Environmental Planning Commission

Agenda Number: 01
Project Number:1003275
Case #: 16EPC- 40088
February 9, 2017

Staff Report

Agent	
Applicant	Nathan Bisch- One Architecture
Request	**Site Development Plan for Building Permit**
Legal Description	Tract A-2, Heritage Marketplace
Location	SW corner of Ladera Drive and Market Street
Size	.94 acres
Existing Zoning	SU-2/SU-1 Planned Office Park and Commercial Development to Include Full Service Alcohol Sales with a Sit Down Restaurant
Proposed Zoning	Same

Staff Recommendation

APPROVAL/ of 16EPC 40088 based on the Findings beginning on Page 10, and subject to the Conditions of Approval beginning on Page 12.

Staff Planner

Maggie Gould, Planner

Summary of Analysis

This is request for Site Development Plan for Building Permit for a 3,237 square foot restaurant with drive up service window on a .94 acre site located on the SW corner of Ladera Dr. and Market St. and zoned SU-2/SU-1 for Planned Office Park and Commercial Development to Include Full Service Alcohol Sales with a Sit Down Restaurant. The site is within the Heritage Marketplace Site Development Plan for Subdivision boundary.
A facilitated meeting occurred on January 25, 2017. Neighbors expressed concern about existing traffic in the area, additional traffic from the proposed use, the function of the intersections, delivery trucks, pedestrian safety, and the lack of a signal at Market Street because of the distance to Unser Boulevard. Attendees opposed the drive-thru use because a sit down restaurant would be preferable in the neighborhood center.
Staff recommends approval with conditions.

City Departments and other interested agencies reviewed this application from 01/03/2017 to 01/19/2017
Agency comments used in the preparation of this report begin on Page 16.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	*Comprehensive Plan Area; Applicable Rank II & III Plans*	*Land Use*
Site	SU-2/SU-1 Planned Office Park and Commercial Development to Include Full Service Alcohol Sales with a Sit Down Restaurant	Developing Urban, WSSP, El Rancho Atrisco Phase III SDP	Vacant
North	R-D	Developing Urban, WSSP, El Rancho Atrisco Phase III SDP	Vacant, Multi-Family
South	SU-2/ SU-1 Planned Office Park and Commercial Development to include sales of package Liquor in Association with a Grocery Store	Developing Urban, WSSP, El Rancho Atrisco Phase III SDP	Commercial
East	R-D	Developing Urban, WSSP, El Rancho Atrisco Phase III SDP	Multi-Family/ Single Family
West	SU-2 SU-1 Planned Office Park and Commercial Development, R-D	Developing Urban, WSSP	Commercial, Single Family

II. INTRODUCTION

Proposal

This is a request for a Site Development Plan for Building Permit for .94 acre site located on the south west corner of Ladera Drive and Market Street. The subject site is zoned SU-2/SU-1 for Planned Office Park and Commercial Development to Include Full Service Alcohol Sales with a Sit Down Restaurant. The applicant proposes to construct a 3,237 square foot restaurant with drive up service window. The subject site is located within the boundaries of the Heritage Marketplace Site Development Plan for Subdivision; therefore the requested Site Development Plan for Building Permit must conform to the EPC approved Heritage Marketplace Site Development Plan for Subdivision design standards. (13EPC-40148)

EPC Role

The EPC is hearing this case because of the SU-1 zone designation which requires the site plan review and approval. 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. 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 considered a quasi-judicial matter.

History/Background

The El Rancho Atrisco Phase III Sector Plan, adopted in 1981, zoned the subject site SU-1 Planned Office Park and Commercial Development. Per the plan, commercial development is capped at no more than 50% of the original 25 acres of which the subject site is part.

The site is part of a larger 20 acre Site Development Plan for Subdivision.

In October 2012 the City Code Compliance Manager confirmed that activities allowed on the site must correspond to those enumerated in the C-1 Neighborhood Commercial zone uses, and that the area within which the subject site is located may be developed with commercial uses pursuant to the C-1 zone.

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 in 2014, resolution TCC R-14-1.

In February of 2014, the Heritage Marketplace Site Development Plan for Subdivision (13EPC-40148, see attached) was approved by the EPC for the platted 20 acre site. This Site Plan for Subdivision states that a "A maximum of 50 percent (12.5 acres) of the original 25-acre site as referenced on Sheet 5 of the El Rancho Atrisco Phase III Sector Development Plan is eligible for development with retail and service-type uses consistent with those of the C-1 zone." (see attached). Since the existing gas station consists of .85 acres, an additional 11.65 acres may be developed with commercial uses pursuant to the C-1 zone. The Heritage Marketplace Site Development Plan for Subdivision was signed off on by the DRB in November of 2014. Although the applicant had originally asked for delegation of the Site Development Plan for Building Permit to the DRB, the EPC chose to have the Site Development Plan for Building Permit return to the EPC for review.

In December of 2014, the EPC approved a Zone Map Amendment to add to the language "to Include Full Service Alcohol Sales with a Sit Down Restaurant" on the subject site and the three parcels along Unser Boulevard and add "to include the Sales of Package Liquor in Association with a Grocery Store" the site that now contains the Wal-Mart grocery store. A Site Development Plan for Building Permit for the parcels to the south of the subject site (14-EPC 40076, 77, 78 and 79) for the grocery store and a retail building were also approved.

The EPC recently approved two restaurants with drive up service windows for the two southern most parcels along Unser Boulevard (16 EPC 40055 and 16 EPC 40073).

Context

The subject site is vacant land located at the southwest corner of Ladera Drive and Market Street. The adjacent pads to the north and south contain, a grocery store (Walmart) with an adjacent

fueling station was constructed in 2015 as part of the Heritage Marketplace. The pad sites along Unser Boulevard will be developed with a retail building, a drive thru restaurant and drive thru restaurant with attached retail building. The corner of Unser Boulevard and Ladera Drive is occupied by an additional convenience store with gasoline pumps, constructed in 1996 prior to the Heritage Marketplace Site Development Plan for Subdivision.

To the east of the vacant parcels across Market Street is a multi-family apartment complex and farther to the east and south are single family neighborhoods, both part of the Laurelwood Neighborhood Association. Farther to the west across Unser Boulevard is a single family residential development, part of the Parkway Neighborhood Association.

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 LRRS designates Unser Blvd. as a Principal Arterial.

The LRRS designates Ladera Dr. as a Minor Arterial.

The LRRS designates Market Street as a Local Street.

Comprehensive Plan Corridor Designation

Unser Blvd. is currently designated as an Express Transit Corridor, which, as stated in the Comprehensive Plan Corridor Policies, is "dedicated to developing higher speeds with fewer interruptions to travel for the car and transit vehicles."

Trails/Bikeways

A paved multi-use trail is developed along Unser Blvd, with connections a trail along I-40.

Public Facilities/Community Services

Please refer to the Public Facilities Map in the packet for a complete listing of public facilities and community services located within one mile of the subject site.

III. ANALYSIS

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The El Rancho Atrisco Phase III Sector Plan, adopted in 1981, zoned the subject site SU-1 Planned Office Park and Commercial Development. Per the plan, commercial development is capped at no more than 50% of the original 25 acres of which the subject site is part.

In a letter dated October 18, 2012 (see attached), the City Code Compliance Manager confirmed the existing SU-1 zoning, regulated by the C-1 standards 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 uses of the C-1 Zone and the additions approved by the EPC in 2014. The southern half of the property with residential and/or office uses per C-1 Zone standards. The Heritage Marketplace Site Development Plan for Subdivision references the C-2, O-1 and R-3 zones 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.

The subject site may be developed with commercial uses, permissive and conditional, pursuant to the C-1 zone. The proposed restaurant with a drive-up service window use on the subject site is permitted under the existing zoning.

Definitions

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 Development Plan for Subdivision (§14-16-1-5): An accurate plan at a scale of at least 1 inch to 100 feet which covers at least 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 ratio

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 non-auto 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 (text) by the Comprehensive Plan with a Goal to "(text)." Applicable policies include:

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

The request <u>generally furthers</u> Policy II.B.5.d. The proposed development would be suitable in terms of its location and intensity as it is appropriately located within an existing area zoned for commercial uses. The subject site is not considered a scenic or natural environment, and is subject to the Heritage Marketplace design standards, which were established to respect neighborhood values and conditions of the area. However, there is concern about the impact

of the traffic from the proposed development and the impact of the drive-use on the pedestrian safety.

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 ensured.

The request furthers Policy II.B.5.e because the site has access to a full range of existing urban services, including roads, electricity, transit and water and sewer. The proposed Site Development Plan for Building Permit is required to adhere to the Heritage Marketplace Site Development Plan for Subdivision design standards as approved by the Environmental Planning Commission. These standards help to ensure quality development on the site.

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.

The request furthers Policy II.B.5.i. New development will add to the services available to area residents and provide job opportunities. The Heritage Marketplace Site Development Plan for Subdivision provides design standards that limit lighting near residential development and includes other standards to increase the design quality for the adjacent neighborhoods.

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:

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 request furthers policy 3.23 because the proposed development adds commercial services on the western side of the Ladera Community within a neighborhood center. The site plan is generally consistent with the design standards in the Heritage Marketplace Site Development Plan for Subdivision. Extensive landscaping is provided along the northeast corner that will help the site relate to the neighborhood.

Policy 3.24: The area just west of Coors and north of I-40 up to a point of about 1000 feet south of Ladera Drive should be designated and developed as the Community Activity Center for Ladera.

The request <u>furthers</u> Policy 3.24 because the proposed commercial development will be located within the Unser / Ladera Neighborhood Center as shown on page 30 of the West Side Strategic Plan.

Policy 4.6.g: Create commercial developments that are or will be accessible by transit. Locate buildings adjacent to street frontages and place parking areas to the rear or sides of properties and/or on adjacent streets. Locate landscaping, walls, or fences so they do not create barriers for pedestrians. Parking shall not take precedence over pedestrian circulation.

The request <u>partially furthers</u> policy 4.6.g because the site is accessible by transit and the landscaping and walls do not create barriers for pedestrians. However, the building is close to the street, but has a drive up lane between the building and the street.

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 Boulevard on the west, Atrisco Road on the east, Hanover Road 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 that includes the subject site and other properties within the Sector Plan boundaries.

The request <u>furthers</u> the intent of El Rancho Atrisco Phase III Sector Plan because the proposed development complies with the intent of the land use plan contained within the El Rancho Atrisco Phase III Sector Plan.

Other Analysis

A Traffic Impact Analysis was done for the entire 20 acre site in 2013. This study looked at fast food restaurants up service windows (drive-thrus), two high turnover sit down restaurants, a grocery store and shopping center. The applicant updated the trip generation study to account for the additional drive up service window. The updated trip generation shows that the third drive up use will add 291 more trips than originally anticipated in the 2013 traffic study, an increase of about 2% for the entire site. Although the Trip Generation study states that use on Pad A has yet to determined, a 1,944 square foot fast food restaurant with drive up window was approved by the EPC in November. The original Trip Generation study looked at 4,000 square foot fast food restaurant with drive up service window, so smaller the square footage building would not add trips over what was originally studied.

The request does not add to the jobs to housing imbalance between the east and west sides of the city.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

Request

This is a request for a Site Development Plan for Building Permit. The applicant proposes to construct a 3,237 square foot restaurant with drive up service window.

Section 14-16-3-11(B) 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,

the Comprehensive Zoning Code, Heritage Marketplace Site Development Plan for Subdivision (SPS) and all other applicable City planning documents.

Site Plan Layout / Configuration

The subject site is part of a larger shopping area that is developed with a grocery store, gas station, mixed retail building and has two additional drive- thru restaurants under development.

The building is oriented towards the northeast corner of the site, with the drive up lanes along the north and east sides of building. The entrance faces the parking area to the south. The proposed building will be 23 feet in height and have an FAR of .07. The SPS allows an FAR of up to .3, the proposed building complies.

The required building setbacks are as stated in the O-1 zone (§14-16-2-15), front and corner set back of not less than 10 feet when a lot is across the street from a residential zone. The building is setback approximately 30 feet from Ladera Drive and 85 feet from Market Street.

Public Outdoor Space

The approved SPS, Section D, requires a 200 square foot patio shaded by trees and or a shade structure. The site plan shows an approximately 255 square foot patio area at the entrance to the building; a tree is shown on the east side of the patio. Staff recommends an additional tree on the west side of the patio to provide shade. A bench into the patio area would also be a reasonable addition.

Vehicular Access, Circulation and Parking

The site takes access from Market Street via a 24 foot wide shared access drive located on the Wal-Mart site to the south. The site has access to Ladera Drive via a 43 foot wide shared access drive.

The zoning code (§14-16-3-1(A)(26), Off Street Parking Regulations, requires one parking space for each four seats within the restaurant; the parking calculations show 54 seats and would require 13 parking spaces; 28 spaces will be provided.

Pedestrian and Bicycle Access and Circulation, Transit Access

Access to the sidewalks along Market Street and Ladera Drive will be provided via a pedestrian connection from the building to Ladera near the northwest corner of the building. The SPS Section B, requires pedestrian connections to the public sidewalks; an additional connection should be added to Market Street, if it can be designed to provide safe access.

A six space bicycle rack will be provided near the entrance to the building. The zoning code, (§14-16-3-1 (B)(3)) requires 1 bicycle space for each 20 required auto spaces, but not less than two spaces. The proposed bicycle parking exceeds the requirement.

The nearest bus stop is located on Ladera drive approximately 650 feet from the site. There is an additional bus stop on Unser Blvd, approximately 800 feet from the site.

Walls/Fences

A screen wall is provided along the north side of the site to screen the drive up service lane, the wall is shown at 40 inches in height and will need to be reduced to 36 inches to comply with the SPS. An additional screen wall is shown along Market Street to screen the parking area in addition to the landscaping.

Lighting and Security

The lighting plan shows parking lot lights at 25 feet in height. This is allowed by the SPS. The light pole shown on the east side of the site, close to the dumpster area may need to be moved or lowered to 16 feet in height, it appears to be within 100 feet of the residential zoned site to the east. The applicant will need to verify this prior to DRB final sign off.

Landscaping

The site is subject to the requirements of §14-16-3-10, Landscaping Regulations and the landscaping standards in the SPS. The subject site is 41,137 square feet with a 3,237 square foot building for a net lot area of approximately 37, 900 square feet. Pursuant to the Zoning Code, 15% of the net lot area must be landscaped; approximately 5,685 square feet of landscaping would be required. The applicant is providing 9,848 square feet of landscaping with a mixture of low to medium water plants that are generally successful in the area. The landscape plan will need to be updated prior to DRB to show the correct required square footage. The plan currently shows 13,131 square feet of landscaped area and a required landscape area of 9,848 square feet. Staff would also recommend lowering the grade of the landscape areas and adding inlets to allow storm water into the landscaping areas where possible.

Grading, Drainage, Utility Plans

The site slopes from west to east, with a change in grade of two to three feet. A small ponding area will be developed on the east side of the site to capture the first flush, additional flows will be accommodated in the existing infrastructure on the adjacent site.

Architecture

The SPS does not require a particular style of building. The proposed building is articulated on all sides with changes in color, plane and material. The building will have stucco finishes and stacked stone accents.

The SPS Section 4, contains a prohibition against generic franchise architecture. The choice of material is similar to existing development in the area and makes the building fit in with the existing development.

Signage

The Heritage Marketplace Site Development Plan for Subdivision design standards permit up to three wall mounted signs per commercial building façade per business, not to exceed 6% of each facade.

The applicant proposes to add the signage under a separate permit. The signage shown on the building elevations appears to be compliant with the signage standards, but is not dimensioned.

There is an existing freestanding sign, approved as part of the grocery store, on the west side of the site. No changes are proposed to this sign.

Future signage will be required to comply with SPS standards and a note shall be added to the site stating that future signage can approved administratively if it complies with the required standards.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

The applicant moved the dumpster location in response to comments from Solid Waste. Comments from Transportation will be addressed prior to DRB sign off.

Neighborhood/Public

The Laurelwood Neighborhood Association, Parkway Neighborhood Association and the Westside Coalition of Neighborhoods were notified.

A facilitated meeting occurred on January 25, 2017. Neighbors expressed concern about the existing traffic in the area and additional traffic from the proposed use, including the volume of traffic, the function of the intersections, delivery trucks and the lack of a signal at Market Street because of the distance to Unser Boulevard.

There is opposition to the drive-thru use. The attendees stated that the drive-thru use is not pedestrian friendly and attendees would prefer a sit down restaurant, rather than the drive-thru. They feel the sit down restaurant would be a better fit for the neighborhood center.

Additional concerns raised were that there already burger places, including Burger King nearby and that the drive-thru poses safety issues for kids crossing the site.

There were questions about the traffic study and the updated trip generation numbers. The traffic engineer sent out a table including the original and updated trip generation number to allow for a side by side comparison. The updated trip generation shows that the third drive up use will add 291 more trips than originally anticipated in the 2013 traffic study, an increase of about 2% for the entire site.

The City Traffic Engineer with Transportation Development reviewed the updated Trip Generation and agreed with the analysis. The exhibits show the change in trips for the proposed development is very small and would not warrant any further traffic mitigation or infrastructure.

The applicant is looking at making changes to the site plan to address the neighborhood concerns; there may be changes to the site plan prior to the hearing based on this. The changes can be added as conditions of approval if approved by the EPC.

Staff received questions regarding the Neighborhood Activity Center designation in the WSSP. The WSSP was updated in 2009 to add the Southwest Strategic Action Plan. This plan added a

Neighborhood Activity Center Zone to the Tower/Unser, Rio Bravo and Route 66 Sector Development Plans as an option "to create a mixed-use zoning district that can be applied voluntarily to designated Neighborhood Activity Centers in these plans. The new, voluntary zoning applied to these specific plans and did not add zoning to the WSSP.

V. CONCLUSION

This is a request for a Site Development Plan for Building Permit to allow the development of a restaurant with drive-up service window on a .94 acre site at the southwest corner of Ladera Drive and Market Street.

The request is generally consistent with the Comprehensive Plan, Westside Strategic Plan and the El Rancho Atrisco Phase III Sector Development Plan. The request generally meets the standards of the approved Site Development Plan for Subdivision and the Zoning Code. The conditions of approval address areas of non-compliance.

FINDINGS – 16 EPC-40088, February 9, 2017- Site Development Plan for Building Permit

1. This is a request for a Site Development Plan for Building Permit for Tract A-2, Heritage Marketplace located on Ladera Drive NW, between Unser Boulevard and Market Street and containing approximately .94 acres.

2. The request will allow the development of 3,237 square foot restaurant with drive up service window and associated landscaping and parking areas.

3. In October of 2012, the City Code Compliance Manager confirmed that uses allowed on the site must correspond to those enumerated in the C-1 Neighborhood Commercial Zone, and that the area within which the subject site is located may be developed with commercial uses pursuant to the C-1 zone. Therefore, the proposed restaurant with a drive-up service window and retail building on the subject site is permissive.

4. The subject site is located within the Heritage Marketplace Site Development Plan for Subdivision (13EPC-40148), and is subject to the approved design standards. The request is consistent with those standards.

5. The site is within the boundaries of the Developing Urban area of the Comprehensive Plan, the Ladera Community of the West Side Strategic Plan and the El Rancho Atrisco III Sector Development Plan. The Heritage Marketplace Site Development Plan for Subdivision applies to the site and contains design requirements that development must comply with.

6. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, El Rancho Atrisco Phase III 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. 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." The attached site development plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, and other applicable Plans.

8. The proposed Site Development Plan for Building Permit furthers the following Comprehensive Plan policies:

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.

The request generally furthers Policy II.B.5.d. The proposed development would be suitable in terms of its location and intensity as it is appropriately located within an existing area zoned for commercial uses. The subject site is not considered a scenic or natural environment, and is subject to the Heritage Marketplace design standards, which were established to respect neighborhood values and conditions of the area. However, there is concern about the impact of the traffic from the proposed development and the impact of the drive-use on the pedestrian safety.

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 ensured.

The request furthers Policy II.B.5.e because the site has access to a full range of existing urban services, including roads, electricity, transit and water and sewer. The proposed Site Development Plan for Building Permit is required to adhere to the Heritage Marketplace Site Development Plan for Subdivision design standards as approved by the Environmental Planning Commission. These standards help to ensure quality development on the site.

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.

The request furthers Policy II.B.5.i. New development will add to the services available to area residents and provide job opportunities. The Heritage Marketplace Site Development Plan for Subdivision provides design standards that limit lighting near residential development and includes other standards to increase the design quality for the adjacent neighborhoods.

9. The proposed Site Development Plan for Building Permit furthers the following West Side Strategic Plan policies:

A. 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 request furthers policy 3.23 because the proposed development adds commercial services on the western side of the Ladera Community within a neighborhood center. The site plan is generally consistent with the design standards in the Heritage Marketplace Site

Development Plan for Subdivision. Extensive landscaping is provided along the northeast corner that will help the site relate to the neighborhood.

B. Policy 3.24: The area just west of Coors and north of I-40 up to a point of about 1000 feet south of Ladera Drive should be designated and developed as the Community Activity Center for Ladera.

   The request furthers Policy 3.24 because the proposed commercial development will be located within the Unser / Ladera Neighborhood Center as shown on page 30 of the West Side Strategic Plan.

C. Policy 4.6.g: Create commercial developments that are or will be accessible by transit. Locate buildings adjacent to street frontages and place parking areas to the rear or sides of properties and/or on adjacent streets. Locate landscaping, walls, or fences so they do not create barriers for pedestrians. Parking shall not take precedence over pedestrian circulation.

   The request partially furthers policy 4.6.g because the site is accessible by transit and the landscaping and walls do not create barriers for pedestrians. The building is close to the street, but has a drive up lane between the building and the street.

10. The request furthers the intent of El Rancho Atrisco Phase III Sector Plan because the proposed development complies with the intent of the land use plan contained within the El Rancho Atrisco Phase III Sector Plan.

11. The Laurelwood Neighborhood Association, Parkway Neighborhood Association and the Westside Coalition of Neighborhoods were notified.

12. A facilitated meeting occurred on January 25, 2017. Neighbors expressed concern about the existing traffic in the area and additional traffic from the proposed use, including the volume of traffic, the function of the intersections, delivery trucks and the lack of a signal at Market Street because of the distance to Unser Boulevard. Attendees expressed opposition the drive-thru because it is not pedestrian friendly and they would prefer a sit down restaurant.

RECOMMENDATION - 16 EPC 40088- February 9, 2017-Site Development Plan for Building Permit

APPROVAL of 16EPC-40088, a request for Site Development Plan for Building Permit, for Tract A-2, Heritage Marketplace, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL – 16 EPC 40088- February 9, 2017-Site Development Plan for Building Permit

1. The EPC delegates final sign-off authority of this Site Development Plan for Building Permit 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 a pedestrian connection from the building to Market Street if it can be designed to provide safe access, as determined by Planning and Transportation Development with input from the applicant and neighborhoods.

4. Update sheet La.01 to show corrected site square footage and required landscape.

5. Reduce screen wall height to 36 inches to comply with the approved Site Development Plan for Subdivision.

6. Add an additional shade tree on the west side of the patio.

7. Future signage will be required to comply with SPS standards and a note shall be added to the site stating that future signage can be approved administratively if it complies with the required standards.

8. Conditions from Transportation Development:

    1. 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).
    2. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
    3. The applicant will address transportation comments prior to DRB sign off.

9. Conditions of Approval from PNM:

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

2. 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 for specifications.

10. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

Maggie Gould
Planner

Notice of Decision cc list:

Nathan Bisch, One Architecture

Laurelwood Neighborhood Association

Parkway Neighborhood Association

Westside Coalition of Neighborhoods

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No adverse comments.

Office of Neighborhood Coordination

NA's and Coalitions Contacted: Laurelwood Heights NA, Parkway NA, Westside Coalition of NA's

Forwarded to Tyson Hummell for facilitation from ONC on 1/9/17 - VQ

Assigned to Kathy Oweegon – 1/10/17

Long Range Planning

Reviewed, No Comment

Metropolitan Redevelopment Agency

CITY ENGINEER

Transportation Development

Transportation Development Conditions:

1. 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).
2. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.

The following comments need to be addressed prior to DRB:

1. For drive through facilities the minimum drive through lane width is 12 feet with a 25 foot minimum radius (inside edge) for all turns. (A 15 foot radius can be used with an increase in lane width to 14 feet).
2. The ADA access aisles shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)

3. The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing." Please call out detail and location of HC signs.
4. One-way vehicular paths require pavement directional signage and a posted "Do Not Enter" sign at the point of egress. Please show detail and location of posted signs.
5. List radii for all curves shown; for passenger vehicles, the minimum end island radius for passenger vehicles is 15 ft. Radius for delivery trucks, fire trucks, etc. is 25 ft. or larger.
6. Per the zoning code, a 6 ft. wide ADA accessible pedestrian pathway is required from the public sidewalk to the building entrances. Please clearly show this pathway and provide details.
7. The handicap accessible spaces must include an access aisle. Van accessible aisles should be 8ft wide; all others should be 5ft wide.

Additional comments regarding the updated Trip Generation Study

I have reviewed the updated Trip Generation and agree with the analysis. As the exhibits show the change in trips for the proposed development is very small and would not warrant any further traffic mitigation or infrastructure.

Please let me know if you have additional questions.

Hydrology Development

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations

WATER UTILITY AUTHORITY

Utility Services

1. 16EPC-40088 Site Development Plan for Building Permit

a. Submit a request for an availability statement at the link below. The submittal shall include an approved Fire 1 Plan from the City fire marshal's office. Availability statement required prior to approval.

i. http://www.abcwua.org/Availability_Statements.aspx

b. All onsite water and sewer is to be considered private.

c. Work can be done with a Water Authority mini work order.

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

Reviewed, no comments.

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

1) Place enclosure at a straight shot for refuse driver. Move north.

2) Do not plant anything next to enclosure that will create an overhang. Pg. LA.01

3) All new /proposed refuse enclosures must be built to C.O.A min spec requirements, including sanitary drain for food services.

FIRE DEPARTMENT/Planning

This project was reviewed and more information is needed. All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal's Office Plans Checking Division for an official review and approval prior to submitting for building permit. This shall be a deferred submittal.

TRANSIT DEPARTMENT

Case Number	Brief Description of Request	Transit Corridor?	Transit Route?	Current Service/Stops	Comments/ Support/ Requests
1003275 16-EPC-40088	SPBP Heritage Market Place for a Burger King	Proximate to the Unser Boulevard Enhanced Transit Corridor	Directly on Commuter Route 92; within walking distance of Commuter Route 94	Routes 92 and 94 both stop at a stop pair south of Ladera on Unser; a Route 92 stop pair is approximately 600 feet east of the site on Ladera. None of these stops are affected.	No comment.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed. No comment.

ALBUQUERQUE PUBLIC SCHOOLS

APS Case Comments: This will have no adverse impact to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

For informational purposes:

- Ladera Dr NW is functionally classified as an Existing Minor Arterial.
- According to the Long Range Bikeway System, there is a proposed bicycle lane on Ladera Dr NW.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

Conditions for Approval for Project #1003275 Site Development Plan for Building Permit (proposed Burger King restaurant at Heritage Marketplace) 16EPC-40088

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

2. 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 for specifications.