



Agenda

CITY CLERK'S OFFICE

DATE 7-25-12 TIME 12:20pm

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PLANNING COMMISSION
Thursday, August 2, 2012 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue
****AMENDED****

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

MINUTES: July 19, 2012

FINDINGS/CONCLUSIONS:

Case #2012-58. 1158 Harrison Road Rezoning from R-2 to R-5.

Case #2012-59. 1158 Harrison Road Lot Split.

Case #2012-60. Arroyo San Antonio Final Subdivision Plat.

E. OLD BUSINESS

- 1. **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) **(POSTPONED FROM JUNE 7, 2012 AND JULY 5, 2012)**
- 2. **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 Preliminary 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) **(POSTPONED FROM JUNE 7, 2012 AND JULY 5, 2012)**

F. NEW BUSINESS

- 1. **Case #2012-70. Classic Rock Preliminary Subdivision Plat.** Morey Walker, agent for Eker Land LLC, requests Preliminary Subdivision Plat approval for 5 lots on 4.38± acres. The property is zoned I-2 (General Industrial) and is located at 2865 Rufina Street. (Donna Wynant, Case Manager)

2. **Case #2012-72. Christ Church Santa Fe Special Use Permit.** JenkinsGavin Design and Development Inc., agents for Christ Church Santa Fe, request a Special Use Permit for Religious Assembly. The property is zoned R-1 (Residential, one dwelling unit per acre) and is located at 1213 Don Gaspar. (Dan Esquibel, Case Manager)
3. **Case #2012-73. Christ Church Santa Fe Development Plan.** JenkinsGavin Design and Development Inc., agents for Christ Church Santa Fe, request Development Plan approval for 17,000 square feet of new construction on 5.46± acres. The property is zoned R-1 (Residential, one dwelling unit per acre) and is located at 1213 Don Gaspar. (Dan Esquibel, Case Manager)
4. **Case #2012-74. Mission Viejo General Plan Amendment.** JenkinsGavin Design and Development Inc., agents for Ronald Sebesta, request approval of a General Plan Future Land Use Map Amendment to change the designation of 16.56± acres of land from Public/Institutional to Office. The property is located at 4601 Mission Bend, on the east side of Richards Avenue and south of Governor Miles Road. (Donna Wynant, Case Manager) ***(TO BE POSTPONED TO SEPTEMBER 6, 2012)***
5. **Case #2012-75. Mission Viejo Rezoning to C-1.** JenkinsGavin Design and Development Inc., agents for Ronald Sebesta, request rezoning of approximately 16.56± acres from R-1 (Residential, one dwelling unit per acre) to C-1 (Office and Related Commercial). The property is located at 4601 Mission Bend, on the east side of Richards Avenue and south of Governor Miles Road. (Donna Wynant, Case Manager) ***(TO BE POSTPONED TO SEPTEMBER 6, 2012)***
6. **Case #2012-76. Mission Viejo Special Use Permit.** JenkinsGavin Design and Development Inc., agents for Ronald Sebesta, request a Special Use Permit for a school in C-1 (Office and Related Commercial) at 4601 Mission Bend. (Donna Wynant, Case Manager) ***(TO BE POSTPONED TO SEPTEMBER 6, 2012)***

G. BUSINESS FROM THE FLOOR**H. STAFF COMMUNICATIONS****I. MATTERS FROM THE COMMISSION****J. ADJOURNMENT****NOTES:**

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**



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**Index Summary of Minutes
Santa Fe Planning Commission
August 2, 2012**

INDEX	ACTION TAKEN	PAGE(S)
Cover Sheet		1
Call to Order	Commissioner Spray called the meeting to order at 6:00 pm	2
Roll Call	A quorum was declared by roll call, 1 excused absence.	2
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Villarreal	2
Approval of Agenda Staff advised the Commission Chair that the Mission Viejo cases have been postponed until September 6, 2012.	<i>Commissioner Harris moved to approve agenda as amended, second by Commissioner Bemis, motion carried by unanimous voice vote.</i>	2
<u>MINUTES:</u> July 19, 2012 Staff advised the Commission that inadvertently page 5 was not included in the minutes and was included in tonight's packet of information. No further changes. <u>Corrections:</u> Page 8 – 6 th ¶, 1 st sentence: expectoration – expectation Page 11J - 1 st sentence: I will have one on Friday. There was no meeting today for the Summary Committee; there will be a meeting on August 2, 2012. Page 10 – 9 th ¶ under Chair Spray: On the conditions of approval, it states that “per the Office of the Public Regulation Commission,” how are they involved? Page 10 – 11 th ¶, 1 st sentence: Cap the letter “t” in the word this: <i>This</i> is the second case in which we have discussed this <i>issue</i> . <u>FINDINGS/CONCLUSIONS:</u> <u>Case #2012-58</u> 1158 Harrison Road Rezoning from R-2 to R-5 <u>Case #2012-59</u> 1159 Harrison Road Lot Split <u>Case #2012-60</u> Arroyo San Antonio Final Subdivision Plat	<i>Commissioner Pava moved to approve the minutes of July 19, 2012 as amended, second by Commissioner Harris, motion carried by unanimous voice vote.</i> <i>Commissioner Lindell moved to approve Findings of Fact and Conclusions, Case #2012-58, second by Commissioner Ortiz, motion carried by unanimous voice vote.</i> <i>Commissioner Harris moved to approve Findings of Fact and Conclusions, Case #2012-59, second by Commissioner Bemis, motion carried by unanimous voice vote.</i> <i>Commissioner Pava moved to approve Findings of Fact and Conclusions, Case #2012-60, second by Commissioner Villarreal, motion carried by unanimous voice vote.</i>	2-3
Business from the Floor - None		

**Index Summary of Minutes
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<p>Old Business <u>Case #2012-39</u> La Luz Health Complex General Plan Amendment. <u>Case #2012-40</u>, La Luz Health Complex Rezoning to MU <u>Case #2012-76</u>, Mission Viejo Special Use Permit – to be postponed to September 6, 2012</p>	<p><i>Commissioner Harris moved to recommend approval of Case #2012-39 with conditions, second by Commissioner Lindell, motion carried by unanimous voice vote.</i> <i>Commissioner Villarreal moves to recommend for approval Case #2012-40 with staff conditions, second by Commissioner Bemis, motion carried by unanimous voice vote.</i></p>	<p>3-7</p>
<p>New Business <u>Case #2012-70</u>, Classic Rock Preliminary Subdivision Plat <u>Case #2012-72</u>, Christ Church Santa Fe Special Use Permit <u>Case #2012-73</u>, Christ Church Santa Fe Development Plan</p>	<p><i>Commissioner Lindell moved to approve Case #2012-70 with staff conditions, second by Commissioner Pava, motion carried by unanimous voice vote.</i> Commissioner Villarreal moved to approve Case 2012-72 Special Use Permit with the suggestions provided by Commissioner Pava, “light spill and glare from glass construction shall not be a nuisance to abutting residences,” second by Commissioner Pava, <u>Roll Call Vote:</u> Commissioner Harris – N Commissioner Pava – Y Commissioner Villarreal – Y Commissioner Bemis – N Commissioner Lindell – N Commissioner Ortiz – Y Chair Spray – Y Roll Call Vote: 4-3 Commissioner Pava moved to approve Case # 2012-73, the development plan subsequent to staff conditions in Exhibit A plus</p>	<p>7-21</p>

**Index Summary of Minutes
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	<p>additional conditions: relocating the dumpster away from any immediate neighbors, landscaping buffer be designed and planted along the north and east property lines, that water harvesting be maximized including use of cisterns, second by Commissioner Villarreal,</p> <p><i>Friendly Amendment: I would suggest a further condition that some screening be employed that would be operated mechanically so during the day time hours the light can flow in and in the evening the mechanical screening could be lowered.</i></p> <p><u>Roll Call Vote:</u> Commissioner Harris – Y Commissioner Pava – Y Commissioner Villarreal – Y Commissioner Bemis – N Commissioner Lindell – N Commissioner Ortiz – Y</p> <p>Motion Passes 4-2: roll call vote</p>	
Staff Communications	Informational	22
Matters from the Commission	Informational	22-23
ADJOURNMENT AND SIGNATURE PAGE	<p><i>There being no further business to come before the Planning Commission, Commissioner Harris moved to adjourn at 9:15 pm, second by Commissioner Bemis, motion passed by unanimous voice vote.</i></p>	23

DRAFT

PLANNING COMMISSION MEETING –

August 2, 2012


Fran Lucero, Stenographer

8/2/2012

MINUTES
PLANNING COMMISSION
August 2, 2012 – 6:00 P.M.
CITY COUNCIL CHAMBERS

A. ROLL CALL

Present:

Tom Spray, Chair
Commissioner Lindell
Commissioner Bemis
Commissioner Ortiz
Commissioner Harris
Commissioner Villarreal
Commissioner Pava

Excused

Commissioner Bordegaray

Staff Present

Tamara Baer
Dan Esquibel
Donna Wynant

Others Present:

Fran Lucero, Stenographer

B. PLEDGE OF ALLEGIANCE

Commissioner Villarreal led the Pledge of Allegiance.

C. APPROVAL OF AGENDA

Staff advised the Commission Chair that the Mission Viejo cases have been postponed until September 6, 2012.

