



Agenda

AMENDED

PLANNING COMMISSION
Thursday, October 17, 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: None

FINDINGS/CONCLUSIONS:

Case #2019-721, Santa Fe Place Mall Signage Variance.

Case # 2019-722, Santa Fe Place Mall Development Plan Amendment.

Case #2019-725, Santa Fe Place Mall Preliminary Subdivision Plat.

E. OLD BUSINESS

F. NEW BUSINESS

1. Case #2019-66. 2861 Agua Fria Development Plan. Hugh Driscoll, AIA, Agent, for Dominic Vigil, Owner, requests approval of a Development Plan to allow an additional 7,161 square feet of office and commercial uses with multi-family apartments. The property is approximately 0.84 acres, is zoned C-2/PUD (General Commercial/Planned Unit Development) and is located within the West Santa Fe River Corridor Overlay District. (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647) **(POSTPONED FROM SEPTEMBER 5, 2019) (TO BE POSTPONED TO NOVEMBER 7, 2019)**
2. Case #2019-728. 7295 Cerrillos Road U-Haul Development Plan. Lora Lakov of AMERCO Real Estate Company, Agent, representing Mathew Braccia, Owner, requests approval of Development Plan to build a 103,413 square foot indoor self-storage facility, warehouse, and retail showroom on approximately +/-3.37 acres. The property is located at 7295 Cerrillos Road, is zoned I-1 (Light Industrial), and lies within Zone 4 of the Cerrillos Road Highway Corridor Protection District. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

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.**

RECEIVED AT THE CITY CLERK'S OFFICE	
DATE:	October 9, 2019
TIME:	1:29 PM



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<p>RECEIVED AT THE CITY CLERK'S OFFICE DATE: <u>October 1, 2019</u> TIME: <u>10:49 AM</u></p>
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PLANNING COMMISSION MINUTES
OCTOBER 17, 2019**

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C. Approval of Agenda	Approved as published	2
D. Approval of Minutes and Findings/Conclusions		
1. MINUTES:	None	2
2. Findings of Fact and Conclusions of Law:	Approved as Amended	2-3
a) <u>Case #2019-721</u> Santa Fe Place Mall Signage Variance.		
b) <u>Case # 2019-722</u> Santa Fe Place Mall Development Plan Amendment.		
c) <u>Case #2019-725.</u> Santa Fe Place Mall Preliminary Subdivision Plat.		
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I. Adjournment	Adjourned at 7:26 pm	17

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, October 17, 2019 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fe 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 Janet Clow
Commissioner Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Jessica Lawrence
Commissioner Dominic Sategna

Members Absent

Commissioner Mark Hogan
(One Vacancy)

Others Present:

Carol Johnson, Land Use Director
Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa D. Byers, 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 Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

MOTION: Commissioner Faulkner moved, seconded by Commissioner Garcia, to approve the agenda as published. The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

2. **MINUTES:** None

2. **Findings of Fact and Conclusions of Law:**

d) Case #2019-721. Santa Fe Place Mall Signage Variance.

e) Case # 2019-722. Santa Fe Place Mall Development Plan Amendment.

f) Case #2019-725. Santa Fe Place Mall Preliminary Subdivision Plat.

Chair Hiatt noted the findings for the three cases were combined. He asked about the possibility the denial in the first case would be repealed. He would have split the cases, if so.

Ms. Paez said they did not anticipate an appeal. An appeal could be filed with regard to one case and staff would make it clear it was only one case being appealed. That would not preclude a proper appeal.

Chair Hiatt asked if it would make any difference with the Findings and Conclusions.

Ms. Paez said an appellant can raise a single issue on appeal. She thought it was not a problem. The approval and Findings and Conclusions of the Commission would remain the Commission's.

Commissioner Clow had two changes: on Criteria #3, page 3 (c) "The applicant asserted that although the intensity of the mall development is greater than surrounding properties it is not equitable" - she asked to be changed to "*it is inequitable.*"

Commissioner Clow continued that on Criteria #4, second bullet "Staff noted that because the proposed sign..." she asked to remove "*because.*"

Chair Hiatt confirmed with Ms. Paez the changes were acceptable. He asked if Ms. Paez had already made the changes on the document he would sign.

Ms. Paez replied no, she would need to update the Findings. The Commission's motion could be made subject to the correction. She would swap out page 3 with the corrections and have the Chair sign the signature page.

