



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

September 28, 2011

**Project# 1003445**

11DRB-702 4 MAJOR - 2 YEAR EXTENSION OF SUBDIVISION  
IMPROVEMENTS AGREEMENT (2YR SIA)

BOHANNAN HOUSTON INC agent(s) for JASON SHAFFER request(s) the referenced/ above action(s) for all or a portion of **FOUNTAIN HILLS PLAZA SUBDIVISION** zoned SU-1/ PDA/ C- / IP, located on the north side of PASEO DEL NORTE NW between EAGLE RANCH RD NW and RICHLAND HILLS DR NW containing approximately 9.9074 acre(s). (C-12)

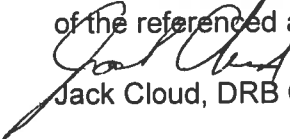
At the September 28, 2011 Development Review Board meeting, an extension of the Subdivision Improvements Agreement was approved through September 30<sup>th</sup>, 2012.

If you wish to appeal this decision, you must do so by October 13, 2011, in the manner described below.

Appeal is to the Land Use Hearing Officer. 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).

  
Jack Cloud, DRB Chair

Cc: Bohannan Huston Inc – 7500 Jefferson St. – Albuquerque, NM 87109  
Cc: Jason Shaffer – P.O. Box 66897 – Albuquerque, NM 8719  
Marilyn Maldonado  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

October 10, 2012

**Project# 1003445**

12DRB-70289 MAJOR - 2 YEAR EXTENSION OF SUBDIVISION  
IMPROVEMENTS AGREEMENT (2YR SIA)

CUSTOM GRADING, INC. agent(s) for JASON SHAFFER request(s) the referenced/ above action(s) for all or a portion of **FOUNTAIN HILLS PLAZA SUBDIVISION** zoned SU-1/ PDA/ C-3/ IP, located on the north side of PASEO DEL NORTE NW between EAGLE RANCH RD NW and RICHLAND HILLS DR NW containing approximately 39.9074 acre(s). (C-12)

At the October 10, 2012 Development Review Board meeting, a two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by October 25, 2012, in the manner described below.

Appeal is to the Land Use Hearing Officer. 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).

  
Jack Cloud, DRB Chair

Cc: Custom Grading Inc.  
Marilyn Maldonado  
file



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

June 9, 2004

**10. Project # 1003445**  
04DRB-00750 Major-Bulk Land Variance  
04DRB-00751 Major-Vacation of Pub Right-of-Way  
04DRB-00752 Major-Vacation of Public Easements  
04DRB-00753 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN, P A agent(s) for AMERICAN EAGLE/R.J. SCHAEFER REALTY & INVESTMENTS request(s) the above action(s) for all or a portion of Lot(s) 6-A, Tract(s) B,C & D, **ALBUQUERQUE WEST UNIT 1**, zoned SJ-1 PDA TO INCLUDE C-3 USES, located on NUNZIO AVE NW, between PARADISE BLVD NW and EAGLE RANCH RD NW containing approximately 26 acre(s). [REF: AX-83-13, DRB-94-132, DRB-94-512, Z-83-89] (C-12)

At the June 9, 2004, Development Review Board meeting, the Bulk Land Variance was approved subject to the Findings and Conditions of the Subdivision Ordinance as follows:

### BULK LAND VARIANCE:

1. The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community.
2. The variance will not conflict significantly with the goals and provisions of any City, County or AMAFCA adopted plan or policy; the applicable zoning ordinance, or any other City code or ordinance.
3. The variance will not permit, encourage or make possible undesired development in the 100-year floodplain.
4. The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

The vacations were 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.



## OFFICIAL NOTICE OF DECISION

PAGE 2

### CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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.
3. Affected utility companies shall acknowledge the vacation by their signatures on the replat.

The preliminary and final plat was approved with sign off delegated to Planning for AGIS dxf file, 15-day appeal period and New Mexico Utilities Inc. signature.

If you wish to appeal this decision, you must do so by June 24, 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 Division form, to the Planning Division, 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.)

  
Sheran Matson, AICP, DRB Chair

cc: American Eagle L.P., c/o R. J. Schaefer Realty & Investments, 5600 Wyoming Blvd NE, 87110  
Isaacson & Arfman PA, 128 Monroe St NE, 87108  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
File



## OFFICIAL NOTICE OF DECISION

- 3. Project # 1003445**  
05DRB-00724 Major-Vacation of Pub Right-of-Way  
05DRB-00725 Major-Vacation of Public Easements  
05DRB-00726 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN PA agent(s) for AMERICAN EAGLE L.P., c/o R. J. 3CHAEFER REALTY request(s) the above action(s) for all or a portion of Tract(s) B-1, C-1 & D-1, Lot(s) 6-A-1, **ALBUQUERQUE WEST, UNIT 1**, zoned SU-1 PDA TO INCLUDE C-3 USES, located on NUNZIO AVE NW, between PARADISE BLVD NW and EAGLE RANCH RD NW containing approximately 27 acre(s). [REF: DRB-94-132, DRB-94-512, Z-83-89, 04DRB00751, 04DRB00752, 04DRB00753] (C-12)

At the May 25, 2005, Development Review Board meeting, the vacations were 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. Final disposition shall be through the City Real Estate Office.
2. 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.

The preliminary and final plat was approved with final sign off delegated to Planning for Property Management's signature and 15-day appeal period.

If you wish to appeal this decision, you must do so by June 9, 2005, in the manner described below.

Appeal is to the Land Use Hearing Officer. 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.



**OFFICIAL NOTICE OF DECISION  
PAGE 2**

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.)

Sheran Matson, AICP, DRB Chair

Cc: American Eagle L.P., c/o R.J. Schaefer Realty & Investments, P.O. Box  
14708, 87191

Isaacson & Arfman PA, 128 Monroe St NE, 87108

Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.

Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

March 28, 2007

**5. Project # 1003445**  
07DRB-00261 Major-Vacation of Public Easements

BOHANNAN HUSTON INC agent(s) for FOUNTAIN HILLS PLAZA LLC request(s) the above action(s) for Tract(s) B-1-A, C-1-A, D-1-A & Lot(s) 6-A-1-A, A and 10-A-2, Block(s) D, Unit 1, ALBUQUERQUE WEST, **FOUNTAIN HILLS** and Tract(s) B, RICHLAND HILLS, UNIT 1, **FIRST BAPTIST CHURCH**, zoned SU-1 FOR IP USES W/EXCEPTIONS & PDA TO INCLUDE C-3 USES, located on NUNZIO AVE NW between PARADISE BLVD NW and PASEO DEL NORTE NW containing approximately 22 acre(s). [REF: 04DRB00750] (C-12)

At the March 28, 2007, Development Review Board meeting, 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. The appropriate alternate public drainage easements/right-of-way are provided.

If you wish to appeal this decision, you must do so by April 12, 2007, in the manner described below.

Appeal is to the Land Use Hearing Officer. 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.



## OFFICIAL NOTICE OF DECISION

PAGE 2

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.)

A handwritten signature in black ink, appearing to read "S. Matson", is written over the typed name and title.

Sheran Matson, AICP, DRB Chair

Cc: Fountain Hills Plaza LLC, PO Box 56883, 87187  
Bohannan Huston, Stephanie Walton, 7500 Jefferson NE, 87109  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File





## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

July 18, 2007

**5. Project# 1003445**  
**07DRB-70083 VACATION OF PUBLIC RIGHT-OF-WAY**

BOHANNAN HUSTON INC agent(s) for FOUNTAIN HILLS PLAZA LLC, request(s) the above action(s) for all or a portion of Tract(s) B-1-A, C-1-A, D-1-A, Lot(s) 10-A-2, Tract(s) B, Block(s) D, **ALBUQUERQUE WEST, UNIT 1** and **RICHLAND HILLS, UNIT 1**, zoned SU-1 / PDA to include C-3 uses, located on NUNZIO AVE NW between PARADISE BLVD NW and PASEO DEL NORTE NW, containing approximately 39.9074 acre(s). [07DRB-00261] (C-12)

At the July 18, 2007, Development Review Board meeting, 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. Final disposition shall be through the City Real Estate Office.
2. 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.

If you wish to appeal this decision, you must do so by August 2, 2007, in the manner described below.

Appeal is to the Land Use Hearing Officer. 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.



## OFFICIAL NOTICE OF DECISION

### PAGE 2

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.)

Sheran Matson, AICP, DRB Chair

Cc: Fountain Hills Plaza LLC, PO Box 56883, 87187  
Bohannon Huston Inc, 7500 Jefferson St NE, 87109  
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
Marilyn Maldonado, Planning Department, 4<sup>th</sup> Floor, Plaza del Sol Bldg.  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

November 7, 2007

**Project# 1003445**  
07DRB-70311 STREET NAME CHANGE

BOHANNAN HUSTON INC agent(s) for FOUNTAIN HILLS PLAZA LLC request(s) the above action(s) for all or a portion of Lot(s) 10-A-2, Block(s) D, Tract(s) B-1-A, C-1-A, D-1-A & B, **FOUNTAIN HILLS PLAZA**, zoned SU-1, IP, PDA & C-3, located on NUNZIO AVE NW BETWEEN PARADISE BLVD NW and PASEO DEL NORTE NW containing approximately 39.91 acre(s). (C-12)

**The Street Naming Ordinance requires DRB to submit a report to EPC which makes the final decision.**

**The criteria for the DRB to decide whether or not to recommend approval of the local street name change is contained in Section 6-5-1-1(B)(1) of this ordinance. The language reads, "A street name shall be changed only if the decisionmaker finds that there will be a public benefit which clearly outweighs the public confusion and cost which would be created by the name change."**

**In addition, all owners of the lots adjacent to the street proposed for the name change are to be notified by mail to give them the opportunity to comment. At least 30 days are to be allowed for receipt of comments before the decision is made.**

**The adjacent owners were notified. No comments were received. Because there is already a street within the City named "Nunzio", Planning believes the public benefit in changing the name outweighs the public confusion and cost created by the change.**

  
Sheran Matson, AICP, DRB Chair

Cc: Bohannan Huston Inc – 7500 Jefferson NE – Albuquerque, NM 87109  
Cc: Fountain Hills Plaza Inc – P.O Box 56883 – Albuquerque, NM 87187  
Marilyn Maldonado  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

August 19, 2009

**Project# 1003445**

09DRB-70238 MAJOR - 1 YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS  
AGREEMENT  
(2YR SIA)

At the August 19, 2009 Development Review Board meeting, a two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by September 3, 2009, in the manner described below.

Appeal is to the Land Use Hearing Officer. 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).



Jack Cloud, AICP, DRB Chair

Cc: Bohannon Huston, Inc. – 7500 Jefferson St. – Albuquerque, NM 87109  
Cc: Dwayne Pino – P.O. Box 56883 – Albuquerque, NM 87187  
Marilyn Maldonado  
File