

GM
S-80-28
S - SC - SC-6

APPLICATION FOR: Subdivision

PL Map No.: G-10
4-10
Hearing Date: 6-19-80

Annexation AX- 80-18
Zone Map Change Z- 80-87
Vacation V- SB-80-4

1. APPLICANT INFORMATION (Sections 1 thru 4 to be Completed by the Applicant)

Applicant: Westland Development Co. Phone: 831 9500
Mailing Address: 401 Cors Blvd. N.W. Suite 201 87105
Agent: Be Johnson / TRINITY ENTERPRISES Phone: 831 2012
Mailing Address: 401 N. Cors N.W. Suit 202 292 7666
Applicant's Interest in the Property: LEASE
Signature: *[Signature]* Date 4-02-80

2. REASON FOR REQUEST: (Please Use a Separate Sheet) ON ZONE CHANGE APPLICATIONS, YOUR REASON FOR REQUEST SHOULD ADDRESS ITSELF TO THE POLICIES FOR ZONING MAP CHANGES ATTACHED TO THIS APPLICATION.

3. PROJECT DETAILS:

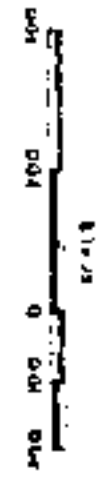
| Zoning Present | Zoning Proposed | Development | Land Area | Dwelling Units | | Estimated | | | |
|----------------|-----------------|-------------|-----------------|--------------------|---------------------|-----------|----------|--------------------------------------|--|
| | | | Acres or Sq.Ft. | No. of Owner Units | No. of Rental Units | Per Acre | Per Acre | Date(s) of Construction Start/Finish | |
| <u>A-1</u> | <u>R-D</u> | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

4. LOCATION OF REQUEST:

Legal Description (Use Extra Sheet If Necessary)
Lot(s): See attached. Block: _____ Plat: _____
Street Address (No. If Any): _____
Between (Streets): _____ and _____

DEFERRED FROM 6/19/80 -

SD-80-4
 S-80-28
 AX-80-18
 Z-80-87



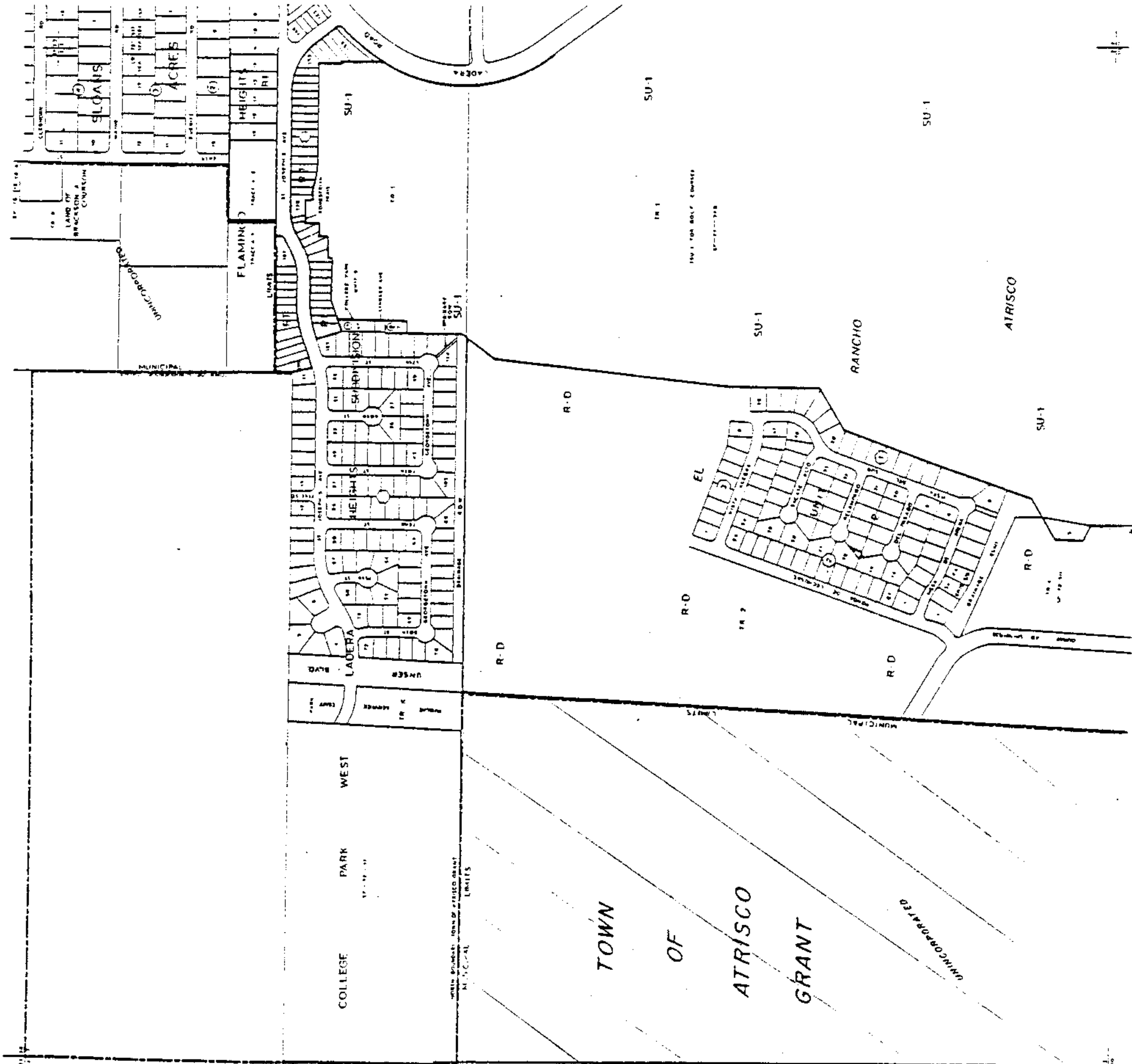
LEGAL DESCRIPTION
 1. 20. 00
 2. 10. 00
 3. 10. 00
 SEC 10

MAP NUMBER
 1-010-039

MAP ADJUSTED THROUGH
 JANUARY 1977

II-10-Z





SCALE 1" = 100'

| ZONE DESIGNATION | MINIMUM LOT AREA | MINIMUM FRONT YARD SETBACK |
|------------------|------------------|----------------------------|
| R-D | 5,000 | 10 |
| SU-1 | 5,000 | 10 |
| EL | 10,000 | 10 |

DATE OF ATRISCO GRANT
JANUARY 1978

DATE OF ATRISCO GRANT
JANUARY 1978

G-10-Z
ATRISCO PLANNING DEPARTMENT

CITY of ALBUQUERQUE
SIXTH COUNCIL

COUNCIL BILL NO. R-242 ENACTMENT NO. _____

SPONSORED BY: *Patrick J. Baca*

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RESOLUTION

ADOPTING THE EL RANCHO ATRISCO SECTOR DEVELOPMENT PLAN, PHASE II.

WHEREAS, the Council, the Governing Body of the City of Albuquerque, has the authority to adopt plans for physical development within the planning and platting jurisdiction of the City as authorized by New Mexico Statutes and by the City Charter as allowed under home rule provisions of the Constitution of New Mexico; and

WHEREAS, the Council recognizes the need for Sector Development Plans to guide the City, County, and other agencies and individuals to ensure orderly development and effective utilization of resources; and

WHEREAS, a Sector Development Plan is required to show land use in Developing Urban Areas of the Comprehensive Plan; and

WHEREAS, the El Rancho Atrisco areas as shown on the attached maps contains major public facilities and utilities, unique physical characteristics, and needs a plan to assure coherent development; and

WHEREAS, A Sector Development Plan has been prepared to guide future development and establish development standards for the plan area; and

WHEREAS, the adoption of the El Rancho Atrisco Sector Development Plan, Phase II, will lead to the implementation of the Albuquerque/Bernalillo County Comprehensive Plan and the Northwest Mesa Area Plan; and

WHEREAS, the Environmental Planning Commission in its advisory role on all matters related to planning, zoning, and environmental

Unchanged Material - New
[Bracketed Material] - Deletion

Underscored Material - New
~~[Bracketed Material] - Deletion~~

1 protection has approved and recommended the adoption of the El Rancho
2 Atrisco Sector Development, Plan Phase, II at a public hearing July
3 26, 1984.

4 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
5 ALBUQUERQUE:

6 Section 1. The El Rancho Atrisco Sector Development Plan,
7 Phase II, attached hereto, is hereby adopted as a rank three plan,
8 consistent with and leading to the implementation of both the
9 Albuquerque/Bernalillo County Comprehensive Plan and the Northwest
10 Mesa Area Plan.

11 Section 2. All development activites within the plan area,
12 including those of the public and private sectors, shall be guided by
13 the Sector Development Plan.

14 Section 3. The land use plan attached hereto, is hereby
15 adopted as a constituent part of the City Zoning Code for properties
16 within the City of Albuquerque at the time of adoption of the El
17 Rancho Atrisco Sector Development Plan, Phase II, and will serve as a
18 guide for future zoning within the plan area.

19 Section 4. The major street network attached hereto, is
20 hereby recommended by adoption by the Urban Transportation Planning
21 Policy Board as an amendment to the Long Range Major Street Plan.

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PLANNING DIVISION ADDITIONAL COMMENTS TO THE CITY COUNCIL:

The original Sector Plan, submitted by Westland Corporation, was heard by the EPC in 1980. Because the Plan showed property zoned other than R-D, City Council approval was required (SEC.44.C.3). Inadvertently, the Plan was not carried forward to City Council. Although the Plan was included in the material submitted to the City Council at the time the annexation and zoning was established, the Plan was not formally transmitted, thus, no official action was taken on it.

An Amendment to the Plan was submitted by Skip Buchannan. Staff determined that when this request was sent to the EPC, the Commission should: 1) take action on the proposed amendment, 2) reaffirm their positive recommendation on the entire Plan, as it would be sent to city Council for formal approval, and 3) determine whether to let stand the previous EPC recommendation allowing development in the south half of Rinconada Canyon contrary to City Policy and original staff recommendations.

The EPC approved the amendment, reaffirmed their positive recommendation of the entire plan, and noted the discrepancy concerning Rinconada Canyon, but took no action to resolve it.

Westland Corporation has objected to their being a party to the legal ad for the amendment and has filed an official protest, which is included herein. As their Plan should have full approval prior to amendment, it seems expeditious to receive the entire plan and send it to City Council simultaneous with the proposed amendment.

RECOMMENDATION:

1. The Planning Division recommends approval of the Sector Plan as recommended by the EPC, but recommends that the City Council approve the south half of Rinconada Canyon shown as Open Space.


Jack Leaman
City/County Planner

cc: Laurelwood Joint Venture and Westland Development Company, Inc.,
400 Coors Boulevard, N.W.; 87105
Denney-Gross and Associates, Inc., 2400 Comanche, N.E.; 87107

OFFICIAL NOTIFICATION OF DECISION

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION
P.O. BOX 1293, Albuquerque, New Mexico 87103

DATE: July 27, 1984

NOTIFICATION OF DECISION

File: SD-80-4-1
Location: Tract A, El Rancho
Atrisco, Phase 4, between Ouray
Road, N.W. and 98th Street, N.W.
and between the escarpment and
El Rancho Atrisco Unit 8, con-
taining approximately 130.0873
gross acres. (G&H-9&10)

Laurelwood Joint Venture
and Westland Development Company, Inc.
401 Coors Boulevard, N.W.
Albuquerque, New Mexico 87105

On July 26, 1984, the Environmental Planning Commission took the following action on your above-referenced case.

Findings:

1. The change in area and densities of the parcel west of Unser Boulevard and north of Ninety-Eighth Street is an appropriate diversification of housing types.
2. The additional dwelling units do not exceed overall density limits established in the Comprehensive Plan.
3. The plan shall be amended to:
 - accurately document open space and park requirements and specify how and when these requirements would be met;
 - show local access to the property between the escarpment and the Ladera Arroyo;
 - consolidate all required Sector Plan information; and
 - provide noise attenuation for residential property along Unser Boulevard and Ninety-Eighth Street.
4. The 106-acre area west of Unser Boulevard within Rinconada Canyon has been designated as Open Space/Regional Park in the Major Open Space component of the Comprehensive Plan and Section 3 of the Northwest Mesa Area Plan. It was mentioned in the Environmental Planning Commission review of this Sector Plan on September 18, 1980, that Rinconada Canyon should remain open space.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY August 10, 1984 IN THE MANNER DESCRIBED BELOW. A NONREFUNDABLE FILING FEE OF \$40 IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Any person aggrieved with any determination of the Environmental Planning Commission acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Division form to the Planning Division 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 60 days of its filing.

OFFICIAL NOTIFICATION OF DECISION

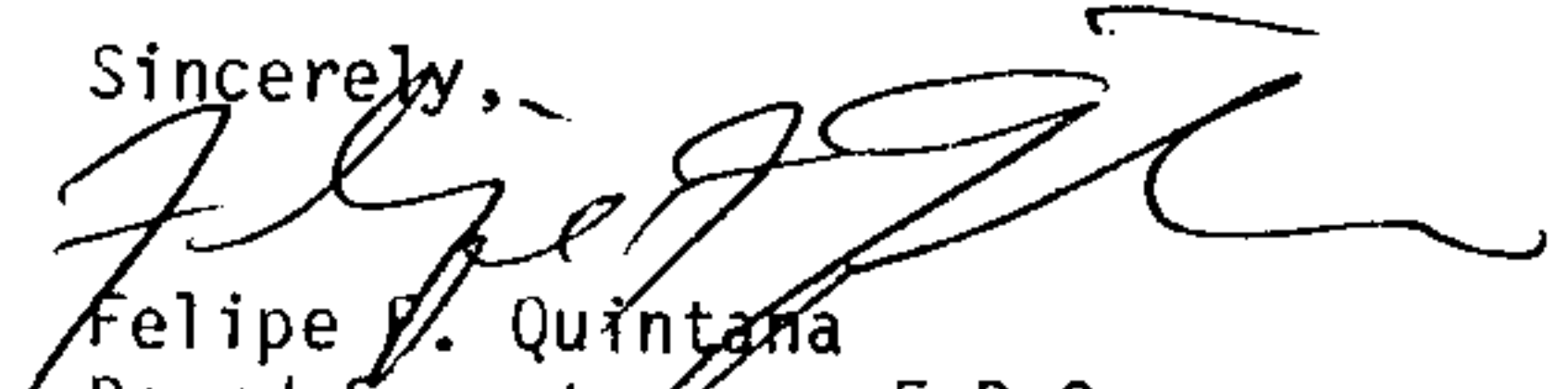
CASE: SD-80-4-1

July 27, 1984

Page 2

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).

Sincerely,



Felipe P. Quintana
Board Secretary -- E.P.C.

cc: Denney Gross and Associates, Incorporated, 2400 Comanche, N.E.; 87107
Steve Fairfield, Buchanan Group Limited, 401 Coors Boulevard, N.W.
Bernard P. Metzgar, Post Office Box 987; 87103
Al Candelaria, Westland Development Company
401 Coors Boulevard, N.W.; 87105

ENVIRONMENTAL PLANNING COMMISSION ACTION TAKEN JULY 26, 1984: Commission members present: Chairman Sutton, Commissioner Boehning, Commissioner Gubbels, Commissioner Hernandez, Commissioner Jewell, Commissioner Sanchez, Commissioner Wolfe.

SD-80-4-1 Denney-Gross and Associates, Incorporated, agent for the Buchanan Group, Limited, requests Sector Development Plan Approval for Tracts 4-7, Plat of El Rancho Atrisco, Phase II, Parcels 391-395, Town of Atrisco Grant; portions of the NW/4, NW/4, Section 10, the S/2 of Section 4 and the N2 of Section 9, all in T10N, R2E; located east of the Volcanic Escarpment, north of the Ladera Drainage Channel, and at the intersections of Ouray Road, Unser Boulevard, and Ninety-Eighth Street, N.W., containing approximately 385 acres. (G/H-9/10)

Staff Comments:

Charles Johnston, Planner, Planning Division, Municipal Development Department

1. The Sector Development Plan was approved by the Commission in 1980. Because the Commission modified the plan to include zones other than R-D, City Council approval was necessary. However, the Sector Development Plan was not transmitted to the City Council for adoption. The Buchanan Group requested a small expansion of the plan and changes in land use for approximately one third of the plan area. The R-D zoning for this land is not to be changed, only the land use designation. The Commission's recommendation had included Rinconada Canyon as open space.
2. The staff report and Commission concerns in 1980 indicated that the south half of Rinconada Canyon should be open space. However, the Commission in 1980 did not change the original proposal for residential development in this area. Staff reaffirms its recommendation that the south half of Rinconada can be left in open space.
3. Staff's recommendation is approval, with Findings/Conditions, including approval of the proposed amendment, reaffirmation of the Sector Development Plan, designation of Rinconada Canyon as open space, and adoption of the sector plan by the City Council. (See report.)

Commission Comments and Concerns:

1. The fact that the Commission overlooked Rinconada Canyon in its Findings does not automatically indicate that it is developable land. The Commission's discussion at the time this was reviewed clearly indicated that it should be open space.

The Comprehensive Plan does not indicate that this particular canyon should not be open space.

In addition, the Commission does not at this time, nor did it at the time the Sector Development Plan was reviewed, have authority to adopt the sector plan. The Commission's role is advisory in these matters.

Persons Speaking on Behalf of the Request:

Skip Buchanan, agent, 2400 Comanche, N.E., 87107; Steve Fairfield, Buchanan Group Limited, 401 Coors Boulevard, N.W.; Al Candelaria, Westland Development Company, 401 Coors Boulevard, N.W., 87105;

Skip Buchanan

1. Explained that the request before the Commission is expansion of the sector plan to include the property south of arroyo and not included in the originally approved Sector Development Plan, as well as changes in land use.
2. The addition to the plan, plus the area with changed uses, totals 131 gross acres or 116 net acres. The inclusion of the entire Sector Development Plan was made by the Planning Division.

ENVIRONMENTAL PLANNING COMMISSION ACTION TAKEN JULY 26, 1984: (Continued)

Commission Comments/Concerns and Responses by Staff and Mr. Buchanan:

1. Staff's report indicates that the Air Pollution Control Division recommends appropriate buffers or off-sets along Unser Boulevard be incorporated in the Sector Development Plan. Does the submittal include appropriate buffers or off-sets?

-- Response was in the negative. The Sector Plan indicates such techniques are appropriate concepts but will be specifically addressed at the time of Site Development Plan review before the Development Review Board.

Mr. Buchanan

- Concurred with staff's recommendation and will comply with comments made by the Air Pollution Control Division.
2. If the applicant had not requested amendment to the Sector Plan, and based on the history and testimony presented thus far, it seems like applicant could build in the Rinconada Canyon. However, City's testimony indicates we cannot approve the amendment because the Commission does not have the authority to do so.
 3. In reviewing the City's review process, it appears that the proposed development is encroaching on designated open space. Staff does not have the authority to amend the Open Space component of the Comprehensive Plan. If the amendment is recommended for approval by the Commission and adopted by the City Council, the request would then go to the Development Review Board for sign-off on the plan and plat. However, the plan would indicate the Council's and/or Commission's findings and conditions.

Steve Fairfield

1. Although the Sector Plan encompasses 385 acres, the applicant controls only 131 acres, none of which is in Rinconada Canyon. None of the area for review and approval by the Commission is in or part of the Rinconada Canyon.

Commission Comments and Concerns:

1. Adoption of a Sector Development Plan by the City Council is required. This process has not been completed.
2. Had the sector plan been transmitted to the Council, the issue of Rinconada Canyon would have been raised.
3. Although the issue of Rinconada Canyon does not specifically pertain to this case, it can be heard in conjunction with this proposal.
4. The Commission is very concerned that building permits may have already been issued in the area and the open space requirements have not been specifically identified in the sector plan.

Al Candelaria

1. The sector plan was submitted before the Commission in 1980 and was approved for an area encompassing approximately 385 acres. Although there was lengthy discussion on the issue of Rinconada Canyon, no final decisions were made. However, there was discussion that no development was to take place in Rinconada Canyon.
2. Regarding the question of City Council approval of Sector Development Plans, the ordinances indicate that the Commission has full authority to approve sector plans when it is R-D zoning, but not when SU-2 and SU-3 zoning is involved.
3. The areas which were designated on the sector plan for special use and designated with respective densities were submitted to the Council for annexation, approved and adopted by the Council.

ENVIRONMENTAL PLANNING COMMISSION ACTION TAKEN JULY 26, 1984: (Continued)

4. Applicants feel they have fully complied with City ordinances.
5. The application before the Commission is to add acreage to an area already in the sector plan and increase the densities in one portion of the overall plan. Westland did not apply for review of the whole sector plan nor did Westland authorize anyone to do so.

Commission Comments and Concerns:

1. Despite the fact that the sector plan indicates that Rinconada Canyon can be developed, it may be halted at the Council level and the Rinconada Canyon is not at issue this evening.

Interested Party

Cliff Anderson, Chairman/Open Space Advisory Board

1. Noted a resolution passed by the Open Space Advisory Board indicates that the Rinconada Canyon is designated as open space as well as the volcanic escarpment in the Northwest Mesa Area Plan. Property adjacent to the escarpment area is also designated as open space area. The land is designated as high priority on the open space list of the Open Space Task Board and Open Space Advisory Board. Strongly urged the Commission to take this fact under consideration in its deliberations.

Commission Comments and Concerns and Responses by Staff:

1. Mr. Anderson's comments may not be germane in that the portion which is desired to be designated as open space is not a part of this request; however, it could become part of the City's open space if the City purchased it.
2. What is the status of the detached open space for this particular parcel?
 - The Commission is to determine if it is part of the sector plan and how the Commission desires to address it.
3. Is the City accepting the floodway as open space?
 - The City is not accepting the floodway as open space at this time. Reiterated comments that only Council can adopt this request and that the whole sector plan area must be included. This request would affect the overall areas, therefore, it is appropriately submitted for review by the Commission.

Skip Buchanan

- AMAFCA's comments may be satisfied by dedication of 150 feet until the exact design of the floodway is made. Present plans are to leave the channel relatively open or as is. If we dedicate the 150 feet there will be some excess of property that does not meet that criteria.
4. Can the Commission act on the request as proposed?
 - Staff recommends approval of the request, to include the amendments listed in the Findings.
 - The Planning Commission can act on all the recommendations by staff, including action on those properties not owned by Mr. Buchanan. The City can sponsor those changes and the Planning Commission has the authority to act on them per the Zoning Code.

Steve Fairfield

1. Although the Rinconada Canyon was included in the original Sector Development Plan, action by the Commission on this request will not affect the proposed site. Therefore, approval of the amendment should be granted.

ENVIRONMENTAL PLANNING COMMISSION ACTION TAKEN JULY 26, 1984: (Continued)

2. Approval of the amendment should not be delayed because of staff's anticipation of a change for the Rinconada Canyon area. Therefore, and until that becomes an issue, the request before the Commission should be approved.
3. To create an issue over property for which applicant has no control places the applicant in a tenuous position.
4. The proposal addresses open space requirements for the amendment, therefore, approval of the request is warranted.
5. Rinconada Canyon is not addressed since the applicant has no control over that property.

Additional Staff Comments:

1. The action requested by the Commission is to approve the amendment to the sector plan with the findings/conditions in the staff report, reaffirm approval of the sector plan to the City Council, and as part of recommended approval of the sector plan that Rinconada Canyon be included and designated as open space.

Commission Comments/Concerns and Responses by Mr. Rex Funk:

1. Is Rinconada Canyon shown in its entirety as major open space on the Comprehensive Plan or is any part of it so designated?

Rex Funk

-- It is shown in its entirety as open space.

Commission Comments and Concerns in Favor of Addressing Only the Issue of the Request by the Applicant:

1. It seems totally inappropriate to tie this proposal to the Rinconada Canyon issue. If there is a procedural problem with the original sector development plan, it should be addressed as a separate issue and resolved at a separate time.
2. A delay in action on the request by the Buchanan Group because of a perceived problem with the original sector plan for El Rancho Atrisco Phase II, may create court litigation by both parties involved -- the Buchanan Group and Westland Development.
3. The proposal before the Commission is by the Buchanan Group. They do not own all the property in the sector plan. The Commission should act on their proposal as submitted.
4. It seems inappropriate for the Commission to base its decision on land owned by someone else.
5. It seems appropriate for the the Commission to only act on the request before the Commission. If the request is remanded by the Council, the Council can then more clearly define the direction they wish the Commission to take in this matter.

Commission Comments and Concerns in Favor of Addressing the Issues and Addressing the Entire Sector Development Plan as Recommended by Staff:

1. Staff's recommendations to include Finding 4 might obviate a remand from the Council on the technicality that the sector plan has not been adopted by them. Thus, inclusion per staff's recommendation may better benefit the applicant.
2. Although it is unfortunate that the issue of Rinconada Canyon has not been raised before, it seems appropriate to address this issue at this time.
3. Although the Commission sympathizes with Westland Development, the Commission did not have the authority to omit Rinconada Canyon from the Sector Development Plan and its designation as open space because it was designated as open space on the Comprehensive Plan.

ENVIRONMENTAL PLANNING COMMISSION ACTION TAKEN JULY 26, 1984: (Continued)

The Commission took the following action.

Findings:

1. The change in area and densities of the parcel west of Unser Boulevard and north of Ninety-Eighth Street is an appropriate diversification of housing types.
2. The additional dwelling units do not exceed overall density limits established in the Comprehensive Plan.
3. The plan shall be amended to:
 - accurately document open space and park requirements and specify how and when these requirements would be met;
 - show local access to the property between the escarpment and the Ladera Arroyo;
 - consolidate all required sector plan information; and
 - provide noise attenuation for residential property along Unser Boulevard and Ninety-Eighth Street.
4. The 106-acre area west of Unser Boulevard within Rinconada Canyon has been designated as Open Space/Regional Park in the Major Open Space component of the Comprehensive Plan and Section 3 of the Northwest Mesa Area Plan. It was mentioned in the Environmental Planning Commission review of this Sector Plan on September 18, 1980, that Rinconada Canyon should remain open space.

THEREFORE, BE IT RESOLVED THAT SD-80-4-1 be recommended for approval by the City Council, based on and subject to the above Findings.

MOVED BY COMMISSIONER WOLFE
SECONDED BY COMMISSIONER GUBBELS

The Motion Carried 5-2. (Commissioners Hernandez and Sanchez voted "No".)

