## Albuquerque



## DEVELOPMENT REVIEW BOARD APPLICATION

Effective 8/12/2021

Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

SUBDIVISIONS	□ Final Sign off of EPC Site Plan(s) (Form P2A)	□ Extension of IIA: Temp. Def. of S/W (Form V2)
□ Major – Preliminary Plat (Form S1)	□ Amendment to Site Plan (Form P2)	□ Vacation of Public Right-of-way (Form V)
□ Major – Bulk Land Plat (Form S1)	MISCELLANEOUS APPLICATIONS	□ Vacation of Public Easement(s) DRB (Form V)
□ Extension of Preliminary Plat (FormS1)	Extension of Infrastructure List or IIA (Form S1)	Vacation of Private Easement(s) (Form V)
□ Minor Amendment - Preliminary Plat (Form S2)	□ Minor Amendment to Infrastructure List (Form S2)	PRE-APPLICATIONS
□ Minor - Final Plat (Form S2)	□ Temporary Deferral of S/W (Form V2)	□ Sketch Plat Review and Comment (Form S2)
□ Minor – Preliminary/Final Plat (Form S2)	□ Sidewalk Waiver (Form V2)	
SITE PLANS	□ Waiver to IDO (Form V2)	APPEAL
DRB Site Plan (Form P2)	□ Waiver to DPM (Form V2)	Decision of DRB (Form A)
BRIEF DESCRIPTION OF REQUEST		

APPLICATION INFORMATION							
Applicant: 730 Coors, LLC				Ph	Phone: 505-228-8828		
Address: 5901 Wyoming Blvd	NE Suite J-′	169		Em	Email: jeffrey@postoncollective.c		
City: Albuquerque	City: Albuquerque				Zip: 87109		
Professional/Agent (if any):				Ph	Phone:		
Address:				En	Email:		
City:			State:	Zip	):		
Proprietary Interest in Site:			List <u>al</u> l owners:				
SITE INFORMATION (Accuracy of th	<u>ne existing lega</u>	I description is crucial!	Attach a separate sheet if	necessa	ary.)		
Lot or Tract No.: C-2-A-1-A-2			Block:	Un	it:		
Subdivision/Addition: Lands of Ca	mpbell		MRGCD Map No.: 39	UF	C Code: 101105803	528320209	
Zone Atlas Page(s): J-11-Z		Existing Zoning: MX	ζ-L	Pro	pposed Zoning MX-	·L	
# of Existing Lots: 1	# of Proposed Lots: 1		Total Area of Site (Acres): 2.5				
LOCATION OF PROPERTY BY STREETS							
Site Address/Street: 730 Coors Blvd NW Between: COORS BLVD NW and: ESTANCIA DRIVE NW							
CASE HISTORY (List any current or	prior project a	nd case number(s) that	may be relevant to your re	quest.)			
660283							
I certify that the information I have inc	luded here and s	ent in the required notice	e was complete, true, and ac	curate to	the extent of my know	vledge.	
Signature:	1			Da	te: 10/20/2021		
Printed Name: Jeffrey Poston	/				Applicant or 🗆 Agent		
FOR OFFICIAL USE ONLY						-	
Case Numbers	Action	Fees	Case Numbers		Action	Fees	
Meeting Date:				Fe	e Total:		
Staff Signature:			Date:	Pr	oject #		

