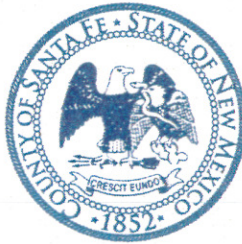


Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: June 12, 2012

TO: Board of County Commissioners

FROM: Jose E. Larrãaga, Commercial Development Case Manager *JEL*

VIA: Wayne Dalton, Building and Development Services Supervisor *WD*
Penny Ellis-Green, Interim Land Use Administrator *PEG*

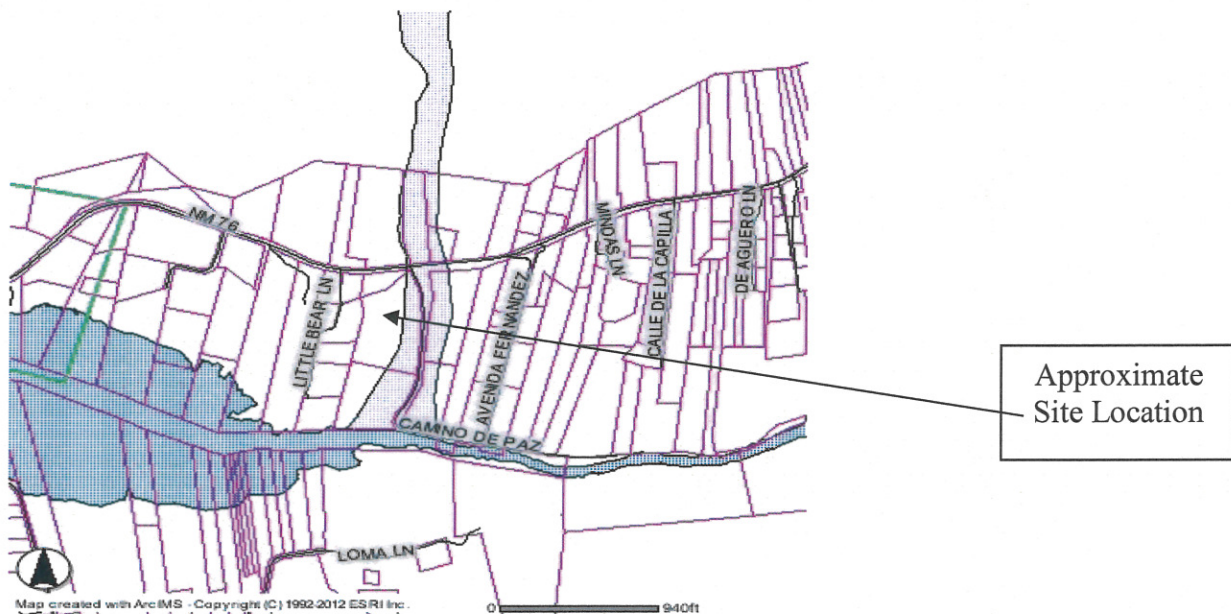
FILE REF.: CDRC CASE # V 12-5001 Camino de Paz School and Farm Variance

ISSUE:

Camino de Paz School and Farm, Applicant, Scott Hoeft (Santa Fe Planning Group, Inc.), Agent, request a variance of Article III, Section 9.1 (Parking Requirements), of the Land Development Code, to allow 24 parking spaces instead of the Code required 54 parking spaces.

The property is located at 03AB Camino de Paz, in Quarteles, within Section 7, Township 20 North, Range 9 East, (Commission District 1).

Vicinity Map:



SUMMARY:

The Applicant has made Application for Master Plan Zoning and Preliminary Development Plan, as a Community Service Facility, which does not meet the parking requirements set forth in the Land Development Code. The Applicant requests a variance of the Community Service Facility parking requirements, set forth Article III, §9.1, of the Land Development Code.

Article III, §9.1, of the Land Development Code require a Community Service Facility to provide 1 parking space per employee plus 1 per 300 square feet of structures used for the facility. The Applicant states that 12 teachers/staff will be employed at the school. The total square footage of the proposed and existing structures, to be utilized for the school, is 12,875. The Code requires that 54 parking spaces be provided for this development.

On April 19, 2012, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of 34 parking spaces based on a minimal easing of the Code criteria set forth in Article III, §9.1.

The Applicant was proposing 24 parking spaces but agreed to the 34 parking spaces recommended by the CDRC. The Applicant states that the site will be designed with the intended use of an elementary school / middle school that features 12 teachers at full build out and zero children at the age to drive. The Applicant also states that the ratio provided in the Code, for a Community Service Facility, is a generic calculation for all community facilities which may include a senior center, community center, or a school.

Staff has re-evaluated the use of the structures for this project based on the discussion by the CDRC that structures which would be used for storage and barns should not be used in calculating the total square footage. Staff has determined that the amount of parking spaces may be reduced by excluding the 1,350 square foot Dairy building and 1,200 square foot Barn. The use of these structures does not increase the number of students and are considered an accessory use for the school. With the reduction of this square footage, the amount of parking required by code is also reduced to a total of 46 parking spaces.

Article II, §3.1 (Variances) states: "Where 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 the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified."

Article II, § 3.2 (Variation or Modification) states: "In no case shall any variation or modification be more than a minimum easing of the requirements."

This Application was submitted on March 15, 2012.

Growth Management staff thoroughly reviewed the Application for compliance with pertinent Code requirements and found the Application is not in compliance with County criteria for this type of development. The recommended 34 parking spaces, by the CDRC, fall short of the Code required 54 parking spaces for the proposed development.

APPROVAL SOUGHT: Approval of a variance of Article III, § 9.1 (Parking Requirements) of the Land Development Code.

GROWTH MANAGEMENT AREA: El Norte, outside Cuartelez Traditional Community boundary, SDA2, Future Land Use: Rural Fringe.

VARIANCE: Yes

STAFF RECOMMENDATION: Denial of a variance from Article III, § 9.1 (Parking Requirements), of the Land Development Code, to allow 34 parking spaces as an alternative to the Code required 54 parking spaces. Allowing 46 parking spaces, due to the accessory use of structures, may be considered a minimal easing of the Code.

If the decision of the BCC is to approve the Applicant's request, the Master Plan and Preliminary Development Plan, as a Community Service Facility, shall be presented to the BCC for consideration.

EXHIBITS:

1. Letter of request
2. Article III, 9.1 (Parking Requirements)
3. Article II, § 3 (Variances)
4. Site Plan
5. Aerial of Site and Surrounding Area
6. CDRC Minutes

SANTA FE PLANNING GROUP, INC.

P.O. Box 2482

Santa Fe, NM 87504

505.983.1134; 505.983.4884 fax

March 15, 2012

Mr. Jose Laranaga
Santa Fe County Land Use Department
PO Box 276
Santa Fe, New Mexico 87504-0276

RE: Camino de Paz School & Farm
Master Plan & Preliminary Development Plan Submittal, Phase I & II
Final Development Plan "administratively" per Phase

Dear Mr. Laranaga:

Pursuant to our discussions please find attached the additional items for the submittal that you requested, which include building elevations, and a revised site plan (that includes lighting detail and location and signage detail and location, and phasing). It should also be noted that the number of students have been shifted to 35 students in Phase I and 55 students in Phase II. The same total number of students still applies (90 students).

	Students	Teachers/Staff
Phase I	35	6
Phase II	<u>55*</u>	<u>6</u>
	90	12

*30 students will board at the school.

Variance Request

At this time, we would also like to request a variance to Article III, Section 9.1, Community Facility Parking. SF Code requires that the applicant to provide **54 parking spaces** at full build out. We have designed the site plan to show **24 spaces**. It is our objective to "park" the subject site consistent with the intended use of an elementary school / middle school that features 12 teachers at full build and zero children of the age to drive. It should be highlighted the parking ratio provided by "Community Facility Parking" in the Code is a generic calculation for all community facilities which may include a senior center, a community center, or a school. Some of these uses would obviously have a greater number of participants that are of age to drive an automobile, unlike an elementary/middle school. It is our desire not to over-park the subject site and have a concern about taking up more farm land or orchards for dedicated parking spaces. All parking spaces for both phases will be constructed in Phase I.

In comparison, it should also be highlighted that the City of Santa Fe parking calculations for an elementary school/middle school is 1sp / classroom plus 1 space / 200 sf of gym or auditorium. This is in line with other municipalities across the Country according to the American Planning Association. Using this described parking ratio, **14 spaces** would be required.



NBD-4

Architectural, Signage, Lighting

Architectural elevations and images of the existing structures have been provided and shown on Sheet 5. Signage and lighting have been provided on Sheet 4 and Sheet 5.

Public Works

Regarding the comments by Mr. Paul Kavanaugh, we added a fence to the existing drive / fire turn-around (see site plan) that would preclude it from being used as an entrance after the new driveway is built. The drive will be built pursuant to the engineered design and will not return to its original state. The stop sign will be adjusted to a single mount post.

Fire Review

We met w/ Buster Patty and Victoria de Vargas in the field to discuss any issues related to fire protection. A fire review letter was submitted by Mr. Patty on March 15 and available for your review.

We are hopeful that the project will be scheduled for hearing at the **April 19, 2012** meeting of the County Development Review Committee (CDRC). If you have questions or require additional information, please do not hesitate to call at 412.0309.

Sincerely,



Scott Hoeft

Attachments:

- Revised Master Plan/Preliminary DP (2)
- Building Elevations (2)
- \$150 (variance fee)

7.1 Standards

Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:

- 7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County, and
- 7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code.

7.2 Submittals and Review

The submittals and reviews for community service facilities shall be those provided for in Article III, Section 4.5.

Compilers Note. Section 4.5 was amended by County Ordinance 1988-9, and consists of review procedures and submittals for any non-residential use requesting a zoning approval.

SECTION 8 - OTHER DEVELOPMENT

8.1 Uses Permitted

All uses not otherwise regulated by the Code are permitted anywhere in the County. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries.

8.2 Submittals, Reviews and Standards

Uses regulated by this Section 8 shall be considered large scale if they involve the grading and clearing of 10 or more acres, contiguously or cumulatively; and small scale if less disturbance of the land is involved. Development standards and criteria and submittal requirements, are set forth in Sub-sections 4.4 and 4.5.

8.3 A development permit shall not be required for, and provisions of the Code shall not apply to, utility easements, utility rights-of-way, and construction of utility line extensions.

In addition to the above requirements, any development involving a water or sewer utility must be in conformance to an adopted Community Land Use and Utility Plan, unless system capacity is limited to that needed to serve existing development.

SECTION 9 - PARKING REQUIREMENTS

9.1 The following parking requirements are established for the types of development listed:

TYPE OF USE	NUMBER OF PARKING SPACES
Wholesale	1 per 1 employee plus 1 per 500 sq. ft.
Office & Community Facilities	1 per 1 employee plus 1 per 300 sq. ft.
Medical Offices	1 per employee plus 1 per 250 sq. ft.



TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	1 per 1 employee plus per 200 sq. ft.
Restaurants, Bars	1 per 1 employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.
Small Scale Centers, Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History: 1980 Comp. 1980-6. Section 9, Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

SECTION 10 - LOT SIZE REQUIREMENTS

10.1 Relationship of Lot Sizes to Water Policies

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 73-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.

2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

SECTION 3 - VARIANCES

3.1 Proposed Development

Where 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 the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee 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 or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the





SCALE: 1" = 80'

STAFF (TEACHERS, ADMINISTRATORS, LABOR)
SCHOOL BUILDING N. WING): 2,000 SF
CLASSROOM/MULTI-USE SPACE/KITCHEN & 1 OFFICE)
SCHOOL BUILDING S. WING): 625 SF;
CLASSROOM)
EXISTING DAIRY BUILDING (1,350 SF)
EXISTING BARN (1,200 SF)

STAFF
STUDENTS WILL BOARD AT THE SCHOOL AS PART OF

IN SCHOOL BUILDING S. WING);
ON, FOR A TOTAL BUILDING AREA OF 1,325 SF
INCLUDES 1 CLASSROOM)
4 CLASSROOMS & MULTI-USE): 4,000 SF
3 DORMITORY, 15 STUDENTS): 1,500 SF
5 DORMITORY, 15 STUDENTS): 1,500 SF

