



**Environmental  
Planning  
Commission**

**Agenda Number: 5  
Project Number: 1006973  
Case #'s: 07EPC 40091/40093/40096  
January 17, 2008**

**Staff Report**

<b>Agent</b>	Consensus Planning, Inc.
<b>Applicant</b>	Midwest Phillips Edison and Company
<b>Request(s)</b>	<b>Zone Map Amendment</b> <b>Site Development Plan for Subdivision</b> <b>Site Development Plan for Building Permit</b>
<b>Legal Description</b>	Lot 19 A-1, Paradise North Subdivision
<b>Location</b>	Northeast corner of Unser Blvd. and McMahon Blvd.
<b>Size</b>	3.6 acres
<b>Existing Zoning</b>	SU-1 for C-1 Uses
<b>Proposed Zoning</b>	SU-1 for C-1 Uses including package liquor sales incidental to a pharmacy use occupying not less than 14,000 sf.

**Staff Recommendation**

**APPROVAL of 07EPC-40096, ZMA, based on the findings on page 21 and subject to the conditions of approval on page 23.**

**Approval of 07EPC-40091, SPS, based on the findings on page 23 and subject to the conditions of approval on page 25.**

**Approval of 07EPC-40093, SPBP, based on the findings on page 28 and subject to the conditions of approval on page 30.**

**Staff Planner**

**Randall Falkner, Planner**

**Summary of Analysis**

This three-part proposal is for a zone map amendment, a site development plan for subdivision and a site development plan for building permit for Lot 19 A-1, Paradise North Subdivision, at the northeast corner of McMahon and Unser. The zone map amendment proposes to change the zoning from SU-1 for C-1 Uses to SU-1 for C-1 Uses including package liquor sales incidental to a pharmacy use occupying not less than 14,000 square feet. The site plan for subdivision intends to subdivide the site into three parcels to accommodate each building of the development. Each building will contain one building each: a drug retail store with a drive-thru, a drive-thru bank, and a retail building, for a total of 26,500 square feet on approximately 3.6 acres.

The applicant has justified the zone map amendment request, the site development plan for subdivision, and the site development plan for building permit request, based on applicable plans and policies in the Comprehensive Plan, the West Side Strategic Plan, the Unser Boulevard Design Overlay Zone, and the Westside/McMahon Corridor Transportation and Land Use Guide. The site is within a designated Neighborhood Activity Center. There is no known opposition to the request and staff recommends approval with conditions.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 12/10/2007 to 12/26/2007. Agency comments were used in the preparation of this report and begin on page 34.

**AREA CHARACTERISTICS AND ZONING HISTORY**

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

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-1 for C-1 Uses	Established Urban West Side Strategic Plan Unser Blvd. Design Overlay Zone Westside/McMahon Corridor Transportation and Land Use Guide	Vacant
<b>North</b>	SU-1 for Mixed Uses	same as above	Vacant, townhome portion under development
<b>South</b>	SU-1 for C-1 Uses including grocery store w/pkg liquor sales incidental to that use, rest. w/full-service liquor for on-premise consumption	same as above	Vacant (Site Plan approved)
<b>East</b>	SU-1 for C-1 Uses	same as above	Vacant
<b>West</b>	SU-1 for C-1 Uses	same as above	Vacant, northwest is Veterinary Clinic and another development is under construction

**Background**

This three-part proposal is for a zone map amendment, a site development plan for subdivision and a site development plan for building permit for Lot 19 A-1, Paradise North Subdivision at the northeast corner of McMahon and Unser. The zone map amendment proposes to change the zoning from SU-1 for C-1 Uses to SU-1 for C-1 Uses including package liquor sales incidental to a pharmacy use occupying not less than 14,000 square feet. The site plan for subdivision intends to subdivide the site into three parcels to accommodate each building of the development. The three parcels are intended for three buildings; a drug retail store with a drive-thru (Walgreens, 16,500 sf), a drive-thru bank (Wells Fargo, 5,000 sf), and a retail building (5,000 sf). The site plan for building permit proposes to allow development of a 26,500 square foot retail center on approximately 3.6 acres.

**History**

The subject site was annexed in 1985 (Enactment No. 37-185) as part of an approximate 10,200 acre annexation of land in northwest Albuquerque (AX-85-20, Z-85-84). Various zoning

categories were established, including R-1 for a portion of this acreage. For several years, the subject site remained vacant.

In 2003, the zoning on the tract of land directly to the south was changed from R-1 to SU-1 for C-1 uses including grocery store with package liquor sales incidental to that uses". The zoning for a 1.66 acre portion of that site (Tract 16-A-1) changed in April 2007 when EPC approved project # 1005280 (06EPC-01706) to SU-1 for C-1 Uses including package liquor sales incidental to pharmacy use occupying not less than 14,000 sf. For this same project (1005280) the EPC approved a site development plan for subdivision (06EPC-0174) and a site development plan for building permit (06EPC-01705) in April 2007. This site development plan for building permit included two drive-thru restaurants, a drive-thru bank, a drug/retail store with a drive-thru, a sit-down restaurant, small shops and a suite of shops. However, this project never received final approval from DRB.

In August 2005, the EPC approved a zone map amendment for the site to the southwest from SU-1 for C-1 to SU-1 for C-1 allowing grocery store with package liquor sales and restaurant with full service liquor (Project #1004313). The associated site plan for subdivision shows a grocery store with a fuel center, two retail strips, a bank and eight pad sites. Even if this project is not realized, the zoning is there to allow a wide variety of commercial uses, including several drive-thru uses.

### ***Context***

The subject site is located on the northeast intersection of Unser Boulevard and McMahan Boulevard. The subject site is currently vacant as are the surrounding properties. To the north is a SU-1 for mixed use zone with vacant land; however, a townhome portion is under development. To the south, east and west are SU-1 for C-1 use zones, which are all currently vacant. To the northwest of the subject site is a veterinary clinic and another development under construction.

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

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

Unser Boulevard is a Limited-Access Principal arterial, with a right-of-way of 156 feet. McMahan is also a Principal arterial with a 106 foot right-of-way.

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

Transit: Currently no Albuquerque Ride routes pass by the subject site. The closest bus routes are #157- Montano/Uptown/Kirtland, and #92-Taylor Ranch, which stop east of the subject site at the Golf Course Rd./Ellison Rd. intersection. #157 offers all day service and #92 is a commuter route with limited hours. The Comprehensive Plan designates McMahan Blvd. as an Enhanced Transit Corridor and Unser Blvd. as an Express Corridor.

Police: The Shawn McWethy Substation, at 6404 Los Volcanes NW, provides police coverage.

**Fire:** A fire station is located about 1.25 miles south of the subject site, at Paradise Blvd. and Lyon Blvd.

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

### **Albuquerque Comprehensive Zoning Code**

The applicant is proposing to change the zoning from SU-1 for C-1 Uses to SU-1 for C-1 Uses including package liquor sales incidental to a pharmacy use occupying not less than 14,000 sf. The C-1 zone “provides suitable sites for office, service, institutional and limited commercial uses to satisfy the day-to-day needs of residential areas.” The SU-1 designation refers to the Special Use zone. The SU-1 zone (see Zoning Code §14-16-2-22) provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. Development on an SU-1 zone may “only occur in conformance with an approved site development plan” that is subject to Environmental Planning Commission (EPC) review. *The SU-1 zone includes all uses in the underlying zone, both permissive and conditional.*

The proposed zone (SU-1 for C-1 Uses including package liquor sales incidental to a pharmacy use occupying not less than 14,000 sf) is to accommodate the drug/retail store (Walgreens). The “not less than 14,000 sf” is intended to prevent smaller retail stores, such as convenience stores, from selling packaged liquor. The “incidental to a pharmacy use” means that the alcohol sales can only be associated with a pharmacy. The EPC approved the same zoning for the site directly to the south of the subject site, at the southeast intersection of Unser and McMahan Boulevards in April 2007, but never received DRB approval of the accompanying site plan. As a result, the zoning for the site is still SU-1 for C-1 Uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption.

Staff also points out that “package liquor sales” is not permitted in the C-1 (neighborhood commercial) zone. “Alcoholic drink sales for consumption off-premises” is first allowed permissively in the C-2 (community commercial) zone and is “limited to building area which is not within 500 ft of a residential zone.” The proposed drug store is located approximately 360 feet away from a residential zone at Crown and Pinnacle Peak Court. The point of sale of the alcohol must be over 500 ft. away in a traditional C-1 zone; however, although there is a residential use just north of the site, the residential use in this tract is not the predominant use. The Zoning Code defines a residential zone as one where the predominant use allowed in a subarea is residential (Section 14-16-1-5). The area north of the site that contains residential is a SU-1 mixed use zone that contains office, commercial, and residential. It is also important to mention that not only would package liquor sales be available at the subject site and at the site directly to the south, but also at the site that is on the southwest corner of Unser and McMahan, as it is also zoned SU-1 for C-1 including grocery store with package liquor sales and restaurant with full-service liquor for on-premise consumption.

