

# City of Santa Fe, New Mexico

# memo

**DATE:** April 28, 2016 for the May 5, 2016 Planning Commission Meeting

**TO:** Planning Commission

**VIA:** Lisa D. Martinez, Director, Land Use Department  
Greg Smith, Director, Current Planning Division

**FROM:** Katherine Mortimer, Land Use Planner Supervisor, Land Use Department

**Case #2016-38. 3760 Buffalo Grass Final Subdivision Plat.** Santa Fe Planning Group, Inc., agent for Buffalo Grass, LLC, requests final subdivision plat approval to divide approximately 1.19 acres, into five individual lots. Each proposed lot will be approximately 0.24 acres. The property is located at 3760 Buffalo Grass Road. The property is zoned Mixed Use (MU) and is located in the Airport Road Overlay zone. (Katherine Mortimer, Case Manager)

## RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** of this final subdivision plat request. The recommended conditions are provided in Exhibit A of this report and include compliance with the following condition which was included in the staff report for the preliminary subdivision plat: Subdivider to provide a plan to address visitor parking at the final plat stage.

### I. EXECUTIVE SUMMARY

The Planning Commission approved a preliminary subdivision plat at its March 3, 2016 meeting (Case #2016-02). The Findings of Fact and Conclusions of Law were adopted at the subsequent meeting on April 7, 2016.

Pursuant to SFCC §14-3.7, subdivisions are subject to both preliminary and final approval. Staff analysis indicated that the proposed final subdivision plat substantially conforms to that preliminary subdivision plat approval.

*Approval of a preliminary plat does not constitute approval of the final plat; rather, it is an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be submitted to the planning commission for approval and recorded when the provisions of this article and the conditions of preliminary plat approval are met.*

Should the Commission determine that the final plat is consistent with the preliminary plat, including conditions of approval, and meets all applicable code requirements, the subdivider will submit the plat and improvement plans for staff review. The plat will be recorded and infrastructure improvements will be constructed prior to the construction of any residences on the newly created lots. All conditions of the final plat approval shall be completed within three years of recording the plat. The Planning Commission approval shall expire three years after final action approving it unless the plat is filed for record with the County Clerk.

## II. APPLICATION SUMMARY

The final subdivision plat proposes the creation of five lots on a 1.193 acre vacant site located on the corner of Airport Road and Buffalo Grass Road of approximately 0.24 acres each. Access to the lots would be from Buffalo Grass Road via a new gravel base course cul-de-sac. The application states that the lots will be developed with one single-family home per lot. The property was zoned Mixed Use (MU) when the owner applied for annexation in 2007, and it is included in the Airport Highway Corridor Overlay District that was adopted in 2013.

The application materials state the intention to accommodate construction of single-family detached houses, however, multi-family or mixed use development would also be allowed under the MU zoning.

## III. DISCUSSION AND ANALYSIS

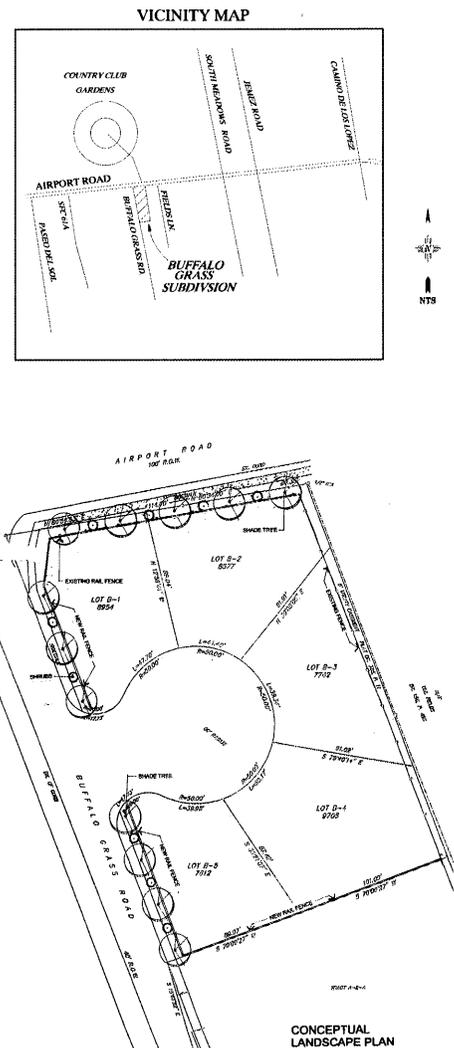
Analysis regarding the specific components of the subdivision and overall subdivision design was completed at the time of preliminary subdivision plat approval. The final subdivision plat is in substantial conformance with the preliminary subdivision plat approved by the Planning Commission. The final plat has been reviewed by the Development Review Team (DRT) whose comments are included as Exhibit B. Any necessary corrections or deficiencies that must be corrected prior to recordation of the final plat have been addressed by the proposed Conditions of Approval (See Exhibit A).

