

2. **Project# 1008830**
11DRB-70143 MAJOR -- SITE
DEVELOPMENT PLAN FOR
BUILDING PERMIT

GARCIA/ KRAEMER ASSOC. agent(s) for S.M. QURASHI/ AFRA CONSTRUCTION request(s) the referenced/ above action for Tract 3E, **TOWN OF ATRISCO GRANT, ROW 2, UNIT A**, zoned SU-1 FOR C-2 USES AND CAMP GROUND, located on the north side of VOLCANO RD NW between 98TH ST NW and 102ND ST NW containing approximately 5.3103 acre(s). (K-8, K-9) [Deferred from 6/29/11, 7/20/11, 8/3/11, 9/14/11,10/12/11] **WITHDRAWN.**

3. **Project# 1008766**
11DRB-70198-- SITE DEVELOPMENT
PLAN FOR BUILDING PERMIT
11DRB-70212 - SITE DEVELOPMENT
PLAN FOR SUBDIVISION

MODULUS ARCHITECTS INC agent(s) for JOHN SEDBERRY request(s) the referenced/ above action(s) for all or a portion of Tract(s) 4, **DEL NORTE PLAZA**, zoned IP/ SU-2/ NC, located on the north side of PASEO DEL NORTE NE between SAN PEDRO BLVD NE and LOUISIANA BLVD NE, containing approximately 1.4445 acre(s). (C-18) [Deferred from 8-24-11, 9/14/11,10/5/11, 10/26/11] **DEFERRED TO 11/30/11 AT THE AGENT'S REQUEST.**

**SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND
MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)**

4. **Project# 1008042**
11DRB-70308 EPC APPROVED SDP
FOR BUILD PERMIT

SLAGLE HERR ARCHITECTS agent(s) for THE TANAGER CO. LLC request(s) the above action(s) for all or a portion of Lot(s) 6-10, Block(s) 17, **PARIS ADDITION** zoned M-2, located on 1ST ST BETWEEN KINLEY AND CONSTITUTION containing approximately .59 acre(s). (J-14) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED. 3 COPIES OF THE APPROVED SITE PLAN MUST BE PROVIDED TO PLANNING DEPARTMENT.**

5. **Project# 1003532**
11DRB-70280 EPC APPROVED SDP
FOR BUILD PERMIT
11DRB-70281 EPC APPROVED SDP
FOR SUBDIVISION
11DRB-70307 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

TIERRA WEST LLC agent(s) for RESOLUTION EQUITIES, LLC request(s) the above action(s) for all or a portion of Lot(s) 11 & 12, Block(s) 10, **NORTH ALBUQUERQUE ACRES Unit(s) 3**, zoned SU-2 MIXED USE, located on PASEO DEL NORTE BETWEEN WYOMING AND LOUISIANA containing approximately 1.4208 acre(s). (C-19) [Deferred from 10/12/11, 11/2/11] **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION TO ADDRESS COMMENTS AND TO PLANNING FOR CASE PLANNER APPROVAL AND ACCEPTANCE OF VACATION BY CITY. THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION TO ADDRESS COMMENTS AND TO PLANNING FOR CASE PLANNER APPROVAL AND ACCEPTANCE OF VACATION BY CITY. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION TO ADDRESS COMMENTS AND TO PLANNING FOR SITE PLAN SIGN OFF.**

INTER-OFFICE MEMO

DATE: October 10, 2011
TO: Jack Cloud, DRB Chair
FROM: Catalina Lehner, Senior Planner *cl*
RE: Project #1003532, La Cueva Area Auto Care
Site Development Plan for Subdivision
Site Development Plan for Building Permit

On May 12, 2011, the EPC voted to approve a site development plan for subdivision and a site development plan for building permit for Lots 11 and 22, Block 10, North Albuquerque Acres. On September 8, 2011, the EPC voted to approve an amendment to both requests regarding access to the site.

Staff met with the agent, Joel Hernandez, on May 26, 2011 to check for compliance with the Conditions of Approval. At that time, several EPC conditions had been complied with but some had not. After the September 2011 amendment, Staff spoke with the agent on the phone regarding compliance and reviewed documents sent via e-mail on October 3, 2011.

Note that Planning Staff did not check for compliance with conditions from Transportation Staff.

SITE DEVELOPMENT PLAN FOR SUBDIVISION

Condition #4A: Note- the fadeback regarding easements and the easement legend is very light- hard to read and probably won't copy.

Condition #6C: Though the area is shown consistently for Lot 22-A, there is a discrepancy for Lot 11-A. On the site, the area is noted as "0.6986 acres" and on the written site date, the area is noted as "0.67 acres". These should be the same number.

Condition #7: This note needs to be added.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

Condition #4B: Dimension the patio area at the building's front entrance (8R-3).

Condition #6A: Dimension the pedestrian pathway on sheet C-2 and on the detail sheet. (for #6A and #6B- the detail says "raised crosswalk" and should also be labeled as "pedestrian pathway" so there is clarity).

Condition #6G: Shading is not provided along the entry façade, except for the garage doors. See explanation under Condition #10B, below.

Condition #8B: Add plants to the eastern border area. Coverage in this area is not 75%. Note: Landscape used to be 21% of the net lot area; now it's 16%, and that's not because of the access change.

Condition #8E: Gravel color needs to be specified as light OR medium brown, not both or either.

Condition #8G: The middle curb notch, near the western side of the building, needs to be drawn on the curb.

Condition #9C: Additional wall-mounted lights have not been added as the condition requires. At least 3 should be added to the eastern elevation, which is the only elevation without any lighting.

Condition #10B: (see email from Carmen, dated 8-23-11). The email says that there was an agreement to do a combined trellis/canopy. However, the combined trellis/canopy is not shown on the elevations- only the trellis is, so the agreement was not adhered to. Elevations need to be revised to reflect the agreement. Also, sheet C-2 needs to be labeled to indicate that the space near the main entrance is a trellis/canopy.

Condition #11A: Specify sign lighting on the sign detail.

Condition #12A: The "caution" note at the bottom of the sheet was not revised to indicate that changes must be approved by the City.

Condition #12D: Curb notches (on the site's western side, see landscape plan) were not shown as required.

Condition #12E: Evidence that an appropriate cross-drainage agreement exists is needed.

Condition #16: The site development plan shall comply with the Landscaping Regulations, 14-16-3-10. See explanation under Condition #8B for why it doesn't.

If you have any questions regarding this case, please call me at 924-3935 or e-mail me at clehner@cabq.gov. Thanks.



DRB CASE ACTION LOG
REVISED 10/08/07

SITE PLAN-BUILDING PERMIT

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

Subdivision

DRB Application No.: 10DRB-70235 Project # 1003532
Project Name: NORTH ALBUQUERQUE ACRES UNIT 3
Agent: GREAT BASIN ENGINEERING Phone No.: _____

Your request was approved on _____ by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- TRANSPORTATION: - address comment
- UTILITIES: _____
- CITY ENGINEER / AMAFCA: 5/A
- PARKS / CIP: _____
- PLANNING (Last to sign): _____

- Planning must record this plat. Please submit the following items:**
 - The original plat and a mylar copy for the County Clerk.
 - Tax certificate from the County Treasurer.
 - Recording fee (checks payable to the County Clerk). **RECORDED DATE:** _____
 - Tax printout from the County Assessor.
 - 3 copies of the approved site plan. Include all pages.
 - County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
 - Property Management's signature must be obtained prior to Planning Department's signature.
 - AGIS DXF File approval required.
 - Copy of recorded plat for Planning.

HEARING DATE: 11-2-11

HEARING DATE: 10-12-11 (SBP, SPS)



DRB CASE ACTION LOG (Site Plan - Building Permit)

DRB Application No.: 11DRB-70031

Project # 1003532

Project Name: *Albuquerque Acres Unit 3*

Agent: *Consensus Planning*

Phone No.:

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments have been addressed.

Your request was approved on 2-16-11 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

TRANSPORTATION: *- comply with comment*

ABCWUA:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

PLANNING (Last to sign): *- revise landscape plan*

- specify traffic rated valve lid

Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). **RECORDED DATE:** _____
- Tax printout from the County Assessor.

- 3 copies of the approved site plan. Include all pages.**
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
- Property Management's signature must be obtained prior to Planning Department's signature.**
- AGIS DXF File approval required.**
- Copy of recorded plat for Planning.**

**SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND
MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)**

7. **Project# 1003532**
11DRB-70031 EPC APPROVED SDP
FOR BUILD PERMIT
- CONSENSUS PLANNING agent(s) for G & R PARTNERSHIP request(s) the above action(s) for all or a portion of Lot(s) 17A, Block(s) 9, Tract(s) , **ALBUQUERQUE ACRES Unit(s) 3**, zoned SU-1 MIXED USE, located on WYOMING BLVD NE BETWEEN HOLLY NE AND CARMEL NE containing approximately .57 acre(s). [REF:] (C-19) **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION TO COMPLY WITH COMMENTS AND TO PLANNING TO REVISE LANSCAPE PLAN AND TO SPECIFY TRAFFIC RATED VALVE LID. 3 COPIES OF THE APPROVED SITE PLAN MUST BE PROVIDED TO THE PLANNING DEPARTMENT.**
8. **Project# 1000936**
11DRB-70016 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
11DRB-70017 EPC APPROVED SDP
FOR BUILD PERMIT
11DRB-70018 EPC APPROVED SDP
FOR SUBDIVISION
- TIERRA WEST LLC agent(s) for DIAMOND SHAMROCK STATIONS, INC. request(s) the above action(s) for all or a portion of Lot(s) H-1, **ZOLIN, KUNATH, TRES EQUINAS, LLC & CURB, INC.**, zoned SU-1/ C-1, located on UNSER BLVD NW BETWEEN MCMAHON BLVD NW AND CALLE PERRO NW containing approximately 2.92 acre(s). (A-11) *[Deferred from 2/2/11]* **DEFERRED TO 2/23/11 AT THE AGENT'S REQUEST.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

9. **Project# 1006606**
11DRB-70030 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- PRECISION SURVEYS INC agent(s) for NEW MEXICO WOFLE PROPERTIES LLC request(s) the above action(s) for all or a portion of Lot(s) B-1-B, Block(s) , Tract(s) , **VIDEO ADDITION Unit(s)** , zoned C-2, located on EUBANK BLVD SE BETWEEN CENTRAL SE AND SOUTHERN SE containing approximately .6101 acre(s). [REF:] (L-20 & L-21) **DEFERRED TO 3/2/11 AT THE AGENT'S REQUEST.**

City of Albuquerque
Planning Department
Inter-Office Memorandum

TO: Jack Cloud, DRB Chair
FROM: Randall Falkner, Planner
SUBJECT: Project # 1003532

On December 9, 2010, the Environmental Planning Commission approved Project #1003532 10EPC 40064, a site development plan for building permit, for all or a portion of Lot 17A, Block 9, Tract 2, Unit 3, North Albuquerque Acres, located on Wyoming Blvd. NE between Holly Avenue NE and Carmel Avenue NE, containing approximately 0.57 acres.

The applicant has satisfied all of the EPC conditions of approval, with the exception of the following:

4. The size at time of planting shall meet the minimum acceptable sizes for landscaping, including the following: trees shall be 10 feet in height or two inches in caliper measured six inches above grade; shrubs and low-growing evergreens shall be one gallon; and ground cover and turf shall be adequate to provide general ground coverage within one growing season after planting (Section 14-16-3-10 (F)).

The applicant has added installed plant sizes to the Landscape Plan; however, the Afghan Pine is listed as 8' ht. min., and the minimum installed tree height listed in the Zoning Code Section 14-16-3-10 (F) is 10'.

Compliance with City Engineer conditions should be verified with the City Engineer. If you should have any questions regarding this case, please do not hesitate to call me at 924-3933.

Thank you.



DRB CASE ACTION LOG
(Site Plan - Building Permit)

2-23-11

DRB Application No.: 11DRB-70031

Project # 1003532

Project Name: *Albuquerque Acres Unit 3*

764-9801

Agent: *Consensus Planning*

Phone No.:

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments have been addressed.

Your request was approved on 2-16-11 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

OK

TRANSPORTATION: *- comply with comment*

ABCWUA:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

OK

PLANNING (Last to sign): *- revise landscape plan*

- specify traffic rated valve lid

Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). **RECORDED DATE:** _____
- Tax printout from the County Assessor.

OK

3 copies of the approved site plan. Include all pages.

- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
- Property Management's signature must be obtained prior to Planning Department's signature.**
- AGIS DXF File approval required.**
- Copy of recorded plat for Planning.**

HEARINGS DATE 2-16-11 (SBF)



DRB CASE ACTION LOG
REVISED 10/08/07

SITE PLAN-BUILDING PERMIT

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

Subdivision

DRB Application No.: 10DRB-70235 Project # 1003532
Project Name: NORTH ALBUQUERQUE ACRES UNIT 3
Agent: GREAT BASIN ENGINEERING Phone No.:

Your request was approved on _____ by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: - address commed

UTILITIES:

CITY ENGINEER / AMAFCA: SIA

PARKS / CIP:

PLANNING (Last to sign):

- Planning must record this plat. Please submit the following items:**
 - The original plat and a mylar copy for the County Clerk.
 - Tax certificate from the County Treasurer.
 - Recording fee (checks payable to the County Clerk). RECORDED DATE: _____
 - Tax printout from the County Assessor.
 - 3 copies of the approved site plan. Include all pages.
 - County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
 - Property Management's signature must be obtained prior to Planning Department's signature.
 - AGIS DXF File approval required.
 - Copy of recorded plat for Planning.

Created On:



DRB CASE ACTION LOG - *PRELIMINARY / FINAL PLAT*
 REVISED 10/08/07

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 10DRB-70234 Project # 1003532
 Project Name: NORTH ALBUQUERQUE ACRES UNIT 3
 Agent: GREAT BASIN ENGINEERING Phone No.: _____

Your request was approved on 9-8-10 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): Coordinate with site plans

- Planning must record this plat. Please submit the following items:**
- The original plat and a mylar copy for the County Clerk.
 - Tax certificate from the County Treasurer.
 - Recording fee (checks payable to the County Clerk). **RECORDED DATE:** _____
 - Tax printout from the County Assessor.
 - 3 copies of the approved site plan. Include all pages.**
 - County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
 - Property Management's signature must be obtained prior to Planning Department's signature.**
 - AGIS DXF File approval required.**
 - Copy of recorded plat for Planning.**



DRB CASE ACTION LOG

REVISED 10/08/07

PRELIMINARY / FINAL PLAT

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 10DRB-70234 Project # 1003532
 Project Name: NORTH ALBUQUERQUE ACRES UNIT 3
 Agent: GREAT BASIN ENGINEERING Phone No.: _____

Your request was approved on 9-8-10 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- TRANSPORTATION: _____

- UTILITIES: _____

- CITY ENGINEER / AMAFCA: _____

- PARKS / CIP: _____

- PLANNING (Last to sign): Coordinate with site plans

- Planning must record this plat. Please submit the following items:**
 - The original plat and a mylar copy for the County Clerk.
 - Tax certificate from the County Treasurer.
 - Recording fee (checks payable to the County Clerk). **RECORDED DATE:** _____
 - Tax printout from the County Assessor.
 - 3 copies of the approved site plan. Include all pages.
 - County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
 - Property Management's signature must be obtained prior to Planning Department's signature.
 - AGIS DXF File approval required.
 - Copy of recorded plat for Planning.

NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

13. **Project# 1006006**
10DRB-70250 SKETCH PLAT REVIEW
AND COMMENT

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL request(s) the above action(s) for all or a portion of Tract(s) A, **BULK LAND PLAT FOR MESA DEL SOL INNOVATION PARK** zoned SU-2 PC, located on UNIVERSITY BLVD SE BETWEEN BOBBY FOSTER RD SE AND STRYKER AVE SE containing approximately 17 acre(s). (R-16)**THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE PROVIDED.**

14. **Project# 1006007**
10DRB-70249 SKETCH PLAT REVIEW
AND COMMENT

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL request(s) the above action(s) for all or a portion of Tract(s) A, **MESA DEL SOL INNOVATION PARK** zoned SU-2/ PC, located on UNIVERSITY BLVD SE BETWEEN BOBBT FOSTER RD SE AND STRYKER AVE SE containing approximately 20.9 acre(s). (R-16)**THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE PROVIDED.**

15. Other Matters:

Project# 1003532

10DRB-70234 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL
10DRB-70235 EPC APPROVED SDP FOR BUILD PERMIT
10DRB-70236 EPC APPROVED SDP FOR SUBDIVISION

GREAT BASIN ENGINEERING agent(s) for SMITH FOOD & DRUG CENTER request(s) the above action(s) for all or a portion of Lot(s) 17 & 18, Block(s) 9, Tract(s) 2, **N ALBUQUERQUE ACRES Unit(s) 3**, zoned SU-2 MIXED USE, located on NW CORNER OF HOLLY NE & WYOMING NE containing approximately 1.61 acre(s). (C-19)

THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO COORDINATE WITH SITE PLANS.

THE SITE DEVELOPMENT PLANS FOR BUILDING PERMIT AND SITE PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION TO ADDRESS COMMENTS AND TO CITY ENGINEER FOR SIA.

16.
ADJOURNED: 11:00

HEARING DATE

8-25-10 (P, F, S, S, S)



DEVELOPMENT REVIEW BOARD SUPPLEMENTAL SUBMITTAL

TO: PROJECT NO. 1003532

ALL MEMBERS

Jack Cloud, DRB Chairman, Planning Department

Curtis Cherne, P.E., Hydrology

Kristal Metro, P.E., Transportation Development

Allan Porter, P.E., Albuquerque/ Bernalillo Co.WUA

Christina Sandoval, Parks/Municipal Development

NEXT HEARING DATE: November 9, 2011

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON. IF THE APPLICANT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

SUBMITTAL DESCRIPTION: Resubmittal of Site Plan for Subdivision, Site Plan for

Building Permit and Preliminary/Final Plat

CONTACT NAME: Joel D. Hernandez, PE

TELEPHONE: 505-858-3100 EMAIL: jdhernandez@tierrawestllc.com

Cynthia Abeyta

From: AnthonyHarris <tony@harrissurveying.comcastbiz.net>
Sent: Friday, October 28, 2011 6:26 AM
To: Cynthia Abeyta
Subject: FW: PDF AND DFX for Firestone

Cynthia, here is the AGIS approval for Firestone.
Hope all is well with you and the family.
Tony

From: Gricius, Michelle A [<mailto:mgricius@cabq.gov>]
Sent: Thursday, October 27, 2011 11:47 AM
To: AnthonyHarris; Gaulden, Tim H.; Sammons, Joshua R.
Subject: RE: PDF AND DFX

The dxf for 1003532 (lots 11-A and 22 A, Block 10 Tract 2, Unit 3 North Albuquerque Acres) has been approved.

From: AnthonyHarris [<mailto:tony@harrissurveying.comcastbiz.net>]
Sent: Tuesday, October 25, 2011 2:24 PM
To: Gricius, Michelle A; Gaulden, Tim H.; Sammons, Joshua R.
Subject: PDF AND DFX

No virus found in this message.
Checked by AVG - www.avg.com
Version: 10.0.1411 / Virus Database: 2092/3978 - Release Date: 10/27/11

If this email is spam, report it to www.OnlyMyEmail.com

gaw

TIERRA WEST, LLC

October 27, 2011

Mr. Jack Cloud, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: DRB HEARING DATE
SPECTRUM DEVELOPMENT ²³
PROJECT # 1008528 (11EPC-40040 & 11EPC-40041) ²⁴

Dear Chairman Cloud: ³⁵³²

Resolution Equities

Tierra West LLC, on behalf of Monterey Land Group III, LLC, requests to be removed from indefinite deferral status and placed on the agenda for November 2, 2011 for the above-referenced site. We have addressed the conditions from EPC related to the Site Development Plan for Subdivision:

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Ronald R. Bohannon, P.E.

Enclosure/s

JN: 2011026
RRB/cla

5571 Midway Park Place NE
(505) 858-3100
A.buquerque, NM 87109
Fax (505) 858-1118 1-800-245-3102
tierrawestllc.com



Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Tierra West LLC PHONE: 505-858-3100

ADDRESS: 5571 Midway Park Place NE FAX: 505-858-1118

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: _____

APPLICANT: Resolution Equities, LLC PHONE: 505-262-2323

ADDRESS: 8220 San Pedro NE, Suite 500 FAX: 505-998-9099

CITY: Albuquerque STATE NM ZIP 87113 E-MAIL: josh@skarsgardfirm.com

Proprietary interest in site: owner List all owners: _____

DESCRIPTION OF REQUEST: Final Sign-off for Site Development Plan for Subdivision & Site Development Plan for Building Permit, Minor Subdivision Preliminary /Final Plat Approval

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lots 11 & 12 Block: 10 Unit: 3

Subdiv/Addn/TBKA: North Albuquerque Acres

Existing Zoning: SU-2 Mixed Use Proposed zoning: No change MRGCD Map No _____

Zone Atlas page(s): C-19 UPC Code: 101906417303830122 / 101906417301630111

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.): _____
Project No. 1003532 (Lot 22)

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No

No. of existing lots: 2 No. of proposed lots: 2 Total area of site (acres): 1.4208±

LOCATION OF PROPERTY BY STREETS: On or Near: Paseo del Norte NE

Between: Wyoming Boulevard NE and Louisiana Boulevard NE

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE _____ DATE October 25, 2011

(Print) Ronald R. Bohannon, PE Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

<input type="checkbox"/>	INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/>	All checklists are complete	<u>11DRB - 70307</u>	<u>PSF</u>	_____	<u>\$ 285.00</u>
<input checked="" type="checkbox"/>	All fees have been collected	_____	_____	_____	_____
<input checked="" type="checkbox"/>	All case #s are assigned	_____	_____	_____	_____
<input checked="" type="checkbox"/>	AGIS copy has been sent	_____	<u>CMF</u>	_____	<u>\$ 20.00</u>
<input checked="" type="checkbox"/>	Case history #s are listed	_____	_____	_____	_____
<input type="checkbox"/>	Site is within 1000ft of a landfill	_____	_____	_____	_____
<input type="checkbox"/>	F.H.D.P. density bonus	_____	_____	_____	_____
<input type="checkbox"/>	F.H.D.P. fee rebate	_____	_____	_____	_____
				Total	<u>\$ 305.00</u>

Hearing date Nov. 2 2011

[Signature] 10-25-11
 Planner signature / date

Project # 1003532

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Copy of DRB approved infrastructure list
- Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
- List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls **3 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- N/A 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings
- N/A Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- N/A Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- N/A Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- N/A Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- N/A Infrastructure list if required (**verify with DRB Engineer**)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) Your attendance is required.

- PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers on the cover application
- Amended preliminary plat approval expires after one year**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Ronald R. Bohannon, PE

Applicant name (print)

October 25, 2011

Applicant signature / date

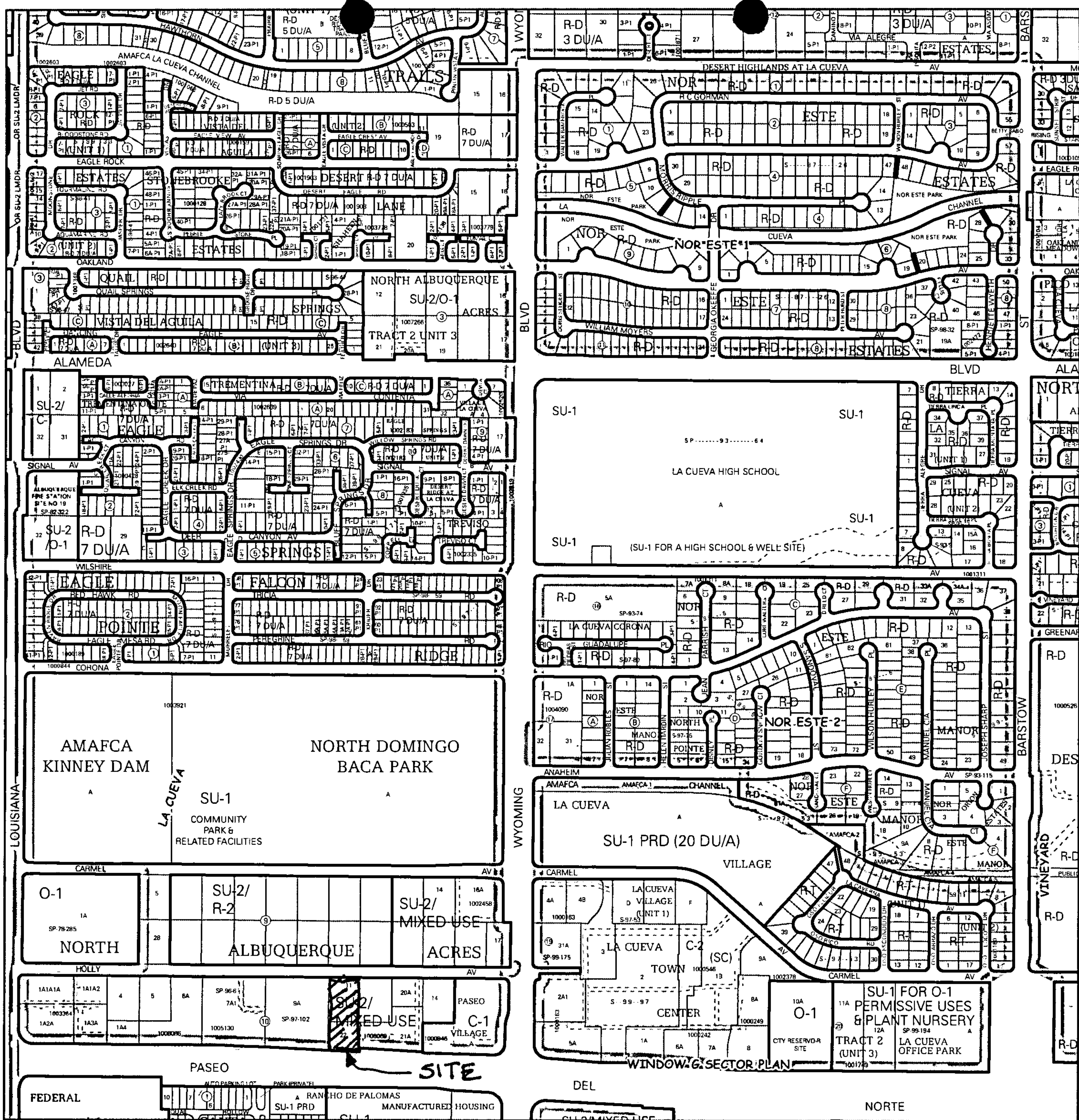


Form revised **October 2007**

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
 11DRB - 70307

Y. Lopez 10-25-11
 Planner signature / date
 Project # 1003532



For more current information and more details visit: <http://www.cabq.gov/gis>

Map amended through: 1/24/2011

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-19-Z

Selected Symbols

	SECTOR PLANS		Escarpment
	Design Overlay Zones		2 Mile Airport Zone
	City Historic Zones		Airport Noise Contours
	H-1 Buffer Zone		Wall Overlay Zone
	Petroglyph Mon.		

0 750 1,500 Feet

gwr

TIERRA WEST, LLC

October 25, 2011

Mr. Jack Cloud, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

**RE: EPC FINAL SIGN-OFF / PRELIMINARY AND FINAL PLAT SIGN-OFF
FIRESTONE AT WYOMING AND PASEO DEL NORTE NE
PROJECT # 1003532 (11EPC-40023 & 11EPC-40024)**

Dear Chairman Cloud:

Tierra West LLC, on behalf of Resolution Equities, LLC, requests approval of the Site Development Plan, Preliminary and Final Plat Sign-off for the above-referenced site. We have addressed the conditions from EPC related to the Site Development Plan for Subdivision in the following manner:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off may result in forfeiture of approvals.
This letter explains how all the conditions were met and all modifications due to those conditions.
2. Prior to final DRB sign off, the applicant shall meet with the Staff planner to insure that conditions of approval are met.
On May 26, 2011 we met with Catalina Lehner, the staff planner, to review the updated plans for conformance with the conditions of approval, and again on October 14 to review additional comments. We believe we have made all of the necessary changes.
3. Add a note stating that development shall comply with the regulations of the SU-2/MU (Mixed Use) zone and the Common Design Regulations for SU-2 zoned properties in the La Cueva Sector Development Plan (LCSDP).
We updated Sheet C1 Note #8 to include this notation, as requested.
4. The following conditions from Department of Municipal Development, Transportation Planning shall be met:
 - A. All easements need to be shown on plans, dimensioned appropriately and pathway kept clear of any infrastructure obstructions.
The Cross-lot easement is shown on the plat and adjoining site plan providing access to the proposed parcel. The existing fire hydrant is shown to be relocated.

5571 Midway Park Place NE Albuquerque, NM 87109
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102
tierrawestllc.com

- B. The proposed entrance is encroaching into Lot 9A's property. Please clear up this encroaching issue.
The westerly curb return was adjusted to not encroach on the adjacent property.
- C. Vacation of Easement for Lot 9A: Provide recording document information.
The private easement over Lot 9A will be released by document and provided to the DRB Chair for his files prior to final signatures.
- D. Concurrent plat action required at Development Review Board (DRB) for proposed lot lines adjustment and proposed access easement.
The plat is included with the submittal.
- E. Lot 22-A: Label all proposed infrastructure (parking lot, drive aisle, buildings, etc ...) as illustrative only or remove it all together.
Proposed infrastructure within Lot 22-A was labeled "For illustrative purposes only".
- F. The connection to the future retail development on Lot 21A must be temporarily closed until the development is constructed and completed.
Temporary barricades and a note requiring they remain in place until the adjacent development is completed, was added to the site plan.
- G. Proposed access to public roadway needs to be shown completely.
The site plan was revised to completely show the connection to Holly Avenue.
- H. Provide/label/detail all dimensions and proposed infrastructure for Site.
The site plan was revised to show all dimensions and labels for proposed infrastructure.
- I. The 6' proposed sidewalk connection from Paseo Del Norte will need NMDOT approval.
All work within the Paseo Del Norte right-of-way will be coordinated and permitted through NMDOT.
- J. 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).
We believe all of the actions have been accomplished for the previous actions.
- K. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for Site plan shall comply and be designed per DPM Standards.
We believe the site plan complies with all DPM criteria.
5. The following conditions from PNM shall be met:
- A. The applicant shall determine if existing utility easements cross the property and shall abide by any conditions or terms of those easements.
- B. The applicant shall coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height to ensure sufficient safety clearances and avoid interference with the existing distribution facilities.

We have contacted PNM's New Service Delivery Department to coordinate new service delivery and have indicated all existing and proposed easements on the site and master utility plans.

6. The following minor corrections shall be made:
 - A. Clarify the subject site's zoning descriptor.
 - B. Add the correct EPC project numbers for the development adjacent east.
 - C. Use a consistent number for the proposed area of Lot 22-A.

We updated Sheet C1 to clarify the site's zoning descriptor in the Site Data table, the project number for the development to the east in plan view, and the area of Lot 22-A in both plan view and on the Site Data table.
7. The site development plan shall comply with the Landscaping Regulations, §14-16-3-10.

The site development plan complies with the Landscaping Regulations, including the side yard landscape buffer requirement which will be relocated since the lot line lies within a common access easement, as allowed by , §14-16-3-10 (E)(3)(b).

We have addressed the conditions from EPC related to the Site Development Plan for Building Permit in the following manner:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off may result in forfeiture of approvals.

This letter explains how all the conditions have been met and all modifications due to those conditions.
2. Prior to final DRB sign off, the applicant shall meet with the Staff planner to insure that conditions of approval are met.

On May 26, 2011 we met with Catalina Lehner, the staff planner, to review the updated plans for conformance with the conditions of approval.
3. Add a note stating that development shall comply with the regulations of the SU-2/MU (Mixed Use) zone and the Common Design Regulations for SU-2 zoned properties in the La Cueva Sector Development Plan (LCSDP).

We updated Sheet C2 Note #9 to include this notation, as requested.
4. Public Outdoor Space:
 - A. Add a bench to the front patio area (8R-2).
 - B. Dimension the patio area at the building's front entrance (8R-3).
 - C. Label amenities in the back patio area (8R-3).
 - D. Move the proposed Ash tree eastward to shade the benches.
 - E. Add an umbrella to the table.
 - F. Specify the amount of outdoor seating (Zoning).

We updated Sheet C2 to explicitly label the outdoor amenities, areas, and dimensions as requested.
5. Parking:
 - A. Correct the parking calculations using the rate of 1 space/200 sf of building area.

- B. Note that 38 spaces are required, 3 of which must be Handicap spaces.
We updated the Site Data table on Sheet C2 to show the parking tabulation, as requested.

