



Agenda

CITY CLERK'S OFFICE

DATE 3-9-10 TIME 11:45

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PLANNING COMMISSION

April 1, 2010 – 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: March 4, 2010

FINDINGS/CONCLUSIONS

Case #2010-07. The Pavilion Office Complex General Plan Amendment.

Case #2010-08. The Pavilion Office Complex General Plan Amendment.

Case #2010-09. The Pavilion Office Complex Annexation.

Case #2010-12. Lot Split for The Pavilion.

Case #2010-10. The Pavilion Office Complex Rezoning.

Case #2010-11. The Pavilion Office Complex Rezoning.

Case #2009-97. Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat.

- E. OLD BUSINESS
- F. NEW BUSINESS

1. Case #2010-25. San Isidro Village Phase II, Sunflower Farmers Market Sign Variance. Erik Halverson, agent for Sunflower Farmers Market, requests a variance to allow 60 additional square feet of signage area to the sign located on the front face of the building. The property is zoned C-2/PUD (General Commercial, Planned Unit Development) and is located at 3210 Zafarano Drive. (Dan Esquibel, case manager)
2. Case #2010-28. Callejon Tisnado Final Subdivision Plat. Estevan Trujillo, property owner requests final subdivision plat approval for 3 lots on .286 +/- acres located near the intersection of Camino Del Campo and West San Francisco Street. The property is zoned RM-2 (Residential Multiple Family, 29 dwelling units per acre). (Donna Wynant, case manager)
3. Case #2010-24. 528 Abeyta Street Rezoning. Kurt Sommer, agent for Theodore Rogers and Elizabeth Rogers, requests rezoning of .415± acres of land from RC-8 (Residential Compound, 8 dwellings per acre to R-3 (Residential, 3 dwellings per acre. (Donna Wynant, case manager)

4. **Case #2010-23. Ernest Pacheco General Plan Amendment.** James W. Siebert, agent for Ernest Pacheco, requests approval of a General Plan Future Land Use map amendment to change the designation of 3.57± acres of land from Low Density Residential (1-3 dwellings per acre) to Mixed Use. The property is located at the southwest corner of Rufina Street and Lopez Lane. (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 the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**

Index Summary of Minutes
Santa Fe Planning Commission
April 1, 2010

INDEX	ACTION TAKEN	PAGE(S)
Call to Order	John Salazar, Chair called meeting to order at 6pm, City Council Chambers, Santa Fe	1
Roll Call	A quorum was declared by roll call, 4 absences.	1
Pledge of Allegiance	Pledge of Allegiance was led by Chair Salazar.	1
Approval of Agenda Staff indicated that they have had a request from the applicant on #4, Case #2010-23 Ernest Pacheco General Plan Amendment to postpone the next meeting in May. The Chair stated that the planned field trip to Tierra Contenta would be postponed to May 20 th and May 6 th would be a regular meeting.	<i>Commissioner Gonzales moved to approve the agenda as amended, second by Commissioner Lindell, motion carried by unanimous voice vote.</i>	1
Approval of Minutes March 4, 2010 Findings/Conclusions Corrections: Page 11: Ms. Baer referred to the amendments and conditions for approval; there was an added condition for approval which is a significant one for the applicant. Other than the conditions that were on the table the applicants for the Pavilion secure approval for the interchange from the DOT and the City's MPO but there was a time attached to that. <i>The time was prior to building permit approval not including rating permits or landscaping utility permits. It was specified when they needed to have those approvals before they could move forward with building permits. Minutes are to clarify that condition of approval as noted.</i>	<i>Commissioner Gonzales moved to approve the minutes of March 4, 2010 as corrected, second by Commissioner Bordegaray, motion carried by unanimous voice vote.</i> <i>Commissioner Gonzales moved to approve:</i> <u>Case #2010-07.</u> The Pavilion Office Complex General Plan Amendment. <u>Case #2010-08.</u> The Pavilion Office Complex General Plan Amendment. <u>Case #2010-09.</u> The Pavilion Office Complex Annexation. <u>Case #2010-12.</u> Lot Split for The Pavilion. <u>Case #2010-10.</u> The Pavilion Office Complex Rezoning. <u>Case #2010-11.</u> The Pavilion Office Complex Rezoning. <u>Case #2009-97.</u> Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat.	1-2

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Santa Fe Planning Commission
April 1, 2010

<p>Page 20: Commissioner Gonzales said we need to keep in mind that the new Airport Station is an FAA mandate and it will be minimal in terms of staffing it may be an FAA requirement to keep the staffing minimal.</p> <p>Page 1: Others Present Keith Wilson, Dale Lyons, Dan Ransom, Wendy Blackwell, Fabian Trujillo,</p> <p>Page 12: under those who were sworn en masse: Al Lilly and James Wheeler, Broker were also sworn in. Bruce Poster, Southwest Planning & Marketing and Scott Hoeft</p> <p>Page 21: Keith Wilson, MPO Planner</p> <p>Page 19: He said he works for the DOT, and the District staff has progressed fairly with obtaining the access control, committee support, and he has seen no red flags for the project. Should read: <i>The applicant has progressed fairly with obtaining the access control, committee support from District V staff and he has not seen any red flags for the project yet. Keyword: yet</i></p>	<p><i>Second by Commissioner Bordegaray, motion carried by unanimous voice vote.</i></p>	
<p>Old Business</p>	<p><i>None</i></p>	
<p>New Business <u>Case #2010-25.</u> San Isidro Village Phase II, Sunflower Farmers Market Sign Variance</p> <p><u>Case #2010-28.</u> Callejon Tisnado Final Subdivision Plat</p>	<p><i>Commissioner Gonzales moved to approve <u>Case #2010-25.</u> San Isidro Village Phase II, Sunflower Farmers Market Sign Variance, second by Commissioner Bordegaray, motion carried by unanimous voice vote.</i></p> <p><i>Commissioner Lindell made the motion to approve <u>Case #2010-28</u> and there are no outstanding</i></p>	<p>3-4-5</p>

Index Summary of Minutes
Santa Fe Planning Commission
April 1, 2010

<p>Case #2010-24. 528 Abeyta Street Rezoning</p>	<p><i>conditions to go along with that, second by Commissioner Gonzales, motion carried by unanimous voice vote.</i></p> <p>Chair called for the Question:</p> <p><i>Commissioner Gonzales made a motion to approve Case #2010-24 without the parking requirement requested by staff, they can bring that up with Council, I feel that it is too late in the process. I applaud Commissioner Lindell for her diligence. Second by Commissioner Bordegaray.</i></p> <p><u>Friendly Amendment by Commissioner Lindell:</u> <i>I would ask you in the spirit of community to ask the Rogers if there is something they could do, now or in the future to address the parking matter. I would like to ask that they be civic minded moving forward.</i></p> <p><u>Vote: Motion carried by unanimous voice vote.</u></p> <p><u>Postponed</u></p>	<p>5-10</p>
<p>Case #2010-23. Ernest Pacheco General Plan Amendment</p>		
<p>Business from the Floor</p>	<p>None</p>	<p>11</p>
<p>Staff Communications</p>	<p>Informational Reading material presented to the Planning Commission for review before May meeting.</p>	
<p>Matters from the Commission</p>	<p>None</p>	<p>11-12</p>
<p>Adjournment and Signature Page</p>	<p><i>Commissioner Gonzales moved to adjourn at 7:05 pm, second by Commissioner Lindell, motion carried by unanimous voice vote.</i></p>	<p>12</p>

PLANNING COMMISSION
April 1, 2010 – 6:00 P.M.
CITY COUNCIL CHAMBERS

MINUTES

A. ROLL CALL

In Attendance:

John Salazar, Chair
Signe Lindell, Vice Chair
Angela Schackel Bordegaray
Estevan Gonzales
Reuben Montes

Absent/Excused:

Bonifacio Armijo
Dolores Vigil
Mike Mier
Ken Hughes

Others Present:

Kelley Brennan, City Attorney
Tamara Baer

Fran Lucero, Stenographer

B. PLEDGE OF ALLEGIANCE

The pledge was led by Chair Salazar.

C. APPROVAL OF AGENDA

Staff indicated that they have had a request from the applicant on #4, Case #2010-23 Ernest Pacheco General Plan Amendment to postpone the next meeting in May.

The Chair stated that the planned field trip to Tierra Contenta would be postponed to May 20th and May 6th would be a regular meeting.

Commissioner Gonzales moved to approve the agenda as amended, second by Commissioner Lindell, motion carried by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: March 4, 2010

Corrections:

Page 11: Ms. Baer referred to the amendments and conditions for approval; there was an added condition for approval which is a significant one for the applicant. Other than the conditions that were on the table the applicants for the Pavilion secure approval for the interchange from the DOT and the City's MPO but there was a time attached to that. ***The time was prior to building permit approval not including rating permits or landscaping utility permits. It was specified when they needed to have those approvals before they could move forward with building permits. Minutes are to clarify that condition of approval as noted.***

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Page 1: Others Present

Keith Wilson, Dale Lyons, Dan Ransom, Wendy Blackwell, Fabian Trujillo,

Page 12: under those who were sworn en masse: Al Lilly and James Wheeler, Broker were also sworn in. Bruce Poster, Southwest Planning & Marketing and Scott Hoeft

Page 21: Keith Wilson, MPO Planner

Page 19: He said he works for the DOT, and the ~~District~~ staff has progressed fairly with obtaining the access control, committee support, and he ~~has seen no~~ red flags for the project. Should read: ***The applicant has progressed fairly with obtaining the access control, committee support from District V staff and he has not seen any red flags for the project yet. Keyword: yet***

Commissioner Gonzales moved to approve the minutes of March 4, 2010 as corrected, second by Commissioner Bordegaray, motion carried by unanimous voice vote.

FINDINGS/CONCLUSIONS

Case #2010-07. The Pavilion Office Complex General Plan Amendment.

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Case #2009-97. Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat.

Ms. Brennan informed the Commission that the with the change that was just made to the minutes, staff will be attaching to this a table of conditions that will include #38 as corrected by Tamara Baer and that will address the issue.

Mr. Gonzales moved to approve:

Case #2010-07. The Pavilion Office Complex General Plan Amendment.

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Case #2009-97. Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat.

Second by Commissioner Bordegaray, motion carried by unanimous voice vote.

E. OLD BUSINESS

None

F. NEW BUSINESS

1. **Case #2010-25. San Isidro Village Phase II, Sunflower Farmers Market Sign Variance.** Erik Halverson, agent for Sunflower Farmers Market, requests a variance to allow 60 additional square feet of signage area to the sign located on the front face of the building. The property is zoned C-2/PUD (General Commercial, Planned Unit Development) and is located at 3210 Zafarano Drive. (Dan Esquibel, case manager)

Ms. Baer stated that this is a sign variance request for Sunflower Market at the new location on Zafarano Drive. She called to attention that the zoning is C-2/PUD and the variance requirements in the PUD district are very broad and staff feels that it meets the requirements as stated below.

Variances approved in PUD shall be evaluated "based upon their appropriateness in relation to the overall development and its purposes and their impact on surrounding property." We find that there are no negative impacts, these are two signs that will go on either side of the name of the property and they are performances signs. We tried to see if we could interpret them as being directional but we could not convince ourselves that they were directional, in which case they are not required for Planning Commission approval. The way the code is written it does require a variance. Staff report showed the Sunflower Market and where the signs would be placed to support this variance.

Sworn in:

Richard Horcasitas, 421 St. Michael's Drive, Santa Fe, New Mexico

Good Evening Chairman Salazar and Planning Commission Members: I represent the applicant, Sunflower Market. Eric Halverson from the Sunflower corporate office contacted me several weeks ago and asked me to represent them tonight due to a

scheduling conflict. When the first Sunflower Market sign went up it was permitted in anticipation of their grand opening and it was put up with the Land Use Code for the Cerrillos corridor which gave it a limit of 80 square feet. When developments of this nature are put together and go through the approval process of the county commission, city council and others it is difficult to predict what kind of tenants are going to be there. In order to keep the branding, Sunflower Farmers Market is requesting to add the two other signs next to each other; Natural Meat and Fresh Produce. The whole idea is consistent with the brand name, it is a typical sign package for them, and it is informing the public before they enter their store that they are committed to natural meat and fresh produce. We have reviewed the staff report and we feel comfortable with the recommendations. We feel that what is being proposed is in keeping with the land use codes, and we would appreciate your approval. I am here to answer any questions you might have.

Public Hearing: *No public input, the public hearing is closed.*

Commissioner Lindell: Are these signs – they are channel letters, do they light up?

Mr. Horcasitas: They are reversed channel letters and they do light up. [Rendering was provided for Planning Commission to review].

Commissioner Lindell: Why were these not requested with their original permit?

Mr. Horcasitas: Sunflower Farmers Market Corporate Headquarters staff in Denver, Colorado did not really understand the land use code and they wanted to permit to maximum of what was allowed in anticipation of their grand opening. So we find ourselves with a variance request; they wanted to meet their grand opening date.

Commissioner Lindell: I am no fan of variances for signs, but I know that staff has recommended approval of this. I do think in looking at this drawing, and where that market actually sits, I don't know that these are effective signs. I think they take up space on that building but they aren't very visible from Cerrillos Road. In as much as staff did a good job of putting in exactly the part of the code that applies this, I am going to support this variance.

Commissioner Bordegaray: On the site plan it shows that adjacent to this building calls for Ashley Furniture, is that there now?

Mr. Horcasitas: No

Commissioner Bordegaray: That just caught my attention, I only bring this up because I was in Albuquerque last week and I noticed that Ashley Furniture signage is big, I bring it up as a precautionary measure. It is 3-D and tall. Based on your letter of February 8, 2010, in reference to some inherent visual obstacles to overcome at the store, I am curious as to what that means.

Mr. Horcasitas: He was alluded to its proximity to Cerrillos Road, to the south of the store. This building faces Zafarano to the west. Zafarano is looking at the side of the building, and the front of the building is way far off from Cerrillos. On the Zafarano side are other store fronts and each of them will have their own signs.

Commissioner Gonzales moved to approve Case #2010-25. San Isidro Village Phase II, Sunflower Farmers Market Sign Variance, second by Commissioner Bordegaray, motion carried by unanimous voice vote.

2. **Case #2010-28. Callejon Tisnado Final Subdivision Plat.** Estevan Trujillo, property owner requests final subdivision plat approval for 3 lots on .286 +/- acres located near the intersection of Camino Del Campo and West San Francisco Street. The property is zoned RM-2 (Residential Multiple Family, 29 dwelling units per acre). (Donna Wynant, case manager)

Tamara Baer: This is the final subdivision plat; the preliminary subdivision plat was approved by this body on December 3, 2009. You may recall that it was already approved previously and then they would have had to come in for the final, they missed the deadline. They started all over again, and now they are in for a final in a timely manner. They have completed all of the requirements that were requested of them, they satisfied all of the conditions and you may note in the staff comments the attachment – nobody is looking for anything further. We are completely satisfied with this meeting all the code requirements and staff recommends approval.

Applicant:

Sworn In:

Estevan Trujillo, 523 ½ West San Francisco, Unit C, Santa Fe, New Mexico 87501

I believe we have met all the requirements that staff recommended we do, and we are asking for final approval.

Public Hearing: *No input from the public, public hearing closed.*

Commissioner Lindell made the motion to approve Case #2010-28 and there are no outstanding conditions to go along with that, second by Commissioner Gonzales, motion carried by unanimous voice vote.

3. **Case #2010-24. 528 Abeyta Street Rezoning.** Kurt Sommer, agent for Theodore Rogers and Elizabeth Rogers, requests rezoning of .415± acres of land from RC-8 (Residential Compound, 8 dwellings per acre to R-3 (Residential, 3 dwellings per acre. (Donna Wynant, case manager)

Tamara Baer: This is a request to rezone .415± acres of land from RC-8 (Residential Compound, 8 dwellings per acre to R-3 (Residential, 3 dwellings per acre). She directed the commissioners to look at Exhibit B-1 under staff reports in the packet of information; it is the first colored map that shows the zoning. The pink is RC-8 and the yellow is R-3.

The applicant for this rezoning owned all three of the lots that are outlined in red, 518 and 528 Abeyta, and 901 Camino Ranchitos. About two months ago they did lot consolidation of lot 518 and 528 and they were hoping to do an addition and remodel of their house which is their primary residence, located on 528. They came in for the building permit and it turned out that one little portion of what they were hoping to do, an outdoor staircase was located on lot 901 and that was a problem. The decision by the owners was to request a rezoning of 901 so that they could do a lot consolidation and all three of these lots would become one lot under single ownership and would have the same zoning. You can't do a lot consolidation unless the zoning matches. They are taking the higher zoning density and hoping to rezone that to the lower zoning density of R-3. There was an early neighborhood notification meeting and no one attended. There were some phone calls afterwards; mostly inquiring as to what was happening with this property after it was posted. As I have stated, the building permit for this addition was approved and they went to the Historical Design Review Board and got approval and got the building permit. They meet all of the zoning criteria and the staff recommends approval.

There is one issue that is not addressed in the staff report that I do feel obligated to bring up and that is that across the street on Abeyta you will see a car slope, #523. This is an older part of town so a lot of it developed before zoning, they are actually more units that have since been separated by an adjoining wall and two smaller units facing El Caminito. The formal owner of 523 was also the owner of 518 and 528 and when all of those parcels were in a single ownership there was parking for 523 across the street on 518. My understanding that the Rogers, the applicants for this rezoning also now own 523, so they actually not only own the three but also own 523 but there is no room for parking on 523. Because these streets are narrow and winding the city has some concern if the ownership changed, for example if the owners of the parcel who are asking for the rezoning were to sell off or the ownership was split, and 523 had separate ownership there would not necessarily be any parking for those residents. We would ask that the Rogers, make a commitment to providing that parking that already exists for 523 on what was formally 518, and we believe there is room to do that, and we would make this a condition for approval.

Sworn in: Kurt Sommer, 200 W. Marcy Street, Suite 129, Santa Fe, New Mexico

Thank you Mr. Chairman and Commissioners, the issue on the parking is the first time I hear of this tonight. Given that I am not asking for rezoning of the lot on 523 I don't think it is appropriate to impose a condition on the lot that the down zoning has nothing to do with the lot across the street on Abeyta. What we are trying to do is reduce the section by down zoning, my clients are essentially reducing the overall congestion that could be on these streets and I don't have authority or am I in a position to agree to the condition that is being requested. Since this is the first time today it is being brought up it has nothing to do with the down zoning of the lot I'm trying to achieve, I don't think it is appropriate. What I would ask is that the Commission approves the down zoning as requested which would essentially only allow for one more unit to be built on it at some date in the future. The lot is not intended to be constructed by my client; my client

intends to use this for open space and an orchard for their own property. As was pointed out the reason for this is because of this particular stairwell encroaches onto this lot which is different zoning and we have to consolidate to bring the zoning into conformance. They are agreeing to the down zoning but we are not agreeing to burden the adjacent lot that is not being down zoned with additional conditions for parking across the street. I stand for any questions. Thank you for your time.

Public Hearing: *Closed to public hearing.*

Commissioner Gonzales: Ms. Baer, I have never seen where staff has asked an applicant to commit their private property to parking. Why did staff choose to do so?

Ms. Baer: We recommend this because it is in the best interest of the city. If that parking were no longer available for those 4 units across the street they would have to park on the street and there is a safety issue. The fire trucks would not be able to get through, it is questionable if a fire truck or ambulance can get through now. I just feel that we would be compounding the difficulty of that situation. We don't see this as a frivolous request it is a life safety request based on this may be the only time we can put this on the plat, we don't know what could happen in the future.

Commissioner Gonzales: I understand that, I just don't agree with this process. There is a certain point where the government feels philosophically concerned about safety, the city ought to buy that property and allow for parking for the neighborhood. I don't really believe that my interpretation of the code calls for an applicant to do that. I certainly appreciate what you are trying to do but I think it is unfair to ask any private citizen to ask them to give up part of their property for the good of the neighborhood. It is probably a good idea, I don't agree with that philosophy. I think if the city is concerned about fire trucks getting through, that all safety and welfare of the travelling public should not be imposed on this client. The city should go to this client and offer to purchase the whole property. This is a good example of the property across from El Farol where the city is trying to take the property from Chair Salazar's grandfather, so that parking will be available. I just can't see that happening and I can't support that.

Commissioner Bordegaray: A few questions about the current circulation; if I heard correctly the applicant owned 523.

Kurt Sommer: I don't know if they own the property across the street. Tamara raised that issue with me. It wasn't part of anything that I have discussed with my client. If they own it, I certainly am not in a position; Commissioner Bordegaray, to burden that property that is not being asked to be down zoned or for zoning to be changed. I don't know the answer to that, they very well could.

Commissioner Bordegaray: So you may not know the answer, are the tenants for 523, are they parking across the street now on the subject property?

Kurt Sommer: I do not know the answer and not having known of this issue I did not raise it with my client.

Commissioner Bordegaray: In terms of access for the applicant, do they pull out of El Caminito?

Kurt Sommer: They come off of Abeyta Street. (He showed parking in the map included in the packet)

Commissioner Lindell: In as much as Mr. Sommer's says this is the first he has heard of this, I wonder if it is possible for staff to postpone this and meet with the applicant and see if we could come up with some kind of solution that would be workable and agreeable to the client. If Mr. Sommer's is not aware of this until tonight, I am sure that his clients, the applicants would not be happy if he made the commitment to burden this piece of property. I am hopeful that we could get something worked out rather than just turning this down or approving it knowing that we have future health and safety problems with this. I don't know if the rest of the Commission is willing to consider that.

Commissioner Gonzales: More often than not, I try to support the sensitivity the Commission is trying to show to the issue. The applicant meets the intent of the code. We are the Planning Commission, the applicant is here and they meet the code.

Commissioner Lindell: I would like to see if there is any chance of them getting this worked out. I look at the aerial and I can see that 523, there isn't a bit of parking there. You couldn't park a scooter there.

Commissioner Gonzales: I might go along with that if they were asking for an increase or for more units and parking was going to be an issue and they were imposing additional burden on health and safety for the public, I might say yes let's postpone this. The applicant is going in reverse order and downsizing the density, it seems unfair to me to make them do that.

Commissioner Lindell: I am saying if they can get a conversation going. If they can't come to some agreement it will come back to us exactly the way it stands right now and we can make a decision on it.

Kurt Sommer: I have a comment to make. I am not asking to change the zoning on Abeyta Street in one respect. The zoning we are asking to change is on this lot, we are down zoning, it has nothing to do with Abeyta Street, it is not pertinent to Abeyta Street and there is no access that is going to come off of it. The request by staff, while I understand that Health, Safety and Welfare, if that lot was owned by third party they couldn't impose that restriction on us. It would not be appropriate to impose a restriction on another owner to provide parking for a lot across the street. The mere fact that they may happen to be owned by the same person should have no bearing on this. To bring it up at this point in time, not having brought it up before in any of the reviews is not appropriate. I am not asking to change the zoning on Abeyta Street, I am asking to down

zone this lot here, and that is why I don't think it is appropriate to ask my client to waste any more time on this issue. They have spent enough time on it, we started this process last September and I am here, April 1 on this issue only to put in a stairwell. If we don't change the zoning, if it isn't granted we could put in three units in here and you couldn't impose any conditions for parking on Abeyta Street and we would have the right to do it. So this request I firmly believe is inappropriate.

Commissioner Montez: In looking at the sequence of events from city staff; was it an oversight that it wasn't discussed before; did the Fire Marshall not go out to the site?

Ms. Baer: It came out from some calls that we had from one of the neighbors. It had to do with the former use of the smaller parcel which has since been incorporated into 518, the parcel which is now 528 which was traditionally used for parking under single ownership, historically. It came to our attention because of an issue that one of the neighbors raised. I feel bad that it is being brought up now too, I think we had some discussion with Mr. Sommer's associate but we never made it a condition. I could revise my request which would be if Mr. Sommer would agree to ask Mr. Rogers if he would be willing to consider this.

Commissioner Montez: Parking and emergency access never came up in the ENN. No call later in respect to concerns about this?

Ms. Baer: Again, I don't disagree with Commissioner Gonzales or Mr. Sommer's that this is a re-zoning question pertinent to the larger lot that has nothing on it and is being down zoned; there are no code requirements that speak to this. It just seemed like a responsible thing to look at this and that is where traditionally parking for 523 has been. We are only asking that Mr. Sommer's ask Mr. Rogers if they would consider this.

Ms. Brennan: I do not think this is an appropriate condition to place on the applicant.

Commissioner Gonzales: Commissioner Lindell is one of the most supportive individuals who fights for neighborhoods, health, safety and welfare. I agree with Commissioner Lindell 99.99% of the time. I want to go on record as saying that I want her to be a City Councilor or a Mayor someday. But tonight that .001% that I have to say what I believe in.

Commissioner Gonzales made a motion to approve Case #2010-24 without the parking requirement requested by staff, they can bring that up with Council, I feel that it is too late in the process. I applaud Commissioner Lindell for her diligence. Second by Commissioner Bordegaray.

Discussion:

Commissioner Lindell: I completely agree that this is asking for something that has absolutely nothing to do with this case. My job as a Planning Commissioner, as I understand it, is to look at these cases and do the best as I can to apply the code to them.

Because of that I will be supporting Commissioner Gonzales' motion. It is so hard to see a situation like this; it is a 4-plex with no parking now on a narrow street. I would ask you in the spirit of community to ask the Rogers if there is something they could do, now or in the future to address that.

Friendly Amendment by Commissioner Lindell:

I would ask you in the spirit of community to ask the Rogers if there is something they could do, now or in the future to address the parking matter. I would like to ask that they be civic minded moving forward.

I would feel terrible if in the future an emergency vehicle could not make it through this street and it would result in a death.

Mr. Sommer: I will be happy to have this conversation with the Rogers tomorrow.

Commissioner Bordegaray: I would like to chime in that I am in agreement with Commissioners Lindell and Gonzales; this is an incredible predicament for staff to be in. My guess is that your clients are reasonable people and recognize this concern and that after a conversation with staff hopefully something can be worked out. Referencing construction in this city where there is not parking pre-dates zoning. My guess is that the city would have to buy land to provide needed parking. I think, Tamara would be remiss in not bringing this out since it could be a potential problem in the future.

Chair called for the Question:

Commissioner Gonzales made a motion to approve Case #2010-24 without the parking requirement requested by staff, they can bring that up with Council, I feel that it is too late in the process. I applaud Commissioner Lindell for her diligence. Second by Commissioner Bordegaray.

Friendly Amendment by Commissioner Lindell:

I would ask you in the spirit of community to ask the Rogers if there is something they could do, now or in the future to address the parking matter. I would like to ask that they be civic minded moving forward.

Vote: Motion carried by unanimous voice vote.

4. **Case #2010-23. Ernest Pacheco General Plan Amendment.** James W. Siebert, agent for Ernest Pacheco, requests approval of a General Plan Future Land Use map amendment to change the designation of 3.57± acres of land from Low Density Residential (1-3 dwellings per acre) to Mixed Use. The property is located at the southwest corner of Rufina Street and Lopez Lane. (Donna Wynant, case manager)

Postponed

G. BUSINESS FROM THE FLOOR

None

H. STAFF COMMUNICATIONS

Ms. Brennan provided the Commissioners with a letter from Joseph M. Karnes, Legal Counsel for Jan Paulk, 781 Stagecoach Circle, Santa Fe, NM. The applicant came before the commission for a variance sometime ago, and upon review of the code it turned out that she was a good candidate for alternate sighting which staff has not been doing, they have been bringing all the case with variances. The variance has been withdrawn and an application has been made for alternate sighting, the application has been approved and the building permit was approved and now it is on appeal because it involved the escarpment, it is coming to you. They have asked that the commission view the property; however they are now going to be scheduled for the 1st May meeting. It is important to them to have the appeal so if you can't do the site visit I think they would prefer to proceed with the appeal now that the timing is not going to work out.

Commissioner Bordegaray: So if I understand, there was the case that we approved as a variance to the escarpment ordinance was appealed.

Ms. Brennan: No, the case was withdrawn because they fell under the alternate sighting provisions of the code and probably should not have come forward as a variance. A number of cases approved by this commission could have been cited under the alternate sighting criteria administratively by staff. So that's the problem, they withdrew the variance request even though it had been voted on, moving the decision and applied for alternate sighting which was granted.

You are going to be hearing the case based on the issuance of the building permit based on improper alternate sighting criteria. It will be a whole new case.

This request is coming from a neighbor who is saying the alternate sighting was not appropriate.

Ms. Baer: Included in the packet of information – an Ordinance that will come before you on May 6th. There is an ordinance and a resolution for your prior review. It is already scheduled for Finance Committee and for City Council. The Council hearing is soon because there is a time issue related. It is due to the Economic climate of the city, people are having trouble moving forward on their approvals because they can't get financing.

Councilor Wurzbarger is introducing a code amendment that would allow the Council by resolution to extend approval. There are two parts to it; one has to do with building permits and the other has to do with development reviews of all kinds that this body approves. It includes extending the approval dates for subdivision development plans, variances, applications, almost everything this body looks at. First the ordinance would be changed to allow the council to do this, than when it is actually done it would be on a one time basis. It

would not be for individual properties, it would not be for individual hardship. The Council would have to pass the resolution (referred to in packet) that would establish the time. What is being proposed is that everything that would expire January 1, 2010 would have a 2-year extension.

I. MATTERS FROM THE COMMISSION


None

J. ADJOURNMENT

There being no further business to come before the Santa Fe Planning Commission, Commissioner Gonzales moved to adjourn at 7:05 pm, second by Commissioner Lindell, motion carried by unanimous voice vote.

Signature:

John Salazar, Chair



Fran Lucero, Stenographer