## IV. EXHIBITS:

EXHIBIT A: Final Subdivision Plat Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Santa Fe Homes Program, Alexandra Ladd
2. Traffic Engineering Memorandum, John Romero and Sandra Kassens
3. Technical Review Division Memorandum, Risana "RB" Zaxus
4. Landscaping Memorandum, Somie Ahmed



5. Fire Department Memorandum, Rey Gonzales
6. Wastewater Management Division Memorandum, Stan Holland
7. Water Division Memorandum, Dee Beingessner
8. SF Metropolitan Planning Organization, Keith Wilson

EXHIBIT C: Planning Commission Approvals

1. Findings of Fact and Conclusions of Law, approved April 7, 2016
2. Planning Commission Minutes, March 3, 2016

EXHIBIT D: Applicant Submittals

Exhibit A  
 Conditions of Approval  
**3760 Buffalo Grass Final Subdivision Plat**  
 Case #2016-38

	DRT Conditions of Approval	Department	Staff
1	As per Article 14-8.4(F)(2)(j) "Plant Material Standards," the owner shall properly maintain all materials and installation required by this Section 14-8.4, including proper pruning, soil testing, fertilizing and weeding. Please add this note to the landscape plan.	Technical Review	Somie Ahmed
2	Sheet L-1: Please add the call out note to sheet L-1 also, that states, "No object shall block sight distances between 3' and 6' high within the sight visibility area."	Traffic Engineering	Sandra Kassens
3	1. Complete the note on the Plat stating who is to maintain Buffalo Grass Circle 2. Revise the FIRM reference to reflect the most current FIRM	Terrain Management Division	RB Zaxus
4	1. Remove the two notes and lines saying "150' RADIUS BUILDING LIMIT" from the plat. 2. Subdivider to provide a plan to address visitor parking at the final plat stage.	Case Manager	Katherine Mortimer

**MORTIMER, KATHERINE E.**

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**From:** LADD, ALEXANDRA G.  
**Sent:** Thursday, March 24, 2016 11:44 AM  
**To:** MORTIMER, KATHERINE E.  
**Subject:** DRT today  
**Attachments:** BuffaloGrass\_Proposal\_Final.pdf

Katherine,

I'm not able to attend today's DRT. Attached is the affordable housing proposal for Buffalo Grass. They will pay a fee-in-lieu as allowed under SFHP for projects of ten or fewer units.

The final Agreement and fee are due when the Developer records final documents.

Let me know if you have any questions.

Thanks!

Alexandra Ladd, AICP  
Housing Special Projects Manager  
City of Santa Fe  
PO Box 909  
Santa Fe, NM 87504-0909  
505/955-6346

**NOTE NEW OFFICE LOCATION:**  
500 Market Street, Suite 200  
(above REI in the Railyard)

# City of Santa Fe, New Mexico

# memo

**DATE:** April 12, 2016  
**TO:** Katherine Mortimer, Land Use Division  
**VIA:** John J. Romero, Traffic Engineering Division Director *J*  
**FROM:** Sandra Kassens, Engineer Assistant *SK*  
**SUBJECT:** 3760 Buffalo Grass Road Final Subdivision Plat, case #2016-02

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**ISSUE:**

Santa Fe Planning Group, Inc., agent for Buffalo Grass, LLC, requests approval of a final subdivision plat to divide 1.193 acres into five ±0.24 acre lots. The property is located at the southeast corner of Airport Road and Buffalo Grass Road. The property is zoned MU (Mixed Use,) and is located in the Airport Road Overlay zone.

**RECOMMENDED ACTION:**

Review comments are based on submittals received on March 24, 2016. The comments below should be considered as Conditions of Approval to be addressed prior to final sign-off unless otherwise noted:

**The Developer shall make the following changes:**

- 1) Sheet L-1: Please add the call out note to sheet L-1 also, that states, "No object shall block sight distances between 3' and 6' high within the sight visibility area."

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

**EXHIBIT B2**

# City of Santa Fe, New Mexico

# memo

DATE: April 11, 2016

TO: Katherine Mortimer, Case Manager

FROM: Risana "RB" Zaxus, PE  
City Engineer

RE: Case # 2016-38  
Buffalo Grass Road Final Subdivision Plat

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

\*Complete the note on the Plat stating who is to maintain Buffalo Grass Circle.

\*Revise the FIRM reference to reflect the most current FIRM.

**EXHIBIT B3**

# City of Santa Fe, New Mexico

# memo

**DATE:** April 14, 2016  
**TO:** Katherine Mortimer, Land Use Planner Supervisor  
**FROM:** Somie Ahmed, Planner Technician Senior  
**SUBJECT:** Comments for Case #2016-38, 3760 Buffalo Grass Final Subdivision Plat

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The following conditions of approval apply to 3760 Buffalo Grass Final Subdivision Plat:

1. As per Article 14-8.4(F)(2)(j) "Plant Material Standards," the owner shall properly maintain all materials and installation required by this Section 14-8.4, including proper pruning, soil testing, fertilizing and weeding. Please add this note to the landscape plan.

**EXHIBIT B4**

**MORTIMER, KATHERINE E.**

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**From:** HOLLAND, TOWNSEND S.  
**Sent:** Friday, April 08, 2016 10:59 AM  
**To:** MORTIMER, KATHERINE E.  
**Subject:** RE: Comments on 3760 Buffalo Grass Final Subdivision Plat DUE MONDAY 4/11/16

I checked the plan set on the land use share drive and they have made the corrections

Stan Holland, P.E.  
Wastewater Division  
73 Paseo Real  
Santa Fe, New Mexico 87507  
505-955-4637  
[tsholland@santafenm.gov](mailto:tsholland@santafenm.gov)

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**From:** MORTIMER, KATHERINE E.  
**Sent:** Friday, April 08, 2016 10:26 AM  
**To:** KASSENS, SANDRA M.; ROMERO, JOHN J; ZAXUS, RISANA B.; AHMED, SOAMIYA A.; GONZALES, REYNALDO D.; HOLLAND, TOWNSEND S.; BEINGESSNER, DEE; LADD, ALEXANDRA G.; WILSON, KEITH P.  
**Subject:** Comments on 3760 Buffalo Grass Final Subdivision Plat DUE MONDAY 4/11/16

Hey DRTeam:

Just a friendly reminder that comments are due on the captioned project on Monday.

I have reviewed the plans against your comments on the preliminary and have some specific questions to some of you below regarding how (and if) your comments were incorporated:

Sandy: They added the site triangles on the 2 sheets as you requested at the new road entry but shouldn't they also include the triangle on the exiting corner of Buffalo Grass Road and Airport Road? If so, please include as a comment on this review.

Stan: The sewer sheets are over my head and I wasn't able to determine if they had address your comment about 2% slope on the sewer line and the type of manhole. Please ensure they have addressed those correctly.

Alex: Is the affordable housing agreement fully executed or at least at the correct stage for this approval?

Dee: You commented that the development may require a main extension but didn't say if that should be a note on the plat or if you were just informing them. Please make sure any water notes needed are included.

Thank you all for your hard work on this. I look forward to your comments.

Cheers!

*Katherine Mortimer*  
*Land Use Department*  
*City of Santa Fe, NM*  
*(505) 955-6635*

*City of Santa Fe*  
**memo**

**DATE:** April 4, 2016  
**TO:** Katherine Mortimer, Land Use Planner, Land Use Department  
**FROM:** Dee Beingessner, Water Division Engineer *DB*  
**SUBJECT:** Case # 2016-38 3760 Buffalo Grass Road Final Subdivision Plat

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There is existing water infrastructure that can serve the proposed development. The development may require a main extension which would have to comply with the line extension requirements of the City's Water Division.

Fire protection requirements are addressed by the Fire Department.

**EXHIBIT B7**

**MORTIMER, KATHERINE E.**

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**From:** WILSON, KEITH P.  
**Sent:** Thursday, April 14, 2016 10:45 AM  
**To:** MORTIMER, KATHERINE E.; GONZALES, REYNALDO D.  
**Subject:** RE: Comments on 3760 Buffalo Grass Final Subdivision Plat DUE MONDAY 4/11/16

Hi Katherine:

Thanks for checking in. I have no comments on the Buffalo Grass Subdivision.

**Keith P. Wilson**  
**MPO Senior Planner**  
**Santa Fe Metropolitan Planning Organization**

Mailing: P.O. Box 909  
Santa Fe, NM 87504-0909  
Office: 500 Market St, Suite 200 (Above REI Store)  
Santa Fe, NM  
Map: <http://tinyurl.com/l6kejeg>  
Directions & Parking: <http://www.railyardsantafe.com/north-railyard/>  
Phone: 505-955-6706  
Email: [kpwilson@santafenm.gov](mailto:kpwilson@santafenm.gov)  
[santafempo@santafenm.gov](mailto:santafempo@santafenm.gov)

Please Visit Our Website at: [www.santafempo.org](http://www.santafempo.org)



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**From:** MORTIMER, KATHERINE E.  
**Sent:** Thursday, April 14, 2016 10:40 AM  
**To:** GONZALES, REYNALDO D.; WILSON, KEITH P.  
**Subject:** RE: Comments on 3760 Buffalo Grass Final Subdivision Plat DUE MONDAY 4/11/16

Keith and Rey:

I don't see that I have received comments from either of you on this project. Please let me know if you have any comments, and if so what they are, as soon as possible.

Thanks.

Katherine Mortimer  
Land Use Department  
City of Santa Fe, NM  
(505) 955-6635

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

Case #2016-02

3760 Buffalo Grass Preliminary Subdivision Plat

Owner's Name- Buffalo Grass LLC

Agent's Name- Santa Fe Planning Group, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on March 3, 2016 upon the application (Application) of Santa Fe Planning Group as agent for Buffalo Grass LLC (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat to divide 1.1.93 acres into five for +/- .24 acre lots. The property is located at the southeast corner of Airport Road and Buffalo Grass Road. The property is zoned Mixed Use (MU) and is located in the Airport Road Overlay zone.

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and there were no members of the public in attendance to speak.
2. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on August 13, 2015 in accordance with the procedures for subdivisions set out in Code §§ 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on November 12, 2015 at the Southside Side Library at 6599 Jaguar Drive in accordance with the notice requirement of Code § 14-3.1(H).
10. The ENN meeting was attended by the Applicant and City staff; there were two members of the public in attendance and concerns were raised.

11. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.
12. The Commission finds the following facts:
  - a. *In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.* The proposed subdivision does not contain any natural features, historical sites or other community assets.
  - b. *The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed.* The land to be subdivided meets applicable standards and is eligible for the development purposes proposed.
  - c. *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* The proposed plat complies with applicable standards of Chapter 14, Article 9 if it includes the condition of approval to provide screening from Airport Road.
  - d. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.* The proposed plat does not create or increase any nonconformity with the applicable standards of Chapter 14, as residential use is a permitted use in a mixed-use district.
  - e. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.* The proposed plat will not create a nonconformity with any other chapter of the Santa Fe City Code.
13. The Commission finds under Code § 14-8.6(C)(1) that due to a lack of curbside parking and that the lot sizes will limit the amount of off-street parking, the Applicant shall provide a plan to address visitor parking at the Final Plat stage.
14. The Land Use staff directed that a condition of approval be added to Exhibit A to require the Applicant to provide a plan to address the parking at the final plat phase.
15. The Traffic Division staff directed that a condition of approval be added to Exhibit A require the Applicant to provide sight triangles shown on the documents.
16. The Commission finds under Code § 14-9.2(C)(8)(c) that the proposed lot access driveway is permissible because no public street is needed to provide access to the property because the existing road (Buffalo Grass Road) sufficiently serves and connects with the lot access driveway for the properties.
17. The Commission finds under Code § 14-9.2(D)(8) that a cul-de-sac is permitted to be constructed as a lot access driveway based on the physical layout and lot configuration of the site.
18. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the Applicable Requirements).

19. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
20. The information contained in the Staff Report, along with conditions in Exhibit A and in Findings #14, 15 is sufficient to establish that the Applicable Requirements have been met.

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 preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.

The Preliminary Subdivision Plat

3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Applicable Requirements have been met.

