

**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

Richard Chess
1907 Buena Vista Dr. SE
Albuquerque, NM 87106

Project# PR-2023-008235
Application#
SD-2024-00054 PRELIMINARY/FINAL PLAT
VA-2024-00083 WAIVER TO DPM (SIDEWALK
AND LANDSCAPE BUFFER ZONE)

LEGAL DESCRIPTION:

For all or a portion of:

TRACT 1-B, UNIVERSITY VILLAGE zoned
R-MC/PD, located at **1907 BUENA VISTA DR**
SE between GIBSON BLVD and ROSS AVE
containing approximately **33.45** acre(s).
(L-15)

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

SD-2024-00054 PRELIMINARY/FINAL PLAT

1. This is a request to subdivide an existing tract into two tracts (Tract 1-B-1 at 30.6830-acres in size and Tract 1-B-2 at 2.7556 acres in size).
2. The IDO zone district for the subject site is R-MC and PD. Future development must be consistent with the underlying zone districts.
3. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
4. Per 6-6(K)(3) Review and Decision Criteria, an application for a Subdivision of Land – Minor 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 review and decision criteria for a Subdivision of Land-Minor were met by this project per 6-6(K)(3) of the IDO.

5. Per IDO 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.
6. All signatures from the surveyor, property owner(s), the City Surveyor, Real Property Division, the utility companies, and AMAFCA are provided on the Plat.
7. An Infrastructure List (IL) is included in this application. A recorded Infrastructure Improvements Agreement (IIA) with financial guarantee based on the approved IL is required.

CONDITIONS

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

Planning conditions of approval:

- a. A recorded IIA must be submitted.
- b. The Project and Application numbers must be added to the plat.
- c. The AGIS office must approve the DXF file and proof of approval must be provided.
- d. The date of the DHO approval shall be recorded on the Plat.
- e. The granted waiver to the landscape buffer zone and for the existing 4.3-foot sidewalk to remain as-is to must be noted on the plat.
- f. The following note needs to be added to the plat:

"This Plat must meet the requirements of the Minor-Administrative Amendment (AA) for PR-2023-008235 / SI-2023-01455, and the IDO/DPM where the AA is silent."

Water Utility Authority conditions of approval:

- g. Add the following note to the cover of the plat prior to signature:

"ABCWUA Public Water & Sanitary Sewer Easements Albuquerque Bernalillo County Water Utility Authority (ABCWUA) is granted easement(s) in the dimensions noted on this plat for the construction, installation, maintenance, repair, modification,

replacement and operation of public water and sanitary service lines, equipment and facilities reasonably necessary to provide service together with free access on and over the easement and the right to remove trees, shrubs, undergrowth and any other obstacles, modifications, or structures which interfere with use of the easement.”

VA-2024-00083 WAIVER TO DPM (SIDEWALK AND LANDSCAPE BUFFER ZONE)

1. A Waiver to the Sidewalk and Landscape Buffer Zone requirements per Table 7.2.29 of the DPM was submitted in association with the platting application to permit the existing 4.3-foot sidewalk to remain as-is, and to not provide a landscape buffer along Buena Vista Dr SE. Both requests were justified per the IDO and were approved by the DHO.

The request was approved because it met the criteria of IDO 6-6(P)(3):

- 1.c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City’s normal technical standards in that location.*
- 2. The Waiver will not be materially contrary to the public safety, health, or welfare.*
- 3. The Waiver does not cause significant material adverse impacts on surrounding properties.*
- 4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.*
- 5. The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.*

The Applicant noted in the justification letter that there are existing light and electrical poles, as well as fences abutting the sidewalk, as well as an existing slope, none of which can be easily or economically relocated. Therefore, the established neighborhood character would be damaged to a degree that outweighs the public interest in the standards in that location should the existing sidewalk be widened and the landscape buffer be added. This request is consistent with the neighborhood character, is not materially contrary to the public safety, health, or welfare, and does not cause significant material adverse impacts on surrounding properties.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO’s decision or by **MAY 10TH, 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.

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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 Lucero

[Robert Lucero \(Apr 30, 2024 13:22 PDT\)](#)

Robert Lucero, Esq.

Development Hearing Officer

RL/ha/jw

ARCH+PLAN Land Use Consultants, LLC., P.O. Box 25911, Albuquerque, NM 87125







PR-2023-008235 April 24th, 2024 Notice of Decision

Final Audit Report

2024-04-30

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