



**Environmental
Planning
Commission**

**Agenda Number: 4
Project Number: 1005280
Case #s: 13EPC-40124 & 40125
September 12, 2013**

Supplemental Staff Report

Agent	Consensus Planning, Inc.
Applicant	JMD-McMahon, LLC
Requests	Site Dev. Plan for Subdivision Amendment Site Dev. Plan for Building Permit
Legal Description	Lots 6 and 7, McMahon Marketplace
Location	5700 McMahon Blvd. NW, between Unser Blvd. and Fineland Dr.
Size	Approximately 1.55 acres
Existing Zoning	EPC approved SU-1 for C-1 Uses

Staff Recommendation

APPROVAL of Case 13EPC-40125 based on the Findings beginning on Page 5, and subject to the Conditions of Approval beginning on Page 6.

APPROVAL of Case 13EPC-40124 based on the Findings beginning on Page 7, and subject to the Conditions of Approval beginning on Page 8.

**Staff Planner
Chris Glore, Planner**

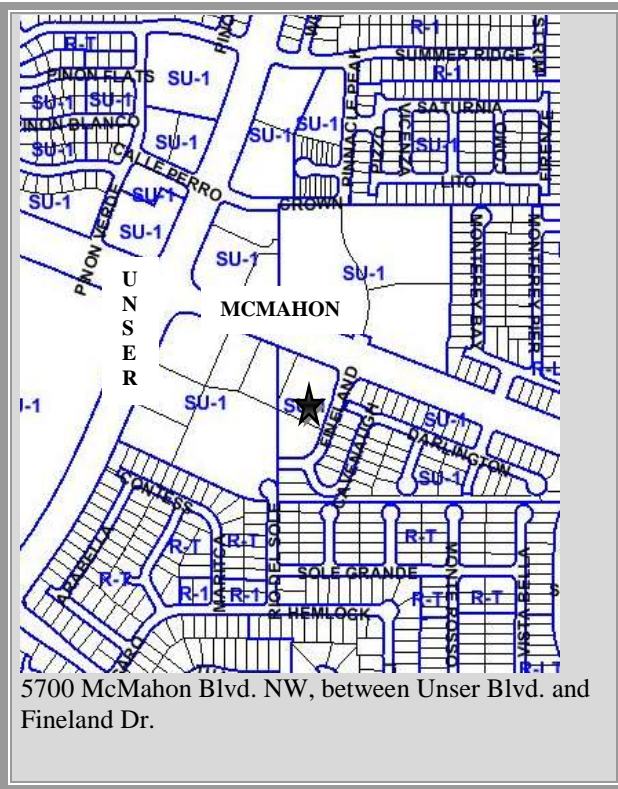
Summary of Analysis

This request was deferred at the August 8 EPC Hearing due to a lack of quorum. This staff report should be read in conjunction with the August 8 staff report (attached).

This dual request is for Lots 6 and 7, McMahon Marketplace, located at 5700 McMahon Blvd. NW, between Unser Blvd. and Fineland Dr. The subject site is within the boundaries of the West Side Strategic Plan Plan and is zoned SU1 for C1 Uses. The applicant proposes to shift the boundary between Lot 6 and 7, and develop Lot 7 with a new restaurant with drive-through service.

Adjacent residents, the Tuscan Neighborhood Association and the Westside Coalition of Neighborhood Association were notified. Some opposition to the requested addition of a second vehicular access to Fineland Dr. was expressed at the facilitated meeting.

The requests are consistent or partially consistent with applicable policies of the Comprehensive Plan and the West Side Strategic Plan. Some changes to the site development plan have been identified in the recommended conditions of approval.



City Departments and other interested agencies reviewed this application from 7/1/2013 to 7/15/2013. Agency comments used in the preparation of this report begin on Page 17.

I. OVERVIEW

Deferral

This two-part request is for a Site Development Plan for Subdivision (SPS) Amendment and Site Development Plan for Building Permit (SPBP), and was deferred at the August 8, 2013 Environmental Planning Commission (EPC) hearing because a quorum of Commissioners was not in attendance for a vote. The case was not heard on August 8, 2013, and no Staff or public testimony was presented.

Request

This request is for Lots 6 and 7, McMahon Marketplace (the “subject site”). The subject site contains approximately 1.55-acres of land and is located at 5700 McMahon Blvd. NW, between Unser Blvd. and Fineland Dr. The subject site is within the 12.136-acre McMahon Marketplace subdivision and within the boundaries of the Rank II Westside Strategic Plan.

The site is currently zoned SU-1 for C-1 Uses. The site consists of two lots; Lot 7 is generally square with an irregular rear lot boundary and Lot 6 is triangular. The lots are both vacant. A Site Development Plan for Subdivision with building size (footprint) and uses, height limits, landscaping, signage and parking requirements was approved in April 2007 for the McMahon Marketplace development.

The McMahon Marketplace SPS provides for three drive-up uses along Unser Blvd.: a bank, a pharmacy, and a restaurant. Through an administrative action, the bank location along Unser Blvd. was changed to allow retail use without a drive-through component (Lot 2). The restaurant with drive-through (Lot 1) and the pharmacy with drive through (Lot 3) were built, and the bank with drive-up location was moved from Lot 2 to Lot 7. The proposed SPS Amendment will modify Condition of Approval No. 4.B for the McMahon Marketplace SPS that limits the SPS development to one restaurant with drive-through (Notice of Decision dated April 26, 2007) in order to allow a second drive-through restaurant on Lot 7, and change the use of Lot 7 from a bank with drive-up to a fast-food restaurant with drive-through, subject to the SPS design regulations.

The SPS establishes drive up uses as constituting 22% of the total building area, within two banks and one restaurant. The revised first paragraph, last sentence of the SPS Land Use Concept is proposed by the requested Amendment to read: “Drive-through uses shall be limited to a total of three, with two available for restaurant use within the current site plan for building permit and subdivision.”

The proposed SPS Amendment will also shift a shared lot line between Lot 6 and Lot 7 to enlarge Lot 6 and correspondingly shrink Lot 7. The proposed SPS Amendment will also add a vehicular access point to Lot 7 from Fineland Dr. and revise the development footprint on Lot 7.

The proposed SPBP provides the development details of a McDonald’s restaurant with drive-through on Lot 7. Development within the SU-1 zone may only occur in conformance with an approved Site Development Plan. The requested SPS Amendment and SPBP meet the requirements of the Special Use zone.

***EPC Role, Context, History & Background, Transportation System, and Public Facilities/
Community Services***

Please see pages 2-3 of the original Staff report (see attachment).

II. ANALYSIS– APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque / Bernalillo County Comprehensive Plan, West Side Strategic Plan and McMahon Marketplace Site Plan for Subdivision

The subject site is located in the area designated Established Urban by the Comprehensive Plan. The Established Urban Area includes most of the developed City, places well established with urban development. The Established Urban Area is subject to policies of Comprehensive Plan Section II.B.5

The West Side Strategic Plan identifies centers of activity on the regional, community and neighborhood scales. The McMahon Blvd./Unser Blvd. intersection area is an identified Neighborhood Activity Center.

The McMahon Marketplace SPS Land Use Concept text specifies the McMahon Marketplace as “a pedestrian oriented neighborhood center with a mix of viable retail, office and restaurant users within walking distance to adjacent neighborhoods” and that “a select few drive up users are a key component of the center.” The proposed fast food restaurant with drive-through is not primarily pedestrian oriented, however its location at the perimeter of the commercial center will minimize interference with walkability in the core of the center.

Please see the Analysis of Policy Consistency on pages 3-7 of the original Staff report (see attachment).

III. ANALYSIS – SITE DEVELOPMENT PLAN FOR SUBDIVISION AMENDMENT AND SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

This is a request for SPS Amendment and SPBP for Lots 6 and 7, McMahon Marketplace (the ‘subject site’). The subject site contains approximately 1.55-acres of land and is located at 5700 McMahon Blvd. NW between Unser Blvd. and Fineland Dr.

Use. The use of Lot 7 as a fast-foot restaurant with drive-through service will generate higher traffic volumes, and have longer hours of business, than would the bank planned for Lot 7 under the approved SPS. Higher activity levels will also create higher noise levels and more nighttime lighting.

Vehicular and Pedestrian Access. Vehicular access into the subject site will be via a one- way ingress drive from Fineland Dr. approximately 70 feet south of McMahon Blvd. The second ingress/egress will be a 24-foot-wide east-west circulator for internal circulation throughout the McMahon Marketplace development. The proximity of the proposed Fineland Dr. access closest to McMahon Blvd. is a concern to Staff, and a condition is recommended requiring justification for this second access.

The re-configuration of the SPS with the proposed Amendment interrupts the system of continuous connected pedestrian pathways throughout the McMahon Marketplace. Lot 7 will have pedestrian connection north-south, interrupted by the restaurant drive-through.

The content of the SPS Amendment and SPBP requests has not been changed since the August 8, 2013 EPC meeting. However, Staff and the applicant have had communications with the purpose of clarifying some of the information provided on the application materials, regarding shared parking and signage. The recommended conditions of approval have been modified accordingly. The recommended findings for the SPS Amendment and SPBP have not changed since the August 8, 2013 EPC meeting.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Vehicular access to each lot within the subdivision is via a system of internal roadways, connecting to adjacent arterial roads via the full movement intersection at Fineland Dr. and McMahan Blvd. and a partial movement intersection of the east-west internal roadway with Unser Blvd. at the southwestern corner of the commercial property. The applicant is requesting an ingress-only movement connection into Lot 7 from Fineland Dr., approximately 70 feet from the Fineland Dr. intersection with McMahan Blvd.

Transportation does not support the access request on Fineland Dr. at this time. The major concern is with the proposed driveway location; activity in and out of a fast-food restaurant will create traffic conflicts on Fineland Dr. and adversely impact McMahan Blvd. A recommended condition of approval requires a queuing analysis of the Fineland Dr. and McMahan Blvd. intersection.

Neighborhood/Public

Representatives from the Tuscany Neighborhood Association and the Westside Coalition of Neighborhood Association, and property-owners within 100-feet of the subject site were notified. A facilitated meeting was requested by the applicant and adjacent residents.

The facilitated meeting was held on July 18, 2013 (see attachment). Neighbors had two primary areas of concern. One was the traffic entrance/exit proposed to be added to Fineland Dr. and that only 3 cars could stack between the Lot 7 entrance/exit to Fineland Dr. and the Fineland Dr. and McMahan Blvd. intersection. The second area of concern was walk-ability and the path along Fineland Dr. at the cul-de-sac running to Unser Blvd. along the south property line of McMahan Marketplace at Lots 1 and 9. The neighbors expressed a preference that a path be provided as soon as possible.

V. CONCLUSION

This two-part request is for a Site Development Plan for Subdivision Amendment and Site Development Plan for Building Permit for approximately 1.55-acres of land located at 5700 McMahan Blvd. NW, between Unser Blvd. and Fineland Dr. The subject site is within the boundaries of the McMahan Marketplace and is currently zoned SU-1 for C-1 Uses. Approval of the current requests would meet the conditions of approval tied to the SPSD for McMahan Marketplace.

The requests generally further the applicable policies of the Albuquerque / Bernalillo County Comprehensive Plan and the West Side Strategic Plan, with the exception of those policies that call

for pedestrian connectivity and neighborhood values concerning increased traffic on local roads. The requests further Comprehensive Plan Policy II.B.5d-Neighborhood values, and partially further West Side Strategic Plan Policy 1.9 and 1.15 regarding neighborhood centers, with the exception of full pedestrian connectivity and shared parking access. At a facilitated meeting held on July 18, 2013, neighbors expressed concern over the proposed traffic entrance/exit to be added to Fineland Dr. near McMahon Blvd. Staff have concerns regarding the connection into Lot 7 from Fineland Dr., approximately 70 feet from the Fineland Dr. intersection with McMahon Blvd. and recommend conditions of approval, should approval be granted by the EPC.

Based upon certain points of clarification from the applicant, Staff has revised the conditions of approval for both the Site Development Plan for Subdivision Amendment and Site Development Plan for Building Permit. The findings have been revised for clarity.

FINDINGS – 13EPC-40125 – September 12, 2013 – Site Development Plan for Subdivision Amendment

1. This is a request for an Amendment to a Site Development Plan for Subdivision for Lots 6 and 7, McMahon Marketplace, containing approximately 1.55-acres of land located at 5700 McMahon Blvd. NW, between Unser Blvd. and Fineland Dr.
2. The request involves a second drive-through restaurant, a lot line shift and an additional vehicular access point.
3. The subject site is in the Established Urban Areas of the Comprehensive Plan and within the area of the Westside Strategic Plan. It is also within the McMahon Marketplace Neighborhood Center and is subject to the design standards of the Center. The proposal must comply with the Zoning Regulations and General Regulations of the Zoning Code.
4. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The character of the surrounding area generally consists of single-family detached residences, and some commercial pad site development surrounded by vacant land.
6. The Site Development Plan for Subdivision Amendment request partially furthers the following **Comprehensive Plan** policies:
 - Policy II.B.5.d: New development respects neighborhood values, environmental conditions, scenic resources, and other resources. Neighborhood values are respected with increased commercial activity in close proximity and by site development that maintains aesthetic qualities required for the commercial center. Neighborhood values concerning increased traffic on local roads are not furthered by the new vehicular ingress from Fineland Dr.
 - Policy II.B.5.k: Land and transportation planned to minimize harmful effects of traffic; livability and safety of residential neighborhoods. Project traffic will not adversely impact traffic on McMahon Blvd. or Unser Blvd. However, the direct ingress from Fineland Dr. is a concern in regard to impact on traffic flow at the intersection of McMahon Blvd. and Fineland Dr.
7. The Site Development Plan for Subdivision request furthers the following Rank II **Westside Strategic Plan** policies:
 - Policy 1.1: Development in Community and Neighborhood Centers. The SPS Amendment will increase the commercial intensity within the Neighborhood Center.
 - Policy 1.3. Commercial development to occur in concentrated clustered areas. The SPS Amendment represents clustered commercial development.

8. The Site Development Plan for Subdivision Amendment request partially furthers the following Rank II **Westside Strategic Plan** policies:

Policy 1.5: Provide pedestrian/bicycle access to key activity areas. The approved SPS has a pedestrian circulation system connecting each development site to a pedestrian gathering area, while the proposed SPS Amendment will reduce the pedestrian connectivity of Lot 7 with the rest of the commercial center. The SPS Amendment removes part of the sidewalk connection within Lot 7, between Lot 7 and the closest sidewalk. Pedestrian connectivity will be lessened by changing the building footprint and the connection between Lot 7 and Lot 8 to the south, because of the intervening drive-through lane.

Policy 1.9: Future neighborhood and community centers to be very accommodating to the pedestrian, and Neighborhood centers should have small clusters of shared parking. The proposed restaurant use on Lot 7 provides more parking than required by the Zoning Code; however the total of provided parking spaces over Lots 5, 6, and 7 will meet the Zoning Code requirements. The SPS Amendment will add a narrow landscape buffer along the west side of the lot that will close off access to shared parking with Lots 5 and 6.

9. The request is generally consistent with the McMahan Marketplace SPS Land Use Concept in that while the proposed fast food restaurant with drive-through is not primarily pedestrian oriented, its location at the perimeter of the commercial center will minimize interference with walkability in the core of the center.

RECOMMENDATION – 13EPC-40125 – August 8, 2013 – Site Development Plan for Subdivision Amendment

APPROVAL of 13EPC-40125, a request for Site Development Plan for Subdivision Amendment, Lots 6 and 7, McMahan Marketplace, located at 5700 McMahan Blvd. NW, between Unser Blvd. and Fineland Dr., based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL – 13EPC-40125 – September 12, 2013 – Site Development Plan for Subdivision Amendment

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. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
4. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan.
5. Provide a cross access agreement between lot 7 and lot 6.
6. Provide a queuing analysis and projected impact on the intersection to justify the additional access proposed on Fineland Drive.
7. Provide a turning template exhibit to demonstrate how delivery vehicles will enter the site from Fineland Dr.
8. If the request for the single ingress access on Fineland Dr. is granted, the configuration of the proposed curb return must be re-designed to further discourage on-site vehicles from attempting to exit through this new access.
9. A replat of the lots must be a concurrent DRB action.
10. Please remove the pavement marking "Drive Thru" on the 30 foot access road.
11. Please provide proper striping and signing at the Fineland Dr. entrance per the DPM Ch 23, Sec. 6.10 Curb Cuts and Drivepads
12. Design Standards provided in the SDPSD are to guide future development, however the location of buildings, parking lots, dumpsters, and other infrastructure provided on the SDPSD shall be marked "For Illustrative purposes only".
13. The current request to amend the previously amended SDPSD (3/2/12) dropped some information. The proposed request must reflect the latest approved SDPSD and only modify areas identified to be amended. Please add any information that was dropped, including the square footage of building on Lot 2 "Retail 11,584 SF", building on Lot 9 "Shop 3 7,800 SF", and label Lot 6 as "Lot 6".
14. Show all drainage easements on S.D.P.S.

FINDINGS – 13EPC-40124 –August 8, 2013 – Site Development Plan for Building Permit

1. This is a request for a Site Development Plan for Building Permit for Lots 6 and 7, McMahon Marketplace, containing approximately 1.55-acres of land located at 5700 McMahon Blvd. NW, between Unser Blvd. and Fineland Dr.
2. The request involves construction of a fast-food restaurant with drive-through on Lot 7.
3. The subject site is in the Established Urban Areas of the Comprehensive Plan and within the area of the Westside Strategic Plan. It is also within the McMahon Marketplace Neighborhood Center and is subject to the design standards of the Center. The proposal must comply with the Zoning Regulations and General Regulations of the Zoning Code.

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4. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
 5. The character of the surrounding area generally consists of single-family detached residences, and some commercial pad site development surrounded by vacant land.
 6. The Site Development Plan for Building Permit request furthers the following Comprehensive Plan policy:

Policy II.B.5.m: Urban and site design which improves the quality of the visual environment shall be encouraged. Development at this site will improve the visual quality of the property, following all SPSD regulations regarding building architecture, lighting, landscaping and signage.
 7. The Site Development Plan for Building Permit request partially furthers the following Comprehensive Plan policies:

Policy II.B.5.d: New development respects neighborhood values, environmental conditions, scenic resources, and other resources. Neighborhood values are respected with increased commercial activity in close proximity and by site development that maintains aesthetic qualities required for the commercial center. Neighborhood values concerning increased traffic on local roads are not furthered by the new vehicular ingress from Fineland Dr.

Policy II.B.5.k: Land and transportation planned to minimize harmful effects of traffic; livability and safety of residential neighborhoods. Project traffic will not adversely impact traffic on McMahan Blvd. or Unser Blvd. However, the direct ingress from Fineland Dr. is a concern in regard to impact on traffic flow at the intersection of McMahan Blvd. and Fineland Dr.
 8. The Site Development Plan for Building Permit request furthers the following Rank II Westside Strategic Plan policies:

Policy 1.1: Development in Community and Neighborhood Centers. The SPBP will increase the commercial intensity within the Neighborhood Center.

Policy 1.3. Commercial development to occur in concentrated clustered areas. The SPBP represents clustered commercial development.
 9. The Site Development Plan for Building Permit request partially furthers the following Rank II Westside Strategic Plan policies:

Policy 1.5: Provide pedestrian/bicycle access to key activity areas. The approved SPSD has a pedestrian circulation system connecting each development site to a pedestrian gathering area, while the proposed SPS Amendment will reduce the pedestrian connectivity of Lot 7 with the rest of the commercial center. Pedestrian connectivity will be lessened by changing the building footprint and the connection between Lot 7 and Lot 8 to the south, because of the intervening drive-through lane.

Policy 1.9: Future neighborhood and community centers to be very accommodating to the pedestrian, and Neighborhood centers should have small clusters of shared parking. The proposed restaurant use on Lot 7 provides more parking than required by the Zoning Code;

however the total of provided parking spaces over Lots 5, 6, and 7 will meet the Zoning Code requirements. The SPBP will construct a narrow landscape buffer along the west side of the lot that will close off access to shared parking with Lots 5 and 6.

10. The request is consistent with the McMahon Marketplace SPS in that the architecture of the proposed restaurant building is consistent with the SPS Architectural Guidelines, and landscaping and signage are consistent with the applicable design standards of the SPS.

RECOMMENDATION – 13EPC-40124 – August 8, 2013 – Site Development Plan for Building Permit

APPROVAL of 13EPC-40124, a request for Site Development Plan for Building Permit, Lots 6 and 7, McMahon Marketplace, located at 5700 McMahon Blvd. NW, between Unser Blvd. and Fineland Dr., based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL –13EPC-40124 – September 12, 2013 – 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. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan.
4. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
5. Provide a cross access agreement between lot 7 and lot 6.
6. Provide a queuing analysis and projected impact on the intersection to justify the additional access proposed on Fineland Drive.
7. Provide a turning template exhibit to demonstrate how delivery vehicles will enter the site from Fineland Dr.
8. If the request for the single ingress access on Fineland Dr. is granted, the configuration of the proposed curb return must be re-designed to further discourage on-site vehicles from attempting to exit through this new access.

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9. A replat of the lots must be a concurrent DRB action.
 10. Vehicular Signage: Provide posted "Do Not Enter" signs in addition to pavement markings at all points of egress of one-way only drive aisles.
 11. Label and dimension all proposed infrastructure.
 12. Please identify all line types and symbol used within the SPBP.
 13. Please provide documentation allowing the encroachment of proposed infrastructure onto Lot 6.
 14. Please remove the pavement marking "Drive Thru" and accompanying directional arrow, from the access road just west of the Fineland Dr. entrance.
 15. Please provide proper striping and signing at the Fineland Dr. entrance per the DPM Ch 23, Sec. 6.10 Curb Cuts and Drivepads.
 16. Revise landscape plans to provide stepping stones within the planter on the west boundary of Lot 7 to enable shared use of parking between Lots 5, 6 and 7.
 17. Please provide a vicinity map on the SPBP.
 18. Show the entire pipe to the terminus of the pond outfall pipe on the Conceptual Grading and Drainage Plan for DRB approval (refer to Keyed Note 2).
 19. Provide drainage easement information for proposed pipe (Keyed Note 2 on Conc. G&D Plan) for DRB approval.
 20. Provide information on the Master Drainage Plan referenced so Hydrology can verify the drainage scheme. The entire site may have to drain to the pond.
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***Chris Glore
Planner***

Notice of Decision cc list:

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Attachments

- 1. August 8, 2013 Staff Report**
2. Additional Staff information:
 - a. Photographs
3. Application:
 - a. Cover Page
 - b. TIS form
 - c. Authorization letter
 - d. Justification letters
4. Neighborhood info/input
 - a. ONC letter
 - b. Applicant letter & certified mail receipts
 - c. Facilitated Meeting Report
 - d. Neighborhood comments/letter
5. Site Plan reductions