

DRB Minutes, Agenda Items 6 & 7  
June 30, 2021

CITY OF ALBUQUERQUE

DESIGN REVIEW BOARD

M I N U T E S

June 30, 2021

Agenda Item 6  
Project Number PR-2020-004595  
Applications:  
SD-2021-00111 - Preliminary Plat  
VA-2021-00216- Sidewalk Waiver

Agenda Item 7  
Project Number PR-2020-004595  
Applications:  
SD-2021-00122 - Vacation of Public Easement (7')  
SD-2021-00123 - Vacation of Private Easement (15')  
SD-2021-00124 - Vacation of Private Easement (20')

BOARD MEMBERS:

Jolene Wolfley, Chair  
Jeanne Wolfenbarger, Transportation  
Blaine Carter, Water Authority  
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Vincent Montano, Code Enforcement  
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STAFF:

Maggie Gould, Planning Manager  
Jay Rodenbeck, Senior Planner  
Shahab Biazar, City Engineer  
Nicole Sanchez, DRB Attorney  
Angela Gomez, Hearing Monitor

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**CHAIR WOLFLEY:** We're now ready for Agenda Items 6 and 7, which will be combined. They are PR-2020-4595, and the major applications are SD-2020-111, preliminary plat; and VA-2021-216, sidewalk waiver. And the minor applications are SD-2021-122, vacation of a public easement, 7 foot; 123, vacation of a private easement, 15 feet; and 123, vacation of a private easement, 20-foot waterline.

This is for 505 Solutions, LLC, and the agent is JAG Planning & Zoning. The address is Walkerway Street between Spain and Academy.

And who do we have here from JAG to represent us? If you're with the public, I'll get to you in just a moment. We'll start with the agent, Ms. Garcia.

Please go ahead and give us your name, firm and address.

**MS. GARCIA:** Okay. Thank you, Madam Chair. Good morning. My name is Juanita Garcia. I'm with JAG Planning & Zoning. And my mailing address is P.O. Box 7857, Albuquerque, New Mexico, 87194.

**CHAIR WOLFLEY:** Great. Ms. Garcia, do you swear or affirm to tell the truth?

**MS. GARCIA:** I do.

**CHAIR WOLFLEY:** Okay. Go ahead and give us an overview of this project.

**MS. GARCIA:** Okay. Great. Thank you.

So, Madam Chair, Members of the Board, we are here with a major plat application, preliminary plat application. We're proposing to create 11 residential lots, as you could see displayed on your screen.

We recently were granted a zone map amendment. The property was zoned PD, and it's still reflected on the maps. However, we were successful in obtaining a zone map amendment to R-1D. And so we are now proposing to subdivide the site that would meet the R-1D standards.

We are also asking for a vacation of some easements, access easements, and a waterline. And then we're also asking for approval for a waiver to the sidewalk standard. This is the remnant piece of an existing residential development that's located to the west and a little bit to the south. And so we are just kind of finishing up that whole subdivision. And we want to have this portion of the subdivision remain consistent with the design of the existing subdivision to the west, which has sidewalks on one side of the road, and so we are proposing sidewalks on one side of the road.

During the application process, we were required to notify neighborhood associations and the property owners adjacent to the site. We did have a meeting with the neighborhood association immediately affected by this request and some of the residents there, who located just immediately south of Walkerway. This is a gated community, and so there are residents who live just outside of that gated community who are concerned about additional traffic coming down Walkerway -- Royal Oak. Sorry.

And so -- so we did meet with the residents. We did indicate to them that we would explore additional options in terms of getting vehicular access to the site. Of course, the site is abutting

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Tramway Boulevard to the east. We did reach out to the city, to Jeanne Wolfenbarger, and to the state, who have both indicated -- well, the state indicating -- indicated that we could not get vehicular access from Tramway. We were denied access.

So our only option now, at this point, is to remain with what we are showing on the plat, which is off of Royal Oak Street.

And so with that, I think that's -- I think that's all. We did receive the comments and we did resolve some of the comments that were -- that were mentioned. And so I can speak to those as we go over our comments.

**CHAIR WOLFLEY:** Okay. Thank you, Ms. Garcia.

This is Chair Wolfley. Ms. Gould, can you go back to that aerial photo that you just had up that showed the greater area of the neighborhood?

Ms. Garcia, could you identify, like, where the gate is on this map and which parcels have access through that gate to their residence?

**MS. GARCIA:** Okay. Ms. Gould, can you zoom in just a little bit more, maybe. We probably would get a better shot at or view of the gate, itself.

As you can see from this aerial view, the gate is located on the southern end of Royal Oak, and so that is the only entrance to this gated community, is right at that -- right at that location.

**CHAIR WOLFLEY:** And then, which -- which residences are getting their access through that gate? It's more than just your 11, correct? It's some that exist today?

**MS. GARCIA:** That is correct. If you can see, so it's the -- the two houses immediately to the east of the gate. That's to the west -- no, to the -- to the east. And then you've got to the west, the two to the west. Actually, those are immediately east -- west of the gate. And then you have -- let me see. I think there's one, two, three, four, five, six, seven, eight, nine, ten. Ten lots. Yeah.

**CHAIR WOLFLEY:** Okay. And then once again, the gate on this map is just below the T in the street; is that correct?

**MS. GARCIA:** That is correct.

**CHAIR WOLFLEY:** Okay. All right. That's just to kind of make everything clear. Because sometimes, when we're just looking at your plat, we don't understand the context of the whole neighborhood. And that's what I wanted everyone to try to understand.

**MS. GARCIA:** Yes.

**CHAIR WOLFLEY:** Okay. Thank you for all those comments. We're now going to turn to see if there's any members of the public that wish to speak on Items 6 and 7, which are plat sidewalk waiver and vacation of easements. If you can, give me some kind of sign through Zoom. Go ahead and turn your camera on. And if you have a spokesperson that's speaking for all of you, that works, as well.

And I see Ms. Evelyn Watkins. Okay. Did you wish to speak, ma'am?

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**MS. WATKINS:** Thank you very much.

**CHAIR WOLFLEY:** I need your -- first I need your name, address and I will swear you in.

**MS. WATKINS:** My name is Evelyn Watkins, 5908 Royal Oak Street, Northeast, Albuquerque, 87111.

**CHAIR WOLFLEY:** Okay. Ms. Watkins, do you swear or affirm to tell the truth?

**MS. WATKINS:** I do swear the tell the truth.

**CHAIR WOLFLEY:** Okay. And since there's -- it looks like there's four of you that want to speak. If you can try to be as succinct at possible. But go ahead with your comments.

**MS. WATKINS:** Thank you very much. I have already sent written comments in to the board members, to most of the board members, and some others, as well, because of concerns that we have with the traffic that comes through this area. There are other people from the neighborhood who will address specific issues.

I wanted to address the issues of the gate, itself, and the fact that we are on the stub street. We -- this -- the estates were developed initially without -- not as a gated community. The gate was established later, after a few of the homes went in. When that happened -- and Royal Oak Street, which leads to the estates is a dead-end street. The only turnaround was within the estates.

When they established the gate, there no longer was a turnaround, and as a result, vehicles which are going into the estates have to go through -- you know, use the keypad. And when they're doing so, they may be blocking driveways, mailboxes, as well as causing congestion at the gate.

We also have traffic which comes down the road just from people who are going on the street and want to see where it goes, I guess. As a result, they get to the gate, they can't go in, they have to turn around in the existing neighborhood driveways. This creates a problem.

We also have maintenance vehicles. Yesterday -- I took a picture yesterday morning of two vehicles of people who were working inside the estates. And they park on our street, in front of mailboxes, and also create congestion at the gate.

