



DEVELOPMENT REVIEW BOARD
SUPPLEMENTAL SUBMITTAL

(Deadline is Friday at noon unless noted on DRB calendar – late submittals will not be accepted unless approved by the DRB)

PROJECT NO. PR-2021-005222
Application No. SI-2021-01237

TO:

- ☒ Planning Department/Chair
- ☒ Hydrology
- ☒ Transportation Development
- ☒ ABCWUA
- ☒ Code Enforcement
- ☒ Parks & Rec

*(Please attach this sheet with each collated set for each board member)

NOTE: ELECTRONIC VERSION (ie disk, thumbdrive) is Required. Submittal will not be accepted without.

DRB SCHEDULED HEARING DATE: 1-26-2022 HEARING DATE OF DEFERRAL: 02-02-2022

SUBMITTAL
DESCRIPTION: Updated infrastructure list, solid waste signed site plan, access agreement.

CONTACT NAME: Luis Noriega

TELEPHONE: 505-858-3100 EMAIL: lnoriega@tierrawestllc.com

Current DRC
Project Number: _____

FIGURE 12

INFRASTRUCTURE LIST

(Rev. 2-16-18)

EXHIBIT "A"

**TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

Date Submitted: _____
Date Site Plan Approved: _____
Date Preliminary Plat Approved: _____
Date Preliminary Plat Expires: _____
DRB Project No.: PR-2021-005222
DRB Application No.: SI-2021-01237

**PLAT FOR TRACTS 1 AND 2 G ALAMEDA SHOPPES BEING COMPRISED OF TRACT C-4-A SEVEN BAR RANCH
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN**

**TRACT C-4-A PLAT OF TRACTS C3A C3B C3C AND C4A SEVEN BAR RANCH CONT 1.9900 AC M/L OR 86,684 SQ FT M/L
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION**

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 Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private		City Cnst
							Inspector	P.E.	Engineer
		12'	Rigth turn lane 150' and 75' transition with 300' of std Curb and Gutter.	Northwest driveway along NM 528 north frontage. adjacent to site.			/	/	/
		6'	300' Concrete sidewalk including ADA ramps	Along NM 528 north frontage adjacent to site.			/	/	/
		8"	SAS sewer main extension	NM 528 north frontage adjacent to site.	ABCWUA SAS Manhole	Property line	/	/	/
		8"	Re-route existing fire line including appurtenances All existing fire hydrants to remain public.	Dutch Bros coffee parcel	Main waterline Along Eastern Boundary	Existing Hydrant Adjacent to AMAFCA Channel	/	/	/
			Remove and dispose all unused exsting water and sewer services per ABCWUA specifications.				/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private		City Cnst Engineer
							Inspector	P.E.	
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The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
<input type="text"/>	<input type="text"/>						/	/	/
<input type="text"/>	<input type="text"/>						/	/	/
Approval of Creditable Items:							Approval of Creditable Items:		
Impact Fee Administrator Signature Date							City User Dept. Signature Date		

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.
Street lights per City requirements.

1 _____

2 _____

3 _____

AGENT / OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Ronald R. Bohannon
NAME (print)

_____ DRB CHAIR - date

_____ PARKS & RECREATION - date

Tierra West LLC
FIRM

_____ TRANSPORTATION DEVELOPMENT - date

_____ AMAFCA - date

[Signature] 1/28/2022
SIGNATURE - date

_____ UTILITY DEVELOPMENT - date

_____ CODE ENFORCEMENT - date

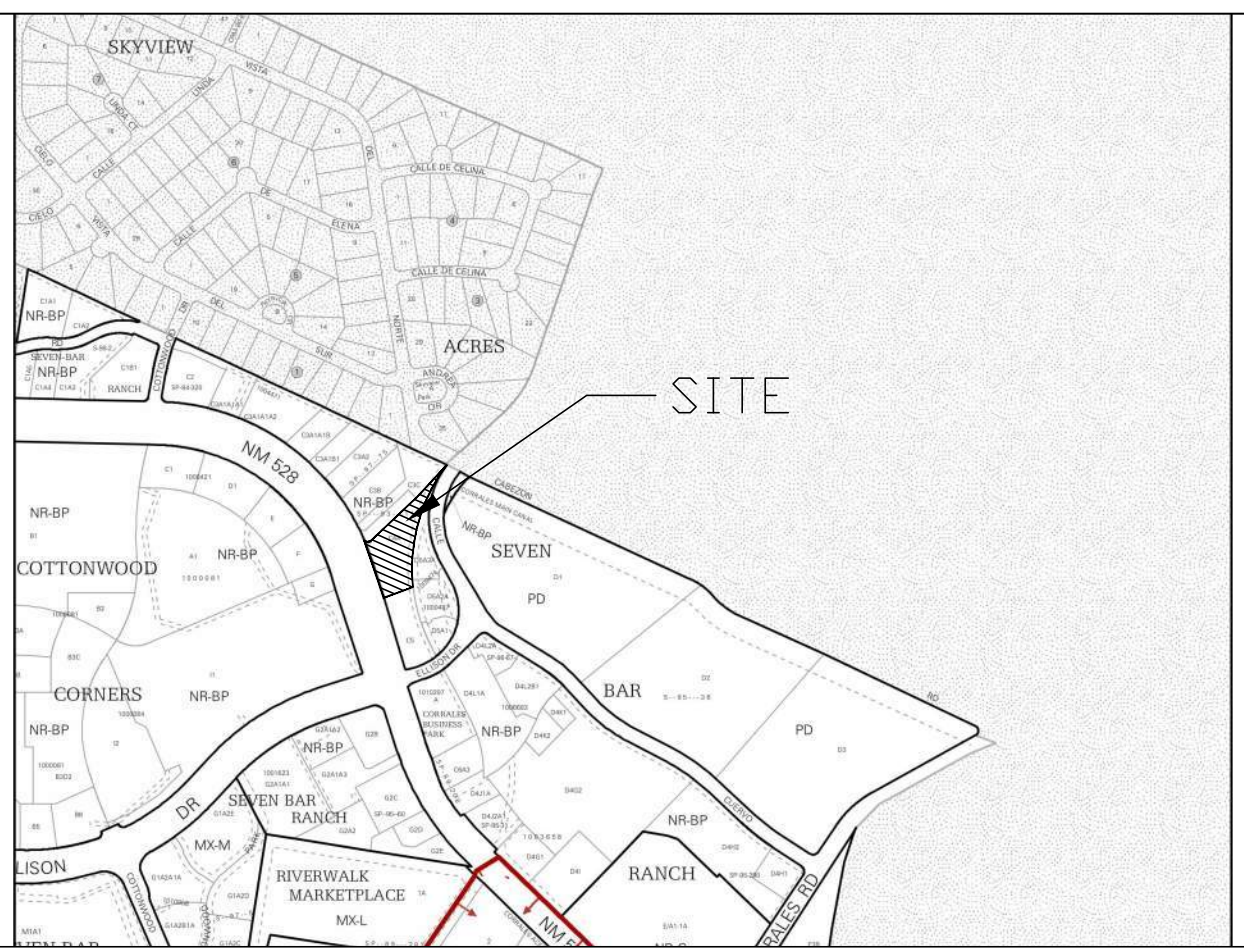
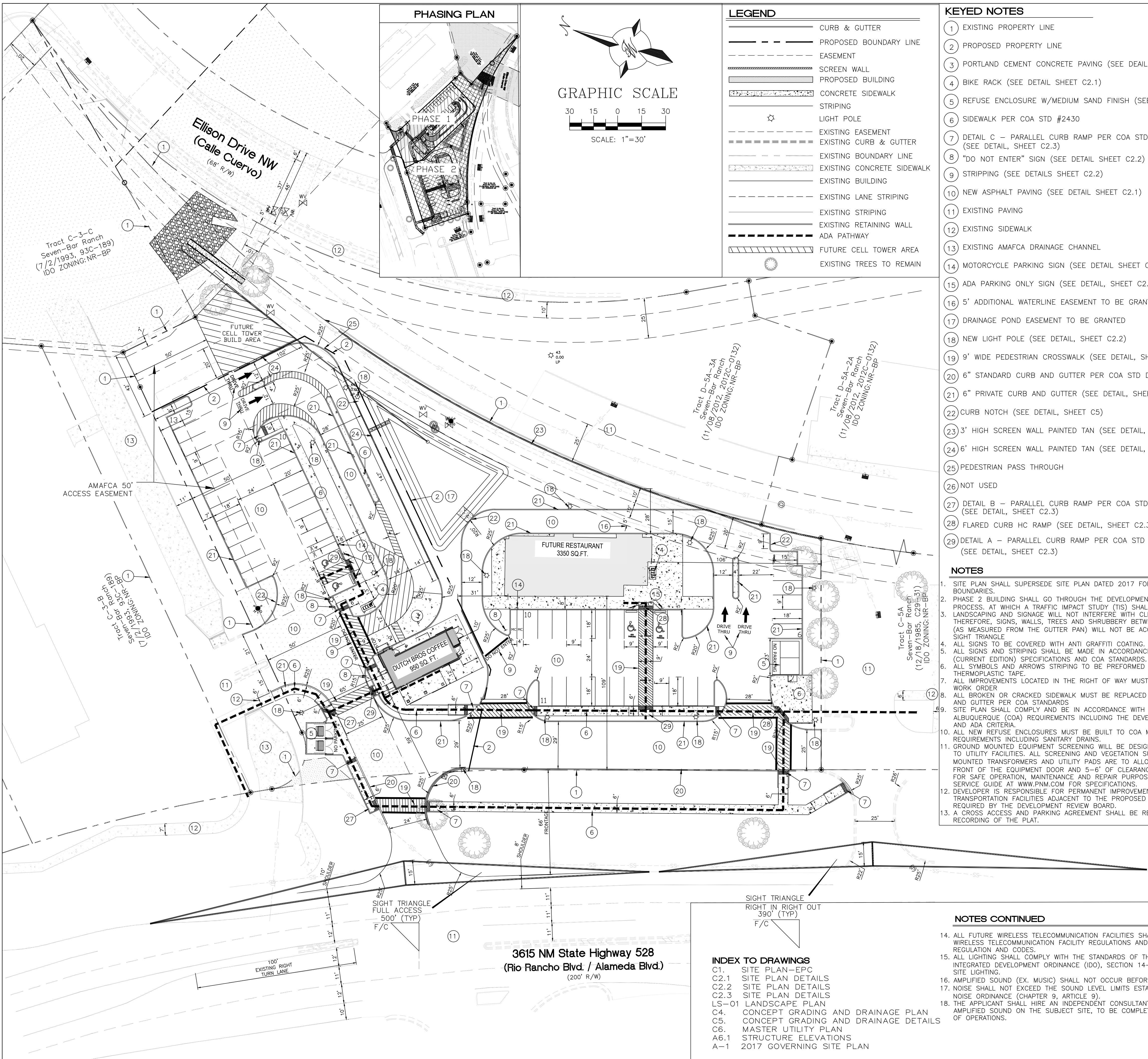
_____ CITY ENGINEER - date

_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

\\TWMAS\Z_Drive\2014\2014069-Julian_Garza_Properties\dwg\DRB\NW-528 and Ellison\2014069-SDP.dwg Jan 21, 2022 - 10:30am



VICINITY MAP: A-14-A

LEGAL DESCRIPTION:
TRACT C-4-A PLAT OF TRACTS C3A C3B C3C AND C4A SEVEN BAR RANCH CONT 1.99 AC M/L OR 86,684 SQ FT M/L

SITE DATA	
DUTCH BROTHERS COFFEE	FUTURE RESTAURANT
IDO ZONING: NR-BP	IDO ZONING: NR-BP
PROPOSED USAGE: DRIVE THRU RESTAURANT	PROPOSED USAGE: FAST FOOD RESTAURANT
LOT AREA: 32,670 SF (0.75 ACRE)	LOT AREA: 54,014 SF (1.24 ACRE)
BUILDING AREA: 950 SF	BUILDING AREA: 3,350 SF
PARKING: SPACES REQUIRED: 8 (8 SPACES/ 1,000 SF)	PARKING: SPACES REQUIRED: 27 (8 SPACES/ 1,000 SF)
PARKING: SPACES PROVIDED: 23 (INCLUDES HC PARKING)	PARKING: SPACES PROVIDED: 27 (INCLUDES HC PARKING)
HC PARKING: SPACES REQUIRED: 2 HC PARKING: SPACES PROVIDED: 2	HC PARKING: SPACES REQUIRED: 2 HC PARKING: SPACES PROVIDED: 2
(1 VAN ACCESSIBLE)	(1 VAN ACCESSIBLE)
MC PARKING: SPACES REQUIRED: 1 (1 PER 1-25 REQUIRED PARKING SPACES)	MC PARKING: SPACES REQUIRED: 2 (1 PER 1-25 REQUIRED PARKING SPACES)
MC PARKING: SPACES PROVIDED: 2	MC PARKING: SPACES PROVIDED: 2
BICYCLE PARKING: SPACES REQUIRED: 3 (3 SPACES OR 10% OF REQUIRED PARKING)	BICYCLE PARKING: SPACES REQUIRED: 3 (3 SPACES OR 10% OF REQUIRED PARKING)
BICYCLE PARKING: SPACES PROVIDED: 4	BICYCLE PARKING: SPACES PROVIDED: 4
LANDSCAPE AREA REQUIRED: 4,758 SF LANDSCAPE AREA PROVIDED: 5,071 SF	LANDSCAPE AREA REQUIRED: 7,665 SF LANDSCAPE AREA PROVIDED: 13,047 SF
REQUIRED ADJACENT WALKWAY WIDTH: 8' FROM IDO TABLE 5-3-1 (BUILDING SIZE < 10,000 SF = 8')	REQUIRED ADJACENT WALKWAY WIDTH: 8' FROM IDO TABLE 5-3-1 (BUILDING SIZE < 10,000 SF = 8')

NOTES

- SITE PLAN SHALL SUPERSEDE SITE PLAN DATED 2017 FOR THE SAME GEOGRAPHICAL BOUNDARIES.
- PHASE 2 BUILDING SHALL GO THROUGH THE DEVELOPMENT REVIEW BOARD (DRB) PROCESS. AT WHICH A TRAFFIC IMPACT STUDY (TIS) SHALL BE REQUIRED.
- LANDSCAPING AND SIGNAGE WILL NOT INTERFERE WITH CLEAR SIGHT REQUIREMENTS. THEREFORE, SIGNS, WALLS, TREES AND SHRUBBERY BETWEEN 3 AND 8 FEET TALL (AS MEASURED FROM THE GUTTER PAN) WILL NOT BE ACCEPTABLE IN THE CLEAR SIGHT TRIANGLE.
- ALL SIGNS TO BE COVERED WITH ANTI GRAFFITI COATING.
- ALL SIGNS AND STRIPING SHALL BE MADE IN ACCORDANCE WITH THE MUTCD (CURRENT EDITION) SPECIFICATIONS AND COA STANDARDS.
- ALL SYMBOLS AND ARROWS STRIPING TO BE PERFORMED HOT APPLIED THERMOPLASTIC TAPE.
- ALL IMPROVEMENTS LOCATED IN THE RIGHT OF WAY MUST BE INCLUDED ON THE WORK ORDER.
- ALL BROKEN OR CRACKED SIDEWALK MUST BE REPLACED WITH SIDEWALK AND CURB AND GUTTER PER COA STANDARDS.
- SITE PLAN SHALL COMPLY AND BE IN ACCORDANCE WITH ALL APPLICABLE CITY OF ALBUQUERQUE (COA) REQUIREMENTS INCLUDING THE DEVELOPMENT PROCESS MANUAL AND ADA CRITERIA.
- ALL NEW REFUSE ENCLOSURES MUST BE BUILT TO COA MINIMUM SPEC. REQUIREMENTS INCLUDING SANITARY DRAINS.
- GROUND MOUNTED EQUIPMENT SCREENING WILL BE DESIGNED TO ALLOW FOR ACCESS TO UTILITY FACILITIES. ALL SCREENING AND VEGETATION SURROUNDING GROUND MOUNTED TRANSFORMERS AND UTILITY PADS ARE TO ALLOW 10' OF CLEARANCE IN FRONT OF THE EQUIPMENT DOOR AND 5-6' OF CLEARANCE ON THE REMAINING SIDES FOR SAFE OPERATION, MAINTENANCE AND REPAIR PURPOSES. REFER PNM ELECTRICAL SERVICE GUIDE AT WWW.PNM.COM FOR SPECIFICATIONS.
- DEVELOPER IS RESPONSIBLE FOR PERMANENT IMPROVEMENTS TO THE TRANSPORTATION FACILITIES ADJACENT TO THE PROPOSED DEVELOPMENT SITE, AS REQUIRED BY THE DEVELOPMENT REVIEW BOARD.
- A CROSS ACCESS AND PARKING AGREEMENT SHALL BE RECORDED PRIOR TO THE RECORDING OF THE PLAT.

NOTES CONTINUED

- ALL FUTURE WIRELESS TELECOMMUNICATION FACILITIES SHALL FOLLOW ALL COA WIRELESS TELECOMMUNICATION FACILITY REGULATIONS AND APPLICABLE COA STANDARD REGULATION AND CODES.
- ALL LIGHTING SHALL COMPLY WITH THE STANDARDS OF THE CITY OF ALBUQUERQUE INTEGRATED DEVELOPMENT ORDINANCE (IDO), SECTION 14-16-5-8, OUTDOOR AND SITE LIGHTING.
- AMPLIFIED SOUND (EX. MUSIC) SHALL NOT OCCUR BEFORE 10 AM AND AFTER 5 PM.
- NOISE SHALL NOT EXCEED THE SOUND LEVEL LIMITS ESTABLISHED BY THE CITY'S NOISE ORDINANCE (CHAPTER 9, ARTICLE 9).
- THE APPLICANT SHALL HIRE AN INDEPENDENT CONSULTANT TO CONDUCT A STUDY OF AMPLIFIED SOUND ON THE SUBJECT SITE, TO BE COMPLETED WITHIN THE FIRST YEAR OF OPERATIONS.

Approved for access by the
Solid Waste Department 2/b
Herman Gallegos 01-28-22
Herman Gallegos

PROJECT NUMBER: PR-2021-005222
APPLICATION NUMBER: SI-2021-01237

This plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC), dated _____, and the Findings and Conditions in the Official Notification of Decision are satisfied.

Is an Infrastructure List required? () Yes () No If Yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

DRB SITE DEVELOPMENT PLAN APPROVAL:

Traffic Engineer, Transportation Division	Date
ABCWUA	Date
Parks & Recreation Department	Date
City Engineer/Hydrology	Date
Code Enforcement	Date
*Environmental Health Department (conditional)	Date
Herman Gallegos <i>Herman Gallegos</i> Solid Waste Management	01-28-22 Date
DRB Chairperson, Planning Department	Date

* Environmental Health, if necessary

NOT FOR CONSTRUCTION		
	NM 528 AND ELLISON 3615 HWY 528 SITE PLAN - EPC	DRAWN BY LN
		DATE 11/17/2021
		DRAWING 2014069-SPE
		SHEET # C1
		JOB # 2020091

CROSS ACCESS DECLARATION

THIS CROSS ACCESS DECLARATION (the “**Declaration**”) is made as of January 28, 2022 (the “**Effective Date**”), by **WESTERN HILLS INVESTMENTS, LLC**, a New Mexico limited liability company (“**Western**”), whose address is P.O. Box 45688, Rio Rancho, New Mexico 87174.

RECITALS:

A. Western is the owner of that certain real property in the City of Albuquerque, Bernalillo County, New Mexico, more particularly described as Tract C-4-A of Seven Bar Ranch, as the same is shown and designated on the Plat entitled, "TRACTS C-3-A, C-3-B, C-3-C AND C-4-A, SEVEN-BAR RANCH, (BEING A REPLAT OF TRACTS C-3 AND C-4, SEVEN-BAR RANCH), CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico on July 2, 1993 in Volume 93C, folio 189, as Document No. 93-071196 (the “**Property**”).

B. Western is currently in the process of subdividing the Property into two parcels being: (i) a tract approximately 0.7616 acres in size shown as “Tract 1” on **Exhibit A** attached hereto (“**Tract 1**”); and (ii) a tract approximately 1.2278 acres in size shown as “Tract 2” on **Exhibit A** attached hereto (“**Tract 2**”).

C. Western desires to create cross access easement permitting cross access over a portion of Tract 1 and Tract 2 as depicted on **Exhibit A** attached hereto (the “**Cross Access Road**”) on the terms and conditions set forth below.

NOW, THEREFORE, Western hereby declares the following with regard to the Property:

DECLARATION:

1. **Cross Access Easement.** Western hereby declares that the owners of Tract 1 and Tract 2 together with their respective tenants, lessees, guests, invitees, contractors and employees Tenant shall have the right to use the Cross Access Road (as shown on Exhibit A attached hereto) for vehicular and pedestrian access across that portion of the Property.

2. **Maintenance.** The owner of Tract 1 shall be responsible for the upkeep and maintenance of those portions of the Cross Access Road which are located on Tract 1. The owner of Tract 2 shall be responsible for the upkeep and maintenance of those portions of the Cross Access Road which are located on Tract 2. The owners shall maintain the Cross Access Road in a first-class manner and condition, and otherwise in compliance with all laws, rules, regulations, and ordinances. In the event either owner fails to properly upkeep and maintain the Cross Access Road (the “**Non-complying Party**”), and such failure continues for a period of thirty (30) days after written notice to the Non-complying Party, the other party shall have the right to perform any necessary maintenance and obtain reimbursement from the Non-complying Party.

3. Amendment. This Declaration may be amended, modified or terminated only by a written document signed by the then fee simple owners of Tract 1 and Tract 2 and recorded in the office of the County Clerk of Bernalillo County, New Mexico.

4. Successors and Assigns. This Declaration shall run with the Property and shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Western as to the Property.

5. Indemnity.

(a) The then owner of Tract 1 hereby agrees to indemnify, defend, and hold harmless the then owner of Tract 2 for, from and against any and all claims, damages, costs, liabilities, losses and expenses (including, without limitation, attorneys' fees) arising out of the use of the Cross Access Road by the owner of Tract 1, its tenants, lessees, agents, contractors, employees, guests, customers and invitees.

(b) The then owner of Tract 2 hereby agrees to indemnify, defend, and hold harmless the then owner of Tract 1 for, from and against any and all claims, damages, costs, liabilities, losses and expenses (including, without limitation, attorneys' fees) arising out of the use of the Cross Access Road by the owner of Tract 2, its tenants, lessees, agents, contractors, employees, guests, customers and invitees.

6. Miscellaneous.

(a) Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of New Mexico.

(b) Severability. In case any one (1) or more of the provisions contained in this Declaration for any reason is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Declaration shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

(c) Time. Time is of the essence of every provision contained in this Declaration.

(d) Nonwaiver. Unless otherwise expressly provided in Declaration, no waiver by a party of any provision hereof shall be deemed to have been made unless expressed in writing and signed by such party. No delay or omission in the exercise of any right or remedy accruing to a party upon any breach under this Declaration shall impair such right or remedy or be construed as a waiver of any such breach theretofore or thereafter occurring. The waiver by a party of any breach of any term, covenant or condition herein stated shall not be deemed to be a waiver of any other term, covenant or condition.

(e) Captions. Section titles or captions contained in this Declaration are inserted as a matter of convenience and for reference, and in no way define, limit, extend or describe the scope of this Declaration.

(f) Exhibits. All Exhibits attached hereto shall be incorporated herein by reference as if set out herein in full.

IN WITNESS WHEREOF, Western has executed this Declaration as of the date set forth above.

WESTERN HILLS INVESTMENTS, LLC,
a New Mexico limited liability company

By: 
Julian S. Garza, Manager

STATE OF NEW MEXICO

)

) ss.:

COUNTY OF SANDOVAL

)

The foregoing document was acknowledged before me this 28th day of January, 2022, by Julian S. Garza as Manager of Western Hills Investments, LLC, a New Mexico limited liability company, on behalf of said company.


Notary Public

(SEAL)



EXHIBIT A
CROSS ACCESS ROAD DEPICTION

