

**PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3946**

## **OFFICIAL NOTIFICATION OF DECISION**

American Gypsum Company, LLC  
5960 Berkshire Lane, Suite 800  
Dallas, TX 75225

**Project# PR-2022-006939**  
**Application#**  
**SI-2022-01744** SITE PLAN AMENDMENT  
**VA-2022-00271** SIDEWALK WAIVER

### **LEGAL DESCRIPTION:**

All or a portion of: **TR OF LAND IN N/2 NE/4 NW/4 SEC 23 T11N R3E EXC THOSE PORS ON THE NLY PORS & ELY PORS OUT TO R/W PASEO DEL NORTE CONT 11.4706 AC +- & TR OF LAND IN E1/2 NW1/4 & W1/2 NE1/4 SEC 23 T11N R3E (EXCLPORT OUT TO R/W) CONT 43.3900** zoned **NR-GM**, located at **4600 PASEO DEL NORTE between TIBURON ST and EL PUEBLO** containing approximately **54.12** acre(s). **(D-17)**

On October 19, 2022, the Development Review Board (DRB) held a public meeting concerning the above referenced applications and approved the requests, with delegation to Transportation and Planning, based on the following Findings:

### **SI-2022-01744 SITE PLAN AMENDMENT**

1. The original project (1003477 / 04-00853) approved by the DRB consisted of approximately 190,740 square feet of industrial buildings/structures on the site, with an additional 34,650 square foot building warehouse addition proposed to be constructed. According to this request, currently there is a total of 218,556 square feet of existing buildings/structures on the site. This request proposes an additional 15,140 square foot vertical roller mill (VRM) structure for gypsum receiving, handling, and mill operations on the site. The amendment is to modernize the plant and not increase the number of employees or trucks accessing the site. In addition to the VRM structure/system, the project will include new systems including a gypsum truck unloading system, gypsum rock storage and feeding, product screening, conditioning screw tower, stucco cooling system, stucco transport to the existing stucco storage bins, startup storage bin, and land plaster transport to existing bins.

This request is required to be reviewed by the DRB because per 6-5(G)(1)(b) of the IDO major public infrastructure is required for the proposed development (a sidewalk along the frontage of the site).

1. Pursuant to 6-6(G)(3) Review and Decision Criteria An application for a Site Plan – DRB shall be approved if it meets all of the following criteria:

- a. 6-6(I)(3)(a) *The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.*

The dimensional standards and parking comply with the applicable provisions of the original Site Plan approval (1003477 / 04-00853) and the IDO: the proposed VRM structure meets the setback requirements, the maximum height of the proposed VRM structure is approximately 112-feet in height, exceeding the 65-foot maximum building height in the NR-GM zone district. However, per Table 2-5-7 of the IDO, there is no height restriction in the NR-GM zone district if a building is more than 100-feet from the front lot line (which the proposed VRM structure is); 68 parking spaces are provided where a total of 47 parking spaces are required; an Alternative Landscaping Plan (PR-2022-006939 / SI-2022-01539) was administratively approved which meets the criteria of 5-6(C)(16) of the IDO.

- b. 6-6(I)(3)(b) *The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.*

The site has access to a full range of urban services including utilities, roads and emergency services. Transportation determined that a Traffic Impact Study (TIS) was not required.

- c. 6-6(I)(3)(c) *If the subject property is within an approved Master Development Plan, the Site Plan shall meet any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.*

The subject property is not located within an approved Master Development Plan, therefore this criterion does not apply.

2. An Infrastructure List was approved with the Site Plan Amendment. A Financial Guaranty/Infrastructure Improvements Agreement (IIA) must be approved and recorded.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

4. The proposed use is allowed within the NR-GM zone district, and is subject to the requirements of the underlying zone district.

**Conditions:**

1. This Site Plan Amendment is valid 7 years from DRB approval (10/19/2022). An extension may be requested prior to the expiration date.
2. Final sign-off is delegated to Transportation for an update to the Infrastructure List to include the calling-out of the 10-foot trail width, and to update the cross-sections of the trail.
3. Final sign-off is delegated to Planning for the recorded IIA, for Infrastructure List modifications as discussed at the October 19, 2022 DRB hearing, for the Environmental Health signature on the Plan, and for the application number and date of approval of the Sidewalk Waiver to be added to the Plan.
4. The applicant will obtain final sign-off from Transportation and Planning by January 18, 2023 or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.

**VA-2022-00274 SIDEWALK WAIVER**

1. The applicant proposes a waiver to the IDO/DPM standard(s) consisting of a waiver from the IDO/DPM requirements to construct a sidewalk along the frontage of the Site on public streets. A 10-foot wide trail along a portion of the site--as depicted on the Path/Trail Exhibit in the file for the Sidewalk Waiver request--is proposed in lieu of constructing a sidewalk along the entirety of the frontage along the site per the IDO/DPM requirements.
2. The request is justified per 14-16-6-6(P)(3) of the IDO. The applicant is proposing to construct the trail along the west side of Tiburon Street NE, from the southern edge of their property to approximately 200-feet north of the intersection of Tiburon Street NE and Headline Blvd NE (according to the Path/Trail Exhibit in the file for the Sidewalk Waiver). The construction of the 10-foot trail as proposed will enable the trail to complete the existing trail on the east side of Tiburon Street NE and the north side of El Pueblo NE and thereby, provide a complete trail/pedestrian path in this area that is separated from the industrial traffic. The applicant is providing extensive landscaping along the street frontage of the site. Finally, the applicant cites slope issues and obstructions preventing connectivity of a sidewalk around the northeast corner of the site.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

Official Notice of Decision

Project # PR-2022-006939 Applications# SI-2022-01744, VA-2022-00271

Page 4 of 4

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **NOVEMBER 3, 2022**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) (if files are less than 9MB in size). Files larger than 9MB can be sent to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) using <https://wettransfer.com>. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,



Jolene Wolfley  
DRB Chair

JW/jr

Industrial Ally, Inc., 1422 Elbridge Payne Rd. Suite 120, Chesterfield, MO 63017