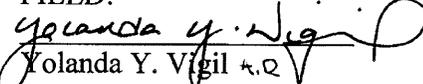
**WHEREFORE, IT IS SO ORDERED ON THE 7th OF APRIL 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE**

That the Applicant's requests for preliminary subdivision plat is approved, subject to Staff conditions.

  
\_\_\_\_\_  
Vince Kadlubek  
Chair

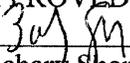
4-7-16  
Date:

FILED:

  
\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

4-8-16  
Date:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

4/7/16  
Date:

Commissioner Kapin didn't want to get into too many details but pointed out one glaring one – on roadways and streets with \$14 million. She asked what was happening there.

Mr. Rodriguez said the bonding capacity is limited so there is not much happening until 2017. That's when it starts building back again. Next year, the entire capital program will go to about 40% of what it is this year. It will be a big drop.

Commissioner Hochberg thanked Mr. Rodriguez for coming to the meeting. His silence was approval.

2. **Case #2016-02. 3760 Buffalo Grass Preliminary Subdivision Plat** Santa Fe Planning Group, Inc., agent for Buffalo Grass, LLC, requests approval of a preliminary subdivision plat to divide 1.193 acres into five ±.24 acre lots. The property is located at the southeast corner of Airport Road and Buffalo Grass Road. The property is zoned Mixed Use (MU), and is located in the Airport Road Overlay zone. (Katherine Mortimer, Case Manager)

#### Staff Report

Ms. Mortimer presented the staff report for this case. The report is incorporated herewith to these minutes as Exhibit 2. Please refer to Exhibit 2 for details concerning this report. She noted a handout at the meeting regarding final comments from the Traffic Engineering Department which were left off of the staff conditions of approval. Staff recommended approval of the Preliminary Subdivision Plat with the conditions included in Appendix A as well as those from the handout.

#### Applicant's Presentation

Mr. Scott Hess, Santa Fe Planning Group, 109 St. Francis, was sworn. He thanked the Planning Commission for allowing him to say a few words about the project. First, he said they agree with the conditions in the staff report. It is a very detailed report for this simple, straightforward project. This project had received previous approval and the time expired for the development plan. They plan for five on-acre parcels so the land is simply divided into five residential lots. Zoning is mixed use. However, when going forward with residential, it does not have to have a commercial component. But when going forward with commercial development, it is required to have a residential component. With residential, up to 12 dwelling units per acre is allowed. But he is only asking for 5 per acre.

In the Staff Report, there was a concern regarding the concern that someone could come in with commercial. He explained that the intention is to go forward with residential. There are commercial lots around and the owner has no desire<sup>44</sup> to do anything other than residential. However, he believed Staff could not stop non-residential uses from going forward on the project. He had mentioned a condition of approval that no uses other than residential would be allowed on the site. He found that condition was not permitted. But he did have a condition of approval to place on the plat so everyone is aware, that a non-residential use could theoretically be permitted on the site.

He pointed out that the area is very diverse with S-1 across the street, R-29 across the street and R-12 not far away. Their intention was to keep this site very light. They did not want to develop any high-density project. So it is a simple and straightforward subdivision. He stood for questions.

### Public Comment

Chair Kadlubek asked if anyone in the public wished to speak on this case.

There were no speakers from the public regarding this case. Chair Kadlubek closed the public portion of this case.

### Questions to the Applicant

Commissioner Propst referred to page six of the Staff Report and asked if a parking condition was listed. At the bottom of page 7, it said, "Because no curbside parking will be provided, lot sizes would limit the amount of off-street parking that can be provided. Land Use Staff recommends a condition of approval to direct the subdivider to provide a plan to address the parking at the final plat phase." She didn't see it in the list of approvals in the memo.

Ms. Mortimer agreed. That is a good catch. So that should also be added as a condition of approval. That would be the recommendation of Staff.

Commissioner Propst said the condition of approval would be to direct the subdivider to provide a plan for visitor parking at the final plat phase.

Commissioner Kapin followed up with another condition and referred to page 5 of 7 in the report to Staff analysis #2 where it says, "with conditions of approval recommended above." She wondered which conditions that statement references.

Ms. Mortimer said that was a remnant from a previous draft she used and it should say "the conditions of approval in Appendix A." She clarified that there are no conditions regarding flood zones and public health. It is a flat site. The project already complies with that criterion so no conditions of approval are needed specific to that criterion.

Commissioner Hochberg asked if those new conditions are acceptable to the applicant.

The Applicant said he heard there was a condition related to having a parking plan in the next submittal (final plat) and that is acceptable. And regarding the letter from the Traffic Engineer to have sight triangles shown on the plan was acceptable as well.

### Action of the Commission

**Commissioner Hiatt moved to approve the preliminary subdivision plan in Case 2016-02 with conditions of approval found in Appendix A and visitor parking. Commissioner Gutierrez seconded the motion.**

Ms. Mortimer asked that the motion include the sight triangles also.

**Commissioner Hiatt added the requirement for sight triangles to be shown on the plan. Commissioner Gutierrez accepted that also.**

Chair Kadlubek said he had a couple of questions to better understand mixed use zoning since this is the first case he had come across with mixed use zoning. It does seem that mixed use zoning does have a certain intent behind it. That intent is listed as A through F. It is unfortunate that mixed use zoning does allow for residential and single-family dwellings to exist. It just seems like a situation here where we are taking something in the mixed use zone, ignoring all the intent of the mixed use as listed here. This development does not go along with any of those intentions.

He asked if the Commission has any place to be able to uphold this intention of mixed use.

Mr. Smith said he would concur. The airport overlay did contemplate a different use as well as the commercial and mixed-use standards. But the Staff have recommended approval of this application because it does comply with the letter of the law. He would defer to the applicants to justify their rationale for choosing only residential in light of what could be considered a higher and better use. With regard to the scope of the Commission's authority, he would defer to the City Attorney and whether the Commission would have the authority to deny the application on that basis.

Chair Kadlubek said an alternative would be the Commission's ability to amend mixed use zoning to eliminate the ability for somebody to just create some more single-family dwellings in a mixed use zone and how that process would be accomplished.

Mr. Smith said Staff, in working with the River trails corridor working group, has identified the need for modifications to the mixed-use district to address various policy issues that were raised in their planning effort. It is likely, when that work is completed, that the City Staff will be back in front of the Council with amendments to the mixed-use zone and they will keep this comment in mind in their analysis.

Chair Kadlubek clarified that he was not referring to this particular development because it does meet the letter of the law. It is more what the mixed-use allows for. But he did think the Commission should have a discussion on Chapter 14-7.5, regarding the 500 sq. ft. per acre of development for open space. It says that policy is only for developments that are not surely residential. If it says 500 square feet is required, then the Commission should stick with that. It was not intended for single-family lot divisions. It was intended for mixed-use zoning. So he wondered where we got that conclusion.

Mr. Smith said it was likely that the developer would exceed that minimum requirement several times. It was a conflict between the mixed-use standards and the single-family subdivision proposal.

Commissioner Hochberg thought he heard that a supermarket is proposed directly across the street from the proposed site. So in reality, there is mixed-use in this area.

Mr. Smith agreed, there is a whole variety of nonresidential uses up and down Airport Road on both sides, including some strip malls, grocery stores, etc.

Commissioner Hochberg asked if the applicant is correct when they state "that they are using a" light footprint and they would have been entitled to even more houses on this tract."

Mr. Smith agreed. As noted in the Staff's report, their intent was to create just one house on each lot and it would be possible for them to go to a duplex on each of these lots under the current zoning.

Commissioner Gutierrez asked the applicant why, given the intense commercial development on Airport Road, they decided to go with single-family detached houses on this property.

The Applicant said he started off his presentation, indicating that the area had a variety of zoning. Across the street is SC-1, which is shopping Center. There is not a grocery store across the street. There is also C-1 zoning, R-12, R-29. So the whole area is mixed-use. In the original development plan for the area this parcel was to be a foundry by Mr. Del Weston. So at one time, the whole site was planned as more of a mixed-use project. That development plan had expired. So his intent was to come in with a single-family residential because there is a market for single-family residential use of that location. He thought it would be a good use at that location with a light footprint on it. It is not a big piece of land here that we are dealing with.

Commissioner Gutierrez thanked him. He asked what is the biggest allowable footprint on this subdivision.

Someone answered, up to 1000 sq. ft.

Mr. Smith pointed out that there is a relatively high lot coverage ratio permitted in the mixed-use district. It could be as much as 6,000 sq. ft. on this 8,000 sq. ft. lot.

Commissioner Gutierrez suggested that in the future, if they decided not to build single-family units, that it could become a 6,000 sq. ft. three-story building.

