areas to be graveled since the subdivision will be ponding street flows in front yards.

SIDEWALKS

There are no sidewalks on Guadalupe Trail from Griegos Rd. to its dead-end with Montano. Nor are there any sidewalks on the feeder streets to Guadalupe Trail from Rosalee, Pablito Lane, Bayita Lane or on the access road to 4824, 4828, 4832, 4836, 4840, 4842, 4844, 4848 & 4900 Guadalupe Trail. The three recently platted lots in Los Castillos Addition also have no sidewalks.

ATTN: Emily MacLeod

We the undersigned are residents of the North Valley who live in close proximity to Pedro's Place lane, and:

*Are opposed to a road variance to Pedro's Place

*Are opposed to the further subdivision to properties on Pedro's Place

	Printed Name	Address	Signature	Date
1.	Keith & Alicia Hamme	5110 Guadalupe Trail NW	[Signature]	7/18/11
2.	Dennis R. Plummer	5112 Guadalupe Tr, NW	[Signature]	7/18/11
3.	EMACLEOD, EMILY	5110 Guadalupe Tr NW	EMACLEOD	7/18/11
4.	JANE MCGRATH	1614 Bayita Lane NW	[Signature]	7/18/11
5.	Sandra Murdock	1617 Bayita Ln NW	[Signature]	7/18/11
6.	David Levin	1617 Bayita Lane NW	[Signature]	7/18/11
7.	Peter Levin	1617 Bayita lane NW	[Signature]	7/18/11
8.	Nick Levin	1617 Bayita Lane NW	[Signature]	7/18/11
9.	Cam Ferranto	1615 Bayita Ln, NW	[Signature]	7/18/11
10.	Elizabeth M Gal	1615 Bayita Lane, NW	[Signature]	7/18/11
11.	Jenny Ramo	5105 Guadalupe Tr NW	by phone 903-3086	7/11/11
12.	Kevin Sarber	5112 Guadalupe Tr NW	by phone 274-6984	7/20/11
13.				
14.				
15.				
16.				

Current DRC
Project Number:

Figure 12

Date Submitted: 7-22-11

Date Site Plan Approved: _____

Date Preliminary Plat Approved: _____

Date Preliminary Plat Expires: _____

DRB Project No.: 1004906

DRB Application No.: _____

INFRASTRUCTURE LIST
(Rev. 9-20-05)

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

LOTS 1-7, LANDS OF SIMPATICO
PROPOSED NAME OF PLAT

TRACTS 118-C, 118-D, AND 118-E, MRGCD MAP NO. 32
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. The 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 the 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.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cnst Engineer
			Paving						
		24' wide	3" Gravel Surfacing over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	Guadalupe Road	Lots 5 & 6	/	/	/
			Utilities						
		6"	Water Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/
		8"	Sanitary Sewer Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cnst Engineer
		<u>Drainage</u>							
		1' High	Solid Perimeter Wall	1040 Feet			/	/	/
		1' High	Solid Side Lot Line Wall	360 Feet			/	/	/

NOTES

Street lights per City requirements

- 1) Grading and Drainage Certification is required prior to release of Financial Guarantees
- 2) Waterlines include valves, fittings and services
- 3) Sanitary Sewer Lines include manholes and services
- 4) Wall certification from registered engineer required prior to release of financial guarantees
- 5) Add Signage per DRC

AGENT/OWNER

David B. Thompson
NAME (print)

Thompson Engineering Consultants, Inc.
FIRM

SIGNATURE Date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

DRB CHAIR Date

TRANSPORTATION DEVELOPMENT Date

UTILITY DEVELOPMENT Date

CITY ENGINEER Date

PARKS & GENERAL SERVICES Date

AMAFCA Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

Current DRC
Project Number:

Figure 12

INFRASTRUCTURE LIST
(Rev. 9-20-05)

Date Submitted: 6-29-11
Date Site Plan Approved: _____
Date Preliminary Plat Approved: _____
Date Preliminary Plat Expires: _____
DRB Project No.: 1004906
DRB Application No.: _____

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

LOTS 1-7, LANDS OF SIMPATICO

PROPOSED NAME OF PLAT

TRACTS 118-C, 118-D, AND 118-E, MRGCD MAP NO. 32
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. The 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 the 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.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cnst Engineer
			Paving						
		24' wide	3" Gravel Surfacing over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	Guadalupe Road	Lots 5 & 6	/	/	/
			Utilities						
		6"	Water Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/
		8"	Sanitary Sewer Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/

NOTES

Street lights per City requirements

- 1) Grading and Drainage Certification is required prior to release of Financial Guarantees
- 2) Waterlines include valves, fittings and services
- 3) Sanitary Sewer Lines include manholes and services
- 4) Wall certification from registered engineer required prior to release of financial guarantees
- 5) Add Signage per DRC

AGENT/OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS		
David B. Thompson	DRB CHAIR	Date	PARKS & GENERAL SERVICES
NAME (print)			Date
Thompson Engineering Consultants, Inc.	TRANSPORTATION DEVELOPMENT	Date	AMAFCA
FIRM			Date
SIGNATURE	UTILITY DEVELOPMENT	Date	Date
Date	CITY ENGINEER	Date	Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

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

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)
- D
- 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 2nd 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): THOMPSON ENGINEERING CONSULTANTS PHONE: 271-2159
 ADDRESS: P.O. BOX 65760 FAX: 830-9248
 CITY: ALBUQUERQUE STATE NM ZIP 87193 E-MAIL: tecm@yahoo.com

APPLICANT: THOMAS SLATES PHONE: 766-9165
 ADDRESS: 5108 GUADALUPE TRAIL NW FAX: 247-1207
 CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: _____

Proprietary interest in site: OWNER List all owners: SUSAN SLATES, MARY IDOTER, NANCY KENNEMAN

DESCRIPTION OF REQUEST: SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS

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. TRACTS 118-C, 118-D, & 118-E Block: _____ Unit: _____
 Subdiv/Addn/TBKA: MRGCD MAP 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No 32
 Zone Atlas page(s): F-14 UPC Code: 101406110920730935, 101406110819830938, 101406107220530936

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 3 No. of proposed lots: 7 Total area of site (acres): 2.06
 LOCATION OF PROPERTY BY STREETS: On or Near: GUADALUPE TRAIL NW
 Between: GRIEGOS ROAD NW and MONTANO ROAD NW

Check-off if project was previously reviewed by Sketch Plat/Plan or Pre-application Review Team . Date of review: 12-2-09

SIGNATURE David B. Thompson DATE 6-3-11
 (Print) DAVID B. THOMPSON Applicant: Agent:

FOR OFFICIAL USE ONLY

- 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>1 DRB - 70154</u>	<u>SDR</u>	_____	\$ <u>20.00</u>
_____	<u>ADY</u>	_____	\$ <u>20.00</u>
_____	<u>CMF</u>	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Hearing date June 29, 2011

Total \$ 20.00

David B. Thompson 6-3-11
 Planner signature / date

Project # 1004906

Form revised 4/07

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.

- SEWALK VARIANCE (DRB20)**
 SEWALK 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 SEWALK CONSTRUCTION (DRB19)**
 EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SEWALK 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.

David Thomson
 Applicant name (print)
David Thomson 6-3-11
 Applicant signature / date



Form revised 4/07

- Checklists complete
 Fees collected
 Case #s assigned
 Related #s listed
- Application case numbers
 1/DRB - 70154

[Signature] 6-3-11
 Planner signature / date
 Project # 10049016

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
- 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)
- 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 2nd 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): Cartesian Surveys Inc PHONE: 896-3050
 ADDRESS: PO Box 44414 FAX: _____
 CITY: Rio Rancho STATE NM ZIP 87174 E-MAIL: cartesianamber@aol.com

APPLICANT: Thomas Slates PHONE: 505-766-9165
 ADDRESS: 5108 Guadalupe trail NW FAX: _____
 CITY: Albuquerque STATE NM ZIP 87107 E-MAIL: _____
 Proprietary interest in site: _____ List all owners: 118C - Nancy Kinnemann + Mary Porter

DESCRIPTION OF REQUEST: Lots 118D + 118E - Tom + Susan Slates
to create seven new lots from the existing three tracts and grant easements
 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. 118-C, 118-D, 118-E Block: _____ Unit: _____
 Subdiv/Addn/TBKA: MRGCD, MAP 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No. 32
 Zone Atlas page(s): F14 UPC Code: 118-C (101406110920730935)
118-D (10140610819830938)
118-E (101406107220530936)

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
DRB case No: 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 3 No. of proposed lots: 7 Total area of site (acres): 2.0562 Acres
 LOCATION OF PROPERTY BY STREETS: On or Near: Guadalupe trail NW
 Between: Delamar Ave NW and San Andres Ave NW

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Amber Palmer DATE 6/20/11
 (Print) Amber Palmer Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>110RB - 70168</u>	<u>PAF</u>		\$ <u>635.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		\$ <u>20.00</u>
<input checked="" 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>June 29, 2011</u>			Total \$ <u>655.00</u>

[Signature]
 Planner signature / date 6-21-11

Project # 1004906

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application
- Extension of preliminary plat approval expires after one year.**

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls 3 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- ~~NA~~ 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- ~~NA~~ Design elevations and cross sections of perimeter walls (11" by 17" maximum) 3 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- ~~NA~~ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (verify with DRB Engineer)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) Your attendance is required.

- 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
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers 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.

Charles Calderon
Applicant name (print)
Charles Calderon 6-21-11
Applicant signature / date



Form revised October 2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
11DRB-70168

[Signature] 6-21-11
Planner signature / date
Project # 1004906



DRB CASE ACTION LOG
(Preliminary/Final Plat)

DRB Application No.: *11DRB - 70185*

Project # *1004906*

Project Name: *MRGCD MAP 32*

Agent: *Thompson Engineering
Consultants*

Phone No.:

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

Your request was approved on _____ by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

TRANSPORTATION: _____

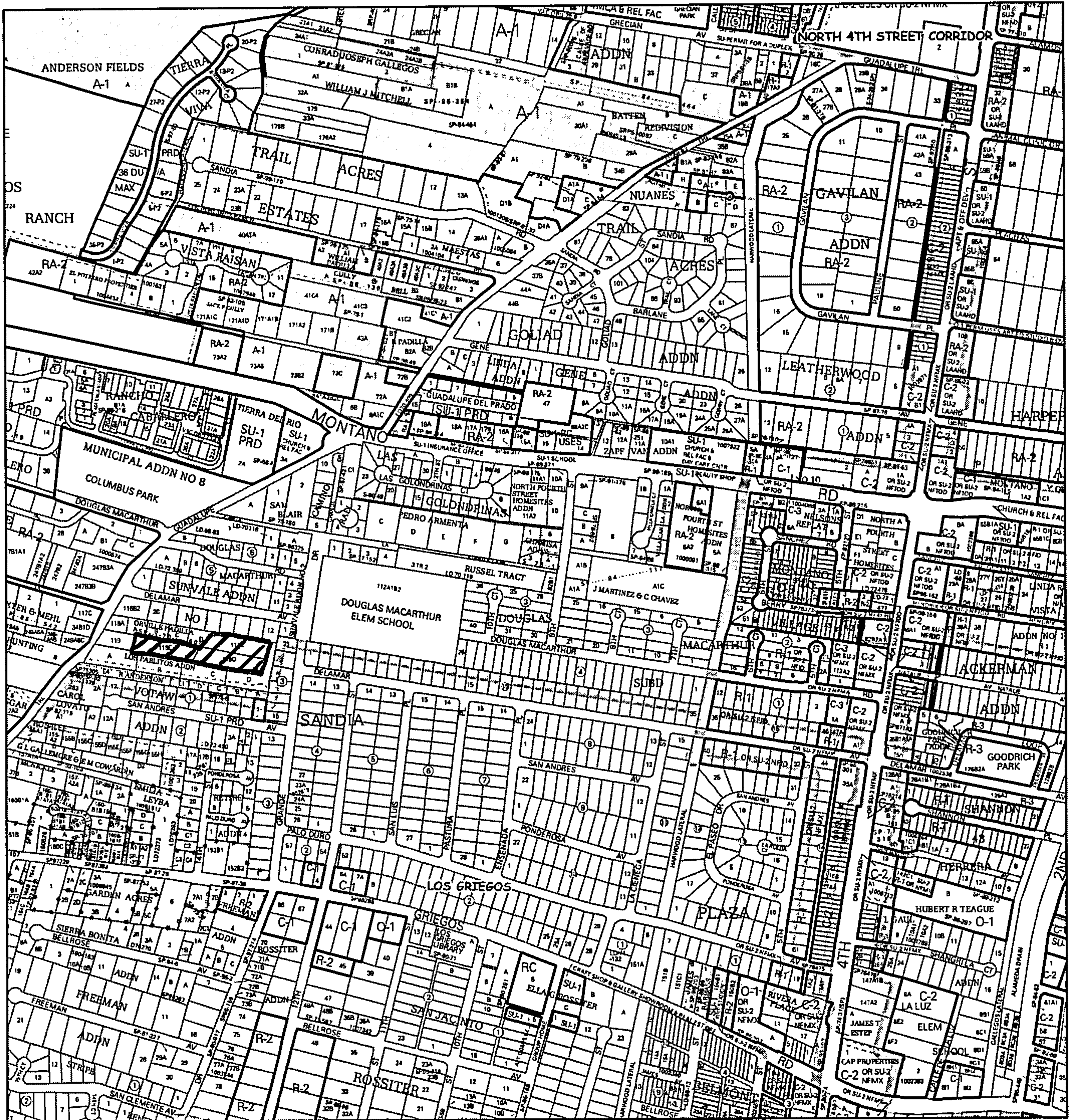
ABCWUA: _____

CITY ENGINEER / AMAFCA: _____

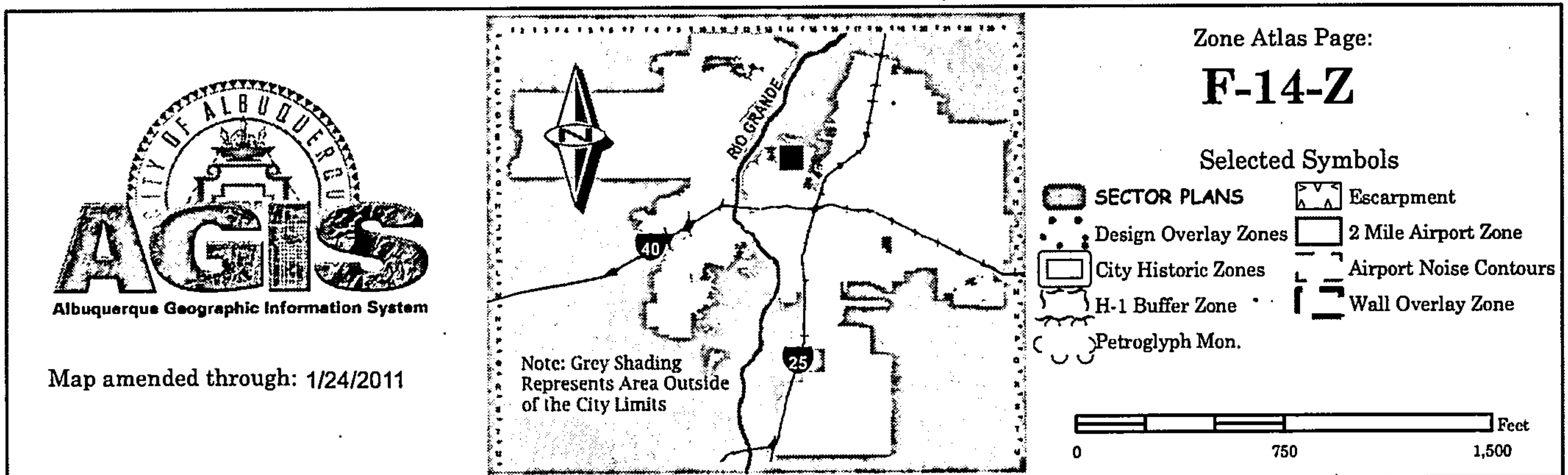
PARKS / CIP: _____

PLANNING (Last to sign): _____

- 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.**



For more current information and more details visit: <http://www.cabq.gov/gis>



elena gallegos grant section 32, T11N R3E

June 3, 2011

Mr. Stefan Posse
South Guadalupe Trail Neighborhood Association
1616 Bayita Ln. NW
Albuquerque, NM 87107

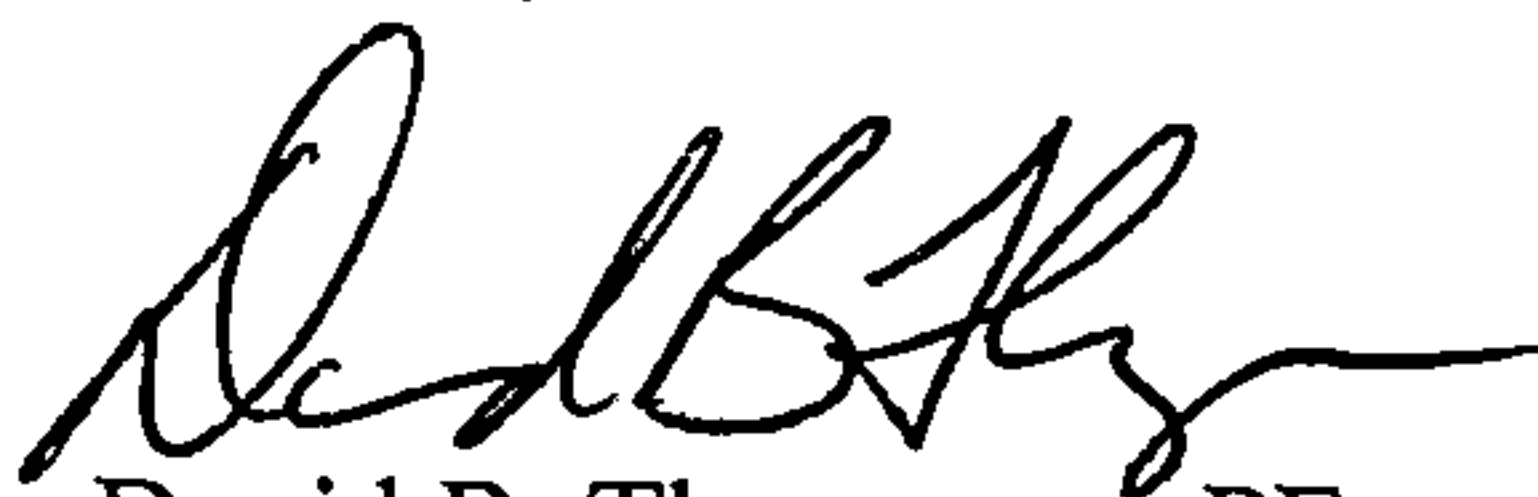
**RE: REQUEST FOR SUBDIVISION DESIGN VARIANCE FROM MINIMUM
DPM STANDARDS**

Dear Mr. Posse:

We are writing to you on behalf of our client, Simpatico Construction. Our client is requesting a subdivision design variance for the private access road (refer to enclosed location map). We are requesting that the City of Albuquerque approves the 24 foot-wide access road with a gravel surface. This road construction and width is consistent with other access roads in the vicinity. The request for design variance is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, June 29, 2011.

If you should have any questions please call me at 271-2199.

