



Agenda

AMENDED

PLANNING COMMISSION

April 16, 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:

FINDINGS/CONCLUSIONS:

Case #M 2009-01. 2901 Alamosa Drive Variance.

Case #M 2009-02. San Isidro Plaza Signage Development Plan Amendment.

- E. OLD BUSINESS
- F. NEW BUSINESS

1. An ordinance amending Exhibit I, "Mountainous or Difficult Terrain Boundary", of Chapter 14 SFCC 1987. (Councilor Calvert) (Jeanne Price)
2. Case #M 2009-04. **Kachina Ridge Phase III Final Subdivision Plat Time Extension.** James W. Siebert, agent for SBS, LLC requests time extension for final subdivision plat approval to create a ten lot subdivision on approximately 2.55± acres located south of Avenida de las Americas and north of the main channel of the Arroyo de los Chamisos. The property is zoned RM-1/PUD (Multi-Family Residential – Planned Unit Development, 21 units dwellings per acre). (Donna Wynant, case manager)
3. Case #ZA 2009-01. **1411 ½ Second Street Rezoning.** Kathy Colleen, agent for Adriana Siso and Christel Blomqvist, requests rezoning of 0.161± acre from R-5 (Residential, 5 dwelling units per acre) to C-2 (General Commercial). The property is located east of Cerrillos Road, north of Jay Street. (Donna Wynant, case manager)
4. Case #M 2009-07. **Plaza Piñones Final Development Plan.** JenkinsGavin, agent for Soñar LLC, requests final development plan approval for 40 townhomes on 7.44± acres. No variances are requested with this proposal. The property is zoned R-5 (Residential, 5 dwelling units per acre) and is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)

5. **Case #M 2009-03. Governor Miles Business Park Development Plan.** Linda Tigges, agent for Crowne Santa Fe, LLC requests development plan approval for a total of 76,350 square feet on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager)
6. **Case #S 2009-01. Governor Miles Business Park Preliminary Subdivision Plat.** Linda Tigges, agent for Crowne Santa Fe, LLC requests preliminary subdivision plat approval for 10 lots on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager)
- ~~7. Chapter 14 Rewrite Amendments to Sections 14-1, 14-2, 14-3, 14-4, 14-6, 14-7, 14-9, 14-10, 14-12 SFCC 1987. Study and provide policy direction to staff and to the rewrite consultant team concerning the content of the amendments, and provide direction regarding scheduling of public hearings on the proposed amendments. (Greg Smith, case manager)~~
7. **Chapter 14 Update, Bill No. _____.** Public hearing to consider recommending approval of an ordinance amending the following sections of the Land Development Code Chapter 14 SFCC 1987: Section 14-1, General Provisions; 14-2, Review and Decision-Making Bodies; 14-4, Zoning Districts; 14-10, Nonconformities; 14-11, Enforcement; and 14-12, Definitions. The Commission conducted a study session on these code sections March 19, 2009. (Greg Smith, 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 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.
*An interpreter for the hearing impaired is available through the City Clerk's Office (955-6521) upon 5 days notice.

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CITY OF SANTA FE
PLANNING COMMISSION

April 16, 2009

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<u>Case #M 2009-02.</u> San Isidro Plaza Signage Development Plan Amendment.		
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3. <u>Case #ZA 2009-01.</u> 1411 ½ Second Street Rezoning. Kathy Colleen, agent for Adriana Siso and Christel Blomqvist, requests rezoning of 0.161± acre from R-5 (Residential, 5 dwelling units per acre) to C-2 (General Commercial). The property is located east of Cerrillos Road, north of Jay Street.	Approved	6-7
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MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

April 16, 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
Ken Hughes
Gloria Lopez
Signe Lindell
Ruben Montes
John Salazar, Vice Chair
Matthew O'Reilly, Chair

MEMBERS ABSENT:

Angela Schackel Bordegaray (excused)
Estevan Gonzales (excused)

STAFF PRESENT:

Greg Smith, Director Current Planning Division
Kelley Brennan, Assistant City Attorney
Tamara Baer, Planning Manager
Jeanne Price, Legislative Liaison
Donna Wynant, Senior Planner
Wendy Blackwell, Director Technical Review
John Romero, Traffic Engineer
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

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

C. APPROVAL OF AGENDA

Ms. Baer reported that items 5 and 6 – Case #M-2009-03 Governor Miles Business Park Development Plan and Case #S-2009-01 Governor Miles Business Park Preliminary Subdivision Plat will be postponed by request of the applicant to June 4th.

Chair O'Reilly stated that there have been some comments about item 7 – Chapter 14 rewrite amendments.

Commissioner Lindell stated that they had discussed having a subcommittee on the rewrite and she asked the Commission to reconsider this. The Neighborhood Law

Center is willing to assist. She said a study session with short and brief conversation is not how she would prefer to do this rewrite. There are a sizable number of questions and it does not seem to be the most efficient way to spend the meeting time. She wanted to review this page by page and line by line.

Commissioner Armijo agreed. He commented that he did not give himself enough time to review all the material. He would limit the study session to 2-3 meetings so it does not go on and on.

Chair O'Reilly reminded the Commission that this is only the first set of revisions.

Mr. Smith said this is not the majority of the work.

Chair O'Reilly expressed concern that staff and the consultant have been working on this for almost a year and he thinks a subcommittee could take quite a while to complete their work.

Mr. Smith agreed the work is the minority of the work. Staff is concerned with making progress on a finite time table since a large amount of the consultant/staff time has already been invested. There is no way that the Commission or even a subcommittee will get to a line by line review. He said they need to have meaningful policy review. The Governing Body expects there is something to vote on in a matter of weeks, not months and years.

Chair O'Reilly said the previous subcommittees have worked hard and efficiently. He noted that he did review this line by line. He said they could table action and later on discuss the process of how this comes forward.

Commissioner Hughes suggested they hear out staff and the consultants. He added that this does not mean they have to make a motion.

Mr. Graeser commented that it is not an extensive presentation, but more of a question forum for the Commission.

Ms. Baer reported that they need to postpone the findings to the next meeting.

Commissioner Hughes moved to approve the agenda without items 5 and 6 - Case #M-2009-03 Governor Miles Business Park Development Plan and Case #S-2009-01 Governor Miles Business Park Preliminary Subdivision Plat and to postpone the findings and conclusions, Commissioner Armijo seconded the motion.

Chair O'Reilly stated that this is the second time the information for the rewrite has been in the packet, but if the Commission is not prepared to take action they can postpone or set up a subcommittee.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES:

FINDINGS/CONCLUSIONS:

Case #M 2009-01. 2901 Alamosa Drive Variance.
Case #M 2009-02. San Isidro Plaza Signage Development Plan Amendment.

There were no minutes or findings/conclusions to approve.

E. OLD BUSINESS – None

F. NEW BUSINESS

- 1. An ordinance amending Exhibit I, “Mountainous or Difficult Terrain Boundary”, of Chapter 14 SFCC 1987. (Councilor Calvert) (Jeanne Price)**

Memorandum prepared April 9, 2009 for April 16, 2009 Planning Commission meeting by Jeanne Price, Legislative Liaison, is incorporated herewith to these minutes as Exhibit “1.”

Ms. Price presented the staff report included in Exhibit “1.”

Staff requests a recommendation to the Governing Body.

Public Hearing

There was no public testimony regarding this item.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes questioned if the area left out would be buildable slopes.

Ms. Price explained that the difficult terrain only determines the density factor and it does not allow disturbance to the slopes.

Commissioner Lindell asked if they have modified Exhibit I.

Ms. Price stated that the map will be amended to reflect the eastern extension and not the western extension.

Chair O’Reilly commented that this ordinance seems that it could have been included with Chapter 14. He asked if this is separate since it has to do with the settlement agreement.

Ms. Price replied yes.

Chair O’Reilly said the mountainous and terrain boundary has always been superfluous as the terrain management regulations restrict building on steep slopes. He sees this has changed since they adopted the SF Homes Program. He pointed out that it could be limited to 7 units if R-1 and the disturbance within a project do not go down as the lots get bigger. He questioned if it is better to have more, smaller affordable homes rather than larger lots.

Ms. Price appreciated the comment. She said they get 2 affordable units out of 7 units vs. 3 out of 10.

Chair O'Reilly questioned if they need to re-approve this ordinance as he does not see an overwhelming public benefit.

Ms. Price believed much of the area to the east is in the county and is limited to 1 in 10. In the General Plan, there was some intention to create an even lower density.

Chair O'Reilly stated that this falls within the areas of Chapter 14 that they will be reviewing in the next several months.

Ms. Baer said Chapter 14 is not a complete rewrite, so this will not be looked at. She said it is a density reduction of 25%, but you automatically get 15% for the affordable housing required. She said you can still round up for family transfers and affordable housing. Her quick calculation got them to 9 instead of 10.

