

**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

Group II U26 VC, LLC &
Tract 5 U26, LLC
2400 Louisiana Blvd., Building 3 &
5700 University Blvd. SE, Ste. 310
Albuquerque, NM 87110 & 87120

Project# PR-2022-007712

Application#

SD-2023-00218 – EXTENSION OF PRELIMINARY
PLAT

SD-2023-00216 – EXTENSION OF VACATIONS OF
EASEMENT

LEGAL DESCRIPTION:

For all or a portion of:

**LOTS 5 & 1, BLOCKS 6 & 2, UNIT 26,
VOLCANO CLIFFS zoned MX-L & MX-M,
located on PASEO DEL NORTE and ROSA
PARKS RD containing approximately 8.23 &
9.54 acre(s). (C-11)**

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:

SD-2023-00218 EXTENSION OF PRELIMINARY PLAT

1. This is a request to extend a Preliminary Plat that was approved by the Development Review Board (DRB) on November 9, 2022 per PR-2022-007712 / SD-2022-00143 to to adjust the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023 which is the final approval date of the Preliminary Plat.
2. The replat fulfills a condition of approval from the EPC rezoning approval of the property to both MX-L and MX-M per PR-2019-002663 / RZ-2019-00043. Future development must be consistent with the underlying zone districts, IDO/DPM requirements, and any governing/controlling Site Plans.

3. Per Table 6-4-3 of the IDO, a Final Plat submittal must be received within 1-year after the approval of the Preliminary Plat by the DHO. Pursuant to 14-16-6-4(X)(4) of the IDO, the applicant has made this extension request in writing prior to the expiration of the previous approval. The DHO is the current approving body for Preliminary Plat extensions.
4. The Preliminary Plat extension application was timely submitted on November 7, 2023 and was a complete application.

14-16-6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

From the criteria mentioned under 14-16-6-4(X)(2), the following criteria applied to this request:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

14-16-6-4(X)(4)(a) General Provisions:

1. For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.

- a. ***The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.***
- b. ***The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.***

14-16-6-4(X)(4)(c), Additional Provisions for Extensions of Preliminary Plats:

In addition to the general provisions in Subsection (a) above, additional extensions for Preliminary Plats may be granted by the DHO for good cause, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the application was submitted.

All the above required criteria under 14-16-6-4(X)(2), 14-16-6-4-(X)(4)(a) and 14-16-6-4(X)(4)(c) of the IDO are being met by the Applicant.

The Applicant has provided a written request before the expiration of the approval. The Applicant noted in their request that the District Court's decision on an appeal of the City Council approval of the Preliminary Plat was still pending at the time of submittal of the extension application, and the extension application was submitted to ensure the approval of the Preliminary Plat remains in place. The Court ruled just prior to the DHO hearing; the Court supported the original decision of the City Council to grant the Preliminary Plat.

5. This action will extend the approval of the Preliminary Plat to December 22nd, 2024.

SD-2023-00216 EXTENSION OF VACATIONS OF EASEMENT

1. This is a request to extend three easement vacations that were approved per PR-2022-007712 / SD-2022-00158, 161 and 162 on November 9, 2022 by the DRB.
2. Pursuant to 14-16-6-4(X)(4) of the IDO, the Applicant has made this extension request in writing prior to the expiration of the previous approvals and the DHO is the current approving for extensions of vacations of easement.
3. The application to extend the easement vacations was timely submitted on November 7, 2023 and was a complete application.

14-16-6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

From the criteria mentioned under 14-16-6-4(X)(2), the following criteria applied to this request:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

14-16-6-4(X)(4)(a) General Provisions:

1. ***For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.***

- a. The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.*
- b. The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.*

All the above required criteria under 14-16-6-4(X)(4)(a) and 14-16-6-4(X)(2) of the IDO are being met by the applicant; the Applicant has provided a written request before the expiration of the approvals. This is the first and final extension the Applicant is able to obtain for the easement vacations.

4. This action will extend the approval of the easement vacations to December 22nd, 2024.

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

[David S. Campbell \(Dec 11, 2023 11:36 MST\)](#)

David S. Campbell
Development Hearing Officer

DSC/jr







PR-2022-007712_December_6_2023 - Notice of Decision

Final Audit Report

2023-12-11

Created:	2023-12-11
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
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-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
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-  Document emailed to david@davidscampbell.com for signature
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-  Signer david@davidscampbell.com entered name at signing as David S. Campbell
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