6. Pedestrian Access & Circulation:

- A. Dimension the pedestrian pathway and label it as a pedestrian pathway (sheet C-2 and detail sheet)(3R-3).
B. Specify material of the pedestrian pathway and indicate that it is raised (sheet C-2 and detail sheet) (3R-3).
C. Provide a pedestrian connection to the site adjacent north (Lot 11-A) (3R-5).
D. Relocate light pole to the western side of the trash enclosure so it will not preclude location of a pedestrian pathway (3R-5).
E. Relocate the bicycle rack so that it does not block a door.
F. Provide a 15 foot sidewalk along the entry façade of the building (3R-4).
G. Shading shall be provided along the entry façade, but not above the garage doors (3R-4).

We updated the Site Data table on Sheet C2 to show the pedestrian pathway material connection to the north, light pole, bike rack, 15-foot sidewalk and shading as requested.

7. Lighting & Landscaping:

- A. Trees shall not be planted to conflict with the location of pole lights (Albuquerque Police Department, Crime Prevention Office).
B. Relocate pole lights so they will not conflict with trees in the future.
C. Show the location of pole lights on the landscaping plan.

We revised the site plan and landscape plan to avoid tree-pole light conflicts and have shown the pole lights on the landscape plan.

8. Landscaping:

- A. Provide street trees and a street tree plan pursuant to §6-6-2-1 ROA 1994.
B. Add plants to the trash enclosure area and to the eastern border so that coverage with living, vegetative material is 75%.
C. Provide standard irrigation information, including number of emitters and/or bubblers for plants and trees, the frequency of watering, run time and the flow rate (gph)
D. Revise note to state that maintenance of landscape and irrigation is the responsibility of the property owner.
E. Specify gravel color as light or medium brown.
F. Mulch shall extend to a 3 inch depth.
G. Show curb notches just east of the dumpster, on the eastern side of the landscape island near the buildings NW corner and on the northern side of the landscape island near the buildings SW corner.
H. Revise note to indicate that street trees do not exist (south of the subject site).
I. Remove landscaping from the stairs.

We revised the landscape plans to provide all items, as requested above.

9. Lighting:

- A. Add a note to state that all outdoor light fixtures shall be equipped with light and motion sensors and/or automatic timing devices (14R-2, 14R-4).
B. Add a note to state that all outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line receives no more than 0.25 of a foot candle (fc) of light from the premises lighting system.

- C. Add additional wall mounted lights to illuminate walkways and building entrances (APD Crime Prevention Office comment), provided that compliance with the LCSDP designs regulations is maintained.

We updated the site plan (Sheet C2) to incorporate items A and B as notes 10 and 11, respectively, and added the additional wall mounted light at the patio as requested.

10. Architecture & Design:

- A. The southern façade shall incorporate recessions or projections along at least 20% of the length of the façade (5R-4).
B. The canopy shall be extended to the west so that it is approximately 50 feet long.
C. Roof material shall be a light colored tile (5R-8, 9R-3).

The building elevation incorporates a combined canopy and trellis structure on the building's main façade where the 24'-8" canopy width alone will account for 21.9% of the façade length to satisfy item A, above, and the trellis extends west to the first bay door. The discussion with planning staff for the minor deviation from condition B is documented on the attached email. The roof material will be light colored tile (silver smoke).

11. Signage:

- A. Specify sign lighting or indicate that signs are not illuminated (13R-7).
B. Add a note to state that all signage must be designed to be consistent with and complement the materials, color and architectural style of the building or site (13R-1).

The architectural elevation sheet was updated to note signs will be internally illuminated and to incorporate note B, above.

12. Grading & Drainage Plan:

- A. Revise note to indicate that any changes to this plan shall be coordinated and approved by the City.
B. Revise note to state that the landscaping will be at grade with the parking lot.
C. A note shall be added to state that curb notches will be used.
D. Show curb notches just east of the dumpster, on the eastern side of the landscape island near the buildings NW corner and on the northern side of the landscape island near the buildings SW corner.
E. To the extent that the drainage pattern crosses on to an adjacent site, an appropriate cross-drainage agreement shall exist.

The grading plan was updated to incorporate curb notches, depressed landscape areas, and notes as requested above.

13. Utility Plan: Clarify General Note 1 to indicate that all utilities serving the building shall be placed underground (11R-2).

The master utility plan was updated to clarify General Note 1, as requested.

14. The following conditions from Department of Municipal Development, Transportation Planning shall be met:

- A. All easements need to be shown on plans, dimensioned appropriately and pathway kept clear of any infrastructure obstructions.

The Cross lot easement is shown on the plat and adjoining site plan providing access to the proposed parcel. The existing fire hydrant is shown to be relocated

- B. The proposed entrance is encroaching into Lot 9A's property. Please clear up this encroaching issue.
The westerly curb return was adjusted to not encroach on the adjacent property.
- C. Vacation of Easement for Lot 9A: Provide recording document information.
The private easement over Lot 9A will be released by document.
- D. Concurrent plat action required at Development Review Board (DRB) for proposed lot lines adjustment and proposed access easement.
The plat has been included with the submittal.
- E. Lot 22-A: Label all proposed infrastructure (parking lot, drive aisle, buildings, etc ...) as illustrative only or remove it all together.
Proposed infrastructure within Lot 22-A was labeled "For illustrative purposes only".
- F. The connection to the future retail development on Lot 21A must be temporarily closed until the development is constructed and completed.
Temporary barricades and a note requiring they remain in place until the adjacent development is completed, was added to the site plan.
- G. Proposed access to public roadway needs to be shown completely.
The site plan was revised to completely show the connection to Holly Avenue.
- H. Provide/label/detail all dimensions and proposed infrastructure for Site.
The site plan was revised to show all dimensions and labels for proposed infrastructure.
- I. The 6' proposed sidewalk connection from Paseo Del Norte will need NMDOT approval.
All work within the Paseo Del Norte right of way will be coordinated and permitted through NMDOT.
- J. 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).
We believe all of the actions have been accomplished for the previous actions.
- K. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for Site plan shall comply and be designed per DPM Standards.
We believe the site plan complies with all DPM criteria.
15. The following conditions from PNM shall be met:
- A. The applicant shall determine if existing utility easements cross the property and shall abide by any conditions or terms of those easements.
- B. The applicant shall coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height to ensure sufficient safety clearances and avoid interference with the existing distribution facilities.

We have contacted PNM's New Service Delivery Department to coordinate new service delivery and have indicated all existing and proposed easements on the site and master utility plans.

16. The site development plan shall comply with the Landscaping Regulations, §14-16-3-10.
The site development plan complies with the Landscaping Regulations, including the side yard landscape buffer requirement which will be relocated since the lot line lies within a common access easement, as allowed by , §14-16-3-10 (E)(3)(b).

If you have any questions or require additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Ronald R. Bohannon, P.E.

Enclosure/s

cc: Steve C. Meier – Mays & Company

JN: 29095

JH/cia



City of Albuquerque

Date: September 8, 2011

Planning Department
Urban Design & Development Division
P.O. Box 1293
Albuquerque, New Mexico 87103

**AMENDED
OFFICIAL NOTIFICATION OF DECISION**

FILE: Project # 1003532
11EPC-40023 SITE DEV. PLAN FOR
SUBDIVISION- Amendment
11EPC-40024 SITE DEV. PLAN FOR
BUILDING PERMIT- Amendment

Resolution Equities, LLC
8220 San Pedro NE, Suite 500
Albuquerque, NM 87113

LEGAL DESCRIPTION:

Tierra West LLC, agent for Resolution Equities LLC, requests the above actions for all or a portion of Lots 11 & 22, Block 10, North Albuquerque Acres, Tract 2, Unit 3, zoned SU-2 Mixed Use, located on Paseo del Norte Boulevard, south of Holly Avenue and west of Wyoming Boulevard, containing approximately 1.5 acres. (C-19) Catalina Lehner, Staff Planner

On May 12, 2011, the Environmental Planning Commission (EPC) voted to APPROVE Project #1003532 / 11EPC-40023, a Site Development Plan for Subdivision, based on the following Findings and subject to the Conditions listed herein.

On September 8, 2011, the EPC voted to APPROVE the following amendment to this Official Notification of Decision regarding the site development plan for subdivision: the addition of Findings 16, 17 and 18, the revision of Condition 4, and the addition of Condition 7.

FINDINGS:

1. This request is for a Site Development Plan for Subdivision for Lot 11 and Lot 22, Block 10, North Albuquerque Acres, Tract 2, Unit 3, an approximately 1.5 acre site located on Paseo del Norte Boulevard, south of Holly Avenue and west of Wyoming Boulevard, zoned SU-2/Mixed Use (the "subject site").
2. The applicant proposes to adjust the lot line, between Lot 11 and Lot 22, northward by approximately 53 feet. Lot 22 would increase in size from approximately 0.53 acre to 0.72 acre and be renamed "Lot 22-A". Lot 11 would decrease in size from approximately 0.89 acre to approximately 0.7 acre and be renamed "Lot 11-A".

OFFICIAL NOTICE OF DECISION

PROJECT #1003532

September 8, 2011

Page 2 of 11

3. A request for a Site Development Plan for Building Permit (11EPC-40024) on the proposed Lot 22-A accompanies this request. Future development on the northern lot (Lot 11-A) is subject to EPC approval.
4. The subject site is located in the Developing Urban Area of the Comprehensive Plan and in the boundaries of the La Cueva Sector Development Plan (LCSDP). Wyoming Blvd. is an Enhanced Transit Corridor and Paseo del Norte Blvd. is an Express Corridor, as designated in the Comprehensive Plan.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan (LCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The subject site was included in an 8-acre project covered by the Plaza at La Cueva Traffic Impact Study (TIS), dated 2004 and 2006, which was reviewed by City Transportation Staff.
7. The SU-2/MU (Mixed-Use) zone and the "Common Design Regulations for All SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva sector Development Plan (LCSDP) apply to development on the subject site. Approval of a site development plan and landscape plan by the Environmental Planning Commission (EPC) is required.
8. The proposal furthers the following Comprehensive Plan policies:
 - A. The subject site is contiguous to existing urban facilities. The proposed development would not compromise neighborhood integrity (Policy II.B.5e- urban facilities/ neighborhood integrity).
 - B. Two residences may see more traffic, though the proposal would not generate enough vehicle trips to trigger the Traffic Impact Study (TIS) requirement. Therefore, the impact to livability and safety is not likely to be great overall (Policy II.B.5k-land adjacent to arterial streets).
9. The proposal partially furthers the following Comprehensive Plan policies:
 - A. The proposed development would generally respect existing conditions and resources. The design should comply to a greater degree with applicable design regulations, which are indicative of what neighborhoods value (Policy II.B.5d- neighborhood values/environmental conditions/resources).
 - B. The subject site is not where commercial development should generally be located, though it is zoned SU-2/MU (Mixed Use) which includes C-1 commercial uses with exceptions (Policy II.B.5j-location of new commercial development).
 - C. The proposed building is generally appropriate to the plan area. With the application of conditions of approval, it will comply with applicable design regulations having to do with façade recessions and signage (Policy II.B.5l-design quality/innovation).
 - D. The proposed building would help maintain unique vistas. The quality of the visual environment would improve somewhat. With the application of conditions of approval, compliance with the design regulations would further improve quality of the visual environment (Policy II.B.5m-site design/visual environment).

OFFICIAL NOTICE OF DECISION

PROJECT #1003532

September 8, 2011

Page 3 of 11

10. The proposal partially furthers the Community Identity & Urban Design Goal because it partially complies with applicable design regulations which create an identity for the Plan area, and therefore partially contributes to creating the natural and built characteristics that make this part of the City identifiable as a distinct community.
11. Regarding the La Cueva Sector Development Plan (LCSDP), the proposal furthers Guiding Land Use Principles 2 and 8 of and partially furthers Principle 9. The development would add to the area's mix of retail uses and serve a growing population (Principle 2). The proposed, approximately 25 foot tall building is not likely to obstruct residents' views (Principle 8). The development is mostly designed to be appropriate for the Plan area (Principle 9).
12. The proposal generally furthers overarching Guiding Principle, Bullet 4, of the La Cueva Sector Development Plan (LCSDP). The proposed retail use would be generally compatible with existing development in the area, which consists mostly of various commercial retail and service uses.
13. Conditions of approval are recommended to provide clarification and correct minor errors.
14. The applicant applied for a variance through the Zoning Hearing Examiner (ZHE) process (Project #1008717, 11ZHE-80051). The variance was to the Zoning Code regulation (C-1 zone), and Design Regulation 13R-4 of the La Cueva Sector Development Plan (LCSDP), which do not allow free-standing (monument) signs on lots less than 5 acres in size in a Developing Urban Area. A facilitated meeting was held on April 5, 2011. Neighbors were concerned that allowing a free-standing (monument) sign would set a precedent. At the follow-up facilitated meeting on April 12, 2010, neighbors remained concerned. The applicant withdrew the variance request.
15. The applicant notified the North Domingo Baca Neighborhood Association (NA), the North Wyoming NA and the District 4 Coalition of NAs as required. A property owner residing on the north side of Holly Avenue called to express concern about his residential use being surrounded by commercial development, though he is not opposed to development itself. As of the writing (May 2011), Staff has not received any correspondence.
16. On the site development plan for building permit that the EPC approved on May 12, 2011, an access easement was shown along the eastern side of the property adjacent west (Lot 9-A) to provide access to the subject site (Lots 11 & 22). However, the applicant recently became aware that the owner of Lot 9-A was no longer willing to allow this easement.
17. At the September 8, 2011 hearing, the applicant presented a revised site development plan for building permit for the EPC's consideration. The revised site development plan proposes an access easement along the western side of the subject site. Access to the subject site would no longer be via the adjacent Lot 9-A).
18. The applicant notified the North Domingo Baca Neighborhood Association (NA), the North Wyoming NA, the Santa Barbara Home Owners Association (HOA), the District 4 Coalition and the property owner of Lot 9-A. As of this writing, Staff has not received any correspondence. There is no known opposition.

OFFICIAL NOTICE OF DECISION

PROJECT #1003532

September 8, 2011

Page 4 of 11

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Add a note stating that development shall comply with the regulations of the SU-2/MU (Mixed Use) zone and the Common Design Regulations for SU-2 zoned properties in the La Cueva Sector Development Plan (LCS DP).
4. The following conditions from the Department of Municipal Development, Transportation Planning shall be met:
 - A. All easements need to be shown on plans, dimensioned appropriately and pathway kept clear of any infrastructure obstructions.
 - B. The proposed entrance is encroaching into Lot 9A's property. Please clear up this encroaching issue.
 - C. Vacation of Easement for Lot 9A: Provide recording document information.
 - D. Concurrent plat action required at Development Review Board (DRB) for proposed lot lines adjustment and proposed access easement.
 - E. Lot 22-A: Label all proposed infrastructure (parking lot, drive aisle, buildings, etc...) as illustrative only or remove it all together
 - F. The connection to the future retail development on Lot 21A must be temporarily closed until the development is constructed and completed.
 - G. Proposed access to public roadway needs to be shown completely.
 - H. Provide/label/detail all dimensions and proposed infrastructure for Site.
 - I. The 6' proposed sidewalk connection from Paseo Del Norte will need NMDOT approval.
 - J. 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).
 - K. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for Site plan shall comply and be designed per DPM Standards.
5. The following conditions from PNM shall be met:
 - A. The applicant shall determine if existing utility easements cross the property and shall abide by any conditions or terms of those easements.
 - B. The applicant shall coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height to ensure sufficient safety clearances and avoid interference with the existing distribution facilities.
6. The following minor corrections shall be made:

OFFICIAL NOTICE OF DECISION

PROJECT #1003532

September 8, 2011

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- A. Clarify the subject site's zoning descriptor.
 - B. Add the correct EPC project numbers for the development adjacent east.
 - C. Use a consistent number for the proposed area of Lot 22-A.
7. The site development plan shall comply with the Landscaping Regulations, §14-16-3-10.

On May 12, 2011, the Environmental Planning Commission (EPC) voted to APPROVE Project #1003532 / 11EPC-40024, a Site Development Plan for Building Permit, based on the following Findings and subject to the Conditions listed herein.

On September 8, 2011, the EPC voted to APPROVE the following amendment to this Official Notification of Decision regarding the site development plan for building permit: the addition of Findings 16, 17 and 18, the revision of Condition 14 and the addition of Condition 16.

FINDINGS:

1. This request is for a Site Development Plan for Building Permit for Lot 11 and Lot 22, Block 10, North Albuquerque Acres, Tract 2, Unit 3, an approximately 1.5 acre site located on Paseo del Norte Boulevard, south of Holly Avenue and west of Wyoming Boulevard, zoned SU-2/Mixed Use (the "subject site").
2. The applicant proposes to adjust the lot line, between Lot 11 and Lot 22, northward by approximately 53 feet. Lot 22 would increase in size from approximately 0.53 acre to 0.72 acre and be renamed "Lot 22-A". Lot 11 would decrease in size from approximately 0.89 acre to approximately 0.7 acre and be renamed "Lot 11-A".
3. A request for a Site Development Plan for Subdivision (11EPC-40023) on the proposed Lot 22-A accompanies this request. Future development on the northern lot (Lot 11-A) is subject to EPC approval.
4. The subject site is located in the Developing Urban Area of the Comprehensive Plan and in the boundaries of the La Cueva Sector Development Plan (LCSDP). Wyoming Blvd. is an Enhanced Transit Corridor and Paseo del Norte Blvd. is an Express Corridor, as designated in the Comprehensive Plan.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan (LCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The subject site was included in an 8-acre project covered by the Plaza at La Cueva Traffic Impact Study (TIS), dated 2004 and 2006, which was reviewed by City Transportation Staff.
7. The SU-2/MU (Mixed-Use) zone and the "Common Design Regulations for All SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva sector Development Plan (LCSDP)

apply to development on the subject site. Approval of a site development plan and landscape plan by the Environmental Planning Commission (EPC) is required.

8. The proposal furthers the following Comprehensive Plan policies:
 - A. The subject site is contiguous to existing urban facilities. The proposed development would not compromise neighborhood integrity (Policy II.B.5e- urban facilities/ neighborhood integrity).
 - B. Two residences may see more traffic, though the proposal would not generate enough vehicle trips to trigger the Traffic Impact Study (TIS) requirement. Therefore, the impact to livability and safety is not likely to be great overall (Policy II.B.5k-land adjacent to arterial streets).
9. The proposal partially furthers the following Comprehensive Plan policies:
 - A. The proposed development would generally respect existing conditions and resources. The design should comply to a greater degree with applicable design regulations, which are indicative of what neighborhoods value (Policy II.B.5d- neighborhood values/environmental conditions/resources).
 - B. The subject site is not where commercial development should generally be located, though it is zoned SU-2/MU (Mixed Use) which includes C-1 commercial uses with exceptions (Policy II.B.5j-location of new commercial development).
 - C. The proposed building is generally appropriate to the plan area. With the application of conditions of approval, it will comply with applicable design regulations having to do with façade recessions and signage (Policy II.B.5l-design quality/innovation).
 - D. The proposed building would help maintain unique vistas. The quality of the visual environment would improve somewhat. With the application of conditions of approval, compliance with the design regulations would further improve quality of the visual environment (Policy II.B.5m-site design/visual environment).
10. The proposal partially furthers the Community Identity & Urban Design Goal because it partially complies with applicable design regulations which create an identity for the Plan area, and therefore partially contributes to creating the natural and built characteristics that make this part of the City identifiable as a distinct community.
11. Regarding the La Cueva Sector Development Plan (LCSDP), the proposal furthers Guiding Land Use Principles 2 and 8 of and partially furthers Principle 9. The development would add to the area's mix of retail uses and serve a growing population (Principle 2). The proposed, approximately 25 foot tall building is not likely to obstruct residents' views (Principle 8). The development is mostly designed to be appropriate for the Plan area (Principle 9).
12. The proposal generally furthers overarching Guiding Principle, Bullet 4, of the La Cueva Sector Development Plan (LCSDP). The proposed retail use would be generally compatible with existing development in the area, which consists mostly of various commercial retail and service uses.
13. Conditions of approval are recommended to create and improve compliance with applicable design regulations and provide clarification.
14. The applicant applied for a variance through the Zoning Hearing Examiner (ZHE) process (Project #1008717, 11ZHE-80051). The variance was to the Zoning Code regulation (C-1 zone), and Design

Regulation 13R-4 of the La Cueva Sector Development Plan (LCSDP), which do not allow free-standing (monument) signs on lots less than 5 acres in size in a Developing Urban Area. A facilitated meeting was held on April 5, 2011. Neighbors were concerned that allowing a free-standing (monument) sign would set a precedent. At the follow-up facilitated meeting on April 12, 2010, neighbors remained concerned. The applicant withdrew the variance request.

15. The applicant notified the North Domingo Baca Neighborhood Association (NA), the North Wyoming NA and the District 4 Coalition of NAs as required. A property owner residing on the north side of Holly Avenue called to express concern about his residential use being surrounded by commercial development, though he is not opposed to development itself. As of this writing, Staff has not received any correspondence.
16. On the site development plan for building permit that the EPC approved on May 12, 2011, an access easement was shown along the eastern side of the property adjacent west (Lot 9-A) to provide access to the subject site (Lots 11 & 22). However, the applicant recently became aware that the owner of Lot 9-A was no longer willing to allow this easement.
17. At the September 8, 2011 hearing, the applicant presented a revised site development plan for building permit for the EPC's consideration. The revised site development plan proposes an access easement along the western side of the subject site. Access to the subject site would no longer be via the adjacent Lot 9-A).
18. The applicant notified the North Domingo Baca Neighborhood Association (NA), the North Wyoming NA, the Santa Barbara Home Owners Association (HOA), the District 4 Coalition and the property owner of Lot 9-A. As of this writing, Staff has not received any correspondence. There is no known opposition.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Add a note stating that development shall comply with the regulations of the SU-2/MU (Mixed Use) zone and the Common Design Regulations for SU-2 zoned properties in the La Cueva Sector Development Plan (LCSDP).
4. Public Outdoor Space:
 - A. Add a bench to the front patio area (8R-2).

- B. Dimension the patio area at the building's front entrance (8R-3).
- C. Label amenities in the back patio area (8R-3).
- D. Move the proposed Ash tree eastward to shade the benches.
- E. Add an umbrella to the table.
- F. Specify the amount of outdoor seating (Zoning).

5. Parking:

- A. Correct the parking calculations using the rate of 1 space/200 sf of building area.
- B. Note that 38 spaces are required, 3 of which must be Handicap spaces.

6. Pedestrian Access & Circulation:

- A. Dimension the pedestrian pathway and label it as a pedestrian pathway (sheet C-2 and detail sheet)(3R-3).
- B. Specify material of the pedestrian pathway and indicate that it is raised (sheet C-2 and detail sheet) (3R-3).
- C. Provide a pedestrian connection to the site adjacent north (Lot 11-A) (3R-5).
- D. Relocate light pole to the western side of the trash enclosure so it will not preclude location of a pedestrian pathway (3R-5).
- E. Relocate the bicycle rack so that it does not block a door.
- F. Provide a 15 foot sidewalk along the entry façade of the building (3R-4).
- G. Shading shall be provided along the entry façade, but not above the garage doors (3R-4).

7. Lighting & Landscaping:

- A. Trees shall not be planted to conflict with the location of pole lights (Albuquerque Police Department, Crime Prevention Office).
- B. Relocate pole lights so they will not conflict with trees in the future.
- C. Show the location of pole lights on the landscaping plan.

8. Landscaping:

- A. Provide street trees and a street tree plan pursuant to §6-6-2-1 ROA 1994.
- B. Add plants to the trash enclosure area and to the eastern border so that coverage with living, vegetative material is 75%.
- C. Provide standard irrigation information, including number of emitters and/or bubblers for plants and trees, the frequency of watering, run time and the flow rate (gph)
- D. Revise note to state that maintenance of landscape and irrigation is the responsibility of the property owner.
- E. Specify gravel color as light or medium brown.
- F. Mulch shall extend to a 3 inch depth.
- G. Show curb notches just east of the dumpster, on the eastern side of the landscape island near the buildings NW corner and on the northern side of the landscape island near the buildings SW corner.
- H. Revise note to indicate that street trees do not exist (south of the subject site).
- I. Remove landscaping from the stairs.

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9. Lighting:

- A. Add a note to state that all outdoor light fixtures shall be equipped with light and motion sensors and/or automatic timing devices (14R-2, 14R-4).
- B. Add a note to state that all outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line receives no more than 0.25 of a foot candle (fc) of light from the premises lighting system.
- C. Add additional wall mounted lights to illuminate walkways and building entrances (APD Crime Prevention Office comment), provided that compliance with the LCSDP design regulations is maintained.

10. Architecture & Design:

- A. The southern façade shall incorporate recessions or projections along at least 20% of the length of the façade (5R-4).
- B. The canopy shall be extended to the west so that it is approximately 50 feet long.
- C. Roof material shall be a light colored tile (5R-8, 9R-3).

11. Signage:

- A. Specify sign lighting or indicate that signs are not illuminated (13R-7).
- B. Add a note to state that all signage must be designed to be consistent with and complement the materials, color and architectural style of the building or site (13R-1).

12. Grading & Drainage Plan:

- A. Revise note to indicate that any changes to this plan shall be coordinated and approved by the City.
- B. Revise note to state that the landscaping will be at grade with the parking lot.
- C. A note shall be added to state that curb notches will be used.
- D. Show curb notches just east of the dumpster, on the eastern side of the landscape island near the buildings NW corner and on the northern side of the landscape island near the buildings SW corner.
- E. To the extent that the drainage pattern crosses on to an adjacent site, an appropriate cross-drainage agreement shall exist.

13. Utility Plan: Clarify General Note 1 to indicate that all utilities serving the building shall be placed underground (11R-2).

14. The following conditions from the Department of Municipal Development, Transportation Planning shall be met:

- A. All easements need to be shown on plans, dimensioned appropriately and pathway kept clear of any infrastructure obstructions.
- B. The proposed entrance is encroaching into Lot 9A's property. Please clear up this encroaching issue.
- C. Vacation of Easement for Lot 9A: Provide recording document information.
- D. Concurrent plat action required at Development Review Board (DRB) for proposed lot lines adjustment and proposed access easement.

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- E. Lot 22-A: Label all proposed infrastructure (parking lot, drive aisle, buildings, etc...) as illustrative only or remove it all together
 - F. The connection to the future retail development on Lot 21A must be temporarily closed until the development is constructed and completed.
 - G. Proposed access to public roadway needs to be shown completely.
 - H. Provide/label/detail all dimensions and proposed infrastructure for Site.
 - I. The 6' proposed sidewalk connection from Paseo Del Norte will need NMDOT approval.
 - J. 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).
 - K. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for.
 - L. Site plan shall comply and be designed per DPM Standards.
15. The following conditions from PNM shall be met:
- A. The applicant shall determine if existing utility easements cross the property and shall abide by any conditions or terms of those easements.
 - B. The applicant shall coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height to ensure sufficient safety clearances and avoid interference with the existing distribution facilities.
16. The site development plan shall comply with the Landscaping Regulations, §14-16-3-10.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY SEPTEMBER 23, 2011 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.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance 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 the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally, plan approval is terminated 7 years after approval by the EPC.

Sincerely,



for Deborah Stover
Planning Director

DS/cll

cc: Tierra West, LLC. Attn: Joel Hernandez, 5571 Midway Park Pl. NE, Albuquerque, NM 87109
New Covenant Church of Albuquerque, 7201 Paseo del Norte Blvd. NE, Albuquerque, NM 87113
Judie Pellegrino, 8515 Murrelet NE, Albuquerque, NM 87113
Eric Bose, 7200 Peregrine NE, Albuquerque, NM 87113
Amy Wasko, 7808 Callow NE, Albuquerque, NM 87109
Nanci Carriveau, 8309 Krim Dr. NE, Albuquerque, NM 87109
Peter Nicholls, 8519 Palomar Ave. NE, Albuquerque, NM 87109
Erica Vasquez, P.O. Box 92315, Albuquerque, NM 87199
Katherine McAndrew, 7200 Quail Hollow NE, Albuquerque, NM 87109
Kelly Joyner, 7800 Rancho de Palomas NE, Albuquerque, NM 87109

Cynthia Abeyta

From: Ron Bohannon
Sent: Tuesday, October 25, 2011 6:05 AM
To: Cynthia Abeyta
Cc: Joel Hernandez
Subject: FW: Please submit DRB application tomorrow at noon

Importance: High

Cynthia include a copy of this email with our application so that Jack Cloud knows we will have the termination of the easement.

Thanks

Ronald R. Bohannon, P.E.
President
Tierra West LLC (WOBE)
5571 Midway Park Place
Albuquerque, NM 87109
505-858-3100 ext 203
800-245-3102
www.tierrawestllc.com

From: Joshua Skarsgard [<mailto:josh@skarsgardfirm.com>]
Sent: Monday, October 24, 2011 5:12 PM
To: Ron Bohannon; Isaacson, Steven; Joel Hernandez
Cc: Ben Hummel; Steve Meier; Michael Armijo Butler
Subject: Ron: Please submit DRB application tomorrow at noon
Importance: High

The Seller (Resolution Equities, LLC) covenants to produce an executed termination of the existing access easement on or before Wednesday the 2nd of November at 9:00 a.m. (DRB Public Hearing). This covenant on behalf of the Seller will provide Tierra West the support needed to submit to the DRB tomorrow prior to noon, and Firestone will experience no further delays of the Approval Period.

Thanks, Josh

Joshua J. Skarsgard
The Skarsgard Firm, P.C.
8220 San Pedro NE, Suite 500
Albuquerque, NM 87113
Phone: 505 262 2323
Fax: 505 998 9099

THIS MESSAGE IS SENT BY OR ON BEHALF OF ATTORNEYS AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the address above via the U.S. Postal Service. Thank you.

If this email is spam, report it to www.OnlyMyEmail.com

*Tackles
copy***Lehner, Catalina L.**

From: Marrone, Carmen M.
Sent: Friday, September 23, 2011 11:53 AM
To: 'Joel Hernandez'
Cc: Lehner, Catalina L.; Ron Bohannon
Subject: RE: 11EPC-40024 SITE DEV PLAN FOR BUILDING PERMIT- Canopy at south facade

Joel,

I agree that the canopy will meet the intent of the LCS DP while maintaining the ventilation needed at the louver location. I will let Catalina know that the change is acceptable and should not hold up the approval process.

Carmen

From: Joel Hernandez [mailto:JDHernandez@tierrawestllc.com]
Sent: Thursday, September 22, 2011 2:35 PM
To: Marrone, Carmen M.
Cc: Lehner, Catalina L.; Ron Bohannon
Subject: 11EPC-40024 SITE DEV PLAN FOR BUILDING PERMIT- Canopy at south facade

Hello Carmen,

Thank you for meeting with me earlier this week. As we discussed, our client would like to request a variation to the canopy design to incorporate a combined canopy and trellis structure on the building's main façade in lieu of a continuous 50-foot long canopy per condition of approval 10.B (page 9 of 11, attached). The reason for the request is to avoid a conflict with a louver (vent) in the wall behind the canopy which would be extensive and impractical to redesign. The canopy would be situated in front of the showroom windows and the trellis adjacent to the canopy extending to the bay doors.

We feel the revision to the building design achieves the goal of the condition which is to maximize shade to pedestrian areas and provide building articulation. The design regulations of the La Cueva SDP (excerpt attached) will also be satisfied with this design, including the requirement (5R-4) to incorporate recessions or projections along at least 20% of the length of the façade since the 24'-8" canopy width alone would account for 21.9% of the façade length. The requirement to provide shading along the façade, using canopies, portals or shade trees (3R-4) would also be satisfied with this change.

I appreciate your assistance in this matter. Please do not hesitate to contact our office should you have any questions or if you require additional information.

