



# City of Santa Fe, New Mexico

# memo

**DATE:** March 13 for March 25, 2015 City Council Meeting

**TO:** City Council

**VIA:**

  
Brian Snyder, City Manager  
Lisa Martinez, Director, Land Use Department  
Tamara Baer, ASLA, Manager, Current Planning Division 

**FROM:** Donna Wynant, AICP, Senior Planner, Current Planning Division 

**Case #2014-109. Hands of America General Plan Amendment.** Monica Montoya, agent for Leonel Capparelli, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.50± acres of land from Rural/Mountain/Corridor (1 dwelling unit per 1 acre) to Office. The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

**Case #2014-110. Hands of America Rezoning.** Monica Montoya, agent for Leonel Capparelli, requests Rezoning approval of 1.50± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial). The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

*Cases #2014-109 and #2014-110 are combined for purposes of staff report, public hearing and Governing Body action, but each is a separate application and shall be reviewed and voted upon separately.*

## I. RECOMMENDATION

The Planning Commission recommends **APPROVAL OF BOTH CASES WITH CONDITIONS** to the Governing Body.

On January 8, 2015, the Planning Commission found that the application meets all code criteria for a General Plan Amendment and Rezoning. The applicant is requesting a General Plan Amendment from Rural/Mountain/Corridor (1 dwelling unit per 1 acre) to Office. Additionally, the applicant is requesting to rezone the property from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial). The applicant will then record the lot split of the 3.0± acre site into two lots, each 1.50± acres in size as requested and approved by the Planning Commission if the General Plan Amendment and Rezoning request are approved.

## II. APPLICATION OVERVIEW

Leonel Capparelli has owned the subject property and operated his Hands of America furniture restoration business at 401 Rodeo Road for the past 25 years. According to a report from the County, prior to Mr. Capparelli's ownership, the property had also been used as a furniture restoration business, and before that, was the location of a gas station. According to the same report, the gas tanks were removed in the 1940s and 1950s, by the previous owner.

Rezoning of the southern half of the property would qualify as an extension of the C-1 zoning across Rodeo Road. The applicant plans to continue the use of the metal shop and the shed on the proposed north lot for his furniture restoration business as an existing non-conforming use.

Mr. Capparelli obtained a building permit in 2007 for an office/gallery while in the County, prior to the City's annexation of this area in 2009. The State of New Mexico Construction Industries Division (CID) issued the permit for 3,768 square feet of retail space and site improvements consisting of landscaping along Rodeo Road and parking for the retail building on the south end of the property nearest to Rodeo Road per an approved site development plan. The State has inspected and approved footings and electrical installations as well as issued permit renewals regularly with the most recent renewal issued in January of 2014. Mr. Capparelli has maintained his business license for Hands of America while in the County and with the City since annexation.

The City annexed the property as part of the first phase of annexation with a zoning designation R-1 (Residential, 1 du/acre). The property includes his three unit home where he lives in one of the units. The furniture making and restoration business is primarily conducted in one structure on the north half of the property, which included two storage sheds. One storage shed was lost to fire in February 2014. The office/gallery building designed to showcase his furniture, is located closest to Rodeo Road and is currently under construction.

Mr. Capparelli has kept all permits up to date and his business license for Hands of America intact to maintain non-conforming status of the overall three acre property. Although Mr. Capparelli is able to complete his office/gallery under the permit obtained through the State CID, he requests to rezone the southern half of the property to C-1 (Office and Related Commercial) to give the proposed use and structure on the proposed south lot conforming status.

An early neighborhood notification meeting was held on July 23, 2014 to discuss the proposed general plan amendment and rezoning with neighbors and representatives of a neighborhood association. Thirteen persons signed in representing 7 properties within 300' of the subject property. Three persons represented Arroyo Chamiso/Sol y Lomas Neighborhood Association.

### **Attachments:**

- Exhibit 1 Planning Commission Findings of Fact, approved 2/24/15  
(Case #2014-109, Case #2014-110 and Case #2014-111)
- Exhibit 2 Draft General Plan Amendment Resolution
- Exhibit 3 Draft Rezoning Bill – C-1
- Exhibit 4 Planning Commission Staff Report Packet
- Exhibit 5 Planning Commission Minutes – 1/8/15

City of Santa Fe  
Planning Commission  
Findings of Fact and Conclusions of Law

Case #2014-109

Hands of America General Plan Amendment

Case #2014-110

Hands of America Rezoning to C-1

Case #2014-111

Hands of America Lot Split

Owner's Name – Leonel Capparelli

Applicant's Name – Monica Montoya

THIS MATTER came before the Planning Commission (Commission) for hearing on January 8, 2015 upon the application (Application) of Monica Montoya, Inc. as agent for Leonel Capparelli (Applicant).

The property is located at 401 Rodeo Road (Property) and is comprised of 3.00± acres with the Future Land Use designation of Rural/Mountain/Corridor (1 Dwelling Unit /Acre) and is zoned R-1 (Residential – 1 Dwelling Unit per Acre)

The Applicant seeks: (1) approval of a lot split to divide 3.00± of land into two lots, each 1.50 acres in order to rezone the southern lot to C-1 (Office and Related Commercial); (2) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the Future Land Use designation of the southern 1.50± acre lot of the Property from Rural/Mountain/Corridor to Office; and (2) to rezone the southern 1.50± acre of the Property from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS as follows:

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).

3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. An ENN meeting was held on the Application on July 23, 2014 at the Genoveva Chavez Community Center.
7. Notice of the ENN meeting was properly given.
8. The ENN meeting was attended by the Applicant and City staff; there were thirteen members of the public in attendance and no concerns were raised.
9. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning and lot split.

#### The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
  - (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*

The subject property lies in the middle of four properties on the north side of Rodeo Road designated Rural/Mountain/Corridor (1 du/acre), a lower density than adjacent residential areas that are designated at 1-3 du/ac and 3-7 du/acre. The large church across the street on the south side of Rodeo Road is designated as Public/Institutional and other properties on the south side of Rodeo Road are designated Office, including Sierra Vista (assisted living), a vacant building (previously the ARK veterinary hospital) and Montecito, a continuum of care community with condominium units and assisted living. A new chapel is currently under construction further to the west at the Rivera Cemetery. These surrounding properties were developed well after the "nonconforming" businesses were established on the north side of Rodeo Road. All four of the properties have direct access to Rodeo Road and rely on water wells and septic.
  - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*

The subject property is consistent with other parts of the general plan including compliance with anticipated probable future growth projections for this portion of Rodeo Road which over the years has developed partially into non-residential uses.

- (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*

The use is not significantly different or inconsistent from surrounding development and is not at the expense of surrounding landowners or the general public. The property is directly across from a mix of uses that are permitted in C-1. Approval of an office/gallery use would be consistent with the historic use of the property.

- (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].*

The proposal conforms with § 14-3.2(E)(1)(c) and is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.

- (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].*

The proposed use of the 3,768 square foot building will support Santa Fe's economic base by providing space for an office and a gallery and employment opportunities. The completion of the office/gallery building will be an important addition and improvement to this section of Rodeo Road and surrounding area. The C-1 designation is an effective transition from the mix of uses on the south side of Rodeo Road to the residential uses to the north.

- (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.*

This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

14. The Commission has considered the criteria established by Code §14-3.2(E)(2) and finds the following facts:

- (a) *the growth and economic projections contained within the general plan are erroneous or have changed.*

The 2009 Annexation and General Plan designation did not take into account the historic use of this property.

(b) *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.*

The existing land use was approved in the County, and per the terms of SPaZZo, the City accepted and honored those approvals.

(c) *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.*

The character of East Rodeo Road has existed for many years. The proposed amendment will bring the general plan up to date with the historic use and character of the area.

### The Rezoning

15. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map)

16. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.

17. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.

18. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:

(a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*

The property was designated at the least intense zoning R-1 without consideration of historic use or prior County permits. The neighborhood has not experienced significant changes since annexation. The rezoning would reflect the actual and historic use and character of the property. A number of different uses are permitted in the C-1 (Office and Related Commercial) as principally permitted uses. These include arts and crafts studios, galleries and shops, gift shops for the sale of arts and crafts.

(b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].*

All the rezoning requirements of Code Chapter 14 have been met.

(c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].*

The proposed rezoning is consistent with the Plan as set forth in the Staff Report.

(d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].*

The City currently has a good amount of office space, however, such space in this section of Rodeo Road could accommodate an already established use as it was

annexed into the city. Additionally, the C-1 district serves as a buffer to residential districts.

(e) *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 proposed development [Section 14-3.5(C)(1)(e)];* Infrastructure and public facilities are available to serve the proposed development of the property. Any new development will require connection to the City public sewer.

19. The Commission has considered the criteria established by Code §§14-3.5(D) and finds, subject to the Conditions, the following facts:

- (1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*
- (2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

Roadway infrastructure is available to adequately serve the site as it currently exists. If City water or wastewater becomes available to the new lot, prior to development of that lot, new development will be required to connect to either or both water or sewer, whichever is available at such time.

20. Staff has amended its condition regarding the construction of the sidewalk. The sidewalk must either be completed, inspected and approved prior to recordation of the Lot Split, or an Agreement to Construct the sidewalk and financial guarantee must be provided for the full cost of sidewalk construction at the time of recordation of the Lot Split or at the time of any further construction.

#### The Lot Split

21. The Applicant has complied with the submittal requirements of SFCC §14-3.7(B)(4)(b).

22. Based upon the information contained in the Staff Report, the Lot Split complies with the Approval Criteria, subject to the Conditions. If City water or wastewater becomes available to the new lot, prior to development of that lot, new development will be required to connect to either or both water or sewer, whichever is available at such time.

#### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

#### General

1. The proposed Plan amendment and rezoning and lot split were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

The Rezoning

4. The Applicant has the right under the Code to propose the rezoning of the Property.
5. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

The Lot Split

6. The Lot Split plat is approved, subject to the Conditions.

**WHEREFORE, IT IS ORDERED ON THE 19 DAY OF FEBRUARY, 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

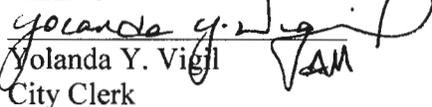
- A. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the Plan amendment.
- B. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to C-1.
- C. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the Lot Split, subject to the Conditions.



Michael Harris, Chair

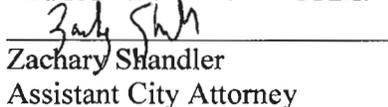
2/19/15  
Date:

FILED:

  
Yolanda Y. Vigil  
City Clerk

2/24/15  
Date:

APPROVED AS TO FORM:

  
Zachary Shandler  
Assistant City Attorney

2/19/15  
Date:

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2015-\_\_

3 INTRODUCED BY:

4  
5  
6  
7  
8  
9  
10 A RESOLUTION

11 AMENDING THE GENERAL PLAN FUTURE LAND USE MAP TO CHANGE THE  
12 DESIGNATION OF 1.50± ACRES OF LAND FROM RURAL/MOUNTAIN/CORRIDOR (1  
13 DWELLING PER 1 ACRE) TO OFFICE. THE PROPERTY IS LOCATED AT 401  
14 RODEO ROAD. (“HANDS OF AMERICA” GENERAL PLAN AMENDMENT CASE NO.  
15 2014-109).

16  
17 WHEREAS, the agent for the owner of the subject property (Leonel Capparelli) has  
18 submitted an application to amend the General Plan Future Land Use Map designation of the  
19 property from Rural/Mountain/Corridor (1 dwelling unit per 1 acre) to Office;

20 WHEREAS, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be  
21 amended, extended or supplemented; and

22 WHEREAS, the Governing Body has held a public hearing on the proposed amendment,  
23 reviewed the staff report and the recommendation of the Planning Commission and the evidence  
24 obtained at the public hearing, and has determined that the proposed amendment to the General  
25 Plan meets the approval criteria set forth in Section 14-3.2(E) SFCC 1987; and

1           **WHEREAS**, the reclassification of the Property would be substantially consistent with  
2 the provisions of the General Plan that promote a compact urban form, that encourages infill  
3 development and mixed use neighborhoods.

4           **WHEREAS**, the reclassification of the Property will not allow a use or change that is  
5 inconsistent with prevailing uses of the area or with the historic uses of the Property, and will not  
6 have adverse impacts upon the surrounding neighborhood; and

7           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
8 **CITY OF SANTA FE :**

9           **Section 1.**     That the General Plan Future Land Use Map classification for the Property  
10 be and hereby is amended to change the designation from Rural/Mountain/Corridor (1 dwelling  
11 unit per 1 acre) to Office as shown in the General Plan Amendment legal description attached  
12 hereto [EXHIBIT A] and incorporated herein.

13           **Section 2.**     Said General Plan amendment and any future development plan for the  
14 Property is approved with and subject to the conditions set forth in the table attached hereto  
15 [EXHIBIT B] and incorporated herein summarizing City of Santa Fe staff technical memoranda  
16 and conditions approved by the Planning Commission on January 8, 2015.

17           **PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.**

18  
19 \_\_\_\_\_  
20 **JAVIER M. GONZALES, MAYOR**

21 **ATTEST:**

22  
23 \_\_\_\_\_  
24 **YOLANDA Y. VIGIL, CITY CLERK**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPROVED AS TO FORM:

  
\_\_\_\_\_

KELLEY BRENNAN, CITY ATTORNEY

Resolution No. 2015-\_\_\_

EXHIBIT A  
401 Rodeo Road  
(Hands of America)  
Legal Description  
for General Plan Amendment  
from Rural/Mountain/Corridor to office

A CERTAIN TRACT OF LAND, DESIGNATED AS LOT 1, LYING AND BEING SITUATE WITHIN SECTION 2, T16N, R9E, N.M.P.M., 401 EAST RODEO ROAD, COUNTY OF SANTA FE, STATE OF NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT THE SOUTHEAST CORNER OF THE TRACT DESCRIBED HEREON, FROM WHENCE SANTA FE CONTROL MONUMENT No. 107, MARKED BY A DISK IN CONCRETE, BEARS, S42°36'24"W A DISTANCE OF 93.06 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING;

N89°11'00"W A DISTANCE OF 214.34 FEET; THENCE,  
N00°49'56"E A DISTANCE OF 304.50 FEET; THENCE,  
S89°11'00"E A DISTANCE OF 214.24 FEET; THENCE,  
S00°48'49"W A DISTANCE OF 304.50 FEET TO THE  
TRUE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 1.498 ACRES, MORE OR LESS.

ALL AS SHOWN ON A PRELIMINARY UNRECORDED LOT SPLIT PLAT TITLED "LOT SPLIT SURVEY PREPARED FOR LEONEL CAPPARELLI LOTS 1 & 2,..." BY PAUL A. RODRIGUEZ, N.M.P.S. No. 13839. SAID PLAT BEARS PROJECT No. 2205-2.

**Hands of America, 401 Rodeo Road**  
 Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111)

DRT Conditions of Approval	Department	Staff
<p>1. The Developer shall make the following changes to the plat:                      The applicant shall modify the easement where it terminates at the southern boundary of Lot 1 so that it is coincident with the existing driveway/access to Rodeo Road, use a reverse-curve or a gentle taper to accomplish this rather than an abrupt change of direction. Access easement to be reviewed and approved by the Public Works Dept.</p>	<p>Traffic Engineering/Public Works</p>	<p>Sandra Kassens for John Romero</p>
<p>1. There is no existing water service for the subject property. If they will request water service, there is a main available on Rodeo Road.                      2. Fire service requirements will have to be determined by the Fire Department prior to development.</p>	<p>Water Division</p>	<p>Dee Beingessner</p>
<p>1. Fire Department will accept previous conditions and approvals set forth by other agencies.                      2. Lot 2 does not meet fire code requirements for the driveway meeting 150 feet distance and would require a turn-around or automatic sprinklers system. Should any new construction or remodel take place it must conform to the current fire code.                      3. Lot 2 does not meet the fire code requirements for water supply distance. Should any new construction or remodeling take place it must conform to the current fire code.</p> <p><b>Prior to any new construction or remodel these conditions would apply:</b></p> <ol style="list-style-type: none"> <li>1. Shall Comply with International Fire Code (IFC) 2009 Edition.</li> <li>2. Fire Department Access shall not be less than 20 feet width.</li> <li>3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.</li> <li>4. Shall have water supply that meets fire flow requirements as per IFC.</li> <li>5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.</li> </ol>	<p>Fire Marshal</p>	<p>Reynaldo Gonzales</p>

EXHIBIT B

**Hands of America, 401 Rodeo Road**  
 Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111)

<p>The subject properties are accessible to the City sanitary sewer system.</p> <p>Additional Comments:</p> <ol style="list-style-type: none"> <li>1. There is an existing public sewer line north of the property. A continuous sewer service easement through Lot 1 and Lot 2 for the benefit of both lots shall be added to the proposed lot split plat.</li> </ol> <p>The following note shall be added to the plat:</p> <ol style="list-style-type: none"> <li>1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</li> </ol>	<p>Wastewater Division</p> <p>Stan Holland</p>
<p>The following review comments are to be considered conditions of approval for the Case #2014-111, Lot Split:</p> <ol style="list-style-type: none"> <li>1. <del>Sidewalk must be constructed along the Rodeo Road frontage in accordance with Article 14-9.2(E) of the Land Development Code. Construction must either be completed, inspected, and approved prior to recordation of the Lot Split, or a financial guarantee must be provided for the full cost of sidewalk construction, along with an Agreement to Construct the sidewalk within one year of recordation of the Lot Split.</del>  <u><i>This requirement was changed to the following, per the Planning Commission minutes 1/8/15: Easement for the sidewalk and the planter is required to be put in place at the time of recordation of the lot split. Construction of sidewalk to be required at time of building permit application for further construction on either lot.</i></u></li> <li>2. Add lot addresses (contact Marisa Struck 955-6661).</li> </ol>	<p>Technical Review Division</p> <p>RB Zaxus</p>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2015-8**

**AN ORDINANCE**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;  
CHANGING THE ZONING CLASSIFICATION FROM R-1 (RESIDENTIAL, 1  
DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL);  
AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A CERTAIN PARCEL  
OF LAND COMPRISING 1.50± ACRES LOCATED AT 401 RODEO ROAD (“HANDS OF  
AMERICA” REZONING CASE NO. 2014-110).**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1.** The following real property (the “Property”) located within the municipal boundaries of the city of Santa Fe, is restricted to and classified C-1 (Office and Related Commercial):

A parcel of land comprising 1.50± acres located at 401 Rodeo Road and more fully described in EXHIBIT A attached hereto and incorporated by reference, located in Section 2, T16N., R9E, N.M.P.M., Santa Fe County, New Mexico,

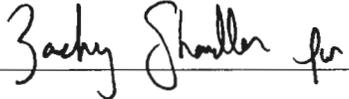
**Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance No. 2001-27 is amended to conform to the changes in zoning classifications for the Property set forth

1 in Section 1 of this Ordinance.

2           **Section 3.**     This rezoning action and any future development plan for the Property is  
3 approved with and subject to the conditions set forth in the table attached hereto as EXHIBIT B  
4 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and  
5 conditions recommended by the Planning Commission on January 8, 2015.

6           **Section 4.**     This Ordinance shall be published one time by title and general summary  
7 and shall become effective five days after publication.

8 **APPROVED AS TO FORM:**

9  
10  \_\_\_\_\_

11 **KELLEY BRENNAN, CITY ATTORNEY**

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Bill No. 2015-8**

EXHIBIT A  
401 Rodeo Road  
(Hands of America)  
Legal Description for C-1 Zoning

A CERTAIN TRACT OF LAND, DESIGNATED AS LOT 1, LYING AND BEING SITUATE WITHIN SECTION 2, T16N, R9E, N.M.P.M., 401 EAST RODEO ROAD, COUNTY OF SANTA FE, STATE OF NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT THE SOUTHEAST CORNER OF THE TRACT DESCRIBED HEREON, FROM WHENCE SANTA FE CONTROL MONUMENT No. 107, MARKED BY A DISK IN CONCRETE, BEARS, S42°36'24"W A DISTANCE OF 93.06 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING;

N89°11'00"W A DISTANCE OF 214.34 FEET; THENCE,  
N00°49'56"E A DISTANCE OF 304.50 FEET; THENCE,  
S89°11'00"E A DISTANCE OF 214.24 FEET; THENCE,  
S00°48'49"W A DISTANCE OF 304.50 FEET TO THE  
TRUE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 1.498 ACRES, MORE OR LESS.

ALL AS SHOWN ON A PRELIMINARY UNRECORDED LOT SPLIT PLAT TITLED "LOT SPLIT SURVEY PREPARED FOR LEONEL CAPPARELLI LOTS 1 & 2,..." BY PAUL A. RODRIGUEZ, N.M.P.S. No. 13839. SAID PLAT BEARS PROJECT No. 2205-2.

**Hands of America, 401 Rodeo Road**  
 Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111)  
 Ordinance No. \_\_\_\_\_

DRT Conditions of Approval	Department	Staff
<p>1. The Developer shall make the following changes to the plat:                      The applicant shall modify the easement where it terminates at the southern boundary of Lot 1 so that it is coincident with the existing driveway/access to Rodeo Road, use a reverse-curve or a gentle taper to accomplish this rather than an abrupt change of direction. Access easement to be reviewed and approved by the Public Works Dept.</p>	<p>Traffic Engineering/Public Works</p>	<p>Sandra Kassens for John Romero</p>
<p>1. There is no existing water service for the subject property. If they will request water service, there is a main available on Rodeo Road.                      2. Fire service requirements will have to be determined by the Fire Department prior to development.</p>	<p>Water Division</p>	<p>Dee Beingessner</p>
<p>1. Fire Department will accept previous conditions and approvals set forth by other agencies.                      2. Lot 2 does not meet fire code requirements for the driveway meeting 150 feet distance and would require a turn-around or automatic sprinklers system. Should any new construction or remodel take place it must conform to the current fire code.                      3. Lot 2 does not meet the fire code requirements for water supply distance. Should any new construction or remodeling take place it must conform to the current fire code.</p> <p><b>Prior to any new construction or remodel these conditions would apply:</b></p> <p>1. Shall Comply with International Fire Code (IFC) 2009 Edition.                      2. Fire Department Access shall not be less than 20 feet width.                      3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.                      4. Shall have water supply that meets fire flow requirements as per IFC.                      5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.</p>	<p>Fire Marshal</p>	<p>Reynaldo Gonzales</p>

EXHIBIT B

**Hands of America, 401 Rodeo Road**  
 Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111)  
 Ordinance No. \_\_\_\_\_

<p>The subject properties are accessible to the City sanitary sewer system.</p> <p>Additional Comments:</p> <ol style="list-style-type: none"> <li>There is an existing public sewer line north of the property. A continuous sewer service easement through Lot 1 and Lot 2 for the benefit of both lots shall be added to the proposed lot split plat.</li> </ol> <p>The following note shall be added to the plat:</p> <ol style="list-style-type: none"> <li>Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</li> </ol>	<p>Wastewater Division</p> <p>Stan Holland</p>
<p>The following review comments are to be considered conditions of approval for the Case #2014-111, Lot Split:</p> <ol style="list-style-type: none"> <li><del>Sidewalk must be constructed along the Rodeo Road frontage in accordance with Article 14-9.2(E) of the Land Development Code. Construction must either be completed, inspected, and approved prior to recordation of the Lot Split, or a financial guarantee must be provided for the full cost of sidewalk construction, along with an Agreement to Construct the sidewalk within one year of recordation of the Lot Split.</del>  <b><u>This requirement was changed to the following, per the Planning Commission minutes 1/8/15: Easement for the sidewalk and the planter is required to be put in place at the time of recordation of the lot split. Construction of sidewalk to be required at time of building permit application for further construction on either lot.</u></b></li> <li>Add lot addresses (contact Marisa Struck 955-6661).</li> </ol>	<p>Technical Review Division</p> <p>RB Zaxus</p>

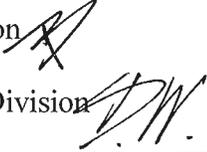
# City of Santa Fe, New Mexico

# memo

**DATE:** December 18, 2014 for the January 8, 2015 meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Tamara Baer, Planning Manager, Current Planning Division 

**FROM:** Donna Wynant, AICP, Senior Planner, Current Planning Division 

**Case #2014-111. Hands of America Lot Split.** Monica Montoya, agent for Leonel Capparelli, requests Lot Split approval to divide 3.0± acres of land into two lots, each 1.50 acres in order to rezone one of the lots to C-1 (Office and Related Commercial). The property is zoned R-1 (Residential, 1 dwelling unit per acre) and is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

**Case #2014-109. Hands of America General Plan Amendment.** Monica Montoya, agent for Leonel Capparelli, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.50± acres of land from Rural/Mountain/Corridor (1 dwelling unit per 1 acre) to Office. The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

**Case #2014-110. Hands of America Rezoning.** Monica Montoya, agent for Leonel Capparelli, requests Rezoning approval of 1.50± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial). The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

*Cases #2014-109, #2014-110 and #2014-111 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but each is a separate application and shall be reviewed and voted upon separately.*

## RECOMMENDATION

The Land Use Department recommends **approval** of all three cases with staff Conditions of Approval as outlined in this report. No specific development will occur as a result of these applications. The General Amendment and Rezoning cases will proceed to the City Council for final decision.

## **I. APPLICATION OVERVIEW**

Leonel Capparelli has owned the subject property and operated his Hands of America furniture restoration business at 401 Rodeo Road for the past 25 years. According to an unverified report from the County, prior to Mr. Capparelli's ownership, the property had also been used as a furniture restoration business, and before that, was the location of a gas station. According to the same report the gas tanks were removed in the 1940s and 1950s, by the previous owner.

Mr. Capparelli obtained a building permit in 2007 for an office/gallery while in the County, prior to the City's annexation of this area in 2009. The State of New Mexico Construction Industries Division (CID) issued the permit for 3,768 square feet of retail space and site improvements consisting of landscaping along Rodeo Road and parking for the retail building on the south end of the property nearest to Rodeo Road per an approved site development plan. (See Exhibit E-3) The State has inspected and approved footings and electrical installations as well as issued permit renewals regularly with the most recent renewal issued in January of 2014. Mr. Capparelli has maintained his business license while in the County and with the City since annexation.

The City annexed the property as part of the first phase of annexation with a zoning designation R-1 (Residential, 1 du/acre). The property includes his three unit home where he lives in one of the units. The furniture making and restoration business is primarily conducted in one structure on the north half of the property, which included two storage sheds. One storage shed was lost to fire in February 2014. The office/gallery building designed to showcase his furniture, is located closest to Rodeo Road and is currently under construction.

Mr. Capparelli has kept all permits up to date and his business license for Hands of America intact to maintain non-conforming status of the overall three acre property. Although Mr. Capparelli is able to complete his office/gallery under the permit obtained through the State CID, he requests to rezone the southern half of the property to C-1 (Office and Related Commercial) to give the proposed use and structure on the proposed south lot conforming status.

He proposes to subdivide his property into 2 parcels in order to rezone the southern lot thereby bringing it into compliance with zoning. To do so first requires the split, then an amendment to the General Plan to change the future land use designation of the southern lot to Office Use and to rezone it to C-1 (Office and Related Commercial). Rezoning of the southern half of the property would qualify as an extension of the C-1 zoning across Rodeo Road. The applicant plans to continue the use of the metal shop and the shed on the proposed north lot for his furniture restoration business as an existing non-conforming use.

## **II. LOT SPLIT**

The purpose of the lot split is to divide the property into two lots, each 1.50± acres in size, to then zone the resulting south lot (Lot 1) to C-1 to bring the existing uses into conformance with zoning. Lot 1 is currently developed with a three unit residential structure and a 3,768 sq. ft. building to house the applicant's office and furniture gallery, which is under construction. Lot

2, will remain residentially zoned, but will continue its use as a workshop in connection with the Hands of America furniture restoration business as a legally nonconforming use. As such, it may not be intensified or enlarged. Although the applicant has not indicated any interest in developing the north half residentially, the R-1 Zoning would allow the property owner to develop a house on the 1.50± acre lot.

The overall property has a water well and septic tank and is not currently connected to city utilities. At the time of any new construction on either of the two lots other than the building currently under construction on the front lot, the owner will be required to connect to city sewer and city water, if available. The rear lot, Lot 2, includes a small office that has a bathroom serviced with the well and septic field on Lot 1. An easement shall be shown and labeled on the plat for the well and septic field shared between lots. Connection to city water and sewer, if available, for either lot at the time of building permit application for any new development shall be noted on the plat.

The property is accessed directly from Rodeo Road by a private drive along the east property line which will be redesigned to accommodate additional spaces near the office/gallery on Lot 1. The existing driveway currently extends to a metal shop which is shown at the property line between Lot 1 and Lot 2. The Fire Marshal requires a 20 foot wide easement to access Lot 2 with a turnaround to be constructed at the time of permit application for any new development on that lot.

### III. GENERAL PLAN AMENDMENT

#### *14-3.2 (E) Approval Criteria*

##### *(1) Criteria for All Amendments to the General Plan*

*The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:*

- (a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;*

#### **Applicant Response:**

“The proposed ‘Office’ designation is consistent with growth projections for the area of the subject property. Adjacent properties across the street from the subject property are projected as non-residential uses. The proposed Office designation is appropriate for Hands of America which has operated at this location for 25 years, before the general plan update in 1999. The general plan’s vision for this stretch of Rodeo Road includes a combination of non-residential and residential uses with varying densities. Existing designations in close proximity are also “Office”. The proposed designation is a continuation of existing projected uses. The proposal is also consistent with economic diversity themes of the general plan which is to promote

economic development. All infrastructure is in place and no anticipated modifications are proposed with this application. The intent of this application is to bring existing uses into conformance with existing adopted plans.”

**Staff Response:**

The subject three acre property lies in the middle of four properties on the north side of Rodeo Road designated Rural/Mountain/Corridor (1 du/acre), a lower density than adjacent residential areas that are designated at 1-3 du/ac and 3-7 du/acre. The large church across the street is designated as Public/Institutional and other properties on the south side of Rodeo Road are designated Office, including Sierra Vista (assisted living), a vacant building (previously the ARK veterinary hospital) and Montecito, a continuum of care community with condominium units and assisted living. A new chapel is currently under construction further to the west at the Rivera Cemetery. These surrounding properties were developed well after the “nonconforming” businesses were established on the north side of Rodeo Road. All four of the properties have direct access to Rodeo Road and rely on water wells and septic. Connection to city water and sewer will be required as these properties develop in the future, assuming the infrastructure is available at that time.

***(b) consistency with other parts of the general plan;***

**Applicant Response:**

“Hands of America is consistent with other parts of the general plan including compliance with anticipated probable future growth projections for this portion of Rodeo Road which over the years has developed partially into non-residential uses. By virtue of existing designations, Hands of America is an acceptable land use to guide the growth and land development of East Rodeo Road for both the current period and the long term.”

**Staff Response:**

Staff concurs with applicant response.

***(c) the amendment does not:***

- (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or***

**Applicant Response:**

“No change of use is proposed with the amendment. We only seek a designation which appropriately recognizes the long term use of the subject property. The proposed amendment does not change the non-residential character of East Rodeo Road but rather assigns the correct designation to a historic non-residential pattern already established in the area. Uses in the area include predominantly non-residential uses combined with residential use.”

**Staff Response:**

The use is not significantly different or inconsistent from surrounding development and is not at the expense of surrounding landowners or the general public. The property is directly across from a mix of uses that are permitted in C-1. Approval of an office/gallery use would be consistent with the historic use of the property.”

*(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or*

**Applicant Response:**

“See below.”

**Staff Response:**

The property requested to be rezoned to C-1 is less than 2 acres (1.5 acres), but would be an adjustment and extension of the C-1 to the south.

*(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;*

**Applicant Response:**

“The designation of Office respects the historic established character of East Rodeo Road and intends to bring conformance to established uses in the area. No negative impacts are anticipated to surrounding landowners or the general public.”

**Staff Response:**

The development plan was approved in the County, and the applicant has renewed the construction permit throughout the years. The permit is subject to several conditions to ensure the property does not negatively impact surrounding properties.

*(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;*

**Applicant Response:**

“The amendment will promote the general welfare by bringing a historical use into conformance with appropriate City growth policies.”

**Staff Response:**

This proposal conforms to Section 14-3.2(E)(1)(c) and is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

*(e) compliance with extraterritorial zoning ordinances and extraterritorial plans;*

**Applicant Response:**

"N/A"

**Staff Response:**

N/A

*(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and*

**Applicant Response:**

"Hands of America contributes to the harmonious character established for the area and maintains respect of Santa Fe's unique personality and sense of place. Its theme speaks to the very fabric of the community; restoring New Mexican history for the present and future, while maintaining qualities established by the general plan including health, safety, morals, order and general welfare. It's a small business with big impacts on history."

**Staff Response:**

The proposed use of the 3,768 square foot building will support Santa Fe's economic base by providing space for an office and a gallery and employment opportunities. The completion of the office/gallery building will be an important addition and improvement to this section of Rodeo Road and surrounding area. The C-1 designation is an effective transition from the mix of uses on the south side of Rodeo Road to the residential uses to the north.

*(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.*

**Applicant Response:**

"Hands of America operates as a legal use with appropriate permits from the State, County and City meeting the requirements of City ordinances. The use is legally con-conforming created by events out of Mr. Capparelli's control. This status and has proven to be problematic to the

completion of the building at the south end of the site. The proposal seeks only to remedy this through the assignment of appropriate classification to match the historic use.”

**Staff Response:**

A potentially empty, large building is a detriment to the area and does not positively impact the local economy. The requested rezoning would ensure that the applicant’s development previously approved in the County will be a conforming use if zoned C-1. A nonconforming status could prevent him from rebuilding if it should be destroyed by fire or other catastrophe. This proposal is consistent with the City’s policies promoting infill, redevelopment, and mixed-use neighborhoods.

***(2) Additional Criteria for Amendments to Land Use Policies***

***In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping or other means, and a finding must be made that:***

***(a) the growth and economic projections contained within the general plan are erroneous or have changed;***

**Applicant Response:**

“The proposed amendment will bring conformance and an appropriate designation to a use which has operated at the site for over 20 years. It is conceivable that a study of the area during the 1999 update may have warranted the proposed classification.”

**Staff Response:**

The 2009 Annexation and General Plan designation did not take into account the historic use of this property.

***(b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or***

**Applicant Response:**

“The proposed amendment will provide a designation which is appropriate for the historic use of the property.”

**Staff Response:**

The existing land use was approved in the County, and per the terms of the Subdivision, Planning and Zoning Ordinance (SPPAZO) the City accepted and honored those approvals.

*(c) conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market or building technology.*

**Applicant Response:**

“The character of East Rodeo Road has existed for many years. The proposed amendment will bring the general plan up to date with the historic use and character of the area.”

**Staff Response:**

Staff concurs with the applicant’s response.

**IV. REZONING**

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

*(a) one or more of the following conditions exist:*

*(i) there was a mistake in the original zoning;*

**Applicant response:**

“We propose that there was a mistake in the original zoning. Through no-party’s fault, the subject property was annexed without the benefit of careful consideration of the historic use of 25 years, previous state and county permitting, and appropriate zoning designation. The result was the assignment of R1 zoning for a non-residential use. R1 does not permit non-residential use but because the use pre-existed the annexation, was allowed to continue with very restrictive requirements which do not apply to other non-residential uses in the city. We seek only to remedy the situation which was created through events out of Mr. Capparelli’s control. Hands of America has operated as a non-residential use for 25 years and a C1 designation would bring the historic use into conformance with appropriate zoning.”

**Staff response:**

The property was designated at the least intense zoning R-1 without consideration of historic use or prior County permits.

*(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning;*

**Applicant response:**

“The non-residential character of East Rodeo Road including that of the subject has existed for many years. We seek only to assign the appropriate zoning classification of C1 to a pre-existing use in an area with a history of non-residential use.”

**Staff response:**

The neighborhood has not experienced significant changes since annexation. Rather, the rezoning would reflect the actual and historic use and character of the property.

*(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;*

**Applicant response:**

“The proposed zone is more appropriate to the character of East Rodeo in this area. The C1 zone will have many positive effects including creation of a transition between existing non-residential uses and residential uses to the north. We ask the Commission to consider that C1 zoning is an appropriate designation based on development patterns immediately adjacent to and within the vicinity of the subject. The busy nature of Rodeo Road has made single family residential use (R1 zone) unlikely. Rodeo Road has become a major east/west connection with increasing traffic. It is our belief that the nature of C1 zoning at this location will create opportunities for an integrated community with surrounding uses.”

**Staff response:**

A number of different uses are permitted in the C-1 (Office and Related Commercial) as principally permitted uses. These include: (Table 14-6.1-1) “arts and crafts studios, galleries and shops, gift shops for the sale of arts and crafts.”

*(b) all the rezoning requirements of Chapter 14 have been met;*

**Applicant response:**

“We propose that rezoning requirements of Chapter 14 have been satisfactorily demonstrated through our application.”

**Staff response:**

Six parking spaces are shown on the Site Development Plan (See Exhibit E-3) and sufficient parking is available to accommodate the three unit residence behind the office/gallery building. Additional landscaping may be required next to the residential properties at the time of any future construction.

- (c) *rezoning is consistent with the applicable policies of the general plan, including the future land use map;*

**Applicant response:**

“We propose that the general plan recognizes that managing growth is a process which occurs over time. Character changes over time as traffic increases, population and density increases, quality of life changes to name a few. We ask the Commission to consider that East Rodeo does not fit the character of the general plan designation and must be updated. We ask the Commission to consider that the zoning designation of C1 is consistent with these policies.”

**Staff response:**

An amendment to the General Plan is requested with this application to change the zoning to C-1.

- (d) *the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;*

**Applicant response:**

“We propose that the general plan recognizes that managing growth is a process which occurs over time. Characters change over time as traffic increases, population and density increases, quality of life changes to name a few. We ask the Commission to consider that East Rodeo does not fit the character of the general plan designation and must be updated. We ask the Commission to consider that the zoning designation of C1 is consistent with these policies.”

**Staff response:**

Although the city currently has a good amount of office space, such space on this section of Rodeo Road could accommodate an already established use as it was annexed in to the city. Additionally, the C-1 district serves as a buffer to residential districts.

- (e) *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 proposed development.*

**Applicant response:**

“There will be no changes to existing infrastructure including East Rodeo Road construction, sewer, water or public facilities. The use will operate as it has for many years with the only difference being the appropriate zoning category.”

**Staff response:**

A water well and septic tank will continue to service the site with appropriate easements until such time as any new construction is proposed for Lot 1 or Lot 2 when connection to public water and sewer will be required if it is available. Currently, City water is available in Rodeo Road and City wastewater is available to the north of the property.

(2) *Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:*

(a) *allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;*

**Applicant response:**

“We propose that the C1 zone fits the historic non-residential character of East Rodeo Road in the vicinity of the subject property which in addition to non-residential uses is a high traffic commuter route from St. Francis Drive to Old Pecos Trail.”

**Staff response:**

The proposed rezoning of the south half of the subject property will not significantly change the character of the surrounding area.

(b) *affect an area of less than two acres, unless adjusting boundaries between districts; or*

**Applicant response:**

“The proposed C1 boundary will be adjusted from the south to include the subject property.”

**Staff response:**

Staff concurs with the applicant’s response.

(c) *benefit one or a few landowners at the expense of the surrounding landowners or general public.*

**Applicant response:**

“The proposed change will not adversely affect surrounding landowners or the general public. Rather, it will bring an already non-residential use into conformance with zoning laws.”

**Staff response:**

The proposed change to rezone the southern half of the three acre parcel will not adversely affect surrounding landowners.

**(D) Additional Applicant Requirements**

*(1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*

**Applicant response:**

“Existing infrastructure will be used with no changes proposed.”

**Staff response:**

Impacts on infrastructure will be assessed at the time of any future development proposals.

*(2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

**Applicant response:**

“E. Rodeo Road is sufficient to support the C-1 classification.”

**Staff response:**

Some infrastructure is available to serve the site and will be more closely evaluated at time of any new construction permit application. Infrastructure is available to serve the site and will be more closely evaluated at time of any new construction permit application.

**V. EARLY NEIGHBORHOOD NOTIFICATION MEETING**

An early neighborhood notification meeting was held on July 23, 2014 to discuss the proposed general plan amendment and rezoning with neighbors and representatives of a neighborhood association. Thirteen persons signed in representing 7 properties within 300’ of the subject

property. Three persons represented Arroyo Chamiso/Sol y Lomas Neighborhood Association. Discussions focused primarily on the proposal. (See Exhibit D-1, ENN Notes)

## **VI. CONCLUSION**

Staff supports the proposed lot split, general plan amendment and rezone subject to the attached DRT Conditions of Approval. The property has operated as a home and business for over 25 years and was annexed into the City at the lowest zoning category of R-1. The rezoning will bring already approved development into compliance with City zoning.

## **VII. ATTACHMENTS:**

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division email, Sandra Kassens
2. Water Division memorandum, Dee Beingessner
3. Fire Marshal, Reynaldo Gonzales
4. Wastewater Management Division memorandum, Stan Holland
5. Technical Review Division – City Engineer memorandum, Risana Zaxus

EXHIBIT C: Maps

1. Future Land Use
2. Current Zoning & Aerial
3. Utilities and Floodplain Map
4. Close Up Aerial

EXHIBIT D: ENN Materials

1. ENN Responses to Guidelines
2. ENN Meeting Notes

EXHIBIT E: Applicant Materials

1. Letter of Application (see applicant's package)
2. Lot Split Plat
3. Site Development Plan

EXHIBIT F: Other Material

1. Photographs of site
2. List of permitted uses in C-1 (Office and Related Commercial)

**Hands of America, 401 Rodeo Road**  
 Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111))

DRT Conditions of Approval	Department	Staff
<p>1. The Developer shall make the following changes to the plat:                      The applicant shall modify the easement where it terminates at the southern boundary of Lot 1 so that it is coincident with the existing driveway/access to Rodeo Road, use a reverse-curve or a gentle taper to accomplish this rather than an abrupt change of direction. Access easement to be reviewed and approved by the Public Works Dept.</p>	<p>Traffic Engineering/Public Works</p>	<p>Sandra Kassens for John Romero</p>
<p>1. There is no existing water service for the subject property. If they will request water service, there is a main available on Rodeo Road.                      2. Fire service requirements will have to be determined by the Fire Department prior to development.</p>	<p>Water Division</p>	<p>Dee Beingessner</p>
<p>1. Fire Department will accept previous conditions and approvals set forth by other agencies.                      2. Lot 2 does not meet fire code requirements for the driveway meeting 150 feet distance and would require a turn-around or automatic sprinklers system. Should any new construction or remodel take place it must conform to the current fire code.                      3. Lot 2 does not meet the fire code requirements for water supply distance. Should any new construction or remodeling take place it must conform to the current fire code.</p> <p><b>Prior to any new construction or remodel these conditions would apply:</b></p> <p>1. Shall Comply with International Fire Code (IFC) 2009 Edition.                      2. Fire Department Access shall not be less than 20 feet width.                      3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.                      4. Shall have water supply that meets fire flow requirements as per IFC.                      5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.</p>	<p>Fire Marshal</p>	<p>Reynaldo Gonzales</p>

**Hands of America, 401 Rodeo Road**  
 Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111))

<p>The subject properties are accessible to the City sanitary sewer system.</p> <p>Additional Comments:</p> <ol style="list-style-type: none"> <li>1. There is an existing public sewer line north of the property. A continuous sewer service easement through Lot 1 and Lot 2 for the benefit of both lots shall be added to the proposed lot split plat.</li> </ol> <p>The following note shall be added to the plat:</p> <ol style="list-style-type: none"> <li>1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</li> </ol>	<p>Wastewater Division</p>	<p>Stan Holland</p>
<p>The following review comments are to be considered conditions of approval for the Case #2014-111, Lot Split:</p> <ol style="list-style-type: none"> <li>1. Sidewalk must be constructed along the Rodeo Road frontage in accordance with Article 14-9.2(E) of the Land Development Code. Construction must either be completed, inspected, and approved prior to recordation of the Lot Split, or a financial guarantee must be provided for the full cost of sidewalk construction, along with an Agreement to Construct the sidewalk within one year of recordation of the Lot Split.</li> <li>2. Add lot addresses (contact Marisa Struck 955-6661).</li> </ol>	<p>Technical Review Division</p>	<p>RB Zaxus</p>

# City of Santa Fe, New Mexico

# memo

**DATE:** December 17, 2014

**TO:** Donna Wynant, Land Use Division

**VIA:** John J. Romero, Traffic Engineering Division Director *JJR*

**FROM:** Sandra Kassens, Engineer Assistant *SK*

**SUBJECT:** Hands of America General Plan Amendment. (Case# 2014-109)  
Hands of America Rezoning to C-1. (Case # 2014-110)  
Hands of America Lot Split. (Case # 2014-111)

---

**ISSUE:**

Monica Montoya, agent for Leonel Capparelli, Requests:

1. Approval of a General Plan Future Land Use map amendment to change the designation of 1.49± acres of land from RMTM (Mountain Density Residential, up to 1 dwelling unit per 10 acres) to Office designation; and
2. approval of 1.49± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial); and
3. Lot Split approval of 3.0± acres of land. The property is located at 401 Rodeo Road.

**RECOMMENDED ACTION:**

Review comments are based on submittals received on November 26, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

The Traffic Engineering Division will allow only one access onto Rodeo Road for this lot split.

1. The Developer shall make the following changes to the plat:
  - a. The applicant shall modify the easement where it terminates at the southern boundary of Lot 1 so that it is coincident with the existing driveway/access to Rodeo Road, use a reverse-curve or a gentle taper to accomplish this rather than an abrupt change of direction. Access easement to be reviewed and approved by the Public Works Dept.

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

Thank you.

SS001.PM5 - 7/95

EXHIBIT B-1

*City of Santa Fe*  
**memo**

**DATE:** November 26, 2014  
**TO:** Donna Wynant, Land Use Senior Planner, Land Use Department  
**FROM:** Dee Beingessner, Water Division Engineer *DB*  
**SUBJECT:** Case # 2014-111 Hands of America Lot Split

---

There is no existing water service for the subject property. If they will request water service, there is a main available on Rodeo Road.

Fire service requirements will have to be determined by the Fire Department prior to development.

# City of Santa Fe, New Mexico

# memo

**DATE:** December 8, 2014  
**TO:** Case Manager: Donna Wynant  
**FROM:** Reynaldo D Gonzales, Fire Marshal   
**SUBJECT:** Case #2014-109,110,111 Hands of America

---

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Fire Department will accept previous conditions and approvals set forth by other agencies.
2. Lot 2 does not meet fire code requirements for the driveway meeting 150 feet distance and would require a turn-around or automatic sprinklers system. Should any new construction or remodel take place it must conform to the current fire code.
3. Lot 2 does not meet the fire code requirements for water supply distance. Should any new construction or remodeled take place it must conform to the current fire code.

**Prior to any new construction or remodel these conditions would apply**

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Fire Department Access shall not be less than 20 feet width.
3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
4. Shall have water supply that meets fire flow requirements as per IFC.
5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width

# City of Santa Fe, New Mexico

# memo

**DATE:** December 2, 2014  
**TO:** Donna Wynant, Case Manager  
**FROM:** Stan Holland, Engineer, Wastewater Division  
**SUBJECT:** Case #2014-109-111 401 Rodeo Road hands of America General Plan Amendment, Rezoning and Lot Split

---

**The subject properties are accessible to the City sanitary sewer system.**

**Additional Comments:**

1. There is an existing public sewer line north of the property. A continuous sewer service easement through Lot 1 and Lot 2 for the benefit of both lots shall be added to the proposed lot split plat.

**The following note shall be added to the plat:**

1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.

# City of Santa Fe, New Mexico

# memo

DATE: December 17, 2014  
TO: Donna Wynant, Case Manager  
FROM: Risana B "RB" Zaxus, PE, City Engineer for Land Use Department  
SUBJECT: Case # 2014-111, Hands of America Lot Split

---

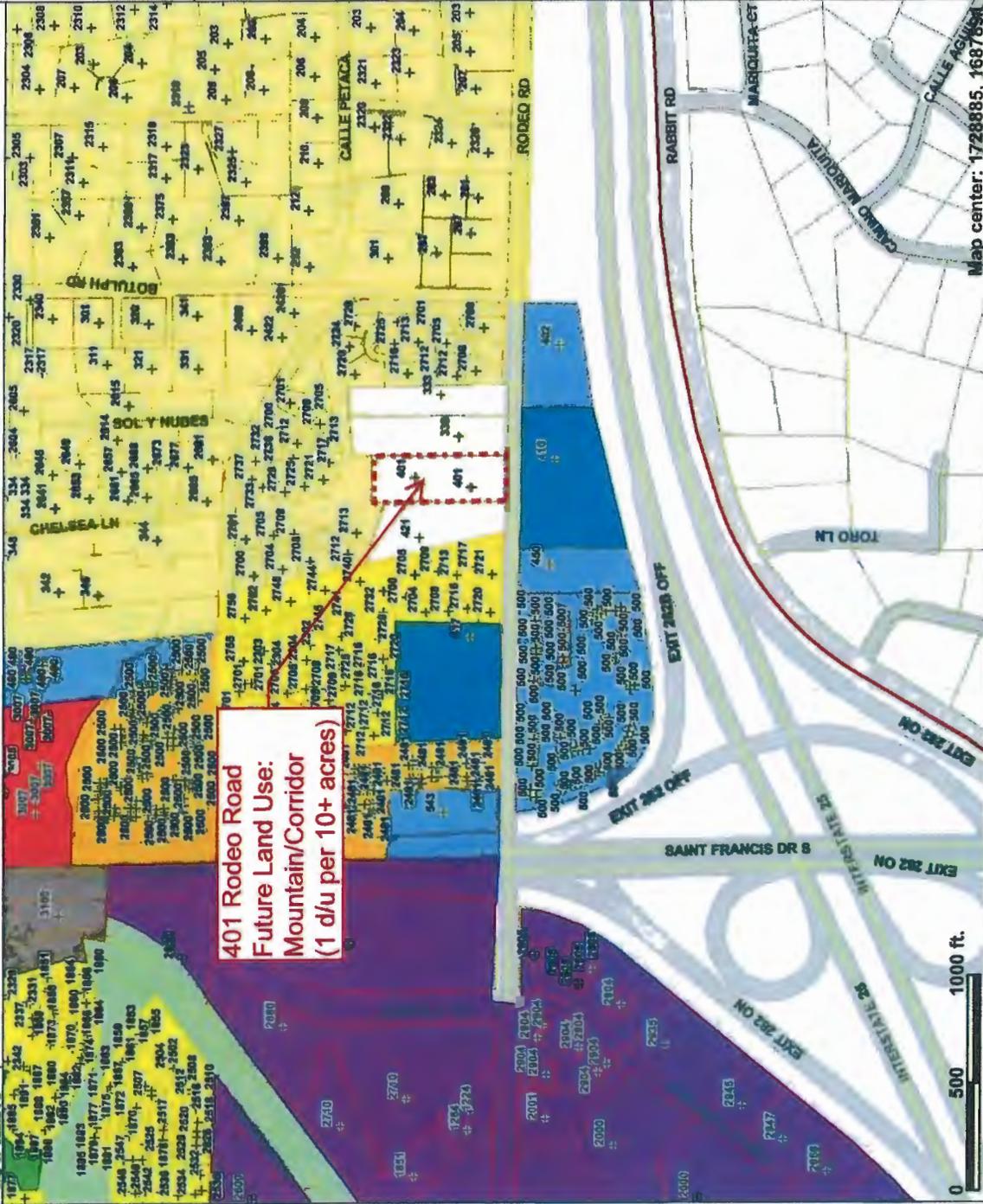
The following review comments are to be considered conditions of approval:

Sidewalk must be constructed along the Rodeo Road frontage in accordance with Article 14-9.2(E) of the Land Development Code. Construction must either be completed, inspected, and approved prior to recordation of the Lot Split, or a financial guarantee must be provided for the full cost of sidewalk construction, along with an Agreement to Construct the sidewalk within one year of recordation of the Lot Split.

Add lot addresses (contact Marisa Struck 955-6661).

(With regard to cases # 2014-109 and # 2014-110, the Hands of America General Plan Amendment and Rezoning, I have no review comments.)

# 401 Rodeo Road - Future Land Use Map



**401 Rodeo Road  
Future Land Use:  
Mountain/Corridor  
(1 d/lu per 10+ acres)**

**Legend**

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River
- Future Land Use
  - Mountain/Corridor (1 dwelling per 10+ acres)
  - Very Low Density (1-3 dwellings per acre)
  - Low Density (3-7 dwellings per acre)
  - Moderate Density (7-9 dwellings per acre)
  - Medium Density (7-12 dwellings per acre)
  - High Density (12-28 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Subsistence

Scale: 1:8,560

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

# 401 Rodeo Road-Zoning Map



**401 Rodeo Road**  
**Zoning: R-1**  
**(Residential, 1 du/ac)**

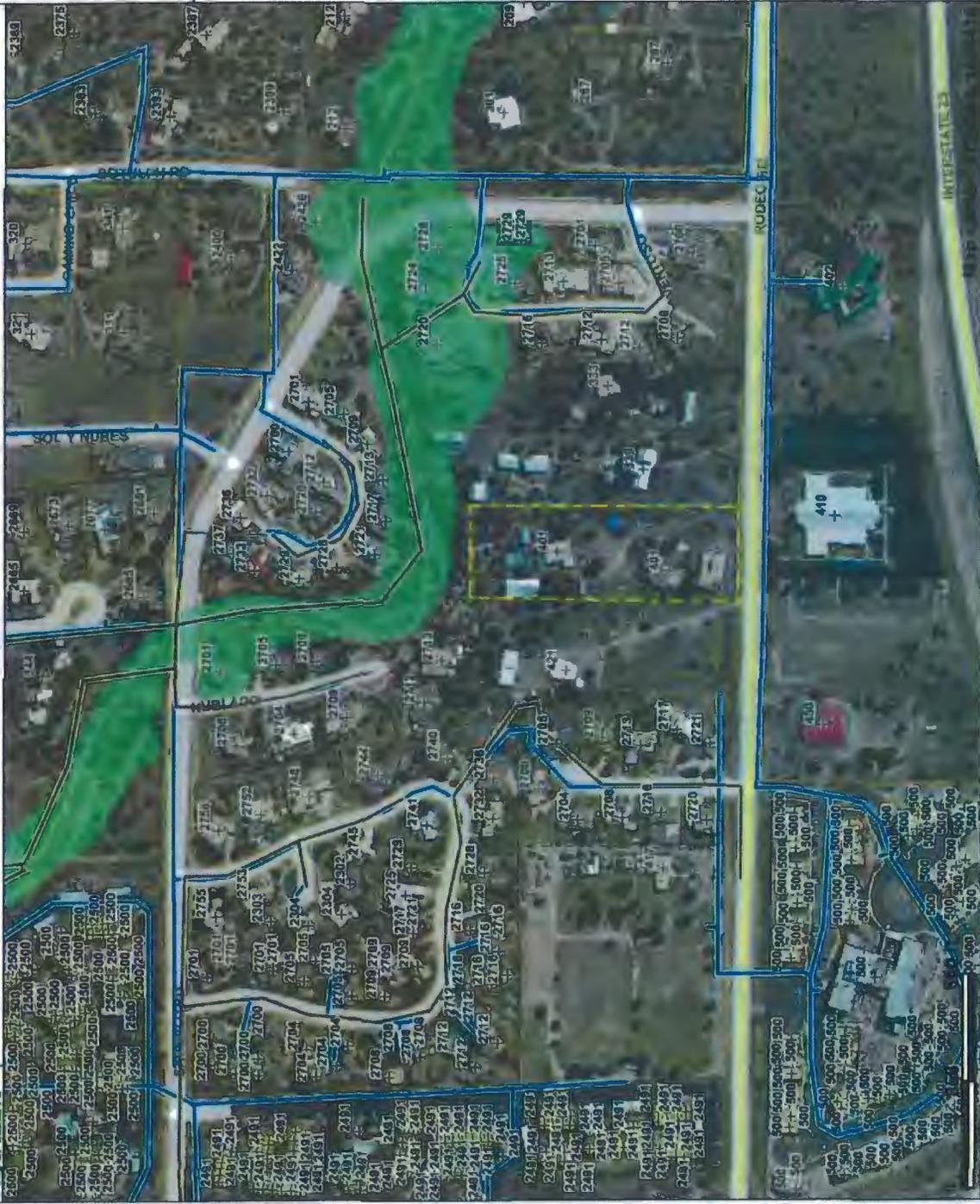
### Legend

- City Limits
- Address Points
- Parcel
- Airport Clear Zones
- Santa Fe River
- Zoning**
- RR Rural Residential
- R1, (PUD) Single-Family 1du/ac
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5du/ac
- R7, R8, (PUD), R9 Single - Family 7-8du/ac
- R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R24, R25, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R36, R37, R38, R39, R40, R41, R42, R43, R44, R45, R46, R47, R48, R49, R50
- R16, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD), (AC) Multiple - Family 2du/ac
- RAC Residential Arts & Crafts
- Scale: 1:4,225

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 1729483, 1688336

# 401 Rodeo Rd.- Area Utilities & Floodplain



- Legend**
- City Limits
  - Address Points
  - Wastewater Collection Pipelines
  - Water Pipe Distribution
  - Parcels
  - Airport Clear Zones
  - Santa Fe River
  - FEMA Floodplain December 4, 2012 (100 yr)
  - Major Roads and Highways
  - Other Roads and Streets
  - 2011 Aerial Photography - 1 foot resolution

Scale: 1:4,265

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.





## ENN GUIDELINES

### Applicant Information

Project Name: Hands of America/Capparelli

Name: Leonel Capparelli  
Last First M.I.

Address: 401 E. Rodeo Road  
Street Address Suite/Unit #  
Santa Fe NM 87507  
City State ZIP Code

Phone: ( 505 ) 983-5550 E-mail Address: handsofamer@cybermesa.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 existing, currently incomplete building on Rodeo Road will be completed. Elevation drawings are attached. The building is two stories, designed in pueblo style with covered portals and upper balconies, with traditional stepbacks and rounded corners. It is set back 25' from the Rodeo Road property line and 10' from the west property line. A landscape buffer in compliance with code requirements will be provided. No access issues are anticipated as the project will not make any changes. The primary effect on the appearance of the property will be positive, as the approvals will allow completion of the current incomplete building in an attractive and tasteful manner.

**(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.*

No physical changes will be made other than completion of the building and any necessary landscape buffer. No change in use is planned other than moving the existing furniture business into the new building. Therefore, there will be minimal to no impact on the physical environment.

**(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 prehistoric, historic, archeological or cultural sites or structures on the subject property.*

**(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.*

No change in land use or density is planned. The property currently has both residences and the Hands of America furniture business, and those will both stay, with the business moved into the new building. The C-1 zoning district abuts the subject property across Rodeo Road, and the property is surrounded by commercial, institutional and home-based businesses. The project was fully approved by Santa Fe County and started prior to annexation, but unfortunately was not completed prior to annexation, and that is why the current application is required.

**(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.*

Traffic impact will not change from the current use.

**(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.*

Hands of America is an acclaimed skilled furniture making restoration business. It uses traditional techniques and presents minimal environmental impact to the community. It is the type of arts-focused small business that Santa Fe works to attract and retain. Mr. Capparelli would like to continue doing the same work on his same property.

**(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 have no effect on the availability of housing, as no changes are planned.

**(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 project will have no effect on public services, because there are no physical changes planned other than completion and occupation of the new building. The new building will meet all current fire code standards.

**(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.*

There will be no change in water use other than minimal irrigation for any required landscaping to be offset 100% by roof catchment. Completion of construction will require minimal water.

**(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 existing mixed residential/commercial land use of the property will continue.

**(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.*

The use and density of the subject property will not change.

**(l) ADDITIONAL COMMENTS (optional)**

Mr. Capparelli seeks to complete the unfinished building and move his business into it, as well as secure financing to do so. He had received all necessary approvals from Santa Fe County to do this prior to annexation, but was unfortunately no able to complete it. With the recent tragic fire in his workshop he is forced to complete the project, but now must comply with City zoning requirements. The application will put Mr. Capparelli back in the position he was prior to annexation.



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

<i>Project Name</i>	Capparelli/Hands of America Lot Split/Rezoning
<i>Project Location</i>	401 Rodeo Road, Santa Fe, NM 87507
<i>Project Description</i>	Rezoning to C-1 and lot split
<i>Applicant / Owner</i>	Leonel Capparelli
<i>Agent</i>	Chris Graeser, Graeser & McQueen Law Firm
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	July 23, 2014
<i>ENN Meeting Location</i>	Genoveva Chavez Community Center
<i>Application Type</i>	Rezoning and Lot Split
<i>Land Use Staff</i>	Donna Wynant
<i>Other Staff</i>	
<i>Attendance</i>	___ people

### **Notes/Comments:**

Donna Wynant opened the meeting and gave an overview of the ENN request and the process. She introduced the applicant's agent Chris Graeser who introduced the applicant/property owner, Leonel Capparelli.

Mr. Graeser stated that the applicant proposes to divide the property in half and rezone the southern (front) half to C-1 (Office and Related Commercial). The proposal for an office/gallery was approved when it was in the County, and the building permit was issued through the State of New Mexico Construction Industries Division and was kept up to date over the years. The property was annexed into the city in 2009. Mr. Graeser pointed out the site and the surrounding properties on an aerial photo and pointed out the features of the structure from the artist rendering.

The structure, although unfinished, has been deemed structurally sound per the information by Mike Purdy of the City's Inspection and Enforcement Division who discussed the status of the property with the CID. Mr. Capparelli said the

structure was sound, built with mesquite wood from Mexico. He said he already invested \$250,000 into the project.

Elena Benton of the Arroyo Chamiso/Sol Y Lomas Neighborhood Association asked what was different about this proposal, why commercial zoning. She said she's concerned about expanding commercial development.

Another concern was raised about the use of chemicals in his business. Mr. Capparelli said that yes, he uses lacquers, but he uses green products.

The owner of the Electrical Services business, located immediately east of Hands of America, said that at the Annexation meetings, he was promised C-1 (Office and Related Commercial) zoning, but then the maps showed the properties as R-1.

A neighbor asked if the property has a septic tank. Mr. Capparelli said that is already approved with septic and water well, and that it won't use a lot of water.

Another question was raised about the types of uses that were allowed in C-1, and whether or not a fast food restaurant would be allowed. Ms. Wynant said according to Chapter 14, that it is among the many types of uses allowed in C-1. However, the proposal under review with the Hands of America does not involve anything other than a rezoning request to accommodate the office/gallery that was approved originally through the county.

The meeting adjourned at 6:45

MONICA MONTOYALand Use Consulting, Inc

November 24, 2014 for January 8, 2015 Planning Commission Meeting

Planning Commission Members  
C/O Current Planning Division  
Planning and Land Use Department  
200 Lincoln Avenue  
Santa Fe, N.M. 87502

**SUBJ: HANDS OF AMERICA/LEONEL CAPPARELLI GENERAL PLAN  
AMENDMENT AND REZONING.**

Dear City Staff,

This application is submitted on behalf of Mr. Leonel Capparelli to request General Plan Amendment from RMTM (*Mountain Density Residential, up to 1 dwelling unit per 10 acres*) to Office designation and rezoning from R1, (*Residential, 1 dwelling unit per acre*) to C1, (*Office and Related Commercial*), for 1.498 acres located at 401 Rodeo Road.

**Exhibit A.**

**APPLICATION OVERVIEW**

Leonel Capparelli owns property at 401 Rodeo Road and has operated a furniture restoration and incidental sales business for almost 25 years known as Hands of America. The annexation of his property by the City coupled with the recession put Mr. Capparelli in a precarious situation which he now hopes to resolve with this application.

Generally, before his property was annexed into the City limits, Mr. Capparelli received appropriate permits from the State and County to construct a building to house an office and gallery on the south end of his property nearest to East Rodeo Road. Because of the economic conditions of the country at the time, the construction process slowed down considerably. The property was then annexed without the benefit of careful consideration of appropriate general plan and zoning designations to reflect the historic commercial use and as a result, his long standing business became "non-conforming".

The non-conforming status of the property has become problematic to Mr. Capparelli's ability to complete the unfinished building and for this reason, he requests that the City grant approvals necessary to accomplish conformance with land use laws. Specifically, to subdivide his property into 2 parcels, (*Summary Committee review*), and amend the General Plan and Zoning classifications on the south end of the property closest to Rodeo Road. Mr. Capparelli has worked closely with staff to create a plan which will satisfy the code and take into consideration the unfortunate situation brought on by events out of his control.

EXHIBIT E-1

(See applicant's packet  
for Letter of Application)



PLAN OF BOUNDARY SURVEY  
FOR  
AMELIA J. CARSON  
KAREN M. KLEEMAN

A CERTAIN TRACT OF LAND BEING SITUATE WITHIN  
SECTION 2, T. 18 N., R. 9 E., S. 4, ALP. M.,  
SANTA FE COUNTY, NEW MEXICO.

0420018

RAC  
ARTS AND CRAFTS RESIDENTIAL  
NON-CONFORMING

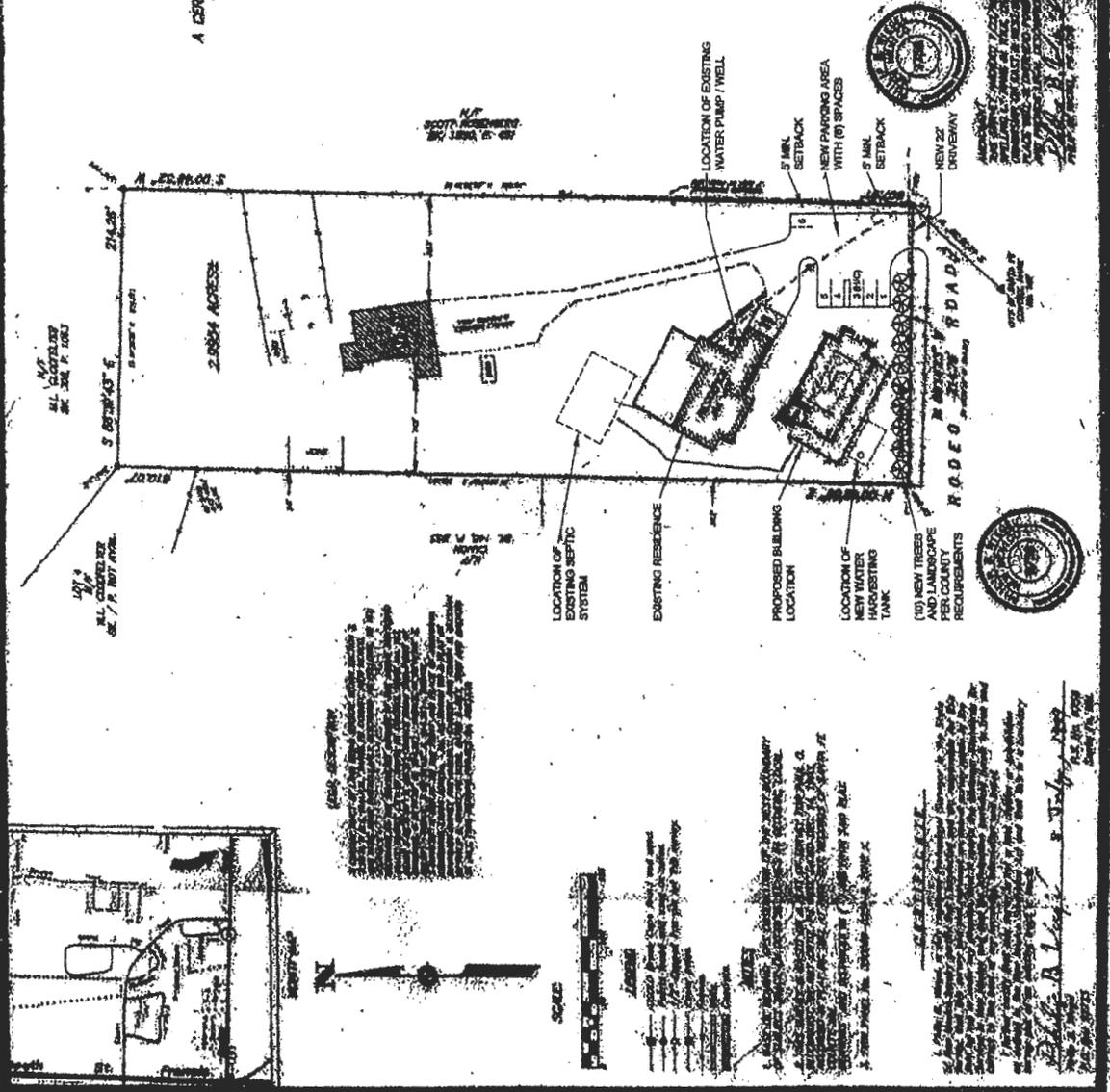


COUNTY OF SANTA FE, NEW MEXICO  
SECTION 2, T. 18 N., R. 9 E., S. 4, ALP. M.  
SANTA FE COUNTY, NEW MEXICO

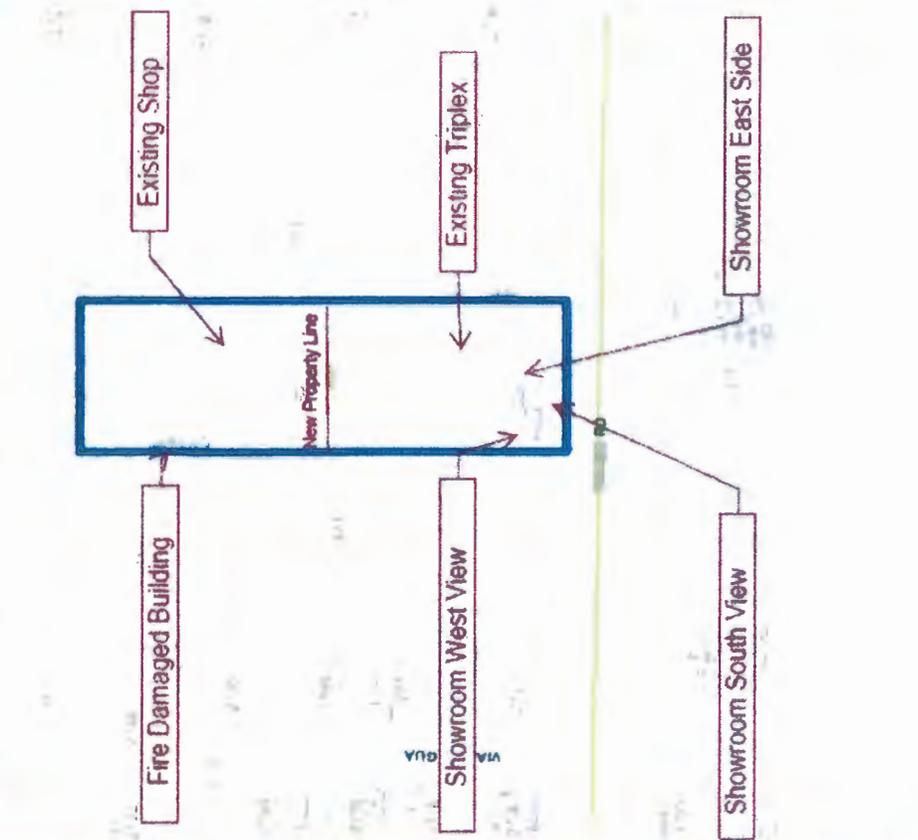
Chella Heston  
REGISTERED SURVEYOR  
NO. 12345

PLANNING DEPARTMENT  
SANTA FE COUNTY  
1000 W. WASHINGTON ST.  
SANTA FE, NM 87501  
505-833-3300

PLANNING DEPARTMENT  
SANTA FE COUNTY  
1000 W. WASHINGTON ST.  
SANTA FE, NM 87501  
505-833-3300



**401 RODEO ROAD/PHOTOS OF SITE/October 2014**



## C-1 Office and Related Commercial District

The purpose of the C-1 office and related commercial district is to provide areas for government offices; professional and *business* offices; medical and dental offices or clinics; *personal care facilities for the elderly*; and *hospitals*, laboratories, *pharmacies* and related complementary *businesses* that provide sales or service of office equipment, medical and dental supplies and office supplies. This district serves as a transitional buffer between more intense commercial use districts and *residential* districts.

### Permitted Uses

1. Adult day care
2. Arts & crafts schools
3. Arts & crafts studios, galleries & shops,
4. Banks, credits unions (no drive-through)
5. Banks, credits unions (with drive-through) ☼
6. Barber shops & beauty salons
7. Boarding, dormitory, monastery
8. Clubs & lodges (private) ☼
9. Colleges & universities (non-residential)
10. Continuing care community
11. Correctional group residential care facility ☼
12. Dance studios
13. Daycare; preschool for infants & children (6 or fewer) Small
14. Daycare; preschool for infants & children (more than 6) Large
15. Dwelling; multiple family
16. Dwelling; single family
17. Electrical distribution facilities
18. Electrical substation
19. Electrical switching station
20. Electrical transmission lines
21. Fire stations
22. Foster homes licensed by the State
23. Funeral homes or mortuaries
24. Group residential care facility
25. Group residential care facility (limited)
26. Kennels ☼
27. Manufactured homes
28. Medical & dental offices & clinics
29. Museums
30. Neighborhood & community centers (including youth & senior centers)
31. Nursing, extended care, convalescent, & recovery facilities
32. Offices; business & professional (no medical, dental, financial services)
33. Personal care facilities for the elderly
34. Pharmacies or apothecary shops
35. Photographers studios
36. Police stations
37. Police substations (6 or fewer staff)
38. Preschool, daycare for infants & children – Small
39. Preschool, daycare for infants & children – Large
40. Public parks, playgrounds, playfields

41. Religious assembly (all)
42. Religious educational & charitable institutions (no schools or assembly uses) ☼
43. Rental, short term
44. Restaurant; fast service, take out (no drive through or drive up, no alcohol sales, not to exceed 1,000 Square Feet)
45. Schools; Elementary & secondary (public & private) ☼
46. Schools; vocational or trade, non-industrial
47. Tailoring & dressmaking shops
48. Veterinary establishments, pet grooming ☼

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

### **Special Use Permit**

The following uses may be conditionally permitted in C-1 districts subject to a Special Use Permit:

1. Cemeteries, mausoleums & columbaria
2. Colleges & universities (residential)
3. Grocery stores (neighborhood)
4. Hospitals
5. Laundromats (neighborhood)
6. Mobile home; permanent installation
7. Sheltered care facilities
8. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

### **Accessory Uses**

The following accessory uses are permitted in C-1 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds (within the rear yard only)

### **Dimensional Standards**

#### **Minimum district size**

- Single family dwelling: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided).
- Multiple family dwelling: as required to comply with gross density factor.

<b>Maximum height:</b>	36
<b>Minimum setbacks:</b>	
Non-residential uses:	Street 10; side 5, rear 10
Residential uses:	Street 7; side 5 (10 on upper stories); rear 15 or 20% of the average depth dimension of lot, whichever is less
<b>Max lot cover:</b>	
Non-residential uses:	60
Residential uses:	40

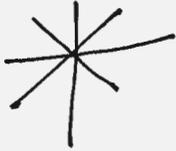
**Open Space Requirements:**

Single-Family                      Where the *lot* size is between two thousand (2,000) and four thousand (4,000) square feet, qualifying *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of single *family lots*, equals no less than four thousand (4,000) square feet.

Multiple-Family                      Qualifying *common open space* is required at a minimum of two hundred fifty (250) square feet per unit.

Non Residential                      The minimum dimension for *nonresidential open space* shall be 10 feet and cover a minimum of 300 square feet, unless the area is a component of interior parking *landscape* and meets the requirements for *open space* credits for *water harvesting* described in 14-7.5(D)(6).

The percentage of *required open space* shall be calculated on the basis of total *lot* area, and shall be no less than 25% unless the conditions described in 14-7.5(D)(6) are met; then the *required open space* may be reduced by a maximum of 10% of the total *lot* size.



2.

**CASE #2014-111. HANDS OF AMERICA LOT SPLIT. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS LOT SPLIT APPROVAL TO DIVIDE 3.0± ACRES OF LAND INTO TWO LOTS, EACH 1.50 ACRES, IN ORDER TO REZONE ONE OF THE LOTS TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS ZONED R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) AND IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT, CASE MANAGER)**

*Items H(3), H(4) and H(5) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.*

A Memorandum, with attachments, prepared December 18, 2014, for the January 8, 2015 meeting, is incorporated herewith to these minutes as Exhibit "9."

Copies of the General Plan Amendment Application and various Plats regarding this case are on file in, and can be obtained from, the Land Use Department.

Responding to the Chair, Ms. Baer said the items will be voted upon in the order that they appear on the Agenda.

Tamara Baer presented information in this matter from the Staff Report which is in the Commission packet. Please see Exhibit "9," for specifics of this presentation.

Ms. Baer noted Risana Zaxus, Acting Director, Technical Review Division, agreed to amend her condition of approval, which pertains to the timing of when the sidewalks would take place. Ms. Zaxus agreed that the way we typically do this is the way it should be handled in this case as well. And that is, "At the time of any further construction, as Mr. Romero explained earlier when the sidewalk requirement kicks in.... so if there is a building permit application for either lot, we would require that the sidewalk be constructed with that application, and staff would ask for this particular amendment to the condition to be approved by the Planning Commission." She noted the condition originally proved that the sidewalk would be constructed within one year of recordation of the lot split, and this change would eliminate the time constraint. She said staff would like for the easement for the sidewalk and the planter to be put in place at this time with recordation of the lot split.

## **Public Hearing**

### **Presentation by the Applicant**

**Monica Montoya, 76 Gregory Lane, Agent for Leonel Capparelli, owner, was sworn.** Ms. Montoya, said, "I would just like to acknowledge and say thank you to staff for their unending assistance in this application and in other cases."

Ms. Montoya said, "Basically, the purpose of the application is to bring a situation of the status of the property into conformance with City regulations. This application would not be here before the City had it not been for the annexation of his property. Mr. Capparelli, as Tamara discussed, has been at this site

for more than 25 years as a furniture restoration business. He basically takes antique furniture, restores it and sells it. This process occurs on the site and he proposes to retain that use in perpetuity. Once he was annexed into the City limits, as Tamara explained, he became non-conforming. And that was because, at the time the property was annexed into the City limits it received the residential zoning. It is quite possible that if a study had been done, the property may have received a C-1 zoning. We don't have a problem with that, but we do need to state that it has been problematic for Mr. Capparelli to operate his business on the property over the years."

Ms. Montoya continued, "And so as Tamara mentioned, he has always operated legally in the County of Santa Fe. He received all of his construction permits for a 3,700 sq. ft. building on the south side of the property, which is the property we are proposing for the General Plan to be amended and for the rezoning to be approved. He has permits for a 3,700 sq. ft. building to house the furniture part, the office and the display of his work in the building. And because of economic conditions at the time, and because of the circumstances at the time, he was not able to complete the building. But he has been working on it. If you've driven by the property over the past few months, you will see the construction of the building has come quite a long ways. And you can also see in the packets that the building will be quite beautiful when it is completed. I heard Mr. Capparelli say earlier this evening that he's making some significant changes within the next few weeks for that particular building."

Ms. Montoya said, "He's operated legally, he's gotten all his correct permits, he's kept them up to date over the years, so he has operated legally. We're asking that the Planning Commission please consider that he is in this circumstance because of conditions or circumstances that were out of his control. He wants to be a good citizen of Santa Fe, but have legal zoning to assist in his business operation."

Using the drawings in the packet, via the overhead, Ms. Montoya demonstrated the subject site, and surrounding sites. Ms. Montoya said, "You all have this in your packet, but I thought I would clarify because the question came up to staff. 'This' is Mr. Capparelli's entire 3 acres of land, East Rodeo Road along the bottom of the page, the property line that we're proposing bisects the property basically in half. It is the south portion that is closest to East Rodeo Road that is the subject of the General Plan Amendment and the Rezoning, that would be C-1."

Ms. Montoya continued, "And just to kind of help put things in perspective from the Zoning standpoint. So as you can see, this is the City Zoning Map and I brought it just to show Mr. Capparelli's 1½ acres, the C-1 portion. As you can see on your map here, the property directly across the street from Mr. Capparelli's is also C-1 as are properties to the east, west and to the north. So there already has been a pattern of C-1 zoning established in the area. And what we're asking the Commission to consider is that the C-1 would be an extension of the already precedent for C-1 zoning in the area."

Ms. Montoya continued, "And 'this' is attempting to show the Commission the existing uses that Tamara discussed earlier that are in the area of Mr. Capparelli's property. 'This' right here is Hands of America, which is Mr. Capparelli's property. It's not showing up very well, but 'this' is also commercial. It's an electrical service and there is a gentleman that runs his electrical business out of there. Across the street is the Church of Jesus Christ, to the east of it is the Sierra Vista Retirement Home which is an assisted living facility. To the west of it is the former site of the Ark Veterinary Hospital. It is for sale at the

present time so there will be a C-1 use occupying that property at some point legally. And then to the west of that is another senior care. To the north of that is Memorial Gardens and it's a cemetery and they're presently expanding that property for a building for services, if I'm not mistaken. And just to the west side of Mr. Capparelli there was, at one point, a *[inaudible]* company. I'm not sure if they're still operating out of that property, but I believe that they are. So the real intent of this is just to show that there already has been a precedent for C-1 uses in the are."

Ms. Montoya continued, "So with that, my last comment would be, I would ask the Commission to consider that Mr. Capparelli is in the circumstance of being in a grandfathered position outside of his control, and I'm hoping and asking the Commission to consider that and his Rezoning and General Plan Amendment is an appropriate use for this property and you would grant his application to bring him into conformance with City Code. I stand for questions."

### **Speaking to the Request**

*All those speaking were sworn en masse*

**Elena Benson, representing the ACSYL Neighborhood Association [previously sworn]**, said this is one of the oldest and largest associations and this property falls within their jurisdiction area. She said, "We would like to support Leo, and we're okay with the lot split and the C-1. Our concern is that we put some amendments, and we've talked to Monica and Chris, and they are in agreement. And we've also talked with Leo and he's in agreement with restrictions on it to keep the C-1 in a low impact for the area in there. But other than that, the Association is supportive of this Lot split and Leo has shown to be a good neighbor for the neighbors around him, and I'm sure he'll continue to be a good neighbor. But again, our concern is a C-1 allows some high impact businesses, and we would like to have a restriction so the neighborhood aspect of that area does stay neighborly. Thank you."

**Gina Federici, 333 Rodeo Road [previously sworn]**. Ms. Federici said, "And on 'that' map we are the property just due east of the electrical services. We purchased the property some 22 years ago when we were in the County. Leonel is a great neighbor. He's a hard working business person and I simply stand in support of his request."

**Buck Rackley, 333 Rodeo Road [previously sworn]** said, "I support Leonel very much. Thank you."

**Christopher Graeser, Attorney, 316 E. Marcy [not sworn because he is a member of the bar]**. Mr. Graeser said, "I just wanted to address Ms. Benson's and ACSYL's concerns. We certainly understand the concerns.... and we don't want to see a McDonald's or a Conoco Station or a Walgreens or something like that going in. And obviously, there's not an intention to do that. I suspect we might even be able to address ACSYL's concerns if we sit with them and City staff and show what could actually go in there,

given the restrictions and the size of the lot to the extent we can. We are entirely happy to sit down with them and discuss some sort of agreement for limitation or something like that and we certainly commit to doing that before the City Council hearing on this."

### **The Public Testimony Portion of the Public Hearing Was Closed**

Commissioner Padilla asked, "In reference to the lot split, are there any conditions, am I overlooking anything. Are there any conditions that come with the lot split in the staff report."

Ms. Baer said, "When we have an assembly of cases like this, we very often will combine the conditions, and I think that's what happened in this case. Since you serve on the Summary Committee, you will know which of these do pertain at the time of lot split. All of these conditions would apply, and I would ask your indulgence in letting us sort out which ones apply at which time. Did you want me to address that right now."

Commissioner Padilla said, "No. That's fine. I just wanted to make sure that as we move forward with approvals that any of the conditions that are in the Lot Split, and I see the Water Division and so forth, there are some that are there. So, these are applicable to all 3 cases that we are reviewing this evening."

Ms. Baer said, "They're applicable in the sense that it's the same property. Anything that needs to be noted on the plat will be noted on the plat. So, for example, the condition that at the time of development, we will look to see if water and sewer are available, and if they are, then their connection will have to be made. There is another condition from Traffic, I believe, that they wanted the access widened at Rodeo Road. That would also appear on the plat. The City sewer and City water connection to those is mandatory when the property is developed. And those services are available. So all of this would actually apply to the lot split."

Ms. Baer continued, "In addition, the condition that I discussed from Ms. Zaxus, the City Engineer for Land Use, we would have them plat the easement and then there would be an agreement to construct the sidewalk now, or a financial guarantee at the time of construction."

Commissioner Padilla said, "Just a quick follow-up in reference to the easement that is along the east property line. That is to access Lot 2, the northern lot, so the existing asphalt driveway and so forth, that gets revised to go into that access easement, or does it stay where it is."

Ms. Baer said, "Not necessarily. There is no plan at this time for further development of Lot 2. If and when there becomes such a plan, an application is made, that is the access there will be provided, or there will be a request to reconfigure the access. What this does is ensure there is sufficient access for vehicles as well as utilities."

Chair Harris said, "I'd like to confirm a couple of things on the restrictions. Maybe this is for you, Mr. Graeser. Did I hear you say that the Applicant is certainly willing to discuss restrictions to the allowed uses for C-1."

Mr. Graeser said, "I think that's on the table. I suspect that we should be able to get at, or pretty close to an agreement that Mr. Capparelli can live with and that ACSYL can live with. And it is a fairly significantly long use list. And I think some of them have been kind of uneasy along the lines of pharmacies and things like that, take-out restaurants that could be small and innocuous, or could be a Walgreen's or a McDonald's. And I think that was the concern that was expressed to me.

Chair Harris said, "Did I also hear you say that it would be the Applicant's intention to resolve the restrictions prior to going to the Governing Body for the rezoning."

Mr. Graeser said, "Absolutely, we'll try our best to do that, Mr. Chairman."

Chair Harris asked if there have been any discussions so far.

Mr. Graeser said they haven't gotten that far, but they've had a couple of discussions at different times, different ones of us, "and I think we understand each other. We just haven't sat down and looked at details."

Chair Harris asked Ms. Benson which neighborhood association she represents.

Ms. Benson said ACSYL, which is an acronym for Arroyo Chamisa-Sol y Lomas.

Chair Harris said the acronym is new to him.

Ms. Benson said ACSYL covers from St. Francis over to Old Pecos Trail and a little beyond, including Quail Run, the Homewise Division, DeVargas Heights North and South, and then from the Hospital down Rodeo, 1,400 homes.

Chair Harris said, "So, you heard Mr. Graeser's response on restrictions. Can you give this Commission your point of view on the discussions that have occurred to date and what your thinking is on that."

Ms. Benson said, "The discussions that have occurred to date have been with Leo, Monica and I think with Chris. And it's all been amiable. It's understandable that our concern is about high impact. The other C-1's are not high impact. And the types he explained pretty much nail the top two as far as C-1. C-1 allows a restaurant, a fast food restaurant. A pharmacy, such as a Walgreen's I think would be disruptive to the area. And there's some other ones. So, for example, you can put in, I believe a kennel, which can get pretty smelly to the houses around it. And so, that's been the concern of, not the immediate neighbors, but of the Association in that as C-1 encroaches down Rodeo, it has the possibility of going all the way to Old Pecos Trail, maybe not this year, but in 10 or 15 years, as the C-1 just creeps down. So the neighbors, again, not immediate, but in the Association near there are concerned about the C-1 creep that would include high impact businesses."

Chair Harris said, "I accept the high impact argument, I would question the creep on C-1 down Rodeo Road. I use that road a lot. But that's all conjecture, and I think the focus will have to be on this particular property."

Ms. Benson said, "I think we're addressing fears and unknowns. And what we're asking for, we've discussed, and Leonel is comfortable with, and we're not requesting restrictions such that his property wouldn't be re-sellable. It sounds like he's living at the property, so we believe he's going to do well. Now there are a number of properties next to him, the other neighbors we've spoken to who are immediate also live there. But, as I say, I prefer not to use 'hit by a bus,' but if some of those, when the lottery moved to Tahiti, we don't know what the next owners are going to want to do. So that's been a major concern. And if you want to use the word fear, I think it's also applicable in this situation."

Ms. Benson continued, "So what the Association is doing is trying to support Leo, and to settle the concerns so that when he goes to the City Council, he doesn't run into a lot of opposition, because we think he's going to do well. A gallery fits into the area."

Chair Harris said, "Ms. Montoya, maybe I could ask you, because I do live in the general neighborhood, I pass this way, and I appreciate your statement on the pace of construction. I'm glad to see it's picked up, and I would hope that it is more than just a temporary pick-up. Do you know how many renewals to a CID permit can be obtained. I'd like to see that building finished, is what I'm saying. It's been there a long time in its current state."

Ms. Montoya said Mr. Capparelli can answer that question with regard to the construction. She said she doesn't know the answer to the question about the State Construction Industry's permits and how many times it can be renewed. She noted Lisa Martinez, Planning Director is here and might know.

Lisa Martinez, Director, Land Use Department, said, "Generally CID building permits are good for a year. During that time period there have to be inspections performed, and if an entire year goes by without an inspection being done, it becomes void. So they would have to renew it at some point in time, but the maximum time period they can go without a single inspection is essentially twelve months."

Chair Harris asked if there is a limitation on the number of renewals.

Ms. Martinez said, "I don't think there are. I don't remember there being any limitations, but then I don't remember a whole lot of permits that went on over the course of several years, very few of them."

**Leonel Capparelli, owner/Applicant, was sworn.** Mr. Capparelli said, "I am at the property at 401 Rodeo Road. I've been in Santa Fe for 30 years. I've been a cabinet maker, doing things like those symbols behind you for the last 30 years. I've worked for the museums here. I've worked for hotels. I worked directly with many of the signs. I'm one of those craftsmen who is being pushed away by the economy. And I'm trying to survive and support my family in that location. I've been there for 25 years, and conducting business in the same way that I'm doing right now."

Mr. Capparelli continued, "I applied for the permit for the County, and the County gave many requirements. You were talking about conditions. I am supposed to provide fire sprinklers and doing 100% of water catchment from the roof, I improved my septic tank, I improved my water well. I'm widening the driveway to make more room for City fire trucks. I am doing everything I was asked to do."

Mr. Capparelli continued, "I started the construction in 2007 and the economy went into the tank. Everybody suffered, and the City was allowing people to renew their permits every two years, instead of every year because of the economy situation. So the permits have been extended, not only to me, but to many people in the last 7-8 years. And I'm not the only one in this condition. I've been to the CID many times and they have told me, you are in the same place as a lot of people, so this isn't new."

Mr. Capparelli continued, "First of all, when I bought the property, I bought it at the top of the market, under the impression I was buying a commercial property. Then the City annexed me. We went to many annexation meetings, with my neighbors that are here. And the Mayor of Santa Fe promised us that nothing was going to change, that we were going to be fine. The next time they went to the back room, they come out and say, hey, you know what, you are R-1. Across the street is C-1, but you are R-1. And then our taxes went up and insurance went up. We get no service in that section of the property. I had a situation 20 years ago when I called the Fire Department or the Police Department, I got people broken into my property, and they are pointing fingers. Who should come. The County, the City, I don't know. You know, it's not my responsibility."

Mr. Capparelli continued, "So I want all of these to get out of the way. I was in this position because the City got me into this situation. I'm going to do it to keep working, keep my family safe and give a future to my daughters. I don't think it's completely fair for you all to tell me, in the future 50 years from now, you can know how it will be. I don't see that this is totally agreeable with that. I don't want to have the government there. I made that made that building, I have no need to expand any more in there, so I'm not going to build a gas station or put a [inaudible] in. I don't want to tell my daughters either, you know what, you got this property but you have some conditions. You can only do this, but not that. That I don't think is fair neither."

Mr. Capparelli continued, "So I complied with everything I was asked for. I'm working in good faith and the building is going to be completed in the next 2-3 months. I had a fire in February, I lost over 3,500 sq. ft. of shop. I wanted to rebuild my shop because I had insurance, but I'm not in compliance to rebuild my shop because I've been grandfathered-in, and that shell was too close to the property next to me. So, the insurance and I come up with, okay, let's finish that building and then we'll be okay. Well, I'm finishing the building, but if I don't have a Certificate of Occupancy, it doesn't do me any good. And I cannot have that unless I have a rezoning. So I'm asking you to please consider the situation that I've been put in, and my family is in, so we can just keep working. And actually, keeping a division Santa Fe going, because I know many craftsmen left here, and because of the economy situation, there are not that many left. And that's the problem."

Chair Harris thanked Mr. Capparelli for his statement. He said, "Clearly your neighbors and others want to support you. I think there is a fair amount of support, certainly at the staff level and even within the Commission, we'll find out soon. But again we want not only you to be able to move forward, not only in your family life, but in your business life. But I just wanted some assurance and I think I received that. And it's really outside of our purview, but I would like to know that the project is moving forward, and the building that is very visible, and I hope serves you well, will be complete."

Mr. Capparelli said he is going to complete it. He said this is a green building, built with recyclable material, and they are recycling all the water. He said he has preserved the history, and that is what that building is about. *[Inaudible here, because Mr. Capparelli was speaking from the audience and was not speaking into the microphone.]*

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Villarreal, to approve Case #2014-111, Hands of America Lot Split, with all staff conditions as outlined in the Staff Report [Exhibit "9"], and with the amended condition as proposed by Risana "R.B." Zaxus, Acting Director, Technical Review Division.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

4. **CASE #2014-109. HANDS OF AMERICA GENERAL PLAN AMENDMENT. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.50± ACRES OF LAND FROM RURAL/MOUNTAIN/CORRIDOR (1 DWELLING UNIT PER 1 ACRE) TO OFFICE. THE PROPERTY IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT, CASE MANAGER)**

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Villarreal, to approve Case #2014-109, Hands of America General Plan Amendment, with all staff conditions as outlined in the Staff Report [Exhibit "9"].

**DISCUSSION:** Commissioner Padilla asked if this is a recommendation to the Governing Body for approval, and Ms. Baer said yes.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

5. **CASE #2014-110. HANDS OF AMERICA REZONING. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS REZONING APPROVAL OF 1.50± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT, CASE MANAGER)**

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Villarreal, to approve Case #2014-110, Hands of America Rezoning, with all staff conditions as outlined in the Staff Report [Exhibit "9"].

**DISCUSSION:** Commissioner Padilla asked if this is a recommendation to the Governing Body for approval, and Ms. Baer said yes.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

**FRIENDLY AMENDMENT:** Commissioner Padilla would like to amend the motion to say it is a recommendation to the Governing Body for approval. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

**VOTE:** The motion, as amended, was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

Mr. Capparelli thanked the Planning Commission for the approvals.

#### **H. STAFF COMMUNICATIONS**

Ms. Baer said at the last meeting she asked which Commissioners needed a new copy of Chapter 14. She said she will provide new copies from scratch to all the Commissioners, other than Commissioner Gutierrez who has the latest version, by the middle of next week and they can either deliver them or hold them for pickup..

Land Use Director Lisa Martinez introduced Noah Berke the newest member of the Current Planning Division, and said he has been working with the Technical Review Division for about 7 years. He has recently been promoted to a Senior Planner position, specifically for neighborhoods.

Chair Harris congratulated and welcomed Mr. Berke.

#### **I. MATTERS FROM THE COMMISSION**

Commissioner Ortiz said the Summary Committee meeting went well today, noting they have been having one case per meeting. He said today, it was a lot split on Seville Road..

Commissioner Pava said he didn't attend the Long Range Committee, noting it was chaired by Commissioner Bemis.