



Agenda

CITY CLERK'S OFFICE

DATE 5/10/12 TIME 2:55
SERVED BY [Signature]
RECEIVED BY [Signature]

SECOND AMENDED
PLANNING COMMISSION
June 7, 2012 – 6:00 P.M.
CITY COUNCIL CHAMBERS

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. ELECTION OF OFFICERS
- E. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: May 3, 2012

FINDINGS/CONCLUSIONS:

Case #2011-55. DeVargas Center Sign Plan Variance.

- F. OLD BUSINESS
- G. NEW BUSINESS

1. *An ordinance amending Section 14-8.13(B)(3) SFCC 1987 to clarify how water usage of existing structures or uses may be applied to development water budgets for proposed structures and uses. (Councilor Calvert)(Matthew O'Reilly)*
2. **Case #2012-30. Bienvenidos General Plan Amendment.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 2.94± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) **(POSTPONED FROM MAY 3, 2012)**
3. **Case #2012-31. Bienvenidos Rezoning to R-5.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, 3 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) **(POSTPONED FROM MAY 3, 2012)**
4. **Case #2012-42. Sports Authority Sign Variance.** JenkinsGavin Design and Development Inc., agent for LSREF Summer REO Trust 2009, requests a variance to 14-8.10(E)(6)(b) (Specific Requirements for Wall Signs), and 14-8.10(G)(8)(b), (General Requirements for Signs According to District). The property is zoned SC-3 (Planned Shopping Center) and is located within the Santa Fe Place Mall at 4250 Cerrillos Road. (Donna Wynant, Case Manager)

5. **Case #2012-46. 424 Acequia Madre Lot Split.** JenkinsGavin Design and Development Inc., agent for 424 Acequia Madre, LLC, requests a lot split to create a fee simple lot of 0.15± acres, separating existing Unit 16 from the remainder of Plaza Chamisal. The property is located at 424 Acequia Madre and is zoned RC-8 (Residential Compound, 8 dwelling units per acre). (Heather Lamboy, Case Manager)
6. **Case #2010-45. 424 Acequia Madre Rezoning to RC-8 AC.** JenkinsGavin Design and Development Inc., agent for 424 Acequia Madre, LLC, requests rezoning of 0.15± acres of land from RC-8 (Residential Compound, 8 dwelling units per acre) to RC-8 AC (Residential Compound, 8 dwelling units per acre with Arts & Crafts Overlay). The property is located at 424 Acequia Madre. (Heather Lamboy, Case Manager)
7. **Case #2012-39. La Luz Health Complex General Plan Amendment.** James W. Siebert, agent for Sandra Pacheco, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 6.36± acres of land from Low Density Residential (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)
8. **Case #2012-40. La Luz Health Complex Rezoning to MU.** James W. Siebert, agent for Sandra Pacheco, requests rezoning of 6.36± acres of land from MHP (Mobile Home Park) to MU (Mixed Use). The application includes a Development Plan for a medical complex consisting of a medical clinic, assisted housing for the elderly and medical offices. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)
9. **Case #2012-25. 203 E. Santa Fe Avenue Rezoning to RAC.** Sommer, Karnes, & Associates, agent for New Mexico Oil and Gas Association, requests rezoning of approximately 0.4± acres from R-21 (Residential, 21 dwelling units per acre) to RAC (Residential Arts and Crafts, 21 dwelling units per acre). The property is located at 203 E. Santa Fe Avenue (northeast corner of East Santa Fe Avenue and Webber Street). (Heather Lamboy, Case Manager)
10. **Case #2012-54. 203 E. Santa Fe Avenue Special Use Request for Professional Office.** Sommer, Karnes, & Associates, agent for New Mexico Oil and Gas Association, requests a Special Use Permit for a professional office located at 203 E. Santa Fe Avenue (northeast corner of East Santa Fe Avenue and Webber Street). (Heather Lamboy, Case Manager)
11. **Case #2012-52. Shellabarger Tennis Center General Plan Amendment.** Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request approval of a General Plan Future Land Use Map Amendment to change the designation of 8.62± acres of land from Public/Institutional to Community Commercial. The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)
12. **Case #2010-53. Shellabarger Tennis Center Rezoning to C-2.** Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request rezoning of 8.62± acres of land from Residential-5 (Residential, 5 dwelling units per acre) to Commercial-2 (General Commercial). The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)

H. BUSINESS FROM THE FLOOR

I. STAFF COMMUNICATIONS

J. MATTERS FROM THE COMMISSION

K. 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.**



Agenda

CITY CLERK'S OFFICE

DATE 5/18/12 TIME 3:41
REVIEW BY [Signature]
APPROVED BY [Signature]

AMENDED
PLANNING COMMISSION
June 7, 2012 – 6:00 P.M.
CITY COUNCIL CHAMBERS

- A. ROLL CALL
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- C. APPROVAL OF AGENDA
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MINUTES: May 3, 2012

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Case #2011-55. DeVargas Center Sign Plan Variance.

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Agenda

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DATE 5/14/12 TIME 2:11p

SENDER BY [Signature]

RECEIVED BY [Signature]

PLANNING COMMISSION

June 7, 2012 – 6:00 P.M.

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**Index Summary of Minutes
Santa Fe Planning Commission
June 7, 2012**

INDEX	ACTION TAKEN	PAGE(S)
Cover Sheet		0
Call to Order	Commissioner Spray called the meeting to order at 6:00 pm	1
Roll Call	A quorum was declared by roll call.	1
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Harris	1
Approval of Agenda	Commissioner Harris moved to approve agenda as presented, second by Commissioner Lindell, motion passed by unanimous voice vote.	1
Election of Officers and Committee Assignments	<p>Election of Chair:</p> <p><i>Commissioner Lindell nominated Vice-Chair Spray, seconded by Commissioner Bemis. No additional nominations. Commissioner Spray elected by unanimous voice vote.</i></p> <p>Election of Vice-Chair:</p> <p><i>Commissioner Lindell nominated Commissioner Villarreal, seconded by Commissioner Harris. No additional nominations. Vice-Chair Villarreal elected by unanimous voice vote.</i></p> <p>Election of Secretary:</p> <p><i>Commissioner Lindell nominated Commissioner Bemis, seconded by Commissioner Harris. No additional nominations. Commissioner Bemis elected by unanimous voice vote.</i></p> <p>Committee Assignments:</p> <p><i>Summary Committee – Commissioner Harris agrees to continue. Commissioner Bordegaray nominated in</i></p>	

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	<p><i>absentia. Commissioner Ortiz volunteers as third member to replace Commissioner Spray. Passed by unanimous voice vote.</i></p> <p><i>Long Range Planning Committee – Commissioner Bemis agrees to continue. Commissioner Villarreal relinquishes her position. Commissioner Pava agrees to serve. Commissioner Villarreal will serve if no other member is willing. No additional members. Passed by unanimous voice vote.</i></p>	
<p>Approval Minutes, May 3, 2012 Findings and Conclusions</p>	<p>Page 7 – Commissioner Harris is identified as “Chair” Harris.</p> <p><i>Commissioner Villarreal moved to approve the May 3, 2012 minutes as amended, seconded by Commissioner Lindell, motion passed by unanimous voice vote.</i></p> <p><i>Commissioner Villarreal moved to approve Case #2011-55 – De Vargas Center Sign Plan Variance, seconded by Commissioner Ortiz, motion passed by unanimous voice vote.</i></p>	2
<p>Old Business</p>	<p><u>None</u></p>	3
<p>New Business</p> <p>1. <i>An ordinance amending Section 14-8.13(B)(3) SFCC 1987 to clarify how water usage of existing structures or uses may be applied to development water budgets for proposed structures and uses. (Councilor Calvert)(Matthew O'Reilly)</i></p> <p>2. Case #2012-30. Bienvenidos General Plan Amendment. JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests approval of a General Plan Future Land Use Map Amendment</p>	<p>#1 <i>Motion to recommend approval to the governing body by Commissioner Bordegaray, seconded by Commissioner Harris. Motion passed by unanimous voice vote.</i></p> <p>#2 <i>Commissioner Bordegaray: Motion to approve Case 2012-30, Bienvenidos General Plan Amendment, with staff conditions, seconded by</i></p>	3-34

**Index Summary of Minutes
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<p>to change the designation of 2.94± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) (POSTPONED FROM MAY 3, 2012)</p> <p>3. Case #2012-31. Bienvenidos Rezoning to R-5. JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, 3 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) (POSTPONED FROM MAY 3, 2012)</p> <p>4. Case #2012-42. Sports Authority Sign Variance. JenkinsGavin Design and Development Inc., agent for LSREF Summer REO Trust 2009, requests a variance to 14-8.10(E)(6)(b) (Specific Requirements for Wall Signs), and 14-8.10(G)(8)(b), (General Requirements for Signs According to District). The property is zoned SC-3 (Planned Shopping Center) and is located within the Santa Fe Place Mall at 4250 Cerrillos Road. (Donna Wynant, Case Manager)</p> <p>5. Case #2012-46. 424 Acequia Madre Lot Split. JenkinsGavin Design and Development Inc., agent for 424 Acequia Madre, LLC, requests a lot split to create a fee simple lot of 0.15± acres, separating existing Unit 16 from the remainder of Plaza Chamisal. The property is located at 424 Acequia Madre and is zoned RC-8 (Residential Compound, 8 dwelling units per acre). (Heather Lamboy, Case Manager)</p> <p>6. Case #2010-45. 424 Acequia Madre Rezoning to RC-8 AC. JenkinsGavin Design and Development Inc., agent for 424</p>	<p><i>Commissioner Pava.</i> Roll call vote: Commissioner Pava – yes Commissioner Harris – yes Commissioner Villarreal no Commissioner Bemis – no Commissioner Lindell – no Commissioner Ortiz – no Commissioner Bordegaray – yes <u>Motion fails</u></p> <p><i>Commissioner Villarreal moves to deny Case 2012-30, Bienvenidos General Plan Amendment, second by Commissioner Lindell.</i></p> <p><i>Chair Spray: We are voting to recommend denial. A “yes” vote recommends denying Case 2012-30.</i></p> <p><i>Commissioner Pava – no</i> <i>Commissioner Harris – no</i> <i>Commissioner Villarreal – yes</i> <i>Commissioner Bemis – yes</i> <i>Commissioner Lindell – yes</i> <i>Commissioner Ortiz – yes</i> <i>Commissioner Bordegaray no</i> <u>Motion to deny recommendation passed by a vote of 4:3</u></p> <p>#3 <i>Motion by Commissioner Bordegaray to approve Case #2012-31, Beinvenidos Rezoning to R-5 with staff recommendations, second by Commissioner Harris.</i></p> <p><u>Roll Call Vote:</u> Commissioner Pava - yes Commissioner Harris – yes Commissioner Villarreal – no Commissioner Bemis – no Commissioner Lindell – no Commissioner Ortiz – no Commissioner Bordegaray – yes</p>	
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<p>Acequia Madre, LLC, requests rezoning of 0.15± acres of land from RC-8 (Residential Compound, 8 dwelling units per acre) to RC-8 AC (Residential Compound, 8 dwelling units per acre with Arts & Crafts Overlay). The property is located at 424 Acequia Madre. (Heather Lamboy, Case Manager)</p> <p>7. Case #2012-39. La Luz Health Complex General Plan Amendment. James W. Siebert, agent for Sandra Pacheco, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 6.36± acres of land from Low Density Residential (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)</p> <p>8. Case #2012-40. La Luz Health Complex Rezoning to MU. James W. Siebert, agent for Sandra Pacheco, requests rezoning of 6.36± acres of land from MHP (Mobile Home Park) to MU (Mixed Use). The application includes a Development Plan for a medical complex consisting of a medical clinic, assisted housing for the elderly and medical offices. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)</p> <p>9. Case #2012-25. 203 E. Santa Fe Avenue Rezoning to RAC. Sommer, Karnes, & Associates, agent for New Mexico Oil and Gas Association, requests rezoning of approximately 0.4± acres from R-21 (Residential, 21 dwelling units per acre) to RAC (Residential Arts and Crafts, 21 dwelling units per acre). The property is located at 203 E. Santa Fe Avenue (northeast corner of East Santa Fe Avenue and Webber Street). (Heather Lamboy, Case Manager)</p> <p>10. Case #2012-54. 203 E. Santa Fe Avenue Special Use Request for</p>	<p>Motion by Commissioner Bordegaray to approve Case #2012-31, Beinvenidos Rezoning to R-5 with staff recommendations, second by Commissioner Harris, failed by a roll call vote of 4:3</p> <p>Commissioner Villarreal moved to deny case 2012-31, Beinvenidos Rezoning to R-5, seconded by Commissioner Bemis. Motion to deny Case 2012-31 passed by a vote of 4:3</p> <p>Commissioner Pava – no Commissioner Harris – no Commissioner Villarreal - yes Commissioner Bemis – yes Commissioner Lindell - yes Commissioner Ortiz - yes Commissioner Bordegaray – no</p> <p>#4 <i>Commissioner Lindell moves to approve Case #2012-42, Sports Authority Sign Variance, seconded by Commissioner Ortiz. Motion passed 4:3</i></p> <p>Commissioner Pava – no Commissioner Harris – no Commissioner Villarreal – yes Commissioner Bemis – no Commissioner Lindell – yes Commissioner Ortiz – yes Commissioner Bordegaray – yes</p> <p>#5 <i>Commissioner Pava moves to approve Case E2012-46, 424 Acequia Madre Lot Split, subject to conditions, Commissioner Villarreal seconds for purpose of discussion.</i></p>	
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<p>Professional Office. Sommer, Karnes, & Associates, agent for New Mexico Oil and Gas Association, requests a Special Use Permit for a professional office located at 203 E. Santa Fe Avenue (northeast corner of East Santa Fe Avenue and Webber Street). (Heather Lamboy, Case Manager)</p> <p>11. Case #2012-52. Shellabarger Tennis Center General Plan Amendment. Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request approval of a General Plan Future Land Use Map Amendment to change the designation of 8.62± acres of land from Public/Institutional to Community Commercial. The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)</p> <p>12. Case #2010-53. Shellabarger Tennis Center Rezoning to C-2. Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request rezoning of 8.62± acres of land from Residential-5 (Residential, 5 dwelling units per acre) to Commercial-2 (General Commercial). The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)</p>	<p><i>Motion stands as stated. A "yes" vote is approval of the lot split</i></p> <p>Commissioner Pava – yes Commissioner Harris – yes Commissioner Villarreal – yes Commissioner Bemis – no Commissioner Lindell – yes Commissioner Ortiz – yes Commissioner Bordegaray – yes</p> <p>Motion passed by a vote of 6:1</p> <p>#6 <i>Commissioner Bemis moves not to approve the recommendation of Case #2012-45, 424 Acequia Madre Rezoning to RC-8 AC, seconded by Commissioner Lindell.</i></p> <p>Ms. Brennan: You are making a recommendation not a decision.</p> <p>Commissioner Pava – no Commissioner Harris – no Commissioner Villarreal – no Commissioner Bemis – yes Commissioner Lindell – yes Commissioner Ortiz – yes Commissioner Bordegaray – no</p> <p>Motion by Commissioner Harris to approve Case #2012-45, 424 Acequia Madre Rezoning to RC-8 Ac, with conditions by staff, seconded by Commissioner Villarreal (purposes of discussion).</p> <p>Commissioner Bordegaray: The motion is to recommend approval to the governing body, not approve it</p>	
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Santa Fe Planning Commission
June 7, 2012**

	<p>ourselves.</p> <p>Commissioner Pava – yes Commissioner Harris – yes Commissioner Villarreal – yes Commissioner Bemis – no Commissioner Lindell – no Commissioner Ortiz – no Commissioner Bordegaray – yes</p> <p>Motion passed 4:3.</p> <p>#7 <i>Commissioner Villarreal moves to postpone until next regularly scheduled meeting, seconded by Commissioner Bemis. Motion passes (Commissioner Pava votes no).</i></p> <p>#8 <i>Commissioner Villarreal moves to postpone Case #2012-40, La Luz Health Complex Rezoning to MU to the July 5, 2012 meeting, seconded by Commissioner Lindell. Motion passed by unanimous voice vote.</i></p> <p>#9 <i>Commissioner Bordegaray moves to recommend denial of Case #2012-25 – 203 E. Santa Fe Avenue Rezoning to RAC, seconded by Bemis. Motion passed by unanimous vote.</i></p> <p>Commissioner Pava – yes Commissioner Harris – yes Commissioner Villarreal – yes Commissioner Bemis – yes Commissioner Lindell – yes Commissioner Ortiz – yes Commissioner Bordegaray – yes</p> <p>#10</p>	
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**Index Summary of Minutes
Santa Fe Planning Commission
June 7, 2012**

	<p><i>Commissioner Bordegaray moves to deny Case #2012-54 - 203 E. Santa Fe Avenue Special Use Request for Professional Office, seconded by Bemis. Motion passed by unanimous vote.</i></p> <p>Commissioner Pava – yes Commissioner Harris – yes Commissioner Villarreal – yes Commissioner Bemis – yes Commissioner Lindell – yes Commissioner Ortiz – yes Commissioner Bordegaray – yes</p> <p>#11 <i>Commissioner Pava moves to approve Case 2012-52, Shellabarger Tennis Center General Plan Amendment, seconded by Commissioner Harris, motion passed by unanimous voice vote.</i></p> <p>#12 <i>Commissioner Pava moves to recommend Case #2010-53, Shellabarger Tennis Center Rezoning to C-2 with exceptions to the governing body, subject to conditions outlined in Exhibit A and modified in the handout, seconded by Commissioner Bemis. Motion passed by unanimous voice vote.</i></p>	
Business from the Floor	None	34
Staff Communications	Informational	34
Matters from the Commission	<p>Commissioner Bordegaray: What is the mechanism for communicating a recommendation for a master plan.</p> <p><i>Commissioner Bordegaray makes a motion to recommend or encourage that the city develop a master plan for the site for the Santa Fe University Design,</i></p>	

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	<i>seconded by Commissioner Pava. Motion passed by unanimous voice vote.</i> <i>[This item was not listed as an action item].</i>	
ADJOURNMENT AND SIGNATURE PAGE	There being no further business to come before the Planning Commission, the meeting was adjourned at 12:00 am	35

**CITY OF SANTA FE
PLANNING COMMISSION MEETING
MINUTES
JUNE 7, 2012
6:00 pm – 12:00 am**

A. ROLL CALL

The meeting called to order by Commissioner Spray at 6:05 p.m. in the City Council Chambers, Santa Fe, New Mexico.

Present:

Commissioner Lindell
Commissioner Spray
Commissioner Bemis
Commissioner Ortiz
Commissioner Villarreal
Commissioner Harris
Commissioner Bordegaray
Commissioner Pava

Staff Present

Kelley Brennan, City Attorney
Tamara Baer
Heather Lamboy
Matthew O'Reilly
Dan Esquibel
Donna Wynant

Others Present: Teresa Casados for Fran Lucero, Stenographer

B. PLEDGE OF ALLEGIANCE

Commissioner Harris led the Pledge of Allegiance.

Commissioner Dan Pava was introduced.

C. APPROVAL OF AGENDA

Commissioner Harris moved to approve the agenda as presented, seconded by Commissioner Lindell, motion passed by unanimous voice vote.

Introduction of honored guests from City of Espanola.

D. ELECTION OF OFFICERS

Election of Chair:

Commissioner Lindell nominated Vice-Chair Spray, seconded by Commissioner Bemis. No additional nominations. Commissioner Spray elected by unanimous voice vote.

Election of Vice-Chair:

Commissioner Lindell nominated Commissioner Villarreal, seconded by Commissioner Harris. No additional nominations. Vice-Chair Villarreal elected by unanimous voice vote.

Election of Secretary:

Commissioner Lindell nominated Commissioner Bemis, seconded by Commissioner Harris. No additional nominations. Commissioner Bemis elected by unanimous voice vote.

Committee Assignments:

Summary Committee – Commissioner Harris agrees to continue. Commissioner Bordegaray nominated in absentia. Commissioner Ortiz volunteers as third member to replace Commissioner Spray. Passed by unanimous voice vote.

Long Range Planning Committee – Commissioner Bemis agrees to continue. Commissioner Villarreal relinquishes her position. Commissioner Pava agrees to serve. Commissioner Villarreal will serve if no other member is willing. No additional members. Passed by unanimous voice vote.

E. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: May 3, 2012

Page 7 – Commissioner Harris is identified as “Chair” Harris.

Commissioner Villarreal moved to approve the May 3, 2012 minutes as amended, seconded by Commissioner Lindell, motion passed by unanimous voice vote.

FINDINGS/CONCLUSIONS:

Case #2011-55. DeVargas Center Sign Plan Variance.

Commissioner Villarreal moved to approve Case #2011-55 – De Vargas Center Sign Plan Variance, seconded by Commissioner Ortiz, motion passed by unanimous voice vote.

F. OLD BUSINESS

None.

G. NEW BUSINESS

1. *An ordinance amending Section 14-8.13(B)(3) SFCC 1987 to clarify how water usage of existing structures or uses may be applied to development water budgets for proposed structures and uses. (Councilor Calvert)(Matthew O'Reilly)*

Mr. O'Reilly: This ordinance has been put forth by Councilor Calvert. The current ordinance states if we have a user such as a restaurant on a specific premise in a commercial space and that restaurant has to bring water rights or buy water from our water bank they must offset their water usage by the ordinance. If that restaurant goes out of business and building stays vacant another restaurant would have to offset the same amount of water. This is a problem because we have a lot of vacant commercial space and this means that someone would have to come in and offset the same amount of water that has already been offset. This is not the intent of the ordinance – to have the same use offset over and over again. The new ordinance says a new user gets credit for the water that was already offset. We measure that by a period of two years of highest use over a 10-year proceeding period.

Chair Spray: We also have additional correspondence in front of us relating to this issue. The proposed amendment states “This Ordinance shall be reviewed one year from the date of adoption.”

Mr. O'Reilly: This language was added by the Finance Committee.

Chair Spray: Is there anyone from the public who would like to speak? None.

No Commission comments/questions.

Motion to recommend approval to the governing body by Commissioner Bordegaray, seconded by Commissioner Harris. Motion passed by unanimous voice vote.

2. **Case #2012-30. Bienvenidos General Plan Amendment.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 2.94± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) **(POSTPONED FROM MAY 3, 2012)**

Ms. Baer: This is the exact site that Purple Horizon was on. It represents a total of 7.62 acres and is zoned R3. The request is to rezone to R5. With the rezoning there is also a general plan amendment which is a request to change the future land use designation of

apportion of the site from 2.94 from community commercial to residential low density. The plan currently has layers of different land uses that were recommended and adopted. Those layers created levels of intensity from the most intense near Cerrillos Road to the least intense by Rufina. The nature of the land ownership has created long narrow parcels. This is one of them. It is difficult to apply that type of mixed use on a relatively narrow piece of land. The land use department has recommended approval to all low density residential. The property is currently made up of four lots and the staff believes that the applicant has met all of the conditions of approval for both the general plan and the rezoning. Therefore, we do recommend approval on both of these which will then go to the City Council for approval. We do recommend one additional condition of approval. We are asking for a development plan in conjunction with any future development of the property. We feel that the parcel is unusual in its characteristics and there are access issues. We feel it is in everyone's interest to see a development plan. There are additional recommendations in your packet.

Mr. Esquibel: The SWAMP has banding zones that run across the property. It is impractical for development to occur. Residential is also a use that is fairly dominant in that area. Given those fundamental problems with that area we recommend approval to the change for proposed use. The application is only for a general plan amendment. We proposed the development plan so we can have more detail on what is being proposed as part of that subdivision.

Chair Spray: Is the applicant present?

Jennifer Jenkins, 130 Grant Avenue, Suite 101, Santa Fe, New Mexico

Ms. Jenkins: We are in agreement with staff conditions. We would like to walk you through the conceptual site plan. You have a copy in your packet. The challenge with these narrow parcels is how you design something that creates neighborhood and a sense of community (describes area based on aerial photo). A majority of the property has the appropriate designation and we are trying to bring the rest of the property in line with that. The space is relatively wide and we were able to align our entrance with the intersection across the street. We then curve the road to a secondary access to Cerrillos Road. We are proposing a 40 lot subdivision which is made up of separate little compounds so not all homes are facing the same direction. We hope this sets the bar a little higher in the neighborhood for future neighborhoods. The traffic impact analysis recommends a couple of things. We will be doing median improvements on Rufina to accommodate left turns and a right turn upgrade. We are comfortable with those recommendations. We met with the Montoya family who owns the adjacent property. They are concerned about the ability to cross Rufina to their property on their other side. We will endeavor to design and engineer this in a way that does not block their driveway. We will work closely with John Romero in accomplishing that. We hope to accommodate our turn lane without having to block their driveway. We also met with the owners of the Trailer Ranch Senior Mobile Home Community and questions were raised about the fencing and walls. We will have those questions resolved with our design plan.

Steven Etry, 64 Calle Sin Solte, Santa Fe, New Mexico

Mr. Etry: I am a 30 year resident of Santa Fe and my wife is a life long resident. I am a small business man. We appreciate a positive response to the request for rezoning.

Chair Spray: Anyone who wishes to come forward and comment?

Charlie Gonzales:

My dad owns the property directly west of the subdivision. I am here to express some concerns regarding my access. My access will be where the deceleration will be conducted. I have concerns because I need to get my horse trailer in and out. I am concerned about the impact. I also have concerns about the height of the wall proposed. I would like an 8' wall, which will require a variance. This property was inherited by my dad. It was annexed in Phase I and I am just observing and trying to gather information.

Joni Miller, 3471 Cerrillos Road, Santa Fe, New Mexico

Ms. Miller: I am the owner of the Trailer Ranch Senior Mobile Home Park. We did have a meeting prior to the ENN with the owner's representative to discuss our concerns. I am a bit upset that we were not presented with a scale plan but only a sketch plan and we were not contacted after or presented with results. We were not informed of a traffic study. I do not believe myself or any of the others were privy to this information. We feel the applicant has an obligation to prove that the proposed zoning change would be a benefit to the City and the surrounding neighbors. They are not presenting a preliminary plan. The sketch plan we had holds no merit to us. It was represented to us that an R5 zoning would allow 43 spaces. This was denied at all levels because of various density issues. Mr. Etry is applying for that same variance again. There are still no answers to the previous questions that plagued the previous applicant – traffic overload on Rufina; overcrowded schools; insufficient emergency and police coverage; compatibility with surrounding neighbors.

It was stated to us that they were not prepared to address our concerns. We have little or no information from the applicant. The Planning Commission must recommend denial or it will open a floodgate of other applicants coming forward requesting the same variance. We ask the applicant to present us a fully engineered development plan so we can all make sound decisions not just change zoning.

Mr. Rick Montoya - 2085 Plaza Montoya, Santa Fe, New Mexico

Mr. Montoya: I would like to say I ditto everything that Joni has said. We met with the applicant and we are very concerned about the situation because our family has owned the property directly east of this proposal. To this day nothing was final in a plan. It was a hand drawn schematic. I am representing the entire family – we feel the request is premature to rezone to a higher density. The schematics are the same plan that Purple Horizon had a year ago and that was denied twice. We are a country setting and we are looking at upward of 40 homes right next door. The reason Purple Horizon was denied was the Fire Department had problems with the density, the design, on street parking,

ingress and egress. In other words everyone will be in there packed like sardines and they will see natural open land next door. The entrance is a substandard roadway. It is too narrow for on-site parking and allowing emergency vehicles to enter. There is not much open space. If you get 40 families with kids and you are looking at nothing as a public courtyard, playground, recreational area, etc. We are not comfortable with the scenario as it is presented. We as a family request that if they want to change rezoning in this situation they can get rid of mixed use but leave it R3 for now until they have a better development plan and more communication with the neighbors. Our entire family is upset that they are going to a high density off the bat.

Mr. William Mee, Agua Fria Village Association 2073 Camino Samuel Montoya, Santa Fe, New Mexico

Mr. Mee: Just came from a meeting yesterday where John Romero, Eric Martinez, Adam Leiland and county staff met regarding road improvements to Agua Fria. We were talking about doing signage that would divert traffic. We decided to do a study of the three roads to see what would happen with various changes on those roads. The county staff had a meeting on June 5 and they were talking about plans to revisit the annexation in its entirety and what fiscal responsibility the City and County had. There is going to be a meeting on July 19 between the City Council and County Commission regarding annexation. It would be incumbent on this body to table this request until that information comes out. On November 15 I attended a meeting and followed up with a letter to the City Manager and County Manager. Because the settlement annexation agreement grayed out the traditional village there was no planning done in the annexation agreement. You cannot do planning by City and County without inviting Agua Fria into the picture. We own everything to the north. At the Purple Horizon meeting John Romero asked that a GAP plan be done. I participated in annexation meetings with Greg Smith and various City staff to see if the City could provide services in the Rufina corridor. I don't think the city water and sewer capacity is there. The road which was supposed to be a four lane road got built as a two lane. There is a lot to look at before we develop this area. This road carries quite a bit of traffic. We need to look at options – is there a frontage road that is needed? Approving anything tonight would violate City policy that has been talked about. The policy makers in charge need to come to the table and decide what they want to do on this. I am sure we can wait until the July meeting. I am worried on a conceptual plan. We have not seen the traffic impact study. I think they could have shown the lanes, medians and how they would block the egress and ingress. It is a double standard – if you look at Harrison Road and others they actually painted the deceleration lanes there. Why do you need a standing curb? Mr. Mee provided a letter to the Commission.

Public portion closed

Commissioner Harris: I agree at a certain level. The exhibits were not very clear, even the parcel that is to be rezoned. What is described as a possible scenario is being interpreted as the first step of the development plan. I understand not going through all the work – in trying to get the rezoning approved first. It is very confusing and is hard to

see which way it will work. I see one of the conditions has to do with two means of access to the property. I assume that one of those means would be Rufina and the other off of Cerrillos Road through a crash gate.

Ms. Jenkins: Shows image and describes area for easement and emergency entrance.

Commissioner Harris: Is staff clear on the easement issue from Cerrillos Road?

Mr. Esquibel: Those were the conditions at previous meetings and they have maintained that same width. The development issues are sketches only. They are not presenting a development plan. It was understood that this would come back to them at a later time.

Ms. Jenkins: The plan is for information purposes. It demonstrates feasibility that the property can accommodate requested zoning. We feel we have provided more than what the current city code requires. The City has said that the Rufina Corridor is 3-7 dwellings per acre. That is the City's vision. We are asking for 5, which is consistent with what the City has planned.

Commissioner Pava: I want to follow up on the connectivity with this parcel and that of the east. Is it possible to have a requirement for connectivity placed on that?

Mr. Esquibel: In the past there were easements that were running east/west direction on the site. Where those will eventually end up is based on discussions with the applicant and John Romero at the time they submit a development plan for approval. Previous development had the connection somewhere in between. At this time I am not quite sure.

Ms. Jenkins: The areas we talked about include the roadway to serve these compounds. John Romero has a condition of approval to offer future right-of-way that would create connectivity in an east/west fashion. We are providing that. When our application is submitted we will include that.

Commissioner Pava: What is the actual density in nearby areas?

Mr. Esquibel: I did not get a collection of that information.

Chair Spray: Looking at page 6 of Mr. Esquibel's packet regarding one of the conditions for approving rezoning. I believe one of the criteria we have to consider is whether it is advantageous to the community. I want to comment on your response, which talks about the modest increase in density. Am I to assume that if we did not change the zoning you would still be able to go forward with the development with larger lots?

Ms. Jenkins: Maybe not. The cost of development – your infrastructure costs will be identical in terms of water service, sewer, curbs and sidewalks. It is a shocking amount of money and so from a feasibility standpoint it may not be feasible to develop the property. R5 is a very moderate level of density. It is a suburban neighborhood density.

Chair Spray: Can you give us a number.

Ms. Jenkins: 40. R5 would be 25.

Chair Spray: We had similar discussions before. We discussed the changing nature of the community. Who does the changing? We change the community by allowing this to happen. I am concerned about doing this unless we have a compelling reason to do that. We need to take into consideration the neighbors. They had rights also to be assured that it was a stable zoning requirement and that in the future they will know what they are getting into. It would take something extraordinary to make that change. I appreciate it would make it more viable. I would like to know that the zone changing is more advantageous to the community.

Ms. Jenkins: It is in the general plan so many times. Appropriate infill, this is less dense than properties near it already developed. We want to create a neighborhood. We want to set the tone for a well thought out, well-developed neighborhood for the area. We have Home Depot, vacant land, and extremely dense residential development around us. There is a lot of vacant property. The City already established R3 zoning. We feel R5 is very moderate and very consistent with the general plan. We are in the heart of this community and providing housing opportunities with a slightly higher density we have more affordable housing.

Chair Spray: What is the north side of the street zoned?

Ms. Jenkins: It does not have specific zoning. There is mixed zoning.

Mr. Esquibel: I have not kept up with what has been approved in the traditional community of Agua Fria. The county does not have the type of zoning that we have. In the 80s the County developed their regulation on water availability. It was used to control population growth. We would have to evaluate what is out there to provide that density information.

Chair Spray: We have two items that we have to vote on separately. Any motion will have to be made separately.

Commissioner Bordegaray: Motion to approve Case 2012-30, Bienvenidos General Plan Amendment, with staff conditions, seconded by Commissioner Pava.

Commissioner Villarreal: I do not feel like we had the questions answered with the traffic information. I look at the conditions and want to see if the traffic engineer is present? (Not present) With that situation and the fact that they are talking about an immediate impact – to try to add more development without really looking at a traffic study I am not convinced that we know what to expect. We have to make development work based on our current infrastructure. We need to reexamine this corridor and have better routes. I will not be voting in favor of this this evening. Every time we say affordable it ends up being mobile home parks. Our community deserves more than that.

Commissioner Bordegaray: *I moved to approve this for purposes of discussion – I as a planner agree with staff and the general plan that governs this. This is consistent with the general plan. I am concerned about the traffic issues. I have confidence in the ability of our city staff and county and city leadership to look at that traffic – Rufina, Agua Fria and West Alameda. I do want to go on record and support our general plan and say this is consistent with our general plan. It is a proposal for a neighborhood and housing in this area. What I have been dismayed about in Santa Fe is that all of the housing is being built so far out. If there is an opportunity to develop more housing in this area I am in favor of it. I trust the process here and I support our general plan per staff recommendation.*

Chair Spray requests roll call vote:

Commissioner Pava – yes
Commissioner Harris – yes
Commissioner Villarreal no
Commissioner Bemis – no
Commissioner Lindell – no
Commissioner Ortiz – no
Commissioner Bordegaray – yes

Motion fails

Commissioner Villarreal moves to deny Case 2012-30, Bienvenidos General Plan Amendment, second by Commissioner Lindell.

Chair Spray: We are voting to recommend denial. A “yes” vote recommends denying Case 2012-30.

Commissioner Pava – no
Commissioner Harris – no
Commissioner Villarreal – yes
Commissioner Bemis – yes
Commissioner Lindell – yes
Commissioner Ortiz – yes
Commissioner Bordegaray no

Motion to deny recommendation passed by a vote of 4:3

3. **Case #2012-31. Bienvenidos Rezoning to R-5.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, 3 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) **(POSTPONED FROM MAY 3, 2012)**

Motion by Commissioner Bordegaray to approve Case #2012-31, Beinvenidos Rezoning to R-5 with staff recommendations, second by Commissioner Harris.

Commissioner Lindell: Some of us have seen this piece of land numerous times before. We have heard from neighbors and owners. I am a strong believer that when people have property they have a right to develop it. I appreciate Commissioner Bordegaray comments about this being closer in and that is a positive thing. I have spent many hours of my life on Rufina that I am not going to get back. This property will be developed at some point in time and we have to come up with a plan that all parties can embrace and will benefit the general citizenry. It is still a little too dense for me. It looks like the project that we rejected. I do not have a number for you. I know there is an affordability of what makes a project worth doing. I hope this is eventually developed, developed nicely and that there is profitability for them. They deserve that.

Roll Call Vote:

**Commissioner Pava - yes
Commissioner Harris – yes
Commissioner Villarreal – no
Commissioner Bemis – no
Commissioner Lindell – no
Commissioner Ortiz – no
Commissioner Bordegaray – yes**

Motion by Commissioner Bordegaray to approve Case #2012-31, Beinvenidos Rezoning to R-5 with staff recommendations, second by Commissioner Harris, failed by a roll call vote of 4:3

Commissioner Villarreal moved to deny case 2012-31, Beinvenidos Rezoning to R-5, seconded by Commissioner Bemis. Motion to deny Case 2012-31 passed by a vote of 4:3

**Commissioner Pava – no
Commissioner Harris – no
Commissioner Villarreal - yes
Commissioner Bemis – yes
Commissioner Lindell - yes
Commissioner Ortiz - yes
Commissioner Bordegaray - no**

4. **Case #2012-42. Sports Authority Sign Variance.** JenkinsGavin Design and Development Inc., agent for LSREF Summer REO Trust 2009, requests a variance to 14-8.10(E)(6)(b) (Specific Requirements for Wall Signs), and 14-8.10(G)(8)(b), (General Requirements for Signs According to District). The property is zoned SC-3 (Planned Shopping Center) and is located within the Santa Fe Place Mall at 4250 Cerrillos Road. (Donna Wynant, Case Manager)

Ms. Wynant: This case is a variance request. The surrounding zoning is SC3, which is a planned shopping area. This is Rodeo Road and Airport. Surrounding zonings include SC2. (Aerial photo) The mall is subdivided (former site of Mervyns). The property is 40,000 square feet tenant space and the north is 20,000 which is still vacant. There are a couple entrances from Rodeo Road and from Cerrillos Road. The original application was for 2 signs. It is approximately 21'8" and 7' tall. We looked at the sign code to see how it is defined. It does include background. In this case it is a bright red background. The code counts all background. The sign is in the packet. We are talking about 800 square feet and 700 square feet. The west facade has an arch. The south side is more in line with the architecture. What we have in this case are very large facades. We limit these signs in the corridor. The applicant believes we need bigger, more pronounced signs. The other section is general requirements for the signs according to the district. No more than 4 signs are allowed for the total sign area for any one business establishment. (Shows other signs at the mall and various "Sports Authority" signs from other locations)

Staff recommends the approval of the sign letters as proposed and elimination of the background and proposed arch. In the highway corridor overlay there is emphasis on architecture and landscape and not signage.

Ms. Jenkins: I am here on behalf of the mall's new ownership. Shows aerial of mall property. The mall was built in 1985 and properties cannot survive if they are not reinvented over time. We have a group that believes in the community and wants to invest in the property. We need the city to be our partner in this endeavor. We have been developing a vision for the property. Nobody is going to spend money on redeveloping with an empty anchor on one end. Sports Authority wants to take the vacant anchor spot. We want to do a new main entrance – take off some roof and create an outdoor area. The mall wants to be the largest gross receipts tax generator in this town. This is the vision for redevelopment. We are fortunate to have them in our community because they have done this before. The mall in Corpus Christi, Texas was dying. They rebuilt it and it is generating the GRT that it is supposed to.

We have a plan and in Sports Authority's investment in their new store. We have added some column elements (shows current photos and proposed design). We do not concur with staff's conclusion that the background is part of the sign. We were informed that we needed to change our application and we did that. If you take away the sign, the building is still there. I have reviewed the elevation with city building staff and have confirmed that the proposed remodel is compliant with the city standards.

This is our really critical key first step and we are asking for the city to partner with us to create something very special and support the community with GRT. We are asking for a variance. They need their appropriate branding. When we are trying to attract viable tenants they need to bring their logo. We ask for your support so we can move forward and encourage investment in our community.

John Maggiore. The economy has been tough on everyone across the country. It has not allowed this mall to grow and go in the direction it needs to go in. Things are changing. Everything is showing positive signs. Sports Authority has come forward and wants to become an anchor to the mall. It is important to see that life come back to the mall. Sports Authority believes in Santa Fe or they would not step forward and go in this direction. The last hurdle we have to overcome is the variance before you all. That becomes very critical. Branding, marketing, etc. is very important. Ownership is very much in support of this variance and as an advocate. We hope that the commission is in favor of it also.

No public comment

Commissioner Bemis: I have a problem with the red. I would like it if they had a softer color. It can be noticeable but I do not like the red.

Commissioner Pava: If I recollect frequenting the mall there are freestanding signs that point the direction of locations?

Ms. Wynant: The Rodeo entrance has that signage.

Commissioner Pava: Do we have any feedback as to the other anchor tenants and whether they have concerns?

Ms. Jenkins: The tenants and anchors are very excited about this move. Dillard's has also made an agreement that they will renovate and enlarge their store as well. This will be done as part of the redevelopment. This is a positive step for everybody at the mall.

