



CITY OF ALBUQUERQUE  
 PLANNING DEPARTMENT  
 DEVELOPMENT REVIEW BOARD

December 4, 2013

**Project# 1009506**

- 13DRB-70758 VACATION OF PUBLIC EASEMENT
- 13DRB-70759 - TEMP DEFR SWDK CONST
- 13DRB-70760 MAJOR - PRELIMINARY PLAT
- 13DRB-70761 SITE DEVELOPMENT PLAN FOR SUBDIVISION
- 13DRB-70762 VACATION OF PUBLIC RIGHT-OF-WAY

BOHANNAN HUSTON INC agents for PULTE HOMES OF NEW MEXICO request the referenced/ above actions for Lots 14-19, **VOLCANO CLIFFS UNIT 6 (tbka MONTECITO WEST UNIT 2)** zoned SU-2 VOLCANO CLIFFS RURAL RESIDENTIAL (VCRR), located on ALBERICOQUE PL NW between VISTA VIEJA NW and SCENIC RD NW containing approximately 16.54 acres. (D-9)

<b>AMAFCA</b>	No comments.
<b>COG</b>	No comments provided.
<b>TRANSIT</b>	No comments provided.
<b>ZONING ENFORCEMENT</b>	No comments provided.
<b>NEIGHBORHOOD COORDINATION</b>	Affected NA/HOA's: Volcano Cliffs Property Owners Assoc.
<b>APS</b>	No comments provided.
<b>POLICE DEPARTMENT</b>	This project is in the Northwest Area Command. - No Crime Prevention or CPTED comments concerning the proposed Site Development Plan For Subdivision, Major Subdivision Preliminary Plat Approval, Vacation or Public Easement, Vacation of Public Right-Of-Way or Temporary deferral of Sidewalk Construction requests at this time.
<b>FIRE DEPARTMENT</b>	All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal's Office Plans Checking Division for review and approval.
<b>PNM ELECTRIC &amp; NMGCO</b>	No comments provided.
<b>COMCAST</b>	No comments provided.
<b>CENTURYLINK</b>	No comments provided.
<b>ENVIRONMENTAL HEALTH</b>	No comments provided.

**DEVELOPMENT REVIEW BOARD MEETING -December 4, 2013**

**PARKS & RECREATION DEPARTMENT COMMENTS Item #4**

Project#1009506 – Lots 14-19 Volcano Cliffs Unit 6 (tbka Montecito West **Unit 2**)

13DRB-70758 Vacation of Public Easement

No objections to vacation request.

13DRB-70759 – Temporary Deferral of Sidewalk Construction (**Unit 2**)

No objections to request for temporary deferral of sidewalk construction.

13DRB-70760 – Major – Preliminary Plat (**Unit 2**)

- a. More information is needed regarding the 2 HOA tracts and the 2 Private Common Area tracts.
- b. Parks & Recreation's Open Space Division requests that the Parceled Commons Areas Tracts 1 and 2 be dedicated to the City to be managed as public Open Space by the Open Space Division. Please change General Notes #6 to reflect this change.
- c. The Public Open Space will need to be fenced with open space fencing prior to construction of adjacent infrastructure and residential lots to prevent damage to existing vegetation. Fencing to be added to Infrastructure List.
- d. Please change all references to Private Commons Areas (PCA) as the name has been changed to Parceled Common Areas (PCA) within Private Commons Development (PCD). Per the Ordinance, Parceled Common Areas can be Public or Privately owned and maintained. In this request, the Parceled Commons Areas shall be Public Parceled Commons Areas.
- e. Provide note in General Notes stating the responsibility of the HOA to maintain the 2 HOA tracts.
- f. Line weights in the Legend are difficult to differentiate on the Plat.

13DRB-70761 Site Development Plan for Subdivision (**Unit 2**)

- a. More information is needed regarding the 2 HOA tracts and the 2 Private Common Area tracts.
- b. Parks & Recreation's Open Space Division requests that the Parceled Commons Areas Tracts 1 & 2 be dedicated to the City to be managed as public Open Space by the Open Space Division. Please change General Notes #6 to reflect this change.
- c. The Public Open Space will need to be fenced prior to construction of adjacent infrastructure and residential lots to prevent damage to existing vegetation.
- d. Please change all references to Private Commons Areas (PCA) as the name has been changed to Parceled Common Areas (PCA) within Private Commons Development (PCD). Per the Ordinance, Parceled Common Areas can be Public or Privately owned and maintained. In this request, the Parceled Commons Areas shall be Public Parceled Commons Areas.
- e. Provide note in General Notes stating the responsibility of the HOA to maintain the 2 HOA tracts.

3DRB-70762 Vacation of Public Right-of-Way (**Unit 2**)

No objections to vacation request





## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 15, 2014

### Project# 1009506

13DRB-70758 VACATION OF PUBLIC EASEMENT  
13DRB-70759 - TEMP DEFR SWDK CONST  
13DRB-70760 MAJOR - PRELIMINARY PLAT  
13DRB-70761 SITE DEVELOPMENT PLAN FOR SUBDIVISION  
13DRB-70762 VACATION OF PUBLIC RIGHT-OF-WAY

BOHANNAN HUSTON INC agents for PULTE HOMES OF NEW MEXICO request the referenced/ above actions for Lots 14-19, **VOLCANO CLIFFS UNIT 6 (tbka MONTECITO WEST UNIT 2)** zoned SU-2 VOLCANO CLIFFS RURAL RESIDENTIAL (VCRR), located on ALBERICOQUE PL NW between VISTA VIEJA NW and SCENIC RD NW containing approximately 16.54 acres. (D-9) [*Deferred from 12/4/13, 12/18/13, 1/8/14*]

At its January 15, 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.

(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 submitted and required replat, the public welfare is in no way served by retaining the public right of way. The City of Albuquerque does not need to utilize the platted streets for roadway or other purposes based on the surrounding and proposed development.

(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 the replat conditionally 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 and infrastructure and access to abutting properties; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat.

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**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 January 30, 2014.

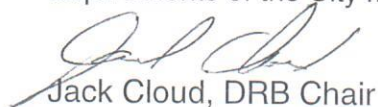
Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing 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 protest. You will receive notice if any other person files a protest.

Also at the January 15, 2014 Development Review Board meeting, with the signing of the infrastructure list dated 1/15/14 and with an approved grading and drainage plan engineer stamp dated 1/13/14, the Site Development Plan for Subdivision and the Preliminary Plat were approved. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit "B" in the planning file. As a condition of approval, landscaping of the Private Commons Area as shown on the Landscape Plan shall be installed with the Work Order plans, and soil stabilization shall be included with the landscaping of the ponding area.

If you wish to appeal this decision, you must do so by January 30, 2014 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).



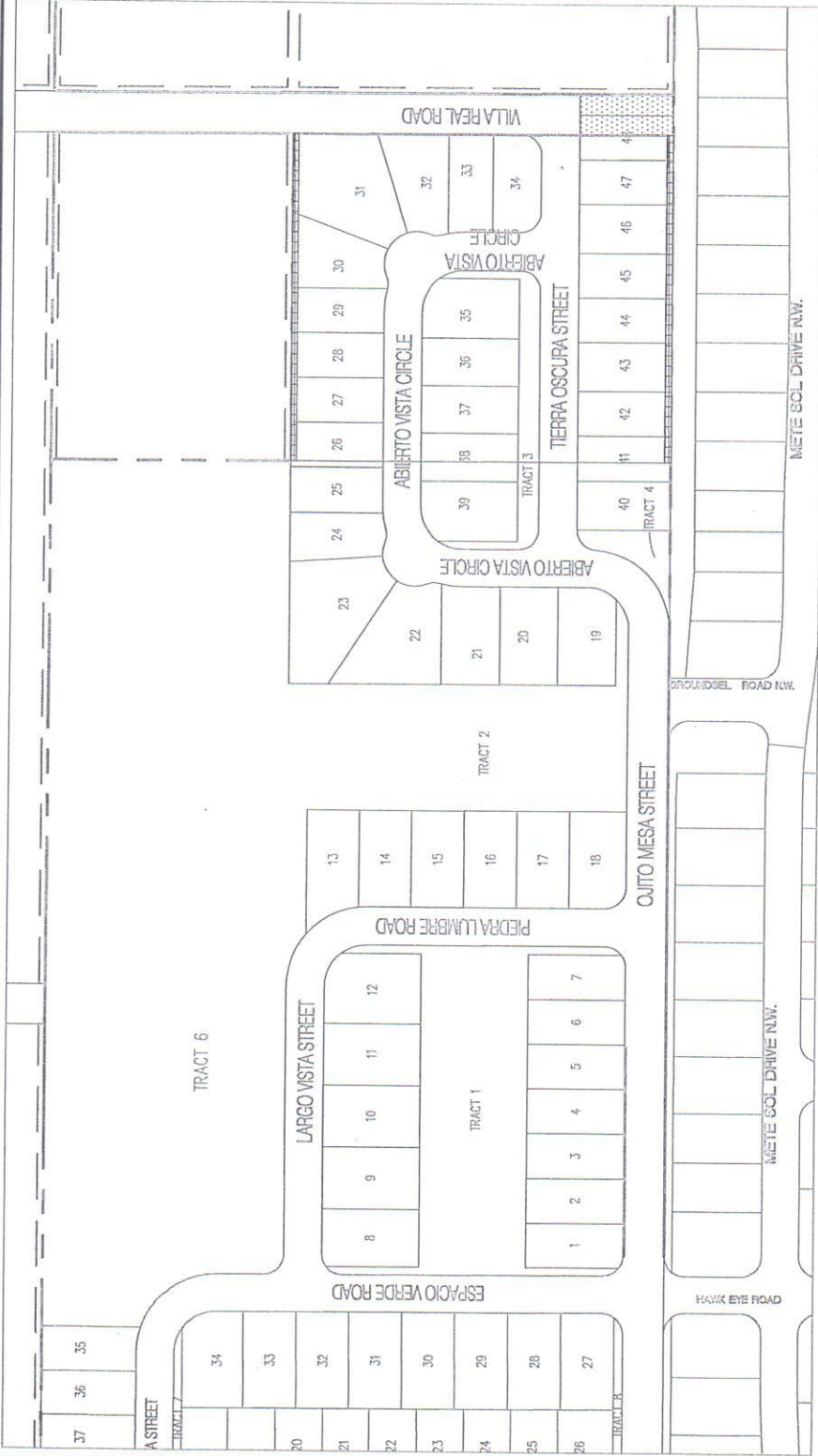
Jack Cloud, DRB Chair

Cc: BOHANNAN HUSTON INC  
file





NOT TO SCALE



**EXHIBIT "C"**  
**Montecito West UNIT 2**  
**VACATION EXHIBIT**  
**11/08/2013**

PORTION OF VILLA REAL ROAD TO BE VACATED WITH THIS PLAT. ROAD DEAD ENDS AT THE MONTECITO WEST UNIT 2 EAST BOUNDARY. VISTA VIEJA SUBDIVISION UNIT 3 MADE NO PROVISION TO CONNECT TO VILLA REAL ROAD. VACATION IS TO BRING THE ROAD BACK TO TIERRA OSCURA STREET.

EXISTING PUBLIC UTILITY EASEMENT (PUE) TO BE VACATED WITH THIS PLAT  
 NEW PUE'S WILL BE GRANTED WITH THE NEW SUBDIVISION PLAT.





# DRB PUBLIC HEARING SIGN IN SHEET

Project #: 1009506

Date: 12/4/13

NAME: Martha Foster ADDRESS: 7009 Mele Sol Dr. W ZIP: 87120

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_ ZIP: \_\_\_\_\_

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_ ZIP: \_\_\_\_\_

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NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_ ZIP: \_\_\_\_\_




4. **Project# 1009506**  
 13DRB-70752 - SITE DEVELOPMENT  
 PLAN FOR SUBDIVISION  
 13DRB-70753 MAJOR - PRELIMINARY  
 PLAT  
 13DRB-70754 & 13DRB-70756  
 VACATION OF PUBLIC EASEMENTS  
 13DRB-70757 VACATION OF PUBLIC  
 RIGHT-OF-WAY  
 13DRB-70755 - TEMP DEFR SWDK  
 CONST 

BOHANNAN HUSTON INC agents for PULTE HOMES OF NEW MEXICO request the referenced/ above actions for Lots 15-21, **VOLCANO CLIFFS UNIT 6 (tbka MONTECITO WEST UNIT 1)** zoned SU-2 VOLCANO CLIFFS RURAL RESIDENTIAL (VCRR), located on the west side of ALBERICOQUE PL NW between VISTA VIEJA NW and SCENIC RD NW containing approximately 29.54 acre(s). (D-9)[Deferred from 12/4/13, 12/18/13, 1/8/14] **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 1/15/14 AND WITH AN APPROVED GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED 1/13/14 THE PRELIMINARY PLAT AND THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED. THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT IN THE PLANNING FILE.**

5. **Project# 1009506**  
 13DRB-70758 VACATION OF PUBLIC  
 EASEMENT  
 13DRB-70759 - TEMP DEFR SWDK  
 CONST  
 13DRB-70760 MAJOR - PRELIMINARY  
 PLAT  
 13DRB-70761 SITE DEVELOPMENT  
 PLAN FOR SUBDIVISION  
 13DRB-70762 VACATION OF PUBLIC  
 RIGHT-OF-WAY

BOHANNAN HUSTON INC agents for PULTE HOMES OF NEW MEXICO request the referenced/ above actions for Lots 14-19, **VOLCANO CLIFFS UNIT 6 (tbka MONTECITO WEST UNIT 2)** zoned SU-2 VOLCANO CLIFFS RURAL RESIDENTIAL (VCRR), located on ALBERICOQUE PL NW between VISTA VIEJA NW and SCENIC RD NW containing approximately 16.54 acres. (D-9) [Deferred from 12/4/13, 12/18/13, 1/8/14] **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 1/15/14 AND WITH AN APPROVED GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED 1/13/14 THE PRELIMINARY PLAT AND THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED. THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT IN THE PLANNING FILE.**

6. **Project# 1009843**  
 13DRB-70792 VACATION OF PUBLIC  
 ROADWAY EASEMENT  
14DRB-70001 MINOR - PRELIMINARY/  
 FINAL PLAT APPROVAL  
14DRB-70003 SUBDN DESIGN  
VARIANCE FROM MIN DPM STDS 

THE GROUP agents for LEGACY 18 request the referenced/ above action for approximately 4 ft of excess easement for OAKLAND AVENUE adjacent to Lot 20, Block 2, Tract 2, Unit 3, **NORTH ALBUQUERQUE ACRES** zoned R-D, located on the north side of OAKLAND AVE NE between SHAHEEN CT NE and ABIS CT NE. (C-19) **DEFERRED TO 1/22/14.**