



November 29, 2018

Ms. Kym Dicome, Chair  
Development Review Board  
City of Albuquerque  
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Albuquerque, New Mexico 87102

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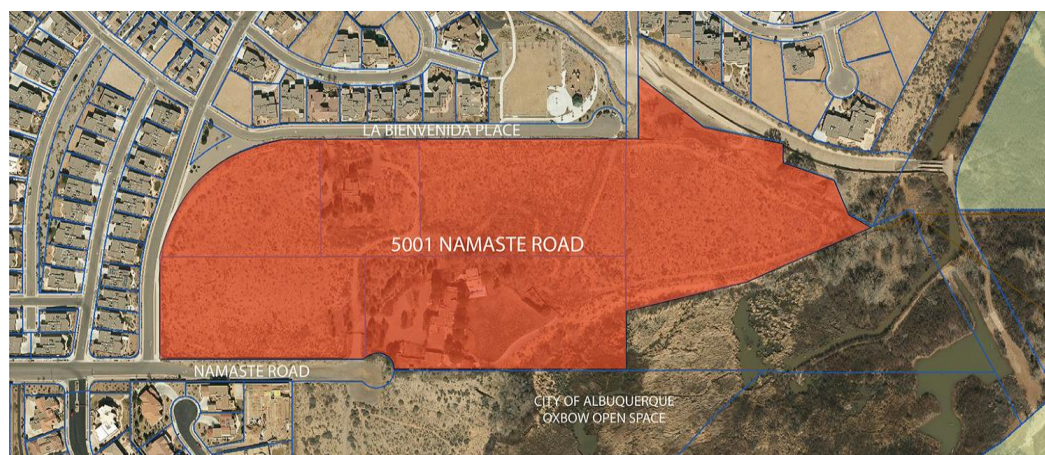
RE: Request for Variance – DRB

Dear Madam Chair:

The purpose of this letter is to request approval of a variance to the Integrated Development Ordinance's Section 5-3(E)(2)(a) Connections to Adjacent Land. This property is uniquely situated with both private and public open space located to the north, east, and south of the eastern third of the site. No access is proposed in these areas to avoid those sensitive lands. The site plan is scheduled to be heard before the Environmental Planning Commission (EPC) on December 13, 2018.

The subject site is located at the eastern end of Namaste Road (5001 Namaste) see figure below. The property is comprised of three legally platted parcels (later subdivided into six City parcels), which total 22.75 acres, and is zoned R-A. The legal description is as follows:

- Lots 1 through 3 Block 1 Plat of West Bank Estates Together with Tract A1 Lands of Suzanne H Poole Containing 14.1326 Acres;
- Tract C-1 Plat of Tracts C-1, C2 & Lot 4-A Lands of Suzanne H Poole Being a Replat of Tract C Lands of Suzanne H Poole Tract C Annexation Plat Land in Section 25 & 36 T11N R2E Lot 4 Block 1 West;
- Lot 4-A Plat of Tracts C-1, C-2 & Lot 4-A Lands of Suzanne H Poole Being a Replat of Tract C Lands of Suzanne H Poole Tract C Annexation Plat Land in Section 25 & 36 T11N R2E Lot 4 Block 1 West



## PRINCIPALS

James K. Strozier, FAICP  
Christopher J. Green, PLA,  
ASLA, LEED AP  
Jacqueline Fishman, AICP

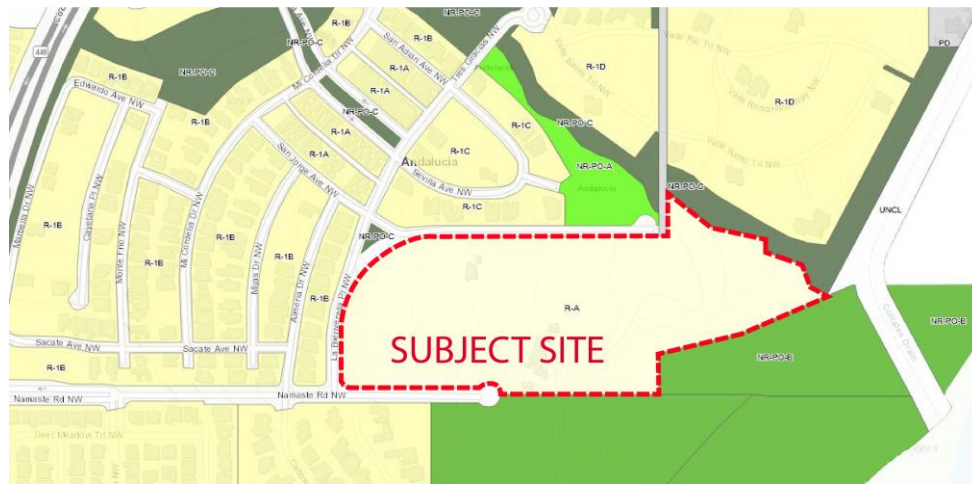
*Subject Site*

**PROJECT DESCRIPTION**

This variance request is part of a site plan request on behalf of Gamma Development LLC. The site is being proposed for 74 single-family homes as a cluster development under the existing R-A zone. As detailed below, this request is justified for a Variance – DRB pursuant to IDO section 14-16-6-6(L).

**EXISTING LAND USE AND ZONING**

The subject site is surrounded by a wide range of residential and open space/recreation uses. The site contains two single-family dwellings, which are proposed to be razed. To the immediate north, west, and south of the site are existing single-family neighborhoods ranging in zoning and including R-1A, R-1B, R-1C, and R-1D. To the east and south is the City of Albuquerque’s Oxbow Open Space and Rio Grande Bosque, which are zoned NR-PO-B. Andalucia Park, a neighborhood park owned and maintained by the City of Albuquerque, is north of the property.



