

**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

ATWELL, LLC / 98TH STREET, LLC
2900 Eubank Blvd. NE
Albuquerque, NM 87112

Project# PR-2021-006208

Application#

SI-2023-01171 SITE PLAN ADMINISTRATIVE DFT

LEGAL DESCRIPTION:

For all or a portion of:

Parcel TR E-5-A-2 PLAT OF TRS E-5-A-1 & E-5-A-2 ALBUQUERQUE SOUTH UNIT 3 CONT 2.7263 AC. zoned MX-M located 9501 GIBSON BLVD SW between GRAND BLVD SW and 98TH ST SW containing approximately 2.7263 acre(s). (M-09)

On November 29, 2023, the Development Facilitation Team (DFT) administratively approved a site plan concerning the above referenced application based on the Findings noted below:

1. This is a request for a 5,630 square foot fueling station which would feature major public infrastructure.
2. The subject site is zoned MX-M. The proposed use(s) as depicted on the Site Plan are permitted uses in the noted zone district.
3. An Infrastructure List was approved with this Application. A recorded Infrastructure Improvements Agreement (IIA) must be submitted prior to final sign-off of the Site Plan.
4. The Applicant provided the required notice as outlined in Table 6-1-1 of the IDO.

5. 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 site plan is compliant with the following applicable IDO sections: 4-3(D)(18) (Use-Specific Standards for a Light Vehicle Fueling Station); 5-1(D) (Mixed-use Zone District Dimensional Standards): the setback and building height requirements of the MX-M zone district are met; 5-5 (Parking and Loading for a Drive-Through Restaurant): 45 parking spaces are provided where 24 parking spaces are required; 5-6 (Landscaping, Buffering, and Screening Standards and Requirements): 34% of the net lot area contains landscaping, meeting the 15% minimum requirement; 5-8 (Outdoor and Site Lighting); and 5-11 (Building Design) that includes façade design.

- 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 improvements pursuant to Subsection Subsection 14-16-1-7(B)(2) and 14-16-5-4(N) and/or a 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. Additionally, an Infrastructure List was included with this request which will include major public infrastructure to supplement existing urban services. The project, therefore, will not burden the existing systems.

- 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 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 does not apply.

- b. 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 to the type of development.*

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

Conditions:

1. The project and application numbers must be added to the Site Plan.
2. Final submitted Site Plan sheets must be signed and sealed by a design professional licensed in the State of New Mexico.
3. Final submitted Landscaping Plan sheets must be signed and sealed by a Landscape Architect licensed in the State of New Mexico.
4. Recorded Infrastructure Improvements Agreement (IIA).

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DFT's decision or by **DECEMBER 15TH, 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://wetransfer.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/rw