

## **MEMORANDUM**

**DATE:** April 21, 2011

**TO:** County Development Review Committee

**FROM:** Vicki Lucero, Development Review Team Leader

**VIA:** Jack Kolkmeier, Land Use Administrator  
Shelley Cobau, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

**FILE REF.:** CDRC CASE # V 11-5070 Joya de Hondo Road Variance

---

### **ISSUE:**

Gray-Hall LLC. (Damion Terrell), Applicant, Jenkins/Gavin Design and Development, Agent, request a variance of Article XV, Section 6.E (Community College District Road Standards) of the County Land Development Code to allow an off-site Living Priority Lane with a Right-of-Way ranging in size from 20 to 30-feet and a driving surface of 16 feet for a portion of the roadway (approximately 640 ft.) for the purpose of creating a 4-lot Summary Review Subdivision on 43.8 acres. The property is located off of Old Galisteo Way, within Section 15, Township 16 North, Range 9 East (Commission District 4).

### **SUMMARY:**

The subject property is an existing 43.8-acre tract located off of Old Galisteo Way which lies within the Community College District. The lot is currently vacant.

On April, 14, 2009, the Applicant submitted an application to Santa Fe County to create a 4-lot Summary Review Subdivision on the 43.8 acres. As part of this submittal the Applicant was proposing to construct a 20-foot wide driving surface on Old Galisteo Way from Los Tapias Lane to the entrance of his property. County Staff reviewed the application and determined that it met the requirements of the County Land Development Code. The Land Use Administrator was prepared to approve the plat when several of the neighbors filed an appeal of his decision claiming that as a result of a court order filed in 1970 (Refer to Exhibit E) the road surface could not be

increased beyond the existing 16-foot wide driving surface on Old Galisteo Way from Los Tapia Lane south for approximately 640 feet.

Upon review of the court documents, County Staff determined that the easement precludes widening of the road as required by Code.

Article XV, Section 6.E.7.a.iv (Community College District Road Standards) of the County Land Development Code provides that a Living Priority Lane shall consist of a 34' Right-of-Way (R-O-W) with two 10-foot driving lanes (Refer to Exhibit F for Road Cross Section). The Applicant states that because of the Court Order they are unable to make improvements that meet County standards to that 640-foot portion of road where only a 20' easement exists. Therefore, a variance is requested for the width of R-O-W (20') and width of road surface (16'). In addition, the R-O-W outside of the 640-foot portion is a maximum of 30 feet however on this portion of the roadway the Applicant will be able to construct the required improvements for a 20 foot driving surface so a variance is only needed to allow a R-O-W width of 30' for a length of approximately 470' (Refer to Exhibit B for Off-site Roadway Plan).

Article II, Section 3.1 (Variances) of the County Code 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 non-self-inflicted conditions or that these conditions would result in inhibiting in achievement of the purposes of the Code, an applicant may file a written request for a variance" (Refer to Exhibit G).

The Applicant states that the 16-foot wide road surface within the 20-foot access easement is non-self-inflicted. Additional access was previously available through the Santiago Subdivision to the north, however, in 1985 the Board of County Commissioners vacated these easements which eliminated the additional means of access to the subject parcel.

This request was submitted to the County Transportation Planner for review. The County Transportation Planner states that the proposed project lies in the vicinity, east of the conceptual alignment of the proposed Southeast Connector. Planning Staff analyzed the potential for connectivity between Old Galisteo Way and the Southeast Connector, which should be constructed within the next ten years. Planning Staff supports the proposed 4-lot summary review subdivision and requested variance and believes that any further division of the remaining acreage should require that traffic be diverted onto the proposed Southeast Connector (Refer to Exhibit D).

**REQUIRED ACTION:**

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

**RECOMMENDATION:**

Staff believes that the creation of 4 proposed lots will not significantly increase the traffic on Old Galisteo Way. As part of the proposed subdivision, the Applicant will construct an approved fire turn-around within the subject property. At the current time there are no Fire Marshal approved turn-arounds on Old Galisteo Way. The construction of the turn-around provided by this development would benefit the entire neighborhood.

It is staff's position that the variance requested is unavoidable due to the ruling in the Court Order that would prohibit the Applicant from doing the required road improvements on the access road. This could constitute an extraordinary hardship to the Applicant as stated in Article II, Section 3.1 of the Code. Therefore, staff recommends approval of the variance requested subject to the following conditions:

1. Any further subdivision of land will require a secondary point of access. This shall be noted on the plat.

**ATTACHMENTS:**

Exhibit "A" – Letter of request  
Exhibit "B" – Proposed Plans  
Exhibit "C" – Vicinity Map  
Exhibit "D" – Memo from Transportation Planner  
Exhibit "E"-Court Order  
Exhibit "F"-Living Priority Lane Cross Section  
Exhibit "G"- Article II, Section 3.1 (Variances) of the County Code