



Environmental Planning Commission

Agenda Number: 6
Project #: 12EPC-40033
Case #: 1003479
August 9, 2012

Supplimental Staff Report

Agent	Joshua Skarsgard
Applicant	JSE Investments, LLC
Request	Site Dev. Plan for Building Permit
Legal Description	Lot E, St. Anthony's Orphanage
Location	12 th Street between Indian School Rd. NW and I-40 Frontage Road
Size	Approximately 1.6 acres
Existing Zoning	SU-1 for C-1 Permissive Uses and Drive-up Service Window (see below)

Staff Recommendation

60-Day Deferral of Case 12EPC-40033, based on the Findings beginning on Page 11.

**Staff Planner
Carrie Barkhurst, Planner**

Summary of Analysis

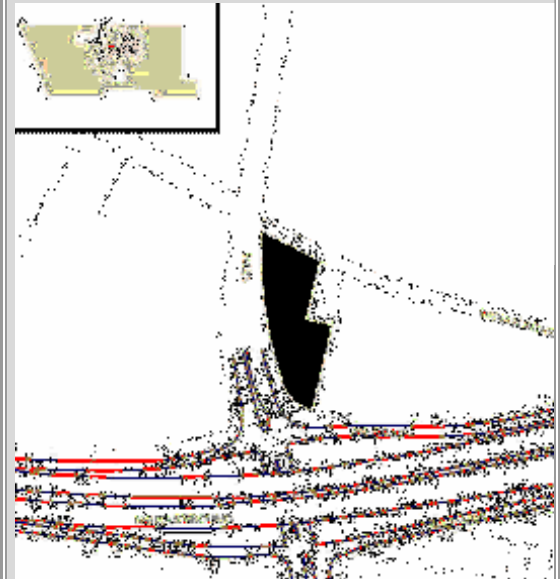
On April 12, 2012, the EPC approved a zone change for the subject site from *R-1* to "*SU-1/C-1 Permissive Uses and Drive-up Window*" contingent upon approval of a site development plan. This request for a Site Development Plan for Building Permit (SPBP) would fulfill the condition of approval.

A fast food restaurant with a drive-up window is planned on the northern lot as Phase I and a parking lot as Phase II. The Site Plan has numerous zoning regulation deficiencies including: buffers, drive-up service window orientation, landscaping, and signage. The site layout is inconsistent with City policy, Zone Code regulations, and the Near North Valley Area Plan.

Applicable plans are the Comprehensive Plan, the North Valley Area Plan, and the 12th & Menaul Study. A facilitated meeting was offered, but declined by the neighborhoods. The NNVNA and Indian Pueblo Federal Development Corporation oppose the site plan as currently proposed.

The number of unresolved issues and the extent of non-compliance with regulations warrant a deferral. Additional time is needed to address these.

Staff recommends a 60-day deferral.



Lot E, St. Anthony's Orphanage

This is a supplemental Staff Report. Should be read in conjunction with the original July 12, 2012 Staff Report.

I. Request

This request is for a Site Development Plan for Building Permit (SPBP) for an approximately 1.6 acre site located at the southeast corner of the 12th Street and Indian School intersection in the Indian School Community Activity Center. The proposed site development plan for building permit is for a restaurant with a drive-up service window and a parking lot. The parking lot is to be leased to the adjacent Queen of Angels Chapel.

II. Background & Timeframes

At the July 12, 2012 EPC hearing, the request for SPBP was deferred for 30 days to allow the applicant additional time to resolve site plan deficiencies and areas of non-compliance with the Zoning Code and the Code of Ordinances.

⇒ The applicant submitted a revised SPBP on July 19, 2012. A revised version, included with this staff report, was submitted after 5 pm on August 1, 2012.

This development request was originally scheduled to be heard in December 2011 as a zone map amendment and Site Development Plan for Subdivision (SPSD); however, the applicant requested four consecutive 30-day deferrals to prepare a Traffic Impact Study; resolve vehicular access issues; and to amend the parking lease with the adjacent Queen of Angels Chapel. On April 12, 2012, the EPC heard and approved a zone change request to *SU-1 for C-1 Permissive Uses and Drive-up Service Window*. The request for SPSPD was deferred twice more for 30-days each to address concerns raised by Planning Staff and other stakeholders. The applicant submitted a SPBP for the July hearing, and at that time withdrew the SPSPD.

The zone change was approved with the condition that a site development plan is approved within 6 months, which can be extended by the Planning Director for another 6 months. The applicant will have to request an extension if the SPBP is not approved by October 12, 2012.

III. Policy Analysis

Staff had found that the original proposal conflicted strongly with key policies in the Comprehensive Plan and the North Valley Area Plan (NVAP), especially regarding the fundamental intent of both Plans that activity centers be the least auto-dependent of all development types and be designed with a pedestrian-scale.

⇒ **No revisions made since then are significant enough to warrant revisiting policy analysis.**

IV. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT – July 19, 2012 Version

Removing vehicular access to the site from the adjacent Queen of Angels Chapel property is the major change made since the July version of the proposed SPBP. Additionally, a number of minor changes have been made to improve compliance with City regulations. The proposed uses remain the same: a drive-thru restaurant, and a future parking lot.

