



**Environmental
Planning
Commission**

**Agenda Number: 15
Project Number: 1006606
Case #: 07EPC 40033
October 18, 2007**

Staff Report

Agent	Tierra West LLC
Applicant	Taco Cabana
Request	Site Development Plan for Building Permit
Legal Description	Lot B1B, Video Addition
Location	Eubank Blvd SE, between Central Ave and Southern Ave SE
Size	Approximately 0.675 acres
Existing Zoning	C-2
Proposed Zoning	Same

Staff Recommendation

APPROVAL of 07EPC 40033, based on the findings on page 8, and subject to the conditions of approval on pages 9-11.

Staff Planner

Anna DiMambro, Planner

Summary of Analysis

This is a request for a site development plan for building permit for Lot B1B, Video Addition, an approximately 0.675 acre site located on Eubank Boulevard SE between Central and Southern. The site is currently zoned C-2, and the applicant is proposing to construct a Taco Cabana drive-through restaurant. Commercial uses are located to the north, east, and south of the subject site, and manufacturing uses are located to the west.

There are some problems with the site layout – namely the pedestrian connection to the shared parking area and the location of the drive-thru window. The applicant has adequately demonstrated that no alternatives exist, and staff finds that site constraints justify these issues. Overall, staff finds that the submittal meets the intent of adopted city policies and regulations. Staff recommendation is for approval with conditions.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 7/9/2007 to 7/20/2007. Agency comments were used in the preparation of this report and begin on page 12.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	C-2	Established Urban	Vacant
<i>North</i>	C-2	Established Urban	Commercial
<i>South</i>	C-2	Established Urban	Commercial
<i>East</i>	C-2	Established Urban	Commercial
<i>West</i>	M-1	Established Urban	Manufacturing

Background, History and Context

This is a request for a site development plan for building permit for Lot B1B, Video Addition, an approximately 0.675 acre site located on Eubank Boulevard SE between Central and Southern. The site is currently zoned C-2, and the applicant is proposing to construct a Taco Cabana drive-through restaurant. Commercial uses are located to the north, east, and south of the subject site, and manufacturing uses are located to the west.

The subject site is a pad site in the larger Home Depot development, which was granted EPC approval for a site development plan for subdivision and for building permit in 1994. Future phases were required to be reviewed by the EPC, including this proposed development. The governing site development plan for subdivision contains very few design standards. In 2000, site development plans for subdivision and for building permit for the subject site were submitted for EPC review. The proposed development was a drive-through bank. For reasons unknown to staff, this request was withdrawn.

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 Eubank Boulevard SE and Central Avenue as Principal Arterial roads, with a right-of-way of 124' (Established & Developing Urban) or 156' (elsewhere).

Public Facilities/Community Services

The subject site is located within one mile of several developed city parks, an undeveloped city park, several elementary schools, a middle school, a fire station, and a senior center. Bus routes

are located on Central Avenue and on Eubank Boulevard, and Central Avenue is an enhanced transit corridor.

A bike lane and a bike trail are proposed for Eubank adjacent to the subject site. Southern Boulevard east of Eubank has an existing bike lane.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

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

Albuquerque Comprehensive Zoning Code

The proposed use is permissive under the subject site's current zoning category, C-2. Because the subject site is part of a larger site development plan for subdivision of greater than 5 acres, it is required to comply with Shopping Center regulations. The proposal is in conformance with most regulations of the Zoning Code. Staff has recommended conditions of approval that will bring the submittal into compliance with all applicable regulations.

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the area designated Established Urban by the *Comprehensive Plan* with a Goal to "create a quality urban environment which perpetuates the tradition of identifiable, individual, but integrated communities within the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." Applicable policies include:

Developing and Established Urban Areas

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

The location, intensity, and design of this proposed development respect existing neighborhood values. Nearby residential areas are adequately buffered from the subject site by existing development. This request furthers this policy.

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

The subject site is contiguous to existing urban facilities. This proposal will not interfere with the integrity of existing neighborhoods due to the distance between the subject site and residential areas. This request furthers this policy.