*Existing Zoning*

**VARIANCE REQUEST**

The Applicant is requesting a variance to IDO Section 5-3(E)(2)(a) Connections to Adjacent Land, which states:

“Where adjacent land has been subdivided with stub streets ending adjacent to a new subdivision, or with a local street ending at a street dividing the new subdivision, the new subdivision streets shall be designed to align the streets in the adjacent subdivision to allow through circulation between the 2 adjacent subdivisions. “

The request is justified pursuant to IDO section 14-16-6-6(L)(3) as follows:

1. Any of the following applies:
  - a. There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return

on the property, or practical difficulties result from strict compliance with the minimum standards.

**Applicant Response:** *The subdivision is designed with its main gated access off of Namaste Road at the existing terminus of that street. The adjacent subdivisions to the west, and north are designed without any connections or access to the adjacent streets. All the adjacent lots back up to these adjacent streets and do not have any stub streets or local streets that end at these adjacent streets. In short, there no potential street connections to the west or north. There is also a landscaped HOA tract at the southeast portion of the intersection of Tres Gracias Road and La Beinvenida Place that prevents access to this intersection from the subject property. Also, as stated above the eastern third of the property is adjacent to open space and sensitive lands, which are not permitted for any access. These special circumstances create a situation where additional access points are not necessary or warranted for connectivity, are not self-imposed, and do not apply generally to other property in the same zone district and vicinity.*

- b. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.

**Applicant Response:** *As part of the adjacent open space areas, there is a large sedimentation pond, the San Antonio Arroyo, and the Rio Grande Oxbow (River and Wetland Area) to the northeast, east, and south that prevent any access or opportunities for roadway connections.*

- c. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Variance is needed and appropriate to maintain such historical, archeological, and/or architectural significance.

**Applicant Response:** *This test is not applicable to the subject property.*

- d. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.

**Applicant Response:** *At the facilitated meeting with adjacent neighbors, the issue of access was discussed. It was stated that the best location for the access to the subdivision was Namaste Road, which is a wide street that dead ends at the property and accesses a traffic signal on Coors Boulevard. It was also mentioned that additional vehicular traffic on La Bienvenida Place would be detrimental. As stated in response to item a, the adjacent subdivisions back up to the adjacent streets. A pedestrian connection has been provided on the north side of the subdivision to provide access to the neighborhood park, but not overwhelm La Bienvenida Place or Tres Gracias Road with more vehicular traffic. In addition, in consideration of the existing homes to the west and their views, the grading of the subdivision was done to lower the elevation of the*

*westernmost lots and limit the homes to single story to reduce impacts. Lowering these lots creates a physical barrier to a future street location along this edge of the property.*

- e. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

***Applicant Response:*** *Due to the unique setting of the property, the design includes an interior circulation system around two small pocket parks and a significant open space area (approximately 5.5 acres), which is adjacent to the sensitive lands at the eastern end of the subdivision. The cluster provisions of the IDO provide flexibility and are used to enable this creative approach to effective development of the property.*

- 2. The Variance will not be materially contrary to the public safety, health, or welfare.

***Applicant Response:*** *The variance will not be materially contrary to the public safety, health, or welfare as it provides only for the internal circulation of the subdivision and an emergency access is provided to La Bienvenida Place on the north side of the subdivision as requested and required by the Fire Marshall's office.*

- 3. The Variance does not cause significant material adverse impacts on surrounding properties.

***Applicant Response:*** *The subject site is surrounded by similar single family residential development to the south, west, and north. The site is an infill site and the variance will not have adverse impacts on surrounding properties or infrastructure. The variance will provide the subject site with an opportunity to be more efficient in lot layout, build less street (impervious area), and be more sensitive to the adjacent open space areas.*

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

***Applicant Response:*** *The variance will not hinder any future planning or infrastructure needed in the area. The subject property is the last vacant tract in this area and is land locked by the open space areas to the east.*

- 5. The Variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.

***Applicant Response:*** *The requested variance does not undermine the goals or provisions of any adopted plans or polices for this area. The variance implements the goals and provisions in the Comprehensive Plan, IDO, and Coors Boulevard CPO by further ensuring the protection of the Oxbow and Bosque open spaces.*

- 6. The Variance will not allow, encourage, or make possible undesired development in the 100-year Floodplain.



**Applicant Response:** *The variance has no impact to the 100-year floodplain.*

7. The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.

**Applicant Response:** *The RA zone allows for flexible cluster development projects and this type of creative subdivision design specifically for sensitive and unique situations like this.*

8. The Variance does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.

**Applicant Response:** *Not applicable. The use and layout are permissive in the RA zone.*

9. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

**Applicant Response:** *The subdivision design includes a pedestrian connection and emergency access to ensure the necessary emergency access to the north. The requested elimination of vehicular connections to the west and north is necessary in order to achieve the other goals of this unique cluster subdivision.*

10. The Variance for Sidewalk Requirements meets the criteria in (b) below.

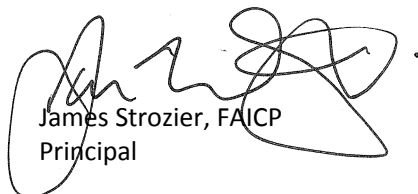
**Applicant Response:** *Not applicable to this request.*

11. The Variance for Front Yard Parking meets the criteria in (c) below.

**Applicant Response:** *Not applicable to this request.*

Based upon the facts presented, we respectfully request that you review and approve this variance request.

Sincerely,



James Strozier, FAICP  
Principal