

# **D&B LIMITED TRUST LLC**

## **PR-2024-010446**

### HISTORY OF SUBMISSION:

We first submitted two building permit applications, one for Lot 5 Blk 2 of Clifford West Master Plan and the other for Tract B of Clifford West Master Plan back in December of 2023 (BP-2023-47302 and BP-2023-49573). BP-2023-47302 is for a 2 story 7,164 sqft building on a 4.7249 square lot and the BP-2023-49573 (replaced with BP-2024-15892) was for a 1 story 2,016 sqft building on a 1.3065-acre lot. At the time of submittal, the 401 Unser Blvd NW address was not available therefore our applications have the same **8531 Bluewater Rd NW** address.

In February of 2024 we were informed that due to a technical error our permit number BP-2023-49573 had been deleted from the system and we had to resubmit for another one (BP-2024-15892). These building permit applications were in the final reviewing process where almost all departments had approved or approved them with conditions. After we submitted our 3rd responses to the pending comments from zoning and hydrology, we were notified by zoning that we needed to go through the DFT process to continue.

On May 24, 2024, we received an email from Mr. Robert Webb letting us know that he understood our frustration but that although each lot is under 5 acres, the project is looked at as one prompting DFT approval. We were informed that the DFT submittal, review, and approval are completely separate from the building permit process and we had to now continue through them.

On June 5th we met with DFT for the first time. Through this process zoning expressed concerns about the building, charging stations and landscaping requirements. Other departments had concerns that were remedied more quickly. There were several issues needing to be immediately addressed including hiring a NM Certified Landscape architect to do our plans as we were informed that the plan submitted by our certified architect was not valid. During this review, we were also recommended to go to EPC to amend the Master Plan to resolve some of these issues.

In July 2024, the EPC Application was submitted and we received the EPC Decision Letter on September 19, 2024 authorizing the building footprint presented.

On October 2, 2025 DFT met again for Second Submittal. Still, we were told landscaping was not met satisfactorily, EV stations were brought up again although they had been resolved in June, and we would need an Infrastructure List with financial guarantee, amongst other observations. Authorization to proceed with Foundation permits was given.

On November 19, 2024 foundation permits were approved (BP-2024-36984 Office bldg.; BP-2024-26562 Shop bldg.).

Remission of responses to DFT second and third submittal was deferred until all recorded issues were addressed. During this wait time: the Infrastructure List was processed and recorded with the City, the landscaping plan was revamped to present an Alternative Landscaping plan\*, the EV issue was readdressed and ratified, and the plans were resubmitted accordingly on January 6, 2025.

On February 7, 2025 we received notice that our request for Alternative Landscaping plan\* and pervious material credit was approved. The 26,838 sf of landscaped area authorization was conditioned to approval of an acceptable paving plan and permeable material. The paving plan and conditioned approval letters (-z-L101 Alternate Plan Approval and -z-L101 Auth of Permeable Material) are enclosed.

We have since been added to the March 5, 2025 DFT schedule for our fourth review. The detailed responses to all prior comments have been addressed and the updated plans and informative documents have been presented requesting final approval of our Site Plan. We eagerly await this approval to continue with the building permits we started last year, finish building and restarting our business as soon as possible.

### **ALTERNATIVE LANDSCAPE**

**Main Contention:** The main issue was the quantity of landscaping area being mandated (41,288sf + 16,024sf (ROW) = 57,312sf) and not taking into account the particularity of our business.

**Request:** Landscape area to be reduced and to limit the amount of interior landscaping within the vehicle display areas.

**In response:** We presented an Alternative Landscaping Plan encompassing a total of 33,945SF to include the ROW of landscaping which also met all criteria set forth under **IDO\_2023\_ Section 5-6(c)(16) as detailed** below. We also proposed using permeable material not only for the landscape area credit provided but also to propagate storm water management and substantially reduce the impact of heat islands under **IDO\_2023\_ Section 5-6(f)(1) also detailed** as follows:

### **IDO SECTION 5-6(c)(16) ALTERNATIVE LANDSCAPE PLANS -**

The Planning Director may approve alternative landscape plans that do not meet the specific requirements stated in Section 14-16-5-6 if the Planning Director determines that the alternatives meet all of the following criteria:

(16)(a) Are consistent with the purposes of this Section 14-15-5-6

*Response: A pleasant and comfortable exterior experience as viewed from the street*

(16)(b) Does not include invasive vegetation

*Response: Only plant materials on the approved plant lists was installed*

(16)(c) Does not reduce the quantity of the required number of trees

*Response: Street tree and interior tree requirements are met*

(16)(d) Provides required buffering from adjacent properties

*Response: Buffering has been designed to be in accordance with this and other sections of the IDO*

(16)(e) Provides equal visual appearance on the street side

*Response: Street edge landscaping design complies with the CP and IDO design requirements*

(16)(f) Provides equal carbon dioxide absorption and heat island reduction

*Response: The use of permeable material reduces the amount of heat absorption and lowers surface temperatures mitigating the effects of heat islands. The placement and number of interior trees complies with the tree installation requirements.*

### **IDO SECTION 5-6(f)(1) PARKING LOT EDGES -**

(1)(g) The landscape area may be reduced by up to 25 percent if the surface of the **parking or vehicle circulation area** is of a permeable material, with approval of the Planning Director.

*Response: As required for reduction, the parking areas, vehicle circulation areas and drive aisles, as shown on the Paving Plan AC3, will use City approved permeable material (-z- L101).*

*Regular maintenance will be provided using a regenerative air street sweeper acquired specifically for this purpose.*