



# Agenda

DATE 1/20/09 TIME 11:50 am  
SERVED BY [Signature]  
RECEIVED BY [Signature]

**AMENDED**

**PLANNING COMMISSION  
February 5, 2009 – 6:00 P.M.  
CITY COUNCIL CHAMBERS**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**  
MINUTES: January 15, 2009  
FINDINGS/CONCLUSIONS
- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. **Case #M 2008-35. 1413 Agua Fria Street General Plan Amendment.** Derrick Archuleta, agent for Richard MacLaurin and Kristen Lundgren, requests approval of a General Plan future land use map amendment to change the designation of 0.22± acre from Low Density Residential (3-7 dwelling units per acre) to Office. The property is located on the north side of Agua Fria Street between Avenida Cristobal Colon and Hickox Street. (Lucas Cruse, case manager) **(POSTPONED FROM NOVEMBER 6, 2008, DECEMBER 4, 2008 AND JANUARY 15, 2009)**
2. **Case #ZA 2008-14. 1413 Agua Fria Street Rezoning.** Derrick Archuleta, agent for Richard MacLaurin and Kristen Lundgren, requests rezoning of 0.22± acre from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is located on the north side of Agua Fria Street between Avenida Cristobal Colon and Hickox Street. (Lucas Cruse, case manager) **(POSTPONED FROM NOVEMBER 6, 2008, DECEMBER 4, 2008 AND JANUARY 15, 2009)**
3. **Case #ZA 2008-19. St. John's College PUD Rezoning.** Linda Tigges, agent for St. John's College, requests rezoning pursuant to 14-5.7(I) and 14-3.5 to amend the Planned Unit Development (PUD) for an increase of intensity to the master development plan. The College is zoned R-1 PUD (Residential, 1 dwelling unit per acre, Planned Unit Development) and is located at 1160 Camino Cruz Blanca, within the Historic Review District, Suburban Archeological Review District, with various portions of the property in the Escarpment Overlay District. (Dan Esquibel, case manager) **(POSTPONED FROM JANUARY 19, 2009)**

4. **Case #M 2008-48. St. John's College Master Development Plan Amendment.** Linda Tigges, agent for St. John's College, requests Preliminary Development Plan approval to amend the Planned Unit Development (PUD) to allow 83,000 square feet of phased new construction for the St. John's College campus. The College is zoned R-1 PUD (Residential, 1 dwelling unit per acre, Planned Unit Development) and is located 1160 Camino Cruz Blanca, within the Historic Review District, Suburban Archeological Review District, with various portions of the property in the Escarpment Overlay District. (Dan Esquibel, case manager) (**POSTPONED FROM JANUARY 19, 2009**)
5. **Case #M 2008-46. 4789 Airport Road Annexation.** JenkinsGavin Design and Development, Inc., agent for Big Sky Builders, Inc. and Louis Rael, requests annexation of 2.96± acres of land located north of Airport Road and east of Jemez Road. (Lucas Cruse, case manager)
6. **Case #ZA 2008-17. 4789 Airport Road Rezoning.** JenkinsGavin Design and Development, Inc., agent for Big Sky Builders, Inc. and Louis Rael, requests rezoning of 2.96± acres of land from R-1 (Residential, one dwelling unit per acre) to C-2 (General Commercial). The property is located north of Airport Road and east of Jemez Road. (Lucas Cruse, case manager)
7. **Case #M 2008-47. 1111 Agua Fria Street General Plan Amendment.** Linda Tigges, agent for Santa Fe Housing Trust, requests approval of a General Plan future land use map amendment to change the designation of 0.52± acre from Low Density Residential (3-7 dwelling units per acre) to Office. The property is located west of La Madera Street. (Donna Wynant, case manager)
8. **Case #ZA 2008-18. 1111 Agua Fria Street Rezoning.** Linda Tigges, agent for Santa Fe Housing Trust, requests rezoning of 0.52± acre from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is located west of La Madera Street. (Donna Wynant, case manager)

## G. BUSINESS FROM THE FLOOR

## H. STAFF COMMUNICATIONS

## I. MATTERS FROM THE COMMISSION

## J. ADJOURNMENT

### NOTES:

- 1) Procedures in front of the Planning Commission are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) 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 be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.  
**\*An interpreter for the hearing impaired is available through City Clerk's Office upon 5 days notice. Please call 955-6521**

**INDEX OF**  
**CITY OF SANTA FE**  
**PLANNING COMMISSION**

**February 5, 2009**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
<b>A. ROLL CALL</b>	<b>Quorum</b>	<b>1</b>
<b>B. PLEDGE OF ALLEGIANCE</b>		<b>1</b>
<b>C. APPROVAL OF AGENDA</b>	<b>Approved</b>	<b>1</b>
<b>D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS</b>		
<b>MINUTES: January 15, 2009</b>	<b>Postponed</b>	<b>1-2</b>
<b>FINDINGS/CONCLUSIONS</b>	<b>Not addressed</b>	<b>1-2</b>
<b>E. OLD BUSINESS</b>		<b>3</b>
<b>F. NEW BUSINESS</b>		
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4.	<b>Case #M 2008-48. St. John's College Master Development Plan Amendment.</b> Linda Tigges, agent for St. John's College, requests Preliminary Development Plan approval to amend the Planned Unit Development (PUD) to allow 83,000 square feet of phased new construction for the St. John's College campus. The College is zoned R-1 PUD (Residential, 1 dwelling unit per acre, Planned Unit Development) and is located 1160 Camino Cruz Blanca, within the Historic Review District, Suburban Archeological Review District, with various portions of the property in the Escarpment Overlay District.	
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	<b>Approved</b>	<b>14-19</b>
<b>G.</b>	<b>BUSINESS FROM THE FLOOR</b>	<b>19</b>
<b>H.</b>	<b>STAFF COMMUNICATIONS</b>	<b>2-3 &amp; 19</b>
<b>I.</b>	<b>MATTERS FROM THE COMMISSION</b>	<b>19</b>
<b>J.</b>	<b>ADJOURNMENT</b>	<b>19-20</b>

**MINUTES OF**  
**CITY OF SANTA FE**  
**PLANNING COMMISSION MEETING**

**February 5, 2009**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair O'Reilly at approximately 6:00 p.m. on this date in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

Roll call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Bonifacio Armijo  
Angela Schackel Bordegaray  
Signe Lindell  
Ken Hughes  
Ruben Montes  
John Salazar, Vice Chair  
Matthew O'Reilly, Chair

**MEMBERS ABSENT:**

Estevan Gonzales (excused)  
Gloria Lopez

**STAFF PRESENT:**

Tamara Baer, Planning Manager  
Lucas Cruse, Senior Planner  
Donna Wynant, Senior Planner  
Dan Esquibel, Senior Planner  
Denise Cox, Stenographer

**B. PLEDGE OF ALLEGIANCE**

Chair O'Reilly asked Commissioner Hughes to lead the pledge of allegiance.

**C. APPROVAL OF AGENDA**

Ms. Baer asked the Commission to move the staff communication from Greg Smith prior to hearing cases. She said they would continue the remaining staff communications and a presentation by Lucas Cruse after hearing the cases.

**Commissioner Hughes moved to approve the agenda as amended, Commissioner Salazar seconded the motion which passed by unanimous voice vote.**

**D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**MINUTES: January 15, 2009**

Chair O'Reilly noted that the findings/conclusions were not noticed properly, so they would not be approving those at this meeting.

Commissioner Bordegaray made the following corrections to the minutes:  
Page 8, Richard Folks is President of the Greater Callecita Neighborhood Association.  
Page 16, 1<sup>st</sup> line, Smart Growth, not Star Growth Conference.

Chair O'Reilly made the following corrections to the minutes:  
Page 8, 2<sup>nd</sup> paragraph from the bottom: Fred Rowe is President of the Neighborhood Law Center, Past President of the Neighborhood Network, and Counsel of the Greater Callecita Neighborhood Association.  
Page 12, 5<sup>th</sup> paragraph: *direction* should be **direct**.

Ms. Baer called to attention the requested corrections from Fred Rowe.

Chair O'Reilly asked if there is a way of determining exactly what the testimony was.

Ms. Cox replied yes.

Chair O'Reilly understood they could ask for a verbatim transcript to be placed into the record.

Mr. Smith said that is correct. He said the practical approach would be to request postponement of action on the minutes until the testimony can be reviewed.

Chair O'Reilly expressed concern with placing this testimony in as they have no verification of what was said. He said the only way he would know is if there was a verbatim transcript provided.

Mr. Smith said the test is whether the Commission is satisfied that they reflect the intent of what was said clearly and accurately.

Commissioner Armijo suggested the stenographer review the tape and then report back.

**Commissioner Armijo moved to postpone action on the minutes to the next meeting, Commissioner Hughes seconded the motion which passed by unanimous voice vote.**

*After the meeting, the tape was reviewed and the accurate statements from Mr. Rowe's request were inserted in the minutes along with the above corrections.*

Commissioner Armijo reported that Commissioner Gonzales and his wife had a baby boy.

## **STAFF UPDATE**

Greg Smith reported on the Chapter 14 rewrite. He said there have been several opportunities for input from interested from parties. He said this is more of a renovation. The Historic District Overlay regulations are on a parallel track for review. He anticipates bringing the first set of revisions to the March 19<sup>th</sup> meeting as the March 5<sup>th</sup> meeting has been canceled. He said 2-3 specific amendments including the appeal section will be discussed at that meeting. He hopes to get the draft to the Commission at least a week and a half prior to the meeting so they have ample time to review. He said they can either have special study sessions or they can reserve time at a specific meeting each

time. The review from the Planning Commission should be completed by the end of June.

**E. OLD BUSINESS – None**

**F. NEW BUSINESS**

1. **Case #M 2008-35. 1413 Agua Fria Street General Plan Amendment. Derrick Archuleta, agent for Richard MacLaurin and Kristen Lundgren, requests approval of a General Plan future land use map amendment to change the designation of 0.22± acre from Low Density Residential (3-7 dwelling units per acre) to Office. The property is located on the north side of Agua Fria Street between Avenida Cristobal Colon and Hickox Street. (Lucas Cruse, case manager) (POSTPONED FROM NOVEMBER 6, 2008, DECEMBER 4, 2008 AND JANUARY 15, 2009)**

*Items 1 and 2 were combined for purposes of staff report, public hearing and Planning Commission review, but shall be voted upon separately.*

2. **Case #ZA 2008-14. 1413 Agua Fria Street Rezoning. Derrick Archuleta, agent for Richard MacLaurin and Kristen Lundgren, requests rezoning of 0.22± acre from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is located on the north side of Agua Fria Street between Avenida Cristobal Colon and Hickox Street. (Lucas Cruse, case manager) (POSTPONED FROM NOVEMBER 6, 2008, DECEMBER 4, 2008 AND JANUARY 15, 2009)**

*Items 1 and 2 were combined for purposes of staff report, public hearing and Planning Commission review, but shall be voted upon separately.*

Memorandum prepared January 28, 2009 for February 5, 2009 Planning Commission meeting by Lucas Cruse, Senior Planner, is incorporated herewith to these minutes as Exhibit "1."

Applicant submittal for 1413 Agua Fria Rezone and General Plan Amendment, dated September 15, 2008 is incorporated herewith to these minutes as Exhibit "1(A)."

Letters of support and floor plan presented by the applicant at the hearing are incorporated herewith to these minutes as Exhibit "1(B)."

Lucas Cruse presented the staff report included in Exhibit "1."

