

MEMORANDUM

DATE: August 19, 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 # DP 10-5290 Children's Garden Montessori.

ISSUE:

Joan Shankin, Applicant, Orallynn Guerrerortiz (Design Enginuity), Agent, Request Final Development Plan Approval For Phase II, Of The Children's Garden Montessori School.

The Property Is Located At 710 Old Las Vegas Highway, Within Section 10, Township 15 North, Range 10 East, (Commission District 4).

SUMMARY:

On April 11, 2006, the Board of County Commissioners (BCC) conducted a public hearing on the request of the Applicant for Master Plan Zoning for Phase I and Phase II and Preliminary and Final Development Plan for Phase I of the Children's Garden Montessori School. The BCC, having reviewed the Application, staff reports and supplemental materials approved the request. (Exhibit "E").

The Children's Garden Montessori School received Master Plan Zoning as a community service facility. The Final Development Plan for Phase I consisted of a 3,700 square foot structure on 5.01 acres and allowed for forty students and five employees (Exhibit "C").

The Applicant is requesting Final Development Plan approval for Phase II of the Children's Garden Montessori School. Phase II of this development is to incorporate an existing 585 square foot area which would allow for an increase of twenty students and two employees (Exhibit "A").

Article V, Section 7.1.4 states: “the criteria for development plan phase approval is;
a. conformance to the approved master plan;
b. the plan must meet the criteria of Section 5.2.4 of this Article V” (Exhibit “I”).
Article V, Section 5.2.4 lists criteria for Master Plan Approval (Exhibit “J”).

The recorded Master Plan for Phase I and Phase II and Preliminary and Final Development Plan for Phase I states: “Phase II may not be developed until water availability for a sixty child school is proven to the County Hydrologist’s satisfaction” (Exhibit “F”). The Applicant submitted operational data of the water use for Phase I. The County Hydrologists analysis of this data concluded that based on the information provided and the implementation of water conservation measures the development should be able to stay within the 0.25 acre feet of water for both, Phase I and II (Exhibit “G”).

The footprint of the existing development will not increase with Phase II. The structure, parking requirements, fire protection, traffic, landscaping and drainage were initially reviewed for a facility that would support up to sixty children. The issue was the ability of the facility to meet the Land Development Code requirement for water use for this development.

The Applicant has also submitted an updated New Mexico Environmental Department (NMED) permit, which requires the expansion of the leach fields to accommodate the increased use. An updated permit from the Department of Transportation (DOT) has been submitted which does not require change in the access, nor a traffic study for Phase II approval (Exhibit “H”).

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 Development Plan is in conformance with the approved Master Plan; the operational data submitted proved to the County Hydrologist the ability for the development to sustain water use of 0.25 acre feet per year; the proposal for Final Development Plan meets the criteria set forth in the Land Development Code.

The conclusion by the County Hydrologist has established findings that this Application is in compliance with the approved Master Plan, Article VII, Section 6.2.2 (Water Supply) and Article V, Section 7 (Final Development Plan) of the Land Development Code. Staff recommends Final Development Plan **approval** to allow an increase of twenty students and two employees for Phase II of the Children’s Garden Montessori School, subject to the following condition:

1. All Staff redlines must be addressed, original redlines will be returned with final plans for Phase II Final Development Plan.

ATTACHMENTS:

Exhibit "A" – Letter of Intent/ Development Drawings
Exhibit "B" - Vicinity Map
Exhibit "C" – Recorded MP/PDP/DP
Exhibit "D" - Aerial Photo of Property
Exhibit "E" – BCC Minutes
Exhibit "F" – Note from Master Plan
Exhibit "G" – Hydrologists Letter
Exhibit "H" – DOT Letter/ED Letter
Exhibit "I" - Article V, Section 7.1.4
Exhibit "J" – Article V, Section 5.2.4
Exhibit "K" – Article VII, Section 6.2.2
Exhibit "L" – Water Restrictive Covenants
Exhibit "M" –Letter from Fire Marshal