City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 12-17-10 TIME 12:15
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PLANNING COMMISSION
January 6, 2011 – 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: December 2, 2010
FINDINGS/CONCLUSIONS
Case #2010-139. 517 St. Francis Rezoning and Variance.
Case #2010-165. St. John's College Development Plan.

E. OLD BUSINESS

1. **Chapter 14 Rewrite Amendments.** Consideration of amendments to section 14-3 Review and Approval Procedures, Subsections 14-3.7, 3.9-3.12, and 3.15-3.19, of Chapter 14 SFCC 1987 Land Development as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff. (Greg Smith, Case Manager) **(POSTPONED FROM DECEMBER 2, 2010 TO ALLOW ANY ADDITIONAL TESTIMONY)**

2. **Chapter 14 Rewrite Amendments.** Consideration of amendments to three sections of Chapter 14 SFCC 1987 Land Development as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff: 1) Section 14-4 Zoning Districts; 2) 14-5 Overlay Districts; 3) 14-8 Development and Design Standards, Subsections 14-8.4 and 14-8.6 – 8.18. (Greg Smith, Case Manager) **(POSTPONED FROM DECEMBER 2, 2010)**

F. NEW BUSINESS

1. **Case #2010-178. CleanAIR Development Plan.** Liaison Planning Services Inc., agent for CleanAIR Systems, Inc., requests Development Plan approval to construct a 24,720 square foot addition to an existing building located at 2600 Camino Entrada. The property is located on the north side of Camino Entrada within the Valdez Business Park and is zoned I-1 (Light Industrial). (Tamara Baer, Case Manager)

2. **Case #2010-164. The Pavilion Preliminary Subdivision Plat.** Santa Fe Planning Group Inc., agent for Richard Cook, requests Preliminary Subdivision Plat approval for 32 lots on 371.20 acres, of which 7 lots are in the C-2 portion of the project and 25 lots are in the BIP portion of the project. The application also includes two terrain management variance requests for: 1) disturbance of natural slopes 30% or greater; and 2) maximum height of cut and fill on the road greater than 15 feet. The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager)

3. **Case #2010-186. The Pavilion Annexation Master Plan Amendment**. Santa Fe Planning Group, Inc., agent for Richard Cook, requests an amendment to the Annexation Master Plan to increase the square footage in the C-2 portion of the development (76.13 acres) and decrease the square footage in the BIP portion (296.02 acres). The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager) **(WITHDRAWN BY APPLICANT)**

4. **Case #2010-177. Wolf Preliminary Subdivision Plat**. Monica Montoya, agent for John and Mary Beth Wolf, requests Preliminary Subdivision Plat approval for 3 lots on 1.056 +/- acres located at 621 Old Santa Fe Trail. The property is zoned AC/RC8 (Residential Compound/8 dwelling units per acre; Arts and Crafts Overlay). (Dan Esquibel, Case Manager)

5. **Case #2010-173. Corazon Santo General Plan Amendment.** Monica Montoya, agent for Anasazi MVJV LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 2.41± acres of land from Residential Low Density (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)

6. **Case #2010-174. Corazon Santo Rezoning to MU.** Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 2.41± acres of land from R-2 (Residential, 2 dwelling units per acre) to MU (Mixed Use). The application includes a Development Plan for mixed use for up to 24 residential units and up to 21,000 sq. ft. of commercial space. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)

7. **Case #2010-175. Corazon Santo Rezoning to R-7.** Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 6.28± acres of land from R-2 (Residential, 2 dwelling units per acre) to R-7 (Residential, 7 dwelling units per acre). The application includes a Development Plan for 46 residential lots. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)

8. **Case #2010-176. Corazon Santo Preliminary Subdivision Plat**. Monica Montoya, agent for Anasazi MVJV LLC, requests Preliminary Subdivision Plat approval for 46 lots on 6.28+/- acres located south and west of the intersection of Agua Fria and Harrison Road. (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.**

PLANNING COMMISSION – INDEX

January 6, 2011

	Cover Sheet	Page 1
A. Roll Call	Roll Constitutes a quorum, 1 excused absence.	Page 2
B. Pledge of Allegiance	Commissioner Ortiz led the Pledge of Allegiance.	Page 2
C. Approval of Agenda	Staff Changes: Request that E. Old Business, #1 and #2 be heard as the last item after New Business, New Business #3 – withdrawn, New Business #4, 5, 6, 7 and 8, request to postpone to January 20, 2011 meeting. ***Commissioner Mier moved to approve the agenda as amended, second by Commissioner Villarreal, motion carried by unanimous voice vote.***	Page 2
D. Approval of Minutes and Findings and Conclusions	**Corrections:** Page 10: Commissioner Hughes clarified that there are parking lots at Notre Dame. (Minutes state there are no parking lots at Notre Dame.) Page 1: Greg Smith, (correct title) - Director, Current Planning Division Name Correction: Chris Graeser throughout minute's correction to be made. Page 16: Related to #12: it is not the intent for a family member to receive more than one lot. Page 18: 4th line to read: No changes *from* the commission. Ref: Section 14-14 should be 14-3.18 Comments from the chair referred to word smithing not ~~smoothing~~ ***Commissioner Mier moved to approve the minutes of December 2, 2010 as amended, second by Commissioner Spray, motion carried by unanimous voice vote.***	Page 2-3

	FINDINGS/CONCLUSIONS **Case #2010-139. 517 St. Francis Rezoning and Variance.** Commissioner Gonzales moved to approve findings and conclusions for Case #2010-139, second by Commissioner Mier, motion carried by unanimous voice vote. Case #2010-165. St. John's College Development Plan. Commissioner Hughes moved to approve findings and conclusions for Case #2010-165, second by Commissioner Mier, motion carried by unanimous voice vote.	
E. Old Business #1 – Chapter 14 Rewrite Amendments and #2 – Chapter 14 Rewrite Amendments	To be heard at the end of New Business. Commissioner Mier moved to approve the Chapter 14 re-write amendments to Sections 14-3.7, 3.9-3.12, 3.15-3.19 with the recommended changes from the previous meeting to the governing body for approval, second by Commissioner Hughes, motion carried by unanimous voice vote. Commissioner Hughes made a motion to approve 14.4, 14.5, and 14-8.6, with the exclusion of the exhibit: 14-8.6a will be coming back to the Planning Commission with recommended changes, second by Commissioner Spray, motion carried by unanimous vote. Friendly Amendment: Commissioner Spray moved to have the appropriate language on R7 to R6 inserted, second by Commissioner Hughes, motion carried by unanimous voice vote. Commissioner Villarreal moved to postpone14.8-1 and 8.2, 8.3, 8.4 and 8.7 through 8.18 until January 20th meeting , second by Commissioner Hughes, motion carried by unanimous voice vote. 8.1-2-3 can be discarded.	Page 3 Page 11-20

PLANNING COMMISSION – INDEX

January 6, 2011

F. New Business 1. Case #2010-178: Clean AIR Development Plan 2. Case #2010-164 – the Pavilion Preliminary Subdivision Plan	Commissioner Gonzales moved to approve case # 2010-178 with staff conditions, second by Commissioner Hughes, motion carried by unanimous voice vote Commissioner Gonzalez moved to approve case 2010-164 with staff conditions, second by Commissioner Mier, motion carried by unanimous voice vote.	Page 4-10
New Business: 3. Case #2010-186 4. Case #2010-177 5. Case #2010-173 6. Case #2010-174 7. Case #2010-175 8. Case #2010-176	Cases #3-8 postponed to January 20, 2011 meeting	Pages 10-11
G. Business from the floor	None	Page 20
H. Staff Communications	Informational	Page 20
I. Matters from the Commission	Informational	Page 20-21
J. Adjournment and Signature Page	There being no further business to come before the Planning Commission, the meeting was adjourned at 8:15 pm	21

PLANNING COMMISSION
January 6, 2011 – 6:00 P.M.
CITY COUNCIL CHAMBERS

MINUTES

A. ROLL CALL

In Attendance:
Signe Lindell, Chair
Ken Hughes, Vice Chair
Tom Commissioner Spray
Rene Villarreal
Lawrence Ortiz
Estevan Gonzales
Mike Mier

Excused:
Ruben Montes

Staff Present:
Kelley Brennan, Assistant City Attorney
Greg Smith, Planning Director
Tamara Baer
Matthew O'Reilly
Heather Lamboy

Others Present
Fran Lucero, Stenographer

B. PLEDGE OF ALLEGIANCE

Commissioner Ortiz led the Pledge of Allegiance.

C. APPROVAL OF AGENDA

Staff Changes: Request that E. Old Business, #1 and #2 be heard as the last item after New Business, New Business #3 – withdrawn, New Business #4, 5, 6, 7 and 8, request to postpone to January 20, 2011 meeting.

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1. **Case #2010-178. CleanAIR Development Plan.** Liaison Planning Services Inc., agent for CleanAIR Systems, Inc., requests Development Plan approval to construct a 24,720 square foot addition to an existing building located at 2600 Camino Entrada. The property is located on the north side of Camino Entrada within the Valdez Business Park and is zoned I-1 (Light Industrial). (Tamara Baer, Case Manager)

   Ms. Baer stated that CleanAir Systems, Inc. is a privately owned company that designs and manufactures pollution removal emission control systems for internal combustion and diesel engines. The company has been in Santa Fe and located in a 27,250± square foot building in the Valdez Industrial Park since 1993. They were acquired by Caterpillar in July of 2010. They are requesting approval for 24,270 square foot addition that will allow expansion of the manufacturing facility, as well as some additional office space. The requirement for Development Plan review and approval is triggered when a project in any zoning district is greater than 10,000 square feet and is adjacent to residential zoning. Approximately 115 linear feet in the northwest corner of the property are adjacent to RM/LD zoning (Residential, Multi-Family/Low Density – 12 dwelling units per acre).

   There was an ENN meeting held at the Southside Public Library on November 3rd and no members of the public attended and no comments or inquiries from the public have been received by the City. It was noted that there is a landscape plan in the packet. There are no problems associated with this project. The issues identified are: Traffic - The Traffic Division anticipates a possible future re-alignment of Camino Entrada along the length of northern boundary of the Valdez Industrial Park to South Meadows Road. The applicant for CleanAIR has designated a 50-foot right of way reservation along and within their northern property line to accommodate this roadway. This area will remain undisturbed until such time that Camino Entrada may be extended. The Traffic Division has requested that the reservation of ROW be shown on a re-lat of the property so that it can best be tracked in the future. *The requirement for the re-plat has been shown as a condition of approval.* Fire: The Fire Marshall has coordinated with the applicant, who will provide a 26-foot wide, all weather drivable surfaces, 75,000 psi live load for fire truck access. There is an existing fire hydrant located at the front, or southern end of the property. A second hydrant will be provided in the northwest corner of the property in a location designated by the Fire Marshall. The new addition will be fully sprinklered. *Depending on the type of construction a gpm (gallons per minute) flow requirement will be established at the time of building permit.* Water: In coordination with the Fire Marshall, the Water Division has required a new 8" water main extension and a second hydrant, both on the north side of the new building. These upgrades are reflected in the engineering plans included in the submittal packet. *Applicant will submit water layout in a water plan format; including vicinity map, service table, general notes and a plat.* Wastewater: A second bathroom will be constructed in the new building. The applicants are exploring several options for connecting to existing sewer. A decision will be made by the time of application for building permit. The location of the Industrial Pre-Treatment Sampling Port will be

determined based upon the selected point of connection, and will also be finalized with the building permit. *For building permit, determine new point of connection and location of IPSP for wastewater.* Prairie Dogs: *Relocate prairie dogs in conformance with ordinance. Protect existing burrows with fencing during construction. Build fire access roof following relocation.* Land use Engineer: Obtain infrastructure address per memorandum 12/07/10. Provide sidewalk along Camino Entrada.

Exhibit C1 in packet shows the zoning and the aerial view.

The proposed project is supported by all reviewers, including the Economic Development Division. It will bring about 70-85 jobs to Santa Fe. The memorandum from the latter Division states that in addition to projected $10+ million capital investment over the next ten years, CleanAIR Systems will boost the number of manufacturing jobs in the green and technology sectors in Santa Fe, will generate over $200,000 in gross receipts taxes in its first year after construction, and approximately $12 million in combined new taxes, fees and revenues over the next ten years.

Staff recommends approval.

Dolores Vigil, Liaison Planning, PO Box 1835, Santa Fe, New Mexico 87504 (Representing Owner) – Sworn In

Ms. Vigil is representing the owners of Clean AIR which have recently been purchased by Caterpillar. It is safe to say, and it should be on the record, that this is very exciting for Santa Fe. As presented by staff, the applicant is requesting 24, 720 square foot addition to the existing building. As you see, the additions are shown on the renderings. (Renderings were addressed). The addition is going to be on the west side of the lot. The project is estimated to bring in about 70-80 skilled jobs. The applicant will have some training done so it will help with the economy and lack of jobs that we have here in Santa Fe. The Architect, Robert Zachary and Morey Walker, Engineer is also here to answer any questions. The representatives, Michael Roach who was the owner of CleanAIR and Michael Williams who is working with the project on the integration are here to answer any questions.

Public Hearing Opened: No participation; public hearing closed.

Questions from the Commission:

Commissioner Spray: Question for the staff regarding the Economic Development report, is it triggered by the size of the project or zoning?

Tamara Baer: it is not; we have recently incorporated the Economic Development Division in to the development review process and they kindly offered to do this analysis as they are in strong support of this project. It is not a requirement at all.

Commissioner Spray: In one of the reports it notes that the average wage is $24,700 which is about $11.500 an hour. I see it was done by Impact Data Source, can you explain to me how the jobs are calculated and explain direct and imputed jobs.

Fabian Mr. Trujillo: Economic Director for the City explained that what they do regularly for these types of projects is to pull reports through Impact Data Source who pull economic data for these types of projects. These are done over a 10 year period; their methodology uses the US Department of Commerce report which produces and employment multiplier and produces an output multiplier which calculates these jobs. The direct jobs we get directly from the company when they provide us with the information, the indirect jobs are jobs that are created as a result of construction or employee spending. These impacts are over a 10 year period and that is how they are calculated. The report that you see uses this type of methodology so that indirect and induced jobs over a 10 year period would be 99, the direct construction jobs would be 37 and the direct jobs over 10 years is approximately 93. The new taxes are also developed from the spending. What will usually happen is if you have a big construction project that will generate a lot of the GRT is generated over the life of that. The additional GRT will be generated by the people or the employees over a 10 year period through their spending habits.

Commissioner Spray: Can you give me a little better understanding on how you calculate the induced and indirect multipliers as shown.

Mr. Trujillo: These multipliers come from a very conservative multiplier; they are taken from the RIMS 2 at the Department of Commerce, an economic model that is commonly used to generate these types of outputs. It is done by NAICS codes, formerly SIC codes, so every industry generates their own.

Commissioner Spray: I don't understand what induced or indirect jobs are.

Mr. Trujillo: Induced jobs or indirect jobs are those jobs that are created as a result of the spending of the direct jobs.

Commissioner Spray: Do you do these calculations yourself?

Mr. Trujillo: No, they are done by the Economist, Impact Data Sources who was hired by the city and has over 30 years experience in this field.

Commissioner Ortiz: Has an analysis been done on the current roadway and existing references?

Morey Walker, Engineer, 905 Camino Sierra Vista, Santa Fe, NM (Sworn In)

Mr. Walker did monitor the traffic patterns and found that it was vehicles going back and forth taking the students to school. There were city buses, but for the most part they were passenger vehicles and very low traffic. The capacity of the road to handle the traffic was fine. We understand that it is not a great road but we are not adding a lot of traffic to it ourselves. That is what started the issues of moving the road from where it is now to the north side. What is happening is when the traffic hits Jaguar Road it backs up to South Meadows. We are trying to move the road over north so we won't have as much stacking as far as going out to South Meadows. If we are going to build a road we thought we would rather build a brand new road to take in to consideration the

size, location and sidewalks. I have spoken to John Romero and we will leave the road as it is and if we have to build a new one, just start out with a new one.

Commissioner Ortiz: Question directed to the Engineer: What kind of analysis has been done on the road and will there be access for inspection improvement and will that be access for maintenance vehicles if the city had to get equipment in there; will they be able to get in there? I also see a proposal for future realignment.

Mr. Walker: We have to maintain the storm water management pond, we have to give the right for the city to inspect it and the owner will give them the right to do the inspections. It is easy for them to get the equipment in there.

Commissioner Villarreal: Regarding exterior elevations and talking about exhaust fans; what kind of exterior noise is generated by the exhaust fans?

Mr. Michael Roach, 7 Avenida Vista Grande, Santa Fe, New Mexico (Sworn In)

The purpose of the fans is for ventilation of the building to keep fresh air going through the building. They are low noise fans, they are the type of fans you would see on the side of a restaurant downtown.

Commissioner Villarreal: Will you have bike racks and are their access roads and connectivity for someone to ride a bike in that area?

Mr. Roach: There are bike racks already available and access lanes up to the entrance of the building which goes behind Kohl's.

Commissioner Villarreal: The Geothermal field that is currently being used, is there capacity for that field to be utilized for the proposed new structure?

Mr. Roach: Unfortunately not, the geothermal field we have right now is used for the heating and cooling of the offices and the current building which is approximately one-third of the building. The other building, we do not have capacity in the geothermal at this time.

Commissioner Gonzales: I would like to commend Fabian and the office on the work that they did on the employment statistics. I am trying to get the context of this project which is important for this project as well as the statistics on how many jobs will be brought back to Santa Fe. There was a significant amount of job loss in the past.

Mr. Trujillo: Let me explain how those are calculated. Economic Development of the City is very supportive of this project, Clean AIR systems developed this as a start-up company and they have grown it over time and have been acquired by Caterpillar. They received a $150,000 grant and they have paid it back in full. It fits in as a green project and as a manufacturing clean air project. The was DWS calculates the jobs, for example, Oct 2008-2009 Santa Fe posted a negative 4000 jobs, approximately 2500 of those jobs lost were in the construction sector. We posted job loss from 8/2009 – 8/2010 there were 500 jobs that were lost and that was in addition to the 4000 jobs lost the year before. It is showing that the economy is coming out of the recession and we

are losing fewer jobs. This project will generate approximately 37 direct construction jobs and about 99 indirect jobs. The 93 direct jobs will help us over time and it will help to diversify the economy.

Commissioner Gonzales: For the record, Economic Development is a tough business, they have to actively go out and recruit businesses and make education and training happen for the employed.

Mr. Trujillo stated that this has been a collaborative effort with the New Mexico State Economic Development Department and Mr. Roach has been very good in growing his company here and committed to Santa Fe. Mr. Roach deserves the accolades for growing this company.

Commissioner Gonzales moved to approve case # 2010-178 with staff conditions, second by Commissioner Hughes, motion carried by unanimous voice vote.

2. **Case #2010-164. The Pavilion Preliminary Subdivision Plat.** Santa Fe Planning Group Inc., agent for Richard Cook, requests Preliminary Subdivision Plat approval for 32 lots on 371.20 acres, of which 7 lots are in the C-2 portion of the project and 25 lots are in the BIP portion of the project. The application also includes two terrain management variance requests for: 1) disturbance of natural slopes 30% or greater; and 2) maximum height of cut and fill on the road greater than 15 feet. The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager)

Last year the planning commission approved an Annexation, General Plan Amendment and Rezoning for the Pavilion. The applicant sought to establish a 285-acre business park and provide for commercial uses in a C-2 zoning district on the northern 87 acres of the site. Early discussions with the applicant anticipated that the entire property would be a Business Park and could be zoned BIP, Business and Industrial Park. When the applicants identified the need for a hotel/lodging use of visiting users of the Business Park it became clear that a separate zoning district would be needed to allow the hotel use and provide for some convenience retail uses for employees and visitors of the Business Park

As part of the zoning and annexation approval, a proposed interchange at NM599 is an integral part of this developed. Per comments and conditions of approval the City's Traffic Engineer and as a part of his review of the Traffic Impact Analysis, the developer shall be responsible for all costs associated with construction of the interchange, the connection to Jaguar Drive, the roadway from the interchange to the Santa Fe Airport, and a stub-out for a future connection to the I-25 frontage road. Due to the fact that the site is located immediately adjacent to NM599, a lot of discussion was held at the City Council level about the applicability of the Highway Corridor standards for this portion of NM 599. Although this section of roadway has not yet been incorporated into the Corridor Overlay ordinance, the applicant has created a substantial buffer between the highway and the proposed buildable lots (it is indicated on the plan as Open Space).

32 lots are proposed with the Subdivision Plat, 7 of which will be located within the Commercial Zoning district and 25 will be located in the Business Industrial Park. The lots are organized around a circular parkway, and are designed to avoid 3 areas which will be preserved through an archaeological easement. The primary access point to Pavilion will be via an extended Jaguar Drive. A secondary egress point for emergency vehicles only at the southernmost point of the circle to exit to Los Pinos Road. An ENN was held on September 27, 2010 and no one attended other than staff and the application team.

There are many conditions associated with this preliminary subdivision plat. At this time, no specific development other than preliminary site grading and improvements for the installation of infrastructure is proposed with the Pavilion project. All development plans and a final subdivision plan will come back to the Planning Commission for review and approval. An overview of the conditions (detailed information in Commissioner Packet) is as follows:

- The applicant must commit to pay for the operation and maintenance of the 2 proposed lift stations on the site, and an Operation and Maintenance Agreement for Sewer Lift Stations and Appurtenances is required to be approved by the City Council.
- The private effluent line's integrity must be maintained. The applicant shall work with the Santa Fe Downs ownership to ensure its continued viability.
- The developer is responsible for obtaining all approvals from NMDOT for the design and construction of the NM 599/Jaguar Drive overpass and improvements. No permits (building or site work) will be issued until the NMDOT approvals are obtained.
- Zoning staff has identified the need to modify some parcels to align the boundaries of the properties with the boundaries of the zoning districts so there will be no parcels with split zoning. In addition, additional parcels shall be created and dedicated to the City for the sewer lift stations as required by the Wastewater Management Division.
- The Preliminary Plan illustrates two access points to the south of the property for emergency vehicles. Only one is necessary, and the Fire Department requires that the County Road that links the Pavilion property with Los Pinos Road be brought to City standard.

Two terrain management variances are being requested with this plat: 1) for the disturbance of slopes 30% or greater and 2) the maximum height of cut and fill on the roadway is greater than 15 feet. The City Engineer has reviewed these requests and supports these variances as well. They have also worked with the Historic Preservation office as the roadway was designed in mind with the archaeological easements in mind, so there was some difficulty in finding the right location.

Staff recommends approval with the conditions as outlined in the report. I stand ready to answer any questions.

Scott Heff, Santa Fe Planning Group, 109 St. Francis Drive, Santa Fe, NM (Sworn In)

We have recorded all of the previous master plans, annexations and water rights component of the project from last time. We have proceeded with the development plan as alluded to for the January 20th meeting. We have also submitted for preliminary plat as well as for final plat which will be in late February or March. We should talk about the right-of-way dedication agreement; this is the agreement which we have discussed with John Romero and Ed Vigil to get the road constructed over to the airport. Hwy. 599 will have a new entrance to the airport which will go through Aviations Park and will serve as the new entrance to the airport. The last thing is the interchange which is a big component of this project. We will work with the city for this approval. We are also working with DOT for approvals. We concur with the conditions that staff has presented and we stand for questions.

PUBLIC HEARING CLOSED: No further participation.

Commissioner Villarreal commended staff and the applicant for the work they have done and for access to public space and the connectivity for bike paths which is vital to this area.

Commissioner Gonzales echoed Commissioner Villarreal's comments regarding open space and stated that he is pleased to hear how this project has come along.

Commissioner Gonzalez moved to approve case 2010-164 with staff conditions, second by Commissioner Mier, motion carried by unanimous voice vote.

{5 minute break}

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6. **Case #2010-174. Corazon Santo Rezoning to MU.** Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 2.41± acres of land from R-2 (Residential, 2 dwelling units per acre) to MU (Mixed Use). The application includes a Development Plan for mixed use for up to 24 residential units and up to 21,000 sq. ft. of commercial space. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)
(POSTPONED TO JANUARY 20, 2011 MEETING)

7. **Case #2010-175. Corazon Santo Rezoning to R-7.** Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 6.28± acres of land from R-2 (Residential, 2 dwelling units per acre) to R-7 (Residential, 7 dwelling units per acre). The application includes a Development Plan for 46 residential lots. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)

(POSTPONED TO JANUARY 20, 2011 MEETING)

8. **Case #2010-176. Corazon Santo Preliminary Subdivision Plat**. Monica Montoya, agent for Anasazi MVJV LLC, requests Preliminary Subdivision Plat approval for 46 lots on 6.28+/- acres located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)

(POSTPONED TO JANUARY 20, 2011 MEETING)

Meeting Called Back to Order:

1. **Chapter 14 Rewrite Amendments.** Consideration of amendments to section 14-3 Review and Approval Procedures, Subsections 14-3.7, 3.9-3.12, and 3.15-3.19, of Chapter 14 SFCC 1987 Land Development as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff. (Greg Smith, Case Manager) **(POSTPONED FROM DECEMBER 2, 2010 TO ALLOW ANY ADDITIONAL TESTIMONY) (To be heard at the end of New Business)**

   The Chair asked Legal Counsel for clarification on Sections 14-3.7, 3.9-3.12, 3.15 - 3.19. It was confirmed that these items are open for public comment.

Public Hearing:

Celeste Newbrough, 2175 Candelero Street, Santa Fe, New Mexico
Ms. Newbrough made a presentation at the last meeting regarding the variance section. "I think Commissioner Hughes spoke to it and staff was to consider making those revisions and she asked for an update?"

Mr. Smith: Responded that he and Mr. Graeser are working on evaluating those recommendations and will come back to the January 20th meeting with their recommendations. It was requested that Ms. Newbrough provide her e-mail to staff and they will keep her apprised of the update.

Public Hearing is closed:

No further comments from the Commission.

Commissioner Mier moved to approve the Chapter 14 re-write amendments to Sections 14-3.7, 3.9-3.12, 3.15-3.19 with the recommended changes from the previous meeting to the governing body for approval, second by Commissioner Hughes, motion carried by unanimous voice vote.

2. **Chapter 14 Rewrite Amendments.** Consideration of amendments to three sections of Chapter 14 SFCC 1987 Land Development as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff: 1) Section 14-4 Zoning Districts; 2) 14-5 Overlay Districts; 3) 14-8 Development and Design Standards, Subsections 14-8.4 and 14-8.6 – 8.18. (Greg Smith, Case Manager) **(POSTPONED FROM DECEMBER 2, 2010)**

Overview
Mr. Smith: After conducting a public hearing, the Commission should recommend that the governing body adopt proposed amendments to sections 14-4, 14-5 and 14-8.6 of Chapter 14 SFCC 1987 as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff. The Commission should postpone action on sections 14-8.1 through 14-8.5 and 14-8.7 through 14-8.18 to the meeting of January 20, 2010. Staff and the consultant are working on additional technical corrections and formatting issue for Sections 14-8.1 through 14-8.5 and Sections 14-8.7 through 14-8.18. Those amendments should be ready for the agenda packet for the January 20th meeting.

The amendments to be considered include the sections that define the various underlying and overlying zoning districts, with the exception of sections that pertain to the historic and archaeological overlay districts. Amendments to those sub-district regulations will be reviewed by the Historic Design Review Board and the Archaeological Review Committee, respectively.

Amendment to Section 14-8.6 Off Street Parking and Loading, are also provided for Commission consideration.

There are significant changes to 14-4 Zoning Districts are proposed that apply to more than one of the subsections including:

- Similar organization. Each sub-district now has sections for purpose and intent; boundaries; and any rezoning requirements specific to that sub-district, including requirements to submit preliminary development plans or master plans.
- Provisions for rezoning and/or plan approval procedures have been moved to section 14-3, Review and Approval Procedures.
- Duplicate procedures have been removed.
- 14-4 moved in to 14-3 procedures which the commission has reviewed.
- 14-4.2(I) created appropriate text for the MH Mobile Home Park district, which has existed for decades without any proper reference in 14-4.
- 14-4.3(C) added the possibility of creating additional C-4 Limited Office buffer districts, in addition to the one along St. Francis Drive. We are not recommending approval of those districts.
- 14-3.3(5) added a provision encouraging rezoning from BCD redevelopment sub-district status to BCD Townscape sub-district status. When a redevelopment sub-district has been substantially redeveloped, no purpose is served by the special review requirements required in redevelopment sub-districts. Also, eliminated the unnecessarily complicated "major" project/minor project" procedures, and substituted references to the development plan procedures that are typical in other districts.

Section 14-5: Overlay Zoning District

- 14-5.1 The previous rule in regards that where this is conflict the overlay district regulations, the underlying district rules. The underlying district rules prevail. The current language permits several instances where overly district regulations can give an unintended density bonus or height increase that is not consistent with the intent of the underlying district.

- 14-5.2 Historic Districts: Are not in the purview of the commission and staff has been working with the subcommittee of the H board.

- 14-5.3 Archaeological Review District: Are not in the purview of the commission and staff has been working with the Archaeological Review Board.

- 14-5.4 Arts and Crafts District: No major changes are proposed. The Floor area limits for nonresidential uses are simplified, and the allowed uses categories will be reviewed along with review of Section 14-6. Staff discussion with the subcommittee noted that current practices in enforcement of arts and crafts uses in the ARC and AC overlay districts have gradually evolved to allow sales of items that are not produced by artisans on the same premises where they are sold. Neither staff nor the subcommittee identified this as an issue that warrants code revision.

- 14-5.5 Highway Corridor District:

- 14-5.6 Escarpment Overlay District: This subsection is under review by a special joint staff and citizen working group, which will propose amendments independently of the Chapter 14 subcommittee process.

- 14-5.7 Planned Unit Development Overlay District: Significant changes to this subsection involve providing an option to do the final development plan at the time of the rezoning process, instead of as a separate step; and a statement that the PUD proposal must show the Planning Commission and the City Council that the project will result in better-than-normal development patterns in exchange for variations to normal development standards. They have an added an option for two hearings instead of three.

- 14-5.8 Residential Suite Hotel/Motel Overlay District: Initially identified as a candidate for elimination (it occurs on only one property in the city), it was determined that the complications associated with code amendments and city-initiated rezoning procedures outweighed the advantages of eliminating the district from the code.

- 14-5.9 Ecological Resources Protection Overlay District: References are eliminated to the Metro Highway Corridor policies that were adopted by council resolution several years ago. The ER regulations would be significantly more restrictive than the policies in the resolution, and the city has not followed up the resolution with a new overlay district as initially intended.

14-8 Development and Design Standards

- 14-8.6 Off Street Parking and Loading: Proposed revisions to section 14-8.6 are attached in tonight's packet. Staff and the subcommittee have recommended amendments to the text of the regulations, but review of the table of required parking ratios is still being studied and will be reviewed at a future meeting. They have pulled out most numerical standards and aisle widths and the subcommittee feels that it would be best to put these in the appendix.

  Significant topics recommended for amendments include:
  1. Required parking ratios.
  2. Dimensional Standards Relocated to Standards Approved by Resolution.
  3. Clarified nonconforming Parking Deficiencies.
  4. Clarification to Shared and Offsite Parking Provisions.
  5. BCD Parking Provisions. Noted that the parking revisions in the BCD are significantly different than the other zoning districts equating to about ½ of the normal requirement.

Concludes Staff Presentation.

Public Hearing:

Barbara Levin, 2200 Arter, Candlelight Neighborhood. SFNM
Ms. Levin communicated with staff via e-mail on December 13, 2010. The Candlelight Neighborhood is affected by the proposed change to 14.5.5(c) relating to the Highway Protection Overlay District – (c) "Additional Standards when non-residential uses about R-1 through R-6 residential densities". We request that this provision be restored to the original protection and read "R-1 through R-7". The Candlelight Neighborhood which is adjacent to the St. Francis corridor and covered under the Highway Protection Overlay District is made up of R-5 and R-7 homes. We would like to retain that protection for our neighborhood.

Mr. Smith: Made reference to Memo dated December 14th detailing his response to the request from Ms. Levin. The staff report indicates that there is likely to be little practical effect either way. There are two placed where there are R-7 zoned lots within the SCHC. Both locations involve small-lot setback townhouse development patterns, and neither is adjacent to commercial zoning or nonresidential uses. In the Candlelight neighborhood, about three dozen of the R-7 lots nearest the west side of Galisteo Street are within the overlay district, but none of those nearest the west side of Galisteo Street are within the overlay district, but none of those abuts nonresidential uses or commercial zoning. Staff recommendation based on theoretical analysis is that the R-7 should be treated like the R8 and R9 rather than the R4, 5 and 6.

Commissioner Bordegaray: Has the member of the audience seen this?

Mr. Smith: I am not sure if they have or not, this was prepared by staff for the last Planning Commission meeting.

Kevin Patterson, Member of Candlelight Neighborhood Association

Our desire to have it return to R-7 is in light of potential changes in our neighborhood which could affect this section. We would possibly have R7 abutting commercial projects and even though it is not practical to address potential re-development, which is part of our concern. That is part of our concern; if that is changed we would be inviting commercial development in R7. Thank you.

Mr. Smith: The preliminary proposal developments would restrict any commercial development based on the General Plan hearings that were held by the commission several years ago. Staff's judgment is that it is unlikely that there would be any commercial zoning on the side of Galisteo Street where the R-7exists. It is possible and conceivable that it could happen in another location.

Chair Lindell: As much as it is not likely, Mr. Smith, we do have folks here that have a fear of this happening in the future. Is this an item that staff is opposed to changing from R-6 back to R-7.

Mr. Smith: Staffs judgment is that there is no significant harm either way.

Commissioner Spray: As long as it is ok with staff we should go back to R-7.

Chair Lindell: With no opposition from the commissioners, when we make the motion on these recommendations, Commissioner Spray, would you bring this item forward? Thank you.

Michael Gomez, Professional Engineer and Professional Traffic Operations Engineer

Mr. Smith informed the commissioners that Mr. Gomez comments are in the packet.

Mr. Gomez stated that he is concerned about paragraph 4a, 14.5, draft page 56 where there was a reviewer comment. (Ref: 14-5.5 is the overlay district and at the bottom is 14-5 middle of page 7.) Subsection that Mr. Gomez refers to is on page 11, deleted text is sub-section K – Off-sight traffic.

Mr. Gomez: In the previous ordinance there was some verbiage that talks about capacity of roadways and the requirements to perform a TIA. Part of the things that the protection district does aside from aesthetics is to protect the mobility of our main arterial streets in Santa Fe. If our arterial streets become too congested people in Santa Fe tend to use short cuts through areas where traffic was not intended to go through. The reviewer indicates in his comments that this is a standard requirement that a TIA does and strikes the language out. For these highway corridors are New Mexico state highways and the city of Santa Fe really does not have jurisdiction on these roads. They are governed by state law and an access manual that the highway department uses for performing traffic impact analysis. The requirements that are in the DOT manual are more stringent many times than the city. I think it is deceptive for developers who will be reading the code to think that their traffic requirements are the same as any other development plan that would go before the city for any other location.

I have a recent example where out on Cerrillos Road within the highway corridor protection area, the Entrada Contenta Development approved in 2005. An access permit was obtained in 2005. Now they come to build it in 2010 and the DOT says that they have the responsibility for granting permits and that everything that the city did in their approvals was not up to their standards. In order to go ahead and build those intersections they require new design, new traffic study and everything to bring it up to current standards. Once you do get a highway permit it is only good for 6 months with another 6 month extension. I think it needs to be placed in the code so that developers, neighbors, etc., so that everybody knows what the real requirements are going to be to get projects approved in these corridors. It is the case of preserving mobility, reducing the number of drive-ways and analyzing projects and how they affect the investment that has gone in to the construction of these arterial streets. I have given some verbiage that is suggested to go in.

Mr. Smith: The consensus of staff is that while we understand Mr. Gomez's concerns, that through staff analysis and discussions with the traffic engineer is that the standard procedures in our judgment is adequate. We sympathize as to the problems of achieving an approval from the OSE but we do not feel that changing the language would have any significant impact on Mr. Gomez concerns. One of the goals that we have in Chapter 14 is to eliminate sections where words to where we say things over and over again. Staff feels that we have this adequately covered in other places. It might be that some condensed form of reference can be noted that the access must be coordinated with the OSE in a concise way.

Mr. Gomez: It is neither the NMDOT not the OSE, this is state law and they are the regulating authorities for state highways and they supersede any approvals that could be granted.

Mr. Smith: There is an MOU between the city and the state and the state has more authority than the city on these issues. Another one of our priority goals is not to duplicate language from state statutes. If there is an overriding reason to put the reference in, staff has been referring to the wording in the state statue rather than to put the language in.

Public Hearing Closed
Questions from Commissioners:

14.4 Zoning

Commissioner Spray: Page 1, #3 – changes on 3rd line, value of buildings has been capitalized; was it meant to mean something by capitalizing?

Mr. Smith: In the draft and review process sometime the italicized word has been capitalized, in this case the term building is a defined term.

Mr. Graeser: We have settled on italicized and it will be changed in final review.

Commissioner Spray: Page 2 - Official Zoning Map, the governing body is the only one that can do this, the Planning Commission cannot approve re-zoning. Am I reading this correctly?

Mr. Smith: The change is in the location of the text, the only editing that has been done is the striking out of not limited to and the grammatical text referring to the word, only. The general statement at the beginning of sub-section 3 is modified by following sub section 4 the fact about non substantial standards and the purview of staff in some limited consensus.

Mr. O'Reilly: This does not in any way change how the Planning Commission operates right now. It is just making clear that the Planning Commission recommends changes to zoning. It is the City Council that makes the final approvals.

Commissioner Spray: Question on page 4, section 4. Annexation of new areas to the city should be zoned R1 until otherwise classified; is there a particular reason?

Mr. Smith: This provision has been in the code as far back as I can remember. It is a provision that should the city annex property or the property wanted to be annexed in to the city for some reason such as access to city utilities or coordination of roads or so forth but did not have a plan for open rezoning. Rather than go through a rezoning process

Commissioner Spray: Page 30-31- Business and Industrial Park District, this has all been cut out, are they moving to another section?

Mr. Smith: That is correct, all of the application type requirements and all of what is required within the scope of an application have been moved to another section, 14-3. Since these provisions were referred to development plan and master plan they will be referred to appropriately.

Commissioner Villarreal: Question on page 13, top of the page, struck out area (b), was it moved to Las Soleras?

Mr. Smith: This is a scope of application and will be moved to 14-3.8.

Commissioner Villarreal: It talks about Santa Fe County Health Policy Planning Commission; I was curious because some of our committees and commissions may no longer exist in the future; I wondered if we should have it struck out.
Mr. Smith: It is an accurate observation, the language in this was adopted by the city council prior to the extraterritorial zoning commission and the city/county zoning process. When we get to the text of 3.8 it will reflect the language.

Commissioner Villarreal: On page 48 where it talks about mixed use districts, it is at the top where it says, "this zoning category allows office, commercial and residential uses in the same building or on the same property." It we said this at the county it would include any uses including agriculture, farming, so we always have to say that. Will we be clear when referring to urban, agriculture, say farmers market or vendors of food as it will be more of a trend in the future especially in the city.

Mr. Smith: That is an accurate observation. In the current Chapter 14 revisions, on the residential district allows agricultural uses such as farming. The mixed use district will allow the retail part but the farming use would not be allowed in this district.

Mr. Smith: The sub-committee will be reviewing the types of uses in 14-6

14-5 Overlay Zoning Districts

Commissioner Spray: Page 10 - 14-5, under the maximum floor area ratio the note indicates that if we standardize the parking requirements from medical office that it might go away? Have we standardized those parking requirements?

Mr. Smith: We will be looking at that with 14-6, there may or may not be a change in parking requirements. Staff's judgment was that was how the distinction was made when that overlay district was created, the highway corridor was created. It is a continued concern on the part of various staff members that medical offices do generate more traffic and requires more parking spaces. If our research confirms that we are almost sure not to make any changes, it is still pending at this point.

Commissioner Spray: 14-5.5, you talk about the section of citing state law, is there something that could be added to this provision?

Mr. Smith: If the commission feels it is appropriate staff would be amenable to put an abbreviated reference to the NMDOT authority over permitting and a policy statement to maintain the capacity.

Commissioner Villarreal asked if Mr. Gomez has looked at the section 14.3. Her understanding is that we are trying not to repeat the language that was in 14-3.8.

Mr. Smith: It is drafted in 14-3.8 but that section has not come for review to the Planning Commission or hearing.

Commission Consensus: No disagreement from the commission to not add additional wording.

Commissioner Hughes: Re: Overlay Zones - I am pleased to see the one on Cerrillos Road (pages 10-18), but pointing out to St. Michael's, is there a change to amend on an overlay zone for St. Michael's?

Mr. Smith: Yes that can be done as overlay districts are added on an on-going basis. At the point that St. Michael's or Airport Road corridor study and regulations are proposed, we can consider outside the scope of the rewrite process.

14-8 Development and Design Standards

Mr. Smith: There are some provisions. 8.1, 8.2 and 8.3. Staff has been reviewing in detail 8.3 in particular and we are not prepared to recommend to the commission other than 8.6 this evening.

Mr. O'Reilly stated that the staff memo under recommendations; staff is recommending that the commission postpone action on 14-8.1 through 14-8.5, 14-8.7 through 14-8.18 until the meeting 2 weeks from today.

Commissioner Hughes asked about 14-8.6?

Mr. O'Reilly asked that the commission consider 14-8.6.

Commissioner Hughes said that on page 4 it says, "staff continues to research this issue."

Mr. Smith said that with the exception of the parking rate, we have completed our recommendations.

Commissioner Hughes clarified; pages 1 through 4 you want to hold, is that correct? 14-8.6a, you want to hold?

Mr. Smith: That is correct.

Commissioner Hughes informed the commission that the sub-committee parked this issue, 14-8.6a.

Mr. Smith: They are going to be pulled out and the procedures for when and how, offsite parking those revisions are being simplified.

Commissioner Hughes: Page 6 that has been struck will go in to the appendix. Shared parking on page 8 is clarified and encouraged I hope.

Commissioner Hughes: Pages 10-11-12 are all the guidelines we talked in the sub-committee on shared parking, maybe we can revisit that in the sub committee

Mr. Smith: That was beyond the scope of the rewrite.

Commissioner Spray: Page 6: 14-8.6, Specific Resolutions; is that in the appendix?
Page 7: Illustrations – same thing there?

Mr. Smith: The sub-committee suggested it be an appendix to the ordinance not a resolution.

Page 7: Moved to an appendix

Commissioner Spray: Page 15, entire section on trust fund; is there a fund?

Mr. Smith: There is not currently a parking fund. I believe it was created in the 1980's and it was disbanded 6 months after it was created.

Commissioner Spray: Page 17 – Bicycles - where would one find the resolution?

Mr. Smith: The reference should be in the appendix so the strike out language section (a) and (b), all that language will be moving in to an appendix.

Commissioner Spray - Page 19: Applications for Building Permits; are we going to call all of these construction permits?

Mr. Smith: That is correct, this is another one of the clean up items.

The Chair recapped and stated that 14.4, 14.5 and 14-8.6 have been reviewed and staff requests approval.

Commissioner Hughes made a motion to approve 14.4, 14.5, and 14-8.6, with the exclusion of the exhibit: 14-8.6a will be coming back to the Planning Commission with recommended changes, second by Commissioner Spray, motion carried by unanimous vote.

Friendly Amendment: Commissioner Spray moved to have the appropriate language on R7 to R6 inserted, second by Commissioner Hughes, motion carried by unanimous voice vote.

Commissioner Villarreal moved to postpone14.8-1 and 8.2, 8.3, 8.4 and 8.7 through 8.18 until January 20th meeting , second by Commissioner Hughes, motion carried by unanimous voice vote.

8.1-2-3 can be discarded.

G. BUSINESS FROM THE FLOOR
None

H. STAFF COMMUNICATION

Mr. O'Reilly – how to proceed with Chapter 14 updates. Staff recognizes that due to some of the meeting cancellations, that they have brought the Chapter 14 rewrite in fragments. It is staff's recommendation after January 10th to bring information in entire sections. We will try to get back on track in our meetings in February.

Mr. O'Reilly expressed his thanks to the Commissioners for their service in 2010.

I. MATTERS FROM THE COMMISSION

Commissioner Hughes: Announced that the Chapter 14 Sub Committee meeting will meet on Tuesday and the Long Range Planning Committee will meet on Wednesday at noon.

J. ADJOURNMENT – There being no further business to come before the Planning Commission, the meeting was adjourned at 8:15 pm

Signature Page:

Signe Lindell, Chair

Fran Lucero, Stenographer