



February 29, 2016

Roger Cinelli  
2418 Manuel Torres Ln., NW  
Albuquerque, NM

**Re: Storage Facility for Derron Havehor**  
**809 Locust St., SE**  
**Traffic Circulation Layout**  
Engineer's/Architect's Stamp dated 2-15-16 (K15-D096)

Dear Mr. Cinelli,

Based upon the information provided in your submittal received 2-22-16, the above referenced plan cannot be approved for Building Permit until the following comments are addressed:

1. Please show two approved on-street parking spaces on resubmittal drawing.
2. Identify all existing access easements and rights of way with dimensions.
3. Please list the width and length for all parking spaces.
4. Per DPM, there must be more than 20 parking spaces in order to qualify for use of compact parking spaces. Parking space No. 1 and 4 do not qualify as a Compact parking space. Please reconfigure parking spaces to meet DPM requirements.
5. Show all drive aisle widths and radii. Please detail the distance from the parking spaces to the either edge of the proposed new asphalt.
6. Per the DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the HC parking stall access aisles to the building entrances. Please clearly show this pathway. Please dimension pedestrian pathway width between covered porch and ponding area curb barrier.
7. Provide a min 6" or max 8" high concrete barrier curb or other acceptable barrier between landscaping and parking areas and/or drive aisles. Please call out this detail for all required barrier points.
8. Design delivery vehicle route needs to be shown.
9. Please detail vehicular access and load/unloading areas to proposed storage structure.
10. Service vehicle and/or refuse vehicle maneuvering must be contained on-site; provide a copy of refuse approval. Please show location of refuse container.
11. See Chapter 23, Section 6 of the City of Albuquerque *Development Process Manual*, for appropriate drive pad widths. Per DPM, the drive pad entrance must be a minimum of 25 ft. wide.

PO Box 1293

Albuquerque

New Mexico 87103

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# CITY OF ALBUQUERQUE



12. Unused curb cuts must be replaced with sidewalk and curb & gutter. A build note must be provided referring to the appropriate City Standard drawing.
13. All broken or cracked sidewalk must be replaced with sidewalk and curb & gutter. A build note must be provided referring to the appropriate City Standard drawing.
14. Please include a copy of your shared access agreement with the adjacent property owner.
15. Please include two copies of the traffic circulation layout at the next submittal.

Resubmit acceptable package along with fully completed Drainage Transportation Information Sheet to front counter personnel for log in and evaluation by Transportation. If you have any questions, please contact Gary Sandoval (505) 924-3675 or me at 924-3991.

Sincerely,

Racquel M. Michel, P.E.  
Traffic Engineer, Planning Dept.  
Development Review Services

PO Box 1293

Albuquerque

\gs via: email  
C: CO Clerk, File

New Mexico 87103

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# DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV 02/2012)

PROJECT TITLE: STORAGE FACILITY FOR DERRON HAVENOR ZONE MAP: K-15-11 D096  
 DRB#: \_\_\_\_\_ EPC#: \_\_\_\_\_ WORK ORDER#: \_\_\_\_\_

LEGAL DESCRIPTION: LOT 6 BL 2 DAVIS ADDN  
 CITY ADDRESS: 809 LOCUST ST. S.E.

ENGINEERING FIRM: LEVI J. VALDEZ P.E.  
GEORGE RODRIGUEZ-CONSULTING  
 ADDRESS: 12800 SAN JUAN N.E.  
 CITY, STATE: ABQ, NM

CONTACT: GEORGE R  
 PHONE: 610-0593  
 ZIP CODE: 87123  
 EMAIL: PAWROD@HOTMAIL.COM

OWNER: DERRON HAVENOR  
 ADDRESS: 5805 PAULINE AVE N.W.  
 CITY, STATE: ABQ, NM

CONTACT: DERRON  
 PHONE: 573-9611  
 ZIP CODE: 87107

ARCHITECT: ROGER CINELLI  
 ADDRESS: 2418 MANUEL TORRES LN. N.W.  
 CITY, STATE: ABQ, NM

CONTACT: ROGER  
 PHONE: 243-8211  
 ZIP CODE: 87107  
 EMAIL: rcinelli@com

SURVEYOR: HARRIS SURVEYING CO  
 ADDRESS: 2412-D MONROE ST. N.E.  
 CITY, STATE: ABQ, NM

CONTACT: TDH  
 PHONE: 869-8056  
 ZIP CODE: 87110

CONTRACTOR: SAME AS OWNER  
 ADDRESS: \_\_\_\_\_  
 CITY, STATE: \_\_\_\_\_

CONTACT: \_\_\_\_\_  
 PHONE: \_\_\_\_\_  
 ZIP CODE: \_\_\_\_\_

## TYPE OF SUBMITTAL:

- ☐ DRAINAGE REPORT
- ☐ DRAINAGE PLAN 1<sup>st</sup> SUBMITTAL
- ☐ DRAINAGE PLAN RESUBMITTAL
- ☐ CONCEPTUAL G & D PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☐ ENGINEER'S CERT (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☒ TRAFFIC CIRCULATION LAYOUT
- ☐ ENGINEER'S CERT (TCL)
- ☐ ENGINEER'S CERT (DRB SITE PLAN)
- ☐ OTHER (SPECIFY) \_\_\_\_\_

## CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA/FINANCIAL GUARANTEE RELEASE
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ S. DEV. PLAN FOR SUB'D APPROVAL
- ☐ S. DEV. FOR BLDG. PERMIT APPROVAL
- ☐ SECTOR PLAN APPROVAL
- ☐ FINAL PLAT APPROVAL
- ☒ FOUNDATION PERMIT APPROVAL
- ☐ BUILDING PERMIT APPROVAL
- ☐ CERTIFICATE OF OCCUPANCY (PERM)
- ☐ CERTIFICATE OF OCCUPANCY (TEMP)
- ☐ GRADING PERMIT APPROVAL
- ☐ PAVING PERMIT APPROVAL
- ☐ WORK ORDER APPROVAL
- ☐ GRADING CERTIFICATION
- ☐ OTHER (SPECIFY) SO-19 \_\_\_\_\_

## WAS A PRE-DESIGN CONFERENCE ATTENDED:

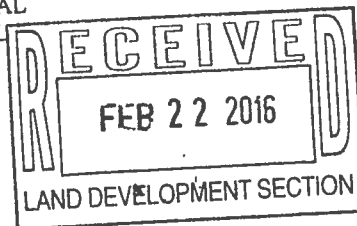
- ☒ YES
- ☒ NO
- ☐ COPY PROVIDED

DATE SUBMITTED: 2/22/16 BY: Roger Cinelli

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location, and scope to the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

1. **Conceptual Grading and Drainage Plan:** Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. **Drainage Plans:** Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. **Drainage Report:** Required for subdivision containing more than ten (10) lots or constituting five (5) acres or more.

Engr Stamp 2/15/16





CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

DERRON HAVENOR (DAC ZONING & LAND USE SERVICES, AGENT) requests a special exception to Section 14-16-3-1: a VARIANCE of 5 parking spaces to the required 10 parking spaces for Warehouse/ Office for all or a portion of Lot 6, Block 2, DAVIS ADDITION zoned M-1, located on 809 LOCUST ST SE (K-14)

Special Exception No:..... **15ZHE-80170**  
Project No:..... **Project# 1010496**  
Hearing Date:..... 07-21-15  
Closing of Public Record:..... 07-21-15  
Date of Decision: ..... 07-31-15

On the 21st day of July, 2015 (hereinafter "**Hearing**") DAC ZONING & LAND USE SERVICES, (hereinafter "**Agent**") acting as agent on behalf of the property owner DERRON HAVENOR (hereinafter "**Applicant**") appeared before the Zoning Hearing Examiner (hereinafter "**ZHE**") requesting a Variance of 5 parking spaces to the required 10 parking spaces for Warehouse/ Office (hereinafter "**Application**") upon the real property located at 809 LOCUST ST SE ("**Subject Property**"). Below are the findings of facts:

**FINDINGS:**

1. Applicant is requesting a Variance of 5 parking spaces to the required 10 parking spaces for Warehouse/ Office.
2. The City of Albuquerque Zoning Code of Ordinances Section § 14-16-4-2 (C) (2) "SPECIAL EXCEPTIONS – VARIANCE" reads in part: "A variance application shall be approved by the Zoning Hearing Examiner, if and only if, the Zoning Hearing Examiner finds all of the following:  
(a) The application is not contrary to the public interest or injurious to the community, or to property or improvements in the vicinity;  
(b) There are special circumstances applicable to the subject property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid;  
(c) Such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable zoning district; and  
(d) Substantial justice is done.
3. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that the Application is not going to be: (i) contrary to the public interest, (ii) injurious to the community; or (iii) injurious

to the property/improvements located in the nearby vicinity of the Subject Property. Specifically, the Applicant provided testimony that the number of employees and impact of the business will not increase, that the property is isolated from other properties or uses that may be negatively affected, the variance will allow for encouraged infill development and supports other plan policies [as required pursuant to Section § 14-16-4-2 (C) (2) (a)]. Further, the Application and testimony of the Applicant at the Hearing suggest that there is no neighborhood opposition to the Application, including by APS, essentially the only affected other landowner, and the South Broadway Neighborhood Association does not object.

4. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that there are “special circumstances” applicable to the Subject Property which do not apply generally to other property in the same zone and vicinity. Specifically, the Applicant provided testimony that the property, its improvements and zoning predate parking regulations and due to the initial construction as a residence, rezoning for nonresidential purposes and imposition of the I-25 Right of Way the property is uniquely subject to special circumstances [as required pursuant to Section § 14-16-4-2 (C) (2) (b)]
5. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that the special circumstances presented hereinabove were not “self-imposed”, and that those special circumstances create an unnecessary hardship upon the Applicant. Specifically, the Applicant provided testimony that the property, its improvements and zoning as well as its unique layout and repurposed improvements predate parking regulations which constitutes an *“unjustified limitation on the reasonable use of the Subject Property”* [as required pursuant to Section § 14-16-4-2 (C) (2) (c)]
6. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that substantial justice will be done if this Application is approved. [as required pursuant to Section § 14-16-4-2 (C) (2) (d)]
7. Applicant provided evidence that the yellow “Notice of Hearing” signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 (B) (4).

#### **CONCLUSIONS OF LAW:**

The Applicant has met their burden of submitting an Application that provides evidence that satisfies the elements required within §14-16-4-2 (C) (2) of the Albuquerque Zoning Code.

#### **DECISION:**

**APPROVAL WITH CONDITIONS** of a VARIANCE of 5 parking spaces to the required 10 parking spaces for Warehouse/Office.

#### **CONDITIONS OF APPROVAL:**

- A. The Applicant's business shall not use more than the available five on-site and one street parking space on a regular, ongoing basis (i.e., more than one day per week) and if such a need does arise Applicant shall arrange for additional off-site parking.

If you wish to appeal this decision, you may do so in the manner described below:

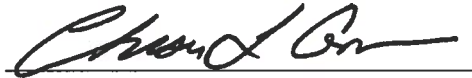
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



Christopher L. Graeser, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
[alliedplumber@comcast.net](mailto:alliedplumber@comcast.net)  
[dacinc2001@aol.com](mailto:dacinc2001@aol.com)