



Agenda

CITY CLERK'S OFFICE

DATE 7-28-08 TIME 2:54

SERVED BY Jorge Garcia

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AMENDED

PLANNING COMMISSION

August 07, 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: July 17, 2008

FINDINGS/CONCLUSIONS

E. ELECTION OF OFFICERS

1. Chair
2. Vice-Chair
3. Secretary
4. Summary Committee (Three members, including committee chair and secretary)

F. OLD BUSINESS

1. *An ordinance repealing Sections 14-8.11(G)(3), 14-8.13, 14-8.16 and 14-8.17 SFCC 1987 regarding annual water budget, water rights transfer requirements and water rights banking; creating a new Section 14-8.13 SFCC 1987 regarding the City's water budget, development water budget requirements, the water rights transfer program, and the retrofit program; making such other related changes as are necessary. (Councilor Wurzbarger and Councilor Ortiz) (Dale Lyons, case manager) **POSTPONED FROM JULY 17, 2008***

G. NEW BUSINESS

1. An ordinance amending Sections 14-6.2(C)(10), 14-8.11(D), 26-1.8 and 26-1.33 SFCC 1987 regarding the applicability of the Santa Fe Homes Program to vacation time share projects and making such other changes as are necessary. (Councilor Calvert, Councilor Bushee and Councilor Romero) (Ted Swisher, case manager)
2. **Case #S 2007-14. First Mesa Preliminary Subdivision Plat.** James W. Siebert agent for First Mesa LLC, requests preliminary subdivision plat for 20 lots on 2.88± acres. The property is zoned RM-LD/PUD (Multiple Family Residential, Planned Unit Development) and is located to the south of Cerrillos Road, west of Kachina Ridge, Phase II, and north of the Arroyo de los Chamisos. (Donna Wynant, case manager)

3. **Case #SP 2008-07. Lot Split for Lot 15 Colores Del Sol Subdivision.** Jennifer Jenkins, agent for Centex Homes, requests plat approval to divide .55± acres into two lots. The property is located south of Agua Fria Road and east of Morning Drive and is zoned R-6 PUD (Residential – six dwelling units per acre, Planned Unit Development Overlay). (Dan Esquibel, case manager) ***(REQUEST TO BE POSTPONED TO AUGUST 28, 2008)***
4. **Case #M 2008-21. Vista Bonitas Phase II General Plan Amendment.** Linda Tigges, agent for Dennis Branch, requests approval of a General Plan future land use map amendment to change the designation of a total of ~~2.146±~~ 2.149± acres from Medium Density to High Density Residential. The property is located on the vacated access for Calle Griego, north of Airport Road and south of Rufina. (Donna Wynant, case manager)
5. **Case #ZA 2008-08. Vista Bonitas Phase II Rezoning.** Linda Tigges, agent for Dennis Branch, requests rezoning of ~~2.146±~~ 2.149± acres from MHP (Mobile Home Park) to RM-1 (Residential Multi-Family, 21 dwelling units per acre). The property is located on the vacated access for Calle Griego, north of Airport Road and south of Rufina. (Donna Wynant, case manager)
6. **Case #ZA 2008-09. Cactus Courts Rezoning.** John Rost, agent for Donald and Celina Martinez, requests rezoning of 1.26± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located at the northwest corner of Yucca and Cactus Lane. (Donna Wynant, case manager)
7. **Case #M 2008-22. 155 Brownell Howland Road Escarpment Regulations Variance.** John Padilla, agent for William and Harrylou Egolf, requests a variance to Article 14-5.6(D)(1) Escarpment Overlay District, for a living room and a two car garage addition and portal extension to the existing residence. The property is located in the Ridgetop Subdistrict of the Escarpment Overlay District and Suburban Archaeological Review District, and is zoned R-1 (Residential -1 dwelling unit per acre). (Lou Baker, case manager)

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**

INDEX OF
CITY OF SANTA FE
PLANNING COMMISSION

August 7, 2008

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1. Chair		
2. Vice-Chair		
3. Secretary		
4. Summary Committee (Three members, including committee chair and secretary)		
F. OLD BUSINESS		
1. <i>An ordinance repealing Sections 14-8.11(G)(3), 14-8.13, 14-8.16 and 14-8.17 SFCC 1987 regarding annual water budget, water rights transfer requirements and water rights banking; creating a new Section 14-8.13 SFCC 1987 regarding the City's water budget, development water budget requirements, the water rights transfer program, and the retrofit program; making such other related changes as are necessary.</i>	Postponed	3
G. NEW BUSINESS		
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2. <u>Case #S 2007-14. First Mesa Preliminary Subdivision Plat.</u> James W. Siebert agent for First Mesa LLC, requests preliminary subdivision plat for 20 lots on 2.88± acres. The property is zoned RM-LD/PUD (Multiple Family Residential, Planned Unit Development) and is located to the south of Cerrillos Road, west of Kachina Ridge, Phase II, and north of the Arroyo de los Chamisos.	Approved	5-7
3. <u>Case #SP 2008-07. Lot Split for Lot 15 Colores Del Sol Subdivision.</u> Jennifer Jenkins, agent for Centex Homes, requests plat approval to divide .55± acres into two lots. The property is located south of Agua Fria Road and east of Morning Drive and is zoned R-6 PUD (Residential – six dwelling units per acre, Planned Unit Development Overlay).	Postponed to Aug 28	7

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6. <u>Case #ZA 2008-09. Cactus Courts Rezoning.</u> John Rost, agent for Donald and Celina Martinez, requests rezoning of 1.26± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located at the northwest corner of Yucca and Cactus Lane.	Approved R-3	11-16
7. <u>Case #M 2008-22. 155 Brownell Howland Road Escarpment Regulations Variance.</u> John Padilla, agent for William and Harrylou Egolf, requests a variance to Article 14-5.6(D)(1) Escarpment Overlay District, for a living room and a two car garage addition and portal extension to the existing residence. The property is located in the Ridgetop Subdistrict of the Escarpment Overlay District and Suburban Archaeological Review District, and is zoned R-1 (Residential -1 dwelling unit per acre).	Approved	3-4
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MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

August 7, 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:

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

MEMBERS ABSENT:

Bonifacio Armijo (excused)

STAFF PRESENT:

Tamara Baer, Planning Manager
Kelley Brennan, Assistant City Attorney
Wendy Blackwell, Director Technical Review Division
Donna Wynant, Senior Planner
Lou Baker, Senior Planner
John Romero, Traffic Engineer
Charlie Gonzales, Technical Review Coordinator
R.B. Zaxus, City Engineer
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

Chair Gonzales asked Commissioner Salazar to lead the pledge of allegiance.

C. APPROVAL OF AGENDA

Ms. Baer said the water rights transfer and banking ordinance will be available for subcommittee review next week, so this will be postponed.

There was agreement to postpone this to the September 16th meeting.

Ms. Baer reported that the Santa Fe Homes amendment to the ordinance should be postponed to August 21st as Ted Swisher is not present. She said there is a request for

item 3 – Case #SP-2008-07 – Lot Split for Lot 15 Colores Del Sol Subdivision - to be postponed. She requested item 7 – Case #M-2008-22 be moved to the beginning of the new business since this is Lou Baker's only case.

Chair Gonzales requested they move item E – Election of Officers to next meeting because Commissioner Armijo has expressed interest in serving in a leadership capacity.

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: July 17, 2008

Commissioner Bordegaray corrected page 1, under staff present: *Dale Lyons* was present.

Commissioner O'Reilly moved to approve the minutes of July 17, 2008 as amended, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

FINDINGS/CONCLUSIONS

Findings of Fact and Conclusions of Law from the previous meeting are incorporated herewith to these minutes as Exhibit "1."

Commissioner Salazar moved to approve Findings/Conclusions for Case #ZA-2008-06 – Fullerton Withers Family Partnership Rezoning, Development Plan Approval and Variance Request, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.

Commissioner O'Reilly asked that (c) be removed under conclusions of law regarding Case #S-2008-03 because he did not recall that being part of the motion.

Commissioner Salazar moved to approve Findings/Conclusions for Case #S-2008-03 – James Siebert, Hart Business Park as amended, Commissioner Bordegaray seconded the motion which passed by unanimous voice vote.

Commissioner O'Reilly referred to item 3 under conclusions of law and corrected the final plat to state it will be added to the development plan.

Commissioner Salazar moved to approve Findings/Conclusions for Case #M-2008-14 – Wayne Lloyd, Hart Business Park as amended, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.

Commissioner Salazar moved to approve Findings/Conclusions for Case #S-2008-04 – Homewise, Commissioner Bordegaray seconded the motion which passed by unanimous voice vote.

E. ELECTION OF OFFICERS

1. Chair

2. Vice-Chair
3. Secretary
4. Summary Committee (Three members, including committee chair and secretary)

This item was postponed to the August 21st meeting per approval of the agenda.

F. OLD BUSINESS

1. **An ordinance repealing Sections 14-8.11(G)(3), 14-8.13, 14-8.16 and 14-8.17 SFCC 1987 regarding annual water budget, water rights transfer requirements and water rights banking; creating a new Section 14-8.13 SFCC 1987 regarding the City's water budget, development water budget requirements, the water rights transfer program, and the retrofit program; making such other related changes as are necessary. (Councilor Wurzbarger and Councilor Ortiz) (Dale Lyons, case manager) POSTPONED FROM JULY 17, 2008**

This item was postponed to the September 18th meeting per approval of the agenda.

G. NEW BUSINESS

1. **An ordinance amending Sections 14-6.2(C)(10), 14-8.11(D), 26-1.8 and 26-1.33 SFCC 1987 regarding the applicability of the Santa Fe Homes Program to vacation time share projects and making such other changes as are necessary. (Councilor Calvert, Councilor Bushee and Councilor Romero) (Ted Swisher, case manager)**

This item was postponed to the August 21st meeting per approval of the agenda.

7. **Case #M 2008-22 155 Brownell Howland Road Escarpment Regulations Variance. John Padilla, agent for William and Harrylou Egolf, requests a variance to Article 14-8.6(D)(1) Escarpment Overlay District, for a living room and a two car garage addition and portal extension to the existing residence. The property is located in the Ridgeway Subdistrict of the Escarpment Overlay District and Suburban Archaeological Review District, and is zoned R-1 (Residential -1 dwelling unit per acre). (Lou Baker, case manager)**

Memorandum from Lou Baker, Land Use Senior, prepared July 22, 2008 for August 7, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Letter from Charles Bethea, M.D dated July 30, 2008 is incorporated herewith to these minutes as Exhibit "2(A)."

Ms. Baker presented the staff report included in Exhibit "2."

Staff recommends:

Subject to professional medical confirmation of the applicant's disability requiring the proposed modifications in order to be able to continue to reside at her residence, staff recommends approval of variance application

Case #M-2008-22, based on extraordinary hardship, and subject to all staff conditions as outlined in the attached memoranda, as well as the following:

Variance Conditions of Approval

1. Brownell Howland Road is a narrow sloped private street and construction will occur in an existing neighborhood. Applicant shall submit a construction staging plan detailing activities in a manner as to not to disrupt the harmony and safety of the neighborhood and existing vegetation; i.e. location of port-a-potty, location of dumpster, time of deliveries, time of construction, parking for construction workers, traffic control and warning signs (Construction Ahead), and tree protection, etc.
2. Applicant shall work with the City of Santa Fe Addressing and GIS staff to correct the addressing error and submit documentation when completed to the City of Santa Fe Land Use Department.

Public Hearing

Nancy Long, 2200 Brothers Road, was sworn. She introduced the architect, John Padilla and the grandson, Brian Egolf. Ms. Harrylou Egolf is in her early 80's and her husband recently passed away so she has decided to make Santa Fe her fulltime home where she can be near relatives. There is family right next door on either side. The home does not meet her needs anymore because she uses a walker or a wheelchair at all times. Ms. Egolf needs a downstairs bedroom. There are guest quarters on the premise, but no downstairs bedroom. She can no longer climb stairs. The addition will be in part of the garage and the courtyard will become her bedroom. The garage does not accommodate a van that she needs to be transported in. The request is for a detached two car garage with a portal. The variance is needed because the home is in the ridgetop subdistrict. This will comply with every other aspect of the code including height and is not visible from Bishop's Lodge Road. There is an existing stucco wall along with mature vegetation that will screen the addition and remodel. She submitted a letter from Ms. Egolf's doctor included in the record as Exhibit "2(A)." She said another reason to enclose the courtyard is that due to the heat generated by the pipes in the wall the area has become infested with rodents and this would correct that problem.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner O'Reilly asked Mr. Padilla if there will be work done on the inside of the residence.

John Padilla, architect, was sworn. He said the existing residence is primarily the same level and the only bedroom is a second floor bedroom that is accessed via a seat transport that follows the stairway. He said there are no other changes needed to accommodate Ms. Egolf at this time.

Commissioner Bordegaray asked what the age of the house is.

Brian Egolf, 165 Brownell Howland Road, was sworn. He said according to family lore the house was built sometime in the 1940's. His grandparents purchased this in the late 1960's or early 1970's.

Commissioner O'Reilly moved to approve Case #M-2008-22 with staff conditions, Commissioner Hughes seconded the motion which passed by unanimous voice vote.

- 2. Case #S 2007-14, First Mesa Preliminary Subdivision Plat.** James W. Siebert agent for First Mesa LLC, requests preliminary subdivision plat for 20 lots on 2.88± acres. The property is zoned RM-LD/PUD (Multiple Family Residential, Planned Unit Development) and is located to the south of Cerrillos Road, west of Kachina Ridge, Phase II, and north of the Arroyo de los Chamisos. (Donna Wynant, case manager)

Memorandum from Donna Wynant, Senior Planner, prepared July 28, 2008 for August 7, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Signed Affordable Housing Proposal Worksheet is incorporated herewith to these minutes as Exhibit "3(A)."

Sanitary Sewer Service Technical Evaluations dated September 10, 2007 is incorporated herewith to these minutes as Exhibit "3(B)."

Comments dated November 13, 2007 from Robert Siqueiros, Project Administrator, Trails and Open Space is incorporated herewith to these minutes as Exhibit "3(C)."

Site photos are incorporated herewith to these minutes as Exhibit "3(D)."

Ms. Wynant presented the staff report included in Exhibit "3."

Staff recommends:

Request for preliminary subdivision plat be approved. Approval should be conditioned upon meeting the requirements of the following departments:

- Technical Division – Engineering Review memo
- Technical Division – Landscape Review memo
- Engineering Division Traffic Review memo
- Wastewater Management Division Review memo
- Solid Waste Division Review memo
- Fire Department memo
- Water Division memo
- Parks, Open Space and Trails Review memo

Public Hearing

Jim Siebert, 915 Mercer, was sworn. He explained that this is identical to the development plan that was with the rezoning. He made some clarifications. The letter of map revision was acknowledged by FEMA. He said it was mentioned that there is not an affordable housing agreement, but he believes the confusion is with regards to a change in staff because they do have a proposal included in Exhibit "3(A)." He said there was a comment from Robert Siqueiros that stated there should be a trail on the south side as an alternate, but that pertains to the Eldergrace project to the north. There was an error in the sewer evaluation so it was a favorable review which he has documentation to support.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes asked if these are private or public roads in this development.

Mr. Romero referred to sheet C2 that shows a typical section with a 38 foot right of way. This designates it as public which is clearer on S1 and S2 where it shows the public right of way.

Commissioner Hughes clarified that this will be dedicated to the City.

Mr. Siebert said that is correct it will be a public road.

Commissioner Lindell asked if these will still be stick built and not manufactured homes.

Mr. Siebert said that is correct and they will be stick built on site.

Commissioner Bordegaray asked what the open space and trail requirements are.

Mr. Siebert explained that the open space is shown on the plan and the trail is part of the city planned trail system. They have provided access to the future trail.

Commissioner Bordegaray asked if that is part of the Arroyo Chamiso Trail.

Mr. Siebert said it is a tributary to that trail.

Commissioner Bordegaray asked what kind of trail this will be.

Mr. Siebert said it will be gravel and fenced off, although it will be accessible to the public from a public roadway.

Commissioner Lopez questioned the size of the homes which was clarified for her.

Commissioner Bordegaray referred to page 3 of the staff report where the social impact reports that no comments were received from the public school.

Ms. Baer introduced the new school planner, Justin Snyder.

Justin Snyder, property manager, 209 Sombrillo Drive, was sworn. He said he is the planner for the public schools and are looking to comment thoroughly on new projects.

Commissioner Bordegaray asked Mr. Siebert to walk her through the access.

Mr. Siebert pointed out that the access off of Cerrillos is from Avenida de las Americas.

Commissioner Bordegaray found that troublesome as a planner because it creates more traffic at that corner. This is because Richards never went through. She added it is not the fault of the developer. She asked Mr. Romero if there is other land that may feed off of the same access point in the future creating more traffic.

Mr. Romero said the Richards extension is not in the current plan or future roadway plan. He said with regards to development in that area they are getting close to the end. He said this project will almost connect to Vegas Verdes.

Commissioner Bordegaray asked if this means there is another possible connection to Arroyo de los Chamisos.

Mr. Romero explained that when constructed it will go from Best Buy past Vegas Verdes to Arroyos de los Chamisos.

Commissioner Salazar questioned that the affordable houses are 988 square feet with only one at 1143.

Mr. Siebert referred to the signed copy that shows one 1-bedroom of 850 square feet, two 2-bedrooms at 1000 square feet and three 3-bedrooms at 1150 square feet. This is included in Exhibit "3(A)."

Commissioner Salazar moved to approve Case S-2007-14 with staff conditions and the preliminary development plan be corrected to reflect the changes to the affordable housing, Commissioner Hughes seconded the motion which passed by unanimous voice vote.

3. **Case #SP 2008-07. Lot Split for Lot 15 Colores Del Sol Subdivision.** Jennifer Jenkins, agent for Centex Homes, requests plat approval to divide .55± acres into two lots. The property is located south of Agua Fria Road and east of Morning Drive and is zoned R-6 PUD (Residential – six dwelling units per acre, Planned Unit Development Overlay). (Dan Esquibel, case manager) ***(REQUEST TO BE POSTPONED TO AUGUST 28, 2008)***

This item was postponed to August 28th per approval of the agenda.

4. **Case #M 2008-21. Vista Bonitas Phase II General Plan Amendment.** Linda Tigges, agent for Dennis Branch, requests approval of a General Plan future land use map amendment to change the designation of a total of ~~2.146±~~ **2.149±** acres from Medium Density to High Density Residential. The property is located on the vacated access for Calle Griego, north of Airport Road and south of Rufina. (Donna Wynant, case manager)

Items 4 and 5 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

5. **Case #ZA 2008-08. Vista Bonitas Phase II Rezoning.** Linda Tigges, agent for Dennis Branch, requests rezoning of ~~2.146±~~ **2.149±** acres from MHP (Mobile Home Park) to RM-1 (Residential Multi-Family, 21 dwelling units per acre). The property is located on the vacated access for Calle Griego, north of Airport Road and south of Rufina. (Donna Wynant, case manager)

Items 4 and 5 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

Memorandum from Donna Wynant, Senior Planner, prepared July 28, 2008 for August 7, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Site photos are incorporated herewith to these minutes as Exhibit "4(A)."

Letter of support from Maggie Monroe-Cassel, Habitat for Humanity Executive Director dated July 30, 2008 is incorporated herewith to these minutes as Exhibit "4(B)."

Photos and letter regarding Camino del Griego flooding dated March 1, 2004 is incorporated herewith to these minutes as Exhibit "4(C)."

Memorandum from Barbara Salas, Fire Marshal, dated July 25, 2008 is incorporated herewith to these minutes as Exhibit "4(D)."

Elevations of the proposed project is incorporated herewith to these minutes as Exhibit "4(E)."

Ms. Wynant presented the staff report included in Exhibit "4."

Staff recommends:

If the Planning Commission determines that the need for high density and affordable housing outweighs the need for medium density residential land, it should approve the requests for general plan amendment and rezoning. The application meets corresponding approval criteria in Sections 14-3.2 and 3.5 SFCC 2001. If the Commission recommends approval of the application staff recommends the following conditions:

Prior to submittal for final development plan:

1. Provide monetary contributions towards the construction of traffic signals along Rufina based on a prorated amount comparing projected traffic for Phase I and Phase II.
2. Apply for the vacation of the stub out at the northern end of the site where Lot #31 is proposed.

Comply with requirements as provided by the following City Departments at the time of subdivision:

3. Public Works Dept – Traffic review memo
4. Fire Dept. Review memo
5. Technical Review Division – Engineer Review Memo
6. Technical Review Division – Landscape Review Memo
7. Wastewater Division Review memo

Public Hearing

Linda Tigges, 1925 Aspen Drive, was sworn. She explained that this is a Habitat for Humanity project. She stated agreement with the conditions of approval, but wanted to comment on the fire marshal comments. There are no cul-de-sacs on the plan. The Fire Marshal was looking at the wrong plan. The thin narrow property is located south of Rufina. Residents can access the property via Joshua Lane, Calle Nueva Vista or Rufina. The south side has access to Zepol Road and Airport Road. She explained why the property was a long narrow strip. Nueva Vista Mobile Home park was developed in the 1970's and the road was not built to any standards. Then the Lopez family annexed property with access from Airport Road along Zepol and subsequently built the Sierra Vista Mobile Home Park with access along Camino Griego. Camino Griego was not accepted by the City so it became a private road. There was also Roadrunner Mobile Home Park that was developed. The private road is now not being used regularly and is not necessary so this developer is confronted with what to do. There was not water in the pond for Nueva Vista so they paved over it which has caused the drainage to erode Camino Griego with huge potholes. She said those that cross these potholes have to be towed out as they get stuck. The developer worked with Habitat for Humanity regarding subdividing and providing affordable units. The developer re-platted Vistas Bonitas with utility and access easements. She said the problem is that this is a high density general plan and RM-1 zoning, although they do not need that. They have to go for RM-1 because there is not anything else that would get them the number of units desired.

The project would be a Habitat project. She reviewed the floor plan of how this would work. The drainage will be combined with the first phase.

Dennis Branch, 511 Camino Pinones, was sworn. He explained that the road was built at the request of the city when the people were relocated from the Zafarano complex. The City requested a through road, so the easements were there. Originally the one mobile home park was going to let people pass through, but they changed their mind so there is a road that dead-ends on either side of the wall. He said he tried to solve the drainage with the mobile home park although they did not have sufficient funds to improve their drainage. He said he blocked the drainage off and then met with staff to resolve the issue and come up with a suitable use. He said the City cannot fix this as they do not own the road and he cannot fix it as he does not own it either. He said the Habitat project seemed like a suitable use to correct the problem.

Maggie Monroe Cassel, Habitat for Humanity Executive Director, 2337 Camino Rancho Siringo, was sworn. She said she was thrilled to be here on behalf of the project. Habitat is doing well right now in 90% of the areas. They have a new facility, lots of volunteers and cash in the bank recently selecting 7 new families. In about a year they will run out of land, so two of the families will have to wait for a home. If this project gets going they will have homes for 2-3 years for 7 families they build for each year. This is well suited to the demography of their families. She hopes this will pass for their future.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Lindell asked if they are providing a fee rather than park land because the plan shows a park.

Ms. Tigges was not sure what the fee is, but the impact fee is based on the number of units. The fee is allocated for projects and they hope it will be for the nearby park.

Commissioner Lindell asked how they administer the money.

Ms. Tigges knew that it is earmarked for parks.

Commissioner Lindell asked how much that fee is.

Mr. Branch was not sure. He said they want to get enough people in there prior to building the park to avoid the vandalism.

Commissioner Lopez asked if there are currently mobile homes on the property.

Mr. Branch replied no.

Commissioner Bordegaray asked if that will be a private park.

Ms. Tigges said it will be a public park. They worked with Randy Thompson regarding what they wanted in the park and how the lot was laid out.

Commissioner Bordegaray wished she knew where this falls on the parks master plan. She questioned the comments from the school.

Ms. Tigges commented that there was an error in the report as the meeting referred to was on another project.

Commissioner Bordegaray said the report states there is no broad social impact from this project, but asked what the trigger is for review.

Mr. Snyder replied 6 lots.

Commissioner Bordegaray asked if access and circulation are considered with the criteria and if staff looks at transportation options.

Ms. Wynant stated that they consider those things for physical impact.

Commissioner Bordegaray said in her opinion there is importance in reviewing cases to consider how well it connects. She commented that the country is going to have to overhaul how they view transportation and she hopes that is addressed in the applications.

Commissioner O'Reilly commented that the lots are narrow and the application says there are side setbacks, although they are proposing 0 property lines.

Mr. Branch explained that they are attached units. There are currently 0 lot lines in Vistas Bonitas that are fee simple with approximately 20% attached.

Commissioner O'Reilly asked if the adjacent mobile home park is in the City or County.

Ms. Tigges stated that the east one is in the county.

Commissioner O'Reilly asked Ms. Zaxus if she was aware of the paving over the detention pond.

