

PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
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## OFFICIAL NOTIFICATION OF DECISION

William E. Galbreth Land Development Co.  
LLC  
4830 Juan Tabo Blvd NE Suite H,  
Albuquerque, NM, 87111

**Project# PR-2020-004171**  
**Application#**  
**SD-2024-00098** PRELIMINARY PLAT  
**SD-2024-00061**  
VACATION OF PUBLIC EASEMENT  
**SD-2024-00063**  
VACATION OF PRIVATE EASEMENT  
**SD-2024-00066**  
VACATION OF PUBLIC EASEMENT  
**SD-2024-00067**  
VACATION OF PUBLIC EASEMENT

### LEGAL DESCRIPTION:

For all or a portion of:

**TRACT N-7-A-1, BULK LAND PLAT OF TRACT  
N-7-A-1 TANOAN PROPERTIES** zoned **R-1D**,  
located at **12300 SAN ANTONIO DR between  
LOWELL DR NE and TENNYSON ST NE**  
containing approximately **6.653** acre(s).  
**(E-22)**

On June 12, 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 Plat** (*SD-2024-00098*)

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1. This is a request to subdivide 1 tract (Tuscany Village, Unit II Subdivision, Tract N-7-A-1 of the Bulk Land Plat of Tanoan Properties) into 9 lots and 1 tract (N-7-A-1-A), vacate four existing easements, grant a public easement as depicted on the Plat, and dedicates 3,816-feet of right-of-way to the City of Albuquerque; the access easement located on Tract N-7-A-1-A is granted to AMAFCA as shown on the proposed Plat, and is not a public right of way.

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2. Two waivers from IDO/DPM requirements for sidewalks and for the 48-feet of right-of-way for San Antonio Drive were approved by the DHO for the subject property on April 10, 2024 per PR-2020-004171 / VA-2024-00096 and VA-2024-00098 respectively.
3. A Minor Preliminary/Final Plat application for PR-2020-004171 / SD-2024-00059 was submitted to the DHO and was withdrawn by the agent for the application at the April 10th, 2024 DHO hearing for the application.
4. On May 20, 2021, the Environmental Planning Commission (EPC) approved a Zoning Map Amendment (zone change) to change the zoning of this site from PD to R-1D per PR-2020-004171 / RZ-2021-00011.
5. The subject property is zoned R-1D (Single-Family Zone District). The lot sizes created by this Plat comply with the R-1D zone standards. Future development must be consistent with the underlying zone district and IDO/DPM requirements.
6. A comprehensive Sensitive Lands Analysis is provided by the applicant. This report demonstrates that the following Sensitive Lands features will not be negatively impacted:

Steep Slopes:

The steep slopes on Lots 1-4 are due to a man-made earth berm. This berm will be removed, and the lots graded to accommodate residential lots. The steep slopes located within Lots 6-9 are at the rear of the lots and will be graded to smooth the slopes. Tract N-7-A-1-A also contains steep slopes which will not be disturbed. The existing slopes proposed to be graded are not of any natural value and therefore are not going to be maintained.

Flood Hazard/Zones:

The subject property lies partially within two flood hazard zones. The proposed residential lots, 1-9, are not located within any of the two flood zones.

The subject site does not contain unstable soils.

7. An Archaeological Certificate of No Effect was submitted with this request.
8. The Applicant submitted an Infrastructure List for this subdivision. 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.

9. Per 6-6(L)(3)(a) Review and Decision Criteria, an application for a Subdivision of Land – Major 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). The subdivision developer will build the required infrastructure on the submitted infrastructure list, which will also fulfil the subdivision criteria.
10. 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.
11. The submittal of a Final Plat is required within one year of Preliminary Plat approval per Table 6-4-3 of the IDO.

### **Conditions of Approval**

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#### **Hydrology Conditions of Approval**

1. Revised Conceptual Grading & Drainage Plan must be approved by Hydrology.

#### **Planning Conditions of Approval**

2. The date of the DHO approval must be noted on the Plat.
3. All previously granted waivers and approved vacations of easement must be noted on the Plat by DHO approval date and project and application numbers.
4. The Infrastructure List must be signed by AMAFCA.

### **Vacations of Easement** (SD-2024-00061 & SD-2024-00063 & SD-2024-00066 & SD-2024-00067)

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1. These are requests to vacate a prescriptive sewer line easement recorded on May 7<sup>th</sup>, 1985; a PMN easement recorded on August 10<sup>th</sup>, 1956; a sewer line construction easement recorded on February 26<sup>th</sup>, 1979 and February 28<sup>th</sup>, 1979; and an AMAFCA access easement recorded on April 5<sup>th</sup>, 2011.
2. 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.***

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**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 justified the four requested Vacations as follows:

The Vacations will not abridge any property rights against the will of the property owners or the public, Tract N-7-A-1-A is encumbered by several existing spillway easements managed and maintained by AMAFCA, and new utility easements are proposed to replace the easements being vacated. Therefore, there is a net benefit to the public welfare: a 14.5-foot public water and sewer easement, a 35-foot AMAFCA access easement (maintained by the owners of Tract N-7-A-1-A), and a second public sewer easement are granted by this Plat.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JULY 1<sup>ST</sup>, 2024**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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](mailto: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](mailto: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.*

[Robert L. Lucero, Jr. \(Jun 17, 2024 13:45 MDT\)](#)

Robert L. Lucero, Jr.

Development Hearing Officer

RLL/ha/jr

Fierro and Company, 3201 4<sup>th</sup> St. NW, Suite C, Albuquerque, NM 87107







# PR-2020-004171 June 12th, 2024 Notice of Decision

Final Audit Report

2024-06-17

Created:	2024-06-14
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