

AMENDED

PLANNING COMMISSION
May 15, 2008 – 6:00 P.M.
CITY COUNCIL CHAMBERS

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES
April 17, 2008

E. CONSENT CALENDAR

1. Findings of Fact Case #SP 2008-03, M 2008-03, ZA 2008-01. **La Triada Business Park Lot Split, General Plan Amendment and Rezoning.**
2. Findings of Fact Case #M 2008-06. **12 Montoya Circle Escarpment Regulations Variance**
3. Findings of Fact Case #M 2008-07, ZA2008-04. **Governor Miles Business Park Annexation and Rezoning.**
4. Findings of Fact Case #M 2008-08. **Colores Del Sol Development Plan Amendment**

F. OLD BUSINESS

1. Case #SP 2008-03. **La Triada Business Park Mixed Use Project Lot Split.** *Jennifer Jenkins JenkinsGavin, agent for Soñar LLC, requests plat approval to divide 7.44± acres into two tracts. The property is located east of Fifth Street and south of St. Michael's Drive and currently zoned R-5 (Residential, 5 dwelling units per acre). Proposed rezoning to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for Tract 1 (5.28± acres) and proposed Tract 2 (2.169± acres) to C-2-PUD (General Commercial, Planned Unit Development). (Donna Wynant, case manager) (POSTPONED FROM APRIL 17, 2008 AND MAY 01, 2008)*
2. Case #M 2008-03. **La Triada Business Park Mixed Use Project General Plan Amendment.** *Jennifer Jenkins JenkinsGavin, agent for Soñar LLC requests approval of a General Plan future land use map amendment to change the designation of a total of 7.44± acres from Institutional to Residential, Low Density (proposed Tract 1) consisting of 5.28± acres and Community Commercial (proposed Tract 2) consisting of 2.16± acres. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager) (POSTPONED FROM APRIL 17, 2008 AND MAY 01, 2008)*

3. **Case #ZA 2008-01. La Triada Business Park Mixed Use Project Rezoning.** *Jennifer Jenkins JenkinsGavin, agent for Soñar LLC, requests rezoning of 7.44± acres from R-5 (Residential, 5 dwelling units per acre) to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for 5.28± acres (proposed Tract 1) and to C-2-PUD (General Commercial, Planned Unit Development) for 2.169± acres (proposed Tract 2). The application includes a preliminary development plan for 39 town homes on Tract 1 and 200 indoor, climate controlled storage units in three buildings and four residential units on Tract 2. This application also includes variances to allow for bridge construction within arroyo setback and to allow for the placement of off-site signage. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager) (POSTPONED FROM APRIL 17, 2008 AND MAY 01, 2008)*
4. **Case #M 2008-10. 701 Calle Vibora Escarpment Regulations Variances.** Arthur Seligman, agent for Hollis Logan and Robert Wienberg requests a variance to Article 14-5.6 of the Escarpment Overlay District Regulations. More specifically a variance to Article 14-5.6(D)(1), to allow for additions of 54 square feet and 534 square feet to the existing residence located within the ridgetop, for an overall total of 588 square feet, and a variance to raise the existing roof on a portion of the existing residence, not to exceed 14 feet. The property is located in the Ridgetop Subdistrict of the Escarpment Overlay District and is zoned R-1 (Residential -1 dwelling unit per acre) (Lou Baker, case manager) (POSTPONED FROM APRIL 17, 2008)

G. NEW BUSINESS

1. **Case #M 2008-12. Chamiso Hills Professional Plaza Preliminary Development Plan Amendment.** Gregg Way, agent for Branch Design and Development, requests preliminary development plan amendment to allow for construction of an office building addition consisting of 13,029 square feet on 2.76± acres. The applicant also requests a variance from the height restriction of 25 feet in the South Central Highway Corridor Protection District to allow construction up to 31 feet. The property is zoned C-1 PUD (Office and Related Commercial, Planned Unit Development Overlay District) and is located at 440 St. Michael Drive. (Donna Wynant, case manager)
2. **Case #M 2008-09. Zarape Development Plan.** Monica Montoya, agent for Carlos and Sylvia Garcia-Salgado, requests approval of a development plan for 8,500 square feet of commercial use and a hotel with 94 rooms consisting of 58,541 square feet. The property is zoned C-2 (General Commercial) and is located on the east side of Cerrillos Road, south of Wagon Road. (Tony Raeker, case manager)
3. **Case #SP 2008-08. Lot Split for Tracts B-1 and B-2 Zarape Center.** Monica Montoya, agent for Carlos and Sylvia Garcia-Salgado request plat approval to divide 3.0269± acres into two lots. Tract B-1 will consist of 1.0269± acres of land. Tract B-2 consists of 2.000± acres. The property is zoned C-2 (General Commercial) and is located on the east side of Cerrillos Road, south of Wagon Road. (Tony Raeker, case manager)
4. **Revised Development Review Fee Schedule.** *Review and recommendation to Governing Body of revised development review fees related to Planning Commission's planning and platting authority. (POSTPONED FROM MAY 01, 2008)*

H. BUSINESS FROM THE FLOOR
I. STAFF COMMUNICATIONS
J. MATTERS FROM THE COMMISSION
K. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Planning Commission are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) 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 be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.
***An interpreter for the hearing impaired is available through City Clerk’s Office upon 5 days notice. Please call 955-6521**

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CITY OF SANTA FE
PLANNING COMMISSION

May 15, 2008

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MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

May 15, 2008

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Estevan Gonzales at approximately 6:00 p.m. on this date in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Angela Schackel Bordegaray
Gloria Lopez
Signe Lindell
Matthew O'Reilly
John Salazar
Ken Hughes, Vice Chair
Estevan Gonzales, Chair

MEMBERS ABSENT:

Shayna Lewis
Bonifacio Armijo (excused)

STAFF PRESENT:

Tamara Baer, Planning Manager
Kelley Brennan, Assistant City Attorney
Wendy Blackwell, Director Technical Review Division
Donna Wynant, Senior Planner
Tony Raeker, Senior Planner
John Romero, Traffic Engineer
Denise Cox, Stenographer

Chair Gonzales announced that Commissioner Armijo is absent due to his father receiving a Heritage Preservation award from the City and said that he will be leaving the meeting at 7:30 p.m. as his family is also receiving an award.

