

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

Grady Joseph P & Lauri
P.O. Box 30801
Albuquerque, New Mexico 87190

Project# PR-2021-004967
Application#
DHOWVR-2025-00013 SIDEWALK WAIVER
MINOR_PLT-2025-00019 PRELIMINARY/FINAL
PLAT

LEGAL DESCRIPTION:

For all or a portion of: **LOT 107-A-2-A & Tract**
107 A-1-A-1, MRGCD Map 31 zoned **R-A**,
located at **3815 PEDRONCELLI RD NW**
between RIO GRANDE BLVD AND ELFEGO RD
NW containing approximately **1.2324 acre(s)**
(F-13)

On May 7th, 2025, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications and approved the requests, with conditions of approval, based on the following Findings:

DHOWVR-2025-00013 SIDEWALK WAIVER

1. This is a request for a waiver from the IDO/DPM requirements to construct a sidewalk, curb and gutter along Pedroncelli Rd. NW along the subject property located at 3815 Pedroncelli Rd NW.

6-6(P)(3) Review and Decision Criteria
6-6(P)(3)(a) General

An application for a Waiver – DHO shall be approved if it complies with all of the following criteria.

1. Any of 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.
 - b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
 - 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.
 - 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.

1. a applies, as the area is primarily single-family homes with existing utility lines, fences, and walls. Installing sidewalks, curbs, and gutters could affect water drainage, requiring an engineering study to prevent flooding. Expecting the applicant to initiate such a project for the entire neighborhood would be burdensome.

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

The neighborhood has existed without sidewalks, curb, gutter or a landscape buffer since the original approval of the plats for this area, reflecting its rural character and variable right-of-way (ROW) widths. The road adjacent to the site ranges from 41.6 feet to 18 feet wide, which is sufficient for safe pedestrian use. Therefore, granting the waiver will not negatively impact public safety health, or welfare.

3. The Waiver does not cause significant material adverse impacts on surrounding properties.

Not granting a waiver may cause material adverse impacts on surrounding properties, since some of the adjacent properties will be impacted by the water flows that will occur with the construction of sidewalks.

The placement of sidewalks and associated curb, gutters and landscape buffers in this area will need to be studied and determined how the overall system should be designed and not just with an individual property owner.

4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

The waivers will not hinder future planning, public right-of-way (ROW) acquisition, or the financial of building of public infrastructure improvements since there are no planned improvements. The right-of-way (ROW) width along the southern edge. The applicant is requesting a DHO Determination to allow the right-of-way (ROW) to remain, as commented by Transportation Department.

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.

This waiver will not conflict significantly with the goals and provisions of any City, County or MAFCA adopted plan or policy, this IDO or any City code or ordinance. There is no known adopted policy, goal or provision in an adopted plan that specifically applies to the subject property.

6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

This section does not apply to this site.

7. The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.

The Waiver does not materially undermine the intent and purpose of this IDO, the applicable zone district or any applicable Overlay Zone. There are no sidewalks, curb, gutter or landscape buffers within this neighborhood. All neighborhoods could benefit from these features; however, in instances where they do not exist, the best approach would be to have an overall plan that provides these features so that grading and drainage will not affect the subject properties or adjacent properties. The IDO does allow for waivers to these types of standards on case-by-case basis without undermining the intent and purpose of the IDO. The applicable zone district does not require the sidewalk, and there is no applicable Overlay Zone.

8. The waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DHO as part of this approval.

The Waiver will not allow a lot or type of development that does not meet the applicable Development Standards for this zone district.

9. The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

The waiver is the minimum necessary to allow the property owner relief of this requirement. The applicant's responses demonstrate compliance of Subsection 14-16-6-6(P).

10. 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.

This area is located within a low intensity land use, but installation will not contribute to the public welfare since the neighborhood does not have sidewalks, curb, gutter or landscape buffers. The installation of these features will not allow for a connection to an existing infrastructure system does not exist.

2. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.

MINOR_PLT-2025-00019 PRELIMINARY/FINAL PLAT

1. This is a request for subdividing two existing parcels into three new lots and construct an access road and easements on Lot 107A1A1 of the MRGCD MAP 31 subdivision.
2. A Sketch Plat for this request was reviewed by the Development Facilitated Team (DFT) on May 1, 2024.

3. The subject property is located in an area of consistency and is not located within any overlay zone, special corridor, designated center, or within 1/4mile of an Urban Center (UC), Main Street (MS), or Premium Transit (PT) corridor. It falls within the boundaries of the Rio Grande Boulevard Neighborhood Association and the Near North Valley Community Planned Areas (CPA).
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. This request complies with this criterion.
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. The applicant shall provide the City a digital copy of the recorded plat.

CONDITIONS

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

Code Enforcement

- a. Variance obtained for contextual lot size, VA-2024-00056 must be included on the Final Plat, as the Variance affected the approval of the proposed lot sizes per IDO 6-6(O)(2)(f).

Transportation

- b. Provide dimensions of the alternate hammerhead.

Water Authority

- c. Clearly label each use for the proposed easement within proposed lot 1 such that each use is labeled public and/or private.
- d. Remove the proposed encroachment by narrowing the proposed easement where the existing garage is encroaching the proposed 20' easement for public water and public sanitary within proposed lot 1.

Planning

- e. Application number must be added to all documents.
- f. AGIS DXF file, with an approval email from AGIS submitted as proof.
- g. A note must be added to the Plat regarding the approval of this waiver from the DHO allowing no sidewalks, curb or gutters along Pedroncelli Rd NW.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **MAY 23RD, 2025**. 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(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted electronically to [ABQ-PLAN](#) (*place mouse cursor over hyperlink, right-click, choose "open hyperlink"*). A Non-Refundable filing fee will be calculated by staff in the Development Review Services Division of the City of Albuquerque Planning Department and will be payable online at [ABQ-PLAN](#) (*place mouse cursor over hyperlink, right-click, choose "open hyperlink"*). The appeal fee must be paid in full no later than 48 hours after the appeal deadline, or the appeal will be rejected as untimely.

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,

Brennon Williams

[Brennon Williams \(May 12, 2025 17:20 MDT\)](#)

Brennon Williams

Development Hearing Officer

BW/mi/jr

JAG Planning and Zoning / Juanita Garcia, P.O. Box 7857, Albuquerque, NM 87194


PR-2021-004967 May 7th, 2025 Notice of Decision - DHO


Final Audit Report


2025-05-12


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 Signer brennonwilliams295@gmail.com entered name at signing as Brennon Williams
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 Document e-signed by Brennon Williams (brennonwilliams295@gmail.com)
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