



**Environmental  
Planning  
Commission**

**Agenda Number: 5  
Project Number: 1006819  
Case #'s: 07EPC 40047/40076  
December 20, 2007**

**Staff Report**

<b>Agent</b>	Aptus Architecture
<b>Applicant</b>	Don Ahern
<b>Requests</b>	<b>South Broadway Neighborhoods Sector Dev. Plan Zone Map Amendment</b>  <b>Site Dev. Plan for Building Permit</b>
<b>Legal Description</b>	Tracts 8, 9A,10A, 11A, and C, block C, South Broadway Acres Unit 1
<b>Location</b>	2920 Broadway SE, between Wesmeco Drive and Bethel Avenue
<b>Size</b>	4.4 acres
<b>Existing Zoning</b>	SU-2 HM (Heavy Manufacturing)
<b>Proposed Zoning</b>	SU-2 SU-1 HC (Heavy Commercial) and sales, rental, repair and outdoor storage of heavy equipment.

**Staff Recommendation**

*Approval of 07 EPC 40047, based on the findings on page 14. Approval of 07 EPC 40076 based on the findings on page 16, and subject to the conditions of approval on page 17.*

**Staff Planner**  
  
**Randall Falkner, Planner**

**Summary of Analysis**

This is a request for a sector development plan zone map amendment and site development plan for building permit for all or portion of lots 8, 9A, 10A, 11A, & C, block C, South Broadway Acres Unit 1, located on Broadway SE between Wesmeco SE and Bethel SE containing approximately 4.4 acres. The applicant proposes to change the subject’s site zoning from SU-2 HM to SU-2/SU-1 HC and sales, rental, repair and outdoor storage of heavy equipment.

The applicant has justified the sector development plan zone map amendment request, per the requirements of R-270-180, and the site development plan for building permit request, based on applicable plans and policies in the Comprehensive Plan and the South Broadway Neighborhoods Sector Development Plan. There is no known opposition to the request and staff recommends approval with conditions.

Location Map (3" x 3")

**AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-2 HM	<b>Central Urban South Broadway Neighborhoods S.D.P.</b>	Manufacturing, Warehouse
<b>North</b>	SU-2 HM	Same as above	Single Family, Office
<b>South</b>	SU-2 LCR	Same as above	Single Family
<b>East</b>	M1	Same as above	Vacant
<b>West</b>	SU-2 HC, SU-2 MR	Same as above	Manufacturing, Warehouse, Single Family

**Background, History and Context**

This is a request for a sector development plan zone map amendment and site development plan for building permit for all or portion of lots 8, 9A, 10A, 11A, and C, block C, South Broadway Acres Unit 1, located on Broadway SE between Wesmeco SE and Bethel SE containing approximately 4.4 acres. The applicant proposes to change the subject's site zoning from SU-2 HM to SU-2/SU-1 HC and sales, rental, repair, and outdoor storage of heavy equipment. The current business is Ahern Rentals, who conducts the rental, repair, staging, and storage of heavy equipment. The applicant is seeking to expand their business to include a hardware store. The proposed building will contain a retail hardware store and a showroom.

To the north of the subject site are single family and office uses. To the west are manufacturing, warehouse, and single family uses, including the A & E Auto Sales Frame and Body Work business. To the south is single family housing, and to the east is vacant City and County land.

The subject site is located in the Central Urban area of the Albuquerque/Bernalillo County Comprehensive Plan and within the South Broadway Neighborhoods Sector Development Plan. The subject site is located in the South San Jose neighborhood, which is the oldest neighborhood in the South Broadway area. The South San Jose neighborhood was settled around 1830 when Antonio Sandoval, a wealthy landowner, constructed the Barelás ditch to drain and irrigate the area. Property lines in the older South San Jose area are oriented to the ditch, whereas later development between 1880 and 1900 were laid out according to the establishment and growth of the railroad industry. The consequence of the lots in South San Jose being oriented to the Barelás ditch resulted in lots of irregular sizes, often with limited access. After the agricultural era and railroad eras, land use changed again between 1910 and 1950, with a transformation to commercial and industrial uses.

---

The original zoning of the area, instituted in 1962 with the 1962-1980 Land Use Plan (page 6 page of the South Broadway Neighborhoods Sector Development Plan) allowed high intensity uses throughout the area. The Plan recommended that: (1) Industrial uses would be located between the railroad and Broadway Boulevard and south of Gibson Boulevard; (2) The area east of Broadway and north of Gibson would develop as high medium residential (12-20 Dwelling Units per acre); (3) Stadium, Gibson, and Broadway Boulevard would be major arterials. The South Broadway Neighborhoods Area was zoned SU-2 Special Neighborhood Zone, Redeveloping Area, in the Comprehensive City Zoning Code, Article XIV, Chapter 7 of the Revised Ordinance of Albuquerque, New Mexico, 1974. The SU-2 zoning was adopted as part of the 1986 South Broadway Sector Plan Update, with specific land use categories. The entire subject site, lots 8, 9A, 10A, 11A, and C, are currently zoned SU-2/HM.

### ***Long Range Roadway System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Broadway Boulevard as a Principal Arterial, with a right-of-way of 124'.

Wesmeco Drive and Arno Street are both local streets.

### ***Public Facilities/Community Services***

Transit: ABQ Ride route #16/18 (Broadway-University-Gibson "The BUG") runs on Broadway. This route operates all day during weekdays. One bus stop is located in front of the subject site at 2912 South Broadway (Lot No. 8), and another is located on the lot just south of the subject site at 2944 South Broadway (Lot No. 12).

APS: East San Jose Elementary School serves the area.

Community Facilities: The following Community Centers are in the one-mile area surrounding the subject site: Jack Candelaria Community Center, Herman Sanchez/East San Jose Community Center, and Thomas Bell Community Center. Other community facilities include the South San Jose Tennis Courts, a softball field, and a materials testing lab.