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION

ENVIRONMENTAL PLANNING COMMISSION
July 26, 1984
SD-80-4-1

SD-80-4-1 Denney-Gross and Associates, Incorporated, agent for the Buchanan Group, Limited, requests Sector Development Plan Approval for Tracts 4-7, Plat of El Rancho Atrisco, Phase II; Parcels 391-395, Town of Atrisco Grant; portions of the NW/4, NW/4, Section 10, the S/2 of Section 4 and the N/2 of Section 9, all in T10N, R2E; located east of the Volcanic Escarpment, north of the Ladera Drainage Channel, and at the intersections of Ouray Road, Unser Boulevard, and Ninety-Eighth Street, N.W., containing approximately 385 acres. (G/H-9/10)

COMMENTS FROM OTHER DEPARTMENTS:

MICHAEL CONNOLLY/Air Pollution Control Division

"There could be some concern about the closeness of the housing adjacent to 98th Street and also Unser Boulevard since the traffic counts in a few years could be doubled. Appropriate buffers or offsets should be incorporated in the Sector Development Plan to alleviate the potential for high levels of air pollution."

LEONARD GREENSPAN/Albuquerque Public Schools

"No adverse comments."

DAN SABO/AMAFCA

"On Sheet 6 of 11 -- Drainage Plan. AMAFCA requests that the Ladera Arroyo easement west of Unser Boulevard more closely align with the constructed channel east of Unser. The detailed drainage plan should address channel improvements required for the main channel."

FRED AGUIRRE/GREG OLSON/City Engineering

"An approved Conceptual Grading and Drainage Plan is required prior to Sector Development Plan approval."

STEELE NOWAK/Council of Governments

"The Long Range Major Street Plan designates Unser Boulevard as a Principal Arterial, 98th Street as a Minor Arterial, and Ouray Road as a Collector. The amendment to the sector plan proposes a right-of-way width of 156 feet for Unser Boulevard and a right-of-way width of 106 feet for 98th Street; in addition, a right-of-way width of 68 feet for Ouray Road should be reserved."

DAMACIO SALAZAR/Environmental Health

"No adverse comments."

PATRICK GEISLER/Fire Department

"All development proposals within the jurisdiction of the City of Albuquerque must comply with Fire Code Ordinance 30-1983, must provide the required fire flow and fire hydrant distribution and must provide sufficient access for firefighting equipment."

MARY LOU HAYWOOD/Neighborhood Coordination

"No neighborhood association."

JANET SAIERS/Parks and Recreation

"In accordance with Ordinance 7-1976, as amended, the developer is required to dedicate land or pay cash-in-lieu of land, plus pay a development fee at building permit time.

The Sector Plan shows a 5+/- park site. We could not accept a park site with an arroyo traversing it. We may be interested in the portion on the north side of the arroyo with the well site. However, before a final determination is made, we would request an on-site inspection of the property.

The Open Space Division of the Parks and Recreation Department will address the open space requirements."

PAT EVERTSEN/Police Planning

"No adverse comment."

AL VALDEZ/Real Estate Officer

"No adverse comment."

EVE ASTORJA/Refuse Removal Division

"Residential bag -- curb service."

BOB FOSNAUGH/Traffic Engineer

"See previous comments. Trip generation table and roadway classification on Sheet 5 are not clear. Need additional information.

Traffic Engineer recommends a street crossing the Ladera Arroyo to tie the two residential areas together.

COMMENTS FROM OTHER DEPARTMENTS (CONTINUED):

JIM MILTON/Transportation

Median cuts on Unser will only be at one-half mile intersections. Developer should improve 98th, Unser, and Ouray in conjunction with project. No residential access will be allowed to Unser and 98th."

"Comments will be transmitted under separate cover."

JOE DAVID MONTANO/Planning
and Programming-Transportation

"The appropriate portions of Unser Boulevard, 98th Street, and Ouray Road must be improved in conjunction with the development of this site.

Residential frontage is prohibited on major streets such as Unser and 98th. Thus, the internal streets should be the only access to these lots.

Unser Boulevard has a median control policy of median openings on half-mile spacing. This must be observed in this sector area. Formal traffic forecasts from the Council of Governments should be requested to insure adequacy of proposed facilities."

LEORA JAEGER/Transit

"Page 8 of the amendment to one sector plan discusses transit services. There is insufficient detail given to comment on the transit comments. What provisions are made for bus traffic to serve the residential areas? What 'bus stop-parking area' is anticipated for the area? Where is a bus stop proposed in the commercial area? Transit staff would like to meet with the developer to discuss these details. Unser is a likely candidate for bus service. Additional access points from the development to Unser Boulevard would facilitate potential transit users."

RON ERSTGAARD/Water Resources

"Water service to the entire area must be provided from Zone 2W facilities. If the areas located above the zone 2W/3W boundary are to be developed, special service considerations will need to be addressed. A water and sanitary sewer service availability statement is required prior to Site Development Plan or Plat approvals."

BOB ROMERJ/Zoning Enforcement Officer

"No comment."

PLANNING DIVISION COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION, 7/26/84:

The applicant is requesting approval of an amendment to the El Rancho Atrisco, Phase 2, Sector Development Plan. The original plan was approved by the Environmental Planning Commission in September 1980, and established:

1. Seventy-six acres of open space, zoned RD, in the Rinconada Canyon.
2. 30 acres of residential uses (1-5 dwelling units to the acre) zoned R-D, also in Rinconada Canyon.
3. 120 acres of residential uses (6-to-9 dwelling units to the acre) zoned SU-1, north of Ouray and east of Unser.
4. 12 acres of commercial uses, zoned SU-1, south of Ouray and east of Unser.
5. 26 acres of IP uses, zoned SU-1, south of Ouray.
6. 7 acres of IP uses, zoned SU-1, east of Unser.
7. 73 acres of residential uses (1-5 dwelling units to the acre) zoned RD, north of the Ladera Arroyo and west of Unser Boulevard.

The applicant wishes to amend the plan in regard to Item 7. The proposal is to expand this area by 19 acres, to include the area between the Ladera Arroyo and Ninety-Eighth Street to the west, providing a variety of densities that would have a range of 6.3-to-9.8 dwelling units to the acre for the amended area. In addition, staff wishes to amend the plan in regard to Item 2. This area should be zoned R-D and designated as open space per the Comprehensive Plan.

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION

ENVIRONMENTAL PLANNING COMMISSION
July 26, 1984
SD-80-4-1

PLANNING DIVISION COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION, 7/26/84 (CONTINUED):

Area Characteristics and Zoning History

On the west and north are the Volcanic Escarpment and Rinconada Canyon, in the County and vacant. Most of this area has been acquired as open space per the Comprehensive Plan. To the north and east are lands in the City zoned R-1 and R-D and mostly vacant, with scattered single-family, detached development. To the south are electric switching stations and the Ladera Channel. Beyond the Ladera Channel to the southeast is El Rancho Atrisco, Phase III, zoned SU-1 for light-industrial and vacant. To the southwest is vacant land in the County.

Applicable Plans and Policies

The previous sector plan was approved by the Environmental Planning Commission in September 1980. Because it included parcels zoned other than R-D, the City Council adoption of the Plan was required. However, the City Council review was inadvertently omitted. The Plan is now before the Environmental Planning Commission for amendment. Once approved by the Commission, the plan will then be transmitted to the City Council for review and adoption. The property is located in the Developing Urban Area of the Comprehensive Plan.

Analysis

The proposed amendment to the area north of Ninety-Eighth Street and west of Unser Boulevard is generally acceptable. With the amendment, the maximum overall density for the Sector Plan will be 5.5 dwelling units to the acre, which is below the six dwelling units to the acre maximum set for the Developing Urban Area.

The proposal provides a variety of densities: 1-5, 6-10, 11-15, and 15-20 dwelling units to the acre. Such variety in housing type is encouraged by the Comprehensive Plan. However, four issues should be addressed.

First, the open space proposals should be included on the Plan map itself and should address the entire sector plan area. The open space statements in the supplemental text assume all development will be single-family, detached; clearly unlikely, based on established and proposed densities. Also, the applicant proposes to meet the open space requirements in the Ladera Arroyo. Such open space is acceptable only if outside the floodway that would be required to carry the projected flows.

Second, local access should be provided west of this Sector Plan to the area between the escarpment and the Ladera Arroyo.

Third, the Plan should contain provisions to insure adequate noise attenuation for residential property along Unser and 98th Street.

Fourth, all necessary Sector Plan information should be consolidated onto as few maps and pages as possible. Only information required by the definition of a Sector Plan need be provided, preferably such information should be shown on one map.

The second major issue concerns Rinconada Canyon. The 1980 staff report indicated that development, as proposed in the canyon, was contrary to the Comprehensive Plan. The Major Open Space component of the Comprehensive Plan shows this area as a public easement or right, the same designation as the volcanic escarpment. In addition, the Northwest Mesa Plan states that Rinconada Canyon should be obtained and developed as a Regional Park. The concerns of the Environmental Planning Commission's minutes of the 1980 meeting include statements that Rinconada Canyon is important ecologically and as open space. However, the findings of the Commission omit any reference to the issue. Because the Comprehensive Plan clearly indicates this area as open space, the Sector Plan should propose no development west of Unser Boulevard.

FINDINGS:

1. The change in area and densities of the parcel west of Unser Boulevard and north of Ninety-Eighth Street is an appropriate diversification of housing types.
2. The additional dwelling units do not exceed overall density limits established in the Comprehensive Plan.
3. The plan should be amended to:
 - accurately document open space and park requirements and specify how and when these requirements would be met;
 - show local access to property between the escarpment and Ladera Arroyo;
 - consolidate all required Sector Plan information; and
 - provide noise attenuation for residential property along Unser Boulevard and 98th Street.
4. The 106-acre area west of Unser Boulevard within Rinconada Canyon should be designated as Open Space/Regional Park, as indicated in the Major Open Space component of the Comprehensive Plan and Section 3 of the Northwest Mesa Area Plan.

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION

AGENDA ITEM NUMBER 2

ENVIRONMENTAL PLANNING COMMISSION
July 26, 1984
SD-80-4-1

PLANNING DIVISION COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION, 7/26/84 (CONTINUED):

RECOMMENDATIONS: APPROVAL OF SD-80-4-1, SUBJECT TO FINDINGS 1-4.

Charles Johnston
Planner

CJ/ffq

cc: Laurelwood Joint Venture and Westland Development Company, Incorporated, 400 Coors Boulevard, N.W.; 87105
Denney-Gross and Associates, Incorporated, 2400 Comanche, N.E.; 87107

IT IS REQUESTED THAT THE APPLICANT/AGENT BE PRESENT AT THE HEARING.

— PROTEST —

~~APPLICATION FOR APPEAL~~

Albuquerque/Bernalillo County Planning Division - 400 Marquette, N.W.

INSTRUCTIONS

PRINT OR TYPE IN BLACK INK ONLY. Use additional sheets if necessary. The completed application is to be submitted to the Planning Division by the applicant or agent. Each application must be accompanied by the filing fee (checks are preferred and made payable to the City of Albuquerque). All attachments must be submitted with the application and, after folding, shall not exceed 8 1/2 x 14 inches. Additional information may be obtained from the Planning Division (505) 766-7422.


APPEALING THE DECISION OF:

XXX Environmental Planning Commission
Zoning Hearing Examiner
Development Review Board
Other _____

CASE TYPE AND NUMBER

Zone Map Amendment: Z- _____
Subdivision: S- _____
Vacation: V- _____
Special Exception: ZA- _____
Other: File SD-80-4-1, Amendment 1
El Rancho Atrisco, Phase 2
Sector Development Plan .

APPELLANT INFORMATION

- a. Applicant: Westland Development Co., Inc. Telephone: 831-9600
Mailing Address: 401 Coors Boulevard N.W.
Albuquerque, New Mexico Zip Code: 87105
Applicant's Proprietary Interest in the Property: owner
- b. Agent (if any): Bernard P. Metzgar, Attorney at Law Telephone: 247-0100
Mailing Address Post Office Box 987
Albuquerque, New Mexico Zip Code: 87103
- c. Signature of applicant/agent:  Date: 08-10-84

REASON FOR APPEAL

(see attachment)

PLANNING DIVISION INTERNAL USE ONLY

Application and Fee Received by: Cynthia Bonny Date: Aug. 10, 1984
Fee Paid: Dollars \$ 40.00 Method of Payment: ck CREDIT: _____

TREASURER VALIDATION

Distribution: Secretary-Orig./Case File
Applicant/Agent
Treasurer

G-H
MAP NO. 9510
HEARING DATE: _____

CASE NUMBER: SD-80-4-1

~~AC-84-20-~~

ATTACHMENT TO APPLICATION FOR
APPEAL-WESTLAND DEVELOPMENT CO., INC.

Albuquerque/Bernalillo County Planning Division
400 Marquette, N.W.

File SD-80-4-1

Background:

Westland Development Co., Inc. was the original owner of all of the property within the El Rancho Atrisco, Phase 2, Sector Development Plan. The Environmental Planning Commission approved said Sector Plan at its meeting of September 18, 1980, and gave official notice of approval on September 26, 1980.

The Sector Plan that was approved established the following:

1. Seventy-six (76) acres designated Rinconada park, zoned R-D, in Rinconada Canyon.
2. Thirty (30) acres of residential uses (1-5 dwelling units to the acre) zoned R-D, also in Rinconada Canyon.
3. One hundred twenty (120) acres of residential uses (6-to-9 dwelling units to the acre) zoned SU-1, north of Ouray and east of Unser.
4. Twelve (12) acres of commercial uses, zoned SU-1, south of Ouray and east of Unser.
5. Twenty-six (26) acres of IP uses, zoned SU-1 south of Ouray.
6. Seven (7) acres of IP uses, zoned SU-1, east of Unser.
7. Seventy-three (73) acres of residential uses (1-5 dwelling units to the acre) zoned R-D, north of the Ladera Arroyo and west of Unser Boulevard.

Subsequent to the approval of the Sector Plan, Westland annexed approximately one-half of the area up to Unser Boulevard.

Westland also sold to Tri-Mac approximately one hundred (100) acres north of Ouray and east of Unser.

Tri-Mac thereafter submitted a site development plan and subdivision plat which were approved by the City in December 1980.

On December 29, 1983, Westland sold certain property to H.W. "Skip" Buchanan, a portion of which was located within the Sector Plan.

SD-80-4-1:

Mr. H.W. "Skip" Buchanan is the applicant of SD-80-4-1 which requests changes to Item 7 referred to above. City staff has said that:

"The proposal is to expand this area by nineteen (19) acres, to include the area between the Ladera Arroyo and Ninety-Eighth Street to the west (sic) providing a variety of densities that would have a range of 6.3-to-9.8 dwelling units to the acre for the amended area. In addition, staff wishes to amend the plan in regard to Item 2. This area should be zoned R-D and designated as open space per the Comprehensive Plan." (See Planning Division Comments to the Environmental Planning Commission, July 26, 1984, a copy of which is attached hereto as Exhibit "A").

By letter dated July 18, 1984 from Bernard P. Metzgar of Lamb, Metzgar and Lines, P.A., Attorneys at Law, Westland advised the Environmental Planning Commission that it did not oppose the Buchanan proposal so long as Westland's remaining land in Phase 2 was not changed from the original approved plan and so long as its densities were not in any way affected by the increased densities requested by Mr. Buchanan. (Copy of letter attached hereto as Exhibit "B").

Environmental Planning Commission Decision:

By official notification of decision dated July 27, 1984, Westland was informed of the Environmental Planning Commission's findings, a copy of which is attached hereto as Exhibit "C".

Westland hereby appeals for the following reasons:

1. Westland Development Co., Inc. is shown as an applicant of SD-80-4-1, along with Laurelwood Joint Venture. Westland understands that the City Planning Division inserted

Westland's name as an additional applicant. This action was done unilaterally without consulting Westland and without obtaining its consent. Denney-Gross & Associates, Inc. signed as agent for Westland on the application but Denney-Gross also did not have authority. (Denney-Gross was the agent for Laurelwood Joint Venture). Denney-Gross, prior to the Environmental Planning Commission meeting of July 26, 1984, notified Chuck Johnston of City Planning that they were not agents for Westland on this application and requested that Westland's name be withdrawn from SD-80-4-1. Without Westland as an applicant, neither the City nor Environmental Planning Commission has the authority to unilaterally amend an approved plan affecting Westland's property.

2. The notice of Public Hearing by Environmental Planning Commission on SD-80-4-1 stated that it was a request for Sector Development Plan approval for Tract A, El Rancho Atrisco, Phase 4, located between Ouray Rd., N.W. and 98th St., N.W. and between the escarpment and El Rancho Atrisco Unit 8, containing approximately 130.0873 gross acres. This area does not include any land presently owned by Westland and thus is not proper notice of a hearing on an amendment to the El Rancho Atrisco, Phase 2, Sector Development Plan. In addition, the Environmental Planning Commission had no authority to make any findings in regard to Westland's remaining land in Phase 2 of its approved Sector Development Plan.

3. After the approval by the Environmental Planning Commission in September 1980 of the El Rancho Atrisco, Phase 2, Sector Development Plan, Westland proceeded to plan the development of this area in accordance with the uses allowed by the Comprehensive Zoning Code. By the comments of the Planning Division set forth above and shown on Exhibit "A" and Finding number 4 of the Environmental Planning Commission, it appears that the Environmental Planning Commission is attempting to change the thirty (30)

acres of residential uses zoned R-D to R-D open space. This change is down-zoning the property which prohibits the uses allowed in the Zoning Code.

4. In the letter to the Environmental Planning Commission dated July 18, 1984 from Bernard P. Metzgar (see Exhibit "B") Westland stated that it did not oppose the Buchanan request for increased densities so long as the densities on Westland's remaining land was not affected. The Environmental Planning Commission failed to address this issue in its findings.


Bernard P. Metzgar
Attorney at Law
Agent for Westland Development Co., Inc.

INSTRUCTIONS

PRINT OR TYPE IN BLACK INK ONLY. Use additional sheets if necessary. The completed application is to be submitted to the Planning Division by the applicant or agent. Each application must be accompanied by the filing fee (checks are preferred and made payable to the City of Albuquerque). All attachments must be submitted with the application and, after folding, shall not exceed 8 1/2 x 14 inches. Additional information may be obtained from the Planning Division (505) 766-7422.

APPLICATION FOR:

- ZONE MAP AMENDMENT
- DEVELOPMENT PLAN REVIEW
 - Site Development Plan
 - Industrial Park Plan
 - Shopping Center Plan
- ANNEXATION
- SECTOR DEVELOPMENT PLAN
 - Conceptual Review
 - Planning Commission Review
 - Final Plan

* LAURELWOOD JOINT VENTURE
 2400 COMANCHE, N.E.
 ALBUQUERQUE, N.M. 87107
 PH. 884-0696

1. APPLICANT INFORMATION LAURELWOOD JOINT VENTURE*

a. Applicant: AND WESTLAND DEVELOPMENT CO., INC. Telephone: _____
 Mailing Address: 401 COORS BLVD. N.W.
ALBUQUERQUE, N.M. Zip Code: 87105
 Applicant's Proprietary Interest in the Property: OWNERS

b. Agent (if any): DENNEY-GROSS & ASSOC., INC. Telephone: 884-0696
 Mailing Address: 2400 COMANCHE, N.E.
ALBUQUERQUE, N.M. Zip Code: 87107

c. Signature of applicant/agent: [Signature] Date: 5-4-84

2. LOCATION OF REQUEST

a. Street Address (if any): NA

b. Legal Description of the Property:
 (1) Lot(s)/Tract(s): _____
 (2) Block: _____
 (3) Subdivision-Addition Name/MRGC Map: LAUREWOOD II EL RANCHO ATRISCO-PHASE II (G)

c. Location of Property by Streets: BETWEEN CURRY RD NW (AS CENTERLINE IS SHOWN ON ANNUAL ZONING PLAN OF EL RANCHO ATRISCO PHASE II) AND 95TH ST NW. (WHERE 95TH ST INTERSECTS UNSER BLVD) & BETWEEN THE REARRANGEMENT AND EL RANCHO ATRISCO UNIT B

d. Uniform Property Code: _____

3. PROJECT DETAILS

a. Present Zoning: A-1 Proposed: RD, SU-1 FER INDUSTRIAL & COMM

b. Number of Lots Existing: _____ Proposed: _____

c. Number of Dwelling Units Existing: _____ Proposed: 2842

d. Total Land Area Covered by Request: 6.655 Acres 131,000 Sq. Feet NET 116 acres

4. JUSTIFICATION (Reason) FOR REQUEST On a separate sheet describe why the current zoning is inappropriate and/or the proposed zoning more desirable for the community.

5. DESCRIPTION OF REQUEST On a separate sheet describe the proposed development.

6. ATTACHMENTS

| | |
|---|-----------|
| Zone Map Amendment or Development Plan Review | 30 copies |
| Zone Map Amendment and Annexation | 40 copies |
| Sector Development Plan | |

PLANNING DIVISION INTERNAL USE ONLY

Cross-references: _____ No. Signs Issued: _____

Application and Fee Received by: Chuck Date: 4 May 84

Fee Paid: Dollars \$ 160 Method of Payment: CREDIT

TREASURER VALIDATION W/pd. 4 AM 4 May
SD-80-4-1

Distribution: Secretary-Orig./Case File
 Applicant/Agent
 Treasurer

MAP NO. G & H 9, H-10
 HEARING DATE: 21 June 84
 CASE NUMBER: _____

BUCHANAN GROUP LTD.

SKIP BUCHANAN
PRESIDENT

July 26, 1984

Mr. Chuck Johnston
Municipal Development Department
Planning Division
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: SD-80-4-1

Dear Mr. Johnston:

In accordance with your request, we make the following comments on some of your findings in connection with subject item. Only finding 3 affects our proposed development. Therefore, our comments are limited to that item and its sub-items.

Item 3A specifies that we should document open space requirements and specify how those requirements can be met. Open space requirements are calculated as follows:

| | | | |
|------------------------------|---|-------------|----------------|
| 100% for 11+ acres of 1-5 DU | = | 0 | acres required |
| 75% for 42+ acres of 6-10 DU | = | 10.50 | acres required |
| 50% for 21+ acres of 11-5 DU | = | 10.50 | acres required |
| 25% for 5+ acres of 16-20 DU | = | <u>3.75</u> | acres required |
| Total Required | | 24.75 | |

We will satisfy 3.4 acres with a 50' wide foot trail at the base of the escarpment and 3 to 5 acres with the floodway of the Ladera Arroyo (depending on final engineering design), leaving approximately 16.71 to 18.71 acres to be met by the cash-in-lieu option in effect at the time building permits are requested.

As to finding 3B, we enclose herewith twelve (12) copies of sheet 5 showing that access will be provided to the area between the escarpment and the Ladera Arroyo.

Finding 3C specifies that we should consolidate all sector plan information. We are not exactly sure what this means, since we believe that it has been consolidated and has been presented in the proper manner.

Mr. Chuck Johnst
City of Albuquerque
July 26, 1984
SD-80-4-1
Page -2-

Finding 3D. We agree, that given the traffic volumes which are likely to occur in the future along 98th Street and more particularly Unser Boulevard, that some noise attenuation may be necessary. We propose to provide such attenuation based on Council of Government forecasted traffic counts for these two streets by constructing solid masonry walls, earthen berms, landscaping, or some combination of all three of these methods of attenuation.

We trust that this is the information that you require. However, if additional data is required, we will be pleased to submit it.

Very truly yours,



Skip Buchanan

SB/cbk

Enclosures

CITY OF ALBUQUERQUE

MUNICIPAL DEVELOPMENT DEPARTMENT

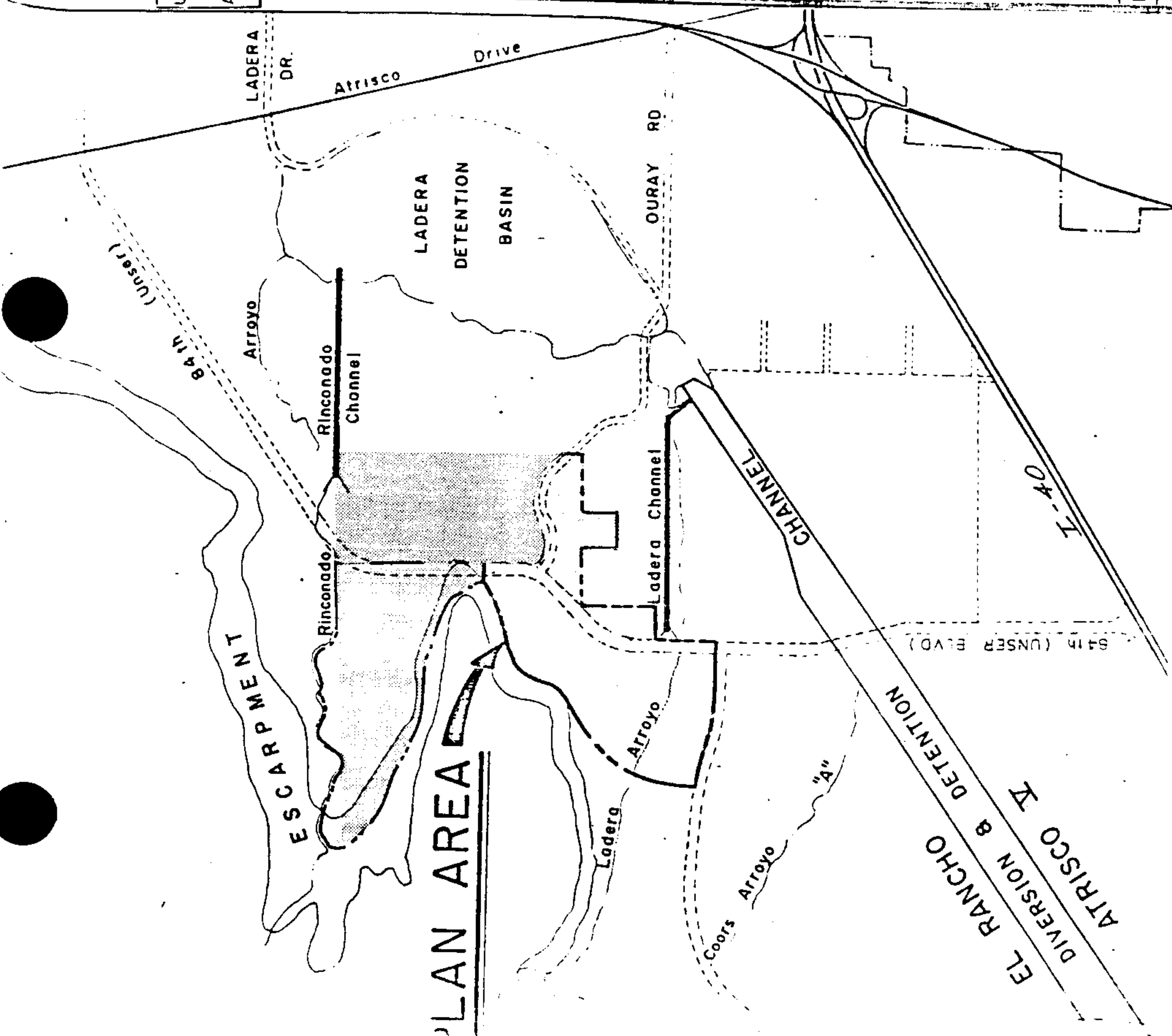
PLANNING DIVISION



SD-80-4-1 - The Environmental Planning Commission recommends approval of a request for a Sector Development Plan Approval for Tracts 4-7, Plat of El Rancho Atrisco, Phase II; Parcels 391-395, Town of Atrisco Grant; portions of the NW/4, NW/4, Section 10, the S/2 of Section 4 and the N/2 of Section 9, all in T10N, R2E; located east of the Volcanic Escarpment, north of the Ladera Drainage Channel, and the intersections of Ouray Road, Unser Boulevard, and Ninety-Eighth Street, N.W., containing approximately 385 acres. (G/H-9/10) Original request submitted by Denney-Gross and Associates, Incorporated, agent for the Buchanan Group, Limited.

7-19-84

HEARING: 6-21-84 MAP: 9-4-9-10



CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

November 1, 1984

REF. NO. _____

TO: Thomas W. Hoover, City Council President
FROM: Harry E. Kinney, Mayor *Harry E. Kinney*
SUBJECT: SECTOR DEVELOPMENT PLAN TO BE INTRODUCED AT THE NOVEMBER 5, 1984,
CITY COUNCIL MEETING

The following Sector Development Plan is submitted herewith as a result of the Environmental Planning Commission's action taken on July 19, 1984, for introduction at the November 5, 1984, City Council Meeting.

SD-80-4-1 The Environmental Planning Commission recommends approval of a request for a Sector Development Plan Approval for Tracts 4-7, Plat of El Rancho Atrisco, Phase II; Parcels 391-395, Town of Atrisco Grant; portions of the NW/4, NW/4, Section 10, the S/2 of Section 4 and the N/2 of Section 9, all in T10N, R2E; located east of the Volcanic Escarpment, north of the Ladera Drainage Channel, and the intersections of Ouray Road, Unser Boulevard, and Ninety-Eighth Street, N.W., containing approximately 385 acres. (G/H-9/10) Original request submitted by Denney-Gross and Associates, Incorporated, agent for the Buchanan Group, Limited.

The attached ordinance and report is transmitted herewith for consideration and action by the City Council.

ah

Attachments

REVIEWED BY:

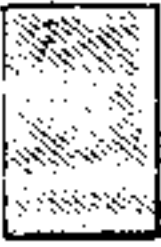
Carl P. Rodolph
Carl P. Rodolph, Director
Municipal Development Department

RECOMMENDED BY:

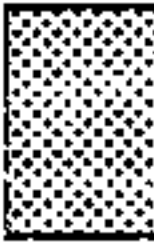
Frank A. Kleinhenz
Frank A. Kleinhenz
Chief Administrative Officer

STUDY AREA

SECTOR PLAN
APPROX. 365.8 ACRES



ANNEXATION
APPROX. 146.77 ACRES

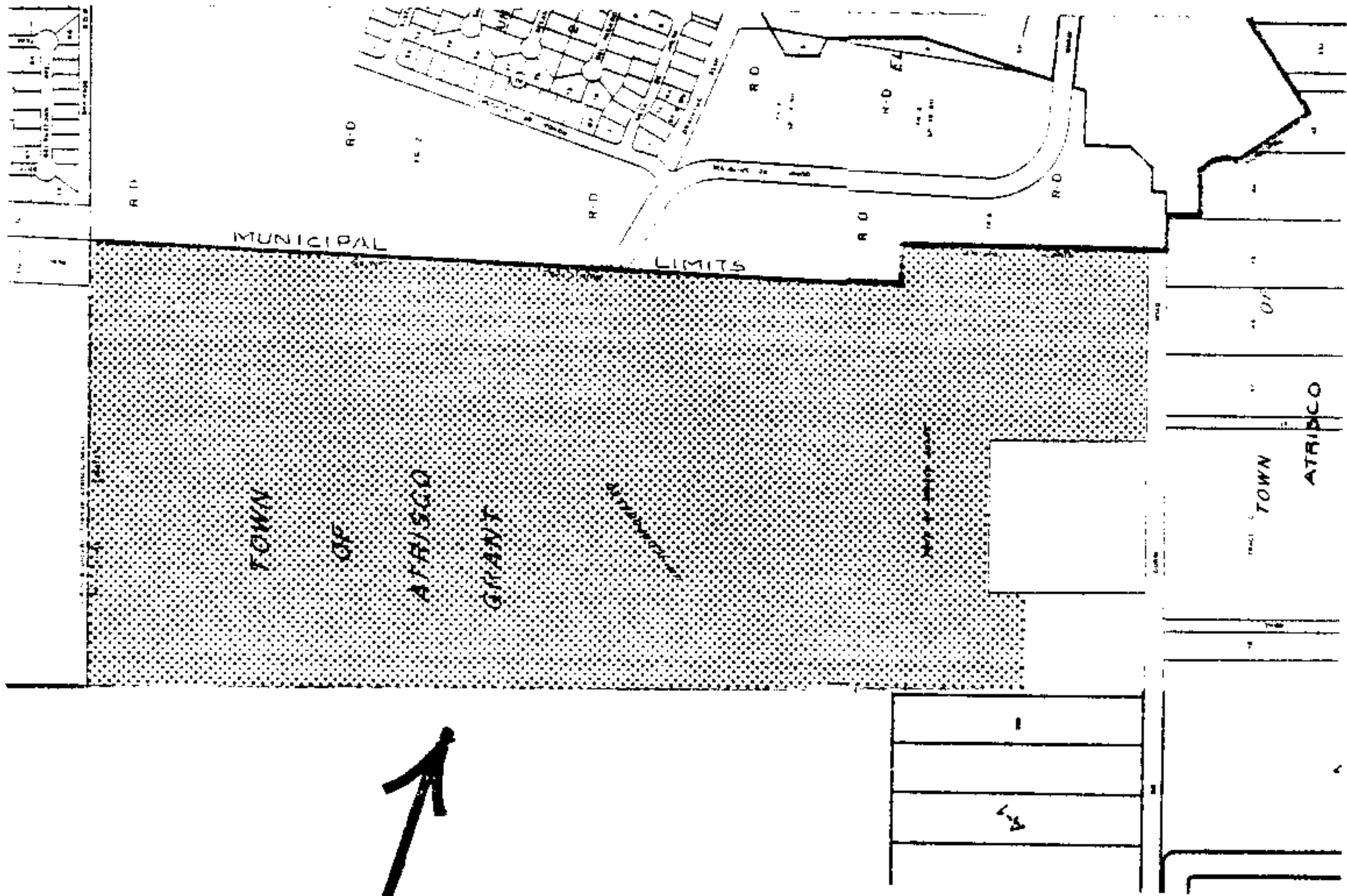


Albuquerque • Bernalillo County PLANNING DEPARTMENT

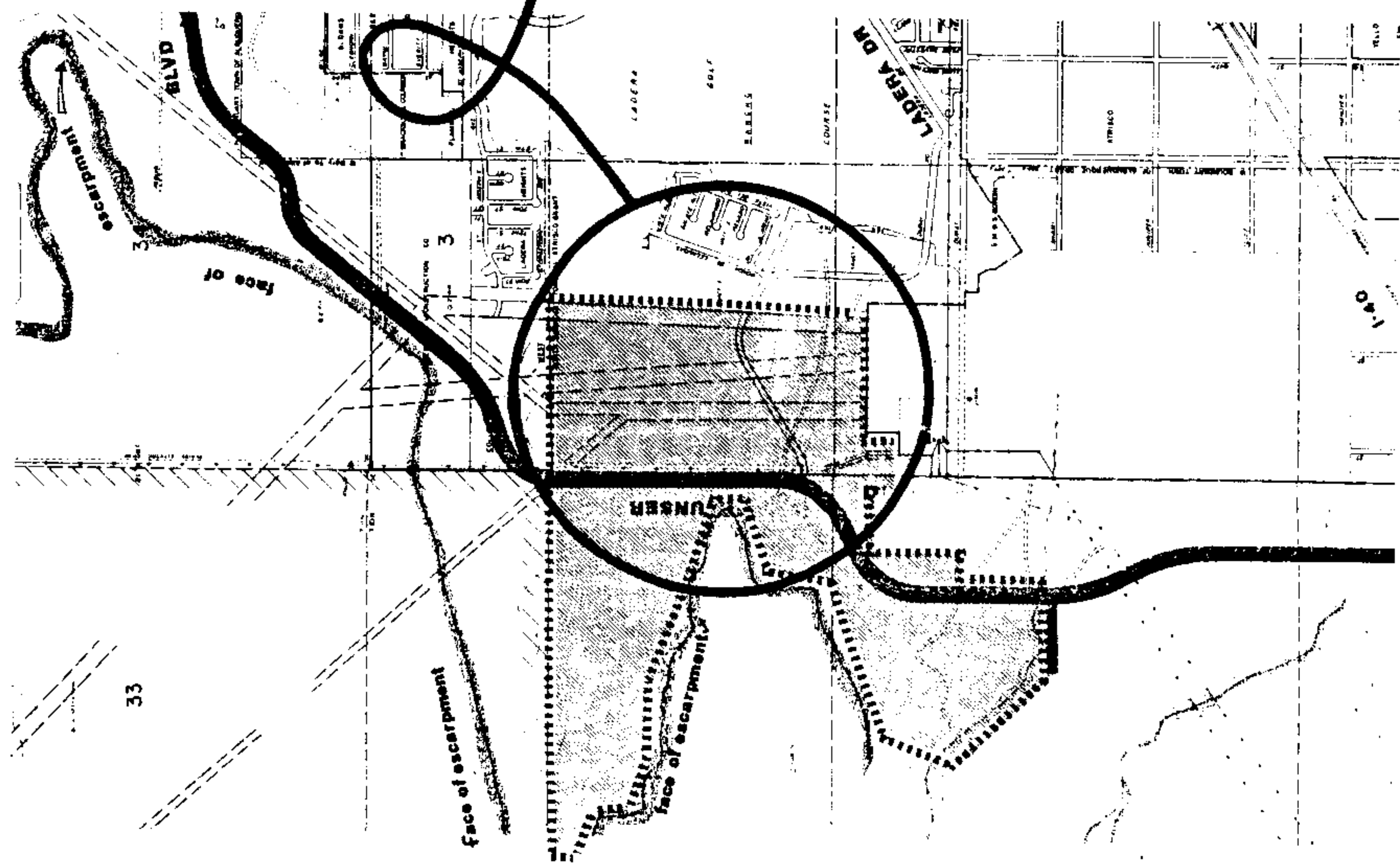
| | | | | |
|-----------|-------------|---------|------------|--------|
| By | Date | Checked | Scale: | NONE |
| Plat: | SCA 10 Sept | 09 | Air Photo: | |
| Zoning: | | | Source: | G/H-10 |
| Land Use: | | | MRGCD: | |

Description: SECTOR PLAN APPROVAL,
SUBDIVISION APPROVAL, ANNEXATION
AND SIMULTANEOUS ESTABLISHMENT OF
R-D ZONING FOR TRACT OF LAND IN
SECTIONS 3, 4, 9 & 10, T10N, R2E TOWN
OF ATRISCO GRANT

| | | | |
|------------------------|------------------|-------------|----------|
| Applicant or Agent: | BO JOHNSON | File Number | SD-80-4 |
| CPC | Hearing: 9-18-80 | | S-80-28 |
| CC | | | AX-80-18 |
| BCC | | | Z-80-87 |



ANNEXATION



SECTOR PLAN

OFFICIAL NOTICE

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION
P.O. Box 1293, Albuquerque, New Mexico 87103

Westland Development Co
401 N. Coors Blvd, NW, Suite 201
Albuquerque, N.M. 87105

DATE: September 26, 1980

NOTIFICATION OF DECISION

File: SD-80-4, AX-80-18, Z-80-87, S-80-28

Location:

Sections 3 & 10, T1pN, R2E, Town of
Atrisco Grant, approx 146.77 acres
(G & H-10)

FINDINGS:

1. The area north of Ouray Boulevard should be zoned SU-1 for residential uses of 6-9 dwelling units, gross acreage, for lands east and west of the power lines.
2. The alignment of Unser Boulevard shall be negotiated with the City Traffic Engineering Department.
3. The applicant shall agree to dedication and annexation of the right of way of Unser Boulevard.
4. The area south of Ouray Boulevard and east of Unser be zoned SU-1 for IP and C-1 uses, with 12 acres being the maximum commercial allowed. Configuration for this area shall be worked out with staff.

BE IT RESOLVED that SE-80-4, AX-80-18, Z-80-87 be approved, subject to the Findings.

If you wish to appeal this decision, you must do so by October 3, 1980 in the manner described below. A non-refundable filing fee of \$40 is required at the time the appeal is filed.

Appeal to the City Council. Any person aggrieved with any determination of the Environmental Planning Commission acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Division form to the Planning Division 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 60 days of its filing.

You will receive notice if any other person files an appeal. If there is no appeal you can receive building permits 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).

IF YOU RECEIVE APPROVAL FOR ANY REQUEST WHICH REQUIRES A SITE DEVELOPMENT PLAN, SEE ATTACHED SHEET FOR FURTHER INFORMATION.

Sincerely,


Evelyn Jeys,
Board Secretary

Letter of
Advice

cc: Bo Johnson/Trinity Enterprises,
401 Coors, N.W., Suite 202, 87105

AGENDA ITEM NO. 5
ENVIRONMENTAL PLANNING COMMISSION
September 18, 1980
SD-80-4, AX-80-18, Z-80-87, S-80-28

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION

AX-80-18 Bo Johnson/Trinity Enterprises, agent for Westland Development Co.
requests annexation and simultaneous establishment of R-D zoning
S-80-28 for a tract of land in Sections 3 & 10, T10N, R2E, within the Town of Atrisco Grant, located west of Ladera Golf Course and east of Rinconada Canyon, containing approximately 146.77 acres. (G & H-10)

COMMENTS FROM OTHER DEPARTMENTS:

APS "No adverse comment."
Transportation Department "We see no need for the reverse curve in Unser Blvd. north of Ouray. Unser Blvd. should parallel the P.N.M. easement on the east side from the Rinconada Channel to Ouray and should cross the P.N.M. easement south of Ouray. Dedication of rights-of-way for Unser and Ouray should be conditions of approval."
AMAFCA "No objection to annexation or zone change. There is no indication that drainage has been considered in the subdivision layout. Recommend subdivision not be approved until drainage report is submitted and approved."
Environmental Health "No adverse comment."
Gas Co. of NM "Approves."
Mountain Bell "No adverse comment."
DOG "Function classification of Unser Blvd. is currently under reappraisal. In all probability, Unser will be an arterial of major significance. Thus, alignment and right-of-way may be subject to change. Recommend deferral until next Area Plan is adopted."
Refuse Removal Division "The Albuquerque Refuse Service can provide service to any new residences or businesses within the city limits at virtually no additional cost to the city. Limitation-the only limitation placed on servicing areas is that development proceeds gradually outward from the existing city limits with no leap-frogging permitted. Service to any development would require moderate to major expenditures for equipment and manpower."
Parks & Recreation "In accordance with Ordinance 7-1976, as amended, the developer is required to pay a development fee at building permit time, plus dedicate land or cash-in-lieu of land."
Zoning Enforcement "Plat approved only. Do not accept building location at this time."
Fire Department "Albuquerque Fire Department provides city class fire protection providing that the following requirements are met: Development must comply with Fire Code Ordinance 50-1975; Provide required fire flow and hydrant distribution; provide sufficient access for fire equipment; and col-de-sacs - 40' radius minimum."
Real Estate Officer "No adverse comment."

PLANNING DIVISION COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION, 8-19-80:

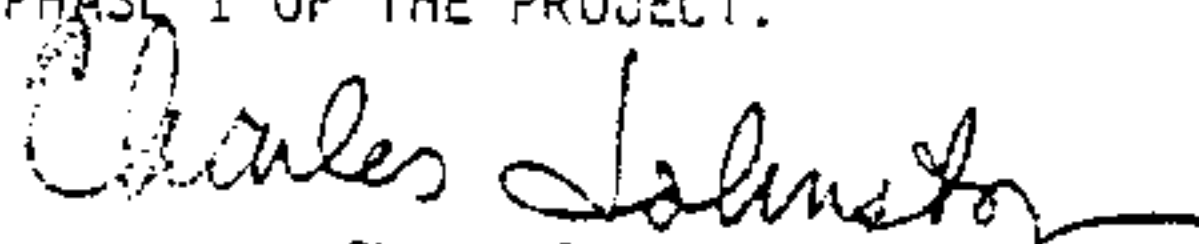
The applicant is requesting approval of annexation, zoning, and subdivision of 147 acres located west of the Ladera Golf Course and in the northeast corner of El Rancho Atrisco Area Plan.

The Area Plan was adopted on May 29, 1980, subject to the submittal of an addendum that addressed the concerns of the EPC regarding open space, drainage, and major traffic facilities, among other issues. Further, the plan was approved subject to the review of a Sector Development Plan for each of the 6 phases of development when annexation and zoning would be requested in each of these development areas.

Until the addendums to the Area Plan are approved, and a Sector Plan submitted for Phase 1, it is premature to consider this request.

RECOMMENDATION:

INDEFINITE DEFERRAL OF AX-80-18, Z-80-87, S-80-28 UNTIL THE APPROVAL OF THE ADDENDUMS TO EL RANCHO ATRISCO AREA PLAN AND THE SUBMITTAL OF A SECTOR DEVELOPMENT PLAN FOR PHASE 1 OF THE PROJECT.


Chuck Johnston
Planner

CJ:nb

cc: Westland Development Co., 401 N. Coors Blvd., NW, Suite 201, 87105
Bo Johnson/Trinity Enterprises, 401 N. Coors, NW, Suite 202, 87105

SD-80-4 30 Johnson/Trinity Enterprises, agent for Westland Development Co. requests approval of
AX-80-18 sector development plan, containing approximately 365.8 acres and annexation and simultaneous
Z-80-87 establishment of R-D zoning for approximately 146.77 acres of aforementioned sector development
plan; for tract of land in Sections 3, 4, 9 & 10, T10N, R2E, Town of Atrisco Grant, located
between Ladera Golf Course and the face of the Escarpment, containing approximately 365.8 acres.
(G-9 & 10, H-9 & 10)

COMMENTS FROM OTHER DEPARTMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION, 9/18/80:

Transportation: "Ouray should be realigned northward to provide a better approach to Unser."
City Engineer: "a. A drainage study will be submitted for approval prior to approval of plat, sector
plan and development plan.
"b. Included in this study should be the treatment of on-site and off-site drainage
courses. Of major concern are the locations and treatment of drainage flows as the
affect adjacent subdivision.
"c. Who will maintain the area between the two north-south PNM easements?"
Parks & Recreation "According to Ordinance 7-1976, as amended, the developer is required to dedicate land
or cash-in-lieu of land, plus pay a development fee at building permit time. However,
we would like to discuss further the recommendations regarding park dedication as
outlined in the Sector Plan for the subject subdivision. However, we endorse the rail
concept and the proposed dedication of Rinconada Park."
Refuse: "The Albuquerque refuse service can provide service to any new residence or business
within the City of Albuquerque at initially no additional cost to the City.
Limitations: the only limitation based on servicing areas is that development proceeds
gradually outward from existing City limits, with no leap-frogging permitted. Service
to any development would require moderate to major expenditures for equipment and
manpower."
Zoning Enforcement: "No comments."
Environmental Health: "No adverse comments."
Fire: "Must comply with Fire Code Ordinance 50-1975 and provide required fire flow and fire
hydrant distribution. Provide sufficient access for fire fighting equipment."
Real Estate: "No adverse comment."
APS "No adverse comment."
Traffic: No reply received.
Police No reply received.
City Hydrologist No reply received.
COG No reply received.
Water Resources No reply received.

PLANNING DIVISION COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION, 9/18/80:

The applicant is requesting approval of a Sector Development Plan of 366 acres as the first phase of the El Rancho Atrisco Area Plan. The property is generally located between Ladera Golf Course, the Escarpment and the Ladera Drainage Channel. Included in the property is the south half of Rinconada Canyon. Accompanying this request is a request for approval of annexation, zoning and subdivision of 147 acres within the 366 acre first phase.

The power line easements that cross this property north of Ouray Road make conventional detached unit development awkward and inappropriate. The property should be developed under SU-1 zoning, with the units clustered and not with a detached single family home character. An average density for this entire parcel of 6 Dwelling Units per acre should be established with the provision that the units be clustered and in an apartment and/or townhouse arrangement.

The commercial/light industrial area south of Ouray Road should be shifted. Such uses are appropriate. However, the strip character of the commercial zoning is very inappropriate. Approximately 10 acres of commercial development was shown for this area by the El Rancho Atrisco Area Plan. Ten to fifteen acres of neighborhood commercial development should be established between Ouray Road and the PNM station, along the east boundary of the subject property. The remainder of the property south of Ouray Road and east of Unser Boulevard should be developed with light industry. The small island of commercial uses at the N.E. corner of Ouray Road and Unser Blvd should be eliminated by shifting Ouray Road to the north.

The proposed residential development west of Unser Boulevard in Rinconada Canyon is not in conformance with the N.W. Mesa Area Plan as approved by the EPC-CPC. The Plan shows the subject property as part of additional major open space in the area which includes the entire Rinconada Canyon up to Unser Boulevard.

The proposed residential and light industrial uses in the SW portion of the Sector Plan are appropriate.

AGENDA ITEM NO. 5
environmental planning commission
September 18, 1980
SD-80-4, AX-80-18, Z-80-87

Annexation of this property is generally appropriate and conforms to all applicable City policies. Any future annexation request for the Rinconada Canyon should not be considered pending acquisition/dedication of this area for open space.

The requested zoning pattern is generally appropriate and follows the El Rancho Atrisco Area Plan. However, it should be modified as recommended below.

The property north of Ouray Road and east of Unser Boulevard should be zoned SU-1 for a planned residential cluster development with an average density of 6 DU/ac. SU-1 zoning is recommended because the power line easements transversing the property make conventional development patterns inappropriate. It should be noted that the property is in the Developing Urban Area which has a maximum average density of 6 DU/ac as recommended.

Ten acres between Ouray Road and the PNM facility and along the eastern border of the property should be zoned C-1 for neighborhood commercial development. The remainder of the property in the SE quadrant of the Unser Blvd/Ouray Road intersection should be zoned IP.

The remaining property to the SW should be zoned when annexation is requested, with RD zoning on the west side of Unser Blvd and IP zoning on the east side of Unser Boulevard.

- FINDINGS:
1. The Sector Development Plan should be amended to show:
 - a. the entire property west of Unser Boulevard in Rinconada Canyon as Park/open space.
 - b. the intersection of Ouray Road and Unser Blvd should be shifted as recommended by the Transportation Department and so as to eliminate the residual property between Ouray Road, Unser Blvd and the power line easement.
 - c. the property north of Ouray Road and east of Unser Blvd should be designated for cluster residential development with an average of 6 DU/acre.
 - d. the proposed commercial development should be located between Ouray Road and the PNM facility along the east boundary of the request.
 - e. the remaining property south of Ouray Road east of Unser Blvd should be developed with light industrial uses.
 2. The annexation is appropriate and conforms to all applicable City policies. The requested zoning generally follows the El Rancho Atrisco Area Plan but should be modified such that:
 - a. the entire property north of Ouray Road and east of Unser Blvd should be zoned SU-1 for a planned cluster residential development with an average density of 6 DU/acre.
 - b. Ten acres between Ouray Road and the PNB facility along the eastern border of the property should be zoned C-1
 - c. the remaining property south of Ouray Road should be zoned IP.

RECOMMENDATION: Approval of SD-80-4, AX-80-18, Z-80-87, subject to the above findings.

Chuck Johnston, Planner

CJ:edj

cc: Westland Development Co., 401 N. Coors Blvd., N.W., Suite 201, 87105
Bo Johnson/Trinity Enterprises, 401 N. Coors Blvd., N.W., Suite 201, 87105

IT IS REQUESTED THAT THE APPLICANT/AGENT BE PRESENT AT THE MEETING.

City of Albuquerque

WATER RESOURCES DEPARTMENT
ENGINEERING DIVISION

MEMORANDUM - September 11, 1980

TO - Mr. Gene Mares, Planner, MDD

FROM - P. Brasher, Engineer, WRD *Paul Brasher*

SUBJECT - PLANNING ACTION SD-80-4; S-80-28; AX-80-18, Z-80-870
EL RANCHO ATRISCO PHASE II SECTION PLAN (G-10, H-10)

The Engineering Division of the Water Resources Department has reviewed subject action and submits comments as follow:

The text of the sector plan, as it relates to water and sewer, presents a generally accurate overview of the water and sewer aspects of the proposed sector plan. It must be clarified however, that though the construction of facilities for service above elevation 5255' may be a two to three year process as cited in the sector plan text, no such projects are currently planned or programmed in the Water Resources Department's six-year CIP.

PB:ht

cc: P.D. Noland
M. E. Mendoza
f/Project
f/Readers


CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

September 3, 1980

REF. NO. _____

TO: Gene Mares, Planning Division, Municipal Development Department
FROM: James P. Milton, Planning & Programming Division, Transportation Dept. 
SUBJECT: Comments on Sector Plans for September, 1980.

The Planning and Programming Division has reviewed the sector plans for the September, 1980 Environmental Planning Commission agenda and submits the following comments:

SD-80-3/AX-80-26/Z-80-122:

A sixty foot right-of-way should be established for the "Public Residential Street".

SD-80-4/AX-80-18/Z-80-87/S-80-28:

Due to topographic and drainage constraints, Unser Boulevard cannot reasonably be accommodated between the "60 foot easement" and the toe of the escarpment. Unser should be located immediately east of this easement in this area. Ouray should be realigned northward to provide a better approach to Unser.

This will complement our memo of August 28, 1980 concerning September zoning requests.

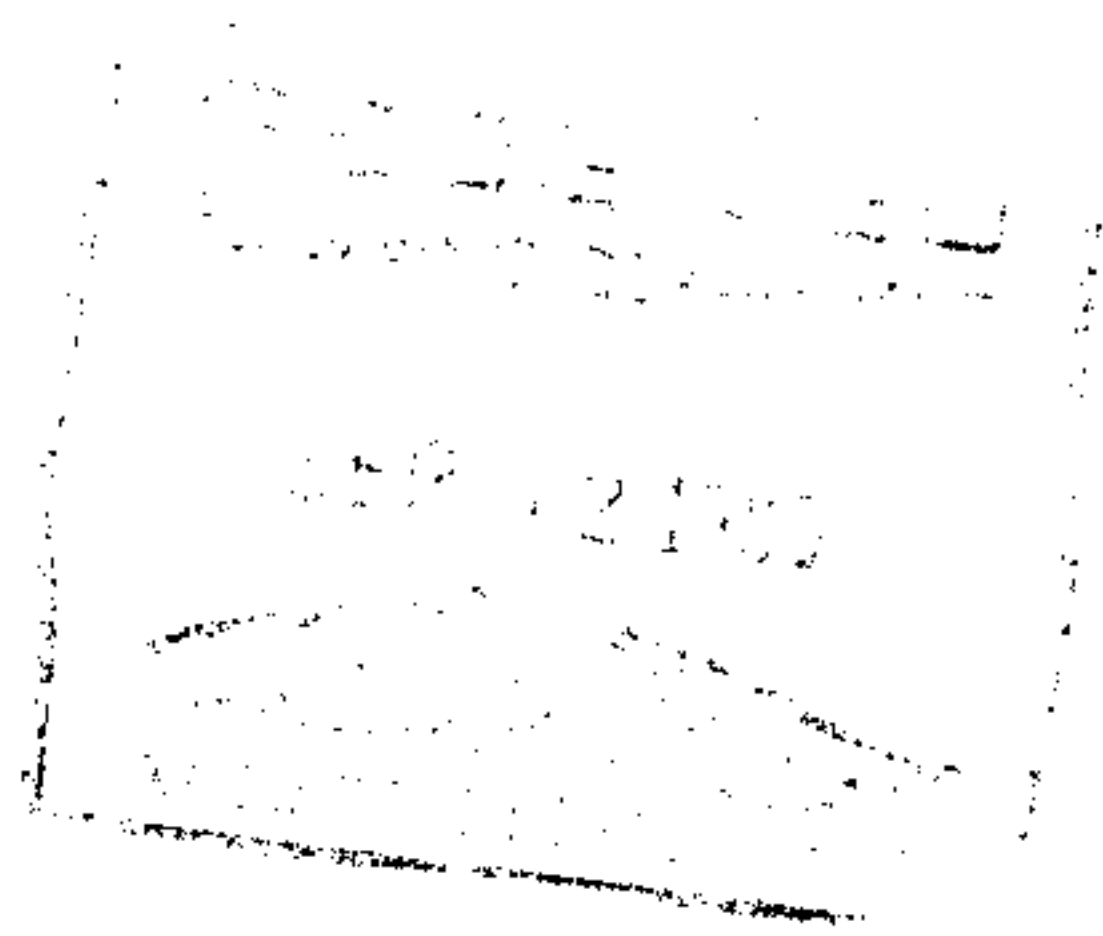
JPM/eh

cc: Robert Fosnaugh, Traffic Engineering

RICHARD E. LEONARD
EXECUTIVE ENGINEER

**Albuquerque
Metropolitan
Arroyo
Flood
Control
Authority**

2600 PROSPECT AVE. N.E.
P. O. BOX 25851 - ALBUQUERQUE, N. M. 87125
TELEPHONE 344-3516



B. H. SWINBURNE, CHAIRMAN
WILLIAM V. HEREFORD, VICE-CHAIRMAN
FRANCES MCCOY, SECRETARY-TREASURER
VERNON DOAK, DIRECTOR
KLESTON LAWS, DIRECTOR



August 29, 1980

To: Albuquerque/Bernalillo County Planning Division
From: AMAFCA *De Zabo*
Subject: Comments - EPC Hearing - September

Z-73-190-1 Skating Rink Hours
AMAFCA not affected.

Z-80-117 Pracon Heights
Defer to City Engineer's comments.

SD-80-4, El Rancho Atrisco, Phase II Sector Plan
AX-80-18, No objection to annexation or zone change.
Z-80-87, The sector plan appears to conform to the
S-80-28 master drainage plan for the West Mesa. A
drainage report is required prior to subdivision
approval.

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

August 26, 1980

REF. NO. _____

TO: Gene Mares, Principal Planner, Planning Division

FROM: Robert L. Burgan, Chief Planner, *RB* Parks and Recreation

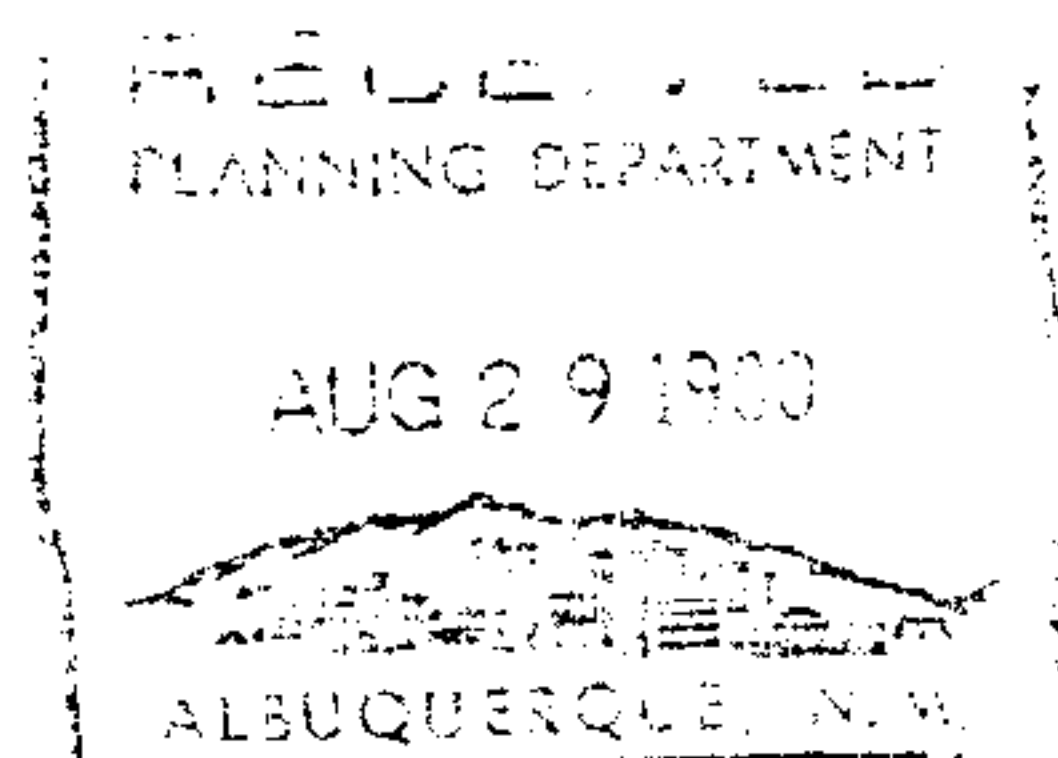
SUBJECT: AX-80-18
Z-80-87
SD-80-4
El Rancho Atrisco, Phase II, Sector Plan

According to Ordinance 7-1976, as amended, the developer is required to dedicate land or cash-in-lieu of land, plus pay a development fee at building permit time. However, we would like to discuss further the recommendations regarding park dedication as outlined in the Sector Plan for the subject subdivision. However, we endorse the trail concept and the proposed dedication of Rinconada Park.

RLB:js

APPROVED: _____

Orlando D. Sedillo
ORLANDO D. SEDILLO, Director
Parks and Recreation



Thirdly, you included with the drainage report a soil investigation performed in 1977 by F.M. Fox & Associates. That report pertains to lands to the east of the parcel to be developed and cannot be used as a document for this development. Among other things, the report conveys no information on some peculiar morphologic features of the 111.23 Acres under consideration; more specifically, the knoll mentioned in the previous paragraph and the ridge which is located along the boundary between parcels 4a and 4c and which extends eastward, across the El Rancho Atrisco de los Santos. These features clearly warrant detailed soil analysis since they could be the surface expression of underlying rock formations.

Fourthly, I am including for your review a copy of the orthophoto map on a scale of 1"-500', recently secured by the City. The information contained therein is more detailed than the information conveyed by the U.S.G.S. Quadrangle maps. One particularly intriguing piece of information, obtained and documented photographically by staff, is that what may have been a trail (such is the indication on the quadrangle map), has actually become a watercourse, which collects the runoff along the toe of the northern face of the lava flow.

The mentioned reconnaissance of the top of the lava flow, also indicates that the area contributing its flow to the channel constructed by Candlelight Homes between El Rancho Atrisco Unit II and Unit 8, may amount to almost 500 Acres. Further, that portion of the contributing area which is located on top of the Mesa appears to be impervious. Certainly, the appearance of the basaltic formation does not warrant the assumption of a value $C=0.1$ for the coefficient of runoff.

At the base of the cliff the runoff is collected by alluvial channels and undoubtedly channel losses will be experienced but not to the extent that you indicate.

The field reconnaissance of the land under discussion was made together with representatives of the U.S.G.S., since it is the intent of this office to increase the hydrologic data collection network in the metropolitan area. It is my belief that until a better understanding of the hydrology of the West Mesa is achieved, we must select conservative models and values for the peak flows that we can anticipate in our channels.

Taking a closer look at the actual drainage and development plan for the 111.23 Acres submitted to my office I note that the drainage of the land to the West of the proposed Unser Boulevard will be intercepted by this major thoroughfare. Since said land slopes northeasterly, to the west and north of the P.N.M. Switching Yard, and would be collected by the anticipated extension of Ouray Road, a plan must be devised for the collection and conveyance to an adequate point discharge of the runoff generated by that land.

Items that need to be adequately discussed in the report are as follows:

- A - To the west of parcel 1b the drainage plan shows "temporary detention and sedimentation pond to be constructed and maintained until multi-family site is developed", "with dimension to be determined with future Development". The same pond also bears the indication "park and ride lot". This last designation appears to conflict to the designation of "dedicated open space and trail network".

As recognized by your master plan, strict compliance with Resolution 72-2 was called for, in order not to invalidate the design assumptions of the Ladera Detention Area and of its restricted outfall. In all cases, the topographic configuration of this pond must be supplied together with a definition of the outflow drain and of the overflow spillway. Further, a clear indication must be supplied of the ultimate peak discharge resulting from the contribution of the future apartment or condominium development, park and ride lot, added to the discharge from "offsite basin three", from the parcels 4a and 4b, to the drainage from Unser Boulevard, from Ouray Road and from the Land north of the switching yard. The indication must also be supplied on what will be the combined flow from the areas just mentioned when added to the flow collected by the desilting pond #3.

Incidentally, I want to point out that land which is necessary for drainage purposes (if, for instance, it is necessary to maintain a reduction of the peak discharges and control the outflow from a development), and which will contain standing water with every storm occurrence, could not be accounted for and accredited as "open space", in view of the fact that the primary function of that land is a drainage function; only incidentally that land can provide other beneficial uses.

- B - Much more detailed information needs to be furnished on how flows would be conveyed to the different ponding areas; for instance, given the indication that 48 cfs collect at the intersection located west of the drainage easement in parcel 1b, the Engineer must indicate the proposed water depth at that location. Also, the Engineer must demonstrate that said and lesser flows will not be detrimental to traffic.

Similar determination will have to be supplied for the location where the proposed drainage easement from the northern half of parcel 1a, drains into the indicated collector street; also how will then the combined flow be routed to the dedicated open space?

- C - Will the flows intercepted by the dike west of the single family parcel be conveyed south to the park and ride lot or will it be intercepted by the collector street bisecting the single family housing? In this last case what desilting facilities will be provided to collect only clear water onto the pavement? If the flow under ultimate conditions will be conveyed under the pavement in a structure, what size and configuration will this structure have? What configuration will the ultimate drainage channel west of the single family parcels have? What is the anticipated ultimate discharge after the development of the apartment project?
- D - There is no indication of the anticipated treatment of the almost five acres east of the northern half of El Rancho Atrisco de los Santos. In the same vein, the question on how the flow from the northernmost tier of lots in this parcel will be conveyed to the Rinconada Channel needs to be discussed; the scope and extent of the Rinconada Channel bank stabilization which appears to be performed outside the boundaries of this property.
- E - In regard to the flows generated by parcels 3 and 4c, how much will this flow be and how will this flow be conveyed to the Rinconada Channel? Will an easement be available on the Rinconada Channel itself? How will the channel presently experiencing flows only during storms with precipitation exceeding the natural retention and detention volume of the watershed, operate, when subjected to frequent yearly occurrences?
- F - Much more detailed information will have to be supplied before approval of any site development plans can be granted for all these parcels. For instance, on Basin 4a how will the flow collected by the channel between Lots 80 and 81 be made to cross the street without interfering with the traffic? The flow will have to be conveyed within a structure under the pavement since the City cannot accept a surface flow perpendicular to a public street when the flow is likely to be loaded with sediment. What will the right-of-way of the proposed drainage facility be? How will the flow be diverted to the drainage easement? I note here that since the flow is to be diverted for the purposes of this development, the Engineer will have to supply an indication on how the flow from Basin 2 will be collected and insured (through bonding or similar measures) that the construction of the proposed facility will be performed at the same time as the development. This requirement is established in order to guarantee the implementation of the drainage plan.

G - More detailed information must be supplied on the actual manner of conveyance of the flow from the cul-de-sac giving access to Lots 37 to 42, to the proposed detention area. Correspondingly, clarification is necessary for the facilities collecting the runoff from Basin 3 and discharging it into the "shallow detention pond" (inclusive of the 66 cfs reported to be generated by parcels 4a and 4b).

H - Finally, I note that the offsite basins 1, 2 and 3 are not indicated on any maps and the only information supplied is a map prepared by Mr. Bordenave for the Old El Rancho Atrisco Unit 2. I believe that I do not need to stress the fact that the reviewer must be able to clearly understand the thinking of the Engineer submitting his plans to the City so that comments are significant and pertinent.

I hope that you will be able to address all the questions above in a satisfactory manner.

Very truly yours,



Charles M. Easterling, P.E.
Principal Asst./City Engineer

CE/BC/tsl

cc: Rich Leonard, AMAFCA
Al Candelaria

CITY of ALBUQUERQUE
FOURTH COUNCIL

COUNCIL BILL NO.

R-473

ENACTMENT NO.

170-1981

SPONSORED BY:

Patric J. Baca

1 RESOLUTION

2 ADOPTING THE SECTOR DEVELOPMENT PLAN (SD-81-1) FOR THE LAND
3 DESCRIBED IN THE SUMMARY PLAT OF EL RANCHO ATRISCO, PHASE III,
4 CONTAINING APPROXIMATELY 348 ACRES.

5 WHEREAS, the Council, the Governing Body of the City of
6 Albuquerque has the authority to adopt master plans for physical
7 development or areas within the planning and platting jurisdiction
8 of the City as authorized by New Mexico Statutes, Section 3-19-5,
9 and by the City Charter as allowed under home rule provisions of the
10 Constitution of New Mexico; and

11 WHEREAS, a Sector Development Plan has been prepared for the
12 land described in the Summary Plat of El Rancho Atrisco, Phase III;
13 and

14 WHEREAS, the Environmental Planning Commission in its
15 advisory role on all matters related to planning, zoning, and
16 environmental protection, conducted public hearings on April 16,
17 1981 and June 18, 1981, recommended the adoption of the El Rancho
18 Atrisco, Phase III, Sector Development Plan subject to certain
19 findings; and

20 ✓ WHEREAS, the City Council has the sole authority to adopt
21 Sector Development Plans containing zone changes other than R-D.

22 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
23 ALBUQUERQUE:

24 Section 1. The El Rancho Atrisco, Phase III, Sector
25 Development Plan, as amended by the Council, is hereby adopted as a
26 guide to the partial implementation of the Albuquerque/Bernalillo

1 County Comprehensive Plan subject to the findings of the Environmental
2 Planning Commission which are incorporated by reference herein and
3 amended as follows:

4 1. Delete finding number two.

5 2. Amend finding number 3g to read as follows:

6 "Ladera Drive between 72nd and Ouray should be in a paving
7 district and the developer will improve the paving to Ladera Drive
8 between 72nd and Unser pursuant to standard City policies."

9 3. Delete finding number 3i."

10 Section 2. All development and improvement activities in the area
11 shall be guided by the Sector Development Plan.

12 ✓ Section 3. The Official Zone Map, adopted by 7-14-46.C R.O. 1974
13 is hereby amended to reflect the zoning as shown on Sheet 5, Land Use
14 and Transportation Map, El Rancho Atrisco, Phase III. *+ COVER SHEET W/ SIGNATURES*


APP'D.

15 PASSED AND ADOPTED THIS 3rd day of August, 1981.

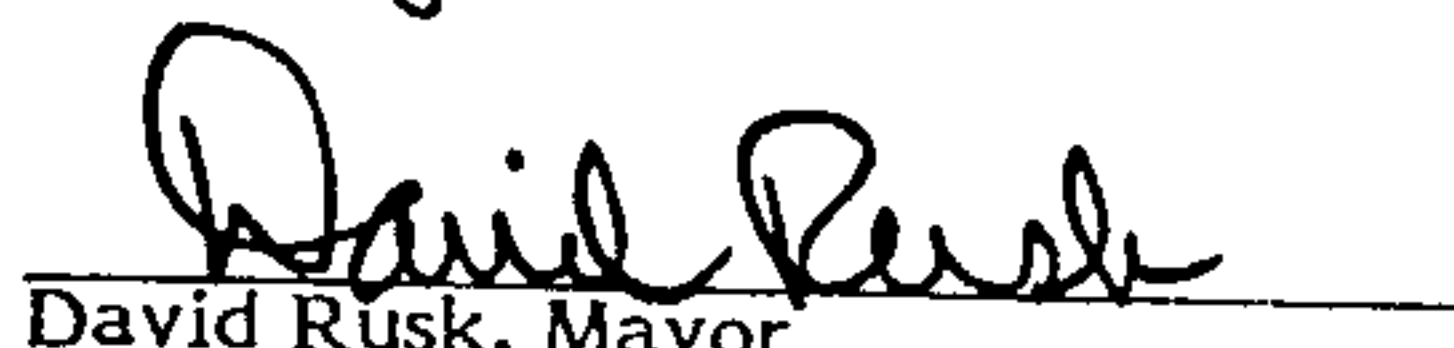
16
17 BY A VOTE OF 7 FOR AND 0 AGAINST

18 Yes: 7

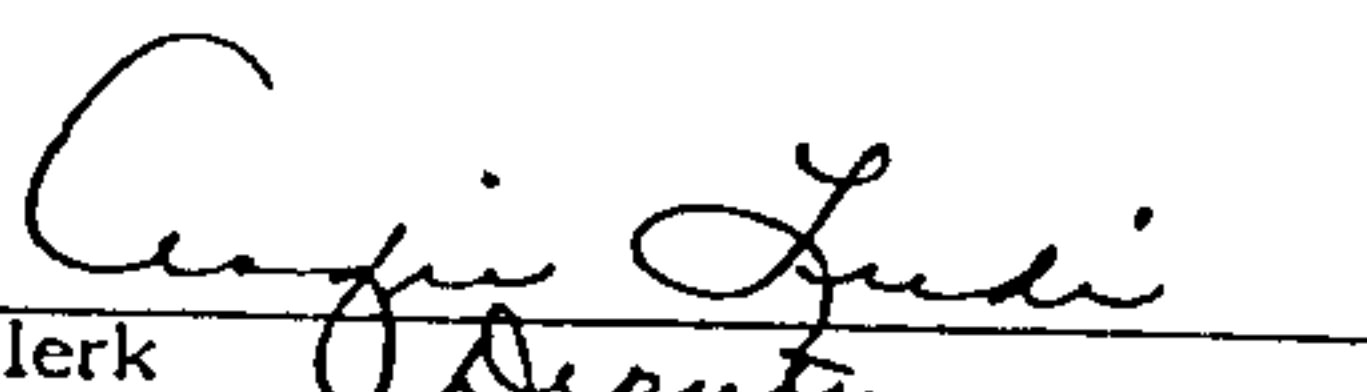
19 Excused: Hill, Hoover

20
21 
22 Marion M. Cottrell, President
City Council

23
24 APPROVED this 11th day of August, 1981.

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26 
27 David Rusk, Mayor
City of Albuquerque

28
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30 ATTEST:

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32 
33 City Clerk *Deputy*

written by

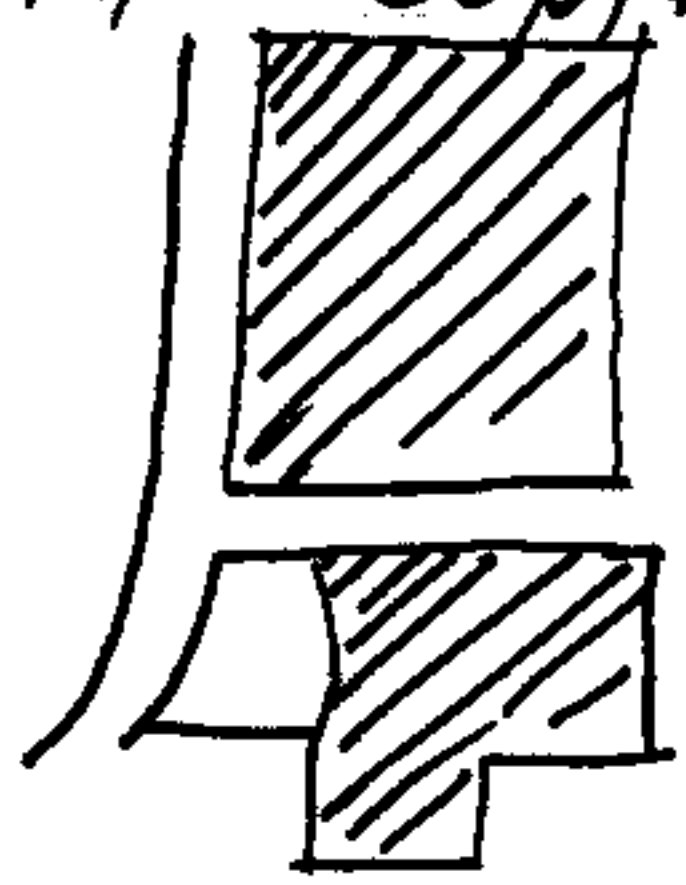
EL RANCHO ATRISCO SECTOR DEV. PLAN

3/4/94

PHASE II

1980 EL RANCHO ATRISCO SECTOR DEV. PLAN (385 ACRES)
APPROVED BY EPC (SD-80-4-1) (EXHIBIT A)

ANNEXATION + ESTABLISHMENT OF ZONING
(SU-1 RES/C-1/1-P) ADOPTED ORDINANCE O-107
(151 ACRES EAST UNSER N/S OUBRAY)
(AX-80-18)
(Z-80-87)
(EXHIBIT B)



1984

APPLICATION CAME TO AMEND THE EL RANCHO ATRISCO SE. DEV. PLAN TO ADD SOME 19 AC. BETWEEN 98TH ST + LADERA ARROYO. IT WAS THEN "DISCOVERED" THAT THE SDP WAS NEVER ADOPTED BY CC.

THEN ENTIRE SDP (W/ ADD'L ACREAGE) GOES BACK TO EPC TO BE APPROVED (RE APPROVED) (JULY 27 1984)

ALSO ANNEXATION AND ESTABLISHMENT OF R-D ZONING FOR THE REMAINING PORTIONS OF THE SDP (EX. RINCONADA CANYON) WAS APPLD AX-84-4, AX-84-2, Z-84-28, Z-84-14) BY CITY COUNCIL JULY 30, 1984! (ORDINANCE 39+40-1984) (EXH. C)
FOR SU-1 C-VIP ZONING. (EXHIBIT E) (JAN. 15)

UG 17TH PC APP'D RE CONCEPT. BY CITY COUNCIL JULY 30, 1984! (ORDINANCE 39+40-1984) (EXH. C)
FOR SU-1 C-VIP ZONING. (EXHIBIT E) (JAN. 15)

1985 AT A WPZ MTG. A DECISION WAS MADE THRU FLOOR AMENDMENT 1 TO BILL R-242 (ADOPTING THE SDP) TO REMOVE RINCONADA FROM THE SDP BOUNDARY (106 AC.) (EXH. D)

FEB. 20 CC ADOPTED THE REVISED PLAN R-242.

WATER

EL RANCHO ATRISCO SECTOR DEV. PLAN

3/4/94

PHASE II

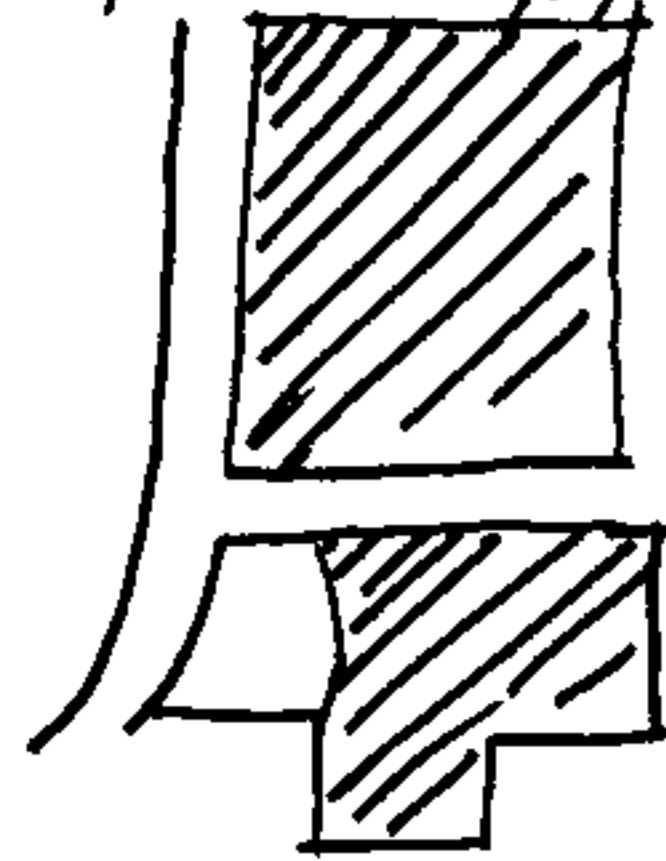
1980

EL RANCHO ATRISCO SECTOR DEV. PLAN (385 ACRES)
APPROVED BY EPC (SD-80-4-1) (EXHIBIT A)

ANNEXATION + ESTABLISHMENT OF ZONING
(SU-1 RES/C-1/1-P) ADOPTED ORDINANCE O-107
(151 ACRES EAST UNSER N/S OUBRAY)

(AX-80-18)
(Z-80-87)

(EXHIBIT B)



1984

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NY FOR TRACTS A, B, 5

AX-84-4, AX-84-2, Z-84-28, Z-84-14)
BY CITY COUNCIL JULY 30, 1984! (ORDINANCE 39+40-1984)
FOR SU-1 C-1/1-P ZONING. (EXHIBIT E) (EXH. C)
(JAN. 15)

1985

AT A WPCZ MTG. A DECISION WAS MADE
THRU FLOOR AMENDMENT 1 TO BILL R-242 (ADOPTING
THE SDP) TO REMOVE RINCONADA FROM THE
SDP BOUNDARY (106 AC.) (EXH. D)

FEB. 20 CC ADOPTED THE REVISED PLAN R-242.

CITY of ALBUQUERQUE
FOURTH COUNCIL

COUNCIL BILL NO. _____ ENACTMENT NO. _____

SPONSORED BY:

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ORDINANCE

ANNEXING TRACTS 4, 5, 6, AND 7, EL RANCHO ATRISCO PHASE II, (SP-80-341), TO THE CITY OF ALBUQUERQUE, NEW MEXICO; AND AMENDING THE ZONE MAP OF THE CITY OF ALBUQUERQUE AS SHOWN IN ORDINANCE NO. 80-1975, AS AMENDED.

WHEREAS, the owner of the area to be annexed and hereinbelow described in this ordinance, which land is contiguous to the boundaries of the City of Albuquerque, New Mexico has heretofore presented a petition properly signed, accompanied by a map of said contiguous territory, petitioning the Governing Body of the City of Albuquerque, New Mexico to pass and adopt an ordinance annexing said land to the City;

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. The following described territory is hereby annexed to and made a part of the City of Albuquerque for all purposes upon filing a copy of this ordinance and map of the territory so annexed in the Office of the County Clerk of Bernalillo County, New Mexico, and publication of this ordinance according to law:

A. Tracts 4, 5, 6, and 7, El Rancho Atrisco Phase II (SP-80-341) as filed in the Office of the County Clerk of Bernalillo County, New Mexico on October 1, 1980.

Section 2. The zone map referred to in Ordinance No. 80-1975, as amended, is hereby amended as follows:

A. Establishment of SU-1 zoning (Special Use for Residential Uses) and SU-1 zoning (Special Use for C-1 and IP Uses

Underscored Material = New
[Bracketed Material] = Deletion

Underscored Material - New
[Bracketed Material]- Deletion

1 with a maximum of 12 acres of commercial uses) for Tract 5 for the
2 area in Section 1 above.

3 Section 3. Effective Date and Publication. This ordinance shall
4 become effective five days after publication in full.

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City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

MAYOR
Harry E. Kinney

CHIEF
ADMINISTRATIVE OFFICER
Frank A. Kleinhenz
June 1, 1984

Alberto Candelaria
Westland Corporation
401 Coors, N.W.
Albuquerque, New Mexico 87105

REF: EL RANCHO ATRISCO II SECTOR PLAN

Dear Mr. Candelaria:

The sector plan for El Rancho Atrisco II was approved by the Environmental Planning Commission on September 18, 1980. SU-1 zoning for nine dwelling units per acre was applied to the property northeast of the Unser-Ouray intersection. SU-1 zoning for IP and Commercial uses was approved for the property south of Ouray Road. R-D zoning was approved for the remaining land.

If R-D zoning is shown for all properties in a sector plan, then final approval of the plan may be granted by the Environmental Planning Commission. If other zone categories are applied, then the City Council must grant final approval. (City Zoning Code, Section 44.C.) Therefore, this sector plan requires approval by the City Council.

The most expeditious way to make the changes we have discussed concerning this sector plan, as well as to give it full approval, is to submit a new sector plan to the Environmental Planning Commission for their action and then take this new sector plan to the City Council.

I would be pleased to answer any questions you may have. I may be reached at 766-7422, extension 32.

Sincerely,

Charles Johnston
Planner

CJ/ffq

REVIEWED AND APPROVED BY:

Phil Garcia, Acting City Planner

MUNICIPAL DEVELOPMENT DEPARTMENT

Jack E. Leaman, City Planner

PLANNING DIVISION

Telephone (505) 766-7422

AN EQUAL OPPORTUNITY EMPLOYER



WESTLAND DEVELOPMENT CO., INC.

401 Coors Blvd. N.W., Albuquerque, New Mexico 87105
Phone (505) 831-9600

2 Pm Thurs
Leroy Chavez, w/P
2 AI Co. Release

April 24, 1987

Mr. Phil Garcia
Planning Director
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Dear Mr. Garcia:

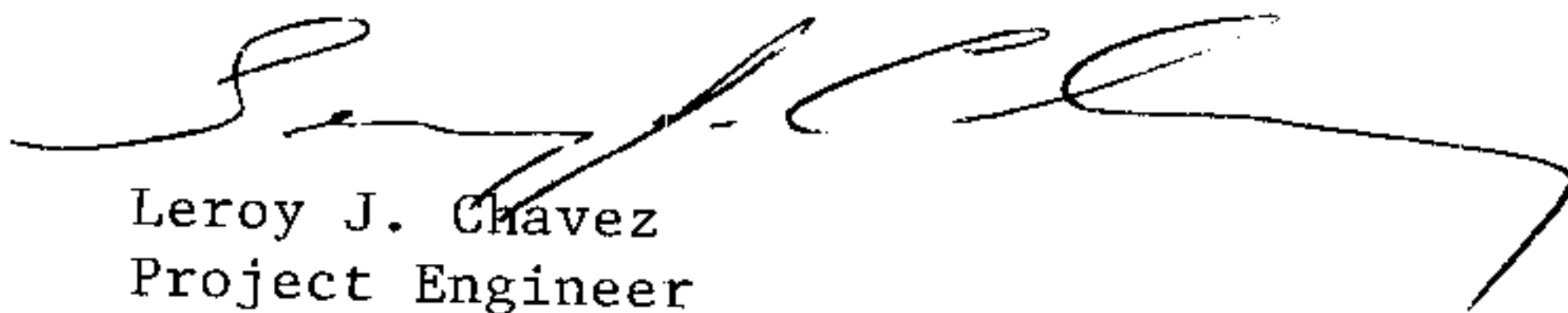
Please find enclosed the following material which Alberto Candelaria and I plan to discuss with you on Thursday, April 30th:

1. Open Space Agreement;
2. Correspondence Letter from Parks and Recreation.

Westland Development wishes to establish and obtain City acceptance of Open Space along Mirehaven Arroyos A and B.

We look forward to meeting with you. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Leroy J. Chavez
Project Engineer

Enclosures

cc: Sam Fresquez, Lukens and Associates

LJC/bd

PLANNING
DEPARTMENT
PLANNING DIV.
APR 27 12 06 PM '87



City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Alberto Candelaria
Director of Operations
Westland Development Co., Inc.
401 Coors Blvd. N.W.
Albuquerque, N.M. 87105

Dear Mr. Candelaria:

As we discussed in our meeting of July 29, this letter should serve to clarify the City's position regarding the dedication of arroyos as open space. Specifically, I am addressing the Ladera and the Mirehaven Arroyos which are involved in the agreement between Westland and Mr. Sam Fresquez (attached).

The following issues must be considered:

1. The Fresquez/Westland agreement is contradictory in the identification of the arroyos. The text identifies the Mirehaven A and the Mirehaven B as possible open space, whereas, exhibit A identifies the Ladera and the Mirehaven A as possible open space.
2. Open Space is normally dedicated at the Sector Development Plan phase or at the time the land is actually platted. It is difficult to determine the acceptability of arroyos as open space if a drainage plan has not yet been completed for the area. Of specific concern is the determination of the main channel within this system of wide floodplains and numerous tributaries.
3. Sector Development Plans for El Rancho Atrisco III (ERA III) and El Rancho Atrisco V (ERA V) do involve a portion of the Ladera and Mirehaven A Arroyos. EPC, in August 1981, approved the ERA III Sector Plan with three finds one of which is written as follows:

Finding 2:

"The following priority is established for open space requirements in this sector plan and any future submittals of the Westland Development Company: a. the escarpment; b. land above the escarpment; c. additional right-of-way on drainage systems."

ERA V is currently going through the Sector Development Plan process. Similar to ERA III, the most appropriate open space is the escarpment.

4. The Arroyo Facility Plan identifies the Ladera, Rinconada and Mirehaven Arroyos as an arroyo system suitable as an "urban recreation link", not an "open space link" therefore, they are not available for open space dedication. However, according to Section II-C-4, page 26 of the Arroyo Facility Plan:

"Segments of arroyos which may provide a direct link to or extension of Major Open Space areas are also appropriate for acquisition or dedication as open space."

In conclusion, the Ladera Arroyo appears to be the only arroyo available for open space dedication. The inconsistency of the agreement must first be rectified, however. Because the Ladera does appear on the agreement map and is located extremely close, in some locations adjacent to the escarpment, which is our number one priority, the Ladera is acceptable as open space dedication. The Mirehaven should continue to be acceptable as an urban recreation link as per the Arroyo Facility Plan.

Sincerely,

Barbara Baca

Barbara Baca, Planner
Open Space Division

BB:clm

ARTICLE VI

OPEN SPACE MANAGEMENT

5-6-1 SHORT TITLE.

This ordinance shall be known and may be cited as the "Albuquerque Open Space Management Ordinance. (23-1980)

5-6-2 DECLARING A NUISANCE TO EXIST.

Unrestricted access and use of Open Space Lands and Regional Preserves by motorized vehicles has caused severe erosion, led to the creation of excessive dust, noise, littering, dumping, shooting, and vandalism in violation of City Ordinances, and the deterioration of a publicly-owned resource; and is hereby declared a public nuisance. (23-1980)

5-6-3 DEFINITION.

For purposes of this ordinance, the following definitions shall apply:

A. "Open Space" shall mean:

1. Those lands so designated in the adopted Plan for Major Open Space and acquired by the City;
2. Any other lands so designated at the time of acquisition or subsequently;
3. Any lands for which the City has assumed control or management responsibility by lease, easement, or legal agreement;
4. Major named arroyos, lined or unlined drainageways, retention dams and retention pond areas, and abutting rights-of-way or easements which have been publicly acquired.

B. "Motorized Vehicle" shall mean any vehicle which is self-propelled by gas, diesel, or electric motor, whether 2, 3, or 4 wheeled or carried on treads or tracks.

C. "Trespass" shall mean the entry, operation, or use of motorized vehicles on Open Space Lands as defined in A.

D. "Driver" shall mean the operator of a motorized vehicle.

E. "Barrier" shall mean fence, cable, chain, line berm, or solid obstruction marking the boundary of any Open Space Lands or which has been placed across any trail, road, or arroyo leading into or across Open Space Lands.

F. "Official Vehicle" shall mean governmental or municipal vehicles used for patrol, pursuit, maintenance, construction emergencies, or other officially authorized purposes.

G. "Signed/Posted" shall mean the placing of signs on trails, roads, barriers or boundaries prohibiting motorized vehicle access or use.

H. "Mayor" shall mean the Mayor or his designated representative.

I. "Regional Preserve" shall mean areas designated as Regional Preserves in the Open Space Management Plan.

(23-1980)

5-6-4 VEHICLE TRESPASS PROHIBITED.

After the effective date of this ordinance, no person shall ride or operate a motorized vehicle on Open Space Lands or Regional Preserves where boundaries are clearly marked; or on any path, trail, or road on which a barrier or sign has been erected or placed.

(23-1980)

5-6-5 REMOVAL OR DESTRUCTION OF BARRIERS OR SIGNS PROHIBITED.

After the effective date of this ordinance, no person shall remove, cut, damage, or take down any barrier or sign placed across any trail, path, road, or boundary of any Open Space Lands or Regional Preserves.

(23-1980)

5-6-6 PROHIBITED ACTIVITIES.

The following activities are prohibited in any Open Space Lands or Regional Preserves:

A. Criminal Trespass: consists of unlawfully entering or remaining upon the land or property of another, knowing that any consent to enter or remain has been denied or withdrawn by the person or persons lawfully in possession of the premises or after the request or demand to leave the premises by the authorized representative of the person or persons lawfully in possession of the premises.

B. Negligent Use of Weapons:

1. Discharging a weapon within the City limits without legal justification; or

2. Endangering the safety of another or his property by handling or using a firearm or other deadly weapon in a negligent manner.

C. Criminal Damage to Public Property: Criminal damage to public property consists of intentionally damaging to a value of less than \$1,000 any real or personal property of the City, County of Bernalillo, State of New Mexico, or United States Government without the consent of the owner thereof.

D. Operation of Motorcycles, Motorscooters, and Recreational Vehicles in Certain Areas off the Public Way: No person shall ride or operate any motorcycle, motorscooter, off-road vehicle or recreational vehicle on any private property or public property within one-quarter of a mile of any school, hospital, convalescent home or residence, except on a public way or parking lot, or on a private road or driveway.

E. Removal of Natural Resources: No person shall dig or remove any soil, sand, gravel, rock, scoria, shrubs, trees, cacti, or other plants from Open Space Lands or Regional Preserves.

F. Wildlife: No person shall harm, hunt, pursue, molest, harass, trap, collect, or remove any mammal, bird, reptile, or amphibian animals or eggs or young of said animals on/from Open Space Lands or Regional Preserves.

G. Weapons and Firearms: No person shall carry, possess, or discharge any firearm, bow, crossbow, blowgun, or spring-driven, compressed air or CO₂ powered rifle or pistol on Open Space Lands or Regional Preserves.

H. Dumping of Waste, Refuse, Trash, Oil: No person shall dump, deposit, dispose, throw out, or leave behind any solid waste, plant waste or trimmings, oil or grease, or any other form of rubbish or waste on Open Space Lands or Regional Preserves in other than receptacles designated for that purpose.

I. Vandalism, Protection of Ethno-Historical Resources: No person shall mark or deface in any way any rock, wall, surface, petroglyph or sign on any Open Space Lands or Regional Preserve, nor shall they remove or disturb any archaeological site or artifact.

J. Alcoholic Beverages: Drinking or consuming of alcoholic beverages on Open Space Lands or Regional Preserves shall be considered "Drinking in Public" and is hereby prohibited.

(23-1980)

5-6-7 ADMINISTRATION OF THE ORDINANCE.

The Mayor shall be responsible for the enforcement of this ordinance. He may prescribe policies, rules, or regulations and vest designated City personnel with citation authority to carry out the intent and purposes of the ordinance.

A. Exemptions.

1. Official vehicles: Municipal, County, Federally-owned, or emergency vehicles being used for patrol, surveillance, search and rescue, pursuit, construction, maintenance or other authorized purposes shall be exempt from provisions of this ordinance.

2. Areas designated for vehicle use: Such areas, trails, paths, roads, or race courses as may be designated for vehicle use and posted as such are exempt from provisions of Section 6.D. of this ordinance.

3. Alcoholic beverages: Drinking may be permitted on certain Open Space Lands, Regional Preserves, or portions thereof, at the discretion of the Mayor and the City Council. Areas where drinking is permitted shall be so designated and posted accordingly.

4. Weapons and Firearms: Licensed hunters may possess, for the purpose of transportation, encased or taken down firearms and bows only during an open season for game animals on the Sandia State Game Refuge, as set by the New Mexico State Game Commission.

5. Wildlife, Plants: Collecting of plants or animals for scientific research may be allowed with written authorization by the Parks Department Director and the C.I.P. environmentalist and concurrence by the State Heritage Program office.

(23-1980)

5-6-8 PENALTY.

A. Any person who violates any of the provisions of the ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$300 and/or imprisonment not to exceed 90 days. Each violation shall be considered a separate offense.

B. Upon conviction of a violation of Section 6B., 1 and 3, F. or G., the weapon or firearm shall be forfeited to the City by order of the Court.

(23-1980)

CITY of ALBUQUERQUE
FOURTH COUNCIL

COUNCIL BILL NO. 0-14

ENACTMENT NO. 23-1980

SPONSORED BY: Marion M. Cottrell
Fran J. Hill

1 ORDINANCE

2 RELATING TO OPEN SPACE MANAGEMENT; MOTORIZED VEHICLE
3 ACCESS AND USE OF OPEN SPACE LANDS AND REGIONAL
4 PRESERVES; PROHIBITION OF CERTAIN USES AND ACTIVITIES;
5 PROVIDING FOR ENFORCEMENT; PRESCRIBING PENALTIES FOR
6 VIOLATIONS; COMPILATION OF APPLICABLE SECTIONS OF CODES
7 AND ORDINANCES PREVIOUSLY ENACTED UNDER REVISED
8 ORDINANCES, ALBUQUERQUE, NEW MEXICO, 1974.

9 Section 1. Short Title. This Ordinance shall be known and may be
10 cited as the "Albuquerque Open Space Management Ordinance."

11 Section 2. Declaring a Nuisance to Exist. Unrestricted access and
12 use of Open Space Lands and Regional Preserves by motorized vehicles
13 has caused severe erosion, led to the creation of excessive dust, noise,
14 littering, dumping, shooting, and vandalism in violation of City
15 Ordinances, and the deterioration of a publicly-owned resource; and is
16 hereby declared a public nuisance.

17 Section 3. Definition. For purposes of this ordinance, the
18 following definitions shall apply:

19 A. "Open Space" shall mean:

20 (1) Those lands so designated in the adopted Plan for
21 Major Open Space and acquired by the City;

22 (2) Any other lands so designated at the time of
23 acquisition or subsequently;

24 (3) Any lands for which the City has assumed control or
25 management responsibility by lease, easement, or legal agreement;

26 (4) Major named arroyos, lined or unlined

1 drainageways, retention dams and retention pond areas, and abutting
2 rights-of-way or easements which have been publicly acquired.

3 B. "Motorized Vehicle" shall mean any vehicle which is self-
4 propelled by gas, diesel, or electric motor, whether 2, 3, or 4 wheeled or
5 carried on treads or tracks.

6 C. "Trespass" shall mean the entry, operation, or use of
7 motorized vehicles on Open Space Lands as defined in "A."

8 D. "Driver" shall mean the operator of a motorized vehicle.

9 E. "Barrier" shall mean fence, cable, chain, line berm, or
10 solid obstruction marking the boundary of any open space lands or which
11 has been placed across any trail, road, or arroyo leading into or across
12 Open Space Lands.

13 F. "Official Vehicle" shall mean governmental or municipal
14 vehicles used for patrol, pursuit, maintenance, construction emergencies,
15 or other officially authorized purposes.

16 G. "Signed/Posted" shall mean the placing of signs on trails,
17 roads, barriers or boundaries prohibiting motorized vehicle access or use.

18 H. "Mayor" shall mean the Mayor or his designated
19 representative.

20 I. "Regional Preserve" shall mean areas designated as
21 Regional Preserves in the Open Space Management Plan.

22 Section 4. Vehicle Trespass Prohibited. After the effective date
23 of this ordinance, no person shall ride or operate a motorized vehicle on
24 Open Space Lands or Regional Preserves where boundaries are clearly
25 marked; or on any path, trail, or road on which a barrier or sign has been
26 erected or placed.

27 Section 5. Removal or Destruction of Barriers or Signs Prohibited.
28 After the effective date of this ordinance, no person shall remove, cut,
29 damage, or take down any barrier or sign placed across any trail, path,
30 road, or boundary of any Open Space Lands or Regional Preserves.

31 Section 6. Prohibited Activities. The following activities are
32 prohibited in any Open Space Lands or Regional Preserves:

33 A. Criminal Trespass: consists of unlawfully entering or

1 remaining upon the land or property of another, knowing that any
2 consent to enter or remain has been denied or withdrawn by the person
3 or persons lawfully in possession of the premises or after the request or
4 demand to leave the premises by the authorized representative of the
5 person or persons lawfully in possession of the premises.

6 B. Negligent Use of Weapons:

7 (1) Discharging a weapon within the City limits without
8 legal justification; or

9 (2) Endangering the safety of another or his property
10 by handling or using a firearm or other deadly weapon in a negligent
11 manner.

12 C. Criminal Damage to Public Property: Criminal damage
13 to public property consists of intentionally damaging to a value of less
14 than \$1,000 any real or personal property of the City, County of
15 Bernalillo, State of New Mexico, or United States Government without
16 the consent of the owner thereof.

17 D. Operation of Motorcycles, Motorscooters, and
18 Recreational Vehicles in Certain Areas off the Public Way: No person
19 shall ride or operate any motorcycle, motorscooter, off-road vehicle or
20 recreational vehicle on any private property or public property within
21 one-quarter of a mile of any school, hospital, convalescent home or
22 residence, except on a public way or parking lot, or on a private road or
23 driveway.

24 E. Removal of Natural Resources: No person shall dig or
25 remove any soil, sand, gravel, rock, scoria, shrubs, trees, cacti, or other
26 plants from Open Space Lands or Regional Preserves.

27 F. Wildlife: No person shall harm, hunt, pursue, molest,
28 harass, trap, collect, or remove any mammal, bird, reptile, or amphibian
29 animals or eggs or young of said animals on/from Open Space Lands or
30 Regional Preserves.

31 G. Weapons and Firearms: No person shall carry, possess, or
32 discharge any firearm, bow, crossbow, blowgun, or spring-driven,
33 compressed air or CO₂-powered rifle or pistol on Open Space Lands or

1 Regional Preserves.

2 H. Dumping of Waste, Refuse, Trash, Oil: No person shall
3 dump, deposit, dispose, throw out, or leave behind any solid waste, plant
4 waste or trimmings, oil or grease, or any other form of rubbish or waste
5 on Open Space Lands or Regional Preserves in other than receptacles
6 designated for that purpose.

7 I. Vandalism, Protection of Ethno-historical Resources: No
8 person shall mark or deface in any way any rock, wall, surface,
9 petroglyph or sign on any Open Space Lands or Regional Preserve, nor
10 shall they remove or disturb any archaeological site or artifact.

11 J. Alcoholic Beverages: Drinking or consuming of alcoholic
12 beverages on Open Space Lands or Regional Preserves shall be
13 considered "Drinking in Public" and is hereby prohibited.

14 Section 7. Administration of the Ordinance. The Mayor shall be
15 responsible for the enforcement of this ordinance. He may prescribe
16 policies, rules, or regulations and vest designated City personnel with
17 citation authority to carry out the intent and purposes of the ordinance.

18 A. Exemptions.

19 (1) Official vehicles: Municipal, County, Federally-
20 owned, or emergency vehicles being used for patrol, surveillance, search
21 and rescue, pursuit, construction, maintenance or other authorized
22 purposes shall be exempt from provisions of this ordinance.

23 (2) Areas designated for vehicle use: Such areas,
24 trails, paths, roads, or race courses as may be designated for vehicle use
25 and posted as such are exempt from provisions of Section 6.D. of this
26 ordinance.

27 (3) Alcoholic beverages: Drinking may be permitted on
28 certain Open Space Lands, Regional Preserves, or portions thereof, at
29 the discretion of the Mayor and the City Council. Areas where drinking
30 is permitted shall be so designated and posted accordingly.

31 (4) Weapons and Firearms: Licensed hunters may
32 possess, for the purpose of transportation, encased or taken down
33 firearms and bows only during an open season for game animals on the

1 Sandia State Game Refuge, as set by the New Mexico State Game
2 Commission.

3 (5) Wildlife, Plants: Collecting of plants or animals for
4 scientific research may be allowed with written authorization by the
5 Parks Department Director and the C.I.P. environmentalist and
6 concurrence by the State Heritage Program office.

7 Section 8. Penalty.

8 A. Any person who violates any of the provisions of the
9 ordinance shall be deemed guilty of a misdemeanor and upon conviction
10 thereof shall be punished by a fine of not more than \$300 and/or
11 imprisonment not to exceed 90 days. Each violation shall be considered
12 a separate offense.

13 B. Upon conviction of a violation of Section 6.B., I and 3, F.
14 or G., the weapon or firearm shall be forfeited to the City by order of
15 the Court.

16 Section 9. Severability. If any section, subsection, sentence,
17 clause, word or phrase of this ordinance is for any reason held to be
18 unconstitutional or otherwise invalid by any court of competent
19 jurisdiction, such decision shall not affect the validity of the remaining
20 portions of the ordinance. The Council, the Governing Body of the City
21 of Albuquerque, hereby declares that it would have passed this ordinance
22 and each section, subsection, sentence, clause, word or phrase thereof
23 irrespective of any one or more sections, subsections, sentences, clauses,
24 words or phrases being declared unconstitutional or otherwise invalid.

25 Section 10. Compilation. This ordinance shall be incorporated in
26 and compiled as a part of the Revised Ordinances of Albuquerque, New
27 Mexico, 1974.

28 Section 11. Effective Date and Publication. This ordinance shall
29 become effective 60 days after enactment, and shall be published by
30 title and general summary.

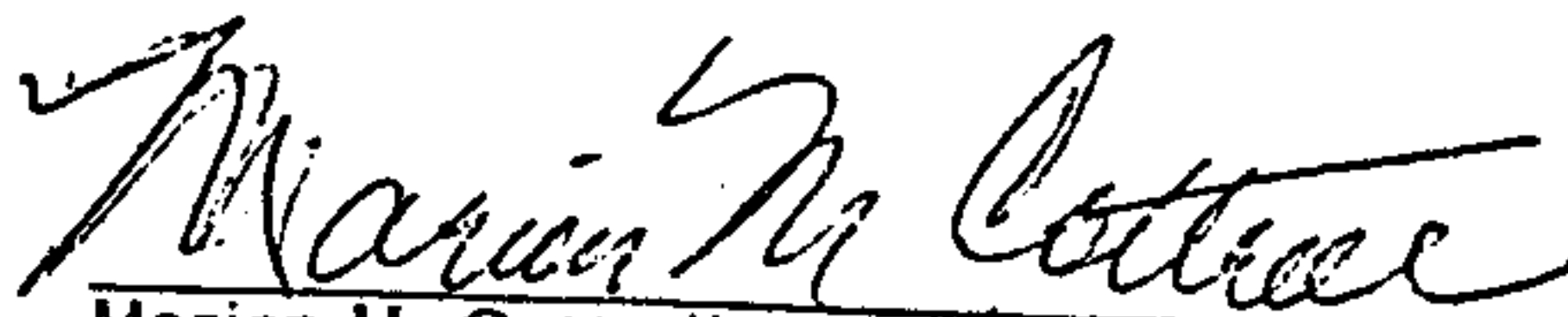
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PASSED AND ADOPTED this 24th day of March 1980.


Marion M. Cottrell, President
City Council

APPROVED this 10th day of April 1980.


David Rusk, Mayor
City of Albuquerque

ATTEST:


City Clerk/Recorder, Deputy

AFFIDAVIT OF PUBLICATION

The Health City Sun and News Chieftain

Office: 900 Park Ave., S.W. - Dial 242-3010
Mail Address: P. O. Box 1517
Albuquerque, New Mexico 87103

State of New Mexico }
County of Bernalillo } ss.

ENACTMENT NO. 23-1980
ORDINANCE
RELATING TO OPEN SPACE MANAGEMENT; MOTORIZED VEHICLE ACCESS AND USE OF OPEN SPACE LANDS AND REGIONAL PRESERVES; PROHIBITION OF CERTAIN USES AND ACTIVITIES; PROVIDING FOR ENFORCEMENT; PRESCRIBING PENALTIES FOR VIOLATIONS; COMPILATION OF APPLICABLE SECTIONS OF CODES AND ORDINANCES PREVIOUSLY ENACTED UNDER REVISED ORDINANCES, ALBUQUERQUE, NEW MEXICO, 1974.

Section 1. Short Title. This Ordinance shall be known and may be cited as the "Albuquerque Open Space Management Ordinance."

Section 2. Declaring a Nuisance to Exist. Unrestricted access and use of Open Space Lands and Regional Preserves by motorized vehicles has caused severe erosion, led to the creation of excessive dust, noise, littering, dumping, shooting, and vandalism in violation of City Ordinances, and the deterioration of a publicly-owned resource; and is hereby declared a public nuisance.

Section 3. Definition. For purposes of this ordinance, the following definitions shall apply:

A. "Open Space" shall mean:
(1) Those lands so designated in the adopted Plan for Major Open Space and acquired by the City;
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(3) Any lands for which the City has assumed control or management responsibility by lease, easement, or legal agreement;

(4) Major named arroyos, lined or unlined drainageways, retention dams and retention pond areas, and abutting rights-of-way or easements which have been publicly acquired.

B. "Motorized Vehicle" shall mean any vehicle which is self-propelled by gas, diesel, or electric motor, whether 2, 3, or 4 wheeled or carried on treads or tracts.

C. "Trespass" shall mean the entry, operation, or use of motorized vehicles on Open Space Lands as defined in "A."

D. "Driver" shall mean the operator of a motorized vehicle.

E. "Barrier" shall mean fence, cable, chain, line berm, or solid obstruction marking the boundary of any open space lands or which has been placed across any trail, road, or arroyo leading into or across Open Space Lands.

F. "Official Vehicle" shall mean governmental or municipal vehicles used for patrol, pursuit, maintenance, construction emergencies, or other officially authorized purposes.

G. "Signed/Posted" shall mean the placing of signs on trails, roads, barriers or boundaries prohibiting motorized vehicle access or use.

H. "Mayor" shall mean the Mayor or his designated representative.

I. "Regional Preserve" shall mean areas designated as Regional Preserves in the Open Space Management Plan.

Section 4. Vehicle Trespass Prohibited. After the effective date of this ordinance, no person shall ride or operate a motorized vehicle on Open Space Lands or Regional Preserves where boundaries are clearly marked; or on any path, trail, or road on which a barrier or sign has been erected or placed.

Section 5. Removal or Destruction of Barriers or Signs Prohibited. After the effective date of this ordinance, no person shall remove, cut, damage, or take down any barrier or sign placed across any trail, path, road, or boundary of any Open Space Lands or Regional Preserves.

Section 6. Prohibited Activities. The following activities are prohibited in any Open Space Lands or Regional Preserves:
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like this. "We can't aff
or more energy."

other form of rubbish or waste on Open Space Lands or Regional Preserves in other than receptacles designated for that purpose.

I. Vandalism, Protection of Ethno-historical Resources: No person shall mark or deface in any way any rock, wall, surface, petroglyph or sign on any Open Space Lands or Regional Preserve, nor shall they remove or disturb any archaeological site or artifact.

J. Alcoholic Beverages: Drinking or consuming of alcoholic beverages on Open Space Lands or Regional Preserves shall be considered "Drinking in Public" and is hereby prohibited.

Section 7. Administration of the Ordinance. The Mayor shall be responsible for the enforcement of this ordinance. He may prescribe policies, rules, or regulations and vest designated City personnel with citation authority to carry out the intent and purposes of the ordinance.

A. Exemptions.

(1) Official vehicles: Municipal, County, Federally-owned, or emergency vehicles being used for patrol, surveillance, search and rescue, pursuit, construction, maintenance or other authorized purposes shall be exempt from provisions of this ordinance.

(2) Areas designated for vehicle use: Such areas, trails, paths, roads, or race courses as may be designated for vehicle use and posted as such are exempt from provisions of Section 6.D. of this ordinance.

(3) Alcoholic beverages: Drinking may be permitted on certain Open Space Lands, Regional Preserves, or portions thereof, at the discretion of the Mayor and the City Council. Areas where drinking is permitted shall be so designated and posted accordingly.

(4) Weapons and Firearms: Licensed hunters may possess, for the purpose of transportation, encased or taken down firearms and bows only during an open season for game animals on the Sandia State Game Refuge, as set by the New Mexico State Game Commission.

(5) Wildlife, Plants: Collecting of plants or animals for scientific research may be allowed with written authorization by the Parks Department Director and the C.I.P. en-

Joan L. Crawford, being duly sworn declares and says she is the publisher of the Health City Sun and The News Chieftain, a weekly newspaper published and having a general paid circulation in the city of Albuquerque, County of Bernalillo, and State of New Mexico; that the said Health City Sun and News Chieftain was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 10-2-4 of the New Mexico Statutes annotated (1953).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 weeks, the first publication being on the 18th day of April, 1980, and the last publication being in the issue of the _____ day of _____, 19____.

Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

Joan L. Crawford

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 18th day of April, 1980.

[Signature]

Notary Public

My Commission expires 11/16/83

City of Albuquerque

WATER RESOURCES DEPARTMENT ENGINEERING DIVISION

MEMORANDUM - September 11, 1980

TO - Mr. Gene Mares, Planner, MDD

FROM - P. Brasher, Engineer, WRD *Paul Brasher*

SUBJECT - PLANNING ACTION SD-80-4; S-80-28; AX-80-18, ~~Z-80-870~~
EL RANCHO ATRISCO PHASE II SECTION PLAN (G-10, H-10)

The Engineering Division of the Water Resources Department has reviewed subject action and submits comments as follow:

The text of the sector plan, as it relates to water and sewer, presents a generally accurate overview of the water and sewer aspects of the proposed sector plan. It must be clarified however, that though the construction of facilities for service above elevation 5255' may be a two to three year process as cited in the sector plan text, no such projects are currently planned or programmed in the Water Resources Department's six-year CIP.

PB:ht

cc: P.D. Noland
M. E. Mendoza
f/Project
f/Readers

SD-80-3, AX-80-26, Z-80-122 Continued...
No one appeared in opposition.

Commission Comments/Concerns:

1. The Urban Center Plan was adopted 6 years ago and this area is an urban center development.
2. This application is a prime candidate for annexation and early development.
3. Coors Corridor Plan should be accepted prior to consideration of this matter.

BE IT RESOLVED that SD-80-3, AX-80-26, Z-80-122 be indefinitely deferred.

MOVED by Commissioner Fritz

SECONDED by Commissioner Martin

Motion Carried Unanimously

5. SD-80-4 Bo Johnson/Trinity Enterprises, agent for Westland Development
 AX-80-18 Co. requests approval of sector development plan, containing
 Z-80-87 approximately 365.8 acres and annexation and simultaneous
 establishment of R-D zoning for approximately 146.77 acres of
 aforementioned sector development plan; for tract of land in
 Sections 3, 4, 9 & 10, T10N, R2E, Town of Atrisco Grant, loca-
 ted between Ladera Golf Course and the face of the Escarpment,
 containing approximately 365.8 acres. (G-9 & 10, H-9 & 10)

Bo Johnson, agent for Westland Development Co., presented an overview of the project. Distribution within the acreage is affected by Public Service Company's substation and easements under power lines, needs of the City for additional yard space and the open space requirements. Mr. Conrad, of Trinity Enterprises joined in Mr. Johnson in explaining their position regarding the lands of the canyon area for later development.

Commission Comments/Concerns:

1. Rinconada Canyon has a unique ecological form of mlopeads that inhabit it.
2. The Canyon should remain open space, rather than park or development.
3. The alignment shown for Unser Boulevard is superior to prior alignment.
4. Commercial activities would be better on Ouray than on Unser.
5. Higher density than requested is appropriate because of amount of open space required.

FINDINGS:

1. The area north of Ouray Boulevard should be zoned SU-1 for residential uses of 6-9' dwelling units, gross acreage for lands east and west of the power lines.

SD-80-4, AX-80-18, Z-80-87 Continued...

2. The alignment of Unser Boulevard shall be negotiated with the City Traffic Engineering Department.
3. The applicant shall agree to dedication and annexation of the right of way of Unser Boulevard.
4. The area south of Ouray Boulevard and east of Unser be zoned SU-1 for IP and C-1 uses, with 12 acres being the maximum commercial allowed. Configurations for this area shall be worked out with staff.

BE IT RESOLVED that SD-80-4, AX-80-18, Z-80-87 be approved moved, subject to the Findings.

MOVED by Commissioner Barker
SECONDED by Commissioner Sutton

Motion Carried Unanimously

6. Z-77-181-1 Herbert M. Denish & Associates, Inc., agent for Grupe Sales Company of New Mexico, requests approval of site development plan for Tract A of Academy Hills, Unit 5, zoned SU-1 (Special Use for Planned Residential Development) located on the southwest corner of the intersection of Academy Road N.E. and Eubank Boulevard N.E., containing approximately 12.26 acres.
(E-21)

Herbert M. Denish, agent for Grupe Sales, introduced Fritz Grupe, owner. Mr. Grupe, 300 Marsh Lane, Stockton, California, indicated he would be glad to answer questions. The architect, Warren D. Thompson, 1177 W. Shaw Avenue, Fresno, California, reviewed the plans and adaptations made with Staff following a reading of the Findings for today's meetings.

No one appeared in opposition.

Commission Concerns/Comments:

1. The streets will be private and not dedicated.
2. There is an abundance of landscaping.
3. Density is appropriate.

FINDINGS:

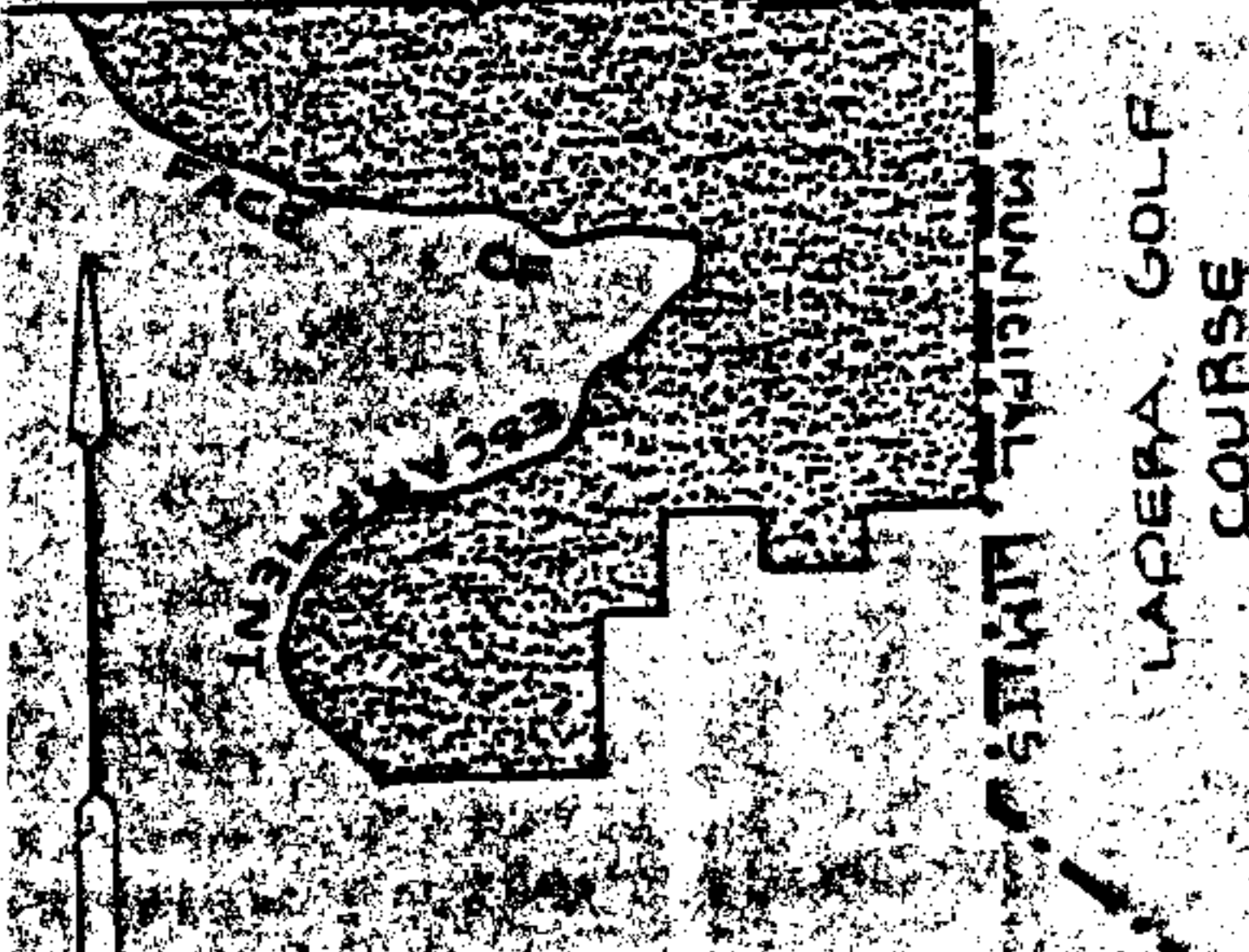
1. This site development plan is an excellent example of innovative planning.
2. A drainage study will be needed prior to approval of the plat and development plan.
3. Applicant must resolve existing problems with Fire and Refuse departments.

**NOTICE OF PUBLIC HEARING
ENVIRONMENTAL PLANNING COMMISSION**

TO ALL CITIZENS AND PARTIES IN INTEREST:
Notice is hereby given that the Environmental Planning Commission will hold a public hearing in the City Council Chambers, City Hall, 400 Marquette N.W., at 9:00 A.M., on Thursday, September 18, 1980 for the purpose of considering the following:

By Johnson/Trinity Enterprises, agent for Westland Development Co. requests approval of sector development plan, containing approximately 345.8 acres and annexation and simultaneous establishment of R-D zoning for approximately 146.77 acres of aforementioned sector development plan for tract of land in Sections 3, 4, 8 & 18, T10N, R2E, Town of Atrisco Grant, located between Ladera Golf Course and the face of the Escarpment, containing approximately 365.8 acres. (G-9 & 10, H-9 & 10)

ATRISCO GRANT - BOUNDARY



For further information, contact the Planning Division of the Municipal Development Department, Room 601, 400 Marquette N.W., City Hall.

Ralph Loken, Chairman,
Environmental Planning
Commission

JOURNAL, September 3, 1980

KICO, ss.
10

Ramirez being duly sworn declares and *Ad. M. Jr.* of Albuquerque Journal, and that this news- ed to publish legal notices or advertisements within the Chapter 167, Session Laws of 1937, and that payment there- assessed as court costs; that the notice, a copy of which was published in said paper in the regular daily edition,

..... times, the first publication being on the 3..... day September, 1980, and the subsequent consecutive pub-, 197.....

Ramirez

Sworn and subscribed to before me, a Notary Public in and for the County of Bernalillo and State of New Mexico, this 3 day of September, 1980

Notary Public.

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

October 14, 1980

REF. NO. _____

TO: Gene Mares, Principal Planner, Planning Division

FROM: Robert L. Burgan, Chief Planner, *RLB* Parks and Recreation

SUBJECT: S-80-28
AX-80-18
Z-80-87
S-80-4
El Rancho Atrisco, Phase II, Sector Plan

According to Ordinance 7-1976, as amended, the developer is required to dedicate land or cash-in-lieu of land, plus pay a development fee at building permit time. However, we would like to discuss further the recommendations regarding park dedication as outlined in the Sector Plan for the subject subdivision. However, we endorse the trail concept and the proposed dedication of Rinconada Park.

RLB:js

APPROVED: _____


ORLANDO D. SEDILLO, Director
Parks and Recreation

City of Albuquerque

WATER RESOURCES DEPARTMENT ENGINEERING DIVISION

MEMORANDUM - September 11, 1980

TO - Mr. Gene Mares, Planner, MDD

FROM - P. Brasher, Engineer, WRD *Paul Brasher*

SUBJECT - PLANNING ACTION SD-80-4; S-80-28; AX-80-18, Z-80-870
EL RANCHO ATRISCO PHASE II SECTION PLAN (G-10, H-10)

The Engineering Division of the Water Resources Department has reviewed subject action and submits comments as follow:

The text of the sector plan, as it relates to water and sewer, presents a generally accurate overview of the water and sewer aspects of the proposed sector plan. It must be clarified however, that though the construction of facilities for service above elevation 5255' may be a two to three year process as cited in the sector plan text, no such projects are currently planned or programmed in the Water Resources Department's six-year CIP.

PB:ht

cc: P.D. Noland
M. E. Mendoza
f/Project
f/Readers



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

MAYOR

David P. Rusk

November 19, 1980

Bo Johnson
Trinity Enterprises
401 North Coors, N.W.
Suite 202
Albuquerque, New Mexico 87105

REF: AX-80-18, Z-80-87

Dear Mr. Johnson:

This is to advise you that your request for annexation and simultaneous establishment of SU-1 for Residential Use zoning for Tracts 4, 6, and 7, and SU-1 for C-1 and IP Uses for Tract 5, El Rancho Atrisco Phase II, (SP-80-341), located west of Ladera Golf Course and east of Rinconada Canyon, containing approximately 150.45 acres, will be considered by the City Council on Monday, December 8, 1980. This meeting is scheduled to begin at 4:00 p.m. in the City Council Chambers Room, City Hall, First Floor, 400 Marquette, N.W.

You and all other interested parties are invited and urged to be present at this meeting. A copy of the material submitted to the City Council regarding this request is attached for your information.

Sincerely,

Elizabeth Marquez
Elizabeth Marquez
Secretary

eam:5672A

Attachment

cc: Westland Development Co., 401 N. Coors Boulevard, N.W., Suite 201;
87105, w/attachments
All property owners within 100 feet, w/o attachments
City Council

REVIEWED BY:

Vern Hagen
Vern Hagen, City Planner

MUNICIPAL DEVELOPMENT DEPARTMENT

Vern C. Hagen, City Planner

PLANNING DIVISION

Telephone (505) 766-7422

AN EQUAL OPPORTUNITY EMPLOYER

LYNN ENGINEERING & SURVEYING, INC.

22 CHUGHOLE LANE
LOS LUNAS, NEW MEXICO 87031
(505) 869 - 3548

LEGAL DESCRIPTION
TRACT 7-Z (Phase I)
March 27, 1985

A certain tract of land situate within Bernalillo County, New Mexico being a portion of Tract 7 as shown on "EL RANCHO ATRISCO PHASE II", as filed in the office of the county clerk, Bernalillo County, New Mexico on October 1, 1980, in book C-17, on page 184. Being described by metes and bounds as follows:

Begining at the Northeast corner of the tract being described (said point being also the Southeast corner of Tract 7-Y):

thence S $04^{\circ}17'13''$ E, 582.32 feet to the Southeast corner (said point being on the South boundary of Tract 7);

thence

S $67^{\circ}15'15''$ W, 524.78 feet to the Southwest corner (said point being on the South boundary of Tract 7);

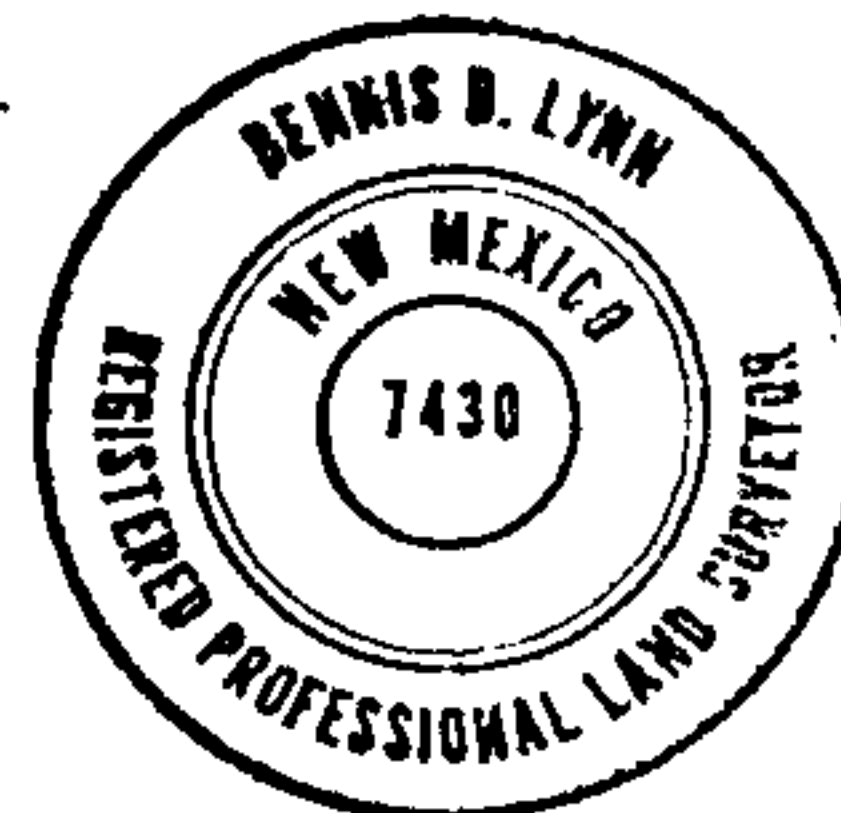
thence N $00^{\circ}18'47''$ E, 786.00 feet to the Northwest corner (said point being also the Southwest corner of Tract 7-Y);

thence S $89^{\circ}41'13''$ E, 436.16 feet to the Northeast corner of the tract being described, containing 7.2623 acres more or less.

NOTE:

1. The tract has a 100 foot wide P.N.M. easement along both the easterly and westerly boundaries.
2. This description is based on the plat of record, record easements, and record property descriptions and has not been verified in the field.


Dennis D. Lynn
NMPLS 7430



CITY OF ALBUQUERQUE


ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

November 19, 1980

REF. NO. _____

TO: DAVID RUSK, Mayor

FROM: GERALD D. DAVENPORT, Director, Municipal Development Department 

SUBJECT: ANNEXATION TO BE INTRODUCED AT THE NOVEMBER 24, 1980, CITY COUNCIL MEETING

The following annexation is submitted herewith as a result of the Environmental Planning Commission's action taken on September 18, 1980, for introduction at the November 24, 1980, City Council meeting.

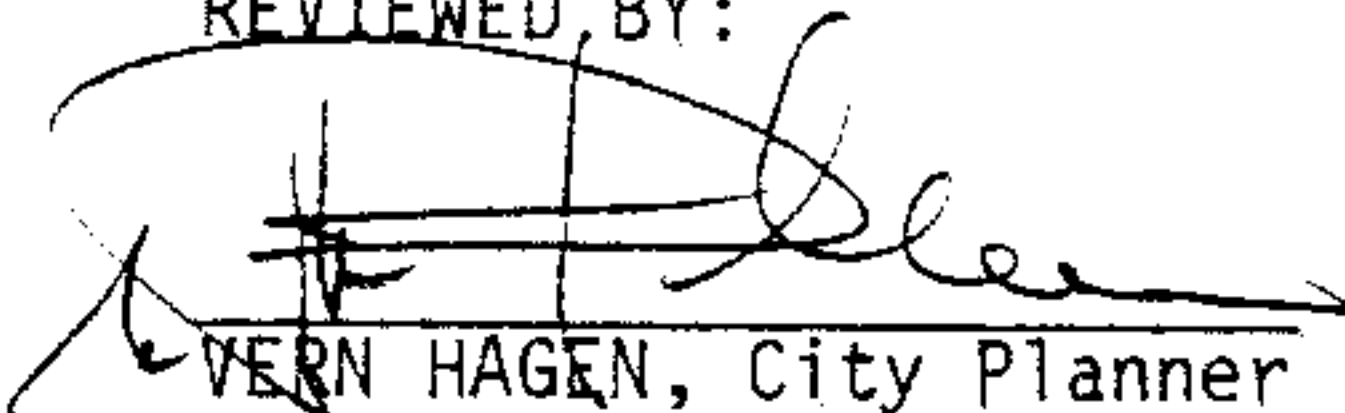
AX-80-18 The Environmental Planning Commission recommends approval of
Z-80-87 annexation and simultaneous establishment of SU-1 for
Residential Use for Tracts 4, 6, and 7, and SU-1 for C-1 and
IP Uses for Tract 5, El Rancho Atrisco Phase II, (SP-80-341),
located west of Ladera Golf Course and east of Rinconada
Canyon, containing approximately 150.45 acres. (G & H-10)
Original request submitted by Trinity Enterprises, agent for
Westland Development Corporation.

The attached material and ordinance are submitted herewith for your review, recommendation, and transmittal to the City Council for consideration and action.

eam:5672A

Attachment

REVIEWED BY:


VERN HAGEN, City Planner

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

November 19, 1980

REF. NO. _____

TO: MARION COTTRELL, City Council President
FROM: DAVID RUSK, Mayor
SUBJECT: ANNEXATION TO BE INTRODUCED AT THE NOVEMBER 24, 1980, CITY COUNCIL MEETING

The following annexation is submitted herewith as a result of the Environmental Planning Commission's action taken on September 18, 1980, for introduction at the November 24, 1980, City Council meeting.

AX-80-18 The Environmental Planning Commission recommends approval of
Z-80-87 annexation and simultaneous establishment of SU-1 for Residential Use for Tracts 4, 6, and 7, and SU-1 for C-1 and IP Uses for Tract 5, El Rancho Atrisco Phase II, (SP-80-341), located west of Ladera Golf Course and east of Rinconada Canyon, containing approximately 150.45 acres. (G & H-10) Original request submitted by Trinity Enterprises, agent for Westland Development Corporation.

The attached material and ordinance are submitted herewith for your review and transmittal to the City Council for consideration and action.

eam:5672A

Attachment

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

November 19, 1980

REF. NO. _____

TO: HOWELL "BUD" ERVIEN, Property Manager

FROM: CHUCK JOHNSTON, Staff Planner 

SUBJECT: AX-80-18, Z-80-87


In response to our conversation today regarding the boundaries of the new City Yards at the corner of Unser Boulevard and Ouray Road, attached is a map showing the alignment of Unser Boulevard and Ouray Road and delineating the area zoned SU-1 for C-1 and IP uses approved by the Planning Commission on September 18, 1980. The Planning Commission indicated that there would be a maximum of 12 acres for commercial usage with the exact delineation of the 12 acres left up to staff.

In staff's conversation with the applicant, we indicated that placing these commercial acres in a strip along Ouray Road was not acceptable but the commercial zoning should be condensed into one block of land, preferably away from Unser Boulevard. The plat you gave me drawn in April of this year shows the City Yards configurated in such a way that would cause strip commercial development.

Obviously, there should be renegotiations by the City and Westland Corporation so that the City Yards are placed in a block of land along the south side of Ouray and along the east side of Coors leaving a 12 acre parcel east of the City Yards' site for the approved commercial development.

CJ:eam:5672A

APPROVED BY:


VERN HAGEN, City Planner

4X-80-18 The Environmental Planning Commission recommends approval of annexation and simultaneous establishment of
Z-80-87 SU-1 for Residential Use for Tracts 4, 6, and 7, and SU-1 for C-1 and IP Uses for Tract 5, El Rancho
Atrisco Phase II, (SP-80-04), located west of Ladera Golf Course and east of Rinconada Canyon, containing
approximately 150.45 acres. (G & H-10) Original request submitted by Trinity Enterprises, agent for
Westland Development Corporation.

COMMENTS FROM OTHER DEPARTMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION, 9/13/80:

Transportation: "Ouray should be realigned northward to provide a better approach to Unser."
City Engineer: "a. A drainage study will be submitted for approval prior to approval of plat, sector
plan and development plan.
"b. Included in this study should be the treatment of on-site and off-site drainage
courses. Of major concern are the locations and treatment of drainage flows as the
affect adjacent subdivision.
"c. Who will maintain the area between the two north-south PNM easements?"
Parks & Recreation "According to Ordinance 7-1976, as amended, the developer is required to dedicate land
or cash-in-lieu of land, plus pay a development fee at building permit time. However,
we would like to discuss further the recommendations regarding park dedication as
outlined in the Sector Plan for the subject subdivision. However, we endorse the rail
concept and the proposed dedication of Rinconada Park."
Refuse: "The Albuquerque refuse service can provide service to any new residence or business
within the City of Albuquerque at initially no additional cost to the City.
Limitations: the only limitation based on servicing areas is that development proceeds
gradually outward from existing City limits, with no leap-frogging permitted. Service
to any development would require moderate to major expenditures for equipment and
manpower."
Zoning Enforcement: "No comments."
Environmental Health: "No adverse comments."
Fire: "Must comply with Fire Code Ordinance 50-1975 and provide required fire flow and fire
hydrant distribution. Provide sufficient access for fire fighting equipment."
Real Estate: "No adverse comment."
APS "No adverse comment."
Traffic: No reply received.
Police No reply received.
City Hydrologist No reply received.
COG No reply received.
Water Resources No reply received.

PLANNING DIVISION COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION, 9/13/80:

The applicant is requesting approval of a Sector Development Plan of 366 acres as the first phase of the El Rancho Atrisco Area Plan. The property is generally located between Ladera Golf Course, the Escarpment and the Ladera Drainage Channel. Included in the property is the south half of Rinconada Canyon. Accompanying this request is a request for approval of annexation, zoning and subdivision of 147 acres within the 366 acre first phase.

The power line easements that cross this property north of Ouray Road make conventional detached unit development awkward and inappropriate. The property should be developed under SU-1 zoning, with the units clustered and not with a detached single family home character. An average density for this entire parcel of 6 Dwelling Units per acre should be established with the provision that the units be clustered and in an apartment and/or townhouse arrangement.

The commercial/light industrial area south of Ouray Road should be shifted. Such uses are appropriate. However, the strip character of the commercial zoning is very inappropriate. Approximately 10 acres of commercial development was shown for this area by the El Rancho Atrisco Area Plan. Ten to fifteen acres of neighborhood commercial development should be established between Ouray Road and the PNM station, along the east boundary of the subject property. The remainder of the property south of Ouray Road and east of Unser Boulevard should be developed with light industry. The small island of commercial uses at the N.E. corner of Ouray Road and Unser Blvd should be eliminated by shifting Ouray Road to the north.

The proposed residential development west of Unser Boulevard in Rinconada Canyon is not in conformance with the N.W. Mesa Area Plan as approved by the EPC-CPC. The Plan shows the subject property as part of additional major open space in the area which includes the entire Rinconada Canyon up to Unser Boulevard.

The proposed residential and light industrial uses in the SW portion of the Sector Plan are appropriate.

CITY COUNCIL
December 3, 1980
AX-80-18, Z-80-37

Annexation of this property is generally appropriate and conforms to all applicable City policies. Any future annexation request for the Rinconada Canyon should not be considered pending acquisition/dedication of this area for open space.

The requested zoning pattern is generally appropriate and follows the El Rancho Atrisco Area Plan. However, it should be modified as recommended below.

The property north of Ouray Road and east of Unser Boulevard should be zoned SU-1 for a planned residential cluster development with an average density of 6 DU/ac. SU-1 zoning is recommended because the power line easements transversing the property make conventional development patterns inappropriate. It should be noted that the property is in the Developing Urban Area which has a maximum average density of 6 DU/ac as recommended.

Ten acres between Ouray Road and the PNM facility and along the eastern border of the property should be zoned C-1 for neighborhood commercial development. The remainder of the property in the SE quadrant of the Unser Blvd/Ouray Road intersection should be zoned IP.

The remaining property to the SW should be zoned when annexation is requested, with RD zoning on the west side of Unser Blvd and IP zoning on the east side of Unser Boulevard.

- FINDINGS:
1. The Sector Development Plan should be amended to show:
 - a. the entire property west of Unser Boulevard in Rinconada Canyon as Park/open space.
 - b. the intersection of Ouray Road and Unser Blvd should be shifted as recommended by the Transportation Department and so as to eliminate the residual property between Ouray Road, Unser Blvd and the power line easement.
 - c. the property north of Ouray Road and east of Unser Blvd should be designated for cluster residential development with an average of 6 DU/acre.
 - d. the proposed commercial development should be located between Ouray Road and the PNM facility along the east boundary of the request.
 - e. the remaining property south of Ouray Road east of Unser Blvd should be developed with light industrial uses.
 2. The annexation is appropriate and conforms to all applicable City policies. The requested zoning generally follows the El Rancho Atrisco Area Plan but should be modified such that:
 - a. the entire property north of Ouray Road and east of Unser Blvd should be zoned SU-1 for a planned cluster residential development with an average density of 6 DU/acre.
 - b. Ten acres between Ouray Road and the PNM facility along the eastern border of the property should be zoned C-1
 - c. the remaining property south of Ouray Road should be zoned IP.

RECOMMENDATION: Approval of SD-80-4, AX-80-18, Z-80-87, subject to the above findings.

ENVIRONMENTAL PLANNING COMMISSION ACTION, 9-18-80: (Commissioners Present: Loken, Gregory, Ashcraft, Martin, Fritz, Sutton, Barker, and Sanchez)

So Johnson, agent for Westland Development Co., presented an overview of the project. Distribution within the acreage is affected by Public Service Company's substation and easements under power lines, needs of the City for additional yard space and the open space requirements. Mr. Conrad, of Trinity Enterprises joined in Mr. Johnson in explaining their position regarding the lands of the canyon area for later development.

Commission Comments/Concerns:

1. Rinconada Canyon has a unique ecological form of milopeads that inhabit it.
2. The Canyon should remain open space, rather than park or development.
3. The alignment shown for Unser Boulevard is superior to prior alignment.
4. Commercial activities would be better on Ouray than on Unser.
5. Higher density than requested is appropriate because of amount of open space required.

FINDINGS:

1. The area north of Unser Boulevard should be zoned SU-1 for residential uses of 6-9 dwelling units, gross acreage for lands east and west of the power lines.

CITY COUNCIL
December 8, 1980
AX-80-18, Z-80-87

ENVIRONMENTAL PLANNING COMMISSION ACTION (CONTINUED):

2. The alignment of Unser Boulevard shall be negotiated with the City Traffic Engineering Department.
3. The applicant shall agree to dedication and annexation of the right of way of Unser Boulevard.
4. The area south of Ouray Boulevard and east of Unser be zoned SU-1 for IP and C-1 uses, with 12 acres being the maximum commercial allowed. Configurations for this area shall be worked out with staff.

BE IT RESOLVED that SD-80-4, AX-80-18, Z-80-87 be approved moved, subject to the Findings.

MOVED by Commissioner Barker
SECONDED by Commissioner Sutton

Motion Carried Unanimously

ADDITIONAL COMMENTS FROM THE PLANNING DIVISION TO THE CITY COUNCIL, 12-8-80:

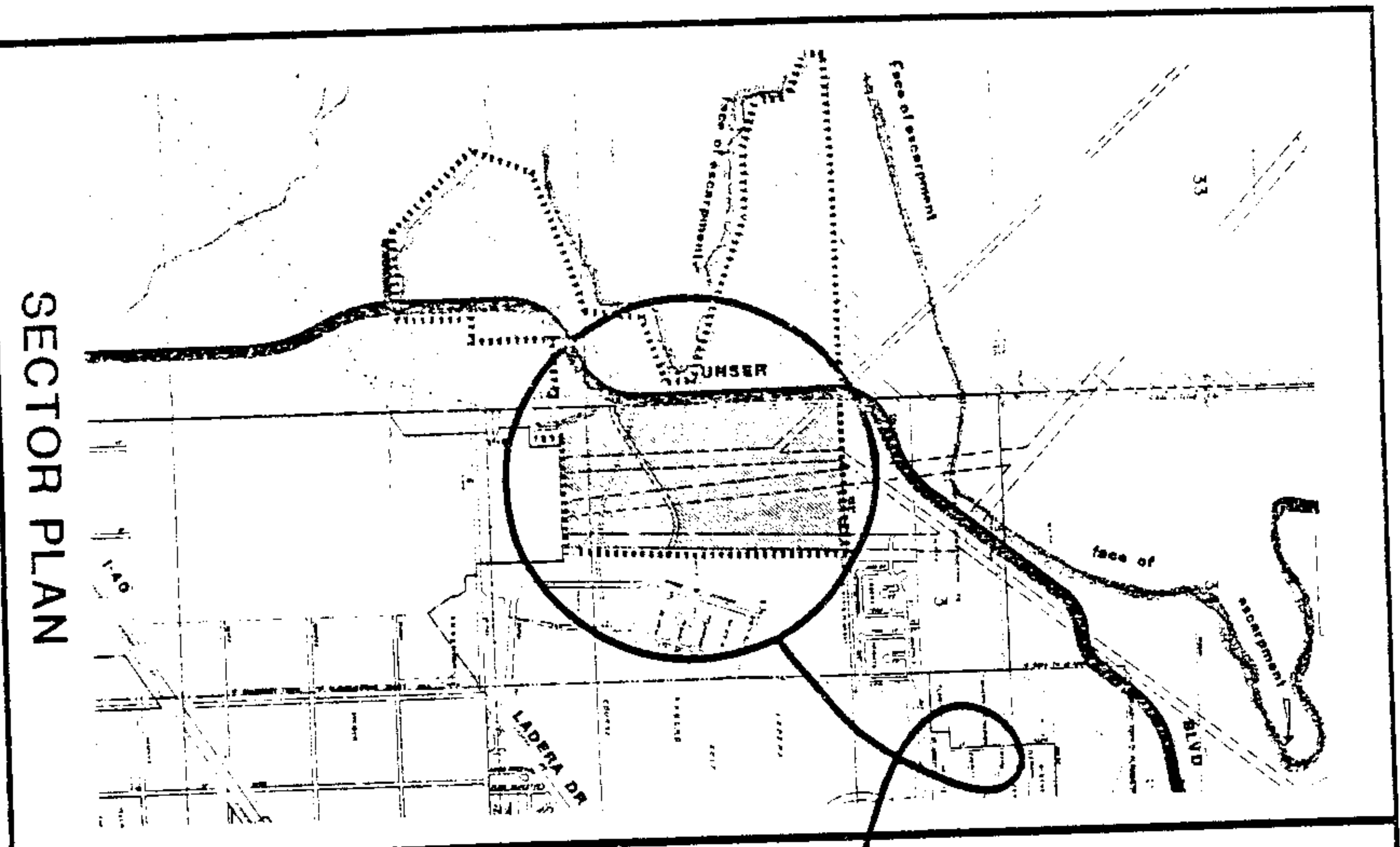
There are no additional comments from the Planning Division at this time.

VERN HAGEN
City Planner

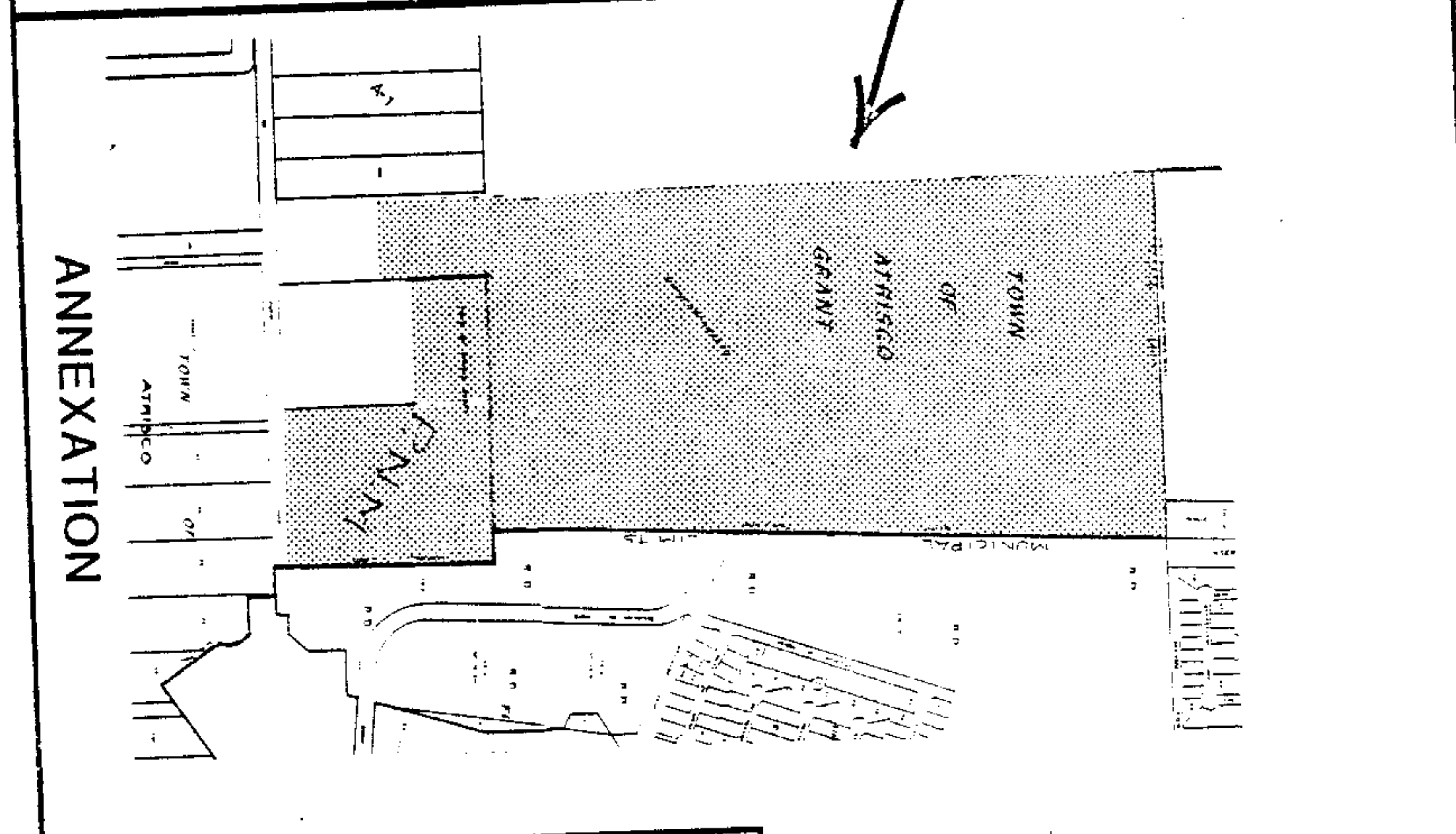
VH:CJ:eam

cc: Westland Development Co., 401 N. Coors Boulevard, N.W., Suite 201; 87105
Bo Johnson, Trinity Enterprises, 401 North Coors, N.W., Suite 202; 87105

IT IS REQUESTED THAT THE APPLICANT/AGENT BE PRESENT AT THE HEARING

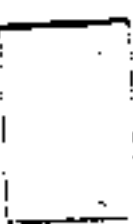



SECTOR PLAN



ANNEXATION

STUDY AREA

 SECTOR PLAN
 APPROX 365 R ACRES
 ANNEXATION
 APPROX 146.77 ACRES

**Albuquerque - Bernalillo County
PLANNING DEPARTMENT**

Description: SECTOR PLAN APPROVAL,
 SUBDIVISION APPROVAL, ANNEXATION
 AND SIMULTANEOUS ESTABLISHMENT OF
 R-D ZONING FOR TRACT OF LAND IN
 SECTIONS 3, 4, 9 & 10, T10N, R2E TOWN
 OF ATRISCO GRANT

| | | | | |
|---------------------|-----------------|--------------|------------|--------|
| By | Date | Checked | Scale | NONE |
| Plat: | S.C.A. 10-24-81 | g | Air Photo: | |
| Zoning: | | | Source: | G/H-10 |
| Land Use: | | | MRGCD: | |
| Applicant or Agent: | BO JOHNSON | File Number: | SD-80-4 | |
| CPC Hearing: | 9-18-80 | | S-80-28 | |
| EC Hearing: | 12-8-80 | | AX-80-18 | |
| BCC Hearing: | | | Z-80-87-1 | |

TRINITY ENTERPRISES, INC.

Civil Engineers
Land Planners
Developers

3107 Eubank, N.E.
Suite 3
Albuquerque, New Mexico 87111
(505) 292-7666

November 14, 1980

Mr. Charles Johnston
City Planner
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

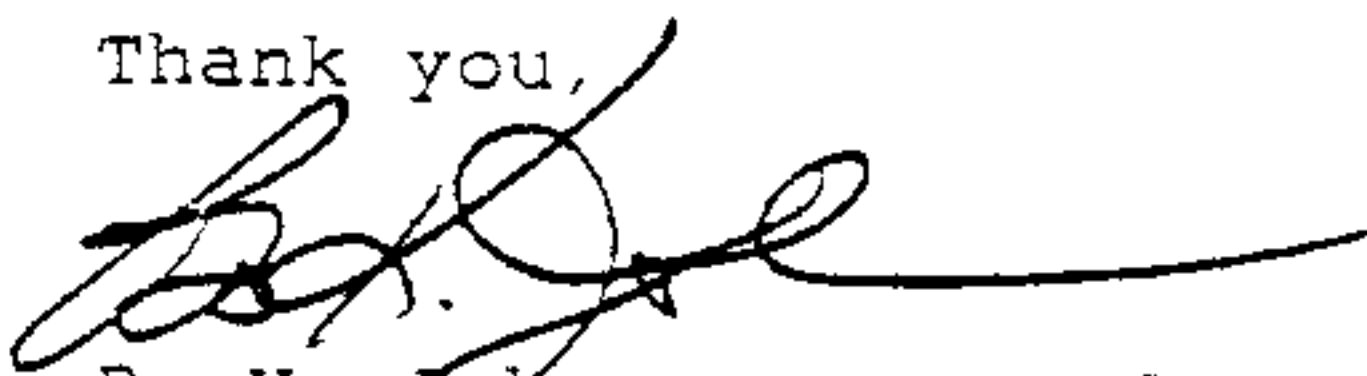
Reference: Unser Boulevard Right-of-Way

Dear Mr. Johnston,

On behalf of Western Development this letter will certify that the right-of-way for Unser Boulevard will be annexed and dedicated with the development of the adjacent plat. We are preparing the plat and plans for this work under the name of El Rancho Atrisco, Phase II.

If you should have any questions, please call me.

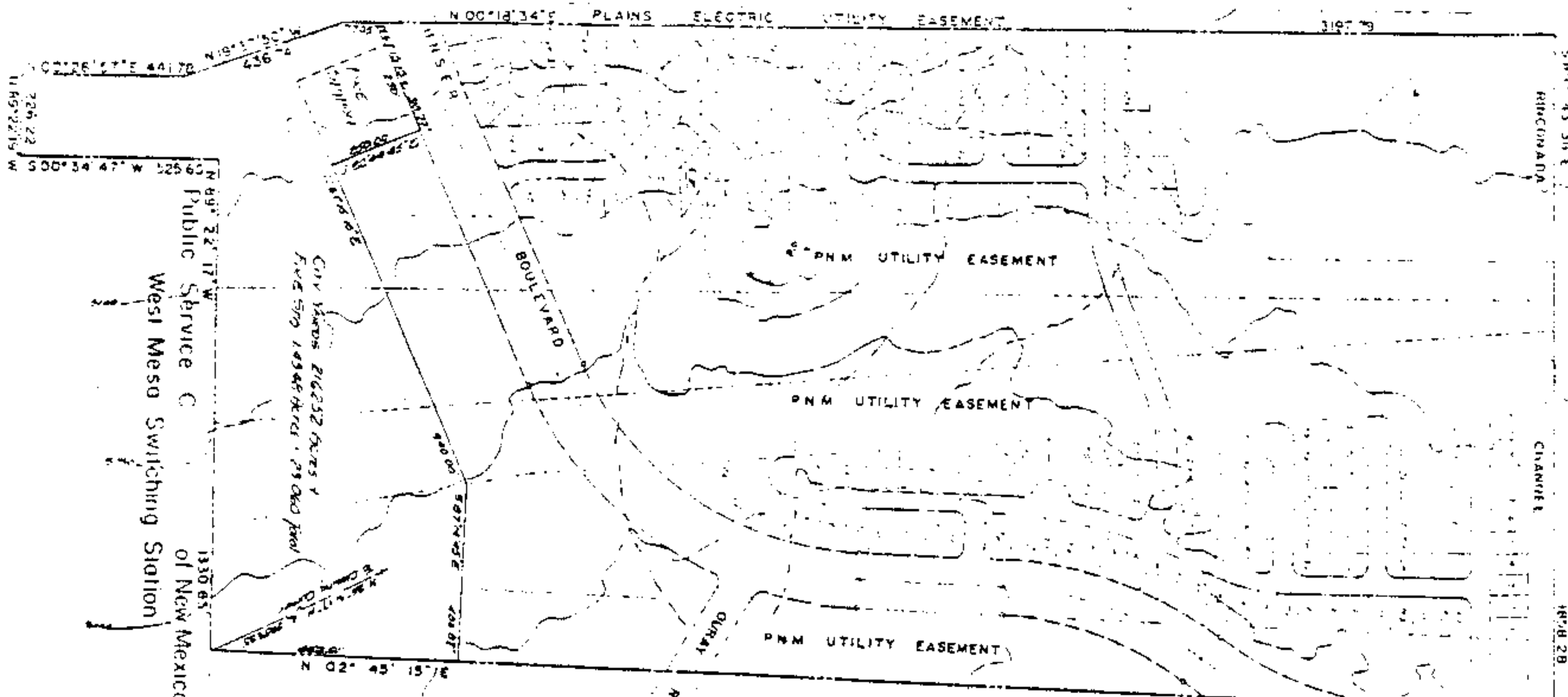
Thank you,



Bo K. Johnson, President
TRINITY ENTERPRISES, Inc.

BKJ/dd

SCALE 1"=200'



EL RANCHO ATRISCO TRACT 4
 146 TRACT ADDITION TO THE CITY OF ALBUQUERQUE

APPROVED FOR RECORDATION BY THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON 08/15/2007 AT 10:00 AM.

RECORDED IN PUBLIC RECORDS OF BERNALILLO COUNTY, NEW MEXICO, BOOK 100, PAGE 100.

PREPARED BY: [Signature]

DATE: 08/15/2007

Prepared for: [Signature]

DATE: 08/15/2007

TRINITY ENTERPRISES, INC.

401 Coors Road, N.W.
Suite 202
Albuquerque, New Mexico 87105
(505) 831-2012

August 13, 1980

Mr. Vern Hagen
Planning Director
City of Albuquerque
Post Office Box 1293
Albuquerque, New Mexico 87103

RE: El Rancho Atrisco, Phase II Sector Plan

Dear Mr. Hagen:

Respectfully submitted, on behalf of the Westland Development Co., Inc., please find additional copies, per our August 4, 1980 correspondence, of El Rancho Atrisco, Phase II Sector Plan text and drawings for your review and approval.

This Sector Plan is intended to compliment and refine the planning effort presented to your staff under the title of El Rancho Atrisco Area Plan, prepared by Bohannan-Huston, Inc. A close review of both documents will show that this Sector Plan has not violated any major planning philosophy demonstrated in the Area Plan. The notable change, however, would be the adjustment of the Unser Boulevard alignment. Compared to the Area Plan submittal, this should be viewed as a better balance between people and vehicle uses. The larger easement between these land uses provides a buffer.

In addition to setting the alignment of Unser Boulevard on this Sector Plan, this consultant met with the adjacent land-owners to obtain approval of the proposed route all the way from I-40 on the south to Atrisco Boulevard on the north. At all meetings, this alignment was viewed and approved as the best alternative. Both City Traffic Department staff members, and members from UTPPB, have studied and tentatively approved this routing.

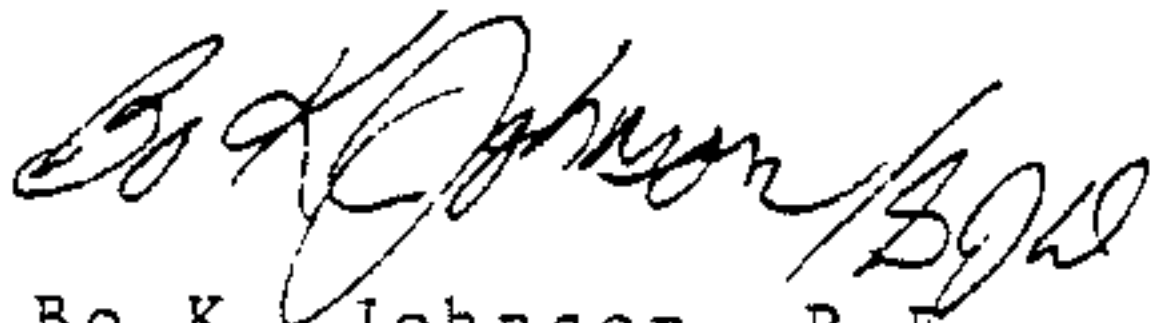
We have met with many other organizations interested in and charged with the responsibility of ensuring organized growth in Albuquerque. I wish to express my gratitude for all the effort and support demonstrated by these staff members.

~~SD-80-17~~
S-80-28
Z-80-87
AX-80-18

August 13, 1980
Mr. Vern Hagen
Page 2.

I look forward to participating in the meetings you, your staff, and Planning Commission members will be having to discuss this Sector Plan.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Bo K. Johnson".

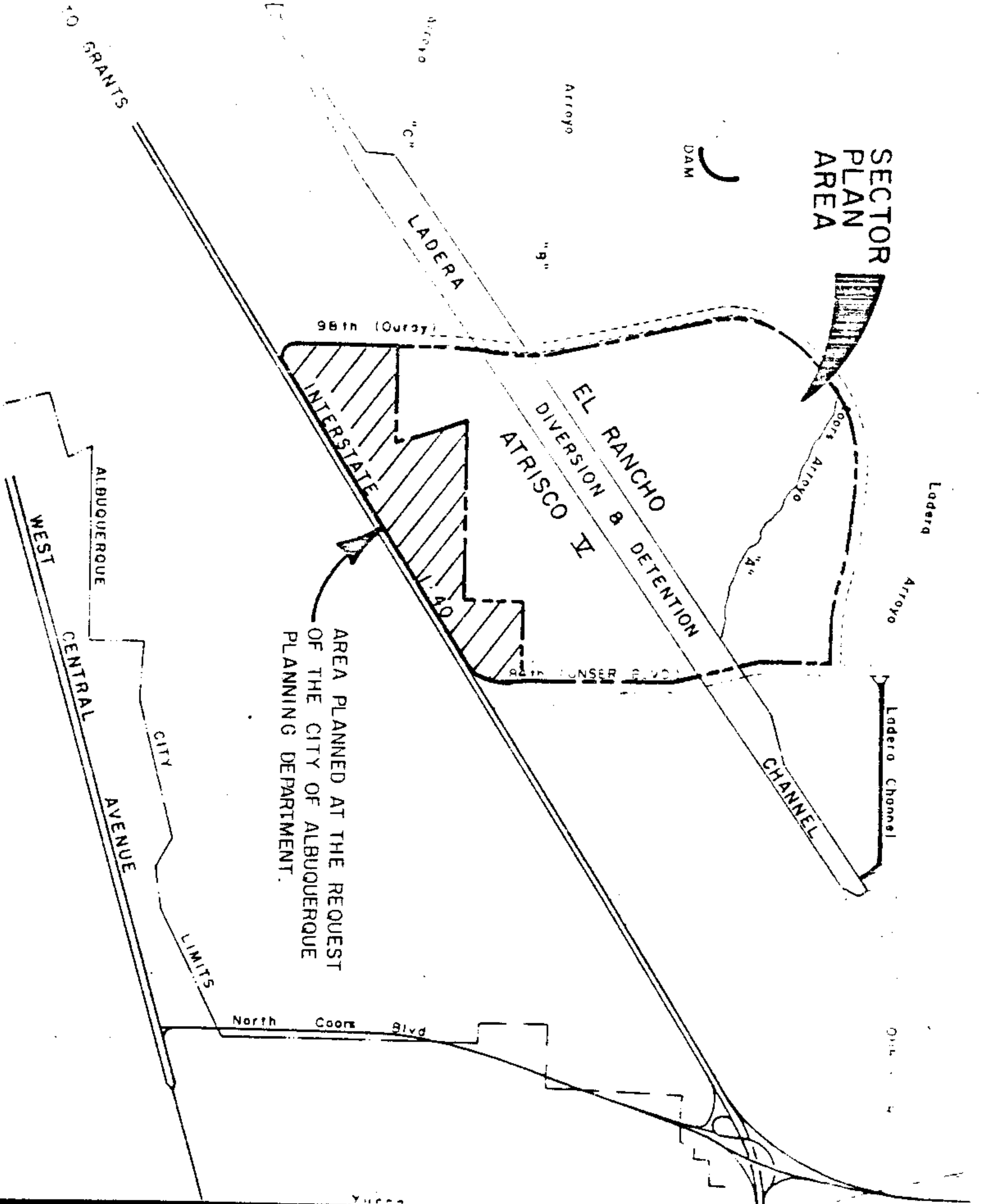
Bo K. Johnson, P.E.
President

TRINITY ENTERPRISES, INC.

BKJ/pm

Enclosures

**SECTOR
PLAN
AREA**



**CITY OF
ALBUQUERQUE**

**MUNICIPAL
DEVELOPMENT
DEPARTMENT**

PLANNING DIVISION

IN

HEARING: 6-21-84 MAP: 8.9
FILE: SD-84-1

TRINITY ENTERPRISES, INC.

401 Coors Road, N.W.
Suite 202
Albuquerque, New Mexico 87105
(505) 831-2012

August 13, 1980

Mr. Vern Hagen
Planning Director
City of Albuquerque
Post Office Box 1293
Albuquerque, New Mexico 87103

RE: El Rancho Atrisco, Phase II Sector Plan


Dear Mr. Hagen:

Respectfully submitted, on behalf of the Westland Development Co., Inc., please find additional copies, per our August 4, 1980 correspondence, of El Rancho Atrisco, Phase II Sector Plan text and drawings for your review and approval.

This Sector Plan is intended to compliment and refine the planning effort presented to your staff under the title of El Rancho Atrisco Area Plan, prepared by Bohannon-Huston, Inc. A close review of both documents will show that this Sector Plan has not violated any major planning philosophy demonstrated in the Area Plan. The notable change, however, would be the adjustment of the Unser Boulevard alignment. Compared to the Area Plan submittal, this should be viewed as a better balance between people and vehicle uses. The larger easement between these land uses provides a buffer.

In addition to setting the alignment of Unser Boulevard on this Sector Plan, this consultant met with the adjacent landowners to obtain approval of the proposed route all the way from I-40 on the south to Atrisco Boulevard on the north. At all meetings, this alignment was viewed and approved as the best alternative. Both City Traffic Department staff members, and members from UTPPB, have studied and tentatively approved this routing.

We have met with many other organizations interested in and charged with the responsibility of ensuring organized growth in Albuquerque. I wish to express my gratitude for all the effort and support demonstrated by these staff members.


S-80-28
Z-80-87
AX-80-18

August 13, 1980
Mr. Vern Hagen
Page 2.

I look forward to participating in the meetings you, your staff, and Planning Commission members will be having to discuss this Sector Plan.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Bo K. Johnson".

Bo K. Johnson, P.E.
President

TRINITY ENTERPRISES, INC.

BKJ/pm

Enclosures

ALBUQUERQUE/BERNALILLO COUNTY
PLANNING DIVISION

CITY -- ZONE CHANGES AND/OR SITE DEVELOPMENT PLANS:

TO: Traffic Engineer Transportation ✓
Refuse Removal Division ✓ City Engineer ✓
Real Estate Officer ✓ City Hydrologist ✓
Police Department AMAFCA ✓
Fire Department ✓ COG
Parks and Recreation ✓ Environmental Health ✓
APS ✓ Water Resources
CIP Planner (No reply Zoning Enforcement ✓
required)

FROM: GENE MARES, Principal Planner
Planning Division, MDD

DATE:

SUBJECT: REQUEST FOR COMMENT

Listed below are requests scheduled for public hearing before the Environmental Planning Commission in September, which require your comment. Attached for your information are copies of the applications, sketch maps, and any other pertinent information that has been submitted.

The inter-departmental staff review session for these requests will be held on Tuesday, August 26, at 10 am in the Planning Division Conference Room. In order that your comments be incorporated in the Planning staff reports, it is necessary that such comments be returned to this office NO LATER than the day following the review session.

Z-73-190-1

Z-80-117

SD-80-4, AX-80-18, Z-80-87, S-80-28

TRINITY ENTERPRISES, INC.

401 Coors Road, N.W.
Suite 202
Albuquerque, New Mexico 87105
(505) 831-2012

August 13, 1980

Mr. Vern Hagen
Planning Director
City of Albuquerque
Post Office Box 1293
Albuquerque, New Mexico 87103

RE: El Rancho Atrisco, Phase II Sector Plan

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SD-80-4

S-80-28

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AX-80-18

August 13, 1980
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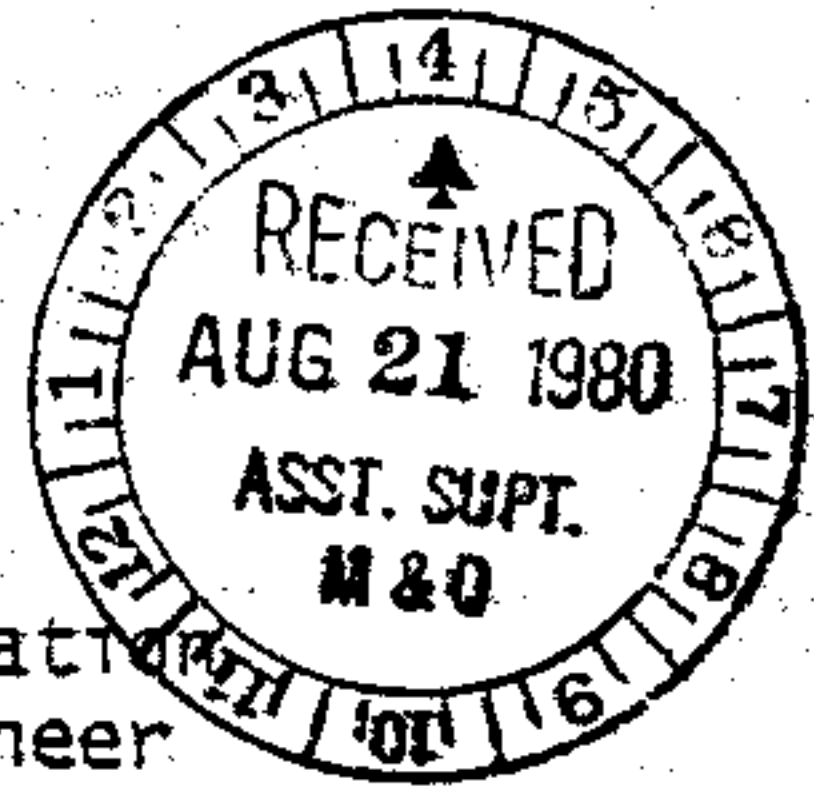
Bo K. Johnson, P.E.
President

TRINITY ENTERPRISES, INC.

BKJ/pm

Enclosures

BUQUERQUE/BERNALILLO COUNTY
PLANNING DIVISION



CITY -- ZONE CHANGES AND/OR SITE DEVELOPMENT PLANS:

| | | |
|-----|---------------------------------|----------------------|
| TO: | Traffic Engineer | Transportation |
| | Refuse Removal Division | City Engineer |
| | Real Estate Officer | City Hydrologist |
| | Police Department | AMAFCA |
| | Fire Department | COG |
| | Parks and Recreation | Environmental Health |
| | <u>APS</u> | Water Resources |
| | CIP Planner (No reply required) | Zoning Enforcement |

FROM: GENE MARES, Principal Planner
Planning Division, MDD

DATE:

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✓ Z-73-190-1

✓ Z-80-117

✓ SD-80-4, AX-80-18, Z-80-87, S-80-28

No Adverse Comments
No Adverse Comments

No Adverse Comments

Gene Mares
8/25/80

request submitted on...
 Manchester (E-15)
 CZ-80-43 — The County Planning Commission recommends approval of a request for a change of zone from M-H to A-2 for the SE 1/4 of Section 4, 19N, R6E, located approximately 2 miles west of State Highway 217 South and 4.5 miles south of Interstate 40. East, containing approximately 160 acres. Original request submitted by City/County Planning Division, agent for County Planning Commission (N-33).
 CSU-80-31 — The County Planning Commission recommends approval of a request for a Special Use Permit for a radio broadcast studio on Tract 4382, MEGCD Map 24, presently zoned A-1, located south of Richfield Road between AT & SFRR & Second Street, containing approximately 4.44 acres. Original request submitted by Raul O. Parra, agent for Spanish Community Radio, Ltd. (C-16).
 CSU-80-32 — The County Planning Commission recommends approval of a request for a Special Use Permit for the purpose of parking two business trucks at the rear of Lot 3, Block 12, Rosa Acres Subdivision, presently zoned R-1, located south of Flora Vista Avenue between Jacona Way Drive & Coors Blvd, containing approximately 0.5 acre. Original request submitted by Joe B. Hernandez. (P-103).
 CSU-80-33 — The County Planning Commission recommends approval of a request for a Special Use Permit for a contractor's yard on Lots 1 & 2, Block A, LD-72-223, presently zoned C-1, located on the southwest corner of the intersection of Calle de Pajarito & Fourth Street, containing approximately 1.3 acres. Original request submitted by George Lambert, agent for South Western Electric (C-15).
 CRM-80-8 — The County Planning Commission recommends approval of a request for the vacation of the north/south alley in Block J, Mountain View Addition, between the north right-of-way of Rancher Avenue and the south right-of-way of Rancher Avenue. Original request submitted by Harold D. Woodard. (P-14).
 CRM-80-9 — The County Planning Commission recommends approval of a request for the vacation of the drainage right-of-way easement adjacent to Lots 15, Block 1; Lots 3, 9, Block 3; Lots 5, 8, 14, Block 4; north end of Noble Drive adjacent to Lots 5, 6, Block 4, Sunny Meadows Subdivision and dedication of new Noble Drive cul-de-sac. Original request submitted by Cecil Boyd Wilson. (E-16).
 CRM-80-10 — The County Planning Commission recommends approval of a request for the vacation of that portion of Sunup Street (Arroyo Street) & Rio Abasco Road, SE, between Lot 6, Block D & Lots 4 & 5, Block A, Rio Vista Subdivision. Original request submitted by Juan E. Rael. (Q-14).
 CRM-80-11 — The County Planning Commission recommends approval of a request for subdivision approval for Lot 4, Winchester Addition, consisting of 3 acres, located on the south side of Winchester Road and west of Coors Road. Original request submitted by Frank Benavides, agent for Larry Vigil. (T-10).
 SC5-80-7 — The County Planning Commission recommends approval of a request for subdivision approval for Lot D, Winchester Addition, consisting of 3.2 acres, located south of Coors Road. Original request submitted by Frank Benavides, agent for Pac Sanchez. (T-10).
 CZ-80-36 (1) — The County Planning Commission recommends approval of an amendment to the text of the Comprehensive Zoning Ordinance No. 213, as amended; Section 16, concerning the increase of the minimum lot size for mobile home courts from one acre to 10 acres. (Deferred from 7/15/80).
 -Tenny Culp,
 County Clerk
 Journal, July 30, 1980.

STATE OF NEW MEXICO, ss.

County of Bernalillo

George Ramirez being duly sworn declares and says that he is *held adding* of Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefor has been made or assessed as court costs; that the notice, a copy of which is hereto attached, was published in said paper in the regular daily edition,

for *1* times, the first publication being on the *30* day of *July*, 197*80* and the subsequent consecutive publications on *197*.....

NOTARIAL SEAL
 SYLVIA L. NUANES
 PUBLIC, NEW MEXICO
 COUNTY SECRETARY OF STATE
 RES *11-18-81*

George Ramirez
 Sworn and subscribed to before me, a Notary Public in and for the County of Bernalillo and State of New Mexico, this *30* day of *July*, 197*80*

My commission expires _____ Notary Public.

CITY OF ALBUQUERQUE
ENVIRONMENTAL HEALTH DEPARTMENT
(TECHNICAL SERVICES DIVISION)

TO: Municipal Development Department, Planning Division
ATTN: Gene Mares, Principal Planner
FROM: Damacio Salazar, ^{12/21} Environmental Review Officer, Environmental Health Department
SUBJECT: REQUEST FOR COMMENTS

Listed below are the following comments due: _____

- 226. Z-73-190-1 - No adverse comments.
- 227. Z-80-117 - No adverse comments.
- 2 [REDACTED] - No adverse comments.
- 229. AX-80-18 - No adverse comments.
- 230. Z-80-87 - No adverse comments.
- 231. S-80-28 - No comments.
- 232. V-80-26 - Recommend vacation.
- 233. S-80-47 - No adverse comments.
- 234. S-80-46 - No adverse comments.
- 235. V-80-28 - Recommend vacation.
- 236. AX-80-25
Z-80-121 - No adverse comments.
- 237. S-D-80-3 - No adverse comments.
- 238. AX-80-26 - No adverse comments.
- 239. Z-80-122 - No adverse comments.
- 240. V-80-25 - Recommend vacation as per request.
- 241. S-80-37 - No adverse comments.
- 242. S-77-52m - No adverse comments.
- 243. Z-80-124 - No adverse comments.

Sharon -

please have Anne review this material & brief Phil on anything she knows about it prior to lunch Thurs. Apr. 30

(Phil will be gone on Wed) - also FYI for Anne - ask her to return material to Phil

Cy

Phil -

Sam Frisquary has been trying to meet w/ the city for years - he has talked w/ you before - - he worked agreement w/ Wetland to acquire land to meet his OS requirement for property (in East Atascadero, if I remember) but did not have City planners accept the lands he acquired - part of them O.S. Division does not want - Frisquary made mistake by not making sure City would accept the lands before he bought from Wetland. Basically, we

would like to help but not at the expense of accepting lands we don't want/need.

Also - ck w/ David King if he hasn't talked w/ you yet. Tracy Chauney was asking questions on why we do/don't do some things

Cy

4/29

Phil -

I did not read this as thoroughly as I would like to - but would need to see all pertinent exhibits 1st.

Briefly - I met w/ Mr. Fresquez + Barbara Baca months ago on the Arroyo dedication question. I agree with Barbara's letter + my comments. It appeared to me, from Mr. Fresquez' agreement with Westland, that Westland was possibly at fault in not fulfilling their part of the bargain. (Not the City!) Tom Messier is more familiar with the file than I. If you have any questions - let me know. See Arroyo map. Anne

Handwritten notes and a diagram on a piece of lined paper. The notes include:

- 12/13/14
- 12/13/14
- 12/13/14
- Handwritten text: "Handwritten notes on equipment" and "Handwritten notes on face of"

A small diagram shows a curved line with a vertical line intersecting it, and a circle with the number "12" inside.

At the bottom, there is a circled number: 926

OPEN SPACE AGREEMENT

THIS AGREEMENT ENTERED into this _____ day of _____, 19 ____, by and between WESTLAND DEVELOPMENT CO., INC., (hereinafter called "Owners") and the CITY OF ALBUQUERQUE, a municipal corporation formed pursuant to the laws of the State of New Mexico (herein called "City").

WHEREAS, the Owner is the owner of certain property located in Bernalillo County, New Mexico, the legal description of which is attached hereto as Exhibit "A" and incorporated herein by reference, and which property lies within the platting and planning jurisdiction of City, and

} ? Exhibit A

WHEREAS, Owner and City are desirous of completing the additional planning for owner's property within the Area Plan officially labeled the North West Area Plan and hereinafter referred to as the "Area Plan", and

WHEREAS, City and Owner are desirous of entering into an agreement whereby the Open Space requirements of Owner can be established in advance of the final approval and filing of plats for different areas within the Area Plan and further to establish the text of the legal documents required to be filed to preserve Open Space in accordance with Section 40(h)(1) of the Comprehensive Zoning Code of the City of Albuquerque, and further to establish the property described in Exhibit "A" as detached Open Space acceptable to the City.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS OF THE PARTIES HEREIN CONTAINED, IT IS HEREBY AGREED AS FOLLOWS:

1. The property described in Exhibit "A" is hereby accepted by the City as detached Open Space.

2. Any portion of the property which is not presently annexed, upon annexation to the City, may be appropriately zoned so as to permit residential and related uses with Open Space requirements of not more than 2,400 square feet of open space per dwelling unit, which requirement may be met by the following alternatives, the choice to be by Owner.

} not sure of area + should it all be residential

a. By on-site Open Space. Of the total 2,400 square feet, the following minimum amount of usable Open Space shall be on the lot with the dwelling: 200 square feet for each efficiency or one-bedroom dwelling; 250 square feet for each two-bedroom dwelling; 300 square feet for each dwelling containing three or more bedrooms.

} correct reqs?

b. By detached Open Space when the total requirement cannot be met on the lot upon which the dwelling unit is constructed. The balance of such Open Space can be met by executing and delivering to the City an instrument in form and substance identical to the document entitled "Open Space Restrictive Covenants" attached hereto as Exhibit "B" which is incorporated herein by reference. Such detached Open Space need not be accessible to the residents of the related dwelling units or to the general public.

3. It is agreed that City will not increase with regard to Owner's property, the requirements for Open Space as set out herein (or the uses thereof as allowed by the present zoning ordinance) as to any and all lands owned by Owner and located within the Area Plan.

4. Upon application to the City for final plat approval as to any property within the Area Plan, Owner or its assignees, shall present to the City a calculation of the Open Space requirements for that particular plat. Such calculation shall specify the Open Space which will be located on the residential lot and the amount of Open Space which will be detached open space pursuant to Section 40(h) of the Zoning Ordinance. Owner shall further provide to City at the time of the application for final plat approval an executed copy of the restrictive covenants as attached hereto, describing the property which in size and location meet the present requirements of Section 40(h) of the Zoning Code.

5. Upon verification of the City of the mathematical correctness of the calculations and location of the Open Space, the restrictive covenants shall be filed together with the final plat or other conveyance instrument and upon such filing, Owners obligation with regard to Open Space pursuant to Section 18(f) and Section 40(h) of the Zoning Code shall be deemed fulfilled and completed.

6. It is understood and agreed that the development of all property of Owner within the Area Plan will not be accomplished immediately and will take place over several years after the date of execution of this Agreement. However, because of the substantial expenditure of monies in the planning and development, of its property, Owner has acquired a "vested interest" in the plan for Open Space which was developed in accordance with the provisions of Sections 18(f) and 40(h) of the Zoning Code, and City agrees that such conditions, terms or requirements will not be changed or modified so as to adversely affect the interest of Owners as to any property within the Area Plan.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first written above.

} this goes beyond what ever annex after this is. (not good)

} Phil - what does this all pertain to?

} Would this give them even more of a "vested interest" than they do, in fact, now have?

Has Susan McKee seen this?

WESTLAND DEVELOPMENT COMPANY, INC.

By: _____
Gil E. Cordova
Its: President & Chief Executive
Officer

CITY OF ALBUQUERQUE

By: _____
Gene Romo
Its: Chief Administrative Officer

ATTEST:

City Clerk Recorder

REVIEWED BY LEGAL DEPARTMENT:

(ACKNOWLEDGMENTS)

RESTRICTIVE COVENANTS
FOR OPEN SPACE

WHEREAS, _____ is the owner of the following described real estate situate in Bernalillo County, New Mexico (hereinafter called "the Property"):

WHEREAS, Owner has established the general plan for the improvement and development of properties owned by it (hereinafter called "Benefited Properties") which require "Detached Open Space" pursuant to the ordinances of the City of Albuquerque, and

WHEREAS, such ordinances require that the owner "forfeit permanently to the City of Albuquerque by deed or other suitable instrument the right to use or develop such land other than as specified in said ordinance,

NOW, THEREFORE, the Property is hereby made subject to the following restrictive covenants, conditions and reservations which shall run with the land in perpetuity and shall be binding upon owners, their successors and assigns. Such restrictions shall be for the benefit of the City of Albuquerque in that they further carry out the intent, purpose and requirements of the Comprehensive Zoning Code of the City of Albuquerque and of the Albuquerque/Bernalillo County

Comprehensive Plan and the owners of all the properties within the Area Plan officially labeled the North West Area Plan and they shall run in favor of the City of Albuquerque and any or all of the aforementioned land owners. The City and any or all of the aforementioned land owners shall be entitled to prosecute any proceedings at law or in equity against the person or persons violating any of these covenants either to prevent him from doing so or to recover damages for such violation or both. It is the intent of this paragraph to make the City of Albuquerque, together with a group composed of all the aforementioned property owners the only parties entitled to release any of the Property described herein from the effects of such covenants, and change of the character or other similar defenses to the enforcement of Restrictive Covenants shall not apply as to these covenants. Any action in derogation of these covenants by any of the aforementioned land owners shall not constitute a waiver by the City of said covenants or estop the City from enforcing the covenants. The restrictive covenants, conditions and reservations placed upon the Property are in consideration for the restrictive covenants, conditions and reservations placed upon the property of the aforementioned land owners lying within the North West Area Plan.

? couldn't represent all owners in NWAP (1981 NWAP?) How can they "run in favor" of both the City & the prop. owners?

(don't know the legal terms)

Land Uses: All the Property described above is hereby declared to be reserved and restricted and preserved for the following purposes as such purposes may be determined from time to time by the owner of the Property:

- a. Active and passive outdoor recreation.
- b. Agricultural (outdoor) and pasturing animals.
- c. Lakes, waterways, flood water storage areas and other public facilities for handling flood water.
- d. Land maintained in its natural state or being returned to a natural state.
- e. Structures and facilities incidental to the above uses.

NO - they should not get C.S. credit for flood control projects - except under the very

The City of Albuquerque by acceptance of this Covenant acknowledges that this Covenant satisfies the Open Space requirements of the City of Albuquerque for the zoning and the development of the Benefited Properties.

Specific criteria listed in the Facility Plan for Arroyos.

IN WITNESS WHEREOF, the parties hereto have executed this instrument on the _____ day of _____, 1987.

TOWN

OF

