



Agenda

SUMMARY COMMITTEE

Thursday, September 1, 2011 - 11:00am

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL

B. APPROVAL OF AGENDA

C. APPROVAL OF MINUTES – August 4, 2011

E. OLD BUSINESS

F. NEW BUSINESS

1. **Case #2011-72. Tierra Contenta Corporation: Lot Split & Dedication.** James B. Sanchez, Santa Fe Surveying Company, agent for Tierra Contenta Corporation requests plat approval to divide approximately 222.16 acres into a 57.65 and a 109.55 acre parcel. The remaining 54.95 acres will be dedicated to the City. The property is located at the end of Jaguar Drive and is zoned PRC (Planned Residential Community). (William Lamboy, Case Manager)
2. **Case #2011-74. Michael G. Herrera Lot Split.** Morris Apodaca, A-Z Surveying, Inc., agent for Michael G. Herrera requests plat approval to divide approximately 2.5 acres into two residential lots. The property is located north of Mutt-Nelson Road within Phase II Annexation, and is zoned R-1 (Residential-1 dwelling unit per acre). (William Lamboy, Case Manager)
3. **Case #2011-84. Fred Tapia and Barry Klein Lot Split.** Michael E. Newman, Southwest Mountain Surveys, agent for Fred Tapia and Barry Klein, requests plat approval to divide approximately 2.11 acres into two residential lots. The property is located south of the Veterans Memorial Highway (NM-599) and west of the South Meadows Extension, within Phase II Annexation. The property is zoned R-1 (Residential-1 dwelling unit per acre). (William Lamboy, Case Manager)
4. **Case #2011-85. 1131 & 1133 Siler Road Lot Split.** Scott Hoeft, Santa Fe Planning Group, agent for Richard Cook, requests plat approval to divide approximately 6.136 acres into two lots. The property is located on Siler Park Lane between Siler Road and Agua Fria Street, and is zoned I-2 (General Industrial). (William Lamboy, Case Manager)
5. **Case #2011-86. San Isidro Apartments Lot Split.** Greg Gonzales, Branch Design & Development, agent for Rufina & South Meadows, LLC, requests plat approval to divide approximately 8 acres into two multi-family residential lots. The property is located at 4501 San Ignacio and is zoned RM-2 (Multi-Family Residential-29 dwelling units per acre). (William Lamboy, Case Manager)

6. **Case #2011-87. Hall & Heath Lot Split & Lot Line Adjustment.** Dolores Vigil, Liaison Planning Services, Inc., agent for Gary Hall and Paul Heath, requests plat approval to divide approximately 0.16 acres, Lot 11, Durasno Addition, into two residential lots; and to adjust the property line between Lot 10 and Lot 11, Durasno Addition, to accommodate an existing structure. The properties are located at 213 and 217 East Santa Fe Avenue and are zoned RM-1 (Multi-Family Residential-21 dwelling units per acre). (William Lamboy, 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.**

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CITY OF SANTA FE
SUMMARY COMMITTEE
September 1, 2011

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CASE #2011-84. FRED TAPIA AND BARRY KLEIN LOT SPLIT. MICHAEL E. NEWMAN, SOUTHWEST MOUNTAIN SURVEYS, AGENT FOR FRED TAPIA AND BARRY KLEIN, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 2.11 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS LOCATED SOUTH OF THE VETERANS MEMORIAL HIGHWAY (NM-599) AND WEST OF THE SOUTH MEADOWS EXTENSION, WITHIN PHASE II ANNEXATION. THE PROPERTY IS ZONED R-1 (RESIDENTIAL-1 DWELLING UNIT PER ACRE)

Approved w/conditions

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CASE 2011-85. 1131 & 1135 SILER ROAD LOT SPLIT. SCOTT HOEFT, SANTA FE PLANNING GROUP, AGENT FOR RICHARD COOK, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 6.136 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED ON SILER PARK LANE BETWEEN SILER ROAD AND AGUA FRIA \STREET, AND IS ZONED I-2 (GENERAL INDUSTRIAL)

Approved w/conditions

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CASE 2011-86. SAN ISIDRO APARTMENTS LOT SPLIT. GREG GONZALES, BRANCH DESIGN AND DEVELOPMENT, AGENT FOR RUFINA & SOUTH MEADOWS, LLC, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 8 ACRES INTO TWO MULTI-FAMILY RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT 4501 SAN IGNACIO AND IS ZONED RM-2 (MULTI-FAMILY RESIDENTIAL– 29 DWELLING UNITS PER ACRE)

