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Commissioner, District 5

Roman Abeyta
County Manager

MEMORANDUM

DATE: August 27, 2009

TO: Extraterritorial Land Use Authority

FROM: Vicki Lucero, Residential Development Case Manager

VIA: Shelley Cobau, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF.: EZ CASE # MIS 09-4000 Big O Tires Retail Center (Formerly Fire-Stone) Time Extension

ISSUE:

Sara Hotchkiss, applicant, requests a two-year time extension of the Master Plan approval and Preliminary Development Plan approval for Phase I of the Big O Retail Center (formerly Firestone Retail Center). The property is located within the presumptive city limits along Cerrillos Road, northeast of the Ocate Road intersection, within Section 18, Township 16 North, Range 9 East (2-Mile EZ, District 5).

SUMMARY:

On April 30, 1996, the EZA granted master plan approval of the Firestone Retail Center with preliminary development plan approval for Phase I.

On February 13, 1997, the EZC granted final development plan approval for Phase I, which expired 18 months later.

On February 26, 2002, the EZA granted a 2-year time extension of the Master Plan/Preliminary Development Plan (See EZA Minutes in Exhibit "D"), which would extend it through February 26, 2004. Any progress in the development of the project (ie. submission of final development plan) shall constitute an automatic renewal of the Master Plan.

On April 8, 2004, the EZC granted final development plan approval for Phase I, which included the construction of a 6,014 sq. ft. tire store and a 10,500 sq. ft. retail building (See EZC minutes in Exhibit "E").

This constituted an automatic 2-year renewal of the Master Plan/ Preliminary Development Plan, which expired in February of 2006.

Final development plans are valid for a period of 18 months from the date of approval by the EZC or EZA, therefore, the final development plan for this project has already expired.

On November 30, 2006, the EZA granted a 2-year time extension of the Master Plan/Preliminary Development Plan (See EZA Minutes in Exhibit "F"), which would have extended it through November 30, 2008.

The applicant is now requesting a renewal and two-year time extension of the Master Plan and Preliminary Development Plan approval for Phase I. The applicant states that since the time of the last extension her husband sustained an injury and was unable to work for quite sometime therefore, she had to run the current business on her own and did not have the time to take on this project. According to the applicant they had to deal with two deaths in the family which impacted their daily lives. They have decided that they no longer would like to proceed with this development and need to sell their property. The applicant states that keeping the zoning in place on this property would allow them to sell it for what it is really worth, therefore, they are requesting an extension.

REQUIRED ACTION:

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

RECOMMENDATION:

There have been only minor changes in the Ordinances that govern this area, since the time of the previous approvals for this development, therefore, County staff has no issues with the granting of an extension provided that all previously approved conditions are met. However, it is notable that this property is within the area known as the presumptive city limits which will soon be annexed by the City of Santa Fe therefore, County staff defers to City staff for recommendation.

ATTACHMENTS:

- Exhibit "A" – Letter of request
- Exhibit "B" – Previously approved development plan
- Exhibit "C" – Vicinity Map
- Exhibit "D"- February 26, 2002, EZA minutes
- Exhibit "E" – April 8, 2004, EZC minutes
- Exhibit "F" – November 30, 2006, EZA Minutes
- Exhibit "G" – Approved use list