



Agenda

AMENDED

PLANNING COMMISSION
Thursday, June 06, 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: May 16, 2019**
 - FINDINGS/CONCLUSIONS:**
 - Case #2018-97, 4327 and 4323 Airport Road Rezoning**
- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. An Ordinance Amending Various Sections of Chapter 14, the Land Development Code, to Repeal the Summary Committee, a Subcommittee of the Planning Commission; Repeal Obsolete References to the Business Capitol District Development Review Committee; and Make Such Other Changes as Are Necessary to Provide Consistency. (Councilor Abeyta) (Noah Berke, Planner Manager, nlberke@santafenm.gov, 955-6647)
2. **Case #2019-46, 0 Camino Carlos Rey Verizon Telecommunication Facility.** Black & Veatch, Agent, for Verizon Wireless, Applicant, request approval of a new Telecommunication Facility pursuant to Subsection 14-6.2(E) "Telecommunication Facilities". The property is zoned R-3 (Residential- three dwelling units per acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587)
3. **Case #2019-39, 5750 Alameda Frontage Road Special Use Permit for a Fire Station.** AOS Architects, Agent, for the City of Santa Fe, request approval of a Special Use Permit to allow for City of Santa Fe Fire Station. The property is approximately 30.55 acres and is zoned R-3 (Residential- three dwelling units per acre). (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647)

4. **Case #2019-38. 5750 Alameda Frontage Road Fire Station Number 2 Development Plan, Height, and Sign Variances.** AOS Architects, Agent, for the City of Santa Fe, request approval of a Development Plan for a new City of Santa Fe Fire Station that will be approximately 14,000 square feet. The request also includes variances to Table 14-7.2-1 "Maximum Height of Structures" and Subsection 14-8.10(G) "General Requirements for Signs According to District". The property is approximately 30.55 acres and is zoned R-3 (Residential- three dwelling units per acre). (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647)
5. **Case #2019-40. 1849 Arroyo Chamiso Rezone.** JenkinsGavin, Inc., Agent, for John & Janet Di Janni, Owners, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-2 (Residential- two dwelling units per acre). The property is located at 1849 Arroyo Chamiso and is approximately 2.0 acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)
6. **Case #2019-41. 1849 Arroyo Chamiso Preliminary Subdivision.** JenkinsGavin, Inc., Agent, for John & Janet DiJanni, Owner, requests approval of a preliminary subdivision plat for four residential lots located at 1849 Arroyo Chamiso. The property is zoned R-1 (Residential- one dwelling unit per acre) and is approximately 2.0 acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)
7. **Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)
8. **Case #2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)

G. STAFF COMMUNICATIONS

H. MATTERS FROM THE COMMISSION

1. *Planning Commission Agendas and cases.*
2. *Discussion of ENN Procedures and Policies.*
3. *Discussion of Affordable Housing.*

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.**

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: May 28, 2019

TIME: 10:03 AM



Agenda

PLANNING COMMISSION
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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: May 16, 2019

FINDINGS/CONCLUSIONS:

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

E. OLD BUSINESS

F. NEW BUSINESS

1. An Ordinance Amending Various Sections of Chapter 14, the Land Development Code, to Repeal the Summary Committee, a Subcommittee of the Planning Commission; Repeal Obsolete References to the Business Capitol District Development Review Committee; and Make Such Other Changes as Are Necessary to Provide Consistency. (Councilor Abeyta) (Noah Berke, Planner Manager, nlberke@santafenm.gov, 955-6647)
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4. **Case #2019-38. 5750 Alameda Frontage Road Fire Station Number 2 Development Plan, Height, and Sign Variances.** AOS Architects, Agent, for the City of Santa Fe, request approval of a Development Plan for a new City of Santa Fe Fire Station that will be approximately 14,000 square feet. The request also includes variances to Table 14-7.2-1 "Maximum Height of Structures" and Subsection 14-8.10(G) "General Requirements for Signs According to District". The property is approximately 30.55 acres and is zoned R-3 (Residential- three dwelling units per acre). (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647)

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6. **Case #2019-41. 1849 Arroyo Chamiso Preliminary Subdivision.** JenkinsGavin, Inc., Agent, for John & Janet DiJanni, Owner, requests approval of a preliminary subdivision plat for four residential lots located at 1849 Arroyo Chamiso. The property is zoned R-1 (Residential- one dwelling unit per acre) and is approximately 2.0 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).
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G. STAFF COMMUNICATIONS

H. MATTERS FROM THE COMMISSION

I. ADJOURNMENT

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RECEIVED AT THE CITY CLERK'S OFFICE

DATE: May 20, 2019

TIME: 11:07 AM

SUMMARY INDEX
PLANNING COMMISSION

June 6, 2019

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes & Findings/Conclusions		
1) Minutes of May 16, 2019	Approved	2
2) Findings/Conclusions:	Approved as proposed	2-3
a. Case #2018-97 - 4327 and 4323 Airport Road Rezoning		
E. Old Business	None	3
F. New Business		
1. Summary Committee Repeal	Postponed to next meeting	3-7
2. Case #2019-46. Verizon Facility	Approved	7-10
3. Case #2019-39. Special Use	Approved	10-13
4. Case #2019-38 Development Plan	Approved	10-13
5. Case #2019-40. 1849 Arroyo Chamiso Rezone	Approved	14-20
6. Case #2019-41. 1849 Arroyo Chamiso Preliminary Subdivision	Approved	14-20
7. Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment	Approved	20-31
8. <u>Case # 2019-20. 4000 and 4100 Geo Lane Rezoning</u>	Tabled	20-31
G. Staff Communications	Discussion	31-32
H. Matters from the Commission	Discussion	32-33

PLANNING COMMISSION
Thursday, June 6, 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 6:04 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 Janet Clow
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Mark Hogan [arriving later]
Commissioner Jessica Lawrence
Commissioner Dominic Sategna

Members Absent

(One Vacancy)

Others Present:

Ms. Carol Johnson, Land Use Department 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 Garcia moved, seconded by Commissioner Sategna, to approve the agenda as published. The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against. Commissioner Hogan was not present for the vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES: May 16, 2019

The minutes of May 16, 2019 were postponed to the next meeting.

2. Findings of Fact and Conclusions of Law:

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

MOTION: Commissioner Faulkner moved, seconded by Commissioner Gutierrez, to approve the Findings of Fact and Conclusions of Law for Case #2018-97 as presented. The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against. Commissioner Hogan was not present for the vote.

E. OLD BUSINESS: None

F. NEW BUSINESS

1. An Ordinance Amending Various Sections of Chapter 14, the Land Development Code, to Repeal the Summary Committee, a Subcommittee of the Planning Commission; Repeal Obsolete References to the Business Capitol District Development Review Committee; and Make Such Other Changes as Are Necessary to Provide Consistency. (Councilor Abeyta) (Noah Berke, Planner Manager, nlberke@santafenm.gov, 955-6647)

Staff Report

Mr. Berke presented the Staff report for this Ordinance amendment.

Staff initiated, sponsored by Councilor Abeyta, this ordinance amendment which

would eliminate the Summary Committee and remove all references to it in the Code and authorize the Land Use Director to handle lot splits with posting of posters and appeals within 15 days after Staff approval. The aim of this proposed amendment proposal is to improve customer service. The Planning Commission is the recommending body for them with six criteria.

Staff recommended making a recommendation for approval by the Governing Body.

Public Comment

Mary Schruben asked if there is any procedure by which the LUD Director decision could be made public so people can know if it was approved or denied and to be aware of consistency issues.

Barbara Fix hoped the lot splits can have enforcement like ADU and for long-term to be defined. There needs to be some way to determine who is properly acting as part of it.

Karen Heldmeyer, 325 E Berger, said she once chaired the Summary Committee for a while. Although most of them are pro forma, some are not. She recalled a big dispute over a sewer line crossing another property. Having a Summary Committee allows the public to speak to an issue with the lot split although 80% need no public input.

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

Commission Discussion

Director Johnson clarified the procedure as described in the proposed text and in the Staff report. The LUD Director's decision is final and the decision is posted for 15 days at the property site. Any aggrieved parties who appeal would trigger a public hearing.

Commissioner Gutierrez said he has been on and chaired the Summary Committee and agreed with Councilor Heldmeyer. Maybe ten percent cause any issues. He was under an impression that in the past it was just administrative and wondered how the Committee came about.

Mr. Berke didn't know exact times but explained that the State Statute allows either administrative or committee and this was more a matter of transparency.

Commissioner Gutierrez noted that the language says it can be streamlined for customer service. He asked what the average time is now and how much time this would save.

Mr. Berke said the time it takes now is 71 days from submission of application to decision. This would probably cut that time in half if not more. Those splits can be done without public notice. This would make it faster, but they would get the same review. All nine DRT members would review it. It would be the same process but without need for mailing or hearing. And additional submittals could still be made.

Commissioner Gutierrez asked what the thought was behind eliminating mailings. That is important for notifying neighbors.

Mr. Berke said they wanted it to be more in line with the statute for administrative review. They wanted to make it more congruent for that purpose.

Commissioner Gutierrez asked if the appeal is made to the Planning Commission.

Mr. Berke agreed.

Commissioner Sategna heard mentioned that this includes modification of plats approved by the Summary Committee. He was okay with lot splits but had a concern if there would be checks and balances regarding modification of plats. He asked for examples of what some modifications to plats would be.

Mr. Berke explained that modifications to plats are done administratively now. They would include such things as vacating an easement, adjustment of lot lines, etc. A major modification would be determined by Staff and come to the Planning Commission.

Commissioner Sategna observed that if the City grants this power to the LUD, it reads that at least, Director Johnson could actually have input on a previous decision of the Summary Committee regarding plat adjustments.

Mr. Berke agreed and added that she has that authority now.

Director Johnson read aloud the Code Section 14.2.1 on the delegation of authority. She explained that the applicant must make an application for that. She read further on the impact of such a decision and noted it must not allow increased density and it must comply with all standards of Chapter 14. So it is a very narrow authority.

Commissioner Sategna understood.

Commissioner Hogan arrived at 6:22.

Commissioner Gutierrez asked what effect having no mailing would make on those living nearby.

Director Johnson said the mailing, in this instance, would basically be a notice of action on the posted notice placed on the property. That the action has been taken by

the Land Use Department.

Commissioner Garcia preferred giving the public an opportunity to come to a hearing, in case there is any controversy. He asked if for some cases, it might come here instead of the Summary Committee (LUD).

Mr. Berke agreed there would still be some.

Commissioner Hogan considered the changes well founded and thought they will help smooth things along, and the appeal process is similar and would still have that.

Commissioner Sategna noted it also removes approval by Planning Commission *unless appealed and asked what impact that might have. He referred to page 5, #5* where there was a strike through of requiring the Planning Commission approval.

Director Johnson clarified that applies to the subdivision request which is now administrative for the lot splits. It clarifies who hears the appeals. The Planning Commission would hear appeals of LUD decisions.

Ms. Paez said the current language could be read to preclude that decision. These are appeals which are heard by this body and the Governing Body. It is the first stop before Planning Commission. It is a little confusing, but it is just a cleanup.

Director Johnson said if it is a major subdivision, those come to the Planning Commission in any event.

Commissioner Faulkner asked if the Director would then have authority to handle things like the Geo Road case.

Mr. Berke said no, it would not. This is only for one additional lot.

Commissioner Hogan asked if the Staff would look out for serial lot splits? Mr. Berke agreed.

Commissioner Gutierrez was upset by having no mailings to residents. If they still had mailings and got no response but if one who got a mailing and came in - the whole process would have to be undone. Mailings would allow an appeal at the beginning.

Director Johnson said changing that would basically force a redrafting of the amendment. And it would not just be an administrative procedure. There are similar procedures that do that already. If there is an appeal, it would mean going to the Planning Commission or convening a summary committee again.

Mr. Berke added that and most of our reviews require only a posting and not

mailings.

Commissioner Faulkner said she has never seen those signs. She asked if they are in both Spanish and English.

Mr. Berke said they are only in English.

Commissioner Faulkner reminded Staff that we do have many Spanish speakers and she would never be able to see such a sign.

Mr. Berke pointed out that we accommodate for any disabilities. That is also offered at ENNs. The mailings are not in both languages. He was not aware of any other mailings that are printed in both languages.

Commissioner Hogan understood regarding Commissioner Gutierrez's concern that if no official action could be affected until after 15 days, it would also deal with that issue and also prevent people who are just harassing an applicant.

Commissioner Gutierrez agreed that it gets worked out, one way or another. He said encroachment is an issue. He just did not like the idea of having to undo something already done. Sometimes that could take a lot of time out of our meetings.

Commissioner Garcia asked what would trigger a case to have to come before the Planning Commission unless there was a Summary Committee. It would still give the public an opportunity to be heard.

Mr. Berke said one lot would be an appeal of the Director and an appeal when there are three or more lots which would come here to the Commission.

Commissioner Gutierrez preferred to abolish the Summary Committee and make it come to the Planning Commission so there could be transparency on the front end.

Director Johnson thought there might be a way to provide notice of action to not be final until after the 15 days.

Commissioner Sategna wanted to make sure that would not be against administrative action.

Mr. Berke did not think so. We are just trying to streamline the process, make it better, and eliminate long hearings in the middle of day and still do excellent reviews. It improves customer service in the laws of today.

He reminded the Commission that it is a recommending body and if the Commissioners think there is a way to make it better, Staff would welcome it.

Action of the Commission

MOTION: Commissioner Gutierrez moved, seconded by Commissioner Faulkner to table (postpone) the ordinance amendment to the next Planning Commission meeting.

VOTE: 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. **Case #2019-46. 0 Camino Carlos Rey Verizon Telecommunication Facility.** Black & Veatch, Agent, for Verizon Wireless, Applicant, request approval of a new Telecommunication Facility pursuant to Subsection 14- 6.2(E) "Telecommunication Facilities". The property is zoned R -3 (Residential- three dwelling units per acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587)

Mr. Esquibel presented the Staff Report. He explained that the address is 0 because there is no address. He said the conditions of approval were in a letter already sent to the applicant from the FCC. All deficiencies must be in writing. This is a co-location project under FCC rules that were adopted in January. This one is on a PNM trunk line pole and equipment will be in the open space adjacent to the pole. They got permission from all property owners for that location. There was no opposition at the ENN meeting, and most were in support. It is a minor facility. He stood for questions.

Applicant's Presentation

Ms. Amy McKenzie, representing Verizon, handed out printed copies of a power point presentation of her application. She explained that Verizon is trying to cover all parts of the area. She pointed out the sites that are overloaded and this application, if approved, will alleviate those capacity issues. Verizon has worked with staff and this is most aesthetically appropriate position. It will provide better service to that area both voice and data and by adding it, will alleviate overloading. The explosion, especially of data, has created this problem. She shared some statistics and pointed out that, without wireless service, some households would have no service at all. A deaf person said without wireless she would have no emergency communication capability.

This application meets the legal code requirements and Staff recommended approval of it. The location is on Camino Carlos Rey from Rodeo Road to I-25. She went to the maps in her handout. On page 12, the star locates the intersection; the red square indicates Verizon's location which Staff has asked Verizon to move 15' to the west for more room for the water lines. Page 14 shows more of the overlay and page 15

shows what the tower looks like an 85' PNM pole with antennas at 40' on the tower. She clarified that the antennae will be painted to blend in with the tower. The heavy traffic load is drowning out the signal in that area. Without this site, it would continue the gap and degradation will hinder customers in the area. And colocation on the PNM tower means it will not add more verticality to the area. She stood for questions.

Public Comment

Mr. Don Martínez (former Commission member) was sworn and said there are roughly nine neighborhoods in that area without good service and residents there are pushing Verizon to provide it. So he strongly encouraged the Commission to approve this application.

Mr. Phil Rickard was sworn and wanted to reinforce what Mr. Martínez said. As president of one of the HOAs, many people have told him they cannot use Verizon and so he strongly urged approval.

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

Commission Discussion

Commissioner Gutierrez read the description on covering the equipment from view.

Commissioner Garcia mentioned another tower at Ft. Marcy and asked if it has been built.

Ms. McKenzie said it has and they expect full completion and then have the temporary site taken down at the end of June. She said Verizon appreciated the City's patience.

Action of the Commission

MOTION: Commissioner Gutierrez moved, seconded by Commissioner Hogan, for approval.

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

Chair Hiatt asked for a motion on the Findings of Fact and Conclusions of Law for Case #2019-46.

Commissioner Faulkner said she is not able to read the Findings.

Mr. Esquibel explained that because of FCC rules, and time of application, it starts a shock clock on review. It came between the submittal deadline to fit the appeal within the 60 days and Staff had only one week before the start on FF/CL. Then, it went to legal staff.

Commissioner Faulkner said she has repeatedly asked for the documents to be emailed to me so she could read them.

Mr. Esquibel said the Department has Staff who take care of it, but they were not present at work that day. In the future, Mr. Esquibel said he would take care of it.

Commissioner Faulkner pointed out that it is really easy to email it to her so she could be prepared.

Commissioner Gutierrez suggested, with the dilemma, maybe we could read them aloud.

Commissioner Faulkner asked if these findings are in line with the staff report and recommendations.

Mr. Esquibel agreed.

Commissioner Faulkner reasoned that it is a duplication of what we have already.

Mr. Esquibel agreed.

Mr. Berke said, "This will not happen again. You have a commitment from me on it."

Commissioner Sategna said he was not legally blind, but this was still a problem for him. He did not feel comfortable. "It is important for me to actually read what I vote on."

Chair Hiatt said this is a long-standing policy.

Director Johnson said it is not our intent to give it to you at the meeting.

Commissioner Clow asked if there is a problem with FCC if we don't deal with FF/CL tonight.

Mr. Esquibel said the clock started when application was filed. The appeal process doesn't start until FF/CL are approved. So, from the date of submission until adoption of FF/CL is when an appeal can be made to the Governing Body. If we go beyond the 90 days, it is up to Verizon to extend or go to a judiciary process and build it anyway. The Feds put restrictions on all cities.

Commissioner Faulkner understood if we approve the tower and not the FF/CL, that does not get the job done.

Mr. Esquibel said the FF/CL are representing the action of the Commission. They still would have 21 days. It is a buffer within the 91 days for anyone wishing to file an appeal.

Commissioner Faulkner said it would have been faster to just read them.

Commissioner Gutierrez asked if they have to be noticed.

Mr. Esquibel said, as a direct result, it was part of the overall package and that was the intent for this process to streamline with the FCC.

MOTION: Commissioner Clow moved, seconded by Commissioner Gutierrez, to approve the FF/CL for this case.

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

3. **Case #2019-39. 5750 Alameda Frontage Road** Special Use Permit for a Fire Station. AOS Architects, Agent, for the City of Santa Fe, request approval of a Special Use Permit to allow for City of Santa Fe Fire Station. The property is approximately 30.55 acres and is zoned R -3 (Residential- three dwelling units per acre). (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647)
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Staff Report

Mr. Berke presented the Staff Report. He said there are no Findings with this case. The Agent for the City is proposing a fire station on a 30-acre parcel leased to the City by the State, adjacent to the intersection of 599 and South Meadow. A fire station there will improve response time and includes a variance request on maximum height for a training tower at a total height of 75', and in this zone, the maximum is 30'. Also there is

a variance for the 42 square foot sign where 20 square feet is the maximum.

This project is city-funded. Any project requiring an ENN also requires compliance with Chapter 14 and the Applicant has satisfied those and staff recommended approval, subject to conditions and technical corrections.

There are four motions needed:

- 1 - approve or deny a special use permit
- 2 - approve or table the maximum height variance
- 3 - approve or deny the sign variance
- 4 - approve conditions and tech corrections.

Applicant's Presentation

Mr. Sean Evans said they provided a thorough package and will answer questions.

Public Comment

Ms. Karen Heldmeyer, 325 Berger (was sworn but didn't need to be) said she was neither for nor against. Given that it has been approved in this area and already built in this area, when you approved the large apartment development, there was lots of discussion on congestion, especially with a fire station. So the Commission really needs to make a strong recommendation to Council to work on logistics - traffic patterns for vehicles and pedestrians. Those things you are being asked to approve don't go to Council, but someone needs to say it loudly to them to avoid having a mess on your hands.

Chair Hiatt said the Commission does have a process and this falls to Director Johnson.

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

Commission Discussion

Commissioner Faulkner said the Commission knows the height of the tower at 75', but not the footprint of the tower.

Mr. Evans did not have it exactly but said it is about 350 sq. ft.

Commissioner Sategna asked if there isn't another fire station less than 400 meters from this station.

Mr. Evans explained it is a county fire station and this is a city station and the annexation agreement requires its construction.

Commissioner Hogan asked how this fire station gets coordinated with the County on first responders and follow up. He asked if the training facility is intended to be shared between City and County.

Mr. Evans said he was not aware of those agreements. He understood the County Department is staffed by volunteers.

Mr. Jason Kluck, Project Manager for Facilities, apologized that the Fire Department had no representative here tonight. He could not answer the question clearly.

Chair Hiatt said they are volunteers at the County station. But throughout, it is a joint cooperation.

Commissioner Hogan asked how the training facilities are coordinated.

Commissioner Garcia observed that this whole area is developing quickly. He asked if there are plans to redo South Meadows.

Chair Hiatt said he travels South Meadows and you don't want to be there when school lets out.

Mr. John Romero clarified to Commissioner Garcia that the proposed fire station has a very minimum traffic impact. There are significant delays and they just finished 30% design to improve the signalized intersection. They are adding left turn bays and will have that ready by next summer. Regarding South Meadows/Agua Fria to 599, it will be improved as developments come in.

Commissioner Faulkner suggested Commissioner Hogan should make the motion.

Commissioner Sategna appreciated the need for this fire station. This is potentially 65' and on South Meadows, it is built up and on a hill and it will be visible from all residential areas for miles. He was interested in what it is used for.

Mr. Evans said it is designed for training for fire fighters to ascend with their gear and respond as part of their job. It also serves as a hose drying features because many times, hoses must be folded in half for about 100' in length.

It is also used for telecommunication with a point-to-point response system and as a lookout tower for wildland fires to assist in response times. He also apologized that the fire department was not present. They have generally recommended for approval.

Action of the Commission

First motion was to approve or deny a special use permit for the fire station.

MOTION: Commissioner Hogan moved, seconded by Commissioner Lawrence, for approval of the request for special use permit for a fire station.

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

The second motion was on maximum height variance.

Mr. Berke noticed a typo and apologized for it.

MOTION: Commissioner Hogan moved, seconded by Commissioner Garcia, to approve a variance to the subsection for added height.

Commissioner Gutierrez referred to table 14-2.1.

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

The third motion was the variance request for signs in Section 14-8 (G) (4).

MOTION: Commissioner Hogan moved, seconded by Commissioner Faulkner, to approve the sign variance as requested.

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

The fourth motion was on the development plan, subject to conditions of approval and technical corrections as recommended by Staff.

MOTION: Commissioner Hogan moved, seconded by Commissioner Faulkner, to approve the development plan.

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

5. Case #2019-40. 1849 Arroyo Chamiso Rezone. JenkinsGavin, Inc., Agent, for

John & Janet Di Janni, Owners, requests a rezoning from R -1 (Residential- one dwelling unit per acre) to R -2 (Residential- two dwelling units per acre). The property is located at 1849 Arroyo Chamiso and is approximately 2.0 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136)

6. Case #2019-41. 1849 Arroyo Chamiso Preliminary Subdivision.

JenkinsGavin, Inc., Agent, for John & Janet DiJanni, Owner, requests approval of a preliminary subdivision plat for four residential lots located at 1849 Arroyo Chamiso. The property is zoned R -1 (Residential- one dwelling unit per acre) and is approximately 2.0 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136)

Staff Report

Mr. Logston presented the Staff Report for these two cases.

Mr. Berke said Staff ran out of time on the FF/CLs.

Mr. Logston said this is a preliminary subdivision plat and a rezone from R-1 to R-2.

Case 41 is the preliminary subdivision plat for four residential lots. They have one home on two acres now and the rezone would allow three more lots. There are several pockets of R-2 in this general vicinity. The rezones would better serve the public and adaptability with existing neighborhoods and the preliminary subdivision meets those standards. Both of those are in the staff report and staff recommended approval to the Governing Body the rezoning to R-2, subject to conditions and technical corrections, and the subdivision plat. He did submit the FF/CL in his staff report and they are based on the criteria for both rezone and subdivision. If you do support it, four motions are required.

- 1 - recommend rezoning from R-1 to R-2, subject to conditions of approval and technical corrections recommended by Staff.
- 2 - preliminary subdivision plat subject to conditions and technical corrections.
- 3 - to adopt FF/CI for Case #2019-40
- 4 - FF/CL for Case #2019-41

Ms. Paez said she made one set of Findings for both cases for FF/CL.

Applicant's Presentation

Ms. Jennifer Jenkins was sworn and, using a power point presentation, showed an *aerial view of the area*. She pointed out the location of Botolph Road. She noted and Ms. Jan DiJanni grew up on the property. Her parents have since passed and their two sons reside there now. They want to give the lots to their children.

The pale yellow area was zoned R-1 and they request R-2 zoning. Their request is compliant with the density in the General Plan for this property.

She showed a zoning map with pale yellows. ACSyL is to the west. She pointed out the R-2 adjacent properties, and one R-4 further west; St. Mikes High School is to the north. The Botulph corridor is a major collector road and higher densities are encouraged in those areas.

They also request preliminary subdivision approval. Ms. Oralynn Guerrerortiz, P.E. was also introduced.

Ms. Jenkins pointed out the driveway which will be adjusted to a new location in consultation with John Romero. The existing driveway will be demolished, and a new access created. There is access on the north for lots 3 and 4. It is a private access drive.

She showed the utilities locations on the frontage of Botulph Road - one condition is for sewer line connection as it crosses the arroyo but only on the Botulph Road easement.

She showed the General Plan Compliance list. They are making use of existing utilities and roadway. That is appropriate for the neighborhood and transition to higher density moving west and approaching St. Francis Drive. The R-2 represents that transition. It is also designated as an infill and growth area. There is a bus stop on Botulph at this property.

ACSyL had a concern about setting a precedent within ACSyL for increased density. So she researched showed that the covenants do prohibit dividing those lots. But this property is not part of ACSyL. Restrictive covenants do prohibit increased density in that neighborhood.

Ms. Jenkins stood for questions. There were none.

Public Comment

Ms. Reed Nobel, 335 Old Arroyo Chamisa Road, was sworn and read her prepared statement. She first lived on Old Arroyo Chamisa Road in 1969. The road is not part of Sol y Lomas and does not have the covenants that apply to Sol y Lomas. She understood they wanted a family compound out of the property.

She said her children lived in her house in 1978. Now, none of their children live close by. What concerned her was that, despite their hope that their children would live in that property. She acknowledged that might change and, when sold to others, there

could be up to four ADUs there. The neighborhood now has mostly homes on 1-acre or larger lots.

She believed that splitting this property into two lots would be a better way to provide for four homes while protecting the semi-rural character of the area. She urged the Commission to keep R-1 zoning.

Mr. Tom Nobel on Old Arroyo Chamisa road was sworn and wanted to add to make clear that Sol y Lomas was developed as a planned residential community and what bites us in the back side is part of the desire for increased density which cannot be done in Sol y Lomas as a Master Planned Community. We have lived there for 40 years and what is really going on is that R-2 provisions for ADU really becomes R-4. So there will be 8 houses eventually.

It was interesting to see the new procedure for a lot split. And if they applied for just a lot split, it would be the density of R-2 which is what we hope for.

Ms. Julie Berman, 554 Valle Chamisa Lane was sworn. She said she is the President of their HOA, which is a small 8-lot subdivision. They could each build an ADU, but no one has. There was a quorum for directing her to come forward and that was brought up at the ENN. The subdivision sits on a hill with an embankment that abuts and then an arroyo. Over the years, they have had tremendous erosion - not just a little bit. David Pike has been out many times and the sewer line is constantly exposed, and two homeowners have shown the composite with what it was then. They don't know what will become of it. Something needs to be done by the City or whoever is responsible. They are concerned about losing part of Botulph Road if it continues. So her concern is for the subdivision and what can be done. Orallynn talked about an envelope where they could build. Please take a look at this. John DiJanni could lose part of the front lot at the lot line and all of us are concerned with Botulph Road and the drainage.

Ms. Helen Tomlin, 2323 Calle Thomas, was sworn. She said she is the current President of ACSyL Association who said ditto on a lot split. Since it is in the middle of St. Mikes, Botulph, and Arroyo Chamiso, there are six ways to end up at the Botulph turnaround.

She said Botulph is already a speedway. People walk their dogs on it and St. Mike's runs along there. And my concern is when lots increase.

Ms. Ellen Benson, living on Alvarado and ACSyL Board of Directors member, was sworn. We say we are the oldest Neighborhood Association. Speaking as an engineer, although New Mexico has no specific regulations, I've visited every state's Department of Transportation. Her concern was about the safety issue and we have a difference of opinion. There are seven schools within a half-mile of this intersection. It is a cut through, and people speed up to the roundabout. I would favor a speed limit of 20 or 25

mph.

Ms. Benson recommended that the added traffic that a traffic impact study be done and delay that until schools are in session near there.

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

Commission Discussion

Commissioner Faulkner asked Mr. Logston about the ADU sizes.

Ms. Logston said they have a maximum size of 1,500 sq. ft. There are affects on setbacks and a one-story maximum height. He added that an ADU on the lot of the existing home at center of the lot would be difficult.

Ms. Jenkins said they are limited in size and height and must be in the same character as the residence. These lots are an average of a half-acre which is almost 22,000 square feet. An average lot in Casa Solana is about 6,000 square feet.

There are lots of homes that have little guest houses in Casa Alegre. A half-acre is ton of space. The City allows up to 40% lot coverage. The maximum square footage for 40% of 22,000 square feet is pretty generous. Plenty of off-street parking could be accommodated. Restricting ADUs here does not seem warranted.

Mr. John Romero addressed the traffic impact issue. He pointed out that four lots is relatively small. With four or less homes, the traffic number is lower than the national standard. Four separate lots will add a negligible amount of traffic.

Commissioner Faulkner asked about ADUs doubling the number of vehicles.

Mr. Romero said it depends on what the ADU is used for. As a mother-in-law unit, it would not increase traffic. And most people have not had ADUs. It is a good sample to demonstrate what percentage of lots build ADU. You might think everyone will build one but in the sample size, that was not true.

Commissioner Faulkner asked what peak traffic would be on that road.

Mr. Romero did not have the data but estimated Botulph at about 500 in peak hours.

Commissioner Lawrence asked if at the roundabout there were concerns about safety there given the driveway location.

Mr. Romero saw no issues on it and was not aware of any other state policies. The

standard for roundabouts was done by a national engineering organization and provided recommendations on designs. There are sufficient spaces here. Negotiating a roundabout is not tricky. People going through the roundabout will be going slower. Site views are unimpaired at the roundabout.

Commissioner Hogan saw the shared easement serving Lot D is some distance back and he was not sure what standard it gets built to. Is there any concern about fire access?

Mr. Romero said Fire Marshal Gonzales would be better able to answer the question.

Commissioner Gutierrez asked where the bus stop is located.

Mr. Romero said it is south of the driveway.

Commissioner Gutierrez asked if Mr. Romero was okay with that.

Mr. Romero said he could look at it. The access should not be too close to the bus stop. He said the City has a lot of bus stops on arterials and they can be before or after driveways. We typically like to put the bus stops before the intersections or roundabouts so waiting before the intersection does not degrade the intersection.

Marshal Gonzales said the code requires a 150' to dead end and a turnaround here.

Ms. Jenkins pointed out its relationship with the arroyo. She pointed out the topographical that shows a gradual descent to the west. Most stormwater heads directly south to Botolph Road. There is a small drainage basin near the arroyo. They are proposing a rain garden in that corner as a drainage collector basin that utilizes percolation of the stormwater to percolate into the ground. So they are reducing the amount of water that currently leaves the site into the arroyo. So there is no impact on the arroyo. She was aware the City is looking at stabilization of that area.

Commissioner Faulkner asked what Mr. Schiavo's view of drainage might be.

Mr. Schiavo said the review he did was for the proposed lot split and drainage. There is sufficient space for on-site retention and would not cause more water off site. Given the amount of land and soil type, there is more than a sufficient area to deal with the stormwater there even with impervious surfaces that will occur.

Commissioner Hogan asked the Applicant if the easement is a private easement and presumed some agreement with the private owner.

Ms. Jenkins said the easement was established by Jan's father who created the easement to access those properties.

Commissioner Hogan said it appears to be more than 150' and requires a turn around.

Ms. Jenkins said there is plenty of space at that lot for a hammer-head turnaround.

Mr. Logston commented on the arroyo, that he spoke with Mr. Schiavo, Stan Holland, and Applicant and everyone is aware of a lot of erosion there with concern over the road. The City is monitoring it and technically, it is the responsibility of the development to the south. We are all watching it. We are paying attention. We don't have budget to do much, but the City will not let that road wash out.

Mr. Berke clarified that this arroyo is on private property and the HOA pays fees for roads and common areas there. Mr. Romero oversees both arroyos and roads. Melissa McDonald will probably be made more aware of it now that the study is done.

Mr. Romero said he understood it is a big concern and we are aware of this area. Mr. Logston is correct that we only maintain a handful of arroyos because most are privately owned. We might justify improvements here. We recently adopted a new stormwater Master Plan and increased the role of the River and Watershed Section. They are staffing it up and looking at drainage throughout the City more intently. We will be selling bonds to provide for stormwater improvements. We are also doing an impervious surface study through the City for a more equitable fee structure. Right now it is \$2 per household regardless of size of property and moving to making it related to how much impact the stormwater has on the property.

Mr. Nevell asked to make an important comment.

Chair Hiatt reopened the public hearing and Mr. Nevell was sworn. He made the Commission aware of a nonmotorized easement as a trail on the property.

There was a representation that it would be difficult for the lot split to be approved because of that easement.

Action of the Commission

MOTION: Commissioner Sategna moved, seconded by Commissioner Faulkner to recommend rezoning R-1 to R-2 to the Governing Body in Case #2019-40.

Commissioner Hogan said while he was in support of additional residences to the City inventory and the site looks generous, he thought four lots was an overreach and neighbors are asking to not approve it. All of their properties are generous in size by design and having that zoning creep compromises property values and three lots would be more appropriate.

VOTE: The motion passed by majority voice vote with Commissioners Clow,

Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and Commissioner Hogan voting against.

MOTION: Commissioner Sategna moved, seconded by Commissioner Lawrence, to approve the preliminary subdivision plat in Case #2019-41, subject to conditions of approval and technical corrections recommended by Staff.

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

Chair Hiatt, regarding the Findings of Fact and Conclusions of Law for both cases, asked Ms. Paez if she had heard anything in testimony that would change her proposed FF/CL for both cases.

Ms. Paez said the actions are consistent with what is in the packet.

Chair Hiatt asked Mr. Logston if any testimony would change any FF/CL.

Mr. Logston said no.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Clow, in Case 2019-40 and 2019-41 to approve the Findings of Fact and Conclusions of Law as proposed.

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

7. **Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136)

8. **Case # 2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R -1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136)

Staff Report

Mr. Logston presented the Staff Report for both cases. He explained that the Applicant is not looking for preliminary subdivision approval right now, but he was asked to show how the density would look on the ground. The Planning Commission just makes a recommendation on both of the cases. He was not very specific about these parcels and in S.W.A.M.P. designations were given, based on who owns and current usage. While the parcel is designated as institutional, the Master Plan doesn't recommend against residential. The General Plan criteria meet growth and development goals and in SWAMP, this is not out of character. The use is advantageous to the public; it meets Chapter 14 standards and development and growth goals, and the infrastructure can handle it.

Three motions are required"

- 1 - recommend to the Governing Body to approve the General Plan Amendment on use to residential and no conditions are applicable.
- 2 - approve rezoning from R-1 to R-6, subject to conditions of approval and technical corrections;
- 3 - Approval of the FF/CL for both cases.

He said #2019-19 is the correct caption.

Applicant's Presentation

Mr. John Reeder was sworn and said he is acting as agent and as a 1/3 owner, here with his partners. We seek to develop as an Affordable Housing subdivision and feel that is very appropriate. It was institutional because it was owned by a church which was not possible to build and put it up for sale.

They are asking for R-6 rezoning. The property is bounded on two sides by R-12 and the others by R-6. So it will be consistent with the area and ideal for infill and requires no expansion of infrastructure. Roads and utilities are already there. They are seeking to develop 48 lots although 51 would be allowed at R-6. The public would be better served with residential instead of vacant land. People do donuts on the grounds there. So, there are hazardous activities now.

We were surprised at a little opposition and understand some neighbors are impacted by it who live right next door. Overall there is benefit to the public as a version of west meadows across the street.

Questions to the Applicant

Commissioner Faulkner asked what kind of housing they envision.

Mr. Reeder said they would not want to restrict manufactured housing that is permanently anchored. The lots would be 5,000 to 7,000 square feet so a house could be up to 2,000 square feet.

Commissioner Faulkner said she saw the rectangle shape and not square which would restrict building a house.

Mr. Reeder did not think so and said they still have flexibility there. Right now, it is very preliminary, and they seek rezoning first and then will be open to those comments.

Public Comment

Marty Rodriguez was sworn and said they were going to get a church there. She was born there and lived there all her life. There was no traffic and no crime but now there are both. She noted that the Mayor wanted to erase the lines between south side and downtown but putting another trailer park there would not erase it. We want something nice there. 48 mobile homes there would be a cost of a hundred more cars on Airport Road. She said she could just see the traffic and motorcycles that go in and out. She would rather have a church.

Helen Chávez was sworn and said she was born and raised here. She and her husband moved there in the 1990's he passed away four years ago. Geo Lane is my back yard. There is lots of crime there. No U-turns are permitted on that street. Cars could fit into Geo Lane and have to make a turn to go back onto Geo Lane. There are many schools there and businesses. The owner told her he was selling mobile home lots. She has two dogs to protect her from the things going on. She thought it will create more crime and traffic and deaths. Santa Fe has changed a lot. She would hope for commercial development. She asked the Commission to take thought things into consideration.

Debra Snyderman was sworn and explained that on KSK Lane, the only way in is by making a U- turn. She said, "I apologize if you feel I have been disrespectful. I have felt disrespected when the first mobile home moved into Buffalo Grass. The street I live on is R-3 and I have lived there since 1988 as a retired teacher. When I started, we were 47th in the nation in salaries and still made our adobe home very lovely.

In 2018 was the first mobile home and a wall separated me from neighbors who were also R-3. I had to build a coyote fence on top since the trailer was right in my face, so I had to adjust. Since the first one, I have felt totally disrespected by the City of Santa Fe. We are placed on the bottom of the list. It is symbolic for the way our part of the City is treated with trailers and inappropriate businesses.

"Many things that occur in my neighborhood would not be tolerated in other parts of

town. We have no covenants. I have a master's degree and traveled a lot of the world and intend to keep traveling. We appear to be the least likely to defend ourselves and get an attorney to help defend us. I've tried to work with Councilors and City Staff at City Hall. I do a lot of volunteer work like ESL tutoring at the Southside Library. That should be a standard for the rest of the Airport community but not what we are getting. People with money go in and buy it for Affordable Housing because there are no standards. They just want to cash out and divide their land into as many lots as possible. Where are they going to park two cars? Please consider those. To get to my house is the KSK Buddhist Center. The Dali Lama has been there and other important Buddhists. *Anyone coming in has to make a U turn and the only place now is Paseo del Sol. This is an everyday occurrence. People on Paseo del Sol can turn right on red but people when I have a green arrow still turn and people blow me off. This is without the hundred extra cars needing to get into Geo Lane or Buffalo Grass. Only 4-5 cars that can get into that lane if coming from east. Coming from the west is a right turn and they must pass KSK Lane.*

Chair Hiatt said the Commission usually allows 2-3 minutes.

Ms. Snyderman said the two issues are traffic safety and the standard for Affordable Housing. I'm all for Affordable Housing. As a social worker, research has been done how to create a healthy community and not an at-risk neighborhood.

Ms. Monica Marikapas, 1829 Hano Road, was sworn and a member on the board of the Buddhist Center and an event manager and assistant to the Lamas. As Buddhists, we try to find the best solution and be kind to all parties involved. But this development is clearly not good except for the developers. It is not a good space for human beings, being packed in as tight as possible with no room for children. The Buddhist is kind of in the center. There are three issues: traffic, neighbors impacted and impact on possible residents in this state.

"This is not an Affordable Housing project. To squeeze 48 trailers in doesn't make a good project in any way. I go to the Center 4-7 times each week. But I take my life in my hands when making a U-turn at Paseo del Sol. I pay attention every time. But there is going to be an accident there.

"We are a quiet group. We do Buddhist chanting and we are a peaceful group. I like having the big field behind us and the new development will abut right up against us from the back of our buildings."

"I also wondered when hearing questions about Arroyo Chamiso in a very large lot. These lots are already surrounded by huge numbers of people. How about R-2 and R-3 and put in real houses. I encourage you to vote against this.

Darrell McAllen was sworn and said, "Our biggest concern is traffic control. I go up Airport Road and it is a major road from 599 to Cerrillos Road. I leave at 5:45 but at

7:00 someone has to let us out to take kids to school. I never like to do a U-turn, so I have to go all the way around. I think it is way too many houses for such a small lot. There are about 80-100 mobile homes there now and 20 more nearby. The road is very narrow, and kids play there. We first heard they would put real homes there and I understand the rectangular shape now. With only two access points, the road is dangerous and narrow. I would not want a mobile home park there but regular homes on regular lots. Certainly not putting older manufactured homes there. I think there is a city ordinance to also consider.

Tanya Venetta, 134 Vista del Norte in the southern part of South Meadows, was sworn. We were never notified about this rezoning. I heard tonight that letters were mailed only to those within 200' but it should be to everyone who has to live on that road. I have two kids, 6 and 9. In the morning it is at a stop. And in the afternoon only 3 cars fit into Geo Lane and that needs to be adjusted. As far as Affordable Housing, we do need Affordable Housing, but it should not be at the expense of the people who already live there.

"I've heard you talk about a negative impact and this would definitely be negative on my community and my children. Please take into consideration the others who are there. Everyone who is affected should be notified. When you put up a sign, it is not like a letter and they will find someone who can tell them what it says. There are 80 homes in South Meadows and about 10% were notified.

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

Commissioner Faulkner said this development bothers me. Commissioner Garcia and I represent District 3 and density is a real problem. These are not communities, but houses and that property should be used as an amenity of some kind. No park is visible. I have a problem with increasing this density. There is no walkability to healthy food. We don't need to add more people to a food desert. Parks are not well maintained. This zoning is not appropriate because the area around is so dense.

Commissioner Clow asked about the type of homes for this property.

Mr. Logston said there are no new mobile homes or trailers permitted anywhere in the City. Manufactured homes are built to their own standard and matchstick built homes and are attached to the ground. We are not allowed to prohibit manufactured homes and people choose them for affordability.

The lot shape is rectangular and their size it typical for manufactured homes.

Mr. Berke added that a subdivision is just that - creating square pieces of land and the State Code prohibits us from prohibiting manufactured homes. The industry worked hard on that. HUD has standards for them. This is just a rezoning case. Some get

approved and then no development happens. Also, people like Pulte and D.L Horton could purchase those lots. Pulte bought and built 250 homes for Las Soleras.

It is an option for manufactured homes, and we don't regulate them except 1976. And stick built homes can be built there.

Mr. Logston said notice requirements in the code is mailing to those within 300' and frequently we hear people who did not get a notice. Maybe we should encourage applicants to expand that, but they followed code.

A grocery or a park would be an excellent development. Grocery stores come in when there is a critical mass. The City cannot force anyone to develop a grocery store there.

He did not discount any of the concerns the residents have when it comes to a head. We are planning to do much more updating to the General Plan, but he could only make a recommendation based on what we have in the Code and neighbors base it on other things.

Commissioner Hogan asked Mr. Romero about access to Geo Lane.

Mr. Romero said left turns are allowed and they don't have to make a U-turn. U turns are needed for Buffalo Grass Road. He understood how U-turns are considered difficult and dangerous. But they are not dangerous and in fact, are safer than allowing left out.

The City built medians along Airport Road and before them, there were constant left turns along Airport Road. With the medians, there have been bigger reductions of injury and accidents. Rarely is there an accident with U-turns. U-turners have to yield to left turners and right turners.

Regarding Geo Lane, the traffic study showed the left turn could accommodate the future traffic.

Commissioner Hogan asked if stacking is adequate for U-turns.

Mr. Romero said the left turn storage is small compared to other major roads. But the majority are accommodated.

We cannot increase capacity there. Connections have been improvements. We worked with schools, knowing we needed other ways out on the west side. The South Meadows connection to 599 makes it more desirable. More people use 599 to get downtown. We are also working on optimizing the signals on Airport Road and studying whether the Jemez Road signal is still needed. We are close to making the timing work there.

Commissioner Gutierrez said at peak hours, everybody is traveling up in the morning

and down in the evening and I don't think a 3-car capacity will work with the development. Cars travel extremely fast there on Airport Road. He asked if it can be extended.

Mr. Romero said if we could extend it, we would ask the developer to do that. But on the other side is a left turn lane just east of Geo Lane and to lengthen it would mean no left turn allowable.

Commissioner Gutierrez noted that property has not been built out.

Mr. Romero said it serves the whole area.

Commissioner Faulkner commented she did not care if trailers are there. The issue is density. There is so much need for amenities there and just adding more people just makes it worse. The city is being critical that our need for Affordable Housing still allows in lieu of fees. I am against the zoning to this level of density.

Commissioner Garcia said putting so many houses on smaller lots is not good. - Owning your own house is or should be everyone's right. There are also many homes there without amenities along Airport Road. This is a frontage of Airport Road and a little too dense. In this case, we need to consider how the whole neighborhoods there would work. I think the density is too much.

Commissioner Gutierrez had some questions for Director Ladd for clarity. If someone who wants to buy one and qualifies for 0 could pay \$34,900.

Director Ladd explained the way it works is a 20% requirement with three different income tiers. It is a trigger for the Santa Fe Homes Program, but we cannot apply it until we get to the subdivision stage. This price in front of the Commission is a subsidized price for the lot and geared to the three tiers and would have to be certified by the City.

Commissioner Gutierrez quoted the list of Affordable Housing lots for this development but understood that might change as it goes forward.

Director Ladd agreed. There is a fractional fee for fractional unit. She clarified that the fee in lieu of amendment only applies to multi-family units. So there is not a relationship with these particular projects.

Commissioner Faulkner asked if any of that fund will be used on this property.

Director Ladd said that individual buyers might qualify if they are income-qualified.

Commissioner Faulkner asked if any of those funds go to individuals if they applied for a property for their home.

Director Ladd said it is very possible, if they qualify for those funds. The nonprofits

would connect them to those loans.

Commissioner Faulkner said the fee in lieu of provision allows a developer to not do Affordable Housing and spread affordable options throughout the city. Other developers do high density development in Districts 2 and 3. Everyone tonight complained about affordable clustering like in Districts 2 and 3. And the only way to combat poverty clustering and crime and low voting turnout and inequity in general is to spread poverty *throughout a city. The Mayor gave us a book and that is one of the points in the book.* There is an absolute connection.

Director Ladd said the Affordable Housing Trust funds are allocated on an annual basis and nonprofits propose a method for assistance. That can be rental assistance or down payment assistance. Because of rental assistance, it can be used on any property and allows a person the ability to rent or buy in any section of the city. She felt it gives people a choice to live in any part of town and not be limited to a development like this.

Commissioner Faulkner said that is if the area will accept the developer.

Director Ladd said it is just an issue if the landlord is able to choose which kind of assistance vouchers they choose to accept.

Chair Hiatt asked Mr. Reeder if he had thoughts about massaging the project in any way.

Mr. Reeder said Mr. Logston already addressed the notices and we mailed out 114 letters within 300' of our property. We are bordered on the north by Shalom R-12 and on south by a trailer park at R-12. The recommended density for low income is R-7 and we didn't go that far. If the lots were bigger, it would not be affordable homes. We want an R-6 subdivision. We could look into more square shape. We hired a civil engineer but wanted to get rezoning before doing the engineering for the density. We can try to make the lots more conducive to stick-built houses.

We did volunteer to construct sidewalks on Geo Lane and Buffalo Grass on our side all the way to Airport Road. So people would not have to walk in the street.

Commissioner Gutierrez said he was on the Commission when Buffalo Grass came in. The end game of what happened there was not a benefit to the city. So if you get approval here, how would you mitigate the problem of trying to get 2 mobile homes on one lot? *That is what happened in Buffalo Grass. With two trailers, the quality of life is not good.*

Mr. Reeder thought they could create covenants for only one unit per lot and that all be anchored with a permanent foundation. We also could build a wall to screen from adjacent developments.

Commissioner Gutierrez concluded that they are not opposed to limiting one dwelling unit per lot.

Mr. Reeder agreed, although the City might override that.

Commissioner Gutierrez asked if that limitation could be done on the plat.

Mr. Berke said the City cannot and the Commission cannot impose conditions that violate the laws and ADUs are allowed but the Developer can impose covenants on them. The City cannot enforce those covenants. The Rufina subdivisions were oddly shaped but could still have stick-built homes. The developer offered to put a covenant on the plat and with staff, they kept up with it.

Commissioner Gutierrez said Mr. Reeder could put that covenant on the plat. Okay.

Commissioner Gutierrez would like to see two entrances on Geo Lane and two on Buffalo Grass to deal with traffic.

Mr. Reeder said they could think about that. Buffalo is much narrower than Geo Lane. Having that one entrance was to discourage people from Buffalo Grass and directing to Geo Lane. That was their own engineering thought.

Commissioner Gutierrez said a lot at 25' wide and 100' long eliminates a place for kids to play. He would support more open space and he would require longer stacking.

Commissioner Faulkner asked if as developer, he would create the covenants but an HOA would enforce them. She said in her neighborhood, no HOA ever evolved so we have no covenants. They are only as good as the HOA ability to enforce them. That is a big risk.

Commissioner Hogan noted there are other deed restrictions possible.

Commissioner Sategna said to Director Ladd that at this point we are just recommending on rezoning and a lot of this is hypothetical on what it would mean for *Affordable Housing*. He was just trying to understand is the higher density or 25% to qualify for Affordable Housing would apply. What triggers the Affordable Housing? Would the developer be required to provide a 20% subsidy?

Director Ladd it is 20% for residential and 15% for multi-family. And multi-family can get 15% by right. To pay a fee other than that, is not an option for the developer. It is 20% on this number of lots.

Action of the Commission

MOTION: Commissioner Faulkner moved to not recommend R-6 density. It is already so dense that adding more people will not help the problem for social justice and food.

Director Johnson advised that the General Plan Amendment must be considered first.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Sategna, to not recommend the General Plan Amendment. [She later withdrew the motion.]

Commissioner Gutierrez said instead of having this coming to a vote, he would like to see more work put in on it. Penciling out what the partners think would work to make it a nice subdivision for Airport Road. He would rather see it tabled with more thought to be put into it. They have heard the concerns of the neighbors.

Commissioner Hogan thought the Commission could provide specific direction. He pointed out that R-6 zoning is not inherently dense.

Commissioner Faulkner said less density and more consideration for a park or open space for people who live there would be best. She was willing to withdraw her motion if they are willing to be less dense with more amenities.

Mr. Berke explained the General Plan Amendment could be approved with conditions attached on street width, right angles, etc. Right now the General Plan has institutional use there from R-1- R-6.

Commissioner Faulkner asked that they consider a grocery store rather than residential. Getting rid of amenities is not good.

Chair Hiatt did not have a sense of where the Commission is going and although she made a motion, not to assume that he would be thinking it is not going his way. But he asked if the Applicant would like a table or go for a vote.

Mr. Reeder asked to confer with his partners.

After conferring, he said, "We have waited six months since the ENN meeting. We'd like a decision but are willing to work on it more.

He asked if the Commission could act on the General Plan Amendment and table the rest. He clarified that the application would not be for a grocery store. It will be residential. It is not going to be a church either.

Commissioner Faulkner withdrew her motion to deny.

Commissioner Clow pointed out that if we approve the General Plan Amendment to a lower density, would it mean it is up for grabs to be decided later.

Director Johnson said yes. It would move the General Plan Amendment to the Governing Body and the uses are fairly broad that would be consistent with the General Plan.

Commissioner Clow thought it would be appropriate to consider that.

MOTION: Commissioner Clow moved, seconded by Commissioner Faulkner, in Case #2019-19, to approve the General Plan Amendment from institutional to low density residential with the conditions of approval recommended by Staff.

Commissioner Sategna asked if it is appropriate to ask them to return.

Commissioner Hogan said this motion just gives them permission to return.

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

Ms. Paez recommended to table the rezoning issue.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Clow, to table Case #2019-20.

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

Commissioner Faulkner felt badly for the developer and said it is just circumstances.

Chair Hiatt thanked those who testified.

G. STAFF COMMUNICATIONS

Director Johnson reported that with the adoption of the budget, some changes were made. In the reorganization, two assistant directors will be added to the team. The posting of the positions closed yesterday evening. We have put in the work program two ambitious projects. One is the update to the Land Use Code to improve processes, particularly ENN and have more consistency among the processes and the other part is initiating a community conversation on how to approach General Plan Amendments and is streamlining the number of elements. *It has been almost 20 years since this*

conversation happened and moving into year two, to be able to get into more substantive changes. The broader conversation is on how to govern ourselves. All of this is conditioned upon hiring those two directors.

Ms. Paez announced the City Attorney's Office is 100% staffed.

Mr. Berke said he felt this was great discussion tonight.

Mr. Berke and Chair Hiatt both apologized for the confusion regarding the Findings of Fact and Conclusions of Law.

H. MATTERS FROM THE COMMISSION

1. *Planning Commission Agendas and cases.*

Chair Hiatt said the results from the conversation among Commissioner Faulkner and Chair Hiatt with Staff were a concern that this would take us past 10 pm and it has already. We are all committed to two meetings per month with projects spaced out.

Commissioner Faulkner thought everyone was ready to run by the time we are done, and we are tired, and it is not fair to the public when we are exhausted. We need to give them the time and thought they deserve. And should have a public comment on agendas.

She asked Staff to bring back next time what a public comment is to be. I signed up for two meetings.

Chair Hiatt asked Councilor Heldmeyer about having public comment to make sure we get the public input.

Commissioner Faulkner thought if we had two meetings each month, we would not be stacked up for time.

Councilor Heldmeyer thought public comment is good but on a specific topic at a specific time makes lots more sense. The School Board has a public comment on their agenda and people talk about whatever they want. if it is not an item on the agenda. She gave several examples.

If the question is how we can bring up a subject, in terms of land use, there are many specific issues that could be notified what is to be discussed and a fair number would make good comments. It is possible but it needs structure.

Commissioner Faulkner said she had talked to Director Johnson about this. We were thinking about all the stuff staff reviews. This comment could give feedback.

Ms. Heldmeyer agreed and not on quasi-judicial items.

Chair Hiatt asked for comment from Director Johnson - Whatever we can do to balance it and not make the public get upset with us.

Director Johnson said she would rather have their two projects not be the focus. Also, LRP has not been active and with these two hires, their first work would be community outreach.

Chair Hiatt asked to get some ideas when they would come up.

Director Johnson anticipated a hiring list within a week to ten days. They probably won't be on board on July 1. And she also has to issue an RFP for our consultant.

Ms. Heldmeyer said after July 1, we will have an increase in constituent service and with people who help Councilors. There will be two of them for 8 Councilors. They will get input on a lot of things from the public and they could help LUD on what they are hearing about. It gives you some extra hands.

Chair Hiatt thought we should postpone discussion on ENN and fee in lieu of.

2. Discussion of ENN Procedures and Policies.

This item was not considered.

3. Discussion of Affordable Housing.

This item was not considered.

I. ADJOURNMENT

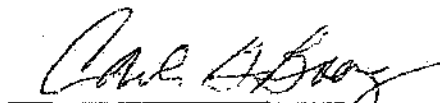
Having completed the agenda and with no further business to come before the Planning Commission, the meeting was adjourned at 10:28 p.m.

The next meeting will be June 20, 2019.

Approved by:


John B. Hiatt, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.