

## MEMORANDUM

**DATE:** April 13, 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.:** BCC CASE # MIS 10-5150 The Downs At Santa Fe Master Plan Extension

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### **ISSUE:**

The Pueblo Of Pojoaque Development Corporation, Applicant, Requests A Two Year Time Extension Of A Previously Approved Master Plan. The Request Includes Modifications To Conditions Which Require That All Manure And Unpermitted Trash Be Removed, Which Limits The Downs To Six (6) Special Use Permits For Major Events Prior To Final Development Plan Approval, And Which Limits Flea Market Use To One Weekend Per Month.

The Property Is Located Within The La Cienega Traditional Historic Community, At 27475 I-25 West Frontage Road, Within Sections 26 & 27, Township 16 North, Range 8 East (Commission District 3).

### **SUMMARY:**

On August 14, 2001 the Board of County Commissioners (BCC) granted Master Plan Approval to allow recreational/non-residential uses at The Downs at Santa Fe on 321 acres (to be developed in two phases) subject to conditions (Exhibit "B"). On July 14, 2004, the BCC granted approval of reconsideration and clarification of conditions to the previously approved Master Plan (Exhibit). On November 9, 2004, the BCC granted approval of a Preliminary Development Plan for Phase I, subject to conditions, and Final Development Plan to be approved administratively (Exhibit "D").

The Land Use Administrator has determined that the accumulated time period for the Master Plan and reconsideration of the Master Plan and Preliminary Development Plan are due to expire July of 2010. The Applicant is requesting a two year time extension of the approved Master Plan (Exhibit "A").

Article V, Section 5.2.7.b states: "Master Plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer" (Exhibit "E").

The Applicant also requests the deletion of conditions, on the prior approvals, which require that all manure and unpermitted trash be removed, which limits The Downs to six (6) special use permits for major events prior to Final Development Plan approval, and which limits flea market use to one weekend per month.

Condition # 4 of LCDRC CASE # MIS 01-5013 The Downs at Santa Fe Variance and Reconsideration states: "All manure and unpermitted trash on the site, including the area adjacent to Por Su Gracia Subdivision, must be removed within the two year time extension granted by the BCC".

As conditioned by the BCC, the Applicant has removed the manure and trash. The Applicant requests that this condition be removed from the Master Plan. Staff has made several site inspections and has verified the removal of the trash from the site. A portion of the manure was spread out on the property and the remainder of the manure has been removed from the site.

Condition # 6 of LCDRC CASE # MIS 01-5013 The Downs at Santa Fe Variance and Reconsideration states: "The applicant may request special use permits for events at the Downs prior to final approval of this project provided that a complete development plan for Phase 1 is submitted within 6 months of the Master Plan approval. The County may issue special use permits for 6 major outdoor events prior to submittal of Final Development Plan. A noise study will be conducted at the first event to determine noise levels and mitigation measures. If noise levels are excessive at the first event, no similar type events will be held until mitigation measures are in place" (Exhibit "C").

The Applicant requests that this condition be removed from the Master Plan and allow the Land Use Administrator to determine the quantity of events to be allowed on the site. A revised Development Plan is unforeseen in the immediate future by the Applicant. Limiting major outdoor events to six, prior to submittal of Final Development Plan, may hinder the use of the site by the general public. Major outdoor activities have been allowed on this site where noise levels have been measured and mitigation measures were not needed.

The term major outdoor event is not defined in the Code and therefore has been difficult for Staff to determine what type of activities fall under this category. What constitutes a major outdoor event is left to the interpretation of the Land Use Administrator. This site lends itself as a venue for major events which would be beneficial to the inhabitants of the County. Prior events serve as testimony of the capability of this venue to host large scale activities with minimal impact to the local community while improving the economic growth of Santa Fe County.

This site has hosted two major events and per the terms of the existing condition only four major events may occur prior to submittal of a Final Development Plan. The elimination of this condition would allow the Land Use Administrator the discretion of permitting events via a Special Use Permit and not limiting the use of this venue for major events.

Condition # 8 of Case # Z 01-5010 Downs at Santa Fe Master Plan states: “The flea market use will be limited to no more than one weekend per month, permanent structures will not be allowed (Exhibit “B”).

The Applicant requests that this condition be removed from the Master Plan. The Applicant is proposing that the Land Use Administrator determine the quantity of flea markets to be allowed on the site. Permits for permanent structures, for the use of vendors, shall not be issued until such time that a Final Development Plan is approved and recorded with Santa Fe County.

The Land Use Administrator has allowed the La Cienega Community to have flea markets and farmers markets at this site. The local community is very enthusiastic of the possibility of future use and growth of the markets. The elimination of this condition would allow the Land Use Administrator the discretion of permitting markets at the request of the local community.

**REQUIRED ACTION:**

The BCC 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:**

Staff has reviewed this application and has found the following facts to support this submittal: the Application meets code criteria to allow a two year extension of the Master Plan; the trash and manure have been removed from the site; limiting major outdoor events may hinder the use of the site by the general public; major outdoor activities have been allowed on this site where noise levels have been measured and mitigation measures were not needed; the site lends itself as a venue for major events which would be beneficial to the inhabitants of Santa Fe County; the local community supports the possibility of future use and growth of the markets; the elimination of these conditions would allow the Land Use Administrator the discretion of permitting markets and events on this site.

Staff’s review of the Applicant’s request has established findings that this Application meets the criteria set forth in Article V, Section 5.2.4 (Master Plan Approval) and Article V, Section 5.2.7 (Expiration of Master Plan) of the Land Development Code. Staff recommends **approval** of a two year time extension for the Master Plan for The Downs at Santa Fe and the removal of the previously approved conditions, #4, #6 and #8, subject to the following conditions:

1. The Applicant shall comply with the conditions of the approved Master Plan.
2. The Applicant shall comply with any applicable ordinance(s) adopted by the county prior to the submittal of preliminary and final development plan.

**ATTACHMENTS:**

- Exhibit "A" – Letter of Request
- Exhibit "B" – Documents of approval-Case # 01-5010
- Exhibit "C" – Documents of approval-Case # 01-5013
- Exhibit "D"- Documents of approval-Case # 01-5014
- Exhibit "E" – Article V, Section 5.2.7.b
- Exhibit "F" – Vicinity Map
- Exhibit "G" – Ariel
- Exhibit "H" – Recorded Master Plan