

August 31, 1984

OFFICIAL NOTICE

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION
P.O. BOX 1299, ALBUQUERQUE, NEW MEXICO 87103

REF: Z-84-115 Establishment of a wall overlay zone for the area of the Atrisco Village Addition Units 1, 2, 3a, 3b, and 4, Unit J-T, and Westgate Heights Addition Unit 1, generally located west of 98th Street and Snow Vista Boulevard, S.W., south of Gibson Road and De Vargas Road, S.W., and north of Cartagena Avenue, S.W. (N-829)

At the August 30, 1984, Environmental Planning Commission meeting the above-referenced request was approved subject to and based on the following Findings.

Findings:

1. The proposed wall overlay zone, with the exception of acceptance of wire fences, is in accordance with all applicable City plans and policies.
2. The proposed wall overlay zone should limit wall/fence to 4 feet in height in a setback area and should allow chain link fences.
3. No wall, fence, or retaining wall shall be erected in the clear sight triangle unless its type and location is approved by the Traffic Engineer based on a finding that it would not be a traffic hazard.
4. No wall or fence over 3 feet in height shall be closer than 11 feet to the junction of a driveway and a public sidewalk or planned public sidewalk location.
5. If any fence is found to be in violation of these provisions, the owner shall be given six (6) months to conform the fence to the overlay zone. All six month periods shall begin at the date of discovery of the violation.
6. Staff shall provide follow-up educational material for the residents of the area.
7. Unless a traffic safety condition is identified, those fences that were in existence prior to 1976 shall be allowed to remain.

If you wish to appeal this decision, you must do so by September 14, 1984, in the manner described below. A nonrefundable 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 may file an appeal on the Planning Division form to the Planning Division within 15 days of the Environmental Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

2-21-1957 Notice

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 requirements of the City must be complied with, even after approval of the referenced application(s).

Yma Rodarte

Yma Rodarte
Board Secretary

cc: Harry Gonzales, 1204 Sapphire St
Vickie Martinez, 1137 Jenaro, St
John E. Salner, 1006 Tomas Court, St
Clarence L. Smith, 10108 Jenaro, St
Don L. Cole, 1008 Carla Court, St
Manuel Rodriguez, 1323 Delgado, St
Denovan Griggs, 10908 Pecos, St
Louis L. Mascarenas, 1200 Clemente Place, St

**CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

AGENDA ITEM NO. 1

**ENVIRONMENTAL PLANNING COMMISSION
August 20, 1984
Z-04-115**

Z-04-115

The City of Albuquerque requests establishment of a wall overlay zone for the area of the Airview Village Addition Units 1, 2, 3a, 3b, 4 and Unit 2-Y, and Westgate Heights Addition Unit 1, generally located west of 28th Street and Snow Vista Boulevard, S.W. south of Gibson Road and to Vargas Road, S.W., and north of Cartagena Ave. N-S and N-S.

PLANNING DEPARTMENT'S COMMENTS:

This request for a wall overlay zone for the above described area is consistent with the provisions of Section 39.A. of the Comprehensive Zoning Code and comes to the Environmental Planning Commission as a result of enforcement actions in the area that were resulting in individual application for variances to the provisions of Section 10 and Section 40 of the Zone Code (see attachments). A survey of the lots in this area showed that approximately 75% of the homes in the area have fences in side or front yard setback areas and that about 30% of them were in violation of the Code. Further, our survey shows that a majority of the violations are fences in front yards that exceed the 3 foot height limit by one foot or less. In most cases these fences would substantially meet the conditions of Section 10.B.13 (see attachments). One caveat, most are chain link fences and therefore would not meet the standard of the code expressed as follows: "Wire fences over 3 feet high and in setback areas are not normally considered to be in harmony with a residential streetscape."

Subsequent to the survey, two meetings were held with the Neighborhood Association representatives and the issue was put on the "back burner" until this spring. On April 24, 1984 and again on May 15, 1984 meetings were held at Carlos Rey Elementary School to review the situation and propose solutions.

Both meetings were well attended "give and take" sessions during which ample opportunity was afforded to anyone wishing to speak on the matter. Particular attention was given to individual situations and it was my opinion that most people left these meetings with an adequate understanding of both the aesthetic (streetscape) and the safety (clear sight triangles on corner lots and near driveways) considerations.

FINDINGS:

1. The proposed wall overlay zone, with the exception of acceptance of wire fences, is in accordance with all applicable City Plan's and Policies.
2. The proposed wall overlay zone should limit wall/fence height to 4 feet and should allow a chain link fence.
3. No wall or fence shall obstruct vision at street intersections or near driveways.
4. No wall or fence over 3 feet in height shall be closer than 11 feet to the junction of a driveway and a public sidewalk or planned public sidewalk location.

RECOMMENDATION:

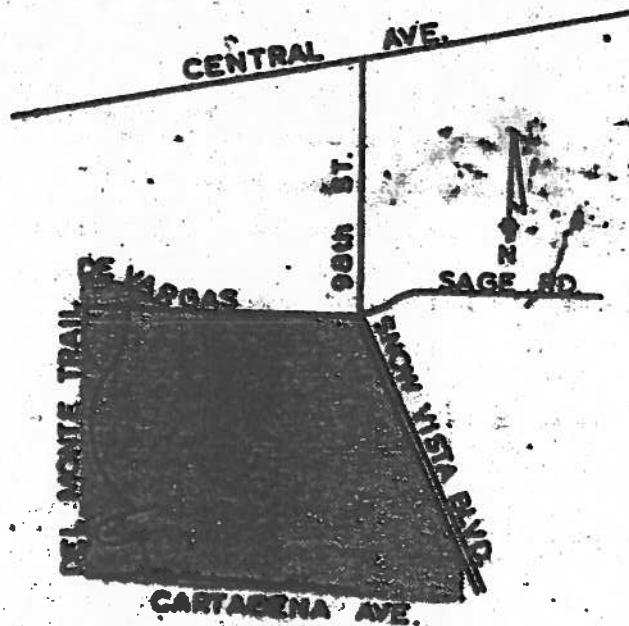
The area shown on the attached map should be designated on the zone map as a wall overlay zone with a height limitation of 4 feet.


Lloyd D. Barlow
Zoning Hearing Examiner

**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 Carlos Rey Elementary School cafeteria, 1215 Cerrillos Rd., S.W., at 7:30 p.m., on Thursday, August 30, 1984 for the purpose of considering the following:

Z-84-115 The City of Albuquerque requests establishment of a wall overlay zone for the area of the Atrisco Village Addition Units 1, 2, 3a, 3b, 4 and Unit J-T, and Westgate Heights Addition Unit 1, generally located west of 98th Street and Snow Vista Boulevard, S.W. south of Gibson Road and De Vargas Road, S.W., and north of Cartagena Ave. M-8 and M-9.



Details of this application may be examined at the Planning Division of the Municipal Development Department, Room 601, City Hall, 400 Marquette, N.W., between 8:00 a.m. and 5:00 p.m., Monday through Friday.

James L. Sutton, Chairman
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL ON WEDNESDAY, AUGUST 15, 1984.

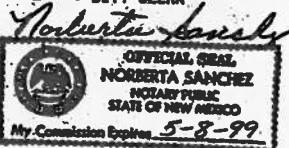
REF 1 DATE 5-8-99 18

CITY OF ALBUQUERQUE

This microimage is certified to be a complete and accurate copy of the original as it appears in the files of the PLANNING DEP'T/DEVELOPMENT SERVICES and was created in the normal course of business.

The photographic process used meets the Basic Microfilm Standards of the National Micrographics Association (ANSI Z39.48-1977).

M. J. Montalvo
CITY CLERK



PLANS/PLATS ON FILE

FILE DESC:

Z-84-115

PLANS/PLATS 1