B. PLEDGE OF ALLEGIANCE

Chair Gonzales asked Commissioner O'Reilly to lead the pledge of allegiance.

C. APPROVAL OF AGENDA

Ms. Baer reported that the item E should be entitled Approval of Findings and Conclusions. The first two items under E should not be there because the cases were not considered and the other two are not completed at this time. She stated that Item 4 – Case #M-2008-10 – 701 Calle Vibora Escarpment Regulations Variances has requested to postpone to the June 19th meeting.

Commissioner Salazar moved to approve the agenda as amended, Commissioner

O'Reilly seconded the motion which passed by unanimous voice vote.

D. APPROVAL OF MINUTES
April 17, 2008

Commissioner O'Reilly moved to approve the minutes of April 17, 2008 as presented, Commissioner Lindell seconded the motion which passed by unanimous voice vote.

E. CONSENT CALENDAR

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There were no items to approve per approval of the agenda.

F. OLD BUSINESS

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Items 1, 2, and 3 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

2. Case #M 2008-03. La Triada Business Park Mixed Use Project General Plan Amendment. Jennifer Jenkins JenkinsGavin, agent for Soñar LLC requests approval of a General Plan future land use map amendment to change the designation of a total of 7.44± acres from Institutional to Residential, Low Density (proposed Tract 1) consisting of 5.28± acres and Community Commercial (proposed Tract 2) consisting of 2.16± acres. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager) (POSTPONED FROM APRIL 17, 2008 AND MAY 01, 2008)

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3. Case #ZA 2008-01. La Triada Business Park Mixed Use Project Rezoning. Jennifer Jenkins JenkinsGavin, agent for Soñar LLC, requests rezoning of

7.44± acres from R-5 (Residential, 5 dwelling units per acre) to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for 5.28± acres (proposed Tract 1) and to C-2-PUD (General Commercial, Planned Unit Development) for 2.169± acres (proposed Tract 2). The application includes a preliminary development plan for 39 town homes on Tract 1 and 200 indoor, climate controlled storage units in three buildings and four residential units on Tract 2. This application also includes variances to allow for bridge construction within arroyo setback and to allow for the placement of off-site signage. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager) (POSTPONED FROM APRIL 17, 2008 AND MAY 01, 2008)

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Memorandum from Donna Wynant, prepared April 23, 2008 for May 1, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Letter from Jennifer Jenkins and Colleen Gavin dated May 14, 2008 regarding private streets is incorporated herewith to these minutes as Exhibit "1(A)."

Email from Kelly Brennan dated May 15, 2008 regarding the easement is incorporated herewith to these minutes as Exhibit "1(B)."

La Triada Site Section prepared by JenkinsGavin is incorporated herewith to these minutes as Exhibit "1(C)."

Building C Emergency Access Option is incorporated herewith to these minutes as Exhibit "1(D)."

Street standards as defined in Chapter 14-9.2 (E) are incorporated herewith to these minutes as Exhibit "1(E)."

Chair Gonzales noted that he was not present for this case at the prior hearing, although after consulting with the legal staff he can chair the case, but will not be voting on it. He asked where they ended this at the prior hearing.

Vice Chair Hughes said they wanted staff to provide any updates or other interactions with the agent as well as the neighbors.

Ms. Wynant reviewed the field trip and staff report included in Exhibit "1."

Staff recommends:

On Case #SP-2008-03:

If the Commission decides to recommend approval of the lot split request, that action must be based on findings per Chapter 14-9.2(D) as outlined in Exhibit A. The applicant requested a lot split on 11/01/07, but was postponed until the overall development of the site could be reviewed, rather than splitting the property and then determining if the future development plan could work with the already approved split. The Lot Split is to divide 7.44 ± acres into two tracts: Tract 1 (5.28± acres) and Tract 2 (2.169 ± acres).

On Case #M-2008-03:

If the commission decides to recommend approval of the General Plan Amendment, that action must be based on findings per Chapter 14-3.2(D) SFCC 2001, as outlined in Section 14-3.2(D) (See Exhibit),

Amendments to the General Plan – Approved Criteria). If the Planning Commission determines that the Residential, Low Density and Community Commercial general plan designation is more appropriate for the property than institutional designation, it should recommend approval to the City Council. Recommendations and approvals for general plan amendment do not include conditions of approval.

On Case #ZA-2008-01:

If the Commission recommends approval of the La Triada rezoning, that action must be based on the findings per Chapter 14-3.5(C) SFCC 2001 (See Exhibit C, Rezoning Approval Criteria). If the Planning Commission determines that the requested rezoning from R-5 (Residential, 5 dwelling units per acre) to R-7 PUD (Residential, 7 dwelling and to C-2-PUD (General Commercial, Planned Unit Development) is more appropriate than the existing R-5 zoning, it should recommend approval to the City Council.

