



Agenda RECEIVED BY Geraldine J. J. J.
RECEIVED BY Melvin J. J.

AMENDED

PLANNING COMMISSION

Thursday, November 3, 2016 - 6:00pm

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

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

MINUTES: October 6, 2016

FINDINGS/CONCLUSIONS:

Case #2016-99. Arts and Creativity Center General Plan Amendment.

Case #2016-89. Arts and Creativity Center Rezoning.

Case #2016-90. 730 Canada Ancha Escarpment Variance.

Case #2016-94. 2041 Pacheco Street Development Plan.

Case #2016-95. 155 Brownell-Howland Escarpment Variance.

Case #2016-97. 165 Brownell-Howland Escarpment Variance.

Case #2016-96. 2051 Cerros Altos Escarpment Variance.

E. OLD BUSINESS

F. NEW BUSINESS

- 1. An Ordinance Amending Subsection 14-8.10 of the Land Development Code to Permit Placement and Construction of Electronic Reader Board Signs to Facilitate Wayfinding and the Dissemination of Information in Real Time on Local Services, Programs, Activities and Events in Accordance With a City Program; and Establishing Certain Guidelines on Electronic Reader Board Signs. (Mayor Gonzales) (Marcos Martinez) (TO BE POSTPONED TO DECEMBER 8, 2016)**
- 2. Case #2016-107. Airport Mini Storage Units Expansion Development Plan.** Juno Architects, agent for Dan Rowe, requests approval of a development plan for 33,850 square feet of new mini storage buildings. The property is located at 3934 Academy Road and is zoned I-1-PUD (Light Industrial – Planned Unit Development). The application includes variances to Subsection 14-6.2(D)(3)(e)(ii) Eight-foot Masonry Wall Required Abutting Residential Property Line; and Subsections 14-9.2(D)(3), (D)(4) and (D)(8) Street Access Standards for through streets, connections to the existing road network and cul-de-sacs. (Donna Wynant, Case Manager)

3. **Case #2016-108. Thomas Business Park Master Plan Amendment.** James W. Seibert and Associates, Inc., agent for Thomas Business Park Home Owners Association, requests approval to amend the Thomas Business Park Development Plan to increase the approved 20% lot coverage requirement to 30% and to increase the approved height limit from 24 feet to 30 feet. The property is zoned I-1PUD. (Dan Esquibel Case Manager)
4. **Case #2016-109. B & L Land Preliminary Plat and Variance.** Jenkins Gavin, Inc., agent for B & L Land, LLC, requests Preliminary Plat approval to divide a 3.89-acre parcel into two lots of 1.34 and 2.55 acres. The request includes a variance to permit an additional lot to be served by a private road that does not meet the requirements of Table 14-9.2-1 Design Criteria for Street Types. The property is located at 145 Brownell Holland Drive, and is zoned R-1 (Residential one dwelling unit per acre). (Dan Esquibel, Case Manager)
5. **Case #2016-112. 942 Old Taos Highway Street Setback Variance.** Drew McDermott requests approval of a variance to a subdivision plat front yard setback standard of 25 feet (as stipulated by the Selvista Addition Subdivision Plat on the subject Lot A-1) to allow a detached garage to be located 7 feet from the front property line, which is the standard city setback for garages with vehicle entrances perpendicular to the street. The property is located at 942 Old Taos Highway and is zoned R-3 (Residential, 3 dwellings per acre). (Donna Wynant, Case Manager)

G. STAFF COMMUNICATIONS

H. MATTERS FROM THE COMMISSION

I. ADJOURNMENT

NOTES:

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



Agenda

CITY CLERK'S OFFICE

DATE 10/17/14 TIME 11:00
SERVED BY [Signature]
RECEIVED BY [Signature]

PLANNING COMMISSION
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- A. ROLL CALL**
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- E. OLD BUSINESS**
- F. NEW BUSINESS**

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2. Case #2016-107. **Airport Mini Storage Units Expansion Development Plan.** Juno Architects, agent for Dan Rowe, requests approval of a development plan for 33,850 square feet of new mini storage buildings. The property is located at 3934 Academy Road and is zoned I-1-PUD (Light Industrial – Planned Unit Development). The application includes variances to Subsection 14-6.2(D)(3)(e)(ii) Eight-foot Masonry Wall Required Abutting Residential Property Line; and Subsections 14-9.2(D)(3), (D)(4) and (D)(8) Street Access Standards for through streets, connections to the existing road network and cul-de-sacs. (Donna Wynant, Case Manager)

3. **Case #2016-108. Thomas Business Park Master Plan Amendment.** James W. Seibert and Associates, Inc., agent for Thomas Business Park Home Owners Association, requests approval to amend the Thomas Business Park Development Plan to increase the approved 20% lot coverage requirement to 30% and to increase the approved height limit from 24 feet to 30 feet. The property is zoned I-1PUD. (Dan Esquibel Case Manager)
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5. **Case #2016-112. 942 Old Taos Highway Street Setback Variance.** Drew McDermott requests approval of a variance to a subdivision plat front yard setback standard of 25 feet (as stipulated by the Selvista Addition Subdivision Plat on the subject Lot A-1) to allow a detached garage to be located 7 feet from the front property line, which is the standard city setback for garages with vehicle entrances perpendicular to the street. The property is located at 942 Old Taos Highway and is zoned R-3 (Residential, 3 dwellings per acre). (Donna Wynant, Case Manager)

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SUMMARY INDEX
PLANNING COMMISSION
November 3, 2016

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	
C. Approval of Agenda	Approved as amended	2
D. Approval of Minutes and Findings/Conclusions Minutes, October 6, 2016 Stenographer to note changes on behalf of the Commission.		3-5
 <i>Commissioner Greene moved to approve the minutes of October 16, 2016 as amended, second by Commissioner Hochberg, motion carried by unanimous voice vote.</i>		
 <u>Findings and Conclusions:</u>		
 Case #2016-99 Arts and Creativity Center General Plan Amendment and Case #2016-89 Arts and Creativity Center Rezoning <i>Commissioner Abeyta moved to approve Case #2016-99 and Case #2016-89 as presented, second by Commissioner Hiatt, motion carried by unanimous voice vote.</i>		
 Case #2016-90 730 Cañada Ancha Escarpment Variance <i>Commissioner Greene moved to approve Case #2016-90 as presented, second by Commissioner Hogan, motion carried by unanimous voice vote.</i>		
 Case #2016-94 2041 Pacheco Street Development Plan <i>Commissioner Propst moved to approve Case #2016-94 as presented, second by Commissioner , motion carried by unanimous voice vote.</i>		
 Case #2016-95 155 Brownell-Howland Escarpment Variance <i>Commissioner Abeyta moved to approve Case #2016-95 as presented, second by Commissioner Hiatt, motion carried by unanimous voice vote.</i>		
 Case #2016-97 165 Brownell-Howland Escarpment Variance <i>Commissioner Hogan moved to approve Case #2016-97 as presented, second by Commissioner Hochberg, motion carried by unanimous voice vote.</i>		
 Case #2016-96 2051 Cerros Altos Escarpment Variance <i>Commissioner Greene moved to approve Case #2016-96 as presented, second by Commissioner Kapin, motion carried by unanimous voice vote.</i>		
E. Old Business		
None		

1. An Ordinance Amending Subsection 14-8.10 of the Land Development Code to Permit Placement and Construction of Electronic Reader Board Signs to Facilitate Wayfinding and the Dissemination of Information in Real Time on Local Services, Programs, Activities and Events in Accordance With a Real Program; and establishing certain guidelines on electronic Reader Board signs.
(Postponed to December 8, 2016)

2. Case #2016-107. Airport Mini Storage Units Expansion Development Plan. Juno Architects, agent for Dan Rowe, requests approval of a development plan for 33,850 square feet of a new mini storage building. The property is located at 3934 Academy Road and is zoned I-1-PUD (Light Industrial – Planned Unit Development). The applicant includes variances to Subsection 14-6.2(D)(3)e(ii) Eight-foot Masonry Wall required abutting residential property line; and Subsections 14-9.2(3), (D)(4) and (D)(8) Street Access Standards for through streets, connections to the existing road network and cul-de-sacs. (Donna Wynant, Case Manager)

Commissioner Hiatt moves to approve wall variance in accordance with Chapter 14 6.2(D)(3)e)(ii) specifically related to the special circumstances existing in Criterion 1, that special circumstances making it feasible for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14, that the intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14, the variance is the minimum variance that will make possible the reasonable use of the land or structure following the factors considered 4a and 4b particularly, and criterion 5 that the variance is not contrary to the public interest, second by Commissioner Abeyta, motion passes 5-3 roll call vote.

Roll Call Vote: Motion passes 5 to 3 – roll call vote

Commissioner Hiatt moves to approve pursuant to section 14 6.2(D)(3)e)(ii) street access standard of variance particularly that the variance meets criterion of one more of the following special circumstances required as pointed out in 1 thru 2A and B, Criterion 2 special circumstance making it feasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14, that the intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14, that the intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14, second by Commissioner Abeyta, motion fails by roll call vote, 6-2.

Motion fails: Roll call vote – 6-2

3. Case#2016-108. Thomas Business Park Master Plan Amendment. James W. Seibert and Associates Inc., agent for Thomas Business Park Home Owners Association, requests approval to amend the Thomas Business Park Development Plan to increase the approved 20% lot coverage requirement to 30% and to increase the approved height limit from 24 feet to 30 feet. The property is zoned I-1-PUD. (Dan Esquibel, Case Manager)

Commissioner Propst moved to approve Case#2016-108 - Thomas Business Park Master Plan Amendment – with the condition of approval as modified in discussion that the applicant will work with staff on bicycle trails understanding that if it can't be met with good and sufficient reason it would expire, second by Commissioner Hochberg, motion passed with a roll call vote of 7 in favor.

4. Case #2016-109 B&L Land Preliminary Plat and Variance. Jenkins Gavin Inc., agent for B&L Land, LLC request Preliminary Plat approval to divide a 3.89 acre parcel into two lots of 1.34 and 2.55 acres. The request includes a variance to permit an additional lot to be served by a private road that does not meet the requirements of Table 14-9.2-1 Design Criteria for street types. The property is located at 145 Brownell Holland Drive, and is zoned R-1 (Residential one dwelling unit per acre). (Dan Esquibel, Case Manager).

Commissioner Propst moved for approval of Case #2016-109 B&L Land Variance, second Mr. Hochberg, motion carried by unanimous voice vote.

Commissioner Propst moved for approval of the preliminary plat with conditions, second by Mr. Hogan, motion carried by unanimous voice vote.

5. Case#2016-112 942 Old Taos Highway Street Setback Variance. Drew McDermott requests approval of a variance to a subdivision plat front yard setback standard of 25 feet (as stipulated by the Selvista Addition subdivision Plat on the subject Lot A-1) to allow a detached garage to be located 7 feet from the front property line, which is the standard city setback for garages with vehicle entrances perpendicular to the street. The property is located at 942 Old Taos Highway and is zoned R-3 (Residential, 3 dwellings per acre). (Donna Wynant, Case Manager)

Commissioner Hogan moved for approval of Case#2016-112 942 Old Taos Highway Street Setback Variance, second by Mr. Hochberg, motion carried by unanimous voice vote.

