

SUMMARY:

The Applicant requests Master Plan Zoning and Preliminary Development Plan approval on a site known as Al's Liquors within the Pojoaque Valley Mixed Use Traditional Community. The existing non-conforming structure, which is sited on .45 acres, will be demolished and a lot line adjustment, with an adjoining parcel, is proposed to allow for an 8,320 square foot structure to be utilized as a Family Dollar Store on 0.87 acres. The Applicant also requests that Final Development Plan be approved administratively.

Article V, Section 5.2.1.b states: "a master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval".

Article V, § 7.1.3.a (Preliminary Development Plans) states: "a Preliminary Development Plan may be only a phase or portion of the area covered by an approved Master Plan, so long as the Preliminary Development Plan substantially conforms to the approved Master Plan".

The Applicant also requests a variance of Article III, § 4.4.3c (Parking Lot Location) to allow the parking lot to be located in front of the proposed building. The Applicant states: "placing the parking lot to the front of the site provides separation of parked cars, noise and public activity from the neighboring residential properties; provides increased public safety and reduced criminal activity; allows for efficient on-site circulation of service and delivery activities".

Article III, § 4.4.3c (Site Planning Standards) Parking Lot Location states: parking lots shall be placed or oriented on a site to the rear or side of buildings (or both) to encourage pedestrian safety and convenience.

The Applicant also requests variances of Article VIII, §'s 7.3, 7.8 and 7.14 (Design Standards for Permanent Signs) to allow a sign to exceed the height and set back requirements and to allow a wall mounted sign to exceed 70 square feet in sign area. The Applicant is proposing a freestanding sign, 20 feet in height, to be located 5 feet from the property line. The Applicant also proposes a 174 square foot wall mounted sign. The Applicant states: strict compliance with the code would result in hardship to the development due to the existing conditions and location of the site; clear site identification is imperative to the viability of the development and the safety of its customers and employees; the increase of the height of the pylon sign and square footage of the wall mounted sign will provide a safer way for customers and employees to find the Family Dollar.

Article VIII § 7.3.a (Height and Setback Standards) states: "the maximum allowable sign height for a free standing sign located at the front property line is five (5) feet. Sign height may be increased a maximum of five (5) feet in height for each twenty-five (25) feet the sign is set back from the front property line. Maximum allowable sign height shall not exceed twenty-five (25) feet". A sign 20 feet in height requires a setback of 75 feet from the property line

Article VIII § 7.8 (Free Standing Signs) states: “all free standing signs shall have a base area equal in length to the sign's length along its longest side, and not less than two (2) feet in width and sixteen (16) inches in height, to be installed and maintained by the owner using one or combining both of the following: a banco, planter or a low wall compatible and complimentary to the building or premises; shrubs, flowers or a groundcover”. The sign details submitted by the Applicant dose not illustrate a base area for the free standing sign.

Article VIII § 7.14.b (Sign Area Size: Commercial or Industrial Non-residential Districts) states: “each single sign on the premises shall not exceed seventy (70) square feet in sign area”.

Article III § 7.9.b states: “a wall or building mounted sign shall in no case exceed ten (10) percent of the area of the wall on which it is displayed or seventy (70) square feet in sign area whichever is less”. The proposed 174 square foot wall mounted sign exceeds the requirements of Code by 104 square feet.

Article III, § 3 (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 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”.

The Applicant is also proposing a lot line adjustment to create a 0.87 acre tract on which the proposed development would take place. The lot line adjustment would incorporate 0.42 acres, from Tract 1, to Tract A (0.45 acre) creating a 0.87 acre parcel. The lot line adjustment shall be processed administratively prior to Final Development Plan approval.

Article III § 10.3.3 (Traditional Communities) states: “the minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres”. Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District) Density and Dimensional Standards allows for .75 acre density within the Mixed Use Traditional Community. Preliminary review, by staff, of the proposed Lot Line Adjustment has determined that both Tract 1 and Tract A will meet the density requirements of Article III § 10.3.3 and Ordinance No. 2008-5.

On August 30th, 2012, the Applicant conducted a Community meeting in compliance with Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), Section 12.8 (Community Notice and Procedural Requirements). Seven members of the community attended and none were in opposition of the development.

This Application was submitted on October 5, 2012.

Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and has found that the following facts presented support the request for Master Plan and Preliminary Development Plan: the application is comprehensive in establishing the scope of the project; the proposed Preliminary Development Plan substantially conforms to the proposed Master Plan; the Application satisfies the submittal requirements set forth in the Land Development Code.

