

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

Red Shamrock
For Joshua Skarsguard
8220 San Pedro Dr. NE, Suite 500
Albuquerque, NM 87113

Project# PR-2019-002765
Application#
PLT-2025-00007 PRELIMINARY/FINAL PLAT
VAC-2025-00004 thru VAC-2025-00013 (10)
VACATION OF PUBLIC EASEMENT

LEGAL DESCRIPTION:

For all or a portion of:

LOTS/TRACTS 8B, 9A, 9C, 8C, 8, COORS
PAVILION zoned **NR-C**, located at **5801 ST**
JOSEPH'S DR between COORS BLVD AND
ATRISCO DR NW containing approximately
13.047 acre(s). **(G-11, F-11)**

On April 9th, 2025, 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:

PLT-2025-00009 PRELIMINARY/FINAL PLAT

1. This is a request to create one new lot (Lot 8-A-1 of the Coors Pavilion subdivision at 13.047-acres in size) from five (5) existing lots, and vacates easements as depicted on the Plat. The properties (Tracts 8-A, 8-B, 8-C, 9-A and 9-C) are all vacant and located near the northwest intersection of Saint Joseph's Drive NW and Coors Boulevard NW.
2. The subject property is zoned NR-C (Non-Residential – Commercial Zone District). Future development must be consistent with all relevant standards.

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. This request complies with this criterion.
4. Signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat as required.
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), after approval by the DHO, the Applicant shall record the Plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the Plat, or the Plat shall be voided.
7. Site Plan review is being completed under a separate application along with updates to infrastructure.

CONDITIONS

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

- a. The Project and Application numbers must be added to the plat
- b. Submit completed copy of the AGIS DXF file approval.
- c. Per 6-6(L)(2)(d)(7) of the IDO, the date of the DHO approval shall be recorded on the Plat.

VAC-2025-00004 thru VAC-2025-00013 (10) VACATION OF PUBLIC EASEMENT

1. This is a request to vacate 10 existing Public Easements.

Vacating Easements

[1] - private access and surface drainage

[5] - private drainage easement (blanket)

[10] - (Private Access Driveway)

[13] - (Public Water + SAS in easement 10 up to south of former Lot 9-A)

[17] - (Private Sidewalk ringing easement 10)

[18] - (PUE on N and W side of easement 10)

[19] - (SAS Private from 16 along N of former Lot 8-B)

[20] - (Private Drainage from pond to easement 10)

[21] - (Pub Water N of easement 20)

[22] - (Private SAS from Quaker Heights to former 9-C)

Existing Private Access and Surface Drainage Easement [1]

The existing private drainage easement was granted as part of the management of the originally planned drainage pond in the NW of the site. With greater development of the overall Coors Pavilion area, the ponding and drainage is being redefined and so some of that area originally used for access and surface drainage will become part of the pond.

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, since the easement is private and the remaining access will lead to the proposed pond easement. Thus, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated portions of the easement clears up the record and frees up these areas for even greater development as needed by the private owners that improves the area for their public patrons.

Existing Private Drainage Easement (blanket) [5]

The existing private drainage easement was granted as part of the initial management of the original site drainage, before ponding, storm drain lines, and ponding we so thoroughly defined. So, with greater development of the overall Coors Pavilion area, the ponding and drainage is being fully (re)defined and so the blanket easement has become unnecessary to retain.

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, since the easement is private and the site grading and drainage has been fully defined with more targeted easements. Thus, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated portions of the easement clears up the record and frees up these areas for greater development as needed by the private owners that improves the area for their public patrons.

Existing Private Access Easement [10]

The existing private ingress/egress easement for access was granted to benefit the newly created lots we not seek to reconsolidate and to reaffirm access to the other lots of Coors Pavilion. This easement will be made redundant with the consolidation of the subject lots.

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, as the easement was privately held and the remainder of easement [1] preserves access for the businesses and vacant lots of Coors Pavilion. Thus, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated easement clears up the record to allow the existing private access to remain as-is, allowing sufficient access to the public along the drive aisle.

Existing Public Sewer and Water Easement [13]

The existing public sewer and water easement [13] was granted by plat to the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) to reserve a defined space for future sewer and waterline improvements along the drive aisle, but with the consolidation of the subject lots, it greatly simplifies providing water and sewer to the subject lot. The easement will be made redundant with this dedication of easement [25] for public water and the existing sewer easement [16] right-of-way and existing sewer line in place. The existing sewer line is shown on the ABCWUA exhibit included in the application submittal.

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, since the consolidation of our parcels removes the need for the easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated easement clears up the record and allows for better defined public utility easements for the subject property.

Existing Private Sidewalk Easement [17]

The existing private sidewalk easement was granted as part of the subdivision of the subject lots, and with the consolidation of the lots and a finalized site plan imminent, the sidewalk easement is obsolete for the site design of a big box store.

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, since the easement is private and easement 23 will lead the public sidewalk to the commercial building sufficiently. Thus, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated easement clears up the record and allows for better defined public connectivity of the subject property.

Existing Public Utility Easement [18]

The existing public utility easement [18] was granted by the 2021 subdivision plat to bridge the gap and offer coverage for our subject lots which will now be consolidated into one. The consolidation of the subject lots greatly simplifies how we need to provide utilities to each lot and so we seek to vacate easement [18].

The easement is unnecessary with utility easements [3], [12], and [24] in place to serve the proposed lot.

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, since the consolidation of our parcels removes the need for the easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated easement clears up the record and allows for better defined public utility easements over the subject property.

Existing Private Sanitary Sewer Easement [19]

The existing private sanitary sewer easement [19] was granted to benefit Lot 8-B, which is being consolidated with the proposed plat. The consolidation greatly simplifies how we need to provide sewer services to the subject lot.

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, since the consolidation of our parcels removes the need for the easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated easement clears up the record and allows for better defined easements for the subject property.

Existing Private Drainage Easement [20]

The existing private drainage easement was granted as part of the initial management of the site drainage after the subdivision plat of 2021. With the consolidation of lots and changes in our site plan, this easement is no longer needed and on-site drainage lines leading to the NW ponding are planned.

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, since the easement is private and the site grading and drainage has been fully defined with more targeted easements. Thus, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated portions of the easement clears up the record and frees up these areas for greater development as needed by the private owners that improves the area for their public patrons.

Existing Public Water Easement [21]

The existing public water easement [21] was granted by plat to the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) to reserve a defined space for future waterline improvements along the drive aisle to reach Lots 9-A and 9-B, but with the consolidation of the subject lots, it greatly simplifies providing water and sewer to the subject lot and so we seek to vacate easement [23]. The easement will be made redundant with the dedication of easement [25] for public water.

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, since the consolidation of our parcels removes the need for the easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated easement clears up the record and allows for better defined public utility easements for the subject property.

Existing Private Sanitary Sewer Easement [22]

The existing private sanitary sewer easement [22] was granted to benefit Lot 9-C, which is being consolidated with the proposed plat. The consolidation greatly simplifies providing sewer services to the subject lot.

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, since the consolidation of the lots removes the need for the easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated easement clears up the record and allows for better defined easements for the subject property.

2. Per Table 6-1-1 of the IDO, a pre-application meeting took place with City staff as a Sketch Plat on September 18th, 2024.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **APRIL 25th, 2025**. 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 the deadline for filing the appeal.

Official Notice of Decision

Project # PR-2019-002765 Applications# PLT-2025-00007, VAC-2025-00004 thru VAC-2025-00013 (10)

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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 a 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 permits 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. \(Apr 16, 2025 22:38 MDT\)](#)

Robert L. Lucero, Jr.

Development Hearing Officer

RLL/rw/jr

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







PR-2019-002765 April 9th, 2025 Notice of Decision - DHO

Final Audit Report

2025-04-17

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