Commissioner Harris moved to approve agenda as amended, second by Commissioner Bemis, motion carried by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

- MINUTES: July 19, 2012

Staff advised the Commission that inadvertently page 5 was not included in the minutes and was included in tonight's packet of information. No further changes.

Corrections:

Page 8 – 6th ¶, 1st sentence: ~~expectation~~ – expectation

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Page 10 – 11th ¶, 1st sentence: Cap the letter “t” in the word this: ***This*** is the second case in which we have discussed this ***issue***.

Commissioner Pava moved to approve the minutes of July 19, 2012 as amended, second by Commissioner Harris, motion carried by unanimous voice vote.

- **FINDINGS/CONCLUSIONS:**

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Case #2012-60 Arroyo San Antonio Final Subdivision Plat

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E. OLD BUSINESS

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We heard this case June 7, 2012 and July 5, 2012. The applicant has hired a consultant to research Aggie Road and provided information to the city. Per 14-9.2(D)(8) Access and Traffic Calming SFCC 1987, “*Cul-de-sacs and other dead-end streets, both public and*

private, may be constructed only if topography, lot configuration, previous development patters or other natural or built features prevent continuation of the street.” With the research findings inconclusive the applicant has not provided proof that “...*natural or built features prevent continuation of the street.*” Additionally, two points of egress/ingress are required by the Fire Marshall.

The application does comply with the General Plan Amendment and the zoning criteria and we believe that Phase I would not be significantly impacted by the issues relevant to Aggie Road. The Land Use Department recommends approval for Phase I of Case #2012-39 and 2012-40 subject to conditions listed in Conditions, Exhibit A in packet and for them to come back to the Planning Commission to assure they can meet the standards of Chapter 14 or not. Mr. Esquibel recognized John Romero who is in the audience and can answer any questions related to the Traffic Division.

James Siebert, 914 Mercer Street, Santa Fe, NM (Sworn In)

Addressed Aggie Road: We did hire Mr. Carrie Norris who is a title researcher that most attorney and title company's use for difficult title research. Mr. Siebert provided an exhibit to describe the location of Aggie Road and explanation. Mr. Siebert explained the location of La Luz Rd. in contrast with Aggie Rd. where there are several individual tracts that actually cross Aggie Road. What Mr. Norris found is that there are a combination of easements and actual, although hard to say, vacation of the property, indirectly. In this case, a twenty-five foot easement was granted between the Fiorina property and the land owner sitting here. (Described on the drawing). These are long narrow tracts that were then further subdivided so you had one or two land owners entering in to an agreement for an easement which did not include other land owners that also had access rights. So there is an issue there, should those people participate in the easement or not. With this 25' easement, then what happens with many of these tracts at a certain point, in the 40's or 50's when they did the surveys what they did they brought a property line 40' off and left this as a no man's land. At that time the property was brought back 40' and to track that down will take a great deal of effort. My guess is to go back that far is that some of the owner's are no longer alive; we would have to find the heirs and go through that process.

The issue that we would like the Planning Commission to consider is that, we did have a meeting with the land owners that are in this particular area, there were 12 or 14 who attended. There was a real consensus that they did not want that road to be a public road. We can perhaps resolve the title issue which will be a very complex and lengthy process, but it is not going to change the people's attitude about the roadway.

I would like to focus on Phase I since we will be coming back to you again for the other phases of the project. John Romero had asked for improvements to Rufina Street which would consist of a left hand turn lane and we would actually build a median at this time. There would be sufficient area if people wanted to do a U-turn since it is very limited access. There would be additional improvements required to do for Rufina as part of the supplement phases of the project. The other issues that we have resolved is the consideration which at one point we asked there not be a sidewalk on one side of the

road. We do have enough sufficient area to accommodate sidewalk on both sides of the road.

The first phase is for a Veteran's Administration Clinic. Chris Pacheco is here if you have any questions with the status of that particular proposal for the VA. We have parking that well exceeds the parking standard for the city. It is a standard that the VA has a certain criteria to submit a proposal, you have to have a minimum of 65 parking places; so that is why we have an extraordinary number of parking spaces associated with this project.

This concludes my comments, I will answer any questions you might have.

Public Hearing

No comments. Public Hearing Closed.

Comments and Questions from the Commissioners:

Commissioner Bemis: In the last 4 years who has been plowing or grading this road?

Mr. Siebert. Actually there are two particular individuals, one is Mr. Scarfiotti who has a business adjacent to the property and he has dump trucks and graders who do the plowing and Mr. Martinez. They also ask others who live in that area to participate in helping.

Commissioner Bemis: How do they feel about the road condition?

Mr. Siebert: The feedback from the neighborhood meetings was unanimous that they did not want a public road.

Commissioner Harris: Q: I am curious about the facility itself. A VA Clinic, the activities that will be there as well as the hours of operation, is that something that you can answer?

Mr. Siebert: I would feel more comfortable if Chris Pacheco would answer that.

Chris Pacheco, 5905 El Prado NW, Albuquerque, NM – Sworn In

Hours will be the standard 9:00 am to 5:00 pm. There would be staff most likely around 8:00 am until 6:00 pm. It is part of what the VA calls a community based outpatient clinic program. What they are trying to do is provide services in the region outside of Albuquerque.

Commissioner Harris: Staff, of the two cases that we are being asked to consider an amendment to the General Plan and rezoning. There is a development plan included and if we approve, the language included on the rezoning case; is we approve Phase I are we approving a final or preliminary development plan?

Mr. Esquibel: This would be a preliminary approval, the Commission can approve or deny or piece any part of the approval together where they feel comfortable.

Commissioner Villarreal: If the residents don't want to use Aggie Road, did they have any objections to using Rufina St.?

Mr. Siebert: No, they did not have any objection.

Chair Spray referred to the report in the packet from Mr. Siebert: Exhibit B-1, Page 9. Reference: Phase I consist of s 7,225 square foot Veterans Clinic along with the request for the reduction of a right-of-way reservation for Aggie Road from 66 feet to 42 feet. Is that still part of what we are being asked to review?

Mr. Esquibel: Since that was going to be part of Phase III of the proposal, that will be pushed off. Originally when this was annexed in, it was a mobile home park. On the annexation map there was a 66' easement that was dedicated to the city, whether we took it or not, I am not quite sure. In the applicants' proposal, since he was connecting to Aggie Road and the easement adjoining the property was 25' he was willing to make that more uniform so they would match up so you would not have a 66' easement and a 25' roadway. Mr. Siebert proposes to close at that end and that would probably use all of that easement in the reconfiguration of a cul-da-sac.

Mr. Esquibel: In Phase I they were doing an emergency access turn around which is past the center and they were not going to extend the roadway until Phase III.

Chair Spray: I understand that, I want to be sure that is what is described in B-6, Mr. Siebert can you answer that?

Mr. Siebert: The roadway actually gets wider (shown on drawing). The principle difference is that we have added a sidewalk on this side.

Chair Spray: The turn-around is the same?

Mr. Siebert: The turn-around is the same.

Chair Spray: In our rezoning criteria, referenced in page 12, "*one or more of the following conditions exist: (number iii selected). (iii) A different use category is more advantageous to the community as articulated in the general plan or other adopted plans.*" Is this also the staff position?

Mr. Esquibel: Mr. Chair, I did agree with many of Mr. Sieberts interpretation, but we provided our own analysis.

Chair Spray: Would you agree it is an accurate interpretation?

Mr. Esquibel: Yes it is.

Chair Spray asked Mr. Romero to come forward. Do we have any places in the city where we have something of a similar nature before a development could go forward?

Mr. Romero: I am not aware of any situation like Aggie Road, although when Phase III does come about if we could determine that the property owner does have access rights to Aggie Road, we would plan to do so. If he doesn't then it will work having a cul-da-sac. It would be preferred from the connectivity and the Master Plan to do it complete, but the cul-da-sac will work.

Chair Spray: Mr. Pacheco, do you have a backup plan?

Mr. Pacheco: If we would be unsuccessful, the property would still lend itself to medical offices.

Ms. Baer: I would clarify for your vote under consideration that the rezoning requires either a preliminary or a final development plan. You don't have to vote on them separately but if you do vote to approve the rezoning you would be approving what we are calling the preliminary development plan.

Chair Spray: Thank you.

Commissioner Harris moved to recommend approval of Case #2012-39 with conditions, second by Commissioner Lindell, motion carried by unanimous voice vote.

2. **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 Preliminary 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) (POSTPONED FROM JUNE 7, 2012 and JULY 5, 2012)

Commissioner Villarreal moves to recommend for approval Case #2012-40 with staff conditions, second by Commissioner Bemis, motion carried by unanimous voice vote.

F. NEW BUSINESS

1. **Case #2012-70. Classic Rock Preliminary Subdivision Plat.** Morey Walker, agent for Eker Land LLC, requests Preliminary Subdivision Plat approved for 5 lots and 4.38± acres. The property is zoned I-2 (General Industrial) and is located at 2865 Rufina Street. (Donna Wynant, Case Manager)

(Exhibit: Power Point Presentation attached)

The site is located in an industrial area. Primarily in this area you are going to find automotive businesses which are I-1 and I-2. Note that numbering is not correct in the 5 lot industrial subdivision plat, corrected plat provided as (Exhibit B). Lots front public streets; (Clark Road, Rufina St. and Siler Ln.)

We are recommending approval based on the conditions of approval and sidewalks are required.

Morrie Walker, 905 Camino Sierra Vista, Santa Fe, NM (sworn in)

This property was cleaned up when they purchased it and they realize they don't need this much land for their business and therefore are requesting the lot splits. The lot sizes proposed are pretty close to what is out there right now. We recommend access for the lots as designated, Lots 2-4 through Clark Rd. and the others through Siler Lane. We accept all the conditions of the approval. We did not know about the sidewalks request; we would like to do the improvement to the lots before we put in the sidewalks.

Public Hearing

Samuel L. Jaramillo, 2804 Siler Lane, SFNM (work address) Sworn in.

The lot split and the egress/ingress to Siler Lane is a concern to me. Siler Lane is a dead end road. The city finally came in and provided us chipping. I have a concern about what industry might purchase lots 1 & 3 and what type of traffic that will bring to Siler Lane. With the changes on Siler Road, the bike lane, it is very difficult to make a left hand turn to Siler Road from Siler Lane. There are a lot of pot holes in that area.

Public Hearing

No comments. Public Hearing Closed.

Commissioner Harris question to Mr. Romero:

In your review of this project, we last talked about connectivity. When I looked at the proposed Plat, first I thought it was a roadway and then I realized there is an egress/ingress easement off the side of Siler Lane. What is your view about connectivity from Siler Lane to Clark Road; is this a preferred solution?

Mr. Romero: When we look for connectivity it is either in the context of residential development or major road with connectivity. We also look to see if provides alternative access points for people. For instance, if this subdivision would be approved and they were to access the frontage of Clark Rd., if they had no other means to get to Siler Road, than we would advocate for connectivity. But they do have a very reasonable access to Siler Rd. via Rufina.

Commissioner Harris: Do you know if there are any future improvements to Siler Road?

Mr. Romero: The CIP money we received does not indicate any improvements to Siler Road. When doing the site inspection of the area, the businesses that are there now are over utilized, they are mostly automotive and you see the vehicles that need to be worked on parked in their lots or on the street. It would be difficult to require the applicant to be responsible for what is happening across the street.

Commissioner Villarreal: I am concerned about Siler Lane, can you, Mr. Romero, explain who maintains it?

Mr. Romero: I do not know if the city maintains it. The lots do have access to Siler Lane.

Ms. Baer stated that Siler Lane is a public street and is maintained by the city. It has a 50' right-of-way which would allow for parking.

Chair Spray referred back to the suggested sidewalk being constructed at the time the lots are developed.

Commissioner Lindell moved to approve Case #2012-70 with staff conditions, second by Commissioner Pava, motion carried by unanimous voice vote.

Recess: 3 minutes

Chair Spray called the meeting back to order.

- 2. Case #2012-72. Christ Church Santa Fe Special Use Permit.** JenkinsGavin Design and Development Inc., agents for Christ Church Santa Fe, request a Special Use Permit for Religious Assembly. The property is zone R-1 (Residential, one dwelling unit per acre) and is located at 1213 Don Gaspar. (Dan Esquibel, Case Manager)

Two cases, 2012-72 and 2012-73.

Mr. Esquibel: Property is located at the corner of Cordova Road and Don Gaspar. There are three buildings totaling 17,846 square feet. The Shed, Education Building and main building and they are situated on 5 blocks total, 5.46 acres. Plan is to demolish the shed and education building and in its place they are going to construct a 20,640 square foot addition. The property is zoned in an R-1 district, this is a ¼ mile buffer to identify the religious institutions in the general area. Staff recommends approval subject to conditions.

Swearing In: (Group)

Jennifer Jenkins, 130 Grant Avenue, Santa Fe, NM

The property was purchased about 5 years ago, and a church has been in this location for many years. (Overhead presentation) - Main Building and Education Building. The Education Building has 4 classrooms, library and serves as a day care. They have grown and they are in need of Sunday school classrooms and Adult Education. They are in need of additional office space. The rendering is a little over 5.5 acres. They are proposing a small intimate chapel and a larger education building with offices. The intent is to focus on areas of the property that are already disturbed and they will maintain the space that is preserved. In addition to the new educational facility we would add a parking area; code requires 118 and we will have 142 spaces. Once the addition is constructed from Cordova Road the education building would be on the north area and the chapel on the side of the Church.

There has been concern expressed from the neighbors on the southwest. There is an existing 6' coyote fence and existing vegetation. The existing educational building is 11' high and with the improvements proposed it would be 11 to 12 feet height.

Pastor Martin Bond: 28 Calle Cristiano, Santa Fe, NM

I have been in Santa Fe since 2000, I came from California, I am the Presbyterian Pastor and Church Planner for Church of Christ; this is similar to Father Jerome from the Cathedral. Pastor Bond provided history on the use of the Santa Fe Community College cafeteria for the services where they were for 7 years. In those 7 years we did as much as we could do to be a good neighbor. Being a good neighbor in the public is very important to us. We wanted to be in the heart of the city and when the Capital Christian Center came up for sale we were very happy to be able to make the purchase. When we hired our Architect we hired a residential and sensible individual. We wanted to renovate to stay within the keeping of the neighborhood. Our desire was always to renovate the areas that are disturbed. We are not going to do a school; we will stay as a church. We want to remain as a good neighbor and we want to work with the neighbors regarding our improvements.

Public Hearing

Lee Hunt, 9 Demora Road, Santa Fe, NM (644 Don Gaspar – work)

I am on the Board at the Church and have been involved in this project and the church for a long time. We certainly understand the impact and we intend to be good neighbors. As a lawyer I always look at what are the rules, what is this commission's job in looking at whether or not this permit should be approved. Regular worship and incidental activities are exactly what are intended for this space. As Pastor Martin said, we have never had any intention of being a school even though a school was here at this facility in the past. What we do have an intention of doing is to create a space for not only for the folks that are there but for the children and other people in the community who want to use our facility within our church. It is intended solely for religious activities that we have been doing for the last 5 years. We feel it is good use of our property and we ask for approval.

Harriet Hellman, 1150 Don Gaspar, Santa Fe, NM

I have a couple of questions to ask; at an ENN meeting we heard that they were extending the tower which would be way too high for the neighborhood. We who were there that night requested that they reconfigure that and lower that as they already have a high enough of a tower and it obstructs our view and it is annoying. Is this going to remain residential only as it is on the plat? This complex is built in a residential area, will it remain as is? I don't know what the answer to that is. While it is residential and this is a special permit, I would like some clarification on that point. We also heard that Cordova Road is a business road, Cordova Road is a city road not a business road.

Jim Alley, Resident of Santa for 45 years. I am here on behalf of my daughter and son-in-law and my 2 grandchildren. They have a home at 110 Barcelona and it borders the property. They could not be here because they are out of town. (Letter in packet)

This is a magnificent proposal; 17,000 sq. ft. additional space on this lot. This is something that they would build in Los Angeles and is bigger than what is there. My daughter and son-in-laws house borders the parking lot (north view). The coyote fence was put there so they wouldn't look at the church parking lot. Now the building will be pushed closer to their property line. I want to remind you that this is a special use permit that comes under the category of religious assembly. Thank you to Dan Esquibel for talking to me about the code. There is already a religious assembly and what they are asking for is quite different. They are asking for a special use permit for a substantial expansion. They have a big church with a lot of parking already, please keep that in mind. 17,000 square feet, the question I have is if they are going to have a 2-story building. If it is going to be 2-story and my son in law is of the impression that it is going to be 2-story, it will be a substantial eye sore in the neighborhood and it will be seen over the coyote fence, and my daughter and son-in-law are very concerned about this. Findings necessary for approval for special land use permit. I will remind you again that this seems to be for a substantial expansion of the religious assembly. It says, one of the findings you have in order to approve the application is that does not adversely affect the public interest. Now what is the "Public Interest?" In reading the public interest in the code, it seems to me that the public interest is stated, the purpose and intent of the special use permit. Special use permit approval is required for certain usage so that potential detrimental effects may be reduced or avoided and conflicts in land use may be prevented. So, we have a problem that it could provide detrimental effects. I would also like to point out that the second finding you have to make and that is, it says 17,000 ft. expansion compatible and adoptable to the structure and uses and abutting public properties in the vicinity. The other property in the vicinity is residential. It should go back to the drawing board as it is not small it is a substantial improvement to an existing structure on 5 acres. It is going to have an adverse affect in the neighborhood as the homes are one story houses. I ask that you ask the applicant to go back to the drawing board.

Peter Komis, 610 Don Gaspar, President of the Don Gaspar Neighborhood Association

We have neighbors who live in the 1200 block of Don Gaspar on the west side of the street. When we had the ENN meeting we understood that this would go to before the Board of Adjustment on the 20th of August so people planned their vacations to leave and unfortunately, like the gentleman's daughter and son-in-law, they could not be here, this is why we have the letter in hopes you will take what they say under consideration. The neighborhood does stand in opposition to this project. Maybe we could postpone and re-discuss the changes on the plat. We do not have anything against Christ Church at all and no one objects to the church's application for a special permit for religious assembly it the plan was to increase the size of the sanctuary or the main assembly area, there would not be a problem. They are calling for an increase in the size for auxiliary uses, 17,000 square feet. Neighbors have complained about the potential lighting that comes in and light that comes out. Light pollution is a concern if it is used for businesses for profit and we want to keep this residential vs. commercial. We want to keep it looking residential

There are other churches and we have been supportive. They are all in our neighborhood association and we have supported them all in the past. We would like to meet with the applicant again and stand united on this case.

