



Agenda

CITY CLERK'S OFFICE

DATE 9-12-14 TIME 11:50am

SERIALIZED BY Gerardine Grubbs

RECEIVED BY Carmelina Spears

PLANNING COMMISSION
Thursday, October 2, 2014 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

MINUTES: September 11, 2014

FINDINGS/CONCLUSIONS:

Case #2014-71. 5704 Agua Fria Road General Plan Amendment.

Case #2014-72. 5704 Agua Fria Road Rezoning.

Case #2014-76. 17 Dos Hermanos Final Subdivision Plat.

Case #2014-79. 27 Ridgeline Road Variance.

Case #2013-98. 27 Ridgeline Road Lot Split.

- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. An ordinance relating to Early Neighborhood Notification (ENN); amending subsection 14-3.1(F)(3) SFCC 1987 to require that an ENN be conducted for new parks or reconstruction or expansion of existing parks; and making such other changes as are necessary to carry out the intent of this ordinance. (Councilors Dominguez and Bushee) (David Pfeifer)
2. **Case #2014-05. Villas de Sophia Amended Development Plan and Preliminary Subdivision Plat.** Monica Montoya, agent for Ted Chagaris, requests amended Development Plan and Preliminary Subdivision Plat approval to create 6 single family lots on 1.00± acre. The property is zoned R-7/PUD (Residential, 7 dwelling units per acre, Planned Unit Development) and is located at 1840 Siringo Road. (Donna Wynant, Case Manager)

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
- I. ADJOURNMENT**

NOTES:

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**

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PLANNING COMMISSION
October 2, 2014

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**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
October 2, 2014**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Vice-Chair Renee Villarreal, at approximately 6:00 p.m., on Thursday, October 2, 2014, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Commissioner Renee Villarreal, Vice-Chair
Commissioner Lisa Bemis
Commissioner Brian Patrick Gutierrez
Commissioner Lawrence Ortiz
Commissioner John Padilla
[Vacancy]

MEMBERS EXCUSED:

Commissioner Michael Harris, Vice-Chair
Commissioner Dan Pava, Secretary
Commissioner Angela Schackel-Bordegary

OTHERS PRESENT:

Lisa Martinez, Director, Land Use Department
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Zachary Shandler, Assistant City Attorney
Melessia Helberg, Stenographer

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

Introduction of New Planning Commission Member

Vice-Chair Villarreal introduced Brian Gutierrez, the newest member of the Planning Commission, and welcomed him on behalf of the Commission.

Mr. Gutierrez said he was born and raised in Santa Fe off Agua Fria Street. He is self employed. He has 3 children, 2 boys and a girl. He said he welcomes the opportunity to work with the Commission.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the Agenda as published.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – SEPTEMBER 11, 2014

The following corrections were made to the minutes:

Page 30, in the caption for G(1), correct "Don Hermanos," to "Dos Hermanos."

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the minutes of the meeting of September 11, 2014, as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

2. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A copy of the Findings of Fact and Conclusions of Law in Case #2014-71, 5704 Agua Fria Road General Plan Amendment to Industrial and Case #2014-72, 5704 Agua Fria Road Rezoning to I-1, is incorporated herewith to these minutes as Exhibit "1."

A copy of the Findings of Fact and Conclusions of Law in Case #2014-76, 17 Dos Hermanos Final Subdivision Plat, is incorporated herewith to these minutes as Exhibit "2."

A copy of the Findings of Fact and Conclusions of Law in Case #2014-79, 27 Ridgeline Road Variance and Case #2013-98, 27 Ridgeline Road Lot Split, is incorporated herewith to these minutes as Exhibit "3."

a) **CASE #2014-71. 5704 AGUA FRIA ROAD GENERAL PLAN AMENDMENT.**

MOTION: Commissioner Ortiz moved, seconded by Commissioner Padilla, to approve the Findings of Fact and Conclusions of Law in Case #2014-71, 5704 Agua Fria Road General Plan Amendment to Industrial as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

b) **CASE #2014-72. 5704 AGUA FRIA ROAD REZONING.**

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2014-72, 5704 Agua Fria Road Rezoning to I-1, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

c) **CASE #2014-76. 17 DOS HERMANOS FINAL SUBDIVISION PLAT.**

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2014-76, 17 Dos Hermanos Final Subdivision Plat, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

d) **CASE #2014-79. 27 RIDGELINE ROAD VARIANCE.**

MOTION: Commissioner Ortiz moved, seconded by Commissioner Padilla, to approve the Findings of Fact and Conclusions of Law in Case #2014-79, 27 Ridgeline Road Variance, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

e) **CASE #2014-98. 27 RIDGELINE ROAD LOT SPLIT.**

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2014-98, 27 Ridgeline Road Lot Split, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

E. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

1. **AN ORDINANCE RELATING TO EARLY NEIGHBORHOOD NOTIFICATION (ENN); AMENDING SUBSECTION 14-3.1(F)(3) SFCC 1987, TO REQUIRE THAT AN ENN BE CONDUCTED FOR NEW PARKS OR RECONSTRUCTION OR EXPANSION OF EXISTING PARKS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE (COUNCILORS DOMINGUEZ AND BUSHEE). (DAVID PFEIFER)**

A Legislative Summary for this bill, with attachments, is incorporated herewith to these minutes as Exhibit "4"

David Pfeifer, Facilities Division Director, Public Works Department, presented information in this case from the materials in the Commission packets. Please see Exhibit "4," for specifics of this presentation.

Public Hearing

Marian Schruben, representing her Neighborhood Association, said she is here in favor of the proposed Ordinance. She said if this had been in place and they had notice they were planning to rebuild the pocket park, it would have saved the City a lot of money, because they had to go back redesign after neighbors saw the diggers in the yard. She said, "I would just like to caution you that this may come up again, even though you have set some [*inaudible*] – the lighting and noise, and other kinds of things like that are appropriate. And I've heard the discussions that we have had twice at the Parks and Open Space Meetings, and all of these things have been thoroughly thrashed out, so I do encourage you to include an ENN in as many parks as possible."

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Padilla said Ms. Schruben gave testimony that this would not have included pocket parks.

Ms. Schruben said this correct. Their pocket park is less than one acre, and the remodeling cost \$197,000, so it wouldn't have qualified for an ENN, but they still had a complete renovation of their park, and initially the neighbors were distraught. They thought the pocket park was going to be removed, so it

was really good for them. She said, "The pocket parks across town are in various states, and it's going to be a challenge for you all, but I'm sure Public Works and Parks are on it. I hope this helps."

Commissioner Padilla asked if the criteria, 2 acres or \$250,000, would apply to all parks or only to City Parks.

Mr. Pfeifer said it would impact only City owned parks.

Commissioner Padilla asked for an example of the location for the smaller parks.

Mr. Pfeifer said Colonial Prisma, located near the Southside Library, is a 2½ -3 acre park, and would be the kind of park that would fall into this category, because it is a little more than 2 acres.

Commissioner Padilla said any development that requires open space, a park for its development, would be reviewed under the review and approval guidelines through development plan review. He asked if this is a correct statement.

Ms. Baer said, "That is correct. So you would be seeing that as either a subdivision or development plan, probably a subdivision, which would be a park. If it was to be dedicated to the City after it was built, you would see it at that time. And obviously, there also would be public notification and the opportunity for public comment through review of the subdivision."

Commissioner Bemis asked how the parks are watered.

Mr. Pfeifer said, "That varies so immensely that I couldn't even answer the question. It depends on whether we put all dry landscape in and some park benches, or if we do grass, or if we do some plants. So drip irrigation, the bubblers for any kinds of plants that are planted, spray irrigation for any grass. And most of the parks use City water, unless you can get some effluent water in different locations like SWAN Park will be, that great big giant park. But most of it will be City water, and it totally depends on the structure of the park. The smaller the park, probably the less water usage, probably. Does that answer your question."

Ms. Bemis said it does, but she has more questions about the water later.

Vice-Chair Villarreal reminded the Commission that this is a recommendation to the Governing Body from the Planning Commission, and the motion should be so stated.

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to recommend approval to the Governing Body for the proposed Ordinance relating to Early Neighborhood Notification (ENN), amending Subsection 14-3.1(F)(3), to require an ENN to be conducted for new parks or reconstruction or expansion of existing parks.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

2. **CASE #2014-05. VILLAS DE SOPHIA AMENDED DEVELOPMENT PLAN AND PRELIMINARY SUBDIVISION PLAT. MONICA MONTOYA, AGENT FOR TED CHAGARIS, REQUESTS AMENDED DEVELOPMENT PLAN AND PRELIMINARY SUBDIVISION PLAT APPROVAL TO CREATE 6 SINGLE FAMILY LOTS ON 1.00± ACRE. THE PROPERTY IS ZONED R-7/PUD (RESIDENTIAL, 7 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT) AND IS LOCATED AT 1840 SIRINGO ROAD. (DONNA WYNANT, CASE MANAGER)**

A Memorandum, with attachments, prepared September 18, 2014, for the October 2, 2014 meeting, regarding this case, is incorporated herewith to these minutes as Exhibit "5."