Commissioner Villarreal: Does the Cerrillos corridor also include Zafarano?

Ms. Baer: Zone 4 of the Cerrillos Standards goes to the outskirts of the City. It applies to the lot, so no. Only those properties fronting Cerrillos Road are included.

Commissioner Villarreal: Regarding the sign on the Southside, are only the letters lit in the evening.

Ms. Jenkins: Yes. Only the letters would be lit.

Commissioner Lindell: What is the increased square footage that Sports Authority is making a commitment to?

Ms. Jenkins: An additional 20,000 square feet – doubling their size.

Mr. Maggiore: Sports Authority will look more like a department store, which is their new prototype.

Commissioner Lindell: This is 430 feet off of Cerrillos Road?

Ms. Jenkins: We do not have frontage to Cerrillos Road. It sits back 430 feet.

Commissioner Lindell: There are stores between the store and Cerrillos Road? The red is not spot lit?

Ms. Jenkins: No.

Commissioner Lindell: I understand how the two parties have agreed to disagree on this. I see that we are talking about a background of 700 sq. ft. and 800 sq. ft. whether painted or the skin of the building – that is the contentious part of the variance?

Ms. Baer: It is not disagreeing it is our interpretation of the code.

Commissioner Lindell: It has come to us to make a variance on that. This is one that I am going to support in light of the economics of the situation and to get somebody to take an extra 20,000 of lease space is something.

Commissioner Bordegaray: I echo Commissioner Lindell's comments. Reading through the criteria I do think this site at the mall is not similarly situated to be visible. I can see the merit of the request. I do not have a problem with the red – I love red – it is my favorite color. Not everything has to be brown in this town. What is the material?

Ms. Jenkins: Material that will resist fading. There are panels that can be made – metal type panels. There are a couple of different options but it is a panelized construction.

Commissioner Ortiz: I really respect the viewpoint from staff but I actually like the red. It will attract some people to the mall. It will help the economy. It is great that we have an expansion of the store. That's my viewpoint on this. I would support the variance.

Chair Spray: I think the red is great. I have a question about the variance criteria. If one of those are met it would be in our purview to grant that request?

Ms. Brennan: They need to meet all the criteria. The first has choices. For each of the five there is the applicant response and the staff response. If you are in favor of the variance it would be because of the applicant response.

Commissioner Pava: The topic of branding has come up and Santa Fe has a brand of being "quirky" and the red most appropriate to me is on chili and not the side of a building.

Commissioner Bordegaray: Things are done differently here – you may want to tone it down a bit.

Commissioner Lindell moves to approve Case #2012-42, Sports Authority Sign Variance, seconded by Commissioner Ortiz. Motion passed 4:3

Commissioner Pava – no
Commissioner Harris – no
Commissioner Villarreal – yes
Commissioner Bemis – no
Commissioner Lindell – yes
Commissioner Ortiz – yes
Commissioner Bordegaray – yes

5. **Case #2012-46. 424 Acequia Madre Lot Split.** JenkinsGavin Design and Development Inc., agent for 424 Acequia Madre, LLC, requests a lot split to create a fee simple lot of 0.15± acres, separating existing Unit 16 from the remainder of Plaza Chamisal. The property is located at 424 Acequia Madre and is zoned RC-8 (Residential Compound, 8 dwelling units per acre). (Heather Lamboy, Case Manager)

Ms. Lamboy: We are hearing the lot split first because for the zoning to take effect we have to create the parcel. I would like to remind you that there are two motions that need to be made. The subject property is across from the PERA building parking lot. The site is 6,534 sq. ft. (3.1 acres as a whole). Some of the lot lines are part of a common wall with another building. There is a courtyard, storage building (old burro area) and three car ports. Immediately to the west is the community foundation building. The site is accessed off of Jalona Street. The zoning around that particular site is C1 for the community foundation. The subject is a residential compound (8 dwelling per acre). The applicant is requesting the AC overlay rather than the C1 use. Across the street is BCD. The future land use for this site is residential, moderate density. The future land use provides for the allowance of the AC overlay and is consistent with the general plan. (Shows photographs of site). The lot split plat – as the uses change there may be some challenges. One of the conditions of approval is that further review by the Historic Design Review Board in case there may be exterior alterations. There are some very minor conditions – dissolution of condominium (this is an expected type of action), technical comments related to formatting and other conditions need to be addressed. Staff recommends approval with conditions.

Ms. Jenkins: The subject property is a casita as part of the Plaza Chamisal Compound. This particular home is very unique in relationship to the other units. The only access is via Jalona Street. There is no access from the interior of the Plaza Chamisal Compound. This home has direct frontage on the Paseo de Peralta commercial corridor. In recognition of the unique characteristics of this particular unit – this unit was permitted office or gallery uses. It is in the condominium documents. In order for the property owner to pursue a small gallery or small office there this process is necessary. What is required is the addition of an arts and crafts overlay, which is consistent with surrounding galleries. Our request is to create a separate lot so we can apply the zoning to enable the owner to make use of the property. I visited the property with Historic Preservation and there is nothing we want to do that has impact on the integrity of the compound. They are comfortable with what we are doing (shows photos). We have adequate parking,

adequate off-street parking, that would accommodate a small office or small gallery. The property is currently a residence and the owner is living on the property. We will get a business license and proper permits from a code standpoint if this changes.

Chair Spray: Anyone from the public wish to come forward and comment?

Pen LaFarge, 647 Old Santa Fe Trail, Santa Fe, New Mexico

Mr. LaFarge: I am the de facto President of the Historic Neighborhood Association. I am here to oppose this change. The integrity of the Otero Compound is important to Santa Fe as a whole. This is a special, unique place. It is handsome, charming and very well built. Because of its character, and the character of the east side, the 1957 ordinance protects this. We want to protect the way Santa Fe looks and protect the character. One of the great dangers to the integrity of any neighborhood is the creeping annexation of commercial uses into residential uses. I have watched this all my life. The immediate consequence of a commercial intrusion is that other people want the same things. This creeping commercialist - although it sounds benign - allows all sorts of uses. Those uses were originally permitted on Canyon Road so they were grandfathered in so that the businesses that existed would not be outlawed. There are numerous types of businesses that fall under this. Who knows what the future is going to hold. The person he sells it to may change the use. There is no guarantee it will remain a benign use. Once the zoning is changed, it is changed. This is the creeping commercial danger. For instance, Old Santa Fe Trail was residential. Now it hardly has any. Marcy Street was a residential Street. The same of Canyon Road. People lived on it. Now it is all shops and people live in houses in the back. It destroys residential uses of a neighborhood. I do think that I would like you to consider the creeping commercial dangers and turn this down.

Rick Martinez – 725 Old Santa Fe Trail, Santa Fe, New Mexico

I agree 100%. We are combining commercial with residential with no firewall protection. The use of commercial can be a lot different. I hope you deny this.

Public portion closed

Chair Spray: Ms. Jenkins stated that permitted use was a gallery in the condominium document. The city does not review the document?

Ms. Baer: That's correct.

Chair Spray: The city is not bound by the condominium document?

Ms. Baer: Not in the least.

Chair Spray: Can you comment on a couple of your responses? On page 4, one of the criteria that we have to meet is a change in the surrounding area.

Ms. Jenkins: The address is 424 Acequia Madre. It is relevant to point out the proximity and the accessibility. The front door of the building fronts on Paseo. It relates dramatically to Paseo de Peralta and that was the reason for pointing that out.

Chair Spray: I disagree on that. On page 6, allowed uses significantly will not change the character of the neighborhood. Would this not change the character of the neighborhood?

Ms. Jenkins: As part of our process with the condominium there is documentation that has been created. There are covenants that run with the land. We are transferring existing covenants and transferring to the property to make them part of the property. The proposed covenant associated with the withdrawal of this property is the permissible uses. There will be a prohibition against short term rentals. Maintenance of the wall on Paseo is important – there will be provisions for expansion, maintenance of the driveway and governing how parking is addressed. The access to the property is not through the compound. No visitors would be in the interior of the compound. Coming adjacent to a commercial building is not a significant character change. We have a lot of galleries and offices directly next door to residential. It is part of the mixed use development.

Chair Spray: All documents have been drawn and are ready? With respect to insurance?

Ms. Jenkins: There will be a new insurance policy – modifying the policy. This is all part of our grand process. The documents are drawn up and we are developing the covenants that are appropriate.

Chair Spray: There is still some work to go? It is not ready to go at this point. When I look at the zoning map I see a sea of RC8s and AC is substantially different.

Commissioner Harris: We have a 7th amendment to the condominium declaration shown as a draft. Was this executed?

Ms. Jenkins: By the current declarant? It was never finalized. Mr. Hogan has been in dialogue for some time.

Commissioner Harris: It requires 2/3 signature?

Ms. Jenkins: It was executed but not recorded. We are now into the 9th amendment. The document we have now incorporates additional concerns.

Chair Spray: It takes a 2/3 vote to dissolve the condominium?

Ms. Jenkins: Everything is going to be recorded at the same time. The lot split, rezoning, and documents for withdrawal. The withdrawal becomes necessary to facilitate the lot split. Everything is tied together.

Chair Spray: It would be possible that it would not take place?

Ms. Jenkins: Anything is possible. We anticipate it happening.

Commissioner Spray: We may split it without knowing how it will end up.

Commissioner Bordegaray: I am familiar with this precious compound. I take to heart the comments about neighborhoods becoming commercial areas. I worked with Mark Hogan years ago and at what point did access to that unit become solely off of Jalona?

Ms. Jenkins: It ha always been that way.

Commissioner Bordegaray: That suggests to me that historically the use of that was different. If that's where the burros hung out. I don't recall that it did not have a connection to the compound. It didn't come from when the City blocked that right of way.

Ms. Jenkins: There was a driveway onto Paseo a long time ago.

Commissioner Bordegaray: How many units (homes) are there in the Chamisal Compound?

Ms. Jenkins: 9

Commissioner Bordegaray: How many full time residents live in the compound?

Ms. Jenkins: 3

Commissioner Bordegaray: Is that to say these are second homes?

Ms. Jenkins: Yes.

Commissioner Pava: If this lot split occurs is it correct then no variance is required?

Ms. Lamboy: Correct. There are set back requirements but with a zero lot line there is no way to accommodate for that.

Commissioner Villarreal: Are the owners in support of this.

Ms. Jenkins: There were 2 owners at the ENM. The uses have been anticipated as previously stated in the condominium documents. We are in the dialogue and finalizing the documents and anticipate approval. We will have a meeting to wrap this up. We are hoping to hammer out the details on the permissible uses.

Commissioner Villarreal: Because of the limited visibility and access what does it look like if someone has a Gallery? What would be the rules of advertising and the wall?

Ms. Jenkins: No signage on the wall would be permitted. Consistent with the historic district regulations we would anticipate signage on the façade but nothing on the wall. We will have provisions that we have to work with Plaza Chamisal. If somebody wants to visit a gallery they will make an appointment to view art and are told where to park. Nobody will drive by and know how to get there. There will be pedestrian traffic.

Chair Spray: If we approve that and a new order comes in and needs signage and comes in for a variance?

Commissioner Pava: In this RC8 zone are home occupations permitted.

Ms. Lamboy: The home occupation is something that is permitted in the residential zone. There is specific criteria on what it is. When the architect was at that particular site it was as a home office that did not occupy more than 25% of the floor area.

Ms. Jenkins: In the RC8 the Plaza Chamisal permits home occupations. The owner is living there and his office is not there so there is no home occupation at the residence.

Commissioner Bordegaray: What would Sarah Melton do?

Chair Spray: Staff, there is no motion. What does the Chair do?

Ms. Brennan: You need a motion.

Commissioner Pava moves to approve Case E2012-46, 424 Acequia Madre Lot Split, subject to conditions, Commissioner Villarreal seconds for purpose of discussion.

Commissioner Pava: *The reason I move is based on property rights which avail the applicant of certain rights and privileges independent of the zone change.*

Commissioner Villarreal: I concur with Commissioner Bordegaray on mixed use zoning. There is an opportunity here.

Ms. Baer: You can make the lot split conditional on any number of factors, including the rezoning.

Commissioner Villarreal: If we decided it would be on the condition that the residents approve.

Ms. Baer: I was thinking that you were hesitating in case your decision would be related to the rezoning and simply suggesting that if you want to make it conditional on rezoning you have that option.

Commissioner Villarreal: I would like to propose an amendment that this lot split is on the condition of the approval of the rezoning.

Commissioner Pava: I would consider and have clarification. If the lot split were to be approved but the rezoning is not is that an acceptable scenario.

Motion stands as stated. A "yes" vote is approval of the lot split

Commissioner Pava – yes
Commissioner Harris – yes
Commissioner Villarreal – yes
Commissioner Bemis – no
Commissioner Lindell – yes
Commissioner Ortiz – yes
Commissioner Bordegaray – yes

Motion passed by a vote of 6:1

6. **Case #2010-45. 424 Acequia Madre Rezoning to RC-8 AC.** JenkinsGavin Design and Development Inc., agent for 424 Acequia Madre, LLC, requests rezoning of 0.15± acres of land from RC-8 (Residential Compound, 8 dwelling units per acre) to RC-8 AC (Residential Compound, 8 dwelling units per acre with Arts & Crafts Overlay). The property is located at 424 Acequia Madre. (Heather Lamboy, Case Manager)

Commissioner Bemis moves not to approve the recommendation of Case #2012-45, 424 Acequia Madre Rezoning to RC-8 AC, seconded by Commissioner Lindell.

Ms. Lamboy: They can use the property according to the lot split – it would be private lot instead of part of the condominium association.

Ms. Brennan: You are making a recommendation not a decision.

Commissioner Pava – no
Commissioner Harris – no
Commissioner Villarreal – no
Commissioner Bemis – yes
Commissioner Lindell – yes
Commissioner Ortiz – yes
Commissioner Bordegaray – no

Motion by Commissioner Harris to approve Case #2012-45, 424 Acequia Madre Rezoning to RC-8 Ac, with conditions by staff, seconded by Commissioner Villarreal (purposes of discussion).

Commissioner Bordegaray: The motion is to recommend approval to the governing body, not approve it ourselves.

Commissioner Pava – yes
Commissioner Harris – yes

Commissioner Villarreal – yes
Commissioner Bemis – no
Commissioner Lindell – no
Commissioner Ortiz – no
Commissioner Bordegaray - yes

Motion passed 4:3.

7. **Case #2012-39. La Luz Health Complex General Plan Amendment.** James W. Siebert, agent for Sandra Pacheco, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 6.36± acres of land from Low Density Residential (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)

Mr. Esquibel: There are two cases – the general plan amendment and future land use amendment to change the designation to transitional mixed use. The applicant has demonstrated compliance and the Land Use Department recommends approval subject to conditions on Exhibit A. The future land use map identifies this as mixed use and the applicant wants to rezone it as mixed use. There is a detailed site plan. We are recommending one new condition “The applicant shall submit as part of their final development plan, an enforceable plan per Article 14-9.2(c) (6) (e) for the phased completion of the new street to City standards or apply for a variance to width of R-O-W.

Jim Siebert, 915 Mercer Street, Santa Fe, New Mexico

I am representing Mr. and Mrs. Pacheco. In 2005 this property was annexed and rezoned to a mobile home park. The current zoning request is a medium density designation. Currently it has a lower density designation. There is some inconsistency. The existing conditions on the property – from Rufina to Aggie Road are zoned C2. There are vacant properties owned by the Archdiocese. The utilities are on Rufina Street. There is a sewer line, electric, gas, etc. We would be tying in – the water line would be looped in in a phased manner.

The applicant is proposing a medical clinic adjacent to Rufina Street. They have entered into a competition for a Veteran's Administration Clinic. They are 1 of 7 people participating in that proposal. We would develop in phases – phase 1 is clinic – an assisted living facility would be in the middle (single story) three medical offices (3,200 – 3,500 sq. ft). We have proposed eliminating the sidewalk on one side of the road on the vacant land we would eliminate the sidewalk.

Mr. Siebert reviews the photos of the surrounding areas.

Chris Pacheco: 5905 El Prado NW, Albuquerque, 87107

We are in competition for the VA clinic. There were 6 other properties selected. I am a real estate developer. I am a service disabled veteran. I do projects for the VA. One of the reasons that we selected this site is that it meets all the requirements. It is within a mile of services, a mile of public transportation, and has adequate parking (61 spaces).

This site allows us to provide all that. It is also a good fit for that side of Santa Fe. Phase 2 will consist of assisted living and there will be a medical facility in Phase 3. In order for us to get the VA on that property we need it rezoned.

Sandra Pacheco: This property has been in my family for 300 years. In 2005 we wanted to develop this property. We were approved zoning MHP in 2007 and the economy fell apart and we decided not to move forward at that time. I have heard how important the development of this area is to you. We have thought hard about what we wanted to do with this land and taking into account what my grandmother wanted. She was focused on the community and I am hoping that we are granting her wish by offering this project. This is an entire health complex. It serves our veterans and we are addressing the senior community and the medical complex, which will support the assisted living and the veteran's clinic moving forward. We are trying to work with the community on this. We are working with the Agua Fria Association and have talked to folks about what we are going to do. We will bring high paying jobs – professional jobs. I hope that you will take the next step to developing this area.

Mr. Siebert: The applicant agrees with all the conditions in the report. The condition that came up tonight, we have not had the ability evaluate. If you give us the opportunity to look at that issue we will have a definite answer for you.

Commissioner Spray: This is a public hearing, is there anyone in the audience wishing to come forward?

Tomas Montano 1983 Calle Cristo, Santa Fe, New Mexico 87507

My family has been in the Agua Fria Traditional Village. I represent the Gallegos family. Aggie Road is a private road. It is owned by a group of people that have intersections into Aggie Road and we use as a thorough for our private use. I believe this is much more than the road can handle. I do not know if any of you have had the experience of having someone hurt by people coming up and down your road. A couple of years ago I had a cousin shot. With Sunflower Market we have people coming down all the time as a shorter path. This is a good cause but I am trying to protect my family who owns property there. I do not know if anyone has considered the traffic impact at either site. Right now Aggie Road is pleasant. It is residential. Our family has lived there for 300 years. I hope you will evaluate this wisely.

William Mee – 2073 Camino Samuel Montoya, Santa Fe, New Mexico

I like the project because it does help our veterans. They presented at the Agua Fria ENN meeting but did not take any action. A lot of the people seemed to like it. I was unaware of the private road status and that could be a problem for our association. We have to principles our association uses. An owner should be able to do anything they want (within reasonable limits). We support the Pacheco's to do that. We have another principle - the musketeer principle - that if anyone is impacted in our village we will stand together with them and that is the Montano situation. We are in a quandary to take one side or the other. We know that traffic is a problem. Maybe we can move traffic from Vegas Verdes to Avenida los Americas.

Public portion closed

Commissioner Harris: I agree with Mr. Siebert on the additional condition. It does seem to me it would be easily dealt with in the final development. Is there a reason why you think it is important to bring it up now?

Mr. Esquibel: There is a section that discusses whether you can utilize your adjoining property owners. The odds of that property developing may be quite some time. Looking at what we wanted for this development and what the code requires unless the developer can provide an agreement from the church that they will build that portion of the road then it is best that they build that road or seek a variance. You can see that is a long part of the development and it would be needed to meet the requirement. There are two choices.

Commissioner Harris: Is it not possible or appropriate to deal with it in the final development plan?

Mr. Esquibel: It has been known that once a preliminary plan has been solidified applicants come in thinking that is the solidified plan so catching it at this stage for a future development would be easier than trying to go backwards.

Commissioner Harris: Is your plan set in stone?

Mr. Siebert: No. There is a variety of interpretation of the code 14-9-2(b) a land use board or in the case of city street projects may consider and approve.

The reason I am bringing this up is the land use configurations in that area are long narrow parcels. You need a street type that better fits the land use in that area. I am saying we are not going to comply. It came up so late in the process we do not know the financial impact.

Mr. Esquibel: When dealing with that innovative design you come in with a design for that road that is equal to or better than what is required. What we are proposing is to meet the standards rather than compromise for future development.

Ms. Baer: This is the first time we are hearing that this is an innovative street section. We have a situation where we are just asking that this doesn't inadvertently get approved tonight. It can be in the future but we want to acknowledge that a variance is necessary or the innovative street section is requested officially. Two sections of the street are being proposed not to be built. The code requires a 42' section and sidewalks on both sides. We do not know when the other sides will be built. You can defer that development to some other time but we would like that explicitly understood.

Commissioner Harris: I think I understand that issue and how I feel about it. It was worth discussing. The overall development – I wish you well on the VA clinic. The

assisted living portion of it – we don't really – there is no fee simple. Is this a situation where people would own their unit or a cooperative?

Mr. Pacheco: They are rentals and the clients pay a monthly rental. It is not a nursing home, it is assisted. It is an alternative to a nursing home so they can maintain dignity. There are medical services and other services provided within the scope.

Commissioner Harris: Would you run this?

Mr. Pacheco: We would develop it but I cannot tell you if we would be partners.

Commissioner Harris: It requires people who understand those circumstances and work them every day. I do not want to be part of something that would fail.

Mr. Pacheco: We have a lot of experience developing. We do not run assisted living homes. We may be partners.

Commissioner Harris: What is your reaction to traffic on Aggie Road.

Mr. Pacheco: It is not our intention to burden the community in any way. We want to put a development in place that benefits the community. We are open to solutions. We have not had a chance to address the issue. There are multiple solutions. We have access but could negotiate improvements or access with owners behind us. We have not had a chance to address those issues.

Commissioner Harris: Are you saying that there is an easement that runs with Aggie Road. What I heard is it is a private road.

Ms. Pacheco: We have been using the road for 40 – 50 years and there is a document that shows we have easement.

Commissioner Harris: Mr. Siebert have you seen that document?

Mr. Siebert: I have not.

Ms. Baer: We had our land manager for the City research the issue of Aggie Road. It is not a private road; it belongs to the Federal Government.

Mr. Esquibel: It is the undeveloped portion that our land management person found that he believes is still in control of the BLM. There is a portion of Aggie Road still being controlled by the BLM. We are not sure where that is yet. I have not been able to find anything with regard to ownership.

Commissioner Harris: This is a small scale but the notion of going east through Vegas Verdes seems difficult. As you heard earlier the Fire Department will require two means of access. The status of Aggie Road is difficult.

Chair Spray: I believe there are issues that have to be resolved before we proceed.

Commissioner Villarreal: I think this development is innovative and there would be two access points. I am curious about the maintenance of this road. Who will that fall upon? Is there a condition we can place that we move forward and find a viable option for that road? There are two lanes that merge immediately. I am trying to figure out a way to have the road issue resolved.

Commissioner Harris: We are being asked to consider two cases, the general plan amendment. I would assume that in this competition for site selection this is a very important step you need to give to the VA. Perhaps we can reconsider the rezoning without the preliminary development plan.

Commissioner Ortiz: I personally was involved with Aggie Road and I refused to do maintenance on the road because I do not know who it belongs to. I see Aggie Road as a great way to make this happen but I think we need to find out who it belongs to and it need to be an option for getting the traffic out of there and it is in poor shape. There are a lot of people who think they may own it and I do not know if there is maintenance there. We need to have some condition on this regarding Aggie Road. I am at a loss that we still have not been able to resolve this. I have been retired 5 ½ years and it is still an issue. If there is an agreement between existing property owners they should resolve it.

Chair Spray: What is the ramification of trying to resolve this at last.

Ms. Baer: It would be our recommendation that we put the burden on the applicant.

Chair Spray: We have some options. We could postpone until that is determined. We can divide the vote on rezoning and not vote on development plan.

Ms. Brennan: Yes, you can.

Commissioner Pava: So let's say this were to be rezoned this evening is mixed use specific to a connected development plan or does this allow any number of uses subsequently if the veterans' proposal goes away.

Ms. Baer: The requirement to rezone to mixed use includes a preliminary development plan. Once it is rezoned they could come forward with a different development plan.

Commissioner Villarreal: When is the deadline on the competition?

Mr. Pacheco: The deadline is moved to the first quarter of FY13.

Commissioner Villarreal: I would move to postpone to clarify the Aggie Road issue.

Ms. Baer: You can postpone to a date certain but you should ask the applicant.

Commissioner Villarreal: What time frame is reasonable to look into the road issue?

Mr. Siebert: If we could postpone to the July meeting.

Commissioner Villarreal moves to postpone until next regularly scheduled meeting, seconded by Commissioner Bemis. Motion passes (Commissioner Pave votes no).

8. **Case #2012-40. La Luz Health Complex Rezoning to MU.** James W. Siebert, agent for Sandra Pacheco, requests rezoning of 6.36± acres of land from MHP (Mobile Home Park) to MU (Mixed Use). The application includes a Development Plan for a medical complex consisting of a medical clinic, assisted housing for the elderly and medical offices. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)

Commissioner Villarreal moves to postpone Case #2012-40, La Luz Health Complex Rezoning to MU to the July 5, 2012 meeting, seconded by Commissioner Lindell. Motion passed by unanimous voice vote.

9. **Case #2012-25. 203 E. Santa Fe Avenue Rezoning to RAC.** Sommer, Karnes, & Associates, agent for New Mexico Oil and Gas Association, requests rezoning of approximately 0.4± acres from R-21 (Residential, 21 dwelling units per acre) to RAC (Residential Arts and Crafts, 21 dwelling units per acre). The property is located at 203 E. Santa Fe Avenue (northeast corner of East Santa Fe Avenue and Webber Street). (Heather Lamboy, Case Manager)

Ms. Lamboy: This is a dual case consisting of .4+ acres and is zoned R21. This zoning category changed from RM1 to R21. You are hearing this as a result of a code enforcement action. You have the supporting documentation and letters from the City to NM Oil & Gas. The house was being used in a residential capacity. The business has grown and it is before you as a result of it not being a home occupation any more. It is located on East Santa Fe Avenue (shows zoning map). The closest residential arts and crafts zoning is at Old Santa Fe Trail. The future land use category is residential moderate density which permits for home occupation and arts and crafts (aerial view). The home occupation has different criteria for parking. The ADA will require larger parking requirements.

The rezoning criteria is: a mistake in original rezoning (there is no mistake); change in surrounding area (it has changed somewhat but the heart of the neighborhood has not been changed); different category better for community; compliance with Chapter 14 (yet to be seen); and consistent with general plan policies (the application is consistent with some, but not all). The special use criteria is: does not adversely affect the public interest (traffic could adversely affect); the use and associated buildings are compatible with and adaptable to abutting properties (land use is that it is not compatible). Does not have access to city arterial. Staff recommends denial of the proposed rezoning and special use.

Applicant provides handout (Carmen memo)

Joseph Carnes 200 West Marcy Street, Santa Fe, New Mexico

On behalf of NM Oil Gas association. I take exception to one statement – zoning approval criteria – one or more of the following conditions exist. Our submittal information is that our criteria of “more advantageous to the community” applies here.

The Don Gaspar Neighborhood Association letter alleged a number of strong words, the words are unfortunate and compel me to take a step back and set the records straight. The association is a non-profit organization and has been a part of this community for a long time. The association leased properties in the downtown area. A number of years ago the association made a long term commitment and purchased property. Counsel for the opponents pointed out that in the application materials in 2005 the previous president stated that he intended to reside there. He did not say if it would be a full time or part time residence. Subsequently the city issued the home occupation permit. There were individuals who complained about the issuance of the permit.

During the April inspection certain pieces of furniture were installed in the bedroom. All the office furniture was already installed. The City wrote that “based on our inspections ... appears to be in compliance.”

City staff found the use to be in compliance in 2005. It was obvious that Mr. Gallagher was not making permanent occupation of the use. He did not move his family and occupy the house. He converted a back bedroom into a bedroom/office and used the residence as a part time residence. During the legislation session he would stay there full time. This continued for 6 or 7 years. In 2011 there was a change in policy – nothing changed to the use of the property. A notice of violation was issued. The use went from 3 employees to 4 employees. The land use position was clear to us. There is no path forward under the home occupation permit. We had to follow the rezoning path. We understand as planners and lawyers that the fundamental purpose is to promote compatibility. Our request is not about technicalities. We are fortunate this has a 7 plus year track record in this neighborhood. The use exists and has since 2005. This is a low impact use and is compatible with the neighborhood. The opposition’s position is about precedent. It is not the office use that can be the focus of the complaint. That use has been unchanged since 2005. The complaint is that someone is not living there full time. The condition is that the use should be more intense than it is today. Instead of having an employee that drives to work they believe he should be living there full time. The current use is less intense than a family in a single family dwelling. The bottom line is that the low intensity use has demonstrated compatibility with the neighborhood. We ask that you recommend that he council take action to permit this to continue.

Opponent’s counsel takes the position that if you recommend approval and the council approves it would create a dangerous precedent. This is a discretionary decision. As we know, you decide each case on its own facts and its own merits. We are asking that you consider all the facts of the case and apply the principles of the City’s plan and allow for vigorous debate. This use has already been shown to be harmonious with the

neighborhood. Discusses “spot zoning” in various cases. We have input from the immediate neighborhood.

In summary, the association has been here 80+ years and is not going anywhere. This is a historic structure and imposes severe constraints. Another type of use would have constraints regarding parking, etc. If the commission is interested in restraining future land use the association would be open to conditions or a requirements that be imposed with the land. The association wants to do nothing but carry out its functions. I submit that conditions could be crafted that eliminate the possibility or undesirable use for the property. The association provides a benefit to the community. We appreciate your recommendation of support to the City council.

Frank Herdman: Attorney representing Don Gaspar Neighborhood Association and Peter Koomis, individually.

I would respectfully request that the members of the community be given the time necessary to address the commission. The central issue in the case is whether there is a community benefit (one of three criteria – and the only criteria the applicant cited).

The various issues that were raised by Mr. Carnes – and staff has done a commendable job in providing a compelling reason for why this should be denied.

There is nothing in my memo that is an attack. My comments are based on correspondence between the applicant and the City of Santa Fe. They include that the applicant was fully cognizant that it was zoned residential when purchased. In 2004 Mr. Gallagher said they are tired of leasing space downtown and want to own a building. They are proceeding with a request for a home occupation permit. In May 2005 the city states that their position is that the dwelling must be occupied primarily as a residence. It is inconceivable that someone would think the City was okay with the situation. The November 15 letter, which is a notice of violation issued by the City of Santa Fe states “that the city has confirmed that at least since January 2010 neither you nor your predecessor occupies the premises Therefore revoked and that the applicant is ordered to discontinue the illegal use.” I see nothing in the record that reinstated the home occupation. Noting in the record where the applicant said we are no longer residing at the property. This is what the record indicates. My position is that it would be a bad precedent to take an isolated lot and say we want to convert this one isolated lot to residential arts and crafts because you get a myriad of permitted uses that includes.

The applicant could sell the property, it wants to move somewhere else and maybe leases the property. It could lease to a bar, restaurant, office, grocery store, etc. If this rezoning and special use permit are granted – the reality is that this is a precedent – bad precedent under any circumstance. The applicant has stretched the permit and is attempting to boot strap the illegal use as the basis for permit

The applicant must demonstrate the community benefit to be attained through this rezoning. It has failed to do so. It is just for its own private benefit. It has failed to meet its burden.

(Name), 325 East Berger Street, Santa Fe, New Mexico.

I am representing the New Mexico Oil and Gas Association (NMOGA), Peter is out of town. It is a historic residential neighborhood. NMOGA applied in 2004 – the neighborhood was never notified. We would have tried to stop it at that point. The neighborhood immediately began complaining. In January of 2010 when the CEO of NMOGA was fired and was not living there the neighborhood continued to file complaints and a notice of violation was issued. It is not the case that the neighborhood stood by while the use continued. For over 20 years the association has had the position that commercial encroachment is not good for the neighborhood. The neighborhood has worked as a group. We are worried about precedent. A change in zoning is quite often a change in financial status. Certain uses are worth more than other uses. The current use is essentially irrelevant. It is no guarantee of what will happen in the future. Zoning is a permanent change that can allow many other uses. This is a historic neighborhood. It was advertised as the first subdivision in Santa Fe. It is a neighborhood that is being reborn. There are many houses with young families with children. People are looking for what that neighborhood has to offer. A walkable neighborhood close to jobs, commercial uses, and people know each other. As we have seen in so many neighborhoods, once commercial encroachment sets in there is a domino effect. We are concerned.

Letter from Blair and Bill Cooper is submitted.

Jason Sull – 137 East Santa Fe Avenue, Santa Fe, New Mexico

I am also a small business owner. I have two children ages 2 and 4. I moved into the neighborhood because it is a family neighborhood. We are very happy there. I am not a lawyer and do not want to cite case law. The bottom line is it is a neighborhood. There are other types of zoning nearby but I do not see that this particular property deserves special accommodation. I don't think this is the type of process where we are compelled to convince you why not. It is their job to convince you as to why. I am two doors down. I have had to fight for my parking permits and I am concerned about future use, lobbyists, legislative session. I am familiar with the process of owning and operating a business and cooperating with the community. I just don't see why this is complicated.

Pen LaFarge, 647 Old Santa Fe Trail, Santa Fe, New Mexico

I am against commercial intrusion in a residential neighborhood. This is not the same as the previous case. I clearly failed to impress you earlier and I want another try. There is a false premise of mixed use. In 1957 there were mixed uses. Today Canyon Road is almost totally commercial. Commercial has gained ground and taken over. The same is true of Old Santa Fe Trail. It is not the reality now. Commercial intrusion changes this.

Owen Lopez – 812 Don Gaspar, Santa Fe, New Mexico

I have lived here since 1976. I stand in opposition to this request. Marion Silver and Gene Petchesky were born and raised in my house. In my past life I was an Oil and Gas Lawyer, a member of NMOGA. It is a lobbying operation. I attended their office. It is not compatible and they have gone about their request in all the wrong ways.

Joe Hempfling. Retired state employee.

I am in opposition to the rezoning. I find it interesting that the oil and gas is going into the arts and crafts business. There are plenty of leases available in that area.

David Kokin

I collected a petition (dated April 2 and submitted for the record) we moved in 2 years ago. There are 9 kids under the age of 12 – 7 of the 9 moved in during the last 3 years. There is a change in the neighborhood. This is completely incompatible with that.

Carol Weber – 223 East Santa Fe Avenue, Santa Fe, New Mexico

I am opposed to commercial use. I do not want any more commercial buildings. Also concerned about parking situation. Do not understand how arts and crafts rezoning is any more legal than what they currently have. Nothing is forever.

Annabelle Silva – 222 East Santa Fe Avenue, Santa Fe, New Mexico

We have been there over 60 years. Things may not have changed for them in the past 7 years but it has changed for us. My brother has to come in the house the get a permit to go back to the car – had 8 then 4 and now 2. I keep them in the house for whoever comes. We grew up in the neighborhood. I am so happy that all these young families are moving back into the neighborhood. I resent the fact that we are the ones that are suffering. We made it residential parking only because of the legislature. Now we are the ones suffering for it. I vote no against this proposal.

Steve Machin – 613 Webber Street, Santa Fe, NM

Stand opposed to this zoning change. I would respectfully say that while people have said the oil & gas association has been a good neighbor – we agree with that but I think too that a cemetery next door does not make a lot of impact on the neighborhood but the residents are not very good neighbors. We have wonderful young couples with kids moving in and the NMOGA is an empty building and I stand against it.

Milton Valdez – 609 Webber Street, Santa Fe, NM

I have been there for 40 years and the community is very nice and I wanted to say the neighborhood is wonderful. I knew the person who lived at that house prior – leave it as residential.

Dora Linn

I am directly across the street from Wood Gormley School. People are dropping their children off and it is a very dangerous intersection. There is no parking. The children's safety should be considered.

Bob Hilgendorf, 1824 Camino Corrales, Santa Fe, NM

Own caddy corner to the house seeking rezoning. They painted the yellow line for the schools in front of our house. I have no parking. Everyone needs residential permits. A person visiting that business does not have a permit. This neighborhood was built without garages or off street parking. You can say employees have to park but everyone

else for meetings, etc. is not controlled. We have to be vigilant about that neighborhood. The idea that this is no greater use than having 4 employees. How do you get 4 employees in the 25% rule? I oppose it.

Ellen Marie Arias, 132 E. Santa Fe Avenue, Santa Fe, New Mexico

Our neighborhood is transitory. Fifty percent (%) of the housing is rental. We have apartments. We have homes that have been turned into apartments. NMOGA has been a good neighbor and I am the exception to the rule.

Rick Martinez

CBD line is north of the boundary where this is. Do not let them expand. This neighborhood deserves this. Keep it residential.

Meredith - 613 Webber Street, Santa Fe, New Mexico

I have the signatures of many neighbors. We have neighbors from the Plaza to the Capitol. There is a lot of traffic and sometimes we cannot get in and out of our driveway. There is a lot of overflow during legislature with traffic congestion. I understand there are 11 employees, not 4. I see people going in and out of that home. I hope that you will not change our residential neighborhood for one exception.

Russ Moss – East Berger.

Mr. Moss reads the letter submitted by Peter Koomis.

Public hearing closed.

Mr. Carnes: It is unquestionable that if the residence was occupied full time as a residential unit this could continue without question. An office use can take place. A determination in the city code has been made through the home occupation. The association is prepared to accept and propose covenants that will run with the land that can be as tailored as you deem necessary. That can be done and is appropriate in this case. There are 4 employees.

Commissioner Bordegaray: The city drew the line in the form of zoning. The map clearly indicates that. Home occupations coexist in harmony in the community. I would like to commend the neighborhood in working successfully on keeping it a neighborhood. Clearly this was an existing violation. This was an illegal use and is incompatible and neighbors want to keep it a neighborhood.

Commissioner Bemis: I think this is a very good time to speak strongly about zoning. Too often zoning is thrown out the window and we have to stick with it. I am in favor of it staying as a residential neighborhood.

Commissioner Pava: I see a parallel here as to what happened in Albuquerque. I would have to say that if the NMOGA could abide by the current zoning. 40% of the enrollment at this school is out of district and this neighborhood allows for children to walk to school

and I want to keep that. I would have to say that staff is correct in what you analyzed and I appreciate the hard work.

Commissioner Ortiz: Thank you to all residents for coming out. I went to Wood Gormley and I was raised in that area. I understand why you want to keep it the way you want to keep it. I appreciate what you have brought forward and I support staff's recommendations.

Commissioner Bordegaray moves to recommend denial of Case #2012-25 – 203 E. Santa Fe Avenue Rezoning to RAC, seconded by Bemis. Motion passed by unanimous vote.

Commissioner Pava – yes
Commissioner Harris – yes
Commissioner Villarreal – yes
Commissioner Bemis – yes
Commissioner Lindell – yes
Commissioner Ortiz – yes
Commissioner Bordegaray – yes

10. Case #2012-54. 203 E. Santa Fe Avenue Special Use Request for Professional Office.

Sommer, Karnes, & Associates, agent for New Mexico Oil and Gas Association, requests a Special Use Permit for a professional office located at 203 E. Santa Fe Avenue (northeast corner of East Santa Fe Avenue and Webber Street). (Heather Lamboy, Case Manager)

Commissioner Bordegaray moves to deny Case #2012-54 - 203 E. Santa Fe Avenue Special Use Request for Professional Office, seconded by Bemis. Motion passed by unanimous vote.

Commissioner Pava – yes
Commissioner Harris – yes
Commissioner Villarreal – yes
Commissioner Bemis – yes
Commissioner Lindell – yes
Commissioner Ortiz – yes
Commissioner Bordegaray – yes

11. Case #2012-52. Shellaberger Tennis Center General Plan Amendment. Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request approval of a General Plan Future Land Use Map Amendment to change the designation of 8.62± acres of land from Public/Institutional to Community Commercial. The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)

Ms. Lamboy: The College of Santa Fe campus consists of many tracts. When the college was dissolved this one tract was split off. It is zoned R5. The surrounding zoning is R1 to the south and R3. Future land use consists of institutional and across the street is residential low density. There is a proposed trail that would connect Yucca with St. Michael's Drive (aerial view). Parking is provided adjacent to the building. There has been a lot of discussion about the trail. The trail has been abandoned and priorities have shifted. The request is to put off the trail until any development occurs on this particular site. Another amendment was in the condition relating to any type of development plan the request was to add any interior improvements to #3. What we are concerned about is how the site would change over time. Recommend approval with the conditions in the revised report.

