

**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

Legacy Development & Management, LLC
Faizel Kassam C/O
Kassam Land Acquisition 9 LLC
5051 Journal Center Blvd., Suite 500
Albuquerque, NM 87109

Project# PR-2019-002761
Application#
SI-2021-00256 SITE PLAN
SD-2021-00053 PRELIMINARY/FINAL PLAT
SD-2021-00056 VACATION OF PUBLIC
EASEMENT 15-foot gas line easement
SD-2021-00055 VACATION OF PUBLIC
EASEMENT 20-foot public water line
SD-2021-00054 VACATION OF PUBLIC
EASEMENT 5-foot PNM and MST&T easement

LEGAL DESCRIPTION:

For all or a portion of: **LOTS 8-A, 11 & 12, 26
TRACT A UNIT B, NORTH ALBUQUERQUE
ACRES** zoned MX-L, located at **6700 & 6716
MODESTO AVE NE between SAN PEDRO DR
NE and LOUISIANA BLVD NE**, containing
approximately 4.7885 acre(s). (C-18)

On May 5, 2021, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the requests, with delegation to Hydrology and Planning for the Site Plan, and delegation to ABCWUA and Planning for the Preliminary/Final Plat, based on the following Findings:

SI-2021-00256 SITE PLAN

1. This is a request to construct a 120-unit multi-family residential development on the subject property. The site plan is required to be reviewed by the Development Review Board (DRB) because more than 50 multi-family residential units are proposed to be constructed.

1. Pursuant to 6-6(l)(3) Review and Decision Criteria An application for a Site Plan – DRB shall be approved if it meets all of the following criteria:

- a. 6-6(l)(3)(a) *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 landscaping, and building heights meet the IDO requirements, and a 10% deviation was approved for parking: 43,618 square feet of landscaping is proposed where 20,994 square feet is required, and the required landscape buffer adjacent to the R-1A-zoned single family detached dwellings along the eastern boundary of the site has been provided; the maximum building height of Building #1 is 27-feet, meeting the Neighborhood Edge requirement that any portion of a building within 100 feet of the nearest protected lot be a maximum height of 30-feet, and the remaining buildings are a maximum of 34-feet in height where the maximum height permitted is 38-feet. Regarding parking, a 10% Deviation was approved permitting 174 parking spaces where 180 parking spaces are required.

- b. 6-6(l)(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 is not required for this project because it does not meet the threshold for such a study per Transportation.

- c. 6-6(l)(3)(c) *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. An Infrastructure List was approved with this Site Plan. A recorded Infrastructure Improvements Agreement (IIA) must be submitted.
3. The proposed use is allowed within the MX-L zone district.

4. The Site Plan reduces the potential impact of the existing Solid Waste Transfer Facility on the proposed development by placing the western-most proposed multi-family residential building 18-feet, 11 inches from the western property boundary featuring the Solid Waste Transfer Center, adding keynote #35 which reflects the commitment to achieve a 50 STC rating to mitigate sound from the Solid Waste Transfer Center, adding additional and larger trees to the Landscape Plan along the western boundary of the site, constructing a proposed 8-foot tall CMU wall along the western boundary of the site, and adding site note #15 to note that the site is located adjacent to the Solid Waste Transfer Center and there may be noise, dust, and other impacts associated with the proximity to the facility.

Conditions:

1. This Site Plan is valid 7 years from DRB approval (5/5/2021). An extension may be requested prior to the expiration date.
2. Final sign off is delegated to Hydrology for final approval of the Grading and Drainage Plan.
3. Final sign off is delegated to Planning for the Solid Waste signature, the recorded IIA, and for an Ash Tree species modification to be considered by the applicant.
4. The applicant will obtain final sign off from Hydrology and Planning by August 5, 2021 or the case may be scheduled for the next DRB hearing and could be denied her the DRB Rules of Procedure.

SD-2021-00053 PRELIMINARY/FINAL PLAT

1. This Preliminary/Final Plat consolidates three existing lots into one lot (Lot 8-A-1), comprising 4.7885-acres in size, and grants a perpetual non-exclusive easement and right-of-way for private utilities as well as a 20-foot public water easement.
2. The property is zoned MX-L, future development must conform with the underlying zoning.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

Conditions:

1. Final sign-off is delegated to ABCWUA for an off-site easement and the subsequent paper recording of the easement.
2. Final sign-off is delegated to Planning for the AGIS DXF file and for the approved Grading and Drainage Plan on behalf of Hydrology.
3. The applicant will obtain final sign off from ABCWUA and Planning by August 5, 2021 or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.

SD-2021-00056 VACATION OF PUBLIC EASEMENT 15-foot gas line easement

1. The applicant proposes to vacate a 15-foot gas line easement that was recorded on September 8, 2015.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO, as the gas line is being relocated to a new location which will provide less cost to the public for maintenance purposes, and allow new landscaping, trees, sidewalks, and architectural features.
3. The vacation as depicted on the Vacation Exhibit in the Planning file must be platted within one year of DRB approval or it will be void (see Table 6-4-3 of the IDO).

SD-2021-00055 VACATION OF PUBLIC EASEMENT 20-foot water line easement

1. The applicant proposes to vacate a 20-foot water line easement that was recorded on September 8, 2015.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO, as the water line is being relocated to a new location which will provide less cost to the public for maintenance purposes, and allow new landscaping, trees, sidewalks, and architectural features.
3. The vacation as depicted on the Vacation Exhibit in the Planning file must be platted within one year of DRB approval or it will be void (see Table 6-4-3 of the IDO).

SD-2021-00054 VACATION OF PUBLIC EASEMENT 5-foot PNM and MST&T easement

1. The applicant proposes to vacate a 5-foot PNM and MST&T easement that was recorded on March 14, 1966 and May 18, 1973.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO, while PNM may have used the easement for a period of time, PNM released their interest on December 20, 2001, and there is no indication that MST&T ever used the easement.
3. The vacation as depicted on the Vacation Exhibit in the Planning file must be platted within one year of DRB approval or it will be void (see Table 6-4-3 of the IDO).

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **MAY 20, 2021**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

Official Notice of Decision

Project # PR-2019-002761 Applications# SI-2021-00256, SD-2021-00053, SD-2021-00056, SD-2021-00055, SD-2021-00054

Page 5 of 5

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 PLNDRS@CABQ.GOV (if files are less than 9MB in size). Files larger than 9MB can be sent to PLNDRS@CABQ.GOV using <https://wettransfer.com>. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

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,

A handwritten signature in black ink, appearing to read "J. Wolfley". The signature is fluid and cursive, with the first letter "J" being particularly large and stylized.

Jolene Wolfley
DRB Chair

JW/jr

Consensus Planning, Inc., 302 8th Street NW, Albuquerque, NM 87102
CSI-Cartesian Surveys Inc., P.O. Box 44414, Rio Rancho, NM 87174