

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

Gary Hines
5300 High Canyon Trail
Albuquerque, NM 87111

Project# PR-2019-001935
Application#
VA-2020-00128 WAIVER TO IDO 5-5(l)(1)(e)

LEGAL DESCRIPTION:

For all or a portion of: **38A BLOCK A, SOMBRA DEL MONTE** zoned MX-L, located at **2505 WYOMING BLVD NE between MENAUL BLVD and CANDELARIA RD,** containing approximately 0.4364 acre(s).
(H-19)

On June 10, 2020, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the request based on the following Findings:

1. The applicant proposes a waiver to IDO 5-5(l)(1)(e) requiring a delivery service window be located on the non-corner side of the site and/or at the rear side of the building.
2. The applicant justified the request pursuant to IDO 6-6-L(3):
 - a. There are preexisting obstructions in the form of buildings on the site and varying from the normal requirements will allow the reuse of these buildings encouraging flexibility and economy.
 - b. The waiver will not be materially contrary to the public safety, health or welfare because the request was approved by the transportation engineer, will contribute to the redevelopment of a currently vacant site. The site improvements will add landscaping and sidewalks, improving the pedestrian experience.
 - c. The variance does not cause material adverse impacts on surrounding property or infrastructure improvements. The location of the drive up was approved by transportation and the redevelopment of the site will improve the area. The proposed drive-through service window is oriented away from pedestrian areas, residentially-zoned areas, and public streets to the maximum extent practicable.
 - d. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements because it is only for the

Official Notice of Decision

Project # PR-2019-001935 Application# VA-2020-00128

Page 2 of 3

- drive-up location and the applicant will be required to install all applicable site improvements.
- e. The Waiver will not conflict significantly with provisions of any city, county, or AMAFCA adopted plan, this IDO, or any other City code or ordinance. The application meets the waiver criteria and is not in significant conflict with any adopted regulations.
 - f. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain. The subject site not within a floodplain.
 - g. The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district. The applicant has addressed the waiver criteria and the proposed drive-through service window is oriented away from pedestrian areas, residentially-zoned areas, and public streets to the maximum extent practicable.
 - h. The request does not change the lot and the proposed development is allowed under the underlying zoning.
 - i. The waiver is the minimum necessary to provide redress. The applicant is asking for the waiver to allow the use of the existing building and is not asking for any other waivers.
3. Transportation had no objection to the request.
 4. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **JUNE 25, 2020**. The date of the DRB'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).

Official Notice of Decision

Project # PR-2019-001935 Application# VA-2020-00128

Page 3 of 3

Sincerely,

A handwritten signature in black ink, appearing to read "J. Wolfley". The signature is fluid and cursive, with the first letter "J" being particularly large and stylized.

Jolene Wolfley
DRB Chair

JW/JR

Jacqueline Fishman, AICP, 302 8th Street NW, Albuquerque, NM, 87102