



**Environmental
Planning
Commission**

**Agenda Number: 2
Project Number: 1003859
Case #s: 11EPC-40067/40068
October 18, 2012**

Supplemental Staff Report

Agent	Tierra West LLC
Applicants	Silver Leaf Ventures LLC
Requests	<p>1 Site Development Plan for Subdivision Amendment (approx. 24 acres)</p> <p>2 Site Development Plan for Building Permit (approx. 11.5 acres)</p>
Legal Description	Tracts 1-6, North Andalucia at La Luz Tracts 1-3, North Andalucia at La Luz
Location	SE corner of Coors Blvd. NW and Montaña Rd.
Size	Approximately 60 acres
Zoning	SU-1 for C-2, O-1 Uses and PRD (20 dwelling units/acre)

Staff Recommendation

DENIAL of 11EPC-40068, Site Development Plan for Subdivision Amendment, based on the Findings beginning on p. 62.

DENIAL of 11EPC-40067, Site Development Plan for Building Permit, based on the Findings beginning on p. 65.

**Staff Planners
Carmen Marrone, Current Planning Manager
Catalina Lehner-AICP, Senior Planner**

Summary of Analysis

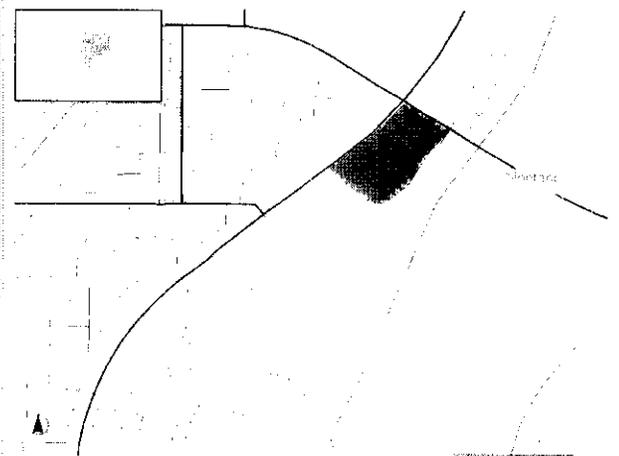
This proposal is for an amendment to the North Andalucia at La Luz site development plan for subdivision and a site development plan for building permit for a Large Retail Facility (LRF) on proposed Tract 2-A. The requests were heard by the EPC on January 19, 2012 and postponed several times, for various reasons, to the October 18, 2012 public hearing.

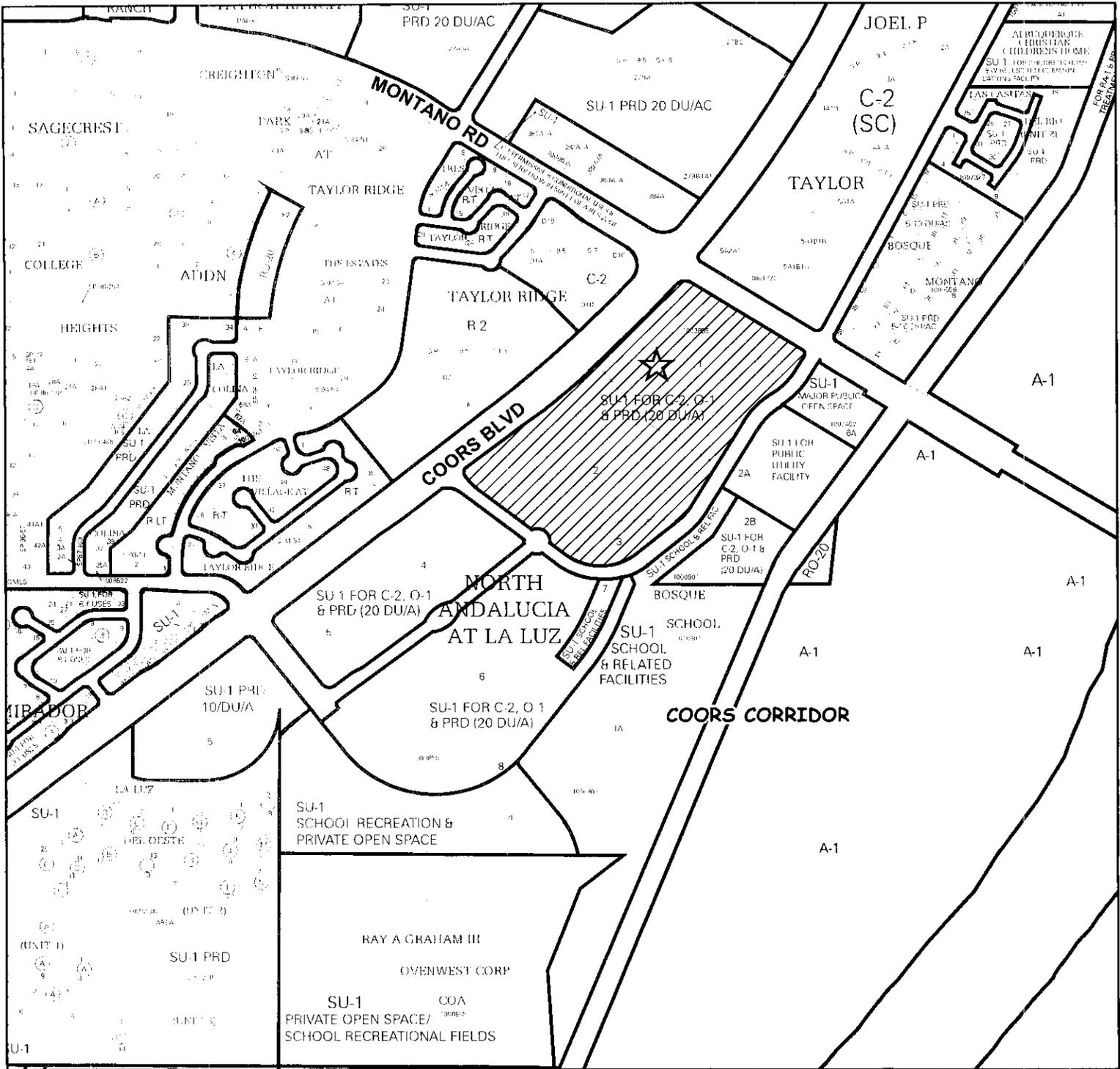
The pivotal issue is whether or not the proposal complies with the LRF Regulations- particularly the access requirement. The EPC is tasked with determining this in accordance with City Council instructions. Staff finds that the proposed LRF does not meet the access requirement because Tract 2-A does not have primary and full access to either Coors Blvd. or Montaña Rd.

In addition, Staff finds that the proposal does not meet the overall intent and primary goal of the site development plan for subdivision Design Standards and the goals for Activity Centers.

A very large volume of public comment has been submitted. Many are strongly opposed; others are generally supportive.

This report should be read in conjunction with the original January 19, 2012 Staff report.





ZONING MAP

Note: Grey shading indicates County.

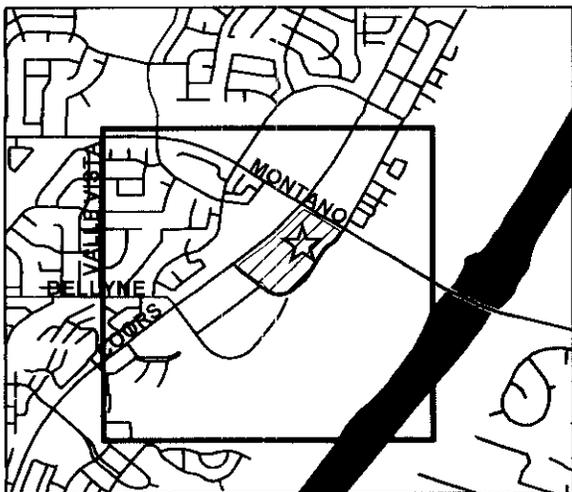
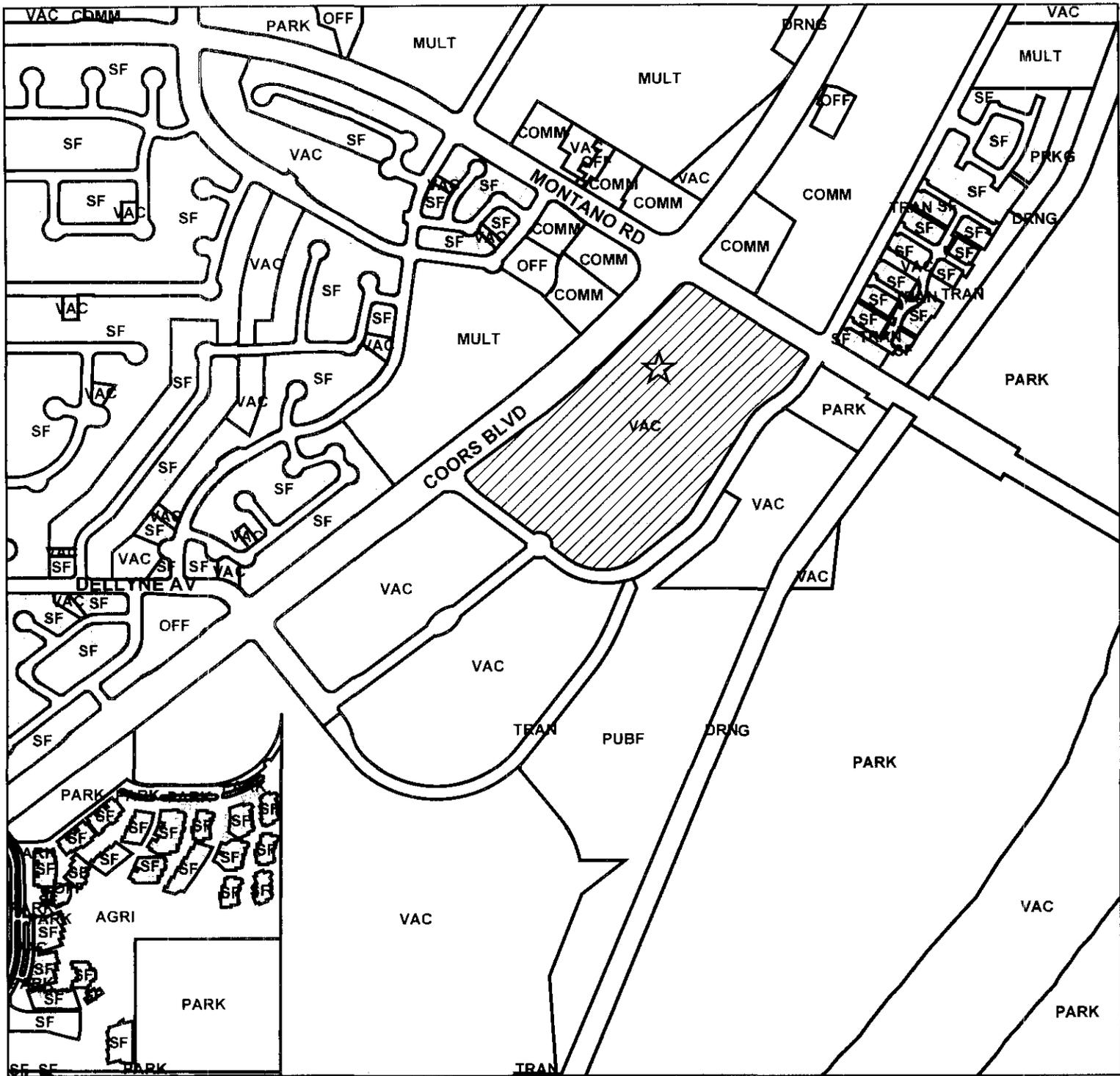


1 inch = 650 feet

Project Number:
1003859

Hearing Date:
12/8/2011

Zone Map Page: E-12
Additional Case Numbers:
11EPC-40067
11EPC-40068



LAND USE MAP

Note: Grey shading indicates County.

KEY to Land Use Abbreviations

- AGRI Agricultural
- COMM Commercial - Retail
- DRNG Drainage
- MFG Manufacturing or Mining
- MULT Multi-Family or Group Home
- OFF Office
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage

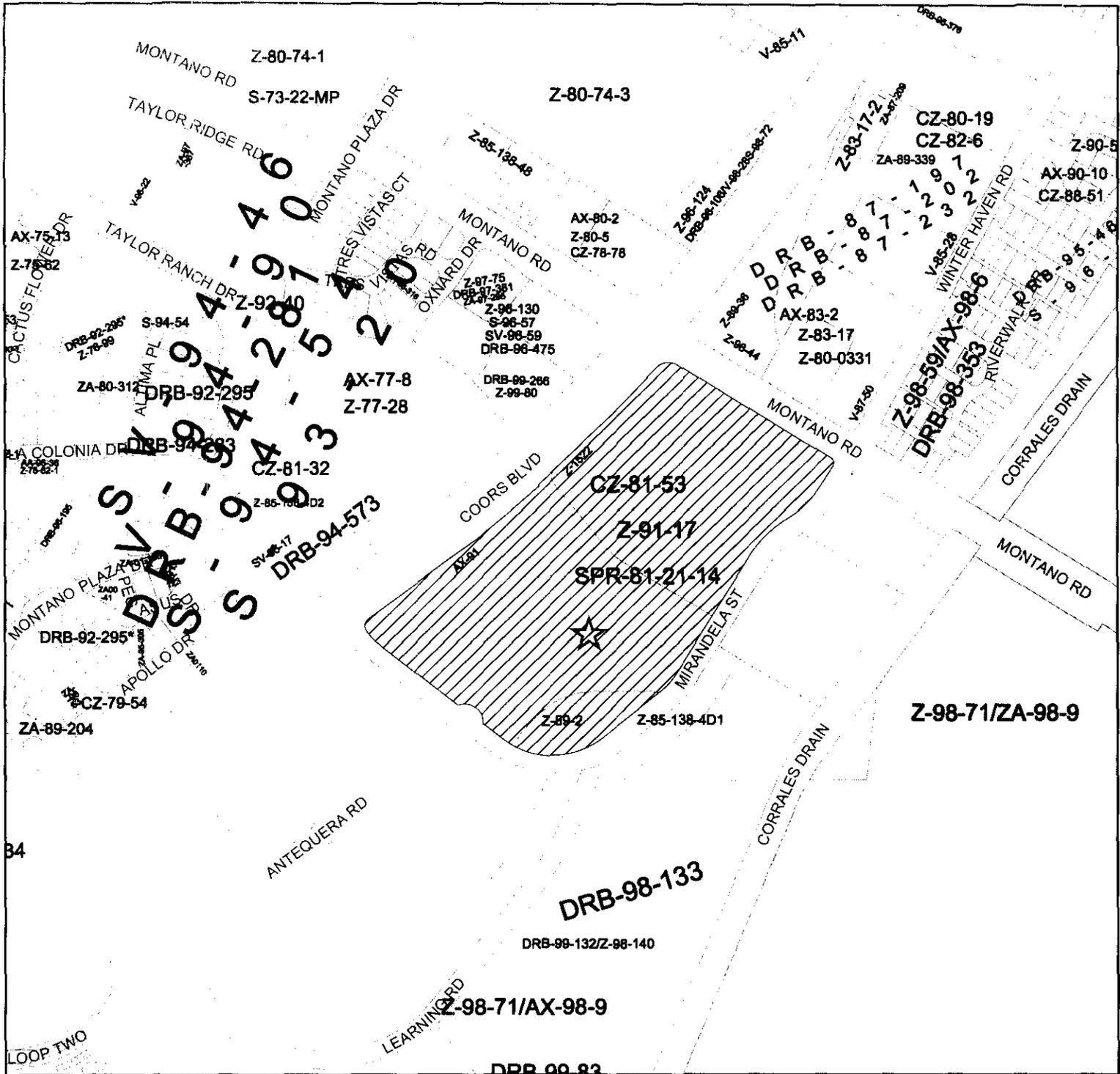


1 inch = 650 feet

Project Number:
1003859

Hearing Date:
12/8/2011

Zone Map Page:E-12
Additional Case Numbers:
11EPC-40067
11EPC-40068



HISTORY MAP

Note: Grey shading indicates County.



1 inch = 474 feet

Project Number:

1003859

Hearing Date:

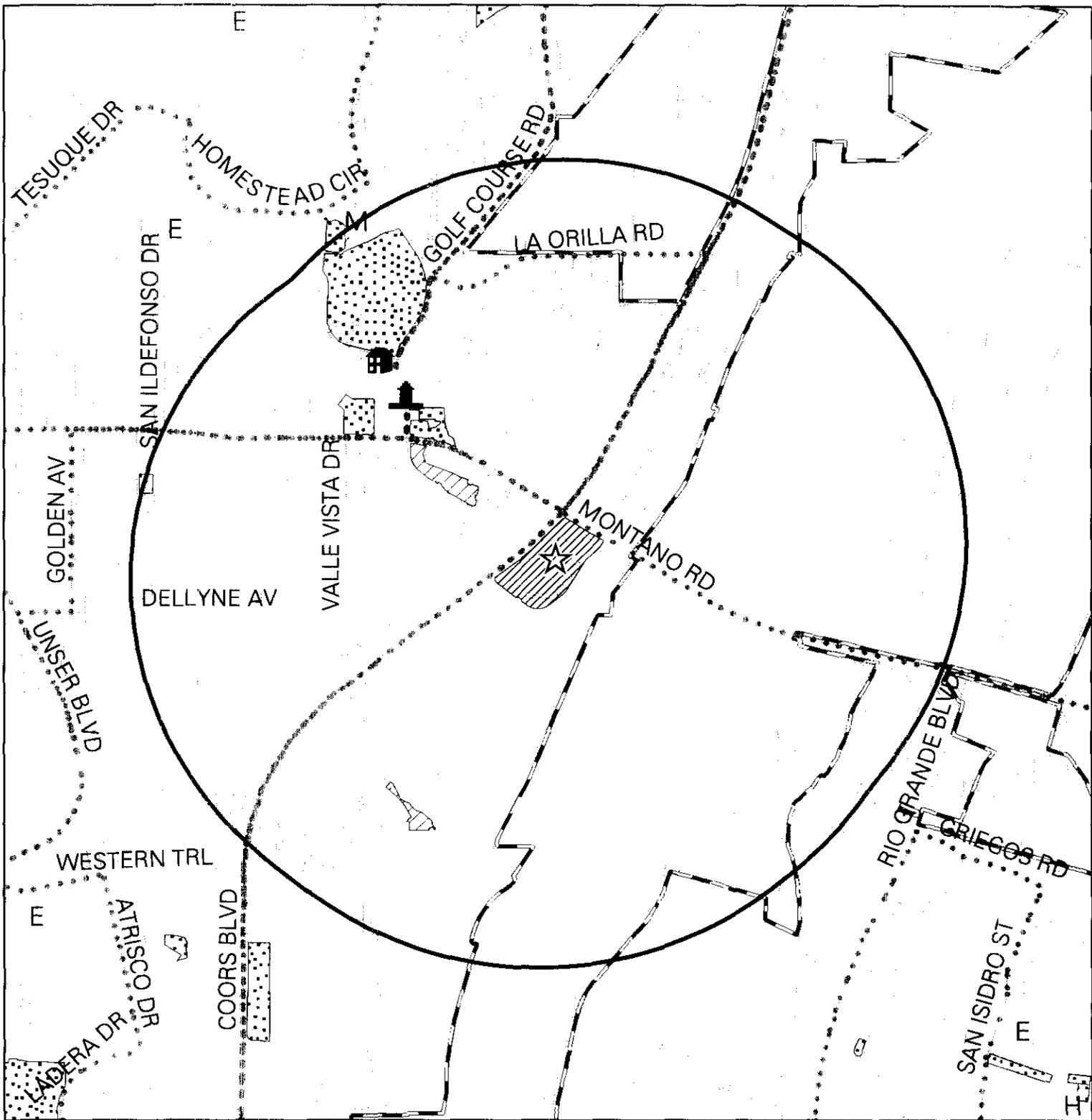
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Zone Map Page: E-12

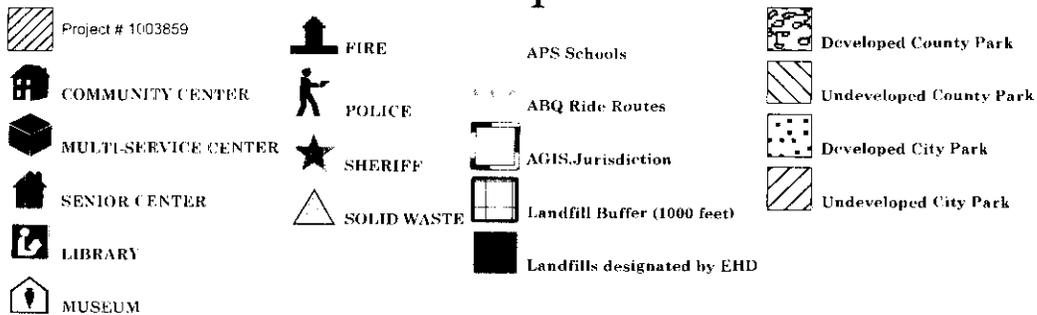
Additional Case Numbers:

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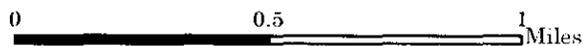
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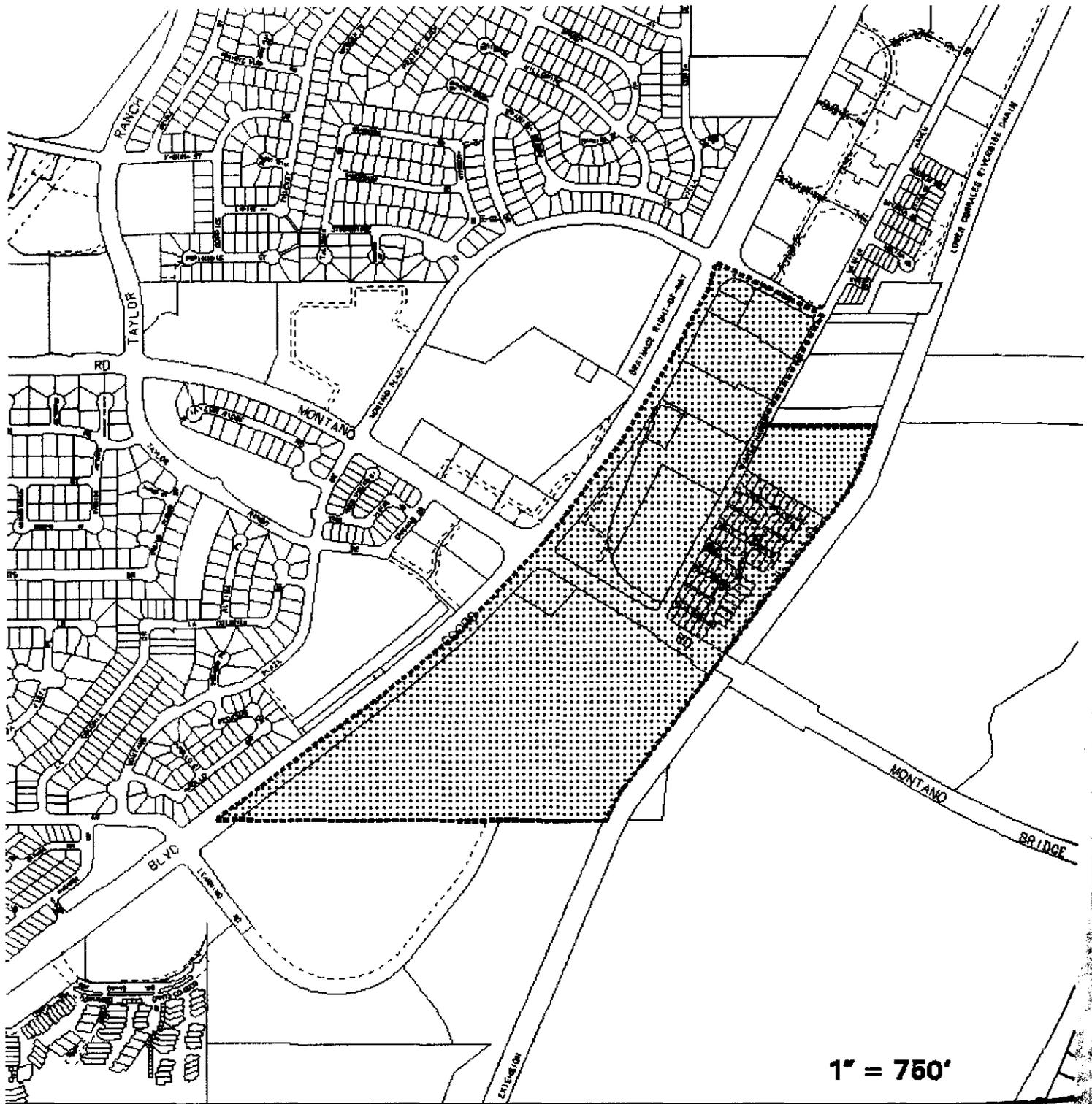


Public Facilities Map with One-Mile Site Buffer

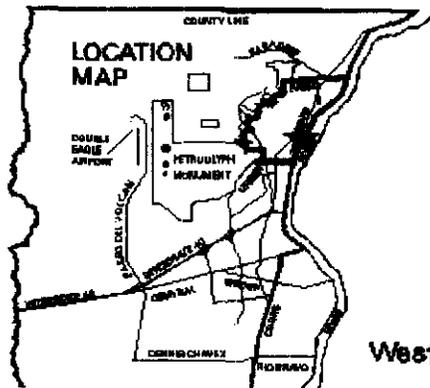


Project Number: 1003859





1" = 750'

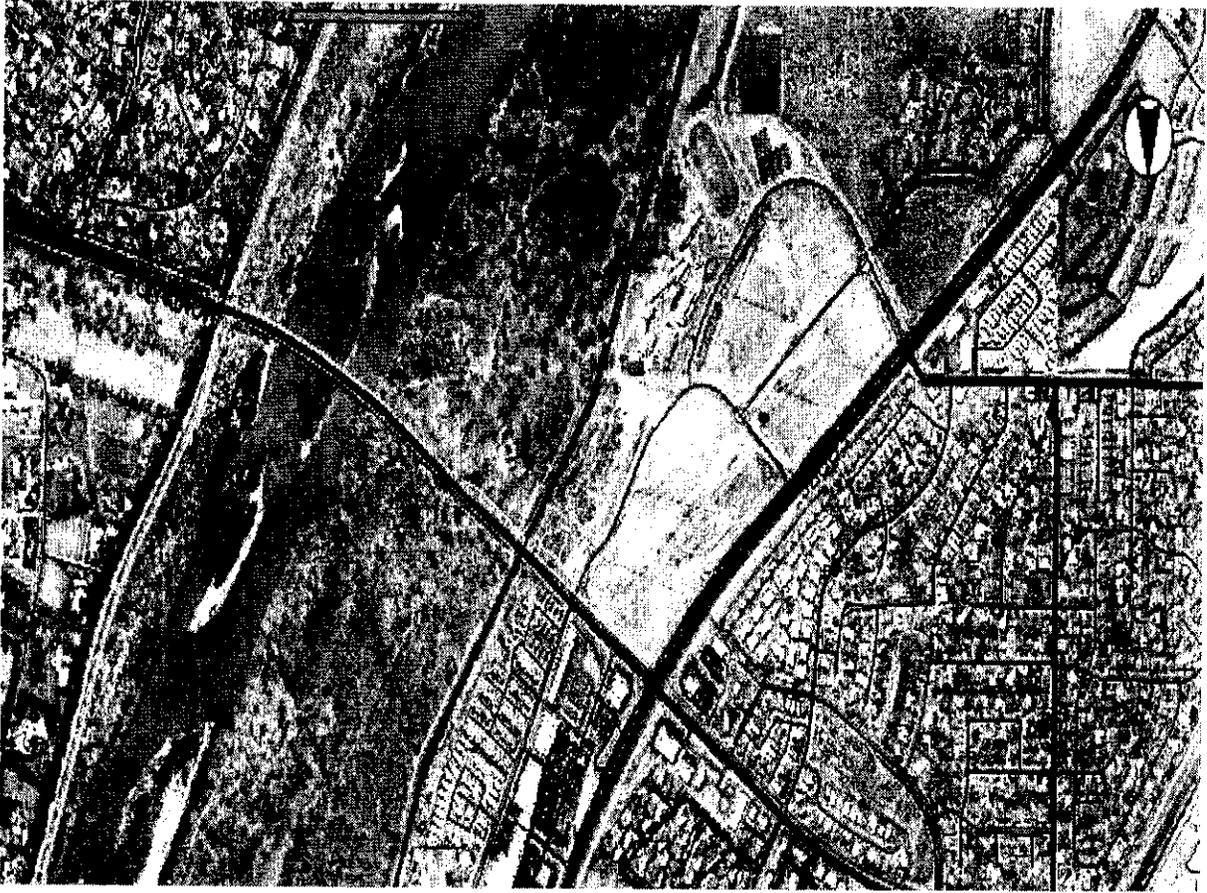


**MONTANO / COORS
COMMUNITY ACTIVITY CENTER**
serving the *TAYLOR RANCH COMMUNITY*

West Side Strategic Plan

Map printed January 28, 2003





2010 Aerial Photograph

I. INTRODUCTION

This Supplemental Staff report is intended to be read in conjunction with the original, January 19, 2012 Staff report. The following information in the January report is cross-referenced and not repeated here:

Area Characteristics (p. 1)	Context (p. 2)
Long Range Roadway System (p. 2)	Public Facilities/Community Services (p. 2)
History & Background (p. 2-3)	Definitions (p. 4)
Zoning (p. 5-6)	
Proposed Extension of Site Development Plan for Subdivision (p. 7)	

This supplemental Staff report includes: an overview, a summary of what has occurred since the January hearing timeframe and new and/or updated information. Outstanding items, policy analysis and the site development plan set (April 2012 version) are addressed. Analysis of a certain topic is repeated in instances where changes and/or updated information have become available (ex. the site development plan for building permit). Since that was several months ago, this supplemental report often repeats information for ease of reading.

A) Overview

This two-part proposal, first heard at the January 19, 2012 Environmental Planning Commission (EPC) public hearing, consisted of three requests:

1. a five-year extension of the existing North Andalucia at La Luz site development plan for subdivision, Tracts 1-9 (Project #1003859, 04EPC-01845);
2. an amendment to the above-mentioned site development plan for subdivision (11EPC-40068), an approximately 60 acre site consisting of Tracts 1 – 6, North Andalucia at La Luz; and
3. a site development plan for building permit (11EPC-40067) for a large retail facility (LRF, or “big box”) on the future Tract 2-A, an approximately 11.5 acre site.

The extension of the site development plan for subdivision was approved at the January hearing and was appealed (see Section II of this report). The other two requests were not acted upon.

B) Applicable Plans and Regulations

The following Plans and Regulations apply to the subject requests:

- Comprehensive Plan, including Community Activity Center Policies
- West Side Strategic Plan (WSSP), including Community Activity Center Policies
- Coors Corridor Sector Development Plan (CCSDP), Policies and Regulations
- Zoning Code §14-16-3-2(D), Large Retail Facility (LRF or “Big Box”) Regulations
- North Andalucia at La Luz Site Development Plan for Subdivision, including Design Standards

C) Environmental Planning Commission (EPC) Role

The North Andalucia at La Luz Design Standards, contained in that site development plan for subdivision, state that site development plans for building permit must be approved by the EPC and be consistent with the design standards. Major amendments are also required to go through the EPC process.

The EPC is the final approval body for the proposal, unless the EPC decision is appealed. The Land Use Hearing Officer (LUHO) hears appeals of EPC decisions and then makes a recommendation to the City Council. The City Council can accept the LUHO recommendation, in whole or in part, or opt to hear the case.

D) Albuquerque Comprehensive Zoning Code – §14-16-1-5

Word Forms (A)

Unless a contrary intention clearly appears, the following words have, for the purpose of this article, meanings interpreted as follows:

- (1) Words used in the present tense include the future tense. Words used in the future tense include the present tense.
- (2) The singular includes the plural. The plural includes the singular.
- (3) **The word MAY is permissive; the words SHALL and WILL are mandatory, subject to specific exceptions allowed by this article.** [emphasis mine]
- (4) Words not defined herein but which are defined in the Building Code of the city (adopted in §14-1-3) are to be construed as defined therein.

Definitions (B)

Main Structure: A building used for the purpose of retailing that is at least 75,000 square feet in size and dedicated to a single tenant, or a building that has one or more tenants with at least one tenant occupying at least 75,000 square feet for retail uses. A collection of smaller buildings, each less than 75,000 square feet and linked by common walls is considered a MAIN STRUCTURE. Refer to §14-16-3-2 for Main Structure Regulations.

II. UPDATE

A) Postponements

January 19, 2012 – The EPC approved the extension of the North Andalucia at La Luz site development plan for subdivision (04EPC-01845). The site development plan for subdivision amendment and the site development plan for building permit for a Large Retail Facility (LRF) were continued for 60 days to March 15, 2012. More time was needed to address numerous public concerns, non-compliance with applicable design standards and regulations and significant, outstanding issues. Revisions to the proposed site development plan for building permit were needed.

March 15, 2012 - the applicant requested a 60-day deferral of the site development plans to May 17, 2012 to complete revisions to the plans. A revised site plan set became available in April. The EPC found that, though a deferral may sometimes imply discarding the case record, it wanted to preserve and incorporate all previous input and work into the record and therefore voted for a continuance.

May 17, 2012 - the EPC voted to defer the proposal for 90 days to a public hearing on August 23, 2012 to allow time for two associated appeals to be resolved (AC-10-6 and AC-10-12, see Section III of this report). Pursuant to Zoning Code §14-16-4-4-(B)(5), the proposal cannot be decided upon until the pending appeals have been resolved.

August 23, 2012 - the EPC voted for a 30 day deferral to September 25, 2012; one appeal (AC-12-10) was still pending. However, Staff was informed that this date conflicted with a significant Jewish holiday so the hearing had to be rescheduled. The date decided upon is October 18, 2012.

⇒ Staff recommends that the October hearing focus on any new comments and provide an opportunity for those who have not yet spoken. Staff wants to ensure the greatest participation possible while fostering an efficient hearing process for everyone's benefit.

B) Appeals

Site Development Plan for Subdivision Extension (AC-12-6)

The Taylor Ranch Neighborhood Association (TRNA) appealed the EPC's approval of the extension of the North Andalucia at La Luz site development plan for subdivision (04EPC-01845), stating that the EPC did not follow proper procedures. The appeal was heard by the Land Use Hearing Officer (LUHO) who recommended denial of the appeal to the City Council. On May 7, 2012, the Council neither accepted nor rejected the LUHO recommendation; therefore the appeal was scheduled to be heard by the full Council.

On June 18, 2012, the Council voted three times: to deny the appeal, to remand it, then to grant it. All votes failed due to a tie. Therefore, the appeal was denied pursuant to the City Council's rules. The EPC's approval of the site development plan for subdivision extension stands, which means that the North Andalucia at La Luz site development plan for subdivision (04EPC-01845) is still in effect.

Declaratory Ruling regarding Site Access (AC-12-10)

Request

On February 24, 2012 The Taylor Ranch Neighborhood Association (TRNA) requested a declaratory ruling regarding the applicability of the Large Retail Facility (LRF) Regulations to the site development plan for building permit (SPBP). More specifically, they requested a ruling on the following:

1. Does the SPBP meet the access requirements of the LRF Regulations?
2. Can an LRF be allowed where the traffic would gain access to a collector street but cut through residential zones?

ZEO Declaratory Ruling

On March 23, 2012 the Acting Code Compliance Manager (CCM) issued a ruling on the above request.

1. The answer to this question depends on the proposed development. If a site with a LRF contains a site development plan for building permit and is not located adjacent to and does not have primary

and full access to a street designated as at least a collector with four lanes, then the site may not meet the standards of 14-16-3-2(D)(2)(b). The Planning Commission has the authority to determine if the site is in compliance with all sections of the LRF regulations as specified in 14-16-3-2(D)(1)(a). If a site does not meet this particular standard, EPC still has the authority to approve the request.

If, however, a site contains a site development plan for building permit and the site is located adjacent to and has primary and full access to a street designated as at least a collector with four lanes, then the site does comply with 14-16-3-2(D)(2)(b)

2. The Zoning Code is silent in regards to question number 2 in that it does not specify if access to a collector street can occur through residential zones. In this particular case, the approval or the denial of the LRF will need to be determined by the EPC if the site meets the requirements of 14-16-3-2(D)(2)(b).

Appeal

On April 17, 2012 the TRNA filed an appeal of the Declaratory Ruling. The appeal was referred to the Land Use Hearing Officer and was heard on June 4, 2012. The Land Use Hearing Officer (LUHO) found that the Code Compliance Manager's Declaratory Ruling was, in part, contrary to the plain meaning of the Zoning Code and, in part, a correct interpretation of it.

Regarding Question 1, the LUHO found that the CCM acted appropriately in not addressing the access question since it concerns the merits of the application that is pending before the EPC. It is not the CCM's responsibility to determine those merits. The LUHO also found that the CCM's ruling that the EPC has the discretion to approve an LRF application even if it does not have the access required by the LRF Regulations is contrary to the plain meaning of the applicable Zoning Code provisions.

Regarding Question 2, the LUHO agreed with the CCM's ruling.

At its August 6, 2012 meeting, the City Council voted to reject the LUHO recommendations and hear the appeal. At its August 20 meeting, the Council heard the appeal and voted to accept, in part, and reject, in part, the appeal. The Council adopted findings and issued instructions to the EPC at its September 5, 2012 meeting (see attachment).

Please note that the terms CCM and ZEO are used interchangeably. The council adopted Findings 1 – 13 and further found that:

1. The ZEO did not issue a Declaratory Ruling regarding whether or not the proposal meets the LRF access requirements. The EPC case should proceed and the EPC should recognize that the ZEO has not made any statements that are binding on the EPC. The EPC is responsible for deciding if the proposal meets Zoning Code requirements. [Finding 14a]
2. The ZEO erred when she determined that the EPC is allowed to make an exception to the LRF regulations. When the EPC determines that requirements are mandatory, the EPC may not waive them. [Finding 15a]

3. The ZEO is not prohibited from issuing a Declaratory Ruling regarding issues that are part of a pending case, nor is the ZEO obligated to provide a Declaratory Ruling in such a situation. [Finding 16b]

The City Council adopted Finding 17, in which the Council acknowledges that site access will be an important issue if the proposal is appealed. The Council requests, but does not order, that the EPC adopt findings that fully explain and justify its determination on this issue.

In sum, the EPC can proceed to hear the proposal without being bound by the acting ZEO's past statements regarding site access and the requirements of the LRF regulations. When a requirement is mandatory, it shall be considered mandatory and not varied from. Zoning Code §14-16-1-5(A) Definitions, states that the word MAY is permissive and the words SHALL and WILL are mandatory (see Section I of this report). Staff suggests that the EPC adopt findings that fully explain and justify its decision regarding the proposal and the LRF access requirements.

III. ANALYSIS- THE APRIL 2012 SITE DEVELOPMENT PLAN SET

A) SITE DEVELOPMENT PLAN FOR SUBDIVISION

Background

The North Andalucia at La Luz Site Development Plan for Subdivision applies to the approx. 60 acre site (Project #1003859, 04EPC-01845 and as subsequently amended). EPC approval in January 2005 established parameters for the site: land use allocations by tract, general notes and design standards. The current proposal for a site development plan for building permit on the future Tract 2A is required to comply with the governing site development plan for subdivision.

Site:	Approx. 60 acres, divided into Tracts 1 - 6
Zoning:	SU-1 for C-2, O-1 Uses and PRD (20 dwelling units/acre)- all tracts

	Acreage	Land Use
Tract 1	10.23	C-2 uses
Tract 2	12.28	C-2 uses
Tract 3	1.38	O-1 uses
Tract 4	7.71	PRD uses-20DU/ac
Tract 5	3.38	O-1 uses
Tract 6	15.86	PRD uses-20DU/ac

Of the eight General Notes on the site development plan for subdivision, the following two are the most significant with respect to the current proposal (explanation is in ***bold italics***).

3. The area adjacent to Learning Rd. and the northern boundary of Bosque School, Lot 4A, (a minimum of 300 feet) is restricted to PRD and O-1 uses.

A portion of this 300 foot buffer extends into the SE corner of Tract 2 (future Tract 2A). Only PRD and O-1 uses are allowed in this portion (approx. 0.71 ac). A large retail facility (LRF) is a commercial use and therefore would not be allowed to encroach into the buffer.

The submittal shows an office use on the future, approx. 0.43 ac. Tract 3B. It is unclear how Tract 3B would interact with Tract 2A. The buffer is not shown on the conceptual site plan (Sheet C3A) but should be. Any activity (ex. parking) in the buffer area would have to be associated with the O-1 use for it to be allowed pursuant to the existing site development plan for subdivision.

5. A cross-access easement will be provided across Tracts 1, 2 and 3.

Cross-access will be provided across the future tracts, including between the future Tract 2A and 3A (see above). The note needs to correctly reference Tracts 3A and 3B.

The governing design standards are found on Sheets C-2 and C-3. The purpose of design standards, such as these is to provide a framework for elaborating the vision and development goals for the property. The following topics are addressed: pedestrianism, trails, sidewalks, parking, setbacks, landscaping, screening, architecture, lighting, signage, private commons areas and traffic calming.

⇒ Please see Section IV of this report for a review of the proposal against the design standards.

Proposed Site Development Plan for Subdivision Amendment

Required Information

The existing site development plan for subdivision for North Andalucia at La Luz, Tract 6B and A, which covers approx. 60 acres east of Coors Blvd. and between Montañó Rd. and Learning Rd. NW, received final sign-off in 2005. At that time, compliance with the Zoning Code definition of site development plan for subdivision was established (see §14-16-1-5).

“An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies the site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses’ maximum floor area ratio.”

Information regarding the site, proposed uses, vehicular and pedestrian ingress/egress, internal circulation, height and setbacks and maximum FAR are specified as required. The current submittal does not propose to change the required information (see Sheet C-1). Proposed text modifications include an updated reference in General Note 5, a new keyed note #4 to explain the proposed amendment and a change date.

Comparison of Existing & Proposed Site Development Plans for Subdivision

The 2005 action (Project #1003859/04EPC-01845) replatted Tracts 6B and 6A into Tracts 1 – 9 and established design standards. Within the framework of the “SU-1 for C-2 uses, O-1 uses and PRD (20du/ac)” zoning, land uses were designated by individual tract. A maximum of 23.3 acres of C-2 uses and 11.7 acres of O-1 uses was approved.

Land Use Allocations

Tract 1: In 2012, the applicant proposes to subdivide Tract 1. The land use would be all C-2 (no O-1). In the January version of the site plan for subdivision amendment, Tracts 1A, 1B, 1C and 1D were proposed (ac= acres). The April version proposes to create Tracts 1A, 1B, 1C, 1D, 1E, 1F and 1G, as follows:

Tract	January version	April version
1A	4.78 ac	3.86 ac
1B	0.86 ac	0.63 ac
1C	2.06 ac	1.23 ac
1D	2.02 ac	0.87 ac
1E	-	1.32 ac
1F	-	0.53 ac
1G	-	1.01 ac
Total	9.72 ac	9.45 ac

The proposed tracts now total 9.45 acres of C-2 uses, which is 0.78 acre less of C-2 uses than the existing Tract 1 approved in 2005 (10.23 ac).

Tract 2: The applicant also proposes to subdivide Tract 2. The land use would be mostly C-2 and a little O-1. Both versions of the site plan for subdivision amendment propose Tracts 2A, 2B and 2C, as follows:

Tract	January & April versions	Land Use
2A	11.47 ac	10.76 ac, C-2 uses 0.71 ac, O-1 uses
2B	0.94 ac	0.94 ac, C-2 uses
2C	0.84 ac	0.84 ac, C-2 uses
Total	13.25 ac	12.54 ac of C-2 uses, 0.71 ac of O-1 uses

Tract 3: The January version proposed to eliminate the existing Tract 3 (1.38 ac of O-1 uses) and re-allocate the 1.38 acres to a proposed Tract 2A (0.71 ac) and Tract 3A (0.67 ac). The April version also proposes to retain the 1.38 acre total for O-1 uses, but split them between the proposed Tracts 3A and 3B: Tract 3A (0.24 ac of O-1 and 0.54 ac of C-2) and Tract 3B (0.43 ac of O-1, no C-2). Tract 2A still shows a 0.71 ac of O-1 uses.

Totals

There is a slight discrepancy (0.27 ac) between the acreage totals for the January and the April versions of the proposed site plan for subdivision amendment. This is probably due to a computational error, especially since the acreage total of Tracts 1, 2 and 3 in the approved, 2005 site plan is 23.89 ac and the locations of Mirandela Rd. NW and Montano Rd. have not changed.

The currently proposed total for C-2 uses (21.99 ac) is below the maximum 23.3 acres allowed. The proposed total for O-1 uses (1.38 ac) is substantially below the allowed maximum of 11.7 ac.

	January version	April version
C-2 uses	22.26 ac	21.99 ac
O-1 uses	1.38 ac	1.38 ac
Total	23.64 ac	23.37 ac

Note: Acreage totals for Tract 4 (7.71 acres of PRD uses) and Tract 6 (15.86 acres of PRD uses) are held constant and do not affect the overall subdivision total of C-2 uses. Tract 5 contains 3.38 acres of

O-1 uses. A zone change for Tract 5, to SU-1 for O-1 including Bank & Drive-up Service, was approved on January 5, 2012 (Project #1003859, 11EPC-40076).

Analysis

Although the proposed total of C-2 uses would remain under the allowed total, the proposed subdivision is inconsistent with the vision and development goals established in the design standards for North Andalucia at La Luz (p. 2 and 3 of the site development plan for subdivision).

The proposed Tract 2A, at approximately 11.5 acres, would be much larger than the other proposed tracts and is being subdivided in order to accommodate a large retail facility (LRF). The primary goal for North Andalucia at La Luz is "to achieve a vibrant, mixed-use community that fosters pedestrian accessibility and maintains a village type character." The land use allocations are intended to allow a mixture of uses and flexibility, as long as the overall layout and building forms result in a pedestrian accessible development with a village type character that fulfills the primary goal.

Village type character comes from a development that has incorporated small- scale, compact urban form with walkability as a principal component and not as an afterthought. The 98,901 sf proposed LRF does not fulfill this goal because a village type character does not result from a site with one disproportionately large building, dominated by parking and functionally disconnected to future buildings on the site. Therefore, the proposed site development plan for subdivision amendment does not fulfill the design standards' primary goal.

B) CONCEPTUAL SITE PLAN SHEETS

Conceptual Overall Site Plan (new Sheet C3A)

This sheet shows conceptual development of the entire, approx. 60 acre site, including the portion north of Mirandela St. (the subject proposal) and the portion south of Mirandela St. that has already been planned. Labeling is needed for clarification and it needs to be obvious what is existing, what is proposed and what is part of the subject proposal. The 300 ft. buffer line needs to be included.

Illustrative Site Plan (new Sheet C4A)

This sheet shows the subject site, which is north of Mirandela St. Phasing is proposed, though improved labeling is needed. This plan is provided to demonstrate how the proposed LRF will relate to future development on the site.

C) SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

The applicant proposes to develop an approx. 98,901 square foot (sf) large retail facility (LRF) on a vacant site near the SE corner of the Coors Blvd./Montaño Rd. intersection. The future Tract 2A, approximately 11.5 acres, is the subject site for the proposed site development plan for building permit.

Site development plan Layout / Configuration

The proposed LRF building would be located on the eastern portion of the site, oriented so the main entrance would face westward and the rear of the building would back up to Mirandela St. The majority of parking would be between Coors Blvd. and the proposed LRF building. A pharmacy drive-thru is

proposed on the northern side of the building. An internal roadway is proposed to run north-south and bisect the site.

Refuse Enclosures

Three refuse receptacles are proposed near the SE corner of the proposed building. Though not labeled, these appear to be dumpsters. A 12 ft. split-face CMU wall, with stone veneer columns and brown gates, would provide screening. A trash compactor is shown near the building's NE corner. It's unclear how it would be screened. The Solid Waste Management Division (SWMD) commented that compactors are required to comply with regulations for compactors and drains.

Walls/Fences

Two types of walls are proposed. A 4 to 8 ft. (was 5 ft.) retaining wall runs along a portion of the site's NW corner, and an 8 ft. screen wall runs approx. 565 feet north-south to screen the rear of the building from Mirandela St. and the nearby school. A minimum height needs to be specified. Both would be split-face brown CMU with brown pilasters and a dark brown decorative pattern. The brown needs to be specified as light or medium and the colors provided in the color samples need to be stated here.

The wall design standards in Zoning Code §14-16-3-19(B) apply. To comply with (B)(2)(a), the note for the wall detail needs to mention that the minimum 2 inch projecting pilasters shall occur at intervals no more than every 20 feet in length. The proposed continuous overhang cap fulfills (B)(2)(b). The label "for street facing wall" is not needed.

Vehicular Access, Circulation & Parking

Access & Circulation: Vehicular access to the site (future Tract 2A) would be mainly from Coors Blvd. via Learning Road or Mirandela St. Vehicles also have limited access from Montano Road. Learning Road provides full ingress and egress to the site and is signalized. Mirandela does not provide left egress. Trucks exiting the site from Mirandela would have to go north to Alameda Blvd. since truck traffic is not allowed on Paseo del Norte.

The existing round-a-bout at Antequera Rd. may not be able to accommodate larger delivery trucks. The round-a-bout formerly proposed on the site's north side has been removed. A north-south internal roadway would divide the site into two, separating the main parking lot from the building.

Parking: Parking was calculated based on Zoning Code §14-16-3-1, Off-Street Parking Regulations, for a retail use. The rate is one space per: 200 sf for the first 15,000 of building sf, 1/250 sf for the next 45,000 of building sf, and 1/300 sf for the remaining building sf. Staff calculates that 385 spaces would be required for the proposed 98,901 sf building. No transit reduction was taken to reduce the minimum requirement.

Staff counts 417 vehicle spaces on the site development plan. In the previous site plan version, Staff counted 475 spaces. Proposed vehicle parking has been reduced by 58 spaces. 423 are listed as provided, so there is a discrepancy in the count.

The vehicle parking total includes the required handicap spaces. However, motorcycle spaces are counted *in addition to* required vehicle parking spaces. The applicant states that 423 spaces are provided, which is incorrect because the 6 required motorcycle spaces were erroneously counted as 6 instead of 3. Each

vehicle space = 2 MC spaces, and included in the total. Therefore, the correct parking count total is 420 spaces. $423 - (6/2) = 420$. Required spaces are 385, so the site is overparked by 35 spaces, $420 - 385 = 35$. Previously, 90 spaces in excess of Zoning Code requirements were proposed. Note that the Design Standards also have requirements regarding parking (see Section V of this report).

Handicap and motorcycle parking spaces are calculated based on required parking. For the 385 minimum required spaces, 12 must be handicap spaces (HC) and 6 must be motorcycle (MC) spaces. 12 HC spaces are provided and 6 MC spaces (equivalent to 3 regular spaces) are provided. MC spaces are required to be visible from the building's entrance [ref: §14-16-3-1(C)]. The proposed location would work provided the proposed landscaping is modified to include only low-growing shrubs (see Landscape Plan subsection).

Bicycle parking is required at the rate of 1 space for every 20 required vehicle spaces: $385/20 = 19.25$, so approx. 20 spaces are required. 20 bicycle spaces are provided; two 5-space bike racks are proposed. The bike racks are located near each entrance.

Pedestrian and Bicycle Access and Circulation

The subject site is primarily vehicle oriented. Pedestrian and bicycle access would be mostly from the vehicular access points. Dedicated pedestrian entrances are proposed on the northern side of the subject site (a non-direct, less convenient link from the access street) and on the southern side (a link from Learning Rd./Mirandela St.). A pedestrian access point and pathway from Coors Blvd. would improve non-vehicular access and allow pedestrians to walk directly to the building's entrance, though the grade differential between Coors Blvd. and the site could make this challenging.

Several pedestrian sidewalk types are proposed:

Group 1: Legend #7- 8 ft. wide textured, colored concrete sidewalk, and
Legend #8- 8 ft. textured, colored concrete pedestrian crosswalk.

These would run south-north across the parking lot and near the building's SW corner. (note: inconsistent dimension shown for the latter). Labeling use of #7 and #8 is inconsistent and both are the same; using two labels adds confusion. It appears that the drive-aisle crossings are intended to be the #8 type.

Group 2: Legend #9- 8 ft. wide and 6 in. high textured, colored concrete sidewalk.

Same as Legend #7 and #8, but raised. The majority of proposed pathways are Legend #9 type; some cross drive-aisles and some don't. The pathway from Mirandela St., the one parallel to the west elevation and most of the west-east pathways are the #9 type.

Group 3: Legend #26- a 10 ft. wide and 6 in. high textured, colored concrete sidewalk.
Legend #27- pedestrian crossing.

These go together like #7 and #8 above as shown on the site plan, though the Legend #27 note should read almost the same as #26. This pathway would run west-east across the northern third of the parking lot.

Group 4: Legend #10- 6 ft. concrete sidewalk.

The plain concrete sidewalk is proposed along the western side of Mirandela St. and is shown leading to the subject site from the south.

It's difficult to tell which is which because the same pattern is used for all types, except the concrete sidewalk. Each type needs its own pattern and categories need to be collapsed to make reading easier. The same pattern is used for the north side plaza areas; it's unclear what they'd be made of. Another, unspecified concrete pattern is proposed near the main building entrance.

The previously proposed striping, which is insufficient to facilitate connectivity and safety, has been removed from the area near the main entrance. Though textured colored concrete is now proposed across the main drive aisle, it should be raised as suggested previously to slow down vehicles and improve safety in this busy area where vehicle-pedestrian conflict is likely.

Transit Access

The only Transit stop that currently serves the subject site is on Montaña Rd., just east of the intersection at Coors Blvd. The stop just north of Learning Rd. would be too far to walk to access the proposed LRF site. The subject site is underserved by Transit, however the Transit Department is requesting that a bus shelter be added to the existing stop on Montaña Rd. and that a new transit stop, with a shelter, be provided on Coors Blvd. close to the subject site.

Lighting & Security

Two types of light poles are proposed (see Sheet C-13). Both are 16 feet tall. Parking lot light poles are proposed at various locations in the parking lot. Most have 4 fixtures per pole but some have 1 fixture (ex. near Coors Blvd.). Pedestrian light poles, with a single ornamental fixture each, are also proposed. The fixture type for each has changed since the January version. Instead of a "shoe box" fixture, the parking lot light pole fixture is more elongated. The pedestrian pole, which previously had two fixtures, now has a single fixture mounted on an ornamental detail. Both have ornamental bases.

Pedestrian light poles are proposed at locations along some of the pedestrian pathways that traverse the parking lot. However, the lighting would not be distributed evenly so portions of the pedestrian areas/parking lot would be poorly-lit and more likely to be unsafe. Lighting should not interfere with trees.

For instance, a pedestrian light pole is needed near the handicap parking spaces and in a couple of places along the pathway from Mirandela St. Also, the finish of both types of light poles needs to be specified.

Wall-pack lighting, combined with pole lighting, is needed to provide on-site security. It appears that Wall-pack lighting is proposed on the west (main) elevation, labeled as "Downlighting fixtures", and on the north elevation. It appears that wall-pack lighting, a non-ornamental type, is proposed on the east and south elevations, but these are not labeled so they may be building features (Sheet C-16, Elevations). A note on Sheet C-16 indicates that wall-pack lighting would not be mounted higher than 20 feet.

A security camera is proposed near the building's main entrance (see Sheet C-11, Utility Plan). Several of the Site Plan Notes on Sheet C-4 pertain to lighting and should be moved to the detail sheet (ex. #3, #5 and #18) as is customary, rather than crowd the main sheet.

Landscaping Plan

The proposed landscaping plan, which has been reconfigured to match the revisions to parking lot layout, uses the same plant palette as the January landscaping plan, but the quantities of all trees, shrubs, grasses and vines have changed (except for Rio Grande Cottonwood, Vitex, Cherry Sage). Included are trees (12 varieties), shrubs/groundcovers (14 varieties), ornamental grasses (5 varieties) and one type of vine (Honeysuckle). For trees, Purple Robe Locust (39, was 28) and Chinese Pistache (34, was 21) have the highest totals. English Lavender (182, was 170) and Rosemary (132, was 122) are the most abundant in the shrubs/groundcovers category. For ornamental grasses, the most proposed is Muhly Grass (200, was 176). Shumard Oak (-3), Indian Hawthorne (-15) and Feather Reed Grass (-34) are the only plants with reduced totals.

It appears that Santa Fe brown mulch is proposed to go over the landscaping, and that the Buildology brown cobble is used for decorative purposes. This isn't clear from the legend. No turf is proposed. Moss rock boulders (173, was 126) are also proposed.

Smaller, ornamental trees, Golden Rain Tree and Vitex, are proposed for the plaza area in front of the building entrance (see detail on Sheet C-8). The Golden Rain Trees would be in tree wells and the Vitex in raised planters. It's unclear if the tree wells are at grade or not, but they should be. The tree wells, at the minimum 36 sf size, meet the minimum tree well size requirements. However, it would be better to run the tree wells together into a strip, and even better to utilize pervious paving around these (and other) tree wells- especially since the subject site is so close to the Bosque.

Several types of plants, including seven Rio Grande Cottonwoods, are proposed in the southern landscape buffer that fronts Mirandela St. Clumps of Purple Robe Locust would run along Mirandela St., while a couple of Arizona Sycamore would be at the ends with Austrian Pine and Vitex in the middle. Austrian Pine and Vitex are relatively small trees, so screening would be improved by using specimens that can grow larger. A couple of Austrian Pine and 1 Vitex were replaced with New Mexico Olive.

Requirements: Pursuant to Zoning Code §14-16-3-10(G)(3), required landscape areas must be covered with living, vegetative material over at least 75% of the area. Trees do not count toward this requirement. Two locations (was three) on the western (Coors Blvd.) landscaping area appear sparse. More plants need to be added near the site's SW corner; a Vitex was added but it's an ornamental tree. One bush was added. A relatively large area approx. 75 north remains uncovered with vegetation. Three shrubs and 2 rocks have been added to the NW corner, which is a focal point upon entering the site.

Pursuant to Zoning Code §14-16-3-10(G)(1), trees are required in and around off-street parking areas. Proposed parking lot trees are Purple Robe Locust, Shumard Oak and Modesto Ash. Flowering Pear are proposed along the internal street. For the 423 proposed parking spaces, at the rate of 1 tree per 8 spaces (LRF regulations), 53 parking lot trees are required. 105 are proposed, so this requirement is met and exceeded.

Street Trees: The Street Tree Ordinance requires a street tree plan for lots adjacent to a major street, such as the subject site. Proposed in the northern landscape buffer fronting Coors Blvd. are clusters of trees- Shumard Oak, Chinese Pistache and Modesto Ash. With 590 feet of frontage along Coors Blvd., 20 street trees are required (spaced at 30 feet on center). However, the applicable design standards require spacing of 25 feet on center, therefore 24 street trees are required and 24 are proposed. Four more were added since the January version of the landscaping plan.

Irrigation: The irrigation system, shown on Landscape Plan sheet 3, would be fully-automated and consist of six 2-gallon per hour (GPH) emitters per tree and two 1-GPH emitter per shrubs and groundcovers. A note states that §6-1-1-10, Irrigation System Standards, would be adhered to strictly. However, it is still unclear if the irrigation system would have two or more independent programming schedules (B)(1) and fitted with a rain switch interrupter and soil moisture sensor (B)(4).

Now that irrigation information is on its own sheet, the irrigation narrative from Landscape Plan sheet 1 should be moved to sheet 3 and cross-referenced on sheet 1. Doing so would create space on the main Landscaping Plan to discuss water re-use (see also Grading & Drainage Plan). The notes need to indicate that the landscape beds will be depressed, not at grade, or the curb cuts will not function to collect supplemental water for irrigation.

Architecture & Design

The proposed 98,901 sf, large retail facility (LRF) building can be considered a contemporary hybrid design that incorporates elements from architectural styles such as Territorial, Spanish Colonial and Contemporary Southwestern. For example, the coping and portals are Territorial elements and the pitched-roof with tiles is a Spanish Colonial element. The concrete columns are a Contemporary Southwestern element.

Proposed building height ranges from a low of approx. 22 feet for the drive-up canopy to a high of 33 feet for the main entry façade and the towers. Accent features include a cornice, band and decorative columns. Different types of decorative panels are shown on the towers.

A variety of materials is proposed. The building would be finished in EIFS (Exterior Insulation Finishing System, aka synthetic stucco), smooth-faced CMU (concrete masonry unit) block, and split-faced CMU block. The columns would be finished in EIFS and stone veneer (typically a concrete/real stone blend). Porcelain is used as decorative wall tiles on the main entry (west) elevation and on the north elevation. Spanish roofing tiles are used on the pitch-roof towers and on the building elements next to the towers on the north elevation.

A variety of colors is also proposed. Paint colors include a light tan (“Nomadic Desert”), a medium brown (“Meadowlark”), a light sage green (“Portico”), a darker sage green (“Sawdust”), a light terracotta that is listed as beige (“Oak Creek”), a darker terracotta (“Decorous Amber”), and a light gold (“Empire Gold”). Sage greens are used on the south elevation. Medium brown and light terra cotta would be found on the north elevation. The east elevation and the west elevation would include colors in varying proportions.

All paint colors are Sherwin Williams (SW). The highest LRV (light reflective value) is 47% for the light tan. The average LRF is 34%, which is moderately low, and means that the colors would appear more matte than glossy and not reflect a lot of light.

Three colors of stone veneer are proposed: a mix of dark and light browns with terra cotta (“Wolf Creek”), a dark and light terracotta blend (“Mojave”) and a dark ivory and dark grey mix (“White Oak”). The proposed paint and stone colors would generally blend with the subject site’s surroundings. The elevations on Sheet C-16 need to be labeled in all instances of color and/or material change to ensure that they match the color renderings.

⇒ See Section VI of this report for analysis of the architectural requirements of the LRF regulations.

Signage

Monument signs and building-mounted signs are proposed. The monument signs are two types: a project monument sign, 9 feet tall with 72 sf of sign face area, and a minor monument sign, 7.5 feet tall with 30 feet of sign face area. The proposed casing is stacked stone veneer with a defined base and coping on top.

Two project signs are proposed along Coors Blvd. near the north side and the south side of the site. It is unclear if the proposed LRF retailer name would occupy all of the sign face area. Staff recommends multi-tenant signs and a note to indicate this. Other businesses will locate in the shopping center and will need signage (see Sheets C3A and C4A, overall site plans).

The minor monument sign is proposed near the NE corner of the site, along Mirandela St. (not Montañño Rd. where the design standards specify- see Section V of this report). Both types of monument signs would be externally illuminated, which usually means up-lit. The design standards prohibit internally illuminated (i.e.- plastic panel) signs.

Building-mounted signage is proposed on the west (front) elevation and the north elevation. A “Pharmacy Drive-Thru” sign, approx. 40 sf, would be on the north elevation. Proposed for the west (front) elevation are three building-mounted signs: “Outdoor Living” (approx. 77.7 sf), “Market & Pharmacy” (approx. 102.7 sf), “Walmart” and the circular logo (approx. 158.6 sf and 50.2 sf, total 208.8 sf), and “Pharmacy Drive-Thru” (approx. 74.5 sf).

Two vertical measurements are shown on the site plan, but only one is needed. Staff calculated signage area using the larger measurement because it includes letters, such as g and y, that are part of the signs. Staff recommends that signage notes be added for clarity. The notes should indicate that plastic, non-illuminated channel letters are proposed and which elevation each sign would be placed upon.

The design standards prohibit building-mounted signage that exceeds 6% of the façade area to which a sign is applied; no changes have been made since the January version. Therefore, 4 of the 5 building-mounted signs still do not comply. The “Pharmacy Drive-Thru” sign on the north elevation complies. All proposed signage on the main (west) façade does not comply (see Section V of this report for details).

Some of the Site Plan Notes on Sheet C-4 pertain to lighting and should be moved to the detail sheet (ex. #7 and #10) as is customary, rather than crowd the main sheet.

Grading & Drainage Plan

The subject site slopes downward from west to east, from Coors Blvd. to Mirandela Rd. The elevation near the subject site's western boundary ranges from approx. 5,002 ft. to approx. 4,994 ft. (was 4,996 ft.) (north to south). The elevation near the eastern boundary ranges from approx. 4,985 to approx. (was 4,982 ft., but this was removed from the revised plan), so the north-south slope is greater near Coors Blvd.

The finished floor (FF) grade of the proposed building, 4986.85, has been lowered by 2 feet to 4984.85. The spot elevation just south of the dumpsters was 4986.5 and is now 4984.5, which corresponds to the lowered grade. Similarly on the northern side, the spot elevation near the proposed drive-thru lane was 4986 and is now 4984.35.

Water generally flows westward towards Mirandela Rd., where it is collected in drop inlets and conveyed to an existing retention pond adjacent east of the subject site. The proposed storm sewer system would connect to the existing system on Mirandela Rd. The subject site is not in a flood plain, though one is adjacent to it and the environmentally sensitive Bosque area is nearby.

Water Re-Use

Water re-use would be accomplished on-site by the use of 1-foot wide curb cuts in some of the parking lot landscape islands. Some islands would have two curb cuts and others would have none. Staff suggests that the curb cuts be more evenly distributed throughout the site, and that they be located where they would function. If not positioned correctly, water would flow around rather than into them.

Each landscape island should have a minimum of one curb cut. A curb cut detail is found on Sheet C-12. A note is needed, on the Grading & Drainage and Landscaping Plans, to specify that landscape beds would be below grade. Otherwise, water would not flow into the landscape areas and the curb cuts would not achieve water re-use.

Note that the LRF Regulations contain requirements for site hydrology [Zoning Code §14-16-3-2(D)(5)(n)]. Pervious paving in certain locations, such as around tree wells, would help filter parking lot run-off water, which is usually contaminated with automotive fluids, as well as help maintain tree health (see also Section VI of this report). Comments from Hydrology Staff suggest adding a linear water quality feature, such as a bioswale, along the back of the building. Roof drainage could fall to the bioswale rather than being tied to the storm drain system. The drainage narrative needs to address how the site complies with Subsection (D)(5)(n).

Utility Plan

A new 8 inch water line is proposed to run under the north-south roadway that would divide the subject site. The proposed water line would connect to Mirandela St. infrastructure near the proposed building's NE and SE corners. A new sanitary sewer (SAS) line would enter the proposed building on the northern side. Another SAS line is proposed across the future tract adjacent south of the subject site. Two manholes are now proposed near Mirandela St. There are five existing fire hydrants along Mirandela Dr. Three new fire hydrants are proposed, near the subject site's SE, SW and NW corners.

Two easements exist- a 1968 MST&T easement along Coors Blvd. and a public utility easement, which is in various places. Proposed are a 20 ft. water line easement and a 20 ft. SAS easement. A 5 ft. sidewalk

easement is also proposed, but Staff cannot locate it. Also, it would be too small for the proposed, 6 ft. sidewalk along Mirandela St.

Outdoor Space

Three outdoor space/plaza areas are proposed on the subject site. One is near the NW side of the building, across the internal street. (The plaza area further north is across the property line on a “future commercial” tract.) Another plaza area on the subject site is along the main (west) elevation, to the north and south of the entrance. The area on the building’s north side may be intended to be outdoor space, but the benches are inaccessible due to landscaping and lack of a pathway.

The NW side area is not dimensioned. It’s not likely to function as outdoor space because no lighting or benches are proposed; it’s more like an extended corner. Staff calculates approx. 475 sf. Two dimensions are given for the west elevation plaza area: 1,581 sf for the northernmost end and 1,720 sf for the area just north of the entrance. The areas south of the entrance are not dimensioned; nor is the area on the north side of the building. Calculations need to be provided and the math shown.

The main elevation plaza areas have trees (in wells and raised planters) and benches. The height of the raised planters is not indicated, so they may be too high to function as seating. A shade trellis is proposed on the areas north and south of the entrance.

Zoning Code §14-16-3-18(C)(3) requires that outdoor seating be provided for major facades greater than 100 feet long at the rate of 1 seat per 25 linear feet. The main façade is 437 feet long (see Sheet C-16). $437/25 \approx 17$ required seats. 16 seats are listed as required and the calculations are not shown. The site development plan states that 52 (was 24) seats are provided. 11 (was 6) benches are proposed, but it’s unclear how many seats are per bench (should be 4). If it’s 4, then 44 seats (not 52) would be provided. The keyed note and the detail need to be more specific. The benches need to be labeled on the entrance detail (Sheet C-8).

D) ANALYSIS- VIEW PRESERVATION REGULATIONS & VIEW PLANE EXHIBIT

Regulations

The Coors Corridor Sector Development Plan (CCSDP) view preservation regulations apply to sites located in Segments 3 and 4 of the Coors Corridor, on the eastern side of the roadway (p. 103-110). The subject site is located in Segment 3 South on the eastern side of Coors Blvd., so the view preservation regulations apply.

The CCSDP views preservation regulations read as follows (Policy 4.c.1.b.1, p. 109).

“In no event will the building height be permitted to penetrate above the view of the ridge line of the Sandia Mountains as seen from 4 ft. above the east edge of the roadway.” And

“Also, in no event will more than one-third of the total building height outside of the setback area for multi-story buildings be permitted to penetrate through the view plane.”

Sheet C-5, Proposed View Plane Exhibit

The proposed building includes various heights that correspond to the elevations' articulation. The highest points of the main (western) elevation are the façade containing the main entrance and the tower element on the northern side. Both are 33 feet tall. [SAME]

The applicant's view plane analysis is presented on Sheet C-5. Two view plane diagrams, A and B, are included and are shown in the same location as the January version (see insert map on Sheet C-5) and are still incorrectly labeled (A is B and B is A). The view line for A runs from approx. 80 feet north of the corner of Coors Blvd. and Mirandela St. and intersects with the proposed building at a 28 foot height, approx. halfway between the garden center and the southern edge of the main entrance.

The view line for B runs from approx. 300 feet north of the same corner and intersects with the proposed building near the lower third of the main entrance façade. The original version of the site development plan had a view line C, but it didn't intersect with the building so it was deleted.

Staff suggested, after reviewing the January version, that a new view line C be included due to the addition of the tower element (33 feet high) on the northern side of the building's main (western) façade. This was not done, so it remains unknown if the proposed building would comply with the view preservation regulations or not; a View Line C, to intersect with the 33 foot tower element, is essential to complete this evaluation.

Staff reviewed the view analysis and finds that both View Line A and View Line B do not penetrate above the view of the ridge line of the Sandia Mountains and therefore comply with this part of the regulation. Staff also finds that both View Line A and View Line B do not exceed the view plane by more than 1/3 of building height, which is the maximum height allowed (see specifics below).

The eastern edge of the easternmost driving lane of Coors Blvd. has an elevation of 5003 feet as shown on the proposed grading and drainage plan (see Sheet C-10). Staff was unable to correlate the applicant's 5003.76 and 5003.5 to the location where the view lines are supposed to start. Using the 5003, four feet above that is 5007 feet; **the view plane is established at 5007 feet.**

The finished floor (FF) of the proposed building, now 4984.85, has been lowered by two feet (it was 4986.85 feet). Note that the building heights used in View Line A and View Line B are interchanged on Sheet C-5: *the 28 foot height corresponds to View Line A and the 33 foot height corresponds to View Line B* (see the insert map on Sheet C-5). Staff calculates the following (in feet):

View Line A (mis-labeled as View Plane B) is the southern view line. It intersects proposed building approx. half way between the garden center and the main entry façade.

1. $4984.85 + 28 = 5012.85$, height of the top of the building at this point.
2. One-third of building height (28 feet) is 9.3 feet.
3. The view plane is at 5007 feet. $5007 + 9.3 = 5016.3$, the maximum height allowed for compliance.
4. 5016.3 (maximum allowable height) exceeds 5012.85 (top of building height) by 3.45 feet. View Line A complies.

View Line B (misabeled as View Plane A) is the northern view line. It intersects proposed building near the lower third of the main entry façade.

1. $4984.85 + 33 = 5017.85$, height at top of the building at this point
2. One-third of building height (33 feet) is 11 feet.
3. The view plane is at 5007 feet. $5007 + 11 = 5018$, the maximum height allowed for compliance.
4. 5018 (maximum allowable height) exceeds 5017.85 (top of building height). The top of the building at this point is below the view plane by 0.15 feet (1.8 inches). View Line B complies.

The distance of the proposed buildings from Coors Blvd., in both view lines, does not correspond to distances shown on the site plan for building permit sheet (Sheet C-4). For View Line A, the western façade of the building should start at 485 feet (not 623 feet) from Coors Blvd. For View Line B, the western façade should start at 430 feet (not 685 feet) from Coors Blvd. Note that different scales are used on Sheet C-4 and Sheet C-5). The elevation at the 485 foot mark, where the building begins, is between 4984.50 and 4984.85, and is very close to the ff of 4984.85. Though the location of the proposed building needs to be depicted accurately, the difference in elevation would not make the building height exceed the maximum allowable height. The same is the case for View Line A.

The building height in View Line A needs to be corrected. Staff believes the building height is 28 feet at the intersection location; the applicant uses 30.33 feet. Another view line is needed (View Line C) to intersect the proposed building at the location of the 33 foot tower feature in order to demonstrate compliance with the view regulations.

The measurements of shorter building features (ex. the 23.3 in View Line A and the 15.7 in View Line B) aren't needed and can be removed. The car shown west of the easternmost driving lane edge (i.e.- on the sidewalk) can also be removed. The property line should be indicated.

Sheet C-6, View Plane Exhibit Model Results

The applicant used a modeling program (Tremble Model VX Total Station) to show how the proposed building would appear in its context (Sheet C-6). The narrative explanation is insufficient; it does not discuss methodology enough to fully demonstrate compliance with the regulations. The data is not provided, so the elevations cannot be verified.

The January version showed four view lines (called "stations"). However, only one of the station view lines corresponded to a view line (View Line A) used in the view plane exhibit (see Sheet C-5 and analysis above). The other lines were not meaningful. One missed the building entirely. Another barely touched the building's NW corner, and the other intersected at the building's southern side. This was noted in the January Staff report. It is unknown why the applicant, at a minimum, did not produce a "station" line that corresponds to View Line B, and a new View Line C in the view plane exhibit, as requested in January.

It appears that the applicant removed the non-meaningful view lines as requested, but left out other significant view lines. Now the entire, proposed building is shown but less information is provided than before. The reference points, such as where the photo was "pinned to" and the elevations, are not

included and therefore cannot be verified. The modeled building does not match the proposed elevations (see Sheet 16). For instance, the 33 foot tower on the northern side is not depicted. Furthermore, the image is so dark that the impact on its context is hard to assess. Also, the modeled building does not match the scale provided.

The modeled results reveal that the proposed building would not penetrate the view line of the ridge of the Sandia Mountains, though the view plane exhibit (see Sheet C-5) also demonstrates this. To show compliance, it is essential that View Line B and a new View Line C are shown on the modeled results and that their position relative to the proposed building and its context are discussed as they relate to the CCSDP view preservation regulations.

IV. ANALYSIS -CONFORMANCE TO ADOPTED PLANS AND POLICIES

A) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)

The subject site is located partially in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Developing Urban and partially in an area designated Established Urban. The Goal of Developing and Established Urban Areas is “to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment.” Applicable policies include:

Land Use Policies-Developing & Established Urban Areas

Policy II.B.5d: The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The proposal would result in a new development located in a designated Community Activity Center, a location generally desired for retail uses. Its intensity would be consistent with the existing zoning (the C-2 uses), though it may be somewhat intense for a location so close to the Bosque, where the natural environment, open space and scenic resources are regionally significant. The design is generally compatible with the existing built environment. Many neighborhood representatives and residents oppose the proposal, though there is also support. The request partially furthers Policy II.B.5d-neighborhood values/natural environmental conditions.

Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The proposal furthers Policy II.B.5e-programmed facilities/neighborhood integrity. The vacant subject site is contiguous to existing urban facilities and services that already exist. Through the TIS, the applicant will provide improvements to address impacts that may help ensure the integrity of existing neighborhoods.

Policy II.B.5j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.

The proposed commercial development is located in an existing commercially zoned area, is located at an intersection of arterial streets, with access to transit facilities. The proposal would result in a second shopping center at the intersection, which could add to traffic congestion. However, potentially harmful effects of traffic would be addressed through following recommendations in the TIS update and through site access. The proposal partially furthers Policy II.B.5j.

Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

The subject site is adjacent to two arterial streets, Coors Blvd. and Montañó Rd. Vehicles would access the site from existing entrances along Coors Blvd. and Montañó Rd. No established single-family residential neighborhoods are adjacent to the subject site, so cut-through traffic is not likely to disturb them. However, immediately south of the site is 39 acres planned for multi-family residential development. Access to the site will cut through the multi-family development which may affect livability and safety of the residents. In addition, the project does not meet the Location and Access requirements of the Large Retail Facility Regulations in the Zoning Code, which were established to protect established residential neighborhoods. The proposal does not further Policy II.B.5k.

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

The design standards allow a variety of architectural styles and materials that are generally compatible with the area. The proposed building incorporates elements of Spanish colonial and contemporary pueblo styles, combined with three colors of cultured stone and stucco colors from medium browns to tans to olive. The colors and finishes are generally appropriate for the Plan area. Some of the elements used can be considered innovative, though the design overall is not. Note that variations in roof lines and building heights are constrained due to the View Regulations of the Coors Corridor Plan. The proposal partially furthers Policy II.B.5l-quality design/new development.

Policy II.B.5m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The proposed building mostly complies with the view plane regulations of the Coors Corridor Plan. The grade has been lowered 1.85 feet so the building height could remain the same. However, it is unknown if the 33' tower on the NW side of the proposed building complies; the two view lines provided are concentrated near the building's SW side. The visual environment would change, though the combination of colors and materials would generally make the building compatible

with its surroundings. The proposal partially furthers Policy II.B.5m-quality of the visual environment.

Activity Centers

The subject site is located in the designated “Montaño/Coors Village Community Activity Center”. The following goal and policies apply to the site development plan requests:

Goal: To expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

Community Activity Center (description from Table 22):

Purpose: Provides the primary focus for the entire community sub-area with a higher concentration and greater variety of commercial and entertainment uses in conjunction with community-wide services, civic land uses, employment, and the most intense land uses within the community sub-area. The following development guidelines are suggested to achieve the goal for Community Activity Centers:

- Service/Market Area:
 - Up to 3 miles
 - Serves population of 30,000+
- Access:
 - Very accessible by automobile
 - Located on minor & major arterial streets
 - Should provide main hub connecting to regional transit system
 - Community-wide trail network should provide access to center
 - The interior of the center should be very accommodating to the pedestrian, even within the predominantly off-street parking areas
- Land Uses:
 - Core Area: 15-16 acres + adjacent contributing uses
 - Limited floor area per building
 - Examples of typical uses: low-rise office, public & quasi-public uses (e.g. post office, library), entertainment (restaurants, theaters, etc.), hotel/motel, shelter care, medical facilities, education facilities, large religious institutions, medium density residential, middle/high school, senior housing, community or senior center, park-and-ride facility under certain conditions
- Scale:
 - Some larger parcels, but heavily punctuated with fine grain, smaller parcels; very walkable
 - 2-3 story; moderate floor area ratios (.3 to 1.0); connections between buildings and to sidewalks; more than one façade; buildings separate off-street parking from the street
 - Predominantly off-street parking; site circulation plan is important to avoid conflict between pedestrian and auto; parking in lots or structures; pedestrian paths between parking & bldg.; bicycle parking is encouraged
 - Public plaza/open space should be provided

Overall, the site development plan for subdivision (from Learning Rd to Montano Rd) meets the intent of the Activity Center goal, to provide a mix of land uses that will reduce urban sprawl, auto travel needs, and service costs. The subdivision contains multi-family residential, office and commercial uses to serve up to a 3-mile radius. The commercial uses are limited to 23.3 acres between Mirandela and Montano Roads. Urban sprawl would not increase, though the proposed large retail use at this Community Activity Center location could increase auto travel in the area and affect the identity of this Westside location.

The site development plan for building permit, which proposes a large-scale, single tenant building (LRF), conflicts with some of the key strategies for achieving an ideal activity center:

1. The site should be very accessible by automobile. Coors and Montano, adjacent to the site, are limited access arterial streets. Most of the access points are limited and the only full access point is at the intersection of Learning and Coors. Learning Road is utilized by students entering and leaving Bosque School and by residents who live in the area.
2. Limited floor area per building – the floor area of the proposed LRF is not limited. At over 98,000 square feet, it does not fit the model for a Community Activity Center.
3. 2-3 story-- The applicant does not provide 2-3 story development, however, the View Regulations of the Coors Corridor Plan restrict this type of development on the site.
4. Moderate floor area ratios (FAR) of .3 to 1.0 – The site plan for building permit proposes a large amount of surface parking which limits the FAR to 0.2.

In sum, the amended site plan for subdivision mostly complies with the goals for Community Activity Centers. However, the site plan for building permit does not meet some of the key criteria for creating a Community Activity Center. The site is not as accessible by automobile as it should be, Coors and Montano are both designated as limited-access arterial streets; the floor area of the building is considered “large” and does not promote a safe and friendly walking environment; and the large amount of surface parking limits the floor to area ratio of the site, therefore failing to achieve moderate to high density land uses.

Policy II.B.7c: Structures whose height, mass or volume would be significantly larger than any others in their surroundings shall be located only in Major Activity Centers to provide for visual variety and functional diversity in the metropolitan area while preserving pleasing vistas and solar access.

The proposed structure/building, at 98,901 square feet (sf), would be larger than other buildings planned in the Montañó/Coors Community Activity Center. Other buildings planned in the commercial portion of the Activity Center are less than half the size of the proposed LRF. The LRF should blend in with the other buildings and should not dominate the site. One way to diminish the mass and scale of the LRF is to provide liner shops that would provide visual variety and functional diversity, as stated in the policy. The proposal does not further Policy II.B.7c-structures/location in Centers.

Environmental Protection & Heritage Conservation-

Goal: To preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.”

The natural characteristics of the immediate area, close to the Bosque and open space that define this sub-area of the Westside, may be impacted by the presence of the LRF, however, even a building with multiple tenants could have negative impacts. There is no evidence that the proposed LRF will have negative effects on the social, cultural and historical features of the Bosque, therefore, the proposal is consistent with the Environmental Protection & Heritage Conservation goal.

Archaeological Resources

Policy II.C.6b: Appropriate treatment of significant sites and remedies for those that cannot be preserved shall be determined.

The North Andalucia site development plan for subdivision identifies the location of archaeological sites, though not for research, education or other uses. The site development plan was amended in 2007 to reflect the locations based on field verification. The Certificate of No Effect obtained for the current proposal indicates that field work has been completed and a final report is in preparation. Archaeological resources Policy II.C.6b is furthered.

Developed Landscape

Goal: To maintain and improve the natural and the developed landscapes’ quality.

The proposal would generally improve the developed landscape’s quality because the building would contain architectural features that are intended to promote quality development, as per the LRF Regulations. However, the development would not improve the natural landscape in this area characterized by the Bosque and open space. The proposal partially furthers the Developed Landscape Goal.

Policy II.C.8a: The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

The proposal generally respects the natural and visual environment, as required by adopted Plans. The view analysis demonstrates that the ridgeline of the Sandia Mountains will not be penetrated; however, the proposed building, in terms of mass and scale, is not as sensitive to the nearby Bosque environment as it could be. Strategies should be put in place to address water re-use and litter control. Policy II.C.8a-environment/unique features is partially furthered.

Policy II.C.8e: In highly scenic areas, development design and materials shall be in harmony with the landscape. Building siting shall minimize alteration of existing vegetation and topography and minimize visibility of structures in scenic vista areas.

The subject site is in a highly scenic area characterized by the Bosque and open space. The site was graded several years ago so there is no vegetation or topography to maintain. The proposed building's colors and materials would be in harmony with the landscape. The building is sited at the low end of the site to minimize its visibility and the grade has been lowered to minimize the visibility of the structure. The request is consistent with Policy II.C.8e-scenic areas/development harmony.

Community Resource Management- Transportation and Transit

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

The site is located near the intersection of two limited-access arterial streets with transit and bicycle routes. Coors Blvd. and Montano Road are designated Enhanced Transit Corridors with a goal to promote multi-modal travel. Coors is served by a regular bus route and a rapid ride route while Montano is served by a regular bus route. The development will provide some opportunities for transit usage, though by its nature, a LRF is a very auto-oriented use. The Traffic Impact Study (TIS) indicates that the proposed development will produce less traffic than the previous project approved on the site. The proposal is generally consistent with the Transportation and Transit Goal.

Policy II.D.4g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The proposal is mostly consistent with Policy II.D.4g. Pedestrian connections are provided throughout the site. Additional pedestrian scale lighting is needed to improve safety and create pleasant conditions. Raised concrete is needed to link the parking lot and the building entrance and improve safety by designating pedestrian crossings and slowing down vehicle traffic.

Economic Development

Goal: To "achieve steady and diversified economic development balanced with other important social, cultural and environmental goals." Applicable policies include:

The conceptual and illustrative site development plans proposes a mix of commercial uses including a LRF, smaller retail uses and some office. The subject site has been master-planned to provide a mix of uses that would serve the surrounding residential community. The proposal would result in economic development although the LRF would dominate. The proposed LRF is balanced with cultural (archaeological) goals through mitigation. Greater balance with environmental goals could be achieved by implementing strategies to reduce pervious surfaces and re-use water on site. The proposed outdoor spaces would provide some social areas. The proposal partially furthers the Economic Development Goal.

Policy II.D.6a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

New employment opportunities would be provided on the Westside, where more jobs are needed to balance the jobs to housing ratio. However, it is unlikely that the jobs generated would have a wide range of occupational skills and salary levels. The proposal partially furthers Policy II.D.6a- new employment opportunities.

B) WEST SIDE STRATEGIC PLAN (RANK II)

The West Side Strategic Plan (WSSP) was first adopted in 1997 and amended in 2002 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is located in the Taylor Ranch community (WSSP, p. 59-61), which consists of the area within the following boundaries: the Volcanic Escarpment on the west, Paseo del Norte on the north, the river on the east and the vicinity of Western Trail Road on the south. The rural area of Alban Hills is included.

The Community Center for Taylor Ranch, known as the Montañaño/Coors Community Center is located generally at the intersection of Coors Blvd. and Montañaño Rd. This Center “will contain a mix of retail service and higher-density housing. Because of its location, it will serve residents throughout the northwest area (WSSP, p. 103).

WSSP Policy 1.1: Thirteen distinct communities, as shown on the Community Plan Map and described individually in this Plan, shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers.

The proposal would result in non-residential development in the Taylor Ranch community, within a designated Community Center, the Montañaño/Coors Community Center. WSSP Policy 1.1 is generally furthered.

WSSP Centers Concept

The following policies were established to ensure that commercial developments are approved in accordance with the “centers” principles. The policies are similar to the Activity Center policies contained in the Comprehensive Plan.

WSSP Policy 1.2: A transit feasibility and access plan (also known as a TDM or Transportation Demand Management plan) shall be provided with each development plan located within the Regional Center, Employment Centers, Community Centers, and developments elsewhere adjacent to designated transit corridors...

The existing 2005 SPS includes a TDM on Sheet 3. This approved TDM contains some of the following strategies:

- *Businesses with more than 50 employees shall provide designated carpool parking spaces to encourage carpooling by employees.*
- *Businesses should work with employees to encourage carpooling, bus ridership, and alternative modes of transportation.*
- *Businesses should post the City trail map and bus route information in employee break rooms or other locations easily accessible to employees.*
- *Businesses shall provide conveniently located bicycle racks and facilities to encourage bicycle commuting.*

The applicant has indicated that they will honor the above TDM strategies. The request furthers WSSP Policy 1.2.

WSSP Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings.

Pedestrian/bicycle access would be provided to the site from the trail and bike lanes along all roads leading into the site. Connectivity to the open space trailhead is provided from Mirandela Road. The off-street parking does not interfere with connectivity to the trails and bikeways, however, parking between buildings interferes with pedestrian access between buildings. WSSP Policy 1.5 is partially furthered.

WSSP Policy 1.12: The ideal community activity center of 35 to 60 acres will have parcels and buildings in scale with pedestrians, small enough to encourage parking once and walking to more than one destination. Off-street parking should be shared; on-street parking will contribute to the intimate scale typical of well functioning pedestrian areas. Parking shall be located between and behind buildings to permit walking more safely and comfortably between uses that front on sidewalks rather than parking lots. Seating and shade will be provided along pedestrian routes to promote walking and informal gathering.

The commercial portion of the site plan for subdivision, Tracts 1-3, is approximately 24 acres and more than ¼ mile from north to south. Tract 2 would contain the free-standing LRF and associated surface parking. Other smaller buildings would line up along the main internal road and around the perimeter of the site. Pedestrian connections are provided between each of the buildings, however the LRF and its parking dominate the middle of the site which discourages walking from one end of the site to the other. A better approach would be to cluster the buildings on the site to create shorter walking distances.

At 98,901 sf, the single structure is not considered pedestrian-scale, though pedestrian amenities and building articulation will help. The proposal partially furthers WSSP Policy 1.12 regarding the ideal community activity center.

WSSP Policy 1.13: The Community Activity Center shall provide the primary focus for the entire community with a higher concentration and greater variety of commercial and entertainment uses in

conjunction with community-wide services, civic land uses, employment, and the most intense land uses within the community. Its service area may be approximately three miles (radius) and a population of up to 30,000.

The proposal would result in tracts for future development and development of a large retail facility (LRF) that could serve as a catalyst to attract additional commercial and related uses. Such uses, which are relatively intense compared to single-family development that is desired outside of activity centers, would then concentrate in the designated community activity center. The uses would be a primary focus for the Taylor Ranch community, though it is likely they would serve a larger area. WSSP Policy 1.13 is generally furthered.

WSSP Policy 1.14: The typical Community Center shall be accessible by a major street or parkway, provide a hub for transit service, and be accessible by pedestrians and bicyclists.

The subject site is accessible by automobile and located at the intersection of two arterial streets that are designated Enhanced Transit Corridors by the Comprehensive Plan. Coors Blvd. is served by a regular bus route and a rapid ride route and Montañó is served by a regular bus route. The development would provide opportunities for transit usage, though by its nature a LRF is a very auto-oriented use. Both Coors Blvd. and Montañó Rd. have bicycle lanes although biking along Coors is not a pleasant experience. The site is adjacent to the Pueblo Montañó trailhead facility which provides access to a community-wide trail network. The proposal furthers WSSP Policy 1.14.

WSSP Policy 1.18: Community Activity Centers shall contain mixed-use buildings and/or mixed-use developments that combine commercial, residential, and/or civic land uses in one accessible location. Clustered buildings and formation of meaningful plazas and sheltering forms to promote pedestrian-friendly environments are encouraged.

Overall, the site development plan for subdivision (SPS), from Learning Rd to Montano Rd, meets the intent of this policy, to provide a mix of land uses in one accessible location. The subdivision contains multi-family residential, office and commercial uses to serve up to a 3-mile radius. However, the SPS does not propose any clustering of buildings to promote a pedestrian-friendly environment nor does it provide common public plazas that would provide "meaning/identity" to the site. The proposal does not further WSSP Policy 1.18.

WSSP Policy 3.12 (Taylor Ranch): The Taylor Ranch Community is an appropriate location for continued growth due to its contiguous location to the rest of the City and efficient location for receiving City services.

The proposal would facilitate development in Taylor Ranch, a location contiguous to the City and efficient for receiving services. WSSP Policy 3.12 is furthered.

WSSP Policy 3.18 (Taylor Ranch): Protection and preservation of the Bosque is critical. Development east of Coors Boulevard shall be sensitive to this community asset.

The Coors Corridor Sector Development Plan (CCSDP) provides protection of the Bosque through its design standards, such as the required 100-foot buffer from the Bosque's edge. The subject site is buffered from the Bosque by land owned by Bosque School and the City of Albuquerque. To further protect this environmentally sensitive area, the applicant should implement permeable paving surfaces and water re-use strategies to limit runoff to the Bosque. The proposal is mostly consistent with WSSP Policy 3.18.

Commercial Development

WSSP Policy 4.6.g: "Create commercial developments that are or will be accessible by transit. Locate buildings adjacent to street frontages and place parking areas to the rear or sides of properties and/or on adjacent streets. Locate landscaping, walls, or fences so they do not create barriers for pedestrians. Parking shall not take precedence over pedestrian circulation."

The proposed building would not be readily accessible by transit nor would the building be located adjacent to street frontage. However, the site is approximately 15-17 feet lower than the grade of Coors Blvd., which may complicate pedestrian accessibility. Also, placing buildings adjacent to Coors Blvd. could potentially block easterly views and, given the grade differential, will likely result in only the tops of the buildings being visible from Coors Blvd. As a result, parking is located closer to Coors, in front of the building, though some parking could be located at the sides or rear. Due to site constraints and the View Regulations of the Coors Corridor Plan, the proposal partially furthers WSSP Policy 4.6g.

WSSP Policy 4.6.h: "Limit the maximum number of parking spaces for office and commercial uses to 10% above Zoning Code requirements. Each development shall have an approved pedestrian and bicycle circulation plan that provides safe, attractive, and efficient routes to neighboring properties, adjacent streets, and transit service. The site development plan shall show convenient access throughout the site. Regularly spaced pedestrian access through breaks in walls and continuous landscaping shall be provided..."

The total required parking pursuant to the Zoning Code is 385 spaces. The North Andalucia site development plan for subdivision allows 10% above the required amount, which is 424 spaces. The applicant is proposing 420 spaces, which is below the allowed amount. The proposed development provides access to neighboring properties and to adjacent streets would have access through the site, though the access isn't always convenient. Information regarding pedestrian and bicycle circulation has been provided, but it has not been incorporated into the site development plan. The request is consistent with WSSP Policy 4.6h.

C) COORS CORRIDOR SECTOR DEVELOPMENT PLAN (RANK III)

The subject site lies within the boundaries of the Coors Corridor Sector Development Plan (CCSDP), a Rank III plan first adopted in 1984 and amended in 1989, 1995 and 2003. The CCSDP provides policy and design standards for development within the Coors Corridor area, which extends northward from Central Avenue to NM 528 (Corrales Road).

The CCSDP divides the Coors Corridor into four segments; the subject site is located in Segment 3 South (Western Trail to approx. La Orilla Rd.) and lies within a view preservation area (see p. 106). The following CCSDP policies and design regulations apply to the proposal:

ISSUE 2-ENVIRONMENTAL CONCERNS & RELATED IMPROVEMENTS

Policy 6- Archaeological Sites (p. 56): Any person planning a development within an identified archaeological site shall obtain clearance and guidance from the State Historic Preservation Office, Santa Fe, New Mexico, before actual development begins.

Guidance from the State Historic Preservation Office (SHPO) has been obtained. A data recovery plan has been prepared. Compliance with the data recovery plan and final project sign-off is under the authority of SHPO, which has not yet given final approval. The proposal furthers CCSDP Policy 6.

ISSUE 3-LAND USE AND INTENSITY OF DEVELOPMENT

Policy 5- Development Intensity (p. 79): Intensity of development shall be compatible with the roadway function, existing zoning or recommended land use, environmental concerns, and design guidelines.

The request would result in a large, approximately 11.5 acre tract (Tract 2-A) located in the middle of the site, to accommodate a large retail facility (LRF). Tract 2-A would be disproportionately large relative to the other tracts, which would make it inconsistent with the existing design standards that are intended to create a small-scale, fine-grain, pedestrian-friendly development with village character. Proximity to open space and the Bosque could make a less intense use more appropriate for this setting.

Policy 7- Cluster Design (p. 80): Cluster design for development of residential, commercial, and industrial structures shall be encouraged.

The CCSDP envisions clustering of buildings as a site layout technique. Clustering of buildings preserves views, creates open spaces and allows pedestrian opportunities. The proposed LRF building would stand-alone. The way the future tracts are proposed would create several retail pads across the subject site, which would preclude development of clustered building forms. The proposal does not further CCSDP Policy 7.

ISSUE 4-VISUAL IMPRESSIONS AND URBAN DESIGN OVERLAY ZONE

a. General Policies

Policy 4.a.3- New development (p. 86): New development in the Coors Corridor should be designed to be compatible with the natural landscape and the built environment in accordance with the design regulations and guidelines.

The proposal generally furthers CCSDP Policy 4.a.3. The proposed building design incorporates a variety of materials and colors with low reflective values (LRVs) that would be generally compatible with the surrounding and it complies with most CCSDP design regulations.

Policy 4.b.3- Front landscaped street yard (p. 90): There should be a landscaped street yard along the entire frontage of properties adjacent to Coors Boulevard.

Design Regulation: Width and landscaping requirements (p. 91)

1. The front landscaped street yard shall be 15 feet wide in Segments 1 and 2, and 35 feet wide in Segments 3 and 4. **OK**
2. A minimum of 50% of this area shall be maintained with live landscaping material which will visually screen and buffer parking development behind the street yard. Buffering is the use of continuous landscaping (other than grass or gravel or flat terrain) along with berms, walls or decorative fences that at least partially and periodically obstruct the view from the street of vehicular use areas, parking lots and parked cars. **OK**

The proposal complies with CCSDP Policy 4.b.3 and design regulations 1 and 2 above. The 35 foot front landscape street yard would contain a variety of trees and shrubs and a pedestrian pathway.

Policy 4.b.4-Site Landscaping (p. 92): Landscape design and improvements should be complementary to the individual site and to the overall appearance of the corridor in accordance with the design regulations and guidelines. **OK**

A. Landscape Design- Design Regulations (p. 92): All site development plans shall be accompanied by landscape plans. These items should be integral elements of the landscape design. Individual landscaping efforts by owners of individual single-family or townhouse residences are exempt from these guidelines. **OK**

All landscape plans should include the following design considerations:

1. Appropriate irrigation is required for all landscaped areas. Generally an automatic underground system is encouraged. Irrigation systems should be designed to avoid overspraying walks, buildings, fences, etc. **OK**
2. All exterior trash and storage utility boxes, electric and gas meters, transformers, etc., shall be screened from view. The designer should coordinate the location of these elements with the appropriate utility company. **OK, also required by applicable design standards.**

Landscape plans shall incorporate elements such as outdoor lighting, signing, trash receptacles, fencing, etc., in addition to identifying landscape plant materials. **OK**

B. Landscape Materials- Design Regulations (p. 93): All landscape plant material shall be selected and planted in accordance with the following regulations:

1. Street trees shall be planted in accordance with existing regulations. **OK**
2. Live plant materials shall be used extensively in all landscaped areas. Gravel, colored rock, bark, and similar materials are generally not acceptable as groundcover. Bark should only be utilized as mulch, not as a permanent form of groundcover. In some cases, "hard" materials such as brick or cobblestone may be considered. **OK**

Policy 4.b.4 and the landscape design and landscape materials design standards are complied with. The proposed landscape plan discusses the irrigation system and incorporates elements such as outdoor lighting and identifies landscape materials. Street trees are proposed and live plant material is used in accordance with the Zoning Code requirement of at least 75% coverage with living, vegetative materials.

Policy 4.b.5- Off-Street Parking (p. 94): Generally, off-street parking facilities should be located to the rear of sites. Street frontages should be devoted to building architecture and landscaping. ***NOT OK- the majority of the proposed parking is between the building and the street frontage.***

A. Parking Improvements- Design Regulations (p. 94): Off-street parking areas shall include:

1. No parking area shall intrude upon the 15-foot wide front landscaped street yard in Segments 1 and 2, or the 35-foot wide landscaped setback in Segments 3 and 4. ***OK***
2. Paving to City or County standards. ***OK, will be ensured at the Development Review Board (DRB)***
3. Barriers around all landscaped areas in order to protect landscaping from vehicles. ***OK***
4. Striping and appropriate wheel stops, identification of all handicapped and compact vehicle spaces. ***OK***
5. Provision for bicycle parking as required by existing regulations. ***OK***

B. Landscaping- Design Regulations (p. 94): Off-street parking areas shall be designed and landscaped to minimize glare, reduce reflection and reduce the visual impact of large numbers of cars. Parking areas shall include the following landscaping elements:

1. Landscaping “in” and “around” the paved area. A minimum of 20% of the parking lot area shall be landscaped. The landscaping shall consist primarily of shade trees and shrubs and shall be distributed throughout the parking lot. Generally, peripheral landscaping should not be less than 5 ft. in width. ***OK***
2. One tree shall be planted per every ten parking spaces and shall be distributed such that at least one tree is planted per every 15 linear parking spaces. ***OK, the LRF Regulations require 1 tree for every 8 spaces.***
3. Interior landscaping in larger parking areas (2 or more access aisles, which will provide additional screening and break up the parking areas into smaller increments. ***OK***

The proposal complies with the design regulations regarding parking improvements and landscaping, though it does not further CCSDP Policy 4.b.5 above.

Policy 4.b.6-Commercial Sites: Commercial sites, such as shopping centers, should be designed so that a portion of the building or buildings is located near the street perimeter and relates to the streetscape area along Coors Boulevard. (p. 96)

The LRF building is proposed at the rear of the site and not near the street perimeter. The majority of parking is between Coors Blvd. and the building, so there is no relating to the streetscape area along Coors Blvd. However, as stated earlier, the site is at a lower grade than Coors so bringing the building closer to Coors would not necessarily create a relationship to the streetscape area and could block the mountain views. Other, future buildings would be adjacent to Mirandela Rd. The request partially furthers CCSDP Policy 4.b.6.

Policy 4.b.7-Access (p. 96): Separate pedestrian and vehicular access should be provided. Pedestrian access to structures shall not utilize driveways as walkways. Pedestrian connections between uses in commercial developments shall be emphasized.

Separate pedestrian and vehicular access to the site is proposed from the north side of the parking lot and from Mirandela Rd. Pedestrian connections to future commercial and/or office uses are provided. The proposal furthers CCSDP Policy 4.b.7.

Policy 4.b.9-Site Lighting: Site area lighting, including parking area lighting, should be carefully designed and located so as to minimize glare on any public right-of-way or any adjacent premises. (p. 98)

A. Exterior Lighting- Design Regulations (p. 98):

1. Site lighting shall not have a total off-site luminance greater than 1000 foot lamberts; however, it shall not have an off-site luminance greater than 200 foot lamberts measured from the property line of any private property in a residential zone. **OK- see note on Sheet C-13.**
2. The mounting height of luminaries in vehicular and/or storage areas shall be no higher than 20 feet. **OK- see note on Sheet C-16.**

The proposal complies with CCSDP Policy 4.b.9 and the exterior lighting design regulations.

Policy 4.b.10-Architectural Design (p. 100): Architectural design should contribute to the enhancement of the overall visual environment of the Coors Corridor.

B. Architectural Details, Design Regulations (p. 100):

1. Parapet walls shall be treated as an integral part of the building design. Such walls shall not appear as unrelated visual elements. **OK**
2. Mechanical equipment shall be screened from public view. The design of mechanical equipment screening shall be compatible with, and be an integral element of, the building structure. Location of such equipment within the building or at ground level is preferable to roof-mounting, unless such location would adversely affect the streetscape, pedestrian circulation, or open space. **OK**

The proposed parapet walls are integrated with design elements used throughout the building. Roof-top mechanical equipment would be screened, though it is unclear if/how ground equipment would be screened. The proposal generally furthers CCSDP Policy 4.b.10, complies with design regulation 1 and partially complies with design regulation 2.

d. Signage

Policy 1 (p. 112): Signs should complement the appearance and function of the roadway and the corridor while protecting the unique views beyond the corridor. **OK, the existing design standards also regulate signage appearance.**

Design Regulation (p. 112):

1. Zoning permits, seals of compliance. Same as regulated by Section 40.E [note: this is an outdated reference, should be to Zoning Code 14-16-3-5, General Sign Regulations]. **OK**
2. Regulations applicable to signs in all zones. **OK**
4. Regulations applicable to signs in nonresidential zones:
General Illumination: Same as regulated by Section 40.E. [note: this is an outdated reference, should be to Zoning Code 14-16-3-5, General Sign Regulations]. **OK**
Illuminated Sign or Element: No illuminated sign, or any illuminated element of any sign, may turn on or off, or change its brightness. **NOT OK. Signs that are internally illuminated shine light on plastic panels; a note is needed to indicate no turning on or off. Note: the design standards do not allow plastic panel signs.**

The proposal generally complies with Signage Policy 1 and the design regulations, although clarification is needed regarding the proposed signs' lighting.

C. VIEW PRESERVATION FOR CORRIDOR SEGMENTS 3 AND 4

⇒ Note: see Section III of this report for an analysis of the view plane regulations as applied to the current proposal.

Policy 1-View Preservation (p. 103): Unique views within and beyond the Coors Corridor area in Segments 3 and 4 east of Coors Boulevard should be protected and enhanced in accordance with additional design guidelines for this portion of the corridor.

The preservation of unique views is a critical component of the CCSDP. View Line B, which intersects the building at the main entry façade, now complies. The height of the building at the main entry façade needed to be reduced by 1.85 feet, from 33 feet to 31.15 feet. However, the grade was lowered by approx. 2 feet so compliance was achieved. View Line A demonstrated compliance. The proposal complies with the view preservation regulations and Policy 1 based on the information provided, but there is no View Line C to demonstrate if the tower element near the proposed building's NW corner complies or not.

V. SITE DEVELOPMENT PLAN FOR SUBDIVISION, DESIGN STANDARDS & VILLAGE CONCEPT

Design standards create an identity for a development by establishing a framework to guide review of development requests on a given site. Design standards typically address the following topics in addition to those mentioned in the definition of site development plan for subdivision: purpose/goal, parking, streets (sometimes included), pedestrians/bicycles and/or sidewalks/trails, landscaping, walls/screening,

architecture, lighting, signage, utilities, process and any other topic of particular relevance to the site (Note: topics may be in a different order).

Current Proposal

Existing design standards for Tracts 1 – 6 are found in the North Andalucia at La Luz Site development plan for Subdivision (SPS), Project #1003859, 04EPC-01845. The currently proposed site development plan for subdivision amendment for Tracts 1 – 3 (see Section VI of this report) does not affect the existing design standards.

The proposed site development plan for building permit (SPBP) for Tract 2-A must comply with these design standards (see Sheets C-2 and C-3). Here Staff summarizes the design standards and explains instances when the proposed site development plan for building permit does not comply.

Overall Design Theme & Land Use Concept

The primary goal is “to achieve a vibrant, mixed-use community that fosters pedestrian accessibility and maintains a village-type character.” The design standards are intended to be used to facilitate design of buildings that respect the natural conditions of the site, maintain and highlight spectacular views and to leave significant areas dedicated to open space. The design standards are also intended to be complementary to La Luz and the Bosque School. Site development plans for building permit shall be consistent with the design standards and be approved by the Environmental Planning Commission (EPC).

The site is zoned C-2 (Community Commercial) and is a designated Community Activity Center. As noted earlier in the policy analysis section of this report, a Community Activity Center should have parcels and buildings in scale with pedestrians, small enough to encourage parking once and walking to more than one destination. Parking should be located between and behind buildings to permit walking more safely and comfortably between uses rather than parking lots. Community Activity Centers should have clustered buildings and meaningful plazas and sheltering forms to promote pedestrian-friendly environments.

The goals for Community Activity Centers and Village-type Centers are similar and are intended to achieve the same result. In fact, the SPS Design Standards were derived from the Community Activity Centers policies in the WSSP.

Village-type development is typically characterized by a mix of smaller-scale, fine-grained commercial and office uses combined with housing variety and pedestrian scale and orientation of development. Village-type character can be created through site layout by, for example, relating the buildings to each other (instead of isolated pad sites) and clustering buildings to create a more pleasant walking environment and to provide useful plaza spaces where people can gather. Plazas (outdoor space areas) are an integral component of this type of development rather than an after thought.

In an overarching sense, the proposed site development plan does not fulfill the primary goal though it could generally help achieve a mixed-use community when combined with other, future uses for North Andalucia. It is possible to have a mixture of uses (commercial, office and housing) without creating village-type character, which would be the case with the current proposal. If the

proposed building was comprised of smaller components, and the other, future uses integrated with it, a village-character could be created on Tract 2-A that is consistent with the design standards' primary goal. (Note: The mixture of uses is approximately all commercial north of Mirandela Rd. and almost all housing south of Mirandela Rd. The office component is minimal. See Section III.A. of this report).

Though pedestrian accessibility would be provided, a village-type character would not be created or maintained for the reasons stated above. In addition, the scale of the proposed parking lot is not conducive to a village-type character. If parking areas are divided into smaller components and placed to the rear and sides of buildings, village-type character could start to emerge. Therefore, as proposed, the site development plan for building permit is inconsistent with the primary goal of the design standards.

Coors Corridor Plan- View and Height Restrictions

The design standards echo the view preservation regulations of the Coors Corridor Sector Development Plan (CCSDP).

Two view lines are shown in the view analysis (see Section III.D. of this report). View Line A intersects the proposed building where it's 28 feet high. View Line B, where the building is 33 feet high. The finished floor elevation has been lowered by two feet since the January site plan version; compliance has been created using View Lines A and B. However, the proposed tower near the building's NW corner also measures 33 feet high. A view line to intersect with the tower was not included (though requested since January), so compliance cannot be ensured at this time.

Pedestrian and Site Amenities

Creating a pedestrian-friendly environment is a primary design objective which will be achieved by maintaining a high-quality and consistent style for amenities and creating separate vehicular and pedestrian circulation systems to support the creation of a village-type character. Public art is encouraged.

The site layout results in vehicle and pedestrian circulation systems that are not separate and are characterized by conflict points, and do not contribute to pedestrian-friendliness or village character to the extent that they could. The proposed amenities, ex. benches and pedestrian-scale lighting, improve the site but appear to be inconsistent in style. More information is needed on the detail sheets.

Trails and Sidewalks

Public and private trails and sidewalk systems are a defining element.

Special paving materials (ex. textured, colored concrete) are used as required and they improve the request. However, the pathways should be raised where they cross-drive aisles to improve safety. A pathway should be added to connect to Coors Blvd. near the site's southern end, though it may have to meander due to the grade. All pathways must be shown as handicap accessible. All private paths and trails are required to be a minimum width of 6 feet and be a soft surface. The first part of this standard is met but the second is not.

Parking

The intention is to lessen the impact of parking on the land and to preserve views; careful attention should be paid to parking design. Parking facilities should be broken up into a series of smaller areas to lessen its impact.

Required parking pursuant to Zoning Code 14-16-3-1, Off-Street Parking Regulations, is 385 spaces. Required plus 10% (38.5, ≈39) is allowed. 385 + 39= 424, maximum parking allowed. The total parking provided is 420, so the request now complies with this standard. Parking is broken up into smaller “blocks”, but is not distributed sufficiently as to lessen its impact. Specifically, 44 of the 420 spaces, or 10%, are located at sides of the proposed building. The remaining 90% of spaces comprise the large “sea” of parking between the building and Coors Blvd.

Setbacks

Setbacks are required to create open space and streetscapes. Walkways and screening materials are required within setbacks. Parking is discouraged adjacent to roadways.

The majority of parking for the LRF is proposed adjacent to Coors Blvd., which is discouraged, though the grade difference from the roadway to the site may help create a natural barrier. Walkways and landscaping are proposed in the 35-foot buffer along Coors Blvd.

Landscape

Landscape is to be complementary to the Bosque and responsive to environmental conditions and local building policies.

The landscape areas for the trees near the main entrance are the minimum 36 square feet. Staff suggests that the small concrete patch separating the two landscape beds be removed to enlarge the area slightly, which would benefit tree health on this hot, western side of the building and allow more water to infiltrate the ground. The use of pervious paving around tree wells would be responsive to environmental conditions and help with storm water re-use (see Section III.C. of this report).

Screening/Walls and Fences

Screening is essential to limit the adverse visual impact of parking lots, loading areas and refuse areas.

The proposed 12 ft. high dumpster enclosures would be of a material and colors compatible with the proposed building. However, neither the trash compactor area nor the dumpster enclosures are screened with plant materials as required. All mechanical equipment is required to be screened; it appears that mechanical equipment would be visible from the East elevation. The grade difference from Coors Blvd. to the site would provide screening of the adjacent parking.

Architecture

Architecture should demonstrate a high-quality aesthetic character that responds to climate, views, solar access and aesthetic considerations. Commercial building style will be a hybrid of New Mexico architectural styles. Materials will be natural and colors warm. Roof-mounted and ground-mounted equipment is required to be screened by building elements or landscaping. All building sides will be architecturally articulated.

The request does not respond to climate in the following instance: at least 25% of required seating must be shaded because the main elevation faces west [refs: 14-16-3-18(C)(3), see bullet 1]. The benches are not underneath the trellises.

The proposed commercial building would be a hybrid of New Mexico architectural styles combined with corporate brand style. All building sides would be articulated and colors warm, with low reflective values (LRVs). Roof-mounted mechanical equipment will need to be screened by parapets. Ground-mounted equipment needs to be shown on the site plan since it is required to be screened by building elements or landscaping.

Lighting

The objective is to maximize public safety while not affecting adjacent properties, buildings or roadways with unnecessary glare.

The finish of the two proposed light pole types needs to be specified, since lighting must blend with the character of the building and other on-site fixtures. A note is needed on the lighting detail to state that cobra and high-pressure sodium lighting are prohibited. Notes regarding lighting should be moved from Sheet C-4 to Sheet C-13, and a detail of wall-mounted lighting provided.

Bollard lighting would be a beneficial addition to outdoor areas to provide light for safety reasons and enhance aesthetic character. The pedestrian light pole fixtures, which previously were double-fixture and matched the example in the design standards, have been changed to a single-fixture pole.

Signage

The goal is to provide a high-quality signage program that maintains a consistent style, complements visual character and creates a sense of arrival.

Three project monument signs are allowed at the entries along Coors Blvd. Two are proposed, near the northern and southern ends of the subject site. The third project monument sign may be located at the Coors Blvd./Montaño Rd. intersection or the Coors and Learning intersection in the future. If future signs are desired in both locations, one of the currently proposed project monument signs would need to be removed to comply with the signage standards. The monument sign details in the design standards show multi-tenant signage; the request does not specify if the proposed user would use all the space or leave some for future tenants.

One minor monument sign is allowed on Montaño Rd. However, the proposal shows a minor monument sign along Mirandela St., near the subject site's NE corner, which is not allowed. Because the design standards specify the total number of monument signs allowed, and their location and size, additional monument signs are prohibited. By allowing the three project monument signs along Coors Blvd., within the Established Urban Area, the design standards as such are consistent with the Comprehensive Plan.

However, allowing the one minor monument sign on Montañó Rd., in the Developing Urban Area, conflicts with the Zoning Code 14-16-3-5, General Sign Regulations. Allowing an additional, unspecified number of monument signs in the Developing Urban Area would create further conflict with the Zoning Code and is not recommended.

Five building-mounted signs are proposed. Four of them do not comply because they exceed 6% of the façade area to which they are applied: the "Pharmacy Drive-Thru" sign on the western elevation (10%); the "Outdoor Living" sign (14.3%), the "Market & Pharmacy" sign (11.8%), the "Walmart" sign and the circular logo (7.7%).

The "Pharmacy Drive-Thru" sign on the north elevation is 3% of façade area and complies with the design standards.. A note needs to be added to ensure that the signs will not use illuminated plastic panels and/or illuminated plastic letters.

Utilities

The visual impact of equipment and utilities should be minimized to ensure aesthetic quality.

It is unclear if transformers, utility pads and telephone boxes would be screened with walls or vegetation as required. The above-ground back-flow prevention device (see Sheet C-9) is required to be enclosed with materials compatible with building architecture. Notes are needed to address both.

Unique Street and Traffic Calming Standards

These standards are critical to creating an active, pedestrian-oriented urban community. The intent is to provide short street blocks with a smaller number of lots.

All street types shall include a 5-6 foot landscaped parkway. The proposed drive-aisles in the parking lot would have trees on both sides. However, trees would only be along the western (parking lot) side of the main north-south internal street. Handicap ramps shall be provided at each intersection. Handicap ramps may need to be added to the pathways leading to the building entrances and to the pathways near the HC parking spaces.

The standards state that "roundabouts will be used as a traffic calming device at major public and private vehicular intersections." A roundabout was proposed on the site's northern side, but has been removed. It should be re-instated to keep with the intent of the street and traffic calming standards.

Transportation Demand Management (TDM)

TDM is recommended in the Comprehensive Plan as a strategy to mitigate traffic impacts of a development.

Designated carpool spaces are provided on the north side of the proposed building, but they are parallel parking and are not conveniently located for employee use. Bicycle parking is provided, but it needs to be shown on the enlarged detail on Sheet C-4.

The existing 2005 SPS includes a TDM on Sheet 3. This approved TDM contains some of the following strategies:

- *Businesses with more than 50 employees shall provide designated carpool parking spaces to encourage carpooling by employees.*
- *Businesses should work with employees to encourage carpooling, bus ridership, and alternative modes of transportation.*
- *Businesses should post the City trail map and bus route information in employee break rooms or other locations easily accessible to employees.*
- *Businesses shall provide conveniently located bicycle racks and facilities to encourage bicycle commuting.*

The applicant has indicated that they will honor the above TDM strategies.

Conclusion of Analysis: Overall, the proposal demonstrates partial compliance with the design standards for North Andalucia at La Luz but is inconsistent with the primary goal of achieving a village-type character. Specific instances of non-compliance, as noted above, can be remedied through the application of conditions of approval. Consistency with the primary goal can be achieved through implementing a variety of site layout techniques.

V. LARGE RETAIL FACILITIES (LRF) REGULATIONS

The following evaluates the request's compliance with the Large Retail Facility (LRF) Regulations [Zoning Code §14-16-3-2(D)], which manage the location and design of LRFs. Some instances of satisfactory compliance are mentioned as Staff considers relevant; other instances of compliance are not discussed for the sake of brevity. Emphasis is placed on instances of non-compliance since these items are the ones that will need modification.

SUBSECTION (D)(1)- APPLICABILITY.

(a)(1) Provisions shall apply to the following: new construction of a LRF.

These regulations apply because the applicant is proposing to construct "a single tenant structure with at least 75,000 sf of net leasable area for the purpose of retailing" (definition of a LRF, Zoning Code §14-16-1-5)

SUBSECTION (D)(2)- LOCATION AND ACCESS OF LARGE RETAIL FACILITY.

Note: The September 5, 2012 instruction from City Council states that "The EPC is charged with interpreting the Zoning Code in reaching its decision [regarding access]." (Ref: AC-12-10, appeal of declaratory ruling regarding access.)

This Subsection establishes three levels of Large Retail Facilities (LRFs), based on square footage.

(b) LRFs containing 90,001 to 124,999 sf of net leasable area are:

1. Permitted in C-2, C-3, M-1, M-2 and IP zones and SU-1 and SU-2 zones for uses consistent with C-2, C-3, M-1, M-2 and IP zones; and
2. Required to be located *adjacent to* and have *primary and full access* to a street designated as at least a collector in the Mid-Region Council of Governments' Metropolitan Transportation Plan and having at least four through traffic lanes. [emphasis added]

The proposed building, a single-tenant structure of 98,901 sf of net leasable area for the purpose of retailing, is a LRF by definition. (b) above applies because the proposed building would be 98,901 sf in size.

Regarding (b)(1):

The subject site is zoned "SU-1 for C-2, O-1 Uses and PRD (20 dwelling units/acre)". The proposed LRF is a permissive C-2 use. Because the site's SU-1 zoning references the C-2 zone, the proposed LRF would be allowed.

Regarding (b)(2):

A Large Retail Facility (LRF) is required to be located adjacent to and have primary and full access to a street designated as at least a collector in the Mid-Region Council of Governments' Metropolitan Transportation Plan and having at least four through traffic lanes.

WHAT IS A LRF? The Zoning Code defines an LRF as:

"a single tenant structure with at least 75,000 square feet of net leasable area for the purpose of retailing. A shopping center site with a main structure of 75,000 square feet or more is a LARGE RETAIL FACILITY. Refer to §14-16-3-2 for Large Retail Facility Regulations."

WHAT IS A MAIN STRUCTURE? The Zoning Code defines a Main Structure as:

"a building used for the purpose of retailing that is at least 75,000 square feet in size and dedicated to a single tenant, or a building that has one or more tenants with at least one tenant occupying at least 75,000 square feet for retail uses. A collection of smaller buildings, each less than 75,000 square feet and linked by common walls is not considered a MAIN STRUCTURE. Refer to §14-16-3-2 for Main Structure Regulations."

WHAT IS THE DIFFERENCE BETWEEN A LRF AND A MAIN STRUCTURE?

Although the definitions are similar, a Main Structure is the actual building itself, within the LRF. The LRF Regulations, §14-16-3-2(D)(6), contain specific regulations for the Main Structure.

LRF refers to the site, or tract of land, that contains the Main Structure. The LRF Regulations deal with design of the site, or tract of land, that contains the Main Structure. Sections (D) 3, 4, 5 & 8 of the LRF Regulations deal with **site** division, **site** phasing, **site** design & the maintenance agreement for vacant or abandoned **site**. The term site, in the LRF Regulations, is not intended to mean the same thing as "site"

as defined in the Zoning Code. It is intended to imply the tract of land that contains the Main Structure and the required improvements such as off-street parking, drive aisles, landscaping, etc.

Precedence also dictates what the definition of LRF means. The EPC previously reviewed and approved two LRFs – one at the southeast corner of Central & Unser SW and one at Hotel Circle NE. In both cases, the LRF Regulations were applied to the individual tracts of land that contained the Main Structure.

Based on the above reasoning, the LRF is Tract 2A, the tract that contains the proposed 98,901 sf Main Structure.

DOES TRACT 2A MEET THE ACCESS REQUIREMENTS OF §14-16-3-2(D)(2)(b)2?

Tract 2A is adjacent to a Limited Access Arterial Street with at least four through traffic lanes (Coors Blvd.). The site plan for building permit meets 3 of the 4 tests.

DOES TRACT 2A HAVE PRIMARY AND FULL ACCESS TO COORS BLVD.?

This question requires a definition of “primary” and “full”. Primary is defined as: main; or immediate; or direct (a primary or direct effect), (Webster’s Dictionary). “Full Access” refers to an intersection that contains four turning movements: right-in, right-out, left-in, and left-out.

The intersection of Learning Road and Coors is a signalized intersection with full access. The 2005 Site Development Plan for Subdivision (SPS) recognizes that Learning Road “provides the major signalized access into Andalucia at La Luz.” The SPS goes on to state, “Interior roads are proposed to serve the project and provide vehicular ingress and egress to these parcels, to increase safety to existing development, and to be consistent with City policies contained in the Coors Corridor Plan. Two right-in/right-out access points onto Coors Boulevard are between Learning Road and Montano Road.” Mirandela, Antequera and Learning Roads are designated Local Roads.

Tract 2-A can be accessed from various points along Coors and along Montano, however, the intersection of Learning and Coors is the only “full access” point. So the question is: does Tract 2A have primary access to Learning and Coors? The answer is NO for the following reason:

Tract 2-A does not have direct access to Learning and Coors; it has indirect access. In order for traffic to get to the LRF site (Tract 2-A), traffic must take two local roads, Learning Road and Antequera Road, before getting to the site. This does not meet the requirement of “primary/direct and full access to Coors.”

The purpose of the LRF Access Regulations is to protect the quality of life within the surrounding area of the LRF and to secure adequate street capacity to transport pedestrians and vehicles to and from large retail facilities. LRF traffic should not use local roads to access the LRF site, as is the case. Putting traffic on Learning and Antequera Road will have impacts for the residents, students and smaller businesses that use these roads on a daily basis.

The site plan for building permit does not comply with §14-16-3-2(D)(2)(b)2.

Another way to determine the area of the LRF is through the definition of SHOPPING CENTER SITE.

SHOPPING CENTER SITE: A premises containing five or more acres; zoned P, C-1, C-2, C-3, M-1, M-2, or a combination thereof; or a Large Retail Facility; but excluding premises used and proposed to be used only for manufacturing, assembling, treating, repairing, rebuilding, wholesaling, and warehousing. Shopping Center Sites are subject to the Shopping Center Regulations of the Zoning Code, 14-16-3-2.

LARGE RETAIL FACILITY: A single tenant structure with at least 75,000 square feet of net leasable area for the purpose of retailing. A shopping center site with a main structure of 75,000 square feet or more is a LARGE RETAIL FACILITY. Refer to §14-16-3-2 for Large Retail Facility Regulations.

Table- Application of LRF Regulations, §14-16-3-2-(D)(2)(b)(1) & (b)(2)

	Shopping Center Definition Met?	Does site have proper zoning for an LRF? §14-16-3-2-(D)(2)(b)(1)	Does site have proper access per the LRF regulations? §14-16-3-2-(D)(2)(b)(2)
North Andalusia at La Luz Subdivision (≈60 ac)	No, SU-1 is not a listed zone category	Yes, site is zoned SU-1 for C-2, O-1 and PRD,	Not applicable to the subdivision. Specific development is not approved through the site plan for subdivision
Tract 2-A (≈11.5 ac)	Yes, site is a large retail facility	Yes, site is zoned SU-1 for C-2, O-1 and PRD and is designated for C-2 uses	No, full access is at Coors & Learning Road. Access to this intersection occurs indirectly from the LRF site and requires driving on two local roads before reaching the full access point.

The larger site is zoned “SU-1 for C-2 uses, O-1 uses and PRD (20 DU/ac)”. SU-1 zoned sites are governed by a site development plan [ref: §14-16-2-22(A)(1)] and not by the SC regulations. The SU-1 zone does not require compliance with the SC regulations. It does, however, require compliance with the LRF Regulations pursuant to §14-16-2-22(H).

If it is determined that the larger, approx. 60 acre site is a shopping center (SC) and is therefore a LRF (see definition of LRF above), then it follows that the LRF regulations must apply to the entire SC. This would not be a reasonable application of the LRF regulations, especially since the intent of the LRF regulations is to “manage the location and design of LRFs.”

APPLICANT’S ARGUMENT:

The applicant claims the LRF meets the access requirements of §14-16-3-2(D)(2)(b)2 for historical reasons. The applicant cites the 2005 SPS that designates the intersection of Coors & Learning Road as

the major signalized access into the 60-acre subdivision. Staff does not dispute this, however, the 2005 SPS also includes design regulations that are intended to “foster pedestrian accessibility and maintain a village-type character.” The access points that were established in the 2005 SPS were intended to serve a village-type character. A LRF was not envisioned on the site, but the SPS does not prohibit one either.

In 2007, the City adopted the LRF Regulations to govern location and design of all future LRFs. LRFs are permitted on sites zoned SU-1, such as the subject site, and are subject to the LRF regulations [see §14-16-2-22(H)]. The applicant proposed the LRF on the subject site in the Fall of 2011, after the LRF Regulations had become effective. The request does not change the SPS access points, but they have to be looked at in compliance with the LRF Regulations. One cannot disregard the LRF access regulations and only rely on the previously approved SPS. The LRF Regulations must and do apply to Tract 2-A.

SUBSECTION (D)(3)- SITE DIVISION.

- (a) The entire site shall be planned or platted into maximum 360' x 360' blocks except as provided in Items (c) and (d) of this subsection.

Note: measurements are taken, using the criteria in (b) below, which means 14 feet from the back of curb. An 8-foot sidewalk and 6-foot landscaped area are to be located within these 14 feet and are considered part of the driveway.

The subject site would be divided into four blocks. The largest, where the building is proposed, measures approx. 350 ft. by 470 ft. Item (c) states that one block can be expanded to approx. 790 ft. by 360 ft. if the main structure covers more than 80% of the block. For the proposed 98,901 sf building to cover 80% of the block, the building would have to be 126,800 sf.

The proposed building, however, covers approx. 62% of the block. $350 \times 470 = 164,500$ (less $\approx 6,000$ sf for the curved in area at the building's SE corner) = 158,500, and 98,901 sf is approx. 62% of 158,500. Therefore, block expansion is not allowed under Item (c).

The two blocks comprising the southern part of the parking lot comply (approx. 190' x 260' and 190' x 225'), as does the northern block which measures approx. 320' x 340'.

Item (d) states that blocks of different dimensions are allowed provided: 1) the block sizes achieve the intent of this section, 2) approval is granted by the EPC, 3) the narrow side of the block abuts the adjacent street that provides the primary access, and 4) the center of the long side has a major entrance including a forecourt.

The proposed blocks do not meet Item (d) because 3) and 4) are not met. The narrow side of the block does not abut the adjacent street and, though the center of the long side has a major entrance, it does not include a forecourt.

- (b) Primary and secondary driveways (or platted roadways) that separate the blocks shall be between 60 feet and 85 feet wide and shall include the following:
1. Two ten-foot travel lanes;

2. Two parallel or angle parking rows or a combination of such on both sides of the driveway rights of way are permitted but not required;
3. Two six-foot landscaped buffers with shade trees spaced approximately 30 feet on center;
4. Two eight-foot pedestrian walkways constructed of material other than asphalt;
5. Pedestrian scale lighting that provides at least an illumination of 1.2 to 2.5 foot candles or the equivalent foot lamberts; and
6. Standup curb.

The western, north-south drive aisle measures 25 and 26 feet. The main drive aisle, north-south in front of the proposed building, measures 30 feet. The east-west drive aisle measures 22 feet between the double path near the site's middle, and most of the parking lot drive aisles measure 24 feet.

The driveways that separate the blocks are not between 60 feet and 85 feet wide and do not comply with (b). For instance, the drive aisle, sidewalks and landscaping (on both sides) near the site's middle measure 50 feet total. Also, in front of the main entrance, the drive aisle (30 feet), landscape island and pathway in it measure approx. 57 feet.

The request complies with 1, 2, 4 and 6 and partially complies with 3 and 5. Of the three internal roadways, only the east-west one has the 6' landscape buffer and trees on both sides. Pedestrian-scale lighting needs to be more integrated with the site and placed in more locations. Bollard lighting, for example, could be easily provided near the entrance to improve safety and aesthetics.

SUBSECTION (D)(4)- DEVELOPMENT PHASING AND MIXED-USE COMPONENT.

The LRF regulations address the build-out of a large site over time in order to guide the transition from more vehicle-oriented "big box" type retail development with large surface parking fields to finer-scaled, pedestrian oriented, mixed-use development, replacing surface parking with some parking structures, producing a village center that is integrated into the surrounding neighborhoods. This transition reflects actual trends in development and creates a better, more marketable, and higher use development.

(a) The site development plan for building permit, considered Phase I, is the request being considered by the EPC now. Site developments plans for development in Phase II, everything except the proposed LRF, shall return to the EPC.

(b) Mixed-use development is strongly encouraged in both Phase I and the Final Phase of the site plans for all LRFs. The proposed site development plan for the LRF on Tract 2-A does not have a mixed-use component.

SUBSECTION (D)(5)- SITE DESIGN.

These regulations are intended to create pedestrian connections throughout the site by linking structures. The intent is to create an active pedestrian street life and replace large off-street parking fields, conserve energy and water and meet the intent of the Comprehensive Plan and the Planned Growth Strategy (PGS).

(a) Context: The design of structures shall be sensitive to and complement the aesthetically desirable context of the built environment, e.g., massing, height, materials, articulation, colors, and proportional relationships.

This language is a precursor to the site design section. The intent is that LRF structures be designed so that the various elements, massing, height, materials, articulation, colors, and proportional relationships, come together in a way that takes into account the LRF's context.

(b) Off-Street Parking Standards.

(b)(2): Parking shall be distributed on the site to minimize visual impact from the adjoining street. Parking shall be placed on at least two sides of a building and shall not dominate the building or street frontage. Parking areas may front onto roadways identified as limited access in the Mid-Region Council of Governments' Metropolitan Transportation Plan, provided that they are adequately screened with landscape walls and plantings.

The majority of parking is proposed between the building and Coors Blvd. and is not distributed in a way that minimizes visual impact. Rather, the large "sea of parking" creates visual impact and dominates the building, contrary to the regulation's intent. The request does not comply with (b)(2).

(b)(4): Every third double row of parking shall have a minimum 10' wide continuous walkway dividing that row. The walkway shall be either patterned or color material other than asphalt and may be at-grade. The walkway shall be shaded by means of trees, a trellis or similar structure, or a combination thereof. Tree wells, planters or supports for shading devices may encroach on the walkway up to three feet. In no case shall the walkway be diminished to less than five feet width at any point.

Eight double-rows of parking are proposed, so two 10 foot walkways are required. From the site's southern end, there are three double-rows of parking and then a shaded, 8' walkway. North of the double walkway, there are three double-rows of parking and a partially-shaded, 10' walkway. Part of the requirement is met because the walkways are spaced as required. However, the 8' walkway is required to be 10' and more shading is needed along the 10' walkway

(c) On-Street Parking Standards

No on-street parking is proposed.

(d) Signage.

1. Signage shall comply with the Shopping Center Regulations for signage, §14-16-3-2(B).

One monument sign is allowed for every 300 feet of street frontage, so two signs are allowed for the approx. 635 foot long subject site. Two monument signs are proposed. The request complies.

2. All signage shall be designed to be consistent with and complement the materials, color and architectural style of the building(s).

The proposed monument signs' materials and colors, stacked stone with tan and terra cotta and dark brown accents, would be consistent with the proposed buildings' materials, color and style (Sheet C-12). The proposed building-mounted signage is white, franchise design. It would somewhat complement the materials and tan, gold and brown colors (Sheet C-17), though its size does not complement the architectural style. The request partially complies.

3. All free-standing signs shall be monument style. *Complies.*
4. The maximum height of any monument sign shall be 15 feet. *Complies.*
5. Building-mounted signage that faces residential zoning shall not be illuminated. *Does not apply.*
6. Building-mounted signs shall consist of individual channel letters. Illuminated plastic panel signs are prohibited.

The monument signs are proposed to be externally lit, though it's still unclear whether or not the sign fact itself would be a plastic panel or channel letters. More information and a note are needed. The request partially complies.

- (e) Drive-up windows must be located on or adjacent to the side or rear walls of service or retail structures and the window shall not face a public right of way.

The proposed drive-up service window, on the building's northern side, faces the internal street to the north. This street is not a public street (not owned or maintained by the City), therefore the request complies.

(g) Truck Bays.

2. Truck bays not adjacent to residential lots must be screened with a masonry wall extending vertically eight feet above the finish floor level *and horizontally 100 feet from the face of the dock* to screen the truck. Screen walls shall be designed to blend with the architecture of the building.

The wall detail indicates "8' maximum", instead of 8' period for the wall along Mirandela St. that screens the loading area. This is because the same wall detail is being used for the wall near the site's NW corner. Two wall details are needed. Both walls' colors and materials would blend with the proposed building, though the walls still need to comply with Zoning Code 14-16-3-19, Height & Design Regulations for Walls, Fences & Retaining Walls.

The wall along Mirandela St. is approx. 57 feet from the edge of the loading dock (keyed note 18, also indicated by the heavy duty asphalt on the legend). At its most, the wall reaches 85 feet horizontally. Because the proposed wall could be less than 8 feet (see above) and does not extend 100 feet from the face of the loading dock, the request does not comply.

(h) Landscaping.

1. Landscaped traffic circles are encouraged at the intersection of interior driveways or platted streets.

Informational: A landscape traffic circle was proposed near the northern middle of the site in the January site plan set, but it was removed.

2. One shade tree is required per eight parking spaces. Shade trees may be located at the center of a group of four to eight parking spaces, clustered in parking row end caps, or located along internal pedestrian ways. Shade trees lining a pedestrian way internal to a parking area may count as a canopy tree of a parking space. Trees in landscape buffer areas shall not count as parking space trees.

423 parking spaces are proposed. At the rate of 1 tree/8 spaces, 53 trees are required. 105 are provided (Staff counts 93). Either way, the request complies.

3. Shade trees along Pedestrian Walkways shall be spaced approximately 25 feet on center.

The proposed shade trees along the west-east, internal road on the site's northern side are spaced approx. 50 feet on center. Along the site's southern border, trees are spaced at 40 feet on center. Along the southern side (Mirandela St.) most trees are spaced 30 to 40 feet on center, except for the small ornamental trees (ex. Austrian Pine) that are spaced approx. 25 feet on center as required. The double-row of Bradford Pear is spaced at 25 feet on center. The request does not comply because the trees on the north side and south side of the site do not meet the spacing requirement. More trees needed to be added to create the required spacing.

4. Water conservation techniques shall be utilized where possible and as approved by the City Hydrologist or City Engineer. Such techniques may include water harvesting and permeable paving. Water from roof runoff should be directed or stored and used to assist all trees and landscaping. Parking spaces that meet infiltration basins or vegetated storm water controls should be bordered by permeable paving. Grasses and other ground vegetation should be near edges to help filter and slow runoff as it enters the site.

Opportunities for water re-use/water harvesting on this site are numerous. Some curb cuts are proposed in landscape islands, but there are not enough and not all are located where water would flow into them. Relocation of the curb cuts, combined with landscape islands below grade, is needed to make them functional.

Pervious paving around tree wells, and/or combining tree wells into one continuous planting bed, are simple solutions that would help re-use water and clean it on site. Another idea is to create a linear water quality feature transverse to the parking lot grade, running south-north at the eastern edge of the parking lot (see also comments from Hydrology). Water from the parking lot would be retained as it runs off the parking lot, west-east from Coors Blvd. The water would infiltrate and be cleaned before it reaches the underground water that goes to the Bosque and river.

There is an opportunity to direct run-off water, as it collects on the roof, from the back of the building into the proposed landscape buffer along Mirandela St. This area could be made into a bioswale, with landscaping below grade. Run-off water from the roof would infiltrate naturally and not be tied to the storm drain system, and supplemental (not primary) irrigation would be provided.

(i) Pedestrian Walkways.

Internal pedestrian walkways shall be planned and organized to accommodate the inter-related movement of vehicles, bicycles, and pedestrians safely and conveniently, both within the proposed development and to and from the street, transit stops, and the surrounding areas. Pedestrian walkways shall contribute to the attractiveness of the development and shall be a minimum of eight feet in width and constructed of materials other than asphalt. Pedestrian walkways along internal driveways or streets internal to the site shall also be lined with shade trees and pedestrian scale lighting. Pedestrian crosswalks shall be constructed of patterned concrete or a material other than asphalt and may be at grade.

Pathways internal to the site would function better if they are connected in a more meaningful way. For instance, the western side north-south path serves to edge the roadway more than to usefully serve non-vehicular traffic. Adding another west-east pathway would be beneficial, would serve more pedestrians as well as break up the site more. A pedestrian access from Coors Blvd. is needed; this walkway shall be organized to accommodate safe and convenient movement and link to the transit stop.

The drive-aisle crossing at the building's SW corner measures 6 ft. and is required to be at least 8 ft. wide. Pedestrian crosswalks are now proposed to be constructed of textured, colored concrete (as opposed to asphalt) as required. The crosswalks leading from the parking lot to the building entrances, which were striped asphalt, are now at-grade, patterned concrete. Staff suggests that these crossings be colored as well, to be an extension of the sidewalk, and that they be raised to promote pedestrian safety and slow vehicles down in this busy area. Most of the walkways have trees spaced at intervals, but are not "lined with shade trees". The pathway along the main entrance has even fewer trees. The request partially complies.

(j) A Pedestrian Plaza(s).

1. Large retail facility sites that include a main structure less than 125,000 square feet in size shall provide public space pursuant to § 14-16-3-18(C)(4) of the Zoning Code.

Subsection (C)(4), Public Space, requires 400 sf of public space for every 30,000 sf of building square footage. For the proposed 98,901 sf building, 1200 sf of public space is required. $(98,901/30,000) = 3, 3 \times 400 = 1200$. A minimum of 25% of the public space area is required to be covered with seating and shade. The request complies with the amount of space required, but it does not meet the 25% requirement. For example, though the two deeper trellises near the entrance would provide shade, the two more shallow, decorative trellises would not. Most of the benches are not placed under the shading. The proposed trees are small varieties rather than large shade trees. Additional shading is needed. The request partially complies.

(k) Lighting.

1. Ornamental poles and luminaries, a maximum of 16' in height, shall be used as Pedestrian Scale Lighting.
2. The maximum height of a light pole, other than those along pedestrian walkways, shall be 20 feet, measured from the finished grade to the top of the pole.

3. All on-site lighting fixtures shall be fully shielded to prevent fugitive light from encroaching into adjacent properties and/or right-of-way.

Ornamental poles, 16 feet high, are proposed. The design differs from the double-fixture design formerly proposed. Additional pedestrian light poles are needed in places.

The proposed parking lot light pole design has also changed; it used to be a full cut-off shoe box. Staff recommends that the shoe-box design be used to minimize fugitive light. Parking lot light poles are also 16 feet tall. A detail for the wall pack luminaries, which must also be fully shielded, is needed. The request mostly complies.

(l) Outdoor Storage.