Fire code requires that a stub street have a turnaround. There's no place for a turnaround on this street because of the gate. There was a turnaround previously.

And so we would like to have a second access. And although JAG has contacted the state and the state has said they will not allow access from Tramway, they -- if that had remained PD, undoubtedly, it would have had to have had access. So it's not an impossibility.

But if the gate were left open all the time, it would not be a problem either. But as it stands right now, traffic is a problem going in and out of the estates or coming down onto the stub street as it is right now.

And so that's one major issue that we have, the people who live immediately adjacent to the gate have the biggest problem with

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it. So --

**CHAIR WOLFLEY:** Okay. Thank you, Ms. Watkins. You pointed that out very well. And I want to mention that any e-mails that we received as of yesterday were sent to all the DRB members to be reviewed, so I want everyone to know that.

Let's go now to Vicky Estrada- something. All right. Can you give us your name and address.

**MS. ESTRADA-BUSTILLO:** Sure. Let me get my photo so you can see me, because I know how it is to not see the person you're talking to.

**CHAIR WOLFLEY:** Okay.

**MS. ESTRADA-BUSTILLO:** My name is Vicky Estrada-Bustillo, and my address is 5912 Royal Oak Street, Northeast. So thank you, Madam --

**CHAIR WOLFLEY:** Do you swear or affirm -- do you swear or affirm to tell the truth?

**MS. ESTRADA-BUSTILLO:** Yes, I do.

**CHAIR WOLFLEY:** And if you could help us out here today, and we've heard from Ms. Watkins, and if you can -- if you have comments that are different from hers, that's what's going to be most useful to us.

**MS. ESTRADA-BUSTILLO:** Okay. So I think the few things I would like to add, when we're talking about the traffic in that area, there are actually 12 to 13 houses already there, and then they'd be adding 11. And each of those houses has two cars. We can assume that the new lots, the 11 lots, would probably have two cars.

So we're going from traffic now of probably about 20 to 24 vehicles to doubling that. And the issue is that the one way in/one way out, we're going -- all of those cars are coming in and out onto a residential street, it's not a main thoroughfare. So it's not only the congestion, it's the speed. And then there's the curve. And we have kids in our neighborhood. And it's -- it is eliminating the residential tranquility, and really, the essence of a neighborhood street.

The other thing I add is, we really are opposed to the waiver to eliminate that access easement because while we appreciate JAG talked with us about Tramway, when we had the meeting, basically, we were told by the engineer that what they had done met the requirements, and so we didn't really gain a lot of confidence that there was active pursuit of options. And as you might have noticed, there was no mention of the PNM easement, which is the other access that we had requested that they look into. Because there is a road from Academy, a PNM easement, that we had wanted them to consider.

So we -- you know, we really don't want to eliminate the access easement right now, nor do we want that to be something in the future that we couldn't look at.

And I'm also concerned about this elimination of the water utility. According to the map that I looked at, and, of course, I'm not an engineer, I'm not an architect, but I don't see where any replacement for the water utility has been put and where I see the drainage was put that is an addition that they're adding.

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It's along the south side, which looks like the plan is to drain onto the street, that would come again impacting us.

So those are my concerns. The sidewalk, while I don't think it meets the city and county requirements, because many of the lots would then not have sidewalk on any side of their properties, that's their internal issue, but the others directly impact the neighborhood. Thank you.

**CHAIR WOLFLEY:** Thank you. I'm going to pause for a second here.

Ms. Gould, can you bring up the plat? And I want to understand better if any of the vacations affect alternative access to the parcels.

**MS. GARCIA:** Ms. Gould, can you -- I believe Sheet 2 of the plat will give a better idea of where these vacation requests are.

**MS. GOULD:** Okay. Thank you. I was just -- I realized I asked that but was on mute. So let me go back to --

**CHAIR WOLFLEY:** And, Ms. Garcia, and you might be able to orient us a little bit orally.

**MS. GARCIA:** Okay.

**CHAIR WOLFLEY:** Do these vacations affect any easement that was giving access to Tramway?

**MS. GARCIA:** Madam Chair, this is Juanita Garcia with JAG Planning & Zoning. They do not. They are pedestrian access easements, not vehicular access easements. And they do not connect directly onto Tramway Boulevard, as you'll be able to see here momentarily.

**CHAIR WOLFLEY:** Okay. And since we've got Ms. Gould doing three or four things at once, would it be possible to put the agenda number in the chat. So we are in Agenda Items 6 and 7 right now.

Thank you, Ms. Gomez. Yes, if you can take care of that.

What I'm going to do, if -- Ms. Gould, while you're looking for that, let's go ahead and go with our next speaker of.

And Rachel Bevan, if you can unmute yourself. Good morning.

**MS. BEVAN:** Good morning.

**CHAIR WOLFLEY:** Give us your name and address, please.

**MS. BEVAN:** Sure. Rachel Bevan, 5719 Lost Dutchman Street, Albuquerque, New Mexico.

**CHAIR WOLFLEY:** Thank you. And if you can go ahead with your comments. And once again, it's most helpful not to maybe repeat what we've already heard, but any new information you wanted to share.

**MS. BEVAN:** Sure. I just wanted to introduce myself. I'm actually one of the owners of this property. So if you have specific questions for us -- obviously JAG is speaking on our behalf, but if anybody --

**CHAIR WOLFLEY:** Okay.

**MS. BEVAN:** -- has any questions, I just wanted to let you know

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we're here in support.

**CHAIR WOLFLEY:** Okay. Thank you, Ms. Bevan.

Ms. Gould, have you found anything that's helping identify those easements?

**MS. ESTRADA-BUSTILLO:** If I could just add, the easement on the east side is --

**CHAIR WOLFLEY:** Ms. Estrada-Bustillo.

**MS. ESTRADA-BUSTILLO:** Yes.

**CHAIR WOLFLEY:** Yeah, it's kind of hard to just have people speak whenever, but go ahead, if there's something you need to clarify. But I'd appreciate you raising your hand.

**MS. ESTRADA-BUSTILLO:** I'm sorry about that, Madam Chair.

**CHAIR WOLFLEY:** Yeah.

**MS. ESTRADA-BUSTILLO:** I just wanted to add, while she's looking at that, there is a gate, a vehicular access gate on that easement, that access easement, which is why we were assuming it was related to vehicles, as well. Thank you.

**MS. GOULD:** This is Maggie Gould, Madam Chair. Can you see the plat that I have up?

**CHAIR WOLFLEY:** Yes.

**MS. GOULD:** Okay. Is that -- Ms. Garcia, is that -- is that the best plat?

**MS. GARCIA:** Madam Chair, Ms. Gould, no. Actually, that's a -- that's the previously approved plat, so --

**MS. GOULD:** Okay. That's --

**MS. GARCIA:** -- if you can move on to the plat that we are proposing to have approved.

**MS. GOULD:** Sorry. That was on me. All I was focusing on -- there we go.

**MS. GARCIA:** There it is.

**MS. GOULD:** Is that better?

**MS. GARCIA:** Yes, it is.

**MS. GOULD:** Okay.

**MS. GARCIA:** Thank you.

**MS. GOULD:** That makes more sense.

**MS. GARCIA:** So, Madam Chair, Members of the Board, if you'll see, in the middle of the area there, where we have Notes Number 5 and 6, those are the access easements that we are proposing to have removed. So the 5 -- Number -- where Note Number 5 is, that is a 15-foot-wide access easement. It's not clear if it's a vehicular access or a pedestrian access, but, in my mind, given the fact that it's as narrow as it is, we're thinking it's a pedestrian access.

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And so Number 6, which is north of that, is a 7-foot access easement that we're hoping to have eliminated with this. That area to the north is just an apartment complex, and so there would be no benefit, no use of having that pedestrian connection to that area because it just -- it just leads to a block wall.

