



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT, DEVELOPMENT REVIEW DIVISION
P.O. BOX 1293, ALBUQUERQUE, NM 87103

January 9, 2006

Del's Hide-A-Way Park Ltd/ Philip D. Sheets
P.O. Box 6901
Albuq. NM 87197-6901

CERTIFICATE OF ZONING


FILE: 03EPC 01149 (Project 1002123)
DATE OF FINAL ACTION: January 16, 2003
LEGAL DESCRIPTION: for all or a portion of Tract 22-A-1, MRGCD Map 33, a zone map amendment R-1 to R-T, located on 4th St. NW, between San Clemente NW and Jupiter Street NW, containing approximately 4 acres. (G-14)
Len Malry, Staff Planner

THE POSSIBLE APPEAL PERIOD HAVING EXPIRED, THE ZONING ON THE ABOVE CITED PROPERTY IS NOW CHANGED AS FOLLOWS:

FROM R-1
TO SU-1 for R-T Uses

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the zoning is secured. Approval of a zone map amendment does not constitute approval of plans for a building permit. Site and building plans need to be reviewed, approved and signed-off by the Environmental Planning Commission, the Development Review Board, the Design Review Committee and/or the Building and Safety Division, as applicable and as required by the site's zoning, before a building permit will be issued.

Sincerely,

for 
Richard Dineen
Planning Director

RD/ac

cc: Zoning Code Services Division
Neal Weinberg, AGIS Division



City of Albuquerque
Planning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Del's Hide-A-Way Park Ltd./Philip D. Sheets,
P.O. Box 6901
Albuq., NM 87197-6901

Date: January 17, 2003

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1002123**
02EPC-01149 Zone Map Amendment

LEGAL DESCRIPTION: for all or a portion of Tract(s) 22-A-1, **MRGCD Map 33**, a zone map amendment from R-1 to R-T, located on 4TH ST NW, between SAN CLEMENTE NW and JUPITER STREET NW, containing approximately 4 acre(s). (G-14) Len Malry, Staff Planner

On January 16, 2003 the Environmental Planning Commission voted to approve Project 1002123/02EPC-01149, of a Zone Map Amendment from R-1 to SU-1 for R-T Uses zoning for the eastern portion of Tract 22-A-1, MRGCD Map 33, located on San Clemente Avenue NW, between 4th Street and the Alameda Drain, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a Zone Map Amendment from R-1 to SU-1 for R-T zoning for the Eastern Portion of Tract 22-A-1, MRGCD Map 33 located on San Clemente Road, between 4th Street and the Alameda Drain.
2. This request furthers the applicable Central Urban and Established Urban Goals and Policies of the Comprehensive Plan, specifically Section II.B.5.d and e, by proposing a change of zone that will provide a location, intensity, and design of new development that respects existing neighborhood values and provides for new growth where vacant land is contiguous to existing urban facilities and services.
3. The request furthers the Transportation and Transit Goal of the Comprehensive Plan by proposing a use that may encourage increased use of transit along 4th Street. The request furthers Policy c of this section by allowing additional dwelling units close to a Major Transit street.

4. The request furthers the applicable goals and policies of the North Valley Area Plan by maintaining areas zoned for residential uses (Housing 1.a), and by helping to stabilize residential zoning and land use in the North Valley Area (Zoning and Land Use Policy 2). This request will not destabilize residential zoning and land use in the immediate vicinity.
5. The request does not contradict the applicable goals and policies of the Los Griegos Neighborhood Development Plan, by proposing a land use and zoning that are generally compatible with the surrounding area.
6. This request fulfills the policy intent of R-91-1998, which establishes an overall direction for the implementation of the City's growth policies.
7. The request meets the policies and criteria of Resolution 270-1980, specifically Section 1.D.: the requested change is more advantageous to the community as articulated in the Comprehensive Plan.
8. The requested SU-1 for R-T Uses zoning gives the Environmental Planning Commission site plan control.
9. An illustrative site development plan for subdivision accompanies this request for a zone map amendment and should be the basis for any site development plans for the subject site.
10. The adjacent neighborhood association has requested that no vehicular access should be allowed from the subject site to either 3rd Street or Jupiter Street in the adjacent Gardner Addition neighborhood. Vehicular access to the site should be from San Clemente Avenue only.
11. The existing irrigation ditch, which runs along the subject site's northern boundary with the Gardner Addition neighborhood, should be maintained in its existing condition and functioning as an irrigation ditch (dirt/unlined/ uncovered).
12. The adjacent Greater Gardner Neighborhood Association supports the applicant's revised request for SU-1 for R-T zoning.
13. Mobile homes are not an allowable use in the proposed zone.

CONDITIONS:

1. The illustrative site development plan for subdivision submitted with this zone map amendment request a maximum of 35 lots and shall be the basis for any site development plans for the subject site. The submittal of site plans to the EPC shall meet all EPC zone map amendment conditions. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. A site development plan for subdivision and a site development plan for building permit shall be submitted to and approved by the Environmental Planning Commission within six months of this zone map amendment approval.
3. No vehicular access shall be allowed from the subject site to either 3rd Street or Jupiter Street in the adjacent Gardner Addition neighborhood. Vehicular access to the site shall be from San Clemente Avenue only.
4. The existing irrigation ditch, which runs along the subject site's northern boundary with the Gardner Addition neighborhood, shall be maintained in its existing condition and location and function (dirt/unlined/uncovered).
6. There shall be a minimum 10-foot separation between the residences and the drainage easement.
7. Accessory structures or shade structures as provided for in the R-1 zone of the Zoning Code do not require administrative review of a site plan amendment.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **JANUARY 31, 2003** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.


Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and 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. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

OFFICIAL NOTICE OF DECISION
PROJECT #1002123
JANUARY 16, 2003
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YOU WILL RECEIVE NOTIFICATION IF ANY OTHER PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,


for Victor J. Chavez
Planning Director

VJC/RB/ac

cc: Garcia/Kraemer & Assoc., 200 Lomas Blvd. NW, Ste. 1111, Albuquerque, NM 87102
Susan McAllister, The Greater Gardner N.A., 3333 Purdue NE, Albuquerque, NM 87106
Mary Williams, The Greater Gardner N.A., 4440 Jupiter NW, Albuquerque, NM 87107
Charles Price, 1401 Central SW, Albuquerque, NM 87104
Sharon Karpinski, 439 Gavilan Pl. NW, Albuquerque, NM 87107
Susan McAllister, 333 Purdue NE, Albuquerque, NM 87106



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 22, 2008

Project# 1002123

08DRB-70412 VACATION OF PUBLIC RIGHT-OF-WAY

DEL'S HIDE-A-WAY PARK LTD request(s) the referenced/ above action for all or a portion of **SAN CLEMENTE AVENUE NW**, located BETWEEN 4TH ST NW AND ALAMEDA DRAIN containing approximately .8368 acre(s).

At the October 22, 2008 Development Review Board meeting, the vacation was 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.

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

(B)(1) The public welfare is in no way served by retaining the public right-of-way.

(B)(3) Based on the following conditions, there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on the 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. Access, drainage and utility easements shall be retained in the vacated right-of-way.

If you wish to appeal this decision, you must do so by November 6, 2008 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).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

A handwritten signature in cursive script, appearing to read "Jack Cloud".

Jack Cloud, AICP, DRB Chair

Cc: Phillip D. Sheets – P.O. Box 6901 – Albuquerque, NM 87197

Cc: Priscilla & Billy Stevens – 4220 4th St. NW – Albuquerque, NM 87107

Cc: Georgia M. – 2403 San Mateo Blvd Ste W11D – Albuquerque, NM 87110

Cc: Marilyn Maldonado

Cc: Scott Howell

File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 20, 2010

Project# 1002123
09DRB-70395 VACATION OF PUBLIC EASEMENT(S)

DEL'S HIDE-A-WAY PARK, LTD request(s) the referenced/ above action(s) for a 35 ft Water Meter Easement on Tract G and Lots 25 & 30, plus vacation of a Road, Utility and Sidewalk/ (Turnaround) Easement on Tract H, **DELS HIDE-A-WAY**, zoned SU-1/ RT Uses, located on the north side of SAN CLEMENTE AVE NW between 4TH ST NW and 2ND ST NW. (G-14)

At the January 20, 2010 Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1), (2) and (3) of the Subdivision Ordinance.

Findings

(A)(1) The January 20, 2010, vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) Subject to retaining appropriate easements. the public welfare is in no way served by retaining the right of way; The City of Albuquerque and ABCWUA do not anticipate any need to utilize the existing easements.

(B)(2) There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation; it is the opinion of the Development Review Board that the removal of the existing easements will provide a net benefit to the public welfare by allowing for improvements to proceed per the approved site development plan.

(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 approving the vacation and no objection regarding access or the abridgement of a substantial property right was raised.

CONDITIONS:

1. The vacated property 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.

If you wish to appeal this decision, you must do so by February 4, 2010 in the manner described below.

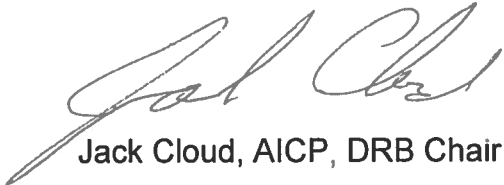
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)



Jack Cloud, AICP, DRB Chair

Cc: Del's Hide-a-Way Park Ltd – P.O. Box 6901 – Albuquerque, NM 87197
Marilyn Maldonado
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 11, 2010

Project# 1002123
10DRB-70209 SIDEWALK WAIVER

DEL'S HIDE-A-WAY PARK, LTD request(s) the above action(s) for all or a portion of **SAN CLEMENTE (AVE) WAY NW** zoned SU-1 RT, located on SAN CLEMETE (AVE) NW BETWEEN 4TH ST NW AND 2ND ST NW (G-14) [*Deferred from 8/4/10*]

At the August 11, 2010 Development Review Board meeting, a sidewalk variance for waiver of the sidewalk was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by August 26, 2010, 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, AICP, DRB Chair

Cc:
Marilyn Maldonado
file



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 31, 2010

Project# 1002123

10DRB-70076 VACATION OF PUBLIC RIGHT-OF-WAY

DEL'S HIDE-A-WAY PARK LTD request(s) the referenced/ above action(s) for all or a portion of **SAN CLEMENTE AVENUE NW**, located on the east side of 4TH ST NW to the **NORTH ALAMEDA DRAIN** [re-application of expired vacation 08DRB-70412] (G-14)

At the March 31, 2010 Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1), (2) and (3) of the Subdivision Ordinance.

Findings

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

(B)(1) The public welfare is in no way served by retaining the right of way; The City of Albuquerque does not anticipate any need to utilize the existing right of way for public roadway purposes, based on the proposed re-subdivision and private roadway.

(B)(2) There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation; it is the opinion of the Transportation Development Division that the removal of the existing public access easement will provide a net benefit to the public welfare by decreasing public maintenance responsibilities.

(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 approving the vacation and no objection regarding access or the abridgement of a substantial property right was raised.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.

2. The vacated property shall be shown on the 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.

If you wish to appeal this decision, you must do so by April 15, 2010 in the manner described below.

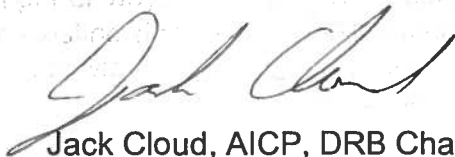
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)



Jack Cloud, AICP, DRB Chair

Cc: Del's Hide-a-way Park, LTD – Philip D. Sheets – P.O. Box 6901 –
Albuquerque, NM 87197-6901

Cc: Marilyn Maldonado

Cc: Scott Howell

File