

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

Galbreth William E. Trustee Galbreth RVT
4830 Juan Tabo Blvd NE, Suite H
Albuquerque, NM 87111

Project# PR-2023-008674
Application#
SD-2024-00056 PRELIMINARY PLAT
SD-2024-00077 VACATION OF PUBLIC
EASEMENT

LEGAL DESCRIPTION:

For all or a portion of: **NE Corner Tr 310;**
The N'ly Parts of TS 308, 309 & 310; Tr
Comprising Por. TR 310, UNIT 8 ATRISCO
GRANT zoned **MX-T** located at **5720, 5720**
MIAMI RD NW between **MIAMI** and
COORS BLVD NW containing approximately
5.4683 acre(s). **(H-11)**

On May 8, 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:

SD-2024-00056 PRELIMINARY PLAT

1. This is a request to subdivide four (4) existing lots (a portion of tracts 308, 309, and 310, Unit 8 Town of Atrisco Grant) a total of 5.4683-acres in size into fifty-five (55) lots; vacate and grant easements as depicted on the Plat; and dedicate right-of-way to the City of Albuquerque.
2. The subject property is zoned MX-T (Mixed-Use - Transition Zone District) and is vacant. The lot sizes created by this Plat comply with the MX-T zone standards. Future development must be consistent with the underlying zone district and IDO/DPM requirements.

3. The Applicant completed a Sensitive Lands Analysis and no sensitive land features were identified.
4. An Archaeological Certificate of No Effect was submitted with this request.
5. The Applicant provided the required notice as outlined in Table 6-1-1 of the IDO. The original hearing for this case was deferred two weeks to May 8, 2024 because of an ONC error: the ONC original email did not include the Westside Coalition of Neighborhood Associations (WSCONA). The deferral allowed adequate notice to WSCONA for the hearing on May 8, 2024.
6. A facilitated meeting was held on April 30, 2024 with participation of the following neighborhood associations: WSCONA; SW Alliance of Neighborhoods; and SR Marmon; West Mesa; and Los Volcanes Neighborhood Associations. Concerns that were discussed included traffic effects during and after construction; any damage related to drainage; loss of privacy/views; notification issues; construction dust; any disruption to utilities; and effect on the existing multi-use Trail.
7. The DHO hearing included public comment from WSCONA and SR Marmon neighborhoods.
8. The proposed plat includes some lots that would have noise greater than 65 decibels coming from the on-ramps from Coors to Interstate 40 adjacent to the site, during the AM peak period based on noise studies conducted by Tierra West. That noise is required to be mitigated per IDO 5-4(C), which states:

No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding...., or **other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the City.**

The Applicant submitted a Noise Study Report performed on July 26, 2023. The applicant then repeated the noise study for the full AM peak hour period on May 8, 2024 at three locations identified as most vulnerable to noise by the City Engineer. The second noise study was for the complete peak period in the 3 noisiest points. That study showed times when each of those points exceeded 65 decibels and none were greater than 72 decibels. The Applicant agreed to mitigate the noise by building a solid CMU perimeter wall 8 feet tall at least 6 inches wide and continuous along the eastern property line (with an exception for a solid gate to provide access to the multi-use trail). The perimeter wall would wrap the corner and extend 35-50 feet along the front of Lot 4 on Miami Road; Lot 4 is an irregular lot with at least 78 feet of frontage. The City Engineer determined that this would mitigate the traffic noise to a level where public health and general welfare were preserved.

9. A Traffic Scoping Form was completed. The number of trips generated in the AM or PM peak hours was substantially below the threshold required for a Traffic Impact Study. The Traffic Engineer approved a Traffic Circulation Layout for the subdivision.
10. The block lengths were determined to meet the DPM and IDO as the longest block length on Marlin Street is less than 600 feet distance when measured from the intersection of Miami Road to the intersection with Wahoo Street.
11. The Streetscape of the subdivision streets will include 5-foot sidewalks and 4.5-foot landscape buffers as required by Table 7.2.29 of the DPM.
12. 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.
13. 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.
14. The submittal of a Final Plat is required within one year of Preliminary Plat approval per Table 6-4-3 of the IDO.

Conditions:

The Preliminary Plat is conditioned as follows:

- a. Add the following note to the Plat:
The developer of the subdivision is responsible for building noise walls and using building façade treatments to mitigate the traffic noise--from adjacent on-ramps to I-40 West and Coors Blvd.--to 65 decibels or less at the time of wall construction.
- b. Provide correspondence from PNM verifying approval of the vacation of the PNM easement.
- c. Show on the Plat that an 8-foot wall, no less than 6 inches wide, with an irregular, not flat, surface that bounces noise, possibly splitface block, will be built along the entire eastern property boundary and to wrap around the corner with Lot 4 on Miami Road for a distance of 35-50 feet, stepping down as it approaches the front façade.

- d. The front wall along Miami described in (c) above requires a ZHE Variance be obtained prior to Final Plat.
- e. A solid gate shall be provided in the eastern wall to provide access to the trail from the neighborhood.
- f. The Infrastructure List must be signed and include the project and application numbers.
- g. The AGIS office must approve the DXF file and proof of approval must be provided.
- h. The date of the DHO approval must be recorded on the Plat.

SD-2024-00077 VACATION OF PUBLIC EASEMENT

1. This is a request to vacate an existing 142-foot x 52-foot PNM and MST&T easement recorded on October 8th, 1965.
2. The Vacation of Easement must meet the following criteria:

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 Vacation of Public Easement was approved as the public welfare does not require that the easement be retained and there is no convincing evidence that any substantial property right is abridged with the approval of the Vacation.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **MAY 24TH, 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.

Official Notice of Decision

Project # PR-2023-008674 Applications# SD-2024-00056 & SD-2024-00077

Page 5 of 5

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. (May 14, 2024 10:32 MDT)

Robert L. Lucero, Jr.

Development Hearing Officer

RL/mi/jr/jw

Tierra West LLC, 5571 Midway Park Pl NE, Albuquerque, NM 87109







PR-2023-8674 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:	CBJCHBCAABAA_IIVjzt82vR-9BIFC1bCWnF2Z6d-jA1E

"PR-2023-8674 May 8th, 2024 Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
2024-05-13 - 10:58:24 PM GMT
-  Document emailed to robert@luceroLawpc.com for signature
2024-05-13 - 10:58:28 PM GMT
-  Email viewed by robert@luceroLawpc.com
2024-05-14 - 4:28:01 PM GMT
-  Signer robert@luceroLawpc.com entered name at signing as Robert L. Lucero, Jr.
2024-05-14 - 4:32:49 PM GMT
-  Document e-signed by Robert L. Lucero, Jr. (robert@luceroLawpc.com)
Signature Date: 2024-05-14 - 4:32:51 PM GMT - Time Source: server
-  Agreement completed.
2024-05-14 - 4:32:51 PM GMT