



# Agenda

CITY CLERK'S OFFICE

DATE 12/14/12 TIME 9:45

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**PLANNING COMMISSION**  
**Thursday, January 10, 2013 - 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: December 6, 2012**

**FINDINGS/CONCLUSIONS:**

Case #2012-122. High Summit Master Plan and Final Development Plan Time Extension.

Case #2012-124. 417 and 419 East Palace Avenue Preliminary Subdivision Plat.

Case #2012-117. Arroyo Central (Tierra Contenta Tract 50) Final Subdivision Plat.

Case #2012-104. Aguafina Rezoning to R-5.

Case #2012-123. Windmill Hill at Las Placitas Compound Preliminary Subdivision Plat with Variance.

**E. STAFF COMMUNICATIONS**

- 1. Santa Fe City Plan (Overview) - Pursuant to Resolution 2012-87 directing staff to prepare a new Santa Fe General Plan to replace the existing 1999 General Plan. (Reed Liming, Richard Macpherson)

**F. 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. (POSTPONED FROM DECEMBER 6, 2012) (TO BE POSTPONED TO FEBRUARY 7, 2013)*

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. (POSTPONED FROM DECEMBER 6, 2012) (TO BE POSTPONED TO FEBRUARY 7, 2013)***

## G. NEW BUSINESS

1. **Case #2012-43. Holmes Family Transfer Subdivision.** JenkinsGavin Design and Development Inc., agent for Laurie Holmes, requests Final Plat approval of a Family Transfer Subdivision for 3 lots on 5.8± acres located at 2072 Paseo Primero. The property is zoned R-1 (Residential, 1 dwelling unit per acre) in the Mountainous/Difficult Terrain Overlay and Mountain Special Review District, and is in Phase 3 of the city-initiated annexation. (Donna Wynant, Case Manager)
2. **Case #2012-125. 504 S. St. Francis Drive Rezoning to C-4.** Gil Gonzales requests rezoning of 0.12± acres from R-10 (Residential, 10 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property is located at 504 S. St. Francis Drive and is within the C-4 eligibility area. (Donna Wynant, Case Manager)
3. **Case #2012-137. 4327 Airport Road Rezoning to C-2.** Robert Horne requests rezoning of 0.33± acres from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The property is located on the north side of Airport Road, west of Calle Atajo. (Donna Wynant, Case Manager)
4. **Case #2012-138. 554 Juanita Street Rezoning to C-4.** David Schutz agent for Patsalis Ignatios, requests rezoning of 0.165± acres from R-8 (Residential, 8 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property is located on the northeast corner of Paseo De Peralta and St. Francis Drive and is within the C-4 eligibility area. (Donna Wynant, Case Manager)
5. Chapter 14 Technical Corrections and Other Minor Amendments. Consideration of various amendments to Chapter 14 as a follow-up to the Chapter 14 Rewrite project (Ordinances Nos. 2011-37 and 2012-11), including technical corrections such as typographical and cross-referencing errors and other minor amendments:

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(C) CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; 14-

3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(c) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS; 14-7.2(F) CLARIFY SPECIAL USE PERMIT IN R12 – R-29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY REDEVELOPMENT SUBDISTRICT; 14-8.2(C)(2) TERRAIN MANAGEMENT SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(d) CORRECT REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES ; 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-9.5(A) DEDICATIONS TO HOMEOWNER’S ASSOCIATIONS; 14-9.5(D) EXTENSION OF INFRASTRUCTURE WARRANTY; 14-10.1(C) NONCONFORMING TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (Greg Smith, Case Manager)

## 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.**

**SUMMARY INDEX**  
**PLANNING COMMISSION**

January 10, 2013

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• <u>Case #2012-124</u> 417, 419 E. Palace Ave. Preliminary Subdivision Plat	Approved as corrected	4
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• <u>Case #2012-104</u> Aguafina Rezoning to R-5	Approved as amended	4-5
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4. <u>Case #2012-138</u> 554 Juanita Street Rezoning to C-4	Recommended with conditions	15-20
5. Chapter 14 Technical Corrections and Other Minor Amendments Sections 1-20	Recommended as amended	20-25
Chapter 14 Technical Corrections and Other Minor Amendments Sections 21-65	Postponed to February 7, 2013	
Matters from the Commission	Discussion	25-26
Adjournment	Adjourned at 9:25 p.m.	27

**MINUTES OF THE**  
**CITY OF SANTA FÉ**  
**PLANNING COMMISSION**

**January 10, 2013**

**CALL TO ORDER**

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Tom Spray on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Commissioner Tom Spray, Chair  
Commissioner Lisa Bemis  
Commissioner Michael Harris  
Commissioner Signe Lindell  
Commissioner Lawrence Ortiz  
Commissioner Renee Villarreal

**MEMBERS ABSENT:**

Commissioner Dan Pava [excused]  
Commissioner Angela Schackel-Bordegary [excused]  
[One Vacancy]

**OTHERS PRESENT:**

Mr. Matthew O'Reilly, Director, Planning and Land Use Department  
Ms. Tamara Baer, Planner Manager, Current Planning Division – Staff liaison  
Ms. Kelley Brennan, Assistant City Attorney  
Ms. Donna Wynant, Land Use Staff  
Mr. Reed Liming, Land Use Staff  
Mr. Richard Macpherson, Land Use Staff  
Mr. Carl Boaz, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Historic Planning Department.**

**B. PLEDGE OF ALLEGIANCE**

Commissioner Harris led the pledge of allegiance.

**C. APPROVAL OF AGENDA**

Ms. Baer said there were no findings on the first case, 2012-122 because it was only consideration of a time extension and no findings were needed.

She noted that the Email sent to Commissioners because part of the Chapter 14 corrections and amendments were left out of the packet. So the Commission would consider only through Section 20 (4.3G - Industrial zoning) and the rest would be considered in the agenda for February 7, 2013.

**Commissioner Lindell moved to approve the agenda as amended. Commissioner Bemis seconded the motion and it passed by unanimous voice vote.**

**D. APPROVAL OF MINUTES AND FINDINGS OF FACT & CONCLUSIONS OF LAW:**

**1. Minutes of December 6, 2012**

Ms. Baer requested a correction on page 36, third paragraph, second sentence; Ms. Jenkins said they worked closely with staff to determine how the property will be ~~addressed~~ accessed.

Commissioner Bemis asked for a correction on page 45, 5<sup>th</sup> paragraph, "That is out our intent."

Commissioner Villarreal asked for the following corrections to the minutes:

On page 14, second paragraph, last sentence, should say "so she cannot support that portion" rather than, "but she cannot support portion."

On page 16 under Friendly Amendment, her name was misspelled.

On page 46 - last paragraph where she was speaking, second to last sentence should say, "What people say that we don't need any more people."

On page 47, first paragraph, 7 lines down should say, "People go to that park because there are no other parks to go to."

**Commissioner Lindell moved to approve the minutes of December 6, 2012 as corrected. Commissioner Bemis seconded the motion and it passed by unanimous voice vote.**

## **2. Findings & Conclusions**

### **a. Case #2012-122. High Summit Master Plan and Final Development Plan Time Extension**

There were no findings and this was removed under Approval of Agenda.

### **b. Case #2012-124. 417 and 419 East Palace Avenue Preliminary Subdivision Plat**

Chair Spray noted in the third paragraph is listed the property as at 2865 Rufina Street and should be the lot split on Palace Avenue. He thought everything else there was correct and asked what the correct address should be.

Ms. Baer agreed it should be 417 and 419 East Palace Avenue.

**Commissioner Lindell moved to approve the findings and conclusions for Case #2012-124 as corrected. Commissioner Bemis seconded the motion and it passed by unanimous voice vote.**

### **c. Case #2012-117. Arroyo Central (Tierra Contenta Tract 50) Final Subdivision Plat.**

**Commissioner Lindell moved to approve the findings and conclusions for Case #2012-117 as presented. Commissioner Bemis seconded the motion and it passed by unanimous voice vote.**

### **d. Case #2012-104. Aguafina Rezoning to R-5.**

Chair Spray noted in the conclusions of law under #5 - the final paragraph indicated the rezoning met the rezoning criteria which were inadequate to serve the area at existing densities, mitigate against the R-5 zoning for the property, absent further study. But based on the minutes just adopted, the Commission recommended R-3 zoning and didn't talk about mitigating for anything else.

Ms. Baer clarified that because the request was for R-5, the findings and conclusions needed to state why R-5 was not being recommended and that was the point of that comment.

Chair Spray felt what was stated there did not accurately reflect what the Commission said as they recommended R-3. There was no discussion of any further study.

Ms. Brennan said that throughout the minutes, the issues that were identified were the parks and the



traffic. She could remove that but she believed it was really a reason why the Commission made the choice that seemed to flow through the minutes.

Chair Spray said the Council would receive the minutes and this document and he thought they should be in sync. He understood putting in the reason why the Commission made that ruling and agreed that could be expanded.

Ms. Brennan agreed. She quoted from the conclusions that the Commission recommended R-3 for the property, subject to the conditions.

Chair Spray thought one other element should be added to #5.

Ms. Brennan said she could restate here that the Commission recommended R-3 but that was actually the order of the Commission based on the facts and conclusions that were made. She explained that staff changed the format after a discussion with Councilor Ives so that it would be more in line with what a court would order. With the new format, the decision would come under the order so it was a little different than it was in the past.

Chair Spray asked how the Commission could make the Council understand the decision.

Ms. Brennan said the order was the decision and was given for the reasons set forth why the Commission made the recommendation. #5 explained that R-3 mitigated the R-5 request.

Chair Spray asked to just strike those last three words, "absent further study."

Commissioner Villarreal pointed out that same verbiage was in the last sentence of e.

**Commissioner Lindell moved to approve the findings and conclusions of Case 2012-104 as amended. Commissioner Villarreal seconded the motion and it passed by unanimous voice vote.**

**e. Case #2012-123. Windmill Hill at Las Placitas Compound Preliminary Subdivision Plat with Variance**

**Commissioner Bemis moved to approve the findings and conclusions of Case #2012-123 as presented. Commissioner Lindell seconded the motion and it passed by unanimous voice vote.**

## **E. STAFF COMMUNICATIONS**

1. Santa Fe City Plan (Overview) - Pursuant to Resolution 2012-87 directing staff to prepare a new Santa Fe General Plan to replace the existing 1999 General Plan. (Reed Liming, Richard Macpherson)

Ms. Baer introduced Mr. Reed Liming and Mr. Richard Macpherson.

Mr. Liming thanked the Commission for the invitation and said Commissioner Pava, Commissioner Villarreal and Commissioner Bemis were members on their Long Range Committee.

By resolution the Council directed staff, including MPO planning staff and Transportation planning staff to produce a new City general plan. The 1999 was the current plan and the city has in the past produced one about every ten years. One was in the mid 1940's when John Gaw Meem was chair of the Planning Commission. The last plan had a half million dollar budget and took five years to produce over 300 pages and over 600 policies with the consultant and after the consultant left in 1996.

So staff have embarked on trying to create an outline for a new General Plan working with the Long Range Plan Committee. Mr. Macpherson handed out copies of the outline.

Mr. Liming said, based on their experience the City needed produce maps and a more public friendly plan that the current plan - one that would not be as detailed as the current plan but hopefully one everyone could understand. Almost each element on the outline would have its own plan. Some were complete and up to date and he wouldn't regurgitate those that included MPO, Parks and Open Spaces and Sustainable Santa Fé.

They planned to have a format in 11x17 with 50 pages plus data and maps.

They were ready to hold some meetings with groups like Old Santa Fé Association, Neighborhood Network and others. They met with the Capital Improvements Advisory Committee today. They hoped to do a broad survey of the community on goals for the future. It was not intended to be a prescriptive plan or compete with the Chapter 14 ordinance. This plan would be a resolution. The 1999 really did compete with Chapter 14.

Chair Spray liked this public friendly approach. The Commission often talks about the General Plan and it has an impact on zoning and other elements. He asked how this new plan would interact with the Planning Commission had right now.

Mr. Liming said they would not abandon the present future land use map right now unless they were directed to do so but didn't intend to put the future land use map or zoning map in this document. The Zoning Map is a legal document and it and the land use map are changed occasionally. This will have a more generalized land use map and it would reference the future land use map but they were trying to back away from a more detailed map.

Chair Spray asked when Chapter 14 specified the General Plan, this was what it would be talking about.

Ms. Baer agreed and the Land Use Department expected to work with Long Range Planning to make

suggestions about Chapters 4 and 5 of the code that would be of particular interest to the Planning Commission when they reviewed and worked on amendments.

Commissioner Lindell asked if she heard him say the current plan was 300 pages and staff wanted to reduce that to 50 pages.

Mr. Liming clarified that based on the proposed format it would be about 90 equivalent pages.

Commissioner Harris understood this was a major project and asked about the projected timeline.

Mr. Liming said the resolution said "during 2013" so they would produce it during this year. They might return for a study session with the Planning Commission perhaps in June. There were other issues like the phase 2 annexation to be considered but they didn't have a tight time frame. That was his estimate.

Commissioner Harris thought that sounded reasonable and it seemed to be a better process and probably would produce a better document.

Chair Spray thanked the staff for keeping the Commission and the public informed on this. It is much different than the 1999 plan.

## **F. OLD BUSINESS**

1. **Case #2012-30. Bienvenidos General Plan Amendment.** Jenkins/Gavin Design and Development Inc., agent for Bienvenidos Properties LLC, request 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. (POSTPONED FROM DECEMBER 6, 2012) (TO BE POSTPONED TO FEBRUARY 7, 2013)***
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. (POSTPONED FROM DECEMBER 6, 2012) (TO BE POSTPONED TO FEBRUARY 7, 2013)***

## **G. NEW BUSINESS**

Ms. Wynant wasn't present at the moment.

While they were awaiting her arrival, Mr. O'Reilly announced good news that last night Council gave unanimous approval to the Airport overlay zoning including all the recommendations of the Planning Commission and it would be going into effect in ten to twelve days.

Ms. Baer said regarding the field trip that it sounded like most members preferred the four o'clock time. She could poll commissioners now and put it on the same agenda as the rest of the meeting. She discussed it with Mr. Eric Martinez and Mr. Keith Wilson who would provide more information with input from Parks Division.

Chair Spray understood they would start the meeting at 4 on site and then move to Council Chambers afterward.

Ms. Baer agreed and because there would be a quorum it was a public meeting and they would reconvene back here at 6:00.

Chair Spray agreed to make it 4:00 p.m. on Thursday February 7 and include that on the agenda.

Ms. Baer agreed to do that and to note the location where they would meet. She reminded them it was not a time for discussion. Ms. Brennan, Dan Esquibel and she would be there for information gathering only and to see the site.

1. **Case #2012-43. Holmes Family Transfer Subdivision.** JenkinsGavin Design and Development Inc., agent for Laurie Holmes, requests Final Plat approval of a Family Transfer Subdivision for 3 lots on 5.8± acres located at 2072 Paseo Primero. The property is zoned R-1 (Residential, 1 dwelling unit per acre) in the Mountainous/Difficult Terrain Overlay and Mountain Special Review District, and is in Phase 3 of the city-initiated annexation. (Donna Wynant, Case Manager)

Ms. Wynant presented the staff report to the Commission and noted a mistake in the caption. It is 2071 Paseo Primero, not 2072 and has the wrong acreage. It is ±5.08 acres. The applicant did the proper notification with the right address. The request is to subdivide into 3 lots as a family transfer subdivision and if approved, no construction is intended to occur in the near future.

It is ±5.08 acres, zoned R-1 and located in mountainous difficult terrain overlay so density is limited to 75% of what normally would be allowed in R-1 zones. Therefore it is for three lots instead of five. It is within city limits phase three annexation and in the special review district. It is just east of the Hyde Park Estates Subdivision also north of Santa Fé Summit. In the aerial photograph, access is via Paseo Primero. Within the lot-three subdivision is access to seven lots. No variance to design of street types is required

There was no change requested to zoning of R-1. The applicant had several exhibits to show the layout of the subdivision. In the packet, the lots were labeled 1-A, B and C. One lot was not developed and

showed 2000 sq. ft. of buildable and was shown on the site plan. So lot 1 A, B and C sizes were in the packet. 1-C was the one proposed for development. The fire marshal required an all-weather driveway and a "no parking" fire lane at the emergency vehicular turnaround and all equipment to be auto fire suppression.

They were served by a well and separate septic systems. Well regulations could be met and NMED said septic could be installed. They would grant a well permit and Water Division stated there was no city water within 300'. At the ENN meeting on March 22, several neighbors were concerned about access to lot C and parking. Questions were also raised about future building plans and whether the owner should be allowed to use the community well.

Present and sworn was Ms. Jennifer Jenkins, 130 Grant Avenue, on behalf of the Holmes family. She said the subject property was a 5 acre tract. She pointed out the tract on a site map on which two tracts were already developed with two dwellings, the owner's and the son's and Ms. Holmes wanted to deed the son's property to him and create a lot for her daughter. Hyde Park Estates lots vary between 1 and 2 acres. This area was gentle terrain for the vacant lot going to the daughter and they could formalize a turnaround with Fire Marshal Gonzales. It already existed but they would use appropriate signage on it. Ms. Holmes was here and would like to speak.

Present and sworn was Ms. Laura Holmes, 2071 Paseo Primero, who read her statement. "Thank you very much for considering my application for a family land transfer. I do have some of the members of my family here tonight: My son, Vance Holmes who has lived on the property for over 30 years, his son, Cassidy, my grandson, and my younger son, Colin Holmes. My daughter, Shona, currently lives in Durango Colorado so she could not be here tonight.

"I want to do the land transfer because I'm getting older and I want to put my affairs in order and because I have three children. My husband and I moved here from Albuquerque in 1973 and we built our home you just saw with the help of friends and neighbors and moved in in 1979. Our children grew up on this land and this was an effort to give them a piece of it for their future and the next generation. I have lived in Santa Fé for forty years and worked here as a nurse-midwife since the 1970's. I delivered babies in people's homes for twenty of those years and my son Colin was born in our home on this property. He continues to live with us. My older son, Vance, has lived in one of the houses on our land all of this time and is raising his son there.

The land transfer would allow me to deed his house and land to Vance. He is facing some increasing health challenges which make it particularly important to me to be able to insure that he gets to keep his home in the future and has something to leave to his son. My daughter Shona and her two sons currently live in Durango. Her husband is from Santa Fé as well and his parents still live here. Shona and her family are considering moving back to Santa Fé in a few years to help out with all the aging parents and to help out with her younger brother, Colin, as needed. If we could offer them a piece of property where they could build their home it would increase the chances that they could move back here. I very much hope that you will approve our request. Thanks for your time and consideration.

There were no speakers from the public regarding this case and the Chair declared the public portion of the hearing closed.

Commissioner Villarreal asked what the conclusion was of the idea to hook up to the community water system.

Ms. Jenkins said there was a certain amount of water rights assigned to each lots and until such time as they knew they wanted to construct a building they could pursue that but they also made sure they could drill a new well on that property. So they would explore that in the future.

Commissioner Ortiz noted that Exhibit E-3 had verbiage from Ms. Oralynn Guerrerortiz regarding having a leach field in areas of traffic and parking. Then Exhibit E-4 from NMED which said it was not a good location for the leach field where the soil could be compacted that would minimize oxygen and microbial transfer beneath the surface. He asked Ms. Jenkins if there was some resolution to that.

Ms. Jenkins said there was none yet but the system had not yet been designed. There were other methodologies to mitigate if there was traffic over the septic area. She showed a slope analysis. The flattest terrain was for parking and emergency turnaround but there was plenty of gentle and suitable terrain in addition and the professional design would be submitted to NMED and permitted by them. There were definitely alternatives.

Commissioner Lindell asked if the owners had in place or were working on a future road agreement.

Ms. Jenkins said the road maintenance agreement was already in place.

Commissioner Lindell noted the closest sewer line was 200' away. One of staff's conditions of approval was that the applicant shall add a note to the plat that connection to the sewer system is mandatory when it is accessible. She asked what distance was considered accessible.