Karen Heldmeyer, 325 E. Berger, Santa Fe, NM

There are many people who are most affected by this project who could not be here tonight. One reason it is here vs. the Board of Adjustment is because you have asked for a development plan which we are happy to hear. As you have heard before, we are concerned about special uses and that they not be detrimental to the neighborhood. It is your job to know the difference. It is important to include the people who are most affected. The neighbors are asking for delay to have more dialogue. The things they are asking for are not real big except for the size of the glass atrium. The problem of light pollution, lights that stay on all night and people who hang out in certain parts of the property. That could possibly be resolved by discussing the design in the grand scheme of things. That could probably be worked out if there was an honest discussion about this. The neighbors talked and there are still open issues. The neighbors are asking for time to discuss these concerns.

Colleen Gavin, Suite 101, Santa Fe, NM

Proceeded to present two letters of support from neighbors and asked they be entered in to the record. Letters were included in the packet and available to the Commission prior to the meeting.

Ms. Jenkins: There are a few things that require clarification. With respect to some of the questions that were asked; we are not here to request any change in zoning, R-1 remains R-1. The special use permit; there is a city code change that occurred March 1, 2012 – Chapter 14 that is when the whole concept of required special use permit for religious assembly was created. Prior to March 1st religious assembly was permitted use. I think the key here is the definition for religious assembly, “related incidental activity.” That is the perfect definition of what we are proposing there. The existing building that is there for related incidental activities has always been inadequate. It was inadequate from day one, but now they have decided to proceed with a Phase II to improve the building to accommodate their needs. Interestingly, if you look at modern churches nationwide, it is very typical, modern standard is the sanctuary is about 20% of the entire building. With our request, our sanctuary will remain at 20% based on modern standards. We are only trying to accommodate the existing needs of the existing congregation. There is no for profit use of the space. These are Sunday school classrooms, this is a small chapel, and this is a lecture hall for educational purposes. These are the type of uses we are talking about here that are regular incidental uses customary for religious assembly. We reiterate that we are looking at improvements for the disturbed areas. We want to protect and enhance the religious use which is for the community. The area has 4-5 churches within a 4 mile radius. This is a mixed use area for churches and homes. Christ Church wants to continue to be a good neighbor and they have never received any complaints for their activities there. They are proud to be good neighbors.

Dr. Joseph (last name inaudible), 210 Calle Agosto, Santa Fe, NM

We have lived in Santa Fe for 11 years and I am a member of Christ Church. I am very proud to be a member of this congregation and I want to point out that we are a small congregation of about 300 members. We have no intentions of being a 2,000-3,000 member church having multiple services all day. More importantly, I am very proud of the small groups that are involved here in the community. I wanted to point out that we are active with Faith at Work, with Holy Faith Church and the Cathedral, we have active ministry with some of our elementary schools and the teens, we have members of the congregation that are helping with the homeless teens. As Pastor Bond has said, we stayed at the Community College for 7 years, and we were happy to find our new home. We want to be good neighbors and I thank you for your time.

Public Hearing Closed

Commissioner Pava: Question to Mr. Komis

Why has there not been in 2 months time or an opportunity to meet with the neighbors or the neighborhood association since May 29th?

Mr. Komis responded that they have been working on other areas of concern in the neighborhood and the notice he received for the Planning Commission meeting had fallen in to his SPAM folder. He feels that if the neighbors could have been re-contacted, possibly some of the concerns could have been addressed.

Commissioner Pava – Question to Ms. Brennan

If we are to apply conditions such as those proposed here in the letter from Mr. Komis on behalf of the Neighborhood Association; are there any of those conditions that might run contrary to the Religious Land Use Practice Act? Would we be consistent with that; I know this is a special use permit, but the kind of things that are being proposed here, does anything jump out that raises a red flag or would be a problem with the religious land use practice?

Ms. Brennan: There is a significant litigation in the Act and generally speaking zoning cannot impose substantial burden on religious assembly. This is a highly disputed area. It certainly is something that I would be aware of and would want to consider in any additions in light. I can't see now in terms of one thing of stature is that you could not impose condition and prohibit any type of tower on the property.

Commissioner Pava: If we approve this special use permit, am I correct that if we approve this it could be appealed to City Council?

Ms. Brennan: That is correct, it could be appealed to the City Council.

Commissioner Lindell: (Provides Ms. Jenkins with a copy of Mr. Komis letter.)

It seems that there are eight items the Neighborhood Association would like to have a discussion on. There were eight, now there are seven with the statement Ms. Brennan has

just made. Some of them do not look hard, and as we talk about the project being in the public interest; I believe this project is in the public interest. But I also think given just a little bit more time, I think that the differences that the Neighborhood Association is talking about, and I know that the church wants to be a good neighbor, I think those items could be taken care of simply by talking. I would ask if you took a quick review of these, would you consider postponing to a date specific giving the neighborhood association a chance to time to meet with you, the Architect, Engineer and the Pastor and perhaps members of the Church.

Ms. Jenkins: I would ask for a few moments to look at the letter from Mr. Komis and maybe we could take care of it now.

Commissioner Bemis: I support the statement by Commissioner Lindell and would like to see if it could be worked out tonight.

Mr. Esquibel: Directed the Commission to look in the packet, page 6-1 you will find that we required the applicant to submit a Photometric analysis to address lighting concerns at the property. The property indicates no negative light problems exiting the property.

Ms. Jenkins:

- We are in agreement, we will leave minimal lighting on at night for security purposes and will have shielded down lit lights in the parking area.
- We are very much interested in conserving the trees. Our landscape plan incorporates plenty of additional trees along the northwest and south boundaries. There is a landscape plan in the packet. Landscape plan was dated 6/11/12. The revised plan is included and the date was not changed.
- We are happy to relocate the dumpster; we could move it to the south end so it isn't on a property line that borders a residence.
- During construction we will take all necessary steps to minimize disturbances and we will comply with city code.
- There is no overnight parking allowed or overnight use.
- Hours of use are as they are now.
- We are not proposing new towers.
- We are not proposing any recreational facilities. Ms. Jenkins showed an outdoor play area for the babies.

Commission Lindell: I am not clear on the control of light pollution. I am clear that you will preserve mature trees and that you will move the dumpster from the view of the

neighbors. The city has ordinances that say you can't start construction work before 7:00 am. Parking area for construction area and personal vehicles for construction workers vehicles, this is a big concern. I would like to hear from the Pastor of the Church to understand how large this project is and to know if he or church staff will be available if there are problems with this.

Ms. Jenkins: We have plenty of areas for staging for construction vehicles.

Commissioner Lindell: Can you assure that there will not be any overnight use or parking?

Ms. Jenkins: Agreed, no overnight parking.

Commissioner Lindell: Assure me that there will not be any use of the property before the hours of operation?

Ms. Jenkins: Agreed, the hours of operation are as they are now.

Commissioner Lindell: Do you propose having a 2nd story?

Ms. Jenkins: (Overhead explanation of the project – the highest is the atrium which would be 30'). Everything is single story. All the structures are all single level construction. West elevation is along Don Gaspar and the grey indicates existing. Location of proposed chapel was pointed out.

Commissioner Lindell: Can you talk more about time usage?

Pastor: Latest service is 6:00 pm on Sunday evenings. There is no use of the lobby for activities, youth groups meet in the lower area normally from 6-8 pm. It is not designed for late use at night.

Commissioner Lindell: Pastor you do understand how the lighting would affect the neighbors?

Pastor: Yes I do, and this is why we used a residential Architect who wanted to contain all that within existing structure. What is currently there is a courtyard that is enclosed between what is our sanctuary and our education building. We perceived this as internal space; it is facing a parking lot on our property.

Commissioner Lindell: I would like to ask the gentleman from the neighborhood association if he has satisfaction on how the items were answered.

Mr. Komis: Because of the two residents not here tonight, and Ms. Jenkins sending me a text today and forwarding me something. I have spoken to Ms. Jenkins today and if we had that conversation about a month ago, those residents may not have gone on vacation. If we could wait a little bit until those two residents that are on vacation come back it

would be handled best so they can speak to the night time lantering. I would like to wait. Some of the issues have been addressed, but if we could wait and go first on the agenda next time I think that would be best. Thank you for the dumpster resolution, that was important to us.

Mr. Esquibel: A special use permit has typically gone to the Board of Adjustment. You are now going to start seeing them when they trigger development plans of 12,000 ft. by residential areas. This body does have the authority to make restrictions to mitigate; you could mandate that lighting be on a timer or motion detection. If it was by a school, you could limit the number of students. With this special use permit you can make the decision to assure that the applicant does fit in to the residential area. You can list the stipulations in the motion so they comply and they are enforceable through Chapter 14.

Chair Spray: As I understood, was that the only condition, antennas and tower on properties, is that correct?

