



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

September 22, 2004

1. Project # 1002250

04DRB-01314 Major-Preliminary Plat Approval
04DRB-01315 Major-Vacation of Public Easements
04DRB-01316 Minor-Sidewalk Waiver
04DRB-01317 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) A-1-B, **VENTANA TOWNHOMES @ VENTANA RANCH**, zoned SU-1, R-2, located on UNIVERSE BLVD NW, between VENTANA RD NW and UNIVERSE BLVD NW containing approximately 7 acre(s). [REF: 04DRB00926, 04EPC01046, 04EPC01045] (B-10)

At the September 22, 2004, Development Review Board meeting, with the signing of the infrastructure list dated 9/22/04 and approval of the grading plan engineer stamp dated 8/19/04 the preliminary plat was approved.

The vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.
2. Affected utility companies shall acknowledge the vacation by their signatures on the replat.

A sidewalk variance for waiver of sidewalk was approved as shown on Exhibit C in the Planning file.

The temporary deferral of construction of sidewalk on the interior streets was approved as shown on Exhibit C in the Planning file.

04DRB-01412 Minor- Amended SiteDev Plan Subd
04DRB-01413 Minor-SiteDev Plan BldPermit/EPC

CONSENSUS PLANNING INC agent(s) for SANDIA PROPERTIES LTD CO request(s) the above action(s) for all or a portion of Tract(s) A-1-B, A-1-A, A-1-C AND A-2, **VENTANA TOWNHOMES @ VENTANA RANCH**, zoned SU-1 FOR R-2, SU-1 FOR CHURCH, located on UNIVERSE BLVD NW, between VENTANA RD NW and IRVING BLVD NW containing approximately 28 acre(s). [REF: 04EPC-00926, 04EPC-01046, 04EPC-01045] [Elvira Lopez, EPC Case Planner] (B-10)



OFFICIAL NOTICE OF DECISION
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The amended site plan for subdivision was approved and signed off by the Board. The site plan for building permit was approved with final sign off delegated to Planning to check comments from EPC case planner.

If you wish to appeal this decision, you must do so by October 7, 2004 in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)


Sheran Matson, AICP, DRB Chair

Cc: Bohannon Huston Inc., 7500 Jefferson NE, 87109
Sandia Properties Ltd., Co., #10 Tramway Loop NE, 87122
Consensus Planning Inc., 924 Park Avenue SW, 87102
Las Ventanas Limited Partnership, #10 Tramway Loop NE, 87122
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
File



City of Albuquerque
Planning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: November 22, 2002

OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1002250

02EPC-01480 EPC Site Development Plan-Building
Permit

02EPC-01481 EPC Site Development
Plan-Amendment to Subdivision

Sandia Properties
No. 10 Tramway Loop NE
Albuq. NM 87122

LEGAL DESCRIPTION: for all or a portion of Tract(s)
A1 & A2, **Ventana Ranch**, zoned SU-1 for R-2, SU-1
for Church/R-2, located on UNIVERSE BLVD. NW,
between VENTANA ROAD NW and IRVING BLVD.
NW, containing approximately 28 acre(s). (B-10) Makita
Hill, Staff Planner

On November 21, 2002 the Environmental Planning Commission voted to approve Project 1002250/ 02EPC - 01481, a request for site development plan for subdivision for Tracts A1 and A2, Ventana Ranch Subdivision, zoned SU-1 for R-2 Uses, located on Universe Boulevard between Ventana Road and Irving Boulevard, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request to amend an existing site development plan for subdivision for Tracts A1 and A2, Ventana Ranch Subdivision, located on Universe Boulevard between Ventana Road and Irving Boulevard. The site is approximately 27.4 acres and is currently vacant. The request seeks to amend the existing site development plan for subdivision filed with Z-98-111 and create three new tracts, Tract A1-A (2.0 acres), A1-B (6.9 acres), and A1-C (13.5 acres).
2. The submitted plan meets the definition of a site development plan for subdivision as established in Section 14-16-1-5 of the City Zoning Code with respect to Tract A1-C and the proposed apartment complex. Tracts A1-A and A1-B will be developed at a future date with a park and single-family homes.

3. The proposed site development plan for subdivision amendment is consistent with the Established Urban goal and related policies of the Comprehensive Plan in that the proposed amendment will facilitate the location of an apartment complex which will not significantly impact existing residential areas, will facilitate development on vacant land, and provides a higher-density residential transition from single-family development (policies d, e, h).
4. The proposed plan will facilitate development of an apartment complex and other housing in an area north of the intersection of Paradise Boulevard and Universe Boulevard, which is the site of a Village Center under the West Side Strategic Plan (WSSP). Policies for the Paradise Community area regard multi-family development as being appropriate for Community Core Areas and Village Center areas (WSSP, Policy 3.8 p. 57). The proposed apartment complex will be located outside of the Village Center at the intersection of Paradise and Universe.
5. Staff did not receive any comments from Albuquerque Public Schools as per the Westside Strategic Plan to consider in the drafting of this report.
6. There is neighborhood support for this project.

CONDITIONS:

1. The submittal of this site plan to the DRB shall meet all EPC conditions. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. The following conditions from the City Engineer's Office and Public Works shall be fulfilled for the proposed Site Development Plan for Building Permit and Amendment to the Site Development Plan for Subdivision:
 - a. All the requirements of previous actions taken by the EPC and the DRB must be completed and /or provided for.
 - b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter and sidewalk that have not already been provided for.
 - c. Completion of the required TIS mitigation measures, per Transportation Development Staff, must be completed if assumed to be in place for the current TIS for this site.
 - d. Site Plan shall comply and be designed per DPM Standards and to the satisfaction of the Traffic Engineer.

- e. Existing and proposed public utility easements across Tract A1B appear to conflict with proposed single family land use. Application should include a sketch plat consistent with these easements. Otherwise alternate alignments should be proposed. The A1A / A1B lot line warrants explanation. Land is within the New Mexico Utilities Inc. franchise area. Water, sanitary sewer and fire protection services will depend on their system capabilities. An availability statement from New Mexico Utilities Inc. will be required. Any required infrastructure must be designed to City of Albuquerque standards, including water and/or sanitary sewer lines owned and operated by NMUI. Fire protection Requirements including instantaneous flow and hydrant placement must be verified with the Fire Marshals Office and Utility Development prior to site plan sign off at DRB.
 - f. An approved conceptual grading and drainage plan is required for Site Plan sign-off by the City Engineer.
 - g. Approval of drainage plan required prior to placement on DRB agenda. Re-platting should be concurrent with site plan approvals.
 - h. Dedication of an additional 6 feet of right-of-way or acceptable alternative along Irving Boulevard as required by the City Engineer to provide for on-street bicycle lanes.
3. The applicant shall replace the proposed 6' sidewalk on Irving Boulevard with a 10' trail on Irving to connect with the existing trail section.

On November 21, 2002 the Environmental Planning Commission voted to approve Project 1002250/ 02EPC - 01481, a request for site development plan for building permit for a 13.5-acre portion of Tract A1, Ventana Ranch Subdivision, zoned SU-1 for R-2 Uses, located on Universe Boulevard between Ventana Road and Irving Boulevard, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for approval of a site development plan for building permit for a 13.5-acre portion of Tract A1, Ventana Ranch Subdivision (proposed Tract A1-C), located on Universe Boulevard between Ventana Road and Irving Boulevard. The purpose of the request is to develop an apartment complex.
- ~~2. The proposed site development plan for building permit is consistent with the Established Urban goal and related policies of the Comprehensive Plan in that the proposed amendment will facilitate the location of an apartment complex which will not significantly impact existing residential areas, will facilitate development on vacant land, and provides a higher-density residential transition from single-family development (policies d, e, h).~~

3. The proposed plan will facilitate development of an apartment complex in an area north of the intersection of Paradise Boulevard and Universe Boulevard, which is the site of a Village Center under the West Side Strategic Plan (WSSP). Policies for the Paradise Community area regard multi-family development as being appropriate for Community Core Areas and Village Center areas (WSSP, Policy 3.8 p. 57). The proposed apartment complex will be located outside of the Village Center at the intersection of Paradise and Universe.
4. The application will be adequate with minor revisions to the site plan submittal.

CONDITIONS:

1. The submittal of this site plan to the DRB shall meet all EPC conditions. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approval.
2. The following conditions from the City Engineer's Office and Public Works shall be fulfilled for the proposed Site Development Plan for Building Permit and Amendment to the Site Development Plan for Subdivision:
 - a. All the requirements of previous actions taken by the EPC and the DRB must be completed and /or provided for.
 - b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter and sidewalk that have not already been provided for.
 - c. Completion of the required TIS mitigation measures, per Transportation Development Staff, must be completed if assumed to be in place for the current TIS for this site.
 - d. Site Plan shall comply and be designed per DPM Standards and to the satisfaction of the Traffic Engineer.
 - e. Existing and proposed public utility easements across Tract A1B appear to conflict with proposed single family land use. Application should include a sketch plat consistent with these easements. Otherwise alternate alignments should be proposed. The A1A / A1B lot line warrants explanation. ~~Land is within the New Mexico Utilities Inc. franchise area. Water, sanitary sewer and fire protection~~ services will depend on their system capabilities. An availability statement from New Mexico Utilities Inc. will be required. Any required infrastructure must be designed to City of Albuquerque standards, including water and/or sanitary sewer lines owned and operated by NMUI. Fire protection Requirements including instantaneous flow and hydrant placement must be verified with the Fire Marshals Office and Utility Development prior to site plan sign off at DRB.
 - f. An approved conceptual grading and drainage plan is required for Site Plan sign-off by the City Engineer.
 - g. Approval of drainage plan required prior to placement on DRB agenda. Re-platting should be concurrent with site plan approvals.

- h. Dedication of an additional 6 feet of right-of-way or acceptable alternative along Irving Boulevard as required by the City Engineer to provide for on-street bicycle lanes.
3. The applicant shall replace the proposed 6' sidewalk on Irving Boulevard with a 10' trail on Irving to connect with the existing trail section.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **DECEMBER 6, 2002** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER 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. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,


Victor J. Chavez
Planning Director