Ms. Baer clarified that the closest sewer system was over 200' away. The Wastewater Division considered 200' accessible and this was considerably over that.

Commissioner Lindell noted also at the end of the conditions of approval that it said there was no city water infrastructure within 300'.

Ms. Baer clarified that the Water Division used 300' and Wastewater used 200'. And even if the water line was within 300' it could still be very expensive to connect, and then the City could grant a well to be dug.

Commissioner Lindell doubted that city water would be available there for a long time.

She asked how the City followed up on a condition that once accessible it would be mandatory with a note on the plat.

Ms. Baer said they did it in a couple of ways. If new construction was done, the note on the legal lot of record would be attended to. It would be more difficult for an existing home coming in for remodeling.

Ms. Baer pointed out that based on the rules adopted March 1, 2012 a new rule applied to this subdivision that applicants didn't need a variance for accessing eight or fewer lots on a single driveway but if there was a further split on that road it would require a variance.

**Commissioner Lindell moved to approve Case 2012-43, Holmes Family Transfer Subdivision with all staff conditions of approval. Commissioner Villarreal seconded the motion and it passed by unanimous voice vote.**

2. **Case #2012-125. 504 S. St. Francis Drive Rezoning to C-4.** Gil Gonzales requests rezoning of 0.12± acres from R-10 (Residential, 10 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property was located at 504 S. St. Francis Drive and was within the C-4 eligibility area. (Donna Wynant, Case Manager)

Ms. Wynant presented the staff report for 504 S. St. Francis Drive rezoning from R-10 to C-4. She indicated the size of the property was 50' wide by 180' deep and included a 500 sq. ft. structure. The C-4 eligibility overlay area stretches from Cerrillos Road to West Alameda.

Ms. Brennan voiced a point of order that the applicant was not present and recommended the case be tabled.

Ms. Wynant responded that the applicant's representative, Ms. Michelle Labounty, was authorized to speak for the applicant and was present.

Ms. Wynant continued her presentation, saying the surrounding zoning was R-10 and across St. Francis. It once was RM-1 which was a major down zoning on Juanita Street in 2009. The subject property was outlined in yellow on her map. The lot was small but it had room for 5 parking spaces and some landscaping next to what was still zoned residential. She shared some views of the site. The structure had a pitched roof and to the north was the entry. The Fire Department requires widening to 20' but at this location they could pull up and stretch their hoses the full length of the lot (150').

The site plan outlined the structure and a little gate in green. The gate would have to be widened if there were changes made to the property. The landscaping to the rear which the applicant would have to specify was not in the packet. There would be some plantings in front too

The C-4 overlay was to allow properties on this major street to have limited office, retail and A/C which wouldn't generate lots of traffic. (She read from the ordinance).

Staff supported the rezoning, subject to the conditions of approval outlined in the staff memo.

Present and sworn was Ms. Michelle Labounty, 423 Camino San Miguel, who offered to answer questions.

There were no speakers from the public regarding this case and Chair Spray closed the public portion of this case.

Commissioner Harris asked Ms. Wynant about the conditions from technical and landscape as the exhibit was not quite complete. He asked when it said "shows compliance" if that meant there should be landscaping installed.

Ms. Wynant agreed. They had a lot of discussion about C-4 in general and it was difficult for some small properties to meet landscape requirements. The reviewer looked at all the requirements and noted a section that looked at alternate requirements and staff determined that more information was needed. The applicant has a very small structure and enough parking to put in landscaping. It might not be a 15' strip particular to the south where there were two houses that need to be screened.

Ms. Baer said in order for the property to use the structure for commercial or office use they would have to do work through the building permit process and get a business license and certificate of occupancy so this would be seen again at the building permit process to work out the final details on landscaping.

Commissioner Harris asked if there would no improvements required as a result of rezoning.

Ms. Baer said they were required but the question was when he would have to meet them. They must be completed by the time of building permit. It was empty now.

Ms. Labounty said Mr. Gonzales did detail trees that would be planted there if approved.

Chair Spray asked Ms. Wynant if the map for the C-4 eligibility area would be referred to future land use. Ms. Wynant agreed. The eligibility overlay was identified on the future land use map. It was actually listed as office but other uses could potentially be done there as long as it fit the site. Mr. Gonzales was interested in a small business office but didn't specify the type of business.

Chair Spray asked if the C-4 eligibility would make it part of the General Plan.

Ms. Baer said it would not. It was just a mapped area showing which parcels were eligible. They still had to go through the rezoning process. The future land use was adopted by resolution but C-4 mapping was integral to the Chapter 14 ordinance.

Chair Spray noted regarding criteria on rezoning, particularly #2, that it said this was less than 2 acres. But this was a very small parcel and it said C-4 wasn't restricted by size and asked how that applied.



Ms. Baer explained that many of these parcels were very small and nothing in the C-4 code that required a property to have a minimum size. It was created in response to the taking of St. Francis and many were originally larger in size so the taking created many small parcels on St. Francis Drive.

Chair Spray had an issue with it. It was laid out but he was not sure how that dealt with the acreage issue. He appreciated the intent but it looks like zoning in an area that would be prohibited based on the acreage. It wasn't quite clear to him what would override it.

Ms. Baer agreed there was a bit of conflict in the code and the intent of C-4 was that it superseded that requirement.

Ms. Brennan said typically the general always gives way to the more specific so the C-4 would control. Rezoning was a general standard but C-4 was specifically created with smaller lots in mind and didn't carry that 2 acre restriction so it would control.

Commissioner Bemis commented that with the volume of traffic and access in and out it could be a problem for smaller businesses and asked if that had been considered at this parcel.

Ms. Baer said there was only one way to access and that access was already there.

**Commissioner Lindell moved to recommend to the Governing Body approval of Case 2012-125 subject to the conditions of approval recommended by staff. Commissioner Villarreal seconded the motion and it passed by unanimous roll call vote with Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz and Commissioner Villarreal voting in favor and none voting against.**

- 3. Case #2012-137. 4327 Airport Road Rezoning to C-2.** Robert Horne requests rezoning of 0.33± acres from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The property was located on the north side of Airport Road, west of Calle Atajo. (Donna Wynant, Case Manager)

Ms. Wynant provided the staff report. She said this property included a structure previously used as a Bridgestone Tire store. In 2001 the Board of Adjustment approved a special exception to change the general commercial to office space and approved a variance on parking spaces from the required seven to three parking spaces.

The site was located within a mix of types of uses. The designation was transitional mixed use. It lies between Calle Atajo and a higher R district for apartments to the west. The zoning follows along with that. It was within R-1 but this parcel was small.

There was parking in front of the structure. Mr. Horne converted it to a photo studio and was using parking spaces on the east side.

At the ENN meeting there were questions whether this zoning would affect other property and it would not affect them. They were in support but just had questions on it.

