



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 5, 2014

Project# 1009438

14DRB-70018 – BULK LAND VARIANCE

14DRB-70019 – PRELIMINARY/ FINAL PLAT APPROVAL

14DRB-70039 VACATION OF PUBLIC RIGHT-OF-WAY

14DRB-70038 VACATION OF PUBLIC EASEMENTS

CONSENSUS PLANNING agents for RPS I-25 & VASSAR LLC, ET. AL. request the referenced/ above actions including Vacation of Road Right of Way/ Easements for portions of DAYTONA RD NW, LOS VOLCANOS RD NW, BLUEWATER RD NW, 90th ST NW and 94th ST NW as well as vacation of other easements within portions of Tracts A-C, **AVALON SUBDIVISION UNIT 4**; Tracts 4-7, **TOWN OF ATRISCO GRANT**; Tracts B-11 thru B-13, B-22 thru B-27, and B-29 thru B-33, **TOWN OF ATRISCO GRANT UNIT 5**, Tract B-14A, **UNSER DIVERSION CHANNEL CORRIDOR**; Tract C, **WESTRIDGE MOBILE HOME PARK PHASE 2**; and Tracts 14-16, **LAND OF C.H. HALL** zoned SU-1/ IP and SU-1 FOR IP & C-2 WITH EXCEPTIONS, located on the south side of I-40 between 90TH ST NW and 98TH ST NW containing approximately 172.4503 acres. (J-9 & K-9) [*deferred from 2/19/14*]

At its March 5, 2014 meeting, the Development Review Board concluded 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 vacation requests as shown on *the attached* Exhibit "C" and in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(1), 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. The Bulk Land Variance was approved subject to the Findings per sections 14-14-6-3(A) of the Subdivision Ordinance and the Notice of Plat Conditions. The Preliminary Plat was conditionally approved; Final Plat was indefinitely deferred pending City Council approval of the vacation, updated Franchised Utility Signatures, and revised easements.

BULK LAND VARIANCE FINDINGS:

- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community; and
- (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; and
- (3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain; and
- (4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements; and
- (5) 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.

VACATION FINDINGS:

(A)(1) The vacation of public right-of-way request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) Based on the required replat with alternate road dedication, the public welfare is in no way served by retaining the public ways. The City of Albuquerque does not need to utilize the platted streets for roadway purposes based on the proposed lot and street configuration.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. Property owners of record abutting the proposed vacation were notified by first class mail at least six days prior to the Development Review Board hearing, notice was published in a newspaper of general circulation 15 days before the date of the hearing, and signs were posted on the site 15 days prior to the hearing; no objection regarding access or the abridgement of a substantial property right was raised.

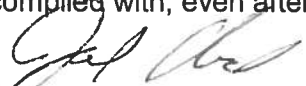
CONDITIONS:

1. Final vacated right of way disposition shall be through the City Real Estate Office.
 2. 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.
 3. Adequate easements shall be retained/ provided for public utilities, drainage and infrastructure; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat.
-

PROTEST: IT IS NOT POSSIBLE TO APPEAL DRB RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE DRB'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE DRB'S DECISION, WHICH IS BY March 20, 2014.

Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest 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 a protest. 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 protest. You will receive notice if any other person files a protest.

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: CONSENSUS PLANNING
File