



*Rio Grande
Engineering*

PO BOX 93924
ALBUQUERQUE, NM 87199
(505) 321-9099

RE: DHO Waiver

Lot 22 U 1 The Overlook at High Desert

6105 Club Cholla Court NE

To whom it may concern,

This letter seeks to obtain waiver of the requirement to build a public sidewalk on the property. Site is in a masterplan community with walking paths and trails. Individual sidewalks within each property do not conform to design standards of the neighborhood. Attached is the grading plan/site plan, city comments requiring sidewalk, and the HDROA letter of support.

Below is response to requests outlined in IDO Section 14-16-6-6(P)(3):

1. Any of the following criteria apply

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. **Property is located on a cul-de-sac with no existing sidewalks**

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. **HOA has submitted a letter, included with submittal packet, clarifying the existing architectural code and how the sidewalk at this location does not conform with historical design of the neighborhood**

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. **HOA has submitted a letter, included with submittal packet,**

clarifying the existing architectural code and how the sidewalk at this location does not conform with historical design of the neighborhood

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. Existing design matches existing subdivision

2. The Waiver will not be materially contrary to the public safety, health, or welfare. Existing access to the lot and surrounding area has been sufficient for homeowners

3. The Waiver does not cause significant material adverse impacts on surrounding properties. Waivers would allow for lot to match existing surrounding properties

4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements. All future developments nearby will be in the HOA which sets neighborhood design

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. This waiver does not conflict with any adopted plan, and it supports the concept of areas of consistency

6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain. Drainage plan has been previously approved for the property.

7. The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone. This waiver does not undermine any intent or purpose of the IDO, zoning or overlays and it supports the stability and consistency of the area

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(N) (Deviations) and is granted by the DHO as part of this approval. This waiver does not allow such development

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). This waiver does

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 area is low intensity use and there are no existing sidewalks in the vicinity, the master-planned development provides full pedestrian amenities in the framework of the plan

Thank you,

Luke Soule