

**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**

D.R. Horton, Inc.  
8440 Wyoming Blvd. NE, Suite A  
Albuquerque, NM 87113

**Project# PR-2019-002411**  
**Application#**  
**SD-2024-00087** FINAL PLAT  
**SD-2024-00088** MINOR AMENDMENT TO  
PRELIMINARY PLAT  
**SD-2024-00089** VACATION OF PUBLIC EASEMENT

**LEGAL DESCRIPTION:**  
**TRACT FD2 & FD3, UNIT 1, ASPIRE**  
**SUBDIVISION** zoned **R-1A**, located on  
**AMOLE MESA AVE between BIG SPRINGS**  
**RD SW and MESSINA DR** containing  
approximately **18.0824** acre(s). **(N-08)**

On May 8, 2024, the Development Hearing Officer (DHO) held a public meeting concerning the above referenced applications and approved the requests, based on the following Findings:

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### **SD-2024-00087 FINAL PLAT**

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1. This is a request for a Final Plat to subdivide Aspire Unit 3 comprised of two existing tracts (Tract FD2 & FD3, Unit 1, Aspire Subdivision), containing 31.1795-acre(s) in size, into eighty-three (83) lots and ten (10) tracts.
2. The subject property is zoned R-1A (Single-Family Zone District). Future development must be consistent with the underlying zone district.
3. Per 6-6(L)(3)(b), this Final Plat included all changes, conditions, and requirements contained in the Preliminary Plat approval.

4. All signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat.
5. Per 6-6(L)(2)(d) 8, the applicant shall then record the final plat with the Bernalillo County Clerk as soon as possible, but in no case more than 30 consecutive days from the date of the last signature on the final plat, or the subdivision shall be voided.

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## **CONDITIONS**

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

- a. The project and application number must be added to the Plat.
- b. The AGIS office must approve the DXF file and proof of approval must be provided.
- c. AMAFCA Signature must be added to the Plat prior to final signoff.
- d. Per 6-6(L)(2)(d) 5 of the IDO, Final Plats shall include a list of any Vacations, Variances, Waivers, and deviations granted as an exhibit or note.
- e. Per 6-6(L)(2)(d) 7 of the IDO, the date of the DHO approval shall be recorded on the final plat, and verification of compliance with conditions of approval shall be dated and verified by the signatures of the required commenting agencies pursuant to Subsection 14-16-6-4(J)(2) and certifications required by the DPM.

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## **SD-2024-00088 MINOR AMENDMENT TO PRELIMINARY PLAT**

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1. This is a request for a minor amendment to the Preliminary Plat that was approved by the Development Review Board (DRB) on November 4, 2020 per PR-2019-002411 / SD-2020-00102 with no conditions of approval. On October 20, 2021, the DRB extended the Preliminary Plat for the first time to November 4, 2022 per PR-2019-002411 / SD-2021-00193. On October 26, 2022, the DRB extended the Preliminary Plat for the second time to November 10, 2023 per PR-2019-002411 / SD-2022-00152. On October 25, 2023, the Preliminary Plat was extended for the third time to November 13, 2024 under PR-2019-002411 / SD-2023-00186. The Minor Amendment request is required for the Vacation of Easement for Units 3 and 4 and depiction of the new public sewer easement on the Plat.

2. The Amendment to the Preliminary Plat request complies with 6-4(Y)(2) of the IDO, including:
  - i. *6-4(Y)(2)(a)(1): The amendment is necessary because of site conditions or user requirements that were not known, and could not reasonably have been known, at the time the City approved the approval that is proposed to be amended, and that were not created by the actions of the owner of the property.*
  - ii. *6-4(Y)(2)(a)(5): The amendment does not increase the maximum number of residential dwelling units in the development from that shown in the existing permit, approval, or plan.*
  - iii. *6-4(Y)(2)(a)(9): The amendment does not require major public infrastructure, significant changes to access to the subject property, or a traffic impact study, which would warrant additional review by the original decision-making body.*

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**SD-2024-00089 VACATION OF PUBLIC EASEMENT**

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1. This is a request to vacate a public sewer easement vacation for Units 3 and 4. The easement being vacated will be replaced with a blanket Public Water and Sanitary Sewer easement on Tract PR to provide consistency with the final configuration.
2. The Vacation of Easement must meet the following criteria:

*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 Vacation of Public Easement was approved as the public welfare does not require that the easement be retained and there is no convincing evidence that any substantial property right is abridged with the approval of the Vacation.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **MAY 24<sup>TH</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.

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For more information regarding the appeal process, please refer to Section 14-16-6-4(U) 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. \(May 17, 2024 07:41 MDT\)](#)

Robert L. Lucero Jr.

Development Hearing Officer

RL/jb

Isaacson & Arfman, Inc. – 128 Monroe Street NE, Albuquerque, NM 87108







# PR-2019-002411 May 8th, 2024 Notice of Decision

Final Audit Report

2024-05-17

Created:	2024-05-16
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-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)  
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-  Signer robert@luceroLawpc.com entered name at signing as Robert L. Lucero, Jr.  
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