

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
c/o Wright, Billy J
4112 Blue Ridge Pl. NE
Albuquerque, NM 87110

Project# PR-2022-007712,
AKA PR-2019-002663
Application#
SD-2024-00097 PRELIMINARY PLAT

LEGAL DESCRIPTION:

For all or a portion of:

Lot 1-A, Block 2, UNIT 26, VOLCANO CLIFFS
zoned **MX-M**, located on **PASEO DEL NORTE**
NW and Kimmick Dr. NW containing
approximately **8.2578** acre(s). **(C-11)**

On June 12, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, with conditions of approval, based on the following Findings:

1. This is a request to subdivide Tract 1-A, Block 2, Volcano Cliffs Subdivision (8.2578 acres) into 6 parcels: Tract 1-A-1 consisting of 1.0212 acres; Tract 1-A-2 consisting of 1.4696 acres; Tract 1-A-3 consisting of 0.9864 acres; Tract 1-A-4 consisting of 1.3453 acres; Tract 1-A-5 consisting of 1.2919 acres; and Tract 1-A-6 consisting of 2.1434 acres.
2. A former Final Plat (PR-2022-007712 / SD-2024-00019) adjusted the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, to create Tract 1-A, Block 2 at 8.2545 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size, and dedicated 0.4371-acres of additional right-of-way. The Plat was approved by the DHO on February 7, 2024.
3. The Preliminary Plat for the Final Plat mentioned above (PR-2022-007712 / SD-2022-000143) Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs was approved by the Development Review Board (DRB) on November 9, 2022. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023, which was the final approval date of the Preliminary Plat.

4. Given that the prior preliminary and final plats divided the northern (Tract 1-A) and the southern property (Tract 1-B)-- with Tract 1-A being the subject of this action and the southern property not being the subject of this action--and the final plat not having been appealed and standing on its own ground, and with the information in the record and submitted under oath that the court having found in litigation that the property is not adjacent to major public open space, and having no evidence in the record of any stay of further action, the *DHO finds that the property that is subject of this action, approximately 8.2578 acres that is not adjacent to Major Public Open Space, is therefore ripe for decision by the DHO, and does not require an EPC Site Plan.*
5. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal for PR-2022-007712 / SD-2024-00019. Therefore, the infrastructure needed to support this current subdivision is planned and financially guaranteed. The half street of Valiente Road will be built all along the southern border of the parcel as a private road to match Valiente Road identified on the southern Tract 1-B.
6. The subject property is zoned MX-M and is vacant. Future development must be consistent with the underlying zone district and IDO/DPM requirements. Future development is subject to the Northwest Mesa VPO-2 requirements.
7. Per 6-6(L)(3), the Preliminary Plat was found to comply with all the applicable provisions of the IDO, the DPM, and other adopted City regulations. No conditions were specifically applied to the development of the property in a prior permit or approval.
8. 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.
9. A facilitated meeting was held on May 28, 2024 with participation of the following neighborhood associations: WSCONA, Paradise Hills Community Association, Petroglyph National Monument, and other individuals. The Community stated that they believe the March, 2024 property division was not properly done, due primarily to unresolved litigation regarding said property. Therefore, the Community argued that the subject Application is not ripe.
10. The DHO hearing included public comment from some members of the public and no official comment from a neighborhood association. Cross examination occurred.
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

The Preliminary Plat is conditioned as follows:

- a. For the Water Authority: Confirm infrastructure list items are correct to serve the entire site and provide an additional private easement for proposed Tract 1-A-5, such that every lot has access to public water and public sanitary sewer infrastructure through coordination with the Water Authority.
- b. Project and application numbers must be added to the Plat prior to final sign-off.
- c. A copy of the AGIS DXF file approval must be submitted prior to final sign-off.
- d. The DHO approval date shall be recorded on the Plat per IDO 6-6(L)(2)(d)(7) of the IDO.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JULY 1st, 2024**. 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(U) 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,

Robert L. Lucero, Jr.

[Robert L. Lucero, Jr. \(Jun 17, 2024 13:43 MDT\)](#)

Robert L. Lucero, Jr.

Development Hearing Officer

RL/jw/jr

Modulus Architects., 8220 San Pedro Dr. NE, Suite 520, Albuquerque, NM 87113

PR-2022-007712 AKA PR-2019-002663 June 12th, 2024 Notice of Decision

Final Audit Report

2024-06-17

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