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Established Urban. The applicant cited the following policies in the Comprehensive Plan: II.B.5a, II.B.5d, II.B.5e, II.B.5i, II.C.1e, II.C.3b, II.D.6b, II.D.6g, and the goal in II.B.7. Other policies in the Comprehensive Plan that were not cited by the applicant, but apply to the request include the following: II.B.5j, II.B.5k, II.B.7a, II.C1d, and II.D.4g. The applicable goals and policies, followed by staff analysis include:

*Land Use Policies-*

The Goal is to create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

Policy II.B.5a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

***The applicant states that the proposed project would result in the construction of new commercial development where none currently exists, thereby providing for a more complete range of urban services in the neighborhood. Staff agrees that adding commercial uses would increase land use variety. Therefore, the request is furthered by Policy II.B.5a.***

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

***The applicant states that the location, intensity, and design of new development carefully considered all aspects of the neighborhood, and that the project is located at the intersection of two arterials that are conveniently located to serve existing and planned residential areas. Circulation and design were intended to minimize potential impacts on adjacent streets and to provide interconnectivity to future developments and the neighborhood. Connections to the regional trail system along Unser and McMahan Boulevards are provided. Staff generally agrees that circulation and design of the subject site would help to minimize potential impacts on adjacent streets; however, staff also points out that drive-thru establishments are very high trip generators and will add more traffic to this already busy intersection. The applicant also makes no comments about the addition of another tract of land that will add more package liquor sales. This is in addition to the other two on the southeast and southwest corner of Unser and McMahan Boulevards. This area is also a Neighborhood Center location, which should be the focal point for the surrounding neighborhood, providing services such as childcare, dry cleaners, and small restaurants, as well as parks and schools. While the subject site would help to provide some of the daily convenience and needs of neighborhood residents with a local drug store, it may be difficult to provide some of these services, especially childcare, parks, and schools with the sale of package liquor. Nevertheless, staff believes that the overall design of the development would respect existing neighborhood values by proper design that mitigates potential impacts on adjacent streets and by connections to the regional***

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*trail system and future developments in the neighborhood. The proposal partially furthers Policy II.B.5d.*

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

*While the site and the surrounding commercial areas are currently vacant, nearby residential areas to the west and northwest are nearly built out, and full urban services are available to this site. Staff agrees that programmed urban facilities and services are contiguous to the subject site. Policy II.B.5e is furthered by the proposal.*

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

*The applicant states that the proposed project provides employment and service uses that will serve the nearby residential neighborhoods and that the distance from the residential areas and the design of the project should ensure that the project does not have any negative impacts on the residential areas. Staff believes that the proposed project will provide employment and service uses to the neighborhood. However, staff points out that drive-thrus are very high traffic generators, and are close to nearby residential areas. The proposed drug store is located approximately 360 feet away from a residential zone at Village Center North, while the Wells Fargo is approximately 100 feet away from the Village Center North residential zone. Sale of package liquor in close proximity to the residential neighborhood is a concern. Staff finds that adverse effects (noise, lighting, and pollution) will be mitigated by the landscaping and mitigation measures that are proposed on the property, while also providing employment and service uses to the neighborhood. As a result, the proposal partially furthers Policy II.B.5i.*

Policy II.B.5j: 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.

*The proposed development will be located on an existing commercially zoned site designated as a neighborhood center. Pedestrian and bicycle access is provided from McMahan Boulevard and Unser Boulevard; however, there is no transit service currently available, and the multiple drive-thrus ensure that the car is clearly the preferred mode of transportation. The proposal partially furthers Policy II.B.5j.*

Policy II.B.5k: 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 operations.

*The vast majority of harmful effects of traffic will be mitigated by proper design to ensure livability and safety of established residential neighborhoods. However the addition of multiple drive-thrus (which are very high trip generators) is a concern. The proposal partially furthers Policy II.B.5k.*

*Activity Centers-*

The Goal is to expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

*The applicant states that the purpose of the activity center is to provide for the daily service of convenience goods and personal services for the surrounding neighborhoods, and to serve as the social and recreational focal point for the surrounding neighborhoods. Staff agrees that the subject site would help provide for the daily service of convenience goods and personal services for the neighborhood. As stated by the applicant, the intent of the Comprehensive Plan as well as the West Side Strategic Plan is for Neighborhood Centers to be the least auto-dependent of all the activity centers by designing the site at a pedestrian scale. The proposal does take advantage of the bike lane and multi-use trail that are on McMahan Boulevard, and the existing bike path that runs north on Unser on the west side of the Walgreens. Sidewalks that connect to all the proposed buildings and to the bike path also help to reduce auto travel needs. However, the proposal does not serve as the “least auto-dependent of all the activity centers” and is still primarily oriented to serve the automobile, which prevents the site from serving as the social and recreational focal point for the neighborhoods. The layout conflicts with the goals for Activity Centers. The Walgreens store does not relate to any of the buildings on the site. It should at least have a better relationship with the retail shops. Staff suggests narrowing the width of the drive-thru lane for one-way traffic only (transportation development services also recommend signing and striping lane as one-way only and reducing lane width to 22’ with 20’ enter and exit openings); cutting the southeast corner of the Walgreens building so that it lines up with the retail building (or rotate Walgreens counter-clockwise so it lines up better); widening the sidewalk in front of Walgreens at the southeast corner, and providing a trellis or some architectural feature to connect Walgreens with the retail building. Six drive-up windows at the Wells Fargo bank is excessive for a Neighborhood Center that is supposed to be the least-auto dependent of all the activity centers. Staff recommends deleting the proposed ATM and pass-by lanes (outside lanes as shown on site plan) and covert 5<sup>th</sup> drive-thru lane to an ATM and pass-by lane (transportation development services makes this same recommendation in agency comments). The proposal partially furthers the Activity Centers Goal.*

*Air Quality-*

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

Policy II.C.1d: Air quality shall be protected by providing a balanced circulation system that encourages mass transit and alternative means of transportation while providing sufficient roadway capacity to meet mobility and access needs.

*In order to protect air quality, a balanced circulation system, which encourages mass transit and alternative means of transportation is needed. The bicycle and pedestrian connections that will be provided by this project will help to improve air quality, as will keeping neighborhood residents closer to their homes, by not having to travel so far in their cars to obtain essential services. However, transit plays a big role in achieving a balanced circulation system, and there is currently no transit available in this area. Transit; however, is designated in this area (the Village Core to the southwest) in the Westside/McMahon Corridor Transportation and Land Use Guide. Therefore, this proposal partially furthers Policy II.C.1d.*

Policy II.C.1e: Motor vehicle emissions and their adverse effects shall be minimized.

*The applicant states that the proposed mixture of uses and proximity of the project to existing residential neighborhood will result in improved air quality by decreasing the distance required for nearby residents to travel to acquire daily goods and/or services. The site can be accessed from all four sides by pedestrian and bicyclists via the trail system. Staff agrees that some drivers will not have to travel as far to get service; however, the majority of those who visit this site will drive their vehicles. Staff believes that this proposal partially furthers II.C.1e.*

#### *Solid Waste-*

The Goal is an economical and environmentally sound method of solid waste disposal which utilizes the energy content and material value of municipal solid waste.

Policy II.C.3b: Encourage solid waste recycling systems which reduce the volume of waste while converting portions of the waste stream to useful products and/or energy.

*The applicant states that the Walgreens building is designed with a recycling area on the north side of the building, and that this will help reduce the waste stream to the municipal landfill. A proposed recycling area would help to reduce the waste to the local landfill. The proposed recycling area north of the Walgreens is not identified on the site plan. The applicant should identify this recycling area on the site plan. Staff agrees that a recycling area would help to reduce the volume of waste, while converting portions of the waste stream to useful products. The proposal does further Policy II.C.3b.*

#### *Transportation and Transit-*

The Goal is 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.



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

*Pedestrian opportunities are generally promoted and integrated into the development. The multiple drive-thrus make it somewhat difficult to create safe and pleasant non-motorized travel conditions; however, the applicant has helped to mitigate this conflict by placing the drive-thrus on the east side of the proposed subject site and the sidewalks and bicycle trails on the west side of the proposed development. This design will help to reduce the conflict between pedestrian/bicyclist and vehicle. This proposal further Policy II.D.4g.*

*Economic Development-*

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

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

Policy II.D.6g: Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.

*The development of this subject site would help to recruit outside firms (since both Walgreens and Wells Fargo are not local) and would also help to balance jobs with housing and population. The applicant states that numerous residential developments are located close to this commercial center, and that the businesses that occupy this center would generate new jobs, taxes, and needed services. Staff agrees that the numerous residential developments that are in close proximity to the subject site would be able to take advantage of the services provided, and would also generate new jobs and taxes. Both Policies II.D.6b and II.D.6g are furthered by the proposal.*

***West Side Strategic Plan (WSSP) (Rank II)***

The West Side Strategic Plan (WSSP) was first adopted in 1997 and recently amended in 2002 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is located in the Seven Bar Ranch community, which consists of the area within the following boundaries: the County Line to the north, the Calabacillas Arroyo to the south, the river to the east and an area slightly west of the Rainbow Corridor to the west. The WSSP designates the intersection of Unser and McMahan Boulevards, including the project site, as a Neighborhood Center. The applicant cited the following Policies: 1.5, 1.15, and 1.16. The following Policies were not cited by the applicant but also apply: 1.8, 3.4, and 4.10. The applicable goals and policies, followed by staff analysis include:

Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings. (p. 39).

*The subject site provides pedestrian/bicycle access to key activity areas. Access to the surrounding neighborhoods is provided on all four sides of the property via the regional trail system along Unser and McMahon Boulevards, the proposed street north of the site, and the proposed private roadway along the east side. The proposal furthers Policy 1.5.*

Policy 1.8: Specific design policies for non-residential buildings locating in Centers shall be developed as part of the design principles to be prepared as amendments to the Comprehensive City Zoning Code. (p. 39).

(p. 37): “Standards for Westside commercial development will focus on design rather than land use or zoning. Through design of the commercial site, the development should integrate with existing neighborhoods, provide safe, convenient pedestrian and bicycle access, not turn its back on the neighborhoods or focus solely on arterial traffic, and avoid long expanses of parking lots at their street frontages.”