Outdoor storage as part of a mixed use development or within a C-1 or C-2 zoned site is not allowed. Outdoor uses such as retail display shall not interfere with pedestrian movement. Where the zoning permits and where outdoor storage is proposed, it shall be screened with the same materials as the building.

The subject site is zoned "SU-1 for C-2 uses, O-1 uses and PRD (20DU/ac)". The C-2 zone is referenced; however, the LRF regulations do not allow outdoor storage in a C-1 or C-2 zone. A note needs to be added to Sheet C-4 to indicate that outdoor storage is prohibited, and that retail display will not interfere with pedestrian movement. It's unknown if the request complies; notes are needed to ensure that it would.

(m) Transit Stops.

If transit stops exist or are planned adjacent to a large retail facility, they shall include a covered shelter with seating provided at the developer's expense. Either the interior of the structures shall be lighted or the area surrounding the structures shall be lighted to the same standards as pedestrian walkways. If the transit stop is within the public right-of-way, the city shall assume ownership of the shelter and responsibility for maintenance.

A "new bus stop with shelter" is proposed near the site's SW corner. For clarification, a note should be added to indicate that the transit stop will have the required seating and lighting. It's unknown if the request complies; the note is needed.

(n) Storm Water Facilities and Structures.

1. Impervious surfaces shall be limited by installing permeable paving surfaces, such as bricks and concrete lattice or such devices that are approved by the City Hydrologist, where possible.
2. Where possible, transport runoff to basins by using channels with landscaped pervious surfaces. Landscaped strips may be converted into vegetative storm-water canals but must be shallow to avoid defensive fencing.
3. Ponds, retention and detention areas shall be shallow to prevent the need for defensive/security fencing yet had the capacity to manage storm waters in a 100 year event.
4. Trees, shrubs, and groundcover shall be included in storm water basins.

5. Bare patches shall be re-vegetated as soon as possible to avoid erosion, according to a landscaping and maintenance plan.

The intent of the regulation is to limit the amount of impervious surfaces that typically would be used, thereby allowing a greater amount of run-off water to be naturally filtered on-site before it returns to the ground and, in this case, the river. This is especially important in environmentally sensitive areas.

Many options are available to increase the amount of pervious surfaces and retain water on-site. A pervious material could readily be used to enlarge the areas from which trees would gather water. Tree wells could be ran together without adversely affecting sidewalk in the outdoor areas. Ensuring that landscaping is below grade would help retain water on-site. A note is needed to ensure that bare patches are re-vegetated to avoid erosion.

Landscape buffer areas could be made into bioswales, which would function as a storm water catchment basin and retain run-off water. Roof run-off would collect in the eastern (Mirandela Rd.) landscape buffer, infiltrate the ground, be cleaned and provide supplemental irrigation. A similar idea is to create a linear water quality feature transverse to the parking lot grade, running south-north at the eastern edge of the parking lot to collect parking lot run-off water (see also comments from Hydrology). The request does not include options to limit impervious surfaces, so it does not comply.

- (o) Energy efficient techniques shall be utilized to reduce energy and water consumption where possible and as approved by the City Hydrologist or City Engineer.

A variety of energy efficient techniques can be utilized. Some, dealing with water re-use and landscaping, are discussed. Energy consumption could be reduced through the use of energy efficient lighting fixtures, interior and exterior.

SUBSECTION (D)(6)- MAIN STRUCTURE DESIGN.

(a) Setback.

1. Main Structures shall be screened from the adjacent street by means of smaller buildings, Retail Suite Liners, or 20' wide landscape buffers with a double row of trees.

The proposed building is not screened from the adjacent street by means of smaller buildings or retail suite liners. A 35-foot wide landscape buffer is proposed along Coors Blvd., but there is no double row of trees. One solution would be to incorporate a bioswale, running south-north across along the eastern edge of the parking lot, and put a double-row of trees in it. Doing so would achieve compliance with (6)(a)(1) herein and with subsection (5)(h) regarding storm water, while avoiding placing more trees along Coors Blvd. that might compromise views. The back side of the building, along Mirandela Rd., would have an approx. 30-foot wide landscape buffer with trees which, when combined with the street trees, would make a double row of trees.

(b) Articulation.

1. Facades that contain a primary customer entrance and facades adjacent to a public street or plaza or an internal driveway shall contain retail suite liners, display windows, or a recessed patio at a minimum depth of 20 feet, or a combination of all three, along 50% of the length of the façade. Where patios are provided, at least one of the recessed walls shall contain a window for ease of surveillance and the patio shall contain shading and seating. Where retail suite liners are provided, they shall be accessible to the public from the outside.

The main (western) façade, which contains the primary customer entrance, is 436 ft. long. The above-mentioned elements, retail suite liners, display windows, recessed patios, or a combination thereof, are required along at least 218 ft. No retail suite liners or display windows, or combination, are proposed although these are available options.

That leaves the recessed patio. The proposed outdoor areas near the main entrance appear to be recessed, but that's because the main entrance projects outward from the building's plane. The requirement is for patio(s) to be recessed at a minimum depth of 20 feet, into the building plane, and that at least one of the recessed walls created contains a window. Shading and seating are also required. The request does not comply.

2. Every 30,000 gross square feet of structure shall be designed to appear as a minimum of one distinct building mass with different expressions. The varied building masses shall have a change in visible roof plane or parapet height. Massing and articulation are required to be developed so that no more than 100' of a wall may occur without an offset vertically of at least 24".

Three distinct building masses are required on the main (west) elevation for the proposed 98,901 sf building. The three masses (starting north and going south) measure 150 ft., 202 ft. and 84 ft. and have different architectural expressions.

The length of the main (west) elevation has nine components (see Sheet C-16). From north to south, they are: drive-thru canopy, tower, "pharmacy drive-thru sign" façade, 80' façade with four tile ornaments, 92' market & pharmacy entrance façade, 86' main entrance façade, small stepped down façade, another small stepped down façade, and the outdoor living entrance façade. All vertical offsets measure at least 2 feet as required. The request complies.

4. Facades adjacent to a public right-of-way or internal driveway and facades that contain a primary customer entrance shall contain features that provide shade along at least 40% of the length of the façade for the benefit of pedestrians.

The main (west) elevation (or façade) is 436 ft. long. 40% is 174 feet, so 174 feet has to be utilized for features that provide shade. Four trellises are proposed and measure, from north to south, 59 feet long (10 feet deep), 42 feet long (4 feet deep), 34 feet long (7 feet deep) and 39 feet long (20 feet deep), for a total of 174 feet of length, which meets the 40%. However, what's required are "features that provide shade", whether they are trellises, canopies or other. The trellises that are only 4 and 7 feet deep would not provide shade, for the benefit of pedestrians, unless they protrude more from the building plane (are deeper in width). The proposal partially complies.

(c) Materials.

1. Engineered wood panels, cyclone, chain-link, and razor-wire fencing are prohibited.
2. Design of the external walls and the principal entrance must include 3 of the below listed options:
 - a. Multiple finishes (i.e. stone and stucco);
 - b. Projecting cornices and brackets;
 - c. Projecting and exposed lintels;
 - d. Pitched roof forms;
 - e. Planters or wing-walls that incorporate landscaped areas and can be used for sitting;
 - f. Slate or tile work and molding integrated into the building;
 - g. Transoms;
 - h. Trellises;
 - i. Wall accenting (shading, engraved patterns, etc.);
 - j. Any other treatment that meets the approval of the EPC.

No cyclone, chain-link or razor-wire fencing is proposed, though a note should be added to the site development plan because screening methods for ground utilities are unspecified. The trellises would be made of pre-manufactured wood, but they aren't panels.

The design of the main structure's external walls (all elevations- N, S, E & W) contains 2 of the above: multiple finishes (a) and projecting cornices and brackets (c). A pitched roof form, a tower (d), is on the west elevation (1 tower) and on the north elevation (2 towers). The requirement in (c)(2) is not met. Adding a pitched roof element to the east and south elevations would create compliance.

The planters may be able to be used for sitting (e), but their height is unspecified. Tile work (f) is proposed on the west and north elevations, but the requirement is for "tile work and molding" and no molding (i.e. decorative pattern) is proposed. Adding molding to the proposed tile on the west and north elevations, and adding "tile work and molding" to the east and south elevations, is another option for creating compliance with (c)(2).

SUBSECTION (D)(7)- MIXED-USE COMPONENT. (Not Applicable)

SUBSECTION (D)(8)- MAINTENANCE AGREEMENT FOR VACANT OR ABANDONED SITE.

To maintain a quality built environment, LRFs shall be maintained during periods of abandonment or vacancies at the same standard as when occupied. The owner of a site shall sign a maintenance agreement with the City that the site will be maintained when vacant to certain standards.

The applicant had stated that a maintenance agreement for another site will be used as a template. However, a maintenance agreement particular to the subject site has still not been provided. At this

stage, the request does not comply. The maintenance agreement would have to be required as a condition of approval.

Conclusion of Analysis: Since the January 2012 version of the site development plan, compliance has remained almost the same because there have been only some revisions. Staff finds that the request still **partially complies** with the Large Retail Facilities (LRF) Regulations (except for the access requirement). Regarding non-compliance, some instances such as lighting, wall design and pedestrian walkways, can be remedied through applying conditions of approval. Other instances of non-compliance, such as those relating to site layout, can also be addressed through conditions- although some redesigning of the site would be necessary.

The main issue is that the proposed LRF does not meet the access requirement in (D)(2)(b)2. Tract 2-A does not have “primary and full access to a street designated as at least a collector” [see previous discussion of (D)(2)]. Even if the proposed LRF complied with the other sections of the regulations, without the required access it would not be allowed and would be inconsistent with the intent and plain meaning of the LRF Regulations to “manage the location and design of LRFs.”

VII. ADDITIONAL SIGNIFICANT ISSUES

The following discussion provides an overview of each significant issue and its status. More information can be found in other places in the record.

A) *Environmental Issues*

Many public comments mention concerns about environmental issues such as impacts on Bosque ecology (wetlands and wildlife), potential long-term adverse affects, problems with contaminated parking lot run-off water, and trash and litter.

Some of these concerns are broader in scope than the current proposal, though they would include it. For instance, deterioration of Bosque ecology has occurred over time with development of the Westside and may continue to occur (unless mitigated) with continued, future development. Strategies to address these larger issues may involve regulations at the State level, such as 20.6.2. NMAC, Ground and Surface Water Protection, combined with any applicable local regulations. Mitigation strategies could include limiting the area accessible to the public (people, dogs, horses, vehicles) and creating a dedicated, wildlife management area. Improvements to the existing lift station and sewer infrastructure would decrease effluent discharge.

Other concerns are more readily associated with the proposal, such as parking lot run-off water contamination and trash and litter. Enforceable provisions could be included on the site development plan to ensure that the parking lot is periodically cleaned up and trash cans emptied. Should trash escape, it could be detained by the proposed wall. The wall area and back of the proposed building would have to be maintained to keep trash, to the greatest degree possible, from finding its way into the Bosque and river.

B) *Hydrology & Drainage*

⇒ Please refer to Section V of this report, LRF Regulations, for discussions of stormwater (subsection 5.n.-Main Site Design) and water re-use (subsection 5.h.4.-Main Site Design).

The hydrology and drainage topics emerged in the context of site design and the environmental issues discussions, primarily because a variety of strategies can be used to lessen the proposed development's impact on its surroundings, including the Bosque. However, of the available options, only curb cuts have made it onto the site development plan. More are needed, and they need to be located where water would flow into them. Landscaping must be depressed so water can flow in.

Other opportunities for water re-use on this site are numerous. Pervious paving around tree wells and combining tree wells into one continuous planting bed, are simple solutions to re-use and clean water on site. The amount of pervious surfaces could be limited to allow more run-off water to naturally filtered on-site before it returns to the ground and, in this case, the river. This is especially important in environmentally sensitive areas.

A linear water quality feature could be added to the eastern edge of the parking lot to retain water as it runs off the parking lot. The water would be cleaned before it reaches the underground water that goes to the Bosque and river. Run-off water from the roof could be collected in the proposed landscape buffer along Mirandela St. This area could be made into a bioswale, with landscaping below grade, and water would infiltrate naturally and not be tied to the storm drain system.

The applicant provided a letter, dated October 3, 2012 in response to the Audubon Society letter, stating that a drainage pond already exists and that the shopping center is required to implement Low Impact Development (LID) structures designed to improve water quality before water leaves the site. An attachment explaining bio-swales and bio-retention is provided. However, LID ideas are not presented on the site development plan and the request does not comply with subsections 5.n. and 5.h.4 of the LRF Regulations (see separate analysis in Section VI).

C) Traffic & Congestion

⇒ Please refer to the original Staff report, p. 26 & 27 (see attachment), for an explanation of Traffic Impact Study (TIS) methodology, background and the November 22, 2011 TIS Update.

Many concerns have been expressed regarding traffic issues including volume of trips that the proposal would generate, impact to already congested conditions, effects on nearby arterial streets, and increased traffic on river crossings such as the Montano Bridge.

Regional Nature

Comments from the Mid-Region Council of Governments (MRCOG) point out the regional nature of traffic issues (see Agency Comments, p. 66-68 of the original Staff report). The comments are based on a December 2011 research report entitled "*A Profile in Congestion: The 30 Most Congested Corridors in the Albuquerque Metropolitan Planning Area.*" This report explains the Congestion Management Process (CMP), which is a federally-mandated program that ranks roadways based on overall congestion, volume/capacity (V/C) ratio, speed differential and safety/crash rates.

Montano Rd., ranked #2 in terms of overall congestion, is the second most congested roadway*. Between Coors Blvd. and I-25, Montano Rd. experiences high V/C ratios (meaning the road carries more than its capacity) and speeds below posted limits (which contribute to delays). Coors Blvd. is ranked #8 in terms

of overall congestion, but #2 for crash rates. The most severe congestion is between I-40 and Coors Bypass.

This data helps to understand the broad, regional nature of traffic issues; population increases and land use patterns are the driving forces behind traffic generation. Any development is going to become part of an existing traffic situation. The question is how, and to what degree, a proposed development would contribute to the existing situation and what, if anything, can be done to mitigate its impacts.

*Alameda Blvd. is ranked #1 for overall congestion, V/C ratio and speed differential.

D) Montañó Rd. Access

⇒ Please refer to the original Staff report, p. 27 & 28 (see attachment), for information regarding the Montano Access Study (April 14, 2011).

The Mid-Region Council of Governments (MRCOG) classifies Montañó Rd. as a Limited Access Roadway. Access is not permitted between Coors Blvd. and just east of Rio Grande Blvd. A request for access on a limited access roadway must be made through the MRCOG process; the Metropolitan Transportation Board (MTB) makes the decision. As of this writing, it is unknown if the City or another entity has decided whether or not to sponsor the request. Sponsorship is needed to get the request to MRCOG for consideration.

E) Crime & Security

Several public comments mention concern about the possibility of increased crime in the area. The Albuquerque Police Department (APD) has commented that the Coors/Montano intersection is #6 on the list of Top 20 Repeat Calls for Service (CFS). CFS, which are calls to the dispatch center requesting Police assistance, are not broken down by type on this list. Between January 1 and October 31, 2011, there were 641 CFS at Coors/Montano.

It is difficult to predict the type and magnitude of impact that a given development would have on crime in the area. Crime statistics, such as the CFS Report, are based on events that have occurred. A simple linear projection by year would be possible based on past data at this intersection, but it would not incorporate the effect of future development. Another approach would be to gather crime statistics, broken down by type of crime, for similar big-box stores on the Westside and compare them. This would result in a estimate at the present time rather than in the future.

APD's agency comments suggest ways to improve on-site security, such as eliminating tree/light pole conflicts, installing video surveillance equipment and having full-time security personnel.

VIII. AGENCY COMMENTS *(section updated, no underlining)*

Concerns of Reviewing Agencies/Pre-Hearing Discussion

City Departments and other agencies first reviewed this application from 10/31/'11 to 11/10/'11.

⇒ Please refer to p. 45-46 the original Staff report (see attachment) for agency comments based on the January 2012 site development plan set.

A revised site development plan set was provided in April 2012, for the anticipated May 17, 2012 hearing. Though few changes were made, Staff notified commenting agencies via an April 6, 2012 letter (see attachment) and asked if representatives would like a copy of the revised plan set. No comments were received in that timeframe, probably because of the deferral to August 23, 2012 (see Section II for details). Via an August 17, 2012 letter, Staff again asked representatives if they would like a copy of the revised site plan set. Comments received begin on p. 73.

The Open Space Division submitted updated comments in March 2012. The comments recommend that store hours of operation allow for periods of quiet and lighting standards allow for periods of darkness. Facilities facing the Bosque should be aesthetically screened and strict standards put in place to avoid debris being blown into the Bosque. If the parking area at the trail head is affected, the Open Space Division would like to weigh-in.

The Transportation Development Division submitted amended comments in August 2012. The changes are shown in underline-strikethrough format in the Agency Comment section of this report. In sum, the comments were amended to include a request that clear sight triangles be checked, that shared parking agreements be required, and that the site plan comply with ADA standards.

The Hydrology Division submitted updated comments in August 2012. The comments explain that the Master Drainage Plan referred to in this submittal is to be amended and cannot be used as an outfall until the amendment is approved. A Public Drainage Easement is required for Pond B on Tract 1A (Bosque School).

The Conceptual Grading and Drainage Plan should comply with §14-16-3-2(D)(5)(n) 1 and 2. It is not unclear where impervious surfaces are limited and where pervious surfaces are proposed. The lack of pervious surfaces could be mitigated by providing water harvesting/water quality features for the first 0.5 inches of rainfall. A few suggestions are: a linear water quality feature transverse to the parking lot grade and a bioswale along the back of the building. The drainage narrative should include a section of how this site complies with §14-16-3-2(D)(5)(n).

IX. PUBLIC COMMENTS & INPUT *(section updated, no underlining)*

A) Introduction & Neighborhoods

The affected neighborhood organizations are the La Luz Del Sol Neighborhood Association (NA), the La Luz Landowners Association, the Taylor Ranch NA, the Rio Oeste Homeowners Association (HOA), the Andalucia HOA, the Northwest Alliance of Neighbors and the Westside Coalition of NAs.

The above-mentioned organizations were notified as required upon submittal of the complete application in December 2011. Re-notification is not required when an application is deferred or continued. (The application was first submitted in October 2011, but the Traffic Impact Study (TIS) update and view plane analysis were not included.)

⇒ Please refer to the following subsections of the original Staff report (see attachment, p. 46-48)
Facilitated Meetings, Scheduling, Public Comments & Letters, Petitions and Some Specific Letters

of Concern for such information received up to January 12, 2012- the publication date of the original report.

Facilitated Meetings

No additional facilitated meetings have been held since those held in September and November 2011. The Facilitated Meeting reports from these meetings are included in the January 19, 2012 record. To keep the public informed, the Planning Department has continued to post information on its website, www.cabq.gov/planning, including the proposed site development plan set and scheduling updates.

Scheduling

⇒ Please see Section II of this supplemental Staff report for information regarding *Postponements* and *Appeals* leading up to the October 2012 timeframe.

B) Letters and Comments

First Round of Comments

Public comments received leading up to publication of the Staff report (on January 12, 2012) for the January 19 hearing were included in the record. Staff categorized them by subject of primary concern, as follows: Crime/Security, Economy/Business, Environment/Bosque, Multiple Concerns (3 or more in the same letter), Number of Stores, Other and Letters of Support.

Due to the large volume of comments submitted, via e-mail and/or hard-copy, the comments were scanned into an electronic .pdf file and posted on the City Planning Department website. Petitions received in this time frame were also scanned into electronic .pdf files and posted on the City Planning Department website. Some specific, detailed letters expressing multiple concerns were included in the hard-copy record. Attorneys representing the applicant and the Bosque School submitted cover letters and exhibit packages, just prior to the Staff report deadline, and raised several significant issues.

Second Round of Comments

After the January 19, 2012 hearing, public comments continued to be submitted. Some were received between publication of the Staff report on January 12th and the hearing. In this body of comments, leading up to the envisioned hearing date of March 15, 2012 and beyond (see below), mostly opposition was expressed.

Most people express multiple concerns including, but not limited to: traffic & congestion, environmental impacts to the Bosque, view preservation, proximity to Bosque School, scale of the proposed development, number of this retailer's stores in the area, safety and crime, truck deliveries, impact on local businesses, decreased property values, sales of alcohol and firearms, 24 hour operations and balloons.

At the March 15 hearing, the proposal was continued for 60 days to May 17, 2012. The site development plan set being considered now was received in early April (see Section II of this supplemental Staff report). The applicant distributed a cover letter noting the minor changes (see attachment) and a copy of the revised plan set to neighborhood representatives. Few public comments were received during this time, possibly due to the deferral of the proposal.

Third Round of Comments

Public comments continued to be submitted, though activity generally slowed down during the Summer possibly because of the two pending appeals during this time (see Section II of this report). This body of comments spans from May 12, 2012 (date of Staff report publication) through September 21, 2012 (the end of Summer).

Most comments express opposition based on the abovementioned issues, though a few comments express support for the proposal. A petition of opposition from the Andalucia HOA Board of Directors, dated August 1, 2012, was received. It has been scanned and made into an electronic file.

Fourth Round of Comments

In preparation for the October 18, 2012 hearing, public comment submittal began to increase again. This body of comments includes material received September 22, 2012 and through the Staff report publication date of October 11, 2012. Comments received post report publication, and prior to 48 hours before the hearing, will also be included.

On October 1, 2012, a package of materials in support of the proposal was received. Included are print-outs of "op-ed" pieces from the news paper and an inch-thick stack of form letters signed by individuals. These have been scanned and made into electronic files. The support is based mostly on job creation and making shopping more convenient for Westside residents. In addition, a petition of support (in an approx. 3.5 inches thick binder) was submitted. It states that signatures of 9,545 people are contained therein. Combined with the previous petition of 6,210 signatures, the total comes to 15,775 signatures.

A petition from the Taylor Ranch Neighborhood Association (TRNA) and a petition from small business owners in the area were received. These have also been scanned and made into electronic files.

Some Specific Letters

A paper titled (in part) "Evidence of the Deterioration of the Bosque and Wildlife Habitat between Montano Rd. and the Outlet of the San Antonio Arroyo & Suggested Remedial Actions...", dated March 1, 2012, was submitted. The author presents photographic evidence documenting habitat deterioration and recommends that fencing and signage be installed to establish a Wildlife Management Area. He also recommends that a water holding/trash catching pond be built.

A letter dated August 27, with photos attached, was submitted. A new concern was raised, fire danger, especially in proximity to Rio Grande Valley State Park. The photos show examples of graffiti and litter.

Materials from Attorneys

After the January 19, 2012 hearing, the attorney for the applicant and the attorney for the neighborhoods (formerly, for the Bosque School) have submitted information packages that contain cover letters explaining their arguments are exhibits that support such arguments. Due to the volume of these materials, this part of the record has been scanned and made into electronic files.

Attorney for the applicant:

- August 28, 2012- letter and materials re: AC-12-10, Appeal of Declaratory Ruling
- October 3, 2012- letter and articles re: non-land use criteria in support of proposal

- October 4, 2012- letter and summary slides
- October 4, 2012- letter and color computer renderings

Attorney for the neighborhoods:

- February 24, 2012- letter requesting a declaratory ruling re: access
- March 3, 2012- letter summarizing basis for denial of proposal
- March 29, 2012- letter and materials re: reasons for denial of proposal
- April 24, 2012- letter requesting a 60 day deferral
- May 21, 2012- letter re: AC-12-10, additional neighborhoods join appeal
- October 4, 2012- letter re: access and supporting exhibits

X. CONCLUSION

This two-part proposal is for an amendment to the North Andalucia at La Luz site development plan for subdivision (SPS), and a site development plan for building permit for a Large Retail Facility (LRF) on the future Tract 2A. The requests were first heard by the EPC on January 19, 2012. The requests have been deferred and continued for various reasons to the current hearing of October 18, 2012. The applicant submitted a revised site development plan set in early April 2012 to address concerns raised in the January 19 Staff Report. The revised plans included minor changes so the October 18, 2012 Staff Report does not change significantly from the January 19 Report except for one thing – staff’s analysis of the Large Retail Facility Regulations pertaining to access, §14-16-3-2(D)(2)(b)2.

On September 5, 2012, the City Council acknowledged that site access will be an important issue if the proposal is appealed. The Council requested, but does not order, that the EPC adopt findings that fully explain and justify its determination on this issue. The City Council also found that the EPC can proceed to hear the proposal without being bound by the acting ZEO’s past statements regarding site access. Staff has provided an access analysis beginning on page 41 of this report and finds that the Large Retail Facility, located on Tract 2-A, does not meet the access requirements pursuant to §14-16-3-2(D)(2)(b)2.

Irrespective of the access requirement, Staff notes that many of the revisions requested in the January 2012 Staff report were not incorporated into the April 2012 version. In most instances, the revisions are needed to create compliance with applicable regulations. Several notes are needed for clarification and to ensure compliance. The view analysis required by the Coors Corridor Sector Development Plan (CCSDP) is incomplete because there is no view line leading to the 33 foot tower near the building’s NW corner.

The Comprehensive Plan and the West Side Strategic Plan (WSSP) apply, as does the CCSDP and its view preservation regulations. The site is located within the Coors/Montano Community Activity Center, so the policies for Activity Center also apply. Also applicable are the design standards in the North Andalucia at La Luz site development plan for subdivision and the Large Retail Facilities (LRF) Regulations. Staff finds that the requests do not comply with the Activity Center policies and the SPS Design Standards to create a pedestrian scale Activity Center that provides identity for the community and meaningful open space. Proposed buildings are spread out throughout the site which does not foster walkability. In many instances, modifications are needed to create compliance.

Staff has continued to receive public comments since the January hearing. Most comments submitted earlier in the year express opposition to the proposal. Concerns about traffic, environment, compliance with the LRF regulations and design standards, school proximity, crime and safety, and number of such stores in the area are at the forefront. Staff has also received petitions in support of the proposal.

Site Development Plan for Subdivision Amendment, 11EPC-40068- October 18, 2012

1. The request is for an amendment to the North Andalucia at La Luz Site Development Plan for Subdivision (Project #1003859, 04EPC-01845), an approximately 60 acre site consisting of Tracts 1 – 6, North Andalucia at La Luz, located at the southeast corner of Coors Boulevard NW and Montaña Road, zoned SU-1 for C-2 Uses, O-1 Uses and PRD (20 dwelling units/acre) (the “subject site”).
2. The applicant proposes to amend the above-referenced site development plan for subdivision to: subdivide Tract 1 into seven new tracts (Tracts 1-A—1-G); subdivide Tract 2 into three new tracts (Tracts 2-A—2-C); and subdivide and reconfigure Tract 3 to create two new tracts (Tracts 3-A and 3-B).
3. The request also proposes to remove the access point near the private, gated access off of Mirandela Road, shift the other two access points off Mirandela Road, and allow for a right-in, right-out access off of Montaña Road if approved by the Mid-Region Council of Governments (MRCOG). This project will be constructed in two phases, with phase 1 consisting of a Large Retail Facility (LRF) on Tract 2-A.
4. The request does not propose to change the information required pursuant to the definition of site development plan for subdivision, the design standards or the general notes, on the existing site development plan for subdivision (04EPC-01845). A note to explain the proposed amendment and a change date would be added.
5. A request for a Site Development Plan for Building Permit (11EPC-40067) for a LRF on the future Tract 2-A accompanies the request. The request for a five-year extension of the North Andalucia at La Luz Site Development Plan for Subdivision (04EPC-01845) was approved at the January 19, 2012 Environmental Planning Commission (EPC) hearing.
6. The North Andalucia at La Luz site development plan for subdivision (04EPC-01845) established land uses by tract and allows a maximum of 23.3 acres of C-2 uses and 11.7 acres of O-1 uses. The proposed tracts total approximately 22 acres of C-2 uses and approximately 1.38 acres of O-1 uses. The proposed total for C-2 uses is approximately 1.3 acres less than the maximum 23.3 acres allowed. The proposed total for O-1 uses is substantially less than the allowed maximum of 11.7 acres.
7. Two new tracts, Tract 3-A and Tract 3-B, are proposed to replace the existing 1.38 acre Tract 3. The existing Tract 3, which comprises a roughly semi-circular portion of the 300 foot buffer extending northwest across Learning Road, was allocated O-1 uses (04EPC-01845). Tract 3-B would be entirely within the buffer area and allocated 0.43 acre of O-1 uses. Tract 3-A, proposed partially outside and

partially inside of the buffer area, would be allocated 0.54 acre of C-2 uses and 0.24 acre of O-1 uses. The total O-1 uses would remain 1.38 acres.

8. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan (WSSP), the Coors Corridor Sector Development Plan (CCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
9. The subject site is located in the Established Urban and Developing Urban Area of the Comprehensive Plan, and within the boundaries of the West Side Strategic Plan (WSSP) and the Coors Corridor Sector Development Plan (CCSDP). The subject site is located in a designated Activity Center, the Montañó/Coors Community Activity Center. Coors Boulevard and Montañó Road are Enhanced Transit Corridors.
10. The design standards in the North Andalucia at La Luz site development plan for subdivision (04EPC-01845) apply. The design standards require EPC review of the site development plan for subdivision amendment and the associated site development plan for building permit.
11. The request is inconsistent with the site development plan for subdivision design standards for North Andalucia at La Luz and the Activity Center Goal of the Comprehensive Plan because the proposed, relatively large lot, Tract 2-A, would dominate the site and promote development of isolated pad sites, which would not contribute to a concentration of moderate and high-density land uses and would not foster walkability.
12. The request does not further the following, applicable Comprehensive Plan policies:
 - A. Policy II.B.5d- neighborhood values/environmental conditions/carrying capacity/resources. Neighborhood values are expressed through adoption of the site development plan design standards that involved public input. The request does not respect neighborhood values because it would be inconsistent with the site development plan design regulations, which are intended to create a pedestrian-friendly development with village character. Tract 2-A, located in the middle of the site, would preclude smaller-scale development and a pedestrian-friendly environment. The proposed development would be located close to the Bosque, where the natural environment, open space and scenic and recreational resources are regionally significant and may be impacted. Many neighborhood representatives and residents oppose the proposal, though there is also general support.
 - B. Policy II.B.5k- minimize harmful traffic effects/protect existing neighborhoods. The subject site is near two arterial streets, Coors Blvd. and Montañó Rd. Vehicles would access the site from existing entrances along Coors Blvd. and Montañó Rd. No established single-family residential neighborhoods are adjacent, so cut-through traffic is not likely to disturb them. However,

immediately south of the site is 39 acres planned for multi-family residential development. Site access will cut through this development which may affect livability and safety of the residents. Immediately east of the site is the Bosque School. Students will share the access roads with traffic and safety issues could result.

13. The request does not further the following, applicable West Side Strategic Plan (WSSP) policies:
 - A. WSSP Policy 1.18- Though the larger subdivision contains multi-family residential, office and commercial uses, the site development plan does not propose any clustering of buildings to promote a pedestrian-friendly environment nor does it propose common, public plazas that would provide meaning/identity to the site.
 - B. WSSP Policy 3.18- Though somewhat buffered from the Bosque by adjacent land, the proximity and scale of development could have an impact. Functional strategies such as water re-use, depressed landscaping and permeable paving would help mitigate any impacts to the Bosque, but none are proposed.
 - C. WSSP Policy 4.10- The site is designed with vehicular travel as the primary consideration and pedestrian and bicycle connections secondary. There are multiple conflicts points for vehicles and pedestrians and the use would not promote alternatives to single-occupant vehicles.

14. The request does not further the following policies of the Coors Corridor Sector Development Plan (CCSDP):
 - A. Policy 5- Development Intensity. The request would result in a large, approximately 11.5 acre tract (Tract 2-A) located in the middle of the site, to accommodate a large retail facility (LRF). Tract 2-A would be disproportionately large relative to the other tracts, which would make it inconsistent with the existing design standards that are intended to create a small-scale, fine-grain, pedestrian-friendly development with village character. Proximity to open space and the Bosque could make a less intense use more appropriate for this setting.
 - B. Policy 7- Cluster Design. A site layout technique, clustering of buildings is used to preserve views, create open spaces and promote pedestrian opportunities. The proposed subdivision would create several retail pads across the subject site, which would preclude development of clustered building forms in favor of one disproportionately large tract and several small, isolated pad sites.

15. An update to the North Andaluca at La Luz Traffic Impact Study (TIS) was required. The update, which was reviewed by City Transportation Staff, indicates that the proposal would generate fewer vehicle trip ends per day than the previously-approved TIS for Andaluca North (2007). The study and study update require several mitigation measures to minimize the impact of the proposal on the transportation system.

16. The applicant notified the La Luz Del Sol Neighborhood Association (NA), the La Luz Landowners Association, the Taylor Ranch NA, the Rio Oeste Homeowners Association (HOA), the Andalucia HOA, the Northwest Alliance of Neighbors and the Westside Coalition of NAs, as required. Information regarding the proposal was made available online at the Planning Department webpage.

17. Two facilitated meetings were held, one on September 28, 2011 and another on November 21, 2011. Over 450 community members, from a variety of neighborhood organizations and the Bosque School, attended. A variety of concerns was expressed.

18. Several comments, letters and petitions from the public were submitted. Most comments received earlier in the process indicate strong opposition. Most comments received recently indicate general support. Concerns include traffic, environmental impacts, scale of the proposed development, view preservation, proximity to the Bosque School, safety and crime and number of this retailer's stores. Other concerns are truck deliveries, impact on local businesses, sales of alcohol and firearms, camping in the parking lot and 24 hour operations. Support focuses on job creation and convenience of location.

19. Due to the extraordinarily large volume, public comments and exhibits received were scanned and posted to the Planning Department website at <http://www.cabq.gov/planning>. These comments are made part of the record for all purposes.

Site Development Plan for Building Permit, 11EPC-40067- October 18, 2012

1. The request is for a Site Development Plan for Building Permit for Tract 2-A, North Andalucia at La Luz, an approximately 11.5 acre site located at the southeast corner of Coors Boulevard NW and Montañño Road, zoned SU-1 for C-2 Uses, O-1 Uses and PRD (20 dwelling units/acre) (the "subject site").

2. The applicant proposes to develop a 98,901 square foot retail use with associated parking lots, internal roadways, landscaping and outdoor areas. The proposed use meets the definition of a Large Retail Facility (LRF) because it is a "single-tenant structure with at least 75,000 square feet of net leasable area for the purpose of retailing" [Zoning Code 14-16-1-5]. Therefore, the request is subject to the LRF Regulations [Zoning Code 14-16-3-2(D)].

3. A request for a Site Development Plan for Subdivision amendment (11EPC-40068) to create Tract 2-A, and other tracts, accompanies this request. The request for a five-year extension of the North

Andalucia at La Luz Site Development Plan for Subdivision (04EPC-01845) was approved at the January 19, 2012 Environmental Planning Commission (EPC) hearing.

4. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan (WSSP), the Coors Corridor Sector Development Plan (CCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is located in the Established Urban and Developing Urban Area of the Comprehensive Plan, and within the boundaries of the West Side Strategic Plan (WSSP) and the Coors Corridor Sector Development Plan (CCSDP). The subject site is located in a designated Activity Center, the Montañó/Coors Community Activity Center. Coors Boulevard and Montañó Road are Enhanced Transit Corridors.
6. The design standards in the North Andalucia at La Luz site development plan for subdivision (04EPC-01845) and the Large Retail Facility (LRF) Regulations [Zoning Code §14-16-3-2(D)] apply. The design standards require EPC review of the site development plan for building permit and the associated site development plan for subdivision amendment.
7. Comprehensive Plan Activity Center Goal and Policy II.B.7c:
 - A. Goal- The request generally does not further the Activity Center Goal because the concentration of moderate and high-density mixed land uses envisioned in activity centers would not be strengthened. The proposed, relatively large lot would dominate the site and promote development of isolated pad sites, which do not contribute to a concentration of moderate and high-density land uses.
 - B. Policy II.B.7c- structures/location in Centers. The proposed LRF, at 98,901 square feet (sf), would be much larger than other buildings in the Montañó/Coors Community Activity Center. Other buildings planned in the commercial portion of the Activity Center are less than half the size of the proposed LRF. The LRF should blend in with the other buildings and should not dominate the site. One way to diminish the mass and scale of the LRF is to provide liner shops that would provide visual variety and functional diversity, as stated in the policy.
8. The request conflicts with the development guidelines for Community Activity Centers as described in Table 22 of the Comprehensive Plan because:
 - A. The subject site is not “very accessible” by automobile. Coors Blvd. and Montano Rd., adjacent to the site, are limited access arterial streets. Most of the access points are limited and the only full access point is at the intersection of Learning Rd. and Coors. Learning Road is utilized by students entering and leaving Bosque School and by residents who live in the area (Access).

- B. Limited floor area per building – the floor area of the proposed LRF is not limited. At over 98,000 square feet, it does not fit the model for a Community Activity Center (Land Uses).
 - C. Moderate floor area ratios (FARs) of .3 to 1.0 – The site plan for building permit proposes a large amount of surface parking and a FAR to 0.2. The subject site is not heavily punctuated with fine grain, smaller parcels (Scale).
9. The request does not further the following, applicable Comprehensive Plan policies:
- A. Policy II.B.5d- neighborhood values/environmental conditions/carrying capacity/resources. Neighborhood values are expressed through adopted plans and policies that involve public input. The request does not respect neighborhood values because it would be inconsistent with the site development plan design regulations, which are intended to create a pedestrian-friendly development with village character. Tract 2-A, located in the middle of the site, would preclude smaller-scale development and a pedestrian-friendly environment. The proposed development would be located close to the Bosque, where the natural environment, open space and scenic and recreational resources are regionally significant and may be impacted. Many neighborhood representatives and residents oppose the proposal, though there is also general support.
 - B. Policy II.B.5k- minimize harmful traffic effects/protect existing neighborhoods. The subject site is near two arterial streets, Coors Blvd. and Montaña Rd. Vehicles would access the site from existing entrances along Coors Blvd. and Montaña Rd. No established single-family residential neighborhoods are adjacent, so cut-through traffic is not likely to disturb them. However, immediately south of the site is 39 acres planned for multi-family residential development. Site access will cut through this development which may affect livability and safety of the residents. Immediately south of the site is the Bosque School. Students will share the access roads with traffic and safety issues could result.
 - C. Policy II.C.8a-environment/unique features. The request generally respects the visual environment, but not particularly the unique feature that is the Bosque. It is unknown if the 33' tower element complies with the view regulations. The proposed building, in terms of mass and scale, is not as sensitive to the nearby Bosque environment as it could be. Strategies should be put in place to address water re-use and litter control.
10. The request does not further the following, applicable West Side Strategic Plan (WSSP) policies:
- A. WSSP Policy 1.12- The proposed LRF is not considered pedestrian-scale, though pedestrian amenities could help mitigate it. The location of the proposed parking areas would not promote walking safely and comfortably between uses.
 - B. WSSP Policy 1.18- Though the larger subdivision contains multi-family residential, office and commercial uses, the site development plan does not propose any clustering of buildings to

promote a pedestrian-friendly environment nor does it propose common, public plazas that would provide meaning/identity to the site.

- C. WSSP Policy 3.18- Though somewhat buffered from the Bosque by adjacent land, the proximity and scale of development could have an impact. Functional strategies such as water re-use, depressed landscaping and permeable paving would help mitigate any impacts to the Bosque, but none are proposed.
 - D. WSSP Policy 4.6g- The proposed LRF would not be readily accessible by transit or located adjacent to street frontage. The majority of parking would be located between the building and Coors Blvd.
 - E. WSSP Policy 4.10- The site is designed with vehicular travel as the primary consideration and pedestrian and bicycle connections secondary. There are multiple conflicts points for vehicles and pedestrians and the use would not promote alternatives to single-occupant vehicles.
11. The request does not further the following, applicable policies in the Coors Corridor Sector Development Plan (CCSDP):
- A. Policy 5- Development Intensity. The proposed, stand-alone LRF would be relatively intense for the area; proximity of open space and the Bosque could make a less intense use more appropriate for this setting. Local roadways (Learning and Mirandela Rds.) would provide access, but they may not be sufficient for truck traffic.
 - B. Policy 4.b.6-Commercial Sites. The building is proposed at the rear of the site and not the street perimeter. The majority of parking is between Coors Blvd. and the building, so there is no relationship to the streetscape area.
 - C. Policy 7- Cluster Design. A site layout technique, clustering of buildings preserves views, creates open spaces and allows pedestrian opportunities. The proposed LRF building would stand-alone. The way the future tracts are proposed would create several retail pads across the subject site, which would preclude development of clustered building forms.
12. The request complies with the view regulations of the Coors Corridor Sector Development Plan (CCSDP) and Policy 1-View Preservation, based on the information provided for View Line A and View Line B, which intersect the building near its southern and middle portions, respectively. However, an additional view line (View Line C) is needed to demonstrate if the tower element near the proposed building's NW corner complies or not.
13. The site development plan for subdivision for North Andalucia at La Luz contains design standards. The design standards primary goal is "to achieve a vibrant, mixed-use community that fosters pedestrian accessibility and maintains a village-type character." The design standards are intended to

be used to facilitate design of buildings that respect the natural conditions of the site, maintain and highlight spectacular views and to leave significant areas dedicated to open space and be complementary to La Luz and the Bosque School.

14. As proposed, the site development plan for building permit is inconsistent with the design standards' primary goal. Village-type development is characterized by a mix of smaller-scale, fine-grained buildings and pedestrian scale and orientation of development. Village-type character can be created through site layout by, for example, relating the buildings to each other (instead of isolated pad sites), placing buildings to create useful plaza spaces where people can gather and integrating future uses. However, it is possible to have a mixture of uses (commercial, office and housing) without creating village-type character, which is the case here, due primarily to the mass and scale of the proposed building and associated parking lot.

15. The Large Retail Facility (LRF) regulations apply. The proposed 98,901 square foot (sf) building, on the future Tract 2-A, meets the definition of a LRF (Zoning Code §14-16-1-5) because it would exceed 75,000 sf and would be for the purpose of retailing. A LRF is:

“A single tenant structure with at least 75,000 square feet of net leasable area for the purpose of retailing. A shopping center site with a main structure of 75,000 square feet or more is a Large Retail Facility. Refer to §14-16-3-2 for Large Retail Facility Regulations.”

16. Pursuant to Zoning Code §14-16-3-2(D)(2)(b)2, a proposed LRF is “required to be located adjacent to and have primary and full access to a street designated as at least a collector in the Mid-Region Council of Governments’ Metropolitan Transportation Plan and having at least four through traffic lanes.”

The future Tract 2-A, the site of the proposed LRF, is the LRF by definition. Therefore, Tract 2-A is subject to the LRF regulations including site access (D)(2)(b)2, site division (D)(3), site phasing (D)(4), site design (D)(5) and site maintenance (D)(8).

Tract 2-A would be adjacent to Coors Blvd. Adjacent means “not distant, having a common endpoint or border”. Coors Blvd. is a designated principal arterial, which is a facility with greater capacity than a collector. Coors Blvd. has four through traffic lanes. The proposed LRF meets three of the four location sub-parts of (b)2.

17. Pursuant to Zoning Code §14-16-3-2(D)(2)(b)2, a proposed LRF is required to have “primary and full access” to a street designated as at least a collector. “Primary” is defined as: main; or immediate; or direct (a primary or direct effect) [ref: Webster’s Dictionary]. “Full Access” refers to an intersection that contains four turning movements: right-in, right-out, left-in, and left-out. The only “full access” intersection is at Learning Rd./Coors Blvd.

Tract 2A does not have direct access to Learning and Coors; it has indirect access. In order to get to the LRF site on Tract 2-A, traffic must take two local roads, Learning Road and Antequera Road. Therefore, the requirement of "primary/direct and full access to a street designated as at least a collector" (Coors Blvd.) cannot be met. The proposed site development plan for building permit does not comply with §14-16-3-2(D)(2)(b)2.

18. The request does not meet the intent of the LRF Access Regulations, which are meant to protect the quality of life within the surrounding area of the LRF and to secure adequate street capacity to transport pedestrians and vehicles to and from large retail facilities. LRF traffic should not use local roads to access the LRF site, as is proposed. Heavy traffic on Learning and Antequera Roads, resulting from the proposed LRF, will have impacts for the residents, students and smaller businesses that use these roads on a daily basis.

19. On September 5, 2012, the City Council acknowledged that site access will be an important issue if the proposal is appealed. The Council requests, but does not order, that the Environmental Planning Commission (EPC) adopt findings that fully explain and justify its determination on this issue [Ref: City Council decision, Finding 17, re: AC-12-10, appeal of declaratory ruling regarding access.]

Also, on September 5, 2012, the City Council also stated that the EPC is charged with interpreting the Zoning Code in reaching its decision [regarding access]." [Ref: AC-12-10, appeal of declaratory ruling regarding access.]

20. In addition to not meeting the access requirement in (D)(2), Staff finds numerous other parts of the Large Retail Facilities (LRF) Regulations with which the request does not comply.

A. (D)(3)- Site Division.

(a) Four blocks are proposed. The largest, which measures approx. 350 ft. by 470 ft., exceeds the allowed block size and cannot be expanded because, at 62%, it does not cover 80% of the block.

(b) Driveways separating the blocks are not between 60 feet and 85 feet wide. For instance, the drive aisle, sidewalks and landscaping (on both sides) near the site's middle measure 50 feet total. In front of the main entrance, the drive aisle (30 feet), landscape island and pathway measure approx. 57 feet.

B. (D)(5)- Site Design.

(b)(2) Off-Street Parking Standards. Parking, almost all proposed between the building and Coors Blvd., is not distributed on the site in a way that minimizes visual impact. Rather, the proposed parking creates visual impact and dominates the building.

(g)(2) Truck Bays. The proposed wall along Mirandela Rd. is approx. 57 feet from the edge of the loading dock and does not extend 100 feet from the face of the loading dock as required.

(h)(3) The trees proposed on the north side and south side of the site, at approx. 50 and 30-40 feet on center, respectively, do not meet the spacing requirement.

(h)(4) Numerous opportunities for water re-use/water harvesting on this site are not being utilized. For instance, curb cuts could be located functionally to collect water, with landscape islands below grade. Parking lot run-off could be retained and cleaned on site, but alternatives (such as pervious paving in places) are not considered.

(n) Storm Water Facilities and Structures. The request does not include options, such as pervious paving in places, landscape buffers as bioswales and landscape below grade, to limit impervious surfaces, so it does not comply.

C. (D)(6)- Main Structure Design.

(b) Articulation. The main (western) façade, which contains the primary customer entrance, is 436 ft. long. Retail suite liners, display windows, recessed patios, or a combination thereof, are required along at least 50% (218 ft.) of the length of the primary façade. None of these options, or combination thereof, is proposed. The requirement for patio(s) to be recessed at a minimum depth of 20 feet is not met.

21. An update to the North Andalucia at La Luz Traffic Impact Study (TIS) was required. The update, which was reviewed by the City Transportation Staff, indicates that the proposal would generate fewer vehicle trip ends per day than the previously-approved TIS for Andalucia North. The study requires several mitigation measures to minimize the impact of the proposal on the transportation system.
22. The applicant notified the La Luz Del Sol Neighborhood Association (NA), the La Luz Landowners Association, the Taylor Ranch NA, the Rio Oeste Homeowners Association (HOA), the Andalucia HOA, the Northwest Alliance of Neighbors and the Westside Coalition of NAs, as required. Information regarding the proposal was made available online at the Planning Department webpage.
23. Two facilitated meetings were held, one on September 28, 2011 and another on November 21, 2011. Over 450 community members, from a variety of neighborhood organizations and the Bosque school, attended. A variety of concerns was expressed.
24. Several comments, letters and petitions from the public were submitted. Most comments received earlier in the process indicate strong opposition. Most comments received recently indicate general support. Concerns include traffic, environmental impacts, scale of the proposed development, view preservation, proximity to the Bosque School, safety and crime and number of this retailer's stores. Other concerns are truck deliveries, impact on local businesses, sales of alcohol and firearms, camping in the parking lot and 24 hour operations. Support focuses on job creation and convenience of location.

25. Due to the extraordinarily large volume, public comments and exhibits received were scanned and posted to the Planning Department website at <http://www.cabq.gov/planning>. These comments are made part of the record for all purposes.
-

C. Marrone

**Carmen Marrone
Current Planning Manager**

Catalina Lehner

**Catalina Lehner, AICP
Senior Planner**

CITY OF ALBUQUERQUE AGENCY COMMENTS

Notes:

Agency comments based on the originally submitted version of the site development plan set can be found beginning on p. 59 of the January 2012 Staff report.

Upon receipt of the April version of the site development plan set, agency comments were requested by April 20. After several postponements, agency comments were again requested on the April version, this time by August 24, 2012. Only the updated comments (those not in the January report) are listed herein.

Parks & Recreation, Open Space Division: *Received March 2012*

1. Store siting and design should be sensitive to the adjacent area by avoiding the placement of loading docks, delivery areas and trash bins facing towards the Bosque. Such facilities should be aesthetically screened. Store fronts and light poles should be placed to reduce the potential for noise and light.
2. It is recommended that hours of operation avoid a constant source of noise and allow for periods of quiet.
3. It is recommended that stringent lighting standards be required to allow for periods of darkness.
4. Strict standards should be put in place to avoid the potential for debris being blown into the adjacent Bosque.
5. The existing Open Space Pueblo Montano parking area trailhead/Bosque access may experience impacts to parking and capacity. Open Space Division requests the opportunity for further comment and review of future site design or roadway design that may affect the parking area.

Transportation Development (City Engineer, Planning Department): *Received August 2012*

Same as the January 2012 comments, with the following revisions-

Amended Site Development Plan for Subdivision:

- ~~All proposed improvements shown on the site development plan for subdivision must be noted as illustrative only or removed~~
- A cross access easement [+and shared parking agreement+] with adjacent property owners is required.
- [+For any proposed walls, geometry and pedestrian pathways; clear sight distance will need to be checked and evaluated to verify compliance with sight distance criteria.+]
- Concurrent Platting Action required at Development Review Board (DRB) for proposed ~~lines~~ [+lot line adjustments.+]
- Site plan shall comply and be ~~designed per~~ [+in accordance with+] DPM [+(Development Process Manual) and ADA standards/ requirements.+]

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT: Conditions of approval for the proposed Site Development Plan for Building Permit and Subdivision (Amended) shall include:

Same as the January 2012 proposed conditions, with the following revisions as noted herein-

1. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
2. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for.
3. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development is required.
4. Montano is one of only four river crossings between I-40 and Alameda. It is a limited access facility, as defined by the Mid Region Council of Governments, and the current access policy prohibits access between Coors Boulevard and Rio Grande Boulevard. The proposed site development plan shows a new right-in / right-out access between Coors and Mirandela, which is currently not permitted under the current access policy and will require approval by the Mid Region Council of Governments Transportation Coordination Committee.
5. If the proposed access off Montano between Mirandela and Coors is permitted, a separate agreement between the appropriate governmental agencies and the developer is required to address the future overpass at Montano and Coors.
6. There is an existing bus stop in close proximity to the proposed access request. It is not clear from the information in the application what the impacts to traffic would be.

~~All proposed improvements shown on the site development plan for subdivision must be noted as illustrative only or removed~~

7. Sidewalk Easement will be required for meandering 6-foot sidewalk on Mirandela Street and Coors Blvd.
8. [+For any proposed walls, geometry and pedestrian pathways; clear sight distance will need to be checked and evaluated to verify compliance with sight distance criteria.+]
9. Provide/identify turning template information of delivery vehicle routes for ingress, egress and circulation and include classification and size of the delivery vehicle for the proposed On-Site improvements and the public roadway system.
10. Signage and pavement markings will need to be provided for one way traffic.
11. Provide/label/detail all dimensions and proposed infrastructure for Site.
12. A cross access easement and shared parking agreement with adjacent property owners is required.
13. Show all pedestrian and vehicular access/connectivity (ingress and egress).
14. Concurrent Plating Action required at Development Review Board (DRB) for proposed lot line adjustments.
15. A Drainage Report is required for DRB approval.

16. All easements need to be shown and labeled on Site Plan.
17. Site plan shall comply and be ~~designed per~~ [+in accordance with+] DPM [(Development Process Manual) and ADA standards/ requirements.+]

Hydrology Development (City Engineer/Planning Department): *Received August 2012*

Site Plan for Subdivision:

It appears Tract 9 has been replatted into Tracts 2A and 2B. Please update the plan to reflect the latest platting.

Site Plan for Building Permit:

1. The Master Drainage Plan referred to in this submittal is to be amended and cannot be used as an outfall until the amendment is approved. A Public Drainage Easement is required for Pond B on Tract 1A (Bosque School).
2. Why are Tract 1 developments shown? Isn't this a site plan for the LRF?
3. The Conceptual Grading and Drainage Plan should comply with §14-16-3-2(D)(5)(n) 1 and .2. It is not clear where impervious surfaces are being limited and where pervious paving surfaces are being proposed. The lack of pervious surfaces could be mitigated by providing water harvesting/water quality features for the first 0.5 inches of rainfall. This concept is also supported by Paragraph 2, wherein, runoff is to be transported to landscape areas.

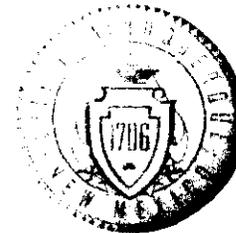
A few suggestions are: a linear water quality feature transverse to the parking lot grade, a bioswale along the back of the building; beginning near the future out-lot near Learning Rd and the roof drains could outfall to the bioswale rather than being tied into a storm drain system.

The drainage narrative should include a section of how this site complies with §14-16-3-2(D)(5)(n).

NOTICES OF DECISION

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



AMENDED OFFICIAL NOTIFICATION OF DECISION

August 31, 2012

Silver Leaf Ventures, LLC
5319 Menaul Blvd. NE
Albuquerque, NM 87110

Project # 1003859
11EPC-40067: Site Development Plan for
Building Permit

11EPC-40068: Site Development Plan for
Subdivision Amendment

LEGAL DESCRIPTION:

For all or a portion of Tracts 1-3, North Andalucia at La Luz, located on Coors Blvd. NW between Montano Rd. NW and Mirandela St., containing approximately 24 acres and for all or a portion of Tracts 1-6, North Andalucia at La Luz, located on Coors Blvd. NW between Montano Rd. NW and Learning Rd., containing approximately 60 acres.

Carmen Marrone and Catalina Lehner, Staff Planners

PO Box 1293

Albuquerque

NM 87103

On August 23, 2012 the Environmental Planning Commission voted to DEFER Project 1003859/11EPC-40067, a Site Development Plan for Building Permit, to September 25, 2012, based on the following Findings.

September 25 conflicts with a very significant Jewish holiday, therefore the EPC will discuss a new hearing date at their all-day hearing on September 13, 2012. The discussion will occur under "Other Matters" at the end of the agenda.

FINDINGS:

1. This is a request for a Site Development Plan for Building Permit for Tract 2-A, North Andalucia at La Luz, an approximately 11.5 acre site located at the southeast corner of Coors Boulevard NW and Montano Road, zoned SU-1 for C-2, O-1 Uses and PRD (20 dwelling units/acre) (the "subject site").
2. The applicant proposes to develop a 98,901 square foot retail use with the associated parking lots, landscaping and outdoor areas. The proposed use meets the definition of a Large Retail

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Project #1003859

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Facility (LRF) (Zoning Code 14-16-1-5) and therefore is subject to the Large Retail Facility Regulations (Zoning Code 14-16-3-2).

3. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan (WSSP), the Coors Corridor Sector Development Plan (CCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
 4. The design standards in the North Andalucia at La Luz site development plan for subdivision (04EPC-01845) and the Large Retail Facility (LRF) Regulations (Zoning Code 14-16-3-2) apply.
 5. This request was heard on January 19, 2012, beginning at 3:00 p.m. Many concerns were raised at this hearing. The EPC voted to CONTINUE the hearing for 60 days to March 15, 2012 in order to give Staff and the applicant sufficient time to address the concerns raised.
 6. On March 15, 2012, the Environmental Planning Commission (EPC) voted to CONTINUE this request to May 17, 2012. The applicant had requested an additional 60 days to complete revisions to the proposed site development plan set and to allow sufficient time for review by City Departments and the public.
 7. On May 17, 2012, the request was deferred for 60 days to August 23, 2012. At that time, two appeals related to the request were pending - AC-12-6 and AC-12-10. AC-12-6 is an appeal of the EPC's January approval of a site development plan for subdivision extension. The City Council heard AC-12-6 on June 18, 2012 and upheld the EPC's approval decision.
 8. AC-12-10, an appeal of a Declaratory Ruling issued by the interim Zoning Enforcement Manager regarding access to the site, was heard by the City Council on August 20, 2012. The City Council voted to adopt findings at its next meeting, to be held on September 5, 2012. The findings will contain clarification and direction to the EPC that is relevant to the subject request.
 9. Pursuant to Zoning Code §14-16-4-4(B)(5), Appeals, the request cannot be decided upon until the pending appeals related to the request have been resolved. As of August 23, 2012, AC-12-10 remains pending; a final decision regarding direction to the EPC has not been made by the City Council.
 10. The Planning Department requests a 30-day deferral to allow time for the pending appeal to be resolved and to address any issues that may result. It is the EPC's intent to preserve and incorporate all previous work and input received into the record for consideration in the September 25, 2012 vote.
-

AMENDED OFFICIAL NOTICE OF DECISION

Project #1003859

August 23, 2012

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On August 23, 2012 the Environmental Planning Commission (EPC) voted to DEFER Project 1003859/11EPC-40068, a Site Development Plan for Subdivision Amendment, to September 25, 2012, based on the following Findings:

September 25 conflicts with a very significant Jewish holiday, therefore the EPC will discuss a new hearing date at their all-day hearing on September 13, 2012. The discussion will occur under "Other Matters" at the end of the agenda.

FINDINGS:

1. This is a request for an amendment to the North Andalucia at La Luz Site Development Plan for Subdivision (Project #1003859, 04EPC-01845), an approximately 60-acre site, consisting of Tracts 1 – 6, North Andalucia at La Luz, located at the southeast corner of Coors Boulevard NW and Montaña Road and zoned SU-1 for C-2, O-1 Uses and PRD (20 dwelling units/acre) (the "subject site").
2. The applicant proposes to subdivide Tract 1 into six new tracts and Tract 2 into three new tracts. The new Tracts 3-A and 3-B would be created to replace the existing Tract 3.
3. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan (WSSP), the Coors Corridor Sector Development Plan (CCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The design standards in the North Andalucia at La Luz site development plan for subdivision (04EPC-01845) and the Large Retail Facility (LRF) Regulations (Zoning Code 14-16-3-2) apply.
5. This request was heard on January 19, 2012, beginning at 3:00 p.m. Many concerns were raised at this hearing. The EPC voted to CONTINUE the hearing for 60 days to March 15, 2012 in order to give Staff and the applicant sufficient time to address the concerns raised.
6. On March 15, 2012, the Environmental Planning Commission (EPC) voted to CONTINUE this request to May 17, 2012. The applicant had requested an additional 60 days to complete revisions to the proposed site development plan set and to allow sufficient time for review by City Departments and the public.
7. On May 17, 2012, the request was deferred for 60 days to August 23, 2012. At that time, two appeals related to the request were pending - AC-12-6 and AC-12-10. AC-12-6 is an appeal of the EPC's January approval of a site development plan for subdivision extension. The City Council heard AC-12-6 on June 18, 2012 and upheld the EPC's approval decision.
8. AC-12-10, an appeal of a Declaratory Ruling issued by the interim Zoning Enforcement Manager regarding access to the site, was heard by the City Council on August 20, 2012. The City Council voted to adopt findings at its next meeting, to be held on September 5, 2012.

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Project #1003859

August 23, 2012

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The findings will contain clarification and direction to the EPC that is relevant to the subject request.

9. Pursuant to Zoning Code §14-16-4-4(B)(5), Appeals, the request cannot be decided upon until the pending appeals related to the request have been resolved. As of August 23, 2012, AC-12-10 remains pending; a final decision regarding direction to the EPC has not been made by the City Council.
10. The Planning Department requests a 30-day deferral to allow time for the pending appeal to be resolved and to address any issues that may result. It is the EPC's intent to preserve and incorporate all previous work and input received into the record for consideration in the September 25, 2012 vote.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY SEPTEMBER 7, 2012 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

Persons aggrieved with any determination of the Environmental Planning Commission (EPC) and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting a written application on the Planning Department form to the Planning Department **within 15 days** of the Planning Commission's decision. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday, the next working day is considered as the deadline for filing the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY ZONING CODE MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(11), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The

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Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing thorough the Planning Director that the Planning Commission extend the plan's life an additional five years.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee.

Sincerely,



for Suzanne Lubar
Acting Director, Planning Department

SL CM & CLL/mc

cc: Ronald R. Bohannon, P.E., Tierra West LLC, 5571 Midway Park Place NE, Albuquerque, NM 87109
mH, Michelle Henrie, PO Box 7035, Albuquerque, NM 87194
Julia Andreas, 1028 Camino Del Rio, Albuquerque, NM 87114
Lela Beer, 312 Fontana Pl NE, Albuquerque, NM 87108
Rachel Arco, 1129 Monte Largo, Albuquerque, NM 87123
Roma Arellano, PO Box 434, Corrales, NM 87048
Bruce Armstrong, 4988 Butte Pl NW, Albuquerque, NM 87120
Heather Badal, 4 Tennis Ct NW, Albuquerque, NM 87120
Cathy Bailey, 6124 Mosquero Pl NW, Albuquerque, NM 87120
Elizabeth Baurick, 19 Tennis Ct NW, Albuquerque, NM 87120
Laura Campbell, 15 Pool NW, Albuquerque, NM 87120
Tom Carroll, 116 Central SW, Albuquerque, NM 87102
Ann Carter, 3605 Panicum Rd, Albuquerque, NM 87120
Taylor Chavez & Larissa Duncan, 10709 Glendale Ave NW, Albuquerque, NM 87122
Terri Christiansen, 1315 Villa Lila NE, Albuquerque, NM 87113
Kaheetah Clarke, 2823 Richmond Dr. NE, Albuquerque, NM 87107
Larry Compton, 4911 Butterfield Trail, Albuquerque, NM 87120
Joe Cruz, 3109 Love Rd SW, Albuquerque, NM 87105
Karen Davis, 5513 Arvilla Ave NE, Albuquerque, NM 87110
Kim Eichhorst, 1090 Velvet Dr., Bosque Farms, NM 87068
Stuart Erenberg, 7123 Mojave St, Albuquerque, NM 87120
Amy Estelle, 6154 Deergrass Cir. NW, Albuquerque, NM 87120
Ed Fallon, 5105 Rockcress Dr., Albuquerque, NM 87120
Suzanne Fetsco, 23 Wind NW, Albuquerque, NM 87120
Kimberly Fike, 1401 Casa Florida Pl NW, Albuquerque, NM 87120
Susan Fleming, 3824 Oxbow Village Lane NW, Albuquerque, NM 87120
Diare Flynn, Las Casitas del Rio I & II, 3604 Grama Ct NW, Albuquerque, NM 87120

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Ryan Fritz, 142 Laker Dr., Corrales, NM 87048
Marisa Gay, Bosque School, 4000 Learning Rd NW, Albuquerque, NM 87120
Amy Gonzalez, 616 Alderman Dr. NW, Albuquerque, NM 87120
Virginia Hanratty, 19 Pool St NW, Albuquerque, NM 87120
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Melanie Keithley, PO Box 3731, Edgewood, NM 87015
Elizabeth King, 10 Arco Ct NW, Albuquerque, NM 87120
Mike Krupnick, 4638 Caralles Rd, Corrales, NM 87048
Dawn Liberman, 4 Tumbleweed NW, Albuquerque, NM 87120
Alice Lloyd & Harvey White, 1020 El Pueblo Road, Albuquerque, NM 87114
Jimmie Lueder, 10 Pool St NW, Albuquerque, NM 87120
Mia Maes, 727 Camino de la Terra, Corrales, NM 87048
Sallie McCarthy, 3808 Oxbow Village Lane NW, Albuquerque, NM 87120
Julie Miller, 8301 Calle Primera NW, Albuquerque, NM 87120
Patsy Nelson, 3301 La Rambla NW, Albuquerque, NM 87120
Tim Flynn-O'Brien, 817 Gold SW, Albuquerque, NM 87102
Candy Patterson, 7608 Elderwood NW, Albuquerque, NM 87120
Rae Perls, 15 tennis Court NW, Albuquerque, NM 87120
Michael Porter, 7032 Snapdragon Rd NW, Albuquerque, NM 87120
Ann Prinz, 4611 Mijas Dr. NW, Albuquerque, NM 87120
Diane & William Reuler, 6104 Tallsman Dr. NW, Albuquerque, NM 87120
Colleen Seager, 7232 Pebble Stone Pl NW, Albuquerque, NM 87113
D. Anthony Segura, 2000 Selway Pl. NW, Albuquerque, NM 87120
Dan Serrano, 4409 Atherton Way NW, Albuquerque, NM 87120
Brian Shank, 10590 Second St. NW, Albuquerque, NM 87114
Katie & Daniel Shaw, 6124 Mosquero Pl NW, Albuquerque, NM 87120
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Eric Speck, 4104 Zarzuela NW, Albuquerque, NM 87120
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Sandra Tinlin, 4105 Moncloa Ct NW, Albuquerque, NM 87120
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William Wagner, 2531 Campbell NW, Albuquerque, NM 87104
David Waters, 5601 La Colonia Dr., NW, Albuquerque, NM 87120
Jim Wolcott, 6420 Camino del Arbol NW, Albuquerque, NM 87120
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Project #1003859

August 23, 2012

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Project #1003859

August 23, 2012

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August 23, 2012

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CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

May 17, 2012

Silver Leaf Ventures, LLC
5319 Menaul Blvd. NE
Albuquerque, NM 87110

Project # 1003859
11EPC-40067: Site Development Plan for Building Permit
11EPC-40068: Site Development Plan for Subdivision Amendment

REQUEST:

For all or a portion of Tracts 1-3, North Andalucia at La Luz, located on Coors Blvd. NW between Montaña Rd. NW and Mirandela St., containing approximately 24 acres; and a site development plan for subdivision amendment for all or a portion of Tracts 1-6, North Andalucia at La Luz, located on Coors Blvd. NW between Montano Rd. NW and Learning Rd., containing approximately 60 acres.

Carmen Marrone and Catalina Lehner, Staff Planners

PO Box 1293

Albuquerque

NM 87103

www.abq.gov

On May 17, 2012 the Environmental Planning Commission (EPC) voted to DEFER Project 1003859/11EPC-40067, a Site Development Plan for Building Permit, for 90 days to August 23, 2012, based on the following Findings:

FINDINGS:

1. This is a request for a Site Development Plan for Building Permit for Tract 2-A, North Andalucia at La Luz, an approximately 11.5 acre site located at the southeast corner of Coors Boulevard NW and Montaña Road, zoned SU-1 for C-2, O-1 Uses and PRD (20 dwelling units/acre) (the "subject site").
2. The applicant proposes to develop a 98,901 square foot retail use with the associated parking lots, landscaping and outdoor areas. The proposed use meets the definition of a Large Retail Facility

OFFICIAL NOTICE OF DECISION

Project #1003859/11EPC-40067 & 11EPC-40068

May 17, 2012

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- (LRF) (Zoning Code 14-16-1-5) and therefore is subject to the Large Retail Facility Regulations (Zoning Code 14-16-3-2).
3. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan (WSSP), the Coors Corridor Sector Development Plan (CCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
 4. The design standards in the North Andalucia at La Luz site development plan for subdivision (04EPC-01845) and the Large Retail Facility (LRF) Regulations (Zoning Code 14-16-3-2) apply.
 5. This request was heard on January 19, 2012, beginning at 3:00 p.m. Many concerns were raised at this hearing. The EPC voted to CONTINUE the hearing for 60 days to March 15, 2012 in order to give Staff and the applicant sufficient time to address the concerns raised.
 6. On March 15, 2012, the Environmental Planning Commission (EPC) voted to CONTINUE this request to May 17, 2012. The applicant had requested an additional 60-days to complete revisions to the proposed site development plan set and to allow sufficient time for review by City Departments and the public.
 7. There are two appeals related to this request. The first, AC-12-6, is an appeal of the EPC's January 2012 approval of a 5-year extension of the site development plan for subdivision. On May 7, 2012, the City Council voted to reject the Land Use Hearing Officer's (LUHO's) recommendation to deny the appeal and will hear the appeal on June 4th.
 8. The second, AC-12-10, is an appeal of a Declaratory Ruling issued by the interim Zoning Enforcement Manager regarding access to the site. This appeal is scheduled to be heard by the LUHO on June 4, 2012. The LUHO has ten days to make a recommendation for the City Council's consideration. The City Council is unlikely to hear the appeal in June and does not meet in July, so August is likely to be the soonest that Council will consider this appeal, which is still pending as of this writing.
 9. Pursuant to Zoning Code §14-16-4-4(B)(5). Appeals, the request cannot be decided upon until the pending appeals related to the request have been resolved.
 10. The Planning Department requests a 90-day deferral to allow time for the appeals to be resolved and to address any issues that may result from the appeals. It is the EPC's intent to preserve and incorporate all previous work and input received into the record for consideration in the August 23, 2012 vote. Therefore, the EPC finds that a Deferral of this hearing is appropriate.
 11. A request for a 90-day deferral of a Site Development Plan for Subdivision Amendment (11EPC-40068) to the North Andalucia at La Luz site development plan for subdivision (04EPC-01845) accompanies this request.

