



**SUMMARY COMMITTEE**  
**Thursday, January 6, 2011 - 11:00am**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. **ROLL CALL**
- B. **APPROVAL OF AGENDA**
- C. **APPROVAL OF MINUTES – October 7, 2010**
- D. **ELECTION OF OFFICERS**
  - 1. **Chair**
  - 2. **Secretary**
- E. **OLD BUSINESS**
- F. **NEW BUSINESS**

- 1. **Case #2010-98. Dr. Anthony Garcia Lot Split.** Morris Apodaca, A to Z Surveying, agent for Dr. Anthony Garcia, requests plat approval to divide 7.556 ± acres, into two tracts. The property is located at Calle Nopal and is zoned R-1 (Residential, one dwelling unit per acre). (Chris Martinez, Case Manager) (**POSTPONED FROM NOVEMBER 4, 2010**)
- 2. **Case #2010-166. Dr. Fred Kullman, Susan Varela, and Max Myres Lot Split.** Morris Apodaca, A to Z Surveying, agent for Kullman, Varela & Myres requests plat approval to divide 1.02 ± acres into two tracts. The property is located at 433 St. Michaels Drive and is zoned C-1 (Office & Related Commercial District). (Case Manager, Chris Martinez)
- 3. **Case #2010-167. Marta Townsend Weiss Lot Split.** Michael V. Trujillo, Associated Surveys, agent for Martha Townsend Weiss requests plat approval to divide 2.711 ± acres into two tracts. The property is located at 346 West Zia Road and is zoned R-1 (Residential, one dwelling unit per acre). (Chris Martinez, Case Manager)
- 4. **Case #2010-168. Robert Althouse Lot Split.** Robert Althouse, owner, requests plat approval to divide 2.509 ± acres into two tracts. The property is located at 815 Camino Don Emilio, in Phase 3 of the City-Initiated Annexation and is zoned R-1 (Residential, one dwelling unit per acre). (Chris Martinez, Case Manager)

5. **Case #2010-179. Randolph B. Felker Lot Split.** Lorenzo Dominguez, East Mountain Surveying Company, agent for Randolph B. Felker, requests plat approval to divide 1.6992 ± acres into two tracts. The property is located at 23 Paseo de River and is zoned I-1 (Light Industrial District). (Chris Martinez, Case Manager)
6. **Case #2010-181. Jack Stamm Lot Split.** Richard Horcasitas, Horcasitas Land Use Consultant, agent for Jack Stamm, requests plat approval to divide 0.4 ± acres into two tracts. The property is located at 357 Hillside Avenue and is zoned RC-8 (Residential Compound, eight units per acre). (Chris Martinez, Case Manager)
7. **Case #2010-183. A.J. Mollenbeck Lot Split.** Dolores Vigil, Liaison Planning Services, Inc., agent for A.J. Mollenbeck, Professional Retirement Trust, requests plat approval to divide 15.47 ± acres into two tracts. The property is located at 5401 Agua Fria Street and is zoned MU (Mixed Use). (Chris Martinez, Case Manager)
8. **Case #2010-180. Rufina Lots LLC, Tract R-1, Lot Split.** Richard Horcasitas, Horcasitas Land Use Consultant, agent for Rufina Lots, LLC, requests plat approval to divide 0.3614 ± acres into two tracts. The property is located at 3401 Todos Santos and is zoned R-6 (Residential, six units per acre). (Chris Martinez, Case Manager)
9. **Case #2010-184. Rufina Lots LLC, Tract T-1, Lot Split.** Richard Horcasitas, Horcasitas Land Use Consultant, agent for Rufina LLC, Tract T-1, requests plat approval to divide 0.4551 ± acres into two tracts. The property is located at 4425 Santa Lucia Street and is zoned R-6 (Residential, six units per acre). (Chris Martinez, Case Manager)