And then to the left of that is, far left of that is, on Number 1, there's where we had the 20-foot-wide water easement that we are hoping to vacate. And our plat shows that the waterlines and sewer lines will run underneath the street. So the streets themselves will have the easements for water and sewer lines.

And then, just to -- Ms. Gould, if you can scroll down just a little, so we can look at the southern part.

So if you'll see to the southern part, there is a -- next to Note Number 9, right by the cursor, to the left of that is -- I believe it's a 6-foot wide access easement that will -- that will be granted with this plat to allow the residents within the neighborhood to go out on to Tramway and the ditch bank that's immediately to the south. So there will be a pedestrian connection that will remain within the subdivision. It's just going to be placed in an area that will be useful to the neighborhood.

**CHAIR WOLFLEY:** And thank you.

Mr. Biazar.

**MR. BIAZAR:** This is Shahab Biazar. Does it say who are the beneficiary of those easements?

**MS. GARCIA:** I -- I guess I'd have to take a look at the plat that was originally approved, if we scrolled further up.

I think it's just for the benefit of Lot 1. If you'll see there, so there's the existing 15-foot access easement. And then it says to the right easement is owned and maintained by the owners of Lot 2A, 3A, 4A, and is private access to Lots 1A, 2A, 3A and 4A, and public utilities to Lots 2A, 3A, and 4A. So it's really just for the benefit of the property owner, the agent -- the property owner and the applicant.

**MR. BIAZAR:** All right.

And, Madam Chair, this is Shahab Biazar. I also have another comment regarding the gate, if I may.

**CHAIR WOLFLEY:** Go ahead.

**MR. BIAZAR:** So I was wondering, how was the gate placed. Was that permitted? Because I -- I could see that that's definitely an issue, because it's -- it's creating a stub street that will need a turnaround for fire. So I don't know if the fire department has looked at it.

And then also, my other question is, there is one main access to all the subdivision. How many lots will be accessing that main access, the single access?

**MS. GARCIA:** Madam Chair, Mr. Biazar, I'm not aware of when or how that -- that gate was placed or granted approval. I'm assuming the city, at some point, did grant that approval. But I'm not sure how or when.

And in earlier discussions, when we were counting the lots, I believe there are 12 lots, and then we will have the additional



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11.

**MR. BIAZAR:** But I'm saying to the main, main access to the subdivision, where everybody comes in. Not just your subdivision but the subdivision to the south, for how many accesses are to the -- yeah, to the subdivision to the south? Can you scroll down south a little bit? Yeah, there we go. So there are -- there's several accesses to -- okay. Okay. I see. So, I mean, that would be -- we really need to know how -- if that gate was ever permitted.

I mean, to be honest with you, I don't see how the city would have created a gate like that, creating a stub street without a turnaround. I mean, that -- I mean, like the residents mentioned, that is a concern, you know, having a stub street without a turnaround.

Jeanne, is that more than 150 feet? Have you looked at that to see if it's more than 150 feet, or do we have approval for fire marshal?

**MS. WOLFENBARGER:** This is (inaudible) with transportation. It is definitely more than 150 feet. I haven't seen an approval from the fire marshal yet. That wasn't (inaudible).

**MR. BIAZAR:** Oh, yeah, so if it's more than 150 feet, you do need a turnaround out of the gate there. I'll -- I mean, with or without the subdivision, that gate is an issue.

**CHAIR WOLFLEY:** Okay. We're going to continue with public comment, and I have -- and once again, if you can help us be brief, we've got a pretty long agenda. We want to make sure we understand your needs. A lot of them have been well articulated already. But let me go to iPad JBO. Can you unmute and introduce yourself.

**MR. OSCHWALD:** Hello. My name is Jim Oschwald. I'm an architect that lives at 12500 McKay Way, Northeast, in the subdivision.

**CHAIR WOLFLEY:** Do you swear or affirm to tell the truth?

**MR. OSCHWALD:** I do, so help me God.

**CHAIR WOLFLEY:** Okay. So you live in the area that is within the gated area. Correct?

**MR. OSCHWALD:** Yes, ma'am. I live right inside the gate to the east, the first house on the east.

**CHAIR WOLFLEY:** Okay. All right.

**MR. OSCHWALD:** So I'm probably one of the most affected by the traffic that this change will make in our little community.

**CHAIR WOLFLEY:** Okay. If you can go ahead and give us your comments. If you can try to keep yourself to two minutes, that would be helpful.

**MR. OSCHWALD:** Sure. I bought this house that I live in ten years ago, with the understanding that there was empty lots across the way that would eventually be developed.

I, for one of the neighbors in this area, am very grateful that we have a developer who's come in to develop this area in the same texture and fabric and character of the rest of the neighborhood. They are not trying to maximize the lots that are

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there and build several townhouses, which obviously could be built. There could be quite a bit more traffic going through this area and, as has been stated, creating other issues.

So I am grateful for the access that is -- is being granted and for the -- the situation that this developer is asking to have approved.

I speak as an architect who has done quite a number of these type of developments and applaud the efforts that this developer is making in doing a job that would be in keeping with the rest of the neighborhood.

I'm, like the rest of the neighbors, one that understood development will happen, progress will happen, changes will happen. I think this is the best solution that all of us could possibly have.

Thank you, Madam Chair.

**CHAIR WOLFLEY:** Thank you. Do you have any knowledge about how the gate was put in or when?

**MR. OSCHWALD:** No, ma'am. I moved in 11 years -- ten and a half years ago, and that gate was there. It has been, to my knowledge, the original gate that was -- that was built with the property.

There was chain-link fence that wrapped from that gate all the way around the property previously, which is, for the most part, still intact. Maybe 60, 70 percent of the property is covered with that same chain-link wraparound. So I would say that that is original equipment.

There is a bit of a turnaround there. We do have vehicles come and are rejected at the gate and are able to do a three-point turn. And my back wall of my property is subject to that three-point turn. It's not been damaged yet. We do occasionally have large trucks that come.

And we've got a camera that observes that -- that turnaround, that access to the -- to the call box. And we have not recorded any incidents in all the time we've had a camera on that, that location.

So I don't -- I don't know what the -- I certainly understand the city engineer's concern about a small turnaround, but I think it's something that's grandfathered in, ought to be grandfathered in. It's been there, operated well for many years.

**CHAIR WOLFLEY:** Okay. Thank you very much for your comments.

**MR. OSCHWALD:** If I could, one more comment --

**CHAIR WOLFLEY:** All right.

**MR. OSCHWALD:** -- to respond to the concerns that have been raised about access to the site and backups at the gate.

We have heard the neighbors' concerns. We have the ability to open that gate during construction, during peak traffic access needs to the property. So we have agreed and are going to monitor that access and keep it open as needed.

**CHAIR WOLFLEY:** Okay. Thank you, sir.

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Let me go to Leslie Colbert, if you want to unmute and give us your name and address.

**MS. COLBERT:** Hi. I am Leslie Colbert. I live at 12415 Walkerway Street, Northeast, in Albuquerque.

**CHAIR WOLFLEY:** Do you swear or affirm to tell the truth?

**MS. COLBERT:** I do.

**CHAIR WOLFLEY:** Okay. And if you can try to keep comments to two minutes and hopefully not repeat. Thank you.

**MS. COLBERT:** Yes, ma'am. I'm a resident inside of -- inside of the gate, and I just wanted to attend this meeting in support of the development, as Jim spoke to.

And I did want to say that when people do come to the -- to the keypad to enter, it doesn't block any mailboxes or driveways when they're stopped at that keypad, from my observation.

And I really don't have all the measurements and things prepared for this meeting, because I'm mostly here just to support and say, just like Jim said, we're excited to have the type of development going in.

