

MEMORANDUM

DATE: January 12, 2010

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 # MP/PDP/DP 09-5180 Parker NM 599

ISSUE:

Paul Parker, Applicant, James Siebert, agent, request a Master Plan Amendment to allow a reduction of the building setback from a approved Master Plan and Preliminary and Final Development Plan approval for an office building consisting of 13,000 square feet and warehouse building consisting of 8,000 square feet for a total of 21,000 square feet on 5.8 acres.

The property is located north of New Mexico 599 at 62 Paseo De River, within Sections 2 & 11, Township 16 North, Range 8 East, (Commission District 2).

SUMMARY:

On October 15, 2009 the County Development Review Committee (CDRC) met and acted on this case, the decision of the CDRC was to recommend approval of the Applicant's request (Exhibit "M").

On April 12, 2005 the Applicant was granted Master Plan approval, by the BCC, for light industrial and office use on 5.8 acres (Exhibit "G"). The Master Plan was approved in compliance with the provisions set forth in the Highway Corridor Plan which included a 340 foot building setback.

The Applicant is requesting an amendment of the existing Master Plan to reduce the set back to 270 feet. The Applicant agreed to comply with the building setback recommended by the Highway Corridor Plan with the expectation that the plan would be formalized as an ordinance. The Applicant states that the proposed setback for the Parker NM 599 Amended Master Plan is based on the setback allowed for the County Public Works building (Exhibit "A").

The Applicant is requesting Preliminary and Final Development approval for light industrial and office use. The development will consist of a 13,000 square foot office building and an 8,000 square foot warehouse building on 5.8 acres.

The proposed site is within a Major Center Commercial District. The adjoining land uses are Associated Asphalt, Lafarge, the County Public Works Facility and various sand and gravel operations which are operated by Espanola Mercantile and R.L. Leeder. These uses are consistent with the requirements of a Major Center Commercial District defined in Article III, Section 4 of the Land Development Code (Exhibit "L").

This Application was reviewed for the following (Exhibit "E"):

PARKING:

Per **Article III, Section 4.4.3.c.1 and 2 (Commercial and Industrial Non-Residential Districts, Site Planning Standards, Parking Lot location)** of the Land Development Code, "Parking lots shall be placed or oriented on a site: to the rear or side of buildings (or both); and to encourage pedestrian safety and convenience. The number of parking spaces is sufficient for the uses proposed.

SIGNAGE:

The Applicant is requesting one wall mounted sign for each building; the size of each sign will not exceed twenty five (25) square feet as per the Santa Fe Metro Area Highway Corridor Plan. One monument sign (maximum 20 square feet as per **Santa Fe Metro Area Highway Corridor Plan**) will be located in the northeast corner of the property.

At the time when a sign permit request is made, the Applicant shall comply with **Article VIII, Section 7 (Design and Other Standards for Permanent Sign)** of the Land Development Code.

ARCHITECTURAL STANDARDS:

Per **Article III, Section 4.4.3.b1-4 (Commercial and Industrial Non-Residential Districts, Site Planning Standards)** of the Land Development Code, "Buildings shall be placed or oriented on a site to: enhance the logical development of the site and its relationship to the scale and design of adjacent development; adapt to natural topography; create a buffer or screen for storage or parking areas; and take advantage of solar gain in winter months."

On May 14, 1996, the BCC approved a variance to Article III, Section 4 of the Land Use Code to allow for an extension of the 2500 foot radius for the boundary of a Major Center District and an addition to the 250 acre minimum developable area within the district.

Per **Article III, Section 4.4.4.c (Maximum Height)** of the Land Development Code, structures shall be limited to a maximum of thirty six (36) feet from the highest point of the surface of the

ground at the perimeter of the structure in Major or Community Center Districts. If the Applicant is requesting a height of forty two (42) feet in height, a variance is required.

No Building permits are being requested at this time. At the time of Building Permit issuance all Development and Design standards of the Land Development Code shall be complied with.

LIGHTING:

Per **Article III, Section 4.4.4.h.1 (Outdoor Lighting)** of the Land Development Code, Outdoor lighting standards are applicable to all development in the County. Outdoor lighting shall be designed and arranged to enhance the safety of areas designated for pedestrian use during evening hours, to provide security, to conserve energy, to protect the night sky and in particular, to prevent the spillover, nuisance or hazard effects of light and glare on adjacent locations and uses of land.

