



Agenda

DATE 7/27/17 TIME 3:25
SERVED BY [Signature]
RECEIVED BY [Signature]

SECOND AMENDED

PLANNING COMMISSION
Thursday, August 3, 2017 - 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: July 20, 2017

FINDINGS/CONCLUSIONS:

Case #2017-35. 3430 Cerrillos Road Development Plan. *(TO BE POSTPONED TO SEPTEMBER 7, 2017)*

Case #2017-52. 2977 Rodeo Park Drive East Special Use Permit, Development Plan and Variance. *(TO BE POSTPONED TO SEPTEMBER 7, 2017)*

Case #2017-53. Vegas Verde Self-Storage Special Use Permit and Development Plan. *(TO BE POSTPONED TO SEPTEMBER 7, 2017)*

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

- 1. Case #2017-63. Casa Mason Preliminary Subdivision Plat.** Paul Duran of East Pecos Ventures II, LLC requests preliminary subdivision for five residential lots on 5.28± acres. The property is located at 1882 Conejo Drive, and is bordered on the west by Fort Union Drive. The property is zoned R-1 (Residential, One dwelling unit per acre) (Donna Wynant, Case Manager)
- 2. Case #2017-24. 3501 Cerrillos Rd Special Use Permit and Development Plan.** James Siebert and Associates, Agent for Sujay Kumar Thakur, requests a Special Use Permit and Development Plan to permit Climate Controlled Storage Facilities within ~~38,800~~ 39,890 square feet. The proposal includes 30,000 30,700 square feet of new construction. The property is a 1.27+/- acre tract zoned C-2 (General Commercial) and located within Zone Three of the Cerrillos Road Highway Corridor Overlay District. (Dan Esquibel, 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

DATE 7/26/17 TIME 3:55p

SERVED BY Quinn Quirk

RECEIVED BY [Signature]

AMENDED

PLANNING COMMISSION
Thursday, August 3, 2017 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

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Agenda

CITY CLERK'S OFFICE

DATE 7/19/17 TIME 10:40a

SERVED BY [Signature]

RECEIVED BY [Signature]

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Thursday, August 3, 2017 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

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

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SUMMARY INDEX
PLANNING COMMISSION
August 3, 2017

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as amended	2
D. Approval of Minutes & Findings and Conclusions		
Minutes: July 20, 2017	Approved as amended	2
Findings of Fact & Conclusions of Law	Postponed to September 7	2
E. Old Business	None	3
F. New Business		
1. <u>Case #2017-63. Casa Mason</u> Preliminary Subdivision Plat.	Approved with conditions	3-7
2. <u>Case #2017-24. 3501 Cerrillos Road</u> Special Use Permit & Development Plan	Approved with conditions	7-10
G. Staff Communications	Discussion	10
H. Matters from the Commission	Discussion	10
I. Adjournment	Adjourned at 7:15 p.m.	10

PLANNING COMMISSION
Thursday, August 3, 2017 - 6:00pm
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 Commissioner Piper Kapin, Vice-Chair, on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

A. ROLL CALL

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

Members Present

Commissioner Piper Kapin, Vice-Chair
Commissioner John B. Hiatt, Secretary
Commissioner Roman Abeyta
Commissioner Justin Greene
Commissioner Brian Patrick Gutierrez
Commissioner Sarah Cottrell Propst

Members Absent

Commissioner Vince Kadlubek, Chair [excused]
Commissioner Stephen Hochberg [excused]
Commissioner Mark Hogan [excused]

Others Present:

Ms. Lisa Martínez, Planning and Land Use Director
Mr. Greg Smith, Current Planning Division Director
Mr. Noah Berke, Current Planning Division Manager & Staff Liaison
Mr. Richard Word, Assistant City Attorney
Mr. Dan Esquibel, Planner Senior
Ms. Donna Wynant, Planner Senior
Mr. Carl Boaz, 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 and available on the City's web site.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

MOTION: Commissioner Hiatt moved to approve the agenda as published. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES OF JULY 20, 2017

Requested changes to the minutes:

On Page 5, 8th paragraph, first sentence should be changed to say: Mr. Esquibel said Staff didn't like it when applicants say that the Planning Commission approved the development plan without meeting the Code.

On page 16, in the second motion at the bottom of the page, should add, **the motion passed by unanimous roll call vote.** And in the last paragraph on that page, the citation is **Section 14-3.8 (D).**

Commissioner Propst requested on page 19 that the sentence about I-Pads should be deleted.

MOTION: Commissioner Hiatt moved to approve the minutes of July 20, 2017 as amended. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

2. FINDINGS/CONCLUSIONS:

Case #2017-35. 3430 Cerrillos Road Development Plan (To be postponed to September 7, 2017)

Case #2017-52. 2977 Rodeo Park Drive East Special Use Permit, Development Plan and Variance (To be postponed to September 7, 2017)

Case #2017-53. Vegas Verde Self-Storage Special Use Permit and Development Plan (To be postponed to September 7, 2017)

The Findings of Fact and Conclusions of Law were postponed.

E. OLD BUSINESS

There was no old business.

F. NEW BUSINESS

1. **Case #2017-63. Casa Mason Preliminary Subdivision Plat.** Paul Duran of East Pecos Ventures II, LLC, requests preliminary subdivision for five residential lots on 5.28± acres. The property is located at 1882 Conejo Drive, and is bordered on the west by Fort Union Drive. The property is zoned R-1 (Residential, One dwelling unit per acre) (Donna Wynant, Case Manager)

Staff Report

Ms. Wynant presented the Staff Report to the Commission. The report is available on the City's Land Use website and a printed copy is on file in the Land Use Department.

Ms. Wynant pointed out the location of the lot on a site map and an aerial photograph. Regarding sidewalks and lighting, she explained that applicants don't always want them and this is a rural style area. She corrected a typo in the report about the ENN. The neighbors did **not** want sidewalks and lighting in that subdivision. The final report doesn't have signatures but it has been approved. The applicant said he might request a variance from those two street standards for sidewalks and lighting.

The other concern was drainage as the grade slopes to the west and that must be addressed in the final subdivision plat.

Views there are important. The surrounding property owners want to work with the Applicant on building siting locations on these lots to protect those views. It is a private matter for them.

Applicant's Presentation

Mr. Paul Duran, 1382 Conejo Drive, was sworn and thanked the Commission for allowing him to come forward with this proposal. He pointed out the boundaries of the lots. The plan is to create 5 1-acre lots and respond to the major concern from neighbors for setbacks and views and will work with them on it. He agreed to set back the south lot 50' and move the house further into the lot. On the east the setback would be 50'. One house will probably be converted to a studio (southwest lot) He agreed to set back the home on the southeast lot and discussed 50' but he was not sure he could meet that. He will make that determination before final.

Ms. Wynant made a correction to the conditions - the Applicant must ask for a variance on the *innovative street design* but it doesn't require another ENN meeting. The request must address the criteria on the final subdivision plat.

Commissioner Hiatt asked for clarification. If the Commission approves criterion #4 in the preliminary, then the Applicant would return with a variance application.

Ms. Wynant was not sure how that was handled in the past. She thought it would be like a conditional approval.

Mr. Word didn't know whether it would be a condition or a variance.

Mr. Smith said the condition, as stated, would be for approval of the preliminary with a condition that a variance be submitted with the final plat and if that was not approved, they would be required to put in curb gutter and sidewalk. If the variance was approved, they would not have to put in curb, gutter and sidewalk.

Public Hearing

Mr. David Mason, 1442 Seville Road and owner of a piece of the property, said, "I'm here not only to protect my property but my family has owned that property since 1951 so I'm very familiar with the covenants and setbacks. Most of them were written by me. Regarding Conejo Drive, if you look at the Long Range Plan, it goes from Garcia at Canyon Road up to Camino Corrales, Fort Union, etc. That plan is for horseback and bike riding and all the lots have 40 or 50 foot easements. It will be a main N-S artery. Views and maintaining the covenants that are written is why I'm here. I grew up in those houses and there is a current well on one of them. Another one with a well was grandfathered in. He asked if that goes with the lot or not.

They share a large and very new septic system. Our intent was never to sell the property but when our brother died, we decided we couldn't maintain the property any more.

The height restriction was 15' on any house. My Dad was very conscious of maintaining the ridgelines so it was set at 15' so a property owner could build with a pitched roof. This area has a lot of slope on it so the restriction would be 15' at the upper part of the slope. Since I don't own them, a surveyor would have to determine if the proposal violated the covenants.

The request for a building permit across from Conejo was a variance to the setback and in it was stated he would put a storage shed but instead, he built a second story. My Dad was dying and said to let it go and then the next door neighbor also built a second story. That homeowner covenant went back to 1956.

"I also have a question on the power lines there. When we sold the south lot, we took proceeds and moved the power lines which went across three lots to the intersection of Ft Union and Conejo. And we knew they would obstruct views on some lots. The power lines were moved so these lots are completely void of those lines. We tried to get them underground but couldn't get that done.

"My primary concern is on ponds and erosion control. Every lot is supposed to have a collection pond. When the rains and erosion come, that water will be collected to protect the other homeowners. The only lot we still own is the bottom lot and I want to make sure there is some protect from drainage that it doesn't all go on my property. So he wanted the requirement for ponds to be included.

"One other comment - I wasn't aware that the house I grew up in was going to become a studio. I don't object but didn't know about it with the R-1 zoning.

Ms. Beverly Spears, 1897 Conejo Drive, was sworn. She said she basically was in support of this. Mr. Duran did a good job of dividing this property. She emphasized that this neighborhood has a rural feel. We walk in the street and thank heavens there is no streetlight. We would not like to see sidewalks and street lights. Along with that, all lots have original native vegetation and one-acre lots so it has a rural feel. It is important to have large setbacks from the streets - Conejo Drive. She thought it should be a 25' minimum and more, if possible to maintain that rural feel.

Mr. Dustin Garber, 1921 Conejo Drive, was sworn and said he had some concern with traffic. We definitely don't want streetlights and sidewalks. But there will be an increase in traffic. I live on the corner of Conejo and Calle de Leon - which has become a four-way intersection and would love to see a four way stop there. Having more traffic will make the intersection more dangerous. The intersection is at the top of the hill.

Ms. Madeline Andre, Fort Union Drive, was sworn. She said "We all feel the same way Beverly spoke of."

There were no other speakers from the public regarding this case and the public hearing portion was closed.

Questions to the Applicant and Discussion

Commissioner Greene said regarding the setback and dealing with concerns. The applicant is negotiating something. He asked if that negotiation was 15' or 50' from the neighbors.

Mr. Duran explained that David Mason did some restrictive covenants on these lots. His restrictive covenants are the same ones we plan to adopt for ours except to impose a 50' setback because of the neighbor and the same with the others. "I live in the north central lot and with a 50' setback, I could not build a studio. But I'll negotiate with him before final. On the northwest lot, his desire was to have a 15' setback but he could live with a 20' setback from Conejo.

Commissioner Greene suggested if there was a 20' minimum setback for all structures and yard walls, it would allow for more landscape buffers. It would be best in front to have no structures and no walls.

Mr. Duran commented that they get deer visitors all the time.

Vice-Chair Kapin asked what the code has for setbacks.

Ms. Wynant said the standard R-1 is 15' to the back, 5' to the side and 7' to the front.

Commissioner Propst clarified that by the time final is submitted, the Applicant will give us build locations.

Mr. Duran was not sure where the buyers might want to build their houses but it should meet those setback requirements.

Commissioner Propst proposed having the setback dimensions on the plat.

Commissioner Propst asked about the shared well.

Mr. Duran understood the well could only be used for landscaping and he was fine with that.

Commissioner Propst asked regarding traffic and stop signs if it would require a traffic study. She asked if the Applicant would request that or Staff.

Mr. Duran didn't know.

Mr. James Martínez, from Traffic, said a study would be needed and it would fall under the same criteria of code.

Commissioner Greene asked if Mr. Duran was planning on going for no sidewalk or lighting and requesting a variance on it.

Mr. Duran thought it was a shame that they would have to ask for a variance. No one has sidewalks or streetlights in that part of town.

Commissioner Greene said he would like to see a soft trail - to have the Applicant come up with an alternative for a pedestrian trail instead of sidewalk.

Mr. Duran was not sure he could agree because it would cut into the setback length.

Commissioner Greene said it could be in the right-of-way.

Mr. Duran asked if it is the Commission opinion he had to request a variance.

Mr. Word was not sure of the procedure but the Code does allow for innovative street design so a motion could say either innovative street design or a variance.

Commissioner Hiatt said the fewer times they have to return to the Commission, the better. So if we skip criterion 4 and go to 5 and have an alternate plan as a condition of approval, it gives them a way to figure out a plan before final approval.

Mr. Word suggested if the motion leaves it open, the Applicant and Staff could work it out with one of those alternatives.

Ms. Martínez pointed out that in Exhibit A, technical correction #9 gives the opportunity to consider such a design. We had one a couple of months back and was not presented as a variance.

Mr. Duran agreed to put a trail in the right of way and agreed with the other conditions of approval.

Action of the Commission

MOTION: Commissioner Hiatt moved in Case #2017-63 to approve the Preliminary Subdivision Plat, subject to conditions of approval, specifically with the alternative plan for sidewalks and lighting and that the setbacks proposed by the Applicant be placed on the plat. Commissioner Greene seconded the motion.

Vice-Chair Kapin said what he offers is generous but she was reluctant to nail it down to 50'. So she preferred it be worked out with neighbors.

Commissioner Gutierrez agreed. Mr. Duran is going into this in good faith and working with neighbors is important, especially on that one lot.

Mr. Duran agreed that he would specify definite proposed setbacks before coming for final approval.

Commissioner Hiatt removed that setback condition from the motion.

Mr. Duran also agreed to put a restriction on the yard wall.

Commissioner Abeyta seconded the amended motion and it passed by unanimous roll call vote with Commissioners Greene, Hiatt, Propst, Gutierrez and Abeyta voting in favor and none voting against.

- 2. Case #2017-24. 3501 Cerrillos Road Special Use Permit and Development Plan. James Siebert and Associates, Agent for Sujay Kumar Thakur, requests a Special Use Permit and Development Plan to permit Climate Controlled Storage Facilities within 39,890 square feet. The proposal includes 30,700 square feet of new construction. The property is a 1.27± acre tract zoned C-2 (General Commercial) and located within Zone Three of the Cerrillos Road Highway Corridor Overlay District. (Dan Esquibel, Case Manager)**

Staff Report

Mr. Esquibel presented the Staff Report to the Commission. The report is available on the City's Land Use website and a printed copy is on file in the Land Use Department. He explained this is at the old Harley-Davidson Motorcycle shop.

The Staff recommended approval, subject to conditions. We believe the applicant has met the special use permit requirements.

During the ENN, one neighbor, Trailer Ranch said their season goes in the summer to October and asked the applicant not construct it during that time frame and the Applicant agreed to abide by those

parameters.

Applicant's Presentation

Ms. Victoria Dalton, 915 Mercer, was sworn. She stated they are asking for a special use permit for a two-phased construction of a climate controlled storage unit. The first phase is just interior remodeling and the second phase will occur as the market allows. So, in first phase there is no construction. The Applicant is in agreement with construction schedule.

Public Hearing

There were no speakers from the public regarding this case and the public hearing portion was closed.

Questions to the Applicant and Discussion

Commissioner Greene asked about traffic and the private road alongside, what the easements are and the capacity.

Ms. Dalton said this is a less intense use than the Harley Davidson use and they got no comments from Traffic.

Commissioner Greene asked if they interviewed any of the neighbors.

