

## MEMORANDUM

**DATE:** October 21, 2010

**TO:** County Development Review Committee

**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 10-5330 Holy Family Praying Heart Portal

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### **ISSUE:**

Sons of The Holy Family, Applicant, Louis Martinez, Agent, request Master Plan Zoning, Preliminary and Final Development Plan approval for an existing residence to be modified and used as a meditation facility.

The property is located at #2 Santo Niño Drive, within the Traditional Community of Chimayo, via State Road 520, within Section 1, Township 20 North, Range 9 East, (Commission District 1).

### **SUMMARY:**

Currently there are three structures on the .38 acre site. The Santo Niño Gift Shop/Gallery consisting of 2,878 square feet, the Holy Family Chapel consisting of 252 square feet and a residential structure consisting of 2,100 square feet. All three structures were constructed prior to 1981 therefore the Code acknowledges the structures and the current use of the structures as non-conforming (Exhibit "D").

Article II, Section 4.5 (Non-Conformities) states: "Existing uses of land and structures including signs constructed prior to the adoption of the Code, as amended, but which may not be in conformance with the Code, as amended, or are prohibited or restricted under the current provisions of the Code, including the provisions of any amendments thereto, are considered to be non-conforming uses" (Exhibit "F").

The Applicants intent is to refurbish the existing 2,100 square foot residential structure into a meditation area. The structure was built pre-code as a residence therefore a Master Plan to allow the use of this structure as a community service facility is required. The request does not include expansion of the existing Gift Shop/Gallery and Small Chapel (Exhibit "A").

Article II, Section 4.5.3 (Submittals and Reviews) states: "Re-use or expansion of non-conforming uses are subject to the submittals and review requirements set forth in the Code for the category of use which is proposed" (Exhibit "F").

Article II, Section 4.5.2 (Re-use or Expansion of Non-conforming Use) states: "Except as otherwise provided in this Section, any non-conforming use of land or structure may be continued so long as it remains otherwise lawful" (Exhibit "F").

Article III, Section 7 (Community Service Facilities) states: "Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches" (Exhibit "G").

Section 7.1 of Article III (Standards) states: "Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that: the proposed facilities are necessary in order that community services may be provided for in the County; the use is compatible with existing development in the area and is compatible with development permitted under the Code" (Exhibit "G").

Historically the Santuario Chapel and the Santo Niño Chapel have served the Chimayo Community as well as visitors from around the world. The Gift Shops and privately owned business's revolve around the attraction of the two Chapels. The creation of a meditation center is considered compatible to existing uses and structures within the surrounding area.

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" (Exhibit "H")

The Applicant is also requesting Preliminary and Final Development approval to convert the structure to a meditation center. This conversion will take place in the form of remodeling the existing building to create approximately 926 square feet of meditation area, 200 square feet of office space, 98 square feet of storage and 415 square feet as a multi-purpose room. The modification of the structure shall not expand beyond the existing square footage.

Article V, Section 7.1 (Development Plan Requirements) 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" (Exhibit "I").

Article V, Section 7.2. (Final Development Plan) states: “The final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee” (Exhibit “I”).

**The Application was reviewed for the following (Exhibit “E”):**

**EXISTING CONDITIONS:**

The development along Santo Niño Drive has evolved around the Santuario and Santo Niño Chapel. The shops and restaurants rely on the visitors to the shrines. The structures on the site are non-conforming and are in use as a Chapel and Gift Shop/Gallery. The residence is vacant and is used for storage.

**ADJACENT PROPERTIES:**

The site is adjacent to a diversity of uses. The site is fronted to the south by the Santo Niño Chapel, shops and a small eatery, the site is bordered by residences to the north and west and to the east is a small complex which includes the Santuario Chapel, gift shops, eateries, public restrooms, residences and the main Santuario parking lot, which serves the majority of the uses.

**PARKING:**

The site does not lend itself to meet the requirements set forth in Article III, Section 9 (Parking Requirements) of the Land Development Code. The site is accessed primarily by pedestrian traffic. The Applicant proposes to utilize the parking lot on the east side of the Santuario which has in place 294 parking spaces. The Applicant has provided a breakdown of the parking area in relation to the demand for parking. The Applicant also proposes to create 3 handicap spaces on the property that fronts the site to be utilized by the Praying Portal, the existing Gift Shop and the Santo Niño Chapel. The handicap parking spaces shall be a minimum of 8’ .5” x 20’ per ADA requirements. Due to the non-conformities of the site and use, staff recommends approval of the Applicants request to utilize the off-site parking to meet the requirements of the Code.

**ACCESS:**

The Applicant is not proposing improvements to the existing access. The Public Works Department supports the Development based on the Applicants intent of implementing pedestrian traffic as part of the greater Santuario de Chimayo compound.

The New Mexico Department of Transportation had no comment on this development.

**OUTDOOR LIGHTING:**

The application meets the criteria set forth in Article III, Section 4.4.4. (Outdoor Lighting).  
The Applicant is not proposing outdoor lighting in the submittal.

**SIGNAGE:**

The existing signs meet the criteria set forth in Article VIII, Sign Regulations. The proposal includes a new, 3' x 5', wall mounted identification sign which meets the criteria set forth in Article VIII, Sign Regulations.

**WATER:**

The site has an existing well which serves the Gift Shop. The proposed development will not utilize the well as there will not be any facilities within the structure. The Applicant submitted a water budget, which was reviewed by the County Water Conservation Specialist, who determined that the water use meets code criteria set forth in Article VII, Section 6.6.2.

**FIRE PROTECTION:**

The Santa Fe County Fire Department Fire Prevention Division has reviewed the submittal for Master Plan, Preliminary and Final Development Plan and has recommended approval subject to conditions listed in Exhibit "E".

**LIQUID and SOLID WASTE:**

The Santo Niño Gift Shop has a restroom for employees only. The entire compound is served by public restrooms located south of the Santuario Chapel. The septic system is permitted by NMED and the restroom facility was approved by the County through the Master Plan process.

A dumpster is located within the compound. Solid Waste Management Inc. is contracted by the Applicant for trash removal.

**TERRAIN MANAGEMENT:**

The site does not lend itself to literally meet the requirements set forth in Article VII, Section 3 (Terrain Management). The hard surface run-off from the site is being diverted to the proposed landscape area. An acequia runs directly behind the site to where the hard surface run-off drains. Measures shall be taken to protect the banks and mitigate scouring of the acequia. Due to the size of the site and the non-conformities of the structures staff recommends approval of the Applicants request to utilize alternative measures to retain stormwater run-off.

**LANDSCAPING and RAINWATER HARVESTING:**

The landscaping plan shall include an estimate of the cost of installation of the landscape materials and labor.

The Applicant has demonstrated on the landscape plan how the new plantings will be watered by a passive rainwater harvesting method that meets Ordinance 2008-4 criteria.

The Landscape Plan and Landscape Water Budget meet all code criteria.

**ARCHAEOLOGY:**

The State of New Mexico Department of Cultural Affairs Historic Preservation Division has reviewed this project and has determined that a cultural survey is not necessary. The project will have no adverse effect on historic properties. The architectural design of the project is fitting with the historic structures and rural character of the area.

**REQUIRED ACTION:**

The CDRC 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 existing structures were constructed prior to the adoption of the Code; the Code acknowledges the structures and the current use of the structures as non-conforming; the submittal for the re-use as a meditation center meets the requirements of the Code; community service facilities are allowed anywhere in the County; the use as a meditation center is compatible with existing development in the area and is compatible with development permitted under the Code; the proposed Master Plan is comprehensive in establishing the scope of the project; the Preliminary Development Plan conforms to the proposed Master Plan; the proposed Final Development Plan complies with Code requirements.

The review comments from State Agencies and Building and Development Services has established findings that this Application is in compliance with Article II, Section 4.5 (Non-Conformities), Article III, Section 7 (Community Service Facilities), Article V, Section 5.2 (Master Plan Procedures) and Article V, Section 7 (Development Plan Requirements) of the Land Development Code. Staff recommends Master Plan Zoning, Preliminary and Final Development Plan approval to allow the re-use of a non-conforming structure as a meditation center to be known as the Holy Family Praying Heart Portal on .38 acres, within the Traditional Community of Chimayo, subject to the following conditions:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan and Final Development Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal.

3. Master Plan with appropriate signatures shall be recorded with the County Clerk.
4. Final Development Plan with appropriate signatures shall be recorded with the County Clerk.

**ATTACHMENTS:**

- Exhibit "A" – Letter of Intent and MP & DP Report
- Exhibit "B" – Vicinity Map
- Exhibit "C" – MP & DP Drawings
- Exhibit "D" - Aerial Photo
- Exhibit "E" – Reviewing Agencies Comments
- Exhibit "F" – Article II, Section 4.5 (Non-Conformities)
- Exhibit "G" – Article III, Section 7 (Community Service Facilities)
- Exhibit "H" – Article V, Section 5.2 (Master Plan Procedures)
- Exhibit "I" – Article V, Section 7 (Development Plan Requirements)
- Exhibit "J" – Parking Lot Breakdown