

**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

Zazish LLC
8504 Waterford Pl NE
Albuquerque, NM 87122

Project# PR-2019-001948
Application#
SD-2022-00071 VACATION OF RIGHT OF WAY
SD-2022-00063 VACATION OF PUBLIC
EASEMENT
SD-2022-00064 PRELIMINARY/FINAL PLAT

LEGAL DESCRIPTION:

For all or a portion of: **TRACT A, PLAN OF PRIMA ENTRADA** zoned **PC**, located on **SONTERRO** between **94TH** and **MIRASOL AVE** containing approximately **0.71** acre(s).
(H-9)

On June 8, 2022, the Development Review Board (DRB) held a public meeting concerning the above referenced applications and approved the requests, with delegation to Planning, based on the following Findings:

SD-2022-00071 VACATION OF RIGHT OF WAY

1. This is a request to vacate a 394 square foot portion of 94th Street as depicted on the Plat approved with the Right of Way Vacation request.
2. The applicant provided notice as required in table 6-1-1 of the IDO.
3. The applicant justified the vacation request for the right-of-way pursuant to 14-16-6-6-(M)(3) of the IDO. A wall was constructed in the ROW to align with the wall and ROW line to the north, and the area encompassed by the existing wall is unnecessary and does not serve the public welfare.
4. Pursuant to section 14-16-6-6(M)(1)(b), the DRB is the approving body for the vacation request because the vacation is less than 5,000 square feet and is less than the entire width of a street.

SD-2022-00063 VACATION OF PUBLIC EASEMENT

1. The applicant proposes to vacate an easement overlying a temporary retention pond which was created to accommodate the runoff from the subdivision pending the construction of downstream improvements.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The existence of the pond and the overlying easement are no longer required and do not serve the public welfare. AMAFCA has established the legal right to construct the pipe across the DCLP Trust Property by Court Order and accepts full responsibility of the pipe capacity and maintenance, eliminating the necessity of the pond to accommodate runoff from the larger subdivision as well as the necessity of the overlying easement.

SD-2022-00064 PRELIMINARY/FINAL PLAT

1. This request is to subdivide an existing lot into seven lots a total of 0.71 acres in size.
2. The property is zoned PC. Future development must be consistent with the underlying zone district.
3. DRB Determinations were approved for the existing right of way width of 94th Street and the existing sidewalk width along 94th Street.
4. An Infrastructure List was approved with this Plat. A recorded Infrastructure Improvements Agreement (IIA) is needed prior to final sign-off from Planning.
5. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

Conditions:

1. Final sign off is delegated to Planning for the recorded IIA and the DRB Determinations to be added to the Plat.
2. The applicant will obtain final sign off from Planning by September 7, 2022 or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **JUNE 23, 2022**. The date of the DRB'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.

Official Notice of Decision

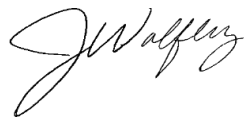
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For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). For files larger than 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,

A handwritten signature in black ink, appearing to read "J. Wolfley", written in a cursive style.

Jolene Wolfley
DRB Chair

JW/jr

THE Group / Ron Hensley, 300 Branding Iron Road SE, Rio Rancho, NM 87122