Sincerely,


David B. Thompson, PE

June 3, 2011

Mr. Steve Reuter
Los Griegos Neighborhood Association
3817 Don Juan Ct. NW
Albuquerque, NM 87107

**RE: REQUEST FOR SUBDIVISION DESIGN VARIANCE FROM MINIMUM
DPM STANDARDS**

Dear Mr. Reuter:

We are writing to you on behalf of our client, Simpatico Construction. Our client is requesting a subdivision design variance for the private access road (refer to enclosed location map). We are requesting that the City of Albuquerque approves the 24 foot-wide access road with a gravel surface. This road construction and width is consistent with other access roads in the vicinity. The request for design variance is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, June 29, 2011.

If you should have any questions please call me at 271-2199.

Sincerely,



David B. Thompson, PE

June 3, 2011

Ms. Joan McDougall
Los Griegos Neighborhood Association
4020 Grande Dr. NW
Albuquerque, NM 87107

**RE: REQUEST FOR SUBDIVISION DESIGN VARIANCE FROM MINIMUM
DPM STANDARDS**

Dear Ms. McDougall:

We are writing to you on behalf of our client, Simpatico Construction. Our client is requesting a subdivision design variance for the private access road (refer to enclosed location map). We are requesting that the City of Albuquerque approves the 24 foot-wide access road with a gravel surface. This road construction and width is consistent with other access roads in the vicinity. The request for design variance is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, June 29, 2011.

If you should have any questions please call me at 271-2199.

Sincerely,



David B. Thompson, PE

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 June 14, 2011 To June 29, 2011

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] 6-3-11
(Applicant or Agent) (Date)

I issued 1 signs for this application, 6-3-11 [Signature]
(Date) (Staff Member)

DRB PROJECT NUMBER: 1004906



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

- 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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): _____ PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: TOM & SUSAN SLATES PHONE: 505.7669165
 ADDRESS: 5108 GUADALUPE TRAIL N.W FAX: 505.247.1207
 CITY: ALBUQUERQUE, STATE NM ZIP 87107 E-MAIL: _____

Proprietary interest in site: OWNER TRACTS 118D, 118E List all owners: PORTER/KINNEBURN - TRACT 118C
BILL HOWDEN - TRACT 119

DESCRIPTION OF REQUEST: SUBDIVIDE 3, 2/3 ACRES R-1 LOTS INTO 6, 1/3 ACRE R-1 LOTS,
DIVIDE LOT 119 INTO 2, R-1 LOTS, INCREASE ROAD ACCESS TO 24' WIDE
REQUEST SIDEWALK VARIANCE / ROADWAY VARIANCE ALLOWING 11 LOTS ON
 Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No. PRIVATE WAY.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Tract No. 118C, 118D, 118E, 119 MRG.CD MAP 32 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: _____
 Existing Zoning: R-1 Proposed zoning: R-1
 Zone Atlas page(s): F.14 UPC Code: 1.014.061.072205.30963 MRGCD Map No 32

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
DRB 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 7 No. of proposed lots: 11 Total area of site (acres): 2+
 LOCATION OF PROPERTY BY STREETS: On or Near: 5104, 5108 GUADALUPE TRAIL N.W 87107
 Between: GRIEGOS N.W. and DELAMAR N.W.
 Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: AUG. 8, 2007

SIGNATURE [Signature] Susan Slates DATE 11/18/09
 (Print) TOM SLATES SUSAN SLATES Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING				
<input checked="" type="checkbox"/> All checklists are complete	<u>09DRB - 70359</u>	<u>SK</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				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date			Total
	<u>December 2, 2009</u>			\$ <u>0</u>

[Signature] 11:18-09 Project # 1004906
 Planner signature / date

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

- SKETCH PLAT REVIEW AND COMMENT (DRB22)** Your attendance is required.
- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - List any original and/or related file numbers on the cover application

- EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)** Your attendance is required.
- Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application
- Extension of preliminary plat approval expires after one year.**

- MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)** Your attendance is required.
- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
 - Design elevations & cross sections of perimeter walls **3 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - Copy of recorded SIA
 - Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
 - List any original and/or related file numbers on the cover application
 - DXF file and hard copy of final plat data for AGIS is required.

- MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)** Your attendance is required.
- 5 Acres or more: Certificate of No Effect or Approval
 - Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
 - Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
 - Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
 - Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application.
 - Infrastructure list if required (**verify with DRB Engineer**)
 - DXF file and hard copy of final plat data for AGIS is required.

- AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03)** Your attendance is required.
- 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**
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers 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.

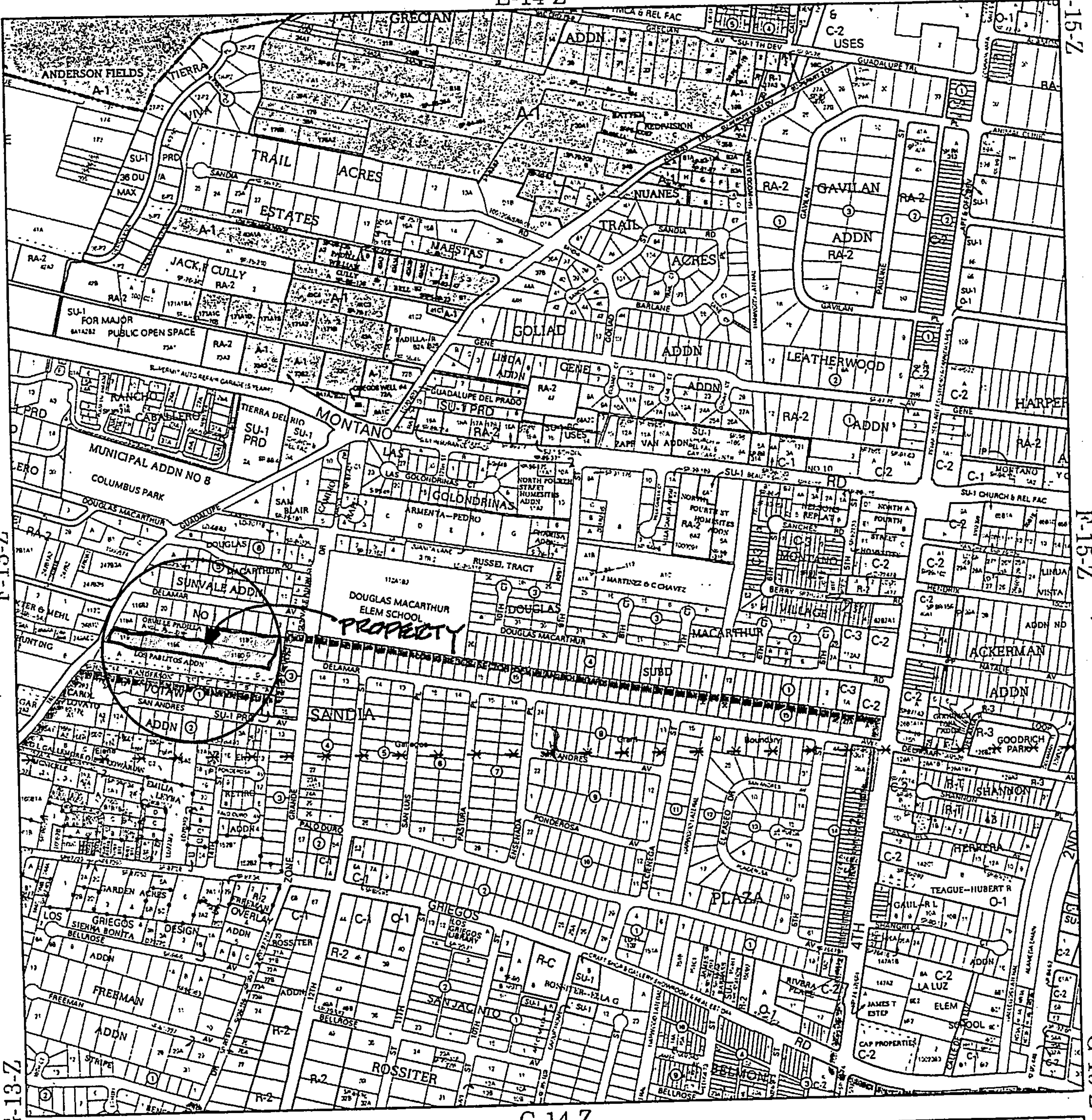
TEHSLATES SUSAN SLATES
 Applicant name (print)
[Signature]
 Applicant signature / date
 11/18/09



Form revised October 2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 09DRB - 70359

[Signature] 11-18-09
 Planner signature / date
 Project # 2004906

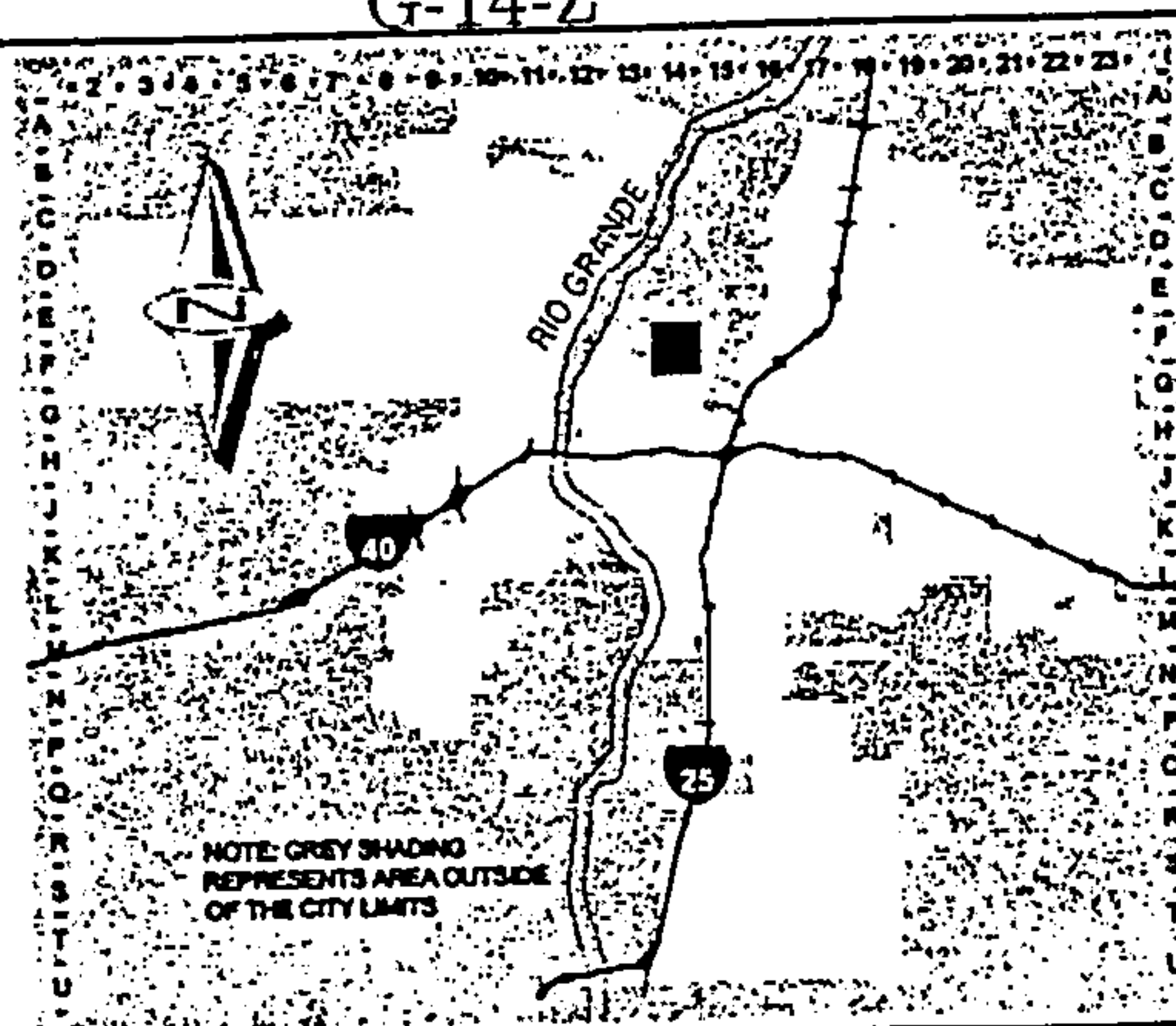
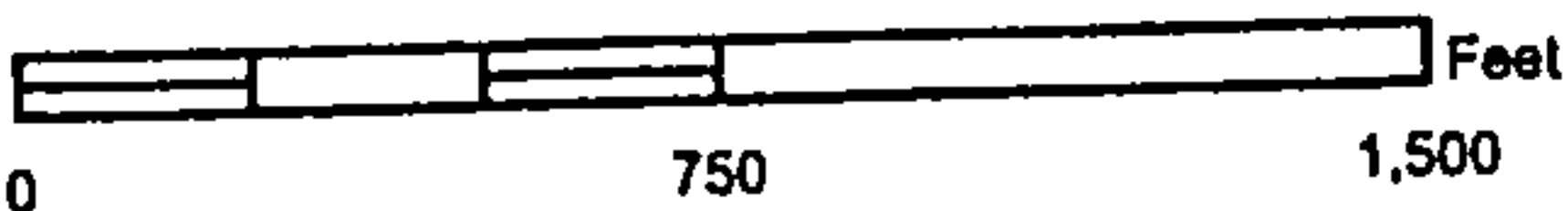


Zone Atlas Page: **F-14-Z**

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



NOTE: GREY SHADING REPRESENTS AREA OUTSIDE OF THE CITY LIMITS



THREE HUNDRED YEARS
1706 - 2006
ALBUQUERQUE

Haciendo Historia

Abuquerque **G**eographic **I**nformation **S**ystem
PLANNING DEPARTMENT

© Copyright 2004

Tom and Susan Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107
(505) 766-9165

November 17, 2009

Development Review Board
City of Albuquerque

We, the undersigned, are the owners of Tract 118D and 118E. We reside at 5108 Guadalupe Trail (the eastern ½ of Tract 118E). We are also representing Mary Porter and Nancy Kinnemann, owners of Tract 118C and Bill Howden, owner of Tract 119.

We are asking to split three 2/3-acre parcels (118C, 118D and 118E) into six 1/3-acre (approx) R-1 lots. The tracts are approximately 82' deep and 330' to 387' long. After subtracting for setbacks, the building pads are approximately 44' X 345'. This results in 3 unusually narrow lots, a condition that existed at the time of the adoption of the current regulation. The limitations on the 3 tracts, because of size (29,987 sq. ft., 29,773 sq. ft. and 29,763 sq. ft.) and narrowness, prevent the complete use as R-1 properties. No irrigation ditches or rights come with the property and an irrigation well would, in light of the City's current water use guidelines, be a waste of a precious resource. Large R-1 lots already cause weed and litter problems.

On August 8, 2007 (DRB Sketch Plat 1004906), we requested a lot split of Tract 118E. We were told that an access road width of 24' would be a minimum. A 17' wide access road was permitted on November 13, 1979 as part of the Orville Padilla Replat of Tract 118B.

We have worked out an agreement with Bill Howden, owner of Tract 119, to gain an additional 7' of access width for the road in return for a portion of our Tract 118E, so he could create an additional R-1 lot of 6,300 sq. ft.

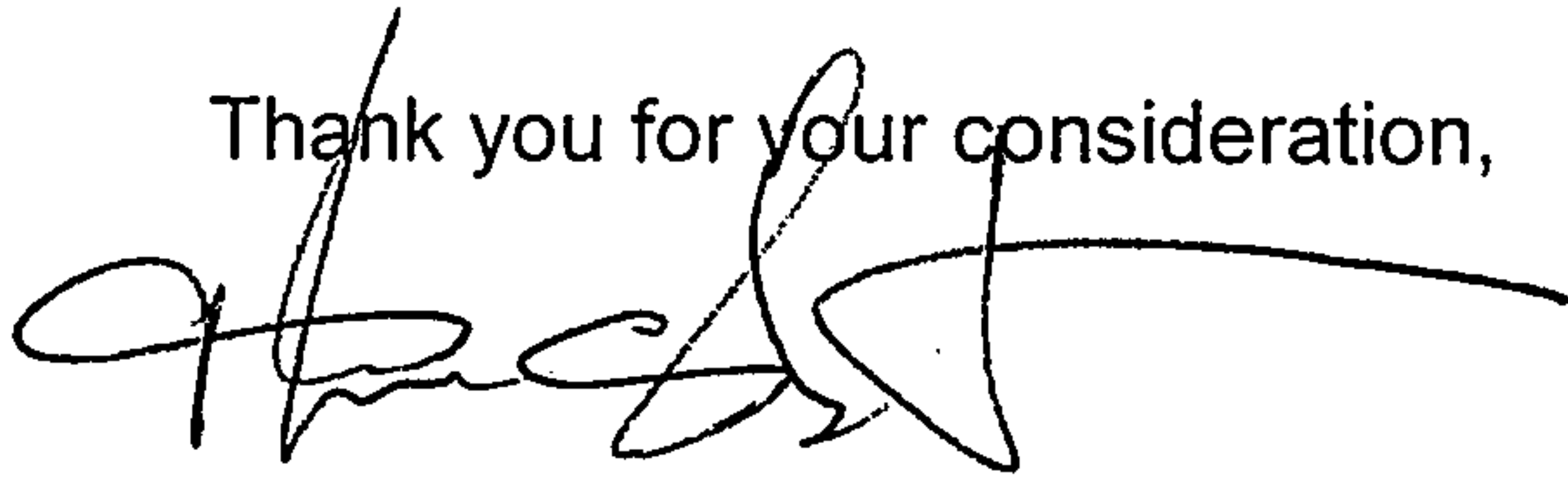
Our neighborhood wishes to maintain its unique character, charm and varied lot sizes. The North Valley Character Study (7-3-08 draft review) recommends less infrastructure than is associated with urban development, such as curbs, gutters, sidewalks and standard-width streets.

At this time we request:

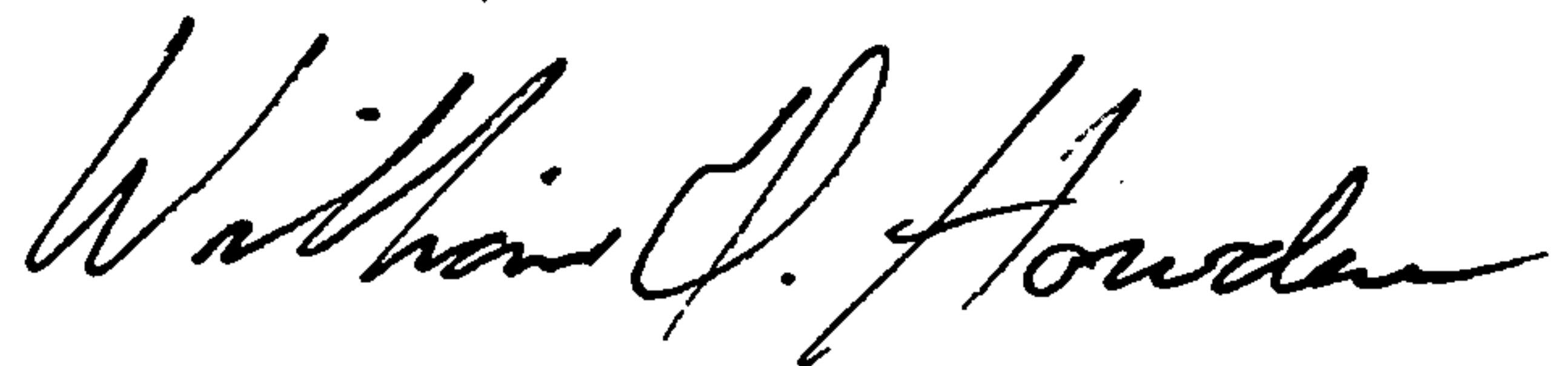
1. A sidewalk waiver (no sidewalks exist on Guadalupe Trail from Griegos north to and past Delamar or on any feeder roads (Bayita Lane, Pablita Lane or Rosalee Street).
2. A roadway width variance allowing eleven R-1 lots to access Guadalupe Trail on a "private way" width of 24'. The roadway would begin at Guadalupe Trail with a 25' long X 24' wide asphalt apron and would be gravel the remainder of its length east

These variances would improve the access for existing residents, improve access for emergency vehicles, cut down on dust and maintain the scale and character of the neighborhood.

Thank you for your consideration,



R. Thomas (Tom) Slates



Susan Slates

July 23, 2009

Development Review Board
City of Albuquerque

To Whom It May Concern:

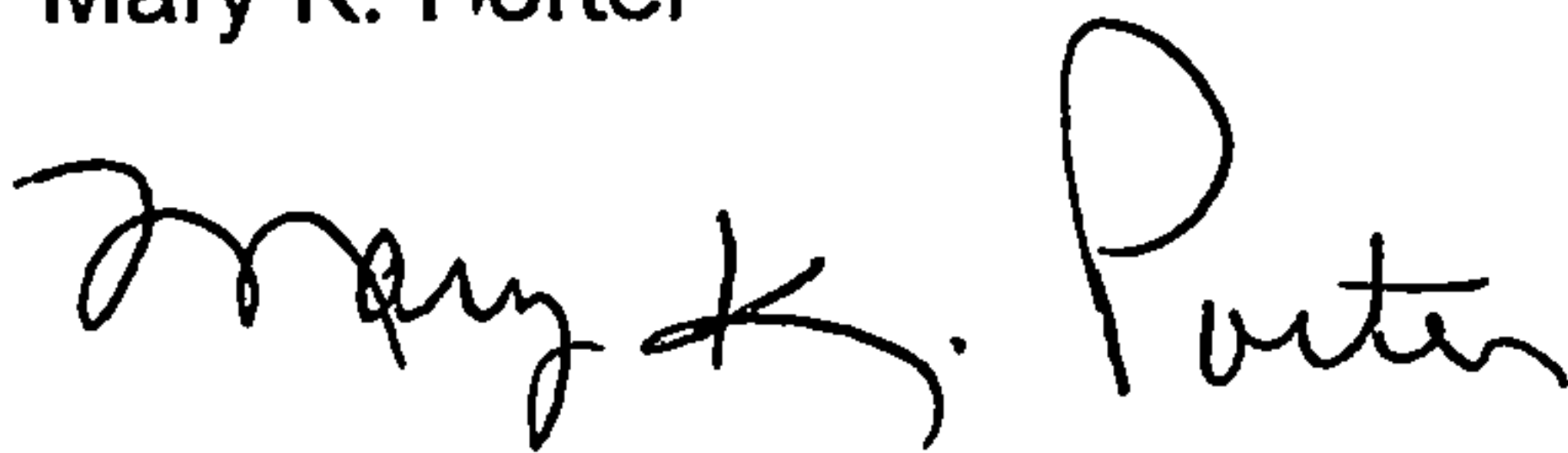
We, the undersigned, are the sole owners of Tract 118C (Zone Atlas Map F-14Z) located in the 5100 block of Guadalupe Trail NW.

Tract 118C is approximately 96 feet deep and 336 feet wide. After subtracting rear and side yard setbacks, we have remaining an 81 foot x 301 foot building pad. This property is zoned R-1 (minimum lot size of 6,000 sq. ft.) and contains 29, 987 sq. ft. An equal lot split would still provide 14, 993 sq. ft., thus maintaining the R-1 zoning size.

Our neighbors (5110, 5110 ½, 5118 and 5120 Guadalupe Trail NW) are all on lots of ¼ acre or less. We wish to maintain the character of this neighborhood. Smaller lots are easier to maintain (weeds and litter) and are also easier to landscape and water. We are aware of the City of Albuquerque's water conservation efforts and feel two smaller lots would be in keeping with those conservation measures.

Thank you for your consideration.

Mary K. Porter



Nancy Kinnemann



ORVILLE PADILLA REPLAT
 OF TRACT 118B M.R.G.C.D. MAP 32
 ALBUQUERQUE, NEW MEXICO

15K# 9 PAGE 143

APPROVAL AND CONDITIONAL ACCEPTANCE
 as specified by subsection 22 A 20 of
 the Albuquerque Subdivision Ordinance

79 85889

State of New Mexico) ss
 County of Bernalillo)
 This instrument was filed for record

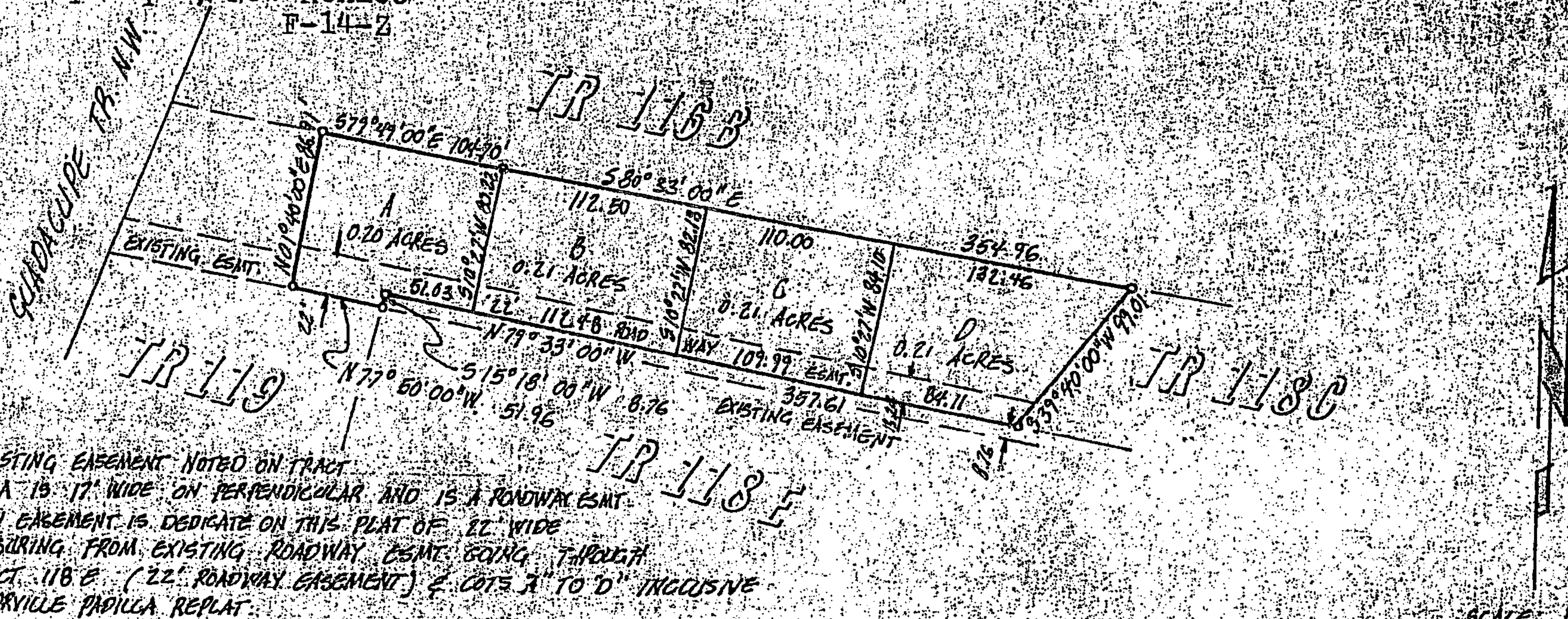
Plat No. SP-79-608

Approval 10-26-79 City F-14

G. Davenport by Rex Key
 Planning Director

NOV 19 1979
 817
 14

R. Edwell 10-26-79
 Property Management
 Albuquerque, New Mexico
 F-14-Z



NOTE:
 1. EXISTING EASEMENT NOTED ON TRACT 118A IS 17' WIDE ON PERPENDICULAR AND IS A ROADWAY EASEMENT.
 2. NEW EASEMENT IS DEDICATE ON THIS PLAT OF 22' WIDE MEASURING FROM EXISTING ROADWAY EASEMENT GOING THROUGH TRACT 118E (22' ROADWAY EASEMENT) & LOTS A TO D INCLUSIVE OF ORVILLE PADILLA REPLAT.

The foregoing Replat of a certain parcel of land situate within section 32, Township 11 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being identified as Tract 118b as shown on Middle Rio Grande Conservancy District Property Map No. 32, Bernalillo County, New Mexico, and being more particularly described by metes and bounds Survey as follows:

Beginning at the Northwest corner of the parcel herein described, thence the one quarter corner common to Sections 31 & 32, T 11 N, R 3 E, N.M.P.M., Bernalillo County, New Mexico, bears N 52° 24' 00" W, 655.00 feet distance; thence S 79° 49' 00" E, 104.70 feet distance along the North boundary of Tract 118b and common South boundary of Tract 116b to an angle point; thence S 80° 33' 00" E, 354.96 feet distance continuing along common boundary Tract 118b & 116b to the Northeast corner of the parcel herein described; thence S 39° 40' 00" W, 99.01 feet distance along East boundary of tract 118b and common West boundary of Tract 118c to the Southwest corner of the parcel herein described; thence N 79° 33' 00" W, 357.61 feet distance along the South boundary of Tract 118b and common North boundary of Tract 118a to a point; thence S 15° 18' 00" W, 8.76 feet distance to the point; thence N 77° 50' 00" W, 52.50 feet distance along the South boundary of Tract 118b and common North boundary of Tract 119 to the Southwest corner of the parcel herein described; thence N 09° 48' 00" E, 86.91 feet distance along the West boundary of Tract 118b and Common East boundary of Tract 118a to the Northwest corner and place of beginning and containing 0.83 acres more or less.

Surveyed and Platted as shown hereon and now comprising of lot lettered "A" to "D" inclusive of ORVILLE PADILLAS REPLAT of Tract 118b M.R.G.C.D. Map 32, Bernalillo County, New Mexico, is with the free consent and in accordance with the wishes and desires of the undersigned owner and proprietor thereof and said owner and proprietor does hereby dedicated all easements as shown hereon and indicated by dashed line and dimensioned or noted on the plat together with the right of ingress and egress and the right to trim interfering trees.

OWNER Orville J. Padilla Connie S. Padilla

STATE OF NEW MEXICO)
 COUNTY OF BERNALILLO) SS

On this 17th day of October, 1979, the foregoing instrument was

acknowledged before me by Orville J. Padilla and Connie S. Padilla
 My commission expires April 22, 1979
Wm. Benavidez
 Notary Public

Frank G. Benavidez, New Mexico Registered Land Surveyor No. 4252 do hereby certify that this plat was made by me or under my direct supervision and that the same is true and correct to the best of my knowledge.

Frank G. Benavidez
 Frank G. Benavidez N.M.R.L.S. No. 4252

FRANK G. BENAVIDEZ, SURVEYOR
 3200 RICHMOND DR. N.E.
 ALBUQUERQUE, NEW MEXICO
 OCTOBER 11, 1979





SUBDIVISION		Supplemental form	
<input checked="" type="checkbox"/> Major Subdivision action	<input type="checkbox"/> S	<input type="checkbox"/> Z	ZONING & PLANNING
<input checked="" type="checkbox"/> Minor Subdivision action <i>SK</i>	<input type="checkbox"/>	<input type="checkbox"/>	Annexation
<input type="checkbox"/> Vacation	<input type="checkbox"/>	<input type="checkbox"/>	County Submittal
<input type="checkbox"/> Variance (Non-Zoning)	<input type="checkbox"/>	<input type="checkbox"/>	EPC Submittal
SITE DEVELOPMENT PLAN		<input type="checkbox"/>	Zone Map Amendment (Establish or Change Zoning)
<input type="checkbox"/> for Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	Sector Plan (Phase I, II, III)
<input type="checkbox"/> for Building Permit	<input type="checkbox"/>	<input type="checkbox"/>	Amendment to Sector, Area, Facility or Comprehensive Plan
<input type="checkbox"/> Administrative Amendment (AA)	<input type="checkbox"/>	<input type="checkbox"/>	Text Amendment (Zoning Code/Sub Regs)
<input type="checkbox"/> IP Master Development Plan	<input type="checkbox"/>	<input type="checkbox"/>	Street Name Change (Local & Collector)
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<input type="checkbox"/>	<input type="checkbox"/>	APPEAL / PROTEST of...
STORM DRAINAGE		<input type="checkbox"/>	Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
<input type="checkbox"/> Storm Drainage Cost Allocation Plan	<input type="checkbox"/>	<input type="checkbox"/>	

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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (If any): _____ PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: TOM AND SUSAN SLATES PHONE: 505-766-9165
 ADDRESS: 1908 TIERRA VIDA PLACE N.W. FAX: 505-247-1207
 CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: _____
 Proprietary Interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: OWNERS OF TRACT 118E REQUEST PERMISSION TO DIVIDE EXISTING .6833 ACRE R-1 LOT INTO 2 EQUAL R-1 LOTS.

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. TRACT 118E, MRGCD MAP 32 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: _____
 Existing Zoning: R-1 Proposed zoning: R-1
 Zone Atlas page(s): F. 14 UPC Code: 1.014.061.072205:30936 MRGCD Map No 32

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
DRB CASE NO/ PROJECT NO. 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 1 No. of proposed lots: 2 Total area of site (acres): .6833 ACRES
 LOCATION OF PROPERTY BY STREETS: On or Near: 5108 GUADALUPE TRAIL N.W.
 Between: GREGOS N.W. and DELAMAR N.W.

Check-off if project was previously reviewed by Sketch Plat/Plan or Pre-application Review Team . Date of review: _____

SIGNATURE [Signature] DATE JULY 27, 2007
 (Print) TOM SLATES SUSAN SLATES Applicant: Agent:

FOR OFFICIAL USE ONLY

- 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>07 DRB - 70168</u>	<u>SK</u>	_____	\$ <u>0</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date: <u>08/08/07</u>			Total \$ <u>0</u>

Form revised 4/07

Andrew Garcia 7/31/07
 Planner signature / date

Project # 1004906

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

SKETCH PLAT REVIEW AND COMMENT (DRB22)

Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)

Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application
- Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)

Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls 3 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations and cross sections of perimeter walls (11" by 17" maximum) 3 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (verify with DRB Engineer)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03)

Your attendance is required.

- 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
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers 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.

TOM SLATES. SUSAN SLATES

[Handwritten Signature] Applicant signature / date 7/27/07



Form revised 4/07

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

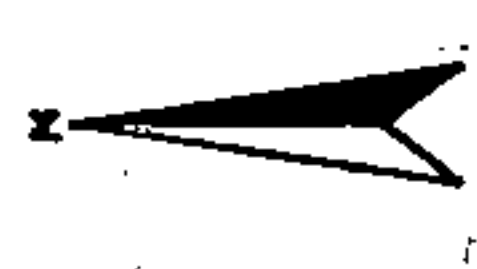
Application case numbers
 07 DRB - 70168

[Handwritten Signature] 7/31/07
 Planner signature / date
 Project # 1004906



LEGAL DESCRIPTION
 T11N
 R3E
 SEC 32

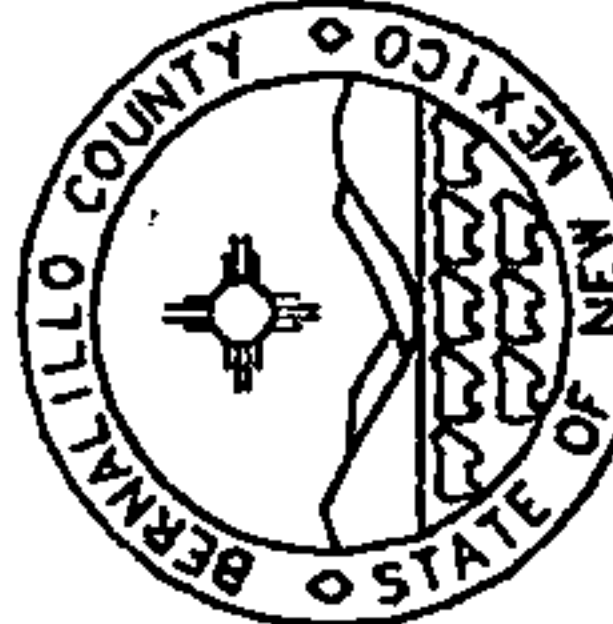
UNIFORM PROPERTY CODE
 1-014-061



TRACT-118E
 0 250 500 1000

SCALE IN FEET

Map amended through July 2004



BERNALILLO COUNTY
 GIS SECTION

This information is for reference only.
 Bernalillo County assumes no liability for errors
 associated with the use of these data. Users are
 solely responsible for confirming data accuracy
 when necessary. Source data are from
 Bernalillo County and the City of Albuquerque.

F-14-Z



Tom and Susan Slates
1908 Tierra Vida Place, NW
Albuquerque, NM 87107
(505) 766-9165

July 31, 2007

Development Review Board
City of Albuquerque

We, the undersigned, are the sole owners of Tract 118E, 5108 Guadalupe Trail NW (zone atlas map F-14Z). We are in the process of constructing our own residence on the eastern half of this lot. We are asking to split this unusually shaped piece of R-1 property into two equal parcels.

Tract 118E is approximately 85 ft. deep and 360 ft. wide with an 8.75 ft. roadway easement on the north side. After subtracting rear yard and front yard setbacks from the 85 ft. lot depth, the remaining building pad is approximately 44 ft. by 345 ft. This property is zoned R-1 (minimum lot area of 6000 sq. ft.) and contains 29,763 sq. ft. An equal lot split would still provide 14,881 sq. ft. per lot, thus maintaining the R-1 zoning.

Our neighbors (5110, 5110 ½, 5118 and 5120 Guadalupe Tr.) are all on lots of ¼ acre or less. We wish to maintain the character of this neighborhood.

The City of Albuquerque is encouraging residential water conservation and infill building to improve our quality of life. We do not have access to an irrigation ditch or water rights and feel that an irrigation well would not be a prudent use of valuable water to maintain a well-landscaped yard that would be of little use to us. Weeds and litter are already a problem in this neighborhood and we do not wish to add to an existing problem by not caring for this area.

The issue of a 17'0" wide access road from Guadalupe Trail has come up before. Neither property owner (5104 or 5110) will sell or trade any of their property to allow for a wider roadway for the first 170 ft. east of Guadalupe Trail.

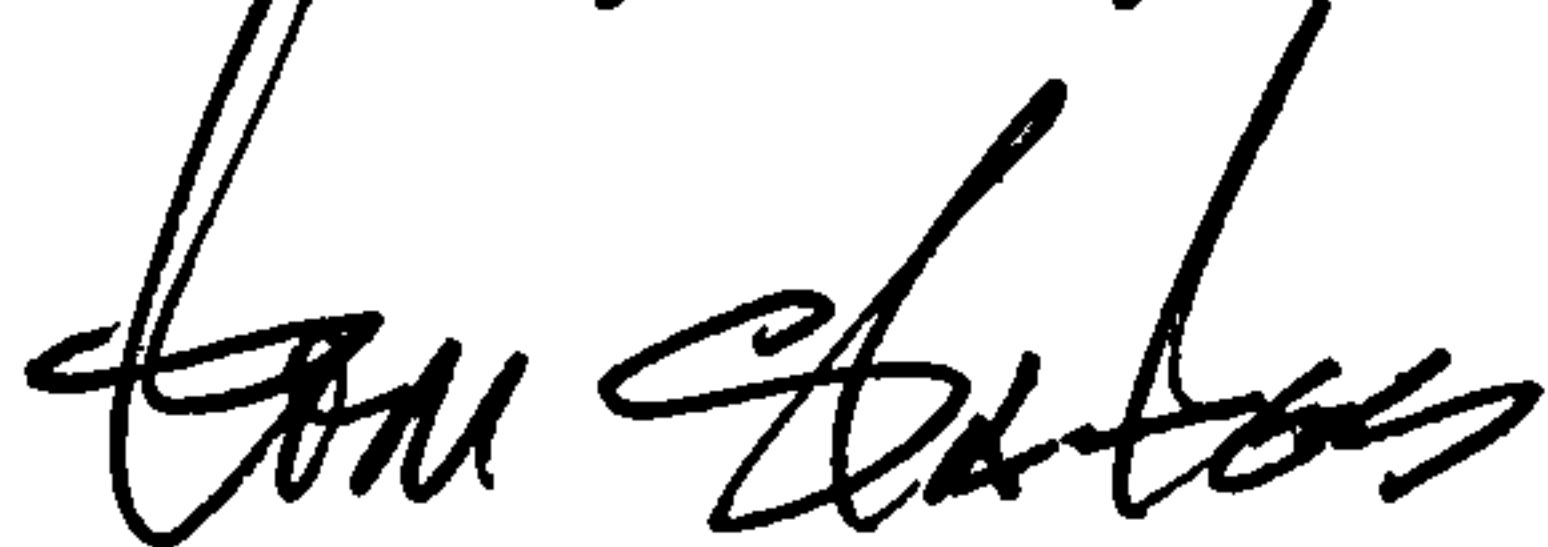
As part of our request for the lot split, we would agree to grant an additional 4 ft. roadway access along the entire north property line of Tract 118E, bringing the roadway to a 26 ft. width. We are also proposing to grant a 25 ft. wide by 120 ft. long hammerhead on the western property line of Lot 118C and Lot 118D for emergency vehicle access and the convenience of our neighbors.

Lot 118C is owned by Nancy Kinnemann and Mary Porter of Falls Church, VA, and will be used for a single family dwelling. We have signed a purchase agreement with a sizeable down payment for Lot 118D and the closing, at the request of the seller, will occur in January 2008. Lot 118D will also have a single residence on it. The building pad widths for these two properties are 78 ft. and 61 ft., far more usable lots than Tract 118E.

Tract 118A and Tracts A, B, C, and D of the Orville Padilla Replat date from November 13, 1979. The access road of 17'0" was approved at that time and the physical characteristics of Tract 118E have not changed since then. We are working to solve some of the problems inherent in these long, dead end access streets so common off Guadalupe Trail.

We believe the approval of the split of Tract 118E will improve the safety and enjoyment of our neighborhood and our neighbors.

Thank you for your consideration,



Tom Slates



Susan Slates

DATE:
4/25/07
SCALE:
1"=30'
CREW:
AH/JW
DRAWN:
ALF
JOB NO.
071342

CARTESIAN SURVEYS INC.

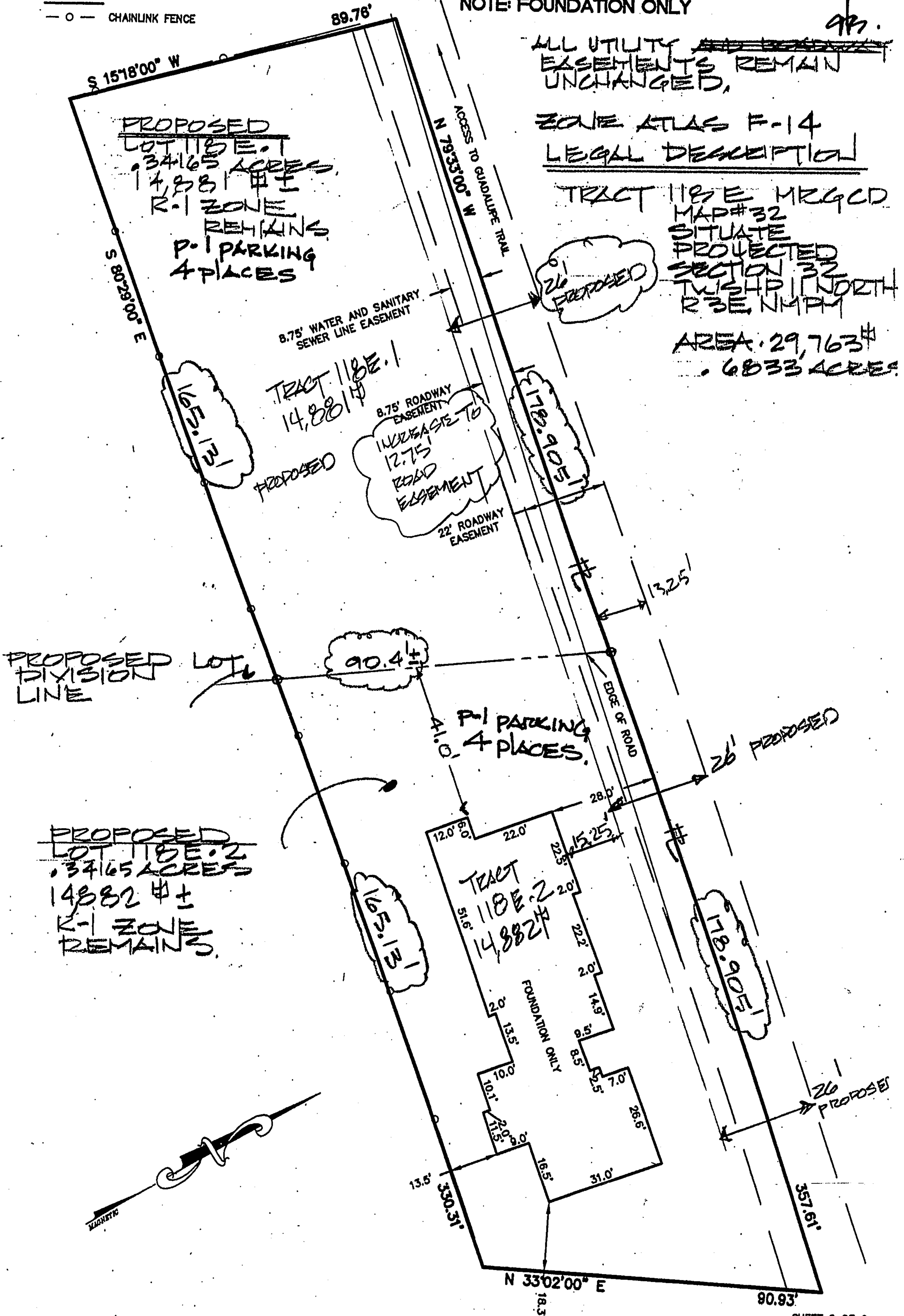
P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896-3050 Fax (505) 891-0244

IMPROVEMENT LOCATION REPORT TRACT 118-E M.R.G.C.D. MAP NO. 32 CITY OF ALBUQUERQUE BERNALILLO COUNTY, NEW MEXICO

LEGEND

— O — CHAINLINK FENCE

NOTE: FOUNDATION ONLY



99.7
~~ALL UTILITY~~
EASEMENTS REMAIN
UNCHANGED,

ZONE ATLAS F-14
LEGAL DESCRIPTION

TRACT 118 E MRGCD
MAP # 32
SITUATE
PROJECTED
SECTION 32
TWP 14 N
R 3 E N 4 PM
AREA: 29,763#
.6833 ACRES

PROPOSED
LOT 118E.2
.34165 ACRES
14882 # ±
R-1 ZONE
REMAINS

PROPOSED
LOT 118E.1
.34165 ACRES
14881 # ±
R-1 ZONE
REMAINS
P-1 PARKING
4 PLACES

TRACT 118E.1
14,881 # ±

P-1 PARKING
4 PLACES

TRACT
118E.2
14,882 # ±

DATE:
4/25/07

SCALE:
1" = 30'

CREW:
AH/JW

DRAWN:
ALF

JOB NO.
071342

CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896-3050 Fax (505) 891-0244

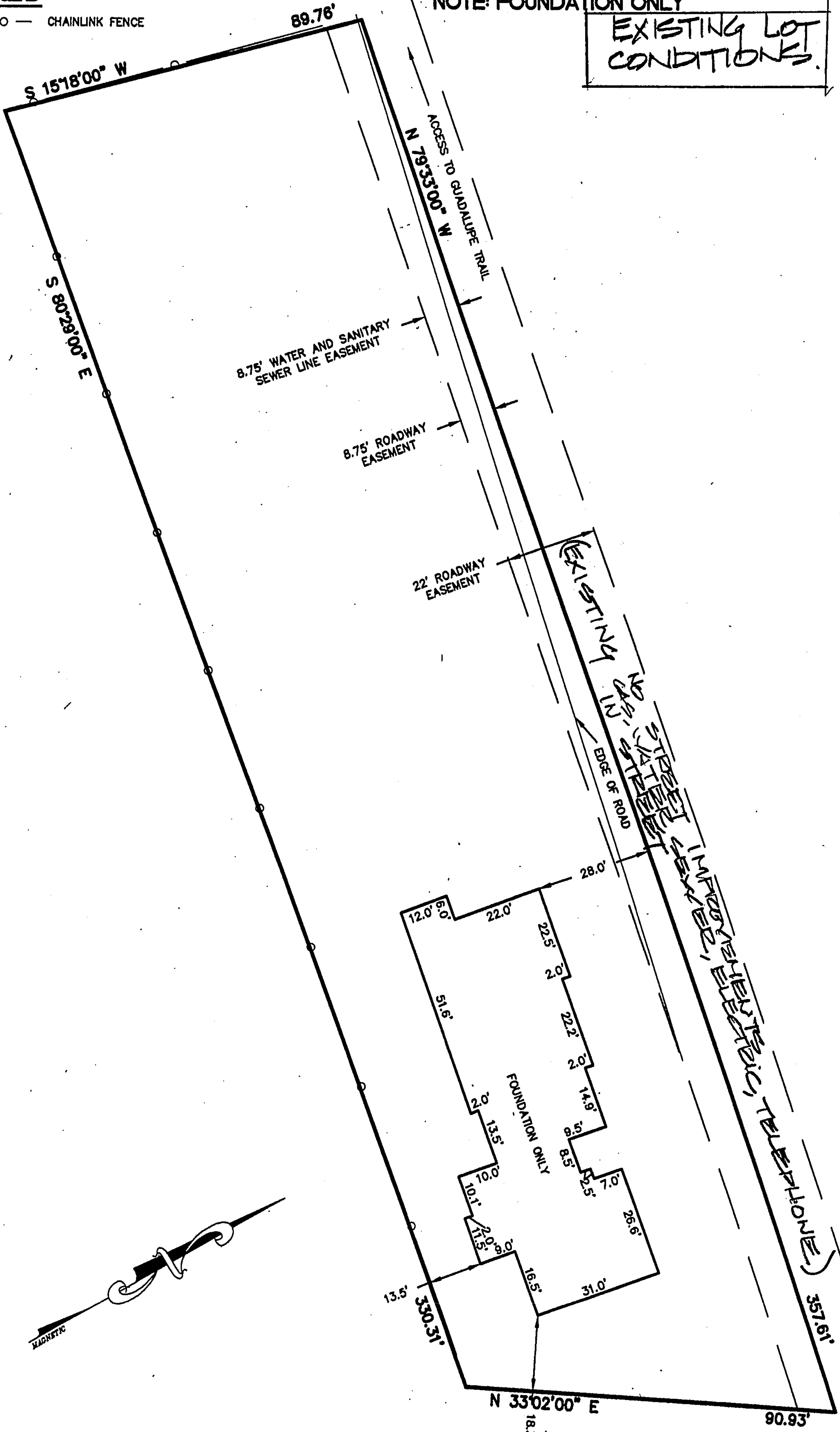
IMPROVEMENT LOCATION REPORT
TRACT 118-E
M.R.G.C.D. MAP NO. 32
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO

LEGEND

— ○ — CHAINLINK FENCE

NOTE: FOUNDATION ONLY

EXISTING LOT
CONDITIONS



City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action *SK*
- 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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Linda Vigil Lopez PHONE: 242-7001 *Cell 280-4211*

ADDRESS: 2300 Calle de Sancho NW FAX: -

CITY: Alb STATE NM ZIP 87104 E-MAIL: lvigil-lopez@comcast.net

Proprietary interest in site: Owner List all owners: Linda Vigil Lopez and David Lopez

AGENT (if any): Tom Slates PHONE: 766-9165

ADDRESS: 1908 Tierra Vida Pl NW FAX: 505-247-1207

CITY: Alb STATE NM ZIP 87107 E-MAIL: -

DESCRIPTION OF REQUEST: Proposal to divide existing three lots into 7 R-1 lots,

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. UPC#

Lot or Tract Nos: TR 118C (1-014-061-109207-30935) Block: - Unit: -

Subdiv./Addn. TR 118D (1-014-061-108198-30938) TR 118E (1-014-061-072205-30936)

Current Zoning: R-1 Proposed zoning: R-1

Zone Atlas page(s): F 142 No. of existing lots: 3 No. of proposed lots: 7

Total area of site (acres): ± 2 acres Density if applicable: dwellings per gross acre: 3-4 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. See above Tract Nos MRGCD Map No. 32

LOCATION OF PROPERTY BY STREETS: On or Near: 5000 Guadalupe Trail NW / Griegos Rd NW / Delamar NW

Between: Arrieros Rd NW and Montano Rd NW

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): NA

Check-off if project was previously reviewed by Sketch Plat/Plan?, or Pre-application Review Team?. Date of review: -

SIGNATURE Linda Vigil Lopez DATE 5-17-06

(Print) Linda Vigil Lopez 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

06DRB - 00699

Action

SK

S.F.

5(3)

Fees

\$ 0.00

Total

\$ 0.00

Hearing date

5-31-06

Ki Sis

Project #

1004906

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
- Design elevations & cross sections of perimeter walls 3 copies
- 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
- Copy of recorded SIA
- 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.

Linda Vigil Lopez Applicant name (print)
Linda Vigil Lopez Applicant signature / date
 5-17-06



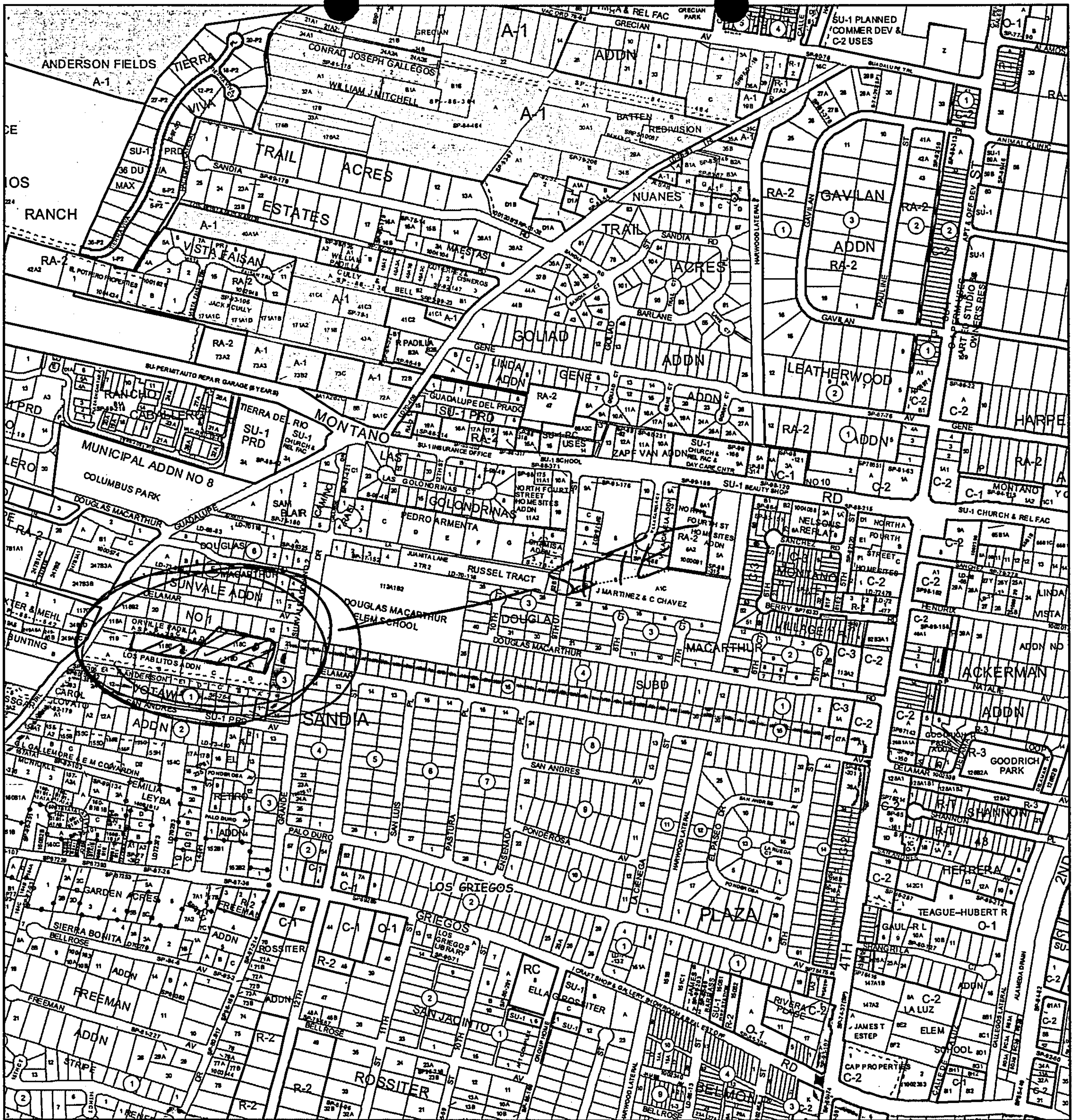
Form revised 8/04, 1/05 & 10/05

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
 06223 - 00699

Ki Sis 5/17/06 Planner signature / date

Project # 1004906



For more current information and more details visit: <http://www.cabq.gov/gis>

AGIS
Albuquerque Geographic Information System

Map amended through: 5/1/2006

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
F-14-Z

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 750 1,500
Feet

~~June~~ May 17, 2006

Sharon Matson
Development Review Board
City of Albuquerque

Dear Ms. Matson: Re: Proposal to subdivide property

As owner of Tracts 118 C, D, E located on 5022 Guadalupe Trail NW, Alb, NM, I propose a subdivision from 3 lots to 7 lots for residential purposes (R-1). The land is located in Section 32 Township 11N Range 3 East NM PN Bernalillo County Tracts.

Jinda Vigil Joo
2300 Calle de Sancho NW
Alb, NM 87104
242-7001
Cell 280-4211