

**CASE NO. V 09-5060
ZIA CREDIT UNION VARIANCE
ZIA CREDIT UNION, APPLICANT**

ORDER

THIS MATTER came before the Board of County Commissioners of Santa Fe County (“BCC”) for hearing on September 8, 2009, on the Application of The Zia Credit Union (“Applicant”) for variances of Article III, Section 4.4.3.a and Article III, Section 4.4.3.c of the Santa Fe County Land Development Code (“the Code”) and Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District). After conducting a public hearing and reviewing the record, the BCC makes the following findings of fact and conclusions of law:

1. The Applicant requests; a variance of Article III, Section 4.4.3.a (Driveway Access) of the Code to allow ninety-two feet (92’) between the proposed points of ingress and egress; a variance of Article III, Section 4.4.3.c (Parking Lot Location) of the Code to allow vehicle parking in front of the building; and a variance of Ordinance 2008-5, Section 12.5 (Density and Dimensional Standards) to allow a thirty-three foot (33’) building, which exceeds the height limitation of twenty four-feet (24’).
2. Staff testified that 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 remote drive-through lanes and one 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.

3. On August 11, 2009, the County Development Review Committee met and recommended approval of the requested variances.

4. Article III, Section 4.4.3.a requires spacing between points of ingress and egress to be determined by the posted design speed and intended function of the road creating access to the development site. Article III, Section 4.4.3.c requires parking lots to be placed or oriented on a site to the rear or side of buildings. The Pojoaque Valley Traditional Community District Ordinance (No. 2008-5), Section 12.5 states the maximum height for non-residential uses within the mixed use sub-district shall not exceed twenty-four feet (24').

5. Staff testified at the September 8, 2009 hearing that the Applicant's request to allow ninety-two feet (92') between the proposed points of ingress and egress, to allow the proposed vehicle parking in front of the building and to allow the height of the proposed building to exceed the height requirement of twenty-four feet (24') does not comply with the Code requirements.

6. Article II, Section 3.1 of the Code provides that when in the case of proposed development it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to an Applicant because of unusual topography or other such non-self inflicted conditions or that these conditions would result in inhibiting the achievement of the purpose of the Code, an Applicant may file a

written request for a variance. A Development Review Committee may recommend to the BCC and the BCC may vary, modify or waive the requirements of the Code upon adequate proof that compliance with the 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 and safety. Article II, Section 3.2 provides that in no case shall any variance be more than a minimum easing of the requirements.

7. At the September 8, 2009 hearing, Staff recommended that the BCC deny the request for a variance(s), based on Article III, Sections 4.4.3.a and 4.4.3.c of the Code and Section 12.5 of Ordinance 2008-5. Staff does not support the variance(s) request as it is a self-inflicted condition and not a reason for a variance as contemplated by the Code. Staff testified that the design of the proposed structure, configuration of the parking and access design does not meet Code criteria

8. In support of the Application, Jeffrey White agent for the Applicant stated that a two story building was needed to allow for future growth and due to site limitations, adequate parking and drive-through access requirements could not be accomplished.

9. Messrs. Benito Garcia and Seferino Ortiz spoke in favor of the requested variances.

10. After conducting a public hearing on the request and having heard from the Applicant, the Board of County Commissioners hereby approves the requested variances.

IT IS THEREFORE ORDERED that the Application is approved, and the Applicant is allowed to exceed the height requirements for the proposed building to thirty-three feet (33'), allow for vehicle parking to be located in the front of the proposed building and allow for the spacing of ninety-two feet (92') between points of ingress and egress for access to the site.

I certify that the Application was approved by the Board of County Commissioners on this _____ day of _____, 2009.

The Board of County Commissioners of Santa Fe County

By: _____
BCC Chairperson

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney