



## **Development Facilitation Team (DFT) – Review Comments**

---

**Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | [dggutierrez@abcwua.org](mailto:dggutierrez@abcwua.org)**

---

**Project No: PR-2021-005394      Date: 06/26/2024      Agenda Item: #3 Zone Atlas Page: J-21**

**Legal Description: Lot B-2-A, Lands of Audio Clinic Inc. & International Development**

**Request: VACATION OF PRIVATE EASEMENT TO BE FORMALIZED BY MINOR PRELIMINARY/FINAL PLAT FOR SINGLE LOT. REMOVING EXISTING PRIVATE ACCESS EASEMENT [1], SUBSEQUENT ACCESS EASEMENTS TO BE GRANTED CONCURRENTLY BY DOCUMENT. GRANT SANITARY SEWER EASEMENT 14 TO PRESERVE SERVICE ACCESS FOR ADJOINING LOT**

**Location: 1600 EUBANK BLVD NE between HANNETT AVE NE and McKNIGHT Ave NE**

### **Application For: SD-2024-00109-PRELIMINARY/FINAL PLAT (DFT)**

---

1. Please confirm all services have been addressed. If that is the case, my comments have been addressed.

### **Application For: SD-2024-00111-VACATION OF PRIVATE EASEMENT (DFT)**

---

2. No objection to the proposed vacation.

**Comment:** (Provide written response explaining how comments were addressed)



## DEVELOPMENT HEARING OFFICER

### Planning - Case Comments

**HEARING DATE:** 6/26/24 -- **AGENDA ITEM:** #3

**Project Number:** PR-2021-005394

**Application Number:** SD-2024-00109 & SD-2024-00111

**Project Name:** Vacation of a private access easement, and removal of an existing access easement to be replaced by subsequent access easement – 1600 Eubank Blvd. NE

**Request:**

*Vacation of Private Easement - Preliminary/Final Plat*

---

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

---

### BACKGROUND

---

- This is a request to vacate a private access easement for **Lot B-2-A, Lands of Audio Clinic, Inc. & International Development**, and remove an existing access easement to be replaced by the subsequent access easement. The vacation of easement [1] is to remove an existing private ingress/egress easement, which will be replaced by a more specific document easement(s) upon subsequent agreement with the neighboring lot B-2-B.
- The property has an existing commercial building (gas station). This site went through previous Sketch Plat applications on January 14, 2024 and August 30, 2023 for a proposed Dunkin Donuts restaurant with drive-through. Another Sketch Plat was reviewed by the DFT in March 20, 2024 for this Preliminary/Final Plat, as well as the Vacation of Easement request.
- The subject site is zoned MX-L. Subject property shares a border with a MX-M zone to the South but all other borders are other MX-L zones.

- No existing or planned bike lanes are shown bordering the subject property.
- Subject property is shown as an area of consistency and is bordered on all sides by other areas of consistency.
- Property is not within any special corridors and or any specific City Centers. Subject property is also not within any overlay zones.

---

### 1. ITEMS TO BE COMPLETED OR CORRECTED

---

- Demonstrate compliance with Section 7 of the DPM, Table 7.2.29 and required improvements section from 5-4(N) of the IDO. In regards to the sidewalk width requirements and the accompanying landscape buffer.  
***\*Verification of standards per Transportation\****  
 Confirm measurement for the existing ROW and distance from curb to property line along street frontage.
  - Eubank Blvd is a regional principal arterial. Not in a Center or Corridor area. This street requires a 6-foot side walk and 5-6-foot landscape buffer.

The plat demonstrates that the area between the curb and the property line is 17.6 feet wide. Existing sidewalk is 6 feet wide. Therefore, an 11.6 feet wide landscape buffer will be available along the frontage of this property. The existing landscaping condition is not up to the standards per IDO section 5-6 Landscaping and Screening. Landscape buffers are not providing sufficient street trees along Eubank Blvd. Additionally, shrubs are required to screen any drive-through lanes visible from the street per 5-5(I)(2) of the IDO. Please clarify regarding the future landscaping plan for the landscape buffer along Eubank Boulevard per the items discussed above.
- Signature from the owner must be provided on the plat.
- The application number must be added to the Plat sheet.
- Planning staff defer to Transportation regarding the proposed easement vacation.
- DXF File must be approved by AGIS office before final sign-off of this Preliminary/Final Plat request.
- Per 6-6(K)(2)(k) of the IDO, the date of the DHO approval shall be recorded on the original drawing of the final plat, and verification of compliance with conditions of approval shall be dated and verified by the signatures of the required commenting agencies.

- After DHO approval and final sign off, a recorded copy of the plat must be sent to the Planning Manager-Jay Rodenbeck and PLNDRS@cabq.gov (should the Plat be approved by the DHO).
- ***If Major infrastructure is needed, an IL-Infrastructure list, and/or IIA-Infrastructure Improvements Agreement with financial guarantee will be required. Please confirm if any infrastructure improvements are required.***

---

## 2. ITEMS IN COMPLIANCE OR STANDARD COMMENTS

---

- All standards within IDO section 5-4-C (Subdivision of Land Compliance) apply to all re-platting actions. Re-plating action cannot increase any existing nonconformity or create a new nonconformity.
- Signatures from the utility companies, City Surveyor, Surveyor, AMAFCA are provided on the plat.
- All public notice requirements of IDO section 6, table 6-1-1 have been completed prior to this formal platting submittal. Per Table 6-1-1, for Minor Subdivision of Land, Email and Web Posting notices were completed.
- Per **6-6(K)(3)** of the IDO, 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.
- 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.*

**Applicant justification for Vacation:** The applicant stated that the existing private access easement was granted to follow a previous site development for a gas station and therefore does not properly match the proposed development layout. The future

intention for the platting action is to demolish and redevelop the subject site as a restaurant.

**Planning review of Vacation:** Applicant has confirmed that the existing easement does not serve the public, and therefore, this request complies with the 6-6(M)(3)(a) of the IDO.

The applicant intends to grant a new pair of easements by document with this application. The proposed easements which will serve the new commercial development layout properly, are planned to serve public and private access concerns. Therefore, this request complies with of the 6-6(M)(3)(b) IDO.

---

### 3. FUTURE DEVELOPMENT GUIDANCE

---

- Future development must meet all applicable standards and provisions of the IDO (*per MX-L*), 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.**

***Please reference the following development standards from the IDO.***

***<https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/integrated-development-ordinance>***

***\*Subject to change pending formal submittal and/or changes in development type/use. Changes may also require amendments to previous approvals.***

- ❖ **4-2 Allowed Uses**, table 4-2-1.

Follow the Use Specific Standards per **4-3 (D), Commercial Uses** of the IDO.

- ❖ **5-1 Dimension Standards** for **MX-L**. 5-1-G Exceptions and Encroachments.

***\*Plans should include measurements for setback, separation, height elevations, etc. All will need to show standards and requirements are being met.***

- ❖ 5-3 Access & Connectivity requirements.

- ❖ **5-4 Subdivision of Land**

- ❖ 5-5 Parking & Loading requirements, Table 5-5-1

- ❖ 5-6 Landscaping, Buffering, and Screening

**It appears that this site is not up to the standards of the street tree requirements. This item must be addressed.** Please see the image from the site frontage below for your reference.



- ❖ 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.
- ❖ Platting actions per 6-6-K Subdivision of Land-Minor or 6-6-L Subdivision of Land-Major.
- ❖ Vacations per 6-6-M.
- ❖ 7-1 Development, dwelling and use definitions.



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

FROM: Hannah Aulick/Jolene Wolfley  
Planning Department

DATE: 6/25/24

DEVELOPMENT FACILITATION TEAM

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2021-005394  
1600 Eubank

AGENDA ITEM NO: 3

SUBJECT: Preliminary/Final Plat

ENGINEERING COMMENTS:

1. All comments have been addressed. No objection.

. 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](mailto:earmijo@cabq.gov)

DATE: June 26, 2024

---

ACTION:

APPROVED \_\_; DENIED \_\_; DEFERRED \_\_; COMMENTS PROVIDED \_\_; WITHDRAWN \_\_

DELEGATED: \_\_\_\_\_ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

**DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION**  
Renée Brissette, PE, Senior Engineer | 505-924-3995 [rbrissette@cabq.gov](mailto:rbrissette@cabq.gov)

---

DRB Project Number: 2021-005394 Hearing Date: 06-26-2024  
Project: 1600 Eubank Blvd NE Agenda Item No: 3

<input checked="" type="checkbox"/> Minor Preliminary / Final Plat	<input type="checkbox"/> Preliminary Plat	<input 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 checked="" type="checkbox"/> Vacation of Private Easement	<input type="checkbox"/> Vacation of Public Right of Way

**ENGINEERING COMMENTS:**

- Hydrology has no objection to the platting action.
- Hydrology refers the vacation of a private access easement to Transportation.

☐ APPROVED  
☐ DENIED

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