



**Environmental  
Planning  
Commission**

*Agenda Number: 11  
Project Number: 1006950  
Case #'s: 08 EPC 40064, 08EPC 40010  
August 21, 2008*

**Supplemental Staff Report**

<b>Agent</b>	DAC Enterprises
<b>Applicant</b>	Gina Schmidt, Sierra West LLC
<b>Request(s)</b>	<b>Zone Map Amendment</b>
<b>Legal Description</b>	Tract A, Land of Sierra West LLC
<b>Location</b>	Wyoming BLVD, between I-40 freeway NE, Mountain RD, NE, and Jaffa Road
<b>Size</b>	Approximately 1 acre
<b>Existing Zoning</b>	R-1
<b>Proposed Zoning</b>	SU-1 for C-1 uses with restrictions

**Staff Recommendation**

*APPROVAL of 08 EPC 40010 a zone map amendment and 40064 A site development Plan for Building Permit, based on the findings on page 17 , and subject to the conditions of approval on page .*

**Staff Planner**  
*Maggie Gould, Planner*

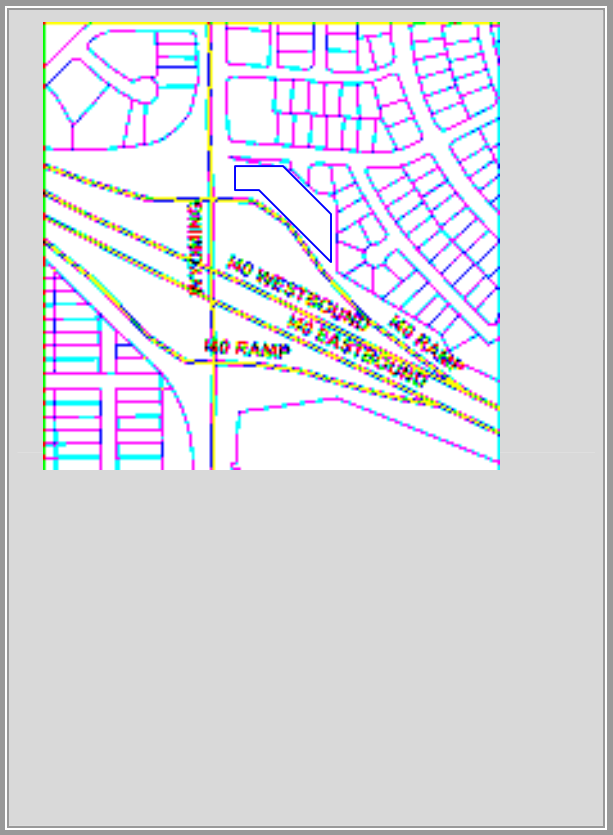
**Summary of Analysis**

This is a request for a zone map amendment and a Site Development Plan for Subdivision for a site located at the Southeast corner of Wyoming Boulevard and Interstate 40. This site was owned by the New Mexico Department of Transportation, and was not zoned by the City. The default zoning for the site is R-1. This proposal is to rezone the site to SU-1 for C-1 uses.

The case was originally submitted in March of 2008. Then the applicant was proposing a C-2 zone. There was neighborhood opposition to that request. The case was deferred to allow time to work out these issues. The case was deferred again in July to allow time for a facilitated meeting and the completion of traffic studies.

A meeting took place on July 31<sup>st</sup>, the applicant presented the site plan and asked for comments. The neighbors did not express support or opposition for the project.

The applicant justified this request per the requirements of R-270-1980 The new zone is more compatible with the existing residential development. Because the applicant is requesting an SU-1 zone, a site plan for subdivision is included. Staff recommends approval.



City Departments and other interested agencies reviewed this application from 06/09/2008 to 06/20/2008.

This case was originally submitted in March of 2008. At that time the request was for a straight C-2 zone. The request was changed to SU-1 for C-1 with restrictions. It was submitted for the June 2008 hearing, it was deferred at that time to allow a facilitated with the surrounding property owners, allow the applicant to prepare an accurate site plan for subdivision and to allow the applicant to complete requested traffic studies.

A facilitated meeting occurred on July 31. Fifty – five invitations to the facilitated meeting were sent to resident in an approximately 3 block area around the site. The four people from the neighborhood attended, 3 remained opposed to the project stating that they do not want to see anything developed on the subject site.

The applicant has submitted the required traffic studies and the traffic engineer, Tony Loyd has accepted the study.

The trip generation comparison shows that the increase in traffic will be negligible.

The applicant has submitted a revised site plan for subdivision and clarified the restrictions on the zoning.

The requested zone is SU-1 for C-1 except: auto supply store, car wash, church, car stereo sales and service, club, coin and gun shop, garage for auto repair, pawn shop, radio or tv studio service station, taxidermy shop, or wireless telecommunication facility and no drive up, drive in, or drive through uses of any type

## ***ANALYSIS OF SITE DEVELOPMENT PLAN FOR SUBDIVISION***

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

The applicant proposes a total of 49, 00 square feet of office, retail and restaurant in two buildings. Occupancy “A” at the west end of the site will be a 3500 square foot retail space with 18 parking spaces. Occupancy “B” and “C” will be connected. Occupancy “B” will be a two story office building with 1000 square feet on the ground floor and 5000 square feet on the second floor. Occupancy “C” will be 4,000 square feet of Service retail. The site is located adjacent to the I-40 westbound off-ramp. Access to the site would be from Mountain Road, a local residential street. There is an existing sound barrier wall along the I-40 interstate (south side of the site) blocking views of the site from the off-ramp. There is a chain link fence on the north, east and west sides of the site. There is a twenty foot public water easement on the northern boundary of the site.

The buildings are pushed closer to the freeway and away from the existing residential development.

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

The site plan for subdivision shows the existing sound wall along I-40, this is outside the subject property. There is an existing 6 foot high chain link fence that meets the sound wall on the east of site, also outside of the property line. There is an existing concrete block wall along the west side of the property, this wall is along the property line.

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

Access for the site is provided from Mountain road. There are two entry points, one at Jaffa road and one at the west end of the site across from the existing gas station. No access will be available from Wyoming. Parking is distributed throughout the site.

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

A six foot wide sidewalk is shown along Mountain road.

A three space bike rack is shown at the front of Occupancy "B". Staff would like to add a bike rack in front of the other two buildings (condition 4).

***Lighting and Security***

The plan shows 16 foot tall light poles, these comply with zone code which requires a maximum 16 foot tall light pole within 100 feet of and residential area.

***Landscaping***

Ten foot landscape buffers are shown against the residential property to the east. A landscape island is also shown along the front of the property and in the parking areas. When the property returns to EPC the landscape plan will be provided.

***Public Outdoor Space***

An outdoor seating area is proposed in between Occupancy "B" and Occupancy "C".

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

Specific grading and utility plans will come with the Site Development Plan for Building Permit.

***Architecture***

No specific architectural style is proposed.

***Signage***

One free standing is proposed. No dimensions are given. When this property returns to EPC for a Site Plan for Building permit, this will be clarified.

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**FINDINGS - 08EPC 40010, a request for a zone map amendment from R-1 to SU-1 for C-1 uses with the following exclusions:** auto supply store, car wash, church, car stereo sales and service, club, coin and gun shop, garage for auto repair, pawn shop, radio or tv studio service station, taxidermy shop, or wireless telecommunication facility and no drive up, drive in, or drive through uses of any type

1. This is a request for a zone map amendment from R-1 to SU-1 for C1-uses excluding auto supply store, car wash, church, car stereo sales and service, club, coin and gun shop, garage for auto repair, pawn shop, radio or tv studio service station, taxidermy shop, or wireless telecommunication facility and no drive up, drive in, or drive through uses of any type
2. The property was owned by the New Mexico Department of Transportation until 2007 when the site was deemed, excess right-of-way and sold to the highest bidder. The site was not zoned or platted. As a result, the default zone for the site is R-1, pursuant to Zoning Code regulation §14-16-4-9.
3. The site is located within the Established Urban Area of the Comprehensive Plan. This request furthers the following Comprehensive Plan policies for Established Urban Areas:

a. Land Use Policies

Policy d: Policy d is furthered because the SU-1 for C-1 zone will allow commercial development at a less intense level than C-2 development along Wyoming. The SU-1 zone provides protection for the neighborhood and the surrounding development by providing a public process to allow for input regarding the design and layout of the site.

Policy e: Staff finds that this policy is furthered. Staff agrees with the applicant that this is an infill site. The site has access to a full range of exiting services. The SU-1 zone will allow public review of this project and will give the neighborhood an opportunity for input.

Policy i This policy is furthered by this request. The proposed uses could compliment residential areas by allowing for pedestrians and bicyclists from within the Mesa Village neighborhood to use local residential streets to access the site. The landscaping requirements and site design will help buffer the residential area from the commercial use.

Policy j The subject site is located in an older residential neighborhood and along a principal arterial. The applicant is proposing a SU-1 C-1 use, which is intended to be consistent with existing uses along the Wyoming Boulevard commercial corridor.

b. Economic Development Policies

Policy a The site plan for subdivision shows a proposed mix of office, retail and restaurant use. If these uses develop on this site then policy a is fulfilled by this request.

4. The applicant has justified this request per the requirements of R-270-1980
  - A. The applicant states that because of the size of the site there would not be a substantial impact on the health, safety, morals, and welfare of the City.
  - B. Staff agrees that single-family housing is not appropriate abutting an interstate off-ramp. The applicant argues that the proposed zoning is compatible with adjacent land uses and is therefore more beneficial. Since access to the site is from within the Mesa Village neighborhood, Staff agrees that SU-1 for C-1 uses zone would be compatible with adjacent zoning and land use.
  - D. The applicant states that there are changed conditions in the area in the form of new zoning across from the subject site and that the new zone is more advantageous to the neighborhood. The change in status from NMDOT ownership to private ownership is significant.
  - E. The applicant states permissive uses in a SU-1 for C-1 uses zone will not be harmful to adjacent residential properties because C-1 zone provides “uses to satisfy the day to needs of residential areas.” In addition the Site Plan approval at EPC will give residents input into the building design.
  - F. This request does not require capital expenditures by the City.
  - G. Economic considerations have not been a determining factor in this analysis.
  - H. The subject site’s location on Wyoming Boulevard is not the primary justification for this request.
  - I. This request will not create a spot zone.
  - J. This request does not constitute a strip zone
5. The Snow Heights Neighborhood Association was notified and has no objection to this request. They declined a facilitated meeting on June 16, 2008.
6. A facilitated meeting was help with the Mesa Village Neighborhood on July 31<sup>st</sup>.

7. The Mesa Village Neighborhood is not part of a Recognized Neighborhood Association. There is opposition from this neighborhood. They are concerned about noise and increased traffic.

**RECOMMENDATION - - APPROVAL of 08EPC 40010, a request for a zone map amendment from R-1 to SU-1 for C-1 uses with exclusions for Tract A, Land of Sierra West LLC, based on the preceding Findings.**

**CONDITIONS OF APPROVAL - 08EPC 40010, July 17, 2008, zone map amendment from R-1 to SU-1 for C-1 uses with exceptions.**

1. The following uses shall not be allowed in the new zone: auto supply store, car wash, church, car stereo sales and service, club, coin and gun shop, garage for auto repair, pawn shop, radio or tv studio service station, taxidermy shop, or wireless telecommunication facility and no drive up, drive in, or drive through uses of any type
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**Maggie Gould, Planner**

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**FINDINGS - 08EPC 40064, a request for a Site Development Plan for Subdivision**

1. This is a request for a Site Development Plan for Subdivision for Tract A, Land of Sierra West LLC.
2. If the proposed zone is approved the applicant will be required to return to EPC for approval of a Site Development Plan for Building Permit in order to build on the property.
3. The site is located within the Established Urban Area of the Comprehensive Plan. This request furthers the following Comprehensive Plan policies for Established Urban Areas:

a. Land Use Policies

Policy d: Policy d is furthered because the SU-1 zone provides protection for the neighborhood and the surrounding development by providing a public process to allow for input regarding the design of the site.

Policy e: Staff finds that this policy is furthered. Staff agrees with the applicant that this is an infill site. The site has access to a full range of exiting services. The SU-1 zone will allow public review of this project and will give the neighborhood an opportunity for input.

Policy i This policy is furthered by this request. The proposed uses could compliment residential areas by allowing for pedestrians and bicyclists from within the Mesa Village neighborhood to use local residential streets to access the site. The landscaping requirements and site design will help buffer the residential area from the commercial use.

Policy j The subject site is located in an older residential neighborhood and along a principal arterial. The applicant is proposing a SU-1 C-1 use, which is intended to be consistent with existing uses along the Wyoming Boulevard commercial corridor.

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

b. Economic Development Policies

Policy a The site plan for subdivision shows a proposed mix of office, retail and restaurant use. If these uses develop on this site then policy a is fulfilled by this request.

4. The Snow Heights Neighborhood Association was notified and has no objection to this request. They declined a facilitated meeting on June 16, 2008.
5. A facilitated meeting was help with the Mesa Village Neighborhood on July 31<sup>st</sup>.

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6. The Mesa Village Neighborhood is not part of a Recognized Neighborhood Association. There is opposition from this neighborhood. They are concerned about noise and increased traffic.

**RECOMMENDATION - - APPROVAL of 08EPC 40064, a request for a Site Development Plan for Subdivision for Tract A, Land of Sierra West LLC, based on the preceding Findings.**

**CONDITIONS OF APPROVAL - 08EPC 40010, July 17, 2008, Site Plan for Subdivision**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The future Site Development for Building Permit shall provide a pedestrian connection to mountain road.
4. Conditions From City Engineer, Municipal Development And Nmdot:
  - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
  - b. A Traffic Impact Study (TIS) may be required. Provide trip generation to determine.
  - c. At a minimum, site drive design and location to meet DPM requirements. Queuing analysis may be required (depends on trip generation).
  - d. All two-way drive aisles to be 24' wide minimum.
  - e. A concurrent platting action is required at DRB. Jaffa Road should be vacated.
  - f. Site plan shall comply and be designed per DPM Standards.
5. Two additional 3 space bicycle rack shall be provide in front of Occupancy "B" and "C".

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**Maggie Gould, Planner**