STAFF 30 BOARDING SCH. STUDENTS
CLASSROOMS, 1 OFFICE, 2 DORMITORIES)

INCLUDE 150 CHICKENS IN BOTH PHASES FOR A TOTAL

CODE FOR SCHOOL (GRADES 6-9):

EXISTING: 6 CLASSROOMS + 1 OFFICE YIELDS 7 SPACES
SPACE (GYM, AUDITORIUM, ETC.);
DUMPSTER 2 SPACES AB&E TO BE COMMON SPACE =
1200 = 6.75 YIELDS 7 SPACES
TOTAL SPACES REQUIRED: 14 SF
(2 SP. MIN. TO BE HANDICAP)

SPACES PROVIDED:
WHICH ARE HANDICAP SPACES: H.C.)
5 PASSENGER VANS)
SEATING PROVIDED IN PASTURE LAND ON PROPERTY

EXISTING BARN VANIRA PLACE 'ENERGY STAR' 15-3/4" H POST LAMP
(24255) REMOVE GLASS (NIGHT SKY COMPLIANCE)

GOAT PEN KIRKHAM DARK SKY OUTDOOR LIGHT (48700)

COMPOST LIGHT FIXTURES TO BE VERIFIED BY ELECTRICAL
INSTALLATION AND SHALL BE IN ACCORDANCE WITH
CODES AND IN COMPLIANCE WITH ALL APPLICABLE CODE

BE SEEDED WITH 'BIO20 DRY LAND BLEND' MULTIPURPOSE
BY 'PLANTS OF THE SOUTHWEST' OR APPROVED EQUAL.

SURVEYOR:

PROJECT: CAMINO DE PAZ SCHOOL & FARM
SANTA CRUZ, NEW MEXICO

**MASTER PLAN AND PRELIMINARY
DEVELOPMENT PLAN**

SHEET TITLE:

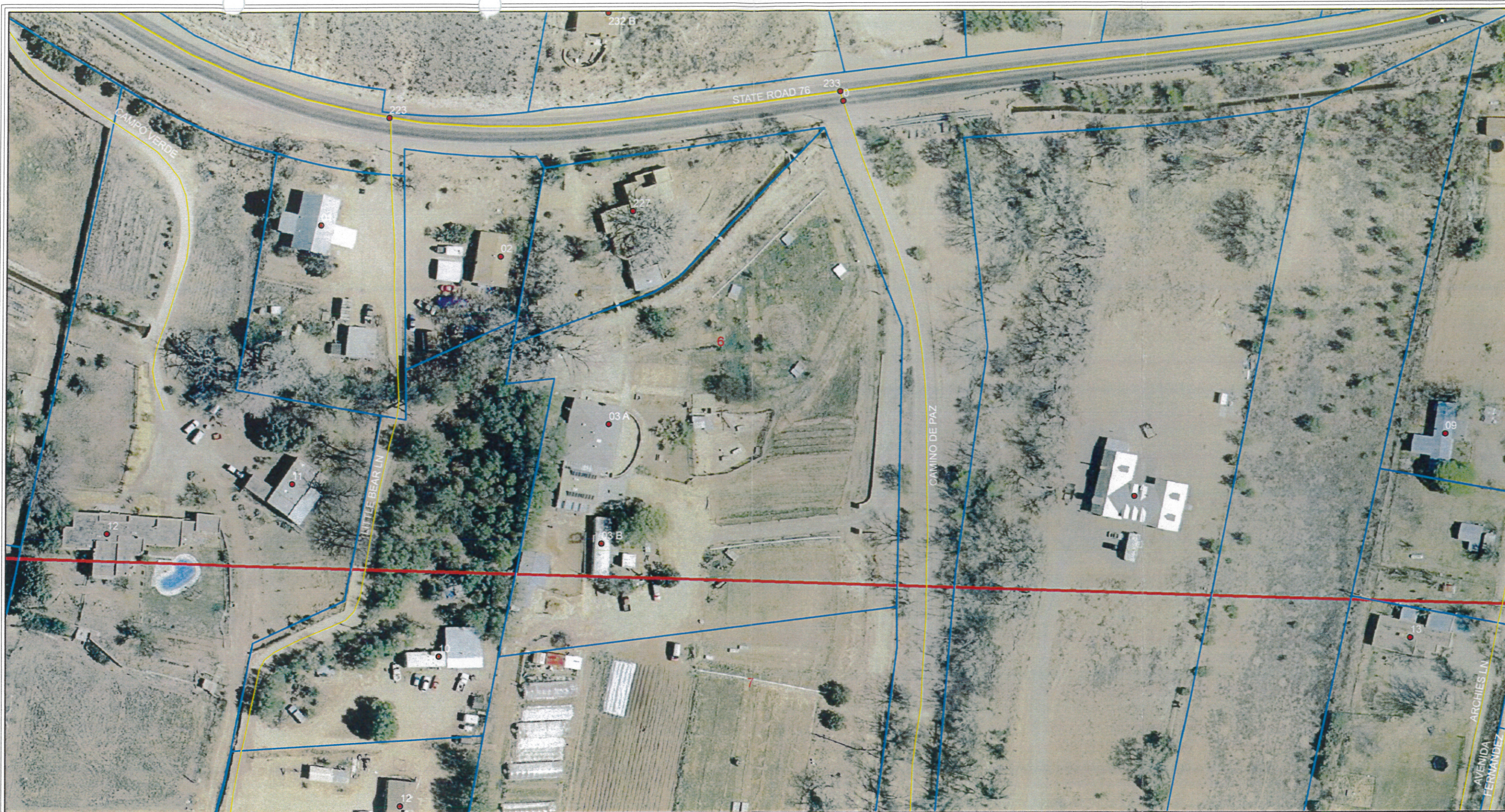
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SHEET NO.




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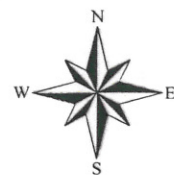
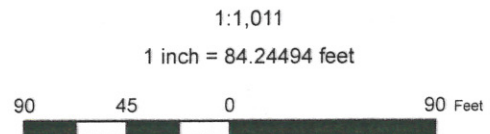
04/25/12





Legend

-  Major
-  Minor
-  Parcels



2008 Orthophotography
2 Foot Contours

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.



February 22, 2012

Member Anaya asked if the Fire Department had been up in the area, and Captain Patty said they had, adding there is a 30,000-gallon draft tank on one of the hills which is on a road over 11 percent. He said, "We're not saying we're not going to go; there are no guarantees that we're going to get there." He described the different kinds of turnarounds, adding there is room on the property to accommodate one of these.

Mr. Dalton noted that the code's definition of hardship referred only to unusual topography.

Noting the criteria for granting a variance, specifically the lack of hardship, were not met Member Drobnis moved to deny the variance request in Case #V 12-5050. Member Martin seconded the motion which passed by 3-2 voice vote with Members Drobnis, Martin and DeAnda voting with the motion and Members Anaya and Gonzales voting against.

Mr. Dalton stated the case will come before the BCC on June 12th.

**VII. D. CDRC CASE # V 12-5001 Camino de Paz School and Farm Variance.
Camino De Paz School and Farm, Applicant, Scott Hoeft (Santa Fe Planning Group, Inc.), Agent, Request a Variance of Article III, Section 9.1 (Parking Requirements), of the Land Development Code. The Property is Located at #03AB Camino De Paz, in Cuarteles, within Section 7, Township 20 North, Range 9 East (Commission District 1)**

Mr. Larrañaga read the caption and gave the following staff report:

"The Applicant has made Application for Master Plan Zoning and Preliminary Development Plan, as a Community Service Facility, which does not meet the parking requirements set forth in the Land Development Code. The Applicant requests a variance of the Community Service Facility parking requirements, set forth Article III, § 9.1, of the Land Development Code.

"Article III, § 9.1, of the Land Development Code require a Community Service Facility to provide 1 parking space per employee plus 1 per 300 square feet of structures used for the facility. The Applicant states that 12 teachers/staff will be employed at the school. The total square footage of the proposed and existing structures, to be utilized for the school, is 12,875. The Code requires that 54 parking spaces be provided for this development.