G. Staff Communications	Discussion	26
H. Matters from the Commission	Discussion	26-28
I. Adjournment	Adjourned at 9:30 p.m.	29

PLANNING COMMISSION
Thursday November 3, 2016 - 6:00pm – 9:30pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Vince Kadlubeck on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present

Commissioner Vince Kadlubek, Chair
Commissioner Brian Patrick Gutierrez, Vice-Chair
Commissioner John B. Hiatt, Secretary
Commissioner Justin Greene
Commissioner Sarah Cottrell Propst
Commissioner Mark Hogan
Commissioner Piper Kapin
Commissioner Roman Abeyta
Commissioner Stephen Hochberg

Members Absent

Others Present:

Mr. Greg Smith, Current Planning Division Director and Staff Liaison
Mr. Zach Shandler, Assistant City Attorney
Donna Wynant, Case Manager
Dan Esquibel, Case Manager
RB Zaxus, Staff
Ms. Lisa Martinez, Director of Land Use
Sandra Kassens, Traffic Engineering Staff
Fran Lucero, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Planning and Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

Staff noted as indicated on the agenda, New Business item 1. –Postponed until December 8, 2016.

Commissioner Hiatt moved to approve the agenda as noted, second by Commissioner Hogan, motion carried by unanimous voice vote.

E. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

Minutes, October 6, 2016

Stenographer to note changes on behalf of the Commission.

Commissioner Greene moved to approve the minutes of October 16, 2016 as amended, second by Commissioner Hochberg, motion carried by unanimous voice vote.

Findings and Conclusions:

Case #2016-99 Arts and Creativity Center General Plan Amendment and Case #2016-89 Arts and Creativity Center Rezoning

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Case #2016-97 165 Brownell-Howland Escarpment Variance

Commissioner Hogan moved to approve Case #2016-97 as presented, second by Commissioner Hochberg, motion carried by unanimous voice vote.

Case #2016-96 2051 Cerros altos Escarpment Variance

Commissioner Greene moved to approve Case #2016-96 as presented, second by Commissioner Kapin, motion carried by unanimous voice vote.

F. NEW BUSINESS

1. An Ordinance Amending Subsection 14-8.10 of the Land Development Code to Permit Placement and Construction of Electronic Reader Board Signs to Facilitate Wayfinding and the Dissemination of Information in Real Time on Local Services, Programs, Activities and Events in Accordance With a Real Program; and establishing certain guidelines on electronic Reader Board signs.

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Staff Report:

This is an expansion on the development to the West. Juno Architects is the representative for Dan Rowe. Motions need to be made as listed under the recommendations, various maps and reports are included; it is at the very south end of Airport Rd. There is a cul-de-sac at the end of that road and the development is to the west. It is an older development and was built when it was in the county, research did not bring forward any additional information other than it is an older storage facility. The vacant parcel to the east of that is proposed tonight before the Planning commission and the request is to consolidate the two parcels. The property is surrounded by non-residential development and zoning with the exception of what is to the east which is a mobile home park. The last development reviewed in the past (2009) was Natures Creations and that was a development that was its own entity, it is nothing like tonight's request that is an expansion of an existing business. There was a lot of discussion there with the easement to connect the cul-de-sac from Academy Rd. which is further to the south to Camino Entrada.

Exhibit A in the packet (shown on the overhead is a view of the cul-de-sac) shows the layout of the various streets, future bicycle trail that doesn't run through this property but through the side of the property. At the time of Natures Creations there was a lot of discussion about the importance of the connections. (FYI: Commissioner Gutierrez and Commissioner Kapin requested the minute transcript from the Public Hearing regarding Natures Creations). The applicant will speak to this and their interest in not having an easement through that property; this would result in having a road going through their development. The City Code and General Plan encourages city staff when there is an opportunity, to connect things following the appropriate criteria that needs to be met, (information included in the packet). A question that has been asked is about the

connection of the cul-de-sac to the south. With the late communications, staff provided the Planning Commission members with a response by John Romero, City Traffic Engineer that addresses some of the questions related to access. (A member of the Traffic Engineers office was present at this meeting to answer any questions). There were also questions about drainage. (Memo from City Staff, November 3, 2016). There were also questions related to parking. Staff stated that they are required to look at street connections and these are the items that they are requesting in the variances. There is a requirement to have bicycle racks in non-residential development and parking at this location isn't a problem as you don't park in a parking lot you park in front of your storage unit. It doesn't make sense in all developments but staff will review carefully when it gets to the permit level. On the existing location there is a resident care manager office and residence upstairs so we could require bicycle racks at that location. Staff has done a drive thru site inspection; there are opportunities for connections. There are fenced areas with no gates; most mobile home parks are gated entries. Many storage units are required to have a masonry wall if they are adjacent to a residential development, if they aren't 100 feet away from the residential development they have to double up on the landscaping. Typically it is 15' commercial to residential, 15' landscape which needs to be doubled up to 30'. Applicant is requesting and proposing to retain the existing wood fence with concrete columns. They are meeting their landscape requirements; they won't have any work areas facing the residential development. It is well screened right now at 7' and you can't see through it.

Dan Rowe, Airport Road Self Storage, 3929 Academy Road, Santa Fe, NM (Sworn in)

Thank you so much for considering this. We have been in existence since 1986 and have had the same manager for 30 years and it has been a great way to serve the community and we hope to add to that relationship in a way that makes sense. The importance of granting this variance as it relates to the road is important. Mr. Rowe has had the opportunity to meet with Mr. John Romero and the reality of the feasibility of making this a requirement in this department doesn't exist. My initial study with the help of Kevin Juno, the connection is not part of the MPO or the SW Master Plan; although I know there is importance for the city to get connectivity where available and this is not a high priority sight for that. Also, with the improvement of Airport Road the turn in and turn outs it seemed to be on half land so connecting this to a heavy commercial area I think would invite heavy equipment. Right now the left turn in is suitable for possibly an SUV. There are a couple things physically that will prevent that from happening. I wanted to point out that maybe this easement isn't as perfected as it is being shown to be. I see portions of that easement have been vacated, (highlighted in pinkish red) and maybe having to regain that to get that 50 feet as required may be tougher than expected. Also, I think there may have been a mistake in noting that the existing Airport Road Storage has a 45 foot road easement. That is not exactly accurate, I have a Survey recorded that part of the easement has been vacated and is down to 25 feet. It would mean that there would be about 1 foot to the store and it would overlap and come about 4-5 feet to the manager's apartment staircase. There are some imperfections in the thought that this is feasible. The businesses that are around there are not drive by businesses; part of what we treasure on Airport Road is the security. That is why when the new plan was developed and the Sky West Subdivision went in which was approved by Santa Fe County, and I wasn't around for the extra territorial task force action but they approved the project with the envisionment and construction of a cul-de-sac and a matching wall and fence around the project very nice and uniform to have that barrier with neighbors that exist to this day. You mentioned a previous project

that came in here and I wanted to point out is that the 25 foot easement that may be proposed here would actually require an additional 15 foot setback. If you look at the requirements to build a self storage, according to Mr. Juno's calculations we lose 55% of the buildable lot in this scenario, how would we build a city street through this area and the cul-de-sac. It is a private road and we can't issue parks for people to open the gates to get through. We changed the character of the whole cul-de-sac and the privacy. I think the businesses that have been built there are for it now, I think that would change. The original approval for the development was for a cul-de-sac for self storage and the matching decorative wall. (Overhead view of the opposite side of the wall) We have trailer parks of this development so we are serving this community directly and it is a lot of our customers. You can tell that there is enough demand that we can expand. Part of the complication might also be is that PNM has an easement right now down the middle of the private road easement. There are buried utilities where you see the 35' power poles, those serve one of the trailer parks so there would have to be an alternate route for easements to re-serve and provide power to the mobile home park that is directly to the west. I know that a part of this variance is that if there are contradicting codes, which are confusing in an annexation area. If I heard discussion like that I won't say I am with you, it is hard to decide what could work and the right thing to do here. I also wanted to point out that there has been no opposition neither in writing or ENN meetings and we did two neighborhood mailer notifications and no one responded, so it is uncontested. This is zoned I-1 Industrial which I think right next to a residential is kind of a high impact use. So if we don't do storage we have to set back and envision what could go in here? It seems like a 20 or 30 foot building that does manufacturing and has heavy equipment and generates noise and traffic could go right next a residential area. I wanted you to consider the uses that could come up if we don't finish this plan that was approved in 2003. It invites another kind of business to that area.

If we could talk a little about the fence: This is a newer wall that was constructed to satisfy the current development plan for Sky West subdivision so the style, the color and I want to point out that before that requirement came in there was also a chain link fence that must have been developed by the mobile home park. They are enjoying security, privacy and probably a better look than we could achieve if we just had cement blocks going 8' up. To give you a view of what they are seeing right now, there are trees and landscaping that we don't want to disturb for them either, it is a nice uniform look and you can't see our self-storage. When they were talking about a visual barrier being created I was a little sad because we were making this really cool landscaping plan, water harvesting and trees. Because of the topography the self-storage units are 1 level instead of 2, we are only asking for 1 and after the fence it comes down several feet, we are not going to raise height or make something unsightly for them. We will abide by the 30' landscape barrier, I think it is going to look really great. Part of the requirement of 2003 was pretty pricey, what you don't see is that 1/3 of that wall and fence is a retainer wall that was also required. It is a sturdy structure and is dependable. If I could get back to a different kind of development and we went back to I-1 somebody can get I believe 10-15 feet of that wall and build. I know the last development request was for 21 feet, I asked for clarification on the code and I think you can go higher than that which would create a visual difference for the people that live there to see a big metal industrial building there. I think this is a better use and good service. With the variance request there was no negative response. One last thing I would like to add regarding the fence, if you are the slightest bit curious about the visual you can see a 6' tall person standing at the mobile home park that is adjacent to this property and you see the existing wall. Just so you know the

sight line of the proposed project, appears to be below what you could see if you are standing there. This is the end of my presentation.

The Chair opened the public hearing.

Public Comments:

Lorna Calles, 1030 Stagecoach Road, Santa Fe, New Mexico (Sworn in)

The reason I am here is that my sons own the business directly across the street – Construct Performance. What I would like to know, my sons on their way; is there going to be any security gates or cameras on this property and whether or not the property is going to be open all the way through to the other side. We don't have a plan we just got a letter that this meeting was being held tonight.

The Chair said that they would take public comment first and then have the applicant respond.

Public hearing closed.

Mr. Rowe responded that they have a video security system in place right now, which we plan to expand in to the new units. We have cameras and a visual monitoring system for that. I can't speak as to if the road easement will go through.

Planning Commission Member Comments:

Commissioner Hochberg: I would like to ask the applicant some questions about, and I will use the word "opposition" as opposed to in favor. What do you have against leaving this option of connectivity? Is it cost to you, you mentioned a lot of things. What is it you are telling us?

Mr. Rowe: I guess the main points are in opposition for this project is that the feasibility of a road would mean obviously 1 foot from our storage doors. If you can imagine a road going through a secured facility like that, what is the logistics of walking across the street with customers when there is a thru street, it just doesn't make much sense to split it that way I am very concerned about crime and having a drive-thru facility. We have been able to do terrific low crime, high occupancy there and part of that is the feeling that this is a quiet little spot. That is a giant take, to take almost half a property; that is almost an undue burden, I don't know how you would say that but taking half a property without buying it, that renders it pretty useless.

Commissioner Hochberg: I have one more question. In the testimony you just heard from the public, there was some indication that the first indication they had was the flyer to come here and yet you testified that there were meetings, you sent out a flyer that you had a comment period. To your knowledge did the businesses across the street receive that stuff?

Mr. Rowe: I am surprised; there is a gigantic yellow sign 30 feet from their entrance. But we did do the ENN process and I think I saw it noted in the packet that you have today with the staff report so there were a couple touches that included that.

Commissioner Abeyta: I am familiar with the property because I get my vehicle serviced at Construct. I don't think that a thru street would make sense but I would be interested to see what Construct's position is because I can see that they are going to be impacted by this.

The Chair noted for the record; the question is; would Construct be interested in having a connection.

Commissioner Hochberg: Non verbal negative.

Commissioner Kapin: I have a quick follow up on the ENN with the neighbors, was there any direct communications with the 3-houses that look like they are right up against the wall?

Mr. Rowe: The reluctance might be, those are rented spaces so maybe if they feel like they don't have an ownership interest it doesn't apply to them, but I am only guessing.

Commissioner Kapin: And, there won't be entrances to the storage unit back there but will cars be driving back there behind that building, what is it going to look like back there? Will cars be driving around back there with headlights.

Mr. Kevin Juno: 7925 Bosque Street NW, Albuquerque, NM (Sworn in)
This is a site plan showing the layout. Mr. Juno explained the strip against the fence wall of the mobile home park is a 30' landscape proper. It is also the water retention area. No one will be driving back in that area; it will just be landscaping, retention area, that sort of thing. This long building creates a visual barrier between the mobile home park and the self-storage facility. The back wall that fronts on that landscape area will be a solid wall, there will be no vehicles coming and going there. There are no doors that will open or close. The first driveway you come to will have doors on both sides for the units and another driveway for other units. The overall plan, speaking to the other comments that came about; why is it important to not have that access drive? This is a view of the existing facility (apartments, office and those who check in and the direction they take to the facility), if that didn't happen and the road went through there you can see that part of it is road and at first it cuts the facility in half, it is no longer one facility. The second thing that happens is when that easement goes in there is a 15' setback now that comes in. This is another lot, it is no longer a lot consolidation. It takes another 15' away and because of the storage facility adjacent to the residential area, instead of having a 15' landscaping buffer we are taking another 15' for a 30' landscaping area. We have cut this facility down by taking so much over here and there and we are left without about 55% of what we asked for.

Commissioner Propst: Does the applicant need to satisfy all 4 of the criteria to be approved. Referring to staff memo, page 5 of 9. The reason I ask, I am not persuaded they have met the criteria in all of these categories. Criterion 1, they are probably correct they have at least one. Criterion 2 the special circumstances make it feasible, for reasons other than financial costs, to develop the property in compliance with the standards for Chapter 14 – with regards to the fence, I don't see how that could be answered in the affirmative. Criterion 4 – the variance is consistent with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

Can the property be used for less intensive uses? I think they have met some but not all.

Mr. Shandler: If you don't think that staff has proven any of those you can request more information.

Commissioner Propst: I don't but I can't speak for my fellow commissioners.

Mr. Greg Smith: Mr. Chairman, Commissioner, staffs language as mentioned is not the same as other staff reports, they must be either 1a, 1b, 1c 2 and 4 and they must meet each and all of them.

Commissioner Propst: I think they meet 1B, I don't think that they meet 2 or 4, 4a or 4b.

Chair Kadlubek: With regards to 4 do they have to meet either 4 or 4a or 4b or are they all three suppose to be met?

Mr. Greg Smith: Mr. Chairman, Commissioners, the basic criterion has been presented and the Commission must make the final decision and the Commission should consider 4a and 4b in determining what is reasonable use.

Commissioner Propst: I can see why it would be hard to tear down a 7' wall to build an 8' wall when the wall has been there and has provided a barrier but we also have an obligation to abide by the criterion.

Commissioner Kapin: I have the same notes and I don't think that the argument is strong enough specific to the fence. It doesn't seem to meet the criterion but it is marked yes in the report.

Commissioner Hochberg: If it is going to make the fence more attractive, than why are we pursuing these regulations on these barriers.

Mr. Smith: Mr. Chairman, Commissioner, the financial burden was not a staff recommendation; the code requirement is for an 8' wall masonry wall or concrete wall. I am not going to substitute my judgment for the requirement. This was a specific requirement that was passed in 2003 by the city council.

Commissioner Hochberg: Are the barriers that are there now not in conformance with what you are describing?

Mr. Smith: It does not conform; if it was built before annexation, probably before 2001/2002.

Commissioner Gutierrez: Mr. Rowe, were you the original builder?

Mr. Rowe: No sir. It was around 1985-1986.

Commissioner Gutierrez: I am looking at the Planning Commission minutes of 2009 in here it says

that the facility was encroaching on the easement. When you purchased it were you aware that the way this facility was built was encroaching on that easement?

Mr. Rowe: For clarification to make sure we are well informed, I think you have been told in a previous report that it was built on a 40' easement but I want to make clear that the survey that I showed you, that 15' of that 40' road easement has been abandoned. So the existing storage facility right now is not encroaching with the exception of a staircase that goes to the Manager's apartment. What made me feel confident at the time of purchase is that there was a building permit issued for all of this. At that point, the Sky West Sub-division, which is the annex area we are trying to build in to already had an approved a wall that was matching with the whole sub-division, a cul-de-sac was already constructed and on that there is no requirement for a 25' road easement. So I felt confident.

Commissioner Gutierrez: (Read from the minutes of 2009). – Dan Esquibel, Case Manager at that time. That Commission did not see fit to have an easement going through their property. The city would like a 40' easement for transit for the sub-division and it says that staff was trying to eliminate the encroachment. Commissioner Gutierrez continued to read verbatim from the 2009 Planning Commission minutes. Mr. Smith has your position changed?

Mr. Smith: The statements that were made to the Commission were accurate; staff has more information now than previously. The traffic engineer commented with regards to the lack of the functional connection in that location. The other issues that have been identified by staff, in 2002 when the Extra Territorial Zoning concept concluded that a cul-de-sac coming south through Airport Road was an option. In 2009 the Planning Commission gave the opposite conclusion that it would be less appropriate. The fact is that the existing private road is not built to city standards. There was conflicting information between my department and the traffic engineer. I don't want to say that it is not important to remove the option for the road extension, it may not be critical but it may be practical and it may be more important in other cases. I am not sure if that directly answered the question.

Mr. Shandler: The 2009 staff report, this was a condition for approval and it was approved. 2016, it is not a condition for approval in the staff report.

Commissioner Greene: Did you look at any other access from the other side of the street right to your door step and the gate?

Mr. Rowe: I have no interest in that whatsoever.

Commissioner Greene: You might have better access from the other side.

Mr. Rowe: I would have to look at it from a Traffic Engineer standpoint and it is a security question to have two entrances to a facility like that. It might be a benefit to the city that I wouldn't oppose if you are going to vacate that property behind me where there was the possibility of the road continuing. Maybe another property adjacent to it would be more interested for a better use.

Commissioner Greene: I have questions for the Fire Department; I don't see the Fire Marshall here. I have traffic questions; the next thru street to the Valdez Park is a street with great congestion and a problematic cut-thru street. The on-way street further to the west is a street with two major schools and more traffic problems. This street offers an opportunity to provide connectivity. It would solve so many problems. That is more a point rather than a question. The other question I have is about retainage, water retention on that east side those retainage basins look like they are smack up close to the storage lockers. From the bottom of the water retention pools to grade looks to be about 4 to 5 feet and from there to the other side of the retaining wall, on the other side of the trailer park it looks like 9-10 feet. I don't think you will be able to capture the water there; I don't think it is designed adequately at this point for us to see that. If you tear down the wall and put a retention wall and some other alternative capture, I don't think you can do this.

Mr. Rowe: I am sorry but I am not an expert in that field, I have to depend on what the Engineers have provided and deem adequate and hopefully in the permit process that can be identified. There is the possibility that if I had to bring my buildings back slightly to accommodate more space that could fit on this plan. I have been told that what is there is more than adequate. I am sorry that I don't have the technical knowledge of drainage.

Commissioner Greene: It says 3 to 5 feet of the wall to a retention pond.

Mr. Juno: The retention pond area is already here (shown on the overhead), there are a series of shallow ponds (5-6 in a row). It is not like it is cut all the way through the site so it is 7' on one side, each one of these ponds are shallow and as they fill up.

Commissioner Greene: I am looking more north on the plan, next to the trailer park. The trailer park is at about elevation of 99 and the bottom of your pond is about 90 which is a 9 foot grade separation between the bottom of the pond and it doesn't look like you will have the right slope.

Mr. Juno: Showed that there is a slope, and a shallow dip from the mobile home side. There is a slope on one side; there isn't a slope on the other side so you have a shallow dip for your retention area.

Commissioner Greene: I would like to see that section of the retention pond only the existing pond.

Mr. Juno: Those are the details that will be worked out for the Building Department phase.

Chair: Staff, were Commissioner Greene's concerns taken in to account in this process and are we able to trust staff guidance to resolve this issue or does this need to get ironed out tonight?

Mr. Smith: Chair and Commissioners, the notes that you received in your packets indicates that staff will insure that the safety in addressing the plan will abide by the building process and assure they have covered this site.

RB: The storm drains on this drawing are somewhat conceptual, I have not reviewed the calculations. Usually those are provided at the time of building permit. I do have a good sense from my past experience that what is showing is quite impossible especially with the idea of potentially water proofing the foundation if they are not 10' from the building.

Commissioner Greene: If they can't water proof the existing walls or the foundation for the mobile home park are the ponds going to be 10' from any neighborhood structure.

RB: I am not sure yet it depends how wide they have to be to get the volume in there.

Commissioner Greene: It seems like it should be at least 10' from their neighboring structure.

RB: As I understand the Building Code says it has to be 10 feet or water retention.

Commissioner Kapin: Isn't there a 30' landscaping.

Commissioner Greene: They are simultaneously counting the landscaping and the ponds as one. I don't know if that actually counts as a landscaping buffer at the same time.

RB: It does.

Commissioner Hiatt moves to approve wall variance in accordance with Chapter 14 6.2(D)(3)e(ii) specifically related to the special circumstances existing in Criterion 1, that special circumstances making it feasible for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14, that the intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14, the variance is the minimum variance that will make possible the reasonable use of the land or structure following the factors considered 4a and 4b particularly, and criterion 5 that the variance is not contrary to the public interest, second by Commissioner Abeyta, motion passes 5-3 roll call vote.

Roll Call Vote: Motion passes 5 to 3 – roll call vote

Commissioner Hiatt moves to approve pursuant to section 14 6.2(D)(3)e(ii) street access standard of variance particularly that the variance meets criterion of one more of the following special circumstances required as pointed out in 1 thru 2A and B, Criterion 2 special circumstance making it feasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14, that the intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14, that the intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14, second by Commissioner Abeyta, motion fails by roll call vote, 6-2.

Motion fails: Roll call vote – 6-2

Mr. Smith: The process is to ask the applicant if he wants to withdraw or accept the denial of his application or if he would like to submit revised plan. Or if he would like to accept a postponement.

Mr. Rowe: I think a Postponement would give me the time necessary to review this.

Commissioner Abeyta: Will you make sure traffic is here when we here this case again.

Mr. Shandler: Traffic is here. If you wanted to hear from her she was here. Those who voted no need to provide some oral instruction to staff right now in order to give direction to staff during the postponement level.

Chair: Those who voted no, they didn't meet the criteria.

Commissioner Gutierrez: Part of my decision was looking back at the Planning Commission minutes of 2009. Mr. Smith said that at this point they weren't requiring them to do a road or dedicate a road but not taking that option off for the future. Some of the other reasons, I think Mr. Rowe bought this property knowing there was an encroachment from the original facility about the easement. Mr. Rowe is in charge of both these properties; he has the ability to work with staff, to make an easement that is acceptable. It doesn't have to be 55'; they talked about this before they bought it.

Commissioner Hochberg: Maybe you would prefer to have a denial so you can go forward to the City Council.

Mr. Rowe: I wasn't prepared never dreaming to go against the staff report. I am a little set back, and unfamiliar with the process, it seems like the conditions were met. I put a lot of thought in to it.

Commissioner Hochberg: Who is it incumbent on if the easement has now surrendered to 25'. This whole application is predicated on an assumption that the easement is necessary and that it has come down to 25 feet. Now is that true?

Mr. Smith: There remains a 50 foot easement to airport road and 25 feet on the existing space, there is an encroachment, there is a 15 foot encroachment – if he would dedicate an additional 25 feet (inaudible).

Mr. Smith: With the commission direction, staff could determine if the applicant might make reasonable use of the property if it is used for the road.

Commissioner Hogan: My decision on the vote had to do with the issue of connectivity. The MPO makes it clear to make connections, the properties could make use of that, I think there are reasonable accommodations that could be made without sacrificing the use of the property. There is a possibility for trail connections that we have not been presented with, which is why I voted no.

Ms. Martinez: Commissioner Hogan brought up a good point; with the possibility of a postponement we could involve the MPO to review if these connections are feasible. I am not sure if this Commission's decision would have been different if you had heard directly from John Romero in Traffic. Sandy was here from Traffic and she might have had something to offer to change the direction of the decision. I do believe that Traffic has a definitive stance on some of these issues and we didn't have an opportunity to hear from them.

Mr. Smith, Commission at this point has a motion to approve the variance which has failed and the commission will have to take subsequent action to postpone.

Mr. Shandler: I would like to ask for the opportunity to have a postponement to bring the information here that hasn't been totally provided, specifically Traffic because we are not aware of the any city owned property in the area, current findings say there is a right of way and we might have the opportunity to provide the information.

Commissioner Hochberg moved to postpone until December meeting the consideration for approval of Case #2016-107, second by Commissioner Hogan motion passed by unanimous roll call voice vote.

Commissioner Greene reiterated his interest in hearing from the MPO on Trails as well as the Fire Assessment on fire exits at the mobile home park and pedestrian exits.

Chair: We should respect and listen to the feedback from the Commissioners who are representing their districts; we have representation from Commissioner Abeyta in this area.

3. Case#2016-108. Thomas Business Park Master Plan Amendment. James W. Seibert and Associates Inc., agent for Thomas Business Park Home Owners Association, requests approval to amend the Thomas Business Park Development Plan to increase the approved 20% lot coverage requirement to 30% and to increase the approved height limit from 24 feet to 30 feet. The property is zoned I-1-PUD. (Dan Esquibel, Case Manager)

Dan Esquibel: One of the issues with this particular project; this is one of those applications that the city annexed as part of the city-initiated annexation plan in 2009 and the city rules and regulations vs. the county rules and regulations were slightly different in terms as to what the county looked at as a master plan and development plan vs. what the city looks in terms of a development plan. We tried to accommodate that as best we can, settling differences between two types of ordinances that are in place. What it boils down to is during the agreement, when we annexed in a lot of those properties, the county agreed to accept those approvals that were delegated by the county and as we accepted those approval we have to work with the parameters pertinent to our rules and regulations, not necessarily the extra territorial ordinance regulations. The EZO is no longer in place; it was created to accommodate a 5 mile and 2 mile radius around the city limits where both the city and the county had sort of a joint review process. Through a memorandum of understanding (MOU) the county took the lead on that processed them through what was then the Extra Territorial Zoning Ordinance, again, no longer in place. In reality they are

all one, you will find that they have differences between what I-1 district allows vs. what was actually approved by the county, which when you read through the order it was a mixed use development that accommodated small scale commercial. Small scale commercial were a part of uses that were part of the Extra Territorial Zoning Ordinance, there was a list of uses that were part of that Ordinance and they cut that down to identify the differences between what they did and we allowed. We do not allow residential uses in an I-1 district, they are not a compatible use for that type of zoning. The county approved this as a mis-used development and the closest zoning that we could fix based on our rules and regulations was that I-1 and PUD to accommodate the development plan, master plan of the County. I hope that explains how that came to be and what they are trying to do here. What they are trying to do here, within that Ordinance and within that order the Board of County Commissioners, they adopted as a condition of that Order which was also a requirement of that Ordinance, 24 foot height limit and 20% lot coverage. What our ordinance actually allows is 50% lot coverage and a 65 height limit. When the BCC adopted those conditions that are ordinance driven as part of that master plan development plan for this particular project, they intended to actually make sure that it stuck with that development. Here they are asking to increase that to half of what we allow within that particular district by 30% lot coverage and we allow 50% and a 30% height limit where we allow 65%. There are some conditions that were attached to this and our trails people what to be able to utilize the road that runs through the Thomas Business Park as a trail easement. Originally the County was not about too many more roads so they required all developments at the time to create a home owners association, maintain their own roads and infrastructure through that home owners association and maintenance agreement through that whole organization. They also allowed the property lines to be built at the center line of those roads. Those roads became private roads during the process of annexation and during the process of acting the city to take over those roads. They included within the development master plan a process that took it from a private road to a public road, hoping that the city would be able to take over the road. Again the problem with that is that county road standards are very different from the city road standards. Even the very best county roads standards are not going to meet the design requirements that we accept for roads in the city standard. They are not in the agreement of the trails because they don't want the liability with the traffic going through there although we have made it a condition for approval. I did analyze what the lot coverage would be per lot as they exist today on page 3 of 6 so you would be able to see the differences of what they are asking for.

Mr. Shandler: I don't know how to write the Findings on this, it is titled Master Plan Amendment. Mr. Siebert's group provided the criteria for the Master Plan and then it says the development plan is part of the criteria plan. I don't ever know which criteria we use in the findings.

Dan Esquibel: I understand that and this is why I provided the opening on the differences between the city and county approve their documents. Back in time when I was there they identified that at qualifying levels of services they developed master notes and you came in on a Master Plan. But that Master Plan was also a development plan. The idea what if you got that approved you could get your building permit subject to that. It got more restricted to that through the review process but that was the idea. I think that for this case we would probably look at this as a development plan under our eyes amending the master development plan of the Thomas Business Park approved through the Board of County Commissioners. It will be odd because of our ordinance;

separates the master plan and separates the development plan and the way the Extra Territorial Zone reviews master plans/development plans through this process.

Mr. Smith: Mr. Chair, Commissioners, to summarize this, staff is confident that if the Commission votes as recommended to approve I-1 on Thomas Business Park that you will be in compliance with the I-1 district.

Commissioner Hiatt: Mr. Smith – Mr. Shandler, if we are going to approve this are we going to approve the _____ plan amending the master plan approved by the Board of County Commissioners.

Mr. Shandler: Yes, that is correct.

Victoria Dalton, 915 Mercer Street, Santa Fe, NM (sworn in)

The main reasons we are opposed to the trail easement through the park as staff has mentioned, each individual lot owner owns a portion of sidewalk along the road and also the homeowners association maintains the park itself. That goes together with the liability issues, so if there is a pot hole in the road or there is a buckle in the sidewalk and somebody falls down riding their bike or trips walking down the easement, this goes back to the homeowners association and the individual lot owner and they are opened up for financial law suits, doctors bills; those are the two main reasons we are opposed.

Sandra Kassens, Traffic Staff: This project grants public access, it doesn't say public vehicular access. They don't have a gate for pedestrians where they have fire and emergency exits. MPO recommends making an access. There is a trail about 4 miles from there which they will need to have a connection. We could have a trail connection from the cul-de-sac to the easement and when the trail would be built it would connect. We did not have any conditions; Keith from MPO had the restrictions.

Chair: In this request, who does the up keep of that trail?

Mr. Smith: There is training in Chapter 14 where the Commission can require and make that indication. The Commission can adopt with assigned maintenance. If it is on publicly owned land city will assume the cost, if it is on private land it is the owner's responsibility for upkeep.

Commissioner Kapin: The agreement by the applicant to record. Without the applicant, who is going to be responsible for the liability, I am all for connectivity, I understand the liability. I need clarification.

Mr. Hochberg: Right now on the property do they have sidewalks?

Ms. Kassens responded, yes, this is already an issue and people walk on the sidewalks.

Commissioner Kapin: I am not against it, but we connect a major trail to this, then we are inviting more problems. They have the liability but we are talking about a higher amount of traffic.

Ms. Kassens showed the options to the Commissioners by visual aid.

Commissioner Kapin: The street is private right?

Ms. Kassens responded, yes.

Mr. Smith noted if the MPO understood that there was a pedestrian right of way using the sidewalk it may have satisfied the request.

Mr. Esquibel: If you look to the west of the cul-de-sac, further north there is a planned trail, when I spoke to Keith he said it would be good to have a good connection for this planned trail. Owners will only allow for those who would enter and conduct business in their property not for the public who would use it for a trail. Maintenance and liability is a concern. We could conjure an agreement with the owner to work with Keith from the MPO and the applicant to discuss those issues. If we don't reach an agreement we would bring it back.

The applicant will work with staff on a trail for bike and public road. If the applicant does not agree with the city they have the option to come back to the Planning Commission.

Chair: We should postpone the case.

Commissioner Gutierrez: Ms. Dalton, are the lots sold in the cul-de-sac?

Ms. Dalton: The lots are all vacant and owned by separate lot owners. The reason we bring up the public access issue is because there was an agreement that the city would take over maintenance.

Commissioner Hochberg: The emergency gate, where does it come from?

Ms. Dalton: It goes out to the Tierra Rael private area.

Commissioner Propst: How is this type of issue addressed?

Mr. Esquibel: We had a similar process with the hospital. Here you have multiple owners and homeowner associations with their separate insurance plans, they want to have the city take over, and because of the easement it cut them short. From the financial institutions they couldn't borrow for the easement. They don't have the financing and they are worked up about this.

Keith at the MPO is looking at the public connectivity; connecting Airport Road is a goal. He did not look at the complexity of the case. It would be good access for the city if we could come up with a reasonable solution with the Home Owners Association and Staff.

Mr. Hochberg: Would it be fair to say that you would like us to approve this with the hope that we get a trail, the condition would be if it isn't met, then the application would not be approved.

This will be approved with a condition that you continue to discuss in good faith with staff to do the trail, if it fails for good reason, it would expire.

Commissioner Propst moved to approve Case#2016-108 - Thomas Business Park Master Plan Amendment – with the condition of approval as modified in discussion that the applicant will work with staff on bicycle trails understanding that if it can't be met with good and sufficient reason it would expire, second by Commissioner Hochberg, motion passed with a roll call vote of 7 in favor.

Commissioner Greene: Was excused to leave at 7:30 pm

4. Case #2016-109 B&L Land Preliminary Plat and Variance. Jenkins Gavin Inc., agent for B&L Land, LLC request Preliminary Plat approval to divide a 3.89 acre parcel into two lots of 1.34 and 2.55 acres. The request includes a variance to permit an additional lot to be served by a private road that does not meet the requirements of Table 14-9.2-1 Design Criteria for street types. The property is located at 145 Brownell Holland Drive, and is zoned R-1 (Residential one dwelling unit per acre). (Dan Esquibel, Case Manager).

This particular project, Page 3 of the report there are some good graphics that will describe this as we move along. In 1995 we had a parcel of land that was originally divided back in the same year. Within this particular land you had three dwelling units. The addresses are, 145 – 155 and 165. On March 3, 2016 the lot that has 155 and 165 were united and went through a summary review process. Lot 145 was not touched. During this process they came in and they did a lot line adjustment between 145 and 155 facing one lot on 155 and another house at 145 and then the pond was on the larger piece of property. When they originally came in to discuss the lot split, they believed that the original lot, if you look on Page 4 where it identifies just 145, it looks like #1. On that particular lot, through its approval went through a time frame of 5 years between when it was approved and when it was adjusted. During the review process when we looked at it, we decided through our interpretation of Chapter 14 that it triggered a serial subdivision. We had a meeting, the city attorney was involved, Ms. Jenkins was involved to discuss how we believed it triggered a serial sub-division and it no longer qualified as a summary review process. A summary review process only allows one block within 5-years after that it becomes a sub-division following the sub-division rules and regulations. The applicant agreed and resubmitted the application for a preliminary plat approval. What is being created out of all this is an additional lot from that approval and this is the only lot that will have the ability to construct a new single-family dwelling. The rest of the lots that were on this property have already contained single-family dwelling meeting their minimum requirements, actually maximum requirements for a single-family dwelling. The impact on Brownell Road would be an impact on one single-family dwelling because the rest of all the family dwellings have been constructed, they are in use and there. This is one of the reasons why when they originally did the lot split in March of 2016, they didn't trigger a variance because they weren't adding a single-family dwelling, they were only adding the possibility of a new dwelling to come in now with this particular sub-division process. So with that as a direct result of not being a summary reprocess, we had to expand our review globally to look at all four of the lots that were created to look at the impacts associated with those particular lots even though the impacts of the other lots already contained single family dwellings. The applicant has

submitted that, it has gone through the Development Review Team (DRT) process. The DRT process with the exception of the Fire Marshall who always has conditions. The balance of the DRT had no real concern with the creation of that one lot for the purpose of a single-family dwelling or its impact on to Brownell Holland Road. We looked forward, and we looked at utilities, they will be accessed by Brownell Holland Road. The Fire Marshall here and he can explain his technical responses. Sandy is here from Traffic for any questions. (Mr. Esquibel included pictures in the memo so you can see Brownell-Holland Road, and it is a paved road. They have done very well for the limited access that they have which is going to affect how I approach the variance standards, variance criteria when I was reviewing the variance standards. When you get to terrain, the terrain management is very difficult in each lot. Each lot has its own terrain qualities. It is hard to say how each individual lot differs in terrain from everyone else. It is all within the mountainous and difficult terrain. What the mountainous and difficult terrain does, when you look at the R-1 zoning, and you multiply R1 x the acres that they have it gives you a value. That value when you eliminate the decimal point x .75% and it reduces the overall value to that number. Now each lot is reduced from its original allocation of 1 house per acre to less than that as a result of the mountainous difficult terrain calculation. If any of these lots are in flood zones we further subtract from there as well. When we look at the first variance criteria and identify the uniqueness and qualities of this particular lot associated with the existing conditions, we found that it did meet the criteria identified as a unique piece of property, meeting that criteria for the first condition allowing us to move forward on the variance. We haven't allowed a variance to move forward if it didn't meet the first criteria of the variance standard. That is the qualifying factor, do you have a unique condition associated with your piece of property that would allow this particular project to move forward with the balance of the variance to be heard by the Commission and then we move in to the next additional criteria which we believe has a direct result of the existing condition associated with that and the way the criteria is structured, they met that criteria.

Mr. Esquibel asked if there are any questions on any of the numbers as to why they evaluated.

Questions from the Commission:

Commissioner Hochberg: I want to know about the private road?

Mr. Esquibel: Brownell Holland is a private road, it is not a public road, and the city does not maintain in, it is already there.

The Chair would like to hear from the applicant to follow with questions after her presentation.

Jennifer Jenkins: Jenkins Gavin (sworn in)

I am here on behalf of Louise Egolf, the property owner. What is on the screen is an aerial of the Brownell Holland Road – it is a paved private road and it was originally created in 1930. The subject property is about 3.9 acres and up against Brownell Holland Road is Ms. Egolf's home as the remaining property. 155 – 165 Brownell Holland Road location was pointed out. The access coming in from Brownell-Holland road was shown with the proposed property line creating a 1.3 acre lot and creating a developable 2 ½ acre lot down the hill. Proposed lot line, subject property, we would create for one potential dwelling on the lot.

Based on the 39 homes that have access Brownell Holland Rd. within a 20' access easement, the road width varies from 14-18 feet, it is generous and passable. When I looked at the code to find out what the classification for the road would be; it would be a sub-collector which would require 42 feet of right-of-way, 18 feet of dry surface, 5 feet of sidewalks on both sides. It is an urban suburban standards that is appropriate in Casa Solana, it is appropriate in Casa Alegre, it is appropriate in a lot of our neighborhoods. That is the standard that you see in R4 – R5 types of neighborhoods. This is inappropriate for this site, this is a mountainous neighborhood with large lots, it is zoned 1 dwelling per acre and we felt seeking a variance was the way to go. I met with the Fire Marshall Gonzales and invited him to visit the property with me and I explained what we were proposing, I explained that the access we were proposing would be shared with the existing dwelling and we would be constructing a new driveway that would come down and access the buildable area. We looked at Brownell Holland Road and talked about the fire protection measures that would be necessary in this location and he let me know what needed to be done and he said if we could do as he directed he had no problem. He said, "Brownell Holland Road, I have no problem." There will be a condition on the subdivision plat that will state that any new construction must have automatic fire suppression, in addition we have to have an actual water supply available at that property. There is a public water line that has recently been replaced by the City and Brownell Holland Road but there is not capacity at those hydrants that is adequate. In addition to a sprinkler that would be in any home and constructed here there will actually be water storage for additional fire protection. This would be the safest property in the entire neighborhood. We have agreed to all of those conditions. In addition I talked to John Romero, City Traffic Engineer and I showed him the access, we would create a buildable lot, how do you feel about the road, I need to ask for a variance. Mr. Romero said, "I don't have a problem". Mr. Romero said there would not be any significant impacts from one new dwelling, the road is in good condition and he was good to go. With that critical feedback I received we decided to proceed with the application. We are in an area of escarpment; it is on the Ridgetop District and the other side of the road is Foothill District. The new lot we are creating is not in the escarpment district. In communication with the neighbors, there was concern about Old Bishops Lodge Road, it is also a private road, we do not have right of access from Brownell Holland Rd. – there is some drainage, there is a culvert that crosses Bishop's Lodge Road.

Ms. Jenkins said she wanted to put on the record the *conditions* they agree to on this request. After the plat is approved, this is a preliminary plat, we agree to cleaning the culvert, restore the drainage ditch on the Bishop's Lodge side, reclaim the driveway area with vegetation and landscaping, vehicular gate will be removed and extend the fencing, put a note on the subdivision plat that there is no access permissible through Bishop's Lodge Road, this way if there is any future owner of the property their access is through Brownell Holland Road.

Public Hearing:

Brian Egolf, Santa Fe, NM (Sworn in)

Applicant is my aunt and my dad and I am here to support them. This is the area I grew up, I don't know if you are familiar with the road and the property. I want to speak briefly as to what the variance is for. It is not an application for variance for escarpment and other things. This is a

variance and requirement to put sidewalk along Brownell Holland Road from Bishop's Lodge Road to the area where the driveway will be located. Basically to say that the requirement of 5 feet of sidewalks on either side wouldn't be necessary for the new lot and it is referenced under Page 7 of the staff memo. The first variance approval criteria, staff talks about on Page 8, I want to thank the staff for the amount of work that has gone into this. My aunt and dad and their team of folks have really tried to work with the neighbors on Old Bishops Lodge Road and the neighbors on Brownell Holland to make sure that all the concerns have been addressed as best as possible. We are talking about the physical characteristics that distinguish the lane of structure from others in the city that are subject to the relevant provision of Chapter 14. When you look at the aerial showing the picture of steep slope, creating 5' sidewalks is impossible. There is just no way to dig up against the mountain and support the sidewalk in order for this to turn in to a sub-collector road. Having driven on this road for many years, never did we see any traffic issues even and up to including construction and there have been 3 major projects of new homes, one directly across the street, with tremendous amount of equipment and labor force. We didn't have much of an issue, and neighbors have always been accommodating and friendly. I would respectfully ask that you grant the variance so the new lot can be created.

Marcus Randolph, 160 -170 Brownell Holland Rd., Santa Fe, NM (sworn in)

Mr. Randolph provided the Commission members with a letter from himself and his wife (Exhibit B attached). Mr. Randolph read the letter verbatim in to the record.

Mr. Randolph noted, if you look at the screen you can see the pond; this pond is bigger than an Olympic swimming pool and holds more water than an Olympic swimming pool. It occupies about 1/5 of the acre ± and it has a long and decisive history on Brownell Holland and Bishops Lodge Road. It was built in the early 1980's and was the subject of a lawsuit thereafter. (Continues to read from the letter).

This driveway is about 300 feet long, slopes over 15% well over the 10% - fire department recommends 25 feet, there is no turnaround for the fire truck, we would like to have those issues addressed.

Brownell Holland Rd. – We want the applicant to help maintain the road; we want them to participate in the maintenance and snow plowing of that road.

John Camp, 524 Camino del Monte Sol, Santa Fe, NM (sworn in)

155 -165 – I live at the property directly east of the subject property. I have only one concern and that is the driveway because it is a very deep slope, it drops about 100-300 feet. (Mr. Camp continued to show the long road that goes to the same point and over the edge and drops down on the overhead). I don't think there is an area in Ski Santa Fe that is that steep. If the city can guarantee that the engineering has done properly, I won't worry about too much. The problem is that it seems like they will have to cut some switch backs in to the road, that they are going to have to build embankments to contain the dirt that they move. There is no question that they can get a fire truck up there, but you could not get the fire truck back up once you get it down there. I want to make sure it doesn't de-stabilize the hill. My property, I have the two green areas on the right that overhang the lot and Ms. Egolf's lot so I am a little worried. I am curious, when we got

approval for our houses on the two, a lady from the city came and stood at Bishop's Lodge Road city limit sign and looked down the hill and she said; "you have a problem we can see a corner of your house above the trees". She said that was a problem and would eventually need to be handled with a variance. This is going to be new construction that goes straight down that same hill that will be visible from the same place and fairly dramatic, I would think. Those are the two issues that I have.

Close Public Hearing

The Chair invited the Commissioners to ask any questions specific to traffic.

Commissioner Propst: We are hearing concerns why is the preference from Brownell Holland Rd. vs. Old Bishop's Lodge which is more reasonable access to the property.

Mr. Esquibel: With regards to both roads, at the beginning it goes out at Bishop's Lodge Road and it borders this property and then you have Brownell Holland Road which also borders this property. The problem with old Bishop's Lodge Road is this particular applicant does not have rights to access Old Bishops Lodge road. It is a private road just like Brownell Holland Road. In our discussions the applicant has asked to gain access, he was denied by the people who own that easement. The applicant has agreed to remedy the road pertinent to the wishes of the people that are directly affected. I believe there was a hand shake agreement long with that road long ago but they are ready to remedy that today to the satisfaction of the neighbors to get this resolved. Applicant has to access Brownell Holland Road vs. Old Bishops Lodge Road unless the entire association that owns Old Bishops Lodge Road gives him entire access.

Commissioner Hiatt: I would like to hear from the Fire Marshall. I don't suppose you have seen this letter from Mr. Randolph and his wife. Can you address the concerns in letter, page 1, paragraph 3? Do you have an opinion now and does it change the opinion that you had before and can you tell us what it is?

Fire Marshall: R. Gonzales

Fire Marshall Gonzales said he did have an opportunity this evening to peruse the letter. We did address all these issues when I did the site visit. There is nothing in the letter that would change my opinion, the applicant is willing to sprinkle the residence and have a water supply.

Commissioner Propst: Do we have any jurisdiction regarding the pond?

Mr. Esquibel: As I explained at the ENN, that pond has been there for a very long time. It is legal non-conforming and in regards to the water that fills it, those are issues that need to get addressed by the State Engineer not necessarily the city. The pond itself is accessing water from city services so that covers are end for the subdivision allowing for the 1 acre density. Altogether there wasn't much we could do with that pond or the ability to fill that pond as a direct result of the non-conformance. The condition of the land itself does not affect or intensify or exacerbate the non-conformity, which means that the applicant can maintain and keep what is existing without being compromised with the current application.

Commissioner Propst: We discussed lot splits at the Summary Committee, we did the first lot split in March and it was very straight forward, I was surprised to see this lot configuration with administrative change; what is the process, why didn't we see it all at once?

Mr. Esquibel: As I stated earlier, when this first came in the applicant's intent was to go through the Summary Committee. Because of the timeframe involved between when each lot was created, and I refer to the lot that looks like a #1, that occurred in 1995. For the city, you can only create 1 lot within a given 5 years, after those 5 years you can create another lot. When they did that one lot split that went through Summary Committee you all saw that it had the variance. When they adjusted the land between the original lot and split it off and the lot that they adjusted, we believed that it incorporated the area of land to create that sub-division. In which case they had 3 lots with left over pieces, they created 2 lots within a 5-year period which was not able to be processed through the Summary Committee process. It went through a sub-division process because it did not meet that criteria. As a direct result when we caught that, which was already deep in the review through the development process, we brought them in and we advised them that our analysis had revealed that they had created one lot within 5-years and this would be the second lot within 5 years.

Commissioner Propst: So it would never have gone to Summary Committee.

Mr. Esquibel: It would never have, it was already intended to go to Planning Commission but it was still the Summary subdivision portion that forced us to look at the entire sub-division regulations in order to make sure that it met all aspects vs. the summary aspect of it. We did twice the effort of review on this application on top of the variance requirement and it still has to come back for a final as a direct result of that process or had it not triggered the subdivision it would have stopped at this point with the variance and the final plat. It is a code process that we have to adhere to and they have agreed to go through that process. They could have argued that they weren't creating that and filed an appeal but they didn't, they chose to go through the process and go through the additional requirements.

Mr. Smith: The staff recommendation and staff analysis so far is that this lot can be developed with no variances other than road access variance. In staff's recommendation there would be no future escarpment or terrain management.

Commissioner Propst: I understand and it all makes sense but the process is unusual. Part of the case for step 1, why is this property unique to everything else. It seems like other properties on Brownell Holland Road have similarities. What are the prospects that other properties might choose to do something similar that doesn't have a road front. I want to make sure that we vet the possibility that we are not setting a precedence that we would approve a number of new lots around this area, is that going to be an issue.

Mr. Esquibel: Variances are very interesting, if a variance is granted it is not supposed to set a precedence, because you are looking at the variance to the uniqueness of the property. When I look at this, I looked at the terrain and what was around the property. Not all of the properties have

the severity associated with their property like this property. There were other properties that are more severe than this property. In this review and I will call it turbulence; every area in this region was unique. You have to look at each individual lot with its own unique conditions and then apply it to what it has around it, and if it is so unique to process it, at the end of the day it is up to this Commission to determine if we, the staff, evaluated to your satisfaction for Findings and Facts and Conclusions of Law, whether you approve it or deny it. In our view, we believe that it did meet the criteria in order to push this application forward through those unique qualities of the property.

Commission Propst: That makes sense.

Chair: With regards to the recommendation, several motions are going to be required for the variance of the plat, Land Use recommends approval for the preliminary sub-division plat. Does that assume you are also looking for approval of the variance?

Mr. Esquibel: Yes, you need to make separate variances, one for the road and one for the preliminary plat. The variance will not be moving forward for the finals, it stops here. You will get a final plat review which will meet the criteria of the preliminary plat that you are seeing here today.

Commissioner Hiatt: Ms. Jenkins, you have seen the letter from the neighbors. In your presentation you addressed #1 but did you address #2 which is returning the road to its normal vegetation.

Ms. Gavin: Yes I did, we said that we would reclaim the road.

Commissioner Hogan: My understanding on the serial sub-division of the code, if we were looking at this as a sub-division all at one time it would be complying, it would comply with the code.

Mr. Esquibel: Yes, that is true.

Commissioner Propst moved for approval of Case #2016-109 B&L Land Variance, second Mr. Hochberg, motion carried by unanimous voice vote.

Commissioner Propst moved for approval of the preliminary plat with conditions, second by Mr. Hogan, motion carried by unanimous voice vote.

Mr. Smith: Applicant will put the conditions on the plat of their own

5. Case#2016-112 942 Old Taos Highway Street Setback Variance. Drew McDermott requests approval of a variance to a subdivision plat front yard setback standard of 25 feet (as stipulated by the Selvista Addition subdivision Plat on the subject Lot A-1) to allow a detached garage to be located 7 feet from the front property line, which is the standard city setback for garages with vehicle entrances perpendicular to the street. The property is located at 942 Old Taos Highway and is zoned R-3 (Residential, 3 dwellings per acre). (Donna Wynant, Case Manager)

942 Old Taos Highway: Donna Wynant

The set-back requirements of 25' are noted on the plat. Typically in a residential district you can build up to 7 feet from the front property line. As you can see from the map, the lot is triangular in shape. It is a little over ½ acre in size. It has a lot of character and challenges with the terrain and topography. Executive Summary: (Read verbatim).

Exhibit: (Distributed to the Commissioners).

It was noted that there is no other entrance to the residence. Bridge is to the right. A letter of support has been received from the neighbor to the south. There was one letter received from one neighbor who was in opposition to this set back variance request included in late communications. The applicant is here to talk about the challenges he has with this property; essentially you can see the shape of the property, location on Taos Highway, the location of the garage, you would turn left on to a flat pad; that is about the only place you could build a garage. (Descriptions of locations – bridge are shown on the overhead). This property is very limited as to where you can build anything. To get to their house they use to have to go through an arroyo to get to their house, they got a permit and build a bridge.

Drew Mc Dermott, 942 Old Taos Hwy, Santa Fe, NM (Sworn in)

We have lived at this house for about 16 years. About 8 years ago we put a bridge in so we could walk from our house from where we park. Our biggest concerns are; our house is about 2,000 sq. ft. and we have run out of storage. I coach tennis at St. Mikes and we are out of space. We are looking to build a garage for storage and we have had a couple of break in's because we are so far from our house. The 80 ft. bridge spans the entire arroyo. The ½ acre they have has been reduced to about 1/3 of that due to these drainage issues.

Public Hearing Closed.

Commissioner Hogan moved for approval of Case#2016-112 942 Old Taos Highway Street Setback Variance, second by Mr. Hochberg, motion carried by unanimous voice vote.

H. STAFF COMMUNICATIONS

There will not be a second meeting in November, next meeting is December 8th.

I. MATTERS FROM THE COMMISSION

Commissioner Abeyta feels it is inappropriate to get a memo from the night of the meeting on the road variance from Public Works. The packet itself said there were no comments. Commissioner Abeyta said he thought these were major issues that should have been addressed in the packet as opposed prior to the meeting. Please let Public Works know the feelings of the Commission regarding late reports. Ms. Martinez stated that she shares his concern and she has brought it to the Public Works Director's attention and will do so again.

Commissioner Kapin: Is any way that if a case is straightforward that the agenda can be organized in that manner to not hold the attendees through along meeting to the end?

Director Martinez: Yes we can certainly look at that. We will organize for staffing as well.

9:10 pm – Commissioner Greene returns to the meeting.

Commissioner Greene: At Long Ranging we have names ourselves "The Lone Rangers" – We need commissioners who have time to commit to long range planning, we could use two additional volunteers. Meetings are held on 2nd Thursday of the month, 11 to 1 pm. We are supposed to have 3 commissioners and we have the 3 – but not very active in public participation. Mr. Hochberg will put some thought to this.

Director Martinez: One of the things that the City Council has tasked us to look at updating the General Plan and we are looking at a number of options, I am sure no one wants to sit down and rewrite over 500 pages. We are looking at focusing on key general things that may have the most relevance at this point in time of where we are in Santa Fe. I have been proposing the idea to the city manager that we take it further and take the information to the city council and incorporate the work that is being done as part of their strategic plan. They are about to embark on a strategic plan process for the first time in many years and to me it makes sense to connect that to the plan. There are several committees in the city that are already focused on these issues, like Sustainability. If we connect all of these pieces together I think we could come up with a great update to the General Plan that everyone could follow and tie in to the city's goals and mission. That is the piece I have been working with the City Manager and we need City Council buy-in.

Commissioner Greene: The strategic vision that the City Council and leadership set themselves out to where we are carving out the land use portion. I still need the guidance on whether there is structure above us but we feel we fit under that at some level. There is sustainability, economic development, there is CIP and all of these different silo's that in the past have been done independently and the strategic plan will be helpful.

Commissioner Gutierrez: Summary Committee met today and we had one case related to Herrera Drive by Wal-Mart, a lot split giving a portion of it to trails regarding trails – arroyo and it was approved. We are also 66% staffed so if there is any way to rearrange times so we can be fully staffed that would be helpful. It is the first Thursday of the month at 11:00 am, same day of the Planning Commission.

Chair: Asked Ms. Martinez if she could provide him with the terms of the Planning Commission members and the election of the officers.

Ms. Martinez said that technically appointments are made in June and elections in July. Staff is working with the City Clerk and the Mayor.

The Chair said he received communications from the Mayor and if the members have desire to continue to serve, send a letter to the Mayor.

The Chair asked about the status of the Pulte - La Soleras Case.

Ms. Martinez stated that the case was approved by the City Council and they asked staff to go back and do design treks and to continue working with the master developer and the parties to come to some resolve on how we were going to move forward on the different phases of the park. They did approve the schedule that we proposed. We solved some more of the issues, we are moving forward and they need to submit plans to meet the November 15th deadline.


Commissioner Hochberg asked; it was understood that Pulte was coming up with money as he remembers, and while in discussion they came up with more. It was about \$60,000 - \$70,000 less then was recommended as a condition of approval and then it went to City Council and we never knew. It was a money trail, was it approved with the \$500,000 that Pulte wanted (using a rough number) or the \$600,000.

Mr. Shandler stated that they went up.

J. ADJOURNMENT

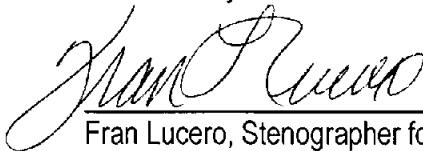
Having completed the agenda and with no further business to come before the Commission, the meeting was adjourned at 9:30 pm

Approved by:



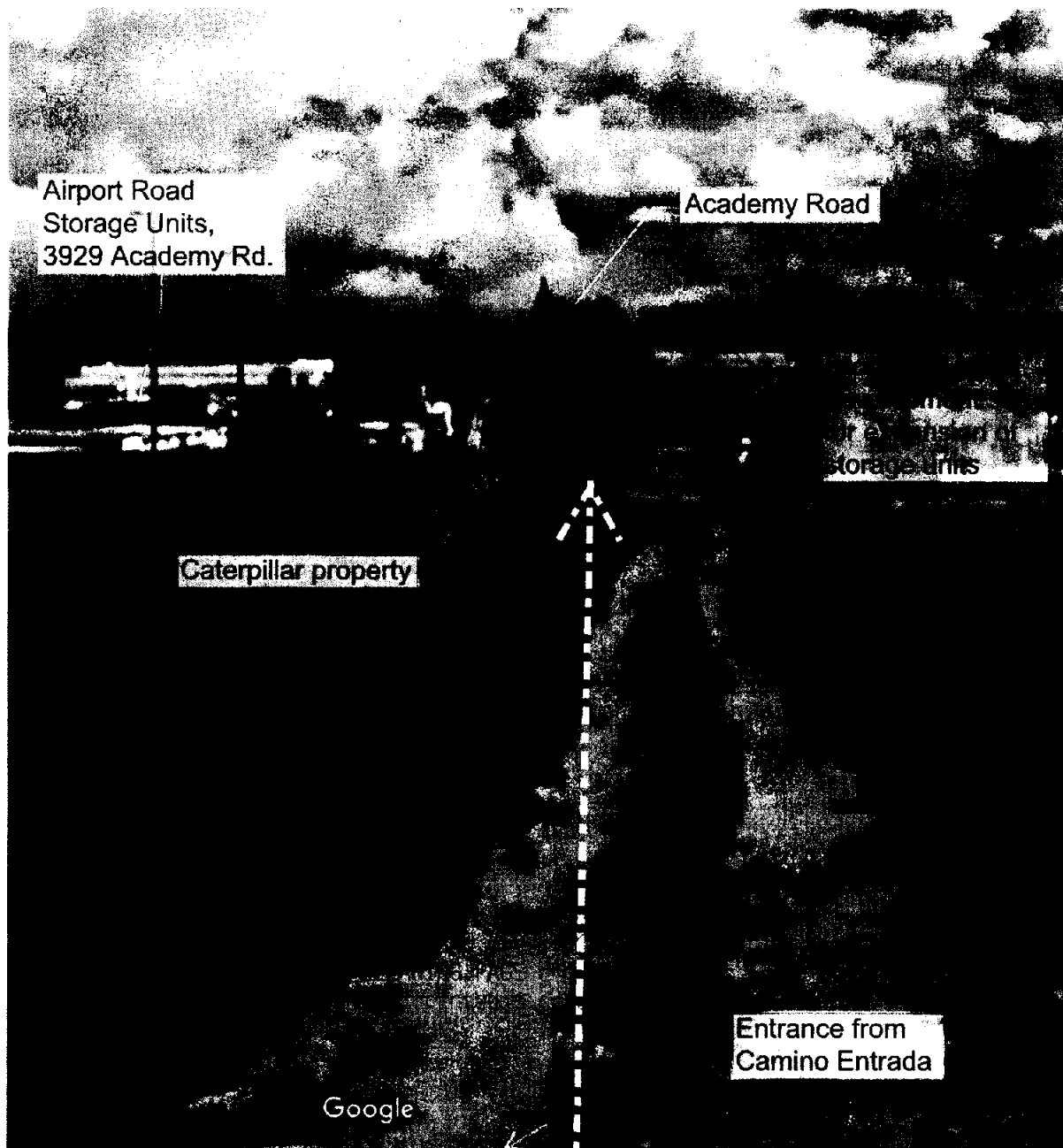
Vince Kadlubek, Chair

Submitted by:



Fran Lucero, Stenographer for
Carl Boaz, Stenographer

Academy can be seen in the distance from the City public right-of-way.



Summary of Comments Prepared by RB Zaxus, Technical Review Division
November 11, 2016

Issue #2: Drainage

Where does this drain and flow?

Drainage from the new impervious surface is captured in catch basins located in the new asphalt access drives. The stormwater is piped to detention ponds to the east. Overflow will depart from the most northerly pond to the street via the driveway.

Is there a storm drain or something that the project spills into?

The outflow will be routed to Academy Road. This is acceptable. The requirement is that stormwater be released at a rate no greater than pre-development flow from the 1% storm. This calculation will be verified at time of building permit submittal.

Where are the drainage calcs (drawings say they are on there, but I do not see them)?

As indicated in my review comments, drainage calculations are required at time of permit submittal. This is standard practice. Review of the Development Plan for this issue is simply to assess whether the site can accommodate the required detention ponds. This requirement has been met.

What percentage of the surface is covered (paved and roofed)?

According to the applicant submittals (9/19/2016 communication from Juno Architects), the lot coverage is 48%.

Is there enough retention capacity shown in the proposed ponds?

Rough calculations and my experience indicate that the ponds can accommodate the required volume of stormwater.

Typically ponds have to be set back a few feet from walls and structures. Does this plan have that requirement satisfied?

This will be evaluated at time of permit submittal, when details of the ponds are submitted. An alternative to setback for stormwater ponds is to waterproof adjacent foundations.

Does the existing project have drainage issues and should there be upgrades to the ponds and landscaping?

I am not aware of existing drainage issues. Although this is an expansion of an existing storage facility, this project is stand-alone in terms of submittals and the review/entitlement process. Hence, an evaluation of the existing offsite ponds and landscaping is not required.

From: ROMERO, JOHN J
Sent: Wednesday, November 02, 2016 10:55 AM
To: SMITH, GREGORY T.; WYNANT, DONNA J.
Cc: ZAXUS, RISANA B.; KASSENS, SANDRA M.; MARTINEZ, LISA D.
Subject: RE: Questions about Case 2016-107 3934 Academy Rd.

Traffic Engineering Divisions responses are in red below.

Issue #1: Traffic, access and connectivity

The packet does not have DRT comments about traffic or connectivity analysis by John or Sandra. The Engineering Division had no comments for the proposed development.

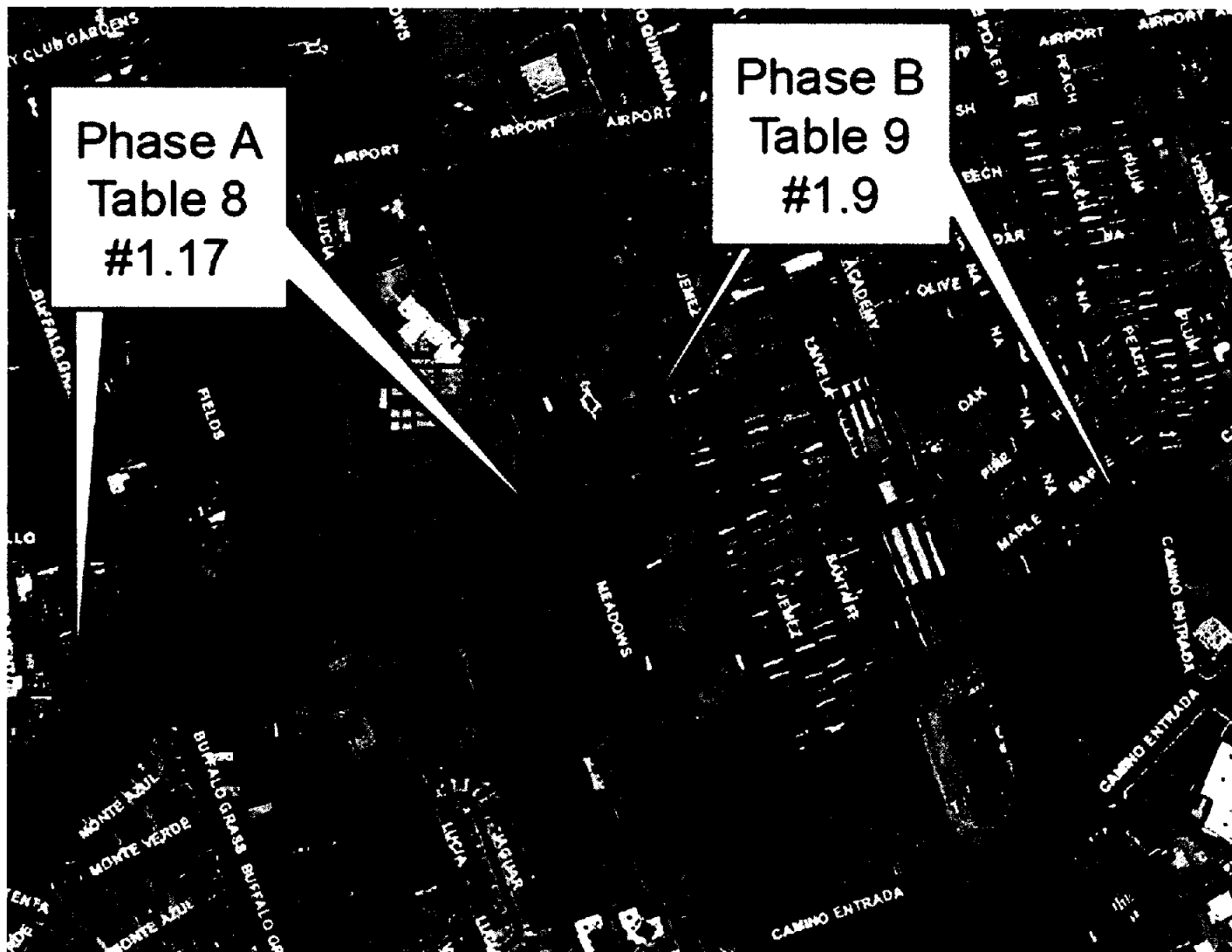
The project appears to have a number of opportunities and preexisting consideration by the Planning Commission and City staff regarding this issues of connectivity.

There is an unclear discussion about the Academy Road easement, what road standard is being applied and intersection analysis of the intersection at Airport Road

Most important there are no reasons NOT to connect to the neighboring City development. An analysis of the Academy/Airport Road was not required as it is currently built to its ultimate configuration including left-out prohibition and a right-turn deceleration lane. Also, the proposed development consists of 33,850 sq ft of mini-storage buildings, which is not expected to generate a substantial amount of traffic. The proposed development is only expected to generate 5 vehicular trips during the morning rush hour and 8 vehicular trips during the afternoon rush hour.

The through street connection has a number of benefits that would be good for the City (as an adjacent property owner), We are not aware of any City owned property in the area. the nearby property owners (legitimizing their property, bringing up to code, etc)

A potential cross street to the adjacent trailer park to the east would provide upgraded neighborhood access to the nearby schools, without loading the nearby Airport Road system. The SFMPO Bicycle and Trails Master Plan includes a future trail along the southern edge of the property (see below). We believe this is the means to connect the surrounding neighborhoods to the surrounding schools. In addition to being a circuitous route, we believe that formalizing a public roadway system between the surrounding residential developments through Academy would be a very difficult task. Formalizing a connection from Camino Entrada to Academy and then on to the surrounding residential communities has a high possibility of triggering a cut-through route for traffic wanting to avoid the South Meadows/Airport Road intersection.



So regarding Academy Road:

Has an assessment of all effected property owners with easements and ROW happened?

Is there easement? What gaps are there? Is there a solution that is acceptable to establishing a through street.

Is there any agreement or disagreement?

Is it a legit City Road? Academy is currently a private road. There is currently a "gap" between the cul-de-sac and the southern property line of the proposed development. This gap will be difficult to fill as the Storage sheds to the west currently encroach on the preferred alignment. In order for Academy Road to be turned over to the City in its entirety, it would have to be brought up to City standards. Also there is not continuous dedicated right-of-way. The portions of Academy road that traverse through private property would have to be dedicated by the respective property owners..

Regarding connection to the street network at the trailer park to the east:

Is the neighboring trailer park to the east accessed by sub-standard access and fire protection standard?

Could a connection (either Pine or Maple) to Academy benefit fire, life, pedestrian and vehicular safety for the current residents?

How many units are in the trailer park serviced by the single access off Airport (appears to be over 150) that could be helped?

The neighboring trailer park would have to agree to connect. To date the Engineering Division has not received any request from the trailer park to connect. A connection would also spark cut-through traffic as explained above.

How could a trail or road be established to help this pedestrian, bike and vehicle condition. This could also help fire access to the MHP and some analysis and comment from Marshall Gonzales would be appreciated too.
Explained above.

Issue #2: Drainage

Where does this drain and flow?

Is there a storm drain or something that the project spills into?

Where are the drainage calcs (drawings say they are on there, but I do not see them)?

What percentage of the surface is covered (paved and roofed)?

Is there enough retention capacity shown in the proposed ponds?

Typically ponds have to be set back a few feet from walls and structures. Does this plan have that requirement satisfied?

Does the existing project have drainage issues and should there be upgrades to the ponds and landscaping?

Issue #3: Parking

I do not see the described "off street parking" in the plan.

Nor the over sized bike rack.

Issue #4: Bringing non-conformities up to acceptable standards

In general, this projects is trying for approval to be an expansion of the existing facility, therefore, are there non-conformities at the existing facility that should be addressed at this time?

Buffers, drainage, access, lighting, fire access specs, etc.

Thanks for looking into this and trying to get some answers for this week's meeting.

Douglas R. Heath
930 Old Taos Highway
Santa Fe, NM 87501
October 28, 2016

City of Santa Fe
Land Use Department
Current Planning Division
200 Lincoln Avenue
Santa Fe, NM 87504

RE: Case #2016-112. 942 Old Taos Highway Street Setback Variance

Dear Folks,

As a property owner in the Selvista Addition Subdivision since 2003, I respectfully request that you deny this request for a front yard setback variance.

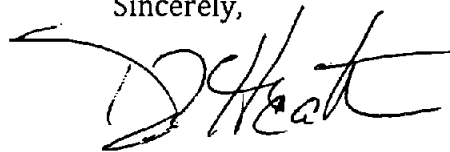
The existing front yard setback standard of 25 feet was followed in the development of our property and those of our neighbors in the subdivision. The standard is well established, is reasonable given the size of the lots in the subdivision, and enhances the character of Old Taos Highway in this area.

The requested variance constitutes a dramatic reduction in the front yard setback and if approved, would result in the subject property prominently presenting the side of a detached garage to the public on Old Taos Highway. I can appreciate why Mr. McDermott would like the variance but it is not in the public's interest. Denying his request should not be considered a hardship for Mr. McDermott since he was responsible for being aware of the front yard setback standard of 25 feet prior to purchasing the property at 942 Old Taos Highway.

I regret that I will be unable to attend the public hearing on November 3rd due to my work.

Thank you for your consideration in this matter.

Sincerely,



RECEIVED

OCT 28 2016

Land Use Dept.

Merrilee Caldwell and Marcus Randolph
160-170 Brownell Howland Road
Santa Fe, New Mexico 87501
505 660 4977

November 2, 2016

City of Santa Fe Planning Commission
City Hall
200 Lincoln Ave.
Santa Fe, New Mexico 87501

RE: 145 Brownell Howland Road
Subdivision and Variance Request
Case #2016-109

Dear Chair and Planning Commission Members

We are writing this letter to provide comments on the application for a Preliminary Subdivision Plat and Variance relating to the property at 145 Brownell Howland Road. We are the owners and residents of 160 and 170 Brownell Howland Road. We also own 408 Brownell Howland Road, where a family member lives.

In the past 6 months there have been 2 other variance requests for properties on Brownell Howland Road for which we offered comments. Our support for those variances was premised on our belief that the proposed actions would bring the subject properties more in line with current requirements of the City's relevant land use ordinances. Consistent with that philosophy, we ask the Planning Commission to condition its action on the Subdivision and Variance Request for 145 Brownell Howland Road on compliance by the Applicant with the City's current land use ordinances as well as other City policies. In so doing, we believe the result will be a win for the City, a win for the Brownell Howland and Old Bishops Lodge neighborhood and a win for the Applicant as well.

There are 3 issues of primary concern to us: 1) the existing pond on what is proposed to be Tract 2, Lot 4 and related erosion and storm water runoff issues affecting Old Bishops Lodge Road; 2) the proposed driveway from Brownell Howland Road to the proposed Tract 2, Lot 4 and related fire safety and fragile terrain issues; and 3) maintenance of Brownell Howland Road, which, like Old Bishops Lodge Road, is a private road. These are discussed in turn below.

Exhibit A

1. The pond on proposed Tract 2, Lot 4 and related erosion and storm water runoff issues

This pond, which we understand occupies approximately one-fifth of an acre, plus or minus, has a long and divisive history in the Brownell Howland/Old Bishops Lodge neighborhood. Built in the early 1980s, the pond was the subject of a lawsuit soon after. The issues have continued over the years, as per the submittals to the Planning Commission from the neighbors living on Old Bishops Lodge Road (Allen, Owings, Baxter and Thorpe). City staff informed neighbors at the Early Neighborhood Notification Meeting that the pond is a nonconforming use.

The pond has been filled by Applicant's family over the past three decades with around 600,000 gallons of well water per year, plus or minus. The pool in the Rio Olympics, by comparison, held 510,000 gallons; enough to support 22 people per year, based on average consumption. Those thousands of gallons of water were either left to evaporate or be drained onto adjoining properties on Old Bishops Lodge Road year after year. Construction of the pond, related facilities and the unpaved access road without proper grading and drainage controls has led to erosion and storm water runoff onto the down gradient properties on Old Bishops Lodge Road.

This nonconforming use wastes an enormous amount of water yearly. Even if filling the pond is a legal use of the well water under applicable State law, such 'use' flies in the face of the City's water policies which foster conservation and responsible stewardship of this scarce natural resource. The water ethic of 35 years ago is not the water ethic of today.

According to the slope legend on Applicant's Driveway Plan and Profile, most of the land on the proposed Tract 2, Lot 4 with a slope of 20% or less is occupied by the nonconforming use, i.e., the pond. The application states, "Both lots are situated within the Mountainous and Difficult Terrain Overlay. Per the Overlay standards, more than 25% of each parcel has a natural slope greater than 20%" Consequently, it is logical to assume that the area most suitable for a building site is currently occupied by the nonconforming use. Moreover, once a turnaround for fire trucks at the bottom of the driveway on the new proposed lot is taken into account, the area occupied by the pond is probably the only suitable building site.

We therefore request that the Subdivision and Variance Application be conditioned on:

- a. removal of the nonconforming pond on proposed Tract 2, Lot 4 to bring that property into conformance with City Land use regulations and in furtherance of the City's water conservation policies; and

- b. installation of appropriate grading and storm water control measures in compliance with City land use regulations to prevent further erosion and storm water and pond runoff, as well as to prevent deterioration of Old Bishops Lodge Road, which is a private road maintained at the expense of those neighbors living along the road.

We believe these conditions will benefit the neighbors, benefit the City by furthering its stated water conservation policies and benefit the Applicant by substantially improving the property, thereby increasing its value and marketability. Given the significant benefit to Applicant from creating an additional lot, it is appropriate and reasonable to condition approval of the same on a reciprocal benefit to the neighborhood and the City by removing the nonconforming use.

2. The proposed driveway from Brownell Howland Road to proposed Tract 2, Lot 4 and related fire safety and fragile terrain issues

The City of Santa Fe has adopted the International Fire Code (Fire Code) as the basis for its regulatory framework for governing Fire Apparatus Access Roads. Among other things, the Fire Code states that:

- fire access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13½ feet;
- the fire code official has the authority to require an increase in the minimum access widths where they are inadequate; the minimum widths and clearances shall be maintained at all times;
- more than one access road may be required where vehicle congestion, conditions of terrain, climatic conditions or other factors could limit access;
- dead-end fire apparatus access roads in excess of 150 feet in length shall have an approved area for turning around fire apparatus; and,
- the grade of the fire access road shall not exceed 10%; grades steeper than 10% can be approved by the Fire Chief.

The materials in support of this Subdivision and Variance Application fail to address the important fire safety provisions outlined above. At the Early Neighborhood Notification Meeting, Applicant's representative stated that the width of the driveway would be 14-16 feet with a 14-15% slope, which is 40-50% steeper than allowed.

No explanation or justification is provided in the application for the width of the access road being less than the required minimum. Similarly, there is no justification or approval by the Fire Chief for the grade of the access road being 40-50% more than the established 10% grade. There is no indication on the Driveway Plan and Profile that the turning radius to access the driveway from Brownell Howland Road is adequate, nor is there any provision on the Driveway Plan & Profile for the required turnaround at the end of the approximately 300 foot long

driveway which is the dead-end of a fire apparatus access road. Note that access roads over 150 feet in length are required to provide a fire truck turnaround.

We recently completed the construction of our home at 160 Brownell Howland Road. We were required to provide an access road 20 feet in width. We were also required to provide a dead-end turnaround consistent with the requirements of the Fire Code. It is reasonable to expect that the same standard will be applied to all in the same neighborhood. Otherwise, factual and sound justification for a lesser standard should be articulated. It is appropriate to consider these factors at this point in the process to ensure that the proposed Lot 4 has adequate terrain to accommodate all required components of a buildable site.

We therefore request that the Subdivision and Variance Request be returned to the Applicant to show that the all applicable fire safety requirements can be fully satisfied on the subject property and that the fragile terrain on which the proposed driveway is to be constructed is suitable for a fire apparatus access road before there is any further consideration of the application by the Planning Commission. This is to assure the neighborhood that fire protection measures are and will be given careful consideration and to support the local Fire Department in its efforts to promote public safety.

3. Maintenance responsibilities for Brownell Howland Road

Brownell Howland Road, like Old Bishops Lodge Road, is a private road. As such, responsibility for maintaining and improving the road is not a City obligation but instead is assigned to those with legal access. There is nothing in this Application addressing the commitment or responsibility of the Subdivision Developer, i.e. the Applicant, or owners of Tract 2, Lot 3A and Lot 4, current or future, for the maintenance of Brownell Howland Road. (Note: No variance from 'Design Criteria for Street Types' was obtained when the Applicant created separate lots earlier this year at 155 and 165 Brownell Howland Road.)

As property owners with legal access to Brownell Howland Road, this issue is of real concern. Not only do we want to make sure that all pay their fair share for maintenance and improvements of the road, but we would also hope that eventually Brownell Howland Road can and will be accepted by the City as a dedicated City street.

We recognize that there is no formal road maintenance agreement for Brownell Howland Road. At the same time, we recognize that such an agreement would be of benefit to the neighborhood, as well as to the City which uses the road for fire protection, water supply maintenance and garbage collection services. All property owners on Brownell Howland Road benefit from those services.

It is ironic to note that the Application, in addressing the variance for Brownell Howland Road from the "Design Criteria for Street Types" asserts as a basis for an exception from the design requirements, "This level of roadway construction would unnecessarily disturb the fragile terrain, create a significant visual scar and destroy existing mature vegetation. Furthermore, the adjacent 30% slopes would be disturbed during construction, requiring a variance approval from the Commission." Although the proposed driveway is not required to be as wide as Brownell Howland Road, the driveway nevertheless is proposed to be sited on much the same terrain as described for Brownell Howland Road, that is: fragile terrain with existing mature vegetation and adjacent slopes of, in part, 30% or more. This appears to be an inconsistent application of rationale; its either okay to put a roadway/driveway on fragile terrain or it isn't.

Nevertheless, we agree that an area along Brownell Howland Road does have steep terrain that borders one side of the road. This steep terrain is eroding and will soon require some type of support structure to prevent further erosion. This will be an additional maintenance cost for those who live along Brownell Howland Road, including the Applicant.

We therefore request that the Subdivision and Variance Request be conditioned on assurances that any development action along the road be done in a manner consistent with eventual acceptance of Brownell Howland Road as a dedicated City street. Further, we ask the Planning Commission to return the Application to the Applicant with instruction to use best efforts to address the responsibility for maintaining and improving Brownell Howland Road by initiating discussions on a formal road maintenance agreement with the lot owners currently served by Brownell Howland Road.

We thank you for allowing us an opportunity to express our concerns on development that directly affects our neighborhood.

Respectfully,



Marcus Randolph



Merrilee Caldwell