## ***ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES***

Policy Citations are in Regular Text; ***Staff Analysis is in Bold Italics***

### ***Albuquerque Comprehensive Zoning Code***

The applicant is proposing to change the zoning at the subject site from SU-2 HM (Heavy Manufacturing) to SU-2/SU-1 HC (Heavy Commercial) and sales, rental, repair and outdoor storage of heavy equipment. The current business is Ahern Rentals, who conducts the rental, repair, staging, and storage of heavy equipment. The applicant is seeking to expand their business to include a hardware store. The current zoning (HM) does not allow sales, but the proposed zoning (HC) would

---

allow this use. While HC zoning does not allow outdoor storage of heavy equipment, this would be allowed in a SU-1 zone.

The South Broadway Neighborhoods Sector Development Plan describes the Heavy Manufacturing/HM land use as corresponding to the M-1 zone in the Comprehensive City Zoning Code (page 47 of the Sector Plan). One of the exceptions, according to the Sector Plan, is that uses permissive in the M-2 zone are conditional. Some of the permissive uses of the M-2 zone include blast furnace, boiler works, iron or steel foundry or fabrication plant, manufacture of chemicals, plastics, soap, or tar products, railroad repair shop, and salvage yard.

The proposed zone is SU-2/SU-1 HC and sales, rental, repair and outdoor storage of heavy equipment. The Heavy Commercial/HC land use corresponds to the C-3 Heavy Commercial zone in the Comprehensive City Zoning Code with the following exceptions: 1) uses conditional in the C-3 zone, and 2) uses permissive in the M-1 zone are allowed as conditional (page 46 of the Sector Plan). Referring to C-3 (Heavy Commercial), the City Zoning Code states that “this zone provides suitable sites for C-2 uses, wholesale commercial uses, and some light industrial uses which cause no vibration discernible beyond the premises” (Section 14-16-2-18). The SU-1 zone “provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design” (Section 14-16-2-22). The SU-1 designation also requires that the EPC review a site development plan.

The proposed zone (HC) will be less intense than the current zone (HM) in that it will not allow permissive uses in the M-2 zone (permissive uses in the M-2 zone are conditional in the HM zone in the Sector Plan). The proposed zone will also allow uses that are more compatible with the existing uses that surround the property, such as Heavy Commercial (which is currently located across Broadway Boulevard to the west) and Residential uses, which are located to the north, south, and west of the subject site.

### **Albuquerque / Bernalillo County Comprehensive Plan**

The subject site is located in the area designated Central Urban by the Comprehensive Plan with a Goal to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of City. The Central Urban Area is also a portion of the Established Urban Area and as such is subject to policies in II.B.5 (Developing and Established Urban Areas) as well as those in II.B.6 (Central Urban Area). The Goal of II.B.5 is to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” The applicant cited II.B.5e, II.B.5i, II.B.5o, II.D.6a, and II.D.6b in the Comprehensive Plan to support the Zoning Map Amendment. Policy II.B.5d was not cited by the applicant but also applies to the request.

Applicable policies include:

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

---

*Policy d is furthered by this request because the new zone will allow the expansion of a use that has been compatible with the surrounding area and respect existing neighborhood values. The new zoning designation (HC) will also be less intense than the current zoning (HM), and will fit in better in neighborhood with residential uses.*

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

Policy II.B.5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

*The applicant states that they would increase the number of jobs available in the area with the addition of a neighborhood hardware center and that this increased activity would introduce a more diverse labor staff. The applicant also states that the proposed zone change and subsequent property improvements would encourage additional economic development in an area which benefits greatly from the support of local merchants. By encouraging additional economic development in this area the applicant is helping to redevelop and rehabilitate the South Broadway neighborhoods. Policies e, i and o are furthered by this request because the site is located in an area that is in need of services, employment and redevelopment. An increase in the number of jobs and a more diverse labor staff would benefit the local community. The site has access to a full range of municipal services. The applicant did not address any of the adverse effects of noise, lighting, pollution, and traffic on neighboring residential environments. However, staff believes that with the exception of traffic, none of these adverse effects would be increased because of the improved landscaping and walls. Traffic would increase to some extent, but a Traffic Impact Study was never required by the City Traffic Engineer. The conditions of the City Engineer, Municipal Development, Water Authority and NMDOT can be found in the City of Albuquerque comments, starting on page 20.*

### **Economic Development**

The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

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

Policy II.D.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

*The applicant states that they will add more diversity by introducing additional jobs to the area. The new zone will allow the expansion of an existing business and diversify economic*

---

*development in the area. This may also provide jobs for area residents. The South Broadway area is a Pocket of Poverty area and a Metropolitan Redevelopment Area; both of these designations indicate that the area has been in decline. Policies a and b, and the goal are furthered by this request.*

### **South Broadway Neighborhoods Sector Development Plan (Rank III)**

The South Broadway Neighborhoods Sector Development Plan was adopted in 1979, and revised in 1986. It is identified as a rank three plan. In conformance with its higher ranking plans, the Sector Plan serves as an official guide for new development, redevelopment, and conservation of the South Broadway area. The South Broadway Sector Plan area is bounded by Coal on the north, Woodward on the south, the railroad tracks on the west and Interstate 25 on the east. The applicant cited Goals 1, 4, and Objectives 3 and 8 (pages 2-3) in the Sector Development Plan. Applicable policies include:

Goal 1: Elimination of conditions which are detrimental to the public health, safety, and welfare.

Goal 4: Improvement of economic conditions through coordinated City and private actions.

*The applicant states that the implementation of the upgrades to the existing parcels would remove less desirable conditions (such as overgrown vegetation and aging structures on lot 8) and place new structures, new landscaping, new pavement, and new sidewalks on the property. The proposed development would also eliminate a large paved parking area with unsightly fences and small temporary structures. Staff agrees that a new structure complete with signage, landscaping and a new improved parking lot would help eliminate conditions which are detrimental to the public health, safety, and welfare. The new structure would help to improve economic conditions by offering more jobs and a greater variety of services to neighborhood residents. The request furthers goals 1 and 4.*

Objective 3: Preserve, rehabilitate, upgrade and recognize the historic character of neighborhoods in the South Broadway Area.

Objective 8: Stabilize the land use patterns to provide a separation and buffer between residential and industrial areas.

*The proposed zoning would help to preserve and upgrade the historic character of the South San Jose neighborhood in the South Broadway Area, and help to stabilize land use patterns in the area by providing a buffer between residential and industrial areas. There are residential areas on three sides (north, south, and west) of the subject site. In the South Broadway Neighborhoods Sector Development Plan there is also a recommendation for Industrial Zoning that abuts residential use. The recommendation is that Heavy Commercial Zoning would provide a commercial transition between manufacturing and residential uses (page 40 Sector Plan). The proposed new landscaping around the entire property and new masonry wall which would replace a chain link fence on the south side of the property, and new retaining wall on the east side of the property would help to improve buffering and make the subject site more attractive. This would*

---

*help to stabilize the surrounding residential neighborhood and preserve and rehabilitate the historic character of the neighborhood. The request furthers objectives 3 and 8.*

**Resolution 270-1980 (Policies for Zone Map Change Applications)**

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

- A. *The applicant makes the case that the addition of the hardware store will improve the overall aesthetic and functionality of the existing business by adding landscape buffers, paving more of the property, and upgrading the fencing. Staff agrees that these improvements and the zone change will be consistent with City policies and will not compromise the health, safety, and welfare of the City.*
- B. *The applicant points out that the suggested zone reclassification would allow for both the hardware store and the existing rental equipment uses to reside on the premises jointly while keeping with the present zoning conditions surrounding those premises. The surrounding zoning conditions are similar to the proposed zone change of Heavy Commercial. Zoning to the south is Limited Commercial Residential with a land use of single family, zoning to the west is Heavy Commercial with land uses of manufacturing and warehousing and a Mixed Residential Zone with a land use of single family, zoning to the north is Heavy Manufacturing with land uses of Single Family and Office, while zoning to the east is Light Manufacturing with a vacant land use. The subject site, which is proposed to have Heavy Commercial zoning with manufacturing and warehousing land uses, fits in well with the surrounding properties and would even act as a buffer between the Heavy Manufacturing zone to the north and the Limited Commercial Residential zone to the south. Staff agrees that the proposed zone reclassification (SU-2/SU-1 Heavy Commercial and sales, rental, repair and outdoor storage of heavy equipment) would allow for stability of land use and zoning, and would be consistent with the surrounding zoning and land use.*
- C. *The proposed change is not in significant conflict with adopted elements in the Comprehensive Plan or other City Plans. The applicant proposes to improve economic conditions in the South Broadway area by improving the current site and by adding a neighborhood hardware store. The applicant points out that one of the goals of the South Broadway Neighborhoods Sector Development Plan is “improvement of economic conditions.” This goal would be furthered by changing the zoning to allow the operation of a hardware store. The new hardware store would add additional services and employment opportunities for those in the South Broadway area. The applicant has also cited a preponderance of Comprehensive Plan Policies (II.B.5e, II.B.5i, II.B.5o, II.D.6a and II.D.6b) and Goals and Objectives (Goals 1 and 4, and Objectives 3 and 8) in the Sector Development Plan that further this request (on pages 3, 4 and 5 of this report).*

- 
- D. The applicant has demonstrated that the proposed zoning (HC) would be more appropriate than the existing zoning (HM). The applicant points out that while the present zoning does not allow for a combination of uses, a modification would allow for these activities to reside together and provide the area with additional jobs, convenience of a hardware store, and upgraded landscaping and site beautification. The applicant also demonstrates that the proposed facility would support the Comprehensive Plan section 1.5 (Developing Urban & Established Urban Areas – Redevelopment) that proposes improving economic development conditions, commercial revitalization, job creation, and correcting conditions of deterioration and blight. Staff agrees that the South San Jose neighborhood is a predominantly low-income sector and that the addition of new jobs would add to the overall economic development of the area, and that the aesthetic upgrades would be more appealing to the neighborhood. As a result, a different use category (HC) would be more advantageous to the community.*
- E. The applicant makes the case that the proposed zoning (HC) was developed to allow for uses which are considerably less harmful than the existing zoning (HM). Staff agrees that the improvements to the property would provide better facilities and would be less harmful than the current zoning. However, it should be pointed out that the South Broadway Neighborhoods Sector Development Plan does allow M-1 (Light Manufacturing) permissive uses as conditional in the HC zone. M-2 (Heavy Manufacturing) uses are not allowed.*
- F. The subject site is served by existing infrastructure. This request would not result in additional City capital expenditures.*
- G. Economic considerations have not been the determining factor in this analysis.*
- H. The subject site’s location on Broadway Boulevard is not the only justification for this request.*
- I. This request will not create a spot zone. There is SU-2 HC zoning directly across the street to the west of the proposed subject site.*
- J. This request does not constitute a strip zone.*

## **ANALYSIS OF SITE DEVELOPMENT PLAN FOR SUBDIVISION/BUILDING PERMIT**

### ***Site Plan Layout / Configuration***

The subject site is approximately 4.4 acres in size and is identified as lots 8, 9A, 10A, 11A, and C. The applicant is seeking to expand their business to include a hardware store, while retaining the existing business that allows customers to rent equipment. The proposed development is for a proposed 40,330 square foot hardware store and rental facility. An existing 10,704 square foot building on the east side of the property is recommended for demolition. In place of the existing building that will be demolished will be a 14 foot tall above ground propane tank, a 6’11” tall above ground fuel station, and a 22 foot tall washrack. The washrack will be used to clean equipment.



To the west of the subject site are manufacturing and warehousing uses (A & E Auto Sales Frame and Body Work), and single family housing. To the south is single family housing, while to the east is vacant City and County land that is zoned M-1. To the north is single family housing and office.

The site development plan for building permit indicates that the proposed building will be oriented to face north, while the west side of the building will face Broadway Boulevard. The primary parking area will also be on the north side of the proposed building along with the primary entrance. To the south and east of the building is an equipment staging area, while the trash enclosure is located in the far southeast corner of the property. On the west side of the building is an amenity zone with benches and a sidewalk plaza.

The site development plan and planting plan both show Arno Street on the east side of the property to be right up against the subject site, while the conceptual grading and drainage plan and the conceptual utility plan show Arno Street to be separated from the property. Arno Street is in fact separated from the property (the distance between Arno Street and the property increases as you go south). This area between the fence and Arno Street is currently used for employee parking. The site plan and planting plan must also show the separation of Arno from the property.

The proposed building height and setbacks comply with Heavy Commercial Zone regulations, which refer back to the O-1 zone.

### ***Walls/Fences***

The applicant will replace the existing chain link fence on the south side of the property (that abuts single family residential) with a new 8 foot high grey masonry wall. A new grey retaining wall will also accompany the existing 8 foot high wrought iron fence on the east side of the property that faces Arno Street. The height of the new grey retaining wall must be identified on the site plan, and not just the grading and drainage Plan. The existing 8 foot high masonry wall on the north side will remain as will the 8 foot high wrought iron fence on the west side of the site. The 8 foot high wrought iron fence on the west side of the property is in conflict with Section 14-16-2-18 of the Zoning Code, as a result of the Mixed Residential zone that is directly across the street on Broadway Boulevard. The Zoning Code states that "Uses which must be conducted in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high, which must be solid when it faces or abuts land not zoned C-2, C-3, M-1, or M-2." Because the wrought iron fence is not solid and because it is directly across the street from a residential zone it is in conflict with the Zoning Code. However, because only a small portion of the property (the northern part of the property – lot 8) faces the Mixed Residential zone, and because the applicant will be adding landscaping of various trees, shrubs, and ground cover in a 10 foot front landscape easement, and because the existing 8 foot wrought iron fence is in good condition and uses will be separated by Broadway Boulevard (a principal arterial of 124 feet), staff believes that screening will be sufficient for the residential area across the street. Strict compliance with Section 14-16-2-18 would result in a solid wall facing Broadway Boulevard (a principal arterial) and obstructing views of the two existing City bus stops for route 16/18.

The gray on the new retaining wall on the east and south side will match the gray masonry and siding of the proposed building. The existing wrought iron fence on the west side is black, while the existing concrete block wall on the north side is a beige color.

### ***Vehicular Access, Circulation and Parking***

Common vehicular access is provided through a new driveway to be constructed on the northwest side of the property off of Broadway Boulevard, and through another driveway on the southwest side of the property along Broadway Boulevard. The driveway on the northwest side will provide access to the parking lot and to the entrance on the north side of the building. The other driveway on the southwest side of the property will allow for equipment and delivery staging, trash pick-up, and act as a fire access lane.

Parking requirements (with the 10 percent transit reduction) would require 107 off-street parking spaces for this subject site, and 114 parking spaces are provided. The Site Plan for Building Permit shows the 10 percent transit reduction to be 14, but it should be 12, and the total should be 107 instead of 105. Ten percent of 119 (parking spaces before the transit reduction is taken into account) is 11.9 (rounded up is 12). Sufficient handicapped and motorcycle parking are provided.

### ***Pedestrian and Bicycle Access and Circulation, Transit Access***

There are currently no bike lanes, routes, or trails that run along Broadway Boulevard by the subject site. The nearest bike lane is located north on Broadway between Gibson and Avenida Cesar Chavez. However, there is a proposed bike lane on Broadway that would pass by the subject site.

A new 5 foot sidewalk will be built outside the fence along Broadway Boulevard for the length of the subject site. This new sidewalk will all allow easier pedestrian access to the nearby bus stops. There will also be a new sidewalk plaza along the west side of the building (that will be 33 feet at its narrowest point, 51 feet at its widest point and 121 feet in length) and a new 10 foot sidewalk on the north side of the building that leads to the primary entrance. The standard grey concrete pedestrian access points are shown on the site plan as only 5 feet in width. The site plan must show that all pedestrian walkways should be a minimum of 6 feet in width (Section 14-16-3-1-H).

The subject site is served by transit. One bus stop is located in front of the subject site at 2912 South Broadway (Lot No. 8), and another is located on the lot just south of the subject site at 2944 South Broadway (Lot No. 12). These two bus stops provide transit access to ABQ Ride Route #16/18 "The BUG" Broadway-University-Gibson. This route serves the area on weekdays and Saturdays from early morning to early evening, and on Sundays from mid-morning to late afternoon.

### ***Lighting and Security***

The proposed height of the light poles is 16 feet, which is in compliance with Section 14-16-3-9, when within 100 feet of a residential zone. The site details also states that they will use sharp cut-off fixtures at property lines, light fixtures shall be fully horizontal so that not fugitive light shall escape beyond the property line, and no light source shall be visible from the site perimeter. All lighting should comply with Section 14-16-3-9 Area Lighting Regulations of the Zoning Code. The Site Details should reflect this.

### ***Landscaping***

The planting plan (landscape section) shows the net lot area to be 148,622.92 square feet. However, because the proposed hardware store and Ahern rental building is 40,330 square feet, the net lot area should be 152,292.92. This also changes the 15 percent required landscape total to 22,844, instead of 22,298. As a result, the total landscape area of 22,410 square feet does not meet the 15 percent of the net lot area (22,844 square feet) that is required in Section 14-16-3-10. The applicant will have to add more landscaping to be in compliance with the City Zoning Code.

The landscape section of the design standards generally complies with the City's Water Conservation Ordinance and Pollen Ordinance by emphasizing plants that do not use excessive amounts of water or that emit too much pollen. However, the Kentucky Coffee Tree is a very messy tree, in that it drops its 3 foot long leaf stems, as well as the leaves and seed pods. It also has bare branches for 6 months of the year, which means it would not function as a good shade tree and as a landscape buffer from the surrounding neighborhoods. It is very important that there be a sufficient landscape buffer in the South Broadway area. A recommendation in the South Broadway Neighborhoods Sector Development Plan states "The City should encourage the creation of physical barriers between residential areas and commercial and manufacturing areas through landscaping." The Sector Plan also points out that "manufacturing and heavy commercial uses that that did develop have been, for the most part, unattractive and poorly buffered from residences. This has had the effect of destabilizing residential areas by creating pressure for conversion to more intense uses and impacting negatively on surrounding residential area." While the zone change is requesting a less intensive use from HM (Heavy Manufacturing) to HC (Heavy Commercial), it is crucial that the landscaping shield the neighborhood from the sales, rental, repair, and outdoor storage of heavy equipment. The Lacebark Elm has a high allergy potential. The planting plan (landscape section) should not include the Kentucky Coffee Tree because it is a messy tree and has bare branches 6 months of the year, and should not include the Lacebark Elm because it has a high allergy potential. Staff recommends replacing the Kentucky Coffee Tree and the Lacebark Elm with the Common Hackberry (which reaches an approximate height of 40 feet, is a medium water user, and has a low allergy potential), or adding more Chinese Pistache or Bur Oak trees. The shrubs mentioned in the landscape schedule of the planting plan are actually all small to medium size trees (15 to 25 feet high). The plant list should identify more shrubs that would work well in this area and have low to medium allergy potential or water use. Some examples would include Apache Plum, Creeping Rosemary, and India Hawthorn. Desert Carpet and Lantana should be considered annuals in our zone because

they could freeze. They should be replaced by groundcovers on the City Foresters List that have low water use and allergy potential.

The planting plan also has no mention of the number of plants or the minimum plant size at time of installation, which are 2 inch calipers for trees and 1 gallon shrubs and groundcovers. The landscape schedule in the planting plan shall show the number of plants for each variety and show the minimum plant size at time of installation. All landscaping shall comply with Section 14-16-3-10 Landscaping Regulations of the Zoning Code.

### ***Public Outdoor Space***

A new sidewalk plaza/amenity zone will be located on the west side of the building facing Broadway Boulevard. This sidewalk plaza will range from approximately 33 feet wide at the north end to 52 feet wide at the south end (when measured from the west side of the building to the far west end of the sidewalk plaza), and be approximately 121 feet long. There will be 5 benches in the sidewalk plaza and it will be shaded by trees in the plaza itself and by a number of trees and shrubs on the 10 foot front landscape area that buffers the building from Broadway Boulevard. The site plan and none of the accompanying design sheets show the width or height of the benches in the sidewalk plaza. Benches shall be a minimum of 15 inches in height and 24 inches in width (Section 14-16-3-18-C3 of the Zoning Code).

### ***Grading, Drainage, Utility Plans***

Both the grading and drainage plan and the conceptual utility plan are drawn in the same graphic scale (1 inch equals 30 feet) as the site plan and planting plan; however, the grading and drainage plan and conceptual utility plan do not fit this scale. Both the grading and drainage plan and the conceptual utility plan need to be accurately drawn to scale.

The site currently drains from southeast to northwest to Broadway Boulevard. During a 100-year storm there would be ponding in the parking area around the storm inlets. There are four ponding areas on the property, which would have a maximum depth of 0.70 feet that are shown on sheet C1 conceptual grading and drainage plan. Both Basin 1 (the northern portion of the site) and Basin 2 (the southern portion) have two storm inlets each which would collect runoff from the basin during a 100-year storm. The dirt is higher on the east side of the retaining wall (located on the southeast side of the property) than on the west side.

Grading and drainage plans have been submitted and reviewed by the appropriate agencies. The Hydrology Section has no adverse comments regarding the sector development plan map amendment. PNM has overhead electric lines along the west side of Broadway in the vicinity of the property and gas along the south side of the parcels. The proponent will need to contact PNM for service to the area. There is an overhead three-phase line on the west side of Broadway. There is a single-phase line on the east side of the property. Any changes or realignment of the single-phase overhead distribution line will be at the customer's expense.

The Solid Waste Management Department disapproved the dumpster. They are requiring a double enclosure, which includes required recycle area.

### ***Architecture***

The proposed development is an L-shaped building of 40,330 square feet. The building will have grey metal roofing with white horizontal metal siding and grey vertical metal siding. Grey masonry will be accompanied with red accent banding. The roll-up doors, steel service doors, and roof leaders will be painted to match the building. The building elevations sheets (A200 & A201) should show the length of the buildings.

The building entrance should be more prominent. It needs to comply with Section 14-16-3-18-D1 of the Zoning Code (Building Entrances) which states that primary entrances along major facades shall be clearly defined with facade variations, porticos, roof variations, recesses or projections, or other integral building forms.

### ***Signage***

One free standing sign and three building mounted signs are proposed. The free standing sign is 26 feet high and will have a top sign for Ahern Rentals (92 square feet) and a bottom sign for ABC Hardware (37 square feet). The building mounted signs will be on top of white horizontal metal siding on the north, west, and south sides of the proposed building. The signage is in compliance with the signage regulations in the C-3 Heavy Commercial Zone, and with the General Sign Regulations in Section 14-16-3-5 of the Zoning Code.

### ***CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION***

City Departments and other interested agencies reviewed this application from 11/5/2007 to 11/28/2007. Agency comments begin on page 20.

PNM has overhead electric lines along the west side of Broadway in the vicinity of the property and gas along the south side of the parcels. The proponent will need to contact PNM for service to the area. There is an overhead three-phase line on the west side of Broadway. There is a single-phase line on the east side of the property. Any changes or realignment of the single-phase overhead distribution line will be at the customer's expense.

The Solid Waste Management Department disapproved the dumpster. They are requiring a double enclosure, which includes required recycle area.

### ***NEIGHBORHOOD/PUBLIC CONCERNS***

There are no recognized Neighborhood Associations in this area and no comments have been received concerning this request.

### ***CONCLUSIONS***

This is a request for a sector development plan zone map amendment and site development plan for building permit for all or portion of lots 8, 9A, 10A, 11A, & C, block C, South Broadway Acres Unit 1, located on Broadway SE between Wesmeco SE and Bethel SE containing

approximately 4.4 acres. The applicant proposes to change the subject's site zoning from SU-2 HM to SU-2/SU-1 HC and sales, rental, repair and outdoor storage of heavy equipment.

The applicant has justified both the sector development plan map amendment request and the site development plan for building permit request, based on applicable plans and policies in the Comprehensive Plan and the South Broadway Neighborhoods Sector Development Plan. There is no known opposition to the request and staff recommends approval with conditions.

***FINDINGS – 07EPC 40047, 12/20/07, Sector Development Plan Zone Map Amendment***

1. This request is for review and approval of a sector development plan map amendment for all or a portion of lots 8, 9A, 10A, 11A, & C, block C, South Broadway Acres Unit 1 from SU-2 HM to SU-2/SU-1 HC and sales, rental, repair and outdoor storage of heavy equipment, located on Broadway SE between Wesmeco SE and Bethel SE containing approximately 4.4 acres.
2. The applicant proposes to expand their business and to include a hardware store (Ahern Rentals/ABC Hardware).
3. The subject site lies within the boundaries of the South Broadway Neighborhoods Sector Development Plan (1986).
4. The request furthers applicable policies of the Comprehensive Plan as follows:
  - Policy II.B.5d – The location, intensity, and design of this request does respect existing neighborhood values and environmental conditions. The new zone will allow the expansion of a use that has been compatible with the surrounding area. The new zoning designation (HC) will be less intense than the current zoning (HM).
  - Policy II.B.5e – The subject site is contiguous to existing urban facilities and services, and the integrity of the existing neighborhood can be ensured with proposed zoning (HC), which is less intense than the current zoning (HM).
  - Policy II.B.5i – The effects of the noise, lighting, and pollution will be mitigated by the landscaping and wall improvements that are proposed on the property.
  - Policy II.B.5o – The South San Jose neighborhood will be strengthened by the addition of a hardware retail store, which will provide job opportunities and diversify economic development.
5. The Comprehensive Plan policies for II.D.6a and II.D.6b for Economic Development support the proposal. The new building and site improvements will allow the expansion of an existing business, diversify economic development in the area, and help provide jobs for area residents.
6. The proposed sector development plan map amendment is supported by the following goals and objectives of the South Broadway Neighborhoods Sector Development Plan:
  - Goal 1: Elimination of conditions which are detrimental to the public health, safety, and welfare.
  - Goal 4: Improvement of economic conditions through coordinated City and private actions.
  - Objective 3: Preserve, rehabilitate, upgrade and recognize the historic character of neighborhoods in the South Broadway Area.
  - Objective 8: Stabilize the land use patterns to provide a separation and buffer between residential and industrial areas.

- 
7. The applicant has adequately justified the zone change request pursuant to Resolution 270-1980:
    - A. The proposed zoning is consistent with the health, safety, morals, and general welfare of the City because a HC zone allows more variety, such as the addition of a hardware store. Adding improvements to the property such as landscape buffers and new fencing will help to improve the subject site and the surrounding neighborhood.
    - B. The applicant has shown that the proposed zone change will contribute to stability of land use and zoning and would be consistent with the surrounding zoning and land use. The proposed zoning will act as a buffer between the HM zone to the north and the LCR zone to the south.
    - C. The proposed zone change is not in significant conflict with adopted elements of the Comprehensive Plan or other City Plans. The proposed zone change would support one of the goals of the South Broadway Neighborhoods Sector Development Plan which is “improvement of economic conditions” by allowing the operation of a hardware store, which would add additional services and employment opportunities for those in the South Broadway area. The applicant has also cited a preponderance of Comprehensive Plan Policies (II.B.5e, II.B.5i, II.B.5o, II.D.6a and II.D.6b) and Goals and Objectives (Goals 1 and 4, and Objectives 3 and 8) in the Sector Development Plan that further this request.
    - D. The applicant has demonstrated that a different use category is more advantageous to the local community. The applicant referred to the Comprehensive Plan section 1.5 (Developing Urban and Established Urban Areas – Redevelopment) that proposes improving economic development conditions, commercial revitalization, job creation, and correcting conditions of deterioration and blight.
    - E. The applicant makes the case that the proposed zoning (HC) was developed to allow for uses which are considerably less harmful than the existing zoning (HM). The permissive uses of the proposed zoning will not be harmful to the adjacent property and will fit in well with the surrounding zoning.
    - F. The subject site is served by existing infrastructure. This request would not result in additional City capital expenditures.
    - G. Economic considerations have not been a determining factor in this analysis.
    - H. The subject site’s location on Broadway Boulevard is not the only justification for this request.
    - I. This request will not create a spot zone. There is SU-2 HC zoning directly across the street to the west of the proposed subject site.
    - K. This request does not constitute a strip zone.
  8. There are no recognized neighborhood associations in the area. There is no known neighborhood or other opposition.



***RECOMMENDATION - 07EPC 40047, 12/20/07, Sector Development Plan Zone Map Amendment***

**APPROVAL of 07EPC a sector development plan zone map amendment from SU-2 HM to SU-2/SU-1 HC and sales, rental, repair, and outdoor storage of heavy equipment, for all or a portion of lots 8, 9A, 10A, 11A, and C, block C, South Broadway Acres Unit 1 based on the preceding Findings.**

---

***FINDINGS – 07EPC 40076, 12/20/07, Site Development Plan for Building Permit***

1. This request is for review and approval of a site development plan for building permit for all or a portion of lots 8, 9A, 10A, 11A, & C, block C, South Broadway Acres Unit 1, located on Broadway SE between Wesmeco SE and Bethel SE containing approximately 4.4 acres.
2. The site development plan for building permit (07EPC 40076) is dependent upon the accompanying sector development plan map amendment request (07EPC 40047), which is necessary to allow the proposed use. The sector development plan map amendment is justified per Resolution 270-1980 and applicable Comprehensive Plan and Sector Plan policies.
3. The applicant proposes to expand their business and to include a hardware store (Ahern Rentals/ABC Hardware).
4. The subject site lies within the boundaries of the South Broadway Neighborhoods Sector Development Plan (1986).
5. The following Comprehensive Plan policies for Developing and Established Urban Areas support the proposal:
  - Policy II.B.5d – The location, intensity, and design of this request does respect existing neighborhood values and environmental conditions. The new zone will allow the expansion of a use that has been compatible with the surrounding area. The new zoning designation (HC) will be less intense than the current zoning (HM).
  - Policy II.B.5e – The subject site is contiguous to existing urban facilities and services, and the integrity of the existing neighborhood can be ensured with proposed zoning (HC), which is less intense than the current zoning (HM).
  - Policy II.B.5i – The effects of the noise, lighting, and pollution will be mitigated by the landscaping and wall improvements that are proposed on the property.
  - Policy II.B.5o – The South San Jose neighborhood will be strengthened by the addition of a hardware retail store, which will provide job opportunities and diversify economic development.

6. The Comprehensive Plan policies for II.D.6a and II.D.6b for Economic Development support the proposal. The new building and site improvements will allow the expansion of an existing business, diversify economic development in the area, and help provide jobs for area residents.
7. The proposed sector development plan map amendment is supported by the following goals and objectives in the South Broadway Neighborhoods Sector Development Plan:
  - Goal 1: Elimination of conditions which are detrimental to the public health, safety, and welfare.
  - Goal 4: Improvement of economic conditions through coordinated City and private actions.
  - Objective 3: Preserve, rehabilitate, upgrade and recognize the historic character of neighborhoods in the South Broadway Area.
  - Objective 8: Stabilize the land use patterns to provide a separation and buffer between residential and industrial areas.

***RECOMMENDATION - 07EPC 40076, 12/20/07, Site Development Plan for Building Permit***

**APPROVAL of 07EPC a site development plan for building permit for all or a portion of lots 8, 9A, 10A, 11A, and C, block C, South Broadway Acres Unit 1 based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 07EPC 40076, 12/20/07, Site Development Plan for Building Permit***

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The site plan and planting plan need to show the proper alignment of Arno Street. It should be shown as separated from the road as it is shown on both the conceptual grading and drainage plan and the conceptual utility plan.
4. The height of the new retaining wall needs to be identified on the site plan.

- 
5. On the parking calculations portion of the site plan, the total number of spaces for the transit reduction needs to be reduced to 12 (in place of 14), and the total number of parking spaces needs to be 107 (in place of 105).
  6. Pedestrian walkways shall be a minimum of 6 feet in width (Section 14-16-3-1-H of the Comprehensive City Zoning Code).
  7. The description of the light pole detail in the site details must state that all lighting shall comply with Section 14-16-3-9 of the Comprehensive City Zoning Code.
  8. Landscaping:
    - a. The site areas section of the planting plan needs to replace the net lot to 152,292.92 square feet, and the 15 percent required landscape to 22,844 square feet. The provided landscape (22,410 square feet) also needs to at least meet the 15 percent requirement of 22,844 square feet (Section 14-16-3-10 of the Comprehensive City Zoning Code).
    - b. The planting plan should not include the Kentucky Coffee Tree because it is messy and has bare branches 6 months of the year. It should be replaced by an appropriate tree on the City Foresters list.
    - c. The planting plan should not include the Lacebark Elm because it has a high allergy potential. It should be replaced by an appropriate tree on the City Foresters list.
    - d. The ground covers Desert Carpet and Lantana on the planting plan should be removed from the list because they are considered annuals in our zone and could freeze. They should be replaced by appropriate groundcovers on the City Foresters list.
    - e. The landscape schedule in the planting plan shall show the number of plants for each variety and show the minimum plant size at time of installation.
  9. The site plan or site details need to state that benches in the sidewalk plaza/amenity zone shall be a minimum of 15 inches in height and 24 inches in width (Section 14-16-3-18-C3 of the Zoning Code).
  10. Both the grading and drainage plan and the conceptual utility plan need to be accurately drawn to scale (1 inch equals 30 feet).
  11. The building elevation sheets (A200 & A201) need to show the length of the buildings.
  12. The building entrance should be more prominent. It needs to comply with Section 14-16-3-18-D1 of the Zoning Code which states that primary entrances along major facades shall be clearly defined with facade variations, porticos, roof variations, recesses or projections, or other integral building forms.

13. The refuse receptacle requires double enclosure, which includes required recycle area per Solid Waste Management Department.
14. CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:
- 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). In addition, improvements to Arno Street (not adjacent to site) may be required to accommodate trucks entering and/or exiting the site from the east gate.
  - b. Queuing analysis required at both site drives. The queuing analysis at main site drive is to determine the left turn lane length on Broadway and whether a northbound right turn deceleration lane is required. The queuing analysis at secondary site drive (fire access lane) is to determine gate placement from Broadway. Applicant is responsible for all street and median improvements to Broadway as required for left turn and right turn deceleration lanes.
  - c. Platting to be a concurrent DRB action.
  - d. Site plan shall comply and be designed per DPM Standards.
- 

***Randall Falkner  
Planner***

cc: Aptus Architecture, 1200 S. 4th St. Ste 206, Las Vegas, NV 89104  
Don Ahern, 1611 W. Bonanza, Las Vegas NV 89105

***Attachments***

---

---

## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### **Zoning Code Services**

Reviewed: no comments

#### **Office of Neighborhood Coordination**

No Neighborhood Associations

New Comments for 12/20/07

**No Neighborhood Association(s)**

#### **Advanced Planning**

The proposed SU-2/NCR zoning seems more advantageous to the community and compatible with the neighboring SU-2/LCR. We see no negative consequences.

New Comments for 12/20/07

#### Zone Map Amendment

The proposed zone will allow uses that should be compatible with the existing uses and also may provide a benefit to the community by allowing the retail hardware store.

#### Site Plan

The landscape plan has a good choice of low water plants.

The site plan shows slits in the top of the building - will the building be lit using natural light? This would be a positive energy saving addition.

### ***PUBLIC WORKS DEPARTMENT***

#### **Transportation Development (City Engineer/Planning Department):**

- Reviewed, no comments.

#### **Hydrology Development (City Engineer/Planning Department):**

- The Hydrology Section has no adverse comments regarding the Sector Development Plan amendment.

#### **Transportation Planning (Department of Municipal Development):**

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

#### **Traffic Engineering Operations (Department of Municipal Development):**

- No comments received.

**Street Maintenance (Department of Municipal Development):**

- No comments received.

**Utility Development (Water Authority):**

- No comments received.

**Water Resources, Water Utilities and Wastewater Utilities (Water Authority):**

- No comments received.

**New Mexico Department of Transportation (NMDOT):**

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT,  
WATER AUTHORITY and NMDOT:**

Conditions of approval for the proposed Amendment to the Sector Development Plan shall include:

- a. None.

**New Comments for 12/20/07**

**Transportation Development (City Engineer/Planning Department):**

- 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). In addition, improvements to Arno Street (not adjacent to site) may be required to accommodate trucks entering and/or exiting the site from the east gate.
- Queuing analysis required at both site drives. The queuing analysis at main site drive is to determine the left turn lane length on Broadway and whether a northbound right turn deceleration lane is required. The queuing analysis at secondary site drive (fire access lane) is to determine gate placement from Broadway. Applicant is responsible for all street and median improvements to Broadway as required for left turn and right turn deceleration lanes.
- Platting to be a concurrent DRB action.
- Site plan shall comply and be designed per DPM Standards.

**Hydrology Development (City Engineer/Planning Department):**

- No comments received.

**Transportation Planning (Department of Municipal Development):**

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

**Traffic Engineering Operations (Department of Municipal Development):**

- No comments received.

**Street Maintenance (Department of Municipal Development):**

- No comments received.

**Utility Development (Water Authority):**

- No comments received.

**Water Resources, Water Utilities and Wastewater Utilities (Water Authority):**

- No comments received.

**New Mexico Department of Transportation (NMDOT):**

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT,**

**WATER AUTHORITY and NMDOT:**

Conditions of approval for the proposed Site Development Plan for Building Permit shall include:

- 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). In addition, improvements to Arno Street (not adjacent to site) may be required to accommodate trucks entering and/or exiting the site from the east gate.
- b. Queuing analysis required at both site drives. The queuing analysis at main site drive is to determine the left turn lane length on Broadway and whether a northbound right turn

deceleration lane is required. The queuing analysis at secondary site drive (fire access lane) is to determine gate placement from Broadway. Applicant is responsible for all street and median improvements to Broadway as required for left turn and right turn deceleration lanes.

- c. Platting to be a concurrent DRB action.
- d. Site plan shall comply and be designed per DPM Standards.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

**Environmental Services Division**

**City Forester**

**PARKS AND RECREATION**

**Planning and Design**

**Open Space Division**

Open Space has no adverse comments

**New Comments for 12/20/07**

Open Space has no adverse comments

**POLICE DEPARTMENT/Planning**

**New Comments for 12/20/07**

South Broadway Substation

No other comments.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

Approved on condition, will comply with all SWMD ordinances and requirements, and have required recycle area also.

**New Comments for 12/20/07**

Disapproved, requires double enclosure, which includes required recycle area.



***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

## ***COMMENTS FROM OTHER AGENCIES***

### ***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

Reviewed, no comment.

#### ***New Comments for 12/20/07***

**South Broadway Acres Unit 1**, Lots 8, 9A, 10A, 11A, and C, Block C, is located on Broadway SE between Wesmeco SE and Bethel SE. The owner of the above property requests approval for a site development plan and building permit for a combined rental/retail facility for Ahern and Ace Hardware. This will have no adverse impacts to the APS district.

### ***ALBUQUERQUE PUBLIC SCHOOLS***

No adverse comment

#### ***New Comments for 12/20/07***

Reviewed, no comment.

### ***MID-REGION COUNCIL OF GOVERNMENTS***

### ***PUBLIC SERVICE COMPANY OF NEW MEXICO***

PNM has overhead electric lines along the west side of Broadway in the vicinity of the property and gas along the south side of the parcels. The proponent will need to contact PNM for service to the area. There is an overhead three-phase line on the west side of Broadway. There is a single-phase line on the east side of the property. Any changes or realignment of the single-phase overhead distribution line will be at the customer's expense

#### ***New Comments for 12/20/07***

No comment based on the information provided to date. It is the applicant's obligation to determine if utility easements cross the property and to abide by any conditions or terms of those easements.