Nancy Long, 2200 Brothers Road, Santa Fe, New Mexico

I am representing the new owners of the tennis center. We meet change in circumstance and benefiting the community. These owners rescued the tennis center from an uncertain future. We are asking for zoning to comply with use already there. There was great danger that the tennis center would be lost through default. It has state of the art facilities and flooring. It is used by non-profit groups, and continued use is a real concern to the city, community members and members from the tennis center. There were a number of groups that tried to get financing to purchase it from the bank. Last July Mr. Pittman and his partner, Mr. Rose, were able to secure financing and keep it as a tennis center. There was no time to conform the zoning. The property is R5. This is not allowed. It was a special exception within R5 when it was a college facility. If they want to expand or make improvements they could not do that. It is a non-conforming use. In order to get their financing they had to sign personal guarantees because the zoning did not conform. They are seeking to get rezoned – as it has created problems with insurance. We are trying to fix the zoning to conform what is there. C2 is the only zoning category that would allow private recreational use and is the most appropriate. We do comply with code. We agree with staff conditions.

Current planning #1 that any development on the site be on maintenance, repair and improvements within the existing structure shall require a development asking that the phrase 'and improvements within the existing structure' without development plan approval. The additional condition we agreed to is that should there be any further development on the site that as a safeguard we have agreed to the condition that any further development would come back for development plan approval. That way the University or any residential users would have a chance to examine that plan. The C2 does allow a broad array of uses. We did agree to that condition.

Sam Pittman, Santa Fe, NM

We are new to the Santa Fe community. My business partner and I run tennis centers. We find centers in bankruptcy or under utilized. We are very excited to be part of the community. We are very tightly tied in with the college. When the time comes we understand that the use has to be approved and meet all the conditions, meet traffic study, etc. It was advised to us that we should attempt to make something right in the zoning

that was not right. Our goal is to get into compliance. We want to keep the facility first class. We have no plans at this time but believe it is extremely important to work with the university.

Mary Shruben – Siringo Road, Santa Fe, NM

I am here to speak in favor of the rezoning because we realize they have had major changes there. They provide an incredible service for some youth programs and we want to make sure they can be viable and get the financing and insurance they need. The only concern the neighborhood has are that they not be converted in any way into any retail, restaurant, bar, liquor store of any kind. The proposal for developing a motor pool is questionable. Any increase of traffic in the area is going to make things worse. That is our only reservation. We understand that the C2 zoning is a compromise. At our ENN we had a good discussion and are happy with this proposal.

Frank Herdman, 123 E. Marcy Street, Santa Fe, NM

Represents the University – it wasn't until this afternoon that the university understood C2 zoning. We hope to have those discussions as this proceeds to the city council if the property ever changes hands.

Rick Martinez:

I went to the ENN meeting – there is no master plan with this entire section. The University has an option to buy that property in 8 years. I suggest we get a master plan for that entire area.

Public hearing closed.

Chair Spray: On November 3rd this commission approved changing 2.5 acres from R5 to C2. I voted against that. How many times do we retrace these steps – we need the appropriate zoning.

Ms. Baer: We agree that there should be a master plan and we have discussed creating a zoning district that would suite this property. We hope to move forward on that front. We also support a master plan. The city now owns the property so who would do the master plan and who would pay for it. When the state or some entity of the state purchased the property we lost some level of control and the degree to which the city zoning applies.

Chair Spray: I have trouble going to a C2 because it is everything. It appears that the school may not have understood what is meant by C2. It seems a very broad concept to put all that. Is it possible to put the C2 on the facility itself.

Ms. Baer: You cannot apply zoning to a portion of a parcel.

Ms. Brennan: We did propose to the applicant that we could do a lot split.

Commissioner Harris: Perhaps less than perfect and C2 is simply the best fit. To my way of thinking, the city purchasing the College of Santa Fe was to maintain a certain amount of integrity. This particular piece of property is to clean up the zoning and I would favor this rezoning.

Commissioner Pava moves to approve Case 2012-52, Shellabarger Tennis Center General Plan Amendment, seconded by Commissioner Harris, motion passed by unanimous voice vote.

- 12. Case #2010-53. Shellabarger Tennis Center Rezoning to C-2.** Santa Fe Planning Group, agents for Eric Rose and Sam Hitman, request rezoning of 8.62± acres of land from Residential-5 (Residential, 5 dwelling units per acre) to Commercial-2 (General Commercial). The property is located within the Santa Fe University of Art and Design campus. (Heather Lamboy, Case Manager)

Commissioner Pava moves to recommend Case #2010-53, Shellabarger Tennis Center Rezoning to C-2 with exceptions to the governing body, subject to conditions outlined in Exhibit A and modified in the handout, seconded by Commissioner Bemis. Motion passed by unanimous voice vote.

H. BUSINESS FROM THE FLOOR

None

I. STAFF COMMUNICATIONS

Mr. O'Reilly: The condominium ordinance was approved by the City Council and went into effect on May 30th.

J. MATTERS FROM THE COMMISSION

Commissioner Bordegaray: What is the mechanism for communicating a recommendation for a master plan.

Commissioner Bordegaray makes a motion to recommend or encourage that the city develop a master plan for the site for the Santa Fe University Design, seconded by Commissioner Pava. Motion passed by unanimous voice vote.

[This item was not listed as an action item].

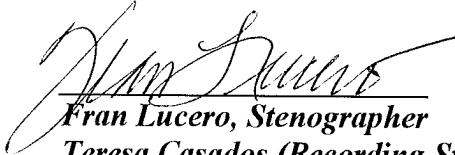
Commissioner Villarreal – somewhat timely because of the redevelopment of St. Michael's Drive and the Long Use Planning.

K. ADJOURNMENT

There being no further business to come before the Commission, Commissioner Villarreal moved to adjourn at 12:00 am, seconded by Commissioner Bordegaray, motion passed by unanimous voice vote.

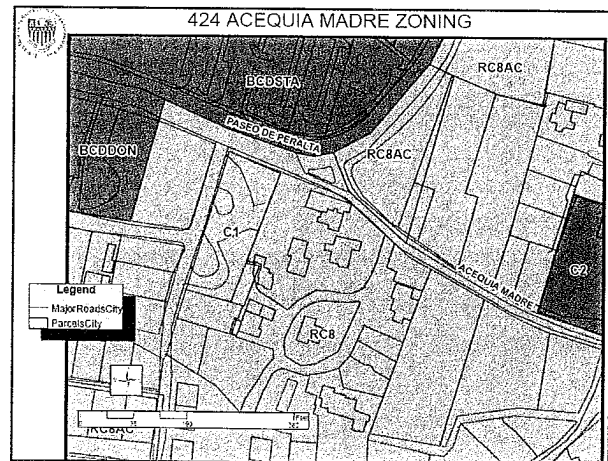
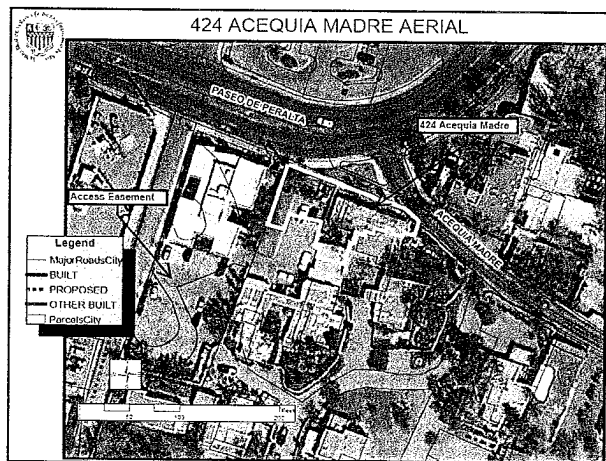
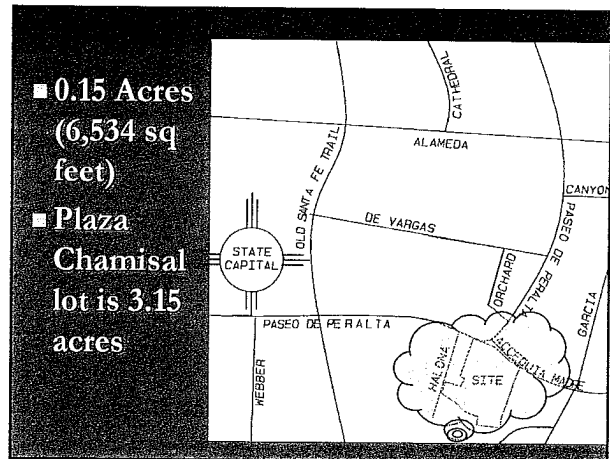
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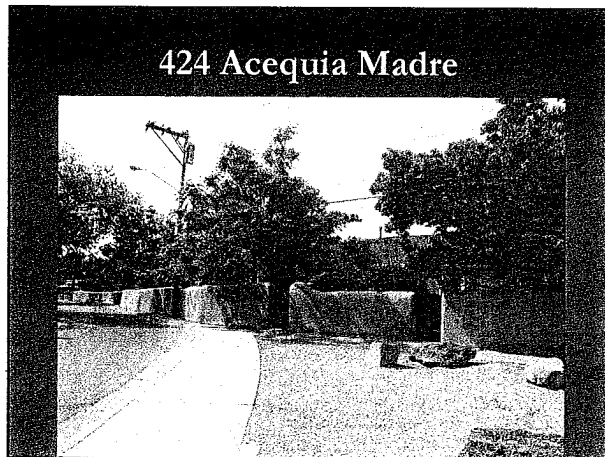
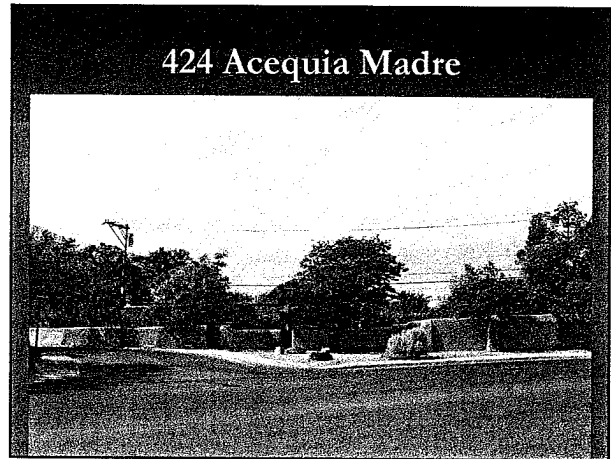
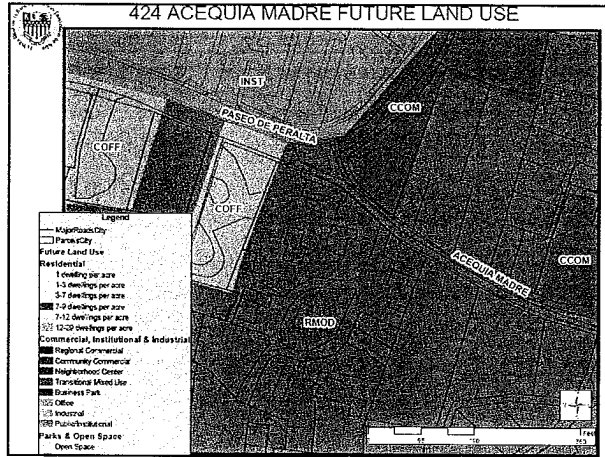
Chair Tom Spray

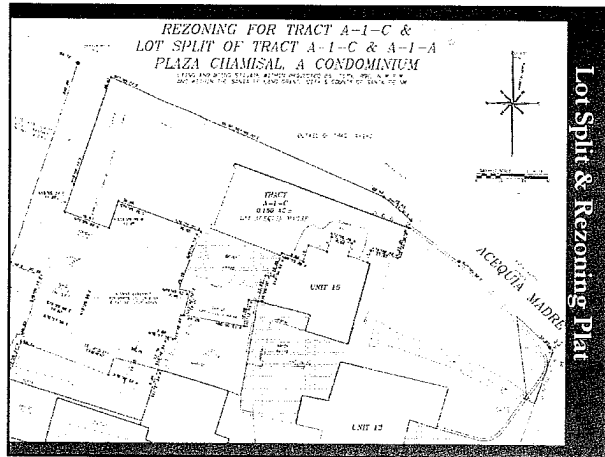


Fran Lucero, Stenographer
Teresa Casados (Recording Stenographer)

Agenda Items # 536, 424 Acequia Madre







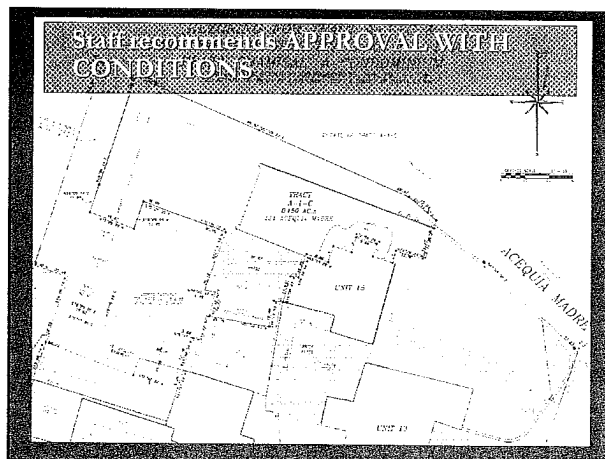
424 Acequia Madre

Conditions prior to Mylar Recordation:

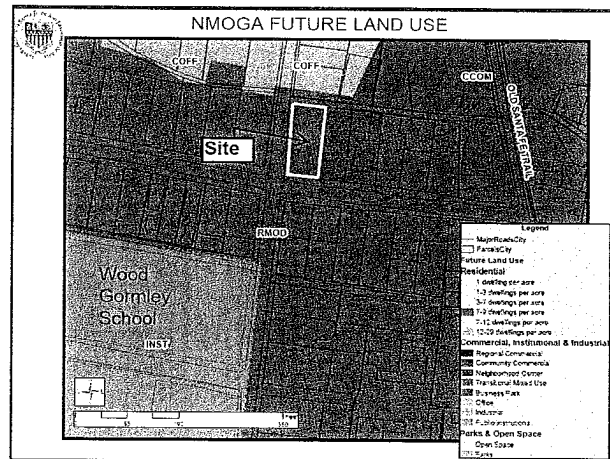
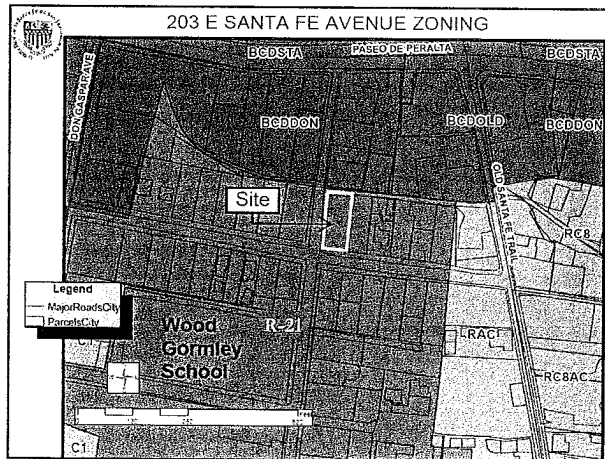
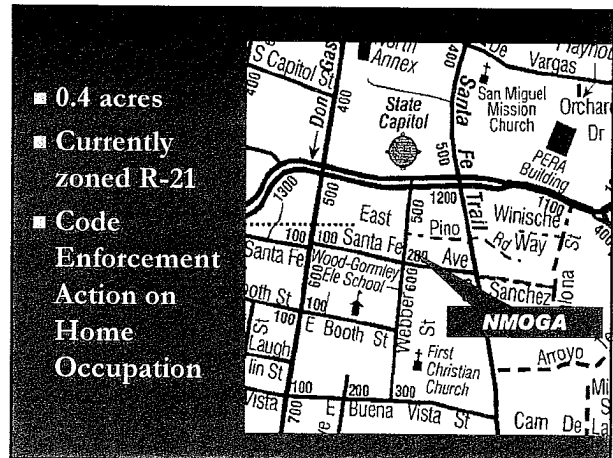
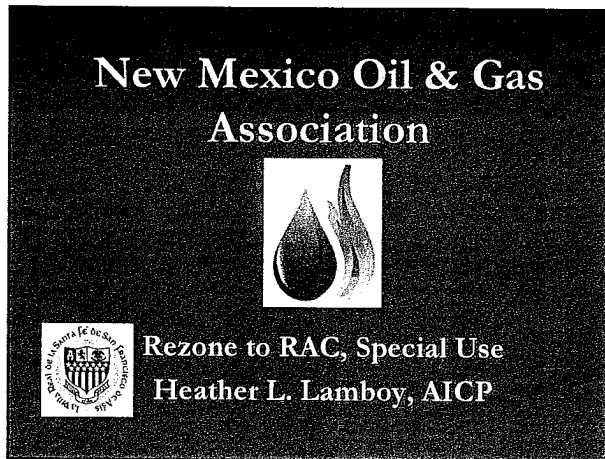
1. Dissolution of Condominium
2. Technical Comments related to formatting

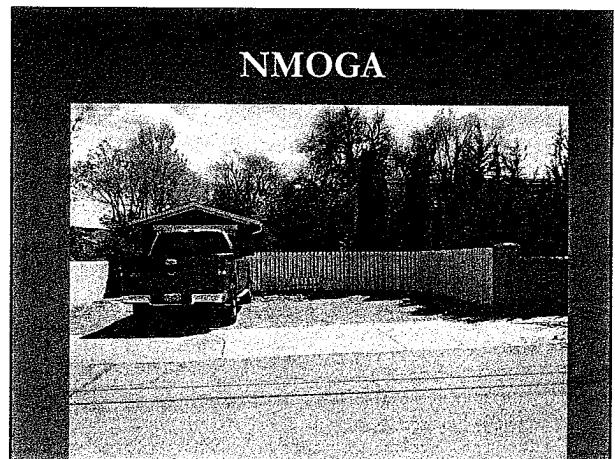
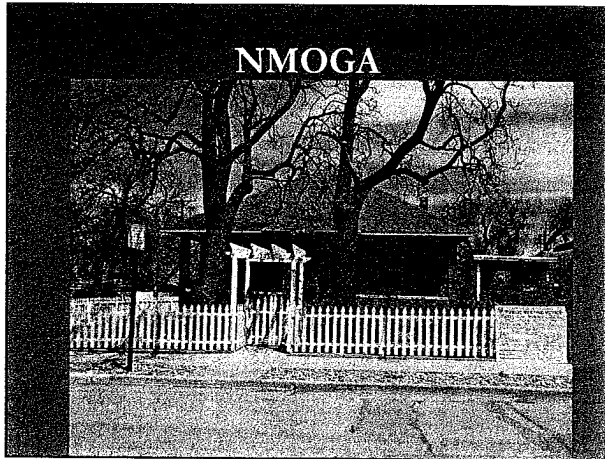
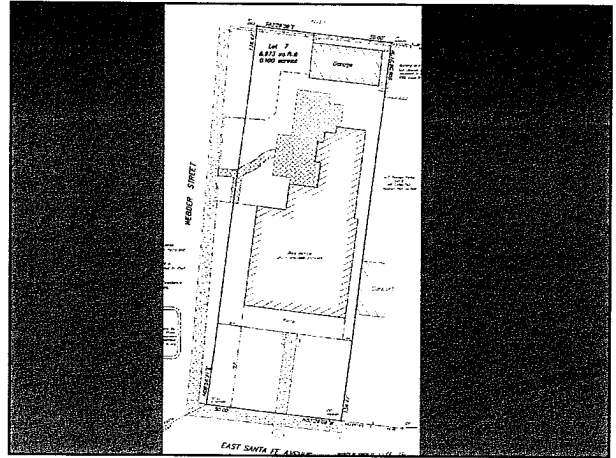
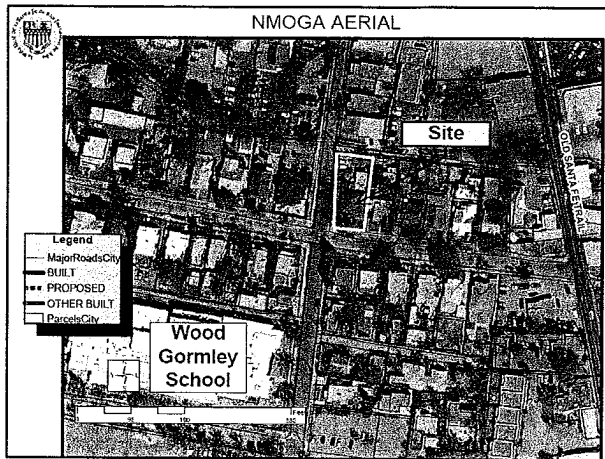
Other Conditions:

1. Change of Use may require changes to building
2. Changes to building may require HDRB review



Agenda items #9 & 10, 203 E Santa Fe Ave





NMOGA

Rezoning Criteria:

1. Mistake in original zoning;
2. Change in surrounding area;
3. Different category better for community;
4. Compliance with Chapter 14;
5. Consistent with General Plan policies.

