

## MEMORANDUM

**DATE:** December 17, 2009

**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 # Z 08-5450 Cimarron Village Master Plan

---

### **ISSUE:**

Joseph Miller, Applicant, Land Development Consultants (Danny Martinez) Agent, request a Master Plan Amendment to the previously approved Cimarron Village development to allow a mixed use development consisting of 34 commercial lots, 3 single family residential lots, 20 live/work units, and 30 townhouse units for a total of 53 dwelling units on 81.69 acres± and a rezoning of an 8.126 acre parcel to a Neighborhood Mixed Use zoning designation for residential and commercial development. The property is located east of Eldorado on the east side of US 285, off Colina Drive and Camino Valle, within Sections 9 & 16, Township 15 North, Range 10 East (Commission District 5).

### **SUMMARY:**

On January 12, 1993, the BCC granted approval for the creation of a Village Center Commercial District and Master Plan zoning approval for a large scale mixed use development (Cimarron Village) consisting of 34 lots (22 commercial lots, 1 community service lot, 8 multi-family lots, and 3 single family lots).

The applicant is now requesting a Master Plan Amendment to bring the original Master Plan into compliance with the US 285 South Highway Corridor Zoning District Ordinance (Ordinance No. 2005-08), which was not in effect at the time of the original Master Plan approval. The Amended Master Plan would also increase the residential density to a total of 53 dwelling units and increase

the number of commercial lots to 34 in addition to having live/work units. Approximately 21.8 acres of the subject property is located in the Village Mixed Use area as designated in the US 285 South Corridor Ordinance which allows for higher densities. Therefore, this proposal conforms to the density allowance of the Ordinance.

The applicant is also requesting a rezoning of an 8.126 acre parcel located on the northwest corner of US 285 and Camino Valle to a Neighborhood Mixed Use Zoning designation. Under Ordinance No. 2005-08 this particular parcel is eligible for Neighborhood Mixed Use Zoning.

The development will be completed in six phases.

### **Existing Conditions/ Adjacent Properties**

There is an existing Country Store and a Convenience Store/Gas Station currently located on the property. The remainder of the site is undeveloped.

The subject property is bound on the north by the Rancho Escondido Subdivision. To the west is US 285, to the east are Single Family residential lots and Wilderness areas, and to the south are area designated as Village Mixed Use.

### **Access**

The development will have four points of access off of US 84-285 and one internal access road which will link three of the access points. This application was submitted to the State Department of Transportation and the County Public Works Department for review. The DOT states that the applicant has satisfied his obligation for improvements to the state road system. The County Public Works Department did not have any major issues with the Master Plan however, they did submit a list of conditions that must be addressed prior to preliminary plat approval (Refer to Exhibit "D").

### **Water**

The development will be served by the Eldorado Area Water and Sanitation District (EAWSD). A letter from EAWSD has been submitted which states that they are ready willing and able to serve the development. This application was submitted to the County Hydrologist and the Office of the State Engineer (OSE) for review. The County Hydrologist has concluded that EAWSD has sufficient water to meet its existing demands as well as the demands of the proposed development. The OSE had some issues regarding water supply that staff feels should be addressed prior to the case going before the BCC.

### **Fire Protection**

The development is located within the Eldorado Fire District. The EAWSD will also provide the water source for fire protection. The applicant is proposing five fire hydrants to be placed at intervals as determined by the County Land Development Code. This application was submitted to the County Fire Marshal for review, however, we have not received comments from them at this time.

### **Liquid and Solid Waste**

The developer is proposing to construct a wastewater treatment plant to serve the majority of the development, in which the treated effluent would be used for landscape irrigation. Design of the waste water treatment facility will be subject to review and approval by the New Mexico Environment Department. The three single family lots will utilize individual on-site septic systems.

Solid waste removal must be addressed in a maintenance agreement at preliminary development plan stage.

### **Terrain Management**

The majority of the site is within the 15% slope range. There is an area that contains slopes in excess of 25% just south of the single family residential lots. This area is approximately 23 acres in size and will be designated as open space.

This property does not fall within a FEMA designated floodplain. Retention ponds will be required to handle stormwater runoff from site improvements. Additional drainage measures will be required at Development Plan stage.

### **Archeology**

An archaeological survey was submitted which indicated that 2 arch sites and 5 isolated occurrences were located. The conclusion of the archaeological survey is that the recordation process has exhausted the information potential of the arch sites and isolated occurrences and recommends that if cultural material appears during a ground-disturbing activity, work in that area shall cease, and the New Mexico State Archaeologist shall be contacted so that the need for further archaeological work can be determined.

### **Affordable Housing**

The development will consist of only 3 single family lots which could be sold, the remainder of the residential units will be rentals, therefore, this development is not subject to the affordable housing ordinance at this time.

### **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:**

This application is in accordance with Article V, Section 5.2 (Master Plan Requirements) of the County Land Development Code, and is consistent with the US 285 South Highway Corridor Zoning District Ordinance therefore staff recommends Master Plan Zoning approval subject to the following conditions:

1. All redlines comments must be addressed.
2. Master Plan with appropriate signatures must be recorded with the County Clerk.
3. Compliance with applicable review comments from the following:
  - a) State Engineer
  - b) State Environment Department
  - c) Soil & Water District
  - d) State Department of Transportation
  - e) County Hydrologist/Water Resources Dept.
  - f) Development Review Director
  - g) County Fire Marshal (Site Plans & Building Plans)
  - h) County Public Works
  - i) State Historic Preservation Division
  - j) Technical Review Division
  - k) County Open Space, Parks and Trails Division
  - l) Public Schools District
  - m) County Housing Division
  - n) County Planning Division
4. Development within the US 84-285 Highway Corridor shall comply with the district standards of the US 285 South Highway Corridor ordinance (Ordinance No. 2005-08).
5. Complete access permits will be required from NMDOT for access off US 285.
6. If the residential units are ever converted into condominiums that will be sold this development will be subject to the County's Affordable Housing Ordinance. This shall be noted on the Master Plan.
7. Village and neighborhood mixed use areas shall be shown on the Master Plan. Village mixed use area shall not exceed 21.8 acres.
8. A revised water budget must be submitted for review and comment prior to this case being heard by the BCC.
9. An updated Traffic Impact Analysis will be required at preliminary development plan stage.
10. Solid waste removal must be addressed in a maintenance agreement at preliminary development plan stage.
11. The topography and terrain management plans must be consistent.

12. The development must provide a minimum of 25% residential floor area and a minimum of 25% of non-residential floor area. Total residential development shall not exceed 50% of the total square footage of development.

**ATTACHMENTS:**

- Exhibit "A" – Developer's report
- Exhibit "B" - Developer's plans
- Exhibit "C" – Vicinity Map
- Exhibit "D" – Reviewing Agency Responses