

MEMORANDUM

DATE: December 14, 2010

TO: Board of County Commissioners

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 # MP/DP 10-5770 Santa Fe Brewing Company

ISSUE:

Santa Fe Brewing Company, Applicant, Brian Lock, Agent, request a Master Plan Amendment to allow outdoor entertainment as a permissible use and Final Development Plan approval for outdoor entertainment and for existing Restaurant and Brewery.

The property is located off Highway 14 at 35 Fireplace Road, within Section 25, Township 16 North, Range 8 East, (Commission District 5).

SUMMARY:

On October 21, 2010, the County Development Review Committee (CDRC) met and acted on this case, the decision of the CDRC was to recommend approval, of Case # MP/DP 10-5770, with staff conditions (Exhibit "K").

On November 9, 2004, the BCC granted Master Plan and Preliminary Development Plan approval for Santa Fe Brewing to allow a brewery facility and restaurant on 3.6 acres. The Final Development Plan was to be processed administratively (Exhibit "H").

The existing Zoning on the site does not include outdoor entertainment. The Applicant is requesting a Master Plan Amendment to allow outdoor entertainment as a use on this site. The Final Development Plan was not approved by staff consequently not recorded. The Applicants intent is to comply with Land Development Code and the conditions of prior approval by the

BCC. Therefore the Applicants request includes approval of the Final Development Plan for the existing facility (Exhibit “A”).

Article V, Section 5.2.6 (Amendments and Future Phase Approvals) states: “any substantial change in land use or any increase in density or intensity of development in the approved Master Plan requires approval by the County Development Review Committee and the Board” (Exhibit “F”).

Article V, Section 7.2 (Final Development Plan) states: “the Final Development Plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved Final Development Plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee” (Exhibit “G”).

The 3.6 acre site is designated as an Employment Center within the Community College District. An Employment Center allows for liquor sales and distribution facilities as a special use and restaurants as an eligible use, subject to Master Plan approval (Exhibit “I”).

Currently there are two (2) structures on the property, one of which has historically been operated as a restaurant and bar. The second structure is being operated as a brewery. The Applicant proposes to utilize the existing structures as they are currently being used, with a minor expansion to the restaurant for the proposed development (Exhibit “D”).

The outdoor entertainment at the site is currently being permitted by the County as Special Use Permits. The Master Plan Amendment would allow for outdoor entertainment without prior approval by the County. The parameters of the outdoor activities are listed within the conditions of approval herein.

The Application was reviewed for the following (Exhibit “E”):

EXISTING CONDITIONS:

The operation, as a brewing and restaurant facility, is currently in place. Conditions and/or modifications which were placed by the original approval by the BCC shall be adhered to and a letter of credit (LOC) shall be submitted for the cost of any improvements needed in meeting code requirements. The development is built out and only minor improvements are needed to insure the property is Code compliant.

ADJACENT PROPERTIES:

The property is fronted by State Road 14/Fireplace Road on the east and by the Otero, Puertas de Santa Fe and Mesa Vista Commercial Development on the south and is bordered by Interstate 25 on the north and west. Directly east of Fireplace Road is the Thornburg Development which has been approved as a commercial subdivision. These properties are all within the Community College District and are designated as Employment Center.

PARKING:

The submittal meets the requirements set forth in Article III, Section 9 (Parking Requirements) of the Land Development Code and Ordinance 2000-12 (Community College District). The Applicant is proposing 81 standard parking spaces and 8 handicap accessible parking spaces for a total of 89 spaces. The parking spaces for the handicap spaces shall be a minimum of 8'.5" x 20' per ADA requirements. Applicant shall show location of handicap ramp.

ACCESS:

The proposed development shall meet the requirements of Article V (Subdivision Design Standards), Section 8.1 (General Policy on Roads) and Article XV Regulations for the Community College District.

The Public Works Department supports the Development subject to the following conditions:

1. Provide notarized letters from adjoining property owners authorizing permission for overflow parking on adjoining properties.
2. Provide all weather driving surface to over flow parking.
3. Provide no parking signs along Fireplace Road.
4. All signage shall meet MUTCD Standards.
5. Provide a re-vegetation plan, for over flow parking lots, when outdoor entertainment season is complete.
6. Provide approved copy of D.O.T. access permit.

The New Mexico Department of Transportation has issued an updated access permit for this site.

OUTDOOR LIGHTING:

The application meets the criteria set forth in Article III, Section 4.4.4. (Outdoor Lighting). The outdoor lighting is existing and no additional lighting is proposed.

SIGNAGE:

The existing signs meet the criteria set forth in Article VIII, Sign Regulations. The proposal does not include new signage for the site.

WATER:

Domestic water is supplied by an on-site well and the county utility. The Applicant has submitted the well permit as well as a customer contract for commitment of water service (Exhibit "J")

FIRE PROTECTION:

The Santa Fe County Fire Department Fire Prevention Division has reviewed the submittal for Master Plan Amendment and Final Development Plan and has recommended approval subject to conditions listed in Exhibit "E".

LIQUID and SOLID WASTE:

The project is served by an on-site liquid waste system which is permitted by the NMED Ground Water Quality Bureau meeting state standards for commercial use. The Applicant does have a current Discharge Permit.

Dumpsters are located on the property and will be required to be screened with an opaque fence or wall. The owner will be required to contract with a company that is properly licensed to collect and dispose of solid waste.

TERRAIN MANAGEMENT:

The project complies with Article VII, Section 3 Terrain Management, Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance, and Ordinance No. 2000-12 Community College District.

LANDSCAPING/ RAINWATER HARVESTING:

The Amended Master Plan and Final Development Plan submittal dated 4/16/10, prepared by Brian Locke for Santa Fe Brewing Company, CDRC Case 10-5770, has been reviewed for compliance to Code criteria for Landscape and Rainwater Harvesting design.

The landscaping plan shall include an estimate of the cost of installation of the landscape materials and labor.

The Applicant has demonstrated on the landscape plan how the new plantings will be watered by a passive rainwater harvesting method, per Ordinance 2008-4.

ARCHAEOLOGY:

The State of New Mexico Department of Cultural Affairs Historic Preservation Division has reviewed this project and has determined that due to the small area of improvements a cultural survey is not necessary.

REQUIRED ACTION:

The BCC 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 Master Plan and Preliminary Development Plan was approved by the BCC; the site is designated as an Employment Center within the Community College District; an Employment Center allows for liquor sales and distribution facilities as a special use and restaurants as an eligible use; the proposal for the Master Plan Amendment and Final Development Plan meet the criteria set forth in the Land Development Code.

The review comments from State Agencies and the Building and Development Services Department have established findings that this Application is in compliance with Article V, Section 5.2.6 (Master Plan Amendments), Article V Section 7.2 (Final Development Plan) of the Land Development Code and Ordinance No. 2000-12 (Community College District). Staff recommends **approval** of a Master Plan Amendment to allow outdoor entertainment as a use on this site and Final Development Plan approval for a brewing and restaurant facility on 3.6 acres, subject to the following conditions:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal, County Public Works and County Utilities Department.
3. Master Plan Amendment with appropriate signatures shall be recorded with the County Clerk.
4. Final Development Plan with appropriate signatures shall be recorded with the County Clerk.
5. Outdoor events: noise mitigation shall be in place at all times; a traffic control plan shall be in place; the Applicant shall inform the County Fire Marshal and County Sheriff's Department two (2) weeks prior to any outdoor activities taking place; portable toilets shall be placed on the site for outdoor events; on sight/off site signage advertising an event shall not be permitted; a lease for the off-site parking shall be submitted prior to recording the Final Development Plan; in the case that the off-site parking area is not available or a lease is not renewed outdoor activities shall not be allowed. The above mentioned conditions shall be placed on the Final Development Plan and recorded.

ATTACHMENTS:

- Exhibit "A" – MP & DP Report
- Exhibit "B" – Vicinity Map
- Exhibit "C" – Development Drawings
- Exhibit "D" - Aerial Photo
- Exhibit "E" – Reviewing Agencies Comments
- Exhibit "F" – Article V, Section 5.2.6
- Exhibit "G" – Article V, Section 7.2
- Exhibit "H" – BCC Minutes
- Exhibit "I" – CCD Land Use Map and Table
- Exhibit "J" – Documentation of Water
- Exhibit "K" – CDRC Minutes
- Exhibit "L" – Documents on Overflow Parking