Proposed rezoning does not meet any criterion.

NMOGA

Special Use Criteria

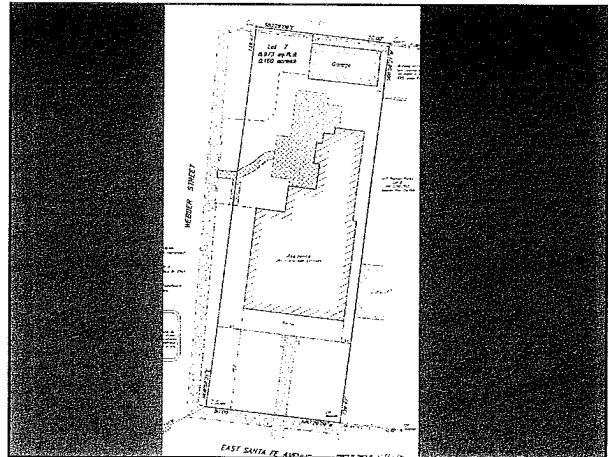
1. Authority to grant the special use permit;
2. Does not adversely affect the public interest;
3. The use and associated buildings are compatible with and adaptable to abutting properties.

The use affects the public interest is not compatible with the neighborhood.

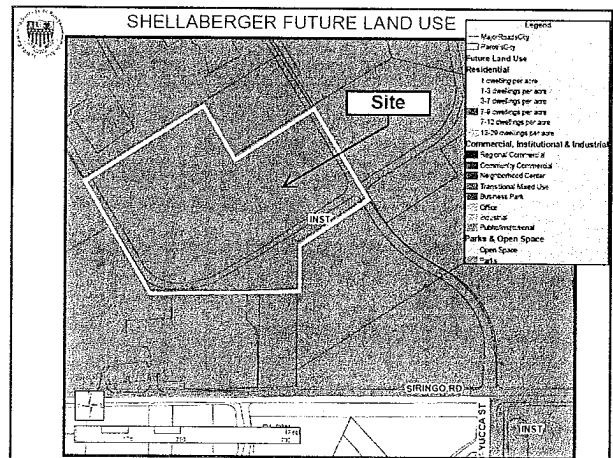
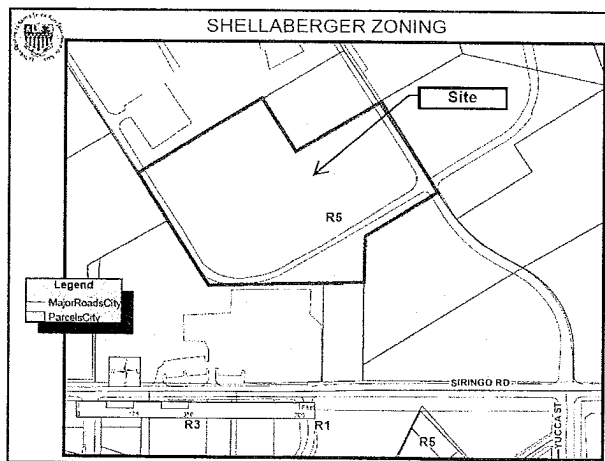
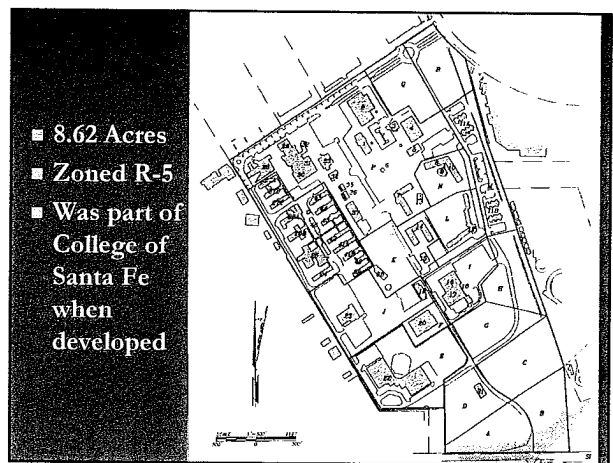
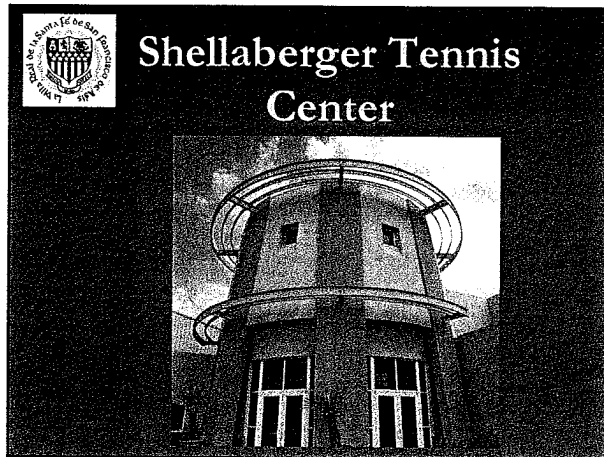
NMOGA

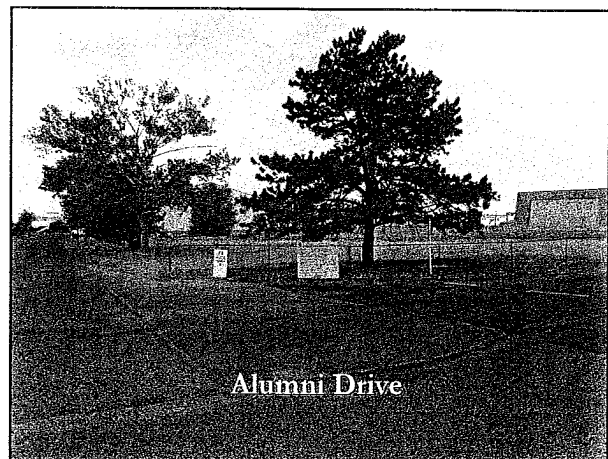
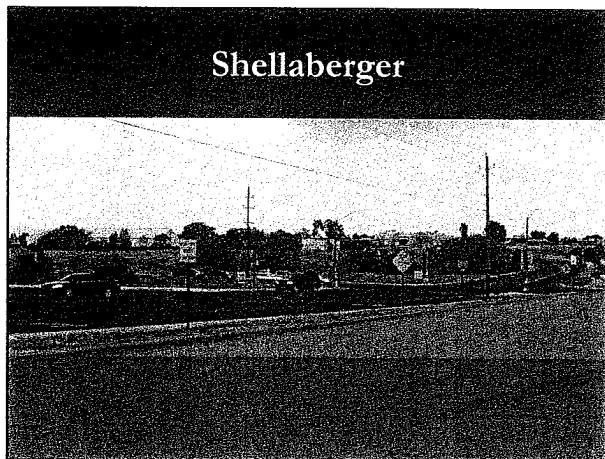
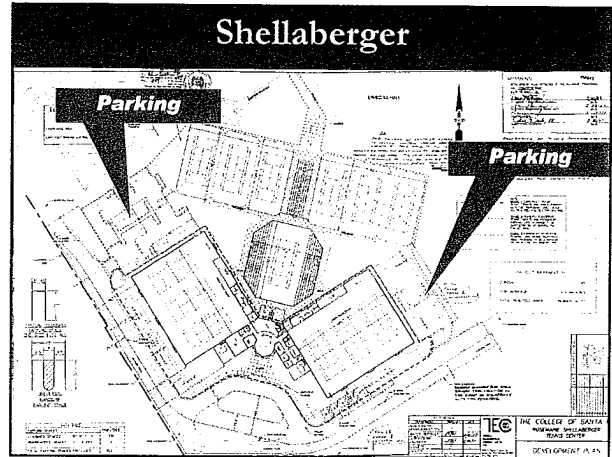
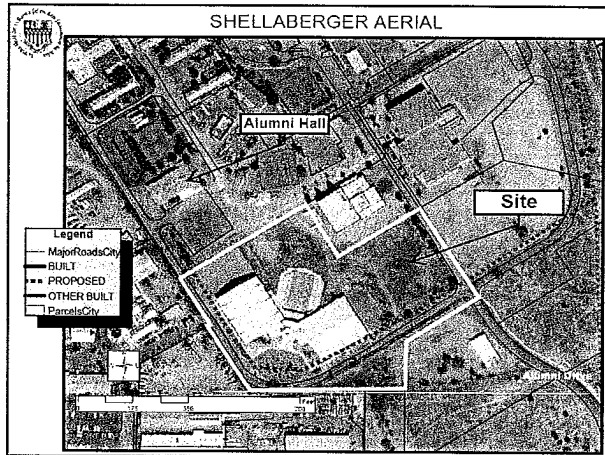


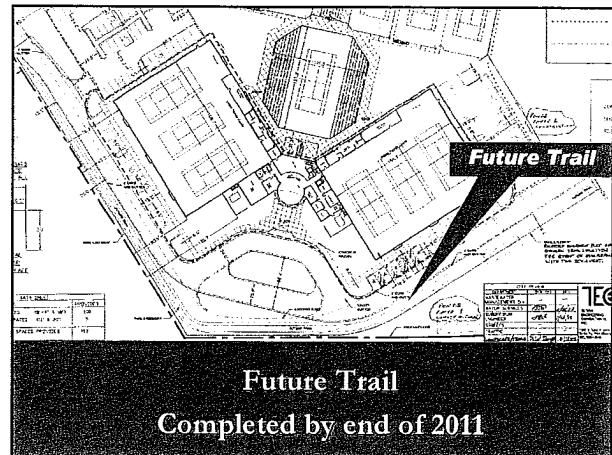
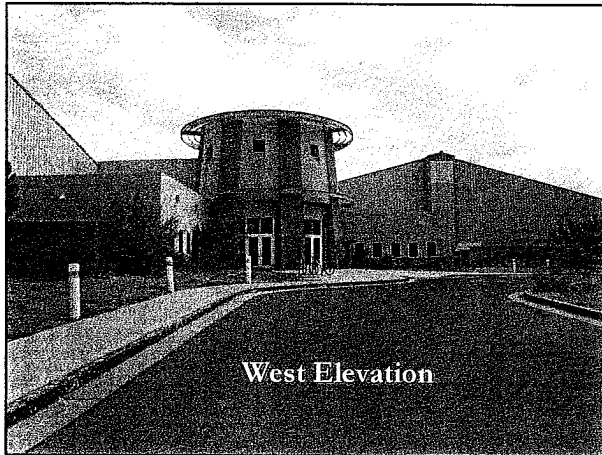
Staff recommends **DENIAL** for the proposed rezoning and special use.



Agenda items 11 & 12, Shellabarger Tennis Center







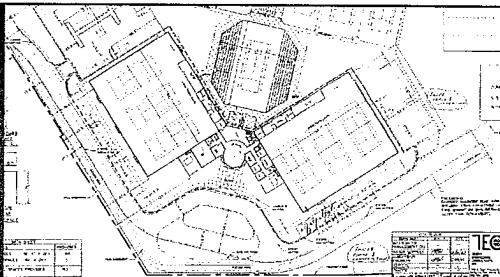
Shellabarger

Chapter 14, Section 8.15 SFCC 1987

1. Non motorized trails required with Development Plans
2. Developer responsible for dedication and construction
3. Commitments made for trail in 2001

New Priorities

- New trail in red
- Connects Siringo and Yucca with St Michael's Drive



Staff recommends **APPROVAL WITH CONDITIONS** for the rezoning

-Trail

-Development Plan & Traffic Study

Agua Fria Village Association

2073 Camino Samuel Montoya
Santa Fe, NM 87507



City Manager Robert Romero
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504-0909

November 25, 2011

County Manager Katherine Miller
Santa Fe County
P.O. Box 276
Santa Fe, N.M. 87504-0276

Dear Managers:

The Agua Fria Village Association (AFVA), on behalf of the Agua Fria Village Traditional Historic Community (THC), and other county residents in our southwest sector of Santa Fe, want to ask the City Manager and the County Manager to work cooperatively on several issues that have been raised to the Regional Planning Council (RPA) at its meeting of November 15th.

We first attended the November 19, 2008 RPA meeting and presented a rationale for why it is important to have the City of Santa Fe, the County of Santa Fe and the Agua Fria Village meet together to do long range community planning. At this meeting, the Councilors and Commissioners were surprised that under the Settlement Annexation Agreement (SAA) the Agua Fria THC appeared as just a "grayed out area on the map" and the numerous Joint Powers Agreements, and both city and county ordinances that affect the area's infrastructure, were wholly ignored by the SAA. Councilors stated that they thought 100% of the area was serviced by the Agua Fria Community Water System, although it is only 30%; likewise they thought 100% of the area was serviced by the three major sewer trunk lines running through the area, although this is only about 25%.

Former RPA staff person Mary Helen Follingstad was directed by the RPA members in 2008 to complete a report of the status of the THC area. Unfortunately, she retired after completing that report and the inability to have quorums at the RPA prevented any action from being taken. Therefore, I am hoping that the direction that Co-Chairperson Councilor Rosemary Romero and Co-Chairperson Commissioner Kathy Holian gave at that meeting for the two Managers to meet will lead to a new partnership with Agua Fria Village. We are hoping to formalize this three-way relationship by obtaining a commitment or resolution from the RPA to have an orderly planning process where the Agua Fria Village becomes the third leg of the stool and a forum like the RPA is available to have all three of the entities sit down together at the table.

One of the first projects we worked on was to straighten out several erroneous sewer accounts that were 'mis-billed' by the Sangre de Cristo Water Company. Mr. Peter Ortega and Commissioner Vigil's Administrator Rita Maes greatly assisted us on these accounts.

The Agua Fria Village Association (AFVA), and other concerned residents in the area, participated in the development of the Agua Fria Community Plan adopted in Resolution 2006-116 by the Santa Fe Board of County Commissioners on March 13, 2007 (located at website:
http://www.santafecounty.org/find/documents/Agua_Fria_Community_Plan_as_adopted_by_Resolution

n_2006_116.pdf), and is currently developing a Five Year Masterplan for Capitol Outlay projects for the infrastructure of the area.

This year, in a City Council meeting on the development denial of the Purple Horizon Mobile Home Park, traffic engineer John Romero commented that the Rufina Street area needed to be jointly worked on by the city (south jurisdiction) and county (north jurisdiction and THC) because it made no sense to do it piecemeal. He proposed a "Gap Plan" be done for improvements and traffic control. This sounded really forward thinking and would help to update the Southwest Sector Plan that we have participated in since 1974 (with myself only attending meetings since 1978).

Thank you for your consideration of this matter and we look forward to working with you.

Sincerely,



William Henry Mee, President AFVA
(505) 473-3160
WilliamHenryMee@aol.com

CC:

CITY OF SANTA FE:

Mayor David Coss Mayor@santafenm.gov
Patti Bushee, City Councilor, District 1; pjbush@ santafenm.gov
Chris Calvert, City Councilor, District 1; ccalvert@santafenm.gov
Rosemary Romero, City Councilor, District 2; romero.rosemary@gmail.com
Rebecca Wurzbarger, City Councilor, District 2; rdwurzbarger@santafenm.gov
Miguel Chavez, City Councilor, District 3; miguelmchavez@msn.com
Carmichael Dominguez, City Councilor, District 3; cadominguez@santafenm.gov
Matthew E. Ortiz, City Councilor, District 4; mortizlaw@msn.com
Ronald Trujillo, City Councilor, District 4; rstujillo@santafenm.gov

City Manager's Office:

Therese Prada, tmprada@santafenm.gov

COUNTY OF SANTA FE:

Santa Fe County
P.O. Box 276
Santa Fe, N.M. 87504-0276
MANAGERSOFFICE@co.santa-fe.nm.us
Honorable Danny Mayfield, County Commissioner, District 1
Honorable Virginia Vigil, County Commission, District 2
Honorable Robert Anaya, County Commission, District 3
Honorable Kathy Holian, County Commissioner, District 4
Honorable Liz Stefanics, County Commissioner, District 5

Shellberger Tennis Center-Conditions of Approval
 Planning Commission
 Case #2012-52 and #2012-53 General Plan Amendment to Community Commercial and Rezone to C-2

Conditions	Department	Staff
Fire Department: <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 Edition. 2. Shall meet fire department access for C-2 zoning. 3. Shall have 20 feet road width for fire department access. 	Fire Department	Ray Gonzales
Traffic Engineering: <ol style="list-style-type: none"> 1. When any additional development occurs on the site, a traffic study will be required that consider the potential uses in the C-2 zone. Depending on what the traffic study reveals, additional infrastructure improvements may be required at that time. 	Traffic Engineering	John Romero
Roadway and Trails Engineering: <ol style="list-style-type: none"> 1. The existing development plan illustrates the construction of a trail in Phase 3. The applicant shall either construct the trail or contribute to the construction of affected off-site trails at the time of any future Development Plan Amendment. 	Roadway & Trails Engineering	Eric Martinez
Current Planning: <ol style="list-style-type: none"> 1. Any development on the site, beyond maintenance and repair, shall require a Development Plan Amendment subject to Planning Commission review and approval. 	Current Planning	Heather Lamboy

Deleted: rebed

Deleted: at a 1:1 ratio in lieu of building on-site trail

Case # 2012-42

Sports Authority Sign Variance

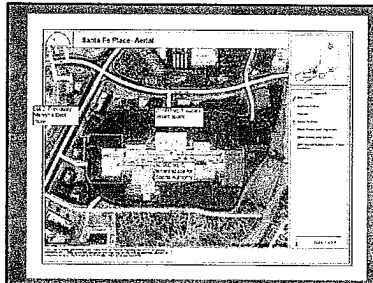
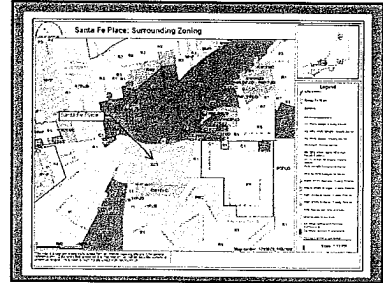
Planning Commission
June 7, 2012

Sports Authority Sign Variance

JenkinsGavin Design and Development Inc., agent for
LSREF Summer REO Trust, 2009

Variance Request:

- 14-8.10(E)(6)(b) (Specific Requirements for Wall Signs)
- 14-8.10(G)(6)(b) (General Requirements for Signs According to District)



Original application:

Two wall signs, each 151 square feet in size as measured around the letters, one on the west facade and one on the south facade.



Sign Surface Area- definition:

"The net geometric area shall be the area enclosed by the sign, including all elements such as borders or frames, perforated or solid background;"



Revised request:
800 sq. ft. wall sign on west facade.



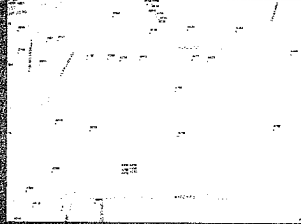
Revised request:
700 sq. ft. wall sign on south facade.

14-8.10(E)(6)(b) Wall Signs

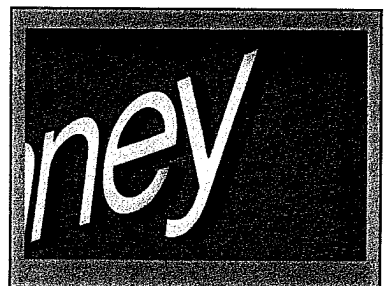
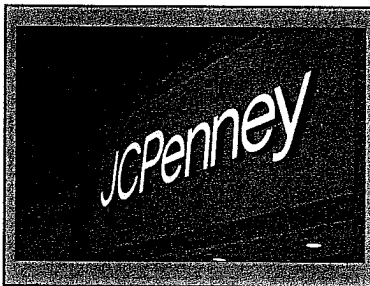
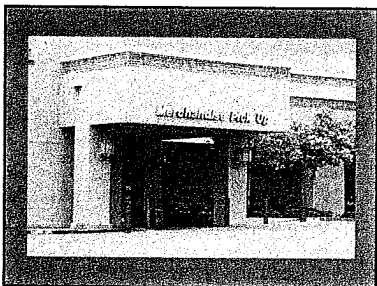
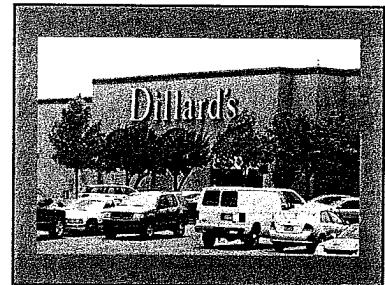
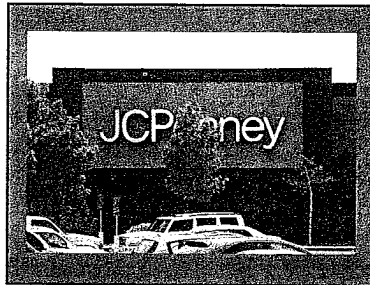
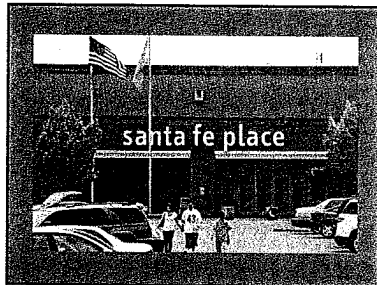
"shall, in no case, exceed twenty percent of the area of the wall on which they are displayed or eighty (80) square feet in sign area, whichever is less, even if the district permits a larger total sign area."

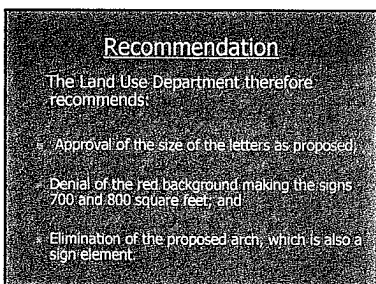
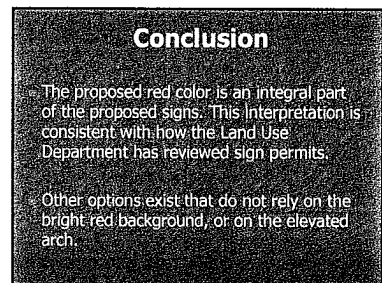
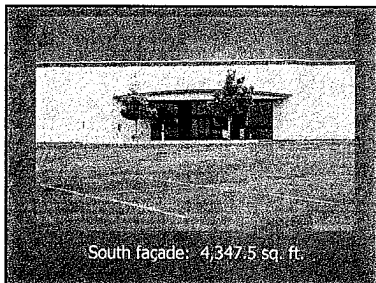
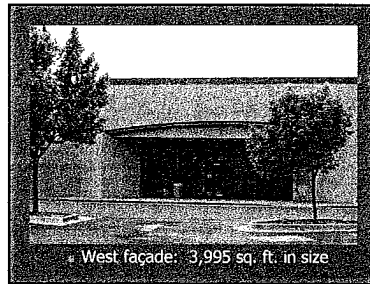
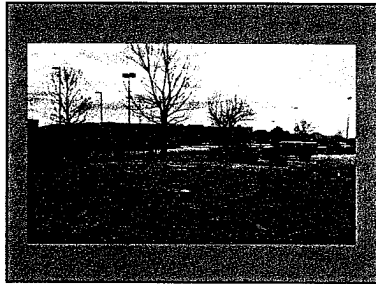
14-8.10(G)(8)(b) General Requirements for Signs According to District

"For two business establishments on a legal lot of record, no more than four signs are allowed, no one of which shall exceed 80 square feet in Corridor Zone Four. The total allowable sign area for any one business establishment shall not exceed 80 square feet."



Existing Signs at
Santa Fe Place Mall





June 7, 2012

City of Santa Fe
Planning Commission
200 Lincoln Avenue
Santa Fe, New Mexico 87501

Re: New Mexico Oil and Gas Association – 203 E. Santa Fe Ave.

Dear Planning Commissioners:

We live in the immediate vicinity of the Association's property at 203 E. Santa Fe Avenue. We are aware that the Association has conducted its non-profit business at the property for the past several years and we support continuation of that use.

We see what goes on at the property on a daily basis. The Association's use has very little impact on the neighborhood, generating little traffic or activity. The employees leave around 5:00 in the afternoon and there is usually nobody at the property on weekends. The Association keeps the property in clean and attractive condition.

The Association has been a good neighbor and we ask that you support their request so that the existing use of the property may continue.

Sincerely,

Nora Fisher

208 E. Santa Fe Ave

Joseph Leroy Romero
Harvey A. Hickey

216 East SFE Ave.

209 E. SF Ave

Garie Le Marie Carmen
698 Webber St.
Santa Fe, NM 87505
June 7, 2012

To: City of Santa Fe Planning Committee Members

From: Garie Le Marie Carmen

Re: Zoning of property at 203 E. Santa Fe Ave.

My Name is Garie Le Marie Carmen and I live at 608 Webber Street I grew up in this house and have lived there most of my life. I am a senior citizen.

I request that you consider allowing the New Mexico Oil & Gas at 203 E. Santa Fe Ave to remain at their present location.

I live about two houses down from 203 E. Santa Fe Avenue and I am able to see cars parked on the street. There is never, never, never a parking problem at this address.

They are quiet. I never hear noise coming from the 203 E. Santa Fe Ave. address.

In my opinion, the New Mexico Oil & Gas at 203 E. Santa Fe Ave. are ideal neighbors and I would appreciate it if you would please consider approving their zoning request.

Respectfully yours,


Garie Le Marie Carmen

PETER B. KOMIS
DON GASPAR NEIGHBORHOOD ASSOCIATION
610 DON GASPAR AVENUE
SANTA FE, NM 87505-4428
(505) 983-1166 FACSIMILE: (505) 983-2113
(505) 450-6361 CELL

05 June 2012

CITY OF SANTA FE
MEMBERS OF THE PLANNING COMMISSION
P.O. BOX 909
SANTA FE, NM 87505-0909

**RE: NEW MEXICO OIL AND GAS ASSOCIATION REZONING
AND SPECIAL USE PERMIT FOR 203 E. SANTA FE AVENUE**

Dear Honorable Members of the Planning Commission:

I have lived in my home on Don Gaspar Avenue, just one block away from the subject property, for over 48 years. Since the time that the Don Gaspar Neighborhood Association was formed in the 1970s, one of its missions has been to prevent commercial encroachment into our neighborhood.

As president of the Don Gaspar Neighborhood Association for the last 12 years, it has been my duty to represent the neighborhood. I have also been a member since the association was created. Contrary to Mr. Karnes' statement in his letter, having this office on 203 East Santa Fe Avenue will not improve or enhance our historic and family-friendly residential neighborhood in any manner whatsoever, especially if this property is ever sold by NMOGA, as the neighborhood families do not know what the future would bring to this site. In fact, we think that allowing this change of zoning will forever diminish and destroy the residential character of our neighborhood. It will also set a very dangerous precedent so that others could argue rezoning to RAC in other areas within our association boundaries, or in the middle of any Santa Fe neighborhood, if this application is approved.

Having this one house rezoned in the middle of the heart of our neighborhood, just a stone throw's distance from Wood Gormley, to RAC zoning and the granting of a special use permit for office use is unacceptable. The traffic that this use could generate in the future on this narrow street within a school zone would be very bad for our neighborhood. If this property was zoned RAC, there would be no control as to when business would start and end at each day, or how many people would come to it, making neighborhood traffic a potential free for all. NMOGA or any future buyer of the property could place large commercial signage in front of the property or make other changes to the property that would change the look and feel of our historic neighborhood.

NMOGA claims that they will not change the use of the property, but that is difficult to believe, in large part because of the process NMOGA has used to locate an office here and apply for a rezoning. For instance, NMOGA purchased this property in March, 2005 but instead of asking for rezoning at the time, NMOGA tried several ploys to be able to use this residentially-zoned property for commercial offices. NMOGA had the city inspect the property as a home occupation in November, 2004, when it was still the home of Cory and Heather Lyle. This, in fact, was what the City of Santa Fe based its original decision on to allow for "home occupancy" of the subject property. After being informed that "having lobbyists sleep in dormitory style beds in the basement during the legislative session" would not qualify for home occupancy, Bob Gallagher, who was in charge of NMOGA at the time, stated that he personally lived in the residence. He further had his voter registration and driver's license changed to reflect 203 E. Santa Fe Avenue to substantiate this claim.

Not once did we as neighbors see Mr. Gallagher nor anyone else live in this house at night or on the weekends. We only saw people come to work in the morning and leave at the end of the work day. During the Legislative Session however, we did see an extension of work hours, more traffic congesting our streets because of the illegal office use, and parkers taking up limited on-street residential parking spaces invoking hardship on the legitimate residents of East Santa Fe Avenue and Webber Street.

The process of applying for this rezoning has also been problematic. At the first ENN meeting for a rezoning to C-1, we were not allowed to question the applicant. At the second ENN, when NMOGA had changed its mind and decided to apply for RAC instead of Commercial, the applicant was not even present. And Karl Sommer, the applicant's representative, could not answer simple questions such as the net leasable square footage, which is needed to calculate parking requirements.

This is not a hardship case for the New Mexico Oil and Gas Association. This was a residential property they knowingly purchased for office space when the economy was booming. Now that they have been "caught," we as neighbors feel that this corporate entity somehow wants to mitigate its damages for making a bad bet or bad business decision in the first place. I feel that this attempt to mitigate damages is being done at our neighborhood's expense.

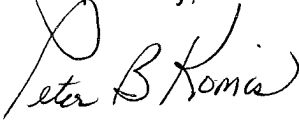
We as an association have been mostly supportive of the Commercial entities that are within our exterior boundaries on Paseo de Peralta and on parts of Don Gaspar. I, too, am a commercial property landlord who understands business. My properties are located within commercial zones and my family and I have followed the rules regarding zoning issues; we expect NMOGA to do the same. These rules are reasonable. There is an appropriate place for everything in Santa Fe and many legally zoned commercial buildings with ample off street parking spaces available are available for lease or sale in the area very near the capitol building. However, RAC in the middle of East Santa Fe Avenue is not appropriate in this location, as eloquently stated by City Planner Heather Lamboy.

As a life-long resident of Santa Fe (specifically in this historic family neighborhood), as an alumni of Wood Gormley and as a father of a 3rd grader at Wood Gormley, and whose wife is

President of the Wood Gormley PTC, and as President on behalf of all the other families and residents of the Don Gaspar Neighborhood Association, we respectfully ask that you as a Commission **deny** the application for rezoning and special exception by the New Mexico Oil and Gas Association and allow our residentially zoned family neighborhood to continue to thrive as such.

Thank you.

Respectfully,



Peter B. Komis, President
DON GASPAR NEIGHBORHOOD ASSOCIATION

STATE OF NEW MEXICO

COUNTY OF SANTA FE

The foregoing was acknowledged, subscribed and sworn to before me on the 5th day of June, 2012 by Peter B. Komis.



Notary Public

My commission expires: 9/30/2013

April 2, 2012

City of Santa Fe Planning Commission
c/o Ken Hughes (Chair)
200 Lincoln Avenue, Box 999
Santa Fe NM 87504-0909

Dear Mr. Hughes and Other Members of the Planning Commission:

We am writing on behalf of the following signatories below to express our concern about, and opposition to, the recent discussion and the pending decision to re-zone the residential property at 203 E. Santa Fe Avenue to a zoning designation of RAC and special use permit to allow for office use.

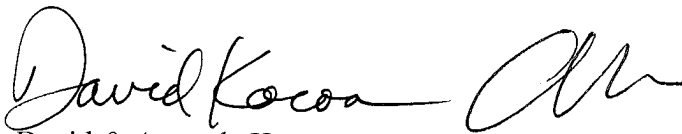
All of the signatories below are residents along East Santa Fe Avenue between Don Gaspar and Old Santa Fe Trail and live in the immediate neighborhood surrounding 203 East Santa Fe Avenue. Our concerns include the following:

1. Child-safety: In the past two years, this stretch along East Santa Fe Avenue has seen a significant influx of families with young children. In fact, our informal count shows that there are at least nine children under age ten living on East Santa Fe Avenue in the two block section between Don Gaspar and Old Santa Fe Trail. We fear that continuing creep of commercial use (including under a RAC designation) on the street will increase car traffic into the neighborhood and pose a safety threat to children at play. After the recent “stranger danger” announcement by the Santa Fe Police Department and Santa Fe Public Schools (3/29/12) about increased stranger activity around SFPS, this concern is heightened, especially given the number of children and our proximity to Wood Gormley.
2. Sense of Community: Particularly with the influx of young families, this stretch has begun to develop a real sense of community, where kids play in the front yards, play catch on the sidewalk, race their scooters up and down the sidewalks while parents read books on the front yard. These activities encourage neighbors getting to know each other, look out for each other and their kids and add community energy to the area. People that have moved to this neighborhood recently have specifically cited this energy and sense of community as central to their purchase decision (it certainly was for ours). Commercial offices, by their nature, do not contribute to this sense of community but, in fact, detract from it.
3. Precedent: If this re-zoning were approved, we would have a real fear of the precedent that it would set throughout the neighborhood. The next applicant making a similar request along East Santa Fe Avenue would logically cite this approval in its bid. The zoning board’s hands would likely be tied, as any future refusal would open itself to legal exposure – “why was my re-zoning application denied while the zoning application for 203 E. Santa Fe Ave was approved?”

4. Basic Fairness: We believe the current tenant at 203 E. Santa Fe Ave has been using the property outside of zoning code for the past several years, why should they be granted a zoning change where not only all the benefit would accrue exclusively to them, it would impose a tangible and intangible costs on the neighborhood as discussed above?

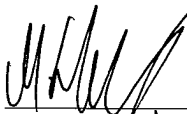
We strongly urge the committee to reject this appeal and any future appeals to re-zone the residence. Please feel free to call any or all of the signatories below to discuss their very real concerns about this topic.

Sincerely,

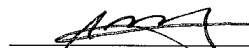


David & Amanda Kocon
131 East Santa Fe Avenue
505-467-8344

The following have signed this letter to lend their enthusiastic support:



Name: Mark Hollis
Address: 211(B) E. Santa Fe Ave
Phone: 917 331 8560



Name: LISA LUBOFF
Address: 137 E. SANTA FE AVE.
Phone: 505 231-3373



Susan Young
211 E. Santa Fe Ave
(505) 699-1746



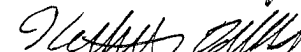
Name: Angela Bivins
Address: 136 1/2 E. Santa Fe Ave
Phone: (505) 310-3699



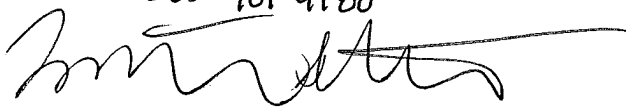
Name: KRISTIN BORTUES
Address: 121 E. Santa Fe Ave.
Phone: SANTA FE 87505
(575) 613-5314



Name: Samantha Ruscavagni-Barz
Address: 127 E. Santa Fe Ave
Phone: 505 401 4180



Name: Kether Diercks
Address: 125 E S.F. Ave
Phone: 505) 501-2447



Kristin Sargent
128 E. Santa Fe Ave
505-231-4636

Ani & Jeff Humberson
109 E. Santa Fe AVE
505. 270. 4669

Subject: Letter to Planning Commission
From: Blair Cooper <blairgcooper@aol.com>
Date: 06/06/2012 01:42 PM
□**o:** kheld@earthlink.net

Dear Commissioners:

This letter concerns the New Mexico Oil & Gas Association's application for a General Plan Amendment, Rezoning, and Special Use Permit. As long-time residents of the Don Gaspar Historic District, I wish to voice our opposition to the proposed zoning changes of NMOGA. The proposed use, or potential future uses, of the property located at 203 East Santa Fe Avenue allowed by changing the current R21 zone to RAC rezoning allows for more intense land use(s) that are incompatible with the residential nature of historic neighborhoods in the Don Gaspar Historic District.

Not only is office use permitted in an RAC zone, but other uses include florists shops, galleries, bookstores, antique stores, and others. With a special use permit, various kinds of food and beverage purveyors would be allowed as well. We see this as a dangerous precedent setting effort that would allow for the encroachment of businesses into historic residential neighborhoods. It is our hope that the Planning Commission will deny this request for a zoning change by the New Mexico Oil & Gas Association.

Sincerely,

Blair and Bill Cooper (224 E. Buena □ista St.)

Don Gaspar Neighborhood Association

Reply

**to the New Mexico Oil & Gas Association (NMOGA)
Responses to the
Early Neighborhood Notification Guidelines
for an Application for a
General Plan Amendment, Rezoning, and Special Use
Permit for 203 East Santa Fe Avenue
4/10/12**

Submitted to the Santa Fe Planning Commission

June 7, 2012

History and existing conditions:

The property is located at 203 East Santa Fe Avenue. It lies within the historic Don Gaspar Neighborhood, which has been a city- and state-designated historic district since the 1980's, featuring a variety of architectural styles primarily from the late nineteenth and early twentieth centuries. Despite its status as a Core Downtown Neighborhood, the Don Gaspar Historic District has remained primarily residential in the area south of the Business Capitol District. In particular, Santa Fe Avenue has been a residential street since its inception and remains zoned R21 (RM1).

In 2004, NMOGA applied for a home occupation permit for the property, stating that it was the home occupation of Bob Gallagher, then executive director of NMOGA. The property was inspected for that purpose in November of 2004, when it was still owned by Katherine and Cory Lyle, who did have a home office in the basement. It was approved by the city for a home occupation for Bob Gallagher on 11/29/04. In violation of the provisions of the Home Occupation Ordinance (HOO), the Don Gaspar Neighborhood Association was not informed of NMOGA's application for a home occupation and therefore did not have an opportunity to address this issue at that time.

NMOGA actually purchased the property on or about 3/17/05, and moved in after that date and after the Lyles had moved out. It appeared that NMOGA used a majority of the interior space for its business, in violation of the provision of the HOO that allows a home occupation to use only 25% of the space of a home for business purposes. SFCC 14-6.3(D)(2)(d)(i) states that "Not more than twenty-five percent of the *gross floor area* of the *dwelling unit*, including *accessory buildings*, shall be used to conduct a home occupation. In determining the *gross floor area* of an *accessory dwelling unit*, no more than one thousand (1,000) square feet shall be used."

NMOGA continued to re-apply for business licenses as a home occupation as late as 2011, with Bob Gallagher still listed as the resident, even though he had been fired from NMOGA on 1/27/10 (according to the *New Mexico Business Weekly* of 1/28/10). SFCC 14-6.3(D)(2)(c)(iii) states that "The home occupation shall be conducted by a person residing on the *premises* in which the home occupation is conducted." The business license for NMOGA for 2012 has been placed on hold due to questions raised about their current zoning and their pending request for a zoning change; this application also listed Bob Gallagher as the resident.

Between 2005 and 2011, the DGNA repeatedly made inquiries about the legality of the home occupation designation for 203 East Santa Fe Avenue. Those inquiries came from neighborhood observation that 1) no one appeared to be residing at this address and 2) more than 25% of the gross floor area seemed to be used for the conduct of business (see above). There were also questions raised about whether more than 2 employees worked at this address (SFCC 14-6.3(D)(2)(c)(iii): "Not more than two persons, other than members of the *family* residing on the *premises*, in which a home occupation is conducted, shall be regularly engaged in the home occupation") and the hours in which this office was in use, especially during the legislative sessions (SFCC 14-6.3(D)(2)(c)(v): "*Employees, customers, clients or deliveries shall not enter the premises between the hours of 7:00 p.m. and 8:00 a.m. weekdays and 7:00 p.m. and 10:00 a.m. Weekends.* "). The DGNA also raised questions about the legality of NMOGA receiving resident parking permits. There were sporadic attempts by the city to address this concerns.

After January of 2010, when Bob Gallagher was fired by NMOGA and was, presumably, neither residing nor doing business at 203 East Santa Fe Avenue, the DGNA increased its

attempts to have the city address the concerns regarding the home occupation designation of this property. The city issued a notice of violation of the Home Occupation Ordinance to NMOGA on November 25, 2011. Subsequently, NMOGA filed a request to the city to rezone this property.

On February 16, 2012, Joseph Karnes, representative of NMOGA, convened an ENN meeting prior to filing a formal application for a zoning change from the city for 203 East Santa Fe Avenue. This ENN meeting was noticed to be a discussion of a general plan amendment to "office" and a zoning change to "C-1". The sign advertising this meeting also stated: "No change in use". At the meeting, however, the applicant's representative handed out a sheet comparing some selected uses for both C-1 and RAC zoning. The representative said that, after further consideration, NMOGA had decided to pursue a rezoning to RAC. Maria Gutierrez, administrative assistant at NMOGA, was present.

