



**Environmental
Planning
Commission**

**Agenda Number: 8
Project Number: 1007099
Case #'s: 08EPC-40021/40022
March 20, 2008**

Staff Report

Agent	Myers, Oliver & Price, P.C.
Applicant	Sandia Foundation
Request(s)	Zone Map Amendment Site Development Plan for Building Permit
Legal Description	Lots 1-11 and Lots 33-38, Block 17, Zuni Addition Lots 1-3, northerly portion of Lot 37, Lots 38, 39, Block 16, Zuni Addition
Location	Menaul Blvd. NE between Pennsylvania St. and Mesilla St.
Size	Approximately 3.92 acres
Existing Zoning	C-2 and SU-1 for Nursery
Proposed Zoning	SU-1 for permissive C-2 uses excluding sale of liquor for off-site consumption

Staff Recommendation

APPROVAL of 08EPC-40022, based on the findings on page 20, and subject to the conditions of approval on page 22.

APPROVAL of 08EPC-40021, based on the findings on page 22, and subject to the conditions of approval on page 24.

Staff Planner

Carol Toffaleti, Planner

Summary of Analysis

The request is a zone change from C-2 and SU-1 for Nursery to SU-1 for permissive C-2 uses with excl., and a site development plan for building permit for a retail center with shops and restaurants, on a 4-acre site located south of Menaul Blvd between Mesilla and Pennsylvania (former Rowlands site). The applicant proposes to replat the 23 lots into one parcel, vacate Prospect Ave. and replace it with public access and utility easements. The applicant demonstrated that the existing SU-1 zoning is no longer appropriate due to changed conditions and that the single SU-1 zone for the premises is more advantageous to the community. The site development plan furthers a preponderance of applicable City goals and policies by creating a neighborhood-scale retail center that enhances the Menaul corridor and protects residential environments.

Two facilitated meetings were held. There is general support from affected residents and neighborhoods with the exception of the Classic Uptown NA.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 02/11/2008 to 02/27/2008
Agency comments were used in the preparation of this report and begin on page 30.

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, SU-1 for Nursery	Established Urban Area; (none)	vacant
<i>North</i>	C-2; SU-2/R-2 & C-2	same	commercial (lumber yard, strip mall)
<i>South</i>	R-1	same	single family residential
<i>East</i>	C-2	same	restaurant
<i>West</i>	SU-2/R-2 & C-2, SU-2/R-2 & O-1	Established Urban Area; Uptown sector development plan (Rank III)	restaurant

Background

This is a dual request for a zone change from C-2 and SU-1 for Nursery to SU-1 for permissive C-2 uses, excluding sales of liquor for off-site consumption, and a site development plan for building permit, for a site of approximately 4 acres located on the south side of Menaul Blvd. between Mesilla St. and Pennsylvania St.. The site comprises Lots 1-11 and Lots 33-38, Block 17, Zuni Addition and Lots 1-3, the northerly portion of Lot 37 and Lots 38 & 39, Block 16, Zuni Addition and is the former site of a Rowlands Nursery. The company ceased operations in early 2006.

The applicant agrees to prohibit off-premise signs on the site. The site development plan for building permit shows a retail center with three buildings of shops and restaurants totaling 30,025 sf and two drive-thru restaurants totaling 8,834 sf, for an overall square footage of approximately 38,859 sf. It is a speculative development.

The applicant also proposes to replat the 23 lots into a single parcel and to vacate the section of Prospect Ave. that runs through the site. A permanent public access easement will maintain a vehicular connection between Menaul and Prospect through the site and will allow access for emergency vehicles and the public. A utility easement on the vacated portion of Prospect will also be agreed. The number of existing curb cuts and site drives on Menaul and Mesilla will be reduced.

The site is in the Established Urban Area of the Comprehensive Plan.

A Traffic Impact Study (TIS) was submitted as part of the application and has been verified by City Transportation staff. It is based on the original submittal which has since been revised.

History

This section refers to Exhibit A, a map showing lot numbers and zone boundaries. Lots 1-11 and Lots 37 and 38, Block 17, and Lots 1, 2, 38 and 39, Block 16, Zuni Addition, have been zoned C-2 since 1959 when the City's first zoning map was adopted.

The other lots in the site have a zoning history. The zoning of Lots 3 and 37, Block 16, Zuni Addition (between Mesilla and Prospect) was changed from R-1 to P-1 in 1959 to provide greater depth for the commercial buildings on Menaul with adequate off-street parking (Att: Z-764, 8/18/1959).

From 1957 to 1965, there were three unsuccessful attempts to rezone Lots 33 – 36 (east of Prospect). Two attempts were made to change the zoning from R-1 to C-2 and one from R-1 to P-2 (Z-486, 8/21/57, Z-12303, 7/31/62, Z-1456, 1/18/65). The lots were being used as part of the existing nursery contrary to the R-1 zoning.

In 1966, a fourth attempt was made. This time, the request was to rezone 6 lots on either side of Prospect (the P-1 lots and the non-compliant R-1 lots) to SU-1 for Nursery. The applicant also asked for approval to vacate the section of Prospect Street running through the site. The Planning Department supported the combined requests on the grounds that they would separate the residential and commercial areas and solve traffic problems in the area. The Planning Commission persisted in their denial of a zone change on the grounds that it would have a deleterious effect on the surrounding R-1 property. They also denied the vacation of Prospect, a proposal which both neighbors and the Fire Department opposed. The zone change decision was appealed and eventually reversed by the City Commission (Att. Z-1555, V-540 (12/20/1965), Appeal No. 320 (Z-1555) 6/27/1966, Z-1555, 7/11/1966). Meanwhile, the applicant had withdrawn their request to vacate Prospect Ave. The site continued operating as a nursery until the fall of 2005.

In the surrounding area, there has been a great deal of controversy over two recent requests for the sale of alcohol for off-site consumption as a conditional use on the site at the southwest corner of Menaul and Louisiana, zoned C-2. The requests led to appeals of decisions by the Zoning Hearing Examiner and/or Board of Appeals and were ultimately unsuccessful (ZA-99-56 in 1999 and #1003443 in 2004).

Context

The site faces Menaul Blvd., a broad commercial corridor running east-west through the city. Most of the surrounding area developed in the '50s and '60s and is characterized by strip commercial development with off-street parking at the front of the buildings and signage close to the street. Commercial development in the area consists of small, low buildings occupied by local businesses or small franchises. Behind the strips lie residential properties, which are predominantly single family homes.

North of the site and across Menaul is a lumber yard, that occupies the block between San Pablo and Charleston, and a strip mall between Charleston and Dallas. South of the site is a residential subdivision. The side or rear yards of five single family homes abut the subject site directly, while six homes face the site across Prospect Avenue. To the east and west of the site are other commercial properties, including a restaurant abutting the site to the east and a restaurant across

Mesilla. Uptown, an existing Major Activity Center designated in the Comprehensive Plan, is to the west.

Parts of the site have good views of the Sandia Mountains and/or of the Volcanoes and Mount Taylor.

Menaul Blvd. in the Northeast Heights is a busy street. Traffic counts are at their highest on the stretch between Louisiana and Pennsylvania, i.e. in front of the site (41,700 average weekday traffic flows per MRCOG Traffic Flow Map 2006). Prospect and Mesilla are offset from the streets that intersect with Menaul on the north side of the arterial. These are San Pablo, Charleston and Dallas. Turn lanes and breaks in the medians allow access between Menaul and the various side streets and commercial sites.

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG) as part of the Metropolitan Transportation Plan 2030 (MTP 2030, June 30, 2007), identifies the functional classifications of roadways.

The Long Range Roadway System designates Menaul Blvd. as an Urban Principal Arterial, with a right-of-way (ROW) of 124'. The actual ROW in this area is 100'.

The Long Range Roadway System designates Pennsylvania St. south of Menaul as an Urban Minor Arterial, and north of Menaul as an Urban Collector street, both with a right-of-way of 68'.

Prospect Ave. and Mesilla St. are local streets, as are San Pablo, Charleston and Dallas on the north side of Menaul.

The MTP shows no bike facilities or projects adjacent to the site, but there are existing bike lanes on Pennsylvania and an existing bike route on Cutler, which are both south of the site.

The MTP does not show any long-range transit facilities in the vicinity of the site. However, the Comprehensive Plan designates Menaul Blvd. as an Enhanced Transit Corridor.

Public Facilities/Community Services

The Coronado Mall Community Police Substation, Cutler Park and Zuni Tennis Courts are within 0.5 mile of the site.

Inez and Zuni Elementary, Sandia High School, the Wyoming Library and five other city parks are between 0.5 and 1 mile of the site.

Two ABQ Ride bus routes operate 7 days a week in the vicinity of the site: #8 Menaul adjacent to the site and #3/157 Louisiana & Montano Line to the west.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The requested zoning is “SU-1 for C-2 permissive uses excluding sales of alcohol for off-site consumption”. C-2 permissive uses are listed in Section 14-16-2-17(A) (see attached). The Environmental Planning Commission (EPC) has considerable discretion over elements of the accompanying site development plan, although development must comply with applicable general regulations, including those for non-residential development (Section 14-16-3-18). The retail uses indicated on the site development plan, including drive-in/thru restaurant and restaurant with outdoor seating, are permissive uses in the C-2 zone.

Albuquerque / Bernalillo County Comprehensive Plan

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

The subject site is located in the area designated Established Urban Area 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 variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

The dual request is compatible with the character of the existing commercial corridor because it creates a small scale retail center and offers a choice of transportation to the site. The site layout significantly improves vehicular and pedestrian access and circulation compared to pre-existing conditions, in terms of both safety and convenience. A bus shelter will be added to the existing stop in front of the site and cyclists can reach the center on quieter, local streets from the existing bike facilities on Cutler and Pennsylvania. The site design and architecture are of a high caliber that will enhance the visual appearance of the Menaul corridor.

Applicable policies include:

Policy II.B.5.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 proposed location of the expanded commercial zone and the density and design of the future retail center respect the values of neighboring residents and the majority of the affected neighborhood associations. The site layout protects and highlights scenic resources, by limiting the number of tall free-standing signs and creating public plazas that provide views to the east and west. Several mature trees are also being preserved and incorporated into the landscape plan.

Policy II.B.5.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 requests would enable development of a vacant infill site that is contiguous to existing infrastructure. The proposed circulation retains public vehicular access between Menaul and Prospect while discouraging unnecessary through-traffic on this residential street.

Policy II.B.5.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 applicant proposes to redevelop a site that was used most recently as a retail nursery. The employment and service uses in the new retail center would complement the surrounding residential areas. The center is designed to minimize potential adverse effects on the adjoining residential properties by discouraging through-traffic on Prospect, limiting the height of lightpoles to 12' and prohibiting illuminated signs near the residential zone, and by incorporating existing mature evergreens in landscape buffers.

Policy II.B.5.j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area-wide shopping centers 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.
- In free-standing retailing and contiguous storefronts along streets in older neighborhoods.

The zone map amendment would expand commercial zoning by one acre. In reality, this does not represent a significant change, as the areas zoned SU-1 for nursery and C-2 functioned as a single business on the subject site for over 40 years. The proposed retail center is a neighborhood-oriented development served by transit, with pedestrian links to adjoining residential areas and convenient access from bike facilities south of Menaul. The nearest signalized intersection on Menaul is at Pennsylvania, a distance of approximately 350', providing a safe crossing for pedestrians from the northside of Menaul.

Policy II.B.5.k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

A single zone enables a more comprehensive development plan for the site, which takes into consideration how the development interfaces with traffic on the adjacent arterial and how the layout can balance the wishes of nearby residents for both permeability and protection from cut-through traffic. The number of curb cuts and site drives along Menaul and Mesilla has been reduced, which will improve traffic safety for motorists and pedestrians. The vacation of Prospect and its conversion to a public access easement will alleviate the incidence of cut-through traffic on Prospect, which protects the livability and safety of the residential neighborhood to the south.

Policy II.B.5.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 proposed site development plan reflects quality in site and architectural design.

Policy II.B.5.m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The layout brings the majority of buildings on the site close to Menaul, while maintaining the setback required in the City resolution to preserve views in the corridor. Outdoor plazas are sited so that customers can enjoy views of the Sandia Mountains, Volcanoes and Mount Taylor. Overall, the proposal will improve the quality of the visual environment in the area.

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

The dual request facilitates redevelopment of a vacant site in an established neighborhood.

Transportation and Transit (Section II.D.4)

Goal: “To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.”

The layout of buildings and site drives reflects a careful balancing of various design objectives, and provides safe and convenient access and circulation for motorists, transit users, pedestrians and cyclists.

Policy II.D.4.a: Table 11 presents ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan’s Activity Centers and Transportation Corridors map in the Activity Centers section. Each corridor will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation. (pages II-82 & 83)

Menaul Blvd., adjacent to the subject site, is a designated Enhanced Transit Corridor under the Centers and Corridors component of the Comprehensive Plan. This type of roadway is designed to improve transit opportunities for residents and businesses and to intensify development of jobs and housing to promote transit use, while ensuring good vehicular movement and also accommodating pedestrians and cyclists.

Street design standards for Enhanced Transit Corridors include the following:

- Level of Service (LOS) D or better
- Maximize pedestrian connections to transit stops and between adjacent developments
- 6-8 foot sidewalks
- 4 feet minimum sidewalk setback, may be reduced if wider sidewalk is desirable or should be increased with sufficient right-of-way

The site development plan meets all the above standards for pedestrian circulation. Per the TIS, the proposed retail center will generate trips that will tip the LOS in the PM peak at site drives on Menaul and the Menaul/Pennsylvania intersection into D or worse levels. This

section of Menaul is already busy per the 2006 MRCOG traffic flow map. The TIS was based on a considerably larger area of shops (36,680 sf vs. 30,025 sf in the revised plan) and a slightly smaller area of restaurants (8,520 sf vs. 8,834 sf) with one rather than two drive-thrus.

Transit Service standards include:

- Weather-protected bus stops

Relocation of the existing bus stop and a bus shelter are part of the proposal.

Development Form Standards for Enhanced Transit Corridors include:

- Provide an entrance from street
- Minimum setback to provide for landscaping or pedestrian activity areas
- Parking to be separated from the street by the building or located at the side of the building
- Parking reductions of 10 – 20% and shared parking encouraged
- Floor area ratio of 0.5 to 1.5
- Modal hierarchy: Transit & Autos, Pedestrians, Bikes

The proposal meets the development standards by providing building entrances from the street, setbacks for landscaping and sidewalks, the majority of parking behind buildings and parking reductions of 15%. However, the 0.21 floor area ratio does not meet the standard.

Policy II.D.4.c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The requested zoning does not further this policy as residential uses are not allowed permissively in the C-2 zone on sites of less than 5 acres.

Policy II.D.4.d: The frequency of driveways along principal and minor arterial streets will be reduced when possible, toward a spacing frequency of one or two drives per 300 feet of frontage on principal arterials, and one or two drives per 200 feet on minor arterials.

The frontage on Menaul, a principal arterial, is approximately 680'. The revised site layout reduced the number of drives on Menaul from 3 to 2 and on Mesilla from 2 to 1. The proposal furthers this policy.

Policy II.D.4.g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The site development plan improves walking conditions on Menaul and provides links from existing sidewalks into the site and between buildings.

Policy II.D.4.o: Peak hour demands on the circulation system should be decreased.

The proposed zoning increases the area for commercial uses, which has the potential to generate more traffic. The proposed retail center will generate additional vehicular trips that

exacerbate congestion in the peak afternoon hour, per the TIS. However, by providing a bus shelter and good pedestrian connectivity, the site development plan accommodates and promotes alternative modes of travel that may temper the development's impact on traffic flows on Menaul.

Policy II.D.4.p: Efficient, safe access and transfer capability shall be provided between all modes of transportation.

The site development plan provides efficient and safe access for vehicles, transit users and pedestrians, and provides an approach from quieter residential streets (Mesilla and Prospect) for cyclists using existing bike facilities on Cutler and Pennsylvania.

Developed Landscape (Section II.C.8)

Goal: To maintain and improve the natural and the developed landscapes' quality.

Policy II.C.8.a: The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

Central public plazas were created to take advantage of views of the Sandia Mountains, Volcanos and Mount Taylor from the site.

Air Quality (Section II.C.1)

Goal: "is to improve air quality to safeguard public health and enhance the quality of life".

Policy II.C.1.b: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.

The proposed zone change expands the developable area for commercial uses by more than one acre, leading to a potential increase in the number of trips generated and more air pollution from car emissions. However, the retail center is fairly low density and is designed for smaller retail uses. By providing a bus shelter, good pedestrian connectivity and bike racks, the site development plan encourages people to use transit, walk or cycle instead of driving to the site.

Economic Development (Section II.D.6)

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

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

The proposed zoning will increase the area for economic activity. It will also create a single zoning designation for the site, which facilitates a comprehensive design that can better balance economic, social and environmental goals. The proposed zoning is consistent with the existing character of this part of the corridor, rather than adding diversity to uses in the area. The project is designed for smaller scale restaurants and retail units, which are likely to attract local businesses and smaller franchise operations.

Policy II.D.6.f: The City and the County should remove obstacles to sound growth management and economic development throughout the community.

The 4-acre premises is currently split into 23 parcels and two zones, one of which, the SU-1 for Nursery, is not economically viable on its own. This situation presents obstacles to economic development which will be removed by the requested zone change, together with the replatting.

Water Management (Section II.D.2)

Goal: Efficient water management and use.

Policy II.D.2a: Measures shall be adopted to discourage wasteful water use, such as extensive landscape water runoff to uncultivated areas.

Policy II.D.2.b: Maximum absorption of precipitation shall be encouraged through retention of natural arroyos and other means of runoff conservation within the context of overall water resource management.

The xeric landscape palette and irrigation comply with the city's water management ordinance, but the plan does not include measures to harvest rainwater and promote its re-use or infiltration in landscaped areas, which are encouraged by Policy b.

Staff concludes that the dual request furthers a preponderance of applicable goals and policies of the Comprehensive Plan.

Moratorium on the Issuance of New Building Permits on Property Fronting Menaul Boulevard between Carlisle Blvd. and Morris Ave. unless the Proposed Development Meets Certain Height and Setback Requirements

City Council recently extended a moratorium on building on Menaul until June 16, 2008 (R-07-289, 8/6/2007, R-08-45, 2/20/2008). The resolution was passed so as not to prejudice the outcome of a visual study of the Menaul corridor, which has been completed but not adopted and published. The proposed development is not affected by the moratorium because it meets the exemption for buildings set back at least 18' from the ROW.

The thrust of the study was to identify features that give the corridor a sense of place and make policy recommendations to improve its function and appearance, including protecting views.

These include:

- Enhanced Transit Corridor elements, at a minimum: limited driveway access, adequate sidewalk widths, preferred sidewalk setbacks.
- Cut-out overhead signs for visual permeability.
- 50's/60's Vintage design concepts for signs, materials and vegetation.

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.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

The applicant submitted a justification for the zone change as part of the original application (see “Reasons for Request”) and emailed additional information at staff’s request (see “Supplement to Reasons for Request”).

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The zone change enables the infill site, currently split between two zoning designations, to be developed as a cohesive project. The proposed SU-1 zoning allows extensive review by city departments, agencies and residents, which minimizes any adverse effects of future development on public facilities, services and roadways and ensures that the design contributes positively to the neighborhood.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

Staff considers that the applicant has provided an acceptable justification for the change and has demonstrated that the requested zoning will not destabilize land use and zoning in the area because it is consistent with the zoning of surrounding properties that front on Menaul Blvd., the majority of which are C-2.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.

The applicant cited the majority of applicable goals and policies of the Comprehensive Plan pertaining to the Established Urban Area, Transportation and Transit (including Enhanced Transit Corridors and principal arterials) and Environmental Protection (Air Quality).

Staff agrees with the applicant’s analysis overall, with the exception that the proposed zoning does not allow residential to be part of the mix of uses on the site, which is

encouraged in an Enhanced Transit Corridor (see Policy II.D.4.c.). Staff believes that the following also apply to the request:

Established Urban Area Policy II.B.5.k – the single zone requested for the site furthers this policy as it requires more comprehensive site planning than the existing split zoning. Specifically, the SU-1 zoning enables more input from affected neighborhoods and the city to help minimize the impact of future development on traffic flows and safety on arterial and residential streets in the surrounding area.

Transportation and Transit Policy II.D.4.o – the proposed zoning does not further this policy insofar as it increases the area for commercial uses by one acre, which will add to traffic congestion on Menaul in the afternoon peak hour.

Economic Development Goal and Policy II.D.6.f - the proposed zoning partially furthers the Goal because, although it does not diversify development in the area, it creates a single zoning designation for the site, which is currently split between two zones and 23 parcels. This removes an obstacle to economic development and facilitates comprehensive site design that can better balance economic, social and environmental goals.

D. The applicant must demonstrate that the existing zoning is inappropriate because:

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The applicant justified the change based on changed conditions and on the proposed use category being more advantageous to the community.