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Project #1003859/11EPC-40067 & 11EPC-40068

May 17, 2012

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On May 17, 2012 EPC voted to DEFER Project 1003859/11EPC-40068, a Site Development Plan for Subdivision Amendment, for 90 days based on the following Findings:

1. This is a request for an amendment to the North Andalucia at La Luz Site Development Plan for Subdivision (Project #1003859, 04EPC-01845), an approximately 60-acre site, consisting of Tracts 1 – 6, North Andalucia at La Luz, located at the southeast corner of Coors Boulevard NW and Montañó Road and zoned SU-1 for C-2, O-1 Uses and PRD (20 dwelling units/acre) (the "subject site").
2. The applicant proposes to subdivide Tract 1 into six new tracts and Tract 2 into three new tracts. The new Tracts 3-A and 3-B would be created to replace the existing Tract 3.
3. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan (WSSP), the Coors Corridor Sector Development Plan (CCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The design standards in the North Andalucia at La Luz site development plan for subdivision (04EPC-01845) and the Large Retail Facility (LRF) Regulations (Zoning Code 14-16-3-2) apply.
5. This request was heard on January 19, 2012, beginning at 3:00 p.m. Many concerns were raised at this hearing. The EPC voted to CONTINUE the hearing for 60 days to March 15, 2012 in order to give Staff and the applicant sufficient time to address the concerns raised.
6. On March 15, 2012, the Environmental Planning Commission (EPC) voted to CONTINUE this request to May 17, 2012. The applicant had requested an additional 60-days to complete revisions to the proposed site development plan set and to allow sufficient time for review by City Departments and the public.
7. There are two appeals related to this request. The first, AC-12-6, is an appeal of the EPC's January 2012 approval of a 5-year extension of the site development plan for subdivision. On May 7, 2012, the City Council voted to reject the Land Use Hearing Officer's (LUHO's) recommendation to deny the appeal and will hear the appeal on June 4th.
8. The second, AC-12-10, is an appeal of a Declaratory Ruling issued by the interim Zoning Enforcement Manager regarding access to the site. This appeal is scheduled to be heard by the LUHO on June 4, 2012. The LUHO has ten days to make a recommendation for the City Council's consideration. The City Council is unlikely to hear the appeal in June and does not meet in July, so August is likely to be the soonest that Council will consider this appeal, which is still pending as of this writing.

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9. Pursuant to Zoning Code §14-16-4-4(B)(5), Appeals, the request cannot be decided upon until the pending appeals related to the request have been resolved.
10. The Planning Department requests a 90-day deferral to allow time for the appeals to be resolved and to address any issues that may result from the appeals. It is the EPC's intent to preserve and incorporate all previous work and input received into the record for consideration in the August 23, 2012 vote. Therefore, the EPC finds that a Deferral of this hearing is appropriate.
11. A request for a 90-day deferral of the associated Site Development Plan for Building Permit (11EPC-40067) for a large retail facility (LRF) on the future Tract 2-A accompanies this request.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **JUNE 1, 2012** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

Persons aggrieved with any determination of the Environmental Planning Commission (EPC) and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting a written application on the Planning Department form to the Planning Department **within 15 days** of the Planning Commission's decision. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday, the next working day is considered as the deadline for filing the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY ZONING CODE MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(11), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are

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Project #1003859/11EPC-40067 & 11EPC-40068

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met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing thorough the Planning Director that the Planning Commission extend the plan's life an additional five years.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee.

Sincerely,



for Deborah L. Stover
Planning Director

DS/CM & CLL/cll & mc

cc: Ronald R. Bohannon, P.E., Tierra West LLC, 5571 Midway Park Place NE, Albuquerque, NM 87109
mH. Michelle Henrie, PO Box 7035, Albuquerque, NM 87194
Julia Andreas & Lela Beer, 1028 Camino Del Rio, Albuquerque, NM 87114
Rachel Arco, 1129 Monte Largo, Albuquerque, NM 87123
Roma Arellano, PO Box 434, Corrales, NM 87048
Bruce Armstrong, 4988 Butte Pl NW, Albuquerque, NM 87120
Heather Badal, 4 Tennis Ct NW, Albuquerque, NM 87120
Cathy Bailey, 6124 Mosquero Pl NW, Albuquerque, NM 87120
Elizabeth Baurick, 19 Tennis Ct NW, Albuquerque, NM 87120
Laura Campbell, 15 Pool NW, Albuquerque, NM 87120
Tom Carroll, 116 Central SW, Albuquerque, NM 87102
Ann Carter, 3605 Panicum Rd, Albuquerque, NM 87120
Taylor Chavez & Larissa Duncan, 10709 Glendale Ave NW, Albuquerque, NM 87122
Terri Christiansen, 1315 Villa Lila NE, Albuquerque, NM 87113
Kahleetah Clarke, 2823 Richmond Dr. NE, Albuquerque, NM 87107
Larry Compton, 4911 Butterfield Trail, Albuquerque, NM 87120
Joe Cruz, 3109 Love Rd SW, Albuquerque, NM 87105
Karen Davis, 5513 Arvilla Ave NE, Albuquerque, NM 87110
Kim Eichhorst, 1090 Velvet Dr., Bosque Farms, NM 87068
Stuart Erenberg, 7123 Mojave St, Albuquerque, NM 87120
Amy Estelle, 6154 Deergress Cir. NW, Albuquerque, NM 87120
Ed Fallon, 5105 Rockcress Dr., Albuquerque, NM 87120
Suzanne Fetso, 23 Wind NW, Albuquerque, NM 87120
Kimberly Fike, 1401 Casa Florida Pl NW, Albuquerque, NM 87120
Susan Fleming, 3824 Oxbow Village Lane NW, Albuquerque, NM 87120

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Diane Flynn, Las Casitas del Rio I & II, 3604 Grama Ct NW, Albuquerque, NM 87120
Ryan Fritz, 142 Laker Dr., Corrales, NM 87048
Marisa Gay, Bosque School, 4000 Learning Rd NW, Albuquerque, NM 87120
Amy Gonzalez, 616 Alderman Dr. NW, Albuquerque, NM 87120
Virginia Hanratty, 19 Pool St NW, Albuquerque, NM 87120
Catherine Harris, 325 Alison Dr. NE, Albuquerque, NM 87108
Tom Hart, 1801 Montano NW, Albuquerque, NM 87107
Dolores Hartley, 6901 Saint Josephs Ave NW, Albuquerque, NM 87120
Rene Horvath, 5515 Palomino Dr.. NW, Albuquerque, NM 87120
Alison & David Hudson, 529 Roehl Rd NW, Los Ranchos, NM 87107
Phil Johnson, PO Box 6274 Albuquerque, NM 87107
Brian Jones, Oxbow Bluff HOA, PO Box 67590, Albuquerque, NM 87193
Marjorie Kannolt, 10 Tennis Ct NE, Albuquerque, NM 87120
Melame Keithley, PO Box 3731, Edgewood, NM 87015
Elizabeth King, 10 Arco Ct NW, Albuquerque, NM 87120
Mike Krupnick, 4638 Caralles Rd, Corrales, NM 87048
Dawn Liberman, 4 Tumbleweed NW, Albuquerque, NM 87120
Alice Lloyd & Harvey White, 1020 El Pueblo Road, Albuquerque, NM 87114
Jimmie Lueder, 10 Pool St NW, Albuquerque, NM 87120
Mia Maes, 727 Camino de la Terra, Corrales, NM 87048
Sallie McCarthy, 3808 Oxbow Village Lane NW, Albuquerque, NM 87120
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Patsy Nelson, 3301 La Rambla NW, Albuquerque, NM 87120
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Michael Porter, 7032 Snapdragon Rd NW, Albuquerque, NM 87120
Ann Prinz, 4611 Mijas Dr. NW, Albuquerque, NM 87120
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Colleen Seager, 7232 Pebble Stone Pl NW, Albuquerque, NM 87113
D. Anthony Segura, 2000 Selway Pl. NW, Albuquerque, NM 87120
Dan Serrano, 4409 Atherton Way NW, Albuquerque, NM 87120
Brian Shank, 10590 Second St. NW, Albuquerque, NM 87114
Katie & Daniel Shaw, 6124 Mosquero Pl NW, Albuquerque, NM 87120
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William Wagner, 2531 Campbell NW, Albuquerque, NM 87104
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City of Albuquerque
Planning Department
Urban Design & Development Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: March 15, 2012

OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1003859

11EPC-40067: Site Development Plan for Building
Permit

11EPC-40068: Site Development Plan for
Subdivision Amendment

Silver Leaf Ventures, LLC
5319 Menaul Blvd. NE
Albuquerque, NM 87110

LEGAL DESCRIPTION:

Tierra West LLC, agent for Silver Leaf Ventures LLC, requests a site development plan for building permit for all or a portion of Tracts 1-3, North Andalucia at La Luz, zoned SU-1 for C-2, O-1 & PRD (20 du/ac), located on Coors Blvd. NW between Montano Rd. NW and Mirandela St., containing approximately 24 acres; and a site development plan for subdivision amendment for all or a portion of Tracts 1-6, North Andalucia at La Luz, zoned SU-1 for C-2, O-1 & PRD (20 du/ac), located on Coors Blvd. NW between Montano Rd. NW and Learning Rd., containing approximately 60 acres. (E-12) Carmen Marrone and Catalina Lehner, Staff Planners

On March 15, 2012 the Environmental Planning Commission (EPC) voted to CONTINUE Project 1003859/11EPC-40067, a Site Development Plan for Building Permit, for 60 days to May 17, 2012, based on the following Findings:

FINDINGS:

1. This is a request for a 60-day deferral of a Site Development Plan for Building Permit for Tract 2-A, North Andalucia at La Luz, an approximately 11.5 acre site located at the southeast corner of Coors Boulevard NW and Montaña Road, zoned SU-1 for C-2, O-1 Uses and PRD (20 dwelling units/acre) (the "subject site").
2. The applicant proposes to develop a 98,901 square foot retail use with the associated parking lots, landscaping and outdoor areas. The proposed use meets the definition of a Large Retail Facility (LRF) (Zoning Code 14-16-1-5) and therefore is subject to the Large Retail Facility Regulations (Zoning Code 14-16-3-2).

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Project #1003859/11EPC-40067 & 11EPC-40068

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3. A request for a 60-day deferral of a Site Development Plan for Subdivision Amendment (11EPC-40068) to the North Andalucia at La Luz site development plan for subdivision (04EPC-01845) accompanies this request.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan (WSSP), the Coors Corridor Sector Development Plan (CCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is located in the Established Urban and Developing Urban Area of the Comprehensive Plan, and within the boundaries of the West Side Strategic Plan (WSSP) and the Coors Corridor Sector Development Plan (CCSDP). The subject site is located in a designated Activity Center, the Montañño/Coors Community Activity Center. Coors Boulevard and Montañño Road are Enhanced Transit Corridors.
6. The design standards in the North Andalucia at La Luz site development plan for subdivision (04EPC-01845) and the Large Retail Facility (LRF) Regulations (Zoning Code 14-16-3-2) apply. Consideration of the site development plan amendment by the Environmental Planning Commission (EPC) is required.
7. This request was heard on January 19, 2012, beginning at 3:00 p.m. Many concerns were raised at this hearing. The EPC voted to CONTINUE the hearing for 60 days to March 15, 2012 in order to give Staff and the applicant sufficient time to address the concerns raised.
8. The applicant is requesting an additional 60-day deferral to complete revisions to the site development plan and to allow sufficient time for review by City Departments and the public.
9. The applicant will be required to notify affected Neighborhood Associations and Coalitions, as well as the EPC Commenting Agencies, by April 9th, 2012.
10. A great amount of public comments has been submitted regarding this proposal and many people testified at the January 19, 2012 public hearing. The applicant is requesting a 60-day deferral of the hearing for this proposal to May 17, 2012, however the term "deferral" may imply that the record established would be discarded. It is the EPC's intent to preserve and incorporate all previous work and input received into the record for consideration in the May 17 vote. Therefore, the EPC finds that a Continuance of this hearing is more appropriate than a Deferral.

On March 15, 2012 EPC voted to CONTINUE Project 1003859/11EPC-40068, a Site Development Plan for Subdivision Amendment, for 60 days based on the following Findings:

1. This is a request for a 60-day deferral of an amendment to the North Andalucia at La Luz Site Development Plan for Subdivision (Project #1003859, 04EPC-01845), an approximately 60 acre site consisting of Tracts 1 – 6, North Andalucia at La Luz, located at the southeast corner of Coors Boulevard NW and Montañño Road, zoned SU-1 for C-2, O-1 Uses and PRD (20 dwelling units/acre) (the "subject site").

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2. The applicant proposes to amend the above-referenced site development plan for subdivision to subdivide Tract 1 into four new Tracts and Tract 2 into three new tracts, and to create a new Tract 3-A to replace the existing Tract 3. The request does not propose to change the information required pursuant to the definition of site development plan for subdivision or the general notes. A note to explain the proposed amendment and a change date would be added.
3. A request for a 60-day deferral of a Site Development Plan for Building Permit (11EPC-40067) for a large retail facility (LRF) on the future Tract 2-A accompanies this request.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan (WSSP), the Coors Corridor Sector Development Plan (CCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is located in the Established Urban and Developing Urban Area of the Comprehensive Plan, and within the boundaries of the West Side Strategic Plan (WSSP) and the Coors Corridor Sector Development Plan (CCSDP). The subject site is located in a designated Activity Center, the Montaño/Coors Community Activity Center. Coors Boulevard and Montaño Road are Enhanced Transit Corridors.
6. The design standards in the North Andalusia at La Luz site development plan for subdivision (04EPC-01845) and the Large Retail Facility (LRF) Regulations (Zoning Code 14-16-3-2) apply. Consideration of the site development plan amendment by the Environmental Planning Commission (EPC) is required.
7. This request was heard on January 19, 2012, beginning at 3:00 p.m. Many concerns were raised at this hearing. The EPC voted to CONTINUE the hearing for 60 days to March 15, 2012 in order to give Staff and the applicant sufficient time to address the concerns raised.
8. The applicant is requesting an additional 60-day deferral to complete revisions to the site development plan and to allow sufficient time for review by City Departments and the public.
9. The applicant will be required to notify affected Neighborhood Associations and Coalitions, as well as the EPC Commenting Agencies, by April 9th, 2012.
10. A great amount of public comments has been submitted regarding this proposal and many people testified at the January 19, 2012 public hearing. The applicant is requesting a 60-day deferral of the hearing for this proposal to May 17, 2012, however the term "deferral" may imply that the record established would be discarded. It is the EPC's intent to preserve and incorporate all previous work and input received into the record for consideration in the May 17 vote. Therefore, the EPC finds that a Continuance of this hearing is more appropriate than a Deferral.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY MARCH 30, 2012, IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS

REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

Persons aggrieved with any determination of the Environmental Planning Commission (EPC) and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department **within 15 days** of the Planning Commission's decision. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday, the next working day is considered as the deadline for filing the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

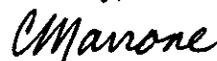
YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY ZONING CODE MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(11), a change to the zone map does not become official until the Certification of Zoning is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing thorough the Planning Director that the Planning Commission extend the plan's life an additional five years.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee.

Sincerely,



for Deborah Stover
Planning Director

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ZONING

§ 14-16-2-22 SU-1 SPECIAL USE ZONE.

This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

(A) Procedure.

- (1) Development within the SU-1 zone may only occur in conformance with an approved Site Development Plan. An application for a change to SU-1 zoning shall state the proposed use and must be accompanied by a plan including, at a minimum, all the elements of a Site Development Plan for Subdivision Purposes. As part of the zone amendment action, a Site Development Plan may be approved; alternatively a plan may be approved later. If an approved Site Development Plan is a specified condition of zone change approval, such plan must be approved within the time period specified in § 14-16-4-1(C)(11) of this Zoning Code. No building permit shall be approved unless it is consistent with a complete site development plan for building permit and landscaping plan for the lot in question, approved by the Planning Commission or its designee; at the Planning Commission's discretion, approval of detailed plans may be required for the entire SU-1 zone area prior to issuing a building permit.
- (2) A decision implementing a change to the zone map to SU-1 zoning shall designate the specific use permitted, and a building permit shall be issued only for the specific use and in accordance with an approved Site Development Plan. The specific use shall be recorded on the zone map.
- (3) In approving an application, the Planning Commission may impose requirements as may be necessary to implement the purpose of this Zoning Code. However, for an adult amusement establishment or adult store on an SU-1 zoned site, no conditions may be imposed on the adult uses that would prevent them from existing on the site if the uses are allowed under the applicable Zoning Code distance requirements.
- (4) A certified copy of the Site Development Plan shall be kept in the Planning Department records so that it may be reviewed against an application for a building permit for any part or all of a special use.
- (5) The Planning Commission may review the application, plan, and progress of development at least every four years until it is fully implemented to determine if it should be amended.
- (6) The Planning Director may approve minor changes to an approved Site Development Plan or Landscaping Plan if it is consistent with the use and other written requirements approved by the Planning Commission, if the buildings are of the same general configuration, if the total building square footage is not greater than 10% than the approved plan, the vehicular circulation is similar in its effect on adjacent property and streets, and the approving official finds that neither the city nor any person will be substantially aggrieved by the altered plan. If the Planning Director believes there might be a person substantially aggrieved by the altered plan or if the total building square footage would be increased more than 2%, he shall give mailed notice of the proposed change to owners of adjacent property and to neighborhood associations entitled to notice of zone change proposals there.
- (7) The Planning Director or a designee may approve site plans for temporary park-and-ride facilities.

(B) Special Uses.

- (1) Accessory use customarily associated with a use permitted in this zone, provided it is incidental to the major use. Signs as permitted and regulated by the Planning Commission.
- (2) Adult amusement establishment or adult store provided:
 - (a) The use is located at least 1,000 feet from any adult amusement establishment or adult store; and
 - (b) The use is located at least 500 feet from the nearest residential zone, or from any church or pre-elementary, elementary or secondary school. Signs as regulated in the C-2 zone.
- (3) Airport. Signs as permitted and regulated by the Planning Commission.
- (4) Antenna (commercial).
- (5) Amusement facility of a permanent character, including but not limited to kiddieland, baseball batting range, or golf driving range.
- (6) Automobile dismantling yard or similar use. Signs as regulated in the C-1 zone.
- (7) Bed and Breakfast Establishment. A Bed and Breakfast establishment with five to eight guest rooms shall abut a collector street, minor arterial street, or major arterial street, except a site of one acre or greater may abut a local street.
- (8) Campground, provided it meets the requirements of § 14-16-3-7 of this Zoning Code. Signs as regulated in the C-2 zone.
- (9) Cemetery, including columbarium, mausoleum, or crematory, provided the site contains at least 30 acres. Signs as regulated in the O-1 zone.
- (10) Church or other place of worship, including incidental recreational and educational uses; such an incidental use must be operated by the church rather than a business entity and must continue to be operated by the church, unless the resolution governing the SU-1 zone specifically allows operation of a specified incidental use by an entity other than the church itself. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church's principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code. Signs as permitted and regulated by the Planning Commission.
- (11) Park-and-Ride temporary facilities.
- (12) Drilling, production, or refining of petroleum gas or hydrocarbons. Signs as regulated in the O-1 zone.
- (13) Drive-in theater, provided:
 - (a) Reservoir off-street standing space or side service road space is provided at any entrance sufficient to accommodate at least 30% of the vehicular capacity of the theater.
 - (b) A screen less than 500 feet from an arterial street is so located or shielded that the picture surface cannot be seen from the arterial street.

- (c) The theater is enclosed with a solid wall or fence at least six feet high.
- (14) Fire station. Signs as regulated in the O-1 zone.
- (15) Golf course. Signs as regulated in the O-1 zone.
- (16) Gravel, sand, or dirt removal activity, stockpiling, processing, or distribution and batching plant. Signs as regulated in the O-1 zone.
- (17) Helipad, other than a medical helipad or a law enforcement helipad, provided it complies with Federal, State and Local regulations including City noise regulations; and further provided that:
 - (a) Helipads are a minimum of 650 feet from the nearest residential zone as measured from the edge of the helipad unless it is demonstrated the helipad will not be injurious to adjacent property, the neighborhood, or the community, but in no case shall a helipad be located less than 350 feet from the nearest residential zone, as measured from the edge of the helipad.
 - (b) The total number of helicopter operations (a landing and a takeoff is one operation) shall not exceed 3 on any day. The operations per day do not accumulate if not used.
 - (c) Helicopter landing and takeoff operations are prohibited between 10 P.M. and 7 A.M.
 - (d) Written documentation of helipad operations, including, but not limited to, flight path usage and the date and time of all landings and takeoffs, shall be maintained by the helipad owner and made available upon request for public inspection.
 - (e) Helipad operations that assist in medical emergencies, police emergencies, or search and rescue emergencies, when solicited by agencies which respond to such emergencies, shall not be limited to three operations per day nor to time of day limitations.
- (18) Hospital for human beings, including medical helipad, provided that the traffic generated, ambulance noise, nor medical helipad will have serious adverse effects on the neighborhood. Medical helipads shall be sited and buffered to minimize impacts on surrounding properties. Written documentation of medical helipad operations, including date and time of all landings and takeoffs, shall be maintained and made available upon request for public inspection. Signs as regulated in the C-1 zone.
- (19) Institution, correctional or mental. Signs as regulated in the O-1 zone.
- (20) Law Enforcement Helipad, provided that such helipads are sited and buffered to minimize impacts on surrounding properties. Written documentation of law enforcement helipad operations, including date and time of all landings and takeoffs, shall be maintained and made available upon request for public inspection.
- (21) Major public open space as defined and administered pursuant to Chapter 5, Article 8, ROA 1994 of this code of ordinances.
- (22) Open market. Signs as regulated in the C-1 zone.
- (23) Ore reduction, smelting. Signs as regulated in the O-1 zone.

- (24) Planned development area, including residential development and mobile home development, in which special use, height, area, setback, or other regulations should be imposed, provided the site contains at least three acres. Signs as permitted and regulated by the Planning Commission.
- (25) Planned Residential Development (PRD), provided:
- (a) Allowed uses include single-family houses, townhouses, apartments, associated accessory structures and home occupations as regulated by the R-1 zone. Residence/work spaces are allowed as approved by the Planning Commission. O-1 permissive and C-1 permissive uses may be allowed, up to 25% of the total gross floor area of the development, as approved by the Planning Commission.
 - (b) A Site Development Plan for Subdivision (§ 14-16-1-5(B)) is required for approval by the Planning Commission in conjunction with a zone map amendment and prior to building permit approval, with specific design requirements that include, but are not limited to: maximum and minimum number of dwelling units and/or density; maximum and minimum lot size(s); maximum building height; minimum building setbacks; architectural design standards, including but not limited to exterior wall materials and colors, roof materials and colors; placement of mechanical units; preliminary grading and drainage plan; landscape design standards; parking; site lighting; design of walls and fences visible from public rights-of-way; and pedestrian amenities.
 - (c) The PRD uses and development are compatible with adjacent properties, including public open spaces, public trails and existing neighborhoods and communities. The standards for compatibility shall include the design requirements in subsection (b).
 - (d) Upon approval of a Site Development Plan for Subdivision with design requirements by the Planning Commission, individual site plans for building permit may be submitted for building permit approved unless the Planning Commission specifies additional review.
 - (e) Signs as permitted and regulated by the Planning Commission.
- (26) Public utility structure. Signs as regulated by the Planning Commission.
- (27) Police Station. Signs as regulated in the O-1 zone.
- (28) Race track. Signs as regulated in the C-2 zone.
- (29) Stadium. Signs as regulated in the C-2 zone.
- (30) Swimming pool. Signs as regulated in the O-1 zone.
- (31) Transit facilities.
- (32) Truck plaza.
- (33) A concealed wireless tele-communications facility may be allowed in conjunction with an approved use, provided the requirements of § 14-16-3-17 are met.
- (34) Wireless Telecommunications Facility, provided that the requirements of § 14-16-3-17 of this Zoning Code are met, and as specifically allowed below:

- (a) A concealed wireless telecommunications facility, up to 65 feet in height.
 - (b) A collocated free-standing wireless telecommunications facility, up to 75 feet in height.
 - (c) A face-mounted wireless telecommunications facility.
 - (d) A roof-mounted free-standing wireless telecommunications facility, up to 20 feet above the parapet of the building on which it is placed.
 - (e) A wireless telecommunications facility, the antennas of which are all mounted on an existing vertical structure.
- (35) Use combinations not adequately allowed and controlled in other zones, relative to a specific site. Signs as permitted and regulated by the Planning Commission.
- (36) Hospital for treatment of substance abusers.
- (37) Form based zones (TOD-MAC, TOD-COM, MX, ID and PND), provided:
- (a) The form based zones shall comply with the standards of § 14-16-3-22 Form Based Zones. The provisions of § 14-16-3-22 shall control where inconsistent with § 14-16-2-22.
 - (b) A site development plan for a form based zone is required for approval by the Planning Commission in conjunction with a zone map amendment and prior to building permit approval, with specific submittal requirements that include, but are not limited to:
 - 1. An accurate site plan at a scale of at least 1 inch to 100 feet showing: building placement, parking location, street layout, lot layout, placement of mechanical equipment, lighting and signage, public amenities, walls, and required usable open space;
 - 2. A preliminary grading plan;
 - 3. A preliminary utility plan;
 - 4. A landscape plan showing landscape areas, plant material, water harvesting areas; and
 - 5. Building elevations demonstrating building types, frontage types, heights, fenestration, shading elements, articulation, ground story clear height.
 - (c) The form based zones shall meet the eligibility requirements set forth in § 14-16-3-22(B).
 - (d) Modifications to any of the standards of the (§ 14-16-3-22) Form Based Zones may be granted by the Environmental Planning Commission or other City Council designated approval body, as set forth in § 14-16-3-22(A)(6).
- (C) Off-Street Parking.** Off-street parking shall be provided as required by the Planning Commission.
- (D) Height.** The same regulations apply as in the R-2 zone unless modified by the Planning Commission.

- (E) **Open Space.** If the SU-1 zone is mapped in an area not designated by the master plan as Redeveloping or Established Urban, 2,400 or more square feet of open space per dwelling shall be preserved. Of the total 2,400 square feet, the following minimum amounts shall be usable open space on the lot with the dwelling: 200 square feet for each efficiency or one-bedroom dwelling, 250 square feet for each two-bedroom dwelling, and 300 square feet for each dwelling containing three or more bedrooms. The remaining requirement may be met by the alternatives listed in § 14-16-3-8(A) of this Zoning Code.
- (F) **Variiances.** If the resolution approving SU-1 references the regulations of another ^{estab.} zone or if the adopted site development plan specifically incorporates such regulations, the referenced zone regulations shall apply unless a variance is approved.
- (G) Any special use that would allow the sale or dispensing of alcoholic drink for consumption off premises shall be subject to the restrictions set forth in the C-2 zone (§ 14-16-2-17 of this Zoning Code) for sales of alcoholic drink for consumption off premises except any retailing of alcoholic drink, for on or off premise consumption, within 500 feet of a community residential program or hospital for treatment of substance abusers, is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994.
- (H) **Large Retail Facility Regulations.** Any site containing a large retail facility, as defined in § 14-16-1-5 of the Zoning Code, is subject to special development regulations. The large retail facility regulations are provided in § 14-16-3-2 of the Zoning Code.

('74 Code, § 7-14-30) (Ord. 80-1975; Am. Ord. 48-1976; Am. Ord. 6-1977; Am. Ord. 26-1977; Am. Ord. 38-1978; Am. Ord. 68-1979; Am. Ord. 40-1980; Am. Ord. 49-1980; Am. Ord. 42-1981; Am. Ord. 14-1984; Am. Ord. 77-1984; Am. Ord. 11-1986; Am. Ord. 41-1987; Am. Ord. 12-1990; Am. Ord. 30-1990; Am. Ord. 47-1990; Am. Ord. 69-1990; Am. Ord. 45-1992; Am. Ord. 43-1994; Am. Ord. 8-1995; Am. Ord. 58-1995; Am. Ord. 17-1997; Am. Ord. 33-1997; Am. Ord. 9-1999; Am. Ord. 8-2000; Am. Ord. 35-2000; Am. Ord. 11-2002; Am. Ord. 50-2002; Am. Ord. 48-2003; Am. Ord. 16-2004; Am. Ord. 42-2004; Am. Ord. 4-2005; Am. Ord. 30-2005; Am. Ord. 23-2007; Am. Ord. 5-2008; Am. Ord. 7-2008; Am. Ord. 9-2009; Am. Ord. 19-2010)

§ 14-16-3-2 SHOPPING CENTER REGULATIONS.

See D for Large Retail Facility Regulations.

This section controls the development of shopping center sites.

(A) General.

- (1) No structure shall be erected on a shopping center site except in conformance with a duly approved site development plan. Once approved, such a plan or subsequent amended plan is binding on the entire area of the original site development plan. Sales of all or part of the premises do not alter the effect of the plan. Platting of lots or creation of smaller premises do not alter the effect of the plan. Subsequent to execution of the site development plan, use of the site entirely for manufacturing, assembling, treating, repairing, rebuilding, wholesaling, and warehousing for a period of over one year does change the status of the site as a shopping center and suspends the legal effect of the site development plan for so long as the uses remain.
- (2) The rights and duties of the city and of the applicant which result from the approval of an application under this section run with the land and are binding upon successors in interest of the applicant. When an application is approved, a copy of the approved Site Development Plan and Landscaping Plan or record of exemption shall be kept in the office of the Planning Director. A building permit for a shopping center site shall be issued only upon presentation of working plans and specifications drawn in close conformity with an approved Site Development Plan.
- (3) The Planning Director shall designate shopping center sites on the official zone map by the symbol "SC."
- (4) The Planning Commission may modify the boundaries of or eliminate an existing Shopping Center designation for any site, upon application by the property owner, if the Planning Commission finds no public benefit in continued application of the shopping center regulations because most of the site has been allowed to develop without the guidance of a site development plan.

(B) Shopping Center Requirements. The following regulations apply to an application for a building permit for construction on a shopping center site, except applications covering on-site parking expansion:

- (1) An applicant shall submit a Site Development Plan and Landscaping Plan for the shopping center site.
- (2)
 - (a) Access to the shopping center site is limited to approaches designed according to accepted traffic engineering practice, so laid out as to be an integral part of the parking area and loading facilities.
 - (b) Pickup points shall be so designed that vehicles do not create congestion on an abutting public way. No loading and unloading is to be conducted on a public way.
- (3) Landscaping of shopping center sites must comply with the regulations of § 14-16-3-10 of this Zoning Code. The Planning Commission may require additional buffer landscaping if it finds it necessary due to demonstrably unusual circumstances.
- (4) Free-standing signs on shopping center sites shall be limited to one on-premise sign per 300 feet of street frontage on arterial and collector streets. Maximum signable area shall be 150

square feet per sign face and maximum sign height shall be 26 feet. Off-premise signs shall not be permitted on shopping center sites.

- (5) Upon approval, the applicant is responsible for payment of the cost for the necessary traffic control devices and channelization to shelter vehicular turning movements into the shopping center or shopping center site, channelization to be designed according to accepted advanced geometric design technique. These responsibilities must be outlined and agreed upon between the applicant and the city at the time of approval of the Site Development Plan.
- (6) The site division regulations established in § 14-16-3-2(D)(3) ROA 1994, apply to all retail facilities with over 90,001 aggregate square feet of gross leasable space.

(C) Procedure.

- (1) Approval and revision of plans is the same procedure as for SU-1 plans.
- (2) The Planning Commission may review the plan and progress of development at least every four years until it is fully implemented to determine if it should be amended.

(D) Large Retail Facility Regulations.

- (1) Applicability.
 - (a) Provisions of this section and § 14-8-2-7, Responsibilities of Applicants and Developers, shall apply to the following, as determined by the Environmental Planning Commission (EPC):
 1. New construction of a large retail facility;
 2. Change of use from a non- large retail facility to a large retail facility as defined in § 14-16-1-5;
 3. Building expansion of more than 50% of the existing square footage.
 - (b) Building expansion of 10% to 50% of the existing square footage of an existing large retail facility shall be subject to the following requirements:
 1. Pre-application discussion with the Planning Review Team (PRT).
 2. Compliance with the large retail facilities design regulations as determined by the EPC. The EPC before issuing final design regulations shall request input from neighborhood associations with boundaries that are within 200 feet of the proposed project.
 - (c) Building expansion up to 10% of the existing square footage and building renovation of an existing large retail facility shall comply with the design regulations in this section to the extent possible as determined by the Planning Director.
- (2) Location and Access of Large Retail Facility. The following regulations manage the location and design of large retail facilities. These regulations are necessary for the proper functioning and enjoyment of the community. They protect the quality of life within surrounding residential areas, support efficient traffic flows, and provide consistent regulations for such facilities. Large retail facilities shall be located to secure adequate street capacity to transport pedestrians and vehicles to and from large retail facilities, and

discourage traffic from cutting through residential neighborhoods. The regulations result in efficient and safe access for both vehicles and pedestrians from roadways in the Metropolitan Transportation Plan to neighborhoods in the vicinity of large retail facilities. The Planning Director, after initial review of a large retail facilities proposal, may require the site to comply with the next level of large retail facilities regulations.

- (a) Large retail facilities containing 75,000 to 90,000 sq. ft. net leasable area are:
1. Permitted in C-2, C-3, M-1, M-2, IP, SU-1 and the SU-2 Zones for uses consistent with C-2, C-3, M-1, M-2, IP Zones; and
 2. Permitted in C-1 zones if the project site or site plan reviewed for subdivision is greater than seven acres.
 3. Required to be located adjacent to and have primary and full access to a street designated as at least a collector in the Mid-Region Council of Governments' Metropolitan Transportation Plan and having at least two through traffic lanes.
- (b) Large retail facilities containing 90,001 to 124,999 sq. ft. net leasable area are:
1. Permitted in C-2, C-3, M-1, M-2, and IP zones and SU-1 and SU-2 zones for uses consistent with C-2, C-3, M-1, M-2, IP Zones; and
 2. Required to be located adjacent to and have primary and full access to a street designated as at least a collector in the Mid-Region Council of Governments' Metropolitan Transportation Plan and having at least four through traffic lanes.
- (c) Large retail facilities containing 125,000 square feet or greater of net leasable area are:
1. Permitted in the C-2, C-3, M-1, M-2, IP, SU-1 and SU-2 for uses consistent with C-2, C-3, M-1, M-2, IP Zones; and
 2. Required to be located within 700 feet of the intersection of two roadways, both of which are designated as at least a collector street in the Mid-Region Council of Governments' Metropolitan Transportation Plan and shall have full access to these roadways. One of the adjacent roadways shall have at least four through traffic lanes and the other adjacent roadway shall have at least six through traffic lanes or is designated a limited access principal arterial in the Mid-Region Council of Governments' Metropolitan Transportation Plan and have a minimum of four lanes.
 3. If an arterial or collector street has yet to be built to its full cross-section and does not have the required number of lanes, the large retail facility may have access onto the roadway if the roadway is identified on the Metropolitan Transportation Plan as having the required number of lanes at full build-out.
 4. If access control policies prohibit access onto one of the adjacent roadways, a local road may be used as access if it has direct access to at least two roadways that are identified on the Long Metropolitan Transportation Plan, does not pass directly through a residential subdivision and at least one of the intersections is signalized.
 5. If access to a location fulfills the criteria of this section but control policies outside the city jurisdiction prohibit access onto one of the adjacent arterial or

collector streets, the remaining arterial or collector street may serve as the sole access if it has direct access to two intersections with an arterial and the intersections are signalized.

6. If warrants are met, the intersection of the primary driveway and the arterial street shall be signalized, unless prohibited by the City Traffic Engineer for safety reasons, at the expense of the applicant. The applicant may place the name of the development on the mast-arm of the signal.
- (3) Site division. These regulations create block sizes for large retail facility that are walkable and support land use changes over time. The site plans for subdivision in Phase One and the Final Phase, if proposed, shall subdivide or plan the site as follows:
- (a) The entire site shall be planned or platted into maximum 360 foot by 360 foot blocks except as provided in Items (c) and (d) of this division (D)(3).
 - (b) Primary and secondary driveways (or platted roadways) that separate the blocks shall be between 60 feet and 85 feet wide and shall include the following:
 1. Two ten-foot travel lanes;
 2. Two parallel or angle parking rows or a combination of such on both sides of the driveway rights of way are permitted but not required;
 3. Two six-foot landscaped buffers with shade trees spaced approximately 30 feet on center;
 4. Two eight-foot pedestrian walkways constructed of material other than asphalt;
 5. Pedestrian scale lighting that provides at least an illumination of 1.2 to 2.5 foot candles or the equivalent foot lamberts; and
 6. Standup curb.
 - (c) One block can be expanded to approximately 790 feet by 360 feet if a main structure (including retail suite liners) covers more than 80% of the gross square footage of a block.
 - (d) If the site dimensions result in irregular block sizes, blocks of different dimensions are allowed provided:
 1. The block sizes achieve the intent of this section;
 2. Approval is granted by the EPC;
 3. The narrow side of the block abuts the adjacent street that provides the primary access; and
 4. The center of the long side has a major entrance, including a forecourt.
- (4) Development Phasing and Mixed-Use Component. The large retail facility regulations address the build-out of a large site over time in order to guide the transition from more vehicle-oriented "big box" type retail development with large surface parking fields to finer-scaled, pedestrian oriented, mixed-use development, replacing surface parking with some

parking structures, producing a village center that is integrated into the surrounding neighborhoods. This transition reflects actual trends in development and creates a better, more marketable, and higher use development.

- (a) Site development plans for Phase One shall be submitted to the EPC for approval. If future and/or final phases are proposed on the site, site development plans containing a level of detail appropriate for the phasing of the development shall also be submitted to the EPC for approval.
 - (b) Mixed Use Component. Mixed use development is strongly encouraged in both Phase One and the Final Phase of the site plans for all large retail facilities.
- (5) Site Design. These regulations are intended to create pedestrian connections throughout the site by linking structures, make pedestrian connections to external neighborhoods and other uses, and to provide landscaping compatible with the site's scale for pedestrian shade and aesthetic beauty. The regulations will result in an active pedestrian street life, replace large off-street parking fields with parking structures and transit options, conserve energy and water, and meet the goals of the Albuquerque/ Bernalillo County Comprehensive Plan and the Planned Growth Strategy. The following subsections (a) through (n) apply to all large retail facility sites:
- (a) Context: The design of structures shall be sensitive to and complement the aesthetically desirable context of the built environment, e.g., massing, height, materials, articulation, colors, and proportional relationships.
 - (b) Off-Street Parking Standards:
 - 1. If a structure or structures, including retail suite liners, occupies more than 80% of a planned or platted block, the off street parking shall be placed on another block.
 - 2. Parking shall be distributed on the site to minimize visual impact from the adjoining street. Parking shall be placed on at least two sides of a building and shall not dominate the building or street frontage. Parking areas may front onto roadways identified as limited access in the Mid-Region Council of Governments' Metropolitan Transportation Plan, provided that they are adequately screened with landscape walls and plantings. If a project has multiple phases the final phase site plan, if proposed, shall show the elimination of surface parking areas but may include parking structures.
 - 3. If the site is planned into 360 foot by 360 foot lots as called for in these regulations, parking requirements may be met by spaces located on a block immediately adjacent to the structure creating the parking demand.
 - 4. Every third double row of parking shall have a minimum ten foot wide continuous walkway dividing that row. The walkway shall be either patterned or color material other than asphalt and may be at-grade. The walkway shall be shaded by means of trees, a trellis or similar structure, or a combination thereof. Tree wells, planters or supports for shading devices may encroach on the walkway up to three feet. In no case shall the walkway be diminished to less than five feet width at any point.
 - 5. Parking requirements for a large retail facility with a mixed use component may use "best practice" standards for shared parking such as Driving Urban

Environments: Smart Growth Parking Best Practices, a publication of the Governor's Office of Smart Growth, State of Maryland. Refer to § 14-16-3-1 for shared parking requirements.

(c) On-Street Parking Standards:

1. Arterial or collector roadways abutting a large retail facility with a posted speed limit of 35 miles or less per hour shall have on-street parking utilizing a parking/queuing lane under the following standards and if approved by the Traffic Engineer:
 - a. On-street parking may use the existing adjacent outside lanes on an arterial or collector.
 - b. The parking/queuing lane may be provided by moving the curb lines within the property line and dedicating the parking/queuing lane to the city. The existing through lanes shall not be used as the parking/queuing lane unless a traffic analysis indicates that this will not result in unacceptable degradation of traffic flow, though existing can be restriped in a narrower configuration to provide space for the parking/queuing lane.
 - c. The parking/queuing lane has a maximum width of 16'.
 - d. Curb extensions/bump-outs shall be constructed at the ends of each block and shall include landscaping to be maintained by the property owner pursuant to a maintenance agreement with the city.
 - e. Street trees shall be planted pursuant to the Street Tree Ordinance, Chapter 6, Article 6, ROA 1994.
2. The regulations for parking credits and reductions set forth in § 14-16-3-1(E)(6) shall apply to this subsection except that 100% of the on-street parking shall be credited towards the project's parking requirements.

(d) Signage.

1. Signage shall comply with the shopping center regulations for signage, § 14-16-3-2(B).
 2. All signage shall be designed to be consistent with and complement the materials, color and architectural style of the building(s).
 3. All free-standing signs shall be monument style.
 4. The maximum height of any monument sign shall be 15 feet.
 5. Building-mounted signage that faces residential zoning shall not be illuminated.
 6. Building-mounted signs shall consist of individual channel letters. Illuminated plastic panel signs are prohibited.
- (e) Drive-up windows must be located on or adjacent to the side or rear walls of service or retail structures and the window shall not face a public right of way.

(f) Petroleum Products Retail Facility.

1. Facilities shall be located at a street or driveway intersection.
2. The frontage of the principal structure shall face and line the two streets and follow the set-back and glazing standards for retail suite liner.
3. Fuel pumps, service facilities, ATMs, storage areas, and repair bays are to be screened from the major street by the principal structure.
4. If the structure between the street and the fueling island is not at least the length of the canopy that is over the fueling island, or if there is no service facility structure, the perimeter of the facility shall be screened by either a landscaped berm three feet in height or a wall at least three feet in height.

(g) Truck Bays.

1. Truck bays adjacent to residential lots must be separated from the adjacent lot by a minimum of 40 feet. A minimum 15 foot wide landscape buffer and a six-foot high solid masonry wall shall be provided along the property line. The landscape buffer shall contain evergreen trees or trellises with climbing vines to provide year round screening and buffering from noise. Dock and truck well facilities must also be screened with a masonry wall that extends vertically eight feet above the finish floor level and horizontally 100 feet from the face of the dock. Screen walls shall be designed to blend with the architecture of the building. Trucks may not be moved or left idling between the hours of 10:00 p.m. and 6:30 a.m. if the truck bays are located within 300 feet of a residential structure unless negotiated with adjacent property owners and approved by the EPC.
2. Truck bays not adjacent to residential lots must be screened with a masonry wall extending vertically eight feet above the finish floor level and horizontally 100 feet from the face of the dock to screen the truck. Screen walls shall be designed to blend with the architecture of the building.

(h) Landscaping. The following landscaping requirements shall apply:

1. Landscaped traffic circles are encouraged at the intersection of interior driveways or platted streets.
2. One shade tree is required per eight parking spaces. Shade trees may be located at the center of a group of four to eight parking spaces, clustered in parking row end caps, or located along internal pedestrian ways. Shade trees lining a pedestrian way internal to a parking area may count as a canopy tree of a parking space. Trees in landscape buffer areas shall not count as parking space trees.
3. Shade trees along pedestrian walkways shall be spaced approximately 25 feet on center.
4. Water conservation techniques shall be utilized where possible and as approved by the City Hydrologist or City Engineer. Such techniques may include water harvesting and permeable paving. Water from roof runoff should be directed or stored and used to assist all trees and landscaping. Parking spaces that meet infiltration basins or vegetated storm water controls should be bordered by

permeable paving. Grasses and other ground vegetation should be near edges to help filter and slow runoff as it enters the site.

- (i) Pedestrian walkways. Internal pedestrian walkways shall be planned and organized to accommodate the inter-related movement of vehicles, bicycles, and pedestrians safely and conveniently, both within the proposed development and to and from the street, transit stops, and the surrounding areas. Pedestrian walkways shall contribute to the attractiveness of the development and shall be a minimum of eight feet in width and constructed of materials other than asphalt. Pedestrian walkways along internal driveways or streets internal to the site shall also be lined with shade trees and pedestrian scale lighting. Pedestrian crosswalks shall be constructed of patterned concrete or a material other than asphalt and may be at grade.
- (j) A pedestrian plaza or plazas shall be required of all large retail facility development as follows:
 1. Large retail facility sites that include a main structure less than 125,000 square feet in size shall provide public space pursuant to § 14-16-3-18(C)(4) of the Zoning Code.
 2. Large retail facility sites that include a main structure 125,000 square feet or greater shall provide pedestrian plaza space in the amount of 400 square feet for every 20,000 square feet of building space. A minimum of 50% of the required public space shall be provided in the form of aggregate space that encourages its use and that serves as the focal point for the development. The aggregate space required shall:
 - a. Be linked to the main entrance of the principal structure and the public sidewalk or internal driveway;
 - b. Include adequate seating areas. Benches, steps, and planter ledges can be counted for seating space;
 - c. Have a portion (generally at least 40%) of the square footage of the plaza area landscaped with plant materials, including trees;
 - d. Be designed for security and be visible from the public right of way as much as possible;
 - e. Have pedestrian scale lighting and pedestrian amenities such as trash receptacles, kiosks, etc.
- (k) Lighting.
 1. Ornamental poles and luminaries, a maximum of 16 feet in height, shall be used as pedestrian scale lighting.
 2. The maximum height of a light pole, other than those along pedestrian walkways, shall be 20 feet, measured from the finished grade to the top of the pole.
 3. All on-site lighting fixtures shall be fully shielded to prevent fugitive light from encroaching into adjacent properties and/or right-of-way.

- (l) Outdoor Storage. Outdoor storage as part of a mixed use development or within a C-1 or C-2 zoned site is not allowed. Outdoor uses such as retail display shall not interfere with pedestrian movement. Where the zoning permits and where outdoor storage is proposed, it shall be screened with the same materials as the building.
- (m) Transit stops. If transit stops exist or are planned adjacent to a large retail facility, they shall include a covered shelter with seating provided at the developer's expense. Either the interior of the structures shall be lighted or the area surrounding the structures shall be lighted to the same standards as pedestrian walkways. If the transit stop is within the public right-of-way, the city shall assume ownership of the shelter and responsibility for maintenance.
- (n) Storm Water Facilities and Structures. The following regulations apply to site hydrology:
 - 1. Impervious surfaces shall be limited by installing permeable paving surfaces, such as bricks and concrete lattice or such devices that are approved by the City Hydrologist, where possible.
 - 2. Where possible, transport runoff to basins by using channels with landscaped pervious surfaces. Landscaped strips may be converted into vegetative storm-water canals but must be shallow to avoid defensive fencing.
 - 3. Ponds, retention and detention areas shall be shallow to prevent the need for defensive/security fencing yet have the capacity to manage storm waters in a 100 year event.
 - 4. Trees, shrubs, and groundcover shall be included in storm water basins.
 - 5. Bare patches shall be re-vegetated as soon as possible to avoid erosion, according to a landscaping and maintenance plan.
- (o) Energy efficient techniques shall be utilized to reduce energy and water consumption where possible and as approved by the City Hydrologist or City Engineer.
- (6) Main Structure Design. The following subsections (a) through (d) apply to main structures:
 - (a) Setback.
 - 1. Main structures shall be screened from the adjacent street by means of smaller buildings, retail suite liners, or 20 foot wide landscape buffers with a double row of trees.
 - 2. Where the front facade of a retail suite liner is adjacent to a street, the maximum front setback shall be ten feet for private drives and 25 feet for public roadways.
 - 3. Main structures abutting residentially zoned land shall be set back from the property line at least 60 feet.
 - (b) Articulation.
 - 1. Facades that contain a primary customer entrance and facades adjacent to a public street or plaza or an internal driveway shall contain retail suite liners, display windows, or a recessed patio at a minimum depth of 20 feet, or a

combination of all three, along 50% of the length of the façade. Where patios are provided, at least one of the recessed walls shall contain a window for ease of surveillance and the patio shall contain shading and seating. Where retail suite liners are provided, they shall be accessible to the public from the outside.

2. Every 30,000 gross square feet of structure shall be designed to appear as a minimum of one distinct building mass with different expressions. The varied building masses shall have a change in visible roof plane or parapet height. Massing and articulation are required to be developed so that no more than 100 feet of a wall may occur without an offset vertically of at least 24 inches.
3. For the retail suite liner, the vertical offset shall be a visible change (minimum 6 inches), a change in material may be used for articulation at the same interval and the visible change in roof plane or parapet height shall be a minimum of 18 inches.
4. Facades adjacent to a public right-of-way or internal driveway and facades that contain a primary customer entrance shall contain features that provide shade along at least 40% of the length of the façade for the benefit of pedestrians.

(c) Materials.

1. Engineered wood panels, cyclone, chain-link, and razor-wire fencing are prohibited.
2. Design of the external walls and the principal entrance must include three of the below listed options:
 - a. Multiple finishes (i.e. stone and stucco);
 - b. Projecting cornices and brackets;
 - c. Projecting and exposed lintels;
 - d. Pitched roof forms;
 - e. Planters or wing-walls that incorporate landscaped areas and can be used for sitting;
 - f. Slate or tile work and molding integrated into the building;
 - g. Transoms;
 - h. Trellises;
 - i. Wall accenting (shading, engraved patterns, etc.);
 - j. Any other treatment that meets the approval of the EPC.

(d) Landscaping.

1. The buffer for main structures across the street from residentially-zoned land shall be at least 23 feet wide and include two rows of street trees. The trees shall be located pursuant to the guidelines set forth in Crime Prevention Through

Environmental Design Recommendations. The landscaping of the berm shall provide year-round screening.

2. The public sidewalk adjacent to the main structure may be located within the berm and between the rows of trees. The sidewalk must be a minimum of seven feet behind the curb.
- (7) Mixed-Use Component. The following subsections (a) through (g) apply to Mixed Use Development:
- (a) Uses and building forms. The mixed use component may include a mix of the following building forms and uses:
 1. Apartments or condominiums.
 2. Apartments or condominiums over storefronts.
 3. Courtyard housing.
 4. Live-work.
 5. Townhouses.
 6. Lofts.
 7. Lofts over flex.
 8. Senior housing.
 9. Mixed income housing including a minimum of 20% affordable at 80% or less of Area Median Income (AMI) for fee simple unit and 60% or less of AMI for rental units. If rental units are multiple sizes, only a maximum of 50% of the rental units set aside for 60% or less of AMI shall be the size of the smallest size category of rental unit in the project.
 10. Office building.
 11. Office over storefronts.
 12. Civic, cultural, and community buildings.
 13. Parking structures with commercial or housing liners.
 14. Schools, both traditional and technical vocational.
 - (b) Density.
 1. Minimum density: 12 dwelling units per acre.
 2. Minimum FAR: .30.
 3. Maximum density: As determined by the EPC.

(c) **Building Heights.** Heights within the mixed use portion of the large retail facility site may vary depending on location. Structures adjacent to residentially zoned parcels shall be subject to the height requirements of the O-1 Zone and shall not exceed 26 feet in height within 85 feet of a lot zoned specifically for houses. The heights of buildings along the central driveway or street and adjacent to a major arterial or freeway may exceed four stories so long as the average building height of all structures in the mixed use site does not exceed the maximum of four stories and no individual structure exceeds a height of seven stories.

(d) **Building Setbacks.**

Primary Building	Mixed Use Component
(1) Street-Facing Setback with Ground-Floor Storefront	
a. On Private Drive	10 foot minimum
b. On Public Street	15 foot maximum
(2) Street-Facing Setback without Ground-Floor Storefronts	
a. On Private Drive	10 foot minimum
b. On Public Street	15 maximum
Interior Side Setback (from property line)	Attached or 5' maximum
Interior Side-Side Separation (btw. Adjacent buildings)	Attached or 10' maximum
Interior Rear Setback (from property line)	5' from alley ROW; 20' if no alley (e.g. parking lot)
Interior Rear-Rear Separation] (btw. Adjacent buildings)	30' minimum.
Interior Side-Rear Separation - (btw. Adjacent buildings)	20' minimum

Note 1: Features that may encroach into a pedestrian way up to the maximum specified: eaves (4' max.), awnings (8' max.), and minor ornamental features (2' max). Over pedestrian ways, projections must be more than 8 feet above finished grade.

Note 2: Features that may encroach into setbacks facing driveways or streets (but not driveway or street right-of-ways), up to the maximum specified: arcades & trellises (to driveway or street r.o.w.), porches & stoops (8' max.), eaves (4' max.), awnings (8' max.), and minor ornamental features.

- (e) **Street Frontage.** All street frontages in the mixed-use component shall be:
1. Lined by buildings with windows and primary entries, not garage doors; parking areas shall be located to the rear or side of the building.
 2. Building facades shall occupy at least 50% of the street frontage.
- (f) **Articulation.** Mixed-use structures shall have a change in visible roof plane or parapet height for every 50 feet in length, however each distinct roof length does not have to

equal 50 feet in length. Massing and articulation are required to be developed so that no more than 50 feet of wall may occur within a six foot minimum change in the visible vertical offset, or at the same interval a change in material may be used for articulation and the visible change in roof plane or parapet height shall be a minimum of 18 feet.

- (g) Entrances and Glazing. Each ground floor use shall have one entrance minimum for each 50' or less of building frontage length.
- (h) Materials. The materials standards for the mixed use component are as follows:
 - 1. Engineered wood panels, cyclone, chain-link, and razor-wire fencing are prohibited.
 - 2. Arcades, awnings, cantilevers, portals and shed roofs may be made of metal, fabric, concrete tile, clay tile, or slate (equivalent synthetic or better).
 - 3. A mixed-use component shall include at least four of the following design features:
 - a. Balconies.
 - b. Projecting cornices and brackets.
 - c. Eaves.
 - d. Exposed lintels.
 - e. Multiple veneers (i.e. stone and stucco).
 - f. Pitched roof forms.
 - g. Planter boxes.
 - h. Slate or tile work and molding integrated into the building.
 - i. Transoms.
 - j. Trellises.
 - k. Wall accenting (shading, engraved patterns, etc.).
 - l. Any other treatment that meets the intent of this section and that receives the approval of the EPC.
- (i) On-Premise Signage.
 - 1. Appropriate signage includes blade signs, awning signs, and wall-mounted or hanging metal panel signs. Internally illuminated box signs, billboards, roof-mounted, free-standing, any kind of animation, and painted window signs, and signs painted on the exterior walls of buildings are not allowed. No flashing, traveling, animated, or intermittent lighting shall be on or visible from (i.e. through windows) the exterior of any building.

2. Wall signs are permitted within the area between the second story floor line and the first floor ceiling within a horizontal band not to exceed two feet in height. Letters shall not exceed 18 inches in height or width and three feet in relief. Company logos or names may be placed within this horizontal band or placed or painted within ground floor or second story office windows and shall not be larger than a rectangle of eight square feet. Projecting signs may not be more than 24 inches by 48 inches and a minimum ten feet clear height above the sidewalk and may be hung below the third story level. Signs may not project more than 36 inches perpendicular to the right-of-way beyond the façade. Lettering on awnings is limited to nine inches in height.
- (8) Maintenance Agreement for Vacant or Abandoned Site. Large retail facilities sometimes are vacated due to changing conditions in the retail market. To maintain a quality built environment, large retail facilities shall be maintained during periods of abandonment or vacancies at the same standard as when occupied. The owner of a site shall sign a maintenance agreement with the city that the site will be maintained when vacant to the following minimal standards, among others as deemed appropriate by the Planning Director:
- (a) The landscaping shall be watered, pruned and weeded.
 - (b) The parking areas shall be cleaned of dirt and litter.
 - (c) The building facades shall be kept in good repair, cracked windows shall be replaced and graffiti removed.
 - (d) Outdoor security lighting shall be maintained and operated.
 - (e) Hydrology systems shall be kept in good working order.

(74 Code, § 7-14-40B) (Am. Ord. 23-2007)

CITY INFORMATION

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Findings 1 through 13:

Abstain: Garduño

1. This case had its genesis in an action before the Environmental Planning Commission (“the EPC Case”). The EPC conducted hearings regarding an application for a site plan for building permit for a proposed development. (“the Project”). The EPC case is Project No. 1003859 11 EPC 40067/40068.

2. An issue in the EPC Case was whether the Project met the access requirements required by the Zoning Code for large retail facilities. §14-16-3-2(D)(2).

3. During the hearing on the EPC case, the acting Zoning Enforcement Officer (“ZEO”) testified about her interpretation of the access requirements for large retail facilities.

4. The Taylor Ranch Neighborhood Association [“TRNA”] requested that the ZEO issue a declaratory ruling with respect to access requirements for large retail facilities.

5. The ZEO is empowered by the Zoning Code to issue declaratory rulings regarding the interpretation of the Zoning Code:

“§ 14-16-4-8 DECLARATORY RULINGS.

(A) Upon request, the Zoning Enforcement Officer shall issue declaratory rulings as to the applicability of the Zoning Code to a proposed development or activity...”

6. The TRNA asked the ZEO to issue declaratory rulings answering the following questions:

a. “[W]hether the site for the LRF [large retail facility] as presented in project No. 1003859 11 EPC 40067/40068, is permitted at this site, specifically whether it meets the requirements [of] LRF access regulations?”

b. “Does an LRF meet the access requirements of...[the Zoning Code] if...the site plan for building permit...does not have the required access...?”

c. Are the requirements for access to a LRF met “when the subdivision in which the LRF is proposed is zoned SU-1 and the local road access to a collector street is through residential zones?”

7. At the EPC hearing the ZEO testified that in her opinion the Project had the access required by the Zoning Code for a large retail facility. The ZEO did not issue a declaratory ruling in response to the question of whether the Project meets the access requirements for a large retail facility.

8. The ZEO issued a declaratory ruling that the access requirements in the Zoning Code for a large retail facility do not need to be met: “If a site does not meet this particular standard [for access], EPC still has the authority to approve the request.”

9. In a later explanation of the ZEO’s position on whether the EPC may approve a site that does not meet the requirements of the Zoning Code it was explained: “[T]he Planning Commission [is allowed] to make an exception to the

regulations of the LRF.”

10. The ZEO finally issued a declaratory ruling that the Zoning Code does not answer the question of whether LRF access can be accomplished by local road access to a collector street through residential zones.

11. TRNA, subsequently joined by additional neighborhood associations, appealed the declaratory rulings of the ZEO.

12. The Land Use Hearing Officer [“LUHO”] heard the case and issued recommended findings and conclusions. The LUHO recommendation went beyond the narrow declaratory rulings and made policy recommendations that were not specifically at issue. Most notably the LUHO recommended that the Council should hold that declaratory rulings should not be issued when the identical issue is already being considered by the EPC or another body.

13. The LUHO recommendations were rejected by the City Council and a hearing was held by the City Council on the appeal.

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 14a:

Abstain: Garduño

14a. The Council finds that the ZEO did not issue a declaratory ruling, as requested, with respect to the question of whether the Project met the access requirements required by the Zoning Code for large retail facilities. §14-16-3-2 (D)(2). The EPC case should proceed and the EPC should recognize that the ZEO has not made any statements, including her testimony before the EPC that are binding on the EPC. The EPC is responsible for deciding those issues that are before it with respect to whether the Project meets the requirements of the Zoning Code.

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 15a:

Abstain: Garduño

15a. The Council finds that the ZEO erred in her declaratory ruling when she determined that: [T]he Planning Commission [is allowed] to make an exception to the regulations of the LRF.” The Planning Commission is charged with interpreting the Zoning Code in reaching its decisions. When the EPC determines that the language of the Zoning Code imposes mandatory requirements, the EPC may not waive such requirements.

On September 5, 2012, by a vote of 7 FOR, 1 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 16b:

Against: Harris
Abstain: Garduño

16b. The ZEO is not prohibited from issuing a declaratory ruling with respect to issues that are currently pending resolution before a board or commission. The ZEO is not obligated to provide a declaratory ruling in such a case and should exercise discretion in determining if the issuance of a declaratory ruling in such a case is appropriate.

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 17:

Abstain: Garduño

17. The City Council finds that the issue of site access will be an important issue if there is an appeal of the EPC Case. The City Council requests, but does not order, that the EPC adopt findings that fully explain its determination of this issue together with the facts that justify that determination.

LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-12-10

Declaratory Ruling

Taylor Ranch Neighborhood Association, Appellants¹,

Silver Leaf Ventures, LLC, Party Opponents.

1 **I. BACKGROUND**

2 This appeal concerns a declaratory ruling that was requested by the Appellants' attorney from
3 the City's acting Code Compliance Manager (CCM) regarding the interpretation of a Zoning Code
4 provision. Under §14-16-4-8 of the Zoning Code, "[u]pon request, the Zoning Enforcement Officer
5 shall issue declaratory rulings as to the applicability of the Zoning Code to a proposed development
6 or activity."² The precise question put to the CCM, required a ruling on the applicability of a
7 provision of the Shopping Center Regulation of the Zoning Code regarding Large Retail Facilities.³

8

9 The following material facts are not disputed. The Environmental Planning Commission
10 (EPC) held a public hearing on January 19, 2012, regarding an application from Silver Leaf

¹ Since the appeal was filed, 32 neighborhood associations have joined the appeal as Appellants. The list of intervening neighborhood associations are stated in a letter to City Staff, dated May 21, 2012, from Appellants' legal counsel and is included in the record.

² The Code Compliance Manager acts also as the Zoning Enforcement Officer for purposes of issuing declaratory rulings.

³ The Appellant also requested a declaratory ruling on a matter pending before the EPC which is explained in detail below.

1 Ventures, LLC (Silver Leaf) for approval of a site development plan for a building permit on a 11.5
2 acre tract (Tract 2-A) of the North Andaluia at La Luz subdivision located at the Southwest side of
3 Coors Boulevard, NW and Montano Road.⁴ Silver Leaf requested a building permit to construct,
4 among other components, a 98,901 square foot retail use at the site. After some testimony from at
5 least one City Staff Planner regarding the application and street access required under the Zoning
6 Code, the EPC voted to continue the hearing and its decision on the building permit. The matter was
7 rescheduled to its May 17, 2012, public hearing.

8 Thereafter, on February 24, 2012, in a letter to the City's Interim Planning Division Manager
9 (who also acts as the CCM and, apparently, the Zoning Enforcement Officer), Appellants' legal
10 counsel, Timothy V. Flynn-O'Brien, requested two declaratory rulings. The first question was a
11 request for an interpretation of the Zoning Code as it applied to Silver Leaf's application before the
12 EPC. The second question was a request for a "general ruling" for an interpretation of the Zoning
13 Code provision under hypothetical facts. Both questions concern the access requirements for a
14 "large retail facility" (LRF), and what an LRF encompasses under the Shopping Center Regulations
15 of §14-16-3-2(D)(2)(b).

16 On March 23, 2012, acting CCM, Juanita Garcia, issued a formal "Declaratory Ruling" to
17 satisfy her mandate under §14-16-4-8(A). On April 13, 2012, Appellants then filed their appeal.⁵
18 In the meantime, upon recommendation by City Staff, on May 17, 2012, the EPC approved a 90-day

⁴ Not material to this matter, at the January 19, 2012, EPC public hearing, Silver Leaf also requested to extend the seven-year life of the approved site development plan. The EPC took action on that, approving an extension. But, as explained further in this opinion, the EPC has not taken action on the building permit application.

⁵ The appeal does not appear to be timely; however, there were no objections to the timeliness of the appeal. As such, I consider the issue waived.

1 continuance of Silver Leaf's application. The City Council referred the instant appeal to this Land
2 Use Hearing Officer (LUHO) and a Land Use appeal hearing was held on June 4, 2012.

3
4 **II. STANDARD OF REVIEW**

5 A review of an appeal is a whole record review to determine if there is error:

- 6 1. In applying adopted city plans, policies, and ordinances in arriving at the decision;
7 2. In the appealed action or decision, including its stated facts;
8 3. In acting arbitrary, capriciously or manifestly abusive of discretion.

9 The decision and record must be supported by a preponderance of the evidence to be upheld.

10 The Land Use Hearing Officer may reweigh the evidence. The Land Use Hearing Officer's opinion
11 is advisory to the City Council. The Land Use Hearing Officer may recommend that the Council
12 grant, in whole or in part, an appeal, deny, in whole or in part, an appeal, or remand an appeal for
13 reconsideration if the remand is necessary to clarify or supplement the record, or if the remand would
14 expeditiously dispose of the matter.⁶

15
16 **IV. DISCUSSION**

17 After reviewing all the evidence in this matter, hearing arguments, and examining the Zoning
18 Code, I find that the CCM's declaratory Ruling is, in part, contrary to the plain meaning of the
19 Zoning Code and, in part, it is a correct interpretation of it. In addition, I also find that the CCM
20 appropriately declined to respond to the declaratory ruling question that pertained to the actual facts

⁶ See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

1 of the Silver Leaf Application . In reaching this conclusion, I am mindful that the EPC has not yet
2 fully considered, or decided on the pending Silver Leaf application. Appellants in this appeal are
3 requesting, as a part of their appeal, that I apply the Zoning Code to Silver Leaf’s application pending
4 before the EPC. I believe this aspect of the appeal should be denied as not ripe, not appropriate for
5 declaratory ruling, nor for this appeal. It is improper to issue a declaratory ruling on a matter that
6 directly relates to the facts of any pending application already before the EPC and to which
7 adjudicates those facts under the Zoning Code. The effect is an impermissible premature, advisory
8 opinion, that can be used to bind and potentially usurp the authority of the EPC. Accordingly, I will
9 only address the hypothetical question, the declaratory ruling and the law, as they apply to the facts
10 provided therein. In doing so, however, I will also explain why I believe addressing the particular
11 facts of the Silver Leaf application would be inappropriate.

12
13 ***A. Appellants’ Request for a Declaratory Ruling on the Zoning Code***
14 ***as it Relates to the Silver Leaf Application Pending Before The EPC***
15

16 This appeal concerns the CCM’s interpretation of §14-16-3-2(D)(2)(b) of the Shopping
17 Center Regulations. Notwithstanding, Appellants first contend that Juanita Garcia’s interpretation
18 of the applicable Zoning Code provision as she proposed it to the EPC during Silver Leaf’s
19 application hearing on January 19, 2012 before the EPC is erroneous and contrary to the plain
20 meaning of the Code provision interpreted. In effect, Appellants are asking that I, or that the City
21 Council, find that the interpretation of the Zoning Code given in her presentation to the EPC was
22 an incorrect interpretation. The declaratory ruling was unresponsive to the first question posed
23 dealing with the Silver Leaf application. Furthermore, Appellants seek a finding that the CCM
24 should have issued a declaratory ruling on the question concerning the facts of the Silver Leaf

1 application. The question Appellants claim I must answer because the CCM did not is:

2
3 “The threshold question is whether the site for the LRF as presented
4 in Project No. 1003859 11 EPC 40067/40068, is permitted at this site,
5 specifically whether it meets the requirements [of] LRF access regulations.”⁷
6

7
8 There is also no dispute that the above stated question refers to the pending Silver Leaf
9 application. In addition, it is a fact that the EPC has already commenced its public hearings on the
10 Silver Leaf application. It has been continued two times (one time because of this appeal).
11 Moreover, Appellants submitted their request for declaratory rulings after the EPC began
12 considering the Silver Leaf application. Clearly, the submission arose from Appellants’
13 disagreement with Ms. Garcia’s testimony presentation interpreting the Zoning Code at the January
14 19, 2012 EPC hearing.

15 Appellants cannot utilize the declaratory ruling process to by-pass, and adjudicate unfinished
16 business that is properly before the EPC.⁸ I believe that the City Council did not intend for the
17 declaratory ruling process to be used in this manner. There is nothing in the express language of
18 §14-16-4-8 of the Declaratory Rulings provisions in the Zoning Code that permit this kind of “back-
19 door” adjudication. Appellants argue that the compulsory language found in §14-16-4-8, requiring
20 the City Staff to issue a ruling, when requested, on the “*applicability of the Zoning Code to a*
21 *proposed or development activity*” is sufficient to allow rulings by the Zoning Department Staff on

⁷ See Letter from Timothy V. Flynn-O’Brien, dated February 24, 2012, Page 13 of the record.

⁸ Allowing declaratory rulings and appeals thereof that have their genesis from testimony at EPC hearings on matters already before the EPC could conceivably thrust pending applications in the judicial arena before the EPC actually makes any decision on them.

1 “particular projects”⁹ pending before the EPC. I respectfully disagree.

2 There is no express authority for allowing declaratory ruling of this sort. I believe that the
3 declaratory ruling process was not intended by the City Council as a process to usurp, preempt or
4 place constraints on the delegated powers of the EPC regarding any pending applications before it.
5 The EPC should be bound only by the facts it is investigating and the Zoning Code it is responsible
6 to enforce. There may be other constraints, but it should not be bound by a ruling that has the effect
7 of making decisions for it. Without clear, express authority, I cannot subscribe or recommend that
8 the authority be presumed in the Declaratory Ruling provision. Thus, the phrase “to a proposed or
9 development activity” in the Declaratory Ruling provision does not include individual, specified
10 matters pending before the EPC.

11 Moreover, if I were to address the question as it relates to the Silver Leaf application, my
12 recommendation would be tantamount to a premature, advisory opinion to the EPC. It would be
13 premature and advisory because the EPC has not completed its public hearing on the application, nor
14 has it made any decisions on the application, and any decision by me on the merits would circumvent
15 the process due to all parties, including the EPC. In addition, it would be an ill-conceived opinion
16 based on a “back-door” process by which the facts have not been fully investigated or examined.¹⁰
17 The EPC has not even completed its fact-finding yet. The EPC has the delegated authority to
18 examine and investigate all the facts. Again, I emphasize that the declaratory ruling process is not
19 intended to adjudicate certain facts of a pending application. It is intended to resolve questions

⁹ See Appellants’ written arguments, page 20, ¶2 of the record.

¹⁰ This appeal does not include all the supporting evidence that was provided to the EPC in its review process which is another basis for not addressing the question on the merits ahead of EPC.

1 regarding the “applicability of the Zoning Code to a *“proposed development or activity”* not a
2 proposed development activity that is pending before the EPC (or any other Board or commission).
3 It is utilized as a process to provide predictability and uniformity in the interpretation of the Zoning
4 Code. It is not a process to pre-adjudicate for the EPC pending applications in a piece-meal manner.
5 Accordingly, the CCM acted appropriately in not issuing a declaratory ruling on the question
6 concerning Silver Leaf’s application.

7
8 **B. Declaratory Ruling on the Meaning of an LRF and Access Requirements**

9 As indicated above, the CCM acted appropriately in not addressing the “threshold question”
10 raised by Appellant. That question concerns the merits of the Silver Leaf application that is pending
11 before the EPC. However, the CCM did address in her declaratory ruling the general question raised
12 in the February 24, 2012 request. That issue is appropriate for this appeal. The question raised by
13 Appellant and addressed by the CCM in her declaratory ruling is stated below in full:

14
15 Does an LRF meet the access requirements of Section 14-16-3-2(D)(2)(b) if (1) the
16 site plan for building permit for the LRF (98,901 sq. ft.) does not have the required
17 access and: (2) the subdivision in which the LRF is proposed is zoned SU-1 and the
18 local road access to a collector street is through residential zones?¹¹
19
20

21 As stated above, on March 23, 2012, the CCM issued her declaratory ruling to this question.¹²
22 In regard to the first part of the question, the CCM ruled that the EPC has the discretion to approve
23 an LRF application even if it does not have the access required by the applicable Zoning Code

¹¹ See Letter Dated February 24, 2012, Page 14 of the record.