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CASE 2011-87. HALL & HEATH LOT SPLIT & LOT LINE ADJUSTMENT. DOLORES VIGIL, LIAISON PLANNING SERVICES, INC., AGENT FOR GARY HALL AND PAUL HEATH, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 0.16 ACRES, LOT 11, DURASNO ADDITION, INTO TWO RESIDENTIAL LOTS; AND TO ADJUST THE PROPERTY LINE BETWEEN LOT 10 AND LOT 11, DURASNO ADDITION, TO ACCOMMODATE AN EXISTING STRUCTURE. THE PROPERTIES ARE LOCATED AT 213 AND 217 EAST SANTA FE AVENUE AND ARE ZONED RM-1 (MULTI-FAMILY RESIDENTIAL – 21 DWELLING UNITS PER ACRE)

Approved w/conditions

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**MINUTES OF THE MEETING
OF THE CITY OF SANTA FE
SUMMARY COMMITTEE**
September 1, 2011

A regular meeting of the City of Santa Fe Summary Committee, was called to order by Tom Spray, Chair, on September 1, 2011, at approximately 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

MEMBERS EXCUSED

Mike Mier

OTHERS PRESENT:

Tamara Baer, Current Planning Division
William 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

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

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

C. APPROVAL OF MINUTES – August 4, 2011

MOTION: Commissioner Ortiz moved, seconded by Commissioner Spray, to approve the minutes of the meeting of August 4, 2011, as submitted.

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

D. OLD BUSINESS

There was no Old Business.

E. NEW BUSINESS

1. **CASE #2011-72. TIERRA CONTENTA CORPORATION: LOT SPLIT & DEDICATION. JAMES B. SANCHEZ, SANTA FE SURVEYING COMPANY, AGENT FOR TIERRA CONTENTA CORPORATION, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 222.16 ACRES INTO A 57.65 AND A 109.55 ACRE PARCEL. THE REMAINING 54.95 ACRES WILL BE DEDICATED TO THE CITY. THE PROPERTY IS LOCATED AT THE END OF JAGUAR DRIVE AND IS ZONED PRC (PLANNED RESIDENTIAL COMMUNITY). (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared August 19, 2011 for the Summary Committee Meeting of September 1, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "1."

A Memorandum dated August 30, 2011, to William Lamboy, Case Manager, from Stan Holland, Wastewater Management Division, regarding this case, is incorporated herewith to these minutes as Exhibit "2."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "1." Mr. Lamboy said staff would like to make the following changes:

- 1) replace the Wastewater Memorandum in the packet with the memo which was handed out, Exhibit "2."
- 2) Remove Condition of Approval #8 and replace it with a new condition as follows: The following notes shall be placed on the plat: a. Each lot is subject to utilizing an on-site sewage treatment system as approved by the New Mexico Environment Department
Provide a signature line for the City of Santa Fe Wastewater Division on the Plat.
- 3) Add a new condition stating: 9. Shall provide a 20 foot wide effluent easement as shown on the design plans for the CIP 934 Project.

Recommendation: The Land Use Department recommends approval with the Conditions of Approval as outlined in this report [Exhibit "1"].

Chair Spray asked, for clarification, if adding a signature line replaces Condition 8(a), and Mr. Lamboy said this is correct.

Chair Spray said then the additional condition replaces #2 on the Memorandum from Stan Holland [Exhibit "2"].

Mr. Lamboy said this is correct, it will be Condition #9.

Public Hearing

James Sanchez, Santa Fe Surveying Company, Agent for the Applicant, was sworn. Mr. Sanchez said he has questions and needs clarification on the conditions of approval.

Mr. Sanchez said, regarding Conditions #1 and #2, he is unsure how these apply to the plats. He asked if they want him to note these on the plat. He said this seems more appropriate for the development plan.

Ms. Baer said this is a condition requested by the Fire Department and doesn't know that it would constrain development of this lot split or dedication in any way. Mr. Sanchez is correct that those specific conditions would apply either at the time of development or any building permit that would be issued for this lot. She said, "So, I don't think it hurts to have them there and the Fire Department asked to have them there."

Mr. Sanchez asked if he can just place a note on the plat stating these two items, and Ms. Baer said yes.

Mr. Sanchez said Condition #3 is fine.

Mr. Sanchez said the only problem he has with Condition #4 is that he has to add a blowup on the plat, and he doesn't believe that is necessary, commenting he believes the data already on the plat is clear. He can comply with Condition #4 with the exception of adding the blowup.

Mr. Lamboy said this condition came from the City's Property Manager.

Chair Spray asked Mr. Sanchez if he asked him to put the blowup on the plat would that be a problem.

Mr. Sanchez said, "It's kind of crowded right now on the plat. I don't really think I have room, but that's the only data that's shown in that whole area of the plat. I don't really see a need for blowup on there. It's very clear."

Ms. Baer said staff can follow-up with the Property Manager and see if we can come to some resolution with him on that and discuss it further with Mr. Sanchez. She said this isn't something the Current Planning staff have an issue with, and would be happy to discuss it further and, hopefully, accommodate Mr. Sanchez.

Chair Spray said then we'll make that a "conditional condition" prior to staff taking a look at this.

Mr. Sanchez said, with regard to Condition #5, "Remove bearing and distance..." that is necessary. The line on the south where we're showing a longer bearing and distance is actually longer than the line shown on the north, so it is necessary to have it on there. It's not an error."

Mr. Lamboy said Conditions of Approval #4 through #7 all come from the Property Manager.

Chair Spray said then we will make Conditions #4 through #7 as "conditional conditions."

Chair Spray asked Mr. Lamboy if he has spoken with staff about any of these conditions, and Mr. Lamboy said no. Chair Spray would like him to do so and hopefully we can wrap up these "conditional conditions."

Mr. Sanchez said Condition #7 doesn't need to be included.

Chair Spray said that's fine, so we're talking about Conditions #4 through #6, and asked if this is correct.

Mr. Sanchez said he has no further questions, noting Condition 8(a) was stricken.

Chair Spray asked Mr. Lamboy, "If Mr. Sanchez has received the proposed...."

Mr. Lamboy said no, "But I will get him a copy."

Chair Spray said, "Mr. Sanchez, we'll get you a copy of these changes here regarding the signature line and the effluent easement, and we'll make those conditional as well."

Dave Thomas, Project Engineer, Tierra Contenta Corporation, was sworn. Mr. Thomas said he spoke with Mr. Lamboy about the memorandum from Stan Holland that has been withdrawn. He asked if it has been replaced by another memorandum.

Chair Spray asked Mr. Lamboy if the August 30th memo he gave the Board today is the one Mr. Thomas is referencing.

Mr. Lamboy said yes.

Chair Spray said, "Then this is a replacement. And Mr. Sanchez and Mr. Thomas just got a copy of it right now."

Mr. Thomas said he hasn't seen it.

Chair Spray provided a copy of the memo to Mr. Thomas.

Mr. Thomas said, "No, that's fine."

Mr. Sanchez said, in particular, this was already addressed somewhat, but it's important. He said one of the questions was that we're not providing data for the effluent line running through the entire Phase 2(C) of Tierra Contenta. He said, "We cannot do that on this platting. There are some gaps in there. Those gaps will be covered when we develop and record Phase 2(C), so at the end, we will have a continuous effluent line running from 599 to the east end of this project, but we just can't do it right now."

Chair Spray asked if this refers to new Condition #9.

Ms. Baer said this is correct, and she is hearing from the Project Manager who is a City employee for Public Works, that would be fine.

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

MOTION: Commissioner Ortiz moved, seconded by Commissioner Spray, to approve Case # 2011-72, with all conditions as recommended by staff, with an understanding that there will be further discussion with the staff and applicant regarding the exact provisions of what the modifications are.

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

2. **CASE #2011-74. MICHAEL G. HERRERA LOT SPLIT. MORRIS APODACA, A-Z SURVEYING, INC., AGENT FOR MICHAEL G. HERRERA, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 2.5 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS LOCATED NORTH OF MUTT-NELSON ROAD WITHIN PHASE II ANNEXATION, AND IS ZONED R-1 (RESIDENTIAL-1 DWELLING UNIT PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared August 25, 2011 for the Summary Committee Meeting of September 1, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "3."

Recommendation: The Land Use Department recommends approval with the Conditions of Approval as outlined in this report [Exhibit "3"].

Public Hearing

Michael Herrera, property owner, was sworn. Mr. Herrera said they have met all requirements the City required, and he has no further comment.

Speaking to the Request

Cynthia Gonzales, Paseo de la Reina, was sworn. Ms. Gonzales said she is concerned. She has met Mr. Herrera only once and she would like to establish better communications as neighbor. She is concerned about the use of Paseo de la Reina which she says is a very fragile road, the water drainage is extremely poor. She said 4 families share that road on the back side, and she is unsure of the effect "this new development for this extra lot would have on the road." She said, "I'm concerned that the County agree to start taking care of the road if this is the movement that's going to be made." She said she loves and appreciates the flora and fauna of the area and believes Mr. Herrera does also. She just wanted to establish contact with him and know what will be done with the road in the new future.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Commissioner Ortiz said he has a question for Mr. Herrera. He said there is a Memo from Sandra Winkemaier of the Traffic Division which asked if it is demonstrated that access can take place from the west for Lot 1-A. He asked if this is something that is going to take place.

Mr. Herrera said it is an existing road with a cul de sac for traffic. He said Dos Hermanos is an existing road with access for several years.

Commission Ortiz said staff said if it wasn't, the Applicant would need to provide an access easement for 1A.

Mr. Herrera said, "Excuse me. I'm thinking the east is Dos Hermanos. The access to the west is Paseo de la Reina which is 32 ft. or 50 ft. wide. It is not maintained by the County. Only Mutt Nelson road is maintained by the County. Every other access road is maintained by the private entities, the individuals. The road is halfway maintained up to my entrance, and the further one, is the people haven't joined forces to upgrade the road, so over time it has been degrading. I personally go out there with my tractor just to make some kind of easement and access. I would be more than willing to put part of the cost to upgrade the road if everybody else would. It's just an issue we've got to work together as a community. Well, it goes into a cul-de-sac and then to the other properties... the four individuals who own the property to the continuation of the road. And it's up to whomever to upgrade it, I think. I'm willing to do my part."

Commissioner Ortiz said, then you do have the right to access.

Mr. Herrera said, "Yes. That road has been met by the requirements of the County when the County took it over, or when the County requested the property development, and I think it's 50 ft. wide already. School buses go into that road and turn around on it."

Commissioner Spray said this property is part of the presumptive City limits, and asked how that affects the road being discussed..

Mr. Lamboy said the City right now has jurisdiction only over land uses in that part of the annexation area.

Chair Spray asked, when the annexation takes place, if this will become a City road.

Ms. Baer said this is something which has yet to be discussed and determined with the Public Works Department and Traffic Engineering. She said, "When we're looking at lot splits right now, we assure that the access is sufficient per the City standards. But these are private roads and we don't have any expectation at this time that the City would take over that road. There wasn't any discussion of that."

Ms. Baer continued, "To speak to Ms. Winkelmaier's question, she wanted assurance that the access would be off Paseo de la Reina as opposed to the other side. If it had been from Dos Hermanos, we would have needed an access easement through Mr. Herrera's property, so we don't need that, because there is access from Paseo de la Reina. That's our understanding, and it's a condition that the access at the time of development, when and if development occurs on the new lot, would be on Paseo de la Reina, and therefore no access easement is required. As far as to who's going to take over the road, these are private roads and there hasn't been any discussion of that changing, but they are certainly are to access standards."

Chair Spray said, "So it will be up to you and your neighbors to work it through in the future which sounds like, at least, you've made the connection today, and hopefully that will be able to work out on those issues."

MOTION: Commissioner Ortiz moved, seconded by Commissioner Spray, to approve Case #2011-74, with all conditions of approval as recommended by staff.

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

3. **CASE #2011-84. FRED TAPIA AND BARRY KLEIN LOT SPLIT. MICHAEL E. NEWMAN, SOUTHWEST MOUNTAIN SURVEYS, AGENT FOR FRED TAPIA AND BARRY KLEIN, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 2.11 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS LOCATED SOUTH OF THE VETERANS MEMORIAL HIGHWAY (NM-599) AND WEST OF THE SOUTH MEADOWS EXTENSION, WITHIN PHASE II ANNEXATION. THE PROPERTY IS ZONED R-1 (RESIDENTIAL-1 DWELLING UNIT PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared August 18, 2011 for the Summary Committee Meeting of September 1, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "4."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "4."

Recommendation: The Land Use Department recommends approval with the conditions of approval as outlined in this report [Exhibit "4"].

Public Hearing

Mitch Newman, Southwest Mountain Surveys, agent for the Applicants, was sworn. Mr. Newman said he agrees with the conditions in the packet.

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Commissioner Ortiz said there is a Memo in the packet from Stan Holland that Tract 2-B2 was less than standard for septic system. He said he looked at the plat and appears it's kicked up to .7528, so that issue was resolved.

Mr. Newman said they took care of this issue as per the recommendation in Mr. Holland's Memorandum.

MOTION: Commissioner Ortiz moved, seconded by Commissioner Spray, to approve Case #2011-84 , with all conditions of approval as recommended by staff.

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

4. **CASE 2011-85. 1131 & 1135 SILER ROAD LOT SPLIT. SCOTT HOEFT, SANTA FE PLANNING GROUP, AGENT FOR RICHARD COOK, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 6.136 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED ON SILER PARK LANE BETWEEN SILER ROAD AND AGUA FRIA STREET, AND IS ZONED I-2 (GENERAL INDUSTRIAL). (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared August 18, 2011 for the Summary Committee Meeting of September 1, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

Color photographs of the area entered for the record by Scott Hoeft, are incorporated herewith to these minutes collectively as Exhibit "6."

Color photographs of the area presented for the record by William Lamboy, are incorporated herewith to these minutes collectively as Exhibit "7."

An email to William A. Lamboy, et al, from Jon L. Griego, dated August 30, 2011, regarding Siler Park Lane, is incorporated herewith to these minutes as Exhibit "8."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "5."

Recommendation: The Land Use Department recommends approval with all Conditions of Approval as outlined in this report [Exhibit "5"].

Public Hearing

Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, agent for the Applicant, was sworn.

Mr. Hoeft said this is an industrial zone, and this is a lot split application. He said there is a letter in the packet from Ms. Zaxus with detailed information that the plat was lacking. He said those issues were addressed with a resubmittal to Mr. Lamboy prior to this hearing. He said, "We will make the changes and resubmit to you folks two weeks out, and those are all corrected."

Mr. Hoeft said there are two letters in the packet, indicating a screen issue and the Compliance Officer had been out several times. Secondly there was a burning issue. He is unsure what is meant by a burning issue, and said perhaps someone in the audience can address that. He said they think it's related to the equipment being cut and the smoke that arises from that, but they aren't quite sure, so they will wait to get clarification on that.

Mr. Hoeft said, with regarding to the screening issue, Georgia has been out and they have a timeline on that, and it is that they need to screen the rear lot behind the building where more of the activity occurs for the scrap company. He said this is a recycling company that brings in scrap metal and modifies it somewhat, then ships it to Albuquerque for final processing.

Mr. Hoeft said there is a letter in the packet stating that the road needs to be turned over to the City of Santa Fe. He said staff explored that in the last few days and that is a very large task for them to turn this over to the City because it requires improvements. The City will accept a road only if it is brought up to City standards – sidewalks and gutter would have to be installed as well as ramps, utilities would have to be relocated, and property would have to be purchased along the road where the width doesn't meet City standards. He said it isn't just a small task to turn it over to the City. He said Richard Cook, the applicant, gladly would turn the road over to the City, but he can't. He said in this situation, there typically is a road maintenance agreement as the property is sold along the way so that each of the property owners along the way will pay their fair share on a monthly/annual basis for road improvements. He said there is no maintenance agreement, and they gladly would explore that possibility.

Mr. Hoeft said the other issue is the maintenance of the road, noting he photographed the road. He presented color photographs which he took of the area to the members of the Board [Exhibit "6"]. He said he thought the road is in exceptional condition. He is uncertain if something was done in the last two years to be up to the standards, commenting it is in fairly good conditions.

Responding to the Chair, Mr. Lamboy said the photographs taken by Mr. Hoeft aren't the same as those in the packet.

Mr. Hoeft said his photos are about the same [Exhibit "6"]. Mr. Hoeft said the first photo is in front of the subject lot facing east, noting you can see the hood of his car and to the right is the subject property, looking east down Siler Lane,

Chair Spray asked the address for Summit, and Mr. Hoeft said their address is at 1131, and Summit is across the street on the west side.

Mr. Hoeft said the second photograph is taken at approximately the same angle.

Mr. Hoeft asked to be able to rebut any of the concerns that might be expressed.

Speaking to the Request

Barbara McIntyre, owner of the building across the street from the subject property, was sworn. Ms. McIntyre said this is the building now occupied by Summit. She has two objections to the lot split. The first is that Santa Fe Scrap Metal hasn't been in compliance since it moved in, and has not put up the screening fence, and it piles things higher than the fence. She said she is unsure of the cause of the burning and smoke being emitted at the back of the property. She said garbage is blowing on her property constantly. She said their trucks are treating her parking lot as a staging area. They pull in and wait until they can pull into the property and are blocking Summit's access both for the customers and employees. She said Santa Fe Scrap Metal has been an eyesore and a nuisance since moving in. She believes it is the "targeted purchaser of this lot split."

Ms. McIntyre said her second objection is to the road. She said if Richard Cook is allowed to dispense of his ownership along this road, "I wonder what the incentive is for him to continue to maintain it. She said, "Back in 2007, we organized the neighborhood after many many phone calls to Richard to get him to repair the road, which had huge potholes and was a constant problem. And I have the letter here, and I think there are copies in the file signed by Dahl, myself, the people that were occupying the building at the time, and Summit, etc. Everyone in the neighborhood sent the letter saying we would have to take legal action if he didn't do something to fix the road. The road was fixed in 2007. My request would be since, given all the circumstances that we are aware of, we know that Richard Cook himself is going to try and sell off the property, it's going to be very hard to have someone maintaining the road, that if we could, have the City look at... there's no streets in that neighborhood that have sidewalks and that seems a real unnecessary requirement for a road in an industrial area, but perhaps there's some compromise between what exists and what the City could accept.... to have the city take over the road, I think makes sense, given what has been happening in general, the improvement in the area, the fact that the City is going to move into that general neighborhood, etc., and then maintain the road and thereby put in street lights and things like that for safety, etc., in the area."

Ms. McIntyre continued, "The fact that there is no road agreement was part of what was reflected in purchases prices, for example, back when I bought the building. So to retroactively impose an agreement where we now have to maintain a road, devalues our property, and I don't know who's going to compensate that suddenly, we take on a maintenance commitment and cost going forward, when that was not part of the agreement when we various other owners purchased. So that's the reasons for my objections, and I know its in the file."

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Chair Spray said in our discussion we are dealing with a proposed lot split. He asked staff what authority this Board would have to consider factors of road, road maintenance, conditions of scrap metal plants, or any other business in the area and how that relates to what happens in the lot split we're being asked to consider..

Ms. Baer said, "It is certainly within your purview and your authority to impose any conditions that you believe are appropriate on the lot split, whether they're related to the lot split or not. I believe many of the issues that have been brought up are ones of enforcement. And since they have been brought to our attention recently, we have brought those to the attention of the enforcement folks in the City, and they have followed up on them."

Ms. Baer continued, "The question of the road, I think is a separate one. The road is being, as you see on the plat, the road is going to continue to be a portion of the larger lot which is Dahl Plumbing, and my understanding is that is owner by Mr. Cook, and will continue to be owned by him with this lot split, so it doesn't enter into that. I believe Mr. Lamboy also gave you some information on what the City requires in order to accept a private street, and those conditions are several and would be difficult at this time to meet. The City is not asking, nor would the City have any interest in taking over maintenance of yet another street, especially when it doesn't meet City standards. This street was built, probably back in the sixties, and at that time, it wasn't... it wouldn't be unusual for a street to have been built to City standards and dedicated as part of an industrial subdivision. That didn't happen, so this was built and maintained as a private street since the time that it was built. So as I said the City doesn't particularly have interest in taking over this street. They would consider it, but, like I say, there are a number of conditions that would have to be met."

Ms. Baer continued, "Because the issue was raised by Ms. McIntyre, we did have an inspector go out and look at it, and I believe you have his email as well. And there are a number of things that would have to happen, including sidewalks, curb and gutter, relocation of utilities. If it were proposed that the City take over the street, I suppose there could be exceptions made, but the owner would be who would be proposing it and certainly that isn't part of this application. It hasn't been made an application to the City. We would consider it on its own merits and as a separate matter. At this time, i don't feel it is related to the4 lot split before you."

Commissioner Ortiz said the photos changed how he saw the maintenance on it. He said it obviously is in a lot better shape than he remembers it, commenting he formerly was the City Streets Director and the office was across the street. The street looks a lot better and he understands all the things it would take for the City even to consider accepting it. He hears staff saying they are making every effort to deal with the enforcement issues such as the smoke. He is more comfortable with this than he was before he came to the meeting because he hadn't been on the road for such a long time.

Chair Spray asked Mr. Hoeft to comment on a road maintenance agreement and how that might work.

Mr. Hoeft said, "The one thing I wanted to highlight is, I appreciate Ms. McIntyre's comments, and the idea if we could just turn it over to the City as is, given that it is in good condition, we would absolutely agree to do that. From hearing staff, it sounds like that isn't the City's objective. The second point I'd like to make is the road is just done with the division of this land. It does ride with Dahl Electric, that tract of land. It's not essentially leaving. It's still there and will be maintained by Mr. Cook. As the road has been maintained as Mr. Cook has been maintaining it, that will continue on. It's not as if it's being severed. And so, that's kind of what I state in terms of trying to turn it over to the City. We would enjoy that, but sounds as if the City isn't going to accept it. And I think to do all of the improvements, I think it's not cost-effective."

Chair Spray said the photos from both parties are very helpful. He appreciates staff elaborating on what this Committee has the authority to do here. He is pleased to hear the staff response to Ms. McIntyre's remarks. The other road issues are larger than what we can talk about here in terms of a lot split. He said this Committee can't make the City take over the road unless the owner wants to move forward to do that, and it doesn't seem that will happen at this time.

MOTION: Commissioner Ortiz moved, seconded by Commissioner Spray, to approve Case #2011-85, with all conditions of approval as recommended by staff.

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

5. **CASE 2011-86. SAN ISIDRO APARTMENTS LOT SPLIT. GREG GONZALES, BRANCH DESIGN AND DEVELOPMENT, AGENT FOR RUFINA & SOUTH MEADOWS, LLC, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 8 ACRES INTO TWO MULTI-FAMILY RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT 4501 SAN IGNACIO AND IS ZONED RM-2 (MULTI-FAMILY RESIDENTIAL- 29 DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared August 19, 2011 for the Summary Committee Meeting of September 1, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "9."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "9."

Recommendation: The Land Use Department recommends approval with the Conditions of Approval as outlined in this report [Exhibit "9"].

Public Hearing

Greg Gonzales, P.O. Box 1428, was sworn. Mr. Gonzales said they have read, and are in agreement with all conditions of approval.

Speaking to the Request

Gilbert Gurule, Rancho Santos, was sworn. Mr. Gurule said the lot split will be directly in front of his community. He asked if studies have been done with regard to the impact on the existing community. He said additionally, there are burrowing owls and prairie dogs on the property and asked what will be done with those.

Mr. Lamboy said they are not asking to change the entitlements, noting the 429 units already have been approved. The only thing they are requesting is to split the existing lot into two because HUD is not willing to finance the entire project at this time, but are willing to finance 176 units. He said with regard to the prairie dogs, the City has rules in force for relocating the prairie dogs, but there are no rules for burrowing owls. However, there are groups in the community which relocate the prairie dogs who also are willing to relocate the burrowing owls.

Chair Spray said then the proposed lot split does not impact anything which has been approved on the entire property, and there is nothing new here, and Mr. Lamboy said this is correct.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Chair Spray said we are dealing with a project which was previously approved, and there is only a section of this lot which is being split for market reasons to get financing to build the subject property, noting the project has gone through all the required City approvals. He said as the project moves forward, the prairie dogs and burrowing owls will be handled as well.

MOTION: Commissioner Ortiz moved, seconded by Commissioner Spray, to approve Case #2011-86, with all conditions of approval as recommended by staff.

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

6. **CASE 2011-87. HALL & HEATH LOT SPLIT & LOT LINE ADJUSTMENT. DOLORES VIGIL, LIAISON PLANNING SERVICES, INC., AGENT FOR GARY HALL AND PAUL HEATH, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 0.16 ACRES, LOT 11, DURASNO ADDITION, INTO TWO RESIDENTIAL LOTS; AND TO ADJUST THE PROPERTY LINE BETWEEN LOT 10 AND LOT 11, DURASNO ADDITION, TO**

ACCOMMODATE AN EXISTING STRUCTURE. THE PROPERTIES ARE LOCATED AT 213 AND 217 EAST SANTA FE AVENUE AND ARE ZONED RM-1 (MULTI-FAMILY RESIDENTIAL – 21 DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)

A Memorandum prepared August 19, 2011 for the Summary Committee Meeting of September 1, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "10."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "10."

Recommendation: The Land Use Department recommends approval with the Conditions of Approval as outlined in this report [Exhibit "10"]

Public Hearing

Dolores Vigil, P.O. Box 1835, Santa Fe, agent for the Applicant was sworn. Mr. Vigil said she would like to state for the record that they have reviewed all conditions in the packet, have a copy of the dissolution of the condominium documents and during the same time they would be recorded with the plat. She is here to answer any questions. .

Speaking to the Request

Karen Heldmeyer, on behalf of Peter Komis, President, Don Gaspar Neighborhood Association, was sworn. She said Mr. Komis couldn't be here because he had an appointment he couldn't break. She looked at the plans yesterday on behalf of the Association, and they are happy that the 3,000 sq. ft. size is met, but there is still concern about whether the back lot, with the studio, meets the lot coverage requirements, given that the lot coverage is fairly complex for RM-1. She said they would like to hear more discussion about that. She said Mr. Komis asked her to ask the Applicant if this lot split is preparation for a rezoning application.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Commissioner Ortiz said he had no questions.

Chair Spray asked staff to comment on the lot coverage issue which was raised.

Mr. Lamboy said, "We did look at, particularly, the lot that opens out on Pino Road, and they are providing 729 sq. ft. of open space. It is my understanding, and I could be off by a couple of feet, but 425 sq. ft. would be required to meet the requirement for the residence itself, which I understand the footprint of that unit is 1,484 sq. ft., and the difference is made up for the studio."

Chair Spray clarified that this is for Lot 11B.

Mr. Lamboy said, "It would be 30% of the area of the main house, as well as the studio... of the heated area. And also, porches and portals count toward that number."

Chair Spray said that's based on the calculation and that will be put on this plat map, showing exactly where this calculation came from, and if there was any other issue with that.

Mr. Lamboy said it is actually on the plat under lot coverage.

Chair Spray said it is on the plat, so there should be no other issue with respect to the lot coverage, and Mr. Lamboy said no.

Chair Spray said, "And the same thing with the lot coverage with Lot 11A, there is also an indication on the plat with regard to the coverage, so all of those should be in place."

Chair Spray asked Ms. Vigil to address the comment made by Ms. Heldmeyer with respect to the proposed rezoning.

Mr. Vigil said, "There is no proposed rezoning for either one of these lots. They are in the RM. It's quite dense and they are existing. We are just trying to clean up an existing situation. As you know, they were condominiums at one time, and now they are better off being individual lots. And also, having that studio straddling two lots, they're really cleaning it up and we are actually adding some more open space."

Chair Spray said, "I presume the lot shift here, from lot 10 is going about, how many feet is that, over here a little bit to be able to include the entire studio... is going from Lot 10 into Lot 11B. That's what we're talking about. Is that correct?"

Ms. Vigil said yes. She said, "We have also signed and gave you the zero lot line affidavits as part of the application, so I think that clears up that issue also, and it will run with the property."

Chair Spray said then we've been able to address the lot line comments which were asked and the rezoning issue.

Ms. Baer said, "I would just add that the staff shared Ms. Heldmeyer's concern when we first sat this, because it did look very dense. But I would reiterate that these are all existing conditions and that we

looked very closely at the lot coverage. And, as Mr. Lamboy explained a couple of times, that the straight lot coverage of 40% is exceeded by 1.5%, and then that kicked it over into having to provide the private open space with restrictions and conditions on how to meet the open space. So we looked at that very carefully to be sure it would meet all of those conditions, and I believe the applicant even made some adjustments in order to satisfy the Code requirements, so the staff is satisfied that it does meet the Code."

MOTION: Commissioner Ortiz moved, seconded by Commissioner Spray, to approve Case #2011-87 , with all conditions of approval as recommended by staff.

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

G. STAFF COMMUNICATIONS

Mr. Lamboy said there are no cases at this time for October or November 2011.

Chair Spray said we should hang onto those dates just to be sure, so we are prepared to meet, just in case.

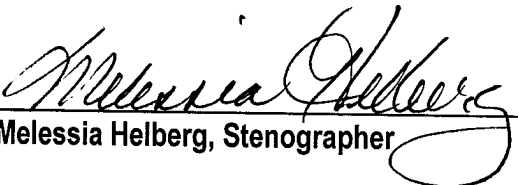
H. ADJOURNMENT

There was no further business to come before the Committee.

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

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at 12:00 noon.

Tom Spray, Chair


Melessia Helberg, Stenographer