



**Environmental
Planning
Commission**

**Agenda Number: 13
Project Number: 1007099
Case #'s: 08EPC-40021/40022
April 17, 2008**

Supplemental Staff Report

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

Staff Recommendation

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

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

Staff Planner
Carol Toffaleti, Planner

Summary of Analysis

The request is a zone change from C-2 and SU-1 for Nursery to SU-1 for C-2 permissive uses with excl., and a site development plan for building permit for a retail center with shops and restaurants, on a 4-acre site located south of Menaul Blvd between Mesilla and Pennsylvania (former Rowlands site). The applicant proposes to replat the 23 lots into one parcel, vacate Prospect Ave. and replace it with public access and utility easements. The applicant demonstrated that the existing SU-1 zoning is no longer appropriate due to changed conditions and that the single SU-1 zone for the premises is more advantageous to the community. The site development plan furthers a preponderance of applicable City goals and policies by creating a neighborhood-scale retail center in the Menaul corridor. The project was deferred by the EPC to revise the proposed uses and site development plan, and consult with affected property-owners and neighborhood associations on the proposed changes. The revised plan has addressed the majority of the EPC's and neighbors' concerns.

This report should be read in conjunction with the report for the March 20, 2008 hearing (attached)

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 02/11/2008 to 02/27/2008. Agency comments were used in the preparation of this report and begin on page 30 of the March 20, 2008 report. Revised agency comments received since March 20th begin on page of this report.

GENERAL UPDATE

The applicant has met with City Transportation and Development Review staff and revised the site development plan according to the EPC's instructions at the March hearing (see attached, dated April 8th). The applicant's letter dated April 9th (see attached) lists the changes. The applicant delivered the revised site plan to contacts of all neighborhood associations in the Uptown area on April 7th, with an invitation to meet on the evening of April 10th at a local elementary school to discuss it. Attendees of the facilitated meetings were e-mailed the same information on April 9th.

Since the March hearing, comments have been received from the Inez NA (east of Pennsylvania) and a resident of Prospect (see attached). Concerns were raised about the lack of communication, liquor sales and screening along the north side of Prospect.

In response to communication issues raised by the Inez NA at the March hearing, the applicant also sent a letter to the Planning Department detailing their communication with the neighborhood associations for the period between February 8th and the March 20th hearing (see attached, dated April 2, 2008).

UPDATE ON ZONE MAP AMENDMENT

The applicant has stated in correspondence and verbally to staff that they intend to extend the exclusions in the requested zoning to limit alcohol sales for on-site consumption to full-service liquor associated with a restaurant only.

Code Enforcement has advised staff that a practical way of handling the rather unwieldy zoning designation is to call it "SU-1 for C-2 permissive uses with exclusions" and then specify the exclusions in a note on the site development plan. Staff recommends that this be done in the Building Criteria table of the site development plan.

ANALYSIS OF REVISED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

Site Plan Layout / Configuration

Several changes have been made to the site layout. The west drive-thru restaurant has been eliminated, which makes the retail center more welcoming as you approach from the west. The retail center now consists of four buildings with multiple tenant spaces for retail and restaurant uses and one drive-thru restaurant, with a total gross square footage of 40,125 sf. This represents an increase of 1,266 sf over the previous proposal.

The east side of the center is more pedestrian-friendly without the drive-thru lanes and with a wider access between Shops A & B from Menaul that lead to an expanded plaza. The size of the plazas in the east part of the site has also increased, by eliminating the drive west of Shops D and parking spaces. The plaza west of Shops D now extends from the building to the buffer along Prospect. It is tiered and generously shaded with landscaping.

The applicant has informed staff verbally that the building entrances shown on the elevations are illustrative. The applicant explained that, since the proposed development is speculative, the tenant spaces, that are currently shown as separate, may be combined into larger spaces. Panels in the proposed storefronts can be switched from glazing to doors to suit different configurations. This would affect the number and location of entrances. The applicant says public entrances may be on the east and west elevations of the Shop buildings, but they are unlikely to be put on the north facades of buildings on Menaul or on the west façade of Shop A. If an entrance were added to the latter, it is more likely to be for deliveries. The only facade dedicated to service access is the south side of Shop D. A service/loading area is also indicated on the west façade of Shop C and the south facade of the drive thru restaurant. Staff recommends conditions to clarify that public entrances are illustrative and to encourage entrances on east and west elevations which would generate more activity closer to Menaul.

A recycle area has been added on the south (service) side of Shop D. City Transportation staff recommends relocating the refuse enclosure between Shops A & B to the loading area near Mesilla (see condition n.), because delivery vehicles are likely to prefer parking on Mesilla anyway. This improves the plaza environment and can provide an additional parking space.

The building height of Shop A, 16', is the same height as the former drive-thru restaurant.

Staff is recommending conditions to make minor corrections, including typographical corrections and clarification of Keyed Notes 23 & 24, which refer to proposed and existing property lines.

Walls/Fences

The elimination of the drive-thru in the northwest corner of the site has also led to the elimination of walls screening the drive-thru lanes on Mesilla and Menaul. The split-face CMU wall along the north side of Prospect Ave. is now indicated as 6' and is punctuated with wrought-iron inserts. The location, height, material and color of walls are indicated on the site plan, but staff recommends a condition that elevations of the walls be added to the detail sheet. Also, a railing is recommended around the upper plaza area west of Shops D.

Vehicular Access, Circulation and Parking

New trip generation figures based on the revised uses and square footages were verified by the City's Transportation Development staff (see attached). They indicate less than a 10% increase in trips during the AM peak and a reduction in trips during the PM peak and therefore the original Traffic Impact Study is still valid.

The applicant addressed transportation-related comments from the March hearing in the revised submittal. The most significant condition affecting the site layout was elimination of the vehicular drive west of Shops D. City Transportation staff has revised their conditions after reviewing the new site development plan. Most of the new conditions do not affect the site layout significantly, with the exception of Condition m.: changing all compact car spaces to 15' long will mean adjusting parking and drives east and south of Shops D, which may reduce parking provision by 3 to 4 spaces.

The applicant has revised calculations for off-street parking based on a slightly higher total net square footage, with 18,844 sf of retail and 15,000 sf of restaurant uses. The restaurant uses reflect a split of 167 seats in restaurants with full service liquor (13 fewer seats than the previous site plan) and a 306 person occupancy load in restaurants without liquor (6 more than previously). The total 191 spaces normally required by the Zoning Code reflects a 10% reduction for transit service and a 5% reduction for the provision of a bus shelter. The applicant is proposing 189 spaces, including accessible spaces. General Note 4 pertaining to the proportion of retail and restaurant uses on the site, and its implications for parking, has been reworded to be consistent with the parking calculations. Staff considers the approach acceptable and the EPC has discretion over parking provision in an SU-1 zone.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian access and circulation have been improved significantly. Access from Menaul into the center has been improved by adding a sidewalk on Prospect and a walkway along the east site drive. Three internal crosswalks have been widened to provide safer and more pleasant connections across Prospect and from Shops C to Shops D. Staff recommends a minor correction, that the label keyed to Note 19 be removed from the sidewalk on Menaul, as the existing sidewalk is being removed.

A bike rack is now provided at each building.

The new bus shelter at the relocated stop on Menaul has been set back from the curb and sidewalk to meet City standards. Staff recommends that the siting and design are approved by the Transit Department prior to DRB.

Lighting and Security

Lighting details for 3' high bollards and lightpoles of two different heights, 16' and 20', are now included on Sheet 7. The latter are shielded shoebox style fixtures. The area lighting is higher than the 12' and 18' keyed on the previous site development plan. The applicant has justified the taller lightpoles because it will reduce the total number required, the corresponding clutter on the site and energy use. The new site development plan still does not show the location of area lighting. Instead, the detail indicates that they will be located to meet City foot-lambert requirements. Elevations Sheet 5 shows shielded building-mounted fixtures above the service doors of the East Shops building. No other building-mounted fixtures are shown, but the bollard detail alludes to overhead lighting at canopies.

Staff recommends that: Keyed Notes 40 and 41 be deleted; General Note 8 be expanded to refer to all types of lighting on the site and state that the combined lighting and signage illumination will comply with the NM Night Sky Ordinance.

Landscaping

The landscape plan has been revised in response to staff comments about street and parking area trees. The calculations indicate a significant reduction in landscape area provided from the previous plan, but it still exceeds the amount required by approximately 5,000 sf. Some of the

area has been converted to wider walkways and shaded plaza areas, which staff considers acceptable.

Staff continues to recommend that the site development plan incorporate rainwater harvesting measures to reduce stormwater run-off and supplement landscape irrigation.

Public Outdoor Space

General Notes 8 and 9 have been added to Sheet 1 to describe outdoor amenities and to ensure that a minimum area of public space is maintained for general use in addition to outdoor restaurant seating. Staff recommends that benches for general use be added along the north facade of Shops D per 14-16-3-18 9 (C)(3).

Grading, Drainage and Utility Plans

The revised grading and drainage plan indicates that the site slopes from east to west with an overall elevation change of 16'. Finished floor elevations range from 5337.5' to 5325'. Stormwater will discharge into Menaul Blvd., either directly through sidewalk culverts or via the Mesilla St. ROW and the proposed easement aligned with Prospect Ave. The development is estimated to add a negligible amount of runoff as compared to the previous use of the site.

The revised utility plan indicates that several electrical easements will be relocated. PNM has informed staff that the overhead lines attached to the streetlights along Menaul are at a height of 28.5' and that 20' high trees under the wires are acceptable.

Architecture

The architecture has not been revised. Shops A that replaced the west drive-thru restaurant is 16' high like the Pad A drive-thru at the east end of the site. Staff recommends several, mostly minor changes to the Elevations (Sheets 4 - 6):

Materials and colors shall be shown on all the sheets;

Typical dimensions of public and service entrances shall be included on all sheets;

Doors shall be labeled illustrative and a note shall explain their potential locations;

The material of service doors on Shops D shall be indicated;

Under-canopy lighting shall be indicated;

Roof-top and ground-mounted equipment shall be screened per Section 14-16-3-18 of the Zoning Code;

A scale shall be added to all the sheets.

Signage

Sheet 7 of the site development plan includes diagrams of the different types of tenant signage, details of the free-standing signs for the center and signage design guidelines. The Elevation sheets show potential locations and dimensions of tenant signage.

"Menaul Blvd." has been removed from the free-standing signs at the EPC's request and both signs are now slightly reduced in height. The site development plan (Sheet 1) shows the location of the two signs. Staff recommends that the location of the clocktower sign be verified with Zoning Code Services for compliance with the Zoning Code and with PNM for safety, as it currently straddles the sidewalk on Menaul.

Although the approach to tenant signage is comprehensive, staff found the guidelines and elevation sheets confusing, and open-ended in terms of total signage allowed per tenant. Staff is meeting with the applicant shortly to try to resolve the ambiguity and submit a revised signage plan no later than 48-hours prior to the April 17th hearing.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

New comments from Transportation begin on page 16. Significant transportation comments have been mentioned in the foregoing analysis. Advance Planning reviewed the new site development and was generally favorable to changes, but would prefer mixed uses or, at a minimum, for building foundations to allow for a second story to be added at a future date, and has a comment about the crosswalk on Mesilla (see email, dated 4/8/2008).

NEIGHBORHOOD/PUBLIC CONCERNS

Since the March hearing, comments have been received from the Inez Neighborhood Association about not being kept informed of revisions to the proposal between the date of the last facilitated meeting and the March hearing. They are also concerned about liquor for on-site consumption and about moving buildings closer to Menaul, which they feel is inconsistent with the suburban character of the area. A resident of Prospect Ave. requested solid screening along the north side of the street as a buffer from the commercial uses.

CONCLUSIONS

The applicant has agreed to restrict on-site consumption of alcohol in the requested zoning in response to neighborhood concerns. The revised site development plan addresses the majority of the EPC's instructions, City staff's comments and many neighborhood issues. Staff recommends approval of the zone change and development proposal, subject to conditions that tighten the zoning designation and improve the site development plan's compliance with City policies and regulations.

FINDINGS – 08EPC-40022, April 17, 2008, Zone Map Amendment

1. The request is for a zone change from C-2 and SU-1 for Nursery to SU-1 for permissive C-2 uses with exclusions, for a site of approximately 4 acres located on the south side of Menaul Blvd. between Mesilla St. and Pennsylvania St. The subject site consists of Lots 1-11 and Lots 33-38, Block 17, Zuni Addition and Lots 1-3, the northern portion of Lot 37 and Lots 38 and 39, Block 16, Zuni Addition. The rear six lots, Lot 3 and the northerly portion of Lot 37, Block 16, Zuni Addition, and Lots 33-36, Block 17, Zuni Addition are currently zoned SU-1 for Nursery. The remaining lots are zoned C-2.
2. The full zoning designation is: SU-1 for permissive C-2 uses, excluding sale of alcohol for off-site consumption and off-premise signs, and including full service liquor associated with a restaurant only.
3. The request is accompanied by a site development plan for building permit, case number 08EPC-40021, for a retail center comprising one drive-thru restaurant and four retail buildings with multiple tenants, with a total square footage of 40,125 sf . The applicant proposes to replat the lots into one parcel and to vacate the section of Prospect Ave. that bisects the site and replace it with public access and utility easements.
4. The site was a retail nursery for approximately 45 years, until the company ceased operations in early 2006.
5. The site is in the Established Urban Area of the Comprehensive Plan. No other ranked plans govern the site.
6. The proposed zone change furthers a preponderance of applicable goals and policies of the Comprehensive Plan for the Established Urban Area and related to environmental and community resources:
 - a. Policy II.B.5.d because the proposed change from straight C-2 zoning and SU-1 for Nursery to a single SU-1 designation for the premises facilitates a comprehensive, collaborative approach to the design of new development, which respects neighborhood values and scenic resources in the Menaul corridor.
 - b. Policies II.B.5.i, II.B.5.j, Air Quality Policy II.C.1.b because the subject site is in a commercial corridor and the majority of the premises is already zoned for commercial

- uses; and the proposed zoning and uses complement the residential area and are accessible by transit, auto, walking and cycling.
- c. Policy II.B.5.k because unifying the zoning of the site, which is located on an arterial, facilitates a more comprehensive development plan for the site, which takes into consideration how the development interfaces with the surrounding transport network and which protects the livability and safety of surrounding residential neighborhoods.
 - d. Policies II.B.5.e and II.B.5.o because the request facilitates redevelopment of a vacant site in an established area of the city that is contiguous to existing infrastructure and where the integrity of the existing neighborhood can be ensured.
 - e. Economic Development Goal and Policy II.D.6.f because the request for a single zoning of the subject site, which is currently split between two zones and 23 parcels, will remove an obstacle to economic development.
7. The applicant has demonstrated that the existing zoning is not appropriate and has provided an acceptable justification for the zone change by addressing Sections A- J in Resolution 270-1980. The justification focused on:
- a. Changed conditions (Section D.2) – The subject site is split between two zoning designations, C-2 and SU-1 for Nursery, but was used for over 40 years as one business, a retail nursery. The market has changed and the SU-1 for Nursery portion of the site is now obsolete and constrains overall redevelopment of the site, which has been vacant since early 2006.
 - b. The requested zoning is more advantageous to the community than the current zoning (Section D.3) – The proposed rezoning of the entire 4-acre premises to an SU-1 designation allows input from nearby property-owners and neighborhoods as well as city departments and agencies. The resulting development will benefit from a comprehensive approach to design, that takes account of a broad range of policy objectives including traffic safety, transit and pedestrian access, public open spaces, and protection of residential environments and scenic resources. The proposed zoning, SU-1 for C-2 permissive uses with exclusions, is generally acceptable to surrounding residents and neighborhood associations and is consistent with existing zoning in this portion of the Menaul corridor, which is predominantly C-2.

8. Property-owners within 100' and the nine neighborhood associations in the Uptown area were notified of the request. Two facilitated meetings were held (December 13, 2007 and January 21, 2008). Letters of opposition to the zone change request were received from the Classic Uptown neighborhood association, dated March 6, 2008 and from a resident of Prospect Ave. Their position is that the lots zoned SU-1 for Nursery should be rezoned for residential rather than commercial uses.

9. After the March 20th hearing, adverse comments concerning communication with the applicant, on-site liquor consumption and the proposed site layout were received from two members of the Inez Neighborhood Association. A comment from a resident of Prospect Ave. was received requesting a solid buffer between the commercial and residential zones.

