

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT

Project Number: PR-2021-005657/PS-2021-00077
Property Description: 616 Autumnwood Place SE
Date Submitted: August 5, 2021
Submitted by: Kathleen Oweegon
Meeting Date and Time: August 2, 2021, 3:00 PM
Meeting Location: Online via Zoom
Facilitator: Kathleen Oweegon
Co-facilitator: Jessie Lawrence

Parties:

- **Applicant:**
 - Laura Durr
- **Affected Neighborhood Associations (per City of Albuquerque notification requirements):**
 - East Gateway Coalition of Associations

Background/Meeting Summary:

Applicant requests a waiver to the requirement for a sidewalk as part of a Development Review Board (DRB) review to divide 612 Autumnwood Place SE, plot 8, into two equal pieces and adding those two .3-acre pieces to 616 Autumnwood Place SE, plot 7, and 608 Autumnwood Place SE, plot 9. The reason for the requested property division is to increase the value of the neighboring properties and maintain the views and natural area. The reason for the requested sidewalk waiver is because sidewalks are uncommon in this neighborhood and the construction would be difficult and expensive in the granite terrain.

At the meeting, the applicant (the owner of 616 Autumnwood), her immediate neighbors who are part of the request (the owners of 608 Autumnwood), and other interested neighbors discussed concerns about the request. Participants had differing views about the sidewalk and discussed ideas about the importance of sidewalks generally and in this specific case, including ADA requirements, the feasibility of construction, safe walking, weeds, and drainage.

See the Meeting Specifics section for a summary of all the questions and comments discussed.

Outcomes:

- **Areas of Agreement:**
 - None noted among all meeting participants.
- **Unresolved Issues and Concerns:**
 - There was disagreement among the meeting participants about the importance of adding sidewalks in this neighborhood, with some arguing for it (for ease of walking and drainage) and others, including the Applicant, arguing against (because the neighborhood was designed without sidewalks and installing them in granite will be expensive and potentially hazardous).
- **Other Key Points:**
 - There were a number of questions for City staff. The Facilitator provided staff contact information for City-specific questions.

Meeting Specifics:

1) Introductions

- a) Participants all introduced themselves. Names and affiliations are included at the end of the meeting report.
- b) There is no neighborhood association for this property.

2) Application Summary:

- a) Laura Durr, the property owner of 616 Autumnwood and Applicant, summarized the request.
 - i) Larry and Nancy Wildt, the owners of 608 Autumnwood and part of the proposed change, also attended.
- b) Autumnwood Place is a cul de sac and there is no through access.
- c) Applicant purchased the adjacent lot previously because she wanted to protect her views and because she didn't want another house to be built next door.
- d) Splitting the lot would benefit her and her neighbors, as both would have larger lots and there would be no adjacent lot to build in the future.
- e) When Applicant made this request to the City, City staff stated that she would need to build a sidewalk or request a waiver of that requirement, and she would like to request a waiver.
- f) Applicant's reasons for a waiver include:
 - i) When the neighborhood was built, there was no sidewalk requirement, and there are very few sidewalks anywhere in the neighborhood.
 - ii) Autumnwood Place is a cul de sac, and so no one is walking through the neighborhood.
 - iii) There have been safety concerns; there have been some thefts, and a dead body was found nearby. Neighbors want to keep a close hold on the neighborhood.
 - iv) The neighborhood is hilly and it would be difficult to build the required sidewalks and make them safe throughout the neighborhood.
 - v) The terrain is granite and building the required sidewalk will be expensive.
- g) Applicant said she spoke to Jeanne Wolfenbarger at the City, who has been helpful about what would be necessary for a sidewalk waiver.
 - i) Facilitator requested that Applicant send her Jeanne Wolfenbarger's email address for the meeting report distribution.
- h) Applicant and her neighbors stated that they enjoy the wildlife and want to keep the area natural, and do not have any intent to build on the land.
- i) Applicant said that they have received communication from three neighbors that have said that they support this project and the sidewalk waiver.

3) Neighbors' Questions and Comments

- a) Sidewalk/ Other Sidewalks in Area
 - i) P: There are segments of Winterwood that have a sidewalk.
 - (1) A: There is sidewalk at the bridge and at one new home at the beginning of Winterwood, but otherwise houses do not have sidewalks.
 - ii) P: I don't think the septic question would have any bearing on the sidewalk question. One thing that bothers me is, "They don't have it over there, so why should I?" That's a common thread in these arguments, and that's a problem.
 - iii) P: There is a sidewalk on the street, not five feet, but there is an existing sidewalk.
 - (1) A: I do have a sidewalk, but it does not meet the City requirements. It does not go the full length of the lot. And the others on Autumnwood don't have sidewalks, so it doesn't connect to anyone. I see why there is a requirement and why it's appropriate in a lot of places, but we're different in this neighborhood, and I feel that it is not applicable in this case.

b) Safety

- i) P: I'm concerned that cutting into the granite might jeopardize structural integrity of nearby homes.
- ii) P: Sidewalks provide a safe path for people. We're in the mountain area, and there's snow. That's one thing I'm sure the City will think about. A lot of times you'll see neighbors outside shoveling snow from the sidewalks and creating safe paths. And there's a curb and gutter that you generally get with a sidewalk, and that carries the drainage efficiently through the neighborhood. That's an important thing, especially when ice can gather.
 - (1) A: You bring up great points, and I don't disagree with the overall thoughts about safety and neighbors. Everyone does have a drainage curb, so we do have good drainage that goes around the entire neighborhood. And I understand about snow.
- iii) P: There should be a safe, firm, and unyielding surface to satisfy the ADA, and to serve the entire community. I think it would be good to have a continuous sidewalk on Winterwood, so people can walk and avoid traffic.
 - (1) A: I myself am disabled. I support the ADA and sidewalks, but I don't think we should have one-rule-fits-all. The neighborhood is hilly and it can be dangerous, and I wouldn't want anyone with a disability in this area on foot. In this case, I think a waiver is better for everyone.

c) Terrain

- i) Participant (P): I am a neighbor and have a granite cliff that I would need to blast through or cut to put in a sidewalk. I think it's dangerous for the city infrastructure and could be risky to the structure of houses. I do not want to see a precedent set for building sidewalks in this neighborhood. I wholeheartedly support not building sidewalks and support the exception.

d) Easements

- i) P: Would doing this be vacating any public easements?
 - (1) Applicant (A): No. There is the utility easement and an access to my neighbors' house. There is no other public land.

e) Future of Septic Tanks

- i) P: I don't know if it has any bearing on this, but at some point, the septic tanks will need to be removed by County ordinance.
 - (1) A: That has been brought up for a long time, and if it ever comes, then we'll have the conversation. They would have to run the sewer to everyone, and so it will cost them a lot of money before they are able to require that of us.
- ii) A: This request would reduce the number of necessary hookups by one; there would be two instead of three.
- iii) P: If everyone has to put in sidewalks and then the City requires removal of the septic, I know no one here has the answer, but I wonder how that would work.

f) Weeds

- i) P: Concern: There are weeds growing over where people would walk, and people are then forced to walk in the street, which can be more dangerous, especially for families.
 - (1) A: I wish the City would clean up more on the streets, and there are neighbors who clean up when the City fails to. Most of us have granite, and there isn't a lot of weed growth along the street there.
- ii) P: Concern: There isn't maintenance of tumbleweeds because there's no sidewalk, and the weeds on properties are not a City responsibility.

g) Neighborhood Associations

- i) P: I want to make a pitch for the importance of neighborhood associations. It gives you the opportunity to go to hearings when these things are being put into place and voice your concerns. It brings the community together in conversation and understanding one another and how and why the City comes to the decisions that they do.

4) Questions for City Staff

- a) The Facilitator explained that City staff does not attend these facilitated meetings, so there is no one to speak to City questions or decision rationale.
- b) Q: If everyone has to put in sidewalks and then the City requires removal of the septic, I know no one here has the answer, but I wonder how that would work.
 - i) Facilitator has sent some earlier submitted questions to City staff and will share the answers via email when she receives them.
 - ii) Facilitator provided staff contact information for additional City questions.
- c) Q: For the Facilitator – I sent questions for the City before the meeting. Has there been any response?
 - i) Facilitator: I sent the questions and Maggie Gould said that she would look into it and get back to me with a response. When I get that information, I will forward it to everyone on my contact list via email.
- d) Q: If the waiver was denied, how would that affect all of the neighbors in the entire neighborhood?
 - i) Facilitator: That’s a question for City staff.
- e) Q: Do you know when the City made the change in the code to require the sidewalks?
 - i) Facilitator: That would be another City question, but I would speculate it began with the IDO.
 - ii) A: I also believe it became a requirement with the IDO.

Application Hearing Details:

- 1) Hearing time: To be set.
- 2) The Development Review Board (DRB) was established in March 1982 by Administrative Instruction 8-2. The DRB conducts meetings on major subdivision actions (where no re-zoning or annexation is required), approves or denies proposed major and minor subdivision actions, vacations of public rights of way or public and private easements, and waivers to standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) of the IDO, or the DPM.
 - a. The DRB is charged with administering the IDO and the DPM as well as other City ordinances and policies applicable to subdivision actions.
 - b. The DRB also reviews site development plans delegated by the Environmental Planning Commission (EPC) for final sign off, as well as Site Plan-DRB, as required by the IDO.
- 3) 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.
- 4) Please contact the following with questions:
 - a. Maggie Gould, Planning Manager, Land Development Coordination: 505-924-3880, mgould@cabq.gov

Names and Affiliations of Attendees:

Laura Durr, Applicant

Larry Wildt

Nancy Wildt

Ann Abbey

Julie Dreike, East Gateway Coalition of Associations

Michael Brasher, East Gateway Coalition of Associations