A Memorandum dated October 2, 2014, to the Planning Commission from the Current Planning Division, regarding additional information on Case #2014-05, Villas de Sophia Amended Development Plan and Preliminary Subdivision Plan, with attachments as noted, is incorporated herewith to these minutes as Exhibit "6."

The Villas de Sophia Development Plan and Subdivision Plat, dated August 14, 2014, is incorporated herewith to these minutes by reference, and copies are on file in, and can be obtained from, the City of Santa Fe Land Development Department.

Donna Wynant presented information in this case. Please see Exhibits "5" and "6" for specifics of this presentation.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in the Staff Report [Exhibit "5"].

Public Hearing

Presentation by the Applicant

Monica Montoya, 726 Gregory Lane, Montoya Land Use Consulting, Agent for the owner was sworn. Ms. Montoya introduced the Project Team, Oralynn Guerrerortiz, Project Engineer and Ted Chagaris, owner of the property. She thanked staff, noting Donna Wynant and Tamara Baer have been very helpful to them throughout the design process.

Ms. Montoya presented information and answered questions using an enlarged drawing of the subject site. Ms. Montoya said, "Donna did a wonderful job of describing the project to us. I'll just point out a couple of things for you on our boards. 'This' top one 'here,' is our development plan, Siringo Road is 'here.' We provide a public access as requested by the Traffic Engineer into the subdivision. From that public access, you enter a driveway into the center of our units. So there will be two units 'here,' two units on the east side of the property and two units on the south side of the property."

Ms. Montoya continued, "The little interesting fact that I wanted to share with you is that Villa Sophia is Ted Chagaris's mother, and so the subdivision is named after his mother which I think was kind of cool."

Ms. Montoya continued, "And so, as Donna mentioned, each one of these lots, several of them will provide private open space, but we do have portals on the back yards of each of the ones and those are what you are seeing in the front of the elevation at 'this' point. This elevation does show a row of trees between the sidewalk and the front wall of the subdivision along Siringo Road. We will be moving those trees to the north side of the sidewalk. We don't have a problem with that at all, and we agree that it would make the character and the streetscape of Siringo Road very nice. Architectural style, of course, is Pueblo Style as you can see 'here.' Our rendering does show a single story rendition of what we're thinking these will look like. We would like to reserve the right to build a two-story unit as long as we are in the requirements of R Codes. And so I just wanted to mention that, at some future time when we're in for building permit and a buyer wants a two-story home, we reserve the right to build one if we comply with the R-Codes."

Ms. Montoya continued, "We did a lot of work with the neighbors. We had the Neighborhood Notification meeting which Donna mentioned. Our neighbor, Mr. Mares is very happy with us and he has submitted a letter of support. His property is right 'here.' He's happy with us because he's going to get access to his land at some future point when and if he develops the property. Our neighbors to the south 'here,' will also have the ability to connect to Siringo Road through our public right of way. So that's basically our contribution to connectivity to otherwise landlocked properties to the south of us. Basically, we feel this is a very nice infill, median income development. We're very happy with it and hope you are too, and with that we stand for any questions."

Vice-Chair Villarreal asked Ms. Montoya, if anyone from her team would like to speak.

Ms. Montoya said if there are questions with regard to design, Ms. Guerrerortiz is available.

Mr. Chagaris said he has no remarks at this time.

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Ortiz said in John Romero's comments, he asked for 25 feet of slope as it approaches Siringo Road, but on the plans it has 20 feet. He asked if this is going to be corrected, noting someone highlighted that.

Oralynn Guerrerortiz, 1427 Luisa Street, Suite A, Owner of Design Enginuity [previously sworn], said, "I have had several discussions with John Romero. ... I'm pulling out my notes to find out how it landed in the end here, because I know I did some redlines to this project. What we talked about

was that we have to come up to keep the water in Siringo Road, so the water wouldn't flow down our driveway. And so, I think it's 4 or 5 feet related to that rise, and then we're going to have 20 feet at 2%.. So, together it's 25 feet between the two where it's coming up just 6 inches and then going 2%, and he was okay with that. And I'm not sure if the plans in front of you reflect that final decision from him. But I think how I left it with John was we were going to take care of it before we went to final before you all."

