



**Environmental
Planning
Commission**

**Agenda Number: 9
Project #: 12EPC-40033
Case #: 1003479
September 13, 2012**

Supplemental Staff Report

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

Staff Recommendation

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

**Staff Planner
Carrie Barkhurst, Planner**

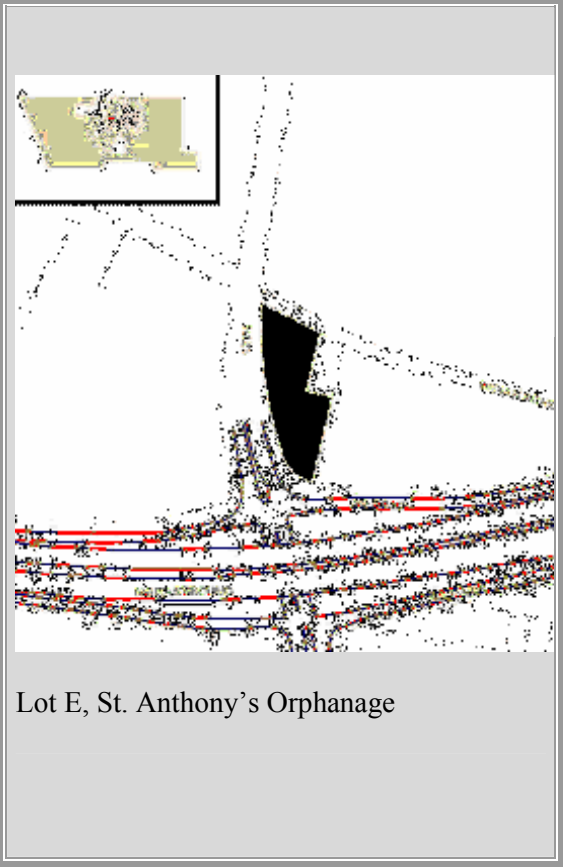
Summary of Analysis

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

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

The NNVNA and Indian Pueblo Federal Development Corporation oppose the site plan as currently proposed. The Archdiocese of Santa Fe and the McDonalds real estate broker have written letters in support of the request.

This is the seventh version of the Site Plan for Building Permit that has been submitted since the original application, made on 5/31/12. This submittal still does not meet the minimum requirements of a Site Plan for Building Permit. The number of unresolved issues and the extent of non-compliance with regulations warrant a deferral. Additional time is needed to address these. Staff recommends a 6-month deferral.



Lot E, St. Anthony's Orphanage

This is a Supplemental Staff Report. Should be read in conjunction with the original July 12, 2012 Staff Report and August 9, 2012 Supplemental Staff Report (attached).

I. Request

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

II. Background & Timeframes

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

The following bullets provide a brief, chronological overview of the present request, a Site Plan for Building Permit, Case 12EPC-40033.

- ⇒ May 31, 2012. Applicant submits SPBP for July 12th EPC Hearing.
- ⇒ July 12, 2012. EPC hearing.
 - Staff recommends denial of request, because the applicant did not agree to a deferral. A deferral was warranted due to an incomplete submittal, extensive instances of non-compliance with City regulations, and unresolved issues related to the public right-of-way and adjacent property.
 - EPC moves for a 30-day deferral to August 9, 2012.
- ⇒ July 19, 2012. Applicant submits revised SPBP, which forms the basis for the August staff report.
- ⇒ August 2, 2012. Applicant submits partial revised SPBP, which is within 10-days of the EPC hearing. The submittal does not include building elevations.
- ⇒ August 9, 2012. EPC hearing.
 - Applicant submits a revised SPBP during the hearing. The EPC did not accept it into the public record.
 - Staff recommends a 60-day deferral of the request, based on an incomplete submittal, extensive instances of non-compliance with City regulations, and unresolved issues related to the public right-of-way.
 - EPC moves for a 30-day deferral to September 13, 2012.

⇒ September 1, 2012. Applicant submits electronic copy of revised SPBP for September 13th EPC hearing.

The applicant submitted the latest Site Development Plan for Building Permit via email on Saturday, September 1, 2012. Staff has deemed this submittal as timely to meet the “10-day rule” for submittal of new information prior to an EPC hearing. The EPC’s Rules of Conduct state:

All written materials including petitions, legal analyses, and other documents should be submitted to the Planning Department at least 10 days prior to the EPC hearing, in time for full consideration by staff and presentation to the EPC at its Study Session. Except in extraordinary circumstances, the EPC will consider limited, clarifying written material only if it has been submitted to the EPC and any known opposing party at least 48 hours prior to the public hearing.

To summarize, the EPC voted twice to defer the request for SPBP for 30-days to allow the applicant additional time to provide a complete submittal and to resolve areas of non-compliance with the Zoning Code and Code of Ordinances. The latest submittal, dated 8/30/12, still remains incomplete.

The zone change was approved with the condition that a site development plan is approved within 6 months, which can be extended by the Planning Director for another 6 months. The applicant will have to request an extension if the SPBP is not approved by October 12, 2012. Staff’s recommendation for a 6-month deferral is predicated on approval by the Planning Director of a 6 month extension of the time allowed to finalize the zone change.

III. Policy Analysis

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

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

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

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

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

The following analysis discusses changes made since the August 9, 2012 version of the SPBP.

Site Plan Layout / Configuration

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

Vehicular Access, Circulation & Parking

The proposed site layout is substantially similar to the one submitted for the August 9th hearing.

Pedestrian, Bicycle & Transit Access & Circulation

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

The applicant has partially demonstrated adequate right-of-way for the bicycle lane. However, according to the site plan, it still appears that there is inadequate right-of-way for a turn lane, two travel lanes a bicycle lane, and sidewalk near Indian School Rd. The applicant has not demonstrated that the Department of Municipal Development as approved this road section.

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

The revised SPBP now provides a pedestrian connection from Indian School to adjacent to Lot 2. A pedestrian route has been provided to 12th Street at the southern end of the parking area. The pedestrian connection that was routed behind the dumpster enclosure has been moved to the front of the dumpster enclosure. While this is still an undesirable location for the pedestrian walkway, it is preferable to the previous layout.

Walls/Fences

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

Public Outdoor Space

The applicant provided images of outdoor dining on the patio adjacent to the south building façade, and indicated that the site furniture will be movable. Because the furniture will not be permanently affixed to the site, it is not appropriate to show the location of the furniture on the site plan. However, the site plan should include details of the patio furniture and quantities.

Code Enforcement also indicated that outdoor dining is not allowed in the C-1 zone within 75 feet of a residential zone. If the dining area is covered by a permanent canopy, it would be allowed. The applicant has not provided details or elevations of the patio canopy.

Lighting & Security

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

Utilities

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

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

Landscape Buffer & Pathway

A revised landscaping plan has been provided. Although additional details and plantings have been provided, the landscape plan remains substantially deficient. The revised SPBP provides landscape area calculations (the amounts required and provided); however, because the proposed lot sizes have changed, they are not correct. The northern portion of the site has not reached 75% coverage of plant material, and the southern portion of the site and the entire public right-of-way lack detail.

Architecture & Design

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

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

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

The applicant has stated that alternative layouts have been explored. Planning staff requested for the draft alternate site layouts to be included in the public file for review, but none were provided. EPC commissioners also requested to see the alternate site layouts, but only two of the 9 or 10 were provided. It is within the EPC's jurisdiction to interpret this regulation, and determine if the site plan complies.

Signage

The signage details are a required element for a SPBP. No changes are proposed to the signage, which consists of one pole-mounted sign and two electronic directional signs. Staff is unclear why a directional sign "enter," or "exit," would need to be electronic. Staff recommends use of non-electronic signs as more appropriate for the intended content. The applicant indicated that the directional signs were not intended to be electronic signs. However, without sign details, it is not possible to evaluate the request.

V. ZONING CODE ANALYSIS

In the September submittal, staff identified a total of 14 Zoning Code/Code of Ordinance Regulations with which the proposed SPBP did not comply with. The Site Plan, submitted electronically on Saturday, September 1 and submitted in hard copy on Tuesday, September 4, does not comply with the following **seven** mandatory City regulations, which would require a variance approved by the Zoning Hearing Examiner (ZHE):

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

The site plan has been revised to generally provide minimum 8-foot wide sidewalk, with the exception of a small portion adjacent to the parking spaces. This 10-foot portion of sidewalk maintains the minimum 6-foot width. It is acceptable to reduce the minimum width to provide for landscaping, but it is not clear if it is allowable to reduce it for parking. Code Enforcement has not had the opportunity to review the revised SPBP at this time to provide comments.

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

Code Enforcement has determined that all building façades are considered Major Facades. Three seats have been provided along the east building façade, which is approximately 100'.

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

The landscaping plan is required to show all of the elements listed above. The proposed landscaping plan is deficient because it does not show the site topography or the correct total site landscaping calculations. The landscape plan also provides extensive "groundcover," which is alternately identified on the plan as "mulch," and in the plant list as 1-gallon container plants. The plant species and quantity must be indicated.

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

The site development plan must demonstrate that 15% of the net lot area is landscaped by providing landscaping calculations.

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

At the northern side of the property, it appears that additional right-of-way may need to be dedicated to accommodate the existing street section, a 7-foot bicycle lane, the street tree planting area, and the sidewalk. A portion of the on-site landscape buffer is already less than the minimum 10-feet, and it may be reduced further if additional right-of-way is dedicated. The applicant has not demonstrated coordination with DMD or approval of the proposed street section.

The site plan must demonstrate a minimum 10-foot buffer along 12th Street (front landscape buffer) and a minimum 6 foot buffer along the north side (side landscape buffer), or obtain approval of a variance from the ZHE. The landscape buffer must be located on-site between the sidewalk and the use proposed at the subject site.

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

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

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

The landscaping plan proposes live, vegetative coverage of approximately 10% of the required landscape areas. Additionally, "groundcover" is proposed for approximately 15% of the required landscape areas. It is unclear if the "groundcover" is live, vegetative plant material. The landscaping plan must comply with this regulation, or obtain approval of a variance from the ZHE.

VI. Neighborhood Concerns

The five applicable neighborhood associations were notified of this request via certified mail. They include Near North Valley NA, Sawmill Area NA, Wells Park NA, Sawmill Community Land Trust, and the North Valley Coalition. A facilitated meeting was offered but not accepted.

The NNV NA has submitted eight letters in opposition to the request. The Indian Pueblos Federal Development Corporation (IPFDC) submitted eight letters indicating that they have denied the request to provide access to Lot E across their property, aka, Indian School Road. The adjacent property owner, the Archdiocese of Santa Fe, has written a letter of support for the request, and for waiving the requirement of a 6-foot wall between the two properties. Another letter of support was submitted by the McDonalds real estate broker urging approval of the request.

The concerns raised by the neighborhood include the amount of traffic generated by the requested use; concerns about access limitations; concerns that a drive-through is not appropriate at this location; non-compliance with the 12th and Menaul Study; and perception of harm to the adjacent property. The NNV NA is also concerned that “The proposal will diminish efforts for a pedestrian and neighborhood friendly quality of life.” These issues have been discussed throughout the staff report and analysis for this request and the previous SPSD request.

VII. Conclusion

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

The site plan remains deficient in terms of the basic submittal requirements for a Site Development Plan for Building Permit.

There have been few changes to the proposed site development plan for building permit since the July version. The primary changes are the elimination of vehicular access to Indian School Rd.; relocation of utility lines outside of the IPFDC property; and provision of a sidewalk that connects adjacent to Lot 2. Since the August submittal, the site plan has been revised to include several more of the SPBP Submittal Checklist requirements and to obtain greater consistency with Zoning General Regulations. The landscaping plan has been revised to be consistent with the Street Tree Ordinance, and to provide more of the information required in the SPBP Submittal Checklist. The site plan also includes two benches and trash cans along the streetscape as well as stamped, colored crosswalk treatments on the site, which are above and beyond the minimum site development requirements. Though the crosswalks and outdoor gathering areas may provide some mitigation, the site layout continues to focus on prioritizing drive-thru access to the detriment of pedestrian access. Regarding Activity Centers such as this, the Comprehensive Plan and the North Valley Area Plan (NVAP) intend that the pedestrian be the primary design consideration. The currently proposed design does not allow a site layout that can achieve this intent.

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

With modifications, the request has the potential to further applicable goals and policies, and it could come into compliance with the Zone Code. Staff recommends a 6-month deferral. This will give the applicant time to re-design portions of the subject site so that the layout meets the intent of the Comprehensive Plan and the NVAP with respect to applicable policies.

FINDINGS – 12EPC-40033 – Site Development Plan for Building Permit – September 13, 2012

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

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

- c. Village Center Policy #1.a-building setbacks should not exceed 10 feet from the public right-of-way: The site development plan shows two driving lanes in between the building and the public right-of-way and the building is located approximately 40 feet from the 12th Street public right-of-way.
 - d. Village Center Policy #3- entrances visible to the pedestrian: There are no customer entrances that directly face 12th Street or Indian School Rd. The south-facing customer entrance to the building is visible to pedestrians traveling northbound on 12th Street.
 - e. Transportation Policy 2-Encouraging reduced automobile use: The site plan improves opportunity for non-motorized travel in the area by developing a bicycle lane and sidewalk connections. However, the on-site pedestrian and bicycle connections have been identified by the City Engineer as potentially unsafe.
 - f. Village Center Policy #1-pedestrian attraction and accessibility, mixed use development, and valley scale and character: Although not the traditional “mixed use development,” the two uses (restaurant and parking lot) provided will serve the community.
12. The 12th & Menaul Study was prepared for the City to address the character of future development within a ½-mile radius centered on 12th St. and the Indian Pueblo Cultural Center. The City commissioned this Study and has been implementing the recommendations within its public right-of-way. The Study calls for multi-modal, mixed-use development that contributes to a denser built-environment, consistent with Activity Center principles. The site development plan is substantially inconsistent with the development form proposed in the Study and which is currently being implemented in this area.
13. Seven versions of the proposed Site Development Plan for Building Permit have been submitted and reviewed by the Planning Department. Despite multiple letters and communications with the applicant that identified the outstanding issues, the proposed site plan continues to be deficient and does not meet the minimum requirements of a Site Development Plan for Building Permit because it lacks:
- a. Adequate information to fully evaluate the architectural elevations.
 - b. Sufficient details regarding the signage proposed.
 - c. Adequate information to fully evaluate the landscape plan.
 - d. Sufficient details regarding the site furniture and lighting.
14. Until the proposed site development plan for building permit meets the minimum submittal requirements and the submittal is complete, this request is premature and is not ready for consideration.

15. Regarding the information provided, the proposed site development plan does not comply with the Zoning Code General Building and Site Design Regulations and General Landscaping Regulations, which apply to all new development in the City.
 - a. The proposed landscaping does not meet the Zoning Code General Landscaping Regulations, §14-16-3-10.
 - b. The architectural elevations are partially inconsistent with the General Building Regulations, which apply to all new development.
 - c. The architectural elevations are inconsistent with the uses allowed in the C-1 zone, regarding outdoor dining within 75 feet of a residential zone, because they do not show that a canopy would enclose the patio seating area.
16. The proposed restaurant use is an appropriate use for this neighborhood. However, the site design, as proposed, has not been demonstrated to be appropriate in terms of urban design and traffic safety.
17. The proposed layout of this drive-through restaurant conflicts with a preponderance of applicable goals, policies, and design guidelines in the 12th and Menaul Study. The proposed site development plan is inconsistent with neighborhood and community values.
18. The City has determined that, on the east side of 12th Street, Indian School Road is privately owned; it is within the boundaries of Lot 84E, MRGCD Map 35, the adjacent Indian Pueblo Federal Development Corporation (IPFDC) site to the north. The IPFDC submitted a letter that indicates that they do not approve access from Lot E, St. Anthony's Orphanage onto their property (Indian School Road).
19. The five affected neighborhood associations were notified of this request via certified mail – Near North Valley NA, Sawmill Area NA, Sawmill Community Land Trust, Wells Park NA, and the North Valley Coalition. A facilitated meeting was offered but declined.
20. The NNVNA has written that the proposed site layout fundamentally conflicts with the area goals for a pedestrian-oriented, mixed use neighborhood. They have also commented that the request has numerous outstanding issues and have requested a deferral.
21. The adjacent property owner, Indian Pueblo Federal Development Corporation, does not support the request and at this time has declined to allow access easements across their property.

22. The Indian Pueblo Federal Development Corporation (IPFDC) has raised questions regarding the Traffic Impact Study (TIS). Addressing the questions will require further evaluation by City Staff and potential revisions to the TIS by the Applicant.
23. A 6-month deferral is warranted, based on the continued incompleteness of the submittal, multiple instances of non-compliance with City regulations, and unresolved issues related to the public right-of-way and traffic.

RECOMMENDATION – 12EPC-40033 – Site Development Plan for Building Permit – September 13, 2012

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

***K. Carrie Barkhurst
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Peter Eller, 1006 Lynch Ct. NW, Albuquerque, NM 87102
Chris Catechis, 5733 Guadalupe Trail NW, Albuquerque, NM 87107

Attachments

1. Official Notice of Decision
2. Additional Information from Staff
3. Project Review Letters from Staff
4. Previous Staff Reports
 - a. Supplemental Staff Report, dated August 9, 2012
 - b. Original Staff Report, dated July 12, 2012
5. Application and Information from Applicant
 - a. Application and Authorization Letter
 - b. TIS form and Traffic Impact Study
6. Additional information submitted by the Applicant
7. Neighborhood Information
 - a. Notification Letter and Receipts
 - b. Facilitated Meeting No Meeting Report
 - c. Letters in Support of the Request
 - d. Letters from the Near North Valley Neighborhood Association
 - e. Letters from the Indian Pueblos Federal Development Corporation, the Indian Pueblos Marketing, Inc, and the Indian Pueblo Cultural Center
8. Site Plan Reductions

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

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

CITY ENGINEER

Transportation Development Services

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

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

Hydrology

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

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

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

Traffic Engineering Operations

No comments received.

Street Maintenance

No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT
and NMDOT:**

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

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

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

POLICE DEPARTMENT/Planning

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

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

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division - No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

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

As a condition, it is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service and options for the location of electric service

connection regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet. PNM's standard for public utility easements is 10 feet in width to ensure adequate, safe clearances.

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