

MEMORANDUM

DATE: May 20, 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 # MIS 09-5381 Mine Shaft Properties, LLC Extension

ISSUE:

Lori Lindsey, Applicant is requesting an extension of the submittal deadline requirement for Master Plan Application as specified in the Order of the County Development Review Committee.

The property is located within the Traditional Community of Madrid at 2846 State Highway 14, within Section 36, Township 14 North, Range 7 East, (Commission District 3).

SUMMARY:

On January 21, 2010, the County Development Review Committee of Santa Fe County (CDRC) entered its Order, including findings of fact and conclusions of law, on the Application of Mine Shaft Properties, LLC for an Appeal of the Land Use Administrator's (LUA) decision on an appeal that was heard by the CDRC on October 15, 2009. The Order was recorded in the office of the County Clerk on January 22, 2010 (Exhibit "A"). No appeal was taken from the Order and it is final order.

The Final Order states: "The CDRC denies the Applicant's appeal, but allows the Applicant's existing non-conforming uses at the Mine Shaft property to continue; provided such non-conforming uses shall not be expanded nor extended; provided further that all such non-conforming uses shall be subject to the Master Plan approval process pursuant to Article V, Section 5 (Master Plan Procedures), of the Land Use Code; and provided yet further that the Applicant shall comply with the following conditions:

1. The Applicant shall submit a Master Plan for consideration by the County Development Review Committee and Board of County Commissioners within six (6) months of October 15, 2009; i.e., on or before April 15, 2010.
2. The Applicant, as a component of the Master Plan, shall submit after the fact permit(s) for any and all development made on the property.
3. The Applicant shall be restricted to three (3) Special Use Permits per year, subject to the Land Use Administrator's approval, prior to approval of the Master Plan.
4. The Applicant shall submit in a timely manner, upon approval and recordation of a Master Plan, a Final Development Plan identifying a phasing schedule for the development on the property.

On April 13, 2010, the Mine Shaft Properties, LLC submitted its purported Master Plan. The submittal was deemed incomplete per the requirements of the Land Development Code, Article V, Section, 5.2.2 (Exhibit "B") for the reason the submittal omitted numerous items required to be submitted as part of a master plan and which Mine Shaft Properties, LLC had been advised on several occasions had to be submitted in order to meet the requirement of filing a Master Plan. A Development Review project submittal status sheet, which listed the deficiencies of the submittal, was signed by a representative of Mine Shaft Properties, LLC acknowledging that the submittal was deemed as incomplete (Exhibit "C").

In a letter dated April 16, 2010 (Exhibit "D"), the Applicant was advised that failure to file the Master Plan required by the Order of the CDRC is in violation of the CDRC's Final Order. The letter also stated that the Applicant may submit for an extension of the submittal of a Master Plan to the CDRC and that the Order of the CDRC may not be changed nor altered except by action of the CDRC.

The Applicant is requesting an extension of the Master Plan submittal deadline ordered by the CDRC. The Applicant states: "Due to the rejection of my submission, I now need to have CDRC offer the extension for completion. I have hired professionals to help me meet the requirements for submission and will be on track for a May 30th timeline. However, considering that the CDRC meeting is May 20th, 2010, we would like to request a June 30th, 2010 extension so that we may meet this timeline without consequence". (Exhibit "E")

REQUIRED ACTION:

The CDRC shall review the attached material and take action to approve, deny, approve with conditions or modifications or table for further analysis of this request.

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RECOMMENDATION:

The Final Order of the CDRC shall only be altered or changed by the CDRC; therefore, Staff does not have a recommendation to offer.

Attachments:

Exhibit "A" - CDRC Final Order
Exhibit "B" - Article V, Section 5.2.2
Exhibit "C" - Project submittal status sheet
Exhibit "D" - Failure to Comply Letter
Exhibit "E" - Applicant Letter of Request
Exhibit "F" - Letter of Support