

# CITY OF ALBUQUERQUE

## LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

**Project #:** 2020013; Pre-application

**Property Description/Address:** Wintergreen Apartments at Tract E-1, east of Golf Course Rd. and north of the Black Arroyo Channel.

**Date Submitted:** June 22, 2020

**Submitted By:** Philip Crump and Jocelyn M. Torres

**Meeting Date/Time:** June 18, 2020, 6:30-8:00 PM

**Meeting Location:** First Baptist Church, 3906 19<sup>th</sup> Ave. SE, Rio Rancho, NM

**Facilitator:** Philip Crump

**Co-facilitator:** Jocelyn M. Torres

**Applicant:** Calabac Illas Group c/o Donald Harville (owners)

**Agent** – Tierra West LLC (TW), Ronald Bohannon, President and Richard Stevenson, Engineer

**Neighborhood Associations/Interested Parties** - Seven Bar North Homeowners Association (HOA), West Side Coalition of Neighborhood Associations, Neighbors

**Background/Meeting Summary:** The proposed gated community site location is the undeveloped Tract E-1, east of Golf Course Rd. and north of the Black Arroyo Channel. This is a pre-application meeting. The property is approximately eight acres and is zoned MX-M. The developer proposes four apartment buildings with 52 units in each building, totaling 208 units. This equates to a density of 24 units per acre. Each building will have a mix of studio, one and two-bedroom apartments. Vehicular access is off Golf Course Rd. at the existing driveway entrance, near the northwest corner of the property, which is intended to be a shared driveway when the currently vacant northern Tract D-1 is developed. There is also an emergency exit onto Golf Course Rd. proposed at the midblock as required by the Fire Marshall.

The development will also have a 5,000 sq. ft. clubhouse with porte-cochere. The clubhouse includes amenities such as a pool, spa, conference and meeting rooms, barbeque, and lounge areas. The residents' gated entryways will be on each side of the entrance. There is extensive landscaping, with open space between the apartment buildings. Total square footage of each apartment building is 59,716 ft. with a maximum building height of 45 feet in elevation. One parking space for each apartment will include a covered parking stall. There are 379 parking spaces including the covered stalls and handicap spaces.

Setbacks for the apartments are: Front 5-feet, Side 0-feet (Table 2-4-5 on page 27 IDO), and Rear 50-ft landscape buffer (IDO Section 14-16-5-9(F) on page 287). The buildings themselves will be significantly farther from the property lines, as they are surrounded by parking. The eastern buildings will be approximately 134 feet offset the eastern property line. This site does not meet the traffic impact threshold to require a traffic study.

A prior meeting was conducted April 7, 2020 to discuss the DRB and ZHE request, of which the developer canceled the variance request. A second online meeting was held May 21, 2020 to discuss the DRB application. The Developer delayed the submittal to DRB to provide an in-person meeting on June 18, 2020 to discuss the DRB application, following easing of restrictions from the COVID-19.

### **Outcomes:**

- *Areas of Agreement:*

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- All participants agreed to meet in person.
- Participants were encouraged to attend the DRB Hearing of July 22, 2020.
- TW will address action plan items.
  
- *Unresolved Issues & Concerns:*
- Several issues were discussed in this meeting.
- Neighbors remain opposed to the proposed development.
  
- *Key Points:*
- Neighbors continue to have strong concerns regarding the apartment location, height, privacy, views, traffic and schools.
- Neighbors also voiced concerns regarding the apartment landscaping, wall height, construction, vibration, noise, maintenance, walking paths, arroyo access, drainage, wildlife plan and potential development of northside eight acres.

### **Meeting Specifics:**

#### **1) Introduction.**

Facilitator: Philip Crump: phcrumpsf@gmail.com. Those who signed in legibly, with their name and affiliation, will receive a meeting report. Philip Crump and Jocelyn M. Torres are neutral facilitators for the City of Albuquerque. TW Engineer Richard Stevenson, President Ron Bohannon and Architect Richard Bennett are in attendance. Richard Stevenson provided the project overview presented in prior meetings.

#### **2) Building Height, Privacy, Views, Landscaping and Trash Bin Locations.**

- a) Neighbors stated the proposed design is not consistent with the property location and intent. The four-story height is inconsistent with this community.
  - i) They asked that the building height be reduced to two stories.
    - (1) TW – This height and design meets the IDO requirements. It took three years to amend the zoning code, with a goal of preventing urban sprawl. This property has a 50-foot buffer with a 134-foot setback distance of the buildings from the residential homes. It is near market development. The guidelines of the IDO motivated the Developer, who wants four stories.
  - ii) View, wall height, buffer and landscaping concerns were expressed by neighbors. Neighbors are concerned that their views will be blocked, that the apartment residents will congregate near their property, that the wall should be eight-feet instead of six- feet high, that there should not be an eastside walking path, that landscaping should include river rock instead of native grass and that 6.5 foot specified barrier trees will not provide privacy until they mature. Trash containers should be moved to the center of the property and should not be located on the corners near the neighborhood. Juniper trees cause pollen and pine trees will shed.