## **G. STAFF COMMUNICATIONS**

## **H. ADJOURNMENT**

### **NOTES:**

- 1) Procedures in front of the Summary Committee are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from postponement by a motion and vote of the Summary Committee.
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Summary Committee meeting. This agenda is subject to change at the discretion of the Summary Committee.
- 3) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.  
**\*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.**

SUMMARY INDEX  
CITY OF SANTA FE  
SUMMARY COMMITTEE  
January 6, 2011

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER/ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF MINUTES – October 7, 2010	Approved [amended]	1-2
ELECTION OF OFFICERS		
Chair	Tom Spray elected Chair	2
Secretary	Lawrence Ortiz elected Secretary	2
OLD BUSINESS	None	2
<u>NEW BUSINESS</u>		
<u>CASE #2010-98.</u> DR. ANTHONY GARCIA LOT SPLIT. MORRIS APODACA, A TO Z SURVEYING, AGENT FOR DR. ANTHONY GARCIA, REQUESTS PLAT APPROVAL TO DIVIDE 7.556± ACRES, INTO TWO TRACTS. THE PROPERTY IS LOCATED AT CALLE NOPAL AND IS ZONED R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE)	Approved w/conditions	2-4
<u>CASE #2010-166.</u> DR. FRED KULLMAN, SUSAN VARELA AND MAX MYRES LOT SPLIT. MORRIS APODACA A TO Z SURVEYING, AGENT FOR KULLMAN, VARELA & MYRES REQUESTS PLAT APPROVAL TO DIVIDE 1.02± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 433 ST. MICHAELS DRIVE, AND IS ZONED C-1 (OFFICE & RELATED COMMERCIAL DISTRICT)	Approved w/conditions	4-5
<u>CASE #2010-167.</u> MARTA TOWNSEND WEISS LOT SPLIT. MICHAEL V. TRUJILLO, ASSOCIATED SURVEYS, AGENT FOR MARTHA TOWNSEND WEISS, REQUESTS PLAT APPROVAL TO DIVIDE 2.711± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 346 WEST ZIA ROAD AND IS ZONED R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE)	Postponed to 02/03/2011	5

**ITEM****ACTION****PAGE**

**CASE #2010-168.** ROBERT ALTHOUSE LOT SPLIT. ROBERT ALTHOUSE, OWNER, REQUESTS PLAT APPROVAL TO DIVIDE 2.509± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 815 CAMINO DON EMILIO, IN PHASE 3 OF THE CITY-INITIATED ANNEXATION AND IS ZONED R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE)

Postponed to 02/03/2011

6

**CASE #2010-179.** RANDOLPH B. FELKER LOT SPLIT. LORENZO DOMINGUEZ, EAST MOUNTAIN SURVEYING COMPANY, AGENT FOR RANDOLPH B. FELTER, REQUESTS PLAT APPROVAL TO DIVIDE 1.6992± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 23 PASEO DE RIVER, AND IS ZONED L-1 (LIGHT INDUSTRIAL DISTRICT)

Approved w/conditions

6-7

**CASE #2010-181.** JACK STAMM LOT SPLIT. RICHARD HORCASITAS, HORCASITAS LAND USE CONSULTANT, AGENT FOR JACK STAMM, REQUESTS PLAT APPROVAL TO DIVIDE 0.4± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 357 HILLSIDE AVENUE AND IS ZONED RC-8 (RESIDENTIAL COMPOUND, EIGHT UNITS PER ACRE)

Approved w/conditions

8-10

**CASE #2010-183.** A.J. MOLLENBECK LOT SPLIT. DOLORES VIGIL, LIAISON PLANNING SERVICES, INC., AGENT FOR A.J. MOLLENBECK, PROFESSIONAL RETIREMENT TRUST, REQUESTS PLAT APPROVAL TO DIVIDE 15.57± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 5401 AGUA FRIA STREET AND IS ZONED MU (MIXED USE)

Approved w/conditions

10-12

**CASE #2010-180.** RUFINA LOTS, LLC, TRACT R-1, LOT SPLIT. RICHARD HORCASITAS, HORCASITAS LAND USE CONSULTANT, AGENT FOR RUFINA LOTS, LLC, REQUESTS PLAT APPROVAL TO DIVIDE 0.3614± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 3401 TODOS SANTOS AND IS ZONED R-6 (RESIDENTIAL, SIX UNITS PER ACRES)

Postponed to 02/03/2011

12

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
<b>CASE #2010-184. RUFINA LOTS LLC, TRACT T-1, LOT SPLIT. RICHARD HORCASITAS, HORCASITAS LAND USE CONSULTANT, AGENT FOR RUFINA LLC, TRACT T-1, REQUESTS PLAT APPROVAL TO DIVIDE 0.4551± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 4425 SANTA LUCIA STREET AND IS ZONED R-6 (RESIDENTIAL, SIX UNITS PER ACRE)</b>	<b>Postponed to 02/03/2011</b>	<b>12</b>
<b>STAFF COMMUNICATIONS</b>	<b>None</b>	<b>12</b>
<b>ADJOURNMENT</b>		<b>13</b>

**MINUTES OF THE MEETING  
OF THE CITY OF SANTA FE  
SUMMARY COMMITTEE**

January 6, 2011

A regular meeting of the City of Santa Fe Summary Committee, was called to order by Acting Chair Tom Spray, on January 6, 2011, at 11:00 a.m., in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

Tom Spray, Chair  
Lawrence Ortiz  
Mike Mier

**OTHERS PRESENT:**

Tamara Baer, Current Planning Division  
Heather Lamboy, Current Planning Division  
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

**B. APPROVAL OF AGENDA**

Ms. Baer said Cases #3 and #4 are postponed to the meeting of February 3, 2011. She said Cases #8 and #9 are postponed to the meeting of February 3, 2011, but may be withdrawn prior to that time.

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Spray, to approve the Agenda as amended.

**VOTE:** The motion was approved on a voice vote, with Commissioner Mier absent for the vote.

**C. APPROVAL OF MINUTES – October 7, 2010**

The following corrections were made to the minutes:

Page 6, Paragraph 6, line 1, correct as follows: "... that we cannot grant, even..."

Page 7, last paragraph, line 4, correct as follows: "...are they ~~doing~~ going to pay..."

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Spray, to approve the minutes of the meeting of October 7, 2010, as amended.

**VOTE:** The motion was approved on a voice vote, with Commissioner Mier absent for the vote..

## **E. ELECTION OF OFFICERS**

### **1. Chair**

Commissioner Ortiz nominated Tom Spray to serve as Chair. The nomination was seconded by Commissioner Spray.

**VOTE:** The nomination was approved on a voice vote, with Commissioner Mier absent for the vote, and Tom Spray was elected to serve as Chair of the Summary Committee.

### **2. Secretary**

Commissioner Spray nominated Lawrence Ortiz to serve as Secretary. The nomination was seconded by Commissioner Ortiz.

**VOTE:** The nomination was approved on a voice vote, with Commissioner Mier absent for the vote, and Lawrence Ortiz was elected to serve as Secretary of the Summary Committee.

## **E. OLD BUSINESS**

There was no Old Business.

## **F NEW BUSINESS**

- 1. CASE #2010-98. DR. ANTHONY GARCIA LOT SPLIT. MORRIS APODACA, A TO Z SURVEYING, AGENT FOR DR. ANTHONY GARCIA, REQUESTS PLAT APPROVAL TO DIVIDE 7.556± ACRES, INTO TWO TRACTS. THE PROPERTY IS LOCATED AT CALLE NOPAL AND IS ZONED R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE). (CHRIS MARTINEZ, CASE MANAGER) (POSTPONED FROM NOVEMBER 4, 2010)**

A Memorandum prepared December 23, 2010 for January 6, 2011 Meeting, with attachments, to the Summary Committee, from Chris Martinez, Planner Technician Senior, Current Planning Division, and Heather L. Lamboy, Land Use Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "1." Copies of any plans, plats, drawings, maps can be obtained from the Current Planning Division of the Land Use Department.

### **Staff Report**

The staff report was presented by Tamara Baer, Manager, Land Use Department, which is contained in Exhibit "1." Please see Exhibit "1" for specifics of this presentation. Ms. Baer noted for the record that Condition #3 should be removed because it was listed in error, so #4 would become #3. She noted a correction on page 3 of the Staff Report, as follows: " EXHIBIT C: Letter State of New Mexico, ~~Environmental Improvement Division~~, Environment Department..."

**Recommendation:** Land Use Department staff recommends approval with conditions of this lot split as outlined in this report.

### **Public Hearing**

#### **Presentation by the Applicant**

**The Applicant nor the Applicant's Agent was in attendance.**

#### **Speaking to the Request**

**William Terry, 113 Calle Nopal, was sworn.** Mr. Terry said he lives adjacent to both properties. He said he has nothing against the lot split, but he questions the access from the top two 2 acres to the bottom 5 acres, and wants to know how that will be done, and asked to see the Plat. He said, for the record, he was never notified of the first meeting.

Ms. Baer showed Mr. Terry the lot split plat which was submitted by Morris Apodaca. She said, "For the record, Mr. Terry's property is immediately to the south of the parcels that would be the primary access for both. And, I'm indicating that the access would be from the northernmost portion of the lot entirely all the way through that upper parcel. The lot split would occur down here."

Mr. Terry, pointing at the map said, "This is where my property ends. How he does this is really none of my concern. So he's going to bypass and go behind my property here."

Ms. Baer indicated this is correct, and Mr. Terry said, "Okay. Just as long as he doesn't trespass on my property."



Chair Spray asked Mr. Terry if he has other issues, and Mr. Terry said, "Actually, no. It's his property, he's within his rights to do what he wants. I just wanted to make sure that he didn't come onto my property."

**The Public Hearing was closed**

**Questions and Comments from the Committee**

There were no questions and/or comments from the Committee

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Spray, to approve Case #2010-98, the Dr. Anthony Garcia Lot Split, with all conditions as recommended by staff, including the removal of Condition #3, and renumbering Condition #4 to #3, and the correction to EXHIBIT C as noted by staff.

**VOTE:** The motion was approved on a voice vote, with Commissioner Mier absent for the vote..

2. **CASE #2010-166. DR. FRED KULLMAN, SUSAN VARELA AND MAX MYRES LOT SPLIT. MORRIS APODACA A TO Z SURVEYING, AGENT FOR KULLMAN, VARELA & MYRES REQUESTS PLAT APPROVAL TO DIVIDE 1.02± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 433 ST. MICHAELS DRIVE, AND IS ZONED C-1 (OFFICE & RELATED COMMERCIAL DISTRICT). (CHRIS MARTINEZ, CASE MANAGER)**

A Memorandum prepared December 23, 2010 for the Summary Committee Hearing on January 6, 2011, with attachments, to the Summary Committee, from Chris Martinez, Planner Technician Senior, Current Planning Division, and Heather L. Lamboy, Land Use Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "2." Copies of any plans, plats, drawings, maps can be obtained from the Current Planning Division of the Land Use Department

**Staff Report**

The staff report was presented by Heather Lamboy, Land Use Department, which is contained in Exhibit "2." Please see Exhibit "2" for specifics of this presentation.

**Recommendation:** Land Use Department staff recommends approval with conditions as outlined in this report.

Chair Spray asked Ms. Lamboy, for clarification, if everything she described is included in the documentation in the packet, noting he thought she spoke about one other element.

Ms. Lamboy said everything is included in the packet as is the subsequent documentation from the individual development review team members.

*Dr. Mier arrived at the meeting*

### **Public Hearing**

#### **Presentation by the Applicant**

**The Applicant nor the Applicant's Agent was in attendance.**

#### **Speaking to the Request**

There was no one speaking for or against this request.

### **The Public Hearing was closed**

#### **Questions and Comments from the Committee**

There were no questions and/or comments from the Committee

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Spray, to approve Case #2010-166, Dr. Fred Kullman, Susan Varela and Max Myres Lot Split, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote.

3. **CASE #2010-167. MARTA TOWNSEND WEISS LOT SPLIT. MICHAEL V. TRUJILLO, ASSOCIATED SURVEYS, AGENT FOR MARTHA TOWNSEND WEISS, REQUESTS PLAT APPROVAL TO DIVIDE 2.711± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 346 WEST ZIA ROAD AND IS ZONED R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE. (CHRIS MARTINEZ, CASE MANAGER)**

A Memorandum prepared December 23, 2010 for January 6, 2011 Summary Committee Meeting, to the Summary Committee, from Heather L. Lamboy, Land Use Senior Planner and Chris Martinez, Planner Technician Senior, requesting postponement of this case to the meeting of February 3, 2011, is incorporated herewith to these minutes as Exhibit "3.

This case was removed from the Agenda, and postponed to the next meeting of the Summary Committee. [Please see Exhibit "3."]

4. **CASE #2010- 168. ROBERT ALTHOUSE LOT SPLIT. ROBERT ALTHOUSE, OWNER, REQUESTS PLAT APPROVAL TO DIVIDE 2.509± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 815 CAMINO DON EMILIO, IN PHASE 3 OF THE CITY-INITIATED ANNEXATION AND IS ZONED R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE). (CHRIS MARTINEZ, CASE MANAGER)**

A Memorandum prepared December 23, 2010 for January 6, 2011 Summary Committee Meeting, to the Summary Committee, from Heather L. Lamboy, Land Use Senior Planner and Chris Martinez, Planner Technician Senior, requesting postponement of this case to the meeting of February 3, 2011, is incorporated herewith to these minutes as Exhibit "4."

This case was removed from the Agenda, and postponed to the next meeting of the Summary Committee. [Please see Exhibit "4."]

5. **CASE #2010-179. RANDOLPH B. FELKER LOT SPLIT. LORENZO DOMINGUEZ, EAST MOUNTAIN SURVEYING COMPANY, AGENT FOR RANDOLPH B. FELTER, REQUESTS PLAT APPROVAL TO DIVIDE 1.6992± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 23 PASEO DE RIVER, AND IS ZONED L-1 (LIGHT INDUSTRIAL DISTRICT) (CHRIS MARTINEZ, CASE MANAGER)**

A Memorandum prepared December 23, 2010 for the Summary Committee Meeting of January 6, 2011, with attachments, to the Summary Committee, from Chris Martinez, Planner Technician Senior, Current Planning Division, and Heather L. Lamboy, Land Use Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5." Copies of any plans, plats, drawings, maps can be obtained from the Current Planning Division of the Land Use Department.

### **Staff Report**

The staff report was presented by Tamara Baer, Manager, Land Use Department, which is contained in Exhibit "5." Please see Exhibit "5" for specifics of this presentation.

**Recommendation:** Land Use Department Staff recommends approval with conditions as outlined in this Report.

### **Public Hearing**

#### **Presentation by the Applicant**

**Lorenzo Dominguez, Agent for the Applicant, was sworn.** Mr. Dominguez said, regarding the staff recommendations, they can take care of most of the things which are required. He said, with regard to the maintenance of the concrete structure, there is a note on the plat stating that the maintenance would

be the responsibility of the owner. He said they are in agreement with all Conditions of Approval with the exception of Condition #3, "Proof of water service separation and an executed shared sewer agreement shall be provided prior to recordation." He said there is a note on the plat providing that each lot will be served by separate water and sewer lines into the public water and sewer services. He said there will be no shared sewer lines for these tracts, and there will be separate sewer lines.

Chair Spray asked staff to respond.

Ms. Lamboy said the note on the plat should take care of this issue completely.

Mr. Dominguez said they agree with Conditions #1 and #2, and would like staff to take care of #3.

#### **Speaking to the Request**

There was no one speaking for or against this request.

#### **The Public Hearing was closed**

#### **Questions and Comments from the Committee**

Commissioner Mier asked if Condition #3 as recommended by staff, will be removed by staff, or will it be amended.

Ms. Lamboy said it would be appropriate to remove Condition #3, noting it appears to be an error or oversight.

Chair Spray suggested amending Condition #3 to remove the words "shared sewer agreement," and asked if the water service separation language should stay in place.

Ms. Lamboy said, "I believe the entire item should be removed."

Chair Spray said then Condition #3 is deleted, but everything else stays the same, and Ms. Lamboy said this is correct.

**MOTION:** Commissioner Mier moved, seconded by Commissioner Ortiz, to approve Case #2010-179, the Randolph B. Felker Lot Split, as amended, and with all conditions as recommended by staff, with the deletion of Condition #3.

**VOTE:** The motion was approved unanimously on a voice vote.

**6. CASE #2010-181. JACK STAMM LOT SPLIT. RICHARD HORCASITAS, HORCASITAS LAND USE CONSULTANT, AGENT FOR JACK STAMM, REQUESTS PLAT APPROVAL TO DIVIDE 0.4± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 357 HILLSIDE AVENUE AND IS ZONED RC-8 (RESIDENTIAL COMPOUND, EIGHT UNITS PER ACRE). (CHRIS MARTINEZ, CASE MANAGER)**

A Memorandum prepared December 27, 2010, for the Summary Committee Meeting of January 6, 2011, with attachments, to the Summary Committee, from Chris Martinez, Planner Technician Senior, Current Planning Division, and Heather L. Lamboy, Land Use Senior Planner, Current Planning, is incorporated herewith to these minutes as Exhibit "6." Copies of any plans, plats, drawings, maps can be obtained from the Current Planning Division of the Land Use Department.

A Memorandum dated January 6, 2011, to the Summary Committee from the Current Planning Division, with attached letter of support from Stephen and Jane Tanner, is incorporated herewith to these minutes as Exhibit "7."

**Staff Report**

The staff report was presented by Tamara Baer, Manager, Land Use Department, which is contained in Exhibit "6." Please see Exhibit "6" for specifics of this presentation.

Ms. Baer said she would like to call attention to when the City does and does not require a variance, noting this is on the advice of the City Attorney. If the lot split creates or exacerbates a non-conformity, then the City requires a variance, but if it does not create or exacerbate any non-conformity, the City does not require a variance. In this case, where the line is being drawn has nothing to do with the access and nothing will change. This is simply a line on paper to create separate ownership.

**Recommendation:** Ms. Baer said staff recommends approval with the Conditions in the staff report, with the exception of Condition 1(c) noting that buildable areas on a parcel do not need to be shown on the Lot Split Plat, and this is a standard condition that the City applies to undeveloped property. She said since this is not the case here, this Condition is not needed.

**Public Hearing**

**Richard Horcasitas, Agent for the Applicant, was sworn.** Mr. Horcasitas said he is comfortable with most of the Conditions, and would like to clarify something. He said the lot split is in keeping with the Land Use Code and he would appreciate approval.

Mr. Horcasitas said there is a Memorandum in the packet from Antonio Trujillo, Exhibit A-3, and he quoted from Paragraph 1, "357 Hillside Avenue is currently served with a 5/8" domestic residential service. One of the resulting lots will not have domestic service." He said when the house was built on the property to the north, which they are divorcing from this request, it came in with a new water meter and service to

that property. He said there are 3 dwelling units on the property, each with its own water meter.

Mr. Horcasitas quoted from Paragraph #3 Exhibit A-3, "The plat for the lot split requires a note stating that lot 2 does not have a metered service connection. An Agreement for Metered Service (AMS) contract with the City Water Division will be required prior to issuance of any construction permit for the lot."

Mr. Horcasitas said Paragraphs #1 and #3 of Mr. Trujillo's Memorandum don't seem to fit.

Responding to the Chair, Ms. Baer said they would have to verify what Mr. Horcasitas has said with Mr. Trujillo in the Water Division, because they rely on his memorandum for that information. She said she certainly can verify that prior to recording the plat, commenting she is sure Mr. Horcasitas is correct. She said, if for some reason there is a discrepancy, staff is certainly willing to rectify that prior to recordation.

Chair Spray said that can be added as a Condition of approval – that staff verify this information with Mr. Trujillo prior to recording the plat.

Ms. Lamboy said Mr. Horcasitas's letter of transmittal doesn't say that there are existing buildings on the site, noting the 2008 aerial doesn't show the existing house. She believes Mr. Trujillo wrote the memorandum with the understanding that there was no building on the site.

Chair Spray asked Mr. Horcasitas if he would agree to the condition to verify the information prior to recording the plat.

Mr. Horcasitas said he agrees, noting it can be verified with water bills, building permits, plans and such.

Responding to the Chair, Mr. Horcasitas said there are 3 units on the subject lot. He said, "We are divorcing Lot #2, the one to the north which has one unit." Mr. Horcasitas said currently the addresses are 357, 357A and 357B.

### **Speaking to the Request**

**Jack Stamm, owner was sworn.** Mr. Stamm said the confusion arises because it is 357 Hillside Avenue, so there is a separate lot for 357. He said 355 has the 3 units on it, and he thinks Mr. Trujillo is getting water meter information from 357.

Chair Spray said then we are talking about a total of 4 units on both lots.

Mr. Stamm said 357 is an entirely separate address and is not included in any way in this procedure.

Chair Spray said then we're only talking about 355, and Mr. Stamm said this is correct.

Ms. Baer said it appears there is a discrepancy in the GIS records on the addressing, and staff will follow up and make that correction.

### **Speaking to the Request**

**Ken Coleman was sworn.** Mr. Coleman said he owns the property to the west of the subject property. He has no objection to the lot split as long it doesn't create a precedent that will affect his property. He has been told by the other parties that it has no effect in setting precedent for his property, but he wants to make sure this is correct.

Ms. Baer said this doesn't affect the zoning whatsoever, and the lot split is in keeping with the existing zoning which is RC-8, or 8 dwelling units to the acres. It doesn't affect it in any way.

Mr. Coleman said this answers his question and he has no problem with the approval.

### **The Public Hearing was closed**

### **Questions and Comments from the Committee**

There were no questions and/or comments from the Committee.

**MOTION:** Commissioner Mier moved, seconded by Commissioner Ortiz, to approve Case #2010-181, 355 Hillside Avenue, the Jack Stamm Lot Split, with all conditions as recommended by staff, also noting that there will be a new Memorandum from Antonio Trujillo, Water Engineer, as part of the final documentation prior to proceeding.

**VOTE:** The motion was approved unanimously on a voice vote.

7. **CASE #2010-183. A.J. MOLLENBECK LOT SPLIT. DOLORES VIGIL, LIAISON PLANNING SERVICES, INC., AGENT FOR A.J. MOLLENBECK, PROFESSIONAL RETIREMENT TRUST, REQUESTS PLAT APPROVAL TO DIVIDE 15.57± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 5401 AGUA FRIA STREET AND IS ZONED MU (MIXED USE). (CHRIS MARTINEZ, CASE MANAGER)**

A Memorandum prepared December 7, 2010, for the Summary Committee Meeting of January 6, 2011, with attachments, to the Summary Committee, from Chris Martinez, Planner Technician Senior, Current Planning Division, and Heather L. Lamboy, Land Use Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "8." Copies of any plans, plats, drawings, maps can be obtained from the Current Planning Division of the Land Use Department

## **Staff Report**

The staff report was presented by Tamara Baer, Manager, Land Use Department, which is contained in Exhibit "8." Please see Exhibit "8" for specifics of this presentation.

Ms. Baer said staff would ask, as a condition of approval, that an easement is shown to be on the County open space portion of the property which would allow possible access from Tract 1A1 to Tract 1A2 and to minimize the access points on Agua Fria and to reduce them from two to one. She said a secondary access point is possible off Cottonwood which is to the east border of the property. She said this is something that is determined by the lot split or not, and it's not finalized in this decision. If, and when, another development project comes forward for Tract 1A2, the question of access will be raised at that time, and we'll have that discussion then.

**Recommendation:** The Land Use Department staff recommends approval of the lot split with conditions as outlined in the report, with the added condition of an easement on Tract 1A1 to allow for access to Tract 1A2 as a potential easement for access in the future.

Chair Spray said then the easement is not shown here and will have to be developed after the fact, and Ms. Baer said this is correct.

## **Public Hearing**

### **Presentation by the Applicant**

**Dolores Vigil, Liaison Planning Services, P.O. Box 1835, Santa Fe 87504, Agent for the Applicant was sworn.** Ms. Vigil said the Applicant is here to answer any questions. She said there also is a representative from the County Open Space to answer questions. Ms. Vigil said they have reviewed the Staff Report and the conditions of approval, talked with staff, and they are comfortable with the conditions of approval which would be imposed on this lot split.

**Albert Mollenbeck, 1167 Deer Trail, Los Alamos, the Applicant, was sworn.** Mr. Mollenbeck said he appreciates the time and consideration of the Committee, noting he is here to answer questions.

### **Speaking to the Request**

There was no one speaking for or against this request.

## **The Public Hearing was closed**

### **Questions and Comments from the Committee**

There were no questions and/or comments from the Committee.



**MOTION:** Commissioner Mier moved, seconded by Commissioner Ortiz, to approve Case # 2010-183, the A.J. Mollenbeck Lot Split, with all conditions as recommended by staff, including the easement for access.

**VOTE:** The motion was approved unanimously on a voice vote.

8. **CASE #2010-180. RUFINA LOTS, LLC, TRACT R-1, LOT SPLIT. RICHARD HORCASITAS, HORCASITAS LAND USE CONSULTANT, AGENT FOR RUFINA LOTS, LLC, REQUESTS PLAT APPROVAL TO DIVIDE 0.3614± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 3401 TODOS SANTOS AND IS ZONED R-6 (RESIDENTIAL, SIX UNITS PER ACRES. (CHRIS MARTINEZ, CASE MANAGER)**

A Memorandum prepared December 29, 2010 for January 6, 2011 Summary Committee Meeting, to the Summary Committee, from Heather L. Lamboy, Land Use Senior Planner and Chris Martinez, Planner Technician Senior, requesting postponement of this case to the meeting of February 3, 2011, is incorporated herewith to these minutes as Exhibit "9."

This case was removed from the Agenda, and postponed to the next meeting of the Summary Committee. [Please see Exhibit "9"]

9. **CASE #2010-184. RUFINA LOTS LLC, TRACT T-1, LOT SPLIT. RICHARD HORCASITAS, HORCASITAS LAND USE CONSULTANT, AGENT FOR RUFINA LLC, TRACT T-1, REQUESTS PLAT APPROVAL TO DIVIDE 0.4551± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 4425 SANTA LUCIA STREET AND IS ZONED R-6 (RESIDENTIAL, SIX UNITS PER ACRE). (CHRIS MARTINEZ, CASE MANAGER)**

A Memorandum prepared December 29, 2010 for January 6, 2011 Summary Committee Meeting, to the Summary Committee, from Heather L. Lamboy, Land Use Senior Planner and Chris Martinez, Planner Technician Senior, requesting postponement of this case to the meeting of February 3, 2011, is incorporated herewith to these minutes as Exhibit "10."

This case was removed from the Agenda, and postponed to the next meeting of the Summary Committee. [Please see Exhibit "10"]

#### **G. STAFF COMMUNICATIONS**

There were no Staff Communications.

**G. ADJOURNMENT**

There was no further business to come before the Committee.

**MOTION:** Commissioner Mier moved, seconded by Commissioner Ortiz, to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 11:50 a.m.

---

Tom Spray, Chair



Melessia Helberg, Stenographer