Motion: In Case No. 2019-721, Case No. 2019-722 and Case No. 2019-725, Commissioner Clow moved, seconded by Commissioner Sategna, to approve the Findings of Fact and Conclusions of Law, as amended. The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

E. OLD BUSINESS:

None

F. NEW BUSINESS

1. **Case #2019-66. 2861 Agua Fria Development Plan.** Hugh Driscoll, AIA, Agent, for Dominic Vigil, Owner, requests approval of a Development Plan to allow an additional 7,161 square feet of office and commercial uses with multi-family apartments. The property is approximately 0.84 acres, is zoned C-2/PUD (General Commercial/Planned Unit Development) and is located within the West Santa Fe River Corridor Overlay District. (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647) **(POSTPONED FROM SEPTEMBER 5, 2019) (TO BE POSTPONED TO NOVEMBER 7, 2019)**

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Staff Report

Lee Logston stated he would leave the operation and the building up to the applicants. He explained they were before the Commission because the proposal exceeds 30,000 ft.² of development and a development plan is necessary.

With the development plan approval, also proposed is approval for reduced parking at the site. Staff's approval of the parking arrangement is based on U-Haul's self-reported operations at other facilities, the revised ITE definitions and standards, and Staff's consideration of the project as an "other industrial land use" in the Land Use table.

He indicated Chair Hiatt wanted him to point out he did not complete his train of thought in the Staff Report the same way as he did in the memo. Staff's punchline on parking is that their demand as "other industrial land use" is 27 spaces; ITE would require 38 spaces, and the applicant proposed 46 spaces.

Three items are outstanding as conditions of approval:

- 1) To work out final architectural details eliminating the orange door features on several of the façades. Even without the doors, the building (in Exhibit B) well exceeds the architectural requirements for points in that zone.
- 2) Loading dock screening. Section 14-5.5(D)4 B2 requires that loading docks within the Cerrillos Road Highway Corridor Protection District "*shall either be located at the rear of the building or screened by a wall*". That can be discussed; however, the applicant is currently working on a wall designed to achieve this purpose. Staff has made that a condition of approval.
- 3) Landscaping - The plan does not show landscaping of the right of way along Cerrillos, but the applicant will also do that section.

Mr. Logston added it is not a condition, but he wanted to clarify that signage is not part of this approval. Signage will come back as a building permit per standard procedure and is in the applicant's interest. Amendments are more easily done as a permit.

The proposed development plan meets all of the development standards of chapter 14 and will not increase or create any nonconformities.

Staff recommends approval of the development plan with the conditions of approval as outlined in the report and the technical corrections.

Two motions would be required; to approve or deny the development plan for Case #2019-728 subject to conditions of approval and technical corrections recommended by staff; and to approve or deny the Findings of Fact and Conclusions of Law for the case as proposed in Exhibit A2 of the packet.

Applicant's Presentation

Thomas Neal, 356 Gordon Rd., Edgewood, was sworn. He said he is the Marketing Company President for U-Haul of northern New Mexico. He was present to answer questions the Commissioners might have about the project. U-Haul is a do-it yourself moving company as well as self-storage. The facility will be totally indoors, and they will also rent trucks and trailers at the smaller building on the site plan.

He introduced Ray, the civil engineer. Mr. Neal stood for questions.

Public Comment

There was no public comment.

Commission Discussion

Commissioner Faulkner asked to address the orange doors.

Mr. Logston stated staff had an issue on the doors that was twofold. One issue related to the loading dock. A screening provision is the shielding of the actual loading dock from site, but the side of the building facing Cerrillos has what appears to be doors. In addition, the doors are like an extension of U-Haul's branding and signage and staff felt to be consistent, should be eliminated.

Mr. Logston indicated the applicant will come back to staff with an alternative. The building is attractive, and the applicant has gone beyond what staff would have required in that zone. He noted even if the doors were eliminated and it was a blank wall, it would score the same number of points.

Commissioner Sategna asked Mr. Logston to explain the proposed wall. He had concerns what that would look like coming from Cerrillos and it was not in the plans.

Mr. Logston explained he did not know either what that would look like, but staff would work with the applicant. At issue is the elevated loading dock at one end tapers off at the other end to become level. It is not the entire portal, but the grade-separated area. The wording in the code provision is not to hide trucks. There could be a dock at the back of the building that would not require a wall, yet if a truck backed up to that, the truck could be seen from Cerrillos.

Staff determined the code intent is not to block the site of the truck from vision, but really to screen the dock portion. Staff proposed the retaining wall would come straight out following the east façade of the building, roughly 30 feet, with a six-foot wall on top of the retaining wall. The idea is to effectively screen out the lower portion.

Mr. Berke added that the screening wall is meant to only screen the dock portion of the loading area. The applicant could not render a drawing due to the deadlines but agreed to meet that condition to staff satisfaction. The intent would be as an extension of the architecture of the building and the wall would extend to screen the dock portion. That would be combined with landscaping, and possibly a fence along the edge of the properties.

Several different proposals were discussed with the applicant, but ultimately the applicant agreed to screen the area to satisfy the code. That is why it was made a condition of approval. Locating the loading dock in the rear of the building would have completely altered the design, probably postponing, or delaying the application.

Commissioner Sategna said his concern is the priority - to get this approved by the City. He understood the conditions of approval but found it hard to understand a six-foot wall on top of a retaining wall. He wondered at what point the code be a detriment to the building itself. He found the wall difficult to imagine and hard to approve with the notes he received and that was the best solution.

He asked if possible, to show where the wall would extend to on the plan.

Ms. Johnson indicated sheet C3 of the engineering plan and the preliminary site plan had a dark line with a symbol J indicating the retaining wall. It comes off the corner of the building as an extension of the primary elevation.

She indicated on the site plan (second page in the packet) beside the letter H, a dark bar and to the lower right were three truck parking spaces, longer than standard. She explained the intent is the wall would extend out to the end of the parking spaces, to approximately double the existing length shown.

Commissioner Sategna asked if there would be a fence on the other side because the wall would not block the area in the view from the angle of the rendering.

Mr. Logston replied a fence was not currently proposed but was discussed internally. Staff primarily looked at what was needed to shield the area if standing in front of the site.

Commissioner Sategna thought it a Band-Aid and rushed and failed to address the code. The loading dock would obviously be seen by people driving by, he knows, because he lives on this corner. He stated he was not comfortable voting with nothing obstructing the line of sight. He had no suggestions for an alternative.

Chair Hiatt asked to confirm there was no current landscaping plan.

Mr. Logston replied there is a landscaping plan in the packet but does not include the portion in the Cerrillos right of way. The landscaping consists of shrubbery and street trees like what is in front of the Honda or Subaru dealerships.

He addressed the comment regarding rushing the approval stating if the building was a 29,000 square-foot building instead of the development plan, staff would be handling this. The application was not being rushed; there would be a Land Use approval this evening with a condition to work out the issue. Staff will work with the applicant as long as needed to find a satisfactory solution. The Commission could add their screening method and if they feel a fence is called for, they have the ability to include that in the conditions.

Commissioner Clow asked when a loading dock is required to be screened what typically is done; is it from every angle or just the street.

Mr. Logston read the code: *"Any new loading dock, storage facilities or trash disposal areas... located in the district shall either be located at the rear of the property or being entirely screened from public view by an opaque wall or fence."*

Mr. Logston showed on the plan the point where there would not have to be walls at the rear of the building. The code went back as staff said, to the intent to screen the dock, not necessarily every vehicle at the dock. He noted the code is open to interpretation and he has never had a case with a loading dock in the zone.

Mr. Berke added that typically the interpretation is from the right-of-way; the publicly visible area. They usually work from the beginning with an applicant to establish standards and to locate the loading docks in the rear. At times he has seen back-in facilities for the truck like at Albertsons that is completely shielded.

Staff in this case, took "publicly visible" to mean Cerrillos Road and looked at how to screen the loading area. Publicly visible is not property to property, it is from the public areas looking at the property and staff thought this satisfied the code requirement. There is a combination with the landscape plan that calls for medium shade trees densely on the perimeter.

Commissioner Garcia thought it almost impossible for the area not to be seen. He thought the wall sufficient. He asked the size of the vehicles, because they could be large and often have trailers, and if there was adequate turnaround space.

Mr. Neal indicated the largest truck is 26 feet and there is adequate area to turn around in the parking lot. He pointed out the customer entrance for storage and that a large truck could back straight in and out. He explained this was not actually a loading dock, but just makes it easier for customers not to have to go up and down a ramp.