*The clear intent of the WSSP is for design standards to be used to guide development (p. 37-39, p. 159-171). The Plan states that design guidelines are so important for the Westside’s future that they cannot wait for future planning efforts and were therefore included in the Plan (p. 160). WSSP Policy 1.8 demonstrates that the Plan intends design standards for non-residential buildings, which are found on p. 170-171.*

*The WSSP commercial design standards state that buildings shall be “directly adjacent to street frontages and parking at the rear and sides of the property”, and that “parking shall not take precedence over pedestrian circulation.” The development focuses primarily on arterial traffic and does turn its back on the closest neighborhood to the northeast. Staff must also point out that the design for this development has parking in the front of the buildings and multiple drive thrus, which are high traffic generators and can affect safety. Therefore the proposal does not comply with Policy 1.8.*

Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods. (p. 41).

*The McMahon/Unser Neighborhood Center is approximately 50 acres and is located at the intersection of two principal arterials. Pedestrian and bicycle connections have been provided to adjacent neighborhoods, and there is outdoor seating for informal gatherings. Services such as childcare, dry cleaners, a small restaurant, and a park and/or school are not provided, while a drug store is provided. Policy 1.15 is partially furthered by the request.*

Policy 1.16: Neighborhood Centers shall be located on local, collector, and sometimes arterial streets. While their primary access may be by auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development. (p. 41).

(p. 41): “The Planning Commissions will bear the primary responsibility of enforcing the Community and Neighborhood Center intent of the Plan through rigorous review of pending applications relative to strategic plan policies.”

**Bicycle and pedestrian connections are provided on all four sides of the proposed subject site, but the internal circulation could use some improvement and there is currently no transit service to connect with the larger community of Albuquerque or with neighboring Rio Rancho immediately to the north. Policy 1.16 is partially furthered by the request.**

Policy 3.4 (Seven Bar Ranch): Several clusters of neighborhoods will develop within the Seven Bar Ranch Community. Each of these shall be served by a Neighborhood Center, so neighborhood commercial, public and quasi-public uses and other uses appropriate for such Centers shall be encouraged. The lowest density single-family residential development shall not occur within these Centers, but must have safe pedestrian and bicycle access to them.

*The four corners at the intersection of McMahon and Unser are all included in the McMahon/Unser Neighborhood Center. Although this area is a Neighborhood Center it has yet to develop and the northwest corner would be the first area to have major development. The lowest density single-family residential development has not occurred in this area, and the proposed subject site does have safe pedestrian and bicycle access to these residential developments. Policy 3.4 is furthered by the proposal.*

Policy 4.10: It is important to promote and establish land uses and urban patterns whose design support bicycle and pedestrian travel, and public transportation, encourage ridership, enhance public mobility and promote alternatives to single occupant vehicle use.

*The design of this site supports bicycle and pedestrian access, but lacks internal pedestrian connectivity, and currently there is no public transportation. Public transportation has been planned for the intersection of Unser and McMahon in the Westside/McMahon Corridor Transportation Land Use Guide. Transit will one day be a reality at this location. Policy 4.10 is partially furthered by the proposal.*

***Westside-McMahon Land Use & Transportation Guide (Enactment No. 117-1999)\****

*\*included in the West Side Strategic Plan (WSSP)*

In November 1999, the City Council adopted Enactment No. 117-1999 as an amendment to the WSSP. This Enactment incorporated the Westside-McMahon Land Use and Transportation

Guide, which was synthesized into policies and a map (Attachment A) and is contained in the Enactment.

The subject site falls within the boundaries of Enactment No. 117-1999. Note the following found in Section 4: “The map included as Attachment A, Transportation and Land Use Concept for the Westside-McMahon Corridor, and the performance measures listed below establish the policies that will be used by the EPC and the City Council in their review of development and rezoning proposals for properties located within the Westside-McMahon corridor”. The following policies apply:

Section 2: The concepts and development parameters identified within the Westside-McMahon Transportation and Land Use Policy establishes a desirable direction for promoting the opportunity for reduced automobile travel and encourages the use of transit, bicycle and pedestrian modes.

Section 3: The land use concepts set forth herein are not intended to imply zoning or supersede existing zoning and/or development plans.

Section 4(A): Such proposals should be generally consistent with density, type and hierarchy of uses as illustrated in Attachment A (which designates the subject site as Mixed Use).

Section 4(A)(4): Mixed Use refers to a mixture of neighborhood and village scale commercial, office, community service and other employment associated uses, and high density residential developments. Where designated mixed uses areas involve multiple parcels, the mixture and distribution of uses should be achieved for the area as a whole and are not a goal for any single parcel.

Section 4(C): Connections that provide safe and efficient pedestrian movements to enhance mobility within the corridor and encourage the use of transit, bicycle and pedestrian modes as an alternative to automobile travel should be provided between adjoining uses and between developments and the transportation system.”

Section 4(D)(1): The approximate access points for McMahon Blvd. are shown in Attachment A. Full intersections should be limited to approximately one thousand foot intervals. Additional partial accesses will be considered, consistent with the criteria in the City’s Development Process Manual (DPM), provided they are a distance of approximately 400 ft. from adjacent intersections.

***The Westside-McMahon Land Use and Transportation Guide (the Guide) designates the subject site “Mixed Use”. Both the subject site and the area north of McMahon Boulevard along Unser Boulevard are designated Mixed Use by the Guide. The Guide envisions a mixture of neighborhood and village scale commercial, office, community service, and high density residential developments for this entire area. The proposed uses would help to implement some of the neighborhood and village scale commercial and office developments that are proposed in the Guide, and would comply with Section 4(A)(4) of Enactment 111-1999. The areas to the south and southwest of the subject site (south of McMahon) are designated by the Guide as Low Commercial and Village Core.***

*Attachment A shows bicycle/pedestrian facilities along Unser Blvd. and along McMahon Blvd. The multiple-use trail along Unser and McMahon are in place. The proposed site plan provides sufficient functional connections to contribute to safe and efficient pedestrian movements within the Westside-McMahon Corridor, and does comply with Section 4(C) of Enactment 117-1999. Transit facilities are proposed in the Guide at the subject site, but are currently not available. Once transit is available at this location, the mobility and efficiency of pedestrians will be greatly enhanced.*

***Unser Boulevard Design Overlay Zone (R95-1992)***

The Unser Boulevard Design Overlay Zone, which contains minimal signage controls, extends approximately 500 feet from the centerline of Unser Boulevard and runs from Interstate 40 to the Sandoval County line. Signage proposed on the subject site must comply with the general sign regulations in the Zoning Code and the provisions of this overlay zone.

One free-standing sign is allowed, and it cannot exceed 75 sf in size and 12 ft. tall. Building-mounted signs for facades under 2500 sf. cannot exceed 12% of the façade to which they are applied, building-mounted signs for facades 2500 to 5000 sf cannot exceed 300 sf of the façade to which they are applied; and signs are limited to one per facade. Three monument standards are proposed. The monument signs for the proposed development each have a 90 sf. sign face, which is in violation of the 75 sf. size which is required. The violation of the signs will be addressed in the signage section of the site development plan for subdivision/building permit. All of the other signs comply with the Unser Boulevard Design Overlay Zone.

**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.

- A. *The applicant makes the case that changing the zoning would not create a condition that would be harmful to the health, safety or morals of the community, and that it would not be detrimental to the general welfare of the City, but in fact would be beneficial by furthering policies of the Comprehensive Plan and WSSP, providing connections to surrounding neighborhoods, and providing retail in area that is underserved. Staff agrees***

*that the project would help to provide connections to surrounding neighborhoods and provide retail to an underserved area. However, staff points out that this would be the third location at the intersection of McMahon and Unser that would be selling package liquor. The proposed drug store is located approximately 360 feet away from a residential zone at Crown and Pinnacle Peak Cour. Staff does not agree entirely with the applicant, but does not believe that the health, safety, morals, and general welfare of the City would be compromised.*

- B. The applicant states that the zone change will facilitate commercial development in a neighborhood center. Staff agrees that the request will facilitate commercial development in a neighborhood center, and will not destabilize the land which is already zoned for commercial uses. The surrounding parcels of land at the intersection of Unser and McMahon are all zoned SU-1 for C-1 uses. The applicant has satisfactorily demonstrated why the change could be made.*
- C. The proposed change either furthers or partially furthers the vast majority of adopted elements in the Comprehensive Plan, WSSP, and the Westside/McMahon Corridor Land Use and Transportation Guide. A preponderance of Goals and Policies are cited by the applicant that supports their proposal, including II.B.5a, II.B.5d, II.B.5e, II.B.5i, II.B.5k, II.C.3b, II.C.1e, II.D.6b, II.D.6g, II.B.7 of the Comprehensive Plan, and Policies 1.5, 1.15, and 1.16 of the WSSP. Staff cited other pertinent policies, and the majority of these either furthered or partially furthered the adopted elements of applicable Plans. The demonstration of how policies are furthered is mostly acceptable and for the most part does not conflict significantly with applicable Plans.*
- D. The proposed zoning is more advantageous to the community because it will facilitate development of a Neighborhood Center that will provide a variety of day-to-day commercial uses and services for the surrounding residential areas. Development of a drug-retail store, a bank, and another small commercial use will provide close and convenient services for the residents of Villa de Villagio, Monterrey Park, and Pinnacle Peak Townhomes, as well as for other nearby residents. This development will also help to improve the job to housing ratio in this part of the City that is predominantly residential in nature.*
- E. The requested zone change does not change the existing zoning, except to allow for packaged alcoholic beverage sales at larger sized pharmacies. The property is already designated for commercial uses, as are the surrounding properties in the Neighborhood Center at the intersection of Unser and McMahon Boulevards. However, the proximity of some of the surrounding neighborhoods to a development that allows package liquor sales is a concern, as are the other two parcels on the southeast and southwest sides of the street that also currently allow package liquor sales.*
- F. The proposed zone change requires no major or unprogrammed capital expenditures by the City in order to be developed.*
- G. An economic consideration, such as the sale of alcohol, is a factor in the zone change request; however, it is not the determining factor and the applicant does not rely on it for approval of the request.*

- H. The subject site's location on a major street is not used as justification for the zone change request.*
- I. The request will not create a spot zone. The proposed subject site is directly across from other SU-1 for C-1 uses.*
- J. The request does not constitute a strip zone.*

## **ANALYSIS OF SITE DEVELOPMENT PLAN FOR (SUBDIVISION) (BUILDING PERMIT)**

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

The subject site is approximately 3.6 acres in size and is identified as Lot 19 A-1, Paradise North at the northeast corner of Unser and McMahan Boulevards. The proposed development is a 26,500 square foot retail center that is trapezoidal in shape and consists of three parcels. Each parcel is designed to have one building each that consists of a proposed drug-retail store (Walgreens) that is 16,500 sf., a bank (Wells Fargo) that is 5,000 sf., and an additional commercial retail building that is also 5,000 sf. The bank and the drug-retail store both have drive-thrus.