Commissioner Hughes moved to recommend approval of the mountainous and difficult ordinance including only the eastern area shown on Exhibit I. Commissioner Salazar seconded the motion which passed by majority voice vote of 4 to 3. Those voting for the motion: Commissioners Armijo, Hughes and Salazar and Chair O'Reilly to break the tie. Those voting against the motion: Commissioners Lindell, Lopez and Montes.

Ms. Price said at the March 19th meeting electronic signs were discussed. She wanted to clarify that they were referring to ticker tape and fireworks type thing going on. She questioned in preparing the amendments if she can remove some of the bill and change the title or present a complete alternate bill.

Chair O'Reilly asked Ms. Price what she recommends.

Ms. Price recommended an alternate bill attached because then other committees could support the alternate bill as this goes forward.

There was agreement from the Commission.

- 2. Case #M 2009-04. Kachina Ridge Phase III Final Subdivision Plat Time Extension. James W. Siebert, agent for SBS, LLC requests time extension for final subdivision plat approval to create a ten lot subdivision on approximately 2.55± acres located south of Avenida de las Americas and north of the main channel of the Arroyo de los Chamisos. The property is zoned RM-1/PUD (Multi-Family Residential – Planned Unit Development, 21 units dwellings per acre). (Donna Wynant, case manager)**

Memorandum prepared April 6, 2009 for April 16, 2009 Planning Commission meeting by Donna Wynant, Senior Planner, is incorporated herewith to these minutes as Exhibit "2."

Letter from Michael Supple, Kachina Ridge resident, dated April 16, 2009 is incorporated herewith to these minutes as Exhibit "2(A)."

Ms. Wynant presented the staff report included in Exhibit "2."

Staff recommends a time extension be granted for Final Subdivision Plat approval subject to the conditions of approval as identified in the DRT memos (See Exhibit C).

Public Hearing

Victoria Dalton, Siebert and Associates, 915 Mercer, was sworn. She said they are requesting a time extension due to the decline of home sales. They are in agreement with the previous staff conditions.

Art Sproul, developer, was sworn. He reported that there were extensive traffic studies done and the city planned to connect Vegas Verdes and Camino de las Arroyos. The curve was originally more gradual but Mr. Nitzel, previous City Traffic Engineer, placed the right angle turns to slow down the traffic. They also placed speed humps along Avenidas de las Americas. He said they put this in and widened the road at the city's request. The second phase was 46 lots and they still have 20 lots in this phase that are not sold. He would like to hold off on the third phase due to that.

Michael Supple, resident of Kachina Ridge, was sworn. He expressed concern with the traffic that has become excessive on the curve discussed. At the time there were 8 homes that were supposed to be developed here, but the intersection is also the home for the post office boxes. It is a dangerous intersection. There is traffic from 97 homes that pass through this area. There will be an impact on the entire community. There have been many rear enders. This area is like going through a maze. He would like a traffic impact study done. He noted that a year ago there was a man that died in the arroyo and the emergency vehicles blocked the roads and bridge for many hours.

Mr. Sproul stated that extensive traffic studies have been done and the light on Cerrillos Road was as a result of the studies. The third phase has a connection to the Game and Fish property to go over to Richards Avenue.

Mr. Supple pointed out that currently the fire department is on the other side of the arroyo, so he is not sure how the vehicles would get across the arroyo.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo was pretty sure there is an access for the emergency vehicles to cross the arroyo. He has no problem with this extension and felt that extensions are a small way to help developers during this time.

Commissioner Hughes asked if the Commission can add conditions when granting a time extension.

Ms. Brennan believed they could.

Commissioner Hughes questioned if they could amend the conditions of approval because they cannot address other phases.

Ms. Brennan agreed they cannot address the other phases.

Commissioner Montes understood they are building close to the banks of the arroyo.

Mr. Sproul said due to the flood plain maps this was held up or it would have been a part of phase 1 and 2. They were locked in on phase 1 to do the roads and to make changes to that now would be hard as it is built out. He agreed there are people parking where they are not supposed to. He thought the police department should patrol the area more and said he could contact them.

Commissioner Montes stated that he is not a fan of these developments along the arroyo.

Commissioner Salazar asked if the roads are built out.

Mr. Sproul replied yes.

Commissioner Salazar asked Mr. Romero what the process is that Mr. Supple could follow to address his concerns since the roads are already built out.

