



# Agenda

DATE 10/25/12 TIME 10:10  
*Geraldine Guerra*

**AMENDED**

**PLANNING COMMISSION**  
**Thursday, November 1, 2012 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**
  - MINUTES: August 2, 2012-corrected**
  - September 13, 2012-corrected**
  - October 4, 2012**
  - FINDINGS/CONCLUSIONS:**
  - Case #2012-103. Classic Rock Final Subdivision Plat.**

**E. OLD BUSINESS**

- 1. 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 7.62± 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) *The Governing Body remanded this case to the Planning Commission for reconsideration. (TO BE POSTPONED TO DECEMBER 6, 2012)*
- 2. 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) *The Governing Body remanded this case to the Planning Commission for reconsideration. (TO BE POSTPONED TO DECEMBER 6, 2012)*

**F. NEW BUSINESS**

- 1. Case #2012-109. Villas Di Toscana Development Plan Amendment.** Jon Paul Romero, agent for Vistancia, LLC, requests an Amendment to the Development Plan to privatize the streets, street lighting, landscaping and approved trails. The property is zoned R-3 PUD (Residential, 3 dwelling units per acre, Planned Unit Development) and is located between Governor Miles Road and I-25, east of Camino Carlos Rey. (Dan Esquibel, Case Manager) *(TO BE POSTPONED TO DECEMBER 6, 2012)*

**G. STAFF COMMUNICATIONS****H. MATTERS FROM THE COMMISSION****I. 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

RECEIVED BY [Signature]

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**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. ROLL CALL**
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- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**MINUTES:** August 2, 2012-corrected  
 September 13, 2012-corrected  
 October 4, 2012

**FINDINGS/CONCLUSIONS:**  
Case #2012-103. Classic Rock Final Subdivision Plat.

**E. OLD BUSINESS**

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**I. ADJOURNMENT**

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SUMMARY INDEX  
CITY OF SANTA FE  
PLANNING COMMISSION  
November 1, 2012

| <u>ITEM</u>   | <u>ACTION</u>         | <u>PAGE</u> |
|---|-----------------------|-------------|
| CALL TO ORDER/ROLL CALL   | Quorum                | 1           |
| APPROVAL OF AMENDED AGENDA  | Approved              | 2           |
| <u>APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS</u>   |                       |             |
| MINUTES – AUGUST 2, 2012  | Approved              | 2           |
| MINUTES – SEPTEMBER 13, 2012  | Approved              | 2           |
| MINUTES – OCTOBER 4, 2012   | Approved              | 2-3         |
| FINDINGS/CONCLUSIONS  |                       |             |
| <u>CASE #2012-103. CLASSIC ROCK</u><br>FINAL SUBDIVISION PLAT   | Approved              | 3           |
| <u>OLD BUSINESS</u>   |                       |             |
| <u>CASE #2012-30. BIENVENIDOS GENERAL PLAN AMENDMENT. JENKINS GAVIN 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 7.62± 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</u> |                       |             |
|   | Postponed to 12/06/12 | 3-4         |
| <u>CASE #2012-31. BIENVENIDOS REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS REZONING OF 7.62± ACRES OF LAND FROM R-2 (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</u>  |                       |             |
|   | Postponed to 12/06/12 | 3-4         |

**ITEM**

**ACTION**

**PAGE**

**NEW BUSINESS**

**CASE #2012-109. VILLAS DI TOSCANA DEVELOPMENT PLAN AMENDMENT. JON PAUL ROMERO, AGENT FOR VISTANCIA, LLC, REQUESTS AN AMENDMENT TO THE DEVELOPMENT PLAN TO PRIVATIZE THE STREETS, STREET LIGHTING, LANDSCAPING AND APPROVED TRAILS. THE PROPERTY IS ZONED R-3 PUD (RESIDENTIAL, 3 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT), AND IS LOCATED BETWEEN GOVERNOR MILES ROAD AND I-25, EAST OF CAMINO CARLOS REY**