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- (1) TW- Concerns regarding the buffer area will be taken to the Developer, who has changed the tree specification to Evergreens. We will ask the Developer to change the trash bin locations so they are not adjacent to the neighborhood. (*See Action Items.*)

### 3) **Traffic.**

- a) Neighbors expressed several concerns about traffic congestion on Golf Course and Westside. This Development does not require a traffic study. There is a need for a traffic light on Westside at 7 Bar Loop Road. There are cut-through problems. There are problems with Rio Rancho traffic on Westside. This apartment complex will likely result in an additional 376 cars traveling south on Golf Course or East on Westside. School traffic will negatively impact existing roadways. The Lovelace Hospital is already overloading Westside.
  - i) TW – The biggest problem is Westside Drive. Sandoval County has not built up their side of the roadway. TW will look at these traffic concerns closely and will reach out to the New Mexico Department of Transportation (NMDOT) regarding traffic problems expressed by neighbors. TW will review and report on traffic studies done within the past three years regarding the clear-sight triangle on Golf Course and Westside Drive intersection (*See Action Item*).
  - ii) TW – Neighbors can protest cut-through problems via the City’s cut-through ordinance. The City can quantify traffic thresholds and implement a means of slowing the traffic, such as roundabouts and speed bumps.
  - iii) TW - Rio Rancho has always had traffic problems. MRGCD gets funding for major corridors. The Intersection of 528 and Unser is under consideration for funding. This Development is under CABQ jurisdiction so we are not consulting with Rio Rancho. Development impact fees vary depending on the proposal. We only have 208 apartments and 250 are required for a traffic impact study.
  - iv) TW - Will prepare a trip generation (hours) and trip distribution (network) study regarding Golf Course and Westside traffic in this location. (*See Action Item*).

### 4) **Schools.**

- a) Neighbors stated that schools will be stressed because of this development. They are concerned that an estimated 300 kids will further overload the schools.
- b) School traffic concerns were addressed in *above* Section 3.

### 5) **Development of Northside Eight Acres.**

- a) Neighbors are concerned about the development of the property north of the project consisting of eight acres. Will this developer be involved in a phase two development of that site? There is already a traffic problem on 7 Bar Loop and development of that site will increase traffic problems. It is unknown what type of development will be placed on that site.
  - i) TW – This Developer is separate to the northern tract. MX-M Zoning allows for many permissive uses of the northern tract. Depending upon the use, the development of that site may require a traffic study. The neighborhood will be notified when that site is developed as required by the IDO notification procedures. TW will take the traffic impact study question to the apartment developer (*See Action Item*).

### 6) **Construction, Vibration, Utilities and Noise.**

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- a) Neighbors asked several questions. Why wasn't a Southwest style used for these apartments? What is the anticipated construction duration? Will there be vibration and noise problems associated with the construction? Will there be utility problems due to construction? Will there be noise problems with the apartment complex?
  - i) TW – The anticipated construction duration is 12-16 months. The dirt work contractor will monitor vibrations. The construction site is 135 feet from the neighborhood. We are in contact with the Water Department and will contact PNM and NMGC regarding utilities. We don't anticipate blasting. The contractor will determine the foundations. We will use standard techniques for determining vibration and settling. We will write the specification and these standard techniques will be included in the specification (*See Action Item.*)
  - ii) TW – The Developer, Contractor and Apartment Complex will abide by the CABQ Noise Ordinance requirements.

### 7) Apartment Maintenance, Management and Pest Control.

- a) Neighbors requested that apartment maintenance and repairs not be conducted on weekends and that they be conducted at a reasonable hour. They asked that gas blowers not be used. They asked about pest control.
  - i) TW – Will take these concerns to the Owner (*See Action Item*). Noise ordinance day and time requirements will be met. TW recommends this project and believes they will do their best to comply with these requests.

### 8) Drainage.

- a) Neighbors asked about the drainage plan.<sup>1</sup>
  - i) TW – We do have a drainage plan and it will be shared with all. The grading plan will show where the runoff area is located and will be provided. Site drainage will enter into the AMAFCA Black Arroyo Channel to the south of the property. . The drainage plan will be distributed at time of application to DRB to attendees of the meeting (*See Action Item*).

### 9) Arroyo Access.

- a) Neighbors asked about apartment arroyo walking access.
  - i) TW – There will be pedestrian gates so residents can access the arroyo paths.

### 10) Apartment Need.

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<sup>1</sup> In the May 21, 2020 Meeting, TW explained the property drainage plan as follows: "The property design allows for water remediation prior to entering the arroyo or the Rio Grande (RG) per the City of Albuquerque Drainage Ordinance and based upon the EPA Clean Water Act. This allows for the collection of trash, oil, and sediment before the water runoff enters the RG. The first flush pond holds the first portion and the excess runoff goes into the arroyo (*See May 26, 2020 Report*)."

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- a) Neighbors asked whether there is a need for these apartments. There are 1,400 homes available to buy rather than the usual amount of 4,000-6,000 homes. Because of Covid-19 people want to buy instead of renting.
  - i) TW – There is currently a 30 day wait to get into rental housing. There is a need for additional rental housing.

### 11) Wildlife plan.

- a) Neighbors asked about the wildlife plan.
  - i) TW – Will look at wildlife issues for this development (*See Action Item*).

### Next Steps and Action Plan:

- TW will complete action items.
- Application will be submitted June 26, 2020.
- DRB hearing will be held July 22, 2020.

### Action Items:

- TW will take concerns regarding the buffer area to the Developer and will ask that the trash bin locations be changed, so they are not adjacent to the neighborhood.
- TW will review and report on traffic studies done within the past three years regarding the clear-sight triangle on Golf Course and Westside Drive intersection.
- TW will prepare a trip generation (hours) and trip distribution (network) study regarding Golf Course and Westside intersection traffic in this location.
- TW will ask if a traffic impact study would be performed by Developer.
- TW will use standard techniques for determining vibration and settling and will include them in the specification for grading and drainage of the site.
- TW will consult with Owner and report on apartment maintenance, management and pest control plans.
- TW will provide the drainage plan at time of submittal to DRB.
- TW will consult with Owner regarding necessity of following CABQ Noise Ordinance regarding maintenance schedule, vehicles and other pertinent matters.
- TW will review Wildlife issues pertaining to this development.

### Application Hearing Details:

- The Development Review Board hearing will be conducted on July 22, 2020. The agenda will be posted by Friday afternoon July 17th
- ~~Development Review Board meetings, a portion of which are public hearings, are held each Wednesday beginning at 9 a.m. in the Plaza del Sol Hearing Room at 600 2nd NW. Free 2 hour parking for Plaza del Sol customers is available on the north side of the building.~~  
The DRB, as with all City boards and commissions, is holding online meetings via Zoom. “The DRB ‘remote’ public meetings are using the Zoom software. All participants – DRB members, applicants, and the public – participate from the safety of their homes. You can choose to participate by video or audio only. Participants can listen to the meeting and may also speak during the public comment period.

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The agenda for the DRB meeting is posted on the City website by Friday afternoon ahead of the Wednesday meeting. The agenda includes information on accessing the DRB meeting.

Participants can call the number listed on the agenda from their phone to be connected to the meeting. Participants may also can click on the link on the agenda to participate via computer (a microphone is required; a camera is optional.) Participants are not required to create a Zoom account, but may choose to do so.”

- The six members of the DRB are City staff representing the Planning Department, Parks and Recreation Department, Code Enforcement, City Engineer, Traffic Engineer, and Water/Sewer Utilities Engineer.
- The chairperson is the City Planner representative. Each member is authorized to sign plats.
- Jolene Wolfley, DRB Chair, Planning Department; Email: [jwolfley@cabq.gov](mailto:jwolfley@cabq.gov)
- Additional comments may be sent to Planner Maggie Gould <[MGould@cabq.gov](mailto:MGould@cabq.gov)>
- For questions, contact the Development Review Board Administrative Assistant Angela Gomez at (505) 924-3946.

### Meeting Adjourned.

#### Names & Affiliations of Attendees:

Ron Bohannon	Tierra West
Richard Stevenson	Tierra West
Rick Bennett	Richard Bennett Architects
Gary Hirsch	7 Bar North HOA
Amy Garcia	7 Bar North HOA
Mike Mirabal	7 Bar North HOA
Megan Fitzpatrick	7 Bar North HOA
Bruce Creel	7 Bar North HOA
Fran DiMarco	7 Bar North HOA
Cathy Mirabal	7 Bar North HOA
Cheryl Ruff	7 Bar North HOA
Kathy Vigil	7 Bar North HOA
David Lopez	7 Bar North HOA
Lucille Lopez	7 Bar North HOA
Ken McVey	7 Bar North HOA
JP Murrieta	7 Bar North HOA
Tyra Murrieta	7 Bar North HOA
Nena Perkin	7 Bar North HOA
Lillian Werntz	7 Bar North HOA
Scott & Jae Templeton	7 Bar North HOA
Debbie Chavez	7 Bar North HOA
Dan McCormack	7 Bar North HOA
Erin & Tim Zinsmeyer	7 Bar North HOA
Loretta Huerta	7 Bar North HOA
Gayle M Binkley	7 Bar North HOA
Marsha & John Kearney	7 Bar North HOA
T Scott Hutchinson	7 Bar North HOA, Pres
Sandra Kruzich	7 Bar North HOA
Hilary Butler	
Roy Fassel	
Lennard Mc???	