

## **MEMORANDUM**

**DATE:** August 11, 2009

**TO:** Board of County Commissioners

**FROM:** Jose E. Larrañaga, Commercial Development Case Manager

**VIA:** Jack Kolkmeier, Land Use Administrator  
Shelley Cobau, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

**FILE REF:** CDRC Case # V 09-5060 Zia Credit Union

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**ISSUE:**

Zia Credit Union, Applicant, Jeffery White, agent, request a variance of Article III, Section 4.4.3a (Driveway Access), a variance of Article III, Section 4.4.3c (Parking Lot Location) of the Land Development Code and a variance of Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), Section 12.5 (Density and Dimensional Standards).

The property is located at #1 Luz De Amado, within Section 17, Township 19 North, Range 9 East (Commission District 1).

**SUMMARY:**

On June 18, 2009 the County Development Review Committee (CDRC) met and acted on this case, the decision of the CDRC was to recommend approval of the Applicants' request (CDRC Minutes Exhibit "N").

The Applicant proposes to develop a 1.12 acre parcel to allow a new facility to house the Zia Credit Union. The primary purpose is for branch banking with four (4) remote drive-through lanes and one (1) ATM lane. The project will be located on the Southwest corner of Gutierrez Road and Highway 84/285 abutting the West access road in Pojoaque. The proposed building

area is a total of 7,723 sq. ft. with 4,707 sq. ft. on the first floor and 3,016 sq. ft. on the second floor with a roof top patio. The project will be Santa Fe adobe style design to be consistent with the local architecture.

The design of the proposed structure, configuration of the parking and access design does not meet Code criteria, therefore the Applicant is requesting variances of Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District) Section 12.5 (Density and Dimensional Standards), Article III, Section 4.4.3c (Parking Lot Location) and Article III, Section 4.4.3a (Driveway Access) of the Santa Fe County Land Development Code

**Variance One:**

The Applicant states that it is not possible to meet the Pojoaque Valley Traditional Mixed-Use building height of twenty four (24) feet and meet the Credit Union's development needs and considering the site availability, site constraints and lower site elevation, a variance from the building height requirement is needed. The Applicant's criteria, (Exhibit "B"), for a variance of Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), Section 12.5 (Density and Dimensional Standards) consists of:

- site and building appearance from the highway
- the center of the site and finish floor height of the building would be situated four (4) to six (6) feet below the highway, there is an existing four (4) foot concrete barrier along the highway which would conceal the building
- the property on the northeast side of the highway is typically at the same level or higher than the highway (while this property is substantially lower)
- there is a concern of trying to conceal the roof top equipment while vehicles line of site is approximately eight (8) to eleven (11) feet above the base of the building
- the Museum complex situated just northeast of the site was constructed at various heights between twenty six (26) feet to thirty four (34) feet tall with the main tower at forty (40) feet tall and the museum site elevation is at or above the adjacent highway and still does not seem to detract from the area and the proposed Credit Union structure with its highest point (33 feet above the finish floor elevation) will not appear to be inconsistent with the adjacent structures

**Staff Response:**

The proposed design submitted by the Applicant for the structure at the highest point is thirty three (33) feet ten (10) inches high (Exhibit "C"). The Pojoaque Valley Traditional Community District Ordinance (No. 2008-5), Section 12.5 (Density and Dimensional Standards) states: the maximum height for non residential uses within the mixed use sub-district shall not exceed twenty four (24) feet (Exhibit "D"). Article III, Section 4.4.4.c (Development and Design Standards - Maximum Height) of the Land Development Code states: Structures shall be limited to a maximum height of twenty four (24) feet in height in Neighborhood or Local Center Districts (Exhibit "E").

The Applicant's proposal for a two story structure can be designed to meet the twenty four foot height requirements. The topography of the site does not warrant a structure thirty three feet in

height and appearance or visibility are not inhibiting factors to justify a variance of the dimensional standards set forth in the Pojoaque Valley Traditional Community District Ordinance.

**Variance Two:**

The Applicant states that they are attempting to create a safe environment while adhering to the intent of the codes and due to the limitations of the site and the unique design requirements for the Credit Union they are limited in safe ingress/egress alternatives while maintaining parking to the rear and side of the property. The Applicant's criteria (Exhibit "F") for a variance of Article III, Section 4.4.3c (Parking Lot Location) consists of:

- the proposed building will be situated on the site so that the drive-thru traffic enters the site through an entrance only lane without interfering with the on-site exiting traffic or traveling behind parked customer/employee vehicles and to accomplish this with the parking located in the back an additional curb cut would need to be added (shown in figure "A" and "B" Exhibit "G")
- the property's frontage road is separated from Hwy 84/285 by a four (4) foot high concrete barrier which screens a large portion of the parking area in front of the facility, the actual site elevation is four (4) to six (6) feet below the highway surface which further shields the view of a parking lot in front of the building and large shade trees and shrubs will be incorporated in the landscape design which will further buffer the parking area from Hwy 84/285 traffic

**Staff Response:**

The proposed parking lot design submitted by the Applicant does not meet the provisions set forth in Article III, Section 4.4.3.c (Site Planning Standards - Parking Lot Location) which states: Parking lots shall be placed or oriented on a site to the rear or side of buildings (or both), (Exhibit "H").

The topography of the site lends itself to a parking lot design which would meet the provisions of the Code. The current design as submitted by the Applicant is a self inflicted condition and does not justify a variance of the parking lot location requirements set forth in the Land Development Code.

**Variance Three:**

The Applicant states that the building would be situated on the site so that the drive-thru traffic enters the site through an entrance only lane without interfering with the on-site exiting traffic or traveling behind parked customer/employee vehicles and the drive-thru customers would not be forced to stack up on the roadway waiting for a parked car to back out or the drive to clear before they can enter the site. This "entrance only" drive is situated so that they will have a clear line of sight of oncoming traffic while they are turning left into the site. The existing access to the property will be used as the site exit and main entrance for all of the building and lobby traffic. People entering the site intending to enter the building will not have to cross the traffic flow of the vehicles exiting the site therefore reducing the time they are waiting on the

roadway to turn in. All traffic exiting the site will exit through one exit lane. Clear visibility will be maintained to facilitate the ease of traffic coordination exiting the site. The Applicants criteria for a variance of Article III, Section 4.4.3a (Driveway Access, Exhibit "I") consists of:

- there is no current or anticipated development to the northwest of the site and the current access road dead-ends approximately one hundred ninety five (195) feet beyond the northwestern most corner of the property
- all of the traffic exiting the site will turn right to exit the property thus reducing cross traffic
- the current highway access road does not have a posted speed limit and is approximately six hundred fifteen (615) feet in total length (from the stop sign at Gutierrez to the dead-end sign just northwest of the property line)
- due to the unique characteristics of the access road and the Credit Union's desire to have safe access too and from and through the site and the additional "entrance only" lane would provide an easier flow of traffic in and around the site with less congestion while trying to enter and leave the site.

**Staff Response:**

The proposed access design submitted by the Applicant does not meet the requirements set forth in Article III, Section 4.4.3.a (Site Planning Standards - Driveway Access) which states: Spacing between points of ingress and egress shall be determined by the posted design speed and intended function of the road creating access to the development site (Exhibit "J"). The posted speed limit on Gutierrez Road is 30 miles per hour therefore the distance between the access points should be 200 feet. The separation of the proposed access points submitted by the Applicant is ninety two (92) feet.

The length of the property fronting Gutierrez Road is two hundred and ninety nine (299) feet. The combined width of the proposed access points is sixty (60) feet allowing for a two hundred and thirty nine (239) foot separation between the access points. The site lends itself to achieving the purpose of the code allowing for a two hundred (200) foot separation of the two proposed access points.

**REQUIRED ACTION:**

The BCC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions or modifications or to table for further analysis of this request.

**RECOMMENDATION:**

The proposed site is within the boundaries of the Pojoaque Valley Traditional Mixed Use Sub – District. These districts are intended to accommodate a mixture of uses provided the performance standards and criteria set forth by the code are met.

The Applicant's request for variances of the Pojoaque Valley Traditional Community District Ordinance, Section 12.5 (Density and Dimensional Standards) and the Land Development Code, Article III, Section 4.4.3.c (Parking Lot Location) and Article III, Section 4.4.3.a

(Driveway Access) do not meet the performance standards and criteria set forth in Article II, Section 3 (Variances) of the Code (Exhibit “L”).

The Applicant’s design of the proposed project is a self-inflicted condition and not a reason for variance as contemplated by the Code. The topography, location or the size of the site do not inhibit the Applicant from complying with the provisions set forth in the Land Development Code and the Pojoaque Valley Traditional Community District Ordinance, therefore staff recommends **denial** of the Applicant’s request.

**ATTACHMENTS:**

- Exhibit “A” – Vicinity Map
- Exhibit “B” – Applicant Variance Request of Ordinance 2008-5
- Exhibit “C” – Proposed Elevation Design
- Exhibit “D” – Section 12.5, Density and Dimensional Standards
- Exhibit “E” – Article III, Section 4.4.4.c
- Exhibit “F” – Applicant Variance Request of Article III, 4.4.3.c
- Exhibit “G” – Applicant’s Figure “A” and “B”
- Exhibit “H” – Article III, Section 4.4.3.c
- Exhibit “I” – Applicant Variance Request of Article III, Section 4.4.3.a
- Exhibit “J” – Article III, Section 4.4.3.a
- Exhibit “K” – Proposed Parking Lot and Access Design
- Exhibit “L” – Article II, Section 3, Variances
- Exhibit “M” – Arial and Existing Site Data
- Exhibit “N” – June 18, 2009 CDRC Minutes