EXISTING DEVELOPMENT:

The proposed site is within a Major Center Commercial District. There is currently no development on the site.

ADJACENT PROPERTY:

The adjoining land uses are Associated Asphalt, Lafarge, the County Public Works Facility and various sand and gravel operations which are operated by Espanola Mercantile and R.L. Leeder. These uses are consistent with the requirements of a Major Center Commercial District defined in **Article III, Section 4 of the Land Development Code**.

ACCESS:

The New Mexico Department of Transportation (NMDOT) has reviewed a Traffic Impact Analysis for this project. NMDOT is in agreement with the report and requires a NMDOT access permit prior to building permit.

TERRAIN MANAGEMENT:

GRADING AND DRAINAGE:

The referenced project is located on the North side of Highway 599 accessed off of Paseo de River on 5.8 acres. The proposed project is a commercial development office warehouse facility. The referenced project has been reviewed for compliance with the Santa Fe County Extraterritorial Zoning Ordinance **Section 12.1** Terrain Management.

SLOPES:

The applicant's proposal shows slopes to be disturbed from 0% to 20%. There appears to be no 30% disturbance. Topography of the land appears to be fairly flat averaging in the 0 – 20 % with some 30% slopes which will not be disturbed in this development.

SOILS:

Section 12.1.C.2 states: "Proposed developments must demonstrate the suitability of soils for all proposed land uses, including but not limited to, building foundations, fill, road construction, underground utilities and drainage control measures, pursuant to the applicable soil and water conservation district requirements." Property contains a substantial amount of fill material which may not be suitable to build on an independent study may be needed to verify suitable building conditions. Fill material may need to be removed prior to construction.

DRAINAGE:

The applicant shall provide a storm drainage and erosion control plan set forth in **Section 12.1.D.4.**

Section 12.1.C.5.c states: "Provisions for design storm drainage shall detain or safely retain storm water or adequately carry and discharge accumulated runoff into drainage channels, storm sewers or natural watercourses so it does not cause increased damage or increased flooding downstream, decrease time of concentration, lag time, or time to peak flow or increased Q."

Section 12.1.C.5.f states: "Ponding areas used in drainage control facilities shall be landscaped. The landscaping may consist of native grass seed mix, sod or other vegetation for the slopes of the pond. A landscaping plan for ponding areas shall be submitted as part of the design storm drainage plan."

GRADING AND CLEARING:

The applicant shall provide a grading and clearing plan set forth in **Section 12.1.C.4.**

Section 12.1.C.4.g states: "All natural areas disturbed during the course of construction are to be immediately stabilized utilizing erosion control measures acceptable to local, State and Federal agency regulations. Permanent re-vegetation is to be a requirement of all construction permits, and shall be in place or bonded for prior to final inspection and acceptance of any project."

ADDITIONAL COMMENTS:

The contractor shall not grade or disturb ground beyond grading limits shown. Except for developable areas for building envelopes, roads, driveways, disturbance of natural vegetation shall be prohibited; cleared or graded areas, or cut and fill areas, shall be re-vegetated to the approximate original density and type of vegetation existing prior to disturbance.

PRE-RECORDATION DEVELOPMENT PLAN CONDITIONS:

1. Prior to construction all BMP's must be in place which are appropriate for the work to be performed.

WATER:

Parker Commercial Development Park proposes to build a commercial business center providing office space and light industrial space located on 5.8 acres west of State Hwy 14. The property is located in the Metropolitan Basin Hydrologic Zone. The applicant proposes to use 0.95 acre feet of water per year for the service of office and light industrial facility.

The Parker Commercial Preliminary Development Plan Report prepared by Siebert and Associates dated May 2009 and Parker Property Geohydrology Report prepared by Corbin Consulting has been reviewed for technical accuracy and compliance with the Santa Fe County Land Development Code. Based on these requirements it appears that this submittal is incomplete until a water conservation plan and updated water budget are provided.

