

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

Peter Gineris
2500 Phoenix Ave. NE
Albuquerque, NM 87107

Project# PR-2025-020067
Application#
MINOR_PLT-2025-00021 MINOR
PRELIMINARY/FINAL PLAT
VAC-2025-00022, VAC-2025-00026 VACATIONS
OF PRIVATE EASEMENT

LEGAL DESCRIPTION:

For all or a portion of:

Lot/Tract 1C, 1A, 1B, 5, BRUNACINI
INDUSTRIAL PARK UNIT 3 zoned **MX-M**,
located at **2500 PHOENIX AVE on the east**
side of VASSAR DRIVE NE between **MENAU**
BLVD NE and PHOENIX AVENUE NE
containing approximately **4.2357** acre(s).
(H-16)

On June 25th, 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:

MINOR_PLT-2025-00021 MINOR PRELIMINARY/FINAL PLAT

1. This is a request to eliminate existing lot lines to consolidate and create two new tracts from four existing tracts It will also vacate and relocate an existing 30' private access and drainage easement, and dedicate 4' of right of way along Vassar to the City of Albuquerque as depicted on the Plat.
2. The IDO Zone District for the subject property is MX-M. Future site development is subject to the standards of the IDO and DPM.
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.

4. Signatures from utility companies, AMAFCA, the City Surveyor, Surveyor, and property owner have been obtained on the Plat. Signatures from Hydrology, Transportation, and Water Utility Authority are obtained on Form PLT.
5. An Infrastructure List (IL) was approved with this request. A recorded Infrastructure Improvements Agreement (IIA) based on the IL will be included per the conditions of approval of this request.
6. Per 6-6(K) Review and Decision Criteria, an application for a Subdivision of Land – Minorr 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.
7. A Landfill Gas and Mitigation Plan shall be included as part of the development.

CONDITIONS

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

Transportation

- a. The Applicant must submit an updated Infrastructure List showing 5' sidewalks on Vassar and Phoenix, and a 6' sidewalk on Menaul for review and approval.

Planning

- b. The Project and Application numbers must be added to the Plat.
- c. Per 6-6(L)(2)(d)(7) of the IDO, the date of the DHO approval shall be recorded on the Plat.
- d. A recorded Infrastructure Improvements Agreement (IIA) must be submitted.
- e. The Environmental Health signature must be included on the Plat.

VAC-2025-00022, VAC-2025-00026 VACATIONS OF PRIVATE EASEMENT

1. These are requests to vacate a 10-foot drainage easement (VAC-2025-00026) and a 30-foot private access and drainage easement (VAC-2025-00022).

6-6(M)(3) Review and Decision Criteria

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.

- 1. The easement to be vacated (as indicated by keyed note "1" on sheet two of the proposed plat) under VAC-2025-00026 is a private 10-foot drainage easement, which was established in 2008. Because no drainage infrastructure was built within the easement, and stormwater flows are directed to Phoenix Ave NE and Vassar Drive NE (as shown in the grading and drainage plan), the public welfare does not require the private easement to be retained. The vacation of this easement will create a net benefit to the public, as this vacation will allow for a 10-foot public utility easement to be established by this plat.***
- 2. The easement to be vacated (as indicated by keyed note "2" on sheet two of the proposed plat) under VAC-2025-00022 is a 30-foot private access and drainage easement and was established in 2008. The easement will be replaced by an easement with the same width and purpose, only shifted 25-feet to the south (as shown on page three of the proposed Plat). Since the easement is wholly being replaced, and the applicant and adjacent property owner are in agreement; the public welfare does not require that the 30-foot private easement be retained. The new easement will allow for access to the lot to the east (Tract 2), which is also owned by the applicant and will not require access through Tract 1-D (which is not owned by the applicant).***

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.

1. VAC-2025-00026

The vacation of the 10-foot drainage easement will benefit the public as a new 10-foot public utility easement will be established in its place (see sheet three of the proposed Plat), which is a more efficient use of the property. The proposed warehouse development will be a net benefit to the public welfare as it will establish an essential industrial use and facilitate the development of a vacant lot.

2. VAC-2025-00022

The vacation of the 30-foot private access and drainage easement benefits the public by providing access to an existing light vehicle sale use and will no longer require users to traverse Tract 1-D (which is not owned by the applicant) for access to Tract 2.

Additionally, the vacation is being replaced by a proposed easement with the same width and purpose (see sheet three of the proposed plat). Both the applicant and the owner of Tract 1-D agree with the vacation of the private easement, should the owner of Tract 1-D wish to do so, they can vacate the private easement on their property and create more useable space on their lot.

2. Per Table 6-1-1 of the IDO, pre-application meeting requirements for the application have been satisfied by the Applicant prior to this submittal.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **July 14th, 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 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 electronically to [ABQ-PLAN](#) (*place mouse cursor over hyperlink, right-click, choose "open hyperlink"*). A Non-Refundable filing fee will be calculated by staff in the Development Review Services Division of the City of Albuquerque Planning Department and will be payable online at [ABQ-PLAN](#) (*place mouse cursor over hyperlink, right-click, choose "open hyperlink"*). The appeal fee must be paid in full no later than 48 hours after the appeal deadline, or the appeal will be rejected as untimely.

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. \(Jul 2, 2025 17:48 PDT\)](#)

Robert L. Lucero

Development Hearing Officer

RLL/rw/jr

Tim Aldrich, 4135 Montgomery Blvd. NE, Suite C, Albuquerque, NM 87109







PR-2025-020067 June 25th, 2025 Notice of Decision - DHO

Final Audit Report

2025-07-03

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|-----------------|--|
| Created: | 2025-07-01 |
| By: | Jay Rodenbeck (jrodenbeck@cabq.gov) |
| Status: | Signed |
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"PR-2025-020067 June 25th, 2025 Notice of Decision - DHO" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
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-  Document emailed to Robert Lucero (robert@lucerolawpc.com) for signature
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