Staff recommends denial of the requests for General Plan Amendment and Rezoning for the following reasons:

- The applicant has not demonstrated proof of compliance with the SFCC 1987 criteria for General Plan Amendment and Rezoning:
  - The proposed land use is inconsistent with the General Plan future land use designations and zoning districts for the surrounding properties;
  - The proposed General Plan amendment and rezoning would only affect a single, small property; and
  - The proposed zoning change is for the benefit of a single property owner, and has not demonstrated benefit to the community at large

- The rezoning would represent encroachment of non-residential uses into an existing residential district with no history of office uses or non-residential zoning.
- The site plan submitted on January 5<sup>th</sup>, 2009 shows a 16' gravel driveway accessing the rear of the property, which does not comply with the 20' Fire Department Access Road required as a condition of the 1996 Lot Split [See conditions of approval in Exhibit A and August 31, 2006 Summary Committee minutes in Exhibit D]. In addition, SFCC 1987 Section 14-9.2(E)(5)(f) states that: "Shared private driveways approved for gravel shall have a driving surface of 20 feet with six inch minimum thickness of crushed gravel base course material and five foot drainage way on one side." The applicant has not demonstrated that construction of the required 20' access road, drainage, and potentially required fire Department turnaround for the rear property are possible.
- The proposed commercial use would require a variance to SFCC 1987 Section 14-7.4(D)(4)(e): "For all permitted non-residential uses abutting a developed residential use or undeveloped R district, the non-residential use shall provide a 15-foot landscaped buffer along the common property line. The landscaped buffer shall meet all the requirements of §14-8.4(J)."

### **Public Hearing**

**Derrick Archuleta, agent for applicant, 3741 Alameda Blvd. NW, Suite D, Albuquerque, 87114, was sworn.** He did not understand the staff concerns because there are many mixed land uses and zoning in this area. He showed on a map the different surrounding zonings. The General Plan also calls for mixed use in all areas of the City. It describes mixed use as more advantageous to the community as well as infill policies and dispersal of housing options. For these reasons, they felt the proposed land use and zoning is not inconsistent for this portion of the city. The City feels this proposal would affect a small piece of property. He showed a map of the corridor along Agua Fria and pointed out the different zonings and uses. He said the policies of the General Plan promote compact and urban form in different parts of the City. This parcel is close to existing infrastructure, transportation and to the downtown area. He referred to the letters of support and signatures regarding this application. He said there has been no opposition that he is aware of to this proposal. There also have been no adverse comments from City agencies or the public schools. This application decreases sprawl, eliminates carbon footprint and is an opportunity for live/work. Staff was concerned with the encroachment of non-residential uses into existing residential districts without a history of office zoning, although in his opinion this is not the case because it will maintain a living component. The application supports General Plan policies regarding affordable housing. The tenant will have the option of operating an appropriate commercial use at this location. He reviewed the C-2 definition.

**David Campbell, 6100 Uptown Blvd., Albuquerque, was sworn.** He said this is a small site, but despite that this fits in with what the City has said it wants in the General Plan and zoning code. The intent is a live/work venue. He said they do have to show that there is a changed neighborhood or community condition to justify the change. The development of additional commercial in this area has changed the area. He noted Critters, Tara School, and Agua Fria Nursery in this immediate area. This is also a heavily traveled street. The use of this property for mixed use is entirely appropriate. The surrounding residents and others around the area believe another use category is appropriate. He understands Mr. Cruse not addressing spot zoning because this is not that. This is consistent with the neighborhood as many properties are commercial. The Commission can look at the criteria for zoning amendments as this meets that. The City is intent on intensifying the downtown area and this goes along with that. This will mean one less office or house built at the edge of the community. The General Plan says the City will promote a compact urban form to minimize distances between different parts of the City and job centers and residential areas. Incentives are provided to promote infill



development. The City must encourage higher densities than existing zoning often allows. One family dwelling on the site is allowed currently, although smaller homes are a more efficient use of existing roads and infrastructure. He appreciates the staff role and heard that when they look at the book they cannot approve this. He encouraged the Commission to look at the book that supports this. He would welcome the restriction placed that this be a live/work site.

**The public testimony portion of the public hearing was closed.**

**Questions and comments from the Commission**

Commissioner Hughes understood home occupation is allowed on this property.

Mr. Cruse confirmed that and said the live/work uses would be allowed. Home occupation only allows a certain portion of the structure to be used.

Commissioner Hughes asked what the percent is.

Ms. Baer explained that it would be 25% and the occupation has to be performed by the homeowner and it cannot be rented out which is the primary difference.

Commissioner Bordegaray asked if there was a proposed floor plan.

Mr. Archuleta replied yes and said this has been given to the Building Permit Section.

Commissioner Bordegaray asked if the existing structure is no longer there.

Mr. Campbell said the existing structure is there and a portion would be required to be demolished to allow for the 20 foot area. This is under a building permit and in active construction currently.

Commissioner Bordegaray asked what the permit is for.

Mr. Campbell said the building permit allows this kind of structure.

Commissioner Bordegaray understood they are debating the use and zoning of the structure.

Mr. Campbell said if it has to be used as a residence then it can be, but they hope this is seen as a proper commercial use.

Commissioner Bordegaray asked what R-5 means.

Ms. Baer said it is five units per acre and clarified that the home occupation has to be in your residence, so renters can have home occupations.

Commissioner Bordegaray said R-5 is five units per acre and therein lies the possibility for home occupation.

Ms. Baer explained that home occupations are not tied to density and can be done in any residential district.

Commissioner Bordegaray asked what is included in C-1.

Ms. Baer said it is restricted to office use and some group home type uses and other uses as special exceptions.

Commissioner Bordegaray thought it was based on the zoning category.

Ms. Baer said it is based on the building code, how much space is on the site and the designation C-1 does not restrict the number of offices.

Commissioner Bordegaray asked for the definition of spot zoning.

Ms. Baer said there is nothing that speaks to spot zoning, but the criteria for rezoning says not to apply zoning categories to one property which is not to say there are not oddly zoned uses. The nursery is surrounded by residential zones and this is a historic use before they had zoning. If the use is discontinued then it will revert back to residential on the nursery property.

Commissioner Bordegaray noted that historic uses of properties preceded zoning and made for the mix of zoning that Santa Fe cherishes. Zoning has taken away the ability to have well functioning mixed use zoning. The nursery is the adjacent use and Agua Fria is more than a residential street. She asked staff for a definition of general welfare.

Mr. Cruse did not claim they are not promoting the general welfare, but the applicant has not demonstrated that.

