



**Environmental
Planning
Commission**

*Agenda Number: 5
Project Number: 1007872
Case #: 12EPC-40049
September 13, 2012*

Staff Report

Agent	Tierra West, LLC
Applicant	Weingarten Realty
Request(s)	Amendment to Site Development Plan for Building Permit
Legal Description	Tract 3A-1, Plat of Tract 3A-1 Pavilions at San Mateo
Location	Cutler Ave NE, between San Mateo Blvd. and Washington St NE
Size	Approximately 9.4 acres
Existing Zoning	C-3 (Shopping Center)
Proposed Zoning	No Change

Staff Recommendation
APPROVAL of Case #12EPC-40049 based on the Findings beginning on Page 8, and subject to the Conditions of Approval beginning on Page 9.

Staff Planner
K. Carrie Barkhurst, Planner

Summary of Analysis
 The request is for minor modifications to parking striping, the dumpster enclosure location and rear building access, and for a new drive-up service window on an existing retail building. The site is over 10-acres so it is considered a shopping center; a site development plan was required.

Because a drive-up service window is permissive in the C-3 zone, the request would normally qualify for an administrative amendment. However, the 1995 Notice of Decision for the Site Development Plan for Building Permit specifically excluded drive-up service windows due to air quality issues. The City has since rescinded its Air Quality regulations. The approved site plan does not mention any restriction for drive-up service windows, and there is no indication the property owner agreed to restrict the uses available in the C-3 zone.

The request is consistent with applicable goals and policies, and complies with the site plan design guidelines. The subject site is within the Established Area of the Comprehensive Plan. There is no known opposition to the request.

Staff recommends approval, subject to conditions.



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	C-3	Established Urban Area	Commercial Retail Complex
North	C-3	Established Urban Area	Self-Service Storage
South	SU-1 for Office Complex	Established Urban Area	I-40 right-of-way; offices beyond
East	C-2	Established Urban Area	Commercial Retail Complex
West	C-3	Established Urban Area	Commercial Retail Complex

Proposal

This is a request for amendment to a Site Development Plan for Building Permit that covers a 19.1 acre Shopping Center Site located on Cutler Ave. between Washington St. and San Mateo Blvd. The request impacts a portion of Tract 3A-1, Plat of Tract 3A-1 Pavilions at San Mateo, which is a 9.4 acre parcel within the adopted site development plan.

The request is for minor modifications to parking striping, the dumpster enclosure location and rear building access, and for a new drive-up service window on an existing retail building.

EPC Role

The Environmental Planning Commission (EPC) is hearing this case because the 1995 Notice of Decision included a condition of approval that “A note shall be added to the site plan stating that no drive-throughs are permitted.” This note was not added to the approved site development plan, and therefore, the condition cannot be enforced. However, the request does not qualify for an administrative amendment because the Planning Director cannot approve a request that is inconsistent with the EPC’s decision.

The EPC has decision-making authority for site plan approval, pursuant to §14-16-2-22(A)(1) of the Zoning Code.

Context

The subject site is in the Established Urban Area of the Comprehensive Plan. There is no applicable Sector Plan. The subject site is a fully developed shopping center site. The eastern portion is zoned C-2 with 15 retail spaces that range between 2,120 SF and 10,260 SF. The western portion of the shopping center consists of 4 larger retail spaces, ranging between 19,787 SF and 45,400 SF with one smaller building pad. While the entire development has been designed to encourage and facilitate pedestrian movement, the eastern portion has a more walkable feel, due to the smaller building frontages.

The subject site is located between Washington St. and San Mateo Blvd. and between Cutler Ave. and I-40. There are four driveways to access the site from Cutler Ave. To the north is land developed with a mix of commercial, office, warehouse, and light manufacturing uses. There are commercial uses to the east and the west, but Washington and Menaul form substantial barriers at this location.

History

In 1965, the subject site was rezoned from R-1 to C-2 and C-3 (Z-1353). In 1995, a site development plan for building permit was approved by the EPC for the existing development (Z-95-92). At the time, air quality was a significant concern mentioned in the staff report and in the agency comments (see attached). Although there were no drive-through windows proposed at the time, the Planning Department supported the request “provided there are no drive-throughs to aggravate the air quality problems.” The EPC Notice of Decision includes Condition of Approval Number 1: “A note shall be added the site plan stating that no drive-throughs are permitted.” The site plan was approved without meeting that condition.

There appear to be 5 site plan amendments that occurred in 1995 and 1996. The file includes minor changes to the building façades, signage, landscaping, and parking. Two amendments are applicable to this present request: On August 8, 1996, the site plan was amended to remove a large landscape planting area directly east of the subject building (see attachments for original landscape plan). On August 28, 2009, an administrative amendment was approved that allowed three sign faces to extend above the existing parapet and other minor architectural modifications to the subject building, “Retail D.”

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 San Mateo Blvd. as a Minor Arterial, with a right-of-way of 86'. The Long Range Roadway System designates Washington St. as an Urban Collector street, with a right-of-way of 68'. Cutler Ave. is designated as a local street.

Comprehensive Plan Corridor Designation. San Mateo and Menaul are designated as Enhanced Transit Corridors, which are “designed or redesigned to improve transit and pedestrian opportunities for residents, businesses and other users nearby.”

Trails/Bikeways. Washington St. has an existing bicycle lane; Cutler Ave. is proposed to have a bicycle lane.

Transit. San Mateo Blvd. has Routes 140 and 141, which provide frequent bus service throughout the day. The nearest stop is located approximately ¼-mile from the subject site.

Public Facilities/Community Services

I-40 is adjacent to the subject site, and a fire station is located a block north of the site. For more specific information, see the Public Facilities Map.

II. ANALYSIS – AMENDMENT TO SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

This request is for an amendment to a Site Development Plan for Building Permit. The amendment modifies some parking spaces to increase the number of compact spaces, modifies the dumpster enclosure, and adds a drive-up service window to one of the retail spaces.

§14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." As such, staff has reviewed the attached site development plan for conformance with the Zoning Code and applicable goals and policies of the Comprehensive Plan. There are no other applicable plans.

A. Albuquerque Comprehensive Zoning Code

The subject site is zoned C-3, Heavy Commercial. This zone is suitable for "for C-2 uses, wholesale commercial uses, and some light industrial uses which cause no vibration discernible beyond the premises." Drive-up service windows are permissive in this zone. The Shopping Center Site regulations apply to this site, which require a site plan prior to development. The Large Retail Facility regulations did not apply, because the site was developed prior to adoption of the regulations. A building addition is not proposed, so they are not triggered by this request.

Because a drive up service window is permissive in the C-3 zone, the subject site would normally qualify for an administrative amendment. However, the 1995 Notice of Decision for the Site Development Plan for Building Permit specifically excluded drive-up service windows. In similar cases, Code Enforcement has determined that if the EPC's condition of approval is not included on the approved site development plan, the Planning Department cannot enforce the condition.

The applicant has provided a justification letter that explains why a drive-up window should be approved at this location. The land use reasons cited include:

1. The site's zoning allows a drive-up window.
2. The applicant argues that a car that idles for a short period of time generates less pollution than a car that is turned off and then restarted.
3. The orientation of the drive-up window will not be visible from the store-fronts or from adjacent rights-of-way.

Staff agrees with the applicant's justification for this request. The location of the proposed drive-up window is on the portion of the site that is zoned C-3, Heavy Commercial, and it is directly connected to one of the four site driveways. The drive-up window does not face or impact the primary pedestrian walkway.

Definitions

SHOPPING CENTER SITE. A premises containing five or more acres; zoned P, C-1, C-2, C-3, M-1, M-2, or a combination thereof; or a large retail facility; but excluding premises used and proposed to be used only for manufacturing, assembling, treating, repairing, rebuilding, wholesaling, and warehousing. Shopping center sites are subject to the shopping center regulations of the Zoning Code, § 14-16-3-2.

B. Applicable Ordinances, Plans, and Policies

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; ***Staff Analysis is in Bold Italics***

The subject site is located in the area designated Established 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.”

The original Site Development Plan provided significant infill development that was well served by transportation. The site design provided exceptional pedestrian connectivity for the time period it was developed, in part through the EPC approval process. The intent was to reduce negative air quality impacts to the area, which at the time, were problematic.

The present request maintains consistency with the original Site Development Plan design and architecture. The request is consistent with the Goal for the Established Urban Area.

Policy II.B.5.d: 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 request for modifications to the parking striping, dumpster enclosure at the rear of the building, and new drive-up service window are consistent with the intensity and design of the retail development and with the site’s C-3 zoning. The request is consistent with Policy II.B.5.d.

Policy II.C.1.e: Air Quality - Motor vehicle emissions and their adverse effects shall be minimized.

The request is to allow a drive-up service window at an existing development that was not intended to have any, according to the original EPC Notice of Decision. However, the main basis for prohibiting drive-up service windows was the poor air quality at the time. The City is currently in compliance with State air quality attainment standards, and has rescinded the Air Quality Impact Analysis. The last local violation of a Federal carbon dioxide standard occurred in 1991; since then, local carbon dioxide levels have steadily declined and now measure less than one-fourth of the Federal standards. Although the request will not likely improve the air quality in the near vicinity, neither will it substantially worsen it. The request does not conflict with Policy II.C.1.e.

C. Site Plan Layout / Configuration

The request is for modifications to parking striping, the dumpster enclosure location and rear building access, and for a new drive-up service window. The location and design of the changes maintain compatibility with surrounding development. The changes to the rear of the building

will not be visible to retail customers or from I-40. The scope of the changes is minor and would typically qualify for an administrative amendment.

Public Outdoor Space

There will be no change to the existing public outdoor space.

Vehicular Access, Circulation and Parking

The changes to the parking space striping will add one additional disabled parking space, two new motorcycle parking spaces, and convert several standard parking spaces to compact parking spaces. The shopping center as a whole has an excess of parking, which was calculated at the rate of 1 space per 200 sf. Currently 1 space is required for every 250 sf of building space above 15,000 sf. Also, the parking provided was more than the parking originally required. The request is not likely to have a negative impact on parking at this development.

Pedestrian and Bicycle Access and Circulation

The proposed amendments do not impact the main pedestrian sidewalk that connects the east and the west portions of the development.

Walls/Fences

The new dumpster enclosure is proposed to be split-face CMU, with a 4" pre-cast concrete cap (See Sheet C6, South Elevation). These materials are the same used for the structure as a whole. There is a new proposed loading ramp with a hand rail. The materials and color have not been specified. Staff recommends clarification as a condition of approval.

Lighting and Security

No changes are proposed to the existing site lighting.

Landscaping

The Site Development Plan shows some landscaping along the east side of the building, which was never developed, likely as a result of the 8/8/96 site plan amendment. The drive-up service window access lane will require removal of two piñon trees at the south end of the building. There is no other landscaping that will be impacted.

Grading, Drainage, Utility Plans

Some changes to the site elevations are proposed on the grading and drainage plan to accommodate the drive-up service window. Because the site is already developed, the impervious surfaces and peak discharge will not be increased.

Architecture

In 2009, the subject building had minor changes to its façade. The existing gabled entry element was converted into a stepped parapet façade. Three portions of the parapet were increased in height by 4 feet to accommodate larger signs. One exit door and a roll up door along the East building façade were added.

The present request maintains these changes to the original building façade, and adds a new storefront window on the north side of the building and a new sign. Minor changes to the east façade include a new drive-up service window and canopy, removal of the roll up door, and relocation of the exit door. A new loading ramp and dumpster enclosure are proposed on the south building façade. The materials and colors proposed are generally consistent with the existing structure. Staff notes that the colors of the canopies and dumpster enclosure doors have not been specified. The material of the new canopy should also be specified.

Signage

One new sign is proposed on the north building façade. Although not dimensioned, it appears to be approximately 100 sf. The total sign face area for the north building façade is estimated to be less than 300 sf, or ½% of the façade. Building-mounted signs may be up to 10% of the building façade in the C-3 zone if the site has a free-standing sign as well (which this site does).

The signage must be consistent with the Site Development Plan Design Guidelines, which require: “All building mounted signs shall be internally, individually lit letters 5-0’ high @ Anchors.” A signage permit will be required for the new Pharmacy sign and the three tenant signs.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Long Range Planning has several comments regarding the proposed drive-up service window. The drive-up facility exits onto a pedestrian path. Although a stop sign is provided, the layout may cause a potential conflict and safety issue. Transportation Services did not indicate that this layout was deficient.

The only other substantive comment was provided by AMAFCA, who had no objection to requested action. The proposed encroachment within AMAFCA’s easement is covered under the existing encroachment license.

Neighborhood/Public

The District 7 Coalition of Neighborhood Associations was notified of this request. There were no comments made during the review period, and there is no known opposition to the request.

V. CONCLUSION

This is a request for amendment to a Site Development Plan for Building Permit that covers a 19.1 acre Shopping Center Site located on Cutler Ave. between Washington St. and San Mateo Blvd. The request impacts a portion of Tract 3A-1, Plat of Tract 3A-1 Pavilions at San Mateo, which is a 9.4-acre parcel in the adopted site development plan. The subject site is zoned C-3.

The request is for minor modifications to parking striping, the dumpster enclosure location and rear building access, and for a new drive-up service window on an existing retail building.

Because a drive-up service window is permissive in the C-3 zone, the request would normally qualify for an administrative amendment. However, the 1995 Notice of Decision for the Site Development Plan for Building Permit specifically excluded drive-up service windows. The main basis for prohibiting drive-up service windows was the poor air quality at the time. Since then, changed conditions have mitigated the air quality concerns, which are well within Federal limits.

Staff further notes that the restriction was not incorporated into the site development plan. Because the site development plan was approved without this note, the Planning Department cannot enforce the Condition of Approval. However, it is up to the EPC to determine if it is appropriate to allow a drive-up service window at this location.

The request is consistent with the Site Development Plan Design Guidelines and applicable Comprehensive Plan policies. The request is consistent with the intensity and design of the retail development and with the site's C-3 zoning. The request is consistent with the Established Urban Area Goal and Policy II.B.5.d. The request is also consistent with Policy II.C.1.e: Air Quality, regarding minimizing motor vehicle emissions and their adverse effects.

The District 7 Coalition of Neighborhood Associations was notified, as well as property owners within 100-feet of the subject site. There were no comments made during the review period, and there is no known opposition to the request.

Staff recommends approval, subject to conditions.

FINDINGS – Project 1007872 – Case 12EPC-40049 – September 13, 2012 – Amendment to Site Development Plan for Building Permit

1. This is a request for amendment to a Site Development Plan for Building Permit for Tract 3A-1, Plat of Tract 3A-1, Pavilions at San Mateo, located on Cutler Ave. between Washington St. and San Mateo Blvd. and containing approximately 9.4 acres.
2. The applicant is proposing to modify some parking space striping; modify the dumpster enclosure; add a new loading ramp; and add a drive-up service window to Retail D building.
3. The subject site is zoned C-3. The proposed drive-up service window is permissive under the current zoning.
4. The subject site is part of a Site Development Plan for Building Permit for a larger 19.1 acre shopping center commonly called “The Pavilions.” The request is consistent with the Design Guidelines.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request is before the EPC because it is not consistent with the 1995 Notice of Decision, which required a note to be added to the site plan stating that no drive-up service windows are permitted. This restriction was made to mitigate air quality issues related to land use, which are no longer regulated by the City. The note was not added to the Site Development Plan, therefore, the Planning Department cannot enforce the condition.
7. The request complies with most applicable Site Development Plan requirements. However, there are some instances of incomplete information provided, including materials and colors of proposed architectural features. The conditions of approval address the deficiencies.
8. The request is consistent with the Established Urban Area Goal and Policy II.B.5.d, . The request is also consistent with Policy II.C.1.e, Air Quality, because it does not increase motor vehicle emissions and their adverse effects.

9. The subject site is not within the boundaries of any Neighborhood Associations or Homeowner's Associations. The District 7 Coalition of NA's was notified. There were no comments received and there is no known opposition to the request.

RECOMMENDATION – Project 1007872 – Case 12EPC-40049 – September 13, 2012 – Amendment to Site Development Plan for Building Permit

APPROVAL of 12EPC-40049, a request for Zone Map Amendment to a Site Development Plan for Building Permit for Tract 3-A1, Plat of Tract 3A-1, Pavilions at San Mateo, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL – Project 1007872 – Case 12EPC-40049 – September 13, 2012 – Amendment to 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. All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal's Office Plans Checking Division for review and approval.
4. A note shall be added to the site plan stating that only one drive-up service window is permitted, unless otherwise approved by the Environmental Planning Commission through an amendment to the Site Development Plan for Building Permit.
5. Sheet C-1 shall be modified, in the appropriate sections, to indicate the change to indicate the correct number of parking spaces, compact parking spaces, motorcycle, and handicap accessible parking spaces provided. These changes shall be marked with a cloud and the "Delta 1" symbol.

6. Sheet C-6 shall specify the material and color for the hand rail at the loading ramp, the existing and proposed canopies, and dumpster enclosure doors. The colors shall be compatible with the proposed brown and camel stucco and the grey and camel metal storefront elements.

 7. Sheet C-6 shall identify the new sign proposed on the north building façade with a cloud and the “Delta 1” symbol. The sign face size shall be calculated and added to the Building Signage Schedule.

 8. Sheet C-6 shall identify all changes to the façade, including multiple instances of “new scuppers” and “infill with CMU” with a cloud and the “Delta 1” symbol. The scale shall be corrected.
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***K. Carrie Barkhurst
Planner***

Notice of Decision cc list:

Tierra West, LLC, 5571 Midway Park Pl. NE, Albuquerque, NM 87109

Weingarten Realty, 4440 N. 36th Street, Suite 200, Phoenix, AZ 85018

Bill Hoch, 813 Calle del Corte NE, Albuquerque, NM 87110

Lynne Martin, 1531 Espejo NE, Albuquerque, NM 87112

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Code Enforcement

No comment.

Office of Neighborhood Coordination

No NA/HOA's to notify - siw

District 7 Coalition of NA's

Long Range Planning

Pavilions at San Mateo: No Area or Sector Plans

The original site plan for the Pavilions at San Mateo seemed to show a walkable, park once concept. How does this proposed drive up facility work with this concept?

The drive-up facility exits onto a pedestrian path. Although a stop sign is provided, this seems to cause a potential conflict and safety issue.

Metropolitan Redevelopment

The subject development site is not within a Redevelopment Area, and therefore Metropolitan Redevelopment Section staff have no comments on this application.

CITY ENGINEER

Transportation Development Services

Reviewed, no adverse comments.

Hydrology

Reviewed, no adverse comments.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

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

Traffic Engineering Operations

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

Street Maintenance

No comments received.

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

Conditions of approval for the proposed Amendment to Zone Map and Site Development Plan for Subdivision shall include: None.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

This project is in the Northeast Area Command. No Crime Prevention or CPTED comments concerning the proposed Amended Site Development Plan for Building Permit request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved must not hinder existing refuse service and comply with SWMD Ordinance.

FIRE DEPARTMENT/Planning

All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal's Office Plans Checking Division for review and approval.

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No objection to requested action. The proposed encroachment within AMAFCA's easement is covered under the existing encroachment license.

ALBUQUERQUE PUBLIC SCHOOLS

The owner of the above property requests an Amendment to the Site Development Plan for Building Permit to allow for the development of a pharmacy drive-up window. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO staff has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

As a condition of approval, 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.