Project Review and Requirements:

1. Water Budget: The water budget requires more detail and should reflect the recommended changes. Information is required on the number of water use fixtures located inside the building. Other information should be included in the water budget such as the hours of operation, the number of times a day cleaning is required, the amount of visitors if any coming to the facility. According to the Landscaping and Water Harvesting demand requirements in the Development Plan Report it is indicated that the yearly water usage for all plants is 28,943 gallons per year. The water budget indicates 80,000 gallons per year of reserve for landscaping. The water budget amount allotted for landscaping does not accurately reflect what is needed for the actual landscaping demand and should be reduced as such. Also the amount of water allocated to cleaning appears to be quite high and may not reflect the actual amount of water for cleaning purposes which should be reduced. Keep in mind that approximately 80,000 gallons is the amount of water used by a household of 4 in an entire year and it does seem improbable that 80,000 gallons is required for cleaning only.

2. Water Conservation: A water conservation plan was not submitted and the submittal did not mention water conservation practices. This information should be added to update the water budget. (SFC LDC Article VII, Section 6.6, Ordinances 2002-13, 2004-7, 2006-3, 2006-8, 2008-1) A water conservation plan proposed for the Development should be inclusive of:

- Common area irrigated exclusively with recycled and/or catchment water
- Low water use fixtures (amount used in gallons)
- Hot water re-circulating pumps
- Instant hot water devices
- Rainwater catchment systems
- Kentucky bluegrass and non-native grasses are prohibited

3. The following note must be included on the plat: "The lot is restricted to 0.00 acre feet of water per year and must contain a water meter. The water meter reading must be submitted to Santa Fe County each year" (Ordinance 2002-13, *Domestic Well Use Metering Program*).

Please note that the actual water restriction must be placed on the plat notes and that until an updated water budget is submitted then a restriction will be determined.

Water Availability:

The amount of water proposed to supply this development is 0.95 acre-feet per year. The report demonstrated all the requirements of water availability were met. The consultant indicates there are 3 aquifers present because the upper most aquifer is not indicated on the drillers well log as a water bearing unit and there is not a screened interval the saturated thickness and yield should not be considered for this well. However, this does not change the overall composite specific yield or the water availability of the well by much.

According to the Office of the State Engineer Application for Permit to use Underground Water page 3 General Conditions 06-A indicates that the maximum amount of water appropriated is 1.0 acre feet per year.

Pump Test and 100 year water supply:

The well drawdown was calculated at 4.2 feet after 100 years of pumping. There is sufficient water column to accommodate this drawdown.

Recovery of the well following the pump test took 10 minutes, which indicates that there is probably recharge from the Santa Fe River. Therefore, it is likely that the drawdown predicted by the modeling results is fairly reasonable.

Recommendation:

1. Article VII Section 6.6 of the Land Development Code requires a water conservation plan and water budget.

The Office of the State Engineer reviewed this project and determined that the proposed water supply for the development is a 72-12-1 domestic well. The Geohydrology Report indicates the well is permitted for three acre-feet per annum and calculated effects of pumping over a 100-year period are based on three acre-feet per year. The well is actually permitted for one acre-foot per annum. The proposed water demand for the development is .095 acre-feet and is within the permitted maximum diversion. Meter readings are required to be reported to OSE quarterly.

LIQUID and SOLID WASTE:

The State of New Mexico Environment Department reviewed this project and recommended the following conditions in accordance with NM Environment Department regulations:

1. The calculations for gallons per employee are in error. The calculations should be 20 gallons per employee, totaling 500 gallons per day.

2. Building B is unclear and denotes no plumbing. The suggested use for this tract will be a contractor's yard and building to work on large vehicle equipment. Vehicle maintenance may require water hoses, hand sinks, or other plumbing fixtures that are not addressed. Further information would be required to clarify this issue.
3. The plans indicate a pond near the septic system. It is recommended that this pond be lined to prevent saturation of the drain field and the distance from pond to septic system analyzed.
4. A test hole will be required prior to the approval of a septic system.

A dumpster will be utilized for the solid waste and screened from public view. Maintenance of the dumpster and removal of the waste will be the responsibility of the owner.

FIRE PROTECTION:

Fire protection will be provided by the Agua Fria Fire Department. Automatic fire protection sprinkler systems shall be installed as per 1997 uniform fire code per condition of approval in accordance with the building code as adopted by the State of New Mexico and the County of Santa Fe. The Applicant shall comply with all Fire Marshal requirements.

LANDSCAPING:

Landscaping

The Master Plan Amendment has met and exceeded the requirements for Article III, Section IV of the Santa Fe County Land Development Code

Rainwater Harvesting

Per Ordinances 2003-6 and 2008-4 (Water Harvesting) and per The Santa Fe County Water Harvesting Guidelines, the following criteria shall be applied to the proposed project:

1. The Applicant shall demonstrate erosion prevention at overflow vent.
2. All piping shall be at least 24" underground.
3. The Applicant shall provide a roof drainage plan.
4. The Applicant shall provide a maintenance plan for the Rainwater Harvesting System and identify the cleaning schedule.
5. The system shall be designed to drain away from footings/foundations of the office buildings.
6. The Applicant shall schedule an inspection after trenching and before backfill.
7. The Applicant shall provide manufacturing specifications for all pipes and cisterns.

ARCHEOLOGICAL:

This application was reviewed by the New Mexico State Historic Preservation Division where it was determined the project area had been surveyed for cultural resources. One archeological site was identified in the vicinity but it is outside of the lot being proposed for development.

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:

Staff has reviewed this application and has found the following facts to support this submittal: The Highway Corridor Plan was never formalized as an ordinance. The proposed setback for the Amended Master Plan is based on the setback allowed for the County Public Works Facility. The Master Plan was approved by the BCC, for light industrial and office use. The proposed site is within a Major Center Commercial District. The proposed use and adjoining land uses are consistent with the requirements of a Major Center Commercial District. The proposal for the Master Plan Amendment/Preliminary and Final Development Plan meet the criteria set forth in the Land Development Code.

The review comments from State Agencies and Development Review Services has established findings that this Application is in compliance with Article V, Section 5.2.6 (Amendments and Future Phase Approvals), and Article III Section 4.4 (Development Plan Procedures) of the Land Development Code. Staff recommends **approval**, of a Master Plan Amendment to allow the reduction of the building setback from an existing approved Master Plan and Preliminary and Final Development Plan approval for, Parker NM 599 consisting of, a 13,000 square foot office building and warehouse building consisting of 8,000 square feet for a total of 21,000 square feet on 5.8 acres, subject to the following conditions:

1. All Staff redlines shall be addressed, original redlines shall be returned with final plans for the Final Development Plan, prior to consideration by the Board of County Commissioners.
2. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) State Department of Transportation
 - d) County Hydrologist
 - e) County Fire Marshal (Site Plans & Building Plans)
 - f) State Historic Preservation Division
 - g) **Development Review Services Comments and Conditions**
3. The Applicant shall comply with all requirements of the County Land Development Code.

4. The Master Plan Amendment with appropriate signatures shall be recorded with the County Clerk.
5. Development Plan with appropriate signatures shall be recorded with the County Clerk.
6. The applicant will be required to submit a financial guarantee, in an amount approved by the County, for all improvements including but not limited to fire protection, roads, retention pond and landscaping prior to the recordation of the Final Development Plan. The financial guarantee for landscaping and re-vegetation will be kept until the plantings have taken, for a minimum of one year after installation.

ATTACHMENTS:

- Exhibit "A" – Master Plan Amendment Request
- Exhibit "B" – Applicant's MP & PDP Report
 - Appendix B- Plat of Record
 - Appendix C- Site Threshold Assessment
 - Appendix D- FEMA Letter of Map Revision
- Exhibit "C" - Vicinity Map
- Exhibit "D" - Development Drawings
- Exhibit "E" – Reviewing Agencies Comments
- Exhibit "F" – Comment from Cultural Affairs
- Exhibit "G" – BCC Minutes for Master Approval
- Exhibit "H" – Aerial of property
- Exhibit "I" – Photos of property
- Exhibit "J" – Article III, Section 4.4
- Exhibit "K" - Article V, Section 5.2.6
- Exhibit "L" – Article III, Section 4.2
- Exhibit "M" – CDRC Minutes