Commissioner Bordegaray asked what the criteria are for the general welfare.

Ms. Baer said that is not defined in the code.

Commissioner Lindell asked how long the current owner has held the title.

Mr. Campbell stated one year.

Commissioner Lindell asked why they are not going the route of the home occupation.

Mr. Campbell explained that the applicant already has a home and does not intend to live here. This is a redevelopment project. The applicant intends to have a live/work situation and the commercial site would exceed the 25% as the site is 1500 square feet.

Commissioner Lindell asked how they propose to deal with the landscape buffer.

Mr. Campbell said the site plan issues are dealt with at a future plan. Presently there is a 20 foot gravel driveway and existing dwelling with space between the property line. Whatever the distance is should be put into landscaping. The side yard setback is not 15 feet, so they would need a variance. They are dealing with non-conforming uses and now imposing a relatively new requirement.

Commissioner Lindell said community commercial is referred to more than the requested office use in the application.

Mr. Archuleta explained that the original application was intended for community commercial, but when the issue of spot zoning came up, the application was amended to the intended use of office.

Commissioner Lindell commented that looking at the maps provided she does not see the adjacent properties being commercial.

Mr. Campbell showed a bird's eye view of the surrounding area and pointed out the other zonings.

Commissioner Lindell stated that the nursery which has been there since 1922 reverts back to residential if it ever goes away.

Mr. Cruse confirmed that any change of use would require a rezoning essentially and according to the General Plan it would revert to residential.

Commissioner Lindell referred to criteria #3 for amendments to the General Plan. It states that the area should be a section of the city and larger than a single block or its equivalent.

Commissioner Armijo pointed out that there are 40 residential lots and 2 commercial lots. He said there is a break point when they have commercial buffers and then the next resident asks for the same thing.

**Commissioner Lindell moved to deny Case #M-2008-35 General Plan Amendment, Commissioner Salazar seconded the motion which passed by majority voice vote of 5 to 1. Commissioner Bordegaray voted against the motion.**

**Commissioner Lindell moved to deny Case #ZA-2008-19 rezoning, Commissioner Salazar seconded the motion.**

Commissioner Bordegaray pointed out that the fewer opportunities they have for diversifying residential zoning means there are fewer opportunities to become mixed use in areas disproportionately concentrated by residential development with no possibility of stores serving those residences. She said historically you could walk to stores. She added that Commissioner Armijo's family operates Johnny's Cash Store on the east side which would be illegal currently. Historically this has functioned better. Her vote is symbolic for this reason and this is folly in considering future development. Planners can take all the blame for this and the zoning code. She hoped they can find the way to progressively grow out of this dilemma without being illegal.

Commissioner Armijo responded and said there actually used to be four stores abutting each other before the zoning there was commercial.

**The motion passed by majority voice vote of 5 to 1 with Commissioner Bordegaray voting against the motion.**

- 3. Case #ZA 2008-19. St. John's College PUD Rezoning. Linda Tigges, agent for St. John's College, requests rezoning pursuant to 14-5.7(I) and 14-3.5 to amend the Planned Unit Development (PUD) for an increase of intensity to the master development plan. The College is zoned R-1 PUD (Residential, 1***

**dwelling unit per acre, Planned Unit Development) and is located at 1160 Camino Cruz Blanca, within the Historic Review District, Suburban Archeological Review District, with various portions of the property in the Escarpment Overlay District. (Dan Esquibel, case manager) (POSTPONED FROM JANUARY 19, 2009)**

*Items 3 and 4 were combined for purposes of staff report, public hearing and Planning Commission review, but shall be voted upon separately.*

- 4. Case #M 2008-48. St. John's College Master Development Plan Amendment. Linda Tigges, agent for St. John's College, requests Preliminary Development Plan approval to amend the Planned Unit Development (PUD) to allow 83,000 square feet of phased new construction for the St. John's College campus. The College is zoned R-1 PUD (Residential, 1 dwelling unit per acre, Planned Unit Development) and is located 1160 Camino Cruz Blanca, within the Historic Review District, Suburban Archeological Review District, with various portions of the property in the Escarpment Overlay District. (Dan Esquibel, case manager) (POSTPONED FROM JANUARY 19, 2009)**

*Items 3 and 4 were combined for purposes of staff report, public hearing and Planning Commission review, but shall be voted upon separately.*

Memorandum prepared January 29, 2009 for February 5, 2009 Planning Commission meeting by Dan Esquibel, Senior Planner, is incorporated herewith to these minutes as Exhibit "2."

Comments from Barbara Salas, Fire Marshal, dated December 3, 2008 is incorporated herewith to these minutes as Exhibit "2(A)."

Mr. Esquibel presented the staff report include in Exhibit "2." He noted that the actual amount is 86,200 square feet for development.

Staff supports the proposal subject to the following conditions:

1. Submit elevations (N, S, E & W) to scale of all structures as part of the final development plan submittal to show building height and architectural compliance.
2. Address discrepancy between composite maps and city approved survey.
3. Submit a lighting plan and photometric analysis as part of the final development plan submittal. The lighting plan submittal shall comply to the standards set forth in 14-3.8(7)(a).
4. Failure to comply with conditions of approval for required submittals shall deem any submittal package incomplete.
5. Applicant shall submit a phasing plan which includes infrastructure development.
6. Compliance to DRT comments and conditions
  - a. January 7, 2009 from Barbara Salas p Fire Marshal
  - b. October 22, 2008 Risana Zaxus – City Engineer for Land Use
  - c. October 24, 2008 Charlie Gonzales – Technical Review Coordinator
  - d. March 21, 2008 Charlie Gonzales – Technical Review Coordinator
  - e. November 24, 2008 John Romero – Traffic Engineering Section

### **Public Hearing**

**Linda Tigges, 1925 Aspen Drive, was sworn.** She introduced the team. She agreed with the conditions, but wanted to discuss the phasing plan. Projects are built when

funding becomes available so it is hard to know the order or timing. She reminded the Commission that Planned Unit Development has attached a development plan which is technically part of the zoning. The change in development plan is basically a change in rezoning. The Master Plan is a long range document. The development plans will come forward one by one.

**Peter Brill, 1021 Camino Redondo, was sworn.** He asked not to speak as he is on a subcommittee of the Planning Commission.

**David Perrigo, PO Box 8610, was sworn.** He showed the tracts created from A to G. This application refers to tracts C and B. This master plan has been amended four times. Leven Hall was the last project under the 1999 master plan. In 2004, they began an internal master plan review where they tried to identify what would happen in the next 10-12 years. The largest condition of approval was an additional access requested by the Fire Department. That is in process and will come forward when fully designed. The other discussion was the meter entrance and meeting requirements for fire flow. The third item was parking which they are implementing a parking plan for the large events. A fire evacuation plan, parking study and water use study have been submitted.

**Mike Peters, 1040 Camino San Acacio, was sworn.** He looked forward to approval and projects that will enhance the student experience.

Ms. Tigges referred to condition 5. She requested that the following be added: *the order depends on funding of individual projects*. She said it depends on when funding comes from donors as to when the projects happen. They do plan for priorities. It is difficult to have a phased project, so this is the easiest way to address this.

**The public testimony portion of the public hearing was closed.**

#### **Questions and comments from the Commission**

Mr. Montes disclosed that he is a full time employee of the Santa Fe National Forest, but he does not work with trails. He referred to the 6<sup>th</sup> condition and said he did not see a wastewater condition. He recalled including the information at the Board of Adjustment hearing.

Mr. Esquibel said the conditions imposed by the Board of Adjustment would be required and included. He clarified that the PUD does not change the zoning although it establishes the intensity of the project so when there is an increase in intensity it has to go back for approval. The development plan is part of the ability to manipulate some of the standards required. He believes the phasing plan would be okay as long as it coordinates the development of the structures with the appropriate infrastructure. He said both should grow together.

Commissioner Salazar asked about the memo from Barbara Salas regarding when the fire flows would be completed.

Mr. Perrigo said the fire flows are adequate and are being evaluated.

Commissioner Salazar asked about the fire apparatus access roads.

Mr. Perrigo explained that there is an entrance on Cruz Blanca and they are trying to do an at grade crossing through the arroyo so they do not impact the trail use through the property. This will be an emergency road only.

Commissioner Salazar asked how the access road affects the 30% slopes.

Mr. Perrigo said there is about 2000 square feet that will be in the 30% slopes so this would require a variance. He said they will make sure the emergency access is going in prior to building.

Commissioner Salazar thanked staff for the matrix as it was very helpful.

Commissioner Hughes referred to the three proposed parking lots. He hated to see more suffocation of the land that would exacerbate flow into the arroyo. He requested that permeable paving be used.

Mr. Esquibel said they could add permeable paving now or at a final stage as it can be attached at anytime.

Commissioner Armijo commented on the water report. He questioned the usage.

Mr. Perrigo said the water is analyzed two ways. The key element is that the student body is not increasing. They are projecting a 9% increase which is 450,000 gallons. They are bringing 30 new resident students on campus.

Commissioner Armijo expressed concern with the water use and asked how they can conserve.

Mr. Perrigo reviewed the water meter issue that the City is working on. He said they will minimize the water use as much as possible. He noted that roof water is pumped into the arroyo and they will try to capture some from the addition and use it for irrigation.

Commissioner Armijo asked if a grey water system could be used to water the fields.

Mr. Perrigo said that has not been allowed, but they can use roof water and can improve the watering system.

Chair O'Reilly assumed there was not a problem with tying the infrastructure to the buildings. He asked if as the building permits come forward if they are held to the current ordinances.

Ms. Baer stated that typically a note is placed on all plats stating that future development has to comply with the current ordinances at the time of permit. If not, the Commission will have to specify on the plat that the development must comply with anything other than current ordinances.

Commissioner Bordegaray commented that she is glad to see they are reducing the turn radius at the entrance.

Mr. Perrigo stated that this is in the construction documents for Leven Hall.

Commissioner Bordegaray noted that the water study did not take into account the fields.

Mr. Perrigo said 95% of the campus has no irrigation. There is a small landscaping plan.

Commissioner Bordegaray understood they are trying to catch the water rather than having it flow down the arroyo.

Mr. Perrigo stated that the last building was in 2000. He said they are trying to implement capturing the water, but there is slow growth on the campus. There is internal roof piping with a 10,000 gallon tank.

Commissioner Bordegaray asked if the water use for the landscaping not being calculated was due to the meters not measuring it.

Mr. Perrigo said they have measured for the last 1 ½-2 years.

Commissioner Bordegaray clarified that the big green tank is a decommissioned tank.

Mr. Perrigo said the big one is Sangre De Cristo, but there is a small one also.

Mr. Esquibel stated that they want in the record that if there is an on ground crossing it include measures that would not block the access in the event of inclement weather. He said the Fire Department would still need to be able to cross the arroyo so it needs to be an all weather crossing.

Chair O'Reilly understood that the road would have to be safe and passable.

Commissioner Hughes asked if there was agreement on the stipulation regarding the order of projects.

Ms. Tigges restated: *the order depends on funding of individual projects and construction of projects will be coordinated with infrastructure.*

**Commissioner Hughes moved to recommend approval to City Council of Case #ZA-2008-19 PUD Rezoning with modified staff conditions, Commissioner Bordegaray seconded the motion which passed by unanimous voice vote.**

**Commissioner Hughes moved to recommend approval of Case #M-2008-48 with staff conditions including the request for the parking lots to be permeable paving. Commissioner Armijo seconded the motion which passed by unanimous voice vote.**

- 5. Case #M 2008-46. 4789 Airport Road Annexation. JenkinsGavin Design and Development, Inc., agent for Big Sky Builders, Inc. and Louis Rael, requests annexation of 2.96± acres of land located north of Airport Road and east of Jemez Road. (Lucas Cruse, case manager)**

*Items 5 and 6 were combined for purposes of staff report, public hearing and Planning Commission review, but shall be voted upon separately.*

6. **Case #ZA 2008-17. 4789 Airport Road Rezoning. JenkinsGavin Design and Development, Inc., agent for Big Sky Builders, Inc. and Louis Rael, requests rezoning of 2.96± acres of land from R-1 (Residential, one dwelling unit per acre) to C-2 (General Commercial). The property is located north of Airport Road and east of Jemez Road. (Lucas Cruse, case manager)**

*Items 5 and 6 were combined for purposes of staff report, public hearing and Planning Commission review, but shall be voted upon separately.*

Memorandum prepared January 28, 2009 for February 5, 2009 Planning Commission meeting by Lucas Cruse, Senior Planner, is incorporated herewith to these minutes as Exhibit "3."