Mr. Romero explained that typically there is little geometric improvement that can be done. He added that they usually try to patrol the area or place more signage.

Mr. Sproul suggested moving the mail boxes so they are not part of the curve and thought it would be better to place them down further into the subdivision. He agreed to talk to the post office about this. In his opinion, this would alleviate the issue.

Commissioner Armijo moved to approve the time extension for Case #M-2009-04, if the applicant wishes to work with his neighbors that would be between themselves, Commissioner Salazar seconded the motion. The motion passed by majority voice vote of 5 to 1 with Commissioner Montes voting against the motion.

- 3. Case #ZA 2009-01. 1411 ½ Second Street Rezoning. Kathy Colleen, agent for Adriana Siso and Christel Blomqvist, requests rezoning of 0.161± acre from R-5 (Residential, 5 dwelling units per acre) to C-2 (General Commercial). The property is located east of Cerrillos Road, north of Jay Street. (Donna Wynant, case manager)**

Memorandum prepared April 6, 2009 for April 16, 2009 Planning Commission meeting by Donna Wynant, Senior Planner, is incorporated herewith to these minutes as Exhibit "3."

Ms. Wynant presented the staff report included in Exhibit "3."

Staff recommends approval of the request for Rezoning subject to the conditions outlined in the attached Conditions Table and Development Review Team memoranda included in Exhibit "3."

Commissioner Armijo stated that he previously had a small business with Adriana Siso although it was 4-5 years ago. He said it has nothing to do with this case.

Public Hearing

There was no public testimony regarding this item.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked about the shared parking.

Ms. Wynant explained that the hours of operation complement each other so they can share the parking. She said they do meet the parking requirements.

Ms. Baer agreed they do meet the parking requirements.

Commissioner Lindell moved to approve Case #ZA-2009-01 including all staff conditions, Commissioner Armijo seconded the motion which passed by unanimous voice vote.

- 4. Case #M 2009-07. Plaza Piñones Final Development Plan. JenkinsGavin, agent for Soñar LLC, requests final development plan approval for 40 townhomes on 7.44± acres. No variances are requested with this proposal. The property is zoned R-5 (Residential, 5 dwelling units per acre) and is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)**

Memorandum prepared April 7, 2009 for April 16, 2009 Planning Commission meeting by Donna Wynant, Senior Planner, is incorporated herewith to these minutes as Exhibit "4."

Comments from John Romero, Public Works Department/Engineering Division, dated April 15, 2009 is incorporated herewith to these minutes as Exhibit "4(A)."

Additional comments from RB Zaxus, Technical Review Division, dated April 15, 2009 is incorporated herewith to these minutes as Exhibit "4(B)."

Proposed additional conditions of approval presented by Jennifer Jenkins, dated April 14, 2009, are incorporated herewith to these minutes as Exhibit "4(C)."

Affordable home placement map presented by the applicant is incorporated herewith to these minutes as Exhibit "4(D)."

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

Staff recommends:

The Planning Commission may make its decision on Plaza Pinones Development Plan based on information provided in this staff memorandum, subject to the Conditions of Approval per the DRT comments (Exhibit B), or may decide to consider further recommendations/resolutions to result from the 4/13/09 meeting.

Public Hearing

Jennifer Jenkins, Jenkins Gavin Design, 130 Grant Avenue, was sworn. She said following the City Council meeting they amended the application so that they are fully compliant with the code and they do not have any variances. The right in and right out on Fifth Street was denied with the 15 foot turning radii and now they have a right out exit on Fifth Street with a 25 foot turning radii. They have eliminated the bridge across the arroyo. The access to the site is Calle Sombra and they can leave the site by Fifth Street or Calle Sombra. The property exceeds the open space requirement of 10,000 square feet as they have almost 120,000 square feet of open space. The 100-year flood plain is honored. They are preserving the arroyo as well. The neighbors requested some site plan modifications that have been documented in Exhibit "4(C)." She reviewed these modifications. They had an ENN meeting January 27th and then were contacted to have another meeting March 13th. They have all agreed that the right in/right out is preferable. The idea was to exchange some property with the Fifth Street Condominiums so that they have more frontage and could accommodate the right in/right out. The applicant has agreed to facilitate the discussion and costs, although there has been no agreement at this time. If they get some extra land in this area the project would be able to accommodate the right in/right out. She commented that they have been working on this project for two years and have reviewed the traffic issues at nauseam. Fifth Street only has enough room to accommodate one car stacking in the left turn lane. She requested a condition of approval to continue the dialogue with the neighborhood. She said they have done what was asked of them.

