

PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3946

## OFFICIAL NOTIFICATION OF DECISION

Winrock Partners, LLC  
100 Sun Ave. NE, Suite 100  
Albuquerque, NM 87019

**Project# PR-2018-001579**  
**Application#**  
**SD-2024-00179** VACATION OF PRIVATE  
EASEMENT  
**SD-2024-00118** MINOR AMENDMENT TO  
PRELIMINARY/FINAL PLAT  
**SD-2024-00112** PRELIMINARY/FINAL PLAT

### LEGAL DESCRIPTION:

For all or a portion of:

**1-1-A, WINROCK CENTER ADDITION** zoned  
**MX-M**, located at **7500 INDIAN SCHOOL RD**  
**between PENNSYLVANIA and WINROCK**  
**.OOP** containing approximately **3.847**  
acre(s). **(J-19)**

On July 17, 2024, the Development Hearing Officer (DHO) held a public meeting concerning the above referenced applications and approved the requests, based on the following Findings:

### **Vacation of Private Easement** (SD-2024-00179)

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1. This is a request to vacate a private access easement along the southern boundary of the subject property.
2. The Applicant justified the vacation requests for the easements pursuant to 14-16-6-6-(M)(3) of the IDO. Per 6-6(M)(3) of the IDO, an application for a Vacation of Easement, Private Way, or Public Right-of-way shall be approved if it meets any of the following criteria:

**6-6(M)(3)(a) The public welfare does not require that the easement, private way, or public right-of-way be retained.**

***6-6(M)(3)(b) There is a net benefit to the public welfare because the development made possible by the Vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the Vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.***

The Applicant has justified the requested Vacation as follows:

The public welfare does not require that the easement be retained and there is no convincing evidence that any substantial property is abridged by this vacation with the condition that the companion minor Amendment to Preliminary Plat is satisfied.

#### **Minor Amendment to Preliminary/Final Plat (SD-2024-00118)**

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1. This is a request for a minor amendment to the Preliminary/Final Plat approved by the Development Review Board (DRB) on April 14<sup>th</sup>, 2021 per PR-2018-001579 / SD-2021-00073 to depict the revision of the legal name of the lot/tract on the Plat from Parcel E-1-A to Parcel E-1-A-1. The DRB approved a replat on the subject property at the stated date for the vacation of a deceleration lane along Pennsylvania Street NE, but the lot/tract number was not updated to reflect that it is a new lot, thus a minor amendment to the plat was needed.
2. The property is zoned MX-M. Future development must be consistent with the underlying zone district.
3. Per IDO 6-6(K)(2)(I), the applicant shall record the final plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the plat, or the subdivision shall be voided.
4. This request meets the criteria for a Minor Amendment per 6-4(Y)(2) of the IDO as read into the record by the DHO at the July 17<sup>th</sup>, 2024 hearing.

#### **Preliminary/Final Plat (SD-2024-00112)**

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1. This is a request to replat Parcel E-1-A of the Winrock Center Addition for the vacation of a private access easement and granting of a public sidewalk easement, public waterline easements, and public utility easements as depicted on the Plat.
2. The property is zoned MX-M. Future development must be consistent with the underlying zone district.
3. Per 6-6(K)(3) Review and Decision Criteria, an application for a Subdivision of Land – Minor shall be approved if it complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property. This request complies with these criteria.
4. Per IDO 6-6(K)(2)(I), the applicant shall record the final plat with the Bernalillo County Clerk

within 3 months after the date of the final signature on the plat, or the subdivision shall be voided.

5. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
6. All signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat.
7. The agent for the application confirmed at the July 17<sup>th</sup>, 2024 hearing for this request that the parcel name for this request will be "Parcel E-1-A-1-A."

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## **CONDITIONS**

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Final sign-off of the Plats by the DFT staff is conditioned as follows:

ABCWUA condition of approval:

- a. Add recording information for the existing waterline easement and make a clear delineation between the proposed waterline easement and existing waterline easement.

Planning conditions of approval:

- b. Conditions of approval for the Site Plan Amendment – DRB for PR-2018-001579 / SI-2020-01477 must be met/addressed.
- c. Project and application numbers for the Preliminary/Plat for PR-2018-001579 / SD-2024-00112 must be corrected.
- d. The Preliminary/Final Plat for PR-2018-001579 / SD-2024-00112 must be renamed from "Parcel E-1-A" to accommodate the amended Preliminary/Final Plat for PR-2018-001579 / SD-2024-00118.
- e. New utility, AMAFCA, and City Surveyor signatures must be obtained on the amended Preliminary/Final Plat for PR-2018-001579 / SD-2024-00118 prior to final sign-off of the Plat.
- f. AGIS DXF files and proof of approval must be provided.
- g. The date of the DHO approval shall be recorded on the Plats per 6-6(L)(2)(d)(7) of the IDO.
- h. A recorded copy of the amended Preliminary/Final Plat for PR-2018-001579 / SD-

Official Notice of Decision

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2024-00118 must be submitted prior to the final sign-off of the Preliminary/Final Plat for PR-2018-001579 / SD-2024-00112

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **AUGUST 2<sup>ND</sup>, 2024**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) and request that staff send you a link via Smartfile to upload the files to. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

You will receive notification if any 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. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,

*Robert L. Lucero, Jr.*

[Robert L. Lucero, Jr. \(Jul 23, 2024 15:25 MDT\)](#)

Robert L. Lucero, Jr.

Development Hearing Officer

RLL/jr

Huitt-Zollars, Inc. (Scott Eddings), 333 Rio Rancho Blvd., Rio Rancho, NM 87124







# PR-2018-001579 July 17th, 2024 Notice of Decision

Final Audit Report

2024-07-23

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