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**ADJOURNMENT**

**9**

**MINUTES OF THE MEETING  
OF THE  
PLANNING COMMISSION  
November 1, 2012**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Tom Spray, at approximately 6:00 p.m., on Thursday, November 1, 2012, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

Commissioner Tom Spray, Chair  
Commissioner Lisa Bemis  
Commissioner Michael Harris  
Commissioner Signe Lindell  
Commissioner Lawrence Ortiz  
Commissioner Dan Pava  
Commissioner Renee Villarreal  
[Vacancy]

**MEMBERS EXCUSED:**

Commissioner Angela Schackel-Bordegary

**OTHERS PRESENT:**

Tamara Baer, Planner Manager, Current Planning Division – Staff liaison  
Kelley Brennan, Assistant City Attorney  
Melessia Helberg, Stenographer

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

**B. PLEDGE OF ALLEGIANCE**

### **C. APPROVAL OF AMENDED AGENDA**

Ms. Baer noted the postponement of Item #E(1) and #E(2) under New Business, and #F(1) under New Business, to the Planning Commission meeting of December 6, 2012.

**MOTION:** Commissioner Villarreal moved, seconded by Commissioner Pava, to approve the Amended Agenda as published.

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

### **D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

#### **1. MINUTES – AUGUST 2, 2012 – corrected**

**MOTION:** Commissioner Harris moved, seconded by Commissioner Pava, to approve the corrected minutes of the meeting of August 2, 2012, as submitted.

**DISCUSSION:** Responding to a question from Commissioner Villarreal, Ms. Helberg said the staff corrections are attached to the minutes, and the rest of the corrections to these minutes which were made by the Commissioners are listed in the September 13, 2012 minutes.

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

#### **2. MINUTES – SEPTEMBER 13, 2012 – corrected**

**MOTION:** Commissioner Pava moved, seconded by Commissioner Villarreal, to approve the corrected minutes of the meeting of September 13, 2012, as submitted.

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

#### **3. MINUTES – OCTOBER 4, 2012**

**MOTION:** Commissioner Villarreal moved, seconded by Commissioner Ortiz, to approve the minutes of the meeting of October 4, 2012, as submitted.



**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

## **2. FINDINGS/CONCLUSIONS**

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case #2012-103, is incorporated herewith to these minutes as Exhibit "1."

### **a) CASE #2012-103. CLASSIC ROCK FINAL SUBDIVISION PLAT.**

**MOTION:** Commissioner Harris moved, seconded by Commissioner Villarreal, to approve the Findings of Fact and Conclusions of Law in Case #2012-103, Classic Rock Final Subdivision Plat, as presented by staff.

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

## **E. OLD BUSINESS**

A Memorandum dated October 22, 2012 for the November 1, 2012 Planning Commission meeting, to the Planning Commission, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, indicating the Applicant is requesting postponement of Case #2012-30 and Case #2012-31 to the Planning Commission meeting of December 6, 2012, is incorporated herewith to these minutes as Exhibit "2."

- 1. 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 7.62± 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) *The Governing Body remanded this case to the Planning Commission for reconsideration.* (To be postponed to December 6, 2012)**

2. **CASE #2012-31. BIENVENIDOS REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS REZONING OF 7.62± ACRES OF LAND FROM R-2 (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) *The Governing Body remanded this case to the Planning Commission for reconsideration.* (To be postponed to December 6, 2012)**

Case #2012-30 and Case #2012-31, are postponed to the Planning Commission meeting of December 6, 2012.

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A Memorandum dated October 22, 2012 for the November 1, 2012 Planning Commission meeting, to the Planning Commission, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, indicating the Applicant is requesting postponement of Case #2012-109 to the Planning Commission meeting of December 6, 2012, is incorporated herewith to these minutes as Exhibit "3."