Ms. Brennan: You cannot impose that condition on properties that have tower or antenna on them.

Commissioner Harris: It is my understanding that there should be a fifteen feet landscape buffer, we have an existing fence but we are not planting any trees there.

Ms. Jenkins: There are existing trees on the north property line and with the fifteen foot requirement I wanted to make sure that I characterize it correction. That relates to commercial uses directly adjacent to residential zones. However, there is a requirement that 15' landscape buffer be provided where parking lots. So the new parking lot area we have surrounded with a landscape buffer in that area. There is existing vegetation there as well as we will be augmenting more.

Commissioner Harris: I am looking at 14-A, which says, "non-residential development that abut the residential development or go across the residential zoning district shall provide a continuous landscape."

Ms. Baer: It is not commercial, it is residential, non-residential to commercial. The reason we did not pursue that in our review was that when something would not really call for a variance. If there is an existing requirement that isn't being met, we typically don't ask for a variance to that requirement if what is being proposed isn't exasperating or creating a need for that variance. We did not ask for that.

Commissioner Harris: Thank you, I will. I think that this situation does call for increased buffer that would help provide that. Our issue associated with the traffic and the light that will spill over is inevitable. I think that providing additional landscaping will help temper that and perhaps make the neighbors and the Home Owners Association feel a little bit better on the improvements to the property.

Commissioner Harris: Water Harvesting: I know that there is a small note mentioning

passive water harvesting. There is also another on the landscape plan that reads; “no tree is utilized with passive water harvesting including surface and root collection. You have 30,000 feet of roof area we are looking at, are you harvesting from all the roof service?”

Ms. Jenkins: What I can tell you is that for example, the sloped area feeds the landscaping on the south side and the garden along Cordova Road. We are collecting water in the canales and feeding the landscaping in the north area, we are adding more vegetation and the water that feeds from there.

Mr. Bush: Water that comes off the east side of the building is channeled around the meadow area which is south of the building. We will also capture the existing flow which is east from the overflow parking area.

Commissioner Harris: Are you using down spouts, to get the meadow area that is 30-40 feet away?

Mr. Bush: We are going to pipe the water out of the meadow area.

Commissioner Harris: 14-1-4 – Water harvesting - (recites definition).

Mr. Bush yields to Chris Barr – Manages Landscaping at the Church – 153 Ranch Road, SFNM. We have thought about that and we are looking at how we can incorporate it into the system. We have an irrigation system right now that is being looked at by Scott Irrigation. We are looking at sub-surface.

Commissioner Harris: Do you know how many gallons? If it was a condition, would the church be agreeable to that?

Mr. Barr: Yes

Commissioner Harris: Is there any new signage?

Ms. Jenkins: No, there is no new signage.

Commissioner Harris: Can you address the sidewalk on Cordova Road.

Mr. Jenkins: There are a couple of things on sidewalks, new sidewalk along Don Gaspar towards the north property line, also along Cordova Road. Utility Truck Company repaired some parts of it and we will repair all deficiencies along Cordova Road. Cordova Road is the main entrance.

Commissioner Harris: Why did we not have a more formal left turn in to the church?

Ms. Jenkins: We did talk to Mr. Romero and he reviewed the plan and said there were no additional requirements.

Commissioner Harris: Are we being asked to consider a final or preliminary development plan?

Mr. Esquibel: It is consideration of a final plan. Chapter 14 addresses it as a development plan.

Commissioner Harris: The church has written a large check to the City for review and consideration of development. So if this body were to only approve preliminary development plan, would there be further cost if they had to come back?

Ms. Baer: There is no provision for preliminary development plan under the circumstances. That is not to say you couldn't ask for it to come back. There are very few circumstances in the code that ask for both preliminary and the final or give you the option of doing a preliminary for rezoning. There are a couple of other rezoning districts that talk about a preliminary and final development plan, but typically the development is called for and considered as a one-time development plan and it is final.

Commissioner Harris: I do remember reading specific to mix use and it says preliminary or final. So that language now encroaches some of limited and not necessarily applies here. But we could in fact call this a preliminary development plan.

Ms. Baer: It might be technically more appropriate to have them come back again if there is specific guidance you are looking for and make that a condition. I am not sure I would call it one thing or the other. If you ask for it to come back it would be part of the initial application and it would fall under the initial fees.

Commissioner Harris: My next question has to do with energy use, these are the conditions within the code or types of things the Planning Commission may address. I appreciate the fact that they have listed for us under necessary findings and conditions listed under A-R, one of which is plans under P which states "plans for sustainable use of energy and recycling." This is a large facility with a lot of people; I would like to hear if there was any consideration given for achieving a certain standard. I am not saying that we would impose our LEED silver standards but there are ways to document to make sure that we can have a sustainable use of energy and recycling of solid waste disposal.

Mr. Bush: You are ahead of us; we have not done any specific energy audit. We wanted to get past this project before we get the Engineers designing energy plans.

Commissioner Bemis: I like in your letter of application where you say additional space will be to better accommodate resident of the church rather than to intensify. In the response to the main concerns the applicant and the church committed to be a good neighbor. I think in being a good neighbor you should have the neighborhood association include those who want to speak to this.

Commissioner Harris: I think the spillage of light from the new entrance might be the biggest problem. It is a success story and there will be activity there in the evening and I

think it will affect the neighbors. It is a design issue and I think there needs to be revisions to the design to reduce the impact of the light that will spill over to the adjacent areas.

Commissioner Villarreal moved to approve Case 2012-72 Special Use Permit with the suggestions provided by Commissioner Pava, “light spill and glare from glass construction shall not be a nuisance to abutting residences,” second by Commissioner Pava,

Roll Call Vote:

Commissioner Harris – N

Commissioner Pava – Y

Commissioner Villarreal – Y

Commissioner Bemis – N

Commissioner Lindell – N

Commissioner Ortiz – Y

Chair Spray – Y

Roll Call Vote: 4-3

Commissioner Lindell: Question for staff, where would we put the conditions that we talked about. Does that go under special use permit or under development plan.

Mr. Esquibel: It can go under either or if you wish. If it goes as a special use which is a condition of the use of the actual permit or they can go as part of the development plan which is approved as with the building permit.

Commissioner Villarreal: My motion is specifically for the special use permit not for the conditions we discussed tonight.

Ms. Brennan: I think that the special use permit provision in the code is specifically the one that calls out this list of conditions. I think that it is appropriate as part of the conditions to the special use permit, than you can also apply many if not all the same conditions to the development plan as there is some overlapping.

Commissioner Lindell: Would the maker of the motion consider a Friendly Amendment for condition of approval that in order to control light pollution that the lobby/atrium area lights be out at 8:00 pm except for the holiday week.

Commissioner Villarreal: I do not agree to that Amendment or condition. I am not sure that the lighting is intrusive so I don't agree to that condition.

Commissioner Pava: I would suggest to Commissioner Villarreal that we do something that is more performance based. Suggestion as stated below:

Regards to lighting, *“Light spill and glare from glass construction area shall not be a*

nuisance to abutting residences.”

A little general but it puts it out there and yet not too specific.

Commissioner Lindell: That is better than nothing, but I do say it is kind of general. I did not make the motion.

Commissioner Villarreal: I agree to Commissioner Pava's suggestion, I think we need to put a time limit. I don't feel like that there is a huge issue with lighting at this church.

Commissioner Lindell: Where would we put the conditions that we talked about, would it be on special use permit or development plan.

Commissioner Harris: I don't feel comfortable putting a time limit on the use of lighting, I think it could be better addressed by the design being changed.

Commissioner Bemis: I agree with Commissioner Harris completely, it also gives the neighborhood more time to discuss this.

Mr. Esquibel: They can go on either or.

Ms. Brennan: Special Use Permit calls out the specific conditions. You can also apply the same conditions to the

Ms. Baer: We have a lighting ordinance. One of the requirements of the ordinance is that the average maintain foot candles at residential property lines and it shall be zero.

Commissioner Lindell: Question to Commissioner Harris - Are you asking for this to come back to us?

Chair: There is a motion on the floor and that question right now is germane to this discussion.

Commissioner Lindell: Ms. Brennan, when will it be appropriate to ask and discuss?

Ms. Brennan: I believe you need to vote on this motion and depending on the outcome make another one.

3. **Case #2012-73. Christ Church Santa Fe Development Plan.** JenkinsGavin Design and Development Inc., agents for Christ Church Santa Fe, request Development Plan approval for 17,000 square feet of new construction on 5.46± acres. The property is zoned R-1 (Residential, one dwelling unit per acre) and is located at 1213 Don Gaspar (Dan Esquibel, Case Manager)

Chair Spray: The option is still open to us to put conditions on this development plan.

Commissioner Pava moved to approve Case # 2012-73, the development plan subsequent to staff conditions in Exhibit A plus additional conditions: relocating the dumpster away from any immediate neighbors, landscaping buffer be designed and planted along the north and east property lines, that water harvesting be maximized including use of cisterns, second by Commissioner Villarreal,

Friendly Amendment: I would suggest a further condition that some screening be employed that would be operated mechanically so during the day time hours the light can flow in and in the evening the mechanical screening could be lowered.

Roll Call Vote:

Commissioner Harris – Y

Commissioner Pava – Y

Commissioner Villarreal – Y

Commissioner Bemis – N

Commissioner Lindell – N

Commissioner Ortiz – Y

Motion Passes 4-2:

Discussion:

Commissioner Lindell: If we do approve this do we have an opportunity to make a motion after this to have it come back to us.

Ms. Brennan: Once it is approved it is approved.

Commissioner Lindell: Would the maker of the motion consider having some of those items come back to us?

Commissioner Pava: I did not specifically address that, because my answer to my question to Ms. Brennan, potential for an appeal, I believe this can be worked out with the neighborhood. I don't think the motion needs to be amended in this regard.

Friendly Amendment: Commissioner Villarreal: Specify water harvesting with cisterns.

Commissioner Pava: I don't know that I would be so specific to the cisterns.

Commissioner Lindell: Echoing what Commissioner Harris has said, I think it is a massive glazed area. It is just too big.

Commissioner Harris: We have a motion and friendly amendment, can we add a further friendly amendment.

Friendly Amendment: As a further amendment to the motion a condition that some screening be employed that will be operated mechanically so that during the day time

hours the light spilling in can have the similar affect that the Congregation desires but in the evening the mechanical screen can go down.

Commissioner Pava: This friendly amendment is acceptable to the motion

Commissioner Villarreal: This friendly amendment is acceptable to the motion.

4. **Case#2012-74. Mission Viejo General Plan Amendment.** JenkinsGavin Design and Development Inc., agents for Ronald Sebesta, request approval of a General Plan Future Land Use Map Amendment to change the designation of 16.56± acres of land from Public/Institutional to Office. The property is located at 4601 Mission Bend, on the east side of Richards Avenue and south of Governor Miles Road. (Donna Wynant, Case Manager) (TO BE POSTPONED TO SEPTEMBER 6, 2012)
5. **Case #2012-76. Mission Viejo Special Use Permit.** JenkinsGavin Design and Development Inc., agents for Ronald Sebesta, request a Special Use Permit for a school in C-1 (Office and Related Commercial) at 4601 Mission Bend. (Donna Wynant, Case Manager) (TO BE POSTPONED TO SEPTEMBER 6, 2012)

G. BUSINESS ROM THE FLOOR

None

H. STAFF COMMUNICATIONS

2 cases that were recently before the Planning Commission went before the City Council. NMOGA – City Council also recommended denial. There was an appeal that was submitted. The Commission recommended denying the special use permit. The appeal was mute as the council denied the rezoning.

424 Acequia Madre – Plaza Chamisal where the Commission approved a lot split and that was not considered and the Council denied the rezoning. We do not know if the applicant will go forward with the lot split.

Shallaberger Tennis Center: Were negotiating with laureate on covenants. It was our understanding that they were very close to an agreement but it has been postponed.

Mr. Czoski did respond to Commissioner Harris question. Response in the packet.

I. MATTERS FROM THE COMMISSION

Recognize former commissioner Mrs. Hartman who did an exemplary job while on the Planning Commission. No one was better than reading the minutes than she was.

Report from the Summary Committee – Commissioner Harris. We had a very substantive Summary meeting this morning, Commissioner Ortiz and I. The first case was postponed, Montano Street lot split, similar to the La Luz – dealing with a 15.5' – 1951 document refers to common access—after a lot of discussion including neighbors, it was postponed.

Upper Canyon Road, parcel owned by a couple who have been good stewards of this property. Neighbors brought forth their concerns, and it went well.

Commissioner Bemis: Coming right along and redoing a new plan.

Commissioner Harris: I appreciate staff going back to the minutes, there was a gap. The city of Santa Fe has agreed to the improvements in the conservation easement.

Commissioner Harris: Councilor Dominguez has initiated discussions on improvements in the south side of town. It seems that there are some other standards discussed regarding manufactured housing, mobile homes. Staff, are you familiar with this discussion and if so will any of those changes come to the Planning Commission first?

Ms. Brennan: Councilor Dominguez I believe has introduced a couple of code amendments for design standards and talks about mobile home parks for multi use --- mobile homes before 1978 – manufactures housing to comply with HUD standards.

Commissioner Harris: Will those changes to the code come to the Planning Commission?


Ms. Baer: Yes, they will come to you the first meeting in September.

J. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Harris moved to adjourn at 9:15 pm, second by Commissioner Bemis, motion passed by unanimous voice vote.

Signature Page:

Tom Spray, Chair



Fran Lucero, Stenographer



Exhibit A.
Case# 2012-58
2012-40

**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

**915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com**

MEMORANDUM

Date: July 18, 2012

To: Dan Esquibel

From: James Siebert *yws*

Re: Title investigation on Aggie Road

The Pachecos have hired Carrie Norris to research the title to Aggie Road. The properties that contained Aggie Road were originally small holding claims recognized by BLM. While there is reference to a road on the BLM documents it is impossible to determine where the roadway is located relative to the small holding claims. There are private easements that are between some land owners along Aggie Road, which do not include all of the land owners along Aggie Road. There are plats that draw the property line for lots on the north side of Aggie Road leaving Aggie Road without an underlying ownership. In this situation it would be necessary to research the ownership of Aggie Road back to the original owner, who most likely is no longer alive.

In doing the title research it has become evident that it would be difficult for any land owner along Aggie Road to verify the right of use or ownership for the entire length of Aggie Road. As described in my letter regarding the meeting with property owners along Aggie Road it has become clear that the property owners do not want the road opened to the public and do not want improvements on the roadway.

Attached to the letter is the summary of research by Carrie Norris and examples of the plats and easements that were uncovered in her investigation.

Xc: Sandra and Chris Pacheco

Front

Subject: FW: Aggie Road
Attachments: 12-0025 invoice 561 Aggie Road.pdf; 12-0025 invoice 561 Aggie Road.pdf

From: caroline norris [<mailto:carolinenorris@msn.com>]
Sent: Monday, June 25, 2012 3:36 PM
To: jim@jwsiebert.com
Subject: Aggie Road

Hello Mr. Siebert:

Pursuant to your request, we have conducted some research in the real estate records of the Santa Fe County Clerk and The Bureau of Land Management in order to determine the fee ownership of the real estate underlying Aggie Road in Section 5, T. 16 N., R. 9 E., Santa Fe County, NM. As shown on the Bureau of Land Management (BLM) section plats, a road has existed in the approximate location of the modern day Aggie Road since at least the late 1800's, and may have been originally known as "Camino De Los Carros" (sometimes considered a predecessor to Cerrillos Road). More modern, recorded plats of survey (see plats recorded in Plat Book 179 at page 15, in Plat Book 89 at page 6, in Plat Book 8 at page 190 and in Plat Book 391 at page 002, and others) of this area that identify the BLM brass caps that were set to locate the corners of the Small Holding Claims as they were patented (to the north of Aggie Road) appear to indicate that the modern day road alignment lies within the Small Holding claims, and not within government Lot 9 which adjoins them to the south (and which is or was Fiorina property), and not between the two. This indicates private ownership of the real estate underlying Aggie Road, rather than retained Federal ownership. Additionally, an Agreement among the small holding claim property owners in 1953 recorded in Book 300 Misc. at page 392 provides evidence that each owner intended to grant 40 feet of each person's property for the purpose of a private driveway for the use of the owners and their heirs. It is very likely that this driveway evolved at some point into what is now Aggie Road.

The summary question then, becomes who are the current owners of the relevant portions of these small holding claims as these folks would be the owners of the subject real estate. The answer to this question is a bit more complicated than it may first appear to be, since some of the most recent surveys and lot descriptions in the area include Aggie Road and some do not. The result of this peculiarity is that in some cases the current property owner is also the owner of Aggie Road, but in the cases where the road is not included in the modern lot descriptions, the road owner is someone back somewhere in the title chain, that took title to the relevant portion of the patented small holding claim BEFORE it was resurveyed and the road excluded. Thorough research of these titles (there appear to be 8 separate chains) could require a considerable investment of time and money.

Thank you so much for your confidence in me regarding this matter. I look forward to working with you again in the near future. Please find my invoice attached to this message.

Caroline (Carrie) Norris

City of Santa Fe, New Mexico

memo

DATE: August 2, 2012

TO: Planning Commission

FROM: Current Planning Division

RE: Additional Information and Correspondence

The attached information is not in your August 2, 2012 Planning Commission packet. The information is in the following order:

Approval of Minutes

- Page 5 of July 19, 2012 Planning Commission meeting minutes.

Case #2012-70. Classic Rock Preliminary Subdivision Plat.

- Additional comments dated August 2, 2012 from RB Zaxus, PE, City Engineer for Land Use Department.

Case #2012-72. Christ Church Santa Fe Special Use Permit.

Case #2012-73. Christ Church Santa Fe Development Plan.

- Three (3) letters from neighboring property owners.

Presentation by Richard Czoski, Executive Director, Santa Fe Railyard Community Corporation on Railyard development review process (July 5, 2012).

- Additional information.

Chair Spray: This is a public hearing. Is there anyone from the public wishing to speak on this issue?

No interested party, therefore, the public portion is closed.

Commissioner Harris: In reviewing the packet I didn't think I had any questions. However, for clarification – if this is approved and the 10' drainage easement is created, who would make the improvements and who would maintain them?

