

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

Raising Cane's Restaurants, LLC
6800, Bishop Rd,
Plano, TX 75024

Project# PR-2020-004622
Application#
SI-2023-00592 SITE PLAN ADMINISTRATIVE DFT

LEGAL DESCRIPTION:

All or a portion of **TR 3 PLAT OF UNM GIBSON COMMERCIAL DISTRICT (A REPL OF TRS A & B, EVER READY SUBD TRS 4 & 5, GIBSON TRS & TR A,40/25 ASSOCIATES SUBD)** zoned **MX-M**, located at **1401 GIBSON Blvd SE** containing approximately **1.2968** acre(s).
(L-15)

On June 29, 2023, the Development Facilitation Team (DFT) administratively approved a site plan based on the Findings noted below and with conditions of approval which must be met for final sign-off by DFT staff:

1. This request proposes a 2,818 square foot building for a restaurant with a drive-through.
 1. Pursuant to 6-5(G)(3) Review and Decision Criteria: An application for a Site Plan – Administrative shall be approved if it meets all of the following criteria:
 - a. 6-5(G)(3)(a) The Site Plan 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 project meets dimensional standards related to building setbacks.
 - The proposed building at approximately 21-feet in height does not exceed 48-foot maximum height requirement of the MX-M zone district.
 - The site plan meets the parking requirements for 28 spaces by providing 30 spaces.

- An Alternative Landscape Plan was submitted and stamped, signed, and approved by the Zoning Enforcement Officer (ZEO), which is consistent with the purposes of Section 5-6 of the IDO.

b. 6-5(G)(3)(b) *The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development or the applicant has agreed to install required infrastructure and public infrastructure and public improvements pursuant to Subsection 14-16-1-7(B)(2) and 14-16-5-4(N) and/or signed an Infrastructure Improvements Agreement (IIA) pursuant to Subsection 14-16-5-4(O) to add adequate capacity.*

The site has access to a full range of urban services including utilities, roads and emergency services. A Traffic Impact Study (TIS) was required and submitted for the project, and no City infrastructure improvements were identified as being required for the project per the TIS. Major public infrastructure is proposed on an associated Infrastructure List, which must be installed.

c. 6-5(G)(3)(c) *If the subject property is within an approved Master Development Plan, the Site Plan shall meet any relevant standards in the Master Development Plan in addition to any IDO standards applicable in the zone district the subject property is in.*

The subject property is not located within an approved Master Development Plan; therefore, this criterion doesn't apply.

d. 6-5(G)(3)(d) *If the subject property is within an approved Framework Plan, the Site Plan shall meet any relevant standards in the Framework Plan in addition to any IDO standards applicable in the zone district the subject property is in.*

The subject property is not located within an approved Framework Plan; therefore, this criterion doesn't apply.

2. An Infrastructure List was approved with this Site Plan. The infrastructure on the Infrastructure List must be financially guaranteed, and a recorded Infrastructure Improvement Agreement (IIA) must be recorded and submitted prior to final sign-off of the Site Plan by DFT staff.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.
4. The proposed restaurant with a drive-through use is permitted within the MX-M zone district.

Conditions:

1. This Site Plan is valid 5 years from DFT approval (6/29/2023). An extension may be requested prior to the expiration date.
2. Submit the recorded IIA.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DFT's decision or by **JULY 17, 2023**. The date of the DFT'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 via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). Files larger than 9MB can be sent to PLNDRS@CABQ.GOV using <https://wettransfer.com>. 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,



for Alan Varela,
Planning Director

JW/jr