

Michelle Henrie

From: Michelle Henrie <michelle@mhenrie.com>
Sent: Thursday, August 16, 2012 4:03 PM
To: Tim Flynn-O'Brien (tim@flynnobrien.com); 'Thompson, Bruce T.'
Cc: KCURRAN@CABQ.GOV; CMarrone@cabq.gov; 'Ortega, Crystal' (COrtega@cabq.gov)
Subject: Appeal AC 12-10
Attachments: City_Council_TRNA_Appeal_No_2.pdf

Tim, Bruce,
Please find attached Silver Leaf's statement for the upcoming appeal hearing on Monday.
I will deliver hard copies tonight or tomorrow.
Michelle

mH Michelle Henrie | Attorney · LEED AP

MHenrie | Land · Water · Law

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If you have received this email in error, please destroy it immediately.*



**CITY OF ALBUQUERQUE
CITY COUNCIL**

**APPEAL NO. AC-12-10
Declaratory Ruling
Project No. 10003859**

Taylor Ranch Neighborhood Association, Appellant

Silver Leaf Ventures, LLC, Party Opponent

**PROJECT OWNERS' RECOMMENDATION FOR
HOW CITY COUNCIL SHOULD HANDLE
THIS APPEAL**

Project Owner respectfully requests that the City Council consider that the best course of action in this matter is to let EPC answer any questions about how to interpret the Big Box Ordinance during the course of the regular hearing.

Background. Appellants asked the Zoning Enforcement Officer questions specifically about the Walmart project. Appellants wanted a Declaratory Ruling that would preclude Walmart from being built on 11-acres of the commercial portion of the larger mixed-use Anadalucia site of 280+ acres. The problem is that they asked questions that couldn't be answered. The questions asked contain factual presumptions and when those presumptions are not true (for example, there are no "residentially zoned streets" at issue because all of the site is zoned SU-2), as a practical matter there is nothing that the Zoning Enforcement Officer, or the LUHO, or the City Council can do. The question is unanswerable.

As you can see from this appeal, attempting to answer the questions asked by the Appellants could lead to a host of unintended consequences. Consider the issue of whether EPC can overlook "mandatory" requirements of the Big Box Ordinance. The problem is that the Big Box Ordinance uses mandatory language (such as "shall") in connection with subjective criteria (e.g., "quality of life"). Because subjective criteria cannot be measured, EPC must exercise discretion in order to do its job. After the EPC makes its determinations then parties are free to appeal.

Recommendation. At this point in time, there is a project pending before EPC. That project has not been allowed to move forward through the hearing process because of the appeal. It would be unfair and unjust for City Council to make any decision that changes the rules for a pending application. Moreover, if City Council made a decision to adopt Appellants' strained interpretations, the effect could make it impossible for Walmart or any other Large Retail Facility to locate on this site—a site that has been zoned for commercial use since 1985 and designated by the City as a Community Activity Center. So doing would have the effect of prejudging the outcome of a pending application without having given the project a proper hearing.

While Appellants would support such an outcome, there are many others in this community who support the project, including the proposed Walmart. We ask that the City weigh a defensible process and property rights against the confusion raised in this case.

For these reasons, we respectfully request that the City Council let the pending matter go through the hearing process, let EPC determine what needs to be determined in that process, and let the parties appeal the EPC decision if they disagree.

Respectfully submitted,

MICHELLE HENRIE, LLC

By: 

Michelle Henrie

P.O. Box 7035

Albuquerque, New Mexico 87194

Telephone: (505) 842-1800

michelle@mhenrie.com

This is to certify that a true and correct copy of the foregoing was e-mailed and mailed on August 16, 2012 to:

Tim Flynn-O'Brien
817 Gold Ave SW
Albuquerque, NM 87102
tim@flynnobrien.com

Bruce Thomson
City of Albuquerque Council Services
P.O. Box 1293
Albuquerque, NM 87103
bthompson@cabq.gov

By: 

Michelle Henrie

Michelle Henrie

From: Thompson, Bruce T. <bthompson@cabq.gov>
Sent: Wednesday, August 29, 2012 10:43 AM
To: Michelle Henrie; Tim Flynn-O'Brien
Cc: Curran, Kevin J.; Miller, Anita P.; Mason, Laura J.; Ortega, Crystal
Subject: FW: AC-12-10 - Project Owner's Findings of Fact
Attachments: Silver Leaf findings 8-29-2012.pdf

These proposed findings will be provided to the City Councilors.

From: Ortega, Crystal
Sent: Wednesday, August 29, 2012 10:23 AM
To: Thompson, Bruce T.
Subject: FW: AC-12-10 - Project Owner's Findings of Fact

Are these okay to go in the packets?

From: STEVEHOWARD25@comcast.net [mailto:STEVEHOWARD25@comcast.net]
Sent: Wednesday, August 29, 2012 10:19 AM
To: Thompson, Bruce T.; Ortega, Crystal; Marrone, Carmen M.; tim@flynnobrien.com; rrb@tierrawestllc.com; Curran, Kevin J.; Miller, Anita P.
Cc: Michelle Henrie
Subject: RE: AC-12-10 - Project Owner's Findings of Fact

Ladies and Gentlemen,

Attached is *Project Owners' Proposed Findings of Fact* from Michelle Henrie. Packets of this document are being delivered and / or mailed to appropriate parties today.

Feel free to let me know if you have difficulty opening the document or if I can be of further assistance.

Thank you.

Steve Howard, Paralegal
MHenrie | Land Water Law
Office: 505.842.1800



**CITY OF ALBUQUERQUE
CITY COUNCIL**

**APPEAL NO. AC-12-10
Declaratory Ruling
Project No. 10003859**

Taylor Ranch Neighborhood Association, Appellant

Silver Leaf Ventures, LLC, Party Opponent

PROJECT OWNERS' PROPOSED FINDINGS OF FACT

Silver Leaf Ventures, LLC, agrees with Mr. Thompson's proposed Findings of Fact numbers 1-13. In addition, the following Findings of Fact are proposed as well.

GENERAL FINDINGS

- A. The EPC's Record relating to the Project Case (No. 11 EPC 40067/40068) is not a part of the Record on appeal for Appeal No. AC-12-10. These are two separate cases and should be maintained, handled, and decided on separately.
- B. In Appeal No. AC-12-10, Appellants attempted to establish new procedures for EPC and new interpretations of the Big Box Ordinance. These new procedures and new interpretations are different from EPC's past practice and precedent. This difference was evidenced in the Record by:
 - i. Juanita Garcia's testimony to City Council of August 20, 2012, that "within the Zoning Code 'shall' was used hundreds of times, if not thousands. Yet, exceptions are allowed in a lot of these cases, typically through a variance process." [AND/OR]
 - ii. Planning Staff testimony to the EPC at the hearing approving the Unser Crossing Large Retail Facility: "it is almost impossible for any single request to further or meet all applicable goals and policies. And usually what staff and the Planning Commission is looking for is a project that meets the preponderance of applicable goals and policies. The staff analysis and the Planning Commissions review should also take into account the context of the site, where it is located, what is surrounding it, which goals and policies are more applicable, most applicable, and make a decision based on those issues and circumstances..." The Unser Crossing project was treated as being "in full compliance" with the Big Box Ordinance

even though "Not too many people are walking to pick up some plywood or taking the bus to get an armload of two by fours. So this is one use that is very difficult to make pedestrian oriented because it is safe to say that the vast majority of people are going to be coming in an automobile..." (Party Opponent's Exhibit 10). [AND/OR]

- iii. A map showing the location and access for the approved Hotel Circle Large Retail Facility, over 125,000 sf. (Appellant's Attachment 1(C)). Access to this LRF is not via a large collector street that adjoins the store's parking lot, as Appellants interpret the Big Box Ordinance in their "required to be located" argument. Access to this LRF is consistent with Juanita Garcia's testimony at EPC that the access considerations must be with regard to the whole master planned development: "the site development plan for subdivision has to be considered for access to this site...." (EPC Minutes January 19, 2012, attached to Notice of Hearing before the Land Use Hearing Officer dated May 17, 2012).
- C. It would be unlawful for the City adopt new procedures for EPC and/or new interpretations of the Big Box Ordinance and apply those procedures and/or interpretations to a pending application, specifically, Case No. 11 EPC 40067/40068 (the Project).
- D. [*Compare to TRNA's "Waiver" issue.*] EPC should not treat the Large Retail Facility project in Case No. 11 EPC 40067/40068 any differently than EPC has treated Large Retail Facility projects in the past.
- E. [*Compare to TRNA's "Waiver" issue.*] When EPC considers the Project, its procedures and its interpretations of the Big Box Ordinance should reflect EPC's past practice and precedent, and its current procedures and interpretations, as if Appeal No. AC-12-10 never happened. Neither the Declaratory Ruling nor the LUHO decision should be a part of the Record in the Project proceedings. These documents are contained in the Record for a separate matter, Appeal No. AC-12-10. It would be unlawful for the City adopt new procedures for EPC and/or new interpretations of the Big Box Ordinance and apply those procedures and/or interpretations to a pending application, specifically, the Project.
- F. To protect the property owner's due process in hearings on the Project, now pending before the EPC, EPC's consideration of the issues raised in the appeal should be separate from its consideration of the Project and should not influence its consideration of the Project.

MR. THOMPSON'S ALTERNATIVE FINDINGS

With regard to Mr. Thompson's alternative proposed Findings No. 14, the following is similar to 14(B).

- G. [*Compare to TRNA's "EPC Proceedings" issue*] With regard to whether the EPC is (or is not) bound by the former ZEO's testimony in its consideration of the Project, the question is answered by EPC's past practice and precedent. EPC should act consistently with its past practice and precedent.

With regard to Mr. Thompson's alternative proposed Findings 15, Silver Leaf would propose the following as a substitute.

- H. [*Compare to TRNA's "EPC Proceedings" issue*] The EPC should proceed with its hearings on the Project. Separately, EPC should consider the issues raised in Appeal No. AC-12-10 and provide a recommendation to City Council about whether any clarifying language should be added to the Big Box Ordinance by amendment. These changes would be binding on Large Retail Facility projects going forward, but not on the Project.

With regard to Mr. Thompson's alternative proposed Findings (i.e., whether the ZEO should refrain from issuing Declaratory Rulings for pending cases), Silver Leaf agrees with Finding 16(C), stating that this is not an issue that needs to be addressed.

With regard to Mr. Thompson's optional proposed Finding No. 17, the following is similar.

- I. With regard to whether the EPC must prepare findings interpreting the access portions of the Big Box Ordinance, the question is answered by EPC's past practice and precedent. EPC should act consistently with its past practice and precedent.

Respectfully submitted,

MICHELLE HENRIE, LLC

By: 

Michelle Henrie

P.O. Box 7035

Albuquerque, New Mexico 87194

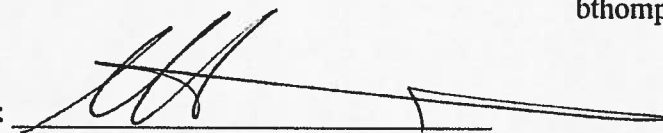
Telephone: (505) 842-1800

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This is to certify that a true and correct copy of the foregoing was e-mailed and mailed on August 29, 2012 to:

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tim@flynnobrien.com

Bruce Thomson
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P.O. Box 1293
Albuquerque, NM 87103
bthompson@cabq.gov

By: 
Michelle Henrie

SITE PLAN FOR SUBDIVISION - REQUIRED INFORMATION

THE SITE:

The site consists of approximately 69.6 acres. Tracts 6B and A will be replatted into 9 Tracts through the Development Review Board as shown on this Site Plan.

PROPOSED USE:

The site is zoned BU-1 for G-2 (23.3 ac), G-1 (11.7 ac), and PRD (20 du/ac). The individual parcels are designated according to land use.

PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS:

VEHICULAR ACCESS: Learning Road provides the major signalized access into Andalusia at La Luz. Interior roads (at varying widths) 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 (see Street Sections, on sheet 3). Two right-in/right-out access points onto Coors Boulevard are between Learning Road and Montano Road.

BICYCLE and TRAIL ACCESS: Bicycle access is provided by 6 foot on-street bike lanes in Learning Road connecting to on-street bike lanes within Streets A and B providing a connection to Montano Road. Learning Road trail (a 10 foot trail within a 20 foot landscape easement), and a 10 foot trail within a 60 foot easement. Sidewalks will provide pedestrian connectivity throughout Andalusia.

TRANSIT ACCESS: Coordination with the City Transit Department shall be initiated at the Site Plan for Building Permit to provide access and service to this property. Coors Boulevard is a Enhanced Transit Corridor on the West Side.

INTERNAL CIRCULATION REQUIREMENTS:

Conceptual access points (at varying widths) have been identified on this Site Plan for each of the parcels final locations, width, and configuration shall be determined with future Site Plans for Building Permit with approval by the City Engineer. Internal sidewalks and/or trails shall be provided within each parcel with future Site Plans for Building Permit.

BUILDING HEIGHTS AND SETBACKS:

See Sheet 2 of 3, Design Standards. Building height shall be consistent with the Coors Corridor Plan (see Sheet 2).

MAXIMUM FAR:

A maximum floor area ratio (FAR) shall be .35 for the BU-1 for G-2 and BU-1 for G-1 portions of Tract 6B and Tract A.

LANDSCAPE PLAN:

The Design Standards (see Sheet 2 of 3) provide for preservation of significant cottonwoods, an emphasis on native and naturalized plant species, landscape criteria, and landscape buffers. Subsequent landscape plans shall be consistent with City standards and policies regarding water conservation and pollen.

EXHIBIT

tabbies
H

EXHIBIT

tabbies
8 (2005)

1. Tracts 6B and A (referred to on this Site Plan as Tracts 1-6), are part of a Site Plan for Subdivision approved by the Environmental Planning Commission on November 16, 2004 (Project #200399 000070-00026). This Site Plan is a continuation of the previous Site Plan for Subdivision as it relates to Tracts 6B and A.
2. A portion of Learning Road in Crown Boulevard is public right-of-way. An additional portion of Learning Road within Tract 6 will be granted to the City of Livermore as a private access easement in order to provide access to the City's Little League Field, Tract 6, the old field behind access road with a 60' foot easement. This portion of Learning Road, as between part of Bishop School, Tract 4d.
3. The area adjacent to Learning Road and the northern boundary of Bishop School, LA 4d (a subdivision of 200' lots) is reclassified to TPO and C-1-Like.
4. Due to the existing Bishop School Park Archaeological Site and the two smaller sites, future approvals for Site Development Plan for Building Permit for Tracts 6B and A shall require clearance and guidance from the State Historic Preservation Office.
5. A access easement easement will be provided across Tracts 1, 2, and 3.
6. No fast food restaurants with drive thru facilities or gas stations are allowed at North Oakland.
7. When the future grade separation is constructed, access will be longer to Montebello Road from Montebello, connected with the Long Range Roadway System.
8. The design for the sign and gate at Tract 7 and Montebello Road shall be submitted with a Site Plan for Building Permit for development of Tract 7.



SITE PLAN FOR SUBDIVISION - REQUIRED INFORMATION

THE SITE:

The site consists of approximately 228 acres.

PROPOSED USE:

The parcels to remain the same relative to land use-residential (varying densities), commercial, office, private commons area/school recreational field, and public park.

PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS:

VEHICULAR ACCESS: The existing Learning Road and Namaste Road off Coors Boulevard provide the major access into Andalucia at La Luz. Local roads (at varying widths) 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 (see Street Sections, on sheet 3). Two right-in/right-out access points onto Coors Boulevard are between Learning Road and Montano Road, and one right-in/right out access to Tract 5 is proposed. Learning Road is a signalized intersection and the main entry road off Coors Boulevard to the project (Savilla Avenue) is planned as a signalized intersection.

BICYCLE and TRAIL ACCESS: Bicycle access is provided by 6 foot on-street bike lanes in Learning Road, Learning Road trail (a 10 foot trail within a 20 foot landscape easement), and a 5 foot temporary trail to connect the northern end of Learning Road to Montano Road. New public trails are planned along the San Antonio Arroyo and along La Bienvenida Place. Sidewalks and private trails will provide pedestrian connectivity throughout Andalucia at La Luz.

TRANSIT ACCESS: Coordination with the City Transit Department shall be initiated at the Site Plan for Building Permit to provide access and service to this property. Coors Boulevard is a major transit route on the West Side.

INTERNAL CIRCULATION REQUIREMENTS:

Conceptual access points (30 feet in width) have been identified on this Site Plan for each of the parcels; final locations, width, and configuration shall be determined with future Site Plans for Building Permit with approval by the City Engineer. Internal sidewalks and/or trails shall be provided within each parcel with future Site Plans for Building Permit.

BUILDING HEIGHTS AND SETBACKS:

See Sheet 2 of 3, Design Standards. Building height shall be consistent with the Coors Corridor Plan (see Sheet 2) and should be kept to a minimum.

MAXIMUM FAR:

A maximum floor area ratio (FAR) shall be .35 for the SU-1 for C-2 and SU-1 for O-1 portions of Tract 6B and Tract A.

LANDSCAPE PLAN:

The Design Standards (see Sheet 2 of 3) provide for preservation of significant cottonwoods, emphasis on native and naturalized plant species, landscape criteria, and landscape buffers. Subsequent landscape plans shall be consistent with City standards and policies regarding water conservation.



APPROVALS

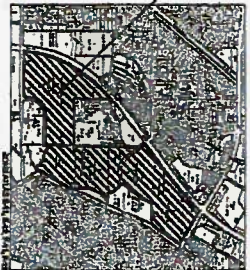
PROJECT #1000965

EPC #03EPC-01105

DEPT 03DRB-01715

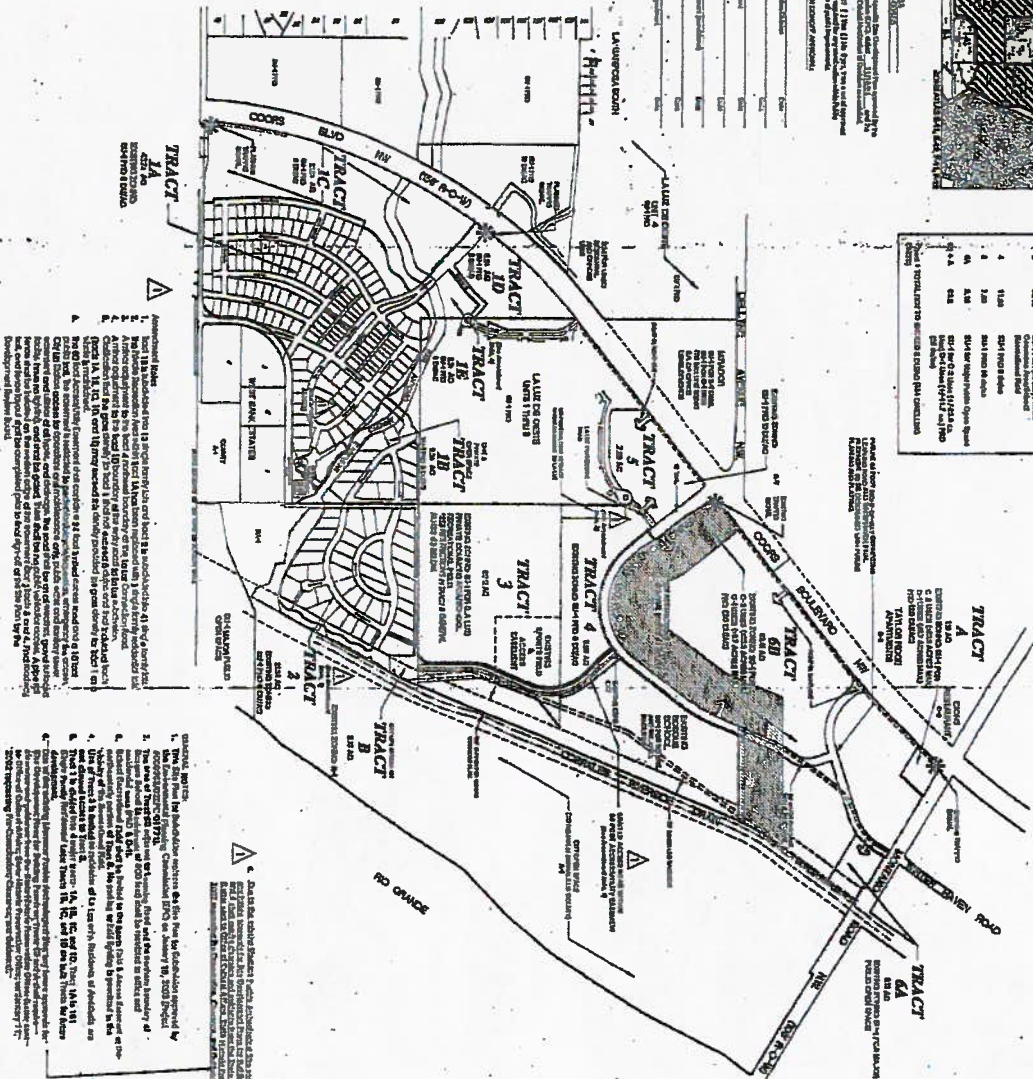
This Site Plan for Subdivision is consistent with the Site Plan approved by the Environmental Planning Commission on March 22, 2001, as Amended by on January 16, 2002 and as amended on August 21, 2002, and Conditions of

STE



Year	Actuals	2000-2003 Budget	2004-2005 Budget
1	3.8	4.5	4.5
2	4.6	4.7	4.7
3	5.5	5.3	5.3
4	6.4	6.4	6.4
5	7.0	7.0	7.0
6	8.1	8.1	8.1
7	9.2	9.2	9.2
8	10.3	10.3	10.3
9	11.4	11.4	11.4
10	12.5	12.5	12.5

100% of 2003 actuals to 2004-2005 Budget (100% of 2003 actuals)

[illegible][illegible][illegible][illegible][illegible]

पुस्तक संख्या

The party is run in the same fashion as local unions, with a president, a secretary, and a treasurer. The party is run in the same fashion as local unions, with a president, a secretary, and a treasurer.

1. FOREIGN AND DOMESTIC VICES, AND FOREIGN

[illegible]

CRITICAL CAPITAL REQUIREMENTS

Disciplined, energetic FBI agent in middle years, James Henderson was the man who, for much of the period, had the lead in the investigation of the assassination of Dr. Martin Luther King. Henderson was a tall, slender man with light hair, the focus for several years of the FBI's investigation of the assassination of Dr. King. Henderson was a member of the FBI's elite group of agents known as the "A" team, and he was one of the few agents who had been with the FBI since its inception. Henderson was a member of the FBI's elite group of agents known as the "A" team, and he was one of the few agents who had been with the FBI since its inception.

[illegible][illegible]

Site Plan for Subdivision

Andalucía

[illegible]

Sheet 1 of 3

Sheet 1 of 3

4. Project# 1007204

08EPC-40034 SITE DEVELOPMENT -
SUBDIVISION

08EPC-40035 SITE DEVELOPMENT -
BUILDG PRMT

08EPC-40039 AMEND SECTOR
DEVELOPMENT PLAN MAP

DARREN SOWELL ARCHITECTS LLC agent for ARMSTRONG DEVELOPMENT PROPERTIES requests a Sector Development Plan Map Amendment from SU-2/SU-1/C-2 (10 acres), O-1, and PRD-20 du/acre (7 acres) to SU-2/C-2 for Tracts 1A, 1B, 2A, 2B, 3A, 3B, & 6, Barrett V.E. Subdivision and approval of Site Development Plans for the aforementioned tracts and Tracts 4-A-1, 4B, 5-B-1 & 5-B-2, Lands of WEFCO Partners, zoned SU-2/C-2, located on Central Avenue between Unser and 86TH ST SW, containing approx. 50 acres. (K-9 ,10/L-10) Anna DiMambro, Staff Planner (**APPROVED WITH CONDITIONS. SECTOR PLAN WAS RECOMMENDED APPROVAL TO THE CITY COUNCIL**)

STAFF PRESENT:

Russell Brito, Planning Department

PERSONS PRESENT TO SPEAK IN FAVOR OF THIS REQUEST:

SG Ellison, 1500 N. Priest Dr.
Dan Serrano, 3305 Ronda de Lechugas
Becky Davis, 500 Leeward Dr. NW
Kelly Chapelle
Norman Mason, 7427 Via Tranquilo SW
Jerry Gallegos, 417 65th St. SW
Louis Tafoya, 6411 Avalon Road NW
Bernard Dooley, 7611 Via Sereno
Miguel Maestas, 9400 Harbor Rd.NW

THERE WAS NO ONE PRESENT TO SPEAK IN OPPOSITION OF THIS REQUEST:

MR. BRITO: Madam Chair, Commissioners this is agenda item number four, project 1007204, case numbers 08EPC 40034, 40035 and 40039. This is a three part request by Armstrong Development Properties with Daren Sowell Architects as their agent for a sector development plan map amendment to the West Route 66 Sector Development Plan. It is also a request for approval of a site development plan for subdivision and approval of a site development plan for building permit. This is an approximately fifty acre site located at the southwest corner of Central and Unser between Bridge and 86th Street.

EXHIBIT

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The subject site currently has two separate zone categories on it. The western portion of the site right at the intersection of Central and Unser is zoned C-2.

CHAIR MOYE: I believe that is the eastern side.

MR. BRITO: Sorry, the eastern side of the site at the intersection of Unser and Central is zoned C-2. The western portion of the site has an SU-1 zone that allows C-2, O-1 and planned residential development. The existing SU-1 zone limits the amount of C-2 uses to ten acres and requires at least seven acres of residential development. The applicant is proposing a change from the SU-1 zone to C-2 and that would make the entire site one cohesive C-2 zoned property.

The SU-1 zoning that was established in the West Route 66 Sector Development Plan was done so for a number of reasons. The chief reason it wasn't completely zoned commercial is because when the plan was adopted there was a foreseen and hoped for regional shopping center that was going to be developed to the north in the Atrisco Business Park. It is mentioned in the sector plan that that was the reason but since the sector plan was adopted that regional shopping center has not come to fruition. Instead the regional shopping center on the Westside was developed in the Cottonwood area in the Seven Bar Ranch Sector Development Plan. So that loss of intense commercial uses is one of the justifications for changing the zone on the subject site. The change in zone will allow the development of a community based shopping center in this designated activity center. And staff supports the applicant's justification for the change in map of the sector plan which would change the zoning map to create a cohesive C-2 zone across the entire property. That change in addition to the existing C-2 zoning would result in approximately fifty acres of C-2 that is subject to the shopping center regulations that meets definition of a shopping center and it is also subject to the large retail facility regulations because one of the proposed buildings is a large retail facility otherwise known as a big box.

Staff is recommending approval of the site development plans for subdivision and building permit based on the preponderance of goals and policies being furthered by the request. The request is also subject to the larger retail facility regulations as I mentioned and for the most part those Zoning Code regulations are met and furthered by the request except for the specific subsection that calls for site division of the site into three hundred and sixty by three hundred sixty blocks. Staff has been working with the applicant over the past at least two months and much more intensely over the past two weeks and that coordination with the applicant continued up to yesterday, the day before the hearing. Based on further discussion and coordination with the applicant staff has revised findings and conditions for your consideration that Ms. DiMambro is going to handout to you. And we have multiple copies for the applicant; their agent's as well interested persons in the audience.

CHAIR MOYE: Any one in the audience like one of these? Mr. Brito, these findings and conditions completely replace the findings and conditions in our staff report is that correct?

MR. BRITO: Madam Chair, that is correct they completely replace them but it is not a wholesale revision of every single finding or condition. What I have done is I have bolded

those findings and conditions that are either brand new or changed from what is in the staff report. I think the most important change to the findings if you look on page one the page numbers are at the lower right hand corner. Page one, finding number eight for the site development plan for subdivision as I mentioned the submittal meets the Zoning Codes large retail facility regulations section 14-16-3-2(D) except for the block size specifics of subsection 3 site division. But the Zoning Code does allow the Planning Commission discretion to approve the site development plan with block sizes that do not meet those specific 360 x 360 block sizes. And staff believes and recommends to the Commission that you approve the site development plans for subdivision and building permit because the proposed block sizes achieve the intent of the large retail facility regulations which are to create a more walkable experience for visitors and shoppers. The proposed design is appropriate for this location. This is in an unusually dimensioned and configured site as you can see it is not your usual rectangle or square, it is some kind of weird trapezoid with some odd angles on it and I think that was part of the consideration of the designer in the layout of the proposed shopping center. The narrow side of the site on the west abuts the adjacent 86th Street, it does provide a primary access to the site and the long side of the site along Central Avenue has a major entrance that does lead to a large pedestrian oriented plaza for a group of buildings. And then the final finding originally talked about how there was no known opposition to this request. Within the past week we have received numerous letters of support for this request from area residents and neighborhood associations and I believe we have a larger number of them signed up to speak today. So the last finding is proposed to be amended to read "There is substantial support for this request from area residents and neighborhood associations."

The site itself as I mentioned has an odd shape and staff believes the applicant works to accommodate the clients needs and potential tenants needs when it comes to visibility and marketability while still trying to address the regulations of the large retail facilities and applicable goals and policies from the Comprehensive Plan, Westside Strategic Plan and the West Route 66 Plan. As the Commission knows and staff has mentioned in many cases before it is almost impossible for any single request to further or meet all applicable goals and policies. And usually what staff and the Planning Commission is looking for is a project that meets the preponderance of applicable goals and policies. The staff analysis and the Planning Commissions review should also take into account the context of the site, where it is located, what is surrounding it, which goals and policies are more applicable, most applicable, and make a decision based on those issues and circumstances.

This location is raw land, undeveloped, I think the only residents may be some rattlesnakes and some tumbleweeds and it is in an area of the city that has been historically underserved by office, commercial and other necessary services. The proposed development will put these services in much closer proximity to a huge number of Albuquerque citizens in the Southwest Mesa that have been clamoring for these uses for years.

One of the unique issues that was taken into consideration for this large retail facility development is the proposed big box. Right now the applicant has a proposed tenant of a home improvement center and as most people know a home improvement center is generally not a pedestrian oriented business. Not too many people are walking to pick up some plywood or taking the bus to get an armload of two by fours. So this is one use that is very difficult to

make pedestrian oriented because it is safe to say that the vast majority of people visiting are going to be coming in an automobile. So what the applicant has proposed is a number of pedestrian connections from this use to other uses within the shopping center and put a more of a pedestrian focus on the western portion of the site. When staff first reviewed this portion of the site this was one continuance of stretch of building facades and working with the applicant staff was able to get a pedestrian oriented plaza which is pretty large in size to be shown on the site development plan. This more pedestrian oriented portion of the site includes pedestrian access from proposed transit stops along Central to the pedestrian plaza from Bridge Boulevard across the rear of the site to the pedestrian plaza to make it more attractive for pedestrians and transit users.

The proposed conditions of approval are intended to bring the site into full compliance with the large retail facility regulations and into better compliance with applicable goals and policies. The applicant worked with staff on changes to the site development plan conditions and staff attempted to accommodate as many of those as possible but some of them cannot be accommodated because they are regulations in the Zoning Code that will require variances. In terms of signage and other larger retail facility regulations and design standards in the West Route 66 Sector Development Plan staffs recommendation takes the more stringent and strict route. Our recommendations are for the site development plans to comply with the more strict requirements. The Planning Commission doe have some limited discretion about signage, about what you want to approve. I spoke with Code Enforcement, the Zoning Enforcement Officer and he stated that the Planning Commission does have some limited discretion with signage in association with the site development plan approval. For example condition twelve E on page twelve of the revised findings and condition states that freestanding signage shall not exceed fifteen feet in height. That is a direct regulation from the Zoning Code and that is why the condition is there. The applicant I believe would prefer to have twenty six foot high signs which are allowed in the West Route 66 Sector Development Plan but the Zoning Code larger retail facility regulations take precedence. But the Zoning Enforcement Officer said that the Planning Commission could approve a variance with the approval of a site development plan if you feel it is justified by the applicant. With that I will stand for any questions.

CHAIR MOYE: Are there any questions of Mr. Brito? Commissioner Siegel.

COMMISSIONER SIEGEL: At this time just a brief question which is were we to approve the amendment to the sector development plan in fact it is my understanding that it is not an approval it is a recommendation to Council and that it goes from here over to them for consideration and probably go to LUPZ I suppose and then to Council. And anything else subsequent to it would have to await there for approval.

MR. BRITO: Madam Chair, Commissioner Siegel that is correct.

CHAIR MOYE: Commissioner Jett-Walker.

COMMISSIONER JETT-WALKER: Mr. Brito in the revised conditions that you gave us for site development plan for subdivision page two, under design standards A that would be 3A can you just confirm the difference between the previous condition and this one. Is it previously it

PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA # 11- 074

Date: 6/21/11

Time: 1:30

1. AGENCY REPRESENTATIVES PRESENT:

Planning	<input checked="" type="checkbox"/> Carmen Marrone	<input type="checkbox"/> Others
Transportation	<input type="checkbox"/> Nilo Salgado-Fernandez	<input checked="" type="checkbox"/> Others <u>Crystal Metro</u>
ONC	<input checked="" type="checkbox"/> Stephanie Winklepleck	<input type="checkbox"/> Others
Code Enforcement	<input checked="" type="checkbox"/> Robert Pierson	<input type="checkbox"/> Others
<input type="checkbox"/> Others		

2. TYPE OF APPLICATION ANTICIPATED/APPROVAL AUTHORITY:

<input type="checkbox"/> Zone Map Amendment	<input type="checkbox"/> EPC Approval	<input type="checkbox"/> City Council Approval
<input type="checkbox"/> Sector Dev. Plan Amendment	<input type="checkbox"/> EPC Approval	<input type="checkbox"/> City Council Approval
<input checked="" type="checkbox"/> <u>Amend</u> Site Dev. Plan for Subdivision	<input checked="" type="checkbox"/> EPC Approval	<input checked="" type="checkbox"/> DRB Approval
<input checked="" type="checkbox"/> Site Dev. Plan for Bldg. Permit	<input checked="" type="checkbox"/> EPC Approval	<input checked="" type="checkbox"/> DRB Approval
<input type="checkbox"/> Annexation	<input type="checkbox"/> Bern. Co. Commission Approval	<input type="checkbox"/> EPC Approval
<input type="checkbox"/> Other		<input type="checkbox"/> DRB Approval

3. SUMMARY OF PRT DISCUSSION:

Current zoning: SH-1 for C-2, C-1 + PRD - proposed use is permissive

Controlling factors:

- site plan for subd. design guidelines, Project # 1003859, 04EPC- 01845
- if site plans for B.P. were approved at DRB, then request is for amendment of SPBP
- Coors Corridor Plan, West Side Strategic Plan
- Large Retail Facility (Big Box) Regulations - § 14-16-3-2-D + 14-8-2-7
 - location requirements met? yes
 - phasing? yes, to defer infra. improvements
 - neighborhood traffic mgmt requirements - TIS required? previously approved for more sq. footage - need trip gen. comparison
 - pre-application public meeting - coordinate w/ ONC
 - need approval of 2nd access from Montana - planning for mid-july
- Planning staff will review conceptual plan + provide comments to applicant

4. SIGN AND DATE TO VERIFY ATTENDANCE & RECEIPT OF THIS SUMMARY

(PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY AND ARE NON-BINDING)

C. Marrone

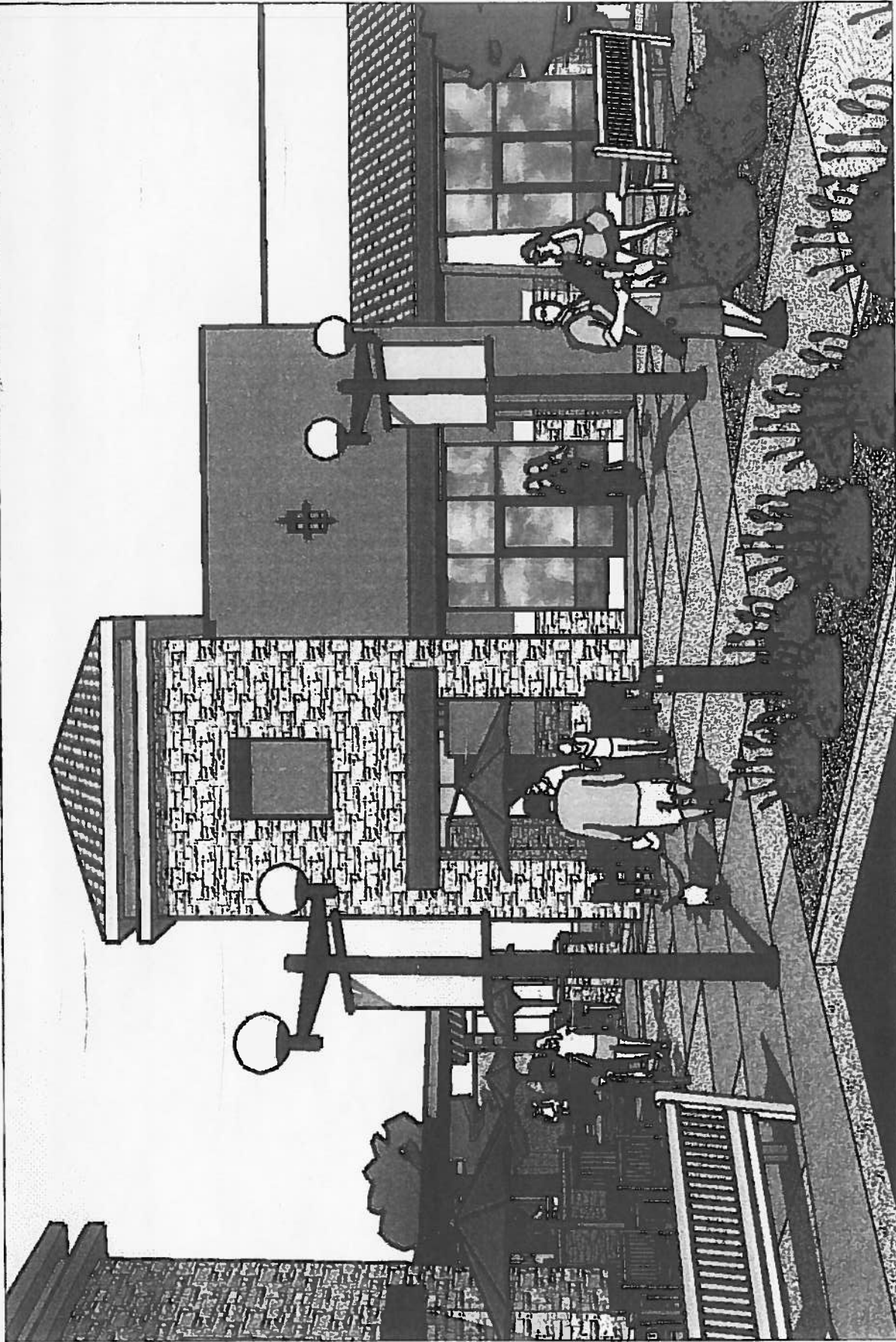
PRT CHAIR / DATE

6/21/11

[Signature]

APPLICANT OR AGENT / DATE



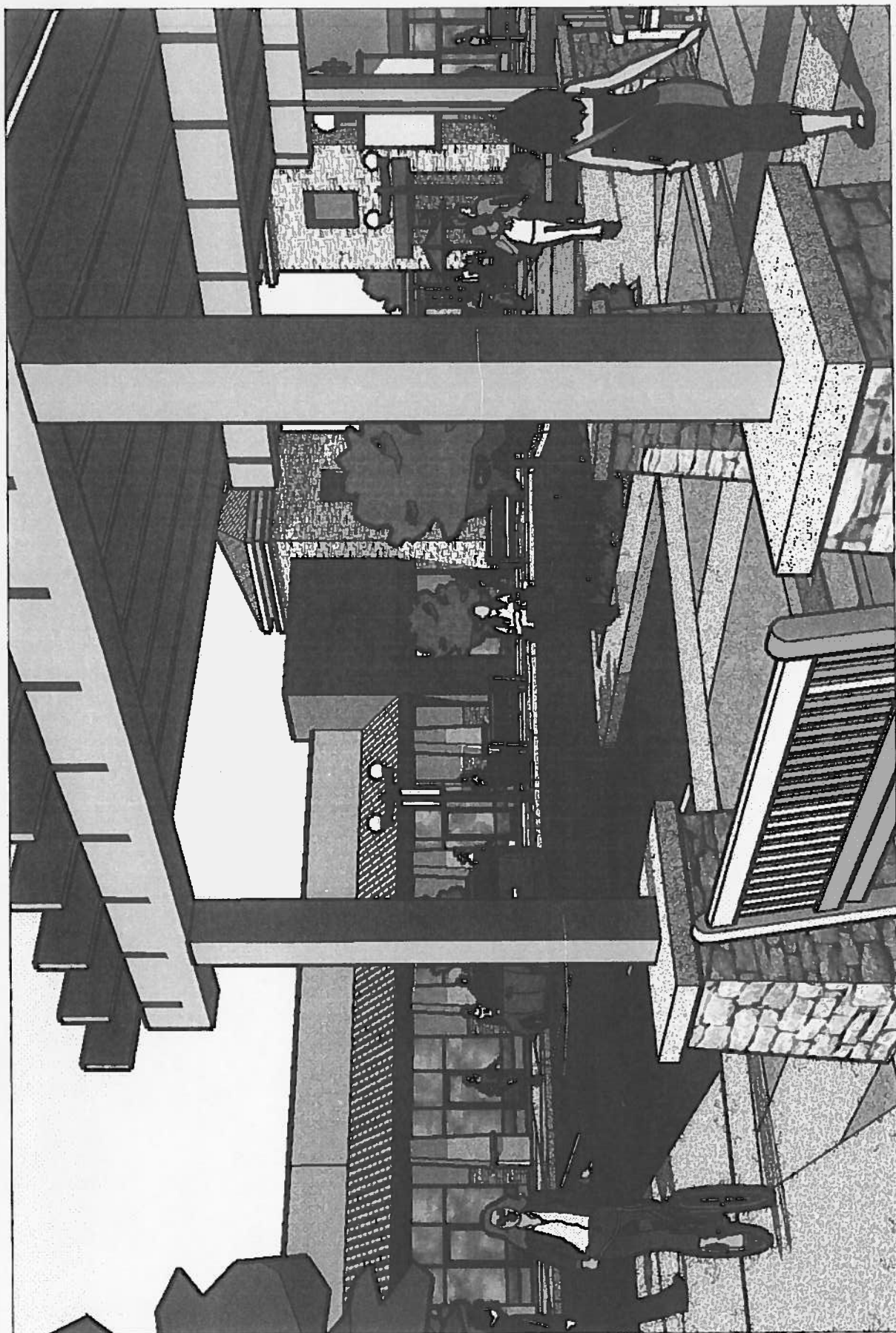


Villa del Bosque - Shopping Center - Typical Site Details

II + W Architecture

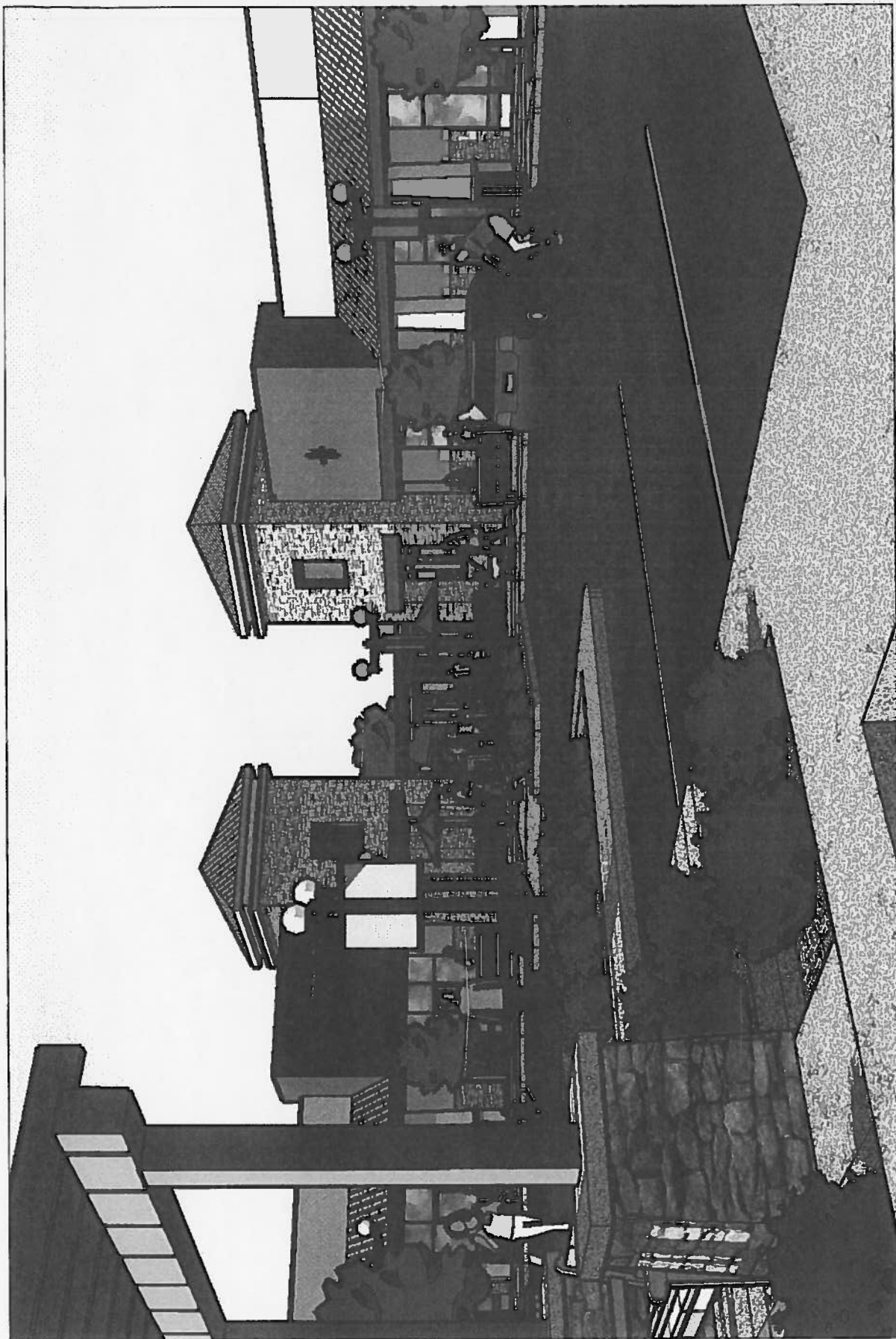
EXHIBIT

1



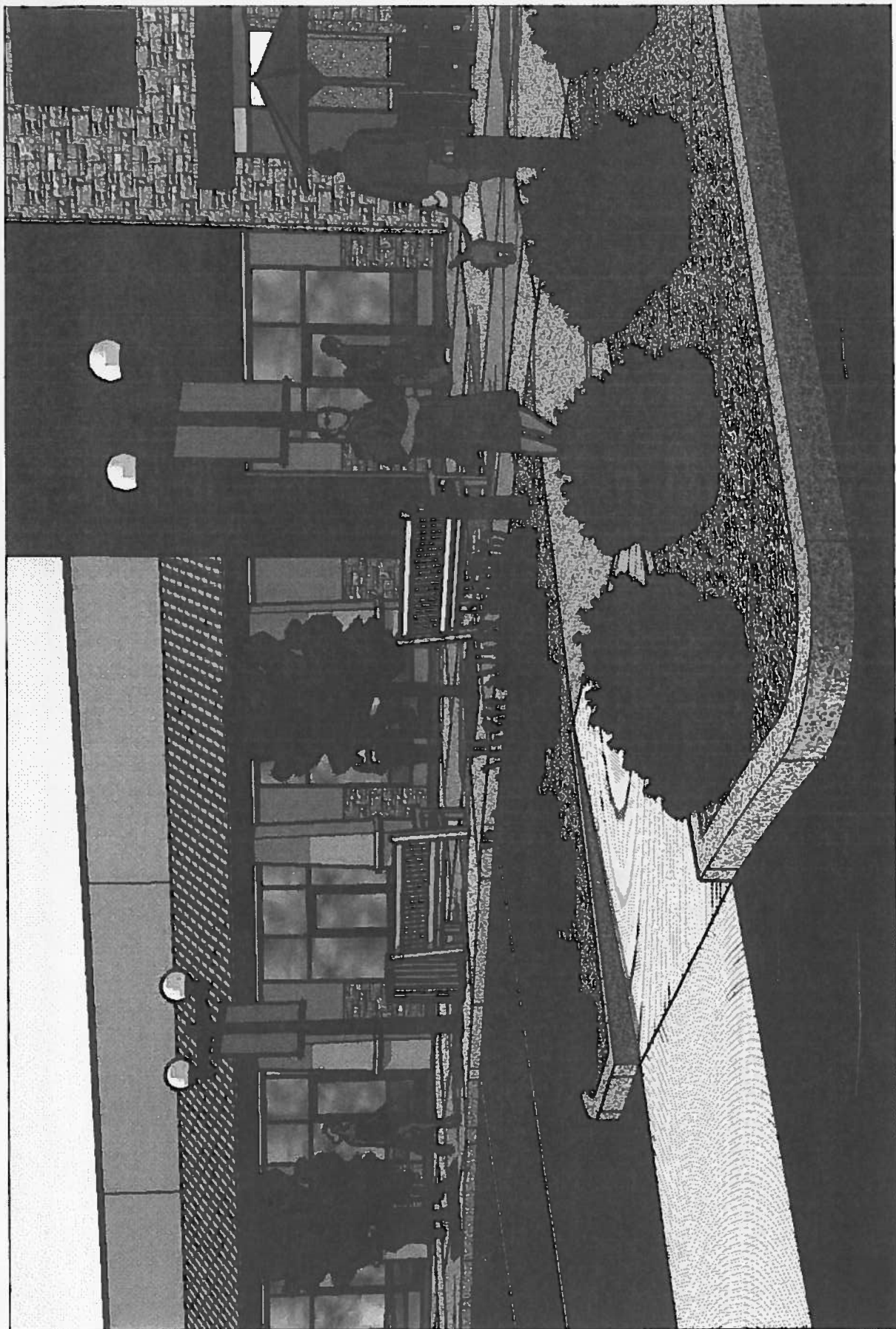
Villa del Bosque - Shopping Center - Typical Site Details

II + W Architecture



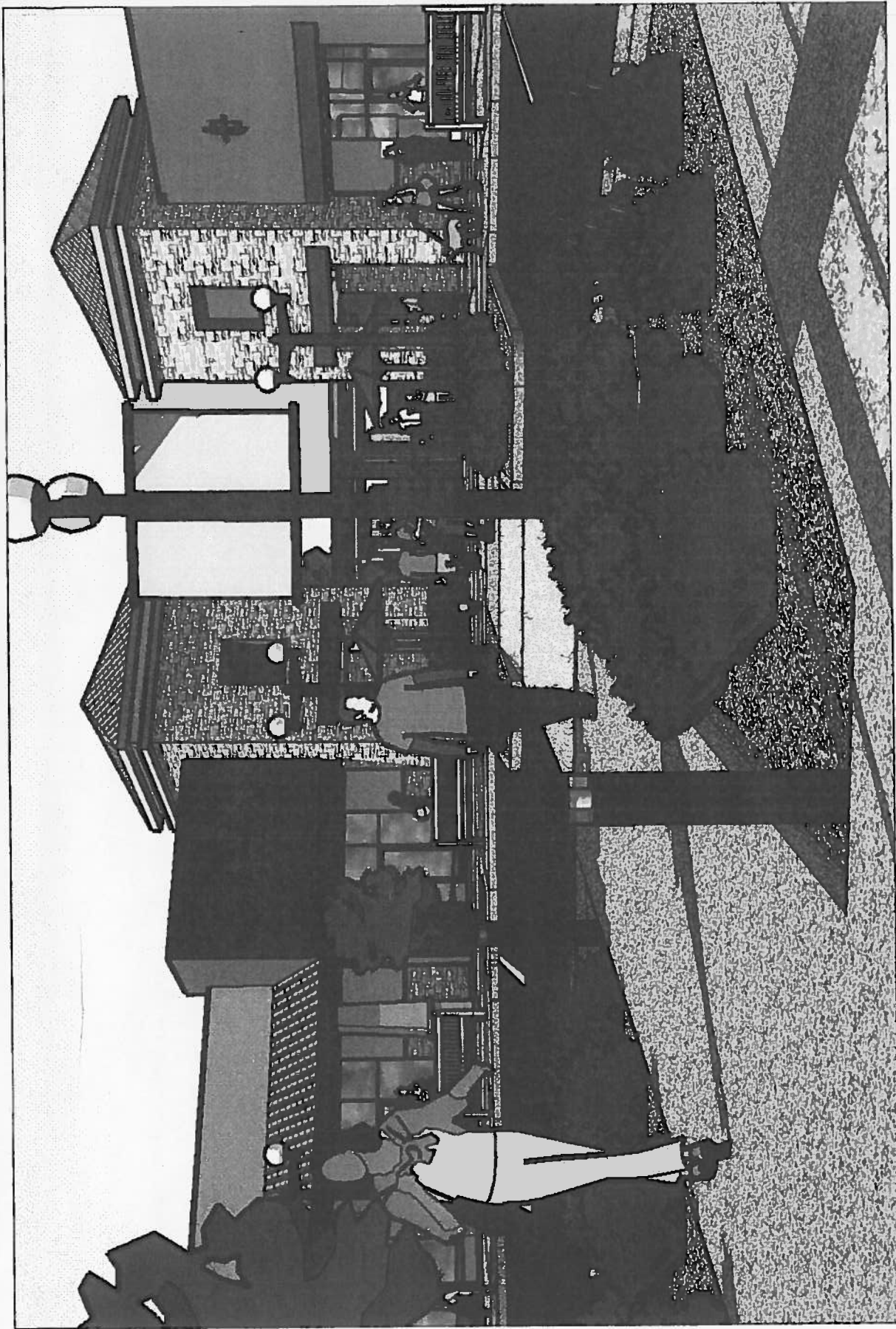
Villa del Bosque - Shopping Center - Typical Site Details

II + W Architecture

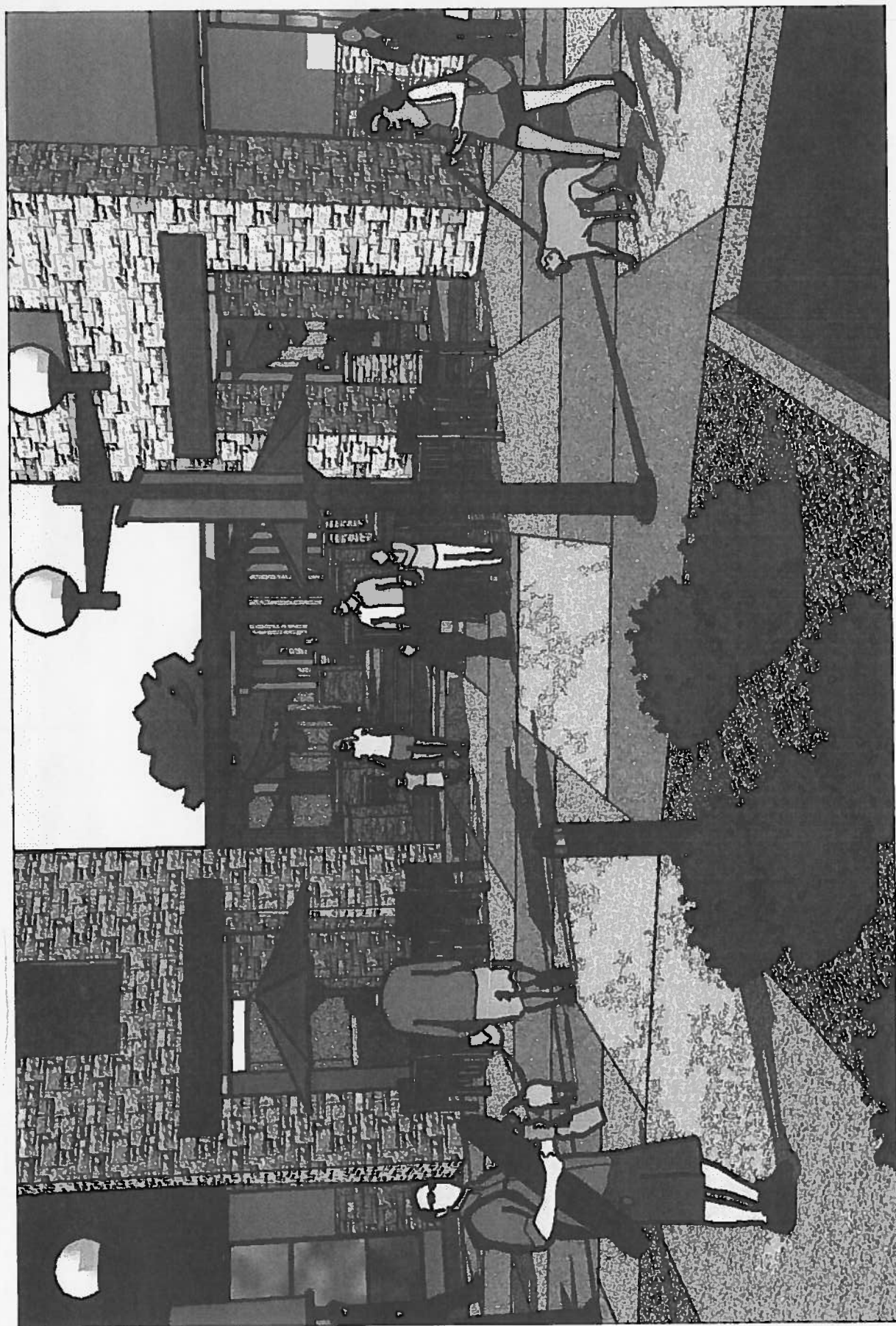


Villa del Bosque - Shopping Center - Typical Site Details

II + W Architecture

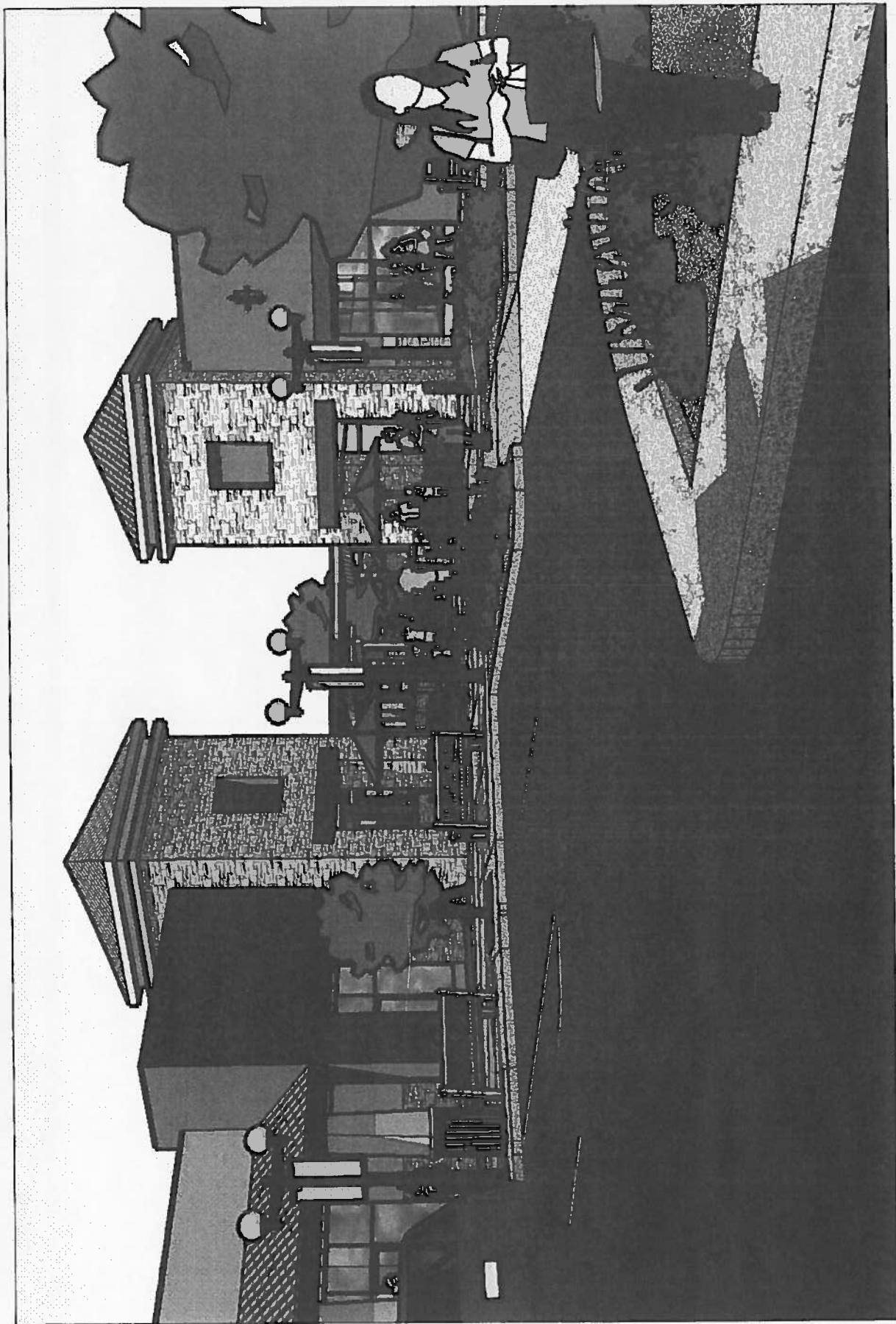


Villa del Bosque - Shopping Center - Typical Site Details



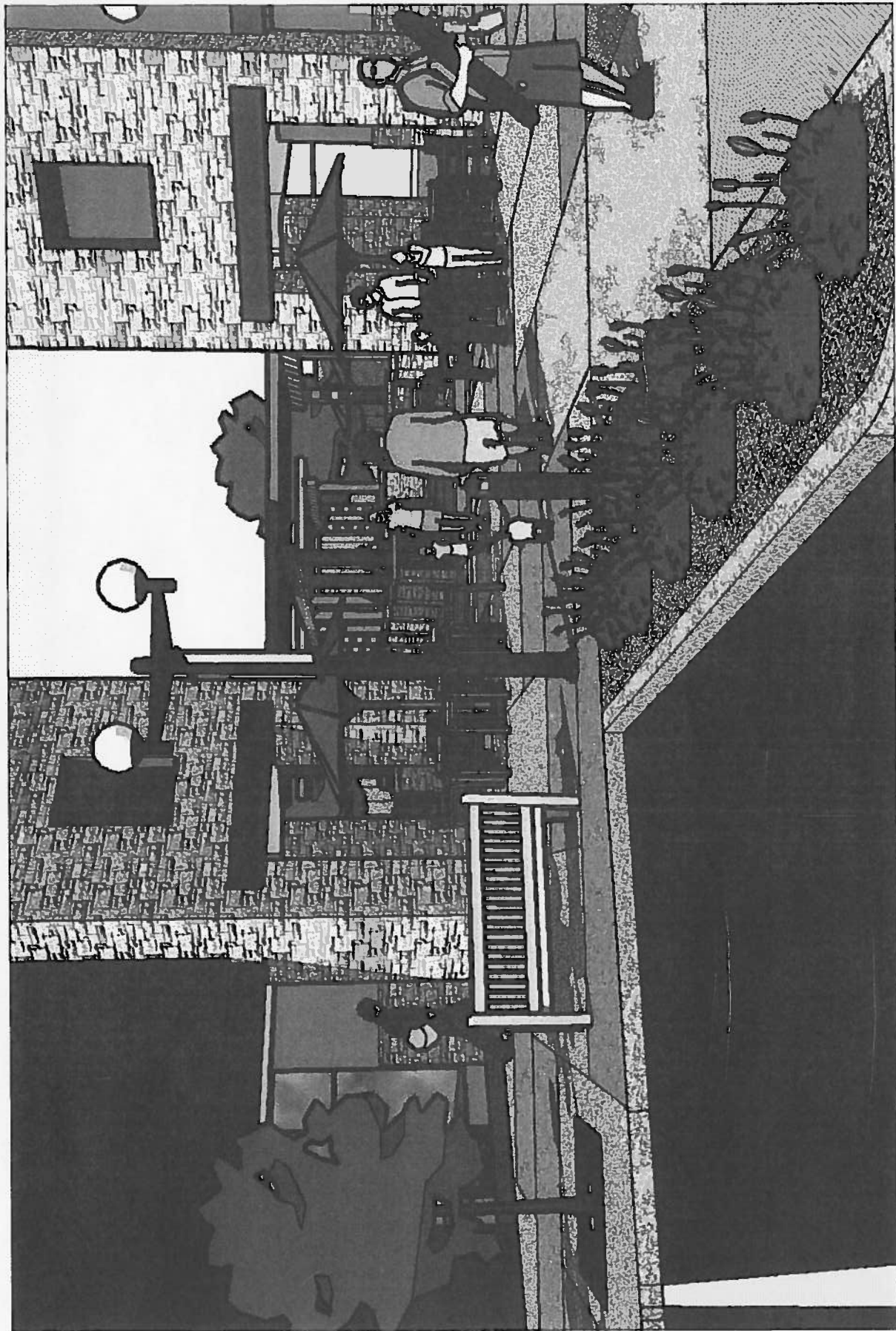
Villa del Bosque - Shopping Center - Typical Site Details

II + W Architecture

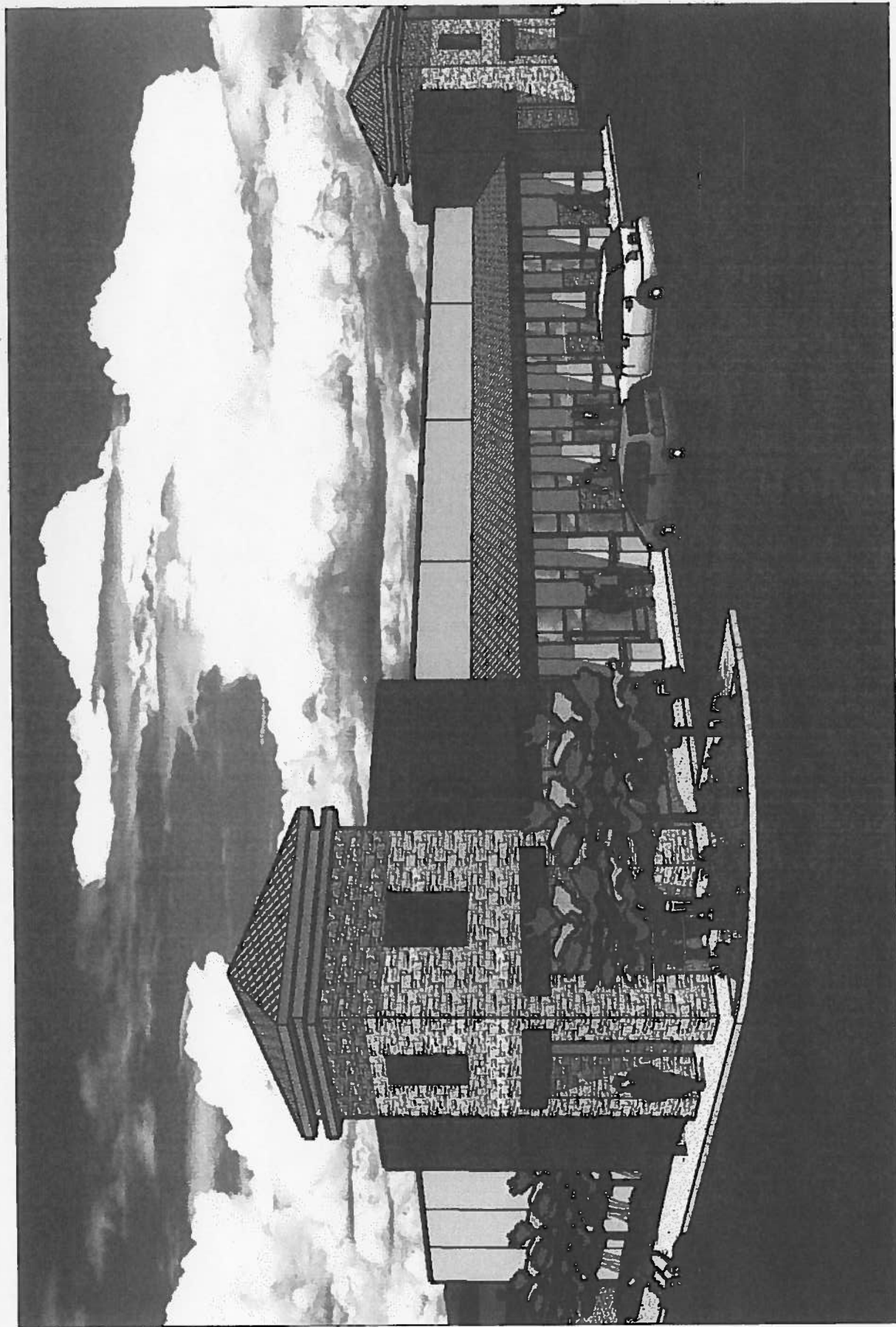


Villa del Bosque - Shopping Center - Typical Site Details

H + W Architecture

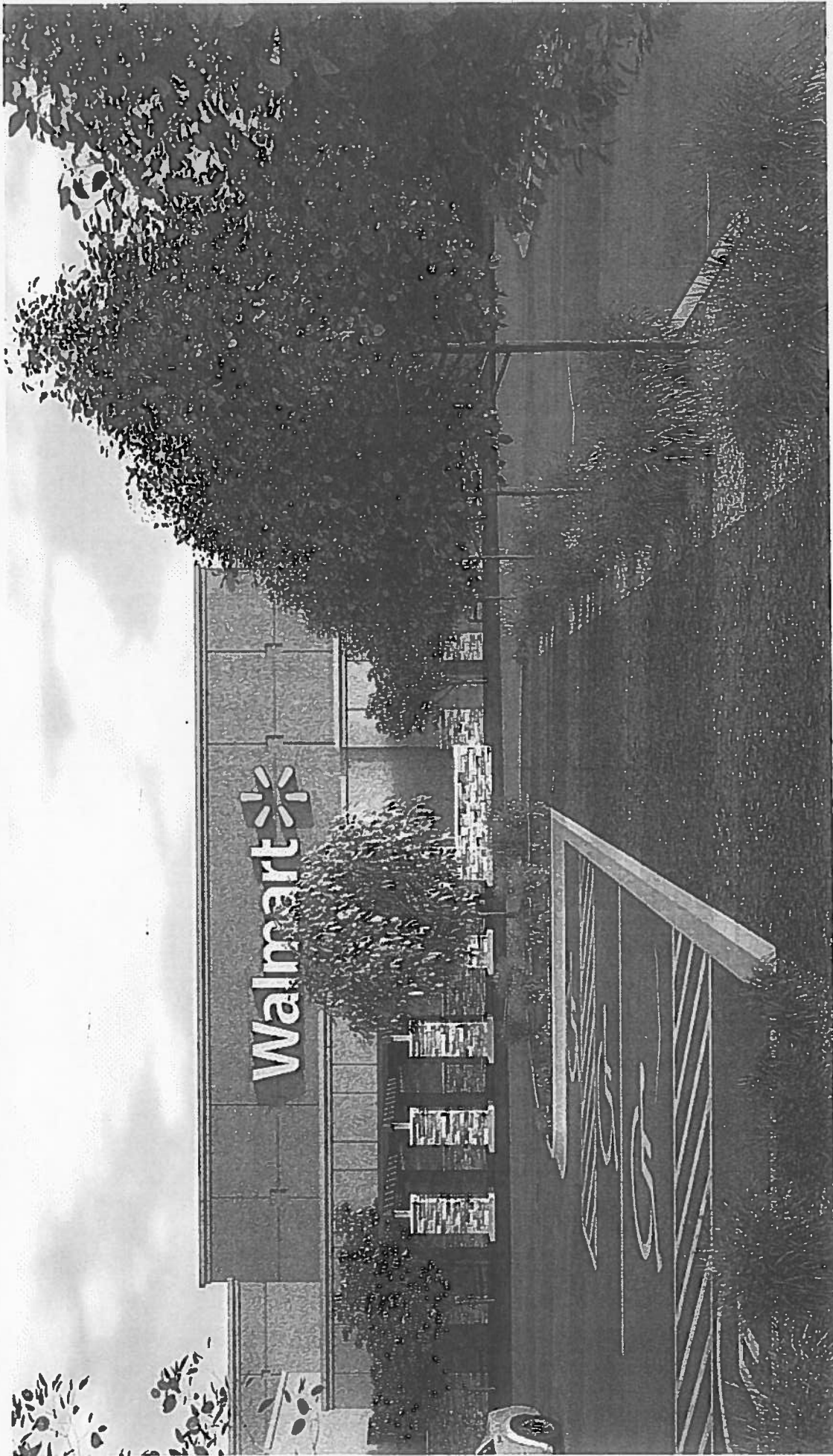


Villa del Bosque - Shopping Center - Typical Site Details

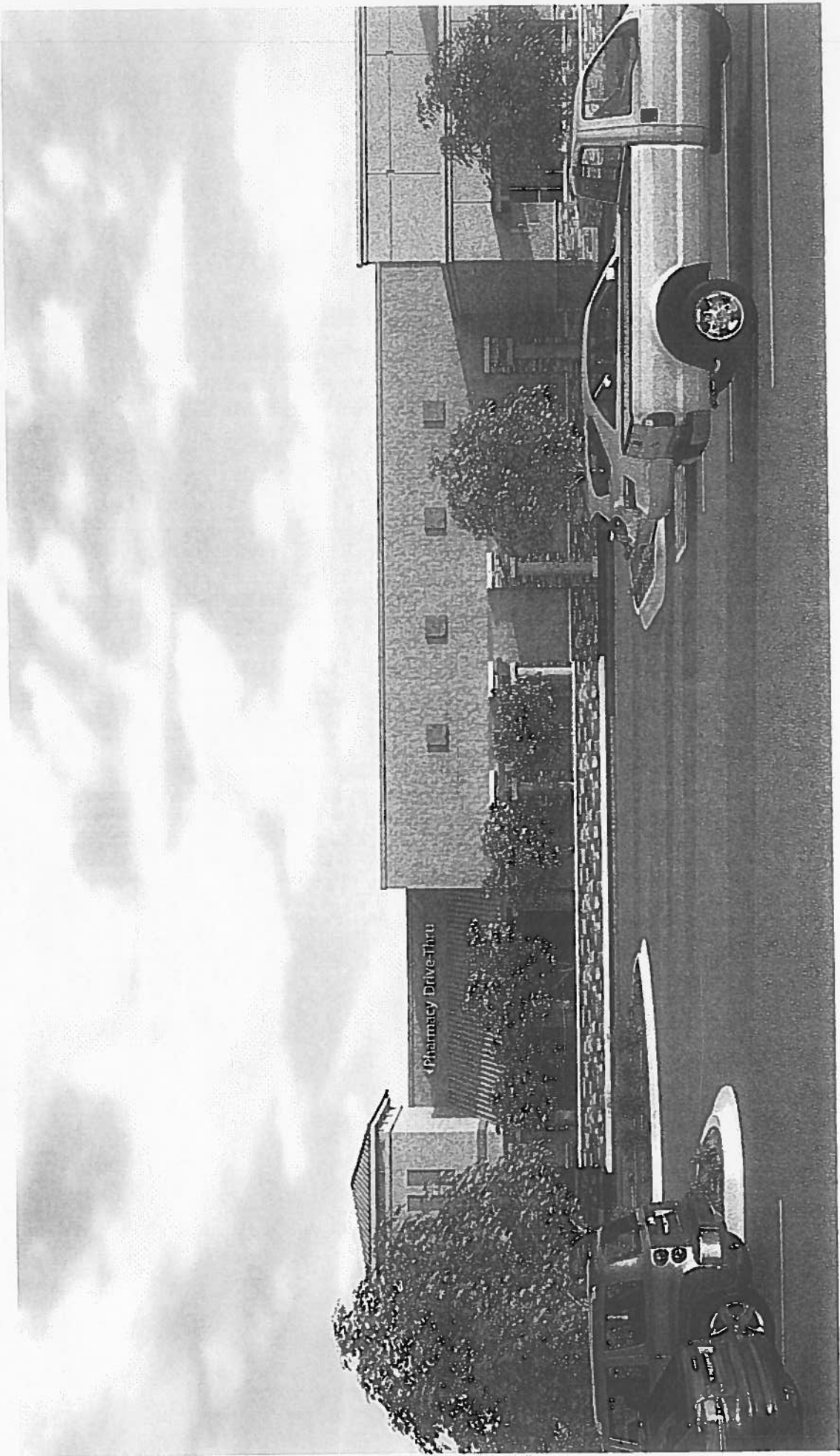


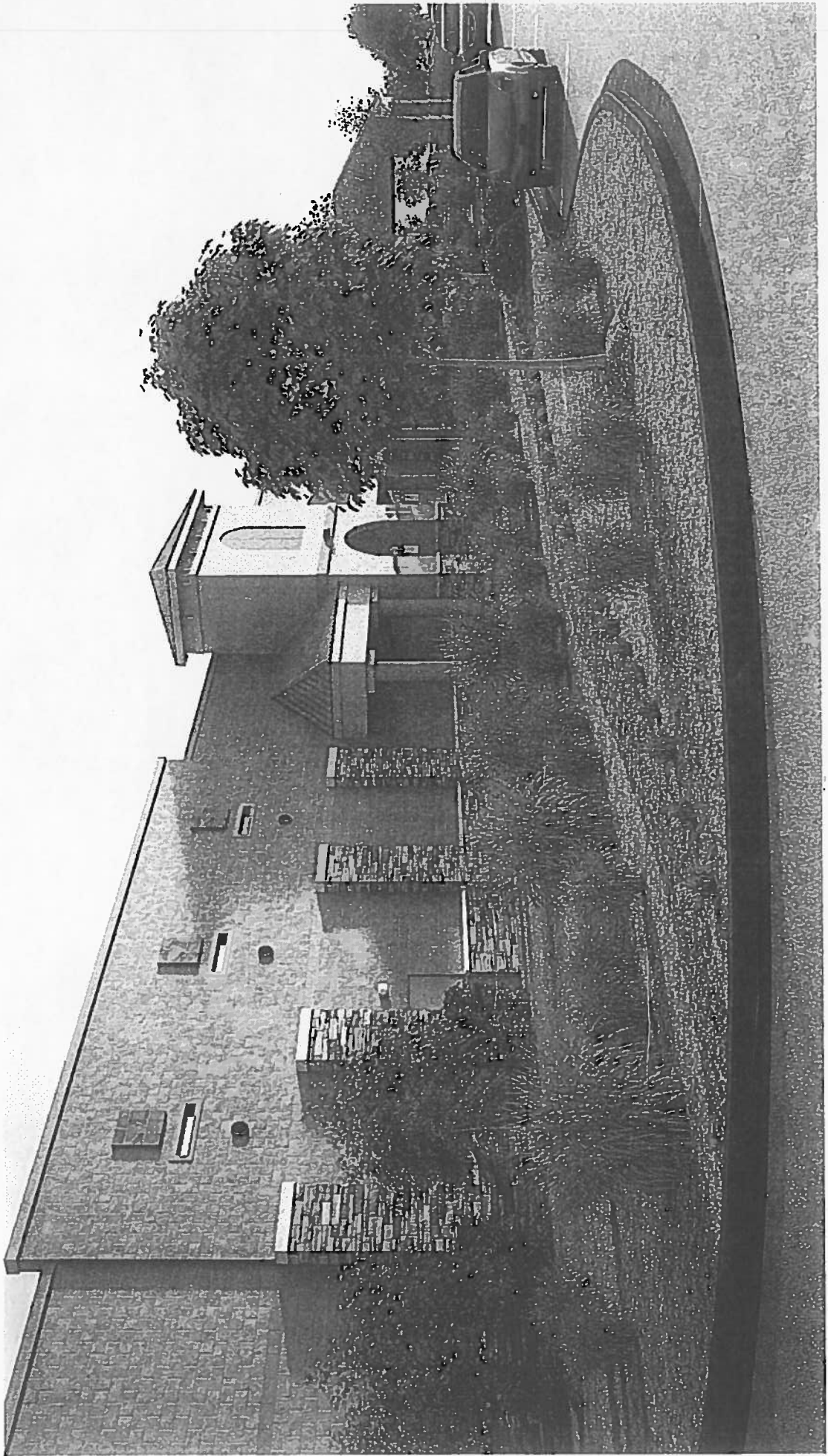
Villa del Bosque - Typical Building Elevation

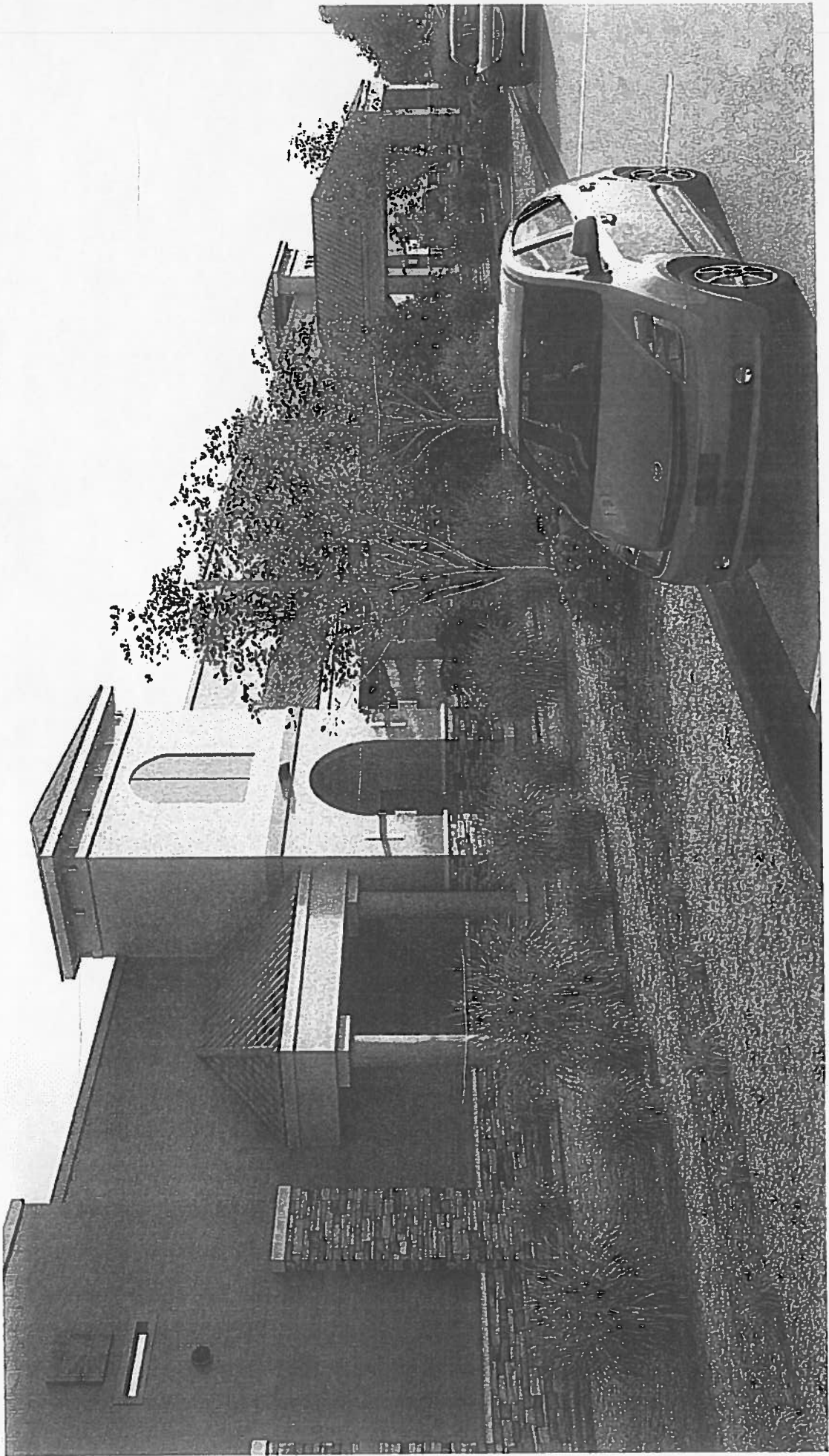
H + W Architecture











Publication: Jnl Final Edition 8/2005-today; Date: Aug 13, 2012; Section: Op-Ed / Letters to the Editor, Page: A9



Walmart Good Anchor to Development

By Marilee Lowman

West Side resident

There's a key issue that people aren't talking about when it comes to the Walmart at Coors and Montañó. It's an issue that, I believe, makes this store not only helpful and convenient but also a crucial addition to the West Side.

The issue is simple — Walmart is just one building out of the many stores and apartments planned for this commercially zoned site.

After attending various city meetings, I've learned that the Coors and Montañó site isn't only going to house a Walmart. In fact, Walmart will only take up 11 out of the 285 acres on the site.

This commercial property goes all the way from Coors and Learning Road to Coors and Montañó. Undoubtedly, we're not just talking about Walmart when we discuss the future of this site.

Banks, restaurants, and other businesses along with a multifamily housing development are planning to build on this property. Soon construction will begin for the site's apartments, which will be only a five-minute walk south of the Walmart.

Commercial plans for this site are going forward, whether we like it or not. Now, it's up to us to promote any efforts to keep this center from becoming just another strip mall in the city.

Some strip malls have made a wasteland out of areas in the city, and I would prefer the West Side do something a little different.

There's a way we can avoid creating just another strip mall. To put it simply, we need to secure a solid and successful business for the site.

Now let's talk about Walmart.

Walmart is a perfectly suitable, and indeed, appropriate store to kick off this center. We need an anchor store at Coors and Montañó that will guarantee the center's success, and there's no better store to attract business than Walmart.

It will be the solid foundation for the restaurants and shops that move in next to it.

Instead of rows and rows of small shops, we'll have one larger store (potentially Walmart) and other small businesses and residential developments evenly spaced around it. This shopping area will have trees and walking paths, allowing us the space to move, shop, drink coffee, say hi to friends and just breathe.

Let's put in a store that has proven time and time again it can keep this commercial zone populated, landscaped and attractive to potential retailers.

When Walmart's plans are finally allowed to move forward, we'll see not only a shopping center, but a living center, come to life. There will be families, kids, teenagers, college students and people from all walks of life buying groceries, walking their dogs or riding their bikes on the property.

It's clear that Walmart will only help the center grow, bringing customers and residents to the other businesses that



open around it, small and large alike.



JOURNAL FILE

This roundabout on Learning NW could lead to a controversial Walmart at Coors and Montano.

Publication: West Side Section; Date: Mar 31, 2012; Section: Opinion; Page: 3



OTHER VOICES

Silent Majority Wants Walmart

By Jamie Lawson

West Side Resident

Recently, Walmart announced plans to put a new store on a commercial lot at Coors and Montaño, and predictably a group of protesters are opposing the new store. This seems to happen quite a bit these days, but the protests are not reflective of the will of the people. After these stores open, the people flock to the new stores and show their support by shopping there. In short, the silent majority supports Walmart and this new store.

With good reason. Walmart has provided a safe, clean and low price alternative to the other stores. People who want to shop at Walmart, or need to shop there, should not be looked down upon because of their circumstances. In fact, people on a budget need the low prices Walmart provides, and being against Walmart amounts to a small elite group of protesters trying to deprive the cost-conscious shoppers a place to go.

The new store at Coors and Montaño makes a lot of sense as well. The area is already zoned commercial, so something will be going in there eventually. If something is going to be there, shouldn't we be happy that Walmart wants to invest in our community? The lot has sat empty for years and now will provide shopping for people who don't want to drive to another store. It will also give the people of the West Side another shopping option.

In addition, this store will provide over 250 jobs and in this economy that's saying something. These jobs will be on the West Side, meaning people won't need to drive across the Montaño bridge to get to work. This new store will put people back to work, while providing convenient shopping and lower prices.

There's more. Walmart has made itself a leader in worldwide sustainability. It has made significant changes in the way the world does business and more of that environmental protection should be honored. In this project, Walmart has made a commitment to both bike paths and Bosque protection.

And Walmart supports local vendors. Last year Walmart purchased over \$80 million from New Mexico farmers and other local businesses. So next time you're in a grocery department at Walmart, look around, because a good deal of that produce comes from a local farmer and local products are around the store.

So let's be serious about this: the people want it, the area is zoned commercial and Walmart is where people, especially those on a budget, want to shop. We should recognize that the small band of protesters are putting their special interests ahead of the public interest. We should build the new Walmart on Coors and Montaño and respect the fact that shoppers have rights, too.

Walmart Means More Convenience

WHEN CONSIDERING the Walmart at Coors and Montañó, I hope our city councilors remember that there are many of us out here on the West Side who want the new store. I am one of them. I feel it's necessary for the West Side to have more places to shop.

I spend a lot of time at the stores already at Coors and Montañó. I go there to shop for groceries, eat at the restaurants and or even get my dog's hair cut. It's a commercial area that people like me use frequently.

It would be nice to also have a Walmart there so I can pick up things on the way home from doing errands. I'm there anyway, so why make multiple trips around town? With the new store, I can do everything at once.

Building a Walmart at Coors and Montañó doesn't mean floods of more people will be going to the intersection, as opponents claim.

Rather, people on the West Side will be able to be more efficient with their shopping, taking one trip out to the area instead of multiple trips around town.

I've heard people complaining about congestion at the intersection. Let's think about it for a second. Coors and Montañó gets backed up during rush hour. But, who is going to leave their house to go shopping at Walmart during rush hour anyway? I know I wouldn't. Rush hour is for people going to and from work. If anything, the Walmart will distract drivers and take them off the roads during that time.

I hope our city councilors take into account that a number of us want this store and think it will only benefit the West Side.

VALERIE BEATTY Albuquerque

Pay Attention To Property Rights

The Albuquerque West Side Chamber of Commerce urges support of the proposed Walmart at Coors and Montañó.

The project brings allowable development that balances shopping opportunities on Albuquerque's West Side. It also lends to economic development activity that creates badly needed jobs. This project also will relieve the burden placed on those neighborhoods near the two shopping centers located near the Cottonwood and West Bluff areas that attract from under-served areas of the West Side.

But most importantly, the Albuquerque West Side Chamber of Commerce believes strongly in the preservation of property rights and allowable uses of said property. We believe that the required due diligence on this project meets the requirements set forth and that entitlements should be afforded to the primary risk-taker — the owner.

DAN SERRANO

Chairman, Albuquerque

West Side Chamber of

Commerce

Albuquerque

Publication: West Side Section; Date: Mar 24, 2012; Section: Opinion; Page: 3



LETTERS

More Development Means Less Dust

I REALIZE that there have been literally dozens of opinion pieces and letters on the proposed Walmart at the corner of Coors and Montañó, but there are some additional points that must be discussed in support of the proposal.

For starters, I live within walking distance of the proposed store. During one of our recent windstorms that plague the area during the spring, the strong winds picked up significant quantities of dust and blew it across Coors. This made driving hazardous, but also brought to mind the fact that this "fugitive" dust is considered harmful to air quality.

This particular plot of land has been vacant, dusty and overgrown with weeds for at least six years.

Far from being a pristine part of the bosque, this lot is further from the bosque than the existing school and would benefit the area both visually and environmentally — not to mention the jobs and additional tax revenues — if it were developed.

Sure, I'd love to have a Trader Joe's or a Whole Foods on the West Side, but to the best of my knowledge, they are not looking to build a store in this location.

The good news is that there are plenty of open lots still available, including one at Coors and Western Trail.

It is time to stop stonewalling and let this business get going.

PAUL GESSING

Albuquerque

For the Walmart At Montañó

I AM HOPEFUL the proposed Walmart at Coors and Montañó gets built. The Coors at I-40 Walmart is too busy in spades. Recently on a Wednesday at about 6 p.m. we went shopping at the I-40 Walmart. It took us about 30 minutes to get the shopping done, but we had to wait in line 30-35-plus minutes checking out.

I noticed there were 16 lanes open on this mid-week evening and they were each at least six or seven people deep, the express lanes more.

As it happens with Burqueños at Walmart, we ran into extended family who visited with us through the checkout process, bringing our party to six in addition to our \$250-filled grocery cart. Too many, too close is too much. I believe the new Walmart at Coors and Montañó will help alleviate the crowds at the other

Walmarts.

There is also the question of affordability. Wal-Mart is affordable. It seems that a cadre from the Bosque School is fighting an invasion of a "big-box" store. I am not sure they are representative of the majority of people on the West Side. I attended a private college in Joplin, Mo. I lived in the school dorms, ate in the cafeteria, bought books, and paid tuition and fees for \$6,000 less than the tuition at the Bosque School. I believe it is fair to say protesters at the school are not representative of the West Side. Much of the West Side is made up of families like mine who need to shop at Walmart. We should be heard.

I understand Walmart is far from faultless. That being said, we should not be fighting growth. It is inevitable and unstoppable. There is a true reason for this Walmart at Coors and Montañó to be built beyond my personal convenience and I hope it gets built.

M. ERIC LUCERO Albuquerque

Publication: West Side Section; Date: Jun 16, 2012; Section: Opinion; Page: 4



ON WALMART

City Should Respect the Rights of Property Owners

By Patrick Montoya

West Side Resident

In the controversy surrounding the proposed new Walmart at Coors and Montañño, there's one very important factor that's getting lost and must be discussed to ensure a satisfactory outcome to this project.

What's getting lost is that the city, for better or for worse, zoned this piece of land for commercial use. Yes, for just the kind of development that the developer has planned for this spot. Yes, for Walmart or Target or any of the big retail stores. That's what the city planned for the site. It would be wrong, and have serious consequences, to change the rules in the middle of the game.

Property rights mean something. In this case the property owner has purchased the land and paid the price to have the right to build a large retail center.

The property owner — not Walmart — cannot be deprived of the rights that go with that property. If we do that, we are stealing the value of the property away from the owner. That is not fair, not right, and not in keeping with our sense of lawful activity.

The city chose to make this site commercial and we have to live by that. Of course the city does have recourse. It could start eminent domain proceedings and seize the property. Of course it would have to pay highest and best use for the property and provide for the full rights of the property owner. That would, however, cost the city millions of dollars that it needs to spend elsewhere.

What's also getting lost is that this is a commercial retail area already. It's surrounded by other retail stores, chain stores, on two very wide boulevards. So the city obviously believes that this site should be commercial.

If public pressure succeeds in stopping the development, no doubt the property owner will take the matter to court — and win. It's one thing to take on worthy causes, but it would be a shame if once again the city landed in court, only to lose a big judgment and incur big-time legal fees. Let's not go down this road again and spend the taxpayer's money, which is now in short supply, in a losing cause.

It's just unfair to tell a land owner, in the middle of the process, that oops, we've changed our mind about your property. The city made a decision to make that site commercial and now we have to live with that decision.

If we don't, if we get caught up in the NIMBY atmosphere, we will lose in court, and we, the taxpayers, will lose when our precious funds have to be cut from senior centers or programs for kids just to pay a legal judgment that will undeniably come due.

OTHER VOICES

We Can't Argue With Walmart

By SYLVIA BOKOR
West Side Resident

How can anyone disagree with those opposing Wal-Mart building a store on the southeast corner of Coors and Montano? After all, why should anyone want such a store when one can go to higher priced places and spend more time and money on gas to get there? We must keep up with those Joneses — that small group in Taylor Ranch who oppose a retail store like Walmart — mustn't we? We most certainly should not want to patronize an American business that has become the world's largest discount retailer.

Besides, consider how Wal-Mart became so big. Merely by efficient management and cost effective marketing, merely by providing the cleanest environment and most secure shopping area in a given neighborhood. What good is having another such establishment on that big corner lot where the wind continually blows sand into Montano Plaza shops and homes?

Surely one cannot seriously want to see more jobs created in that area. Think of all the people traipsing around: construction workers to build the store, workers to landscape it, personnel to run the store, deliverymen and truckers. And the vehicular traffic! Oh, wow! Wal-Mart will surely not even

consider planning access roads to get into and out of their facility easily.

Why on earth would one want to see more light illuminating that corner and the bus stop on Montano, and more foot traffic dropping into those small businesses and restaurants that clutter Montano Plaza? Surely having only one large grocery store there is quite enough for us in the lower classes. We have to be grateful for what's given and not look above our station. We should not dream of raising our standard of living which Walmart through its thoughtful price structuring offers. We should all join the screams opposing Walmart so we can avoid taking advantage of the values Walmart offers.

Isn't it left — excuse me, I mean, right — to simply ban all efficient businesses on principle, although of course it's left — I mean, right — to deny one's real motive by claiming damage to the bosque. Remember, Wal-Mart is merely one of the most generous businesses in the United States. Because they know how to run a business, they make a ton a money and then, guess what, they give it away. Is that left? I mean, right? They give (millions) to charity. We should not support such outrageous philanthropy. It makes the Joneses at Taylor Ranch look bad.

LETTERS

Southwest Side Needs a Hospital

AN ARTICLE IN the Sunday, July 1 edition of the Albuquerque Journal touting the merits of the new UNM Sandoval Regional Medical Center included the following quote by Dr. Brad Cushman, neurologist and medical director of radiology for SRMC: "We realized the West Side and Sandoval Country (sic) were underserved, so our mission is to provide people not with just routine care, but advanced care by partnering with the university."

Do hospital planners responsible for locating hospitals and the good doctor know what constitutes the West Side? Albuquerque's West Side actually extends from Rio Rancho in the north down to Dennis Chavez Boulevard and beyond in the south, and includes significant unincorporated, but populous county land. It is perplexing that Dr. Cushman could say that the West Side and Sandoval County is an underserved area when two other hospitals are already located within a couple of miles of each other. It would seem that this area — really the Northwest Side — was already well served and is now overserved with three.

By contrast, the original West Side — now probably better understood as the Southwest Side, south of I-40 — with nearly 165,000 people is an area that is almost without medical services of any kind. Let alone a single real hospital. This is the area of Albuquerque that is truly underserved.

NORMAN MASON
Albuquerque

Letters policy

Albuquerque Journal welcomes letters from its readers expressing opinions on current events.

Letters must include the full name and signature of author, address and telephone number for verification. Only name and city will be published.

Editors reserve the right to edit, delete incorrect information or condense any letter.

Address:

Sharon Hendrix
P.O. Drawer J.
Albuquerque, NM 87103.

Online:

ABQjournal.com/letters/new

Real Info Elusive Regarding Walmart

THIS IS BEING written in response to the article written by Elaine D. Briscoe in the West Side Journal on July 7.

As the recent ex-president of Taylor Ranch Neighborhood Association and now just a private citizen, I take issue with the suggestion by Tom Carroll, a representative for Walmart, that the association does not represent the citizens of our neighborhood. We had several general membership meetings in Taylor Ranch when this issue first arose. These meetings were the most attended meetings during my tenure as president and left no doubt that our members wish to oppose a big-box store at that location.

I am also very curious as how many of Wal-Mart's petition signers actually live or own a home in the Taylor Ranch area. As an example, supporters who claim to live on the West Side may not live in Taylor Ranch and may not be adversely impacted by the increase in traffic, crime and property valuation. Although I asked for comments, both pro and con, at these meetings, one person voiced pro comments to me or to members of the board directors.

Just as there are communities on the side, there are also on the West Side majority, our own or a big-be Coors and intersection. DAVID W. Albuquerque



The Opinion Page runs Saturdays.
Submit letters online at abqjournal.com/letters/new, or send mail to P.O. Drawer J., Albuquerque, NM 87103

OTHER VOICES

We Can't Argue With Walmart

By SYLVIA BOKOR
West Side Resident

WASHINGTON — In America, we believe that anyone can grow up to be anything.

You want to be president? Go for it. Among recent presidents, Barack Obama, Clinton, Lyndon Johnson, Dwight Eisenhower all from modest backgrounds, not everyone a president, which is why most people, one liter for how well America whether they rise or parents economical.

Guess what? The trends here are refreshingly good. In the Great Recession, a nonpareil group, camps of forty-some their parent in the late 1970s. Her upbeat for most can't ex income across! For the income the 2000 and \$1.00 or

Besides, consider how Wal-Mart became so big. Merely by efficient management and cost effective marketing, merely by providing the cleanest environment and most secure shopping area in a given neighborhood. What good is having another such establishment on that big corner lot where the wind continually blows sand into Montano Plaza shops and homes?

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LETTERS

Day...

since early...
olal, caring people...
family. "She's so funny!" To...
kitty, ask for ID No. A164-3984 at the...
Side shelter.

BERNALILLO COUNTY

For more information about pets picked up in unincorporated areas of Bernalillo County, call the city of Albuquerque's shelter at 768-1935.

WEST SIDE

Looking for a lost or adoptable pet? Check the

city of Albuquerque...

pets. The city's West Side...
at 11800 Sunset Gardens SW, west of 98th and...
Central on 114th SW. Kennel hours are Tuesday...
through Sunday, 10:30 a.m.-6 p.m.; office...
hours start at 9:30 a.m. Call 768-1975 for more...
information and wait for the "other situations"...
on the phone menu for an operator. For photos, check at www.joycefay.com.

JLS IS

able with all meals.

DAY

Fast: Skillet frittata.

1: New Mexico chile, tortilla, frozen juice bar. After selections: Max Sticks.

JESDAY

Breakfast: Cereal bar, cheese stick.

Lunch: Asian chicken bowl, rice, broccoli-carrot mix, cherry tomatoes, Mandarin oranges. After selections: Peanut butter pocket.

WEDNESDAY

Breakfast: Breakfast wrap.

Lunch: Chicken tenders, barbecue sauce, potato wedges, baby carrots, seasonal fruit. After selections: Bean and cheese burrito.

THURSDAY

Breakfast: Granola, yogurt.

Lunch: Taco salad, Spanish orange smiles, cookie. After selections: Peanut butter.

FRIDAY

Breakfast: Miniature pastries.

Lunch: Stuffed-crust pepperoni or cheese pizza, crunchy vegetables, dip, seasonal fruit.

EXHIBIT

L

OTHER VOICES

Obama Owes Biden A Big 'Thank You'

By Jeffrey J. Jesionowski
Albuquerque Resident



JEFFREY J. JESIONOWSKI

Barack Obama owes a big "thank you" to Joe Biden for his role in the 2008 presidential election. Biden was the vice-presidential pick who, along with Obama, defeated McCain and Alaska Governor Palin. Biden's role was crucial in securing the victory for Obama.

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OTHER VOICES

Walmart Should Be Approved; It Meets Planning Standards

LETTER

Don't Need Roundabout
SINCE MAYOR HERNANDEZ just opened an auction for the roundabout at the intersection of Main and Osuna, I thought I should say...

Walmart Should Be Approved; It Meets Planning Standards

By Jeffrey J. Jesionowski
Albuquerque Resident

After a long and contentious battle, the site plan(s) for Coors and Montaño, the location of a proposed Walmart, will again come up for a vote before the city of Albuquerque's Environmental Planning Commission (EPC).

It is a difficult situation for the commission, with things so divided. The commissioners have a tough job, wading through the reams of testimony to come up with a decision. However, they are appointed by the City Council to be objective and ultimately make sound decisions based on the laws and the facts.

The heart of this issue is twofold: 1) city planning, and 2) property rights. Both are crucial to our city government.

The land is currently zoned for this kind of development. As a matter of fact, with the current zoning (SU-1 for C-2) and the previously approved Master Plan guidelines, the site could accommodate a much higher density and a much more intense use than what is being proposed.

The Master Plan encom-

passes a 60-acre site and also includes zoning for multi-family and office uses. The property owners and the city planners previously went through extensive research and had extensive community input into developing and approving these guidelines. Everyone knows that the adjacent intersection — Coors and Montaño — has developed into the equivalent of Main and Main and everyone knew that something more intense than a snow cone stand or freestanding coffee shop would be developed there.

The city now needs to honor the master planning that was carefully developed and designated for that site. Otherwise, what good is any master planning at all, if it can be discarded whenever someone — and there's always someone — who objects?

The second issue has to deal with property rights. The property owner purchased the land, applied for and received the current zoning, got the Master Plan approved with extensive community input, and now should be able to rely on those approvals to move the project forward.

The property is entitled.

It would be wrong for the city to change the rules in the middle of the game, and it could open them up to a property rights lawsuit and potentially large legal fees and settlement if it does. The city has past experience with similar type settlement issues.

Some of the opponents would like to see a park there — at Main and Main — but the current zoning does not allow it. The city could always offer to buy the property — like it did on Osuna — and turn it into a park, but it will have to pay highest and best use for that spot, and it doesn't want to do that.

This should not turn into a referendum or a popularity contest on a particular retailer, and this should not be an arbitrary or capricious decision. The Planning Commission should do the right thing, follow the rules and approve the site plan(s).

Jeffrey Jesionowski is a former member of the city of Albuquerque Environmental Planning Commission, serving from 2002 to 2007. He was chairman in 2003-2004 and 2006-2007.

Walmart

Join Us! We support building the new Walmart
store at Coors & Montano. Sign me up!

Printed Name	Signature	Address, City & Zip	E-mail & Phone
1 TANYA GONZALEZ		6204 Buena Vista Pl NW 87120	
1 Dolores Valdez		2611 Kingsway St NW 87120	
1 YOLANDA SCHINGBLUE		3220 Vista del Sur NW 87120	
1 Leonarda		87128	
Manuel Robles		4326 7th St SW Hb NW 87121	
1 Alexes Doonan		1418 Corefield Pl SW 87105	
5 Maria Olivas		3542 Sunningbird 87121	
1 Irene Wooding		1810 Indian School Rd 87104	
1 Maria Smith		3704 Ladera Dr NW 87120	87120 Edger Wooding@mail.com
Oscar Hidalgo		2432 E. Road 87121	
		8200 Bridge Blvd SW 87121	

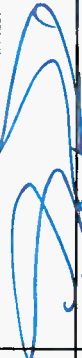

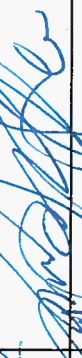








Walmart

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store at Coors & Montano. Sign me up!

Printed Name	Signature	Address, City & Zip	E-mail & Phone
Rita Leyba	Rita Leyba	6809 Phatonia 87121	
Les Anna Plante	Les Anna Plante	3501 Hrs 500 Dr 87120	lesannaplante@yahoo.com 309 9728
Pierdo Chavez	Pierdo Chavez	7339 Williamsburg Albun 87114	
Amber Vicky	Amber Vicky	8323 Kalka Pl NW 87120	
Margie Johnson	Margie Johnson	2605 Blue Sky Sh 87121	
PATRICIA LENNENS	PATRICIA LENNENS	3516 Sierra Richman 87120	505-831-8895
Ramona Dill	Ramona Dill	8308 Rambo Ramon NW 87120	800
HAROLD COLE	Harold Cole	5905 PRAIRIE NIGHT NW 87120	
McManaloe	Nancy Morales	5208 Spinningwheel	87120
Lisette Trujillo	Lisette Trujillo	2959 Quail Pointe Dr NW 87120	
Sandra Gonzalez	Sandra Gonzalez	515 94th St. SEW	87121






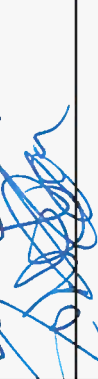


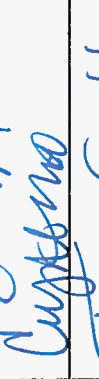


Walmart

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store at Coors & Montano. Sign me up!

Printed Name	Signature	Address, City & Zip	E-mail & Phone
Steven		6500 casitas rd 87121	681 8528
A. Zamora		5719 Morgan Ln NW 87120	831-6674
Maria L. Mallinck		7725 Diamond Dr NW 87120	385-7942
Jessie Callaketa		P.O. Box 481 Second Mesa Pt. 86043	928-734-0022
Douglas Jimenez		2629 Federico 87107	.
MARGARET WATKIN		3601 Ladana Dr 8121	504-453-4911
Miguel Sedillo		6700 Everitt Ct NW 87120	
Anthony Osmond		3704 Ladena NW Apt 415 87120	
Patricia Padilla		87544 87144 HBB NW	
Enrique Jisneros		2323 KAFKA Pl. NW. 87120	.
Paul Cay		6801 Glenrio rd 87121	505-836-5102












Walmart

Join Us! We support building the new Walmart store at Coors & Montano. Sign me up!

Printed Name	Signature	Address, City & Zip	E-mail & Phone
Stephanie Lussier		1420 E Indiana School	87104
Linda Garcia		114 46th St SW 87105	
George Martinez		9908 Sunsh'ne Merc Dr. ABQ NW 87114	
Valerie Angell		909 Copart Avenue NE #44 87123 ALBANY Valerie Vasquez 87120 val@val.com	
Valerie Angell		3600 San Rio Pk NW ABQ 87107	
Valerie Angell		400 Roma NW	87120
Benny Maestas		118 48th SW	87105
LEVERETT HADLOW		6200 PICTURE ROCK PL NW	87120
Crystal Martinez		4301 Schomer Rd NW	87121
Jana Gillis		6920 Mayfield	87120
SD ELLIOTT		3429 Corona Dr NW	87120

Walmart

Join Us! We support building the new Walmart store at Coors & Montano. Sign me up!

Printed Name	Signature	Address, City & Zip	E-mail & Phone
Andrea		4815 Plume	algarza5@gmail.com
A. Baca		1923 Troca F7105	
Linda Brasat		7124 Zabin Ave 87110	40
Danna Alvarado		6056 Monte Verde	87507
Rosita Nicholas		P.O. Box 3365 Canoncito	87026
Alicia Alvarado		912 Juanita Lane 8707	505-203-8988
Chris Laguer		10316 Andrus Ave 87121	87121
Adelmares		5243 Sugar Bear Ct. 87105	(505) 7410-1160
Melinda Bolivia		1029 Lopez rd 562 87104	melinda@nmhbar.org
Stephanie Mercer		1509 Gubaldon Ednw	sdm8180@yahoo.com
Roberta Arriaga		505 San Francisco	87120 205-0447

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