



**Environmental
Planning
Commission**

**Agenda Number: 3
Project Number: 1003532
Case #: 10EPC-40064
December 9, 2010**

Staff Report

Agent	Consensus Planning, Inc.
Applicant	G & R Partnership
Request(s)	Site Development Plan for Building Permit
Legal Description	Lot 17-A, Block 9, Tract 2, Unit 3, North Albuquerque Acres
Location	Wyoming Boulevard NE, between Holly Avenue NE and Carmel Avenue NE
Size	Approximately .57 acres
Existing Zoning	SU-2 Mixed Use
Proposed Zoning	No change

Staff Recommendation

APPROVAL of 10EPC 40064, based on the Findings beginning on Page 13, and subject to the Conditions of Approval beginning on Page 15.

Staff Planner

Randall Falkner, Planner

Summary of Analysis

This is a request for a site development plan for building permit. The applicant intends to build a 2368 square foot restaurant with a drive-up lane and service window.

The request for a site development plan for building permit furthers a preponderance of applicable policies found in the Comprehensive Plan and the La Cueva Sector Development Plan. There is no known neighborhood opposition to the request and staff recommends approval with conditions.

Location Map (3" x 3")

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-2 Mixed Use	Developing Urban La Cueva Sector Development Plan	Vacant
North	SU-2 Mixed Use	”	Bank; further north is North Domingo Baca Park & Multi-Generational Center
South	SU-2 Mixed Use & C-1	”	Smith’s Fueling Station, further south is Paseo Village Shopping Center (Commercial)
East	C-2 (SC)	”	Vacant; La Cueva Town Shopping Center (Commercial)
West	SU-2 Mixed Use	”	Vacant

II. INTRODUCTION

Proposal

This is a request for a site development plan for building permit for Lot 17-A, Block 9, Tract 2, Unit 3, North Albuquerque Acres. The property is located on the west side of Wyoming Boulevard, between Holly and Carmel Avenues. The applicant intends to build a 2368 square foot restaurant with a drive-up lane and service window. A drive-up service window is a conditional use in the C-1 zone; however, the applicant has received a variance from the Zoning Hearing Examiner for a drive-up service window, as well as a variance for lot size (see History Section on page 2 of the staff report for details).

The site is located in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva Sector Development Plan (LCSDP). The site is zoned SU-2 Mixed Use. The provisions of the C-1 zone apply in areas that are zoned SU-2 Mixed Use.

The EPC is hearing the case because a site development plan and landscaping plan approved by the EPC are required for all SU-2 zoned properties in the La Cueva Sector Development Plan.

Context

The subject site is surrounded by commercially zoned properties. To the immediate north is the Bank of Albuquerque, while further north is North Domingo Baca Park and the Multi-

Generational Center. To the south are various commercial businesses, to the east is the La Cueva Town Shopping Center, which includes a variety of commercial businesses, including a Smith's Food and Drug Center, an Office Max and various other businesses. To the west is vacant land with similar zoning as the subject site. The site has excellent views to the Sandia Mountains to the east and to the West Mesa to the west. The proposed building will not significantly impede views to the east or west. The height of the building (26') is much less than what is allowed in the LCSDP (36'). The applicant has provided a view analysis, as required in the LCSDP. The site has multiple entrances to the site to help minimize the harmful effects of traffic.

History

On October 19, 2010 the City's Zoning Hearing Examiner approved special exceptions for the subject site (Lot 17-A) to allow a drive-up service window (10ZHE-80317) and a lot size variance of 1.18 acres to the 1.75 acre requirement for a proposed drive-up facility (10ZHE-80315). The Notices of Decision (NOD) for both special exceptions are included in the applicant support material of this staff report.

On July 2010 the EPC approved a site development plan for subdivision (10EPC 40036) which reconfigured vertical Lots 17 and 18 into two horizontal lots, Lot 17-A (the subject site) and 17-B. This request was accompanied by a site development plan for building permit (10EPC 40035) that was also approved by the EPC (which consisted of a Smith's fuel station).

On November 19, 2009, the EPC denied a request for zone map amendment (09EPC 40034) from SU-2 Mixed Use to SU-2/SU-1 for Drive-in Restaurant and Mixed Use, and a request for a site development plan for building permit (09EPC 40028). The request was to allow a drive-in restaurant, which is not allowed under the current zoning. The provisions of the C-1 zone in the City Zoning Code apply in areas that are zoned SU-2 Mixed Use in the La Cueva Sector Development Plan. The EPC denied the case because the applicant did not sufficiently meet the policies found in R270-1980 and the request did not further a preponderance of Goals and Policies in the Comprehensive Plan or the LCSDP.

Prior to the existing zoning (SU-2 Mixed Use) the site was temporarily zoned R-D (Residential and Related Uses Zone) until the adoption of the LCSDP. The SU-2 Mixed Use zoning was approved in June 2000 as a result of the adoption of the LCSDP.

Transportation System

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

The Long Range Roadway System designates Wyoming Boulevard north of Paseo del Norte as an Urban Collector, with a right-of-way of 156'.

Holly and Carmel Avenues are major local streets.

There is an existing bicycle lane and multi-use trail on Wyoming Boulevard north of Paseo del Norte.

Bus routes #31 (Wyoming) and #98 (Wyoming Commuter) pass by the site on Wyoming Boulevard NE. The nearest bus stop is along Wyoming Boulevard adjacent to Lot 17.

Wyoming Boulevard is designated as an Enhanced Transit Corridor per the Comprehensive Plan. According to the model hierarchy for Enhanced Transit found in the Transportation and Transit Table 11 Policy a. Corridor Policies (page II-83 of the Comprehensive Plan) Transit & Autos is first, followed by Pedestrians, and then Bikes. The site is accommodating to both automobiles and pedestrians and also allows connections to the transit stop along Wyoming Boulevard.

Public Facilities/Community Services

The North Domingo Baca Community Park is within ½ mile of the subject site. The Park includes a City Fire Station and a mini Police Substation. Other public facilities are shown on the attached Public Facilities Map.

III. ANALYSIS

Albuquerque Comprehensive Zoning Code

The SU-2 zone allows a mixture of uses controlled by a Sector Development Plan, which specifies new development and redevelopment which is appropriate to a given neighborhood, when other zones are inadequate to address special needs. The request is located in the La Cueva Sector Development Plan. The specific zoning for the site is SU-2 Mixed Use, which is intended to provide the community with a mix of mutually-supporting retail, service, office and residential uses. The provisions of the C-1 zone in the City Zoning Code apply in areas mapped SU-2 Mixed Use on the zoning map. The subject site does not abut a residentially zoned property. The proposed use (which includes a drive-up service window and reduced lot size) requires a special exception from the ZHE, which was already obtained on October 19, 2010.

Specialized Impact Analysis

A Traffic Impact Study (TIS) was completed most recently in July 2004. According to the TIS form, a new TIS is not currently needed because it does not meet the threshold. However, the neighborhood has asked that the subject site be included in the Neighborhood Traffic Study (NTS) that has been requested for the Smith's Fuel Center that is located immediately to the south of the subject site.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

Request

This is a request for a site development plan for building permit for Lot 17-A, Block 9, Tract 2, Unit 3, North Albuquerque Acres. The applicant intends to build a 2368 square foot restaurant with a drive-up lane and service window.

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque / Bernalillo County Comprehensive Plan

Policy citations are in italics; applicant's justification is in Regular Text; staff analysis is in bold italics

The subject site is located in the area designated Developing Urban by the Comprehensive Plan with a Goal to "create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." Applicable policies include:

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

The location, intensity and design of the Twisters Restaurant respects neighborhood values, natural environmental conditions and carry capacities, and scenic resources. The building is a modest 2,368 square feet and is located on a .5 acre lot in a commercial area. The overall height of the building is 20 feet and has architectural features that extend to 26 feet. This is well below the 36 feet allowed by the La Cueva SDP. The Site Plan for Subdivision and the subdivision plat that went through DRB created this lot and created access to the lot through private and public access easements. The light fixtures are full cut-off and are 16 feet in height.

The request is in accord with surrounding neighborhood values, natural environmental conditions, carrying capacities, and scenic resources. The design is consistent with the LCSDP. The highest point of the building is 26'. This is below the 36' allowed in the LCSDP. The lighting consists of full cut-off fixtures that are 16' in height. The subject site is surrounded by vacant, office, and commercial land uses. There are no residential neighborhoods in close proximity to the proposed restaurant. The closest single-family home is approximately 500' to the west and multi-family housing is located approximately 375' to the northeast. The request furthers Policy II.B.5d.

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

This property is in an area identified as a Community Activity Center. It is adjacent to existing and programmed urban facilities including the major roadway system, water and sanitary sewer systems, and bus service. It is not adjacent to residential development or existing neighborhoods.

This is an infill site between an existing bank (with drive through lanes) and an EPC approved fueling station. The Twisters is a locally owned and operated business which provides yummy

burritos to Albuquerque residents. The project is designed to provide another eating option to residents of the area on their way out to work in the morning.

Full urban services are available to the surrounding properties. The request will provide for the daily service of convenience goods and personal services for the surrounding neighborhood, and infill development on a vacant portion of land. The design of the site ensures the integrity of existing neighborhoods. The request furthers Policy II.B.5e.

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

The project will add an employment and service use in this growing community of North Albuquerque Acres. The use and the modest size of the building will have no adverse impact whatsoever on residential environments since it is surrounded by commercial uses on the north, south, and east, and the project's design elements meet lighting and noise requirements. The order board is located more than 75 feet from a residentially zoned property. To the west is vacant land zoned for mixed use. The traffic generated by this use is minimal, particularly in comparison to the fueling station on Lot 17-B. The project provides landscaping in significant excess of the City's minimum requirement for 15% of the net site area.

The request will complement residential areas by offering an employment and service use that meets the needs of the area's growing population. The request has been designed to minimize the adverse effects of noise, lighting, pollution, and traffic on residential environments. A proposed light pole will be 16' in height with a cut-off angle that will not directly shine on any residential property. Abundant landscaping that exceeds the City's minimum 15% requirement will help to screen the restaurant and any noises that may come from the site. The site can be accessed from Wyoming Boulevard to the north via a east-west public access easement and from another public access easement on the west side of the site that runs north-south to connect Carmel Avenue and Holly Avenue. The request furthers Policy II.B.5i.

Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

The Site Plan for Subdivision which created Lots 17-A and 17-B was designed to disperse traffic by allowing a variety of routes to this property and the fueling station. The Site Plan for Subdivision approved for this property established access via public and private access easements in three directions for this property: a public access easement running along the west side of the property extends south from Carmel Avenue, a private access easement on the east side of the property extends west from Wyoming, and a private access easement runs between Lots 17-A and 17-B. There are no residential neighborhoods adjacent to Lot 17-A, and the closest residential development is a single property over 300 feet to the west.

The subject site is adjacent to Wyoming Boulevard (an Urban Collector at this specific location) and has been designed to minimize the harmful effects of traffic by allowing for a variety of travel routes to the proposed restaurant. The site can be accessed from Wyoming Boulevard via an existing east-west public access easement and by existing north-south public access easements on the east and west sides of the site that connects Holly Avenue and Carmel Avenue. The subject site does not abut any residential neighborhoods. The closest single-family residential lot is a single property that is approximately 500' to the west, which is separated by lots 19 and 20. Multi-family housing is located approximately 375' to the northeast. The request furthers Policy II.B.5k.

Policy II.B.5m: Urban and site design which maintains and enhances unique vistas and improves the quality of the environment shall be encouraged.

The height of the building is 20 feet to the top of the parapets, and the architectural towers go to 26 feet. The La Cueva Sector Plan allows building heights up to 36 feet. The project contains landscape that is significantly above the City's minimum standard and contains a wide variety of trees, shrubs, groundcovers, and grasses, which are coordinated with the existing landscape at the Bank of Albuquerque to the north and the planned landscape for the fueling station to the south.

The tallest point of the building is the architectural tower (26') which is considerably less than what is allowed in the LCSDP (36'). The request does not necessarily enhance unique vistas, but neither does it significantly impede views in any direction. The request partially furthers Policy II.B.5m.

Activity Centers

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

Policy II.B.7a: Existing and proposed Activity Centers are designated by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services.

The property is located within the La Cueva Community Activity Center. Restaurants are a desirable use in a Community Activity Center. The site design is accommodating to pedestrians by connecting the building entrance to the public sidewalk along Wyoming Boulevard and providing a 360 square foot plaza area with tables and seating that is visible from the roadway. The site is also accessible by transit and a bus shelter is adjacent. While the drive through service window is an auto-related element of this use, Twisters does not attract the level of drive through customers common to a McDonalds or Burger King. The North Domingo Baca Multi-

Generation Center and Community Park is north of Carmel Avenue, and it is anticipated that a certain amount of Twisters' customers will be walking from that location.

The subject site is located within the La Cueva Community Activity Center. A restaurant is a typical use in an Activity Center. Policy a in the table states that an Activity Center should be "very accessible by automobile" and "the interior of the center should be very accommodating to the pedestrian. . ." The request does not jeopardize the policy for Activity Centers because the proposed use will be located at the edge of the Activity Center and it is very accessible by automobile. Pedestrians will have access to both Wyoming Boulevard and Holly Avenue and to the existing bus stop on Wyoming; however, the site is not very accommodating to the pedestrian, because the site is primarily auto oriented. The request partially furthers Policy II.B.7a.

Policy II.B.7f: The most intense uses in Activity Centers shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intensive development.

Policy II.B.7f was not cited by the applicant; however, planning staff believes that it applies to the request.

The subject site is surrounded by a variety of land uses, including commercial, office, and vacant. The site does not abut any residential neighborhoods and is located away from low-density residential development. The closest single-family residential property is approximately 500' to the west, and is separated from the site by lots 19 and 20. Lots 19 and 20 (currently vacant) would act as a buffer for the proposed restaurant to the east. The nearest multi-family neighborhood is approximately 375' from the subject site. The site is also buffered from residential area by other commercial areas to the north, south, and east. The request furthers Policy II.B.7f.

La Cueva Sector Development Plan (Rank III)

The La Cueva Sector Development Plan (LCSDP) was approved in 2000 and revised in 2003 to expand the boundaries of the plan area to incorporate annexed areas. The LCSDP encompasses 656 acres in the North Albuquerque Acres portion of the North Albuquerque Community. The plan area's general boundaries are Louisiana Boulevard to the west, Florence Avenue to the north, Ventura to the east, and Paseo del Norte to the south. The LCSDP provides guiding principles and Design Regulations for all SU-2 zoned properties. The site plan has been reviewed against the LCSDP and found to comply with the design regulations. The applicant did not cite any of the guiding principles of the LCSDP; however, planning staff believes the following guiding principles apply:

Guiding Principles, 1.3, bullet 4 (page 4). Land uses that are compatible with existing development:

The request for a restaurant would be compatible with existing development, which consists primarily of commercial and office uses. The La Cueva Town Center to the east contains a number of commercial businesses. A development to the south contains various commercial offices, while the property to the north is a bank, and further north is a city park. The land to the immediate west is zoned for commercial uses and is currently vacant. The request furthers guiding principle 1.3, bullet 4 of the LCSDP.

Guiding Principles, 5.1, Bullet 2 (page 25). The plan area is intended to be urban, with a mix of residential densities and a variety of retail and service businesses to meet the needs of the area's growing population.

The request for a restaurant would add to the variety of retail and service businesses to meet the needs of the area's growing population. The request furthers guiding principle 5.1, bullet 2 of the LCSDP.

Guiding Principles, 5.1, Bullet 7 (page 25). The north side of the Wyoming/Paseo del Norte intersection is suitable for development as a "Community Activity Center" because of its proximity to schools, parks, trails, shopping, and public services.

The request for commercial development is located in the La Cueva Community Activity Center, and is suitable for development because of its proximity to schools, parks, trails, shopping, and public services. The La Cueva Towne Center is located to the east, to the immediate north is a bank and further north is the multigenerational center and La Cueva High School. To the south are various commercial developments. There is an existing bicycle lane and multi-use trail on Wyoming Boulevard north of Paseo del Norte. The request provides commercial development in a Community Activity Center that is surrounded by schools, parks, trails, shopping, and public services. The request furthers guiding principle 5.1, bullet 7 of the LCSDP.

Guiding Principles, 5.1, Bullet 8 (page 25). The North Albuquerque Community has identified "views" and "open space" as two valuable assets that identify the area.

The applicant has provided a view analysis (as required in the LCSDP) that shows views towards the Sandia Mountains and the West Mesa will not be harmed. The height of the building is shown to be 20' with some 26' architectural towers. This is less than what is allowed by the LCSDP (36'). Views and open space are valuable assets that are protected by the request. The request furthers guiding principle 5.1, bullet 8 of the LCSDP.

Guiding Principles, 5.1, Bullet 9 (page 25). Existing development has begun to create an identity for the plan area based on architectural styles, quality of design and compatibility with the natural landscape. The community is looking to the plan to solidify this identity by requiring compatible new development.

The design of the proposed restaurant is compatible with the surrounding commercial development and with the natural landscape. The building materials and colors of the restaurant are medium and light tan stucco and light brown stone veneer, which are compatible with building materials and colors of the La Cueva Shopping Center, the fuel center, the bank, and the natural landscape. The request furthers guiding principle 5.1, bullet 9 of the LCSDP.

LCSDP Design Regulations

The site plan has been reviewed against the LCSDP and found to comply with the design regulations, with the exception of 8R-4 (Maintenance of public open space amenities shall be the responsibility of the property owner), which is addressed through a condition of approval. Another condition requiring a notation on the submittal indicating that the site will comply with the Lighting Design Regulations of the La Cueva Sector Development Plan and the Zoning Code has been added to ensure conformity with lighting regulations.

However, while the design regulations are generally in compliance, some of them may be open to discussion. Design Regulation 3R-2 states “Structures and on-site circulation systems shall be designed to minimize pedestrian/vehicle conflicts.” Design Regulation 3R-6 states “All drive-up facilities shall be designed to minimize the conflict between pedestrians and automobiles. Drive-up facilities shall be located away from the main retail areas, pedestrian areas, and plazas. Drive-up facilities shall be covered with canopies to mitigate the impact of noise and odors.” The site is primarily auto-oriented; however, the site has been designed to provide pedestrian circulation throughout the site as well as connections to public sidewalks and transit stops. The applicant has provided raised colored concrete pedestrian pathways in order to minimize pedestrian/vehicle conflicts. The drive-up facility has been located away from pedestrian areas and plazas to the extent possible considering the tight nature of the small site. The applicant has provided canopies on the north, south, and east sides of the building to help mitigate the impact of noise and odors. Design Regulation 3R-4 states “A 15-foot sidewalk shall be provided along the entire entry façade of all buildings. Shading shall be provided along the façade using canopies, portals or shade trees spaced at 25 feet. The sidewalk area should be predominantly a walkable surface, although shade structures, landscaping and seating may be placed within this area.” The applicant has provided a sidewalk on the eastern entry facade that meets the minimum 15’ sidewalk requirement (approximately 28’ wide). The applicant has used shade canopies on the eastern side of the building and has also provided umbrellas to cover the seating areas.

Design Regulation 5R-8 states that “No generic prototypical architecture is allowed. Design is contextual to its surroundings.” Twisters’ restaurants generally occupy existing buildings and as a result do not have a prototypical design. This particular restaurant has been designed with light and medium tan stucco and light brown stone veneer in order to be compatible with the surrounding development.

Site Plan Layout / Configuration

The request for a 2368 square foot restaurant with a drive-up lane and service window is compatible with surrounding development. Drive-up uses have been clustered together in this northwest portion of the La Cueva Community Center. The bank to the north has drive-up services and the fuel center to the south is primarily a drive-up related business. The subject site is surrounded by commercial uses on the north, south, and east sides, and vacant land to the west is zoned SU-2 Mixed Use. The primary façade faces east towards Wyoming Boulevard. Parking is located on the front (east) and side (north) of the building. The dumpster is located towards the back of the site (west), away from Wyoming Boulevard. The drive-up lane and service window is located on the south side of the building. The height of the building is between 20' and 26', which is well below the 36' that is allowed in the LCSDP. On October 19, 2010 the City's ZHE approved conditional uses to allow a drive-up service window (10ZHE-80317) and a lot size variance of 1.18 acres to the 1.75 acre requirement for a proposed drive-up facility (10ZHE-80315).

Public Outdoor Space

An open space patio area (470 s.f.) is located at the front (east) of the building. The patio area is approximately 28' wide including the landscaping area in the middle. The location of the patio provides easy access for pedestrians walking to the site along the east-west sidewalk (connecting the front of the building with the public sidewalk along Wyoming Boulevard). The patio area contains two separate tables with seating. Both tables contain umbrellas, which will provide shade for customers and employees. The building itself will provide additional shade for the public outdoor space (east of the building) in the afternoon.

Walls/Fences

There are no walls or fences proposed at the subject site.

Vehicular Access, Circulation and Parking

Vehicles can access the site by Wyoming Boulevard and an existing east-west access easement and by either Holly Avenue or Carmel Avenue and two existing north-south access easements (one on the east side of the site and the other on the west side). The fuel station to the south also uses the existing north-south access easements.

Wyoming Boulevard is projected to be widened in the future. The proposed widening of Wyoming Boulevard would reconfigure the existing public sidewalk, bus stop, and a portion of the proposed landscaping and proposed sidewalk that is currently within the right-of-way.

A TIS was completed most recently in July 2004. According to the TIS form, a new TIS is not currently needed because it does not meet the threshold. However, the following condition on the fuel station site (10EPC 40035) in July 2010 states "The applicant, in coordination with the area Neighborhood Associations, shall request the City's traffic operations division to investigate the addition of a traffic signal at the intersection of Holly and Wyoming or a median closure on Wyoming at Holly and the undertaking of a neighborhood area traffic study." A letter from the

Heritage Hills Neighborhood Association asks that “this proposed property (the subject site) be included in the Traffic Impact Study (TIS) that has been requested for the Smith’s Fuel Center that is to be located immediately adjacent to this restaurant” (letter from Heritage Hills N.A. is included in the neighborhood information portion of the staff report).

The site is providing 14 parking spaces, while 12 are required. Disabled, motorcycle, and bicycle parking is provided and is in compliance with Zoning Code requirements.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian access is provided on the site with sidewalks on the front (east) and side (north) of the building. The sidewalk on the side (north) of the building is 8’ wide, while the sidewalks on the front (north) of the building are approximately 28’ wide. The sidewalk on the front of the building extends east to the existing public sidewalk along Wyoming Boulevard and provides pedestrians access to the existing bus stop. Bus routes #31 (Wyoming) and #98 (Wyoming Commuter) pass by the site on Wyoming Boulevard NE. A bicycle rack that accommodates 7 spaces is provided on the northwest side of the building. There is an existing bicycle lane and multi-use trail on Wyoming Boulevard north of Paseo del Norte.

Lighting and Security

Wall mounted light fixtures are provided on all sides of the building. Pole mounted light fixtures (16’ in height) are provided throughout the site. A notation is required on the submittal indicating that the site will comply with Section 14-16-3-9, Area Lighting Regulations of the Zoning Code and with the Lighting Design Regulations of the La Cueva Sector Development Plan. Lights need to be positioned to not conflict with landscaping.

Landscaping

Abundant landscaping has been provided on the site. The applicant is required to provide landscaping on 15 percent of the net lot area, but is providing 30 percent (45 percent if Right-of-Way is counted). The applicant shall show the size of all proposed landscaping at the time planting. The size at time of planting needs to meet the minimum acceptable sizes for landscaping, including the following: trees shall be 10 feet in height or two inches in caliper measured six inches above grade; shrubs and low-growing evergreens shall be one gallon; and ground cover and turf shall be adequate to provide general ground coverage within one growing season after planting (Section 14-16-3-10 (F)). The Public Service Company of New Mexico has recommended that certain tree selections along Wyoming Boulevard be revised to specify trees that would reach a maximum mature height of 25 feet.

Grading, Drainage, Utility Plans

The site slopes from east to west. Site drainage will flow to the west and exit the site via the common access easement draining to Holly Avenue. Proposed water and fire lines will connect to existing lines along Holly Avenue.

Architecture

The exterior of the building will be light and medium tan stucco with a light brown stone veneer trim along the bottom. The building will also contain dark bronze pre-finished corrugated shade canopies and bronzed framed windows with tinted glass. The building is 76' in length on the north and south sides and 42'4' on the east and west sides.

Signage

The applicant is requesting multiple (3) wall signs on the front (east) elevation that faces Wyoming Boulevard. A wall sign is also proposed on the sides (north and south) of the building. The provisions of the C-1 zone apply in this area which is mapped SU-2 Mixed Use. There is no limit on the number of wall signs in the C-1 zone. The proposed signage meets all the signage regulations of the C-1 Zoning Code and the LCSDP. None of the individual letter sizes on the wall signs exceed the 2' maximum in the LCSDP. No free-standing monument signs are proposed.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

City Departments and other interested agencies reviewed this application from 11/1/2010 to 11/12/2010. Agency comments begin on page 16. Significant comments were received from the following agencies: Zoning Enforcement, City Engineer, Police Department, and the Public Service Company of New Mexico.

Neighborhood/Public

The Office of Neighborhood Coordination has determined that the Neighborhood and/or Homeowner Associations and Coalitions affected by this request include the following: North Domingo Baca N.A., Nor Este N.A., La Cueva Village N.A., and District 4 Coalition of N.A.'s. A facilitated meeting was not recommended by the Office of Neighborhood Coordination for this site for the EPC project; however, a facilitated meeting was held on October 1, 2010 at the Covenant United Methodist Church that was related to the ZHE special exception hearings. Those attending the meeting agreed that the proposed project was a good use of the small space. According to residents, the main concern about this area was the need for a larger analysis of traffic in the area generated by new commercial uses (see Facilitated Meeting Report in the neighborhood information portion of the staff report).

V. CONCLUSION

This is a request for a site development plan for building permit for Lot 17-A, Block 9, Tract 2, Unit 3, North Albuquerque Acres. The property is located on the west side of Wyoming Boulevard, between Holly and Carmel Avenues. The applicant intends to build a 2368 square foot restaurant with a drive-up lane and service window.

The request for a site development plan for building permit furthers a preponderance of applicable policies found in the Comprehensive Plan and the La Cueva Sector Development Plan. There is no known neighborhood opposition to the request and staff recommends approval with conditions.

FINDINGS – 10EPC 40064, December 9, 2010, Site Development Plan for Building Permit

1. This is a request for a site development plan for building permit for Lot 17-A, Block 9, Tract 2, Unit 3, North Albuquerque Acres. The property is located on the west side of Wyoming Boulevard, between Holly and Carmel Avenues.
2. The applicant intends to build a 2368 square foot restaurant with a drive-up lane and service window.
3. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The site is located within the Developing Urban area of the Comprehensive Plan and within the boundaries of the La Cueva Sector Development Plan.
5. The subject site is zoned SU-2 Mixed Use per the La Cueva Sector Development Plan. The provisions of the C-1 zone apply in areas that are zoned SU-2 Mixed Use. On October 19, 2010 the City's Zoning Hearing Examiner (ZHE) approved special exceptions to allow a drive-up service window (10ZHE-80317) and a lot size variance of 1.18 acres to the 1.75 acre requirement for a proposed drive-up facility (10ZHE-80315).
6. Development on the site is subject to the regulations of the SU-2 Mixed Use zone and the "Common Design Regulations for all SU-2 zoned properties" in the La Cueva Sector Development Plan. Approval of a site development plan and landscape plan by the EPC is required.
7. The subject site was included in a Traffic Impact Study (entitled Plaza @ La Cueva Wyoming and Paseo del Norte), dated July 29, 2004, that was reviewed by City Transportation Staff.
8. The request furthers the following Developing and Established Urban policies in the Comprehensive Plan:
 - a. Policy II.B.5d – The request is in accord with surrounding neighborhood values, natural environmental conditions, carrying capacities, and scenic resources. The subject site is surrounded by vacant, office, and commercial land uses. There are no residential neighborhoods in close proximity to the proposed restaurant.

- b. Policy II.B.5e – Full urban services are available to the surrounding properties. The request will provide for the daily service of convenience goods and personal services for the surrounding neighborhood, and infill development on a vacant portion of land.
 - c. Policy II.B.5i – The request will complement residential areas by offering an employment and service use that meets the needs of the area’s growing population. The request has been designed to minimize the adverse effects of noise, lighting, pollution, and traffic on residential environments.
 - d. Policy II.B.5k – The subject site is adjacent to Wyoming Boulevard (a principal arterial street) and has been designed to minimize the harmful effects of traffic by allowing for a variety of travel routes to the proposed restaurant.
 - e. Policy II.B.7f – The subject site is surrounded by a variety of land uses, including commercial, office, and vacant. The site does not abut any residential neighborhoods and is located away from low-density residential development.
9. The request furthers the following Guiding Principles of the LCSDP:
- a. Guiding Principles, 1.3, Bullet 4 – The request for a restaurant would be compatible with existing development, which consists primarily of commercial and office uses.
 - b. Guiding Principles, 5.1, Bullet 2 – The request for a restaurant would add to the variety of retail and service businesses to meet the needs of the area’s growing population.
 - c. Guiding Principles, 5.1, Bullet 7 – The request for commercial development is located in the La Cueva Community Activity Center, and is suitable for development because of its proximity to schools, parks, trails, shopping, and public services.
 - d. Guiding Principles, 5.1, Bullet 8 – Views and open space are valuable assets that are protected by the request. The applicant has provided a view analysis (as required in the LCSDP) that shows views towards the Sandia Mountains and the West Mesa will not be harmed. The height of the building is shown to be 20’ with some 26’ architectural towers. This is less than what is allowed by the LCSDP (36’).
 - e. Guiding Principles, 5.1, Bullet 9 – The design of the proposed restaurant is compatible with the surrounding commercial development and with the natural landscape. The building materials and colors of the restaurant are medium and light tan stucco and light brown stone veneer, which are compatible with building materials and colors of the La Cueva Shopping Center, the fuel center, the bank, and the natural landscape.
10. The request has been reviewed against the LCSDP and found to comply with the design regulations, with the exception of 8R-4 (Maintenance of public open space amenities shall be the responsibility of the property owner), which is addressed through a condition of approval. Another condition requiring a notation on the submittal indicating that the site will comply with

the Lighting Design Regulations of the La Cueva Sector Development Plan has been added to ensure conformity with lighting regulations.

11. There is no known neighborhood or other opposition.

RECOMMENDATION - 10EPC 40064, December 9, 2010, Site Development Plan for Building Permit

APPROVAL of 10EPC 40064, a site development plan for building permit, for Lot 17-A, Block 9, Tract 2, Unit 3, North Albuquerque Acres, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 10EPC 40064, December 9, 2010, 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. Lighting/Security:
 - a. A notation is required on the submittal indicating that the site will comply with Section 14-16-3-9, Area Lighting Regulations of the Zoning Code, and with the Lighting Design Regulations of the La Cueva Sector Development Plan.
 - b. Lights shall be positioned to not conflict with landscaping.
4. The size at time of planting shall meet the minimum acceptable sizes for landscaping, including the following: trees shall be 10 feet in height or two inches in caliper measured six inches above grade; shrubs and low-growing evergreens shall be one gallon; and ground cover and turf shall

be adequate to provide general ground coverage within one growing season after planting (Section 14-16-3-10 (F)).

5. A notation is required on the submittal indicating that the site will comply with 8R-4 (Maintenance of public open space amenities shall be the responsibility of the property owner).
6. The site development plan shall comply with all design regulations of the La Cueva Sector Development Plan.
7. Conditions from Public Service Company of New Mexico:
 - a. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
 - b. It is necessary to coordinate with PNM's New Service Delivery Department regarding proposed tree location and height, sign location and height, and lighting height in order to ensure sufficient safety clearances. It is recommended that certain street tree selections along Wyoming Blvd. NE be revised to specify trees that would reach a maximum mature height of 25 feet.
 - c. Screening should be designed to allow for access to electric utility facilities. It is necessary to provide adequate clearance of ten feet in front and at least 5 feet on the remaining three sides surrounding all ground-mounted equipment for safe operation, maintenance and repair purposes.
8. Conditions from City Engineer, Municipal Development and NMDOT:
 - a. 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).
 - b. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for.
 - c. Provide cross access agreements with adjacent property owners.
 - d. Increase 12' drive-thru lane to 14'. Provide drive-thru only pavement markings and signage at entrance to drive-thru lane.
 - e. For median adjacent to drive-thru lane, provide 15' radii at east end.
 - f. If the DRB has signed off on the site plan request and the proposed access easement has been approved and recorded as final, then label proposed fueling station as approved and proposed access easement as existing.
 - g. Site plan shall comply and be designed per DPM Standards.

Randall Falkner
Planner

cc: G & R Partnership, 425 Eubank Boulevard NE, Albuquerque, NM 87123
Consensus Planning, Inc., 302 Eighth Street NW, Albuquerque, NM 87102
Jeff Peterson, 7800 Eagle Rock Avenue NE, Albuquerque, NM 87122-2723
Joe Yardumian, 7801 R.C. Gorman Avenue NE, Albuquerque, NM 87122-2748
Judie Pellegrino, 8515 Murrelet NE, Albuquerque, NM 87113
Erik Bose, 7200 Peregrine NE, Albuquerque, NM 87113
Amy Whitling, P.O. Box 91343, Albuquerque, NM 87199-1343
Erica Vasquez, P.O. Box 92315, Albuquerque, NM 87199

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

The subject site is located within the La Cueva Sector Development Plan and must adhere to the regulations found within that plan.

- The application and the legal advertisement specifies the site is zoned SU-1 for Mixed Uses and needs to be changed to reflect that the site is zoned SU-2 for Mixed Uses.
- A notation is required on the submittal indicating that the site will comply with Section 14-16-3-9, Area Lighting Regulations of the Zoning Code.

Office of Neighborhood Coordination

Nor Este Neighborhood Association (R)

North Domingo Baca Neighborhood Association (R)

District 4 Coalition of NA's

Long Range Planning

Transportation Development (City Engineer/Planning Department):

- 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).
- All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for.
- Provide cross access agreements with adjacent property owners.
- Increase 12' drive-thru lane to 14'. Provide drive-thru only pavement markings and signage at entrance to drive-thru lane.
- For median adjacent to drive-thru lane, provide 15' radii at east end.
- If the DRB has signed off on the site plan request and the proposed access easement has been approved and recorded as final, then label proposed fueling station as approved and proposed access easement as existing.
- Site plan shall comply and be designed per DPM Standards.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no adverse comments.

Transportation Planning (Department of Municipal Development):

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

Traffic Engineering Operations (Department of Municipal Development):

- *No comments received.*

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT

and NMDOT:

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

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- b. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for.
- c. Provide cross access agreements with adjacent property owners.
- d. Increase 12' drive-thru lane to 14'. Provide drive-thru only pavement markings and signage at entrance to drive-thru lane.
- e. For median adjacent to drive-thru lane, provide 15' radii at east end.
- f. If the DRB has signed off on the site plan request and the proposed access easement has been approved and recorded as final, then label proposed fueling station as approved and proposed access easement as existing.
- g. Site plan shall comply and be designed per DPM Standards.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Reviewed, no objection. Request does not affect our facilities.

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

Proposed lighting and landscaping appear to be in conflict. Recommend not placing large variety trees in the same general area/parking lot islands as proposed pole lights.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Must comply with all of SWMD ordinance, call for detail 761-8336

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

<p>Project # 1003532 10EPC-40064 SITE DEVELOPMENT – BUILD PRMT.</p>	Adjacent and nearby routes	Routes #31 and #98, Regular Wyoming route and Commuter Wyoming route pass the site on Wyoming.
	Adjacent bus stops	Bus Stop with LAMAR shelter serving the above-mentioned route, in south bound direction is located 90’ north of Holly adjacent to the property.
	Site plan requirements	None.
	Large site TDM suggestions	N/A
	Other information	None.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

Albuquerque Acres Unit 3, Lot 17-A, Block 9, is located on Wyoming Blvd NE between Holly NE and Carmel NE. The owner of the above property requests a Site Development Plan for Building Permit for a development that will consist of a Twisters Restaurant. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

Wyoming Blvd has been identified as an ITS Corridor in the AMPA Regional ITS Architecture and ITS Corridor Map.

For informational purposes, the functional classification of this section of Wyoming Blvd is that of urban collector, as per the Current Roadway Functional Classification System Map.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

As a condition, it is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.

PNM has existing overhead distribution facilities along the west side of Wyoming Blvd. at this site. As a condition, it is necessary to coordinate with PNM's New Service Delivery Department regarding proposed tree location and height, sign location and height, and lighting height in order to ensure sufficient safety clearances. It is recommended that certain street tree selections along Wyoming Blvd. NE be revised to specify trees that would reach a maximum mature height of 25 feet.

Screening should be designed to allow for access to electric utility facilities. It is necessary to provide adequate clearance of ten feet in front and at least 5 feet on the remaining three sides surrounding all ground-mounted equipment for safe operation, maintenance and repair purposes.