### FORM S1: SUBDIVISION OF LAND - MAJOR

#### Please refer to the DRB public meeting schedule for meeting dates and deadlines. Your attendance is required.

#### □ MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL

#### □ MAJOR AMENDMENT TO PRELIMINARY PLAT

#### BULK LAND SUBDIVISION

- □ Interpreter Needed for Meeting?\_\_\_\_\_if yes, indicate language: \_
  - A Single PDF file of the complete application including all documents being submitted must be emailed to <u>PLNDRS@cabq.gov</u> 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 on a CD. PDF <u>shall be organized</u> with the Development Review Application and this Form S1 at the front followed by the remaining documents in the order provided on this form.
  - \_\_\_\_ Zone Atlas map with the entire site clearly outlined and labeled
  - Letter of authorization from the property owner if application is submitted by an agent
  - \_\_\_\_ Sign Posting Agreement
  - Sites 5 acres or greater: Archeological Certificate in accordance with IDO Section 14-16-6-5(A)
  - \_\_\_\_ TIS Traffic Impact Study Form
  - Form DRWS Drainage Report, Grading and Drainage Plan, and Water & Sewer Availability Statement submittal information
  - \_\_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(L)
  - Proof of Sketch Plat per IDO Section 14-16-6-6(L)(2)(b)
  - \_\_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(1)
    - \_\_\_Office of Neighborhood Coordination notice inquiry response
      - Copy of notification letter, completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b), and proof of first-class mailing to affected Neighborhood Association representatives.
      - \_\_Proof of emailed notice to affected Neighborhood Association representatives
      - Buffer map and list of property owners within 100 feet (excluding public rights-of-way) provided by Planning Department or created by applicant, copy of notifying letter, completed notification forms(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b), and proof of first-class mailing
  - \_\_\_ Preliminary Plat including the Grading Plan with property owner's and City Surveyor's signatures on the plat
  - Sidewalk Exhibit and/or cross sections of proposed streets
  - \_\_\_\_\_ Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way and street improvements (to include sidewalk, curb & gutter with distance to property line noted) if there is any existing land use Sensitive Londo Site Analysis for new subdivisions of land is accordance with IDO Section 5.2(C).
  - \_\_\_\_ Sensitive Lands Site Analysis for new subdivisions of land in accordance with IDO Section 5-2(C)
  - Landfill disclosure statement on the plat per IDO Section 14-16-6-4(S)(5)(d)(2.)(d.) if site is within a designated landfill buffer zone
    Proposed Infrastructure List

#### EXTENSION OF PRELIMINARY PLAT

- ☑ INFRASTRUCTURE LIST EXTENSION OR AN INFRASTRUCTURE IMPROVEMENTS AGREEMENT (IIA) EXTENSION For temporary sidewalk deferral extension, use Form V.
  - A Single PDF file of the complete application including all documents being submitted must be emailed to <u>PLNDRS@cabq.gov</u> 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 on a CD. PDF <u>shall be organized</u> with the Development Review Application and this Form S1 at the front followed by the remaining documents *in the order provided on this form*.
  - Zone Atlas map with the entire site clearly outlined and labeled
  - Letter of authorization from the property owner if application is submitted by an agent
  - \_\_\_ Letter describing, explaining, and justifying the request per IDO Section 14-16-6-4(X)(4)
  - Preliminary Plat or site plan
  - Copy of DRB approved infrastructure list

I, the applicant or agent, acknowledge that if any required information is not submi scheduled for a public meeting, if required, or otherwise processed until it is comp	
Signature: Aleston	Date: 10/21/2021
Printed Name. Jeffrey Poston	Applicant or  Agent
FOR OFFICIAL USE ONLY	
Case Numbers: Project Number:	
Staff Signature:	MEXAN
Date:	AAAAAA





12/15/2017 01:33 PM Page: 2 of 2 PLAT R:525.00 B: 2017C P: 0145 Linda Stover, Bernalillo County Dear Marion,

Thank you for the reminder of the impending deadline of the Infrastructure Improvement Agreement (730 Coors Project No.660283). I'm respectfully requesting an extension of 18 months for this task. The Pandemic of 2020 was particularly brutal for us and our business suffered substantial losses. We were saved from losing the company as well as bankruptcy with the timely approval of some SBA EIDL funding, and an emergency investor loan.

However, while we are back on track this year, our major projects were set back 18 months. We plan to complete the 730 Coors deceleration lane as part of the construction of a \$14M apartment building on the property. Please advise what we need to do in order to extend the deadline on the agreement and we will do it immediately.

As you may know, the HUD loan approval process is quite complicated, but after eight months of application work we have our HUD Concept Pre Approval meeting in October. We've built an impressive national team with thousands of units of construction experience and HUD approval confidence is high. The cost of the deceleration lane is already included in the project budget. HUD has informed us that we'll need 15-18 months to final loan approval and groundbreaking after receiving Concept Pre Approval.

Thank you for your time, and we look forward to hearing from you.

730 Coors LLC managed by: Jeffrey Poston, CEO Poston Investment Collective LLC <u>505-228-8828</u> | Jeffrey@PostonCollective.com Website: https://PostonCollective.com 5901 Wyoming Blvd NE Ste J169 Albuquerque, NM 87109



ĊT	Project Title SITE DEVELOPMENT PLAN	Project Manager	Project ID
1 2	730 Coors Blvd NW, ABQ NM	Drawn By Chris Burk	Scale As Shown
_		Reviewed By Bill Burk	Sheet No.
ent	Sheet Title	Date 8/19/18	
urk III		CAD File Name	1

FORTUNA ROAD NW (60' ROW)

FIGURE 12	Date Submitted: 10.25.17
INFRASTRUCTURE LIST (Rev. 9-20-05) EXHIBIT "A" TO SUBDIVISION IMPROVEMENTS AGREEMENT DEVELOPMENT REVIEW BOARD (D. R. R.) RECUIRED INFRASTRUCTURE LIST	Date Site Plan Approved: Date Preliminary Plat Approved: Date Preliminary Plat Expires: DRB Project No.: DRB Application No.:
730 Coors NW	
Lot C-2-A-1-A, Campbell Lands, 3.8 Acres	
	INFRASTRUCTURE LIST (Rev. 9-20-05) EXHIBIT "A" TO SUBDIVISION IMPROVEMENTS AGREEMENT DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST 730 Coors NW PROPOSED NAME OF PLAT

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Constructed Guaranteed Under	Size	Type of Improvement	Location	From	То	Const Prive Inspector	ruction Cer ate P.E.	City Cnst
DRC # DRC #	<u>12' Wide</u>	Northbound Deceleration Lane 190' Long plus Transition	Coors Blvd NW	Just North of Ex. Bus Stop	Existing Driveway along Coors	/	/	Engineer
	<u>N/A</u>	Restripe Continuous Left Turn Lane w/ Exclusive Left at Coors and Estancia	Fortuna Rd NW	Coors Blvd NW	Estancia Dr NW		/	
	<u>N/A</u>	Restripe Pavement to Extend Left Turn Lane to a Total of 170' plus Transition	Fortuna Rd NW	64th St NW	Coors Blvd NW	1	1	
	<u>12' Wide</u>	Extend Existing Left Turn Lane to be a total of +/-200' long plus transition	Southbound Coors Blvd	North of Fortuna Rd	Fortuna Rd NW	<u> </u>	1	
	<u>N/A</u>	Pedestrian Fence Relocation to make room for Left Turn Lane Extension	Coors Blvd Median	N/A	<u>N/A</u>		1	
							/	
							/	
							1	/
						/	/	/

Financially	Constructed						Constructio	on Certification
Guaranteed DRC #	Under DRC #	Size	Type of Improvement	Location	From	То	Private Inspector P	.E. City Cnst
								11
							1	/ /
					Approval of Creditable	Items:	Approval of Credi	table Items:
					Impact Fee Admistrato	r Signature Date	City User Dept. S	Signature Da
2								
3								
A	GENT / OWNER			DEVELOPMENT REV	EW BOARD MEMBER A	PPROVALS		
JEFFI	REY T. WOOTI NAME (print)	EN	DRB CH	10-75-1 AIR - date	1th	RECREATION - d	10/25/17	Z
WOOT	EN ENGINEER		Rhan IN MII	ITI placim	t Con	P REDITERTION - 0	alo	