Mr. Smith opined that it was unlikely they could reach a three-story height, but it could be two stories in height. Some of the lots could reach the 35-foot-high limit and others would be just two-story.

Commissioner Abeyta noted that they are not requesting that the zoning be changed. So the two lots might be adjacent to Airport Road and they could decide that perhaps a commercial use would be more appropriate for a better market for that. They could always come in and do that. So it would not change the mixed-use zoning to approve this.

Ms. Mortimer agreed. One of the two lots along Airport Road is also along Buffalo Grass. And that one had the portion contiguous with residential use. So it would have a 40% residential requirement of lot coverage. The other one would have a 20%, so they would have to have some residential in them.

Commissioner Abeyta said there is an existing land use patterns along that area of Airport Road. He was surprised to find that there are a lot of residential homes on larger lots in this area. So it fits a pattern that is already there and he could see why there is a market for. But unless you enter behind Airport Road, like from the Tierra Contenta Subdivision, you don't realize that all of those homes are back there on the larger lots. That is why he seconded the motion to approve.

Chair Kadlubek saw an inconsistency here between the conditions of approval with regard to the notes to be added to the subdivision plat on page 8, where one of the conditions is for 250 sq. ft. of open space per dwelling unit. On the Staff memo, exhibit E-1 where it shows a minimum of 500 square feet.

Ms. Mortimer replied that the landscape reviewer reviewed for landscape requirements. In further review they found that the 500 minimum did not apply to the development of 100% residential single-family use. So the Case Manager (Ms. Mortimer) wrote them as a direct quote. That is a requirement of the code. She was trying to make it clear that it applied also to a guest house or multiple units so that when someone else comes in and looking at the flat and figuring out what they could develop would have some guidance.

Chair Kadlubek reasoned that the 500 square feet requirement doesn't apply.

Ms. Mortimer agreed.

Chair Kadlubek said the code doesn't say that the 500 sq. ft. minimum does not apply when it's totally residential.

Ms. Mortimer agreed. Her understanding was that the creation of the mixed-use zone anticipated a greater desire to build commercial and it needed a minimum requirement of residential and no one conceived at that time of the kind of development that was going to be a 100% residential. That was written long ago when developments were very different than they are now. So that is one of the issues that staff is being asked to consider in the amendment.

Commissioner Kapin asked if the front two lots were brought back for commercial development, if it would trigger the 500 sq. ft. open space requirement. She asked if any designation made now would affect this approval.

Ms. Mortimer agreed it would trigger that requirement. It would also trigger parking and several other items, as well.

Commissioner Hogan commented on the awkwardness of the zoning actuation because he was hearing it would be entirely possible to have a single-story, standalone residential house on one lot and on the next lot, it could be a much more intensive use development. So there could be a whole variety of different things all on this small cul-de-sac.

Ms. Mortimer affirmed that his assumption was correct. If they decided to develop commercially, they would have additional requirements. For these lots, the intensity of possible development is not that great. It is greater than a home occupation but not much more.

Commissioner Kapin wanted to make sure the conclusion on page 7 makes it onto the list of conditions - - the notice to potential buyers.

Ms. Mortimer said it was on the list at 8 2 B at the very end. She appreciated the catches by the Commission.

Commissioner Abeyta asked for a roll call vote.

**The motion was approved on a unanimous roll call vote with Commissioner Hogan, Commissioner Hochberg, Commissioner Gutierrez, Commissioner Kapin, Commissioner Abeyta, Commissioner Propst, Commissioner Hiatt and Chair Kadlubek voting in favor and none voting against.**

- 3. Case #2016-03. Vista Serena, Tract 49 Tierra Contenta, Final Subdivision Plat.** Orallynn Guerrerortiz of Design Enginuity, LLC, agent for Homewise, Inc., requests final subdivision plat and development plan approval for 50 lots on 12.7± acres. The site is located on Tract 49 in Tierra Contenta Phase 2C, located on the south side of Plaza Central Road, east of Contenta Ridge Road. The property is zoned PRC (Planned Residential Community, 6-9 dwelling units per acre). (Donna Wynant, Case Manager)

Commissioner Hiatt notified the Commission and the public that he had a potential conflict of interest because he sits on the board of Tierra Contenta. But he did not remember this case coming before that board. So he thought he could participate without bias.

Mr. Shandler said he had complied with the disclosure required by the city and could participate without objection.

### Staff Report