

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

April 18, 2013

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by J.J. Gonzales, on the above-cited date at approximately 4:05 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

- Juan José Gonzales, Chair
- Susan Martin, Vice Chair
- Maria DeAnda
- Frank Katz
- Manuel Roybal

Member(s) Excused:

- Phil Anaya
- Dan Drobnis

Staff Present:

- Penny Ellis-Green, Growth Management Director
- Wayne Dalton, Building & Development Services
- Jose Larrañaga, Development Review Specialist
- Rachel Brown, Deputy County Attorney
- Karen Torres, County Hydrologist

APPROVAL OF AGENDA

Upon motion by Member Martin and second by Member Katz, the agenda was unanimously [5-0] approved.

IV. APPROVAL OF MINUTES: March 21, 2013

Member DeAnda moved to approve the March minutes as corrected. Member Martin seconded and the motion passed by unanimous [5-0] voice vote.

VII. NEW BUSINESS

- A. CDRC Case #Z/PDP 13-5060. Robert & Bernadette Anaya, Applicants, Talia Kosh, Agent, request Master Plan Zoning and Preliminary Development Plan approval for a commercial towing business as a Special Use under the Village of Agua Fria Zoning District Ordinance Use Table (Ordinance No. 2007-2). The request includes that Final Development Plan be approved administratively. The property is located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East, (Commission District 2)**

Case Manager Jose Larrañaga gave the staff report as follows:

“On August 14, 2012, the Board of County Commissioners approved a request, by the Applicants, for a variance to allow a towing business as a Special Use under Ordinance No. 2007-2, § 10.5, Village of Agua Fria Zoning District Use Table. A Special Use is an allowed use which is subject to Master Plan and Development Plan approval by the BCC. The use as a towing company falls under the category of Vehicle service not listed which is not allowed as a use as outlined in the commercial use category within the Traditional Community Zoning District.

“The Applicants request Master Plan Zoning and Preliminary Development Plan approval to allow a towing business on .33 acres ±. The request is to allow the storage of eight tow trucks on the site. The Applicants propose to divide the existing .70 acre ± parcel and create a .33 acre ± lot to be utilized for the towing business. The other lot, which is where the Applicants currently reside, will remain as residential. The Applicant also requests that Final Development Plan be processed administratively.

“The Applicants state that there is a need for the tow trucks to be in close proximity to their residence is to be able to respond to any emergency calls in a timely fashion. The Applicants also state that they wish to utilize the .33-acre site to store personal recreational vehicles.

“Staff’s response: the .33-acre site shall maintain a hammerhead 60’ in length and 20’ in width, parking spaces for eight large tow trucks, and the circulation of these vehicles, landscape, retention ponds and a dumpster. The Applicants have not demonstrated where the personal recreational vehicles would be placed that would still allow them to maintain the site requirements for the towing business on .33 acres. To combine the placement of two recreational vehicles, one boat, two low-boy trailers and other personal vehicles with the proposed towing business may significantly hinder the business activity on the site. The Applicant has not submitted a circulation plan demonstrating internal vehicular circulation.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan: the Application is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in the Land Development Code.

“The review comments from State Agencies and County staff have established findings that this Application is in compliance with state requirements, Ordinance No. 2007-2 and Article V, § 5, Master Plan Procedures of the Land Development Code.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented do not support the request for Preliminary Development Plan: information of internal vehicular and pedestrian circulation, and ingress and egress has not been submitted; conceptual plan for outdoor lighting, including type, size, location of fixtures has not been submitted; the Application does not comply with Article V, § 7.1.2.e & § 7.1.2.j and Article III, § 4.4.”

Mr. Larrañaga stated staff was recommending conditional approval for Master Plan Zoning to allow the storage of eight tow trucks, to be utilized as a towing business, on .33 acres ±. If the decision of the CDRC is to recommend approval of the Applicants’ request for Master Plan, staff recommends imposition of the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c.
2. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
3. The Applicant shall comply with Ordinance No. 2007-2, § 10.6 (Density & Dimensional Standards).

Mr. Larrañaga added staff has deemed the request for Preliminary Development Plan incomplete due to non-compliance with Article V, § 7.1.2.e & § 7.1.2.j (Development Plan Requirements) and Article III, § 4.4 (Development and Design Standards). Therefore staff recommends denial of the proposed Preliminary Development Plan. Staff recommends that the Preliminary and Final Development Plan be presented to the CDRC for consideration after the recordation of the Master Plan.

Chairman Gonzales asked what “conditional” meant in the recommendation, and why the preliminary plan had to return to the committee. Mr. Larrañaga explained “conditional” referred to the conditions listed and successful compliance with review comments by the agencies involved. Once the conceptual master plan is approved the CDRC will get another look at the preliminary and final development plans. During initial agency review the circulation plan was deemed incomplete as to the arrangement of all the vehicles, and the lighting plan also needs further work.

Referring to a reference in the report to the lack of a business license, Member Martin asked if that had been obtained. Mr. Larrañaga stated that deficiency is what started the process and the initial Notice of Violation. At that point, since they did not meet the standards of the Agua Fria Ordinance they were required to come in with a master plan. Acquiring a business license will be the last step.

Member DeAnda asked about the parking requirements and Mr. Larrañaga indicated a circulation plan has been turned in but is incomplete. Member DeAnda asked if the Agua Fria Village Association has reviewed the plan. Mr. Larrañaga said the applicant presented this project to the AFVA on February 4th as required by the ordinance. Village Association President William Mee stated he preferred to not get involved.

In response to a question from Member Katz, Mr. Larrañaga said the applicants have submitted information about water and sewer services. The .33-acre lot already has water and sewer. The remaining third of an acre, being commercial does not have to meet density requirements but they will also connect to water and sewer.

Member Katz asked about the circulation and lighting. Mr. Larrañaga said the circulation plan was submitted too late to go into the packet and specifics of the lighting plan have yet to be submitted.

Talia Kosh, serving as legal counsel for the applicant stated they have worked with staff in detail on the remaining issues. It was agreed to return when the last issues were taken care of.

Duly sworn, Bernadette J. Anaya indicated it would be convenient to continue running the business the way they are. They intend to comply and do what needs to be done the right way.

Ms. Kosh said if they receive master plan approval today, by the time they get to BCC they will be able to get master plan approval, then return to the CDRC for preliminary and final development plan approval.

Mr. Larrañaga noted that the code states an application is supposed to return to the CDRC for approval of the more detailed plans.

There was no one from the public wishing to speak.

Member Katz moved to conditionally approve CDRC Case #Z/PDP 13-5060 master plan with staff conditions with the understanding preliminary and final would be presented at a later date. Member Martin seconded.

Attorney Rachel Brown said when the rest of the application is deemed complete it will come back to the CDRC. Land Use Administrator Penny Ellis-Green explained staff is allowed ten days to deem the submission complete and then there is a 30-day review

period. Legal notice has to take place, so the earliest the application could return would be in June.

The motion passed by a 4-1 voice vote with Member DeAnda casting the nay vote.

B. PETITIONS FROM THE FLOOR

None were presented.

C. COMMUNICATIONS FROM THE COMMITTEE

Member Martin said she would not be able to attend the next meeting.

D. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

E. COMMUNICATIONS FROM STAFF

. The next meeting was scheduled for May 16, 2013.

G. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at 4:30 pm.

Approved by:

Juan Jose Gonzales
Juan Jose Gonzales, Chair
CDRC



ATTEST TO:
Geraldine Salazar
COUNTY CLERK

Before me, this 16th day of May, 2013.

My Commission Expires: _____
Notary Public

Submitted by:
Debbie Doyle
Debbie Doyle, Wordswork



COUNTY OF SANTA FE) CDRC MINUTES
STATE OF NEW MEXICO) ss PAGES: 6

I Hereby Certify That This Instrument Was Filed for
Record On The 17TH Day Of May, 2013 at 09:12:53 AM
And Was Duly Recorded as Instrument # 1705889
Of The Records Of Santa Fe County

Deputy Maricella Salazar Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

REC'D CLERK RECORDED 05/17/2013 09:12:53