The subject site is compatible with the surrounding area. To the south of the subject site is a vacant site zoned SU-1 for C1 Uses that includes grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption. To the southwest is the proposed Village Core that is also currently vacant and has the exact same zoning classification as the land to the south and just mentioned above. To the west is vacant land that is zoned SU-1 for C-1 Uses, to the east is another vacant space that is zoned SU-1 for C-1 Uses, and to the north is the Village Center North, that is currently vacant but has a variety of mixed uses, including a 1.36 acre residential portion under development, and is zoned SU-1 for Mixed Uses: R-2.

The site development plan for building permit indicates that the proposed Walgreens and the proposed retail building will both be oriented to face south towards McMahan Boulevard. The Walgreens is proposed to have parking along the south and west sides of the building, while the proposed retail building will have parking on the south and north sides of the building. The single drive-thru lane for the Walgreens is along the east side of the building. The Wells Fargo bank building is oriented to face west towards Unser Boulevard. The parking for the Wells Fargo is along the south and west sides of the building. The six drive-thru lanes for the bank are on the east side, on the opposite side from Unser Boulevard.

The refuse container for the Wells Fargo building is located on the southeast side of the parcel, while the refuse container for the proposed retail building is located behind the building on the northeast side of the parcel. The dumpster for Walgreens and the proposed recycling area are on the north side of the building. The proposed recycling bin must comply with all City recycling bin regulations in Section 14-16-3-15. The enclosure walls are 6 ft. tall. Staff suggests that the walls be architecturally integrated with the buildings. The Solid Waste Management Division (SWMD) offers the following comment: Approved on condition, will comply with all SWMD ordinances and requirements, and have required recycle area.

The proposed building setbacks comply with the C-1 zone regulations, which refer back to the O-1 zone. The required height of structures in the C-1 zone shall not exceed 26 feet (Section 14-16-2-16-C). The maximum height of the Walgreens building is 35' 3". The site plan for subdivision states that "architectural accents such as towers and entry elements may extend above the maximum parapet height". Staff contends that the top of the proposed building is not a tower. The Supplementary Height, Area, and Use Regulations of the Zoning Code (14-16-3-3) state that height regulations do not apply to: belfries, church spires and towers, flag poles, flues, monuments, ornamental towers and spires, and some religious signs. The towers referred to in the Zoning Code refer to towers on top of churches. According to the West Side Strategic Plan "the panoramic views to and from the West Side are the community's main asset and the reason many people live on the West Side. Views to and from the Volcanic Escarpment, views along major arroyos, views of the Bosque, views of the Sandias, views of the volcanoes, and views of the ceja and the expanses of the far west mesa must all be preserved to the greatest extent possible. To do this will require specific setback, height, and building massing limitations, as these three design elements are most critical to views" (162). In addition, the Unser Boulevard Design Overlay Zone states that "Unser Boulevard will offer significant views of the Rio Grande Valley, the Sandia Mountains and the west mesa escarpment and volcanoes". Protecting the area's unique views is clearly important in both of these two documents.

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

A retaining wall that varies from 2 to 3 feet, and runs nearly the entire length of the proposed 30 foot wide access easement, will be placed along the far eastern edge of the development. Other 2 foot retaining walls will be placed along the west side of the Walgreens parking lot, between the Walgreens and Wells Fargo buildings, and just to the west of the retail building. There is an existing retaining wall that will remain on the southwest side of the site, along the east side of the existing bike path. The heights of all the existing retaining walls need to be identified on the site development plan for building permit. An extended stemwall will be placed on the southeast portion of the Walgreens, extending about 2/3 of the way from south to north along the east side of the building, and about halfway from east to west along the south side of the building. The height of the stemwall is not shown on the grading and drainage plan. The height of the stemwall needs to be identified on the grading and drainage plan. A 3 foot high CMU screen wall with stucco to match building color will separate the plaza area of the proposed retail building from the proposed 30 foot easement that run along the eastern edge of the site. Another 3 foot high CMU screen wall with stucco to match building color will be placed along the eastern side of the Well Fargo building, and will extend past the drive-thru area, separating the plaza area with bench seating from the drive-thru.

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

Common vehicular access is provided through a driveway along McMahan Boulevard on the southeast corner of the site, and through another driveway located along Unser Boulevard on the northwest corner of the site. The driveway that provides access to the site along McMahan Boulevard will be a right-in, right-out only. The driveway that provides access to the site along



Unser Boulevard is a right-in, right-out, left-in. The driveway along McMahon Boulevard will connect to a proposed 30 foot wide private access easement that will run north and south along the entire eastern edge of the site. The driveway on Unser Boulevard will connect to a proposed 30 foot wide City street that runs east and west, and which will connect to the proposed north-south 30 foot wide private access easement. The driveway on McMahon Boulevard will provide access to the parking lot and entrances of the Walgreens and the retail building, the Walgreens drive-thru, as well as the proposed private access easement. The driveway on Unser Boulevard will provide access to the parking lot, entrance, and drive-thrus of the Wells Fargo building, as well as the proposed City street. A Traffic Impact Study (TIS) has been submitted and reviewed by transportation staff.

The parking calculations on the site development plan for building permit indicate that there are 133 parking spaces required, but only 121 spaces provided. The applicant needs to provide justification as to why they are providing fewer parking spaces than are required. The handicap parking has an adequate amount of spaces, but on each parcel they need to be moved closer to the entrance. The two handicap spaces in front of the Wells Fargo building as well as the handicap aisle striping and ramp should be moved north from the present location so they are directly in front of the entrance. The other handicap space for the Wells Fargo needs to be moved from the far south side of the building, where it currently would have to cross across traffic going to the multiple drive-thrus, to a space alongside where the other two handicap spaces are proposed to be located, directly in front of the entrance on the west side. The proposed handicap space along the far northwest side of the Walgreens also needs to be re-located next to the other handicap space on the southwest side of the building, closer to the entrance. The two handicap spaces in front of the proposed retail building as well as the handicap aisle striping and ramp should be moved east from the present location so they are directly in front of the entrance. Staff also recommends that all four motorcycle spaces be located in areas that are visible from the entrance of the building on the site pursuant to the Zoning Code (Section 14-16-3-1-C2).

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

There is an existing asphalt bike path that runs along the west and south sides of the site, parallel to both Unser and McMahon Boulevards. There is also an existing bike lane that runs along McMahon Boulevard. The site has pedestrian access that interconnects all three of the proposed buildings to each other. Pedestrians and bicyclists can access the site from two different access points along McMahon Boulevard and two different access points along Unser Boulevard. Although there may be more conflicts with vehicles and it would be farther from the building entrances, pedestrians can also access all three buildings by way of the proposed north-south 30 foot private access easement and the east-west City street.

Interconnecting sidewalks connect the three buildings together. The majority of the sidewalks are an appropriate width, except for the 8 foot sidewalk that runs along the west side of the Walgreens. Staff proposes that the Walgreens building have a 10 foot shaded sidewalk along the west side of the building. In order to make this north-south walkway more user-friendly, staff also suggests straightening the crosswalk between the bank and the Walgreens, which would

result in 2 less parking spaces on the south side of the bank site next to the crosswalk. These changes would improve the primary north-south pedestrian walkway, and would make for better connections between the neighborhoods and the retail stores. Staff also recommends widening the sidewalk in front of the Walgreens to improve connectivity with the neighboring residential building to the east.

There is currently no transit access at this site. However, the Westside-McMahon Land Use and Transportation Guide states that transit facilities be located at the Village Core (the southwest quadrant of Unser and McMahon Boulevards).

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

The proposed height of the light poles is 20 feet, which is in compliance with the lighting regulations found in the Zoning Code. The Site Lighting Notes found on the site development plan for building permit shall state that all lighting will comply with Section 14-16-3-9 of the Zoning Code.

### ***Landscaping***

The landscape plan generally complies with the City's Water Conservation and Ordinance and Pollen Ordinance by emphasizing plants that do not use excessive amounts of water or that emit too much pollen. The Texas Honey Mesquite is a good choice for adaptability; however, because these trees have invasive water-seeking roots, root barriers should be provided adjacent to the utility easement if any drainage or sewer lines are in close proximity. The installed size of the Austrian Pine shown on the landscape plan is too short. Instead of a 6 foot minimum height at installation, the Austrian Pine should be 10-12 feet high or trees at 2 foot caliper measured six inches above grade pursuant to Section 14-16-3-10-F1.