R.B. Zaxus agreed to look into whether they paved over their ponding. She was not previously aware of that.

Mr. Branch referred to the letter from Mark Brooks dated March 1, 2004 included in Exhibit "4(C)." The owners of the specific park are out of Colorado and the water has always dumped on that property and nobody seemed to care. He hopes to get them to redo a portion so they have some detention or retention and he would allow overage on his property via the culvert under the road and ponding on this proposed site.

Commissioner Salazar moved to recommend approval of the general plan amendment Case #M-2008-21 with staff conditions, Commissioner Lopez seconded the motion which passed by unanimous voice vote.

Commissioner Salazar moved to recommend approval of rezoning Case #ZA-2008-08 with staff conditions, Commissioner Lindell seconded the motion which passed by unanimous voice vote.

6. **Case #ZA 2008-09, Cactus Courts Rezoning.** John Rost, agent for Donald and Celina Martinez, requests rezoning of 1.26± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located at the northwest corner of Yucca and Cactus Lane. (Donna Wynant, case manager)

Memorandum from Donna Wynant, Senior Planner, prepared July 29, 2008 for August 7, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "5."

Letters of concern from neighbors are incorporated herewith to these minutes as Exhibit "5(A)."

Rezoning Protest Petition is incorporated herewith to these minutes as Exhibit "5(B)."

Donna Wynant presented the staff report included in Exhibit "5."

Staff recommends:

If the Commission is to recommend approval of the Rezoning request, it must determine that the application meets Approval Criteria in Sections 3.5 SFCC 2001. Staff also recommends that the applicant comply with the requirements as provided in the following City Department review memos, with the submission of a Preliminary Subdivision Plat:

- Public Works Dept – Traffic Review memo
- Fire Dept. Review Memo
- Technical Review Division – Engineer Review Memo
- Technical Review Division – Landscape Review Memo
- Wastewater Division Review Memo
- Solid Waste Division Review Memo
- Trails and Open Space Review Memo

Public Hearing

John Rost, 1106 Oak Avenue, agent for landowners, was sworn. He said this is a rezone according to a preliminary plat. The vacant property is zoned for residential use. The property has been vacant for many years. Rezoning would allow this to develop consistent with the typical lot size within 500 feet of this area. Current neighboring lots have homes and have utilized their rights. The applicant wants to utilize the land to its fullest financial benefit by obtaining the greatest density possible that is consistent with the surrounding area. He commented that R-5 is consistent with Carlos Rey while R-4 and R-2 exists across the street. There were no concerns from the Santa Fe Public Schools. Many surrounding properties are populated with modular homes. He said the proposal is to develop six lots with three of the lots being affordable. Two homes will be in the 60-80% AMI and the third in the 100-120% AMI. The other three homes would be offered at market rate. The homes would not change the existing environment. The surrounding areas have homes in the \$178-215 per square foot price range. The surrounding neighborhoods have smaller lots. There would be a wall built on Yucca Road. Temple Baptist Church does not oppose the development but requested a fence for liability reasons. This site is within proximity to the new Railrunner station. The owners have tried to sell the lots unsuccessfully.

Juan Marquez, 2520 Cactus Lane, was sworn. He also owns the adjacent property at 2524. He said the applicant stated his lot was an R-4, but he started with R-1 and split

through a family transfer. They split that to two ¼ acres and sold the other property. He said they have always been R-1. He spoke in protest of this rezoning being that the neighborhood is family oriented. This is putting five residences in this compact area adjacent to the high school which will be a burden to everyone in this immediate area. He said they have lived here for 30 years and have wished that someone would build there, but they want one home. A few years ago, the owner tried to put a mobile home on the property and the neighbors protested that. He said the owner tried 7 lots and the neighbors gave an opinion. The only entity that was for it was the church which only cared about the separation between their property and the proposal. He said the neighbors do not have a wall between them and there is no guarantee it will not impact them. He believes it will shoot their property value down. He asked the Commission to respect the neighborhood that they have all worked for.

Paul Gallegos, 2500 Siringo Lane, was sworn. He is behind the proposed property. He expressed concern that Cactus Lane is angular and they have to pull part of the way into Yucca to see what is coming. He expressed another concern regarding where the school buses are housed. He said often you cannot pull in and there are frequent accidents in this area. He said occasionally they get someone coming down and turning around. This area did not receive gas or sewer until 1984 and then up to 2006 they had protested water service. He said they have put a lot of time and effort into their properties to keep them. They are all family oriented. They have taken pride in keeping this a single family home dwelling area although some have made guesthouses for children. He was very concerned with the traffic area because there are parents dropping off kids and trying to pull out will cause accidents.

Linda Hansen, 2502 Cactus Lane, was sworn. There are parents daily that park along their street waiting for kids. Their homes are in the \$400,000-450,000 range and this will devalue their property. She understands there is a housing shortage for people that cannot afford their price range, but building on that lot will hurt what they have worked so hard for. She is the newest member on the street and has lived there for 22 years. The neighborhood is spread out, but they watch out for one another. She said to put people on smaller lots in smaller homes will make them feel alienated so it is not fair to them or the current residents. Affordable homes should not be at the expense of their retirement. In her opinion, this will devalue her retirement. The maximum that anyone would agree to on that lot is two homes. She added that the applicant does not intend to be part of their community.

Rebecca Bustamante, 2879 Plaza Blanca, was sworn. She is representing many that live in the area that could not attend this meeting. She attended the first meeting and Mr. Rost said he was the owner and today he is the agent. People have sent letters and a petition concerning what is happening. She understands Santa Fe wants affordable housing, but other people want a good home also. This will impact all the individuals that live there. She asked the Commission to not approve this much on this small property.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner O'Reilly asked how staff expects this area to be zoned in a coordinated approach.

Ms. Wynant said this is in compliance with the general plan and the goals of the plan. She said it is possible that something different could be done at the intersection.

Commissioner O'Reilly pointed out that this comment seems to be in many staff reports and implies that an applicant should do a mass rezoning and it is more preferable that a larger area be rezoned. He does not think he has ever seen that done. The General Plan is clear and the land use map shows what this intends this to be.

Ms. Baer did not believe it was suggested that this was incumbent on the applicant, but there is thought that it should be on the City's shoulders to do smaller area plans that would take into account what the zoning should be. This would look into more than one parcel at a time.

Chair Gonzales said he is thinking of six homes so close to the intersection and asked if this was taken into account in the engineering numbers. He understands that further down Cactus Lane this might not be as high of an impact.

Ms. Wynant reported that John Romero said it was far enough away from the intersection that it would not be a queuing problem. The number of trips would not warrant a traffic study and is not a concern.

Mr. Marquez pointed out that near the high school in the morning there is a large amount of traffic and getting into the flow of traffic is hard. They have foot traffic because parents use this as an area to drop off their kids. He noted that the high school changed the entrance so it is one way going in, but at the end of the school day parents congregate to pick up the kids. There are no parking signs during the day, but trying to get down the road after school is nearly impossible.

Commissioner Hughes stated that the drawing has a private street rather than public.

Mr. Rost said this issue was discussed with City staff that recommended a private street and said there was no requirement for a public street.

Commissioner Hughes stated that they would need a wider access for the lots. He said he is not in favor of private streets.

Mr. Rost explained that the street planners said they wanted an access at the north end to expand to the churches parking lot because the properties around this lot will change.

Commissioner Hughes commented that he is sympathetic with the neighbors, but he fails to see how this project will make it worse. He suggested a roundabout to solve the traffic problem although that is not on the table at this hearing.

Commissioner Bordegaray understood this area as she lives close by and travels near here by bicycle often. This intersection is neglected in her opinion. She suggested a median to improve the issues. She is very aware of the dangers on Yucca for pedestrians and bicyclists and feels this will come up again. She asked if a mobile home would be allowed on that site.

Ms. Baer said it would be a special exception that would go to the Board of Adjustment.

Commissioner Bordegaray asked how Mr. Marquez worked with the neighbors.

Mr. Marquez stated they have still not figured out how to get a hold of them as the owners live in Taos, but when they placed the property for sale they found them. He said the neighbors protested putting a mobile home on that lot. This lot is full on Fourth of July and he said they always clean up after this event and the property owners have never thanked them. He said they have kept taking care of the lot for these people because it was a nuisance and never once has the property owner come to them. Last time he spoke to the property owners he offered to help them place a home in this area.

Commissioner Bordegaray commented that this has been a vacant lot and has been a nuisance for as long as she can remember. She said the Commission is viewing this against the criteria, so she fails to see how it is not an improvement. She agreed that six houses do seem like a lot, but she believes it is developable. It is not their right to tell people what to do with their properties. She said it is consistent to have more than two homes. She commented that the Commission often hears how supportive neighbors are of affordable housing, but not next door to me. She understood nobody wants the change in their own neighborhoods. This troubles her and she wants the community to support affordable housing no matter where it is. This is a unique area and she wished they had a neighborhood conservation ordinance to protect the character of the area. This is close to Nava, DeVargas and Santa Fe High which make this a good affordable proposal. The request is in compliance with the future land use designation and policies of the general plan. The burden is on the applicant to show justification for the change.

Chair Gonzales understood that they can grant rezoning to a different designation than what was requested.

Ms. Baer explained that they can recommend a lower density, but not a higher density unless they re-notice the case. This is a recommendation to the Council.

Commissioner Lindell shared some of the thoughts and disagreed as well. She supports affordable housing in this City and never likes the idea of not in my backyard. This does appear a little too dense. She did not believe that financial gain is justification for the change although the affordable housing does. It is obvious the neighbors care.

Mr. Rost stated that the reason the six houses are justified is that because of the cost to build houses. The infrastructure is over \$65,000 and if they bring in four houses they are still required to have hookups. One more house was given to offset the cost. The density is the only way that this project can work as the lot is too expensive and infrastructure costly. The affordable homes are sold at \$10,000-15,000 below the cost. These homes are bigger than the lots in Casa Solano or Carlos Rey.

Commissioner Lindell agreed the future land use says 3-7 dwelling units per acre. She did not see a change in the community conditions to justify this change. She could support R-3 at the most.

Commissioner Salazar asked if the other residents came in for R-5 zoning who would improve the roads.

Ms. Baer said the City would be looking at it and the City Engineer looks at the level of service the road can provide along with the intersection.

Commissioner Salazar asked when the last rezoning was in this area.

Commissioner Lindell figured that if they granted this rezoning and everybody else came in for the same kind of zoning they would have 78 houses in that area which is problematic. She thanked Commissioner Salazar for that question.

Commissioner Lopez commented that she understands the traffic and agreed that parents do use the area for drop off and pick up. She agreed that six homes are a bit too much, but she would allow more than two homes. She did see a domino effect if this rezoning were allowed.

Commissioner O'Reilly commented that it is true that someone in the future could attempt to rezone a parcel, but the Commission has heard testimony that their properties are important to them as they want to sell and retire. He pointed out that when this happens someone new will buy that lot and that person may not feel the same way, so at that point they may do something else with that property. The applicant is proposing something in the middle. He said if they do not allow this to follow the plan then the policies mean nothing. Just because this is zoned R-1 does not make this area rural as it is in the middle of the City. He is not against a lower density, but the general plan calls for R-3 to R-7, not R-1 or R-2.

Commissioner Hughes moved to recommend rezoning from R-1 to R-4 and the condition that the street be made public, Commissioner Salazar seconded the motion.

Commissioner O'Reilly asked what the thinking is in wanting R-4.

Commissioner Hughes agreed R-5 is a bit much and R-4 would allow the street to be wider with enough homes to make a profit.

Commissioner O'Reilly stated that there is a huge affordable housing area south of town where Commissioners live called Tierra Contenta which is more dense than R-5. He expressed concern that they always look at lower density when they are looking at something on this side of town and high density is okay on the south side of town. He sees no reason this needs to be less than R-5.

Commissioner Bordegaray requested a friendly amendment that the connectivity and sidewalks are all maintained.

Commissioner Hughes said this has to come back for subdivision approval, so that is not necessary at this point. He did not accept the amendment.

Ms. Baer said it is not obvious what the zoning will give you, so she did some quick math. Zoning at R-5 gets to 6 units because of the density bonus. She said they may be able to round up for affordable so R-4 gets them up to 6 also. At R-3 they can get up to 3.78 4.34 units with the density bonus, so they would go down to 4 and .3 would be a partial fee. She said the zoning does not always get you that exact number of units.

The motion failed on the following 4 to 2 roll call vote:

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

Those voting for the motion: Commissioners Hughes and Bordegaray.

Commissioner Lindell moved to approve R-3 as opposed to the requested R-5 with staff recommendations, Commissioner Salazar seconded the motion.

Commissioner Hughes asked for a friendly amendment that it be a public street.

Commissioner O'Reilly said the amendment should be voted on.

Commissioner Lindell seconded the friendly amendment.

Commissioner O'Reilly stated that this is a short public street and so he does not see the purpose of it. The required infrastructure costs are already limiting the ability of this project to go forward so he does not see a reason to impose this.

The friendly amendment failed on the following 4 to 3 roll call vote:

Those voting for the motion: Commissioners Hughes, Lindell and Lopez.

Those voting against the motion: Commissioners Bordegaray, O'Reilly and Salazar with Chair Gonzales breaking the tie.

The motion passed on the following 5 to 1 roll call vote:

Those voting for the motion: Commissioners Bordegaray, Hughes, Lindell, Salazar and Lopez.

Those voting against the motion: Commissioner O'Reilly.

H. BUSINESS FROM THE FLOOR - None

I. STAFF COMMUNICATIONS

Ms. Baer stated that regarding Calle Vibora escarpment variance staff worked with the applicant and made changes so that a variance is no longer required.

Ms. Brennan reported that there is a new law on rezonings, so she would like to spend some time on this at the next meeting.

J. MATTERS FROM THE COMMISSION

Commissioner Hughes reported that the long range planning subcommittee meets next Thursday to discuss transit oriented development plans.

Commissioner O'Reilly said there was a mention that there is an escarpment area variance and a use variance which is apparently less stringent. He asked what the difference is and requested a presentation.

Ms. Baer explained that use speaks to use and everything else is something that can be measured such as a setback.

Ms. Brennan stated that it is more stringent because a use variance alters zoning in a more dramatic way.

Commissioner O'Reilly thought this was confusing because he heard there are no

variances to zoning uses, so he did not understand.

Ms. Baer explained that there is no variance to use or density as the uses are clearly spelled out. She said there might be something such as commercial use that might require a variance to be allowed.

Chair Gonzales requested a copy of the water ordinance be emailed and they can schedule a subcommittee meeting.

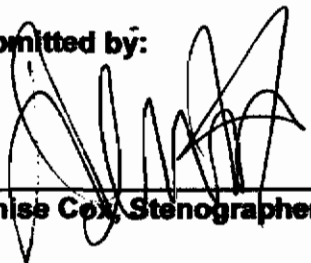
K. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Lindell moved, seconded by Commissioner O'Reilly to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 9:05 p.m.

Approved by:

Chair Estevan Gonzales

Submitted by:



Denise Cox, Stenographer