**CHAIR WOLFLEY:** Okay. Thank --

**MS. COLBERT:** (Inaudible) --

**CHAIR WOLFLEY:** Thank you, ma'am.

**MS. COLBERT:** -- a lot more traffic, so...

**CHAIR WOLFLEY:** All right. Let me go to Sue and Mike. Can you unmute? Please give us your name and address.

**MR. CONNOR:** I'm Michael Connor. I live at one 2512 McKay Way, Northeast, inside the gate.

**CHAIR WOLFLEY:** Do you swear or affirm to tell the truth?

**MR. CONNOR:** I do.

**CHAIR WOLFLEY:** Okay. Please go ahead with your comments. Try to keep them to two minutes. Without too much repetition would be helpful.

**MR. CONNOR:** Okay. First off, let me say I concur with Jim and Leslie relative to the development in here. We moved in in 2009. We understood that sooner or later the property would be developed. Our concern was how it was going to be developed. And we currently feel this is the best option, about the best we could hope for relative to number of housing, number of people moving in, et cetera.

I wanted to adjust a couple of things that might help you out a little bit. You asked about how long the gate has been there. And they mention the gate on the east end. There used to be a street right outside that chain-link fence. I think it was called Panorama Drive, before Tramway. And that gate was there for access to Horace McKay's business, a real estate oil and gas business, which sat just in what is now north of our house, inside the gated area. And that was access off at Panorama Drive before Tramway.

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So that chain-link fence there with that opening was for that. Since that time, that road has been -- was given back to Mr. McKay, because I understand that he gave it to the state with the stipulation they'd give it back to him if they built Tramway.

And when they built Tramway, of course the state and the city had restrictions relative to exiting -- entry/exit off Tramway except at major intersections.

Now, if you go back and look at the gate and when it was done, I, too, moved in in 2009, had lived here in Albuquerque from about 1979 forward, and there was always -- once Tramway was in and Panorama -- Panorama Street was taken out, the gate has been there.

But I would -- if it helps in your research, under Horace McKay. He's the individual -- Horace McKay. He's the individual who developed this property going all the way -- including parts of Royal Oak and Royal Oak Drive and Royal Oak Street. And I understand now Academy, north of -- or south of Academy. So that might help you in terms of determining when that gate was put in or not put in.

And there again, I just want to go back and say I strongly support this development. I know it could be worse. And being I live here, I like what they're doing. So thank you.

**CHAIR WOLFLEY:** Okay. Thank you very much. Let me go --

**MR. CONNOR:** Oh, I'm sorry.

**CHAIR WOLFLEY:** Go ahead.

**MR. CONNOR:** Yeah, we --

**CHAIR WOLFLEY:** Go ahead.

**MR. CONNOR:** -- (inaudible) camera on the gate. We put it out there specifically to try to see how bad queuing up would be at the -- at the box, how many cars came up and turned around. And it -- it averages right now right around 125 entry accesses a day, of which somewhere around 5 percent are people movements, which activate the camera, versus cars in and out to do that.

I have witnessed -- and we record every vehicle, every person that comes up through there, and in the last 15 days or so, there has been one instance where someone waited for a car to come to (inaudible) on them, and that was the phone company actually coming to our house to fix our phone service. And the other was there were about three occasions in that time frame where somebody came up to the dead end and had to turn around and leave, had to make a wide turn. She didn't have any trouble.

The there have been on a couple of occasions, (inaudible) --

**CHAIR WOLFLEY:** And I think we're going to need to kind of wrap this up so we can get all our business in. But thank you, that's helpful.

**MR. CONNOR:** -- restrictions that we've noticed of vehicles in and out.

**CHAIR WOLFLEY:** Okay. Thank you very much.

**MR. CONNOR:** Okay.

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**CHAIR WOLFLEY:** And I see David. If you can unmute.

**MR. ESPARZA:** Yes. My name is David --

**CHAIR WOLFLEY:** Please us your name and address.

**MR. ESPARZA:** Yes. My name is David Esparza. I live at 5913 Royal Oak Street, about the second house before -- just outside the gate to the south of the gate. My wife and I have lived --

**CHAIR WOLFLEY:** Do you swear or affirm to tell the truth?

**MR. ESPARZA:** Yes, ma'am.

**CHAIR WOLFLEY:** Thank you. Go ahead.

**MR. ESPARZA:** My wife and I have lived here approximately 20 years now, and that gate has been there. But up until a five years ago, that gate was primarily left open around the clock. For some reason, they started closing it, which is fine. It's -- it's their choice.

But what I -- the question I have is, reviewing some of the documents, I see that the -- a grading and drainage plan was submitted. Was that actually approved?

**CHAIR WOLFLEY:** We'll get to that when we do board member comments.

**MR. ESPARZA:** Okay. But the question I have is, again, with the increased traffic and a lot of the speeding vehicles that come out of the gated community -- and I understand that teenagers drive. But that blind curve that has been identified previously is a major issue. And on several occasions, as my wife and I are exiting our driveway or backing out, cars -- young people out of the compound, as we call it, have actually gone around, so they're headed southbound in a northbound lane, to be -- to one occasions, they've almost hit a mailbox on the opposite side of the street. It's not happened once, but it's happened numerous times. And continually it happens. And I can only imagine what will happen if and when construction traffic is going into the gated area and one of the cars comes around unknowing, because kids actually text and drive, we all know that, and there's a major collision, or some accident there.

Additionally, the one house located to the south of us, they occasionally park on the street, which again, is in front of their house, but when they park on that street, that's that blind corner, or blind turn. You have to actually swing out if you're headed southbound on Royal Oak Street. You actually have to go into the northbound lane. Again, causing vehicle problems or potential accidents with kids.

There's also golf carts coming -- golf carts come out of the compound. And that's fine, again, I mean, that's their choice. However, I don't think a golf cart is any match for a heavy equipment vehicle. And we're looking for an accident -- or we're waiting for an accident to happen.

**CHAIR WOLFLEY:** Okay. Thank you, sir. We're going to keep moving on.

Ms. Gould, someone requested the visual of the gate. We got a picture of that. If you want to go ahead and put that up.

And then, once again, we still have quite a long agenda to do

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today, so anyone who still wants to speak, if you can see if your comments have already been made or if you can make yours in a very succinct way, we would really appreciate that.

Let's go with Nicole McCleskey. Please unmute. I need your name and address

**MS. MCCLESKEY:** Nicole McCleskey. 12404 Walkerway Street, Northeast. I'm in the compound.

**CHAIR WOLFLEY:** Do you swear or affirm to tell the truth?

**MS. MCCLESKEY:** Yes. I'm just supportive of the development. We think it's exciting. No one likes to have construction in their neighborhood. No one. But we're very supportive of the development for the reasons that have already been stated.

And we have proposed a simple solution to the traffic problem, and that is to keep the gate open during hours of construction. And we've -- because we are so supportive of the development that is going in place. So I just wanted to echo that and enforce that as a solution that should accommodate the primary concern of those outside the gate.

**CHAIR WOLFLEY:** Okay. Thank you.

Dixie Hanks.

**MS. HANKS:** Thank you. Ms. Wolfley, my name is Dixie --

**MS. GOULD:** Here we go.

**MS. HANKS:** Can you hear me?

**CHAIR WOLFLEY:** Yeah. Please proceed with your address.

**MS. HANKS:** 5917 Royal Oak Street, Northeast. I am directly to the south of the gate. And when I moved here in 1998 --

**CHAIR WOLFLEY:** Okay. I need to swear you in, Ms. Hanks. Do you swear or affirm to tell the truth?

**MS. HANKS:** Yes, I do.

**CHAIR WOLFLEY:** Okay. Please proceed.

**MS. HANKS:** Okay. When I moved in in 1998, there was no gate. I do not recall any information about a gate going up, but a gate went up. And the reason that it involved us is because the telephone line that goes to the gate access device had to go through our yard, and there was a bit of an issue on that. And now it goes through the street, it doesn't go through the yard. So -- and -- and that had to be, I don't know, maybe before 2001. I don't really remember. It was a long time ago.

So I'm not opposed at all to development inside the property. I am concerned about the congestion at the gate. The gate may look on paper wide enough for two cars, but in reality, people go in one by one, exit or entrance. They do not -- they are not able to pass or willing to pass side by side.

The -- the large vehicles have to use a driveway to turn around. Vehicles with a trailer have to back down to the intersection in order to turn around. Some of them are able to use the driveway. But that is an issue. And the access device does limit parking in front of my house. I have to be careful that I don't put a

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car too close to that because, as you want to enter the estates, you have to pull over to the left lane to lean out the driver's-side window in order to access the device. So if I'm not careful, I will block that device. If I park too close, I block my mailbox and then they complain.

So my concern is really only the access. If there are vehicles waiting to (inaudible) parked there, I'm not sure a fire or rescue vehicles would be able to get in and out. And that's all. Thank you.

**CHAIR WOLFLEY:** Okay. Thank you, Ms. Hanks. Very helpful.

Okay. Is there anyone else that -- from the public that would like to speak on Item 6 or 7?

Okay. Now I'm going to let Ms. Garcia respond to -- whoops. I'm going to go back.

Art Verardo, can you unmute, please.

**MR. VERARDO:** Yes. My name is Art Verardo. I am a member of the board of directors for the residents association that includes Peppertree-Royal Oak, Albuquerque Ranch Estates, Coachman Estates, and The Terraces. And I just want to --

**CHAIR WOLFLEY:** Okay. Just -- let me stop you right there. What is your address, sir?

**MR. VERARDO:** 11901 San Victorio, Northeast.

**CHAIR WOLFLEY:** Do you swear or affirm to tell the truth?

**MR. VERARDO:** I do.

**CHAIR WOLFLEY:** Okay. Thank you. Would you please let me know if -- you said you were from a homeowners board or a neighborhood association?

**MR. VERARDO:** It's the Peppertree-Royal Oak Residents Association.

**CHAIR WOLFLEY:** Okay. Does it include --

**MR. VERARDO:** It includes --

**CHAIR WOLFLEY:** -- the area of this plat?

**MR. VERARDO:** It includes not only the Ranch Estates, and the Ranch Estates has their own homeowners association, but it also includes the Royal Oak development, Peppertree, Coachman Estates and The Terraces.

**CHAIR WOLFLEY:** Okay.

**MR. VERARDO:** We have approximately 146 residents in that -- in our neighborhood association.

**CHAIR WOLFLEY:** Okay. So if -- as you start your comments, if you can let me know if you're speaking for yourself or if your resident association has been able to talk and come to some consensus that you're representing to the DRB today.

**MR. VERARDO:** I'm speaking with authorization from the residents association.

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**CHAIR WOLFLEY:** Okay. Now please proceed.

**MR. VERARDO:** Okay. First of all, like several others in the neighborhood have said, we fully support the development going on with the Ranch Estates adding the additional lots.

Our concern is the access point going into the Ranch Estates. Several of their members have talked about what happens when a car can't get into or a vehicle can't get into that entrance point. And with all due respect for the people who live in Ranch Estates, people do not back up into their property to get access to the -- to the gate. And several people have said, "Well, it's a simple thing. You just do a K turn." If you look at the picture very carefully, and it's been pointed out by the residents on our side, on Royal Oak Street, that back up to that gate, a vehicle has to do, at best, a K turn. And in some cases, depending on the size of the vehicle, they may have to back up into one of our resident's driveways to turn around.

That gate is very limiting. It's a single lane street going in there. In our development, in our residents association, we have two other single-entry-point developments, The Terraces and Coachman Estates. The Terraces has a two-lane entry point that exits onto Lowell Street, which is a two- -- divided two-lane street to the east -- or to the west of our -- of our area.

Coachman Estates has a two-lane entrance going into -- or exiting onto Academy, which also is a divided highway.

Ranch Estates entry is totally different than anything else in our residents association. And I just want to verify and raise the concern that I think the gate, as it's currently configured, is inadequate. And I -- we appreciate the offer that they leave the gate open during construction, but what happens after construction is complete?

You've doubled the size of the number of houses in there, and the traffic is going to increase. I just can't see any way of that not happening. If you have two vehicles stopped at that gate, you are blocking driveways or access to the houses that are right adjacent to that gate on Royal Oak Street.

That's all I have to say. Thank you.

**CHAIR WOLFLEY:** And, Ms. Gould, were you able to find the photo of the gate that was provided by the --

**MS. GOULD:** Yes.

**CHAIR WOLFLEY:** -- neighborhood?

**MS. GOULD:** Give me one moment. It just got minimized.

**CHAIR WOLFLEY:** And while you're doing that, let me have -- I think I've heard from everybody one time. And let go now to Ms. Garcia.

And if you want to respond to the public comment you've heard.

**MS. GARCIA:** Okay. Thank you, Madam Chair, Members of the Board. I just want to state that -- because there was a comment that was made earlier in that if the property had still remained PD that we would have been able to have access from Tramway Boulevard.

I do want to state that in -- in our discussions with the New Mexico DOT --



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**MS. GOULD:** There it is.

**MS. GARCIA:** It -- it did not -- it did not matter what the zone category was for the particular site. The representative from DOT indicated that because we do have access to the subdivision from Royal Oak, we would not be granted approval or given access from Tramway Boulevard. The representative was concerned that there would be a precedent set if there were -- if we were granted access from Tramway Boulevard. So it -- it appears to me that no matter what the zone category is for the site, we would not be granted approval for direct access from Tramway Boulevard.

One of the comments mentioned that we would -- that we promised to get access from a PNM easement that's located to the east, on the eastern edge of the site. As you know, there is -- and we did mention this, we did talk about this during the sketch plat -- there are some utility poles on the eastern edge of the site. And so PNM does have an access easement that leads to that area from the street to the north. I believe that's Academy. And so -- but -- and we would still want to work with PNM to see if we could use their access easement for the purposes of getting construction vehicles there. But, you know, we cannot guarantee that that would happen. It would pretty much be up to PNM to allow us to have that access. So we are still working on that.

And then, I -- I do want to state that we also looked at the possibility of relocating the gate, because I know there was a request to have us look at moving the gate a little bit further in, into the subdivision. However, you know, after viewing the location of the -- of the existing gate and the location of the driveway for the property owner immediately to the west of the site, it -- it appears that there would be some conflict there, direct -- conflict to that driveway access for that property owner to the west.

So I think with that, there's nothing else I can add, and I just stand for any questions.

**CHAIR WOLFLEY:** Okay. Thank you, Ms. Garcia.

Ms. Nicole McCleskey, have you had a chance to speak?

**MS. MCCLESKEY:** I have, yes. But I just --

**CHAIR WOLFLEY:** Okay. Thank you. I thought your name seemed familiar, but I wanted to make sure I didn't skip anyone.

Okay. We're now going to go to board comments. And Mr. Carter.

**MR. CARTER:** Thank you, Madam Chair. This is Blaine Carter for the water authority.

Regarding the cases for today, (inaudible) 10213 has been issued and provides the conditions for service public water main and sewer main extensions are required.

Related to that on the infrastructure list, we're requesting a clarification that the sanitary sewer lines be called out as separate lines. They are two separate lines. And the way they're currently listed sort of lops them all together. We would like them separately listed so when our reviewer looks (inaudible), they can note there's two separate lines that connected. That's a revision to the infrastructure list that we would like to see.

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The stitch-ins public waterline and sewer line along McKay Way, we want you to reference the existing easement that's along this alignment, assuming there is one, that's called out for public water, public sewer. If there's not, we want that dedicated to the extent within the plat area as a public water and public sewer easement, so it's clear that it also gives authority for the water authority to have those lines there.

Regarding the majority of the vacations, we have no comment or objection on. Regarding the one for the waterline that was brought up, that's to service our water system. At one point, it looked like there was a potential continuation to the north for water service that's currently already developed. There's no longer a need for a continuation of a waterline to the north, so we have no objection to vacating that waterline that continues to the west. So that can be vacated. We have no objection to that.

That's the extent of my comments. I'd be happy to answer any questions.

**CHAIR WOLFLEY:** Ms. Garcia, any questions?

**MS. GARCIA:** No. Thank you, Mr. Carter.

I -- so we -- we have talked to the engineer about -- and I do believe the engineer is still on -- on the -- on the line. And so we are -- we understand your comments and we will be making changes to the infrastructure list to reflect those comments and also clarify the water and sewer easements within the plat, itself.

**CHAIR WOLFLEY:** Okay. Thank you.

We're ready to go to code enforcement. And Mr. Montano, you joined and heard the public comment on this case; is that correct?

**MR. MONTANO:** That's correct.

**CHAIR WOLFLEY:** Okay. Mr. Garcia is retiring today, and so Mr. Montano is the alternate, and he's stepping in as of this case and will continue through the meeting.

So, Mr. Montano, go ahead with comments for this case.

**MR. MONTANO:** Thank you, Madam Chair. Code enforcement has no comments.

**MS. GARCIA:** Okay. Thank you, Mr. Montano.

**CHAIR WOLFLEY:** Parks and recreation.

**MS. SOMERFELDT:** This is Cheryl Somerfeldt with parks and recreation. Can you hear me okay?

**MS. GARCIA:** Yes.

**CHAIR WOLFLEY:** Yes. It's just slightly muffled, but...

**MS. SOMERFELDT:** Okay. Is this any better?

**CHAIR WOLFLEY:** That sounds a little better, as you're close to your mic.

**MS. SOMERFELDT:** Thank you. I just had a few questions. I'm

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sorry if you've already covered these.

I know you spoke a lot about speaking with NMDOT, and I know in the IDO we specifically require access to trails. But it's not a city facility, so I'm wondering if you talked about connecting to the Tramway Trail, or if that was just about access.

**MS. GARCIA:** Madam Chair, Ms. Somerfeldt, so we did speak to New Mexico DOT in regard to -- in regard to vehicular access. We did not speak to them about getting direct pedestrian access to the trail to the -- I guess it would be to the east of our -- of our site.

The comments weren't very clear that -- that you were seeking or wanting us to pursue a pedestrian connection. And I'd have to talk to the applicant in regard to that, if that's what you're requesting. But we did talk to them about -- because I -- I know that you said that you wanted to make sure that there wouldn't be any sort of conflict with our development and the location of the easement of the trails. And so we did reach out to the gentleman who provided comments from NMDOT, and we did -- he did refer us to a lady to speak to about this. And they also asked us to keep them in the loop in terms of the construction that's proposed for the site. We did provide them a copy of the construction drawings for the subdivision, in itself, to demonstrate that, of course, we're not going to be encroaching into the trail.

So just to kind of give a little bit of information about the grade between this site and the trail, itself, there is a little bit of a slope there. And I don't know if a connection would be feasible because of that particular slope. And I'm -- and I'm speaking more in terms of the middle of the site, but not really thinking about to the south and not really having that information. But we can definitely talk to the applicant about it to see if that is feasible. And as I mentioned previously, we are proposing to have an access easement on the southern end that would lead to the AMAFCA and also to the trails along Tramway. So we are providing access within the subdivision, but not directly to the -- to the trail to the east of us.

**MS. SOMERFELDT:** This is Cheryl Somerfeldt with parks and rec. So I see the -- I see the access easement for pedestrians, and it -- there's one exhibit that says "New Sidewalk," and it's shown blue. Are you planning on paving that access?

**MS. GARCIA:** I -- I -- I believe so. I'm hoping maybe our engineer, Robert Fierro, could answer that question specifically. It should be on the infrastructure list, as well.

**CHAIR WOLFLEY:** And, Mr. Fierro, I need your name, firm and address.

**MR. FIERRO:** My name is Robert Fierro, and I'm with Fierro & Company. My address is 6300 Montano Road, Northeast [sic], Suite C.

**CHAIR WOLFLEY:** Do you swear or affirm -- oh, sorry. Were you going to give me a suite number.

**MR. FIERRO:** Yeah. Suite C

**CHAIR WOLFLEY:** All right. Suite C. Do you swear or affirm -- swear or affirm to tell the truth?

**MR. FIERRO:** I do.

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**CHAIR WOLFLEY:** Okay. Go ahead, sir.

**MR. FIERRO:** On one of the lots on the southwest corner, it does have an easement for a ten-foot pedestrian access that would connect to the AMAFCA. But we haven't had any communications as of yet of how that connection is going to happen with AMAFCA. But we are planning for it.

**MS. SOMERFELDT:** This is Cheryl Somerfeldt with parks and rec. That was another part of my question, because that, you know, would lead to the AMAFCA property and then also -- it does appear on the aerial photo like there is some type of unpaved connection up to the Tramway Trail.

So I wasn't sure if you were going to pave or unpave, and if you talked to AMAFCA and the DOT about those connections. But I would imagine that, you know, they would be the ones that would want it to be a certain way. I'm hoping you're consulting with them.

And then I don't know if this is another thing you've also discussed, but the -- it looks like the property owner continues to own the property to the north and south of that parcel. Can you explain, like, what's going to happen to those in the future?

**MR. FIERRO:** So GIS does show that the owner for the subdivision owns the property to the south. But our subdivision covers the entire property that my client owns 505 Solutions. So the GIS is kind of shown wrong. And I believe Juanita was working with the planners on maybe fixing the line work on the city's GIS.

**MS. SOMERFELDT:** Well, I mean, are they going to --

**CHAIR WOLFLEY:** And that was Mr. Fierro talking.

Go ahead, Ms. Somerfeldt.

**MS. SOMERFELDT:** This is Cheryl Somerfeldt.

Are they going to -- is it going to be developed in a way, or are you leaving it open?

**MR. FIERRO:** I'm not sure what area you're referring to. Just -- can we bring up the plat, maybe?

**MS. SOMERFELDT:** Like the area -- this is Cheryl Somerfeldt with parks and rec. It would be the area to the east of the apartment complex to the north, and then, you know, adjacent to Tramway, and then adjacent to Tramway to the south of this, as well.

**MR. FIERRO:** So the only connection we planned for is on lot 7, where it just south to the AMAFCA property. There will be no other connection to -- to Tramway.

**MS. SOMERFELDT:** Well, what I mean is that -- so this plat ends here at this -- you know the property line right there. And then it ends at the top, north property line. But there continues to be property that's owned by the same owners, you know, adjacent to Tramway, both to the north and the South. Are those going to be developed?

**MR. FIERRO:** Okay. So our client does not own the property south or north of what's shown within the corner of the subdivision.

**MS. SOMERFELDT:** Okay. That's not what it shows, but --

**MR. FIERRO:** There's -- the GIS is -- is wrong on -- on the city

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side. And I believe we are working with you guys to have that fixed.

So to the south, AMAFCA owns that little, skinny rectangular piece that's shown within your system.

**MS. SOMERFELDT:** Thank you. This just shows some -- that's all I have. Thank you. I -- I'm just wanting to see what the connections would be. Thank you.

**CHAIR WOLFLEY:** Thank you.

Hydrology.

**MR. ARMIJO:** Ernest Armijo, hydrology.

Hydrology needs an approved grating and drainage plan prior to approval of the preliminary plat. Comments on the submitted grading and drainage plans were sent out June 25th, 2021.

For infrastructure, please add a line item stating detention pond side slopes need to be stabilized with native grass seed, with aggregate mulch, or equal. Must satisfy final stabilization criteria, CGP 2.2.14.B.

Hydrology defers to transportation on the sidewalk waiver and to the two private access easement vacations. Hydrology defers to water authority on the public waterline easement vacation.

And that's all.

**MS. GARCIA:** Okay. Thank you, Mr. Armijo. I do believe Mr. Fierro did receive those comments last Friday on the grading and drainage plan. And he is working on making those corrections and will be sending that out to you. Our understanding is that the grading and drainage plan needs to be approved before you can give approval to the preliminary plat; is that correct?

**MR. ARMIJO:** Ernest Armijo, hydrology. This is correct.

**MS. GARCIA:** Okay. Thank you.

**CHAIR WOLFLEY:** Transportation.

**MS. WOLFENBARGER:** Yes, good morning. This is Jeanne Wolfenbarger with transportation.

I'm going to cover my comment first, and then I'll still comment on public comment last.

So first of all, transportation department approved the sidewalk waiver. We have no objection to any of the vacations. We need to have roadway cross-sections for all new roads provided, showing the sidewalk and easement limits.

Also due to the smaller centerline radius proposed, please provide a turning template design, along with the fire marshal approval. Meet with solid waste prior to platting action.

Place "No Parking" signage along Royal Oak in front of the subdivision. Clarify access easement limits if there is discrepancy with the keynotes by using circle (inaudible) with hexagons.

And also, in lieu of providing a separate sidewalk easement along the west side of the subdivision, specify a roadway easement that

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can cover both vehicular and pedestrian uses. That would be the preference.

For the street lighting on the infrastructure lists, specify roadway intersection (inaudible) in lieu of stationing for clarity on the location.

The infrastructure list for the sidewalk should match the exhibit. Specify south or west side of road to be clear on the location. And also on the sidewalk exhibit, itself, call out the names of the roadways.

And now, with regard to public comment, I would like to restate that the DOT does have control over Tramway Boulevard, and Tramway is listed as a restricted access road. And they typically wouldn't allow access off of that facility.

Also, from the -- the gate is an existing condition, so I do understand the concerns about there not being a sufficient turnaround for -- for a truck. However, that is an existing condition that is not really within the applicant's control. They have provided a turnaround within their own property, which I know doesn't resolve the problem that's stated. However, they have met the requirements for turnaround within their own property.

And last, but not least, there was a question about the gate location. And, Mr. Fierro, could you please reiterate what that gate width is.

**MR. FIERRO:** Yes. This is Robert Fierro with Fierro & Company. It's 22 feet wide.

**MS. WOLFENBARGER:** 22 feet exactly?

**MR. FIERRO:** I believe so. I --

**MS. WOLFENBARGER:** A 22-foot-wide opening?

**MR. FIERRO:** Yes. It's 22-feet-wide opening.

**MS. WOLFENBARGER:** This is Jeanne with transportation.

22-foot wide opening is sufficient for two-way traffic. It is a little bit tight, but it does meet the requirements, and it does -- the fire marshal does need 20 feet to get in there, so it does exceed the -- the fire marshal's requirement.

What I would like you to look at is possible signage. In addition to "No Parking" signage, possibly any speed limits signage or warning curb signage to address some of the concerns with the speeding, and then to have that on the infrastructure list. If you could take a closer look at that before we meet again.

Thank you.

**MS. GARCIA:** Okay. Thank you, Mrs. -- Ms. Wolfenbarger.

Okay. So I have a couple of questions. And just to state that we have submitted a -- a template -- turning template design to the fire marshal's office, and we're still waiting for their review and approval of that.

We also submitted a copy of the plat to the solid waste department and we did get approval for that, as well. They did

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sign off on one of our plats -- on the drawing of one of our plats, and we could forward that to you at some point in time, too.

So I guess I'm wanting to get some clarification in regard to signage. Are we talking about signage that would be placed within our subdivision or outside of our subdivision?

**MS. WOLFENBARGER:** Well, a combination of both, just to address the neighborhood concerns that were stated within the meeting. And we can talk about that further outside of the meeting.

**MS. GARCIA:** Okay.

**CHAIR WOLFLEY:** Okay. Thank you.

Mr. Biazar, do you have any further comments on this?

**MR. BIAZAR:** Madam Chair, yeah, we just need to get concurrence from the fire marshal's office. But also, maybe look at a possibility of, you know -- you know, definitely keeping that gate open during the day, and for just having an access for folks to be able to turn around within that gated area.

And also, I noticed on the side of the gates, there's a possibility of widening the gate. And I don't know if that's been looked at or not.

That's all my comments.

**CHAIR WOLFLEY:** Okay. Thank you.

Let's go to planning.

**MS. GARCIA:** Madam Chair, sorry. I just wanted to add one more thing. So I know that Mr. Fierro indicated that the measurement of the gate is 22 feet wide. We did provide information about that e-mail exchange that occurred between Mr. Fierro and Mrs. -- Ms. Wolfenbarger in regard to that width. And just to clarify, that the e-mail indicated that it's 21 feet wide. But it's still meeting the minimum requirement of 20 feet. But I just wanted to clarify for the record that the 21 feet --

**CHAIR WOLFLEY:** Okay. Thank you.

**MS. GARCIA:** -- and not 22 feet. And that we had not considered widening that gate. And we believe that that would be a hardship on the -- on the applicant and the property owners. Thank you.

**CHAIR WOLFLEY:** Thank you.

Okay. Planning, comments?

**MS. GOULD:** This is Maggie Gould. So we -- we had added an updated comment about looking at Section 5-2, site design and sensitive lands and asking for some clarification about the mature trees on the site. And then the plat will need all utility signatures.

We have addressed the issue regarding the vacations that were required, so those -- those were added. The applicant did provide the notice of decision for the EPC zone map. So it clarifies that (inaudible) just still shows it as PD, planned development, it is, in fact, zoned R-1D.

And then the applicant has justified the vacations, because the

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7- and 15-foot access easements are no longer needed for access to the adjacent properties.

And the public waterline easement will be replaced by private easements on the site. And as Mr. Carter mentioned, the water authority is -- is okay with those easements. The vacation is acceptable to them.

And that's it.

**CHAIR WOLFLEY:** Okay. Thank you, Ms. Gould. So there's still some work that needs to be done on this case, but before thinking all that through, I wanted to allow the public that has spoken, if there's anyone who has a question, this isn't to give more testimony, that time is up, but if there's anyone who has a question about any of the testimony that you've heard regarding the case, you would have an opportunity now to ask those questions or cross-examine.

So raise your hand if you wish to do that.

Ms. Vicky Estrada-Bustillo, go ahead. And this needs to be very -- very limited and in the interest of time, if you will.

**MS. ESTRADA-BUSTILLO:** Yes, thank you, Madam -- Madam Chair. Just two questions of clarification.

So that easement access, the vehicular gate that is currently there, will that be eliminated? I just would want clarification on that. And then the other question is, is one of the options that the contractor could still look at is moving the gate back further onto the Ranch Estates property and with the turnaround that was mentioned today on their property, that would really help address, or outright removal of the gate. Thank you.