Commissioner Ortiz said, regarding the drainage easement, your drainage runs from southeast to the southwest, and there is an existing 24 inch culvert, and you are going to hook up to that. He asked what is the width of the easement on the west side.

Ms. Guerrerortiz said, "The actual width is really narrow, it's only 5 feet if I recall correctly, for where the CMP pipe is. Are you concerned about if they have to dig it up and it will disturb more than 5 feet."

Commissioner Ortiz said a few years ago, we had a field trip to that area on another case and he recalls that easement looked really shabby and not too defined. He hopes that they will define the easement a little better to get the drainage to flow properly. He said, "And I know, at your southwest corner you plan on sheet flowing that through the riprap pad and everything. So I'm hoping it is well defined, not only throughout the whole west side, but a little bit to the south side. I just remember it wasn't really defined, the drainage system through there."

Ms. Guerrerortiz said, "The 5 foot easement is to incorporate a 15 inch CMP, which is the outlet of the drainage pond. My feeling is, when Mares develops he will want to continue the pipe through the public easement out of his property. But because we're not in a position to do work on his property, and there isn't any clear defined drainage way, it really is a sheet flow now situation. We were requested by staff to leave it as a sheet flow situation. But the reality is, when Mr. Mares wants to develop, he will make it more of a storm drain to connect it and get it passing through his property. He does have... it's an unusual property. I don't know if you remember Mr. Mares, but it's like a bowl, but he has an exit CMP drainage pipe that would make a lot of sense to connect this line to."

Commissioner Padilla said Ms. Montoya mentioned that the public access is down the walk and then through the driveway. He said, "If I understood the testimony earlier, there are two gates that are going to be there."

Ms. Montoya said yes.

Commissioner Padilla asked how that is a public access with two retractable gates.

Ms. Montoya, pointing to the enlarged drawing, said, "Public right of way. Siringo Road. Public right of way. Our driveway. That retractable gate will enclose a driveway and it will retract back 'this' way, so it won't encroach or impede into the public right of way at all."

Commissioner Padilla said, "So public access, that's vehicular access to me. If somebody was walking to the property, I can see where they've got a sidewalk coming from north to south, and if they were walking there, they would get to that gate and they wouldn't have access in. Is there public access for both vehicular and pedestrian, and if so, how is it addressed here."

Ms. Baer said, "I think the public access was not referring to the private development aspect of this proposal, only to the vehicular and pedestrian access which will access further to the south, if and when that property develops. So the private part of this development does not have public access. It's private."

Ms. Montoya said, "If this helps, Mr. Padilla, 'this' is private."

Commissioner Padilla said, "Understood. So, if I was, I'm just going to ask a general question then to Ms. Montoya. If I am an owner of Lot 2 and I wanted to take my bike out, how do I get out."

Ms. Montoya said, "You would have access from the parking lot, through the gate.."

Commissioner Padilla said, "So it's a controlled gate."

Ms. Montoya said, "It's a controlled gate for use by the residents."

Commissioner Padilla said, "Then question for staff. As we look to, as was mentioned in the testimony, connectivity to the south as it develops in the future, and then also thinking about a case we had last Commission meeting, the road is only developed up to, and the sidewalk only developed up to the entrance to this private development. What is the guarantee, or how are we guaranteed that the improvements do happen on the south portion of this development for future connectivity. Can you address that."

Ms. Baer said, "There's an irrevocable offer to dedicate. So if and when that road does develop and the need for it happens, on the plat there will be an irrevocable offer to dedicate. And we will accept it once that road has been constructed."

Commissioner Padilla said, "So the developer, or the developer now, ultimately if these are condominiums or however they are conveyed or sold, they would be responsible for the expansion. There is an irrevocable letter."

Ms. Baer said, "No. It is an irrevocable offer to dedicate, which means it's on the plat and the City could, and presumably would take over that roadway, Villa Sophia, once it becomes access to properties developed further to the south. There is no obligation on the part of the current owner to develop the remaining portion to the edge of their property. So, depending on how the development happens, it could be that, say someone came in with a lot of apartments to the south here, they would be responsible for making that final connection."

Commissioner Padilla said, "Thank you, that's the clarification I wanted. Thank you staff, thank you Ms. Montoya."

Commissioner Padilla continued, "The other question is in reference to... off Siringo Road we have a wide, I'm looking at your landscape plan, sheet 20, there is the existing sidewalk. And I can understand and appreciate not tearing up an existing sidewalk to widen it to 5 feet, when everything else is 4 feet. What is happening between the back of the sidewalk and the balance of the right of way to this property. Is that being improved at all. Is there any proposed landscaping, or is it just a wall. And then the second question on that. That wall, I'm looking at your engineering plans, and I'm seeing a wall that varies from about 1 foot to about 4 feet. Am I reading that correctly. That's your Grading Plan 9."

Ms. Montoya said, "With regard to your question with regard to what is happening in the right of way along Siringo Road, behind this sidewalk our rendering is showing a bit of a difference from what it will actually look like. But 'these' trees will actually be placed. So what you're seeing 'here,' are some trees that are located between the sidewalk and the fence, or the wall. But these trees actually will be at the request of staff, and we'll place 'these' trees between the sidewalk and the street."

Ms. Wynant said, "I would like to make a correction if it is appropriate. I think I can answer this. I did talk to Monica, Ms. Montoya, earlier today. And what I was saying is that as it is portrayed on the colored development plan, the top image there with all the green 'there,' in our discussions, we really felt that that was not enough room for street trees. And we felt that it was more important to put street trees between the sidewalk and the front property line. So I think there was that misunderstanding over the phone was that this is what was at fault. And since we are showing it to you this evening, I should have mentioned that earlier, but the street trees, typically they're between sidewalk and curb. But we looked at Siringo Road. It didn't fit the character, and there were no other street trees there. And where they did exist in that area, they were between the sidewalk and the curb, and we thought that was good way to soften or add some landscaping to the site, along with... what's required is some of these thorny types of plants, we should have a better word for that, some kind of barrier type thorny plants along the, well it's a bit of a retaining wall and a coyote fence on top. And 'this' right here, that's actually portrayed it correctly. So that rendering is just fine. Probably, with the exception of on the side 'there,' for the rendering Monica is holding, is that there should be some street trees... there are some street trees along where they're showing some shrubs."

Commissioner Padilla said, "Thank you Ms. Wynant, that was my confusion. I saw where it would seem more appropriate in that back of the sidewalk to the property line to accommodate the landscaping better in that area."

Ms. Montoya said, "The trees 'there' actually work better for our residents and will cause shade in their back yard, so we like that idea better."

Commissioner Padilla said, "Then I guess the follow-up question for Ms. Guerrerortiz is, I'm seeing the low wall and I was like, that's not much of a yard wall. And now that I'm aware there's a rendering down there, I see you're doing a coyote fence on top of that."

Ms. Guerrerortiz said, "And if I could just enunciate a little further. You are right. Most of that wall is 3-4 feet, it just dies down at the end to be one foot. And the other thing that we added, which you might have noticed on the grading plan, is that there is actually an ADA wheelchair passing space, which is

something staff suggested, because it is a 4 foot wide sidewalk for the most part, to create a small section that was 5 feet wide on our property so there was a little bit more room to go around. I just wanted you to be aware that at least there would be a small zone that would be 5 feet wide.”

Commissioner Padilla said, “My last question is... you state in the Staff Report that two parking spaces are provided, each in an attached garage, and three additional spaces in front of each garage of Lots 1, 2, 5 and 6. If we've got two cars in the garage, and you are parking two behind in tandem, where is the third car parked. It's obviously not behind the garage. Is it in front of the residence.”

Ms. Montoya said, “That is correct. The distance, if you're looking at our development plan, the distance 'here,' is equal to three cars for Lot 1, and three cars for Lot 2, tandem cars behind the two parking spaces in the garage.”

Commissioner Padilla said, “So the Staff Report is that the three are... you're calling that behind the garage, or rather in front of the garage.”

Ms. Montoya said that is correct.

Commissioner Padilla said, “Question for staff. Is that a parking requirement for this development.”

Ms. Baer said, “There is a provision for a certain number of units. If you have a certain number of units, you have to provide some guest parking. I have to check and I'm happy to do that, to see what that threshold is, but generally each house, each dwelling unit, is required to provide two parking spaces. So let me check to see exactly what that threshold is.”