Robert Hake, 2068 Calle Sombra, was sworn. He said the Casa del Cerro Neighborhood Association realizes that this project has been heard before. They would like to have one representative speak.

Melita Serna, 1919 Fifth Street, Suite L, was sworn. She said Greg White will speak on their behalf.

Greg White, 1928 Morris Place, was sworn. He was representing the Neighborhood Association and Fifth Street Condominium Association. He said this plan was submitted in response to an overturn of the prior design. The plan proposed has a number of issues and they have worked with the applicant on changing. The applicant has moved parking off of Fifth Street, creating single family homes abutting the existing single family homes and considering a land exchange. None of these are before the Commission tonight. The applicant says they intend to do these things, but they have not been done them yet, so the plan does not reflect their intention. He said they are aware of the number of cars in the area. Over time a number of traffic impact analyses have been done. The one they prefer includes removing the concrete island to accommodate the traffic into the Social Security office and to the development. This eliminates some of the problems with the design. People will go left even with a median and will also make illegal u-turns on Fifth Street. He said they propose that by removing the existing median you will accommodate the need for cueing and eliminate illegal u-turns. He noted that common sense sometimes outweighs good design. They would like this possibility reviewed by the Traffic Engineer. In their opinion, the proposal does not reflect the intent. There are solutions that would benefit the neighbors, applicant and the city. He requested postponement until the issues are resolved.

Rick Martinez, 725 Mesilla Road, was sworn. He commented that this is a good opportunity to have the neighborhoods go through a preliminary process prior to the final.

The process does not require a preliminary plan and the neighborhood deserves two chances. Any subdivision should have to go to a preliminary approval.

Ms. Jenkins said the project is in compliance with the code and this is the intent. If there is agreement on the land exchange it will be done. If there is an opportunity to make a modification at Fifth Street it will be pursued, but the plan is the intent. The options have been explored for over two years and they have been told that it is an unsafe condition. She would like the authority for staff to work with applicant.

Mr. White stated that the applicant wants to work with the Neighborhood Association which shows the intent to change. He thought they should be given a chance to finalize the changes prior to the approval. The condominium association will agree although they have some concerns and want out of the liability. He did not know if the elimination of the cueing island has ever been studied.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Salazar asked if the engineering plans will be altered as the sketch is not reflected on them.

Ms. Jenkins explained that they provided the sketch to memorialize the changes agreed to. She said they will amend the engineering plans if approved.

Commissioner Salazar asked if there has been any response from the Fifth Street Condominium Association.

Ms. Jenkins stated there is nothing firm from the Association. She is happy to draft an agreement, but they have not been given the direction to do so. She added that they cannot control what someone else does. It will take time to do the land exchange as there will be title work and a lot line adjustment. If this is not possible then they will provide that documentation to staff.

Commissioner Salazar asked if there is an easement platted.

Ms. Jenkins said there is a 30 foot easement across the corner of the Fifth Street Condominium property. The Association would like to do the adjustment so there is no longer an easement. She agreed this is a good idea.

Commissioner Salazar asked if the Condominiums would be liable at that point.

Frank Herdman, attorney for the applicant, was previously sworn. He said there is no conceivable basis by where the Fifth Street Condominium Association could be liable. He added that there is insurance in place for those types of situations.

Commissioner Salazar asked if this were approved how they could include the separate drawings.

Ms. Baer said they can do this through text rather than drawings and can memorialize it as a condition of approval. It is fairly clear.

Commissioner Salazar asked if the right out would eliminate flipping u-turns.

Mr. Romero explained that if the applicant pursues the right out only they must place a gate that would only be activated by sensing a car going out and it would have a strobe to let the Fire Department in.

Commissioner Salazar questioned not having the turning radii to have a right in/right out.

Mr. Romero said they had enough room for two cars to go in and out simultaneously but the 15 foot variance was denied.

Commissioner Salazar asked what the applicant thinks of the gate idea.

Ms. Jenkins thinks this is a nice solution.

Commissioner Salazar asked if Calle Sombra is wide enough for this.

Ms. Jenkins stated that there is a 50 foot right of way and typically they can do a subdivision with a 26 foot area. There is a 30 foot paved section.

Commissioner Montes referred to #6 on the April 14, 2009 memo. He asked which staff should be authorized.

Ms. Jenkins thought it should be Public Works and Land Use staff. They have already laid it out to show that it is feasible.

Commissioner Armijo asked if the affordable units are marked.

Ms. Jenkins passed out a map showing where the affordable units are included in Exhibit "4(D)."

Commissioner Armijo commented that the applicant has worked with the neighborhood and has changed the plan considerably removing the large amount of commercial activity. The applicant has done everything in their possibility to make this work. He stated support for this project.

Commissioner Salazar stated that the development plan meets Chapter 14 and it is within the R-5 zoning.

Commissioner Salazar moved to approve with the staff conditions and that the revised layout of homes along the south boundary be primarily detached units, the two duplexes at Calle Sombra be moved further east, the parking spaces near Fifth Street be moved further into the subdivision, and the intersection at Calle Sombra be designed as a three way stop. ~~The applicant can continue to pursue the land acquisition to increase the Fifth Street intersection,~~ Commissioner Armijo seconded the motion.

Chair O'Reilly asked if the intent is to pursue the land acquisition to revise the intersection.

Commissioner Salazar said if the land acquisition is made then they can work with staff. He then asked that this condition be removed from his motion. He said a right out is probably more appropriate anyways.

Chair O'Reilly pointed out that there is no gate shown on the drawings.

Commissioner Salazar said that is on the revised memo which is included with the conditions.

The motion passed by majority voice vote of 4 to 2. Commissioners Montes and Hughes voted against the motion.

- 5. Case #M 2009-03. Governor Miles Business Park Development Plan. Linda Tigges, agent for Crowne Santa Fe, LLC requests development plan approval for a total of 76,350 square feet on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager)**

This case was postponed per approval of the agenda.

- 6. Case #S 2009-01. Governor Miles Business Park Preliminary Subdivision Plat. Linda Tigges, agent for Crowne Santa Fe, LLC requests preliminary subdivision plat approval for 10 lots on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager)**

This case was postponed per approval of the agenda.

- 7. Chapter 14 Update, Bill No. _____. Public hearing to consider recommending approval of an ordinance amending the following sections of the Land Development Code Chapter 14 SFCC 1987: Section 14-1, General Provisions; 14-2, Review and Decision-Making Bodies; 14-4, Zoning Districts; 14-10, Nonconformities; 14-11, Enforcement; and 14-12, Definitions. The Commission conducted a study session on these code sections March 19, 2009. (Greg Smith, case manager)**

Memorandum prepared April 8 for April 16, 2009 Planning Commission meeting prepared by Greg Smith, Director Current Planning is incorporated herewith to these minutes as Exhibit "5."

Request for postponement from Fred Rowe, Neighborhood Law Center, dated April 16, 2009 is incorporated herewith to these minutes as Exhibit "5(A)."

Correspondence from Santa Fe Neighborhood Law Center dated April 16, 2009 is incorporated herewith to these minutes as Exhibit "5(B)."

Mr. Smith recapped that there was a study session on March 19th. Staff is concerned with balancing the desire of the Governing Body to proceed and how the Commission would like to review this.

Mr. Graeser said this draft has detailed points and language cleanup.

Public Hearing

Fred Rowe, President of the Neighborhood Law Center, stated that he filed a letter reconfirming the readiness to assist in this revision process. He was surprised to be the only member of the public present on this matter. He understands that the Commission has been studying the proposals for several weeks. The text was not made available until early this week. He expressed concern with the process that these important changes are being handled by the proposal for the Commission to consider, approve and vote on. He said this has been characterized as largely housekeeping although 30% is supposed to be substantive and that alone is a huge task. The important changes proposed are interrelated. In his opinion, they cannot consider and approve one chunk and wait for another chunk to appear. There are important changes in the definitions that affect the meaning and interpretation and enforcement of the proposals to come so it must be an overall review process. He reviewed the changes being proposed included in Exhibit "5B)." He questioned the impact of the changes.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Chair O'Reilly thought it is possible that the Commission can do some good work on these ordinance changes. He asked what the Commission would like to do with these amendments. He has worked on the code for 20 years.

Commissioner Hughes said he would like a discussion.

Chair O'Reilly commented that he has about an hour of questions.

Commissioner Lindell suggested a subcommittee convene that could take comments from other Commissioners so they could go through this in more detail than what could be done at a Commission meeting. This would allow the Neighborhood Law Center to participate. She understands there are concerns about a timeline and did not feel they need to drag it on for a great deal of time. This document guides the public service the Commission is giving and how neighborhoods operate which deserves time and attention. She did not think a study session after a Commission hearing is the appropriate way to go through this massive amount of material.

