



The HENSLEY ENGINEERING GROUP

September 30, 2021

DRB Chair  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

Re: Horizon Village Subdivision – IDO Waiver

Horizon Village is a subdivision of 30 lots and 2 tracts. Attached are the recorded Plat and approved Grading Plan and exhibits for the subdivision located within zone atlas page C-17.

Overview and Summary of Request

Horizon Village is a subdivision development that includes an effective use of open space and ingenuity in design utilizing the 15' front setback allowed by the IDO in this zone. The housing designs specifically were conceived, designed, engineered to provide a unique infill product offering. The project has private streets, private sidewalks, a private village green and 20 additional community parking located in a use and benefit easement. The additional parking and community regulations will discourage parking on drives or roads. The front yards, village green and access roads will be community maintained, and the character and conditions of the subdivision will be maintained with a professional HOA management company. There will be no obstructions to the use of the sidewalk that serves only the adjacent lots. The overall character of the subdivision is to provide a pedestrian friendly close knit community concept and the 15' front setback contributes to that character.

*Section 5-3(C)(3)(b) of the IDO states: For all low-density residential development, driveways accessed from the front or street side of the property shall be at least 20 feet long. Per the IDO, a driveway is defined as: an unobstructed area with a stabilized surface leading from the street to a garage or other allowed off-street parking area in low-density residential development.*

It has been determined by the City that the section and definition dictate the requirement of a 20' setback from the front property line to the garage. However, the setback specified in this zone district is 15'. However, this subdivision was designed and approved by the DRB under the 2017 IDO which did not include the section waived by this request. Per the unchanged IDO definition of a driveway, the development provides a 20' driveway measured from the back of curb.

The waiver of the determination of the IDO requirement of a 20' garage setback will allow the development of the subdivision too proceed as presented and approved by the DRB. In varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, and ingenuity in design of the subdivision, in accordance with accepted principles of site planning.

Per IDO Section 6-6(P)(3), An application for a Waiver – DRB shall be approved if it complies with the following criteria:

6-6(P)(3)(a) Any of the following applies:

1. 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, manmade obstructions, or utility lines.
2. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
3. 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.
4. 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.

The application demonstrates a flexible, economical, effective use of open space, and ingenuity in design of the subdivision, in accordance with accepted principles of site planning as demonstrated by the previous reviews and acceptance of the project.

6-6(P)(3)(b) The Waiver will not be materially contrary to the public safety, health, or welfare.

The requested waiver will contribute to the public safety, health or welfare of the residents and visitors to the development. The prohibition of driveway parking and the provision for additional off-street parking areas provides an appreciable open space with full visibility of the home fronts.

6-6(P)(3)(c) The Waiver does not cause significant material adverse impacts on surrounding properties.

The requested waiver does not cause significant material adverse impacts on the surrounding properties. The development is designed to integrate with the surrounding properties with coordinated vehicular and pedestrian connections and will contribute to the overall spirit of the neighborhood.

6-6(P)(3)(d) The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

The requested waiver does not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements, and the site does not front or impact any public right-of-way or building of public infrastructure improvements.

6-6(P)(3)(e) The Waiver 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.

The requested waiver 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. The proposed use is promoted in the area and the development will be subject to any other public provisions.

6-6(P)(3)(f) *The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.*

The requested waiver does not allow, encourage, or make possible undesired development in the 100-year floodplain. There is no floodplain associated with the development.

6-6(P)(3)(g) *The Waiver will not materially undermine the intent and purpose of the IDO or the applicable zone district.*

The requested waiver does not materially undermine the intent and purpose of the IDO or applicable zone district. The development will further the purpose of the IDO with the protection of the quality and character of the residential townhome neighborhood that provides for orderly and coordinated development patterns.

6-6(P)(3)(h) *The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for 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(P) (Deviations) and is granted by the DRB as part of this approval.*

The requested waiver does not allow a lot or type of development that does not meet the applicable present Development Standards this zone district. The purpose of the R-ML zone district is to provide for a variety of low-to medium-density housing options where the primary land use is townhouses with a 15' minimum setback requirement.

6-6(P)(3)(i) *The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).*

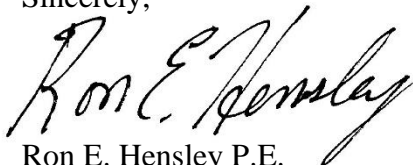
The requested waiver is the minimum necessary to provide redress without being inconsistent with the provisions of Subsection 14-16-6-6(P). The subdivision was designed and built to comply with the IDO provisions in place at the time of Preliminary Plat approval. The waiver is the minimum that allows the subdivision to be completed as intended when approved.

6-6(P)(3)(j) *If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.*

The requested waiver is not a waiver of the IDO sidewalk requirements and the plan already includes the installation of required sidewalks, with all associated connections.

As agent for the owners, we are requesting a waiver in accordance with Section 6-6(P)(3)4 of any requirements of Section 5-3(C)(3)(b) that would require a 20' driveway. Please contact me at 505-410-1622 or via email if you have any questions or comments.

Sincerely,



Ron E. Hensley P.E.

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