Commissioner Padilla said, “And then the follow up question as far as access to the property. If I am a visitor to the owner of Lot 2, is there a call box that I pull up to, and if that is the case, if I'm a visitor, will I be sticking out into the driveway or the road, Villa Sophia. Is there enough room for a car or cars to queue up in front of that gate.”

Ms. Montoya said, “20 feet. We can look at that very closely before Final Development Plan. We'll make a note that we need to have 20 feet. Yes, that's a good question.”

Commissioner Padilla said, “I would just make a recommendation that staff take a look at that, because of the fact that, well I'm visiting Lot 2, but there's also someone for Lots 4 and 6 there and we're stacking up. Granted there is no continual traffic in there, but in the event that the development to the south does indeed proceed or happen in the future, we want to make sure that we don't have queuing problems in that area.”

Ms. Montoya said, “Thank you. We'll take a look at that more closely and have a response to that before Final.”

Commissioner Padilla said, "Last question. The Staff Report states that 'The applicant is not providing affordable units, but instead is providing a contribution to the Santa Fe Homes Program in line with the requirements for the program.' At some point, would we be able to see what that requirement is, and the amount of contribution."

Ms. Baer said, "It may be in the Memorandum from Alexandra Ladd, included in your Staff Report. The requirement changed to say that if you're building under 10 residential units, you are not required to build affordable. You can make a contribution instead. Are you seeing it."

Commissioner Padilla said, "Yes. I see it there now. \$24,000."

Vice-Chair Villarreal said, "I had a follow up on the concern about the gate. I was curious, I don't know the design you're thinking about, but wouldn't it make sense if someone was a pedestrian, that maybe they have a code for a door that actually accesses the property, versus having to go through a gate that cars are going through. I'm just trying to visualize this, and if you have thought about that. Because I just can't imagine standing there and having to call in and I'm waiting and cars are behind me like Commissioner Padilla was describing. I know you said you would address that."

Ms. Montoya said, "Yes. I've got a note here. We'll take a closer look at that."

Ms. Baer said, "And I do have an answer for you. Per Section 14-8.6 Off-Street Parking and Loading, C(1) Off Street Visitor Parking in Single Family Development. 'In single family, residential developments, depending on the size and layout of the development, and if driveways are located in such proximity to each other that adequate visitor parking is unavailable on the street, the Planning Commission may require that additional visitor parking of up to one-half space per dwelling unit be accommodated within the development.' So, it's not a requirement. The Planning Commission has the discretion to require it, if you think it's necessary...."

Vice-Chair Villarreal thanked Ms. Baer, and asked Commissioner Padilla if this answered his question, and Commissioner Padilla indicated that it did.

MOTION: Commissioner Ortiz moved, seconded by Commissioner Bemis, to approve Case #2014-05, Villas de Sophia Amended Development Plan, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

MOTION: Commissioner Ortiz moved, seconded by Commissioner Padilla, to approve Case #2014-05, Villas de Sophia Preliminary Subdivision Plat, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

G. STAFF COMMUNICATIONS

Ms. Baer said, "I distributed to you some notes from a power point presentation that was given at the APA Conference Training for Planning Commissions about a week and half ago. I would say that most of the material that is covered here is something that those of you who have been on the Commission are probably already familiar with. It's not a bad refresher. And for people who perhaps have not been to planning commissioner training in the past, it's worth taking a look at. I would keep in mind that the presenter was from Texas and so there are some things that they do differently there. It wasn't specific to New Mexico or Santa Fe. For example, they have procedures that are followed. We don't necessarily have a written handbook of procedures. And they have certain forms that we just don't have. But in general, there are very useful things here, and reminders about what to do, what not to do, what's appropriate, what isn't appropriate. So I would recommend that you take a look at that. And if you have any questions, feel free to call me or Zach, Mr. Shandler or anyone else."

Ms. Baer said, "And then I've also distributed...."

Vice-Chair Villarreal said, "I was wondering if any of the Commissioners actually made the training or could attend."

Ms. Baer said, "No. And I apologize, because we let you know about it so late. We weren't sure that the Department was going to be able to cover the cost. It was not very much, but we did invite everyone except, I'm sorry, but Mr. Gutierrez wasn't on the Commission yet. We were hoping Commissioner Padilla was going to make it, but I think we let you know too late, so I'm sorry about that. I think that Commissioner Pava must have been there, but I didn't see him. He wasn't at the training. It was actually a very small group and it diminished as the time went by."

