

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

David H. Reynolds (Riverside West, LLC)
2911 Ervien LN SW,
Albuquerque, NM, 871021

Project# PR-2018-001482
Application#
VA-2023-00368 SIDEWALK WAIVER

LEGAL DESCRIPTION:

For all or a portion of:

**TRACT OF LAND EAST OF AMOLE DEL
NORTE DIVERSION CHANNEL, TRACT 1 OF
SUMMARY PLAT LAND DIVISION OF
WESTLAND DEVELOPMENT CO INC
TOGETHER WITH A TRACT OF LAND WITHIN
THESE ¼ SE ¼ SEC 34, zoned R-MC, located
at 2911 ERVEIN LN SW between COORS
BLVD NW and ERVIN LN SW containing
approximately 40.82 acre(s). (M-10)**

On December 20, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced application and approved the request, based on the following Findings:

1. This is a request for a waiver from the IDO/DPM requirements to construct a sidewalk on both side of the streets/roadways within the subject property, and permit the construction of a sidewalk on one side of the streets/roadways.
2. An application for a Waiver – DHO shall be approved if it 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.*

All or a portion of the subject property is located within the Riverside and Seay Brothers Landfill Buffer area. Considering the subject site's proximity to the Landfill and its location within the Landfill buffer, minimal disturbance of the existing grade is ideal for development.

- d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.**

The neighborhood is designed to contain affordable housing, and the sidewalk waiver would facilitate a lower construction price and thereby result in lower housing costs, resulting in a more economic development.

- 2. The Waiver will not be materially contrary to the public safety, health, or welfare.**

The roads/streets within the subject property are located in a private area with a very low traffic, and this private area is not directly connected to a high-traffic public road. Therefore, this Waiver will not be contrary to the public safety, health, or welfare

- 3. If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.**

The development within the subject property is isolated from any major public streets and is located within a very low-intensity land use area. Therefore, the installation of a normal sidewalk will not contribute to the public welfare.

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

3. The Applicant provided the required notice as outlined in Table 6-1-1 of the IDO.

Conditions of Approval

1. Add ADA ramps on the sidewalk along the east side of the site directly across from the corner ADA ramps on the south-easterly block of lots. Also, add one from the south east block to the south west block.
2. Project and application numbers must be added to the exhibit.
3. Provide approval from City Environmental Health regarding appropriate mitigation measures.

Official Notice of Decision

Project # PR-2018-001482 Applications VA-2023-00368

Page 3 of 3

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JANUARY 8TH, 2023**. 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 \(Dec 22, 2023 11:21 EST\)](#)

David S. Campbell, J.D.

Development Hearing Officer

DSC/ha/jr

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







PR-2018-001482_December_20_2023- Notice of Decision_Revised

Final Audit Report

2023-12-22

Created:	2023-12-22
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAFVzKw2UUfi-IrYCZbPrGlav6qnfFrlt

"PR-2018-001482_December_20_2023- Notice of Decision_Revised" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
2023-12-22 - 3:56:47 PM GMT- IP address: 198.206.237.4
-  Document emailed to david@davidscampbell.com for signature
2023-12-22 - 3:57:13 PM GMT
-  Email viewed by david@davidscampbell.com
2023-12-22 - 4:20:32 PM GMT- IP address: 174.192.197.59
-  Signer david@davidscampbell.com entered name at signing as David S. Campbell
2023-12-22 - 4:21:19 PM GMT- IP address: 174.192.197.59
-  Document e-signed by David S. Campbell (david@davidscampbell.com)
Signature Date: 2023-12-22 - 4:21:21 PM GMT - Time Source: server- IP address: 174.192.197.59
-  Agreement completed.
2023-12-22 - 4:21:21 PM GMT