RECOMMENDATION - 08EPC-40022, April 17, 2008

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

from C-2 to SU-1 for C-2 permissive uses with exclusions for Lots 1, 2, 38 and 39, Block 16, Zuni Addition and Lots 1-11 and Lots 37 and 38, Block 17, Zuni Addition,

and

from SU-1 for Nursery to SU-1 for C-2 permissive uses with exclusions, for Lot 3, the northerly portion of Lot 37, Block 16, Zuni Addition and Lots 33 – 36, Block 17, Zuni Addition,

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

CONDITIONS OF APPROVAL - 08EPC-40022, April 17, 2008, Zone Map Amendment

1. The subject site shall be replatted into one lot with a single zoning designation prior to, or in conjunction with, DRB sign-off of the accompanying site development plan for building permit (Project #1007099, Case #08EPC-40021).

2. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Zone Map Amendment and Site Development Plan for Building Permit shall include:
 - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not

limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).

- b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
- c. Provide public access and utility easements for the portion of Prospect Avenue to be vacated.
- d. Encroachment agreement required for public sidewalk located within site property adjacent to public streets.
- e. Delete median diverter in Menaul Boulevard between Prospect Avenue and Charleston Street. Extend westbound left turn lane (maximum length) in Menaul Boulevard to Prospect Avenue. See turning movement count data on Menaul Boulevard at the intersections with Mesilla/San Pablo, Prospect/Charleston and Dallas Streets for justification.
- f. Extend westbound left turn lane (maximum length – if possible) in Menaul Boulevard to Mesilla Avenue. Full access to San Pablo and Mesilla to remain.
- g. Dimension and/or reference under keyed notes all site drive widths and radii (i.e. full access at 36' with 25' curb return radii and right turn-in/ right turn-out at 30' with 25' curb return radii). Change curb cut words to site drive in keyed note #14.
- h. For pad "A", label window and move illustrative vehicle queue to that location. Adjacent to service loading area (keyed note #39), provide 25' turning radius at entrance of drive thru lane.
- i. Delete the end or south parking space in parking area (6 spaces) south of Shops "D" and perpendicular to Prospect Avenue.
- j. Change all internal curb return radii labeled #7 to #6 (i.e. change 30' to 25').
- k. Change all internal end of aisle islands labeled #4 to #5 (i.e. change 10' to 15').
- l. Label and draw southwest corner of the intersection of Prospect and main east/west drive aisle as a 15' minimum radius curb return.
- m. Revise all compact spaces from 13' to 15' (2' overhang does not apply).
- n. At Mesilla site drive, delete service loading area (i.e. keyed note #39). Relocate refuse enclosure located adjacent to and between shops "A" and "B" to this location.
- o. A concurrent platting action will be required at DRB.
- p. Site plan shall comply and be designed per DPM Standards.

FINDINGS – 08EPC-40021, April 17, 2008, Site Development Plan for Building Permit

- 1. The request is for a Site Development Plan for Building Permit for a site of approximately 4 acres located on the south side of Menaul Blvd. between Mesilla St. and Pennsylvania St.. The subject site consists of Lots 1-11 and Lots 33-38, Block 17, Zuni Addition and Lots 1-3, the northern portion of Lot 37 and Lots 38 and 39, Block 16, Zuni Addition. The rear six lots, Lot 3 and the northerly portion of Lot 37, Block 16, Zuni Addition, and Lots 33-36, Block 17, Zuni Addition are currently zoned SU-1 for Nursery. The remaining lots are zoned C-2.
- 2. The request is accompanied by a zone map amendment, case number 08EPC-40022, to rezone the 17 lots zoned C-2 and the 6 lots zoned SU-1 for Nursery to SU-1 for permissive C-2 uses

with exclusions. The applicant proposes to replat the lots into one parcel and to vacate the portion of Prospect Ave. that bisects the site, and replace it with a public access and utility easement.

