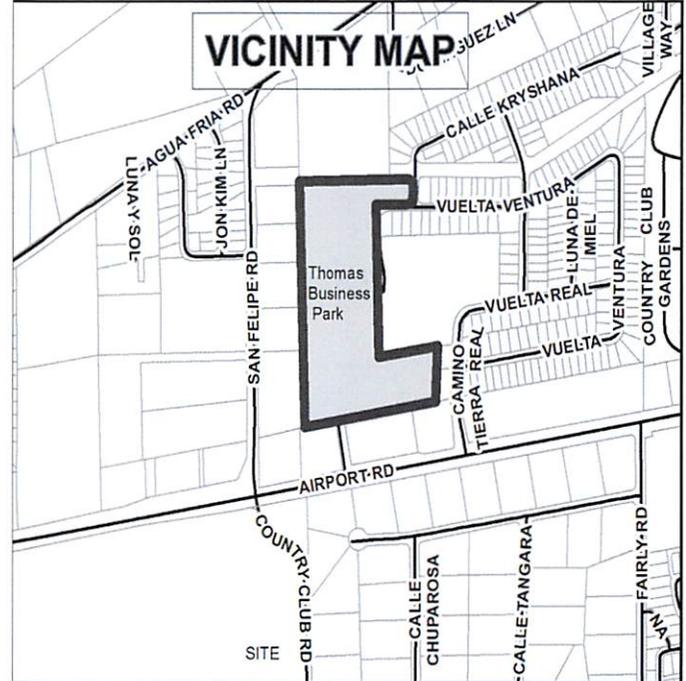




Land Use Department Planning Commission Staff Report

Case No: 2016-109
 Hearing Date: November 3, 2016
 Applicant: James Siebert and Associates,
 Agent for Thomas Business Park
 Home Owners Association
 Request: Master Plan Amendment
 Location: Thomas Road
 Case Mgr.: Dan Esquibel
 Zoning: I-1PUD
 Overlay: River and Trails Archaeological
 Review District
 Pre-app. Mtg.: May 19, 2016
 ENN Mtg.: July 11, 2016
 Proposal: Master Plan Amendment.



Case #2016-108. Thomas Business Park Master Plan Amendment.

James W. Seibert and Associates, Inc., agent for Thomas Business Park Home Owners Association, requests approval to amend the Thomas Business Park Development Plan to increase the approved 20% lot coverage requirement to 30% and to increase the approved height limit from 24 feet to 30 feet. The property is zoned I-1-PUD.

RECOMMENDATION

I. The Land Use Department recommends **APPROVAL**, subject to the following condition of approval, and Technical Conditions identified in **Exhibit A**.

#	Condition of approval	Dept/Division	To be completed by:
1	The applicant shall dedicate a pedestrian and bike trail connection to Airport Road along the alignment of Thomas Road.	MPO	Development Plan filing.

II. EXECUTIVE SUMMARY

The Thomas Business Park was annexed into the City as part of the Phase II City-initiated annexation plan in 2009. The Business Park was approved by the County through the Extraterritorial Zoning Process and finalized by the Board of County Commissioners (BCC) on September 13, 2005.

The annexation agreement between the City and the County states that the development plan approval remains in effect, and the City zoning of I-1-PUD was adopted to reflect the nonresidential development plan approved under the Extraterritorial Zoning Ordinance (“EZO”). Development in the business park must comply with the I-1 development standards in Chapter 14, except where specific use or development standards in the development plan take precedence over the general development standards. The business park owners are requesting an amendment to the development plan standards that were adopted under the EZO, in order to increase the amount of development that can occur on each lot.

The Extraterritorial Zone (“EZ”) was a two- and five-mile area around the City limits that was reviewed jointly by the City and County via a joint powers agreement and regulated by the EZO. The EZO was effectively superseded by City zoning regulations when the City-County annexation occurred. The annexation ordinance and agreements provided for the annexed areas to receive the city zoning designation that most closely matched any zoning approvals that been approved under the EZO.

The Thomas Business Park was approved as a Mixed Use Development under the EZO. Mixed Use Developments were allowed to develop anywhere within the EZ provided the EZO was adhered to. The EZO standards allowed a maximum height of 24 feet and maximum lot coverage of 20%. At the hearing of the Santa Fe County Board of County Commissioners on September 13, 2005, the Thomas Business Park was approved subject to conditions (reference Order in Exhibit D2). The EZO standards for height and lot coverage were made part of the Development Plan as conditions of approval. The applicants are requesting amendments to the height and lot coverage restriction to allow 30-foot height limits and 30% lot coverages. The City Code would normally allow 65-foot height limits and 50% lot coverages in I-1 Districts, if the EZO development plan approval and conditions did not supersede Chapter 14 standards.

City MPO staff recommend that a trail easement be provided along the alignment of the private road. The applicant’s representative opposes that condition.

III. EVALUATION

A. Development Standards

The final order granted by the Board of County Commissioners included the following list of conditions for the Thomas Business Park, which will remain in effect except for the amendment to lot coverage:

1. Mixed use development;
2. Live/work units with small scale commercial uses;
3. One single family dwelling with a non-residential use is proposed for each lot;
4. The maximum lot coverage permitted in this area is 20% building area for each lot. [The final order notes that the lot coverage proposed in the Business Park would be 20%, and the total building size proposed was approximately 69,000 sq. ft.]
5. Access for this project is from Airport Road utilizing a 70-foot access and utility easement. All new proposed access roads will be in accordance with Section 3.5.2.F of the Extraterritorial Subdivision Regulations. A proposed secondary emergency access will be gated with Knox locks in compliance with the requirements of the Santa Fe County Fire Marshal. Off-site improvements for Airport Road are proposed and subject to city approval,

6. The proposed architectural treatment for a stucco facade shall include vertical and horizontal offsets and screening of roof top equipment;
7. Business signs shall be mounted on buildings. One free standing project/directory sign is permitted,

The applicants are requesting a change from the development plan Condition 4 to increase lot coverage from 20% per lot to 30% per lot. Chapter 14 allows coverage of up to 50% in other I-1 districts. (Lot coverage is the ratio of building area to the total lot area. For example, a 20,000 square-foot building on a 100,000 square-foot lot would equal 20% lot coverage.)

Unlike most commercial and industrial developments, the property lines of each lot in the Thomas Business Park Subdivision are located at the centerline of the street, which is a 70-foot wide private road and utility easement.

Note that development standards not regulated by the Thomas Business Park Development Plan would default to the City Chapter 14 standards. These include:

- Subsection 14-7.5(D) requires between 15% and 25% of each lot to be devoted to landscaped open space, depending on whether water harvesting occurs.
- Subsection 14-8.4(J)(3) requires a 15-foot landscaped buffer strip where the business park abuts the residential development to the east.
- The square-footage of buildings that can be built on any site is limited by proposed use, by building setbacks and the portion of the site devoted to required parking and driveways.

The maximum lot coverages per lot are listed below. The coverage calculations do not reflect the effect of open space, buffering or other regulations, which vary with the lot location and type of use proposed. Each lot will be reviewed at the time of building permit for all site and architectural design requirements.

LOT NUMBER	LOT SIZE	EXISTING 20% LOT COVERAGE (SQ.FT)	PROPOSED 30% LOT COVERAGE (SQ.FT)	DIFFERENCE (SQ.FT)
1	.50+ Acres	4356	6534	2178
2	.50+ Acres	4356	6534	2178
3	.50+ Acres	4356	6534	2178
4	.45+ Acres	3920.4	5880.6	1960.2
5	.40+ Acres	3484.8	5227.2	1742.4
6A	1.08+ Acres	9408.96	14113.44	4704.48
7A	.84+ Acres	7318.08	10977.12	3659.04
9A	.79+ Acres	6882.48	10323.72	3441.24
11A	.92+ Acres	8015.04	12022.56	4007.52
12	.52+ Acres	4530.24	6795.36	2265.12
13	.52+ Acres	4530.24	6795.36	2265.12
14	.51+ Acres	4443.12	6664.68	2221.56
15	.60+ Acres	5227.2	7840.8	2613.6
16	.60+ Acres	5227.2	7840.8	2613.6
17	.60+ Acres	5227.2	7840.8	2613.6

LOT NUMBER	LOT SIZE	EXISTING 20% LOT COVERAGE (SQ.FT)	PROPOSED 30% LOT COVERAGE (SQ.FT)	DIFFERENCE (SQ.FT)
18	.52+ Acres	4530.24	6795.36	2265.12
19	.52+ Acres	4530.24	6795.36	2265.12
20	.52+ Acres	4530.24	6795.36	2265.12
21	.52+ Acres	4530.24	6795.36	2265.12
22	.52+ Acres	4530.24	6795.36	2265.12

B. Development Review Team Comments

The following DRT staff reviewed this application: City Water Department, Wastewater Department, Fire Department, Traffic Engineering Department, Land Use City engineer, Landscape Technical Division, Current Planning Division and Metropolitan Planning Organization (MPO).

MPO staff recommends requiring dedication of a trail easement along the alignment of Thomas Road, which is opposed by the applicant. Subsection 14-9.2(D)(5) states:

- (5) Where a trail network exists or is planned, access to the trail network must be provided every five hundred (500) feet, where feasible.

Subsection 14-8.(D)(1)(c) states:

- (D) Public Trail Dedication Requirements
 - (1) Dedications to the *city* for public trails are required wherever an adopted plan shows a public trail within or along the *property* line of a *parcel* to which this Section 14-8.15 applies.
 - (a) Public trails shown on an adopted plan include those indicated on the *General Plan*, the Parks, Open Space, Trails and Recreation Master Plan, the Metropolitan Bicycle Master Plan; trails shown on master plans and *development* plans adopted for specific areas of the *city*, and other plans duly adopted by the *city*.
 - (b) Determination of whether the dedication is by easement or by dedication of fee simple land is made by the *city* at the time of dedication.
 - (c) Dedication may be required to provide access from new *developments* to existing or proposed parks, trails, public *open spaces* and roads.
 - (d) The *city* may, at its discretion, also require trail dedication where it can be demonstrated that public trail use has occurred continuously for a period of ten years or more, as demonstrated by *city* staff through aerial photography, which may be supplemented by written testimony from affected parties.

Technical conditions have been submitted by the City Fire Marshal and Landscape Technical Division. Staff finds no impacts from the requested increase, provided all conditions of approval are met.

IV. Approval Criteria

The approval criteria for approval of a development plan also apply to development plan amendments.

<i>§14-3.8(D)(1)(a)- that it is empowered to approve the plan under the section of Chapter 14 described in the application;</i>	Criterion Met: (Yes/No/conditional/N/A) Yes
Subsection 14-5.7 PUD Planned Unit Development requires approval of a development plan by the Planning Commission in PUD districts. Subsection 14-3.19 provides for amendment of development plans by the Commission.	
<i>§14-3.8(D)(1)(b)- that approving the development plan will not adversely affect the public interest</i>	Criterion Met: (Yes/No/conditional/N/A) Yes
City staff has reviewed the proposed Development Plan amendment application in accordance with applicable General Plan policies and applicable development standards. With staff's recommended conditions, the proposed amendments can comply with the minimum standards of Chapter 14 SFCC and will not adversely affect the public interest.	
<i>14-3.8(D)(1)(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.</i>	Criterion Met: (Yes/No/conditional/N/A) Yes
The use list approved by the BCC and adopted by the City (reference Exhibit D3), are permitted uses for this Development Plan within this I-1-PUD District. No conflicts are anticipated between uses allowed and surrounding uses in the vicinity. The changes proposed to this Development Plan will not adversely impact the streetscape of this development.	

V. Early Neighborhood Notification

The applicant has complied with all application process requirements. The applicant conducted an ENN meeting on July 11, 2016; however, no members of the public attended.

VI. EXHIBITS:

EXHIBIT A: Technical Conditions and DRT Comments and Conditions

1. City Engineer, RB Zaxus
2. Wastewater Division, Stan Holland
3. Fire Department, Reynaldo Gonzales
4. LUD/Technical Review Division, Somie Ahmed
5. Traffic Engineering, Sandy Kassens
6. Water Division, Dee Beingessner
7. Metropolitan Planning Organization, Keith Wilson

EXHIBIT B: Early neighborhood Notification

1. Guidelines
2. Meeting Notes

EXHIBIT C: Maps and Photos

1. Zoning Map

EXHIBIT D: Applicant Request and Prior Approvals

1. Applicant Request Letter
2. BCC Order
3. Approved Use List

APPROVED AS TO FORM:

Title	Name	Initials
Land Use Department Director	Lisa Martinez	
Land Use Current Planning Division Director	Greg Smith	
Land Use Current Planning Division Planner Senior	Dan Esquibel	

May 5, 2016
Planning Commission
Case # 2016-1098

**Thomas Business Park Master Plan
Amendment**

EXHIBIT A

Technical Conditions and DRT Comments and Conditions

EXHIBIT A
 Technical Conditions of Approval
 Case 2016-108
 Case #2016-108 Thomas Business Park Master Plan Amendment

	Technical Condition of approval	Department	To be completed by:
1	Street trees shall be located on all other streets, one tree an average of every 25-35 feet [14-8.4(G)(2)]	Somie Ahmed LUD/Technical Review Division	Construction permit submittal
2	<p>1. All Fire Department access shall be no greater than a 10% grade throughout or provide an automatic sprinkler system for a variance</p> <p>2. Fire Department Access shall not be less than 20 feet width to any new/remodel construction.</p> <p>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 or provide.</p> <p>4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.</p> <p>5. Shall have water supply that meets fire flow requirements as per IFC .</p>	Reynaldo Gonzales Fire Marshal	Prior to any new construction or remodel

Development Review Team

Comment Form

Date: October 11, 2016
From: Risana "RB" Zaxus, City Engineer
Dept/Div: Land Use, Technical Review Division
Case: Case # 2016-108, Thomas Business Park Master Plan Amendment
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	
2	
3	
4	

Technical Corrections*:	Must be completed by:
1 none	
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. none

Explanation of Conditions or Corrections (if needed):

Development Review Team
Wastewater Management Division

E-Mail Delivery
Comment Form



Date: October 7, 2016

Staff person: Stan Holland, Engineer

Dept/Div: Public Utilities/Wastewater

Case #2016-108. Thomas Business Park Master Plan Amendment

Case Mgr: Dan Esquibel, Senior Planner

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	
---------	--

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:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

Development Review Team

Comment Form

Date: October 4, 2016
Staff person: Reynaldo Gonzales
Dept/Div: Fire
Case: 2016-108 Thomas Business Park Master Plan Amendment
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

Technical Corrections*:

Must be completed by:

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

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

*Must be 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:

Explanation of Conditions or Corrections (if needed):

Development Review Team Comment Form

Date: September 26th, 2016
 Staff person: Somie Ahmed
 Dept/Div: LUD/Technical Review Division
 Case: 2016-108 – Thomas Business Park Master Plan Amendment
 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. Street trees shall be located on all <i>other streets</i> , one tree an average of every 25-35 feet [14-8.4(G)(2)]	Construction permit submittal
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):

ESQUIBEL, DANIEL A.

From: KASSENS, SANDRA M.
Sent: Tuesday, September 27, 2016 12:40 PM
To: ESQUIBEL, DANIEL A.
Cc: ROMERO, JOHN J
Subject: 16-108 Thomas Bus. Park MPA
Attachments: RFAI 2016-108 smk.pdf

Re: Case 16-108, Thomas Business Park MPA.

Dan,

1. We do not need additional submittals, see attached.
2. Staff report for the above referenced case ==>> We have no comments on this application.

Conditions of Approval:

Must be completed by:

1	NONE	N/A
2		
3		
4		

Technical Corrections:

Must be completed by:

1	NONE	N/A
2		
3		
4		

Sandy

Sandra Kassens
Engineer Assistant
Engineering Division
Public Works Department
City of Santa Fe
505-955-6697

Development Review Team

Comment Form

Date: 10/11/16
Staff person: Dee Beingessner
Dept/Div: Public Utilities/Water Division
Case: 2016-108 Thomas Business Park Master Plan Amendment
Case Mgr: Dan Esquibel



Water service is available for this development from the main on Thomas Road and Thomas Court. No other comments for the Water Division.

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	
2	
3	
4	

Technical Corrections*:

Must be completed by:

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):

November 3, 2016
Planning Commission
Case # 2016-1098

**Thomas Business Park Master Plan
Amendment**

EXHIBIT B

Early neighborhood Notification



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

<i>Project Name</i>	Thomas Business Park Master Plan/Development Plan Amendment
<i>Project Location</i>	Thomas Business Park off Thomas Road
<i>Project Description</i>	Master Plan/Development Plan amendment to amend height and lot coverage standards
<i>Applicant / Owner</i>	Thomas Business Park Homeowner's Association
<i>Agent</i>	Jim Siebert
<i>Pre-App Meeting Date</i>	May 19, 2016
<i>ENN Meeting Date</i>	July 11, 2016
<i>ENN Meeting Location</i>	Southside Library, 6599 Jaguar Drive
<i>Application Type</i>	ENN
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	None
<i>Attendance</i>	Applicant

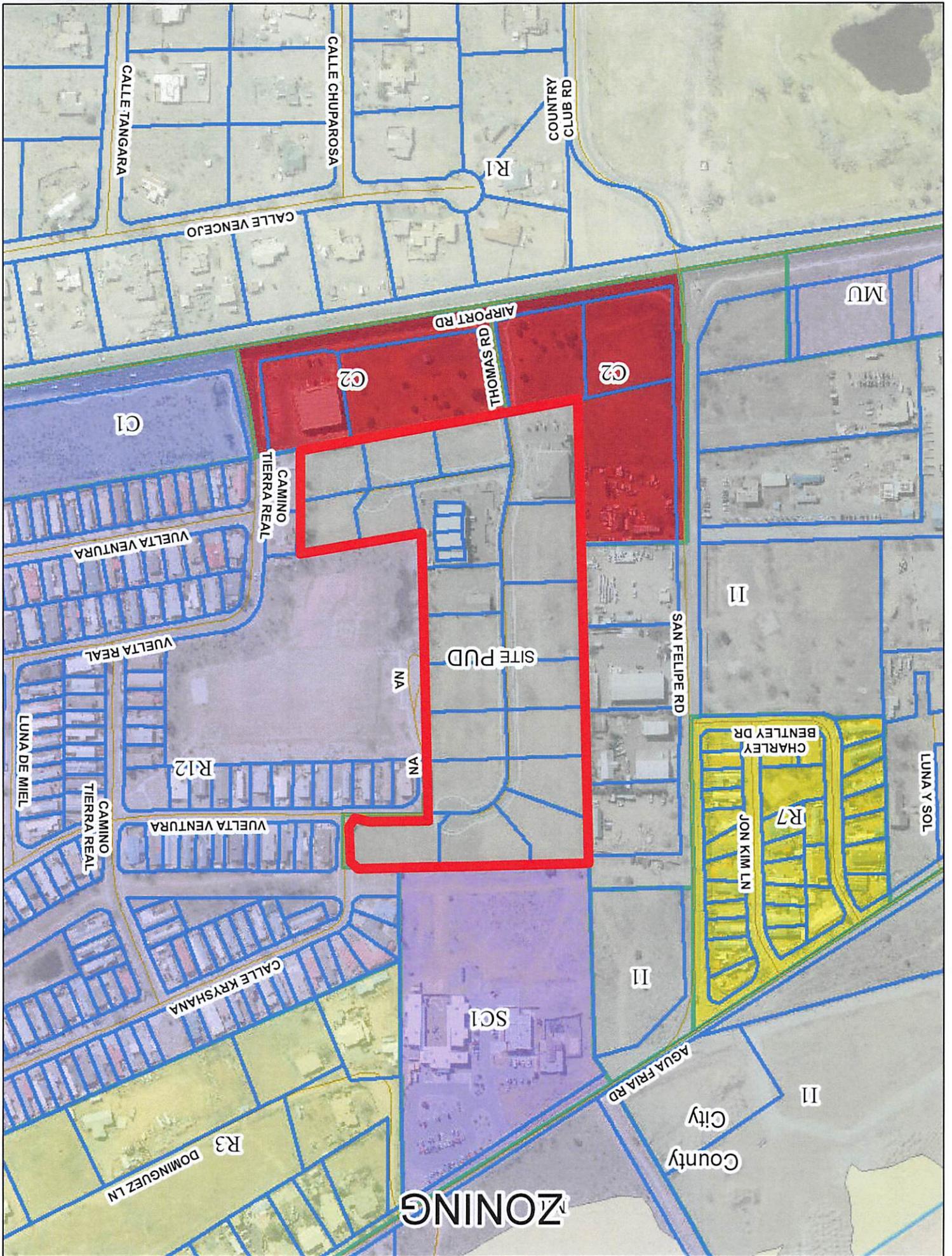
Notes/Comments: None

November 3, 2016
Planning Commission
Case # 2016-1098

**Thomas Business Park Master Plan
Amendment**

EXHIBIT C

Maps and Photos



November 3, 2016
Planning Commission
Case # 2016-1098

**Thomas Business Park Master Plan
Amendment**

EXHIBIT D

Applicant Submittals



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

September 19, 2016

Greg Smith
Planning Division Director
P.O. Box 909 Lincoln Ave
Santa Fe, NM 87504

Re: Amendment to Thomas Business Park Development Plan, Background Information

Dear Mr. Smith:

The Thomas Business Park is currently zoned I-1/PUD, Light Industrial Planned Unit Development. The plan part of the zoning designation relates to the plans and plats approved by the various extraterritorial bodies when this property was located in the City/County extraterritorial area. A summary of the history of the approvals for Thomas Business Park is provided below.

- EZ Case #MP 04-4470: Master Plan zoning for 23 mixed use/live work lots on 11.92 acres received recommendation of approval from the Extraterritorial Zoning Commission (EZC) on September 15, 2004.
- EZ Case #MP 04-4470: Master Plan zoning for 23 mixed use lots/live work lots on 11.92 acres approved by the EZA on October 28, 2004.
- EZ Case #Z 04-4471: The Extraterritorial Zoning Commission recommended approval of the Preliminary and Final Development Plan and Plat for 23 mixed use/live work lots on 11.92 acres on July 14, 2005.

EZ Case # Z 04-4471: Preliminary and Final Development Plan and Plat for 23 mixed use/live work lots on 11.92 acres approved by the Board of County Commissioners (BCC) on September 13, 2005, recorded in the Office of the Santa Fe County Clerk in Book 0631, Pages 19-23.

EZ Case # DP 09-3023: Administrative Development Plan for Bee Hive Assisted Living (Community Facility) approved and recorded on June 30, 2009 in the Office of the Santa Fe County Clerk in Book 704, Page 38.

The master plan and development plan for the Thomas Business Park was prepared in conformance with the Extraterritorial Zoning regulations in effect at the time of the approval of the master plan and development plan. The regulations that are creating the current conflict apply to the maximum lot coverage and maximum height.

The maximum lot coverage under the EZ regulations was 20 percent.

The maximum height under the EZ regulations was 24 feet.

The section of the applicable EZ regulations is provided below.

Extraterritorial Zoning Ordinance 1997-4

Section 11.4 B. Commercial, Industrial, or other Non-Residential Uses

Maximum lot coverage for all structures for any development shall not exceed thirty percent (30%) of the development of the lot in Regional or Major and Community Centers, and twenty percent (20%) in Local or Village or Small Scale and Neighborhood Districts.

Section 11.5 B. Commercial, Industrial, or Other Non-Residential Uses

The maximum height of any commercial, industrial or other non-residential use shall not exceed thirty-six feet in Regional or Community Districts and twenty-four feet in Local/Village or Small Scale/Neighborhood Districts.

The Thomas Business Park is located in a Small Scale District.

I-1 City Zoning Regulations for lot coverage and height are:

Permitted lot coverage is 50 percent and the permitted height is 65 feet, provided that any part of the building exceeding 36 feet in height shall be set back from each yard line at least one foot for each two feet of additional height above 36 feet.

Requested Plan Amendment

The development plan that applies to the establishment of height and lot coverage standards is Sheet 6 of the final development plan adopted by the Board of County Commission on September 13, 2005 in Book 631 Page 22. This Development Plan is attached as Exhibit A.

A maximum lot coverage of 30 percent is requested and a maximum height of 30 feet is requested.

Please schedule this request for the next available Planning Commission meeting.

Sincerely,

James W. Siebert

**Xc: Rosina Straw
Phillip Gudwin
Tony Sawtell**

Prepared by:
James W. Siebert & Associates
September 19, 2016

Response to Master Plan Amendment Criteria

(1) Necessary Findings

(Ord. No. 2014-31 § 5)

Approval or amendment of a master plan requires the following findings:

- (a) the master plan is consistent with the *general plan*;

The City General Plan identifies the property as light industrial. The request complies with the general plan land use recommendation.

- (b) the master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and *development* standards of those districts;

The Light Industrial zoning district allows for height and lot coverage significantly more intensive than what is requested in the master plan amendment.

- (c) *development* of the master plan area will contribute to the coordinated and efficient *development* of the community; and

The City has recently annexed and zoned this property for light industrial uses. The coordinated and efficient development of the community was taken into account as part of the City annexation and zoning process.

- (d) the existing and proposed *infrastructure*, such as the *streets* system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the planned *development*.

The Thomas Business Park is completely developed and water and sewer have been reviewed by the City and improvements considered complete.

Prepared by:
James W. Siebert & Associates
September 19, 2016

Response to Master Plan Amendment Criteria

(1) Necessary Findings

(Ord. No. 2014-31 § 5)

Approval or amendment of a master plan requires the following findings:

- (a) the master plan is consistent with the *general plan*;

The City General Plan identifies the property as light industrial. The request complies with the general plan land use recommendation.

- (b) the master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and *development* standards of those districts;

The Light Industrial zoning district allows for height and lot coverage significantly more intensive than what is requested in the master plan amendment.

- (c) *development* of the master plan area will contribute to the coordinated and efficient *development* of the community; and

The City has recently annexed and zoned this property for light industrial uses. The coordinated and efficient development of the community was taken into account as part of the City annexation and zoning process.

- (d) the existing and proposed *infrastructure*, such as the *streets* system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the planned *development*.

The Thomas Business Park is completely developed and water and sewer have been reviewed by the City and improvements considered complete.

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Paul Campos
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Gerald T.E. González
County Manager

**CASE NO. S 04-4471
THOMAS BUSINESS PARK MIXED USE DEVELOPMENT
FORMERLY TIERRA REAL PHASE III
HAROLD AND ROSINA THOMAS, APPLICANTS
JAMES SIEBERT, AGENT**

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "BCC") for hearing on September 13, 2005 on the application of Thomas and Rosina Thomas (hereinafter referred to as "the Applicants") for preliminary and final development plan approval to permit 23 lots for a mixed use development to allow live/work units with small scale commercial uses on 11.92-acres (Application 04-4471). After conducting a public hearing, and having heard from the Applicant, the Board of County Commissioners **FINDS** as follows:

1. The BCC heard testimony from staff and the Applicant's agent. No member of the public in opposition to or in support of the application was present;
2. The preliminary and final plat development plan that is the subject of the Application is subject to Section 6.C.1 (mixed use development) of the Extraterritorial Zoning Ordinance and Section 3.3.4.C (procedures and submittals) of the Extraterritorial Subdivision Regulations;
3. During 1987 and 1993, the EZC and BCC granted approval for final plat and

final development plan to the Tierra Real Mobile Home Subdivision, phases I and II, which consist of a 217-unit mobile home subdivision.

4. On December 7 2004, the EZA granted master plan approval to allow live/work units with small scale commercial uses on 11.92-acres;

5. Existing and proposed development

The property is vacant. One single family dwelling with a non-residential use is proposed for each lot. Lot sizes range from .40 to .60-acres;

6. Lot coverage

The maximum lot coverage permitted in this area is 20% building area for each lot. The lot coverage proposed is 20%. The total building size, which is proposed, is approximately 69,000 sq ft;

7. Access/Roads

Access for this project is from Airport Road utilizing a 70 foot access and utility easement. All new proposed access roads will be in accordance with Section 3.5.2.F of the Extraterritorial Subdivision Regulations. A proposed secondary emergency access will be gated with knox locks in compliance with the requirements of the Santa Fe County Fire Marshal. Off-site improvements for Airport Road are proposed and subject to city approval;

8. Parking

The Applicant requests that parking for each lot be reviewed at the time of final development;

9. Terrain management

The site is relatively flat with slopes that do not exceed 15% and average slopes of 3%.

Two water retention ponds that are located within the park will serve as storm water retention ponds for Phases I and II, and will be reserved for the Thomas Business Park;

10. Water

Water supply will be from Sangre De Cristo Water Company. A water availability statement has been submitted;

11. Fire protection

City fire hydrants are located within Phases I and II of Tierra Real. New fire hydrants will be located along the proposed streets with intervals not to exceed 500 feet.

This area of the County is served under a Joint Powers Agreement with the City. The CityFire Department will act as the first responder and the La Cienega Volunteer Fire Department will serve as back up;

12. Liquid and Solid Waste

City sewer will be utilized. A service letter from the City Waste Water Division has been submitted. Each lot owner shall be responsible to contract with a company licensed in Santa Fe County to pick up solid waste and deliver it to the appropriate landfill;

13. Landscaping

A landscape buffer along the access road is proposed. A detailed landscape plan for each lot will be reviewed administratively;

14. Traffic

A traffic report has been submitted but the staff has not received comments from the New Mexico Department of Transportation or the City of Santa Fe;

15. Signage and Lighting

A project/directory sign of 150 square feet is proposed. A 10-foot sign, directional sign

and either one pedestal or one wall mounted sign per business is proposed;

All lighting must be in conformance with the EZO. Exterior pole mounted lights that are adjacent to the residential neighborhood are not be permitted;

16. Archaeology

An archaeological survey has been submitted but the State Historic and Preservation Department has not yet issued a response;

17. Under the circumstances and given the evidence and testimony submitted during the hearing, the Application is **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

- A) All redline comments must be addressed
- B) Final plat to include but not limited to the following.
 - i. Compliance with plat checklist, and
 - ii. Approval of rural address and street names
- C) Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) are subject to approval by staff;
- D) A detailed landscaping plan and lighting plan shall be submitted with final development plan for each lot. Signage and lighting shall conform to EZO requirements. Site development plans for each lot shall be approved by staff;
- E) The developer shall pay a solid waste fee in accordance with subdivision regulations (\$43 per lot), prior to recording the final plat;
- F) The Applicant shall submit an access permit as approved by the City for access from Airport Road;

- G) The Applicant shall submit a financial guarantee in an amount approved by the County for all improvements including road improvements, fire protection, drainage improvements and landscaping prior to issuance of a grading permit;
- H) The Applicant shall address multiple business occupancy for each building as it relates to water use and traffic impacts, as approved by the EZC and BCC;
- I) The proposed architectural treatment for a stucco façade shall include vertical and horizontal offsets and screening of roof top equipment;
- J) All utilities shall be underground; and such shall be noted on the plat, covenants and disclosure statement;
- K) All lots are subject to the Santa Fe County fire and rescue impact fees and such must be clearly noted on the final plat;
- L) The applicant shall pay a fire review fee of \$575 in accordance with Santa Fe County Resolution N. 2001-114, prior to recordation of the plat;
- M) Development plan submittals shall include the following:
- i. Business signs shall be mounted on buildings. One free standing project/directory sign is permitted;
 - ii. Streetlights in compliance with Extraterritorial Subdivision Regulations;
 - iii. Road section shall specify a 2% crown;

- iv. The Applicant shall address existing and proposed facilities for the park to be in conformance with minimum standards;
- v. Finished road grades shall not exceed 3% per 100 feet from radius return of the intersection; and

N) Compliance with applicable review comments from the following is required:

- i. County Technical Review
- ii. County Public Works
- iii. County Fire Marshal Soil and Water District
- iv. New Mexico Department of Transportation (access permit)
- v. County Hydrologist
- vi. Development Review Director
- vii. City traffic Division
- viii. Sangre De Cristo Water Division
- ix. City Wastewater Division
- x. State Historic Division

WHEREFORE, the BCC hereby approves the application for preliminary and final development plan and approval to permit 23 lots for a mixed use development to allow live/work units with small commercial uses on 11.92-acres.

IT IS SO ORDERED:

This Order was approved by the Board of County Commissioners on this 14th
day of March 2006.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By [Signature]
Harry B. Montoya, Chairman

ATTEST:

[Signature]
Valerie Espinoza, County Clerk



Approved as to form:

[Signature]
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE
STATE OF NEW MEXICO
SOL. ORDER
PAGE 14
Recorded on the 14th day of March, 2006 at 10:41
And the Public Record is Book 1424733
Of the Records of Santa Fe County
[Signature]
Valerie Espinoza
County Clerk Santa Fe, NM



USES APPROVED FOR THOMAS BUSINESS PARK

PROJECT DESCRIPTION

A total of 23 lots is proposed on this 11.92 acre tract of land with an average density of two dwellings per acre. The maximum lot coverage for any lot is 20 percent. The maximum building height is 24 feet in compliance with the extraterritorial height standards. A five foot landscape buffer and six foot opaque wall or fence is required adjacent to all existing residential areas.

In addition to the one single family dwelling permitted on each lot the following types of non-residential uses were approved as part of the Master Plan review:

- Office
- Neighborhood oriented retail businesses such as coffee shops, news stores, bakeries, rental of movie videos, CDs, and sale of food.
- Arts and crafts, including sales of products manufactured on site.
- Furniture restoration
- Contractor offices and sales goods associated with the contracting business.
- Light manufacturing, providing that nothing is produced on-site that created a nuisance because of odor, noise, vibration or discharge of pollutants into the air, water, sewer or storm drainage system.
- Restoration of classic and antique automobiles providing no cars that are being repaired are parked outside the building overnight.
- Automobile repair providing no cars that are being repaired are parked outside the building overnight.
- Automobile detailing
- Veterinary clinics for small and medium sized animals, not horses.
- Photographers' studios and dance studios.
- Testing laboratories for such materials as soils that do not involve the testing of hazardous materials.
- Apothecary shops and homeopathic remedies.



- Antique stores
- Exercise and gym facilities
- Bookshops
- Cabinet shops
- Florist shops
- Greenhouses and nurseries
- Sign painting
- Repair and sales establishments for such things as computers, office machines, appliances, TVs.
- Retail sales
- Beauty shops and tanning salons.
- Barber shops.
- Churches
- Commercial indoor recreation