⇒ **A full review of the proposed Site Development Plan for Building Permit is included in the July 12, 2012 Staff report (see attachment).**

The following analysis discusses changes made since the July 12, 2012 version of the SPBP.

Site Plan Layout / Configuration

The proposed site layout, arranged around the drive-thru use, continues to be configured based on vehicles as the primary design consideration. The proposed lots are shown in the same configurations.

Vehicular Access, Circulation & Parking

The second driveway, accessing the adjacent parcel (the Queen of Angels Chapel property), has been removed. Currently, there is a single access point shown onto 12th Street that would serve both future parcels. The SPBP indicates that there will be a cross-lot access vehicular and pedestrian easement between Lot 1, Lot 2, and Lot 246B, MRGCD Map 35, aka “Queen of Angels Chapel property” and “Archdioceses of Santa Fe.”

Parking: Parking continues to be provided in excess of Zoning Code requirements, based on the applicant’s methodology of one space per every four seats. The “Parking Ratio” and the “Parking Required” show conflicting information. According to the “Parking Ratio,” 8 parking spaces would be required, while the “Parking Required” calculation indicates “30 (+/- 119/4 = 29.75)” It is unclear what this calculation was based on, and if this is a reasonable amount of parking to provide.

Staff notes that the Zoning Code calculation would likely result in a substantial parking deficit, based on aerial photographs of similar restaurants at other locations. However, the applicant has not provided any justification regarding the amount of parking requested. The EPC has discretion regarding parking on SU-1 zoned sites.

Pedestrian, Bicycle & Transit Access & Circulation

Pedestrian and bicycle access and circulation continue to be complicated by the drive-thru lanes. The Comprehensive Plan and the North Valley Area Plan (NVAP) intend for the pedestrian to be primary in activity centers. Because that is not the case here, mitigation measures such as pedestrian crossings and a speed bump are shown on the site layout in an attempt to achieve this intent. By nature, drive-thru uses do not allow a site layout where pedestrians are the primary design consideration. Further, the applicant has not provided any justification for the requested two-lane design or explanation of mitigation measures that have been incorporated.

The revised SPBP shows two “Existing Northbound 12th Street Typical Cross Sections”. The top one is shown as 32’-1” wide. The bottom one shows a 31’-1” road section, which should perhaps be labeled “Proposed.” Based on this information, the applicant has partially demonstrated adequate right-of-way for the bicycle lane. However, according to the site plan, it still appears that there is inadequate right-of-way for a turn lane, two travel lanes a bicycle lane, and sidewalk near Indian School Rd. The applicant has not indicated if the Department of Municipal Development as reviewed or approved this road section.

The revised SPBP has not realigned the sidewalk in the 12th Street right-of-way, which should be located at the property line according to Transportation Services. Additionally, the pedestrian

connection on the north side of the property should also be relocated contiguous to the property line.

The revised SPBP now provides a pedestrian connection from Indian School to adjacent to Lot 2. The pedestrian route has partially been extended to 12th Street as well; Staff recommends that the route should be completed. However, the pedestrian connection is routed behind the dumpster enclosure, which could make it unappealing to pedestrians and/or raise possible safety concerns if used.

Walls/Fences

The site plan includes a 3-foot hand-rail at the edge of the drive-through lane, which is intended to provide a more protected outdoor dining area. A solid 3-foot wall would be far superior to serve this purpose.

Public Outdoor Space

The patio includes 4 picnic tables and an outdoor porch canopy. The patio seating layout will need to be redesigned to provide an accessible route from the 12th Street right-of-way to the main entrance. The revised SPBP has also provided two benches and trash receptacles along the public right-of-way. Although both rest areas will be on private property once the sidewalk is realigned, Staff recommends the site plan also include a statement of responsibility for maintenance.

Lighting & Security

The revised SPBP does not identify the locations of site lighting fixtures or provide a light fixture detail. This information is required to know if the proposed locations and fixture is compliant with the Zoning Code Area Lighting Regulations. Site lighting is limited to a maximum of 16 feet within 100 feet of a residential zone.

Utilities

The General Building Regulations, §14-16-3-18(C)(6)(c), require ground-mounted mechanical and electrical equipment, excluding transformers, adjacent to a major facade shall be screened through use of walls, earth berms, dense evergreen foliage or other acceptable screening devices.

Code Enforcement determined that because the water meters are not mechanical or electrical equipment, and they are not adjacent to the building façade, they are not required to be screened. Urban Design Staff believe that because they are located directly adjacent to the main pedestrian walkway that accesses the site, they should be screened.

Landscape Buffer & Pathway

A revised landscaping plan has been provided. Although additional details and plantings have been provided, the landscape plan remains substantially deficient. The site plan does not provide landscape area calculations (the amounts required and provided). The northern portion of the site has not reached 75% coverage of plant material, and the southern portion of the site and the entire public right-of-way lack detail.

Architecture & Design

There are no changes to the proposed building elevations, which propose prototypical franchise architecture. As mentioned in the July 12, 2012 staff report, additional information is required.

Staff notes that the General Building Regulation, §14-16-3-18(D)(5), Drive-up service windows, applies to the subject request. The regulation states: "Drive-up service windows shall be oriented away from pedestrian areas, residentially-zoned areas and public streets where possible. In cases where drive-up service windows face these areas, screening shall be provided."

The proposed restaurant faces public right-of-way to the west and south, commercial property adjacent to the north, and non-conforming residential use to the east. Code enforcement has indicated that the R-1 zone should be the most highly protected zone. However, the existing church and proposed future school are both non-conforming uses. Further, because the property is owned by the federal government, Code Enforcement and Legal Staff have indicated that the City zoning does not apply, due to the ownership.

The applicant has stated that alternative layouts have been explored. Planning staff requested for the draft alternate site layouts to be included in the public file for review, but none were provided. It is within the EPC's jurisdiction to interpret this regulation, and determine if the site plan complies.

Signage

No changes are proposed to the signage, which consists of one pole-mounted sign and two electronic directional signs. Staff is unclear why a directional sign "enter," or "exit," would need to be electronic. Staff recommends use of non-electronic signs as more appropriate for the intended content.

V. ZONING CODE ANALYSIS

In the previous submittal, staff identified a total of sixteen Zoning Code/Code of Ordinance Regulations with which the proposed SPBP did not comply with. The applicant has demonstrated compliance with **two**. The remaining 14 have not been complied with and are discussed herein.

1. General Building Regulations, §14-16-3-18(D)(2). Major facades greater than 100 feet in length shall break up building mass by including at least two of the following architectural features:
 - (c) An offset, reveal, pilaster, or projecting element, no less than two feet in width and projecting from the facade by at least six inches and repeating at minimum intervals of 30 feet;
 - (f) A change in visible roof plane or parapet height for every 100 feet in length, however, each distinct roof plane does not have to equal 100 feet in length;

Code Enforcement has determined that all building façades are considered Major Facades. The major façade facing 12th Street is greater than 100 feet in length, so this regulation applies. The applicant has demonstrated with an architectural rendering that the building has a change in the roof plane and a metal awning, which complies with the minimum requirements of §14-16-3-18(D)(2).

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2. General Building Regulations, §14-16-3-18(C)(2). Pedestrian Features. Major facades shall incorporate at least one or a combination of the following features along no less than 50% of the length of the facade. Such features shall be distributed along the length of the facade in order to avoid creating a blank facade greater than 30 feet in length.
- (a) Display windows, provided the sill height does not exceed 45 inches above the finished floor and the overall glass height is a minimum of 48 inches. Where windows are provided, they shall not be mirrored or opaque along the ground floor.
 - (b) Doors/Entrances.
 - (c) Portals, arcades, canopies, trellises, awnings associated with windows (windows do not have to comply with dimensions specified in (a) above), or other three dimensional elements that provide shade and/or weather protection.
 - (d) Raised planters a minimum of 12 inches and a maximum of 28 inches in height, located adjacent to the facade, with living, vegetative materials such as ornamental grasses, vines, spreading shrubs, flowers, or trees over at least 75% of the planter. Coverage shall be calculated from the mature spread of the plants.
 - (e) A minimum 15-foot wide landscaped area planted adjacent to the facade. One shade tree for every 50 linear feet of facade shall be provided in the landscaped area. Shrubs and/or groundcover shall cover at least 75% of the landscaped area measured from the mature spread of the plants.
 - (f) Shade trees, provided at one tree for every 30 linear feet of the entire facade, which may be evenly spaced or clustered along the facade. Trees shall be placed within defined planting areas that have a minimum interior dimension of 36 square feet and a minimum width of four feet. Provision of trees will not fulfill off-street parking or street tree requirements.
 - (g) Any other treatment that meets the intent of this section and that meets the approval of the Planning Director or his designee.
 - (h) Exception. Major facades containing service areas will not be required to provide pedestrian features in front of the service area.

Code Enforcement has determined that all building façades are considered Major Facades. The south, east, and west meet the minimum requirements of this regulation by providing doors, windows, and an awning along over 50% of the linear length of the façade. The northern façade contains a service area, and therefore complies. Staff notes that although some architectural details have been provided on the west façade, none of the features provided will function as pedestrian features, due to the drive up window.

The Site Plan does not comply with the intent of the following **two** mandatory City regulations, which can be waived by the EPC, since approval of off-street parking is within the EPC's jurisdiction, pursuant to the SU-1 zone.

1. Off Street Parking Regulations, §14-16-3-1(F)(4). Where parking areas abut the public street and are greater than 100 linear feet, and where total required parking amounts to 50 spaces or more, screening shall be provided in the form of walls, earth berms, or evergreen landscaping, or a combination thereof. Screening shall be a minimum of 30 inches in height but shall not exceed 36 inches in height according to subsection E(3)(a) of this section. Where walls are provided, they shall integrate with building materials/colors. Where landscaping is provided, proper evidence must be provided indicating the plant selection will achieve proper height.

The site plan provides 40 parking spaces plus a future parking lot, which will likely result in over 50 parking spaces. Code enforcement has determined that because the required parking is 8 spaces, according to the parking ratio indicated by the applicant, this regulation does not apply.

The site plan indicates a "proposed 3' shrub compliant with Design Standard 14-16-3-19" screen along the southern portion of the site. However, no information has been provided regarding the species or the size of the shrub at the time of installation. The EPC has the discretion to waive this requirement if a finding to that effect is adopted.

2. Off Street Parking Regulations, §14-16-3-1(H)(4). Where building facades abut parking areas, pedestrian sidewalks, no less than eight (8) feet in width, shall be provided adjacent to and along the full length of the building. A minimum width of six feet shall remain clear and unobstructed at all times for pedestrian use.

The east building facade abuts a parking area. Although the EPC has discretion to waive the general parking regulation, a similar regulation is required in the General Building Regulations, §14-16-3-18(C)(1), which the EPC does not have discretion to waive. Planning Staff recommends compliance with this regulation.

The Site Plan does not comply with the following **twelve** mandatory City regulations, which would require a variance approved by the Zoning Hearing Examiner (ZHE):

1. General Building Regulations, §14-16-3-18(C)(1). Sidewalks. Pedestrian sidewalks, a minimum of 8 feet in width, shall be provided along the entire length of major facades containing primary entrances. A six-foot wide clear path shall be maintained along the sidewalk at all times.

The eastern and southern building façades have primary entrances to the restaurant. The site layout provides a 5-foot sidewalk along the eastern façade and a patio on the southern façade. Both need to provide a minimum 8-foot wide sidewalk, or obtain approval of a variance from the ZHE.

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2. General Building Regulations, §14-16-3-18(C)(3). Major Facades Greater Than 100 Feet. In Length. In addition to the requirements set forth in subsection (C)(2) above, buildings containing major facades greater than 100 feet in length shall incorporate outdoor seating adjacent to at least one of the facades, a minimum of one seat per 25 linear feet of building facade. Each seat shall be a minimum of 24 inches in width and 15 inches in height. Benches, raised planters, ledges or similar seating features may be counted as seating space. If the outdoor seating is located on the south or west side of the building, at least 25% of the seating area shall be shaded.

Code Enforcement has determined that all building façades are considered Major Facades. The site plan must demonstrate that outdoor seating is provided along the east building façade, which is approximately 100 feet, or obtain approval of a variance from the ZHE.

3. Landscaping Regulations, §14-16-3-10(C)(3). The landscaping plan shall show:
- (a) The common names of the plants to be used; if there is no common name or if that name does not clearly indicate the species, the botanical name shall be used;
 - (b) Topography in the form of finished contour lines;
 - (c) The type of watering system;
 - (d) The parties responsible for maintenance of the landscaping;
 - (e) The square footage for each separate area of landscaping and also a total for all landscaping on the site; dimensions of each landscaping area shall be provided, along with the quantities of trees and shrubs, and their mature height and spread.

The landscaping plan is required to show all of the elements listed above. The proposed landscaping plan is deficient because it does not show the site topography, a responsibility for maintenance statement, or the size of each landscaping area and the total site landscaping calculations.

4. Standard Landscape Buffer Regulations, §14-16-3-10(E)(1). The total landscaped area required for each development shall equal not less than 15% of the net lot area.

The site development plan must demonstrate that 15% of the net lot area is landscaped by providing landscaping calculations, or obtain approval of a variance from the ZHE.

5. Standard Landscape Buffer Regulations, §14-16-3-10 (E)(3). Standard Landscape Buffers. Landscape buffer areas are required to separate off-street parking and circulation areas from front, side, and rear boundaries of premises. (a) Front - Ten feet for sites of three acres or less, increasing at the rate of one foot in width per two-acre increase in site size to a maximum required width of 20 feet. (b) Side - Six feet. The landscape buffer may be relocated if the lot line is within a common access easement.

At the northern side of the property, it appears that additional right-of-way may need to be dedicated to accommodate the existing street section, a 7-foot bicycle lane, the street tree planting area, and the sidewalk. A portion of the on-site landscape buffer is already less than the minimum 10-feet, and it may be reduced further if additional right-of-way is dedicated.

The site plan must demonstrate a minimum 10-foot buffer along 12th Street (front landscape buffer) and a minimum 6 foot buffer along the north side (side landscape buffer), or obtain approval of a variance from the ZHE.

6. Standard Landscape Buffer Regulations, §14-16-3-10 (E)(4). Special Buffer Landscaping/Screening Requirements. Where a nonresidential zone is developed after April 2, 1990 for a nonresidential purpose and the site abuts a residential zone, special buffer landscaping is required to minimize noise and sight impact of the non-residential activities in the residential area:
- (a) The standard buffer landscaping shall be a landscaping strip at least ten feet wide where located along the residential/nonresidential boundary. The required landscaped setbacks specified in division (3) above may be utilized for this purpose;
 - (b) The buffer landscaping shall consist primarily of trees, which trees shall be at least eight feet high at time of planting and capable of reaching a height at maturity of at least 25 feet. Spacing of the trees shall be equal to 75% of the mature canopy diameter of the trees;
 - (c) Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot high opaque wall or fence shall also be required to visually screen the parking or circulation area from the adjacent residential zone; chain link fence with slats shall not constitute acceptable screening;
 - (d) This division (4) requirement does not apply to lots which were entirely developed as of January 1, 1976.

The site plan must comply with this regulation, including a minimum 10-foot buffer, 6-foot opaque wall, and tree landscaping equal to 75% of the mature tree canopy along the entire east side of the subject site, or obtain approval of a variance from the ZHE.

7. Special Landscaping Standards, §14-16-3-10(G)(1). Off-Street Parking Area Landscaping. Trees are required in and around off-street parking areas to provide shade and relieve the adverse visual impact of large expanses of pavement and parked cars. Quantity and distribution of trees shall be as follows:
- (a) One tree is required per ten parking spaces;
 - (b) No parking space may be more than 100 feet from a tree trunk;
 - (c) The minimum size of tree planters within off-street parking areas shall be 36 square feet per tree;

- (d) At least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy diameter of at least 25 feet.

The site plan has not demonstrated that the minimum size of the tree planters is 36 square feet, and the proposed parking area trees only achieve a 12' and 6' canopy. The site plan must comply with this regulation, sections a through d, or obtain approval of a variance from the ZHE.

8. Special Landscaping Standards, §14-16-3-10(G)(2). Street Trees. Street trees meeting the requirements of §6-6-2-1 et seq., Street Trees, are required along all arterial and collector street frontages.

The street tree plan is not consistent with the Street Tree Ordinance (see below). The site plan must comply with this regulation, or obtain approval of a variance from the ZHE.

9. Special Landscaping Standards, §14-16-3-10(G)(3). Required Vegetative Ground Cover. All required landscape areas 36 square feet in size or larger shall be covered with living, vegetative materials, such as grasses, vines, spreading shrubs, or flowers, over at least 75% of the required landscape area. Coverage will be calculated from the mature spread of the plants. To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Any non-living ground cover areas not intended as mulch around spreading plants must be clearly delineated on the landscaping plan.

The landscaping plan proposes live, vegetative coverage of approximately 10% of the required landscape areas. The landscaping plan must comply with this regulation, or obtain approval of a variance from the ZHE.

10. Street Tree Ordinance, §6-6-2-5.

The Street Tree Ordinance requires spacing of trees no greater than the diameter of the tree canopy at maturity; selection from the species in the Street Tree List; size 1.5 inches in caliper at the time of planting; and a mixture of at least four species of street tree. The site plan must demonstrate compliance with this ordinance, or obtain approval of a variance from the ZHE.

11. Water Conservation Ordinance, §6-1-1-8(B)(2)(a). All city owned housing and all non-city owned properties other than golf courses shall not use high water use turf or other restricted plants on more than 20% of the landscape area.

The site plan submitted for the July EPC hearing had large expanses of sod. The revised site plan has large expanses of landscape buffer areas, but the ground cover material and/or planting treatment is not identified. The site plan must demonstrate compliance with this ordinance, or obtain approval of a variance from the ZHE.

12. Water Conservation Ordinance, §6-1-1-9(B). All existing disturbed slopes and all man-made slopes shall receive erosion control from plantings and/or terracing. Concrete, asphalt, or any

other water and air impervious paving/cover will be allowed only where it is the most appropriate methodology and where no other practical alternative exists.

The proposed detention pond does not identify the ground cover material or planting treatment. The site plan must demonstrate compliance with this ordinance, or obtain approval of a variance from the ZHE.

VI. Neighborhood Concerns

Please refer to the July 12, 2012 Staff report and attached letters for a discussion of neighborhood issues. Neighborhood representatives continue to oppose the site development plan as proposed, and have submitted letters documenting their concerns (see attached letters). These letters should be reviewed in conjunction with the prior letters submitted, which identify similar concerns.

VII. Conclusion

This proposal has been in the EPC process since December 2011, when the applicant deferred it to prepare a TIS; to address issues about vehicular access; to amend the parking lease with the adjacent Queen of Angels Chapel; and to improve consistency with City policies and regulations. The EPC approved a zone change request on April 12, 2012, with approval of a site development plan as a condition of approval for the zone change.

There have been few changes to the proposed site development plan for building permit since the July version. The primary changes are the elimination of vehicular access to Indian School Rd.; relocation of utility lines outside of the IPFDC property; and provision of a sidewalk that connects adjacent to Lot 2. Though the crosswalks and outdoor gathering areas may provide some mitigation, the site layout continues to focus on prioritizing drive-thru access to the detriment of pedestrian access. Regarding Activity Centers such as this, the Comprehensive Plan and the North Valley Area Plan (NVAP) intend that the pedestrian be the primary design consideration. The currently proposed design does not allow a site layout that can achieve this intent.

Overall, the proposal has significant conflicts with goals and policies in applicable plans. Staff does not find that the proposed site plan is consistent with neighborhood and community values. The site plan does not comply with numerous Zoning Code General Building and Site Design Regulations, which apply to all new development in the City.

With modifications, the request has the potential to further applicable goals and policies, and it could come into compliance with the Zone Code. Staff recommends a 60-day deferral. This will give the applicant time to re-design portions of the subject site so that the layout meets the intent of the Comprehensive Plan and the NVAP with respect to neighborhood centers and associated policies.

FINDINGS – 12EPC-40033 – Site Development Plan for Building Permit – August 9, 2012

1. This is a request for Site Development Plan for Building Permit for Lot E, St. Anthony's Orphanage, located on 12th Street between Indian School Rd. (private road) and Interstate 40 (NMDOT road), containing approximately 1.6 acres.
2. The applicant proposes to subdivide the currently vacant property into two parcels; to develop a fast food restaurant with drive-up service on the northern parcel in Phase I; and to lease or deed the southern parcel to the adjacent church for a parking lot to be developed as Phase II.
3. The subject site is zoned R-1, which occurred at the time of annexation into the City. A zone map amendment for this site was approved by the EPC on April 12, 2012, subject to conditions. The zoning will be changed from *R-1* to *SU-1 for C-1 Permissive Uses and Drive-Up Service Window* upon approval of a Site Development Plan.
4. The Environmental Planning Commission (EPC) has decision-making authority for site plan approval, pursuant to §14-16-2-22(A)(1) of the Zoning Code.
5. The site is located within the Central Urban Area of the Comprehensive Plan and within the boundaries of the Indian School Community Activity Center. The subject site also lies within the boundaries of the North Valley Area Plan and the 12th & Menaul Study (Enactment O-2005-056), which applies to this site but is not regulatory.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the North Valley Area Plan, the 12th Street and Menaul Study, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the intent of relevant Comprehensive Plan policies. It will contribute to increased land use in the area (Policy II.B.5a) by facilitating development of a new retail service; infrastructure is already in place (Policy II.B.5e); and some jobs and services will be created for residents in the area (Policies II.D.6a and g).
8. Regarding the intent of the Comprehensive Plan, the request does not further the following policies:
 - a. Policy II.B.5.d-location, intensity, and design of new development and neighborhood values: The request conflicts with neighborhood values for a pedestrian-oriented, mixed-

- use development. In particular, the location of the drive-through lanes between the building and the street, and the building's orientation away from the street contribute to an automobile dominant site.
- b. Policy II.B.5.k-transportation impacts on livability and safety: It has not been adequately demonstrated if the site design will minimize harmful effects of traffic. A “merge and weave” traffic conflict point at the drive-through, would create a safety hazard for both vehicles and pedestrians. The two on-site vehicular lanes adjacent to the public sidewalks do not increase the livability or safety of the non-motorized transportation facilities.
 - c. Policy II.B.5.l-innovation in design: The proposed building location and auto-dominant site design do not express innovation in design. Alternate site layouts, which could demonstrate innovation in design, have not been considered or shown.
9. Regarding the intent for Activity Centers, the request conflicts with the following policies:
- a. Goal II.B.7. The proposed stand-alone building is a low intensity land use that is marginally appropriate for a Community Activity Center. The site design is auto-dominant and will not contribute to the goal of reducing sprawl, auto travel and service costs to the extent that it could. The proposal heavily favors vehicles over pedestrians, bicycles and transit and does not minimize “noxious impacts to sensitive adjacent uses” to the extent that it could and should.. The proposal directly conflicts with this intent.
 - b. Policy II.B.7.g-sub-area planning efforts: The 12th & Menaul Study is a sub-area planning effort that was initiated by City Council to provide guidance on the desired uses and form of development for the Indian School Community Activity Center. The EPC has discretion to determine the extent to which this Study should apply to the subject site. The proposed use and development form is not consistent with this plan.
10. The Transportation and Transit Goal is partially furthered. Though pedestrian paths are included, vehicle travel continues to be the overwhelming focus, to the detriment of pedestrian access.
11. Regarding the intent of the North Valley Area Plan, the request conflicts with the following policies:
- a. Goal #2-preserve environmental quality: The architectural character does not respond to or evoke the “rural flavor of the North Valley.” With modifications, the request has the potential to further the NVAP Goal 2.
 - b. Land Use Policy 3.d-village center principles: because the proposed use and site design are inconsistent with the guidance provided in the 12th & Menaul Study, which identifies specific guidance and recommendations to create a “Village Center” development.

- c. Village Center Policy #1.a-building setbacks should not exceed 10 feet from the public right-of-way: The site development plan shows two driving lanes in between the building and the public right-of-way and the building is located approximately 40 feet from the 12th Street public right-of-way.
 - d. Village Center Policy #3- entrances visible to the pedestrian: There are no customer entrances that directly face 12th Street or Indian School Rd. The south-facing customer entrance to the building is visible to pedestrians traveling northbound on 12th Street.
 - e. Transportation Policy 2-Encouraging reduced automobile use: The site plan improves opportunity for non-motorized travel in the area by developing a bicycle lane and sidewalk connections. However, the on-site pedestrian and bicycle connections have been identified by the City Engineer as potentially unsafe.
 - f. Village Center Policy #1-pedestrian attraction and accessibility, mixed use development, and valley scale and character: Although not the traditional “mixed use development,” the two uses (restaurant and parking lot) provided will serve the community.
12. The 12th & Menaul Study was prepared for the City to address the character of future development within a ½-mile radius centered on 12th St. and the Indian Pueblo Cultural Center. The City commissioned this Study and has been implementing the recommendations within its public right-of-way. The Study calls for multi-modal, mixed-use development that contributes to a denser built-environment, consistent with Activity Center principles. The site development plan is substantially inconsistent with the development form proposed in the Study and which is currently being implemented in this area.
13. The proposed site plan does not meet the minimum requirements of a site development plan for building permit: the landscaping, parking, and pedestrian access are inconsistent with the City Zoning Code regulations; and the site layout conflicts with numerous goals and policies of the Near North Valley Area Plan and the Comprehensive Plan Activity Center policies. Staff finds that the proposed layout of this drive-through restaurant conflicts with a preponderance of applicable goals, policies, and design guidelines in the 12th and Menaul Study.
14. The proposed restaurant use is an appropriate use for this neighborhood. However, the site design, as proposed, has not been demonstrated to be appropriate in terms of urban design and traffic safety.
15. The City has determined that, on the east side of 12th Street, Indian School Road is privately owned; it is within the boundaries of Lot 84E, MRGCD Map 35, the adjacent Indian Pueblo Federal Development Corporation (IPFDC) site to the north. The IPFDC submitted a letter

that indicates that they do not approve access from Lot E, St. Anthony's Orphanage onto their property (Indian School Road).

16. The five affected neighborhood associations were notified of this request via certified mail – Near North Valley NA, Sawmill Area NA, Sawmill Community Land Trust, Wells Park NA, and the North Valley Coalition. A facilitated meeting was offered but declined.
17. The NNVNA has written that the proposed site layout fundamentally conflicts with the area goals for a pedestrian-oriented, mixed use neighborhood. They have also commented that the request has numerous outstanding issues and have requested a deferral.
18. The adjacent property owner, Indian Pueblo Federal Development Corporation, does not support the request and at this time has declined to allow utility and access easements across their private road.
19. A 60-day deferral is warranted, based on an incomplete submittal, extensive instances of non-compliance with City regulations, and unresolved issues related to the public right-of-way.

RECOMMENDATION – 12EPC-40033 – Site Development Plan for Building Permit – August 9, 2012

60-DAY DEFERRAL of 12EPC-40033, a request for Site Development Plan for Building Permit, for Lot E, St. Anthony's Orphanage, based on the preceding Findings.

***K. Carrie Barkhurst
Planner***

Notice of Decision cc list:

Joshua Skarsgard, 8220 San Pedro NE, Ste 500, Albuquerque, NM 87113
JSE Investment, LLC, 1420 Delia Ct. NW, Albuquerque, NM 87104
John Huchmala, Archdiocese of Santa Fe, 4000 St. Joseph Pl. NW, Abq, NM 87120
Michael Canfield, IPFDC, 2401 12th St. NW, Ste 210 North, Abq, NM 87104

Joe Sabatini, 35 6th St. NW, Albuquerque, NM 87107
Susan Lester, PO Box 6953, Albuquerque, NM 87197
Judy Gallegos, 1036 18th St. NW, Albuquerque, NM 87104
Jerry Miller, 1715 5th St. NW, Albuquerque, NM 87102
Maggie Ramirez, 1020 19th St. NW, Albuquerque, NM 87104
Connie Chavez, PO Box 25181, Albuquerque, NM 87125
David Wood, 158 Pleasant NW, Albuquerque, NM 87107
Wendy Statkus, PO Box 25181, Albuquerque, NM 87125
Peter Eller, 1006 Lynch Ct. NW, Albuquerque, NM 87102
Chris Catechis, 5733 Guadalupe Trail NW, Albuquerque, NM 87107

Attachments

1. Official Notice of Decision, July 12, 2012
2. Indian Pueblo Federal Development Corporation letter, dated July 16, 2012
3. Near North Valley Neighborhood Association letter, dated July 27, 2012
4. Letter from applicant, with Architectural rendering, dated July 27, 2012
5. Indian Pueblo Federal Development Corporation letter, dated July 31, 2012
6. Near North Valley Neighborhood Association letter, dated August 2, 2012
7. Site Development Plan for Building Permit, submitted August 1, 2012 – no architectural elevations provided at this time.

Original Staff Report, dated July 12, 2012

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

The proposed outdoor seating area is within 75 feet of a residential zone and does not conform to the allowed C-1 permissive uses. The parking calculation for the restaurant on sheet C2 should be 1 space per 4 seats instead of 1 space per 20 sq ft. The applicant shall provide a minimum 10ft wide landscape buffer consisting primarily of trees; and a 6ft high opaque wall or fence where the parking or circulation area is adjacent to the residential zone to the East.

CITY ENGINEER

Transportation Development Services

- 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.
- Concurrent Platting Action required at Development Review Board (DRB) for any ROW dedication (required bike lane) and lot line adjustments
- A queuing analysis will be required for proposed left turn lane from 12th Street into site.
- A Cross Access Easement will be required for the proposed access to lot 2 and needs to be shown on site plan
- Proposed 12th Street sidewalk location should be placed at property line and suggest curb and gutter on Indian School frontage to reinforce sidewalk edge, and direct drainage flows.
- A Public Sidewalk Easement will be required for public sidewalks located on private property within 12th Street.
- All sidewalk connections need to be 6 feet in width.
- There is a traffic concern with bottle necking at the intersection of the two merging drive thru lanes and the 36-foot drive aisle cross traffic.
- Summary for Lot #1 (McDonald's USA) and Lot 2 (Phase II) specifies internal circulation requirements TBD at phase II. It needs to be determined at phase I for McDonald's traffic circulation. Please clarify and /or clear up this summary statement.
- The statement 'A private non-exclusive vehicular and pedestrian access easement will be entered between Archdiocese of Santa Fe and Lot 1 owner', where will this shared access be? Need to identify on site plan since sidewalk is being proposed around the parameter adjacent to the chapel property.

- A summary statement defining vehicular and pedestrian access easement has been provided in Lot 2 statement. Remove all similar phrases within the Site Plan that are repetitious.
- Explain why there is a 24-foot accessible crossing being proposed in front of Lot 2 adjacent to trash enclosure? Is this an access to Lot 2? If so, then provide an appropriate design.
- The minimum drive thru lane width is 12 feet. Please reflect this requirement on the site plan and internal radius cars traffic shall be 15 feet and 25 feet for larger delivery and refuse vehicle.
- The proposed loading will interfere with the drive aisle circulation and vehicular movements in and out of parking stalls. Please provide an appropriate solution to avoid any circulation conflicts.
- Pavement markings and signage must be provided for the drive through exit.
- The Northbound 12th Street Typical Cross Section is incomplete. It doesn't display the future 7-foot bike lane, 10-foot sidewalk, property line, etc...
- Provide/label/detail all dimensions, classifications and proposed infrastructure for Site Plan.
- Site plan shall comply and be in accordance with DPM (Development Process Manual) and ADA standards/ requirements.
- The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- NMDOT ROW access limits must be shown on Site Plan and any proposed infrastructure on these limits requires coordination and approval from this agency.
- All easements need to be shown and labeled on Site Plan.

Hydrology

- A more detailed Conceptual Grading and Drainage Plan will be required for site plan approval at DRB. The detention pond may be larger than the pond depicted on these plans.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

- 12th Street is identified as a minor arterial on the Long Range Roadway System Map, and on the Long Range Bikeways Map as having a bicycle lane. DMD also has an on-going engineering study for improvements to 12th Street between Menaul and just north of the interstate Frontage Road. The planning study for that project shows a 5-foot asphalt bicycle lane and 2-foot gutter pan.

Traffic Engineering Operations

No comments received.

Street Maintenance

No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Amendment to the Site Development Plan for Building Permit shall include:

1. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
2. Concurrent Platting Action required at Development Review Board (DRB) for any ROW dedication (required bike lane) and lot line adjustments.
3. A queuing analysis will be required for proposed left turn lane from 12th Street into site.
4. A Cross Access Easement will be required for the proposed access to lot 2 and needs to be shown on site plan
5. 12th Street is identified as a minor arterial on the Long Range Roadway System Map, and on the Long Range Bikeways Map as having a bicycle lane. DMD also has an on-going engineering study for improvements to 12th Street between Menaul and just north of the interstate Frontage Road. The planning study for that project shows a 5-foot asphalt bicycle lane and 2-foot gutter pan.
6. Proposed 12th Street sidewalk location should be placed at property line and suggest curb and gutter on Indian School frontage to reinforce sidewalk edge, and direct drainage flows.
7. There is a traffic concern with bottle necking at the intersection of the two merging drive thru lanes exit and the 36-foot drive aisle crossing it.
8. Summary for Lot #1 (McDonald's USA) and Lot 2 (Phase II) specifies internal circulation requirements TBD at phase II. It needs to be determined at phase I for McDonald's traffic circulation. Please clarify and /or clear up this summary statement.
9. The statement 'A private non-exclusive vehicular and pedestrian access easement will be entered between Archdiocese of Santa Fe and Lot 1 owner', where will this shared access be? Need to identify on site plan since sidewalk is being proposed around the parameter adjacent to the chapel property.
10. Explain why there is a 24-foot accessible crossing being proposed in front of Lot 2 adjacent to trash enclosure? Is this an access to Lot 2? If so, then provide an appropriate design.
11. A Public Sidewalk Easement will be required for public sidewalks located on private property adjacent to 12th Street.
12. All sidewalk connections need to be 6 feet in width.
13. The minimum drive thru lane width is 12 feet. Please reflect this requirement on the site plan and internal radius cars traffic shall be 15 feet and 25 feet for larger delivery and refuse vehicle.

14. The proposed loading will interfere with the drive aisle circulation and vehicular movements in and out of parking stalls. Please provide an appropriate solution to avoid any circulation conflicts.
15. The Northbound 12th Street Typical Cross Section is incomplete. It doesn't display the future 7-foot bike lane, 10-foot sidewalk, property lines, etc...
16. Pavement markings and signage must be provided for the drive through exit.
17. Provide/label/detail all dimensions, classifications and proposed infrastructure for Site Plan.
18. Site plan shall comply and be in accordance with DPM (Development Process Manual) and ADA standards/ requirements.
19. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
20. NMDOT ROW access limits must be shown on Site Plan and any proposed infrastructure on these limits requires coordination and approval from this agency.
21. A more detailed Conceptual Grading and Drainage Plan will be required for site plan approval at DRB. The detention pond may be larger than the pond depicted on these plans.
22. All easements need to be shown and labeled on Site Plan.

POLICE DEPARTMENT/Planning

This project is in the Valley Area Command. No Crime Prevention or CPTED comments concerning the proposed Site Development Plan for Building Permit request at this time due to a lack of information on the available plans about the following items:

- Exterior lighting design (parking lots, walkways, building and property access points, common areas and maintenance areas)
- Complete landscaping design (types and variety of plantings adjacent to parking lots, walkways, building entrances, common areas and maintenance areas)
- Pole lights and large tree locations (unable to evaluate if they conflict with each other)
- Location and coverage of video surveillance cameras

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division - No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

As a condition, it is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.

As a condition, it is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service and options for the location of electric service connection regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet. PNM's standard for public utility easements is 10 feet in width to ensure adequate, safe clearances.

As a condition, screening should be designed to allow for access to utility facilities. As a condition, all screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications.