



Planning & Zoning Commission

Thomas P. Wittman, Chair
Henry Caldwell
Richard Duffy
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Susan Nichols
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Staff Report

Variance Request: Off-Site Parking Tract J Firehouse Road

1. Case Summary

Date of Hearing: April 4, 2022
Application Received: March 10, 2022
Date of Posting: February 17, 2022
Plan Review Fees: \$800 - Variance Request

Project Description: The applicant, TSV, Inc. recently submitted a development proposal for a two-story Office Building and Fire Station along with a new separate building for Modul Medical. The general concept was presented at the January 10, 2022 Commission Meeting.

The proposed project lacks sufficient on-site parking as required by the Village of Taos Ski Valley Planning & Zoning Ordinance 22-30, Section 22 - Off-Street Parking and Loading. An Off-site Parking Variance is requested. The applicant has suggested one possible means to providing adequate parking to serve the new facilities.

However, in staff's evaluation of the proposed parking plan, a more robust alternative is recommended to ameliorate the impact to surrounding properties and public safety and to more reasonably accommodate Village residents and visitor accessing the current Village Administrative Offices (see Exhibit #1).

Prior Actions/Approvals: None. The 22.4 +/- acre site is presently undeveloped.

2. Zoning Analysis:

A. The subject property is located along the southside of Firehouse Road and is zoned Commercial/Business (CB).

B. Planning & Zoning Ordinance 22-30 Section 22 - Off-Street Parking and Loading

1. Off-Street Parking and Loading Requirements.

There shall be provided on site, such off-street parking spaces as set forth in this section when any new Building or Structure is erected. Existing Buildings or Structures need supply such parking only to the extent ground space is available. Parking may be located on any portion of the parcel but shall not obstruct public right-of-way nor be located within any area, which has been designated as a snow storage easement.

2. Required Parking Spaces.

The minimum number of parking spaces to be provided shall be as follows:

1. Clinics: one space per doctor.
7. Offices, retail, and service establishments: one space per 500 square feet.

Parking Table # 1 - TSVI Adm. Office & New Firehouse

Building Use & Area Sq. Ft.	Ordinance Requirement	Parking Spaces Required	On-site Parking Provided
Firehouse 2,660	1 Space/500 sf.	6	0
Firehouse Office 1,365	1 Space/500 sf	3	0
Open Office 1,384	1 Space/500 sf	3	2
Post Office 929	1 Space/500 sf	2	2, incl. 1 ADA
Level 2 TSVI Office 5,760	1 Space/500 sf	12	0
Total		26	4

Twenty-two (22) off-site spaces are required to be provided to meet Village parking standards.

Mogul Medical requires 6 spaces plus one per doctor. Four spaces are provided, including 2 ADA. Given the primary on-mountain access to the facility, the parking allocated appears sufficient to allow a slight undercount.

The proposed TSVI Office Building site development eliminates all existing leased parking spaces that presently serve the current Village Administrative Office and Fire Station. Nine off-site parking spaces for Village Administrative Office functions are requested to be located in close proximity to the current location. Please see Exhibit #1 Alternative Parking Plan.

Parking Table # 2 - Village Administrative Offices & Existing Firehouse

Building Use & Area Sq. Ft.	Ordinance Requirement	Parking Spaces Required	On-site Parking Provided
Firehouse 2,900	1 Space/500 sf.	6	0
Village of TSV Offices 2,850	1 Space/500 sf	6	3
Total		12	3

C. The Planning and Zoning Ordinance instructs the Commission in Section 25 - Variances, subsection 4: to follow the criteria below when evaluating and permitting a variance request:

1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby properties. *The applicant fails to reasonable accommodate parking needs of neighboring properties and will cause significant hazard, annoyance, or inconvenience to the owners or occupants of nearby properties.*

The practical result of ignoring the parking needs of nearby uses, particularly the heavy utilized Village Administration Building and Fire Station #1, will cause people to illegally park or double park along Firehouse Road or in front of the fire station engine bays causing a significant public safety issue.

2. Will not significantly change the character of the neighborhood or reduce the value of nearby property. *It will change the character of the neighborhood, in a positive sense. The area will become much more like a 'civic node' or center, concentrating civic and community business in this area and encouraging more of the same.*
3. Will not impose significant cost burden upon the Village; and *Unlike the staff recommended alternative, the applicant's submitted parking plan will cause some additional cost burden upon the Village. A small, but accumulating amount of productive paid staff and community members' time will be lost traversing back and forth over the 900 feet (or three football fields distance) between the assigned parking and the nearby buildings.*

4. Will be in harmony with the general purpose and intent of the Ordinance and with the Comprehensive Plan.
5. Financial hardships to the applicant will not be the determinative factor granting variances. *It is within the applicants means to implement the preferred alternative parking plan.*

The applicant's proposed parking plan does not satisfy the Village of Taos Ski Valley Variance criteria.

- D.** The applicant is also obligated to follow and address State Statute criteria for a Variance request. State statute variance criteria Section 3-21-8(C)(1) allows variances that meet the following guidelines:

- (a) that are not contrary to the public interest;
- (b) where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship;
- (c) so that the spirit of the zoning ordinance is observed, and substantial justice done; and
- (d) so that the goals and policies of the comprehensive plan are implemented;

The applicant's project generally meets the criteria above, however, as stated earlier, for similar reasons, the applicant's proposed parking plan fails to meet the State Variance criteria.

- 3. Recommendation:** Staff recommends a motion to **Deny** the Variance request as proposed by the applicant.

Instead, Staff recommends a motion to **Approve** an Off-Site Parking Variance with the following **Conditions**:

- A. Accept the Parking Plan as proposed in Exhibit #1. This includes nine off-site spaces as indicated for the Village Administrative Office and Fire Station and 22 parking spaces for the proposed TSVI Office Building.
- B. All 31 off-site parking spaces are to be designated with proper signage, approved by the Village, and installed no later than November 15, 2022.

4. Public Notice & Public Comments

The notice of public hearing was mailed to all abutting property owners within 100 feet on February 17, 2022. A public notice sign was placed on the property on February 17, 2022.

The application and Staff Report were made available at the Villages Office for public review. The following written comments were received by the public:

A. None

5. Staff Endorsements

Submitted By:

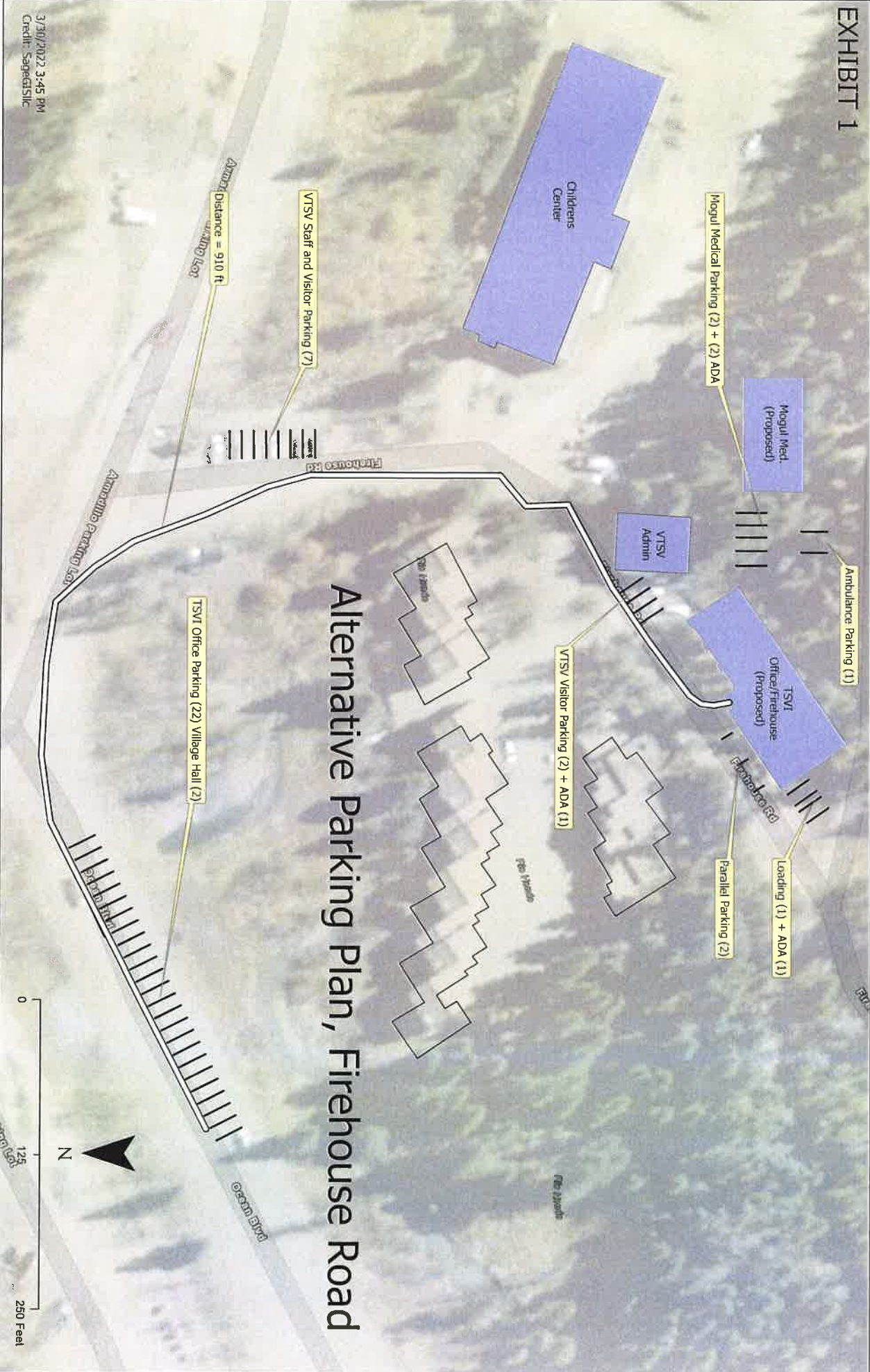
A handwritten signature in black ink, appearing to read 'Patrick Nicholson', written over a horizontal line.

Patrick Nicholson
Director
Planning & Community Development Department

6. Attachments

- A. Alternative Recommended Parking Plan
- B. Applicant Parking Site Plan and Narrative

EXHIBIT 1



LIVING DESIGNS GROUP ARCHITECTS

122A Doña Luz St. | Taos, NM 87571 | T: 575.751.9481 | arch@ldgtaos.com

TAOS SKI VALLEY INC.— FIREHOUSE RD. PROJECT

LOCATION: FIREHOUSE RD, VILLAGE OF TAOS SKI VALLEY, NM

2/28/22

PROJECT NARRATIVE:

The two proposed buildings will be nestled into the forested hillside off of Firehouse Rd. One will provide a new facility for the Village of Taos Ski Valley Fire Department and the Village Post Office on the first floor and permanent office space for Taos Ski Valley Inc. on the second floor. The other building will be a new location for the Mogul Medical Clinic which serves the Village and the ski area. Both buildings will be in the Alpine style common to the Village, with gabled roofs, board and batten siding, and stucco. They will be built into the hillside with entrances to each floor at finish grade. Heated concrete walkways and stairs will be used to provide connection between levels and with existing exterior circulation. The roadways and drainage will be designed to improve access and maintenance for all occupants of the area.

The objective of this project for TSVI is to relocate essential office space from the Core Village Zone and create a new central location for these employees to reduce traffic in and around the CVZ. At the same time, it will allow the much-needed upgrade of existing Village facilities without increasing the traffic burden on the neighborhood, its streets or the Village's maintenance requirements.

PARKING VARIANCE REQUEST:

In order to provide minimal site disturbance and to not increase traffic flow on Firehouse Rd., Taos Ski Valley Inc. would like to request a variance to the required off-street parking stipulated by VTSV ORD 2017-30 Section 22 for their proposed new facilities. In regard to Section 25.4 of the Village Ordinance, the proposed parking plan will cause no significant hazard, annoyance or inconvenience to nearby properties by not increasing the current traffic flow in the area. By utilizing existing off-site parking areas for the occupants, the character of the neighborhood will also be maintained. With the improvements to the roadways and drainage, the project will not impose a cost burden on the Village.

The on-site parking plan addresses the public needs of both the new medical clinic and the Post Office by providing clear access and more than the minimum required parking spaces, including ADA accessible spaces in both locations. TSVI employees currently park in designated staff parking lot, the Deer Lot, approximately 670 feet of travel distance and to the southeast of the proposed new buildings. They then use provided ground transportation or walk to their place of work, mostly in the Core Village Zone. The arrangement, as shown in the submitted plans, is a continuation of the typical parking condition for TSVI employees and is in line with the allowance for off-site parking provided in section 22.1 for the CVZ. VTSV Administration, Fire Department and Post Office personnel as well as visitors will be offered a dedicated area at the front of the TSVI staff parking area.

State statute variance criteria -

Section 3-21-8(C)(1) allows variances that meet the following guidelines:

(a) that are not contrary to the public interest;

The proposed project provides critical public services in the form of a permanent developed fire station, a medical clinic, and a post office. It is in the best interest of the public to have good

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access in and out of these critical services, therefore having staff parking associated with the administrative services in the public parking lot is not in conflict with that public interest.

(b) where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship;

The literal enforcement of the zoning ordinance would be in direct conflict with the village ordinance 9.1.5 , Figure 5-42 which encourages that buildings be clustered, and stepped in to the hillside in order to minimize the need for excessive earth moving. Providing onsite parking would require the creation of a large flat building pad which would require large amounts of vegetation removal, site disturbance, and excessive earth moving.

(c) so that the spirit of the zoning ordinance is observed and substantial justice done; and

The spirit of the ordinance is to preserve the natural terrain and landscape, utilizing the large open parking lots adjacent to the development site is the most practical solution to provide parking and access.

(d) so that the goals and policies of the comprehensive plan are implemented;

The proposed project is consistent with the development criteria of the of The Village of Taos Ski Valley Final Draft Comprehensive Plan from June of 2017

1. ***The proposed land use is consistent with the zoning for the parcel.***
2. ***The proposed use, massing, and density are compatible with surrounding development.***
3. ***The project unifies and connects adjacent properties and does not isolate the development from adjacent properties.***
4. ***The development is built with a roadways and/or driveways with less than 12% slope to the greatest extent possible.***
5. ***The project provides shared driveways and roadways to minimize cut-and-fill.***
6. ***The water and sewer service lines are within the required distances of the proposed development.***
7. ***Adequate water pressure is available for fire suppression.***
8. ***All buildings will be within 150 feet of the nearest fire hydrant.***
9. ***The Village has adequate water supply to service the development- yes - note that no part of this proposal is additional development - all of these services currently exist within the valley - they are simply being relocated and consolidated to this location.***
10. ***The site plan includes utility improvements for gas, electrical, and communications , no new easements are necessary from adjacent properties to provide utilities to the property.***
11. ***The site plan includes a grading and drainage plan, the plan improves upon the existing drainage patterns at the site boundaries and solves a number of existing drainage problems.***
12. ***The building are located in the most developable locations and are in compact arrangements where grading is minimized.***
13. ***There is adequate emergency access for ambulance, police and fire vehicles and equipment.***

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14. *Emergency vehicles can access all of the buildings within the proposed site plan.*
15. *All proposed public spaces provide adequate outdoor security lighting.*
16. *The landscaping plan includes creating defensible space.*
17. *The terrain management plan minimizes cut and fill and includes re-vegetation of disturbed areas.*
18. *Vegetative treatments of drainage “facilities” and improvements are provided over hard surface treatments such as gabions or concrete.*
19. *The potentials for a natural hazards have been mitigated the largest extent possible, including forest fire, flood, avalanche, and landslide.*
20. *All facilities comply with the American with Disabilities Act, including restrooms, parking spaces, and pedestrian passages.*
21. *No wetlands or streams are located on the property.*
22. *The Public Works Department and the Public Safety Department have reviewed the site plan, and their collective input has been integrated.*
23. *The snow management plan does not encroach on any adjacent properties or limit the Village’s ability to manage snow.*
24. *The buildings do not shed snow on a public passage or entry/exit of a building.*
25. *The proposed development includes a beneficial connected walkway to the Rio Hondo Learning Center to give a heated ADA access to mogul medical. In addition, the project connects the mogul medical clinic to the existing ski rails of the valley so that ski patrol and the general public have direct ski access to the critical medical service.*
26. *There are no significant rock outcroppings, watercourses, vegetation, or views in the area of the proposed development.*
27. *There are no deed restrictions, easements, development agreements, or covenants that apply to the property that restrict the development as proposed.*
28. *The proposed architecture enhances the natural surroundings, vegetation, views, and topography with regard to rooflines, building height, finishes and materials.*
29. *Given the north slope, opportunities are limited for including renewable energy production into the development such as solar photovoltaic, solar hot water, or geothermal.*
30. *Water use is minimized with low-flow fixtures.*
31. *A licensed architect, civil engineer, and structural engineer have prepared all of the necessary civil engineering designs and construction drawings.*
32. *Outdoor lighting plans insure night sky clarity is not compromised.*