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	-	-10	124	10
The	SIGNA	TURE -	late	1

CITY ENGINEER - date

UTILITY DEVELOPMENT - date

#### · · · · · · · · · ·

\_\_\_\_\_- - date

- date

#### DESIGN REVIEW COMMITTEE REVISIONS

Q-3

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER
	1			

# City Of Albuquerque



P.O. Box 1293 Albuquerque, NM 87103 www.cabq.gov

September 8, 2021

Jeffrey Poston, Manger/Owner **730 Coors, LLC** 8400 Menaul Blvd NE, Ste A-006 Albuquerque, NM 87112

 Re: Notice of failure to complete Improvements, default and City's intention to call Financial Guaranty –Infrastructure Improvements Agreement, Procedure B
 Project: 730 Coors Project No.660283
 Financial Guaranty: Subdivision Bond 655110S

## Dear Mr. Jeffrey Poston:

I am the Attorney who represents the City of Albuquerque ("City") in matters relating to construction of infrastructure by developers. As you are aware, **730 Coors, LLC** ("Developer") signed an **Infrastructure Improvements Agreement, Procedure B** ("Agreement") requiring the developer to construct certain infrastructure improvements by <u>October 31, 2021</u> ("Construction Deadline").

An extension to your Agreement may be available. Please contact Contract Specialist, Marion Velasquez, at 505-924-3997 or mgvelasquez@cabq.gov within seven days, for (1) availability and whether the extension is required to be heard at the Development Review Board (DRB) in accordance with the Integrated Development Ordinance (IDO) and (2) to inform the City if you intend to extend the Agreement and related Financial Guaranty.

This letter provides notice to the Developer that if: (1) The project is not constructed and accepted by the City by the Construction Deadline; or (2) An extension is not obtained and the related extension Agreement and revised Financial Guaranty are not submitted by the Construction Deadline, the City will consider the Agreement to be in default and the City will prepare documents to call on the Financial Guaranty 30 days after the Construction Deadline and will hold the Developer and the Surety jointly and severally liable for 125% of the cost of completing the Improvements.

Please note that the title "Subdivision Improvements Agreement" and the word "Subdivider" which may have been used in the original agreements are respectively replaced with the title "Infrastructure Improvements Agreement" and the word "Developer". These changes have no substantive effect on this letter.

Very truly yours, Lewin Morrow Kevin Morrow, Managing City Attorney

## AMENDMENT AND 3<sup>rd</sup> EXTENSION AGREEMENT TO Procedure "B"

 Project No.
 660283

 Project Name:
 730 Coors

This Amendment and Extension Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of Developer) \_ <u>730 Coors, LLC</u> Developer"), whose address is \_\_<u>5901 Wyoming Blvd</u> <u>NE Ste J-169 Albuquerque, NM 87109</u> whose telephone number is <u>505-228-8828</u> and whose email address is \_\_\_\_\_\_, is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

WHEREAS, the parties agree that the word "Subdivider" used in any previous Agreements is replaced with the word "Developer" for this Agreement. This change has no substantive effect on any other provision of the agreement.

WHEREAS, the City and the Developer entered into a <u>Sidewalk Deferral Agreement</u> on the <u>28<sup>th</sup></u> day of <u>November 2017</u>, which was recorded on <u>November 30, 2017</u> as Document No. <u>2017114234</u>, in the records of Bernalillo County Clerk, State of New Mexico (Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before <u>October 31, 2018</u>; and

WHEREAS, the City and the Developer entered into a <u>1st Extension Agreement</u> on the <u>November 8, 2018</u>, which was recorded on <u>November 9, 2018</u> as Document No. <u>2018098341</u>, in the records of Bernalillo County Clerk, State of New Mexico (Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before <u>October 31, 2019</u>; and

WHEREAS, the City and the Developer entered into a  $2^{nd}$  Extension Agreement on the January 7, 2020, which was recorded on January 9, 2020 as Document No. 2020002607, in the records of Bernalillo County Clerk, State of New Mexico (Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before October 31, 2021; and

THEREFORE, the Developer and the City agree to amend the Original Agreement as follows:

1. Amending paragraph 4. <u>Work Order Requirements</u>: Paragraph 4 in the original Agreement is deleted and replaced by the following amended paragraph 4:

The Developer must procure a New Mexico licensed Contractor to construct the improvements per the specifications contained in the City-approved construction drawings. The Contractor shall provide proof of proper licensure to complete the improvements. If the Contractor that has been identified by the Developer does not possess all of the proper licenses for the improvements then proof of proper licensure of

the subcontractors must be provided. The Developer's Contractor shall obtain a Performance & Warranty bond and a Labor & Materials bond utilizing the bond templates provided and approved by the City. The mandatory bonds obtained by the Contractor are independent of, and in addition to, the Financial Guaranty provided by the Developer. If the Developer or the City determines that the Contractor failed to faithfully construct or maintain the specified and warranted work, the Developer and the City shall each have standing to make claim on the applicable bonds.

2. Extension of Agreement:

WHEREAS, it appears that the Developer will be unable to complete construction of the improvements by the deadline specified in the Agreement; and

WHEREAS, the City is willing to grant Developer an extension of time in which to complete construction of all or part of the improvements, provided the Developer posts an acceptable financial guaranty, as required by the City's Integrated Development Ordinance and the Development Process Manual; and

WHEREAS, the Developer is able to provide the required financial guaranty;

NOW THEREFORE in consideration of the above and the mutual promises contained herein, the parties agree:

3. The required completion date for construction of the improvements, is extended (Complete either A or B:)

A. For all improvements, the \_\_\_\_\_ day of \_\_\_\_\_.

B. On portions of the improvements as follows:

\_\_\_\_\_

## **IMPROVEMENTS**

COMPLETION DATE

В.	With this Extension Agreement, Developer has provided the City with the
following fina	ncial guaranty:

 Type of Financial Guaranty:
 Subdivision Bond 655110S

 Amount:
 105,168.49

 Name of Financial Institution or Surety providing Guaranty:
 Developer Surety & Indemnity Co.

Date City first able to call Guaranty (Construction Completion Deadline):

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is:

Additional information:

4. <u>Other Terms Unchanged</u>: Except as amended herein, the terms and conditions of the Original Agreement will remain unchanged and will continue in full force and effect unless there is a conflict between the terms and conditions of this Amendment, and the terms and conditions of the Original Agreement, in which case the terms and conditions of the Amendment to the Original Agreement will control.

DEVELOPER: 730 Coors, LLC	
By [signature]:	
Name [print]: Jeffrey Poston	
Title: Manager/Owner	
Dated:	

## DEVELOPER'S NOTARY

STATE OF\_\_\_\_\_)
) ss
COUNTY OF\_\_\_\_\_)

 This instrument was acknowledged before me on this \_\_\_\_\_\_day of \_\_\_\_\_\_, 20\_\_\_\_ by

 [name of person] \_\_\_\_\_\_\_Jeffrey Poston \_\_\_\_\_\_, [title or capacity, for instance, "President" or

 "Owner"] \_\_\_\_\_\_\_Manager/Owner \_\_\_\_\_\_ of ("Developer") \_\_\_\_\_\_70 Coors, LLC.

(SEAL)

Notary Public

My Commission Expires:

CITY OF ALBUQUERQUE:

By: \_\_\_\_\_\_ Shahab Biazar, P.E., City Engineer

Dated: \_\_\_\_\_

## CITY'S NOTARY

)

## STATE OF NEW MEXICO ) COUNTY OF BERNALILLO

This instrument was acknowledged before me on \_\_\_\_\_day of \_\_\_\_\_, 20\_\_\_, by Shahab Biazar, P.E., City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

(SEAL)

Notary Public

My Commission Expires: