



Agenda

BOARD OF ADJUSTMENT
Tuesday, February 5, 2019 at 6:00 P.M
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/CONCLUSION:**
 - MINUTES: December 4, 2018**
 - FINDINGS/CONCLUSIONS:**
 - Case #2018-78. 2350 Fox Road Special Use Permit.**

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

1. **Case #2018-112. 635 Harkle Road Special Use Permit.** Sommer Karnes and Associates, LLP., Agent, for NM Santa Fe, LLC., Owner, requests approval of a Special Use Permit to operate an Extended Care Facility. The property is located at 635 Harkle Road and is approximately 5.05 acres. The property is zoned R-2 (Residential- two dwelling units per acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587).
2. **Case #2018-113. 100 Siringo Road Christian Brother's Residence Special Use Permit.** Colleen Gavin of JenkinsGavin Inc., Agent, representing St. Michael's High School, Owner, and the Brothers of the St. Michael's Community of the De La Salle Institute, Applicant, requests approval of a Special Use Permit to build a group residential care facility on approximately 14.0 acres. The property is located at 100 Siringo Road and is zoned R-1 (Residential - one dwelling unit per acre). (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).
3. **Case #2018-115. Food Depot Height Variance.** John A. Padilla, Agent, for The Food Depot via City of Santa Fe, Lessee/Owner, requests of approval of a variance to Table 14-7.3-1: "Table of Dimensional Standards for Nonresidential Districts" ("Maximum Height of Structures"). The request is for an existing HAM Radio tower to exceed the maximum allowable height of 65 feet to allow up to 100 feet for an additional tower structure. The property is located at 1222 A Siler Road and is approximately 1.60 acres. The property is zoned I-2 (General Industrial) (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587)

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: January 15, 2019
TIME: 4:33 PM

G. STAFF COMMUNICATIONS
H. MATTERS FROM THE BOARD
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.

Board of Adjustment Meeting Index
February 5, 2019

Item		Page
Call to Order	Rachel Winston, Vice Chair of the Board of Adjustment called the meeting to order at 6:05 p.m. held at the City Council Chambers.	1
Roll Call	A quorum was established with roll call.	1
Pledge of Allegiance		2
Approval of Agenda	Ms. Dearing moved to approve the agenda as presented with a second from Mr. Maahs which passed by voice vote.	2
Approval of Minutes from December 4, 2018	<i>Changes reflected below in the body of the minutes.</i> Ms. Dearing moved to approve the minutes as amended with a second from Mr. Maahs which passed by voice vote.	2
Approval of Findings/Conclusions: Case #2018-78 2350 Fox Road Special Use Permit	Ms. Dearing moved to approve the Findings and Conclusions for Case #2018-78 Special Use Permit with a second from Mr. Maahs which passed by voice vote.	2
Old Business	None.	2
New Business	Ms. Dearing moved to approve Case # 2018-112 to grant the special use permit, including staff recommendations, conditions, and technical corrections with a second from Ms. Hawkins which passed by voice vote.	3
Case #2018-112 635 Harkle Rd.		
Case #2018-113 100 Siringo Rd.	Mr. Maahs moved to approve the Special Use Permit for Case #2018-113 subject to the technical corrections and recommendations by staff, with a second from Ms. Dearing which passed by voice vote.	4
Case # 2018-115 Food Depot Height Variance	Mr. Maahs moved to approve Case #2018-115 special use permit, subject to the technical corrections with a second from Ms. Hawkins which passed by voice vote.	5-6
Staff Communications	None.	6
Matters from the Commission		6
ADJOURNMENT	There being no further business to come before the Board of Adjustment the meeting was adjourned at 6:46 p.m.	6
SIGNATURES		6

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

200 Lincoln Ave. Santa Fe, NM

February 5, 2019

6:00 p.m.

A. CALL TO ORDER & ROLL CALL

Rachel Winston, Vice Chair of the Board of Adjustment called the meeting to order at 6:05 p.m. held at the City Council Chambers. A quorum was established with roll call.

PRESENT:

Rachel L. Winston, Vice Chair
Douglas Maahs
Coleen Dearing
Patricia Hawkins

NOT PRESENT/EXCUSED:

Gary Friedman, Chair
Daniel H. Werwath
Donna Reynolds

OTHERS PRESENT:

Donna Wyant, City Land Use Department
Noah Berke, City Land Use Planner Manager
Dan Esquibel, City Land Use
Joseph Karnes,
Lee Logston, City Land Use
Colleen Gavin, Jenkins Gavin Inc.
John Padilla, Agent for the Food Depot
Linda Vigil, Stenographer

NOTE: All items in the packet for all agenda items were incorporated herewith by reference. The original packet is on file with the City Land Use Staff. Any additional attachments will be labeled.

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: December 4, 2018

Changes/Corrections:

Page 4 Paragraph 1 ~~what the maximum occupancy is for them.~~ How many designated spaces are required.

Page 4 Paragraph 3 after present, (add in the building) at events.

Page 5 Paragraph 4 after "If all the (add designated) parking.

Page 9 Paragraph 6 change just was-what

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

FINDINGS/CONCLUSIONS:

Case # 2018-78 2350 Fox Road, Special Use Permit
(See packet)

MOTION: Ms. Dearing moved to approve the Findings and Conclusions for Case #2018-78 Special Use Permit with a second from Mr. Maahs which passed by voice vote.

E. OLD BUSINESS

No old business.

F. NEW BUSINESS

CASE # 2018-112 635 Harkle Rd. Special Use Permit

Staff Report:

Mr. Esquibel explained the property is zoned R2. Staff recommends approval. The property was built in roughly 1973. The applicant has agreed to any technical corrections. An ENN was held with no public attendance.

Mr. Esquibel recommends approval of the special use permit.

Questions for staff:

No questions.

Applicant's Presentation:

Joseph Karnes of Sommer, Karnes and Assoc., 200 West Marcy Street. Mr. Karnes spoke on behalf of the applicant (Casa Rael Inc.) and explained the applicant would like to keep the property in code by having the special use permit in case of a fire they would be allowed to re-build.

As of now, under the code if it burned they wouldn't be able to re-build. There is not any development planned for the extended care facility. They are trying to get coverage in the unlikely event of a disaster. They are in agreement with the Fire Department conditions.

Public Comment:

Mark Alexander owns a building nearby, Peyote Bird Designs and is in support of the special use permit. Mr. Alexander asked the history of the building, the occupancy and the square footage.

Mr. Karnes explained the property sits on 5.05 acres, the building is 28,000 square feet and the extending care facility is operating at full occupancy.

Mr. Karnes states they operate under the purview of the State of New Mexico. They are allowed 120 beds, they are currently at occupancy.

MOTION: Ms. Dearing moved to approve Case # 2018-112 to grant the special use permit, including staff recommendations, conditions, and technical corrections with a second from Ms. Hawkins which passed by voice vote.

CASE # 2018-113 100 Siringo Rd. Christian Brother's Residence Special Use Permit

Staff Report:

Mr. Logston explained the St Michaels High School and brothers are requesting approval to build a group residential care facility on the property.

Plans have been posted and are now public. This project requires a special use permit to build a new facility and to allow for the old one to be torn down. The full site pre-dates the current requirements. The Land Use Director decided there is no way to amend it and therefore allowed the special use permit and building permit process to follow. They recommend approval as outlined in the report.

Questions for staff:

Ms. Dearing asked if this is housing for the Brother's and a replacement building.

Applicant's Presentation:

Colleen Gavin (JenkinsGavin Inc.) representing the Christian Brothers explained it was just that. Ms. Gavin introduced Brother Kenneth and Brother Art who are present and Taylor Gant from St. Michael's High School.

Ms. Gavin presented a slide show showing the residence location. Ms. Gavin explained the property is zoned R 1. The original building was built in in 1967

Questions:

Ms. Dearing asked if there is a second floor and is there handicap accessibility?
Ms. Gavin states per code they have proper stairs and will have an elevator.

Public Comment:

Charlie Trujillo (2313 Brother Ave Way.) supports the development.

MOTION: Mr. Maahs moved to approve the Special Use Permit for Case #2018-113 subject to the technical corrections and recommendations by staff, with a second from Ms. Dearing which passed by voice vote.

CASE# 2018-115 Food Depot Height Variance

Staff Report:

Mr. Esquibel explained the height variance requested for the existing radio tower. To allow up to 100 feet at 1225 A Siler Rd. The area is 1.6 acres and is zoned I 2.

The board should approve 90 feet subject to the technical corrections. Staff has found that they have met the criteria and recommends approval.

Questions for staff:

No questions.

Applicant's Presentation:

John Padilla representing applicant (PO Box 22986 Santa Fe) the Food Depot. Mr. Padilla expressed his gratitude to City Staff with their assistance. They are in agreement with the conditions in the report.

Questions:

Ms. Winston asked what the purpose of the tower is.

Mr. Padilla explained the minimum height needed for the emergency use. The other item is the proposed for the state penitentiary, fire station 4 and the food depot. The amateur radio operators take their time to volunteer at the tower.

Sherry Hooper, Exec. Director the Food Depot is involved in emergency disaster relief. They are working with Local HAM radio to communicate to respond to victims.

Ms. Winston asked if the internet goes down, will that allow use of the radio.

Alden Ohler president of SF ARES explained for over 100 years they have provided auxiliary radio in the event of an emergency. There are many from the group present. They are centralized at the Food Depot. The tower will support radio amateur service. There are other areas the 60 foot level doesn't allow them to see or reach the other networks. The extra 30 feet would allow them to reach the other networks.

Don Hinsmen a registered amateur radio operator stated there is an intranet when the internet is down. The hospitals and the emergency communications center can access

it. The city and county demand they have digital communications. He thanked the Food Depot.

Mr. Padilla states in the event of a disaster it is these operators who help.

Public Comment:

Rather than speak, there were many who stood to show their support.

None opposed.

MOTION: Mr. Maahs moved to approve Case #2018-115 special use permit, subject to the technical corrections with a second from Ms. Hawkins which passed by voice vote.

G. STAFF COMMUNICATIONS

None.

H. MATTERS FROM THE COMMISSION

Ms. Dearing states she will be present at the next meeting.

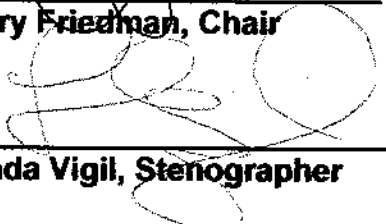
Mr. Maahs reported he heard from the Chair who was not feeling well this evening.

I. ADJOURNMENT

There being no further business to come before the Board of Adjustment the meeting was adjourned at 6:46 p.m.

SIGNATURES



Gary Friedman, Chair

Linda Vigil, Stenographer