

**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**

Bella Tesoro  
12809 Donnette Ct. NE  
Albuquerque, NM 87112

**Project# PR-2019-002496**  
**Application#**  
**SI-2019-00180 SITE PLAN – DRB**

### **LEGAL DESCRIPTION:**

All or a portion of LOTS 1--4 BLOCK 4 TRACT 3  
UNIT 3 NORTH ALBUQUERQUE ACRES, zoned  
MX-L, located at the SEC of BARSTOW ST NE AND  
ALAMEDA BLVD NE, containing approximately  
3.38 acre(s). (C-19 & 20)

On January 8 2020, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the request, with delegation to Planning and ABCWUA to address minor issues as stated in the comments and discussed at the hearing, based on the following Findings:

### **SI-2019-00085 SITE PLAN – DRB**

1. This request was approved by the DRB on September 11, 2019. The project was appealed to the City Council through the Land Use Hearing Office (LUHO). The LUHO decision of November 15, 2020 date remanded the request back to the DRB to address procedural issues.
2. This is a request for a 75,083 square foot apartment complex including two 34,017 square foot residential buildings and a 7,049 square foot community building with a maximum height of 35 feet. The site contains open spaces, a dog park, pool and picnic area.
3. The site will be developed in three phases as shown on sheet DRB 1.2.
4. The applicant provided notice as outlined in the IDO Table 6-1-1. The applicant notified property owners within 100 feet and affected neighborhood associations for the initial DRB meeting and for this DRB remand meeting.
5. The proposed use is allowed within the MX-L zone. The IDO does not address density, but does control density by restricting height and requiring parking, useable open space, and

landscaping. The MX-L zone allows for maximum building height of 35 feet.

6. The abutting property to the south was zoned MX-T (allowing both commercial and residential uses) at the time this Site Plan was filed and set for hearing. The Neighborhood Edge requirements of the IDO apply to subject sites that abut exclusively residentially-zoned property. Therefore, the Neighborhood Edge requirements do not apply in this case.
7. A Traffic Impact Study was not required for this project because it does not meet the threshold for such study as stated by the Traffic Engineer.
8. The applicant relocated the carport structures so that they are out of the 15-foot required setback (see condition 2, NOD 9-11-19).
9. The applicant agreed to add six tall shrubs and three trees along southern border landscape strip of the site plan to better screen the project for the residential use to the south.
10. Staff received letters of opposition to the project and there were members of the public who spoke at the DRB meeting. Major concerns included the density of the development, increased traffic, impact on local school capacity, lack of privacy for the residential development to the south, safety, and the lack of Neighborhood Edge protections in relation to the voluntary zone conversion in process for the homes on the southern boundary.
11. Two facilitated meetings were held as part of the original approval process. The applicant declined to have a third facilitated meeting prior to the DRB remand meeting.
12. Pursuant to 6-6(G)(3) Review and Decision Criteria. An application for a Site Plan – DRB shall be approved if it meets all of the following criteria:
  - a. 6-6(G)(3)(a) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations. *Specifically, the height, parking, open space, landscaping and façade meet or exceed the IDO requirements.*
  - b. 6-6(G)(3)(b) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development. *The site has access to a full range of urban services including utilities, roads, and emergency services. The ABCWUA issued an availability statement for the site. A Traffic Impact Study was not required, but the applicant has committed to street improvements for Alameda and Barstow. A grading and drainage plan for the entire site has been approved by Hydrology.*
  - c. 6-6(G)(3)(c) The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable. *The proposed buildings are set back approximately 90 feet from the residential development to the south; the minimum required setback is 15 feet, see 14-16-2-4(B)(1). The site has landscaping around the perimeter, on-site landscaping, and usable open space. The required landscaping would be 15,024 square feet, see 14-16-5-6(C)(20(a)), 30,510 square feet are provided. The required useable open space would be 21,450 square feet; 77,117 square feet are provided.*

**Conditions:**

1. This Site Plan is valid 5 years from DRB approval (1-23-2020). An extension may be requested prior to the expiration date.
2. Final sign off is delegated to Planning and ABCWUA for payment of pro rata.
3. Once the site plan has all the required signatures, a pdf of the complete signed off set

Official Notice of Decision

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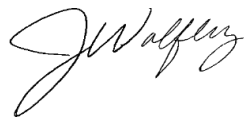
will then be email to the PLNDRS.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **JANUARY 23, 2020**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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(U) of the Integrated Development Ordinance (IDO). A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed.

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).

Sincerely,

A handwritten signature in black ink, appearing to read "J. Wolfley". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

Jolene Wolfley  
DRB Chair

JW/mg

Consensus Planning 302 8<sup>th</sup> Street NW ABQ, NM 87102