Ms. Wynant: This is something that would be in place – there is a legal mechanism to provide for the infrastructure to carry that water. We asked David Catanach what type of improvements would be required. He said the City would put in that infrastructure in the future. It would be done at the time of building permit and it would be at the cost of the City. He wants to make sure the easement is in place. There is so much water coming into the area that it is best to direct it to the existing drainage facility. So it would be at the cost to the City.

Commissioner Harris: Who would be responsible for maintenance?

Ms. Wynant: I am not sure about that. We did look at the area and what David Catanach said is they have to make sure it is clear of debris. I believe it is the property owner.

Ms. Baer: If the City is putting in the facilities I believe the City is responsible for maintenance. But we can check and get back to you.

Mr. O'Reilly: The easement is granted to the City for drainage and the City would be responsible for infrastructure and maintenance.

Commissioner Harris: The timing would be determined by the City?

Mr. O'Reilly: That's correct.

Commissioner Ortiz: I recollect any time that there was a need for drainage, we tried to put that burden back on the developer for infrastructure and improvements – but I always thought the developer would do any improvements that needed to be made and they would take responsibility for that. That was the policy way back. That is the one thing I thought of in this particular case. I had a follow up on the conditions of approval on page 2 of 2. Number 2 says "The Developer shall construct a 5 ft. wide sidewalk, or provide the City of Santa Fe with a financial guarantee to cover the cost... prior to recordation of the Lot Split plat." If it is a financial guarantee what kind of time frame is it before that sidewalk is put in place and is it done by the City of Santa Fe?

Ms. Wynant: I cannot answer that question. I will defer to Ms. Baer or Mr. O'Reilly. I did talk with the Traffic Engineering Division and we wanted to make sure sidewalks are put into place as development occurs. We wanted to give them some flexibility as to

DATE: August 2, 2012
TO: Donna Wynant, Case Manager
FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department
RE: Case # 2012-70
Classic Rock Preliminary Subdivision

I have the following additional comment to be regarded as a condition of approval:

Construct sidewalk in accordance with Article 14-9.2(E) of the Land Development Code.

29 July 2012

City of Santa Fe
Land Use Department
Current Planning Division
200 Lincoln Ave, Box 909
Santa Fe, NM 87504



Re: Case #2012-72 and 2012-73 Christ Church Special Use Permit and Development Plan

To Whom it May Concern:

Please accept this letter as formal comment regarding the cases mentioned above for Christ Church's special use permit and development plan. We are the owners and residents of 1205 Don Gaspar Avenue, immediately north of Christ Church on Don Gaspar. Our lot is separated from Christ Church by a large "coyote fence" installed by Christ Church sometime prior to our purchase of the property in 2009. We have also lived in other parts of the south-capitol neighborhood for parts of the last 16 years and have worked in the neighborhood most of that time. We share a number of concerns with our neighbors regarding the proposed expansion and use of Christ Church, namely

- The special use permit application for "Religious Gathering" seems inappropriate since the bulk of the new 17,000 square feet is intended for meeting spaces, classrooms, reception areas, kitchens, theater/stage/multimedia areas, etc. These new resources, coupled with the Church's generous open-access policy to community groups seeking such resources will likely increase the overall use of the property well beyond religious services, and could turn the property into more of a super - "Community Center" than the quiet residential neighborhood church which it currently is. While the Church says it currently has no concrete plans to grant access to additional groups, such increased use seems inevitable given the availability of such resources. Such increased use would seem to conflict with the current nature and zoning of the neighborhood.
- The scope of the development, at approximately 17,000 square feet of new space is also excessive for the current neighborhood. The property is currently, in my opinion, already bordering on being overwhelming in terms of scale relative to the rest of the area. Adding 17,000 square feet, increasing the height of sections closest to our property and expanding in the direction of the north and west, instead of the south and east, will all cause Christ Church to further dominate the area - especially for its neighbors, like us, to the immediate north and west.

Lyon
1 0 7

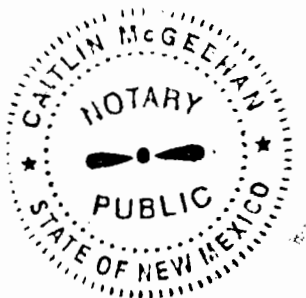
- We also have concerns over specifics of the architecture especially related to light pollution and the high "clearstory" windows included in the proposed development. A neighbor at the May 29th meeting commented that this particular feature had the potential to act as a large "lantern" at night, illuminating much of the area with its size and height. We find this argument compelling since the current Church already has significant impact on the neighborhood darkness due to security lights facing up/across Don Gaspar Avenue that are often on all night, as well as tall lights in the parking areas. A much larger and taller building would certainly increase the impact on the nighttime feel of the neighborhood. Similarly, since the proposed expansion brings structures closer to our own property line, we expect that the windows of the new structures and possible outdoor lighting will be closer and more intrusive to our own property.

For these reasons we strongly oppose both the Special Use Permit and proposed Development permit requested. Unfortunately, we will be out-of-state on August 2nd due to a family reunion. Should these permits be approved despite these objections, we would hope to have input in to acceptable use conditions and we are currently compiling a list of these conditions.

Sincerely,

William Lyon & Stephanie Lyon

William Lyon & Stephanie Lyon
1205 Don Gaspar Ave
Santa Fe, NM 87505
xlyon@mac.com



SUBSCRIBED AND SWORN TO BEFORE ME
THIS 30th DAY OF July, 2012
BY Caitlin McGeehan
Caitlin McGeehan
NOTARY PUBLIC FOR THE STATE OF NEW
MEXICO, COUNTY OF SANTA FE
MY COMMISSION EXPIRES: Apr 25, 2016

*Lyon
2 of 7*

August 1, 2012

City of Santa Fe Planning Commission
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Christ Church Special Use Permit & Development Plan Applications

Dear Commissioners:

I recently learned of proposed plans to remodel Christ Church, a neighbor to my property at 1200 Galisteo Parkway. I am writing in support of these plans because they preserve the existing open space along Cordova Road while focusing the remodel on the side where structures and parking already exist. In other words they have a positive impact on the main thoroughfare while helping the church to keep their facilities up to date.

One of the reasons I chose my property is due to the mix of churches, parks and homes in the Rose Park neighborhood. Churches, by having more open space and larger than standard residential lots, lend less density to the neighborhood as a whole and generally their space is green and uplifting. I feel that Christ Church is a positive contribution to the neighborhood in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Sullivan", written over a horizontal line.

Michelle Sullivan
1200 Galisteo Parkway
Santa Fe, NM 87505

Date: August 1, 2012

To: City of Santa Fe Planning & Zoning

From: Michael and Melissa Morgner

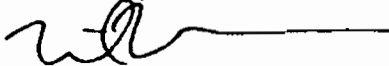
RE: Christ Church Building Plans

We would like to express our support for the building plans that Christ Church has presented. We live within a 100 yards of their property and have no objections to their expansion. We are out of town and unable to attend this evenings meeting, so please accept this memo as our "voice" in the matter.

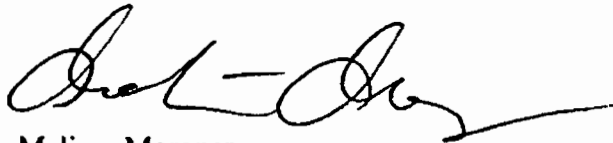
Christ Church's vision for their property is to only further offer opportunities to the youth of Santa Fe. With six children of our own, we know first-hand the importance of having healthy outlets for the youth of Santa Fe. Christ Church has done nothing but improve the quality of the property with the beautiful renovations they've done since purchasing the property. For those who have been in Santa Fe a short time, they may not be aware of the poor condition of the property before CCSF became owners.

Christ Church is an anchor in the community and should be fully supported in its building request.

Sincerely,



Michael Morgner
Owners of 1313 Don Gaspar Avenue



Melissa Morgner

BAER, TAMARA

From: Richard Czoski [Richard@sfrailyardcc.org]
Sent: Wednesday, August 01, 2012 10:00 AM
To: BAER, TAMARA
Cc: Mike Harris; Tom Spray
Subject: RE: Planning Commission follow-up

Tamara,
Please see my response below;

The City completed the purchase of a condo interest of approximately 22,000 SF on the second floor of the Market Station Building. SFRCC believes this is a very positive occurrence because it resolved a potentially significant legal dispute between the City and the developer (Railyard Company, LLC) which SFRCC was also involved, will help stabilize Market Station financially, bring more activity to the project overall, and provide for the return of control of the cinema parcel (the "hole") to SFRCC. We hope the cash realized by the Railyard Company, LLC from the purchase will allow them to build out the remainder of the space in the building. Approximately 8,000 SF remains on the second floor and three storefront spaces on the first floor are currently vacant. There has been consistent demand for the first floor space, but the developer did not have the funds to build out the tenant space, and therefore could not lease these spaces. We know there has been demand for this space because SFRCC reviews and approves all subtenants that occupy space in the Railyard. We are optimistic that the Railyard Company, LLC will be able to lease up the remaining space in the building.

