

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

NMR-1600 RE LLC
120 South Slate Street,
Chicago, IL, 60603

Project# PR-2021-005394
Application#
SD-2024-00109 PRELIMINARY/FINAL PLAT
SD-2024-00111 VACATION OF PRIVATE
EASEMENT

LEGAL DESCRIPTION:

For all or a portion of:

LOT B-2-A, LANDS OF AUDIO CLINIC, INC. & INTERNATIONAL DEVELOPMENT zoned **MX-L**, located at **1600 EUBANK BLVD NE between HANNETT AVE NE and McKNIGHT AVE NE** containing approximately **0.6842** acre(s). **(J-21)**

On June 26, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications and approved the requests, with conditions of approval, based on the following Findings:

Preliminary/Final Plat (SD-2024-00109)

1. 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.
2. The subject site is zoned MX-L and has an existing commercial building (gas station). Future development must be consistent with the underlying zone district and IDO/DPM requirements.
3. Major public infrastructure is not required for this project.

4. Per Table 6-1-1 of the IDO, public notice and pre-application meeting requirements for the application have been satisfied by the Applicant prior to this submittal.
5. Signatures from the utility companies, City Surveyor, Surveyor, AMAFCA are provided on the Plat.
6. Per 6-6(K)(3) of the IDO, 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. The application meets these criteria once all conditions of approval are met (identified below).

Conditions of Approval

- a. The original notarized signatures of the property owners shall be listed on the plat prior to final sign-off
- b. The date of the DHO approval must be noted on the Plat.
- c. The application number must be added to the Plat sheet.
- d. The DXF File must be approved by AGIS office.

Vacation of Easement (SD-2024-00111)

1. 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 justification for this request is as follows:

The 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.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JULY 15TH, 2024**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15th 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 (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to 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. \(Jun 28, 2024 16:45 MDT\)](#)

Robert L. Lucero, Jr.
Development Hearing Officer

RLL/ha/jr

CSI- Cartesian Surveys, Inc. PO Box 44414, Rio Rancho, NM 87174







PR-2021-005394_June_26_2024_Notice_of_De cision

Final Audit Report

2024-06-28

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