**CHAIR WOLFLEY:** Ms. Garcia.

**MS. GARCIA:** Okay. Madam Chair, Members of the Board, so, again, after discussion or showing the location of the removal of the access easements, it will not affect the area of royal okay. It is -- those vacations are further into the subdivision. And as previously mentioned, we did consider the relocation of the gate and found that to be a hardship for the immediate property owners adjacent to the gate within the subdivision. And we cannot pursue that either. And so we do want to iterate that.

And you could a clearly see it on the aerials, that there is space to turn around within our subdivision. So the turn around does not occur outside of our -- outside of our subdivision.

**CHAIR WOLFLEY:** Okay. David. And give us your full name again, and I -- and that's all you need to do this.

**MR. ESPARZA:** Yes. David Esparza, and 5913 Royal Oak Street, just outside the gate.

And I understand moving the gate further into the estates --

**CHAIR WOLFLEY:** Okay. This is if you have a question.

**MR. ESPARZA:** The question is this. And the -- they've said that they're going to keep the gate open during construction, however, not only during construction, but during the weekend traffic, so is there a possibility they could possibly keep the gate open permanently or actually remove it?



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**CHAIR WOLFLEY:** Ms. Garcia.

**MR. ESPARZA:** (Inaudible) potential hardship.

**MS. GARCIA:** Madam Chair, Members of the Board, I know that the property owners of -- would prefer to have the gate there. It's been there for many years. And so I -- I just don't think that there's any willingness from the property owners to have the gate removed.

In regard to having it opened beyond the construction times, I'd have to talk to the applicant, who would need to talk to the residents, who are all in control of that gate.

**CHAIR WOLFLEY:** Okay. Thank you.

All right. I think at this point we're going to need to look at a deferral for this in order to have different issues addressed. So the dates up ahead, Ms. Garcia, are July 14th, 21st, 28th, August 4th, et cetera.

**MS. GARCIA:** Okay. So I guess for us, in terms of the technical documents that need to be submitted to gain approval of the preliminary plat, we believe that would be in relation to the -- to the grading and drainage plan. I'm not sure how much time the engineer will need and how much time it takes for Mr. Armijo to review those corrections. So if I could ask Mr. Fierro and Mr. Armijo.

**MR. FIERRO:** I'll be able to address the drainage comments by next Friday. I'm not sure how much time the city needs to review or what the turnaround is on resubmittals.

**MR. ARMIJO:** Mr. Armijo, hydrology. Typically, right now, we're running about a three-week review period.

**MR. FIERRO:** And that's for resubmittals?

**MR. ARMIJO:** Even for resubmittals. Once -- once it gets submitted in, it goes to the bottom of the queue, since we have a constant flow of work coming through.

**MR. FIERRO:** So that pushes us back a lot.

**MS. GARCIA:** Okay. So my other question is, a sensitive land analysis, and I know this issue was brought up during plan comments, we didn't have a chance to talk about that, we have started working on that. But it appears that the reason we were being asked to do the analysis is because of the trees that are on the site.

We -- we do not believe that we meet the definition of the stand trees because of the number of trees that are there. We don't think that there are more than five trees that meet the criteria for that. But I'm not sure, not having done this before. I do believe that we need to have the city forester either review or confirm. And so I'm not sure what that time line is typically like and wanted to get some guidance on that, as well.

**MS. GOULD:** This is Maggie Gould. So we can talk more about this offline. But your first step would be just confirming. Because the mature stands of trees definition, as you said, does say five trees. So if you have recent site photos or something like that that confirms the site conditions, that's -- that's the first step. And so if you can -- if you can either rule out the five trees or if you can confirm that there are the five trees, then

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the next step is looking at the health of those trees.

**MS. GARCIA:** Okay. Thank you. And so we could work with you directly in regard to that?

**MS. GOULD:** Sure.

**MS. GARCIA:** Okay. Thank you. So given the fact that we're going to need some time for the grading and drainage plan, I would -- you know, I'd like to say July 28th, but I'm kind of concerned that that might be a little too -- to soon. But I think we could start with that date and see if we are able to get it reviewed by that point.

**CHAIR WOLFLEY:** Okay. I think that has a probability of success, from what I've heard from the engineers.

Mr. Fierro, would you agree?

**MR. FIERRO:** Yes, I agree.

**CHAIR WOLFLEY:** Okay.

**MR. FIERRO:** And thank you, Mr. Armijo, for the feedback on the turnaround time.

**CHAIR WOLFLEY:** Okay. So at this point, is -- I'll entertain a motion from the board member to defer Items 6 and 7 to July 28th.

**MR. CARTER:** Blaine Carter, water authority, so moved.

**MS. SOMERFELDT:** Cheryl Somerfeldt, parks and rec, second.

And I just wanted to add that currently the city forester position is vacant, but we do have a few other people that have been working in that capacity as the -- as certified arborist. But it just takes a little bit more time to arrange that, depending on their availability. So if that's something that you want to do, please contact us early in the process.

**MS. GARCIA:** Thank you.

**CHAIR WOLFLEY:** Please continue voting.

**MR. ARMIJO:** Ernest Armijo, hydrology. I approve.

**MS. GOULD:** I think we --

**MS. WOLFENBARGER:** Jeanne Wolfenbarger with transportation. I approve.

**MR. MONTANO:** This is Vince, code enforcement I don't think we ever started voting, Madam Chair. I think we were just voting on the -- the motion to --

**CHAIR WOLFLEY:** Oh, okay. . Did -- I'm sorry, Ms. Somerfeldt. Were you making a second and then you gave your comment?

**MS. SOMERFELDT:** Yes.

**CHAIR WOLFLEY:** Okay. Thank you, Mr. Montano.

All right. So we have a motion and a second to defer Items 6 and 7 to July 28th. Now let's go back to the top and actually vote on that motion.

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Mr. Carter.

**MR. CARTER:** Blaine Carter, water authority. I approve.

**MR. MONTANO:** Vincent Montano, code enforcement. I approve.

**MS. SOMERFELDT:** Cheryl Somerfeldt, parks and rec. I approve.

**MR. ARMIJO:** Ernest Armijo, hydrology. I approve.

**MS. WOLFENBARGER:** Jeanne Wolfenbarger with transportation. I approve.

**CHAIR WOLFLEY:** And Jolene Wolfley, DRB chair approves.

There's a consensus vote of the DRB to defer Items 6 and 7 to July 28th. That is PR-2020-4595, preliminary plat 2021-111. The rest of these are all 2021 applications. Sidewalk waiver 2016, vacation of public easement 122, vacation of private easement 123, and vacation of private easement 123, as well.

And so we'll continue on this case on July 28th.

**MS. GARCIA:** Thank you.

**CHAIR WOLFLEY:** Okay. Is there a motion to take a recess now until noon.

**MR. CARTER:** Blaine Carter, water authority. So moved.

**MS. SOMERFELDT:** Cheryl Somerfeldt, parks and rec. Second.

**CHAIR WOLFLEY:** Please vote.

**MR. CARTER:** Blaine Carter, water authority. I approve.

**MR. MONTANO:** Vincent Montano, code enforcement. I approve.

**MS. SOMERFELDT:** Cheryl Somerfeldt, parks and rec. I approve.

**MR. ARMIJO:** Ernest Armijo, hydrology. I approve.

**MS. WOLFENBARGER:** Jeanne Wolfenbarger with transportation. I approve.

**CHAIR WOLFLEY:** And Jolene Wolfley, DRB chair, approves.

The DRB will be in recess from now until 12:00 noon, and we will start with item Number 8 on our agenda. Thank you very much. Go ahead and mute and turn off your video during the recess.

(Conclusion of partial transcript  
of proceedings.)

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RE: CITY OF ALBUQUERQUE DRB MEETING MINUTES OF  
JUNE 30, 2021, AGENDA ITEMS 6 & 7

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DATED this 21st day of September 2021.

/S/

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Kelli A. Gallegos