Sometimes a there is a lot of equipment and sometimes not and other equipment will be at the other building.

Commissioner Garcia asked if a left turn from the building onto Cerrillos would be allowed when coming out.

Mr. Neal explained Civil Engineering plans would allow a de-cel lane to turn left and also add a de-cel lane coming south will be added. The engineer indicated there would not be a light there, but a left turn could be made.

Commissioner Sategna asked if the applicant was opposed to putting a wall on the east side of the property. The City's intent is to abide by code and loading docks are entirely screened from public view by an opaque wall. He thought the point was made that the wall would not block the loading dock from the intersection.

He said to be true to the code they should install a six-foot high wall, going back the number of feet needed to obstruct the view of the loading dock. That would allow landscaping off the road that would begin where the new wall intersects.

Ms. Johnson noted on the plan where the screen wall would be and where Mr. Sategna had asked for a secondary wall.

Chair Hiatt asked Mr. Neal his thoughts.

Mr. Neal replied that U-Haul would be opposed to the suggestion. He added that the building next door would develop and the landscape plan with the dense trees etc., would block the view and act as a wall.

Chair Hiatt asked for an estimate of how many feet they were talking about.

Ms. Johnson replied it is about 40 feet along the eastern edge.

Mr. Berke acknowledged the point Commissioner Sategna made that truck lights backing in at night could be a distraction to oncoming traffic. He asked Mr. Neal if he thought U-Haul would be opposed even if the wall was just the loading dock portion. He was told yes; they would be opposed.

Commissioner Faulkner asked Commissioner Sategna to clarify the wall location.

Commissioner Sategna explained the wall does not need to go the length of the property line, just far enough back to obstruct the view. He thought attaching the wall to a beautifully designed building just to obstruct a view would be a detriment to the building. He thought there was no solution other than to add an additional wall to obstruct the view from that perspective.

Commissioner Sategna was concerned there was no rendering, and this added a wall to a building that can be seen from Cerrillos Road. He was not sure he could approve that.

Commissioner Lawrence thought it a stretch to consider this a loading dock; it is a customer entrance. They would not have large vehicles with deliveries daily like Albertson's. This is actually a raised customer entrance. She stated she was more comfortable as it is.

Chair Hiatt asked to take a break for a moment.

Chair Hiatt upon return addressed Commissioner Sategna stating respectfully, he was concerned that the Commissioner had placed himself in a position of a conflict-of-interest, or the appearance of conflict.

He was concerned if the Commission voted to deny it would become an issue. He felt the applicant would have the right to raise the issue that Commissioner Sategna's point of view was tainted because he lives close to this.

Chair Hiatt noted that Commissioner Sategna has been on the Commission long enough to hear at least two Commissioners disqualify themselves because they lived close to the application property.

He said he raised the issue so this could be discussed at the meeting. He added, he also does not live far away and travels the road all the time, but he was certain that would not conflict his ability to render an opinion. If it did, he would disqualify himself.

He asked Commissioner Sategna if his viewpoint was conflicted by his residence.

Commissioner Sategna stated he wanted to be clear that he did not think that, and also to be clear that his residence is not within 100 feet, or yards of the property. He was concerned as a citizen of Santa Fe. His concern has nothing to do with where he lives, and he would have the same concern if this was in another area. He just did not think it a good solution to approve at this point.

Chair Hiatt appreciated Commissioner Sategna stating that on the record.

Ms. Paez said she appreciated Chair Hiatt raising the issue. She clarified that in a quasi-judicial proceeding such as this that Commissioners are only disqualified when there is a monetary conflict of interest defined in the code. Or in a situation there is an inability to decide the matter fairly and impartially.

She agreed when there is potential appearance of a conflict, bias or prejudice or conduct or appearance of impropriety, it should be discussed. And there should be a

statement on the record that the person could be fair and impartial; or the person should recuse themselves.

Commissioner Sategna added he also appreciated this was brought up. He said he would let it stand with the other Commissioners whether they thought he should refrain from participating in the decision.

Chair Hiatt said unless a Commissioner objected, his consideration was that Commissioner Sategna had no conflict of interest and could participate fully. He asked if there were any objections. There were none.

Commissioner Faulkner asked whether the Commission had the authority to say the wall was not necessary.

Ms. Johnson said code does not have a definition of a loading dock but there is a definition for loading space. The definition is broad and states: *"A distinct area logically and conveniently located for bulk pickups and deliveries, scaled to the size of the delivery vehicles expected to be used and accessible to such vehicles."*

One could argue that those are loading spaces. There are three truck lane loading spaces and passenger vehicle loading spaces, but they also serve as a required space.

There is an alternative definition called "Loading space: Off-street" that is logically and conveniently located for bulk pickups and deliveries scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

She asked the applicant whether the truck lane spaces are included in the required parking space count. If so, that suggests they are part of the required parking spaces and not especially designated loading space. She added to Commissioner Lawrence's point, which would not be considered a loading dock.

Mr. Neal said they are part of the customer parking space count and for customer parking. As he previously stated, they are for customer convenience, so they do not have to go up and down a ramp.

Ms. Johnson suggested amending the condition of approval and introduce into the Findings of Fact the interpretation that this is not a loading dock. The applicant would therefore be in compliance with all provisions of the Cerrillos Highway Corridor Overlay. She added this would be an appropriate finding that the Commission could give Staff direction to bring back to the next meeting for approval.

Commissioner Clow stated she liked the small wall. If the Commission states this is a loading space the applicant would not be required to do the screening.

Chair Hiatt asked Mr. Neal if his concern that U-Haul would not want to build the wall was the cost; or brand; or another objection. He thought they would not need a six-foot wall to block the dock; the rendering shows an uphill slope from Cerrillos.

He said he would encourage the Commission to move forward tonight and let staff and Mr. Neal work that out.

Mr. Neal stated a 40-foot-long, 3-foot high wall is not a problem, but a six-foot wall seems extreme.

Commissioner Clow clarified her reference was to the small screen because this could be amended and defined as not a loading space. She asked if the Commission would still want the screening and if the applicant would be willing to do that.

Mr. Neal replied they would prefer not to but would agree if that would make them compliant with code.

Mr. Berke said the Commission could define what the space is, and the requirement would go away and they would need to meet that finding, in addition to amending condition #5. That is within the Commission's right if it is a benefit to the community or they want to impose that. The applicant had stated prior to the meeting they were amenable to keeping the wall if defined as a loading area.

Commissioner Garcia asked if the area could be shielded with landscaping.

Mr. Logston explained some things are specific in the landscape requirements, like street trees but generally the shrub count is based on overall open space. The applicant could cluster to enhance the shrubbery, etc., for the second wall in that section.

Chair Hiatt asked Mr. Logston to clarify that the language for opaque fencing, which is not necessarily a cinderblock wall.

Mr. Logston explained the language states opaque wall or fence with the idea that you would not be able to see through it.

Chair Hiatt thought a chain link fence with slats through it would be opaque.

Ms. Johnson explained the purpose of a fence or wall is that it is something more durable than vegetation. The landscape plan purpose was to show the substantial number of trees and shrubs that will grow over time and provide shielding. The Commission could add larger trees and shrubs to the north of the driveway as additional screening.

Ms. Johnson said the Commission should frame their discussion if they decided this is not a loading dock and discuss screening the parking, not the loading dock. She asked that they be clear on that distinction.

Commissioner Gutierrez stated if whether there is a loading dock or not; there is no definition in code for a 26-foot U-Haul pulling in to get their things or to leave their items. The way he sees it is a loading/unloading dock. He thought at some point someone will build next to this lot and this will take care of itself. He asked if the Commission could ask for additional landscaping beyond what is required to ensure shielding from lights. He thought lights could be a big problem at night.

Mr. Berke replied the Commission has the authority to add more landscaping than required, especially for the purpose of additional screening. They could also specify how much and what type of screening and combine that with a wall and landscaping. He noted that in the landscaping code screening could be a 4-foot berm combination with shrubs and trees and a wall.

Commissioner Gutierrez was amenable to staff determining what was needed to shield the lights from the area to achieve the goal, until the next property builds.

Another point he had was inclusion of parking loading areas assigned as customer parking and the reduction of parking and the flow. There are two accesses to the property, one through Cerrillos Road. One is through the back through a private drive. He has seen at the other two locations where people left U-Hauls where they should not be when the lot was full. People would just dump the truck and go.

Commissioner Gutierrez asked that be addressed, especially since U-Haul is asking for a large reduction in parking. Vehicles are returned around-the-clock and they should ensure they are not left on the private drive behind the facility.

Mr. Neal addressed the concern explaining that the two locations mentioned by Commissioner Gutierrez are independent businesses renting U-Haul trucks and trailers. They are paid a commission and are not company stores. He apologized that people were doing that.

He explained that was the main reason U-Haul has come to Santa Fe, because the City is underserved in the moving industry. This location will have a 24/7 place to return equipment and is not fenced. People can now rent or return trucks with their phone and the facility does not have to be open.

Chair Hiatt addressed Commissioner Gutierrez's point and asked if he was returning the truck at 3 a.m. could he come in either entrance.

Mr. Neal explained he could and there will be striping on the parking lot to direct customers where to bring the trucks. Signage on the return canopy explains how to return the truck. He confirmed the rental portion is to the back of the property, toward the private drive.

Commissioner Garcia thought there should be a one-way gate, so they have to drop off the trucks through the Cerrillos Road entrance after closing. People who cannot find a place to park the truck would leave them on the private drive.

Chair Hiatt played devil's advocate and described a scenario where he was returning a truck and there were not enough parking spaces. He asked Mr. Neal to comment.

Mr. Neal indicated they do not have a problem with people parking in the street at this type of facility. The situation at Carlos Rey is because it is a small parking area and there is a high demand for U-Haul and why they want this location. The facility will alleviate all of the parking issues Commissioner Gutierrez mentioned, happening at the Carlos Rey area.

Mr. Berke asked Mr. Neal when someone returned their truck off-site if they are charged for not returning the truck on the premise.

Mr. Neal explained the person's phone tracks the GPS and when a person is returning the truck, they would not be able to complete the contract if not on the property.

Mr. Berke stated if that became an issue on the private drive it could be monitored with code enforcement.

Commissioner Sategna stated while the storage units require less parking the rental storage is not just for customers. A majority of trucks and trailers will occupy those spaces if this is the main center to return trucks.

Mr. Neal referred to the plans to show equipment sharing locations.

Mr. Logston noted that staff to a certain extent trusts that all of the applicants know their own business model and what they need in capacity. He said U-Haul does not want to spend millions of dollars for a site that does not work. Staff could deal with issues that do not work as planned through code enforcement.

Chair Hiatt said he thought it better to stick with the loading dock concept rather than open a door that would be difficult to navigate. He said Commissioner Sategna could tell them if he felt differently by what he said in his motion.

Commissioner Clow agreed at this point it was not really an issue whether a loading dock, or a loading space.

Commissioner Faulkner asked the applicant if he agreed this was a loading dock versus a loading space.

Mr. Neal commented that he has stated all along that they call it a customer entrance and a loading space for customers using U-Haul's equipment.

Action of the Commission

MOTION: In Case #2019-728, 7295 Cerrillos Road U-Haul Development Plan, Commissioner Sategna moved, seconded by Commissioner Faulkner, to approve the development plan subject to the conditions as amended; to remove condition of approval #5; and define technical corrections recommended by staff to include additional landscaping along the parking lot areas on the east and north side of the property based on the interpretation of staff, and for the purpose and intent of the Cerrillos Road Highway Corridor and the Landscaping Ordinance and that the Commission determined the definition of the space as a loading space, not a loading dock.

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

Mr. Berke suggested the Commission deny the findings because they are written with all the conditions of approval.

MOTION: In Case #2019-728, 7295 Cerrillos Road U-Haul Development Plan, Commissioner Faulkner moved, seconded by Commissioner Clow to deny the Findings of Fact.

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

Chair Hiatt noted that staff would modify the Findings to correspond with the motion and present them at the next meeting.

G. STAFF COMMUNICATIONS

Ms. Johnson introduced Dee Beingessner as the new Engineering Supervisor. She comes from the Water Division.

Chair Hiatt welcomed Ms. Beingessner and told her she has joined a great department.

Mr. Berke reported that City Council approved the Summary Committee repeal. He thanked the Commission for their hard work. There will be one more Summary Committee meeting in November, after which that will become an administrative process.

H. MATTERS FROM THE COMMISSION

Commissioner Gutierrez stated that 599 is under construction and the cut-through is South Meadows. He talked with Mr. Berke about traffic, etc. and asked that he report to the Commission on the status of the area.

Chair Hiatt asked Ms. Johnson to talk about the Fee-in-Lieu of Ordinance.

Ms. Johnson explained the Ordinance, often called Fee-in-Lieu, was presented to the Commission a couple of months ago by Alexandra Ladd who is working on an amendment. The ordinance expires at the end of the calendar year and the concern is it may be detrimental to future multifamily development if not an option. Ms. Ladd has held several stakeholder meetings and Ms. Paez has had a substantial role in clarifying the language. The ordinance is moving forward without changes to Chapter 14 to ensure approval by the Governing Body. The ordinance then will come to the Planning Commission most likely in January, to consider Chapter 14 amendments. Notice to Publish will be on the Governing Body agenda October 30th with a public hearing on December 11, 2019.

Chair Hiatt asked the plan since the ordinance expires December 31 and does not come to the Planning Commission until January.

Ms. Johnson explained the operative ordinance is in chapter 26. That will go to the Governing Body before the end of the calendar year. The alternative would be to provide a six-month extension. Their approach is to present both an opportunity to act on the tiered model as an incentive for projects to come in early and pay the existing fee. Then, over time that escalates as incentive to multifamily developers to bring projects forward earlier rather than later.

There will also be an alternative option if there are concerns, for a six-month extension to provide more time to work out a resolution.

Ms. Faulkner asked if the reason was technical that the ordinance would not come before the Commission.

Ms. Paez explained it is a new approach. Staff wanted to be sure the Governing Body had settled on an approach because that could inform Chapter 14 changes ultimately.

Ms. Faulkner said she is very concerned about the fee in lieu of issue. She asked why the Commission could not hear this before the Governing Body.

Ms. Johnson pointed out chapter 26 is the Santa Fe City Code and the Planning Commission has no code authority to make recommendations. The Commission would make recommendations on the chapter 14 corresponding changes which address a slightly different topic.

Ms. Johnson stated she was certain this would not get to City Council until December 13 based on the schedule. There is a required 15-day period between the Request to Publish and the public hearing before the Governing Body. She explained the schedule was it went to the Community Development Committee yesterday and goes to Public Works Committee on October 28; will go to City Council for Request to Publish on October 30, and the Finance Committee on November 4th followed by a scheduled final public hearing at the Governing Body on December 11th.

She said the schedule is due to time pressure and that this chapter of the code is not within the Land-Use board's approval and recommendation.

Commissioner Faulkner asked if there was a reason the Planning Commission could not hear the ordinance.

Ms. Johnson replied she had just discussed with Mr. Berke about asking Ms. Ladd to make an informational presentation in November. Changes will be specific to chapter 26 and the Commission's recommendation, although appreciated, would not be binding.

Commissioner Faulkner thought she made clear her thought that this should be the Planning Commission. Even though they do not have authority or scope over the chapter, it is part of Planning.

Ms. Johnson replied changes to chapter 14 are the substantive changes more related to Planning. There has been a lot of discussion about incentives to the Land Use Code that would make affordable housing more attractive. They could consider a majority of options as part of chapter 14 as incentives and adjust requirements. The Commissioners previously mentioned concerns of whether multifamily projects have neighborhood involvement as part of the design process.

Commissioner Faulkner asked if possible, for documents to be sent to Commissioners ahead of the November 7, meeting.

Chair Hiatt stated he and Mr. Berke reviewed the agenda. He was satisfied they could cover the cases, although the meeting might be longer than usual.

Mr. Berke reviewed the agenda; a development plan the Commission has not heard before and 2 final subdivision plat requests heard previously. The fourth case is a variance/lot split he thought would be relatively fast. Staff could provide handouts and include that in the packet.

Chair Hiatt confirmed consensus of the Commission to have a brief presentation by Ms. Ladd.

Ms. Paez offered to send the packet that would be sent to the other committees.

Commissioner Faulkner explained she has asked because she gets a lot of questions about the fee-in-lieu-of ordinance. She wants to provide accurate information.

Ms. Paez confirmed she would send the information before the next meeting.

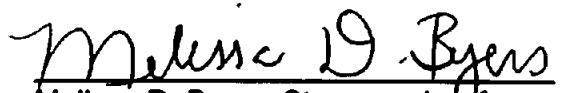
I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Planning Commission, the meeting was adjourned at 7:26 p.m.

Approved by:


John B. Hiatt, Chair

Submitted by:


Melissa D. Byers, Stenographer for
Byers Organizational Support Services