Mr. Jim Siebert, 915 Mercer, was sworn. He explained that they would make no modification to the current access. The private road to the west that adjoins the property has no access other than emergency purposes and only the Fire Department would use it.

Commissioner Greene asked if that was speaking for the trailer park as well.

Mr. Siebert said the private road does serve the mobile home park and the Applicant has no legal right to access it.

Commissioner Greene said there is no sidewalk along that side so he asked if the City wants it private forever.

Mr. Siebert said he could not speak for the City but we have no right to improve that without approval of the owners of that road. He added that a sidewalk would have a serious impact on the project.

Ms. Sandra Kassens from Traffic, didn't think this applicant could be required to make that improvement. In the future, if the road would ever be improved, then it could include sidewalks

Commissioner Greene asked if she didn't know how many units are back there.

Ms. Kassens said this project will not put cars on that private easement.

Mr. Esquibel clarified that when Rufina went through, it cut the mobile home park in two. So, they don't access off Cerrillos Road but just Rufina.

Commissioner Greene thought it was great they have two accesses. It may not be something the City can do at this point.

Vice-Chair Kapin noticed there are 16 parking spots and asked how Staff came up with that number.

Mr. Esquibel said Chapter 14 doesn't have a category for climate controlled storage but a mini warehouse requires 1 space for every 10 units. We typically allow the storage facility customers to park within the aisle when using the facility. The Applicant did a parking analysis and after reviewing it, Staff agreed it was an appropriate number. He would have required 8 spaces but the Applicant is offering 16. Staff used the same rationale as the one behind Best Buy and on Industrial Road.

Vice-Chair Kapin asked Ms. Dalton if they did a market analysis because the Commission is seeing a lot of them.

Ms. Dalton said they didn't but before the purchase, the Applicant did a study.

Mr. Berke said there has been a lot of input from the development community. Santa Fe is deficient with storage facilities so a few more will come before the Commission on Cerrillos and Airport Road. The Governing Body overturned one. Mr. Berke heard the City is 2% deficient.

Mr. Siebert said one study was done on the relationship of dwelling units to storage units but Santa Fe has a much higher demand for storage than other southwestern cities. Since it is phased, the Applicant has an opportunity to assess what the market is at the time.

Commissioner Greene commented that developers can make a lot of money with this type of development because it has low parking needs. But he would not want to live next to a 45' high unit with no one living in it. Maybe it needs a larger setback - perhaps a one to one (on height). Staff should deal with impacts on neighbors.

Action of the Commission

MOTION: Commissioner Hiatt moved in Case #2017-24. 3501 Cerrillos Road Special Use Permit, to approve the Special Use Permit, subject to Section 14-3.6 d, noting that the Commission is empowered to approve this plan under the section of Chapter 14 described in the application; that approving the development plan will not adversely affect the public interest; and that the use and any associated buildings are compatible with and adaptable to buildings, structure and uses of the abutting property and other properties in the vicinity of the premises under consideration.

Commissioner Gutierrez seconded the motion and it passed by majority roll call vote with Commissioners Hiatt, Propst, Gutierrez and Abeyta voting in the affirmative and Commissioner Greene voting no.

MOTION: Commissioner Hiatt moved in Case #2017-24. 3501 Cerrillos Road Development Plan, to approve the development plan subject to Section 14-3.8(D)(1)), that the Planning Commission is empowered to approve the plan under the section of Chapter 14 described in the application; that approving the development plan will not adversely affect the public interest; and that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration and including the recommended conditions of approval. Commissioner Gutierrez seconded the motion and it passed by majority roll call vote with Commissioners Hiatt, Propst, Gutierrez and Abeyta voting in the affirmative and Commissioner Greene voting no.

G. STAFF COMMUNICATIONS

There were no Staff Communications.

H. MATTERS FROM THE COMMISSION

Commissioner Hiatt acknowledged and congratulated Mr. Berke on his promotion.

I. ADJOURNMENT


The meeting was adjourned at 7:15 p.m.

Approved by:



Vince Kadlubek, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.