Airport Road Future Land Use Map is incorporated herewith to these minutes as Exhibit "3(A)."

Lucas Cruse presented the staff report included in Exhibit "3." He said there is a 15 foot landscape buffer required, not 25 foot as stated in the staff report.

Staff recommends approval subject to the following conditions:

1. Dumpster enclosures must be shown on development plans with design to SFCC 1987 specifications approved by Solid Waste Division.
2. Please have the applicant contact Robert Siqueiros regarding trail connections, etc.
3. Proposed infrastructure shall be sufficient to accommodate the fire flow requirements set forth in IFC § B105.
4. Fire Hydrants shall be relocated to a location acceptable to the Fire Code Official. Contact Fire Department for clarification and approval of fire hydrant locations.
5. All Fire Department Access Roads shall be marked with signs in accordance with IFC§D103.6. Development plans shall include a signage plan with fire access roads marked with appropriate signs spaced no more than 40 ft. apart.  
Development Plan General notes shall indicate the following provisions:
  - Fire Department Access shall be maintained throughout all development construction phases §1410.1.
  - An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. IFC§1412.1
6. The Traffic Impact Analysis dated December 2008 recommends that the project access point, as well as that of Academy Road be limited to right-in, right-out, left-in privileges, prohibiting left-out movements. The developer shall be responsible for implementing the needed improvements to effectively prohibit these left-out movements.
7. The developer shall improve their internal access road to sub-collector standards and dedicate to the City of Santa Fe. This sub-collector will provide future access to the properties to the north.
8. The developer shall provide an access easement to the properties towards the west.

### **Public Hearing**

**Jennifer Jenkins, 130 Grant Avenue, Suite 101, was sworn.** She reviewed the vicinity map. The property has contiguity with the Airport Road right of way. This is designated as a neighborhood center and the proposal is consistent with this designation. She reviewed an aerial map. She said they envision office studio spaces with good visibility from Airport Road. These are lacking in this part of town. She stated agreement with staff conditions.

**The public testimony portion of the public hearing was closed.**



### **Questions and comments from the Commission**

Commissioner Hughes asked what the zoning is on each side of the property.

Ms. Jenkins explained that it is in the county.

Commissioner Hughes commented that this is slated to be annexed into the city and understood they do not want to wait. He asked what the timing is for the rest of this area.

Ms. Baer believed this is in phase 2 of the annexation agreement. Phase one will be completed 2009 and phase two begins in 2011.

Commissioner Hughes asked if this is the property brought up a few months ago.

Ms. Jenkins replied no.

Commissioner Hughes asked if the applicant would use permeable pavement.

Ms. Jenkins said she could confer with her client, but she is not comfortable making that commitment as she does not know enough about the product.

Mr. Montes referred to the transmittal from Solid Waste and asked about this request.

Ms. Jenkins explained that they show dumpster locations with enclosures, but they did not provide detail. She said they do identify schematic locations.

Mr. Cruse clarified that Solid Waste rescinded the rejection as they wanted to make sure the enclosures were to specs. He said this is condition 1 which is agreeable to staff.

Commissioner Bordegaray asked where this designation of the City's Neighborhood Center future land use comes from.

Ms. Baer said the land use categories do not always correspond to the zoning categories so it could be different things. The General Plan does not speak to what it could or should be. This layout was established through the Southwest Area Master Plan.

Chair O'Reilly understood when things are annexed they automatically come in as R-1. He asked what the property surrounding this is.

Mr. Cruse said it is in the county.

Chair O'Reilly said it shows a five foot setback for properties 2 and 8 and asked if they need a 15 foot setback.

Mr. Cruse said it is zoned C-2. The master plan is conceptual at this point. This is commercial to abutting commercial so the setbacks would be required.

Chair O'Reilly asked who drafts the annexation agreement.

Ms. Baer said they have a boiler plate and the applicant makes changes which are reviewed by the City Attorney's Office.

Commissioner Bordegaray asked for the uses in C-1 vs. C-2.

Ms. Baer explained that C-1 is office uses and C-2 allows a variety of uses including retail, office and commercial.

Commissioner Bordegaray asked if this allows storage.

Ms. Baer stated that storage would be a special exception use and the applicant would have to bring a proposal to the Board of Adjustment.

Commissioner Bordegaray commented that she would hate to see storage units allowed in this part of town, so she hopes the applicant stays to the true to spirit of the request.

**Commissioner Lindell moved approval of Case #M-2008-46 Annexation with staff conditions, Commissioner Armijo seconded the motion which passed by unanimous voice vote.**

**Commissioner Lindell moved approval of Case #ZA-2008-17 with staff recommendations and conditions, Commissioner Armijo seconded the motion which passed by unanimous voice vote.**

7. **Case #M 2008-47.** 1111 Agua Fria Street General Plan Amendment. Linda Tigges, agent for Santa Fe Housing Trust, requests approval of a General Plan future land use map amendment to change the designation of 0.52± acre from Low Density Residential (3-7 dwelling units per acre) to Office. The property is located west of La Madera Street. (Donna Wynant, case manager)

*Items 7 and 8 were combined for purposes of staff report, public hearing and Planning Commission review, but shall be voted upon separately.*

8. **Case #ZA 2008-18.** 1111 Agua Fria Street Rezoning. Linda Tigges, agent for Santa Fe Housing Trust, requests rezoning of 0.52± acre from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is located west of La Madera Street. (Donna Wynant, case manager)

*Items 7 and 8 were combined for purposes of staff report, public hearing and Planning Commission review, but shall be voted upon separately.*

Memorandum prepared January 27, 2009 for February 5, 2009 Planning Commission meeting by Donna Wynant, Senior Planner, is incorporated herewith to these minutes as Exhibit "4."