Thank you,

Joel Hernandez, P.E.
Tierra West, LLC
5571 Midway Park Place NE
Albuquerque, NM 87109
(505) 858-3100 ext 216
(800) 245-3102
www.tierrawestllc.com

10/10/2011



Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- D A APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Tierra West LLC PHONE: 505-858-3100

ADDRESS: 5571 Midway Park Place NE FAX: 505-858-1118

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: _____

APPLICANT: Resolution Equities, LLC PHONE: 505-262-2323

ADDRESS: 8220 San Pedro NE, Suite 500 FAX: 505-998-9099

CITY: Albuquerque STATE NM ZIP 87113 E-MAIL: josh@skarsgardfirm.com

Proprietary interest in site: owner List all owners: _____

DESCRIPTION OF REQUEST: Final Sign-off for Site Development Plan for Subdivision & Site Development Plan for Building Permit

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lots 11 & 22 Block: 10 Unit: 3

Subdiv/Addn/TBKA: North Albuquerque Acres

Existing Zoning: SU-2 Mixed Use Proposed zoning: No change MRGCD Map No _____

Zone Atlas page(s): C-19 UPC Code: 101906417303830122 / 101906417301630111

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.):
Project No. 1003532 (Lot 22) , 1008717

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No

No. of existing lots: 2 No. of proposed lots: 2 Total area of site (acres): 1.4208±

LOCATION OF PROPERTY BY STREETS: On or Near: Paseo del Norte NE

Between: Wyoming Boulevard NE and Louisiana Boulevard NE

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE [Signature] DATE October 3, 2011

(Print) Ronald R. Bohannon, PE Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers
110RB - 70280

110RB - 70281

Hearing date Oct. 12, 2011

10-4-11
Planner signature / date

Action	S.F.	Fees
<u>SBP</u>	_____	\$ <u>0</u>
<u>CMF</u>	_____	\$ <u>20.00</u>
<u>SPS</u>	_____	\$ <u>0</u>
		\$ _____
		\$ _____
		\$ _____
		Total
		\$ <u>20.00</u>

Project # 1003532

FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)

- SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**
 - ___ Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) **6 copies.**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)** **Maximum Size: 24" x 36"**
 - ___ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
 - ___ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Copy of the document delegating approval authority to the DRB
 - ___ Completed Site Plan for Subdivision Checklist
 - ___ Infrastructure List, if relevant to the site plan
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)** **Maximum Size: 24" x 36"**
 - ___ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
 - ___ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - ___ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. **6 copies.**
 - ___ Solid Waste Management Department signature on Site Plan
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Copy of the document delegating approval authority to the DRB
 - ___ Infrastructure List, if relevant to the site plan
 - ___ Completed Site Plan for Building Permit Checklist
 - ___ Copy of Site Plan with Fire Marshal's stamp
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**
- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**
 - ___ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - ___ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Infrastructure List, if relevant to the site plan
 - ___ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**
 - Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Solid Waste Management Department signature on Site Plan for Building Permit
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter carefully explaining how each EPC condition has been met **and** a copy of the EPC Notification of Decision
 - N/A Infrastructure List, if relevant to the site plan
 - Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
 - List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Ronald R. Bohannon, PE

 Applicant name (print)
 October 3, 2011

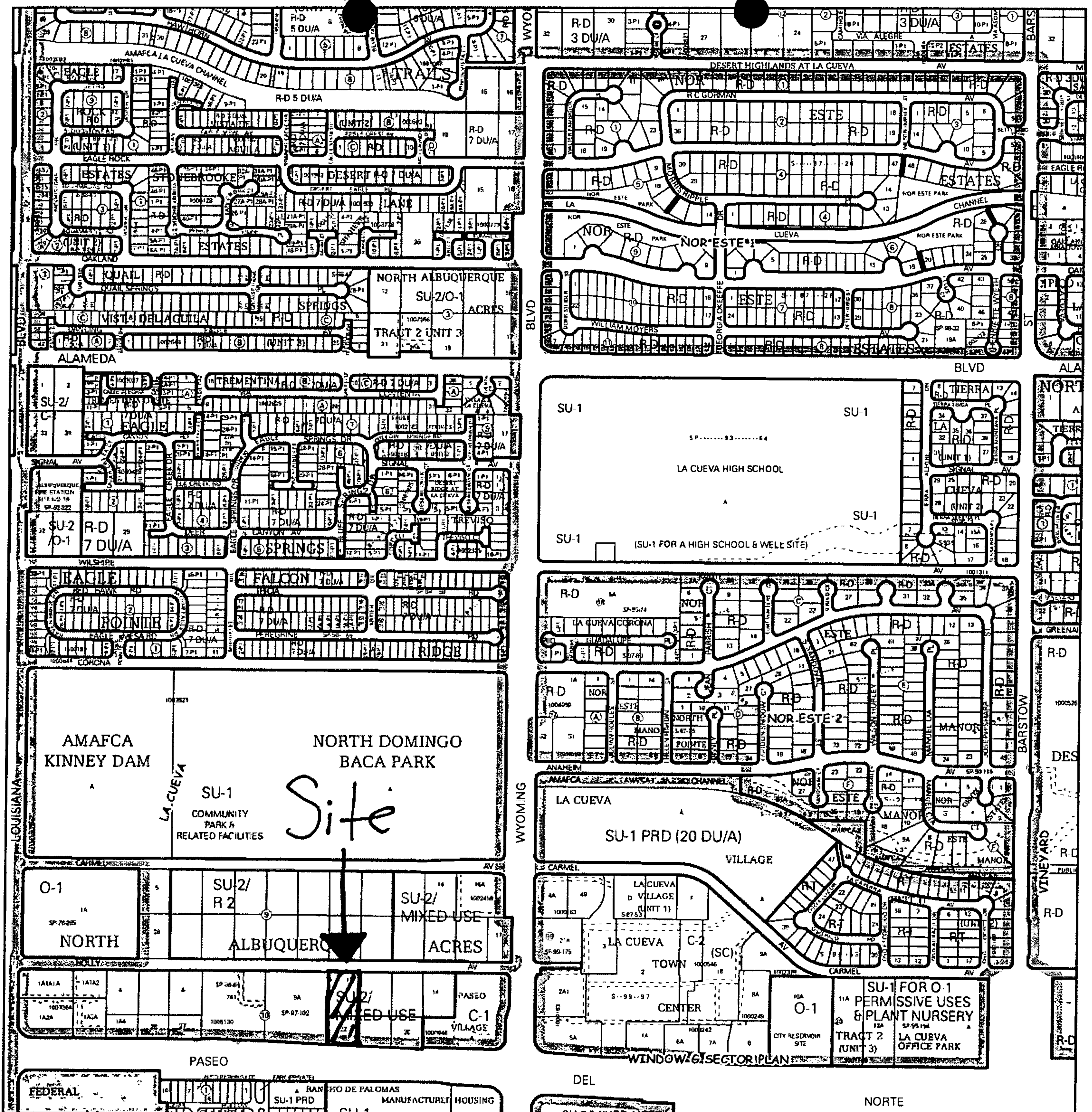
 Applicant signature / date



Form Revised October 2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 11DRB - 70280
 11DRB - 70281

_____ 10-4-11
 Planner signature / date
 Project # 1003532



For more current information and more details visit: <http://www.cabq.gov/gis>

AGIS
Albuquerque Geographic Information System

Map amended through: 2/4/2010

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-19-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

0 750 1,500 Feet

gwr

TIERRA WEST, LLC

October 3, 2011

Mr. Jack Cloud, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

**RE: EPC FINAL SIGN-OFF / PRELIMINARY AND FINAL PLAT SIGN-OFF
FIRESTONE AT WYOMING AND PASEO DEL NORTE NE
PROJECT # 1003532 (11EPC-40023 & 11EPC-40024)**

Dear Chairman Cloud:

Tierra West LLC, on behalf of Resolution Equities, LLC, requests approval of the Site Development Plan, Preliminary and Final Plat Sign-off for the above-referenced site. We have addressed the conditions from EPC related to the Site Development Plan for Subdivision in the following manner:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off may result in forfeiture of approvals.
This letter explains how all the conditions were met and all modifications due to those conditions.
2. Prior to final DRB sign off, the applicant shall meet with the Staff planner to insure that conditions of approval are met.
On May 26, 2011 we met with Catalina Lehner, the staff planner, to review the updated plans for conformance with the conditions of approval. We believe we have made all of the necessary changes.
3. Add a note stating that development shall comply with the regulations of the SU-2/MU (Mixed Use) zone and the Common Design Regulations for SU-2 zoned properties in the La Cueva Sector Development Plan (LCSDP).
We updated Sheet C1 Note #8 to include this notation, as requested.
4. The following conditions from Department of Municipal Development, Transportation Planning shall be met:
 - A. All easements need to be shown on plans, dimensioned appropriately and pathway kept clear of any infrastructure obstructions.
The Cross-lot easement is shown on the plat and adjoining site plan providing access to the proposed parcel. The existing fire hydrant is shown to be relocated.

5571 Midway Park Place NE Albuquerque, NM 87109
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102
tierrawestllc.com

- B. The proposed entrance is encroaching into Lot 9A's property. Please clear up this encroaching issue.
The westerly curb return was adjusted to not encroach on the adjacent property.
 - C. Vacation of Easement for Lot 9A: Provide recording document information.
The private easement over Lot 9A will be released by document.
 - D. Concurrent plat action required at Development Review Board (DRB) for proposed lot lines adjustment and proposed access easement.
The plat is included with the submittal.
 - E. Lot 22-A: Label all proposed infrastructure (parking lot, drive aisle, buildings, etc ...) as illustrative only or remove it all together.
Proposed infrastructure within Lot 22-A was labeled "For illustrative purposes only".
 - F. The connection to the future retail development on Lot 21A must be temporarily closed until the development is constructed and completed.
Temporary barricades and a note requiring they remain in place until the adjacent development is completed, was added to the site plan.
 - G. Proposed access to public roadway needs to be shown completely.
The site plan was revised to completely show the connection to Holly Avenue.
 - H. Provide/label/detail all dimensions and proposed infrastructure for Site.
The site plan was revised to show all dimensions and labels for proposed infrastructure.
 - I. The 6' proposed sidewalk connection from Paseo Del Norte will need NMDOT approval.
All work within the Paseo Del Norte right-of-way will be coordinated and permitted through NMDOT.
 - J. 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).
We believe all of the actions have been accomplished for the previous actions.
 - K. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for Site plan shall comply and be designed per DPM Standards.
We believe the site plan complies with all DPM criteria.
5. The following conditions from PNM shall be met:
- A. The applicant shall determine if existing utility easements cross the property and shall abide by any conditions or terms of those easements.
 - B. The applicant shall coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height to ensure sufficient safety clearances and avoid interference with the existing distribution facilities.

We have contacted PNM's New Service Delivery Department to coordinate new service delivery and have indicated all existing and proposed easements on the site and master utility plans.

6. The following minor corrections shall be made:
 - A. Clarify the subject site's zoning descriptor.
 - B. Add the correct EPC project numbers for the development adjacent east.
 - C. Use a consistent number for the proposed area of Lot 22-A.

We updated Sheet C1 to clarify the site's zoning descriptor in the Site Data table, the project number for the development to the east in plan view, and the area of Lot 22-A in both plan view and on the Site Data table.
7. The site development plan shall comply with the Landscaping Regulations, §14-16-3-10.

The site development plan complies with the Landscaping Regulations, including the side yard landscape buffer requirement which will be relocated since the lot line lies within a common access easement, as allowed by , §14-16-3-10 (E)(3)(b).

We have addressed the conditions from EPC related to the Site Development Plan for Building Permit in the following manner:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off may result in forfeiture of approvals.

This letter explains how all the conditions have been met and all modifications due to those conditions.
2. Prior to final DRB sign off, the applicant shall meet with the Staff planner to insure that conditions of approval are met.

On May 26, 2011 we met with Catalina Lehner, the staff planner, to review the updated plans for conformance with the conditions of approval.
3. Add a note stating that development shall comply with the regulations of the SU-2/MU (Mixed Use) zone and the Common Design Regulations for SU-2 zoned properties in the La Cueva Sector Development Plan (LCSDP).

We updated Sheet C2 Note #9 to include this notation, as requested.
4. Public Outdoor Space:
 - A. Add a bench to the front patio area (8R-2).
 - B. Dimension the patio area at the building's front entrance (8R-3).
 - C. Label amenities in the back patio area (8R-3).
 - D. Move the proposed Ash tree eastward to shade the benches.
 - E. Add an umbrella to the table.
 - F. Specify the amount of outdoor seating (Zoning).

We updated Sheet C2 to explicitly label the outdoor amenities, areas, and dimensions as requested.
5. Parking:
 - A. Correct the parking calculations using the rate of 1 space/200 sf of building area.

- B. Note that 38 spaces are required, 3 of which must be Handicap spaces.
We updated the Site Data table on Sheet C2 to show the parking tabulation, as requested.

6. Pedestrian Access & Circulation:

- A. Dimension the pedestrian pathway and label it as a pedestrian pathway (sheet C-2 and detail sheet)(3R-3).
B. Specify material of the pedestrian pathway and indicate that it is raised (sheet C-2 and detail sheet) (3R-3).
C. Provide a pedestrian connection to the site adjacent north (Lot 11-A) (3R-5).
D. Relocate light pole to the western side of the trash enclosure so it will not preclude location of a pedestrian pathway (3R-5).
E. Relocate the bicycle rack so that it does not block a door.
F. Provide a 15 foot sidewalk along the entry façade of the building (3R-4).
G. Shading shall be provided along the entry façade, but not above the garage doors (3R-4).

We updated the Site Data table on Sheet C2 to show the pedestrian pathway material connection to the north, light pole, bike rack, 15-foot sidewalk and shading as requested.

7. Lighting & Landscaping:

- A. Trees shall not be planted to conflict with the location of pole lights (Albuquerque Police Department, Crime Prevention Office).
B. Relocate pole lights so they will not conflict with trees in the future.
C. Show the location of pole lights on the landscaping plan.

We revised the site plan and landscape plan to avoid tree-pole light conflicts and have shown the pole lights on the landscape plan.

8. Landscaping:

- A. Provide street trees and a street tree plan pursuant to §6-6-2-1 ROA 1994.
B. Add plants to the trash enclosure area and to the eastern border so that coverage with living, vegetative material is 75%.
C. Provide standard irrigation information, including number of emitters and/or bubblers for plants and trees, the frequency of watering, run time and the flow rate (gph)
D. Revise note to state that maintenance of landscape and irrigation is the responsibility of the property owner.
E. Specify gravel color as light or medium brown.
F. Mulch shall extend to a 3 inch depth.
G. Show curb notches just east of the dumpster, on the eastern side of the landscape island near the buildings NW corner and on the northern side of the landscape island near the buildings SW corner.
H. Revise note to indicate that street trees do not exist (south of the subject site).
I. Remove landscaping from the stairs.

We revised the landscape plans to provide all items, as requested above.

9. Lighting:

- A. Add a note to state that all outdoor light fixtures shall be equipped with light and motion sensors and/or automatic timing devices (14R-2, 14R-4).
B. Add a note to state that all outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line receives no more than 0.25 of a foot candle (fc) of light from the premises lighting system.

- C. Add additional wall mounted lights to illuminate walkways and building entrances (APD Crime Prevention Office comment), provided that compliance with the LCSDP designs regulations is maintained.

We updated the site plan (Sheet C2) to incorporate items A and B as notes 10 and 11, respectively, and added the additional wall mounted light at the patio as requested.

10. Architecture & Design:

- A. The southern façade shall incorporate recessions or projections along at least 20% of the length of the façade (5R-4).
- B. The canopy shall be extended to the west so that it is approximately 50 feet long.
- C. Roof material shall be a light colored tile (5R-8, 9R-3).

The building elevation incorporates a combined canopy and trellis structure on the building's main façade where the 24'-8" canopy width alone will account for 21.9% of the façade length to satisfy item A, above, and the trellis extends west to the first bay door. The discussion with planning staff for the minor deviation from condition B is documented on the attached email. The roof material will be light colored tile (silver smoke).

11. Signage:

- A. Specify sign lighting or indicate that signs are not illuminated (13R-7).
- B. Add a note to state that all signage must be designed to be consistent with and complement the materials, color and architectural style of the building or site (13R-1).

The architectural elevation sheet was updated to note signs will be internally illuminated and to incorporate note B, above.

12. Grading & Drainage Plan:

- A. Revise note to indicate that any changes to this plan shall be coordinated and approved by the City.
- B. Revise note to state that the landscaping will be at grade with the parking lot.
- C. A note shall be added to state that curb notches will be used.
- D. Show curb notches just east of the dumpster, on the eastern side of the landscape island near the buildings NW corner and on the northern side of the landscape island near the buildings SW corner.
- E. To the extent that the drainage pattern crosses on to an adjacent site, an appropriate cross-drainage agreement shall exist.

The grading plan was updated to incorporate curb notches, depressed landscape areas, and notes as requested above.

13. Utility Plan: Clarify General Note 1 to indicate that all utilities serving the building shall be placed underground (11R-2).

The master utility plan was updated to clarify General Note 1, as requested.

14. The following conditions from Department of Municipal Development, Transportation Planning shall be met:

- A. All easements need to be shown on plans, dimensioned appropriately and pathway kept clear of any infrastructure obstructions.

The Cross lot easement is shown on the plat and adjoining site plan providing access to the proposed parcel. The existing fire hydrant is shown to be relocated

- B. The proposed entrance is encroaching into Lot 9A's property. Please clear up this encroaching issue.
The westerly curb return was adjusted to not encroach on the adjacent property.
 - C. Vacation of Easement for Lot 9A: Provide recording document information.
The private easement over Lot 9A will be released by document.
 - D. Concurrent plat action required at Development Review Board (DRB) for proposed lot lines adjustment and proposed access easement.
The plat has been included with the submittal.
 - E. Lot 22-A: Label all proposed infrastructure (parking lot, drive aisle, buildings, etc ...) as illustrative only or remove it all together.
Proposed infrastructure within Lot 22-A was labeled "For illustrative purposes only".
 - F. The connection to the future retail development on Lot 21A must be temporarily closed until the development is constructed and completed.
Temporary barricades and a note requiring they remain in place until the adjacent development is completed, was added to the site plan.
 - G. Proposed access to public roadway needs to be shown completely.
The site plan was revised to completely show the connection to Holly Avenue.
 - H. Provide/label/detail all dimensions and proposed infrastructure for Site.
The site plan was revised to show all dimensions and labels for proposed infrastructure.
 - I. The 6' proposed sidewalk connection from Paseo Del Norte will need NMDOT approval.
All work within the Paseo Del Norte right of way will be coordinated and permitted through NMDOT.
 - J. 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).
We believe all of the actions have been accomplished for the previous actions.
 - K. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for Site plan shall comply and be designed per DPM Standards.
We believe the site plan complies with all DPM criteria.
15. The following conditions from PNM shall be met:
- A. The applicant shall determine if existing utility easements cross the property and shall abide by any conditions or terms of those easements.
 - B. The applicant shall coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height to ensure sufficient safety clearances and avoid interference with the existing distribution facilities.

We have contacted PNM's New Service Delivery Department to coordinate new service delivery and have indicated all existing and proposed easements on the site and master utility plans.

16. The site development plan shall comply with the Landscaping Regulations, §14-16-3-10.
The site development plan complies with the Landscaping Regulations, including the side yard landscape buffer requirement which will be relocated since the lot line lies within a common access easement, as allowed by , §14-16-3-10 (E)(3)(b).

If you have any questions or require additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



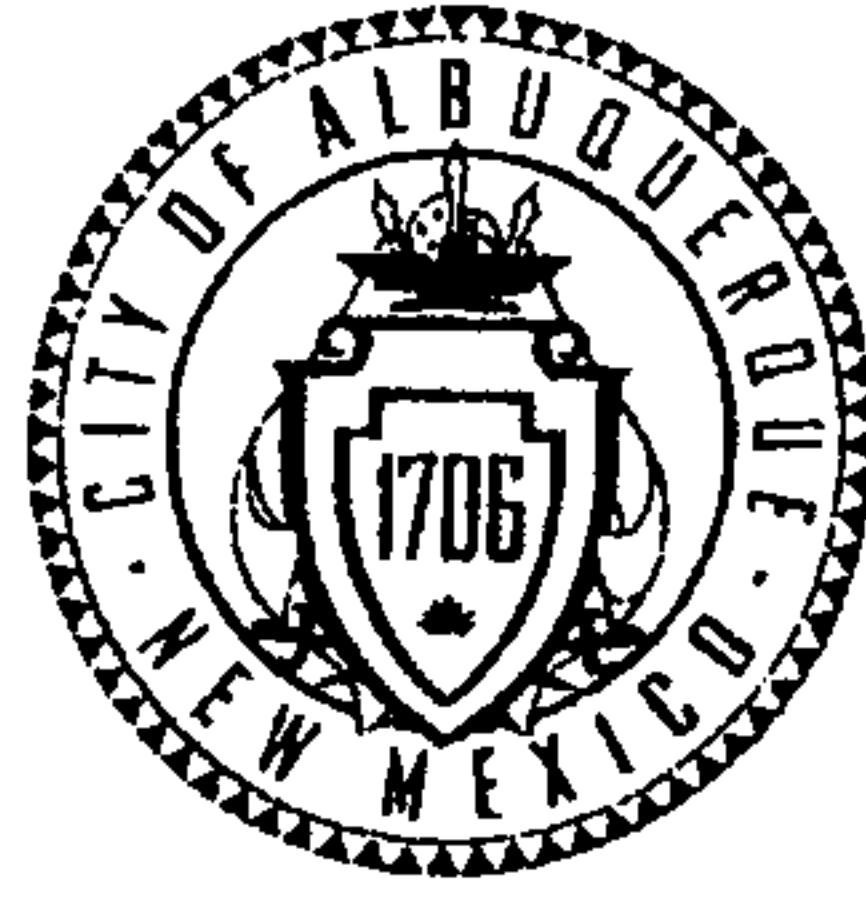
Ronald R. Bohannon, P.E.

Enclosure/s

cc: Steve C. Meier – Mays & Company

JN: 29095

JH/cla



City of Albuquerque

Date: September 8, 2011

Planning Department
Urban Design & Development Division
P.O. Box 1293
Albuquerque, New Mexico 87103

**AMENDED
OFFICIAL NOTIFICATION OF DECISION**

FILE: Project # 1003532
11EPC-40023 SITE DEV. PLAN FOR
SUBDIVISION- Amendment
11EPC-40024 SITE DEV. PLAN FOR
BUILDING PERMIT- Amendment

Resolution Equities, LLC
8220 San Pedro NE, Suite 500
Albuquerque, NM 87113

LEGAL DESCRIPTION:

Tierra West LLC, agent for Resolution Equities LLC, requests the above actions for all or a portion of Lots 11 & 22, Block 10, North Albuquerque Acres, Tract 2, Unit 3, zoned SU-2 Mixed Use, located on Paseo del Norte Boulevard, south of Holly Avenue and west of Wyoming Boulevard, containing approximately 1.5 acres. (C-19) Catalina Lehner, Staff Planner

On May 12, 2011, the Environmental Planning Commission (EPC) voted to APPROVE Project #1003532 / 11EPC-40023, a Site Development Plan for Subdivision, based on the following Findings and subject to the Conditions listed herein.

On September 8, 2011, the EPC voted to APPROVE the following amendment to this Official Notification of Decision regarding the site development plan for subdivision: the addition of Findings 16, 17 and 18, the revision of Condition 4, and the addition of Condition 7.

FINDINGS:

1. This request is for a Site Development Plan for Subdivision for Lot 11 and Lot 22, Block 10, North Albuquerque Acres, Tract 2, Unit 3, an approximately 1.5 acre site located on Paseo del Norte Boulevard, south of Holly Avenue and west of Wyoming Boulevard, zoned SU-2/Mixed Use (the "subject site").
2. The applicant proposes to adjust the lot line, between Lot 11 and Lot 22, northward by approximately 53 feet. Lot 22 would increase in size from approximately 0.53 acre to 0.72 acre and be renamed "Lot 22-A". Lot 11 would decrease in size from approximately 0.89 acre to approximately 0.7 acre and be renamed "Lot 11-A".

OFFICIAL NOTICE OF DECISION

PROJECT #1003532

September 8, 2011

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10. The proposal partially furthers the Community Identity & Urban Design Goal because it partially complies with applicable design regulations which create an identity for the Plan area, and therefore partially contributes to creating the natural and built characteristics that make this part of the City identifiable as a distinct community.
11. Regarding the La Cueva Sector Development Plan (LCSDP), the proposal furthers Guiding Land Use Principles 2 and 8 of and partially furthers Principle 9. The development would add to the area's mix of retail uses and serve a growing population (Principle 2). The proposed, approximately 25 foot tall building is not likely to obstruct residents' views (Principle 8). The development is mostly designed to be appropriate for the Plan area (Principle 9).
12. The proposal generally furthers overarching Guiding Principle, Bullet 4, of the La Cueva Sector Development Plan (LCSDP). The proposed retail use would be generally compatible with existing development in the area, which consists mostly of various commercial retail and service uses.
13. Conditions of approval are recommended to provide clarification and correct minor errors.
14. The applicant applied for a variance through the Zoning Hearing Examiner (ZHE) process (Project #1008717, 11ZHE-80051). The variance was to the Zoning Code regulation (C-1 zone), and Design Regulation 13R-4 of the La Cueva Sector Development Plan (LCSDP), which do not allow free-standing (monument) signs on lots less than 5 acres in size in a Developing Urban Area. A facilitated meeting was held on April 5, 2011. Neighbors were concerned that allowing a free-standing (monument) sign would set a precedent. At the follow-up facilitated meeting on April 12, 2010, neighbors remained concerned. The applicant withdrew the variance request.
15. The applicant notified the North Domingo Baca Neighborhood Association (NA), the North Wyoming NA and the District 4 Coalition of NAs as required. A property owner residing on the north side of Holly Avenue called to express concern about his residential use being surrounded by commercial development, though he is not opposed to development itself. As of the writing (May 2011), Staff has not received any correspondence.
16. On the site development plan for building permit that the EPC approved on May 12, 2011, an access easement was shown along the eastern side of the property adjacent west (Lot 9-A) to provide access to the subject site (Lots 11 & 22). However, the applicant recently became aware that the owner of Lot 9-A was no longer willing to allow this easement.
17. At the September 8, 2011 hearing, the applicant presented a revised site development plan for building permit for the EPC's consideration. The revised site development plan proposes an access easement along the western side of the subject site. Access to the subject site would no longer be via the adjacent Lot 9-A).
18. The applicant notified the North Domingo Baca Neighborhood Association (NA), the North Wyoming NA, the Santa Barbara Home Owners Association (HOA), the District 4 Coalition and the property owner of Lot 9-A. As of this writing, Staff has not received any correspondence. There is no known opposition.

OFFICIAL NOTICE OF DECISION

PROJECT #1003532

September 8, 2011

Page 5 of 11

- A. Clarify the subject site's zoning descriptor.
- B. Add the correct EPC project numbers for the development adjacent east.
- C. Use a consistent number for the proposed area of Lot 22-A.

7. The site development plan shall comply with the Landscaping Regulations, §14-16-3-10.

On May 12, 2011, the Environmental Planning Commission (EPC) voted to APPROVE Project #1003532 / 11EPC-40024, a Site Development Plan for Building Permit, based on the following Findings and subject to the Conditions listed herein.

On September 8, 2011, the EPC voted to APPROVE the following amendment to this Official Notification of Decision regarding the site development plan for building permit: the addition of Findings 16, 17 and 18, the revision of Condition 14 and the addition of Condition 16.

FINDINGS:

1. This request is for a Site Development Plan for Building Permit for Lot 11 and Lot 22, Block 10, North Albuquerque Acres, Tract 2, Unit 3, an approximately 1.5 acre site located on Paseo del Norte Boulevard, south of Holly Avenue and west of Wyoming Boulevard, zoned SU-2/Mixed Use (the "subject site").
2. The applicant proposes to adjust the lot line, between Lot 11 and Lot 22, northward by approximately 53 feet. Lot 22 would increase in size from approximately 0.53 acre to 0.72 acre and be renamed "Lot 22-A". Lot 11 would decrease in size from approximately 0.89 acre to approximately 0.7 acre and be renamed "Lot 11-A".
3. A request for a Site Development Plan for Subdivision (11EPC-40023) on the proposed Lot 22-A accompanies this request. Future development on the northern lot (Lot 11-A) is subject to EPC approval.
4. The subject site is located in the Developing Urban Area of the Comprehensive Plan and in the boundaries of the La Cueva Sector Development Plan (LCSDP). Wyoming Blvd. is an Enhanced Transit Corridor and Paseo del Norte Blvd. is an Express Corridor, as designated in the Comprehensive Plan.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan (LCSDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The subject site was included in an 8-acre project covered by the Plaza at La Cueva Traffic Impact Study (TIS), dated 2004 and 2006, which was reviewed by City Transportation Staff.
7. The SU-2/MU (Mixed-Use) zone and the "Common Design Regulations for All SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva sector Development Plan (LCSDP)

OFFICIAL NOTICE OF DECISION

PROJECT #1003532

September 8, 2011

Page 7 of 11

Regulation 13R-4 of the La Cueva Sector Development Plan (LCSDP), which do not allow free-standing (monument) signs on lots less than 5 acres in size in a Developing Urban Area. A facilitated meeting was held on April 5, 2011. Neighbors were concerned that allowing a free-standing (monument) sign would set a precedent. At the follow-up facilitated meeting on April 12, 2010, neighbors remained concerned. The applicant withdrew the variance request.

15. The applicant notified the North Domingo Baca Neighborhood Association (NA), the North Wyoming NA and the District 4 Coalition of NAs as required. A property owner residing on the north side of Holly Avenue called to express concern about his residential use being surrounded by commercial development, though he is not opposed to development itself. As of this writing, Staff has not received any correspondence.
16. On the site development plan for building permit that the EPC approved on May 12, 2011, an access easement was shown along the eastern side of the property adjacent west (Lot 9-A) to provide access to the subject site (Lots 11 & 22). However, the applicant recently became aware that the owner of Lot 9-A was no longer willing to allow this easement.
17. At the September 8, 2011 hearing, the applicant presented a revised site development plan for building permit for the EPC's consideration. The revised site development plan proposes an access easement along the western side of the subject site. Access to the subject site would no longer be via the adjacent Lot 9-A).
18. The applicant notified the North Domingo Baca Neighborhood Association (NA), the North Wyoming NA, the Santa Barbara Home Owners Association (HOA), the District 4 Coalition and the property owner of Lot 9-A. As of this writing, Staff has not received any correspondence. There is no known opposition.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Add a note stating that development shall comply with the regulations of the SU-2/MU (Mixed Use) zone and the Common Design Regulations for SU-2 zoned properties in the La Cueva Sector Development Plan (LCSDP).
4. Public Outdoor Space:
 - A. Add a bench to the front patio area (8R-2).

OFFICIAL NOTICE OF DECISION

PROJECT #1003532

September 8, 2011

Page 9 of 11

9. Lighting:

- A. Add a note to state that all outdoor light fixtures shall be equipped with light and motion sensors and/or automatic timing devices (14R-2, 14R-4).
- B. Add a note to state that all outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line receives no more than 0.25 of a foot candle (fc) of light from the premises lighting system.
- C. Add additional wall mounted lights to illuminate walkways and building entrances (APD Crime Prevention Office comment), provided that compliance with the LCSDP design regulations is maintained.

10. Architecture & Design:

- A. The southern façade shall incorporate recessions or projections along at least 20% of the length of the façade (5R-4).
- B. The canopy shall be extended to the west so that it is approximately 50 feet long.
- C. Roof material shall be a light colored tile (5R-8, 9R-3).

11. Signage:

- A. Specify sign lighting or indicate that signs are not illuminated (13R-7).
- B. Add a note to state that all signage must be designed to be consistent with and complement the materials, color and architectural style of the building or site (13R-1).

12. Grading & Drainage Plan:

- A. Revise note to indicate that any changes to this plan shall be coordinated and approved by the City.
- B. Revise note to state that the landscaping will be at grade with the parking lot.
- C. A note shall be added to state that curb notches will be used.
- D. Show curb notches just east of the dumpster, on the eastern side of the landscape island near the buildings NW corner and on the northern side of the landscape island near the buildings SW corner.
- E. To the extent that the drainage pattern crosses on to an adjacent site, an appropriate cross-drainage agreement shall exist.

13. Utility Plan: Clarify General Note 1 to indicate that all utilities serving the building shall be placed underground (11R-2).

14. The following conditions from the Department of Municipal Development, Transportation Planning shall be met:

- A. All easements need to be shown on plans, dimensioned appropriately and pathway kept clear of any infrastructure obstructions.
- B. The proposed entrance is encroaching into Lot 9A's property. Please clear up this encroaching issue.
- C. Vacation of Easement for Lot 9A: Provide recording document information.
- D. Concurrent plat action required at Development Review Board (DRB) for proposed lot lines adjustment and proposed access easement.



Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Consensus Planning, Inc. PHONE: 505-764-9801
 ADDRESS: 302 Eighth Street NW FAX: 505-842-5495
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: cp@consensusplanning.com

APPLICANT: G & R Partnership PHONE: 275-0828
 ADDRESS: 425 Eubank Boulevard NE FAX: _____
 CITY: Albuquerque STATE NM ZIP 87123 E-MAIL: rayubieta@qwestoffice.net
 Proprietary interest in site: Owner List all owners: V-MOD LLC

DESCRIPTION OF REQUEST: Final Sign-off of EPC approved Site Plan for Building Permit

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lot 17A Block: 9 Unit: 3
 Subdiv/Addn/TBKA: Albuquerque Acres
 Existing Zoning: SU-1 Mixed Use Proposed zoning: N/A MRGCD Map No _____
 Zone Atlas page(s): C19 UPC Code: 101906425507030216

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.): 1008511; 10ZHE-80317; 1003532

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? no
 No. of existing lots: 1 No. of proposed lots: 1 Total area of site (acres): .57 acres
 LOCATION OF PROPERTY BY STREETS: On or Near: Wyoming Boulevard NE
 Between: Holly NE and Carmel NE

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: 7/20/10

SIGNATURE Jacqueline Fishman DATE 2/1/2011
 (Print) Jacqueline Fishman, AICP Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>11DRB - 70031</u>	<u>CMF SBD</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All fees have been collected				\$
<input checked="" type="checkbox"/> All case #s are assigned				\$
<input checked="" type="checkbox"/> AGIS copy has been sent				\$
<input checked="" type="checkbox"/> Case history #s are listed				\$
<input type="checkbox"/> Site is within 1000ft of a landfill				\$
<input type="checkbox"/> F.H.D.P. density bonus				Total
<input type="checkbox"/> F.H.D.P. fee rebate				<u>\$ 20.00</u>

Hearing date Feb. 16, 2011

Jacqueline Fishman 2-8-11
 Planner signature / date

Project # 1003532



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21

FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)

- SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**
 - ___ Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) **6 copies.**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)** **Maximum Size: 24" x 36"**
 - ___ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
 - ___ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Copy of the document delegating approval authority to the DRB
 - ___ Completed Site Plan for Subdivision Checklist
 - ___ Infrastructure List, if relevant to the site plan
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)** **Maximum Size: 24" x 36"**
 - ___ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
 - ___ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - ___ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. **6 copies.**
 - ___ Solid Waste Management Department signature on Site Plan
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Copy of the document delegating approval authority to the DRB
 - ___ Infrastructure List, if relevant to the site plan
 - ___ Completed Site Plan for Building Permit Checklist
 - ___ Copy of Site Plan with Fire Marshal's stamp
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

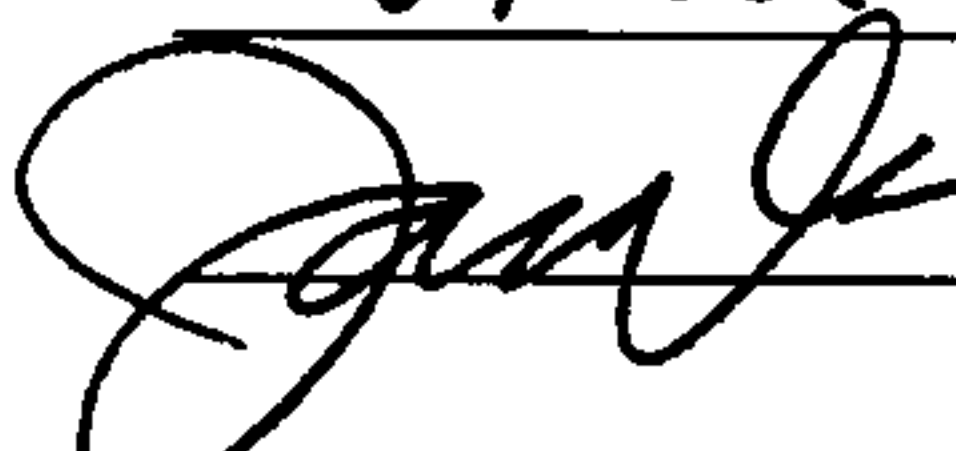
- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**
- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**
 - ___ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - ___ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Infrastructure List, if relevant to the site plan
 - ___ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**
 - Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Solid Waste Management Department signature on Site Plan for Building Permit
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter carefully explaining how each EPC condition has been met **and** a copy of the EPC Notification of Decision
 - Infrastructure List, if relevant to the site plan
 - Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
 - List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

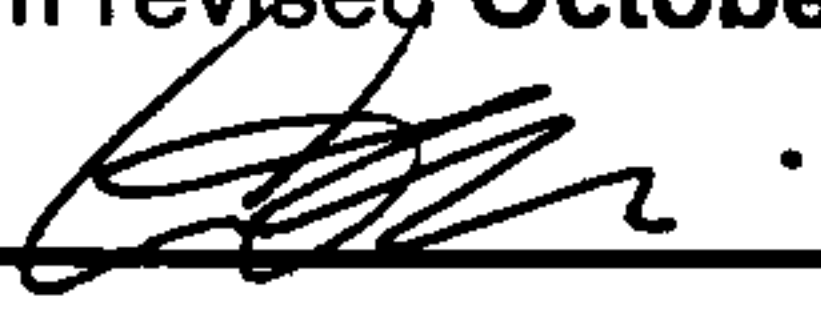
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

JACQUELINE FISHMAN
 Applicant name (print)

 Applicant signature / date

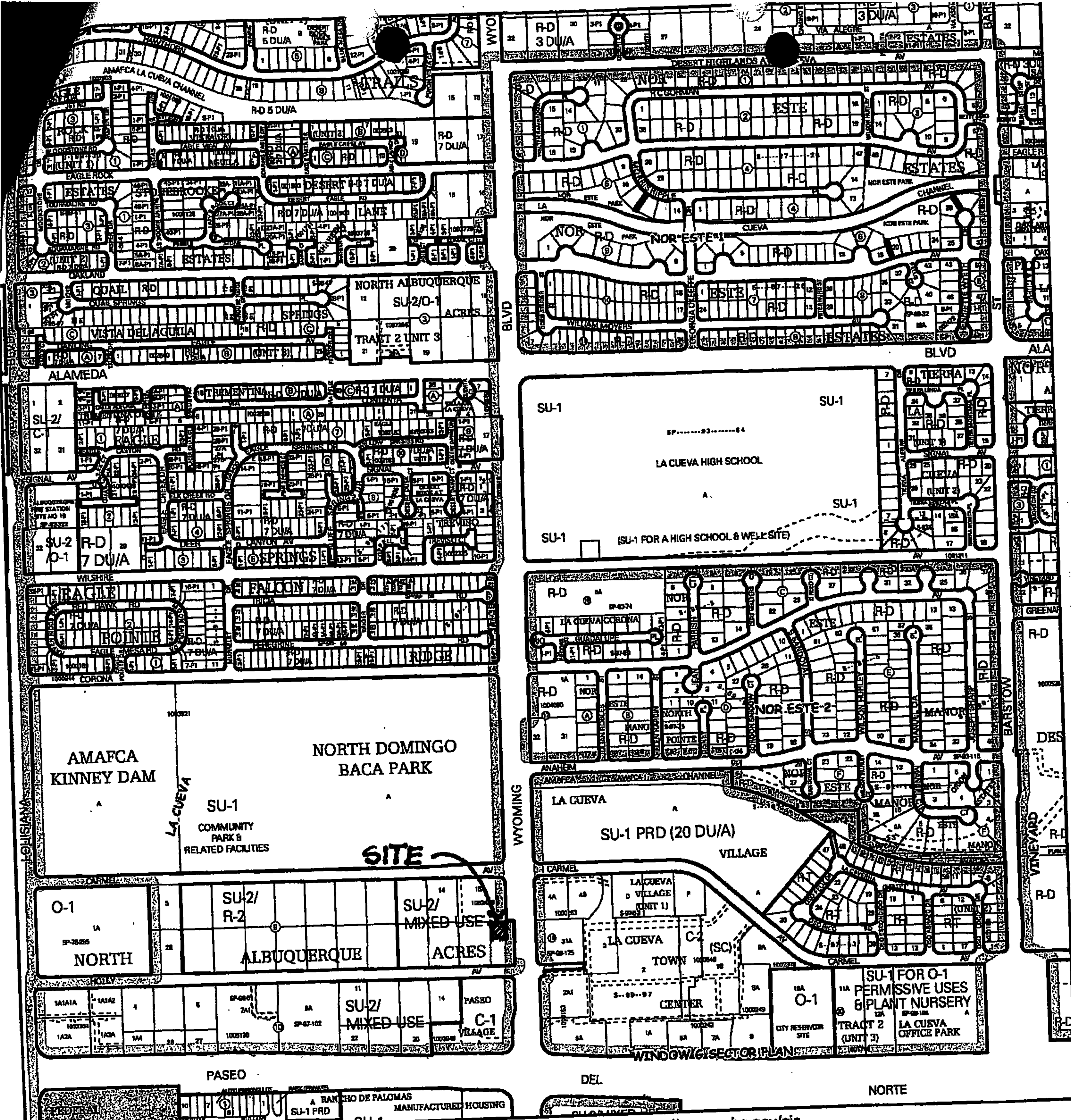


Form revised October 2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- | | |
|--------------------------|---------------|
| Application case numbers | 11DRB - 70031 |
| | |
| | |
| | |

 2-8-11
 Planner signature / date

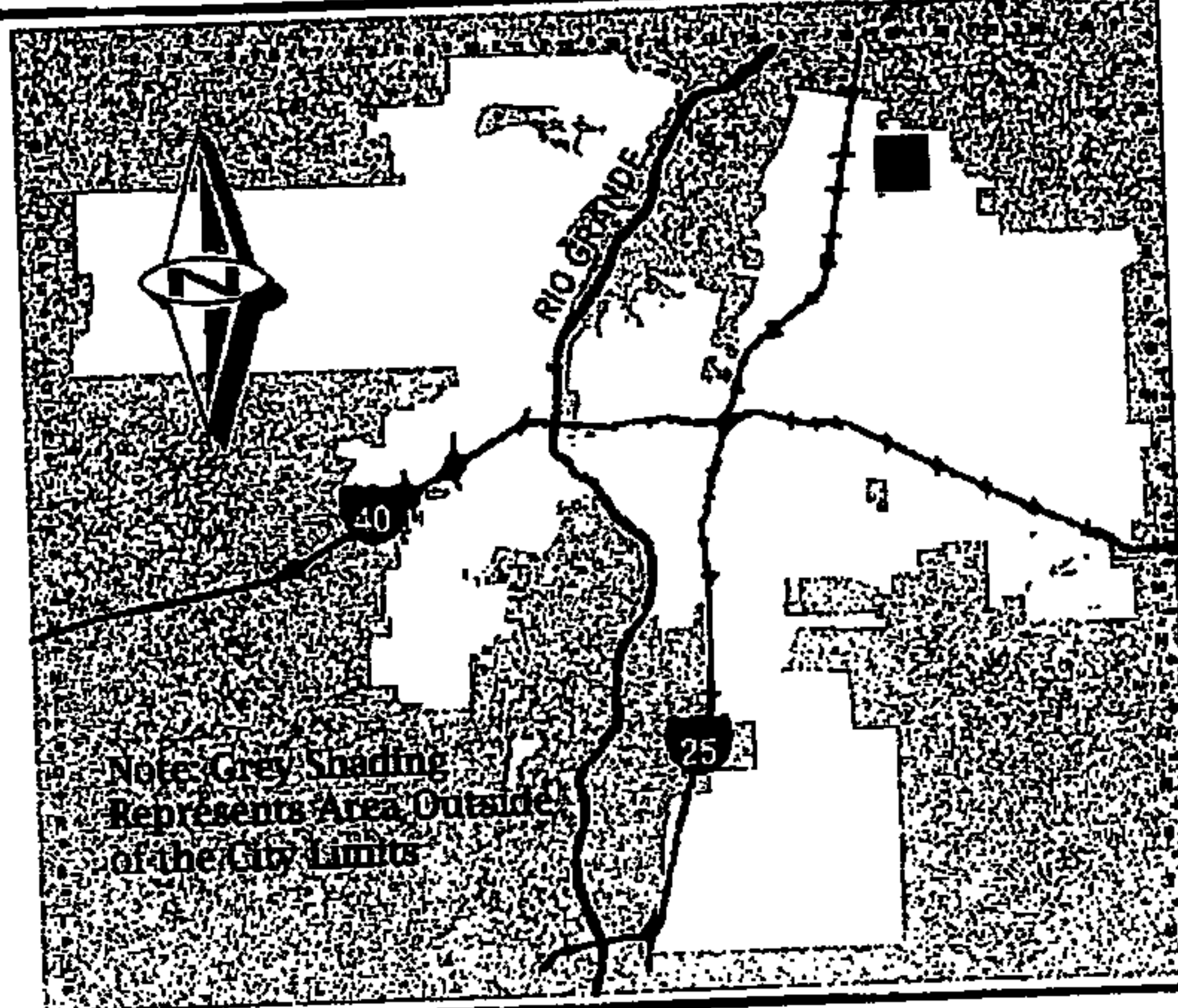
Project # 1003532



For more current information and more details visit: <http://www.cabq.gov/gis>

AGIS
Albuquerque Geographic Information System

Map amended through: 2/4/2010

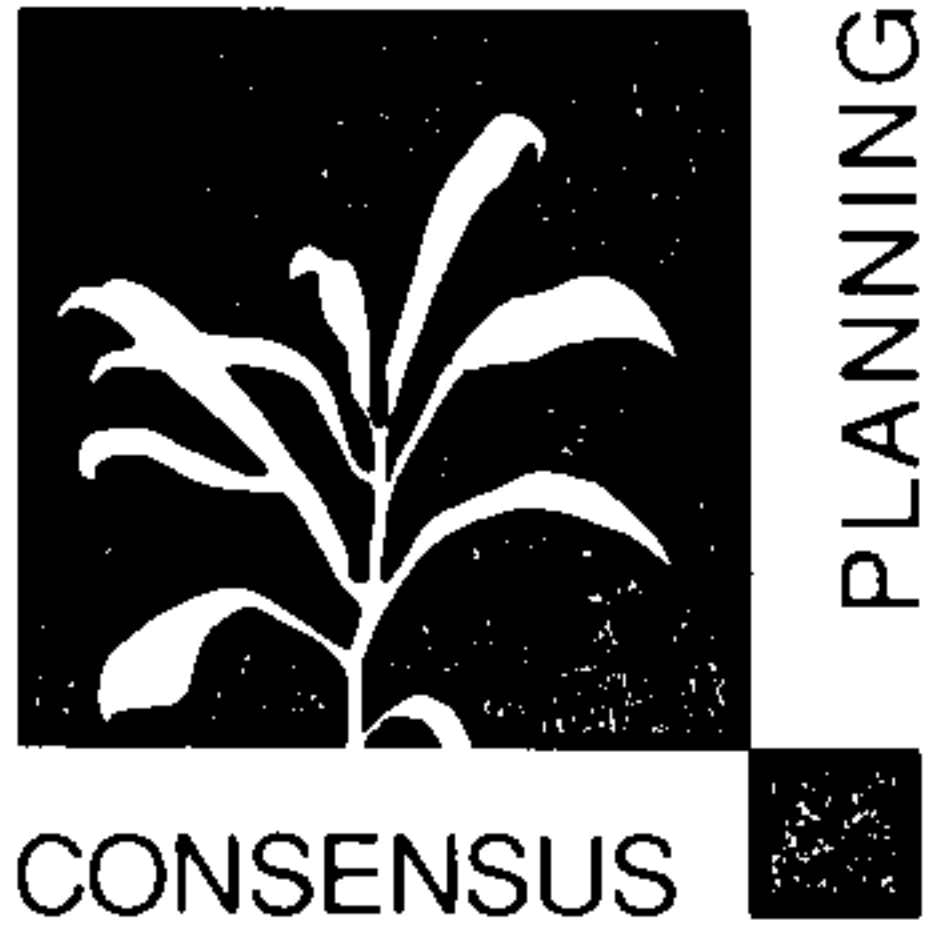


Zone Atlas Page:
C-19-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

0 760 1500 Feet



January 14, 2011

Jack Cloud, AICP, Chairman
Development Review Board
City of Albuquerque
600 2nd Street
Albuquerque, NM 87103

RE: Twisters Restaurant Project #1003532; 10EPC-40064

Dear Mr. Chairman:

The purpose of this letter is to outline how we have revised the Twisters Site Plan for Building Permit to comply with the EPC's conditions of approval per the Official Notification of Decision dated December 9, 2010.

Site Development Plan for Building Permit

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

This letter and the attached revised Site Development Plan for Building Permit specify all modifications that have been made since the December 9, 2010 EPC hearing.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

I met with Randall Falkner, Case Planner, on January 25, 2011 to review the changes and verify that all conditions of approval are met.

3. Lighting/Security:
 - a. Lights shall be positioned to not conflict with landscaping.

The landscape was adjusted in 1-2 places to comply with this condition.

4. The size at time of planting shall meet the minimum acceptable sizes for landscaping, including the following: trees shall be 10 feet in

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

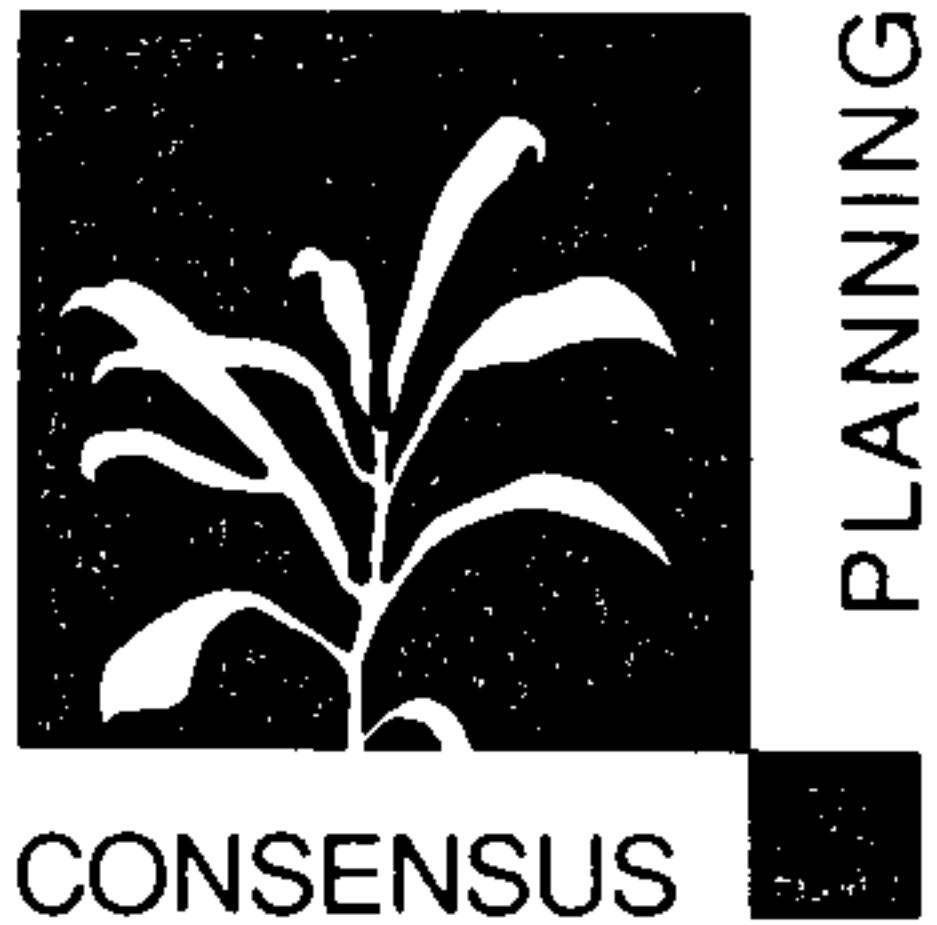
(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

PRINCIPALS

Karen R. Marcotte, AICP
James K. Strozier, AICP
Christopher J. Green, ASLA

ASSOCIATES

Jacqueline Fishman, AICP



height or two inches in caliper measured six inches above grade; shrubs and low-growing evergreens shall be one gallon; and groundcover and turf shall be adequate to provide general ground coverage within one growing season after planning (Section 14-16-3-10(F)).

Planting sizes have been added to the Landscape Plan, sheet 2.

5. Maintenance of outdoor amenities shall be the responsibility of the property owner.

A note was added to the Site Plan, sheet 1.

6. The EPC requests that Solid Waste strongly consider that the dumpster be re-oriented so it does not face the entries to this restaurant and to the adjacent bank, per 5R-1 of the LCSDP.

The architect went to meet with Solid Waste and the revised location is per their direction and includes a slight re-orientation of the trash enclosure to match the adjacent bank.

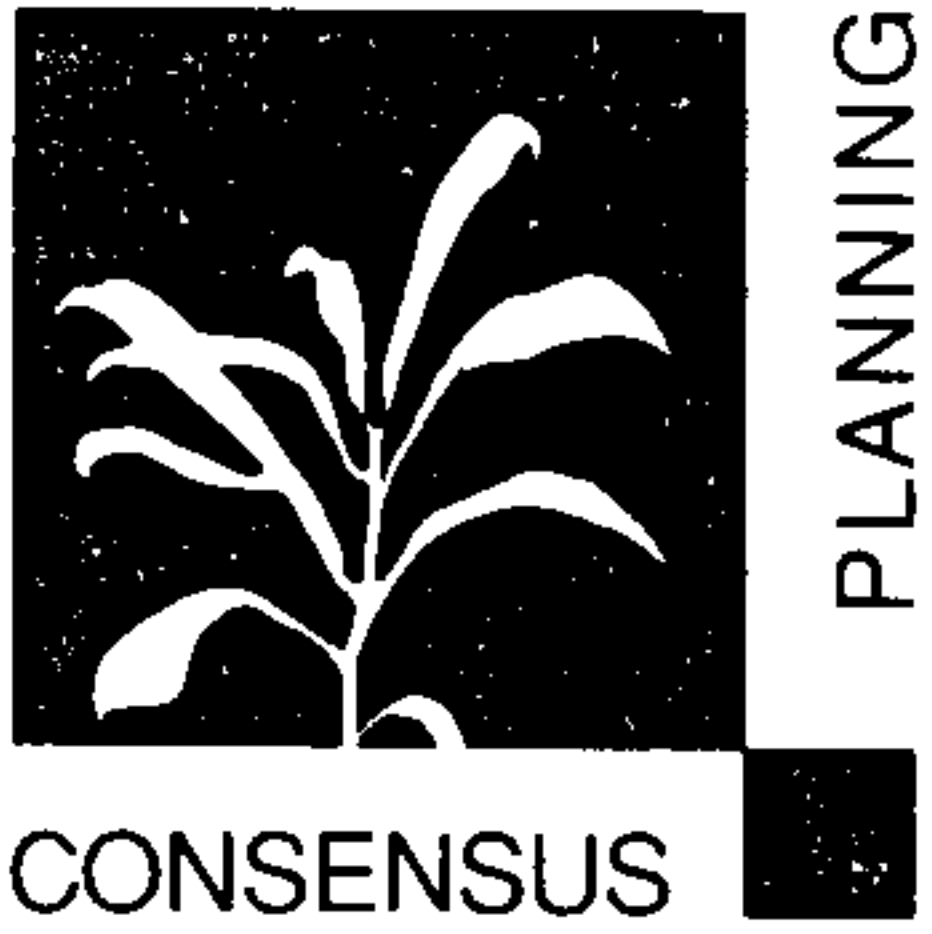
7. Conditions from Public Service Company of New Mexico:
 - a. It is the applicant's obligation to determine if existing utility easements or rights-of-ways are located on or adjacent to the property and to abide by any conditions or terms of those easements.

All public utility easements are shown on the sheets per the plat.

- b. It is necessary to coordinate with PNM's New Service Delivery Department regarding proposed tree location and height, sign location and height, and lighting height in order to ensure sufficient safety clearances. It is recommended that certain street tree selections along Wyoming Boulevard NE be revised to specify trees that would reach a maximum mature height of 25 feet.

The four trees along Wyoming are located away from the overhead utility line. The two closest trees are 25 feet in height or less. A note was added to the Landscape Plan, sheet 2, regarding coordination with PNM.

- c. Screening should be designed to allow for access to electric utility facilities. It is necessary to provide adequate clearance of 10 feet in front and at least 5 feet on the remaining three sides surrounding all ground-mounted equipment for safe operation, maintenance, and repair purposes.



This note was added to the Landscape Plan, sheet 2.

8. Conditions from City Engineer, Municipal Development and NMDOT:

- a. 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).

We agree

- b. All the requirements of previous actions taken by the EPC and/or DRB must be completed and/or provided for.

We agree

- c. Provide cross access agreements with adjacent property owners.

Cross access is provided per the associated subdivision plat.

- d. Site Plan shall comply and be designed per DPM Standards.

We agree

9. An awning shall be provided over the door on the rear of the building (west elevation).

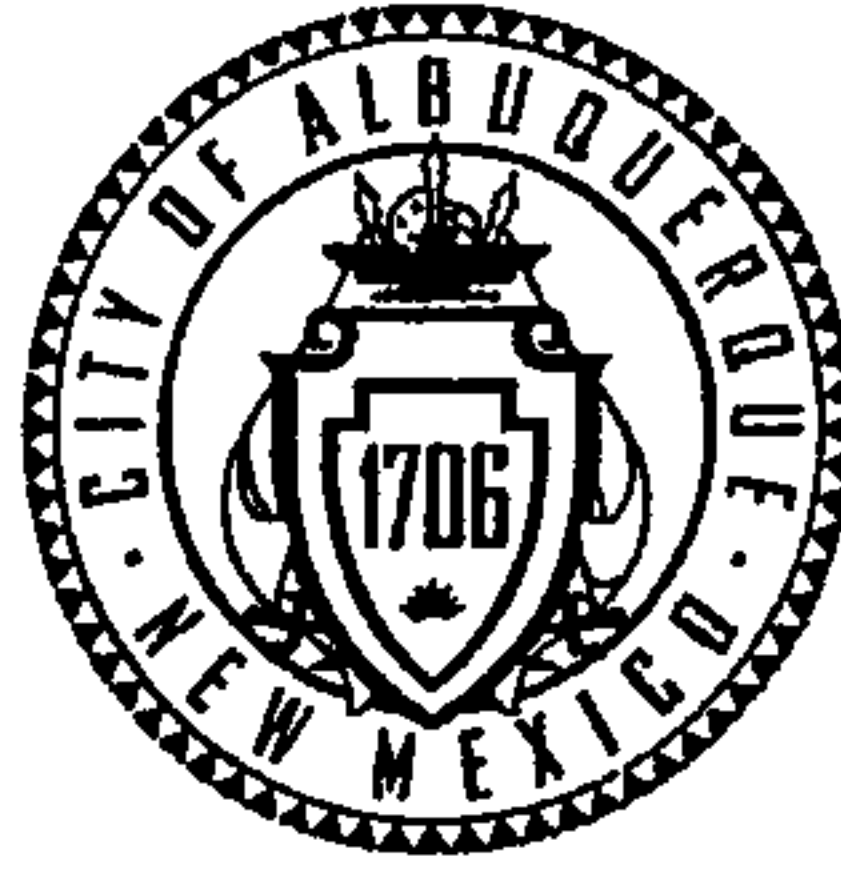
The awning has been added to the west elevation over the door at the rear of the building.

If you have any questions, do not hesitate to contact me at 764-9801.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacqueline Fishman', with a long horizontal line extending to the right.

Jacqueline Fishman, AICP
Associate



City of Albuquerque
Planning Department
Current Planning Division
P.O. Box 1293
Albuquerque, New Mexico 87103

December 9, 2010

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1003532**
10EPC-40064, SITE DEVELOPMENT – BUILDG
PRMT

G & R Partnership
425 Eubank Blvd. NE
Albuquerque, NM 87123

LEGAL DESCRIPTION: CONSENSUS
PLANNING agent for G & R PARTNERSHIP
requests the above action for all or a portion of
Lot 17A, Block 9, Tract 2, Unit 3, NORTH
ALBUQUERQUE ACRES, zoned SU-2 MIXED
USE, located on WYOMING BLVD NE BETWEEN
HOLLY NE AND CARMEL NE containing
approximately .57 acres. [REF:] (C-19). Randall
Falkner, Staff Planner

On December 9, 2010 the Environmental Planning Commission voted to **APPROVE** Project
1003532/10EPC-40064, a Site Development Plan for Building Permit, based on the following findings
and subject to the following conditions:

FINDINGS:

FINDINGS – 10EPC 40064, December 9, 2010, Site Development Plan for Building Permit

1. This is a request for a site development plan for building permit for Lot 17-A, Block 9, Tract 2, Unit 3, North Albuquerque Acres. The property is located on the west side of Wyoming Boulevard, between Holly and Carmel Avenues.
2. The applicant intends to build a 2368 square foot restaurant with a drive-up lane and service window.

OFFICIAL NOTICE OF DECISION

DECEMBER 9, 2010

PROJECT # 1003532

Page 2 of 6

3. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The site is located within the Developing Urban area of the Comprehensive Plan and within the boundaries of the La Cueva Sector Development Plan.
5. The subject site is zoned SU-2 Mixed Use per the La Cueva Sector Development Plan. The provisions of the C-1 zone apply in areas that are zoned SU-2 Mixed Use. On October 19, 2010 the City's Zoning Hearing Examiner (ZHE) approved special exceptions to allow a conditional use to allow a drive-up service window (10ZHE-80317) and a special exception to the LCSDP lot size requirement to permit a lot size variance of 1.18 acres to the 1.75 acre requirement for a proposed drive-up facility (10ZHE-80315).
6. Development on the site is subject to the regulations of the SU-2 Mixed Use zone and the "Common Design Regulations for all SU-2 zoned properties" in the La Cueva Sector Development Plan. Approval of a site development plan and landscape plan by the EPC is required.
7. The subject site was included in a Traffic Impact Study (entitled Plaza @ La Cueva Wyoming and Paseo del Norte), dated July 29, 2004, that was reviewed by City Transportation Staff.
8. The request furthers the following Developing and Established Urban policies in the Comprehensive Plan:
 - a. Policy II.B.5d – The request is in accord with surrounding neighborhood values, natural environmental conditions, carrying capacities, and scenic resources. The subject site is surrounded by vacant, office, and commercial land uses. There are no residential neighborhoods in close proximity to the proposed restaurant.
 - b. Policy II.B.5e – Full urban services are available to the surrounding properties. The request will provide for the daily service of convenience goods and personal services for the surrounding neighborhood, and infill development on a vacant portion of land.
 - c. Policy II.B.5i – The request will complement residential areas by offering an employment and service use that meets the needs of the area's growing population. The request has been designed to minimize the adverse effects of noise, lighting, pollution, and traffic on residential environments.
 - d. Policy II.B5k – The subject site is adjacent to Wyoming Boulevard (a principal arterial street) and has been designed to minimize the harmful effects of traffic by allowing for a variety of travel routes to the proposed restaurant.

OFFICIAL NOTICE OF DECISION

DECEMBER 9, 2010

PROJECT # 1003532

Page 3 of 6

- e. Policy II.B.7f – The subject site is surrounded by a variety of land uses, including commercial, office, and vacant. The site does not abut any residential neighborhoods and is located away from low-density residential development.

9. The request furthers the following Guiding Principles of the LCSDP:

- a. Guiding Principles, 1.3, Bullet 4 – The request for a restaurant would be compatible with existing development, which consists primarily of commercial and office uses.
- b. Guiding Principles, 5.1, Bullet 2 – The request for a restaurant would add to the variety of retail and service businesses to meet the needs of the area's growing population.
- c. Guiding Principles, 5.1, Bullet 7 – The request for commercial development is located in the La Cueva Community Activity Center, and is suitable for development because of its proximity to schools, parks, trails, shopping, and public services.
- d. Guiding Principles, 5.1, Bullet 8 – Views and open space are valuable assets that are protected by the request. The applicant has provided a view analysis (as required in the LCSDP) that shows views towards the Sandia Mountains and the West Mesa will not be harmed. The height of the building is shown to be 20' with some 26' architectural towers. This is less than what is allowed by the LCSDP (36').
- e. Guiding Principles, 5.1, Bullet 9 – The design of the proposed restaurant is compatible with the surrounding commercial development and with the natural landscape. The building materials and colors of the restaurant are medium and light tan stucco and light brown stone veneer, which are compatible with building materials and colors of the La Cueva Shopping Center, the fuel center, the bank, and the natural landscape.

10. The request has been reviewed against the LCSDP and found to comply with the design regulations, with the exception of 8R-4 (Maintenance of public open space amenities shall be the responsibility of the property owner), which is addressed through a condition of approval.

11. There is no known neighborhood or other opposition.

RECOMMENDATION - 10EPC 40064, December 9, 2010, Site Development Plan for Building Permit

APPROVAL of 10EPC 40064, a site development plan for building permit, for Lot 17-A, Block 9, Tract 2, Unit 3, North Albuquerque Acres, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 10EPC 40064, December 9, 2010, Site Development Plan for Building Permit

OFFICIAL NOTICE OF DECISION

DECEMBER 9, 2010

PROJECT # 1003532

Page 4 of 6

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Lighting/Security:
 - a. Lights shall be positioned to not conflict with landscaping.
4. The size at time of planting shall meet the minimum acceptable sizes for landscaping, including the following: trees shall be 10 feet in height or two inches in caliper measured six inches above grade; shrubs and low-growing evergreens shall be one gallon; and ground cover and turf shall be adequate to provide general ground coverage within one growing season after planting (Section 14-16-3-10 (F)).
5. Maintenance of outdoor amenities shall be the responsibility of the property owner.
6. The EPC requests that Solid Waste strongly consider that the dumpster be re-oriented so it does not face the entries to this restaurant and to the adjacent bank, per 5R-1 of the LCSDP.
7. Conditions from Public Service Company of New Mexico:
 - a. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
 - b. It is necessary to coordinate with PNM's New Service Delivery Department regarding proposed tree location and height, sign location and height, and lighting height in order to ensure sufficient safety clearances. It is recommended that certain street tree selections along Wyoming Blvd. NE be revised to specify trees that would reach a maximum mature height of 25 feet.
 - c. Screening should be designed to allow for access to electric utility facilities. It is necessary to provide adequate clearance of ten feet in front and at least 5 feet on the remaining three sides surrounding all ground-mounted equipment for safe operation, maintenance and repair purposes.