The review comments from State Agencies and County staff has established that this Application, for Master Plan and Preliminary Development Plan, is in compliance with State requirements, Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), Article III, Section 4.4, Development and Design Standards (excluding parking and sign standards), Article V, Section 5, Master Plan Procedures and Article 5, Section 7 Development Plan Requirements of the Land Development Code.

Building and Development Services staff has reviewed the Applicants request for a variance of Article III, § 4.4.3c (Parking Lot Location) and Article VIII, §'s 7.3, 7.8 and 7.14 (Design Standards for Permanent Signs) for compliance with pertinent Code requirements and has found that the following facts presented do not support the request: parking lots shall be placed or oriented on a site to the rear or side of buildings (or both); the maximum allowable sign height for a free standing sign located at the front property line is five (5) feet; the maximum allowable wall mounted sign area shall not exceed seventy square feet; a variation or modification of these sections of the Code may be considered more than a minimum easing of the requirements.

APPROVAL SOUGHT: Master Plan and Preliminary Development Plan approval for an 8,320 square foot structure to be utilized as a Family Dollar Store on 0.87 acres and Final Development Plan to be processed administratively.

VARIANCES: Variance of Article III, § 4.4.3c (Parking Lot Location) to allow the parking lot to be located in front of the proposed building; variance of Article VIII, §'s 7.3, 7.8 and 7.14 (Design Standards for Permanent Signs) to allow a sign to exceed the height and set back requirements and to allow a wall mounted sign to exceed 70 square feet in sign area.

GROWTH MANAGEMENT AREA: El Norte, SDA2, Future Land Use: Traditional Community.

HYDROLOGIC ZONE: Basin Hydrologic Zone: Pojoaque Valley Traditional; minimum lot size allowed in this area is .75 acres.

- ARCHAEOLOGIC ZONE:** High: less than 5 acres within Traditional; reviewed by NMSHPD; Archaeological report not required by Code; potential for cultural resources to exist on site may be high.
- ACCESS AND TRAFFIC:** The facility will take access directly from US 84/285. An access permit, from the New Mexico Department of Transportation, shall be submitted prior to recording the Final Development Plan, reviewed by NMDOT.
- FIRE PROTECTION:** Pojoaque Fire District: automatic fire protection sprinkler systems shall be required as per the New Mexico Fire Code.
- WATER SUPPLY:** Private Well.
- LIQUID WASTE:** Private septic, review by NMED requires clarification of estimated design flows for this property, proposed septic does not meet the setback to well.
- SOLID WASTE:** Dumpster located on site, screened from view, private contractor to dispose of solid waste.
- TERRAIN MGMT:**

The Development indicates that all improved areas including impervious areas will drain to ponding located on the northern and Southern portions of the property. However, the proposed plan indicates that the western portion (sub-basin 1) of the property and all impervious surface runoff will be retained with tree wells. The post runoff coefficient for (sub-basin 2) NE is retaining a total of 513 CF. The proposed pond capacity for the NE Pond is 580.09 CF. The site also contains a holding tank that will capture runoff from sub-basin 3 and is located on the southern boundary of the property. The volume provided is a total of 1,668.97 cf and incorporates the runoff from a portion of the roofed structure. There are no drainage calculations designated for roof runoff and site runoff. Therefore, the proposed plan does not meet the requirements of the Santa Fe County Land Development Code, and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

The following must be addressed prior to Final Development Plan approval:

The Applicant shall provide calculations for Sub-Basin 3 for roof runoff and impervious surfaces to ensure adequate

retention for both roof and impervious surface runoff. The Applicant shall provide calculations and ponding details for the tree wells to insure adequate retention for Sub-Basin 1

SIGNAGE AND LIGHTING:

The Applicant has requested variances for a free standing sign and a wall mounted sign. The proposed height of 20' ft. for the free standing sign must allow for a 75' ft. setback, and shall have a banco, planter or a low wall compatible and complimentary to the building or premises and/or shrubs, flowers or a groundcover. The free standing sign request does not conform to Article VIII, Section 7.3 and 7.8. The wall mounted sign exceeds 70 sq. ft. maximum area. The proposed wall mounted sign area is 174 sq. ft. The proposed wall mounted sign does not conform to Article VIII, Section 7.14.

The Applicant proposes to utilize 7 Pole Mounted lights in the parking lot. The Applicant shall provide scaled height dimensions for the pole mounted lights as well as cut sheets. The Applicant shall provide cut sheets for illumination of signage. The Applicant proposes to utilize 8 building mounted lights, cut sheets shall be provided. Staff has determined that the lighting element of the Application is incomplete per Article III, Section 4.4.4 h and Table 3.1.

EXISTING DEVELOPMENT:

An existing non-conforming structure known as Al's Liquors is on site. The structure will be completely demolished to allow for the new building and parking area.

ADJACENT PROPERTY:

The site is bordered to the north, east and south by residential property. The site is bordered to the west by US 84/285. Directly across US 84/285, west of the site, are residential properties and a site which is recognized as a non-conforming commercial use.

PARKING:

A total of 27 parking spaces are proposed for this development which includes 25 automobile spaces and 2 handicap spaces. Parking spaces shall be defined with striping, wheel stops, parking bumpers, or railroad ties. The parking space element of the Application complies with Article III, Section 9. The Application includes a variance to allow the parking lot be located in front of the building.

The proposed location of the parking lot does not comply with Article III, Section 4.4.3c.

LANDSCAPING:

The proposed landscape screening and buffering complies with Article III Section 4.4.4f 10 (Landscape for Road Frontage Areas) and 4.4.4f 11 (Landscaping for Parking Lots).

RAINWATER HARVESTING:

Ordinance 2008-4 (Water Harvesting) states that cisterns shall be sized to hold 1.5 gallons per square foot of roofed area. The proposed structure has 8,320 square feet of roofed area which will require a 12,480 gallon cistern. The Applicant proposes a 3,572 gallon cistern which does not conform to Ordinance 2008-4 (Water Harvesting). The size of the cistern may be adjusted to provide a month's worth of landscaping water. The Applicant did not provide a landscape water budget to determine if the cistern size could be reduced. Water conservation measures shall be implemented with the development.

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
NMOSE	Approval
NMDOT	Approval, Access Permit Required
NMED	Incomplete (revised plans have been re-submitted for review)
NMDHP	Archaeological report not required by Code
County Fire	Approval with Conditions
County PW	Approval with Conditions
County Utility	Approval with Conditions
Planning	Approval

STAFF RECOMMENDATION: **Conditional approval of Master Plan Zoning and Preliminary Development Plan to allow an 8,320 square foot structure to be utilized as a Family Dollar Store on 0.87 acres. Staff also recommends Final Development Plan be reviewed and approved administratively.**

Staff recommends denial of the Applicants request for a variance of Article III, § 4.4.3c (Parking Lot Location) to allow the parking lot to be located in front of the proposed building and denial of the variance of Article VIII, §'s 7.3, 7.8 and 7.14 (Design Standards for Permanent Signs) to allow a sign to exceed the height and set back requirements and to allow a wall mounted sign to exceed 70 square feet in sign area.

If the decision of the CDRC is to recommend approval of the Applicant's request for Master Plan and Preliminary Development Plan, staff recommends imposition of the following conditions:

1. The Applicant shall comply with all review agency comments and conditions as per **Article V, Section 7.1.3.c.**
2. Master Plan with appropriate signatures, shall be recorded with the County Clerk as per **Article V, Section 5.2.5.**
3. Detailed lighting plan shall be submitted at time of Final Development Plan as per **Article III, Section 4.4.4 h and Table 3.1.**
4. Prior to Final Development approval the Applicant shall provide a landscape water budget that will be used to determine the size of cistern required for the development as per **Ordinance 2008-4.**
5. Drainage calculations for site runoff shall be submitted for review and approval with Final Development Plan as per **Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.**

EXHIBITS:

1. Master Plan & Preliminary Development Plan Report
2. Parking Variance Request
3. Sign Variance Request
4. Drawings
5. Ordinance No. 2008-5 PVTC Density & Dimensional Standards / Boundary Map
6. Article III, Section 4.4, Development and Design Standards
7. Article V, Section 5, Master Plan Procedures
8. Article V, Section 7, Development Plan Requirements
9. Article III, § 4.4.3c (Parking Lot Location)
10. Article VIII, §'s 7.3, 7.8 and 7.14 (Design Standards for Permanent Signs)
11. Photos of Site
12. Aerial Photo of Property
13. Agency Reviews and Comments
14. Ordinance 2008-5, Section 12.8 (PVTC - Community Notice and Procedural Requirements)
15. Summary of Community Meeting
16. Revised Plan Sheets 3/5, 4/5 & 5/5