Policy i: 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.

The subject site is located near a residential area, but not near enough to adversely affect the neighborhoods with noise, lighting, pollution, and traffic. This request furthers this policy.

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

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

The subject site is an existing commercial zoned site within a larger area-wide shopping center located at intersections of arterial streets. Mass transit is available. This request furthers this policy.

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

The design of the proposed restaurant is corporate architecture and cannot be considered innovative. However, the architecture is appropriate to the area, which is primarily auto-oriented and corporate. This request partially conflicts with this policy.

Water Conservation/Green Principles

The applicant has not proposed any specific water conservation methods or green principles for this project.

ANALYSIS OF SITE DEVELOPMENT PLAN FOR SUBDIVISION/BUILDING PERMIT

Site Plan Layout / Configuration

Because the surrounding area is primarily auto-dominated and corporate themed, this proposal fits in nicely with its surroundings. The building, though oriented toward the existing Home Depot store, is separated from it by a large parking lot that does not encourage walking from one store to the other. A portion of the required parking for the Taco Cabana is located on the pad site, while the remaining 15 spaces are shared with the Home Depot parking area. The dumpster is located on the north side of the building near the service entrance.

This case was originally scheduled to be heard at the August 2007 EPC hearing. The applicant has taken two 30-day deferrals to attempt to revise the site plan so that the drive-thru would not be located along Eubank. The applicant was unable to make this change and is going forward with the original site plan, with some slight modifications. This issue is discussed further in the "architecture" section of this staff report.

Building, height, setbacks, open space, and floor area ratio are in compliance with all applicable regulations. The proposed building reaches a maximum height of 22'. C-2 zoning allows 26' in height. Floor area ratio is low at 0.116. Open space, while not required, is provided in the form of an approximately 400 square foot dining patio on the south side of the building.

Walls/Fences

A wall is proposed for the west side of the site with the dual purpose of retaining as well as screening the drive-thru. Because the drive-thru is located along Eubank, screening (a minimum of 3' high) is required. The applicant has chosen to meet the screening requirement with a wall. The submittal shows a maximum of 18' of retainage with up to an additional 5' of wall on top. This would result in a wall up to 6'6" high. Staff recommends that the maximum height of the wall be limited to 3' above the retaining section. The retaining wall plus 3' in addition to the grade difference between the drive-thru window and the sidewalk will provide adequate screening to meet the intent of this requirement.

Portions of this wall over 4' high above the abutting grade on the public side must comply with Layout requirements in Section 14-16-3-19 (B)(2)(a) of the Zoning Code. The purpose of this section is to break up the massing of the wall. Addition of decorative features such as vertical pilasters would fulfill this requirement.

Vehicular Access, Circulation and Parking

Two vehicular access points to the subject site are proposed. Both are on the east side of the site adjacent to the Home Depot parking area and circulation system. Access to the Home Depot site is available from several points along Eubank – two of which are directly adjacent to the subject site. Motorists accessing the drive-thru will approach the building from the north, exiting on the south side of the building.

Parking areas are available on the east and south sides of the building. Required parking for a restaurant without a full service liquor license is one space per four seats. 146 seats are proposed. Therefore, 37 spaces are required. This should be corrected in the parking calculations. Due to the site's location within 300 feet of a transit route, the applicant is taking advantage of a 10% parking reduction, reducing the required number of spaces to 34. 19 spaces are provided on the subject site, including 3 disabled spaces. The applicant proposes to share parking with the Home Depot to gain the 15 additional spaces required. The applicant has provided two motorcycle spaces as required.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian and bicycle access to the site is via the existing sidewalks on Eubank and leading into the Home Depot site. Adequate pedestrian connections within the parking lot and to the south shared parking area have been provided. Pedestrian access to the shared parking with Home Depot to the east, however, is troublesome. The applicant has provided a pedestrian walkway across the main access to the north of the subject site. However, the submittal does not show pedestrian walkways crossing to the east. Staff recommends that these be added to the north of the subject site, at the south end of the subject site where the handicap access ramp is located, and also directly across from the main entrance to the proposed building. Staff finds that the proposed pedestrian connection to the shared parking is dangerous and inconvenient and should be reserved for staff to prevent a constant flow of customers crossing these major access drives. Also, the proposed diagonal pedestrian walkway at the northeast corner of the site should be made to cross due east from the proposed building and then north.

5 bicycle parking spaces are provided. These are on the east side of the building near the main entrance. The bicycle rack should be relocated so that it does not interfere with pedestrian circulation in front of the building. Replacing a small part of the adjacent landscaping area with paving and moving the rack slightly west would solve this problem.

Lighting and Security

The applicant proposes 25' high light poles with full cutoff light fixtures in the parking lot. Building-mounted lighting is provided on the south and east elevations. No lighting is indicated for the north elevation or the drive-thru area. Lighting must be shown in these areas before final DRB sign-off.

Landscaping

The applicant has provided a landscaping plan meeting nearly all applicable requirements. The plan shows landscaping at the perimeter of the site as well as around the building and around the service area. Street trees are provided along Eubank as required.

Staff recommends that additional landscaping be provided east of the transformer for screening purposes. Staff also recommends that an additional shade tree be added near the pedestrian walkway leading to the northeast corner of the site to comply with requirements for pedestrian walkways located in Zoning Code section 14-16-3-1, requiring shade trees spaced at 25 feet on center.

Public Outdoor Space

A 413 square foot outdoor dining patio is provided on the south side of the building. No public outdoor space is required for this development. The submittal does not indicate what types of amenities will be provided in this area. The applicant should indicate whether tables, chairs, and umbrellas would be offered. If umbrellas are not offered, some other shade source should be provided.

Grading, Drainage, Utility Plans

Grading, drainage, and utility plans have been submitted. The site has a four-foot drop at the west edge of the site down to the sidewalk on Eubank. A retaining wall up to 18" in height is proposed for the west side of the property. The symbol used for boundary line on the Grading and Drainage Plan does not match the line used to demarcate the property line. This should be corrected before final sign-off.

Architecture

The submittal shows standard corporate architecture for a Taco Cabana restaurant. Architectural style is a contemporary southwest style using a variety of colors. Exterior walls are stucco finished, and various colored metal awnings cover each window.

The building's front entrance is on the east side, facing the existing Home Depot store. Staff recommends that the north end of this façade comply with the Pedestrian Features regulations in Section 14-16-3-18 (C)(2). These requirements seek to prevent blank facades greater than 30' in length. This section of the building is 28'8" in length, and staff finds that compliance with these regulations would greatly improve the look of the proposal. A window, an awning associated with a window, a trellis, or a variety of other measures could be used to satisfy this requirement.

The north façade is conspicuously lacking in detail. Although this side of the building is mainly service-oriented and is not a major facade, staff recommends that the colored diamond shapes near the top of the wall, which are shown on the remaining three elevations, also be continued on the north elevation. Staff also recommends that an awning be added above the service door on the north elevation and that the applicant add an additional Pedestrian Feature or Break up the Mass feature as described in 14-16-3-18.

The drive-thru service window is located on the west elevation, along Eubank. Zoning Code Section 14-16-3-18(D)(5) reads, "Drive-up service windows shall be oriented away from pedestrian areas, residentially-zoned areas, and public streets where possible. In cases where drive-up service windows face these areas, screening shall be provided...." The applicant has adequately demonstrated that the site's situation requires this arrangement (see letter dated September 20, 2007) and has taken two 30-day deferrals to explore other possibilities. Staff also notes that the current arrangement brings the building closer to Eubank than other arrangements. Staff recommends that an additional window similar to the window shown at the south end of the west elevation be added to increase visual interest along Eubank.

A note should be added to the elevations indicating what material and color will be used for the fence surrounding the patio dining area. Also, the applicant should provide a note stating that rooftop mechanical equipment will be screened per the requirements of Section 14-16-3-18 (C)(5).

Signage

The applicant proposes one free-standing sign, building-mounted signage, directional signs, and a drive-thru menu sign. The free-standing sign, to be located at the northwest corner of the subject site, is proposed to be 26' in height with 217 square feet of face area. Shopping Center regulations limit maximum signable area to 150 square feet. The applicant will need to comply with this regulation. Building-mounted signage is in compliance with all applicable regulations. The site plan does not show any signage warning motorists of the drive-thru exit. Appropriate signage should be placed to prevent wrong-way traffic in the drive-thru.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

The Advance Planning division has commented that the proposed building is not oriented towards anything. The back of the building faces Eubank, while the front faces the Home Depot's expansive parking lot. The building should be re-oriented to relate better to Eubank and the pedestrians who may be using the public sidewalk on Eubank.

NEIGHBORHOOD/PUBLIC CONCERNS

There are no known neighborhood or other concerns. No neighborhood associations are affected by this request.

CONCLUSIONS

This is a request for a site development plan for building permit for Lot B1B, Video Addition, an approximately 0.675 acre site located on Eubank Boulevard SE between Central and Southern. The site is currently zoned C-2, and the applicant is proposing to construct a Taco Cabana drive-through restaurant. Commercial uses are located to the north, east, and south of the subject site, and manufacturing uses are located to the west.

There are some problems with the site layout – namely the pedestrian connection to the shared parking area and the location of the drive-thru window. The applicant has adequately demonstrated that no alternatives exist, and staff finds that site constraints justify these issues. Overall, staff finds that the submittal meets the intent of adopted city policies and regulations. Staff recommendation is for approval with conditions.

FINDINGS – 07EPC 40033, October 18, 2007 – Site Development Plan for Building Permit

1. This is a request for a site development plan for building permit for Lot B1B, Video Addition, an approximately 0.675 acre site located on Eubank Boulevard SE between Central and Southern in the Established Urban Area.
2. The applicant is proposing to construct a Taco Cabana drive-through restaurant. This is a permissive use under the subject site's current C-2 zoning.
3. This request furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:
 - a. The location, intensity, and design of this proposal respect existing neighborhood values. Nearby residential areas are adequately buffered from the subject site by existing development (II.B.5.d).
 - b. The subject site is contiguous to existing urban facilities and services. This proposal will not interfere with the integrity of existing neighborhoods due to the distance between the subject site and residential areas (II.B.5.e).
 - c. This proposed employment use is located near a residential area, but not near enough to adversely affect the neighborhood with noise, lighting, pollution, and traffic (II.B.5.i).
 - d. The subject site is an existing commercially zoned site within a larger area-wide shopping center located at an arterial intersection with available transit (II.B.5.j).
4. This request partially conflicts with Comprehensive Plan policy II.B.5.1 for Developing and Established Urban Areas because the design of the proposed restaurant is corporate architecture and cannot be considered innovative. However, the design is appropriate to the Plan area, which is primarily auto-oriented and corporate.
5. The applicant has adequately demonstrated that it is not possible to locate the drive-up service window away from Eubank Boulevard due to the site's configuration within the larger Home Depot development.
6. There is no known neighborhood or other opposition to this request.

RECOMMENDATION - 07EPC 40033, October 18, 2007

APPROVAL of 07EPC 40033, a request for a site development plan for building permit, for Lot B1B, Video Addition, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 07EPC 40033, October 18, 2007 – 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 applicant shall demonstrate how the Water Management Goal, Section II.D.2 of the Comprehensive Plan, is furthered.
4. The applicant shall demonstrate how the Energy Management Goal, Section II.D.3 of the Comprehensive Plan, is furthered.
5. Parking calculations shall be corrected to reflect required parking of 37 spaces, a transit reduction of 3 spaces, and 15 spaces from Lot B1A. The east row of parking contains 11 spaces.
6. The maximum height of the perimeter wall shall be limited to 3' above the retaining wall. Portions of the wall over 4' high above the abutting grade on the public side must comply with Layout requirements in Section 14-16-3-19(B)(2)(a) of the Zoning Code.
7. Pedestrian walkways:
 - a. The proposed diagonal walkway should be made into an "L" shape for pedestrian safety.

- b. Pedestrian walkways shall be added linking the subject site to the main Home Depot parking area to the east.

8. The bicycle rack shall be relocated so that it does not interfere with pedestrian circulation.

9. Lighting must be provided on the north elevation and in the drive-thru area.

10. Landscaping:
 - a. Additional landscaping shall be provided east of the transformer for screening purposes.
 - b. An additional shade tree shall be added near the pedestrian walkway leading to the northeast corner of the site.

11. A note shall be added to the site plan indicating what amenities, such as tables, chairs, and umbrellas, will be provided in the patio area. If umbrellas are not provided, some other shade source must be offered.

12. The boundary line symbol on the Grading and Drainage Plan shall be corrected.

13. Signage:
 - a. Maximum signable area for the proposed freestanding sign shall be limited to 150 square feet.
 - b. Appropriate signage shall be placed to prevent wrong-way traffic in the drive-thru area.
 - c. Detail drawings of handicap and motorcycle parking signs shall be provided.

14. Architecture:
 - a. The applicant shall add a Pedestrian Feature from the list located in Zoning Code Section 14-16-3-18(C)(2) to the north end of the west façade.
 - b. Colored diamond shapes shall be used on all four elevations.
 - c. An awning shall be provided above the service door on the north façade.

- d. The applicant shall add an additional Pedestrian Feature or Break up the Mass feature as described in Zoning Code Section 14-16-3-18.
 - e. An additional window shall be added to the west elevation.
 - f. A note shall be added to the elevations indicating what material and color will be used for the fence surrounding the patio dining area and for the dumpster enclosure.
 - g. The applicant shall provide a note stating that rooftop mechanical equipment will be screened per the requirements of Zoning Code Section 14-16-3-18(C)(5).
15. The fire hydrant shall be labeled on the site plan for building permit.
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***Anna DiMambro
Planner***

cc: Taco Cabana, 8918 Tesoro Dr., Suite 200, San Antonio, Tx, 78217
Tierra West LLC, 5571 Midway Park Pl. NE, Albuquerque, NM 87109

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Reviewed: no comments.

Office of Neighborhood Coordination

No Association(s)

Advanced Planning

It is not clear that this development would be relating to anything else planned for the site, so why show its backside to the public street? The back of the building, a dumpster enclosure, and drive-through lane, all face the street. A better design for this building could easily be attained with some creativity.

PUBLIC WORKS DEPARTMENT

Transportation Development (City Engineer/Planning Department):

- All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
- 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).
- Inside turning radii of drive-thru lane to be 25' minimum.
- Delete end parking space adjacent to drive-thru lane, southwest corner of parking lot adjacent to exiting side of lane, to avoid vehicular conflicts.
- Provide cross access agreement between subdivided properties.
- Site plan shall comply and be designed per DPM Standards.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no adverse comments regarding the Site Development Plan – Building Permit request.

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. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
- b. 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).
- c. Inside turning radii of drive-thru lane to be 25' minimum.
- d. Delete end parking space adjacent to drive-thru lane, southwest corner of parking lot adjacent to exiting side of lane, to avoid vehicular conflicts.
- e. Provide cross access agreement between subdivided properties.
- f. Site plan shall comply and be designed per DPM Standards.

Air Quality Division

Environmental Services Division

City Forester

PARKS AND RECREATION

Planning and Design

Reviewed, no objection. Request does not affect our facilities.

Open Space Division

Open Space has no adverse comments

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved on condition, will comply with all SWMD ordinances and requirements, and have sanitary sewer drain. May require 2-man crew.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

The proposed Taco Cabana (Tract B-1-B, Video Addn), located on Eubank Blvd SE between Central Blvd SE and Southern Blvd SE, will have no adverse impacts on the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

There is a three-phase overhead distribution line on the west property line. PNM has an electric overhead line and a 6" gas line along the West edge of the property. There is a possibility that there is also an underground gas service line running through the property.