When staff discussed it, they looked carefully at the zoning request. This was a fairly large building on a small site with not a lot of parking. The access was from Airport Road with a wide curb cut that goes across some of the residential area. Staff's concern was with adequate parking for future uses. His photo studio was allowed in C-2 as well as the vacant space to lease to a future tenant.

Staff recommended instead of C-2 that it be rezoned as C-1. By doing so it would grant conforming status of this long-standing use of the property as a photo studio and to rent the rest of the structure. The parking on the east side extends into the residential area. The property was very close to the intersection. A recommendation was also made to develop access from Calle Atajo.

Present and sworn was the applicant, Mr. Robert Horne, 4327 Airport Road, who said he had owned David's studio for over 20 years. The reason for the zoning was that when he purchased the building, the economy has gone down and it had a wing of 400 square feet to rent out but he found out he couldn't lease it out because it was not zoned commercial. It should have had commercial zoning from the beginning. He leased a half acre of parking to the east and might have six cars at most during the day.

When he bought it this was a tire store and Firestone leased it. Staff advised him to go as a nonconforming use but if he had known all of this he would have gone for rezoning from the beginning. He didn't care if it was C-2 or C-1 but just wanted to be able to rent out the vacant space.

Mr. Horne showed photos of the place with the Commission.

#### PUBLIC COMMENT

Present and sworn was Ms. Linda Flatt, 950 Vuelta del Sur, who said she was on the Board of Las Acequias Association and wanted to speak on their behalf. She knew Mr. Horne and he had always been a very cooperative neighbor so she wanted to put in a good word for him. They were happy to see this happen for him.

Regarding the future access to Calle Atajo, Ms. Flatt was not certain how that would work. She would like to know if the property changes in form and gets more complicated and it would not be safe to go out to Airport Road.

There were no other speakers from the public regarding this case and Chair Spray closed the public portion of the hearing.

Ms. Baer said regarding the access question that this property was surrounded by much larger property essentially undeveloped and the Planning Commission had no control over it unless it came to them for rezoning or subdivision or a development plan. Staff would ask at such time that happened that access be

provided from Calle Atajo and the condition it be through their property to Mr. Horne's property in order to prevent accidents on Airport Road.

Also, Mr. Horne has sufficient property to meet the parking requirements but can't use it because of the way the property was laid out and a new access could allow him to provide more on-site parking.

Chair Spray asked if the Commission approved the rezoning how the Airport Road overlay ordinance might have an effect.

Ms. Baer said it would not have any effect because this property was already developed and that ordinance applied only to new construction.

**Commissioner Villarreal moved to approve Case #2012-137 for rezoning to C-1 as a recommendation to City Council with all conditions from staff. Commissioner Harris seconded the motion and it passed by unanimous roll call vote with Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz and Commissioner Villarreal voting in favor and none voting against.**

4. **Case #2012-138. 554 Juanita Street Rezoning to C-4.** David Schutz agent for Patsalis Ignatios, requests rezoning of 0.165± acres from R-8 (Residential, 8 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property was located on the northeast corner of Paseo De Peralta and St. Francis Drive and was within the C-4 eligibility area. (Donna Wynant, Case Manager)

Ms. Wynant presented the staff report for his case which was a request to rezone the subject property to the C-4 district for limited office and retail or A/C on the NE corner of Paseo de Peralta and St. Francis Drive. It creates a transitional buffer between residential and a heavily traveled road. C-4 was allowed along St. Francis and quite a few have already been rezoned. She showed a zoning map in which the brown area was R-10 and the green area was R-8. It was quite a mix of things. This was a very challenging site because it was bounded on three sides by streets.

The existing house would be converted to office space with no change in size of structure. There was adequate parking there. At the ENN meeting, 10 neighbors expressed concerns about traffic, hours of business and other possible adverse conditions on the neighborhood. A second ENN meeting showed how the applicant would address those issues.

The site plan showed no changes on size of structure. They were adding a portal but not a whole lot of change on the site. They met landscaping requirements with a 15' buffer strip on the north with residents there. There was plenty of landscaping along Juanita. The lot was well designed.

Staff discussed traffic with the traffic engineer. Juanita was a very narrow street. The engineer had no

comments on it except a change of grade to the street and requirements on the required line of sight view over any walls.

The adjacent resident was satisfied with the proposal and the landscaping design there. Staff supported the rezoning subject to all staff conditions in the report.

Present and sworn was Mr. David Schutz who introduced the owner, Mr. Ignacio Patsalis and Mr. Tom Lechner, the architect. He explained that C-4 was brought in when he was living on Hickox in the sixties and heavy equipment came in and tore out for St. Francis and planners felt it was unfair how St. Francis had created a hodge podge of small lots and those owners should be granted some relief.

Over the years, there has been a slow transformation to primary offices and light commercial activities. The applicant agreed with the staff recommendation for approval and with conditions staff recommended. The applicant had to have an ENN meeting in order to give interested parties and neighbors the opportunity to raise concerns or comments and it was held in September 2012 after notifying all property owners and occupants within 300' of the property. They sent 160 certified letters to those owners and residents. Of those 160, ten attended the September 19 meeting and most of the concerns involved traffic issues: impacts of off-street parking, traffic congestion and highlighting the box on Peralta (to prevent stopping in the intersection).

After that discussion at the conclusion Mr. Schutz requested an opportunity to go back to the drawing board and he modified the plans and scheduled a meeting on October 17, 2012 when they presented revised plans and measures they would take to minimize any impact to the neighborhood as best they could. One measure offered was to require than any tenant exit the property out to Paseo to as to minimize traffic coming out of the parking and penetrating into the neighborhood so the owners would impose a restriction for right turn only out of the property to get to St. Francis or Paseo without going into the neighborhood.

The other issue was the fact that in certain circumstances people backed out onto Juanita Street and Mr. Lechner showed a plan that required them to drive out forward off the property. The back out space was on the property. He pointed out the 15' landscape buffer and said the neighborhood supported this proposal.

Mr. Schultz mentioned a city program called "residential parking permit only" which was a system that provided that if 75% of residents on Juanita Street signed the request, the City would establish the resident parking only and would analyze the on street and off-street parking. They might give him one residential permit and Mr. Patsalis could give it to one of his family to park on the street. They also made a commitment to the residents to maintain a residential character by not adding more square footage to keep residential feel but they would remodel the portal.

Mr. Patsalis wanted to put a Mediterranean restaurant there but backed off as too intensive of use. He manages Tomasitas. He said they rejected 14 of the possible uses for C-4 as too impactful and provided copies of the rejection list to the Commissioners. They agreed to the restrictions as a condition and as a

covenant on the development plan. [Attached as an exhibit to these minutes].

They also assured the neighbors that, depending on the use, they would impose typical business hours of 8-5 weekdays. Once they found a tenant, they would then meet with neighbors and discuss reasonable times of operation.

