

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

Clearbrook Investments, Inc.
8801 Jefferson St. NE, #A
Albuquerque, NM 87113

Project# PR-2018-001842
Application#
VA-2021-00350 WAIVER

LEGAL DESCRIPTION:

All or a portion of **LOTS 1-30, HORIZON VILLAGE** zoned R-ML, located on **HORIZON BLVD between ALAMEDA BLVD and BALLOON MUSEUM** containing approximately 5.91 acre(s). (C-17)

On October 6, 2021, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the request, based on the following Findings:

VA-2021-00350 WAIVER

1. The applicant proposes a waiver to Section 5-3(C)(3)(b) of the IDO to allow 15-foot long driveways. For all low-density residential development, driveways accessed from the front or street side of the property shall be at least 20 feet long.
2. The applicant has justified the request pursuant to section 6-6-(P)(3):
6-6(P)(3)(a) Any of the following applies:
 1. *There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, manmade obstructions, or utility lines.*
 2. *The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.*

3. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.

4. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

The application demonstrates a flexible, economical, effective use of open space, and ingenuity in design of the subdivision, in accordance with accepted principles of site planning as demonstrated by the previous reviews and acceptance of the project.

6-6(P)(3)(b) The Waiver will not be materially contrary to the public safety, health, or welfare.

The requested waiver will contribute to the public safety, health or welfare of the residents and visitors to the development. The prohibition of driveway parking and the provision for additional off-street parking areas provides an appreciable open space with full visibility of the home fronts.

6-6(P)(3)(c) The Waiver does not cause significant material adverse impacts on surrounding properties.

The requested waiver does not cause significant material adverse impacts on the surrounding properties. The development is designed to integrate with the surrounding properties with coordinated vehicular and pedestrian connections and will contribute to the overall spirit of the neighborhood.

6-6(P)(3)(d) The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

The requested waiver does not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements, and the site does not front or impact any public right-of-way or building of public infrastructure improvements.

6-6(P)(3)(e) The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.

The requested waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance. The proposed use is promoted in the area and the development will be subject to any other public provisions.

6-6(P)(3)(f) The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

The requested waiver does not allow, encourage, or make possible undesired development in the 100-year floodplain. There is no floodplain associated with the development.

6-6(P)(3)(g) The Waiver will not materially undermine the intent and purpose of the IDO or the applicable zone district.

The requested waiver does not materially undermine the intent and purpose of the IDO or applicable zone district. The development will further the purpose of the IDO with the protection of the quality and character of the residential townhome neighborhood that provides for orderly and coordinated development patterns.

6-6(P)(3)(h) The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DRB as part of this approval.

The requested waiver does not allow a lot or type of development that does not meet the applicable present Development Standards this zone district. The purpose of the R-ML zone district is to provide for a variety of low-to medium-density housing options where the primary land use is townhouses with a 15' minimum setback requirement.

6-6(P)(3)(i) The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

The requested waiver is the minimum necessary to provide redress without being inconsistent with the provisions of Subsection 14-16-6-6(P). The subdivision was designed and built to comply with the IDO provisions in place at the time of Preliminary Plat approval. The waiver is the minimum that allows the subdivision to be completed as intended when approved.

6-6(P)(3)(j) If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.

The requested waiver is not a waiver of the IDO sidewalk requirements and the plan already includes the installation of required sidewalks, with all associated connections.

3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.
4. The waiver would apply to a small 30-unit subdivision that does not have opportunities to connect to other neighborhoods. It is bounded on the west by the North Diversion channel, which is its largest boundary on the west. The southern and eastern boundaries are a commercial property. The north boundary is Horizon Boulevard. Therefore, the Waiver will not materially undermine the intent of the IDO because of the uniqueness of this infill parcel.
5. The applicant has provided justification per IDO Section 6-6(P)(3) for how this request meets review criteria for a DRB waiver. The project is an infill site with townhomes and private streets. Ingenuity in the subdivision design creates an ample off-street parking with a two-car garages for the units and a separate 20 space off-street parking area that is easily accessible to subdivision townhomes. These areas work to reduce demand for cars parking in the shorter 15' foot driveways. The developer intends to prohibit driveway parking. This cannot be enforced by the City, but does provide limited protection of the sidewalk not being obstructed by parked vehicles. The short blocks would tend to keep car speeds low and provides some protection in the event a pedestrian need to walk around a car overhanging onto the sidewalk area. There are also more limited pedestrian connections given that the subdivision does not directly connect to other neighborhoods.

6. The project has straddled two versions of the IDO. On 11/20/19, DRB approved a preliminary plat for Horizon Village; DRB extended that Preliminary Plat on 12/2/20. The governing IDO for those approvals (IDO 2019) did not have a requirement for a 20-foot driveway. The plat, therefore, created lot 'depths' to fit a specific building footprint that corresponded to a 15-foot front setback. The DRB approved the final plat with the lot dimensions on the preliminary plat on 5/29/21.
7. The IDO Update (IDO 2020, effective July 2021) restored this driveway length requirement from the previous zone code. The building permits were applied for when this 'restored' requirement for a 20-foot driveway was in effect. At the time of building permit application, the developer became aware that their intended project no longer 'fit' on the platted lots because their design had a 15-foot driveway length. The requested Waiver is the minimum necessary to provide redress given the previous platting approvals.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **OCTOBER 21, 2021**. The date of the DRB'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(U) 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).

Sincerely,



Jolene Wolfley
DRB Chair

JW/mg

Ron Hensley/THE Group, 300 Branding Iron Road SE, Rio Rancho, NM 87124