



# Agenda

## BOARD OF ADJUSTMENT

Tuesday, August 7, 2018 at 6:00 P.M

City Council Chambers

City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue

### A. ROLL CALL

### B. PLEDGE OF ALLEGIANCE

### C. APPROVAL OF AGENDA

### D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSION:

MINUTES: June 5, 2018

FINDINGS/CONCLUSIONS:

Case #2018-47. 4470 Cerrillos Road Self-Storage.

### E. OLD BUSINESS

### F. NEW BUSINESS

1. Case #2018-55. 2650 Sawmill Road Special Use Permit. JenkinsGavin, Inc, Agent, for J Fam, LLC, Owner, requests approval of a special use permit for two drive-through restaurants on approximately 2.18 acres. The property is located at 2650 Sawmill Road and is zoned I-1 (Light Industrial District) and located in the South Central Highway Corridor Protection District ("SCHC"). (Donna Wynant, AICP, Case Manager)

### G. STAFF COMMUNICATIONS

### H. MATTERS FROM THE COMMISSION

### I. ADJOURNMENT

#### NOTES:

New Mexico law requires the following administrative procedures be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearing before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross-examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 7/17/18

TIME: 4:58 pm

Board of Adjustment Meeting Index  
August 7, 2018

Item		Page
Call to Order	Gary Friedman, Chair of the Board of Adjustment called the meeting to order at 6:00 p.m. held at the City Council Chambers.	1
Roll Call	A quorum was established with roll call.	1
Pledge of Allegiance		1
Approval of Agenda	Ms. Dearing moved to approve the agenda as presented with a second from Mr. Maahs which passed by voice vote.	1,2
Approval of Minutes from the June 5, 2018	Ms. Dearing moved to approve the minutes of June 5, 2018 as presented with a second from Ms. Reynolds which passed by voice vote.	2
Findings/Conclusions: Case #2018-47 4470 Cerrillos Road Self Storage	Mr. Maahs moved to approve the Findings of Fact and Conclusions of Law regarding case # 2018-47 with a second from Ms. Reynolds which passed by voice vote.	2
Old Business		2
New Business 1. Case #2018-55. 2650 Sawmill Road Special Use Permit	In the case #2018-55 Ms. Dearing moved to approve the special use permit and incorporate the issues with the kiosk and described technical corrections, Ms. Hawkins seconds which passed by voice vote.	2-4
Staff Communications	Discussion Only	4
Matters from the Commission	Discussion Only	4
ADJOURNMENT	There being no further business to come before the Board of Adjustment, Chair Friedman adjourned the meeting at 6:28 p.m.	4
SIGNATURES		4

**MINUTES OF THE MEETING OF THE  
BOARD OF ADJUSTMENT**

200 Lincoln Ave. Santa Fe, NM

August 7, 2018

6:00 p.m.

**A. CALL TO ORDER & ROLL CALL**

Gary Friedman, Chair of the Board of Adjustment called the meeting to order at 6:00 p.m. held at the City Council Chambers. A quorum was established with roll call.

**PRESENT:**

Gary Friedman, Chair  
Patricia Hawkins  
Douglas Maahs  
Coleen Dearing  
Donna Reynolds

**NOT PRESENT/EXCUSED:**

Rachel L. Winston, Vice Chair  
Daniel H. Werwath

**OTHERS PRESENT:**

Noah Berke, City Land Use Department  
Donna Wyant, City Land Use Department  
Carol Johnson, City Land Use Director  
Jennifer Jenkins, Jenkins Gavin Inc.  
Charlene Padilla, Resident  
Linda Vigil, Stenographer

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA**

**MOTION:** Ms. Dearing moved to approve the agenda as presented with a second from Mr. Maahs which passed by voice vote.

**D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSION:**

## **MINUTES: JUNE 5, 2018**

**MOTION:** Ms. Dearing moved to approve the minutes of June 5, 2018 as presented with a second from Ms. Reynolds which passed by voice vote.

### **FINDINGS/CONCLUSIONS:**

#### **CASE # 2018-47 4470 CERRILLOS ROAD SELF STORAGE**

**MOTION:** Mr. Maahs moved to approve the Findings of Fact and Conclusions of Law regarding case # 2018-47 with a second from Ms. Reynolds which passed by voice vote.

### **E. OLD BUSINESS**

### **F. NEW BUSINESS:**

**1. CASE # 2018-55. 2650 Sawmill Road Special Use Permit. JenkinsGavin Inc., Agent for J Fam, LLC, Owner, requests approval of a special use permit for two drive-through restaurants on approximately 2.18 acres. The property is located at 2650 Sawmill Road and is zoned I-1 (Light Industrial District) and located in the South Central Highway Corridor Protection District ("SCHC"). (Donna Wynant, AICP, Case Manager)**

#### *Staff Report:*

Ms. Wynant gave a description of the case (*see packet*). The location is in the South Central Highway Corridor and is zoned I-1. There is a lot line adjustment needed being handled in house by the department. An archeological search permit was issued in 2014. Ms. Wynant discussed some corrections to the staff report, on page 3, under existing conditions the Vizcaya Apartments are across the street. On page 4 under traffic, strike the last sentence regarding signal timing. That was not required they dedicated the right turn lane.

Ms. Wynant states the special use permit will be for the two restaurants, which are within 200 feet of the residential area and the railroad. The communities are 300 feet from the site. The kiosks used to order is to face away from the residential property. It was reviewed and approved. The parking is adequate and there is room for the Fire department to turn around. One of the restaurants is a Taco Bell. The other has not been disclosed as of yet.

Ms. Wynant states there will be a building permit review after it is approved here. The staff feels it meets the criteria.

*Applicant:*

Jennifer Jenkins with Jenkins/Gavin on behalf of the Jones family. Presented a slideshow showing the properties and general description of the project.

Ms. Jenkins explained there will be landscape buffers along the railroad. There is currently a shared driveway with Premier Distributing. The only issue that they have seen in the implementation is the right turn lane going towards I-25. An overlap arrow and lane will be added.

Ms. Jenkins discussed the industrial district and the types of businesses that are permissible. A drive through restaurant is permitted. They are in agreement with all of staff's recommendations.

*Questions from the Board:* There were no questions.

*PUBLIC HEARING*

Chair Friedman opened the public hearing at 6:12 p.m.

Charlene R. Padilla (1853 Camino Lumbre Santa Fe) states her home is nearby and there is a lot of traffic as it is. There are several accidents on Sawmill Rd. right on the corner. There is also a smell issue. Ms. Padilla is concerned the lights from vehicles will shine towards their home. It's a small congested area and she is concerned.

Ms. Padilla would like for them to consider building a wall, to make it sound proof, for the lighting issue and possibly the smell issue.

*PUBLIC HEARING CLOSED*

Chair Friedman closed the public hearing at 6:20 p.m.

Applicant to address the issues:

Ms. Jenkins explained they have the landscape buffers planned and the homes sit lower than the railroad. The landscape buffer will be over 225 feet long. The grade change should help as well.

Ms. Jenkins cannot speak to this, however the distance should be far enough to help.

Chair Friedman asked if the kiosk positioning will be in the conditions of approval. Ms. Wynant states it is not shown in the plan and it wasn't on the conditions on approval, it will be approved during the building permit stage.

Chair Friedman asked if the applicant is in agreement. Ms. Jenkins states they are.

**MOTION:** In the case #2018-55 Ms. Dearing moved to approve the special use permit and incorporate the issues with the kiosk and described technical corrections, Ms. Hawkins seconds which passed by voice vote.

#### **G. STAFF COMMUNICATIONS**

Carol Johnson new Land Use Department Director introduced herself to the board.

Mr. Berke reported Mr. Word in the City Attorney's Office has left, they will assign a new attorney soon.

#### **H. MATTERS FROM THE COMMISSION**


Ms. Hawkins asked Mr. Berke if they need to submit a new letter of interest to remain on the Board. Mr. Berke states he has compiled them and if they wish to be appointed they can send again to assure he has them. He has turned them into the Mayor's Office for his approval.

#### **I. ADJOURNMENT**

**MOTION:** There being no further business to come before the Board of Adjustment, Chair Friedman adjourned the meeting at 6:28 p.m.

#### **SIGNATURES**

  
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Gary Friedman, Chair For:

  
\_\_\_\_\_  
Linda Vigil, Stenographer