There were some more general traffic concerns of issues that were under city control such as not being able to change the speed limit at 25 mph. It was 20 mph on Guadalupe Street so they were advocating through Public Works Director, Ike Pino and Councilor Calvert to have a lower speed limit and imposing traffic calming measures.

The other issue involved the sequencing and timing of traffic lights at Paseo and St. Francis. They went there with Mr. Herrera to time the light changes. If you turn left from Paseo de Peralta to St. Francis and stop in the box, it created a problem. They wanted to highlight the box and perhaps have a flashing light. The left turn arrow stays on for 9 seconds and 15 seconds for straight through. This traffic stacks up and with someone asleep at the wheel it gives a level of service of D. So at the end of the day they were asking the City to adjust that timing and sequencing.

Present and sworn was Mr. Tom Lechner who said they were maintaining residential scale in the design. He pointed out the parking areas on north and south with landscaping on the north. He said they showed these drawings to the neighbors in the ENN meeting. The only improvement was replacing of the portal which would stay within the scale. There were existing trees and would add new vegetation. They were upgrading the structure with new windows and doors and upgrading the stone wall. They would meet the traffic and screening requirements, maintaining line of sight with the wall and vegetation at the corners coming out of the driveway. They would bring the wall into their property because the neighbor was two feet away from the property line and moving it would allow her access if she needed it.

Present and sworn was Mr. Ignacio Patsalis, property owner. He thanked Ms. Wynant for doing a great job from staff.

He said any property he acquired he upgraded. Mr. Schutz and Mr. Lechner had done a good job for him. He wanted low impact tenants like an insurance agency or investment broker. He was more excited about the landscaping than expanding the building. His neighbor, Lucy was also excited but she was disappointed that he wasn't going to have a Mediterranean restaurant. He had owned this property for 12 years and the landscaping was at the gateway into Santa Fé. He agreed to keep it up to code.

#### PUBLIC COMMENT

Present and sworn was Mr. Anthony Herrera, 539½ Juanita Street, said one concern of neighbors was the increasing difficulty entering and exiting Juanita Street. At peak levels they had to go around to get in. It was difficult for vehicles to get through quickly and brought an anger attitude out of frustration getting off Peralta onto St. Francis. Everyone tried to push their way through and it would create larger problems in the future as the city grows.

Present and sworn was Mr. Rick Martínez representing Mr. López. He worked with the neighbors there on rezoning. The rezoning was very tricky. He wondered how much further down Juanita Street commercial would go. The veterinarian down the street generated lots of traffic and people speed through there. A UPS truck had to back around because there was parking on both sides. He feared that when the city offices were moved to the Railyard, the traffic would increase further.

Mr. Martínez said another concern of the neighborhood was to have more signage there at St. Francis Drive and Cerrillos Road where the train stops- Nobody was respecting that on Paseo de Peralta. Hopefully they could get more signage there. A lot of these concerns the City needs to take care of and start improving this road to make it better. It needs an entrance to exit onto St. Francis. The restaurant would generate more traffic and an art gallery would have extended hours so it made a difference to the neighborhood what went in there. The neighborhood appreciates what the owner was trying to do but would like to know what kind of tenant he would have.

Something should be installed to warn people to not stop in the intersection (in the box). It was something the city should be pushed to do. Keeping Juanita Street flowing was important. The box was striped very weird and that was only done once a year. The neighbors were giving up a lot for this rezoning and asking for some help in return. The help with residential permit parking would be great. But it takes intense effort door to door.

Commissioner Ortiz recognized the major traffic issues there. It was a traffic nightmare and the controls might not be a city issue but a state issue because it was a state highway. He didn't know if the city could impose them there but it had been a problem there for years and years. Traffic begins to stack.

Ms. Brennan clarified this was a recommendation to the City Council and could include a recommendation that they consider these other things.

Commissioner Harris appreciated the work that went into solving this long-standing problem - They have worked hard with the neighbors to solve it. The traffic conditions on Juanita Street have certainly gotten worse.

He didn't think the rezoning and how it might be used would affect that problem that much. He was also interested as Mr. Ortiz said that the Commission should inform the Council that City staff should look closely at what measures should be undertaken. They should include having the veterinary clinic egress out onto St. Francis and the box needs to be more evident to drivers. It would always be a difficult intersection but there were things the City could do to mitigate that. He appreciated the professional response that this packet represents. The effort in this project was superior and he was certainly in favor of the rezoning.

Commissioner Lindell agreed that intersection was awful and everyone had cursed it. In the ENN notes it said "café" and then in the staff summary it said "office space" so she asked if they were talking about office space.

Mr. Schutz said their original intent was a café but after thinking about it they called Ms. Wynant and said they didn't want a café as it would have too intense of an impact so they sent a subsequent mailing to neighbors to say they withdrew the café and it would be office. The café was off the table and restaurant was on their excluded list.

Commissioner Lindell didn't see that they had excluded all restaurants on that list but only fast food restaurants.

Mr. Schutz said they intended to exclude restaurants entirely and it could be imposed as a condition of approval. Art galleries were not allowed in C-4 so it wouldn't be an art gallery. They could make jewelry or sell jewelry there but not have an art gallery.

Commissioner Lindell asked staff if six parking spaces were sufficient. She asked if the City had a parking requirement for medical offices or dentists offices.

Ms. Baer said the most intensive use required one space for each 200 sq. ft. The most intense would be 5.6 parking spaces. So the maximum for a use would be six spaces on this property.

Commissioner Lindell complimented the applicants on the quality of their presentation but was deeply troubled by the intersection there.

Commissioner Lindell asked if it was used residentially now.

Mr. Patsalis said it was - by a family of four.

Chair Spray noted on the rezoning criteria on page 2 that it was previously RM-1 and down zoned in 2009. He asked how that related to C-4 eligibility. It was eligible but wondered if it was in an overlay there.

Ms. Baer clarified that there was no relationship between the C-4 and the 2009 Juanita Street down zoning. She said in 2009 it happened north of there on Juanita Street where originally R-21 would have allowed a three story structure. But there was recognition that the infrastructure couldn't support that amount of construction. So the impetus was a political move to take away some of that stress. So there was no relationship with C-4 in that down zoning.

Chair Spray asked if the C-4 overlay went into effect then.

Ms. Baer said it was earlier in the 1980's in response to construction of St. Francis Drive.

Chair Spray understood that the C-4 was more advantageous because it would allow office and more landscaping. He asked if staff felt it was better with C-4 than with residential use.

Ms. Baer believed so. People would arrive and leave at predictable times so the neighborhood would

have a better understanding of its use.

Chair Spray asked if the Commission was allowed to recommend a specific use.

Ms. Baer clarified the city's position which came from the City attorney's office was to not restrict the uses. The applicant could offer their own restrictions but the City wouldn't enforce that.

