

MEMORANDUM

DATE: September 8, 2009

TO: Board of County Commissioners

FROM: Vicki Lucero, Residential 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 # S 06-5031 The Village at Galisteo Basin Preserve

ISSUE:

Commonweal Conservancy Inc., applicant, Ted Harrison, agent request Preliminary Plat and Development Plan approval for Phase I of the Village at Galisteo Basin Preserve which will consist of 131 single family residential lots, 3 multi-family residential lots for a total of 149 residential units, and 5 non-residential lots within a 60 acre development envelope within an overall 10,000+acre area. The request also includes the following variances of the County Land Development Code: 1) To allow driveway locations to be closer than 100 feet from intersections; 2) To allow slopes of up to 5% within 50 feet of an intersection rather than required 3% or less within 100 feet of an intersection; 3) To allow driving lanes for Minor Arterial roads and Local Sub-Collector roads to be reduced to a width of less than 12 feet; 4) To reduce the required R-O-W width from 50 feet to 32 feet for Local Sub-collector Roads and 25 feet for Local Lane roadways; 5) To allow a cul-de-sac length of 900 feet; 6) To allow commercial and residential building heights of up to 30 feet in certain areas.

The property is located south of Eldorado, west off of US 285, within Sections 1, 3-5, 7-15, 17, 20-24, and 27 within Township 14 North, Range 9 East; Sections 5-7, and 18 within Township 14 North, Range 10 East; Sections 25 and 34-36, within Township 15 North, Range 9 East; and Sections 30 and 31, within Township 15 North, Range 10 East (Commission District 3).

SUMMARY:

On June 18, 2009, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request (Refer to CDRC Minutes in Exhibit "H").

On June 12, 2007, the BCC granted Master Plan Zoning approval for a mixed-use development consisting of 965 residential units; 150,000 sq. ft. of commercial, institutional, educational, and recreational land uses; and open space, parks, and trails on 10,316 acres.

On March 10, 2009, the BCC granted preliminary, non-binding approval of the of the proposed public improvement district for the Village at Galisteo Basin Preserve.

The applicant is now requesting preliminary plat and development plan approval for Phase I of the development which will consist of 131 single family lots and 18 multi-family units for a total of 149 residential units. There are 45 affordable housing units proposed which is 30% of the total number of units in Phase I.

Phase I will also consist of 15,000 sq. ft. of Commercial/Civic space, 22,400 sq. ft. of Educational uses, 5 acres of Memorial Landscape for "green burial," 2,394 sq. ft. of parks and open space, and 20 miles of trails. Commercial, Civic, Educational and Memorial Landscape development will be submitted under a separate development plan.

The property is located south of Eldorado on the west side of US 84-285. A small portion of the proposed site is within the US 84-285 Corridor District. That portion within the corridor will consist only of residential development, which is a permitted use.

Phase I of the development consists of two designated development intensity zones: Village residential, and Neighborhood residential. The Village residential zone is intended to accommodate a mixture of residential building types, which would allow densities of 10-25 dwelling units per acre and will include private or public utilities and infrastructure, as well as parks and open space. The Neighborhood residential zone is intended to accommodate a range of more closely matched residential building types. Densities will range from 5-15 units per acre and will include private or public utilities and infrastructure as well as parks and open space.

This application was reviewed for the following:

Roads/Access

The development will have two points of access off of US 84-285 that currently exist. These two access points will be connected through a looped road system within the development. This application was submitted to the State Department of Transportation and the County Public Works Department for review. Comments from these agencies are included in Exhibit "D."

Water

The developer is proposing to provide water to the development from two or more on-site wells that will be constructed as a community water system.

A water budget for "The Village" has been submitted which estimates water use of 27.9 acre feet per year for Phase I. Residential water use will be restricted to 0.16 acre-feet per year. Water conservation measures will be implemented.

A geohydrologic report was submitted which proved adequate water availability for Phase I. Water rights will be transferred to the on-site wells. The applicant has submitted documentation regarding ownership of water rights for the first phase of the project.

Fire Protection

The Eldorado Fire District will provide fire service to the development. Land will be reserved for a new fire station near the Village center as part of Phase II. Primary roads will be designed to provide emergency vehicle access into each residential neighborhood in 2 directions.

The Village water system will also provide fire protection to the development. A 250,000 gallon water storage tank will be placed along the northern boundary of the development. Water mains will be sized to supply fire hydrants at a maximum spacing of 1,000 feet in residential areas and 250 feet near commercial and community structures.

Liquid and Solid Waste

The developer is proposing to construct a wastewater treatment plant, which will be designed to treat effluent that can be used for subsurface drip irrigation for residential landscapes and common areas. Treated effluent will be delivered to each lot in a pressurized reuse line.

The Homeowner's Association will contract with a solid waste removal service to serve this project.

Terrain Management/ Landscaping

The terrain management plan for "the Village" is designed to mitigate the effects of stormwater runoff, soil erosion, and/or wildlife habitat loss that could otherwise result from new development.

Stormwater management will include rooftop catchment systems, retention and detention structures, and conventional soil, vegetation, and arroyo stabilization measures.

Phase I is designed to limit the extent and intensity of the site clearing and grading in order to conserve a large portion of the property's native vegetation, drainage, and soil resource.

Prior to commencement of grading and construction activities, temporary erosion control measures will be implemented. During grading operations, check dams, silt fences, and sediment ponds will be installed.

Archeology/Open Space

An archaeological survey was submitted which indicated that a total of 39 arch sites were located within the entire development area. Three of the sites were given archaeological clearance. The remaining 36 sites shall be put into protective easements and shall remain undisturbed.

The total project site consists of 10,316 acres however the actual development area for Phase I consists of approximately 60-acres. Parks and open space for Phase I will total approximately

2,394 acres. Neighborhood parks will be connected via a trail system to allow resident access to other parks, open space, and community resources in “the Village”.

Trails will provide mobility throughout the Village, as well as to the communities located to the north, south, and east of the Preserve.

Affordable Housing

The developer is proposing to develop 30% affordable housing, which is approximately 45 units in Phase I. A preliminary affordable housing plan and agreement have been submitted.

Variations

The applicant is also requesting six variations of the County Land Development Code (Refer to Exhibit “F”):

The first is a variance of Article III, Section 4.4.3.a.5 which states that no driveway access may be located closer than 100 feet from an intersection. The applicant is requesting that driveways be allowed within the 100-foot threshold from an alley and/or intersection.

The second is a variance of Article V, Section 8.2.7.d which requires grades at the approach to intersection shall not exceed 3% for 100 linear feet. The applicant is requesting that the maximum slope be increased from 3% to 5% and the approach length be decreased from 100 linear feet to 50 linear feet.

The third is a variance of road width design standards. Article V, Section 8.2.1 requires 12 foot driving lanes and 6 foot shoulders for Minor Arterial Roads (Appendix 5.B.1) and 12 foot driving lanes for Local sub-collector roads. The applicant is requesting approval to allow 11 foot driving lanes and 1.5 foot shoulders on Minor Arterials and to allow 10 foot driving lanes for Local Sub-collectors.

The fourth is a variance of road right-of way requirements. Article V, Section 8.2.1 states that Local Sub-collector roads and Local Lane roadways shall have a minimum right-of-way width of 50 feet. The applicant is requesting a variance to allow a right-of-way width of 32 feet for Local Sub-collector Roads and 25 feet for Local Lane roadways

The fifth variance is a variance of Article V, Section 8.2.1.d, which states that cul-de-sacs (dead end roads) shall not be longer than 500 feet. The applicant is requesting that a 900 foot cul-de-sac be allowed. The applicant states that the cul-de-sac design serves to lessen the cuts and fills impact of the grading plan, and diminishes storm runoff that would otherwise be associated with a larger road network.

The final variance is a variance of Article III, Section 4.4.4.C which states that structures shall be limited to a maximum height of 24 feet in this location. The applicant is requesting to be allowed a maximum building height of 30 feet and states that the height variance would facilitate passive solar heating and day lighting, and accommodate view corridors between buildings and that the taller building allowance would support the compact design goals of the project.

REQUIRED ACTION:

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

RECOMMENDATION:

The applicant is requesting a variance of allowable building height and several variances having to do with road construction design standards. They are requesting to reduce right-of-way widths, reduce driving surface width, increase road grades at the approach to intersections, reduce spacing between intersections

and to allow an exceptionally long dead-end road. The County Land Development Code states, "The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed use of land to be served by such roads. Staff believes that this request does not meet the intent of the County Land Development Code. The proposed road designs are not appropriate in this location of the County.

Article II, Section 3 states that the Development Review Committee (CDRC) may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. Staff feels that the applicant has not provided justification for the granting of the variances which could actually pose traffic safety issues. Therefore staff recommends denial of the variances requested.

The decision of the CDRC was to recommend approval of this request. If the BCC's decision is to approve this request, staff recommends the following conditions be imposed:

1. All redlines comments must be addressed.
2. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) Soil & Water District
 - d) State Department of Transportation
 - e) County Hydrologist/Water Resources Dept.
 - f) Development Review Director
 - g) County Fire Marshal (Site Plans & Building Plans)
 - h) County Public Works
 - i) State Historic Preservation Division
 - j) Technical Review Division
 - k) County Open Space, Parks and Trails Division
 - l) Public Schools District
 - m) County Housing Division
 - n) County Planning Division

3. Development within the US 84-285 Highway Corridor shall comply with the district standards of the US 285 South Highway Corridor ordinance (Ordinance No. 2005-08).
4. All archeological easements shall be shown on the Plat. The State Historic Preservation Office shall approve all proposed mitigation measures prior to Final Plat recordation.
5. Base Flood Elevations for the Arroyo de Los Angeles and its tributaries shall be established prior to Final Plat approval.
6. All redline comments must be addressed.
7. Road names and addresses must be approved by Rural Addressing prior to Final Plat recordation.
8. Final homeowner's documents, and disclosure statement are subject to approval by staff prior to Final Plat.
9. Water restrictive covenants shall be recorded with the Final Plat.
10. All utilities must be underground.
11. All lots are subject to the Santa Fe County Fire and Rescue Impact Fees. This must be clearly noted on the final plat.
12. The applicant must submit an engineer's cost estimate and financial guarantee for all required improvements (i.e. road construction, street and traffic signs, fire protection, etc.) prior to Final Plat Recordation. A schedule of compliance projecting time period for completion of improvements must be included. Upon completion, the applicant must submit a certification by a registered professional engineer that improvements have been completed according to the approved development plan.
13. The following note must be put on the plat:
Permits for building construction will not be issued until required improvements for roads, drainage, and fire protection have been completed as required by staff.
14. An access permit will be required from NMDOT prior to Final Plat approval.
15. Approved discharge permit from the Environment Department shall be submitted prior to recording the plat.
16. Compliance with conditions of the Master Plan approval.

ATTACHMENTS:

- Exhibit "A" – Developer's report
- Exhibit "B" - Developer's plans
- Exhibit "C" – Vicinity Map
- Exhibit "D" – Reviewing Agency Responses
- Exhibit "E"- Disclosure Statement
- Exhibit "F"- Variance Requests
- Exhibit "G"-Letters of support
- Exhibit "H"-June 18, 2009, CDRC Meeting Minutes