

**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

MJ Hospitality LLC
11900 Giacomo Ave. SE
Albuquerque, NM 87123

Project# PR-2024-009917
Application#
SD-2024-00092 PRELIMINARY/FINAL PLAT

LEGAL DESCRIPTION:

For all or a portion of:

**TRACT L-1-B-1-A and LT 21-A, ATRISCO
BUSINESS PARK zoned NR-BP, located at 531
SILVER CREEK RD NW between SILVER
CREEK and UNSER containing approximately
4.05 acre(s). (K-10)**

On June 12, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced application and approved the request, with conditions of approval, based on the following Findings:

1. This is a request for a boundary adjustment of an existing tract (Tract L-1-B-1-A) and an existing lot (Lot 21-A) into Tract L-1-B-1-A-1 at 1.8224-acres in size and Lot 21-A-1 at 2.2220-acres in size.
2. A DHO Determination was requested from the Landscape/Buffer Zone requirements per the Atrisco Business Park Master Plan to permit the existing 6-foot landscape/buffer zone along Unser Boulevard to remain as-is. The request was verbally justified and visually justified with exhibits shared in the hearing by the agent for the application per 6-6(P)(3) of the IDO; the agent for the application noted that a 12-foot trail had been constructed along the Unser frontage per the Bikeways and Trails Master Plan and a prior approval, creating a pre-existing obstruction that should not be altered. Additionally, the Determination will not be materially contrary to public safety, health, or welfare, and does not cause significant material adverse impacts on surrounding properties. Per a condition of approval, a DHO Determination letter featuring the justifications verbally expressed at the hearing and the exhibits shared in the hearing must be submitted prior to final sign-off of the Plat.

3. The subject property is zoned NR-BP (Non-Residential – Business Park Zone District). Future development must be consistent with the underlying zone district and the Atrisco Business Park Master Plan.
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 these criteria.
5. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
6. All signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat.
7. 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.
8. An Infrastructure List (IL) is included in this application. An IIA-Infrastructure Improvements Agreement with financial guarantee based on the approved IL will be required prior to final sign-off of the Plat.

Conditions of Approval

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

Transportation:

- a. Submission of an application for the Temporary Deferral of Sidewalk Construction.

Planning:

- b. The Project and Application numbers must be added to the Plat.
- c. A Shared Parking Agreement between the two lots to access parking on Lot 21-A-1 for the proposed commercial development on Tract L-1-B-1-A-1 must be submitted.
- d. A DHO Determination letter and exhibits must be submitted for the existing 6-foot wide landscape buffer along Unser Boulevard.
- e. A copy of the AGIS-approved DXF file must be submitted.

- f. Add the date of the DHO approval to the Plat.
- g. The DHO Determination must be added as a note to the Plat.
- h. Recorded IIA must be submitted.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JULY 1ST, 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.

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 L. Lucero, Jr.

[Robert L. Lucero, Jr. \(Jun 17, 2024 13:42 MDT\)](#)

Robert L. Lucero, Jr.

Development Hearing Officer

RLL/jr

THE Group / Ron Hensley, 300 Branding Iron Rd. SE, Rio Rancho, NM 87124







PR-2024-009917 June 12th, 2024 Notice of Decision

Final Audit Report

2024-06-17

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