Public Hearing

Jennifer Jenkins, Jenkins Gavin Design, was sworn. She addressed the private street design. She explained that the Planned Unit Development concept encourages innovative design for efficiency and densities. They did work closely with Barbara Salas regarding the fire access. Subdivision regulations have standards for private streets identified, but they are not a subdivision. She said that is the only place there are standards for private streets identified and there are not separate standards in the PUD regulations. She would like the Commission to approve an alternative street section as defined. Roadways serving the residences have a 21 foot drivable surface and the roadways serving the storage units have a 26 foot drivable surface. They are complying with the parking requirements and emergency access. The main difference is that the subdivision private street section calls for a 38 foot easement to allow drainage swales on either side. The code imagines more of a rural application which is not the case here. All the drainage is directed through the curb and gutter system so there is no need for this additional easement width. A question was raised regarding how the new storage building would relate to the existing buildings on the east side of the project. She reviewed a cross section of building B included in Exhibit "1(C)." She showed how the buildings relate to the apartments on the other side of the railroad tracks; the building will be 15 feet below the existing apartments. She said they questioned the burned areas that will be re-graded to return the site to its more natural grade. The soil will be tested and if there is any problem the soil will be removed and disposed of according to EPA standards.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner O'Reilly asked Mr. John Romero about the design criteria for street types in the code. He referred to the section regarding private driveways that states it can serve up to 8 units with a 20 foot right of way width. He asked why this is limited to 8 dwelling units.

Mr. Romero said he is not sure why that is. He imagines whoever created the code thought that was an appropriate threshold for a street that would function as a driveway, not as a road. He said from a traffic operational standpoint there is no difference; it is just how the road appears. He said there is no quantitative way to determine the difference.

Commissioner O'Reilly said the larger streets require more right of way and driving surface.

Mr. Romero said that is a function of operation; the width and access control are based on the characteristic of the road. He said a driveway and a residential lane operationally are not much different. He said the difference is when roads are used for through traffic.

Commissioner O'Reilly said this is proposed as a PUD development. He said they could have made fee simple lots which then this would not be required.

Ms. Baer explained that it still could have been a subdivision with a PUD overlay in which case the Planning Commission would have authority over the innovative street standards. The PUD allows this not the subdivision.

Commissioner O'Reilly stated that there is nothing that specifically addresses this in the code, but they have private driveway standards. There are a lot more units that will access this than 8. He does not understand why they would require a different street section and right of way width if these were fee simple lots.

Ms. Baer explained that the goal in the PUD is creative design and the recommendation is the separation of vehicular and pedestrian traffic. The second thing is the subdivision design standards under streets does say that the standard width is determined on the basis of a traffic count except that the Planning Commission may approve innovative street designs.

Commissioner O'Reilly asked if it is possible in this innovative street design that someone could put in radii and other curvatures that are not in compliance with other parts of the code.

Mr. Romero stated the Public Works Department did not review this because it is on private property. He said they do not make the determination regarding whether a road should be public or private. He said if a road is proposed public then they determine what is needed to make sure it meets the design criteria. An innovative street design is typically a difference in widths rather than a difference in curvature.

Commissioner O'Reilly stated that the connection to Fifth Street appears to not be 25 feet. He wonders if this is an attempt to stay within the easement more than an innovative street design. He said most connections are required to have 25 feet. He noted that if this is a driveway it could be a drive pad.

Mr. Romero said he considered it as a driveway and it met driveway standards. His sense at the time of review was that this was somewhat of an apartment type complex. He considered it a driveway as opposed to a street.

Commissioner O'Reilly commented that what the applicant is proposing is not a self contained residential development because the self storage will be accessing this driveway which is different than what you would see for an apartment complex.

Mr. Romero said this access would be acceptable on a private development that had its own private roads, but it would not be acceptable for a public road. He said they consider the cars to be an in and out number. He felt this met driveway standards when it was considered initially.

Commissioner O'Reilly asked if they are proposing sending the commercial traffic the same way the residential traffic is going.

Craig Watts, traffic engineer for the applicant, was sworn. He said the study assumes the traffic for the storage units operates the same way as the residential traffic. He said they can see the volumes associated with the self storage are very minor and do not generate a lot of traffic.

Commissioner O'Reilly stated that it is a different kind of traffic.

Mr. Watts said that could be the case, but he anticipates they will come in passenger vehicles due to the nature of the units which are walk in facilities. The units will not have large garage doors. He anticipates many storing records from businesses, so the types of vehicles will not be that much different than residential uses.

Commissioner O'Reilly asked if Mr. Watts looked at what would happen if the Fifth Street access were not allowed.

Mr. Watts said he did not. They tried to minimize the impact for the residential neighborhood and without the Fifth Street access all the traffic would go through the residential access which is not the wisest thing to do. He said multiple accesses are better for the development due to circulation and emergency access. He understands the issues the City faces as he worked at the City for 20 years. The issue of emergency response and infrastructure is much better served with multiple accesses. They were also concerned with minimizing impact to residential neighborhoods. Fifth Street is a main road, so it makes for better circulation and a better development.

Commissioner O'Reilly understood the service analysis was not performed on one access.

Mr. Watts stated that he did not run the numbers, but in his opinion the impacts are very minimal. He does not think the numbers would change significantly if the access point was one rather than two.

Commissioner O'Reilly understood there would be a decrease in the level of service if they came out one access.

Commissioner Bordegaray supported the multiple accesses from a planning perspective and for the reasons stated. She said given that it is not possible to access from Warner Circle or St. Michael's Drive, Fifth Street does provide great relief for Calle Sombra. This is an infill site with the opportunity to approve a PUD overlay because it provides for individual standards. She is interested in livability and mobility, so would like to see this work.

Commissioner Lindell asked what the variance request on the sign is for.

Ms. Jenkins explained that the signage cannot be offsite according to Chapter 14. They are creating a separate parcel with primary access from Fifth Street and they need to identify the business. They have a tasteful monument sign that is proposed at the entrance from Fifth Street and they need a variance to put it there because it is not

technically on the storage site. It will not be lit and traffic will not be accessing the storage units at night. The goal is to direct the traffic from Fifth Street.

Commissioner Lindell asked if the commercial building has residential in it also.

Ms. Jenkins said two of the commercial buildings will have third floor lofts, like condominiums. These may be rental or for sale products.

Commissioner Lindell asked if these were included in the 39 units.

Ms. Jenkins stated that is 39 units plus 4. The idea was that it might be possible for on site manager to have affordable housing.

Commissioner Lindell asked Ms. Jenkins to discuss the email from Ms. Brennan received earlier in the day.

Ms. Jenkins explained that the question was raised regarding the Rail Trail. A portion of the Rail Trail is on this site. There is precedent that trails serve double duty as emergency access. They wanted to use this for accessing the back of building C, so they met with Barbara Salas and Robert Siqueiros. She said Ms. Brennan discovered that it might not be that simple to use that easement due to intergovernmental agreements. They have developed an alternative, although they will continue to pursue this. The alternative took a notch out of the building and provides a hammerhead so they can comply with the emergency access requirements. She said upon cursory review, Ms. Salas felt this would work.

Commissioner Lindell asked about the restriction of motorized vehicles.

Ms. Jenkins understood the intent is ATV's and motorcycles but a fire truck is a motorized vehicle so it may not be allowed on the trail.

Commissioner Lindell said the issue of the trail is not black and white yet to her.

Ms. Jenkins understood that concern and said that is why they had discussions about the appropriate way to address this at this hearing. She suggested a condition of approval that if they are unable to obtain the agreement with the City and the DOT then would they consider option B. She said they can demonstrate that the development is quite viable without the access easement.

Commissioner Salazar asked if Ms. Salas has looked at this.

Ms. Jenkins replied yes. She reviewed the requirements for a hammerhead which they are in compliance with.

Commissioner Salazar asked what size the storage units are.

Ms. Jenkins stated 200 square feet.

Commissioner Salazar asked how 41 units on that property is different than 37 with regards to the current zoning.

Ms. Jenkins said the proposal has less impact on the environment and surrounding neighbors than the current zoning. She added that storage units are the lowest traffic generating use and town homes as opposed to single family homes generate less traffic. She reviewed the traffic impact on a chart.

Commissioner Salazar asked if the assumption is that more cars are owned by single family homeowners.

Mr. Watts pointed out that the studies show there is a difference in single family homes being the highest generator, town homes and apartments routinely generate less traffic.

Ms. Jenkins said the town homes are smaller and with fewer people there are fewer cars. The ITE generates traffic data nation wide. She reviewed the difference in open space. There is almost 2 acres in open space and under a more traditional single family development they would have 2 ½ times less open space.

Commissioner Salazar asked if the open space is due to the arroyo.

Ms. Jenkins stated that the trail and arroyo are part of the open space. The neighborhoods surrounding this area do not see this much open space. The homes do have private outdoor space also. She said most of the units are 2 bedroom/ 2 bath.

Commissioner Salazar understood that Ms. Salas approved the private street design.

Ms. Jenkins explained that based upon the paved section provided adjacent to the town homes and storage they were providing adequate emergency access. The revised design makes the other access unnecessary.

Ms. Salas explained that they are required to have two means of fire apparatus access. The third access was required due to the size of the building. The proposal with the hammerhead would meet the requirement for fire access. She said they measured and can gain access to the entire building.

Commissioner Bordegaray asked if there was ever a plan developed for the existing zoning that would fit on this site. She asked the applicant to describe how it was.

Colleen Gavin, JenkinsGavin Design, was sworn. She said they looked initially at the site with the current R-5 zoning and how it would fit. There were numerous meetings with the neighbors talking about the initial plan for business condos and then they converted to the residential. As an R-5 neighborhood it was inappropriate to be up against the businesses on Warner Circle and St. Michael's Drive. They looked at what was appropriate and wanted a transition to the residential, so they proposed the R-7 as the transition mode. There is an existing neighborhood that does this successfully. They are trying to be sensitive to the future residents.

Commissioner Bordegaray understood originally it was a commercial development. She said the options are R-5 or a PUD.

Ms. Baer explained that the PUD is an overlay that can be applied to commercial or residential encouraging innovative design.

Commissioner Bordegaray asked if there is any other way to achieve mixed uses.

Ms. Baer said there is also a mixed use district that has only been used once, not successfully as the uses were not integrated within the lot. She commented that they have not had a lot of experience with it.

Commissioner Lindell knew the public portion was closed, but she wanted to hear from the neighbors.

Greg White, 1928 Morris Place, was sworn. He asked for clarification from the traffic engineer. He understood the standards for driveways are not for through traffic from street to street. He said given this does connect he is not sure how this qualifies. This connects Fifth Street to Calle Sombra.

Mr. Romero stated that he has no expertise in this. He said this will not be utilized as a through street because someone will enter one side and stop somewhere and then exit one or the other side. This will not be used as a thoroughfare to get from one side to the other.

Mr. White was not sure he understood.

Mr. Romero clarified that this will not be utilized to go through this area, but the person will stop at a spot within the development and then leave.

Mr. White disagreed and said it is a through street connecting two public streets and it does not meet the 25 foot standard mentioned earlier. He questioned the site plan showing the access from Fifth Street which creates a double frontage situation for houses. He wondered whether this meets the code, specifically the homes he pointed out.

Ms. Baer stated that there is nothing in the code that precludes that. She said when they walked the site, there is a significant drop in the elevation and there are fences or walls along the boundary. She is not quite sure what the objection is.

Mr. White said there may be fences, but the existing homes are lower and the fences and walls form a barrier or sorts, but they are significantly lower and do not create a large barrier. He said those riding by would have a view down into the properties.

Ms. Baer said her recollection is that the fences are on the high side of the change in elevation. She said the developer may want to make some kind of accommodation.

Mr. White noted that in the General Plan there are references that double frontage of lots should be avoided. He did not have the specific reference as he was not expecting to be able to speak at this hearing. He has not seen the documents presented by the applicant so he is at a disadvantage.

