

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

Sandra Marquez
7011 Western Pl. NW,
Albuquerque, NM 87114

Project# PR-2023-008890
Application#
SD-2024-00011 PRELIMINARY/FINAL PLAT
VA-2024-00013 SIDEWALK WAIVER

LEGAL DESCRIPTION:

For all or a portion of:

**LOTS 10 THRU 17, BLOCK 2, GAVILAN
ADDITION** zoned **MX-M**, located at **5827
4TH ST NW between PLACITAS RD NW and
GAVILAN PL NW** containing approximately
0.5991 acre(s). (F-14)

On January 24, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced application and approved the request, based on the following Findings:

Preliminary/Final Plat (SD-2024-00011)

1. This is a request to create one new lot from 8 existing lots, and dedicate additional right-of-way to 4th St. NW. Additionally, DHO determinations to allow the existing right-of-way width of the adjoining 16-foot alleyway and 80-foot right-of-way width for 4th Street NW have been requested.
2. The subject site is located in North Albuquerque Community Planning area. This lot is zoned MX-M, and is not located within any Overlay Zones. The subject property and all adjacent properties are within an Area of Consistency.
3. 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. Per 5-4(L)(2), public rights-of-way for public infrastructure was dedicated, in accordance with the minimum standards and requirements set forth in the DPM.
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.
7. The determination request for the existing right-of-way width of the adjoining 16-foot alleyway was justified per 6-6(P)(3)(a) of the IDO, as there are existing obstructions on both sides of the public alley which cannot be easily ignored to accommodate widening the right-of-way in either direction. The Determination would not materially run contrary to public safety, health, or welfare as the long-established width of the alley has retaining or building walls constraining in the area.
8. The determination request for the existing 80-foot right-of-way width for 4th Street NW was justified per 6-6(P)(3)(a) of the IDO, as this Determination would maintain the cohesion of the roadway pathing for the area and neighborhood, and allow the existing use of the property, while improving connectivity with a compromised but significantly improved pedestrian access.

Sidewalk Waiver (VA-2024-00013)

1. This is a request for a waiver from the IDO/DPM requirements for sidewalk width along 4th Street.
2. The application for a Waiver – DHO and DHO Determination complies with all of the applicable criteria per 6-6(P)(3)(a):
 1. ***The following criteria applies:***
 - a. ***There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.***
 2. ***The Waiver will not be materially contrary to the public safety, health, or welfare.***

Based upon these justifications, the Waiver request complies with the decision and review criteria 6-6(P)(3)(a) of the IDO.

Conditions:

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

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- a. The Application numbers must be added to the Plat and Infrastructure List (IL) prior to final sign-off.
- b. A copy of the AGIS-approved DXF file must be submitted prior to the final sign-off.
- c. The date of the DHO approval shall be added on the Plat.
- d. A recorded Infrastructure Improvements Agreement (IIA) based on the IL must be submitted prior to final sign-off.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **FEBRUARY 9TH, 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(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 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,



David S. Campbell, J.D.
Development Hearing Officer

DSC/rw

CSI – Cartesian Surveys, Inc, P.O. Box 44414, Rio Ranch, NM 87174






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Final Audit Report

2024-01-29

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