¹² See page 42 of the Record.

1 provision dealing with this question. I find that this part of her ruling is contrary to the plain
2 meaning of the applicable Zoning Code provisions.

3 In addressing the second part of the question, the CCM ruled that because the Shopping
4 Center Regulations are “silent” on access through a residential zone regarding an LRF containing
5 98,901 sq. ft., the EPC has discretion to approve or deny the application. I agree with the CCM on
6 this part of her ruling. It should be upheld as explained below.

7 However, implicit in Appellants’ first part of the question is a question concerning the
8 substance of a LRF. That is, what is a LRF? Or, more accurately, what does an LRF include for
9 purposes of the access analysis? I will address this doorstep issue first, and then I will fully explain
10 how I reached my opinions on the Declaratory Ruling dealing with the hypothetical issues.

11
12
13 ***1. The Term “LRF” Includes More than***
14 ***Just the Large Retail Structure Itself***
15

16 Is an LRF only the structure containing the 98,901 sq. ft. in the hypothetical question? Or,
17 does an LRF include the entire site-plan, or something in-between? Appellants contend it is the
18 former—just the 98,901 sq. ft. structure. I disagree. After reviewing the complete Shopping Center
19 Regulations, I believe the City Council intended that an LRF can include more than only the largest
20 structure at the site. There is considerable support in the Shopping Center Regulations for a more
21 expansive definition of an LRF than what Appellants envision. First, the applicable Zoning Code
22 §14-16-3-2(D)(2)(b) is stated in pertinent parts below:

1 (D) *Large Retail Facility Regulations.*

2 (1) *Applicability.*

3
4 (a) **Provisions of this section** and §14-8-2-7, Responsibilities of Applicants and
5 Developers, shall apply to the following, **as determined by** the Environmental Planning
6 Commission (EPC):

- 7 1. **New construction** of a large retail facility;
8 2. Change of use from a non- large retail facility to a large retail facility as
9 defined in § 14-16-1-5;
10 3. Building expansion of more than 50% of the existing square footage.

11
12 (b) Building expansion of 10% to 50% of the existing square footage of an
13 existing large retail facility shall be subject to the following requirements:

- 14 1. Pre-application discussion with the Planning Review Team (PRT).
15 2. Compliance with the large retail facilities design regulations as determined
16 by the EPC. The EPC before issuing final design regulations shall request input from
17 neighborhood associations with boundaries that are within 200 feet of the proposed project.

18
19 (c) Building expansion up to 10% of the existing square footage and building
20 renovation of an existing large retail facility shall comply with the design regulations in this
21 section to the extent possible as determined by the Planning Director.

22
23 (2) *Location and Access of Large Retail Facility.* The following regulations manage
24 the location and design of large retail facilities. These regulations are necessary for the
25 proper functioning and enjoyment of the community. They protect the quality of life within
26 surrounding residential areas, support efficient traffic flows, and provide consistent
27 regulations for such facilities. **Large retail facilities shall be located to secure adequate
28 street capacity to transport pedestrians and vehicles to and from large retail facilities,
29 and discourage traffic from cutting through residential neighborhoods.** The regulations
30 result in efficient and safe access for both vehicles and pedestrians from roadways in the
31 Metropolitan Transportation Plan to neighborhoods in the vicinity of large retail facilities.
32 The Planning Director, after initial review of a large retail facilities proposal, may require the
33 site to comply with the next level of large retail facilities regulations.

34
35 ***

36
37 (b) **Large retail facilities containing 90,001 to 124,999 sq. ft. net leasable area**
38 **are:**

- 39 1. Permitted in C-2, C-3, M-1, M-2, and IP zones and SU-1 and SU-2 zones for
40 uses consistent with C-2, C-3, M-1, M-2, IP Zones; and
41 2. **Required to be located adjacent to and have primary and full access to**
42 **a street designated as at least a collector** in the Mid-Region Council of Governments'
43 Metropolitan Transportation Plan and having at least four through traffic lanes.

44
45 Emphasis added.

46 Appellants believe that a large retail facility should be narrowly demarcated to include only
47 the structure itself that contains 98,901 sq. ft. posed in the question. They argue §14-16-3-

1 2(D)(2)(b) stands for this proposition. In addition, Appellants point to the Zoning Code definition
2 of the word “premises” as support for their narrow interpretation of the Shopping Center
3 Regulations. I find that the definition of “premises” is not applicable in this context and there is
4 no need to go outside the Shopping Center Regulations to determine what a LRF encompasses.

5 I find support for a more expansive definition of “large retail facility” in the Shopping
6 Center Regulations, particularly in §§14-16-3-2(D)(5)(j)(1), Site Design. It states in full:

7
8 (j) A pedestrian plaza or plazas shall be required of all large retail facility
9 development as follows:

10
11 1. **Large retail facility sites that include** a main structure less than
12 125,000 square feet in size shall provide public space pursuant to §14-16-3-18(C)(4)
13 of the Zoning Code.

14
15 Emphasis added.

16 This provision of the Shopping Center Regulations conspicuously establishes a more
17 expansive definition of an LRF than Appellants would give it. It refers to a LRF as a “site” that
18 includes more than the “main structure.” The LRF must also have a “pedestrian plaza or plazas.”

19 Certainly, if a large retail facility were just the 98,901 sq. ft. building, this provision would be
20 rendered senseless. A LRF can contain more than the main building. This is an issue for the EPC
21 to decide based on the particular facts put before it. Moreover, in §14-16-3-2(D)(4)(b), the City
22 Council chose to include and encourage “*mixed use development... of the site plans for all large*
23 *retail facilities,*” suggesting that the word “facility” in the term “LRF” includes multifarious uses
24 and/ or elements, other than just the retail in the main structure. *Id.* Read together, the EPC could
25 find that the Shopping Center Regulations allow it to analyze and debate a LRF as a complex
26 network, or system of various uses at a site.

1 Finally, a more expansive definition of a LRF is not inconsistent with any Zoning Code
2 provisions. The precise definition provided at the §14-16-1-5 of the Zoning Code, also supports a
3 more expansive definition. It states that a “Large Retail Facility” can be “[a] shopping center site
4 with a main structure of 75,000 square feet or more...” (Emphasis added).¹³

5
6 **2. The Phrase “required to be located” in**
7 **§14-16-3-2(D)(2)(b)(2) is Compulsory, Not Discretionary**
8

9 The CCM’s interpretation of §14-16-3-2(D)(2)(b)(2) is clearly contrary to the plain meaning
10 of the applicable Zoning Code section. Although there are many provision in the Shopping Center
11 Regulations that allow for the EPC to use its sound discretion, §14-16-3-2(D)(2)(b)(2) is not one of
12 them. There is no rational basis for the CCM’s ruling that states:

13
14 **“If a site does not meet this particular standard, [the] EPC still has the**
15 **authority to approve the request.”¹⁴**
16

17
18 The CCM defends her interpretation of §14-16-3-2(D)(2)(b)(2) by pointing to the
19 “Applicability” provisions of §14-16-3-2(D)(1)(a). She contends that the phrase “*as determined*
20 *by the... EPC*” grants authority to the EPC to pick and choose which provision(s) of the Shopping
21 Center Regulations are discretionary. This rendering of the Zoning Code is contrary to law.

22 First, I agree with Appellants that §14-16-3-2(D)(2)(b)(2) is clear and unambiguous on its
23 face. Second, I also agree with Appellants that there are a number of express provisions within the

¹³ An LRF can also be a “single tenant structure...”

¹⁴ See Declaratory Ruling, first paragraph of the ruling, last sentence, page 42 of the record.

1 Shopping Center Regulations that clearly delegate to the EPC the power to use its discretion in how
2 it applies the regulations to any particular set of facts.¹⁵ Finally, I also agree with Appellants that
3 the phrase “*as determined by the EPC*” in §14-16-3-2(D)(1)(a) is not intended to allow the EPC
4 unfettered discretion to ignore other provisions that on their face charge the EPC with assuring that
5 those provisions are satisfied by an applicant. The CCM’s interpretation of §14-16-3-2(D)(2)(b)(2),
6 a provision that on its face is compulsory (without exception), would have the practical effect of
7 allowing the EPC to ignore words and phrases such as “shall,” “will” and “required to” even when
8 there are no exceptions to those provisions.

9 Because §14-16-3-2(D)(2)(b)(2) is unambiguous, it means what it says:

10 “[l]arge retail facilities containing 90,001 to 124,999 sq. ft. net leasable area
11 **are...[r]equired** to be located adjacent to and have primary and full access
12 to a street designated as at least a collector in the Mid-Region Council of
13 Governments' Metropolitan Transportation Plan and having at least four
14 through traffic lanes.”
15

16 The phrase “are required to be located” is compulsory in meaning whether it is used as a verb, or
17 adjective.¹⁶ In §14-16-3-2(D)(2)(b)(2) it is used as an adjective. It literally means “needed, imposing

¹⁵ See Appellants’ “Basis for Appeal,” Section 1, pages 16-18 of the record.

¹⁶ Contrast the compulsory meaning of the word “required” in §14-16-3-2(D)(2)(b)(2) with §14-16-3-2(B)(3) stating that:

“Landscaping of shopping center sites must comply with the regulations of §14-16-3-10 of this Zoning Code. The EPC “**may require** additional buffer landscaping if it finds it necessary due to demonstrably unusual circumstances.”

This example is also proof that when the City Council delegates discretionary power verses non-discretionary power it is generally clear in so doing. Certainly, the CCM would not argue that the EPC can waive the landscaping admonition in the first sentence. But in the second sentence, it is clear the EPC has clear authority to waive additional landscape buffering.

1 an obligation.”¹⁷ Thus, the access requirements of §14-16-3-2(D)(2)(b)(2) must be satisfied. There
2 are no provisions in the Shopping Center Regulations that allow the EPC to except or ignore the
3 access requirement when a LRF contains a structure having 90,001 to 124,999 sq. ft. of net leasable
4 area at the site. Therefore, the CCM’s declaratory ruling with respect to her interpretation of the
5 term “required” in §14-16-3-2(D)(2)(b)(2) is patently wrong and should be reversed.

6
7 3. ***The CCM’s Declaratory Ruling with Regards to the***
8 ***“Residential Zones” Part of Appellants’ Question Is Not Erroneous***
9

10 The second part of Appellants’ question concerns whether or not a LRF, having 98,901 sq.
11 ft. of retail space, meets the access requirements of §14-16-3-2(D)(2)(b) “the subdivision in which
12 the LRF is proposed is zoned SU-1 and the local road access to a collector street is through
13 residential zones?”¹⁸ The CCM responded in her ruling that the “zoning code is silent” on this issue.
14 I agree.

15 Section §14-16-3-2(D)(2)(b) does not provide guidance for the EPC regarding “residential
16 zones.” Thus, the CCM’s ruling is a correct interpretation of the Code provision. There is, however,
17 some guiding principles the EPC may choose to employ in the Shopping Center Regulations that
18 would assist it in deciding a question similar to Appellants’ question. For example, in §14-16-3-
19 2(D)(2), Location and Access of Large Retail Facility, one primary purpose (among others) of the
20 LRF regulations is to “*protect the quality of life within surrounding residential areas, and enjoyment*
21 *of the community.*” In addition another primary purpose of the LRF regulations is to “*discourage*

¹⁷ *Dictionary.com Unabridged*. Retrieved June 12, 2012, from Dictionary.com website:
<http://dictionary.reference.com/browse/required>.

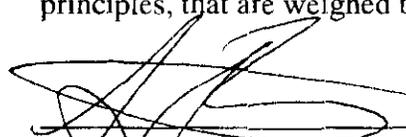
¹⁸ See Letter dated February 24, 2012, Page 14 of the record.

1 *traffic from cutting through residential neighborhoods.*” These are clear purposes expressed in the
2 form of guiding principles for the EPC to “*manage the location and design of large retail*
3 *facilities.*”¹⁹ Guiding principles are considerations and by definition employing them requires using
4 reasoned, learned discretion. Therefore, the CCM did not err in ruling that “approval or denial of
5 the LRF will need to be determined by the EPC.”

6 In conclusion, the CCM did not err simply because she did not issue a declaratory ruling on
7 the question(s) concerning Silver Leaf’s application that is pending before the EPC. However, the
8 CCM’s declaratory ruling with respect to the hypothetical question relating to the access
9 requirements of §14-16-3-2(D)(2)(b)(2) is unreasonable and plainly wrong. Furthermore, that part
10 of the declaratory ruling (first paragraph of the ruling, last sentence) should be reversed.

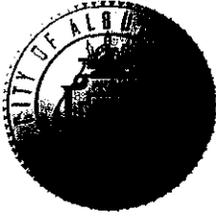
11 In addition, a LRF may include more than merely the largest retail structure. Employing its
12 experience and expertise, the EPC has the power to determine the extent of a LRF.

13 And, finally, I find that the CCM did not err in that part of her ruling that declares that the
14 EPC must determine if the access requirements are met or not met if the local road access to a
15 collector is through a residential zone. Her ruling was correct because the Zoning Code (for LRF’s
16 containing 98,901 sq. ft.) only establishes policy considerations for dealing with effects of traffic
17 from LRFs on residential uses. Policy considerations are just that: considerations, or guiding
18 principles, that are weighed by the EPC amongst other considerations.

19 
20 _____
21 Steven M. Chavez, Esq.
22 Land Use Hearing Officer
23

June 14, 2012

¹⁹ See §14-16-3-2(D)(2).



City of Albuquerque

Planning Department

Richard J. Berry, Mayor

Interoffice Memorandum

March 26, 2012

To: Carmen Marrone, Division Manager, Current Planning

From: Juanita Garcia, Acting Code Compliance Manager, Code Enforcement 

Subject: Declaratory Ruling – Vehicle Access for Large Retail Facilities (LRF)

In accordance with Section 14-16-4-8, Declaratory Rulings of the Comprehensive City Zoning Code, I am providing a copy of a Declaratory Ruling to the Environmental Planning Commission within five working days. Please forward the attached ruling dated March 23, 2012 to the EPC by March 30, 2012. I can provide an electronic version of the document for your convenience.

Thank you.



DECLARATORY RULING

Vehicle Access for Large Retail Facilities (LRF)

Does a LRF meet the access requirements of Section 14-16-3-2(D)(2)(b) if (1) the site plan for building permit for the LRF (98,901 sq. ft.) does not have the required access and; (2) the subdivision in which the LRF is proposed is zoned SU-1 and the local road access to a collector street is through residential zones?

1. The answer to this question depends on the proposed development. If a site with a LRF contains a site development plan for building permit and is not located adjacent to and does not have primary and full access to a street designated as at least a collector with four lanes, then the site may not meet the standards of 14-16-3-2(D)(2)(b). The Planning Commission has the authority to determine if the site is in compliance with all sections of the LRF regulations as specified in 14-16-3-2(1)(a). If a site does not meet this particular standard, EPC still has the authority to approve the request.

If, however, a site contains a site development plan for building permit and the site is located adjacent to and has primary and full access to a street designated as at least a collector with four lanes, then the site does comply 14-16-3-2(D)(2)(b).

2. The zoning code is silent in regards to question number 2, in that it does not specify if access to a collector street can occur through residential zones. In this particular case, the approval or the denial of the LRF will need to be determined by the Environmental Planning Commission if the site meets the requirements of 14-15-3-2(D)(2)(b).

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

A handwritten signature in black ink that reads "Juanita Garcia".

Juanita Garcia
Acting Code Compliance Manager
March 23, 2012

**Notice of Decision
City Council
City of Albuquerque
June 27, 2012**

AC-12-6 Project #1003859, 04EPC-01845: Five-year Extension of Site Development Plan for Subdivision; Taylor Ranch N.A. c/o Rene Horvath Appeals the Environmental Planning Commission Approval for all or a portion of Tracts 1-6, North Andalucia at La Luz, Zoned SU-1 for C-2, O-1 & PRD (20 du/ac), Located on Coors Blvd. NW between Montano Rd. NW and Learning Rd., containing approximately 60 acres

Decision

On June 18, 2012, on a 4-4 vote the City Council failed to pass a motion to deny the appeal.

For: Cook, Harris, Jones, Winter
Against: Benton, Lewis, O'Malley, Sanchez
Abstain: Garduño

On June 18, 2012, on a 4-4 vote the City Council failed to pass a motion to remand the matter to the EPC.

For: Benton, Lewis, O'Malley, Sanchez
Against: Cook, Harris, Jones, Winter
Abstain: Garduño

On June 18, 2012, on a 4-4 vote the City Council upheld the decision of the EPC based on a failure to have a majority of all City Councilors vote in favor of a motion to grant the appeal and reverse the EPC.

For: Benton, Lewis, O'Malley, Sanchez
Against: Cook, Harris, Jones, Winter
Abstain: Garduño

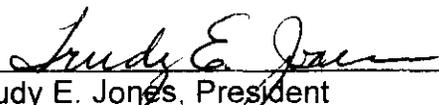
IT IS THEREFORE ORDERED THAT THE APPEAL IS DENIED.

Attachments

1. Land Use Hearing Officer's Recommendation
2. Action Summary from the May 7, 2012 City Council meeting
3. Action Summary from the June 4, 2012 City Council meeting
4. Action Summary from the June 18, 2012 City Council meeting

Appeal of Final Decision

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.



Trudy E. Jones, President
City Council

Date: _____

Received by: 

City Clerk's Office

Date: 6/29/2012

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LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-12-06
2004EPC- 01845; Five Year Extension of Site Plan Extension
Project No. 10003859

Taylor Ranch Neighborhood Association,
Rene Horvath and Woffling, Appellants,

Silver Leaf Ventures, LLC, Party Opponents

1 **I. BACKGROUND**
2

3 This appeal concerns a decision by the Environmental Planning Commission (EPC)
4 approving an extension of a termination date of a site development plan under City Zoning Code
5 (Z.C.) §14-16-3-11. After reviewing the record and the applicable Zoning Code sections, I find that
6 the appeal should be denied.

7 At its January 19, 2012 scheduled public hearing, the EPC approved an application by Silver
8 Leaf Ventures, LLC (Silver Leaf) to extend the September 2012 termination date of the site
9 development plan for the subdivision of North Andalucia at La Luz located on Coors Boulevard,
10 N.W. between Montano and Learning Road for an additional five years.¹ Under Z.C. §14-16-3-
11 11(C), if less than one-half of the approved square footage of a Site Development Plan has been
12 constructed or less than one-half of the site has been developed, the site plan for the undeveloped
13 areas automatically terminate unless extended by the land owner. The EPC also considered, but did

¹ The termination date is based on counting seven calendar years from the date the site plan was originally approved—September 2005. Although arguably (and not at issue in this appeal) the date triggering the start of the seven year clock may be June 2008 rather than the original approval date in 2005. There is evidence in the record the City, through the EPC, approved a major amendment to the site plan in June 2008.

1 not decide on other matters relating to the Andalucia site plan of which are not part of this appeal.²

2 There is considerable history and a long record regarding EPC actions of the Andalucia site plan.

3 The material historical events relating to this appeal are described below.

4 In 2005, the EPC approved a site development plan for the subdivision of Andalucia at
5 La Luz of which there are two distinct subdivisions separated by Learning Road - Andalucia North
6 and Andalucia South. Andalucia North was subdivided into 9 tracts and is the subject of this appeal.
7 The Development Review Board (DRB) approved the Andalucia North at La Luz Site Development
8 Plan for Subdivision on or about September 16, 2005. The Andalucia North at La Luz Site
9 development plan has been amended two times since the 2005 approvals. It was amended in
10 September 2007 to modify the intersection of Learning and Antequera Roads and to reflect the
11 location of archaeological sites. Then, in June 2008, the site plan was amended to consolidate tracts
12 7, 8 and 9 into a separate site development plan now known as the Bosque School site (Project
13 #1000901, 08EPC-40051).³

14 The record also indicates that on October 26, 2011, Silver Leaf submitted an application to
15 the City to update the existing Transportation Impact Study (TIS).⁴ Thereafter a "scoping" session
16 was held between the City and Ronald Bohannon, Silver Leaf's engineer. Apparently, it is the custom

² The EPC considered and did not approve or deny Silver Leaf's applications for a site development plan for building permit, and a site development plan for a subdivision amendment to the North Andalucia plans at the same hearing on January 19, 2012. Instead, the EPC continued its hearing to further review the application.

³ Note that the June 2008, amendment was a major amendment of which was approved by the EPC.

⁴ See page 315 of the Record. Apparently, the 2011 application was to update a 2007 TIS which I presume (not material to this recommendation) was required for the 2008 major amendment to the Site Plan.

1 and practice of the City to hold an informal meeting with the City Traffic Engineer, the applicant,
2 and its engineer to define the necessary level of analysis and the parameters (scope) of the study.
3 Thus, each TIS is developed according to the needs, circumstances, and conditions of the area
4 included.

5 On December 28, 2011, the City gave general notice to the public of Silver Leaf's extension
6 request hearing before the EPC. The December 28, 2011, notice was published in the *Albuquerque*
7 *Journal*. The notice indicated, among other things, that the EPC would consider Silver Leaf's
8 request to extend the termination date at the January 19, 2012, EPC public hearing. The EPC held
9 its public hearing and approved the request on January 19, 2012. The Taylor Ranch Neighborhood
10 Association (TRNA) filed its timely appeal on February 2, 2012. The City Council referred the
11 appeal to this Land Use Hearing officer (LUHO) and a Land Use appeal hearing on the record was
12 held on April 4, 2012.

13 The TRNA is seeking a remand to the EPC. Appellants allege several errors that fall into
14 three basic categories. First, they claim that the City gave insufficient notice about the January 19,
15 2012, EPC hearing regarding the extension request. They believe they should have received
16 personalized notice instead of the general newspaper notice. Next, Appellants argue that the EPC
17 failed to give any meaningful consideration to the merits of the application and that the Planning
18 Staff made errors in their review of the request for an extension. Third, they allege that the updated
19 TIS is inadequate and was not well considered by the EPC.

20 21 **II. STANDARD OF REVIEW**

22 A review of an appeal is a whole record review to determine if there is error:

- 1 1. In applying adopted city plans, policies, and ordinances in arriving at the decision;
- 2 2. In the appealed action or decision, including its stated facts;
- 3 3. In acting arbitrary, capriciously or manifestly abusive of discretion.

4 The decision and record must be supported by a preponderance of the evidence to be upheld.

5 The Land Use Hearing Officer may re-weigh the evidence. The Land Use Hearing Officer's opinion
6 is advisory to the City Council. The Land Use Hearing Officer may recommend that the Council
7 "grant, in whole or in part, an appeal, deny, in whole or in part, an appeal, or remand an appeal for
8 reconsideration if the remand is necessary to clarify or supplement the record, or if the remand would
9 expeditiously dispose of the matter."⁵

11 **III. DISCUSSION**

12 With regard to Appellants' claim that the Planning Staff made alleged errors of facts in their
13 review of the application, I find that the errors alleged are harmless, minor, and are only errors of
14 form rather than substance. The Planning Staff submitted to the EPC a 73-page report in which
15 Appellants allege Staff submitted errors with project numbers and dates. In reviewing each of the
16 alleged errors, I find that none of them concern or effect the substantive merits of the extension
17 matter.

18 In addition, Appellants claim that the EPC did not give the extension matter due time at the
19 January 19, 2012 hearing. It is clear that the EPC had before it a considerable record. They are
20 deemed to have read the record unless there is proof otherwise. Appellants have not proven, even

⁵ See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

1 by a preponderance of the evidence, that the EPC did not consider the record in approving the
2 extension. Similarly, Appellants also contend that it was error that the EPC had very little discussion
3 on the extension. The EPC, however gave its membership the opportunity to discuss it and it was
4 opened up to the public for their comments. The EPC did not abuse its discretion in this regard.

5 Because the real issue and nucleus of this appeal, like so many other appeals, involves an
6 interpretation of specific zoning code provisions, it is appropriate to first restate the relevant code
7 provision for subdivision extensions. The relevant portions of §14-16-3-11 are as follows:

8 (C) Possible Termination of Site Development Plans for Sites Which Have
9 Not Been Fully Developed.

10 (1) If less than one-half of the approved square footage of a Site Development
11 Plan has been built or less than one-half of the site has been developed, the
12 plan for the undeveloped areas **shall terminate automatically when**
13 **specified below unless extended as provided below:**

14 (a) Seven years after adoption or major amendment of the plan: within six
15 months prior to the seven-year deadline, the owners of the property shall
16 request in writing through the Planning Director that the Planning
17 Commission extend the plan's life an additional five years. **At an advertised**
18 **public hearing** the Planning Commission shall grant approval if it deems
19 that the Site Development Plan **remains appropriate** and the **owner intends**
20 **to fully develop the site according to the plan concept.** The Planning
21 Commission shall be less likely to terminate a site plan if there is little
22 flexibility in how the site can be developed or if there is a strong architectural
23 or landscaping character on the site which should be preserved.

24 (b) Subsequently, upon similar requests, the Planning Commission may grant
25 requests for additional five-year extensions of the plan, using the same
26 criteria and process.

27 (c) **If a Site Development Plan is approved for any additional five-year**
28 **period by the Planning Commission, an updated Transportation Impact**
29 **Study (TIS) shall be required to determine if there are off-site**
30 **improvements needed that were not previously required.**

31 (Emphasis added).

32
33 A. The EPC Notice was Sufficient Under §14-16-3-11.

1 The TRNA is clearly an interested party, deserving EPC comment time on Silver Leaf's
2 request. There is no dispute that the TRNA is a City recognized neighborhood association whose
3 physical boundaries include the Andalucia North subdivision. Its members certainly have a right to
4 participate in the hearing process. The evidence demonstrates that TRNA representatives
5 participated at the January 19, 2012 EPC public hearing.⁶ Notwithstanding, Appellants contend that
6 the TRNA should have received personal notice of the EPC hearing.

7 It is the general rule in New Mexico that general notice of the issues to be presented at a
8 hearing is sufficient to comport with due process requirements. Moreover, all that is required under
9 the precise extension action taken by the EPC here is an "advertised public hearing." There is no
10 dispute that the City advertised the public hearing in the *Albuquerque Journal* on December 28,
11 2011. In order to meet the zoning code requirement, it must be determined whether notice as
12 published fairly apprised the average citizen reading it with the general purpose of what was
13 contemplated. I find that it was. The notice provided all the relevant information--the hearing date,
14 time, location, extension request, applicant name, and subject site. There is no evidence in the 700-
15 plus page record that the advertised notice was insufficient, ambiguous, misleading or unintelligible
16 to the average citizen, or that it was inadequate to fulfill the statutory purpose of informing interested
17 persons of the hearing so that they may attend and state their views. On the contrary, Appellants
18 attended the hearing and stated their views on the record. The purpose of §14-16-3-11 has been met.

19 Appellants further contend that the EPC failed to satisfy the "necessary and accepted
20 procedures to assure that interested parties received proper notice...."⁷ Yet, they fail to point to any

⁶ See EPC Minutes, Pages 673-679.

⁷ See Record, Page 3.

1 rule, policy, or ordinance that the EPC failed to follow regarding its notice requirements. What is
2 apparent is that due process was satisfied as a matter of law under Z.C. §14-16-3-11(C)(1)(a) and
3 as a practical matter as well. It is well-settled that the fundamental requirements of due process in
4 an administrative context include reasonable notice and an opportunity to be heard. There is no
5 evidence that the general notice effected had harmed Appellants' presentation of their case to the
6 EPC. The simple truth, on which allegations of notice deficiencies are judged, is that Appellants
7 attended and were heard at the hearing.

8
9 **B. The TIS**

10 Appellants next contend that the TIS is deficient. In support, they have proffered a report by
11 David Albright, an alleged transportation expert.⁸ Yet, the engineer for Silver Leaf testified that Mr.
12 Albright is not a certified transportation engineer. There was no evidence to rebut this testimony.⁹
13 Nonetheless, the substantive contents of the TIS either way does not address the issues regarding
14 whether or not the EPC erred in approving the extension. Referring back to the language of Z.C.
15 §14-16-3-11(C)(1)(c), "[i]f a Site Development Plan is approved for any additional five-year period
16 by the Planning Commission, an updated Transportation Impact Study (TIS) shall be required to
17 determine if there are off-site improvements needed that were not previously required." Approval
18 of the extension is not contingent on an **approved** TIS. The EPC never approved the TIS at the
19 January 19, 2012 hearing. In fact the EPC expressly continued the hearing regarding the building

⁸ The record shows that an attorney for the Bosque School submitted the report of David Albright to the EPC.

⁹ There is also no evidence proffered by Appellants that the "scoping" process was inadequate as Appellants claim.

1 permit and the amendment portions of the application partly because of questions regarding the TIS.
2 There is no requirement that the TIS be approved by the EPC as the guiding document and as a
3 condition to grant an extension. The literal application of Z.C. §14-16-3-11(C)(1)(c) only requires
4 an updated TIS in the record. I note for the Appellant that when the EPC takes up the other parts of
5 the Silver Leaf application it will scrutinize the TIS. In addition, the Development Review Board
6 (DRB) must give its expert targeted review of the TIS before building permits are approved. Z.C.
7 §14-16-3-11(C)(1)(c) allows for the updated TIS to be submitted after the extension is granted. That
8 is within the sound discretion of the EPC. Thus, the TIS is not the deciding factor, **nor is approval**
9 **of the extension a basis for the developer to rely on the TIS as an approved document.** There
10 is clear evidence in the record demonstrating that the EPC has not completed its substantive review
11 of the TIS and of the proposed subdivision changes and permits.¹⁰

12 However, for purposes of an extension, there is no evidence proffered by Appellants that the
13 EPC erred when it made the crucial findings that the site development plan “**remains appropriate**
14 **and the owner intends to fully develop the site according to the plan concept.**” There is simply
15 no evidence in the record that the EPC abused its discretion. There is substantial evidence in the
16 record demonstrating that Silver Leaf intends to fully develop the subdivision according to the “plan
17 concept.”¹¹ Appellants have not put forth any evidence to the contrary. Without more, a remand

¹⁰ As indicated above the EPC separated the applications and only approved the extension at its January 19, 2012 hearing. The EPC expressly continued its hearings on the site plan and the building permit portion of the application of which necessarily includes their substantive review of the updated TIS.

¹¹ The record does demonstrate that Silver Leaf is attempting to amend the plan to some extent as part of its application. That is not a part of this appeal. Nor is there any evidence (or argument from Appellants) that the amendment does not generally adhere to the “concept” of the plan.

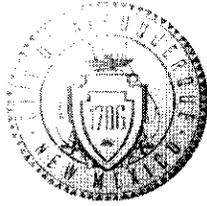
1 would be fortuitous.

2 In summary, I find that the appeal should be denied. The notice was sufficient to satisfy the
3 Zoning Code and due process. The EPC satisfied the review requirements of Z.C.§14-16-3-
4 11(C)(1)(c). An updated TIS was submitted and there is sufficient evidence in the record supporting
5 the necessary findings by the EPC for an extension. I therefore respectfully recommend that the City
6 Council deny the appeal.

7 
8 _____

9 Steven M. Chavez,
10 Land Use Hearing Officer

4/19/2012
Date



City of Albuquerque

Planning Department

Richard J. Berry, Mayor

Inter-Office Memorandum

August 17, 2012

To: Environmental Planning Commission (EPC) Commenting Agencies

From: Carmen Marrone, Manager, Current Planning Section
Catalina Lehner, Senior Planner, Current Planning Section

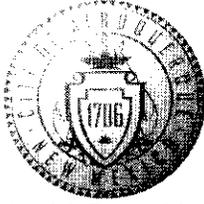
Subject: Revised Site Development Plan, Project #1003859
Agency Comments

A revised site development plan for subdivision and site development plan for building permit were received for Project #1003859, the proposed Large Retail Facility (LRF) at Coors Blvd. and Montaña Rd., in mid-April 2012. However, the case was postponed several times and is now scheduled for a special hearing of the EPC on September 20, 2012. Because several months have passed, we are requesting that agencies provide updated comments as necessary.

Five types of modifications were made since the original set was received in December 2011: 1) a pedestrian element was added to the parking lot in front of the proposed LRF; 2) an illustrative plan for the entire center was included; 3) the finished floor elevation of the main structure was lowered; 4) corresponding revisions were made to the landscape plan; and 5) signage revisions were made.

If you would like to review the revised site development plan set, please contact Catalina at 924-3935 or clehner@cabq.gov to request a hard copy or an electronic .pdf copy.

The deadline for revised agency comments is the close of business on August 24, 2012. Thank you.



City of Albuquerque

Planning Department

Richard J. Berry, Mayor

Inter-Office Memorandum

April 6, 2012

To: Environmental Planning Commission (EPC) Commenting Agencies

From: Carmen Marrone, Manager, Current Planning Section
Catalina Lehner, Senior Planner, Current Planning Section

Subject: Revised Site Development Plan, Project #1003859

A revised site development plan for subdivision and site development plan for building permit were received for Project #1003859, the proposed Large Retail Facility (LRF) at Coors Blvd. and Montaña Rd., which is to be heard by the EPC at a special hearing on May 17, 2012.

Five types of modifications to the site plan set were made: 1) a pedestrian element was added to the parking lot in front of the proposed LRF; 2) an illustrative plan for the entire center was included; 3) grades of the main structure were lowered; 4) corresponding revisions were made to the landscape plan; and 5) signage revisions were made.

If you would like to review the revised site development plan set, please contact Catalina at 924-3935 or clehner@cabq.gov to request a hard copy or an electronic .pdf copy. The deadline for revised agency comments is the close of business on April 20, 2012. Thank you.

APPLICANT INFORMATION

TIERRA WEST, LLC

Direct: 505.321.1111

Ms. Corinne Martine
Division Manager
Planning Department
PC Box 1259
Albuquerque, NM 87103

**RE: BUILDING OVERLAY AND LOCATION EXHIBITS
COORS AND MONTANO, EPC #1003859**

Dear Ms. Martine:

Enclosed please find twelve color copies of the following:

1. Comprehensive Plan Overlay. These visuals show the locations of the various Wal-Mart and Sam's Club stores located throughout the City and that several of them do fall within the boundaries of Community Activity Centers.
2. Building Overlay. This visual shows the footprint of the proposed Wal-Mart building at Coors and Montano overlaid on several existing structures in the area to give viewers a sense of the scale of the proposed structure.

If you have any questions or need additional information regarding this matter, please do not hesitate to call me.

Sincerely,

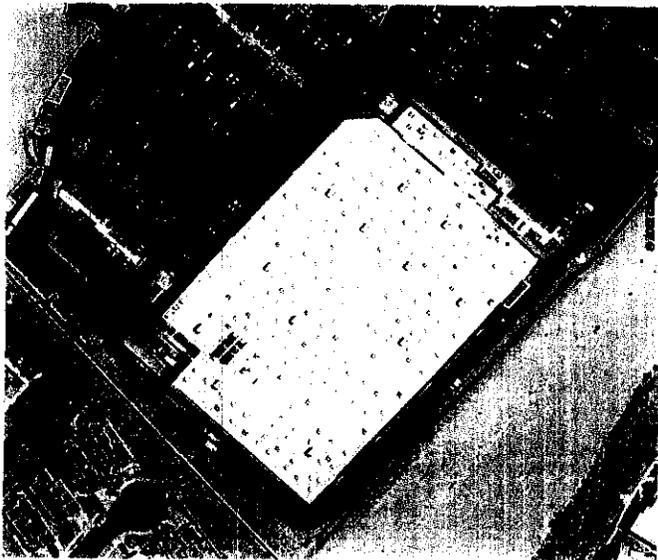
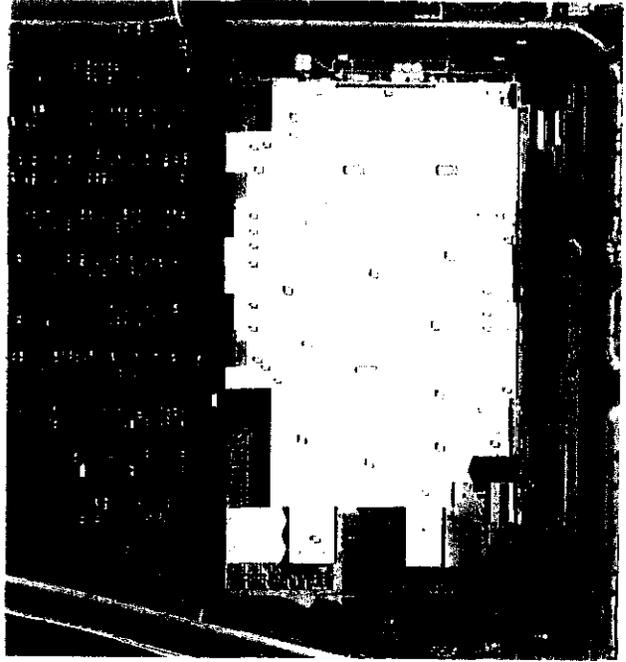


Ronald R. Conroy, P.E.

Enclosure

Per: [unclear]
RRB, P.E.

10/20/2009 10:00 AM



gaw

TIERRA WEST, LLC

October 3, 2012

Mr. Donald G Simonson
Greater Albuquerque Bicycling Advisory Committee
c/o Jim Arrowsmith
City of Albuquerque
Department of Municipal Development
Engineering Division
P.O. Box 1293
Albuquerque, NM 87106

**RE: NORTH ANDALUCIA AT LA LUZ
COORS AND MONTANO, EPC #1003859**

Dear Greater Albuquerque Bicycling Advisory Committee,

We would like to address your concerns regarding the bike paths surrounding the proposed Walmart on Coors and Montano. We understand that your group is worried that bicyclist access through the area will be limited once the shopping center is constructed. Of course, credit union construction is now underway and upcoming residential build-out has been approved too, which no doubt adds to your concerns about how changes in this area will affect bicycle travel.

We understand how frustrating it is when roads don't have designated bike lanes near high traffic areas, forcing bicyclists to share travel lanes with other vehicles. We would like to highlight that all of the current bike lanes available to bicyclists on Learning Road, Antiquera Road and Mirandela Road will still be open once the shopping center is constructed. For those riding along Coors, they will still be able to turn into the site via Learning Road. From Learning Road, bicyclists can follow the public roadways by turning left on Antiquera Road, which leads to Mirandela. Alternatively, for those accessing the area from Montano or the City of Albuquerque Open Space, the route is Mirandela to Antiquera to Learning Road. All of these roadways now have and will continue to have bike lanes built to City of Albuquerque standards, which are designed to allow for ample space between bicyclists and the cars driving along this route

We anticipate that most of the northbound shopping center traffic will turn right to enter the shopping center from the driveway entrance off Coors or Mirandela, not via Learning Road, which should reduce the potential for "right hook" accidents if bicyclists continue to use Learning Road as their primary access point. Similarly, heading on eastbound Montano, we have proposed a shopping center driveway entrance after the Coors/Montano intersection and before Mirandela. If this entrance is approved, it too should reduce the potential for "right hook" accidents at Montano and Mirandela because some of the traffic turning right into the shopping center will use the shopping center driveway instead of Mirandela.

We also think it is important to let you know about truck traffic. Delivery trucks will travel north on Coors from I-40. The designated entry for delivery truck traffic is the driveway entrance off Coors, not via Learning Road or Mirandela. Stated differently, delivery trucks will

5571 Midway Park Place NE Albuquerque, NM 87109
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102
tierrawestllc.com

not be turning right onto Learning Road or Mirandela Road. Delivery trucks exiting on to Coors will either turn right at Mirandela (northbound) or south at the light at Learning Road. We have considered this issue carefully and think that this truck routing is the best possible path available for reducing the potential of "right hook" accidents involving trucks. Please know that trucks are not allowed on Montano. Thus, no trucks will be making the turn from Montano onto Mirandela, or vice versa. We think that this is an important intersection for bicyclists because it is next to the City of Albuquerque Open Space, and we want to make sure that you understand that this intersection will be free from delivery trucks.

We've also added some features to the center that we think will enhance bicyclists' experience. We're planning on building a Bike Hub near the Montano entrance to the center, which is also near the entrance to the City of Albuquerque Open Space on the other side of Mirandela. This hub will have a pump for bike tires, vending machines, benches and shade. In addition, there will also be a number of bike racks and bike lockers placed throughout the shopping center. It is our hope these added features will help make sure this area remains bike-friendly

It's our goal to make the shopping center accessible to all modes of transportation, with a special mind to bicyclists who need more protection and space than the average sidewalk or road can provide.

Sincerely,

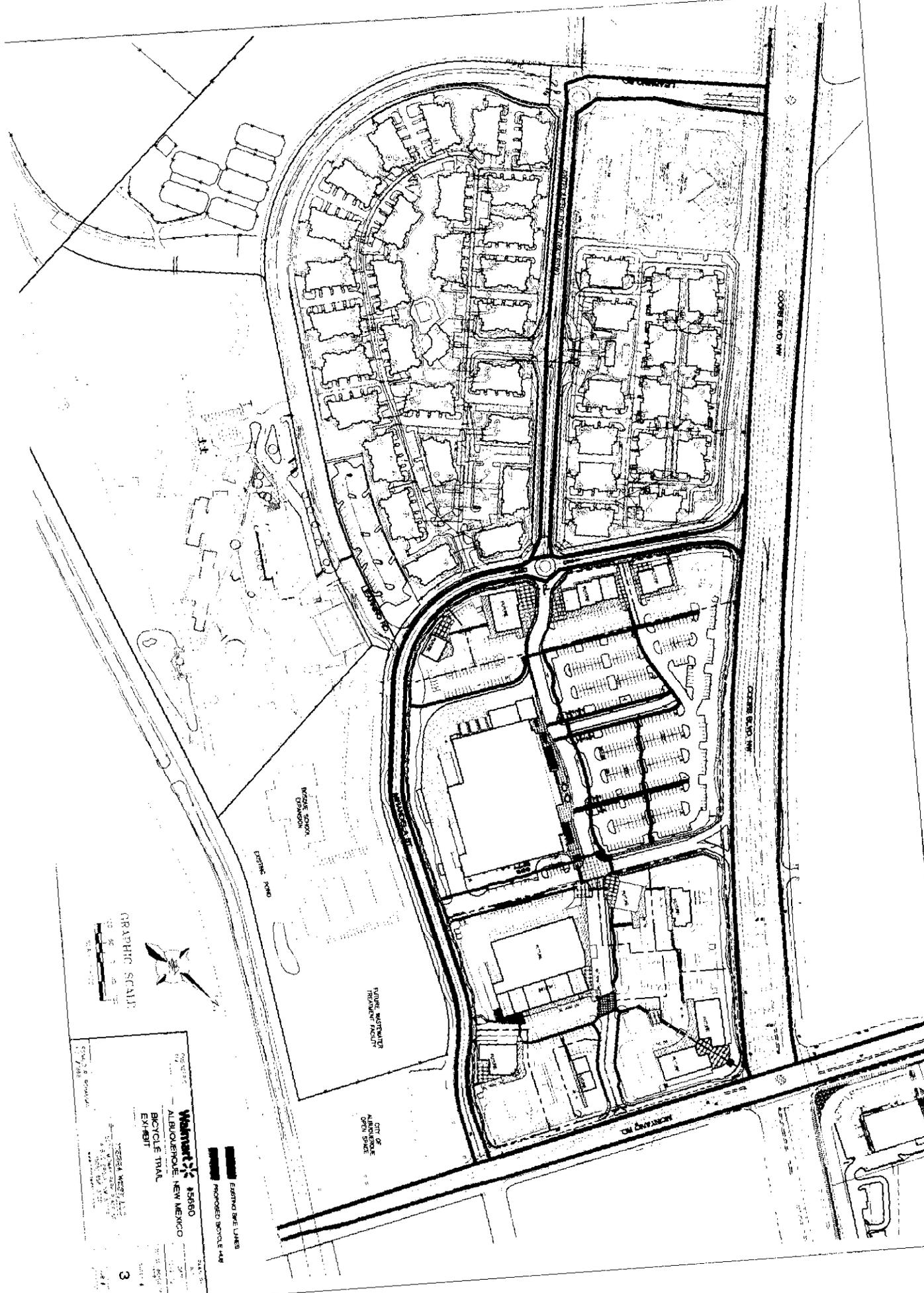


Ronald R. Bohannon, P.E.

Enclosure/s

cc: Carmen Marrone, Division Manager, Planning Department

JN: 2011001
RRB/jn

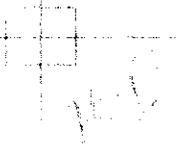


GRAPHIC SCALE



Wal-Mart 35860
 ALBUQUERQUE, NEW MEXICO
 BICYCLE TRAIL
 EXHIBIT
 3

■■■■ EXISTING SWE LINES
 - - - - PROPOSED BICYCLE LANE



RE-MULTIMODAL TRANSPORTATION EXHIBITS
COORS AND MONTANO, EPC #1003859

DATE: 10/15/10
PROJECT: COORS AND MONTANO, EPC #1003859
DRAWING: TRANSPORTATION EXHIBITS

DATE: 10/15/10
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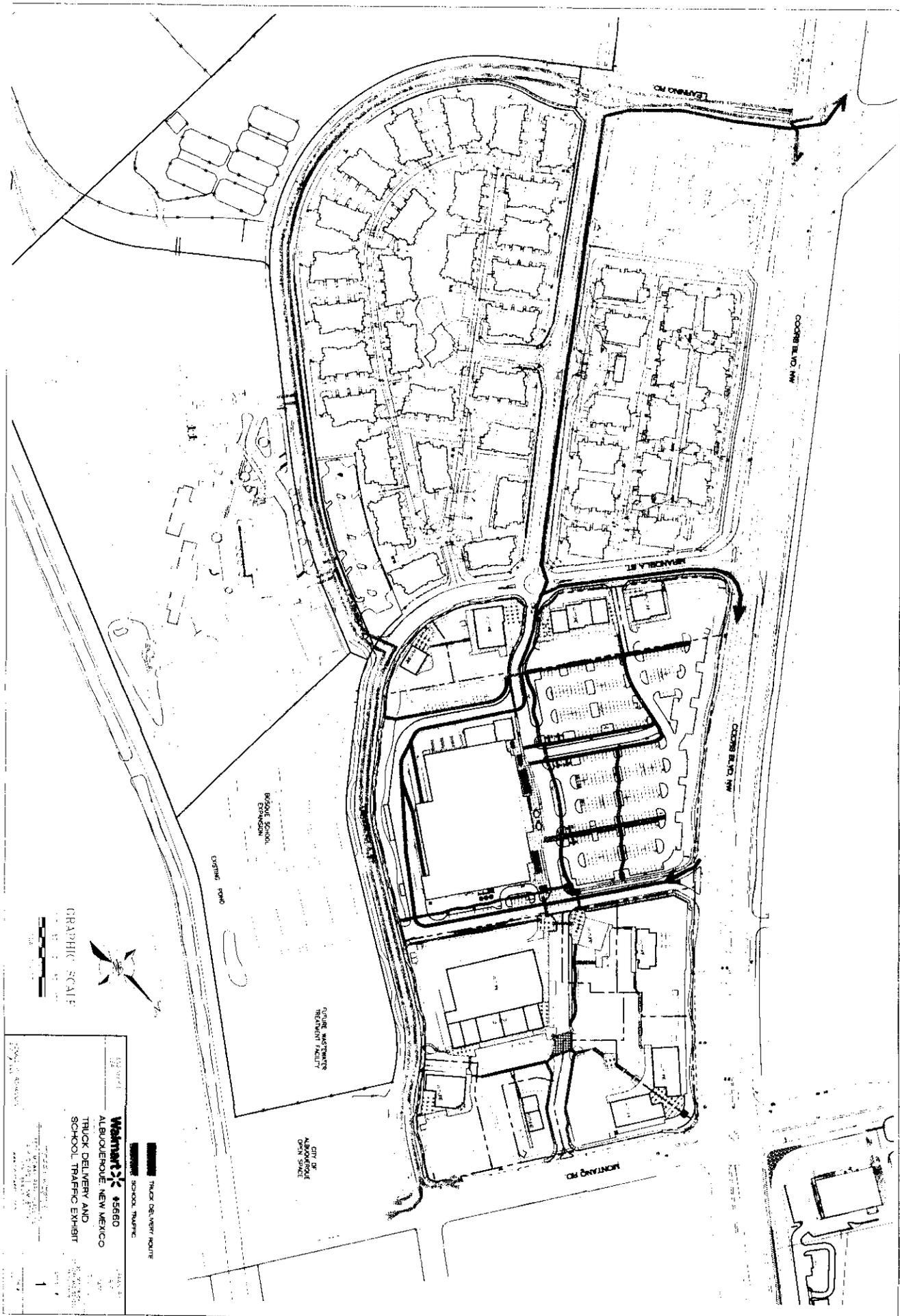
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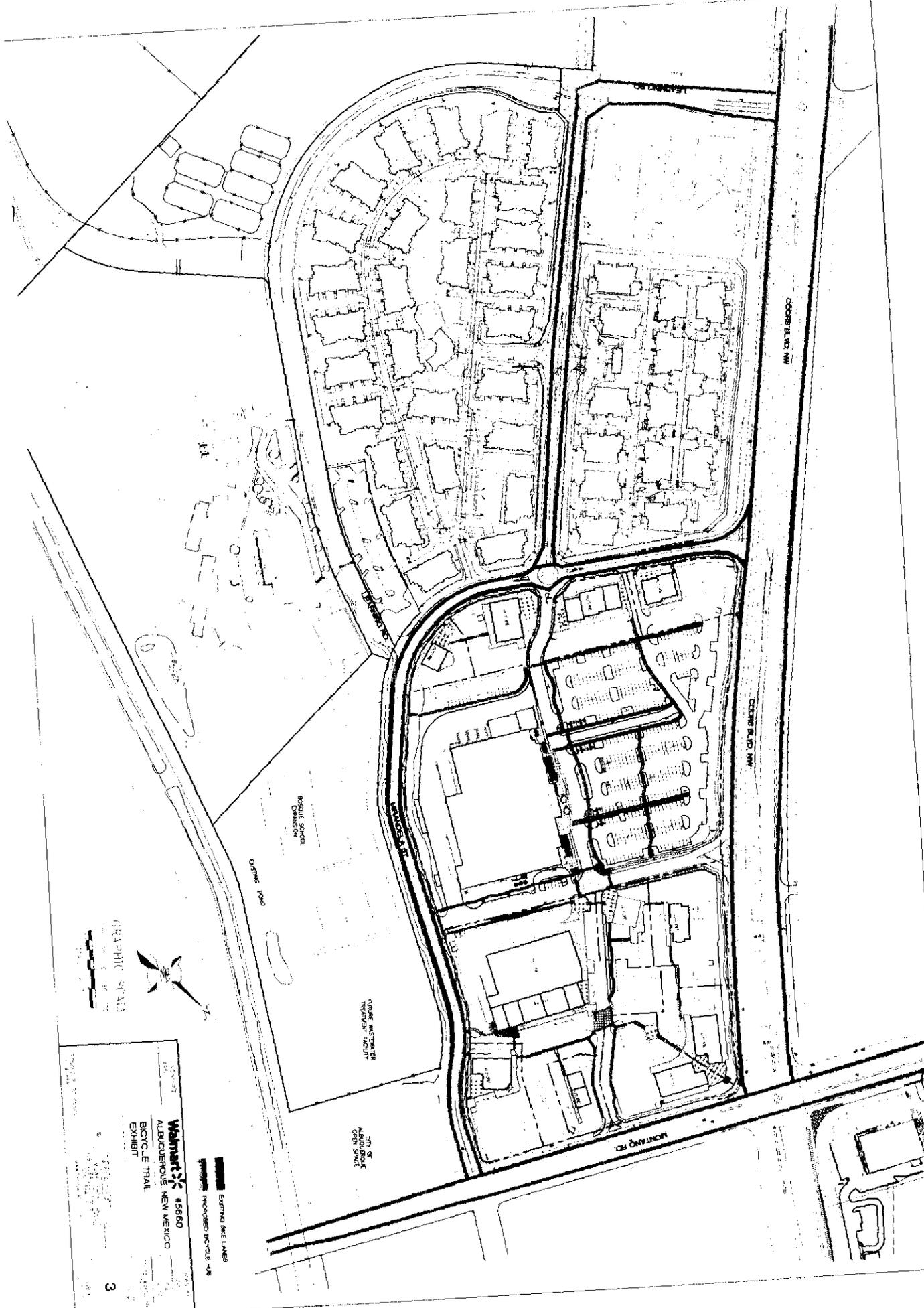
Walmart #5880
 ALBUQUERQUE, NEW MEXICO
 TRUCK DELIVERY AND
 SCHOOL TRAFFIC EXHIBIT

TRUCK DELIVERY ROUTE
 SCHOOL TRAFFIC

CITY OF ALBUQUERQUE
 OPEN SPACE
 GUYTON WASTEWATER
 TREATMENT FACILITY
 GUYTON PARK
 BRIDGE SCHOOL
 EXHIBITION

LEONARD RD
 AMY COTE BRIDGE
 HUNTER ST
 COOPER ST
 MONTANA RD

GRAPHIC SCALE
 0 10 20 30 40 50 FEET



15660
 ALBUQUERQUE NEW MEXICO
 BICYCLE TRAIL
 EXHIBIT
 3

SERRANO (SEE LINES)
 PROPOSED RECYCLE

TIERRA WEST, LLC

October 3, 2011

Ms. Carmen Mariano
Division Manager
Planning Department
PO Box 1253
Albuquerque, NM 87103

RE: AUDUBON SOCIETY LETTER
COORS AND MONTANO, EPC #1003859

Dear Ms. Mariano:

We are aware of a letter entered into the record from the Audubon Society that questions the use of the drainage pond and potential contaminants entering the water table.

Please know that the drainage pond already exists. The entire North Andalucia at La Luz development is designed to discharge storm water to that pond. The attached document (Exhibit A) is a Permanent Easement conveying to the City the right of construction, installation, maintenance, repair, modification, replacement and operation of **public drainage pond** (emphasis in original). It is mistaken to suggest that Tracts 1, 2, and 3—which include the proposed Walmart project—are somehow disallowed from using this pond. The pond is designed to completely retain the storm water and does not have a discharge point to the Rio Grande.

Also please be aware that the shopping center is required to implement Low-Impact Development (LID) structures that are designed to improve water quality prior to being discharged from a site. These structures include pervious pavement, bio-swales and bio-retention areas. The storm water that is discharged from the impervious areas is directed to flow through the LIDs or pond thus harvesting the water for landscaping. The LIDs are designed to capture trash and contaminants prior to entering a storm sewer system that will convey the storm water to the retention pond mentioned above. The retention pond itself is considered a bio-retention area. The LIDs allow for a longer peak drainage time that separates the contaminants from the water and doesn't allow a large amount of contaminants to be discharged at any one point. By doing so, the contaminants are exposed to the sun and break down naturally.

Enclosed is literature found on the EPA's website explaining the use of bio-swales and bio-retention areas as an accepted form of Low Impact Development. If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Ronald R. Donahoe, PE

Jack S. 104

cc:

DN: 10/11/11

RRB:gn

Exhibit A

730884
(12)

PERMANENT EASEMENT

Grant of Permanent Easement, between Bosque School ("Grantor"), whose address is 4000 Learning Road NW, Albuquerque, NM, 87120, and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, NM 87103.

WHEREAS, Bosque School ("Bosque"), a New Mexico non-profit corporation is the owner of certain real property described as Tract 9, North Andalucia at La Luz, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk, Bernalillo County, New Mexico on October 13, 2005, in Plat Book 2005c, Folio 342 (the "Bosque Property"); and

WHEREAS, Silver Leaf Ventures, LLC, a New Mexico limited liability company ("Silver Leaf") is the owner and developer of certain real property adjacent to the Bosque Property described as Tracts 1, 2 and 3, North Andalucia at La Luz, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk, Bernalillo County, New Mexico on October 12, 2005, in Plat Book 2005c, Folio 342 (the "Silver Leaf Property"); and

WHEREAS, as a condition to the site development plan approval of the Silver Leaf Property, Silver Leaf has requested that Bosque School grant this Easement to the City; and

WHEREAS, Bosque School and Silver Leaf have entered into an agreement (the "Agreement") dated September 20, 2006. Bosque School is willing to grant this Easement to the City.

THEREFORE: Document # 2006180367 Document # 2006180368
Bk. # A127 Pg. 9870 Bk. 127 Pg. 9871

Grantor grants to the City and its assigns an exclusive, permanent easement ("Easement") in, over, upon and across the real property described on Exhibit "A" attached hereto ("Property") for the construction, installation, maintenance, repair, modification, replacement and operation of public drainage pond, together with the right to remove trees, bushes, undergrowth and any other obstacles upon the Property if the City determines they interfere with the appropriate use of this Easement.

In the event Grantor constructs any improvements ("Improvements") within the Easement, the City has the right to enter upon Grantor's property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability to the City. If the Work affects any Improvements or encroachments made by the Grantor, the City will not be financially or otherwise responsible for rebuilding or repairing the Improvements or encroachments. If in the opinion of the City, the Work to be performed by the City could endanger the structural integrity or otherwise damage the Improvements or encroachments, the Grantor shall, at its own expense, take whatever protective measures are required to safeguard the Improvements or encroachments.

Notwithstanding any provision of the Agreement to the contrary, Bosque School agrees that the failure of Silver Leaf to perform any duty or obligation under the Agreement shall not affect the validity of this grant of Easement or Bosque's obligations and duties under this Easement, nor shall Bosque School have any cause of relief against the City based on the Agreement, nor will the Agreement give cause to terminate or breach this grant of Easement.

Grantor has the right at any time in the future to redesign or relocate the Easement, in whole or in part, at its sole cost and expense and without liability to the City, subject to its compliance with all rules, regulations and restrictions of the City then in effect, and further subject to the City's approval that such redesign or relocation will not compromise or endanger the structural integrity or otherwise damage existing improvements or encroachments on the Easement or on the relocated easement. This right to redesign or relocate the Easement shall not be extinguished by its exercise.

Grantor covenants and warrants that Grantor is the owner in fee simple of the Property, that Grantor has a good lawful right to convey the Property or any part thereof and that Grantor will forever warrant and

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Page 1 of 4

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Bern. Co. EASE R 15.60 BK-A127 Pg-3872

Bern. Co. ASSE. R 47.00 BK-A128 Pg-355

Nery Herrera

defend the title to the Property against all claims from all persons or entities.

The grant and other provisions of this Easement constitute covenants running with the Property for the benefit of the City and its successors and assigns until terminated.

This Easement shall not be effective until approved by the City Engineer as shown in the signature block below.

WITNESS my hand and seal this 15th day of November, 2006

APPROVED: [Signature]
City Engineer
Date: 11-30-06

GRANTOR:
By: [Signature]
Andrew Wooden
Title: Head of School
Date: 11-15-06

Wg 11/29/06

W 11-29-06

ACKNOWLEDGMENT FOR GRANTOR

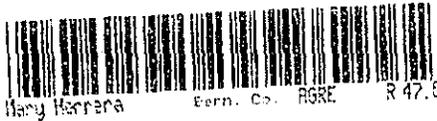
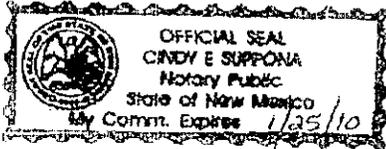
STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 15th day of November, 2006 by Andrew Wooden, Head of School of Bosque School, a non-profit New Mexico corporation.

(SEAL)

My Commission Expires:
1/25/2010

[Signature]
Notary Public



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EX-3129 Pg-365



2006100369
6567933
Page: 2 of 4
11/30/2006 04:33P
EX-R127 Pg-3672

(EXHIBIT "A" ATTACHED)

Low-Impact Development Design Strategies

An Integrated Design Approach



Prepared by:

Prince George's
County, Maryland
Department of
Environmental
Resources
Programs and
Planning Division

June 1999

- **Site Planning**
- **Hydrology**
- **Distributed
IMP Technologies**
- **Erosion and
Sediment Control**
- **Public Outreach**

Groundwater recharge

The amount of precipitation that infiltrates into the soil and contributes to groundwater.

Groundwater Recharge. A considerable percentage of the rainfall abstraction infiltrates into the soil and contributes to groundwater recharge. Groundwater may be part of a local, intermediate, or regional water table, as illustrated in Figure 3-5. The local water table is often connected to nearby streams, providing seepage to streams during dry periods and maintaining base flow essential to the biological and habitat integrity of streams. A significant reduction or loss of groundwater recharge can lead to a lowering of the water table and a reduction of base flow in receiving streams during extended dry weather periods. Headwater streams, with small contributing drainage areas, are especially sensitive to localized changes in groundwater recharge and base flow.

Summary of Comparison Between Conventional and LID Stormwater Management Approaches

Stormwater management efforts that follow the historical design storm approach focus on two elements:

1. **Site Drainage.** In conventional stormwater management design, site drainage was accomplished by designing a very efficient site drainage system. Curbs, gutters, and pipes are used and carefully designed to quickly and efficiently drain any excess rainwater off the site. This approach, although it provides excellent on-site drainage, greatly alters the natural hydrologic regime of the site and provides a higher pollutant transport capacity. In addition, this approach does not address on-site water quality controls and does not consider any of the LID site planning concepts.
2. **Off-Site Flood Control.** The total alteration of the natural site hydrologic regime due to an efficient on-site drainage system results in a significant increase in off-site flooding potential, as

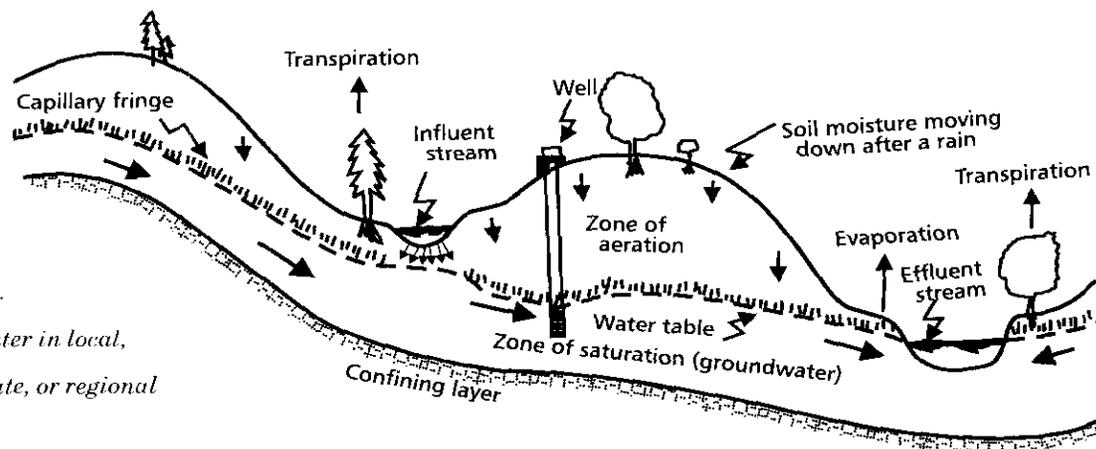


Figure 3-5.
Groundwater in local, intermediate, or regional setting

well as high downstream environmental impacts associated with increased peak flows and their frequency of occurrence, higher storm flow volumes, and increased delivery of pollutant loads (EPA, 1997). The traditional approach relies on designing treatment facilities targeted mainly to control peak flows for a given storm size (i.e., 10-year storm). These facilities typically consist of large stormwater ponds, strategically placed at the low point of the site. Since environmental concerns are becoming an integral component of stormwater management, it is assumed that such facilities are providing some controls. Since these facilities are designed for peak flow control and do not control those storm events smaller than the design storm, this approach is often referred to as the “end of pipe” control approach.

Table 3-1 summarizes how conventional stormwater management and LID technology alter the hydrologic regime for on-site and off-site conditions.

Table 3-1. Comparison of Conventional and LID Stormwater Management Technologies

Hydrologic Parameter	Conventional		LID
	Onsite		
Impervious Cover	Encouraged to achieve effective drainage	Minimized to reduce impacts	
Vegetation/Natural Cover	Reduced to improve efficient site drainage	Maximized to maintain predevelopment hydrology	
Time of Concentration	Shortened, reduced as a by-product of drainage efficiency	Maximized and increased to approximate predevelopment conditions	
Runoff Volume	Large increases in runoff volume not controlled	Controlled to predevelopment conditions	
Peak Discharge	Controlled to predevelopment design storm (2 year)	Controlled to predevelopment conditions for all storms	
Runoff frequency	Greatly increased, especially for Small, frequent storms	Controlled to predevelopment conditions for all storms	
Runoff duration	Increased for all storms, because volume is not controlled	Controlled to predevelopment conditions	
Rainfall Abstractions (Interception, Infiltration, Depression Storage)	Large reduction in all elements	Maintained to predevelopment conditions	
Groundwater Recharge	Reduction in recharge	Maintained to predevelopment conditions	
Offsite			
Water Quality	Reduction in pollutant loadings but limited control for storm events that are less than design discharge	Improved pollutant loading reductions, Full control for storm events that are less than design discharge	
Receiving Streams	Severe impacts documented- Channel erosion and degradation Sediment deposition Reduced base flow Habitat suitability decreased, or eliminated	Stream ecology maintained to predevelopment	
Downstream Flooding	Peak discharge control reduces flooding immediately below control structure, but can increase flooding downstream through cumulative impacts and superpositioning of hydrographs	Controlled to predevelopment conditions	

LID Hydrologic Considerations

In a LID system the fundamental hydrologic processes are considered throughout the site planning process. An understanding of the dynamics and interrelationships in the hydrologic cycle is used as a guide to preserving the predevelopment hydrology.

The preservation of the predevelopment hydrology is evaluated by comparison of pre- and postdevelopment conditions. The comparison is facilitated by consideration of four fundamental measures—runoff volume control, peak runoff rate control, flow frequency/duration control, and water quality control. These four evaluation measures are discussed further below.

Runoff Volume Control. As the imperviousness of the site is increased, the runoff volume for a given storm increases. The ratio of the corresponding runoff volume (in inches) to the total rainfall event (in inches) is called the runoff coefficient. The typical site runoff coefficient can be maintained at the predevelopment level by compensating for the loss of abstraction (interception, infiltration, depression storage) through both site planning and design considerations.

Peak Runoff Rate Control. Low-impact development is designed to maintain the predevelopment peak runoff discharge for all the storms smaller than the selected design storm events. Use of site planning tools (see Chapter 2) and preferred management practices (Chapter 4) may control the peak runoff rate as well as the runoff volume. If additional controls are required to reach the predevelopment peak runoff rate, additional IMPs and supplemental management techniques might be needed.

Flow Frequency/Duration Control. Since low-impact development is designed to emulate the predevelopment hydrologic regime through both volume and peak runoff rate controls, the flow frequency and duration for the postdevelopment conditions should be almost identical to those for the predevelopment conditions (see Figure 3-6). The potential impacts on the sediment and erosion and stream habitat quality at downstream reaches can then be minimized.

Water Quality Control. Low-impact development is designed to provide water quality treatment control for at least the first half-inch of runoff from impervious areas using retention practices. In most LID applications, the use of distributed control and retention throughout the site will result in much higher levels of water quality treatment control for a number of reasons. First the runoff volume controlled will usually exceed the first half-inch of runoff, and frequently exceed two inches of runoff volume, thereby treating a much greater volume of

LID hydrologic considerations

Runoff volume control

Peak runoff rate control

Flow frequency/duration control

Water quality control

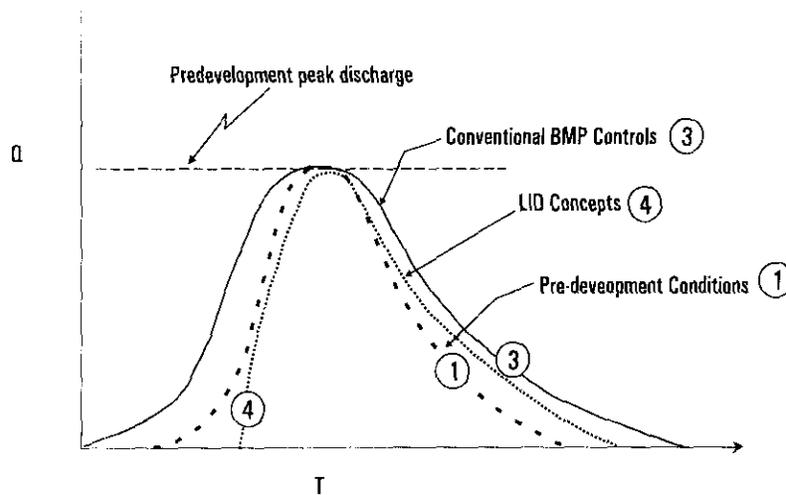


Figure 3-6.
Comparison of the hydrologic response of conventional BMPs and LID IMPs

annual runoff. Also, this greater volume of runoff control will usually be associated with decreases in both the time of concentration and flow velocities which results in a reduction in the pollutant transport capacity and overall pollutant loading. Low-impact development also supports pollution prevention practices by modifying human activities to reduce the introduction of pollutants into the environment.

LID hydrologic modification tools

LID Hydrologic Tools

To achieve the goal of preserving the predevelopment hydrologic regime, a variety of LID site planning tools can be employed. The following tools are used in a variety of combinations in LID design:

- Reduce/minimize imperviousness. Change in postdevelopment hydrology can be minimized by reducing impervious areas and preserving more trees and meadows to reduce the storage requirements to maintain the predevelopment runoff volume.
- Disconnect unavoidable impervious surfaces. Additional environmental benefits can be achieved and the hydrologic impacts reduced by disconnecting unavoidable impervious surfaces as much as possible.
- Preserve and protect environmentally sensitive site features. Site features to be protected and preserved can include riparian areas, floodplains, stream buffers, and wetlands; woodlands, conservation zones, and valuable trees; steep slopes; and highly permeable and erosive soils.
- Maintain time of concentration (T_c). Maintaining the predevelopment T_c minimizes the increase of the peak runoff rate

- Reduce/minimize imperviousness
- Disconnect unavoidable impervious surfaces
- Preserve and protect environmentally sensitive site features
- Maintain time of concentration (T_c)
- Mitigate for impervious surfaces with PMPs

or very intensive land uses such as commercial or industrial sites can preclude the use of sufficient IMPs to meet the hydrologic design objectives, particularly the peak discharge criteria. In these situations it is recommended that IMPs be used to the extent possible and then that additional conventional controls such as detention or retention practices (i.e. ponds) be used to meet the remaining hydrologic design objectives. An example computation that illustrates how to determine when additional conventional controls are required is provided in the Appendix.