Although the cinema parcel has been leased to the Railyard Company, LLC since 2005, the Railyard Company has been unable to develop the cinema mostly due to the unfavorable commercial real estate lending environment caused by the recession of 2008. Railyard Company had a cinema operator ready to lease the cinema space, but could not obtain a construction loan. The cinema parcel was deleted from Railyard Company's leasehold and is now available for lease from SFRCC. SFRCC is working with two cinema developers, one local and one regional who have expressed serious interest in developing a cinema. SFRCC's Board believes a cinema would be very beneficial for the success of the overall project. The City is projected to take occupancy of their new space in Market Station in the second quarter of 2013. If a cinema is developed we would anticipate an opening either the fall of 2013 or the spring of 2014 with 2014 being the more likely timing.

I believe the above represents the report, however, I would be glad to answer any other questions the Commission may have. Thank you for the opportunity to present the Railyard to the Planning Commission.

Richard A. Czoski, CCIM, CPM
Executive Director
Santa Fe Railyard Community Corporation
332 Read Street
Santa Fe, NM 87501
Voice 505.982.3373
Richard@sfrailyardcc.org

08/02/2012

From: BAER, TAMARA [mailto:tbaer@ci.santa-fe.nm.us]
Sent: Friday, July 20, 2012 5:15 PM
To: Richard Czoski
Cc: Mike Harris; Tom Spray
Subject: Planning Commission follow-up

Hello Richard – At the Planning Commission meeting last night, July 19th, the minutes from the previous meeting at which you gave your Railyard presentation were discussed and voted upon. Commissioner Mike Harris noted that the stenographer had not included your response to his inquiry regarding the status of the 'REI' building and the City's acquisition of a portion of that building. The Commission approved the minutes, but requested that your response be included in a record of the discussion. I offered to ask you to repeat your response – and please feel free to add either details or any updates- and to bring that back to them at the next meeting, which is August 2nd.

Would you be so kind as to either call me or respond to this email with a brief synopsis of the situation and specifically with whatever you may know of the City's plans. Thanks so much! – Tamara

*Tamara Baer, ASLA
Manager, Current Planning Division
Land Use Department
City of Santa Fe
505-955-6580
tbaer@santafenm.gov*

08/02/2012

Exhibit:

Classic Rock
Preliminary Subdivision Plat

Planning Commission
August 2, 2012

Classic Rock
Preliminary Subdivision Plat

2865 Rufina Street is 4.38± acres in size, zoned I-2 (General Industrial).

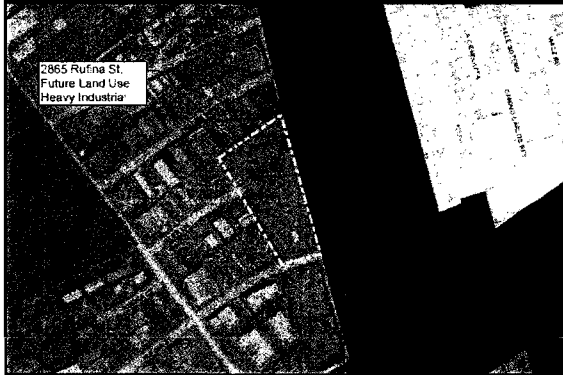
Previously the Santa Fe Concrete Batch Plant.

Classic Rock
Preliminary Subdivision Plat

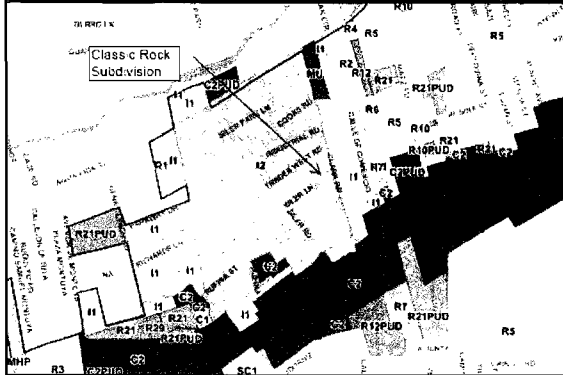
Proposal: Subdivide the property into 5 lots.

Next Step: If Preliminary Plat is approved the approved will return to PC for Final Subdivision Plat.

Future Land Use Map

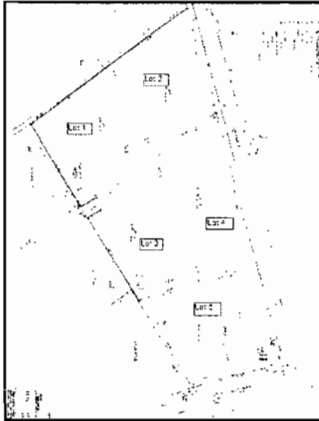


Zoning Map of Surrounding Area



Zoning Map

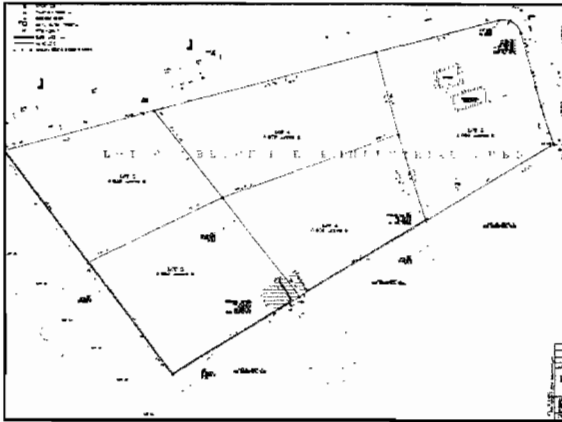




Classic Rock

5 lot industrial
subdivision

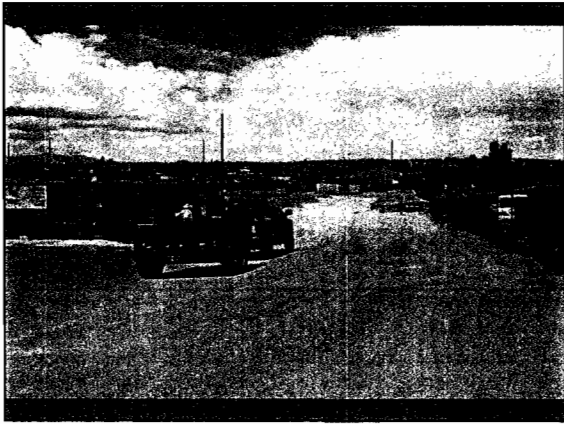
Lot 1: .880 acre
Lot 2: .818 acres
Lot 3: .803 acres
Lot 4: .879 acres
Lot 5: 1.00 acres

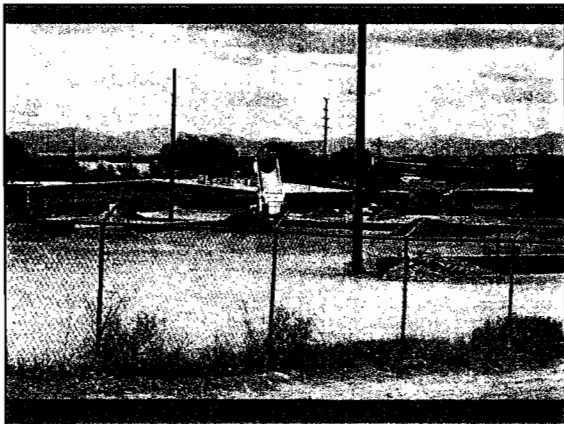


Classic Rock Preliminary Subdivision Plat

Permitted uses in the I-2 General
Industrial District are listed in Exhibit D-3.



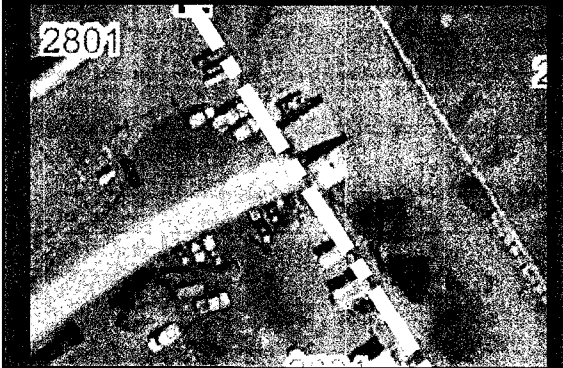




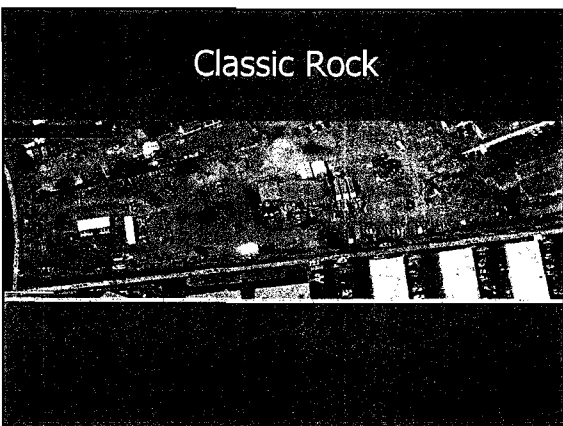
Classic Rock Subdivision



West Entrance at Siler Lane



Classic Rock



Looking north, up Clark Rd.



Looking west, down Rufina



Don Juan's Paint & Body Shop



Siler Lane, looking west to Siler Rd.



Roofing business at end of Siler Lane