

DRB CASE ACTION LOG - BLUE SHEET

Complete
6-16-17 VS

- Preliminary/Final Plat [FP]
- Site Plan - Subdivision [SPS]
- Site Plan - Building Permit [SBP]

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

Site Plans: It is the responsibility of the applicant/agent/developer/owner to insert the DRB approved Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of building permit plansets. If the building permit plans have been submitted prior to the Site Plan for Subdivision and/or Site Plan for Building Permit being signed-off, then it is the responsibility of the applicant/agent/developer/owner to insert a copy of the signed-off Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of the building permit plansets.

Project #: 1009536

Application #: 13DRB-70674

Project Name: NZ COMMERCIAL OFFICE CENTER

Agent: Bordenave Designs

Phone #:

Your request was approved on 9-18-13 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed

TRANSPORTATION: provide dimensioned exhibit

ABCWUA:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

PLANNING (Last to sign): red, white sigatures
verify 5-ft rear landscape buffer

PLATS:

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.
- County Treasurer's signature must be obtained prior to the recording of the plat with County Clerk.

Property Management's signature must be obtained prior to Planning Department's signature.

AGIS DXF File approval required.

Copy of recorded plat for Planning.

ALL SITE PLANS:

3 copies of the approved site plan. Include all pages.

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CITY ENGINEER / AMAFCA:

PARKS / CIP:

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**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
September 18, 2013
DRB Comments**

ITEM # 3

PROJECT # 1009536/ 1005390

APPLICATION # 13-70674

RE: Lot 12-A, NZ Commercial Office Center

A more detailed exhibit is needed to demonstrate compliance with the required 6 foot rear landscape buffer per the Zoning Code; the submitted Topo Map scales at 5 feet, so an additional one foot landscape easement may be needed (or a variance to the rear landscape buffer). Additionally, the approved site plan for 1005390 needs to be amended as it shows further landscaping improvements into proposed new lot.

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

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

09/10/2013 Issued By: E08375 205935

Category Code **910**
2013 070 674

Application Number: 13DRB-70674, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: RANDOLPH SE BETWEEN YALE SE AND UNIVERSITY SE

Project Number: 1009536

Applicant
RANDOLPH PROJECT LLC

10500 COPPER AVE NE SUITE T
ALBUQUERQUE NM 87113
268-9742

Agent / Contact
BORDENAVE DESIGNS

PO BOX 91194
ALBUQUERQUE NM 87199
823-1344

Application Fees

APN Fee

Conflict Mgmt Fee **\$20.00**

DRB Actions **\$285.00**

TOTAL: **\$305.00**

City of Albuquerque Treasury
Date: 9/10/2013 Office: ANNEX
Stat ID: W5000007 Cashier: TRSDLF
Batch: 2548 Trans #: 8
Permit: 2013070674
Receipt Num 00151301
Payment Total: \$305.00
0901 Conflict Mgmt. Fee \$20.00
0903 DRB Actions \$285.00
Check Tendered : \$305.00

9536

DXF Electronic Approval Form

DRB Project Case #: 1009536

Subdivision Name: NZ COMMERCIAL OFFICE CENTER / LOTS 12A1 & 12A2

Surveyor: JEAN J BORDENAVE

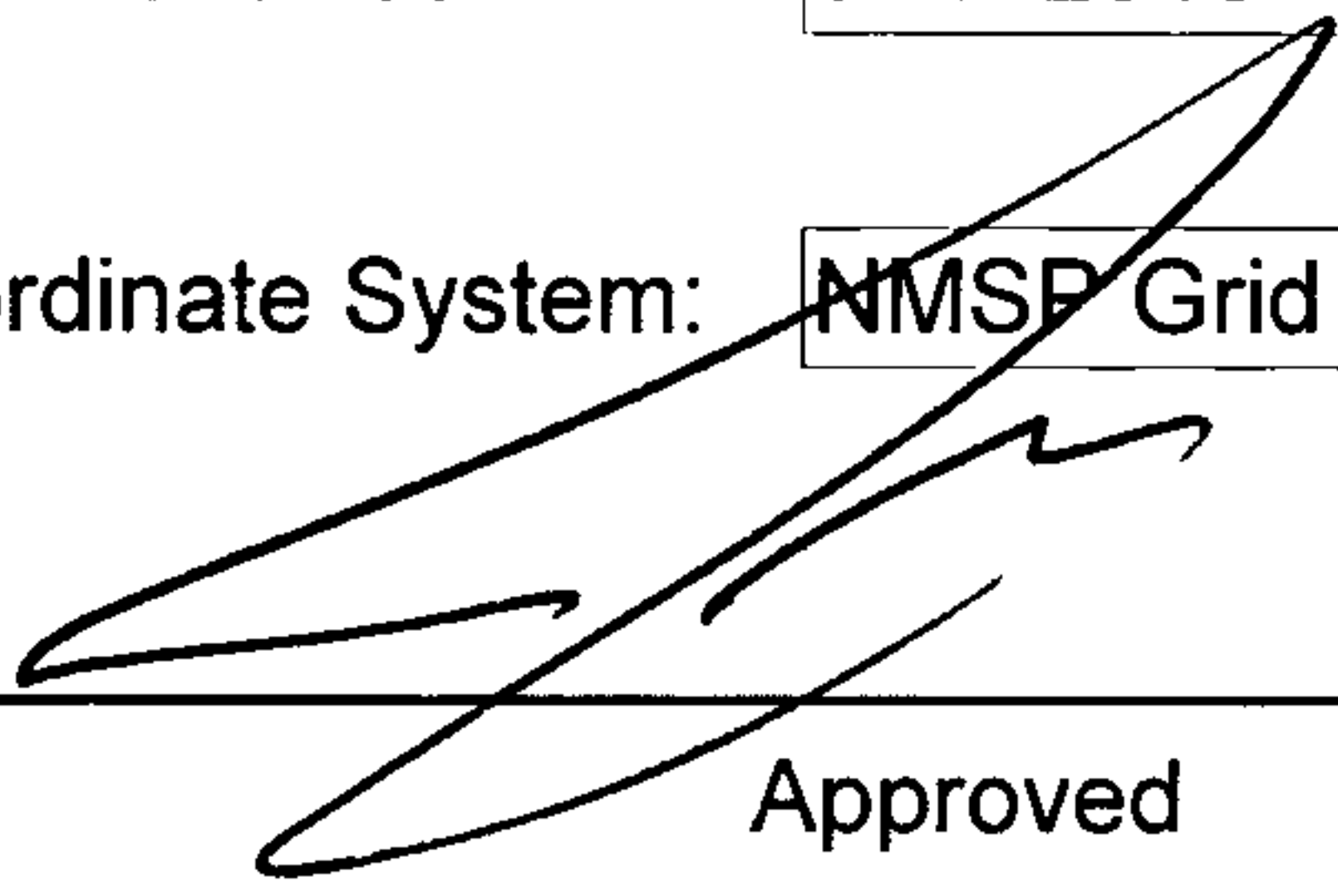
Contact Person: JAKE BORDENAVE

Contact Information: 5058219105

DXF Received: 9/12/2013

Hard Copy Received: 9/12/2013

Coordinate System: NMSP Grid (NAD 83)



Approved

9/12/13

Date

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

AGIS Use Only

Copied fc **9536** to agiscov on **9/12/2013** Contact person notified on **9/12/2013**



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 Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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): BORDENAVE DESIGNS PHONE: 823-1344
 ADDRESS: P.O. Box 91194 FAX: 821-9105
 CITY: Albuquerque STATE NM ZIP 87199 E-MAIL: jbk@bordenave.com
net

APPLICANT: RANDOLPH PROJECT LLC PHONE: 268-9742
 ADDRESS: 10500 Copper Ave NE, Suite T FAX: _____
 CITY: Albuquerque, NM STATE NM ZIP 87113 E-MAIL: Dave.Sparks@divot-services.com
 Proprietary interest in site: Owner List all owners: Rodolfo

DESCRIPTION OF REQUEST: Subdivide one parcel into 2

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. 12-A Block: - Unit: -
 Subdiv/Addn/TBKA: N2 COMMERCIAL-OFFICE CENTER
 Existing Zoning: IP Proposed zoning: IP MRGCD Map No -
 Zone Atlas page(s): M-15 UPC Code: 101505536532210403

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1009536
Proj. No.
12 ZHE-80389

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 1 No. of proposed lots: 2 Total site area (acres): 3.84 Ac.
 LOCATION OF PROPERTY BY STREETS: On or Near: RANDOLPH SE
 Between: YALE SE and UNIVERSITY SE

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: -

SIGNATURE [Signature] DATE 09/10/13
 (Print Name) JEAN J. (JAKE) BORDENAVE Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 4/2012

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>BDRB 70674</u>	<u>PBF</u>		<u>\$285.00</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 checked="" type="checkbox"/> AGIS copy has been sent				\$
<input checked="" 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>\$305.00</u>

Hearing date September 18, 2013

[Signature] 9-10-13
 Staff signature & Date

Project # 1009536

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
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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**
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I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

JEAN J. (JAKE) BODDENAVE
Applicant name (print)
[Signature] 09/10/13
Applicant signature / date



Form revised October 2007

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

Application case numbers
13 DRB - 20674

[Signature] 9-10-13
Planner signature / date
Project # 1009536



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Zone Atlas page(s): M-15 UPC Code: 101506536532210403

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CASE INFORMATION:

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No. of existing lots: 1 No. of proposed lots: 2 Total site area (acres): 3.84 Ac.
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Between: YALE SE and UNIVERSITY SE

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

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FOR OFFICIAL USE ONLY

Revised: 4/2012

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JEAN J. (LUKE) BORDENAVE
Applicant name (print)
[Signature] 09/10/13
Applicant signature / date

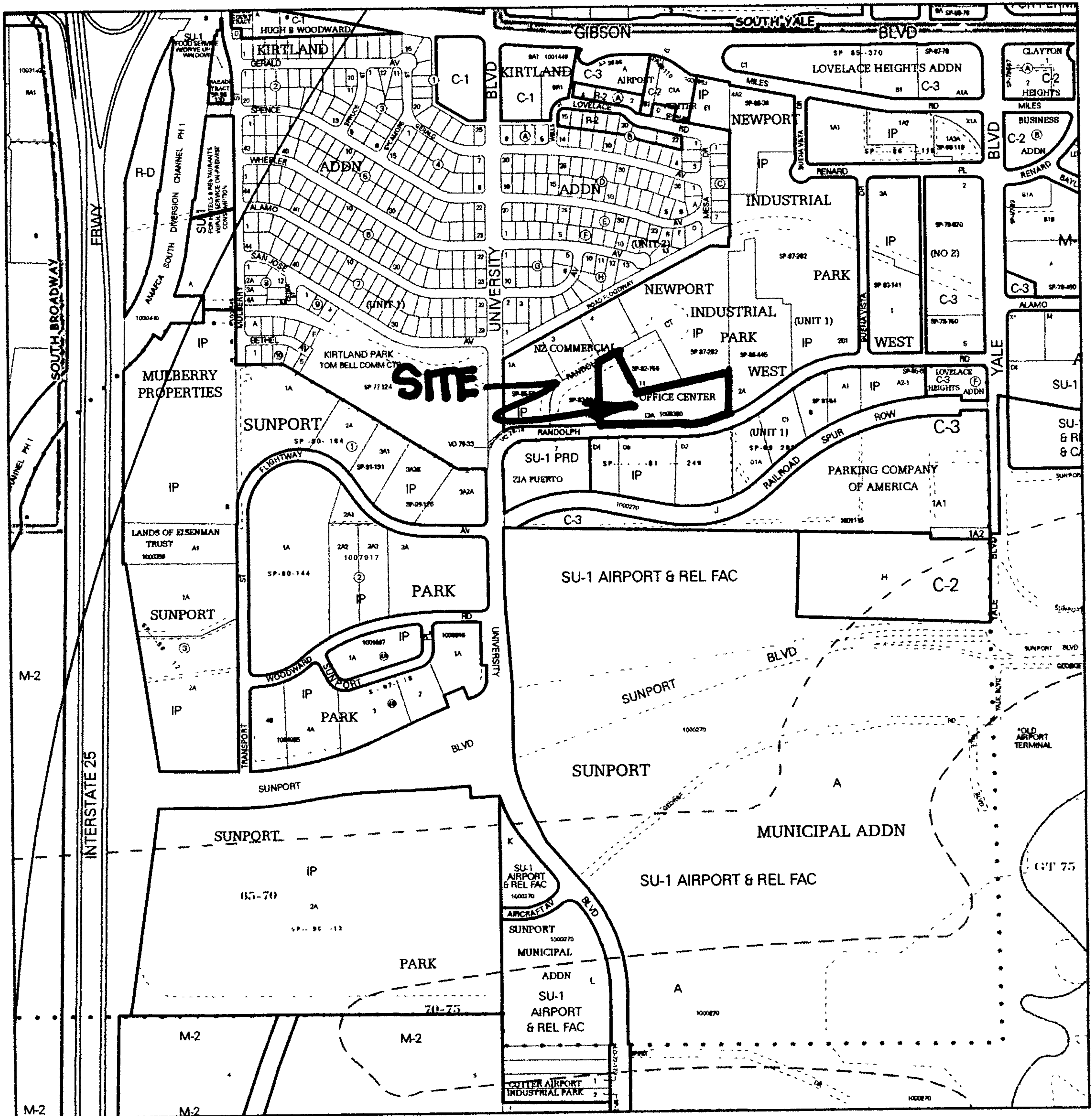


Form revised October 2007

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Application case numbers
13 DRB - 20674

[Signature] 9-10-13
Planner signature / date
Project # 1009536



For more current information and more details visit: <http://www.cabq.gov/gis>

Map amended through: 1/24/2011

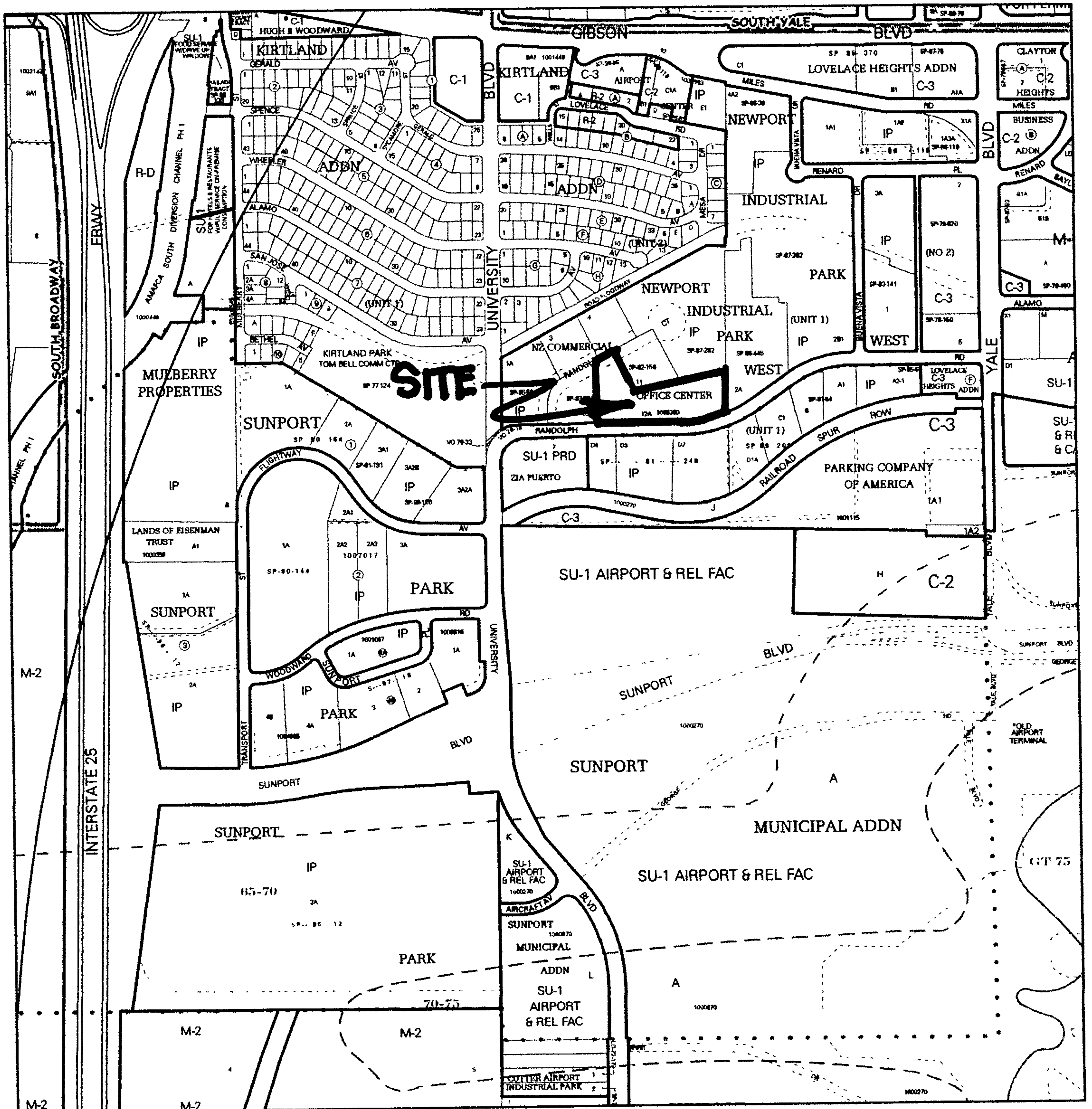
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
M-15-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



