





FORM V: SUBDIVISION VARIANCES & VACATIONS

☐ **BULK LAND VARIANCE (DRB04)**

(PUBLIC HEARING CASE)

- ☐ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
- ☐ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
- ☐ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
- ☐ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ☐ Sign Posting Agreement
- ☐ Fee (see schedule)
- ☐ List any original and/or related file numbers on the cover application

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

☐ **VACATION OF PUBLIC EASEMENT (DRB27)**

☒ **VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**

N/A The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**  
(Not required for City owned public right-of-way.)

- ☒ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
- ☒ Zone Atlas map with the entire property(ies) clearly outlined
- ☒ Letter briefly describing, explaining, and justifying the request
- ☒ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ☒ Sign Posting Agreement
- ☒ Fee (see schedule)
- ☒ List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

☐ **SEWAGE VARIANCE (DRB20)**

☐ **SEWAGE WAIVER (DRB21)**

- ☐ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
- ☐ Zone Atlas map with the entire property(ies) clearly outlined
- ☐ Letter briefly describing, explaining, and justifying the variance or waiver
- ☐ List any original and/or related file numbers on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

☐ **SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**

- ☐ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
- ☐ Zone Atlas map with the entire property(ies) clearly outlined
- ☐ Letter briefly describing, explaining, and justifying the variance
- ☐ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ☐ Sign Posting Agreement
- ☐ Fee (see schedule)
- ☐ List any original and/or related file numbers on the cover application

**DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

☐ **TEMPORARY DEFERRAL OF SEWAGE CONSTRUCTION (DRB19)**

☐ **EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SEWAGE CONSTRUCTION (DRB07)**

- ☐ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
- ☐ Zone Atlas map with the entire property(ies) clearly outlined
- ☐ Letter briefly describing, explaining, and justifying the deferral or extension
- ☐ List any original and/or related file numbers on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

☐ **VACATION OF PRIVATE EASEMENT (DRB26)**

☐ **VACATION OF RECORDED PLAT (DRB29)**

- ☐ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
- ☐ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
- ☐ Zone Atlas map with the entire property(ies) clearly outlined
- ☐ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
- ☐ Letter of authorization from the grantors and the beneficiaries (private easement only)
- ☐ Fee (see schedule)
- ☐ List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Kent Beierle

Applicant name (print)

3-7-13

Applicant signature / date



Form revised 4/07

- ☒ Checklists complete
- ☒ Fees collected
- ☒ Case #s assigned
- ☒ Related #s listed

Application case numbers

13DRB - 70471

Project #

3-7-13

Planner signature / date

1009567



# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

#### 1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

#### 2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

#### 3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

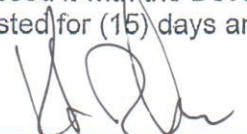
#### 4. TIME

Signs must be posted from March 19, 2013 To April 3, 2013


#### 5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

  
\_\_\_\_\_  
(Applicant or Agent)

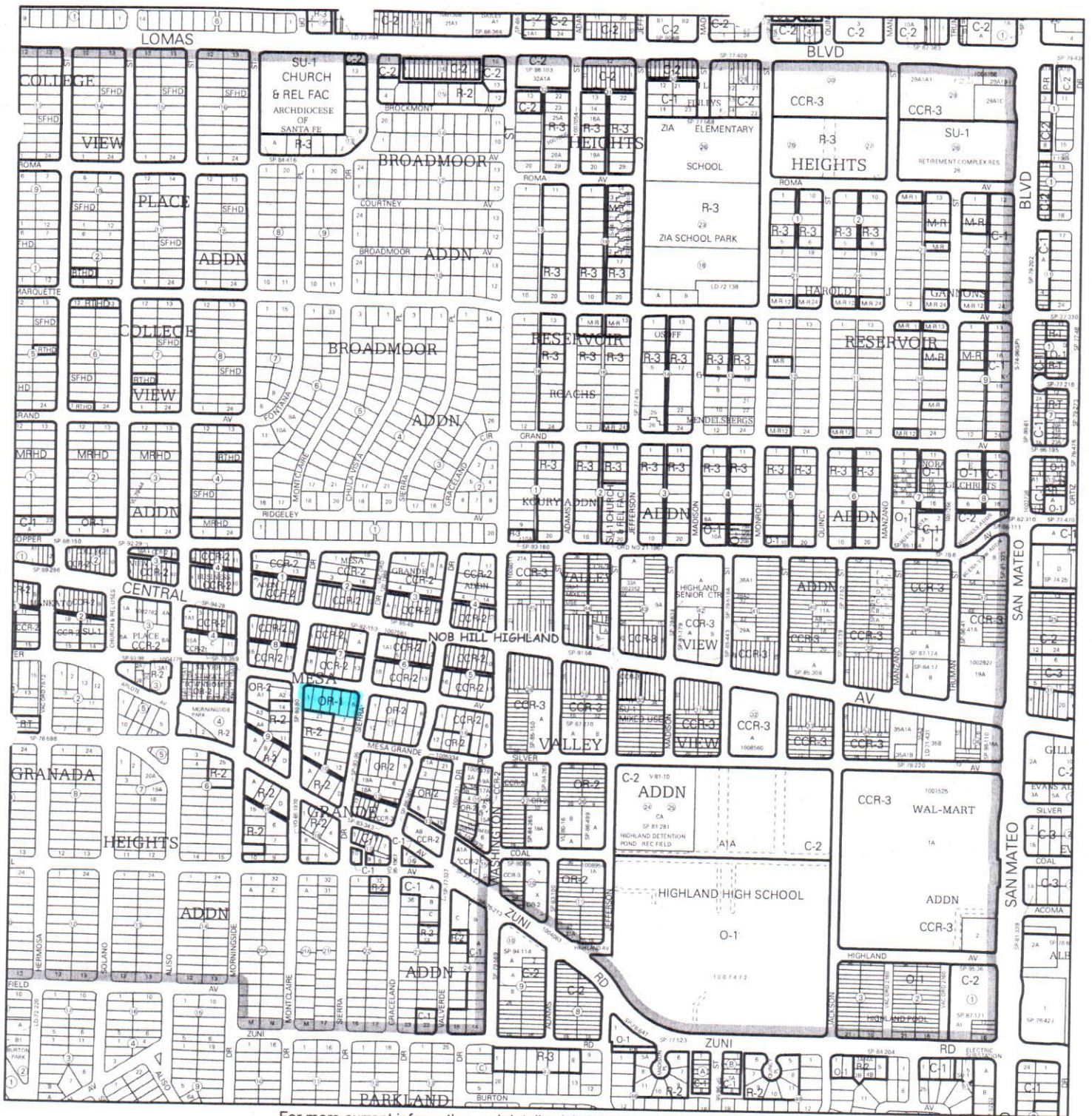
3-7-13  
\_\_\_\_\_  
(Date)

I issued 3 signs for this application, 3-7-13   
\_\_\_\_\_  
(Date) (Staff Member)

DRB PROJECT NUMBER: 1009567

hess @ yntema-law.com





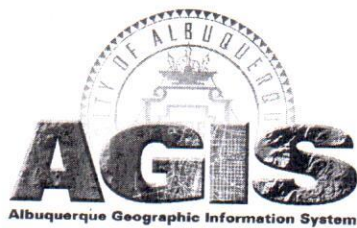
For more current information and details visit: <http://www.cabq.gov/gis>

Zone Atlas Page:

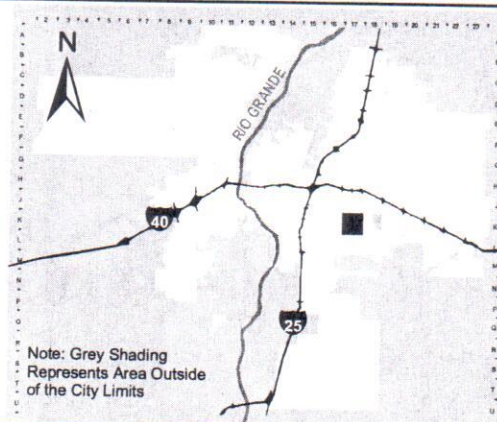
**K-17-Z**

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone



Map amended through: 4/2/2012







City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

Chicago  
San Diego  
Albuquerque  
Milwaukee

RE: 4100, 4110, and 4120 Silver SE

Please accept this letter as our formal request for the following modifications to the above mentioned properties.

1. The vacation of 3.35 feet of excess R.O.W. along our Montclair Dr. frontage,
2. The vacation of 4.04 feet of excess R.O.W. along our Sierra Dr. frontage,
3. The vacation of 3.64 feet of excess R.O.W. along our Silver Ave. frontage,

Details are on the attached plat.

The justification for the modifications is that if granted, the Vacated R.O.W. will allow us to enhance the neighborhood by providing a uniform 10'-0" dimension (comprised of 6'-0" for sidewalk and 4'-0" landscape buffer) on all three sides of our property and develop a building that is consistent with the Nob Hill Sector Plan streetscape concepts.

Thank you in advance for your consideration.

Sincerely,

Golden Spike Development, L.L.C.

Rick Goldman,  
Partner

Golden Spike Development, LLC  
4700 n. ravenwood, suite b  
chicago, illinois 60640  
t. 773.290.1690  
f. 773.290.1699

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## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

February 21, 2013

Kent Beierle  
Environmental Dynamics, Inc.  
142 Truman Street NE, Suite A1  
Phone: 505-242-2851

Dear Ken:

Thank you for your inquiry of **February 21, 2013** requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) – LOTS 1-6, BLOCK 10, MESA GRANDE ADDITION, LOCATED ON SILVER AVENUE SE BETWEEN SIERRA DRIVE SE AND MONTCLAIRE DRIVE SE** zone map **K-17**.

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

### **NOB HILL N.A. "R"**

Tymn Waters, c/o SMPC Architects, 115 Amherst Dr. SE/87106 235-4299 (c)  
Jim Pinkston, 310 Tulane SE/87106 268-4424 (h)

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabaq.gov](mailto:swinklepleck@cabaq.gov) or by fax at (505) 924-3913.

Sincerely,

*Stephani Winklepleck*

Stephani Winklepleck  
Neighborhood Liaison  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

**PLEASE NOTE:** The NA/HOA information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office.

**LETTERS MUST BE  
SENT TO BOTH  
CONTACTS OF EACH  
NA/HOA FOR THIS  
PLANNING SUBMITTAL.**



# !!!Notice to Applicants!!!

## SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

### WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
  - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
  - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
  - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
  - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

## Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ☒ **ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- ☐ The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- ☒ **Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- ☒ **Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

**Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.**

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov).

Thank you for your cooperation on this matter.

\*\*\*\*\*

(below this line for ONC use only)

Date of Inquiry: 02/21/13 Time Entered: 9:06 a.m. ONC Rep. Initials: siw



February 28, 2013

Nob Hill Neighborhood Association  
Attn: Tymn Waters c/o SMPC Architects  
115 Amherst Dr. SE  
Albuquerque, NM 87106

Chicago

San Diego

Albuquerque

Milwaukee

RE: 4100, 4110, and 4120 Silver SE

Dear Mr. Waters,

Please accept this letter as our formal notification that we are requesting the following modifications to the above mentioned properties.

1. The vacation of 3.35 feet of excess R.O.W. along our Montclair Dr. frontage,
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Please feel free to call me directly at (773) 290- 1690 or email me at [rick@goldenspikedevlopment.com](mailto:rick@goldenspikedevlopment.com).

Sincerely,

Golden Spike Development, L.L.C.

Rick Goldman,  
Partner

Golden Spike Development, LLC  
4700 n. ravenwood, suite b  
chicago, illinois 60640  
t. 773.290.1690  
f. 773.290.1699

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February 28, 2013

Nob Hill Neighborhood Association  
Attn: Jim Pinkston  
310 Tulane SE  
Albuquerque, NM 87106

RE: 4100, 4110, and 4120 Silver SE

Chicago

San Diego

Albuquerque

Milwaukee

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Please feel free to call me directly at (773) 290- 1690 or email me at [rick@goldenspikedevlopment.com](mailto:rick@goldenspikedevlopment.com).

Sincerely,

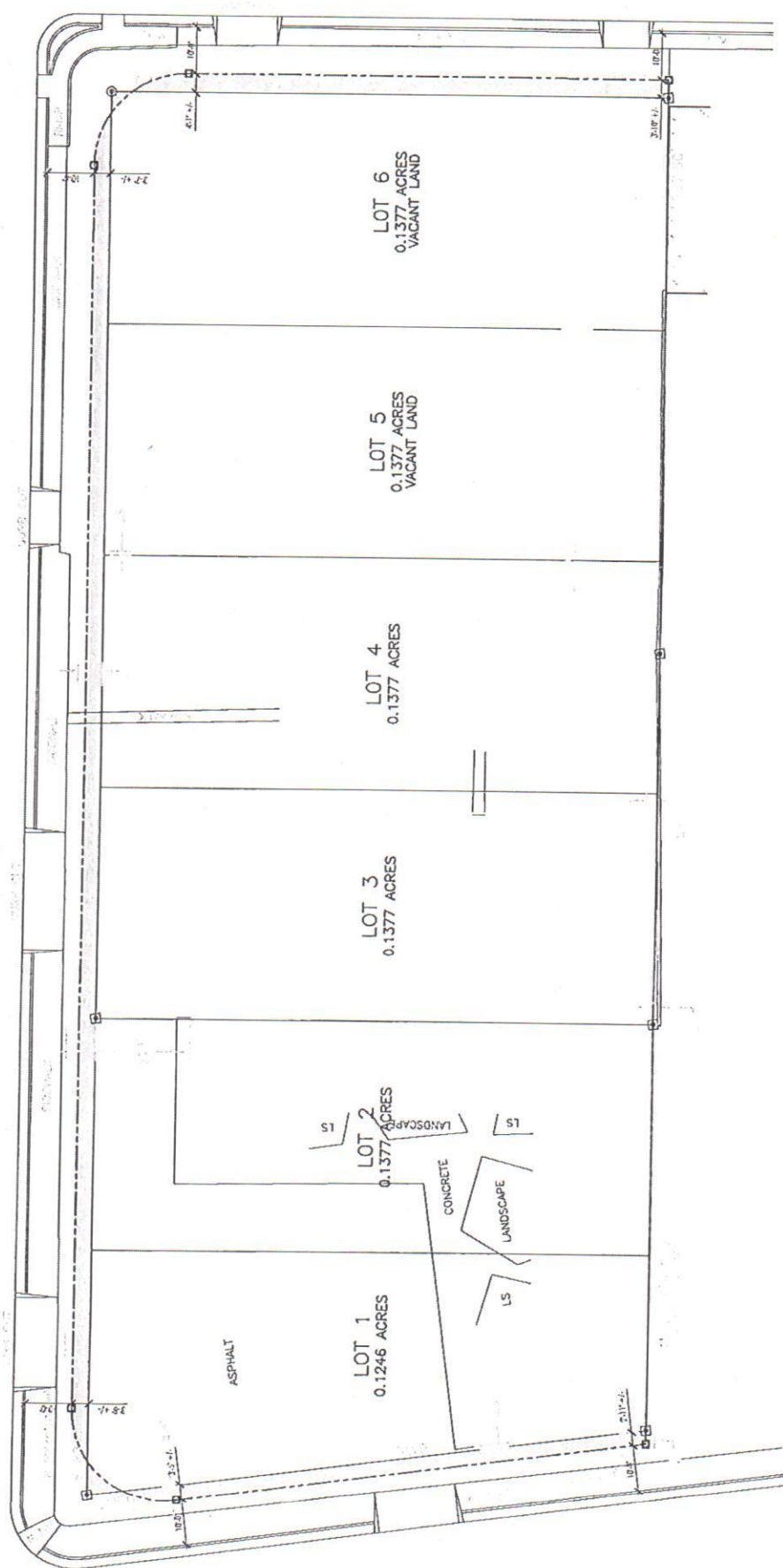
Golden Spike Development, L.L.C.

Rick Goldman,  
Partner

Golden Spike Development, LLC  
4700 n. ravenwood, suite b  
chicago, illinois 60640  
t. 773.290.1690  
f. 773.290.1699

Live + Work + Create







7004 2510 0001 9562 4907

U.S. Postal Service<sup>TM</sup>  
CERTIFIED MAIL<sup>TM</sup> RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ALBUQUERQUE NM 87106

Postage	\$ 0.46	0182
Certified Fee	\$3.10	11
Return Receipt Fee (Endorsement Required)	\$2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.11	

Sent To  
Nob Hill Neighborhood Association  
Street, Apt. No.,  
or PO Box No. 115 Amherst Dr. SE  
City, State, ZIP+4  
Albuquerque, NM 87106

ATTN: Tim Waters

PS Form 3800, June 2002 See Reverse for Instructions

7004 2510 0001 9562 4914

U.S. Postal Service<sup>TM</sup>  
CERTIFIED MAIL<sup>TM</sup> RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ALBUQUERQUE NM 87106

Postage	\$ 0.46	0182
Certified Fee	\$3.10	11
Return Receipt Fee (Endorsement Required)	\$2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.11	

Sent To  
Nob Hill Neighborhood Association  
Street, Apt. No.,  
or PO Box No. 310 Tulane SE  
City, State, ZIP+4  
Albuquerque, NM 87106

ATTN: Jim Pinkston

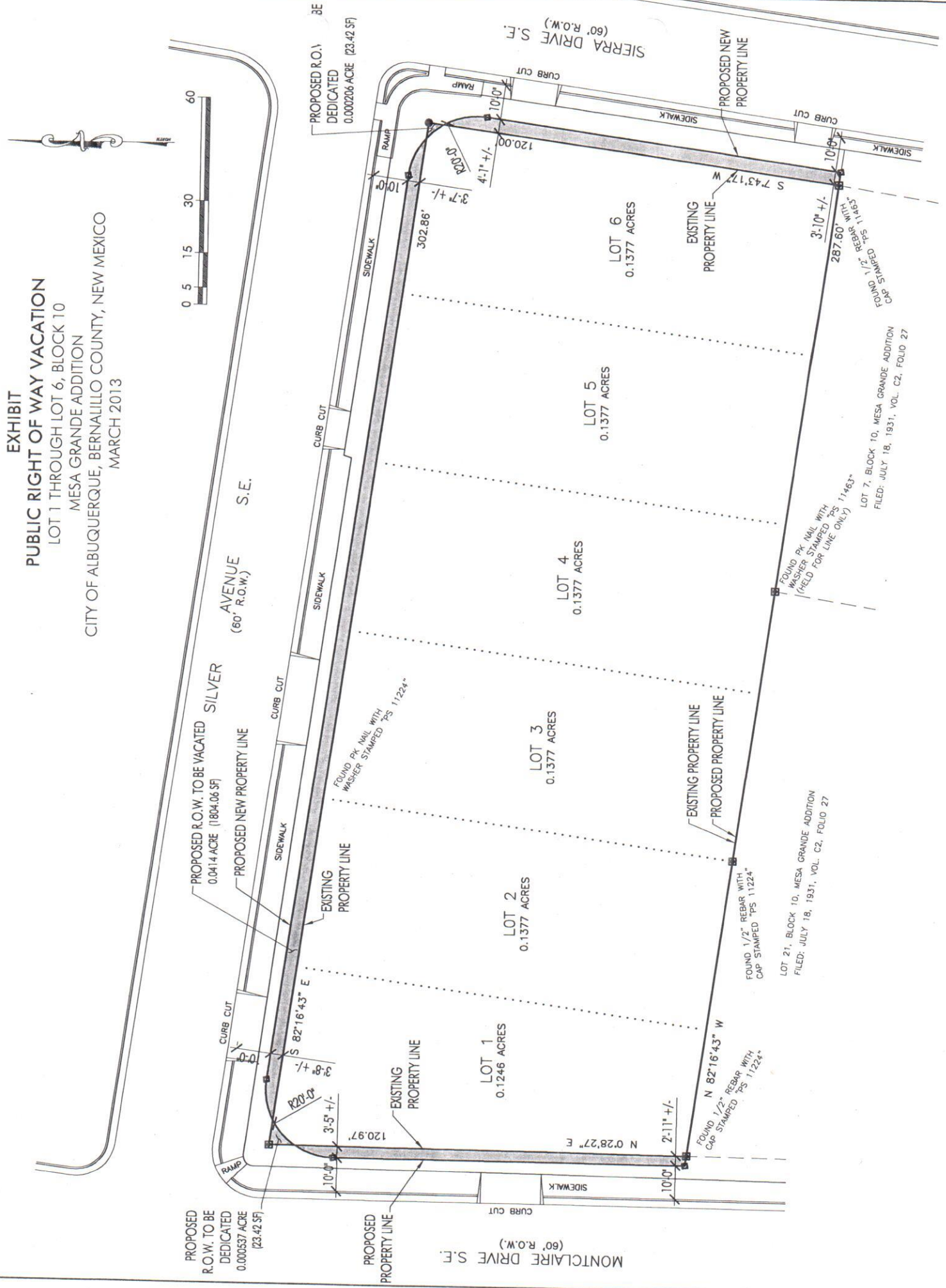
PS Form 3800, June 2002 See Reverse for Instructions



## PUBLIC RIGHT OF WAY VACATION

MESA GRANDE ADDITION

MARCH 2013







## INTER-OFFICE MEMORANDUM

### COMMENTING AGENCIES

DEBBIE BAUMAN, Transportation Development  
SHABIH RIZVI, Transit & Parking Department  
STEVE MONTIEL, Council of Governments  
LYNN MAZUR, AMAFCA  
STEVE SINK, APD Crime Prevention  
JAY LEE EVANS, Open Space Division  
RAY SANCHEZ, Fire Department  
DAVID KILPATRICK, Zoning Enforcement Inspector  
STEPHANI WINKLEPLECK, Neighborhood Coordination  
DANIEL ARAGON, Public Service Company of New Mexico  
PATRICK SANCHEZ, New Mexico Gas Company  
APRIL WINTERS, Albuquerque Public Schools  
MICHELE RAMIREZ, CenturyLink  
MIKE MORTUS, Comcast Cable  
RAY GOMEZ, Middle Rio Grande Conservancy District (MRGCD)  
SUZANNE BUSCH, Environmental Health

Your comments on the following case(s) are requested. Board hearing date:

PROJECT # 10009567

**Wednesday, April 3, 2013**

Comments must be received by:

**Wednesday, March 27, 2013**

If comments are not received by this date, "no comments" will be listed on the staff report. Attached are copies of the requests.

**If you have any questions, please contact me at 924-3946 or [agomez@cabq.gov](mailto:agomez@cabq.gov)**



OMAN &  
YNTEMA P.A.  
ATTORNEYS AT LAW

KESTER L. OMAN  
HESSEL E. YNTEMA, III

LaFel E. Oman 1912-1991

March 28, 2013

**Hand-Delivered**

Jack Cloud, Chair, Development Review Board  
City of Albuquerque  
Plaza Del Sol  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

Objection to Right of Way Vacation  
at 4120 Silver SE:  
Project 1009567/13 DRR 70471

Dear Mr. Cloud and Development Review Board:

This firm represents Barbara Lanier, owner and resident at 210 Sierra Drive SE. This letter is to express Ms. Lanier's opposition to the referenced request to vacate right of way at 4120 Silver Avenue SE, along portions of Sierra Drive, Silver Avenue and Montclair Drive SE. The proposed project for this site is too big and dense for Ms. Lanier's neighborhood, and the vacation of right of way appears designed to allow even greater density. Our understanding is that vacations of public rights of way sometimes are used to achieve higher density for a project, and given the possibility of abuse in this case, the request should be denied at this time.

Please place this letter in the record for this matter and please send us notice of the DRB's decision.

Very truly yours,

YNTEMA LAW FIRM P.A.

By Hessel E. Yntema  
Hessel E. Yntema III

215 Gold Ave. SW  
Suite 201  
Albuquerque, NM 87102  
Phone (505) 843-9565  
Fax (505) 242-2879  
firm@oman-law.com  
klo@oman-law.com  
hey@oman-law.com

cc: Barbara Lanier

# City of Albuquerque Planning Department

## DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

### DEVELOPMENT REVIEW BOARD

03/07/2013 Issued By: BLDADM 182906

Category Code **910**  
**2013 070 471**

Application Number: **13DRB-70471**, Vacation Of Public Right-Of-Way

Address:

Location Description: SILVER AVE BETWEEN CONTCLAIRE DR AND SIERRA DR

Project Number: 1009567

**Applicant**

4120 SILVER AVE LLC

4700 N RAVENSWOOD SUITE B  
CHICAGO IL 60640

**Agent / Contact**

KENT BEIERLE, PRINCIPAL EDI

142 TRUMAN ST NE SUITE A1  
ALBUQUERQUE NM 87108  
242-2851

**Application Fees**

<b>APN Fee</b>	<b>\$75.00</b>
<b>Conflict Mgmt Fee</b>	<b>\$20.00</b>
<b>DRB Actions</b>	<b>\$300.00</b>
<b>TOTAL:</b>	<b>\$395.00</b>

City of Albuquerque Treasury  
Date: 3/7/2013 Office: ANNEX  
Stat ID: W5000007 Cashier: TRSHDC  
Batch: 1575 Trans #: 140  
Permit: 2013070471  
Receipt Num: 00105209  
Payment Total: \$395.00  
0900 APN Fee \$75.00  
0901 Conflict Mgmt. Fee \$20.00  
0903 DRB Actions \$300.00  
VISA Tendered : \$395.00