1. **CASE #2012-109. VILLAS DI TOSCANA DEVELOPMENT PLAN AMENDMENT. JON PAUL ROMERO, AGENT FOR VISTANCIA, LLC, REQUESTS AN AMENDMENT TO THE DEVELOPMENT PLAN TO PRIVATIZE THE STREETS, STREET LIGHTING, LANDSCAPING AND APPROVED TRAILS. THE PROPERTY IS ZONED R-3 PUD (RESIDENTIAL, 3 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT), AND IS LOCATED BETWEEN GOVERNOR MILES ROAD AND I-25, EAST OF CAMINO CARLOS REY. (DAN ESQUIBEL, CASE MANAGER) (To be postponed to December 6, 2012)**

Case #2012-109 is postponed to the Planning Commission meeting of December 6, 2012.

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

Ms. Baer said Councilor Calvert has introduced a Resolution to prepare new Santa Fe General Plan. She said as Commissioners Pava and Bemis know, the Long Range Planning Subcommittee has been looking at various portions of the General Plan. However, this is the first time that a Councilor is involved officially and supporting that such a plan be developed and move

forward through the various processes. The Resolution will be heard by the Finance Committee on November 5, 2012, and by the City Council on November 14, 2012.

Ms. Baer said at the City Council meeting on October 30, 2012, the Governing Body approved the La Luz General Plan Amendments and Rezoning.

Ms. Baer said Councilor Dominguez has proposed an Ordinance for an Airport Road Overlay. She said we became aware that it needed to be processed as a rezoning, because he is establishing a new Overlay Zoning District which affect certain properties directly and specifically. She said the Ordinance has been slowed somewhat, but it will move as quickly as possible. She said there will be an Early Neighborhood Notification meeting for the Overlay Zoning District on November 15, 2012, at 6:00 p.m., at the Southside Library. The Ordinance will come to the Planning Commission on December 6, 2012. In December, it will go to the Public Works Committee, City Business and Quality of Life Committee, and to the City Council for a Request to Publish. It will then go to the City Council for a public hearing on January 9, 2013.

Ms. Baer said the Ordinance on Distress Merchandise Sale and the change to the Legal Non-Conforming Ordinance were approved at the October 30, 2012 meeting.

Chair Spray asked Ms. Baer if it is anticipated the only items for the agenda of the Planning Commission meeting would be the two Old Business and the new Business cases, plus the Airport Road Overlay District Ordinance.

Ms. Baer said she believes there may be additional cases, although she can't recall those at the moment.

## **H. MATTERS FROM THE COMMISSION**

### **Commissioner Villarreal**

Commissioner Villarreal asked if staff could contact the Economic Development office as it relates to Re: Mike, and ask them to do a short presentation to the Commission in the near future. She also would like information from the UNM Planning students who are helping with the project. She spoke with an Assistant Professor who is overseeing the students with that project, and he would like to make a presentation to the Planning Commission from their perspective, with regard to what they will be working on in the future.

Ms. Baer said she work on scheduling that presentation, perhaps in January 2013.

Commissioner Harris said he would like to hear about lessons learned, what is right and what is not right about the corridor, and what we're thinking about doing on St. Michaels. He said we have a similar situation on Airport Road. He would hope that would consider how to develop that stretch of our City in a way that makes it "more of human scale," commenting it isn't headed that way now.

### **Commissioner Ortiz**

Commissioner Ortiz's remarks here are inaudible because he had his microphone turned off.

### **Commissioner Bemis**

Commissioner Bemis would like for Commissioner Pava to report on this morning's meeting.

Chair Spray asked Commissioner Harris to report on the Summary Committee meeting and asked Commissioner Pava to follow with a report on the Land Use Subcommittee.

### **Commissioner Harris/Summary Committee**

Commissioner Harris reported on the Summary Committee meeting this morning. He said the Committee heard 3 cases, two of which were fairly straightforward. The other case had to do with a parcel of land of 68 acres which has been in the news and the public eye for many years. It is the stretch along the north side of Hyde Park Road from the older Callecita Subdivision up to 800 East. He said the latest story dealt with vagrants, the amount of trash and different issues associated with that.

Commissioner Harris said the case was a proposal to split the 68 acres into two parcels – a 40 acre parcel and a 28 acre parcel. He said a number of people attended, 5 of whom spoke to the case, most of whom are very active in this community and the surrounding communities, and in large part wanted more information. He said they wanted high level information, the kind of information which would be required at development plan. He said the applicant had met the conditions as outlined in Chapter 14 for a simple lot split and had agreed to the staff recommended conditions of approval, so the Summary Committee approved the lot split.

Commissioner Harris said, to answer Commissioner Ortiz's question, the Agent for Applicant, said he doesn't know what is planned for the property, except that the owners were looking for more flexibility for financing. He said Ms. Baer made a good point, which is that when applicants come in for lot splits such as this one, staff typically asks what is the purpose of the lot split, noting an answer is not required. He said he thinks the agent's answer that the lot split is being done for financing flexibility does have some validity. He said this case will be watched very closely, and the Committee told the people to stay in touch with staff in this regard.

Commissioner Harris said the previous case on this property in the mid-nineties went to Court after a final decision by the City Council, and the City Council prevailed. He said he wished he had told the people that they should also pay attention to the new and improved Chapter 14, because they may be thinking the old rules govern.

Commissioner Harris said another substantive case has been postponed to November 15, 2012, at 4:00 p.m. The case deals with the application by the New Mexico School for the Deaf to split off a portion of its acreage, just past Capital High School, for a new elementary school. He said a lot of the work has been done at fairly high levels, so we don't know what is proposed, or what the conditions of approval may be. He said we are assured this hearing will be on November 15, 2012.

Ms. Brennan said we seem to still be on track for November 15<sup>th</sup>. She said there has been a lot of discussion at high levels, with regard to an arrangement so the City can exercise aspects of its authority, which is extremely important, with regard to bodies with immunity which enter into agreements with the City, to address issues of public health and safety issues.

The Commission had a general discussion regarding sovereignty and special agreements which may be entered into between the City and the State and other local government units.

### **Commissioner Pava/Long Range Planning Subcommittee**

Commissioner Pava said, as staff has already pointed out, Councilor Calvert has sponsored a Resolution regarding the General Plan. He said he would request a briefing from the appropriate staff for the Planning Commission. He would like to provide an opportunity for comment from the Commission at either a regular meeting or a special work session of the Commission, which he believes would be beneficial.

Commissioner Pava said the Subcommittee met yesterday morning, noting he, Commissioner Bemis, Kim Shanahan and Richard MacPherson, staff liaison were in attendance, noting there is another member, Jim Hays, who was unable to attend. He said Mr. Liming was

unable to attend the meeting as well. He said both Mr. MacPherson, and Mr. Liming are working on this project.

Commissioner Pava said the Subcommittee discussed two chapters: Parks, Open Space, Trails and Recreation and Public Safety, Police and Fire.

Commissioner Pava said the primary comments on Parks had to do with including, in the draft and in the draft policies, a policy which would address the need for maintenance of existing parks as well as the development of new parks, developing certain standards, as well as addressing and assisting City staff with maintenance, for example, with more complex maintenance dealing with, for example, increased xeriscaping. He said another idea which came up was the idea of partnering with the School District because it owns large parcels within neighborhoods which are unused at certain times of the year and certain times of the day. He said they discussed cooperation under certain agreements which would benefit the taxpayers who pay for both amenities.

Commissioner Pava said Public Safety, Police and Fire was discussed at some length. They discussed crime statistics and how the graphics in the draft plan are depicting major crimes. They also talked about emergency management. He said they encouraged staff to add more to the draft plan with regard to emergency management and preparing for emergent situations, and what has been called in the draft plan "unforeseen disasters." He said they discussed changing the language to something else. He said the Subcommittee said there are unforeseen disasters, but they aren't planned for, so they wanted the plan to stress some of that.

Commissioner Pava said this is a real work in progress. He would like to have a work session at some point with the staff to brief the full Commission on all of this, including Councilor Calvert's Resolution. He said it has been great working with staff who are hard-working and diligent. He said there is no budget at this point, and perhaps that will resolve through the Resolution. He said his biggest concern is that there be a good public participation process, which is very important. He said this probably will happen, now that that there is a formal Resolution moving forward.

Chair Spray asked Ms. Baer to comment on Commissioner Pava's proposal.

Ms. Baer said staff would be glad to make arrangements to have the Planning Commission briefed and updated on the General Plan. She said the Commission can discuss whether it should be a working session, commenting it may be a little early for that, and perhaps they might want to finish the review of the chapters at the Long Range Committee. She said there may be opportunities for funds to be allocated specifically for public outreach and public meetings. She spoke about a possible format for the briefings/work sessions. She said Commissioner Pava has

suggested starting with an update/briefing to the Planning Commission. She said following that, the Commission could decide where to go from there.

Chair Spray asked if the proposed General Plan will come to the Planning Commission for formal action at some point, and Ms. Baer said it will.

Chair Spray asked if it would come to the Commission in pieces, or as a completed document.

Ms. Baer said she doesn't know at this point.

Chair Spray said this is a great idea, commenting he is interesting in doing this in "chunks," and asked that the Commission be updated as the process move forward. He agrees that the public input is important.

Ms. Baer said it is up to this Commission as to whether it is brought forward in pieces, and the Commission can make that request. She said staff will do this however the Commission would like.

Chair Spray said we can discuss this as we see how the agendas and our time frame develops, commenting he wants to protect the time for the other work of the Commission as well.

## I. ADJOURNMENT

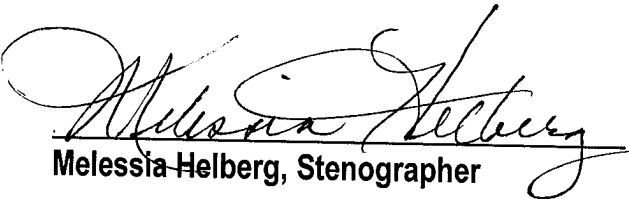
There was no further business to come before the Commission.

**MOTION:** Commissioner Lindell moved, seconded by Commissioner Bemis, to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 6:45 p.m..

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Tom Spray, Chair



Melessia Helberg, Stenographer

City of Santa Fe  
Planning Commission  
Findings of Fact and Conclusions of Law

Case #2012-70

Owner's Name – Eker Land, LLC

Applicant's Name – Morey E. Walker, P.E., for Morey Walker & Associates Engineering, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on October 4, 2012 upon the application (Application) of Morey E. Walker, P.E., for Morey Walker & Associates Engineering, Inc. on behalf of Eker Land, LLC (Applicant).

The Applicant seeks the Commission's approval of the final subdivision plat to divide 4.38± acres at 2865 Rufina Street (Property) into 5 lots. The Property is zoned I-2 (General Industrial).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and members of the public interested in the matter.
2. Pursuant to Santa Fe City Code (SFCC) §14-2.3(B) the Commission has the authority for approving subdivision plats within the corporate boundaries of the City.
3. SFCC §14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [SFCC §14-3.7(B)(4)] and criteria for the Commission's approval [SFCC §14-3.7(C)](collectively, the Applicable Requirements).
4. SFCC §14-9 sets out infrastructure design, improvement, and dedication standards and requirements.
5. SFCC §14-3.7(C)(2) requires compliance with the early neighborhood notification (ENN) requirements of SFCC §14-3.1(F) for subdivision plats.
6. SFCC §14-3.1(F)(2)(a)(v) requires an ENN for subdivision plats, except for final subdivision plats for which ENN procedures were followed at the preliminary plat review stage.
7. An ENN meeting on the Applicant's application for preliminary plat approval was held on May 31, 2012; therefore no ENN is required for final subdivision plat approval in this case.
8. The preliminary subdivision plat was finally approved by the Commission on September 13, 2012.
9. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
10. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

*Eker "1"*



CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the public hearing, the Commission CONCLUDES as follows:

1. The Commission has the authority under the SFCC to approve the final subdivision plat for the Property.
2. The Applicable Requirements have been met.

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_\_ OF NOVEMBER 2012 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That the final subdivision plat for the Property is approved, subject to the Conditions.

\_\_\_\_\_  
Thomas Spray  
Chair


\_\_\_\_\_  
Date:

FILED:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kelley Brennan  
Assistant City Attorney

  
\_\_\_\_\_  
Date:

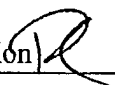
# City of Santa Fe, New Mexico

# memo

**DATE:** October 22, 2012 for the November 1, 2012 Planning Commission Meeting

**TO:** Planning Commission

**VIA:** Matthew S. O'Reilly, P.E., Director, Land Use Department <sup>MSO</sup>  
Tamara Baer, Planner Manager, Current Planning Division ~~MB~~

**FROM:** Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division 

## **BIENVENIDOS GENERAL PLAN AMENDMENT AND REZONING TO R-5.**

**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 7.62± 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)

**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)

### **RECOMMENDATION:**

The Applicant is requesting postponement of these two items to the December 6, 2012 Planning Commission meeting to continue their dialog with the neighbors (reference Exhibit A).

*Exhibit "2"*

**ESQUIBEL, DANIEL A.**

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**From:** Jennifer Jenkins [jennifer@jenkingavin.com]  
**Sent:** Friday, October 12, 2012 11:58 AM  
**To:** ESQUIBEL, DANIEL A.  
**Cc:** BAER, TAMARA; GURULE, GERALDINE A.; ROMERO, JOHN J; Gomez, Mike; Tambascio, Rusty; 'Hillary Welles'; stephensconsignments@zianet.com  
**Subject:** Bienvenidos Rezone & General Plan Amendment

Dear Dan,

We need to postpone the referenced application's return to the Planning Commission until the December 6<sup>th</sup> meeting. We are in ongoing discussions with the neighbors and need a little more time to complete this process.

Thank you.

**Jennifer Jenkins**

JenkinsGavin Design & Development, Inc.  
130 Grant Avenue, Suite 101  
Santa Fe, New Mexico 87501  
Ph. (505) 820-7444, Fax (505) 820-7445  
[jennifer@jenkingavin.com](mailto:jennifer@jenkingavin.com)  
[www.jenkingavin.com](http://www.jenkingavin.com)

**EXHIBIT A**

10/22/2012

# City of Santa Fe, New Mexico

# memo

**DATE:** October 16, 2012 for the November 1, 2012 Planning Commission Meeting

**TO:** Planning Commission

**VIA:** Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*  
Tamara Baer, Planner Manager, Current Planning Division *TB*

**FROM:** Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division *DAE*

## VILLAS DE TOSCANA DEVELOPMENT PLAN AMENDMENT

**Case #2012-109. Villas De Toscana Development Plan Amendment.** Jon Paul Romero, agent for Vistancia, LLC, requests an amendment to their Development Plan to privatize the streets, sidewalks, landscaping and lighting. The property is zoned R-3 PUD (Residential, 3 dwelling units per acre, Planned Unit Development) and is located between Governor Miles Road and I-25, and east of Camino Carlos Rey. (Dan Esquibel, Case Manager)

### RECOMMENDATION:

The Land Use Department is recommending postponement of this item to the December 6, 2012 Planning Commission meeting date due to insufficient notice.

*Exhibit "3"*