



**Environmental
Planning
Commission**

**Agenda Number: 10
Project Number: 1000897
Case #: 14EPC-40027
September 11, 2014**

Supplemental Staff Report

(to be read with the original 6-12-14 report and the 7-10-14 and 8-14-14 Supplemental reports)

Agent	Joshua Skarsgard
Applicant	Red Shamrock Investments LLC
Request	Site Development Plan for Building Permit
Legal Description	Tract B1-A Plat for Video Addition Tracts B1-A & B1-B
Location	On Eubank Blvd. SE, between Central Ave. and Southern Blvd.
Size	Approx. 11.5 acres (larger, existing site) Approx. 1.0 acre (smaller, proposed site)
Zoning	SU-2/EG-C (East Gateway Corridor Zone)

Staff Recommendation

APPROVAL of 14EPC-40027, v.6 of the site development plan for building permit, based on the Findings beginning on Page 3 and the Conditions beginning on Page 4.

Note: The associated request for multiple deviations to the regulatory requirements of the East Gateway Sector Development Plan (EGSDP) was approved at the July EPC hearing. Please refer to the June and July Staff reports for more information (see attachments).

**Staff Planner
Catalina Lehner, AICP- Senior Planner**

Summary of Analysis

This request was continued for 30 days from the August 14, 2014 EPC hearing. About half of the 70 conditions of approval were not addressed during the continuance period (July to August) and the applicant was not present when the case was to be heard.

The EPC approved the associated request for major deviations to the regulatory requirements of the East Gateway Sector Development Plan (EGSDP) at the July 10, 2014 hearing.

Staff reviewed v.6 of the site development plan, the subject of this report, and found that most conditions of approval were incorporated (v.5 had left about half of the conditions unaddressed). Staff prepared a guide to the conditions to demonstrate what has been addressed and what remains (see attachment).

Findings were discussed at the July hearing and should not be revised (except for a minor change based on the site plan update), since this request is dependent upon the already-approved request that contains (almost) identical findings.

Because the associated deviations have already been approved, Staff recommends approval of the site development plan subject to the remaining conditions.



City Departments and other interested agencies reviewed this application from 3/31/14 to 4/11/14. Agency comments used in the preparation of this report begin on Page 24 of the original report.

I. OVERVIEW

Background & Chronology

This request was for multiple (six) deviations from the regulatory requirements of the East Gateway Sector Development Plan (EGSDP) and an associated site development plan for building permit.

It was first heard on June 12, 2014. The Environmental Planning Commission (EPC) voted to continue the hearing for 30 days so Staff could keep working with the applicant to find a “meet in the middle” solution to improve the site layout, decrease the deviations, and come closer to meeting the Plan’s intents. At the July 10, 2014 hearing, Staff presented a viable solution that would have provided a functional, drive-thru restaurant. However, the applicant was not willing to consider a different site layout- mainly due to the stipulations of a restrictive private agreement.

Continuances

At the July hearing, the EPC voted to approve the deviations and to continue the site development plan for building permit for 30 days. The findings, and some conditions, were reviewed and discussed. The EPC directed the applicant to return in August with a “more complete” site development plan that incorporated that the recommended conditions of approval. Approving a site development plan with extensive conditions has been known to contribute to difficulties as a request moves forward.

At the August hearing, however, the applicant was not present when the case was to be heard. Also, Version 5 (v.5) of the site development plan did not incorporate about half (over 40 of the 70) of the recommended conditions of approval, which was supposed to have occurred during the continuance period between the July and August hearings. The conditions were provided at the July 10, 2014 hearing and could easily have been used as a checklist. Therefore, the EPC voted to continue the site development plan for building permit request to the September 11, 2014 hearing.

Request & Status Update

Another updated version of the site development plan (v.6) was submitted; it is the subject of this supplemental Staff report. Staff reviewed it and found that most conditions were addressed this time. However, based on changed information, a few new conditions were added. Others were not addressed adequately and remain.

» Please see Section II of this report for more information.

Much like an SU-1 site development plan, the deviations site development plan is tied to the deviations request; the two are interdependent and ideally should be heard and decided together. However, in this case, the deviations request was approved at the June EPC hearing and the site development plan was continued to allow time for the applicant to address numerous deficiencies.

» Please refer to the June and July Staff reports for information regarding the deviations request (see attachment).

II. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (v.6)

- » Please refer to p. 13-17 of the original, June 12, 2014 Staff report (see attachment) for a discussion of Vehicle Access & Circulation, Setback & the Drive-thru Lane, Parking, Pedestrian & Bicycle, Transit Access, Walls/Fences, Lighting & Security, Landscaping, Outdoor Space, Grading & Drainage Plan, Utility Plan, Architecture and Signage.

Introduction

Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." As such, Staff reviewed the proposed site development plan for building permit (v.6).

In this case, the deviations request is associated with the site development plan. Due to the interdependence of the deviations request and the associated site development plan for building permit, it's critical that the deviations are accurately depicted in the site development plan for building permit.

Content

Staff has carefully reviewed the revised, proposed site development plan (v.6) looking for incorporation of the conditions presented at the July hearing. Most of the conditions have been incorporated; 13 conditions (8 groups) remain. A guide to changes in the conditions of approval, for tracking purposes, is provided as an attachment to this supplemental report.

III. CONCLUSION

The request is for the site development plan for building permit associated with the request for multiple deviations to the regulatory requirements of the EGSDP, for an approximately 1 acre site that is part of a larger, approximately 11.5 acre site located on the east side of Eubank Blvd.

The five deviations, which make the applicant's preferred site layout possible, were approved at the July 10, 2014 hearing, but the site development plan was continued because substantial clean-up was needed. The site development plan was continued for another 30 days at the August 14, 2014 hearing.

Staff reviewed v.6 using the conditions presented at the July hearing and found that most of them have been met. The remaining conditions are provided herein. A guide to changes in the conditions of approval, for tracking purposes, is provided here as an attachment.

The deviations request, upon which the site development plan depends, was already approved. Therefore, given this and the clean-up to v.6, Staff recommends approval subject to the remaining conditions.

FINDINGS – 14EPC-40027, September 11, 2014- Site Development Plan for Building Permit (v.6)

Notes: The Findings are almost the same as those the EPC approved with the deviations request.

Identical language, already discussed at the July 10, 2014 hearing, is in fadeback.

For consistency between these interdependent requests, no changes are needed (except for a minor language change to Finding#9 to reflect site development plan revisions).

1. This request is for a **site development plan for building permit** for an approximately 1 acre portion (the “smaller subject site”) of a larger, approximately 11.5-acre site that is Tract B1-A Plat for Video Addition Tracts B1-A & B1-B of Block A-1-A1 (the “larger subject site”), located on the east side of Eubank Blvd. SE, between Central Ave. and Southern Blvd., zoned SU-2/EG-C (East Gateway Corridor Zone).
2. The subject sites are located in the Established Urban Area of the Comprehensive Plan. The East Gateway Sector Development Plan (EGSDP) applies. The subject sites are not located in a designated Activity Center.
3. The applicant proposes to develop a 4,526 square foot fast-food restaurant with a drive-up service window, on an approximately 1 acre portion of the parking lot of a big-box store.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the City of Albuquerque Zoning Code and the EGSDP are incorporated herein by reference and made part of the record for all purposes.
5. The request generally furthers the following, applicable Comprehensive Plan policies:
 - A. Policy II.B.5i- employment and service use location/adverse effects. The proposed fast-food restaurant would be located away from residential environments in a large commercial area, and therefore would generally not adversely affect them in terms of noise, lighting, pollution and traffic.
 - B. Policy II.B.5j- new commercial development/location: The proposed fast-food restaurant would be located in a larger, area-wide shopping center located at the intersection of arterial streets with access to mass transit.
6. The **proposed site development plan for building permit** is associated with a request for five major deviations from certain regulatory requirements of the EGSDP (14EPC-40025), as follows:
 - A. Commercial & Building Lot standard regarding building front façade lot width coverage (Table 1, #1)
 - B. General Design Regulation regarding building façade at least 50% of street frontage (Table 2, #3)

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- C. General Design Regulation regarding maximum parking allowed- Zoning Code required plus 10% (Table 2, #4)
 - D. General Design Regulation regarding drive-up window and ordering panel location at the rear of a building (Table 2, #5), and
 - E. General Design Regulation regarding no portion of a queuing lane allowed within 40 feet of street-facing façades (Table 2, #6).
7. A Traffic Impact Study (TIS) was not required, but a queuing analysis was. The queuing analysis finds that queuing for the proposed fast-food restaurant could be adequately handled on site.
8. The neighborhood organization required to be notified is the East Gateway Coalition of Neighborhoods, which the applicant notified (and re-notified) as required. Staff re-notified property owners within 100 feet of the subject site and re-advertised the request, as a deviations request, in the Albuquerque Journal. A facilitated meeting was neither recommended nor held. The East Gateway Coalition provided a letter of support. There is no known opposition as of this writing.
9. ~~Several~~ Revisions ~~would be~~ are needed to provide clarification, ensure compliance with applicable regulations, including the Zoning Code, and bring the submittal in line with local standards.

RECOMMENDATION - 14EPC-40027- August 14, 2014- Site Development Plan for Building Permit

APPROVAL of 14EPC-40027, a request for a Site Development Plan for Building Permit associated with the request for deviations to certain regulatory requirements of the East Gateway Sector Development Plan (EGSDP) (14EPC-40025), for an approximately 1 acre portion of a larger, approximately 11.5 acre site, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL – 14EPC-40027, September 11, 2014- Site Development Plan for Building Permit (v.6)

*Notes: Please see attachment for a guide to changes regarding the conditions for v.6 of the site plan. The guide contains ~~strike-through for deletions~~ and **bolding** for new text (modified in response to v.6 of the site development plan). The conditions below are a “clean version” of the guide.*

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. In the event of dispute regarding a condition of approval, the matter shall be clarified at an EPC public hearing prior to proceeding to the DRB.
3. Deviations Table:
 - A. Columns shall be added for “Amount”, “Proposed”, “Difference between Required & Proposed” and “Deviation Classification”.
 - B. The table shall be revised as specified here and shown consistently throughout the submittal.
4. Deviations:

Each deviation shall be numbered and annotated on the site development plan.
5. Pedestrian Connections:

A special paving detail shall be included on the detail sheet.
6. Elevations:
 - A. Windows shall cover a minimum of 40% of the area of the ground story between the sidewalk elevation and 9 feet in height above it (EGSDP) (add note and show **the math**).
 - B. Window(s) shall be added to the blank portion of the western façade to comply with A, above.**
 - C. The Exterior Finishes table shall be re-instated (Sheets 6 & 7).**
7. Signage:
 - A. The square footage of building-mounted signage shall be measured consistently with Zoning Staff practice (ie- draw a rectangle around it).**
 - B. Re-calculate the signage area based on E, above.**
 - C. Add a note that signage in the SU-2/EG-C zone refers to the O-1 zone and the General Signage Regulations, except that letter height is not regulated.**

8. Clean-Up:

A legend, which includes all of the line types and symbols used, shall be added.

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Notice of Decision cc list:

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