

## MEMORANDUM

**DATE:** February 8, 2011

**TO:** Board of County Commissioners

**FROM:** Jose E. Larrañaga, Commercial Development Case Manager

**VIA:** Jack Kolkmeier, Land Use Administrator  
Shelley Cobau, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

**FILE REF:** CDRC CASE # MP/PDP 10-5520 Creative Daycare, LLC

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### **ISSUE:**

Katrina Lujan, Applicant, James Siebert & Associates, Agent, requests Master Plan Zoning/Preliminary Development Plan approval for an existing two story structure, consisting of 2,760 square feet, to be utilized as a Community Service Facility, on a one acre parcel.

The property is located at 17661 US 84-285 West Frontage Road, within Section 28, Township 19 North, Range 9 East, (Commission District 1).

### **SUMMARY:**

On December 16, 2010, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of Master Plan Zoning/Preliminary Development Plan with Final Development Plan to be processed administratively for Creative Daycare as a Community Service Facility (Exhibit "H").

The Applicant requests Master Plan Zoning/Preliminary Development Plan approval to allow an existing 2,760 square foot residence to be utilized as a day care center consisting of 24 children. The subject property takes access via the US 84-285 west Frontage Road and is located outside of the Traditional Community of Cuyamungue. The proposed use, as a day care, is acknowledged by the code, as amended by Ordinance 2010-13, as a Community Service Facility. The Applicant also requests the Final Development Plan be processed administratively (Exhibit "A").

Ordinance 2010-13, Section 7 (Community Service Facilities) states: “Community Service Facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches”.

Section 7.1 of Ordinance 2010-13 (Standards) states: “Community Service Facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that: (7.1.1) the proposed facilities are necessary in order that community services may be provided for in the County; (7.1.2) the use is compatible with existing development in the area and is compatible with development permitted under the Code; (7.1.3) a Master Plan, Preliminary and Final Development Plan for the proposed development are approved” (Exhibit “C”).

Article V, Section 5.2.1.b states: “a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval.”

Article V, Section 5.2.1.c states: “the Master Plan submittal will consist of both plans and written reports which include the information required in Article V, Section 5.2.2. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a Master Plan map, a Master Plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included” (Exhibit “D”).

Article V, Section 7.1 (Development Plan Requirements) states: “a Preliminary Development Plan may be only a phase or portion of the area covered by an approved Master Plan, so long as the Preliminary Development Plan substantially conforms to the approved Master Plan” (Exhibit “E”).

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

**EXISTING CONDITIONS:**

A dwelling and a horse stable are located on the property. The Applicant is currently operating a day care consisting of 6 children, on the site, as a Home Occupation Business.

**ADJACENT PROPERTIES:**

The property is located on the US 84-285 West Frontage Road south of the Cuyamungue Traditional Community boundary. The site is bordered to the south by a vacant residential property and is surrounded to the east, west and north by Pojoaque Pueblo land.

**PARKING:**

Twelve parking spaces are proposed, one of which is handicap. Staff has determined that the parking element of the application is in compliance with Article III, Section 9.

**ACCESS:**

The site will utilize an existing private access via US 84-285 West Frontage Road. Public works has reviewed the submittal and has determined that, traffic generated on the private road will be that of the development and does not require a Traffic Impact Analysis. Public Works supports the development subject to the following conditions:

1. Applicant shall install a street name sign at the entrance of the private drive.
2. Applicant shall upgrade the private road to a twenty foot driving surface with six inches of compacted base coarse from the West Frontage Road to the most northern edge of turn-around.
3. Applicant shall provide a 3% crown on the driving surface for water run-off.
4. Applicant shall provide an emergency turn around having a minimum driving surface radius of at least sixty feet.
5. Applicant shall provide R1-1 (30"x30") STOP sign at the exit of property and W14-2 (30"x30") NO OUTLET sign.
6. All signage shall meet MUTCD standards.

New Mexico Department of Transportation has reviewed the application and has determined that the development will not have a significant adverse impact to the State system and recommends approval.

**SIGNAGE:**

The applicant currently has a sign located on Pojoaque Pueblo Land, Santa Fe County does not have jurisdiction over that sign. A directional sign is also proposed, the applicant shall give sign details prior to approval of Final Development Plan. Staff has determined that the signage element of the Application does comply with Article VIII.

**ARCHITECTURAL STANDARDS:**

The subject property currently has an existing 2,760 sq ft. building. The existing height of the building is 24 feet, scaled elevation plans shall be provided prior to Final Development Plan approval. Staff has determined that the application meets the criteria set forth within Article V. Section, 5.

**WATER:**

The County Water Resource Specialist has reviewed the water budget, for the proposed Daycare Facility, and has determined that the water use is in compliance with the Land Development Code.

**FIRE PROTECTION:**

The Santa Fe County Fire Department Fire Prevention Division has reviewed the submittal and has recommended approval subject to conditions listed in Exhibit "F".

**LIQUID WASTE:**

The Applicant proposes that the project be served by an existing septic system. The Applicant states that the day care center use is within the gallons per day limit established by the NMED permit. A renewal of the septic permit shall be provided prior to Final Development Plan approval.

**TERRAIN MANAGEMENT:**

The site has slopes less than 15% and slopes southeast to northwest. The site conforms to Article VII, Section 3.3 (Terrain Management Plan). The Applicant's proposal shows an Existing Topography, Natural Drainage, Slope and Soils map, but does not show a proposed Grading and Drainage Plan. Therefore, the submittal is not in conformance of Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance. The Applicant shall submit a Grading and Drainage Plan, to be approved by staff, prior to Final Development Plan approval.

**LANDSCAPING:**

Ordinance 2003-2 requires a general description of any proposed water harvesting techniques for Master Plan Approval. The Applicant has provided a partial description of a passive system in the report and has not described how the proposed landscape plantings in the front parking lot will be watered.

Article V, Section 7.1.2.g requires a description of the irrigation system to be used as a requirement for Preliminary Plan Approval and the Applicant has shown three 70 gallon rain barrels to collect rainwater located in the back of the building, but has not indicated how or where the water will be used on the proposed new plantings.

The Application has provided a general description of a passive rainwater harvesting system as required for Master Plan Approval. The Applicant shall include a landscape plan prior to Final Development Plan approval.

**ARCHAEOLOGY:**

The property is located within the medium potential archeological zone where the minimum project size is 10 acres therefore an archeological report is not required.

**REQUIRED ACTION:**

The BCC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions, or table for further analysis of this request.

**RECOMMENDATION:**

Staff has reviewed the Applicants request for Master Plan Zoning/Preliminary Development Plan for Creative Daycare and has found that the facts presented **support** this request: Ordinance 2010-13 recognizes a day care as a Community Service Facility; Community Service Facilities are allowed anywhere in the county; the proposed facility has demonstrated to be necessary as a Community Service Facility by operating a successful day care as a Home Occupation Business; the adjacent property is vacant and the land use in the vicinity has not been established therefore compatibility with existing development cannot be measured; the Application satisfies the criteria set forth in Ordinance 2010-13, Section 7; the Application for Master Plan is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in Article V, Section 5.2.2; the Preliminary Development Plan substantially conforms to the proposed Master Plan; the Application satisfies the submittal requirements set forth in Article V, Section 7 (Development Plan Requirements).

The review comments from State Agencies and the Building and Development Services Department has established findings that this application is in compliance with Article III, Section 4.4, Design Standards and Review Criteria, Article V, Section 5, Master Plan Procedures and Article 5, Section 7 Development Plan Requirements of the Land Development Code. Staff recommends Master Plan Zoning/Preliminary Development Plan **approval**, with Final Development Plan to be processed administratively, for an existing 2,760 square foot residence, to be utilized as a day care facility, on a one acre parcel located at 17661 US 84-285 West Frontage Road, subject to the following conditions:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal and Public Works.
3. Master Plan and Preliminary Development Plan, with appropriate signatures, shall be recorded with the County Clerk.

**ATTACHMENTS:**

Exhibit "A" – Report  
Exhibit "B" – Drawings  
Exhibit "C" – Ordinance 2010-13, Section 7  
Exhibit "D" – Article V, Section 5  
Exhibit "E" – Article V, Section 7  
Exhibit "F" - Reviewing Agencies Comments  
Exhibit "G" – Aerial Photo of Property/ Vicinity Map  
Exhibit "H" – CDRC Minutes