For more current information and more details visit: <http://www.cabq.gov/gis>

Map amended through: 1/24/2011

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
M-15-Z

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Design Overlay Zones	2 Mile Airport Zone
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Petroglyph Mon.	

0 750 1,500 Feet



Legend

- City Parcels
- Municipal Limits**
- CORRALES
- EDGEWOOD
- LOS RANCHOS
- RIO RANCHO
- TIJERAS
- UNINCORPORATED AREAS
- World Street Map

Notes

0.1 0 0.03 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
8/27/2013 © City of Albuquerque

This map is a user generated static output from www.cabq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES





Sept. 10, 2013

City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87102

Attn: DRB Member
Re: Lot 12-A, NZ Commercial-Office Center

The site is composed of a portion of what was Lots 9, 10 and 12 of the subject subdivision. The three lots were combined in 2007 to be Lot 12-A and an office building was constructed on the southerly portion of the lot.

The northerly portion of the lot is vacant and has become an weed patch and a maintenance headache. The lot owner wants to subdivide the parcel to allow a separate building to be constructed on the northerly portion.

The northerly portion is slightly larger than one-half acre in area but the net area is less than one-half acre. The case was submitted to the ZHE and a waiver for the lot size was granted. This plat is based on the waiver for lot size.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean J. Bordenave', is written over the typed name.

Jean J(Jake) Bordenave

P.O. Box 91194
Albuquerque, NM 87199-1194
Phone (505)823-1344 Fax (505)821-9105 Cell 480-6812
Email jakebordenave@mindspring.com



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

RANDOLPH PROJECT, LLC., (JAKE BORDENAVE, AGENT) request(s) a special exception to Section 14-16-2-19(D): a VARIANCE of .16 acres to the minimum lot size of .5 acres for a proposed lot area for all or a portion of Lot(s) 12A, NZ COMMERCIAL OFFICE CENTER zoned IP, located on 1711 RANDOPLH RD SE (M-15)

Special Exception No:..... **12ZHE-80389**
Project No: **Project# 1009536**
Hearing Date: 02-19-13
Closing of Public Record: 02-19-13
Date of Decision: 03-05-13

On the 19th day of February, 2013 (hereinafter "**Hearing**") Mr. Jake Bordenave, (hereinafter "**Agent**") acting as agent on behalf of the property owner, Randolph Project, LLC., (hereinafter "**Applicant**") appeared before the Zoning Hearing Examiner (hereinafter "**ZHE**") requesting a VARIANCE of .16 acres to the minimum lot size of .5 acres for a proposed lot area (hereinafter "**Application**") upon the real property located at 1711 RANDOLPH RD SE ("**Subject Property**"). Below are the findings of facts:

FINDINGS:

1. Applicant/Agent is requesting a VARIANCE of .16 acres to the minimum lot size of .5 acres for a proposed lot area.
2. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (a) "SPECIAL EXCEPTIONS" reads in part: "*Variance. A variance shall be approved if and only if the following tests are met: (a) The property is exceptional*"
3. Applicant/Agent testified at the Hearing that the Subject Property is exceptional for the following reasons:
 - a. Exceptionality Reason #1: The Subject Property has a dramatic downward slope from the "back wall" of the State of New Mexico parking lot, to the curb of the right of way platted through the middle of the property. This unusual topography existed prior to the adoption of the zoning code.
 - b. Exceptionality Reason #2: The Subject Property is unusually pie shaped, as a result of the State of New Mexico property that was constructed on the larger portion of the subject property. This was a self imposed exceptional element and therefore does meet the variance criteria (however subsection a. above remains an effective exceptional argument).
 - c. Exceptionality Reason # 3: The Subject Property has a large right of way that was platted through a portion of this property rendering the gross acreage .51 (which meets the minimum lot size required by

ordinance), and the net acreage (factoring in the reduction in size of the property as a result of the right of way), in the amount of .35 acres. Upon ZHE's information, the government paid no compensation to the Applicant or neighboring property owners for the right of way. This exceptional argument did not exist prior to the adoption of the zoning code, and therefore is not under consideration by the ZHE, however subsection a.) remains a valid argument for exceptionality.

4. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (b) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (b) as a result of the exceptional aspect of the property, the regulations produce unnecessary hardship*"
5. Applicant testified at the Hearing that as a result of the exceptionality (dramatic topography and slopes of the Subject Property) that the City of Albuquerque Code of Ordinances (Zoning Designation "IP" – Minimum Lot size regulation of a half acre) creates a regulation that produces an unnecessary hardship upon the Applicant and the Subject Property. This regulation would preclude the construction of all improvements on this property, because of its failure to meet the minimum lot sizes by .15 acres.
6. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (c) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (c) a particular variance is appropriate to prevent the unnecessary hardship.*"
7. Applicant/Agent testified at the Hearing that the variance Application (.15 acres of the minimum lot size), if approved, would be appropriate to prevent the unnecessary hardship.
8. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (d) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (d) financial gain or loss shall not be the sole determining factor in deciding a variance.*"
9. The Application and the testimony provided by the Applicant/Agent at the Hearing both suggest that financial gain/loss was not the sole determining factor of the Application.
10. The Application, File and testimony of the Applicant/Agent at the Hearing suggest that there is no neighborhood opposition to the Application, provided however at the hearing Mr. Randolph Gurule spoke regarding his concerns for the storm water drainage issues, and added that the property "is too small to building anything on it", and "the property is an eye sore", and "kids play on this property." At the conclusion of the Hearing the ZHE inquired of Mr. Gurule whether he would support this variance application if the Applicant were **required** to resolve all storm water drainage issues with the appropriate member of City of Albuquerque Staff (Development Review Board), and Mr. Gurule responded that he would support the variance application provided all the storm drainage issues were resolved on the Subject Property (and approved by the City of Albuquerque). Mr. Randolph Gurule indicated that the property was slope ("kids play on the slopes of the Subject Property.")

11. The ZHE finds that the Subject Property is subject to exceptional topography and slopes (that is not similar to most of the surrounding properties and which existed prior to the adoption of the zone code). The ZHE finds that the property is in fact "exceptional" as provided in the Zoning Code criteria for a variance.
12. Applicant/Agent testified at the Hearing that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.
13. The ZHE finds that the property is zoned IP, and that the state government building was built on the larger platted property in 2007 (after a platting action to combine Lots 9, 10 and 12). The Applicant is now seeking to subdivide the .51 gross acre remaining parcel (.35 usable acreage – after factoring in the right of way).
14. The Applicant/Agent has adequately justified the variance Application upon the Subject Property pursuant to City of Albuquerque Code of Ordinances Section § 14-16-4-2 SPECIAL EXCEPTIONS.

DECISION:

APPROVAL WITH CONDITIONS of a **VARIANCE** of .16 acres to the minimum lot size of .5 acres for a proposed lot area.

CONDITIONS OF APPROVAL:

1. The Applicant shall ensure that the storm water drainage generated on site (and off site storm water transported through the site via a storm water easement) is resolved by receiving a grading and drainage plan approval from the City of Albuquerque (Development Review Board), prior to the issuance of any building permit on the Subject Property.

If you wish to appeal this decision, you may do so by 5:00 p.m., on March 20, 2013 in the manner described below:

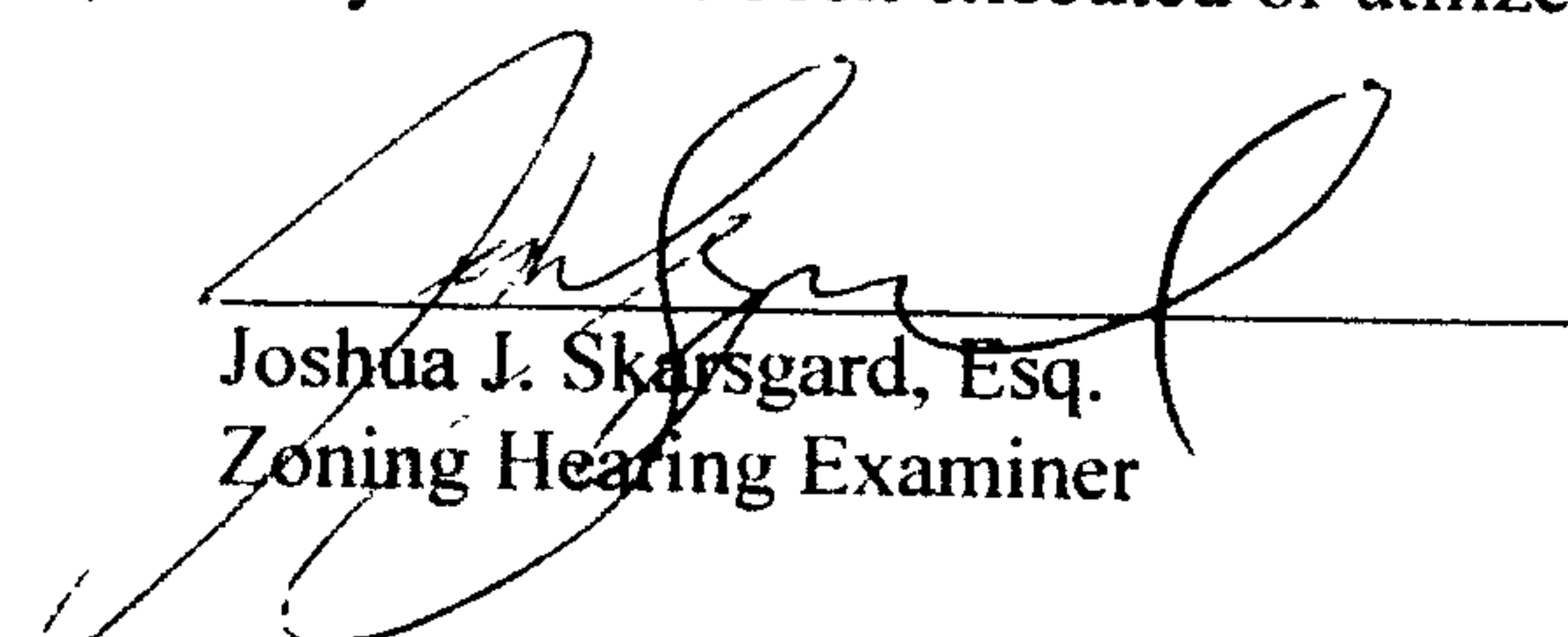
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$150.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14.16.4.4.(B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



Joshua J. Skarsgard, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File

Jake Bordenave, PO Box 91194, 87199
Randolph Project LLC., 5620 Venice Ave NE, 87113
Randall Gurule, 1710 Randolph Court SE, 87106

PROJECT

1009536

App #

Action

Date

13-70674

P&F
/

9-18-13

September 18. 2013