"The Applicant is proposing 24 parking spaces. The Applicant states that the site will be designed with the intended use of an elementary school / middle school that features 12 teachers at full build out and zero children at the age to drive. The Applicant also states that the ratio provided in the Code, for a Community Service Facility, is a generic calculation for all community facilities which may include a senior center, community center, or a school.



“Article II, § 3 (Variances) of the County Code states: ‘Where 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 the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.’ This Section goes on to state ‘In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.’

“Growth Management staff thoroughly reviewed the Application for compliance with pertinent Code requirements and found the Application is not in compliance with County criteria for this type of development.”

Mr. Larrañaga said staff is recommending denial of a variance from Article III, § 9.1 (Parking Requirements) of the Land Development Code. If the decision of the CDRC is to recommend approval of the Applicant’s request, the Master Plan and Preliminary Development Plan, as a Community Service Facility, shall be presented to the CDRC for consideration.

Duly sworn, Scott Hoeft, agent for the applicant, explained that there were two cases regarding the school before the CDRC because the variance has to be looked at before moving forward with the master plan and preliminary development plan. He said the Montessori school has been operating since 2003 as a home-based business with a small number of students, focusing on animal husbandry and farming programs. He noted that Cuarteles is immediately south of Espanola.

Mr. Hoeft stated the school plans to expand first to 35, then to 55 students, at which point there would be dormitories. A previous attempt at expanse raised a number of issues, such as water and access, which were worked through with staff. At full build-out there will be 12 teachers. Since none of the children drive, 54 parking spaces is excessive and the land needed for the spaces would have to be taken away for orchards, grazing land and other service areas. He explained the code computes required parking spaces from a generic formula, throwing all community service facilities – churches, community centers, etc. – into the same category.

Mr. Hoeft indicated the Fire Department and NMED have cleared the application. The number of chickens originally contemplated has been reduced. FEMA has redrawn the floodplain maps; the access road is no longer within the floodplain.

Member Gonzales pointed out that from 54 to 24 is not a minimal easing. He asked if there could be a compromise. He said it appears there is currently a lot of land devoted to agriculture. Mr. Hoeft noted the City of Santa Fe has a specific ratio for designating parking spaces for schools and in this case 14 spaces would be called for. There are three pieces of land and only the central one is in the request for rezoning to

community services. To rezone the other agricultural parcels would have tax and mortgage repercussions.

Referring to the ultimate vision for the property Chair DeAnda said it describes having retreats, community classes, workshops, etc. which means it would be more than a school for a limited number of students. She asked if all three parcels were currently under agricultural exemption and whether a lot line adjustment had been considered. Mr. Hoeft said all three parcels are now zoned for agriculture and a lot adjustment would entail the same concerns regarding zoning. He added they were reluctant to pave over land that would never be used for parking. Most students are bused in.

[Chair DeAnda excused herself from the remained of the meeting and the committee recessed from 5:15 to 5:20.]

Member Gonzales reconvened the meeting. Mr. Hoeft said during the break he spoke with his clients and they said they can agree to ten additional spaces for a total of 34. Member Gonzales said that would be better and he pointed out that some of the square footage used in the calculation could be storage, barns or other areas that should not be counted.

Relying on his experience on the school board Member Anaya said he did not think 54 spaces were enough. The Public Education Department has strict guidelines and there is no wiggle room.

Under oath, applicant Patricia Pantano stated the current seven students come from Peñasco, Abiqui and Los Alamos and almost all carpool. There is no auditorium or gymnasium for public events. She worried about the message sent to students in paving over land that would never be used.

She gave a history of the property, saying the property had been neglected and abandoned and was now vibrant. She demonstrated how the current facilities are being used. She asked that the consideration be balanced out with a realistic understanding of how the school would be used.

There was no one from the public wishing to speak.

Member Martin asked if case could still be heard with the revised offer of 34 parking spaces. Ms. Ellis-Green said it could come under the same case number.

Member Martin moved to grant the variance with 34 parking spaces. Member Drobnis seconded. The motion carried by 3-1 vote with Member Anaya voting against.