2. *The 6 lots currently zoned SU-1 for Nursery have been part of the larger premises for over 40 years and the entire 4 acre premises were used as a retail nursery during that period. The property was put on the market after the business closed in early 2006 and did not attract interest from potential nursery operators, which the applicant attributes to changes in that sector of the economy. The argument appears reasonable to staff. (Note: A former employee of the nursery informed staff that the business opened on the site in the mid '50s, before the adjoining residential subdivision was built, and that all their stores closed in the fall of 2005.)*
3. *The applicant has demonstrated that the proposed SU-1 zoning furthers a preponderance of goals and policies in the Comprehensive Plan, as expressed in their justification letters, and is more advantageous to the community. It will allow affected neighborhoods and nearby residents to influence future uses on the site and the design of future development. The applicant has restricted the category to “SU-1 for permissive C-2 uses excluding liquor sales for off-site consumption” (addition underlined), which prohibits applying for approval of any conditional uses in the C-2*

zone. The applicant also mentioned under D.2 that there is a high likelihood that the rear lots zoned SU-1 for Nursery would not be developed under their current designation and would stay vacant and/ or constrain development of the remaining C-2 land. By thwarting an infill development, the current zoning would be less advantageous than the proposed single category for the entire 4-acre premises. (Staff would add that the case history provides further evidence for this argument: two rear lots on the west side of Prospect were rezoned to P-1 before SU-1, in order to add depth to the commercial lots facing Menaul and create space for off-street parking.)

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The applicant has stated that the exclusion of alcohol sales for off-site consumption from the proposed zoning category was made in direct response to neighbors' concerns. The supplement provides further evidence that the request meets this section of the resolution. Specifically, the applicant addresses the issue of protection of the adjacent R-1 lots from commercial uses in the proposed SU-1 zoning. They emphasize that SU-1 zoning allows public input in the design of the future development and point out that the site development plan accompanying the zone change request includes landscape buffering, walls and the retention of an existing screen of mature evergreens along Prospect Ave.. They also cite the record of facilitated meetings, which reflects that the proposed retail and restaurant uses, including drive-thrus, are generally acceptable to surrounding property-owners. Finally, the applicant agrees to prohibit off-premise signs, a permissive use in the C-2 zone, as a condition of EPC approval.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
 2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The property is in an established urban area and does not require any capital expenditure by the City.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

Economic considerations are not the determining factor for the request.

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The applicant states that the request for commercial uses is consistent with the site's location on a major street and mentions that the street is designated an Enhanced Transit Corridor. (Staff adds that the applicant has also provided other reasons to justify the zone change.)

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The request for permissive C-2 uses within an SU-1 zone category do not constitute a spot or strip zone, since they are consistent with the C-2 zoning of properties along Menaul Blvd.

ANALYSIS OF SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

The site development plan that was initially distributed to city departments and agencies was revised, primarily in response to comments from Transportation/Traffic Operations, Advance Planning and the staff planner. The revised plan was reviewed by Transportation and Transit staff, who have updated their comments accordingly.

Site Plan Layout / Configuration

The retail center includes five one-story buildings: three buildings with multiple tenant spaces for shops, restaurants and, possibly, offices-- “West shops” with a square footage of 7,500 sf, “Center shops” with 7,000 sf and “East shops” with 15,525 sf; and two pads --Pad A, shown as a combined drive-thru and sit-down restaurant with a square footage of 5,504 sf and Pad B, shown as a drive-thru restaurant with 3,330 sf. The total gross square footage is 38,859 sf.

The scale of the proposed retail center is compatible with surrounding commercial and residential development. The proposed layout is a considerable improvement over older commercial development on Menaul, which is typically individual buildings and strip malls set back from the street, with parking in front and little or no landscaping. This project has four of

the five buildings close to the street and separated from it by street trees, sidewalks and landscaping, which creates a more attractive streetscape for motorists, transit users and pedestrians. Building entrances for the shops and restaurants face inward, i.e. south for all buildings close to Menaul and north for the building set back from Menaul. However, the buildings close to Menaul have two banks of windows facing the street. Most of the pedestrian and customer activity on the site will take place along an internal drive that runs east-west through the site. Although a drive-thru restaurant anchors each end of the site, the intervening area is accommodating to pedestrians. Building canopies, outdoor plazas and connecting sidewalks create a pleasant environment away from the busy street and with views of the Sandias, and of the Volcanos and Mount Taylor. Parking is distributed throughout the site.

Six refuse enclosures are also distributed throughout the site. It is not clear whether they will accommodate the required recycle bins.

The building setbacks comply with the 18' exemption allowed under the building moratorium for development on Menaul. The height of the pad buildings is 16' and that of the retail buildings is 22'.

Minor errors on the site development plan need correcting, which staff has recommended as conditions of approval.

Walls/Fences

6' high split face CMU walls are proposed on the south property line adjacent to residential properties. Similar but lower, stepped walls (32", 40" and 48" in height) are proposed to screen the parking area adjoining Menaul and the restaurant drive-thru lanes. A 32" wall with indentations runs along the north side of Prospect Ave., which should be raised, up to 6', to better screen the rear of the East Shops building and parking area from the residential properties that face the development.

All the walls are supplemented with landscaping and their design meets standards in Section 14-16-3-19 of the Zoning Code.

Vehicular Access, Circulation and Parking

There has been considerable discussion between the applicant and the City about vehicular access and circulation for the site since the original application and a TIS were submitted. The site layout has been re-worked several times to arrive at a solution that addresses concerns expressed verbally or in writing from Planning, Transportation, Fire, Solid Waste and Traffic Operations, as well as the neighboring residents' wishes for continued access to Menaul.

The revised site development plan in this staff report includes three site drives: two on Menaul—a full access at Prospect Ave. and a right in/right out at the secondary drive to the east; and a full access on Mesilla Street. This represents a significant reduction in site drives compared to the previous business' layout and this applicant's original design. The applicant is aware that adjustments to the turn lanes and medians on Menaul may be required at DRB to improve safety, since the existing configuration reflects the former owner's site layout and is now obsolete. At DRB, the applicant will request a vacation of the portion of Prospect Ave.

within the site and replace it with public access and utility easements. This arrangement is acceptable to City Transportation Development staff.

The City's Transportation Development staff verified the TIS, has discussed the revised access and circulation system with other departments and considers them acceptable.

Staff recommends that the site drive at Prospect Ave. should be labeled as a full access entry (35 rather than 34). Keyed Note 33 concerning the vacation must also refer to the proposed easements. Staff did not find the proposed loading area on the plan referred to in Keyed Note 18.

General Note 4 and the Building Criteria Table describe the approach to parking for the development. Because this is a speculative development, the applicant has preferred not to fix the exact proportion of retail (and possibly office) and restaurant uses on the site development plan. The applicant has shown calculations for off-street parking based on two drive-thru restaurants and a combination of shops and restaurants in the other buildings. The parking for restaurant uses is based on a proportion being with, or without, liquor per the zoning regulations: 180 seats for a restaurant with liquor (actually beer & wine license, per the applicant's letter) and 300 seats without. The total 192 spaces required and provided reflects a 10% reduction for transit service and a 5% reduction for the provision of a bus shelter. Staff considers that the required figure is relatively conservative, i.e. generous, and that it would be advantageous to replace some of the parking spaces at the northwest corner of the East Shops building to improve traffic safety and expand the central plaza area.

The parking analysis must include the number of compact spaces allowed and provided. General Note 4 needs rewording to be consistent with the analysis.

Parking provision for disabled motorists and for motorcycles is acceptable.

Pedestrian and Bicycle Access and Circulation, Transit Access

The proposed pedestrian access and circulation are generally good. Streetscape improvements on Menaul and the interconnected walkways and plazas within the site create a pleasant environment for pedestrians. However, staff recommends that the existing sidewalk on Mesilla be widened to 6' and the change reflected in Keyed Note 19. A more direct walkway from Menaul to Pad B is also recommended.

Cyclists are likely to access the site mainly from Mesilla and Prospect, as these are local streets that connect to the official bicycle network (the bike route on Cutler and bike lanes on Pennsylvania). General Note 3 must use the correct descriptors for these facilities. Bike racks are provided at each building with the exception of the West Shops.

The existing bus stop for Route #8 is located on Menaul just west of Prospect Ave.. This is a half-hourly bus service that runs seven days a week--from 6am to 10pm on weekdays, from 8am to 7pm on Saturdays and 8am to 5pm on Sundays. The applicant proposes to relocate the stop eastward, midway between the two site drives, and add a shelter, which the Transit Department generally finds acceptable (see comment page 32). Keyed Note 31 should reflect that the stop is being relocated and that the shelter meets ABQ Ride's requirements.

Lighting and Security

Lighting details are missing from the revised submittal. The previous submittal (Att.) shows light bollards and lightpoles of two different heights, 18' and 12', with shielded shoebox style fixtures. Although the lightpoles are keyed (#40 and 41), the site development plan does not show their location. The location of bollards is not indicated on the plan. The Elevation Sheets show building-mounted fixtures above the service doors of the East Shops building.

Staff recommends that the site development plan include a note stating that lightpoles within 100' of residential properties shall not exceed 12' and that no lighting shall shine onto public ROWs and residential properties.

Landscaping

The landscape plan includes the requisite street trees, parking area trees, landscape buffers (minimum 11' along the public ROW's and 6' on the east boundary) and special landscape buffers where the site adjoins residential properties.

The special landscape buffer along the northwest side of the residential property at 7437 Prospect Ave. is 2" shy of the 10' width required and is meant to accommodate a 2' overhang for parked cars and pyracantha shrubs, which are a way to discourage graffiti. Staff considers this arrangement acceptable.

The landscape palette incorporates existing mature evergreens along Prospect Ave. and consists of low and medium water use plants. Street trees on Menaul Blvd. are in the preferred location, between the curb and sidewalk. The area of provided landscaped area exceeds what is required.

Staff recommends a few changes for completeness and to improve compliance:

- Identify the species of trees being retained.
- A significant portion of the trees in parking areas are low desert willows. Some should be replaced with taller shade species, where these would not interfere with views from outdoor plazas.
- Include harvesting of portions of stormwater to supplement landscape irrigation.

Public Outdoor Space

The proposed development includes a shaded pedestrian area in front of each building. Linked by crosswalks, they create a pleasant and convenient environment for walking and sitting. The wider sections are plazas with several functions--public open space, employee gathering space and outdoor seating for future restaurants. The site development plan, in addition to the landscape plan, must describe the amenities in these areas. To ensure an adequate public/employee area for the development over time, staff recommends that the plan include a note stating that a certain square footage along the main facade of each building and an 8' public walkway are retained as public space, excluding any outdoor restaurant seating area. Staff also recommends that seating within 75' of residential zoning does not operate past 10 pm, to limit the noise impact on residents.

Grading, Drainage, Utility Plans

The revised grading and drainage plan is not available to attach to this report. The applicant has informed staff that it will be provided to the EPC according to the “48 hour rule” and at the hearing. The previous version of the plan indicates that the site slopes from east to west with an overall elevation change of 16’, and that stormwater will discharge into Menaul Blvd., either directly through sidewalk culverts or via the Mesilla St. ROW and the proposed easement aligned with Prospect Ave..

The revised utility plan is not available to attach to this report. The applicant has informed staff that it will be provided to the EPC according to the “48 hour rule” and at the hearing. The previous version of the plan indicated that several electrical easements will be relocated.

Architecture

The proposed architecture is a rectilinear contemporary style. The retail buildings have flat roofs, and canopies that overhang the entire length of facades with public entrances and wrap around a portion of the side facades. Materials are a combination of stucco walls, metal canopies and pillars, and glass storefronts. Colors are predominantly neutral tan with bright colors (teal, purple, red and orange) on the canopies and as striping on building walls. The drive-thru restaurants have the same architectural style as the retail buildings but are slightly lower in height, 18’ instead of 22’. Walls and refuse enclosures are split face CMU block in light and medium tan that match building walls.

There is no mention of screening of roof-top or ground-mounted equipment and loading areas, which is regulated by Section 14-16-3-18.

Signage

The existing off-premise sign on the western part of the site will be removed and not relocated elsewhere on the site. The applicant has agreed to add a note on the site development plan stating that off-premise signs shall not be allowed on the site.

Sheet 7 of the site development plan includes details of the free-standing signs and general design standards. The applicant proposes a 26’ high free-standing sign that will also serve as an identifying feature for the development. It is a square clocktower supported on four pylons, with a clockface and address id on alternating sides and horizontal frames supporting tenant signage (see Sheet C 7). The feature is centrally located along the Menaul frontage near the bus shelter and straddles the public sidewalk and the main pedestrian access into the site. A secondary 16’ high monument sign is also proposed on Menaul between Mesilla and Prospect. Additional tenant signage is mounted on aluminum framing above the building canopies and below parapet level. The definitions section of the Zoning Code sets a maximum ceiling of 14’ above grade for canopy signs.

The number, location and height of the signs comply with general sign regulations and C-2 regulations. In fact, the actual signage on the clock tower reaches a height of 16.5’, considerably lower than what is allowed in a straight C-2 zone. General Sign Regulations place restrictions on the illumination of timepieces and prohibit audible devices. In order to protect the adjoining

residential properties from any glare and noise associated with the clocks, staff recommends that the site development plan include a note stating that they comply with Section 14-16-3-5 (D)(1) and (B)(1)(f).

The proposed sign face areas are acceptable per C-2 regulations.

Staff recommends the following clarifications to the design guidelines:

- #1 - Insert "A total of 2 free-standing (signs)..."
- #5 - Replace *city ordinances...C-2 uses* with "the state Night Sky Protection Act and general sign and C-2 regulations in the Zoning Code".

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Comments begin on page 30. Comments that are significant for the EPC's review were received from the City's Zoning Code Services, Advance Planning, Transportation Development and Solid Waste. Their comments pertain to the original submittal. The Fire Department gave their verbal approval to the revised access and circulation.

NEIGHBORHOOD/PUBLIC CONCERNS

Property-owners within 100' and the nine neighborhood associations in the Uptown Area were notified of the proposal. Two facilitated meetings were held on December 13, 2007 and January 21, 2008 before the application was submitted, and no further meeting was deemed necessary (see reports attached). The requested zoning designation and development proposal address most of the concerns expressed by neighbors present at the meetings. Specific responses include: liquor sales for off-site consumption was excluded from the requested zoning; public vehicular access between Menaul and Prospect is provided; and mature trees on the north side of Prospect are being retained. The applicant promised to continue consulting with neighboring residents on the design of screen walls and landscape buffers and on possible traffic-calming measures on Prospect Ave. A letter of opposition to the zone change request was received from the Classic Uptown neighborhood association, dated March 6, 2008. They think the lots zoned SU-1 for Nursery should be rezoned for residential rather than commercial uses. No other written comments have been received.

CONCLUSIONS

The applicant provided an acceptable justification for the zone change. It demonstrated that the existing SU-1 for Nursery zoning of the southern portion of the site is no longer appropriate due to changed conditions and that the proposed re-zoning is more advantageous to the community. The proposed zoning is consistent with surrounding zoning, furthers a preponderance of City goals and policies and will facilitate comprehensive redevelopment of the site that respects neighborhood values and scenic resources.

The proposed site development plan also furthers a preponderance of applicable City goals and policies. Through sensitive site and architectural design, it creates an attractive neighborhood-scale center that is accessible by all modes of transportation, improves traffic safety on the

arterial, minimizes adverse impacts on the residential neighborhood to the south and takes advantage of views of the City's natural features.

Staff recommends approval of the dual request subject to conditions that aim for greater clarity, completeness and compliance with regulations.

FINDINGS – 08EPC-40022, March 20, 2008, Zone Map Amendment

1. The request is for a zone change from C-2 and SU-1 for Nursery to SU-1 for permissive C-2 uses excluding sales of alcohol for off-site consumption, for a site of approximately 4 acres located on the south side of Menaul Blvd. between Mesilla St. and Pennsylvania St. The subject site consists of Lots 1-11 and Lots 33-38, Block 17, Zuni Addition and Lots 1-3, the northern portion of Lot 37 and Lots 38 and 39, Block 16, Zuni Addition. The rear six lots, Lot 3 and the northerly portion of Lot 37, Block 16, Zuni Addition, and Lots 33-36, Block 17, Zuni Addition are currently zoned SU-1 for Nursery. The remaining lots are zoned C-2.
2. The request is accompanied by a site development plan for building permit, case number 08EPC-40021, for a retail center comprising two drive-thru restaurants and three retail buildings with multiple tenants, with a total square footage of 38,859 sf. The applicant proposes to replat the lots into one parcel and to vacate the section of Prospect Ave. that bisects the site and replace it with public access and utility easements.
3. The site was a retail nursery for approximately 45 years, until the company ceased operations in early 2006.
4. The site is in the Established Urban Area of the Comprehensive Plan. No other ranked plans govern the site.
5. The proposed zone change furthers a preponderance of applicable goals and policies of the Comprehensive Plan for the Established Urban Area and related to environmental and community resources:
 - a. Policy II.B.5.d because the proposed change from straight C-2 zoning and SU-1 for Nursery to a single SU-1 designation for the premises facilitates a comprehensive, collaborative approach to the design of new development, which respects neighborhood values and scenic resources in the Menaul corridor.
 - b. Policies II.B.5.i, II.B.5.j, Air Quality Policy II.C.1.b because the subject site is in a commercial corridor and the majority of the premises is already zoned for commercial uses; and the proposed zoning and uses complement the residential area and are accessible by transit, auto, walking and cycling.
 - c. Policy II.B.5.k because unifying the zoning of the site, which is located on an arterial, facilitates a more comprehensive development plan for the site, which takes into

consideration how the development interfaces with the surrounding transport network and which protects the livability and safety of surrounding residential neighborhoods.

- d. Policies II.B.5.e and II.B.5.o because the request facilitates redevelopment of a vacant site in an established area of the city that is contiguous to existing infrastructure and where the integrity of the existing neighborhood can be ensured.
 - e. Economic Development Goal and Policy II.D.6.f because the request for a single zoning of the subject site, which is currently split between two zones and 23 parcels, will remove an obstacle to economic development.
6. The applicant has demonstrated that the existing zoning is not appropriate and has provided an acceptable justification for the zone change by addressing Sections A- J in Resolution 270-1980. The justification focused on:
- a. Changed conditions (Section D.2) – The subject site is split between two zoning designations, C-2 and SU-1 for Nursery, but was used for over 40 years as one business, a retail nursery. The market has changed and the SU-1 for Nursery portion of the site is now obsolete and constrains overall redevelopment of the site, which has been vacant since early 2006.
 - b. The requested zoning is more advantageous to the community than the current zoning (Section D.3) – The proposed rezoning of the entire 4-acre premises to an SU-1 designation allows input from nearby property-owners and neighborhoods as well as city departments and agencies. The resulting development will benefit from a comprehensive approach to design, that takes account of a broad range of policy objectives including traffic safety, transit and pedestrian access, public open spaces, and protection of residential environments and scenic resources. The proposed zoning, SU-1 for C-2 permissive uses excluding the sales of alcohol for off-site consumption, is generally acceptable to surrounding residents and neighborhood associations and is consistent with existing zoning in this portion of the Menaul corridor, which is predominantly C-2.
7. Property-owners within 100' and the nine neighborhood associations in the Uptown area were notified of the request. Two facilitated meetings were held (December 13, 2007 and January 21, 2008) and the applicant took account of neighborhood concerns by placing further restrictions on the requested zoning. A letter of opposition to the zone change request was received from the Classic Uptown neighborhood association, dated March 6, 2008. Their position is that the lots zoned SU-1 for Nursery should be rezoned for residential rather than commercial uses. No other written comments have been received.

RECOMMENDATION - 08EPC-40022, March 20, 2008

APPROVAL of 08EPC-40022, a Zone Map Amendment:

from C-2 to SU-1 for C-2 permissive uses excluding sales of alcohol for off-site consumption for Lots 1, 2, 38 and 39, Block 16, Zuni Addition and Lots 1-11 and Lots 37 and 38, Block 17, Zuni Addition,

and

from SU-1 for Nursery to SU-1 for C-2 permissive uses excluding sales of alcohol for off-site consumption, for Lot 3, the northerly portion of Lot 37, Block 16, Zuni Addition and Lots 33 – 36, Block 17, Zuni Addition,

based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 08EPC-40022, March 20, 2008

1. The subject site shall be replatted into one lot with a single zoning designation prior to DRB sign-off of the accompanying site development plan for building permit (Case #08EPC-40021, Project #1007099).
2. **CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:**
Conditions of approval for the proposed Zone Map Amendment and 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).
 - b. A Traffic Impact Study (TIS) has been submitted and reviewed by Transportation Staff.
 - c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
 - d. The Traffic Impact Study is available for review by any interested party, in the office of the Traffic Engineer.
 - e. Provide public access and utility easements for the portion of Prospect Avenue to be vacated.
 - f. **Comments/requirements concerning site drives, general access to site and drive-thru windows have been provided to the applicant in a separate meeting with Planning Staff (2-28-08). Upon review of the revised site plan, additional comments may be required.**
 - g. Site plan shall comply and be designed per DPM Standards.

FINDINGS – 08EPC-40021, March 20, 2008, Site Development Plan for Building Permit

1. The request is for a Site Development Plan for Building Permit for a site of approximately 4 acres located on the south side of Menaul Blvd. between Mesilla St. and Pennsylvania St.. The subject site consists of Lots 1-11 and Lots 33-38, Block 17, Zuni Addition and Lots 1-3, the northern portion of Lot 37 and Lots 38 and 39, Block 16, Zuni Addition. The rear six lots, Lot 3 and the northerly portion of Lot 37, Block 16, Zuni Addition, and Lots 33-36, Block 17, Zuni Addition are currently zoned SU-1 for Nursery. The remaining lots are zoned C-2.
2. The request is accompanied by a zone map amendment, case number 08EPC-40022, to rezone the 17 lots zoned C-2 and the 6 lots zoned SU-1 for Nursery to SU-1 for permissive C-2 uses excluding sales of alcohol for off-site consumption. The applicant proposes to replat the lots into one parcel and to vacate the portion of Prospect Ave. that bisects the site, and replace it with a public access and utility easement.
3. The site was used as a retail nursery business for approximately 45 years, until the company ceased operations in early 2006.
4. The site is in the Established Urban Area of the Comprehensive Plan. No other ranked plans govern the site.
5. The site development plan for building permit furthers the following applicable goals and policies of the Comprehensive Plan:
 - a. Policy II.B.5.d and Developed Landscape Policy II.C.8.a because the site development and landscape plans respect neighborhood values by addressing residents' concerns about access and site design; and respects scenic resources by improving the streetscape in the Menaul corridor and creating internal plazas that take advantage of views to the east and west.
 - b. Policies II.B.5.i, II.B.5.j, Air Quality Policy II.C.1.b because the proposed commercial center is designed to minimize potential adverse effects on the residential neighborhood to the south by discouraging through-traffic on Prospect, promoting access by transit and walking, limiting the height of lightpoles and prohibiting illumination on signs visible from residences, and by incorporating existing mature evergreens in landscape buffers.
 - c. Policy II.B.5.k because the proposed vehicular access and circulation improve traffic safety and livability in this section of the Menaul Blvd. corridor, by reducing the number

of existing site drives and discouraging cut-through traffic on Prospect Ave., a residential street.

- d. Policies II.B.5.l and II.B.5.m because the quality of the development will improve the visual environment in the area and enhance unique vistas to the east and west.
 - e. The Water Management Goal and Policy II.D.2.a because the landscape plan incorporates established trees and consists of a majority of low water use plants.
 - f. The Transportation and Transit Goal and Policies II.D.4.a, II.D.4.d, II.D.4.g, II.D.4.p because the proposal improves the safety and convenience of access for transit-users, motorists and pedestrians on a site in an Enhanced Transit Corridor.
 - g. The Economic Development Goal and Policy II.D.6.b because the proposed commercial center is neighborhood-scale, which reflects a balancing of economic, social and environmental goals, and it will attract local and smaller franchise businesses.
8. Property-owners within 100' and the nine neighborhood associations in the Uptown area were notified of the request. Two facilitated meetings were held (December 13, 2007 and January 21, 2008) and the applicant took account of neighborhood concerns in designing the development. A letter of opposition to the zone change request was received from the Classic Uptown neighborhood association, dated March 6, 2008. Their position is that the lots zoned SU-1 for Nursery should be rezoned for residential rather than commercial uses. No other written comments have been received.

RECOMMENDATION - 08EPC-40021, March 20, 2008

APPROVAL of 08EPC-40021, a Site Development Plan for Building Permit, for Lots 1-3, the northerly portion of Lot 37 and Lots 38 and 39, Block 16, Zuni Addition, and Lots 1-11 and Lots 33-38, Block 17, Zuni Addition, zoned SU-1 for permissive C-2 uses excluding sales of liquor for off-site consumption, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 08EPC-40021, March 20, 2008

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. **CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:**
Conditions of approval for the proposed Zone Map Amendment and 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).
 - b. A Traffic Impact Study (TIS) has been submitted and reviewed by Transportation Staff.
 - c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
 - d. The Traffic Impact Study is available for review by any interested party, in the office of the Traffic Engineer.
 - e. Provide public access and utility easements for the portion of Prospect Avenue to be vacated.
 - f. **Comments/requirements concerning site drives, general access to site and drive-thru windows have been provided to the applicant in a separate meeting with Planning Staff (2-28-08). Upon review of the revised site plan, additional comments may be required.**
 - g. Site plan shall comply and be designed per DPM Standards.
4. Applicant must request a Water/Sewer Availability Statement prior to signoff application to the DRB. A revised Utility Plan will also be required prior to DRB sign off.
5. The site development plan shall comply with all Solid Waste Management Department ordinances and requirements, including recycle areas.
6. A standard city shelter and associated bench and trash can shall be installed at the proposed location of the bus stop.

7. The General Notes on Sheet 1 shall include the following changes:
 - a. Add a note stating that off-premise signs shall not be allowed.
 - b. Add a note stating that the site development plan at a minimum shall comply with Section 14-16-3-18 General Building & Site Design Regulations for Non-Residential Uses.
 - c. Add a note stating that no lighting shall shine directly on public ROWs or residential properties per Section 14-16-3-9.
 - d. Add a note stating that, at a minimum, the usable outdoor area shall consist of an 8' walkway along the main façade of each building with public entrances, a 6' clear path on all walkways and any other usable public outdoor area included in the landscape provided. The usable public outdoor area shall exclude private outdoor restaurant seating.
 - e. Add a note stating that outdoor restaurant seating within 75' of residential zoning shall not operate past 10 pm, to limit noise impact on residents.
 - f. Add a note with the same text as in Note 5 on the landscape plan.
 - g. General Note 3 shall use the correct descriptors for existing bike facilities (the bike *route* on Cutler and bike *lanes* on Pennsylvania).
 - h. General Note 4 on Sheet 1 shall be reworded to be consistent with the parking calculations.
8. The parking calculations shall include the number of compact spaces allowed and provided.
9. The existing sidewalk on Mesilla shall be widened to 6' and this change reflected in Keyed Note 19.
10. The screen wall along the north side of Prospect Ave. shall be raised to a height of up to 6', in consultation with residential property-owners on Prospect Ave. opposite the subject site.

11. Errors and omissions on Sheet 1 shall be corrected, including (corrections of typos in italics):

- a. Correct Menaul *Blvd.* and Mesilla *St.*.
- b. The location of bollards shall be shown on the plan (Keyed Note 4).
- c. Show the loading area identified in Keyed Note 18 if applicable.
- d. Keyed Note 31 shall state that the stop is being relocated.
- e. Keyed Note 33 concerning vacation of Prospect must also refer to the provision of public access and utility easements.
- f. The site drive at Menaul and Prospect Ave. shall be keyed as a full access entry (#35 rather than #34).
- g. The location of lightpoles shall be indicated on the plan (Keyed Notes #40 and 41). The note shall state that lightpoles within 100' of residential properties shall not exceed 12'.

12. The following changes shall be made to the landscape plan:

- a. Desert willows shall be described as *Accent* rather than Street Trees in the plant palette. A minimum of 2/3 of the proposed desert willows in parking areas shall be replaced with trees of a taller deciduous species.
- b. Indicate that a portion of stormwater shall be used to supplement landscape irrigation, by showing harvesting and conveyance measures such as barrels, notched curbs and/or any necessary adjustments to the landscape design.

13. The lighting details for lightpoles and bollards as approved shall be included on the Details sheet (C 7).

14. The following changes shall be made to the signage details and design guidelines:

- a. The signage design guidelines as approved shall be included on the Details sheet (C 7).
 - b. Guideline # 1 - Insert "A total of 2 free-standing (signs)..."
 - c. Guideline #5 - Replace *city ordinances...C-2 uses* with "the state Night Sky Protection Act and general sign regulations and C-2 regulations in the Zoning Code".
 - d. Add a note stating the clocks shall comply with Sections 14-16-3-5 (D)(1) and (B)(1)(f).
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***Carol Toffaleti
Planner***

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Laura Heitman, Snow Heights NA, 8011 Princess Jeanne NE, Albuquerque, NM 87110
Andrea Henderson, Snow Heights NA, 1317 Rhode Island NE, Albuquerque, NM 87110
Louis Abruzzo, Uptown Progress Team, 10 Tramway Loop NE, Albuquerque, NM 87122
Marcy Cook, Uptown Progress Team, 6565 Americas Parkway NE, #200, Albuquerque, NM 87110
Richard Peterson, Winrock South NA, 7110 Constitution Ave. NE, Albuquerque, NM 87110

Virginia Kinney, Winrock South NA, 7110 Constitution Ave. NE, Albuquerque, NM 87110
Sharon Berlint, Zuni NA, 7516 Euclid NE, Albuquerque, NM 87110
Allan Smith, Zuni NA, 7522 Euclid NE, Albuquerque, NM 87110

Attachments

Exhibit A: Map showing lot numbers & zoning

Z-764, 8/18/1959

Z-1555, V-540 (12/20/1965)

Appeal No. 320 (Z-1555) 6/27/1966

Z-1555, 7/11/1966

Traffic Impact Study (executive summary and recommendations)

C-2 permissive uses

R-07-289, 8/6/2007 and R-08-45, 2/20/2008

R-270-1980

Section 14-16-3-18 General Building & Site Design Regulations for Non-Residential Uses

Lighting details (from previous submittal)

CITY OF ALBUQUERQUE AGENCY COMMENTS

[Note: All comments pertain to the original submittal rather than the revised packet unless indicated otherwise]

PLANNING DEPARTMENT

Zoning Code Services

Reviewed: If approved, a zone change from SU-1/Nursery Plants and C-2 Community Commercial Zone to SU-1/ C-2 Uses excluding sale of alcohol for off premises consumption would allow all of the *permissive uses* of the C-2 Zone- refer to section 14-16-2-17(A), and all of the *conditional uses* of the C-2 Zone- refer to section 14-16-2-17(B) A note should be provide on Site Plan that the building shall comply with Section 14-16-3-18, General Building & Site for Non-Residential Regulations.

Office of Neighborhood Coordination

Uptown NA List which includes the following: Alvarado Park NA (R), Classic Uptown NA (R), Inez NA (R), Jerry Cline Park NA (R), Quigley Park NA (R), Snow Heights NA (R), Uptown Progress Team, Inc. (R), Winrock South NA (R), Zuni NA (R)

Advance Planning

Building Location on Site:

Eighty percent of the development is setback more than 150 feet from the sidewalk along Menaul, and is not pedestrian or transit friendly.

Recommendation: Move shops closer to Menaul Avenue.

Driveway access:

There are three curb cuts between Mesilla Avenue and the eastern property edge. In order to achieve a cohesive environment as is suggested by the applicant, no more than two access points (including modified Prospect Street) should be provided. Access points from Mesilla into parking is to close to the Mesilla and Menaul intersection resulting traffic conflict between cars turning on Menaul and cars entering Mesilla from Menaul especially west bound (requiring a U-turn movement) into the parking area.

Recommendation: This can be resolved by moving the building closer to Menaul and parking to the back.

Sidewalk Location:

The proposal says the existing city sidewalk to remain. It is not clear how wide is the sidewalk. Also the side walk is located next to the curb. This will continue to have uneven sidewalk with so many curb cuts. This is not acceptable for a pedestrian and transit supportive environment.

Recommendations: Follow the DPM table 23.2.1.A. which requires "a minimum sidewalk width of six feet with a 6-foot set back from back of the curb for landscaping."

Comprehensive Plan:

The applicant give reference of the Comprehensive Plan Transportation Transit element "...Enhanced Transit Corridors are designed or redesigned to improve transit and pedestrian opportunities for residents, businesses and other users nearby. The Goal of these roadways is to develop adjacent land uses and intensities that promote the use of transit." Pad sites don't meet the intensity of development the Comprehensive Plan refers to support transit. The proposed single story development, set back from the street, is neither intense nor pedestrian friendly. The Proposed development doesn't meet the Comprehensive policies as well as it claims.

Recommendation:

The shops should move closer to Menaul and Mesilla and consider two to three story allowing mixed use.

Monument Sign:

The scale, height and massing of the Monument sign is not consistent with the single story scale of the development.

Recommendations:

Reduce the scale, size and massing of the monument sign to 12-foot and no more than 18-foot. The eye level of a driver is approximately 4'-3". A lower height will not only be safer for the automobile riders but also for pedestrians and bicyclists.

PUBLIC WORKS DEPARTMENT

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).
- A Traffic Impact Study (TIS) has been submitted and reviewed by Transportation Staff.
- Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
- The Traffic Impact Study is available for review by any interested party, in the office of the Traffic Engineer.
- Provide public access and utility easements for the portion of Prospect Avenue to be vacated.
- **Comments/requirements concerning site drives, general access to site and drive-thru windows have been provided to the applicant in a separate meeting with Planning Staff (2-28-08). Upon review of the revised site plan, additional comments may be required.**
- Site plan shall comply and be designed per DPM Standards.

Hydrology Development (City Engineer/Planning Department):

The Hydrology Section has no adverse comments on zone change request.

A concurrent platting action will be required at DRB.

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):

Comments sent directly to staff planner.

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 Zone Map Amendment and 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).
- b. A Traffic Impact Study (TIS) has been submitted and reviewed by Transportation Staff.
- c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
- d. The Traffic Impact Study is available for review by any interested party, in the office of the Traffic Engineer.
- e. Provide public access and utility easements for the portion of Prospect Avenue to be vacated.
- f. **(TO BE REVISED BY 3/20/08) Comments/requirements concerning site drives, general access to site and drive-thru windows have been provided to the applicant in a separate**

meeting with Planning Staff (2-28-08). Upon review of the revised site plan, additional comments may be required.

- g. Site plan shall comply and be designed per DPM Standards.

Utility Development

Applicant must request a Water/Sewer Availability Statement prior to signoff application to the DRB. A revised Utility Plan will also be required prior to DRB sign off.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

No comments received.

Environmental Services Division

No comments received.

City Forester

No comments received.

PARKS AND RECREATION

Planning and Design

No comments received.

Open Space Division

No comments received.

POLICE DEPARTMENT/Planning

Crime Prevention/John Carrillo NE Substation

No crime prevention or CPTED comments concerning the proposed one change or site plan at this time due to incomplete information about use

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved on condition, will comply with all SWMD ordinances and requirements, and have required recycle area, and reangle of 2nd enclosure by west shops required. Call for details, 761-8142.

FIRE DEPARTMENT/Planning

No comments received.

TRANSIT DEPARTMENT

[re. Revised site development plan]

The proposed location of the bus stop about 125' east of Prospect is acceptable to Transit. Transit requests that the applicant install a standard city shelter and associated bench and trash can at the proposed location.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

Zuni Addition, Lot 1-11 and Lots 33-38, Block 17, and Lots 1-3 and Lots 37-39 Block 16, is located on the SE and SW corners of Menaul and Propect and the SE corner of Menaul and Mesilla. The owner of the above property requests approval for a building permit and a zone change from C-2 for the portions of the property that front Menaul Blvd, and SU-1 for nursery the 6 back lots to SU-1 for C-2 uses excluding the sale of alcohol for off site consumption. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

Menaul Bd is designated on the ITS Systems Map as a corridor for ITS deployment. Coordination with City representative on the ITS Subcommittee is recommended.

For information purposes, Menaul Bd has a functional classification of urban principal arterial.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

There are overhead distribution lines just to the south of the eastern part of the property. There is an overhead line that crosses part of the western section of the property. Any changes or realignment of the existing underground or overhead distribution lines will be at the customer's expense.