Commissioner Armijo asked how the public has been involved in this.

Mr. Graeser said they started off with members of a working group to go through a number of open issues. As a result of funding issues, the scope of the contract has been curtailed to a housekeeping repair.

Commissioner Armijo understood that after a year the funds were out. He understands they started with the public, but never used the input.

Mr. Graeser stated that they used the input from one session.

Commissioner Armijo was not sure how often these rewrites happen.

Mr. Smith explained that between 1993-1995, there was a contract with a New York law firm. Then from 2001-2004, there was another contract with Clarion in Denver. Now there is this contract. Clarion drafted a complete revision to 14-5.2 and the staff is proceeding to work with the H Board to complete that. Clarion also did an extensive report analyzing the weaknesses and remedies for Chapter 14. This was provided to the Planning Commission when the Graeser contract began.

Mr. Graeser said they are trying to take advantage of all the past work that has been done and have incorporated it into the draft.

Mr. Smith added that Clarion had numerous interviews and meetings with many Commissioners and Committee members. He understands the concern about input, but there has been a lot of that has happened although it may not be recent.

Commissioner Armijo asked if each time there was a rewrite.

Mr. Smith said the first contract produced a draft and substantial revisions and that were not taken to hearings, so it was abandoned. Clarion was not the appropriate consultant to complete the job and so the city allowed the contract to expire without completing the process.

Commissioner Armijo understood this is a 15 year process, so he is not sure what the rush is.

Mr. Smith stated that changes in administration have interfered and changed the process. It is at times difficult to make meaningful progress the closer they get to an election cycle. They need to push as quickly as they can so they do not lose the headway made.

Commissioner Armijo agreed, but thought the knowledge should be shared. The Chair has more knowledge than any of the other Commissioners. He felt a subcommittee or sessions to get comments in and start reviewing the process would be more appropriate.

Commissioner Hughes agreed with having a special session just devoted to the rewrite. He would like to take the offer from the Neighborhood Law Center to participate in the process, but not do the rewrite. He has heard City Councilors expressing concern with Chapter 14.

Chair O'Reilly said they could hold subcommittee meetings on short order and could ask other members of the Commission to submit comments. He asked if the other sections are just sitting waiting to be reviewed.

Mr. Smith thought that might be premature, although most of the sections are at 80-90% towards a hearing draft.

Mr. Graeser agreed.

O'Reilly assumed that when they are looking at changes to one section they are taking into account the changes that occur to other sections.

Mr. Graeser thought it would be desirable to give manageable chunks. He said it is hard to divorce any one section from another.

Chair O'Reilly said staff implied there is pressure from the Governing Body and the Land Use Department.

Mr. Smith explained that the Department Head speaks to the Mayor. The department understands that the City Council wants to see progress.

Chair O'Reilly assumed the scope and contract were approved by the Council.

Mr. Smith said it was approved over a year ago and so they are asking where it is.

Chair O'Reilly asked if the Council was aware of the manner of how this would be undertaken.

Mr. Smith said the consultant was to work with the products available and the initial time frame was one year or so.

Mr. Graeser explained that it was about one year and the project proposed was very different than the project in the contract. It took about four months to get the contract signed and approved.

Chair O'Reilly asked if the Commission undertakes a subcommittee if there is scope left in the contract to continue to be involved in that.

Mr. Smith said to the extent that the Commission expands the scope beyond what has already been drafted, then they will need to work with staff. The contract is running to the end of its life and budget. Staff will devote as much time as they can support. The more they rely on staff the longer it will take to get to the end of the process.

Chair O'Reilly thought it was worth putting this to a subcommittee and setting a deadline and asking the other Commissioners to submit questions and comments. He wanted to invite comments from the previous working group in addition to advertising comments from the Neighborhood Law Center.

Commissioner Armijo asked if study sessions have been put together with City Council in the past so the Commission is getting feedback.

Mr. Smith anticipated the Commission working on two or three chunks of the process providing the opportunity to affect the entire chunk prior to going to the Council. He planned to track the changes and then take it to the Council.

Commissioner Armijo asked why they are not involving City Council at the same time.

Chair O'Reilly wanted to proceed in a logical way, not starting from scratch. He has served on subcommittees in the past with City Councilors and they were productive.

Mr. Smith said they considered whether to take issues to the Council and Commission with the conclusion that the scope did not require that level of cycling back. He asked if

they are comfortable with the Commission doing their work and then taking it to the Council.

