



CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

Maverik Inc. requests a conditional use to allow heavy vehicle fueling for Lot 11, Avalon Unit 5, located at 9701 Bluewater RD NW, zoned NR-BP [Section 14-16-4-2]

Special Exception No:..... **VA-2019-00183**  
Project No: ..... **Project#2019-002461**  
Hearing Date: ..... 07-16-19  
Closing of Public Record: ..... 07-16-19  
Date of Decision: ..... 07-31-19

On the 16th day of July, 2019, Ronald Bohannon, Tierra West LLC, agent for property owner Maverik Inc. (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow heavy vehicle fueling (“Application”) upon the real property located at 9701 Bluewater RD NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow heavy vehicle fueling.
2. The City of Albuquerque Code of Ordinances Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: *“An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
  - (a) It is consistent with the ABC Comp. Plan, as amended;*
  - (b) It complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property;*
  - (c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
  - (d) It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
  - (e) It will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am;*
  - (f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. Ronald Bohannon, Tierra West LLC, agent for Maverick, Inc, 98<sup>th</sup> & I-40 Land, LLC, property owners appeared and gave evidence in support of the application.
5. The subject property address is 9701 Bluewater NW.
6. All property owners within 100 feet and affected neighborhood association(s) were notified.

7. Avalon Neighborhood Association; South West Alliance of Neighborhoods (SWAN) and Westside Coalition of Neighborhood Associations are the affected NAs.
8. A report from the Avalon Neighborhood Association Board of Directors Meeting dated May 14, 2019, indicating “generally in favor” of the request was submitted in support of the Application.
9. The subject property is currently zoned NR-BP.
10. The requested use is regulated by Use-Specific Standards Section 14-16-4-3(D)(16) *Heavy Vehicle and Equipment Sales, Rental, Fueling and Repair*.
11. A site plan and accompanying photographs were submitted in support of the Application.
12. The subject property is located at the northeast corner of 98<sup>th</sup> St NW and Bluewater NW.
13. Access to the project will be from Bluewater Rd NW.
14. 98<sup>th</sup> St NW, is designated an arterial and there will be no access from the site onto 98<sup>th</sup> St.
15. The proposed project will encourage economic development by providing employment opportunities, which is consistent with the ABC Comp. Plan.
16. The proposed project will develop a currently vacant lot, which will increase the area’s economic vitality.
17. It will also generate tax dollars, which could be used for infrastructure and expansion of municipal services.
18. The subject site is surrounded by tracts of land which are also zoned NR-BP.
19. The proposed project will be a 24-hour convenience store with fueling and food sales.
20. The project is designed with wide drive aisles to accommodate larger vehicles, and which will reduce traffic congestion and minimize and mitigate any potential adverse impacts in the surrounding area.
21. The closest residential zone is southeast of the subject property and is over 330 feet away.
22. The proposed use will not negatively impact pedestrian connectivity, since the existing and proposed bicycle/pedestrian connections will remain intact.
23. The proposed use will not increase non-residential activity within 300 feet of a lot in any residential zone between the hours of 8:00PM and 6:00AM as required by Section 14-16-6-6(A)(3)(e).
24. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
25. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
26. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow heavy vehicle fueling.

CONDITIONS:

The final site plan shall comply and conform with regulations contained in Use-Specific Standards Section 14-16-4-3(D)(16) *Heavy Vehicle and Equipment Sales, Rental, Fueling and Repair*.

APPEAL:

If you wish to appeal this decision, you must do so by August 15, 2019 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



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Stan Harada, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
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