



**Environmental  
Planning  
Commission**

**Agenda Number: 04  
Project Number: 1003275  
Case #: 14EPC-40076, 40077, 40078  
December 11, 2014**

**Staff Report**

**Agent** Tierra West LLC  
**Applicant** Western Albuquerque Land Holdings  
**Request** **Zone Map Amendment, Amendment to Site Development Plan for Subdivision, Site Development Plan for Building Permit**  
**Legal Description** Tract 1A1 plat of tracts 1A1 and 1B1, El Rancho Atrisco Phase 3  
**Location** Unser Blvd, between Ladera and Market  
**Size** 20 acres  
**Existing Zoning** SU-2/SU-1 for Planned Office Park and Commercial Development  
**Proposed Zoning** SU-2/SU-1 for Planned Office Park and Commercial Development and sale of package liquor with a grocery store and liquor sales associated with a sit down restaurant

**Staff Recommendation**  
**APPROVAL of 14EPC 40076, Zone Map Amendment based on the Findings beginning on Page 20, and subject to the Conditions of Approval beginning on Page 29.**

**APPROVAL of 14 EPC 40078, Amendment to Site Development Plan for Subdivision based on the Findings beginning on Page 29, and subject to the Conditions of Approval beginning on Page 36.**

**APPROVAL of 14 EPC 40077, Site Development Plan for Building Permit based on the Findings beginning on Page 36, and subject to the Conditions of Approval beginning on Page 43.**

**Staff Planner  
Maggie Gould, Planner**

**Summary of Analysis**

This is a three part request for a zone map amendment, amendment to a site development plan for subdivision and a site development plan for building permit to allow the construction of 10,000 square foot retail and restaurant space for multiple tenants.

The applicant has justified this request per R-270-1980 as being more advantageous to the community. The request furthers many goals and policies and of the Comprehensive Plan and the Westside Strategic Plan, especially those regarding new growth, jobs housing balance, provision of services and activity centers.

The affected neighborhoods and property owners within 100 feet were notified of these requests.

A facilitated meeting occurred on December 1st. Attendees expressed both support for and opposition to the requests.

Staff recommends approval with conditions for all 3 requests.

City Departments and other interested agencies reviewed this application from 11-3-14 to 11-14-14  
Agency comments used in the preparation of this report begin on Page 43.

***I. AREA CHARACTERISTICS AND ZONING HISTORY***

*Surrounding zoning, plan designations, and land uses:*

	<b><i>Zoning</i></b>	<b><i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i></b>	<b><i>Land Use</i></b>
<b><i>Site</i></b>	SU-1 for Planned Office Park and Commercial Development	Developing Urban, Westside Strategic Plan, El Rancho Atrisco Phase 3	Vacant
<b><i>North</i></b>	R-D	Developing Urban, Westside Strategic Plan, El Rancho Atrisco Phase 3	Vacant, Single Family Housing
<b><i>South</i></b>	R-D	Developing Urban, Westside Strategic Plan, East Atrisco	Single Family Housing
<b><i>East</i></b>	R-D	Developing Urban, Westside Strategic Plan, El Rancho Atrisco Phase 3	Multi-Family Housing, Single Family Housing
<b><i>West</i></b>	R-D	Developing Urban, Westside Strategic Plan,	Single Family Housing

***II. INTRODUCTION***

***Proposal***

The applicant proposes to add alcohol sales associated with a grocery store to Pad site D and alcohol sales with a sit down restaurant to pad site A, B, and C to the existing SU-1 for Planned Office Park and Commercial Development zone, amend the existing Site Development Plan for Subdivision to adjust the specific signage and building design standards, and seek approval for a 10,000 square foot retail building for multiple users.

***EPC Role***

The EPC is hearing this case because the EPC is required to hear all zone map amendment cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1), the SU-1 zone and 14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) then City Council 14-16-4-4-(A)(2). The request is a quasi-judicial matter.

***History/Background***

On July 18, 1985, the EPC approved a Site Development Plan (Z-81-49-2) for approximately 232,000 sq. ft. of building area on the subject site. The approved Site Development Plan was a conceptual site plan for the entire 25-acre block consisting of a 102,500 sq. ft. shopping center and two retail pads in the northern half of the site, and 215,250 sq. ft. of office

building space in the southern half. Concurrently, a Specific Site Development Plan for a 75,250 sq. ft. office building was approved for 4.51 acres in the southeast corner of the site.

On April 17, 2008 the EPC granted a request for 60-day deferral of action on a three-part request, a Sector Development Plan Amendment, Site Development Plan for Subdivision, and Site Development Plan for Building Permit for the subject site (04EPC-00282, 04EPC-00283 and 04EPC-00540). The Sector Plan Amendment request was to remove the 50% limitation on commercial uses and to allow package liquor sales, and the construction of 12 commercial - retail buildings and restaurants with drive-ups. The primary issues were traffic operations and a proposed signalized access into the site from Unser Blvd. During the deferral period the applications were withdrawn.

In February of 2014 a Site Development Plan for Subdivision was approved by the EPC. No changes in the zoning were requested at that time. The Site Development Plan for Subdivision was approved by the DRB in November of 2014.

A construction project on Unser Blvd. north of I-40 widened the roadway from four to six lanes for through traffic and separate left-turn lanes at major intersections including the Ladera Rd. and Unser Blvd. intersection. The construction project was completed mid-2013.

The Transportation Coordinating Committee of the Mid-Region Council of Governments approved the additional access from Unser Boulevard earlier this year, resolution TCC R-14-1. Unser Boulevard is maintained by the New Mexico Department of Transportation.

### ***Context***

The subject site is vacant land; a convenience store with gasoline pumps has been constructed in the northwest corner of the block. Adjacent to the site are existing multi-family residential developments, to the east across Market Street and to the northeast across Ladera Dr. Further away are existing single family residential neighborhoods to the east, west and south of the site.

### ***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 Unser Boulevard as a Principal arterial.

The Long Range Roadway System designates Ladera Drive as a Minor Arterial.

### ***Comprehensive Plan Corridor Designation***

Unser Blvd. is currently designated as an Express Transit Corridor, which is “dedicated to developing higher speeds with fewer interruptions to travel for the car and transit vehicles.”

### ***Trails/Bikeways***

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Unser Boulevard contains an existing bike lane. Bike lanes are proposed on Ladera Drive. These could be built as part of this project to connect with an existing improvement project on Ladera Drive that is managed by the Department of Municipal Development.

***Transit***

The route 92 Taylor Ranch Express and route 94 Unser Commuter stop along Unser Boulevard, adjacent to the site. The route 92 continues along Ladera Drive stopping approximately 220 feet east of the site. Refer to Transit Agency comments for additional information.

***Public Facilities/Community Services***

The site area is well served with public facilities and services. There are nine parks within one mile of the subject site. Refer to the Public Facilities Map in the front of this staff report for additional details.

**III. ANALYSIS**

***APPLICABLE ORDINANCES, PLANS AND POLICIES***

***Albuquerque Comprehensive Zoning Code***

The El Rancho Atrisco Phase III Sector Plan, adopted in 1981, zones the subject site SU-2/ SU-1 Planned Office Park and Commercial Development. In October 2012 the City Zoning Manager confirmed this existing SU-1 zoning, regulated by the C-1 standards and uses of the Zoning Code (§14-16-2-16(A)(7)). Thus the northern half of the property can be developed with retail and service-type uses consistent with the C-1 zone, and the southern half of the property with office and/or residential uses per C-1 zone standards. The Site Development Plan for Building Permit references the C-2, O-1 and R-3 zones requirements of the Zoning Code for development standards. Site development must also meet the requirements of Zoning Code §14-16-3-18(C) and §14-16-3-18(D), General Building and Site Design Regulations for Non-Residential Development.

In 2012 the City Council adopted an ordinance allowing multi-family residential development as a stand-alone permissive land use in the C-1 and C-2 zones (Ord. 2012-004). Zoning Code §14-16-2-16(A)(7) provides development standards for residential uses within a C-1 Zone. The parcel to the south of subject site is proposed to be developed with a residential or office use; as allowed by the zoning code and the Site Plan for Subdivision.

The applicant would like to add sales of alcohol for off-premise consumption (package liquor) in association with a full service grocery store and sales of alcohol beverages in association with a sit down restaurant. The new zone would be SU-2/SU-1 for Planned Office Park and Commercial Development to include sales of Package Liquor in association with a grocery store. Permittee shall not sell distilled spirits in any package that contains less than 750 milliliters (minibottles) and beer in any single container containing 16 or fewer ounces (singles).

The new zoning would allow the sales of package liquor only when those sales are part of a grocery store. The zone would not allow a stand-alone liquor store or sales of alcohol associated with a convenience store. The sales of alcohol associated with a sit down restaurant would not allow sales of alcohol in any other circumstances. Staff discussed the wording of the zone with Code Enforcement staff and they confirmed that the wording would be enforceable. Staff has asked that a note with the zoning for each pad be placed on the Site Development Plan for Subdivision.

The C-1 zone allows sales of beer and wine with a restaurant use permissively. The C-2 zone allows sales of any alcoholic beverage for on-site consumption. Sale of alcohol for off-premise consumption (package liquor) is allowed as a conditional use in the C-2 zone.

The additional uses will add to the mix services in the area and may encourage restaurants to locate on the subject site.

All Federal, State and Local regulations on the sale of alcohol will apply to alcohol sales on the site. The State of New Mexico requires that all people who serve and/ or sell alcoholic beverages and packaged liquor take a class that covers the regulations. According the website for the State Regulation and Licensing department, “this rule applies to owners and lease holders of alcohol licenses; owners of beer and wine licenses; bartenders, bouncers, waiters, waitresses, convenience and grocery store clerks; and resident agents. Only individuals over 21 years of age may sell or serve alcohol in bars, lounges convenience, grocery and package stores. 19 and 20 year olds may obtain a permit to sell or serve alcohol in a full service restaurant with meals, but may not be a bartender.”

In both the restaurant setting and the grocery store setting there is scrutiny of both the patrons and staff to ensure that the alcohol sales are safe. Customers must present a valid ID in order to be served or purchase liquor.

The South Yale Sector Development Plan, North Fourth Street Corridor Plan and Downtown Neighborhood Sector Plan all have restrictions on package liquor sales as a stand-alone use, but allow package liquor sales as part of a grocery store. These additions were based on neighborhood feedback

### *Definitions*

The City Zoning Code defines the SU-1 Zone:

SU-1 Special Use Zone (§14-16-2-22). This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

Site Plan for Subdivision and Building Permit are also defined:

Site Development Plan for Subdivision (§14-16-1-5). An accurate plan at a scale of at least 1 inch to 100 feet which covers one lot and specifies: the site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses' maximum floor area.

Site Development Plan for Building Permits (§14-16-1-5). In addition to information required for Subdivision, exact structure locations, structure (including sign) elevations and dimensions, parking facilities, loading facilities, any energy conservation features of the plan (e.g., appropriate landscaping, building heights and siting for solar access, provision for nonauto transportation, or energy conservational building construction), and proposed schedule for development.

### *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 Developing Urban by the Comprehensive Plan. The Developing Urban Area includes most of the City perimeter, surrounding places established with urban development. Applicable policies include:

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 surrounding area is currently under-served by neighborhood commercial and service businesses. The vast majority of commercial and service providers west of the Rio Grande is located along Coors Blvd., and requires access via automobile for most people. The new retail will provide additional options for west side residents and will be within walking distance of existing residential development. The development will be neighborhood scale (small retail/restaurant spaces and a grocery store). The additional uses, alcohol sales, will add to these options without adversely impacting the neighborhood. The development design standards of the SPS – for architecture, landscaping, and signage – will result in a building and site design theme consistent and complimentary to development in the surrounding area***

*and in compliance with design requirements of the Zoning Code. The changes to the SPS are minimal and will not alter the overall intent of the regulations. The request further Policy II.B.5.d.*

Policy II.B.5.e: 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 assured.

*The site has access to a full range of existing urban services, including roads, electricity, transit and water and sewer. The proposed development will be compatible with the existing neighborhood development because it will offer needed services and will be designed to lessen the impact on the neighborhoods. The request further Policy II.B.5.e.*

Policy II.B.5.i: 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.

*New development will add to the services available to area residents and provide job opportunities. The design standards in the SPS provide protection to the existing residential areas by limiting lighting near residential development and providing design standards to insure quality. Traffic will access the site from Unser Blvd. and Ladera Dr., away from the residential areas. Additional access points on Market Street may impact the existing multi-family development, but are separated from the development by an 86 foot wide street. The request further Policy II.B.5.i.*

Policy II.B.5.j: When new commercial development occurs, it should generally be located in existing commercially zoned areas:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit

*The subject site is within a Neighborhood Center designated in the West Side Strategic Plan. The closest designated Major Activity Center is at Central Ave. and Unser Blvd. There is residential development to the east and south within walking and biking distance of the site. Pedestrian access to the site provided via sidewalks around the perimeter of the site and walkways and sidewalks within the site. Bike racks will be provided with the retail development. The request further Policy II.B.5.j.*

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 operations.

*The site takes access from Unser Boulevard, which helps to route traffic away from the neighborhoods to the east and south. The site also takes access from Ladera Drive and Market Street, closer to existing residential development. These access points also allow neighborhood entry to the site. The request partially furthers Policy II.B.5k.*

### Activity Centers

Policy II.B.7.f: 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.

*The subject site is within a Neighborhood Center designated in the West Side Strategic Plan; the closest designated Major Activity Center is at Central Ave. and Unser Blvd. There is existing multi-family development between the proposed development and the existing single family development. The proposed building is not adjacent to the existing low density residential area. The request furthers Policy II.B.7.f.*

### Transportation

Policy II.D.4.a: Ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan's Activity Centers and Transportation Corridors map in the Activity Centers section.

*The subject site is within a designated Neighborhood Center. Unser Blvd. is a designated Express Transit Corridor. The proposed new construction would be consistent with the Development Form details for an Express Transit corridor, including minimum sidewalk width and on-site pedestrian circulation. The SPS design standards are consistent with the Zoning Code general design standards for non-residential development.. Staff finds the request furthers Policy II.D.4.a.*

### Economic Development

Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

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*The subject site is located on the west side of Albuquerque, an area deficient in jobs relative to housing. The proposed non-residential uses, including retail, restaurant and service uses would provide a range of jobs potentially available to residents of the west side. The site is also served by transit, providing commuting options for future employees and residents at the site. Staff finds the request further Policy II.D.6.a.*

***West Side Strategic Plan (RANK II)***

The West Side Strategic Plan (WSSP) was first adopted in 1997 and recently amended in 2011 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhoods. The subject site is within the Ladera Community . The Ladera Community includes the area between the river on the east, roughly aligned with Western Trails on the north, with Unser Boulevard and the National Monument on the west, and with the I-40 corridor on the south. Relevant goals/policies include the following:

Plan Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

***The request will allow the development of new business and additional job opportunities on the west side. The request further objective 8.***

Policy 1.1: Thirteen distinct Communities shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers. ***These requests allow the development of commercial activity (non-residential development) within a neighborhood center as designated by the Westside Strategic Plan. The requests further Policy 1.1***

Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings.

***The proposed SPS design standards include a requirement for linking building entrances to the Unser Blvd. trail via six foot sidewalks. The Site Plan for Building Permit shows bike racks in front of the proposed retail buildings and a 6 foot sidewalk connection to Unser Blvd. There is direct access from the bike lane along Unser Blvd. to the site. Staff finds the request further Policy 1.5.***

Policy 1.6: Large areas dedicated to employment uses shall be preserved on the West Side at Seven Bar Ranch, Atrisco Business Park, and Double Eagle II Airport. Additional employment center development is also encouraged. The City of Albuquerque and Bernalillo County economic development programs shall actively encourage employers to locate in these employment centers.

***Commercial development on this portion site preserves the commercial use and adds to the job possibilities on the west side. The remainder of the site will be developed with residential uses and these uses will be compatible and complimentary to the commercial development. The requests further Policy 1.6.***

Policy 1.9: In the Established and Developing Urban areas mapped by the Albuquerque/Bernalillo County Comprehensive Plan, future neighborhood and community centers may be designated and developed at appropriate locations, determined as follows:

Neighborhood centers should be located to serve approximately 15,000 population within about one mile radius of the center. Uses typical of community centers would likely be accessed on a weekly basis, whereas those in a neighborhood center might be used almost daily.

Neighborhood Centers should be less automobile oriented, located on minor arterial and/or collector streets, and connected to public transit service as well as informal pedestrian and bicycle ways. Both community and neighborhood centers shall be very accommodating to the pedestrian even within predominantly off-street parking areas.

Neighborhood centers should also have small blocks, but with small clusters of shared parking as well as on-street parking. Both community and neighborhood centers shall have outdoor areas that encourage gathering; both shall include bicycle parking and both shall provide safe pedestrian connections among buildings and between buildings and parking areas.

***The subject site is within a designated Neighborhood Center. The site vicinity has very limited commercial and service businesses available to surrounding residents; most daily needs must be met from businesses along Coors Blvd. Neighborhood-oriented commercial and service uses would be accommodated with development on the site. Two arterial roadways, Unser Blvd. and Ladera Drive, provide access to the project. Access is also from Market St. a collector street. The SPS identifies shared parking for commercial uses, and pedestrian connections to buildings as integral features of parking standards. The SPS design standards also state that parking fields shall be broken into smaller areas to lessen visual impacts of parking. Staff finds the request furthers Policy 1.1***

Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

*The site is divided into smaller individual pad sites. There is access to the bike lane along Unser Blvd. and sidewalks are provided throughout the site. Policy 1.15 is furthered.*

Policy 1.16: Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be by auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

*The site is accessed from a collector street (Market St.) and two arterial streets (Unser Blvd. and Ladera Dr.). The development would provide internal sidewalk connections to the multi-use trail existing along Unser Blvd. and to sidewalks leading to single family residential neighborhoods to the east, south and west of the subject property. Staff finds the request further Policy 1.16.*

Policy 3.16: Multifamily development, public uses, educational and institutional facilities, and commercial or employment uses are all appropriate in the Community or Neighborhood Centers. Mixed-use and multi-modal access shall be incorporated into the design for these areas.

*The site is a designated Neighborhood Center in the WSSP. The proposed development will provide commercial and employment uses in a center with multi-modal access. The request further Policy 3.16.*

Policy 3.23: Location of commercial services, multifamily development, and public facilities shall be encouraged on the western side of the Ladera Community or in its central area to reduce trips to Coors Boulevard and provide easier access to services for neighborhoods west of the Ladera Golf Course. This development would occur in Neighborhood Centers designed to relate to the surrounding neighborhoods and be consistent with design guidelines for the area near the escarpment. Strip commercial development will not be allowed in this area.

*The site is within a designated Neighborhood Center. The site vicinity is currently served by a limited number of neighborhood commercial businesses, consisting of some chain franchise businesses along the east side of Unser Blvd., approximately one-quarter mile north of Ladera Drive, however the majority of commercial shopping in the area occurs on Coors Blvd. The proposed site development would increase the number of retail and service businesses on a designated Neighborhood Center site west of the Ladera Golf Course, thereby increasing the available options for surrounding residents in closer proximity. The proposed development will include stand-alone retail and a group of shops; not a strip commercial development. Staff finds the request further Policy 3.23.*

Policy 3.25: Proposals for new development and rezonings in this area should be carefully analyzed to avoid negative impacts on the National Monument and other surrounding properties.

Review of proposed projects should consider the design and site layout implications of any new development on surrounding properties.

***The site is well away from the National Monument boundary, and its development would not impact publicly-available views of the Escarpment from major public roads or City parks and open space. Staff finds the request does not conflict with Policy 3.25.***

Policy 6.23: Require trail access to the regional trail network, through the Community Centers, Employment Centers, Neighborhood Centers, and parks and open space identified in the Plan. Require trail access through neighborhoods according to "transit friendly" subdivision design policy in 6.13 above. Proposed trails west of 118th Street are largely not mapped, but they should generally follow open space areas, drainage ways, major land forms or limited access arterials. Generally, an attempt shall be made to provide trails at approximately 1.5 mile intervals. Dedication of right of- way and/or construction of trails may be required pursuant to Planned Communities Criteria and subject to impact fee policies.

***The site is adjacent to a bike lane along Unser Blvd and a proposed bike lane along Ladera. Connections to the trail are shown on the Site Development Plan for Building Permit. The request furthers Policy 6.23.***

### ***El Rancho Atrisco Phase III Sector Plan (Rank III)***

The subject site for the request is within the boundaries of the adopted El Rancho Atrisco Phase III Sector Plan, first adopted in 1981. The Plan generally encompasses properties between-Unser Blvd. on the west, Atrisco Rd. on the east, Hanover Rd. on the south and the Ladera Channel on the north. The Rank III Plan does not provide goals or policies but rather a land use plan adopted as the zoning for the subject site and other properties within the Sector Plan boundaries. The designation for the subject site is Planned Office Park and Commercial Development – Not More Than 50% To Be Developed Commercially.

***The proposed development complies within the underlying zoning in the El Rancho Atrisco Phase III Sector Plan.***

### ***Resolution 270-1980 (Policies for Zone Map Change Applications)***

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed

neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

***Analysis of Applicant's Justification***

**Note:** Policy is in regular text; Applicant's justification is in *italics*; staff's analysis is in ***bold italics***

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

*The applicant states that the proposed uses are consistent with the health, safety, morals and general welfare of the city because the new uses will provide needed services, retail and restaurant uses and the new uses will allow these businesses to be successful and serve the community. The new uses are at a neighborhood scale and low intensity and will not disturb the surrounding residents.*

***The new allowed uses are at an appropriate scale for the area, the sales of alcohol with restaurants and as part of a grocery store are generally compatible with existing neighborhoods.***

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

*The additional uses will allow the development of a quality grocery and restaurants. Without the additional uses the shopping center is at a competitive disadvantage and may not be able to attract tenants. The additional uses allow the center to be stable because the center will retain tenants.*

***The allowed uses are found in many neighborhood scale shopping centers city wide. The additional uses not drastically alter the underlying zoning and may help the area to develop in more stable way by attracting and retaining tenants.***

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

*The request is not in significant conflict with the applicable goals and policies and, in fact, clearly facilitates these goals and policies. The request furthers many policies of the Comprehensive Plan especially those regarding economic development, new growth and provision of services. The request furthers many goals of the WSSP, including those regarding jobs housing balance, economic development and activity centers. The applicant cites Comprehensive Plan policies II.B.5a, II.B.5d, II.B.5e, II.B.5i, II.B.5j, II.B.5k, II.B.5l, II.B.5m, II.B.7f, II.C.1b, the Noise goal, II.D.6.a, II.D.4a. The applicant cites WSSP objective 8, WSSP policies 1.5 1.9, 1.15, 1.16, 1.17, 3.16, 3.23, 4.6h, 4.10, 6.23 and 6.25 in support of the request.*

***Staff agrees with the majority of the policy justification. However, Comprehensive plan policy II.B.5l is not relevant because although the development will be appropriate for the site, it is***

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*not necessarily innovative. WWSP Policy 1.17 encourages the location of public facilities in neighborhood center and is not relevant to the request.*

*Refer to policy analysis section for more detail*

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
1. There was an error when the existing zone map pattern was created; or
  2. Changed neighborhood or community conditions justify the change; or
  3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

*The applicant states that the proposed zoning is more advantageous to the community because it will allow the provision of services that are lacking in the area (full service grocery and restaurant) and provide employment opportunities and enhance the viability of the shopping center.*

*The request will allow a wider range of commercial services than the current zoning. The added uses offer local residents goods and services not currently available close to home. The added uses may also make the development of the site more attractive to restaurants. The West Side lacks The requests further and clearly facilitate goals and policies of the comprehensive plan and the West Side Strategic Plan.*

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

*The sale of alcohol is regulated by the State of New Mexico as to hours, age of purchaser and location. The site will remain under the SU-1 zone.*

*The existing alcohol regulations should provide a measure of security for area residents. The SU-1 zone requires that future development or significant changes to the site undergo review by the EPC. The proposed uses are found in shopping areas throughout the city in close proximity to residential areas and are compatible with that development.*

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
  2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

*All of the required site improvements will be constructed by the developer. All of the required utilities exist surrounding the site.*

*Staff agrees.*

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

*The proposed uses will allow the subject to be more competitive and provide services to the surrounding areas. The cost of land is not the determining factor in the zone change.*

***Staff agrees that request furthers goals and policies of the applicable plans. The cost of land is not part of the justification.***

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

*The location on the arterial is an important consideration. However, the request is not justified based solely on location*

***The request furthers goals and policies of the applicable plans and is not justified solely by location.***

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

*The request is not a spot zone because it is integrated into the shopping center design. It is not a change to one small area but to multiple parcels in a commercial center.*

***Staff agrees that request will add an additional uses to the existing commercial zoning on the site.***

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:

1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

*The proposed zone does not create a strip of land with a different zone. It is surrounded by land with similar zoning.*

*Staff agrees.*

***Other Analysis***

A Traffic Impact Study was done for the original subdivision request .The applicant provided an updated TIS looking at the traffic generated from this request and the possibilities on al of the pad sites.. It included a supermarket, drive-in bank, drive through restaurant service station and the possible multifamily development to the south of the subject site. Based on this information the City Engineering asked for additional information regarding the turning movements on the site. This was provided. Traffic engineering is waiting for an additional update to the TIS to address the access on Market street and the intersection of Ladera and Market.

***SITE DEVELOPMENT PLAN FOR SUBDIVISION (SPS)AMENDMENT***

Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." As such, staff has reviewed the attached site development plan for conformance with applicable goals and policies in the Comprehensive Plan, Westside Strategic Plan and El Rancho Atrisco Phase III Sector Development Plan.

The applicant proposes to amend the existing, approved Site Development Plan for Subdivision to alter specific standards regarding signage , building and lighting.

***Site Plan Layout / Configuration***

No change

***Public Outdoor Space***

No change

***Vehicular Access, Circulation and Parking***

No changes are proposed

***Pedestrian and Bicycle Access and Circulation, Transit Access***

No change

***Walls/Fences***

No change

***Lighting and Security***

The current standard in the SPS is a maximum height of 25 feet for parking lots lights. The applicant proposes to amend that to 28 feet. Light poles with 100 feet of residential development could not exceed 16 feet. The applicant states that this change will allow for standard height light poles to be used while decreasing the total number of light poles needed as well as achieving more even light distribution. An LED lighting system is proposed which better controls light "spillage" and is more energy efficient. Planning Staff spoke to Code enforcement

regarding the additional height and Code Enforcement affirmed that the EPC has discretion over height in this case.

***Landscaping***

No change

***Grading, Drainage, Utility Plans***

No change

***Architecture***

The applicant proposes three changes to this section.

**Building Massing and Articulation**

The current standard in the SPS requires wall projections or recesses of a minimum of two feet in depth at least 25% of the length of the facades at 50 foot intervals to break up the mass of facades over 100 feet in length. The applicant proposes an eight inch projection or recess when the 100 foot façade is adjacent to a drive up window. According to the applicant, the smaller projections allow for better traffic circulation and better function of the drive-up windows.

The current SPS allows commercial awnings to contain corporate logos or signage but counts this signage as part of the overall square footage of signage. The applicant would like to remove that prohibition and allow the signage on the awnings permissively. The additional logs do not add lighting or other features that would be a distraction to drivers or a nuisance to residents. The addition of logos seems acceptable.

The Code Enforcement Division does not count directional signage such as “Pharmacy Drive Thru →”, as part of the overall square footage of signage.

**Building Materials**

The SPS allows stucco as the finish material and manufactured stone and brick veneer as the accent features. The applicant would like to amend this section to add integral color split face block as a building material and clarify that only one accent material required. The applicant states that the integral color split face block will be complimentary to other stucco buildings, but will require less maintenance and will maintain its appearance when exposed to the elements. The general purpose of building material standard is to ensure quality development. The split face block is used in other development around the city. Unlike unfinished, smooth face block the colored split face block has texture and color and is appropriate for the site.

***Signage***

The current requirements for signage allow one sign per commercial façade, not to exceed 6 % of the building façade. The proposed change would allow up to three signs per commercial façade, but would not increase the allowed 6% of the façade. Because this does not increase the total square footage of signage, staff believes that the change is minor and does not alter the intent of the original regulations. The applicant is proposing the change to accommodate the

signage for the Site Development Plan for Building Permit for a grocery store on Pad Site D (14 EPC 40079). This change would apply to any future development on the site.

The current SPS requirements do not allow illuminated logos. The applicant proposes to amend the SPS to allow this. The applicant has added language prohibiting the illumination to shine direction on residential areas. With this protection staff believes that the extra lighting will not adversely impact the neighborhood.

### ***SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (SPBP)***

#### ***Request***

The applicant proposes to construct a 10,000 square foot retail building with space for 5 tenants.

Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." As such, staff has reviewed the attached site development plan for conformance with applicable goals and policies in the Comprehensive Plan, (and other applicable Plans).

#### ***Site Plan Layout / Configuration***

The 10,000 square foot retail building will face east toward the interior of the site. The building consists of 5 attached storefronts. Parking is provided at the front of the building. The rear of the building faces Unser Boulevard. The building ranges in height from approximately 19 feet to approximately 23 feet in height. The underlying zoning allows up to 26 feet in height at any location. The building is set back approximately 37 feet from Unser Boulevard, this complies with underlying zone.

The scale of the retail shops is appropriate for the area.

#### ***Public Outdoor Space***

The Site Plan for Building Permit shows a fifteen foot wide sidewalk in front of the shops. The area is wide enough to accommodate patio seating while not blocking the sidewalk function.

#### ***Vehicular Access, Circulation and Parking***

The site has access from Unser via a 30 foot wide drive aisle and access from the internal drive aisle within the site. Parking is provided pursuant to the zone code 14-16-3-1, Off Street Parking Regulations at 1 space per 200 square feet of building.

#### ***Pedestrian and Bicycle Access and Circulation, Transit Access***

An eight foot wide sidewalk connects the building to Unser Blvd. The route 92, Taylor Ranch Express and route 94, Unser Commuter stop along Unser, adjacent to the site. The route 92 continues along Ladera stopping approximately 220 feet east of the site.

The plans include a detail with the raised crossing at the multi-use trail crossing location along Unser Blvd., near the striping and signage details at the crossing will be coordinated with NMDOT review of the infrastructure plans for the driveway access permit.

One five –space bicycle rack is shown on the site plan, staff recommends the addition of two more five space bike racks because that site has direct access to a bike path and is within biking distance of existing residential development.

***Walls/Fences***

No walls or fences are proposed for the retail pad site.

***Lighting and Security***

Building mounted lights are shown on the façade. Parking lots lights will be provided throughout the parking areas. Light will be 28 feet in height near the middle of the site and 16 feet when the lights are within 100 feet of the residential development.

***Landscaping***

The landscape plan shows a palette of low to medium water plants that are generally well suited to the area. The landscaping complies with §14-16-3-10, Landscape Regulations. The applicant will provide 22,830 square feet of landscaping, 10,000 square feet is required.

***Grading, Drainage, Utility Plans***

The site slopes from west to east. Storm water runoff will be accommodated through inlets along the eastern portion of the pad site and routed into the onsite ponds or in to the developed infrastructure along Hanover to the south of the site.

***Architecture***

There is no particular style specified in the Site Development Plan for Subdivision. However, based on the elevations provided with the Site Development Plan for Building Permit, the attached retail spaces will be a contemporary style. The facades of the individual storefronts are well articulated with individual entryways, changes in color and material and projections and recesses in the building. The rear of the building has changes in color, material and texture at regular intervals. The building is consistent with the intent and regulations of the Site Development Plan for Subdivision.

***Signage***

The SPBP shows conceptual signage on the facades of the storefronts. The actual signage must be consistent with zoning code and the SPS when tenants move in to the spaces.

***IV. AGENCY & NEIGHBORHOOD CONCERNS***

***Reviewing Agencies***

The applicant updated the Site Development Plan for Building Permit and provided a turning analysis to addresses the concerns of the Transportation Department. The plans were also updated to include a detail with the raised crossing at the multi-use trail crossing location as part

the comments from Parks and the City Engineer. Striping and signage details at the crossing will be coordinated with NMDOT review of the infrastructure plans for the driveway access permit in response to comment from the Parks department.

### ***Neighborhood/Public***

The Ladera West NA, Laurelwood NA, Parkway NA, Tres Volcanes NA and the Westside Coalition of NA's received notification about the request via certified mail. A facilitated meeting occurred on December 1<sup>st</sup>. Meetings attendees expressed both support for and opposition to the request. Concerns included the increase in traffic, the impact of alcohol sales on the area and operator of the grocery store. Members supporting the request liked the idea of new commercial development and the grocery use, including the alcohol sales. Staff received two e-mails from the public supporting the request and one e-mail with concerns about future uses on the site and a concern about the grocery store operator.

## **V. CONCLUSION**

This is a three part for a change of zoning, amendment to an approved Site Development Plan for Subdivision and approval of a Site Development Plan for Building Permit.

The change of zone will allow alcohol sales in conjunction with a full service grocery on Pad D and Alcohol sales in conjunction with a sit down restaurant on Pad sites A, B, C and E. The request is justified pursuant to R-270-1980 as being more advantageous to the community because it will offer new goods and services and employment opportunities in an area that has a lack of goods, services and needs job opportunities. The applicant has added language that prohibits sales of single containers of beer less than 16 ounces and bottles of liquor less 750 milliliters.

The amendment to the Site Development Plan for Subdivision alters the design standards to allow 3 signs on the commercial façade instead of one, but retain the requirement that signage cover no more than 6% of the façade. It would also allow 8 inch recesses and projections on building facades adjacent to drive-up windows instead of 24 inches, as well as allow colored split face block as a building material, allow illumination of logos and allow light poles up to 28 feet in height instead of 25 feet.

The Site Development Plan for Building Permit will allow the development of a 10,000 retail and restaurant space. The shops are well articulated on all facades and have pedestrian and auto access.

The requests are generally consistent with the Comprehensive Plan and the Westside Strategic Plan.

***FINDINGS – 14EPC-40076 -December 11<sup>th</sup>, 2014- Zone Map Amendment***

1. This is a request for a Zone Map Amendment from SU-2/SU-1 for Planned Office Park and Commercial Development to SU-2/SU-1 for Planned Office Park and Commercial Development to include sales of Package Liquor in association with a grocery store. Permittee shall not sell distilled spirits in any package that contains less than 750 milliliters (minibottles) and beer in any single container containing 16 or fewer ounces (singles) for Tract 1A1 Plat of Tracts 1A1 and 1B1, El Rancho Atrisco unit Phase 3 located on Unser Blvd. between Ladera Drive and Market Street and containing approximately 10 acres.
2. The request adds full service alcohol sales to a site down restaurant use for pad sites A, B and C and E.
3. The request adds sales of alcohol for off-premise consumption associated with a grocery store on pad site D.
4. The subject site is part of a larger 20 acre site governed by a Site Development Plan for Subdivision.
5. A Site Development Plan for Subdivision Amendment ( 14 ECP-40078) and a Site Development Plan for Building Permit (14 EPC-40077) are heard concurrently with this request.
6. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan and El Rancho Atrisco Phase 3 Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject site is within the Developing Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:
  - A. 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.

Neighborhood values are respected with the requests. The surrounding area is currently under-served by neighborhood commercial and service businesses. The new retail will provide additional options for west side residents and will be within walking distance of existing residential development. The additional uses, alcohol sales, will add to these options without adversely impacting the neighborhood. The development design standards of the SPS – for architecture, landscaping, and signage – will result in a building and site design theme consistent and complimentary to development in the surrounding area. The changes to the SPS are minimal and will not alter the overall intent of the regulations. The request furtheres Policy II.B.5.d.

- B. Policy II.B.5.e: 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 assured.

The site has access to a full range of existing urban services, including roads, electricity, transit and water and sewer. The proposed development will be compatible with the existing neighborhood development because it will offer needed services and will be designed to lessen the impact on the neighborhoods. The request furtheres Policy II.B.5.e.

- C. Policy II.B.5.i: 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.

New development will add to the services available to area residents and provide job opportunities. The design standards in the SPS provide protection to the existing residential areas by limiting lighting near residential development and providing design standards to insure quality. Traffic will access the site from Unser Blvd. and Ladera Dr., away from the residential areas. Additional access points on Market Street may impact the existing multi-family development, but are separated from the development by an 86 foot wide street. The request furtheres Policy II.B.5.i.

- D. Policy II.B.5.j: When new commercial development occurs, it should generally be located in existing commercially zoned areas:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit

The subject site is within a Neighborhood Center designated in the West Side Strategic Plan; the closest designated Major Activity Center is at Central Ave. and Unser Blvd.

There is residential development to the east and south within walking and biking distance of the site. Pedestrian access to the site provided via sidewalks around the perimeter of the site and walkways and sidewalks within the site. Bike racks will be provided with the retail development. The request furtheres Policy II.B.5.j.

### **Activity Centers**

- E. Policy II.B.7.f. 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.

The subject site is within a Neighborhood Center designated in the West Side Strategic Plan; the closest designated Major Activity Center is at Central Ave. and Unser Blvd. There is existing multi-family development between the proposed development and the existing single family development. The proposed building is not adjacent to the existing low density residential area, but will be accessible by area residents. The request furtheres Policy II.B.7.f.

### **Transportation**

- F. Policy II.D.4.a: Ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan's Activity Centers and Transportation Corridors map in the Activity Centers section.

The subject site is within a designated Neighborhood Center. Unser Blvd. is a designated Express Transit Corridor. The proposed new construction would be consistent with the Development Form details for an Express Transit corridor, including minimum sidewalk width and on-site pedestrian circulation. The SPS design standards are consistent with the Zoning Code general design standards for non-residential development.. Staff finds the request furtheres Policy II.D.4.a.

### **Economic Development**

- G. Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

The subject site is located on the west side of Albuquerque, an area deficient in jobs relative to housing. The proposed non-residential uses, including retail, restaurant and service uses would provide a range of jobs potentially available to residents of the west

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side. The site is also served by transit, providing commuting options for future employees and residents at the site. Staff finds the request furthers Policy II.D.6.a.

8. The request partially furthers goals and policies of the Comprehensive Plan:
- A. 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 operations.

The site takes access from Unser Boulevard, which helps to route traffic away from the neighborhoods to the east and south. The site also takes access from Ladera Drive and Market Street, closer to existing residential development. These access points also allow neighborhood entry to the site. The request partially furthers Policy II.B.5k.

9. The request is in general compliance with the following applicable goals and policies of the Westside Strategic Plan.

- A. Plan Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

The request will allow the development of new business and additional job opportunities on the west side. The request furthers objective 8.

- B. Policy 1.1: Thirteen distinct Communities shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers.

These requests allow the development of commercial activity (non-residential development) within a neighborhood center as designated by the Westside Strategic Plan. The requests further Policy 1.1

- C. Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings.

The proposed SPS design standards include a requirement for linking building entrances to the Unser Blvd. trail via six foot sidewalks. The Site Plan for Building Permit shows bike racks in front of the proposed retail buildings and a 6 foot sidewalk connection to Unser Blvd. There is direct access from the bike lane along Unser Blvd. to the site. Staff finds the request furthers Policy 1.5.

- D. Policy 1.6: Large areas dedicated to employment uses shall be preserved on the West Side at Seven Bar Ranch, Atrisco Business Park, and Double Eagle II Airport. Additional employment center development is also encouraged. The City of Albuquerque and Bernalillo County economic development programs shall actively encourage employers to locate in these employment centers.

Commercial development on this portion site preserves the commercial use and adds to the job possibilities on the west side. The remainder of the site will be developed with residential uses and these uses will be compatible and complimentary to the commercial development. The requests further Policy 1.6.

- E. Policy 1.9: In the Established and Developing Urban areas mapped by the Albuquerque/Bernalillo County Comprehensive Plan, future neighborhood and community centers may be designated and developed at appropriate locations, determined as follows:

Neighborhood centers should be located to serve approximately 15,000 population within about one mile radius of the center. Uses typical of community centers would likely be accessed on a weekly basis, whereas those in a neighborhood center might be used almost daily. Neighborhood Centers should be less automobile oriented, located on minor arterial and/or collector streets, and connected to public transit service as well as informal pedestrian and bicycle ways. Both community and neighborhood centers shall be very accommodating to the pedestrian even within predominantly off-street parking areas. Neighborhood centers should also have small blocks, but with small clusters of shared parking as well as on-street parking. Both community and neighborhood centers shall have outdoor areas that encourage gathering; both shall include bicycle parking and both shall provide safe pedestrian connections among buildings and between buildings and parking areas.

The subject site is within a designated Neighborhood Center. The site vicinity has very limited commercial and service businesses available to surrounding residents; most daily needs must be met from businesses along Coors Blvd. Neighborhood-oriented commercial and service uses would be accommodated with development on the site. Two arterial roadways, Unser Blvd. and Ladera Rd., provide access to the project. Access is also from Market St. a collector street. The SPS identifies shared parking for commercial uses, and pedestrian connections to buildings as integral features of parking standards. Staff finds the request further Policy 1.9

- F. Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

The site is divided into smaller individual pad sites. There is access to the bike lane along Unser Blvd. and sidewalks are provided throughout the site. Policy 1.15 is furthered.

- G. Policy 1.16: Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be by auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

The site is accessed from a collector street (Market St.) and two arterial streets (Unser Blvd. and Ladera Dr.). The development would provide internal sidewalk connections to the multi-use trail existing along Unser Blvd. and to sidewalks leading to single family residential neighborhoods to the east, south and west of the subject property. Staff finds the request further Policy 1.16.

- H. Policy 3.16: Multifamily development, public uses, educational and institutional facilities, and commercial or employment uses are all appropriate in the Community or Neighborhood Centers. Mixed-use and multi-modal access shall be incorporated into the design for these areas.

The site is a designated Neighborhood Center in the WSSP, the proposed development will provide commercial and employment uses in a center with multi-modal access. The request further Policy 3.16.

- I. Policy 3.23: Location of commercial services, multifamily development, and public facilities shall be encouraged on the western side of the Ladera Community or in its central area to reduce trips to Coors Boulevard and provide easier access to services for neighborhoods west of the Ladera Golf Course. This development would occur in Neighborhood Centers designed to relate to the surrounding neighborhoods and be consistent with design guidelines for the area near the escarpment. Strip commercial development will not be allowed in this area.

The site is within a designated Neighborhood Center. The site vicinity is currently served by a limited number of neighborhood commercial businesses, consisting of some chain franchise businesses along the east side of Unser Blvd., approximately one-quarter mile north of Ladera Drive, however the majority of commercial shopping in the area occurs on Coors Blvd. The proposed site development would increase the number of retail and service businesses on a designated Neighborhood Center site west of the Ladera Golf Course, thereby increasing the available options for surrounding residents in closer proximity. The proposed development will include stand-alone retail and a group of shops; not a strip commercial development. Staff finds the request further Policy 3.23.

- J. Policy 3.25: Proposals for new development and rezonings in this area should be carefully analyzed to avoid negative impacts on the National Monument and other surrounding properties. Review of proposed projects should consider the design and site layout implications of any new development on surrounding properties.

The site is well away from the National Monument boundary, and its development would not impact publicly-available views of the Escarpment from major public roads or City parks and open space. Staff finds the request does not conflict with Policy 3.25.

- K. Policy 6.23: Require trail access to the regional trail network, through the Community Centers, Employment Centers, Neighborhood Centers, and parks and open space identified in the Plan. Require trail access through neighborhoods according to "transit friendly" subdivision design policy in 6.13 above. Proposed trails west of 118th Street are largely not mapped, but they should generally follow open space areas, drainage ways, major land forms or limited access arterials. Generally, an attempt shall be made to provide trails at approximately 1.5 mile intervals. Dedication of right of- way and/or construction of trails may be required pursuant to Planned Communities Criteria and subject to impact fee policies.

The site is adjacent to a bike lane along Unser Blvd and a proposed bike lane along Ladera.

10. The site is within the boundaries of the El Rancho Atrisco Phase 3 Sector Development Plan; the proposed uses add to the allowed commercial uses in the plan and do not change the allowance of 50% of the site for commercial a development.

11. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The proposed uses are consistent with the health, safety, morals and general welfare of the city because the new uses will provide needed services, retail and restaurant uses and the new uses will allow these businesses to be successful and serve the community. The new uses are at a neighborhood scale and low intensity and will not disturb the surrounding residents.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The allowed uses are found in many neighborhood scale shopping centers city wide. The additional uses do not drastically alter the underlying zoning and may help the area to develop in more stable way by attracting and retaining tenants.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

The request is not in significant conflict with the applicable goals and polices and, in fact, clearly facilitates these goals and policies. The request furthers many polices of the Comprehensive Plan especially those regarding economic development, new growth and provision of services. The

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request furthers many goals of the WSSP, including those regarding jobs housing balance, economic development and activity centers. The applicant cites Comprehensive Plan policies II.B.5a, II.B.5d, II.B.5e, II.B.5i, II.B5j, II.B.5k, II.B.5l, II.B.5m, II.B.7f, II.C.1b, the Noise goal, II.D.6.a, II.D.4a. The applicant cites WSSP objective 8, WSSP policies 1.5 1.9, 1.15, 1.16, 1.17, 3.16, 3.23, 4.6h, 4.10, 6.23 and 6.25 in support of the request.

Staff agrees with the majority of the policy justification. However, Comprehensive plan policy II.B.5l is not relevant because although the development will be appropriate for the site, it is not necessarily innovative. WWSP Policy 1.17 encourages the location of public facilities sin neighborhood center and is not relevant to the request.

*Refer to policy analysis section for more detail.*

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
4. There was an error when the existing zone map pattern was created; or
  5. Changed neighborhood or community conditions justify the change; or
  6. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The proposed zoning is more advantageous to the community because it will allow the provision of services that are lacking in the area (full service grocery and restaurant) and provide employment opportunities and enhance the viability of the shopping center. The requests further and clearly facilitate goals and policies of the comprehensive plan and the West side Strategic Plan

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The existing alcohol regulations at the State level provide a measure of security for area residents. The SU-1 zone requires that future development or significant changes to the site undergo review by the EPC. The proposed uses are found in shopping areas throughout the city in close proximity to residential areas and are compatible with that development.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

3. Denied due to lack of capital funds; or
4. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

All of the required site improvements will be constructed by the developer. All of the required utilities exist surrounding the site.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The request furthers goals and policies of the applicable plans. The cost of land is not part of the justification.

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The location on the arterial is an important consideration. However, the request is not justified based solely on location. The request furthers goals and policies of the applicable plans and is not justified solely by location.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:

3. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
4. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The request is not a spot zone because it is integrated into the shopping center design. It is not a change to one small area but to multiple parcels in a commercial center that will add additional uses to the existing commercial zoning on the site.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:

3. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
4. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The proposed zone does not create a strip of land with a different zone. It is surrounded by land with similar zoning.

12. The affected neighborhoods and property owners within 100 were notified.

13. A facilitated meeting occurred on December 1<sup>st</sup>. Meeting attendees expressed both support for and opposition to the request.

***RECOMMENDATION - 14EPC-40076-December 11<sup>th</sup>, 2014***

**APPROVAL of 14EPC-40076, a request for a Zone Map Amendment from SU-2/SU-1 for Planned Office Park and Commercial Development to SU-2/SU-1 for Planned Office Park and Commercial Development to include sales of Package Liquor in association with a grocery store. Permittee shall not sell distilled spirits in any package that contains less than 750 milliliters (minibottles) and beer in any single container containing 16 or fewer ounces (singles) for Tract 1A1 Plat of Tracts 1A1 and 1B1 based on the preceding Findings and subject to the following Conditions of Approval for SU-1 zoning only.**

***CONDITIONS OF APPROVAL – 14EPC-40076 December 11<sup>th</sup>, 2014- ZONE MAP AMENDMENT***

1. The zone map amendment does not become effective until the accompanying site development plan is approved by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

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***FINDINGS – 14 EPC-40078 – December 11<sup>th</sup> 2014, Site Development Plan for Subdivision Amendment***

1. This is a request for an amendment to the approved Site Development Plan for Subdivision for Tract 1A1 Plat of Tracts 1A1 and 1B1, El Rancho Atrisco unit Phase 3 located on Unser Blvd. between Ladera Drive and Market Street and containing approximately 20 acres.
2. The Site Development Plan for Subdivision was approved by the EPC in February of 2014 and was approved by the DRB in December of 2014.
3. The proposed changes will allow 3 signs on the commercial façade, small recesses and projections on building facades adjacent to drive-up windows, allow colored split face block as a building material, allow illumination of logos and allow light poles up to 28 feet in height.

4. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, El Rancho Atrisco Phase 3 Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
  
5. The request is consistent with and furthers goals and policies of the Comprehensive Plan:
  - A. 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.

Neighborhood values are respected with the requests. The surrounding area is currently under-served by neighborhood commercial and service businesses. . The new retail will provide additional options for west side residents and will be within walking distance of existing residential development. The additional uses, alcohol sales, will add to these options without adversely impacting the neighborhood. The development design standards of the SPS – for architecture, landscaping, and signage – will result in a building and site design theme consistent and complimentary to development in the surrounding area. The changes to the SPS are minimal and will not alter the overall intent of the regulations. The request furthers Policy II.B.5.d.

- B. Policy II.B.5.e: 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 assured.

The site has access to a full range of existing urban services, including roads, electricity, transit and water and sewer. The proposed development will be compatible with the existing neighborhood development because it will offer needed services and will designed to lessen the impact on the neighborhoods. The request furthers Policy II.B.5.e.

- C. Policy II.B.5.i: 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.

New development will add to the services available to area residents and provide job opportunities. The design standards in the SPS provide protection to the existing residential areas by limiting lighting near residential development and providing design standards to insure quality. Traffic will access the site from Unser Blvd. and Ladera Dr., away from the residential areas. Additional access points on Market Street may impact the existing multi-family development, but are separated from the development by an 86 foot wide street. The request furthers Policy II.B.5.i.

D. Policy II.B.5.j: When new commercial development occurs, it should generally be located in existing commercially zoned areas:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit

The subject site is within a Neighborhood Center designated in the West Side Strategic Plan; the closest designated Major Activity Center is at Central Ave. and Unser Blvd. There is residential development to the east and south within walking and biking distance of the site. Pedestrian access to the site provided via sidewalks around the perimeter of the site and walkways and sidewalks within the site Bike racks will be provided with the retail development. The request furthers Policy II.B.5.j.

### **Activity Centers**

E. Policy II.B.7.f: 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.

The subject site is within a Neighborhood Center designated in the West Side Strategic Plan; the closest designated Major Activity Center is at Central Ave. and Unser Blvd. There is existing multi-family development between the proposed development and the existing single family development. The proposed building is not adjacent to the existing low density residential area, but will be accessible by area residents. The request furthers Policy II.B.7.f.

### **Transportation**

F. Policy II.D.4.a: Ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan's Activity Centers and Transportation Corridors map in the Activity Centers section.

The subject site is within a designated Neighborhood Center. Unser Blvd. is a designated Express Transit Corridor. The proposed new construction would be consistent with the Development Form details for an Express Transit corridor, including minimum sidewalk width and on-site pedestrian circulation. The SPS design standards are consistent with the Zoning Code general design standards for non-residential development.. Staff finds the request furthers Policy II.D.4.a.

### **Economic Development**

- G. Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

The subject site is located on the west side of Albuquerque, an area deficient in jobs relative to housing. The proposed non-residential uses, including retail, restaurant and service uses would provide a range of jobs potentially available to residents of the west side. The site is also served by transit, providing commuting options for future employees and residents at the site. Staff finds the request further Policy II.D.6.a.

6. The request partially furthers goals and policies of the Comprehensive Plan:

- B. 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 operations.

The site takes access from Unser Boulevard, this helps to route traffic away from the neighborhoods to the east and south. The site also takes access from Ladera Drive and Market Street, closer to existing residential development. These access points also allow neighborhood entry to the site. The request partially furthers Policy II.B.5k.

7. The request is in general compliance with the following applicable goals and policies of the Westside Strategic Plan.

- A. Plan Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

The request will allow the development of new business and additional job opportunities on the west side. The request further objective 8.

- B. Policy 1.1: Thirteen distinct Communities shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers.

These requests allow the development of commercial activity (non-residential development) within a neighborhood center as designated by the Westside Strategic Plan. The requests further Policy 1.1

- C. Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings.

The proposed SPS design standards include a requirement for linking building entrances to the Unser Blvd. trail via six foot sidewalks. The Site Plan for Building Permit shows bike racks in front of the proposed retail buildings and a six foot sidewalk connection to Unser Blvd. There is direct access from the bike lane along Unser Blvd. to the site. Staff finds the request further Policy 1.5.

- D. Policy 1.6: Large areas dedicated to employment uses shall be preserved on the West Side at Seven Bar Ranch, Atrisco Business Park, and Double Eagle II Airport. Additional employment center development is also encouraged. The City of Albuquerque and Bernalillo County economic development programs shall actively encourage employers to locate in these employment centers.

Commercial development on this portion site preserves the commercial use and adds to the job possibilities on the west side. The remainder of the site will be developed with residential uses and these uses will be compatible and complimentary to the commercial development. The requests further Policy 1.6.

- E. Policy 1.9: In the Established and Developing Urban areas mapped by the Albuquerque/Bernalillo County Comprehensive Plan, future neighborhood and community centers may be designated and developed at appropriate locations, determined as follows:

Neighborhood centers should be located to serve approximately 15,000 population within about one mile radius of the center. Uses typical of community centers would likely be accessed on a weekly basis, whereas those in a neighborhood center might be used almost daily. Neighborhood Centers should be less automobile oriented, located on minor arterial and/or collector streets, and connected to public transit service as well as informal pedestrian and bicycle ways. Both community and neighborhood centers shall be very accommodating to the pedestrian even within predominantly off-street parking areas. Neighborhood centers should also have small blocks, but with small clusters of shared parking as well as on-street parking. Both community and neighborhood centers shall have outdoor areas that encourage gathering; both shall include bicycle parking and both shall provide safe pedestrian connections among buildings and between buildings and parking areas.

The subject site is within a designated Neighborhood Center. The site vicinity has very limited commercial and service businesses available to surrounding residents; most daily needs must be met from businesses along Coors Blvd. Neighborhood-oriented commercial and service uses would be accommodated with development on the site. Two arterial roadways, Unser Blvd. and Ladera Rd., provide access to the project. Access is also from Market St. a collector street. The SPS identifies shared parking for commercial uses, and pedestrian connections to buildings as integral features of parking standards. Staff finds the request further Policy 1.9

- F. Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

The site is divided into smaller individual pad sites. There is access to the bike lane along Unser Blvd. and sidewalks are provided throughout the site. Policy 1.15 is furthered.

- G. Policy 1.16: Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be by auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

The site is accessed from a collector street (Market St.) and two arterial streets (Unser Blvd. and Ladera Dr.). The development would provide internal sidewalk connections to the multi-use trail existing along Unser Blvd. and to sidewalks leading to single family residential neighborhoods to the east, south and west of the subject property. Staff finds the request furthers Policy 1.16.

- H. Policy 3.16: Multifamily development, public uses, educational and institutional facilities, and commercial or employment uses are all appropriate in the Community or Neighborhood Centers. Mixed-use and multi-modal access shall be incorporated into the design for these areas.

The site is a designated Neighborhood Center in the WSSP, the proposed development will provide commercial and employment uses in a center with multi-modal access. The request furthers Policy 3.16.

- I. Policy 3.23: Location of commercial services, multifamily development, and public facilities shall be encouraged on the western side of the Ladera Community or in its central area to reduce trips to Coors Boulevard and provide easier access to services for neighborhoods west of the Ladera Golf Course. This development would occur in Neighborhood Centers designed to relate to the surrounding neighborhoods and be consistent with design guidelines for the area near the escarpment. Strip commercial development will not be allowed in this area.

The site is within a designated Neighborhood Center. The site vicinity is currently served by a limited number of neighborhood commercial businesses, consisting of some chain franchise businesses along the east side of Unser Blvd., approximately one-quarter mile north of Ladera Drive, however the majority of commercial shopping in the area occurs on Coors Blvd. The proposed site development would increase the number of retail and service businesses on a designated Neighborhood Center site west of the Ladera Golf Course,

thereby increasing the available options for surrounding residents in closer proximity. The proposed development will include stand-alone retail and a group of shops; not a strip commercial development. Staff finds the request furthers Policy 3.23.

- J. Policy 3.25: Proposals for new development and rezonings in this area should be carefully analyzed to avoid negative impacts on the National Monument and other surrounding properties. Review of proposed projects should consider the design and site layout implications of any new development on surrounding properties.

The site is well away from the National Monument boundary, and its development would not impact publicly-available views of the Escarpment from major public roads or City parks and open space. Staff finds the request does not conflict with Policy 3.25.

- K. Policy 6.23: Require trail access to the regional trail network, through the Community Centers, Employment Centers, Neighborhood Centers, and parks and open space identified in the Plan. Require trail access through neighborhoods according to "transit friendly" subdivision design policy in 6.13 above. Proposed trails west of 118th Street are largely not mapped, but they should generally follow open space areas, drainage ways, major land forms or limited access arterials. Generally, an attempt shall be made to provide trails at approximately 1.5 mile intervals. Dedication of right of- way and/or construction of trails may be required pursuant to Planned Communities Criteria and subject to impact fee policies.
8. The site is within the boundaries of the El Rancho Atrisco Phase 3 Sector Development Plan; the proposed uses add to the allowed commercial uses in the plan and do not change the allowance of 50% of the site for commercial a development.
9. The site is adjacent to a bike lane along Unser Blvd and a proposed bike lane along Ladera.
10. A Zone Map Amendment ( 14EPC 40076)Site Development Plan for Building Permit ( 14 ECP-40077) are heard concurrently with this request.
11. Alcohol sales on the site are contingent on the approval of 14 EPC 40076 and if approved are subject to all applicable federal, state and local regulation regarding alcohol sales.
12. A facilitated meeting occurred on December 1<sup>st</sup>. Meeting attendees expressed both support for and opposition to the request.

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***RECOMMENDATION – 14 EPC 40078- December 11<sup>th</sup>, 2014***

**APPROVALDEFERRAL of 14EPC-40077, a request for Site Development Plan for Subdivision, for Tract 1A1 Plat of Tracts 1A1 and 1B1, El Rancho Atrisco unit Phase 3 located on Unser Blvd. between Ladera Drive and Market Street and containing approximately 10 acres. based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL – 14 EPC-40077 December 11<sup>th</sup> 201-Site Development Plan for Subdivision***

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. The zoning for the specific pad sites shall be listed in Section 1, Land Use on the Site Development Plan for Subdivision.

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***FINDINGS – 14 EPC-40077 – December 11<sup>th</sup> 2014, Site Development Plan for Building Permit***

1. This is a request for a Site Development Plan for Building Permit Tract 1A1 Plat of Tracts 1A1 and 1B1, El Rancho Atrisco unit Phase 3 located on Unser Blvd. between Ladera Drive and Market Street and containing approximately 10 acres.
2. The applicant proposes to construct a 10,000 square foot retail building for multiple tenants.

3. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, El Rancho Atrisco Phase 3 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 subject site is within the Developing Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

- A. 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.

Neighborhood values are respected with the requests. The surrounding area is currently under-served by neighborhood commercial and service businesses. . The new retail will provide additional options for west side residents and will be within walking distance of existing residential development. The additional uses, alcohol sales, will add to these options without adversely impacting the neighborhood. The development design standards of the SPS – for architecture, landscaping, and signage – will result in a building and site design theme consistent and complimentary to development in the surrounding area. The changes to the SPS are minimal and will not alter the overall intent of the regulations. The request further Policy II.B.5.d.

- B. Policy II.B.5.e: 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 assured.

The site has access to a full range of existing urban services, including roads, electricity, transit and water and sewer. The proposed development will be compatible with the existing neighborhood development because it will offer needed services and will designed to lessen the impact on the neighborhoods. The request further Policy II.B.5.e.

- C. Policy II.B.5.i: 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.

New development will add to the services available to area residents and provide job opportunities. The design standards in the SPS provide protection to the existing residential areas by limiting lighting near residential development and providing design standards to insure quality. Traffic will access the site from Unser Blvd. and Ladera Dr., away from the residential areas. Additional access points on Market Street may impact

the existing multi-family development, but are separated from the development by an 86 foot wide street. The request furthers Policy II.B.5.i.

- D. Policy II.B.5.j: When new commercial development occurs, it should generally be located in existing commercially zoned areas:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit

The subject site is within a Neighborhood Center designated in the West Side Strategic Plan; the closest designated Major Activity Center is at Central Ave. and Unser Blvd. There is residential development to the east and south within walking and biking distance of the site. Pedestrian access to the site provided via sidewalks around the perimeter of the site and walkways and sidewalks within the site Bike racks will be provided with the retail development. The request furthers Policy II.B.5.j.

### **Activity Centers**

- E. Policy II.B.7.f: 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.

The subject site is within a Neighborhood Center designated in the West Side Strategic Plan; the closest designated Major Activity Center is at Central Ave. and Unser Blvd. There is existing multi-family development between the proposed development and the existing single family development. The proposed building is not adjacent to the existing low density residential area, but will be accessible by area residents. The request furthers Policy II.B.7.f.

### **Transportation**

- F. Policy II.D.4.a: Ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan's Activity Centers and Transportation Corridors map in the Activity Centers section.

The subject site is within a designated Neighborhood Center. Unser Blvd. is a designated Express Transit Corridor. The proposed new construction would be consistent with the Development Form details for an Express Transit corridor, including minimum sidewalk width and on-site pedestrian circulation. The SPS design standards are consistent with

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the Zoning Code general design standards for non-residential development.. Staff finds the request furthers Policy II.D.4.a.

**Economic Development**

- G. Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

The subject site is located on the west side of Albuquerque, an area deficient in jobs relative to housing. The proposed non-residential uses, including retail, restaurant and service uses would provide a range of jobs potentially available to residents of the west side. The site is also served by transit, providing commuting options for future employees and residents at the site. Staff finds the request furthers Policy II.D.6.a.

4. The request partially furthers goals and policies of the Comprehensive Plan:

- C. 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 operations.

The site takes access from Unser Boulevard, this helps to route traffic away from the neighborhoods to the east and south. The site also takes access from Ladera Drive and Market Street, closer to existing residential development. These access points also allow neighborhood entry to the site. The request partially furthers Policy II.B.5k.

5. The request is in general compliance with the following applicable goals and policies of the Westside Strategic Plan.

- A. Plan Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

The request will allow the development of new business and additional job opportunities on the west side. The request furthers objective 8.

- B. Policy 1.1: Thirteen distinct Communities shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-

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residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers.

These requests allow the development of commercial activity (non-residential development) within a neighborhood center as designated by the Westside Strategic Plan. The requests further Policy 1.1

- C. Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings.

The proposed SPS design standards include a requirement for linking building entrances to the Unser Blvd. trail via six foot sidewalks. The Site Plan for Building Permit shows bike racks in front of the proposed retail buildings and a 6 foot sidewalk connection to Unser Blvd. There is direct access from the bike lane along Unser Blvd. to the site. Staff finds the request further Policy 1.5.

- D. Policy 1.6: Large areas dedicated to employment uses shall be preserved on the West Side at Seven Bar Ranch, Atrisco Business Park, and Double Eagle II Airport. Additional employment center development is also encouraged. The City of Albuquerque and Bernalillo County economic development programs shall actively encourage employers to locate in these employment centers.

Commercial development on this portion site preserves the commercial use and adds to the job possibilities on the west side. The remainder of the site will be developed with residential uses and these uses will be compatible and complimentary to the commercial development. The requests further Policy 1.6.

- E. Policy 1.9: In the Established and Developing Urban areas mapped by the Albuquerque/Bernalillo County Comprehensive Plan, future neighborhood and community centers may be designated and developed at appropriate locations, determined as follows:

Neighborhood centers should be located to serve approximately 15,000 population within about one mile radius of the center. Uses typical of community centers would likely be accessed on a weekly basis, whereas those in a neighborhood center might be used almost daily. Neighborhood Centers should be less automobile oriented, located on minor arterial and/or collector streets, and connected to public transit service as well as informal pedestrian and bicycle ways. Both community and neighborhood centers shall be very accommodating to the pedestrian even within predominantly off-street parking areas. Neighborhood centers should also have small blocks, but with small clusters of shared parking as well as on-street parking. Both community and neighborhood centers shall have outdoor areas that encourage gathering; both shall include bicycle parking and both shall provide safe pedestrian connections among buildings and between buildings and parking areas.

The subject site is within a designated Neighborhood Center. The site vicinity has very limited commercial and service businesses available to surrounding residents; most daily needs must be met from businesses along Coors Blvd. Neighborhood-oriented commercial

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and service uses would be accommodated with development on the site. Two arterial roadways, Unser Blvd. and Ladera Rd., provide access to the project. Access is also from Market St. a collector street. The SPS identifies shared parking for commercial uses, and pedestrian connections to buildings as integral features of parking standards. Staff finds the request further Policy 1.9

- F. Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

The site is divided into smaller individual pad sites. There is access to the bike lane along Unser Blvd. and sidewalks are provided throughout the site. Policy 1.15 is furthered.

- G. Policy 1.16: Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be by auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

The site is accessed from a collector street (Market St.) and two arterial streets (Unser Blvd. and Ladera Dr.). The development would provide internal sidewalk connections to the multi-use trail existing along Unser Blvd. and to sidewalks leading to single family residential neighborhoods to the east, south and west of the subject property. Staff finds the request further Policy 1.16.

- H. Policy 3.16: Multifamily development, public uses, educational and institutional facilities, and commercial or employment uses are all appropriate in the Community or Neighborhood Centers. Mixed-use and multi-modal access shall be incorporated into the design for these areas.

The site is a designated Neighborhood Center in the WSSP, the proposed development will provide commercial and employment uses in a center with multi-modal access. The request further Policy 3.16.

- I. Policy 3.23: Location of commercial services, multifamily development, and public facilities shall be encouraged on the western side of the Ladera Community or in its central area to reduce trips to Coors Boulevard and provide easier access to services for neighborhoods west of the Ladera Golf Course. This development would occur in Neighborhood Centers designed to relate to the surrounding neighborhoods and be consistent with design guidelines for the area near the escarpment. Strip commercial development will not be allowed in this area.

The site is within a designated Neighborhood Center. The site vicinity is currently served by a limited number of neighborhood commercial businesses, consisting of some chain franchise businesses along the east side of Unser Blvd., approximately one-quarter mile north of Ladera Drive, however the majority of commercial shopping in the area occurs on Coors Blvd. The proposed site development would increase the number of retail and service businesses on a designated Neighborhood Center site west of the Ladera Golf Course, thereby increasing the available options for surrounding residents in closer proximity. The proposed development will include stand-alone retail and a group of shops; not a strip commercial development. Staff finds the request furthers Policy 3.23.

- J. Policy 3.25: Proposals for new development and rezonings in this area should be carefully analyzed to avoid negative impacts on the National Monument and other surrounding properties. Review of proposed projects should consider the design and site layout implications of any new development on surrounding properties.

The site is well away from the National Monument boundary, and its development would not impact publicly-available views of the Escarpment from major public roads or City parks and open space. Staff finds the request does not conflict with Policy 3.25.

- K. Policy 6.23: Require trail access to the regional trail network, through the Community Centers, Employment Centers, Neighborhood Centers, and parks and open space identified in the Plan. Require trail access through neighborhoods according to "transit friendly" subdivision design policy in 6.13 above. Proposed trails west of 118th Street are largely not mapped, but they should generally follow open space areas, drainage ways, major land forms or limited access arterials. Generally, an attempt shall be made to provide trails at approximately 1.5 mile intervals. Dedication of right of- way and/or construction of trails may be required pursuant to Planned Communities Criteria and subject to impact fee policies.
5. The site is within the boundaries of the El Rancho Atrisco Phase 3 Sector Development Plan; the proposed development is consistent with allowed commercial uses in the plan.
6. A Zone Map Amendment ( 14EPC 40076) and Site Development Plan for Subdivision Amendment ( 14 ECP-40077) are heard concurrently with this request.
7. A facilitated meeting occurred on December 1<sup>st</sup>. Meeting attendees expressed both support for and opposition to the request.

***RECOMMENDATION – 14EPC 40077 -December 2014***

**APPROVAL of 14EPC-40077, a request for Site Development Plan for Building Permit, for (legal description), based on the preceding Findings (and subject to the following Conditions of Approval.)**

***CONDITIONS OF APPROVAL – 14EPC 40077-December 11<sup>th</sup>, 2014-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. Provide 2 additional bikes racks for the retail spaces.
4. The applicant will continue to work with City Engineer/Transportation Development to address the comments provided for this project.
5. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board
6. Conditions of Approval based on comments from PNM:
  1. Existing underground electric distribution facilities are located on the west, south and north boundaries of the subject property. The applicant is responsible to abide by any conditions or terms of those easements.
  2. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard

for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances. Contact:

PNM – Electric Service

Mike Moyer Phone: (505) 241-3697

4201 Edith Boulevard NE, Albuquerque, NM 87107

3. Ground-mounted equipment screening will be designed to allow for access to utility facilities. 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. Refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.

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***Maggie Gould  
Planner***

***Notice of Decision cc list:***

Tierra West LLC	5571 Midway Park Place, NE	ABQ, NM	87109
Western Albuquerque Land Holdings, LLC	3131 Camelback Road, Suite 200	Phoenix, AZ	85016

## CITY OF ALBUQUERQUE AGENCY COMMENTS

***PLANNING DEPARTMENT***

***Zoning Enforcement***

***Office of Neighborhood Coordination***

Ladera West NA (R)

Laurelwood NA (R)

Parkway NA (R)

Tres Volcanes NA (R)

Westside Coalition of NA's

11/3/14 – Recommended for Facilitation – siw

11/14/14 – Assigned to Jessie Lawrence - th

**Long Range Planning**

**Metropolitan Redevelopment Agency**

**CITY ENGINEER**

City Engineer/Transportation Development:

- Show existing sidewalk facilities on Unser, Ladera, and Market. Label dimensioning.
- Tie-in the new 8-foot pedestrian walkways to the existing sidewalks within public rights of way. Clearly show, dimension, and label the required pathways from the handicapped parking spaces to the doors.
- Provide analysis of queuing for pharmacy. Show length of queuing and number of vehicles that can be accommodated.
- Show truck delivery route, and provide a separate site plan showing turning movements for a delivery truck to determine adequacy of proposed facilities.
- Provide a copy of the shared access agreement with the gas station.
- Provide proposed width for all parking spaces. Provide a minimum of 8.5-foot width for all parking spaces and a minimum of 8 feet for the van accessible aisles.
- Provide necessary details for curb and handicapped ramps. Provide Sheets C-8, C-9, and C-10.
- Show required refuse for grocery store.
- Provide curb ramps and curb ramp details at all access points from site to public rights of way.
- Label the curb radii for access off of Unser Boulevard.
- Label existing roadway, right-of-way, and sidewalk dimensions on the plan for adjacent streets.
- What is the reasoning for creating a public access facility? The dimensions provided for the public access do not meet DPM standards for roadways including the lack of sidewalk and curb and gutter.
- Show the entire right turn lane length entering into new site development from Unser Boulevard on the south side of the development.
- The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).
- Suggest traffic calming east of Pad Sites A and B as traffic approaches Unser Boulevard to slow down traffic before crossing the bike path. Incorporate use of a raised crossing at the location of the bike path along with necessary signage.

- Existing electric pole locations along Unser Boulevard may be inaccurate. Please revise as needed.
- Bus stop relocation on the east side of Unser Boulevard due to the new development requires concurrence from Transit.
- A Traffic Impact Study is required for this site. Follow the recommendations as part of the approved Traffic Impact Study.

**NMDOT:**

- NMDOT has coordinated previously for the conceptual access point on Unser Blvd. Additional construction plans will need to be submitted to NMDOT/D3 for review to include but not limited to pedestrian and bicycle lanes and signage. Access permit for the driveway will be required and processed through NMDOT /D3.

**Hydrology Development**

**DEPARTMENT of MUNICIPAL DEVELOPMENT**

**DMD Transportation Planning:**

- Per the Long Range Roadway System Map, Unser Blvd. is a Principal Arterial and Ladera Dr. is a Minor Arterial. Existing R/W widths for these roadways are not identified on the site development plan. Per the Long Range Bikeway Systems map, Unser Blvd. is to proposed to contain bicycle lanes and a multi-use trail. The bicycle lane presently exists across the frontage of this property, but the dedicated trail is missing across the north half of the Unser Blvd. frontage. Ladera Drive is proposed to contain bicycle lanes, which appears to missing on its south side where it fronts the subject property. A condition of approval should be for the applicant to install these missing improvements, which can be integrated into an existing Ladera Dr. improvement project currently being designed by DMD.

**Traffic Engineering Operations**

**WATER UTILITY AUTHORITY**

**Utility Services**

An alternative utility alignment should be developed in order to eliminate the public utility extensions into the site.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**PARKS AND RECREATION**

**Planning and Design**

14EPC-40077 – Site Development Plan for Retail Building Permit

Suggest “speed table” or raised path where bike path crosses automobile access from Unser north of Hanover. White reflective surface or markings would aid drivers awareness of the bike path. Defer to Transportation regarding appropriate signage where bike path and street are at 90 degree angles to each other. Recommend slight adjustment to angle of bike path as it approaches and crosses the northern automobile access point from Unser to allow better visibility for bicyclists.

Verify location of power pole on Pad Site C as it appears to be in middle of bike path/sidewalk.

**Open Space Division** OSD has reviewed and has no comments.

**City Forester**

***POLICE DEPARTMENT/Planning***

- **Site Plan Development Plan For Building Permit:**
  - o Proposed landscaping and exterior parking lot lights appear to have the potential to conflict with each other. Recommend not placing tree variety landscaping adjacent to pole lighting. Once the trees become mature they will reduce available illumination. All bush variety landscaping should be maintained no more than three feet off the ground for optimal visibility.
  - o A coordinated video surveillance system should be considered for the entire project. Cameras should be positioned to view all vehicle access points, parking lots, drive-through services, gasoline service, walkways, maintenance and loading points, building access points and areas between each proposed development. Each camera should be monitored and recorded for real-time and historical use.
  - o Due to the size and scope of the project, recommend providing on premise, rolling security at all times during operational hours.
  - o Suggest providing large drive areas between each proposed phase and function.

***SOLID WASTE MANAGEMENT DEPARTMENT***

**Refuse Division** Disapproved, must show refuse location and detail

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

Adjacent and nearby routes	Route #92, Taylor Ranch Commuter route, and Route #94, Unser Express Commuter route, pass the site on Unser.
Adjacent bus stops	There is an existing bus stop, adjacent to the property approximately 255’ south from the southwest corner of the property, serving the above-mentioned commuter routes. The proposed north access is immediately south of the existing bus stop.
Site plan requirements	Developer to coordinate with the Transit Department for the relocation of the Transit bus stop.
Large site TDM suggestions	None.
Other information	None

## **COMMENTS FROM OTHER AGENCIES**

### **BERNALILLO COUNTY**

#### **ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

**ALBUQUERQUE PUBLIC SCHOOLS** This will have no adverse impacts to the APS district.

### **MID-REGION COUNCIL OF GOVERNMENTS**

MRMPO has no adverse comments. For clarification, please cite TCC R-14-1 as the resolution approving additional access to the site.

For informational purposes, the functional classification of Unser Boulevard is that of an Existing Urban Principal Arterial and Ladera Drive is an Existing Urban Minor Arterial.

### **MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

#### **PUBLIC SERVICE COMPANY OF NEW MEXICO**

1. Existing underground electric distribution facilities are located on the west, south and north boundaries of the subject property. The applicant is responsible to abide by any conditions or terms of those easements.
2. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances. Contact:  
PNM – Electric Service  
Mike Moyer Phone: (505) 241-3697  
4201 Edith Boulevard NE, Albuquerque, NM 87107
3. Ground-mounted equipment screening will be designed to allow for access to utility facilities. 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. Refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.