

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

DR Horton

**Project# PR-2021-005717**

**Application#**

**SD-2021-00162** PRELIMINARY PLAT

**VA-2021-00310** SIDEWALK WAIVER

**VA-2021-00396** WAIVER BLOCK LENGTH

**VA-2021-00397** WAIVER STUB STREET

**VA-2021-00398** WAIVER REAR YARD

### LEGAL DESCRIPTION:

For all or a portion of: **TRACT 2 UNIT 2, THE TRAILS** zoned **R-ML**, located on **OAK RIDGE** between **UNIVERSE BLVD** and **TIJERAS CREEK RD** containing approximately 10.4 acre(s). (C-9)

On December 15, 2021, the Development Review Board (DRB) held a public meeting concerning the above referenced applications and approved the requests based on the following Findings:

#### **SD-2021-00182 PRELIMINARY PLAT**

1. This Preliminary Plat subdivides one existing tract into 72 lots and 7 tracts, and grants a blanket water easement, a blanket sanitary sewer easement, a blanket public pedestrian access easement, and a blanket drainage and storm drain easement as depicted on the Plat. The Plat also depicts the vacation of a portion of the existing 40-foot private access and public drainage and utility easement. **This vacation must be approved prior to the approval of the Final Plat.**
2. The property is zoned R-ML. Future development must be consistent with the underlying zone district.
3. Two Infrastructure Lists were approved with this Plat. A recorded Infrastructure Improvements Agreement (IIA) is needed prior to the final DRB sign-off of the Final Plat.

4. Payment of pro rata must be made per ABCWUA prior to the approval of the Final Plat.
5. The Sidewalk Waiver, Block Length Waiver, Stub Street Waiver, and Rear Yard Waiver must be added to the Final Plat.
6. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

**VA-2021-00310 WAIVER**

1. The applicant proposes a waiver to permit the temporary deferral of sidewalk construction as depicted on the Tract 2 Trails Deferred Sidewalk Exhibit Dated July 7, 2021 until construction is completed.
2. The request is justified per 14-16-6-6(P)(3) of the IDO. This request will not be materially contrary to the public safety, health, or welfare and will not cause significant material adverse impacts on surrounding properties.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

**VA-2021-00396 WAIVER Block Length**

1. The applicant proposes a waiver to permit the block length of the western block of the proposed development to be 796-feet in length and exceed the maximum allowable block length of 600-feet per 5-4(E)(3) of the IDO.
2. The request is justified per 14-16-6-6(P)(3) of the IDO. The approval of the waiver will enable Tract A as depicted on the Plat to provide a common area consistent with a neighboring subdivision.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

**VA-2021-00397 WAIVER Stub Street**

1. The applicant proposes a waiver to permit a stub street due to the unfeasibility of providing a connection to an existing street or future road extension per 5-3(E)(1)(d) of the IDO.
2. The request is justified per 14-16-6-6(P)(3) of the IDO. ABCWUA has requested that a waterline stub be provided to the adjacent tract to the east of the subject property for a future connection, and the stub street was added to provide ROW for the waterline stub.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

**VA-2021-00398 WAIVER Rear Yard**

1. The applicant proposes a waiver to permit rear yards for the lots along Paseo del Norte, an arterial street. 5-4(F)(2)(b) discourages layouts where the rear lot line is adjacent to a collector or arterial street.
2. The request is justified per 14-16-6-6(P)(3) of the IDO. The existing subdivisions located west of the subject property have backyards along Paseo del Norte, and providing a similar layout with the proposed development would be consistent with the subdivisions to the west. Furthermore, an additional 10-feet is being provided for the rear-yard setback to help buffer future homes from Paseo del Norte, and a multi-use trail is being developed along Paseo del Norte which will add variety to the streetscape.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **DECEMBER 30, 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(U) 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). For files larger than 9 MB in size, please send an email to [PLNDRS@cabq.gov](mailto: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).

Sincerely,



Jolene Wolfley  
DRB Chair

JW/jr