



Agenda

PLANNING COMMISSION
Thursday, May 16, 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: April 4, 2019

FINDINGS/CONCLUSIONS:

Case #2018-114. Fiesta Nissan/Hyundai Development Plan.

Case #2019-21. Rael Tract 2 Preliminary Subdivision.

Case #2018-83. 1616 Agua Fria Preliminary Subdivision AMENDED.

E. OLD BUSINESS

F. NEW BUSINESS

1. An Ordinance Amending Section 14-5.5(D) regarding the Midtown Local Innovation Corridor (Midtown LINC) Overlay District to specify that the provisions of the Midtown LINC shall supersede the provisions of any other overlay district(s), including but not limited to, the South Central Highway Corridor Protection District as set forth in Subsection 14-5.5(A); and amending Table 14-5.5-4 to remove references to structures that fall within the South Central Highway Corridor Protection District that also fall within the Midtown LINC Overlay District. (Councilor Ives) (Carol Johnson, AICP, Land Use Department Director, crjohnson@santafenm.gov, 955-6617)
2. **Case #2018-97. 4327 and 4323 Airport Road Rezoning.** Liaison Planning Services Inc., Agent, for Rudy and Julie Rodriguez, Owners, request a rezoning from R-1 (Residential – one dwelling unit per acre) to C-1 (General Office). The rezoning request is to rezone 0.32+/- acres of 4323 Airport Road by adjusting the C-1 Zoned District located at 4327 Airport Road to incorporate the 0.32+/- acres. The property located at 4323 Airport Road is approximately 10.66+/- acres and if approved an administrative Lot Line Adjustment will be done to consolidate the 0.32+/- acres and create a new zoning boundary line along the new property line between 4327 and 4323 Airport Road. Both properties are located within the Southwest area Master Plan, Airport Road Overlay District and Suburban Archaeological Review District. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587) **(REMANDED BACK TO THE PLANNING COMMISSION FOR IMPROPER NOTICE)**

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.**

<p>RECEIVED AT THE CITY CLERK’S OFFICE DATE: <u>April 25, 2019</u> TIME: <u>1:40 PM</u></p>
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PLANNING COMMISSION

May 16, 2019

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C. Approval of Agenda	Approved as published	2
D. Approval of Minutes & Findings and Conclusions		
1) Minutes of April 4, 2019	Approved as amended	2
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b. <u>Case #2019-21</u> - Rael Tract 2 Prelim Subdivision	Approved	2-3
c. <u>Case #2018-83</u> - 1616 Agua Fria Prelim Subdiv.	Approved	3
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F. New Business		
1) Midtown Innovation Corridor Overlay Amendment	Recommended Approval	3-12
2) <u>Case #2018-97</u> 4327/4323 Airport Rd Rezoning	Recommended Approval	12-14
G. Staff Communications	Comments	14-15
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I. Adjournment	Adjourned at 8:20 pm	15

PLANNING COMMISSION
Thursday, May 16, 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 John B. (Jack) Hiatt, Chair
Commissioner Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Mark Hogan
Commissioner Jessica Lawrence
Commissioner Dominic Sategna

Members Absent

Commissioner Janet Clow (excused)

Others Present:

Ms. Carol Johnson, Land Use Department Director
Mr. Greg Smith, Current Planning Division Director
Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Mr. Dan Esquibel, 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.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

MOTION: Commissioner Faulkner moved, seconded by Commissioner Gutierrez, to approve the agenda as published.

VOTE: The motion passed by unanimous voice vote with Commissioners Faulkner, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against. Commissioner Garcia was not yet present for the vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES: April 4, 2019

Chair Hiatt had changes and would give them to the stenographer. He had read all of the minutes and thought everyone did a great job. He thought that was helpful for staff and those who testified. That told him that the Commission should follow their gut from time to time and they did a good job when the case was not approved in November and was sent back.

He acknowledged the help from Mr. Herdman and Mr. Karnes. He added that it was important for the minutes to reflect all that happened, and Carl had done a great job.

Commissioner Gutierrez indicated he had a few changes he would email to Mr. Boaz.

MOTION: Commissioner Hogan moved, seconded by Commissioner Faulkner, to approve the minutes of April 4, 2019 as amended.

VOTE: The motion passed by unanimous voice vote with Commissioners Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

2. Findings of Fact and Conclusions of Law:

a) Case #2018-114. Fiesta Nissan/Hyundai Development Plan.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Hogan, to approve the Findings of Fact and Conclusions of Law for Case #2018-114 as presented.

VOTE: The motion passed by unanimous voice vote with Commissioners Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

b) Case #2019-21. Rael Tract 2 Preliminary Subdivision.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Sategna, to approve the

Findings of Fact and Conclusions of Law for Case #2019-21 as presented.

VOTE: The motion passed by unanimous voice vote with Commissioners Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

c) Case #2018-83. 1616 Agua Fria Preliminary Subdivision Amended.

MOTION: Commissioner Hogan moved, seconded by Commissioner Garcia, to approve the Findings of Fact and Conclusions of Law for Case #2018-83 as presented.

VOTE: The motion passed by majority voice vote with Commissioners Faulkner, Garcia, Hogan, Lawrence and Sategna voting in favor and none voting against. Commissioner Gutierrez recused himself from the vote.

E. OLD BUSINESS:

None

F. NEW BUSINESS

1. An Ordinance Amending Section 14-5.5(D) regarding the Midtown Local Innovation Corridor (Midtown LINC) Overlay District to specify that the provisions of the Midtown LINC shall supersede the provisions of any other overlay district(s), including but not limited to, the South Central Highway Corridor Protection District as set forth in Subsection 14-5.5(A); and amending Table 14-5.5-4 to remove references to structures that fall within the South Central Highway Corridor Protection District that also fall within the Midtown LINC Overlay District. (Councilor Ives) (Carol Johnson, AICP, Land Use Department Director, crjohnson@santafenm.gov, 955-6617)

Mr. Berke presented the matter to the Commission and stated when originally submitted on March 21, 2019, the Commission was concerned about the potential impact on surrounding areas. Staff was directed to do a visual analysis of the proposed changes. Staff worked with the stakeholders on what the changes would look like.

Staff also redrafted the proposal to amend language in subsection 14-5.5 D 3A in addition to amending the table. The proposal specifies that provisions of the Midtown LINC supersede any other overlay districts. And eliminates height restrictions for properties within the district that also fall within the South-Central Highway Corridor (SCHC) overlay protection district. The SCHC limits maximum height structures to 25 feet, not including the parapet. The Midtown LINC provides height incentive and is listed in the table.

Mr. Berke described the overview of the district and explained the legend. Staff worked with Tom Gifford for photos showing what the increase might look like on an existing structure. Currently there is no project in application, but this could potentially lead to projects.

Mr. Berke stated the ordinance originally passed the Planning Commission and was being presented to show what this might look like where both overlays overlap.

Staff recommended approval of the amendment.

Chair Hiatt opened the matter for Public Comment

Public Comment

Mr. Tom Gifford stated the concern had been the visual impact. The applicant conducted a study and the parapets surveyed around the building using a 13-foot story pole. A drawing showed the visual impact if a floor was added to the building.

The building had been used by the State and the State had moved out. The idea is to find ways to adapt or reuse the building, but there were no plans for redevelopment currently. A key critical element would be the approval of the LINC district which would allow the density, parking and height needed to redevelop the land for its highest and best use.

Mr. Rick Martinez stated he had a lot of issues. They did not show the other building next door which is still part of the height plan and the applicant would be adding density, not just height. The problem is there are neighborhoods that do not even know about the proposal. There was no notice to neighborhoods regarding the increased density to Pacheco Street and they should have been notified. They should be told about the proposal for the building that would add a lot more traffic, where it is already a mess.

He thought the failure to notify the existing neighborhoods was a slap in the face and found it disturbing that Staff did not put up even a yellow sign.

He added that St. Francis corridor was put in place for a reason; to keep the height even and he displayed a picture to show the even level. He said the neighborhood has a lot of respect for the hard work that went into creating the corridor plan.

Mr. Martinez asked to leave the building the way it is because there are two buildings that are part of the plan, not one. He would have notified the neighborhood if he had been at the last meeting, because they need to hear what is being planned before the Commission makes a decision. The best way to do would be to ask the neighborhood what they thought before they add density.

He thought they were doing this because the building is under contract. He asked if the City was doing the developer a favor by doing this because it did not make sense.

Ms. Karen Heldmeyer stated she had attended the Planning Commission meeting. She was surprised to learn even though this is an ordinance change, that those who testified were being sworn in "*in an abundance of caution*".

She indicated initially this was presented as just an ordinance change but when people testified with

specifics became clear this had to do with this building; who owned the building; what would happen to the building, etc. She said this case is a hybrid between a quasi-judicial and an ordinance change and is why the City attorney stated people should be sworn in “in *an abundance of caution*”.

Ms. Heldmeyer continued that today people do not need to be sworn in, so apparently there is not the “abundance of caution”. She recalled that Councilor Ives, the sponsor of the ordinance change that stated he was very excited about the residential use going into the building, he then added, *or whatever else goes in there*.

Ms. Heldmeyer said the Commission needs to be straightforward with people, in particular because this not only affects this building, it talks about the corridor extending down Pacheco. The other side of Pacheco is a dense established neighborhood who did not receive notice and that is not the ideal way to do things. At the very least this should be cleared up before going to City Council, or better yet, the Commission should talk among themselves as to whether this is the way they want to do things.

Mr. Matthew O'Reilly noted as the former land-use director for the City and former chairman of the Planning Commission and the author of the Midtown LINC Overlay District ordinance, he fully supported the proposed changes. The point of the ordinance was to encourage the redevelopment of older properties, particularly office properties and vacant parking lots, to provide multifamily housing in the City.

He pointed out that this property and the two other properties on this side of Pacheco Street are already in the Midtown LINC overlay district and the testimony just heard appeared as though they were not. He said the issue is whether older, functionally obsolete properties could be redeveloped into something the City needs; multifamily housing, and he hoped that could happen. He thought not do this would fly in the face of what the Midtown LINC was created for in the first place.

Mr. O'Reilly reminded the Commissioners that LINC is only 1.1% of the City of Santa Fe, which has 35-40,000 individual pieces of property. The ordinance being considered affects only three pieces of property.

He stated his support for the changes again and acknowledged the excellent job by Staff and encouraged the Commission to support the ordinance.

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

Chair Hiatt asked Ms. Paez if she was satisfied with the notice and if there should be yellow signs up.

Ms. Paez explained the issue was not a land use development issue and the notice in chapter 14 would not apply, which included Early Neighborhood Notification (ENN) procedures and yellow posters. The ordinance change procedure for public input is through the committee process, being done tonight. Additional committees would also review the change and there would be a public hearing before the Governing Body, who must approve the change. If and when there is a development plan, the process would be subject to code and that triggers all notice requirements.

Commissioner Hogan clarified they were not addressing the height along the Mid-town corridor, but

actually the height in the overlay and which overlay would take precedent.

Mr. Berke replied he was correct. The property is zoned C-2 and does not have a density requirement. The closest residential community is across St. Michael's Drive and sits at a lower elevation. This only addresses where the two overlap.

Commissioner Hogan confirmed that nothing acted on that night would negatively affect the work already in place on the Mid-town corridor.

Mr. Berke confirmed this removed one restriction and changed some wording on those properties.

Commissioner Faulkner asked for a rough estimate of the total number of public hearings that have been and would be heard.

Mr. Berke explained if the Commission recommended approval to the Governing Body, the next step is to go through the Public Works and Land Use Committees, possibly the Finance Committee. Then on to the Governing Body for a Notice to Publish followed by a public hearing.

To date there has been one public hearing here on March 21st and that was approved.

Commissioner Faulkner confirmed there would be additional opportunities the community could weigh in on the change.

Commissioner Garcia said Mr. Martinez had a great point. Once the Commission passed the ordinance it would go to another level without any input from the surrounding community. That was mostly his concern too and the Commission should consider that.

Commissioner Faulkner asked if they could have a condition of approval for Staff do community outreach.

Mr. Berke replied the Commission could recommend community outreach along the process. Staff had tried to address the Commission's concern at the last meeting by doing individual analysis. They could try to do more public outreach and the Commission's suggestions would be helpful because there are different ways for doing public outreach.

Commissioner Faulkner asked if they could not put up a yellow sign even though it was not required.

Mr. Berke explained the applicant pays for the yellow signs and the mailings, but he could discuss that with Director Johnson on how to proceed. ENNs typically happen before this stage in the process and this is just a text amendment at this point.

Mr. Griffin pointed out they were before the Planning Commission in March to discuss the impact and they returned because they wanted to be sure everyone was aware of the impact. He reminded the Commission that the LINC district had gone through a long-running process. They were trying now to clean up the overlap, which is a very small portion of the City. The LINC district went through an extensive

public process led by Mr. O'Reilly and the neighborhood discussed where density and height would be allowed. So, people have seen this before and the neighborhoods were notified.

He indicated this was specifically about their property where there was conflict between the two districts, and he thought the LINC had been well received by the community.

Mr. Berke added that when the LINC was originally heard and proposed by Mr. O'Reilly, the Commission was going to allow the height in that area and a Commissioner recommended including this provision. He thought the Commission understood that the public outreach process had been completed.

He noted that had that one condition not been included, they might not be dealing with this text amendment and the height and the potential adaptive reuse of the building was proposed and shown to the neighborhoods. They need this, especially for a building that has been sitting vacant for a year and possibly it could be housing or more retail or both. This just happens to be on top of a hill.

Commissioner Gutierrez indicated he was not aware if signs had been put up because it was not required notification for a text amendment. He would love to see the public have more opportunity to speak, and for the neighborhoods not to be aware is something he did not agree with.

He asked Mr. O'Reilly why the conflict was not resolved when the City worked on the LINC.

Mr. O'Reilly replied the original LINC proposal was that the provisions would apply to all properties within the Midtown LINC, including these three. As Mr. Griffin pointed out, the LINC went through a long process. The creation of the LINC started over 10 years ago, eventually going to 8 committees and boards and was unanimously approved.

One Commissioner, when the proposal was before the Planning Commission, recommended approval of the LINC with an amendment that height be limited by the corridor, not by LINC standards. That amendment was not proposed by Staff or any of the sponsors, and the Planning Commission approved the proposal with that amendment. Many other amendments were made by the time the project went to City Council for approval.

Commissioner Gutierrez asked to clarify if he or Staff knew the properties were in two different districts from the start.

Mr. O'Reilly said it was always known there were conflicts between the three properties in the LINC and the South-Central Highway Corridor. It is only these three properties in the two districts.

He said as previously pointed out, a great deal of effort went to ensure that what would happen in the next 20 or 30 years in terms of redevelopment, was kept far from the existing residential development. The heights that were needed to create multifamily housing were proposed throughout the LINC when the ordinance was originally proposed. After comments from the public, a decision was made to lower the height inside the LINC closer to residential neighborhoods.

Mr. O'Reilly said that is also the reason the LINC does not go all the way down Pacheco Street to

Sirango. They did not want heights in the LINC to negatively affect the existing neighborhoods by impinging and being on top of them. The proposal was for these properties to be included in the LINC and allowed the higher heights. Only at the Planning Commission was the request to limit the height to the Highway corridor district.

Chair Hiatt asked Mr. Griffin about his background and interest in this property.

Mr. Griffin replied he is an architect in Santa Fe on Paseo de Peralta and has lived and worked in Santa Fe for the past 25 years, effectively his entire career. He has a small office but tends to specialize in infill development in Santa Fe, Albuquerque and throughout the State and the region. He currently has projects in Oregon and California, Santa Fe and Albuquerque.

He was hired by a developer to look at the property regarding redevelopment. When looking at the zoning code they noticed the overlap in the LINC and discussed what they could do with that cap.

Currently the top of parapet is 32 feet tall facing north and the building is 40 feet tall and is effectively legal non-conforming. They met with City Staff informally before their application to confirm zoning code was correctly governed by the South-Central Highway Corridor. They thought the best approach would be a text amendment to clarify the properties are governed by the SCHC.

Chair Hiatt confirmed that Mr. Griffin represented a potential client for the property. He asked to confirm the parapet lines were at 32 feet.

Mr. Griffin replied they had the top of the parapet surveyed and the outside is 32 feet high on the north side of the building and 26 feet high on the south side. The existing building is 40 feet tall and they show if a story is added to the structure, the building could accept the density.

Chair Hiatt confirmed that the line the architect drew was at 46 feet and included the parapet. He clarified the proposal could exceed up to 52 feet according to SCHC rules.

Mr. Griffin agreed. He explained there is excess land on the site, and this is not the only building and he could see any number of things for a redevelopment. They were trying to get the land-use issues resolved before spending time and money where they do not know the rules. The idea for the excess land is a project that is either mixed-use or residential that meets the regulations of the LINC district. That would allow all the rights and uses described; some could be up to 52 feet if another structure is added.

Commissioner Sategna confirmed that the majority, 95%, of the LINC rule is in the valley and they were discussing the properties on the hill adjacent to the Highway corridor. He confirmed Mr. Griffin's goal working with the client is to take advantage of the additional height.

Mr. Griffin agreed. He explained the ability to provide affordable housing requires a certain density to make that happen. The height that gives that density is required and taking advantage of that would be paramount on the redevelopment of the site.

Commissioner Sategna asked Mr. Griffin to confirm currently proposed is possibly an additional four-

story, but at a 52-foot height he could actually go up to five stories.

Mr. Griffin agreed it could be 9-foot floor to floor and 18 inches between at about 54-feet total.

Commissioner Sategna confirmed the line shown was 46 feet with the potential of another 8 feet; and the mechanical penthouse could actually be higher than 52 feet.

Mr. Griffin agreed. He thought the penthouse could go an additional 4 feet for mechanical overruns in the LINC district.

Commissioner Sategna asked Mr. Berke to confirm.

Mr. Berke explained the 52 feet is to the roof deck and the parapet could go past 54 feet up to 8 feet for elevator shafts, mechanical equipment, etc.

Commissioner Sategna said in addition to the 54 feet, they would also be adding potentially another 8 feet. And the 54 feet does include adding additional footage for the parapet and mechanical. He said the reason he was before them was to maximize the height and thought it important there could potentially be an additional 8 feet added.

He thanked Mr. Berke for providing the site analysis but noted the analysis did not address the impact for residents in the back, to views of the mountains if an additional 8 feet is added.

Commissioner Sategna indicated that chapter 14 states the more restrictive limitation is to prevail. He read the intent of the South-Central Highway Corridor Protection district purpose was, "*to establish a clear sense of visual openness and continuity of development as seen from major highway entrances to Santa Fe*".

He continued reading, the second intent of the SCHC is *to protect the openness and continuity of the existing landscape by retaining and planting native and other drought tolerant, low maintenance plants and ensure landscaping provides an attractive and visual buffer and incurs the use of architectural style and scale representative of Santa Fe*.

He thought there were many who were committed to increasing density and providing more affordable housing, but the intent of developer is to maximize the height restrictions provided in the provision change.

Commissioner Sategna said there were concerns about open debate. He asked Mr. Berke if the Commission approved recommendation to the Governing Body, a project proposed would no longer have to come before the Commission.

Mr. Berke replied he was correct. That was one of the advantages for qualifying projects in the Midtown LINC process. It would be a Staff administrative review.

Commissioner Sategna added if approved by the Governing Body there would be no public hearing coming to the Commission if a project was proposed that obstructed views. He said he appreciated that

they were dealing specifically with this property and modifications to a building that has been sitting for quite some time.

He thought the impact was the original intent of the SCHC; establishing a clear sense of visual openness and continuity of development as seen from major highways. He noted the last image showed lines that were not representative of the total height that could be proposed in the future. That would not be required to be heard by the Commission and could potentially add 18 feet to the line currently presented. That would obstruct views to the mountains toward Los Alamos or the other end from the valley.

Commissioner Sategna recommended that a provision be addressed at the time a project is submitted. Requiring the proposed changes when the project is submitted would allow the Commission to see what is being developed and at what height and allow for public comments.

Commissioner Hogan said he heard testimony that it was possible for a development 18 feet above the line shown, but that was not how he understood it. It was for the mechanical, penthouse and would most likely be in the middle of the building and not a continuous line. He said he was confused if the line they were shown was the maximum height allowed.

Mr. Berke explained they would not see 18 feet above what was shown. He displayed how chapter 14 finds height; there are three calculations used. The downhill portion is usually the maximum height and is most likely a sloped lot. That would be the maximum 52 feet plus the potential 8 feet on the uphill portion, which would almost never be 52 feet.

He noted Mr. Griffin pointed out it was shown as 48 feet and 24 feet on one side, which used the most restrictive of the three measurements. That was to ensure the ability is somewhat stepped down as written. He noted the hospital and Las Soleras is 70 feet and the only 70-foot façade is facing the arroyo and seen from the highway is possibly 45 or 50 feet; a five-story building allowance.

Commissioner Hogan asked to clarify that the dotted line was the top of the parapet at maximum height and there could be different distances to the ground. The northwest corner could be closest to 52 feet and the others would be less than that.

Mr. Berke said that was correct.

Commissioner Hogan stated he was on the SCHC and the idea of visual openness is critical, especially where I-25 comes into St. Francis and up and down Highway 599. They wanted to try to keep the views open where possible or provide generous setbacks. He wanted to clarify that in this case, looking toward the property from St. Francis this would not be blocking open vistas.

He was concerned about the public notice as well but wanted to make a motion that a neighborhood meeting be conducted before the next public meeting to provide residents an opportunity for questions and to see the exhibits. Then they take any concerns to the next public hearing.

Commissioner Hogan appreciated that part of Santa Fe's character is that they have no tall buildings

and thought that a positive thing. The one place proposed for changing that to add a couple of stories is the Mid-town district and he would like people to get used to seeing more height there. This could be a gentle nudge in that direction that they could be proud of if done well.

Action of the Commission

MOTION: Commissioner Hogan moved, seconded by Commissioner Faulkner, to recommend to the Governing Body the approval of the modification with the condition there be a neighborhood meeting held between now and the next public hearing.

Discussion on the Motion

Commissioner Gutierrez asked to confirm that the proposal would go before two or three other committees before being presented to the Governing Body.

Mr. Berke provided the proposed schedule if approved: Public Works on May 28; City Council would post a notice of public hearing on their agenda on May 29, followed by the Finance Committee June 3 and finally City Council for public hearing on June 26, 2019.

Mr. Sategna asked to confirm all of those committees would offer opportunity for public comment.

Mr. Berke replied all of the committees would have opportunity for public comment.

Commissioner Sategna wanted to clarify the claim that the line shown was the maximum height of the building. He understood on the long side what was shown was only four stories putting that at 46 feet maximum length on one side of the building.

Mr. Berke agreed. He noted the surveyor was used to add one more story.

Commissioner Sategna said that line represented 46 feet which meant that an additional 8 feet could be added. He thought the line was not representative of what was being approved and wanted that to be noted before the vote.

Mr. Griffin clarified that the height is 46 feet and the proposal for a 10-foot story. Adding a 10-foot story with a structure and parapet is how they derived at 46 feet. It is correct that there is 52 feet elsewhere on the site, but the existing building would have no reason to go that high. That was shown at 46 not to deceive, but to show what they could do with a single-story.

Commissioner Sategna said his point was that if there are 10-foot-high ceilings, it would not mean they would have a four-story building. With what the Commission is approving, there could still be additional height which is not represented here.

Mr. Griffin replied they could do 52 feet on that site and what is shown is accurate for what makes sense for the building on top of that existing structure.

Commissioner Sategna noted this ultimately was being approved for future development. Before voting, he wanted the line to be considered. Adding a four-story to the existing structure would only be at 46 feet but should someone want to take the building down or develop a new residential building, they could maximize that for additional height. The line presented does not reflect potential future developments.

Mr. Gutierrez asked Mr. Griffin if that level would allow 52 feet plus mechanical, etc.

Mr. Griffin replied they have not proposed a design but are asking for the rights and privileges under the LINC district, which is 52 feet plus appurtenances, etc. That is, as has been described, only allowed in limited conditions; mechanical penthouse, etc.

Mr. Gutierrez stated his question was for the rest of property and the potential for another building. It is the 52 feet plus ability in other areas as well.

Mr. Griffin showed a site plan and explained the south side of the site is 26 feet and 32 feet on the north side. The south side is about 8 feet taller than the northern side. He showed the vision for another structure, which is on the lower level but the parking area on the south is 8 feet taller.

Commissioner Gutierrez asked that there be a clear answer regarding whether the public would be able to comment.

Ms. Paez said she had been trying to find guidance in the code or rules stating a text amendment to an ordinance invites public comment. Although the meetings are open to the public, she did not know the answer.

Chair Hiatt explained that Commissioner Hogan's amendment to the motion required public notification and a meeting, but whether in the context of the hearing he did not know.

VOTE: The motion to recommend approval to the Governing Body with the condition of a public notification and meeting passed by majority roll call vote with Commissioners Hogan, Faulkner, Lawrence, and Hiatt voting yes and Commissioners Garcia, Gutierrez and Sategna voting no.

2. Case #2018-97. 4327 and 4323 Airport Road Rezoning. Liaison Planning Services Inc., Agent, for Rudy and Julie Rodriguez, Owners, request a rezoning from R-1 (Residential – one dwelling unit per acre) to C-1 (General Office). The rezoning request is to rezone 0.32+/- acres of 4323 Airport Road by adjusting the C-1 Zoned District located at 4327 Airport Road to incorporate the 0.32+/- acres. The property located at 4323 Airport Road is approximately 10.66+/- acres and if approved an administrative Lot Line Adjustment will be done to consolidate the 0.32+/- acres and create a new zoning boundary line along the new property line between 4327 and 4323 Airport Road. Both properties are located within the Southwest area Master Plan, Airport Road Overlay District and Suburban Archaeological Review District. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587) **(REMANDED BACK TO THE**

PLANNING COMMISSION FOR IMPROPER NOTICE)

Mr. Esquibel explained the Commission has heard and approved the case, but the applicant misunderstood the manner in which the notice was to be put out. The errors were discovered at the City Council level and the Council remanded the applicant go back through the process and re-notice.

He noted that nothing has changed, and the conditions have been accepted. The Association was not aware of the case and the applicant has worked with them and there is no opposition. This is just to re-notice the case.

Applicant's Presentation

Ms. Delores Vigil, with Liaison Planning Services, PO Box 1835, Santa Fe was sworn. She apologized and explained they thought they had completed the job but received a call. They failed to provide notice through both a letter and an email. That has now been done and they had GIS print out the labels to ensure everyone received the correct noticing.

Public Comment

Ms. Linda Wilder Flatt, 950 Plaza Del Sur, was sworn. She explained she lives in Las Acequias and is on their Association board. She indicated the Las Acequias Board approved the R-1 to C-1 for the front .32 acres she assumed would then be consolidated into the 10.32 acres.

Their understanding was that the front .32 acres would be sold by the applicant in the hope parking spaces would be added to the front area. She wanted to know how many parking spaces there would be for the two existing stores.

Ms. Flatt added the Association had an additional requirement. Their fence along the property line from Airport Road back to the .32 acres has been knocked down many times. They requested the applicant be required to place barriers to prevent someone backing into the fence.

Chair Hiatt stated Ms. Flatt used the words *request* and *require* and he thought *request* was appropriate. He was not sure they had the authority to require.

Ms. Flatt said she would request the barrier.

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

Ms. Vigil responded to the parking question stating the site plan had approximately 13 spaces added. She pointed out the area on the east side of the building and west side of the lot on the map. She thought there would be no further problem with hitting the fence.

Chair Hiatt asked that Ms. Vigil be mindful of that and bring it to her client's attention.

Commission Discussion

Commissioner Sategna asked if the future development would be required to come back through the Planning Commission.

Mr. Esquibel stated it was a rezoning which is a recommendation by the Commission. Their only request was to increase the parking, which was not conforming and although they would still be shy of the required amount, it is better than before. Typically, they do not like to put conditions on rezoning, but he could work with the applicant and Lee Logston, who is doing the apartments. They may be able to find a way to work something out. It would be up to the new owner, if they want to add fencing.

Ms. Vigil said she could not speak for the owner, but she was sure they would be willing and happy to work with the neighbors.

Action of the Commission

MOTION: Commissioner Sategna moved, seconded by Commissioner Hogan, to recommend the Governing Body approval of the rezoning request from R-1 to C-1.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Hogan, Faulkner, Garcia, Gutierrez, Lawrence, and Sategna voting in favor and none voting against.

G. STAFF COMMUNICATIONS

Mr. Berke noted the budget had been approved for the department and reorganization. There would be a change as shown with two assistant director positions created through not filling vacancies. One assistant director will oversee the planning branch and the other the operational aspect, building permits, technical review, and inspections.

He reviewed the departments under the Planning Branch: MPO, Historic Preservation, Current Planning and a new division called Compliance to deal with short term rentals and zoning enforcement. The long-range planning functions will be divided among senior planners. The budget proposal also included expansion of the budget to rewrite chapter 14 in a three-year phase and consideration of rewriting the General Plan. The budget is effective July first.

One additional senior planner was created and an engineering technician position in his division. There will be a contract analyst to deal with the new software and they have new iPads and new software that is Cloud based. They will provide training in the near future on the software.

Chair Hiatt asked if there would be a long-range planning committee.

Mr. Berke agreed. One other change was an increase in fees across the board. That would come

before the Commission for recommendation to City Council.

Director Johnson is working on finalizing all of the proposals and those will come before the committees and public hearings etc.

He asked if everyone planned to attend the Planning Commission meeting June 6th because it would be a busy night. He would leave it to the Chair if they need to change the agenda.

H. MATTERS FROM THE COMMISSION

Commissioner Sategna requested in the future when providing information on the site analysis, regardless of existing structures, the lines presented should consider if a new building would be built what the maximum line would look like.

Commissioner Faulkner asked to get clear direction from the Attorney on where public hearings could happen and if the Planning Commission could require a public hearing as a condition for approval.

Chair Hiatt noted the arrival of Carl Boaz and said he had missed the praise about him. His minutes had been very helpful. He said he appreciated them more and more and that meant something to him, and he knew it meant something to City Council. Some people read every word and the more they could clarify what took place in the minutes, the better.

I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Planning Commission, the meeting was adjourned at 8:20 p.m.

Approved by:


John B. Hiatt, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.