



**Environmental
Planning
Commission**
Staff Report

Agenda Number: 04
Project Number: 1005280
Case #: 16EPC-40080, 40081
March 9, 2017

| | |
|--------------------------|--|
| Agent | Martin Grummer |
| Applicant | JMD, McMahon, LLC |
| Request | Site Development Plan for Building Permit, Site Development Plan for Subdivision Amendment |
| Legal Description | Lots 2,4, 5, 6a, 7a,8, and 9 of McMahon Market Place |
| Location | Near the SE corner of the intersection of Unser Boulevard. NW and McMahon Boulevard NW |
| Size | 14 acres |
| Zoning | SU-1/C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption |

Staff Recommendation
APPROVAL of Case 16EPC-40080, 40081 based on the Findings beginning on Page 19, and subject to the Conditions of Approval beginning on Page 23.

Staff Planner
Cheryl Somerfeldt

Summary of Analysis

This is a two part request for a Site Development Plan for Subdivision Amendment and a Site Development Plan for Building Permit for Lots 2, 4, 5, 6a, 7a, 8, and 9 of the McMahon Market Place. The subject site is vacant.

The applicant proposes a 2,108 sf fast-food restaurant with a drive-up service window on Lot 4, a 2,160 sf tap room, and 2,387 sf of retail shops on Lot 5, and parking and landscaping on Lots 6a, 9b, and 9d. A pedestrian trail, landscaping, and parking will be constructed on the southern edge of the site plan on Lot 9.

The subject site is located within the boundaries of the Established Urban Area of the Comprehensive Plan, the West Side Strategic Plan, and the Unser Boulevard Design Overlay Zone.

The Tuscany Neighborhood Association and the Westside Coalition were notified. A facilitated meeting was held January 11, 2017.

The request generally furthers applicable goals and policies. Staff recommends approval subject to conditions.



I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

| | Zoning | Comprehensive Plan Area; Applicable Rank II & III Plans | Land Use |
|-------|--|--|------------------------|
| Site | SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption | Established Urban West Side Strategic Plan Unser Blvd. Design Overlay Zone | Vacant |
| North | SU-1 for C-1 uses including package liquor sales incidental to a pharmacy use. | Established Urban West Side Strategic Plan Unser Blvd. Design Overlay Zone | Commercial/ Retail |
| South | R-T | Established Urban West Side Strategic Plan | Single-Family Homes |
| East | SU-1 for C-1 uses | Established Urban West Side Strategic Plan | Commercial |
| West | SU-1 for C-1 Uses | Established Urban West Side Strategic Plan Unser Blvd. Design Overlay Zone | Vacant |

II. INTRODUCTION

Request

This is a two part request for a Site Development Plan for Subdivision Amendment and a Site Development Plan for Building Permit. The request for a Site Development Plan for Subdivision Amendment is for the approximately 14-acre subdivision site described as McMahan Market Place (the “subject site”) Lots 2, 4, 5, 6a, 7a, 8, and 9 at the southeastern corner of the intersection of Unser Boulevard NW and McMahan Boulevard NW. . In addition, this is a request for a Site Development Plan for Building Permit for Lots 2, 4, 5, 6a, 7a, 8, and a portion of Lot 9 located within the McMahan Market Place shopping center. Lots 5, 6a, and 9 will be re-platted before proceeding with building permits. The applicant proposes to develop a fast-food restaurant with a drive-up service window on Lot 4, a tap-room and retail shops on Lot 5, parking on Lot 6a, landscaping, parking, and an 8-foot pedestrian pathway / multi-use trail on the proposed Lots 9c and 9d, and new monument signs on Lots 6a, and 2 and 7a.

The original McMahan Market Place site consists of 9 lots. Five tracts have been developed thus far and contain a retail pharmacy on Lot 3, a strip of small retail shops on Lot 2, one fast-food restaurant with a drive-up service window at the southwest corner on Lot 1 and one at the northeast corner on Lot 7a, and a fitness club under construction at the southeast corner on Lot 8.

The zoning is SU-1 for C-1 uses including a grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption. The Lots 4, 5, 6a, and 9 of

McMahon Market Place are currently undeveloped, and the Lots 2 and 7a for which larger monument signs are proposed are currently developed as previously described. Because the subject site is zoned SU-1 for C-1 uses and operates under a Site Development Plan for Subdivision, the proposed uses of a fast-food restaurant with a drive-up service window, a tap-room, and retail shops are permissive under the current zoning.

The applicant is requesting an Amendment to the Site Development Plan for Subdivision to re-design the layout of the remaining lots and change the design standards as described under Section V Site Development Plan for Subdivision Amendment below. The applicant is requesting a Site Development Plan for Building Permit in order to construct a fourth drive-up service window restaurant, a tap-room, retail shops, and additional landscaping and parking as described under section VI Site Development Plan for Building Permit below. The changed design standards in the Amended Site Development Plan for Subdivision will apply to the Site Development Plan for Building Permit.

EPC Role

The Environmental Planning Commission (EPC) is hearing this case because the EPC has decision-making authority for Site Development Plan approval in the SU-1 zone, pursuant to §14-16-2-22(A)(1) of the Zoning Code. Also, the governing Site Development Plan for Subdivision requires that the subject site be reviewed by the EPC. The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would make the final administrative decision. This request is a quasi-judicial matter.

Context

The subject site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the West Side Strategic Plan. The West Side Strategic Plan designates the larger subject site as the McMahon/Unser Neighborhood Center. The Unser Boulevard Design Overlay Zone also applies. Unser Boulevard is designated as an Express Corridor in the Comprehensive Plan, and McMahon Boulevard is designated as an Enhanced Transit Corridor. There is no applicable Sector Plan.

The subject site consists of the lots from the original McMahon Market Place Site Development Plan for Subdivision that have not been sold to another party - Lots 2, 4, 5, 6a, 7a, 8 and 9. Lot 3 at the northwest corner of McMahon Market Place and at the immediate southeast corner of Unser Boulevard and McMahon Boulevard is occupied and owned by a national chain retail drug store. Lot 1 at the southwest corner of McMahon Boulevard on Unser Boulevard is occupied and owned by a fast-food restaurant with a drive-up service window. Lot 2, on the west side and part of McMahon Market Place, is occupied by a strip of small retail shops including a nail salon, MVD office, yoga studio, candy shop, and sit-down restaurant. Lot 7a, at the northeast corner and part of McMahon Market Place, is occupied by a fast-food restaurant with a drive-up service window. Lot 8 on the east side and part of McMahon Market Place is occupied by a fitness club currently under construction. There is an internal roadway that leads through the site.

To the west of McMahon Market Place across Unser Boulevard is an approximately 19 acre vacant site which is also part of the West Side Strategic Plan's McMahon/Unser Neighborhood Center. Further west are single-family homes. To the east and south of McMahon Market Place are the single family homes of the Tuscany Neighborhood subdivision. Further north across McMahon Boulevard at the corner of Unser Boulevard is another retail pharmacy and additional vacant lots.

History

In 1985, the subject site was annexed to the City (Enactment No. 37-185) as part of an approximately 10,200-acre annexation of land in northwest Albuquerque (AX-85-20, Z-85-84). Various zoning categories were established, including R-1 for a portion of this acreage. For several years, the subject site remained vacant.

In 1999, the Environmental Planning Commission denied a proposed Zone Map Amendment for Tract 16-A-1 which would eventually become McMahon Market Place from R-1 to straight C-2 (Z-99-79). Instead, the EPC approved zoning of "SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use" with the condition that a site plan for subdivision be submitted within six months, but this did not occur.

In July of 2001, the EPC approved a Zone Map Amendment (01110 00751) and Site Plan for Subdivision (00128 00752) for Tract 16-A-1 which would eventually become McMahon Market Place (Project #1001279) in order to change the zoning from R-1 to "SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use". Also in 2001, the EPC approved similar zone changes and Site Plans for Subdivision for the sites to the north and northwest of the subject site. These zoning changes guided the land use designations for the Westside/McMahon Land Use and Transportation Guide (Enactment No. 117-1999).

In September of 2003, the EPC approved another Zone Map Amendment (03EPC-01093) and Site Plan for Subdivision (03EPC-01155) for Tract 16-A-1 which would eventually become McMahon Market Place (Project #1001279). Since the Site Plan for Subdivision from 2001 (00128 00752) was never finalized, the zoning had remained R-1. The zoning was changed in 2003 to "SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use". The Site Plan for Subdivision contained design standards, and although the site plan did not receive final sign-off at DRB, the EPC had approved the design standards and they were used to evaluate the 2007 proposal for McMahon Market Place.

In 2007, the EPC heard a three-part proposal for a Zone Map Amendment, a Site Development Plan for Subdivision and a Site Development Plan for Building Permit (Project #1005280/06EPC-01706, 06EPC-01705, 06EPC-01704) to create the McMahon Market Place. The Zone Map Amendment changed the zoning to allow for the pharmacy instead of the grocery store. The submittal included design standards for future development and building elevations for all of the pad sites. After a couple of deferrals, the EPC approved the proposal on April 12, 2007. It was finalized through the DRB process in 2009.

In 2009, a fast-food restaurant with a drive-up service window was approved for Lot 1; however, it was not constructed; and subsequently in May of 2016, a Site Development Plan for Building Permit Amendment was requested because the elevations of the proposed fast-food restaurant varied substantially from the approved elevations. The EPC voted to approve Project #1005280/16EPC-40022, which allowed for the current fast-food restaurant with a drive-up service window on Lot 1 to be constructed.

In September of 2013, the Environmental Planning Commission voted to approve Project #1005280 13EPC-40125 a Site Development Plan for Subdivision Amendment and 13EPC-40124 a Site Development Plan for Building Permit for the construction of a fast food restaurant with a drive-up service window on Lot 7a of the McMahon Market Place.

Since 2009, there have been five administrative approvals (AAs) for McMahon Market Place. Buildings that currently exist on the site include: a retail pharmacy on Lot 3, retail shops on Lot 2, and a fitness club on Lot 8 (as shown in the table below).

| <i>Approval Date</i> | <i>Amendment</i> | <i>Lot</i> | <i>#</i> |
|----------------------|--|---|-----------------------|
| November 2009 | Revisions to building footprint, elevations and landscaping | Lot 3 (retail pharmacy) | 09-10148 (ASBP-AA) |
| September 2011 | Building expansion and drive-aisle adjustments | Lot 3 (retail pharmacy) | 10AA-10019, 10020 |
| March 2012 | Replace drive-up bank with retail shops | Lot 2 (retail shops) | 12AA-10002, 10003 |
| February 2014 | Revisions to landscaping for Lot 7-A | Lot 7-a+ (landscaping) | 14AA-10008 |
| March 2016 | Revisions to parking layout, plaza space, minor elevations changes | Lot 8 (fitness club and landscaping) | 16AA-10023 |

Transportation System

The 2040 Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. The LRRS designates McMahon Boulevard NW and Unser Boulevard NW as Existing Principal Arterials. Both McMahon Boulevard NW and Unser Boulevard NW are also Intelligent Transportation System (ITS) Corridors. McMahon Blvd NW is a limited access facility.

Trails & Bikeways, Transit

The Comprehensive Plan designates McMahon Boulevard as an Enhanced Transit Corridor and Unser Boulevard as an Express Corridor. The Long Range Bikeway System identifies existing paved trails along both McMahon Boulevard NW and Unser Boulevard NW. In addition, bicycle lanes exist on McMahon Boulevard and Unser Boulevard as they pass the subject site.

This property is proximate to the Unser Boulevard Enhanced Transit Corridor. It is located directly on fixed route 155 which approaches the site from the east along McMahon Boulevard and turns north onto Unser Boulevard with very limited commuter service. A stop pair for Route 155 is immediately west of the site on McMahon Boulevard, however, in general the shopping center underserved by transit due to limited service.

Public Facilities/Community Services

A fire station is about 0.5 mile south of the subject site. Four parks are located within a 1-mile radius of the subject site.

⇒ For specifics, please refer to the Public Facilities Map.

III. ZONING

Definitions (Zoning Code §14-16-1-5)

Site Development Plan for Subdivision:

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 Permit:

An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies, 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.

Premises

Any lot or combination of contiguous lots held in single ownership, together with the development thereon; there may be multiple occupancy.

Zoning Descriptors

The subject site is zoned SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption. The SU-1 zone (§14-16-2-22) "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.” A Site Development Plan is required for development on the subject site, pursuant to (A)(1) of the SU-1 zone.

The C-1 zone (§14-16-2-16) “provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas.” The proposed uses, a fast-food restaurant with a drive-up service window, a tap-room, and a retail space, are permissive under the current zoning. The drive-up service window is a conditional use in a straight C-1 zone as listed in (§14-16-2-16)(B)(6); however, a conditional use permit is not needed because the zoning is SU-1 for “C-1 Uses” so both permissive and conditional uses are allowed.

IV. ANALYSIS- ADOPTED ORDINANCES, PLANS AND POLICIES

Albuquerque / Bernalillo County Comprehensive Plan

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

Land Use Policies-Developing & Established Urban

Policy II.B.5a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The request would add another fast-food restaurant to the area, which currently includes other retail uses such as pharmacies, an animal clinic, a gym, and two other fast-food restaurants with drive-up service windows; therefore, the request would not contribute to more land use diversity. Policy II.B.5a-full range of urban land uses is partially furthered.

Policy II.B.5d: 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 subject site is located in an existing shopping center site that is subject to design standards, which were established to respect neighborhood values and conditions of the area. The proposed new development would be appropriate in terms of its location, intensity, and carrying capacities. Recreational and social resources are supported through the added multi-use trail and proposed outdoor gathering spaces. There is no known neighborhood opposition as of this writing. The request furthers Policy II.B.5d-neighborhood values/environmental conditions/ other concerns.

Policy II.B.5e: 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 subject site is vacant. Development would be contiguous to existing urban facilities (ex. roads, infrastructure), the use of which would not disrupt neighborhood integrity.

The request furthers Policy II.B.5e- new growth/urban facilities/neighborhood integrity.

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

The applicant requests an amendment to the design standards to accommodate the proposal for the fast-food drive-up service window restaurant. Although the architecture deviates from the design standards significantly, the architecture is innovative and contemporary and uses the earth-tone colors and materials that are generally appropriate for the area. The architecture of the tap-room/retail building combines design elements from the original design standards and the fast-food restaurant. The request furthers Policy II.B.5l-quality design/new development.

Transportation and Transit: The Goal is to develop corridors, both streets and adjacent land uses that provide a balanced circulation system, efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

The proposed fast-food drive-up service window restaurant is auto-oriented and the site has suitable access to the road network. The area is currently underserved by transit. There are bicycle lanes and a multi-use trail on Unser Boulevard and McMahan Boulevard which can connect to the pathway adjacent to the residences shown on the Site Development Plan. The request furthers the Transportation and Transit Goal.

Policy II.D.4g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

Pedestrian pathways are proposed in the locations shown on the Site Development Plan. A pedestrian pathway / multi-use trail on Lot 9d is proposed to run along the southern boundary of the subject site and leads from Unser Boulevard to the residential neighborhood, and a pedestrian pathway / multi-use trail is proposed to run along the east side of the drive-up service window. To an extent, this mitigates the automobile orientation of the development. However, drive-thru uses are auto-oriented by their nature, making safe and pleasant pedestrian opportunities difficult to integrate. The subject drive-up service window is located on the east side of the fast-food restaurant which causes a conflict between the fast-food restaurant and the tap-room/retail shops, not allowing for the safe flow of pedestrian traffic. The request partially furthers Policy II.D.4.g- pedestrian opportunities/safe, pleasant conditions.

West Side Strategic Plan (Rank II)

The West Side Strategic Plan (WSSP) was first adopted in 1997 and amended several times since then (2002, 2005, 2008, 2009 and 2011). The WSSP area encompasses over 96,000 acres of land, or approximately 150 square miles. Specific boundaries are shown on page 2 of the Plan.

The first amendments, in 2002, included changes to policies and activity center boundaries. The Central/Atrisco Neighborhood Center is shown on page 121 (map printed in 2003). The *Southwest Albuquerque Strategic Action Plan (SWASAP)*, revised from the 1999 version, became part of the WSSP in 2009 (Enactment R-2009-035).

The WSSP identifies 13 communities in established areas of the West Side, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is located in the Seven Bar community, which lies between the Calabacillas Arroyo and the County line, and between the Rio Grande and an area slightly west of the Rainbow Boulevard Corridor (see page 54).

The subject site is located in the McMahon/Unser Neighborhood Center (page 109). The WSSP states that: “The Planning Commissions will bear the primary responsibility of enforcing the Community and Neighborhood Center intent of the Plan through rigorous review of pending applications relative to strategic plan policies (page 41).”

Community Concept Policies

WSSP Policy 1.1: Thirteen distinct communities, as shown on the Community Plan Map and described individually in this Plan, 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 (typically 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers (page 38).

The request would result in development of a commercial use in a designated activity center, the McMahon/Unser Neighborhood Center, which will continue to be surrounded by residential development. The proposed non-residential development would occur in a designated center, so WSSP Policy 1.1 is furthered.

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 (p. 39).

The subject site is in the McMahon/Unser Neighborhood Center. A pedestrian pathway / multi-use trail is proposed on Lot 9 to connect the residential neighborhoods to Unser Boulevard along the southern edge of the subject site. Pedestrian access between buildings and through the parking lot areas however, could be improved especially due to the proposed drive-up service window lane which hinders pedestrian access between the buildings. The request partially furthers WSSP Policy 1.5.

Policy 3.4 (Seven Bar Ranch): Several clusters of neighborhoods will develop within the Seven Bar Ranch Community. Each of these shall be served by a Neighborhood Center, so neighborhood commercial, public and quasi-public uses and other uses appropriate for such centers shall be encouraged. The lowest density single-family residential development shall not occur within these centers, but must have safe pedestrian and bicycle access to them.

The McMahon/Unser Neighborhood Center contains non-residential uses and serves many surrounding subdivisions, such as the Tuscany and Skies West neighborhoods. The request proposes additional commercial uses in a shopping center along with pedestrian and bicycle access. The request furthers WSSP Policy 3.4.

Westside-McMahon Land Use & Transportation Guide (Enactment No. 117-1999)*

**included in the West Side Strategic Plan (WSSP)*

In November 1999, the City Council adopted Enactment No. 117-1999 as an amendment to the WSSP. This Enactment incorporated the Westside-McMahon Land Use and Transportation Guide, which was synthesized into policies and a map (Attachment A) and is contained in the Enactment. The concepts identify an arrangement of mixed land uses and “establish a desirable direction for promoting the opportunity for reduced automobile travel and encourage the use of transit, bicycle and pedestrian modes”.

The subject site falls within the boundaries of Enactment No. 117-1999. Note the following found in Section 4: “The map included as Attachment A, Transportation and Land Use Concept for the Westside-McMahon Corridor and the performance measures listed below establish the policies that will be used by the EPC and the City Council in their review of development and rezoning proposals for properties located within the Westside-McMahon corridor”. The following policies apply:

Section 3: The land use concepts set forth herein are not intended to imply zoning or supersede existing zoning and/or development plans. [Informational]

Section 4(A): Such proposals should be generally consistent with density, type and hierarchy of uses as illustrated in Attachment A (which designates the subject site as Low Commercial).

Section 4(A)(2): Low Commercial includes neighborhood scale commercial development as allowed under the C-1 zone category of the City of Albuquerque Comprehensive Zoning Code.

Section 4(C): Connections that provide safe and efficient pedestrian movements to enhance mobility within the corridor and encourage the use of transit, bicycle and pedestrian modes as an alternative to automobile travel should be provided between adjoining uses and between developments and the transportation system.”

The Westside-McMahon Land Use and Transportation Guide designates the subject site “Low Commercial”, and the West Side Strategic Plan envisions C-1 neighborhood commercial uses as the most appropriate for this location (page 140).

There is an existing trail along Unser Boulevard and an existing sidewalk along McMahon Boulevard. The request proposes the pedestrian connections shown on the Site Development Plan for Building Permit- connecting Unser Boulevard to a trail along the subject site’s southern boundary. This will help contribute to “safe and efficient” pedestrian movements. The request complies with Sections 4(A), 4(A)(2) and 4(C) of Enactment 117-1999.

Unser Boulevard Design Overlay Zone (R95-1992)

The Unser Boulevard Design Overlay Zone extends approximately 500 feet from the centerline of Unser Boulevard and runs from Interstate 40 to the Sandoval County line. Signage is regulated by the Unser Boulevard Design Overlay Zone and limits free-standing signs to 75 square feet of signage area and a height of 12 feet. The proposed Site Plan for Building Permit is requesting a revised free-standing monument sign to be constructed on Lot 2 which is within the Unser Boulevard Design Overlay Zone. The requested free-standing sign is approximately 90 square feet in area and 12 feet tall. Since the Unser Boulevard Overlay Zone limits sign area to 75 square feet, the proposal does not comply.

V. **SITE DEVELOPMENT PLAN FOR SUBDIVISION AMENDMENT**

This request proposes to amend the Site Development Plan for Subdivision. The original McMahan Market Place design standards developed as part of the Site Development Plan for Subdivision Project #1005280 were approved in 2007 and applied to all 9 lots in the 14-acre shopping center site. The design standards addressed: site planning, parking, landscape, architecture, setbacks, screening, and signage. The purpose of the design standards was to create a framework to ensure high quality development that furthers City plans, goals and policies. The request proposes to add a fourth drive-up service window to the subdivision, and deviate from the approved elevations and other approved McMahan Market Place design standards as listed below.

The following are the revisions to the design standards:

Note: *The current design standards are in italics.* The proposed design standards are in regular text. **Staff analysis is in bold italics.**

A. Land Use Concept:

*The current design standards require drive up uses, including a pharmacy, to constitute 22% of the total building area with 78% remaining to uses other than drive up. Drive-thru uses shall be limited to a total of **three with one** available for a restaurant use.*

The proposed design standards suggest drive up uses, including pharmacy to constitute **36%** of the total building area with **64%** remaining to uses other than drive up. Drive-thru uses shall be limited to a total of **four with three** available for a restaurant use.

The intent of the current design standards was to keep the drive-up uses “wrapped around the edges of the center” and to “minimize vehicle and pedestrian conflicts”. Drive-up service windows were to be exclusively on the corners of the site to promote pedestrian connections on the interior of the site plan. A traffic report was completed in 2007 for the intersections in the area and accounted for two large shopping centers and other intense uses; therefore, traffic was not the reason for originally limiting the drive-up service windows. An updated Traffic Impact Study (TIS) was not required.

There are three existing drive-up service windows - restaurants on the southwest corner (Lot 1) and northeast corner (Lot 7a), and a drive-up service window pharmacy on the northwest corner (Lot 3). The request proposes to amend the design standards to allow for a fourth drive-up service window on Lot 4 which is likely to create

pedestrian conflict due to the placement of the pick-up window. The site plan for the new drive-up service window poses conflicts between pedestrians and vehicles; however, the project offers other pedestrian amenities to meet the intent of the design standards.

B. Site Planning:

The current design standards require the outdoor patio to be shaded by trees and/or a shade structure that is architecturally integrated with building architecture.”

The proposed design standards add umbrellas as an option for shade.

Shade structures are ideal as they are permanently integrated, however umbrellas are reasonable.

C. Parking:

The current design standards require off-street parking requirements not to exceed the City of Albuquerque Zoning Code.

The proposed design standards suggest that off-street parking requirements shall be per COA Zoning Code and each building permit shall have enough parking.

The request proposes parking to be per the Zoning Code and to provide sufficient parking on site for each building permit. Staff recommends this request.

E. Building Architectural Design Theme Guidelines:

The current design standards require the architectural character for retail pad structures to be similar to the approved elevations. And the current design standards state that reflective and bronze tinted glazing are prohibited while clear glass is permitted.

The proposed design standards suggest that the general architectural character for retail pad structures shall be “modern New Mexican with earth tone colors and materials”. “Corten – Rusted Steel” is added as a wall color. The proposed design standards state that bronze tinted glazing is permitted.

The original design standards building elevations have a curved parapet and light colored painted stucco exterior wall finish with terra-cotta accents. The request proposes the architectural theme to be “Modern New Mexican with earth tone colors and materials”, and Corten steel is added as a wall color. Earth-tone colors are significantly more subjective than the approved colors. This will allow new buildings to deviate from the approved elevations and could create a less harmonious development. The design standards should suggest a range of colors such as rust color, light tan, and bronze since earth-tones can be any color.

The request proposes bronze tinted glazing for the restaurant with drive-up service window because the entrance and front of the building has the majority of its windows facing west. The bronze tinted glass will limit views inside, which will create more of a barrier between the outside and inside.

I. Building Signage:

The current design standards specified two types of free-standing signs – type A and type B. Type A signs were to be located on Lot 7 at Fineland Drive, on Lot 5, and on Lot 1, and were limited to 40 square feet in area and 9 feet in height. A Type B sign is shown in only one location at the corner of Unser and McMahon on the original site plan, and is permitted to be 60 square feet in area and 9 feet in height.

The proposed design standards request to eliminate the language which requires compliance with the Unser Boulevard Design Overlay Zone but retain the language which requires compliance with the Albuquerque Zoning Code for the C-1 Zone. The C-1 Zone of the City Zoning Code limits free-standing signs to one sign for each street frontage of each premise and limits the sign area to 100 square feet and signage height to 26 feet. The applicant proposes three signs that all have a larger signage area than the regulations allow. The proposed signage does not comply with either the Unser Boulevard Design Overlay Zone or the C-1 Zone.

The EPC does not have discretion over signage; therefore signage is required to comply with the Unser Boulevard Design Overlay Zone within its boundaries and with the C-1 Zone of the Zoning Code outside of the overlay boundaries.

VI. **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

The request is for a Site Development Plan for Building Permit for Lots 2, 4, 5, 6a, 7a, and 9 and the elements are discussed below.

Site Plan Layout / Configuration

Lots, 4, 5, 6a, and 9, are located in the center of the larger 14 acre McMahon Market Place subdivision site with the main entrance on the north side off of McMahon Boulevard NW. Lot 9 will also be accessed from the southwestern entrance point off of Unser Boulevard NW and from Fineland Drive.

The fast-food restaurant with a drive-up service window is proposed for Lot 4. A tap-room and retail shops are proposed for Lot 5. Only parking for Lot 6a is being constructed as part of this building permit. Refuse enclosures are located adjacent to the south of each building. The entrances to the two buildings are not facing each other but instead facing the parking areas on the opposite side of the buildings. This limits pedestrian connections between the buildings; however, the applicant is proposing specialty pavement crosswalks for pedestrian convenience.

Four separate buildings are proposed for Lot 9 which will be re-platted into Lots 9a, 9b, 9c, and 9d. A future outdoor gathering area is shown adjacent to the building in Lot 9a. A refuse enclosure is located in the southern portion of the site on Lot 9d adjacent to the parking lot. Lot 9d remains in a similar configuration as the original site plan with a pedestrian pathway / multi-use trail and landscaping.

Setbacks

The design standards require a 10 foot setback on McMahon Boulevard. The request exceeds this requirement with the proposed landscaped ponding areas, an approximately 25 foot wide buffer

between McMahon Boulevard and the parking lot. The design standards require a minimum of a 30 foot setback from the adjacent residences, and the request complies.

Outdoor Space

Freestanding restaurants are required by the design standards to provide a minimum of 600 square foot of shaded outdoor patio space. The fast-food restaurant on Lot 4 proposes a 723 square foot enclosed patio on the northern side. The tap-room on Lot 5 proposes a 759 square foot patio at the northeast corner of the building within the L-shaped portion. The design standards are proposed to be amended under the Site Plan for Subdivision to allow for umbrellas as shade for restaurant uses. It shall be conditioned that the outdoor patio space dimensions be indicated on the plan. Non-restaurant uses are required by the design standards to have a minimum of 300 square feet of outdoor patio space with 30% shading. This space is shown to be 355 square feet on the northern sidewalk in front of the tap-room and is shaded with trees.

Vehicular Access, Circulation and Parking

The subject site is accessed via a driveway from McMahon Boulevard NW, at the site's northern end. Vehicles proceed south and turn either east or west to access the parking lots. The drive-up service window is accessed by turning west in front of the fast-food restaurant, traveling through the parking lot and then wrapping and queuing around the south and east sides of the restaurant. Parking for the fast-food restaurant with drive-up service window is located on the west side and parking for the tap-room/retail shops is located on the east side of the building. Therefore, the main entrances are not facing each other.

The design standards state that structures and on-site circulation systems shall be located to minimize pedestrian/vehicle conflicts and drive-up service windows are to be at the corners of the site. The request does not meet this standard in that there is a pedestrian conflict with the placement of the drive-up service window aisle on the east side of the building. Site planning practices would suggest that the new drive-up service window should be on the west side of the building adjacent to the existing pharmacy drive-up service window and the entrance should be on the east side of the building to reduce pedestrian conflict. The proposed project *has* met the design standard that that parking should be separated into small pods and the parking lot should provide pedestrian connections.

Because the requested zoning is SU-1, off-street parking is as decided by the EPC pursuant to Zoning Code §14-16-2-22, Special Use Zone. The original design standards indicate that parking shall not exceed the amount required in the Zoning Code and that cross-access is acceptable. Parking calculations pursuant to Zoning Code §14-16-3-1 Off Street Parking Regulations, require 1 space for every 4 seats of a restaurant and one space for every 200 square feet of retail space. The fast-food drive-up service window restaurant on Lot 4 proposes 50 indoor/outdoor seats, requiring 13 parking spaces. There are 21 parking spaces on the opposite side of the fast-food drive-up service window, providing an excess of 8 spaces. The tap-room on Lot 5 proposes 80 indoor/outdoor seats, requiring 20 parking spaces. The retail space next to the tap room on Lot 5 is 2,387 square feet, requiring 12 parking spaces. Therefore, a total of 32 parking spaces would be

required for this building in a straight C-1 zone. As shown, 19 parking spaces will be located on Lot 5, causing a deficiency of 13 spaces. The applicant is proposing to construct an additional 28 spaces next to this building on Lot 6a, and an additional 13 spaces on Lot 9d. This provides an excess of 41 spaces being constructed as part of this building permit. The building being proposed on Lot 6a will not be constructed as part of this building permit.

The revised design standards propose that future site plans for building permit must provide required parking on their respective parcel or provide cross-parking agreements. Each building permit will be required to construct sufficient parking for its own use at the time of construction so that the subdivision as a whole is not deficient until the last lot is built and only if approved by the EPC at that time. A shared parking use agreement will allow for parking to be accessed from each parking pod for any of the buildings on the site.

The request meets the zoning code for motorcycle and disabled parking.

Pedestrian and Bicycle Access and Circulation, Transit Access

The design standards state that McMahon Market Place is a pedestrian oriented neighborhood center and calls for all buildings to be to be interconnected by a pedestrian access network which is directly tied to the adjacent neighborhood. The orientation of the buildings for this building permit could promote better pedestrian access if the entrances were oriented toward each other, however the proposed pedestrian pathways assist with connections. The design standards also state that each drive-up facility shall be designed to minimize vehicle and pedestrian conflicts. The proposed drive-up service window is planned to travel through the main parking field which risks conflict with pedestrians who may wish to walk between the buildings.

There is a pedestrian pathway / multi-use trail proposed for the southern edge of the subdivision site to connect the residential neighborhood to Unser Boulevard. The sidewalks vary in width but are a minimum of 8' feet wide, clear and unobstructed, pursuant to §14-16-3-18(C)(1). Where a pathway crosses a drive aisle, it is required to be 8 feet wide and textured, colored concrete; and the pathways meet this requirement.

Walls/Fences

An approximately 6-foot high CMU screening wall currently exists at the property line between the commercial development and the residences to the south. A fence is proposed to enclose the outdoor patio space in front of the fast-food drive-up service window restaurant. New retaining walls are proposed in the northern portion of the property along the edge of the parking lot buffers separating the ponding areas. New retaining walls are also proposed in the southern and eastern portions of the property at the parking lot edge with the highest point at the southeast corner and sloping down toward the accessible ramps. The new retaining wall will provide space for the multi-use trail being developed for the neighborhood as part of this building permit. A face-on detail is needed to ensure compatibility with the site (neutral color stucco, for example). A color from the design standards should be specified.

Landscaping

The landscaping plan proposes trees and shrubs that are shown on the approved plant legend from the design standards of the site plan for subdivision. The design standards call for buffer yards at site perimeters bordering rights-of-way and landscape screening to protect adjacent neighborhoods. Parking lot trees are required at the rate of one tree per 10 parking spaces and no space shall be over 100 feet from a tree. The request meets these design standards.

Staff recommends more screening between the proposed drive-up service window and the proposed serpentine pedestrian pathway / multi-use trail using landscape shrubs to screen the drive-up service window. The design standards call for street trees at a rate of one tree per 25 linear feet. Therefore at least one more tree shall be placed at street-side in front of Lot 4.

The design standards state that “a minimum of 15 percent of the site area (minus the building square footage) shall be devoted to landscape materials”; and “living, vegetative materials shall cover a minimum of 80 percent of landscaped areas”. Landscape coverage for Lot 4 (the fast-food drive-up service window restaurant) exceeds the landscape required. The landscape coverage for Lot 5 (tap-room/retail shops) does not meet the landscape required. The landscape coverage for Lot 6a exceeds the landscape required. Therefore, the aggregate of the lots for building permit meet or exceed the landscape required. The type and color of the gravel mulch needs to be specified. Curb notches for supplemental irrigation should be shown on the landscaping plan, and be in the same locations as on the grading and drainage plan.

Lighting and Security

New light poles are proposed on the subject site to illuminate the parking area. The design standards specify that light poles cannot be taller than 16 feet within 130 feet of a residential area. Proposed light poles on Lot 9d are about 70 feet north of the back yards of the adjacent homes, so they are proposed to be 16 feet high to comply. The design standards also state that pedestrian scale lighting (16 feet high) is required near pedestrian walks and plaza areas. Therefore more pedestrian scale lighting will need to be provided in pedestrian gathering areas, such as the patio and near the pathway.

Grading & Drainage Plan

Water generally flows north within the subject site. There are first flush ponds in the landscape buffer between the parking area and McMahan Boulevard. Landscaping shall be depressed and curb openings shall accept storm-water where possible. A proposed private storm drain empties into a first flush pond. Water and sanitary sewer would connect to existing lines that run north-south. A new retaining wall will be constructed in the southern Lot 9d in order to provide space for the pedestrian pathway / multi-use trail being developed for neighborhood use as part of this building permit. New retaining walls are proposed in the southern and eastern portions of the property at the parking lot edge. New retaining walls are also proposed in the northern portion of the property along the edge of the parking lot buffers separating the ponding areas.

Architecture

The fast-food restaurant with a drive-up service window on Lot 4 proposes a more contemporary style of architecture than the originally approved design standards. The long sides of the façade are proposed to be covered with corten steel cladding (a dark rust earth tone metal) which is expected to coordinate with the brick and dark red/brown accent color of the design standards. The short sides of the façade including the one facing McMahan Boulevard are proposed to be light colored stucco painted to match the original design standards. The top of the parapet would be 26 feet. The primary entrance faces west toward the parking lot and the pharmacy drive-up service window. The drive-up service window is located on the opposite east side of the building.

The tap-room retail space on Lot 5 proposes to combine the approved elevations in the design standards with the contemporary style of the fast-food drive-up service window restaurant with brick columns, stucco facades with a grid pattern, and corten steel cladding. The design standards state that although the maximum building parapet height is limited to 26 feet, towers and entry elements may extend above. There is a tower near the front with a full hip metal roof at 36 ½ feet high. The remainder of the building steps between 24 ½ feet to 26 feet tall, which meet the design standards. The tower element creates an L-shaped floor plan which somewhat blocks the patio space from the restaurant across the drive-aisle.

The original design standards include a color palette of Sherwin Williams and Benjamin Moore colors, to which the other buildings in the shopping center were required to adhere. The stucco portions of the proposed buildings will be painted the same standard colors. The color(s) for the dumpster walls and gates need to be specified.

Signage

Wall Signs

The design standards allow for one wall sign per business per façade not to exceed 6% of the façade. The applicant has combined wall signage to comply with the design standards. Signage is shown on the elevation sheets.

Monument / Pylon Signs

The original design standards governed the size and placement of free-standing signs, and allowed two types of monument signs within the subdivision.

Currently, small free-standing signs specific to the pharmacy exist at the corner of Unser Boulevard and McMahan Boulevard and at the entry off of McMahan Boulevard. A free-standing sign (Type A) exists on Unser Boulevard for the retail shops. And a free-standing sign specific to the fast-food restaurant is located at Fineland Drive NW.

The applicant proposes to replace the freestanding monument signs on the site as part of the Site Plan for Building Permit on Lots 2, 5, and 7a. Because the subject site is zoned SU-1 for C-1 uses, signs are regulated by the C-1 Zone. The C-1 zone limits freestanding signs to 26 feet high §14-16-2-16 (12) (d) (1) and 100 square feet in area §14-16-2-16 (12) (c) (1) (b) for lots abutting an arterial street such as McMahan Boulevard. The C-1 Zone §14-16-2-16 (12)

(b) (2) permits one free-standing sign for each premise, provided the street frontage is at least 100 feet. The applicant proposes three new monument signs on sheet A1.6:

- A. Sign A is not permitted as part of this request because 1) the McMahon Market Place is considered one premise and only 1 free-standing sign is permitted (per the C-1 zone). The applicant should seek a Variance for the proposed sign A.
- B. Sign B is permitted per this request at the location shown, and the sign height is permitted to be 26 feet. However, the sign face must be decreased from 180 square feet to 100 square feet (per the C-1 zone).
- C. Sign C which is to replace the current sign on Lot 2 within the Unser Boulevard Design Overlay Zone is proposed to be 12 feet tall with approximately 90 square feet in area. This does not meet the Unser Boulevard Design Overlay Zone standards of 75 square feet in area (see Unser Boulevard Design Overlay Zone R95-1992 above), therefore, the signage area should be decreased.

The EPC does not have discretion over signage; therefore signage is required to comply with the Unser Boulevard Design Overlay Zone within its boundaries and with the C-1 Zone of the Zoning Code outside of the overlay boundaries.

VII. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City Departments and other agencies reviewed this application from January 3, 2017 to January 17, 2017.

Neighborhood/Public

The affected neighborhood organizations are the Tuscany Neighborhood Association (NA) and the Westside Coalition of NAs, which were notified as required. Property owners within 100 feet of the subject site were also notified.

The request was recommended for facilitation by the Office of Neighborhood Coordination (ONC). A facilitated meeting was held on January 11, 2017 (see attached facilitation report). Overall, neighbors were positive about the proposed project. Concerns included hours of operation, the wall between the subject site and the adjacent Tuscany subdivision, and most noticeably the need for a traffic light at McMahon Boulevard and Fineland Drive.

VIII. CONCLUSION

This is a request for a Site Development Plan for Subdivision Amendment and Site Development Plan for Building Permit for the McMahon Market Place (the “subject site”) on the southeastern corner of the intersection of Unser Boulevard NW and McMahon Boulevard NW. The applicant proposes to develop a fast-food restaurant with a drive-up service window on Lot 4, a tap-room and retail shops on Lot 5, parking on Lot 6a, and landscaping, parking, and an 8-foot pedestrian pathway / multi-use trail on Lot 9.

The site plan for the new drive-up service window poses conflicts between pedestrians and vehicles. however, the project offers other pedestrian amenities to meet the intent of the design standards. A facilitated meeting was held on January 11, 2017, and overall, neighbors were very positive about the proposed project. Staff recommends approval subject to the conditions.

**VIII. FINDINGS – 16EPC-40080, 40081– MARCH 9, 2017 – SITE DEVELOPMENT PLAN FOR
SUBDIVISION AMENDMENT AND SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

1. This is a two part request for a Site Development Plan for Subdivision Amendment and a Site Development Plan for Building Permit for the site described as McMahan Market Place (the “subject site”). The request for a Site Development Plan for Subdivision Amendment is for the approximately 14-acre subdivision of the McMahan Market Place shopping center at the southeastern corner of the intersection of Unser Boulevard NW and McMahan Boulevard NW. In addition, this is a request for a Site Development Plan for Building Permit for Lots 2, 4, 5, and 7a, and the proposed Lots 6a, 9c, and 9d of the McMahan Market Place.
2. A Site Development Plan for Subdivision with design standards (Project #1005280), signed off by the DRB in 2009, controls the McMahan Market Place. The original design standards applied to all 9 lots of the original McMahan Market Place. Five tracts have been developed thus far and contain a retail pharmacy on Lot 3, a strip of small retail shops on Lot 2, and two fast-food restaurants (Lots 1 and 7a), and a fitness club under construction on Lot 8. The applicant is requesting an Amendment to the Site Development Plan for Subdivision in order to re-design the layout of the remaining lots, add a fourth drive-up service window to the subdivision, deviate from the approved elevations, and amend other elements in the McMahan Market Place design standards.
3. The subject lots for the Site Development Plan for Building Permit, Lots 4, 5, 6a, and 9, of the McMahan Market Place, are currently undeveloped. The Site Plan for Building Permit proposes two new buildings located on Lots 4 and 5. As part of the Site Plan for Building Permit, the applicant proposes to develop a fast-food restaurant with a drive-up service window on Lot 4, a tap-room and retail shops on Lot 5, parking on Lot 6a, and landscaping, parking, and an 8-foot pedestrian pathway / multi-use trail on Lot 9. Future buildings are proposed for Lot 6a and 9, but are not a part of this Building Permit. Only the parking for Lot 6a is being constructed under this Building Permit.
4. The original platting for a road alignment which did not occur creates an unusual existing lot configuration. Lots 5, 6a, and 9 will be re-platted before proceeding with building permits. Lot 9 will be re-platted into Lots 9a, 9b, 9c, and 9d to have four separate buildings with parking dispersed. The main access to the subject lots is off of McMahan Boulevard NW. Lot 9 will also be accessed from the southwestern entrance point off of Unser Boulevard NW and from Finland Drive.
5. The subject site is zoned SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption. A fast-food restaurant with a drive-up service window is permissive under the current zoning along with a tap-room and retail stores. Although a drive-up service window is a conditional use in a straight C-1 zone, the SU-1 for C-1 uses zone allows for both permissive and conditional uses.

6. Adjacent south of the subject site is a subdivision of single-family homes. The lots to the west have been developed with a drive-up service window pharmacy, a strip of small shops; and a fast-food restaurant with a drive-up window soon to be under construction. The lots to east of the subject site are a fast-food restaurant with a drive-up service window and a fitness club under construction.
7. The subject site is in the Established Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan. The West Side Strategic Plan, the Westside-McMahon Land Use & Transportation Guide, and the Unser Boulevard Design Overlay Zone. The subject site is under the jurisdiction of the City of Albuquerque Zoning Code. All of the former are incorporated herein by reference and made part of the record for all purposes.
8. The following Comprehensive Plan policies are applicable:
 - A. Policy II.B.5a - full range of urban land uses is partially furthered The request would add another fast-food restaurant to the area, which is characterized by a range of land uses such as retail (gym, animal clinic, pharmacies and fast-food restaurants) and residential uses. Two other fast-food restaurants are located in the shopping center so the request would not contribute to more land use diversity.
 - B. Policy II.B.5d - neighborhood values/environmental conditions/ other concerns is furthered. The subject site is located in an existing shopping center site that is subject to design standards, which were established to respect neighborhood values and conditions of the area. There is no known neighborhood opposition as of this writing. The proposed new development would be appropriate in terms of its location, intensity, and carrying capacities. Recreational and social resources are supported through the added multi-use trail and proposed outdoor gathering spaces.
 - C. Policy II.B.5.e - new growth/urban facilities/neighborhood integrity is furthered. The subject site is vacant. Development would be contiguous to existing urban facilities (ex. roads, infrastructure), the use of which would not disrupt neighborhood integrity.
 - D. Policy II.B.5l-quality design/new development is furthered. Although the architecture deviates from the design standards significantly, the architecture is innovative and contemporary and uses the earth-tone colors and materials that are generally appropriate for the plan area. The architecture of the tap-room/retail building combines design elements from the original design standards and the fast-food restaurant.
 - E. Policy II.D.4.g- pedestrian opportunities/safe, pleasant conditions is partially furthered. Pedestrian pathways are proposed in the locations shown on the approved Site Development Plan for Building Permit. A pedestrian pathway / multi-use trail on Lot 9d is proposed to run along the southern boundary of the subject site and leads from Unser Boulevard to the residential neighborhood, and a pedestrian pathway / multi-use trail is proposed to run along the east side of the drive-up service window. To an extent this mitigates the automobile orientation of the development. However, drive-thru uses are auto-oriented by their nature, making safe and pleasant pedestrian opportunities difficult to integrate. The subject drive-up service window is located on the east side of the fast-food restaurant which causes a conflict

between the fast-food restaurant and the tap-room/retail shops, not allowing for the safe flow of pedestrians.

- F. The Transportation and Transit Goal in the Comprehensive Plan is furthered. The proposed fast-food drive-up service window restaurant is auto-oriented and the site has suitable access to the road network. The area is currently underserved by transit. There are bicycle lanes and a multi-use trail on Unser Boulevard and McMahon Boulevard which can connect to the pathway adjacent to the residences shown on the Site Development Plan for Building Permit.
9. The following policies of the West Side Strategic Plan (WSSP) are applicable:
- A. WSSP Policy 1.1 is furthered: The request would result in development of a commercial use in a designated activity center, the McMahon/Unser Neighborhood Center, which will continue to be surrounded by residential development. The proposed non-residential development would occur in a designated center.
 - B. WSSP Policy 1.5 is partially furthered: The subject site is in the McMahon/Unser Neighborhood Center. A pedestrian pathway / multi-use trail is proposed for Lots 9c and 9d to connect the residential neighborhoods to Unser Boulevard along the southern edge of the subject site. Pedestrian access between buildings and through the parking lot areas, however, could be improved especially due to the proposed drive-up service window lane which hinders pedestrian access between the buildings.
 - C. WSSP Policy 3.4 (Seven Bar Ranch) is furthered: The McMahon/Unser Neighborhood Center contains non-residential uses and serves many surrounding subdivisions, such as the Tuscany and Skies West neighborhoods. The request proposes additional commercial uses in a shopping center along with pedestrian and bicycle access. The request furthers WSSP Policy 3.4.
10. The request complies with Sections 4(A), 4(A)(2) and 4(C) of Enactment 117-1999, The Westside-McMahon Land Use and Transportation Guide. The proposed fast-food restaurant with drive-up service window is a C-1 use, and C-1 “Low Commercial” uses are envisioned at this location (WSSP, p. 140, 4A and 4A2). The request proposes pedestrian connections to Unser Boulevard through a trail along the subject site’s southern boundary. This will help contribute to “safe and efficient” pedestrian movements (4C).
11. The Unser Boulevard Design Overlay Zone (UBDOZ), which contains signage regulations, applies.
12. A facilitated meeting was held on January 11, 2017. Overall, neighbors were positive about the proposed project. Concerns included hours of operation, the wall between the subject site and the adjacent Tuscany subdivision, and most noticeably the need for a traffic light at McMahon Boulevard and Finland Drive. The affected neighborhood organizations are the Tuscany Neighborhood Association (NA) and the Westside Coalition of NAs, which were notified as required. Property owners within 100 feet of the subject site were also notified.
13. Conditions of approval are needed to improve compliance and provide clarity.

**IX. RECOMMENDATION – 16EPC-40080, 40081 – MARCH 9, 2017 – SITE DEVELOPMENT
PLAN FOR SUBDIVISION AMENDMENT AND SITE DEVELOPMENT PLAN FOR
BUILDING PERMIT**

APPROVAL of 16EPC-40080, 40081, a request for a Site Development Plan for Subdivision Amendment for Lots 4, 5, 6a, 7a, 8, and 9 and a Site Development Plan for Building Permit for Lots 4, 5, 6a, and a portion of 9, McMahon Market Place, based on the preceding Findings and subject to the following Conditions of Approval.

X. CONDITIONS OF APPROVAL –16EPC-40081, 40081 – MARCH 9, 2017 – SITE DEVELOPMENT PLAN FOR SUBDIVISION AMENDMENT AND 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. The request shall comply with the amended design standards in the site development plan for subdivision for McMahan Market Place.
4. A re-platt is required to reflect the lot configuration shown on the Site Plan for Subdivision prior to approval by the DRB.
5. The boundary line on the Site Plan for Subdivision shall be revised to encompass Lots 1 and 3.
6. Signage must comply with the Unser Boulevard Design Overlay Zone and the City of Albuquerque C-1 Zone regulations. Reduce the signage area of the proposed freestanding monument sign on Unser Boulevard to be 75 square feet. Reduce the signage area of the proposed freestanding monument sign on McMahan Boulevard to 100 square feet, and limit freestanding signs to one sign per premises for each street frontage at least 100 feet wide; therefore one new sign is permitted on McMahan Boulevard.
7. Specify a range of colors after earth-tones such as rust color, light tan, and bronze since earth-tones can be any color.
8. Provide a face-on detail for the site walls to ensure compatibility with the design standards. A color from the design standards should be specified.
9. Add the dimensions for the outdoor patio spaces onto the site plan.
10. Provide additional screening between the proposed drive-up service window and the proposed serpentine pedestrian pathway.
11. Specify the type and color of the gravel mulch on the landscape plans. Show curb notches for supplemental irrigation on the landscaping plan and in the same location on the grading and drainage plan.
12. Specify the color(s) for the refuse enclosure walls and gates.

PLANNING - Zoning Enforcement

13. All refuse enclosures must have sanitary drain for food services.
14. Do not plant anything next to enclosures that will create an overhang. Shown on pg.L1.1
15. Need site plan to scale with dimensions to verify safe refuse truck access. Pg. A1.1

CITY ENGINEER - Transportation Development

16. 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).
17. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
18. Include a building for each site location or phase for building permit.

The following comments need to be addressed prior to DRB:

19. Please list the width and length for all existing and proposed parking spaces. Some dimensions are not shown.
20. 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)
21. Please identify the location of handicap signs on site plan.
22. Show all drive aisle widths and radii. Some dimensions are not shown.
23. 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.
24. 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).
25. 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.
26. Parking spaces cannot cross over lot lines.
27. Please identify pedestrian path's widths onsite and at building frontages.

28. Please provide a landing after the handicap ramps to access the buildings. (Handicap ramps can be reduced in size from the 9 foot ramp to provide space for the landing. Also handicap stalls can be 18 feet in length.)

16EPC-40081 Amended Site Development Plan for Subdivision

29. Clarify limits of amendment and include buildings when possible.
30. Infrastructure and/or ROW dedications may be required at DRB.
31. All work within the public ROW must be constructed under a COA Work Order.
32. Retail/Office/Restaurant on lot 6a does not appear to have a 6 foot pedestrian connection.

Utility Services - ABCWUA:

33. Prior to approval, request for serviceability letter at the link below. The submittal shall include approved fire marshal requirements from the County Fire Marshal's office.
http://www.abcwua.org/Availability_Statements.aspx
34. The property is located outside of the Adopted Service Area and will require a Service Connection Agreement approved by the Water Authority Board (1 month) prior to approval.

16EPC-40081 Amended Site Development Plan for Subdivision

35. The proposed subdivision shall maintain existing Water Utility Authority Easements.
36. Shared use of private sanitary sewer requires a shared maintenance agreement or covenant that is in place prior to approval.
37. Currently there exists onsite infrastructure. Any proposed line relocation will need to be coordinated with Utility Development. All public easements shall be in place prior to relocation.

FIRE DEPARTMENT/Planning

38. 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.



**Cheryl Somerfeldt
Planner**

Notice of Decision cc list:

Martin Grummer, 331 Wellesley Place NE, Albuquerque, NM 87106

JMD, McMahon, 2325 San Pedro NE, Albuquerque, NM 87110

Harry Hendriksen, Westside Coalition of NAs, 10592 Rio Del Sol NW, Albuquerque, NM 87114

Janelle Miller Johnson, Tuscany NA, P.O. Box 6270, Albuquerque, NM 87197

Rene Horvath, Westside Coalition of NAS 5515 Palomino Drive NW, Albuquerque, NM 87120

XI. AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

- A. All refuse enclosures must have sanitary drain for food services.
- B. Do not plant anything next to enclosures that will create an overhang. Shown on pg.L1.1
- C. Need site plan to scale with dimensions to verify safe refuse truck access. Pg. A1.1

Office of Neighborhood Coordination (ONC)

- A. The affected Neighborhood Associations and Coalitions are: Tuscan Neighborhood Association and the Westside Coalition of Neighborhood Associations.
- B. This project was forwarded to Tyson Hummell for facilitation on January 3, 2017.
- C. Assigned to David Gold on January 1, 2017
- D. Facilitated meeting was held on Wednesday January 11, 2017 at 6:00pm in the NW Area Substation, 10401 Cibola Loop NW.

Long Range Planning

No adverse comments.

Metropolitan Redevelopment Agency

No adverse comments.

CITY ENGINEER

Transportation Development

- A. 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).
- B. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
- C. Include a building for each site location or phase for building permit.
- D. The following comments need to be addressed prior to DRB:

16EPC-40080 Amended Site Development Plan for Building Permit

- A. Please list the width and length for all existing and proposed parking spaces. Some dimensions are not shown.
- B. 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)

- C. Please identify the location of handicap signs on site plan.
- D. Show all drive aisle widths and radii. Some dimensions are not shown.
- E. 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.
- F. 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).
- G. 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.
- H. Parking spaces cannot cross over lot lines.
- I. Please identify pedestrian path's widths onsite and at building frontages.
- J. Please provide a landing after the handicap ramps to access the buildings. (Handicap ramps can be reduced in size from the 9 foot ramp to provide space for the landing. Also handicap stalls can be 18 feet in length.)

16EPC-40081 Amended Site Development Plan for Subdivision

- A. Clarify limits of amendment and include buildings when possible.
- B. Infrastructure and/or ROW dedications may be required at DRB.
- C. All work within the public ROW must be constructed under a COA Work Order.
- D. Retail/Office/Restaurant on lot 6a does not appear to have a 6 foot pedestrian connection.

Hydrology Development

No comments received.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

This site fronts onto Unser Boulevard, which is a Regional Principal Arterial per MRCOG's 2040 Long Range Roadway System Map, under the jurisdiction of NMDOT. Refer to NMDOT comments for more information.

Traffic Engineering Operations

No comments received.

WATER UTILITY AUTHORITY

Utility Services

ABCWUA Comment:

- A. Prior to approval, request for serviceability letter at the link below. The submittal shall include approved fire marshal requirements from the County Fire Marshal's office.
 - a. http://www.abcwua.org/Availability_Statements.aspx
 - b. The property is located outside of the Adopted Service Area and will require a Service Connection Agreement approved by the Water Authority Board (1 month) prior to approval.
- B. 16EPC-40081 Amended Site Development Plan for Subdivision
 - c. The proposed subdivision shall maintain existing Water Utility Authority Easements.
 - d. Shared use of private sanitary sewer requires a shared maintenance agreement or covenant that is in place prior to approval.
 - e. Currently there exists onsite infrastructure. Any proposed line relocation will need to be coordinated with Utility Development. All public easements shall be in place prior to relocation.

PARKS AND RECREATION

Planning and Design

Reviewed, no adverse comments.

Open Space Division

No comments received.

City Forester

No comments received.

POLICE DEPARTMENT/Planning

No comments received.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No comments received.

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

This property is proximate to the Unser Boulevard Enhanced Transit Corridor. It is located directly on fixed route 155, and a stop pair for Route 155 is immediately west of the site on McMahan Boulevard. These stops are not affected by the proposed project.

There are no objections.

BERNALILLO COUNTY

No comments received.

New Mexico Department of Transportation

NMDOT has no comments.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no adverse comments.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impact to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

No adverse comments.

For informational purposes:

- A. Both McMahan NW and Unser Blvd NW are Intelligent Transportation System (ITS) Corridor. Please consult with the reviewing agency's Traffic Engineering and/or ITS Department.
- B. Both McMahan NW and Unser Blvd NW are functionally classified as Existing Principal Arterials.
- C. The Long Range Bikeway System identifies an existing paved trail along McMahan Blvd NW and along Unser Blvd NW.
- D. McMahan Blvd NW is a limited access facility. Please contact Dave Pennella at 724-3621 or dpennella@mrcog-nm.gov with any questions about access control.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no further comments based on information provided to date.