



Development Hearing Officer (DHO)
City of Albuquerque
Plaza Del Sol, 600 Second NW
Albuquerque, New Mexico 87102

May 2, 2023

**RE: DHO SUBDIVISION OF LAND – MINOR (PRELIMINARY/FINAL PLAT APPROVAL) –
113 EUBANK BLVD & 107 EUBANK NE – ALBUQUERQUE, NM 87123**

To Whom It May Concern,

Modulus Architects & Land Use Planning, Inc., hereafter referred to as the “Agent,” for the purpose of this request, represents Pollman Dean Trustee Pollman Family RVT, hereafter referred to as the “Property Owner,” and Hutton ST 21, LLC, hereafter referred to as the “Applicant.” We, Agent are requesting approval of a Minor (Prelim/Final) Plat Approval and a Sidewalk Waiver. The parcel (the “subject site”) is +/- 1.6 acres in size, zoned MX-H and is located at the southwest corner of Central Ave. and Eubank Blvd. This site is legally described as: * H 008EXC NLY 20 OUT TO CITY BUENA VENTURA SUBD & LOT G1 BLK 8 BUENA VENTURA PLAT OF LTS G1 & G2 BLK 8 CONT 22,473 SQ FT +/- . The site is currently vacant. The site is located within a Major Transit Corridor (Central Ave.) and within a Premium Transit Corridor (Central Ave.). The site is not within a center or an overlay zone.

Minor (Prelim/Final) Plat Request

This request is for Minor (Prelim/Final) Plat Approval. There is an approved City Council request for a vacation of public right-of-way for a 20’ alley abutting the entire north portion of the subject site’s property line. Please see “Exhibit 1,” attached to this application that shows the City Council approval (highlighted in green). This request will include bringing the vacated alley into the subject site. The request is also to eliminate the lot line between lots H and G1, making two (2) lots become one (1) lot. Lastly, the request is to also grant utility easements. There is no infrastructure required for this platting action.

The sketch plat was heard March 1, 2023 (Project No: PR-2022-007416, PS-2023-00044). The comments that were provided by the DFT have all been addressed in this Preliminary Plat submittal.

This request is in compliance with IDO Section 14-16-6-6(K)(1) Subdivision of Land –Minor. All subsequent plans comply with all IDO, DPM and other adopted regulations. This submittal includes all items on Form S2. This request is complying with the City Council prior approval (alley vacation) by subdividing that area into the subject site.

Sidewalk Waiver Request

The site currently has sidewalks along Eubank Blvd. and Glorieta. The sidewalk along Eubank Blvd. is 5.9’ feet wide and the sidewalk along Glorieta is 5.6’ - 5-9’ feet wide. Eubank Blvd. is a Principal Arterial within a Major Transit Corridor and requires a 6’ foot wide sidewalk and 6-8’ foot landscape buffer. Glorieta is a

local road within a Major Transit Corridor and a requires 5' foot wide sidewalk and 4-6' foot landscape buffer. There is a proposed landscaping plan that is currently in building permit review, reflecting the sufficient landscaping buffer width (See "Exhibit 2" attached the application). Since the sidewalks running along Eubank Blvd. are not meeting the 6' foot requirement, we are seeking a sidewalk waiver of 1.2 inches.

This request is in compliance with IDO Section 14-16-6-6(P)(3) Review and Decision Criteria.

6-6(P)(3)(a) Any of the following applies:

6-6(P)(3)(a) 1. 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, manmade obstructions, or utility lines.

6-6(P)(3)(a) 4. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity of design of a subdivision, in accordance with accepted principles of site planning.

Response: There are existing sidewalks abutting the subject site. The existing sidewalks are 5.9' and the requirement is 6'. These sidewalks were constructed long before this request came to pass. There are also existing obstructions on the sidewalk that cannot be easily relocated (light pole and fire hydrant). This waiver request will also encourage flexibility in accordance with site planning process and encourage flexibility in accordance with existing site conditions.

6-6(P)(3)(b) The Waiver will not be materially contrary to the public safety, health, or welfare.

Response: The requested waiver is not materially contrary to the public safety, health, or welfare. The pedestrian access and sidewalks that are being proposed on site are sufficient for the subject site and for the area. Major Transit Corridors are anticipated to be served by high frequency and prioritize transit above other modes to ensure a convenient and efficient transit system. Shade trees are being provided along required pedestrian walkways and shown on the Landscaping Plan. An on-site pedestrian walkway is being provided from the public right-of-way to the primary entrance of building. The proposed use is not a use that pedestrian will most likely be walking to (a car wash).

6(P)(3)(c) The Waiver does not cause significant material adverse impacts on surrounding properties.

Response: The proposed waiver will not cause material adverse impacts on surrounding properties. The drive-through for the car wash and related site improvements will have enough space on site, as currently laid out, for circulation during typical and high traffic demands. All the queuing will be maintained on site. This sidewalk has been in place for a plethora of years and it has not caused issues to date.

6-6(P)(3)(d) The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

Response: The requested waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvement. This waiver arose because the sidewalk currently exists, which in-turn was approved at the time of construction. The sidewalk is currently within the right-of-way.

6-6(P)(3)(e) 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.

Response: The requested waiver will not conflict significantly with the goals and provisions of the IDO or any other City code or ordinance. This request is less than a foot of modifications so it is within line with the DPM and IDO intentions. The proposed Site Plan has obtained all the required approvals within the IDO and DPM to include a Grading & Drainage Plan, TIS, Fire 1 Plan, Water Availability Statement, and Solid Waste. This waiver did not conflict with any approvals required for this development that were listed above.

6-6(P)(3)(f) The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

Response: Criterion (f) does not apply, as the property is not within the 100-year floodplain.

6-6(P)(3)(g) The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.

Response: The requested waiver will not materially undermine the intent and purpose of the IDO. The subject site and the abutting properties are zoned MX-H, MX-L and R-MH; therefore, the development will be consistent with and will have the same scale of development as the surrounding area. The surrounding sidewalks are also the same dimensions and tie into one another. This allows for continuity of the community. The identity and cohesiveness of the neighborhood is not altering with the approval of this request. The landscape buffer is still meeting the IDO purpose for the 6' width.

6-6(P)(3)(h) 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 DRB as part of this approval.

Response: The requested waiver will not allow a lot or type of development that does not meet applicable Development Standards for the MX-H zone. This development is subject to IDO requirements including the mixed-use zone district dimensional standards (Table 5-1-2), buffer landscaping (14-16-5-6-(E)), and building design standards (14-16-5-11). These requirements currently add in additional layers of protection because the site and the proposed uses are being regulated in terms of parking/stacking, signage, landscaping, height, design, setbacks, screening, and buffers. There are no other waivers or variances being requested at this time.

6-6(P)(3)(i) The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

Response: The requested waiver is the minimum necessary to provide redress. This is an existing sidewalk that is consistent with the surrounding developments and is less than a foot off from the requirement.

6-6(P)(3)(j) 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.

Response: Not applicable, the waiver request is not for sidewalk of low-intensity land use.

Conclusion

This request is in compliance with IDO Section 14-16-6-6(K)(1) Subdivision of Land –Minor and IDO Section 14-16-6-6(P)(3) Waiver DHO. All subsequent development will comply with all IDO, DPM, and other City regulations. This submittal includes all items from Form S2 and V2.

Notification requirements for this request have been met per IDO Table 6-1-1. South Los Altos NA and District 6 Coalition of Neighborhood Associations were notified of this request as listed by the Office of Neighborhood Coordination.

If you have any additional questions or concerns regarding this submittal, please feel free to contact me directly at (505) 338-1499 or email me at: rokoye@modulusarchitects.com.

Best regards,

REGINA OKOYE, ENTITLEMENTS PROJECT MANAGER
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