Chair Spray reasoned that once the Commission recommended approval of it, they were permitted to choose any of the allowed uses. It was the same on the other one on St. Francis. The zoning speaks for itself. Things might change. So the Commission couldn't restrict it to an office but it would be open to everything on that list.

Ms. Brennan said that was accurate. If it was on the list, it was an allowable use.

Chair Spray appreciated that the Commission must go on a case by case but there had to be some kind of planning and some kind of allowance for traffic that handled C-4 zoning.

Commissioner Harris thought this was a failed intersection, no matter what. The applicant and agents have gone as far as they could and that should help mitigate this problem. They mentioned sight triangles, right turn only and taking the lead for a residential permit parking zone and working with the neighborhood to temper it there. This would be a safer conversion than what they said before. To his mind ingress and egress off Juanita was preferred to St. Francis. The size and parking was not that significant. The Commission needed to state its view that this was a failed intersection and see what was needed in the future.

Commissioner Bemis said she used that intersection. The signs were a farce because there were always cars there. She asked why they couldn't have a camera there or photo enforcement or a police car there to let people know about it. That painting on the ground wouldn't keep the intersection open. The application was good but there was a lot of work to be done.

Chair Spray asked if there was an appropriate way to word these recommendations to Council.

Ms. Brennan suggested they could say, "We further recommend..." and Council would hear that from staff.

Commissioner Lindell said this was hard for her to recommend because of that intersection and she asked Ms. Baer if she had said staff's opinion was that this use would not only not intensify the problems at the intersection but perhaps mitigate them.

Ms. Baer agreed. There was more predictability with office use rather than residential. A family could have a huge party there or have many unrelated people living there. With this type use the neighborhood has better knowledge of what would happen.



Commissioner Villarreal agreed with her fellow commissioners. If the owner looked at a use that required customers it wouldn't be doing so well because they would not find any parking. She would advise the owners to think about that. But if the Commission recommended this to further study traffic she would be willing to support it. Commercial use was a better option. A resident across the street had a meth lab there at one time.

**Commissioner Villarreal moved to recommend to Council approval of the C-4 rezoning in #2012-138 with all staff conditions and to recommend to Council to study traffic solutions and signage including re-engineering of this area.**

Chair Spray asked if that was proper form. Ms. Brennan agreed.

Commissioner Harris asked for a friendly amendment to add to the recommendation - closer adherence to the existing measures as well as discussion with NMDOT on signalization sequencing and timing. Commissioner Villarreal accepted it as friendly.

Commissioner Ortiz seconded the motion with alternate language - "a complete traffic analysis of Juanita Street, the intersection of Juanita and St. Francis, including signage, signalization and adherence to current measures.

**The amendment was friendly to the maker of the motion and it passed by unanimous roll call vote with Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz and Commissioner Villarreal voting in favor and none voting against.**

5. Chapter 14 Technical Corrections and Other Minor Amendments. Consideration of various amendments to Chapter 14 as a follow-up to the Chapter 14 Rewrite project (Ordinances Nos. 2011-37 and 2012-11), including technical corrections such as typographical and cross-referencing errors and other minor amendments:

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(C) CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS

MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(c) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS; 14-7.2(F) CLARIFY SPECIAL USE PERMIT IN R12 – R-29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY REDEVELOPMENT SUBDISTRICT; 14-8.2(C)(2) TERRAIN MANAGEMENT SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(d) CORRECT REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES ; 14-9.2(C)(8) SUB-COLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-9.5(A) DEDICATIONS TO HOMEOWNER'S ASSOCIATIONS; 14-9.5(D) EXTENSION OF INFRASTRUCTURE WARRANTY; 14-10.1(C) NONCONFORMING TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT were NECESSARY. (Greg Smith, Case Manager)

Mr. Greg Smith presented this matter to the Commission.

Commissioner Lindell asked that they only go through Section 20 because that was the last section they had in the packet. He didn't have time to read through the rest that was just handed out tonight before the meeting started.

Chair Spray thought that made sense and they could defer the rest to a future meeting.

Mr. Smith agreed. He didn't discover the error until yesterday.

Mr. Smith reviewed the history of the effort. There would be a shakedown of the issues that they did in the March 30 amendments.

There were a couple of minor things in addition to typos and he agreed to just hit the highlights of the work through Section 20.

The first was section 4 where ENN applicability was clarified. In drafting amendments last year they imposed on types of applications not previously required. The HDRB had a different notification .The big projects still required an ENN but small ones that went to HDRB or Planning Commission did not.

The second issue was in section 6. Prior to the March 30 amendments there was no specific procedure

for amending the text amendments. They wrote it as a draft using zoning initiating language and included a superfluous provision that any citizen could initiate a text change. The petitions from the floor to Council could do that. So they recommended pulling that statement out.

Section 7 was on special use permits and they clarified the language on expiration of permits. It now said that any discontinuance for six months would make it expire and that was too short a time frame so he recommended increasing the inactivity to one year to line up a new tenant. There was also cross referencing to expiration of school use and agency use permits.

Section 9 was about division of land by courts. The New Mexico statutes have an extensive provision for a petition to the court. Previously the code said the City didn't recognize those petitions but with legal advice, the courts do have that authority so this section recognized the right of courts to establish legal lots of record.

Section 18 dealt with Master Plans and the language change made the rules similar to development plans that if you failed to start develop within a certain time after approval it would expire. Development plans also had a provision traditionally that if you stop in the middle of developing your plan it would expire and would require re-approval before continuing, Master Plans would expire after five years also if interrupted. On March 30 they tried to make them similar throughout the code and applied the three year rules to master plans. But looking at it later, it seemed more reasonable for five years to start or five years in the midst of inactivity.

Most of this was new in March 30 and the only new change since was to have five years for Master Plans. This was simply done to make Master Plans similar to each other and protect against a situation after phase 1 was done and then come back 15 or 20 years later without a public hearing process.

The last one was Section 19 regarding time extensions on the Planning Commission agenda. There were different versions and the one adopted was administrative and would go on a consent agenda. But staff believed it should be only for those plans big enough for Planning Commission consideration and just administrative approval by Land use Director instead of being put on the consent agenda.

Mr. O'Reilly had nothing to add except to restate that when the Chapter 14 rewrite was approved in November 2011, it was the Council who asked staff to come back in a year to deal with errors or changes needed.

Chair Spray asked if having the recommendation in pieces was suitable for the time frame.

Mr. O'Reilly agreed. The rewrite was done in pieces. It could have been all done here if the packet had been complete.

Commissioner Lindell referred to Section 6, regarding the citizen's right to make requests for change. If there was anything wrong with leaving Section 6 the way it was already worded. She didn't see a need for a change there. It was clearly said that any person could ask for changes.

Mr. Smith explained that people started asking what the special process was and we didn't have a special process. There was no philosophical objection to that issue. The City didn't need a special process.