After that meeting, the applicant's representative wanted to proceed directly to the Planning Commission on the RAC rezoning. The DGNA protested as no one had been notified prior to the February 16 meeting that this alternative zoning was being considered. The city concurred with the DGNA and a second ENN meeting was convened by Karl Sommer, representing NMOGA, to discuss a general plan amendment, a rezoning to RAC, and a special use permit for office on April 10, 2012. No one from NMOGA was present at this meeting.

NMOGA has repeatedly said that the "existing use will not change". However, a change from "home occupation" to "office" is certainly being proposed, and those uses are not synonymous with one another, in part because of the special restrictions that are placed on home occupations, and in part because of the very different underlying zonings that are proposed. Even with an office use, many specifics about the type of business that could be conducted under these two uses are different.

Thus far, NMOGA has offered no guarantees that they will not pursue a more intense use, nor that any future owner will not do so, either. **In looking at potential RAC uses, the neighborhood notes that the following uses that are not allowed in R21 are allowed in RAC without any neighborhood input: vocational trade schools, light industrial; arts & crafts studios, galleries, and shops; arts & crafts schools; dance studios; photographer's studios; nonprofit theaters; antique stores; art supply stores; bookshops; custom cabinet shops; florist shops; and tailoring and dressmaking shops.**

Additionally, several other more intense uses that are not allowed at all in R21 are allowed in RAC with a special use permit: many kinds of food and beverage establishments, medical & dental offices or clinics, and business & professional offices. These could potentially be very impactful to the neighborhood. If the consideration of a special use permit for these uses were to go before the Board of Adjustment (BoA), the neighborhood would have a right to speak out about these uses, but there is no guarantee that their wishes would be considered, and additionally, in the past, the city has allowed uses that are supposed to require a special use permit (which used to be called a special exception) to obtain business licenses without a hearing before the BoA; there is concern that this practice may continue into the future.

Specific DGNA Replies to NMOGA Responses to the ENN Guidelines

1. Effect on the Character and Appearance of the Surrounding Neighborhood

Although NMOGA has been operating as a home occupation office since 2005, the DGNA has repeatedly tried to stop this use because it thinks that NMOGA was not living up to the legal requirements of being a home occupation and because the DGNA strongly opposes any change from legitimate residential uses on this street.

If the zoning for this property is changed, there is no guarantee that NMOGA or a subsequent owner will continue this particular use. While office use in the RAC requires a special use permit, there are many other nonresidential uses that do not require such a permit and could be approved by the city without any additional neighborhood input.

2. Effect on the Protection of the Physical Environment

No change to the physical environment seems to be proposed at this time.

3. Impacts of Any Prehistoric, Historic, Archaeological or Cultural Sites or Structures, Including Acequias and the Historic Downtown

The applicants seem to be proposing no immediate changes that would directly change the historic structure at 203 East Santa Fe Avenue or the historic acequia behind it. The DGNA looks to the Historic Design Review Board to protect these structures in the future, particularly if there is a change of ownership or use.

However, a change in zoning for this property would also result in changes to the use regulations, development and design standards, and dimensional standards that govern this property that could result in changes to density, setback, signage, parking, and other details of this property, changes that could detract from the residential character of this neighborhood.

4. Existing Density and Land Use Within the Surrounding Area and Proposed by the City General Plan

The proposed zoning change would seem to require a change to the General Plan, one that would alter the residential character of this street and neighborhood.

5. Effects upon Parking, Traffic Patterns, Congestion, Pedestrian Safety, Impacts on the Flow of Pedestrian or Vehicular Traffic and Provision of Access for the Disabled, Children, Low-Income and Elderly

If the specific NMOGA use remained in this location, there might be little impact on traffic flow. However, there could be impacts on parking in the neighborhood. Santa Fe Avenue is a resident-only parking area and the neighborhood has been informed that NMOGA, as a "home occupation", has received resident-only parking permits. Presumably, as a commercially-zoned property, these permits would no longer be available to them and some of their parking might have to be located elsewhere on nearby streets. It is not clear to the DGNA where exactly the claimed 4 on-site parking places are located or whether they, by themselves, would be enough to handle the parking needs of NMOGA, especially when the legislature is in session. It is also not clear whether 4 parking spaces would be enough to meet the city's parking standards.

If the use of this property changed from its current usage under the new zoning, other problems with traffic and parking could occur. The property is at the corner of Santa Fe Avenue and Webber Street, less than a block from Wood Gormley Elementary School. This area is already very congested with vehicular and pedestrian traffic and vehicular parking, especially at the beginning and end of the school day and when special events occur at the school. Additional traffic or parking caused by a more intense use, which could be allowed under the proposed zoning, would exacerbate this problem. This is particularly important because Wood Gormley is still a neighborhood school and many students and their parents actually walk to and from school.

6. Impact on the Economic Base of Santa Fe

Whether or not NMOGA remains at this particular location, they have indicated a desire to stay in this general area near the state capitol in order to pursue their lobbying activities. However, there are other locations within the South Capitol area that are already appropriately zoned for office use and that are currently available.

7. Effect upon Availability of Affordable Housing and Availability of Housing Choices for All Santa Fe Residents

Removing this property from residential zoning will limit the number of choices that are available for housing in the South Capitol area, an area that allows pedestrian and bicycle access to many employment centers in the city, including state government offices and the Downtown.

Additionally, if this rezoning is allowed, it may set a precedent for further commercial intrusion into this residential neighborhood and further limit housing choices for Santa Feans.

8. Effect on Public Services such as Fire, Police, School or Other Public Services or Infrastructure Elements such as Water, Power, Sewer, Communications, Bus Systems, Commuter, or Other Services or Facilities

This proposed rezoning would allow a number of potential commercial uses to occupy this property. While it is impossible to predict whether a given use might occur or whether that use could cause the types of impacts described in this item, it is certainly conceivable that some such uses could cause a strain on the types of infrastructure described in this item, especially since the infrastructure in this area is quite old and was designed for a residential neighborhood.

9. Impacts on Energy, Water Supply, Availability, and Conservation

This proposed rezoning would allow a number of potential commercial uses to occupy this property. While it is impossible to predict whether a given use might occur or whether that use could cause the types of impacts described in this item, it is certainly conceivable that some such uses could cause a strain on the types of infrastructure described in this item, especially since the infrastructure in this area is quite old and was designed for a residential neighborhood. In particular, many arts activities and food and beverage establishments would require a greatly increased water supply.

10. Effect on Opportunities for Community Integration and Social Balance Through Mixed Land Use, Pedestrian Oriented Design and Linkages Among Neighborhoods and Recreational and Employment Centers

The Don Gaspar Neighborhood, particularly the area around the Wood Gormley Elementary School, has been a model of a mixed-use, pedestrian-oriented neighborhood for decades, close to downtown, government buildings, and other employment centers. The neighborhood uses the facilities at the school for recreational and other activities when school is both in and out of session; it is the heart of the neighborhood and is what continues to attract families to this area and keeps Don Gaspar a vibrant residential area. Rezoning this parcel to a commercial use would change the character of Santa Fe Avenue and might set a dangerous precedent for further commercial intrusion into this residential neighborhood.

11. Effect upon Santa Fe's Urban Form

The proposed rezoning would not change the urban boundaries of Santa Fe, but it would alter the existing acequia boundary between commercial and residential areas in the Don Gaspar Neighborhood.

12. Impact on the Downtown

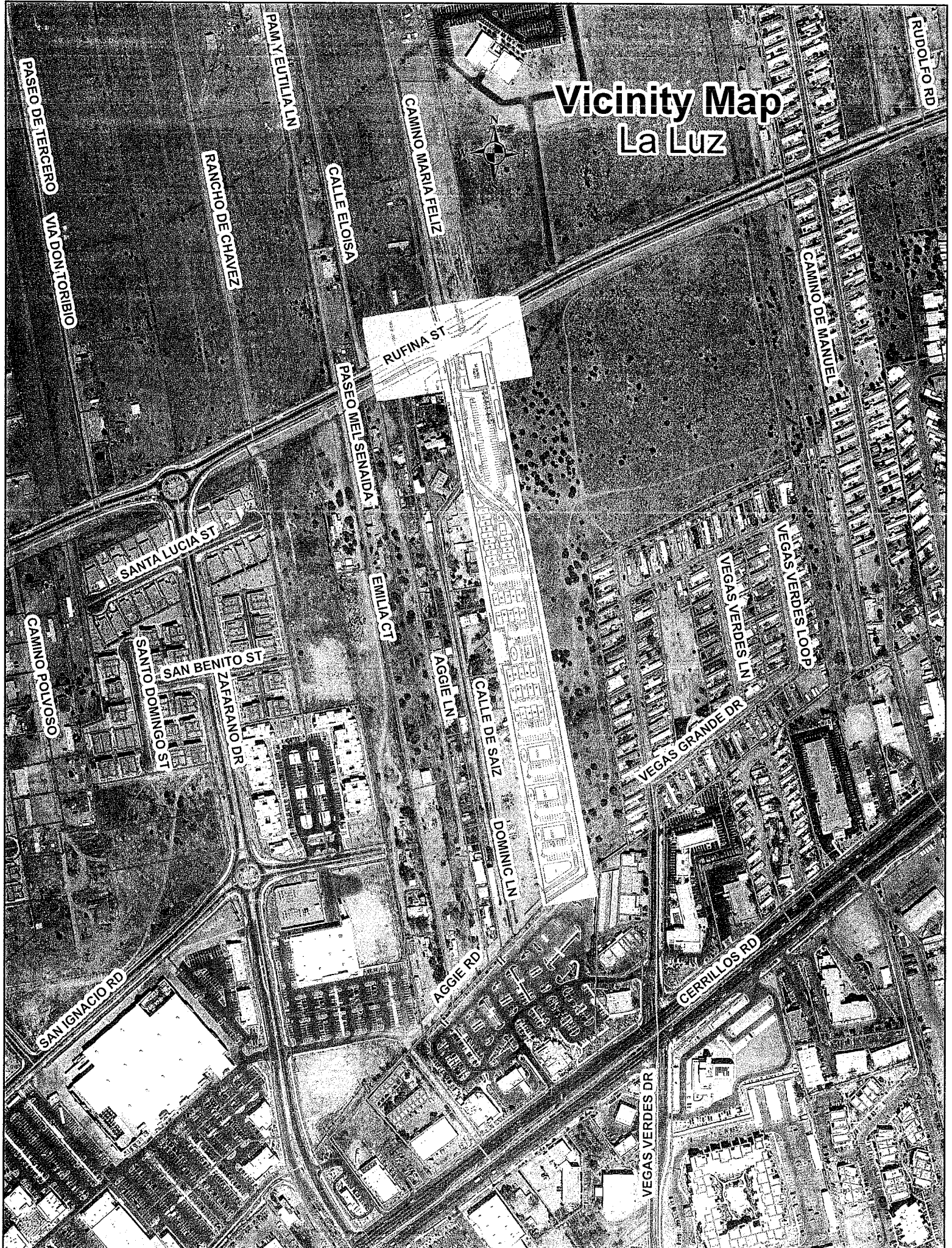
The proposed rezoning of this parcel would allow further commercial encroachment into one of the core Downtown neighborhoods and could set a precedent for further commercial intrusion into this residential neighborhood, thus changing the character in this historic Downtown area.

13. Compliance with the General Plan

The proposed rezoning would seem to require an amendment to the current General Plan, as this commercial use is not consistent with the residential use that is allowed under that Plan.

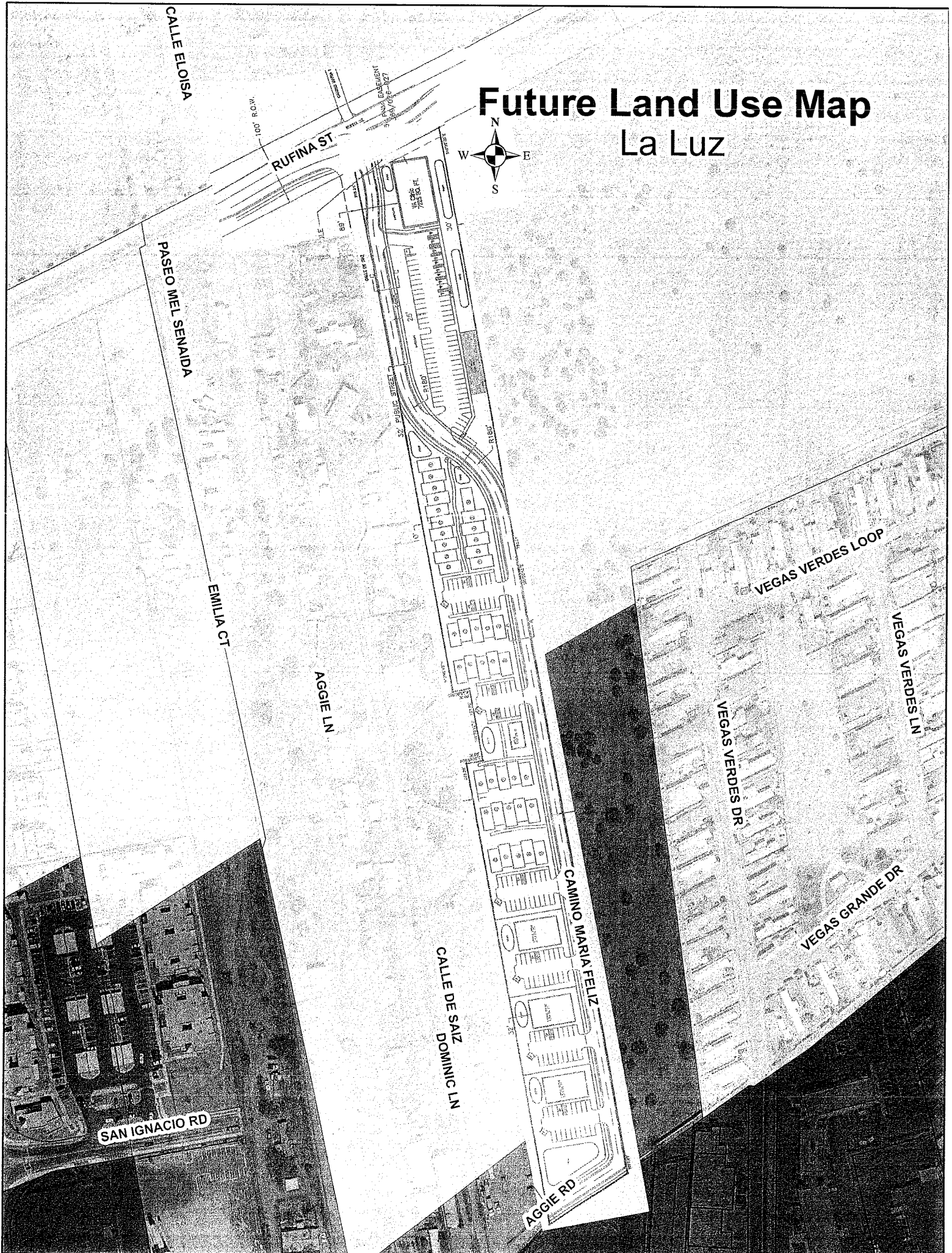
The proposed zoning change is not consistent with at least two of the guiding principles of the General Plan, 1.7.8 CHARACTER, Maintain and respect Santa Fe's unique personality, sense of place, and character and 1.7.11, COMMUNITY-ORIENTED DEVELOPMENT, Orient new development to the community; foster public life, vitality, and community spirit.

Vicinity Map La Luz



Future Land Use Map

La Luz



Existing Zoning

La Luz



R3

R6PUD

EMILIA CT

R3

AGGIE LN

MHP

CAMINO MARIA FELIZ

CALLE DE SAIZ
DOMINIC LN

AGGIE RD

RM2

SAN IGNACIO RD

C2PUD

VEGAS VERDES LOOP

VEGAS VERDES DR

MHP

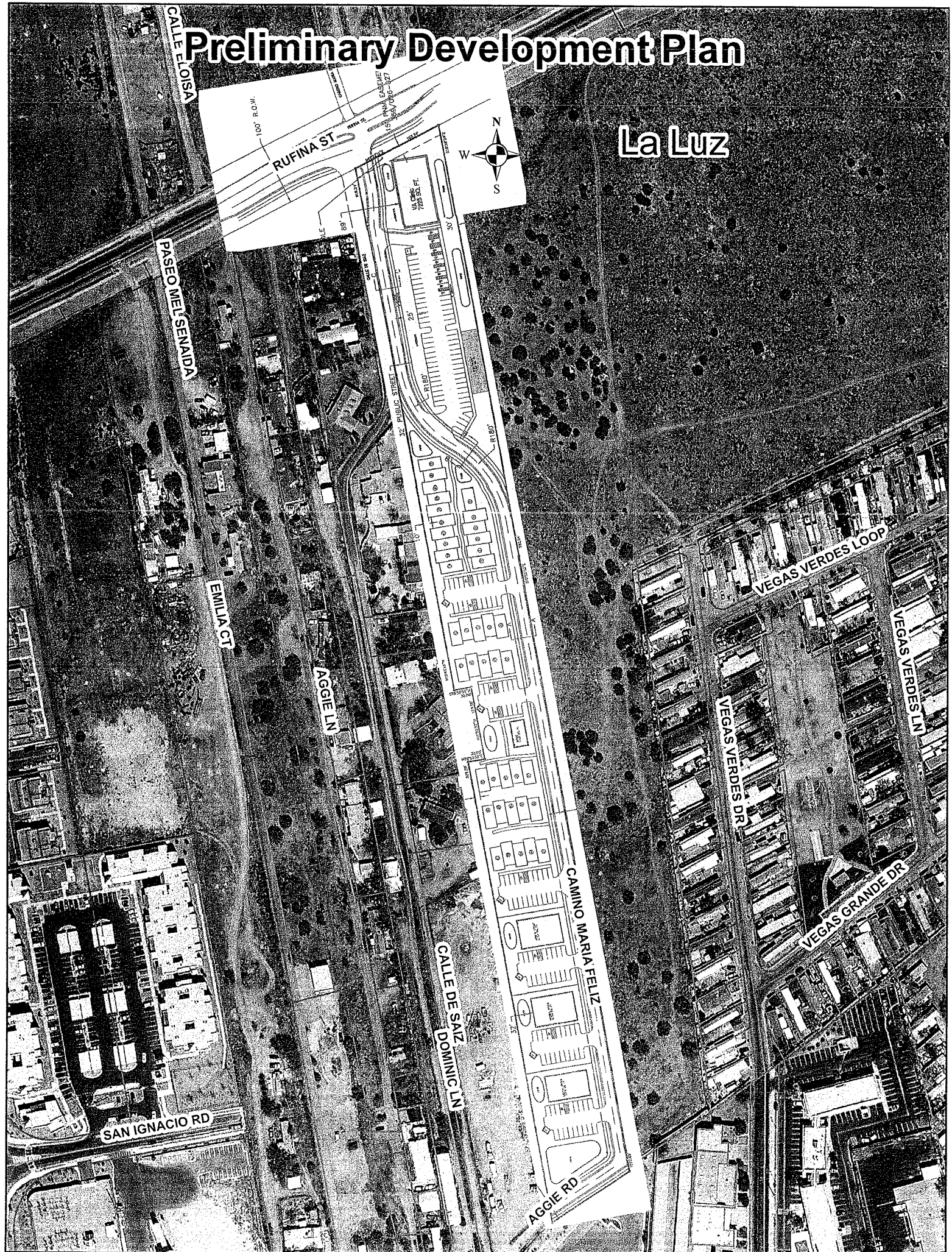
VEGAS GRANDE DR

VEGAS VERDES LN

C2

Preliminary Development Plan

La Luz



City of Santa Fe, New Mexico

memo

DATE: June 7, 2012

TO: Planning Commission

FROM: Current Planning Division

RE: Additional Correspondence

The attached information is not in your June 7, 2012 Planning Commission packet. The information is in the following order:

An ordinance amending Section 14-8.13(B)(3) SFCC 1987 to clarify how water usage of existing structures or uses may be applied to development water budgets for proposed structures and uses.

- Amendment sheet for the development water budget bill, adding a one year review clause.

CITY OF SANTA FE, NEW MEXICO

**PROPOSED AMENDMENT(S) TO BILL NO. 2012-17
(Development Water Budgets)**

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2012-17:

On page 2, line 13, *insert* the following:

“Section 2. Review. This Ordinance shall be reviewed one year from the date of adoption.”

Respectfully submitted,

Chris Calvert, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk