



## DEVELOPMENT HEARING OFFICER

### Planning - Case Comments

**HEARING DATE:** 12/6/23 -- **AGENDA ITEM:** # 5

**Project Number:** PR-2023-008085

**Application Number:** SD-2023-00187 & SD-2023-00189 & SD-2023-00310

**Project Name:** Spanish Walk Subdivision – 410 Camino Espanol

**Request:**

*Preliminary Plat (SD-2023-00187), Vacation of Easement (SD-2023-00189), Waiver to DPM (VA-2023-00310)*

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*\*These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

**COMMENTS:**

Items that need immediate attention are in **orange type**

Items in compliance are in **blue type**

**BACKGROUND**

- On February 16, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2023-008085, SI-2023-00065 - Site Plan-EPC.
- The request is for a 2.5-acre site legally described as all or a portion of Tract A-1, Spanish Walk Subdivision, located on Camino Español NW, north of Solar Rd. and west of 4th St., zoned PD (the “subject site”).
- The subject site is zoned PD (Planned Development), a zoning designation received upon adoption of the IDO. The subject site was formerly zoned SU-1 for PRD (planned Residential Development).
- The applicant wishes to develop a 17-lot low-density residential subdivision, which would be pursuant to uses, site standards, and development standards of the PD (Planned-Development) zone district as determined by the EPC.

*\*(See additional comments on next pages)*

- The subject site is located in an Area of Change as designated by the Comprehensive Plan and is part of the Northwest Mesa Community Planning Area (CPA).
- The subject site is within 660-feet of the 4th Street Main Street Corridor as designated by the Comprehensive Plan.

**1. ITEMS NEEDING TO BE COMPLETED OR CORRECTED**

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- An Infrastructure Improvements Agreement (IIA) based on the approved Infrastructure List with the Preliminary Plat must be recorded and submitted to staff before the Final Plat (Application number:SD-2023-00189) can be heard by the DHO (therefore the Final Plat application is deferred to a later date).
  - -Project and application numbers must be added to the Final Plat.
  - -After DHO approval and final sign off, a recorded copy of the plat must be sent to the Planning Manager-Jay Rodenbeck and PLNDRS@cabq.gov (should the Plat be approved by the DHO).
  - -The City's AGIS office must approve the DXF file for the Final Plat.
  - -Per 6-6(L)(2)(d)(7) of the IDO, the date of the DHO approval shall be recorded on the Final Plat. Therefore, prior to final sign-off of the Final Plat, the date of the DHO approval must be added to the Plat.

**1.A. Preliminary Plat (SD-2023-00187)**

- Per 5-6(C)(12) Existing Vegetation Credit, please clarify if any of the existing trees are going to be maintained. Please refer to table 5-6-2 – Credits for Preserving Trees. Following images from Google Maps depict the existing site vegetation and trees:





- Project and application numbers should be added to the Infrastructure List.
- The Sidewalk Waivers are justified per IDO 6-6(P)(3)(a) and are consistent with all the criteria. Please refer to section 2 of this document for more detail.
- Per 6-6(P)(2)(d), any Waivers granted that are associated with a subdivision shall be placed on the Final Plat.
- The newly proposed utility easement must be depicted on the Plat.
- ~~\*Please confirm ROW development detail and the compliance of section 7 of the DPM, Table 7.2.29. In regards to Sidewalk width requirements and its landscape buffer.  
\*Defer to Transportation for standards.  
The location is not in a Center but within Main Street Corridor area.  
Camino Espanol is a local street. 5' sidewalk ad 4-6' landscape buffer is required.  
Via Espanol is a local street. 5' sidewalk ad 4-6' landscape buffer is required.~~

## 2. STANDARD COMMENTS AND ITEMS IN COMPLIANCE

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- All standards within IDO section 5-4-C (Subdivision of Land Compliance) apply to all re-platting actions. Re-plating action cannot increase any existing nonconformity or create a new nonconformity.

- The applicant notified the Lee Acres Neighborhood Association and property owners within 100 feet of the subject site as required. Two pre-submittal and one post submittal neighborhood meeting was held with the Camino Español HOA. One facilitated meeting was held with the Lee Acres NA on December 28, 2022.
- The Site Plan approved by the EPC shows a general layout; however, the DHO shall subsequently consider the site plan, which could change as a result of future platting actions and/or requirements.
- Since Consensus Planning, Agent for Las Ventanas Homes, had satisfied all Conditions for NOD dated February 16, 2023 (PR-2023-008085, SI-2023-0065) Site Plan-EPC, on November 3, 2023, the Development Facilitation Team (DFT) administratively approved the Final EPC Site Plan Sign-off application. A decision was made by the DFT that the Infrastructure List should be submitted to the DHO along with the Platting application. An Infrastructure List is included in this application.

**2.A. Vacation of Easement (SD-2023-00189)**

- Per 6-6(M)(3) Review and Decision Criteria, an application for a Vacation of Easement, Private Way, or Public Right-of-way shall be approved if it meets any of the following criteria:
  - 6-6(M)(3)(a) The public welfare does not require that the easement, private way, or public right-of-way be retained.
  - 6-6(M)(3)(b) There is a net benefit to the public welfare because the development made possible by the Vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the Vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. ~~It appears that the easement marked up as number 4 on the plan is proposed to be vacated. Please clarify the type of this easement and consider providing information regarding this request.~~

The easements to be vacated are 7' Public Utility Easements. They are being replaced by 10' Public Utility Easements that follow the proposed road alignment.

*The newly proposed utility easement must be depicted on the Plat.*

**2.B. Waiver to DPM (VA-2023-00310)**

- Per 6-6(P)(3)(a), An application for a Waiver – DHO shall be approved if it complies with all of the following criteria.
  1. Any of the following criteria applies.

- a. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
  - b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
  - c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
  - d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.
2. The Waiver will not be materially contrary to the public safety, health, or welfare.
  3. The Waiver does not cause significant material adverse impacts on surrounding properties.
  4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.
  5. The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.
  6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
  7. The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.
  8. The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DHO as part of this approval.
  9. The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).
  10. If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.

This waiver request complies with the decision and review criteria mentioned above. This request is consistent with the established neighborhood character per 6-6(P)(3)(a) 1 c. and won't be contrary to the public safety, health, or welfare.

The EPC approved the changes in sidewalk conditions based on the neighborhood character. Per neighborhood discussions at EPC, a 5-foot wide crusher fine path will be added along Camino Espanol.

There are no curb or sidewalks along Camino Espanol or in the neighborhoods to the west. The existing development in the vicinity of the subject property features low-density development.

The existing development in the vicinity of the subject property also features low traffic counts, and the width of street is per the IFC and has been approved by the Fire Marshal.

- *Per 6-6(P)(2)(d), any Waivers granted that are associated with a subdivision shall be placed on the final plat and on a separately recorded document.*

### 3. FUTURE DEVELOPMENT GUIDANCE

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Future development must meet all applicable standards and provisions of the IDO per (R-1D) and the DPM.

*\*Submitted plans should demonstrate how standards are being met for any applicable previous approvals and/or current standards.*

*Please reference the following development standards from the IDO.*

<https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/integrated-development-ordinance>

*\*Subject to change pending formal submittal and/or changes in development type/use.*

*Changes may also require amendments to previous approvals.*

- ❖ 4-2 Allowed Uses, table 4-2-1. **\*Reference Use Specific Standards 4-3-B-1 Single Family Detached Dwelling.** Explain and demonstrate how all standards are being met.
- ❖ **5-1 Dimension Standards.** 5-1-G Exceptions and Encroachments.  
*\*Plans will need to demonstrate that Dimensional standard requirements are being met.*
- ❖ **5-3 Access & Connectivity requirements**  
*\*5-3(C)(3) Driveways, Drive Aisles, and Access 5-3(C)(3)(a) Development shall comply with the driveway, drive aisle, and access standards in the DPM.*  
**5-3(C)(3)(b) For all low-density residential development, driveways accessed from the front or street side of the property shall be at least 20 feet long, exclusive of the sidewalk or drive pad.**

❖ **5-4 Subdivision of Land.**

5-5 Parking & Loading requirements, Table 5-5-1.

Dwelling, single-family detached 1 space / DU up to 2 BR, 2 spaces / DU with 3 or more BR.

❖ **5-6 Landscaping, Buffering, and Screening standards and requirements.**

❖ **5-7 Walls/Fences, table 5-7-1. \*Development requires separate permitting.**

❖ **5-8 for Outdoor Lighting requirements.**

❖ **5-11 Building and façade design requirements. 5-11-C for Low-Density Residential.**

\*Demonstrate and explain how standards and requirements are being met.

❖ **7-1 Development, dwelling, and use definitions**

\*Reference definitions for Low-Density Residential and Single Family Detached.

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*Disclaimer: The comments provided are based upon the information received from the applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning.*

FROM: Hannah Aulick/ Jolene Wolfley/ Jay Rodenbeck  
Planning Department

DATE: 12/5/23

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## **Development Facilitation Team (DFT) – Review Comments**

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**Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | [dggutierrez@abcwua.org](mailto:dggutierrez@abcwua.org)**

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**Project No: PR-2023-008085      Date: 12/06/2023      Agenda Item: #5 Zone Atlas Page: E-14**

**Legal Description: TRACT A-1, SPANISH WALK**

**Location: Between 4<sup>th</sup> St and Camino Espanol**

### **Application For: SD-2023-00187-FINAL PLAT ( DHO)**

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1. Please update Easement Note #10 to state PUBLIC water and PUBLIC sanitary sewer.
2. Add the following note to the cover sheet. If the need to provide non-exclusive is necessary, please discuss with Utility Development on how to manage the language below. (Note needs to be on the cover)

#### ***ABCWUA Public Water & Sanitary Sewer Easements***

***Albuquerque Bernalillo County Water Utility Authority (ABCWUA) is granted perpetual, exclusive easement(s) in gross in the dimensions noted on this plat for the construction, installation, maintenance, repair, modification, replacement and operation of public water and sanitary lines, equipment and facilities reasonably necessary to provide service together with free access on and over the easement and the right to remove trees, shrubs, undergrowth and any other obstacles, modifications, or structures which interfere with use of the easement.***

3. A financial guarantee and IIA must be in place or construction complete prior to final sign off.
4. Infrastructure List requires updates.
  - a. The limits of the extensions are not correct, please review and update accordingly such that each lot has access to both water and sanitary sewer.

### **Application For: SD-2023-00189-VACATION OF PUBLIC EASEMENT ( DHO)**

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1. No objection

### **Application For: SD-2023-00310-WAIVER TO DPM ( DHO)**

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1. No objection

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2023-008085  
Camino Espanol

AGENDA ITEM NO: 5

SUBJECT: Preliminary/Final Plat, Vacation of Easement, Waiver to DPM

ENGINEERING COMMENTS:

1. Transportation has an approved Conceptual TCL dated 7/24/2023. Transportation has spoken with the applicant and reviewed submittal material and has no objection to any of the requested items of the submittal.
2. As a reminder, it will be the responsibility of the property owners to maintain the compacted crusher fine trail to keep it suitable for ADA accessibility.

Disclaimer: The comments provided are based upon the information received from the applicant. If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.  
Transportation Development  
505-924-3991 or [earmijo@cabq.gov](mailto:earmijo@cabq.gov)

DATE: December 6, 2023

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ACTION:

APPROVED \_\_; DENIED \_\_; DEFERRED \_\_; COMMENTS PROVIDED \_\_; WITHDRAWN \_\_

DELEGATED: \_\_\_\_\_ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

**DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION**  
Renée Brissette, PE, Senior Engineer | 505-924-3995 [rbrissette@cabq.gov](mailto:rbrissette@cabq.gov)

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DRB Project Number: 2023-008085 Hearing Date: 12-06-2023  
Project: Spanish Walk Subdivision Agenda Item No: 5

<input checked="" type="checkbox"/> Minor Preliminary / Final Plat	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Temp Sidewalk Deferral	<input type="checkbox"/> Sidewalk Waiver/Variance	<input type="checkbox"/> Bulk Land Plat
<input checked="" type="checkbox"/> DPM Variance	<input checked="" type="checkbox"/> Vacation of Public Easement	<input type="checkbox"/> Vacation of Public Right of Way

**ENGINEERING COMMENTS:**

- Hydrology has an approved Conceptual Grading & Drainage Plan (E14D002A) with engineer's stamp 03/14/2023.
- Hydrology has no objection to the platting action.
- Hydrology has no objection to the Vacations.
- Hydrology has no objection to the DPM Variance.

APPROVED  
 DENIED

DELEGATED TO:  TRANS  HYD  WUA  PRKS  PLNG  
Delegated For: \_\_\_\_\_  
SIGNED:  I.L.  SPSP  SPBP  FINAL PLAT  
DEFERRED TO \_\_\_\_\_