



**Environmental  
Planning  
Commission**

**Agenda Number: 7  
Project Number: 1007099  
Case #'s: 08EPC-40021/40022  
May 15, 2008**

**Supplemental Staff Report**

<b>Agent</b>	Myers, Oliver & Price, P.C.
<b>Applicant</b>	Sandia Foundation
<b>Request(s)</b>	<b>Zone Map Amendment Site Development Plan for Building Permit</b>
<b>Legal Description</b>	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
<b>Location</b>	Menaul Blvd. NE, between Pennsylvania St. and Mesilla St.
<b>Size</b>	Approximately 3.92 acres
<b>Existing Zoning</b>	C-2 and SU-1 for Nursery
<b>Proposed Zoning</b>	SU-1 for C-2 permissive uses with exclusions

**Staff Recommendation**

*APPROVAL of 08EPC-40022, based on the findings on page 9, and subject to the conditions of approval on page 12.*

*APPROVAL of 08EPC-40021, based on the findings on page 13, and subject to the conditions of approval on page 15.*

**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 C-2 permissive uses with exclusions, 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 site development plan furthers a preponderance of applicable City goals and policies by creating a neighborhood-scale retail center in the Menaul corridor. The applicant provided an acceptable justification for the zone change per R-270-1980.

The project was heard and deferred in March by the EPC. It was deferred two days prior to the April hearing by the applicant, to further amend the proposed zoning and the site development plan in response to comments from affected property-owners and neighborhood representatives. The current submittal has addressed the majority of the EPC's and neighborhood concerns.

This report should be read in conjunction with the reports for the March 20 and April 17, 2008 hearings (attached)

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 02/11/2008 to 02/27/2008. Agency comments on the original submittal were used in the preparation of this report and begin on page 30 of the March report. Agency comments on the second submittal begin on page 16 of the April report, and on the third submittal on page 21 of this report

***GENERAL UPDATE***

The applicant requested a deferral two days prior to the April 17<sup>th</sup> EPC hearing because of neighborhood concerns raised at a meeting held on April 10<sup>th</sup>, where the applicant presented the latest revisions of the proposal. Some property-owners and representatives of neighborhood associations, including the Zuni and Inez NAs, expressed their preference for the design they had seen at pre-application meetings, which located more of the buildings at the back of the site rather than fronting Menaul. Property-owners were mainly concerned about the western portion of the site, between Mesilla and Prospect, where they wanted the rear of the building closer to existing homes and parking and the site drive at the front along Menaul. At a subsequent meeting on April 24<sup>th</sup> with the applicant and the City Planning Department (including the City Engineer and Development Review staff,) the District Councilor, Clr. Mayer, reiterated neighborhood concerns and elaborated on her District's vision for future development in the Menaul corridor. The Councilor cited the moratorium on development (R-08-45) and a visual study that was recently completed in preparation for creating a Menaul corridor plan (see att. and page 9 in the March staff report). She emphasized that two objectives in the future plan will be to maintain the existing building setbacks from the street, typically with parking at the front, and a 50's/60's vintage look for signage.

On the basis of input from the neighborhood meeting and the local Councilor, the applicant has revised the site layout of the western portion of the property and the free-standing signs. Other changes to the submittal were made in response to instructions from the EPC and to various agency and staff comments.

***UPDATE ON ZONE MAP AMENDMENT***

The applicant has reworded the zoning designation to "SU-1 for C-2 permissive uses, including a full service liquor license only in conjunction with a high quality restaurant, excluding sales of alcohol for off-site consumption and excluding off-premise signs". The text concerning the liquor license was added to address neighborhood concerns. "Restaurant" is defined in the Zoning Code (14-16-1-5, attached), but the term "high quality restaurant" is not and cannot be enforced under the Zoning Code. Staff has sought advice from Code Enforcement on the possibility of limiting the hours of liquor sales through the site development plan. They are consulting Legal Services on this issue and will report back. A condition is recommended pending this information.

The proposed restaurant with outdoor seating is a permissive use in a C-2 zone, but it has the potential to have noise impact on adjoining residents. As a mitigating measure, the site development plan includes General Note 6 that prohibits the use of outdoor restaurant seating within 75' of a residential zone after 10 PM. The 75' distance is taken from the section on conditional uses in the C-1 zone (14-16-2-16 (B)(11)(d)).