Robert Hake, 2068 Calle Sombra, was sworn. He said they have been presented with two findings concerning the private drive and whether it is or not and also if the emergency access will be provided. The traffic engineer states that with only one access this development will be a problem. He questioned if three points of new evidence make it appropriate to make a decision on this case. He said all this

information is new to the neighbors. He asked if it was allowed to move all these new items in during consideration.

Commissioner Lindell commented that there is a part of the plan that she likes although the access continues to trouble her. There are 39 residences plus 4 and 190 storage units that will be using this road for access. She wished they could find better access to this property somehow someday. She understands that if these were single family residents it would generate more traffic. She said nonetheless there are still problems and if this were developed the other way there would still be more problems. She was not sure this is the best development the neighbors are going to get.

Ms. Jenkins pointed out that they explored many options with respect to the road. She said the permissible private street section is 22 feet and they have 21 feet which is not significant. The driveways serving the building are 26 feet wide. The intent is to create a natural extension of the surrounding neighborhoods, but calming the car traffic through the use of slightly narrower streets. There is off street parking. She said planning for the automobile does not make a livable community where neighbors relate to one another. She knows they need to accommodate the vehicle and the fire truck, so they worked closely to make sure they are accommodating the fire truck. She agreed they will have to drive slowly and they may have to stop and allow a neighbor to cross and maybe even talk to a neighbor. They wanted to do something that is not business as usual. They have language in the PUD regarding innovative design which they believe they have accommodated with traffic flow and safety.

Commissioner Bordegaray asked if there was some market research conducted regarding demand for self storage.

Ms. Jenkins explained that there are only 2 facilities like this in the entire City and they run 95-100% occupied all the time. She knows there are a lot of traditional storage facilities, but there is a good market for this type of facility. This facility will accommodate document storage and art storage. She noted that storage was chosen due to the low impact and the area that was problematic for residential development.

Commissioner Bordegaray asked what the change in elevation is between the existing backyards and the street in response to the concern with the double frontage.

Ms. Jenkins showed the walls on the backyards in a photograph. She believes there is a 3-4 foot elevation change. She added that there were concerns with privacy when they had the homes on this side and so they moved the homes as far as possible to the north.

Commissioner Bordegaray moved to recommend approval of #SP-2008-03 with staff conditions, Commissioner Hughes seconded the motion.

Commissioner O'Reilly asked how this is designated on the future land use map.

Ms. Baer stated that it is institutional right now because this was owned by the Railyard as a turnaround.

Commissioner O'Reilly understood the existing zoning is R-5. He stated that he is in favor of infill and complying with the General Plan. He thinks there should be as many

access points to the property as possible, but he thinks those access points have to be viable. This property has an access point at Calle Sombra that was put there for a reason, but the property does not have an access at Fifth Street or St. Michaels until the applicant got the small easement. He said this could be developed completely through Calle Sombra as a residential development at the existing zoning. He did not like the fact that there are commercial uses that have to be accessed through the residential development. For these reasons, he stated that he would be voting no.

Ms. Baer corrected her statement and said a portion of this parcel is community commercial.

The motion failed on a 2 to 4 roll call vote.

Those voting for the motion: Commissioners Lindell and Bordegaray.

Those voting against the motion: Commissioners Lopez, Salazar, O'Reilly and Hughes.

Commissioner Salazar moved to deny Case #SP-2008-03, Commissioner O'Reilly seconded the motion which passed by majority voice vote of 4 to 2 with Commissioners Lindell and Bordegaray voting against the motion.

Commissioner Salazar moved to recommend denial of Case #M-2008-03, Commissioner O'Reilly seconded the motion which passed by majority voice vote of 4 to 2 with Commissioners Lindell and Bordegaray voting against the motion.

Commissioner Salazar moved to recommend denial of Case #ZA-2008-01, Commissioner O'Reilly seconded the motion which passed by majority voice vote of 4 to 2 with Commissioners Lindell and Bordegaray voting against the motion.

Chair Gonzales excused himself from the meeting at this time.

4. **Case #M 2008-10. 701 Calle Vibora Escarpment Regulations Variances. Arthur Seligman, agent for Hollis Logan and Robert Wienberg requests a variance to Article 14-5.6 of the Escarpment Overlay District Regulations. More specifically a variance to Article 14-5.6(D)(1), to allow for additions of 54 square feet and 534 square feet to the existing residence located within the ridgetop, for an overall total of 588 square feet, and a variance to raise the existing roof on a portion of the existing residence, not to exceed 14 feet. The property is located in the Ridgetop Subdistrict of the Escarpment Overlay District and is zoned R-1 (Residential -1 dwelling unit per acre) (Lou Baker, case manager) (POSTPONED FROM APRIL 17, 2008)**

This item was postponed per approval of the agenda to June 19th.

G. NEW BUSINESS

1. **Case #M 2008-12. Chamiso Hills Professional Plaza Preliminary Development Plan Amendment. Gregg Way, agent for Branch Design and Development, requests preliminary development plan amendment to allow for construction of an office building addition consisting of 13,029 square feet on 2.76± acres. The applicant also requests a variance from the height restriction of 25 feet in the South Central Highway Corridor Protection District to allow construction up to 31 feet. The property is zoned C-1 PUD**

(Office and Related Commercial, Planned Unit Development Overlay District) and is located at 440 St. Michael Drive. (Donna Wynant, case manager)

Commissioner Lopez left the meeting at this time.

Vice Chair Hughes took over chairing the meeting at this point.

Memorandum from Donna Wynant, prepared May 7, 2008 for May 15, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Correspondence dated May 7, 2008 from Gregg Way, Branch Design and Development, Inc. regarding parking calculations is incorporated herewith to these minutes as Exhibit "2(A)."

