

D R A F T

- subject to approval -

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

August 20, 2015

I. This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Frank Katz, on the above-cited date at approximately 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

II. & III. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Frank Katz, Chair
Susan Martin, Vice Chair
Phil Anaya
Bette Booth
Louie Gonzales

Member(s) Excused:

Rena Gray
Leroy Lopez

Staff Present:

Wayne Dalton, Building & Services Supervisor
Jose Larrañaga, Development Review Team Leader
John Michael Salazar, Development Review Staff
Andrea Salazar, Assistant County Attorney
Mathew Martinez, Development Review Staff

IV. APPROVAL OF AGENDA

Mr. Dalton confirmed the agenda as published was accurate.

Upon motion by Member Martin and second by Member Booth, the agenda was unanimously approved as published.

V. APPROVAL OF MINUTES: July 16, 2015

Member Martin moved to approve the July minutes as submitted. Member Booth seconded and the motion passed by unanimous voice vote.

VI. NEW BUSINESS

- A. CDRC CASE # V 15-5140 Vernon DeAgüero Variance. Vernon DeAgüero, Applicant, Alberto Alcocer, Agent, request a variance of Article VIII, § 7.15 (Prohibited Signs) of the Land Development Code in order to allow an existing, unpermitted 96 square foot sign advertising an off-site business on 2.213 acres. The property is located at 267 Rabbit Road, within Section 10, Township 16 North, Range 9 East, Commission District 4**

John Salazar, case manager, provide the staff report as follows:

“On November 11, 2014 a Notice of Violation was issued to the Applicant for an illegal commercial advertisement sign posted on the property. A Final Notice of Violation was issued on January 9, 2015. The Applicant is requesting a variance of the Land Development Code in order to keep a 96 square foot sign advertising an off-site business.

“The Applicant states that the non-illuminated sign was erected to promote the Agent’s business, Clearealty, which measures 12 feet tall by 8 feet wide. The Applicant states that the sign is well within his property and it has helped generate business for Mr. Alcocer thus generating gross receipt tax revenue for sales which are in excess of a million dollars per year. The sign is positioned on the north side of the property which bounds Interstate 25 right-of-way. The Applicant also states that although Mr. Alcocer’s main office is located at 333 Montezuma Avenue, he has given Mr. Alcocer authorization to hold a New Mexico Real Estate Commission license on his property due to the lack of parking spaces at the Montezuma office. It affords Mr. Alcocer the opportunity to meet clients on the Applicant’s property to look for homes in the area. However, neither the Applicant nor Mr. Alcocer has a Santa Fe County business license on the property. The Applicant continues to state, ‘There [are] a number of other signs that are in the vicinity and along the Interstate 25 as well as Hwy 285 that are present and that presumably have permits.’

“Upon reviewing the photos the Applicant has submitted, these billboard signs are either located on State Highway right-of-way or are legal non-conforming, therefore, no permits have been issued for any existing billboard signs. Article VIII, Section 7.15.a of the Land Development Code states: ‘Off-site advertising or billboards. The advertising on any sign shall pertain only to a business, industry or activity conducted on or within the premises on which such sign is erected or maintained.’

“ The subject sign would be considered a billboard and would constitute off-site advertising; therefore, the Applicant is requesting a variance.“Under the Code, the maximum allowable sign for a commercially zoned property is 70 square feet. The Applicant will be required by NMDOT to apply for a sign permit per

NMDOT Outdoor Advertising Requirements and the New Mexico Highway Beautification Act.”

Mr. Salazar said staff has reviewed the application and recommends denial of the variance with the condition that the Applicant remove the sign within thirty days from the recording of the Final Order. If the decision of the CDRC is to recommend approval of the Applicant’s request, staff recommends imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Division for the 96 square foot sign (As per Article VIII, § 3).
2. The placement of additional signs is prohibited on the property (As per Article VIII, § 7).
3. The Applicant must apply for a sign permit from NMDOT within thirty days from the recording of the Final Order.
4. The Applicant must obtain a sign permit from NMDOT and provide a copy of the approved permit to the Building and Development Services Division.
5. The sign shall be no larger than 70 square feet. [Added at staff report]

Member Gonzales asked whether the applicant uses the residence to conduct real estate business. Mr. Salazar said there is a real estate commission license at the property as well as a property on Montezuma in the city. He understood Mr. Alcocer meets clients at the Rabbit Road site.

Mr. Salazar stated that the request does not qualify as a home occupation since Mr. Alcocer does not live in the home. The sign advertises an offsite business. He added that if the CDRC were to approve the variance, the sign would need to be adjusted to meet County sign regulations.

The Notice of Violation issued to the property owner was initiated by a call from the Department of Transportation to County Code Enforcement.

Duly sworn and appearing as agent for the applicant was Alberto Alcocer, Santa Fe. Mr. Alcocer said he sold the applicant, Vernon DeAgüero, the property in question and is also a close friend. There had been a sand and gravel sign on the property and Mr. DeAgüero suggested replacing it with a sign promoting Mr. Alcocer’s real estate business. He confirmed that his business is located on Montezuma; however, there are parking issues and he has been meeting clients on Rabbit Road. He agreed to the five staff-imposed conditions.

There were no other speakers on this case.

Member Martin moved to deny CDRC Case V 15-5140, Vernon DeAgüero variance request and require that the Applicant remove the sign within 30 days from the recording of the Final Order. Member Booth seconded and the motion passed by

majority [2-1] voice vote. Member Gonzales voted against the motion and Chair Katz did not vote.

B. PETITIONS FROM THE FLOOR

None were offered.

C. COMMUNICATIONS FROM THE COMMITTEE

None were presented.

D. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

E. MATTERS FROM LAND USE STAFF

An update on the disposition of CDRC cases by the BCC was distributed.

F. NEXT MEETING

The next meeting was scheduled for September 17, 2015.

G. ADJOURNMENT

Having completed the agenda, Chair Katz declared this meeting adjourned at approximately 4:15 p.m.

Approved by:

Frank Katz, CDRC Chair

ATTEST TO:

COUNTY CLERK

Before me, this ____ day of _____, 2015.

My Commission Expires: _____
Notary Public

Submitted by:
Karen Farrell Wordswork