OFFICIAL NOTICE OF DECISION

DECEMBER 9, 2010

PROJECT # 1003532

Page 5 of 6

8. Conditions from City Engineer, Municipal Development and NMDOT:

- a. 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).
- b. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for.
- c. Provide cross access agreements with adjacent property owners.
- d. Site plan shall comply and be designed per DPM Standards.

9. An awning shall be provided over the door on the rear of the building (west elevation).

APPEAL: IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY DECEMBER 24, 2010, 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.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance 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 the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear 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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

OFFICIAL NOTICE OF DECISION
DECEMBER 9, 2010
PROJECT # 1003532
Page 6 of 6

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

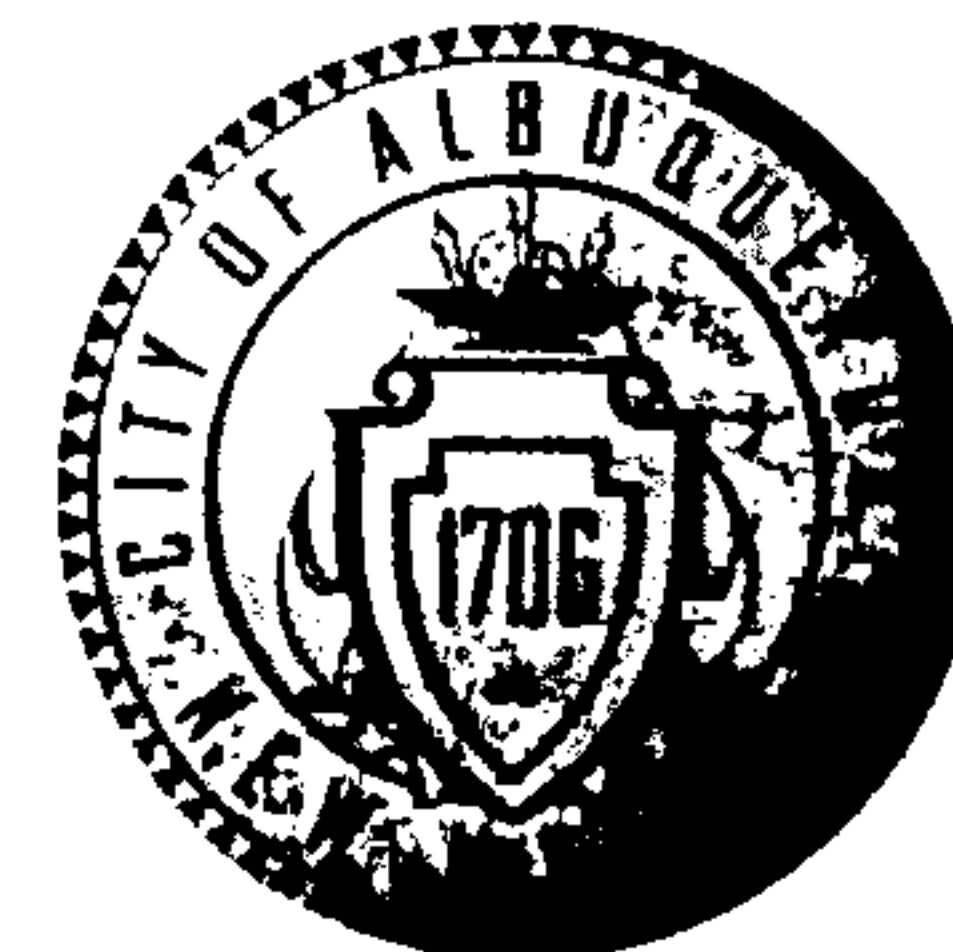


for
Deborah Stover
Planning Director

DS/rf/mc

cc: Consensus Planning, Inc., 302 Eighth Street NW, Albuquerque, NM 87102
Jeff Peterson, 7800 Eagle Rock Avenue NE, Albuquerque, NM 87122-2723
Joe Yardumian, 7801 R.C. Gorman Avenue NE, Albuquerque, NM 87122-2748
Judie Pellegrino, 8515 Murrelet NE, Albuquerque, NM 87113
Erik Bose, 7200 Peregrine NE, Albuquerque, NM 87113
Amy Whitling, P.O. Box 91343, Albuquerque, NM 87199-1343
Erica Vasquez, P.O. Box 92315, Albuquerque, NM 87199

CITY OF ALBUQUERQUE



January 27, 2011

David Soule, P.E.
Rio Grande Engineering
P.O. Box 67305
Rio Rancho, NM 87193

**Re: Twisters – Wyoming, Grading and Drainage Plan
Engineer's Stamp date 1-25-11 (C19/D054A)**

Dear Mr. Soule,

Based upon the information provided in your submittal received 1-25-11, the above referenced plan is approved for Building Permit. Please attach a copy of this approved plan to the construction sets prior to sign-off by Hydrology.

Prior to Certificate of Occupancy release, Engineer Certification per the DPM checklist will be required.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

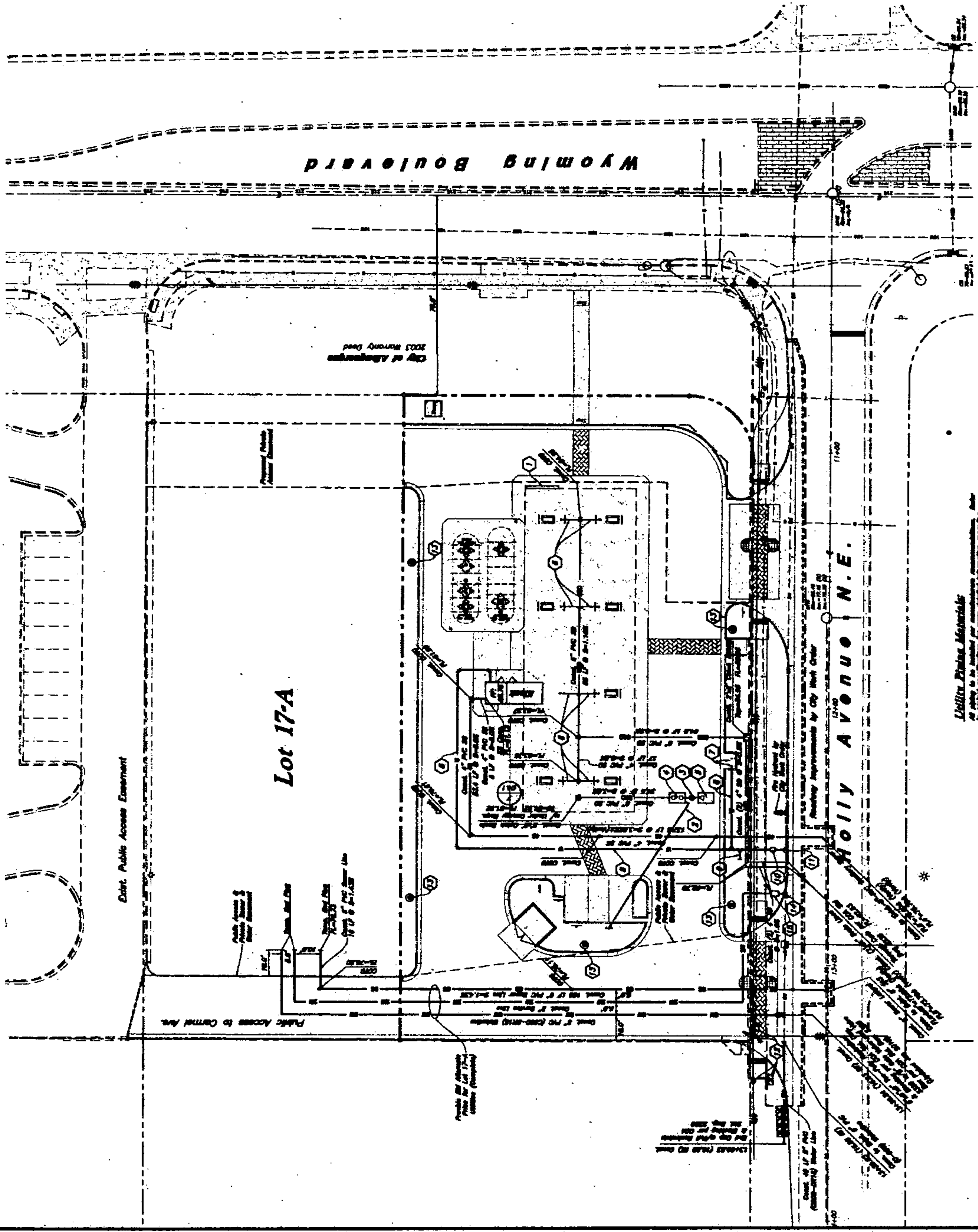
Sincerely,

Curtis A. Cherne, P.E.
Senior Engineer, Planning Dept.
Development and Building Services

C: file



- Key Notes:**
1. Utility lines shown are based on existing records and field investigation. They are not to be construed as a guarantee of accuracy.
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 9. Utility lines shown are based on existing records and field investigation. They are not to be construed as a guarantee of accuracy.
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 19. Utility lines shown are based on existing records and field investigation. They are not to be construed as a guarantee of accuracy.
 20. Utility lines shown are based on existing records and field investigation. They are not to be construed as a guarantee of accuracy.
- General Utility Notes:**
1. All utility lines shown are based on existing records and field investigation. They are not to be construed as a guarantee of accuracy.
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Smith's
FOOD & DRUG STORES
 1550 South Redwood Road
 Salt Lake City, Utah 84104
 Telephone (801) 874-1400

#459
Albuquerque, New Mexico

New Mexico One Call, Inc.
NIMC
 Professional Services for Design Professionals
 1-800-321-ALERT

- Utility Provider Materials:**
1. The utility lines shown are based on existing records and field investigation. They are not to be construed as a guarantee of accuracy.
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City of Albuquerque
 2021 Wyoming Blvd
 Albuquerque, NM 87102

Doc# 2011005064

01/14/2011 11:48 AM Page: 1 of 9
ACRE R: \$25.00 M. Toulouse Oliver, Bernalillo CountyNo. of Lots: 2
Nearest Major Streets:
Wyoming & Holly

FIGURE 12
SUBDIVISION IMPROVEMENTS AGREEMENT
PUBLIC AND/OR PRIVATE
(Procedure B)

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 12th day of January, 2011, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and Smith's Food & Drug Centers, Inc. ("Subdivider"), an Ohio Corporation whose address is 1550 South Redwood Road, Salt Lake City, UT 84104 and whose telephone number is 801-974-1529, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. **Recital.** The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as Lots 17 & 18, Block 9, Tract 2, Unit 3, North Albuquerque Acres, recorded on September 10, 1931 in the records of the Bernalillo County Clerk in Plat Book D1, folio 20. Less and Excepting that portion of Lot 17 conveyed to the City of Albuquerque by Warranty Deed recorded September 22, 2003, in Book A65, Page 3501 as Doc. No. 2003173865 (the "Subdivision"). The Subdivider certifies that the proposed Lot 17-B in the Subdivision is owned by Smith's Food & Drug Centers, Inc. ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Lot 17-B, Block 9, Tract 2, Unit 3, North Albuquerque Acres being a replat of the above described property describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 14-16-3-11, require the Subdivider, at no cost to the City, to install certain public and/or private improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private improvements as a prerequisite to approval of the final plat, building permit or the Site Development Plan for the Subdivision.

2. **Improvements and Construction Deadline.** The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the 1st day of February, 2012, ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 796482.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board ("DRB"), unless the DRB

grants an extension, not to exceed one additional year per extension, and the Subdivider processes an amendment to the Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

3. Work Order Requirements. The City agrees to issue a Work Order after:

A. The Subdivider causes to be submitted all documents, and meets all requirements listed in Development Process Manual, Volume 1, Chapter 5, Work Order Process, and Figure 1, including submitting a Certificate of Insurance in a form acceptable to the City. The certificate must establish that the Subdivider has procured, or has caused to be procured, public liability insurance in the amount of not less than One Million Dollars (\$1,000,000) combined single limit for accidents or occurrences which cause bodily injury, death or property damage as a result of any condition of the Subdivision, the Improvements, or the Subdivider's construction activities within, or related to the Subdivision. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interest may appear, as additional insured. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that if the policy is either canceled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail thirty (30) days written notice to the City, attention City Engineer.

B. The Subdivider complies with all applicable laws, ordinances and regulations, including, but not limited to the City Excavation Ordinance and Sidewalk Ordinance, and pays the following required engineering, staking, testing fees, and other related City fees and County Clerk recording fees:

Type of Fee	Amount
Engineering Fee	3.25% of total cost
Street Excavation and Barricading Ordinance and street restoration fees	As required per City-approved estimate (Figure 7)

Note: The Subdivider must pay the City all City fees which have been incurred during construction before the City will accept the public Improvements.

4. Surveying, Inspection and Testing. The Improvements shall be inspected, surveyed and tested in accordance with all applicable laws, ordinances, and regulations, and according to the following terms:

A. Construction Surveying. Construction surveying for the construction of the public Improvements shall be performed by Surv-Tek, Inc., and construction surveying of the private Improvements shall be performed by Surv-Tek, Inc. If the construction surveying is performed by an entity other than the City, the City may monitor the construction surveying and the Subdivider shall ensure that the construction surveying entity provides all construction surveying field notes, plats, reports and related data to the City which the City requires for review. Record drawings shall be provided by the entity performing the survey. The Subdivider shall pay the City a reasonable fee for any construction

surveying performed by the City.

B. Construction Inspection Methods. Inspection of the construction of the public Improvements shall be performed by Great Basin Engineering South and inspection of the private Improvements shall be performed by Great Basin Engineering South, both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Subdivider shall ensure that the inspecting entity provides all inspection results, reports and related data to the City which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City Engineer. The Subdivider shall pay the City a reasonable fee for the level of inspection performed by the City.

C. Field Testing. Field testing of the construction of the public Improvements shall be performed by Western Technologies, and field testing of the private Improvements shall be performed by Western Technologies both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for Public Works Construction. If any field testing is performed by an entity other than the City, the City may monitor the field testing and the Subdivider shall ensure that the field testing entity provides all field testing results, reports and related data to the City which the City requires for review. The Subdivider shall pay the City a reasonable fee for any field testing performed by the City.

D. Additional Testing. The City retains the right to perform all additional testing which the City Engineer deems is necessary or advisable, and the Subdivider shall pay the City a reasonable fee therefore.

5. Financial Guaranty. If final plat approval is not requested prior to construction of the Subdivision, a financial guaranty is not required. If final plat approval is requested, the Subdivider must provide the City with a financial guaranty in an amount of not less than 125% of the estimated cost of constructing the Improvements, as approved by the City Engineer. The financial guaranty must be irrevocable and may be in the form of a letter of credit, escrow deposit, or loan reserve letter issued by a Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

To meet the Subdivision Ordinance requirements, the Subdivider has acquired, or is able to acquire, the following Financial Guaranty:

Type of Financial Guaranty: Letter of Credit No. SLC L STL 062 01

Amount: \$63,873.51

Name of Financial Institution or Surety providing Guaranty: U.S. Bank National Association

Date City first able to call Guaranty (Construction Completion Deadline): 1 February, 2012

If Guaranty other than a Bond, last day City able to call Guaranty is: 1 April, 2012

Additional information: _____

6. Notice of Start of Construction. Before construction begins, the Subdivider shall deliver an acceptable Notice to Proceed to the City and shall arrange for a preconstruction conference and all

required inspections.

7. Completion, Acceptance and Termination. When the City receives Subdivider's final acceptance package, the City shall review it for completeness and accuracy. (See DPM Volume 1, Chapter 5, Work Order Process, Step 9.) If the package is acceptable, the City shall approve the package and issue a Certificate of Completion and Acceptance for the public Improvements and a Certificate of Completion for the private Improvements. Thereafter, the Subdivider's obligations to the City pursuant to this Agreement shall terminate, with the exception of the bond or other guarantee which the Subdivider has provided to assure the materials and workmanship, as required by the Subdivision Ordinance. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

8. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon, or in which, the public Improvements are constructed, the Subdivider will convey to the City all real and personal property rights which the City deems reasonably necessary, and all public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.

9. Reduction of Financial Guaranty Upon Partial Completion. The Subdivider shall be entitled to a reduction of the Financial Guaranty as a result of completing construction of part of the Improvements if the following conditions are met:

A. Loan Reserve Financial Guaranty. If a loan reserve letter was provided as the Financial Guaranty, the Subdivider must follow the procedures and meet the requirements detailed in the Development Process Manual, Volume 1, Chapter 5.

B. Non-Loan Reserve Financial Guaranty. If a Financial Guaranty other than a loan reserve letter has been provided, the completed Improvements must be free-standing, functionally independent of any Improvements which have not yet been completed, and completed in substantial compliance with the approved construction plans, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements which have been completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the Subdivider must submit the following documents to the City for review and approval:

(1) A revised Financial Guaranty in an amount of not less than 125% of the cost of completing the remaining Improvements, as estimated by the City;

(2) A bond or other instrument acceptable to the City, which guarantees the completed Improvements against defective materials and workmanship for the period required by the Subdivision Ordinance.

(3) Conveyance of real and personal property rights which meet the requirements of section 8 of this Agreement.

After the City receives and approves the required documents, the City shall issue a Partial Certificate of Completion and Acceptance for the completed public Improvements and a Certificate of Partial Completion for the completed private Improvements.

10. **Indemnification.** Until the Improvements are accepted by the City, the Developer shall be solely responsible for maintaining the premises upon which the Improvements are being constructed in a safe condition. The Developer agrees to indemnify and hold harmless the City and its officials, agents and employees and, if the Improvements include water and wastewater infrastructure, the ABCWUA, its employees, officers and agents, from any claims, actions, suits or other proceedings arising from or out of the acts or omissions of the Developer, its agents, representatives, contractors or subcontractors or arising from the failure of the Developer, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Developer herein. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

11. **Assignment.** This Agreement shall not be assigned without the prior written consent of the City and the Subdivider and the express written concurrence of any financial institution or surety which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

12. **Release.** If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements until a successor in interest to the Subdivider has entered into a Subdivision Improvements Agreement with the City. Thereafter, if the Subdivider's successor in interest has provided a substitute financial guaranty acceptable to the City, the City will release this Agreement and any related Financial Guaranty.

13. **Payment for Incomplete Improvements.** If the Subdivider fails to satisfactorily complete construction of the Improvements by the Construction Completion Deadline, the City may construct or cause the Improvements to be constructed as shown on the final plat and in the approved plans and specifications. The Subdivider shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to, engineering, legal, and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Subdivider's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the City's Claim of Lien or any Financial Guaranty, the Subdivider shall be liable to, and shall pay, the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to any Financial Guaranty.

14. **Binding on Subdivider's Property.** The provisions of this Agreement constitute covenants running with Subdivider's Property for the benefit of the City and its successors and assigns until terminated, and are binding on the Subdivider and the Owner and their heirs, successors and assigns.

15. **Notice.** For purposes of giving formal written notice, including notice of change of address, the Subdivider's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six (6) days after the notice is mailed if there is no actual evidence of receipt.

16. **Entire Agreement.** This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the

execution hereof or contemporaneous herewith.

17. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties.

18. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

19. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

20. Form not Changed. Subdivider agrees that changes to this form are not binding unless initialed by the subdivider and signed by the City Legal Department on this form.

21. Authority to Execute. If the Subdivider signing below is not the Owner of the Subdivision, the Owner must execute the Power of Attorney below.

Executed on the date stated in the first paragraph of this Agreement.

SUBDIVIDER: SMITH'S FOOD & DRUG
By [Signature]: [Signature]
Name [Print]: STEVEN M. SORENSEN
Title: VICE PRESIDENT
Dated: DEC 17, 2010

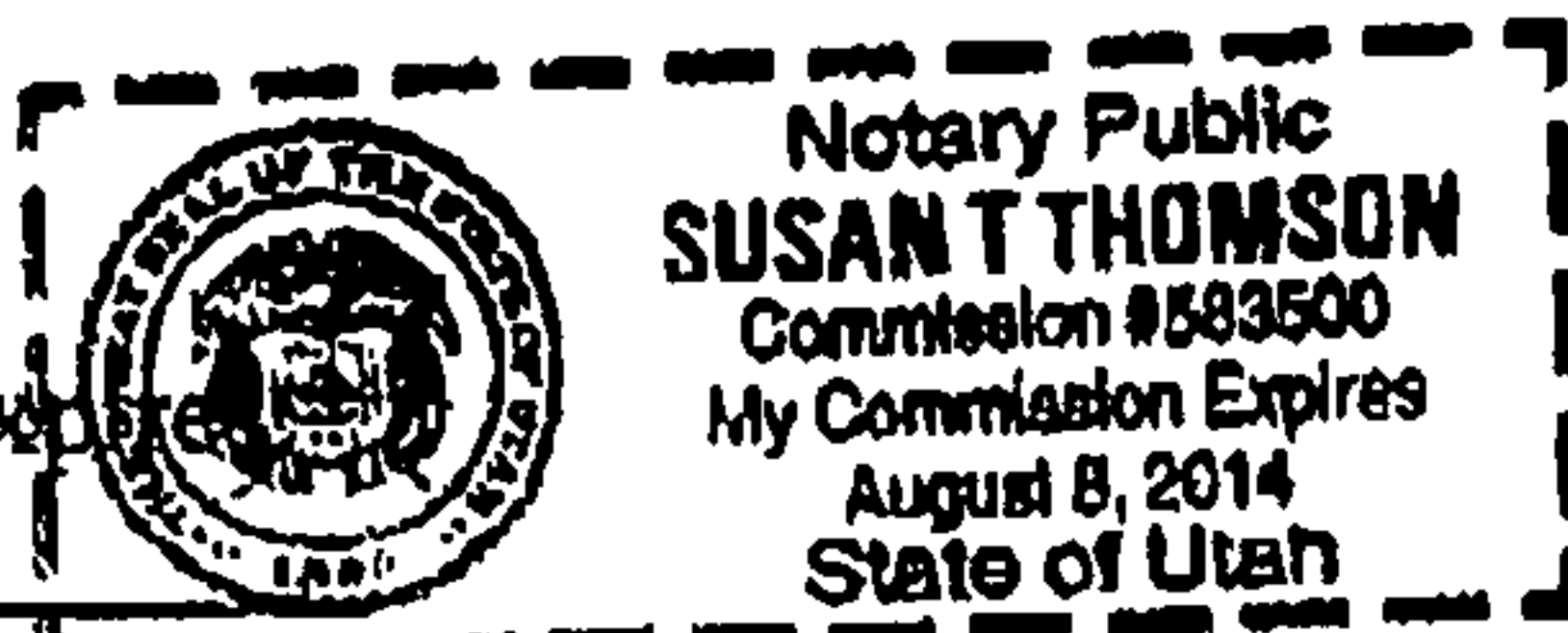
CITY OF ALBUQUERQUE
By: [Signature]
Richard Dourte, City Engineer
Dated: 1-17-11
VE 11514 1-9-11

SUBDIVIDER'S NOTARY

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

This instrument was acknowledged before me on this 17th day of DECEMBER, 2010, by [name of person:] STEVEN M. SORENSEN, [title or capacity, for instance, "President" or "Owner":] VICE PRESIDENT of [Subdivider:] SMITH'S FOOD & DRUG CENTERS, INC.

(SEAL)
My Commission Expires 8-8-14



[Signature]
Notary Public

CITY'S NOTARY

STATE OF NEW MEXICO)

) ss.

COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 13th day of January, 2011, by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

(SEAL)

Linda Evans
Notary Public

My Commission Expires:

10-07-12

[EXHIBIT A ATTACHED]



Current DRC Project Number: *796482 ORIGINAL

FIGURE 12

INFRASTRUCTURE LIST

(Rev. 9-24-09)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

SMITH'S # 459 FUEL CENTER

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

SOUTH 135' LOT 17 & 18, BLOCK 9, TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Date Submitted: 9-8-10
Date Site Plan Approved: 9-8-10
Date Preliminary Plat Approved:
Date Preliminary Plat Expires:
DRB Project No.: 1003532
DRB Application No.:

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that applicant items and/or unforeseen items have not been included in the Infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantees. Likewise, if the DRC Chair determines that applicant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and applicant. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Table with columns: DRC #, Financially Guaranteed, Constructed Under, Size, Type of Improvement, Location, From, To, Construction Certification (Inspector, P.E., City Crst, Engineer). Rows include CURB & GUTTER, SIDEWALK, FIRE HYDRANT, ASPHALT PAVING TO FINISH 31' ROAD SECTION.

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRG #	Constructed Under DRG #	Size	Type of Improvement	Location	From	To	Construction Certification	
							Inspector	City Cnst Engineer
							/	/
							/	/

Approval of Creditable Items: _____
 Impact Fee Administrator Signature _____ Date _____
 City User Dept. Signature _____ Date _____

NOTES
 If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.
 Street lights per City requirements.

- 1 _____
- 2 _____
- 3 _____

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

AGENT / OWNER: KIRK RANDALL
 NAME (print): GREAT BASIN ENG. SOUTH
 FIRM: 9/8/10
 SIGNATURE - date: [Signature] 9-8-10

DRB CHAIR - date: [Signature] 09-08-10
 TRANSPORTATION DEVELOPMENT - date: _____
 UTILITY DEVELOPMENT - date: _____
 CITY ENGINEER - date: _____

[Signature] 9/8/10
 PARKS & RECREATION - date: _____
 AMAFECA - date: _____

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

Doc# 2011005064

01/14/2011 11:08 AM Page: 1 of 9
ACRE R: \$25.00 M. Toulouse Oliver, Bernalillo County

No. of Lots: 2
Nearest Major Streets:
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FIGURE 12
SUBDIVISION IMPROVEMENTS AGREEMENT
PUBLIC AND/OR PRIVATE
(Procedure B)

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

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surveying performed by the City.

B. Construction Inspection Methods. Inspection of the construction of the public Improvements shall be performed by Great Basin Engineering South and inspection of the private Improvements shall be performed by Great Basin Engineering South, both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Subdivider shall ensure that the inspecting entity provides all inspection results, reports and related data to the City which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City Engineer. The Subdivider shall pay the City a reasonable fee for the level of inspection performed by the City.

C. Field Testing. Field testing of the construction of the public Improvements shall be performed by Western Technologies, and field testing of the private Improvements shall be performed by Western Technologies both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for Public Works Construction. If any field testing is performed by an entity other than the City, the City may monitor the field testing and the Subdivider shall ensure that the field testing entity provides all field testing results, reports and related data to the City which the City requires for review. The Subdivider shall pay the City a reasonable fee for any field testing performed by the City.

D. Additional Testing. The City retains the right to perform all additional testing which the City Engineer deems is necessary or advisable, and the Subdivider shall pay the City a reasonable fee therefore.

5. Financial Guaranty. If final plat approval is not requested prior to construction of the Subdivision, a financial guaranty is not required. If final plat approval is requested, the Subdivider must provide the City with a financial guaranty in an amount of not less than 125% of the estimated cost of constructing the Improvements, as approved by the City Engineer. The financial guaranty must be irrevocable and may be in the form of a letter of credit, escrow deposit, or loan reserve letter issued by a Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

To meet the Subdivision Ordinance requirements, the Subdivider has acquired, or is able to acquire, the following Financial Guaranty:

Type of Financial Guaranty: Letter of Credit No. SLCLSTL06201

Amount: \$63,873.51

Name of Financial Institution or Surety providing Guaranty: U.S. Bank National Association

Date City first able to call Guaranty (Construction Completion Deadline): 1 February, 2012

If Guaranty other than a Bond, last day City able to call Guaranty is: 1 April, 2012

Additional information: _____

6. Notice of Start of Construction. Before construction begins, the Subdivider shall deliver an acceptable Notice to Proceed to the City and shall arrange for a preconstruction conference and all

required inspections.

7. Completion, Acceptance and Termination. When the City receives Subdivider's final acceptance package, the City shall review it for completeness and accuracy. (See DPM Volume 1, Chapter 5, Work Order Process, Step 9.) If the package is acceptable, the City shall approve the package and issue a Certificate of Completion and Acceptance for the public Improvements and a Certificate of Completion for the private Improvements. Thereafter, the Subdivider's obligations to the City pursuant to this Agreement shall terminate, with the exception of the bond or other guarantee which the Subdivider has provided to assure the materials and workmanship, as required by the Subdivision Ordinance. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

8. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon, or in which, the public Improvements are constructed, the Subdivider will convey to the City all real and personal property rights which the City deems reasonably necessary, and all public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.

9. Reduction of Financial Guaranty Upon Partial Completion. The Subdivider shall be entitled to a reduction of the Financial Guaranty as a result of completing construction of part of the Improvements if the following conditions are met:

A. Loan Reserve Financial Guaranty. If a loan reserve letter was provided as the Financial Guaranty, the Subdivider must follow the procedures and meet the requirements detailed in the Development Process Manual, Volume 1, Chapter 5.

B. Non-Loan Reserve Financial Guaranty. If a Financial Guaranty other than a loan reserve letter has been provided, the completed Improvements must be free-standing, functionally independent of any Improvements which have not yet been completed, and completed in substantial compliance with the approved construction plans, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements which have been completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the Subdivider must submit the following documents to the City for review and approval:

(1) A revised Financial Guaranty in an amount of not less than 125% of the cost of completing the remaining Improvements, as estimated by the City;

(2) A bond or other instrument acceptable to the City, which guarantees the completed Improvements against defective materials and workmanship for the period required by the Subdivision Ordinance.

(3) Conveyance of real and personal property rights which meet the requirements of section 8 of this Agreement.

After the City receives and approves the required documents, the City shall issue a Partial Certificate of Completion and Acceptance for the completed public Improvements and a Certificate of Partial Completion for the completed private Improvements.

10. **Indemnification.** Until the Improvements are accepted by the City, the Developer shall be solely responsible for maintaining the premises upon which the Improvements are being constructed in a safe condition. The Developer agrees to indemnify and hold harmless the City and its officials, agents and employees and, if the Improvements include water and wastewater infrastructure, the ABCWUA, its employees, officers and agents, from any claims, actions, suits or other proceedings arising from or out of the acts or omissions of the Developer, its agents, representatives, contractors or subcontractors or arising from the failure of the Developer, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Developer herein. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

11. **Assignment.** This Agreement shall not be assigned without the prior written consent of the City and the Subdivider and the express written concurrence of any financial institution or surety which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

12. **Release.** If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements until a successor in interest to the Subdivider has entered into a Subdivision Improvements Agreement with the City. Thereafter, if the Subdivider's successor in interest has provided a substitute financial guaranty acceptable to the City, the City will release this Agreement and any related Financial Guaranty.

13. **Payment for Incomplete Improvements.** If the Subdivider fails to satisfactorily complete construction of the Improvements by the Construction Completion Deadline, the City may construct or cause the Improvements to be constructed as shown on the final plat and in the approved plans and specifications. The Subdivider shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to, engineering, legal, and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Subdivider's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the City's Claim of Lien or any Financial Guaranty, the Subdivider shall be liable to, and shall pay, the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to any Financial Guaranty.

14. **Binding on Subdivider's Property.** The provisions of this Agreement constitute covenants running with Subdivider's Property for the benefit of the City and its successors and assigns until terminated, and are binding on the Subdivider and the Owner and their heirs, successors and assigns.

15. **Notice.** For purposes of giving formal written notice, including notice of change of address, the Subdivider's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six (6) days after the notice is mailed if there is no actual evidence of receipt.

16. **Entire Agreement.** This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the

execution hereof or contemporaneous herewith.

17. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties.

18. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

19. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

20. Form not Changed. Subdivider agrees that changes to this form are not binding unless initialed by the subdivider and signed by the City Legal Department on this form.

21. Authority to Execute. If the Subdivider signing below is not the Owner of the Subdivision, the Owner must execute the Power of Attorney below.

Executed on the date stated in the first paragraph of this Agreement.