LID Functions Include

- Groundwater recharge
- Retention or detention of runoff
- Pollutant settling
- Aesthetic value
- Multiple use

Integrated Management Practices (IMPs)

LID IMPs are designed for on-lot use. This approach integrates the lot with the natural environment and eliminates the need for large centralized parcels of land to control end-of-pipe runoff. The challenge of designing a low-impact site is that the IMPs and site design strategies must provide quantity and quality control and enhancement, including

- Groundwater recharge through infiltration of runoff into the soil.
- Retention or detention of runoff for permanent storage or for later release.
- Pollutant settling and entrapment by conveying runoff slowly through vegetated swales and buffer strips.

In addition, LID also provides an added aesthetic value to the property, which increases a sense of community lifestyle.

- Multiple use of landscaped areas. In some cases, the on-lot or commercial hydrologic control also can satisfy local government requirements for green or vegetated buffer space.

Placing controls in series provides for the maximum on-lot stormwater runoff control (i.e., the maximum mitigation of site development impacts on the natural hydrology). This type of design control is known as a “hybrid” and is effective in reducing both volume and peak flow rate. Examples of specific IMPs are described below.

Bioretention

A practice using landscaped areas on lots to hold and infiltrate stormwater

Bioretention

Bioretention is a practice to manage and treat stormwater runoff by using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow depression. The bioretention concept was originally developed by the Prince George’s County, Maryland, Department of Environmental Resources in the early 1990s as an

alternative to traditional BMP structures (ETA, 1993). The method combines physical filtering and adsorption with biological processes. The system can include the following components, as illustrated in Figures 4-2 and 4-3: a pretreatment filter strip of grass channel inlet area, a shallow surface water ponding area, a bioretention planting area, a soil zone, an underdrain system, and an overflow outlet structure.

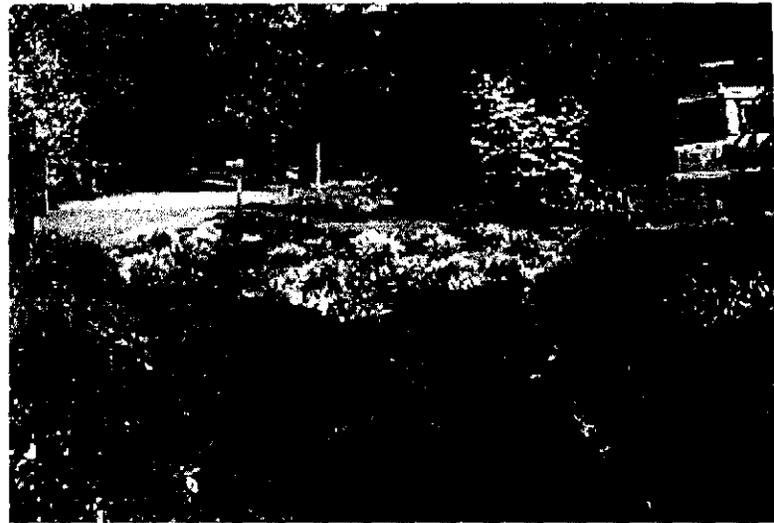


Figure 4-2.
Bioretention area

Design Considerations. The major components of the bioretention system all require careful design considerations. These major components include

- Pretreatment area (optional)
- Ponding area
- Ground cover layer
- Planting soil
- In situ soil
- Plant material
- Inlet and outlet controls
- Maintenance

The key design consideration for these components are summarized in Table 4-4. Detailed design guidance can be obtained from the *Prince George's County Bioretention Manual* (ETA, 1993).

Table 4-4. Bioretention Design Components

Pretreatment area	Required where a significant volume of debris or suspended material is anticipated such as parking lots and commercial areas. Grass buffer strip or vegetated swale are commonly used pretreatment devices
Ponding area	Typically limited to a depth of 6 inches
Groundcover area	3 inches of mature mulch recommended
Planting soil	Depth = 4 feet Soil mixtures include sand, loamy sand, and sandy loam Clay content ≤ 10%
In-situ soil	Infiltration rate ≥ 0.5 inches/hour w/o underdrains Infiltration rate ≤ 0.5 inch/hour underdrain required
Plant materials	Native species, minimum 3 species
Inlet and outlet controls	Non erosive flow velocities (0.5 ft/sec)
Maintenance	Routine landscape maintenance
Hydrologic design	Determined by state or local agency

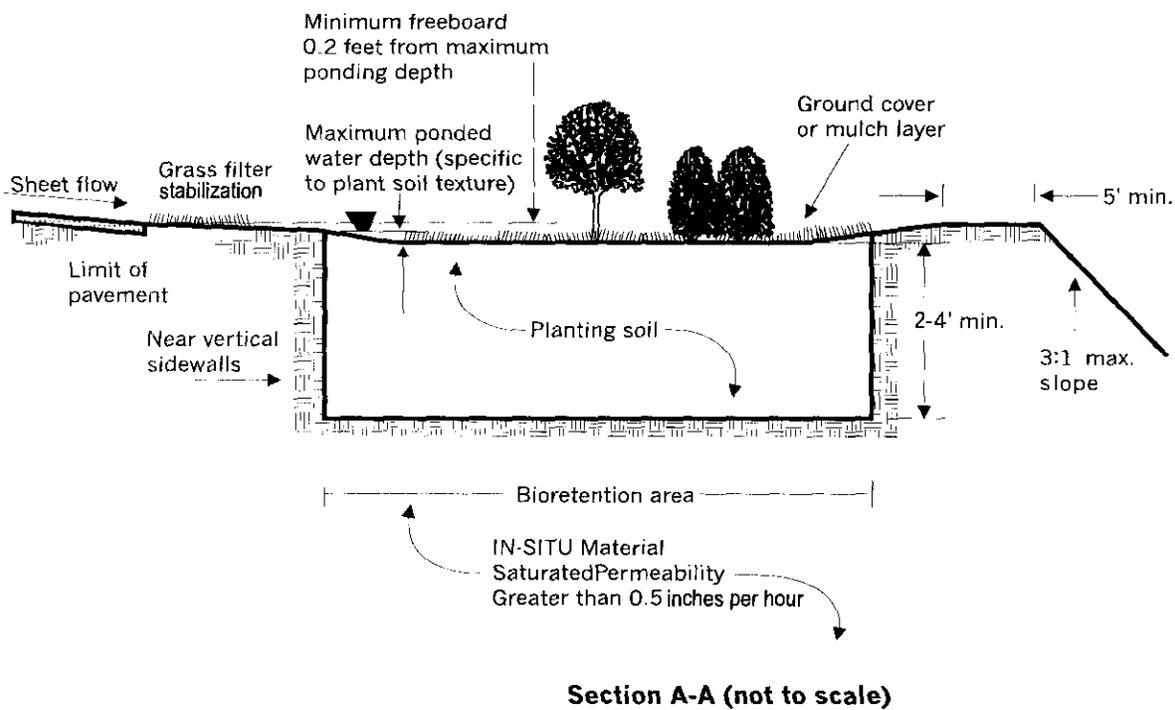
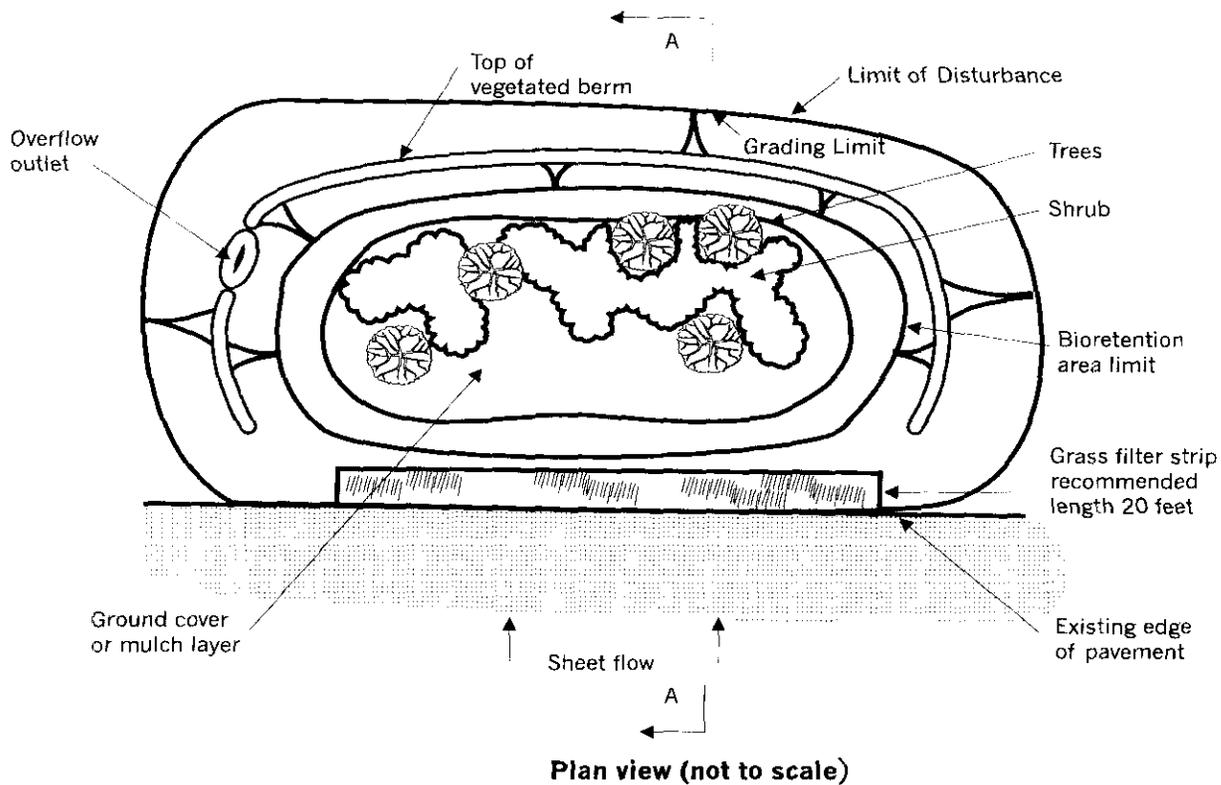


Figure 4-3. Typical bioretention facility

TIERRA WEST, LLC

October 2, 2012

Ms. Carmen Marrone
Division Manager
Planning Department
PO Box 1293
Albuquerque, NM 87103

**RE: WALMART LIGHTING LEVELS
COORS AND MONTANO, EPC PROJECT# 1003859**

Dear Ms. Marrone

On April 03, 2012 through April 04, 2012 Tierra West LLC measured light readings along Mirandela Road to establish baseline for the new proposed Walmart at Coors and Montano. As you are aware, Mirandela Road runs north/south along the east property line of the proposed Walmart at Coors and Montano. To the east are three undeveloped lots that are zoned PL-1 and the Corrales Drainage Channel.

Two additional properties were also measured: 1) The Walmart at Ellison and Coors By-Pass. The light reading was taken at the property line along Cottonwood Drive adjacent to the loading dock area, and 2) The Wal-Mart at Pat D'Arco Highway and Montoya Road in Bernalillo. The light reading was taken at the property line along Dairy Loop Road adjacent to the loading dock area.

The light meter used was a Foot Candle/Lux Meter #407026 by EXTECH Instruments. Light measurements for the sites are as follows.

Mirandela Road – 04/03/2012

Weather: Cloud cover, snow/rain

Night Lighting – 5:00am – reading: 0 foot candles
Astronomical Twilight – 5:45am – reading: 0 foot candles
Nautical Twilight – 6:15am – reading: 0 foot candles
Civil Twilight – 6:45am – reading: 2.8 foot candles
Daylight – 7:30am – reading: 1,430 foot candles

Mirandela Road – 04/04/2012

Weather: Clear, visible night sky / sunny (daylight reading)

Night Lighting – 5:00am – reading: 0 foot candles
Astronomical Twilight – 5:45am – reading: 0 foot candles
Nautical Twilight – 6:15am – reading: 0 foot candles
Civil Twilight – 6:45am – reading: 22.5 foot candles
Daylight – 7:30am – reading: 2,840 foot candles

Dairy Loop Rd - 04/05/2012

Weather: Clear, visible night sky

Night Lighting - 5:30am - reading: 0 foot candles

Cottonwood Dr. - 04/06/2012

Weather: Clear, visible night sky

Night Lighting - 5:30am - reading: 0 foot candles

These light measurement readings for the Walmart at Ellison and Coors By-Pass, and the Wal-Mart at Paseo D'Arco Highway and Montoya Road in Bernalillo show that 0 foot candles escaped the property boundaries and each of these stores is in compliance with the New Mexico Night Sky Ordinance. Based on the above findings, the current light measurements at Mirandela should remain unchanged with the development of a new store at this location. It is also reasonably expected that a new store at this location will meet the compliance requirements of the New Mexico Night Sky Ordinance as well. In the event that any light does escape the property boundary at the new store, the light fixture's shield would be adjusted to come into compliance.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Ronald E. Beharain, P.E.

Enclosures

cc

JN: [REDACTED]
RRB: [REDACTED]

TIERRA WEST, LLC

March 11, 2017

Mr. Scott McLaughlin, Chair
Environmental Planning Commission
City of Chula Vista
P.O. Box 1297
Chula Vista, CA 91903

**RE: AMENDMENT TO THE NORTH ANDALUCIA AT LA LUZ SITE
SITE DEVELOPMENT PLAN FOR SUBDIVISION
SITE DEVELOPMENT PLAN FOR BUILDING PERMIT
11EPC-40067 / 11EPC-40068
PROJECT# 1003859**

Dear Chairman: Please find

Tierra West, LLC, on behalf of Silverleaf Ventures, requests a 60-day deferral to May 17, 2017 on the above referenced project. This deferral is requested to allow additional time to address comments that have been submitted into the Record.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Scott E. McLaughlin, P.E.

Enclosure

LA 17-0001
EP 17-0001

2017-03-11 10:00 AM

City of Chula Vista
Environmental Planning Commission
P.O. Box 1297
Chula Vista, CA 91903
Tel: 619-391-3000
Fax: 619-391-3001
www.ci.chulavista.ca.us

TIERRA WEST, LLC

April 5, 2012

Mr. Hugh Floyd, Chair
Environmental Planning Commission
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

**RE: AMENDMENT TO THE NORTH ANDALUCIA AT LA LUZ SITE
SITE DEVELOPMENT PLAN FOR SUBDIVISION
SITE DEVELOPMENT PLAN FOR BUILDING PERMIT
11EPC-40067 / 11EPC-40068
PROJECT #1003859**

Dear Chairman Floyd:

Tierra West, LLC, on behalf of Silverleaf Ventures, is submitting modifications to the above referenced plans to address questions that were raised at the public hearing. This letter summarizes the major changes to the plans from that hearing. We have also sent out notices to the list provided by the City of required residents and recognized associations.

Modifications to the plans

1. The parking lot in front of the WM store was modified by creating a pedestrian element on the west side of the main isle and reducing the vehicular and pedestrian interface locations throughout the center. This also lowered the amount of parking provided to be below the maximum allowed.
2. An illustrative plan showing the entire Andaluçia Village center was added. This shows the relationship and close proximity of the apartments, senior area, school, commercial center and ABCWUA waste water facility and open space park in an overall context.
3. The grades on the main structure were lowered 2 feet to bring the overall parapet height of the buildings to be in compliance with the horizontal plane of the Coors Corridor Plain.
4. The Landscape plan was modified to reflect the additional pedestrian connections and to highlight the proposed plazas throughout the plan.
5. The signage was revised to be in compliance with the requirements listed on the Approved Site Plan for Subdivision.

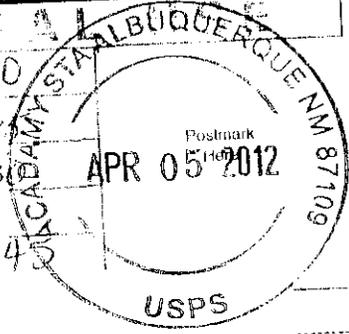
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 Street or PO Box: La Luz Del Sol N.A.
 23 Wind Rd. NW
 City, State: Albuquerque, NM 87120

PS Form 3849, June 2009

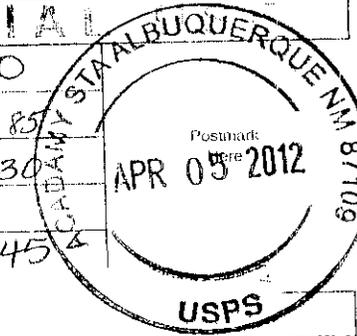
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 Street or PO Box: La Luz Del Sol N.A.
 33 Wind Rd. NW
 City, State: Albuquerque, NM 87120

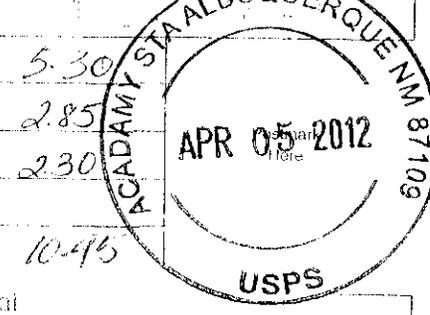
PS Form 3849, June 2009

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Sent To: Heather Baddi
 Street or PO Box: La Luz Landowners Association
 4 Tennis Ct. NW
 City, State: Albuquerque, NM 87120

PS Form 3849, June 2009

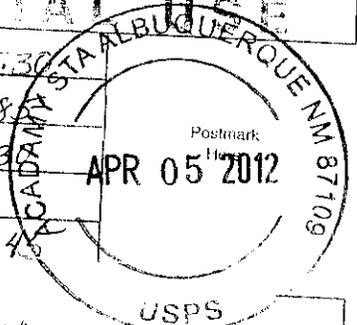
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Sent To: Rae Perlis
 Street or PO Box: La Luz Landowners Association
 15 Tennis Ct. NW
 City, State: Albuquerque, NM 87120

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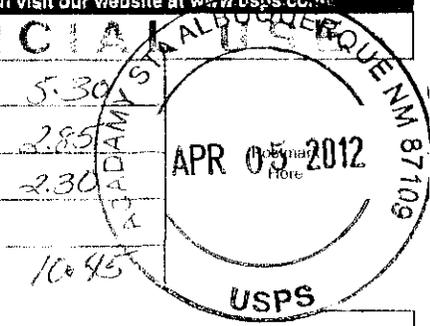
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 5601 La Colonia Dr. NW
 City, State: Albuquerque, NM 87120

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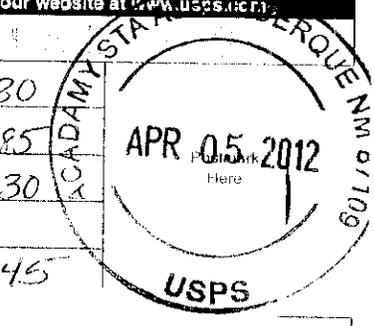
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 Street or PO Box: Rio Oeste H.O.A.
 4104 Zarzuela NW
 City, State: Albuquerque, NM 87120

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 4195 Montebello Dr.
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Kathleah Clarke
 Andaluca H.O.A.
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 Albuquerque, NM 87109

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Dan Serrano
 Northwest Alliance of Neighbors
 4409 Atherton Way NW
 Albuquerque, NM 87120

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Gerald C. Worrall
 Westside Coalition of N.A.'s
 1039 Pinatubo Pl. NW
 Albuquerque, NM 87120

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Candy Patterson
 Westside Coalition of N.A.'s
 7608 Elderwood NW
 Albuquerque, NM 87120

7010 2780 0003 2259 9113

OTHER INFORMATION

June 11, 2012

Chair

Ken Sanchez
City of Albuquerque
Councilor, District 1

Vice Chair

Wayne Johnson
County of Bernalillo
Commissioner, District 5

Richard J. Berry
City of Albuquerque
Mayor

Art De La Cruz
County of Bernalillo
Commissioner, District 2

Rey Garduño
City of Albuquerque
Councilor, District 6

Maggie Hart Stebbins
County of Bernalillo
Commissioner, District 3

Trudy E. Jones
City of Albuquerque
Councilor, District 8

Ex-Officio Member
Pablo R. Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Mr. Hugh Floyd
Chairman
Environmental Planning Commission
City of Albuquerque
Planning Department
600 2nd St NW
Albuquerque, NM 8713

RE: ABCWUA Property; Tract 2-A, Bosque School Subdivision

Dear Mr. Floyd,

In January, 2009, the Albuquerque Bernalillo County Water Utility Authority (Water Authority) entered in to an agreement to purchase a 4.5 acre tract of land located south of Montano Blvd. adjacent to the Bosque School (Attachment A-Site Map). Under that purchase agreement, the Water Authority reserved the right to refuse any action that would cause the expansion, modification, or relocation of the existing public drainage ponds located on the property. This agreement also reserved the right of the Water Authority to refuse or receive any storm drainage overflow beyond the current capacity of the existing drainage pond on the Property.

It has come to our attention that development plans for the areas contributory to the drainage pond located on our property include provisions to modify the pond. The Water Authority will not consider or allow any modifications to these ponds.

If you have questions, please feel free to call Mr. Allan Porter, Utility Development Section, at 505.934.5604.

Sincerely,



Mark Sanchez
Executive Director

C: Charles W. Kolberg, General Counsel
Allan Porter, Utility Development Section

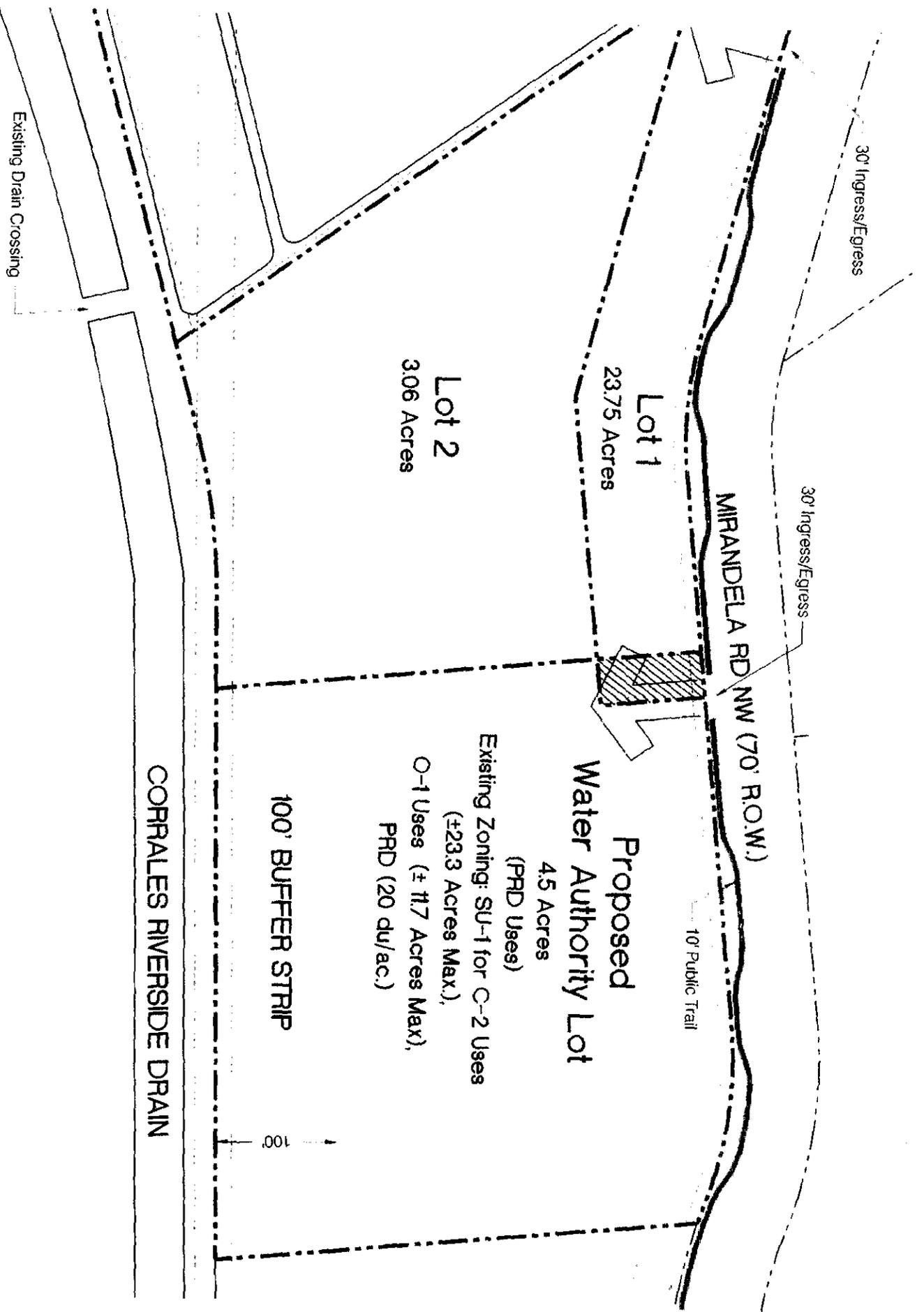


Exhibit for Water Authority Lot

MEMO

June 25, 2012

To: City of Albuquerque Environmental Planning Commission
From: Open Space Advisory Board *Gerald Widdison, Chairman*
Subj: Proposed Walmart Store near Coors/Montaño Blvds. NW

Our Board is concerned about negative impacts that the proposed Walmart store can be expected to have upon the nearby bosque (within Rio Grande Valley State Park), which is managed by the City's Open Space Division.

These impacts will likely include vehicle exhaust fumes, traffic congestion and noise, windblown trash, excess storm drainage, and degraded views to and from the bosque.

Some of these impacts may not exceed designated standards, such as air quality and street-traffic level of service. Yet it is important to realize that the large size, scale, and daily activity of the proposed development will all add up to a truly overwhelming presence and affect. Furthermore, future development of vacant land parcels adjacent to the Walmart store could have increased negative impacts.

The impacts of the development may adversely affect not only the bosque and its wildlife, but Open Space visitor experiences as well. We are especially concerned about the existing Pueblo Montaño Open Space Trailhead, located across the street from the development.

Therefore, if the project *is* permitted, we recommend mitigation measures by Walmart, such as late-night closing, prohibition of plastic bags, and daily manual pick-up of windblown trash on the premises and on adjacent street rights-of-way and vacant properties. Also street improvements if the traffic study dictates.

Storm drainage seems especially problematic; the site plans simply do not adequately show nor explain where the water goes.

Finally, the site plans have the Walmart building turning its backside and its delivery, utility, and trash disposal facilities toward the river. Consideration should be given to turning the building around to *face* the river. Perhaps thus the bosque might serve more as a visual amenity for customers.

Thank you for considering these comments.

**CITY OF ALBUQUERQUE
METROPOLITAN PARKS & RECREATION
ADVISORY BOARD**



May 7, 2012

Members:

William Kraemer,
Chairman

Amy Elrod-Lahti,
Vice-Chairman

Jerry Worrall

Kelly W. Gossett

Carmen Garcia

Rebecca L. Tays

Dan Wilkinson

Janet Harrington

MAILING ADDRESS:

MPRAB

c/o

City of Albuquerque
Parks and Recreation
Department
1801 4th Street NW
Albuquerque, NM
87102

Environmental Planning Commission
Planning Department
Plaza del Sol
600 Second Street NW
Albuquerque, NM 87103

Dear Environmental Planning Commission Members:

The Parks and Recreation Advisory Board met on April 17, 2012. At our request, a presentation was provided by the Open Space Division Manager, Dr. Matthew Schmader, regarding the construction of the Walmart at the intersection of Coors and Montano NW. Our concerns relate to the impact this development may have on the adjacent Rio Grande Valley State Park. We support the attached comments provided by the Open Space Division. We are very concerned about the potential traffic problems relating to the Coors and Montano intersection, particularly as it relates to the Open Space and Pueblo Montano Parking lot and trailhead.

The Board voted unanimously (with one member recusing himself for professional reasons) to make a recommendation to the EPC for a moratorium on construction in the area until such time the infrastructure relating to access and egress on Coors Boulevard is addressed.

Your consideration of this recommendation is greatly appreciated.

Sincerely,

Amy Elrod-Lahti, Vice-Chairman

The mission of the Metropolitan Parks and Recreation Advisory Board is to support the parks and recreation system as it enhances and enriches the Quality of Life for all residents now and in the future. The Board will serve the community by being an effective, independent and objective liaison between the public and City government. The Board will gather information and be a forum for discussion of parks and recreation issues.

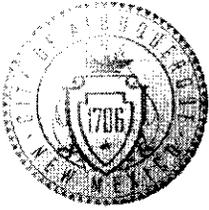
Additional Comments and Suggested Conditions Submitted by Open Space Division

1. Store siting and design should be sensitive to the adjacent area by avoiding the placement of loading docks, delivery areas and trash bins facing towards the bosque. Such facilities should be aesthetically screened. Store fronts and light poles should be placed to reduce the potential for noise and light.
2. It is recommended that hours of operation avoid a constant source of noise and allow for periods of quiet.
3. It is recommended that stringent lighting standards be required to allow for periods of darkness.
4. Strict standards should be put in place to avoid the potential for debris being blown into the adjacent bosque.
5. The existing Open Space Pueblo Montano parking area trailhead/bosque access may experience impacts to parking and capacity. Open Space Division requests the opportunity for further comment and review of future site design or roadway design that may affect the parking area.

OPEN SPACE "PUERTO RUITANO" PARKING LOT,



CITY-OWNED
OPEN SPACE
(BOSAQUE/EN GRANDE
STATE PARK)



GABAC

GREATER ALBUQUERQUE BICYCLING ADVISORY COMMITTEE CITY OF ALBUQUERQUE

DEPARTMENT OF MUNICIPAL DEVELOPMENT, PO BOX 1293
ALBUQUERQUE, NM 87103 (505) 768-2680

Richard J. Berry, Mayor

February 17, 2012

To: Carmen Marrone, Current Planning Section Manager

Subject: Proposed Coors / Montano Walmart -- Effect on Montano River Crossing for Vulnerable Roadway Users (Bicycles / Pedestrians)

Dear Ms. Marrone

The Greater Albuquerque Bicycling Advisory Committee (GABAC) is pleased to provide our findings on the proposed Walmart at the intersection of Coors and Montano Roads:

First, owing to safety concerns, the project will significantly decrease bicyclist crossings of the Montano bridge by adding to already congested traffic stemming from the Coors/Montano intersection. This will create a four to six mile gap in feasible bicyclist river crossings and result in a significant degrading of multi-modal connectivity and cross Eastside/Westside bicycle access. **Second**, precedent conditions at the Walmart location at Coors/I-40 have compounded automobile and truck congestion on adjacent streets, producing daunting obstacles and dangers to bicyclist and pedestrian traffic in the vicinity. **Third**, GABAC notes that over many years the City of Albuquerque has patiently invested millions of dollars to create Sector Plans, Corridor Plans and the *On Street Comprehensive Bike Plan* (Rank Two Facility Plan). Deviations from these rationalized documents typically produces unanticipated disruption to the flow of multi-modal transportation and risk to vulnerable users.

There are three river crossings for bicyclists and pedestrians serving a population of roughly 130,000 citizens on the west side of the Rio Grande River within the borders of I-40, Paseo Atrisco, and Paradise Hills. One of these crossings, the Gail Ryba Bridge, experiences significantly less traffic than projected due to accessibility and safety issues surrounding the Walmart at Coors/I-40. Another, the crossing on the South side of Paseo del Norte also has significant accessibility and safety issues and is under-utilized by the majority of the areas bicycling/pedestrian community. This crossing is scheduled for a bicycle/pedestrian bridge at Coors for enhancing access and connectivity to the Paseo Del Norte Multi-use Path (MUP) within the next five years.

Currently, observational traffic patterns support that Montano experiences most of the East-West traffic from cyclists crossing from the East side of the river and from the West side within the above boundaries. The exceptions are at the North and South edges. To the South, more experience cyclists often choose Unser/Bluewater or Atrisco and head to Central or Bridge to

cross the river. To the North, some cyclists will work their way to the crossing at Alameda. Most of the cyclists and pedestrians crossing the river do so in conjunction with the Bosque MUP.

At Montano, the majority of cyclists crossing the river access the Montano Bridge from Dellyne/ Learning Road. When construction is completed on Unser from Montano to Dellyne that includes a bike lane (Spring 2012), we can anticipate that cycling traffic from the far Northwest corner of the city and Rio Rancho will increase Montano Bridge bicycle traffic even further.

The proposed Walmart location will have a negative impact at the Coors/Montano intersection which is already graded "F" for automobile traffic. For vulnerable road users (bicyclists and pedestrians), the known impacts of losing the existing approach to the river crossing is significant. Additionally, GABAC members are concerned about the unintended consequences of the proposed Walmart due to the many unanticipated issues that have arisen at the Coors/I-40 Walmart. If cyclists and pedestrians feel that the approach to the Montano river crossing is unsafe the result will be a four to six mile gap in inner city river crossings (Paseo/Alameda crossings to Central/ Bridge crossings) which will have a significant negative impact on multi-modal connectivity and Eastside/Westside bicycle access.

The City of Albuquerque and its neighbors have spent over 20 years and tens of millions of dollars planning and building facilities that encourage safe and convenient access to non-motorized transportation modes. Among the lessons learned is that deviance from Sector Plans, Corridor Plans and the *On Street Comprehensive Bike Plan* (Rank Two Facility Plan) for zoning purposes has impact not immediately obvious. Often, those impacted most are the most vulnerable users, in this case cyclists and pedestrians that will lose safe and unimpeded access to the Montano river crossing and the Bosque Riverside Park facilities.

Attached are several photos showing many obstacles for vulnerable transportation users adjacent to the I-40/Coors Walmart location. As we have seen from the construction of the Gail Ryba bridge, cyclists will not use facilities that they deem unsafe and/or overly complicated to navigate. Fixing these issues after the fact will be both complicated and expensive. GABAC recommends that instead of running the risk of an additional river crossing becoming negatively impacted by a huge increase in traffic volumes, that Planning and the EPC continue to support multimodal transportation alternatives by adhering to the stipulations of existing Planning documents already in effect for the Coors/Montano area.

Sincerely,

Greater Albuquerque Bicycling Advisory Committee

Donald G. Simonson, Chair

Diane Albert (abstaining)

Scott Hale

Steve Mathias

Ron Nelson

Jeff Norenberg

James Plagens (non-voting)



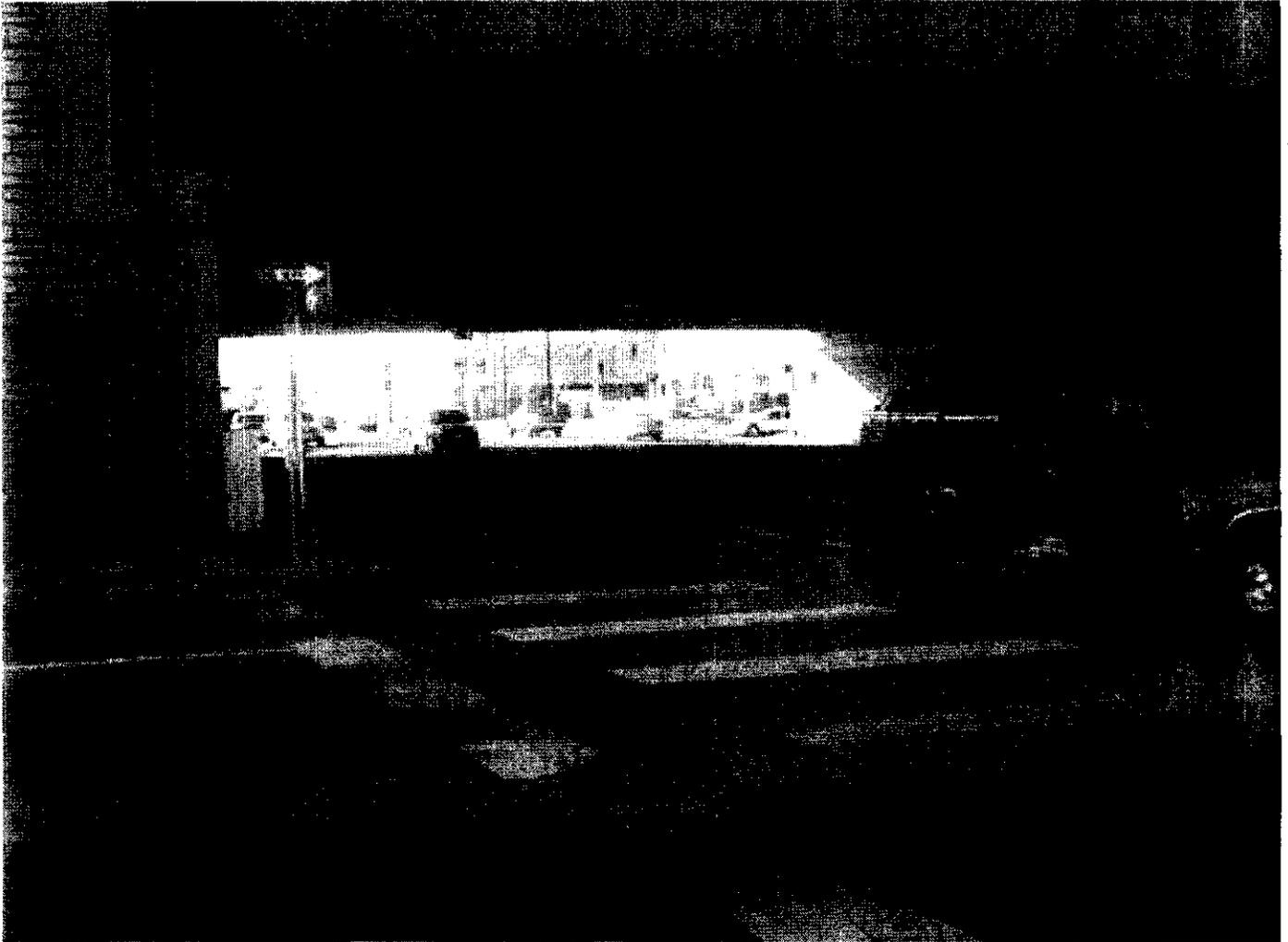
Facing North Off Gail Ryba Bridge

To right out of picture is parking lot often used as RV Campground/Truck Stop. Note tracks on sidewalk which is egress route from Ryba Bridge. Frequent, heavy auto and semi-truck traffic around building to access auto shop, Miami Street at the rear of Walmart, and school.



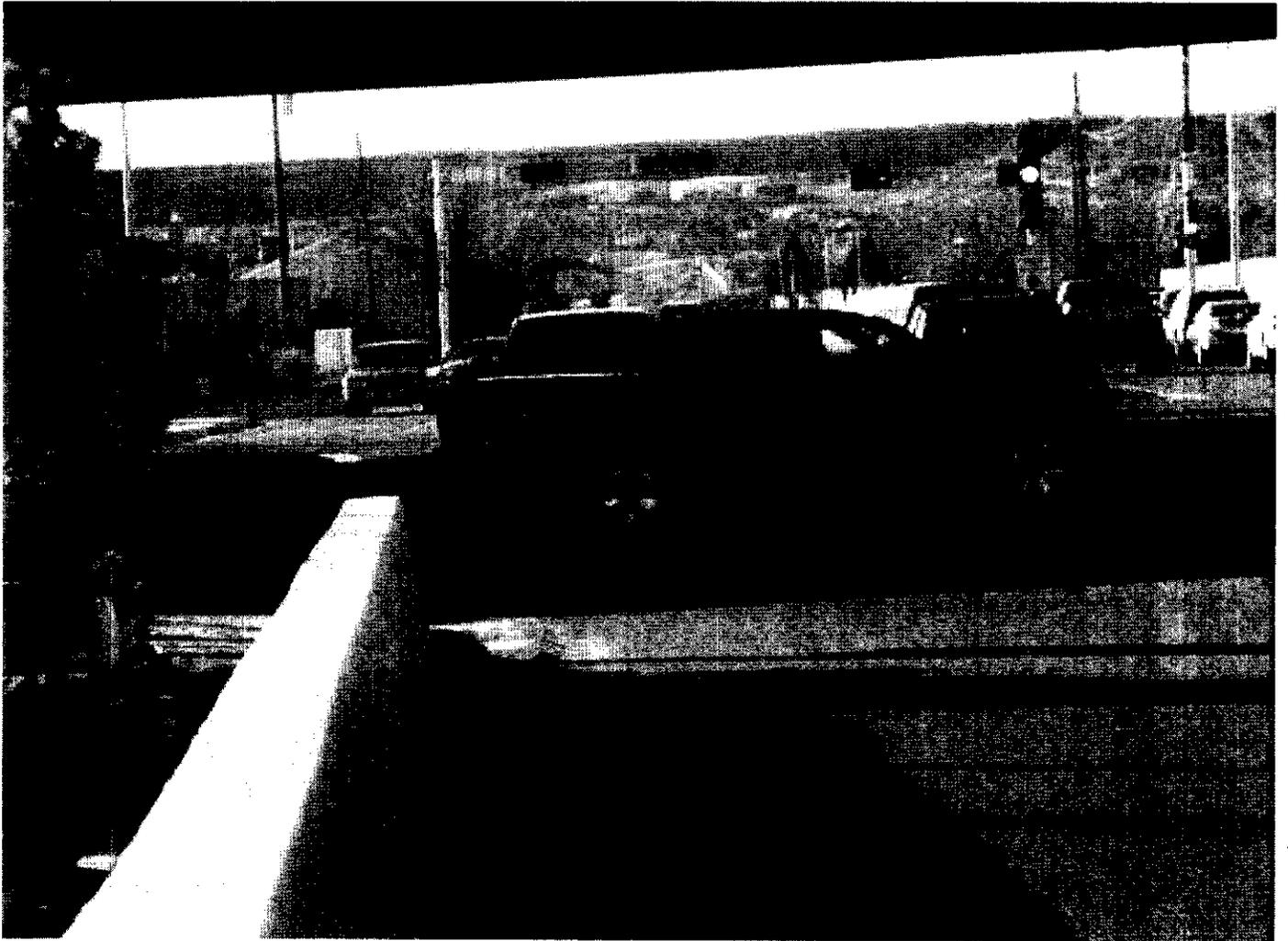
NW Corner Walmart facing East

Four Commercial Driveways can often be unsynchronized mess for vulnerable road users. Bike Lane feeds into this right turn lane with 4' concrete barrier and no safe way to merge into ongoing traffic lane when congested (often)



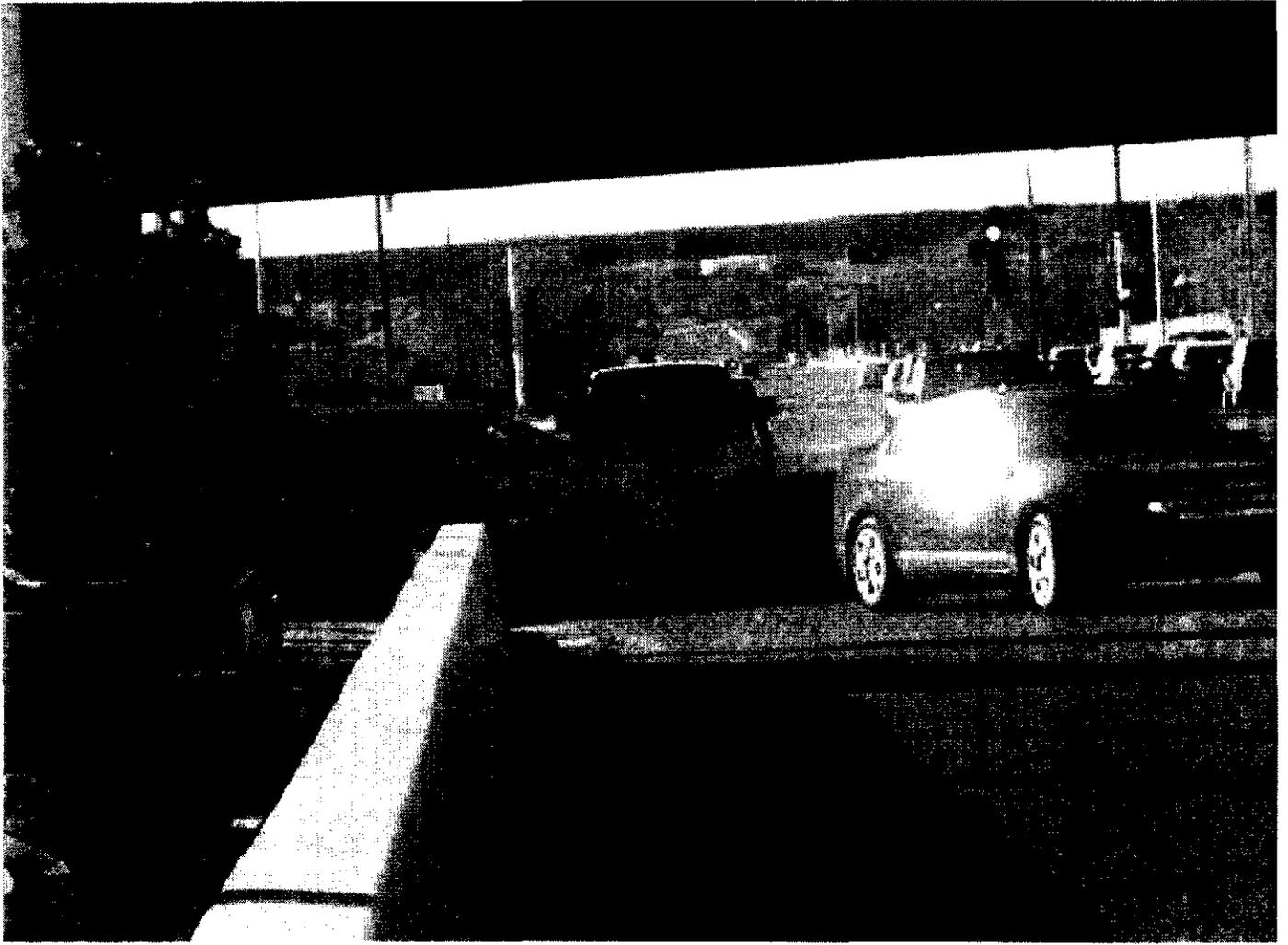
NW Corner Walmart—Facing West

Cyclists wishing to access MUP West of Coors must illegally oppose sidewalk/bike lane traffic or make 3 crosswalk stops to complete "U". Roadway cyclists cannot merge with Northbound I-40 offramp traffic so must use side/crosswalk to set up to travel West.



Walmart NW Corner facing West

East bound Bike lane feeds into right turn lane with no signal or indication to move to sidewalk (unnatural and unsafe movement for cyclists) or to vehicles to indicate that cyclists must merge into ongoing traffic lane.



NW Corner Walmart

Concrete barrier provides no mechanism for vulnerable road user to evade if encroached upon (squish!)



Exiting I40 Bike/Ped overpass (behind Walmart)

Cyclists unfamiliar with the area are challenged by cars everywhere with no signage indicating danger. Note car coming right at I-40 bike/ped crossing to access adjacent driveway (no signage to indicate cyclists/pedestrians entering roadway). Also, cars parked every direction often gets very messy and dangerous for vulnerable road users.



Atrisco Drive NW, Rear of Walmart off I-40 Bike/Ped Overpass

Silver Van and red car parked in roadway. Was even worse 5 minutes later. Note cars parked opposing traffic and each other—egress messy, unpredictable and dangerous



Miami Street, Behind Walmart at School

Vulnerable Roadway Users (Bike/Ped) are at significant risk here. What photo doesn't show is all the pedestrian traffic crossing roadway to waiting cars on other side of street.



Miami Street, Rear of Walmart

This traffic control guard has no control of motor vehicle traffic putting kids crossing at significant risk. Additionally, kids and parents often jaywalk between cars to his East and West.



Miami Street, Behind Walmart

White car is just parked waiting. Red car just picked up two children and attempts three point turn in congested roadway with predictable, traffic clogging results.



CENTRAL NEW MEXICO AUDUBON SOCIETY
A chapter of the National Audubon Society and a 501(c)(3) nonprofit organization chartered since 1971
Post Office Box 30002 – Albuquerque, New Mexico 87190-0002
505-255-7622 **<http://CNMAS.NewMexicoAudubon.org/>**

February 16, 2012

Environmental Planning Commission
City of Albuquerque
c/o Carmen Marrone at cmarrone@cabq.gov

I write on behalf of the Central New Mexico Audubon Society, the local chapter of the National Audubon Society, and having about 1,300 members. Thank you for considering these comments concerning development at the southeast corner of Coors and Montano NW.

It is our understanding that the Albuquerque/Bernalillo County Comprehensive Plan (Rank 1), the Westside Strategic Plan (Rank 2), Bosque Action Plan (Rank 2), and Coors Corridor Plan (Rank 3) are all explicit in protecting the integrity of the bosque through limited development in areas adjacent to the bosque and within the upland areas between the river and Coors Boulevard. The property in question at Coors and Montano does not have unrestricted commercial zoning. The SU1 for C2 zoning gives the EPC the specific responsibility of making sure that the proposed use is compatible with existing adjacent property uses and protecting the environment.

The adjacent bosque habitat is home to and/or supports an incredible variety of bird species, not to mention other vertebrates. The adjacent Bosque School has done a great deal of work in this area, and it is important to their education mission. Bird species found there include (in taxonomic order): Pied-billed grebe, Great blue heron, Snowy egret, Green heron, Snow goose, Wood duck, American wigeon, Green-winged teal, Canvasback, Redhead, Common merganser, Bald eagle, Sharp-shinned hawk, Cooper's hawk, Swainson's hawk, Red-tailed hawk, American kestrel, Gambel's quail, Killdeer, Mourning dove, Greater roadrunner, Great horned owl, Black-chinned hummingbird, Calliope hummingbird, Broad-tailed hummingbird, Rufous hummingbird, Belted kingfisher, Downy woodpecker, Northern flicker, Western wood-pewee, Willow flycatcher, Dusky flycatcher, Gray flycatcher, Black phoebe, Say's phoebe, Western kingbird, Violet-green Swallow, Barn swallow, Black-capped chickadee, Mountain chickadee, Bushtit, White-breasted nuthatch, Bewick's wren, House wren, Marsh Wren, Ruby-crowned kinglet, Blue-gray gnatcatcher, Eastern bluebird, Hermit thrush, Orange-crowned warbler, Yellow warbler, Yellow-rumped warbler, MacGillivray's warbler, Common yellowthroat, Wilson's warbler, Yellow-breasted Chat, Summer tanager, Western tanager, Black-headed grosbeak, Lazuli bunting, Green-tailed towhee, Spotted towhee, Chipping sparrow, Lark sparrow, Song sparrow, Lincoln's sparrow, White-throated sparrow, White-crowned sparrow, Dark-eyed junco, Red-winged blackbird, Western meadowlark, Bullock's oriole, Pine Siskin, Lesser goldfinch, and American goldfinch. Note in particular that the Willow flycatcher (southwestern subspecies) is on the federal Endangered Species list, and the adjacent bosque is in the area of the bird's critical habitat designation.

In terms of drainage, we understand that the plan calls for ponding and no direct discharge into the ditch or river. However, the work of, for example, Dr. Kim Eichhorst at the UNM Biology Department documents connectivity of the shallow groundwater with the MRGCD ditch systems. Whatever goes into the ponds is likely to eventually leach into the return drain that directly goes into the highly sensitive oxbow, a designated wildlife area that has restricted public access.

Thank you for your attention to these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey D. Myers". The signature is written in a cursive style with a prominent loop at the beginning and a long horizontal stroke at the end.

Jeffrey D. Myers
Co-Conservation Chair
Central New Mexico Audubon Society

Lehner, Catalina L.

From: Schmader, Matthew F.
Sent: Thursday, March 01, 2012 8:38 AM
To: Marrone, Carmen M.
Cc: Lehner, Catalina L.
Subject: RE: Comments Regarding Southeast Corner of Coors and Montano NW

Hi there Carmen and Catalina,
In my opinion, water quality from adjacent ponding would only be affected if the pond is not lined. It is a true statement that the oxbow is a sensitive area but without more technical data on the possible effects to groundwater, what may be going into the system with the runoff, and how the pond is designed the rest is conjectural. I would certainly defer to Roland Penttila on water quality issues and to Curtis Cherne on drainage design to get more informed input.
Thanks !
Matt

From: Marrone, Carmen M.
Sent: Wednesday, February 29, 2012 3:46 PM
To: Schmader, Matthew F.
Cc: Lehner, Catalina L.
Subject: FW: Comments Regarding Southeast Corner of Coors and Montano NW

Matt,

I would appreciate your comments on the last paragraph of the attached letter. Will the drainage affect the oxbow?

Carmen

From: Jeff Myers [mailto:JMyers@peacocklaw.com]
Sent: Wednesday, February 29, 2012 2:10 PM
To: Marrone, Carmen M.
Cc: Hurst Beth (brave_e@juno.com); File
Subject: Comments Regarding Southeast Corner of Coors and Montano NW

Environmental Planning Commission
City of Albuquerque
c/o Carmen Marrone at cmarrone@cabq.gov

I write on behalf of the Central New Mexico Audubon Society, the local chapter of the National Audubon Society, and having about 1,300 members. Thank you for considering these comments concerning development at the southeast corner of Coors and Montano NW.

It is our understanding that the Albuquerque/Bernalillo County Comprehensive Plan (Rank 1), the Westside Strategic Plan (Rank 2), Bosque Action Plan (Rank 2), and Coors Corridor Plan (Rank 3) are all explicit in protecting the integrity of the bosque through limited development in areas adjacent to the bosque and within the upland areas between the river and Coors Boulevard. The property in question at Coors and Montano does not have unrestricted commercial zoning. The SU1 for C2 zoning gives the EPC the specific responsibility of making sure that the proposed use is compatible with existing adjacent property uses and protecting the environment.

The adjacent bosque habitat is home to and/or supports an incredible variety of bird species, not to mention other

9/27/2012

vertebrates. The adjacent Bosque School has done a great deal of work in this area, and it is important to their education mission. Bird species found there include (in taxonomic order): Pied-billed grebe, Great blue heron, Snowy egret, Green heron, Snow goose, Wood duck, American wigeon, Green-winged teal, Canvasback, Redhead, Common merganser, Bald eagle, Sharp-shinned hawk, Cooper's hawk, Swainson's hawk, Red-tailed hawk, American kestrel, Gambel's quail, Killdeer, Mourning dove, Greater roadrunner, Great horned owl, Black-chinned hummingbird, Calliope hummingbird, Broad-tailed hummingbird, Rufous hummingbird, Belted kingfisher, Downy woodpecker, Northern flicker, Western wood-pewee, Willow flycatcher, Dusky flycatcher, Gray flycatcher, Black phoebe, Say's phoebe, Western kingbird, Violet-green Swallow, Barn swallow, Black-capped chickadee, Mountain chickadee, Bushtit, White-breasted nuthatch, Bewick's wren, House wren, Marsh Wren, Ruby-crowned kinglet, Blue-gray gnatcatcher, Eastern bluebird, Hermit thrush, Orange-crowned warbler, Yellow warbler, Yellow-rumped warbler, MacGillivray's warbler, Common yellowthroat, Wilson's warbler, Yellow-breasted Chat, Summer tanager, Western tanager, Black-headed grosbeak, Lazuli bunting, Green-tailed towhee, Spotted towhee, Chipping sparrow, Lark sparrow, Song sparrow, Lincoln's sparrow, White-throated sparrow, White-crowned sparrow, Dark-eyed junco, Red-winged blackbird, Western meadowlark, Bullock's oriole, Pine Siskin, Lesser goldfinch, and American goldfinch. Note in particular that the Willow flycatcher (southwestern subspecies) is on the federal Endangered Species list, and the adjacent bosque is in the area of the bird's critical habitat designation.

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Thank you for your attention to these comments.

Sincerely, Jeffrey D. Myers, Co-Conservation Chair, Central New Mexico Audubon Society

Cc: Beth Hurst, President, Central New Mexico Audubon Society

Jeffrey D. Myers, Treasurer
New Mexico Audubon Council
P.O. Box 26927, Albuquerque, New Mexico 87125
201 Third St NW, Ste 1340, Albuquerque, NM 87102
voice: (505) 998-1502; fax: (505) 243-2542
email: peacmyer@rt66.com

PUBLIC COMMENTS

Letters from Individuals

Lehner, Catalina L.

From: Carruthers, Madeline
Sent: Friday, May 18, 2012 7:50 AM
To: Lehner, Catalina L.
Subject: FW: CRM/311/HD 9378196 Opposed to WalMart

-----Original Message-----

From: noreply@cabq.gov [mailto:noreply@cabq.gov]
Sent: Thursday, May 17, 2012 10:36 AM
To: Carruthers, Madeline ; Demusaj, Selim
Subject: CRM/311/HD 9378196 Opposed to WalMart

Case number: 9378196
Contact Info: 459-2122
Contact Name: Aranada,Janet
Site Address: Montano NW and Coors NW

Case Subject: Opposed to WalMart
Description: states there will be more traffic alot of young families that walk the area.
Assigned to: PLAN-Planning Clearinghouse
Priority: Medium
Escalation Level 1: 06/14/2012 10:35 AM
Escalation Level 2: 06/28/2012 10:35 AM

A citizen is requesting your assistance in the prescribed manner. You will find all details upon logging into the CRM application.

<http://crm.cabq.gov/>

September 28, 2012

TO: City Council Members and Commissioners of the EPC

Attached is a letter I sent to the editor of the Albuquerque Journal regarding the proposed Walmart project at Coors and Montaño. With the latest date for a decision now scheduled for October 18, I wanted to share my thoughts with you. If no longer applicable in this matter, can you please use the points I make in future like situations. We simply must stop equating progress with negative impacts on the community. Progress can and should be positive for all concerned.

Thank you for taking the time to read my letter.



Suzanne Fetsco

September 1, 2012

To the Editor:

Like many other west siders, I have read with interest the letters regarding the proposed super size Walmart at Coors and Montañó. I also attended the January 19 public hearing and heard many individuals offer their comments. Of all the public airings on the matter, I have heard little about what I see as a primary issue. I call it, for want of a formal title, the conscience of a city.

For me, and I suspect many others, a city has a spirit, an ethic, a reputation, but most of all it has a responsibility to be guided by a conscience, a moral sense to do what is right. Morality transcends traffic flow, easy access to goods, and yes, even jobs when the price to pay is too great. Conscience is the very fiber by which we live our lives. And to me, a city encompasses and contributes greatly to that.

The editor of Preservation Magazine in the summer, 2012 issue cites a Knight Foundation study entitled "Soul of the Community". It was designed to find out what makes people love a place enough to put down roots. Jobs and strong economies mattered. But what people want most is to live in a beautiful place. Really, that is what is cited in the article. A recent letter writer relayed that progress is inevitable and if one does not like it, go live in the desert. Why oh why does progress have to mean super-size, 24/7 traffic, bright lights, concrete all played out on overburdened or inappropriate roads. There currently is a tranquility to that area, aided of course by being fringed on the east by the bosque and a beautiful little park with tree sculptures carved in burned stumps that remind us of how fragile our environment truly is.

I do not oppose commercial development. I oppose the fact that we will, if this venture is approved, have four Walmart stores in a ten mile north-south stretch, three of which will be super-size, 24/7 establishments. Where else in the city do we have three 24/7 giant retail establishments in such a small area? Instead of putting in something that so many people do not want, can't we show our conscience and allow appropriate growth that will not hurt sensibilities, that will be in tune with the surrounding community, that will indeed create jobs and, most of all will maintain the integrity of that small area of the city.

I am a near 30 year resident of the Coors corridor, and have watched many, many haphazard approaches to growth. City and agency leaders now need to truly examine the reasonableness of the current proposal and not be afraid to use terms like conscientious and moral fiber because when all else is stripped away, that is what we have left.

Suzanne Fetsco
23 Wind Rd. NW
Albuquerque, NM 87120

Lehner, Catalina L.

From: aboard10@juno.com
Sent: Thursday, April 19, 2012 11:58 AM
To: Lehner, Catalina L.
Subject: TRNA letter for Project # 1003859 Walmart



TRNA letter-Crime
stats.docx (...)

Dear Catalina,

I am sending you a letter for TRNA, with crime statistics that we aquired from the Northwest Area Command. Please see attached

Please let me know that you received them.

Thank you,

Rene' Horvath

TRNA

April 19, 2012

Catalina Lehner, Staff Planner
City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, New Mexico 87102

Project Number #: 1003859 - Walmart/ Crime Statistics

Dear Ms. Lehner

Because of the concerns area residents have about crime at the existing Walmarts on the Westside, I submit below the 2011 crime statistics for the two existing Walmarts located on Coors Blvd. (Walmart at Coors and I-40 and Walmart near Cottonwood Mall). The Westside area police command supplied the data. Both Walmart stores have a high rate of incidents for police service. In 2011, there were 688 incidents for police service at the I-40 Walmart and 439 incidents at the Walmart near Cottonwood Mall. Police officers in the past have mentioned to area residents that a significant amount of police calls come from Walmart. Taylor Ranch residents question why there are so many police calls attributed to the Walmart stores, and why the taxpayers must fund this? Importantly, to approve a high crime rate retail store adjacent to a school is dangerous and very concerning to our parents.

The crime statistics lists shoplifting with the highest number of incidents at the two Walmarts. The I-40 Walmart has 253 shoplifting incidents. Walmart near Cottonwood Mall has 202. We have learned, anytime there is a shoplifter that runs from the Walgreens at Coors and Montano to escape into the Bosque, Bosque School goes on "Lock Down" to protect the students. With shoplifting being so prevalent at Walmarts this would certainly disrupt much of the educational process for Bosque School students, especially if a Walmart was adjacent.

It is important to plan new development to be compatible with the existing development. The legal premise for good Planning is to promote the general health, safety and welfare for the community. If there is a threat to the safety and welfare of the Bosque School students and area residents, then how compatible is a Walmart built at this location? The crime statistics demonstrate that the proposed Walmart would be incompatible with the existing development and adjacent to a school. This is yet another reason why the Taylor Ranch Neighborhood Association believes this is an inappropriate location for a Walmart store.

Thank you,
Rene' Horvath
Land Use Director for TRNA
898-2114

Westside Crime Statics 01/01/2011 thru 12/31/2011

	Walmart (I-40) 2550 Coors NW NW	Walmart (near Cottonwood) 10224 Coors NW	Target (Paseo) 9371 Coors
Business Check:	1	2	0
Animal Call:	9	6	2
Domestic Violence:	12	3	6
Traffic:	79	5	2
Make Contact:	58	36	10
Investigation:	15	4	4
Juvenile:	23	6	5
Suspicious:	52	44	20
Fight:	3	0	0
Shoplifter:	253	202	33
Vandalism:	8	7	3
Disturbance:	63	43	10
Accident/N.I.:	62	62	31
Accident/I:	3	2	1
Narcotics:	2	3	2
Fraud:	15	3	1
Robbery:	1	1	0
Assault:	7	2	2
Auto Burglary:	8	7	3
Stolen Vehicle:	14	1	0
Totals	688	439	135

Lehner, Catalina L.

From: Charlotte Itoh [itohch@gmail.com]
Sent: Friday, April 06, 2012 2:03 PM
To: Lehner, Catalina L.
Subject: OPPOSITION to WalMart at Coors and Montano

I am writing to register my opposition to the proposed WalMart store at the corner of Coors and Montano on Albuquerque's West side. I have lived in Albuquerque for nearly ten years and I am proud of this city. WalMart has proven itself on many occasions not to be a good citizen or neighbor. Aside from my overall concerns about the way women employees are treated in the company, labor issues, etc., I am particularly concerned about traffic at this intersection and pollution so close to the bosque. My parents live very close to this area and so this is a personal issue for them and for me. We love the quality of life afforded in Albuquerque, and in this particular part of Albuquerque. WalMart will detract from the quality of life and will not improve the area's economy.

Thank you for considering my comments.

Charlotte Itoh
411 Aliso Dr. SE
Albuquerque, NM 87108

Lehner, Catalina L.

From: wito [wito@comcast.net]
Sent: Tuesday, April 10, 2012 1:21 PM
To: Lehner, Catalina L.
Subject: Walmart at Coors and Montano

Dear Ms Lehner

Please, please don't let Walmart win again, to the detriment of the citizens of Albuquerque. My husband and I live in Andalucia de la Luz near Sevilla and Coors. We can get to the Walmart at I-40 and Coors in 10 minutes, that is if I ever shopped at such a predatory institution. I attended the long meeting of the EPA at the Convention Center. The case against this particular Walmart was absolutely overwhelming in my estimation. I'm sure I don't need to list for you again the many arguments put forward at the meeting and in the press. Particularly affecting though, was the testimony of several owners of unique businesses on 4th St., explaining the demise of such businesses once Walmart moves in. PLUS the resulting traffic situation would be truly absurd. I drive by there every day; it's impossible already.

I appreciate your attention.

Melinda White Itoh

Lehner, Catalina L.

From: Carruthers, Madeline
Sent: Tuesday, August 28, 2012 8:08 AM
To: Lehner, Catalina L.
Cc: Marrone, Carmen M.
Subject: FW: City of Albuquerque Notice of Decision for Project 1003859
FYI. Response to the Notice of Dec. that I sent out yesterday.

From: Jon [mailto:bigjon@comcast.net]
Sent: Monday, August 27, 2012 6:07 PM
To: Carruthers, Madeline
Subject: RE: City of Albuquerque Notice of Decision for Project 1003859

SHOVE WALLYAZZ BACK TO BENTONVILLE, ARKANSAS

THERE ARE TO MANY OF THEM AS IT IS AND WHY IN HELL DO THEY WANT ONE EVERY 3-5 MILES APART?

SO TELL ME WHO DID THEY PAY OFF UNDER THE TABLE TO GET THIS DAMN PERMIT WHICH YOU KNOW VERY WELL NO ONE WATS??

THE MAYOR, THE CITY COUNCILORS, YOU, YOUR BOSS AND WHO ELSE DO YOU SUSPECT GOT LITTLE WHITE ENVELOPES UNDER THE TABLE TO GIVE THEM WHAT WE DON'T NEED OR WANT?

SIGNED,

A WALLMART HATER

From: Carruthers, Madeline [mailto:mtafoya@cabq.gov]
Sent: Monday, August 27, 2012 3:47 PM
To: lynn@perlslaw.com; patgllgr@aol.com; kelly@kellyjodesigns.com; janice@mvdexpress.com; maryb9@gmail.com; bethd@cybermesa.com; tspiak59@gmail.com; mccannon@flash.net; katiesnapp@mac.com; rachel-martinez@comcast.net; loving.runnin@comcast.net; artsform36@earthlink.net; cschobbens@comcast.net; kim_scheerer@yahoo.com; njarmijo@yahoo.com; otterpops@earthlink.net; max.giblin@gmail.com; gteg@comcast.net; ltafoya@msn.com; sara_blanchfeld@yahoo.com; ively@swcp.com; kcumquat@yahoo.com; eldernewmex@comcast.net; rday@farmersagent.com; krkaminsky@comcast.net; tim@flynnobrien.com; viverne@newmexico.com; mzaremba@salud.unm.edu; shabbott77@comcast.net; donevsi@yahoo.com; anniehphan@gmail.com; redhorse2trot@yahoo.com; ccooney518@gmail.com; roger2eaton@gmail.com; pschoenburg@rothsteinlaw.com; erika.abeyta@respec.com; rkeyserso@comcast.net; caitlin.anderson@comast.net; mbaca16@comcast.net; mbeaupre@comcast.net; ribencomo@aol.com; bigjon@comcast.net; autoware@aol.com; drgonpo@q.com; mbrown@ara.com; kcarru@gmail.com; amcarter3605@comcast.net; vandpc@swcp.com; terric4@juno.com; nmexijo@comcast.net; chariann@comcast.net; marcric@comcast.net; jens.deichmann@gmail.com; luciale@swcp.com; priscilladooley@yahoo.com; steveps2@aol.com; pcfafsam@yahoo.com; relicour1030@yahoo.com; dianekflynn@aol.com; wallaceford01@gmail.com; run_nm@yahoo.com; a1.detective@gmail.com; nhenson4@comcast.net; yogarcia1003@yahoo.com; jackie.garrity@bosqueschool.org; marsha.gee@comcast.net; sayre.gerhart@comcast.net; emiliag1967@gmail.com;

9/12/2012

lifedancelessons@aol.com; pmg1@q.com; quentin.guy@bosqueschool.org; jhamlet91@comcast.net; jshandsmk@msn.com; bjoy47@comast.net; nick.new.mex@comcast.net; abqphyl@msn.com; ahernandez@summit.com; bkhoffm@comcast.net; hhhofmann@earthlink.net; cathysandy@msn.com; sbh1@sprintmail.com; abqhyde@msn.com; terry.new.mex@comcast.net; pkingduckley@yahoo.com; janulemoe@aol.com; drgonpo@q.com; jatonyh@aol.com; sjohnson765@comcast.net; dghodes@aol.com; jshandsmk@msn.com; ginger@koning.org; mike@krupnickstudio.com; sjdk@aol.com; nina.leacock@bosquescool.org; jaled@aol.com; bosquenm@gmail.com; dmta1613@aol.com; ramdr.lopez@gmail.com; lloydab@msn.com; karenmccabe77@yahoo.com; Sharon@seniorcareoptions.net; grossinma@gmail.com; stevemllr99@gmail.com; nmmonts2@gmail.com; paulam@unm.edu; ptaichert@comcast.net; marilyn.oleary@comcast.net; christina@sheltonjewelers.com; kinnaskitchen@gmail.com; kpurring@gmail.com; abq@madisonlaw.com; jesserael@mac.com; d2reuler@comcast.net; rroberts@q.com; roroberg@aol.com; saint9flies@gmail.com; cmsanchez7@gmail.com; jamesandefer@gmail.com; colleen.seager@bosqueschool.org; rshine60@earthlink.net; rshortridge@gmail.com; bridget.simpson@yahoo.com; andrea.smith@bosqueschool.org; pattysmithnm@comcast.net; r2abq@q.com; pkanc@me.com; stephensman@q.com; cindy.stokes@gmail.com; caryl.stuart@hp.com; dstueven@gmail.com; sandiaten@aol.com; gtegA@comcast.net; rob20mgt21@peoplepc.com; craigaturpin@gmail.com; gailtwilegar@msn.com; trna.vanberkel@comcast.net; raymondwaters123@comcast.net; abravo@mindspring.com; chipstorm@mac.com; dwierengo@yahoo.com; andy.wright@bosqueschool.org; jyoung@phs.org; madzannes@gmail.com

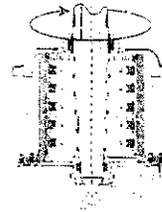
Subject: City of Albuquerque Notice of Decision for Project 1003859

Attached is the Notice of Decision for the Environmental Planning Commission Hearing on August 23, 2012 regarding Project 1003859, the proposed Wal Mart at Coors and Montano.

<<N of D 1003859 (2).pdf>>

Madeline Carruthers
Administrative Assistant for Environmental Planning Commission
City of Albuquerque, Planning Department, Urban Design & Development
Office (505) 924-3889
Fax (505) 924-3339
v/tty 1-800-659-8331
mtafoya@cabq.gov

March 22, 2012



JAMES R. KANNOLT
TECHNICAL CONSULTANT
10 TENNIS COURT NW
ALBUQUERQUE, NM 87120
CELL: 505-270-7447
jrkanno@comcast.net

To: Distribution,

Subject: Evidence of the Deterioration of the Bosque and Wildlife Habitat Between Montano Rd and the Outlet of the San Antonio Arroyo & Suggested Remedial Actions in conjunction with the development of Tract 1-6, North Andalucia at La Luz, zoned SU-1 for C-2, O-1 & PRD (20 du/ac), located on Coors Blvd. NW between Montano Rd., containing approximately 60 acres

Enclosures: 1. Report: **PHOTOGRAPH RECORD OF THE DETERIORATION OF THE BOSQUE AND WILDLIFE HABITAT**, by: James R. Kannolt, dated: February 2012

2. Report: **Health Consultation, Mountain View Sewer Gas Study, Scottsdale, Maricopa, Arizona**, Prepared by: Arizona Department of Health Services Under Cooperative Agreement of Health and Human Services Agency for Toxic Substances and Disease Registry Division of Health Assessment and Consultation, Mountain View Sewer Gas Odor Sampling Schedule – June 27, 2003, through July 15, 2003

The following are my suggested actions from the appropriate City/County Officials to restore a small section of the Bosque and Wildlife Habitat between Montano Rd and the San Antonio Arroyo, to protect hikers and pets from toxic sewer effluent & gases, to protect the Bosque School from being flooded from storm sewer overflow, and from trash being carried along with flood waters that must flow through the Bosque to the river.

- Close the San Antonio Arroyo to all public access below the Holding Pond shown in Photo No. 3, page 2 of the Enc. No. 1 report. Likewise, move the fence and associated **KEEP OUT** sign (see Photo No. 12) at least 100 yards north of its present position to protect the public from sewer effluent flowing out of the arroyo. Please be aware that the sewer gas detection system shown in Photo No.7, page 3 of this report is mounted much too high to detect hydrogen sulfide gas since it is heavier than air. Hydrogen sulfide is the sewer gas component of greatest health concern (see the report furnished as Enc. No. 2).
- Fence and declare with signage (**KEEP OUT – WILDLIFE MANAGEMENT AREA**) the area immediately east of the vehicle road and hiking trail running along side the Corrales Riverside Drain over to and including along the bank of the river. This will allow natural restoration of the wildlife habitat and also protect dogs that are let off of their leashes (even briefly) from attacking porcupines (recently, this negligent action cost a dog own \$2000 in veterinarian fees). There are adequate hiking/bicycle trails just outside of this area of the Bosque by using the city access roads to/from the sewage lift station and banks along both sides of the Corrales Riverside Drain by the Bosque School all the way to the trails along side of and under Montano Rd.
- Build a levee in the Corrales Riverside drain just below the 3 each culverts that are shown in Photo No. 14, page 4 of the Enc. No. 1 report, to raise the water level to approximately 2 to 3 inches above the bottoms of the culverts in order to assure a small, constant, water flow into the Bosque (there is a flow rate adjusting gate on each culvert) . This would not only provide water to restore wildlife habitat, but, also, encourage beaver dam construction.
- Bury/enclose the Corrales Riverside Drain south from Montano Rd to immediately north of the Bosque School property and build a storm sewer flood water holding and trash catching pond

similar to that shown in the Enc. No. 1 report, page 2, complete with a flood overflow bank with upward sloping culverts to allow high capacity water flow (without transferring the trash) over the buried Corrales Riverside Drain into the Bosque. This flood handling system should also have a "slow-drain" stem similar to that shown in Photo No. 2 to facilitate periodic cleanout (during dry periods) by the City of Albuquerque and to prevent long-term storage of stagnant/contaminated water. Also, the top of the proposed large flood over flow bank should be lower (by 1 to 2ft, depending on the length of the bank) in elevation relative to the campus of the Bosque School to prevent flooding this school from a "once-in-a-100yr" rainstorm. This section of the Bosque and Wildlife Habitat would benefit from periodic flooding if the proper steps were taken to prevent contamination from trash, people, and vehicle traffic.

The author believes that the state-of-health of the subject area of the Bosque and Wildlife Habitat will deteriorate much more rapidly as the development of the subject land progresses if these suggested actions are not taken in the immediate future. In this light, the author requests the recipients of this letter and associated enclosures, forward all to persons/organizations who they may feel are in positions of more authority to accomplish Bosque and Wildlife Habitat restoration/protection.

Thank you.

Best regards,

James R. Kannolt
Technical Consultant
10 Tennis Court NW
Albuquerque, NM 87120

Distribution:

City of Albuquerque
Open Space Division
Attn: Ondrea Linderoth
Program Manager
3615 Los Picaros SE
Albuquerque, NM 87105

Albuquerque Bernalillo County
Water Compliance Division
P.O. Box 1293
Albuquerque, NM 87103-1293

City of Albuquerque
Planning Department
Development Review Division
Attn: Deborah L. Stover, Director
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

City of Albuquerque
Attn: Ken Sanchez, District No. 1 Councilman
c/o Crystal Ortega, Council Services
One Civic Plaza NW, 9th Floor
Albuquerque, NM 87102

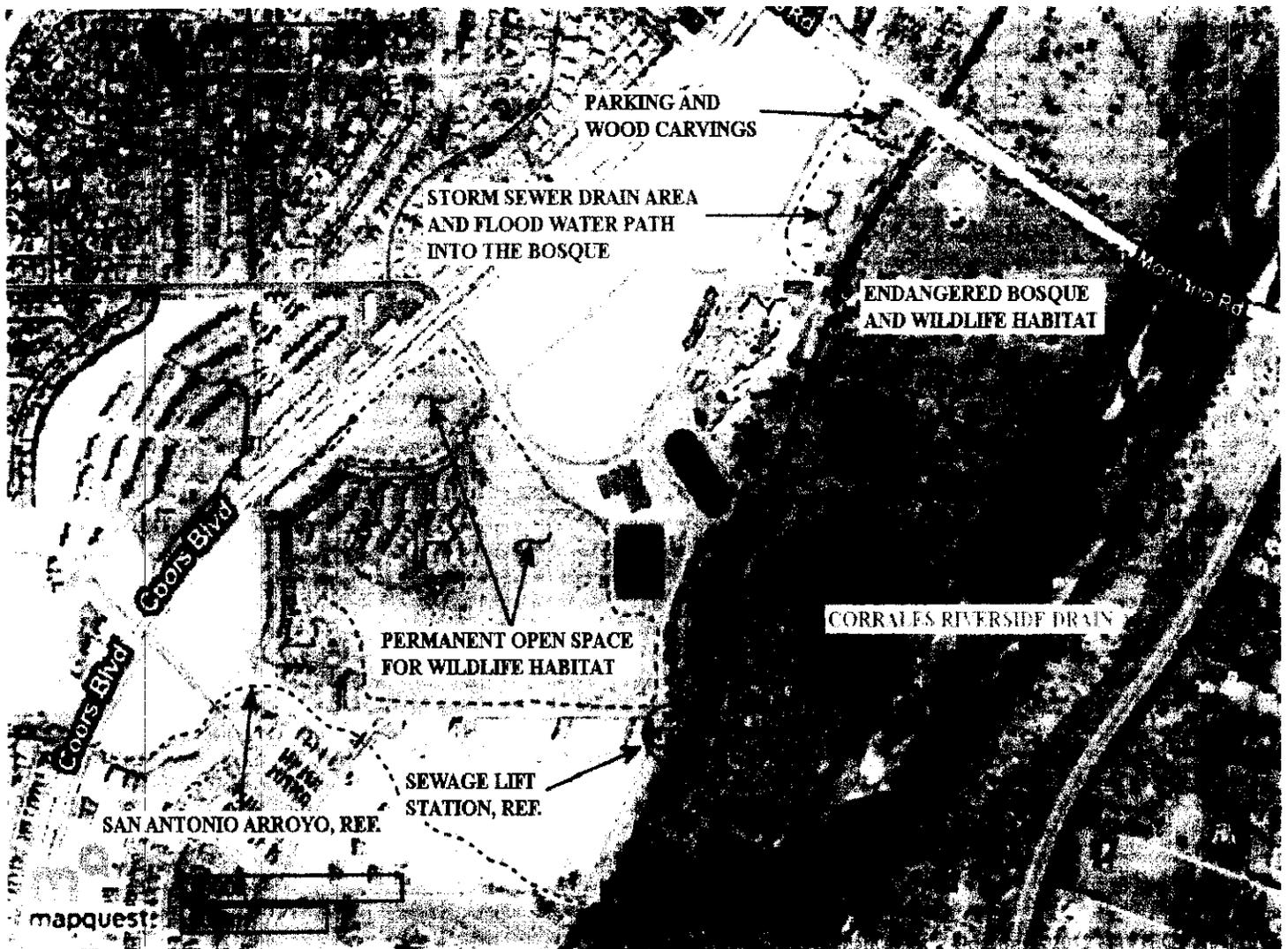
Enclosure No. 1

REPORT TITLE:

**PHOTOGRAPH RECORD
OF
THE DETERIORATION
OF THE BOSQUE AND
WILDLIFE HABITAT**

February 2012

By: James R. Kannolt



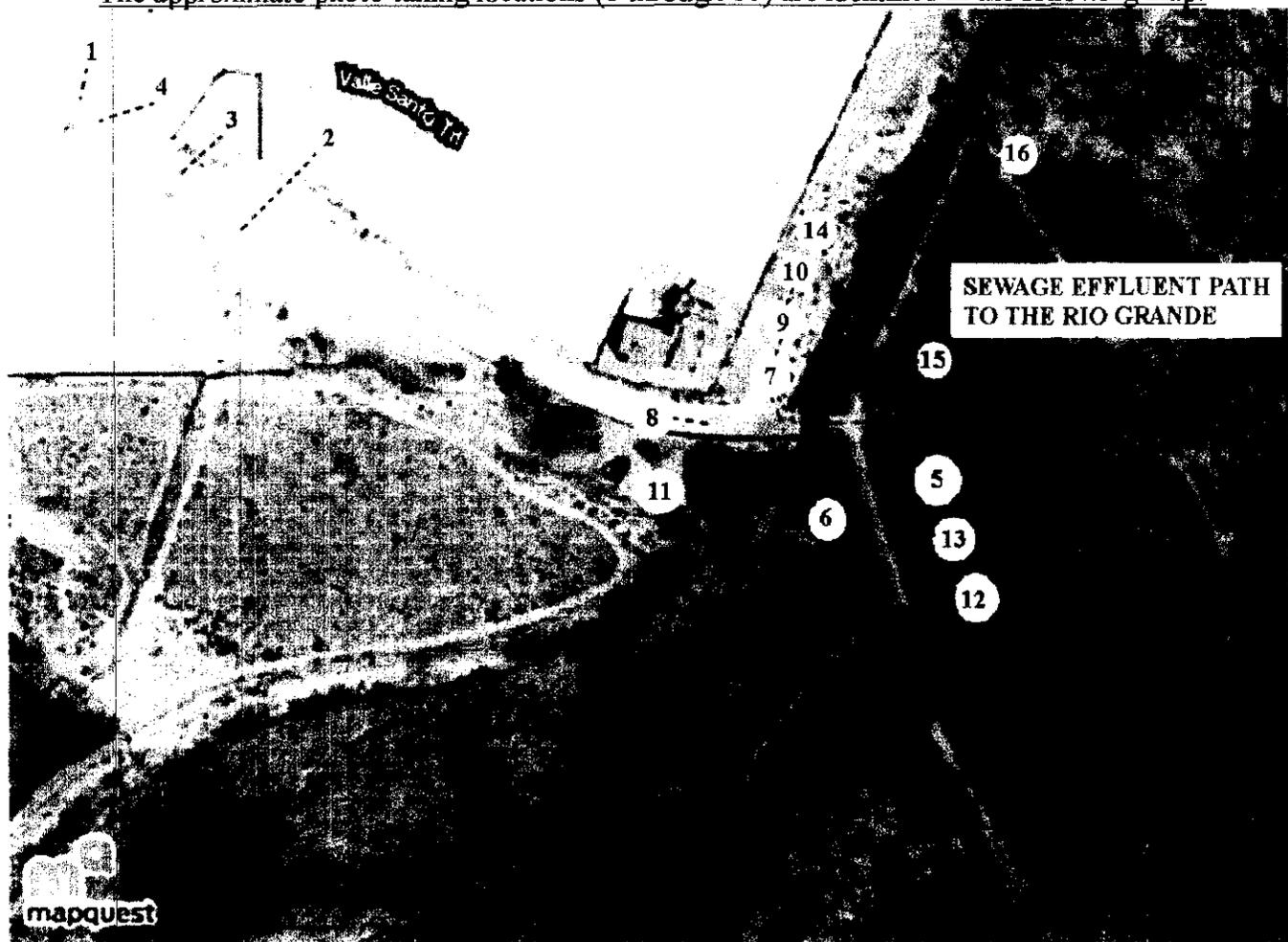
Note: This report pertains only to the area of the Bosque shown above.

Introduction

The author was raised on a farm/ranch in South Dakota near the Black Hills, got his elementary education in a small rural schoolhouse, went through high school and college in Chadron, Nebraska. Married in 1954 and was inducted into the Army shortly after obtaining a BA degree in Industrial Arts. He was stationed in Germany for 1.5 years and worked as a Morris Code radio operator until honorably discharged in 1956. He got his BSME degree from the University of Colorado in 1958 under the GI Bill of Rights. He started work as a Staff Member at Sandia National Laboratories in Albuquerque (SNLA) on September 15, 1958, and retired November 17, 2000. He continued his association with SNLA and other National Laboratories for another eight years as a Technical Consultant specializing in Centrifuge Design/Diagnostics.

The author and family moved from the NE Heights to the NW Valley in 1992 to be near open space for hiking and enjoying the wildlife in the Bosque. This report was prompted from observing, over the last approximate 10-year period, the deterioration of the Bosque and associated wildlife habitat caused by excessive people, dog, horse, and vehicle traffic and sewage effluent leakage from deteriorating piping and/or pipe joint seals. Sewage effluent leakage rate seems to have increased linearly with the increase in pressure/flow-rate required to cope with increase sewage handling requirements of the Lift Station that is shown in this report.

The approximate photo taking locations (1 through 16) are identified in the following map:



Trip down the San Antonio Arroyo

Photo No. 1 was taken while walking East in the arroyo and shows the soil-cement work performed to stabilize the bottom and sides of the arroyo. This work was completed by BOHANNAN-HUSTON INC. in July 1997. During this period, sleeves were placed under the arroyo and large manholes and 2 connections were provided to facilitate installing the sewer line from the Oxbow Community to the Sewer Lift Station. The connections were made in 1998 to an existing sewer line to the west of the lift station.



Photo No. 1. San Antonio Arroyo looking east.

Photo No. 2 shows the sand holding and trash-trapping pond that is periodically cleaned out by the city



Photo No. 2. Holding pond and slow-drain stem.

This has been an excellent means of keeping trash out of the Bosque. Photo No. 3 shows the entrance to the sand-trash catching reservoir and flood overflow bank that has 2 banks of 4 large culverts that slope upward from the entrance to the exit for water flow back into the arroyo.



Photo No. 3. Holding pond – looking east.

Photo No. 4 shows one of several storm sewer drains that were placed in the sides of the arroyo during the development of the sites for Andalucia at La Luz complex. A dead (did not die from natural causes) porcupine was recently discovered at the exit of one of these drains.



Photo No. 4. Typical drain from Andalucia Complex.

Photos Nos. 5, 6, 7, & 8 show various views of the arroyo drain system into the Bosque over the Corrales Riverside Drain.

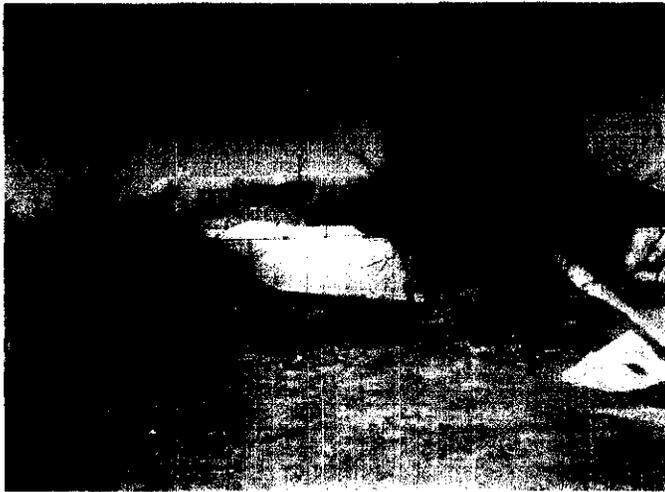
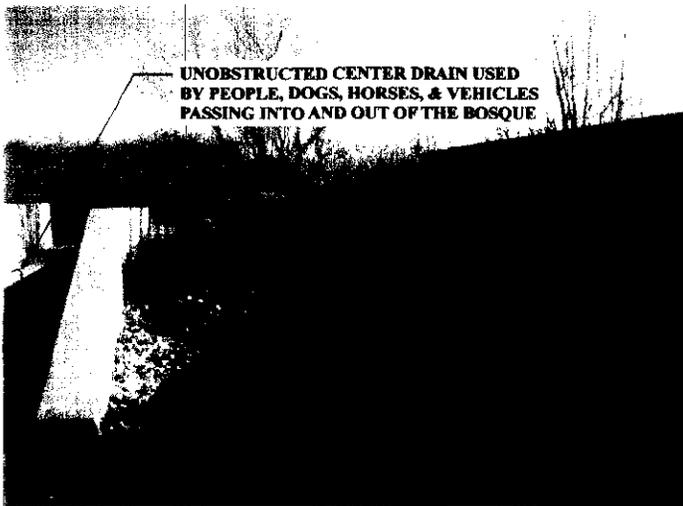


Photo No. 5. Arroyo-to-Bosque drain structure.

The sewage effluent drain into the arroyo just in front of the Arroyo-to-Bosque structure is shown in Photo No. 8.



Photo No. 8. Sewage effluent drain into Bosque.



UNOBSTRUCTED CENTER DRAIN USED BY PEOPLE, DOGS, HORSES, & VEHICLES PASSING INTO AND OUT OF THE BOSQUE

Photo No. 6. Right drain (looking towards the Bosque)



Photo No. 9. Sewage effluent drain.



Photo No. 7. Sewage gas "sniffing" station.



Photo No. 10. Puddles of sewage effluent.

Photo No. 11 shows a rather large pool of sewage effluent that appears to stay at a constant level due to insufficient drainage. This pool is within 50 feet of the drain shown in Photo No. 9 and is close to the main sewage lift line.



Photo No. 11. Sewage effluent pool.

Photo No. 12 was taken facing south or towards I40. The sign has been defaced by covering up the **NO**. This infers that the water, including the water in the Corrales Riverside Drain, north of this sign is potable and therefore safe for fishing, wading, and swimming and that the Bosque north of this sign is not a Wildlife Management Area.

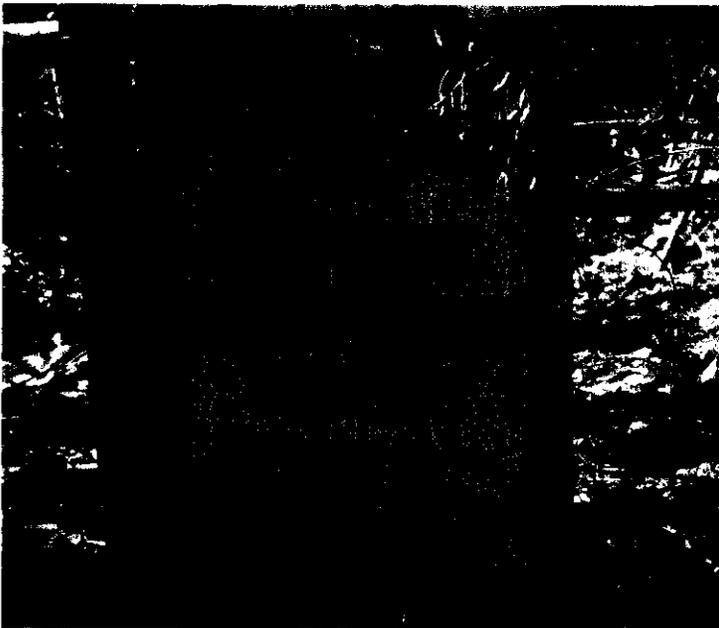


Photo No. 12. KEEP OUT notice.

Photo No. 13 shows the remains of a beaver dam that used to be located under the Arroyo-to-Bosque drain structure. The author monitored the construction of this dam over a period of approximately one year and was very disappointed that the city decided to destroy it just when the beavers had raised the water level to the proper level to divert a small amount of water from the Corrales Riverside Drain into the Bosque. The beavers had chosen this spot wisely in order to utilize an existing "spillway" (3 each culverts).

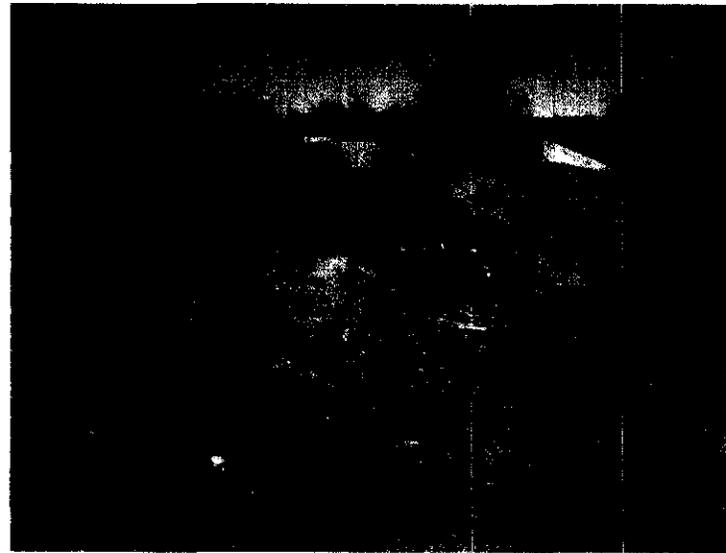


Photo No. 13. The remains of a beaver dam.

Photo No. 14 shows the entrance ends and Photo No. 15 shows the exit ends of 3 each culverts intended to divert water from the ditch into the Bosque.

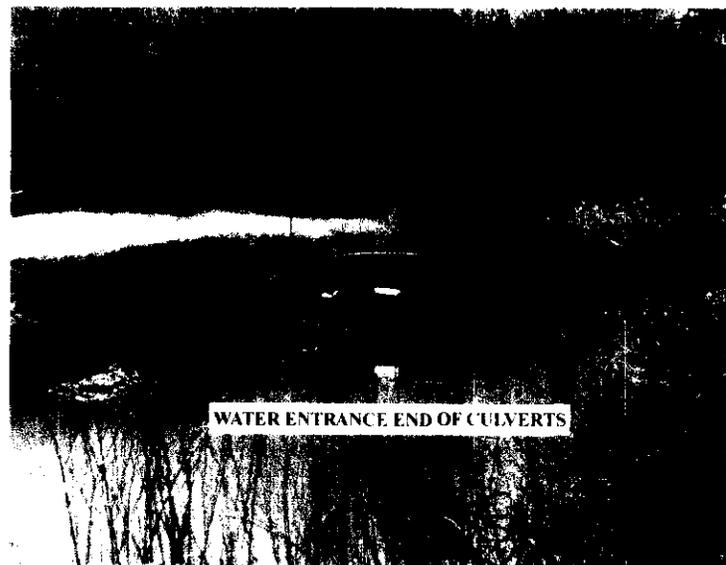


Photo No. 14. Entrance ends of culverts.

Continued trip through the Bosque

The approximate photo taking locations (18 through 23) are identified in the following map:

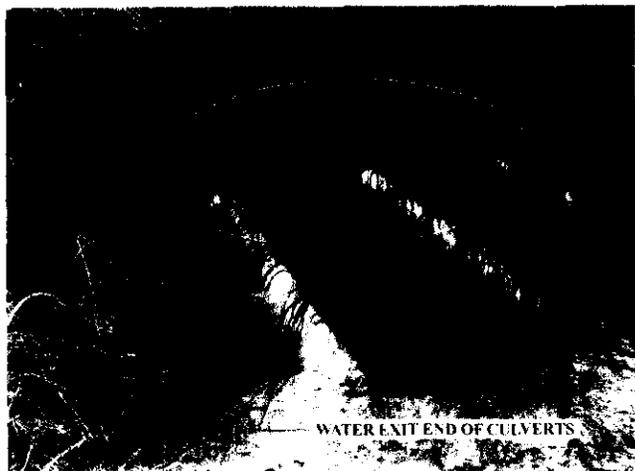


Photo No. 15. Water exit ends of culverts.

Photo No. 16 shows evidence that a few porcupines have been trapped “on-the-wrong-side-of-the-ditch” (west side) and are forced to survive in a very small habitat area or stray into residential areas such as shown in Photo No. 17.



Photo No. 16. Trees with bark stripped by porcupines.



Photo No. 17. Porcupine intrusion in residential area.



Photo No. 18 depicts the area of the Bosque that has been so cleared of under-brush that this area is no longer habitable for pheasants (see Photo No. 19), coyotes (see Photo No. 20), and porcupines.

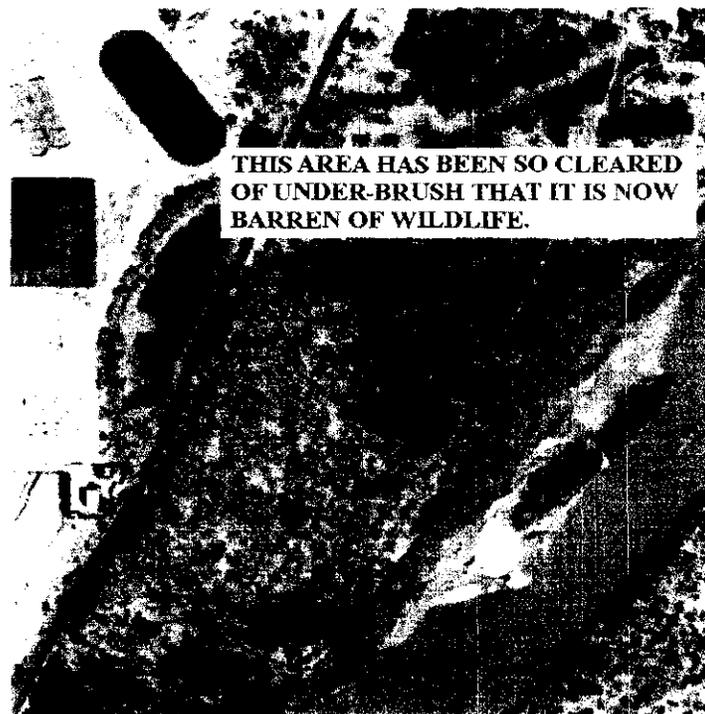


Photo No. 18. The area of the Bosque that was cleared of all under-brush.



Photo No. 19. Pheasant.



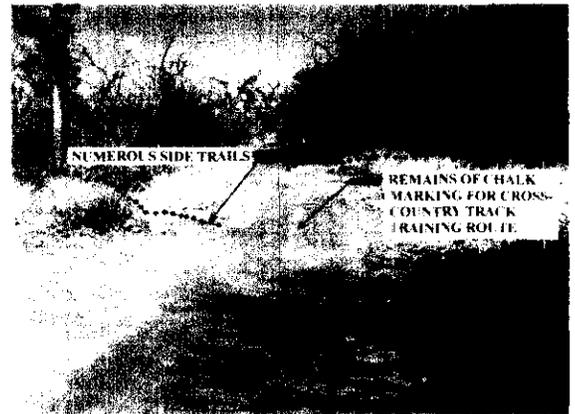
Photo No. 22. Goose nesting on island

Photo No. 23 shows the invasion of people, dogs, horses, and vehicles in one of the narrowest sections of the Bosque between the Corrales Riverside Drain and the Rio Grande River.



Photo No. 20. Coyote.

Photo No. 21 shows a rope swing that was installed at the west bank of the Rio Grande. The people activity and resulting noise has discouraged geese from nesting (see Photo No. 22) on the nearby island for many years.



Photos Nos. 24 & 25 shows a pool of what is believed to be contaminated water. The source of contamination is unknown (possibly seepage from the ditch and/or school's gray water lake or sewage effluent leakage).



Photo No. 21. Rope swing.

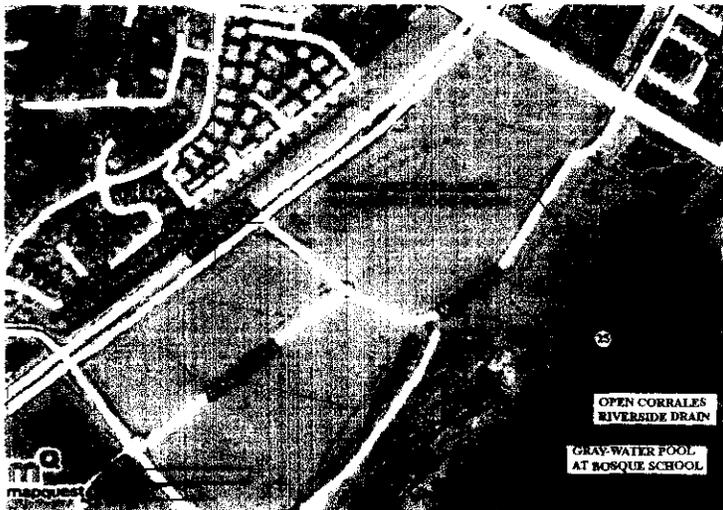


Photo No. 24. Stagnant pool of water.



Photo No. 25. Stagnant (contaminated?) water.

The following satellite map shows an area adjacent to the Bosque that should become a storm water holding-trash trapping pond with a flood water overflow system similar to that used for the San Antonio Arroyo and shown in Photos Nos. 2 and 3. If the pond and drain pipe shown in Photo No. 25 is the “existing storm sewer system on Mirandela Rd” that is referred to on page 32 of the report from the City of Albuquerque, EPC, Project #1003859, Case #s: 11EPC-40067 & 40068, 04EPC-01845, January 19, 2012, it is grossly undersized to handle storm sewer drainage from the large watershed west of this area and would put the Bosque School in a flood plain (much of the campus is lower than the west bank running along the Corrales Riverside Drain).



----- The End -----

Lehner, Catalina L.

From: Desiree Koepke [desiree_koepke@yahoo.com]

Sent: Tuesday, July 17, 2012 10:57 AM

To: Lehner, Catalina L.; Carruthers, Madeline

Subject: Proposed Walmart at Coors and Montano

To whom it may concern:

I am writing in regard to the proposed Walmart at Coors and Montano. I am strongly opposed to this Walmart being built. This is a beautiful area of the Bosque, loved by residents of the Taylor Ranch neighborhood as well as runners, cyclists, balloonists, and other people who just want to enjoy the beauty. A Walmart in this location would be an eye sore, and is entirely unnecessary. There is already a Walmart at Coors and Ellison as well as one at Coors and I-40, both less than 10 minutes from this location. This area also does not need the traffic and pollution that Walmart would bring with it. Please oppose the approval of a Coors and Montano Walmart. We don't need it and we don't want it.

Sincerely,
Desiree Koepke

7/17/2012

Lehner, Catalina L.

From: Marrone, Carmen M.
Sent: Monday, June 25, 2012 4:37 PM
To: Lehner, Catalina L.
Subject: FW: Walmart at Coors and Montano

From: Westbrook, Sara **On Behalf Of** Lewis, Dan P.
Sent: Monday, June 25, 2012 3:38 PM
To: Marrone, Carmen M.
Subject: FW: Walmart at Coors and Montano

For the record.

Sara Westbrook
Policy Analyst - Councilor Dan Lewis
City Council District 5
(505) 768-3189 (w)
(505) 768-3227 (f)
swestbrook@cabq.gov (e-mail)

From: Litledads [mailto:litledads@aol.com]
Sent: Monday, June 25, 2012 12:21 PM
To: Lewis, Dan P.
Subject: Walmart at Coors and Montano

Dear Mr. Lewis,

I am writing in concerns of the proposed Walmart at Coors and Montano. I have read in the Journal all the concerns about the road congestion, the area being ruined by the Big Box and the safety of the school children in that area. It seems no one has addressed the fact that there are 3 Walmart stores within 5-10 miles of each other already (4 if you include the on in Rio Rancho). In my opinion this seems to be enough stores within the area. I feel that Walmart is being a bit greedy in wanting to put another store so close to the others. It is also greed on the city's part for wanting to support this store so close to the other as well. It may provide jobs for some but it will also cause more crime for the neighborhood and also the concern of congestion. The areas around Walmarts are always congested no matter how much the plans say the traffic can handle them. If a Walmart is placed there I see a problem similar to the one we have with the Costco store at Eagle Ranch and 528...awful congestion, accidents waiting to happen and are happening, a huge mess. That is one thing you really do not need at Coors and Montano.

As a neighborhood voter I feel you should really consider not approving this store going in at that site. I would suggest moving it to an area that does not have so many Walmarts so close to each other. I think that area should be designated as an open space area...put a park there instead. This will make the city look a bit more welcoming to visitors instead of a Walmart. I would not want to be known as the city with a Walmart on each block.

Thank you for your time in reading this email and do hope you consider not voting for the Walmart.

Sincerely,

Ann Little

6/26/2012

Lehner, Catalina L.

From: Jo Ann Lo Bianco [jolo87120@gmail.com]
Sent: Friday, March 09, 2012 3:58 PM
To: Lehner, Catalina L.

Please do whatever you can to prevent the corner of Coors and Montano from becoming a lost treasure of Albuquerque. The immediate area is one of peace, education, outdoor recreation and historic architecture.

The idea of plunking a huge Walmart into this setting is enough to make people sick. Please stop it. It will never be able to be reversed. Now is the time to take a stand for the beauty that we all appreciate daily.

Jo Ann Lo Bianco

August 27, 2012

Catalina Lehner, City Planner
City of Albuquerque, Environmental Planning Commission
C/O Planning Department
600 2nd St. NW, 3rd Floor
Albuquerque, NM 87102

RE: Project # 1003859 Proposed Walmart Coors Blvd. and Montano Rd. NW

Dear Ms. Lehner,

My name is Kristen Lord. I am an Albuquerque resident, writing to express concerns over the development of a Super Walmart store near the river's edge at the intersection of Coors Blvd. and Montano St. in Albuquerque, New Mexico. The site is steps away from the Rio Grande Valley State Park with access to the Rio Grande River, and miles of walking trails that are nearly always under severe fire use restriction. I have read multiple letters of protest and signed several petitions against the development of a big box retailer at the river's edge. While multiple letters have addressed increased crime statistics and traffic stagnation at this location; my concerns address trash, fire risk, camping and graffiti. Thank you for taking the time to read my letter of objection with photos to help address these concerns.

Walmart allows camping in their parking lots. The Walmart parking lot near I-40 and Coors Blvd. is a very popular camping choice. It is located two miles south of the proposed new Walmart site. Campers use the Internet to ascertain the best Walmart parking lots to camp in, and there are numerous YouTube videos on how to travel the U.S. and avoid paying overnight camping charges by utilizing Walmart parking lots. Given a choice of Walmart parking lots in Albuquerque; the proposed site at Coors and Montano will quickly become a magnet for over night and extended stay trailers, vans and RV's. Should we allow for such activity so close to our precious Rio Grande Valley State Park? Why pay for a designated campground in Albuquerque when you can camp next to a State Park with river access for free?

Two years ago I moved into a neighborhood near the Rio Grande Valley State Park. In the last year of walking and bicycling I have noticed a sharp increase of graffiti along a five-mile stretch of the Montano Rio Grande bicycle lanes and footpaths to the river. It has spread to the State Park and Montano Bridge. The city makes an effort to paint over the graffiti but it quickly reappears. Walmart carries an extensive supply of spray paint for sale and this will increase the public desecration of our precious bicycle trails, bridges, Bosque School and beautiful Rio Grande Valley State Park with extensive hand carved statuary from trees that survived the catastrophic Bosque fires of 2003.

When my husband and I moved to this side of town I started walking the trails near the river. The trails are magnificent and very unique to Albuquerque. Water access, wilderness and wildlife abound in this fragile ecosystem covered by a canopy of old growth Cottonwood trees. The trails are fragile and the trees are bone dry and at risk of catching fire without proper care and protection. This year in June the Romero Fire ravaged 360 acres of wooded river front property along the Rio Grande.

Trash build up is on the rise on the west side of the river near the Montano Bridge. Trash and debris will only increase once shopping commences at a large low-income retail store like Walmart. More trash and burning cigarettes mean more fuel for fires in the dry seasons. Most people that leave debris in parking lots have minimal to no awareness that their reckless and careless actions may result in a devastating fire.

In July of 2011, while taking a long stroll near the river a police officer pulled up next to me and asked if I knew the trails were closed due to extreme fire danger. I was shocked that as a local resident I had not heard that the trails were closed. Campers and foot traffic from out of town visitors will be uninformed about fire danger. Albuquerque law enforcement will not have 24- hours a day to police the trail and river activity. All it would take is one casually tossed cigarette to torch this area of natural beauty.

Walmart's large parking lots will increase suspicious evening activities in and around the State Park and wooded trails. Drug transactions, smoking and drinking are going to increase. Currently, the Rio Grande Valley State Park parking lot is closed and locked in the evening. Unfortunately, that will soon be of no consequence with a gigantic 24-hour parking lot at Walmart. Crime is coming because it is easier to say "yes" to Walmart than it is to say "no" to big box development and the health and beauty of our community and natural resources. Please take a stand for our natural beauty and resources. If we say "yes" to Walmart at Coors and Montano, we are saying "yes" to more graffiti, trash, fire risk and suspicious activities around our river and wooded trails, day and night. How could that ever be considered progress? There is no need for yet another Walmart at this location.

I understand the need for commercial development but why does it have to be a low quality retail big box Walmart store located two miles away from another big box Walmart? What happened to the original plans for a village concept development, like the shopping center to the North side of Montano? Why is the City of Albuquerque so quick to say "yes" to another Walmart and allow it to locate next to our State Park and Rio Grande? Jessica Cassyle Carr summed up the community thoughts nicely in her article titled "Walmart on the Rio Grand". Cassyle Carr said, "We can't take a laissez-faire approach to development. Bad planning and the diminished quality of life that results do not just affect the people who live right next to it. It affects everyone in the city and everyone who ever visits the city. If Walmart is allowed to build a store at Coors and Montano, it's a sure sign that Albuquerque has no respect for itself."

The attached photos were taken over several days at the closest Walmart near I-40 and Coors Blvd of various campers. All pictures of graffiti were taken earlier this week on a

bicycle ride into Old Town and a stroll along the wooded walking paths next to the park and Montano Bridge. These photos are a small sample of what is to come if Walmart is aloud to develop this property. Please say "no" to a Walmart at this proposed location. It is not wanted or needed. It is not good for the city and community.

Thank you for reading my concerns and reviewing the attached photos.

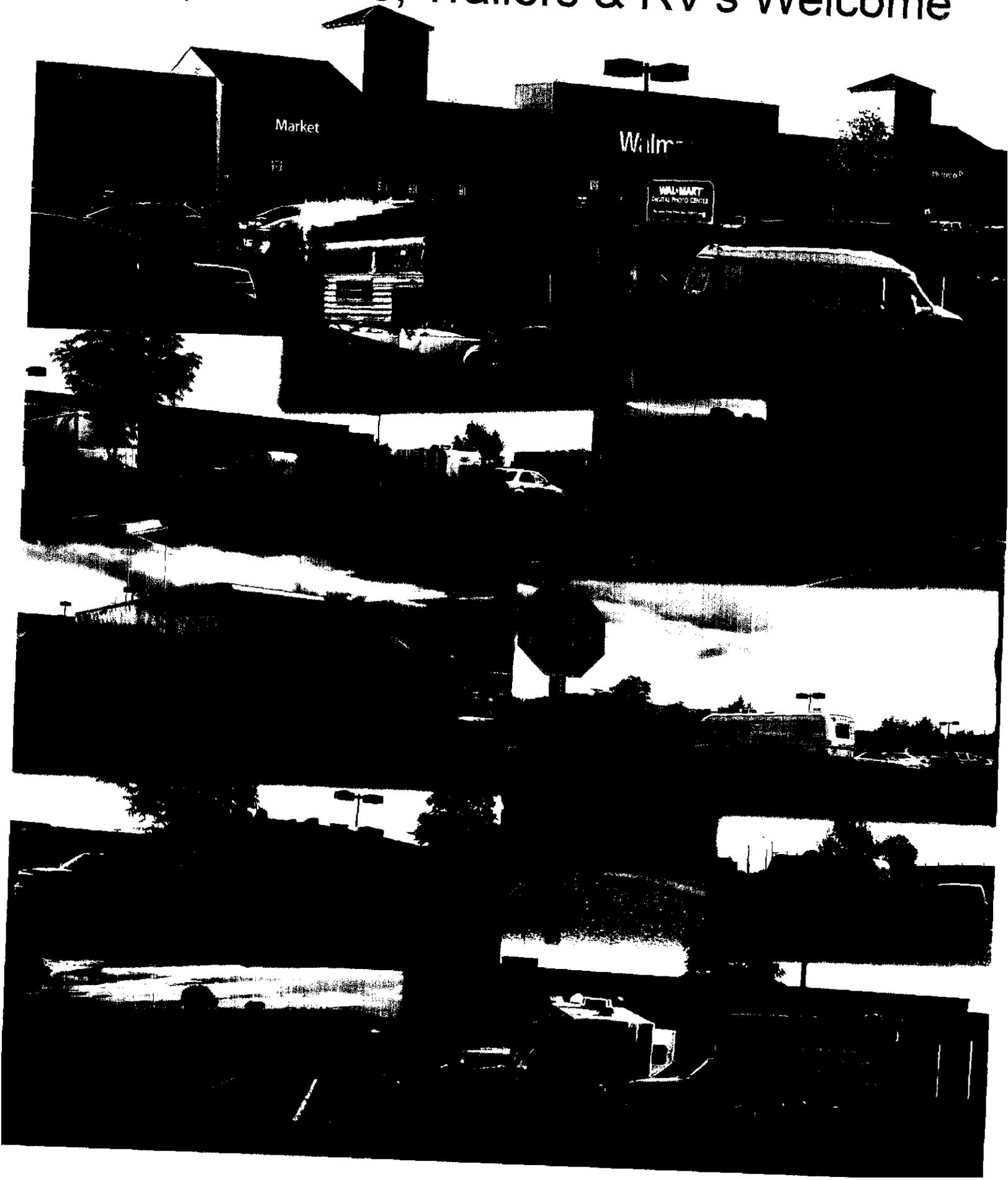
Regards,

A handwritten signature in black ink, appearing to read 'Kristen Lord', with a large, stylized flourish at the end.

Kristen Lord
kristenlord@earthlink.net
4624 Monte Frio Dr. NW
Albuquerque, NM 87120

cc: Governor Susana Martinez
Mayor Richard J. Berry

Camping in the Walmart parking lot Vans, Truckers, Trailers & RV's Welcome

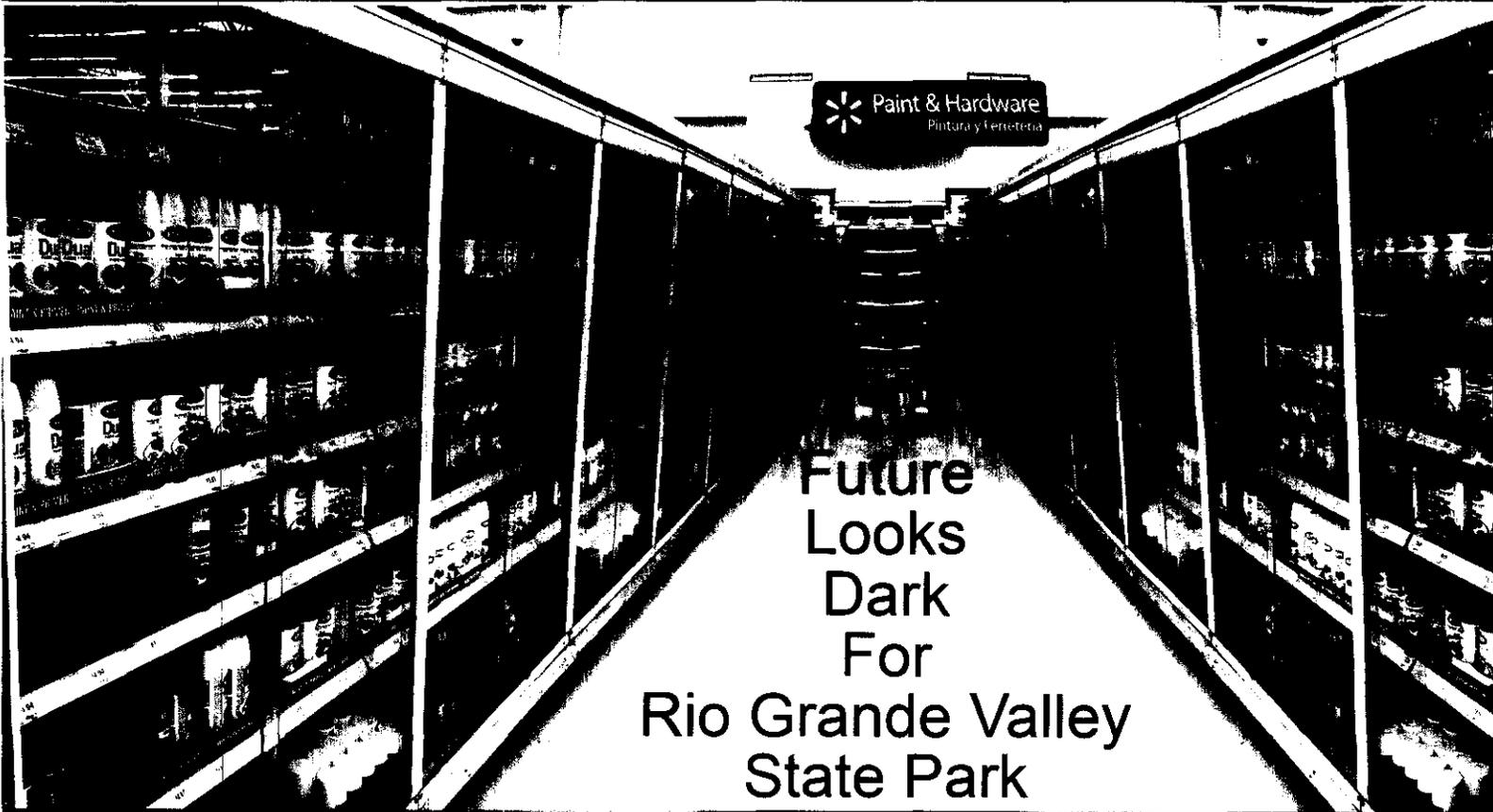


The Inevitable Vandalism, Disfigurement, & Mutilation
of Rio Grande Valley State Park, Bicycle Trails & Bridges.



Paint & Hardware

Pintura y Ferretería



Future
Looks
Dark
For
Rio Grande Valley
State Park



Public Distruction with Much More to Come

Bridge Abuse



Fire Danger, Trail Tagging and Trash in the Park Current Problem....What about the Future with Walmart next door?

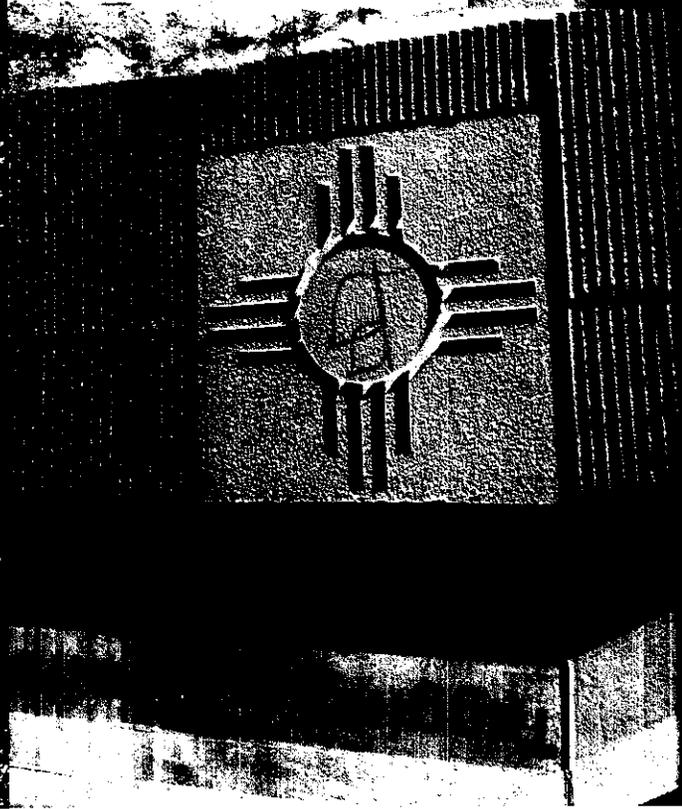




Handwritten scribbles in white ink on a dark background.

Handwritten text in white ink on a dark background, possibly including the word "WORLD".

Handwritten text in white ink on a dark background, possibly including the word "WORLD".



Two vertical columns of handwritten text in white ink on a dark background.

Walmart Acquires its First State Park ?

Walmart

Save money. Live better.



"We can't take a laissez-faire approach to development. Bad planning and the diminished quality of life that results do not just affect the people who live right next to it. It affects everyone in the city and everyone who ever visits the city. If Walmart is allowed to build a store at Coors and Montano, it's a sure sign that Albuquerque has no respect for itself." - Jessica Cassyle Carr



Lehner, Catalina L.

From: Lehner, Catalina L.

Sent: Monday, April 09, 2012 10:43 AM

To: 'drmop8083@aol.com'

Subject: RE: Public Comment on Proposed Walmart at Coors and Montano

Hi Elizabeth,

Thank you for the letter. I printed it out and will include it with the record for this case.

Please note that the property in question is privately owned and is not Open Space. It would have to be purchased by the City or a private entity that would preserve it in perpetuity, like at the Academy.

The Environmental Planning Commission (EPC) will hear and decide this case at a public hearing on May 17th. Please see www.cabq.gov/planning for more information.

-Catalina

From: drmop8083@aol.com [mailto:drmop8083@aol.com]

Sent: Sunday, April 08, 2012 12:01 PM

To: Lehner, Catalina L.

Subject: Public Comment on Proposed Walmart at Coors and Montano

I am Dr. Elizabeth Matthews, a pediatrician and an Albuquerque resident. Both my children attended the Bosque school. To build a huge box store (Walmart) on that large open space on the corner of Coors and Montano would not only degrade the school physical environment, it would damage the fragile bosque and degrade whole community in that area. You have heard, I am sure, numerous testimonies about the increased traffic congestion it will bring to an already overloaded intersection, and the environmental damage from a large asphalted area with water run off to the fragile bosque. The homeowners will face property devaluation as their pristine bosque-view and mountain view homes would end up overlooking a huge Walmart store and parking lot. People who drive along Coors for work or pleasure will no longer have that unobscured beautiful view of the mountains as they approach that corner, one of the joys of living in a city with such beautiful scenery. There is not enough open space in this city and we need to preserve it. The city should buy that property and preserve it as Open Space. The Bosque School itself is a unique entity, not only in terms of its architectural design but in terms of its curriculum which stresses environmental science and the students study that in the bosque. It would be tragic if the school were to be shut in by a box store, and end up being referred to as "that school behind the Walmart". (Imagine building a Walmart on the open space at the Albuquerque Academy!) It will degrade the school campus and learning environment .To keep our city vital and vibrant we need to preserve the entities which make our city desirable. Beautiful schools do that, another box store does not. We do not need a Walmart there. Do not allow Walmart or any other box store to build on that lot. Keep that lot as Open Space.

Marrone, Carmen M.

Subject: FW: Please join with us in appealing the March 23rd Declaratory Ruling

From: Stover, Debbie L.
Sent: Monday, May 07, 2012 10:31 AM
To: Garcia, Juanita C.; Conrad, Matt A.; Marrone, Carmen M.; Brito, Russell D.
Subject: FW: Please join with us in appealing the March 23rd Declaratory Ruling

From: FHVHARoger@aol.com [mailto:FHVHARoger@aol.com]
Sent: Monday, May 07, 2012 9:54 AM
To: Stover, Debbie L.
Cc: Mason, Laura J.; Benton, Isaac; Sanchez, Ken; O'Malley, Debbie; Winter, Brad D.; Lewis, Dan P.; Garduno, Rey; Cook, Michael D.; Jones, Trudy; Harris, Don; joevalles@aol.com; aboard10@juno.com
Subject: Fwd: Please join with us in appealing the March 23rd Declaratory Ruling

Debbie,

I haven't followed all of the details in this lengthy controversy, but the underlying issue is that the developer, now backed by Code Enforcement, doesn't want to provide the full range of analyses required by the Ordinance. Traffic is the greatest potential issue with any big box store, as we all know. Access, as a part of that impact analysis, would severely interfere with nearby residents. How about utilities and the other "needs" that should be addressed?

Yes, economic development (or whatever we're calling that these days) is important to the financial health of the city and area. But it strikes me that the provisions of any Ordinance should not be waived or excluded by any city employee.

This development, if approved, establishes a precedent that could adversely affect the rest of the city residents. It could also establish a precedent that provisions in Ordinances aren't really required steps.

If this is a good idea, ask the City Council to amend the Ordinance. If that's a problem, make the developer comply with the provisions.

Thanks, Roger Mickelson

From: aboard10@juno.com
Sent: 5/6/2012 7:25:51 P.M. Mountain Daylight Time
Subj: Please join with us in appealing the March 23rd Declaratory Ruling

5/7/2012

Hello Neighbor,

I am the Land Use Director for the Taylor Ranch Neighborhood Association (TRNA). Many of you already know that we have been very involved with the proposed Big Box development at Coors and Montano. The City's Acting Code Enforcement Manager made a Declaratory Ruling on March 23rd, 2012 concerning access requirements for a Large Retail Facility. This ruling sets an unfavorable precedent not only for our neighborhood, but city wide. TRNA and the Westside Coalition appealed this Declaratory Ruling. We are asking other Neighborhood Associations and Coalitions to join us. So far, 21 neighborhoods have joined this appeal. Your group can join this appeal by filling out the attached certification and sending it back to us. Please see attachment for instructions. If you have any questions please contact me, or Joe Valles- joevalles@aol.com -(Land Use Director, Westside Coalition).

Thank you,
Rene' Horvath
Land Use Director,
Taylor Ranch Neighborhood Association
898-2114

May 6, 2012

Greetings,

The following is a request for support of an appeal of a Declaratory Ruling made by the City Planning Department that allows a Large Retail Facility (Big Box) Commercial development at Coors and Montano. Montano was recently deemed in a MRCOG Report as the second most congested and dangerous river crossing in the area. The problems on Coors and Montano are well-known. Hundreds of people have expressed their sound opposition to this project in numerous public meetings and in abundant letters and editorials to the ABQ Journal. This is a far-reaching issue that is beyond the bounds of the Westside and deserves City-Wide attention and inputDr. Joe L. Valles, President: Grande Heights Neighborhood Association

The Taylor Ranch Neighborhood Association and the West Side Coalition of Neighborhood Associations (which boasts the membership of thirty-five HOAs and NAs) urges other Neighborhood and Homeowner Associations, and Coalitions of neighborhood associations, **to join our appeal intended to require the City to enforce mandatory citywide protections included in the “Big Box” or “Large Retail Facility” Ordinance.**

The Taylor Ranch Neighborhood Association, through its attorney, requested a declaratory ruling to interpret the access requirement in the Zoning Ordinance for a Large Retail Facility (LRF). The specific store is the proposed Walmart store at Coors and Montano. The City’s Acting Code Compliance Manager issued a declaratory ruling on March 23, 2012. Referring to the regulation that LRF’s are required to have full and primary access to a four-lane collector (i.e. all turning movements can be made at the intersection)—which the proposed Walmart site obviously does not. The Acting Code Compliance Manager stated: “If a site does not meet this particular standard, EPC still has the authority to approve the request.” Therein is the crux of our appeal: the EPC does not have authority to waive [mandatory] access. **This ruling will have citywide consequences if allowed to stand!**

Brief Historical Perspective: Passage of the Big Box Ordinance was based on a reality that Large Retail Facilities had certain definable impacts on immediate surrounding areas. It provided a means to control or minimize impacts in a way that Shopping Center Regulations outlined in the Zoning Code previously could not.

The Big Box Ordinance was approved in 2007 by the City Council so that all proposed big box stores would be required to have their full and primary access to major streets. The site would be evaluated to ensure that the adjacent major streets could safely handle the traffic and would not generate additional traffic through residential neighborhoods and developments. The Code Compliance Manager’s interpretation would, in effect, ‘water-down’ the access requirements in the Zoning Ordinance by allowing the EPC to approve projects which are not in compliance with access requirements. Large Retail Facilities should not be allowed to have their primary and full access running through multifamily or residential neighborhoods.

We urge you to encourage your respective Boards to join our appeal of this far-reaching and erroneous application of the Zoning Ordinance. All that is required is to fill out the certification on the next page, with a signature. Mail it back to the address listed or e-mail a scanned copy of the signed certification. A complete copy of the appeal is available upon request.

Thank you!

(Please see certification on next page)

CERTIFICATION

The _____ (name of association) joins in this appeal of the Declaratory Ruling dated March 23, 2012, concerning Large Retail Facilities as an appellant.

Signed _____ (President/Vice President, please circle one)

Print Name _____

Phone number: _____

Email Address: _____

Mailing address: _____

Please return a scan of the signed certification to land@trna.org, or mail to:

TRNA

P.O. Box 66288

Albuquerque, NM 87193-6288

Marilyn C. O'Leary
8 Tumbleweed NW
Albuquerque, NM 87120
(505) 898-4172
marilyn.oleary@comcast.net

October 8, 2012

Environmental Planning Commission
C/O Ms. Carmen Marrone
Division Manager, Current Planning
City of Albuquerque Planning Department
600 2nd Street NW
Albuquerque, New Mexico 87102

RE: Project No. 1003859

Dear Ms. Marrone:

Please include this letter and exhibits in the record provided to the EPC.

Thank you.


Marilyn C. O'Leary

James and Marilyn O'Leary
8 Tumbleweed NW
Albuquerque, NM, 87120
marilyn.oleary@comcast.net

October 8, 2012

Re: Wal-Mart, Project No. 1003859
11 EPC 40067 & 40068, 04 EPC - 01845

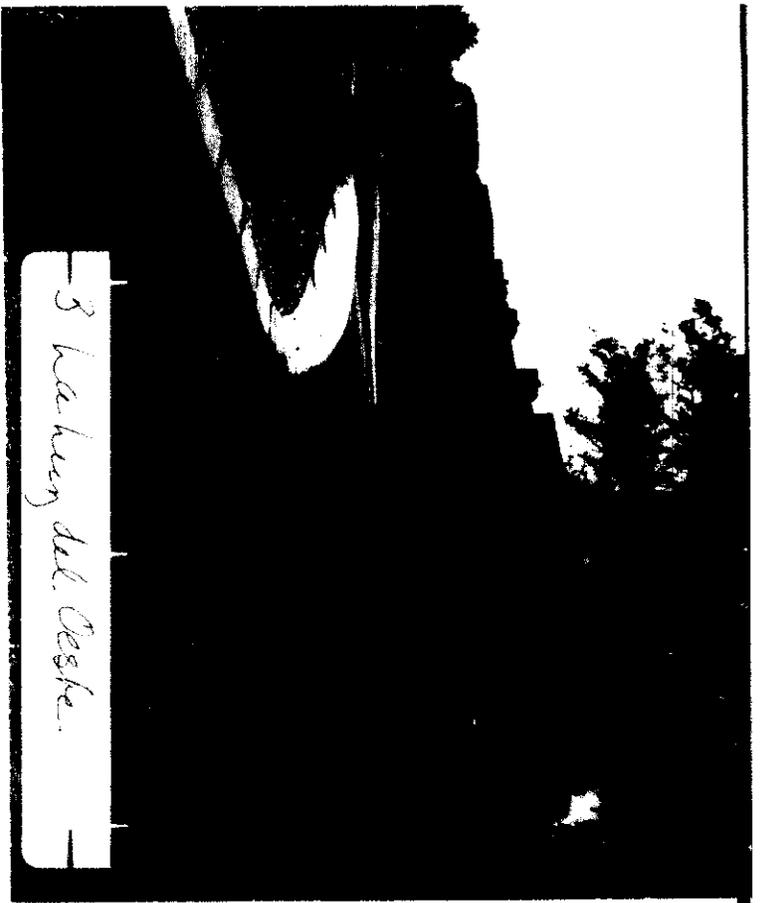
**Why the Proposed Big Box (Wal-Mart) Violates the Big Box Ordinance
and the MRCOG Transportation Plan**

The only site in Albuquerque that would be more inappropriate for a big box facility is Old Town Plaza. The traffic congestion that would be caused on the streets around and through Old Town Plaza is like the traffic congestion that would result in approving a big box facility at Coors and Montano next to the residential areas of La Luz, an historic neighborhood (La Luz); a 6th – 12th grade school (Bosque School); and the New Mexico Rio Grande State Park entrance that promotes hiking, biking, bird watching, and school classes. The interior streets that serve this area are limited access, some private, all single or two lane served by residential vehicle roundabouts that are so small that many trucks drive over them destroying plants, signs, landscaping and portions of the walls.

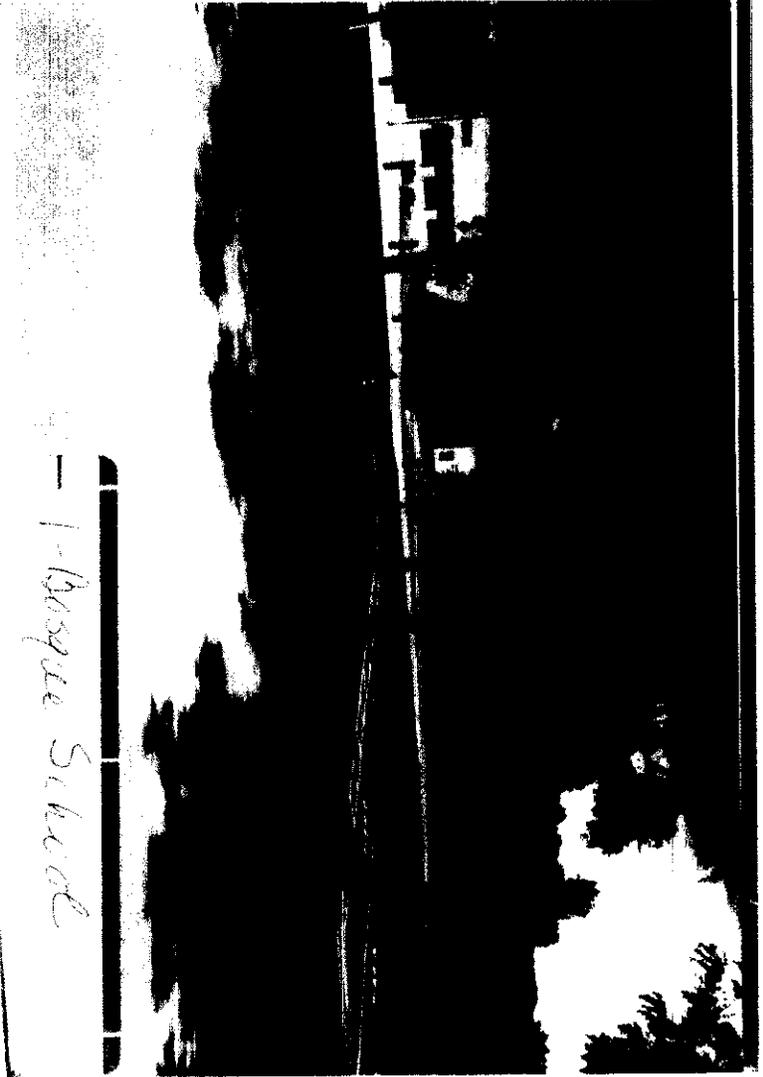
If you stand in the middle of the proposed site today, you see open land. Plans are already approved for residential use (townhouses, apartments) as well as design standards for a village style commercial area. South past this vacant space is the historic housing development of internationally recognized architect Antoine Predock known as La Luz. Looking eastward from the site you will see Bosque School. Across and slightly to the north is the Park.

The setting is adjacent to one of the busiest corners in all of Albuquerque---Coors and Montano Roads. You would expect this area to have good access to a new commercial enterprise: this is not the case. There are several reasons for this:

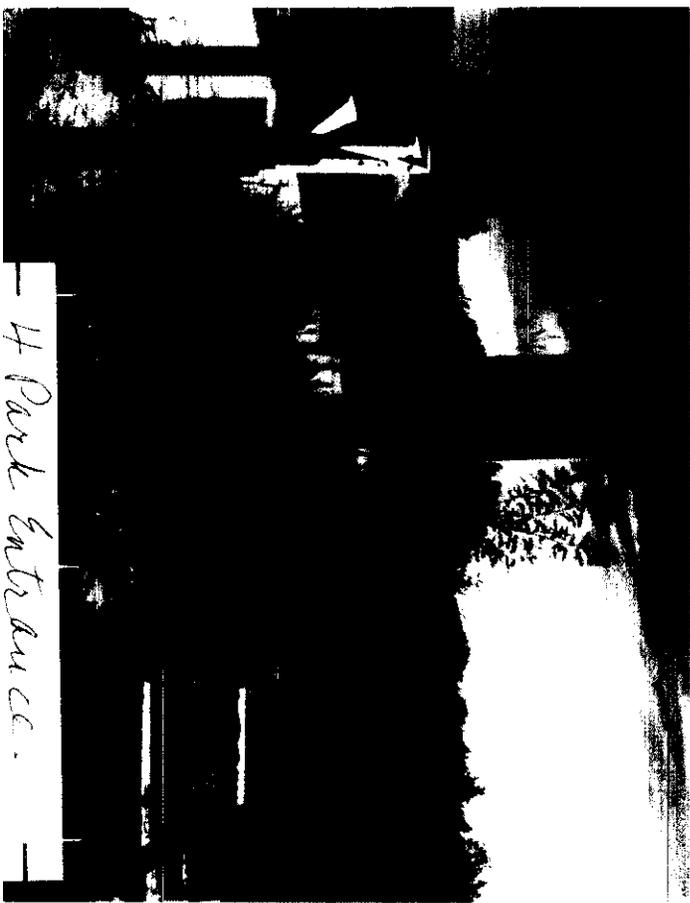
1. Montano Road is a divided road with limited in-out access and would need approval from the Metropolitan Transportation Board (MTB) to allow access to the Montano Roadway between Coors and Rio Grande Blvd.
2. Large trucks are prohibited on Montano going east or west; the exit on Montano goes across the bridge.
3. Trucks may go north from the site but must go to Alameda to cross the Rio Grande to go east again because they are prohibited on Paseo del Norte.



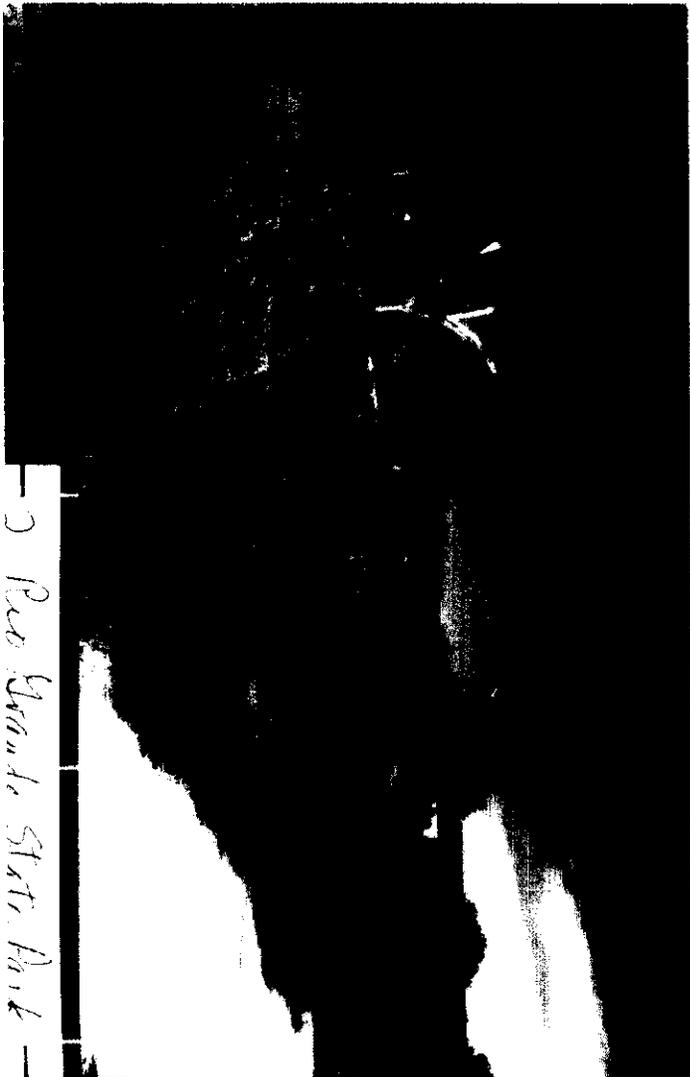
3 Looking del. Oeste.



4 - 1 - Basque School



4 Park Entrance.



5 Pico Grande State Park

7 School from Site

5 Site from Peak Entrance

8. ~~Close~~ at hearing Post

6 Entrance from Postcard

11. Husienella Roundabout

12. No Trucks sign

9. Learning Rock

10. Learning R.L. Roundabout



State of New Mexico
House of Representatives
STATE CAPITOL
Santa Fé

BILL B. O'NEILL

D-Bernalillo
District 15

343 Sarah Lane NW
Albuquerque, NM 87114
Phone: (505) 450-9263
E-mail: oneillhd15@fastmail.us

COMMITTEES:
Consumer & Public Affairs
Judiciary

INTERIM COMMITTEES:
Advisory Member:
Courts, Corrections & Justice
Legislative Health & Human Services
Redistricting
Water & Natural Resources

8.6.12

Mr. Hugh Floyd, Chair
Council District 5
Environmental Planning Commission
600 Second St. NW, Suite 300
Albuquerque, NM 87102

Dear Chairman Floyd:

As a state legislator representing the area that would be impacted by a Wal Mart Superstore at the intersection of Coors and Montaño, I want to convey my strong opposition to this project. First of all, that particular intersection is already considered to be among the most congested in the city. I believe it ranks fourth in the number of traffic accidents. Since this project was proposed months ago, I have been trying to visualize how it would work, given the volume of traffic and inevitable delays one experiences when using Montaño to cross to the West Side. I have attended at least two community meetings where the developer and certain city officials have attempted to reassure a very-concerned neighborhood about traffic concerns and the proponents have been less than convincing. In fact, their arguments defy common sense, given the obvious existing traffic problems at this intersection.

As a resident of Albuquerque, I am also very concerned about preserving the integrity of the immediate bosque area, in addition to the negative impact on the school directly adjacent to the proposed development. I would also point out that there are other Wal Mart locations within a five-minute drive in either direction on Coors, so the suggested "need" for yet another Wal Mart is certainly not supported.

Page 2 - Environmental Planning Commission

I would ask you also to consider the level of neighborhood opposition to this proposed project; the meetings that I have attended have seen overflowing numbers of residents in nearly unanimous opposition. It is an unqualified and unwise decision to build a Wal Mart Superstore at this location. Please know that I will continue to attend neighborhood meetings and street protests to register my resistance to this ill-conceived project.

Sincerely,

A handwritten signature in black ink that reads "Bill O'Neill". The signature is written in a cursive, slightly slanted style.

State Representative Bill O'Neill
House District 15

Lehner, Catalina L.

From: Catherine Pelletier [ktpelle@unm.edu]
Sent: Thursday, August 16, 2012 11:36 AM
To: Mayor Berry; Carruthers, Madeline ; Lehner, Catalina L.
Subject: Albuquerque deserves better than a Walmart at Coors and Montañó.

Dear Albuquerque Environmental Planning Commission and Mayor Berry,

I grew up in La Luz, playing in the Bosque near where the proposed Walmart would be. My mother owns a home there still, and my grandmother does also. My sister, new nephew, and brother-in-law live there also. Our family has been in New Mexico for five generations. We urge you to please help protect the urban green space that we love and that is an invaluable asset to the citizens of Albuquerque. Please consider that the beautiful land around the Bosque is limited, the eco-system in the Bosque fragile, and that you have a rare opportunity in the development of this "virgin" area to make some decisions that would be a model for community building across the city, state, and country.

I was excited to hear about the vision Mayor Berry had for the city when he was elected, "The Plan." However, I'm appalled at the proposed Walmart at the Coors and Montano location, and devastated to hear that, in spite of "The Plan", and in spite of city's big box ordinance, the construction of a Walmart (within three miles of another Walmart, and four miles of yet another) is a real possibility. I think Albuquerque can do better with this irreplaceable land, and what Albuquerque does with this space is a crucial step towards ensuring a livable, sustainable, community friendly city where people want to live.

Walking through the Bosque I meet many people visiting this area to bike, walk, or bird watch. I've met many folks who flew from other parts of the world in order to walk along our river with a pair of binoculars to see the birds and wild-life there. In an area that is so lovely to walk and bike around, why would the planning commission allow a development that will impede such activities by bringing in a store that will increase traffic in an already stressed location? The proposed Walmart is a complete waste of a gorgeous location that deserves better planning.

Further, in an area that already has a vibrant economy of local businesses that employ local people, why would we jeopardize this by bringing in a store that will surely poach business from these local shop owners to increase its corporate profits? While the Walmart might add jobs in the short term, what will we lose when the nearby shops cannot compete?

My understanding is that Walmart hopes to tap into the North Valley market with this new location, which would bring more traffic on an already over-busy bridge. I remember the fight over the Montañó Bridge and the concerns that Albuquerque residents had about traffic and congestion in this very area. Much money was spent in studies and measures to mitigate the environmental impact of the bridge, and I suspect that the proposed development would undo these very measures. What a waste of resources and good intentions.

I know that city in-fill is a good way to curb urban sprawl, and development of this commercially zoned land is inevitable. But I believe Albuquerque has talented enough planners to foresee that this area could be developed in such a way that would promote traffic easing options like walking and biking, build community and healthy local economy, and protect a vibrant eco-system that we are lucky to have in the middle of our city. A Walmart is inimical to these interests. When I hear Portland lauded for its unique and sprawling Forest Park, a 5000+ acre municipal greenspace, or New York its Central Park, I always point out that Albuquerque has the Rio Grande Bosque. I hope that the EPC does not allow the destruction of Albuquerque's unique greenspace, and the erosion of this community for whatever short-term gain it imagines building yet another generic Walmart will bring.

Thank you for your time and please do not hesitate to contact me if you have questions.

Best wishes,

Catherine Pelletier

1500 SE Gold Avenue

Albuquerque New Mexico 87106

505-331-8949

ktpelle@unm.edu

Lehner, Catalina L.

From: Christina L. Perea [christina@sheltonjewelers.com]
Sent: Thursday, May 03, 2012 10:53 AM
To: Lehner, Catalina L.
Subject: RE: time getting closer

Catalina, thanks for the info! And email address!

Christina

From: Lehner, Catalina L. [mailto:CLehner@cabq.gov]
Sent: Thursday, May 03, 2012 10:35 AM
To: Christina L. Perea
Subject: RE: time getting closer

Hi Christina,
This hearing is not on schedule. It will probably be in August, maybe later. Note that all EPC meetings (and meetings of other boards) are all public meetings. Please refer to <http://www.cabq.gov/planning/> for the latest updates on this case. Thanks.
-Catalina

From: Christina L. Perea [mailto:christina@sheltonjewelers.com]
Sent: Wednesday, May 02, 2012 4:04 PM
To: Lehner, Catalina L.
Subject: time getting closer

Catalina, just wondering if the scheduled May 17th hearing for the Walmart / Bosque issue is still on schedule? Will the meeting be in a public venue or is a private meeting? I would like to attend if it is scheduled for the public. If it is still on schedule and for the public I would appreciate a place and time. I am still hoping the commission will see what a catastrophe this would be to our beloved Bosque. It is such a precious and fragile environment that deserves preservation in the most urgent way. We have so much to lose and nothing to gain. If you could forward this email to members of the committee I would appreciate it! Thank you!

Christina Perea

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 9.0.930 / Virus Database: 2410.1.1/4973 - Release Date: 05/03/12 00:34:00

Lehner, Catalina L.

From: Rae Perls [raeperls@aol.com]
Sent: Thursday, March 08, 2012 10:06 AM
To: Lehner, Catalina L.
Subject: Re: Walmart in a community

Thanks. Breathe out, there will be more. We are not asleep for two months. Your attention is appreciated.
Rae

-----Original Message-----

From: Lehner, Catalina L. <CLehner@cabq.gov>
To: Rae Perls <raeperls@aol.com>
Sent: Thu, Mar 8, 2012 9:05 am
Subject: RE: Walmart in a community

Ok, I printed it out and placed it with the record.
-Catalina

From: Rae Perls [mailto:raeperls@aol.com]
Sent: Tuesday, March 06, 2012 12:10 PM
To: Lehner, Catalina L.
Subject: Fwd: Walmart in a community

This should be part of the record for Project #1003859. Thank you. Rae Perls

-----Original Message-----

From: Patgllgr <patgllgr@aol.com>
To: RaePerls <RaePerls@aol.com>
Sent: Tue, Mar 6, 2012 6:28 am
Subject: Walmart in a community

Hi Rae,
This is something that came across my desk today from Grist (eco-head online column)

<http://grist.org/food/walmart-is-no-savior-more-small-businesses-healthier-people/>

Excerpt:

A team of sociologists from Louisiana State University and Baylor decided to look for a link between small business density and population health. The presumption historically has been to associate small businesses with less-healthy communities, since larger companies tend to pay higher wages and offer their employees better health care coverage.

However, the researchers found that, despite the advantages that employees of large companies have in income and benefits, communities as a whole who relied on small businesses were *more* healthy otherwise. As they put it, "The concentration of small businesses is associated with lower rates of mortality, obesity and diabetes."

Strikingly, they also found that:

... the presence of large retailers has a detrimental effect on two population health measures. In terms of the age-adjusted rate of mortality and the percent of adults obese, the presence of large retailers is related to poorer health outcomes. Large big box retail operations are not conducive to improving community health, net of other important business sector and demographic controls.

The researcher's explanation is simple:

10/4/2012

[S]mall-business owners were motivated to help solve local problems because community improvement enhanced their quality of life and the profitability of their business. In contrast, communities lacking a strong small business sector demonstrated a diminished capacity to address local problems.

In other words, sending the Walmarts of the world into communities to “save them” isn’t necessary — and there is growing evidence that it’s outright harmful, despite what their corporate PR might want you to think.

Organically,
Pat

Lehner, Catalina L.

From: Marrone, Carmen M.
Sent: Monday, August 13, 2012 8:57 AM
To: 'Ann'; Lehner, Catalina L.
Subject: RE: Wal-Mar Project #1003859

Ann,

Wal-mart did not pay for the on-site and off-site improvements. The property owner, Mr. Daskalos, paid for the improvements. When Ms. Henrie said "we", she was referring to the property owner.

Carmen

From: Ann [mailto:balloonprinzess@comcast.net]
Sent: Sunday, August 12, 2012 3:50 PM
To: Lehner, Catalina L.; Marrone, Carmen M.
Subject: RE: Wal-Mar Project #1003859

Good Day Planners,

At the City Council Meeting June 18, 2012, Ms. Henrie, the attorney representing Wal-Mart, indicated that 'they' had made a substantial investment in off-site and on-site improvements for the proposed project.

As a neighbor to the proposed project, and a driver on Coors and Montano, I seem to recall that improvements (additional right turn lane and bike lane) were added to Coors long before there was any mention of the proposed Wal-Mart. Further, I seem to recall that on-site improvements (roundabouts, gutters, etc.) were also constructed before the Wal-Mart application was made public.

From the ABQ Journal:

Saturday, November 08, 2008

Owners Group Suing Daskalos

By Jeff Proctor
Journal Staff Writer

The Bosque Montañó Homeowners Association says dust blowing out of a stretch of land owned by millionaire developer Jason Daskalos near Coors and Montañó NW has destroyed the area's landscaping and sprinkler systems.

"In June 2008, Mr. Daskalos stated verbally he was willing to take care of the damaged landscaping areas on Montañó and Winterhaven due to dust and dirt from his project at Coors and Montañó," Bosque Montañó President Geraldine Snow alleges in a civil lawsuit seeking \$10,000 from Daskalos and his associates, Silver Leaf Ventures LLC.

"We sent a repair proposal and letter dated July 21, 2008. No response. All

communication with Mr. Daskalos has stopped. This problem destroyed our landscaping, our sprinklers and caused problems for the homeowners' health and homes."

Snow, who along with the association filed the lawsuit Sept. 8, could not be reached for comment Friday.

A pretrial conference is set Nov. 20 in front of Metropolitan Court Judge Anna Martinez.

Daskalos' attorney, Catherine Davis, said neither Daskalos, nor Silver Leaf — of which he is a member — is responsible "for any alleged damage caused to their landscaping."

"There are several construction projects in the area," Davis said in an interview Friday. "It is impossible to tell which, if any of them, caused the dust. And (Daskalos and Silver Leaf) have complied with measures to control the dust."

The stretch of land in question begins at the southeast corner of Coors and Montaña NW and extends quite a way south. It's in front of the Bosque School and abuts the upscale La Luz neighborhood.

There are several construction projects in the area.

Isreal T'varez, environmental engineering manager for the city of Albuquerque, said the city's Air Quality Division has inspectors looking into whether other construction projects may have been involved in creating the large quantities of dust in the area.

But no one questions whether there has been dust.

"At times, some of the issues have been on the serious side," T'varez said. "Some storms around the first part of this calendar year (created) near whiteout conditions at that intersection with all the dust."

The homeowners association has made several complaints to the Air Quality Division about the dust, he said.

"We're well aware of the issues there," T'varez said, adding he did not know the exact number of complaints.

Developers and property owners, as a matter of course, are issued a topsoil control permit, he said, for the purpose of keeping "fugitive dust" in check. In the case of the land near Coors and Montaña, Daskalos and Silver Leaf hold that permit.

After receiving complaints from Snow and the homeowners association, Air Quality Division inspectors went to the site to investigate, T'varez said.

"There have been some compliance issues," he said. "There have been up to three citations of violation of the topsoil control permit issued (to Daskalos and Silver Leaf.)"

"Our staff has met with community leaders and neighborhood representatives to discuss the dust issues. The contractor has been present at some of those meetings, as has the property owner, Mr. Daskalos."

Daskalos' attorney Davis said her client will seek mediation in the case at the Nov. 20 pretrial conference.

"Metro Court prefers in a civil case that the parties seek mediation," Davis said.

Is there a state highway road improvement fund that Wal-Mart could have paid into for the off-site work?

If Wal-Mart has invested in on-site improvements, why were roundabouts constructed when semi-trucks delivering to Wal-Mart could not maneuver around them?

Or did Ms. Henrie have misinformation from Mr. Bohannon?

Thank you for your time in responding to my questions.

Ann Prinz
4611 Mijas Drive NW
352-0625

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(20120812) _____

The message was checked by ESET Smart Security.

<http://www.eset.com>

March 1, 2012

Project Number: 1003859

Case No: 11-40067/40068 and 04EPC-01845

To the Albuquerque Planning Department and
The Albuquerque Environmental Planning Commission

From: Alan Reed, former City Councilor (1975-79)



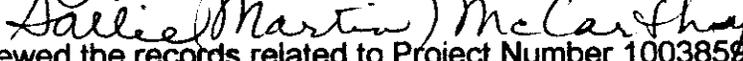
Susan Johnson, former Environmental Planning Commissioner



Jens Deichman, former Environmental Planning Commissioner



Sallie McCarthy, former Environmental Planning Commissioner



We have reviewed the records related to Project Number 1003859 which proposes to subdivide North Andalucia at La Luz and to build a Walmart store on one section of the new subdivision.

There are three parts to this case: 1. approval of 04EPC-02845 to extend the life of a Site Development for Subdivision decision issued by the EPC in 2005; 2. site development plan for Subdivision Amendment (11EPC-40068); 3. Site Development Plan for Building Permit.

We are opposed to the second and third components of this application, the site development plan and the plan for a building permit. In our opinion, based on our extensive experience in making judgments about property developments, the proposed use of this large parcel of land is not desirable, nor does it comply with the existing regulations, the settled developments in the neighborhoods that surround the site or adjacent land use.

First and foremost, the construction of the proposed Walmart store, a single, very large, retail facility, would violate the long-term plans and design regulations for this important community activity center. This proposed store by its very nature conflicts with the concept of "clustered" smaller-scale retail services which was determined by thorough planning processes and policies established by the City Council and implemented in numerous locations by the EPC throughout a long period.

While some adjustments over time to development plans and patterns are desirable, when a designated community activity center has been encompassed by development on the expectation that the stated regulations will be

implemented by the City, extensive displacement of those regulations by an entirely different form of development is undesirable and damaging to both vested economic interests and community trust.

More specifically, we draw attention to the following:

1. From the staff analysis of the design standards:

As proposed, the site development plan for building permit is inconsistent with the primary goal of the design standards.

2. From the staff analysis of the design standards:

In a number of provisions regarding parking, landscaping, and siting, the proposal does not comply with design standards.

3. A portion of the proposed development extends into an area that is not zoned for the proposed use.

4. The incomplete Traffic Impact Study (TIS) update for the proposed completed plan is for a large retail facility, not the approved "cluster" retail center.

5. From the staff analysis of the Coors Corridor Plan:

The proposed building, at 98,901 square feet. . . "likely exceeds the limitations intended in a Community Activity Center 'to provide a greater variety of commercial and entertainment access.'"

6. From the staff analysis of the Coors Corridor Plan and the Comprehensive Plan:

The proposed building . . . "is . . . appropriate in a Major Activity Center, not in a Community Activity Center. . . (and) does not further Policy 11.B.7c-structures/location in Centers."

7. From the staff analysis of the Coors Corridor Plan's view requirements:

"The building would exceed the view line by more than 1/3 of building height. . . (and) does not comply with the view preservation regulations and Policy 1."

8. The parking required for a large retail facility is inappropriate for the community activity center and is located next to the adjoining major street in violation of design standards.

9. From the staff analysis of the Comprehensive Plan:

"Building height, when combined with mass and scale, are not as sensitive to the Bosque environment as they could be. Policy II.C.8a-environment/unique features is not furthered. . ."

10. From the staff analysis of the West Side Strategic Plan:

"The proposed building would not be readily accessible by transit nor would the building be located adjacent to street frontage. . .Due to site constraints, WSSP Policy 4.6g is not furthered."

11. The proposed parking lot contains 475 spaces, or twelve percent (12%) more than the regulations allow for the location. (landscaping, pedestrian access, and cross-transit are also inadequate)

12. The proposed design does not adequately provide for pedestrian and bicycle routes through the area and does not further WSSP Policy 4.10.

13. The proposed parking violates WSSP Policy 4.b.5 because it is between the building and the street.

14. The Findings and Conditions of the May 20, 2005 EPC decision on this property suggest that development on this site will be sustainable, promote transit and pedestrian use, provide a concentration and variety of commercial and entertainment uses in conjunction with low rise office, educational facilities medium and high density residential uses, pedestrian connections between buildings and sidewalks, buildings separating parking from streets and public plaza and open space. Clear direction is given that development here not have deleterious impacts on surrounding uses, established neighborhoods or community amenities.

The proposed project does not fit this characterization in any way.

Summation

The proposed subdivision and building permit application conflicts with the Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, and the Coors Corridor Plan in numerous significant ways and various minor ways.

A Walmart store or any other Large Retail Facility is not an appropriate or highest and best use for the Community Activity Center at Montano and Coors. This is a unique parcel surrounded by development placed there because of its

uniqueness and with the expectation that the stated policies of the City and community would continue to be observed.

Approval of the proposed subdivision or the building permit related to it would be an injustice to property owners in the area, to the Taylor Ranch and other neighborhoods, and a significant degradation to the appearance, convenience, and usability of this major community asset.

Lehner, Catalina L.

From: Daniel Shaw [canyonwrenconsulting@msn.com]

Sent: Thursday, May 03, 2012 10:57 AM

To: Lehner, Catalina L.

Subject: FW: August Date of Walmart Hearing

Thanks so very much for juggling so many competing interests and needs

Dan Shaw
Canyon Wren Consulting

Subject: RE: August Date of Walmart Hearing

Date: Wed, 2 May 2012 18:09:01 -0600

From: CMarrone@cabq.gov

To: canyonwrenconsulting@msn.com; CLehner@cabq.gov; tim@flynnobrien.com; aboard10@juno.com; rshortridge@gmail.com; sagehome@live.com

Mr. Shaw,

The August 16 date was suggested in order to be consistent with the previous schedule of hearings for this case. The actual date will be dependent on when the City Council actually hears the appeal and what they decide. My guess is that the appeal decision will probably not occur in time for Planning Staff to prepare a staff report by August 9 in time for the August 16 hearing. So we will certainly consider changing the hearing date to August 23 instead.

*Carmen Marrone, Manager
Current Planning Section
Planning Department*

From: Daniel Shaw [mailto:canyonwrenconsulting@msn.com]

Sent: Wednesday, May 02, 2012 5:38 PM

To: Lehner, Catalina L.; Marrone, Carmen M.; tim flynn-o'brien; Rene Horvath; Ray Shortridge; Jolene Wolfley

Subject: August Date of Walmart Hearing

Ms. Lehner and Ms. Marrone

I have just learned of your pending request to the EPC for a 90 day continuance on the matter of the Wal-Mart proposal for Coors and Montano (as copied below from your website). You are proposing a 16 August 2012 date for the new hearing. I am sure that it is an oversight, but that is the very first day of classes for Bosque School. Although the school itself is no longer involved in this matter, there are many people from within the school community who would have less of an opportunity to participate in that public hearing if it was held on 16 August. After the first public meeting on this issue, held at Cibola High School, was scheduled on a Jewish holy day there was a perception by many that there was an attempt to limit public participation on a very important community matter. I hope that the EPC will

10/4/2012

consider a day slightly after the 90 day mark so that there will not be such a significant scheduling conflict for a major group of impacted persons who are already on record with the EPC as greatly concerned about this matter.

Daniel Shaw
Taylor Ranch
6124 Mosquero Place NW
Albuquerque, NM 87120

Per the Appeals Section of the Zoning Code, a permit, including a site plan for building permit, cannot be approved until an appeal is decided. As a result, **the site plan requests will not be heard by the EPC on May 17, 2012. Instead, on May 17, 2012 Planning Staff will be requesting a 90-day CONTINUANCE of the site plan requests to August 16, 2012.**

May 14, 2012

Ms. Catalina Lehner
Albuquerque Planning Department

Dear Ms. Lehner:

Re: Hearing scheduled Thursday, May 17, 2012, at 9 A.M. on the matter of Proposed Wal-Mart at Coors and Montano NW, Project #1003859

9A.M. meetings are virtually impossible for citizens who work during the day to attend. Meetings scheduled for that time impose obvious multiple hardships on those who wish to attend city business that affect their residential property values as well as their neighborhood and the entire community.

Employment-based demands on their time are somewhat, but not totally, eased for meetings scheduled later in the day.

I request that the hearing scheduled for 9 A.M. be rescheduled for at least 3 P.M. or later.

Sincerely,

Ray Shortridge
President, TRNA

Lehner, Catalina L.

From: B. L. Sipes [blsipes@q.com]
Sent: Saturday, July 07, 2012 10:20 AM
To: Lehner, Catalina L.; Carruthers, Madeline
Cc: Mayor Berry
Subject: Walmart Coors/Montano

I am 100% for this Wal-Mart. I feel certain there are more people for than against this proposal. The convenience, the jobs is a plus. As far as traffic is concerned don't see how it can get any worse. As far as the school, wouldn't be any different than having a HS across the street. I say go for it.

*"Learn from yesterday, live for today, hope for tomorrow. The important thing is not to stop questioning."
— Albert Einstein*

Bridget

Lehner, Catalina L.

From: Tuck Traynor [tuckot@gmail.com]
Sent: Thursday, July 12, 2012 6:57 PM
To: Carruthers, Madeline ; Lehner, Catalina L.; Mayor Berry
Subject: I'm all for the Walmart on Montano.

Sir,

I just wanted to take a moment to give my support to the Walmart that is planned here on Montano and Coors. I think it would bring needed jobs to the area, and probably even lower my grocery bill. It seems to me that most of the folks against this are your typical head in the clouds types that don't really contribute much to the community. My family is struggling, and we can't afford to buy our food at Whole Foods. I know some of suggested a chain like that be approved. If my health improves, I would like to get a part time job there to supplement my salary from the state. We haven't had raises in over 4 years where I work. The more jobs the better.

Thank you all for your time.

Tuck T.
tuckot@gmail.com

7/13/2012

PETITIONS & EXHIBITS

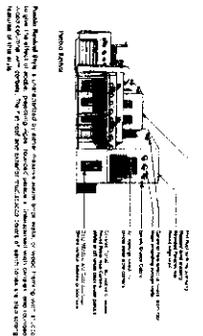
Due to large volume, the following materials have been scanned and made into electronic files:

- Petition from the Andalucia Homeowners Association
- Petition from the Taylor Ranch Neighborhood Association
- Petition from Small Business Owners
- Petition (form letters)

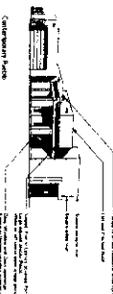
- Letters and Exhibits from attorney for the applicant and attorney for the neighborhoods

REDUCTIONS

ARCHITECTURE



Architectural elevation drawing showing window styles and architectural details.

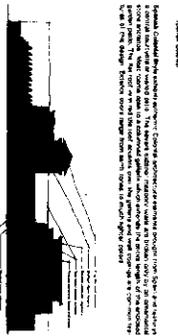


Architectural elevation drawing showing window styles and architectural details.

Architectural elevation drawing showing window styles and architectural details.



Architectural elevation drawing showing window styles and architectural details.



Architectural elevation drawing showing window styles and architectural details.

- 1. Architectural elevation drawing showing window styles and architectural details.
- 2. Architectural elevation drawing showing window styles and architectural details.
- 3. Architectural elevation drawing showing window styles and architectural details.
- 4. Architectural elevation drawing showing window styles and architectural details.
- 5. Architectural elevation drawing showing window styles and architectural details.
- 6. Architectural elevation drawing showing window styles and architectural details.
- 7. Architectural elevation drawing showing window styles and architectural details.
- 8. Architectural elevation drawing showing window styles and architectural details.
- 9. Architectural elevation drawing showing window styles and architectural details.
- 10. Architectural elevation drawing showing window styles and architectural details.

INDUSTRIAL DESIGN STANDARDS

- 1. Industrial design standards for building materials and finishes.
- 2. Industrial design standards for building materials and finishes.
- 3. Industrial design standards for building materials and finishes.
- 4. Industrial design standards for building materials and finishes.
- 5. Industrial design standards for building materials and finishes.
- 6. Industrial design standards for building materials and finishes.
- 7. Industrial design standards for building materials and finishes.
- 8. Industrial design standards for building materials and finishes.
- 9. Industrial design standards for building materials and finishes.
- 10. Industrial design standards for building materials and finishes.

LIGHTING

- 1. Lighting standards for building materials and finishes.
- 2. Lighting standards for building materials and finishes.
- 3. Lighting standards for building materials and finishes.
- 4. Lighting standards for building materials and finishes.
- 5. Lighting standards for building materials and finishes.
- 6. Lighting standards for building materials and finishes.
- 7. Lighting standards for building materials and finishes.
- 8. Lighting standards for building materials and finishes.
- 9. Lighting standards for building materials and finishes.
- 10. Lighting standards for building materials and finishes.

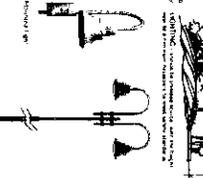


Diagram showing lighting fixtures and their placement in a room or outdoor area.

- 1. Lighting standards for building materials and finishes.
- 2. Lighting standards for building materials and finishes.
- 3. Lighting standards for building materials and finishes.
- 4. Lighting standards for building materials and finishes.
- 5. Lighting standards for building materials and finishes.
- 6. Lighting standards for building materials and finishes.
- 7. Lighting standards for building materials and finishes.
- 8. Lighting standards for building materials and finishes.
- 9. Lighting standards for building materials and finishes.
- 10. Lighting standards for building materials and finishes.

SOUND

- 1. Sound standards for building materials and finishes.
- 2. Sound standards for building materials and finishes.
- 3. Sound standards for building materials and finishes.
- 4. Sound standards for building materials and finishes.
- 5. Sound standards for building materials and finishes.
- 6. Sound standards for building materials and finishes.
- 7. Sound standards for building materials and finishes.
- 8. Sound standards for building materials and finishes.
- 9. Sound standards for building materials and finishes.
- 10. Sound standards for building materials and finishes.

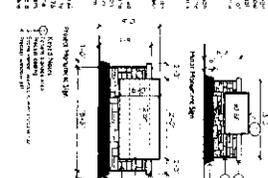


Diagram showing soundproofing measures and sound levels in a room.

- 1. Standards for building materials and finishes.
- 2. Standards for building materials and finishes.
- 3. Standards for building materials and finishes.
- 4. Standards for building materials and finishes.
- 5. Standards for building materials and finishes.
- 6. Standards for building materials and finishes.
- 7. Standards for building materials and finishes.
- 8. Standards for building materials and finishes.
- 9. Standards for building materials and finishes.
- 10. Standards for building materials and finishes.

UTILITIES

- 1. Utility standards for building materials and finishes.
- 2. Utility standards for building materials and finishes.
- 3. Utility standards for building materials and finishes.
- 4. Utility standards for building materials and finishes.
- 5. Utility standards for building materials and finishes.
- 6. Utility standards for building materials and finishes.
- 7. Utility standards for building materials and finishes.
- 8. Utility standards for building materials and finishes.
- 9. Utility standards for building materials and finishes.
- 10. Utility standards for building materials and finishes.

PRIVATE COMMON AREAS

- 1. Private common areas standards for building materials and finishes.
- 2. Private common areas standards for building materials and finishes.
- 3. Private common areas standards for building materials and finishes.
- 4. Private common areas standards for building materials and finishes.
- 5. Private common areas standards for building materials and finishes.
- 6. Private common areas standards for building materials and finishes.
- 7. Private common areas standards for building materials and finishes.
- 8. Private common areas standards for building materials and finishes.
- 9. Private common areas standards for building materials and finishes.
- 10. Private common areas standards for building materials and finishes.

UNIQUE STREET AND TRAFFIC CALMING STANDARDS

- 1. Unique street and traffic calming standards for building materials and finishes.
- 2. Unique street and traffic calming standards for building materials and finishes.
- 3. Unique street and traffic calming standards for building materials and finishes.
- 4. Unique street and traffic calming standards for building materials and finishes.
- 5. Unique street and traffic calming standards for building materials and finishes.
- 6. Unique street and traffic calming standards for building materials and finishes.
- 7. Unique street and traffic calming standards for building materials and finishes.
- 8. Unique street and traffic calming standards for building materials and finishes.
- 9. Unique street and traffic calming standards for building materials and finishes.
- 10. Unique street and traffic calming standards for building materials and finishes.



Diagram showing unique street and traffic calming standards, including lane markings and signage.

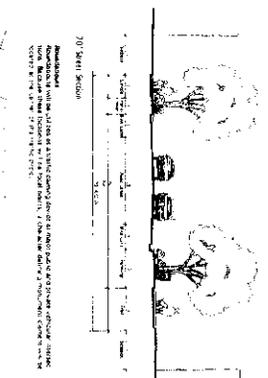


Diagram showing utility standards, including underground and overhead utility lines.

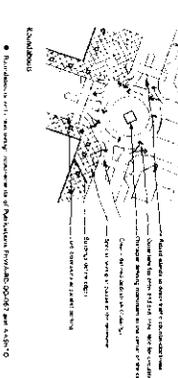


Diagram showing private common areas standards, including pool areas and walkways.

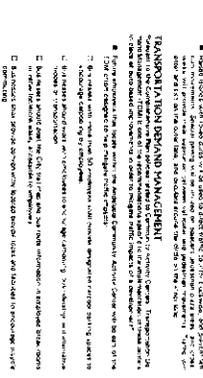
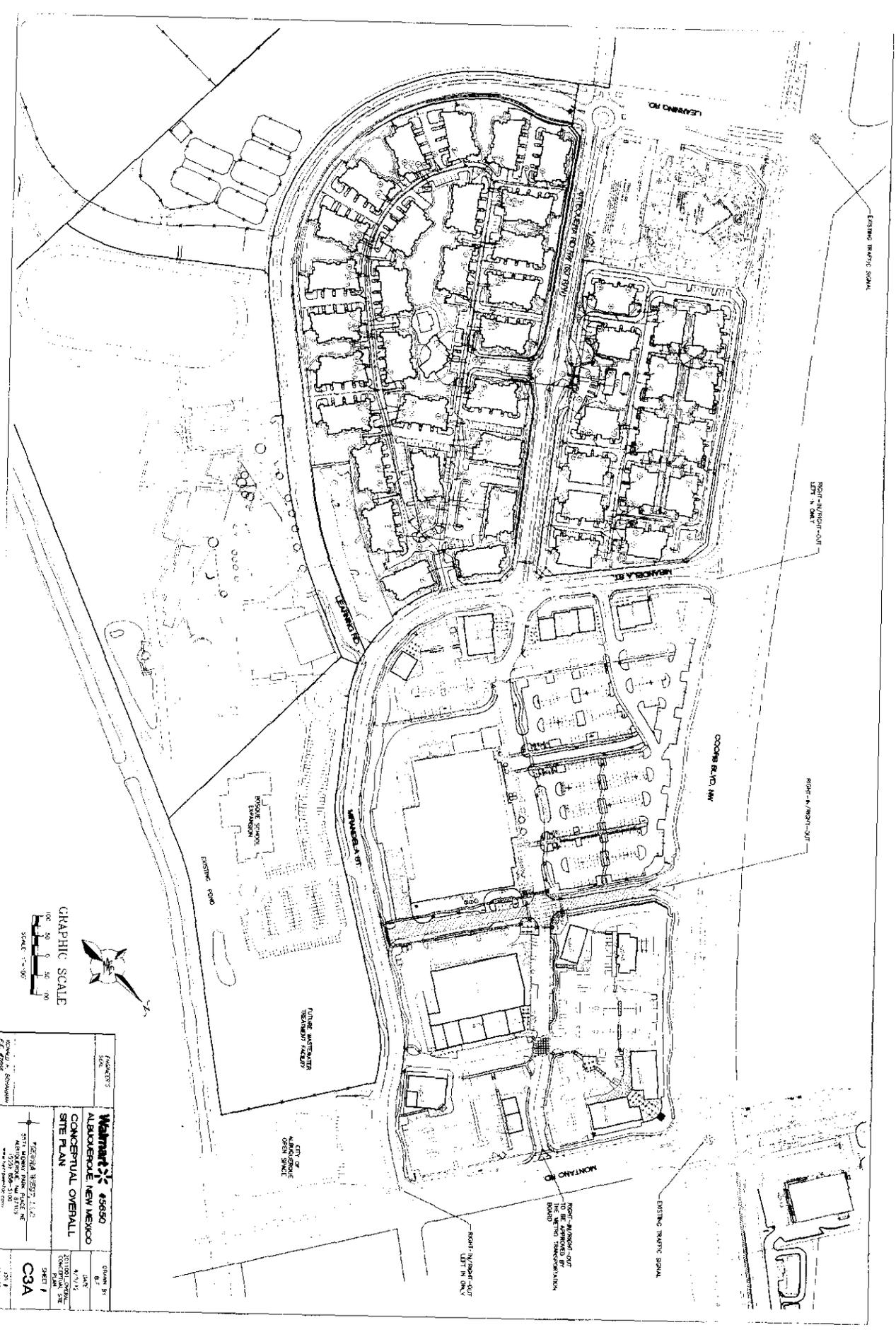


Diagram showing unique street and traffic calming standards, including lane markings and signage.

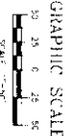
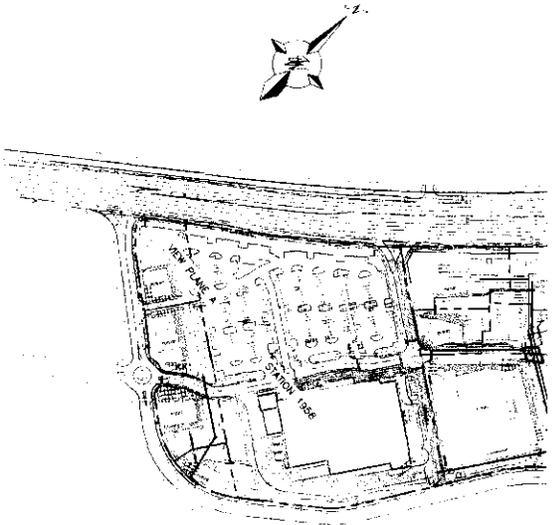
- 1. Unique street and traffic calming standards for building materials and finishes.
- 2. Unique street and traffic calming standards for building materials and finishes.
- 3. Unique street and traffic calming standards for building materials and finishes.
- 4. Unique street and traffic calming standards for building materials and finishes.
- 5. Unique street and traffic calming standards for building materials and finishes.
- 6. Unique street and traffic calming standards for building materials and finishes.
- 7. Unique street and traffic calming standards for building materials and finishes.
- 8. Unique street and traffic calming standards for building materials and finishes.
- 9. Unique street and traffic calming standards for building materials and finishes.
- 10. Unique street and traffic calming standards for building materials and finishes.

CONCRETE PLANNING, INC.
 10000 N. 10th Street, Suite 100
 Dallas, TX 75243
 Phone: (214) 343-1111
 Fax: (214) 343-1112
 Email: info@concreteplanning.com
 Website: www.concreteplanning.com



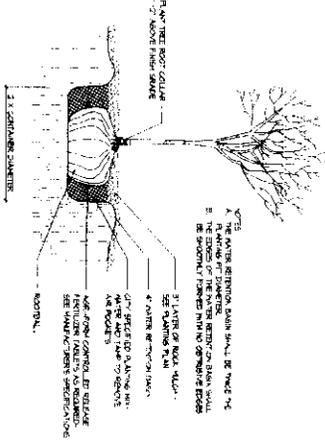
GRAPHIC SCALE
 0' 5' 10' 15' 20'
 SCALE: 1" = 30'

OWNER'S ALBANY PROPERTIES NEW MEXICO	PROJECT NO. 45650	DATE 11/14	SHEET NO. 1
CONCEPTUAL OVERALL SITE PLAN		DATE 11/14	SHEET NO. 1
752 S. 24th Street, L.L.O. Albuquerque, NM 87110 www.albanyproperties.com		DATE 11/14	SHEET NO. 1
C3A		DATE 11/14	SHEET NO. 1

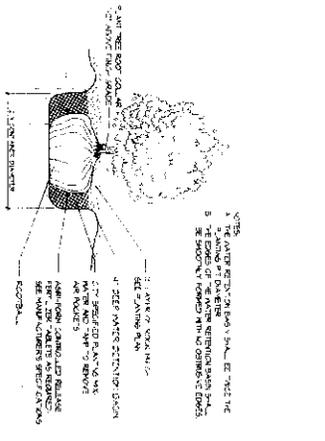


<p>PROJECT # 196050</p> <p>ALBUQUERQUE, NEW MEXICO</p> <p>VIEW PLANE EXHIBIT</p> <p>DATE: 11/11/11</p> <p>BY: [Signature]</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>DATE: 11/11/11</p> <p>BY: [Signature]</p> <p>SCALE: 1/8" = 1'-0"</p> <p>C6</p>
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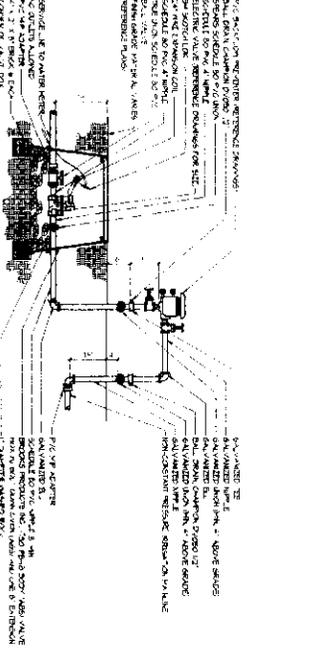
The information contained herein is for informational purposes only and does not constitute an offer of insurance. Insurance coverage is subject to underwriting and may vary. Please contact your agent for more information. This document is not intended to be a contract. The actual contract is the policy and its attachments. The actual contract is the policy and its attachments. The actual contract is the policy and its attachments.



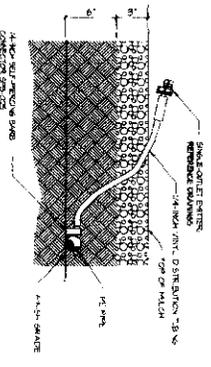
1 TREE PLANTING @ GRADE N.T.S.



2 SHRUB PLANTING @ GRADE N.T.S.



3 MASTER VALVE W 5/2 N.T.S.



4 DRIP ENTRY DETAIL N.T.S.

INSTALLATION INSTRUCTIONS:

1. FORMING AND CONCRETE: 1.5' DEEP AND 1.5' WIDE FOR TREE PLANTING. 2.5' DEEP AND 2.5' WIDE FOR SHRUB PLANTING. 3. FORMING SHOULD BE DONE AT LEAST 24 HOURS BEFORE POURING CONCRETE. 4. CONCRETE SHOULD BE PLACED IN TWO LAYERS. 5. THE FORMS SHOULD BE REMOVED IMMEDIATELY AFTER POURING CONCRETE. 6. THE FORMS SHOULD BE REUSED IMMEDIATELY AFTER REMOVAL. 7. THE FORMS SHOULD BE KEPT CLEAN AND MAINTAINED. 8. THE FORMS SHOULD BE REUSED IMMEDIATELY AFTER REMOVAL. 9. THE FORMS SHOULD BE KEPT CLEAN AND MAINTAINED. 10. THE FORMS SHOULD BE REUSED IMMEDIATELY AFTER REMOVAL.

PLANNING

CONSENSUS PLANNING, INC.

10000 W. CONGRESS AVENUE
 SUITE 100
 AUSTIN, TEXAS 78748
 (512) 426-8800 FAX (512) 426-8801

Wishart #5650
 ALBUQUERQUE, NEW MEXICO

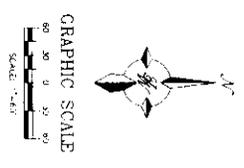
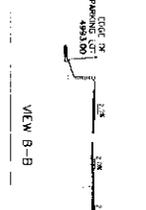
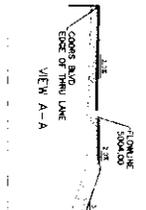
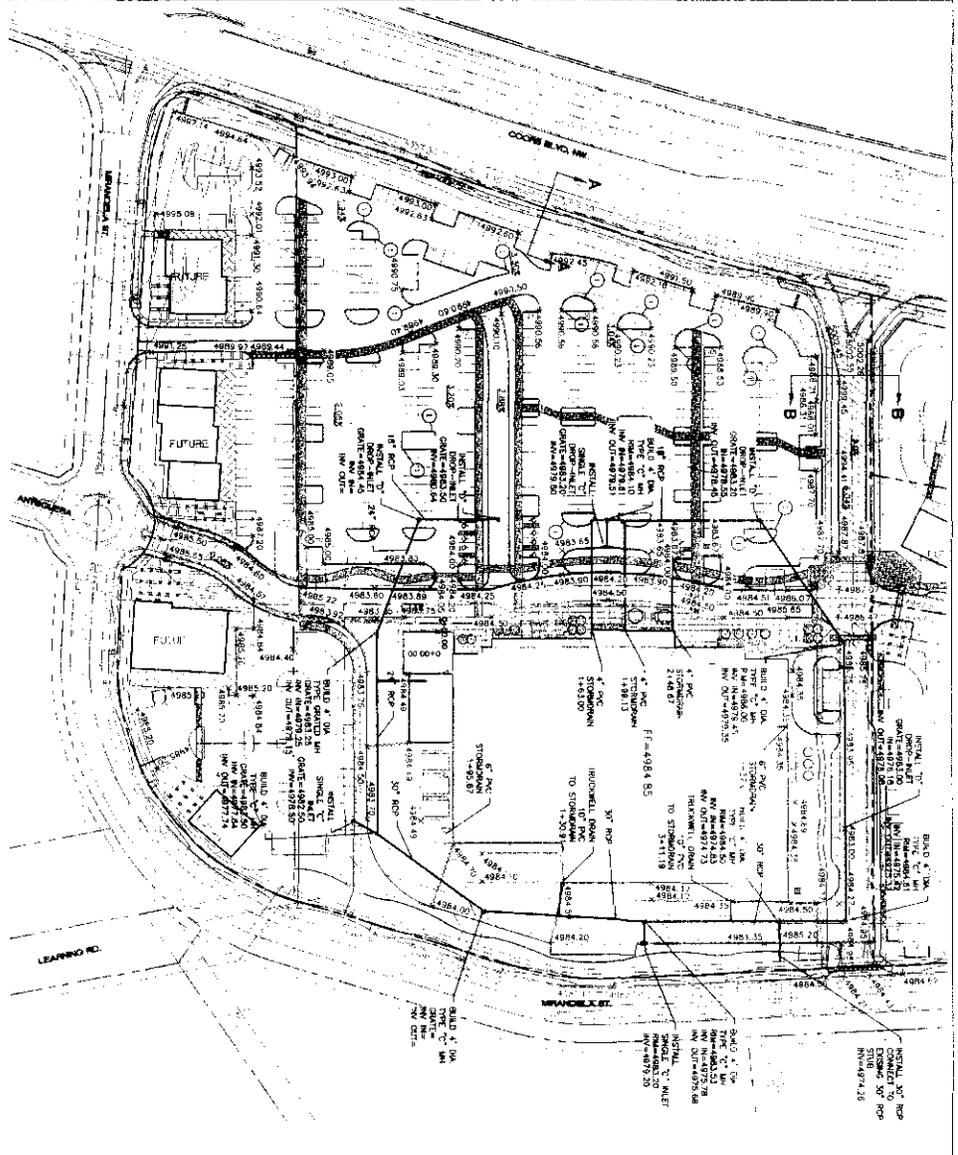
LANDSCAPING PLAN

PROJECT: WISHART'S 112
 5500 ALBUQUERQUE, NEW MEXICO
 10/1/01 - 1/1/02

DATE: 1/1/02

SHEET # **C9**

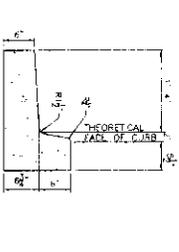
OF 10



LEGEND

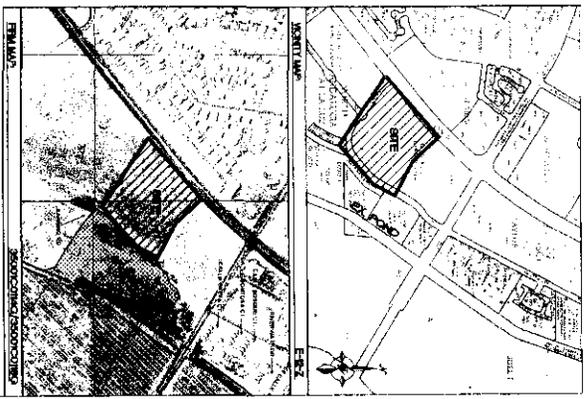
- CLUB & OUTLET
- BOUNDARY LINE
- EXISTING STORMWATER
- EXISTING SANITARY
- EXISTING WATER
- EXISTING GAS
- EXISTING ELECTRIC
- EXISTING TELEPHONE
- EXISTING CABLE
- EXISTING FIBER OPTIC
- EXISTING SLOPE
- EXISTING ELEVATION
- EXISTING CURB & GUTTER
- EXISTING SIDEWALK
- EXISTING DRIVEWAY
- EXISTING DRIVE
- EXISTING CONCOURSE
- EXISTING CONCOURSE UNDER
- EXISTING STREET ELEVATION

CAUTION
 ALL UTILITIES SHOWN WERE OBTAINED FROM RECORD DRAWINGS, SURVEYS OR INFORMATION RECEIVED FROM THE CITY OF ALBUQUERQUE. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND CHARACTER OF ALL UTILITIES AND OTHER SUBSURFACE CONDITIONS PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ALBUQUERQUE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ALBUQUERQUE.



CLUB GENERAL NOTES
 1. ALL CURBS TO BE CONSTRUCTED OF PORTLAND CEMENT CONCRETE PER THE SHOWN SECTION. CURBS SHALL BE 12" HIGH AND 12" WIDE. CURBS SHALL BE SET WITH A 1/2" SLOPE AWAY FROM THE SIDEWALK. CURBS SHALL BE SET WITH A 1/2" SLOPE AWAY FROM THE SIDEWALK. CURBS SHALL BE SET WITH A 1/2" SLOPE AWAY FROM THE SIDEWALK.

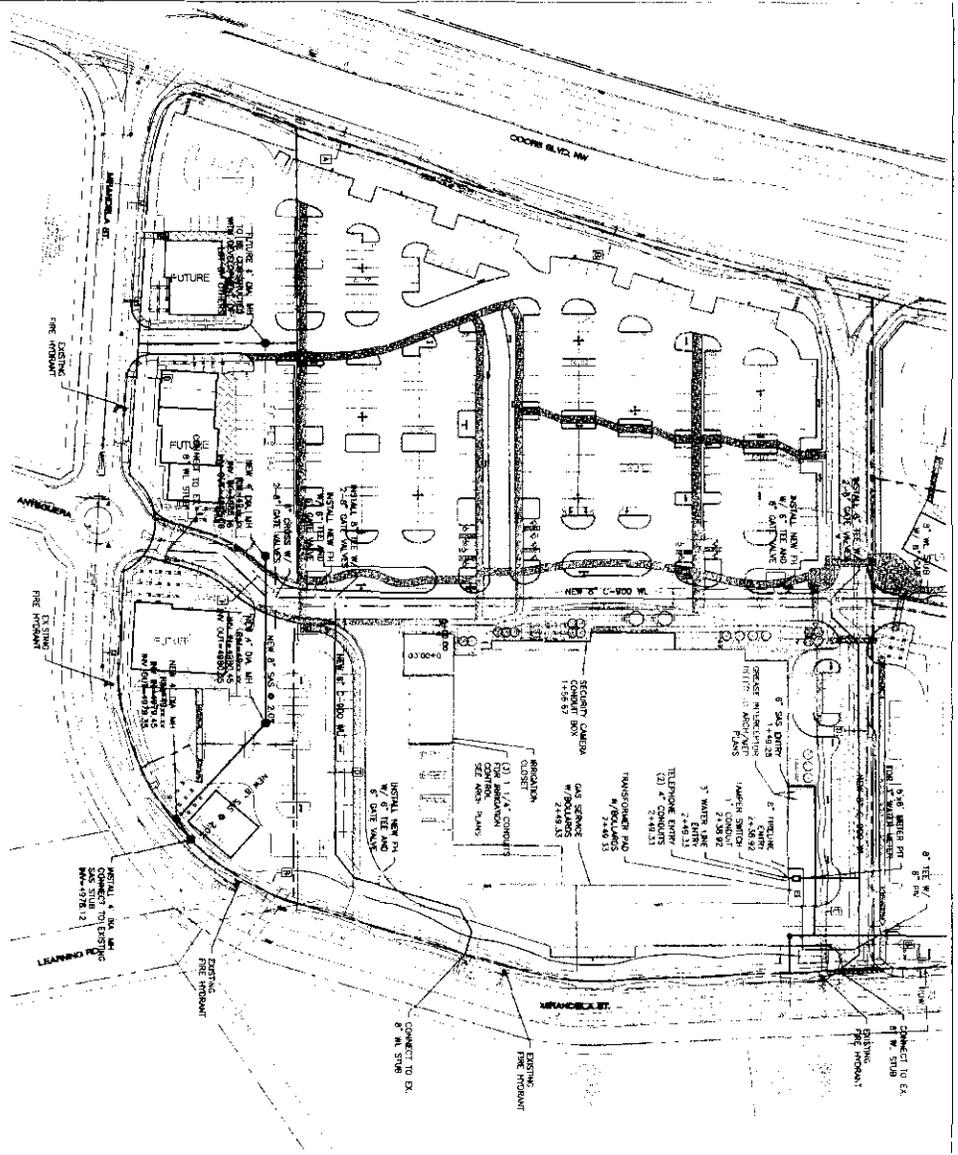
STANDARD CURB / GUTTER



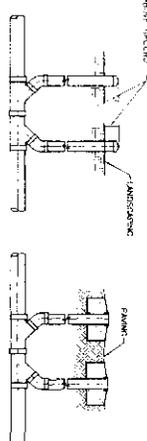
DRAINAGE INFORMATION
 THIS PROJECT IS PART OF THE APPROVED NORTH ALBUQUERQUE LA LIZ APPLICANT'S DEVELOPMENT. THE SITE IS LOCATED IN A DEVELOPMENT WITH A DRAINAGE SYSTEM THAT IS DESIGNED TO DRAIN TO THE EXISTING RETENTION POND LOCATED ON TRAILS BLVD. TO THE SOUTH OF THE SITE. THE DRAINAGE SYSTEM IS DESIGNED TO DRAIN TO THE EXISTING RETENTION POND LOCATED ON TRAILS BLVD. TO THE SOUTH OF THE SITE.

NOTE
 ALL PROPOSED CONSTRUCTION SHALL NOT EXCEED A 2% CROSS SLOPE TOWARD RECORDS.

OWNER'S	Wal-Mart #6650	DESIGNED BY	DATE
PROJECT	ALBUQUERQUE, NEW MEXICO	DRAWN BY	DATE
TITLE	CONCEPTUAL GRADING AND DRAINAGE PLAN	CHECKED BY	DATE
SHEET	1	DATE	DATE
PROJECT NO.	20110000000000000000	DATE	DATE
PROJECT NAME	20110000000000000000	DATE	DATE
PROJECT ADDRESS	20110000000000000000	DATE	DATE
PROJECT CITY	20110000000000000000	DATE	DATE
PROJECT STATE	20110000000000000000	DATE	DATE
PROJECT ZIP	20110000000000000000	DATE	DATE
PROJECT PHONE	20110000000000000000	DATE	DATE
PROJECT FAX	20110000000000000000	DATE	DATE
PROJECT EMAIL	20110000000000000000	DATE	DATE
PROJECT WEBSITE	20110000000000000000	DATE	DATE
PROJECT COMMENTS	20110000000000000000	DATE	DATE
PROJECT NOTES	20110000000000000000	DATE	DATE
PROJECT DRAWING	20110000000000000000	DATE	DATE
PROJECT SCALE	20110000000000000000	DATE	DATE
PROJECT SHEET	20110000000000000000	DATE	DATE
PROJECT TOTAL	20110000000000000000	DATE	DATE

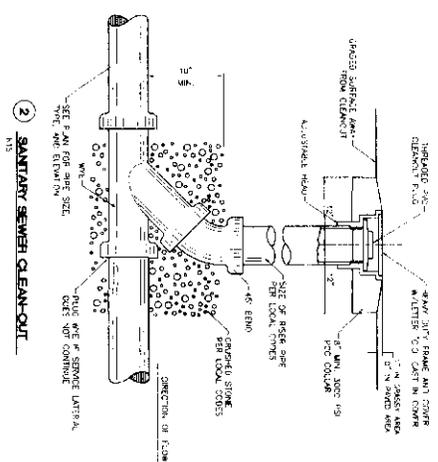
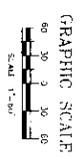


- EXHIBITS**
- 1 EXISTING 7" MASTER EXHIBIT (11/20/1984) SEE ALSO 197-208-1506
 - 2 EXISTING 10" PUBLIC UTILITY EXHIBIT (10/19/2002) SEE ALSO 197-208-1506
 - 3 PROPOSED 5" PUBLIC SANITARY EXHIBIT
 - 4 PROPOSED 20" PUBLIC WATER LINE EXHIBIT
 - 5 PROPOSED 20" PUBLIC GAS LINE EXHIBIT

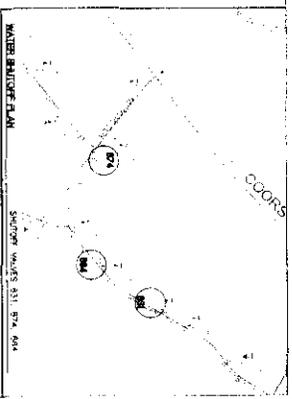


1 SANITARY SEWER DOUBLE CLEAN-OUTS

- LEGEND**
- CORE & GUTTER
 - BOARDWALK LINE
 - EXHIBIT
 - CENTERLINE
 - RIGHT-OF-WAY
 - BUILDING
 - SIDEWALK
 - SCREENED WALL
 - RETAINING WALL
 - EXISTING CORE & GUTTER
 - EXISTING BOARDWALK
 - EXISTING SANITARY SEWER LINE
 - EXISTING WATER LINE
 - EXISTING STORM DRAIN LINE
 - SANITARY SEWER LINE
 - WATER MAIN
 - WALKWAY
 - SINGLE CLEAN-OUT
 - DOUBLE CLEAN-OUT
 - EXISTING 30" MANHOLE
 - EXISTING ALLET
 - EXISTING GAS MANHOLE
 - EXISTING FIRE HYDRANT
 - EXISTING WATER METER
 - EXISTING POWER POLE
 - EXISTING GAS VALVE
 - EXISTING UNDERGROUND UTILITIES
 - EXISTING GAS
 - EXISTING SANITARY SEWER LINE
 - EXISTING WATER LINE
 - EXISTING STORM DRAIN LINE



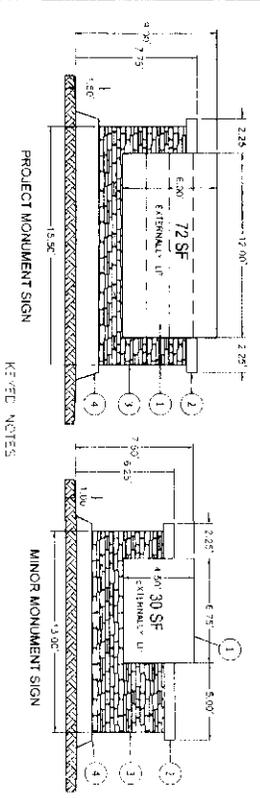
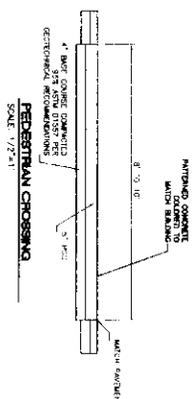
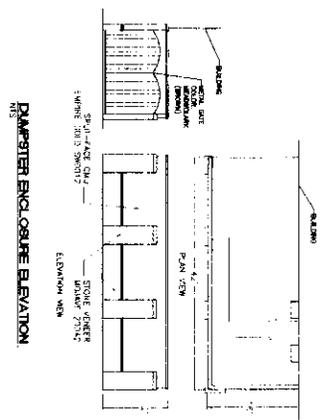
2 SANITARY SEWER CLEAN-OUT



WATER MAIN/SEWER PLAN

THE CONTRACTOR SHALL COORDINATE WITH THE WATER AUTHORITY REGARDING ANY DISCONNECTS OR REPAIRS TO THE WATER MAINS THAT MAY BE REQUIRED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE WATER AUTHORITY. REQUESTS MUST BE MADE ONLINE AT: <http://www.waterauthority.com/permits/2012/01/>

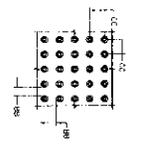
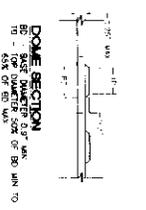
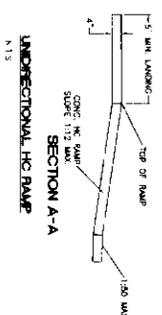
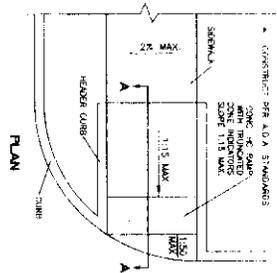
Wheatmark 45650
 ALBUQUERQUE, NEW MEXICO
 CONCEPTUAL MASTER
 UTILITY PLAN
 SHEET 1 OF 1
 DATE: 02/17/12
 DRAWN BY: JMM
 CHECKED BY: JMM
 PROJECT NO: 2011011006
 SCALE: 1" = 50'
 DATE: 02/17/12



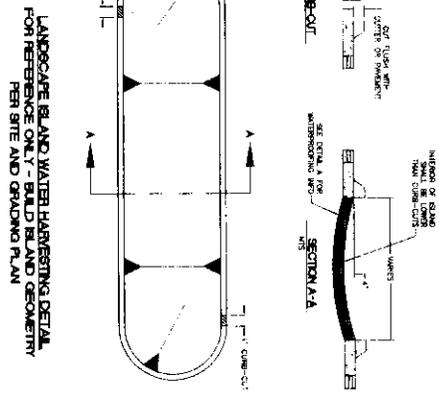
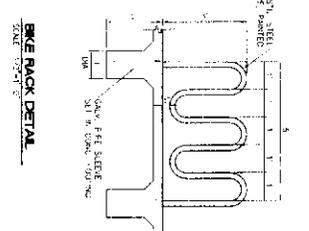
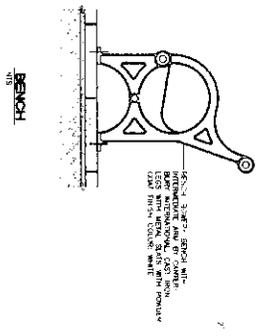
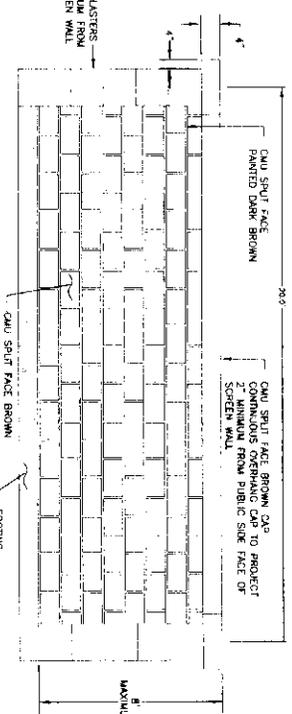
- KEY TO NOTES**
1. FINISH STONE AREA
 2. PRECAST CONCRETE (SEE PLAN)
 3. STAINED STONE (SEE FINISH)
 4. METAL HANDRAIL (SEE PLAN)

NOTES

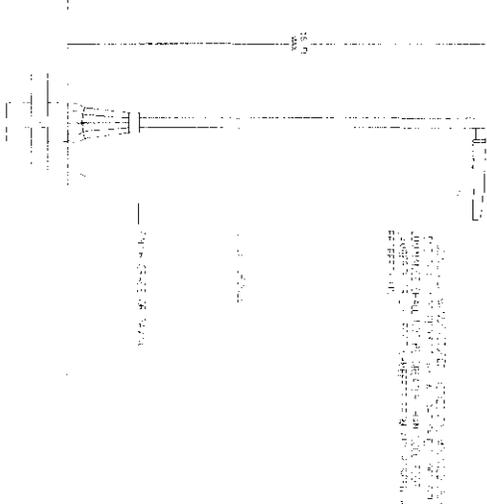
1. THE SURFACE OF RAMP AND SIGN SHALL HAVE A FINISHED FINISH SURFACE TEXTURE FINISHED TO THE MANUFACTURER'S RECOMMENDATIONS.
2. THE BOTTOM OF THE RAMP SHALL HAVE A 1/4" OF 45°.
3. RAMP USE 5/8" SCHED. VERTICAL FROM A MAXIMUM OF 1/2" TO 3/4" AT 2" TO 3" ON CENTER TO PROVIDE A 1/4" OF 45° TO THE RAMP SURFACE.



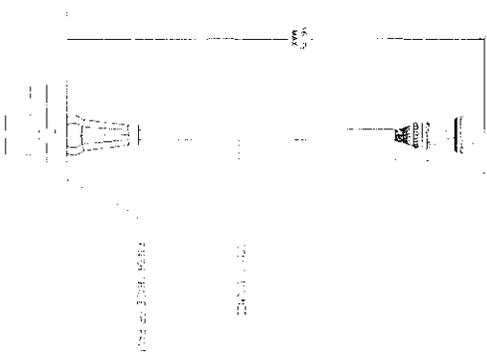
SPLIT FACT BROWN PLASTERS TO PROTECT 2" MINIMUM FROM PUBLIC SIDE OF SCREEN WALL



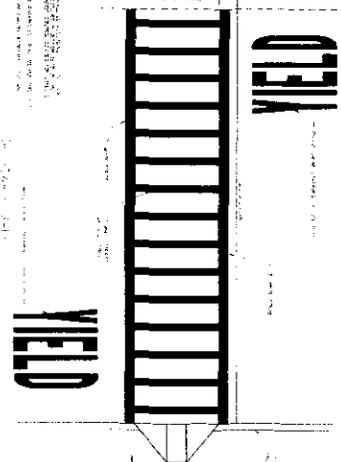
Walmart ALBUQUERQUE, NEW MEXICO		DRAWN BY DATE CHECKED BY DATE
PROJECT # 45650 5071 UNIVERSITY BLVD. SW ALBUQUERQUE, NM 87106 505.845.1234		SHEET # OF DATE
DETAIL SHEET		C12 2017.06.15



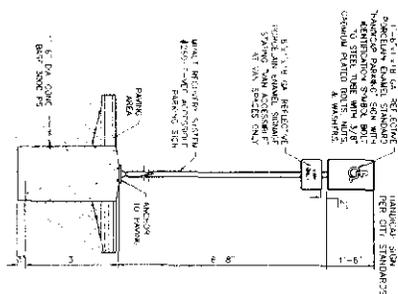
PARKING LOT LIGHT POLE
SCALE: 1/8" = 1'-0"



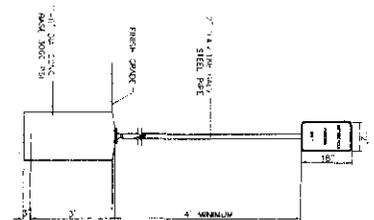
PEDESTRIAN LIGHT POLE
SCALE: 1/8" = 1'-0"



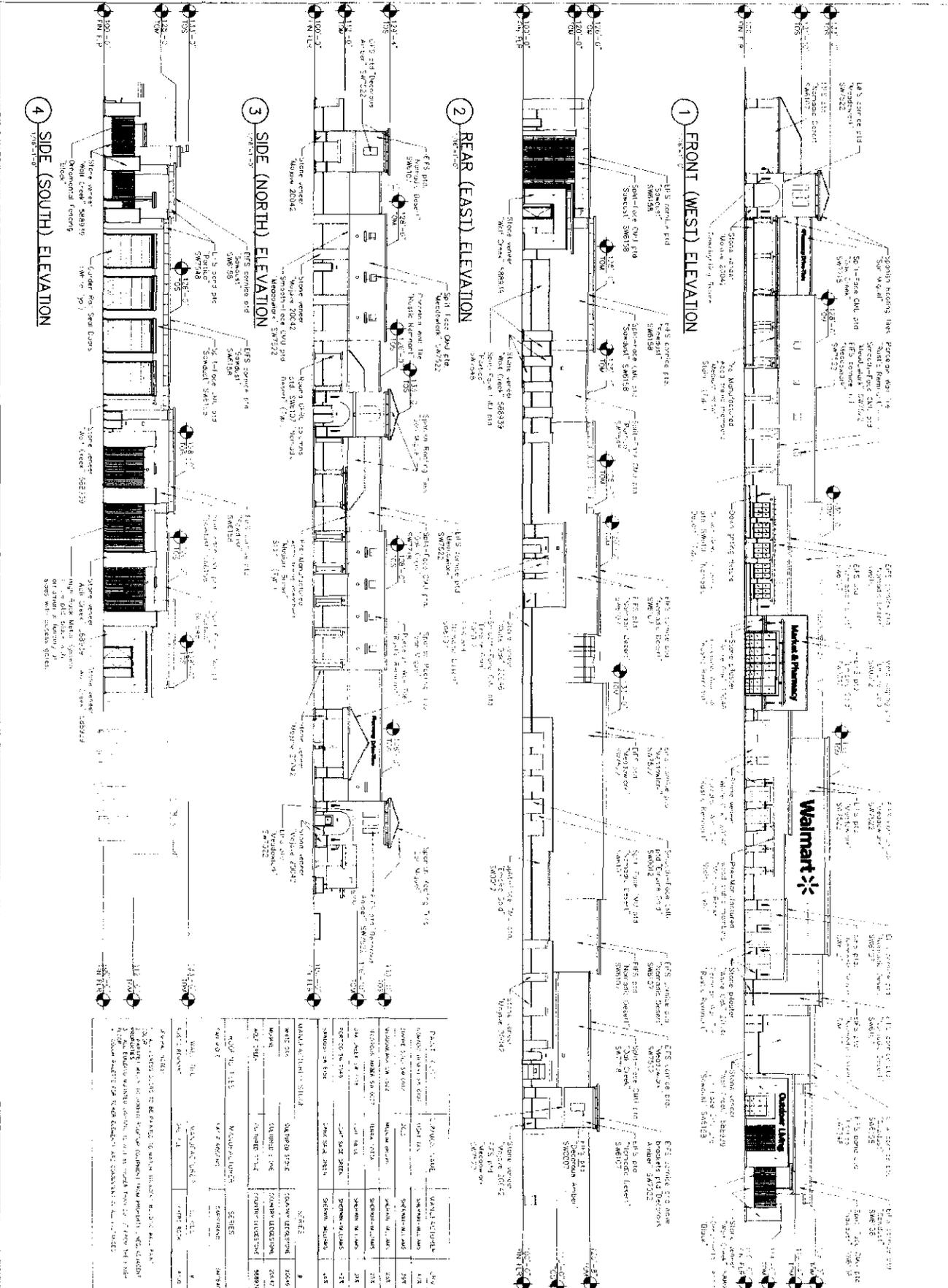
HANDICAP SIGN
SCALE: 1/8" = 1'-0"



MOTORCYCLE PARKING SIGN
SCALE: 1/8" = 1'-0"



2025 RELEASE UNDER E.O. 14176 100% RECYCLED PAPER 50% POST CONSUMER WASTE 100% FIBER RECYCLED 100% FIBER RECYCLED 100% FIBER RECYCLED	Walmart #9950 ALBUQUERQUE, NEW MEXICO 4/27/12 21100-001	DRAWN BY: BJR DATE: 4/27/12
721 7888 721 7888	DETAIL SHEET 1 C13 2/10/11	100% RECYCLED PAPER 50% POST CONSUMER WASTE 100% FIBER RECYCLED 100% FIBER RECYCLED 100% FIBER RECYCLED



1 FRONT (WEST) ELEVATION

2 REAR (EAST) ELEVATION

3 SIDE (NORTH) ELEVATION

4 SIDE (SOUTH) ELEVATION

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	PAINT - EXTERIOR	100	sq. yd.	WALLS
2	PAINT - INTERIOR	200	sq. yd.	WALLS
3	WOOD - EXTERIOR	500	sq. ft.	WALLS
4	WOOD - INTERIOR	1000	sq. ft.	FLOORING
5	GLASS - EXTERIOR	100	sq. ft.	WINDOWS
6	GLASS - INTERIOR	200	sq. ft.	PARTITIONS
7	STEEL - EXTERIOR	50	sq. ft.	ROOFING
8	STEEL - INTERIOR	100	sq. ft.	CEILING
9	CONCRETE - EXTERIOR	100	sq. ft.	FLOORING
10	CONCRETE - INTERIOR	200	sq. ft.	FLOORING



Walmart
Albuquerque, NM.
STORE NO. 5660



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1111 17th Street, N.E.
Albuquerque, NM 87102-1111
Tel: 505.243.8000
Fax: 505.243.8001

DATE: 11/27/2010
DRAWN BY: [Name]
CHECKED BY: [Name]
PROJECT NO: 12720

BUILDING ELEVATIONS

SHEET 1
C16

ORIGINAL STAFF REPORT

The January 17, 2012 Staff report has been made into an electronic file, though a few hard copies are available.