### ***ANALYSIS OF REVISED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT***

The site development plan needs to comply, at minimum, with general building and site regulations for non-residential uses in the Zoning Code (14-16-3-18, attached to March staff report). C-2 regulations may also serve as guidelines (14-16-2-17, attached to March staff report).

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

The layout of the west side of the site has been amended in response to preferences voiced by adjoining property-owners and neighborhood representatives. A single larger building (West Shops) now faces Menaul Blvd. and is setback from the sidewalk by landscaping and two rows of parking. A drive and smaller parking area are located at the rear. This replaces two smaller buildings that were closer to Menaul and faced mainly south, toward the residential area.

Although the new layout is in conflict with some of the Development Form standards for the Enhanced Transit Corridor (Comprehensive Plan Policy II.D.4.a), it still furthers the applicable Street Design and Transit Service standards. It also respects neighborhood values concerning the appearance of the Menaul commercial corridor and the protection of residential properties from activities and operational aspects of the proposed shops and restaurants (CP Policy II.B.5.d.).

The rest of the layout, i.e. east of Prospect, has not changed. The current proposal therefore consists of one drive-thru restaurant and three buildings (West, North and East Shops) with multiple tenant spaces for retail and restaurant uses. The total gross square footage is 39,725 sf, a slight decrease from the previous 40,125 sf. All the buildings are still one story. Staff recommends that the existing property line along the east side of Prospect Ave. be labeled "24" (see Keyed Notes) due to the proposed street vacation.

The development is designed to attract smaller retail tenants and restaurants, which typically generate trips by smaller service and delivery vehicles, not trucks. The south facades of the West and East Shops buildings have service access only. 6' to 8' high screen walls and 10' landscaped buffers with trees are proposed at the rear of the site along the residential boundaries. Staff considers that these meet the intent of the general zoning regulations for screening of service/loading areas.

An enclosed loading area is provided at the southeast corner of the drive thru restaurant (Pad A) and an open loading area with mountable curb is indicated on the west façade of the North Shops. Solid screening would normally be required on the latter, but staff considers that the center will be more welcoming with the proposed landscaping rather than a split face CMU wall at the main vehicular entrance.

Six refuse enclosures and one recycling enclosure are proposed which meet the Solid Waste Department's requirements. The refuse enclosures are generally located away from adjoining residential properties, which mitigates nuisance from odors and noise. However, the recycling bin regulations call for bins to be no closer than 100' to a residential zone (14-16-3-15 (D)). A condition is recommended to that effect. The location of the bin may be switched with a refuse enclosure that is at least 100' from the adjoining residential zone.

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

The high screen wall along the north side of Prospect Ave. is now indicated as solid throughout and between 6' and 8' in height, in response to comments from adjoining or nearby property-owners.

Staff recommends a condition that a typical elevation of the screen walls and of the retaining wall at the central plaza be added to the detail sheet. Also, a railing is recommended above the retaining wall to match the design of other structural features on the site (e.g. canopies, lighting fixtures or refuse enclosure gates).

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

Revised trip generation figures were verified by the City's Transportation staff and attached to the April report. These were based on a total square footage of 40,125 sf, including one drive-thru, and indicated an increase of less than 10% over the existing Traffic Impact Study (TIS), which meant the existing TIS remained valid. (The TIS is attached to the March staff report). Given that the current proposal has a little less square footage, 39,725 sf, and the same drive-thru, the TIS is still valid. Keyed Note 17 refers to the existing medians in Menaul Blvd as remaining. However, the City Engineer recommends conditions to adjust these medians at DRB.

Vehicular access and circulation have only changed in the west portion of the site. The main site drive is parallel to Menaul and has full two-way access off Mesilla and Prospect at approximately 40 ft. from the curb along Menaul. The new arrangement has been vetted by the City Engineer. A second access off Prospect is in the same location as before, but the drive winds around the rear of the West Shops building to connect with the main parallel drive. The amount of parking at the rear of the building has been significantly reduced and is likely to be used mainly by employees.

