

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

Fairway Ventures, LLC & Carefree
Investments, LLC
9105 Santa Lucia Ave NE / 10916 Juan Tabo
Blvd. NE
Albuquerque, NM, 87111

Project# PR-2022-006935
Application#
SD-2023-00210 PRELIMINARY PLAT
SD-2023-00191 VACATION OF RIGHT-OF-WAY
SD-2023-00192 VACATION OF PUBLIC
EASEMENT
SD-2023-00193 VACATION OF PUBLIC
EASEMENT
SD-2023-00194 VACATION OF PUBLIC
EASEMENT

LEGAL DESCRIPTION:

For all or a portion of:

**TRACT LOTS 3 THRU 6, SUBD PLAT MAP
FOR JUAN TABO BUSINESS PARK** zoned
MX-T located at **10900, 10901, 10915, &
10916 JUAN TABO PL NE** between **JUAN
TABO BLVD NE** and **JUAN TABO PL NE**
containing approximately **2.5 acre(s)**. **(G-21)**

On December 6, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications and approved the requests, based on the following Findings:

Preliminary Plat (*SD-2023-00210*)

1. This is a request to subdivide 4 existing lots (Lots 4, 5, and 6 of the Juan Tabo Business Park) into 13 new lots, dedicate 0.4986 acres of right-of-way to the City of Albuquerque, and vacate easements and right-of-way as depicted on the Plat.
2. Per Table 6-1-1 of the IDO, the Applicant satisfied the public notice requirements for a Major Subdivision-Preliminary Plat.

3. The property is zoned MX-T. Future development must be consistent with the underlying zone district and the IDO/DPM requirements.
4. Members of the public spoke at the hearing, and expressed concerns about the project. Major concerns expressed by the public at the hearing included concerns about vehicular traffic traversing through the proposed subdivision to Sierra Oscura Avenue NE. The Applicant confirmed at the hearing that pedestrian traffic-only would traverse through the proposed subdivision to Sierra Oscura Avenue NE. To address concerns expressed by the public at the hearing, the DHO added a condition of approval permitting pedestrian-only access to areas to the west of the subject property (see Condition #1 below).
5. The submittal of a Final Plat is required within one year of Preliminary Plat approval per Table 6-4-3 of the IDO.
6. A recorded Infrastructure Improvement Agreement (IIA) based on the DFT-approved Infrastructure List must be submitted prior to the acceptance of a Final Plat and placement on a DHO agenda.
7. Per 6-6(L)(3)(a) of the IDO, this Preliminary Plat has been approved because 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.

Condition:

The Plat is conditioned as follows:

- a. The Plat must contain a condition specifying that no vehicular access will be granted to areas to the west, only pedestrian access shall be granted.

Vacation of Right-of-Way (*SD-2023-00191*)

1. This is a request to vacate approximately 4,000 square feet of Juan Tabo Place NE.
2. Per Table 6-1-1 of the IDO, the Applicant satisfied the public notice requirements for a Vacation of Public Right-of-Way - DHO.
3. A neighborhood meeting was offered by the Applicant per the public notice requirements of Table 6-1-1 of the IDO and was held between the Applicant and approximately 30-40 adjoining residents according to a letter included in the application submittal. The letter asserted that everyone who attended the meeting was in support of the project.

4. The Applicant justified the vacation request for the right-of-way pursuant to 14-16-6-6-(M)(3) of the IDO. The subject property is currently undeveloped, and the public welfare does not require that the right-of-way be retained. Additionally, the right-of-way is to be replaced by the associated platting action (SD-2023-00210).
5. Pursuant to 14-16-6-6(M)(1)(b) of the IDO, the DHO is the approving body for the request because the Vacation is less than 5,000 square feet and the entire width of a street.

Vacation of Public Easement (SD-2023-00192)

1. This is a request to vacate an existing 15-foot drainage easement recorded on June 30, 1982.
2. The Applicant justified the vacation request for the right-of-way pursuant to 14-16-6-6-(M)(3) of the IDO. The subject property is currently undeveloped, and the public welfare does not require that the easement be retained. Additionally, the easement is to be replaced by the associated platting action (SD-2023-00210).

Vacation of Public Easement (SD-2023-00193)

1. This is a request to vacate an existing 25-foot water, sewer, gas and pedestrian easement recorded on June 30, 1982.
2. The Applicant justified the vacation request for the right-of-way pursuant to 14-16-6-6-(M)(3) of the IDO. The subject property is currently undeveloped, and the public welfare does not require that the easement be retained. Additionally, the easement is to be replaced by the associated platting action (SD-2023-00210).

Vacation of Public Easement (SD-2023-00194)

1. This is a request to vacate an existing 10-foot public utility easement recorded on June 30, 1982.
2. The Applicant justified the vacation request for the right-of-way pursuant to 14-16-6-6-(M)(3) of the IDO. The subject property is currently undeveloped, and the public welfare does not require that the easement be retained. Additionally, the easement is to be replaced by the associated platting action (SD-2023-00210).

Official Notice of Decision

Project # PR-2022-006935 Applications# SD-2023-00191 & SD-2023-00192 & SD-2023-00193 & SD-2023-00194

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **DECEMBER 22ND, 2023**. 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,



[David S. Campbell \(Dec 13, 2023 11:49 MST\)](#)

David S. Campbell
Development Hearing Officer

DSC/rw/jr

Tierra West, LLC 5571 Midway Park Pl. NE, Albuquerque, NM 87109







PR-2022-006935_December_6_2023- Notice of Decision

Final Audit Report

2023-12-13

Created:	2023-12-12
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAApII9IJMmEEjpnkpaCYp0pLcNVYX3K-c

"PR-2022-006935_December_6_2023- Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
2023-12-12 - 6:54:42 PM GMT- IP address: 143.120.132.76
-  Document emailed to david@davidscampbell.com for signature
2023-12-12 - 6:55:26 PM GMT
-  Email viewed by david@davidscampbell.com
2023-12-13 - 6:44:54 PM GMT- IP address: 206.192.168.27
-  Signer david@davidscampbell.com entered name at signing as David S. Campbell
2023-12-13 - 6:49:23 PM GMT- IP address: 64.106.32.240
-  Document e-signed by David S. Campbell (david@davidscampbell.com)
Signature Date: 2023-12-13 - 6:49:25 PM GMT - Time Source: server- IP address: 64.106.32.240
-  Agreement completed.
2023-12-13 - 6:49:25 PM GMT