Photographs and future land use map presented by the applicant are incorporated herewith to these minutes as Exhibit "4(A)."

Donna Wynant presented the staff report included in Exhibit "4."

Staff recommends the Planning Commission deny the proposal as requested for General Plan Amendment and Rezoning since it does not meet the approval criteria set forth in Sections 14-3.2 and 3.5 respectively of Chapter 14.

### **Public Hearing**

**Linda Tigges, previously sworn**, gave the background on the Santa Fe Housing Trust. She said there have been neighborhood meetings. The property location is between St. Anne's School and Alameda Middle School. She reviewed the pictures she had found of the property. The property has gone downhill over time. She reviewed the history of this lot. In 1940, the property was very rural and then Hansen's Lumber came in and developed this area. In 1956, the Laundromat came in. There were other businesses that were in this area over time. She said after World War II this became a lively place with a nightclub and drive-in. In 1962, the City condemned all of Hansen Lumber and took the property from them and traded them for property on West Alameda. This property has never been residential and the structure has never had a bathroom. The applicant has to leave their property as it is being demolished. They feel they would fit in on this property due to the proximity to some of their clients. St. Anne's will allow them to use their classrooms and parking. The property is over half an acre so there is room for what will be required. The area is a mixed use area and they are not surrounded at all by residential uses. The property was never rezoned when it was possible. They want to preserve the sense of neighborhood serving uses. She said C-1 seems the most appropriate zoning as it is described as a transitional buffer district between more intense commercial and residential. She noted that there is no commercial, but the school is a more intense use. This business could help preserve neighborhood uses.

**Sharon Welsch, Santa Fe Housing Trust, 500 West San Francisco Street, was sworn**. She said they have been around 18 years and helped thousands purchase their first homes. This request for rezoning is because they cannot purchase the property unless it is properly zoned. Their use can go into any R-5 zone, but the bank needs to know that the property is zoned properly for other commercial uses in order to guarantee the loan. She said that spot rezones are not a legal definition, although it represents a small isolated area that they are trying to change for one special party that can have a detrimental effect on the neighborhood. This project is none of the above. Any group that would form an affinity would be better than having a derelict property. This could not easily become a single family house and has never been one. She said there are not many alternatives and this property was found after they received their eviction notice. She asked for the rezone for the surrounding neighborhood and for their benefit as well.

**Michael Chapman, 1842 Circle, President of Board of Directors, Santa Fe Housing Trust, was sworn**. He explained that Santa Fe Housing Trust needs a new home and would like to have a home in the neighborhoods they serve. The use of the property has been similar to what they are proposing. He said they need proper zoning to buy the property. There is no way to achieve this without the proper zoning. This is a great location for the Housing Trust.

**Daniel Werwath, 1726 Agua Fria Street, was sworn**. He is an employee of the Housing Trust and resident of Agua Fria. He said the mission is to be a stewardship of financial resources for low and moderate income households. They must continue to maintain the perspective that they are investing for future clients. He said they want to

be part of this neighborhood because they buy and develop homes in this area. They will be surrounded by partners and contacts. They have the opportunity to turn the building into a real asset. Their business is the neighborhood and they want to be located in the neighborhood. He said they are taking their own advice in trying to buy a home. He asked for approval.

**John Bow, 1113 Agua Fria Street, was sworn.** He owns the only residential property adjacent to the site and he was the previous owner. He supports the rezoning. The history of the property is that it was the entrance to the Hansen Lumber Company. Most likely the zoning was commercial and when the lumber company moved they kept the parcel and this was probably when it was rezoned to R-5. Nobody has ever lived in the building. It was rented to a weaver as a studio and then it was used as an engineer and design lab. The current zoning makes no sense. The property has been abandoned for several years and has become a magnet for vandals. In his opinion, the Housing Trust is suited ideally for the property.

**Laurie Stevens, 1806 Paseo de la Conquistadora, was sworn.** She works at the Housing Trust and is a neighbor. She said it would be great to approve and she could walk to work. They have lots of partnerships with the city and being closer would allow them to continue to do effective business downtown. It would be an asset to the area to clean this up and make it nice.

**Ron Chavez, 1302 Via Robles, was sworn.** He is an employee of the Housing Trust. He lives close and it would help to walk to work. He is an active participant in this community and working in the vicinity would benefit his family. There are businesses that could add to the character of the area and they will do this by engaging neighborhoods and helping people.

**John Quintana, 116 Bob Street, was sworn.** This property is a magnet for vandalism, graffiti and vagrancy. He welcomes the Housing Trust as a neighbor and feels it would be a positive influence for the entire neighborhood. He has heard that neighborhood support meant nothing, but he hopes that is not true.

**Alexander Dzurec, 1617 Paulin Street, was sworn.** He is a Board member and neighbor. He said he sees this as a great office location and it is within the community that it serves. He said it is not inconsistent with the General Plan and the commercial spaces. He did not understand why this is even zoned residential. He said as a neighbor he would welcome the community services adjacent. He urged the Commission to approve.

**The public testimony portion of the public hearing was closed.**

#### **Questions and comments from the Commission**

Commissioner Salazar asked if the letter from Jack Hiatt was not sufficient for the bank.

Ms. Welsch explained that the letter states the operations are okay in the R-5 zone, but the bank wants to be able to do something with that property if they make a loan. The bank wants to sell the property for what they are lending and cannot do so as a single family house. They have seen the property decline. If they fail to exist, the bank will make a loan if they think they have recourse later.

Commissioner Salazar asked if they are purchasing the property for more than what it is worth.

Ms. Welsch replied in essence that is the case as the property is worth what it can be used as. If the Housing Trust defaults the property has to be sold for that same use.

Commissioner Salazar could not imagine the Housing Trust defaulting on a loan. He asked if they plan to expand.

Ms. Welsch stated that they do not anticipate immediately expanding.

