

**BEFORE THE CITY OF ALBUQUERQUE
LAND USE HEARING OFFICER**

APPEAL NO. AC-19-4

Project: PR-2018-001198; S1-2018-00281; VA-2019-00062

JOSHUA BEUTLER and 28 SURROUNDING PROPERTY OWNERS, Appellants,

and,

PV TRAILS ALBUQUERQUE, LLC and CONSENSUS PLANNING, Party Opponents.

1 In this matter, the Appellants, Joshua Beutler and 28 other property owners surrounding
2 the Valle Prado Subdivision, units 4 and 5 appeal a decision of the City approving an
3 administrative amendment that allows for lot reconfiguration to the above referenced units of Valle
4 Prado Subdivision [R. 6]. The Party Opponents in this appeal are the Valle Prado Subdivision
5 developers and their land planning agents, Consensus Planning.

6 In this appeal, Appellants primarily contend the City Planning Staff erred with their
7 determination that the proposed amendments qualify as “minor amendments” under the
8 Integrated Development Ordinance (IDO). The administrative amendments to units 4 and 5 of
9 the Valle Prado Subdivision allow for 39 lots to have nonconforming lot sizes under the IDO for
10 the zone in which the lots sit. The 39 lots are zoned R1-B which allows lots to be no less than
11 5,000 square feet in size. It is undisputed that the administrative amendment approved by City
12 Staff decreases the dimensional standard for lot size below the minimum for the R1-B zone for
13 at least 22% of the lots, well above the 10% allowed in the IDO and allowed for a deviation in

14 the IDO, Table, § 14-16-6-4-5. Moreover, the City's Planning Staff and the developer through
15 its agents, Consensus Planning stipulate that the City erred in approving the amendment via the
16 administrative approval process. Staff and Consensus Planning also agree that the amendments
17 do not qualify as minor amendments [R. 1].¹ Finally, at the Land Use appeal hearing held on
18 April 16, 2019, all parties to this appeal stipulate that a remand to the City's Planning Department
19 is appropriate.

20 Accordingly, this matter is hereby remanded so that the Planning Department Staff
21 Planners can vacate the administrative approval, revisit the proposed amendment and either deny
22 it as not qualifying for such an amendment, or allow the applicants (developer and their agents)
23 to withdraw it, or allow them to amend their application in accord with this remand.



Steven M. Chavez, Esq.
Land Use Hearing Officer

April 19, 2019

Copies to:

Appellants
Party Opponents
City Staff

¹ Testimony at the Land Use appeal Hearing of Russel Brito of City Planning and James Strozier of Consensus Planning.