Donna Wynant presented the staff report included in Exhibit "2."

Staff recommends:

The Commission should recommend that the Council approve the revised preliminary development plan including a variance from the height restriction of 25 feet in the South Central Highway Corridor Protection District to allow construction up to 31 feet subject to the conditions of approval in the following memoranda. The proposed development meets the dimensional criteria of Chapter 14 for the C1 District; is in compliance with the South Central Highway Corridor Overlay and meets the variance criteria to allow the height of the new infill addition.

- Technical Review Division – Engineering Review Memo
- Fire Department Review Memo
- Public Works Department – Traffic Review Memo
- Solid Waste Division Review Memo
- Trails and Open Space Review Memo

Ms. Baer disclosed that her husband worked for the architect on this project originally. She explained that there is no record of any development plan or rezoning for this property. This property was R-1 and the piece next to it was rezoned in the late 1970's to C-1 PUD. Then she believes when that was recorded the outline included this parcel in that rezoning. The action was never intended to include this parcel. That information was transferred to the hand drawn zoning map. Several votes by the City Council confirmed this zoning map. There is no record of a building permit or under what approvals the building was constructed. She believes they got a building permit in the early 1980's although there is no record of it. Mr. Branch wanted to do an addition, but there was no development plan to amend. She said they have finally agreed that they would try to go forward from this time on with the understanding that to increase the intensity they have to amend a development plan. Staff proposes that the as built condition become the development plan that the Commission will vote on and then consider the addition as an amendment to the development plan. This does have to go to the Council because it is a PUD and they are asking that this not come back as a final development plan due to the strange circumstances of this case.

Public Hearing

Jeff Branch, P.O. Box 2328, Santa Fe, was sworn. He explained that they made an application on March 26th for an amended development plan, a final development plan and a variance for height as it was unclear where they measured the height from. He

said this is the old Lovelace Building which was built in 1978. He worked nearby in high school so he is sure of the date it was built. This has all been a bit of a surprise that they have to go to City Council, but they are prepared to continue on with this. They will be moving a lot of the administrative uses out of the medical/dental building at St. Vincent's Hospital to increase the clinical practices closer to the hospital. The St. Vincent Foundation, Arroyo Chamiso Pediatrics, billing, finance and accounting will be moving into this building. Originally they thought they only needed a building permit. They intend to add 13,000-17,000 square feet. He asked for the opportunity for staff to work with them on the final site plan. He reviewed the site plan for the complete renovation.

Nancy Long, 2212 Brothers Road, was sworn. She said they have been trying to process this information and figure out the best way to handle the situation. The building did not match the zoning. They have done some research to determine what happened and so they are not able to definitively say what the zoning was. She appreciates staff working with them to move this on quickly to Council. They are trying to expedite this process as much as possible.

Wayne Lloyd, architect, was sworn. He addressed the variance portion of this request. He was not sure if they needed the variance or not because it depends on where you measure the height. The building is setback 58 feet before what is perceived to be a one story building that is actually two stories above ground. The addition will connect the outside area. He said typically they want to set the height portion back, so in this case they would be setback 58 some feet before getting to the higher piece.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Vice Chair Hughes asked if this is going from a clinic to what sounds like record storage because the parking requirements may change.

Mr. Branch stated that they are willing to accept a condition regarding the clinical space and remaining professional office. He said this was 20,000 square feet of clinic space and they are willing to limit it to that although it looks like that will be about 10,000 square feet of clinical space. Professional offices do not require as much parking as clinic space.

Commissioner Hughes commented that there is a huge need for housing in this area for healthcare workers. He suggested adding some housing in this area.

Commissioner O'Reilly asked if it is staff's opinion that a variance is required for the height.

Ms. Baer explained that she stayed out of this due to the potential conflict.

Ms. Wynant agreed that it is not clear as to how to measure the height so this was staff playing it safe. She said when you go to the intent of the ordinance which is to establish a clear, sense of visual openness and continuity of development this meets the intent.

Commissioner Lindell asked what the cost of development is as she sees different numbers throughout the application.

Mr. Branch guessed \$2.5 million. He said there are two separate values in the process as there are tenant improvements and the area that will be filled in.

Commissioner Lindell asked staff to check on this number because what Mr. Branch just stated is a third number.

Commissioner O'Reilly moved to approve the existing development plan on Case #M-2008-12 with all staff conditions, Commissioner Salazar seconded the motion.

Commissioner Lindell asked for a friendly amendment that staff check the numbers. Commissioner O'Reilly accepted this.

Mr. Branch asked to be allowed to work with staff on modification of the site plan.

Ms. Baer said they are currently voting on the existing development plan and the proposed change and variance so this would go as a development plan amendment to the Council. They wanted to avoid this coming back again.

Commissioner Salazar asked if the final development could be approved administratively.

Ms. Baer said the Council will see and will approve the final development plan. She did not believe they could recommend this not go to Council. She said the applicant has shown the final development plan that they are voting on.

The friendly amendment passed by unanimous voice vote.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

Mr. Branch asked if they could move this forward to the Council for the June 11th meeting.

Vice Chair Hughes explained that the Commission does not tell the Council when to put things on the agenda.

Ms. Baer said it will depend on the schedule and the City Clerk determines that.

Commissioner O'Reilly moved to approve the amendment to the development plan with all staff conditions and the Commission determines the variance to the height is not required, Commissioner Salazar seconded the motion.

Ms. Baer asked for clarification as to whether this is going as high as 17,000 square feet. She said in a PUD any increase in density or intensity has to come back. She wanted it clear how many square feet they are approving.

Commissioner O'Reilly thought the application stated the square footage.

Ms. Baer agreed, but said the applicant is now mentioning 17,000 square feet.

Mr. Branch said that is the part they were hoping to work with staff so they could go up to 17,000 square feet as long as they do not eliminate parking or drastically modify the site plan. He was hoping for that flexibility.

Commissioner O'Reilly said the submittal showed plans of a certain size and now they are being asked to approve something larger than submitted. He said the motion was to approve what was submitted. He does not see plans submitted for an extra 4,000 square feet. He understands the idea was to not come back, but they are being asked to approve something not in the packet. He asked staff if they were aware of this increase.

Ms. Baer replied no.

Mr. Branch said the intent is to approve the plan not tied to a square footage. He wanted the opportunity to modify the site plan prior to recordation. He noted that they have done this before.

Commissioner O'Reilly understood that this happens, but not for a 33% increase in square footage. He said that kind of significant change is generally not done by staff.

Mr. Branch stated that they are comfortable with what they have in front of them and wanted to work with staff on the modification of the site plan if needed.

Commissioner O'Reilly understood, but said the information submitted references to 13,000 square feet. He said they could ask the Council to approve the additional square footage when it goes to them. He said his motions stands as it was made.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

- 2. Case #M 2008-09. Zarape Development Plan. Monica Montoya, agent for Carlos and Sylvia Garcia-Salgado, requests approval of a development plan for 8,500 square feet of commercial use and a hotel with 94 rooms consisting of 58,541 square feet. The property is zoned C-2 (General Commercial) and is located on the east side of Cerrillos Road, south of Wagon Road. (Tony Raeker, case manager)**

Items 2 and 3 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

- 3. Case #SP 2008-08. Lot Split for Tracts B-1 and B-2 Zarape Center. Monica Montoya, agent for Carlos and Sylvia Garcia-Salgado request plat approval to divide 3.0269± acres into two lots. Tract B-1 will consist of 1.0269± acres of land. Tract B-2 consists of 2.000± acres. The property is zoned C-2 (General Commercial) and is located on the east side of Cerrillos Road, south of Wagon Road. (Tony Raeker, case manager)**

Items 2 and 3 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

Memorandum prepared by Tony Raeker, Land Use Senior Planner, on May 5, 2008 for May 15, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Tony Raeker presented staff report included in Exhibit "3."

Staff recommends:

The Development Plan and Lot Split be approved subject to compliance with code requirements and conditions of the following departments:

- Subdivision Engineer
- Landscape Review
- Water Division
- Wastewater Division
- Fire Department

Mr. Raeker added a condition for shared parking requesting that the applicant provide that agreement.

Public Hearing

Monica Montoya, agent for Carlos and Sylvia Garcia-Salgado, was sworn. She reviewed the development plan and site plan. She showed where the hotel and retail areas would be. They are creating two tracts of land and there will be shared parking. They are working on a parking agreement to set out the conditions and maintenance. She said they have not identified all the retail tenants, but anticipate possibly a sandwich shop, dry cleaner, etc. She showed an elevation of the retail building and the hotel. They are bringing in historical architectural elements such as a portal and traditional colors. It will be a modern, contemporary building. There will be a combination of territorial and regional style architecture. She explained that they have a stormwater plan. She demonstrated the traffic improvements that they will be making.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Salazar asked if they will use City water for the landscaping.

Ms. Montoya explained that the landscaping will be on a passive system and irrigated primarily through the surface water that comes onto the property. She does not anticipate using much water as most of the water will be kept on site. She added that there is a requirement for 25% of the total lot area to be open space and they can reduce that with passive water harvesting.

Mr. Raeker said there is a reduction for passive water collection. He recalled there are on site water detention features associated with this plan.

Vice Chair Hughes commented that he has seen silo type collectors used around town.

Commissioner O'Reilly stated that you can get a further reduction on open space if you use an active water harvesting technique.

Ms. Baer agreed and said the calculation from the captured water can go against the water demand and helps in the amount of water retrofits that are required.

Ms. Montoya agreed to take this information back so the owner could think about this. Landscaping is important due to the proximity to Cerrillos Road and they want to keep the large amount of landscaping.

Commissioner O'Reilly said the manhole appears to have asphalt paving around it. He asked if this is a requirement of Wastewater.

Mr. Raeker said yes. He said this is required so the trucks can back up closer to the manhole.

Mr. Guererro Ortiz said Wastewater wanted paving because they were afraid that the applicant might add landscaping to the area in the future. She said this prevents this from ever happening.

Commissioner O'Reilly commented that this seems excessive when they could back right up to this. He did not want to see more asphalt than needed on this site.

Ms. Blackwell pointed out that the Water Conservation Committee is working on a rainwater harvesting ordinance. There will be an accompanying guide book which is why it will take a little longer.

Vice Chair Hughes asked if this also addresses permeable paving.

Ms. Blackwell stated that permeable paving is also being discussed, but it is separate and may be included in the green code.

Vice Chair Hughes explained that permeable paving does not cost anything extra and recharges the aquifer running into the ground.

Commissioner Bordegaray asked if one could walk from Cerrillos Road back to the site.

Ms. Montoya explained that it would be difficult due to the grade. She showed the different ways they could access the site and how they would be prohibited from entering the site.

Mr. Raeker was not sure how it would work because the front property is a separate owner.

Ms. Montoya explained that it would be difficult to install a sidewalk due to the grade and landscaping requirements.

Commissioner Bordegaray proposed gates be put in between the properties for access.

Ms. Guerrero-Ortiz pointed out the grade difference of 3-4 feet between the properties. She showed where she could potentially see a sidewalk coming through. She also showed an area where there is a 20 foot difference in grade. There is a 10 foot retaining wall and then another one will be placed as well.

Vice Chair Hughes asked if the site could have a pedestrian access to the mall because there is a bus stop there.

Ms. Montoya said they would have to go back out to Cerrillos Road due to the grade change.

Mr. Raeker thought it would be difficult to accomplish the sidewalk due to the ADA requirements. The slope cannot exceed 4%.

Vice Chair Hughes thought this site was not desirable for a hotel if there is not pedestrian access. He suggested going out the back of the site onto Emblem.

Mr. Raeker pointed out the new projects coming in that will be required to put in sidewalks. He said that Emblem is a private road so they cannot require a sidewalk. He pointed out the residential parcels.

Commissioner Bordegaray asked where the Arroyo Chamiso trail connects.

Mr. Romero said his understanding is that the future trail plan has that trail crossing the arroyo and connecting to Nava Ade. He is unsure of any connection towards this development.

Ms. Baer noted that the first page of the applicant's submittal shows the trail.

Commissioner Bordegaray stated that she always encourages possible connections to future trails.

Commissioner Salazar moved to approve Case #M-2008-09 with staff conditions, Commissioner O'Reilly seconded the motion.

Commissioner Bordegaray asked that a condition be added that the proposed walls not be built and if they are built that they have gates, Commissioner Salazar accepted this amendment to the motion.

Commissioner O'Reilly thought walls are required between residential and commercial properties.

Ms. Montoya explained that there is not a requirement for a wall as these are residences but they are not zoned residential.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

Commissioner Salazar moved to approve Case #SP-2008-08 with staff conditions, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.

- 4. Revised Development Review Fee Schedule. Review and recommendation to Governing Body of revised development review fees related to Planning Commission's planning and platting authority. (POSTPONED FROM MAY 01, 2008)**

Memorandum prepared by Greg Smith, Director Current Planning Division, dated April 23 for May 1, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Additional recommendation/documentation from Greg Smith prepared May 15, 2008 for Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4(A)."

Letter of support from Old Santa Fe Association dated May 15, 2008 is incorporated herewith to these minutes as Exhibit "4(B)."

Phased FTE requests are incorporated herewith to these minutes as Exhibit "4(C)."

Ms. Baer presented the staff report and PowerPoint presentation included in Exhibit "4."

Staff recommends the Council adopt the portion of the fee structure that applies to Planning Commission cases.

Public Hearing

There was no public testimony regarding this case.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Vice Chair Hughes questioned why they are not up to the fees suggested by the International Code.

Ms. Blackwell pointed out that an increase in fees must accompany an increase in service or they are going to be worse off.

Commissioner O'Reilly was surprised that the International Building Code suggested fees.

Ms. Blackwell said there are permit fees suggested, but not development fees.

Commissioner O'Reilly supported raising the fees and improving staff and training, but he agreed that approving fees without having it tied to what they are approving is difficult. He said they do need to improve the service if they are raising the fees.

Ms. Baer pointed out that 75% of the residential permits are done over the counter and some small commercial permits could be completed over the counter in the future. She said their hands are tied in speeding up development review requirements due to the notice requirements. She said the code issues are tying their hands in getting cases out the door. She hopes that they can discuss in the near future how to proceed in bringing ideas forward regarding the Chapter 14 revisions that have started.

Vice Chair Hughes was confused regarding the fees excluded on the handout.

Ms. Baer said that means there is no proposed change. She agreed to fill that in before this goes forward. She noted that many of these items are not charged for at all.

Commissioner Bordegaray commented that when she worked at the City she had approximately 15 people walk in and 20 phone calls per day that she had to deal with, so she questions the application of those fees for Historic Preservation. She said \$50 to come in and look at plans seems excessive.

Ms. Baer stated that this fee is for a staff approval letter that an applicant may need for a review, hearing or permit. This fee is not for a walk in consultation. She understands this is for an action that has to be taken.

Commissioner O'Reilly moved to recommend Council adopt the portion of the fee structure that applies to the Planning Commission cases with the condition that the fee increases be used only to implement the phased hiring of full time employees and associated costs as outlined in the document Land Use Department Phased FTE request dated March 17, 2008, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

Vice Chair Hughes urged the Commissioners to attend the hearing when this goes to City Council.

Ms. Baer agreed to inform the Commission when this goes to City Council.

H. BUSINESS FROM THE FLOOR - None

I. STAFF COMMUNICATIONS – None

J. MATTERS FROM THE COMMISSION

Commissioner O'Reilly applauded staff for trying to make this happen as this is the first time he has seen anything this detailed, the FTE request.

Vice Chair Hughes stated that the Long range subcommittee has been appointed by the Mayor, Peter Brill and John Hays along with Commissioners O'Reilly and Bordegaray and himself. He said when the Commission meets in June they will try to report to the Commission.

Commissioner Bordegaray asked if the documents regarding the fee schedule came out of the strategic planning process.

Ms. Baer said there are various initiatives looking at how they can best serve the community and improve internal functions as well.

Ms. Blackwell explained that about two years ago, the Council set 10 initiatives linking specific actions to the recommended initiatives, so they are trying to tie the budget to this and link actions to one of the goals identified.

Commissioner Bordegaray asked what triggers the trail and open space review.

Ms. Baer explained that anytime there is anything that might pertain to trails, Mr. Siqueiros is given the case to review it and it should be part of every review.

Commissioner Bordegaray asked what triggers a TIA.

Ms. Baer said John Romero looks at every case and determines if there is a need.

Commissioner O'Reilly stated that it is the size of the development and the traffic generated that determines the TIA.

Vice Chair Hughes asked how they determine what kind of road it will be.

Ms. Baer stated that the applicant proposes what they want and the Commission can decide if that is appropriate or not.

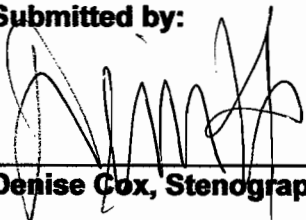
K. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Salazar moved, seconded by Commissioner O'Reilly to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 9:45 p.m.

Approved by:

Chair Estevan Gonzales

Submitted by:



Denise Cox, Stenographer