

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

Matthew C. Sanchez  
2818 Campbell Road NW  
Albuquerque, NM 87104

**Project# PR-2022-006847**

**Application#**

**SD-2024-00084** VACATION OF PUBLIC RIGHT-OF  
-WAY

**SD-2024-00085** VACATION OF PUBLIC RIGHT-OF  
-WAY

**SD-2024-00083** PRELIMINARY/FINAL PLAT

**VA-2024-00112** SIDEWALK WAIVER

### LEGAL DESCRIPTION:

For all or a portion of:

**EAST 1/2 OF LOT 14 & VACATED PORTION  
OF DURANES DITCH, ALVARADO GARDENS**  
zoned **R-A**, located at **2818 CAMPBELL RD  
NW between CAMPBELL RD NW and  
MANCHA DR NW** containing **approximately  
1.2949** acre(s). **(G-12)**

On May 8, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications and approved the requests, based on the following Findings:

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### **SD-2024-00084** VACATION OF PUBLIC RIGHT-OF -WAY

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1. This is a request to vacate 4.5-feet of right-of-way of Campbell Road along the frontage of the subject property.
2. The subject property is zoned R-A (Residential – Rural and Agricultural Zone District), and is currently occupied by a single-family residential dwelling.

3. Per Table 6-1-1 of the IDO, public notice requirements for the application have been satisfied by the Applicant prior to this submittal, and a pre-submittal neighborhood meeting was offered to the notified Neighborhood Association contacts.
4. Per 6-6(M)(1) of the IDO, the DHO is the deciding body for this request due to the size of the request and the request being less than the entire width of the street.
5. Per 6-6(M)(3) of the IDO, 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 the vacation of 4.5-feet of right-of-way of Campbell Road along the frontage of the subject property per 6-6(M)(3) of the IDO, verbally confirming at the May 8<sup>th</sup> hearing for the application that the public welfare does not require that the public right-of-way (to be vacated) be retained, that the remaining right-of-way meets the IDO standards, and the Vacation is 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.

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**SD-2024-00085 VACATION OF PUBLIC RIGHT-OF -WAY**

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1. This is a request to vacate a 20-foot acequia along the entire frontage of the subject property.
2. Per Table 6-1-1 of the IDO, public notice requirements for the application have been satisfied by the Applicant prior to this submittal, and a pre-submittal neighborhood meeting was offered to the notified Neighborhood Association contacts.
3. Per 6-6(M)(1) of the IDO, the DHO is the deciding body for this request due to the request being for a platted acequia/irrigation ditch depicted as right-of-way on the Alvarado Gardens Unit No. 2 Plat.
4. Per 6-6(M)(3) of the IDO, 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 the vacation of a 20-foot acequia along the entire frontage of the subject property per 6-6(M)(3) of the IDO, verbally confirming at the May 8<sup>th</sup> hearing for the application that the public welfare does not require that the public right-of-way be retained, and the Vacation is 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.

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**SD-2024-00083 PRELIMINARY/FINAL PLAT**

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1. This is a request to subdivide an existing lot into two lots (Lot 14-A1 at 0.4981-acres in size and Lot 14-B1 at 0.7968-acres in size), with both lots accessed by a common private drive along the east property line.
2. The subject property is zoned R-A (Residential – Rural and Agricultural Zone District). Future development must be consistent with the underlying zone district.
3. 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. The review and decision criteria for a Subdivision of Land-Minor were met by this project per 6-6(K)(3) of the IDO.
4. All signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat.
5. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
6. Per 6-6(K)(2)(I), the applicant shall record the final plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the plat, or the subdivision shall be voided.

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**CONDITIONS**

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Final sign-off of the Plat by the DFT staff is conditioned as follows:

- a. Project and application numbers must be added to the Plat.
- b. The date of the DHO approval must be added to the Plat.

- c. The DXF file must be approved by AGIS and provided.
- d. The Sidewalk Waiver and the two Vacations of Public Right-of-Way, and their DHO dates of approval must be noted on the Plat.
- e. MRGCD must sign the Plat.

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**VA-2024-00112 SIDEWALK WAIVER**

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1. This is a request for a Waiver from the IDO/DPM requirements for a 5-foot wide sidewalk along Campbell Road NW (along the frontage of the subject property).
2. Per Table 6-1-1 of the IDO, public notice requirements for the application have been satisfied by the Applicant prior to this submittal, and a pre-submittal neighborhood meeting was offered to the notified Neighborhood Association contacts.
3. The Applicant submitted a justification letter with the Waiver application noting that there are currently no sidewalks adjacent to the property, Campbell Road is a low speed roadway with an urban feel, and the request complies with the applicable criteria per 6-6(P)(3) of the IDO.

Based upon these justifications, the Waiver request complies with the decision and review criteria per 6-6(P)(3) 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 **MAY 24<sup>TH</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).

Official Notice of Decision

Project # PR-2022-006847 Applications# SD-2024-00084, SD-2024-00085, SD-2024-00083 & VA-2024-00112

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Sincerely,

*Robert L. Lucero, Jr.*

[Robert L. Lucero, Jr. \(May 14, 2024 10:27 MDT\)](#)

Robert L. Lucero, Jr.

Development Hearing Officer

RL/jr

Isaacson & Arfman, Inc. (Justin T. Simenson), 128 Monroe Street NE, Albuquerque, NM 87108







# PR-2022-006847 May 8th, 2024 Notice of Decision

Final Audit Report

2024-05-14

Created:	2024-05-13
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAeFtH_kjqakUZZNHZbUKYOYLQ_BiNvZbc

## "PR-2022-006847 May 8th, 2024 Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)  
2024-05-13 - 11:04:54 PM GMT
-  Document emailed to robert@luceroLawpc.com for signature  
2024-05-13 - 11:04:57 PM GMT
-  Email viewed by robert@luceroLawpc.com  
2024-05-14 - 4:23:14 PM GMT
-  Signer robert@luceroLawpc.com entered name at signing as Robert L. Lucero, Jr.  
2024-05-14 - 4:27:14 PM GMT
-  Document e-signed by Robert L. Lucero, Jr. (robert@luceroLawpc.com)  
Signature Date: 2024-05-14 - 4:27:16 PM GMT - Time Source: server
-  Agreement completed.  
2024-05-14 - 4:27:16 PM GMT