



Development Facilitation Team (DFT) – Review Comments

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | dggutierrez@abcwua.org

Project No: PR-2023-009527 Date: 02/28/2024 Agenda Item: #1 Zone Atlas Page: G-12

Legal Description: LOT B-3, ALVARADO GARDENS ADDITION

Location: 2741 RIO GRANDE BLVD NW between CAMPBELL RD NW and VICIC RD NW

Application For: SD-2024-00030 – VACATION OF PUBLIC RIGHT-OF-WAY

1. No objection

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

Application For: SD-2024-00029 – PRELIMINARY/FINAL PLAT

2. No objection

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

DEVELOPMENT HEARING OFFICER

Code Enforcement Comments

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

Jeff Palmer-Code Enforcement Supervisor
Planning Department
jppalmer@cabq.gov

DATE: 02/28/2024

AGENDA ITEM NO: 1

DHO PROJECT NUMBER:

PR-2023-009527

SSD-2024-00030 – VACATION OF PUBLIC RIGHT-OF-WAY

SD-2024-00029 – PRELIMINARY/FINAL PLAT

SKETCH PLAT 11-29-23 (DFT)

IDO - 2022

PROJECT NAME:

JAG PLANNING & ZONING, LLC | JUANITA GARCIA agent for **SOME INVESTMENTS, LLC** requests the aforementioned action(s) for all or a portion of: **Lot B-3, Alvarado Gardens** zoned **R-A** located at **2714 Rio Grande BLVD NW** between **CAMPBELL RD NW** and **VICIC RD NW** containing approximately 0.25 acre(s). (G-12)

PROPERTY OWNERS: GRISSOM STEVEN L TRUSTEE SPARKS 2005 QTIP TRUST

REQUEST: VACATE EXISTING DITCH RIGHT-OF-WAY AND INCORPORATE INTO THE EXISTING LOT. MINOR PRELIMINARY/FINAL PLAT TO INCORPORATE THE VACATED DITCH RIGHT-OF-WAY.

COMMENTS:

1. Code Enforcement has no comments and no objections.

Comments from DFT Sketch Plat, 11/29/23:

1. Property is zoned R-A, and should meet Dimensional Standards of IDO 5-1(C), Table 5-1-1. This includes front setback of 20 ft, side of 10 ft, and rear of 25 ft. It would appear the west side and rear are insufficient.
2. However, the proposed re-plat will not require a Variance as per IDO 5-4(C)(1)(b), as it meaningfully decreases the degree of an already existing nonconformity on the West side, and does not change the rear nonconforming setback in the rear.
3. Please note that future development of the property or additions to the home may be required to obtain a Variance for the setbacks involved or ZHE approval for expansion of a nonconforming structure.
4. CE has no further comments and no objections to the proposed action.



DEVELOPMENT HEARING OFFICER (DHO)

Parks and Recreation Department

<https://www.cabq.gov/parksandrecreation>

PR-2023-009527

SD-2024-00030 – VACATION OF PUBLIC RIGHT-OF-WAY

SD-2024-00029 – PRELIMINARY/FINAL PLAT

SKETCH PLAT 11-29-23 (DFT)

IDO - 2022

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REQUEST: VACATE EXISTING DITCH RIGHT-OF-WAY AND INCORPORATE INTO THE EXISTING LOT. MINOR PRELIMINARY/FINAL PLAT TO INCORPORATE THE VACATED DITCH RIGHT-OF-WAY.

Comments:

02-28-2024

No comments or objections to the requested actions.

Comments provided by Whitney Phelan, Senior Planner, CABQ Parks & Recreation Department. Please contact via wphelan@cabq.gov or 505-768-5378 with questions or concerns.

DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION
Renée Brissette, PE, Senior Engineer | 505-924-3995 rbrissette@cabq.gov

DRB Project Number: 2023-009527 Hearing Date: 02-28-2024
Project: 2741 Rio Grande Blvd NW Agenda Item No: 1

<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 type="checkbox"/> Vacation of Public Easement	<input checked="" type="checkbox"/> Vacation of Public Right of Way

ENGINEERING COMMENTS:

- This existing ditch R.O.W. appears to never been used, therefore Hydrology has no objection to the Vacation of the Ditch R.O.W.
- Hydrology has no objection to the platting action.

☐ APPROVED
☐ DENIED

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

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2023-009527
2741 Rio Grande

AGENDA ITEM NO: 1

SUBJECT: Preliminary/Final Plat, Vacation of Public ROW

ENGINEERING COMMENTS:

1. 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

DATE: February 28, 2024

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

HEARING DATE: 2/28/24 -- **AGENDA ITEM:** #1

Project Number: PR-2023-009527

Application Number: SD-2024-00030 & SD-2024-00029

Project Name: Absorb a vacated ditch into an existing residential lot

Request:

Vacation of Public Easement / Minor Preliminary-Final Plat – 2741 Rio Grande Blvd NW

**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 absorb a vacated ditch/utility easement into an existing residential lot at 2741 Rio Grande Blvd. NW. The current legal description for the property is Lot B-3, Alvarado Gardens Addition, containing approximately 0.25 acres, and the new legal description will be Lot B-3-A, Alvarado Gardens Addition, and will contain approximately 0.2551 acres.
- The subject site is zoned R-A, and is currently occupied by a single-family residential dwelling. Subject property is within CPO-11, Rio Grande Boulevard overlay zone.
- As a precedent, project number 1007068 was reviewed by Planning staff, which was a similar request for a property located in the same area (Alvarado Gardens). The Development Review Board (DRB) had approved the request on March 19, 2008, after confirming that the application complies with the relevant vacation ordinance and had conditioned the approval that the full disposition shall be through the City Real Estate Office, as well as the vacated property had to be shown on a replat and approved by the DRB, with the Plat being recorded at the Bernalillo County Clerk's office within one year.

ITEMS THAT NEED TO BE COMPLETED OR CORRECTED

Items in *orange type* need to be addressed

- Please *clarify the reason* for vacating part of the ditch to incorporate into the subject property.
- Planning staff suggest that at least half of the ditch easement be vacated per this application. Please confirm whether or not the applicant has coordinated with neighbor at 2438 Campbell Rd NW in regards to this vacation of easement.



- In case the applicant decides to vacate the entire width of the ditch, this application needs to go before the City Council – the DHO in that case shall make a recommendation and forward the application to City Council for inclusion on the consent agenda for approval without first going to any City Council committee per 6-6(M)(2)(f) of the IDO.

- **Application number** needs to be added to the Plat.
- Prior to final sign-off of the plat, the AGIS office must approve the DXF file and proof of approval must be provided.
- Per MRGCD request, if the DHO approves this application, provide a note on the plat that the vacation of easement or public right of way was approved per vacation ordinance 6-6 (M)(3).

STANDARD COMMENTS AND ITEMS IN COMPLIANCE

- The Subdivision Plat for Alvarado Gardens Unit No. 2 (that the subject site is located within) depicts the ditch/utility easement (as described in this application) as 10-foot right-of-way for an acequia. According to the IDO, an acequia is defined as an irrigation ditch maintained by the MRGCD or a community acequia association, as well as a drainage facility and an irrigation facility. Planner contacted MRGCD and received confirmation that the subject ditch is not functional and is not being maintained by MRGCD. Therefore, a Sensitive Lands Analysis is not required for this application.
- Per 6-6(M)(3), Review and Decision Criteria, an application for a Vacation of Easement, 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 applicant has properly justified this vacation of ditch easement/public right-of-way per the above standard regarding this request for vacation of. This easement is located within the Subject property's private boundaries and will not affect the surrounding properties.
- Per 6-6(K)(3) 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.
- All signatures from the surveyor, property owner(s), the City Surveyor, **MRGCD**, the utility companies, and AMAFCA are provided on the Plat.
- Per Table 6-1-1, all public notice requirements have been satisfied by the applicant.

FUTURE DEVELOPMENT GUIDANCE

- If infrastructure improvement is needed, an IL-Infrastructure list, and/or IIA-Infrastructure Improvements Agreement with financial guarantee will be required.

Please reference the following development standards from the IDO. Subject to change pending formal submittal or change in development type/use.

- Future development must meet all applicable standards and provisions of the IDO (*per R-A*) and the DPM. ***Submitted plans should demonstrate how standards are being met for any applicable & previous approvals and/or current standards.**

- ❖ **3-4(L) RIO GRANDE BOULEVARD – CPO-11**
- ❖ **5-1 Dimension Standards for R-A.**
- ❖ **5-3 Access & Connectivity requirements.**
- ❖ **5-4 Subdivision of Land**
- ❖ **5-5 Parking & Loading requirements, Table 5-5-1. Calculations required.**
- ❖ **5-6 Landscaping, buffering, and Screening. **Several standards exist.***
- ❖ **5-7 Walls/Fences, table 5-7-1. **Development requires separate permitting.***
- ❖ **5-8 for Outdoor Lighting requirements.**
- ❖ **5-9 Neighborhood edges.**
- ❖ **5-11-E Building/Façade Design.**
- ❖ **5-12 Signage 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 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/Jay Rodenbeck
Planning Department

DATE: 02/27/24