



Agenda

PLANNING COMMISSION*June 19, 2008 – 6:00 P.M.***CITY COUNCIL CHAMBERS**

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

MINUTES: May 12, 2008, May 15, 2008

FINDINGS/CONCLUSIONS:

E. OLD BUSINESS

1. **Case #M 2008-10. 701 Calle Vibora Escarpment Regulations Variances.** Richard Horcasitas and Derrick Archuleta, agents for Hollis Logan and Robert Wienberg, requests a variance to Article 14-5.6(D)(1) of the Escarpment Overlay District Regulations to allow for three additions totaling 350 square feet to the existing residence located within the ridgetop, a variance to raise the roof on a 1,636 portion of the existing residence, not to exceed 14 feet, and the demolition of 552 square feet of the existing house. Total square footage of the house after all proposed work would be 6,231 square 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) (Tony Raeker, case manager) (**POSTPONED FROM APRIL 17, 2008 AND MAY 15, 2008**)

F. NEW BUSINESS

1. **Case #M 2008-18. Las Terrazas de West Alameda Final Development Plan and Final Subdivision Plat Time Extension.** TerraPlen Architects, agent for Philip Gudwin, requests time extension for final development plan and final subdivision plat for 16 residential lots on 2.941± acres located on the north side of West Alameda Street west of San Salvador Street. The applicant is requesting an eighteen-month time extension to the time allowed to file the development plan, until January 6, 2010. The property is zoned R-5-PUD (Residential – 5 dwelling units per acre, Planned Unit Development overlay district). (Greg Smith, case manager)

2. **Case #M 2008-19. Rodeo Park East Medical Office Building Development Plan Time Extension.** Linda Tigges, agent for David Barker, requests time extension for development plan approval for a medical office building with 34,469 square feet of office and 6,664 square feet of residential use. The applicant is requesting an eighteen-month time extension to the time allowed to file the development plan, until February 3, 2010. The site occupies 3.67± acres on the southeast side of Rodeo Business Park Drive and is zoned BIP (Business Industrial Park) and is in the South Central Highway Corridor Protection Overlay District. (Greg Smith, case manager)
3. **Case #S 2008-02. Hart Business Park Preliminary Subdivision Plat.** James W. Siebert, agent for CCSF 599 LLC requests preliminary subdivision plat approval for 11 lots on 82.9± acres located south of Airport Road and west of NM 599. The property is zoned I-1 (Light Industrial). (Tony Raeker, case manager)
4. **Case #ZA 2008-06. Fullerton Withers Family Partnership Rezoning from R-1 to C-2.** James W. Siebert, agent for Reese Fullerton and Marylin Withers requests rezoning of 3 lots totaling 2.08± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The application includes three development plan alternatives all consisting of 115,182 square feet of building area for these lots. This application also includes a variance from a 15 foot landscape buffer between commercial and residential uses. The property is located at the northwest and northeast corner of Vegas Verdes Drive and Chamisa Drive. (Tony Raeker, case manager)

G. BUSINESS FROM THE FLOOR**H. STAFF COMMUNICATIONS****I. MATTERS FROM THE COMMISSION****J. 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**

INDEX OF
CITY OF SANTA FE
PLANNING COMMISSION

June 19, 2008

ITEM	ACTION TAKEN	PAGE(S)
A. ROLL CALL	Quorum	1
B. PLEDGE OF ALLEGIANCE		1
C. APPROVAL OF AGENDA	Approved	1
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS		
MINUTES: May 12 and May 15, 2008	Approved	1-2
FINDINGS/CONCLUSIONS:	None	2
E. OLD BUSINESS		
1. <u>Case #M 2008-10.</u> 701 Calle Vibora Escarpment Regulations Variances.	Postponed per agenda	2-3
F. NEW BUSINESS		
1. <u>Case #M 2008-18.</u> Las Terrazas de West Alameda Final Development Plan and Final Subdivision Plat Time Extension. TerraPlen Architects, agent for Philip Gudwin, requests time extension for final development plan and final subdivision plat for 16 residential lots on 2.941± acres located on the north side of West Alameda Street west of San Salvador Street. The applicant is requesting an eighteen-month time extension to the time allowed to file the development plan, until January 6, 2010. The property is zoned R-5-PUD (Residential – 5 dwelling units per acre, Planned Unit Development overlay district).	Approved	3-6
2. <u>Case #M 2008-19.</u> Rodeo Park East Medical Office Building Development Plan Time Extension. Linda Tigges, agent for David Barker, requests time extension for development plan approval for a medical office building with 34,469 square feet of office and 6,664 square feet of residential use. The applicant is requesting an eighteen-month time extension to the time allowed to file the development plan, until February 3, 2010. The site occupies 3.67± acres on the southeast side of Rodeo Business Park Drive and is zoned BIP (Business Industrial Park) and is in the South Central Highway Corridor Protection Overlay District.	Approved	6-8
3. <u>Case #S 2008-02.</u> Hart Business Park Preliminary Subdivision Plat. James W. Siebert, agent for CCSF 599 LLC requests preliminary subdivision plat approval for 11 lots on 82.9± acres located south of Airport Road and west of NM 599. The property is zoned I-1 (Light Industrial).	Approved	8-10
4. <u>Case #ZA 2008-06.</u> Fullerton Withers Family Partnership Rezoning from R-1 to C-2	Postponed per agenda	10
G. BUSINESS FROM THE FLOOR		10
H. STAFF COMMUNICATIONS		10-12

ITEM	ACTION TAKEN	PAGE(S)
I.	MATTERS FROM THE COMMISSION	12
J.	ADJOURNMENT	12

MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

June 19, 2008

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair 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:

Bonifacio Armijo
Signe Lindell
Matthew O'Reilly
John Salazar
Ken Hughes, Vice Chair
Estevan Gonzales, Chair

MEMBERS ABSENT:

Angela Schackel Bordegaray (excused)
Gloria Lopez (excused)
Shayna Lewis (excused)

STAFF PRESENT:

Greg Smith, Current Planning Division Director
Tony Raeker, Senior Planner
John Romero, Traffic Engineer
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

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

C. APPROVAL OF AGENDA

Mr. Smith reported that staff recommends Item 1 – Case #N-2008-10 – Calle Vibora Escarpment Regulations Variances be postponed to July 17, 2008 in order for the applicant to revise the variance plans and Item 4- Case #ZA-2008-06 – Fullerton Withers Family Partnership Rezoning from R-1 to C-2 be postponed to July 17, 2008 in order for the applicant to revise the development plans.

Commissioner Hughes moved to approve the agenda as amended, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: May 12, 2008, May 15, 2008

Commissioner O'Reilly made the following corrections:

Page 5, paragraph 2, second line: change *which* to ***and***.

Page 5, paragraph 8, third line: change *connections* to ***curb returns*** and after 25 feet

add *radii*. In the last sentence: change *be* to *have*.
Page 11, paragraph 1, third line: change *does* to *did*.

Commissioner Hughes asked for clarification in the middle of page 15.

Commissioner O'Reilly explained that this was stated correctly.

Mr. Smith said the City Attorney understood that the motion intended any changes to the design would require the development plan come back to the Commission at the final development plan. He said they were advised by the designer of the project that they will reduce the height of the 3 story section and modify the footprint to not increase the overall square footage. Instead of small three stories it will be moderate two stories.

Commissioner O'Reilly thought they were approving an amendment to the development plan because it never had a development plan.

Mr. Smith said that is correct. The Commission agreed to waive a final development plan which would have brought that plan back to the Commission, so long as the plan brought to the Council is the same as the one reviewed by the Commission.

Commissioner O'Reilly recalled that the only changes made to the staff recommendation was that the variance was not required, not that they would do anything else against the staff recommendation. He asked if the final development plan would come back to the Planning Commission.

Mr. Smith reported that the staff indicated the final development plan normally would come back to the Commission, but staff said there was an agreement that if the Council was okay waiving a final development plan then the Commission was okay with waiving it also. This was all only under the circumstances that the plan was the same.

Commissioner O'Reilly said if the City Council approves the final development plan then they would take that step and say it did not have to come back to us. He pointed out that the developer could ask for the additional square footage from the Council if he chooses to. He agreed the intention was not to come back for a final development if the Council approves it.

Mr. Smith understood the intent was to not allow additional square footage, although they were not imposing a specific condition that any minor change would have to come back. He said the ENN process would be required if additional square footage is proposed.

Commissioner Lindell asked if the numbers were verified for the cost of development.

Mr. Smith agreed to check these.

Commissioner Hughes moved to approve the minutes as amended, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.

FINDINGS/CONCLUSIONS: None to approve

E. OLD BUSINESS

1. **Case #M 2008-10.** 701 Calle Vibora Escarpment Regulations Variances. Richard Horcasitas and Derrick Archuleta, agents for Hollis Logan and Robert Wienberg, requests a variance to Article 14-5.6(D)(1) of the Escarpment Overlay District Regulations to allow for three additions totaling 350 square feet to the existing residence located within the ridgetop, a variance to raise the roof on a 1,636 portion of the existing residence, not to exceed 14 feet, and the demolition of 552 square feet of the existing house. Total square footage of the house after all proposed work would be 6,231 square 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) (Tony Raeker, case manager) (POSTPONED FROM APRIL 17, 2008 AND MAY 15, 2008)

This item was postponed per approval of the agenda to the meeting of July 17th.

F. NEW BUSINESS

1. **Case #M 2008-18.** Las Terrazas de West Alameda Final Development Plan and Final Subdivision Plat Time Extension. TerraPlen Architects, agent for Philip Gudwin, requests time extension for final development plan and final subdivision plat for 16 residential lots on 2.941± acres located on the north side of West Alameda Street west of San Salvador Street. The applicant is requesting an eighteen-month time extension to the time allowed to file the development plan, until January 6, 2010. The property is zoned R-5-PUD (Residential – 5 dwelling units per acre, Planned Unit Development overlay district). (Greg Smith, case manager)

Memorandum from Greg Smith, prepared June 11, 2008 for June 19, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Mr. Smith presented the staff report included in Exhibit "1."

Staff recommends:

The Commission approve a time extension for filing the final plat and beginning work on the development plan for 18 months beyond the original expiration date – to January 6, 2010 – the maximum extension allowed. The extension should be subject to the original conditions of approval, as reflected in the attached minutes from July 6, 2006 Commission meeting.

Commissioner Hughes asked if as Chapter 14 is rewritten and updated if it is possible that zoning will change in this particular spot because this area is a hodgepodge.

Mr. Smith said the staff has not considered this increasing significantly, but there will likely be zoning changes to the west. The primary limitation and the driving factor are the access issues for the density. He did not anticipate any city initiated zoning study. The number of small parcels to the west will come before the Commission.

Public Hearing

Harvey Monroe, P.O. Box 1183, representative for Philip Gudwin, was sworn. He stated that he has been working on this project for approximately four years. This was approved almost two years ago and since then they have been going through the review process. He believes they have met all the staff requirements as indicated by the signed

plat development plan. The only outstanding conditions are the appraisal, the letter of credit for the infrastructure and the signed contract for the affordable unit requirement.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked if there is a cost for an extension.

Mr. Smith explained the applicant pays \$300-400.

Commissioner Armijo recalled at the previous hearing they asked that the affordable units be separated and asked if that was done.

Mr. Monroe pointed them out at lot 4 and 6 and said they were previously 5 and 6.

Commissioner Armijo said there was a lot of disturbance done on this property, so asked if that was all addressed.

Mr. Smith explained that the grading plan approved by the Commission and analyzed by the Engineer will remediate the disturbance.

Chair Gonzales asked if the impact fees or other fees changed and what fee structure they are under.

Mr. Smith stated that those are tied to the construction permits. He did not believe they were grandfathered in, although he is not sure. He said they are under the old affordable housing regulations as opposed to the new ones.

Commissioner Armijo asked if they initially fell under the 16% rule.

Mr. Smith said when the Council adopted the new regulations it allowed them to proceed under the old regulations, although there is not a specific recommendation from Affordable Housing.

Commissioner Lindell asked if they deny the extension if the project would then come under the 30% affordable housing.

Mr. Smith said if the Commission denies the extension the developer can proceed to file the plat under the original conditions, appeal the decision to City Council or file a new application for a similar or different project on the property.

Commissioner Lindell understood that a new application would fall under the new regulations for affordable housing. She questioned if the letter dated April 4th is the explanation for the request because there is not much detail.

Mr. Monroe stated that during the review process the City departments have had a great deal of turnover and some stations have been reviewed by up to three different staff people. He said they were still getting comments on redlines last month when most had been initially reviewed over a year ago.

Commissioner Armijo stated that he signed off on the plat in March so they have had until now to complete the financing.

Mr. Smith agreed that there were some relatively minor review comments that were made in April or May. To state that there has been some delay in the staff review is accurate.

Chair Gonzales questioned that there were changes made after they signed off on the plat.

Mr. Smith said the changes were to the construction drawing sheets, not the plat.

Commissioner O'Reilly asked if there is any reason they cannot record the plat by August.

Mr. Monroe believed the time frame is shorter than August. He said they want the option of making sure everything is done prior to that time. He said when it was signed off they were fully intending to have it ready to go, but due to the nature of the project they do not want the possibility expiring.

Mr. Smith commented that the plat will expire by July 6th.

Chair Gonzales asked if the applicant would agree to move forward under the new affordable housing guidelines.

Mr. Monroe replied no and said it would become more of a legal issue. The agreement has not been signed because the owner is out of town.

Mr. Smith advised the Commission that it is not clear they have the purview to impose additional requirements, but it is not prohibited either. He said the applicant has legal options if they do not approve the time extension.

Chair Gonzales expressed concern that the applicant has an affordable housing agreement that the Commission has not seen and there is no official opinion from the Affordable Housing Office.

Mr. Smith stated that the Affordable Housing Office is included in all the review and if they had wanted to strongly recommend that the project proceed under the new regulations they would have responded.

Mr. Monroe referred to the May 12th signed proposal.

Chair Gonzales said he is still interested in the reasons for the time extension.

Mr. Monroe explained that the financial guarantee has to have an appraisal that is current and the appraisal was ordered approximately a month and a half ago. He said getting this done prior to July 6th seemed to be in question.

Chair Gonzales commented that 18 months seems liberal, so he asked if the applicant would agree to a 2-3 month time extension.

Mr. Monroe thought six months would be more appropriate.

Commissioner Armijo asked why 18 months was recommended.

Mr. Smith explained that they can approve any time frame up to 18 months.

Commissioner O'Reilly spoke to the difficulty and said it can take a lot longer than you think during the final stages. He believes the applicant is being diplomatic in the way he has stated that. He did not think an applicant should be penalized if it takes something longer to get through and recorded. He would be in favor of a shorter extension of six months.

Commissioner O'Reilly moved to approve Case #M-2008-18 with all staff conditions with the time extension being six months, Commissioner Armijo seconded the motion.

Commissioner Hughes thought they should make a date certain.

Mr. Smith said that would be January 6, 2009.

Commissioner O'Reilly amended the motion to state the extension to January 6, 2009.

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

2. **Case #M 2008-19. Rodeo Park East Medical Office Building Development Plan Time Extension. Linda Tigges, agent for David Barker, requests time extension for development plan approval for a medical office building with 34,469 square feet of office and 6,664 square feet of residential use. The applicant is requesting an eighteen-month time extension to the time allowed to file the development plan, until February 3, 2010. The site occupies 3.67± acres on the southeast side of Rodeo Business Park Drive and is zoned BIP (Business Industrial Park) and is in the South Central Highway Corridor Protection Overlay District. (Greg Smith, case manager)**

Memorandum from Greg Smith, prepared June 11, 2008 for June 19, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Mr. Smith presented the staff report included in Exhibit "2."

Staff recommends:

The Commission approve a time extension for filing the final plat and beginning work on the development plan for eighteen months beyond the original expiration date – to February 3, 2010 – the maximum extension allowed. The extension should be subject to the original conditions of approval, as reflected in the attached minutes from August 3, 2006 Commission meeting.

Mr. Smith presented the staff report included in Exhibit "2."

Public Hearing

Linda Tigges, 1925 Aspen Drive, was sworn. She stated agreement with staff conditions and introduced David Barker.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Lindell asked if they need 18 months.

David Barker, 1011 Old Santa Fe Trail, was sworn. He stated that he has incurred similar experiences with the time consumption with the application. There were also serious delays with the offsite drainage problems that were not related to this project. There is an 8 foot tall culvert that drains acreage on the south side of I-25 onto and through the property. The Open Hands property was not engineered for this. It took a lot of additional time and energy to satisfy a resolution to the culvert running under Rodeo Park Drive. The City required there be an offer to dedicate a public right of way for the future extension of Governor Miles. He said prior to that City Council wanted to get rid of that extension. He said for this reason they had to amend the master plan. He said they came into an argument between two neighborhoods and how far the extension would go. He said in response they have modified the alignment of the dedication of the right of way so it fit easier between the hospital site and this site. He said another reason for the delay is that it has become much more difficult to finance a project of this size in this market.

Commissioner Lindell asked if there are any substantial changes to the City regulations that would affect this project.

Mr. Smith was not aware of any. He said the applicant testified that the future road alignment affected them and that matter is still under study. He said the applicant was correct in negotiating an alignment if it does occur.

Commissioner Armijo asked if applicants have the right after the six months to ask for an additional year.

Mr. Smith stated that staff has reviewed this issue in a previous case and the legal opinion was that the Commission can grant an extension and it is not clear they can grant multiple extensions, although they could rule that they may not grant another extension.

Commissioner Hughes assumed the railroad line is pretty close and business parks are the last of a dying breed. He said the Railrunner might stop at Rodeo, but wanted to know if they were asked to contribute to the train station if they would agree.

Mr. Barker stated that the property does not adjoin the Railrunner, so he is not clear what Commissioner Hughes is asking for. There is a large vacant parcel of land where the Railrunner crosses Rodeo Road with a handful of properties between them.

Commissioner Hughes stated that there has been an effort to put stops in, but he doubts if there will be more State money to contribute to the project.

Mr. Barker said conceptually yes he would contribute because he believes in the Railrunner and its purpose. He said as a practical matter he is not sure how they would be a part of that.

Chair Gonzales wanted to remain consistent and said the last applicant cited financial reasons also.

Mr. Barker pointed out that this is a commercial project and it is a different world.

Commissioner Lindell agreed that financing is a different animal for a commercial project than a residential project.

Commissioner Lindell moved for approval of Case #M-2008-19 with staff conditions, Commissioner Salazar seconded the motion.

Commissioner O'Reilly asked if the applicant submitted all the plans required to record this development plan.

Mr. Smith was not sure what the status is with the engineering staff.

Ms. Tigges stated that they have signed off with City staff.

Commissioner O'Reilly understood they need the development plan recorded, but can begin the project by the date.

Mr. Smith stated that the work has to begin by that date.

Commissioner O'Reilly asked if once they start the project if they are required to complete construction within a certain amount of time.

Mr. Smith said it depends if they are under building code rules or Chapter 14 rules.

The motion passed by 4 to 1 with Commissioner Armijo voting against the motion.

- 3. Case #S 2008-02. Hart Business Park Preliminary Subdivision Plat. James W. Siebert, agent for CCSF 599 LLC requests preliminary subdivision plat approval for 11 lots on 82.9± acres located south of Airport Road and west of NM 599. The property is zoned I-1 (Light Industrial). (Tony Raeker, case manager)**

Memorandum from Tony Raeker, prepared June 9, 2008 for June 19, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Mr. Raeker presented the staff report included in Exhibit "3."

Staff recommends:

The Preliminary Subdivision Plat be approved subject to compliance with code requirements and conditions of the following departments:

- Subdivision Engineer
- Traffic Impacts
- Wastewater
- Fire

Public Hearing

Jim Siebert, 925 Mercer, was sworn. This project was approved in 2006 for annexation and rezoning to I-1. He reviewed and aerial map of the project and the surrounding area. He said the park in stage I consists of 10 lots that range in size from one acre to ¼ of an acre. He said there is not an industrial park in Santa Fe that can accommodate large users. The Valdez Park and Rodeo Road Park developments have some larger lots although they are all committed to development or are already completed. He commented that plans have been submitted for lot 2 and 3. The improvements for the park will include a left hand turn. He pointed out the secondary emergency access that will be improved. He showed how they will connect to the sewer. He pointed out phase II that can accommodate a variation of users. He stated agreement with the staff conditions and said they have complied with the majority of them. They are still working on the requirement for a pro rata share in the appropriation of improving the road as they are awaiting the bids from contractors.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes asked what exactly is coming in July.

Mr. Raeker explained that the final development plan along with the Coca Cola project. The FedEx project will be coming forward in August.

Commissioner O'Reilly understood that each lot has to have its own development plan.

Mr. Raeker said that is correct.

Commissioner O'Reilly referred to the grading and drainage plan. He saw that they are creating lots of ponds as part of the construction of the roadway. He suggested making the ponds on each lot.

Mr. Siebert stated that there have been several discussions with the engineer regarding this. He said while they are grading they want to create the ponds at the same time. He said they will have to have pipes come in, so they have designed the ponds to accommodate the runoff from the parks. They have combined the drainage and ponding in the same location.

Commissioner O'Reilly said this has happened before on other projects and the ponds created get moved and not used because the people that develop the lots come up with other plans. He thought it makes more sense to create a centralized ponding system that can handle the runoff from the roadways and then have each lot owner design a specific pond for their lot. He said future lots may choose to do passive water harvesting or permeable paving rather than ponding as this proposes. He asked if this was considered.

Mr. Siebert said if they could defer the issue to the next meeting then he could have the engineer present to discuss this for the subdivision. He agreed to make sure the engineer is present.

Commissioner O'Reilly agreed.

Commissioner Hughes asked why the cul-de-sac is not connected to the road to the Airport.

Mr. John Romero stated that it is being graded for emergency access.

Commissioner Hughes asked why it does not go through.

Mr. Romero stated that it is not necessary at this time. If the development occurred with the City Airport Master Plan area then it could go through later.

Commissioner Armijo referred to the letter from April 14th asking for a variance for a parking space.

Mr. Raeker said that is an error because this is a variance for the Coca Cola application that will come forward next month.

Commissioner Lindell understood the fair share monetary has not come in at this point in time, but asked if there is an agreement to share in the future improvements.

Mr. Siebert explained that they want to use current unit improvements and prices to come up with the cost.

Commissioner Lindell asked if it is acceptable to use the current unit prices for fair share.

Mr. Smith stated that this is standard practice.

Mr. Romero explained that when the applicant submits the unit bid prices and the City will make sure the prices are not different. He said they may use theirs or their own.

Commissioner Salazar moved to approve Case #S-2008-02 with staff conditions, Hughes seconded the motion which passed by unanimous voice vote.

- 4. Case #ZA 2008-06. Fullerton Withers Family Partnership Rezoning from R-1 to C-2. James W. Siebert, agent for Reese Fullerton and Marylin Withers requests rezoning of 3 lots totaling 2.08± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The application includes three development plan alternatives all consisting of 115,182 square feet of building area for these lots. This application also includes a variance from a 15 foot landscape buffer between commercial and residential uses. The property is located at the northwest and northeast corner of Vegas Verdes Drive and Chamisa Drive. (Tony Raeker, case manager)**

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

G. BUSINESS FROM THE FLOOR – None

H. STAFF COMMUNICATIONS

Mr. Smith stated that the agenda for July 17th is quite full since they cancelled the first meeting in July. He reviewed the cases going to City Council. He said Lou Baker is back from her leave of absence and Dan Esquibel will be out on medical leave.

Chair Gonzales reviewed the attendance record for the Commission incorporated herewith to these minutes as Exhibit "4." He said he is not sure how the absent or excused designation is recorded.

Denise Cox, recorder, stated that if the Chair says someone is excused then they are listed as excused, but if the Chair indicates the person is on their way or expected then they are just listed as absent if they do not come.

Chair Gonzales stated that he will correct these and report to the Commission. He stated that failure to attend 33% or more of the regular meetings constitutes an automatic tender of resignation by such member, which the Governing Body may accept or reject in its discretion. He said the Mayor has indicated that he has an interest in appointing at least one member to the Commission which should be done in the next month or two. He indicated that he wanted to step down from the Chair. He said they will not have an election until the appointments are made.

Commissioner Salazar asked if excused absences are the same as absences.

Chair Gonzales thought that excused and absent are the same according to the code.

Mr. Smith said there is a code section about the attendance and thought it would be appropriate to review this with the current legal staff.

Commissioner O'Reilly commented that it seems the City Council would have to choose to accept or reject that. He said this has come up with some Board meetings and whether it is a year from appointment or the fiscal year or calendar year. He was not sure it is fair to judge someone that has not been on the Commission for a year.

Commissioner Lindell understood that this is open to interpretation, but thought each Commissioner needs to determine the level of service they are comfortable giving. She said if serving is not possible due to their schedule, the work is not that interesting to them or they do not have a commitment to this type of public service she would ask them to seriously consider resigning because it does take some concentration, learning and commitment.

Chair Gonzales agreed and said it is tough to have to deal with. He wanted to provide the data and the opportunity to talk about it.

Commissioner Armijo requested the previous year data as well. He believes that the Chair and Commission is due the respect to have only excused absences. He did not agree with unexcused absences. He said not notifying the Commission is disrespectful.

Chair Gonzales stated that he has a sheet when people call where he marks it.

Mr. Smith read the rule regarding excused absences from the City Council resolution regarding the procedures. He reviewed Article 9 of the City of Santa Fe Rules and Procedures regarding City Committees.

Chair Gonzales appreciated the comments and said he will review the rules with legal. He agreed that if people cannot fulfill the obligations for whatever reasons they should consider whether or not they would like to serve. He appreciated the time and effort that everyone has put in.

Commissioner O'Reilly understood this is not fun to deal with when people are volunteering, but thanked the Chair for bringing this up.

Commissioner Armijo said he would like to look at the whole scope because many times he has made it to Summary Committee, but did not make it for Planning Commission.

I. MATTERS FROM THE COMMISSION

Commissioner Armijo asked why they do not allow parking for Planning Commissioners.

Commissioner O'Reilly asked what the possibilities are of parking in the new garage.

Mr. Smith said he could check on this with the Parking Division again. He is not sure what the access will be to the parking garage.

Commissioner Hughes reported on the Annual Smart Growth Conference in Albuquerque. He said if they have ideas it can be add to the list of stops. He reported that the long range subcommittee met last Friday and listed issues of concern. He said they will meet in mid July focusing on the plans to update the building code.

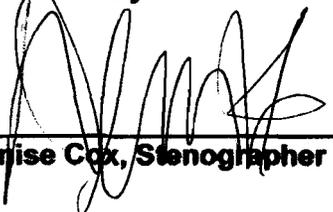
J. ADJOURNMENT

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 7:45 p.m.

Approved by:

Chair Estevan Gonzales

Submitted by:



Derjise Cox, Stenographer