



Agenda

CITY CLERK'S OFFICE

DATE 3/14/13 TIME 2:05pm

REVIEW BY Geraldine Quintero

RECEIVED BY [Signature]

PLANNING COMMISSION

Thursday, April 4, 2013

12:00pm-Note New Time – This Meeting Only

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

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

MINUTES: March 7, 2013

FINDINGS/CONCLUSIONS:

Case #2012-109. Villas Di Toscana Development Plan Amendment.

Case #2013-05. 837 Camino Vistas Encantada Variance.

Case #2013-07. 147 Gonzales Road Escarpment and Terrain Management Variances, Development Plan Amendment.

- E. OLD BUSINESS
- F. NEW BUSINESS
- 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.

SUMMARY INDEX
CITY OF SANTA FE
PLANNING COMMISSION
 April 4, 2013

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER/ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	2
<u>APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS</u>		
MINUTES – MARCH 7, 2013	Approved [amended]	2
FINDINGS/CONCLUSIONS		
<u>CASE #2012-109. VILLAS DI TOSCANA</u> DEVELOPMENT PLAN AMENDMENT	Approved w/corrections	2-3
<u>CASE #2013-05. 837 CAMINO VISTAS</u> ENCANTADA VARIANCE	Approved	3
<u>CASE #2013-07. 147 GONZALES ROAD</u> ESCARPMENT AND TERRAIN MANAGEMENT VARIANCES, DEVELOPMENT PLAN AMENDMENT	Approved	3-4
OLD BUSINESS	None	4
NEW BUSINESS	None	4
MATTERS FROM STAFF	Information/discussion	4-5
MATTERS FROM THE COMMISSION	Information/discussion	5
ADJOURNMENT		5

**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
April 4, 2013**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Tom Spray, at approximately 12:00 noon, on Thursday, April 4, 2013, 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 Lawrence Ortiz
Commissioner Renee Villarreal
[Vacancy]

MEMBERS EXCUSED:

Commissioner Signe Lindell
Commissioner Dan Pava
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 AGENDA

MOTION: Commissioner Harris moved, seconded by Commissioner Villarreal, to approve the Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, and Villarreal voting in favor of the motion and no one voting against [4-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – MARCH 7, 2013

The following corrections were made to the minutes:

Page 1, paragraph 2, delete paragraph 2, as follows: "~~Ortiz with staff conniptions, and with an interest bearing account, contingent on GB approval of annexation agreement.~~"

Page 9, paragraph 9, correct as follows: "...and if ~~tit~~ it is..."

Page 16, paragraph 1, line 5, correct as follows: "...political ~~wel~~ will is..."

Page 20, paragraph 3, line 1, correct as follows: "...his question and..."

MOTION: Commissioner Ortiz moved, seconded by Commissioner Villarreal, to approve the minutes of the meeting of March 7, 2013, as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, and Villarreal voting in favor of the motion and no one voting against [4-0].

2. FINDINGS/CONCLUSIONS

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Cases #2012-109, #2013-05 and #2013-07, is incorporated herewith to these minutes as Exhibit "1."

a) **CASE #2012-109. VILLAS DI TOSCANA DEVELOPMENT PLAN AMENDMENT.**

The following corrections were made to the Findings in this case:

Page 1, paragraph 1, line 5, correct as follows: "...of 65 62 residential...."

Page 1, Fact #5, line 1, correct as follows: "...April 26, ~~2011~~ 2012..."

Page 3, final paragraph, line 4, correct as follows: "...~~consider~~ recommends permitting..."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2012-109, as presented, with the corrections noted.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, and Villarreal voting in favor of the motion and no one voting against [4-0].

b) **CASE #2013-05. 837 CAMINO VISTAS ENCANTADA VARIANCE.**

MOTION: Commissioner Harris moved, seconded by Commissioner Bemis, to approve the Findings of Fact and Conclusions of Law in Case #2013-05, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, and Villarreal voting in favor of the motion and no one voting against [4-0].

c) **CASE #2013-07. 147 GONZALES ROAD ESCARPMENT AND TERRAIN MANAGEMENT VARIANCES, DEVELOPMENT PLAN AMENDMENT.**

Chair Spray asked Commissioner Harris to look at point 3 on page 4 of 4, since he led that discussion, to see if that it is an accurate description of what he outlined in his motion.

Commissioner Harris said, yes, that it's a little bit different from the minutes, but he believes it is clearly stated.

Chair Spray said Ms. Brennan did a very good job of distilling that, and it is about as clear as can be made in a sentence like that.

MOTION: Commissioner Harris moved, seconded by Commissioner Villarreal, to approve the Findings of Fact and Conclusions of Law in Case #2013-07, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, and Villarreal voting in favor of the motion and no one voting against [4-0].

E. OLD BUSINESS

None

F. NEW BUSINESS

None

G. MATTERS FROM STAFF

Matthew O'Reilly, Director, said the Governing Body approved the bill with the final changes to Chapter 14 at the Council meeting last Wednesday, and it went into effect immediately on Thursday. He said there was one section of the bill the Council chose not to approve, which is Section 32 regarding commercial vehicles parking in neighborhoods, about which the Planning Commission had concerns. He said it will be discussed with staff and some of the Councilors and likely will come forward as a separate ordinance change.

Responding to Commissioner Harris, Mr. O'Reilly said he doesn't think there were specific points of view expressed during the Council meeting.

Chair Spray said elements of Chapter 14 dealing with Historic Districts was being reviewed by the Historic Districts Review Board and staff and asked the status of that effort.

Mr. O'Reilly said the Historic District Ordinance will not be heard by the Planning Commission, and will be heard by the Historic Districts Review Board and by the City Council, noting staff is working on it now. He said it is in process, and staff is closer to getting that ready to move forward.

Mr. O'Reilly said in the upcoming months, the Commission likely will be hearing revisions to the Signage Ordinance, possible changes to the Parking Ordinance, and hopefully, changes to the Escarpment Ordinance. He said these are the remaining pieces which are coming forward. Mr. O'Reilly said these were pulled out of the Chapter 14 rewrite process, because they were distinct and involved in their own right that they are being considered separately.

Mr. O'Reilly said it is also possible that the Planning Commission will be hearing changes to the Archaeological Code this year as well.

Ms. Baer said the City Council followed the recommendations of the Planning Commission and approved the Industrial Road Rezoning and General Plan Amendment, and the Santana Rezoning.

H. MATTERS FROM THE COMMISSION

Chair Spray thanked the members of the Commission for attending today's meeting.

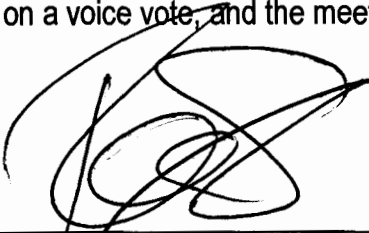
Ms. Villarreal reminded the Commission that she will be absent for the next meeting because of work obligations.

I. ADJOURNMENT

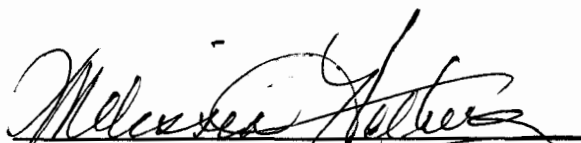
There was no further business to come before the Commission.

MOTION: Commissioner Harris 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 12:20 p.m.



Tom Spray, Chair



Melessia Helberg, Stenographer

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

Case #2012-109

Villas Di Toscana Development Plan Amendment

Owner's Name – Vistancia, LLC

Applicant's Name – Jon Paul Romero for Southwest Designs, LLC

THIS MATTER came before the Planning Commission (Commission) for hearing on March 7, 2013 upon the application (Application) of Jon Paul Romero for Southwest Designs, LLC as agent for Vistancia, LLC (Applicant).

The Applicant seeks to amend the Phase IV Carlos Rey Des Sur Subdivision Development Plan approved on June 30, 2005 with conditions by the Planning Commission under Case #2005-07 and by the Governing Body on September 25, 2005 (Development Plan) to privatize the streets, street lighting, landscaping and approved trails in the subdivision. The Phase IV Carlos Rey Des Sur Subdivision is now known as Villas Di Toscana (Subdivision). The Subdivision is comprised of 6562 residential lots on 12.96± acres of land and is zoned R-3 PUD (Residential – dwelling units/acre Planned Unit Development). The Property is located between Governor Miles Road and I-25 east of Camino Carlos Rey. .

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. Code Section 14-2.3(C)(2) authorizes the Commission to approve or disapprove amendments to development plans previously approved by the Commission.
3. The Commission approved the Development Plan on June 30, 2005.
4. Pursuant to Code §14-3.1(E)(1)(a)(iii), a pre-application conference is required prior to submission of an application for a residential development request subject to the Santa Fe Homes Program of Code Section 26-1, unless waived.
5. A pre-application conference was held on April 26, 2012 in accordance with the requirements of Code §14-3.1(E)(2)(a).
6. Pursuant to Code Section 14-3.19(A)(1)(b), the general provisions of Code Section 14-3.19 apply to development plans.
7. Code Section 14-3.19(D)(1) provides that procedures for substantive amendments to development plans shall be the same as those that apply to a new application.
8. The Application proposes a substantive amendment to the Development Plan.
9. Code §14-3.8(B)(1) requires compliance with the early neighborhood notification (ENN) requirements of Code §14-3.1(F) for development plans and provides for notice and conduct of public hearings pursuant to the general provisions of Code §§14-3.1(H) and (I).

Exhibit "1"

10. Code Section 14-3.1(F)(2)(a)(xi) requires an ENN for amendments to final development plans and Code Sections 14-3.1(F)(4) and (5) establish procedures for the ENN.
11. The Applicant conducted an ENN meeting on the Application at 5:30 p.m. on August 23, 2012 at 3172 Viale Tresana in accordance with the notice requirement of Code Section 14-3.1(F)(3)(a). The ENN meeting was attended by the Applicant and City staff and by nine members of the public.
12. Code §14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
13. The Applicant has complied with the Submittal Requirements.
14. 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 Commission approve the development plan amendment, subject to certain conditions (the Conditions) set out in such report.
15. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
 - (a) That it is empowered to approve the amendment to the Development Plan [§14-3.8(D)(1)];
 - (b) That approving the amendment to the Development Plan does not adversely affect the public interest [§14-3.8(D)(1)]; and
 - (c) That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Subdivision [§14-3.8(D)(1)].
16. Based upon the analysis contained in the Staff Report and the evidence presented at the public hearing, approving the Application will not adversely affect the public interest as it will result in decreased costs to the City.
17. Based upon the analysis contained in the Staff Report and the evidence presented at the public hearing, the Application is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Subdivision, in that it does not alter the approved density or layout of the Subdivision, but only alters the party responsible for the maintenance of the approved streets, street lighting, landscaping and trails in the Subdivision.
18. Code §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.

CONCLUSIONS OF LAW

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

1. The Application was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meetings complied with the requirements established under the Code.
3. The Commission has the power and authority at law and under the Code to review and approve with conditions the proposed amendments to the Development Plan.
4. Approving the Application will not adversely affect the public interest.

5. The Application is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Subdivision.
4. The Conditions are necessary to accomplish the proper development of the area and to implement the policies of the general plan.

WHEREFORE, IT IS ORDERED ON THE _____ OF APRIL 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the amendment to the Development Plan subject to the Conditions; and, further, recommends to the Governing Body that if it approves the Applicant's proposed amendment to the Annexation Agreement, it ~~consider~~ *RECOMMEND* permitting the Applicant to defer construction of the trail and to secure such construction through an escrow account on terms acceptable to the Governing Body.

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
Planning Commission
Findings of Fact and Conclusions of Law

Case #2013-05

836 Camino Vistas Encantada Escarpment Variance

Owner/Applicant's Name – Charles Trujillo

THIS MATTER came before the Planning Commission (Commission) for hearing on March 7, 2013 upon the application (Application) of Charles Trujillo (Applicant).

The Applicant seeks a variance from the requirements of Santa Fe City Code (SFCC) §14-5.6(D) to permit him to construct a dwelling unit within the Ridgetop Subdistrict (Ridgetop) of the Escarpment Overlay District (Escarpment) on .67± acres of land at 836 Camino Vistas Encantada, also known as Lot 23 (Property) in the Cerro Del Sol Subdivision (Subdivision). The Subdivision was created in 2004, before the Escarpment ordinance (Ordinance) was amended in 2006 to prohibit development in the Ridgetop. The Property is thus a legal nonconforming lot and is zoned R-2 (Residential – 2 dwelling units/acre).

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. SFCC §14-2.3(C)(5)(a) authorizes the Commission to review and grant or deny requests for variances from the SFCC §14-5.6 in compliance with SFCC §14-3.16.
3. SFCC §14-5.6(K) authorizes the Commission to vary the requirements of the Ordinance so that substantial justice may be done and the public interest secured where the Commission finds that strict compliance with those requirements may result in extraordinary hardship.
4. Pursuant to SFCC §14-3.1(F)(2)(a)(vii) an Early Neighborhood Notification meeting is not required for variances requesting construction of an individual single-family dwelling and appurtenant accessory structures.
5. SFCC §14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the variance based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
6. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the Commission approve the variance.
7. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §14-5.6(D) that (a) special circumstances exist, in that the Property is a legal nonconforming lot created prior to the adoption of the Ordinance; (b) the special

circumstances make it infeasible to develop the Property in compliance with the Ordinance, in that the entire Property is located within the Ridgetop and the Ordinance prohibits development in the Ridgetop; (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the Ordinance, in that the Property is permitted to be developed under applicable SFCC requirements with one primary dwelling unit, which is consistent with the Application; (d) the variance is the minimum variance that will make possible the reasonable use of the Property, in that without the variance the Property could not be developed at all for the residential use for which it was legally created and in that the Application is consistent with the general plan designation of the Property as Very Low Density Residential; and (e) the variance is not contrary to the public interest, in that the proposed residence will be located on the Property and designed to comply with all other applicable requirements of the Ordinance so as to minimize visual impact in accordance with the Ordinance's purpose and intent.

8. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §14-5.6(D) that extraordinary hardship will result from compliance with such requirements, in that without the variance the Property could not be developed at all for the residential use for which it was legally created.

CONCLUSIONS OF LAW

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

1. The Commission has the power and authority under the Code to review and approve the Applicant's request for a variance.
2. The Applicant has met the criteria for a variance set forth in SFCC §14-3.16(C) and §14-5.6(K).

WHEREFORE, IT IS ORDERED ON THE _____ OF APRIL 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the variance is approved as applied for.

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
Planning Commission
Findings of Fact and Conclusions of Law**

Case #2013-07

147 Gonzales Road Escarpment
and Terrain Management Variances
and Development Plan Amendment
Owners' Names – Susan and Vance Campbell
Agent's Name – Design Engenuity, LLC

THIS MATTER came before the Planning Commission (Commission) for hearing on March 7, 2013 upon the application (Application) of Design Engenuity, LLC for Susan and Vance Campbell (Applicants).

The Applicants seek (1) a variance from the requirements of Santa Fe City Code (SFCC) §14-5.6(D) to permit them to construct a single-family residence within the Ridgetop Subdistrict (Ridgetop) of the Escarpment Overlay District (Escarpment) on 0.908± acres of land at 147 Gonzales Road, also known as Lot 16 (Property) in the Sierra Vista Subdivision (Subdivision); (2) a variance to SFCC §14-8.2 terrain management regulations to disturb a total of 70 square feet of slopes exceeding 30% to construct a 36 inch wall and a rip-rap stormwater pad; and (3) to amend the Subdivision development plan approved in 1983 (Development Plan) by the Development Review Committee (DRC), the predecessor to the Commission to reduce the building setback from 20 feet to 6 feet to accommodate a portal. The Subdivision was created before the Escarpment ordinance (Ordinance) was amended in 2006 to prohibit development in the Ridgetop. The Property is zoned R-21 PUD (Residential – 21 dwelling units/acre Planned Unit Development).

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. SFCC §14-2.3(C)(5)(a) authorizes the Commission to review and grant or deny requests for variances from the Ordinance in compliance with SFCC §14-3.16.
3. SFCC §14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the variance based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
4. SFCC §14-5.6(K) authorizes the Commission to vary the requirements of the Ordinance so that substantial justice may be done and the public interest secured where the Commission finds that strict compliance with those requirements may result in extraordinary hardship.
5. SFCC §14-2.3(C)(2) authorizes the Commission to approve or disapprove amendments to development plans previously approved by the Commission.
6. The DRC approved the Development Plan in 1983.

7. Pursuant to SFCC §14-3.1(F)(2)(a)(vii) an Early Neighborhood Notification (ENN) meeting is not required for variances requesting construction of an individual single-family dwelling and appurtenant accessory structures.
8. SFCC §14-3.1(F)(2)(a)(xi) requires an ENN for amendments to final development plans and SFCC Sections 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. SFCC §14-3.8(B)(1) requires compliance with the ENN requirements of SFCC §14-3.1(F) for development plans and provides for notice and conduct of public hearings pursuant to the general provisions of SFCC §§14-3.1(H) and (I).
10. The Applicant conducted an ENN meeting on the Application at 5:30 p.m. on Monday, December 17, 2012 at Main Public Library on Washington Avenue in accordance with the notice requirement of SFCC §14-3.1(F)(3)(a). The ENN meeting was attended by the Applicant and City staff and by four members of the public.
11. Pursuant to SFCC §14-3.19(A)(1)(b), the general provisions of SFCC §14-3.19 apply to development plans.
12. SFCC §14-3.19(D)(1) provides that procedures for substantive amendments to development plans shall be the same as those that apply to a new application.
13. The Application proposes a substantive amendment to the Development Plan.
14. SFCC §14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of SFCC (the Submittal Requirements).
15. The Applicant has complied with the Submittal Requirements.
16. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the Commission approve the variances and the development plan amendment, subject to certain conditions (the Conditions) set out in such report.
17. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §14-5.6(D) that (a) special circumstances exist, in that the Property is a legal nonconforming lot created prior to the adoption of the Ordinance; (b) the special circumstances make it infeasible to develop the Property in compliance with the Ordinance and §14-8.2, in that the part of the Property that is located within the Ridgetop has been disturbed and is flat, while most of the remaining Property is undisturbed 30% or great slopes where the Ordinance prohibits development in the Ridgetop and SFCC §14-8.2 prohibits disturbance of natural slopes in excess of 30%; (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the Ordinance, in that the Property is permitted to be developed under applicable SFCC requirements with one primary dwelling unit, which is consistent with the Application and with development on other lots in the Subdivision; (d) the variances are the minimum variances that will make possible the reasonable use of the Property, in that without the variances the Property could not be developed for the residential use for which it was legally; and (e) the variances are not contrary to the public interest, in that the proposed residence will be located on the Property and designed to comply with all other applicable requirements of the Ordinance and SFCC §14-8.2 so as to minimize visual impact in accordance with the Ordinance's purpose and intent and to minimize the disturbance of slopes in excess of 30%.

18. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §14-5.6(D) that extraordinary hardship will result from compliance with such requirements, in that without the variance the Property could not be developed at all for the residential use for which it was legally created.
19. SFCC §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
 - (a) That it is empowered to approve the amendment to the Development Plan [§14-3.8(D)(1)];
 - (b) That approving the amendment to the Development Plan does not adversely affect the public interest [§14-3.8(D)(1)]; and
 - (c) That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Subdivision [§14-3.8(D)(1)].
20. Based upon the analysis contained in the Staff Report and the evidence presented at the public hearing, approving the Application will not adversely affect the public interest as it will permit the development of the Property for the residential use for which it was created and minimize visual impact and disturbance of slopes in excess of 30% in accordance with the stated purposes and intent of the Ordinance and §14-8.2.
21. Based upon the analysis contained in the Staff Report and the evidence presented at the public hearing, the Application is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Subdivision, in that it does not alter the approved density of the Subdivision and otherwise complies with SFCC construction requirements.
22. SFCC §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.

CONCLUSIONS OF LAW

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

1. The Commission has the power and authority at law and under the SFCC to review and approve with conditions the Applicant's requests for the variances and for the amendment to the Development Plan.
2. The Applicant has met the criteria for a variance to SFCC §14-5.6(D) set forth in SFCC §14-3.16(C) and §14-5.6(K).
3. The Applicant has met the criteria for a variance to SFCC §14-8.2 set forth in SFCC §14-3.16(C).
4. Approving the amendment to the Development Plan will not adversely affect the public interest.
5. The amendment to the Development Plan is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Subdivision.
6. The Conditions are necessary to accomplish the proper development of the area and to implement the policies of the general plan.

WHEREFORE, IT IS ORDERED ON THE _____ OF APRIL 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That the variance to SFCC §14-5.6(D) is approved as applied for, subject to the Conditions.
2. That the variance from the requirements of SFCC §14-8.2 restricting disturbance of slopes in excess of 30% is approved as applied for, subject to the Conditions.
3. That the Development Plan be amended to reduce the required front yard setback from 20 feet to 6 feet to the extent necessary to accommodate the construction of the "New Portal" shown on Sheet No. 9, entitled "Residence Plan" (Plan), of the plans included in the Staff Report labeled "New Business #2" and entitled "Vance Campbell Variance Request and Development Plan Amendment of Lot 16 of the Sierra Vista PUD", so that it extends past the two sets of doors giving access from the Portal to the area identified on the Plan as "Living", but terminating at the point where the Portal meets the wall identified on the Plan as the "New Garden Wall", with the remaining setback approved at 10 feet.

Thomas Spray
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Kelley Brennan
Assistant City Attorney

Date: