

DEVELOPMENT HEARING OFFICER

Code Enforcement Comments

Disclaimer: Comments provided are based upon information received from applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning staff.

*Jeff Palmer-Code Enforcement Supervisor
Planning Department
jppalmer@cabq.gov*

DATE: 09/11/2024

AGENDA ITEM NO: 2

DHO PROJECT NUMBER:

[PR-2019-002411](#)

SD-224-00126 – FINAL PLAT

SD-224-00127 – VACATION OF PUBLIC EASEMENT

SD-224-00128 – VACATION OF PUBLIC EASEMENT

SD-224-00129 – VACATION OF PUBLIC EASEMENT

SD-224-00130 – VACATION OF PUBLIC EASEMENT

SKETCH PLAT: 3/20/24

IDO – 2023

PROJECT NAME: ISAACSON & ARFMAN, INC. | JUSTIN THOR SIMENSON agent for D.R HORTON INC. | XAVIER GARCIA requests the aforementioned action(s) for all or a portion of: TRACT FD3 UNIT 3, ASPIRE SUBDIVISION zoned R-1A, located at COLOBEL AVE between MORRISSEY ST and DUERSON TRAIL containing approximately 18.0824 acre(s). (N-08)

PROPERTY OWNER: D.R HORTON

REQUEST: Public Sewer Easement Vacation to be replaced by new easement, Final Plat for Unit 4

COMMENTS:

1. Code Enforcement has no comments and no objections

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*Jeff Palmer-Code Enforcement Supervisor
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jppalmer@cabq.gov*

DATE: 09/11/2024

Comments from 10/18/2023 DFT Sketch Plat:

1. Property is zoned MX-M. Future Development must meet all applicable Development Standards of IDO 14-16-5, as well as applicable standards of the DPM and other City adopted regulations.
2. Code Enforcement has no further comments and no objections at this time.

Comments from 8/3/2022 DRB Sketch Plat:

1. Property is zoned MX-M (Mixed-use Moderate Intensity) and proposed properties must meet all Dimensional Standards for MX-M, as per IDO section 5-1(D), Table 5-1-2.
2. Property is located in an Area of Change, and is adjacent on its east side to an R-1C Residential Zone, located across the alley in an Area of Consistency. Must meet requirements for buffering.
3. Proposed Car Wash or other future development on proposed lot Tract 1-A-2 must meet Landscape edge buffer requirements as per IDO 5-6(E)(2), Table 5-6-4 (15 foot landscape buffer on East side of property).
4. Proposed Car Wash must meet all Use-Specific requirements of IDO 4-3(D)(16). Car Wash building and any associated outdoor activities are prohibited within 50 feet of any Residential zone, as per IDO section 4-3(D)(16)(b).
5. Existing area of proposed Tract 1-A-2 is being utilized for parking. It is unclear if that parking area is required for other adjacent existing businesses. Proposed uses may require shared access easements on the plat, as well as Shared Parking Agreement(s).
6. Must meet requirements of IDO 5-5(I), Table 5-5-8, Required Stacking Spaces for a Car Wash (minimum 3).
7. Future Development must meet all other applicable Development Standards of IDO 14-16-5, as well as applicable standards of the DPM and other City adopted regulations.

DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION
Anthony Montoya, Jr., PE, Senior Engineer | 505-924-3314 amontoya@cabq.gov

DRB Project Number: 2019-002411 Hearing Date: 09-11-2024
Project: Aspire Subdivision Agenda Item No: 2

<input type="checkbox"/> Minor Preliminary / Final Plat	<input type="checkbox"/> Preliminary Plat	<input checked="" type="checkbox"/> Final Plat
<input type="checkbox"/> Temp Sidewalk Deferral	<input type="checkbox"/> Sidewalk Waiver/Variance	<input type="checkbox"/> Bulk Land Plat
<input type="checkbox"/> DPM Variance	<input type="checkbox"/> Vacation of Public Easement	<input type="checkbox"/> Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Hydrology has no objection to the platting action.
- Hydrology has no objection to the Vacations.

☐ APPROVED
☐ DENIED

DELEGATED TO: ☐ TRANS ☐ HYD ☐ WUA ☐ PRKS ☐ PLNG
Delegated For: _____
SIGNED: ☐ I.L. ☐ SPSP ☐ SPBP ☐ FINAL PLAT
DEFERRED TO _____

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2019-002411
Aspire Subdivision Unit 4

AGENDA ITEM NO: 2

SUBJECT: Final Plat, Vacation of Easement

ENGINEERING COMMENTS:

1. Transportation has no objection.

Disclaimer: The comments provided are based upon the information received from the applicant. If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.
Transportation Development
505-924-3991 or earmijo@cabq.gov

DATE: September 11, 2024

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



DEVELOPMENT HEARING OFFICER

Planning Comments

HEARING DATE: 09/11/2024 **AGENDA ITEM:** #2

Project Number: PR-2019-002411

Application Numbers: SD-224-00126 - Final Plat

SD-224-00127, Vacation of Public Sanitary Sewer Easement

SD-224-00128, Vacation of Public Waterline Easements

*SD-224-00129, Vacation of Public Sanitary Sewer Easement &
& SD-224-00130, Vacation of Private Drainage Easement*

Project Name: 118th St between Colobel Ave and Amole Mesa Ave SW

Requests: Final Plat and Vacations of Easements

**These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

COMMENTS:

BACKGROUND

Items in **orange type** need immediate attention

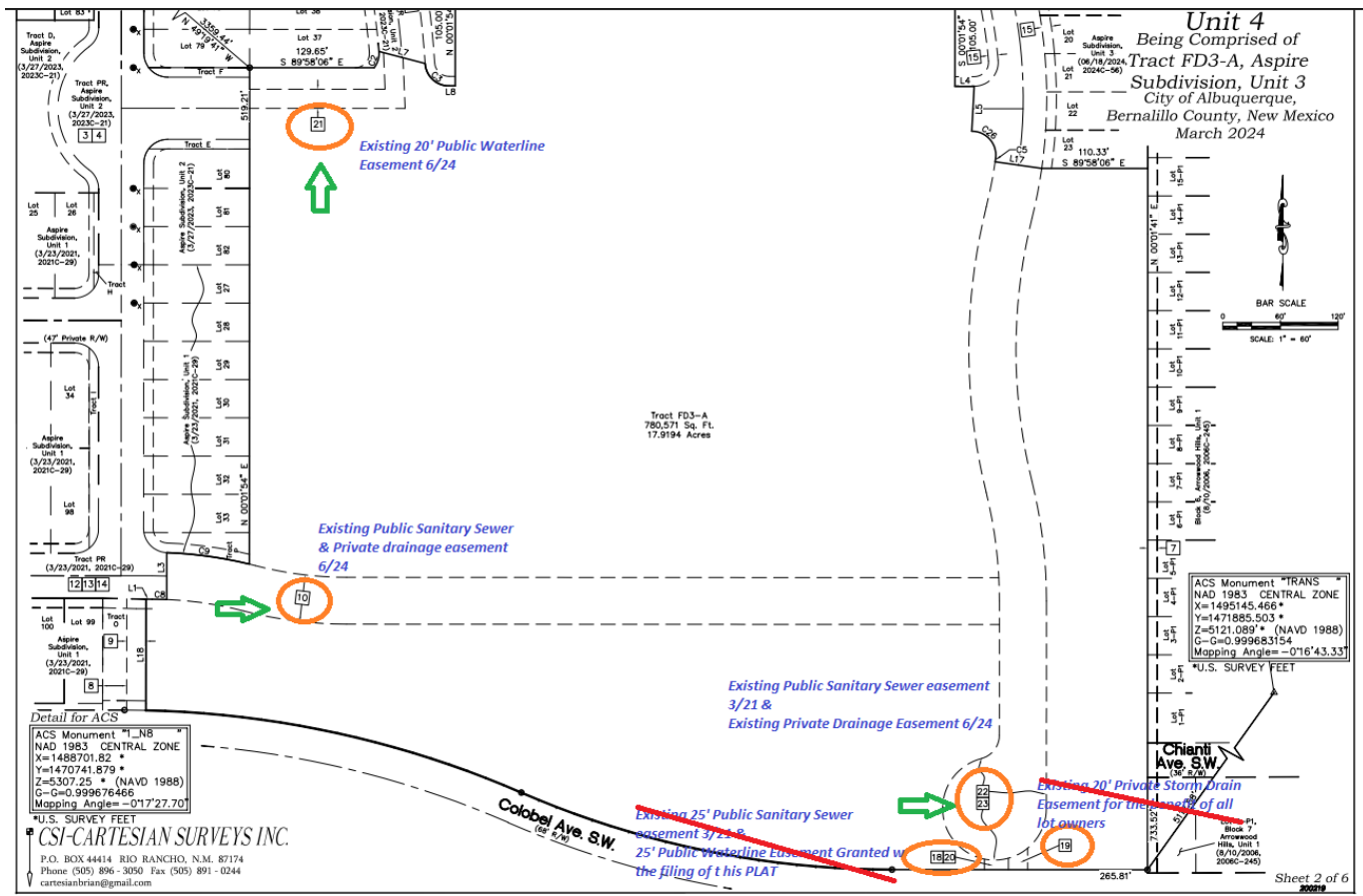
- The Applicant is requesting Final Plat review and approval for Aspire Unit 4, a subdivision of an existing tract (Tract FD3-A) into 117 lots and 13 tracts, in conjunction with vacations of Public Sanitary Sewer easements [22,10], a Public Waterline Easement [21], and a Private Drainage Easement [23]. The easements being vacated will be replaced with blanket Public Water-Sanitary Sewer and Private drainage easements.
- The Preliminary Plat for Units 1-4 of the Aspire Subdivision was approved by the Development Review Board (DRB) on November 4, 2020 per PR-2019-002411 / SD-2020-00102, with extensions approved by the DRB on October 20, 2021 per PR-2019-002411 / SD-2021-00193 and on October 26, 2022 per PR-2019-002411 / SD-2022-00152. On August 9th, 2023, the DHO approved an Amendment to the Preliminary Plat per PR-2019-002411 / SD-2023-00141 to switch Phases 3 and 4 to avoid dry utility lines and easements through future construction areas.

**(See additional comments on next pages)*

On May 8th, 2024, the DHO approved an Amendment to the Preliminary Plat per PR-2019-002411 / SD-2024-00088 for the Vacation of Easement for Units 3 and 4 and depiction of a new public sewer easement on the Plat.

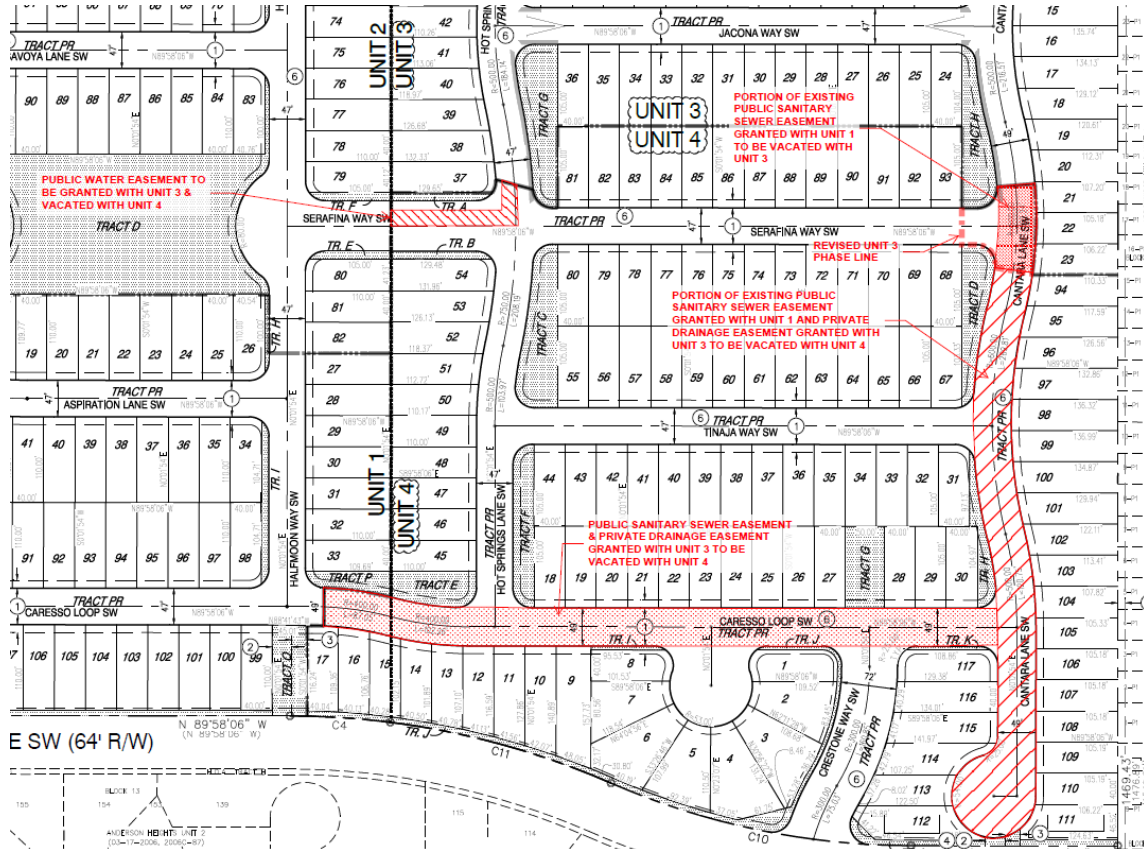
- The subject property is zoned R-1A (Residential – Single-Family Zone District) and is located within an Area of Consistency. This property is not located within any overlay zone districts and is not found within any Center or special Corridor.

1. Items that need to be completed or corrected



- These requests include the vacation of an existing public sanitary sewer and private drainage easement recorded on June 18th, 2024, the vacation of a 20-foot public waterline easement recorded on June 18th, 2024 the vacation of an existing public sanitary sewer easement recorded on March 23rd, 2021, and the vacation of a private drainage easement recorded on June 18th, 2024 (see Plat sheet above).

Please confirm if the vacation requests depicted on the Final Plat for Aspire Unit 4 match up with the labels/depictions for the future vacations on the amended Preliminary Plat for PR-2019-002411 / SD-2024-00088 as depicted below:



- Confirm that this request is not introducing any changes to the amended Preliminary Plat for PR-2019-002411 / SD-2024-00088.
- The Project and Application numbers must be added to the Plat.
- The date of the DHO approval shall be recorded on the Plat.
- After DHO approval and final sign off, a recorded copy of the plat must be sent to Jay Rodenbeck at jrodenbeck@cabq.gov and Angela Gomez at agomez@cabq.gov.

2. Standard Comments and Items in Compliance.

- The easements proposed to be vacated have all had their vacations justified per 6-6(M)(3) of the IDO.

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.

These easements do not seem to have any existing changes to the infrastructure associated with them and therefore no substantial property right will be abridged by this request. Additionally, this request allows this subdivision to be re-platted in order to maintain these replaced easements generally within the same location; therefore, Planning has no objection to this request. Regarding this action, Planning staff defer to other DFT staff for confirmation of compliance with the IDO and DPM.

3. Future Development Guidance

Please reference the following development standards from the IDO. Subject to change pending formal submittal or change in development type/use.

- Future development and/or expansion must meet all applicable standards and provisions of the IDO (*per R-1A*), 5-4(C) Compliance with Zoning Requirements, and the DPM.
***Submitted plans should demonstrate how standards are being met for any applicable previous approvals and/or current standards.**
- ❖ **4-2 Allowed Uses**, table 4-2-1.
Follow the Use Specific Standards per 4-3 of the IDO for any proposed uses for *R-1A.
- ❖ 5-3 Access & Connectivity requirements.
- ❖ 5-4 Subdivision of Land
- ❖ 5-5 Parking & Loading requirements, Table 5-5-1
- ❖ 5-7 Walls/Fences, table 5-7-1. ***Development requires separate permitting.**

- ❖ 5-8 for Outdoor Lighting requirements.
- ❖ 5-13 Operation and Maintenance
- ❖ Section 6-1, table 6-1-1 for public notice requirements.
- ❖ 6-4(R) Dedications.
- ❖ 7-1 Development and use definitions.



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FROM: Marcelo Ibarra/Jay Rodenbeck
Planning Department

DATE: 09/10/24