



**Environmental
Planning
Commission**

*Agenda Number: 6
Project Number: 1008124
Case #: 12EPC-40078, 12EPC-40079
March 14, 2013*

Supplemental Staff Report

Agent	Zane Ross- Galloway & Co., Inc.
Applicant	Murphy Oil USA
Requests	Site Development Plan for Subdivision Amendment Site Development Plan for Building Permit
Legal Description	Blocks A-1-A1, B-1-A, C and D; Tracts E-1-A, F-1-A, F-1-B-1 and F-1-B-2, American Square
Location	On the western side of Carlisle Blvd. NE, between Phoenix Ave. NE and Claremont Ave. NE
Size	An ≈ 1.2 acre portion of the ≈ 55 acre American Square shopping center site
Zoning	C-2, no change proposed

Staff Recommendation

APPROVAL of Case 12EPC-40078 based on the Findings beginning on Page 9 and subject to the Conditions of Approval on Page 11.

APPROVAL of Case 12EPC-40079 based on the Findings beginning on Page 12 and subject to the Conditions of Approval beginning on Page 14.

Staff Planner
Catalina Lehner, AICP-Senior Planner

Summary of Analysis

This two-part proposal was deferred at the February 14th, 2013 EPC hearing to allow time for the applicant to produce a revised site development plan set. Version 3 was received Monday, March 4th. Staff has reviewed the revised set. The revisions mostly consist of meeting Zoning Code regulations and responding to agency and Staff comments.

The applicant proposes a fueling station and convenience store. The conditional use request for alcohol sales within 500 feet of a residential zone was deferred and will be heard by the ZHE on February 19th.

The Comprehensive Plan applies. No sector plan or design standards apply. Staff recommends approval subject to conditions.

A facilitated meeting was held. There is neighborhood opposition, mostly due to traffic issues and alcohol sales. No additional correspondence has been submitted.

This supplemental report should be read in conjunction with the original February 14, 2013 report (see attached).

City Departments and other interested agencies reviewed this application from 12/3/2012 to 12/14/2012. Agency comments used in the preparation of this report begin on Page 22 of the original Staff report. Revised comments are included here, and also begin on Page 22.

I. OVERVIEW

The applicant proposes a fueling station and convenience store. The conditional use request for alcohol sales within 500 feet of a residential zone was also deferred and is now scheduled to be heard by the Zoning Hearing Examiner (ZHE) on March 19th, 2013.

Deferral

This two-part proposal was heard at the February 14, 2013 Environmental Planning Commission (EPC) hearing and was deferred for 30 days. Additional time was needed to allow the applicant to produce a revised site development plan set. Version 3 of the set was received Monday, March 4th, 2013.

Staff has reviewed the revised set, which is the subject of this supplemental Staff report. The revisions mostly consist of meeting Zoning Code regulations and responding to agency and Staff comments, as well as some suggestions made by Commissioners at the February hearing. Of particular concern were the grading and drainage plan and the landscaping plan. Both have been revised. Staff, the City hydrologist and the applicant met via conference call on February 13, 2013 to discuss the street trees and the grading and drainage plan.

Staff has coordinated with Hydrology Staff and Transportation Staff and obtained revised comments.

Proposal

The proposal is for an amendment to the American Square site development plan for subdivision and a site development plan for building permit for an approximately 1.2 acre site within the larger site. The applicant proposes a fueling station, with ten pumps and a 1,200 square foot (sf) convenience store, on the ≈1.2 acre portion of a retail furniture store parking lot.

» See also p. 1 of the original Staff report (attached).

EPC Role, Context, History, Transportation System, Public Facilities/Community Services

» See p. 1-3 of the original Staff report (attached).

Albuquerque Comprehensive Zoning Code, Analysis of Applicable Plans, Policies and Regulations

» See p. 4-8 of the original Staff report (attached).

II. SITE DEVELOPMENT PLAN SET

The proposal consists of two parts, A and B, below:

A) Site Development Plan for Subdivision Amendment- *No change from original report, repeated here for ease of reading*

The smaller, approx. 1.2 acre subject site is a portion of the larger, approx. 55 acre site development plan for subdivision for the American Square Shopping Center (Z-86-12). The applicant proposes to amend this site development plan for subdivision to create the smaller tract, which would be bounded by Phoenix Ave. to the south, Carlisle Blvd. to the east, and drive-aisles to the north and west. The replatting action would occur at the Development Review Board (DRB), after the conclusion of the EPC process.

Since the request is for an amendment to the existing American Square site development plan for subdivision, an exhibit is sufficient to show the new, proposed lot lines. The elements of the definition of site development plan for subdivision (Zoning Code §14-16-1-5) are required to be addressed for new site development plans for subdivision.

B) Site Development Plan for Building Permit- *Revised and updated based on v. 3 of the site development plan. Changes from the original report are underlined and struck through.*

The applicant proposes to develop a fueling station, with ten pumps and a 1,200 square foot (sf) convenience store, on an approx. 1.2 acre portion of the parking lot (the “subject site.”) of a retail furniture store.

Site Plan Layout / Configuration

The proposed convenience store building would be located in the approximate middle of the subject site. The canopy is oriented north-south, with the long side facing Carlisle Blvd. Landscaping areas are proposed on the eastern, southern and western sides. A drive-aisle is proposed on the site’s northern side. A row of parking would front Carlisle Blvd. The refuse enclosure is proposed near the site’s northeastern corner. Bollards are now called out and the gate is now the same height as the wall. See comments from Solid Waste, Refuse Management Division.

Associated, other items are proposed near the subject site’s SW corner. These include ~~a Redbox unit~~, an ice storage box and a propane exchange box. The ATM has been moved inside the building. The Redbox unit has been moved near the building’s northern entrance for ease of use and improved security. It’s unclear where the air vacuum unit was relocated to. The air vacuum unit has been relocated near the SE corner of the parking area, where there is plenty of room for it. Staff suggested that some items be moved, since the close proximity of so many services could cause conflict between vehicles, and possibly pedestrians, as multiple customers try to use the services. ~~For instance, the Redbox unit would be safer and easier to use if it were close to the building. There’s plenty of room for the air vacuum unit near the site’s SE corner.~~

Public Outdoor Space

Public outdoor space and outdoor seating are not required. The proposed building is less than 60,000 sf and no façade exceeds 100 feet [Ref: 14-16-3-18(C)(4) and (C)(3)]. (D)(3), outdoor space for employees, is also not required.

Vehicular Access & Circulation

Vehicular access is from two, existing locations: between Phoenix and Claremont Aves. and from Phoenix Ave. No new access points are proposed. Vehicles would enter either location, and turn either south or north to reach the site’s two entry points, which are from a north-south drive aisle along the site’s western side.

Trucks would enter the site in the same manner, and would stop to refill the underground storage tanks on the site’s western side. Truck size (ex. WB 65) has not been specified. The travel path for heavy vehicles ~~needs to be shown~~ is now shown (see Transportation comment). Large trucks would enter the

site using Phoenix Ave., proceed north a short distance, and make a circle to turn around after delivering the fuel.

A Traffic Impact Study (TIS) was not required because the proposed project does not meet the applicable threshold, which is 16 pumps.

The Carlisle Blvd. Corridor Study (see also p. 3 of this report) recommends that the Planning Department have the developer address traffic operations at the Carlisle Blvd./Claremont Ave. intersection (p. 71). Though comments from Traffic Engineering Operations (part of the Department of Municipal Development-DMD) were not provided, transportation issues will be addressed through the Development Review Process (DRB). Comments from Transportation Staff will be incorporated into a revised site development plan, which the DRB will review.

Parking

Required parking is calculated pursuant to Zoning Code §14-16-3-1. For retail uses, one space is required for every 200 sf of building area for the first 15,000 sf of a building. In this case, 1200 sf/ 200= 6 required parking spaces, one of which must be handicap. One motorcycle space (equal to ½ of a parking space) is required in addition. 6.5 parking spaces need to be shown.

Nine regular parking spaces, one handicap space, and one motorcycle space are proposed along the site's eastern side, facing Carlisle Blvd. The regular spaces are 9 feet wide and 18 feet long, which are compliant dimensions. 6 spaces are required and 10 are provided.

Bicycle parking is required at the rate of 1 space/20 parking spaces, with a minimum of 2 bicycle spaces per premise. A two-space bike rack is proposed near the proposed pedestrian connection to Carlisle Blvd. Bicycle parking ~~needs to be~~ is now included by the parking calculations.

Pedestrian and Bicycle Access and Circulation, Transit Access

Carlisle/Montgomery Blvd. is a well-utilized transit route (Route #5) and Menaul Blvd., an enhanced transit corridor, is nearby. Therefore, pedestrian connections are particularly important in this area. A transit shelter is nearby, just north of Claremont Ave.

A 6 foot, striped crosswalk is proposed from the HC space to the southern store entrance. Pursuant to Zoning Code 14-16-3-1(H), Off-Street Parking Regulations, the crosswalk needs to be clearly demarcated with special paving or pavement marking or a permanent nature. The intent of Subsection (H) is to "accommodate the inter-related movement of vehicles, bicycles and pedestrians, safely and conveniently, both within the proposed development and to and from the street and the surrounding areas, and to contribute to the attractiveness of the development." The crosswalk is now clearly demarcated.

Staff suggests scored concrete to match the existing pathways in the shopping center (see attached photo, Figure 5). Also, the pathway dead-ends at the edge of the canopy and should be extended to at least reach the store entrance. A 6 foot, textured concrete pathway is now provided from the site's south side, across the building's southern entrance, and leading to Carlisle Blvd.

A pedestrian connection is now proposed from Carlisle Blvd. to the proposed development. It is a 6 foot sidewalk crossing the landscape buffer, then turning into a pathway of jointed concrete as it traverses the parking lot. This pathway ~~needs to be at least~~ is now 6 feet wide. ~~Also, as above, it dead ends at the edge of the canopy and should be~~ The pathway has now been extended to ~~at least~~ reach the store entrance. A pedestrian entrance from Phoenix Ave., near the Redbox, ice storage, etc. is also now proposed.

Walls/Fences

No walls, fences or retaining walls are proposed.

Landscaping

Two revised landscape sheets were provided: the main landscaping plan, which now clearly shows existing and proposed conditions, and a landscaping detail sheet.

Scope: Landscaping is proposed along the subject site's western, southern and eastern sides. Street trees are required along Carlisle Blvd. and Phoenix Ave. pursuant to the Street Tree Ordinance (Some existing street trees will remain, and others are proposed for replacement).

Existing parking lot trees, 11 total, would be removed. One parking lot is required for every 10 spaces, so 1 is required. Staff suggests keeping the tree at the site's NW corner, since it's in the proposed landscape area, to count as the required parking lot tree. A couple of Purple Leaf Plum is proposed as ornamental trees. All trees are medium water use. ~~Blue Juniper, a low water use evergreen, is also proposed. Staff suggests replacement with a less allergenic species.~~ Blue Juniper is existing and proposed mostly to remain.

Shrubs proposed include Russian Sage, India Hawthorne, Blue Mist Spirea, Cliffrose (Black Dalia was removed), Big Sage (Texas Ranger was removed), Three-Leaf Sumac and Honeysuckle. A desert accent, such as the Claret Cup cactus used across the street would add color. Red Yucca is proposed. Cobble mulch is proposed. ~~but the color needs to be specified.~~ It would be grey to match the existing cobble mulch.

Requirements: Zoning Code §14-16-3-10, Landscaping Regulations Applicable to Apartment and Non-Residential Development, applies. The minimum requirement for 75% coverage with living, vegetative materials appears to not be met in places, such as the southwestern landscape buffer. A few more plants ~~are needed there~~ have been added in two places. Note that tree canopy does not count. However, a large portion of the site's southern side remains unlandscaped. Staff suggests that some plants be installed here and/or that the proposed plants be spaced further apart. Otherwise, it doesn't look like the 75% coverage requirement is met here.

The landscaping calculations ~~need to be~~ have been revised based on not counting the building size as 1,200 sf. The canopy is not a building and should not be included. The requirement for 15% coverage of the net lot area would still be met. However, with the revisions, the coverage would not be 21%. It would be approx. 18.5%. The landscape beds still need to be dimensioned.

Standard City notes, such as the landscape maintenance being the responsibility of the property owner, are now included. ~~are not included but should be. It is standard practice for landscaping details (planting,~~

irrigation, etc.) to be on a separate detail sheet. This is needed here to make the landscaping plan easier to read. Landscaping details have been placed on a separate sheet.

Existing and proposed conditions can now be distinguished because two different views have been provided. It is difficult to distinguish existing and proposed. For example, a site visit reveals that a hedge exists along Menaul Blvd. It looks proposed, and the cross-hatching makes the landscaping plan hard to read. Grey gravel already exists, though rock cobble and cedar bark mulch are proposed to be added to, apparently, a portion of these areas.

Street Trees: Street trees are required pursuant to the Street Tree Ordinance (§ 6-6-2-1). Some existing street trees are proposed to remain, and others are proposed to be removed and replaced. It's ~~hard~~ now easier to distinguish existing and proposed.

After a site visit, Staff finds that large, established, healthy trees exist on three sites of the site and do not need to be replaced. Same for the tree near the site's NW corner. The existing Sycamore Maple along Menaul Blvd. are healthy, mature and consistent with other trees in the shopping center. There's no compelling reason to replace them with 2 inch caliper trees that would take many years to reach a similar size. Afghan Pine is not suitable for a street tree, though it could be used elsewhere on site. Street trees need to be canopy forming.

The Purple Robe Locust on the site's southern side function more as parking lot trees but should remain. A couple of street trees should be added closer to the sidewalk. It's still unclear why no landscaping is proposed in the large area closer to Phoenix Ave. (see photo attachment). This area still needs to be brought into compliance for the 75% coverage and street tree requirements.

~~There are some inconsistencies between the legend and what's shown/not shown on the landscaping plan. Three tree types need to be added to the legend: existing trees in the SE corner, trees proposed along Phoenix Ave., and the existing trees along Carlisle Blvd.~~

Street Tree Update: The outcome from the February 20th conference call is that the three largest street trees are still proposed for removal. The applicant explained that these trees are in the narrowest part of the landscape strip (10 foot portion) and would be difficult to save if the site is altered (see also Grading & Drainage Plan update herein). The replacement trees are one Hackberry and two Honey Locust, all 3 inch caliper. Staff requested a 4 inch caliper, since the trees proposed for removal are 18, 16 and 16 inches around.

On the conference call, Staff had understood that the existing tree at the site's NW corner can be preserved. This can be achieved by extending the proposed landscape island by a couple of feet.

Water Harvesting: For new build sites, landscape areas should be at grade with the parking areas so that runoff water can be used for supplemental irrigation. In this case, the landscaping areas already exist. Staff recommends they be disturbed as little as possible (see also Street Trees, above), except as needed to comply with landscaping requirements. However, any new plantings will be depressed slightly below grade so they will benefit from supplemental irrigation (see planting details).

Lighting

Two single-fixture light poles and two double-fixture light poles exist on the eastern and southern sides of the subject site, respectively (see Utility Plan). Two single-fixture light poles are proposed on the site's western side. A four-fixture light pole exists near the western and northern boundaries of the site.

Zoning Code §14-16-3-9, Area Lighting Regulations, states that the maximum light pole height for sites less than 5 acres is 20 feet. A standard light pole detail, indicating height from grade, color and finish, is needed to demonstrate compliance. A light pole detail has been provided. It shows a height of 18 feet and a finish of plain steel.

Zoning Code §14-16-3-18(D)(6), non-residential design standards, is specific to gas fueling canopies. Regarding lighting, under-canopy lighting is required to be recessed and canopy fascia shall not be internally illuminated. A total of 28, square light panels are proposed under the canopy. They would be recessed, but it's unclear if they'd be internal to the canopy fascia.

The photometric plan shows lighting location and intensity on the site (pole lighting and underneath the canopy) and about 50 feet from the site's borders, as (probably) measured in footcandles (fc). The measurements are greatest where the light is shining, and decline with increased distance from the light source. LED pole lights and canopy lights are proposed. Details for these fixture types are included. One wall-pack light is proposed on the western elevation.

Security

Police Department Staff suggest the use of video surveillance cameras to view the entire interior and exterior, and that the cameras should be recorded and monitored for historical and real-time use. This would help improve security, especially given the proposed ATM and other associated uses (ice, propane, etc.) and because the area is prone to crime. The cameras would also help for passive surveillance, since the clerks would face west and there are no functional windows on the eastern elevation.

Grading & Drainage Plan

The subject site slopes downward, approximately from southeast to northwest, with about a 7 foot elevation change. Contour elevations range from ≈5,150 ft. near the eastern side to ≈5,143.5 near the NW corner. No ponding areas are indicated. Existing and proposed grading contours are shown at one-foot intervals.

A drainage narrative, which is a description of existing site topography and any proposed grading, is required. Ponding, water flow direction and storm water collection also need to be addressed. A map showing the subject site's flood zones is typically included. The grading notes provided are a start, but they aren't sufficient in terms of the standard information needed for this local process. A drainage narrative has been added.

Update: A trench drain is provided along the entirety of the western canopy. Water, soiled from gasoline and other auto liquids, collects in the drain and flows to an oil/water separator somewhere on the site. The location of the oil/water separator needs to be clarified.

During the February 20th conference call, Staff and the applicant discussed the site's grading and drainage situation and explored ways to keep the existing, mature street trees. Staff suggested that the canopy be moved west by a few feet to create a larger landscaping buffer, so that a retaining wall could be used. The applicant stated that the tree roots would be disturbed by building a wall. Staff also suggested making up the slope between the canopy and the storage tanks. The applicant stated that the drive aisles would be too narrow, and did not believe that a solution could be found to preserve the trees.

Utility Plan

A new water line is proposed from the building's western side, to connect to the existing water line along Phoenix Ave. A new sanitary sewer line is proposed near the building's SE corner. It will connect to the existing sanitary sewer line at Carlisle Blvd. There is an existing fire hydrant on the south side of Phoenix Ave., near Carlisle Blvd.

Architecture

The proposed, 1,200 sf building is one of the applicant's prototype architectural designs. It would be approx. 14 feet tall and situated underneath the canopy. The top of the canopy would be 18.75 feet from the ground and mounted on brown, painted poles; the canopy itself is 3.75 feet tall. The building would consist of lighter and darker, variegated CMU blocks, with a red band on top and a wider, silver band on top of that (see attachment). An approx. 8 inch gap would be between the building top and the canopy bottom.

Entrances, proposed on the north and south sides of the building, would be framed in red with doors finished in aluminum. No windows are proposed, though windows could be helpful for passive surveillance. A blank elevation (eastern elevation) would face Carlisle Blvd.; decorative windows at a minimum would improve the façade. The elevations need to include a scale and additional dimensions.

Zoning Code §14-16-3-18(D) contains design standards for all non-residential uses. (D)(6) is specific to gas fueling canopies, and states that such canopies and fascia shall be similar in color and texture to the major building on a site. Under-canopy lighting is required to be recessed and canopy fascia shall not be internally illuminated. The canopy would be a combination of silver and red and would be similar to the building.

Signage

A monument sign is proposed near the site's SE corner. The monument sign detail, which should be on a detail sheet, needs to be to scale and indicate all colors and materials. The sign face needs to be dimensioned and the illumination indicated. Similar sign details are needed for the building-mounted and other signs proposed (see below). There's plenty of room on the elevations sheet to provide the customary details for building-mounted signs: dimensions, colors, materials and illumination (if any).

Zoning Code §14-16-3-2(B)(4), Shopping Center regulations, state that one on-premise free-standing sign is allowed for every 300 feet of street frontage on arterial and collector streets. Carlisle Blvd. is an Urban Minor Arterial. Phoenix Ave. is a local street, so such signage is not allowed along it. The proposed site development plan for subdivision doesn't show the amount of street frontage along Carlisle Blvd. for the SC site. There's about 244 feet between the north and south property lines, which is not enough to allow a free-standing sign. However, because this is a SC site, the frontage between Claremont Ave. and Menaul Blvd. (approx. 1,258 feet) is used so the proposed sign is allowed.

Signage is proposed on the canopy. The west and east canopy elevations would have the brand signage and the fuel price signage. The north and south canopy elevations would have just the fuel price signage. Two signs, mounted on canopy poles, are proposed near the building's north and south sides, for a total of four. The color rendering does not match; it doesn't show the signs on poles but does show a welcome sign above the entrance on one of the elevations, though the welcome sign is probably proposed for both the north and south elevations.

The mounted signs are not dimensioned on the elevations, though they should be. A table of signage types and dimensions was recently added.

III. AGENCY & NEIGHBORHOOD CONCERNS

Staff worked with Transportation and Hydrology Staff to update agency comments. No additional information was received from the neighborhood during the deferral period.

» See p. 14-15 of the original Staff report (attached).

IV. CONCLUSION

The proposal is for a site development plan for subdivision amendment and a site development plan for building permit for an approximately 1.2 acre site within the larger site known as the American Square shopping center, zoned C-2.

The applicant proposes to develop a fueling station and a 1,200 square foot (sf) convenience store with a canopy. Due to its location within 500 feet of a residential zone (R-1), a conditional use permit is required to allow the proposed alcohol sales. The hearing before the Zoning Hearing Examiner (ZHE) is scheduled for February 19, 2013 (Project #1008124/12ZHE-80377). A separate hearing before the State licensing board is also required.

The subject site is in the Established Urban Area. Overall the proposal generally furthers applicable Comprehensive Plan goals and policies. No sector plan applies.

The proposal conflicts with Activity Center policies because the use has a very low FAR (0.025), would promote auto travel and would not result in a site that is "very accommodating to the pedestrian" and with moderate FARs (0.3 to 1.0). However, in this case, the American Square Activity Center is already built-out (no vacant land exists) and no design standards apply to the site.

Neighborhoods involved are the Bel Air Neighborhood Association (BANA), the District 7 Coalition of Neighborhoods and the McKinley Neighborhood Association (McKNA). A facilitated meeting was held. There is concern about several issues, mainly alcohol sales and traffic in an area that is already negatively affected by crime, transients and traffic problems. No additional information was received during the deferral period.

The applicant produced a revised site development plan set (version 3) and has incorporated most of the proposed conditions of approval. Staff recommends approval subject to remaining conditions, which are needed to ensure compliance and provide clarification.

FINDINGS – 12EPC-40078 – February 14, 2013 – Site Development Plan for Subdivision Amendment

1. The request is for an amendment to the American Square site development plan for subdivision (Z-86-12), an approximately 57 acre site consisting of Blocks A-1-A1, B-1-A, C and D; and Tracts E-1-A, F-1-A, F-1-B-1 and F-1-B-2 American Square, located at the northwest corner of Carlisle and Menaul Boulevards, zoned C-2.
2. The applicant proposes to amend the above-referenced site development plan for subdivision to create an approximately 1.2 acre site from a portion of Block A-1-A1. No changes are proposed to the information required pursuant to the definition of site development plan for subdivision. No design standards apply.
3. The request is accompanied by a request for a site development plan for building permit for the approximately 1.2 acre portion of Block A-1-A1 (12EPC-40079). The applicant proposes to develop a fueling station and convenience store.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the City of Albuquerque Zoning Code and the Carlisle Boulevard Corridor Study- Final Report are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is located in the Established Urban Area of the Comprehensive Plan. No Sector Development Plans apply. The subject site is located in a designated Activity Center, the American Square Community Activity Center. Menaul Boulevard is an Enhanced Transit Corridor.
6. The request generally furthers the following, applicable policies:
 - A. Policy II.B.5j- new commercial development/location: The proposed fueling station and convenience store would be located in a larger, area-wide shopping center, generally where new commercial development should be located, that is zoned C-2 and has access to mass transit.
 - B. Policy II.C.1e- emissions/gas handling: The proposed fueling station would be required to comply with Federal and local air quality regulations, the purpose of which is to minimize emissions from gasoline handling and dispensing activities.
7. The request partially furthers the following, applicable Goal and policies.
 - A. Economic Development Goal: The proposal would provide new economic development and some employment opportunities. However, the range of skills and salary levels is probably limited and the development would not be diversified.

- B. Policy II.B.5d-neighborhood /environmental/ resources: The proposed fueling station and convenience store, located in an existing shopping center, would be generally appropriate for a commercial area. However, there is strong neighborhood concern about traffic/roadway capacity and alcohol sales, which could result in adverse impacts to businesses and the nearby park.
- C. Policy II.B.5i-employment/service use location: The proposed service use would be located across Carlisle Blvd. from the existing residential area to the east, which would generally help minimize adverse effects of noise and lighting. However, increased traffic may impact the residential environment.
- D. Policy II.B.5k- land adjacent to arterial streets: The subject site is adjacent to Carlisle Blvd., an Urban Minor Arterial. Neighbors are concerned about traffic volume, operations and safety. The extent to which the proposed use would generate new traffic, and/or take advantage of already high traffic flows, is unknown. Neighbors believe that additional vehicle and truck traffic could adversely affect them. A Transportation Impact Study (TIS) was not required.
8. The request partially furthers the Transportation and Transit Goal and Policy II.D.4g- pedestrian opportunities /development /safe and pleasant conditions. The resulting service use would be efficiently placed for vehicular access, though alternatives to automobile travel would not be encouraged to the extent they could be. More connections (Goal) and better integration of pedestrian opportunities, such as connections to existing pathways (Policy II.D.4g), would help balance the circulation system in this busy transit corridor.
9. The proposal conflicts with Activity Center policies because the use has a very low FAR (0.025), would promote auto travel and would not result in a site that is “very accommodating to the pedestrian” and with moderate FARs (0.3 to 1.0). However, in this case, the American Square Activity Center is already built-out and has no design standards.
10. The neighborhood organizations required to be notified are the Bel Air Neighborhood Association (BANA) and the District 7 Coalition of Neighborhoods. The McKinley Neighborhood Association (McKNA) is an interested party. A facilitated meeting was held on December 17, 2012. There is neighborhood opposition, based mainly on alcohol sales and traffic. Some neighbors are opposed to the development outright; others are opposed because they believe it would adversely affect quality of life in the neighborhood.
11. Minor conditions of approval are needed to provide clarification.

RECOMMENDATION – 12EPC-40078 – February 14, 2013 – Site Development Plan for Subdivision Amendment

APPROVAL of 12EPC-40078, a request for Site Development Plan for Subdivision Amendment for Blocks A-1-A1, B-1-A, C and D; Tracts E-1-A, F-1-A, F-1-B-1 and F-1-B-2, American Square,

approximately 55 acres, based on the preceding findings and subject to the following conditions of approval.

CONDITIONS OF APPROVAL – 12EPC-40079 – February 14, 2013 – Site Development Plan for Subdivision Amendment

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. Conditions of approval from City Engineer, Municipal Development and NMDOT:
 - A. A replat will be required.
 - B. Note that portions of the existing access easement are encumbered by sidewalk, curb & gutter, and landscaping.
 - C. All easements need to be shown and labeled on the site plan. Provide recording information.
 - D. Applicant shall separate sheets applicable to Site Plan for Subdivision and others that are applicable to Site Plan for Building Permit and to be labeled as such.
4. Conditions of approval from the Public Service Company of New Mexico:
 - A. It is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.
 - B. On Sheet 1 of 1, please correct the information under "Utility Company Contacts" as follows:

PNM – Electric Service
Mike Moyer
4201 Edith Boulevard NE
Albuquerque, NM 87107
Phone: (505) 241-3697, Fax: (505) 241-3415

FINDINGS – 12EPC-40079 – February 14, 2013 – Site Development Plan for Building Permit

1. The request is for a site development plan for building permit for an approximately 1.2 acre portion of Block A-1-A1 (the “subject site”) of the approximately 57-acre American Square shopping center, located at the northwest corner of Carlisle and Menaul Boulevards, zoned C-2.
2. The applicant proposes to develop a fueling station, with ten pumps and a 1,200 square foot (sf) convenience store, on an approximately 1.2 acre portion of the parking lot of a retail furniture store. The subject site is adjacent west of Carlisle Boulevard and adjacent north of Phoenix Avenue.
3. Due to its location within 500 feet of a residential zone (R-1), a conditional use permit to allow alcohol sales is required [ref: §14-16-2-17(B)(18)]. The hearing before the Zoning Hearing Examiner (ZHE) was scheduled for January 15, 2013 (Project #1008124/12ZHE-80377), but was deferred to February 19, 2013 and will occur after the EPC hearing.
4. The request is accompanied by a request for an amendment to the American Square Shopping Center site development plan for subdivision (12EPC-40079). The applicant proposes to create an approximately 1.2 acre tract on Block A-1-A1.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the City of Albuquerque Zoning Code and the Carlisle Boulevard Corridor Study are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is located in the Established Urban Area of the Comprehensive Plan. No Sector Development Plans apply. The subject site is located in a designated Activity Center, the American Square Community Activity Center. Menaul Boulevard is an Enhanced Transit Corridor.
7. The request generally furthers the following, applicable policies:
 - A. Policy II.B.5j- new commercial development/location: The proposed fueling station and convenience store would be located in a larger, area-wide shopping center, generally where new commercial development should be located, that is zoned C-2 and has access to mass transit.
 - B. Policy II.C.1e- emissions/gas handling: The proposed fueling station would be required to comply with Federal and local air quality regulations, the purpose of which is to minimize emissions from gasoline handling and dispensing activities.

8. The request partially furthers the following, applicable Goal and policies.
 - A. Economic Development Goal: The proposal would provide new economic development and some employment opportunities. However, the range of skills and salary levels is probably limited and the development would not be diversified.
 - B. Policy II.B.5d-neighborhood /environmental/ resources: The proposed fueling station and convenience store, located in an existing shopping center, would be generally appropriate for a commercial area. The proposed design would be generally consistent with existing development, though the landscaping plan would not respect natural environmental conditions. There is strong neighborhood concern about traffic/roadway capacity and alcohol sales, which could result in adverse impacts to businesses and the nearby park.
 - C. Policy II.B.5i-employment/service use location: The proposed service use would be located across Carlisle Blvd. from the existing residential area to the east, which would generally help minimize adverse effects of noise and lighting. However, increased traffic may impact the residential environment.
 - D. Policy II.B.5k- land adjacent to arterial streets: The subject site is adjacent to Carlisle Blvd., an Urban Minor Arterial. Neighbors are concerned about traffic volume, operations and safety. The extent to which the proposed use would generate new traffic, and/or take advantage of already high traffic flows, is unknown. Neighbors believe that additional vehicle and truck traffic could adversely affect them. A Transportation Impact Study (TIS) was not required.
 - E. Policy II.B.5l-quality design/new development: The proposed building design is not innovative; it is franchise architecture typical of the brand. However, many examples of franchise architecture are found in the area and no design standards apply, so the proposed design is generally appropriate.

9. The request partially furthers the Transportation and Transit Goal and Policy II.D.4g- pedestrian opportunities /development /safe and pleasant conditions. The resulting service use would be efficiently placed for vehicular access, though alternatives to automobile travel would not be encouraged to the extent they could be. More connections (Goal) and better integration of pedestrian opportunities, such as connections to existing pathways (Policy II.D.4g), would help balance the circulation system in this busy transit corridor.

10. The proposal conflicts with Activity Center policies because the use has a very low FAR (0.025), would promote auto travel and would not result in a site that is “very accommodating to the pedestrian” and with moderate FARs (0.3 to 1.0). However, in this case, the American Square Activity Center is already built-out and has no design standards.

11. A Traffic Impact Study (TIS) was not required because the proposed gas station does not meet the applicable threshold of sixteen pumps.

12. The neighborhood organizations required to be notified are the Bel Air Neighborhood Association (BANA) and the District 7 Coalition of Neighborhoods. The McKinley Neighborhood Association (McKNA) is an interested party. A facilitated meeting was held on December 17, 2012. There is neighborhood opposition, based mainly on alcohol sales and traffic. Some neighbors are opposed to the development outright; others are opposed because they believe it would adversely affect quality of life in the neighborhood.
13. Minor conditions of approval are needed to ensure compliance with applicable Zoning Code regulations and provide clarification.

RECOMMENDATION – 12EPC-40079 – February 14, 2013 – Site Development Plan for Building Permit

APPROVAL of 12EPC-40079, a request for Site Development Plan for Building Permit for an approximately 1.2 acre portion of American Square, an approximately 55 acre site consisting of Blocks A-1-A1, B-1-A, C and D; Tracts E-1-A, F-1-A, F-1-B-1 and F-1-B-2, American Square, based on the preceding findings and subject to the following conditions of approval.

CONDITIONS OF APPROVAL – 12EPC-40079 – February 14, 2013 – 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. Landscaping:
 - A. The existing, mature tree near the site's NW corner shall remain.
 - B. Landscaping shall be provided in the southern landscape buffer and shall meet the requirement for 75% coverage with living, vegetative materials.
 - C. The location of the air/vac unit shall be shown and landscaping adjusted.
4. Grading & Drainage Plan: Show the location of the oil/water separator and label it.

5. Signage:
 - A. The monument sign detail shall be to scale, with the scale indicated.
 - B. The building-mounted Welcome signage shall be delineated with a dashed line, and colors and lighting (if any) specified.

6. Elevations:
 - A. The scale shall be specified.
 - B. The color legend shall be re-instated.

7. Condition from the Solid Waste Management Department, Refuse Division:

The project must comply with the SWMD's specifications and ordinance.

8. Conditions from City Engineer, Municipal Development and NMDOT:
 - A. Clearly show the heavy vehicle pathway for this site. The pathway cannot cross into incoming traffic. The trucks need to maintain their lane and they cannot drive over the corner or existing parking spaces. A different path may be needed.
 - B. Specify the truck size and classification.
 - C. Portions of the existing access easement are encumbered by sidewalk, curb & gutter, and landscaping. Provide clarification.
 - D. The note regarding the ADA ramps (#55) shall read: Proposed ADA accessible ramp (see detail).
 - E. Provide/label/detail all dimensions, classifications and proposed infrastructure within the site.
 - F. All easements must be shown and labeled on Site Plan. Provide recording information.
 - G. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
 - H. An approved conceptual grading and drainage plan is required for DRB approval.

9. Conditions from the Public Service Company of New Mexico:
 - A. It is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.
 - B. Screening should 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. Please refer to the PNM Electric Service Guide at www.pnm.com for specifications.

C. On Sheet 1 of 1, please correct the information under “Utility Company Contacts” as follows:

PNM – Electric Service
Mike Moyer
4201 Edith Boulevard NE
Albuquerque, NM 87107 Phone: (505) 241-3697, Fax: (505) 241-3415

***Catalina Lehner, AICP
Senior Planner***

Notice of Decision cc list:

Zane Ross, Galloway & Co., Inc., 5300 DTC Parkway, Suite 100, Greenwood Village, CO 80111
Barb Johnson, 2700 Hermosa NE, Albuquerque, NM 87110
Bill Hoch, 813 Calle del Corte NE, Albuquerque, NM 87110
Lynne Martin, 1531 Espejo NE, Albuquerque, NM 87110

CITY OF ALBUQUERQUE AGENCY COMMENTS

Only revised comments are included here. See p. 22 of the original Staff report for the original comments (attached).

CITY ENGINEER

Transportation Development Services

Site Development Plan for Building Permit:

- Clearly show the heavy vehicle pathway for this site. The pathway cannot cross into incoming traffic. The trucks need to maintain their lane and they cannot drive over the corner or existing parking spaces. A different path may be needed.
- Specify the truck size and classification.
- A separate Site Plan for Building Permit must be provided.
- Portions of the existing access easement are encumbered by sidewalk, curb & gutter, and landscaping. Provide clarification.
- The note regarding the ADA ramps (#55) shall read: Proposed ADA accessible ramp (see detail).
- ~~A six foot wide, ADA accessible, pedestrian pathway is required from Carlisle to the building.~~
- ~~A six foot wide, ADA accessible, pedestrian pathway is required from the ADA parking to the building.~~
- Provide/label/detail all dimensions, classifications and proposed infrastructure within the site.
- All easements must be shown and labeled on Site Plan. Provide recording information.
- Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.

Site Development Plan for Subdivision:

- Provide the previously approved site development plan for subdivision for comparison.
- A replat will be required.
- ~~A separate Site Development Plan for Subdivision and Site Development Plan for Building Permit shall be provided.~~
- Portions of the existing access easement are encumbered by sidewalk, curb & gutter, and landscaping.
- All easements need to be shown and labeled on Site Plan. Provide recording information.
- ~~Demonstrate that the signs and landscaping do not interfere with the sight distance of the entrances. Please add the following note to the Landscaping Plan: "Landscaping and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."~~

Hydrology (updated 3-6-2013).

Site Development Plan for Building Permit:

- ~~Applicant shall separate sheets applicable to Site Plan for Subdivision and others that are applicable to Site Plan for Building Permit and to be labeled as such.~~

-
- ~~• The applicant shall provide a conceptual grading and drainage plan that is labeled Conceptual Grading and Drainage Plan. Grades shall be proposed under the canopy/around the pumps such that runoff does not enter from surrounding grades and runoff from under the canopy shall drain into drop inlets then through an oil/water separator before leaving the site or entering the SAS.~~

Site Development Plan for Subdivision:

- ~~• Applicant shall separate sheets applicable to Site Plan for Subdivision and others that are applicable to Site Plan for Building Permit and to be labeled as such.~~
- An approved conceptual grading and drainage plan is required for DRB approval.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Site Development Plan for Building Permit and Site Development Plan for Subdivision shall include:

Site Development Plan for Building Permit

1. Clearly show the heavy vehicle pathway for this site. The pathway cannot cross into incoming traffic. The trucks need to maintain their lane and they cannot drive over the corner or existing parking spaces. A different path may be needed.
2. Specify the truck size and classification.
3. Portions of the existing access easement are encumbered by sidewalk, curb & gutter, and landscaping. Provide clarification.
4. The note regarding the ADA ramps (#55) shall read: Proposed ADA accessible ramp (see detail).
5. Provide/label/detail all dimensions, classifications and proposed infrastructure within the site.
6. All easements must be shown and labeled on Site Plan. Provide recording information.
7. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
8. ~~Demonstrate that the signs and landscaping do not interfere with the sight distance of the entrances. Please add the following note to the Landscaping Plan: "Landscaping and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."~~
9. ~~Applicant shall separate sheets applicable to Site Plan for Subdivision and others that are applicable to Site Plan for Building Permit and to be labeled as such.~~
10. An approved conceptual grading and drainage plan is required for DRB approval.

Site Development Plan for Subdivision

1. Provide the previously approved site development plan for subdivision for comparison.
2. A replat will be required.

- ~~3. A separate Site Development Plan for Subdivision and Site Development Plan for Building Permit shall be provided.~~
4. Portions of the existing access easement are encumbered by sidewalk, curb & gutter, and landscaping.
5. All easements need to be shown and labeled on Site Plan. Provide recording information.
- ~~6. Applicant shall separate sheets applicable to Site Plan for Subdivision and others that are applicable to Site Plan for Building Permit and to be labeled as such.~~