

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: October 22, 2008
Zone Atlas Page: - L-21
Notification Radius: 100 Ft.

Project# 1007320
App# 08EPC-70427

Cross Reference and Location: HOTEL CIRCLE NE BETWEEN HOTEL
CIRCLE NE AND LOMAS BLVD NE

Applicant: MATTHEW SMILEY PE
LOWE'S HOME IMPROVEMENT
2624 KENSINGTON DR STE 112
TYLER, TX 75703

Agent: CDP SALLY
BOHANNAN HUSTON INC
7500 JEFFERSON NE
ALBUQUERQUE, NM 87109

Special Instructions:

**Notice must be mailed from the
City's 15 day's prior to the meeting.**

Date Mailed: OCTOBER 17, 2008
Signature: ERIN TREMLIN

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S Z	ZONING & PLANNING
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal
<input checked="" type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P	<input type="checkbox"/> Sector Plan (Phase I, II, III)
<input type="checkbox"/> for Subdivision Purposes		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan
<input type="checkbox"/> for Building Permit		<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)
<input type="checkbox"/> Administrative Amendment (AA)		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> IP Master Development Plan	D	APPEAL / PROTEST of...
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L A	<input type="checkbox"/> Decision by: DRB, EPC, LUCC,
STORM DRAINAGE (Form D)		<input type="checkbox"/> Planning Director or Staff, ZHE,
<input type="checkbox"/> Storm Drainage Cost Allocation Plan		<input type="checkbox"/> Zoning Board of Appeal

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): Bohannon Huston, Inc. / CDP Sally PHONE: (505) 823-1000
 ADDRESS: 7500 Jefferson NE FAX: (505) 898-7988
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: ssalazar-cass@bhinc.com
 APPLICANT: Lowe's Home Improvement Center / Matthew Smiley P. E. PHONE: (903) 581-9411
 ADDRESS: 2624 Kensington Drive, Suite 112 FAX: _____
 CITY: Tyler STATE TX ZIP 75703 E-MAIL: _____
 Proprietary interest in site: owner List all owners: _____

DESCRIPTION OF REQUEST: Vacate 1 waterline easement & 2 public utility easements

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

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

Lot or Tract No. 2A5A1A1 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: HORNE DEVELOPMENT ADDN
 Existing Zoning: SU-1 Proposed zoning: SU-1 MRGCD Map No _____
 Zone Atlas page(s): L-21 UPC Code: 102105714343020925

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.):
1007320

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): +/- 8.276

LOCATION PROPERTY BY STREETS: On or Near: Hotel Circle NE
 Between: Hotel Circle NE and Lomas NE

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

SIGNATURE Racquel Michel DATE 9/26/2008
 (Print) Racquel Michel, P.E. E.I. Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 9/01, 3/03, 7/03, 10/03, 04/04

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>SEDRB - 20427</u>	<u>VPE</u>		\$ <u>135.00</u>
<input checked="" type="checkbox"/> All fees have been collected				\$ <u>75.00</u>
<input checked="" type="checkbox"/> All case #s are assigned				\$ <u>20.00</u>
<input 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 checked="" type="checkbox"/> F.H.D.P. fee rebate	Hearing date <u>October 22 2008</u>			\$ <u>230.00</u>

[Signature] 9.26.08
 Planner signature / date

Project # 1007320

FORM V: SUBDIVISION VARIANCES & VACATIONS

BULK LAND VARIANCE (DRB04) (PUBLIC HEARING CASE)

- Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
- Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
- Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

VACATION OF PUBLIC EASEMENT (DRB27)

VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**
(Not required for City owned public right-of-way.)
- Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

SIDEWALK VARIANCE (DRB20)

SIDEWALK WAIVER (DRB21)

- Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the variance or waiver
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)

- Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the variance
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.

TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)

EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)

- Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the deferral or extension
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

VACATION OF PRIVATE EASEMENT (DRB26)

VACATION OF RECORDED PLAT (DRB29)

- The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
- Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
- Letter of authorization from the grantors and the beneficiaries (private easement only)
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. 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.

RACQUEL MECHER
Applicant name (print)
Racquel Mecher 9-26-08
Applicant signature / date



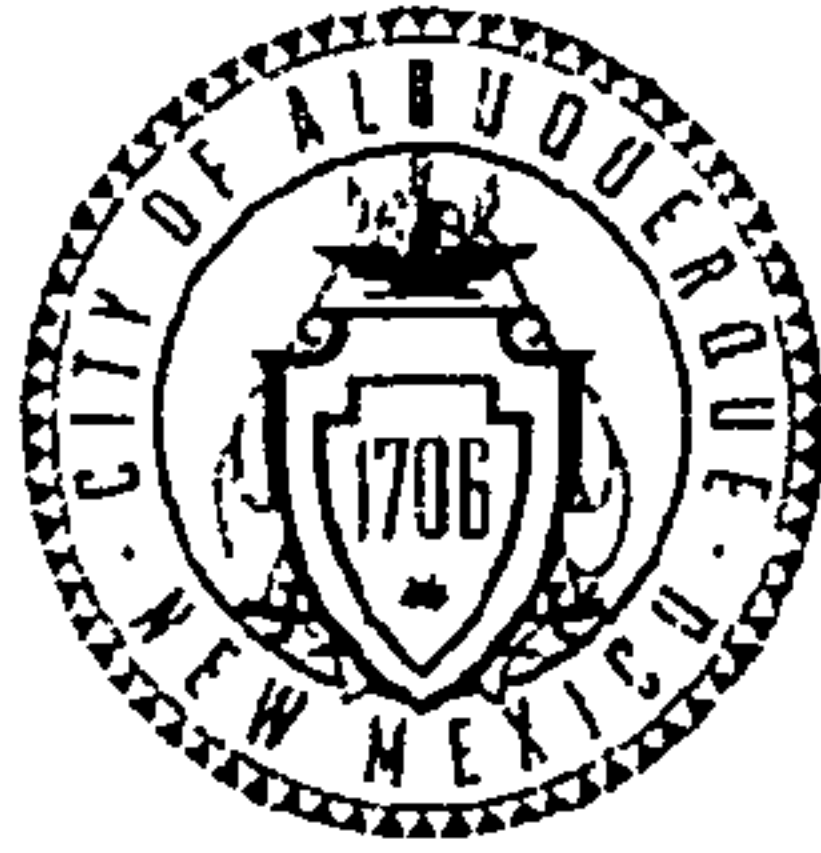
Form revised 4/07

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

Application case numbers
DRB-70427

Raf 9-26-08
Planner signature / date
Project # 1007320

Rec	UPC	OWNER	OWNAD D	OWNCITY	OWNSTATE	OWNZIPCODE	PROPCLAS	TAXDIST	LEGALDESC	ACRES	OBJECTID
1	1021 0571 4343 0209 25	MARKET CENTER EAST ALBUQ LLC C/O DIVERSIFIED PTNS LLC	6916 EAST 5TH AVE	SCOTTSDALE	AZ	85251	C	A1A	TR 2A-5A1-A1 PLAT FOR HORNE DEV ADDN TRS 2A-2A1 THRU 2A-5A1CONT 8.0062 AC M/L OR 348,750 SF M/L	8.27645231	47484
2	1021 0571 6537 2201 62	BB PROPERTY COMPANY ATTN BBE PROPERTIES-PROPERTY MGMT	7601 S PENN AVE	RICHFIELD	MN	55423	C	A1A	TRACT 4-C2-A2 PLAT OF TRS 4-C2-A1 & 4-C2-A2 HORNE DEVELOPMENT ADDN CONT 2.1101 AC M/L OR 91,916 SQ FT M/L	2.06546864	47978
3	1021 0571 1038 0201 01	TOP TERRACES INC	120 OCEAN PARK BLVD SUITE 606	SANTAMONICA	CA	90405	C	A1A	TR 4-C1 PLAT FOR 1-B1, 1-C1, 2A, 4-B1, 4-C1, 4-C2 STA STE NO 3-A SO1/2 TR 3 AND PARCELS 4-A(1A), 4-A(2), 4-A(3A), 4-A(4A) HORNE DEV ADD W/ TRS 1-A1 & 1-B CONT 7.50 AC	7.67314199	47785
4	1021 0571 9344 0201 49	HOSPITALITY AMIGOS INC	75 HOTEL CIR NE	ALBUQUERQUE	NM	87123	C	A1A	MOTEL SITE NO 7 HORNE DEVELOPMENT 1ST REPLAT OF TRACT 4C CONT 2.2549A	2.08864099	47560
5	1021 0571 8545 2208 56	ROSS PHILLIP M	11216 CAMPO DEL SOL AV NE	ALBUQUERQUE	NM	87123	R	A1A	LT 43-P1 PLAT OF LTS 1 THRU 64 LOS CAMPOS CONT 0.0619 AC M/LOR 2,700 SF M/L	0.06198391	47554
6	1021 0571 8245 2208 55	NICHOLSON MICHELLE L	11212 CAMPO DEL SOL AV NE	ALBUQUERQUE	NM	87123	R	A1A	LT 42-P1 PLAT OF LTS 1 THRU 64 LOS CAMPOS CONT 0.0619 AC M/LOR 2,700 SF M/L	0.06198566	47552
7	1021 0570 9048 0209 23	MARKET CENTER EAST RETAIL PROPERTY INC	120 OCEAN PARK BLVD SUITE 606	SANTAMONICA	CA	90405	C	A1A	TR 2A-4A1-A1 REPL OF TR 2A-4A1-A & 2A-5A1-A HORNE DEV ADDN NOW COMPRISING TR 2A-4A1-A1, TR 2A-4A1-A2, TR 2A-5A1-A1 CONT 0.7648 AC M/L OR 33,315 SF M/L	0.76683544	47518
8	1021 0571 8040 1201 02	SUN WAREHOUSE LLC & HOTABQ LLC C/O JAMES M YARMON YARMON INVEST LLC	840 K ST SUITE 201	ANCHORAGE	AK	99501	C	A1A	TRACT 4-C2-A1 PLAT OF TRS 4-C2-A1 & 4-C2-A2 HORNE DEVELOPMENT ADDN CONT 2.2580 AC M/L OR 98,358 SQ FT M/L	2.15629221	47001
9	1021 0571 7745 2208 54	MARKET CENTRE EAST LTD	1116 PENNSYLVANIA ST NE	ALBUQUERQUE	NM	87110	R	A1A	LT 41-P1 PLAT OF LTS 1 THRU 64 LOS CAMPOS CONT 0.1194 AC M/LOR 5,202 SF M/L	0.11922972	37874
10	1021 0570 9545 0209 24	MARKET CENTER EAST ALBUQ LLC C/O DIVERSIFIED PTNS LLC	6916 EAST 5TH AVE	SCOTTSDALE	AZ	85251	C	A1A	TR 2A-4A1-A2 REPL OF TR 2A-4A1-A & 2A-5A1-A HORNE DEV ADDN NOW COMPRISING TR 2A-4A1-A1, TR 2A-4A1-A2, TR 2A-5A1-A1 CONT 1.9033 AC M/L OR 82,908 SF M/L	1.92152907	37172
11	1021 0571 8146 2208 53	ACHENBACH SANDRA M	11204 CAMPO DEL SOL AV NE	ALBUQUERQUE	NM	87111	R	A1A	LT 26-P1 PLAT OF LTS 1 THRU 64 LOS CAMPOS CONT 0.1129 AC M/LOR 4,918 SF M/L	0.112127155	37154
12	1021 0570 6741 2201 05	ASN LLC	25 HOTEL CIR NE	ALBUQUERQUE	NM	87112	C	A1A	TR 4B1 PLAT FOR TRS 1B1, 1C1, 2A, 4B1, 4C1, 4C2 STA STE NO 3A SO 1/2 TR 3 & PAR 4A1A, 4A2, 4A3A, 4A4A HORNE DEV ADD W / TRS 1A1 & 1B CONT 5.04 AC	5.04703259	45978



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

September 23, 2008

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on **September 23, 2008:**

Contact Name: SALLY SALAZAR-CASS

Company or Agency: BOHANNAN HUSTON, INC.
7500 JEFFERSON ST. NE, COURTYARD I/87109-4335
PHONE: 823-1000/FAX: 798-7988
E-mail: ssalazar-cass@bhinc.com

contacted the Office of Neighborhood Coordination requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **2A4A1A2, HORNE DEVELOPMENT ADDITION, LOCATED ON HOTEL CIRCLE NE AND EUBANK BOULEVARD NE AND HOTEL CIRCLE NE** zone map **K-21**.

Our records indicate that as of September 23, 2008, there were no Neighborhood and/or Homeowner Associations in this area.

If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
PLANNING DEPARTMENT

planningnrnaform(01/22/08)

September 16, 2008

Jack Cloud, Chair
Development Review Board
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Re: Vacation of Waterline and Public Utility Easements
Lowe's Market Place East - Case # 1007320

Dear Mr. Cloud:

The referenced project includes a Site Plan for Building Permit that was approved at EPC on September 18, 2008. The project is an approximately 8.3 acre redevelopment of an existing shopping center. The site is located in the Home Development Addition, and the site is zoned SU-1. Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:


- Development Review Applications
- Twenty-four (24) copies of the Vacation Exhibit
- Twenty-Four (24) copies of the documents which granted the easements
- Letter from the Office of Neighborhood Coordination and neighborhood notification
- Zone Atlas Map showing the location of the property
- DRB Fee

There are three (3) easements being vacated with this submittal;

1. Public Waterline Easement Granted by Plat filed August 6, 1992. The existing waterline will be removed and relocated. We intend to grant a new waterline easement with the project's plat and grant a temporary easement while the lines are being relocated.
2. Public Service Company of New Mexico (PNM) Easement filed September 16, 1988. The existing PNM facility will be relocated with coordination by PNM.
3. Public Service Company of New Mexico (PNM) Easement filed December 12, 1990. The existing PNM facility will be relocated with coordination by PNM.

Please place this item on the DRB Agenda for hearing on October 22, 2008. If you have any questions or require further information, please contact me.

Sincerely,


Racquel Michel, P.E.
Project Manager
Community Development and Planning

RM/ssc
Enclosures

Cc: Matthew Smiley, BHI # 080379

2008 09 16
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102
Phone: (505) 225-7333
Facsimile: (505) 225-7333
Toll Free: (800) 333-3333

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

OR CURRENT RESIDENT
102105718146220853
ACHENBACH SANDRA M
11204 CAMPO DEL SOL AVE NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
102105714548720922
DAYTON HUDSON CORP T-0357 C/O
PROPERTY TAX DEPT TPN-0950
PO BOX 9456
MINNEAPOLIS, MN 55440

OR CURRENT RESIDENT
102105709048020923
MARKET CENTER EAST RETAIL
PROPERTY INC
120 OCEAN PARK BLVD SUITE 606
SANTA MONICA, CA 90405

OR CURRENT RESIDENT
102105718545220856
ROSS PHILLIP M
11216 CAMPO DEL SOL AVE NE
ALBUQUERQUE, NM 87123

Project#1007320
BOHANNAN HUSTON
7500 JEFFERSON NE
ALBUQUERQUE, NM 87109

OR CURRENT RESIDENT
102105706741220105
ASN LLC
25 HOTEL CIR NE
ALBUQUERQUE, NM 87112

OR CURRENT RESIDENT
102105719344020149
HOSPITALITY AMIGOS INC
75 HOTEL CIR NE
ALBUQUERQUE, NM 87123

OR CURRENT RESIDENT
102105717745220854
MARKET CENTRE EAST LTD
1116 PENNSYLVANIA ST NE
ALBUQUERQUE, NM 87110

OR CURRENT RESIDENT
102105718040120102
SUN WAREHOUSE LLC & HOTABQ
LLC C/O JAMES M YARMON YARMON
INVEST LLC
840 K ST SUITE 201
ANCHORAGE, AK 99501

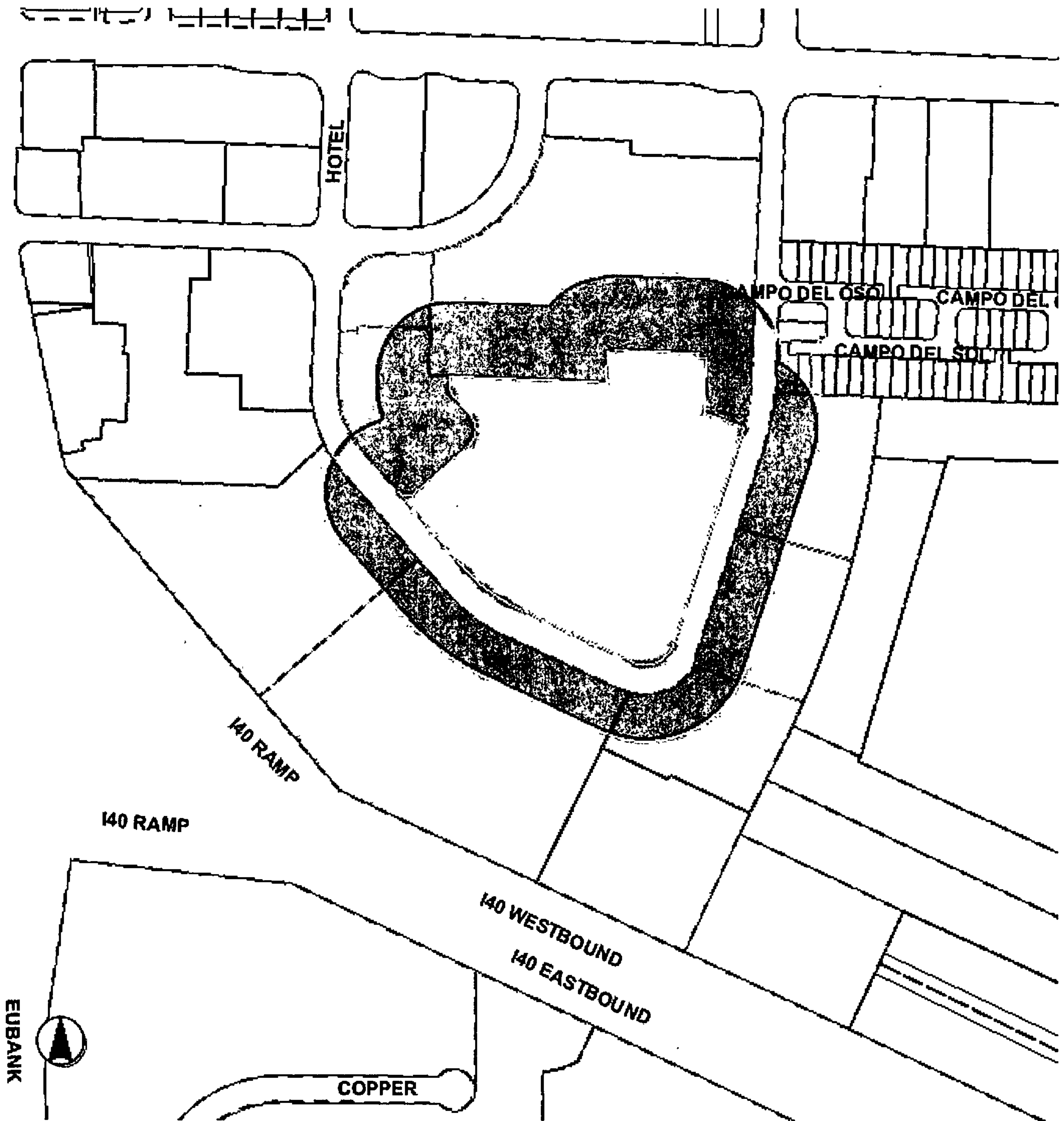
Project#1007320
MATTHEW SMILEY PW
LOWE'S HOME IMPROVEMENT CENTER
2624 KENSINGTON DR STE 112

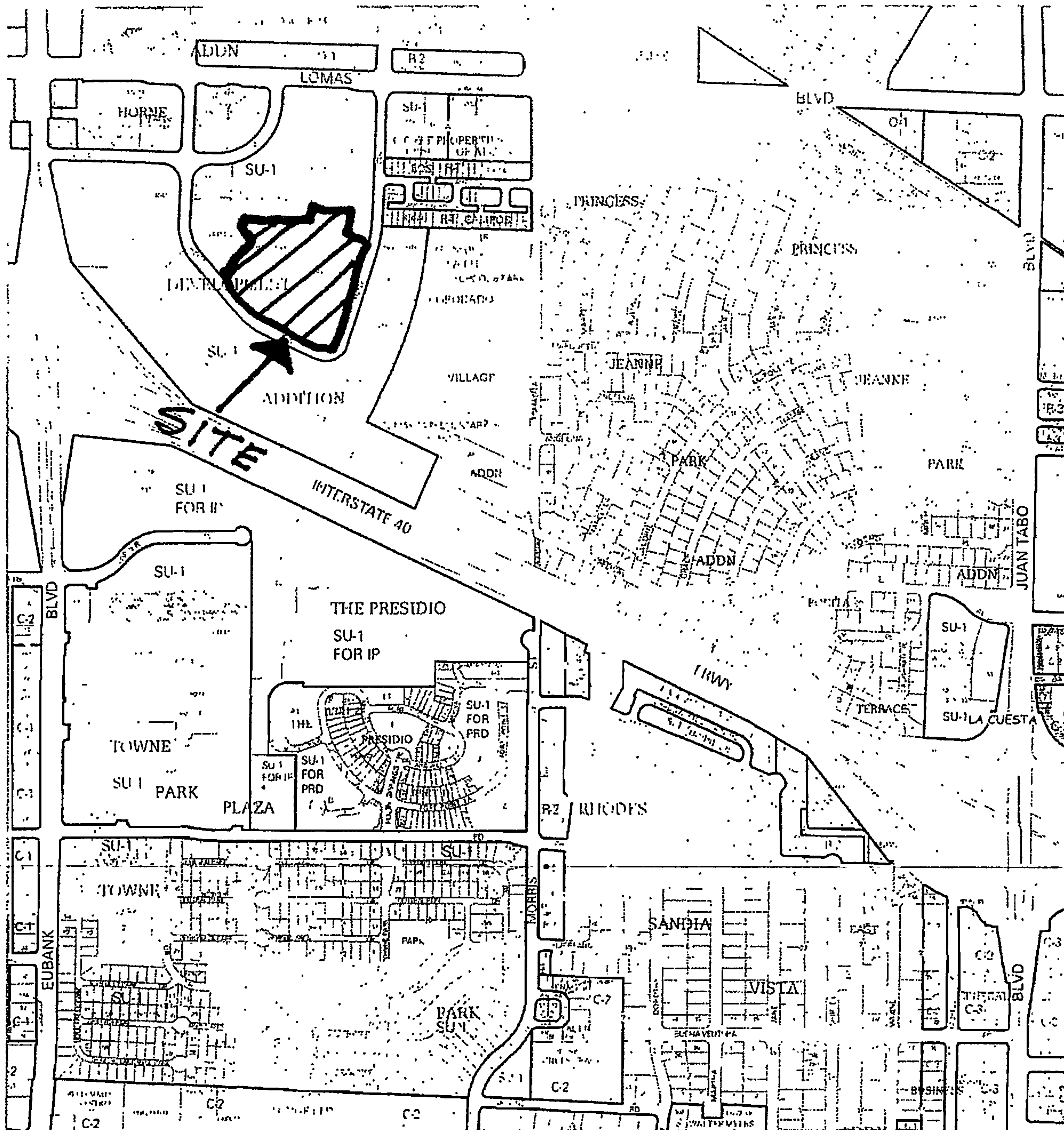
OR CURRENT RESIDENT
102105716537220162
BB PROPERTY COMPANY ATTN BBE
PROPERTIES-PROPERTY MGMT
7601 S PENN AVE
RICHFIELD, MN 55423

OR CURRENT RESIDENT
102105714343020925
MARKET CENTER EAST ALBUQ LLC
C/O DIVERSIDFIED PTNS LLC
6916 EAST 5TH AVE
SCOTTSDALE, AZ 85251

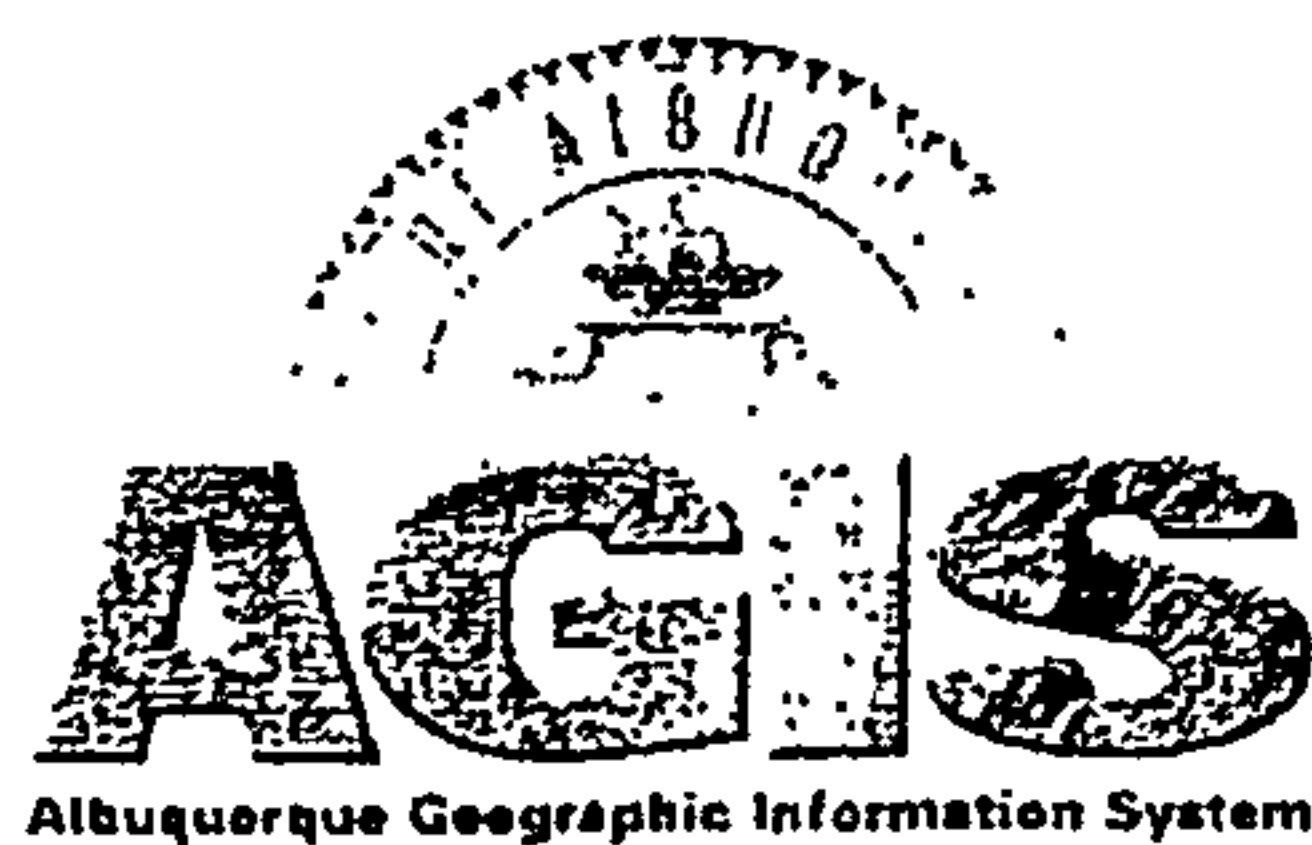
OR CURRENT RESIDENT
102105718245220855
NICHOLSON MICHELLE L
11212 CAMPO DEL SOL AVE NE
ALBUQUERQUE, NM 87123

OR CURRENT RESIDENT
102105711038020101
TOP TERRACES INC
120 OCEAN PARK BLVD SUITE 606
SANTA MONICA, CA 90405

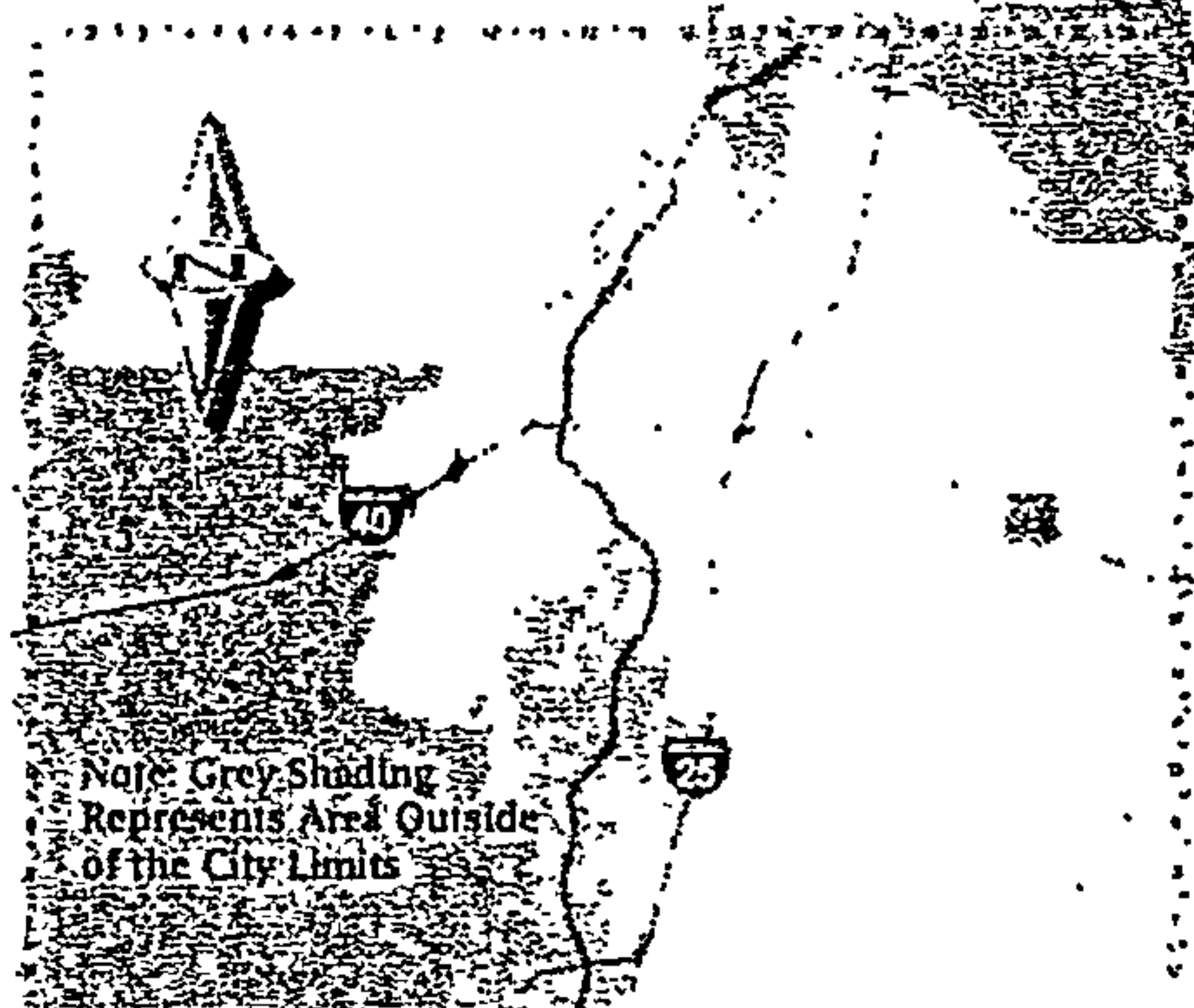




For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 6/13/2008

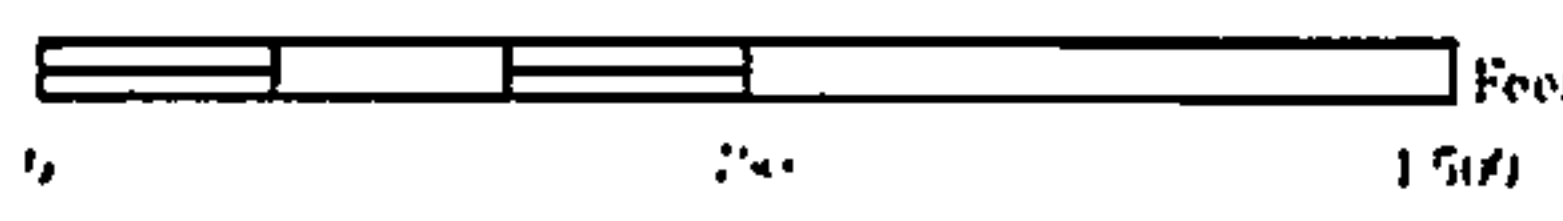


Zone Atlas Page:

K-21-Z

Selected Symbols

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



FACSIMILE TRANSMITTAL COVER SHEET

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335
www.bhinc.com
voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

Date: September 29, 2008

To: Angela Gomez
Sandy Handley, Vanessa

Company: CofA DRB

Fax No.: 924-3864

From: Sally Salazar-Cass

Project No: 1007320

Project Name: Lowe's

Number of Pages (including Cover): 2

Re: DRB Justification Letter

Comments: *Please call Sally to let
her know that you got this
Sandy*

Original to Follow: Yes No

If you do not receive all pages, please contact _____ at 505-823-1000.

September 26, 2008

Jack Cloud, Chair
 Development Review Board
 City of Albuquerque
 600 Second Street NW
 Albuquerque, NM 87102

Re: Vacation of Waterline and Public Utility Easements
 Lowe's Market Place East - Case # 1007320

Dear Mr. Cloud:

The referenced project includes a Site Plan for Building Permit that was approved at EPC on September 18, 2008. The project is an approximately 8.3 acre redevelopment of an existing shopping center. The site is located in the Home Development Addition, and the site is zoned SU-1. Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Twenty-four (24) copies of the Vacation Exhibit
- Twenty-Four (24) copies of the documents which granted the easements
- Letter from the Office of Neighborhood Coordination and neighborhood notification
- Zone Atlas Map showing the location of the property
- DRB Fee

There are three (3) easements being vacated with this submittal;

1. Public Waterline Easement Granted by Plat filed August 6, 1992. The existing waterline will be removed and relocated. We intend to grant a new waterline easement with the project's plat and grant a temporary easement while the lines are being relocated.
2. Public Service Company of New Mexico (PNM) Easement filed September 16, 1988. The existing PNM facility will be relocated with coordination by PNM.
3. Public Service Company of New Mexico (PNM) Easement filed December 12, 1990. The existing PNM facility will be relocated with coordination by PNM.

Please place this item on the DRB Agenda for hearing on October 22, 2008. If you have any questions or require further information, please contact me.

Sincerely,



Racquel Michel, P.E.
 Project Manager
 Community Development and Planning

RM/ssc
 Enclosures

Cc: Matthew Smiley, BHI # 080379

Courtyard I
 7500 Jefferson St NE
 Albuquerque, NM
 87109-4335

www.bohannon.com

voice: 505.823.1000
 facsimile: 505.798.7988
 toll free: 800.877.5352

ENGINEERING

SPATIAL DATA

ADVANCED TECHNOLOGIES

September 26, 2008

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

Jack Cloud, Chair
Development Review Board
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Re: Vacation of Waterline and Public Utility Easements
Lowe's Market Place East - Case # 1007320

Dear Mr. Cloud:

The referenced project includes a Site Plan for Building Permit that was approved at EPC on September 18, 2008. The project is an approximately 8.3 acre redevelopment of an existing shopping center. The site is located in the Home Development Addition, and the site is zoned SU-1. Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Twenty-four (24) copies of the Vacation Exhibit
- Twenty-Four (24) copies of the documents which granted the easements
- Letter from the Office of Neighborhood Coordination and neighborhood notification
- Zone Atlas Map showing the location of the property
- DRB Fee

There are three (3) easements being vacated with this submittal;

1. Public Waterline Easement Granted by Plat filed August 6, 1992. The existing waterline will be removed and relocated. We intend to grant a new waterline easement with the project's plat and grant a temporary easement while the lines are being relocated.
2. Public Service Company of New Mexico (PNM) Easement filed September 16, 1988. The existing PNM facility will be relocated with coordination by PNM.
3. Public Service Company of New Mexico (PNM) Easement filed December 12, 1990. The existing PNM facility will be relocated with coordination by PNM.

Please place this item on the DRB Agenda for hearing on October 22, 2008. If you have any questions or require further information, please contact me.

Sincerely,



Racquel Michel, P.E.
Project Manager
Community Development and Planning

RM/ssc
Enclosures

Cc: Matthew Smiley, BHI # 080379

ENGINEERING ▲

SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲



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

Map amended through: 6/13/2008

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
K-21-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

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

3. **Project# 1004075**
08DRB-70490 EPC APPROVED LEVEL
'B' PLAN AMENDMENT
- MYERS, OLIVER & PRICE (JOHN MYERS) agent(s) for MESA DEL SOL, LLC request(s) the above action(s) for all or a portion of Tract(s) 1A-16A, **MESA DEL SOL** zoned PC, located on EAST OF BRAODWAY AND SOUTH OF LOS PICAROS containing approximately 3082 acre(s). (Q-16,& R-14, 16, 17 & S-14-17, & T-14, & U-13)**THE EPC LEVEL "B" PLAN AMENDMENT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR STAFF PLANNERS REFERENCE LETTER DATED 11/21/2008.**

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

4. **Project# 1007099**
08DRB-70492 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- THE SURVEY OFFICE agent(s) for SANDIA FOUNDATION request(s) the above action(s) for all or a portion of Lot(s) 1-3 & 37-39 & VACATED PORTION OF LT 1- 11 & 33-38, Block(s) 16 & 17, **ZUNI ADDITION** zoned C-2/, located on MENSUAL BLVD NE BETWEEN MESILLA AVE NE AND PROSPECT AVE NE containing approximately 4.183 acre(s). (H-19) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR REAL PROPERTY SIGNATURE, 3 COPIES OF APPROVED SITE PLAN AND AGIS DXF FILE.**
5. **Project# 1007567**
08DRB-70491 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- THE SURVEY OFFICE agent(s) for RUTH W ADAMS C/O NANCY AQUI request(s) the above action(s) for all or a portion of Lot(s) 1 & 31, Block(s) 4, **LAVALAND ADDITION** zoned R-2, located on CLOUDCROFT PLACE NW BETWEEN DOLORES DR NW AND 57TH ST NW containing approximately .36 acre(s). (J-11) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR COMMENTS AGIS DXF FILE.**
6. **Project#-1007320**
08DRB-70489 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- BOHANNAN HUSTON INC agent(s) for LOWE'S HOME IMPROVEMENT CENTER request(s) the above action(s) for all or a portion of Lot(s) 2A-5A1-A1, zoned SU-1, located on HOTEL CIRCLE NE BETWEEN EUBANK BLVD NE AND LOMAS BLVD NE containing approximately 8.276 acre(s). (L-21) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 11/26/08, THE PRELIMINARY PLAT WAS APPROVED. FINAL PLAT WAS INDEFINATELY DEFERRED.**

7. Other Matters: None

ADJOURNED: 9:25

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT

November 26, 2008

DRB Comments

ITEM # 6

PROJECT # 1007320

APPLICATION # 08-70489

RE: Lot 2A-5A1- A1, Horne Development Addition

The Planning Department must record this plat to complete the vacation.



Jack Cloud AICP, DRB Chairman
924-3880/ jcloud@cabq.gov

7099

~~3604~~

DXF Electronic Approval Form

DRB Project Case #: 1003604

Subdivision Name: ZUNI ADDN TRACT A

Surveyor: GARY E GRITSKO

Contact Person: SARAH AMATO

Contact Information: 892-1076

DXF Received: 11/19/2008

Hard Copy Received: 11/19/2008

Coordinate System: NMSP Grid (NAD 83)


Approved

11/19/2008
Date

* The DXF file cannot be accepted (at this time) for the following reason(s):

AGIS Use Only

Copied fc 3604 to agiscov on 11/19/2008 Contact person notified on 11/19/2008



DRB CASE ACTION LOG (SDP – Building P.)

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.: 08DRB-70473	Project # 1007320
Project Name: HOME DEVELOPMENT	
Agent: DENISH KLINE ASSOCIATES	Phone No: 842-6461

Your request was approved on 11-12-08 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: - comments

UTILITIES: _____

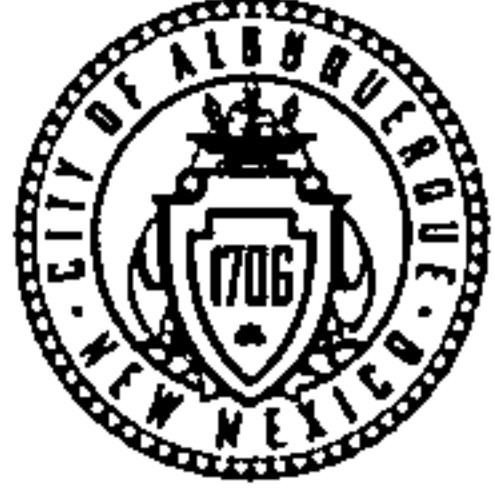
CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): - comments from staff planner

- 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:



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

November 5, 2008

Project# 1007320

08) DRB-70427 VACATION OF PUBLIC EASEMENT(S)

BOHANNAN HUSTON INC agent(s) for LOWE'S HOME IMPROVEMENT CENTER request(s) the referenced/ above action(s) [PUBLIC WATERLINE, PNM] on all or a portion of Tract(s) 2A-5A1-A1, **HORNE DEVELOPMENT ADDITION**, zoned SU-1, located on HOTEL CIRCLE NE south of LOMAS BLVD NE and east of EUBANK BLVD NE containing approximately 8.276 acre(s). (K-21)

At the November 5, 2008 Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B)(1)(3) of the Subdivision Ordinance subject to PNM acknowledgement and ABCWUA comments addressed.

(A)(1) The public easement vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the public easement.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

If you wish to appeal this decision, you must do so by November 20, 2008 in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)



Jack Cloud, AICP, DRB Chair

Cc: Denish & Kline Associates – 500 Marquette Nw Ste 350 – Albuquerque, NM 87102

Cc: Lowes Home Improvement – 4607 Silverheel St. – Shawnee, KS 66226



DRB CASE ACTION LOG (PREL/FINAL)

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.: 08DRB-70489 Project # 1007320
 Project Name: HORNE DEVELOPMENT ADDITION
 Agent: BOHANNAN HUSTON INC. Phone No.: 823-1000

Your request was approved on ~~10/15/08~~ 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): _____

- 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. *OK*
 - Copy of recorded plat for Planning.

Created On:

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

08/26/2008 Issued By: E08375

Permit Number: 2008 070 427

Category Code 910

Application Number: 08DRB-70427, Vacation Of Public Easement

Address:

Location Description: HOTEL CIRCLE NE BETWEEN HOTEL CIRCLE NE AND LOMAS NE

Project Number: 1007320

Applicant

Lowe'S Home Improvement Center
Matthew Smiley P.E.
2824 Kensington Drive Suite 112
Tyler TX 75703
903-581-9411

Agent / Contact

Bohannon Huston Inc
Kevin Patton
7500 Jefferson Ne
Albuquerque NM 87109

kpatton@bhinc.com

Application Fees

441018/4971000	Public Notification	\$75.00
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	\$135.00
TOTAL:		\$230.00

City Of Albuquerque
Treasury Division

9/26/2008 10:16AM LOC: ANNX
WS# 006 TRANS# 0007
RECEIPT# 00098181-00098181
PERMIT# 2008070427 TRSCCS
Trans Amt \$230.00
APN Fee \$75.00
Conflict Manag. Fee \$20.00
DRB Actions \$135.00
VI \$230.00
CHANGE \$0.00

City of Albuquerque Planning Department
One Stop Shop – Development and Building Services

11/04/2008 Issued By: PLNSDH

Permit Number: 2008 070 473 **Category Code 910**

Application Number: 08DRB-70473, Epc Approved Sdp For Build Permit

Address:

Location Description: HOTEL CIRCLE NE BETWEEN LOMAS NE AND EUBANK NE

Project Number: 1007320

Applicant
Lowes Home Improvement

4607 Silverheel St
Shawnee KS 66226
913-441-9589

Agent / Contact
Denish Kline Associates
Lawrence Kline
500 Marquette Nw Suite 350
Albuquerque NM 87103

lisk@denishkline.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	
TOTAL:		\$20.00

City Of Albuquerque
Treasury Division

11/4/2008 11:41AM LOC: ANNX
WSH 006 TRANSH 0032
RECEIPT# 00099828-00099828
PERMIT# 2008070473 TRSSVG
Trans Amt \$20.00
Conflict Manag. Fee \$20.00
VI \$20.00
CHANGE \$0.00

Thank You

City of Albuquerque Planning Department
One Stop Shop – Development and Building Services

11/18/2008 Issued By: PLNSDH

Permit Number: 2008 070 489

Category Code 910

Application Number: 08DRB-70489, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: HOTEL CIRCLE NE BETWEEN EUBANK BLVD NE AND LOMAS BLVD NE

Project Number: 1007320

Applicant

Lowe'S Home Improvement Center
Matthew Smiley P.E.
2624 Kensington Dr Suite 112
Tyler TX 75703
803-581-9411

Agent / Contact

Bohannon Huston Inc
Kevin Patton
7500 Jefferson Ne
Albuquerque NM 87109

kpatton@bhinc.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	\$215.00
TOTAL:		\$235.00

City Of Albuquerque
Treasury Division

11/18/2008 10:37AM LOC: ANNX
WS# 007 TRANSH 0008
RECEIFTH 00106729-00106729
PERMITH 2008070489 TRSLJS
Trans Amt \$235.00
Conflict Manag. Fee \$20.00
DRB Actions \$215.00
VI \$235.00
CHANGE \$0.00

Thank You



DENISH + KLINE ASSOCIATES

MEMORANDUM

To: Matthew Smiley et al
From: Lawrence Kline FAICP
Date: December 15, 2008
Re: Final Processing of Lowes Southeast

Gentlemen: I have been discussing this with Kevin Curran (the attorney to the Development Review Board) as different concepts arise and different people put their oar in on it.

The central intent is to get all the paperwork in order to the best extent possible and then, by mutual agreement, deposit it all with Kevin as a form of "desktop escrow" where he will simply hold the documents in his office until such time as Lowes instructs him that the project is indeed going to close and that the paperwork should be finalized. There are several pieces to it, all under control of different persons, and here is the current thinking on the disposition of each piece:

Site Plan: Approved in its entirety but unsigned by the Development Review Board (DRB) Chair (Jack Cloud) until instructed by Mr. Curran. This piece is done and ready to deliver to Kevin.

Infrastructure List: Attached to the preliminary plat and approved at the DRB hearing of November 26. Since it is attached to the plat, the disposition of the plat will govern the disposition of the infrastructure list and the required Subdivision Improvements Agreement (SIA) and its associated financial guarantee - it simply becomes an integral part of the SIA and need not be disposed of separately.

Subdivision Improvements Agreement (SIA) : Must be completely executed by Lowes (with contractor names and estimate amounts) but signature by the City Engineer would be withheld. The actual monies of the financial guarantee would not be required to be funded until the release of the documents is requested. If the project never closed the financial guarantee would never have to be funded.

Plat: As noted the Preliminary Plat with attached infrastructure list was approved by the Development Review Board on November 26. It is my understanding that we will withhold submittal of the request for Final Plat (a ministerial action as long as preliminary and final plats agree) if only to avoid having the current owner sign the plat.

In the alternative, I am told that we could have Lowe's execute the final plat and have the final plat held by the DRB. The DRB chair would withhold his signature and the plat would remain unrecorded on Kevin Curran's desk until he was instructed to record it.

The problem with this approach is that DRB members are not inclined to sign a final plat if the SIA has not yet been recorded. Even if Kevin is comfortable with this approach - and he says he is - I don't think we would get approval.

Maintenance Agreement: I understand this has been executed by Mr. Smiley but is still making the corporate records. It will not become effective until the CAO of the City executes it. The signature to be withheld here would be that of the CAO. It has also been noted that eventually we will have to have a "Maintenance Contractor" in place beforehand. I don't think this needs to be done

So: The following items would go into "desktop escrow":

1. The approved Site Plan for Building Permit, without the Chair's signature.
2. The Lowe's-executed Maintenance Agreement, without the CAO's signature.
3. The Lowe's-executed SIA unfunded, and without the City Engineer's signature.
4. The executed Infrastructure List
5. The Preliminary Plat

On the day you ask the project to be "released", the following steps will be taken:

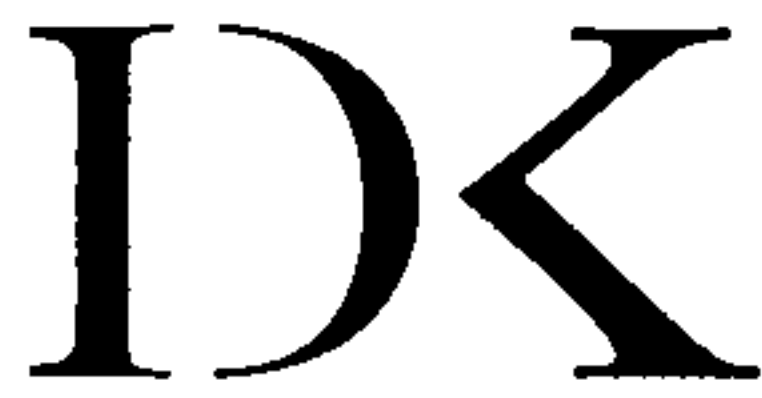
1. You will have to submit the monies for the financial guarantee. It will take a few days for that to be reviewed and then the SIA will be signed by the City Engineer and recorded.
2. Mr. Curran will send the Maintenance Agreement to his counterpart at the CAO's office for the CAO's signature. This too will take a few days, and the Maintenance Agreement will then be recorded. Please remember that eventually you must have a valid contract with a "Maintenance Contractor".
3. Bohannon must submit the Final Plat to the DRB; this is a "one week turnaround" ministerial action if the Final Plat exactly matches the Preliminary Plat. The DRB chair will then sign and the City must then record the Plat.

4. When all is done, the DRB chair will sign the original of the Site Plan for Building Permit and three copies, which will be distributed to Code Administration for use in the building permit process.

Voila we're done!

Please note that, in general usage, all of these documents can sit in "desktop escrow" for a period of one year from the time they are approved by the DRB – a clock which started when the Preliminary Plat was approved on November 26. At the end of that year, if the plat remains unrecorded the vacation on which the plat is based, the plat itself, and presumably the infrastructure list would all have to be officially renewed by the DRB and the previous approval of the Site Plan would be voided.. The Planning Commission's approval of the Site Site Plan itself has a seven year limitation; I don't believe there is any such limit implicit to the Maintenance Agreement.

LSK



DENISH + KLINE ASSOCIATES

7320

Jude,

Please put in
DRB file

Thanks
Kiri

January 27, 2009

Mr. Bruce Stidworthy PE
Bohannon-Huston Inc.
7500 Jefferson NE
Albuquerque NM 87109-4335

HAND-DELIVERED

Mr. Stidworthy:

It being in the interest of all, I think, to keep all the hard-won documents for "Lowe's Southeast" together, I am by this letter transmitting to you the Site Plan for Building Permit for the project (a paper original and three copies), complete with the staff planner's signature certifying that all conditions of the Planning Commission have been met, and lacking only the signature of the DRB chairperson.

As you know, we had planned to deposit this document and all the other ministerial documents with the DRB's attorney, Kevin Curran, for signature, recordation and release in accordance with an informal "desktop escrow" that has been detailed elsewhere.

I would just hate to give up these signatures, in the event that Lowe's should reconsider the project, or in the event that the owner could otherwise capitalize on them.

The Planning Commission's approval has a good shelf-life; a minimum of four years before the Commission can ask to have the case reopened, and seven years before it will expire if the entitlements are not used.

So, for one, I hope to see the resurrection of this project in the future.

Sincerely,

Lawrence Kline FAICP

Cc: Mr. Dan Moylan, Lowe's Home Improvement Stores
Mr. Dan Popp AIA, BRR Architects
Ms. Carrie Johnson, ASLA, Hilltop Landscaping
Mr. Kevin Curran Esq., City of Albuquerque



DENISH + KLINE ASSOCIATES

November 26, 2008

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

Re: Development Review Board Final Sign-Off
Project #1007320
Lowe's on Hotel Circle

Dear Mr. Cloud:

This letter addresses the comments from the Planning Department which were received on November 11, 2008, regarding the Development Review Board submittal of the above referenced project.

Planning Department Comments:

Condition #3: Maintenance Agreement-The applicant's attorney has been working with City attorney Kevin Curran on this. It is unclear if they are finished. The maintenance agreement, however must be completed prior to final DRB sign-off pursuant to Condition #3.

The maintenance agreement will be executed by Lowe's and as discussed, will be deposited with Mr. Curran and will not be executed by the City until the time that the project closes.

Condition #4A: Walls/Fences-Staff and the applicant discussed this. The wall details have been modified to indicate that pilasters would be used. Staff understands that this small section of wall would be the subject of a future administrative amendment.

The applicant agrees that this small section of wall will be the subject of a future administrative amendment (Sheet C003).

Staff notes that the color is no longer specified and may have been inadvertently omitted. This, however, is an unauthorized change.

The color was inadvertently omitted and has been reinserted on Sheet C003.

Condition #4B: Due to plaza relocation, this condition no longer applies; there is no longer a wall at the southern area of the plaza.

The applicant agrees that due to the plaza relocation, this condition no longer applies.

Mr. Jack Cloud AICP
November 26, 2008
Page 2 of 2

Condition #4D: The retaining wall detail no longer mentions the color, which is supposed to be light beige.

The retaining wall has been labeled as light beige on Sheet C003.

Condition #6B: There is no longer a sidewalk on the western side of the vehicular entrance.

The applicant agrees that there is no longer a sidewalk on the western side of the vehicular entrance. Pursuant to Condition 15 we shifted the plaza area of approximately 2800 square feet to the east side of the main drive. As a result of the relocation of the plaza, we moved the ADA accessible sidewalk referred to in both conditions 6A and 6B to the west side of the driveway, and therefore this Condition is no longer applicable.

Condition #7B: The applicant indicated that Photinia would be added. Staff notes the new symbol along the eastern landscape buffer, but was not able to find the symbol in the plant legend.

The symbol for Photinia has been added to the plant legend on Sheet L101.

Condition #9: The EPC approved plan set included a Sheet A-103 which apparently is not included with this DRB submittal.

Sheet A-103 has been included in the final revised submittal which accompanies this letter.

Condition #12: Staff found the water harvesting details, but was not able to locate the new keyed note #5 (mentioned in the applicant's letter) which cross references the details to the main site development plan (Sheet C-001). Keyed note #5 is a bike rack. Staff assumes that new keyed note #25 was supposed to have been added, but apparently was not.

The water harvesting details are keyed note #5, but they are located on the Grading and Drainage Plan, Sheet C101. They are cross referenced with the water harvesting detail which is located on Sheet C003.

The applicant believes that all of the comments from the Planning Department related to the Development Review Board submittal of Project #1007320 have been resolved.

Sincerely,



Lawrence Kline, FAICP

Denish + Kline Associates

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S Z	ZONING & PLANNING
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation
<input checked="" type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal
<input type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P	<input type="checkbox"/> Sector Plan (Phase I, II, III)
<input type="checkbox"/> for Subdivision Purposes		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan
<input type="checkbox"/> for Building Permit		<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)
<input type="checkbox"/> Administrative Amendment (AA)		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> IP Master Development Plan	D	APPEAL / PROTEST of...
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L A	<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal
STORM DRAINAGE (Form D)		
<input type="checkbox"/> Storm Drainage Cost Allocation Plan		

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): Bohannon Huston, Inc. / CDP Sally PHONE: (505) 823-1000
 ADDRESS: 7500 Jefferson NE FAX: (505) 898-7988
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: ssalazar-cass@bhinc.com
 APPLICANT: Lowe's Home Improvement Center / Matthew Smiley P. E. PHONE: (903) 581-9411
 ADDRESS: 2624 Kensington Drive, Suite 112 FAX: _____
 CITY: Tyler STATE TX ZIP 75703 E-MAIL: _____
 Proprietary interest in site: contract purchase List all owners: _____

DESCRIPTION OF REQUEST: Preliminary/Final Plat Approval

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

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

Lot or Tract No. 2A-5A1-A1 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: HORNE DEVELOPMENT ADDN
 Existing Zoning: SU-1 Proposed zoning: SU-1 MRGCD Map No _____
 Zone Atlas page(s): L-21 UPC Code: 102105714343020925

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX,Z_, V_, S_, etc.): _____
1007320, 08EPC-40071

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): +/- 8.276

LOCATION PROPERTY BY STREETS: On or Near: Hotel Circle NE
 Between: Eubank Blvd. NE and Lomas Blvd. NE

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

SIGNATURE Racquel Michel DATE 11/18/2008
 (Print) Racquel Michel, E.I. Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 9/01, 3/03, 7/03, 10/03, 04/04

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>DRB</u> - <u>70489</u>	<u>P&F</u>		<u>\$ 215.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.00</u>
<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 checked="" type="checkbox"/> Site is within 1000ft of a landfill				\$
<input checked="" type="checkbox"/> F.H.D.P. density bonus				Total
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	Hearing date <u>November 26, 2008</u>			<u>\$ 235.00</u>

[Signature] 11.18.08
 Planner signature / date

Project # 1007320

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

minor

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
 - 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.
- pending*

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.

Racquel Michel
Applicant name (print)
Racquel Michel
Applicant signature / date



Form revised October 2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 DRB - 70184

[Signature] 11.16.07
Planner signature / date
Project # 1007320

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

November 18., 2008

Jack Cloud, Chair
Development Review Board
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Re: Preliminary Final Plat Approval
Lowe's Market Place East - Case # 1007320

Dear Mr. Cloud:

The referenced project includes a Site Plan for Building Permit that was approved at EPC on September 18, 2008. If you recall the vacation action and Site Plan for Building Permit was recently heard and approved with delegation on November 5, 2008. The project is approximately an 8.3 acre redevelopment of an existing shopping center. The site is located in the Home Development Addition, and the site is zoned SU-1. Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Application
- Certificate of No Effect Copy
- Six (6) copies of the proposed Preliminary/Final Plat
- Six (6) copies of the Site Plan
- Zone Atlas Map showing the location of the property
- Infrastructure List
- DRB Fee

Please place this item on the DRB Agenda for hearing on November 26, 2008. If you have any questions or require further information, please contact me.

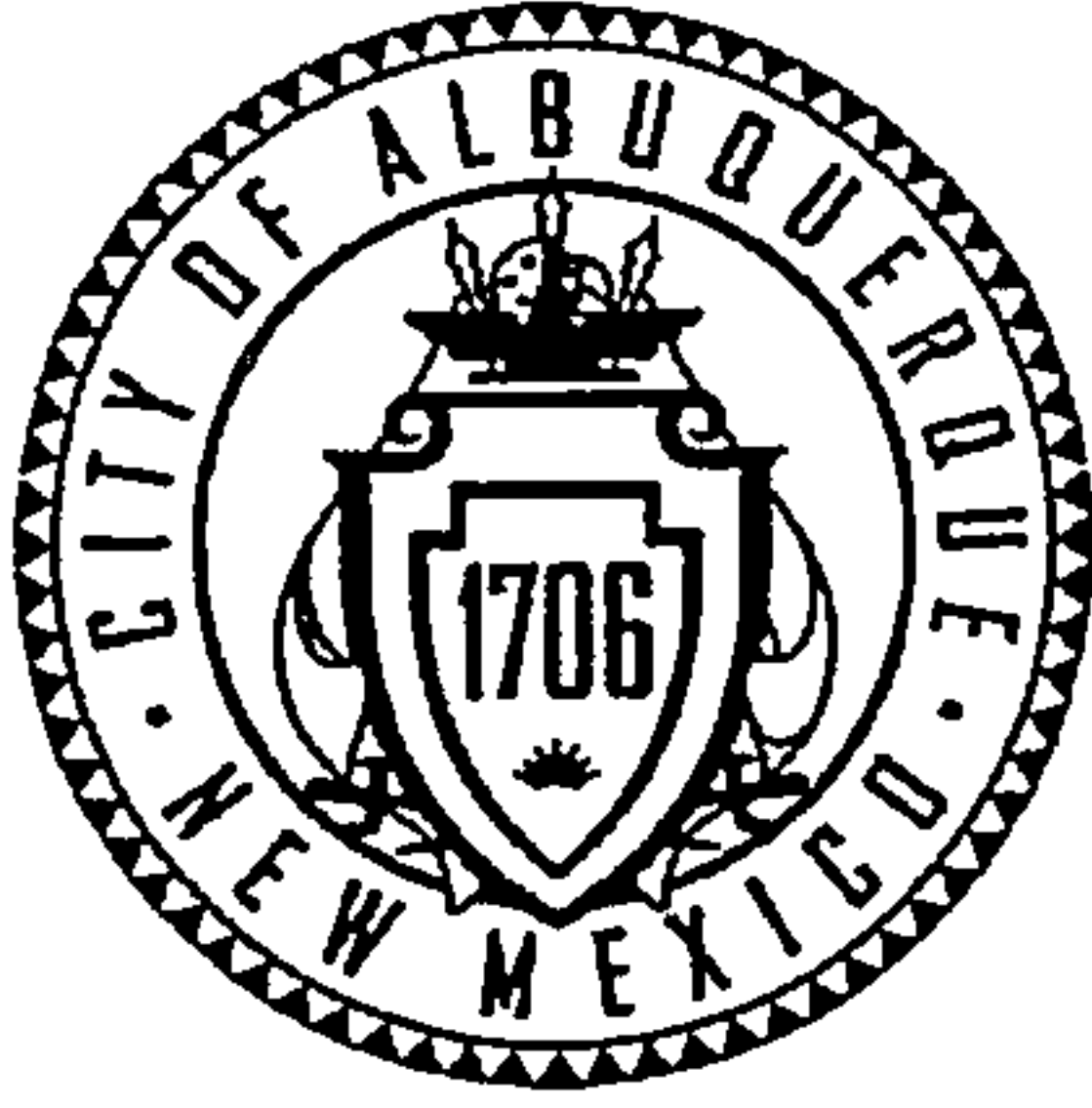
Sincerely,



Racquel Michel, E.I.
Project Manager
Community Development and Planning

RM/ssc
Enclosures

Cc: Matthew Smiley, BHI # 080379



City of Albuquerque
P.O. Box 1293 Albuquerque, New Mexico 87103

Planning Department

Martin J. Chavez, Mayor

Richard Dineen, Director

Interoffice Memorandum

June 5, 2008

Subject: Albuquerque Archaeological Ordinance—Compliance Documentation

Project Number(s): Z-2-1661 (previous)

Case Number(s):

Agent: Denish-Kline Associates

Applicant:

Legal Description: Tract 2A5A1A1 of Horne Development Subdivision

Acreage: 10.9 acres

Zone Atlas Page: K-21

CERTIFICATE OF NO EFFECT: Yes No

SUPPORTING DOCUMENTATION: Aerial photo supplied by applicant; 2006 AGIS aerial photo

RECOMMENDATION(S):

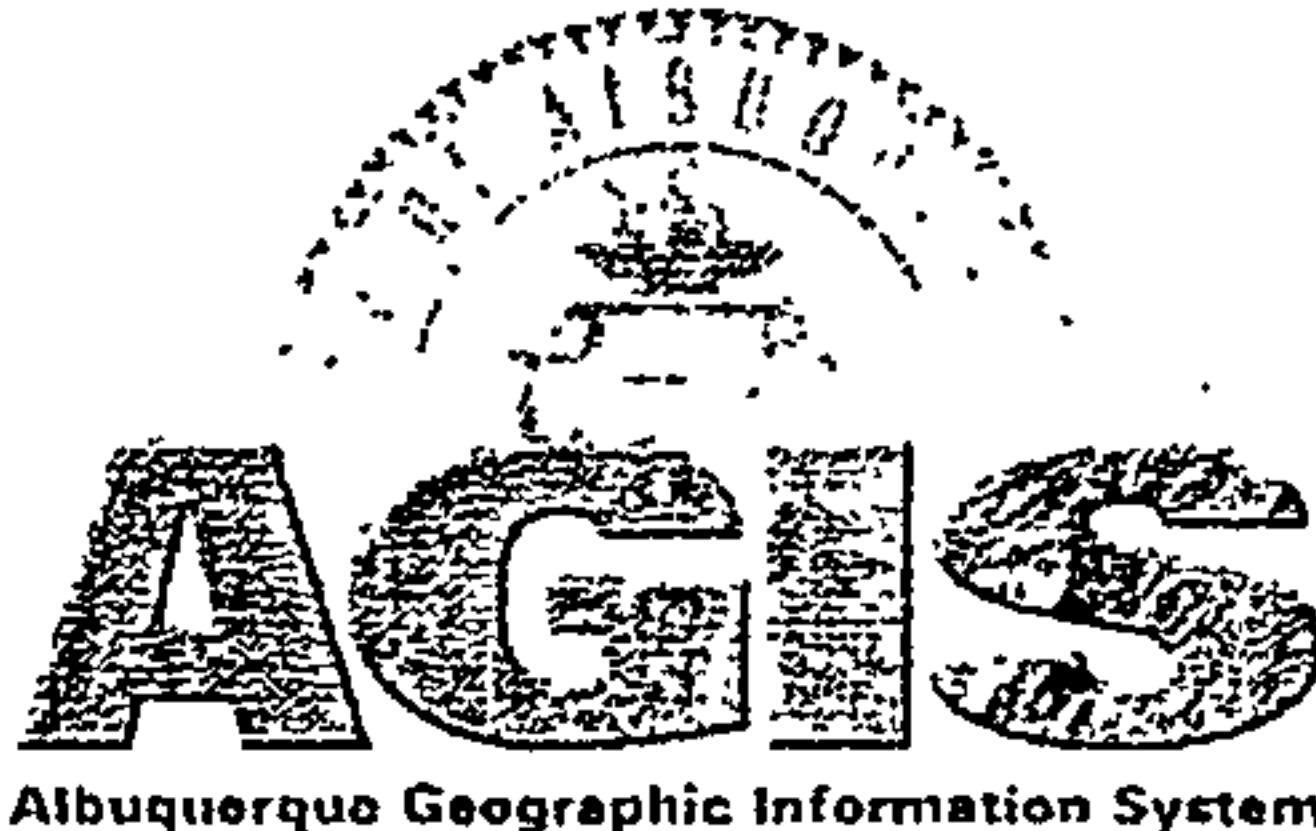
- ***CERTIFICATE OF NO EFFECT IS ISSUED (ref O-07-72 Section 4B(2)—extensive previous land disturbance).***

SUBMITTED:

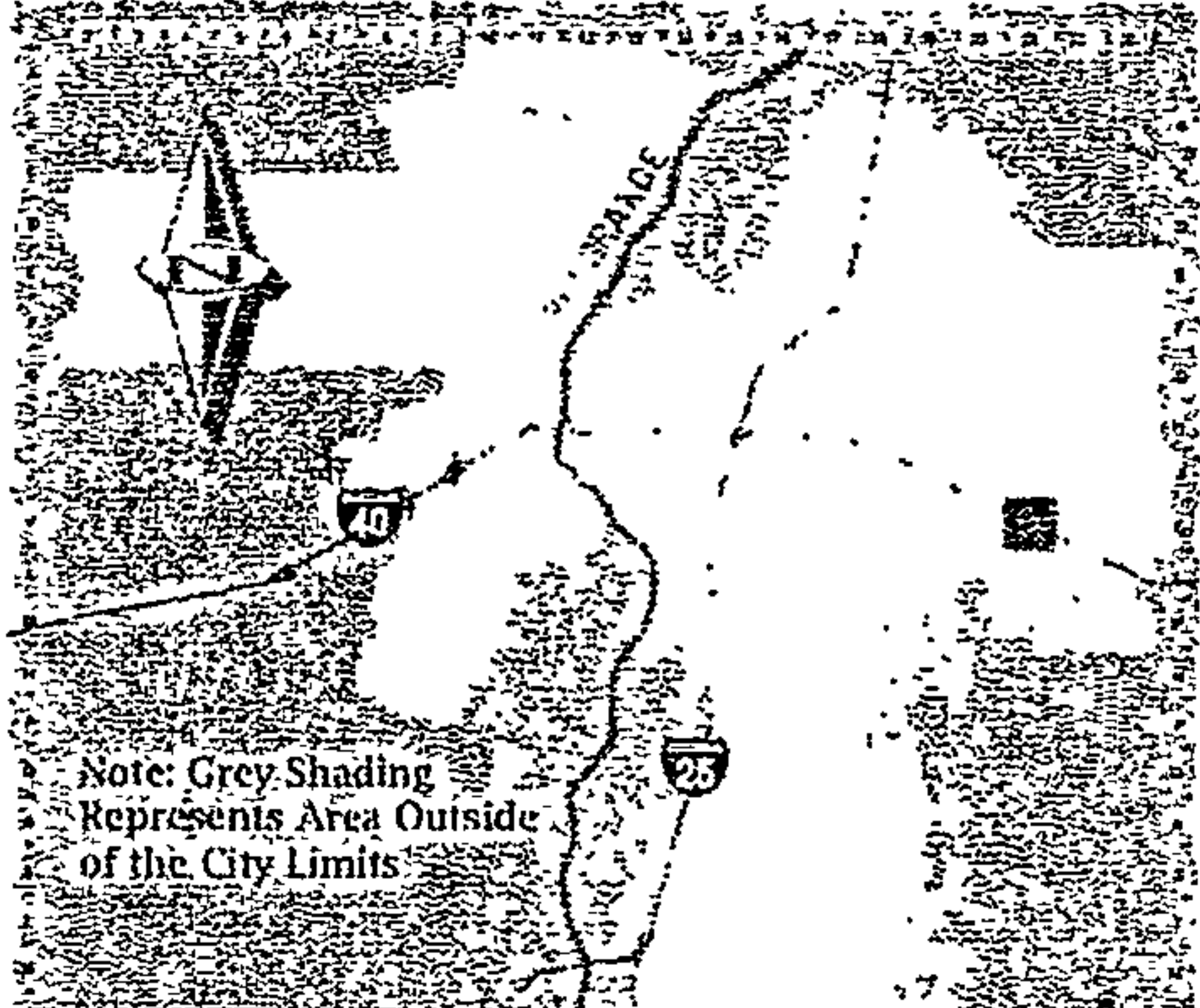
Matthew Schmader, PhD
Superintendent, Open Space Division
Acting City Archaeologist



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



Map amended through: 6/13/2008



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
K-21-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 1500 Feet

Current DRC Project No. _____

Date Submitted: November 17, 2008
 Date Site Plan for Bldg Permit App: _____
 Date Site Plan for Sub. Approved: _____
 Date Preliminary Plat Approved: _____
 Date Preliminary Plat Expires: _____
 DRB Project No. 1007320

Figure 12
INFRASTRUCTURE LIST

EXHIBIT "A"
 TO SUBDIVISION IMPROVEMENTS AGREEMENT
 DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST
Lowes Market Center East (HORNE ADDITION TRACT 2A-5A1-A1)

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.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
PUBLIC WATERLINE IMPROVEMENTS									
		6"-8" DIA	WATERLINE W/ NEC. VALVES, MJ'S & RJ'S	NEW PUBLIC WATERLINE EASEMENT	HOTEL CIRCLE	NORTH EDGE OF TRACT 2A-5A1-A1			
			REMOVE EXISTING WATERLINE	EXISTING PUBLIC WATERLINE EASEMENT	HOTEL CIRCLE	NORTH EDGE OF TRACT 2A-5A1-A1			



AGENT/OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS					
Racquel Michel PREPARED BY: PRINT NAME	11/17/2008 DATE	DRB CHAIR	DATE	PARKS & GENERAL SERVICES	DATE	
BOHANNAN HUSTON INC. FIRM:		TRANSPORTATION DEVELOPMENT	DATE	AMAFCA	DATE	
<i>Racquel Michel</i> SIGNATURE		UTILITY DEVELOPMENT	DATE	CITY ENGINEER	DATE	
MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION						DATE



DESIGN REVIEW COMMITTEE REVISIONS				
REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

October 20, 2008

Jack Cloud, DRB Chair
City of Albuquerque
Planning Department
600 2nd Street NW
Albuquerque, NM 87103

RE: Vacation of Waterline and Public Utility Easements
Lowe's Market Place East - Case # 1007320

Dear Mr. Cloud:

The purpose of this letter is to formally request a deferral of the subject DRB item from the October 22, 2008 DRB public hearing agenda to November 5, 2008 (approximately a two week deferral). The purpose of the deferral is to seek additional time to resolve some remaining issues.

Please feel free to contact me at 823-1000 with questions or comments.

Sincerely,



Racquel Michel, EI
Community Development and Planning Group

ENGINEERING ▲

SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335
www.bhinc.com
voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CLIENT/COURIER TRANSMITTAL

To: Jack Cloud
DRB Chair
City of Albuquerque
200 Second St. NW
Albuquerque, NM 87102

Requested by: Racquel Michel / Sally Salazar-Cass

Date: 10/20/2008

Time Due: This A.M.
 This P.M.
 Rush _____
 By Tomorrow

Phone: (505) 924-3880

<u>DELIVERY VIA</u>	
<input checked="" type="checkbox"/> Courier	<input type="checkbox"/> Federal Express
<input type="checkbox"/> Mail	<input type="checkbox"/> UPS
<input type="checkbox"/> Other	

<u>PICK UP</u>
Item: _____

Job No.: COA 1007320
BHI 080379-001

Job Name: Lowe's Market Place East

<u>ITEM NO.</u>	<u>QUANTITY</u>	<u>DESCRIPTION</u>
1	1	Deferral Letter – Add to Agenda on November 5, 2008

COMMENTS / INSTRUCTIONS

Thank you!

REC'D BY: Sandy Audley

DATE: 10/20/08 TIME: 4:53

ENGINEERING ▲
SPATIAL DATA ▲
ADVANCED TECHNOLOGIES ▲

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

INTRA-OFFICE MEMO

DATE: November 11, 2008
TO: Jack Cloud, AICP- DRB Chair
FROM: Catalina Lehner, AICP- Senior Planner *CL*
RE: Project #1007320, Lowe's at Hotel Circle

On September 18, 2008, the Environmental Planning Commission (EPC) approved, with conditions, a site development plan for building permit for the Lowe's home improvement store at Hotel Circle. Development Review Staff met with the applicant and team of agents on October 29, 2008 to discuss compliance with the EPC's Conditions of Approval.

The site development plan for building permit does not satisfactorily meet the EPC conditions of approval as elaborated in the Official Notification of Decision as described below:

Condition #3: The applicant's attorney has been working with City attorney Kevin Curran on this. It is unclear if they are finished. The maintenance agreement, however, must be completed prior to final DRB-sign off pursuant to Condition #3.

Condition #4A: Staff and the applicant discussed this. The wall details have been modified to indicate that pilasters would be used. Staff understands that this small section of wall would be the subject of a future administrative amendment (AA).

Staff notes that the color is no longer specified and may have been inadvertently omitted. This, however, is an unauthorized change.

Condition #4B: Due to plaza relocation, this condition no longer applies. There is no longer a wall at the southern area of the plaza.

Condition #4D: The retaining wall detail no longer mentions the color, which is supposed to be light beige.

Condition #6B: There is no longer a sidewalk on the western side of the vehicular entrance.

Condition #7B: The applicant indicated that Photinia would be added. Staff notes the new symbol along the eastern landscape buffer, but was not able to find the symbol in the plant legend.

Condition #9: The EPC approved plan set included a Sheet A-103 which apparently is not included with this DRB submittal.

Condition #12: Staff found the water harvesting details, but was not able to locate the new keyed note #5 (mentioned in the applicant's letter) which cross-references the details to the main site development plan (Sheet C-001). Keyed note #5 is a bike rack. Staff assumes that a new keyed note #25 was supposed to have been added, but apparently was not.

Current DRC Project No. _____

Date Submitted: November 4, 2008
 Date Site Plan for Bldg Permit App: _____
 Date Site Plan for Sub. Approved: _____
 Date Preliminary Plat Approved: _____
 Date Preliminary Plat Expires: _____

Figure 12

INFRASTRUCTURE LIST

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

Lowes Market Center East (HORNE ADDITION TRACT 2A-5A1-A1)

DRB Project No. 1007320

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.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Crst Engineer
PUBLIC WATERLINE IMPROVEMENTS									
		6"-8" DIA	WATERLINE W/ NEC. VALVES, MJS & RJS	PUBLIC WATERLINE EASEMENT	HOTEL CIRCLE	NORTH EDGE OF TRACT 2A-5A1-A1			
			<i>WL removal</i>						



AGENT/OWNER		DEVELOPMENT REVIEW BOARD MEMBER APPROVALS			
Racquel Michel	11/4/2008				
PREPARED BY: PRINT NAME	DATE	DRB CHAIR	DATE	PARKS & GENERAL SERVICES	DATE
BOHANNAN HUSTON INC.					
FIRM:		TRANSPORTATION DEVELOPMENT	DATE	AMAFCA	DATE
<i>Racquel Michel 11/4/08</i>					
SIGNATURE		UTILITY DEVELOPMENT	DATE	CITY ENGINEER	DATE
MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION					DATE



DESIGN REVIEW COMMITTEE REVISIONS				
REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

INTRA-OFFICE MEMO

DATE: November 11, 2008
TO: Jack Cloud, AICP- DRB Chair
FROM: Catalina Lehner, AICP- Senior Planner *CL*
RE: Project #1007320, Lowe's at Hotel Circle

On September 18, 2008, the Environmental Planning Commission (EPC) approved, with conditions, a site development plan for building permit for the Lowe's home improvement store at Hotel Circle. Development Review Staff met with the applicant and team of agents on October 29, 2008 to discuss compliance with the EPC's Conditions of Approval.

The site development plan for building permit does not satisfactorily meet the EPC conditions of approval as elaborated in the Official Notification of Decision as described below:

Condition #3: The applicant's attorney has been working with City attorney Kevin Curran on this. It is unclear if they are finished. The maintenance agreement, however, must be completed prior to final DRB-sign off pursuant to Condition #3.

Condition #4A: Staff and the applicant discussed this. The wall details have been modified to indicate that pilasters would be used. Staff understands that this small section of wall would be the subject of a future administrative amendment (AA).

Staff notes that the color is no longer specified and may have been inadvertently omitted. This, however, is an unauthorized change.

Condition #4B: Due to plaza relocation, this condition no longer applies. There is no longer a wall at the southern area of the plaza.

Condition #4D: The retaining wall detail no longer mentions the color, which is supposed to be light beige.

Condition #6B: There is no longer a sidewalk on the western side of the vehicular entrance.

Condition #7B: The applicant indicated that Photinia would be added. Staff notes the new symbol along the eastern landscape buffer, but was not able to find the symbol in the plant legend.

Condition #9: The EPC approved plan set included a Sheet A-103 which apparently is not included with this DRB submittal.

Condition #12: Staff found the water harvesting details, but was not able to locate the new keyed note #5 (mentioned in the applicant's letter) which cross-references the details to the main site development plan (Sheet C-001). Keyed note #5 is a bike rack. Staff assumes that a new keyed note #25 was supposed to have been added, but apparently was not.



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): Denish + Kline Associates PHONE: 505.842.6461
 ADDRESS: 500 Marquette NW Ste. 350 FAX: 505.842.6471
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: Jjr@denishkline.com

APPLICANT: Loues Home Improvement PHONE: 913.441.9569
 ADDRESS: 4607 Silverheel St. FAX: _____
 CITY: Shawnee STATE KS ZIP 66226 E-MAIL: dan.j.moylan@loues.com

Proprietary interest in site: Contract purchaser List all owners: Danny Lehave

DESCRIPTION OF REQUEST: 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. 2A5A1A1 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: Home Development Subdivision
 Existing Zoning: SU1 for Causes Proposed zoning: N/A MRGCD Map No _____
 Zone Atlas page(s): K21 UPC Code: 102105714343020925

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): 1007320

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 1 No. of proposed lots: N/A Total area of site (acres): 10.9
 LOCATION OF PROPERTY BY STREETS: On or Near: Hotel Circle NE
 Between: LOMAS NE and Eubank NE
 Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: 2/12/08

SIGNATURE [Signature] DATE 11/04/08
 (Print) LAWRENCE KLINE 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	Action	S.F.	Fees
<u>081213 70473</u>	<u>SBP</u>	<u>P(3)</u>	<u>\$ 20.00</u>
_____	<u>CME</u>	_____	<u>\$ 20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date <u>11/12/08</u>	_____	_____	Total \$ <u>20.00</u>

[Signature]
 Planner's signature / date

Project # 1007320

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.**

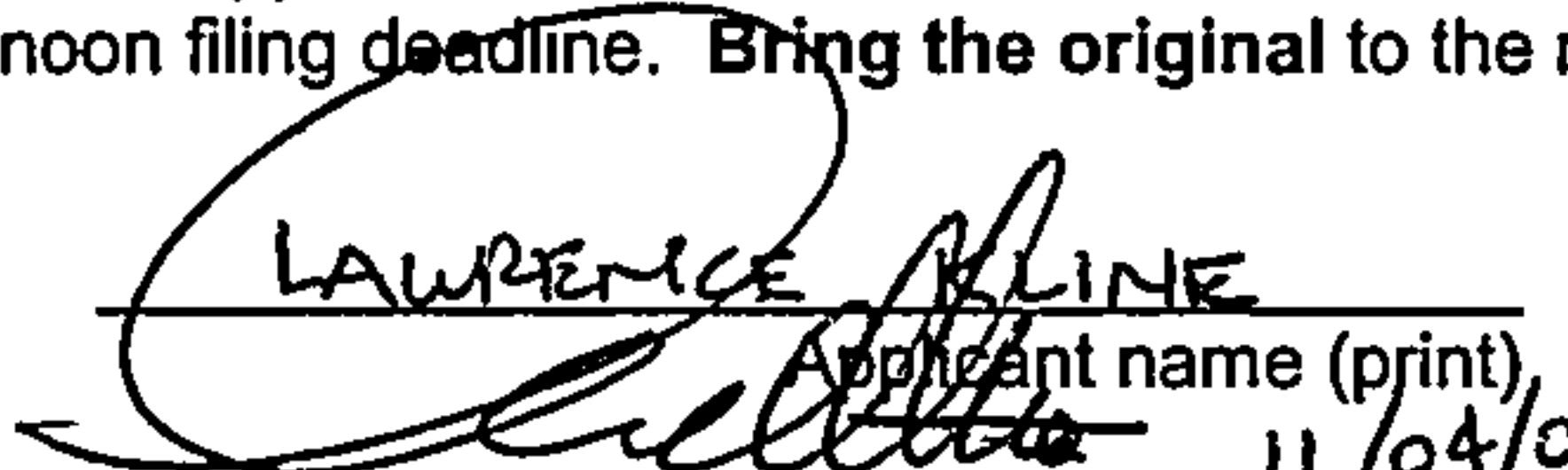
- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**
- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**
 - ___ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - ___ DRB signed Site Plan being amended (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.**

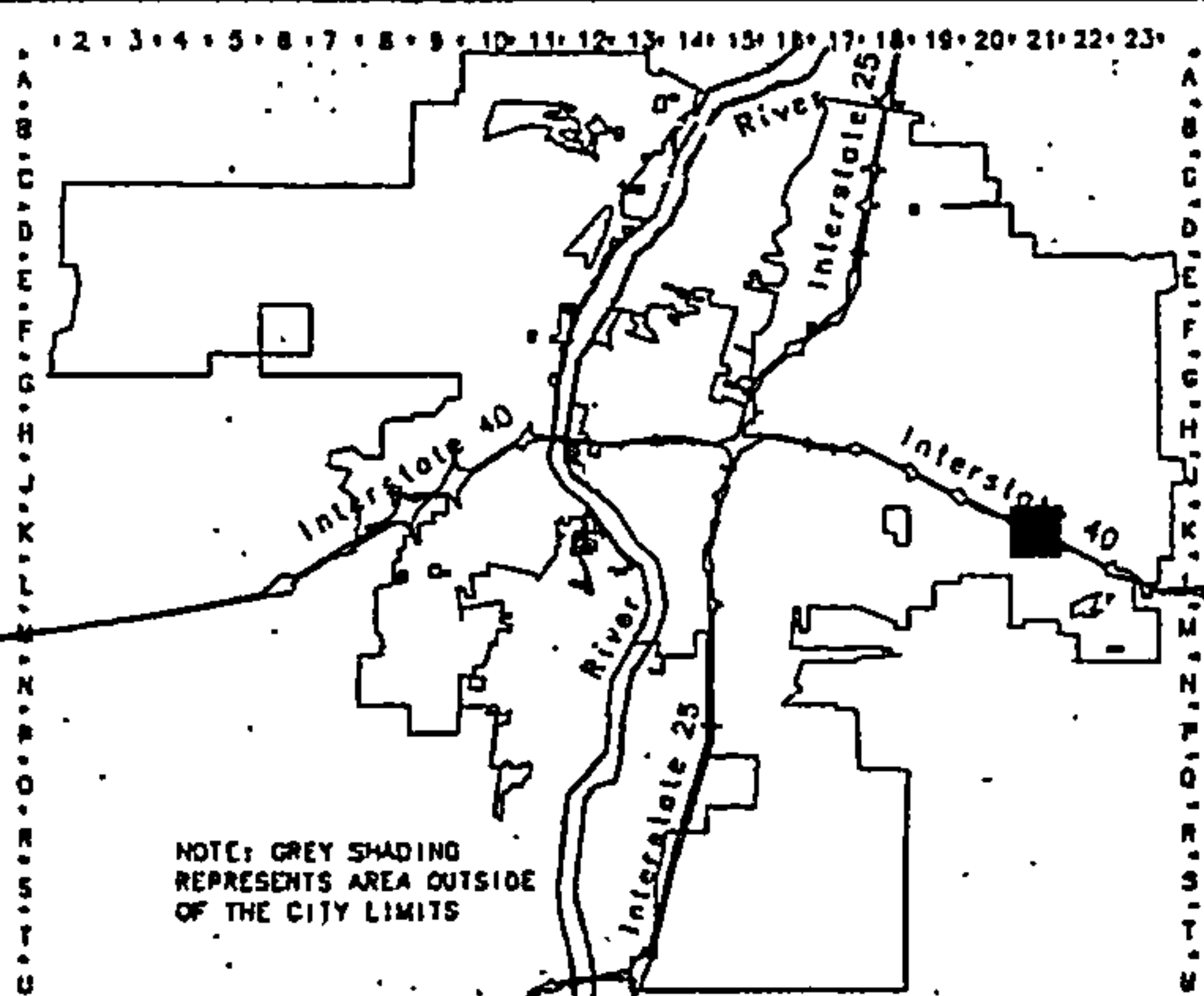
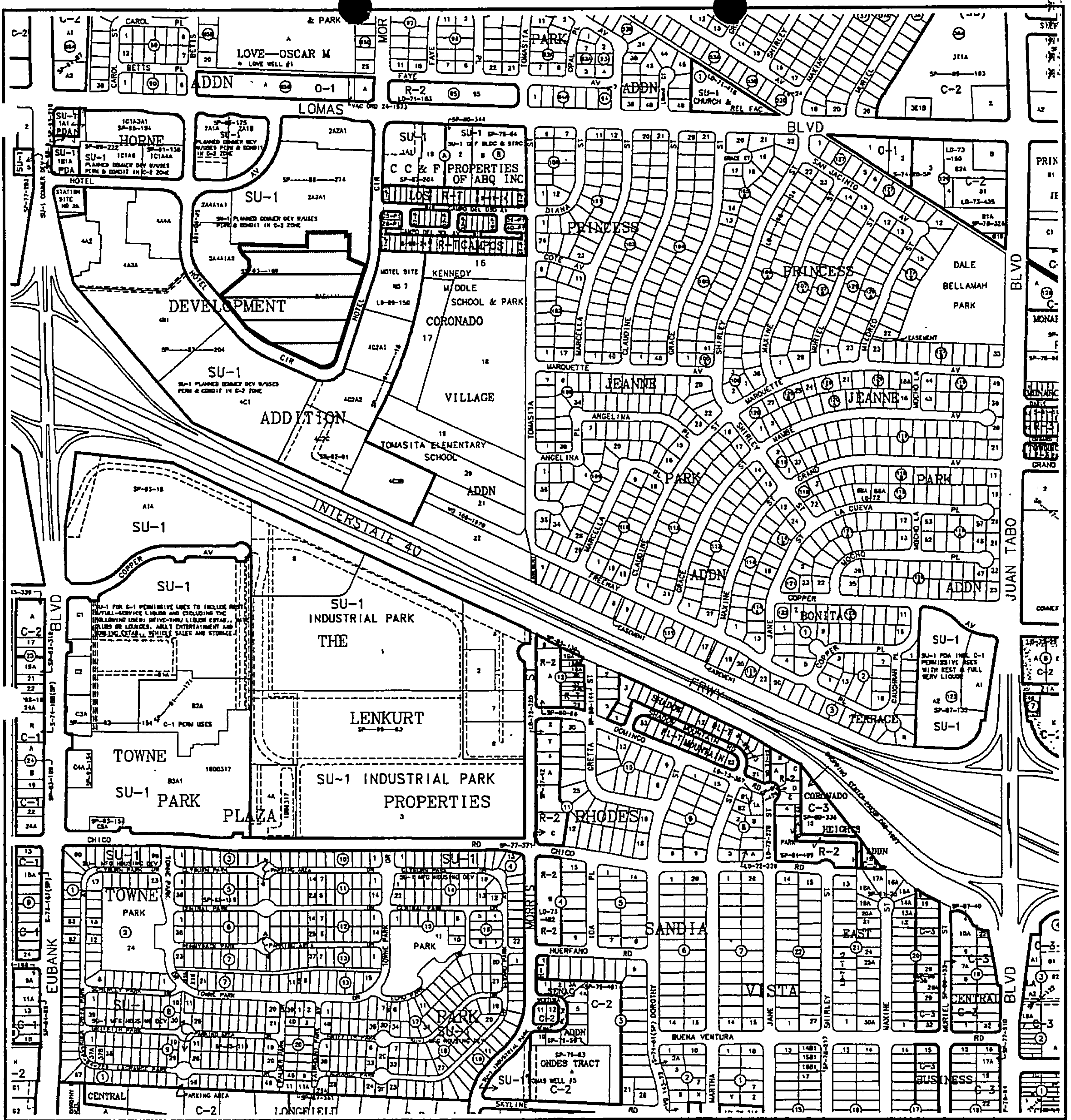
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.


 Applicant name (print) LAWRENCE KLINE
 Applicant signature / date 11/04/08



Form revised October 2007

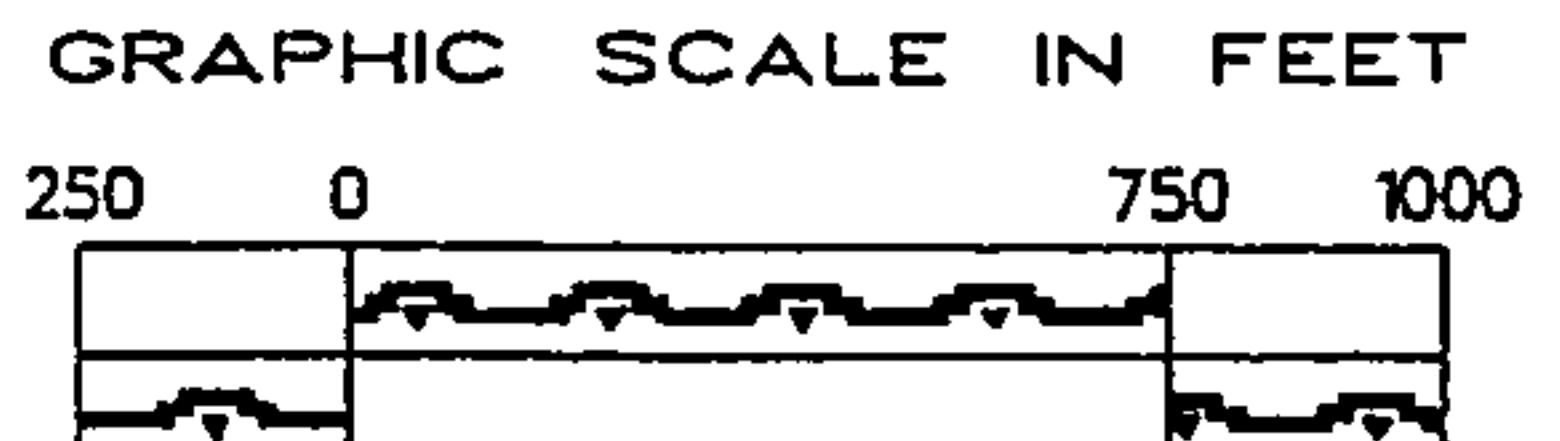
<input type="checkbox"/> Checklists complete	<input type="checkbox"/> Fees collected	<input checked="" type="checkbox"/> Case #s assigned	<input type="checkbox"/> Related #s listed
Application case numbers			
<u>OSDRP - 70473</u>			
		Planner signature / date	
		<u>Sandyland Day 11/04/08</u>	
		Project # <u>1807320</u>	



NOTE: GREY SHADING REPRESENTS AREA OUTSIDE OF THE CITY LIMITS



CITY OF
Albuquerque
A Geographic Information System
PLANNING DEPARTMENT
© Copyright 2001



Zone Atlas Page

K-21-Z

Map Amended through March 21, 2001

MARKET CENTER EAST RETAIL PROPERTY, INC.

June 2, 2008

Hand Delivered

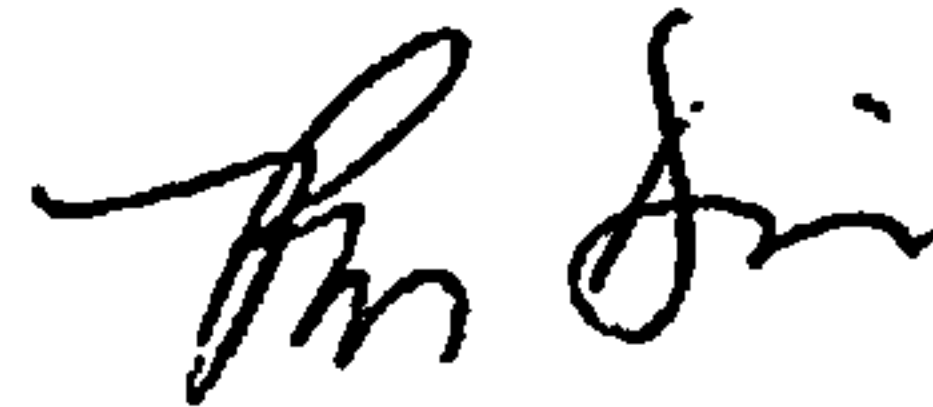
City of Albuquerque
Planning Department
600 Second Street, NW
Suite 200
Albuquerque, New Mexico 87103

Re: Tract #2A5A1A1, Horne Development Subdivision

Ladies and Gentlemen:

Market Center East Retail Property, Inc., a New Mexico corporation, being the owner of the above referenced property, hereby authorizes Denish/Kline & Associates (Lawrence Kline) to act as its agents in connection with its application to the City Environmental Planning Commission for approval of a Site Plan for Building Permit.

Market Center East Retail Property, Inc.,
A New Mexico corporation



By _____

Robert L. B. Diener,
Attorney-in-fact



DENISH + KLINE ASSOCIATES

November 4, 2008

Jack Cloud, AICP
City of Albuquerque
Plaza del Sol
600 2nd St. NW
Albuquerque, NM 87103

Dear Mr. Cloud,

This letter details the responses to the Notice of Decision from the Environmental Planning Commission (EPC) for project number 1007320, 08EPC-40071 EPC Site Development Plan – Building Permit

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.

This letter constitutes the required written response to the conditions imposed by the EPC.

2. Prior to final DRB sign off, the applicant shall meet with the Development Review Staff planner to ensure that the conditions of approval are met. Evidence of this meeting shall be provided to the DRB at the time of application.

The required meeting was held on October 29, 2008.

3. Maintenance Agreement: The applicant shall sign a maintenance agreement with the City, prior to final DRB sign-off, so that the site will be maintained when vacant to the minimal standards, among others as deemed appropriate by the Planning Director, elaborated in the LRF Ordinance.

The Maintenance Agreement was submitted to Kevin Curran by email on October 30, 2008.

4. Walls/Fences:

A. The screen wall [and the retaining wall if over 4 ft. tall] shall have additional articulation, such as multiple finishes and vertical pilasters, as required pursuant to Zoning Code §14-16-3-19(B)(2) (a and b).

Strict application of this rule would require "additional articulation" for only one 20' long section of a 200' wall. The applicant does not believe that omitting this articulation is contradictory to the intent of the Large Retail Facility Ordinance. The applicant will design the entire wall as if articulation were required but will probably request an Administrative Amendment.

B. The retaining wall shall not exceed 3 ft. tall in the west-east segment south of the plaza area.

4B is now irrelevant because the plaza has been moved (pursuant to Condition 15) to the south end of the sidewalk in front of the Garden Center.

C. The retaining wall's range of height and finish shall be specified on the site development plan.

Height and finish have now been specified on the detail sheet C003.

D. The finish for the retaining wall and the screen wall shall be specified as split-face CMU or light beige stucco.

The finish of the retaining wall has now been specified as light beige stucco and the finish of the screen wall has been specified as light beige painted split face CMU on the Site Plan Sheet C001 and the architectural elevations Sheet A102.

5. Loading Dock/Screening:

A. The screen wall near the truckwell/loading dock area shall be 8 ft. tall above the finished floor level and extend horizontally 100 ft. from the face of the dock [(D)(5)(g)(1)].

On Sheet C001 the screenwall at the eastern loading dock has been lowered to 8' and extended to 100' from the face of the loading dock.

B. The finish for both screen walls, for the truck area and the truckwell/loading dock area, shall be specified and blend with the architecture of the building [(D)(5)(g)(1)].

The finish for the screen walls and the truckwell/loading dock area have been specified and are noted on Sheet A102.

6. Pedestrian/Bicycle Connections:

A. An ADA accessible sidewalk ramp, that is not a loading zone, shall be provided to allow pedestrian access from the external sidewalk to the required 8 foot wide sidewalk along the primary (western) façade so that pedestrians do not have to walk in the loading area [(D)(5)(i)].

B. The sidewalk entering the subject site from Hotel Circle, on the western side of the vehicular entrance, shall be shown on the site development plan and the landscaping plan.

Pursuant to Condition 15 we shifted the plaza area of approximately 2800 square feet to the east side of the main drive. As a result of the relocation of the plaza, we moved the ADA accessible sidewalk referred to in both conditions 6A and 6B to the west side of the driveway, and therefore this Condition is no longer applicable.

7. Landscaping- Buffers:

A. The landscape buffer along the subject site's southwestern side shall measure 20 ft. wide and the wider portions shall remain [(D)(6)(a)(1)].

The landscape buffer is consistently 20' wide as shown on the Site Plan Sheet C001.

B. Additional shrubs shall be added to the eastern landscape buffer to provide the required 75% coverage with living, vegetative materials (Zoning Code §14-16-3-10).

Additional shrubs have been added and are shown on Landscaping Sheets L101 and L102.

8. Landscaping- Minor "clean up":

A. The note regarding existing trees, and whether or not they will remain, shall be clarified.

The note has been rewritten to read: " "All existing trees not shown to be "existing to remain" shall be removed" ". This note has been placed on both the Site Plan Sheet C001 as general note #6 and on Sheet L101.

B. The landscaping calculations shall be revised to correct minor discrepancies, such as the size of the plaza area, size of total landscape bed and certain percentages.

The landscaping calculations have been corrected and are now consistent.

9. Architecture:

A. Every 30,000 gross square feet of structure shall be designed to appear as a minimum of one distinct building mass with distinct expressions [(D)(6)(b)(2)].

We believe the changes the Architect has made, as described to the Staff Planner has made are consistent with the Large Retail Facility requirement.

B. The patio along the building's main (western) façade shall be recessed a minimum of 20 ft. [(D)(6)(b)(1)].

Pursuant to the discussion with the Staff Planner on October 29, 2008, a portion of the sidewalk along the main façade, measuring approximately 200' long and 12' wide has specially paved with textured, colored concrete in order to meet this condition.

C. The main (western) façade shall contain Retail Suite Liners, display windows, or a recessed patio at a minimum depth of 20 feet, or a combination of all three, along 50% of the length of the façade [(D)(6)(b)(1)].

Please refer to the façade articulation calculation on Sheet A101.

10. Signage:

A. There shall be one monument sign, either near the northwest corner or the southern corner of the subject site, along Hotel Circle.

There is now only one monument sign it is located at the southeastern end of the landscaping strip on Hotel Circle.

B. Sign area, for building-mounted signs with borders, shall be measured as the area within the border pursuant to Zoning Code §14-16-1-5 (Definitions), and the signage table on Sheet A101 shall be corrected.

The signage table has been corrected on Sheet A101.

11. Plaza/Outdoor Space: The tables in the plaza area shall have umbrellas or other comparable shading structure.

Three tables with umbrellas have been placed in the relocated plaza area at the front of the store.

12. The parking lot tree wells shall have curb breaks or another design feature to allow for supplemental water harvesting.

There are two details of parking lot islands located on Sheet C003 for the Traffic Engineer's benefit and one on Sheet C101 which shows how the parking lots are used for water harvesting. These two details have now been cross referenced to each other and a key note #5 has been added to the Site plan C001 indicating which of the parking lot islands will be used for water harvesting.

CONDITIONS FROM THE CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:
Conditions of approval for the proposed Site Development Plan for Building Permit shall include:

13.

A. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).

B. Where drives are to be constructed on opposite sides of the street, unless they are offset 50' or more, the centerlines need to be within 15' of each other. The only exceptions considered, will be the loading areas at the rear of the store or as approved by the Traffic Engineer.

Since the driveway was realigned when the patio was moved, the Site Plan now meets this criterion.

C. Provide truck turning template information on site plan.

A truck turning template has been provided to the Traffic Engineer.

D. Site plan shall comply and be designed per DPM Standards.

The engineer asserts that the Site Plan has been designed per DPM Standards.

14. The center parking lot sidewalk shall be moved north by one row, and a walkway of textured patterned concrete shall lead to the retail facility to the west. Moving up the southern parking lot sidewalk by one row is optional.

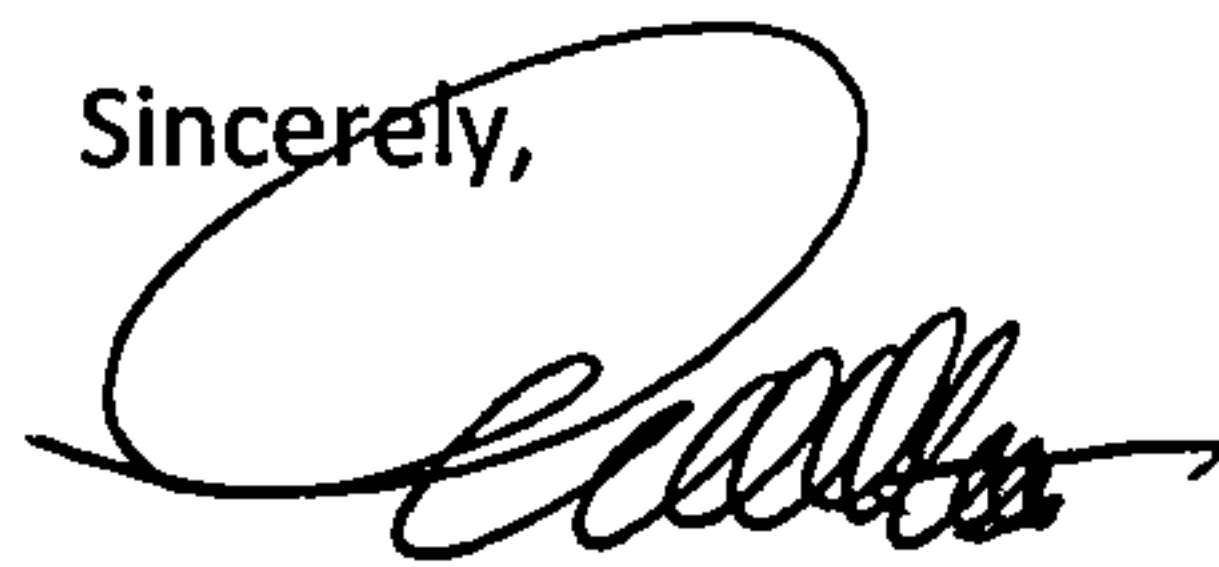
As suggested by the EPC the center parking lot sidewalk has been moved north one row, as has the southern parking lot sidewalk.

15. The Applicant shall investigate whether it is possible to relocate the plaza area adjoining the sidewalk. If this is not possible, the applicant shall demonstrate why.

We have addressed this condition in 6B above.

With these modifications, we believe all of the EPC Conditions have been satisfied.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lawrence Kline', written over the word 'Sincerely,'.

Lawrence Kline, FAICP



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

Date: September 19, 2008

OFFICIAL NOTIFICATION OF DECISION

FILE: Project# 1007320
08EPC-40071 SITE DEVELOPMENT -
BUILDG PRMT

Lowe's Home Improvement
4607 Silverheel St.
Shawnee, KS 66226

LEGAL DESCRIPTION: for all or a portion of lot 2A-5A1-A1, Horne Development Addition, zoned SU-1 for Planned Commercial Development with uses permissive and conditional in the C-2 zone, located on Hotel Circle NE between Lomas Blvd. and Eubank Blvd., containing approximately 9 acres. (K-21)
Catalina Lehner, Staff Planner

On September 18, 2008 the Environmental Planning Commission voted to approve Project 1007320/08EPC 40071, a Site Development Plan for Building Permit for Tract 2A-5A1-A1, Horne Development Addition, zoned SU-1 for Planned Commercial Development with Uses Permissive and Conditional in the C-2 zone, 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 Tract 2A-5A1-A1, Horne Development Addition, an approximately 9 acre site located south of Lomas Boulevard and approximately in the center of the area known as Hotel Circle.
2. The applicant proposes to develop an approximately 138,000 square foot home improvement center, which will replace approximately 100,000 square feet of existing retail space. The proposed building is not a re-use; it is a new structure since the existing buildings will be demolished and a new building will be constructed. A reconfigured parking lot area, landscaping and other site improvements are also proposed.
3. The subject site is zoned SU-1 for Planned Commercial Development with Uses Permissive and Conditional in the C-2 zone. The proposed retail use is allowed under the subject site's current zoning.

4. The subject site lies within the boundaries of the Established Urban Area of the Comprehensive Plan and is located in the Los Altos/Market Center Community activity center. No sector development plans apply.
5. The request is subject to the Large Retail Facilities (LRF) Ordinance, commonly referred to as the "Big Box" Ordinance (O-06-53). The proposed building is greater than the 75,000 square foot threshold for applicability of the Ordinance.
6. The request *further*s the following applicable Comprehensive Plan policies:
 - A. Policy II.B.5j-general location of commercial uses. The proposed development would be located in a larger area-wide shopping center that is commercially zoned.
 - B. Policy II.B.7f- Activity Centers/buffering. The more intense uses in this shopping center are separated from the single-family homes to the east by a buffer of other uses, including townhomes, a hotel and a school.
7. The request *partially further*s the following applicable Comprehensive Plan Goal and policies:
 - A. Activity Centers Goal- Locating another commercial use in a designated activity center generally supports the Activity Centers Goal; however, in this case the request will not reduce auto travel needs and will not enhance the identity of Albuquerque and the nearby community.
 - B. Policy II.B.5d-location and intensity/other resources. The location and intensity are appropriate for the proposed use, though many of the LRF Ordinance requirements that would increase its compatibility are not met.
 - C. Policy II.B.5l- design quality and innovation/plan area. The proposed new development is franchise architecture and does not demonstrate design innovation, though there is some other franchise architecture in the area.
8. The proposed site development plan for building permit mostly complies with O-06-53, the Large Retail Facilities (LRF) Ordinance. The needed improvements that remain, many of which are "clean up" items, can be achieved through the application of conditions of approval.
9. A Traffic Impact Study (TIS) was not required, though a Trip Generation Comparison (TGC) was. The TGC indicates that the proposed Large Retail Facility (LRF) will generate approximately 3,000 fewer two-way vehicle trips in a 24 hour period than the existing retail uses.
10. Because the subject site is greater than 5 acres, the archaeological ordinance (O-07-72) applies. The applicant has obtained a Certificate of No Effect.
11. The required pre-facilitated meeting was held. A few neighbors attended and expressed concern regarding property tax impact and crime at a nearby hotel. A follow-up facilitated meeting was not requested or held. There is no known neighborhood or other opposition as of this writing.

OFFICIAL NOTICE OF DECISION
SEPTEMBER 18, 2008
PROJECT #1007320
PAGE 3 OF 6

12. The subject site is located less than 700 feet from the intersection of two collector streets, Lomas Boulevard and Morris Road, and is adjacent to and has full access to these roadways and complies with Section 14.D.2.c.2 .

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 final DRB sign off, the applicant shall meet with the Development Review Staff planner to ensure that the conditions of approval are met. Evidence of this meeting shall be provided to the DRB at the time of application.
3. **Maintenance Agreement:**
The applicant shall sign a maintenance agreement with the City, prior to final DRB sign-off, so that the site will be maintained when vacant to the minimal standards, among others as deemed appropriate by the Planning Director, elaborated in the LRF Ordinance.
4. **Walls/Fences:**
 - A. The screen wall [and the retaining wall if over 4 ft. tall] shall have additional articulation, such as multiple finishes and vertical pilasters, as required pursuant to Zoning Code §14-16-3-19(B)(2) (a and b).
 - B. The retaining wall shall not exceed 3 ft. tall in the west-east segment south of the plaza area.
 - C. The retaining wall's range of height and finish shall be specified on the site development plan.
 - D. The finish for the retaining wall and the screen wall shall be specified as split-face CMU or light beige stucco.
5. **Loading Dock/Screening:**
 - A. The screen wall near the truckwell/loading dock area shall be 8 ft. tall above the finished floor level and extend horizontally 100 ft. from the face of the dock [(D)(5)(g)(1)].
 - B. The finish for both screen walls, for the truck area and the truckwell/loading dock area, shall be specified and blend with the architecture of the building [(D)(5)(g)(1)].
6. **Pedestrian/Bicycle Connections:**
 - A. An ADA accessible sidewalk ramp, that is not a loading zone, shall be provided to allow pedestrian access from the external sidewalk to the required 8 foot wide sidewalk along the primary (western) façade so that pedestrians do not have to walk in the loading area [(D)(5)(i)].

OFFICIAL NOTICE OF DECISION
SEPTEMBER 18, 2008
PROJECT #1007320
PAGE 4 OF 6

- B. The sidewalk entering the subject site from Hotel Circle, on the western side of the vehicular entrance, shall be shown on the site development plan and the landscaping plan.
7. Landscaping-Buffers:
- A. The landscape buffer along the subject site's southwestern side shall measure 20 ft. wide and the wider portions shall remain [(D)(6)(a)(1)].
- B. Additional shrubs shall be added to the eastern landscape buffer to provide the required 75% coverage with living, vegetative materials (Zoning Code §14-16-3-10).
8. Landscaping- Minor "clean up":
- A. The note regarding existing trees, and whether or not they will remain, shall be clarified.
- B. The landscaping calculations shall be revised to correct minor discrepancies, such as the size of the plaza area, size of total landscape bed and certain percentages.
9. Architecture:
- A. Every 30,000 gross square feet of structure shall be designed to appear as a minimum of one distinct building mass with distinct expressions [(D)(6)(b)(2)].
- B. The patio along the building's main (western) façade shall be recessed a minimum of 20 ft. [(D)(6)(b)(1)].
- C. The main (western) façade shall contain Retail Suite Liners, display windows, or a recessed patio at a minimum depth of 20 feet, or a combination of all three, along 50% of the length of the façade [(D)(6)(b)(1)].
10. Signage:
- A. There shall be one monument sign, either near the northwest corner or the southern corner of the subject site, along Hotel Circle.
- B. Sign area, for building-mounted signs with borders, shall be measured as the area within the border pursuant to Zoning Code §14-16-1-5 (Definitions), and the signage table on Sheet A-101 shall be corrected.
11. Plaza/Outdoor Space:
The tables in the plaza area shall have umbrellas or other comparable shading structure.
12. The parking lot tree wells shall have curb breaks or another design feature to allow for supplemental water harvesting.
13. CONDITIONS FROM THE CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:
Conditions of approval for the proposed Site Development Plan for Building Permit shall include:

OFFICIAL NOTICE OF DECISION
SEPTEMBER 18, 2008
PROJECT #1007320
PAGE 5 OF 6

- A. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
 - B. Where drives are to be constructed on opposite sides of the street, unless they are offset 50' or more, the centerlines need to be within 15' of each other. The only exceptions considered, will be the loading areas at the rear of the store or as approved by the Traffic Engineer.
 - C. Provide truck turning template information on site plan.
 - D. Site plan shall comply and be designed per DPM Standards.
14. The center parking lot sidewalk shall be moved north by one row, and a walkway of textured patterned concrete shall lead to the retail facility to the west. Moving up the southern parking lot sidewalk by one row is optional.
15. The Applicant shall investigate whether it is possible to relocate the plaza area adjoining the sidewalk. If this is not possible, the applicant shall demonstrate why.

PROTEST: 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, WHICH IS BY OCTOBER 3, 2008.

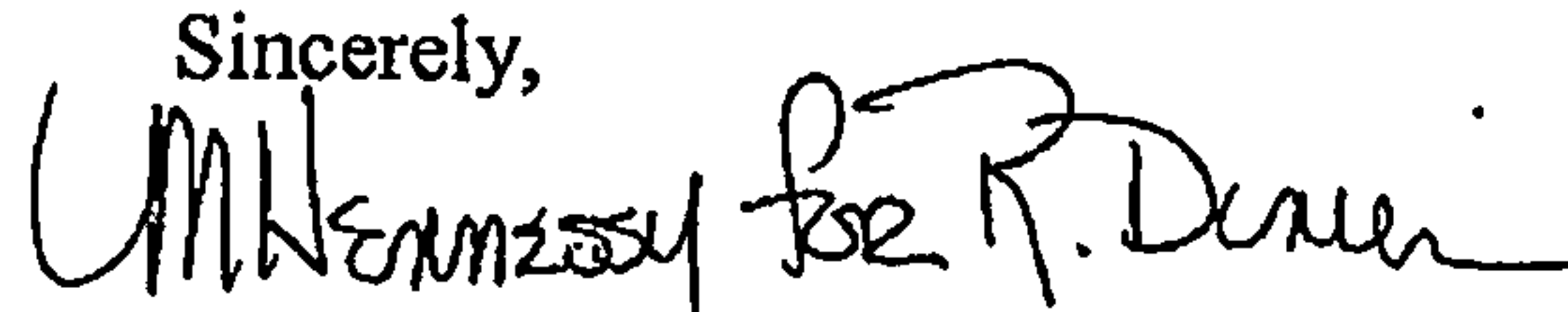
APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY OCTOBER 3, 2008 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

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 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.

OFFICIAL NOTICE OF DECISION
SEPTEMBER 18, 2008
PROJECT #1007320
PAGE 6 OF 6

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,

Richard Dineen
Planning Director

RD/CL/ac

cc: Lawrence Kline, Denish + Kline Associates, 500 Marquette NW, Ste 350, Albuquerque, NM 87102



City of Albuquerque
P.O. Box 1293 Albuquerque, New Mexico 87103

Planning Department

Martin J. Chavez, Mayor

Richard Dineen, Director

Interoffice Memorandum

June 5, 2008

Subject: Albuquerque Archaeological Ordinance—Compliance Documentation

Project Number(s): Z-2-1661 (previous)

Case Number(s):

Agent: Denish-Kline Associates

Applicant:

Legal Description: Tract 2A5A1A1 of Horne Development Subdivision

Acreage: 10.9 acres

Zone Atlas Page: K-21

CERTIFICATE OF NO EFFECT: Yes No

SUPPORTING DOCUMENTATION: Aerial photo supplied by applicant; 2006 AGIS aerial photo

RECOMMENDATION(S):

- ***CERTIFICATE OF NO EFFECT IS ISSUED (ref O-07-72 Section 4B(2)—extensive previous land disturbance) .***

SUBMITTED:

Matthew Schmader, PhD

Superintendent, Open Space Division

Acting City Archaeologist

THIS INDENTURE made this 24th day of June 19 88 by and between

Market Center East Associates, a California general Partnership, by Russell G. Beckner, Vice Pres. (Grantor) and PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation and THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado Corporation authorized to do business in New Mexico (Grantees), their successors and assigns.

WITNESSETH:

Grantor, for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other valuable consideration, the receipt of which is acknowledged, does hereby give, bargain, sell, grant and convey unto Grantees, their successors and assigns, an easement to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain underground facilities for the transmission and distribution of electric power and energy and facilities for communication purposes, or either of, any or all such purposes, including lines, conduits, and other equipment, fixtures and structures necessary to maintain such facilities upon, under and through the easement hereinafter described, together with free access to, from, and over said easement, with the right and privilege of going upon, over and across lands of Grantor for the purposes set forth herein and with the right to trim and remove any trees, shrubs or bushes which interfere with the purposes set forth herein. The easement granted herein is within lands situate in Bernalillo County, New Mexico, and is more particularly described as follows, to wit:

PNM Proj. No. 53586

An easement within Tract 2A-5A of Plat of HORNE DEVELOPMENT ADDITION situate in Section 21, T.10 N., R. 4 E., N.M.P.M., Bernalillo County, New Mexico. as the same is shown and designated on said Plat filed for record in the office of the County Clerk in Bernalillo County in Plat Book C35, Page 145(2). Document No. 886122 on January 22, 1988 and being more particularly described as follows:

An easement ten (10) feet wide being five (5) feet on each side of the following described centerline: Beginning at the northeast corner of said Tract 2A-5A, also being a point in the west right-of-way line of Hotel Circle N.E.; running thence as an easement N.81°52'24"W., 110.00 feet.

Grantor shall have the right to use the above described easement for purposes not inconsistent with the rights hereby granted, provided that Grantor shall not erect or construct any building, pool, or other structure thereon, nor drill or operate any well thereon.

The provisions hereof shall inure to the benefit of and bind the heirs, executors, mortgagees, lessees, tenants, successors and assigns of the parties hereto. Grantees shall have the unrestricted right to sell, transfer, assign, pledge, mortgage, lease, grant licenses or other use or occupancy rights with respect to, or otherwise dispose of, in whole or in part, any interest in the easement and such assigns shall have the further right to convey, in whole or in part, the rights granted to them by Grantees.

WITNESS its hand and seal this 24th day of June 19 88. Market Center East Associates, California general partnership. By: Russell G. Beckner, V.P. (SEAL) (SEAL)

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF California COUNTY OF Los Angeles The foregoing instrument was acknowledged before me this 24th day of June 19 88 by Russell G. Beckner



A. Ann Bradford Notary Public ACKNOWLEDGEMENT FOR CORPORATION

FOR RECORDER'S USE ONLY STATE OF NEW MEXICO COUNTY OF BERNALILLO FILED FOR RECORD 88 SEP 15 PM 1:43 BK. 982 GLADYS M. DAVIS CLERK & RECORDER

STATE OF NEW MEXICO COUNTY OF Los Angeles The foregoing instrument was acknowledged before me this 24th day of June 19 88

by Russell G. Beckner, Vice President (Name of Officer) (Title of Officer) of Dean A. Beck & Associates (Corporation Acknowledgement) a California corporation, on behalf of said corporation. (State of Corporation)

My Commission expires: (Seal) A. Ann Bradford Notary Public

PNM REFERENCE NUMBER

9094522

UNDERGROUND EASEMENT

8228

THIS INDENTURE made this 30 day of OCTOBER, 19 90 by and between

Market Center East Associates

(Grantor) and PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation and THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado Corporation to do business in New Mexico (Grantees), their successors and assigns.

WITNESSETH:

Grantor, for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other valuable consideration, the receipt of which is acknowledged, does hereby give, bargain, sell, grant and convey unto Grantees, their successors and assigns, an easement to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain underground facilities for the transmission and distribution of electric power and energy and facilities for communication purposes, or either of, any or all such purposes, including lines, poles, guy wires, conduits, and other equipment, fixtures and structures necessary to maintain such facilities on, over, beneath and across the easement hereinafter described, together with free access to, from, and over said easement, with the right and privilege of going upon, or across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the easement to extend services to customers of Grantees, and to trim and remove any trees, shrubs or bushes which interfere with the purpose set forth herein. The easement granted herein is within lands situate in BERNALILLO County, New Mexico, and is more particularly described as follows, to wit:

PNM Proj. No. 60346

An easement within Tract 2A-5A1 of Plat For HORNE DEVELOPMENT ADDITION situate in Section 21, T.10 N., R. 4 E., N.M.P.M., Bernalillo County, New Mexico, as the same is shown and designated on said Plat filed for record in the office of the County Clerk in Bernalillo County in Plat Book C37, Page 95, Document No. 8885399 on September 21, 1988 and being more particularly described as follows:

An easement ten (10) feet wide being five (5) feet on each side of the following described centerline: Beginning at a point on the east boundary line of said Tract 2A-5A1, also being a point on the westerly right-of-way line of Hotel Circle, whence the northeast corner of said Tract 2A-5A1, also being a point on the westerly right-of-way line of Hotel Circle bears N.17°36'07"E., 121.49 feet distant; running thence as an easement S.69°48'06"W., 77.00 feet; thence S.17°23'06"W., 86.00 feet to a junction point; running thence as a metes and bounds described easement S.72°36'54"E., 7.40 feet; thence S.17°23'06"W., 20.00 feet; thence N.72°36'54"W., 17.00 feet; thence N.17°23'06"E., 20.00 feet; thence S.72°36'54"E., 9.60 feet to said junction point.

SEE EXHIBIT "A" (Drawing of Easement Description)

Grantor hereby covenants that Grantor is the true and lawful owner of the land described herein.

Grantor shall have the right to use the above described easement for purposes not inconsistent with the rights hereby granted, provided that Grantor shall not erect nor construct any building, pool, or other structure thereon, nor drill nor operate any well thereon, nor conduct any activity which violates clearance provisions of the National Electric Safety Code.

The provisions hereof shall inure to the benefit of and bind the heirs, executors, mortgages, lessors, tenants, successors and assigns of the parties hereto. Grantees shall have the unrestricted right to sell, transfer, assign, pledge, mortgage, lease, grant licenses or other use or occupancy rights with respect to, or otherwise dispose of, in whole or in part, any interest in the easement and such assigns shall have the further right to convey, in whole or in part, the rights granted to them by Grantees.

WITNESS my hand and seal this 30th day of October, 19 90

John S. Lowe (SEAL) (SFAL) (SEAL) (SEAL)

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO COUNTY OF Bernalillo

The foregoing instrument was acknowledged before me this 30th day of October, 19 90

Market Center East Associates

My commission expires:

(Seal) 2-15-93.

Notary Public

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this day of, 19

by (Name of Officer) (Title of Officer)

of (Corporation Acknowledgement)

a corporation, on behalf of said corporation. (State of Incorporation)

My Commission expires:

(Seal)

Notary Public

FOR RECORDER'S USE ONLY STATE OF NEW MEXICO COUNTY OF BERNALILLO FILED FOR RECORD 1990 DEC 12 AM 8:13 EN 90-19 PC 8228-8229

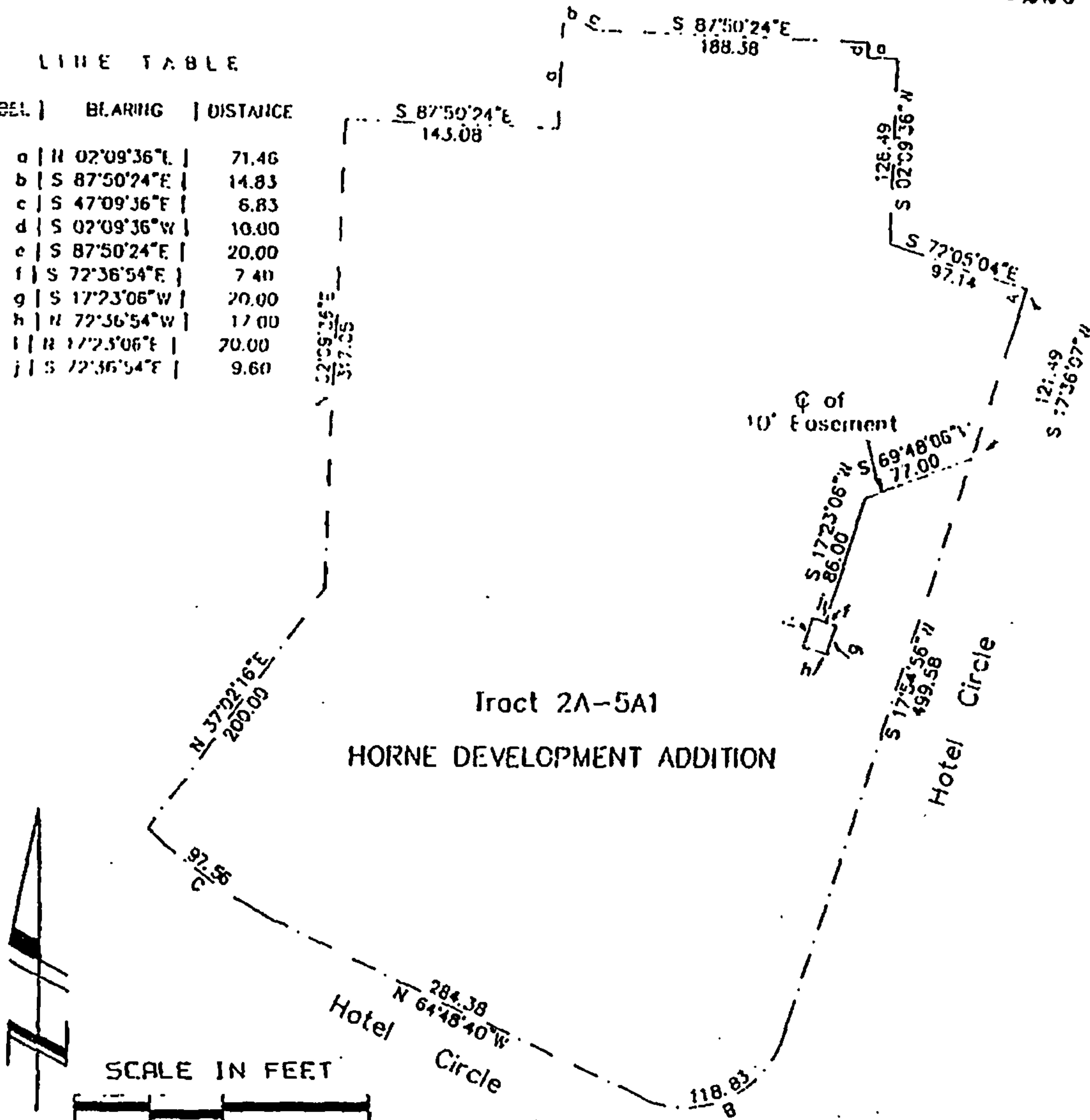
Coral...

REFERENCE NUMBER

8229

LINE TABLE

LINE	BEARING	DISTANCE
a	N 02°09'36"E	71.46
b	S 87°50'24"E	14.83
c	S 47°09'36"E	6.83
d	S 02°09'36"W	10.00
e	S 87°50'24"E	20.00
f	S 72°36'54"E	7.40
g	S 17°23'06"W	20.00
h	N 72°36'54"W	17.00
i	N 17°23'06"E	20.00
j	S 72°36'54"E	9.60



SCALE IN FEET
 0 50 100 200
 SCALE: 1" = 100'

SURVEYOR'S CERTIFICATION

I, Leonard G. Martinez, New Mexico Professional Land Surveyor No. 9801, certify that this map was prepared from field notes of actual surveys made by me or under my supervision; and that it is true and correct to the best of my knowledge and belief.

Leonard G. Martinez
 Leonard G. Martinez, N.M.L.S. No. 9801

EXHIBIT "A"

PROPOSED ELECTRIC LINE XING
 Tract 2A-5A1
 HORNE DEVELOPMENT ADDITION
 WITHIN SEC. 21, T.10 N., R.4 E., N.M.P.M.
 BERNALILLO COUNTY, NEW MEXICO
 PUBLIC SERVICE CO. OF NEW MEXICO
 ALBUQUERQUE, NEW MEXICO

DWN BY: L.G.M.
 OKD BY: K.I.C.

DATE: 09-18-90
 SCALE SHOWN

Req. No. 60346



Supplemental form

SUBDIVISION	S Z	ZONING & PLANNING
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal
<input checked="" type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P	<input type="checkbox"/> Sector Plan (Phase I, II, III)
<input type="checkbox"/> for Subdivision Purposes		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan
<input type="checkbox"/> for Building Permit		<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)
<input type="checkbox"/> Administrative Amendment (AA)		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> IP Master Development Plan	D	APPEAL / PROTEST of...
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L A	<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal
STORM DRAINAGE (Form D)		
<input type="checkbox"/> Storm Drainage Cost Allocation Plan		

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): Bohannon Huston, Inc. / CDP Sally PHONE: (505) 823-1000
 ADDRESS: 7500 Jefferson NE FAX: (505) 898-7988
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: ssalazar-cass@bhinc.com
 APPLICANT: Lowe's Home Improvement Center / Matthew Smiley P. E. PHONE: (903) 581-9411
 ADDRESS: 2624 Kensington Drive, Suite 112 FAX: _____
 CITY: Tyler STATE TX ZIP 75703 E-MAIL: _____
 Proprietary interest in site: owner List all owners: _____

DESCRIPTION OF REQUEST: Vacate 1 waterline easement & 2 public utility easements

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

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

Lot or Tract No. 2A5A1A1 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: HORNE DEVELOPMENT ADDN
 Existing Zoning: SU-1 Proposed zoning: SU-1 MRGCD Map No _____
 Zone Atlas page(s): L-21 UPC Code: 102105714343020925

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.): _____
1007320

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): +/- 8.276

LOCATION PROPERTY BY STREETS: On or Near: Hotel Circle NE
 Between: Hotel Circle NE and Lomas NE

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

SIGNATURE Racquel Michel DATE 9/26/2008
 (Print) Racquel Michel, P.E. EI _____ Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 9/01, 3/03, 7/03, 10/03, 04/04

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>CDRB</u> - <u>20427</u>	<u>VPE</u>		\$ <u>135.00</u>
<input checked="" type="checkbox"/> All fees have been collected				\$ <u>75.00</u>
<input checked="" type="checkbox"/> All case #s are assigned				\$ <u>20.00</u>
<input type="checkbox"/> AGIS copy has been sent				\$ _____
<input checked="" type="checkbox"/> Case history #s are listed				\$ _____
<input checked="" 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				\$ _____
	Hearing date <u>October 22 2008</u>			Total \$ <u>230.00</u>

[Signature] 9.26.08
 Planner signature / date

Project # 1007320

FORM V: SUBDIVISION VARIANCES & VACATIONS

- BULK LAND VARIANCE (DRB04)** **(PUBLIC HEARING CASE)**
 - ___ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
 - ___ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
 - ___ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 - ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- VACATION OF PUBLIC EASEMENT (DRB27)**
 - VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**
 - ✓ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**
(Not required for City owned public right-of-way.)
 - ✓ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
 - ✓ Zone Atlas map with the entire property(ies) clearly outlined
 - ✓ Letter briefly describing, explaining, and justifying the request
 - ✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule)
 - ✓ List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- SIDEWALK VARIANCE (DRB20)**
 - SIDEWALK WAIVER (DRB21)**
 - ___ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the variance or waiver
 - ___ List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**
 - ___ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the variance
 - ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
 - EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**
 - ___ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the deferral or extension
 - ___ List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- VACATION OF PRIVATE EASEMENT (DRB26)**
 - VACATION OF RECORDED PLAT (DRB29)**
 - ___ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 - ___ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
 - ___ Letter of authorization from the grantors and the beneficiaries (private easement only)
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. 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.

RACQUEL MICHEL
Applicant name (print)
Racquel Michel 9-26-08
Applicant signature / date



Form revised 4/07

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
DS&RB-70427

Raf 9.26.08
Planner signature / date
Project # 1007320

September 20, 2008

Jack Cloud, Chair
Development Review Board
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Re: Vacation of Waterline and Public Utility Easements
Lowe's Market Place East - Case # 1007320

Dear Mr. Cloud:

The referenced project includes a Site Plan for Building Permit that was approved at EPC on September 18, 2008. The project is an approximately 8.3 acre redevelopment of an existing shopping center. The site is located in the Home Development Addition, and the site is zoned SU-1. Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

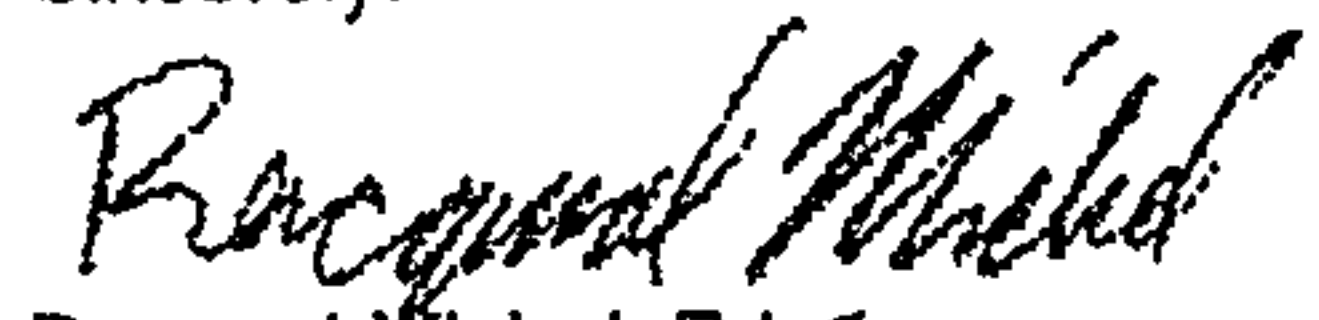
- Development Review Applications
- Twenty-four (24) copies of the Vacation Exhibit
- Twenty-Four (24) copies of the documents which granted the easements
- Letter from the Office of Neighborhood Coordination and neighborhood notification
- Zone Atlas Map showing the location of the property
- DRB Fee

There are three (3) easements being vacated with this submittal;

1. Public Waterline Easement Granted by Plat filed August 6, 1992. The existing waterline will be removed and relocated. We intend to grant a new waterline easement with the project's plat and grant a temporary easement while the lines are being relocated.
2. Public Service Company of New Mexico (PNM) Easement filed September 16, 1988. The existing PNM facility will be relocated with coordination by PNM.
3. Public Service Company of New Mexico (PNM) Easement filed December 12, 1990. The existing PNM facility will be relocated with coordination by PNM.

Please place this item on the DRB Agenda for hearing on October 22, 2008. If you have any questions or require further information, please contact me.

Sincerely,



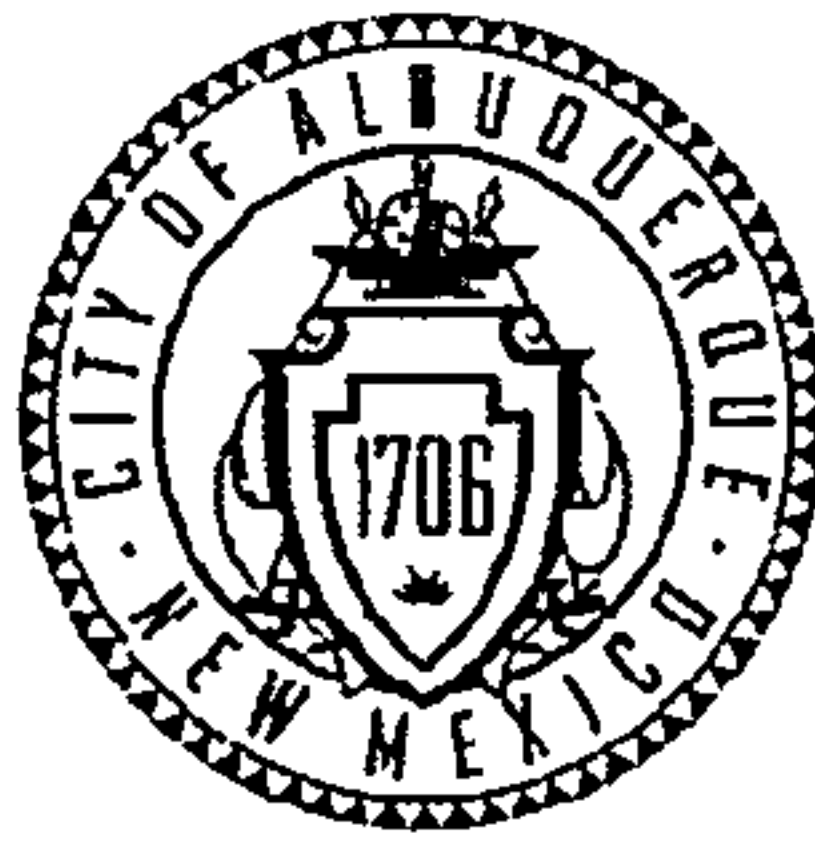
Racquel Michel, P.E.
Project Manager
Community Development and Planning

RM/ssc
Enclosures

Cc: Matthew Smiley, BHI # 080379

BOHANNON & HUSTON
ENGINEERING
3600 16th Street NW
Albuquerque, NM 87102
Phone: 505 263 4477
Facsimile: 505 263 4478
Toll Free: 800 372 4477

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

September 23, 2008

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on **September 23, 2008:**

Contact Name: SALLY SALAZAR-CASS

Company or Agency: BOHANNAN HUSTON, INC.
7500 JEFFERSON ST. NE, COURTYARD I/87109-4335
PHONE: 823-1000/FAX: 798-7988
E-mail: ssalazar-cass@bhinc.com

contacted the Office of Neighborhood Coordination requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **2A4A1A2, HORNE DEVELOPMENT ADDITION, LOCATED ON HOTEL CIRCLE NE AND EUBANK BOULEVARD NE AND HOTEL CIRCLE NE** zone map **K-21**.

Our records indicate that as of September 23, 2008, there were no Neighborhood and/or Homeowner Associations in this area.

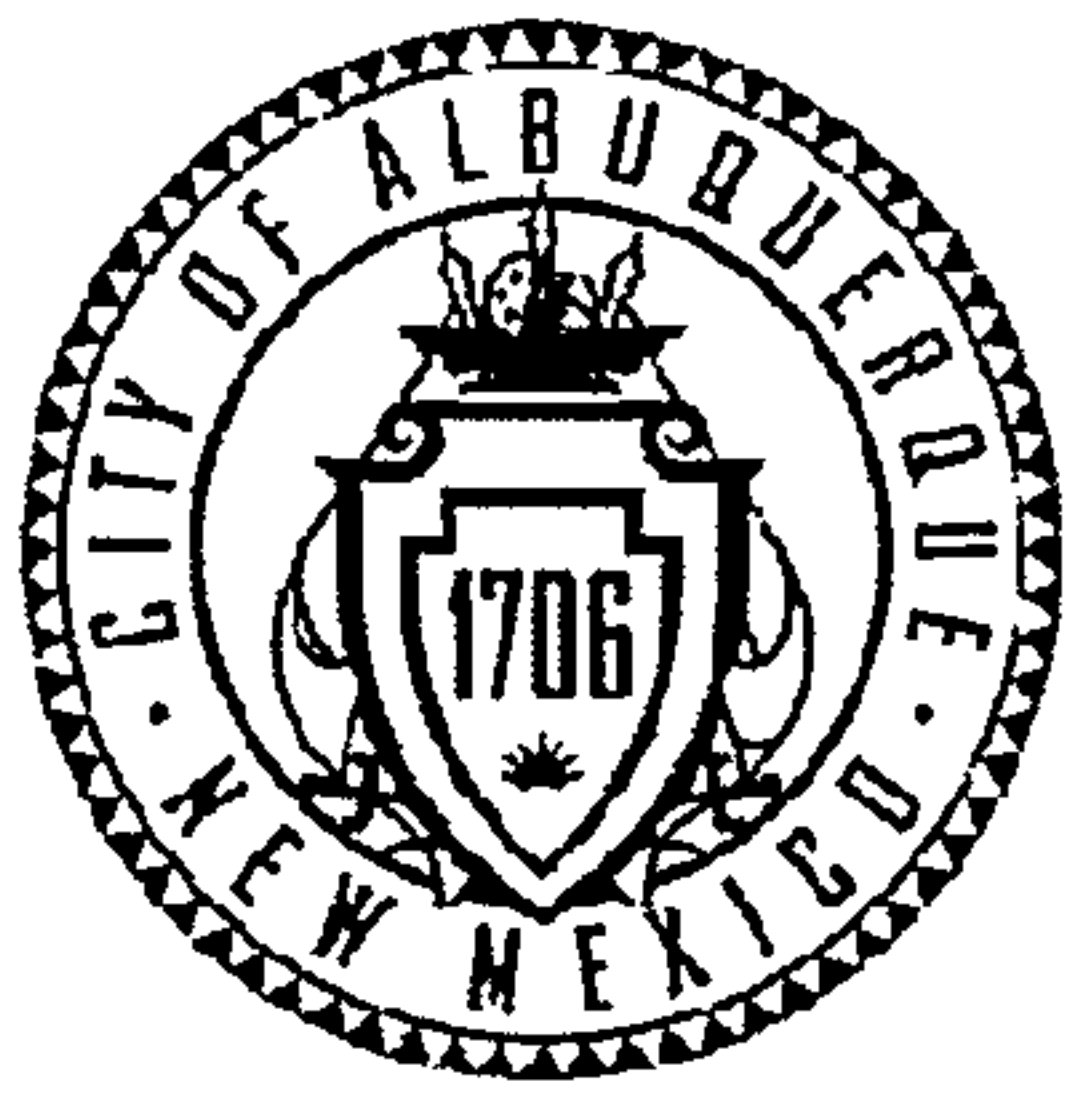
If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
PLANNING DEPARTMENT

planningnrnaform(01/22/08)



DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Neighborhood Coordination (ONC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second Street NW, Fax: (505) 924-3913 – will need the following information **BEFORE** neighborhood and/or homeowner association information will be released to the applicant/agent on any project being presented to the Planning Department of the City of Albuquerque. If you have any questions, please feel free to contact our office at (505) 924-3914. **Your Developer Inquiry is for the following:**

Cell Tower & Type: [] Free-Standing Tower -OR- [] Concealed Tower

Private Development [X] (i.e., EPC, DRB, LUCC, Liquor Submittal)

City Project []

CONTACT NAME: _Sally Salazar-Cass

COMPANY NAME: __Bohannan Huston Inc.

ADDRESS/ZIP: __Albuquerque, NM 87109

PHONE: _798-7965_or 823-1000_ FAX: __798-7988_____

LEGAL DESCRIPTION INFORMATION

PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION IN THE AREA OF THE PROPERTY DESCRIBED BELOW:

2A5A1A1, HORNE DEVELOPMENT ADDN

LOCATED ON _____ LEGAL DESCRIPTION
Hotel Circle NE
STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN _____ **Hotel Circle NE** _____ AND _____ STREET NAME OR OTHER IDENTIFYING LANDMARK

Lomas Blvd. NE
STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS INDICATED ON THE FOLLOWING ZONE ATLAS PAGE (K-21).
(PLEASE MARK/HATCH ZONE MAP WHERE PROPERTY IS LOCATED)
(Zone Map MUST be provided with request)

THIS INDENTURE made this 24th day of June 19 88 by and between

Market Center East Associates, a California general Partnership, by Russell G. Beckner, Vice Pres. (Grantor) and PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation and THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado Corporation authorized to do business in New Mexico (Grantees), their successors and assigns.

WITNESSETH:

Grantor, for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other valuable consideration, the receipt of which is acknowledged, does hereby give, bargain, sell, grant and convey unto Grantees, their successors and assigns, an easement to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain underground facilities for the transmission and distribution of electric power and energy and facilities for communication purposes, or either of, any or all such purposes, including lines, conduits, and other equipment, fixtures and structures necessary to maintain such facilities upon, under and through the easement hereinafter described, together with free access to, from, and over said easement, with the right and privilege of going upon, over and across lands of Grantor for the purposes set forth herein and with the right to trim and remove any trees, shrubs or bushes which interfere with the purposes set forth herein. The easement granted herein is within lands situate in Bernalillo County, New Mexico, and is more particularly described as follows, to wit:

PNM Proj. No. 53586

An easement within Tract 2A-5A of Plat of HORNE DEVELOPMENT ADDITION situate in Section 21, T.10 N., R. 4 E., N.M.P.M. Bernalillo County, New Mexico, as the same is shown and designated on said Plat filed for record in the office of the County Clerk in Bernalillo County in Plat Book C35, Page 145(2) Document No. 886122 on January 22, 1988 and being more particularly described as follows:

An easement ten (10) feet wide being five (5) feet on each side of the following described centerline: Beginning at the northeast corner of said Tract 2A-5A, also being a point in the west right-of-way line of Hotel Circle N.E.; running thence as an easement N. 81° 52' 24" W., 110.00 feet.

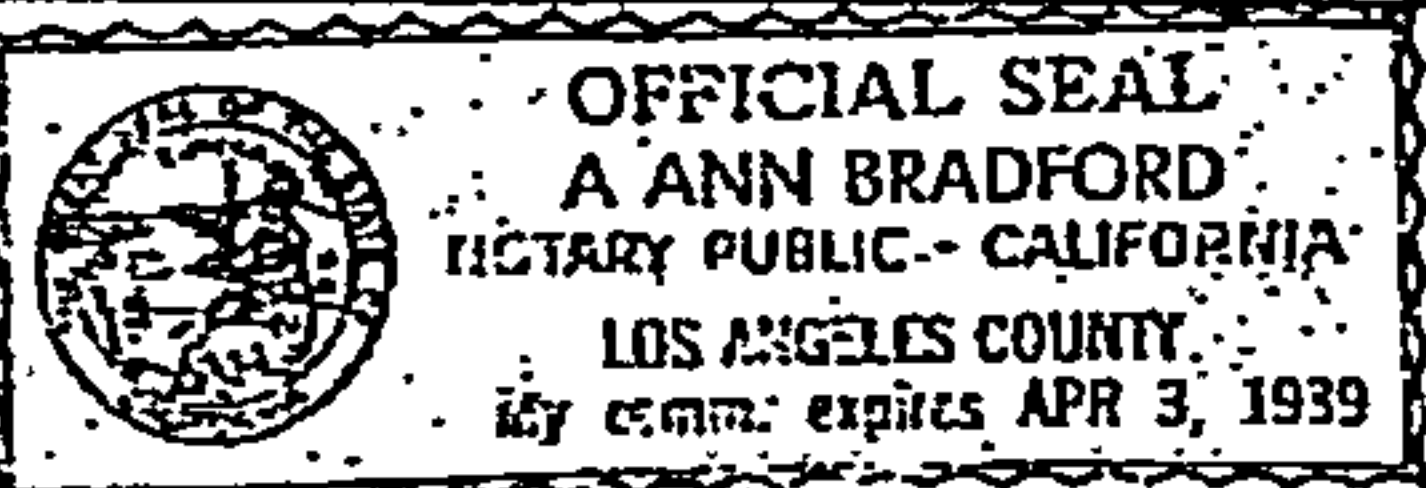
Grantor shall have the right to use the above described easement for purposes not inconsistent with the rights hereby granted, provided that Grantor shall not erect or construct any building, pool, or other structure thereon, nor drill or operate any well thereon.

The provisions hereof shall inure to the benefit of and bind the heirs, executors, mortgages, lessees, tenants, successors and assigns of the parties hereto. Grantees shall have the unrestricted right to sell, transfer, assign, pledge, mortgage, lease, grant licenses or other use or occupancy rights with respect to, or otherwise dispose of in whole or in part, any interest in the easement and such assigns shall have the further right to convey, in whole or in part, the rights granted to them by Grantees.

WITNESS its hand and seal this 24th day of June 19 88 By: Russell G. Beckner, Vice President, Market Center East Associates, a California general partnership, (SEAL) (SEAL) (SEAL)

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF California COUNTY OF Los Angeles The foregoing instrument was acknowledged before me this 24th day of June 19 88 by Russell G. Beckner



A. Ann Bradford Notary Public

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO COUNTY OF Los Angeles The foregoing instrument was acknowledged before me this 24th day of June 19 88 by Russell G. Beckner, Vice President (Name of Officer) (Title of Officer) of Dean A. Beck & Associates (Corporation Acknowledgement) a California corporation, on behalf of said corporation.

A. Ann Bradford Notary Public

FOR RECORDERS USE ONLY STATE OF NEW MEXICO COUNTY OF BERNALILLO FILED FOR RECORD 88 SEP 15 PM 1:43 BK [Signature] PR 982 GLADYS M. DAVIS CLERK & RECORDER

PRM REFERENCE NUMBER

9094522

UNDERGROUND EASEMENT

8228

THIS INSTRUMENT made this 30 day of October, 1990 by and between

Market Center East Associates

(Grantor) and PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation and THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado Corporation to do business in New Mexico (Grantees), their successors and assigns.

WITNESSETH:

Grantor, for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other valuable consideration, the receipt of which is acknowledged, does hereby give, bargain, sell, grant and convey unto Grantees, their successors and assigns, an easement to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain underground facilities for the transmission and distribution of electric power and energy and facilities for communication purposes, or either of, any or all such purposes, including lines, poles, guy wires, conduits, and other equipment, fixtures and structures necessary to maintain such facilities on, over, beneath and across the easement hereinafter described, together with free access to, from, and over said easement, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the easement to extend services to customers of Grantees, and to trim and remove any trees, shrubs or bushes which interfere with the purpose set forth herein. The easement granted herein is within lands situate in BERNALILLO County, New Mexico, and is more particularly described as follows, to wit:

PNM Proj. No. 60346

An easement within Tract 2A-5A1 of Plat For HORNE DEVELOPMENT ADDITION situate in Section 21, T.10 N., R. 4 E., N.M.P.M., Bernalillo County, New Mexico, as the same is shown and designated on said Plat filed for record in the office of the County Clerk in Bernalillo County in Plat Book C37, Page 95, Document No. 8885399 on September 21, 1988 and being more particularly described as follows:

An easement ten (10) feet wide being five (5) feet on each side of the following described centerline: Beginning at a point on the east boundary line of said Tract 2A-5A1, also being a point on the westerly right-of-way line of Hotel Circle, whence the northeast corner of said Tract 2A-5A1, also being a point on the westerly right-of-way line of Hotel Circle bears N.17°36'07"E., 121.49 feet distant; running thence as an easement S.69°48'06"W., 77.00 feet; thence S.17°23'06"W., 86.00 feet to a junction point; running thence as a metes and bounds described easement S.72°36'54"E., 7.40 feet; thence S.17°23'06"W., 20.00 feet; thence N.72°36'54"W., 17.00 feet; thence N.17°23'06"E., 20.00 feet; thence S.72°36'54"E., 9.60 feet to said junction point.

SEE EXHIBIT "A" (Drawing of Easement Description)

Grantor hereby covenants that Grantor is the true and lawful owner of the land described herein.

Grantor shall have the right to use the above described easement for purposes not inconsistent with the rights hereby granted, provided that Grantor shall not erect nor construct any building, pool, or other structure thereon, nor drill nor operate any well thereon, nor conduct any activity which violates clearance provisions of the National Electric Safety Code.

The provisions hereof shall inure to the benefit of and bind the heirs, executors, mortgagees, lessees, tenants, successors and assigns of the parties hereto. Grantees shall have the unrestricted right to sell, transfer, assign, pledge, mortgage, lease, grant licenses or other use or occupancy rights with respect to, or otherwise dispose of, in whole or in part, any interest in the easement and such assigns shall have the further right to convey, in whole or in part, the rights granted to them by Grantees.

WITNESS my hand and seal this 30th day of October, 1990

John S. Lowe (SEAL) Notary Public (SEAL)

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO Bernalillo COUNTY OF Bernalillo

The foregoing instrument was acknowledged before me this 30th day of October, 1990

Market Center East Associates

by My commission expires: (Seal) 2-15-93

Notary Public

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this day of 19

by (Name of Officer) (Title of Officer)

of (Corporation Acknowledgement)

a corporation, on behalf of said corporation. (State of Incorporation)

My Commission expires: (Seal)

Notary Public

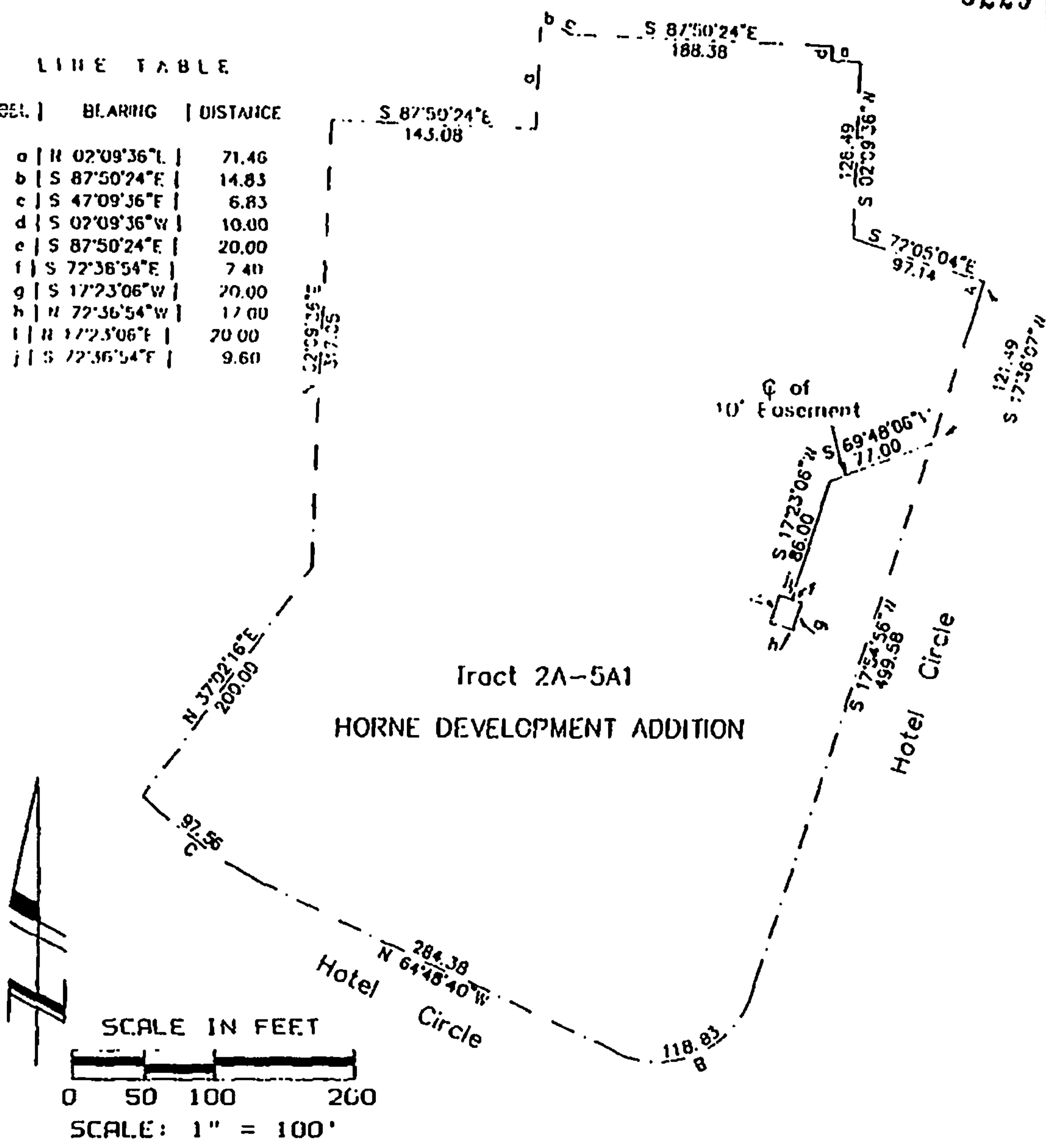
FOR RECORDER'S USE ONLY STATE OF NEW MEXICO COUNTY OF BERNALILLO FILED FOR RECORD 1990 DEC 12 AM 8:13

90-19 PC 8228-8229

REFERENCE NUMBER

LINE TABLE

LINE	BEARING	DISTANCE
a	N 02°09'36"E	71.46
b	S 87°50'24"E	14.83
c	S 47°09'36"E	6.83
d	S 02°09'36"W	10.00
e	S 87°50'24"E	20.00
f	S 72°36'54"E	7.40
g	S 17°23'06"W	20.00
h	N 72°36'54"W	17.00
i	N 17°23'06"E	20.00
j	S 72°36'54"E	9.60



SURVEYOR'S CERTIFICATION

I, Leonard G. Martinez, New Mexico Professional Land Surveyor No. 9801, certify that this map was prepared from field notes of actual surveys made by me or under my supervision; and that it is true and correct to the best of my knowledge and belief.

Leonard G. Martinez
 Leonard G. Martinez, N.M.L.S. No. 9801

EXHIBIT "A"

PROPOSED ELECTRIC LINE XING
 Tract 2A-5A1
 HORNE DEVELOPMENT ADDITION
 WITHIN SEC. 21, T.10 N., R.4 E., N.M.P.M.
 BERNALILLO COUNTY, NEW MEXICO
 PUBLIC SERVICE CO. OF NEW MEXICO
 ALBUQUERQUE, NEW MEXICO

DWN BY: L.G.M.
 OKD BY: k i.c.

DATE: 09-18-90
 SCALE SHOWN

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from October 7, 2008 To October 22, 2008

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

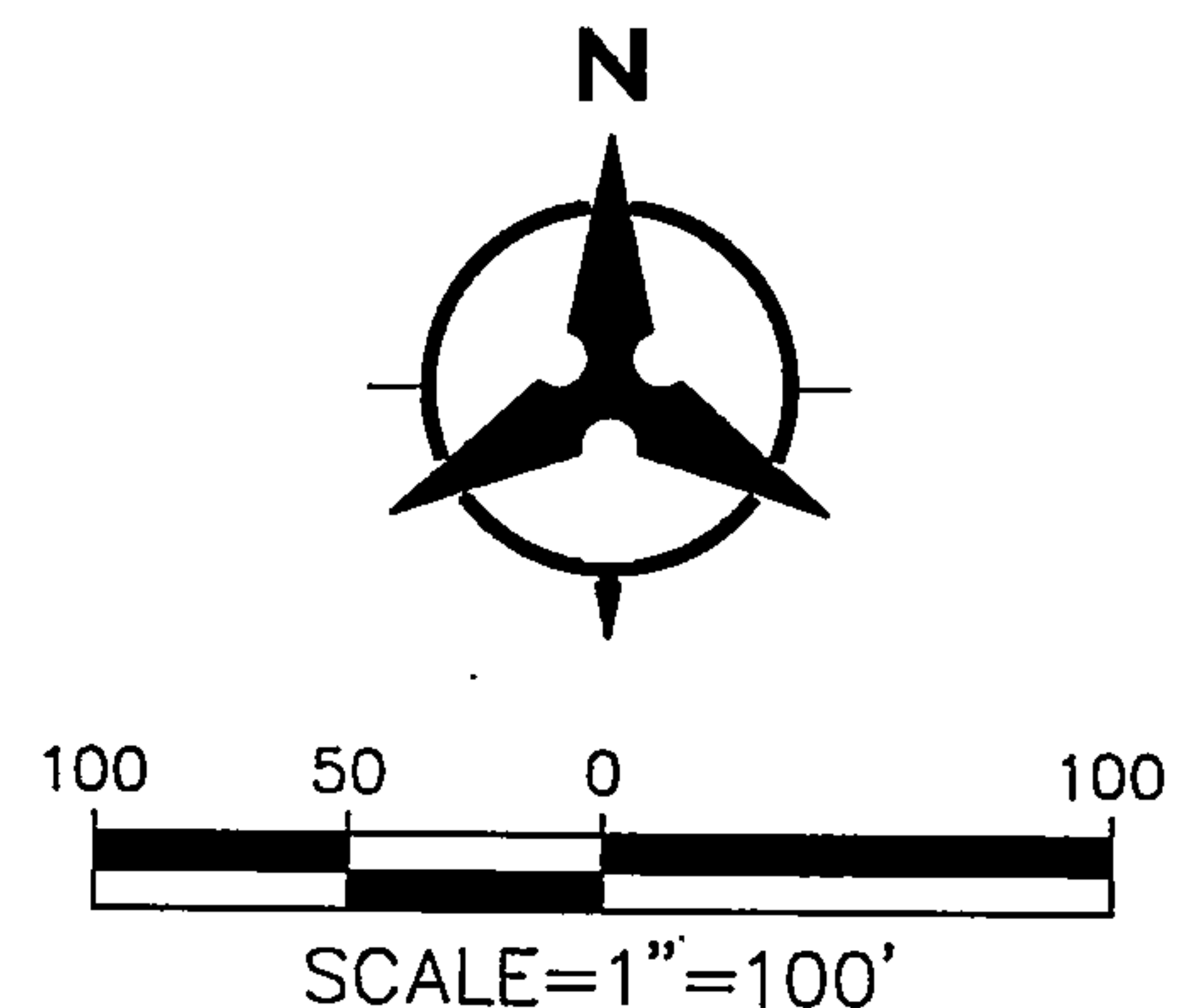
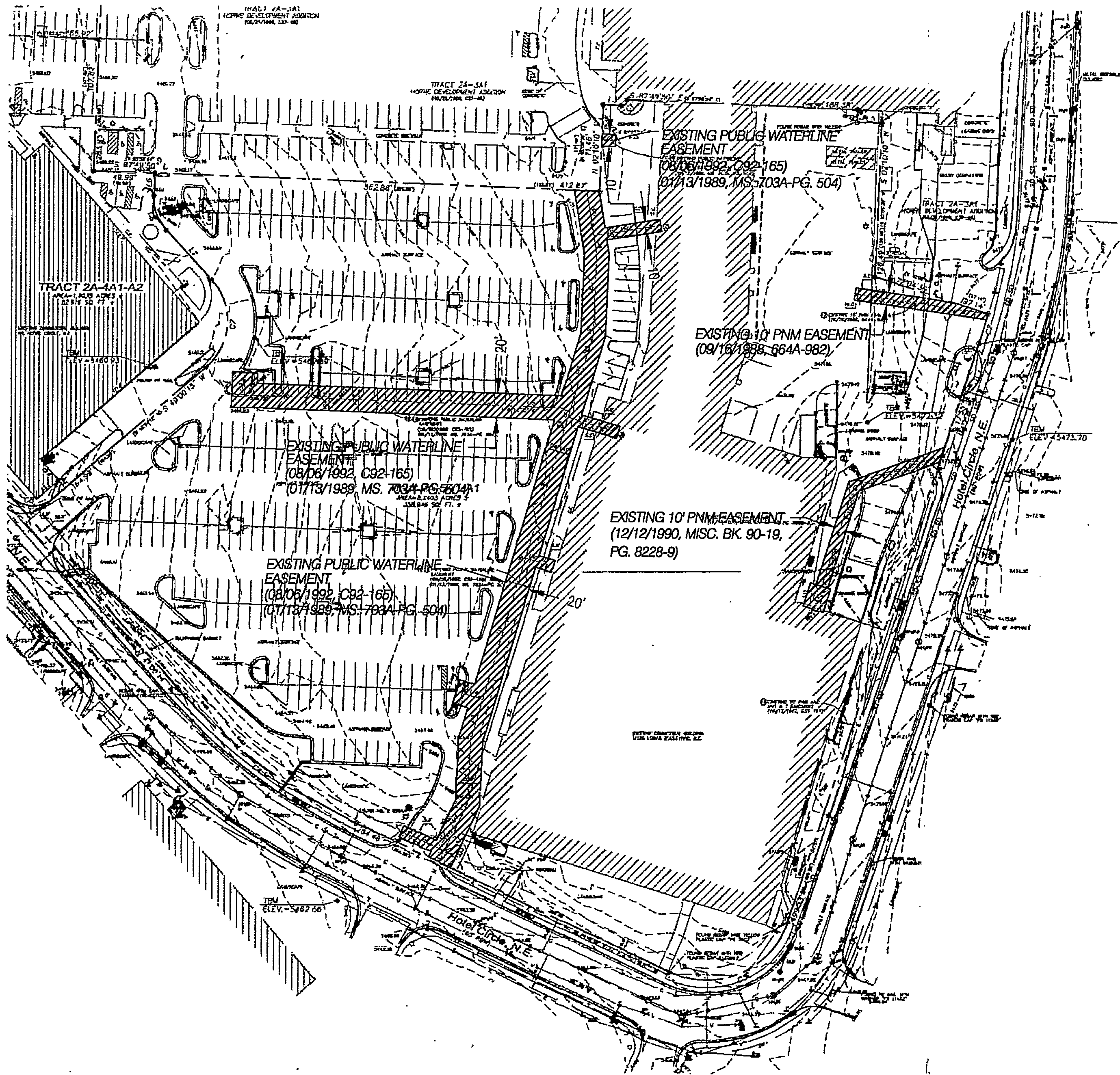
S. Salazar (Applicant or Agent) 9-26-08 (Date)

I issued 2 signs for this application, 9/26/08 (Date) [Signature] (Staff Member)

DRB PROJECT NUMBER: 1007320

VACATION EXHIBIT

TRACTS 2A-4A1, 2A-4A1-A2 AND 2A-5A1-A1
 HORNE DEVELOPMENT ADDITION for LOWE'S
 HOME CENTER'S
 ALBUQUERQUE, NEW MEXICO
 SEPTEMBER, 2008



LEGEND

N 90°00'00" E	MEASURED BEARING AND DISTANCES		PULL BOX
(N 90°00'00" E)	RECORD BEARINGS AND DISTANCES		WATER VALVE
	FOUND AND USED MONUMENT AS DESIGNATED		BLUE PAINT MARK
	SET NO. 5 REBAR WITH PINK PLASTIC CAP "PS 11993"		YELLOW PAINT MARK
	GAS METER		RED PAINT MARK
	ELECTRIC METER		ORANGE PAINT MARK
	WATER METER		COVERED ENTRY
	TELEPHONE PEDESTAL		CURB AND GUTTER
	STORM SEWER MANHOLE		GAS LINE
	SANITARY SEWER MANHOLE		WATER LINE
	DROP INLET		TELEPHONE OR CATV LINE
			SANITARY SEWER LINE
			STORM SEWER LINE
			ELECTRIC LINE
			EASEMENT TO BE VACATED

Bohannon & Huston INC.