The EPC has discretion over the number of parking spaces provided in an SU-1 zone. The applicant has revised the parking calculations based on a total net leasable area of 19,125 sf of shops and 15,000 sf of restaurant uses. The restaurant uses are broken down into 184 seats in restaurants with full service liquor and a 317 person occupancy load in restaurants without liquor. These numbers are slightly higher than the 167 seats and 306 occupancy indicated in the previous submittal reviewed in the April staff report. The calculations continue to show a 10% reduction for transit service and a 5% reduction for the provision of a bus shelter. Overall a total of 199 spaces would normally be required per off-street parking regulations in the Zoning Code (14-16-3-1). The applicant is proposing 190 spaces, including accessible spaces. General Note 4 pertaining to the proportion of retail and restaurant uses on the site, and its implications for parking, has been reworded to be consistent with the parking calculations. Staff considers that this approach is generally acceptable. However, to ensure that the off-street parking is sufficient over time, with shifting tenants and uses, staff recommends an additional note that can be enforced by the City: "Off-street parking provision shall meet the combined requirements of all tenant uses at all times, per off-street parking regulations in the Zoning Code (14-16-3-1)."

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

The pedestrian connections are acceptable with two exceptions: staff suggests that the trees at the patio west of Prospect be moved to provide a direct pathway between Menaul and the residential area; and the crosswalk on Mesilla needs to have textured paving like other crosswalks on the site.

The sidewalk on Menaul Blvd. should not be labeled 19 (see Keyed Notes) as it is being replaced with an improved shaded sidewalk and a new bus stop pad.

There are no designated bicycle facilities in the immediate vicinity that call for connections to the site. Five bike racks are well distributed across the site and four of them, at the West and East Shops and Pad A, are somewhat protected from the elements by a building canopy.

The #8 ABQ Ride bus operates seven days a week on Menaul. The siting of the proposed bus shelter has been coordinated with the Transit Department. Staff continues to recommend that the final siting and design of the bus shelter be approved by the Transit Department prior to DRB sign off.

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

The site development plan (Sheet 1) shows the location of lightpoles (see Keyed Notes 40 & 41). The lower 16' light poles are sited in areas closer to the residential zone and General Note 8 stipulates that site lighting shall not shine on the public ROW and residential properties. Keyed Note 4 refers to bollard lighting, but staff did not find their locations on the site plan.

The Details (Sheet 7) shows the design of all free-standing lights. The labels indicate that the lightpoles will be located to prevent off-site luminance and that fixture shields will be field-verified.

Regarding wall-mounted lighting, the bollard detail refers to overhead canopy lighting, but the latter is not shown and detailed in the submittal. Staff recommends a condition to correct this omission. The Elevations show shielded fixtures above the service doors at the rear of the West and East Shops buildings.

### ***Landscaping***

The landscape design and calculations have been adjusted to reflect the new layout and square footage of the proposed development. The design is attractive and functional, as it provides shade and mitigates the heat island effect of the development throughout the site. Some of the trees in the south buffer between Mesilla and Prospect have been replaced with a smaller species, at the residential property-owner's request. The 75% live area in the calculations should include the term "vegetative cover". The cover is provided on the plan, except in the residential buffer at the southeast corner of the site. Staff also recommends a greater proportion or more even distribution of evergreen shrubs across the site.

Staff recommends that the plan include a detail of the irrigation system and specify flows and runtime for trees and shrubs. (Other than Note 5 describing outdoor amenities, the General Notes are not necessary on the landscape plan sheet.)

The Grading & Drainage plan mentions harvesting a portion of local stormwater runoff for the landscaping, but no such measures are indicated on the site plan. Staff recommends that measures such as notched curbs and depressed landscaped beds be incorporated in the project where appropriate, in order to reduce flows into Menaul Blvd. and to supplement landscape irrigation.

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

As part of the revisions, a separate plaza in the western part of the site was replaced with a plaza along the east façade of the West Shops building. Because it is in close proximity to the plazas across Prospect Ave. that are associated with the North and East Shops buildings, the revised layout creates a pedestrian-oriented focal point in the center of the development away from the main parking areas. This central area is “speckled” on the site development plan. Staff requests clarification of this symbol on the site development plan as it covers the plazas and site drives.

The north facades of the West and East Shops scale at approximately 175’ and 200’ respectively. Staff recommends that permanent seating be provided for general use to comply with Section 14-16-3-18 (C)(3). It should be additional to any outdoor restaurant seating and may be in the form of benches, raised planters or ledges.

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

These plans have been revised to reflect the new layout in the western portion of the site.