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

There are three plaza areas with bench seating areas, one for each building. Each of these areas has stamped colored concrete and flower pots. Because the Walgreens building has a major facade greater than 100 feet (it 127 feet), it is required to have a minimum of one seat per 25 linear feet of building facade, and each seat shall be a minimum of 24 inches in width and 15 inches in height. The seating bench will count as long as it can fit four people. At least 25% of the seating area shall also be shaded (Section 14-16-3-18-C3). Of the three plaza areas, the one that is next to the Walgreens is the smallest at only 275 sf. The plaza next to the Wells Fargo is 931 sf. and the plaza next to the retail building is 894 sf. This does not make a lot of sense because the Walgreens is the biggest building at 16,500 sf., while the other two buildings are both 5,000 sf. Staff recommends increasing the size of the public space/plaza area for the Walgreens. The public space at the east side of the retail building is not located to create a focal point for the neighborhood center. It should be located on the west side of the building to serve customers of both retail buildings. Staff also recommends widening the sidewalk in front of the redesigned Walgreens building (either cutting off part of the southeast corner or rotating the building counter-clockwise) on the southeast corner across from the retail building. As

previously suggested, staff also recommends providing a trellis or some architectural feature to connect the Walgreens with the retail building.

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

The site currently drains from the southwest to the northeast, except for the far southwest corner which drains to the southwest and southeast. The EPC grading and drainage plan states that the allowable discharge of 2.0 cfs/acre requires onsite detention. A total of 12,200 cubic feet of storage is needed onsite. The overall developed property is divided into two sub-basins: Developed Basin A and Developed Basin B. Developed Basin A consists of the landscape buffers between the south and west of the development. Water harvesting detention basins will be constructed within these areas to capture a 100-year, 6-hour storm event. This basin will generate approximately 1.4 cfs. Developed Basin B will generate approximately 12.5 cfs. All discharge from Basin B will be detained with surface ponds and underground storage chamber to control the discharge from the site to 2.0 cfs/acre or 7.2 cfs. Discharged flow will continue northeast along historic discharge paths. The total allowable discharge will be released using a combination of uncontrolled surface discharge with the remaining site discharge being routed through surface and underground detention facilities with a proposed volume of approximately 12,200 cf.

There are three separate storm pond/storage areas on the site. One is behind the proposed retail building and parking area. This detention pond has 2,000 cf storage. The second is behind the Walgreens is an underground stormwater storage of 8,000 cf. The third is on the far northeast corner of Parcel 1, just north of the drive-thrus for the Wells Fargo building. This one has 2,200 cf of underground water storage.

The Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) has no objection to the requested actions. There is a temporary drainage easement that was granted to AMAFCA on existing Tract 10A-1. AMAFCA will require approval of a Quitclaim/Release of Easement Deed by the AMAFCA Board of Directors prior to release of building permit. Landscaping on Public Service Company of New Mexico's (PNM) easements require their approval and an encroachment agreement. PNM states that the developer must contact PNM. The City Hydrology section has no objection to the zone map amendment request.

### ***Architecture***

There are three separate buildings, one for each parcel. The Walgreens is a square shaped building of 16,500 sf with dark gray seam metal roofing, tan, light tan, and gray color stucco, a cultured stone veneer of tan, gray, and red, and a clear anodized aluminum storefront with tinted insulated glazing. The retail building is a rectangular shaped building of 5,000 sf with dark gray seam metal roofing, tan, light tan, and dark gray color stucco, and a clear anodized aluminum storefront with tinted insulated glazing. The Wells Fargo building is a square shaped building of 5,000 sf with galvalume seam metal roofing, latte, brown, and pecan white color plaster, a manufactured stone veneer, and an anodized aluminum silver storefront. The manufactured veneer has no explanation of the specifics of the material or colors used, except for manufactured

stone per development standard. The applicant needs to specify exactly what materials and colors are used. The colors must be in harmony with the rest of the Wells Fargo building and with the other two buildings on this site. The monument sign for Wells Fargo must also match the color of the building, and the manufactured stone found on the bottom of the signage must also be specified as to what materials and colors are used. The exterior elevation sheet (7 of 8) needs to show the length of each building front.

### ***Signage***

There are three free-standing signs on site. The free-standing signs are 12 feet high from the ground to the top of the sign, and 9 feet wide. The free-standing signs are in violation of the Unser Boulevard Design Overlay Zone. The height of the sign from the top of the cultured stone veneer to the top of the sign is 10 feet tall, which makes the size of the free-standing sign 90 sf. The Zoning Code defines sign area “for free-standing and projecting signs means the area of one rectangle or of two contiguous rectangles in the same plane, drawn with horizontal and vertical lines so as to include the entire sign except sign supports. The viewpoint for calculation shall be that which gives the largest dimension to that rectangular area” (Section 14-16-1-5). The Unser Boulevard Design Overlay Zone says “The size of a free-standing sign shall not exceed 75 square feet.” Therefore, the three free-standing monument signs must be reduced in size to be in compliance with the Unser Boulevard Design Overlay Zone.

There are two building mounted signs for the Walgreens building (one on the south side and one on the west side), which are in compliance with both the Zoning Code and the Unser Boulevard Design Overlay Zone. The size of the building mounted signage for the Wells Fargo is unknown, since there is no square footage for signage. Because there is no square footage for the wall signs, it is also unknown if the size of the wall signs exceed the building facade area, which for buildings of 5,000 sf is 300 sf (according to the Unser Boulevard Design Overlay Zone). Square footage for each of the wall signs is needed for the Wells Fargo building.

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

City Departments and other interested agencies reviewed this application from 12/10/2007 to 12/26/2007. Agency comments begin on page 34.

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

Skies West N.A. is the recognized Neighborhood Association in this area and no comments have been received concerning this request. A facilitated meeting was requested by the Office of Neighborhood Coordination, but no meeting was desired by the Skies West N.A.

### ***CONCLUSIONS***

This three-part proposal is for a zone map amendment, a site development plan for subdivision and a site development plan for building permit for Lot 19 A-1, Paradise North Subdivision, at

the northeast corner of McMahon and Unser. The zone map amendment proposes to change the zoning from SU-1 for C-1 Uses to SU-1 for C-1 Uses including package liquor sales incidental to a pharmacy use occupying not less than 14,000 square feet. The site plan for subdivision intends to subdivide the site into three parcels to accommodate each building of the development. Each building will contain one building each: a drug retail store with a drive-thru (Walgreens 16,500 sf), a drive-thru bank (Wells Fargo 5,000 sf), and a retail building (5,000 sf); for a total of 26,500 square feet on approximately 3.6 acres.

The applicant has justified the zone map amendment request, the site development plan for subdivision, and the site development plan for building permit request, based on applicable plans and policies in the Comprehensive Plan, the West Side Strategic Plan, the Unser Boulevard Design Overlay Zone, and the Westside/McMahon Corridor Transportation and Land Use Guide. The site is within a designated Neighborhood Activity Center with a goal to produce active pedestrian areas. The request is deficient with regard to this goal and staff is recommending conditions to further achieve this goal. There is no known opposition to the request and staff recommends approval with conditions.

***FINDINGS – 07EPC 40096, 1/17/07, Zone Map Amendment***

1. This request is for review and approval of a zone map amendment for Lot 19 A-1, Paradise North Subdivision from SU-1 for C-1 Uses to SU-1 for C-1 Uses including package liquor sales incidental to a pharmacy use occupying not less than 14,000 square feet, located on Unser Boulevard NW between McMahon Boulevard NW and Summer Ridge NW containing approximately 3.6 acres.
2. This request is accompanied with requests for a site plan for subdivision that subdivides the site into three parcels to accommodate each building, and a site plan for building permit to allow development of a 26,500 square foot retail center on approximately 3.6 acres.
3. The subject site lies within the boundaries of the West Side Strategic Plan, the Unser Boulevard Design Overlay Zone, and the Westside/McMahon Corridor Transportation and Land Use Guide.
4. Package liquor sales would not occur within 500 feet of a residential zone. The SU-1 for Mixed Uses in Village Center North (directly north of the site) is designated for commercial, office, and residential uses. Although there is a residential use in this tract, it is not the predominant use; hence it is not a residential zone. The Zoning Code defines a residential zone as one where the predominant use allowed in a subarea is residential.
5. The following Comprehensive Plan policies for Developing and Established Urban Areas are supported by the proposal:
  - a. Policy II.B.5d – The location and intensity of this request does respect existing neighborhood values and environmental conditions.
  - b. Policy II.B.5e – Although vacant, full urban services are available to the site, and the integrity of the existing neighborhood can be ensured.
  - c. Policy II.B.5i – The proposed project will provide employment and service uses to the neighborhood.
  - d. Policy II.B.5j – The new commercial development will be located in an existing commercially zoned area.
  - e. Policy II.B.5k – Land adjacent to arterial streets will be designed to minimize the harmful effects of additional traffic impacts.
6. The proposal generally supports Comprehensive Plan Activity Centers Goal (II.B.7), which helps to expand and strengthen bike and pedestrian trails.
7. The proposal supports Comprehensive Plan Air Quality Policies II.C.1d and II.C.1e by decreasing the distance that nearby residents will have to travel to obtain daily goods and/or services.

8. The proposal generally supports the Transportation and Transit Policy II.D.4g in the Comprehensive Plan by providing a balanced circulation system.
  
9. The proposal supports the Comprehensive Plan Economic Development Policies II.D.6b and II.D.6g by recruiting outside firms, improving the job to housing ratio, and by generating new jobs, taxes, and needed services.
  
10. The proposal complies with Section 4 (A) (4) of the Westside/McMahon Corridor Land Use and Transportation Guide which would help to implement some of the neighborhood and village scale commercial and office developments.
  
11. The applicant has adequately justified the zone change request pursuant to Resolution 270-1980:
  - a. The request generally furthers most applicable Comprehensive Plan policies and is consistent with the City's health, safety, and general welfare.
  - b. The applicant has shown that the proposed zone change will contribute to stability of land use and zoning and would be consistent with the surrounding zoning and land use. The request will facilitate commercial development in a neighborhood center and will not destabilize the land which is already zoned for commercial uses. The applicant has satisfactorily demonstrated why the change should be made.
  - c. The proposed zone change either furthers or partially furthers a preponderance of adopted elements in the Comprehensive Plan, WSSP, and the Westside/McMahon Corridor Land Use and Transportation Guide. The proposed request is not in significant conflict with adopted elements of the Comprehensive Plan or other plans which have been adopted by the City.
  - d. The applicant has demonstrated that a different use category is more advantageous to the local community because it will facilitate development of a Neighborhood Center that will provide a variety of day-to-day commercial uses and services for the surrounding residential areas. This development will help to improve the job to housing ratio in an area of the City which is predominantly residential, and will provide services which are close and convenient to the local neighborhood.
  - e. The requested zone change does not change the existing zoning, except to allow for packaged alcoholic beverage sales at larger sized pharmacies. The property is already designated for commercial uses as are the surrounding properties in the Neighborhood Center at the intersection of Unser and McMahon Boulevards. The proximity of the surrounding neighborhoods and the fact that two neighboring parcels also allow package liquor sales are a concern.
  - f. The proposed zone change requires no major or unprogrammed capital expenditures by the City in order to be developed.

- g. An economic consideration, such as the sale of alcohol, is a factor in the zone change request; however, it is not the determining factor and the applicant does not rely on it for approval of the request.
  - h. The subject site's location on a major street is not used as a justification for the zone change request.
  - i. The request will not create a spot zone. The proposed subject site is directly across from other SU-1 for C-1 uses.
  - j. The request does not constitute a strip zone.
12. There is no known neighborhood or other opposition.

***RECOMMENDATION – 07EPC 40096, 1/17/07, Zone Map Amendment***

**APPROVAL of 07EPC 40096, a zone map amendment from SU-1 for C-1 Uses to SU-1 for C-1 Uses including package liquor sales incidental to a pharmacy use occupying not less than 14,000 square feet, for Lot 19 A-1, Paradise North, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 07EPC 40096, 1/17/07, Zone Map Amendment***

1. The DRB shall sign-off on the accompanying site development plan for subdivision (07EPC 40091) and site development plan for building permit (07EPC 40093).

***FINDINGS – 07EPC 40091, 1/17/07, Site Development Plan for Subdivision***

1. This request is for a site development plan for subdivision for Lot 19 A-1, Paradise North Subdivision, located on Unser Boulevard NW between McMahon Boulevard NW and Summer Ridge NW containing approximately 3.6 acres.
2. The purpose of this request is to construct three buildings, a Walgreens Pharmacy with package liquor sales, a drive-up bank, and a multi-tenant retail building for a total of 26,500 square feet.



3. The subject site lies within the boundaries of the West Side Strategic Plan, the Unser Boulevard Design Overlay Zone, and the Westside/McMahon Corridor Transportation and Land Use Guide.
4. The site development plan for subdivision is accompanied by a site development plan for building permit (07EPC 40093).
5. The following Comprehensive Plan policies for Developing and Established Urban Areas are supported by the proposal:
  - a. Policy II.B.5a – Adding commercial uses would increase land use variety by allowing a full range of urban land uses.
  - b. Policy II.B.5d – The location, intensity, and design of this request does respect existing neighborhood values and environmental conditions. The overall design of the development would respect existing neighborhood values by proper design that mitigates potential impacts on adjacent streets and by connections to the regional trail system and future developments in the neighborhood.
  - c. Policy II.B.5e – Although vacant, full urban services are available to the site, and the integrity of the existing neighborhood can be ensured with appropriate design.
  - d. Policy II.B.5i – The proposed project will provide employment and service uses to the neighborhood and the adverse effects will be mitigated by the landscaping and mitigation measures that are proposed on the property.
  - e. Policy II.B.5j – The new commercial development will be located in an existing commercially zoned area that will provide pedestrian and bicycle access within close proximity to the surrounding neighborhood.
  - f. Policy II.B.5k – Land adjacent to arterial streets will be designed to minimize the harmful effects of traffic, and the livability and safety of established residential neighborhoods will be protected through proper transportation planning.
6. The proposal generally supports Comprehensive Plan Activity Centers Goal (II.B.7), which helps to expand and strengthen bike and pedestrian trails and decrease auto travel needs.
7. The proposal generally supports Transportation and Transit Policy II.D.4g in the Comprehensive Plan by providing a balanced circulation system, and by a design that mitigates the potential conflict between pedestrians and vehicles by placing the drive-thrus on the east side of the proposed subject site and the sidewalks and bicycle trails on the west side of the proposed development.
8. The following West Side Strategic Plan (WSSP) policies support the proposal:
  - a. Policy 1.5 – The subject site provides pedestrian/bicycle access to key activity areas, such as the regional trail system and bike lane along McMahon, which connects to Coors

- Boulevard, Golf Course Road, and Paradise Boulevard. The parking lot has been carefully designed to provide pedestrian access between buildings on the subject site.
- b. Policy 1.15 - Pedestrian and bicycle connections have been provided to adjacent neighborhoods, and there is outdoor seating for informal gatherings.
  - c. Policy 1.16 - Bicycle and pedestrian connections are provided on all four sides of the proposed subject site, which connects the local neighborhood to adjacent neighborhoods and to the larger communities of Albuquerque and Rio Rancho.
  - d. Policy 3.4 – The lowest density single-family residential development has not occurred in the McMahan/Unser Neighborhood Center, and the proposed subject site does have safe pedestrian and bicycle access to the surrounding residential developments.
  - e. Policy 4.10 – The design of the subject site supports bicycle and pedestrian travel and alternatives to the single occupant vehicle. Public transportation has been planned for the intersection of Unser and McMahan in the Westside/McMahan Corridor Land Use and Transportation Guide, and will one day be a reality at this location.
9. The proposal does not further Policy 1.8 of the WSSP, because it focuses primarily on arterial traffic, has long expanses of parking lots at street frontages, and the buildings turn their back on the closest neighborhoods to the north and northeast by facing south and west.
10. There is no known neighborhood or other opposition.

***RECOMMENDATION – 07EPC 40091, 1/17/07, Site Development Plan for Subdivision***

**APPROVAL of 07EPC 40091, a site development plan for subdivision for Lot 19 A-1, Paradise North, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 07EPC 40091, 1/17/07, Site Development 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 height of the Walgreens (35'3") is in violation of the Zoning Code height for C-1 zone, which is 26'. All buildings can only be 26' as stated in the Zoning Code Section 14-16-2-16. Both the West Side Strategic Plan and the Unser Boulevard Design Overlay Zone refer to the importance of views on the west side, and a building height of 35'3' would be in conflict with these documents. Staff recommends that the Walgreens building be a maximum of 26 feet high.

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

Conditions of approval for the proposed Zone Map Amendment, Site Development Plan for Subdivision 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 right turn deceleration lanes at site drives, as necessary, per DPM and TIS. Provide storage lengths per TIS or DPM, whichever is greatest.
- d. Provide left turn bays at site drives per TIS. Provide storage lengths per TIS. Provide center median adjustments on McMahan and Unser as required.
- e. Dual westbound left turn lanes in McMahan Boulevard at Unser Boulevard, including associated intersection improvements, will be required should the left turn-in access from McMahan to the sites McMahan drive be approved by the TCC. In addition, to facilitate the improvements in McMahan Boulevard will require widening of the road north into the Fineland Development property at the northeast corner of the intersection. Therefore, the necessary roadway easements and/or right-of-way will be required to construct the improvements.
- f. Delete parking in main drive aisle, from McMahan, between Lots 4 and 5.
- g. Widen drive aisle in Lot 8 to 30'. This width provides a consistent 30' drive aisle width through Lots 1 and 8 to Fineland Drive.
- h. Provide cross access agreement.
- i. All private landscaping and irrigation should be contained on the applicant's site and not within City right-of-way. However, if permitted, the applicant may be required to provide a maintenance agreement with the City.
- j. Site plan shall comply and be designed per DPM Standards.
- k. Platting must be a concurrent DRB action.
- l. Dedication of a *minimum* 78 feet of right-of-way from the centerline of Unser Boulevard a principal arterial as designated on the Long Range Roadway System map.

- m. Dedication of an additional 6 feet of right-of-way along Unser Boulevard adjacent to the subject property as required by the City Engineer to provide for on-street bicycle lanes.
- n. Construction of the on-street bicycle lane and 10 foot multi-purpose trail along Unser Boulevard adjacent to the subject property as designated on Long Range Bikeways System map.
- o. Access to Unser Boulevard from the driveway along the southern boundary of the site shall be limited to right-in, right-out and left-in only consistent with the Long Range Roadway System access policy. Adjustments to center median and driveway required.
- p. Approval of the proposed full access intersection on McMahan Boulevard mid-way between Unser Boulevard and Fineland Drive by the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09.

**5. CONDITIONS FROM TRANSPORTATION DEVELOPMENT SERVICES:**

- a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
- b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- c. A Traffic Impact Study (TIS) has been submitted and reviewed by Transportation Staff.
- d. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
- e. The Traffic Impact Study is available for review by any interested party, in the office of the Traffic Engineer.
- f. Site drives to be located and designed per TIS recommendations.
- g. Drive-thru lane adjacent to Walgreen's to be signed and striped as one-way only. Reduce lane width to 22' with 20' enter and exit openings. Provide bump out at corner of building (exiting) that wraps around to 24' drive aisle giving proper visibility for exiting traffic.
- h. Provide some type of delineation at rear of Walgreen's building (north side) that clearly marks a 24' drive aisle. Reduce 30' drive aisle to 24'. Line up aisle perpendicular to proposed 30' access easement.
- i. At Wells Fargo Bank, delete proposed ATM and pass-by lanes (outside lanes as shown on site plan) and convert 5<sup>th</sup> drive-thru lane to an ATM and pass-by lane.
- j. Provide cross access agreements.
- k. Provide more information about truck circulation with turning templates.
- l. Site plan shall comply and be designed per DPM Standards.

6. CONDITIONS FROM TRANSPORTATION PLANNING:

- a. Dedication of a *minimum* 78 feet of right-of-way from the centerline of Unser Boulevard a principal arterial as designated on the Long Range Roadway System map.
  - b. Dedication of an additional 6 feet of right-of-way along Unser Boulevard adjacent to the subject property as required by the City Engineer to provide for on-street bicycle lanes.
  - c. Construction of the on-street bicycle lane and 10 foot multi-purpose trail along Unser Boulevard adjacent to the subject property as designated on Long Range Bikeways System map.
  - d. Access to Unser Boulevard from the driveway along the southern boundary of the site shall be limited to right-in, right-out and left-in only consistent with the Long Range Roadway System access policy.
  - e. Approval of the proposed full access intersection on McMahon Boulevard mid-way between Unser Boulevard and Fineland Drive by the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09.
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***FINDINGS – 07EPC 40093, 1/17/07, Site Development Plan for Building Permit***

1. This request is for a site development plan for building permit for Lot 19 A-1, Paradise North Subdivision, located on Unser Boulevard NW between McMahon Boulevard NW and Summer Ridge NW containing approximately 3.6 acres.
2. The purpose of this request is to construct three buildings, a Walgreens Pharmacy with package liquor sales, a drive-up bank, and a multi-tenant retail building for a total of 26,500 square feet.
3. The subject site lies within the boundaries of the West Side Strategic Plan, the Unser Boulevard Design Overlay Zone, and the Westside/McMahon Corridor Transportation and Land Use Guide.
4. The site development plan for building permit is accompanied by a site development plan for subdivision (07EPC 40091).
5. The following Comprehensive Plan policies for Developing and Established Urban Areas support the proposal:
  - a. Policy II.B.5a – Adding commercial uses would increase land use variety by allowing a full range of urban land uses.
  - b. Policy II.B.5d – The location, intensity, and design of this request does respect existing neighborhood values and environmental conditions. The overall design of the development would respect existing neighborhood values by proper design that mitigates

- potential impacts on adjacent streets and by connections to the regional trail system and future developments in the neighborhood.
- c. Policy II.B.5e – Although vacant, full urban services are available to the site, and the integrity of the existing neighborhood can be ensured with appropriate design.
  - d. Policy II.B.5i – The proposed project will provide employment and service uses to the neighborhood and that the adverse effects will be mitigated by the landscaping and mitigation measures that are proposed on the property.
  - e. Policy II.B.5j – The new commercial development will be located in an existing commercially zoned area that will provide pedestrian and bicycle access within close proximity to the surrounding neighborhood.
  - f. Policy II.B.5k – Land adjacent to arterial streets will be designed to minimize the harmful effects of traffic, and the livability and safety of established residential neighborhoods will be protected through proper transportation planning.
6. The Comprehensive Plan Activity Centers Goal (II.B.7) helps to support the proposal by expanding and strengthening bike and pedestrian trails and connections and decreasing auto travel needs.
7. The Comprehensive Plan Transportation and Transit Policy II.D.4g supports the proposal by providing a balanced circulation system, and by a design that mitigates the potential conflict between pedestrians and vehicles by placing the drive-thrus on the east side of the proposed subject site and the sidewalks and bicycle trails on the west side of the proposed development.
8. The following West Side Strategic Plan (WSSP) policies support the proposal:
- a. Policy 1.5 – The subject site provides pedestrian/bicycle access to key activity areas, such as the regional trail system and bike lane along McMahan, which connects to Coors Boulevard, Golf Course Road, and Paradise Boulevard. The parking lot has been carefully designed to provide pedestrian access between buildings on the subject site.
  - b. Policy 1.15 - Pedestrian and bicycle connections have been provided to adjacent neighborhoods, and there is outdoor seating for informal gatherings.
  - c. Policy 1.16 - Bicycle and pedestrian connections are provided on all four sides of the proposed subject site, which connects the local neighborhood to adjacent neighborhoods and to the larger communities of Albuquerque and Rio Rancho.
  - d. Policy 3.4 – The lowest density single-family residential development has not occurred in the McMahan/Unser Neighborhood Center, and the proposed subject site does have safe pedestrian and bicycle access to the surrounding residential developments.
  - e. Policy 4.10 – The design of the subject site supports bicycle and pedestrian travel and alternatives to the single occupant vehicle. Public transportation has been planned for the intersection of Unser and McMahan in the Westside/McMahan Corridor Land Use and Transportation Guide, and will one day be a reality at this location.

9. The proposal does not further Policy 1.8 of the WSSP, because it focuses primarily on arterial traffic, has long expanses of parking lots at street frontages, and the buildings turn their back on the closest neighborhoods to the north and northeast by facing south and west.
  
10. There is no known neighborhood or other opposition.

***RECOMMENDATION – 07EPC 40093, 1/17/07, Site Development Plan for Building Permit***

**APPROVAL of 07EPC 40093, a site development plan for building permit for Lot 19 A-1, Paradise North, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 07EPC 40093, 1/17/07, Site Development Plan for Building Permit***

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
  
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
  
3. Staff recommends that the Walgreens building be a maximum of 26 feet high. The height of the Walgreens (35'3") is in violation of the Zoning Code height for C-1 zone, which is 26' (Section 14-16-2-16). Both the West Side Strategic Plan and the Unser Boulevard Design Overlay Zone refer to the importance of views on the west side, and a building height of 35'3' would be in conflict with these documents.
  
4. The proposed recycling bin must comply with all City recycling bin regulations in Section 14-16-3-15.
  
5. The Solid Waste Management Division (SWMD) will approve on condition that the applicant complies with all SWMD ordinances and requirements, and have required recycle area.
  
6. The heights of all the existing retaining walls need to be identified on the site development plan for building permit.

7. The height of the stemwall on the south and east side of the Walgreens needs to be identified on the grading and drainage plan.
  
8. Layout:
  - a. Narrow the width of the drive-thru lane for one-way traffic only (transportation development services also recommend signing and striping lane as one-way only and reducing lane width to 22' with 20' enter and exit openings).
  - b. Cut (or rotate Walgreens counter-clockwise) the southeast corner of the Walgreens building so that it lines up with the retail building.
  
9. Parking:
  - a. The applicant needs to provide justification as to why there are 133 parking spaces required, but only 121 spaces provided.
  - b. The two handicap spaces in front of the Wells Fargo building as well as the handicap aisle striping and ramp need to be moved north from their present location so that they are directly in front of the entrance on the west side of the building. The other handicap space for the Wells Fargo building needs to be moved from the far south side of the building to a space alongside where the other two handicap spaces are proposed to be located, directly in front of the entrance on the west side of the building.
  - c. The handicap space along the far northwest side of the Walgreens building needs to be re-located next to the other handicap space on the southwest side of the building, closer to the entrance.
  - d. The two handicap spaces in front of the proposed retail building as well as the handicap aisle striping and ramp need to be moved east from the present location so that they are directly in front of the entrance.
  - e. All four motorcycle spaces need to be re-located to areas where they are visible from the entrance of the building on the site pursuant to the Zoning Code (Section 14-16-3-1-C2).
  
10. Sidewalks/Crosswalks:
  - a. The sidewalk along the west side of Walgreens shall be at least 10 feet wide, and shaded to improve the north-south pedestrian walkway and to connect the neighborhood to the retail stores and the Walgreens.
  - b. The sidewalk in front of the Walgreens needs to be widened at the southeast corner to provide better connectivity to the retail stores.
  - c. The crosswalk between the Wells Fargo bank and the Walgreens should be straightened out to improve connectivity and user-friendliness. This would result in 2 less parking spaces on the south side of the bank site next to the crosswalk.
  
11. Landscaping



- a. Because the Texas Honey Mesquite has invasive water-seeking roots, root barriers should be provided adjacent to the utility easement if any drainage or sewer lines are in close proximity.
- b. Change the minimum size height of Austrian Pines at installation from a 6 foot high minimum to 10 foot high minimum or trees at 2 foot caliper measured 6 inches above the grade pursuant to Section 14-16-3-10-F1.

12. Public Outdoor Space:

- a. Because the Walgreens building has a major façade greater than 100 feet (127 feet) it is required to have a minimum of one seat per 25 linear feet of building facade, and each seat shall be a minimum of 24 inches in width and 15 inches in height. The seating bench will count as long as it can fit four people. At least 25% of the seating area shall also be shaded (Section 14-16-3-18-C3). The outdoor plaza area for the Walgreens needs to be bigger to accommodate more people.
- b. The public outdoor space for the retail building needs to be located on the west side of the building to serve customers of both retail buildings.
- c. A trellis or some architectural feature to connect Walgreens with the retail building is needed.

13. Architecture:

- a. The applicant needs to specify exactly what materials and colors are used on the manufactured stone veneer for the Wells Fargo building.
- b. The monument sign for Wells Fargo must match the color of the building and the manufactured stone veneer found on the building. The materials and colors also need to be specified.
- c. The exterior elevation sheet (7 of 8) needs to show the length of each building front.

14. Signage:

- a. The three free-standing monument signs must be reduced in size to be in compliance with the Unser Boulevard Design Overlay Zone (75 square feet).
- b. Square footage for each of the wall signs is needed for the Wells Fargo building. The Unser Boulevard Design Overlay Zone states that the size of the wall sign for a 5,000 sf building shall not exceed 300 sf.

***Randall Falkner  
Planner***

cc: Midwest Phillips Edison & Company, 11501 Northlake Dr., Cincinnati, OH, 45249  
Consensus Planning, Inc., 302 8<sup>th</sup> St. NW, Albuquerque, NM 87102  
Tom Skopayko, Skies West Na, 10523 Taurus Ct. NW, Albuquerque, NM 87114  
Dina Gilio, Skies West NA, 10656 Neptune NW, Albuquerque, NM 87114

***Attachments***

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

### ***PLANNING DEPARTMENT***

#### ***Zoning Code Services***

Reviewed: No Comments

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

**12/10/07 – Recommended for Facilitation – siw**

**12/??/07 – Assigned to Diane Grover**

#### ***Advanced Planning***

#### **General Comments:**

The site is approximately 235 feet away from a residential zone at Village Center North which is SU-1 for mixed uses and approximately 360 feet away from a residential zone at Crown and Pinnacle Peak Court. Packaged liquor sales should be sold only if they comply with the strictest controls of the Zoning Code and under a restaurant license for sale of beer and wine as provided by Section 60-6A-4-NMSA 1978.

#### **Landscaping Comments:**

1. Overall the plant pallet is excellent for the Albuquerque area.
2. The Texas Honey Mesquite is a good choice for adaptability. Provide root barriers adjacent to the utility easement if drainage or sewer lines are located there as these trees have invasive water-seeking roots.
3. The Ungnadia speciosa, Mexican Buckeye is an excellent accent shrub. However, it should not be regarded as a tree for street tree or parking lot plant counts. A few taller trees planted outside the overhead wire zones and closer to the parking lot will provide some shade for these areas.
4. Remove the dashed line symbols between the Walgreen building and the Wells Fargo building at the planting strip for clarity of plant symbols in this area.
5. Specify 10'-12' high Austrian Pines or trees at 2" caliper measured six inches above grade pursuant to 14-16-3-10 (F) (1).

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

#### ***Transportation Development Services (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).

- 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.
- Site drives to be located and designed per TIS recommendations.
- The Traffic Impact Study is available for review by any interested party, in the office of the Traffic Engineer.
- Provide right turn deceleration lanes at site drives, as necessary, per DPM and TIS. Provide storage lengths per TIS or DPM, which ever is greatest.
- Provide left turn bays at site drives per TIS. Provide storage lengths per TIS. Provide center median adjustments on McMahan and Unser as required.
- Dual westbound left turn lanes in McMahan Boulevard at Unser Boulevard, including associated intersection improvements, will be required should the left turn-in access from McMahan to the sites McMahan drive be approved by the TCC. In addition, to facilitate the improvements in McMahan Boulevard will require widening of the road north into the Fineland Development property at the northeast corner of the intersection. Therefore, the necessary roadway easements and/or right-of-way will be required to construct the improvements.
- Delete parking in main drive aisle, from McMahan, between Lots 4 and 5.
- Widen drive aisle in Lot 8 to 30'. This width provides a consistent 30' drive aisle width through Lots 1 and 8 to Fineland Drive.
- Provide cross access agreement.
- It appears that the development might contain more building square footage than the property can accommodate (i.e. site landscaping and irrigation encroaches into the proposed right-of-way dedication on north side of development and at the main site drive from Unser Boulevard). All private landscaping and irrigation should be contained on the applicant's site and not within City right-of-way. However, if permitted, the applicant may be required to provide a maintenance agreement with the City.
- Site plan shall comply and be designed per DPM Standards.

#### **Utility Development**

- No comments received.

#### **Traffic Engineering Operations**

- No comments received.

**Hydrology**

- An approved conceptual grading and drainage plan is required for site plan sign-off by the City Engineer.
- Condition: Platting must be a concurrent DRB action.
- The Hydrology Section has no objection to the zone map amendment request.

**Transportation Planning**

Findings

- Both Unser Boulevard and McMahan Boulevard are limited access principal arterials with a *minimum* right-of-way width of 156 feet as designated on Long Range Roadway System map.
- Unser Boulevard is proposed to contain on-street bicycle lanes and a 10-foot wide multi-purpose trail as designated on the Long Range Bikeway System map.
- The City Engineer may require up to six (6) additional feet of right-of-way on Unser Boulevard to accommodate the designated bicycle lane.
- The access policy on Unser Boulevard currently allows right-in, right-out and left-in access only at the driveway along the southern boundary of the site.
- The access policy on McMahan Boulevard currently allows right-in, right-out access only at the driveway located mid-way between Unser Boulevard and Fineland Drive.
- The current access policy for McMahan Boulevard *does not* permit a full access intersection mid-way between Unser Boulevard and Fineland Drive.
- Exceptions to the access policy will require the approval of the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments consistent with procedures described in R-05-09.

Conditions

- Dedication of a *minimum* 78 feet of right-of-way from the centerline of Unser Boulevard a principal arterial as designated on the Long Range Roadway System map.
- Dedication of an additional 6 feet of right-of-way along Unser Boulevard adjacent to the subject property as required by the City Engineer to provide for on-street bicycle lanes.
- Construction of the on-street bicycle lane and 10 foot multi-purpose trail along Unser Boulevard adjacent to the subject property as designated on Long Range Bikeways System map.
- Access to Unser Boulevard from the driveway along the southern boundary of the site shall be limited to right-in, right-out and left-in only consistent with the Long Range Roadway System access policy.
- Approval of the proposed full access intersection on McMahan Boulevard mid-way between Unser Boulevard and Fineland Drive by the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

**Environmental Services Division**

**City Forester**

**PARKS AND RECREATION**

**Planning and Design**

**Open Space Division**

Open Space has no adverse comments

**POLICE DEPARTMENT/Planning**

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

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

**FIRE DEPARTMENT/Planning**

**TRANSIT DEPARTMENT**

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

Conditions of approval for the proposed Zone Map Amendment, Site Development Plan for Subdivision 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 right turn deceleration lanes at site drives, as necessary, per DPM and TIS. Provide storage lengths per TIS or DPM, which ever is greatest.
- d. Provide left turn bays at site drives per TIS. Provide storage lengths per TIS. Provide center median adjustments on McMahan and Unser as required.
- e. Dual westbound left turn lanes in McMahan Boulevard at Unser Boulevard, including associated intersection improvements, will be required should the left turn-in access from McMahan to the sites McMahan drive be approved by the TCC. In addition, to facilitate the improvements in McMahan Boulevard will require widening of the road north into the Fineland Development property at the

northeast corner of the intersection. Therefore, the necessary roadway easements and/or right-of-way will be required to construct the improvements.

- f. Delete parking in main drive aisle, from McMahon, between Lots 4 and 5.
- g. Widen drive aisle in Lot 8 to 30'. This width provides a consistent 30' drive aisle width through Lots 1 and 8 to Fineland Drive.
- h. Provide cross access agreement.
- i. All private landscaping and irrigation should be contained on the applicant's site and not within City right-of-way. However, if permitted, the applicant may be required to provide a maintenance agreement with the City.
- j. Site plan shall comply and be designed per DPM Standards.
- k. Platting must be a concurrent DRB action.
- l. Dedication of a *minimum* 78 feet of right-of-way from the centerline of Unser Boulevard a principal arterial as designated on the Long Range Roadway System map.
- m. Dedication of an additional 6 feet of right-of-way along Unser Boulevard adjacent to the subject property as required by the City Engineer to provide for on-street bicycle lanes.
- n. Construction of the on-street bicycle lane and 10 foot multi-purpose trail along Unser Boulevard adjacent to the subject property as designated on Long Range Bikeways System map.
- o. Access to Unser Boulevard from the driveway along the southern boundary of the site shall be limited to right-in, right-out and left-in only consistent with the Long Range Roadway System access policy. Adjustments to center median and driveway required.
- p. Approval of the proposed full access intersection on McMahon Boulevard mid-way between Unser Boulevard and Fineland Drive by the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09.

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

### ***BERNALILLO COUNTY***

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

No objection to requested actions. There is a Temporary Drainage Easement that was granted to AMAFCA on existing Tract 10A-1. AMAFCA will require approval of a Quitclaim / Release of Easement Deed by the AMAFCA Board of Directors prior to release of building permit.

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

**Paradise North**, Lots 19A-1, is located on Unser Blvd NW between McMahon Blvd NW and Summer Ridge NW. The owner of the above property requests approval for a Zone Map Amendment to allow package liquor sales along with a pharmacy within a C-1 zone, and approval of a Site Development Plan for Building Permit. This request will have no adverse impacts to the APS district as the property is more than 300 feet from the nearest school.

#### ***NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)***

Since Unser is an access-controlled facility, the access point will require MRCOG approval.

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

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

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

Landscaping on PNM's easements requires PNM's approval and an encroachment agreement. Developer must contact PNM.