

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

505 Solutions LLC  
6012 Royal Oak St. NE  
Albuquerque, NM 87111

**Project #PR-2020-004595**  
Application#  
**SD-2021-00111 PRELIMINARY PLAT**  
**VA-2021-00216 SIDEWALK WAIVER**

### LEGAL DESCRIPTION:

All or a portion of **PARCELS A & B AND PARCELS 1 & 3, LANDS OF ALBUQUERQUE RANCH ESTATES & LANDS OF ALBUQUERQUE ACADEMY** zoned R-1D, located on **WALKERWAY ST. NE between SPAIN RD NE and ACADEMY RD NE** containing approximately 4.650 acre(s). (E-22)

On August 18, 2021, the Development Review Board (DRB) held a public meeting concerning the above referenced applications and **denied** the requests, based on the following Findings:

### **SD-2021-00111 – PRELIMINARY PLAT**

1. This proposed Preliminary and Final Plat subdivides 3 existing lots and 3 parcels into 11 lots and 2 tracts on a parcel 4.649 acres in size. The plat would grant a private access, private drainage, and public water and sewer easement on Tract A; a private drainage easement on Tract B; a 10-foot private pedestrian access easement; and a 10-foot public utility easement.
2. The request meets the definition of subdivision: “To divide or re-divide (sometimes referred to as “replat”) land into 2 or more parts or to consolidate 2 or more lots by whatever means to facilitate the present or future conveyance or other transfer of incidents of ownership or use.” (2019 IDO, § 7-1, Definitions, p. 560)
3. The subdivision is of ‘Land-Major’ for which the review and decision criteria require compliance with the IDO, DPM, and other adopted City regulations. (2019 IDO, §6-6-(L)(3))

4. Based on Finding #5 (see below), Transportation and Planning did not support the request. The DRB is a consensus board and requires agreement from all members to approve requests.
5. Transportation and Planning noted in their comment memos and through testimony at the DRB hearings for the Preliminary Plat that the proposed replat of the parcels on the application site triggers 2019 IDO, §6-6(L)(3)(b) of the IDO and that the application did not fully comply with the IDO and DPM. Specifically, in their comments memo dated August 17, 2021, Planning noted that 2019 IDO, §5-3(E)(1)(b) of the IDO requires “Streets shall be designed to the standards of the DPM.” Further, that 2019 IDO, §5-3(E)(1)(b) does not allow a stub street longer than 150 feet and that the existing condition with the gate creates a stub street longer than 150 feet. And finally, the Design Process Manual (DPM) § 7-4(J)(7) requires that private gates have a turnaround to keep vehicles from standing in or backing into the ROW. These specifically noted IDO and DPM requirements are part of an existing condition for the subdivision that must be brought to current IDO and DPM standards in order for a new Preliminary Plat to be approved. Therefore the Preliminary Plat did not meet the Transportation and Planning requirements.

**VA-2021-00216 – SIDEWALK WAIVER**

1. This is a Waiver from the requirement(s) to construct sidewalks in the areas of the application site as identified on the Sidewalk Exhibit on file.
2. Based on Finding #3 (see below), Planning did not support the request. The DRB is a consensus board and requires agreement from all members to approve requests.
3. This Waiver needs to be tied to a Plat or Site Plan action, therefore approval of the Waiver is contingent on approval of the Preliminary Plat (which the DRB denied).

**APPEAL:** Per Table 6-1-1 of the IDO, a Preliminary Plat and Sidewalk Waiver (Waiver – DRB) may be appealed. If you wish to appeal this decision, you must do so within 15 days of the DRB’s decision or by **SEPTEMBER 2, 2021**. 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(V) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) (if files are less than 9MB in size). Files larger than 9MB can be sent to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) using <https://wettransfer.com>. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

Official Notice of Decision

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Sincerely,

A handwritten signature in black ink, appearing to read "J. Wolfley". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jolene Wolfley  
DRB Chair

JW/jr

JAG Planning and Zoning LLC, PO BOX 7857, Albuquerque, NM 87194