

**SUMMARY INDEX
CITY OF SANTA FÉ
SUMMARY COMMITTEE
May 7, 2015**

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**MINUTES OF THE MEETING
OF THE CITY OF SANTA FÉ
SUMMARY COMMITTEE
May 7, 2015**

A regular meeting of the City of Santa Fé Summary Committee was called to order by Lawrence Ortíz, Chair, on May 7, 2015 at approximately 11:00 a.m. in the City Council Chambers, City Hall, Santa Fé, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Lawrence Ortíz, Chair
Brian Gutierrez, Commissioner
John A. Padilla, Commissioner

MEMBERS EXCUSED:

OTHERS PRESENT:

Greg Smith, Director, Current Land Use Department
Noah Berke, Land Use Case Manager
Zach Shandler, Assistant City Attorney
Carl Boaz, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

B. APPROVAL OF AGENDA

Commissioner Gutierrez moved to approve the agenda as presented. Commissioner Padilla seconded the motion and it passed by unanimous voice vote.

C. APPROVAL OF MINUTES – April 2, 2015

Commissioner Gutierrez moved to approve the Summary Committee minutes of May 7, 2015 as presented. Chair Ortíz seconded the motion and it passed by unanimous voice vote.

D. NEW BUSINESS

1. **Case # 2015-26. 5488 Agua Fria Road Lot Split.** Gerald A. Sandoval of Zia Surveys, agent for Jesus Diaz and Raul Ledezma, requests a lot split to divide approximately 1.07 acres into two lots (+/-0.68 acres and +/-0.39 acres). The property is zoned R-3 (Residential – 3 units per acre).
(Noah Berke, Case Manager)

A Memorandum regarding Case #2015-26, 5488 Agua Fria Street Lot Split, from Mr. Noah Berke, Case Planner, Current Planning Division, prepared April 7, 2015, for the May 7, 2015 Summary Committee Meeting with attachments is incorporated herewith to these minutes as Exhibit #1.

Staff Report

Mr. Berke presented the staff report for this case which is contained in Exhibit #1. Please refer to Exhibit #1 for specifics of this presentation.

Mr. Berke said a last minute submission was received and has been reviewed by the City Attorney's Office. He referred to Mr. Shandler

Mr. Shandler reported that the City has just received a warranty deed for the subject property. He read from the restrictions on the deed as follows:

1. No building shall be erected upon said premises other than a dwelling house and such garages and out-buildings as may be necessary in connection therewith, and said dwelling will not contain less than 1200 square feet in floor area.
2. Said premises shall not be used for camping ground, factory or any trade or business purpose, but is restricted to residential purposes only.
3. No stables or corrals are to be erected or horses housed or grazed on said property.

A copy of the warranty deed, #357953, dated February 17, 1976, is incorporated herewith to these minutes as Exhibit #2.

Applicant's Presentation

Present and sworn was Mr. Gerald Sandoval, agent for the property owners who said he was notified yesterday about the warranty deed.

Public Comment

Present and sworn was Mr. Michael López, 5526 Agua Fria, who said he was the homeowner of the property next to the subject property. He stated that he was not against splitting the property. Since he owned a one half acre parcel he was okay with that. His concern is that Mr. Diaz has lot of equipment and material there on the property and he wanted Mr. Diaz to at least follow the warranty deed restrictions. He did not want this to be a construction company site or any company there or company vehicles there. There are already neighbors across the street doing mechanic work and storing old cars there.

He said Mr. Diaz and his partner are going to build a garage or a patio there. "We must keep our properties clean and see what he is going to provide for residence." The American Dream is to be able to keep your home property of value and be able to sell it someday.

Present and sworn was Mr. Tom Dominguez, Dominguez Lane, who said he is Tom Dominguez III. His grandfather purchased this property and subdivided it. Mr. Dominguez said he made improvements to the property since he purchased it. He intended it would be a family subdivision; a residential subdivision. Along the way he built his home and had a ranch keeper on the premises. The intent of his grandfather was to have his son, my dad and mom develop the property. He sold a piece of it to his cousin and that is the subject property. He put restrictions on what could be done or not. He always told us that when we get property we would build a home and have it look good.

Mr. Dominguez said he lives on the property and once asked his dad if he could park his trailer here and he said no. We continue to abide by that.

So there are covenants and restrictions. He talked about certain things that couldn't be done on it. It couldn't be commercial and couldn't have certain types of buildings and could not have trash. Trash is an issue now. Quite a bit of trash is dumped on the lot and we have concerns about that.

In my conversation with my grandfather, he told me, "You will build a nice home and keep it up." He has been passed away. My Dad and aunts live there and we want to keep that heritage alive - that legacy and have our kids be able to move in. That is of value and we want to see those restrictions stay with it. So no mobile homes, no trash left and follow the other restrictions on the property.

Present and sworn was Mr. Morris Apodaca 5548 Agua Fria, who said he lives on Lot #4 and is almost like family. The deed said only one residence on the premises. Lot #6 is the whole acre. The consensus of the rest of the neighbors is what Tommy talked about - keeping his grandfather's honor alive.

Present and sworn was Mr. Robert Hamelt, 5556 Agua Fria, who said he was Tom Dominguez' brother in law and wanted to show pictures of the trash on the property.

There were no other speakers from the public regarding this case and the public portion of the hearing was closed.

Questions from the Committee

Commissioner Gutierrez asked if this property was recently annexed from the County.

Mr. Berke agreed.

Commissioner Gutierrez asked if the lot is the whole one-acre property.

Mr. Shandler agreed.

Commissioner Gutierrez asked Mr. Sandoval how he could go ahead with one residence on the property.

Mr. Sandoval said they were actually allowed by zoning to have up to three houses on the lot. He

thought the City Attorney's opinion of having only one dwelling on the existing lot could be challenged.

Commissioner Padilla noted on page 2 of the staff report it states that the distance would be 20' behind the curb and gate and demonstrate access to lot 6-b. He asked if that is something staff will review before this is approved.

Mr. Berke said the staff will review it before recordation and work with the Traffic Division to make sure their condition of approval is met.

Commissioner Padilla asked if that is part of the conditions today. Mr. Berke agreed.

Commissioner Padilla said on the plat, it says this property is zoned R-5. But in staff's report it is said it is zoned R-3.

Mr. Berke clarified that the City map shows R-3 (current zoning map) and that is the current zoning.

Commissioner Padilla said that would also need to be clarified before final is approved. Mr. Berke agreed.

Chair Ortíz said in the staff notes summary condition h requires that a sidewalk shall be installed along Agua Fria Street. He asked Mr. Sandoval if he would meet that condition with a financial guarantee on sidewalk construction or actual construction of the sidewalk.

Mr. Sandoval said his client is seeking to construct the sidewalk and infrastructure.

Chair Ortíz said staff recommended conditions of approval and lots of those notes are not on the plat so staff must ensure those are on the plat before it is recorded.

Mr. Berke said he would make sure that all of it is on the plat. Sometimes those notes are late but we will make sure all are on the plat before approval.

Chair Ortíz asked Mr. Sandoval if he was in agreement with all conditions.

Mr. Sandoval agreed.

Action of the Committee

Commissioner Gutierrez said, upon reading the warranty deed and statement that Mr. Sandoval agreed they would clean it up.

Commissioner Gutierrez moved to deny the lot split.

Mr. Shandler said the Committee could also consider postponing this case.

The motion died for lack of a second.

Commissioner Padilla moved, in light of the information provided at this meeting, to postpone Case #2015-26 to the next Summary Committee meeting (June 4, 2015) to allow staff to work through the issues. Commissioner Gutierrez seconded the motion and it passed by unanimous voice vote.

E. STAFF COMMUNICATIONS

There were no staff communications.

F. MATTERS FROM THE COMMITTEE

Commissioner Gutierrez asked if these people could be sent in the right direction to provide help.

Mr. Berke agreed to meet with them and with the Enforcement Division to follow through.

There were no other matters from the Committee.

G. ADJOURNMENT

The meeting was adjourned at 11:45 a.m.

Approved by:

Lawrence Ortíz, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.