

City of Santa Fe, New Mexico

memo

DATE: July 25, 2013 for the August 2, 2016 Meeting

TO: Board of Adjustment

VIA: Lisa D. Martinez, Director, Land Use Department
Greg Smith, Current Planning Division Director

FROM: Daniel Esquibel, Land Use Planner Senior, Current Planning Division

Case #2016-71. 27698 W. Frontage Road Special Use Permit and Variance. Sommer, Karnes & Associates, LLP agent for Los Alamos National Bank and XLNT Services, Corp., requests Special Use Permit approval for a self-storage facility with exterior access (15 storage pods) totaling 19,840 square feet with a variance from §14.8-4(J) (publicly visible walls and fences) and a variance from §14-8.7(C) (Architectural points requirements) on +/- 4.92 acres. The property is zoned C-2 (General Commercial). (Dan Esquibel, Case Manager)

RECOMMENDATION

Staff recommends DENIAL of the variance requests.

Staff recommends APPROVAL of the Special Use Permit *subject to conditions listed on Exhibit A.*

I. EXECUTIVE SUMMARY

The project consists of a Special Use Permit and two variances. The request for a Special Use Permit is to allow mini-storage units in a C-2 (General Commercial) District, located at 27698 W. Frontage Road. The applicants are proposing to use grouped single use shipping containers arranged in pods for the structural components of the mini-storage units. Table 14-6.1-1 states that mini-storage uses may be permitted in C-2 Districts subject to a Special Use Permit.

Along with the Special Use Permit request the Applicants are proposing two variances to accommodate the use. The first is a variance from §14-8.4(J) regulating publicly visible walls and fences, and the second is from §14-8.7(C) regulating the architectural design of projects in a C-2 District.

An Early Neighborhood Notification (ENN) meeting was conducted on June 6, 2016 at the South Side Library.

Staff's review of the project found that the Applicant did not satisfy the variance criteria pursuant to §14-3.16(C)(1) and (C)(2) to request a variance – there are no unusual physical characteristics or other special circumstances that would “make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.”

Note that consideration of architectural and screening standards is particularly important due to the project site's visual prominence when viewed from I-25.

Staff's review of the application found that the proposed Special Use Permit would comply with approval criteria, subject to conditions identified in Exhibit A.

II. VARIANCE ANALYSIS

The analysis begins with review of the variances since a variance augments code standards required for the project.

Copies of the Applicant's variance submittal and variance criteria pursuant to §14-3.16(C) “Approval Criteria” can be found in Exhibit D “Code Sections” and Exhibit F “Applicant Submittals.”

A. Variance from §14.8-4(J)

Variance from §14.8-4(J) (publicly visible walls and fences) to allow the use of an existing 650± foot chain link fence with proposed slats for shielding along the south property line. The same design and construction is proposed along the east and west property lines. Wood fencing is proposed along the north property line adjacent to the Frontage Road. The proposed fencing along the north property line does not require a variance.

§14.8-4(J) “Screening and Buffering”

(1) “Wall and Fences”

For any project to which this Subsection 14-8.4(J) applies, publicly visible walls and fences shall be wrought iron or simulated wrought iron, wood or simulated wood, cedar pole, adobe, split-faced concrete block, stone, stuccoed or rectangular mesh wire on wooden posts in combination with vines or other climbing plant material.

Staff finds that the Applicant has not satisfied compliance to the special circumstances required by §14-3.16(C)(1) to request a variance from §14.8-4(J)(1) “Wall and Fences” with regard to the proposed development as viewed from the east and west property lines. There are no terrain constraints or other special circumstances along the east property line or west project boundary line that would support the need to waive the requirements of §14.8-4(J)(1). Much of the applicant's submittal makes an argument relevant to financial cost which is not a supported variance standard pursuant to §14-3.16(C)(1).

The Applicant's variance request to utilize the existing chain-link fence along the southern property line with proposed slats is partially supported. An earth berm running east-west along a

portion of the southern property line can be considered as an “unusual physical characteristic” of the site pursuant to §14-3.16(C)(1).

The property was annexed in 2013, and the applicant’s submittal makes reference to the existing chain-link fencing as an existing resource and an existing feature at the time of purchase. The existence of the legally nonconforming chain link fence is not a justification for a variance request for new development on the lot (Subsection 14-10 Nonconformities):

§14-10.1 GENERAL PROVISIONS

(A) Purpose and Intent

It is the intent of this article to allow legal nonconforming uses to continue until they are ceased and to allow legal nonconforming structures to be maintained until they are removed, but not to encourage their survival. Nonconforming uses are deemed incompatible with permitted uses. It is further the intent of this article to limit nonconforming structures so they are not allowed to be enlarged, expanded, extended or reconstructed after major damage or used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless otherwise allowed by Chapter 14.

The utilization of existing fencing with slats would be an intensification of non-conformity failing to meet the criterion pursuant to §14-3.16(C)(3).

The variance request also does not comply with the approval criteria in §14-3.16(C)(4) & (5). The applicant has not demonstrated that the proposed development could not occur without a variance.

B. Variance from §14-8.7(C)

A variance from §14-8.7(C) “*Architectural Design Review – Total Points Required*” is requested “in the event the Board of Adjustment determines that the Application does not meet the requirements of Code section 14-8.7.C.”

§14-8.7(C) regulates architectural design through a points review system. Table 14-8.7-2: “*Architectural Design Standards and Point Allocations*” requires projects in a C-2 District to obtain a total of 205 points. Staff’s review of the proposed project calculated the project design to qualify for a total of 170 points. A copy of Table 14-8.7-2 and staff’s analysis are attached in Exhibit D.

Staff’s review of the project found that the applicant did not meet the variance criteria to request a variance from the architectural requirements pursuant to §14-8.7(C). The material failed to support any special circumstances relevant to terrain along all sides of the property that justify a waiver of the standards. While the variance application suggests that the buildings will be within fencing of opaque material and the existing berm running east/west along the southern portion of the property complies with the standards, Staff finds that the design requirements of Chapter 14 are in addition to the buffering requirements which may include a berm.

Although the berm helps buffer against the south property and I-25, there are no terrain constraints along the north, west and east property lines that prohibit the applicant from developing in compliance with §14.8-7(C). Justification relevant to financial costs is not relevant to the criterion in §14-3.16(C)(1).

III. SPECIAL USE PERMIT ANALYSIS

A. Site Planning

The proposal is to construct 15 pods of single use shipping containers totaling 19,200 square feet on 4.92± acres. Solid waste, lighting and bicycle parking were not addressed by the applicant however these items can be addressed at the time of building permit.

The storage units break down:

Type of Structures	Container Dimensions	Square Footage
Shipping Containers	8' x 40'	320

Pods	Pod Dimensions	Square Footage
4 Containers	8' x 160'	1280

Number of Containers	Number of Pods	Square Footage
60	15	19,200

The project will also include the construction of a 640-square foot office building, constructed from shipping containers. This results in total gross square footage for the project of 19,840 square feet. Elevations for the office building were not included in the plans. Therefore, staff did not include the office in the architectural points review.

Access to the property is via I-25 West Frontage Road. Comments received from the City Traffic Division require that the applicant provide proof of compliance from the New Mexico Department of Transportation for access off the Frontage Road to the property (refer to Exhibit B-1).

Access feeds directly into the parking area located at the north portion of the property. The parking standard for mini-storage uses is one space for every storage area and the parking standard for the office is one space for every three hundred fifty square feet.

The total required parking is 17 spaces plus with 6 bicycle parking spaces and appropriate bicycle racks. The applicant is allowed to count parking spaces within the driveways between the buildings.

The applicant will be required to extend a water main for City water service to the property, and may be required to provide an additional fire hydrant. City Water Division conditions of approval can be found in Exhibit B-1. City sewer service is not available to the property within 200 feet. The applicant will need to submit approval for a septic tank and leach field system or

alternative system approved by the New Mexico State Environmental Department as part of their building permit submittal.

Technical requirements for Landscaping and Terrain Management can be handled at the time of permit. All conditions of approval can be found in Exhibit A-1.

B. Special Use Permit Approval Criteria

Special Use permits are subject to §14-3.6(D): *Approval Criteria and Conditions* (Exhibit D-2).

Necessary Findings

§14-2.3(D)(1)(a)- (Authority): *“that the land use board has the authority under the section of Chapter 14 described in the application to grant a special use permit;”*

Staff Analysis

§14-2.4 *“Board of Adjustment” (BOA)* grants the authority of the Board of Adjustment (BOA) *“to hear and decide applications for special use permits”*.

§14-2.3(D)(1)(b)- (Public Interest): *“that granting the special use permit does not adversely affect the public interest”*

Staff Analysis

The Governing Body has implemented the General Plan as stated in Subsection Section §14-1.3 (*General Purposes*). The resulting ordinances establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest from within the municipality. The city has reviewed the proposed Special Use Permit application in accordance with these ordinances. As outlined in this memorandum, together with recommended conditions, the proposed Special Use Permit application can comply with minimum standards of Chapter 14 SFCC.

§14-2.3(D)(1)(c)- (Compatible With And Adaptable To): *“that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.”*

Staff Analysis

There are two components within the third required finding. First, that the use is compatible with, and adaptable to, any associated buildings, structures, and uses of the abutting property and other properties in the vicinity of the premises under consideration.

The first component is established by Chapter 14 “Table 14-6.1-1-Table of Permitted Uses” (reference Exhibit D1 for copy of table excerpt). Under the *“Specific Use”*, *“Storage”*, *“Mini-storage units”* are identified as an allowable use subject to approval under the provisions of §14-3.6 (*Special Use Permits*). City code establishes that *Mini-storage units* are a nonresidential use and are permissible within a C-2 District provided a Special Use Permit is granted. Nearby existing uses and zoning are commercial and light industrial, and it is unlikely that operation of the proposed mini-storage project would adversely affect their operation.

The second component is that any associated buildings are compatible with, and adaptable to, buildings, structures, and uses of the abutting property and other properties in the vicinity of the premises under consideration. As noted above, the proposed storage buildings do not meet the architectural standards of Subsection 14-8.6. If buildings that meet the design and screening standards are provided, the second criteria would be met.

III. ENN

On June 6, 2016 at the South Side Library, two interested parties attended an Early Neighborhood Notification (*ENN*) meeting regarding the mini-storage unit Special Use Permit. The meeting included a series of questions and answers between the attendees and the applicant. One interested party raised concerns regarding consistency with appearance requirements in the code, and the other expressed support for the project as proposed.

IV. CONCLUSION

The applicant has complied with all application process requirements. The applicant conducted an ENN on June 6, 2016, pre-application meeting on June 9, 2016, and notice requirements pursuant to Subsection Section §14-3.1(H).

Staff was not able to find that the variance submittals complied with §14-3.16(C) "*Approval Criteria*"

The Land Use Department has determined that the proposed application for Special Use Permit complies with the necessary approval criteria per §14-3.6(D) "*Approval Criteria*" and recommends **APPROVAL subject to conditions in Exhibit A.**

The BOA may specify conditions of approval, including but not limited to those listed from §14-3.6 (D)(2) (Exhibit D-1).

V. EXHIBITS

Exhibit A

1. Conditions of approval

Exhibit B: DRT Comments

1. City Traffic Engineering Division
2. Land Use Technical Review Division – Landscaping
3. City Fire Marshal
4. Water Division
5. Land Use Technical Review Division – Terrain Management
6. City Solid Waste Division
7. Wastewater Division

Exhibit C: Maps

1. Vicinity Map

Exhibit D: Code Sections

1. 14-3.16 “Approval Criteria” (Variance)
2. 14-3.6(D)(1) “Approval Criteria” (Special Use Permit)
3. 14-10 “*Nonconformities*”
4. 14.8.7(C) Total Points Required
5. Staff’s Architectural Points Review

Exhibit E: Early Neighborhood Notification (*ENN*) materials

1. Meeting notes
2. ENN Guidelines

Exhibit F: Applicant Submittals

1. Letter of Application
2. Plans

3. 14-10 “*Nonconformities*”
4. 14.8.7(C) Total Points Required
5. Staff’s Architectural Points Review

Exhibit E: Early Neighborhood Notification (*ENN*) materials

1. Meeting notes
2. ENN Guidelines

Exhibit F: Applicant Submittals

1. Letter of Application
2. Plans

EXHIBIT A
Conditions of Approval
Case #2016-71
27698 W. Frontage Road Special Use Permit and Variance

	Condition	Department	Staff
1	<p>1. The Developer shall provide a copy of the NMDOT access permit (or denial) to the PWD that includes any conditions required by NMDOT. Show compliance with Plant Standards for SFCC 14-8.4 (Prior to final sign-off by PWD)</p> <p>2. The Developer shall incorporate recommended changes into the plan set for this variance request. (Prior to final sign-off by PWD)</p>	Traffic Division	Sandra Kassens 7/20/2016
2	<p>1. Special use permit must comply with all requirements of Article 14-8.4 "Landscape and Site Design." (Construction Permit submittal)</p> <p>2. All proposed vegetation must be provided in accordance with Article 14-8.4(F) "Plant Material Standards." (Construction Permit submittal)</p> <p>3. Provide open space calculations, requirements in accordance with Article 14-7.5 "Open Space Standards" that meets all planting requirements of Article 14-8.4(H) "Open Space Planting Requirements." (Construction Permit submittal)</p> <p>4. Must meet all irrigation standards as stated in Article 14-8.4(E)(4) "Irrigation Standards." (Construction Permit submittal)</p> <p>5. Parking must comply with all requirements of Article 14-8.4(I)"Parking Lots." (Construction Permit submittal)</p>	LUD Technical Review Division	Somie Ahmed 7/1/2016
3	<p>A Main extension will be required for this project. The developer has met with the Water Division and the concept of the main extension with a fire hydrant has been approved. For construction of the necessary water infrastructure, the water plan for main extension and individual water service to the lot must be submitted directly to the Water Division in our format. The water plan must be approved by the water division in order to enter into an agreement to construct and dedicate the water main.</p>	Wastewater Division	Dee Beingsner, 6/28/2016
4	<p>Visible solid waste provisions on plan set.</p>	Environmental	Eric Lucero

EXHIBIT A
 Conditions of Approval
 Case #2016-71
27698 W. Frontage Road Special Use Permit and Variance

	Services	7/11/2016
5	Wastewater Division	Stan Holland Engineer 7/11/2016
	Fire Marshal	Reynaldo Gonzales 7/11/2016
	Land Use Current Planning	Dan Esquibel This Memo

Prior to any new construction on the lot, the owner shall obtain a septic system permit from the New Mexico environment Department.

Prior to new construction:

1. All Fire Department access shall be no greater than a 10% grade throughout
 2. Fire Department access shall not be less than 20 feet width to any new/remodel construction
 3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided.
1. The building permit shall include parking for bicycle and vehicle pursuant to Chapter 14
 2. If lighting is included in the development, a photo metric analysis with elevations, bulb type and wattage shall be included in the building permit plans.

August 02, 2016
Board Of Adjustment
Case # 2016-71
27698 W. Frontage Road
Special Use Permit and Variance

EXHIBIT B

DRT Comments

City of Santa Fe, New Mexico

memo

Date: July 20, 2016

To: Dan Esquibel, Land Use Planner Senior, Case Manager

Via: John Romero, Engineering Division Director *JR*

From: Sandra Kassens, Engineer Assistant *SK*

Dept/Div: PWD/Engineering Division/Traffic

Case: **2016-71 – 27698 W. Frontage Road Special Use Permit and Variance.**

Case Mgr: Dan Esquibel

CASE:

Sommer, Karnes & Associates, LLP., agent for Los Alamos National Bank and XLNT Services, Corp., requests Special Use Permit approval for a self-storage facility with Exterior access (15 storage pods) totaling 19,840 square feet with a variance from §14-8.4(J) (publicly visible walls and fences) and a variance from §14-8.7(C) (Architectural points requirements) on ±4.92 acres. The property is zoned C-2 (General Commercial).

RECOMMENDED ACTION:

Review comments are based on submittals received on June 23, 2016. The comments below should be considered as Conditions of Approval to be addressed prior to final sign-off unless otherwise noted:

- The Developer shall coordinate with the District 5 offices of the New Mexico Department of Transportation (NMDOT) with regards to the NMDOT's requirements for access to the state-owned frontage road. The Developer shall demonstrate to the PWD that conditions (if any) required by NMDOT for this access have been met prior to final sign-off by the PWD.

Summary of Conditions of approval:

	Summary of Conditions of approval:	Must be completed by:
1	The Developer shall provide a copy of the NMDOT access permit (or denial) to the PWD that includes any conditions required by NMDOT.	Prior to final sign-off by the PWD.
2	The Developer shall incorporate recommended changes into the plan set for this variance request.	Prior to final sign-off by the PWD.

If you have any questions or need any more information, feel free to contact me at 955-6697.
Thank you.

Development Review Team

Comment Form

Date: July 1st, 2016

Staff person: Somie Ahmed

Dept/Div: LUD/Technical Review Division

Case: 2016-71 27698 W. Frontage Road Special Use Permit & Variance

Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1. Special use permit must comply with all requirements of Article 14-8.4 "Landscape and Site Design."	Construction Permit submittal
2. All proposed vegetation must be provided in accordance with Article 14-8.4(F) "Plant Material Standards."	Construction Permit submittal
3. Provide open space calculations, requirements in accordance with Article 14-7.5 "Open Space Standards" that meets all planting requirements of Article 14-8.4(H) "Open Space Planting Requirements."	Construction Permit submittal
4. Must meet all irrigation standards as stated in Article 14-8.4(E)(4) "Irrigation Standards."	Construction Permit submittal
5. Parking must comply with all requirements of Article 14-8.4(I) "Parking Lots."	Construction Permit submittal

Development Review Team Comment Form

Date: 6/28/16
 Staff person: Dee Beingessner
 Dept/Div: Public Utilites/Water Division
 Case: 2016-71 27698 w Frontage Road Special Use Permit and Variance
 Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

<p>1 A main extension will be required for this project. The developer has met with the Water Division and the concept of a main extension with a fire hydrant has been approved. For construction of the necessary water infrastructure, the water plan for main extension and individual water service to the lot must be submitted directly to the water division in our format. The water plan must be approved by the water division in order to enter into an agreement to construct and dedicate the water main.</p>	<p>Prior to obtaining a notice to proceed to construct the water infrastructure for the development.</p>
2	
3	
4	

Technical Corrections*:

Must be completed by:

1	
2	
3	
4	

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

City of Santa Fe, New Mexico

memo

Date: June 20, 2016
To: To Whom it May Concern
From: Dee Beingsner, Water Division Engineer Associate 
RE: Request to place fire hydrant at 27698 W Frontage Road.

The Water Division has reviewed and approved in concept the request by XLNT Self Storage to install a fire hydrant on the property located at 27698 W. Frontage Road.

The Water Division has determined through the water model that the fire flow at this future hydrant will be 1500 gpm.

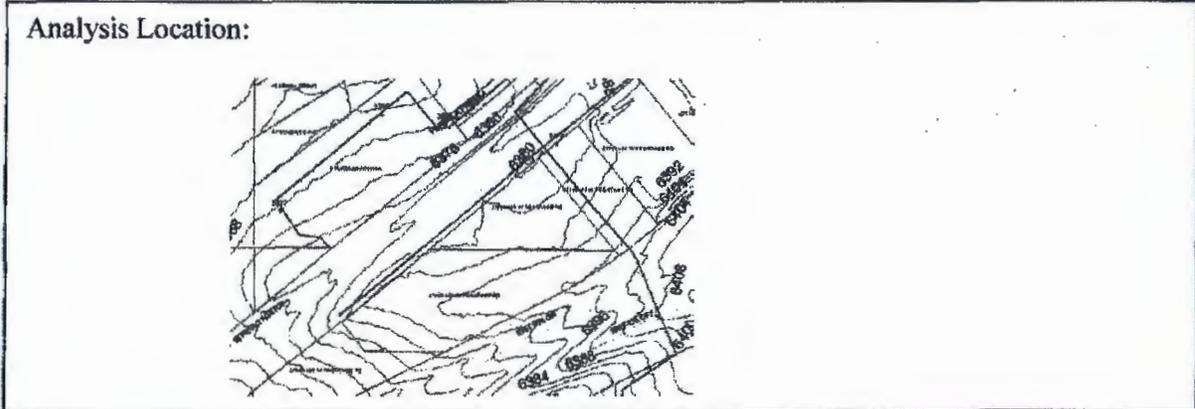
In order to pursue the installation of the fire hydrant, XLNT Self Storage must follow the Water Division's process for an Agreement to Construct and Dedicate the water main and hydrant. The water main must be extended to the furthest limit of the property to be served.



Fire Flow Analysis Application
(FOR BUILDING SPRINKLER DESIGN)
 City of Santa Fe Water Division
 801 West San Mateo Rd.
 Santa Fe, NM 87505

Applicant Name XLNT Self Storage Date: 6-20-16
 Contact Name: Alan Wreyford Contact Number: 505-603-1000
 Project Address: 27698 W Frontage Rd Santa Fe NM
 Flow Required: 1500 gpm
 Residual Pressure Required: psi

NOTE: Provide a vicinity map with this request.



Fire Hydrant Analysis		
Fire Flow (gpm)	Residual Pressure (psi)	Notes:
1500	82	Values at node J-80449 Future Fire Hydrant, (proposed point of connection to a future 8" main—no fire/service line losses) calculated at elevation 6384.

The fire flow for this hydrant is 1500 gpm.

NAME: DATE: 6/20/16
 Engineer, City of Santa Fe Water Division

Development Review Team

Comment Form

Date: 7/13/16

From: Risana "RB" Zaxus, City Engineer for Land Use

Dept/Div: Land Use, Technical Review Division

Case: Case #2016-71: 27698 W. Frontage Road Special Use Permit/Variance

Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

Conditions of Approval :	Must be completed by:
1 NONE	
2	
3	
4	

Technical Corrections*:

Must be completed by:

Technical Corrections*:	Must be completed by:
1 A cistern is noted on sheet GD-1 but not shown; clarify	Recordation
2 Format of Development Plan needs revision; an example be provided. Work with City Engineer on this.	Recordation

*Must made prior to recording and/or permit issuance

Development Review Team

Comment Form

Date: 7/11/16
From: Eric J Lucero, Operations Manager
Dept/Div: Environmental Services
Case: Case #2016-71. 27698 W. Frontage Road Special Use Permit and Variance.
Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :	Must be completed by:
1 Visible solid waste provisions on planset.	
2	
3	
4	

Technical Corrections*:	Must be completed by:
1	
2	
3	
4	

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

There are no visible provisions for solid waste on planset. There is also no visible designated area for refuse/recycle service. This is acceptable with the understanding that service will only be provided in small 96 gallon containers.

Development Review Team
Wastewater Management Division

E-Mail Delivery
Comment Form



Date: 7/11/16
 From: Stan Holland, Engineer, Wastewater Division
 Dept/Div: Wastewater Division
 Case: Case #2016-71. 27698 W. Frontage Road Special Use Permit and Variance.
 Case Mgr: Dan Esquibel

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval: Must be completed by:

1. The subject property is not accessible (within 200 feet) to the City public sewer system. Prior to any new construction on the lot, the owner shall obtain a septic system permit from the State of New Mexico Environment Department.	
2	
3	
4	

Technical Corrections*: Must be completed by:

1	
---	--

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

Development Review Team

Comment Form

Date: July 11 2016

Staff person: Reynaldo Gonzales *Reynaldo D. Gonzales*

Dept/Div: Fire

Case: 2016-71 276898 W. Frontage Road Special Use Permit and Variance

Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1 None	Prior to approval
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Technical Corrections*:

Must be completed by:

1 None	
--------	--

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

Prior to any new construction or remodel the current code adopted by the governing body would need to be met.

1. All Fire Department access shall be no greater than a 10% grade throughout.
2. Fire Department Access shall not be less than 20 feet width to any new/remodel construction.
3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided.

4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

5. Shall have water supply that meets fire flow requirements as per IFC

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Special Use Permit and Variance

EXHIBIT C

Maps

August 02, 2016
Board Of Adjustment
Case # 2016-71
27698 W. Frontage Road
Special Use Permit and Variance

EXHIBIT D

Code Sections

14-3.16 VARIANCES

(C) Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

- (1) One or more of the following special circumstances applies:
 - (a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;
 - (b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;
 - (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or
 - (d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing* or *significant property* pursuant to Section 14-5.2 (Historic Districts).
- (2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.
- (3) The *intensity of development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.
- (4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:
 - (a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;
 - (b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.
- (5) The variance is not contrary to the public interest.
- (6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

14-3.6 SPECIAL USE PERMITS

(D) Approval Criteria and Conditions

(1) Necessary Findings

To grant a special use *permit*, a *land use board* shall make the following findings:

- (a) that the *land use board* has the authority under the section of Chapter 14 described in the *application* to grant a special use *permit*;
- (b) that granting the special use *permit* does not adversely affect the public interest, and
- (c) that the use and any associated *buildings* are compatible with and adaptable to *buildings, structures* and uses of the abutting *property* and other *properties* in the vicinity of the *premises* under consideration.

(2) Conditions

The *land use board* may specify conditions of approval that are necessary to accomplish the proper *development* of the area and to implement the policies of the *general plan*, including:

- (a) special *yards* or *open spaces*;
- (b) fences, *walls* or *landscape screening*;
- (c) provision for and arrangement of parking and vehicular and pedestrian circulation;
- (d) on-site or off-site *street*, sidewalk or utility improvements and maintenance agreements;
- (e) noise generation or attenuation;
- (f) dedication of *rights of way* or easements or access rights;
- (g) arrangement of *buildings* and use areas on the site;
- (h) special hazard reduction measures, such as *slope* planting;
- (i) minimum site area;
- (j) other conditions necessary to address unusual site conditions;
- (k) limitations on the type, extent and *intensity* of uses and *development* allowed;

- (l) maximum numbers of *employees* or occupants permitted;
- (m) hours of operation;
- (n) establishment of an expiration date, after which the use must cease at that site;
- (o) establishment of a date for annual or other periodic review at a public hearing;
- (p) plans for sustainable use of energy and recycling and solid waste disposal;
- (q) any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate *development* and use of land;
and
- (r) conditions may not be imposed that restrict the use to a specific *person* or group.

Article 14-10: NONCONFORMITIES

(Ord. No. 2011-37 § 13)

14-10.1 GENERAL PROVISIONS

(A) Purpose and Intent

It is the intent of this article to allow *legal nonconforming uses* to continue until they are ceased and to allow *legal nonconforming structures* to be maintained until they are removed, but not to encourage their survival. *Nonconforming* uses are deemed incompatible with permitted uses. It is further the intent of this article to limit *nonconforming structures* so they are not allowed to be enlarged, expanded, extended or reconstructed after major damage or used as grounds for adding other *structures* or uses prohibited elsewhere in the same district, unless otherwise allowed by Chapter 14.

14-10.3 LEGAL NONCONFORMING STRUCTURES

Legal nonconforming structures may be maintained subject to the following provisions:

(A) No Increase in Nonconformity

A *legal nonconforming structure* shall not be enlarged or altered in a way that increases the degree or extent of its nonconformity. This Section 14-10.3 is not intended prohibit additions or *alterations* that do not increase the nonconformity.

(C) Total Points Required

The total number of points required for a given project are set forth in this Subsection 14-8.7(C);

(1) Point Requirements for New Construction

Point requirements for new construction, excluding additions, vary according to the zoning district in which the project is located.

**TABLE 14-8.7-1: Point Requirements by Zoning District
(Ord. No. 2013-16 § 51)**

TABLE 14-8.7-1: Point Requirements by Zoning District	
Zoning District	Points Required
C-1, C-2, C-4, BCD, PRRC, SC, HZ, MU	205
RR, R-1 - R-6, R-7, R-8, R-9, R-10 — R-29, RC-5, RC-8, PRC, RAC, AC	180
I-1, I-2, BIP	155

(2) Additions to Nonconforming Buildings

Point requirements for additions to a *building* that conforms to the provisions of this Section 14-8.7 are as set forth for new construction in Subsection 14-8.7(C)(1) for the entire *property*, including both existing and proposed *publicly visible* improvements. Point requirements for additions to a *building* that is legally nonconforming with regard to the provisions of this Subsection 14-8.7(C) shall be as provided in Subsections 14-8.7(C)(2)(a), (b) or (c).

(a) If a proposed addition to a *legal nonconforming building* increases the *gross floor area* on a *lot* by more than seventy-five percent of the original floor area, architectural design points shall be calculated based on the entire *property*, both existing and proposed *publicly visible* improvements.

(b) If a proposed addition to a *legal nonconforming building* increases the *gross floor area* on a *lot* by less than or equal to seventy-five percent of the original floor area, architectural design points shall be calculated based on the new construction only.

(c) A specific number of architectural design points is not required for structurally connected additions that do not exceed twenty-five percent of the *gross floor area* of the existing *legal nonconforming building* and that match the existing architecture.

(d) A specific number of architectural design points is not required for structurally connected additions to *buildings* of unique architectural merit, as determined on a case-by-case basis by the *land use director* in consultation with the state historic preservation division and the Santa Fe chapter of the American institute of architects, that either match the existing architecture or comply with the secretary of the interior's standards for rehabilitation. Architectural review in such cases shall be performed by the *land use director*.

(e) For the purposes of this Section 14-8.7 "addition" means additional *gross floor area* constructed on a single *lot* and "structurally connected addition" means additional *gross floor area* that directly adjoins and abuts an existing *building*.

(3) Remodeling, Repainting and Restuccoing in a Different Color

Point requirements for exterior *remodeling* requiring structural *alterations* and involving more than fifty percent of a *building's* total publicly visible *façade* and roof area are as set forth for new construction in Subsection 14-8.7(C)(1). Architectural design points shall be calculated based on the entire *building*, both existing and *publicly visible* new construction. Cosmetic *remodeling*, repainting, restuccoing in a different color or exterior *remodeling* requiring structural *alterations* and involving less than or equal to fifty percent of a *building's* total *publicly visible façade* and roof area do not require any specific number of architectural design points; however, no proposed architectural design shall result in the assignment of negative points. For the purposes of this Section 14-8.7, "structural *alteration*" means the addition or deletion of *building* elements, including doors, windows or fenestration and any changes in the type of finish material used.

(D) Architectural Design Standards and Point Allocations

Point allotments are granted to *building* projects according to the criteria set forth in this Subsection 14-8.7(D). The total number of points required for a given project shall be as set forth in Subsection 14-8.7(C). Points shall be calculated only for those architectural design features that are *publicly visible* from a *street*, way or public *place*. All exterior architectural design features shall be considered *publicly visible* unless the *applicant* can show otherwise. Partial point allotments shall not be granted. If a *building* feature or element cannot be evaluated because it is not required and does not exist, the maximum allowable point allotment for that feature or element shall be granted. For the purposes of this Section 14-8.7, "predominant" means having the most *publicly visible* surface area.

Table 14-8.7-2: Architectural Design Standards and Point Allocations

TABLE 14-8.7-2: Architectural Design Standards and Point Allocations		
Architectural Design Standards		Points
WALLS		
Predominant Exterior	Stucco, adobe	30
	Brick, natural stone, and integrally colored unit masonry	25

TABLE 14-8.7-2: Architectural Design Standards and Point Allocations		
Architectural Design Standards		Points
Surface Material	Concrete and non-integrally colored unit masonry	20
	Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials	10
	Mirrored glass curtainwall systems	-10
Color of Predominant Exterior Surface Material	Earhtones, creams, and pastels of earhtone hues including but not necessarily limited to rose, peach, and terra cotta colors	30
	Pastel colors of non-earhtone hues, whites, grays, and grayish greens	15
	High-intensity colors, metallic colors, glass and black	-10
Exterior Surface Treatment	(A) Wall surfaces appear monolithic with at least 75 percent of the total wall area one material and one color. Differing shades of the same general hue shall not be considered different colors. Non-solar fenestration, window and door awnings, applied trim, and accent materials, colors, and decorative bands, with the exception of stucco, masonry or concrete control joints, are used in such a way that they do not give a panelized or prefabricated appearance, produce striped or checkerboard patterns, or exceed 25 percent of the surface area of any façade. Fenestration and/or accent colors on wall surfaces under portals or canopies having a horizontal depth of at least six feet shall be exempt from area calculations	10
	(B) Wall surfaces do not meet the criteria set forth in paragraph (A) above	-10
ROOFS		
Form	(A) Flat roof surfaces entirely concealed from public view by parapets	20
	(B) Flat roof surfaces not entirely concealed from public view by parapets, uniformly sloping roofs, or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with greater than or equal to four feet of vertical rise for every 12 feet of horizontal run and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run	15
	(C) Uniformly sloping roofs or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with less than four feet of vertical rise for every 12 feet of horizontal run or having a slope with greater than 12 feet of vertical rise for every 12 feet of horizontal run	10
	(D) Any type of sloping roof having a height, from springline to peak, that exceeds the average height of the supporting walls; non-uniformly sloping roofs; or any combination of flat and non-uniformly sloping roofs	-10
Predominant Material	(A) All surfaces are concealed from public view	20
	(B) Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view	15
	(C) Flat tiles of clay, concrete or slate	10

TABLE 14-8.7-2: Architectural Design Standards and Point Allocations		
Architectural Design Standards		Points
	(D) Barrel tiles of clay, concrete, or slate; and asphalt shingles	5
	(E) Wood shingles or shakes and other materials including but not necessarily limited to plastic, fiberglass or metal roof tiles	-10
Predominant Color	(A) All surfaces are concealed from public view	15
	(B) Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead	10
	(C) Low-intensity colors other than those stated above	5
	(D) White	0
	(E) Bright, non-fading, high-intensity colors and any use of multiple colors	-15
BUILDING FORM		
Massing	(A) One-story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area which are designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade	30
	(B) One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story buildings with less than or equal to 20,000 square feet of gross floor area which are designed with either offsetting wall planes or upper story setbacks of at least four horizontal feet, or a recessed entry space or projecting canopy or portal having a depth of at least six horizontal feet, on at least one publicly visible façade	30
	(C) Buildings not utilizing the massing techniques described in paragraphs (A) or (B) above	0
DOORS AND WINDOWS		
Treatment	(A) More than 50 percent of doors, windows and glazed surfaces, which are not located under portales or canopies having a horizontal depth of at least six feet, have either frames recessed a minimum of two inches, are cased with trim, have divided lites, or have exposed or otherwise articulated lintels	20
	(B) More than 50 percent of doors, windows and glazed surfaces do not meet the requirements set forth in paragraph (A) above	0
Area	(A) All wall surfaces which are not located under portales or canopies having a horizontal depth of at least six feet, and which do not include solar fenestration, have less than or equal to 50 percent openings consisting of doors, windows, glazing and other penetrations	20
	(B) Wall surfaces do not meet the requirements as set forth in paragraph (A) above	0
Location	(A) All doors, windows and glazed surfaces, on structures having a gross floor area greater than 150 square feet, are located at least two feet from outside building corners	20

TABLE 14-8.7-2: Architectural Design Standards and Point Allocations		
Architectural Design Standards		Points
	(B) All doors, windows and glazed surfaces, on structures having a gross floor area less than or equal to 150 square feet, have at least a two inch mullion at inside and outside building corners	20
Glazing	(A) All glazing is clear or tinted neutral gray	10
	(B) Any use of colored glazing	0
	(C) Any use of mirrored glazing	-10
EQUIPMENT		
Screening	(A) All roof and wall mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, are screened from public view by parapets, walls, fences, dense evergreen foliage, or by other means	10
	(B) All building mounted equipment set forth in paragraph (A) above is either screened; and/or painted to match visually adjacent surfaces	5
	(C) All building mounted equipment set forth in paragraph (A) above is not screened and/or painted to match visually adjacent surfaces	-10

TABLE 14-8.7-2: Architectural Design Standards and Point Allocations

TABLE 14-8.7-2: Architectural Design Standards and Point Allocations				TOTAL	170
C-1, C-2, C-4, BCD, PRRC, SC, HZ, MU	205	R-9, R-10, R-29, RC-5, RC-8, PRC, RAC, AC	180	I-1, I-2, BIP	155
WALLS					
Predominant Exterior Surface Material	Stucco, adobe	30	30	30	
	Brick, natural stone, and integrally colored unit masonry	25			
	Concrete and non-integrally colored unit masonry	20			
	Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials	10			
	Mirrored glass curtainwall systems	-10			
Color of Predominant Exterior Surface Material	Earthtones, creams, and pastels of earthtone hues including but not necessarily limited to rose, peach, and terra cotta colors	30	30	30	Applicant stated it will be Code Compliant
	Pastel colors of non-earthtone hues, whites, grays, and grayish greens	25			
	High-intensity colors, metallic colors, glass and black	-10			
Exterior Surface Treatment	(A) Wall surfaces appear monolithic with at least 75 percent of the total wall area one material and one color. Differing shades of the same general hue shall not be considered different colors. Non-solar fenestration, window and door awnings, applied trim, and accent materials, colors, and decorative bands, with the exception of stucco, masonry or concrete control joints, are used in such a way that they do not give a panelized or prefabricated appearance, produce striped or checkerboard patterns, or exceed 25 percent of the surface area of any façade. Fenestration and/or accent colors on wall surfaces under portals or canopies having a horizontal depth of at least six feet shall be exempt from area calculations	10	10	10	
	(B) Wall surfaces do not meet the criteria set forth in paragraph (A) above	-10			
ROOFS					
FORM	(A) Flat roof surfaces entirely concealed from public view by parapets	20		15	
	(B) Flat roof surfaces not entirely concealed from public view by parapets, uniformly sloping roofs, or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with greater than or equal to four feet of vertical rise for every 12 feet of horizontal run and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run	15	15		
	(C) Uniformly sloping roofs or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with less than four feet of vertical rise for every 12 feet of horizontal run or having a slope with greater than 12 feet of vertical rise for every 12 feet of horizontal run	10			
	(D) Any type of sloping roof having a height, from springline to peak, that exceeds the average height of the supporting walls; non-uniformly sloping roofs; or any combination of flat and non-uniformly sloping roofs	-10			
	(A) All surfaces are concealed from public view	20			

Predominant Material	(B) Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view	15	15	15
	(C) Flat tiles of clay, concrete or slate	10		
	(D) Barrel tiles of clay, concrete, or slate; and asphalt shingles	5		
	(E) Wood shingles or shakes and other materials including but not necessarily limited to plastic, fiberglass or metal roof tiles	-10		
Predominant Color	(A) All surfaces are concealed from public view	15		10
	(B) Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead	10	10	
	(C) Low-intensity colors other than those stated above	5		
	(D) White	0		
	(E) Bright, non-fading, high-intensity colors and any use of multiple colors	-10		
BUILDING FORM				
Massing	(A) One-story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area which are designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade	30		0
	(B) One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story buildings with less than or equal to 20,000 square feet of gross floor area which are designed with either offsetting wall planes or upper story stepbacks of at least four horizontal feet, or a recessed entry space or projecting canopy or portal having a depth of at least six horizontal feet, on at least one publicly visible façade	30		
	(C) Buildings not utilizing the massing techniques described in paragraphs (A) or (B) above	0	0	
DOORS AND WINDOWS				
Treatment	(A) More than 50 percent of doors, windows and glazed surfaces, which are not located under portales or canopies having a horizontal depth of at least six feet, have either frames recessed a minimum of two inches, are cased with trim, have divided lites, or have exposed or otherwise articulated lintels	20	20	50
	(B) More than 50 percent of doors, windows and glazed surfaces do not meet the requirements set forth in paragraph (A) above	0		
Area	(A) All wall surfaces which are not located under portales or canopies having a horizontal depth of at least six feet, and which do not include solar fenestration, have less than or equal to 50 percent openings consisting of doors, windows, glazing and other penetrations	20		
	(B) Wall surfaces do not meet the requirements as set forth in paragraph (A) above	0	0	
	(A) All doors, windows and glazed surfaces, on structures having a gross floor area greater than 150 square feet, are located at least two feet from outside building corners	20	20	

Applicant stated it will be Code Compliant

Applicant stated it will be Code Compliant

Location	(B) All doors, windows and glazed surfaces, on structures having a gross floor area less than or equal to 150 square feet, have at least a two inch mullion at inside and outside building corners	20		
Glazing	(A) All glazing is clear or tinted neutral gray	10	10	
	(B) Any use of colored glazing	0		
	(C) Any use of mirrored glazing	-10		
EQUIPMENT				
Screening	(A) All roof and wall mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, are screened from public view by parapets, walls, fences, dense evergreen foliage, or by other means	10	10	10
	(B) All building mounted equipment set forth in paragraph (A) above is either screened; and/or painted to match visually adjacent surfaces	5		
	(C) All building mounted equipment set forth in paragraph (A) above is not screened and/or painted to match visually adjacent surfaces	-10		

Applicant stated it will be Code Compliant

August 02, 2016
Board Of Adjustment
Case # 2016-71
27698 W. Frontage Road
Special Use Permit and Variance

EXHIBIT E

Early Neighborhood Notification (*ENN*)



City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	XLNT Self Storage
<i>Project Location</i>	27698 West Frontage Road
<i>Project Description</i>	Special Use Permit and Variances to Architectural Point Requirements for a self-storage
<i>Applicant / Owner</i>	XLNT –Services Corp.
<i>Agent</i>	Sommer-Karnes & Associates, LLP
<i>Pre-App Meeting Date</i>	6/9/2016
<i>ENN Meeting Date</i>	6/6/2016
<i>ENN Meeting Location</i>	South Side Library
<i>Application Type</i>	Special Use Permit and Variance
<i>Land Use Staff</i>	Greg Smith
<i>Other Staff</i>	
<i>Attendance</i>	2

Notes/Comments:

On June 6, 2016 at the South Side Library, approximately 2 interested parties attended an Early Neighborhood Notification (ENN) meeting regarding the mini-storage unit Special Use Permit. The meeting was a series of questions and answers between the attendees and the Applicant but no concerns were raised.



ENN GUIDELINES

Applicant Information

Project Name: XLNT Self-Storage

Name: XLNT Services, LLC Agent – Sommer Karnes & Associates, LLP

Address: 27698 W. Frontage Road

Phone: (505) 989-3800 E-mail Address: Joseph@sommer-assoc.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.

The vacant and relatively flat 4.92 acre property is located north of I-25 and South of the I-25 Frontage Road about a quarter mile west of the Cerrillos Road/I-25 interchange. The project will consist of one-story groupings of 4-5 shipping containers with stuccoed panels applied to the exterior in order to fit into the prevalent architectural style, along with roll-up doors. The property will be fenced with an opaque fence in accord with City Code requirements, which will minimize visibility of the storage units. There will be area lighting at the entrance and within the property in compliance with City Code lighting standards. Landscaping will be provided in accord with City Code requirements. Setback will meet or exceed City standards.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.

The property is vacant and relatively flat with no trees and minimal vegetation. There are no arroyos within the property. There is existing development adjacent to the west and east as well as to the north, across the frontage road, and south, across I-25. The property will be enhanced by the installation of landscaping in compliance with City Code requirements.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.

There are no known historic or cultural sites located on the property. The property is not within any designated archaeological district or historic district.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The subject property is zoned C-2 and the future land use designation is Commercial, as are the properties between I-25 and the West Frontage Road to the west and east. The area along the north side of the I-25 Frontage Road is zoned BIP and the Santa Fe Tobacco facility is located directly across the frontage road from the subject property. The area to the south of I-25 is within Santa Fe County jurisdiction. The subject property is not adjacent to any residential uses or residentially-designated properties.

There are pet kennels located adjacent to the subject property to the west and east. The self-storage facility is a low-intensity use that will be relatively compatible with the pet kennels.

The project will contain less than 30,000 square feet of development and will comply with all City Code requirements except that it is presently being determined whether the project can meet the architectural point requirements set forth in the City Code. The applicant is making every effort to do so and is providing notice for a variance to ensure that in the event the standards cannot be met, the application can go forward, with proper notice being provided.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The self-storage project is a low-intensity use. Most clients will drive to their unit in their own vehicle. All parking will be contained on-site. Vehicle trip generation associated with mini-storage use is minimal and typically does not occur during the peak hours. The subject property is just west of the I-25/Cerrillos intersection which will be used by most clients and is a main reason why the subject property was selected.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

Self storage is in demand in Santa Fe and the project will generate Gross receipts taxes. The project will have an incremental positive effect on employment by turning a currently vacant property into an economically productive use.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

The project will not have any effect on housing.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

The self storage project requires minimal water and power usage and a minor incremental increase in demand for fire and police service.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

The self storage project will have a minimal water demand. The project will comply with all applicable City Code requirements for water conservation. There is an existing well on-site, which is proposed to serve as the project water supply.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

The project will transform a vacant property in a substantially developed area into an economically productive use.

(k) EFFECT ON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

Providing self-storage in close proximity to a major highway interchange will provide for efficient access and will minimize the need for clients to use City streets to access their belongings. Existing self storage along Agua Fria Street and San Mateo street generate more vehicle miles traveled than will the XLNT Self Storage facility.

The project is infill on a property that is challenging to develop given the existence of pet kennels adjacent to the west and east. A self storage facility is an ideal use for the specific conditions in the vicinity.

(l) ADDITIONAL COMMENTS (optional)

August 02, 2016
Board Of Adjustment
Case # 2016-71
27698 W. Frontage Road
Special Use Permit and Variance

EXHIBIT F

Applicant Submittals



(date stamp)

SPECIAL USE PERMIT

APPLICATION

14-3.6

Parcel Information

Address: 27698 W. FRONTAGE RD Property Size: 4.92 AC
Proposed Use: Mini-Storage
Zoning: C-2 Preapplication Conference Date: 6/9/16
ENN Meeting Date: 6/6/16 UPC Code Number: _____

Property Owner Information

Name: Los Alamos National Bank
Address: 301 Gaffin St
Street Address: SANTA FE Suite/Unit #: NM 87501
City: _____ State: _____ ZIP Code: _____
Phone: 954-5400 E-mail Address: Richie@LANB.com

Applicant/Agent Information (if different from owner)

Company Name: Sommer Karnes & Assoc. LLP
Name: Joseph Karnes
Address: 200 W. MARCH STE 133
Street Address: SANTA FE Suite/Unit #: NM 87501
City: _____ State: _____ ZIP Code: _____
Phone: (505) 989-3800 E-mail Address: Joseph@Sommer-ASSOC.COM

Correspondence Directed to: Owner Applicant Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: _____

I/We authorize _____ to act as my/our agent to execute this application.

Signed: _____ Date: _____

Signed: _____ Date: _____

Submittal Checklist

⊕ A minimum of 2 copies, 24"x36" or 11"x17" (scalable) and 1 CD with PDF. Please include the following and check box to indicate submittal:

K	<input checked="" type="checkbox"/> Letter of Application (intent, location, acreage)	K	<input checked="" type="checkbox"/> Statement addressing approval criteria (see below)	K	<input checked="" type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Site Plan (see below) A194	<input type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications (as required) A194
A194	<input type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 1987)	<input type="checkbox"/> Traffic Impact Analysis (if required) NA	<input type="checkbox"/> Archaeological Clearance (if required) NA	<input type="checkbox"/> Sewer and Water Plan (if required) A194	<input type="checkbox"/> Phasing Plan (if applicable) A194	Site Plan	

Special use permits shall include approval of a site plan and other site development drawings necessary to document that the type and extent of development proposed can be accomplished in conformance with applicable development standards. (Section 14-3.6(C)(1) SFCC 1987)

The site plan shall be a scaled drawing showing all site improvements, existing and proposed, including but not limited to the following:

1. Buildings and other structures such as fences and walls, existing and proposed;
2. Landscape, existing and proposed; and
3. Parking, vehicular and pedestrian circulation including off-site access.

The Land Use Department may require additional information, including but not limited to:

1. Slope and topographic analysis;
2. Utility connections or availability statements;
3. Fire protection; and,
4. Traffic impact analysis.

Please check with the Case Manager to determine what additional requirements there are, if any.

Special Use Permit Approval Criteria (Section 14-3.6(D) SFCC 1987)

Attach a separate letter stating:

1. That granting the special use permit does not adversely affect the public interest; and,
2. That the use and any associated buildings are compatible with and adaptable to buildings, structures, and uses of the abutting property and other properties in the vicinity of the premises under consideration.

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning requirements.

Signature: J. Alan Wrayford Date: 6/16/16

To be completed by LUD staff:

- Board of Adjustment Planning Commission Staff Initial _____

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, we will contact you regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Please contact the Land Use Department staff at (505) 955-6585 with any questions.



BOARD OF ADJUSTMENT VARIANCE APPLICATION

Parcel Information

Project Name: XLNT SELF STORAGE
Address: 26798 W. FRONTAGE RD Property Size: 4.92 AC
Zoning: C-2 Proposed Use of Land: SELF STORAGE
Does this project have a Final Development Plan approval? YES NO Case Number: _____
Early Neighborhood Notice (ENN) meeting date: 6/6/16 Uniform Parcel Code Number: _____
Preapplication Conference Date: 6/9/16

Property Owner Information

Company Name: LOS ALAMOS NATIONAL BANK
Name: _____
Address: 301 GRIFFIN ST
Street Address: SANTA FE Suite/Unit #: NM 87501
City: _____ State: _____ ZIP Code: _____
Phone: (505) 954-5400 E-mail Address: RichieM@LANB.COM

Applicant/Agent Information (if different from owner)

Company Name: Sommer Karnes & ASSOCIATES LLP
Name: JOSEPH KARNES
Address: 200 W. MARCY ST # 133
Street Address: SANTA FE Suite/Unit #: NM 87501
City: _____ State: _____ ZIP Code: _____
Phone: (505) 989-3800 E-mail Address: Joseph@Sommer-ASSOC.COM

Correspondence Directed to: Owner Applicant Both

Affidavit to Authorize Agent (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: _____

I/We authorize _____ to act as my/our agent to execute this application.

Signed: _____ Date: _____

Signed: _____ Date: _____

Submittal Checklist

Six (6) 24"x36" plan sets and one (1) CD are required. Please include the following:

<input type="checkbox"/> Letter of Application (intent, location, acreage) JK	<input type="checkbox"/> Statement addressing approval criteria JK	<input type="checkbox"/> Legal Lot of Record, Legal Description JK	<input type="checkbox"/> Development Plan (as defined by Section 14-3.8 SFCC 2001)	<input type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications 9/9/15
<input type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 2001) same	<input type="checkbox"/> Traffic Impact Analysis (if required) NA	<input type="checkbox"/> Proof of Compliance with Conditions of Annexation Approval (if applicable) NA	<input type="checkbox"/> Sewer and Water Plan (including profiles and details) same	<input type="checkbox"/> ENN Meeting Notes JK

Variances from Subdivision Regulations (Section 14-3.16 (C) SFCC 1987)

(C) Approval Criteria

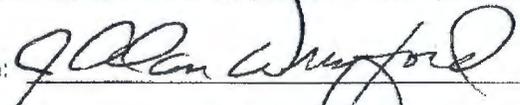
Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

- (1) One or more of the following special circumstances applies:
 - (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;
 - (b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;
 - (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or
 - (d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).
- (2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.
- (3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.
- (4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:
 - (a) whether the property has been or could be used without variances for a different category or lesser intensity of use;
 - (b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.
- (5) The variance is not contrary to the public interest.
- (6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

Note: If application is being made for Development in Special Flood Hazard Areas, then justification must be provided with the above approval criteria and the criteria found in Section 14-3.10(E) SFCC 1987.

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.

Signature:  Date: 6/16/16

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.



LANB

Creating a better way.

Los Alamos

3110 Front St.
Los Alamos, NM 87501
(505) 241-3100

Santa Fe

200 Lincoln Ave.
Santa Fe, NM 87501
(505) 241-3100

Albuquerque

1700 1st Avenue NE
Albuquerque, NM 87102
(505) 241-3100

LANB.com

June 17, 2016

City of Santa Fe
Land Use Department
Current Planning Division
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Letter of Authorization to Submit Application – Los Alamos National Bank

Dear Staff:

This letter shall serve to grant XLNT Services Corp. ("XLNT") authorization to submit an application to the City for a special use permit and variance to the architectural point requirements and to the fencing requirements for the property at 27698 W. Frontage Road, which is owned by LANB. This letter also authorizes Sommer Karnes & Associates, LLP (Joseph M. Karnes) to act as LANB's agent for purposes of the application and for no other purpose.

Sincerely,

LANB

SOMMER, KARNES & ASSOCIATES, LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

200 West Marcy Street, Suite 139
Santa Fe, New Mexico 87501

Telephone:(505) 989.3800
Facsimile:(505)982.1745

Karl H. Sommer, Attorney at Law
khs@sommer-assoc.com
Joseph M. Karnes, Attorney at Law
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal
mld@sommer-assoc.com

James R. Hawley, Attorney at Law
jrh@sommer-assoc.com
Of Counsel
Licensed in New Mexico and California

June 20, 2016

Greg Smith, Planning Manager, City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Special Use Permit and Variance Application
27698 W. Frontage Road (the "Property")

Dear Greg:

On behalf of property owner Los Alamos National Bank and applicant, XLNT Services Corp., this application requests a Special use Permit for a self-storage facility with exterior access, a variance to the applicable fence requirements (Code §14.8-4.J) pertaining to the existing fence along the southern Property line and the sides of the property not visible to the public and, in the alternative, a variance to the architectural point requirements in the event the Board of Adjustment determines that the Application does not meet the requirements of Code section 14-8.7.C.

The Property is located at 27698 W. Frontage Road between the Frontage Road and I-25 west of the Cerrillos interchange. The Property consists of 4.92 acres and is vacant. The Property is zoned C-2.

There is an existing dog kennel adjacent and to the east of the Property and until recently another dog kennel existed to adjacent and to the west. It was demolished and permits have been issued for a new dog kennel. I-25 is adjacent to the south and across the frontage road to the north is a cigarette manufacturing company. There are no residentially-zoned areas within at least 280 feet of the Property and the nearest existing residence is over 800 feet from the Property. The Property is ideally suited for a low-intensity, low-traffic generation, low water-use project of this nature.

The Project proposes a self-storage use with units access from the exterior using single-use shipping containers arranged in "pods" consisting of 4 containers each. The containers are 8' x 40' so each pod will be 1,280 SF, with carrying sizes of individual storage units varying from 80 SF to 320 SF in size, with either roll-up doors or the existing container doors providing access. The project anticipates 15 pods totaling about 19,200 SF, with a 640 SF office, for a total footprint of about 19,840 SF.

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Greg Smith
June 20, 2016
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The Pods will be completely surrounded with a security fence and there will be an entry kiosk where customers can gain access by using a keypad. There will be an office on-site that will be available for management; however it will not be staffed on a regular basis. Customer service will be provided by a computer kiosk that will allow customers to rent a unit, transact business and communicate with off-site management as needed.

Stucco panels will be applied to the pods and awnings will be installed in order to meet the applicable architectural point requirements and has received initial feedback that the project complies with the point total requirement. The Applicant has submitted a variance request in the event that the Board of Adjustment concludes that the requirement is not met.

Also, the Property is shielded from I-25 views by an earthen berm along the southern property line. There is an existing +/- 650' long chain link fence along the southern property line. The Applicant proposes to utilize this fence and to provide an opaque covering to further preclude views into the property and to construct the same type of fence along the east and west sides of the Property that are not visible to the public. This proposal will require a variance to Code §14.8-4.J. The portion of the Property along the Frontage Road will be shielded using a Code-compliance fence.

The plans submitted as part of the Application contain the information required by the approval criteria on the application form for a Special Use Permit. As required by Code section 14-3.6(D), given the surrounding land uses and the low-intensity nature of the use, the Project will not adversely affect the public interest. To the contrary, the Project will provide needed services, will re-use "single-use" shipping containers thereby making efficient use of resources and will generate tax revenues for the City on a Property whose uses are limited due to existing development in the immediate vicinity. For the same reasons, the use and associated structures are compatible with and adaptable to buildings, structures, and uses of the abutting properties and other properties in the vicinity.

The following addresses the Code's approval criteria for each variance:

(C) Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

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Greg Smith

June 20, 2016

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Fence – The Property has an existing fence along its southern property line that was in existence before the Applicant acquired control over the Property. In contrast to many properties along I-25, there is an existing earthen berm along the southern boundary and the area where the single-story containers will be placed will be graded and will be substantially lower than the berm, again, in contrast to other properties in the vicinity. The self-storage units will not be visible from I-25 adjacent to the Property or from the east and the west. Use of the existing fence, with opaque materials applied and the same type of fencing along the east and west sides of the Property, will achieve the intent of the Code and will make best use of existing resources. The balance of the project will be screened with a fence/wall meeting applicable Code criteria.

Architectural Points – The Property is zoned C-2, which existed prior to the Applicant's acquisition of Property control. Existing uses in the immediate vicinity are not commercial in nature and the imposition of a substantially higher architectural point total imposes a requirement on the Property that did not exist when most of the nearby properties developed under County jurisdiction.

(b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

Not Applicable.

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

Not Applicable.

(d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing* or *significant property* pursuant to Section 14-5.2 (Historic Districts).

Not Applicable.

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

Fence – tearing down the existing fence along the southerly Property boundary and replacement with a fence or wall meeting the applicable criteria would be a waste of resources that would have adverse environmental consequences. The requested variance would achieve the purposes of the Code.

Architectural Points – The existing C-2 zoning designation was imposed upon annexation from the County. The existing uses in the immediate vicinity are non-commercial in nature and imposing a higher architectural point requirement on this Property is inequitable and inhibits

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economically productive use of a property that faces serious development impediments due to the existing uses in the vicinity. The Applicant has made every effort to meet the applicable criteria and believes they have satisfied the intent, if not the letter, of the Code. Also, since the self-storage units will be surrounded by an opaque fence and in light of the berm along the south side of the property, the units will not be visible to the public from off-site.

(3) The *intensity of development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

The intensity of the proposed development is not in excess of properties in the vicinity.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

The requested variances are not related to the intensity of land use.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.

The requested variances would facilitate achievement of the purpose and intent of Chapter 14 and will facilitate economically productive use of the Property.

(5) The variance is not contrary to the public interest.

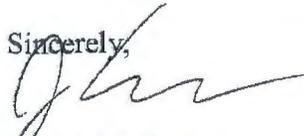
The intent of the Code will be met by the variances and will facilitate economically productive use of the Property, which will benefit the public interest.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

Not Applicable.

Thank you for your consideration of this application. If you have questions or need additional information, please let me know.

Sincerely,



Joseph M. Karnes