SUBDIVIDER: SMITH'S FOOD & DRUG
By [Signature]: [Signature]
Name [Print]: STEVEN M. SORENSEN
Title: VICE PRESIDENT
Dated: DEC 17, 2010

CITY OF ALBUQUERQUE
By: [Signature]
Richard Dourte, City Engineer
Dated: 1-12-11

ve 11/11

1-9-11

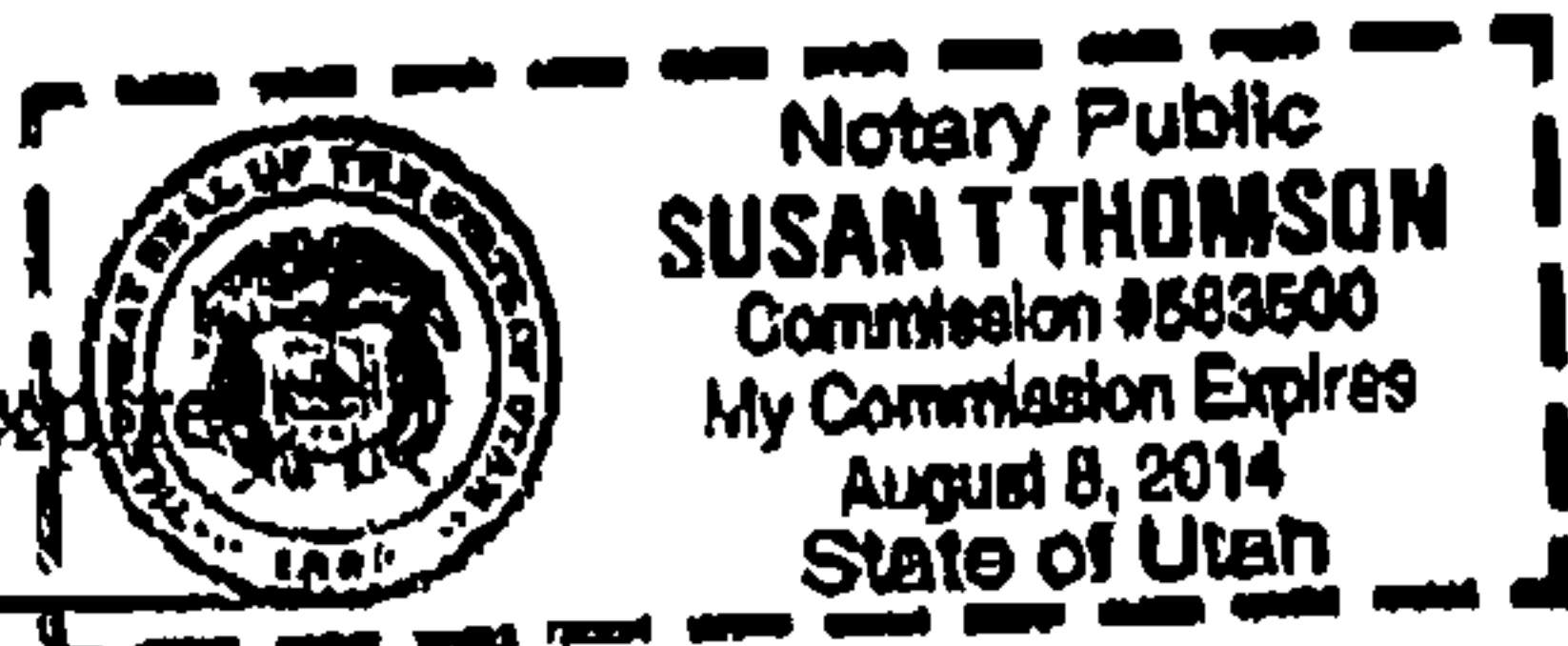
SUBDIVIDER'S NOTARY

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

This instrument was acknowledged before me on this 17th day of DECEMBER, 2010, by [name of person:] STEVEN M. SORENSEN, [title or capacity, for instance, "President" or "Owner":] VICE PRESIDENT of [Subdivider:] SMITH'S FOOD & DRUG CENTERS, INC.

(SEAL)

My Commission Expires 8-8-14



[Signature]
Notary Public

CITY'S NOTARY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 12th day of January, 2011, by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

(SEAL)

My Commission Expires:
10-07-12

Linda Evans
Notary Public

[EXHIBIT A ATTACHED]



FIGURE 12

Data Submitted: 9-8-10
 Data Site Plan Approved: 9-8-10
 Date Preliminary Plat Approved: _____
 Date Preliminary Plat Expires: _____

DRB Project No.: 1003532
 DRB Application No.: _____

INFRASTRUCTURE LIST

(Rev. 8/20/09)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT
 DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

SMITH'S # 459 FUEL CENTER

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

SOUTH 135' LOT 17 & 18, BLOCK 9, TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE infrastructure required to be constructed or financially guaranteed for the above development. This listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that apparent items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantees. Likewise, if the DRC Chair determines that apparent or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Item #	Financially Guaranteed	DRC #	Constructed Under	DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
										Inspector	P.E.	City Cnst Engineer
B-1	<input type="checkbox"/>	796482	<input type="checkbox"/>		STD	CURB & GUTTER	HOLLY AVE	WYOMING BLVD	WEST A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B-1	<input type="checkbox"/>	796482	<input type="checkbox"/>		6'	SIDEWALK	HOLLY AVE	WYOMING BLVD	WEST A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B-1	<input type="checkbox"/>	796482	<input type="checkbox"/>		STD	FIRE HYDRANT	HOLLY AVE.	165' WEST OF WYOMING		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B-1	<input type="checkbox"/>	796482	<input type="checkbox"/>		2'-3'	ASPHALT PAVING TO FINISH 31' ROAD SECTION	HOLLY AVE.	WYOMING BLVD	WEST A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRG #	Constructed Under DRG #	Size	Type of Improvement	Location	From	To	Construction Certification	
							Inspector	City Crst Engineer
							/	/
							/	/

Approval of Creditable Items:

Impact Fee Administrator Signature	Date	City User Dept. Signature	Date

NOTES
 If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.
 Street lights per City requirements.

-
-
-

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

AGENT / OWNER	DRB CHAIR - date	TRANSPORTATION DEVELOPMENT - date	UTILITY DEVELOPMENT - date	AMAFCA - date
KIRK RANDALL NAME (print) GREAT BASIN ENG. SOUTH FIRM	<i>[Signature]</i> 9-8-10 PARKS & RECREATION - date	<i>[Signature]</i> 09-08-10	<i>[Signature]</i> 9-8-10	

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

1003532

Doc# 2011005064

01/14/2011 11:48 AM Page: 1 of 9
AGRE R: \$25.00 M. Toulouse Oliver, Bernalillo County



No. of Lots: 2

Nearest Major Streets:

Wyoming & Holly

FIGURE 12
SUBDIVISION IMPROVEMENTS AGREEMENT
PUBLIC AND/OR PRIVATE
(Procedure B)

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 12th day of January, 2011, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and Smith's Food & Drug Centers, Inc. ("Subdivider"), an Ohio Corporation whose address is 1550 South Redwood Road, Salt Lake City, UT 84104 and whose telephone number is 801-974-1529, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. **Recital.** The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as Lots 17 & 18, Block 9, Tract 2, Unit 3, North Albuquerque Acres, recorded on September 10, 1931 in the records of the Bernalillo County Clerk in Plat Book D1, folio 20. Less and Excepting that portion of Lot 17 conveyed to the City of Albuquerque by Warranty Deed recorded September 22, 2003, in Book A65, Page 3501 as Doc. No. 2003173865 (the "Subdivision"). The Subdivider certifies that the proposed Lot 17-B in the Subdivision is owned by Smith's Food & Drug Centers, Inc. ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Lot 17-B, Block 9, Tract 2, Unit 3, North Albuquerque Acres being a replat of the above described property describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 14-16-3-11, require the Subdivider, at no cost to the City, to install certain public and/or private improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private improvements as a prerequisite to approval of the final plat, building permit or the Site Development Plan for the Subdivision.

2. **Improvements and Construction Deadline.** The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the 1st day of February, 2012, ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 796482.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board ("DRB"), unless the DRB

grants an extension, not to exceed one additional year per extension, and the Subdivider processes an amendment to the Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

3. Work Order Requirements. The City agrees to issue a Work Order after:

A. The Subdivider causes to be submitted all documents, and meets all requirements listed in Development Process Manual, Volume 1, Chapter 5, Work Order Process, and Figure 1, including submitting a Certificate of Insurance in a form acceptable to the City. The certificate must establish that the Subdivider has procured, or has caused to be procured, public liability insurance in the amount of not less than One Million Dollars (\$1,000,000) combined single limit for accidents or occurrences which cause bodily injury, death or property damage as a result of any condition of the Subdivision, the Improvements, or the Subdivider's construction activities within, or related to the Subdivision. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interest may appear, as additional insured. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that if the policy is either canceled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail thirty (30) days written notice to the City, attention City Engineer.

B. The Subdivider complies with all applicable laws, ordinances and regulations, including, but not limited to the City Excavation Ordinance and Sidewalk Ordinance, and pays the following required engineering, staking, testing fees, and other related City fees and County Clerk recording fees:

Type of Fee	Amount
Engineering Fee	3.25% of total cost
Street Excavation and Barricading Ordinance and street restoration fees	As required per City-approved estimate (Figure 7)

Note: The Subdivider must pay the City all City fees which have been incurred during construction before the City will accept the public Improvements.

4. Surveying, Inspection and Testing. The Improvements shall be inspected, surveyed and tested in accordance with all applicable laws, ordinances, and regulations, and according to the following terms:

A. Construction Surveying. Construction surveying for the construction of the public Improvements shall be performed by Surv-Tek, Inc., and construction surveying of the private Improvements shall be performed by Surv-Tek, Inc. If the construction surveying is performed by an entity other than the City, the City may monitor the construction surveying and the Subdivider shall ensure that the construction surveying entity provides all construction surveying field notes, plats, reports and related data to the City which the City requires for review. Record drawings shall be provided by the entity performing the survey. The Subdivider shall pay the City a reasonable fee for any construction

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C. Field Testing. Field testing of the construction of the public Improvements shall be performed by Western Technologies, and field testing of the private Improvements shall be performed by Western Technologies both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for Public Works Construction. If any field testing is performed by an entity other than the City, the City may monitor the field testing and the Subdivider shall ensure that the field testing entity provides all field testing results, reports and related data to the City which the City requires for review. The Subdivider shall pay the City a reasonable fee for any field testing performed by the City.

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To meet the Subdivision Ordinance requirements, the Subdivider has acquired, or is able to acquire, the following Financial Guaranty:

Type of Financial Guaranty: Letter of Credit No. SLCLSTL06201

Amount: \$63,873.51

Name of Financial Institution or Surety providing Guaranty: U.S. Bank National Association

Date City first able to call Guaranty (Construction Completion Deadline): 1 February, 2012

If Guaranty other than a Bond, last day City able to call Guaranty is: 1 April, 2012

Additional information: _____

6. Notice of Start of Construction. Before construction begins, the Subdivider shall deliver an acceptable Notice to Proceed to the City and shall arrange for a preconstruction conference and all

required inspections.

7. Completion, Acceptance and Termination. When the City receives Subdivider's final acceptance package, the City shall review it for completeness and accuracy. (See DPM Volume 1, Chapter 5, Work Order Process, Step 9.) If the package is acceptable, the City shall approve the package and issue a Certificate of Completion and Acceptance for the public Improvements and a Certificate of Completion for the private Improvements. Thereafter, the Subdivider's obligations to the City pursuant to this Agreement shall terminate, with the exception of the bond or other guarantee which the Subdivider has provided to assure the materials and workmanship, as required by the Subdivision Ordinance. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

8. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon, or in which, the public Improvements are constructed, the Subdivider will convey to the City all real and personal property rights which the City deems reasonably necessary, and all public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.

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A. Loan Reserve Financial Guaranty. If a loan reserve letter was provided as the Financial Guaranty, the Subdivider must follow the procedures and meet the requirements detailed in the Development Process Manual, Volume 1, Chapter 5.

B. Non-Loan Reserve Financial Guaranty. If a Financial Guaranty other than a loan reserve letter has been provided, the completed Improvements must be free-standing, functionally independent of any Improvements which have not yet been completed, and completed in substantial compliance with the approved construction plans, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements which have been completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the Subdivider must submit the following documents to the City for review and approval:

(1) A revised Financial Guaranty in an amount of not less than 125% of the cost of completing the remaining Improvements, as estimated by the City;

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(3) Conveyance of real and personal property rights which meet the requirements of section 8 of this Agreement.

After the City receives and approves the required documents, the City shall issue a Partial Certificate of Completion and Acceptance for the completed public Improvements and a Certificate of Partial Completion for the completed private Improvements.

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11. **Assignment.** This Agreement shall not be assigned without the prior written consent of the City and the Subdivider and the express written concurrence of any financial institution or surety which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

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15. **Notice.** For purposes of giving formal written notice, including notice of change of address, the Subdivider's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six (6) days after the notice is mailed if there is no actual evidence of receipt.

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19. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

20. Form not Changed. Subdivider agrees that changes to this form are not binding unless initialed by the subdivider and signed by the City Legal Department on this form.

21. Authority to Execute. If the Subdivider signing below is not the Owner of the Subdivision, the Owner must execute the Power of Attorney below.

Executed on the date stated in the first paragraph of this Agreement.

SUBDIVIDER: SMITH'S FOOD & DRUG
By [Signature]: [Signature]
Name [Print]: STEVEN M. SORENSEN
Title: VICE PRESIDENT
Dated: DEC 17, 2010

CITY OF ALBUQUERQUE
By: [Signature]
Richard Dourte, City Engineer
Dated: 1-17-11
1/15/11 1-9-11

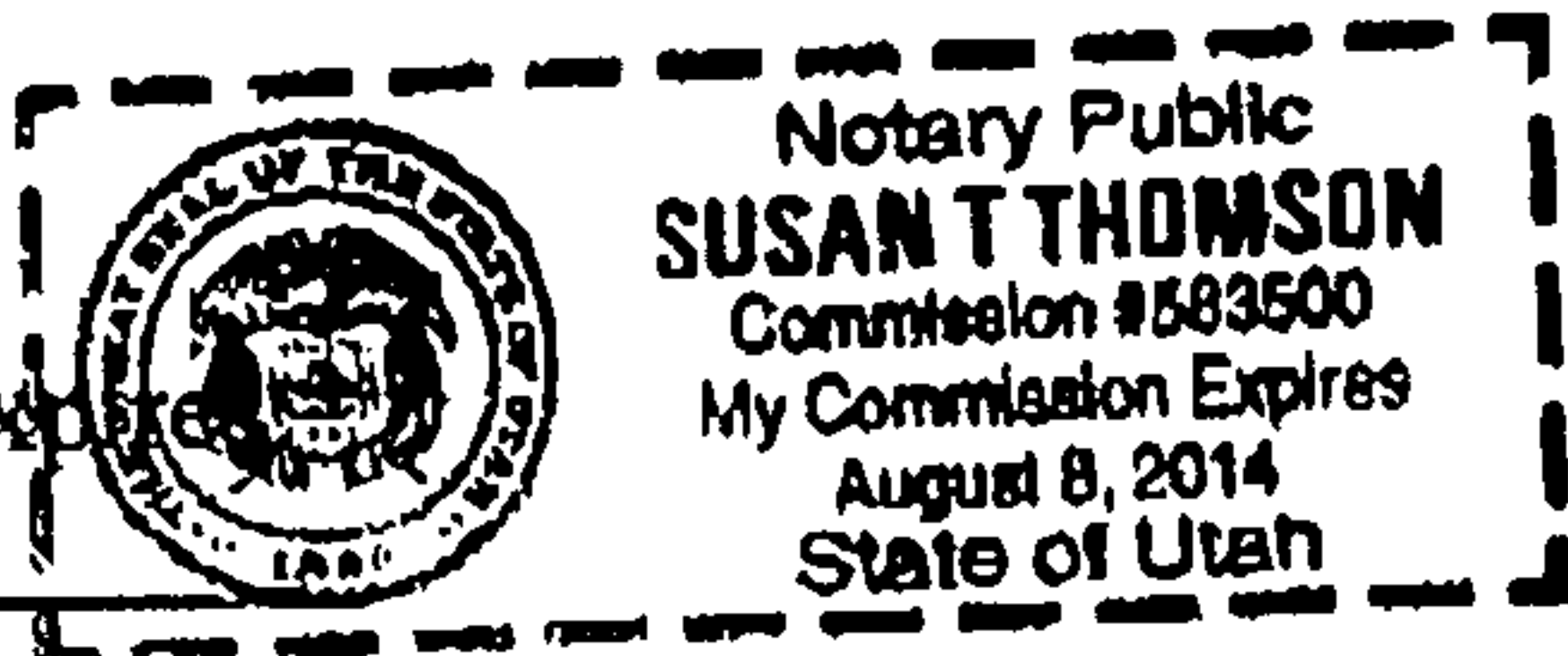
SUBDIVIDER'S NOTARY

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

This instrument was acknowledged before me on this 17th day of DECEMBER, 2010, by [name of person:] STEVEN M. SORENSEN, [title or capacity, for instance, "President" or "Owner":] VICE PRESIDENT of [Subdivider:] SMITH'S FOOD & DRUG CENTERS, INC.

(SEAL)

My Commission Expires 8-8-14



[Signature]
Notary Public

CITY'S NOTARY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 12th day of January, 20 11, by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

(SEAL)

My Commission Expires:
10-07-12

Linda Evans
Notary Public



[EXHIBIT A ATTACHED]

Client L. Project Number: *796482 ORIGINAL

FIGURE 12

INFRASTRUCTURE LIST

(Rev. 9-20-09)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

SMITH'S # 459 FUEL CENTER

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

SOUTH 135' LOT 17 & 18, BLOCK 9, TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Date Submitted: 9-8-10
Data Sita Plan Approved: 9-8-10
Date Preliminary Plat Approved:
Date Preliminary Plat Expires:
DRB Project No.: 1003532
DRB Application No.:

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that apparatus items and/or unforeseen items have not been included in the Infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that apparatus or non-essential items can be deleted from the listing, these items may be deleted as well as the related portions of the financial guarantee. All such revisions require approval by the DRC Chair, the User Department and engineer. If such approvals are obtained, these revisions will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Table with columns: B-1, Financiality Guaranteed, DRC #, Constructed Under, DRC #, Type of Improvement, Location, From, To, Construction Certification (Inspector, P.E., City Const Engineer).

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SEA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification	
							Inspector	City Cnst Engineer
							/	/
							/	/

Approval of Creditable Items: _____ Date _____

Impact Fee Administrator Signature _____ Date _____

City User Dept. Signature _____ Date _____

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOWR is approved by FEMA. Street lights per City requirements.

- 1 _____
- 2 _____
- 3 _____

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

AGENT / OWNER	DRB CHAIR - date	TRANSPORTATION DEVELOPMENT - date	UTILITY DEVELOPMENT - date	AMA/CA - date	PARKS & RECREATION - date
KIRK RANDALL NAME (print) GREAT BASIN ENG. SOUTH FIRM 9-8-10 SIGNATURE - date	<i>[Signature]</i> 9-8-10	<i>[Signature]</i> 9-8-10	<i>[Signature]</i> 9-8-10	AMA/CA - date	Christina Sandoval 9/8/10

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT OWNER

City of Albuquerque
Planning Department
Inter-Office Memorandum

TO: Jack Cloud, DRB Chair

FROM: Randall Falkner, Planner

SUBJECT: Project # 1003532

On July 8, 2010, the Environmental Planning Commission approved Project # 1003532 10EPC-40035/40036, a Site Development Plan for Building Permit, and a Site Development Plan for Subdivision for all or a portion of Lots 17 & 18, block 9, tract 2, Unit 3, North Albuquerque Acres, located on Holly Avenue, between Wyoming Boulevard and Louisiana Boulevard, containing approximately 0.78 acres.

The applicant has satisfied all of the EPC conditions of approval for the site development plan for building permit and for the site development plan for subdivision:

Compliance with City Engineer conditions should be verified with the City Engineer. If you should have any questions regarding this case, please do not hesitate to call me at 924-3933.

Thank you.

Dourte, Richard H.

From: Cloud, Jack W.
Sent: Wednesday, August 25, 2010 12:00 AM
To: Dourte, Richard H.
Subject: DRB actions

Hey Richard -
with Items #1 and #4 being deferred, following are actions for #2 and #3

#2 - case planner comments need to be complied with - the plat must be delegated to planning and can be signed after the site plan for subdivision is completed

#3 - no adverse comment - recommend approval of 2 year extension subject to Transportation Development approval

I didn't see why #4 deferred - all we needed were some easements retained, but we can handle it on Sept 1 -
thanks for covering - Jack

Current DRC
 Project Number: _____

FIGURE 12

Date Submitted: _____
 Date Site Plan Approved: _____
 Date Preliminary Plat Approved: _____
 Date Preliminary Plat Expires: _____
 DRB Project No.: _____
 DRB Application No.: _____

INFRASTRUCTURE LIST

(Rev. 9-20-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

SMITH'S # 459 FUEL CENTER

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

SOUTH 135' LOT 17 & 18, BLOCK 9, TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		<i>STD</i>	<i>CURB & GUTTER</i>	<i>HOLLY AVE</i>	<i>WYOMING BLVD</i>	<i>WEST R</i>	/	/	/
		<i>6'</i>	<i>SIDEWALK</i>	<i>HOLLY AVE</i>	<i>WYOMING BLVD</i>	<i>WEST R</i>	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
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							/	/	/

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification			
							Private Inspector	P.E.	City Cnst Engineer	
<input type="text"/>	<input type="text"/>						/	/	/	
<input type="text"/>	<input type="text"/>						/	/	/	
							Approval of Creditable Items:		Approval of Creditable Items:	
							Impact Fee Administrator Signature Date		City User Dept. Signature Date	

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.
Street lights per City requirements.

- 1 _____
- 2 _____
- 3 _____

AGENT / OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

KIRK RANDALL
NAME (print)

GREAT BASIN ENG - SOUTH.
FIRM

[Signature] 8-16-10
SIGNATURE - date

DRB CHAIR - date

TRANSPORTATION DEVELOPMENT - date

UTILITY DEVELOPMENT - date

CITY ENGINEER - date

PARKS & RECREATION - date

AMAFCA - date

- date

- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

Rusty Hugg

From: Zamora, David M. [dmzamora@cabq.gov]
Sent: Wednesday, September 08, 2010 7:44 AM
To: Rusty Hugg
Subject: Project No. 1003532

The .dxf file for Project No. 1003532 (NAA Unit 3 Tract 2 Blk 9 Lots 16A-16C) has been approved.

David M. Zamora
GIS Coordinator - AGIS
City of Albuquerque
Planning Department
505.924.3929 phone
505.924.3812 fax
[www.cabq.gov/planning/agis/
dmzamora@cabq.gov](http://www.cabq.gov/planning/agis/dmzamora@cabq.gov)

1550 South Redwood Road, Salt Lake City, Utah 84104 • P.O. Box 30850, Salt Lake City, Utah 84130-0850
Telephone (801) 974-1400 • Fax (801) 974-1243

September 1, 2010

City of Albuquerque
Department of Municipal Development
Traffic Engineering
5501 Pino Avenue NE
Albuquerque, New Mexico 87109

Attn: John Kolessar, PE

Re: Smith's Store #459 Fuel Center - Holly & Wyoming

Dear Mr. Kolessar,

We are writing this letter in regards to the intersection of Holly Avenue and Wyoming Boulevard. Smith's Food & Drug Centers, Inc. has received EPC approval to construct a fuel center on the Northwest corner of this intersection and as a part of that approval process a neighborhood meeting was held to hear neighbor concerns. This meeting was very well attended by nine different neighborhood associations. The main topic of concern and discussions at this meeting was traffic in this area and at this intersection. The following is an excerpt from the minutes of that meeting:

"Of major concern to neighbors is accomplishing a Traffic Impact Study (TIS) for the area from Paseo del Norte to Alameda; Wyoming to Louisiana. They realize that the Fuel Center does not meet the City threshold for a TIS, but feel that the TIS is an absolute necessity for the area. They are frustrated that each and every project that comes to pass does not, in and of itself, meet the threshold for a TIS, however the cumulative projects and business and residential growth is negatively impacting quality of life and safety. The last TIS was performed in 2004 for the shopping center on the SE corner of Wyoming and Paseo del Norte. Since then there have been restaurants, the Multi-Generational Center which will open in January, 2011, new businesses and new residences. The area is not yet built out so more will come. They also know that since there is a real need for a fuel center in the area, this fuel center will attract much more traffic than other fuel centers around the City, and therefore have more of an impact on their existing traffic concerns. They feel strongly that the area needs to be looked at in its entirety as their lives are impacted by that entirety."

"Neighbors are convinced there is a need for a light at Holly and Wyoming. They understand that the City sees this as unnecessary because of lights in close proximity at Carmel and Paseo del Norte. Neighbors feel the lack of a signal creates a big safety

issue, and many have had near-accident experiences. They feel that appropriate timing of the light could negate any concerns about lights being too close together. They want to be proactive in this regard and are concerned that if not accomplished soon, deaths could occur. Shannon Beaucaire will get back with them as to who they can talk to at the City about these concerns."

It was also discussed at this meeting that there is an existing signal just to the West at the intersection of Holly and San Pedro that is the same distance from Paseo Del Norte and that the Wyoming corridor could be designed to have interconnected timing between the signals to provide efficient traffic flow. The Holly area future development as currently master planned for commercial development will necessitate full access at this intersection to provide for reasonable traffic circulation.

The La Cueva Shopping Center currently has restricted movements at this intersection which were installed approximately three years ago which has moved a majority of traffic on to Carmel which has a heavy residential traffic flow. Smith's Food & Drug would initiate discussions with the La Cueva Shopping Center for potential funding and support of a future traffic signal at the intersection of Holly & Wyoming.

We would also like to mention that making this request is one of the conditions of our EPC Approval, (Official Notice of Decision - July 8, 2010 Project 1003532). Section 9 titled "Conditions from City Engineer, Municipal Development and NMDOT" asked that "The applicant, in coordination with the area Neighborhood Associations, shall request the City's traffic operations division to investigate the addition of a traffic signal at the intersection of Holly and Wyoming..."

Based on this input, Smith's Food & Drug Centers, Inc. in conjunction with the neighborhood associations requests that the City Traffic Department investigate the need for a traffic signal at this intersection as well as the need for a neighborhood area traffic study.

Sincerely,

SMITH'S FOOD & DRUG CENTERS, INC.



Bruce Van Horn
Director of Real Estate

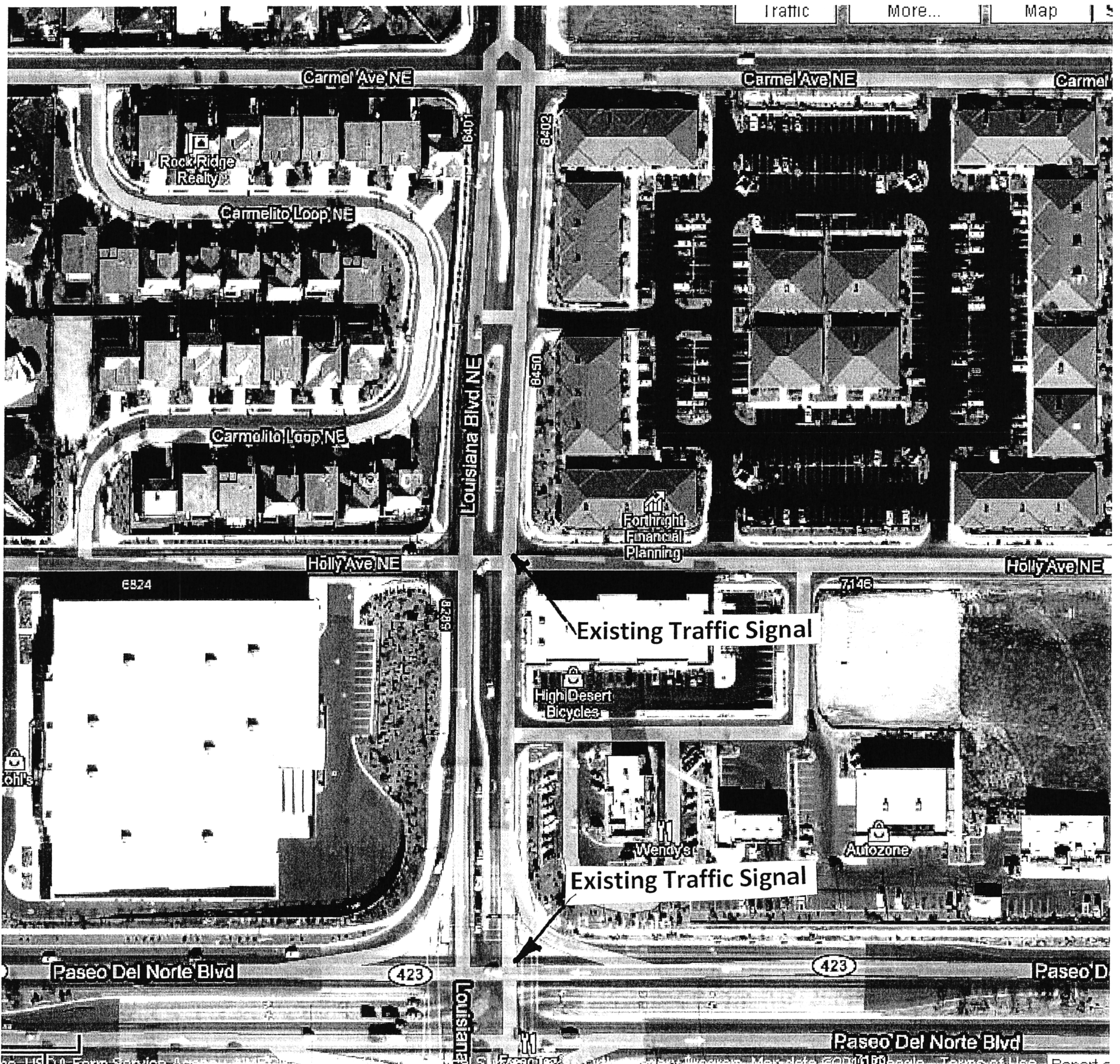
cc:

Nor Este N.A.
North Domingo Baca N.A.
La Cueva Village N.A.
District 4 Coalition of N.A.s
West La Cueva N.A.

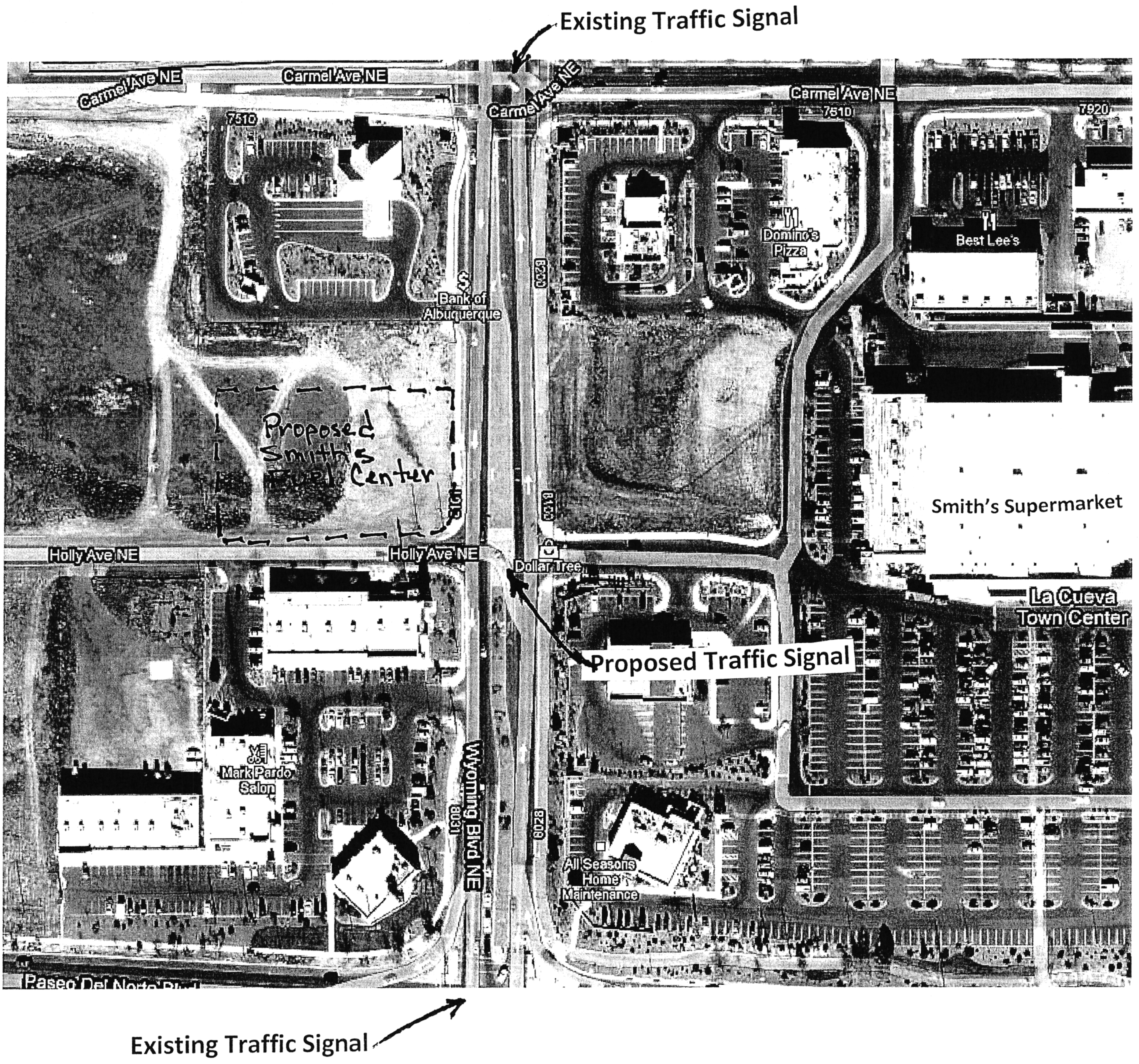
North Wyoming N.A.
Del Ray N.A.
Academy Estates East N.A.
Academy Hills Park N.A.
Shannon Beaucaire, CoA
Randall Faulkner, CoA
Lesa Bridge, Smith's Food & Drug
Bret Wahlen, Great Basin Engineering



Intersection: Holly Avenue & Louisiana Blvd



Intersection: Holly Avenue & Wyoming Blvd





City of Albuquerque
Planning Department
Current Planning Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: July 9, 2010

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1003532**
10EPC-40035 SITE DEVELOPMENT -
BUILDG PRMT
10EPC-40036 SITE DEVELOPMENT -
SUBDIVISION

Great Basin Engineering South
2010 North Redwood Road
Salt Lake City, UT 84116

LEGAL DESCRIPTION: GREAT BASIN
ENGINEERING SOUTH C/O BRET WAHLEN
agent(s) for SMITH'S FOOD & DRUG
CENTERS, INC C/O ROGER GOUGH
request(s) the above action(s) for all or a portion
of lot(s) 17 & 18, block 9, tract(s) 2, Unit 3
NORTH ALBUQUERQUE ACRES zoned SU-2
MIXED USE located on HOLLY BETWEEN
WYOMING AND LOUISIANA containing
approximately .78 acre(s). (C-19) Randall
Falkner, Staff Planner

On July 8, 2010 the Environmental Planning Commission voted to APPROVE Project # 1003532/
10EPC-40036, a site development plan for subdivision, based on the following Findings and subject to the
following Conditions:

FINDINGS:

1. This is a request for a site development plan for subdivision for Lots 17 & 18, Block 9, Tract 2, Unit 3, North Albuquerque Acres, a site of approximately 1.3 acres, zoned SU-2 Mixed Use, located on Holly Avenue, between Wyoming Boulevard and Louisiana Boulevard. The two vertical lots, Lots 17 and 18, would be reconfigured into two horizontal lots, Lots 17-A and 17-B.
2. The request is accompanied by a site development plan for building permit for proposed Lot 17-B (10EPC 40035).

OFFICIAL NOTICE OF DECISION

JULY 8, 2010

PROJECT 1003532

PAGE 2 OF 7

3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva Sector Development Plan. Wyoming Boulevard is an Enhanced Transit Corridor. The site is within the La Cueva Community Activity Center.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan, 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 was included in a Traffic Impact Study, dated July 29, 2004, and entitled Plaza @ La Cueva Wyoming and Paseo del Norte, that was reviewed by City Transportation Staff.
6. Development on the site is subject to the regulations of the SU-2/Mixed Use zone and the "Common Design Regulations for all SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva Sector Development Plan. Approval of a site development plan and landscape plan by the EPC is required.
7. The request furthers the following Developing and Established Urban policies of the Comprehensive Plan.
 - a. Policy II.B.5e – The subdivision is proposed on vacant land contiguous to existing urban facilities and services where the integrity of existing neighborhoods can be ensured.
 - b. Policy II.B.5k – Vehicular access and circulation for the subdivision are designed to coordinate with adjoining properties and to diffuse traffic flows onto Holly Avenue and onto the public access easements which lead to Carmel Avenue and Wyoming Boulevard. Dispersal of traffic onto these streets will protect the livability and safety of neighboring residential zones.
8. A facilitated meeting was held on June 15, 2010 at the Covenant United Methodist Church, and was attended by the following Neighborhood and/or Homeowner Associations and Coalitions: Nor Este N.A., North Domingo Baca N.A., La Cueva Village N.A., District 4 Coalition of N.A.'s, West La Cueva N.A., North Wyoming N.A., Del Rey N.A., Academy Estates East N.A., and Academy Hills Park N.A. The main concern raised at the meeting pertained to traffic and traffic circulation.
9. There is no known neighborhood or other opposition.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
 3. Lots 17 and 18 shall be replatted into Lots 17-A and 17-B.
 4. CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:
 - a. 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).
 - b. Include truck turning template information on site plan.
 - c. Provide cross access agreements with adjacent property owners.
 - d. Site plan shall comply and be designed per DPM Standards.
 - e. Dedication of a minimum 78 feet of right-of-way from the centerline of Wyoming Blvd a principal arterial as designated on the Long Range Roadway System.
 - f. The applicant, in coordination with the area Neighborhood Associations, shall request the City's traffic operations division to investigate the addition of a traffic signal at the intersection of Holly and Wyoming or a median closure on Wyoming at Holly and the undertaking of a neighborhood area traffic study.
-

On July 8, 2010 the Environmental Planning Commission voted to APPROVE Project # 1003532/ 10EPC-40035, a site development plan for building permit, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a site development plan for building permit for Lots 17 & 18, Block 9, Tract 2, Unit 3, North Albuquerque Acres, a site of approximately 0.78 acres, zoned SU-2 Mixed Use, located on Holly Avenue, between Wyoming Boulevard and Louisiana Boulevard. The applicant intends to construct a Smith's fuel station, consisting of seven fuel islands (14 pumps total) and a 186 square foot kiosk.
2. The request is accompanied by a site development plan for subdivision (10EPC 40036).
3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva Sector Development Plan. Wyoming Boulevard is an Enhanced Transit Corridor. The site is within the La Cueva Community Activity Center.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

OFFICIAL NOTICE OF DECISION

JULY 8, 2010

PROJECT 1003532

PAGE 4 OF 7

5. The subject site was included in a Traffic Impact Study, dated July 29, 2004, and entitled Plaza @ La Cueva Wyoming and Paseo del Norte, that was reviewed by City Transportation Staff.
6. Development on the site is subject to the regulations of the SU-2/Mixed Use zone and the "Common Design Regulations for all SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva Sector Development Plan. Approval of a site development plan and landscape plan by the EPC is required.
7. The request furthers the following Developing and Established Urban policies in the Comprehensive Plan:
 - a. Policy II.B.5d – The request is in accord with surrounding neighborhood values, natural environmental conditions, carrying capacities, and scenic resources. The subject site is surrounded by vacant, office, and commercial land uses. There are no residential zones abutting the proposed fuel station.
 - b. Policy II.B.5e – Full urban services are available to the surrounding properties and the request will provide a needed service and infill development on a vacant portion of land.
 - c. Policy II.B.5i – The request has been designed to minimize the adverse effects of noise, lighting, pollution, and traffic on residential environments. Proposed lighting, landscaping, and transportation planning will mitigate the adverse effects of development.
 - d. Policy II.B.5k – Vehicular access and circulation for the development are designed to coordinate with adjoining properties and to diffuse traffic flows onto Holly Avenue and onto the public access easements which lead to Carmel Avenue and Wyoming Boulevard. Dispersal of traffic onto these streets will protect the livability and safety of neighboring residential zones.
8. The request furthers Activity Center Policy II.B.7f of the Comprehensive Plan by locating the most intense uses in Activity Centers away from nearby low-density residential development and buffering those residential uses by a transition area of less intensive development.
9. The request furthers the following Guiding Principles of the LCSDP:
 - a. Guiding Principles, 1.3 – The request would be compatible with existing development, which consists of commercial and office uses.
 - b. Guiding Principles, 5.1 – The request would add to the variety of retail and service businesses, to meet the needs of the area's growing population.
10. A facilitated meeting was held on June 15, 2010 at the Covenant United Methodist Church, and was attended by the following Neighborhood and/or Homeowner Associations and Coalitions: Nor Este N.A., North Domingo Baca N.A., La Cueva Village N.A., District 4 Coalition of N.A.'s, West La Cueva N.A., North Wyoming N.A., Del Rey N.A., Academy Estates East N.A., and Academy Hills Park N.A. The main concern raised at the meeting pertained to traffic and traffic circulation.
11. There is no known neighborhood or other opposition.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Video surveillance cameras shall be installed to view all points-of-sale, walkways, service islands, dumpsters and building entrance/exit points.
4. Lighting:
 - a. The submittal shall comply with the General Lighting Regulations of 14-16-3-9, specifically in reference to lighting under the canopy.
 - b. Proposed lighting and landscaping should not be in conflict. All trees should be placed so that the mature canopy does not block visibility of fuel islands, walkways and building entrances and the point-of-sale.
5. Parking spaces shall have barriers that prevent overhang into landscaped areas.
6. Landscaping
 - a. The street tree notes on the landscape plan shall be deleted.
 - b. The landscape plan shall demonstrate that 75% of living ground cover will be provided.
 - c. Additional trees shall be added along Holly Avenue to provide more screening of the site.
7. The logo design signs on the side of the canopy and on the kiosk shall not exceed two feet in height or width.
8. The trash enclosure shall be re-angled (per the Solid Waste Department).
9. CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:
 - a. 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).
 - b. Include truck turning template information on site plan.
 - c. Provide cross access agreements with adjacent property owners.

- d. Site plan shall comply and be designed per DPM Standards.
- e. Dedication of a minimum 78 feet of right-of-way from the centerline of Wyoming Blvd a principal arterial as designated on the Long Range Roadway System.
- f. The applicant, in coordination with the area Neighborhood Associations, shall request the City's traffic operations division to investigate the addition of a traffic signal at the intersection of Holly and Wyoming or a median closure on Wyoming at Holly and the undertaking of a neighborhood area traffic study.

10. CONDITIONS FROM PUBLIC SERVICE COMPANY OF NEW MEXICO

- a. There is an overhead electric distribution facility along Wyoming Blvd. on the west side of the street and an overhead single-phase electric distribution facility on the south side of the site along Holly Avenue. As a condition, it is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
- b. As a condition, it is necessary that the applicant coordinate with PNM regarding proposed tree species, the height at maturity and tree placement, sign location and height, and lighting height in order to ensure sufficient safety clearances to avoid interference with the existing electric transmission and/or distribution lines along the project site. PNM's standard is for trees to be planted outside the PNM easement.
- c. As a condition, screening should be designed to allow for access to utility facilities. As a condition, all screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications.

11. The site development plan for building permit shall comply with all design regulations of the La Cueva Sector Development Plan.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY July 23, 2010, 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.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance 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 the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may

OFFICIAL NOTICE OF DECISION
JULY 8, 2010
PROJECT 1003532
PAGE 7 OF 7

decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear 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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Sincerely,



for Deborah Stover
Planning Director

DS/CT/dlh

) cc Great Basin Engineering South, 2010 North Redwood Road, Salt Lake City, UT 84116
Smith's Food & Drug Center, Inc., 1550 South Redwood Road, Salt Lake City, UT 84104
Judie Pellegrino, 8515 Murrelet NE, Albuquerque, NM 87113
Erik Bose, 7200 Peregrine NE, Albuquerque, NM 87113
Jeff Peterson, 7800 Eagle Rock Avenue NE, Albuquerque, NM 87122-2723
Joe Yardumian, 7801 R.C. Gorman Avenue, Albuquerque, NM 87122-2748
Celina Stoyanof, 8111 Oso Feliz NE, Albuquerque, NM 87122
Dave Nufer, 7912 Oso Rico Road NE, Albuquerque, NM 87122
Amy Whitling, P.O. Box 91343, Albuquerque, NM 87199-1343
Erica Vasquez, P.O. Box 92315, Albuquerque, NM 87199

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): GREAT BASIN ENGINEERING - SOUTH PHONE: 801-521-8529
 ADDRESS: 2010 NO. REDWOOD ROAD FAX: 801-521-9551
 CITY: SALT LAKE STATE UT ZIP 84116 E-MAIL: KIRKR@GBESOUTH.COM

APPLICANT: SMITH'S FOOD & DRUG CENTERS, INC. PHONE: 801-974-1500 29
 ADDRESS: 1550 SO. REDWOOD ROAD FAX: 801-974-1628
 CITY: SALT LAKE STATE UT ZIP 84104 E-MAIL: ROBER.GOUGH@SFDC.COM

Proprietary interest in site: BUYER List all owners: V-MOD, LLC

DESCRIPTION OF REQUEST: DRB SIGN OFF FOR EPC APPROVED FUEL CENTER

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. LOTS 17 & 18 Block: 9 TRACT 2 Unit: 3
 Subdiv/Addn/TBKA: NORTH ALBUQUERQUE ACRES
 Existing Zoning: SU-2 / MIXED USE Proposed zoning: N/A MRGCD Map No. _____
 Zone Atlas page(s): C-19 UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): _____

PROJ # 1003532, 10EPC-40035, 10EPC-40036

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 2 No. of proposed lots: 3 Total area of site (acres): 1.61
 LOCATION OF PROPERTY BY STREETS: On or Near: NW COR HOLLY & WYOMING NE
 Between: _____ and _____

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: 5-6-10

SIGNATURE [Signature] DATE 8-16-10

(Print) KIRK RANDALL Applicant: Agent:

FOR OFFICIAL USE ONLY

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers
10DRB-70234
10DRB-70235
70236

Action
P&F
SPD
SPS
CMF

Form revised 4/07
 S.F. Fees 355.00
 \$ 275.
 \$ 0
 \$ 0
 \$ 20.00
 \$ _____
 Total 375.00
 \$ _____

Hearing date 8/25/10

Tim Sims

Planner signature / date

Project # 1003532

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Copy of DRB approved infrastructure list
- Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
- List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls 3 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations and cross sections of perimeter walls (11" by 17" maximum) 3 copies
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (verify with DRB Engineer)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) Your attendance is required.

- PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers on the cover application
- Amended preliminary plat approval expires after one year

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Russ Hugg
Applicant name (print)
[Signature]
Applicant signature / date
8.16.10



Form revised October 2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
_____-_____-_____
_____-_____-_____
_____-_____-_____

[Signature]
Planner signature / date
Project # 1003532

FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)

- SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**
- ___ Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies.
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ List any original and/or related file numbers on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)** **Maximum Size: 24" x 36"**
- ___ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
 - ___ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Copy of the document delegating approval authority to the DRB
 - ___ Completed Site Plan for Subdivision Checklist
 - ___ Infrastructure List, if relevant to the site plan
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)** **Maximum Size: 24" x 36"**
- ___ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
 - ___ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
 - ___ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. 6 copies.
 - ___ Solid Waste Management Department signature on Site Plan
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Copy of the document delegating approval authority to the DRB
 - ___ Infrastructure List, if relevant to the site plan
 - ___ Completed Site Plan for Building Permit Checklist
 - ___ Copy of Site Plan with Fire Marshal's stamp
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**
- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**
- ___ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - ___ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) 6 copies
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Infrastructure List, if relevant to the site plan
 - ___ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)** 70236
- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Solid Waste Management Department signature on Site Plan for Building Permit
 - Zone Atlas map with the entire property(ies) clearly outlined ✓
 - Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision ✓
 - Infrastructure List, if relevant to the site plan ✓
 - Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
 - List any original and/or related file numbers on the cover application ✓
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

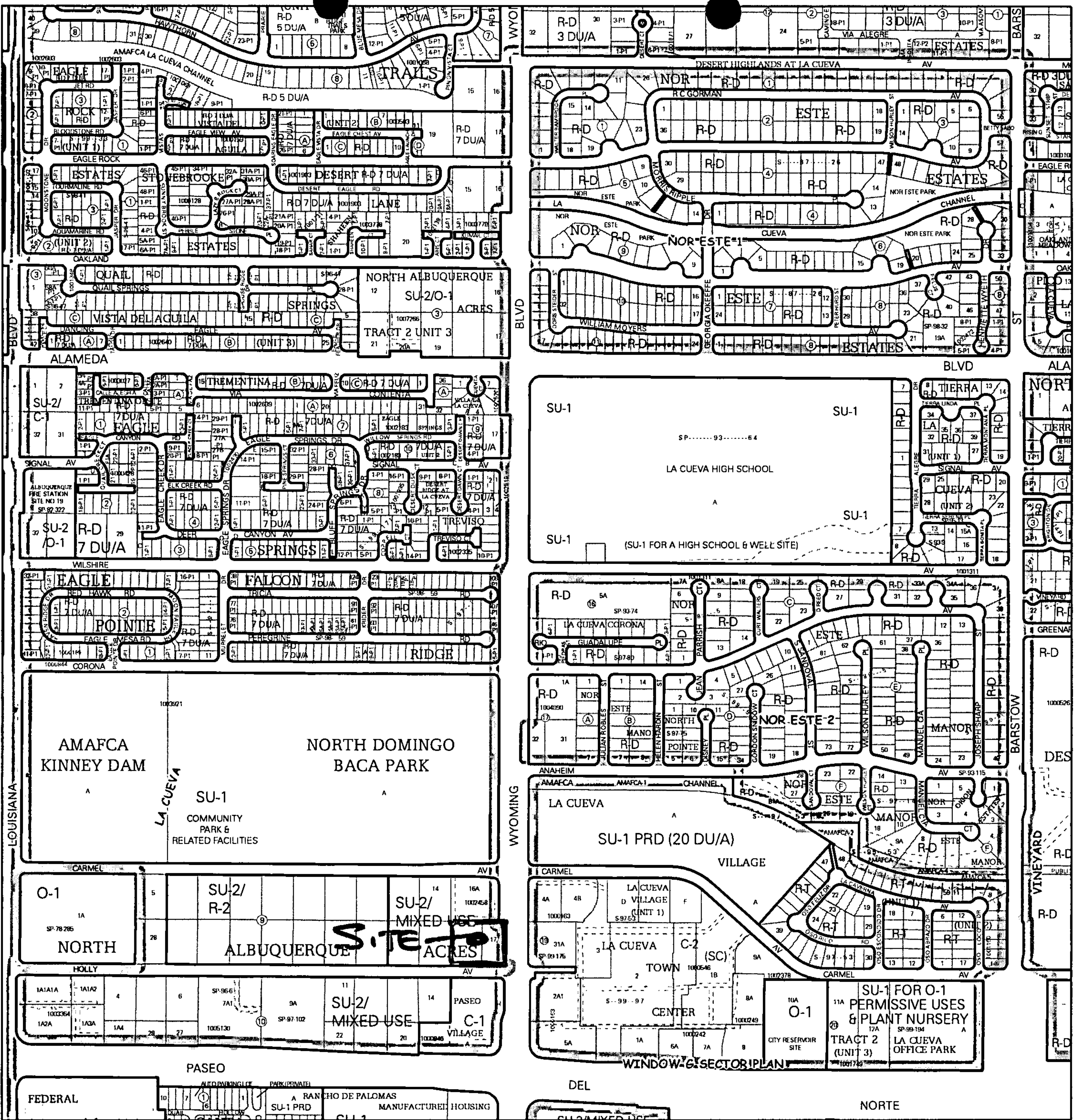
KIRK RANDALL
Applicant name (print)

[Signature] 8-16-10
Applicant signature / date



Form revised October 2007

<input checked="" type="checkbox"/> Checklists complete	Application case numbers	<u>70235</u>	<u>[Signature]</u>
<input checked="" type="checkbox"/> Fees collected	_____	_____	Planner signature / date
<input checked="" type="checkbox"/> Case #s assigned	_____	<u>70236</u>	Project # <u>1003532</u>
<input checked="" type="checkbox"/> Related #s listed	_____	_____	_____



For more current information and more details visit: <http://www.cabq.gov/gis>

Albuquerque Geographic Information System

Map amended through: 2/4/2010

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-19-Z

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 750 1,500 Feet

SURV TEK, INC.

Consulting Surveyors

9384 Valley View Drive, NW Albuquerque, New Mexico 87114

Phone: 505-897-3366 Fax: 505-897-3377 E-mail: russhugg@survtek.com

August 13, 2010

Mr. David S. Campbell, CAO
City of Albuquerque

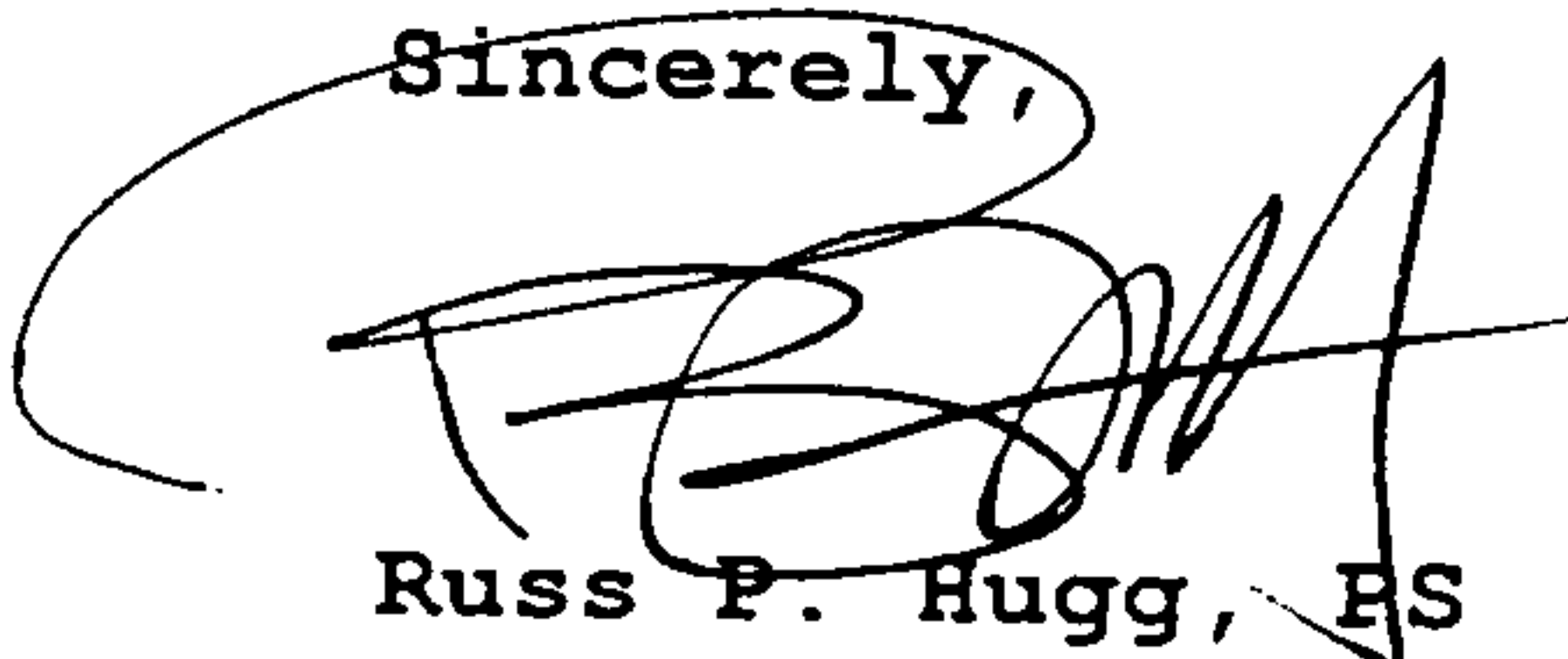
Re: Lots 17 and 18, Block 9, Tract 1, Unit 3, North Albuquerque
Acres, Albuquerque Bernalillo County New Mexico to be known as
Lots 17-A, 17-B and 17-C.

Dear Mr. Campbell

The owners of the above captioned property, MOD-V, LLC are hereby filing application with the City of Albuquerque Development Review Board for a Minor Preliminary/Final plat approval to re configure the lot line between two (2) existing lots and officially plat a portion of Lot 17 which was deeded to the City of Albuquerque by warranty deed in 2003 for public street right of way for Wyoming Boulevard NE. The inclusion of the warranty deed parcel (to be known as Lot 17-C) is at the request of Assistant City Attorney, Kevin Curran, in order that the previous subdivision of Lot 17 will conform to the current subdivision ordinance.

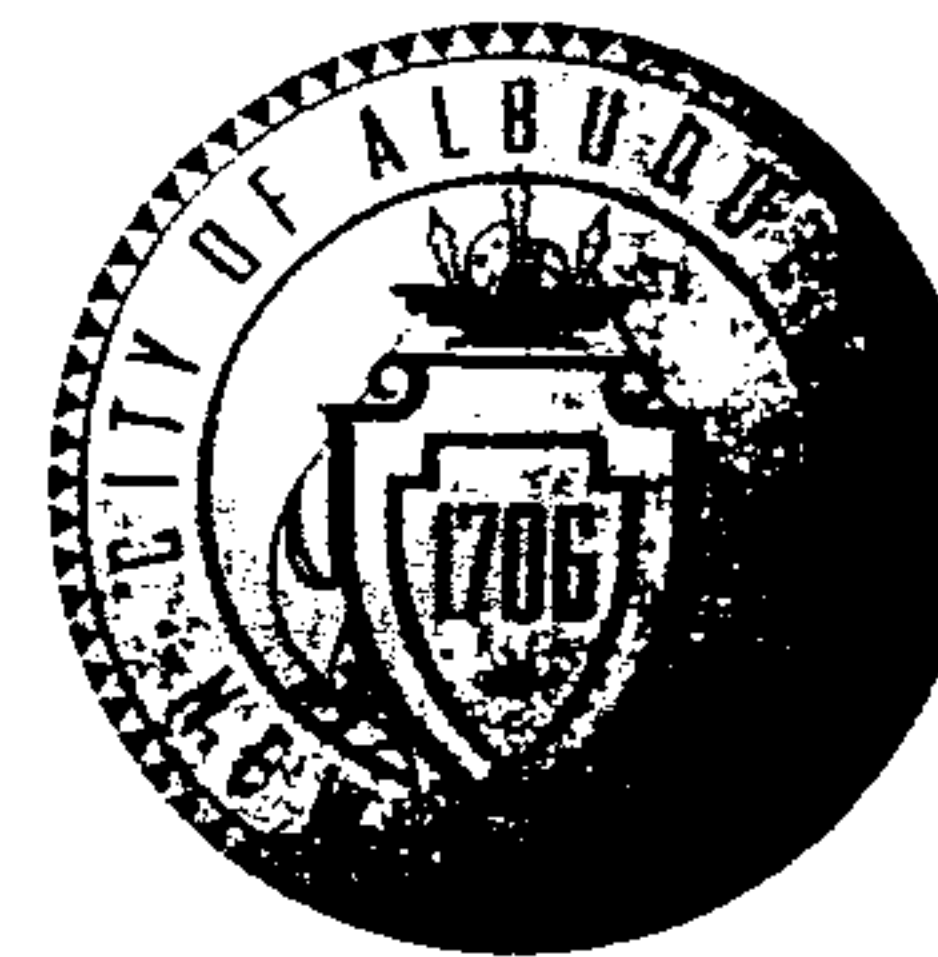
If you have any questions concerning this request, please feel free to contact me at your convenience.

Sincerely,



Russ P. Hugg, ES
Surv-Tek, Inc.

CITY OF ALBUQUERQUE



August 16, 2010

Bret G. Wahlen, P.E.
Great Basin Engineering-South
2010 North Redwood Rd
Salt Lake City, UT 84116

**Re: Smith's Fuel Center #459, 7525 Holly Ave NE, Preliminary Grading Plan
Engineer's Stamp dated 5-26-10 (C19/D054)**

Dear Mr. Wahlen,

Based upon the information provided in your submittal received 8-10-10, the above referenced plan is approved for Site Plan action by the DRB with the following comment:

PO Box 1293

- The north lot is required to drain out to Holly Ave. It appears the 79.35TA point in the northwest corner is too high. This can be addressed with the Building Permit submittal.

Albuquerque

If you have any questions, you can contact me at 924-3695.

NM 87103

Sincerely,

Curtis A. Cheme, P.E.
Senior Engineer, Planning Dept.
Development and Building Services

www.cabq.gov

C: file
Brad Bingham

City of Albuquerque
Department of Municipal Development
Traffic Engineering
5501 Pino Avenue NE
Albuquerque, New Mexico 87109

August 12, 2010

Attn: John Kolessar, PE

RE: Smith's #459 Fuel Center, Holly & Wyoming

Dear Mr. Kolessar,

We are writing this letter in regards to the intersection of Holly Avenue and Wyoming Boulevard. Smith's Food & Drug has received EPC approval to construct a fuel center on the Northwest corner of this intersection and as a part of that approval process a neighborhood meeting was held to hear neighbor concerns. This meeting was very well attended by nine different neighborhood associations. The main topic of concern and discussion at this meeting was traffic in this area and at this intersection. The following is an excerpt from the minutes of that meeting:

"Of major concern to neighbors is accomplishing a Traffic Impact Study (TIS) for the area from Paseo del Norte to Alameda; Wyoming to Louisiana. They realize that the Fuel Center does not meet the City threshold for a TIS, but feel that the TIS is an absolute necessity for the area. They are frustrated that each and every project that comes to pass does not, in and of itself, meet the threshold for a TIS, however the cumulative projects and business and residential growth is negatively impacting quality of life and safety. The last TIS was performed in 2004 for the shopping center on the SE corner of Wyoming and Paseo del Norte. Since then there have been restaurants, the Multi-Generational Center which will open in January, 2011, new businesses and new residences. The area is not yet built out so more will come. They also know that since there is a real need for a fuel center in the area, this fuel center will attract much more traffic than other fuel centers around the City, and therefore have more of an impact on their existing traffic concerns. They feel strongly that the area needs to be looked at in its entirety as their lives are impacted by that entirety."

"Neighbors are convinced there is a need for a light at Holly and Wyoming. They understand that the City sees this as unnecessary because of lights in close proximity at Carmel and Paseo del Norte. Neighbors feel the lack of a signal creates a big safety issue, and many have had near-accident experiences. They feel that appropriate timing of the light could negate any concerns about lights being too close together. They want to be proactive in this regard and are concerned that if not accomplished soon, deaths could occur. Shannon Beaucaire will get back with them as to who they can talk to at the City about these concerns."

It was also discussed at this meeting that there is an existing signal just to the West at the intersection of Holly and San Pedro that is the same distance from Paseo Del Norte and that the Wyoming corridor could be designed to have interconnected timing between the signals to provide efficient traffic flow. The Holly area future development as currently master planned for commercial development will necessitate full access at this intersection to provide for reasonable traffic circulation.

The La Cueva Shopping Center currently has restricted movements at this intersection which were installed approximately three years ago which has moved a majority of traffic on to Carmel which has a heavy residential traffic flow. Smith's Food & Drug would initiate discussions with the La Cueva Shopping Center for potential funding and support of a future traffic signal at the intersection of Holly & Wyoming.

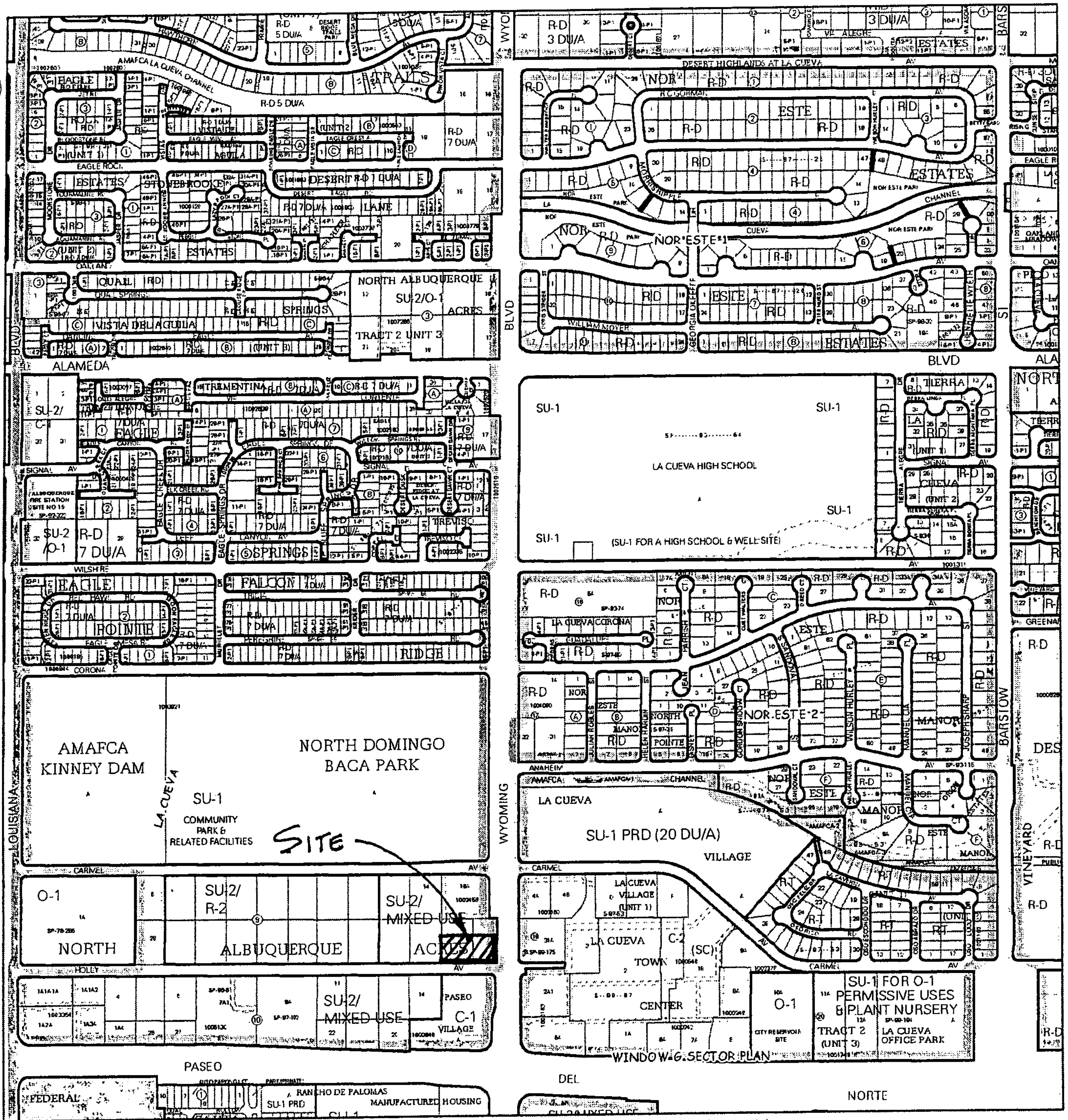
Based on this input, Smith's Food & Drug in conjunction with the neighborhood associations requests that the City Traffic Department investigate the need for a traffic signal at this intersection as well as the need for a neighborhood area traffic study.

Sincerely,

Bruce Vanhorn
Smith's Food & Drug Centers, Inc.

cc:

Nor Este N.A.
North Domingo Baca N.A.
La Cueva Village N.A.
District 4 Coalition of N.A.s
West La Cueva N.A.
North Wyoming N.A.
Del Ray N.A.
Academy Estates East N.A.
Academy Hills Park N.A.
Shannon Beaucaire, CoA
Randall Faulkner, CoA
Lesia Bridge, Smith's Food & Drug
Bret Wahlen, Great Basin Eng.



For more current information and more details visit: <http://www.cabq.gov/gis>

Map amended through: 2/4/2010

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-19-Z

Selected Symbols

	SECTOR PLANS		Escarpment
	Design Overlay Zones		2 Mile Airport Zone
	City Historic Zones		Airport Noise Contours
	H-1 Buffer Zone		Wall Overlay Zone
	Petroglyph Mon.		

Feet
0 750 1,500



City of Albuquerque
Planning Department
Current Planning Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: July 9, 2010

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1003532**
10EPC-40035 SITE DEVELOPMENT -
BUILDG PRMT
10EPC-40036 SITE DEVELOPMENT -
SUBDIVISION

Great Basin Engineering South
2010 North Redwood Road
Salt Lake City, UT 84116

LEGAL DESCRIPTION: GREAT BASIN
ENGINEERING SOUTH C/O BRET WAHLEN
agent(s) for SMITH'S FOOD & DRUG
CENTERS, INC C/O ROGER GOUGH
request(s) the above action(s) for all or a portion
of lot(s) 17 & 18, block 9, tract(s) 2, Unit 3
NORTH ALBUQUERQUE ACRES zoned SU-2
MIXED USE located on HOLLY BETWEEN
WYOMING AND LOUISIANA containing
approximately .78 acre(s). (C-19) Randall
Falkner, Staff Planner

On July 8, 2010 the Environmental Planning Commission voted to APPROVE Project # 1003532/
10EPC-40036, a site development plan for subdivision, based on the following Findings and subject to the
following Conditions:

FINDINGS:

1. This is a request for a site development plan for subdivision for Lots 17 & 18, Block 9, Tract 2, Unit 3, North Albuquerque Acres, a site of approximately 1.3 acres, zoned SU-2 Mixed Use, located on Holly Avenue, between Wyoming Boulevard and Louisiana Boulevard. The two vertical lots, Lots 17 and 18, would be reconfigured into two horizontal lots, Lots 17-A and 17-B.
2. The request is accompanied by a site development plan for building permit for proposed Lot 17-B (10EPC 40035).

OFFICIAL NOTICE OF DECISION

JULY 8, 2010

PROJECT 1003532

PAGE 2 OF 7

3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva Sector Development Plan. Wyoming Boulevard is an Enhanced Transit Corridor. The site is within the La Cueva Community Activity Center.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan, 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 was included in a Traffic Impact Study, dated July 29, 2004, and entitled Plaza @ La Cueva Wyoming and Paseo del Norte, that was reviewed by City Transportation Staff.
6. Development on the site is subject to the regulations of the SU-2/Mixed Use zone and the "Common Design Regulations for all SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva Sector Development Plan. Approval of a site development plan and landscape plan by the EPC is required.
7. The request furthers the following Developing and Established Urban policies of the Comprehensive Plan.
 - a. Policy II.B.5e – The subdivision is proposed on vacant land contiguous to existing urban facilities and services where the integrity of existing neighborhoods can be ensured.
 - b. Policy II.B.5k – Vehicular access and circulation for the subdivision are designed to coordinate with adjoining properties and to diffuse traffic flows onto Holly Avenue and onto the public access easements which lead to Carmel Avenue and Wyoming Boulevard. Dispersal of traffic onto these streets will protect the livability and safety of neighboring residential zones.
8. A facilitated meeting was held on June 15, 2010 at the Covenant United Methodist Church, and was attended by the following Neighborhood and/or Homeowner Associations and Coalitions: Nor Este N.A., North Domingo Baca N.A., La Cueva Village N.A., District 4 Coalition of N.A.'s, West La Cueva N.A., North Wyoming N.A., Del Rey N.A., Academy Estates East N.A., and Academy Hills Park N.A. The main concern raised at the meeting pertained to traffic and traffic circulation.
9. There is no known neighborhood or other opposition.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

OFFICIAL NOTICE OF DECISION

JULY 8, 2010

PROJECT 1003532

PAGE 3 OF 7

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
 3. Lots 17 and 18 shall be replatted into Lots 17-A and 17-B.
 4. CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:
 - a. 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).
 - b. Include truck turning template information on site plan.
 - c. Provide cross access agreements with adjacent property owners.
 - d. Site plan shall comply and be designed per DPM Standards.
 - e. Dedication of a minimum 78 feet of right-of-way from the centerline of Wyoming Blvd a principal arterial as designated on the Long Range Roadway System.
 - f. The applicant, in coordination with the area Neighborhood Associations, shall request the City's traffic operations division to investigate the addition of a traffic signal at the intersection of Holly and Wyoming or a median closure on Wyoming at Holly and the undertaking of a neighborhood area traffic study.
-

On July 8, 2010 the Environmental Planning Commission voted to APPROVE Project # 1003532/ 10EPC-40035, a site development plan for building permit, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a site development plan for building permit for Lots 17 & 18, Block 9, Tract 2, Unit 3, North Albuquerque Acres, a site of approximately 0.78 acres, zoned SU-2 Mixed Use, located on Holly Avenue, between Wyoming Boulevard and Louisiana Boulevard. The applicant intends to construct a Smith's fuel station, consisting of seven fuel islands (14 pumps total) and a 186 square foot kiosk.
2. The request is accompanied by a site development plan for subdivision (10EPC 40036).
3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva Sector Development Plan. Wyoming Boulevard is an Enhanced Transit Corridor. The site is within the La Cueva Community Activity Center.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

OFFICIAL NOTICE OF DECISION

JULY 8, 2010

PROJECT 1003532

PAGE 4 OF 7

5. The subject site was included in a Traffic Impact Study, dated July 29, 2004, and entitled Plaza @ La Cueva Wyoming and Paseo del Norte, that was reviewed by City Transportation Staff.
6. Development on the site is subject to the regulations of the SU-2/Mixed Use zone and the "Common Design Regulations for all SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva Sector Development Plan. Approval of a site development plan and landscape plan by the EPC is required.
7. The request furthers the following Developing and Established Urban policies in the Comprehensive Plan:
 - a. Policy II.B.5d – The request is in accord with surrounding neighborhood values, natural environmental conditions, carrying capacities, and scenic resources. The subject site is surrounded by vacant, office, and commercial land uses. There are no residential zones abutting the proposed fuel station.
 - b. Policy II.B.5e – Full urban services are available to the surrounding properties and the request will provide a needed service and infill development on a vacant portion of land.
 - c. Policy II.B.5i – The request has been designed to minimize the adverse effects of noise, lighting, pollution, and traffic on residential environments. Proposed lighting, landscaping, and transportation planning will mitigate the adverse effects of development.
 - d. Policy II.B.5k – Vehicular access and circulation for the development are designed to coordinate with adjoining properties and to diffuse traffic flows onto Holly Avenue and onto the public access easements which lead to Carmel Avenue and Wyoming Boulevard. Dispersal of traffic onto these streets will protect the livability and safety of neighboring residential zones.
8. The request furthers Activity Center Policy II.B.7f of the Comprehensive Plan by locating the most intense uses in Activity Centers away from nearby low-density residential development and buffering those residential uses by a transition area of less intensive development.
9. The request furthers the following Guiding Principles of the LCSDP:
 - a. Guiding Principles, 1.3 – The request would be compatible with existing development, which consists of commercial and office uses.
 - b. Guiding Principles, 5.1 – The request would add to the variety of retail and service businesses, to meet the needs of the area's growing population.
10. A facilitated meeting was held on June 15, 2010 at the Covenant United Methodist Church, and was attended by the following Neighborhood and/or Homeowner Associations and Coalitions: Nor Este N.A., North Domingo Baca N.A., La Cueva Village N.A., District 4 Coalition of N.A.'s, West La Cueva N.A., North Wyoming N.A., Del Rey N.A., Academy Estates East N.A., and Academy Hills Park N.A. The main concern raised at the meeting pertained to traffic and traffic circulation.
11. There is no known neighborhood or other opposition.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Video surveillance cameras shall be installed to view all points-of-sale, walkways, service islands, dumpsters and building entrance/exit points.
4. Lighting:
 - a. The submittal shall comply with the General Lighting Regulations of 14-16-3-9, specifically in reference to lighting under the canopy.
 - b. Proposed lighting and landscaping should not be in conflict. All trees should be placed so that the mature canopy does not block visibility of fuel islands, walkways and building entrances and the point-of-sale.
5. Parking spaces shall have barriers that prevent overhang into landscaped areas.
6. Landscaping
 - a. The street tree notes on the landscape plan shall be deleted.
 - b. The landscape plan shall demonstrate that 75% of living ground cover will be provided.
 - c. Additional trees shall be added along Holly Avenue to provide more screening of the site.
7. The logo design signs on the side of the canopy and on the kiosk shall not exceed two feet in height or width.
8. The trash enclosure shall be re-angled (per the Solid Waste Department).
9. CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:
 - a. 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).
 - b. Include truck turning template information on site plan.
 - c. Provide cross access agreements with adjacent property owners.

OFFICIAL NOTICE OF DECISION

JULY 8, 2010

PROJECT 1003532

PAGE 6 OF 7

- d. Site plan shall comply and be designed per DPM Standards.
- e. Dedication of a minimum 78 feet of right-of-way from the centerline of Wyoming Blvd a principal arterial as designated on the Long Range Roadway System.
- f. The applicant, in coordination with the area Neighborhood Associations, shall request the City's traffic operations division to investigate the addition of a traffic signal at the intersection of Holly and Wyoming or a median closure on Wyoming at Holly and the undertaking of a neighborhood area traffic study.

10. CONDITIONS FROM PUBLIC SERVICE COMPANY OF NEW MEXICO

- a. There is an overhead electric distribution facility along Wyoming Blvd. on the west side of the street and an overhead single-phase electric distribution facility on the south side of the site along Holly Avenue. As a condition, it is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
- b. As a condition, it is necessary that the applicant coordinate with PNM regarding proposed tree species, the height at maturity and tree placement, sign location and height, and lighting height in order to ensure sufficient safety clearances to avoid interference with the existing electric transmission and/or distribution lines along the project site. PNM's standard is for trees to be planted outside the PNM easement.
- c. As a condition, screening should be designed to allow for access to utility facilities. As a condition, all screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications.

11. The site development plan for building permit shall comply with all design regulations of the La Cueva Sector Development Plan.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY July 23, 2010, 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.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance 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 the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may

OFFICIAL NOTICE OF DECISION

JULY 8, 2010

PROJECT 1003532

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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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Sincerely,



for Deborah Stover
Planning Director

DS/CT/dlh

cc Great Basin Engineering South, 2010 North Redwood Road, Salt Lake City, UT 84116
Smith's Food & Drug Center, Inc., 1550 South Redwood Road, Salt Lake City, UT 84104
Judie Pellegrino, 8515 Murrelet NE, Albuquerque, NM 87113
Erik Bose, 7200 Peregrine NE, Albuquerque, NM 87113
Jeff Peterson, 7800 Eagle Rock Avenue NE, Albuquerque, NM 87122-2723
Joe Yardumian, 7801 R.C. Gorman Avenue, Albuquerque, NM 87122-2748
Celina Stoyanof, 8111 Oso Feliz NE, Albuquerque, NM 87122
Dave Nufer, 7912 Oso Rico Road NE, Albuquerque, NM 87122
Amy Whitling, P.O. Box 91343, Albuquerque, NM 87199-1343
Erica Vasquez, P.O. Box 92315, Albuquerque, NM 87199

August 13, 2010

Mr. Russ Hugg
Surv-Tek, Inc.
9384 Valley View Drive N.W.
Albuquerque, New Mexico 87114

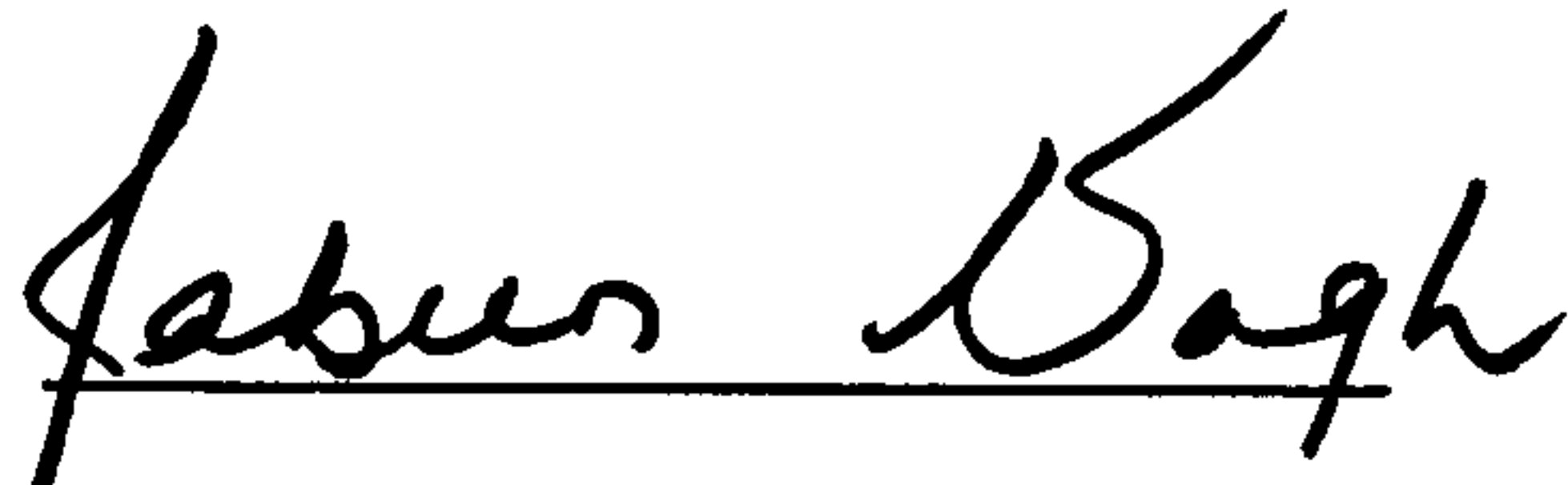
Dear Russ:

By this letter, we hereby authorize you to act as agent on our behalf for the purpose of replatting the westerly portion of Lot 17 and all of Lot 18, Block 9, Tract 1, Unit 3, North Albuquerque Acres, ALBUQUERQUE BERNALILLO COUNTY NEW MEXICO

Please call me if you have any further questions.

Sincerely,

V-MOD, LLC


By:

GREAT BASIN ENGINEERING - South

2010 North Redwood Road • P.O. Box 16747 • Salt Lake City, Utah 84116
(801) 521-8529 • (801) 394-7288 • Fax (801) 521-9551



CONSULTING ENGINEERS
AND LAND SURVEYORS

City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

August 6, 2010

RE: Project #1003532 / 10EPC-40035, Smith's #459 Fuel Center

Modification letter as required in the Conditions of Approval for the above referenced Project. Plans have been modified to meet EPC conditions as follows:

- 1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City Requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to the site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.*

Letter as requested is below.

- 2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.*

Meeting with Randall Faulkner on August 17, 2010 to review submittal.

- 3. Video surveillance cameras shall be installed to view all points of sale, walkways, service islands, dumpsters and building entrance/exit points.*

Typical Fuel Center plans include cameras that cover this except for the dumpster. An additional camera will be added for the dumpster and a Note is added to the Development Plan.

- 4. Lighting*
 - a. The submittal shall comply with the General Lighting Regulations of 14-16-3-9, specifically in reference to lighting under the canopy.*
 - b. Proposed lighting and landscaping should not be in conflict. All trees should be placed so the mature canopy does not block visibility of fuel islands, walkways and building entrances and point of sale.*

The standard recessed lights and cutoff site lights are in compliance with the regulations. Also this note is added to the development plan. Proposed site lighting is set away from trees to prevent blockage of light on to key areas as noted.

5. *Parking spaces shall have barriers that prevent overhang into landscaped areas.*

Wheel stops have been added in parking spaces to prevent overhang.

6. *Landscaping:*
 - a. *The street tree notes on the landscape plan shall be deleted.*
 - b. *The landscape plan shall demonstrate that 75% of living ground cover will be provided.*
 - c. *Additional trees shall be added along Holly Avenue to provide more screening of the site.*

Street tree notes are deleted, the percentage of living ground cover at the 5 year spread is indicated on the plan and 2 additional trees have been added to the Holly Avenue frontage for additional screening.

7. *The logo design signs on the side of the canopy and on the kiosk shall not exceed two feet in height or width.*

The logo signs have been revised to the two foot maximum size.

8. *The trash enclosure shall be re-angled (per the Solid Waste Department).*

The trash enclosure has been re-angled to insure truck access.

9. *CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT AND NMDOT:*
 - a. *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.*
 - b. *Include truck turning template information on site plan.*
 - c. *Provide cross access agreements with adjacent property owners.*
 - d. *Site plan shall comply and be designed per DPM standards.*
 - e. *Dedication of a minimum 78 feet of right-of-way from the centerline of Wyoming Blvd. a principal arterial as designated on the Long Range Roadway System.*
 - f. *The applicant, in coordination with the area Neighborhood Associations, shall request the City's traffic operations division to investigate the addition of a traffic signal at the intersection of Holly and Wyoming or a median closure on Wyoming at Holly and the undertaking of a neighborhood area traffic study.*

The developer agrees to construct permanent improvements to the transportation facilities as required by the DRB, this includes curb and sidewalk along Holly Avenue. The truck turning template has been added to the site plan. Cross access easements are included on the proposed plat. A general note that the site plan shall comply with DPM standards is on the site plan. The 78' row is already deeded to the city and will be re-dedicated with the plat. A letter has been drafted and a copy is attached. This letter will be sent to Traffic Engineering.

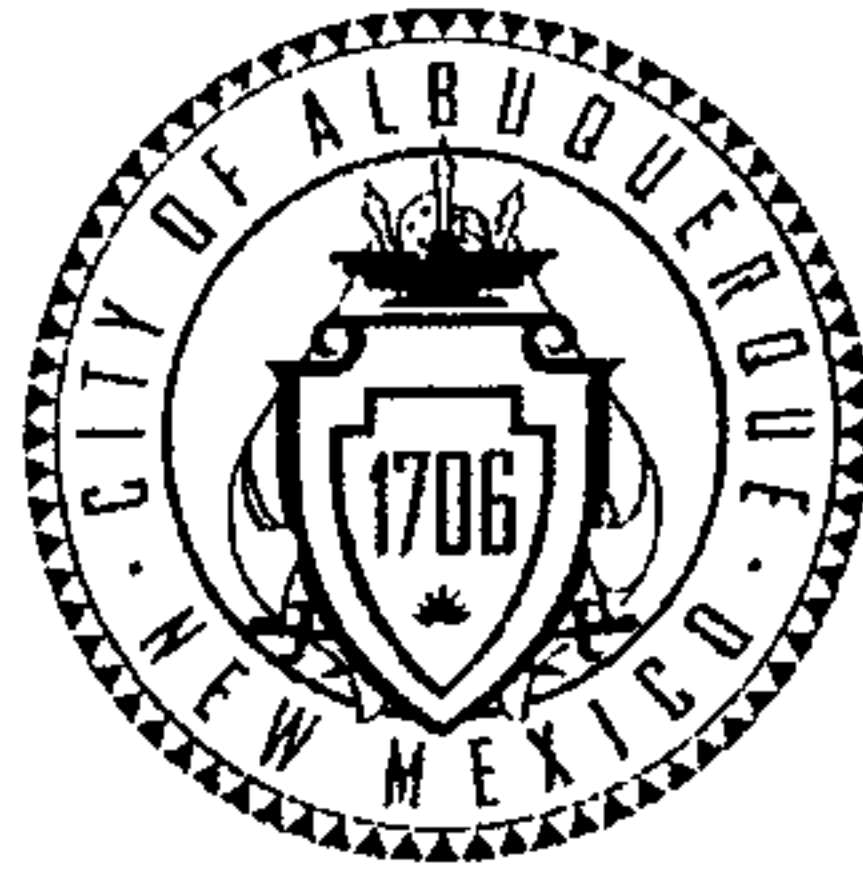
10. *CONDITIONS FROM PUBLIC SERVICE COMPANY OF NEW MEXICO:*
 - a. *There is an overhead electric distribution facility along Wyoming Blvd. on the West side of the street and an overhead single phase electric distribution facility on the South side of the site along Holly Avenue. As a condition, it is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.*

- b. *As a condition, it is necessary that the applicant coordinate with PNM regarding proposed tree species, the height at maturity and tree placement, sign location and height, and lighting height in order to ensure sufficient safety clearances to avoid interference with the existing electric transmission and/or distribution lines along the project site. PNM's standard is for trees to be planted outside the PNM easement.*
- c. *As a condition, screening should be designed to allow for access to utility facilities. As a condition, all screening and vegetation surrounding ground mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric service guide for specifications.*

There are no existing utility easements that affect the property. Applicant has coordinated the location and height of trees, signs and lighting to insure proper clearance from utility lines. Access to transformers and pads will be provided as specified.

- 11. *The site development plan for building permit shall comply with all design regulations of the LaCueva Sector Development Plan.*

This condition has been noted on the site plan.



City of Albuquerque
Planning Department
Current Planning Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: July 9, 2010

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1003532**
10EPC-40035 SITE DEVELOPMENT -
BUILDG PRMT
10EPC-40036 SITE DEVELOPMENT -
SUBDIVISION

Great Basin Engineering South
2010 North Redwood Road
Salt Lake City, UT 84116

LEGAL DESCRIPTION: GREAT BASIN
ENGINEERING SOUTH C/O BRET WAHLEN
agent(s) for SMITH'S FOOD & DRUG
CENTERS, INC C/O ROGER GOUGH
request(s) the above action(s) for all or a portion
of lot(s) 17 & 18, block 9, tract(s) 2, Unit 3
NORTH ALBUQUERQUE ACRES zoned SU-2
MIXED USE located on HOLLY BETWEEN
WYOMING AND LOUISIANA containing
approximately .78 acre(s). (C-19) Randall
Falkner, Staff Planner

On July 8, 2010 the Environmental Planning Commission voted to APPROVE Project # 1003532/
10EPC-40036, a site development plan for subdivision, based on the following Findings and subject to the
following Conditions:

FINDINGS:

1. This is a request for a site development plan for subdivision for Lots 17 & 18, Block 9, Tract 2, Unit 3, North Albuquerque Acres, a site of approximately 1.3 acres, zoned SU-2 Mixed Use, located on Holly Avenue, between Wyoming Boulevard and Louisiana Boulevard. The two vertical lots, Lots 17 and 18, would be reconfigured into two horizontal lots, Lots 17-A and 17-B.
2. The request is accompanied by a site development plan for building permit for proposed Lot 17-B (10EPC 40035).

OFFICIAL NOTICE OF DECISION

JULY 8, 2010

PROJECT 1003532

PAGE 2 OF 7

3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva Sector Development Plan. Wyoming Boulevard is an Enhanced Transit Corridor. The site is within the La Cueva Community Activity Center.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan, 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 was included in a Traffic Impact Study, dated July 29, 2004, and entitled Plaza @ La Cueva Wyoming and Paseo del Norte, that was reviewed by City Transportation Staff.
6. Development on the site is subject to the regulations of the SU-2/Mixed Use zone and the "Common Design Regulations for all SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva Sector Development Plan. Approval of a site development plan and landscape plan by the EPC is required.
7. The request furthers the following Developing and Established Urban policies of the Comprehensive Plan.
 - a. Policy II.B.5e – The subdivision is proposed on vacant land contiguous to existing urban facilities and services where the integrity of existing neighborhoods can be ensured.
 - b. Policy II.B.5k – Vehicular access and circulation for the subdivision are designed to coordinate with adjoining properties and to diffuse traffic flows onto Holly Avenue and onto the public access easements which lead to Carmel Avenue and Wyoming Boulevard. Dispersal of traffic onto these streets will protect the livability and safety of neighboring residential zones.
8. A facilitated meeting was held on June 15, 2010 at the Covenant United Methodist Church, and was attended by the following Neighborhood and/or Homeowner Associations and Coalitions: Nor Este N.A., North Domingo Baca N.A., La Cueva Village N.A., District 4 Coalition of N.A.'s, West La Cueva N.A., North Wyoming N.A., Del Rey N.A., Academy Estates East N.A., and Academy Hills Park N.A. The main concern raised at the meeting pertained to traffic and traffic circulation.
9. There is no known neighborhood or other opposition.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
 3. Lots 17 and 18 shall be replatted into Lots 17-A and 17-B.
 4. CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:
 - a. 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).
 - b. Include truck turning template information on site plan.
 - c. Provide cross access agreements with adjacent property owners.
 - d. Site plan shall comply and be designed per DPM Standards.
 - e. Dedication of a minimum 78 feet of right-of-way from the centerline of Wyoming Blvd a principal arterial as designated on the Long Range Roadway System.
 - f. The applicant, in coordination with the area Neighborhood Associations, shall request the City's traffic operations division to investigate the addition of a traffic signal at the intersection of Holly and Wyoming or a median closure on Wyoming at Holly and the undertaking of a neighborhood area traffic study.
-

On July 8, 2010 the Environmental Planning Commission voted to APPROVE Project # 1003532/10EPC-40035, a site development plan for building permit, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a site development plan for building permit for Lots 17 & 18, Block 9, Tract 2, Unit 3, North Albuquerque Acres, a site of approximately 0.78 acres, zoned SU-2 Mixed Use, located on Holly Avenue, between Wyoming Boulevard and Louisiana Boulevard. The applicant intends to construct a Smith's fuel station, consisting of seven fuel islands (14 pumps total) and a 186 square foot kiosk.
2. The request is accompanied by a site development plan for subdivision (10EPC 40036).
3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva Sector Development Plan. Wyoming Boulevard is an Enhanced Transit Corridor. The site is within the La Cueva Community Activity Center.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

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JULY 8, 2010

PROJECT 1003532

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5. The subject site was included in a Traffic Impact Study, dated July 29, 2004, and entitled Plaza @ La Cueva Wyoming and Paseo del Norte, that was reviewed by City Transportation Staff.
6. Development on the site is subject to the regulations of the SU-2/Mixed Use zone and the "Common Design Regulations for all SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva Sector Development Plan. Approval of a site development plan and landscape plan by the EPC is required.
7. The request furthers the following Developing and Established Urban policies in the Comprehensive Plan:
 - a. Policy II.B.5d – The request is in accord with surrounding neighborhood values, natural environmental conditions, carrying capacities, and scenic resources. The subject site is surrounded by vacant, office, and commercial land uses. There are no residential zones abutting the proposed fuel station.
 - b. Policy II.B.5e – Full urban services are available to the surrounding properties and the request will provide a needed service and infill development on a vacant portion of land.
 - c. Policy II.B.5i – The request has been designed to minimize the adverse effects of noise, lighting, pollution, and traffic on residential environments. Proposed lighting, landscaping, and transportation planning will mitigate the adverse effects of development.
 - d. Policy II.B.5k – Vehicular access and circulation for the development are designed to coordinate with adjoining properties and to diffuse traffic flows onto Holly Avenue and onto the public access easements which lead to Carmel Avenue and Wyoming Boulevard. Dispersal of traffic onto these streets will protect the livability and safety of neighboring residential zones.
8. The request furthers Activity Center Policy II.B.7f of the Comprehensive Plan by locating the most intense uses in Activity Centers away from nearby low-density residential development and buffering those residential uses by a transition area of less intensive development.
9. The request furthers the following Guiding Principles of the LCSDP:
 - a. Guiding Principles, 1.3 – The request would be compatible with existing development, which consists of commercial and office uses.
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10. A facilitated meeting was held on June 15, 2010 at the Covenant United Methodist Church, and was attended by the following Neighborhood and/or Homeowner Associations and Coalitions: Nor Este N.A., North Domingo Baca N.A., La Cueva Village N.A., District 4 Coalition of N.A.'s, West La Cueva N.A., North Wyoming N.A., Del Rey N.A., Academy Estates East N.A., and Academy Hills Park N.A. The main concern raised at the meeting pertained to traffic and traffic circulation.
11. There is no known neighborhood or other opposition.

CONDITIONS:

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- b. As a condition, it is necessary that the applicant coordinate with PNM regarding proposed tree species, the height at maturity and tree placement, sign location and height, and lighting height in order to ensure sufficient safety clearances to avoid interference with the existing electric transmission and/or distribution lines along the project site. PNM's standard is for trees to be planted outside the PNM easement.
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APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY July 23, 2010, 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.

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JULY 8, 2010

PROJECT 1003532

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Sincerely,



for Deborah Stover
Planning Director

DS/CT/dlh

cc Great Basin Engineering South, 2010 North Redwood Road, Salt Lake City, UT 84116
Smith's Food & Drug Center, Inc., 1550 South Redwood Road, Salt Lake City, UT 84104
Judie Pellegrino, 8515 Murrelet NE, Albuquerque, NM 87113
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GREAT BASIN ENGINEERING - South

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CONSULTING ENGINEERS
AND LAND SURVEYORS

City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

August 6, 2010

RE: Project #1003532 / 10EPC-40036 Smith's #459 Fuel Center

Modification letter as required in the Conditions of Approval for the above referenced Project. Plans have been modified to meet EPC conditions as follows:

1. *The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City Requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to the site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.*

Letter as requested is below.

2. *Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.*

Meeting with Randall Faulkner on August 17, 2010 to review submittal.

3. *Lots 17 & 18 shall be replatted into Lots 17-A and 17-B.*

The subdivision plat is completed and is a part of this submittal to the DRB.

4. *CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT AND NMDOT:*
 - a. *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.*
 - b. *Include truck turning template information on site plan.*
 - c. *Provide cross access agreements with adjacent property owners.*
 - d. *Site plan shall comply and be designed per DPM standards.*
 - e. *Dedication of a minimum 78 feet of right-of-way from the centerline of Wyoming Blvd. a principal arterial as designated on the Long Range Roadway System.*
 - f. *The applicant, in coordination with the area Neighborhood Associations, shall request the City's traffic operations division to investigate the addition of a traffic signal at the intersection of Holly and Wyoming or a median closure on Wyoming at Holly and the undertaking of a neighborhood area traffic study.*

The developer agrees to construct permanent improvements to the transportation facilities as required by the DRB, this includes curb and sidewalk along Holly Avenue. The truck turning template has been added to the site plan. Cross access easements are included on the proposed plat. A general note that the site plan shall comply with DPM standards is on the site plan. The 78' row is already deeded to the city and will be re-dedicated with the plat. A letter has been drafted and a copy is attached. This letter will be sent to Traffic Engineering.