



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 16, 2014

Project# 1006008

14DRB-70126 VACATION/PUBLIC EASEMENTS

14DRB-70134 SUBDIVISION DESIGN VARIANCE

14DRB-70135 MINOR - TEMPORARY DEFERRAL SIDEWALK CONSTRUCTION

14DRB-70136 MAJOR - PRELIMINARY PLAT

BOHANNAN HUSTON INC agents for MESA DEL SOL, LLC request the referenced/ above actions for Tract A-6-B and a portion of Tract A-6-A, **MESA DEL SOL INNOVATION PARK** zoned PC, located south of UNIVERSITY WEST BLVD SE between STRYKER RD SE and STIEGLITZ AV SE containing approximately 32.30 acres. (R-16 & S-16)) [*Deferred from 6/4/14, 6/18/14, 6/25/14, 7/9/14*]

At its July 16, 2014 meeting, the Development Review Board concluded an advertised public hearing(s) on the proposed vacations. The Board approved the vacations per sections 14-14-2-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the following Conditions of Approval.

the Board also concluded an advertised public hearing(s) on the proposed subdivision per section 14-14-3-4 of the Subdivision Ordinance. With the Grading and Drainage plan (engineer stamp dated 6/6/14) approved for Preliminary Plat and with the signing of the infrastructure list dated May 2, 2014, the preliminary plat was approved based on the Findings below per sections 14-14-2-2 and -3, of the Fundamental Considerations of the Subdivision Ordinance.

The Design Variance was approved as shown on Exhibit A in the Planning file to allow a private access street to conform with Mesa del Sol Level A/B and not have direct access on connector streets (Strand Loop). The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit 'B' in the Planning file.

VACATION FINDINGS:

- (A) 1 The request was filed by the owners of all the frontage of the easement(s) proposed for vacation.
- (B) (1) The public welfare is in no way served by retaining the easement(s); based on the proposed development and replat, the City of Albuquerque does not anticipate any need to utilize the existing easement(s).
- (B) (3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right by the vacation. The affected franchised utilities will acknowledge the vacation(s) by their signature on the final plat.

SUBDIVISION FINDINGS:

2-2 The arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed do conform to the Albuquerque/Bernalillo County Comprehensive Plan and the PC zoning regulations of the adopted Mesa del Sol Level A and B plans.

2-3 With the approved Infrastructure List and dedications provided on the plat, the subject site is suitable for subdivision by providing adequate infrastructure improvements and adequate access, public safety, and other public services.

CONDITIONS:

1. The vacations 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. Adequate easements shall be retained/ provided for public utilities and infrastructure; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the final plat.

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period or the date of City Council action if appealed. The Preliminary Plat and Vacation approvals are effective one year from that date. The DRB must take action on a Final Plat or extension within one year or the Preliminary Plat approval is null and void; Vacations may not be extended. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

If you wish to appeal this decision, you must do so by 4:45 PM on July 31, 2014, in the manner described below per Part 14-14-8 of the Subdivision Ordinance.

Appeal is to the City Council via 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 with a total fee of \$240, to the Planning Department, within 15 days of the Development Review Board's decision. The date of the determination in question is not included in the 15-day period for filing an appeal. Such appeal shall be heard within 60 days of its filing. Applications for an appeal shall clearly articulate the reasons for the appeal; appellants shall specifically cite and explain one or more alleged errors, as follows:

- (A) Error in applying adopted city plans, policies, and ordinances;
- (B) Error in the appealed action or decision, including its stated facts;
- (C) Error in acting arbitrarily or capriciously or being manifestly abusive of discretion.

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:
Bohannon Houston, Inc.
Mesa Del Sol, LLC

Jim & Patti Thompson – 2227 Stieglitz Ave SE 87106
Andrew Church – 5716 Strand Loop SE 87106
Constantine Savas – 5743 Watkin St SE 87106