



# **DEVELOPMENT REVIEW APPLICATION**

Effective 4/17/19

Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.									
Administrative Decisions	De	Decisions Requiring a Public Meeting or Hearing			Policy	Policy Decisions			
☐ Archaeological Certificate (Form P3)	icate (Form P3)			g any Variances – EPC		☐ Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)			
☐ Historic Certificate of Appropriateness – Minor (Form L) ☐ Master Development Plan (Form L)			n (Form P1)	☐ Adoption or Amendment of Historic Designation (Form L)					
□ Alternative Signage Plan (Form P3) □ Historic Certificate of Appropriateness – Major (Form L)					□ Am	☐ Amendment of IDO Text (Form Z)			
Minor Amendment to Site Plan (Form P3) □ Demolition Outside of HF			PO (Form L)	☐ Anr	□ Annexation of Land <i>(Form Z)</i>				
□ WTF Approval (Form W1) □ Historic Design Standard			s and Guidelines (Form L)	□ Am	☐ Amendment to Zoning Map – EPC (Form Z)				
		☐ Wireless Telecommunications Facility Waiver (Form W2)			☐ Amendment to Zoning Map – Council (Form Z)				
					Appea	Appeals			
					☐ Dec	☐ Decision by EPC, LC, ZHE, or City Staff (Form A)			
APPLICATION INFORMATION									
Applicant: Duff Real Estate LLC					Phone:				
Address: 800 HWY 98				<b>.</b>	Email:				
City: Columbia				State: MS	Ziţ	Zip: 39429-8255			
Professional/Agent (if any): Tierra West, LLC					Ph	Phone: 505-858-3100			
Address: 5571 Midway Park Place NE					Email: vcarrica@tierrawestllc.com				
City: Albuquerque				State: NM	State: NM Zip: 87109				
Proprietary Interest in Site: Owner			List all owners:						
BRIEF DESCRIPTION OF REQUEST									
Minor	Amendme	nt To Site Plar	n to	include perimeter	fence	<b>)</b> .			
SITE INFORMATION (Accuracy of the	e existing lega	l description is cruc	ial!	Attach a separate sheet if	necess	ary.)			
Lot or Tract No.: TR 2B Plat for T	d 2-B	12-B Block:			Unit: Unit 5				
Subdivision/Addition: Avalon Subdivision		MF		MRGCD Map No.:		UPC Code: 100905818603330104			
Zone Atlas Page(s): J-9-Z		Existing Zoning: NR-BP			Proposed Zoning: NR-BP				
# of Existing Lots: 1		# of Proposed Lots: 1			To	Total Area of Site (acres): 5.8255			
LOCATION OF PROPERTY BY STREETS									
Site Address/Street: Daytona Rd NW Albuquerque, NM 87121 Between: Daytona Rd NW					and: 90th Street NW				
CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)									
1008585, 1009438, PR-2020	)-004747, P	R-2021-005171							
Signature: 16 fee:					Date: 5.19.2023				
Printed Name: Vincent Carrica					☐ Applicant or ☑ Agent				
FOR OFFICIAL USE ONLY									
Case Numbers Action		Fees	Fees Case Numbers			Action	Fees		
Meeting/Hearing Date:					Fe	Fee Total:			
Staff Signature: Date:					Pr	Project #			

FORM P3 Page 1 of 3

#### FORM P3: ADMINISTRATIVE DECISIONS AND MINOR AMENDMENTS

#### \_ ARCHAEOLOGICAL CERTIFICATE

A Single PDF file of the complete application including all documents being submitted must be emailed to <a href="PLNDRS@cabq.gov">PLNDRS@cabq.gov</a> prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

1) Development Review application form completed, signed, and dated
2) Form P3 with all the submittal items checked/marked
3) Zone Atlas map with the entire site clearly outlined and labeled
4) Letter of authorization from the property owner if application is submitted by an agent
5) Archaeological Compliance Form with property information section completed
6) Only the information above is required unless the City Archaeologist determines that the application does not qualify for a Certificate of No Effect, in which case a treatment plan prepared by a qualified archaeologist that adequately mitigates any archeological impacts of the proposed development must be submitted and reviewed for a Certificate of Approval per the criteria in IDO Section 14-16-6-5(A)(3)(b)
_ MINOR AMENDMENT TO SITE PLAN – ADMIN, EPC, or DRB
A Single PDF file of the complete application including all documents being submitted must be emailed to <a href="https://example.com/PLNDRS@cabq.gov">PLNDRS@cabq.gov</a> prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. <a href="https://example.com/The PDF shall be organized in the number order below.">The PDF shall be organized in the number order below.</a>
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4) Letter of authorization from the property owner if application is submitted by an agent
5) Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(Y)(2)
6) The approved Site Plan being amended
7) Copy of the Official Notice of Decision associated with the prior approval
8) The proposed Site Plan, with changes circled and noted  Refer to the Site Plan Checklist for information need on the proposed Site Plan  Minor Amendments be within the thresholds established in IDO Table 6-4-4. Any amendment beyond these thresholds is

considered a Major Amendment and must be processed through the original decision-making body for the request

FORM P3 Page 2 of 3

# \_ MINOR AMENDMENT TO SITE DEVELOPMENT PLAN APPROVED PRIOR TO THE EFFECTIVE DATE OF THE IDO

A Single PDF file of the complete application including all documents being submitted must be emailed to <a href="https://example.com/PLNDRS@cabq.gov">PLNDRS@cabq.gov</a> prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

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4) Letter of authorization from the property owner if application is submitted by an agent
5) Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(Z)(1)(a)
6) The approved Site Plan being amended
7) Copy of the Official Notice of Decision associated with the prior approval
8) The proposed Site Plan, with changes circled and noted  Refer to the Site Plan Checklist for information need on the proposed Site Plan  Minor Amendments be within the thresholds established in IDO Table 6-4-4. Any amendment beyond these thresholds is considered a Major Amendment and must be processed through the original decision-making body for the request
_ ACCELERATED EXPIRATION OF SITE PLAN
A Single PDF file of the complete application including all documents being submitted must be emailed to <a href="mailto:PLNDRS@cabq.gov">PLNDRS@cabq.gov</a> prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. <a href="mailto:The PDF shall be organized in the number order below">The PDF shall be organized in the number order below</a> .
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2) Form P3 with all the submittal items checked/marked
3) Zone Atlas map with the entire site clearly outlined and labeled
4) Letter of authorization from the property owner if application is submitted by an agent
5) Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-5(C)(3)(b)

\_\_\_\_\_ 6) Site Plan to be Expired

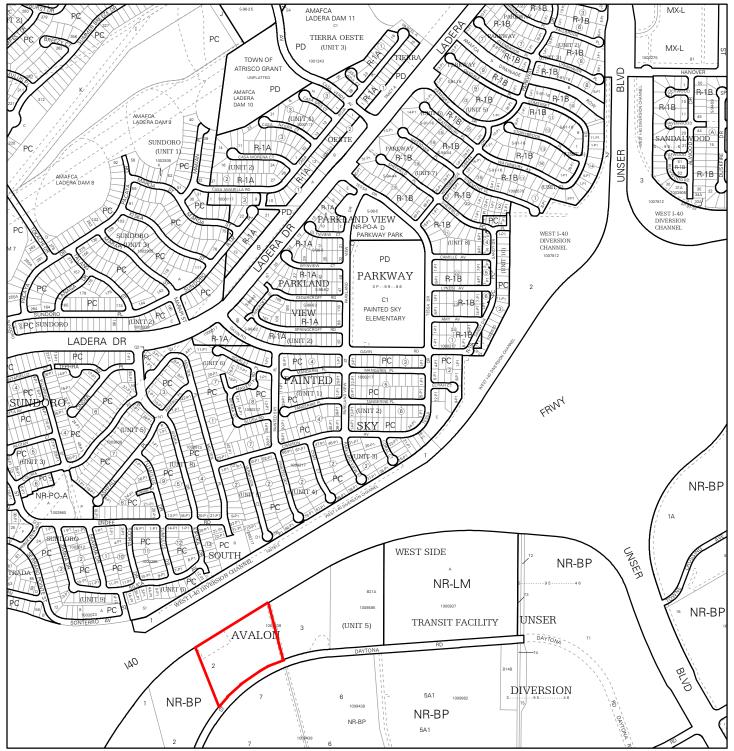
FORM P3 Page 3 of 3

## \_ ALTERNATIVE SIGNAGE PLAN

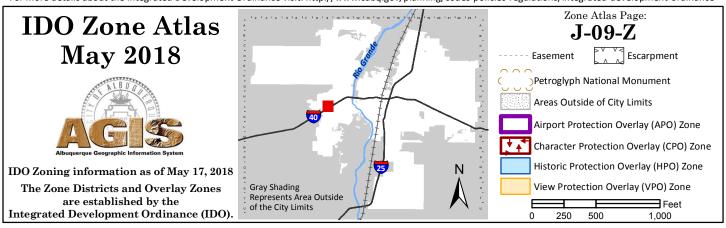
\_\_\_\_\_ 6) Landscape Plan

A Single PDF file of the complete application including all documents being submitted must be emailed to <a href="PLNDRS@cabq.gov">PLNDRS@cabq.gov</a> prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

1) Development Review application form completed, signed, and dated
2) Form P3 with all the submittal items checked/marked
3) Zone Atlas map with the entire site clearly outlined and labeled
4) Letter of authorization from the property owner if application is submitted by an agent
5) Proposed Alternative Signage Plan compliant with IDO Section 14-16-5-12(F)(5)
6) Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-5(C)(3)(b)
7) Sign Posting Agreement
8) Required Content of Notice <u>at Submittal</u> per IDO Section 14-16-6-4(K)(1)
Office of Neighborhood Coordination notice inquiry response
Completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)
Proof of emailed notice to affected Neighborhood Association representatives
_ ALTERNATIVE LANDSCAPING PLAN
A Single PDF file of the complete application including all documents being submitted must be emailed to <a href="mailto:PLNDRS@cabq.gov">PLNDRS@cabq.gov</a> prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.
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5) Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-5-6(C)(16)



For more details about the Integrated Development Ordinance visit: http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance



# **Agent Authorization Form**

May 5, 2023

Mr. James Aranda Planning Administrator City of Albuquerque P.O. Box 1293 Albuquerque, NM 87103

RE:

**ADMINISTRATIVE AMENDMENT** 

TR 2B Plat for Tract 2-A and 2-B Avalon Subdivision Unit 5 (Being Comprised of Tract 3 Avalon Subdivision Unit 5)

Zone Atlas Page: J-09-Z

I/We, (property owner name) <u>Duff Real Estate LLC</u>, as the owner(s) of the real property described as follows. TR 2B Plat for Tract 2-A and 2-B Avalon Subdivision Unit 5 (Being Comprised of Tract 3 Avalon Subdivision Unit 5), do hereby authorize to act as my/our agent (Agents Name), <u>Tierra West, LLC</u>, to execute any and all documents necessary to affect the application approval requested to the Planning Administrator, and to appear on my/our behalf before any administrative or legislative body in the county of Bernalillo considering this application and to act in all respects as our agent in matters pertaining to the application.

Perry Phillips Print Name
Signature
Authorized Representativ
5 17 23 Date



May 19, 2023

Mr. James Aranda Planning Department City Of Albuquerque P.O. Box 1293 Albuquerque, NM 87103

RE: ADMINISTRATIVE AMENDMENT TO APPROVED SITE PLAN (PR-2020-004747)
TR 2B PLAT FOR TRACT 2-A AND 2-B AVALON SUBDIVISION UNIT 5
(BEING COMPRISED OF TRACT 2 AVALON SUBDIVISION UNIT 5)
ZONE ATLAS PAGE:

Dear Mr. Aranda:

Tierra West LLC on behalf of Duff Real Estate LLC requests approval of an Administrative Amendment to Site Plan for Building Permit for the property located at TR 2B Plat for Tract 2-A and 20B Avalon Subdivision Unit 5 (Being Comprised of Tract 2 Avalon Subdivision Unit 5). The subject site is comprised of approximately 5.83 acres and is currently zoned NR-BP. The site is located in northwest Albuquerque east of 98th Street and west of Unser Blvd. It is bordered by Interstate 40 to the north and Daytona Rd to the south. Access to the site will be off Daytona Rd.

#### Request

The amendment requested is to add a 6' security fence along the perimeter of the property. The attached amended site plan shows the location of the proposed security fence. It will be set back from the fronting roadway, Daytona Rd. as shown. Included with this application is a copy of the original DRB approval of the site plan (PR-2020-004747, SI-2021-00484) with supporting documents and a copy of the Notice of Decision. This approved plan includes an area in the northeast corner of the subject site that is to be fenced for storage purposes. The fencing material proposed for the perimeter security fencing is 3-D fencing, similar to the perimeter fencing installed with the adjacent Utility Trailor development to the east. In addition, a 10' electric fence is proposed to be constructed within the subject property, offset from the 3-D perimeter fence by approximately 6 to 12 inches.

This amendment does not change any traffic, drainage, or site planning elements other than adding the security fence. The security fence is necessary to protect the property from theft and loss of inventory. The project is under construction and they have already lost skid steer equipment and numerous construction materials from the site.