Commissioner Armijo asked if it is possible to rezone only for the usage of the Santa Fe Trust and then if that changes the zoning could revert to residential.

Ms. Baer explained that the bank is looking for some certainty in the zoning so that would negate the bank terms.

Commissioner Armijo said if they moved then they could be doing this for an organization that is not so great. In his opinion, the difference between this and the other case is that there is a long history of this not being residential.

Ms. Tigges agreed that it is not acceptable to have a zoning that reverts.

Commissioner Montes asked if the public action forcing them out of their current property is from the City.

Ms. Welsch stated that the City owns the land and are demolishing the property.

Commissioner Lindell commented that this is a hard case. She agreed they do wonderful work, but in looking at the code it makes it difficult. She is concerned that nowhere does it state anything about the applicant's financing. This property is clearly in a state of dilapidation with a willing purchaser and the price is such that the bank is not willing to finance the property. It appears the property is being sold for too much money. The zoning is R-5 and seemingly the value is based on that, not what it could or should be in the future. She was not able to ignore staff's recommendation for denial. Nowhere in Chapter 14 is there consideration for the financing in making a decision.

Ms. Tigges said the applicant is trying to state their position, but it is not necessarily a rationale for the zoning. The rationale is that C-1 is an appropriate use for the neighborhood or that turning that property into residential is more appropriate than an office. Denial results in residential use of the property.

Commissioner Lindell did not see any other conforming commercial uses on that side of Agua Fria between La Madera and Camino Alire.

Ms. Wynant said that is correct although there may be some nonconforming uses.

Commissioner Bordegaray believed this would result in revitalization although she understands Commissioner Lindell's frustration. She said this is a very visible location on a historic route and they ought to be supporting this kind of revitalization. The

General Plan was formed in 1999 and things have changed. This is an opportunity for leadership to respond and revitalize a corner.

Chair O'Reilly explained that the land use code is very specific and there are certain criteria that have to be complied with. The first criterion is that there be a need for the rezone. It is hard to see the need other than to meet the financing criteria as there is a letter saying they can move in right now. Rezonings must be consistent with adopted general plans and this does not comply with the Future Land Use Map. The testimony was compelling and he can think of only one other non-profit he would support higher. This is a difficult decision for the Commission.

Commissioner Armijo pointed out that a good chunk of this area is institution. There are schools, football field, NDI and more schools.

Ms. Tigges agreed as there is Desert Academy and NDI which has leased some of the school property.

Commissioner Salazar believes the applicant for the other property on Agua Fria failed to show a history of the uses on the property. In his opinion, this is a transitional buffer. He said it is up to interpretation. Industrial use is intense in this area with the schools and the added traffic from some of Carlos Gilbert relocated to this area. The property is in bad shape.

Chair O'Reilly pointed out that they heard a PUD case and the development requires that the applicant come back with a development plan to accommodate the use and a new use would be required to come in. He questioned if that would be an option for this property.

Ms. Baer said that would only be the case if they were changing something on the ground. The PUD relates to development standards rather than the use so that would not help.

Chair O'Reilly said in the past there have been restrictions placed on the PUD. He used the Rodeo Grounds as an example. He asked if they cannot legally place restrictions of use on a PUD.

Ms. Baer said they are not related as the PUD has to do with development standards. They could have C-1 or C-2 with restricted uses.

Commissioner Salazar said he is worried that the property will fall into further disrepair if the Housing Trust does not move in.

Commissioner Armijo asked why NDI does not show up on the zoning map.

Ms. Baer explained that R-5 allows group homes, multifamily, daycare, nursery, schools, colleges, private schools, public schools, neighborhood community and municipal or other government uses.

**Commissioner Hughes moved approval of Case #M-2008-47 with staff conditions, Commissioner Montes seconded the motion which passed by majority voice vote of 5 to 1. Commissioner Lindell voted against the motion.**

Commissioner Hughes moved to approval of Case #ZA-2008-18 with staff conditions, Commissioner Bordegaray seconded the motion which passed by majority voice vote of 5 to 1. Commissioner Lindell voted against the motion.

**G. BUSINESS FROM THE FLOOR - None**

**H. STAFF COMMUNICATIONS**

Ms. Baer reported that there will be no meeting on March 5<sup>th</sup>.

Lucas Cruse presented an overview of Transportation Planning in Santa Fe incorporated herewith to these minutes as Exhibit "5." He suggested they have more dialogue regarding this at another time or venue.

Commissioner Bordegaray suggested a joint meeting with the Land Use Subcommittee.

Chair O'Reilly was not sure that was possible, but said they can attend a meeting of the Land Use Subcommittee. He asked to be notified of these meetings.

**I. MATTERS FROM THE COMMISSION**

Chair O'Reilly said the presentation by Ms. Brennan would take place at the next meeting. He suggested a possible change to how they approve the minutes and agenda. Without objection the minutes are approved. There also does not need to be a motion to adjourn since the agendas are published.

Commissioner Salazar reported that the water ordinance subcommittee met. He said the draft was streamlined in a friendlier format. There is an option of retrofitting and water banking.

Commissioner Armijo said the result is excellent. The responsibility is spread among everyone.

Commissioner Bordegaray noted they addressed allowing families to add a room. She said staff was very responsive to their comments and concerns.

Commissioner Salazar said this will be presented at the next meeting. He asked who is serving on the ALU.

There were questions as to when the first meeting would be.

Ms. Baer explained that she saw an agenda with cases on it and that was not the City's understanding, so there will be discussions regarding this.

Chair O'Reilly agreed there is some misunderstanding.

**J. ADJOURNMENT**

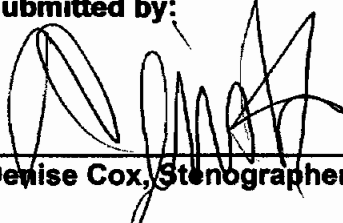
**There being no further matters to come before the Commission, and the Commission having completed its agenda, this meeting was adjourned at 10:10 p.m.**

**Approved by:**

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**Chair Matthew O'Reilly**

**Submitted by:**



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**Denise Cox, Stenographer**