

**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

Design Development Group, LLC
8504 Waterford Place NE
Albuquerque, NM 87122

Project# PR-2022-006568
Application#
SD-2023-00147– PRELIMINARY PLAT

LEGAL DESCRIPTION:

For all or a portion of
**LOTS 4 AND 5, BLOCK 16 TRACT 3, NORTH
ALBUQUERQUE ACRES** zoned **R-1C** located
at **9200 WILSHIRE AVE NE** between
VENTURA and HOLBROOK containing
approximately **1.99** acre(s). **(C-20)**

On March 13, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, based on the following Findings:

1. This is a request to subdivide two existing lots (Lots 4 & 5, Block 16, Tract 3, Unit 3, North Albuquerque Acres) into eight lots, grants easements as depicted on the Plat, and dedicate right-of-way to the City of Albuquerque as depicted on the Plat.
2. The property is zoned R-1C. Future development must be consistent with the underlying zone district and IDO/DPM requirements.
3. The Preliminary Plat was originally approved on October 25, 2023 with the condition that all wall heights associated with the Plat and the Grading Plan must comply with the IDO. DFT staff requested a rehearing of the subdivision because the applicant did not provide clear information about wall heights and that the perimeter walls shown at that time could require a Variance.

At the January 10, 2024 DHO meeting, the DHO ruled that the application was to be re-heard. The Applicant was directed to provide clear perimeter wall exhibits for retaining and privacy walls on a new submittal to ascertain that the walls would be compliant with the IDO.

4. The Grading and Drainage Plan for the property demonstrated a need to correct drainage flows from the adjoining subdivision on the west. The WUA directed the sewer connection to be made on Wilshire Blvd. The outcome of these directives is that the City Engineer approved of a grading plan that requires extensive fill that raises the grade for the proposed lots substantially above the grade of the four lots abutting on the west and the grade of two lots abutting on the south. Furthermore, the Grading Plan cuts or lowers the grade abutting lots on the east. The grading plan with the associated wall plan calls for retaining walls that meet the 6-foot height limit and the requirement of terraces 4 feet wide with vegetation.
5. Meetings were held between the applicant team, the owners of abutting residential lots, and Planning staff on 12/13/23, 3/2/24, and 3/11/24 to resolve differing viewpoints regarding the retaining walls and terraces. General agreement was reached and is documented on the wall exhibits and the Landscaping of the Terraces Exhibit. The terraces occur on Wilshire, the west property line, and a portion of the south property line. The Applicant also agreed to raise the eastern wall by two matching blocks on two lots to the east as shown on the wall exhibit. The DHO made decisions to have all retaining wall terraces vegetated according to the submitted landscaping plan with eventual drip irrigation, but allowing for hand watering to occur prior to any building permits being issued.
6. The Applicant completed a Sensitive Lands Analysis and no sensitive land features were identified.
7. The submittal of a Final Plat is required within one year of Preliminary Plat approval per Table 6-4-3 of the IDO.
8. A recorded Infrastructure Improvement Agreement (IIA) based on the DFT-approved Infrastructure List must be submitted prior to the acceptance of a Final Plat and placement on a DHO agenda.
9. The Applicant provided the required notice as outlined in the IDO Table 6-1-1.
10. Per 6-6(L)(3)(a) Review and Decision Criteria, an application for a Subdivision of Land – Major shall be approved if it 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. With the compliance with the conditions of approval (see below), this request complies with this criteria.

Conditions:

The Preliminary Plat is conditioned as follows:

- a. Dripline irrigation is required for the landscape terraces. Hand-watering is acceptable for 24 months prior to the issuance of a building permit.
- b. The Landscape Exhibit is approved as part of the Preliminary Plat and will be provided to Code Enforcement at the time of wall permit application.
- c. Plant species are to generally follow the City of Albuquerque Plant List but can be changed at Final Plat with concurrence between the developer and the neighbors.
- d. The Wall Exhibit is approved and made part of the Preliminary Plat and will be shared with Code Enforcement with the wall permit application. The exact materials of design of the wall shall generally follow the exhibit, but can be changed with the Final Plat with concurrence between the developer and the neighbors.
- e. All construction will meet City of Albuquerque Codes and ordinances enforcing safety issues.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **MARCH 29TH, 2024**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15th 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(V) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to PLNDRS@cabq.gov and request that staff send you a link via Smartfile to upload the files to. 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).

Official Notice of Decision

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Sincerely,

Ronald R. Bohannon, P.E.

[Ronald R. Bohannon, P.E. \(Mar 15, 2024 14:49 MDT\)](#)

Ronald R. Bohannon, P.E.

Development Hearing Officer

RRB/jw

The Group/Ron Hensley, 300 Branding Iron Rd. SE, Rio Rancho, NM 87124







PR-2022-006568 March 13, 2024 Notice of Decision

Final Audit Report

2024-03-15

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