#### **IDO Decision Criteria**

The justification presented below addresses the Minor Amendment request requirements pursuant to IDO Section 14-16-6-4(Y)(2):

6-4(Y)(2)(a) Minor Amendments

 The amendment is necessary because of site conditions or user requirements that were not known, and could not reasonably have been known, at the time the City approved the approval that is proposed to be amended, and that were not created by the actions of the owner of the property. RESPONSE: During construction of the site improvements and building facilities for a new Southern Tire Mart, the contractor and developer have experienced a high rate of theft and vandalism on site. The owners are concerned that this will continue after the facility is built and open for business and feel a perimeter security fence is necessary for preventative measures. The high theft and vandalism rate was not anticipated by the developer or owner of the property at the time of initial entitlements.

2. The amendment does not increase or decrease the dimension of any standard beyond the thresholds allowed as minor amendments pursuant to Table 6-4-4 (cumulative of any earlier deviations or amendments).

RESPONSE: The amendment will not increase or decrease dimensional standards.

3. The amendment does not decrease the total amount of open space in the development and does not reduce the size of any open space abutting a lot containing a residential use.

RESPONSE: The amendment will not decrease the amount of open space within or adjacent to the development.

4. The amendment does not reduce any building setback adjacent to development containing a residential use.

RESPONSE: No building setbacks will be reduced by this amendment adjacent to development containing residential uses.

5. The amendment does not increase the maximum number of residential dwelling units in the development from that shown in the existing permit, approval, or plan. If the property is located in a DR-UC-MS-PT area, the amendment does not decrease the required number of residential dwelling units in the development from that shown in the existing permit, approval, or plan.

RESPONSE: No residential dwelling units are proposed for the subject property.

6. The amendment does not adjust a building design standard unless doing so improves the perception of building quality, variety, durability, and articulation when viewed from adjacent streets and abutting properties.

RESPONSE: Building design standards will not be adjusted by the amendment.

7. The amendment does not reduce the amount of total landscaping installed on the subject property or the amount of screening or buffering required on portions of the site abutting any property containing residential dwelling units and does not waive or weaken any other landscaping or buffering requirement unless the ZEO determines that alternative building design elements included in the amendment improve the visual quality and screening and buffering effect of landscaping as viewed from adjacent streets and public areas.

RESPONSE: The proposed landscaping to be installed on the subject property will remain as approved in the initial Site Plan set.

8. The amendment does not increase the traffic accessing the subject property from local streets and does not increase or decrease the number of through streets, sidewalks, trails, or trail connections passing through the property or connecting to or designed to connect to abutting properties.

RESPONSE: The amendment will not affect traffic accessing the subject property and will not decrease the number of streets, sidewalks, trails or trail connections passing through the property or connecting to abutting properties.

9. The amendment does not require major public infrastructure or significant changes to access or circulation patterns on the subject property.

RESPONSE: No major public infrastructure or significant changes to access or circulation patterns on the subject property will be required by the amendment.

10. The amendment does not change a specific condition attached by a decision-making body listed in Table 6-1-1 to a prior development permit, approval, or plan for or including the subject property. For example, a specific condition attached to a prior approval requiring additional buffering to mitigate development impacts shall not be removed through a minor amendment process.

RESPONSE: The amendment will not change specific conditions of prior permits or approvals related to the subject property.

11. The amendment does not affect a property in an Overlay zone as regulated pursuant to Part 14-16-3, in which case amendments may be granted per the original approval process for the Site Plan governing the site.

RESPONSE: The amendment does not affect a property in an Overlay zone.

12. The amendment does not approve any land use that was not authorized by the permit or approval or that is not allowed by right on the subject property.

RESPONSE: The amendment does not approve any land use that was not authorized by the original permit or approval or that is not allowed by right on the subject property.

13. The amendment does not expand nonconformity as regulated per Section 14-16-6-8 (Nonconformities).

RESPONSE: Nonconformity does not currently exist on the subject property.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me at 505-858-3100.

Sincerely,

Vince Carrica, P.E.

Enclosure/s

CC:

JN:

VC/jg

PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3946

### OFFICIAL NOTIFICATION OF DECISION

98th & 1-40 Land LLC 6300 Riverside Plaza Ln. NW Albuquerque, NM 87120

Project# PR-2020-004747
Application#
SI-2021-00484 SITE PLAN
SD-2021-00117 FINAL PLAT

#### **LEGAL DESCRIPTION:**

For all or a portion of: **TRACT 2 PLAT OF TRACTS 1 THRU 12, AVALON SUBDIVISION UNIT 5** zoned NR-BP, located on **DAYTONA RD NW between I-40 and DAYTONA**containing approximately 13.81 acre(s). (J-9)

On June 23, 2021, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the requests, with delegation to Parks and Recreation and Planning for the Site Plan, and delegation to Planning for the Final Plat, based on the following Findings:

#### **SI-2021-00484 SITE PLAN**

- 1. This is a request to construct a facility 32,402 square feet in size, consisting of 3,173 square feet of office space, a 6,868 square foot service area, 7,038 square feet for truck bays, 11,223 square feet of warehouse space, and 4,100 square feet of covered docks on the subject property. The site plan is required to be reviewed by the Development Review Board (DRB) because the site area at 5.83-acres is more than 5-acres in size.
  - 1. <u>Pursuant to 6-6(I)(3) Review and Decision Criteria An application for a Site Plan DRB</u> shall be approved if it meets all of the following criteria:
    - a. <u>6-6(I)(3)(a)</u> The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

The dimensions, parking, landscaping/screening, and façade design meet/exceed the IDO requirements: Tracts 2-A and 2-B, created by the Final Plat, exceed the minimum 100-foot lot width requirement, the proposed building covers approximately 12.8% of the site, less than the 50% maximum building coverage requirement, the proposed building meets the 20-foot front-yard setback requirement and 10-foot side-yard and rear-yard setback requirements, and the 26-foot maximum height of the proposed building is less than the 65-foot maximum permitted building height; 49 parking spaces are proposed when a minimum of 18 parking spaces are required; 90,203 square feet of landscaping is proposed where 34,719 square feet is required, and the screening requirement of 4-3(D)(16)(c) of the IDO is met with the proposed placement of trees along the northern boundary of the site, providing an adequate buffer from the residential development north of the site; and the ground-floor transparent windows, clerestory windows, pedestrian entrance, shade structures, wall plane projections/recesses, three-dimensinal cornice, and change in parapet height along the length of the facades as proposed meet the facade design requirements.

b. 6-6(I)(3)(b) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

The site has access to a full range of urban services including utilities, roads and emergency services. A traffic impact study (TIS) was required for this project, and all recommendations from the TIS were incorporated into an Infrastructure List which was approved with a Preliminary Plat by the DRB on May 19, 2021.

c. <u>6-6(I)(3)(c)</u> If the subject property is within an approved Master Development Plan, the Site Plan shall meet any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.

The subject property is not located within an approved Master Development Plan, therefore this criterion does not apply.

2. The proposed use, Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair, is permitted with a Conditional Use approved by the Zoning Hearing Examiner (ZHE) within the NR-BP zone district. On April 20, 2021, the ZHE approved a Conditional Use for the proposed use, permitting the proposed use on the site.

#### **Conditions:**

- 1. This Site Plan is valid 7 years from DRB approval (6/23/2021). An extension may be requested prior to the expiration date.
- 2. Final sign off is delegated to Parks and Recreation for the addition of a hydro-mulch note and for a general note correction to reference "The City of Albuquerque."
- 3. Final sign off is delegated to Planning.
- 4. The applicant will obtain final sign off from Parks and Recreation and Planning by August 23, 2021 or the case may be scheduled for the next DRB hearing and could be denied her the DRB Rules of Procedure.

#### **SD-2021-00117 FINAL PLAT**

- 1. This Final Plat subdivides an existing tract (Tract 2, Avalon Subdivision Unit 5) into two tracts: Tract 2-A at 7.930 acres in size, and Tract 2-B at 5.8255 acres in size (the proposed development for SI-2021-00484 is located entirely on Tract 2-B, Tract 2-A will remain vacant).
- 2. The property is zoned NR-BP, future development must be consistent with the underlying zoning.
- 3. An Infrastructure List was approved by the DRB on May 19, 2021 per SD-2021-00074. An Infrastructure Improvements Agreement (IIA) must be approved and recorded.
- 4. The applicant provided the required notice as outlined in the IDO Table 6-1-1.
- 5. The Final Plat is consistent with the approved Preliminary Plat (SD-2021-00074).

#### **Conditions:**

- 1. Final sign-off is delegated to Planning for the application number (SD-2021-00117) to be added to the Plat, the AGIS DXF file, and the recorded IIA.
- The applicant will obtain final sign off from Planning by August 23, 2021 or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.

<u>APPEAL:</u> If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **JULY 8, 2021.** The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to <a href="PLNDRS@CABQ.GOV">PLNDRS@CABQ.GOV</a> (if files are less than 9MB in size). Files larger than 9MB can be sent to <a href="PLNDRS@CABQ.GOV">PLNDRS@CABQ.GOV</a> using <a href="https://wetransfer.com">https://wetransfer.com</a>. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

Official Notice of Decision
Project # PR-2020-004747 Applications# SI-2021-00484, SD-2021-00117
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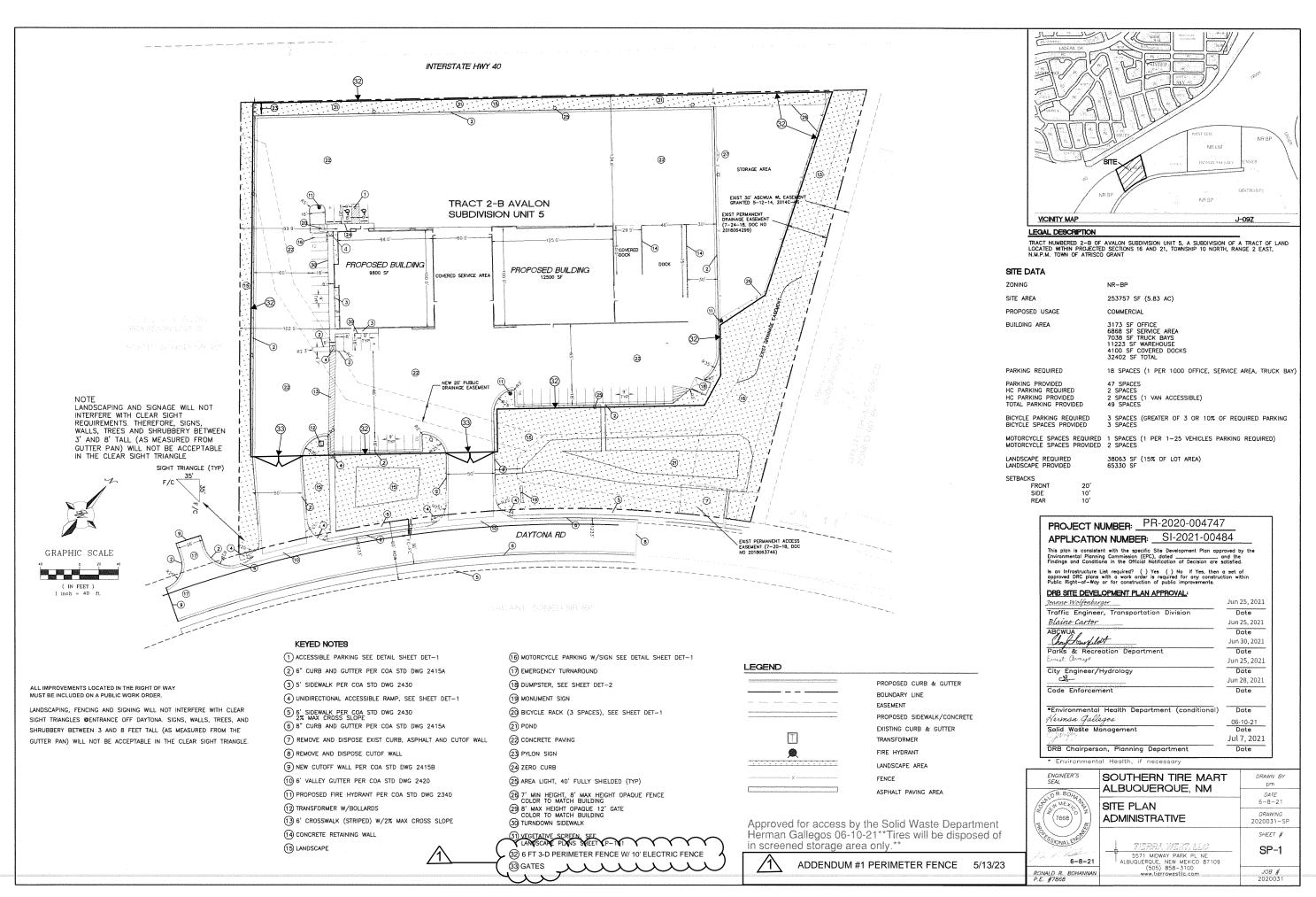
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,

Jolene Wolfley DRB Chair

JW/jr

Tierra West, LLC, 5571 Midway Park Place NE, Albuquerque, NM 87109



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