



Environmental Planning Commission

Agenda Number: 4
Project Number: 1000897
Case #: 14EPC-40025 & 14EPC-40027
May 8, 2014

Staff Report

Agent	Joshua Skarsgard
Applicant	Red Shamrock Investments LLC
Requests	Zone Map Amendment (Zone Change) 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	≈11.5 acres (larger site) ≈1.0 acre (smaller site- not yet created)
Existing Zoning	SU-2/EG-C (East Gateway Corridor Zone)
Proposed Zoning	SU-1 for C-1 Uses Restaurant with Drive-up Service Window

Staff Recommendation

DEFERRAL of 14EPC-40025 and 14EPC-40027 at the request of the applicant. Findings are on Page 2.

Staff Planner
Catalina Lehner, AICP- Senior Planner

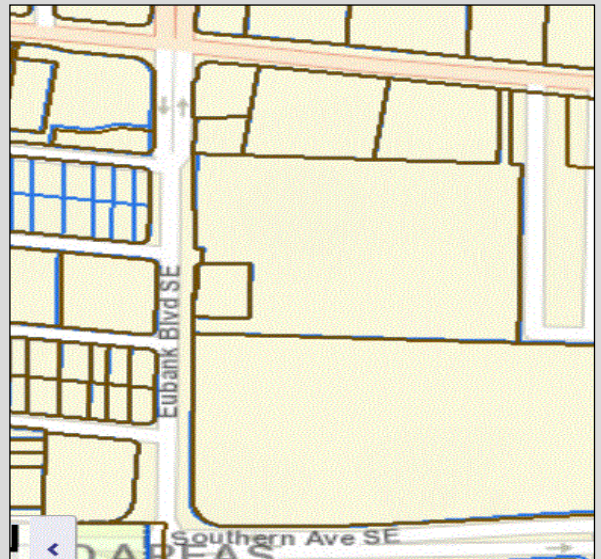
Summary of Analysis

The proposal is for a zone change and a site development plan for building permit for an ≈ 1 acre portion (to be created) of an 11.5 acre site. The subject site is in the Established Urban Area of the Comprehensive Plan. The East Gateway Sector Development Plan (EGSDP) also applies.

The applicant proposes a zone change from SU-2/EG-C to "SU-1 for C-1 Uses Restaurant with Drive-up Service Window" to develop a fast-food restaurant. The site layout does not comply with EGSDP regulations. If compliant, the request can proceed directly to building permit (no EPC needed).

At this point, there is uncertainty about the degree of compliance the applicant is willing to achieve through site design. Also, the future, 1 acre site is the location of the existing drainage pond for the big-box retail store on the larger site.

The deferral is needed to allow time to continue work on the site development plan to determine the amount of compliance achievable and, thereby, the appropriate process: minor deviation (Staff), major deviation (EPC) or straight to building permit. With any of these, the zone change could be withdrawn.



City Departments and other interested agencies reviewed this application from 3/31/2014 to 4/11/2014.

FINDINGS – May 8, 2014, Zone Change & Site Development Plan for Building Permit

1. The request is for a zone change pertaining to a one-acre portion of a larger, approximately 11.5 acre site located on the east side of Eubank Boulevard SE, between Central Avenue and Southern Avenue (the “subject site”).
2. The plat for the smaller, one-acre site has not been finalized. The area proposed to be platted, in relation to the request, is pending at the Development Review Board (DRB). The proposed area contains the existing drainage pond for the big-box retail store on the larger site.
3. The subject site is located in the Established Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan. The East Gateway Sector Development Plan (EGSDP) also applies. The Comprehensive Plan, the EGSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The applicant proposes to change the subject site’s zoning from SU-2/EG-C (East Gateway Corridor Zone) to “SU-1 for C-1 Uses Restaurant with Drive-up Service Window” to develop a fast-food restaurant. Because the request is for a change to SU-1 zoning, a site development plan is required pursuant to §14-16-2-22(A)(1).
5. The EGSDP contains the following, applicable regulations: the Commercial Building & Lot Standards and the General Design Regulations. Version 2 (v.2) of the proposed site development plan for building permit does not comply as follows:
 - A. Commercial Building & Lot Standards—building front façade width coverage; setback; parking.
 - B. General Design Regulations—building façade and street frontage; parking; water harvesting; lighting; signage; building orientation.
6. Pursuant to Regulation 5.6.14.A.4, drive-up windows and ordering panels (menu boards) are required to be located at the building’s rear (though side location could be permissible). No portion of queuing lanes is allowed to be located between the building and the street. The v. 2 site development plan for building permit shows a queuing lane between the building and Eubank Boulevard, a drive-up window and ordering panel on the side and a setback (≈32 feet) in excess of the 10 foot maximum allowable setback.
7. The deferral is needed to allow time to continue work on the site development plan to achieve the greatest degree of compliance that the applicant is willing to accept. Once that is known, the appropriate process for the request can be determined: minor deviations from EGSDP regulations are decided administratively (by Staff); major deviations are decided by the EPC; and compliant site designs can proceed directly to building permit (commercial plan check). With any of these, the zone change could be withdrawn.