Commissioner Armijo commented that at some time staff, Commission and Council have to come together to get this done after 15 years and four consultants.

Chair O'Reilly asked if it was easier to work through the water ordinance on the subcommittee given the complexity of the issue.

Commissioner Armijo said it was more effective and simpler to address as a subcommittee.

Ms. Baer pointed out that the Land Use Subcommittee is made up of City Councilors, Public Works, CIP and Land Use staff. They only wanted to see what the schedule was and gave their blessing to proceed with the program as laid out. They do not want to do a line by line assessment and she suspects there may not be a whole lot of interest. She went line by line and her suggestions were incorporated into the draft. She said if they give their comments individually then staff could incorporate or address them if need be. She said they can make the copy available to members of the public and work in the same regard.

Commissioner Lindell suggested the subcommittee share comments amongst themselves before actually meeting with staff and then see if they can make some quick progress in a more informal setting. She agreed with inviting concerned members of the public. She asked relevant staff to be present. She thought they should do the work and then present that to the consultant so as not to burn that time. She suggested a limit of 60 days.

Commissioner Lindell moved to form a subcommittee to address this as outlined above.

Mr. Smith anticipated that the subcommittee would go through all the chunks and bring it back to the Commission as a final hearing.

Commissioner Lindell thought that was more effective.

Mr. Smith said this will re-join the schedule anticipated.

Chair O'Reilly did not see 60 days as enough time, but they could set 90 days as the absolute limit.

Commissioner Armijo asked if the subcommittee can go through the process and the consultant could hold back on the revisions.

Mr. Graeser said they could give them what they have now with the associated comments.

Mr. Smith said with the subcommittee meeting over a 60 day time period it may parallel about a chunk a month as long as the subcommittee works on that same time frame. If they get feedback the timeframe should work. He said they cannot wait to start the process until the consultant has finished all the work.

Commissioner Armijo was not sure how interested people are in serving on the subcommittee.

Commissioner Salazar asked if the terms are out at the end of the fiscal year.

Mr. Graeser recalled it was up sometime in the summer.

Commissioner Salazar thought the subcommittee should consider when the contract terms. He understands staff and knows how that is. He thinks this is a daunting task, but the subcommittee is going to have to work vigorously. He thought they might not have had much participation in other subcommittees because they meet in the middle of the day. It may be better to hold meetings in the evening if public input is a priority.

Chair O'Reilly asked who was willing to serve.

Commissioners Armijo, Hughes, Lindell, Montes and Chair O'Reilly expressed interest in serving on the subcommittee.

Mr. Smith hoped to keep the funding intact even if they surpass the time frame especially if staff can tell the Council a date certain.

Commissioner Montes seconded the motion.

Commissioner Salazar said if an extension is acceptable then the first meeting in July might be more advisable.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

Chair O'Reilly appointed Commissioners Hughes, Lindell and Armijo as well as himself to Chair since there were no other Commissioners willing to Chair the subcommittee.

G. BUSINESS FROM THE FLOOR - None

H. STAFF COMMUNICATIONS

Ms. Brennan said staff spoke about voting and what would clarify the intent in drafting findings and conclusion. She said if they have strongly held views they should express what affected their vote. For example, on a variance vote in the escarpment, Commissioner Armijo said it was less visible. She said they want to see more in the minutes and why they reached the conclusion. She said they know why they are doing it, but it needs to be in words.

Commissioner Lindell asked if prior to a vote being taken they need to state their reasons for voting a certain way.

Ms. Brennan said prior to the vote they should state why they are voting a certain way. The inference is that they agree with the motion when voting.

Chair O'Reilly said it could be stated under discussion of the motion.

Ms. Brennan said they often do this. She explained that some Councilors feel the findings and conclusions are not reflected by the minutes. The context means something that cannot be communicated in the minutes.

I. MATTERS FROM THE COMMISSION

Chair O'Reilly asked that the city buy a projector so they can place the screens on the big screen as he feels it is hard to see the monitors.

Staff thought the Historic Board had one that could be used for Planning Commission.

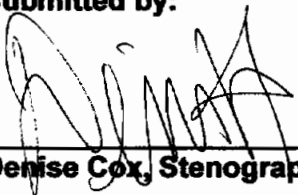
J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, this meeting was adjourned at approximately 9:30 p.m.

Approved by:

Chair Matthew O'Reilly

Submitted by:



Denise Cox, Stenographer