



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 31, 2011

Project# 1008793

11DRB-70203 VACATION OF PUBLIC EASEMENT
11DRB-70206 VACATION OF PUBLIC RIGHT-OF-WAY
11DRB-70207 BULK LAND VARIANCE
11DRB-70208 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for APS/WESTERN ALBUQ. LAND HOLDINGS request(s) the referenced/ above action(s) for all or a portion of PARCELS C & D, **WESTLAND NORTH SUBDIVISION**, zoned SU-2 FOR TOWN CENTER VILLAGE, located on the south side of ARROYO VISTA BLVD NW between HIGH MESA DR NW and LADERA DR NW containing approximately 340.4559 acre(s). (J-7& J-8, K-8)[*Deferred from 8/17/11*]

On August 17 and August 31, 2011, the Development Review Board held an advertised public hearing on the proposed vacations per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the proposed vacation of Tierra Pintada Blvd NW as shown on Exhibit "B" in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(2), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

Findings

(A)(1) The public road vacation and easement vacation requests were filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(2) There is a net benefit to the public welfare because the development of significant community facilities made possible by the vacation is clearly more beneficial to the public welfare than any minor detriment resulting from the vacation. The applicant's justification demonstrates that the vacation will not adversely impact traffic patterns in this area, and the City of Albuquerque does not need to utilize the platted right of way for roadway or other purposes based on the ownership and proposed replat.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right, as the vacation is being requested by the owner of all the property abutting this section of Tierra Pintada Blvd NW.

(3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain, because the resulting plat will note any existing 100-year Floodplains; and

(4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements and in fact will facilitate the development of a future public park; and

(5) The parcels being granted the variance are considered bulk land subdivision parcels where the use of the land for building purposes is not expected by the Development Review Board prior to further subdivision or zoning site development plan approval, which will require additional public agency review.

With the approval of the Bulk Land Variance, the preliminary plat was approved with the conditions that a revised flood plane and map note be added to the plat, and AMAFCA must sign the plat, and based on the following Findings:

PRELIMINARY PLAT FINDINGS:

1. It is acknowledged that the Albuquerque Public School District (APS) is a political subdivision of the State of New Mexico, and it is a matter of law that as a state entity, APS is not subject to the City's land use and development regulations.
2. The City and APS have executed a Memorandum of Understanding (MOU) to accomplish the Purpose and Intent of the City's Subdivision Ordinance for its property.
3. Per § 14-14-2-1 of the Subdivision Ordinance, the DRB finds that this land is suitable for subdivision for the purposes proposed, that the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare, as noted in the Findings for approval of the Bulk Land Variance.
4. Per § 14-14-2-2 of the Subdivision Ordinance, the DRB finds that the arrangement, location and general nature of the other lots surrounding the APS property is consistent with and does conform to the adopted Westland Sector Plan, which also serves as the current, approved site development plan.
5. Per § 14-14-2-3 of the Subdivision Ordinance, the DRB finds that the MOU with APS provides a demonstrated agreement to provide adequate infrastructure improvements for its property.

The final plat was deferred subject to approval of the right of way vacation by City Council.

If you wish to appeal the other actions within this decision, you must do so by September 15, 2011 in the manner described below.

Appeal of the actions other than the vacation is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an