



Agenda

AMENDED

PLANNING COMMISSION
Thursday, March 21, 2019 - 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: January 3, 2019**
 - January 17, 2019**

FINDINGS/CONCLUSIONS:

- Case #2018-95. 801 Vista Cathedral Escarpment Variance.**
- Case #2018-97. 4327 and 4323 Airport Road Rezoning.**
- Case #2018-104. Vizcaya III Development Plan.**

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

1. An Ordinance Amending Table 14-5.5-4 to Specify that Height Restrictions Within the Midtown Local Innovation Corridor are Exceptions to Those Set Forth in the South Central Highway Corridor Protection District in Areas that are Covered by Both Districts and to Remove References to Structures that Fall Within the South Central Highway Corridor Protection District that Also Fall Within the Midtown Local Innovation Corridor Overlay District. (Councilor Ives) (Carol Johnson, Land Use Department Director, crjohnson@santafenm.gov, 955-6617)
2. **Case #2018-114. Fiesta Nissan/Hyundai Development Plan.** Wayne Lloyd of Lloyd & Associates Architects, Agent, for Jamie Dick DBA 2015 Cerrillos Road Properties, LLC, Owner, requests Development Plan approval for the Fiesta Nissan/Hyundai Dealership on 11.99 acres of land. The property is zoned C-2 (General Commercial) and in the Cerrillos Road Corridor Overlay/Zone 4 and is located at 4994 and 6590 Cerrillos Road. (Donna Wynant, Case Manager, djwynant@santafenm.gov, 955-6325). ***(TO BE POSTPONED TO APRIL 4, 2019)***

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: March 12, 2019
TIME: 2:34 PM

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.**



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- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
- I. ADJOURNMENT**

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: March 1, 2019

TIME: 9:59 AM

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.
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SUMMARY INDEX
PLANNING COMMISSION
March 21, 2019

<u>ITEM</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	1-2
D. Approval of Minutes, Findings & Conclusions		
MINUTES:		
January 3, 2019	Approved	2
January 17, 2019	Approved	2
FINDINGS OF FACT/CONCLUSIONS OF LAW		
Case #2018-95 801 Vista Cathedral	Approved	2
Escarpment Variance		
Case #2018-97 4327 & 4323 Airport Road	Approved	2
Rezoning		
Case #2018-104 Vizcaya III	Approved	2
Development Plan		
E. Old Business	None	2
F. New Business		
1. Midtown Heights Ordinance Amendment	Recommended approval	2-10
2. Case #2018-114 Fiesta Nissan/Hyundai		
Development Plan	Postponed to April 4	10
G. Staff Communications	Comment	10
H. Matters from the Commission	Comment	10
I. Adjournment	Adjourned at 7:09 p.m.	11

PLANNING COMMISSION
Thursday, March 21, 2019 - 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 Chair Hiatt 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 Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Mark Hogan, Vice Chair
Commissioner Jessica Eaton Lawrence
Commissioner Dominic Sategna

Members Absent

Commissioner John B. (Jack) Hiatt, Chair [excused]
Commissioner Janet Clow [excused]
(One Vacancy)

Others Present:

Ms. Carol Johnson, Land Use Department Director
Mr. Noah Berke, Current Planning Division Supervisor and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
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.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

MOTION: Commissioner Faulkner moved, seconded by Commissioner Garcia to approve the agenda as published. The motion passed by unanimous voice vote with Commissioners

Clow Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES:

- a. January 3, 2019
- b. January 17, 2019

MOTION: Commissioner Faulkner moved, seconded by Commissioner Gutierrez to approve the minutes of January 3, 2019 and January 17, 2019 as presented. The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

2. Findings of Fact and Conclusions of Law:

a. Case #2018-95 801 Vista Cathedral Escarpment Variance

MOTION: Commissioner Faulkner moved, seconded by Commissioner Gutierrez to approve the Findings and Conclusions for Case #2018-95 as presented. The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

b. Case #2018-97 4327 and 4323 Airport Road Rezoning

MOTION: Commissioner Garcia moved, seconded by Commissioner Faulkner to approve the Findings and Conclusions for Case #2018-97 as presented. The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

c. Case #2018-104 Vizcaya III Development Plan

MOTION: Commissioner Faulkner moved, seconded by Commissioner Lawrence to approve the Findings and Conclusions for Case #2018-104 as presented. The motion passed by majority voice vote with Commissioners Clow, Faulkner, Garcia, Lawrence and Sategna voting in favor and none voting against. Commissioner Gutierrez recused himself.

E. OLD BUSINESS: None

F. NEW BUSINESS

- 1. An Ordinance Amending Table 14-5.5.4 to Specify that Height Restrictions Within the Midtown Local Innovation Corridor are Exceptions to Those Set Forth in the

South Central Highway Corridor Protection District in Areas that are Covered by Both Districts and to Remove References to Structures that Fall Within the South Central Highway Corridor Protection District that Also Fall Within the Midtown Local Innovation Corridor Overlay District (Councilor Ives) (Carol Johnson, Land Use Department Director, crjohnson@santaferm.gov 955-6617)

Director Johnson said the issue was brought by potential developers at the southeast corner of Pacheco and St. Michael's. The purpose of the corridor is to qualify the height. She referred to the handouts. The South Central Highway Corridor keeps buildings low but overlaps the southwest quadrant of that intersection of St. Michael's Corridor. Underlying zoning is in conflict with the existing language on South Central Highway Corridor and needs an exception. Normally the more restrictive applies but here we want a different height.

Commissioner Sategna said he had requested a topographic map and wanted to make sure he understood. The existing code for the South Central Highway Corridor, under Purpose and Intent, is for openness and view. After his review of the topo map, he noticed this property is at a higher elevation than other surrounding properties and the original intent was to keep that at a minimum. He asked if that has been taken into consideration. He thought the height limit of 52' is potentially a 4-story building on that area and asked if that was correct.

Director Johnson agreed.

Commissioner Sategna asked if that was taken into consideration before proposing this or if she had comments about a 4-story building on an elevated area.

Director Johnson explained that the way the overlay was mapped, it hits the northwest corner, even taking into consideration the added height. Looking at potential development or the reuse of properties on the east side of Pacheco, they could not be developed under the current economic climate and the owners were put at a disadvantage. At this specific location, the discussion was the intent of the Link which had preference over the corridor overlay. The Link is newer and was to supersede that emphasis on the corridor for these parcels in the final adoption process.

Commissioner Sategna understood the Midtown Link is the more recent overlay and should take precedence.

Director Johnson said it is fresher and more in tune with public involvement and concerns. We are deferring to that public process and making clear the Link should have precedence.

Commissioner Sategna thought, under the provisions of 14-1.7, lower height should prevail.

Director Johnson agreed, unless a specific exception is provided, and this ordinance does that.

Commissioner Sategna concluded that a 4-story could be built there. In the Northwest Quadrant, that is actually the crest. He couldn't read how far the elevation drop is. How many stories is that in the Northwest Quadrant? And they would exceed the 25-foot maximum height.

Director Johnson said it should be measured from the natural grade or finished, whichever is lower.

Commissioner Sategna asked if it would be 48' high.

Director Johnson said it would not be for the height of the building.

Commissioner Sategna asked if that top would exceed the top on the southwest corner.

Director Johnson didn't know.

Commissioner Lawrence asked if this location is the only overlap with the Link Overlay District.

Director Johnson agreed.

Commissioner Faulkner asked if it is mostly commercial. The hospital is further east and here, there is a grocery and small retail and the residential is further south.

Director Johnson agreed. She explained that one of the purposes was to incentivize other new development.

Commissioner Faulkner thought it was also to enhance walkability.

Commissioner Gutierrez asked if there is a specific property scheduled for demolition in this area.

Director Johnson said there are two parcels north of Morningstar and one on the east side of Pacheco to the north.

Commissioner Gutierrez asked if this line is coming through there.

Director Johnson explained that the map that Planning is using has purple areas shaded. That is different than the IT map. She didn't have time to do a historic analysis why they are different. The edges of South Central Highway Corridor Overlay is different.

Public Hearing

Ms. Mary Schruben saw this as an issue that she spotted when the Link overlay was extended to the Midtown area and not resolved at that time. Most of the issues in the documents have to do with Section D and there seems to be an Exhibit D. There is a difference between D1a – the description of the South Central Highway Corridor and two of the boundaries of Link. 1a described the boundary for the highway corridor as including St. Vincent Medical Center but under boundaries for Link, it ends at the western edge of St. Francis Drive right-of-way. She asked if this couldn't be made easier with the Link boundary in place and the Highway corridor to cover the St. Francis area. She asked if the Link area extends to Old Pecos Trail. It was a question when they had the additions for the Midtown campus where the Link stops. Is it on the west side of St. Francis or Old Pecos Trail?

The second issue was on the next page in the permitted and prohibited uses table. Under the notes for #4, it has testing and lab. She would like to make sure no hazardous material is included because of all the restaurants and food establishments there. There is a second reference in the next table on page 4 under note #6 on that table.

A further question is on the following page at General Standards in 5-B. She asked how the public will be informed of these administrative decisions and the time frame for them to occur. It is prior to Planning Commission, or at another time?

Further on, for # 9, landscaping, on the 7th page of Exhibit D, she would like to be clear that the retention and detention ponds should not count in the open space calculation.

Next, under 9-C, the definition of street trees is a problem to the Municipal Tree Board. Most of our trees are failing, as you know, but in the code, there should be a change requiring the property owner, even if the trees are in the public right-of-way, for the owner to provide adequate water and pruning and the area around them cleaned up. Either that or eliminate street trees and not take that on to Public Works. Or even better would be clustering of trees off the public right-of-way for a better opportunity for moisture for tree roots and systems and also provide larger space for sheltering from heat. So in the initial Link conversations, we talked about replacing trees with a sheltered parking concept. She also assumed that any plants provided would come from the Tree Board's approved list.

She pointed out that when the structure was built there, it was to be a tv studio and did operate as such for a year or two. They chose that location because it was a high location and intended to put their TV antenna there for broadcast, but it never happened and became an office building where Mary worked for several years at the lower level. There are three levels that can be seen. Whatever resolution comes out for this property and the property next door to the south, are to the same height and not above. That if there will be demolition and reconstruction there, that there be consideration for

lowering that entire property with underground parking and allowing the developer to put as many stories above and still be under max height but not adding onto the promontory that now exists. It would be detrimental to that area. We hated that building because it was hard to get into and the spaces were awkward and had to do a lot of south window heat mitigation. As a state agency, we liked having electronics on top. So that topo needs to be addressed either in administrative rules or in some way to better use the property at the streetscape rather than existing.

Vice-Chair Hogan he would have staff respond to that later.

Karen Heldmeyer commented that when the Board looked at it, their concern was overlapping definitions. The concern was in the interim, what is in the Midtown Link that will be seen as the norm and everything else will be pushed to that density. On the campus and at the land where they are looking to expand, it doesn't seem they need to look at those regulations particularly in close proximity to residential areas on Pacheco.

Secondly, for the Dos Santos affordable housing development, there was a great deal of controversy about traffic patterns and confusion about them for people going in and coming out. There were people panhandling at the corner.

When Link regulations were discussed, one concern was about putting on another commercial story. The general consensus was that any increased use should require a careful traffic study. Several people were very concerned about increases in traffic density.

"If you've ever tried to get into those buildings, and with more density, it will be more confusing. That was what people were concerned about. So clarify who will be affected by it."

Michael Branch, 228 S. St. Francis, said he has been with Branch Realty since 1975 and he manages that building on the corner at 2009 S. Pacheco. The New Mexico Human Services has been in both buildings since then. 2009 is set up on that promontory and the building is also built back into the hill with a lower floor below ground level on all sides and the only visibility is on the north side. It is a hole. It exceeds the height of the first floor. There have been as many as 200 people in it and not a source of contentions. Human Services left last year, and it has been vacant since then.

The other building will soon be vacant. With the Plaza having moved, Smiths is next door and vacancies are appearing there. The new development would consolidate the two buildings. The split makes it difficult for people coming in. The 2009 building is not likely to be demolished. It is a poured concrete building with one level underground.

Other than that, 2025 S. Pacheco, next door, is a new PNM Company building that will be vacated in May or June so 80,000 square feet will be vacated. So his concern is with what is happening on the corridor. Along St. Michaels' Drive there, the City could

end up with two vacant buildings for a long time. Office uses are diminishing with agencies moving further out or to Albuquerque. So they have little use now.

Councilor Ives said it affects District 2 and is of interest to him. And that was why he sponsored this ordinance. The opportunity created by the Midtown Link in District 2 was to redefine in a supportive way, the entire St. Mike's corridor west and he didn't think Link extends further to the east. These properties were under a State lease for many years as Mary Schruben described. They are in need to change if they are to be productive in the City of Santa Fe. At that intersection, there are wide spaces and the ramps extend as far to the east as the western edges of these properties extend to the west. Immediately to the west are the Smith's grocery store and Plaza del Sol. The third building by Morningstar is across from the Children's Health Facility and there is no development on the eastern edge of the ramp. On the east side is that same elevation of ground. So the buildings are perched high to begin with and the impact on view sheds on this small section was going to be minimal and, in his opinion, less than what folks could redevelop. So, he wanted to bring it forward so this property would be subject to Midtown Link as opposed to the old corridor plan. The corridor plan was put in some time ago when there was not much development on St. Michael's there.

Councilor Ives spoke in favor of the ordinance change for those reasons.

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

Vice-Chair Hogan asked about the height questions on the southeast corner and the existing three-story building. Commercial stories are higher than residential stories.

Director Johnson said they do have that precise information.

Mr. Tom Gifford, a potential developer for this property, said he looked in the plans and found the height to be about 32'-34' to the top of the parapet. There is a penthouse on top and it is visible at about 42' 4". So anything proposed would be about that height.

Director Johnson clarified that today's amendment only addresses footnote #2 and explicitly refers to the height conflict. So the amendment only addresses that. There are other differences on setback and density that remain in effect. Regarding the concerns of community, it is not about any of those other areas of improvement.

Director Johnson read from the General Standards #5 and B, which she read. Those subsections are general standards for site design and circulation. It has a provision in that section 14-.211b – that allows the Land Use Department to make those alterations administratively. There is no public hearing for those.

Vice-Chair Hogan clarified that they are recommendations to the Governing Body.

Director Johnson agreed.

Commissioner Sategna believed the map had 2' topo lines so there is potential 30' drop and while there is a 4-story building on the northwest end, that would not be surpassing the existing height so what we are approving is an opportunity to put a four-story building on this location and would be one of the highest in the city and the projects in Link would be high-density residential.

Director Johnson disagreed. The South Central Highway Overlay has a limit of 21 units per acre. And that is not proposed to be amended. This just addresses height. If the Planning Commission believes a broader amendment is needed to clarify other conflicts, you could submit those proposed amendments.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Lawrence, to recommend approval of the ordinance amendment to the Governing Body.

DISCUSSION ON THE MOTION:

Commissioner Sategna recommended additional study. What is proposed is a change to the height restriction and thanked Director Johnson for clarifying the residential height would be the same. This is one of the highest areas in the city and in the South Central Highway Protection District, the purpose was to maintain open views in the area. Adding more height could block the view all the way back to Call Lorca. Before making an exception for the overlay at 54' there should be more study on what view impacts would be on surrounding neighborhoods.

Vice-Chair Hogan pointed out that it is about the southwest corner and if we could limit the study to that area, it would meet the concern. We could consider the relative heights of what the visual impact of a different building at four stories would do to that corner.

Ms. Paez asked that such studies be very specific.

Vice-Chair Hogan agreed. If we could do it by comparing proposed with existing buildings. Story poles would not be easy to use for a four-story building.

Commissioner Sategna deferred to him, as an architect, to understand.

Commissioner Faulkner asked if the buildings there now are 42' high.

Director Johnson agreed, including the penthouse.

Commissioner Faulkner asked Vice-Chair Hogan if 10 more feet would make a difference.

Vice-Chair Hogan said it would. He asked when the Planning Commission could hear it.

Mr. Berke said it likely would be a May meeting.

Commissioner Gutierrez asked if this is scheduled for Council before our next Planning Commission meeting.

Mr. Berke said it was not.

Commissioner Faulkner asked if, with the study, this would need to come back to us again.

Ms. Paez said the Commission's recommendation could be that Council consider further study. She did not think it would have to come back. She thought it would still continue through the process.

Director Johnson said it depends on how the study would influence the Commission.

Commissioner Gutierrez said it is up to the Governing Body from the public - We are looking for 52 feet. If we recommended the same height as now, we are going from 25' It is a 25' limit now.

Director Johnson agreed that it is 25' in the South Central Highway Corridor. There, they cannot expand the penthouse floor now which is over 25'.

Commissioner Gutierrez pointed out that it is a big jump. And the Councilor knows what he is up against here.

Commissioner Sategna asked what the dimensions of the penthouse there were.

Mr. Gifford said it is approximately 20x20. It is a boiler room on the roof and is set back to the point you can't see it. There are also cell phone antennae now. And we could figure out what height they are. 52 feet would allow building above that line.

Mr. Berke thought it would be helpful to ask why that added height would be helpful.

He noted that when Matthew O'Reilly was here, he and Justin Greene has concerns about two overlays. Vice-Chair Hogan and Commissioner Gutierrez might have been present in that conversation. It was for mixed use on top and commercial on the bottom. He said he could share some of the plans.

Mr. Gifford said they are at the beginning step and saw the conflict in the two codes. We would like to take full advantage of Link parameters for multifamily use and some commercial retail probably but mostly housing but not be held to that

He explained that they held up on plans to determine what could be done. It would be a nice kickoff project in the Link area. This model has been used before for housing where retail once existed.

Commissioner Garcia asked, with the confusion about Link and Old Pecos Trail for the height requirement, if the rest of the highway corridor is not affected.

Director Johnson agreed. There is 50' setback and limited density.

Commissioner Garcia asked how much higher the new height requirement is than what is there currently.

Director Johnson said that at up to 52', it is 12' more than the penthouse. And different for residential.

Mr. Berke understood the motion to approve a recommendation of approval with a recommendation to investigate it further for more information.

Ms. Paez clarified the motion to be a recommendation of approval with the suggestion that staff provide more detailed information.

VOTE: The motion passed by majority voice vote with Commissioners Clow, Faulkner, Garcia, Lawrence and Gutierrez voting in favor and Commissioner Sategna voting against.

- 2. Case #2018-114 Fiesta Nissan/Hyundai Development Plan. Wayne Lloyd of Lloyd & Associates Architects, Agent, for Jamie Dick DB 2015 Cerrillos Road Properties, LLC, Owner, requests Development Plan approval for the Fiesta Nissan/Hyundai Dealership on 11.99 acres of land. The property is zoned C-2 (General Commercial) and in the Cerrillos Road Corridor Overlay/Zone 4 and is located at 4994 and 6590 Cerrillos Road. (Donna Wynant, Case Manager, diwyant@cantafenm.gov 955-6325) *(TO BE POSTPONED TO APRIL 4, 2019)***

This case was postponed to April 4 under Approval of the Agenda.

G. STAFF COMMUNICATIONS

Mr. Berke reminded the Commissioners that April 4 will be a busy night.

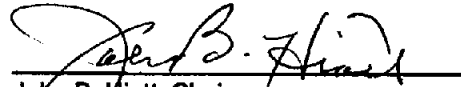
H. MATTERS FROM THE COMMISSION

Commissioner Gutierrez said he would recuse himself again.

I. ADJOURNMENT


Upon a motion by Commissioner Faulkner, the Planning Commission meeting was adjourned at 7:09. p.m.

Approved by:



John B. Hiatt, Chair

Submitted by:



Carl G. Boaz for Carl G. Boaz, Inc.