

**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

Sonata Green Owner, LLC
8201 Golf Course Rd. NW #D3-338
Albuquerque, NM 87120

Project# PR-2019-001996

Application#

SD-2023-00185 – EXTENSION OF PRELIMINARY
PLAT

SD-2023-00205 – EXTENSION OF VACATIONS OF
EASEMENT

LEGAL DESCRIPTION:

For all or a portion of:

**TRACT G & TRACT D, UNITS 1 & 3,
DURANGO SUBDIVISION** zoned **PD**, located
on **WEMINUCHE RD NW** between **STRATER
ST NW** and **VALLE JARDIN LN NW** containing
approximately **3.8066** acre(s). **(C-9)**

On November 8, 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-2023-00185 EXTENSION OF PRELIMINARY PLAT

1. This is a request to extend a Preliminary Plat that was approved by the DRB on November 2, 2022 per PR-2019-001996 / SD-2022-00145 to create twenty-two (22) new lots from two (2) existing tracts by subdivision of Tract G, Durango Unit 1 and Tract D, Durango Unit 3, grant easements as depicted and noted on the Plat, and create a roadway connecting the existing portions of Weminuche Road NW.
2. The property is zoned PD. Future development must be consistent with the underlying zone district, 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 should the Preliminary Plat be approved 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 and the DHO, the original approving body, has made a decision using the same procedure required for the initial approval of the Preliminary Plat.

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, and noted that they are not able to financially guarantee the infrastructure improvements before the original approval expires, providing good cause for the extension of the Preliminary Plat.

4. This action will extend the approval of the Preliminary Plat to November 27th, 2024.

SD-2023-00205 EXTENSION OF VACATIONS OF EASEMENT

1. This is a request to extend three easement vacations that were approved per PR-2019-001996 / SD-2022-00176 thru 00178 on November 16, 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, the original approving body, has made a decision using the same procedure required for the initial approval of the easement vacations.

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.

- c. *The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.*
- d. *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 approval. This is the first and final extension the Applicant is able to obtain for the easement vacations.

3. This action will extend the approval of the easement vacations to November 27th, 2024.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **NOVEMBER 27TH, 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,

Ronald R. Bohannon, P.E.

[Ronald R. Bohannon, P.E. \(Nov 14, 2023 07:11 MST\)](#)

Ronald R. Bohannon, P.E.

Development Hearing Officer

RRB/jr/ha

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







PR-2019-001996_November_8_2023_Notice of Decision

Final Audit Report

2023-11-14

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