Ms. Baer continued, "And then also, I did distributed the most recent list, including Commissioner Gutierrez, of contact information for your use and information. And I would just caution you that this is an internal list. It's not for public distribution. We don't give out your cell phones to the public. We have another list to the public. We encourage the public, if they have comment on any cases, to provide them to the staff and then we would make sure that everyone on the Commission received the same information. So we discourage people from contacting you directly. And that's all."

H. MATTERS FROM THE COMMISSION

Commissioner Padilla welcomed Commissioner Gutierrez, and asked if there is a vacancy on one of the committees in which he could serve.

Ms. Baer said she believes that would be an appropriate time to make that appointment, and asked Commissioner Gutierrez if there is a desire on his part to serve on one of these committees. She said currently two subcommittees have vacancies – the Summary Committee which Commissioner Ortiz chairs and on which Commissioner Padilla serves, noting that Commissioner Harris attended the last meeting, but he is ready to retire from that Committee. And there also is an opening on the Long Range Planning Committee, on which Commissioner Bemis serves.

Chair Villarreal asked Commissioner Gutierrez if he would like to serve on a Committee.

Commissioner Gutierrez said, "We spoke about it briefly, and if I'm correct on the meeting time for the Summary Committee, it's the same day as the Planning Commission, that would work better for me."

Responding to the Vice-Chair, Ms. Baer said there also is a vacancy on the Summary Committee on which Commissioner Harris was filling-in.

Vice-Chair Villarreal asked what the Commission needs to do to get Commissioner Gutierrez on the Summary Committee.

[Ms. Bemis's remarks about the Long Range Planning Committee are inaudible here because her microphone wasn't turned on]

Ms. Baer said, "The Code does specify that it is by election, so 'Three members of the Planning Commission shall be elected by majority vote of the Planning Commission to serve one year terms on the Summary Committee.' So we can post that on the next agenda and have that take place that way."

Commissioner Ortiz said, "If we don't take care of that business tonight, then at the next Summary Committee it will be just Commissioner Padilla and myself. So, if it was up to me, I would like to take care of that business tonight if we can."

Mr. Shandler said, "Commissioner, Commission Chair Harris will serve until he is replaced, so he could still attend that next Committee meeting and vote."

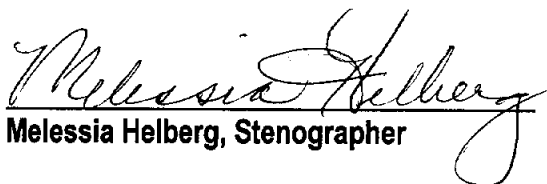
Vice-Chair Villarreal pointed out that we have to wait until the item is posted on the agenda, so we will do that at the next meeting.

I. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 7:05 p.m.



Michael Harris, Chair



Melessia Helberg, Stenographer

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

Case #2014-71

5704 Agua Fria Road General Plan Amendment to Industrial

Case #2014-72

5704 Agua Fria Road Rezoning to I-1

Owner's Name – Paul & Rosina Gallegos

Agent's Name – James W. Siebert & Associates Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 7, 2014 and September 11, 2014 upon the application (Application) of James W. Siebert Associates Inc., as agent for BFFM (Applicant).

The property is currently vacant and located at the intersection of San Felipe Road and Agua Fria Road. The property is a remainder of a 3.076 acre lot that was split into two lots as a result of the City taking 0.417 acres for the Rufina Street right-of-way. Establishment of the right-of-way created a northerly tract of 1.79 acres and a southerly tract of 0.87 acres. The northerly tract has a General Plan Future Land Use Designation of Neighborhood Center and is within the SC-1 (Planning Shopping Center) zoning district. The southerly tract has a General Plan Future Land Use Designation of Industrial and is within the I-1 (Light Industrial) zoning district.

The Applicant seeks: (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the 1.79 acre Property from Neighborhood Center to Industrial; and (2) to rezone the Property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial).

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 and the Applicant.
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).

Exhibit "1"

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. A pre-application conference was held on March 6, 2014.
6. 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)].
7. An ENN meeting was held on the Application on April 29, 2014 at the Southside Library.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there were no members of the public in attendance and no concerns were raised.
10. 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.

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)].*

While the existing land use designation does not preclude development of the property, the request to change the future land use designation from Neighborhood Center to Industrial is consistent with current Industrial land use designation of property to the north and south of the property. Any future development would be required to develop access for the property within the 0.471 acre right-of-way south of the property.
 - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*

The subject property is currently vacant and bordered on two sides by Industrial land use designations. The proposed change will not create inconsistencies with the General Plan. General Plan Policy 5-3-G-6 speaks directly to the need to achieve compatibility between industrial development and surrounding neighborhoods. Chapter 14 implements this policy through development standards that address the residential and nonresidential interface.
 - (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)].*

There is a residential mobile subdivision to the west of the subject site. However, the subdivision is surrounded on three sides by Industrial designated land. The subject site is also bordered on the north and south sides by Industrial designated land with no conflict. The prevailing use and character of the area is industrial. Although the property is less than 2 acres in size, it is an expansion of the I-1 district across Agua Fria Road and well as across the right-of-way south of the property, and therefore qualifies as an adjustment in the boundaries of the I-1 zoning district. This request to amend the General Plan Future Land Use Map does not benefit the property owner at the expense of the surrounding landowners or the general public.

- (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 amendment does conform with Subsection 14-3.2(E)(1)(c) as it is not inconsistent with the prevailing use or character of the area, is not less than 2 acres as it is adjusting the boundary of adjacent industrial land and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.

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

This is not applicable.

- (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)].*

While other development of the property is feasible, the site will not likely, in the foreseeable future, be developed as a Neighborhood Center as anticipated by the land use designation and zoning. Land immediately to the east that is zoned SC-1 (Planned Shopping Center) has been developed and operates as Santa Fe County social service facilities and is designated as Public/Institutional by the General Plan Future Land Use Map.

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

The proposed amendment is consistent with the policies of the Plan as set forth in paragraph 13(a)-(d) above.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
15. 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.
16. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
17. 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 SC-1 zoning district was given to the subject site and immediately adjacent properties to the east in 2009. The SC-1 zoning district was not consistent with the existing use of County social service facilities, which was developed in phases from approximately 2004 through 2008. The SC-1 zoned property to the east has been developed as County social service facilities making it unlikely that the subject property and adjacent properties would be developed as a shopping center as originally anticipated by the Southwest Area Master Plan. The immediate vicinity is largely dominated by Industrial designated land. The proposed Land Use Amendment and Rezone essentially close a small gap in the surrounding industrial land.

- (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)].*

There is a substantial amount of commercial zoned property in close proximity to the subject site. The subject site is better suited for I-1 zoning as it is largely surrounded by I-1 zoned land and is bordered on the east by County social service facilities. The General Plan Policies speak to the importance of maintaining a supply of land suitable for industrial use.

- (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 future development of the property. Any new development will require connection to the City water and sewer. The requested zoning will not impact infrastructure to a greater degree than would already occur under the existing SC-1 zoning.

18. 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.*

Basic infrastructure including: streets (no sidewalk), water, and sewer, are available to adequately serve the site as it currently exists. A condition has been proposed to require the developer to dedicate sufficient right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads.

19. This is a unique situation as the Governing Board of the City of Santa Fe in Resolution 1999-46 stated that it would not support the construction of a westerly extension of Rufina Street.
20. This is a unique situation because requiring the Applicant to build an access road 220 feet to the easterly boundary of the Right-of-Way Tract would be a waste of resources due to Resolution 1999-46.
21. The Commission adopts Staff conditions along with the following modifications:
 - (1) City Traffic Engineer's Condition #3 is modified to read: "The access road shall connect to San Felipe on the west side and extend easterly within the Right-of-Way tract to an approved development access point."
 - (2) MPO/Roadway and Trails Division's Condition #1 is modified to read: "At the time of development of the property, the Developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property in conjunction with the access road as amended by the Planning Commission in the City Traffic Engineer's condition # 3. The design of all trail/side paths shall be reviewed and approved by the Roadway & Trails Engineering Division and shall be built to City of Santa Fe standards. At the time of future approval of a Subdivision or Development Plan, the Developer shall develop all trails consistent with the Metropolitan Bicycle Master Plan as required by SFCC 14-8.15."

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 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.

**WHEREFORE, IT IS ORDERED ON THE 2nd DAY OF OCTOBER, 2014 BY THE
PLANNING COMMISSION OF THE CITY OF SANTA FE:**

1. 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.
2. 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 I-1.

Michael Harris
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date: