

**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

Smith's Food & Drug Center Inc.
1014 Vine St., 7th Floor
Cincinnati, OH 45202

Project# PR-2023-008767
Application#
SD-2023-00180 – PRELIMINARY/FINAL PLAT
VA-2023-00306 – SIDEWALK WAIVER

LEGAL DESCRIPTION:

For all or a portion of:

**LOT/TRACT J-1, FOUR HILLS VILLAGE
SHOPPING CTR & APT COMPLEX** zoned
MX-M, located at **200 TRAMWAY BLVD SE
BETWEEN TRAMWAY BLVD AND CENTRAL
AVE** containing approximately **8.5** acre(s).
(L-22, L-23)

On October 25, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, based on the following Findings:

SD-2023-00180 PRELIMINARY/FINAL PLAT

1. This is a request to subdivide one parcel into two parcels (Tract J-1-A at 7.6927 acres in size and Tract J-1-B at 0.6422 acres in size) and grant easements as shown on the Plat. and a request for a sidewalk waiver for the existing 6' sidewalk along Wenonah Ave. SE and Tramway Blvd.
2. The property is zoned MX-M. Future development must be consistent with the underlying zone district and the IDO/DPM requirements.
3. The review and decision criteria for a Preliminary/Final Plat were met per 6-6(K)(3) of the IDO.
4. The Applicant provided the required notice as outlined in Table 6-1-1 of the IDO.

5. This DHO approval does not grant or assume any rights, easements, or land title permissions for utility line relationships between the and none may be implied from this action.

Conditions:

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

- a. Separate water and sewer services are established and confirmed.
- b. Updated Infrastructure List at site plan as discussed to include: 1.5 water service and 4 inch sanitary sewer service.
- c. Project and application numbers must be added to the Plat.
- d. AGIS DXF file approval.
- e. The date of the DHO approval shall be recorded on the Plat.

VA-2023-00306 SIDEWALK WAIVER

1. This is a request for a sidewalk waiver for the existing 6' sidewalk along Wenonah Ave. SE and Tramway Blvd.
2. The justification and decision criteria for a sidewalk waiver were met per 6-6(P)(3)(a) of the IDO. Justification detail included the existing conditions and the construction and financial obstacles to updating the site.
3. The Applicant provided the required notice as outlined in Table 6-1-1 of the IDO.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **NOVEMBER 13TH, 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 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.

Official Notice of Decision

Project # PR-2023-008767 Application# SD-2023-00180, VA-2023-00306

Page 3 of 3

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 Lucero

[Robert Lucero \(Oct 27, 2023 15:06 MDT\)](#)

Robert Lucero, Esq.

Development Hearing Officer

RL/rw

Modulus Architects & Land Use Planning, Inc. – 8220 San Pedro Dr. NE, Suite 520, Albuquerque, NM 87113







PR-2023-008767_October_25_2023 - Notice of Decision

Final Audit Report

2023-10-27

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