



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

Maverick Inc. (Applicant) request a Conditional Use to allow a Light Vehicle Fueling Station for Tract C & Tract A Excluding Easterly Portion out of R/W for Carlisle Boulevard Indian Plaza Addition Unit 1 of Block 1 Miracerros, located at 2101 Carlisle Boulevard NE, zoned MX-L (H-16) IDO Section 14-16-4-3(D)(18)

Special Exception No: .... **CU-2026-00005**  
Project No: ..... **PR-2024-010333**  
Hearing Date: ..... 03-17-26  
Closing of Public Record: 03-17-26  
Date of Decision: ..... 04-01-26

On March 17, 2026, Carl Garcia (“**Agent**”) as agent for Maverik Inc. (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Conditional Use Approval to allow for a light vehicle fueling station (“**Application**”) upon the real property located at 2101 Carlisle Blvd NE (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Conditional Use Approval to allow for light vehicle fueling, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. A Traffic Impact Study pursuant to IDO Section 14-16-6-4(H)(2) is required and has not been approved by the City Transportation Department.

7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
10. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located in an MX-L zone and is adjacent to a Low-Intensity Residential zone, R-T.
13. Therefore, a Conditional Use for a Light Vehicle Fueling Station on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
14. Over 400 letters of opposition were submitted by residents in nearby neighborhoods, and four Neighborhood Associations expressed opposition.
15. IDO 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 this 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, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
  - (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) *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
  - (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”*
16. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
17. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).

18. Agent appeared at the March 17, 2026, ZHE hearing on the Application and gave evidence in support of the Application.
19. Dozens of neighbors and concerned parties attended the hearing and testified in opposition to the Application, many of whom also submitted written evidence.
20. Applicant has not met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended. Comp. Plan Policy 5.1.6 encourages “mixed-use centers of activity with a range of services and amenities that support healthy lifestyles” and “Activity Centers [that] are pedestrian-friendly and provide convenient pedestrian connections to nearby residential areas. The Application, if approved, would place a fourth gas station within a one block radius, which would not provide a range of services and amenities. The Application does not establish how the proposed gas station would be pedestrian-friendly or connect pedestrians to nearby neighborhoods.
21. Applicant has not met the burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Opponents cited several academic/scientific studies documenting environmental and health risks of gas stations located close to residential areas. The Subject Property is located immediately adjacent to residential properties.
22. Applicant has not met the burden of providing evidence that establishes that the requested Conditional Use Approval 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. Evidence in the record points out that, based on the Institute of Transportations Engineers (ITE) Trip Generation Manual, the proposed convenience store with gas station use would generate roughly double the peak hour vehicle trips than the prior supermarket use formerly located on the Subject Property. Multiple witnesses testified to their personal knowledge of traffic congestion and accidents even under the much lower supermarket-generated traffic conditions. Allowing a multi-bay gas station at the Subject Property would create even more traffic and congestion under these ITE standards.
23. Because the IDO requires that all prongs of the conditional use requirements under Section 14-16-6-6(A)(3) must be satisfied, and the Application fails to satisfy the prongs discussed, above, the Application must be denied.

DECISION:

DENIAL of a Conditional Use to allow for light vehicle fueling station.

APPEAL:

If you wish to appeal this decision, you must do so by April 16, 2026 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 Notice of Decision does not constitute approval of plans for a building permit. If your Application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc: Carl Garcia, ABQ Land Use Consulting  
[carlgar01@gmail.com](mailto:carlgar01@gmail.com)  
Tom Shoefield, Maverik Inc  
[rich.piggot@maverick.com](mailto:rich.piggot@maverick.com)

ZHE File  
Zoning Enforcement