Mr. O'Reilly said the Land Use Department dealt with a lot of people who would like to do a lot of different things and some were so far from what the code would allow that they just said no and sent them away. But he thought the proper way for laws to get changed was initiated by the Governing Body after a complaint from one or more citizens. At least once in the last year there were people who wanted to try to force the Land Use Department to take a test amendment of Chapter 14 to force it through the Planning Commission and Council process without any knowledge that a councilor would agree to sponsor it. There was no particular harm in leaving this in if they didn't have a persistent person who wanted to force a change in the law. They could try to convince their councilor to initiate that change.

Commissioner Lindell understood that and could even guess who brought it but in spirit of democracy she would like to find a way.

Mr. O'Reilly suggested leaving it in and say that it should be in writing directly to the Governing Body or a member of the Governing Body so they were not expecting some special land use process. That would solve it for him.

Mr. Smith didn't object to that either.

Chair Spray noted they have that right to petition to the Governing Body now.

Commissioner Lindell liked that it be in writing and asked if the Planning Commission would like to incorporate these changes.

Mr. O'Reilly offered to jot down the changes being proposed and then remind the Commission at the end. Chair Spray agreed.

Commissioner Lindell asked in Section 18 and 19, to clarify what Mr. Smith just talked about if what they were doing was making this now line up with how development plans and master plans were dealt with.

Mr. Smith agreed. Some material was stricken but this just reworded existing provisions and would just adopt a five year inactivity rule for expiration of master plans.

Commissioner Lindell asked in Section 19 why they wouldn't just want to put those on a consent agenda.

Mr. Smith said from a practical perspective it was because it gets to be cumbersome. In the past there were not any expirations with the HDRB nor any request for extension at the Board of Adjustment. Where it usually occurred was in smaller projects where staff's judgment would suffice and would not warrant the

extra steps of public notice and delay of getting it on an agenda.

Commissioner Harris asked Mr. O'Reilly in Section 15 about the temporary certificate of occupancy. To clarify, the temporary certificate could become a can of worms. He asked if the language proposed would work in that it would give the Land Use Director a lot of authority to determine what would happen on that site. He asked if it had worked in the past year.

Mr. O'Reilly said it did work for him. They had seen increased commercial construction including renovations and in a couple of them it took a long time and was quite involved. One of them right now that got approval for renovation by HDRB was a \$20 million renovation of La Fonda. And if they submit a very large permit that involves the entire the hotel and working only on one section, and later wanted to open that section back up, it was not clear that would be doable. They wanted to be able to accommodate the business' desire to be able to continue to operate if it was safe and they had a safety plan that followed the US Building Safety Code which was required. The same thing was going on at the Hilton.

Commissioner Harris thought sometimes a temporary certificate of occupancy lingered longer than it should so he wondered if these provisions were sufficient.

Mr. O'Reilly said that provision helped and the Land Development Code worked in conjunction with Administrative Section 7 which had the Uniform Building Codes where powers were given to the Building Officials. For Santa Fé Mr. Purdy was the chief building inspector. So he has a lot of discretion all based on safety. They have enough discretion to do this and still maintain the public safety.

Commissioner Harris asked if Mr. Smith could elaborate on the language proposed to add for uses not intended to be temporary.

Mr. Smith said the text here has been a long-standing practice of the City's Land Use Development and Public Works Departments. This language would put our practice into writing that would allow a partial occupancy of a project while work was continuing. The only change was that the temporary certificate of occupancy was based on agreements to complete compliance measures for the future and was not applicable for temporary uses but only for construction. There were other types of temporary certificates for things like tent sales or parking lot sales which didn't apply here.

Commissioner Villarreal asked on Section 19 if the code defined "lower level projects" somewhere.

Mr. O'Reilly said the term was Mr. Smith's way of explaining this in a staff report. There is no such term in the actual code.

Chair Spray asked in what form he would like the motion to be.

Mr. O'Reilly said **"recommend approval of the amendments to Chapter 14 in Sections 1-20, with the following changes to Section 6, line 22 and 23 which would be amended to read 'any other person who must submit a request for a text amendment in writing directly to a member of the**

**Governing Body.”**

**Commissioner Villarreal moved to recommend approval as Mr. O'Reilly just stated with that one change. Commissioner Lindell seconded the motion and it passed by unanimous voice vote.**

Mr. Smith asked Commissioners to hang on to the packet for the next meeting to consider the pages after page 21 (the items after Section 20) at the February 7 Planning Commission meeting.

#### **F. MATTERS FROM THE COMMISSION**

Chair Spray said the Summary Committee met today and asked for a report from Commissioner Harris.

Commissioner Harris reported two cases were considered at the Summary Commission. The first one was very straightforward but the Aguaфина rezoning was not as straightforward. It was a follow-up to a case on December 6 rezoning. What came out was that R-3 was recommended for the southern portion of that long parcel - the portion south of Powerline Road. In order for that to go forward to the Governing Body it needed a lot split because a lot cannot have two different zonings. So it was to split the parcel at the southern edge of Powerline easement. It was the same people the Commission saw a month ago. There was a lot of discussion about traffic and reservations about the possible use of property. Ms. Flatt was present and he believed she had a clear understanding of the process and what was to come.

Commissioner Ortiz agreed.

Chair Spray asked if it was R-3 that they were going forward to Council with that.

Mr. O'Reilly clarified that it was only a lot split at Summary Committee and not a rezoning application. The lots were split along zoning lines. It just cleaned that up and rezoning would have to go with the regular rezoning process.

Commissioner Harris asked if they would move forward after the lot split.

Mr. O'Reilly assumed they might want to do that but didn't know for sure. He didn't know if it would come back here or go directly to the Governing Body.

Commissioner Harris said the Commission recommended last month that the southern portion be rezoned from R-1 to R-3. He understood that southern portion would come to the Commission for rezoning.

**G. ADJOURNMENT**

**Commissioner Harris moved to adjourn the meeting. Commissioner Villarreal seconded the motion and it passed by unanimous voice vote.**

The meeting was adjourned at 9:25 pm.

Approved by:

A handwritten signature in black ink, appearing to be 'Tom Spray', written over a horizontal line.

Tom Spray, Chair

Submitted by:

A handwritten signature in black ink, appearing to be 'Carl Boaz', written over a horizontal line.  
Carl Boaz, Stenographer

554 Juanita St. Rezoning

Owner Imposed Excluded Uses

Fast Food Restaurants

Cabinet Shops

Private Clubs/Lodges

Public Parks

Utility Facilities (electric sub-station, gas regulator station, etc.)

Veterinary Uses

Kennels

Foster Homes

Sheltered Care Facilities

Day Care Facilities (for more than 6 children)

Secondary Schools

Colleges

Group Living Facilities

Mobile Homes

*Handout presented to  
Planning Commission 1/10/13*

EXHIBIT "1"