### ***Architecture***

The architecture has changed slightly from the submittals reviewed in the March and April staff reports. Each tenant module in the Shops buildings is still 25’ wide, but the height of the glass storefronts has been increased from 7’4” to 10’ high for marketing reasons and the original clerestory windows have been eliminated.

A door is indicated at some but not all storefronts. To avoid confusion at later stages in the City review process, staff recommends that all storefronts that are intended to have potential access, including the east elevation of the North Shops, show a doorway that is labeled “illustrative”. It appears that the west elevations of the West and East Shops are not intended to have doors because the landscape plan shows plantings at the base of the building. Since tenant spaces may be combined to form larger spaces, staff recommends that a note be added to the site development plan (Sheet 1) explaining that the lines splitting the Shops buildings into tenant spaces are not fixed. Dimensions of typical storefronts, public entrances and service doors should be indicated on each sheet.

The North Shops building and Pad A are not designed to have public entrances on the Menaul Blvd. frontage but they do include clear windows, which complies with Section 14-16-3-18(C)(2)(a). Dimensions of typical windows on the north, east and west elevations of the drive-thru restaurant should be indicated.

Staff finds that the long north and south elevations of the West and East Shops would benefit from additional articulation, such as a variation in the canopy or parapet height and in the decorative striping at the rear. Staff recommends conditions accordingly.

### ***Signage***

The revised submittal includes changes to the free-standing site signs and comprehensive design standards for site and tenant signage.

The free-standing site signs have been redesigned in a vintage 50's style, with colors that match the architectural details of the buildings, and their height has been reduced. The larger pylon sign, which replaces the clocktower, is at the Prospect Ave. entrance to the center and its height has been reduced from 26' to 24'. The secondary sign is a monument version of the same sign, located at the east site drive. It could be moved within 10' of the public ROW as long as it does not obstruct line of sight for motorists at the site entrance. Its height has been reduced significantly, from 15' 4" to 12' 4". The sign face areas are no larger than the previous submittals. The thickness of the signs is not indicated and the font style of the two site signs should match. Staff recommends conditions accordingly.

All the other signage consists of individual tenant signs. Sheet 7 has details of a typical wall, marquee and canopy sign, and a free-standing menu sign for the drive-thru restaurant. The height dimension of the latter is missing. Together, the building diagram on Sheet 7 and the Elevation sheets indicate the potential locations of the tenant signs and which ones may be visible from adjoining residential properties, which is relevant for illumination. The design guidelines include both general standards and standards specific to each signage type. There are limits on the number, location and size of the signs. Size is addressed in terms of letter size, number of lines and overall sign face area. Essentially, a tenant is allowed one marquee sign per facade and one small canopy and wall sign per public entrance. Parapet signs are only allowed for tenants of the North Shops building on the façade facing Menaul. The proposed tenant signage appears reasonable, given that the different types of signs are designed to be visible by motorists approaching the buildings or by pedestrians walking around the center and under the building canopies. Staff does question whether wall signs are appropriate on the west elevation of the North Shops building, as there will be no doorway due to the proposed landscaping in that area.

Staff recommends additional conditions to clarify or make minor corrections to the standards. However overall, staff considers the signage element of the submittal exemplary in both scope and detail.

### ***CONCERNS OF REVIEWING AGENCIES***

One page of the recommended conditions from the City Engineer, Municipal Development and NMDOT was missing from the April 17, 2008 report (page 18), but they were included in the proposed conditions of approval. The missing page is attached to this report to complete the record.

The comments and conditions from Transportation Development have been partially revised on the basis of the current submittal.

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

Since the April staff report was distributed, comments have been received from:

- An adjoining property owner, dated April 27, 2008, who requests that the screen wall be 8' high and states a preference for a cul-de-sac at Prospect Ave..
- The President of the Zuni Neighborhood Association, dated April 27, 2008 (see att.). The subject site is located within the boundaries of this association. Their concerns, and how or whether the revised submittal addresses them, are summarized below:
  - Two drive-thru restaurants – The revised site development includes one drive-thru restaurant only.
  - Parking at rear of buildings – The building in the west portion of the site has been setback from Menaul, with most parking at the front and side of the building. The east side of the site is deeper and already accommodated most of the public parking at the front or side of the buildings.
  - Dumpsters close to residential backyards – The dumpsters in the west portion of the site have been moved further from the adjoining residential properties.
  - Disturbance from restaurants serving liquor – The applicant has revised the proposed zoning designation to limit liquor being served only in conjunction with a high quality restaurant. The site plan also includes a note prohibiting the use of outdoor restaurant seating past 10 PM within 75' of a residential zone.
- The President of the Inez Neighborhood Association, dated April 13, 2008 (see letter and photos att.). This association is located east of Pennsylvania. The letter reported on the neighborhood meeting of April 10, 2008. Only issues additional to those raised by the Zuni NA are summarized below, followed by staff's response:
  - Site layout and building orientation –The "former Baldrige property" referred to in the letter is a storage building on Indian School Road that has virtually no setback from the public right-of-way. It contrasts with the proposed development on the subject site where the building closest to Menaul, North Shops, is setback 23' from the curb, behind street trees, a 6' sidewalk and a 11' landscape strip.
  - Drainage – the grading and drainage plan concludes that the difference between run-off from the previous and proposed development is "negligible". The proposal provides approximately 5,000 sf more landscaping (an additional 25%) than what is required. Staff is recommending a condition to incorporate rainwater harvesting measures in the development.
  - Drive-thru restaurant – City Transportation staff reviewed the queuing arrangement and found it acceptable.

## **CONCLUSIONS**

The applicant is proposing to restrict on-site consumption of alcohol in the requested zoning to liquor license associated with a high quality restaurant, in response to neighborhood concerns. The revised site development plan addresses the majority of the EPC's instructions and comments from property-owners, neighborhood representatives and City staff. Staff recommends approval of the zone change and site development plan, subject to conditions that



correct errors and omissions and that strengthen the project's compliance with City policies and regulations.

***FINDINGS – 08EPC-40022, May 15, 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 with exclusions, 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 full zoning designation indicated on the site development plan is: SU-1 for C-2 permissive uses, including a full service liquor license only in conjunction with a restaurant, excluding sales of alcohol for off-site consumption and excluding off-premise signs.
3. The request is accompanied by a site development plan for building permit, case number 08EPC-40021, for a retail center comprising one drive-thru restaurant and three retail buildings with multiple tenants, with a total square footage of 39,725 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.
4. The site was a retail nursery for approximately 45 years, until the company ceased operations in early 2006.
5. The site is in the Established Urban Area of the Comprehensive Plan. No other ranked plans govern the site.
6. 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.
7. The applicant justified the zone change request per Resolution 270-1980:
- A. The proposed zone change is consistent with the health, safety, morals, and general welfare of the city. 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. The applicant provided an acceptable justification for the change. 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. The proposed change is not in significant conflict with applicable goals and policies of the Comprehensive Plan. 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). 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 has demonstrated that the existing zoning is inappropriate because:
2. Changed neighborhood or community conditions justify the change - 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.
- and
3. The requested zoning is more advantageous to the community as articulated in the Comprehensive Plan ( 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 with exclusions, 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.
- E. The permissive C-2 uses with exclusions in the requested zone would not be of significant harm to adjacent property, the neighborhood, or the community. The applicant has excluded liquor sales for off-site consumption in response to neighborhood concerns and has restricted on-site liquor sales to those associated with a high quality restaurant only. The site development plan associated with the requested SU-1 designation allows for neighborhood input concerning the location and buffering of uses on the site.
- F. The proposed zone change and associated development of a retail center on this infill site in the Established Urban area will not require major and unprogrammed capital expenditures by the city. In fact, the zone change and associated site development plan are allowing the city to require changes to the medians and turning lanes on Menaul which will improve highway safety.
- G. The cost of land or other economic considerations pertaining to the applicant is not the determining factor for a change of zone.

- H. The location of the site on Menaul Blvd., a major street, is not the main justification for the requested commercial zoning.
  - I. The zone change request does not create a “spot zone”, because the proposed “SU-1 for permissive C-2 uses with exclusions” is consistent with the C-2 zoning that predominates on land fronting Menaul in the surrounding area.
  - J. The zone change request does not create “strip zoning”, because the proposed “SU-1 for permissive C-2 uses with exclusions” is consistent with the C-2 zoning that predominates on land fronting Menaul in the surrounding area.
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) prior to submission of the application. The applicant sent a letter to interested parties from the neighborhoods on February 25, 2008, enclosing a site development plan. They communicated with them on April 7 – 9, 2008 by mail and/or email. A (non-facilitated) meeting was held on April 10, 2008 to discuss the proposal submitted to the EPC for the April 17<sup>th</sup> hearing and reviewed in the corresponding staff report.
9. Letters of opposition to the zone change request were received from the Classic Uptown neighborhood association (NA) and from a property-owner residing on Prospect Ave. Their position is that the lots zoned SU-1 for Nursery should be rezoned for residential rather than commercial uses. Concerns were also raised to previous versions of the site development plans by other property-owners and the Zuni and Inez NAs. Their issues centered on protecting adjoining residents from impacts such as parking and circulation, odors and noise associated with dumpsters, and disturbance from patrons consuming liquor at restaurants on the site.

***RECOMMENDATION - 08EPC-40022, May 15, 2008***

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

**from C-2 to SU-1 for C-2 permissive uses with exclusions 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 with exclusions, 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, May 15, 2008, Zone Map Amendment***

- 1. The section of Prospect Ave. within the subject site shall be vacated prior to DRB sign off.

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2. Final sign-off of the accompanying site development plan (08EPC-40021).
  3. The zoning is SU-1 for C-2 permissive uses with exclusions. The exclusions are:
    - including a full service liquor license only in conjunction with a restaurant
    - excluding sales of alcohol for off-site consumption
    - excluding off-premise signs

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***FINDINGS – 08EPC-40021, May 15, 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 with exclusions. 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 buffering; 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, 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 low and medium 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.
10. 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) prior to submission of the application. The applicant sent a letter to interested parties from the neighborhoods on February 25, 2008, enclosing a site development plan. They communicated with them on April 7 – 9, 2008 by mail and/or email. A (non-facilitated) meeting was held on April 10, 2008 to discuss the proposal submitted to the EPC for the April 17<sup>th</sup> hearing and reviewed in the corresponding staff report.

11. Letters of opposition to the zone change request have been received from the Classic Uptown neighborhood association (NA) and from a property-owner residing on Prospect Ave. Their position is that the lots zoned SU-1 for Nursery should be rezoned for residential rather than commercial uses. Concerns were also raised by other property-owners, and the Zuni and Inez NAs, about protecting adjoining residents from impacts such as parking and circulation, odors and noise associated with dumpsters located at the rear of the site, and disturbance from patrons consuming liquor at restaurants.

***RECOMMENDATION - 08EPC-40021, May 15, 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 C-2 permissive uses with exclusions, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 08EPC-40021, May 15, 2008, 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. **RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT 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. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
  - c. Provide public access and utility easements for the portion of Prospect Avenue to be vacated.
  - d. Encroachment agreement required for public sidewalk located within site property adjacent to public streets.
  - e. Delete median diverter in Menaul Boulevard between Prospect Avenue and Charleston Street. Extend westbound left turn lane (maximum length) in Menaul Boulevard to Prospect Avenue. See turning movement count data on Menaul Boulevard at the intersections with Mesilla/San Pablo, Prospect/Charleston and Dallas Streets for justification.
  - f. Extend westbound left turn lane (maximum length – if possible) in Menaul Boulevard to Mesilla Avenue. Full access to San Pablo and Mesilla to remain.
  - g. Dimension and/or reference under keyed notes all site drive widths and radii (i.e. full access at 36' with 25' curb return radii and right turn-in/ right turn-out at 30' with 25' curb return radii).
  - h. For pad "A", adjacent to service loading area (keyed note #39), provide 25' turning radius at entrance of drive thru lane.
  - i. Change all internal curb return radii labeled #7 to #6 (i.e. change 30' to 25').
  - j. Change all internal end of aisle islands labeled #4 to #5 (i.e. change 10' to 15').
  - k. Label and draw southwest corner of the intersection of Prospect and main east/west drive aisle as a 15' minimum radius curb return.
  - l. A concurrent platting action will be required at DRB.
  - m. Site plan shall comply and be designed per DPM Standards.
4. The applicant shall obtain a Water/Sewer Availability Statement prior to signoff application to the DRB. A revised Utility Plan shall also be required prior to DRB sign off.
5. **Zoning** – The following changes shall be made on the site development plan:
- a. In the Building Criteria Table, under Proposed Zoning, the words "high quality" shall be deleted.
  - b. A General Note shall be added stating: "A restaurant with a full service liquor license shall not serve food and/or drink between the hours of 11 PM and Noon."

6. **Site Plan Layout / Configuration** – the following changes shall be made to the site development plan:
- a. The recycling bin shall be no closer than 100’ to a residential zone per 14-16-3-15 (D). It may be switched with a refuse cnl
  - b. The existing property line along the east side of Prospect Ave. shall be labeled “24” (see Keyed Notes) due to the proposed street vacation.
7. **Walls/Fences** - the following changes shall be made to the site development plan:
- a. A railing shall be added to the retaining wall at the upper plaza located west of the East Shops building, that matches the design of other structural features on the site (canopies, lighting fixtures or gates).
  - b. A typical elevation of the screen walls and of the retaining wall, including the railing, at the central plaza shall be added to the Details (Sheet 7)
8. **Vehicular Access, Circulation and Parking** – The General Notes on the site development plan shall include the following text: Off-street parking provision shall meet the combined requirements of all tenant uses at all times, per off-street parking regulations in the Zoning Code (14-16-3-1).
9. **Pedestrian Access and Circulation, Transit Access** - the following changes shall be made to the site development plan:
- a. The label keyed to Note 19 shall be removed from the sidewalk on Menaul.
  - b. The trees at the patio west of Prospect shall be moved to provide a direct pathway between Menaul and the residential area;
  - c. The crosswalk on Mesilla shall have textured paving to match other crosswalks on the site.
  - d. The bus shelter shall be approved by the City Transit Department prior to DRB sign-off.

10. **Lighting** – The overhead canopy lighting shall be shown and detailed in the site development plan.

11. **Landscaping** – The following changes shall be made to the landscape plan:

- a. The calculations for “live area” shall refer instead to “live vegetative cover”.
- b. The landscape buffer adjoining the residential property in the southeast corner of the site shall include a minimum of 75% live vegetative cover excluding tree canopies.
- c. The proportion of evergreen shrub plantings shall be increased to 25% and shall be distributed across the site.
- d. The plan shall include a detail of the irrigation system and specify flows and runtimes for trees and shrubs.

12. **Stormwater Management** – The site development plan shall incorporate rainwater harvesting measures, such as french drains, notched curbs and depressed landscaped beds, to reduce stormwater run-off and supplement landscape irrigation.

13. **Outdoor seating** –

- a. The symbol used for the paving treatment of the central area of the development (on plazas, Prospect Ave. and an internal drive) shall be described in the Keyed Notes.
- b. Benches for general public use shall be added along the West and East Shops to comply with Section 14-16-3-18 9 (C)(3) of the Zoning Code.

14. **Architecture** – The following changes shall be made to the site development plan:

- a. A note shall be added to the site development plan (Sheet 1) explaining that the lines splitting the Shops buildings into tenant spaces are not fixed and that tenant spaces may be combined to create larger spaces.
- b. Typical dimensions of public and service entrances shall be included on the Elevations;

- c. All storefronts that may be accessed, including storefronts on the east elevation of the North Shops, shall include a doorway that is labeled “illustrative”;
- d. Overhead canopy lighting shall be indicated on the Elevations;
- e. Dimensions of typical windows on the north, east and west elevations of the drive-thru restaurant should be indicated.
- f. The north and south elevations of the West and East Shops shall include at least one additional architectural feature to break up the building mass, per Section 14-16-3-18 (D)(2) of the Zoning Code.

15. **Signage** – The following changes shall be made:

- a. Ref. Design Guideline C. 2.b., insert "tenant" after "per".
  - b. The thickness of the free-standing site and menu signs shall be shown on the Details sheet, as well as the height of the menu sign.
  - c. The font style used to identify the retail center and numerical address on the two free-standing site signs shall match.
  - d. The potential locations for wall signs shall be eliminated from the west elevation of the North Shops building, as there will be no doorway due to the proposed landscaping in that area.
  - e. Ref. Diagram D.2, “to a maximum of 75” shall be inserted in the label of the marquee sign to match Design Guideline C.2.a.iii.
  - f. Ref. Design Guideline C.2.b., a new guideline iii. shall be added with the same size information as in Diagram C.1, i.e. “40 sf maximum...14” high letters.”
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**Carol Toffaleti  
Planner**

cc: Sandia Foundation, 6211 San Mateo NE, Suite 100, Albuquerque, NM 87109  
Myers, Oliver & Price, P.C, 1401 Central Ave. NW, Albuquerque, NM 87104  
Bill Sterchi, Alvarado Park NA, 5607 Princess Jeanne NE, Albuquerque, NM 87110  
Gene Tatum, Alvarado Park Na, 1916 Madeira NE, Albuquerque, NM 87110  
Stephen Verchinski, Classic Uptown NA, 2700 Espanola NE, Albuquerque, NM 87110  
Patti Flanagan, Classic Uptown NA, 2716 Espanola NE, Albuquerque, NM 87110  
Evelyn Feltner, Inez NA, 2014 Utah St. NE, Albuquerque, NM 87110  
Bette Weber, Inez NA, 1927 Virginia St. NE, Albuquerque, NM 87110  
Julie Jones, Jerry Cline Park NA, 7625 Winter Ave. NE, Albuquerque, NM 87110  
Eric Shirley, Jerry Cline Park NA, 900 Grove St. NE, Albuquerque, NM 87110  
Lisa Whalen, Quigley Park NA, 2713 Cardenas Dr. NE, Albuquerque, NM 87110  
Maria Young, Quigley Park NA, 2932 Madeira Dr. NE, Albuquerque, NM 87110  
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  
Harold McCutcheon, 7420 Prospect NE, Albuquerque, NM 87110  
Donna K. Yetter, Inez NA Board Member, 2111 Hoffman Dr. NE, Albuquerque, NM 87110  
Jason Yurcic, 7424 Prospect NE, Albuquerque, NM 87110  
Ms. Garcia, 7437 Prospect NE, Albuquerque, NM 87110

***Attachments***

Notice of Decision, #1007099, April 17, 2008  
Request for deferral from applicant, dated April 15, 2008  
EPC instructions from March 20, 2008 hearing  
2004 Aerial showing Rowlands Nursery  
Map of site area showing addresses of adjoining residents/property-owners  
Map of site area showing neighborhood association boundaries  
Conditions from the City Engineer, Municipal Development and NMDOT missing from the April 17, 2008 staff report (page 18)

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

### ***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 including an updated trip generation comparison for the current proposal.
- 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.
- Encroachment agreement required for public sidewalk located within site property adjacent to public streets.
- Delete median diverter in Menaul Boulevard between Prospect Avenue and Charleston Street. Extend westbound left turn lane (maximum length) in Menaul Boulevard to Prospect Avenue. See turning movement count data on Menaul Boulevard at the intersections with Mesilla/San Pablo, Prospect/Charleston and Dallas Streets for justification.
- Extend westbound left turn lane (maximum length – if possible) in Menaul Boulevard to Mesilla Avenue. Full access to San Pablo and Mesilla to remain.
- Dimension and/or reference under keyed notes all site drive widths and radii (i.e. full access at 36' with 25' curb return radii and right turn-in/ right turn-out at 30' with 25' curb return radii).
- For pad "A", adjacent to service loading area (keyed note #39), provide 25' turning radius at entrance of drive thru lane.
- Change all internal curb return radii labeled #7 to #6 (i.e. change 30' to 25').
- Change all internal end of aisle islands labeled #4 to #5 (i.e. change 10' to 15').
- Label and draw southwest corner of the intersection of Prospect and main east/west drive aisle as a 15' minimum radius curb return.
- Site plan shall comply and be designed per DPM Standards.

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

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- b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
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- f. Extend westbound left turn lane (maximum length – if possible) in Menaul Boulevard to Mesilla Avenue. Full access to San Pablo and Mesilla to remain.
- g. Dimension and/or reference under keyed notes all site drive widths and radii (i.e. full access at 36' with 25' curb return radii and right turn-in/ right turn-out at 30' with 25' curb return radii).
- h. For pad "A", adjacent to service loading area (keyed note #39), provide 25' turning radius at entrance of drive thru lane.
- i. Delete the end or south parking space in parking area (6 spaces) south of Shops "D" and perpendicular to Prospect Avenue.
- j. Change all internal curb return radii labeled #7 to #6 (i.e. change 30' to 25').
- k. Change all internal end of aisle islands labeled #4 to #5 (i.e. change 10' to 15').
- l. Label and draw southwest corner of the intersection of Prospect and main east/west drive aisle as a 15' minimum radius curb return.
- m. A concurrent platting action will be required at DRB.
- n. Site plan shall comply and be designed per DPM Standards.