3. The site was used as a retail nursery business for approximately 45 years, until the company ceased operations in early 2006.
4. The site is in the Established Urban Area of the Comprehensive Plan. No other ranked plans govern the site.
5. The site development plan for building permit furthers the following applicable goals and policies of the Comprehensive Plan:
 - a. Policy II.B.5.d and Developed Landscape Policy II.C.8.a because the site development and landscape plans respect neighborhood values by addressing residents' concerns about access and buffering; and respects scenic resources by improving the streetscape in the Menaul corridor and creating internal plazas that take advantage of views to the east and west.
 - b. Policies II.B.5.i, II.B.5.j, Air Quality Policy II.C.1.b because the proposed commercial center is designed to minimize potential adverse effects on the residential neighborhood to the south by discouraging through-traffic on Prospect, promoting access by transit and walking, prohibiting illumination on signs visible from residences and by incorporating existing mature evergreens in landscape buffers.
 - c. Policy II.B.5.k because the proposed vehicular access and circulation improve traffic safety and livability in this section of the Menaul Blvd. corridor, by reducing the number of existing site drives and discouraging cut-through traffic on Prospect Ave., a residential street.
 - d. Policies II.B.5.l and II.B.5.m because the quality of the development will improve the visual environment in the area and enhance unique vistas to the east and west.
 - e. The Water Management Goal and Policy II.D.2.a because the landscape plan incorporates established trees and consists of a majority of low water use plants.

- f. The Transportation and Transit Goal and Policies II.D.4.a, II.D.4.d, II.D.4.g, II.D.4.p because the proposal improves the safety and convenience of access for transit-users, motorists and pedestrians on a site in an Enhanced Transit Corridor.
 - g. The Economic Development Goal and Policy II.D.6.b because the proposed commercial center is neighborhood-scale, which reflects a balancing of economic, social and environmental goals, and it will attract local and smaller franchise businesses.
10. Property-owners within 100' and the nine neighborhood associations in the Uptown area were notified of the request. Two facilitated meetings were held (December 13, 2007 and January 21, 2008) and the applicant took account of neighborhood concerns in designing the development. Letters of opposition to the zone change request were received from the Classic Uptown neighborhood association, dated March 6, 2008 and from a resident of Prospect Ave. Their position is that the lots zoned SU-1 for Nursery should be rezoned for residential rather than commercial uses.
11. After the March 20th hearing, adverse comments concerning communication with the applicant, on-site liquor consumption and the proposed site layout were received from two members of the Inez Neighborhood Association. A comment from a resident of Prospect Ave. was received requesting a solid buffer between the commercial and residential zones.

RECOMMENDATION - 08EPC-40021, April 17, 2008

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

CONDITIONS OF APPROVAL - 08EPC-40021, April 17, 2008, Site Development Plan for Building Permit

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Zone Map Amendment and Site Development Plan for Building Permit shall include:

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
- c. Provide public access and utility easements for the portion of Prospect Avenue to be vacated.
- d. Encroachment agreement required for public sidewalk located within site property adjacent to public streets.
- e. Delete median diverter in Menaul Boulevard between Prospect Avenue and Charleston Street. Extend westbound left turn lane (maximum length) in Menaul Boulevard to Prospect Avenue. See turning movement count data on Menaul Boulevard at the intersections with Mesilla/San Pablo, Prospect/Charleston and Dallas Streets for justification.
- f. Extend westbound left turn lane (maximum length – if possible) in Menaul Boulevard to Mesilla Avenue. Full access to San Pablo and Mesilla to remain.
- g. Dimension and/or reference under keyed notes all site drive widths and radii (i.e. full access at 36' with 25' curb return radii and right turn-in/ right turn-out at 30' with 25' curb return radii). Change curb cut words to site drive in keyed note #14.
- h. For pad "A", label window and move illustrative vehicle queue to that location. Adjacent to service loading area (keyed note #39), provide 25' turning radius at entrance of drive thru lane.
- i. Delete the end or south parking space in parking area (6 spaces) south of Shops "D" and perpendicular to Prospect Avenue.
- j. Change all internal curb return radii labeled #7 to #6 (i.e. change 30' to 25').
- k. Change all internal end of aisle islands labeled #4 to #5 (i.e. change 10' to 15').

- l. Label and draw southwest corner of the intersection of Prospect and main east/west drive aisle as a 15' minimum radius curb return.
 - m. Revise all compact spaces from 13' to 15' (2' overhang does not apply).
 - n. At Mesilla site drive, delete service loading area (i.e. keyed note #39). Relocate refuse enclosure located adjacent to and between shops "A" and "B" to this location.
 - o. A concurrent platting action will be required at DRB.
 - p. Site plan shall comply and be designed per DPM Standards.
3. Applicant must request a Water/Sewer Availability Statement prior to signoff application to the DRB. A revised Utility Plan will also be required prior to DRB sign off.
4. The proposed zoning on the site development plan (Sheet 1) shall be worded: SU-1 for permissive C-2 uses, excluding sale of alcohol for off-site consumption and off-premise signs, and including full service liquor associated with a restaurant only.
5. **Site Plan Layout / Configuration** – the following changes shall be made to the site development plan:
- a. Clarify that public entrances on Sheets 4 –6 are illustrative and that entrances shall be included on east and/or west elevations of Shops A, B & C to encourage more pedestrian activity close to Menaul.
 - b. Correct typographical errors
 - c. Clarify Keyed Notes 23 & 24, which refer to proposed and existing property lines
6. **Walls/Fences** - the following changes shall be made to the site development plan:
- a. Elevations of the walls shall be added to the Details (Sheet 7)
 - b. A railing shall be added around the upper plaza area west of Shops D
7. **Pedestrian Access and Circulation, Transit Access** - the following changes shall be made to the site development plan:

- a. The label keyed to Note 19 shall be removed from the sidewalk on Menaul
 - b. The bus shelter shall be approved by the City Transit Department prior to DRB sign-off
8. **Lighting** - the following changes shall be made to the site development plan:
- a. Keyed Notes 40 and 41 shall be deleted;
 - b. Expand General Note 8 to refer to all types of lighting on the site and state that the combined lighting and signage illumination will comply with the NM Night Sky Ordinance.
9. **Landscaping/Stormwater Management** – The site development plan shall incorporate rainwater harvesting measures to reduce stormwater run-off and supplement landscape irrigation.
10. **Outdoor seating** - Benches for general use be added along the north facade of Shops D per 14-16-3-18 9 (C)(3) of the Zoning Code.
11. **Architecture** – The following changes shall be made to the Elevations (Sheets 4 - 6):
- a. A scale shall be added to all the sheets.
 - b. Materials and colors shall be shown on all the sheets;
 - c. Typical dimensions of public and service entrances shall be included on all sheets;
 - d. Doors shall be labeled illustrative and a note shall explain their potential locations;
 - e. The material of service doors on Shops D shall be indicated;
 - f. Under-canopy lighting shall be indicated;
 - g. Roof-top and ground-mounted equipment shall be screened per Section 14-16-3-18 of the Zoning Code.
12. **Signage** – The following changes shall be made to the site development plan:
- a. The location of the clocktower sign shall be verified with Zoning Code Services for compliance with the Zoning Code and with PNM for safety

- b. The signage design guidelines and elevations, as appropriate, shall be revised to remove ambiguity and, at a minimum, ensure compliance with general sign regulations and regulations of the C-2 zone in the Zoning Code.
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***Carol Toffaleti
Planner***

cc: Sandia Foundation, 6211 San Mateo NE, Suite 100, Albuquerque, NM 87109
Myers, Oliver & Price, P.C, 1401 Central Ave. NW, Albuquerque, NM 87104
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Gene Tatum, Alvarado Park Na, 1916 Madeira NE, Albuquerque, NM 87110
Stephen Verchinski, Classic Uptown NA, 2700 Espanola NE, Albuquerque, NM 87110
Patti Flanagan, Classic Uptown NA, 2716 Espanola NE, Albuquerque, NM 87110
Evenlyn Feltner, Inez NA, 2014 Utah St. NE, Albuquerque, NM 87110
Bette Weber, Inez NA, 1927 Virginia St. NE, Albuquerque, NM 87110
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Eric Shirley, Jerry Cline Park NA, 900 Grove St. NE, Albuquerque, NM 87110
Lisa Whalen, Quigley Park NA, 2713 Cardenas Dr. NE, Albuquerque, NM 87110
Maria Young, Quigley Park NA, 2932 Madeira Dr. NE, Albuquerque, NM 87110
Laura Heitman, Snow Heights NA, 8011 Princess Jeanne NE, Albuquerque, NM 87110
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Sharon Berlint, Zuni NA, 7516 Euclid NE, Albuquerque, NM 87110
Allan Smith, Zuni NA, 7522 Euclid NE, Albuquerque, NM 87110

Attachments

Notice of Decision, #1007099, March 20, 2008
Revised trip generation data

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Advance Planning (see attached email)

PUBLIC WORKS DEPARTMENT

Transportation Development (City Engineer/Planning Department):

- The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- A Traffic Impact Study (TIS) has been submitted and reviewed by Transportation Staff including an updated trip generation comparison for the current proposal.
- Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
- The Traffic Impact Study is available for review by any interested party, in the office of the Traffic Engineer.
- Provide public access and utility easements for the portion of Prospect Avenue to be vacated.
- Encroachment agreement required for public sidewalk located within site property adjacent to public streets.
- Delete median diverter in Menaul Boulevard between Prospect Avenue and Charleston Street. Extend westbound left turn lane (maximum length) in Menaul Boulevard to Prospect Avenue. See turning movement count data on Menaul Boulevard at the intersections with Mesilla/San Pablo, Prospect/Charleston and Dallas Streets for justification.
- Extend westbound left turn lane (maximum length – if possible) in Menaul Boulevard to Mesilla Avenue. Full access to San Pablo and Mesilla to remain.
- Dimension and/or reference under keyed notes all site drive widths and radii (i.e. full access at 36' with 25' curb return radii and right turn-in/ right turn-out at 30' with 25' curb return radii). Change curb cut words to site drive in keyed note #14.
- For pad "A", label window and move illustrative vehicle queue to that location. Adjacent to service loading area (keyed note #39), provide 25' turning radius at entrance of drive thru lane.
- Delete the end or south parking space in parking area (6 spaces) south of Shops "D" and perpendicular to Prospect Avenue.
- Change all internal curb return radii labeled #7 to #6 (i.e. change 30' to 25').
- Change all internal end of aisle islands labeled #4 to #5 (i.e. change 10' to 15').
- Label and draw southwest corner of the intersection of Prospect and main east/west drive aisle as a 15' minimum radius curb return.
- Revise all compact spaces from 13' to 15' (2' overhang does not apply).
- At Mesilla site drive, delete service loading area (i.e. keyed note #39). Relocate refuse enclosure located adjacent to and between shops "A" and "B" to this location.

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

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no adverse comments on zone change request.
- A concurrent platting action will be required at DRB.

Transportation Planning (Department of Municipal Development):

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

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

Conditions of approval for the proposed Zone Map Amendment and Site Development Plan for Building Permit shall include:

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
- c. Provide public access and utility easements for the portion of Prospect Avenue to be vacated.
- d. Encroachment agreement required for public sidewalk located within site property adjacent to public streets.
- e. Delete median diverter in Menaul Boulevard between Prospect Avenue and Charleston Street. Extend westbound left turn lane (maximum length) in Menaul Boulevard to Prospect Avenue. See turning movement count data on Menaul Boulevard at the intersections with Mesilla/San Pablo, Prospect/Charleston and Dallas Streets for justification.

- f. Extend westbound left turn lane (maximum length – if possible) in Menaul Boulevard to Mesilla Avenue. Full access to San Pablo and Mesilla to remain.
- g. Dimension and/or reference under keyed notes all site drive widths and radii (i.e. full access at 36' with 25' curb return radii and right turn-in/ right turn-out at 30' with 25' curb return radii). Change curb cut words to site drive in keyed note #14.
- h. For pad "A", label window and move illustrative vehicle queue to that location. Adjacent to service loading area (keyed note #39), provide 25' turning radius at entrance of drive thru lane.
- i. Delete the end or south parking space in parking area (6 spaces) south of Shops "D" and perpendicular to Prospect Avenue.
- j. Change all internal curb return radii labeled #7 to #6 (i.e. change 30' to 25').
- k. Change all internal end of aisle islands labeled #4 to #5 (i.e. change 10' to 15').
- l. Label and draw southwest corner of the intersection of Prospect and main east/west drive aisle as a 15' minimum radius curb return.
- m. Revise all compact spaces from 13' to 15' (2' overhang does not apply).
- n. At Mesilla site drive, delete service loading area (i.e. keyed note #39). Relocate refuse enclosure located adjacent to and between shops "A" and "B" to this location.
- o. A concurrent platting action will be required at DRB.
- p. Site plan shall comply and be designed per DPM Standards.