



Agenda

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PLANNING COMMISSION

Thursday, November 7, 2013 - 6:00pm

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: October 17, 2013

FINDINGS/CONCLUSIONS:

Case #2013-69. Saiz Family Transfer Subdivision. (POSTPONED FROM OCTOBER 3, 2013 AND OCTOBER 17, 2013)

Case #2013-81. 1121 West Ridge Rd Variance.

Case #2013-83. Tierra Vista Subdivision Variance.

Case #2013-84. 5319 Joshua Lane Variance.

E. OLD BUSINESS

F. NEW BUSINESS

1. An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987, amending Subsection 14-6.1(C) Table 14-6.1-1 Table of Allowed Uses, to allow certain food and beverage uses in the I-2 General Industrial District and making such other stylistic or grammatical changes that are necessary. (Councilor Carmichael A. Dominguez, Sponsor) (Greg Smith, Case Manager).
2. An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987, creating a new Subsection 14-8.6(B)(1)(g) requiring safety barriers for specified driveways and parking lot aisles and making such other stylistic or grammatical changes that are necessary. (Councilor Christopher M. Rivera, Sponsor) (Greg Smith, Case Manager).
3. Case #2013-72. Kavanaugh Family Transfer Subdivision. Aaron Garcia, agent for the Kavanaugh Family, requests Final Subdivision Plat approval of a Family Transfer Subdivision for 3 lots on 2.5± acres located at 3360 Governor Miles Road. The property is zoned R-1 (Residential, 1 dwelling unit per acre). (Donna Wynant, Case Manager)
4. Case #2013-103. Lot 6A, Plaza la Prensa, Southwest Business Park Preliminary Subdivision Plat. James W. Siebert and Associates, Inc., agents for Carmel LLC, Final LLC, SF South LLC, and State Properties of NM LLC, request Preliminary Subdivision Plat approval for 3 lots on 6.54± acres located at 37 Plaza la Prensa. The property is zoned BIP (Business Industrial Park) and is located within the Phase 2 Annexation Area. (Tamara Baer, Case Manager)

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.**

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CITY OF SANTA FE
PLANNING COMMISSION
November 7, 2013

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ITEM**ACTION****PAGE**

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, AMENDING SUBSECTION 14-6.1(C) TABLE 14-6.1-1 TABLE OF ALLOWED USES, TO ALLOW CERTAIN FOOD AND BEVERAGE USES IN THE 8-2 GENERAL INDUSTRIAL DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY

Recommend denial to Council 16-23

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, CREATING A NEW SUBSECTION 14-8.6(B)(1)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY

Recommended denial 23-27

CASE #2013-103. LOT 6A, PLAZA LA PRENSA, SOUTHWEST BUSINESS PARK PRELIMINARY SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENTS FOR CARMEL LLC, FINAL LLC, SF SOUTH LLC, AND STATE PROPERTIES OF NEW MEXICO LLC, REQUEST PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 3 LOTS ON 6.54± ACRES LOCATED AT 37 PLAZA LA PRENSA. THE PROPERTY IS ZONED BIP (BUSINESS INDUSTRIAL PARK) AND IS LOCATED WITHIN THE PHASE 2 ANNEXATION AREA

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**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
November 7, 2013**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Tom Spray, at approximately 6:00 p.m., on Thursday, November 7, 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 Signe Lindell
Commissioner John Padilla
Commissioner Dan Pava
Commissioner Renee Villarreal

MEMBERS EXCUSED:

Commissioner Michael Harris
Commissioner Lawrence Ortiz
Commissioner Angela Schackel-Bordegary

OTHERS PRESENT:

Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Kelley Brennan, Interim 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

Ms. Baer asked that Items F(1) and (2) be postponed to the end of the agenda, or until the sponsors arrive.

Ms. Baer asked that the approval of the Findings and Conclusions be postponed to the meeting of December 15, 2013.

MOTION: Commissioner Lindell moved, seconded by Commissioner Villarreal, to approve the Agenda, as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Lindell, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [5-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – OCTOBER 17, 2013

The following corrections were made to the minutes:

Page 1 correct call to order to 6:00 p.m.

Page 2, in the motion, correct as follows: "...seconded by Commissioner ~~Montano~~ Ortiz..."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve the minutes of the meeting of October 17, 2013, as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Lindell, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [5-0]

2. FINDINGS/CONCLUSIONS

- a. CASE #2013-69. SAIZ FAMILY TRANSFER SUBDIVISION.
(POSTPONED FROM OCTOBER 3, 2013 AND OCTOBER 17, 2013)
- b. CASE #2013-81. 1121 WEST RIDGE RD. VARIANCE.
- c. CASE #2013-83. TIERRA VISTA SUBDIVISION VARIANCE
- d. CASE #2013-84. 5319 JOSHUA LANE VARIANCE

This item is postponed to the meeting of December 15, 2013.

E. OLD BUSINESS

There was no old business

E. NEW BUSINESS

3. **CASE #2013-72. KAVANAUGH FAMILY TRANSFER SUBDIVISION. AARON GARCIA, AGENT FOR THE KAVANAUGH FAMILY, REQUESTS FINAL SUBDIVISION PLAT APPROVAL OF A FAMILY TRANSFER SUBDIVISION FOR 3 LOTS ON 2.5± ACRES LOCATED AT 3360 GOVERNOR MILES ROAD. THE PROPERTY IS ZONED R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE). (DONNA WYNANT, CASE MANAGER)**

A Memorandum with attachments, prepared October 23, 2013, for the November 7, 2013 meeting, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "1 ."

A power point presentation *Case 2013-72: Kavanaugh Family Transfer Subdivision*, is incorporated herewith to these minutes as Exhibit "2."

Donna Wynant presented information in this case via power point. Please see Exhibits "2" and "3" for specifics of this presentation. Ms. Wynant noted a correction in the staff report that the existing single family home is served by City water and the Applicant will extend the line further to the other two lots.

RECOMMENDATION: The Land Use Department recommends approval with conditions as listed in this report. *No specific development will occur as a result of this application. Family Transfer Subdivisions are only reviewed one time by the Planning Commission as a Final Plat.*

Public Hearing

Presentation by the Applicant

Aaron Garcia, Agent for the Kavanaugh Family, was sworn. Mr. Garcia introduced Ernest Kavanaugh, the owner and his son and daughter, Vincent Kavanaugh and Andrea Kavanaugh who will be receiving the lots in the back. Mr. Garcia said the Applicant agrees with all conditions as recommended by staff, with one concern.

Mr. Garcia said he has a concern about the requirement to remove the original condition with regard to Mission Bend as he shows on his plat. He said they feel, for now, because it is in litigation, that it is not possible to remove the drives off Mission Bend Road. He said they will need to work with staff to see how that litigation progresses. He said he has met most of the other conditions which were requested. He said the utilities are available, and the 3/4 acres will help with septic tank issues. He pointed out that when Ernest and Rose Kavanaugh bought this property 16 years ago, it was in the County and it was rural, so they do have animal pens and there are farm animals on the property, noting they were "grandfathered in, in a sense, is what I'm trying to say."

Mr. Garcia said they have worked with the Fire Marshal on the width of the easement. He said they have agreed to put a surface on the low water crossing which will serve the Fire Department as well as the residents for crossing the arroyo. He said there is not an existing well and the Applicant is on City water. He said he added the note from the Water Division about extending the main extensions for Lots 2 and 3 off Gov. Miles Road. He said they will sit with John Romero to see what he means by an irrevocable offer. He said, "It seems to me that you are trying to somehow acquire it in fee simple so the City owns it entirely, which means they would lose about 2/10 of an acre, so the Kavanaugh parcel would then be closer to 3/4 acre than the one acre shown, because it includes the easement." He said they will work out that offer with the Traffic Engineer. He said they have addressed all of the other conditions of approval.

Commissioner Lindell asked the applicant to clarify which condition on Mission Bend with which the Applicant has issues.

Mr. Garcia said that is listed under Land Use Item #1, which is: "1. Restore the property to its original condition by removal of drives off Mission Bend Road as noted on the plat and per the direction of the Technical Review Division." He said it is shown on the plat and they want to leave it on the plat.

Ernest Kavanaugh, the owner, was sworn. Mr. Kavanaugh said he works and teaches at Santa Fe Community College, and he runs programs to keep students in College. He said we are trying to keep our young family members here in Santa Fe, and one of the reasons for this family transfer, is so each of his kids will have a place of their own.

Speaking to the Request

Dr. Phillip Troy, 3413 Callejon Norte, a homeowner in Mission Viejo Subdivision, and a member of Mission the Mission Viejo Homeowners Association [was sworn]. Dr. Troy said he is representing himself this evening and not the Association. He said a fence currently is being built along Mission Bend Road which is a private Road. He said they are in litigation over this

because that road is owned by the Association and the original developer Ron Sebesta. He said the road has always been private although there have been trespasses. There have been attempts to explain to the neighbors this is a private road and they do not agree with the trespassing. He said now that we have the division of land into 3 separate pieces, the two lots are landlocked. He understands there are ways to get in and out, and you have fire and water. He said the fence was approved by the City with two big gaps in it, and the "gaps are right where the Kavanaughs cut across, put gravel and made an entrance, illegally, from Mission Bend into their property on proposed lots 2 and 3. He said they have "taken the gravel and pushed it away, and you just heard from their spokesman that they want to leave that alone. And right now, they're building a fence and the fence was approved for a gate in those areas."

Dr. Troy continued, "I don't understand why the City would give them gates that open onto someone else's property. If this is something the City wants to approve, then I would propose that the fence be built completely and totally across. Robert Frost told us good fences make good neighbors. I believe this in this case more than anything. We should build those all the way across. That would give us the assurance and good faith that the road is not going to be trespassed upon; that while the gaps in the fence are open, and even though you've got gravel taken out of there, a 4 wheeler can go in there. Last winter we had an 18 wheeler back there and that got there on our road not from Governor Miles. And so, those gaps in that fence are in a way the City kind of saying, well you know I don't know. And if this lawsuit goes forward, then I can foresee those gaps are left there that the City gets drug into it, because it almost looks like the City is tacitly approving the Kavanaughs to continue to use our road illegally in trespass. So I would like that to be noted and to be considered in you approving this transfer. Thank you."

Keith Bujold, President, Mission Viejo Subdivision Association [previously sworn]. Mr. Bujold said you have seen our documentation opposing the Subdivision split. He thanked Dr. Troy for proposing what they would consider as the Association, which "is a condition to block their easement onto the property as it is not either on the City plat for that property and it is not a legal easement onto their property at this time."

Mr. Bujold continued, saying, secondly statements were made in the ENN guidelines [meetings?] having to do with the protection of the physical environment, easements, access. He said Ms. Wynant has addressed those. However, statements were made that there would be no impact, and she stated there will be impact which would lead to environmental impact. If they can't hook into the City sewer and have to put septic tanks on the property at building process, there will be 3 septic tanks within 50 feet of each other, all around an arroyo which is a waterway which goes through their land and property and could impact people downstream.

Mr. Bujold continued, saying the fire aspect seems to be passed over. He said if they don't get access off Mission Bend Road, "I think we're concerned that there wouldn't be fire service, according to what the International Fire Code states." That Code provides there has to be a fire hydrant within 250 feet of the property which isn't there. There also is supposed to be a hammerhead or turn around. He was told at the ENN meeting it would be 50 feet, but he believes it is 96 feet or a Y. Also, the access across the arroyo and the easement driveway, needs to support a vehicle of 75,000 pounds. He doesn't know if the City has looked at this or not. Mr. Bujold said these are the concerns of the Association.

The Public Testimony Portion of the Public Hearing Was Closed

- Commissioner Lindell asked Mr. Garcia, considering all of the circumstances, why he wouldn't just run a driveway easement from Governor Miles Road across the existing front lot to access both proposed lots.

Mr. Garcia said, "We did and that is what we propose on the map that has been submitted and is part of this package." He said there is a 20 foot easement which was negotiated down from the 50 feet that was mentioned by Mr. Bujold. He said at the recommendation of City staff, there is a 20 foot easement coming off Governor Miles Road going all the way to the back across the arroyo and a hammerhead turnaround designed into it so fire vehicles can access, turn around at the hammerhead and then exit.

- Commissioner Lindell said on the plat they have depicted access from Mission Bend.

Mr. Garcia said, "Those I did, based on the fact that when I went out there and surveyed it, there were existing driveways and that is the reason I show it on my plat."

- Commissioner Lindell said, the Staff Report says, the depiction of that access needs to be removed from the plat prior to recordation. Are you clear about that."

Mr. Garcia said, "Yes, we're clear about that."

- Commissioner Lindell said, "So, we're clear that that needs to be removed."

Mr. Garcia said, "We're clear that that needs to be removed pending the current ongoing litigation. If that litigation were to come into our favor, then that would be a moot point, and we would still leave them on there. But say, it comes against us, we'll remove them before we record the plat."

- Chair Spray asked Ms. Brennan to comment on this, and how the entire lawsuit issue impacts our deliberations here tonight.

Ms. Brennan said, "I think that what you are doing is approving a family transfer subdivision, and one of the conditions is that access be shown, and in approving this, you are approving the access that they legally have via Governor Miles. They do not legally have access via Mission Bend at this point, and there's no reason to show it on the plat. It should not affect the litigation. And for the purposes of the City, we need to approve access from Governor Miles, because that's the only access they currently have, so I don't see that the City's approval of a Subdivision should be subject to the outcome of litigation in which it has no interest."

Ms. Baer said the Applicant has 3 years to record the plat, so if they would like, they can wait until the outcome of the litigation and then record the plat, with or without the conditions.

- Commissioner Lindell said one of the conditions of approval is mandatory connection to City sewer. She said she heard Ms. Wynant say it might not be mandatory. She said one of the conditions of approval, as presented this evening, is connection to the City's public sewer system which is mandatory when the property is in the City limits and is being developed. She said, "I just want to clarify that that connection is mandatory."

Ms. Wynant said, "I'm glad you brought that up. I have to go back to the comment from Wastewater, 'Connection to the City public sewer,' this is reading from his comments, 'is mandatory when the property is in the City limits and is being developed or ^{improved} approved, and is accessible to the City sewer system, prior to the development...' I know that the State has approved septic on 3/4 acre parcels. If I could defer to Ms. Baer. Could you verify that, thank you."

- Ms. Baer said the critical language there is "if it's accessible." She said, "When the property is improved or developed and it's accessible, and accessible in the case of sewer means within 200 feet. In this case, we conferred with Ms. Brennan and we're very clear that when it has to cross private property, we cannot require that and the sewer line that is within 200 feet, is not considered accessible. So if they wanted to, they could connect to the further away one, which is 600 feet, but they're not required to. At this time, City sewer is not accessible."
- Ms. Lindell said then they could ask the State to give them a permit for septic.

Ms. Baer said yes, from the Environment Department.

- Commissioner Lindell said Mr. Garcia said one of the conditions of approval is referring to the dedicated right-of-way. She said, "It is a condition of approval, and I wasn't really clear about your answer. You said it was acceptable, but you wanted to sit with Mr. Romero to work that out. I think it's a yes or no."

Mr. Garcia said, "It's acceptable. It's a yes. What I was trying to refer to is what kind of wording Mr. Romero would want from us."

- Commissioner Lindell said, "I just wanted to clarify that, so it's a yes."

Mr. Garcia said, "It's a yes."

- Commissioner Lindell said Mr. Garcia said he is not amenable to the condition which is to restore the property to its original condition by removal of the drives off Mission Bend Road. She said, "I heard you say that's not acceptable, and I just wanted to bring that up again. Is that the part of the property that, at this point in time, is red-tagged?"

Ms. Baer said, "No. There were two red-tags issued. The first was for trash and litter and that has been taken care of and the property is now in compliance. There was a second red tag issued for the terrain management issue. And I believe the inspector who went out and looked at it was given to understand that there is litigation and this is still under discussion. And so the red tag is outstanding, but we have not taken further enforcement action pending the outcome of, I believe, mediation, but it may be litigation."

- Commissioner Lindell said she is a little more confused than when she originally asked the question.

Ms. Baer said, "There is a red tag outstanding."

- Commissioner Padilla said, "In looking at the Staff Report, it states, 'The other red tag for grading without a permit for driveways onto Mission Bend Road remains outstanding pending litigation between the parties.' So I think Commissioner Lindell is correct that that is the question that is still open, the unresolved red tag."
- Commissioner Lindell said in the conditions of approval, 'restoring the property to its original condition,' is one of the conditions of approval of the request for the lot split. She said at this time she would yield the floor.

- Commissioner Padilla said there is continued conversation about an arroyo, and he doesn't see an arroyo noted on the plat. He asked Mr. Garcia, "Where is the arroyo located on the proposed 20 foot access and utility easement."

Mr. Garcia said it is shown on the plat, and it is an existing easement which was dedicated through the previous subdivision plat, and there is a note which refers back to that recorded subdivision plat.

- Commissioner Padilla said he now sees the edge of the arroyo.
- Commissioner Padilla said a fence was erected on the south property line which was permitted, and he assumes the fence had to be either inside or on the south property line, and asked if this is correct. He said it isn't indicated on the Applicant's survey.

Mr. Garcia said, "That was just built like last week, a couple of weeks ago. These property corners were identified to the Kavanaughs, and I'm sure they used them to get the line and the fences inside. The fence is inside the Kavanaugh property."

- Commissioner Padilla said it appears that the sewer is to the south of the Kavanaugh's south property line, south of the property line of Tract A-2A and Lot 3 and then Lot 2, which is within 250 feet. He asked, "However, is it the issue of not having easement or access granted to them currently that prohibits them from connecting and us requiring them to have a connection to public sewer."

Ms. Baer said there is an approximately 10 foot wide strip of land between the road easement of Mission Bend and the beginning of the Kavanaugh property, which is privately owned. There is no existing easement that would allow them to cross that for utilities. And my understanding is the Mission Bend Homeowners Association is not interested in allowing them to cross at their location to provide access to the sewer. So from the City's perspective the sewer is not accessible.

- Commissioner Padilla noted a comment was made in the ENN with regard to the environmental impact of "septic systems and so forth," possibly jeopardizing water quality, etc. He asked if the Association would consider allowing that to happen, because it would seem to make a lesser environmental impact on the area in general. He is wondering if that can be a condition of approval.

Ms. Brennan nodded no.

- Commissioner Padilla asked if anything can happen for the Kavanaughs to be able to connect.

Ms. Brennan said, "It really must be an agreement between those parties. The City cannot require a non-party to enter into an agreement with the Applicant."

- Commissioner Padilla said the addresses for this property appear to be on Governor Miles Road.
- Commissioner Padilla said then the response off Mission Bend Road would not happen – the emergency vehicle would not respond off Mission Bend Road.

Ms. Baer said, "My understanding is they respond any way they need to. So, if for some reason it were blocked off Governor Miles and they could get through on Mission Bend and they needed to, they would do that, but right now they would come in on Governor Miles."

- Commissioner Padilla said the plat indicates a gate. He asked Mr. Garcia if the proposed gate would be designed and installed to accommodate emergency access by emergency response vehicles.

Mr. Garcia said, "I would say that the 20 foot access and utility easement would be totally open. No gate. That would be my recommendation to the Kavanaughs. Let's remove that gate. Let's leave that 20 foot easement accessible to all 3 lots at all time."

- Commissioner Padilla said the Applicant's plat indicates a gate.

Mr. Garcia said there are two existing gates, one "where the easement takes place, and one a little bit more west," so there are two separate entrances.

- Commissioner Padilla said then this would no longer be proposed for a gate and would be open access, and Mr. Garcia said this is correct.
- Commissioner Padilla, referencing Exhibit C-5, said he assumes the property line would be along the fence line.

Ms. Baer said she would have to look at the building permit, and that is a very recent building permit, and the fence was done after the report was prepared.

- Commissioner Padilla asked what is the right-of-way for Mission Bend Road, and if it extends to the southern property line of the Kavanaugh property.

Ms. Baer said there is a gap from the end of the right-of-way. .

- Commissioner Pava said to him, on the zoning map, this lot is zoned R-1 and the surrounding area is also zoned R-1, including the homes along Mission Bend.

Ms. Wynant said this is correct.

- Commissioner Pava said it appears the lots on Mission Bend all are smaller than this original lot and smaller than one acre in size.

Ms. Wynant said she would say that's correct, although she didn't look at the exact dimensions of all of those properties. She said, "As you can see on this slide, the properties are quite large, again I don't know those dimensions, but I don't think they're 3/4 acres. Maybe someone from that subdivision could tell you."

- Commissioner Pava said, "These lots are also less than an acre in an R-1 District."

Ms. Wynant said that could be, yes.

- Commissioner Pava asked if there are other family transfer subdivisions adjacent to or nearby the subject site, within several hundred feet, in the area of notification.

Ms. Wynant said yes, there was a family transfer immediately adjacent to the property which was a different family, noting that happened a few years ago. There is also one which may be coming forward on Monte Carlo to the north of Governor Miles, right across from this property. She knows of no others.

- Commissioner Pava asked if the Commission can impose a condition of approval on a family transfer subdivision that a solid wall or fence be built on the south property line along its entire length, commenting that he thinks that can be done.
- Ms. Brennan said, "I'm considering that there is a dispute regarding access to Mission Bend. I think that that would be tantamount to the City taking a position as to whether there was or was not a right of access, and I'm not sure it would be relevant to the subdivision, the act of granting subdivision."
- Commissioner Pava understands Mission Bend is a private street, but there is a City sewer line along or in that street, and it's very close to this property. Do we know if there is capacity in that sewer line if we would require that these lots, if created, would connect to that.

Ms. Baer said it was built as a private line. And whether there is capacity would be up to the Wastewater Division to determine.

- Commissioner Villarreal said we received information from the Homeowners Association about issues with the property containing unregistered junk vehicles, and other issues including issues with garbage and such. She asked the status of those issues.

Ms. Baer said that was the original red tag and our information from the inspectors is that the problem has been resolved and the area has been cleaned up.

- Commissioner Villarreal asked if there are staff which look regularly at these kinds of issues around the City which would note if there were other issues relating to junk vehicles or animals that are a nuisance.

Ms. Baer said these come in as complaints from the public and the City sends inspectors to observe and make a decision on the basis of the complaint. She said, "We don't necessarily have people driving around looking for violations, with some exceptions, if we're doing a sweep of an area for certain reasons. But if there were further complaints, we would certainly send the inspectors out to look at it."

- Commissioner Villarreal said, "A comment I would like to make is just to say that I do believe in the ability for families to provide a legacy for their children in this City and I don't think it happens often enough where you actually have land to be able to do that. I think it's important and I want to make a note of that."
- Commissioner Bemis asked Mr. Kavanaugh the position of the other two houses and the anticipated square footage of those houses.

Mr. Kavanaugh said, "If I may, I'm wanting to jump out of my seat back there, because there is still some clarification that I think we're not really clear on here. One, is we've been accessing these roads for 16 years, coming in through those access roads in the back. I think we need to note that. The reason for that is when we went to Ron Sebesta for the challenges, they were burning down the pinon trees in that back area which is now Mission Bend. There were drugs, sofas and several violations going on in our back yard. We would access that back area purposely, because we went on several occasions, if you recall the Sheriff's Department, is why we kept accessing that road in addition to using it for our animals, one. Number two is when you're talking about the violations, those aren't on our property. I've never gotten a citation. You're talking about someone else. Number three, the gates. We are going to have gates. There wasn't an open access. When we talk about that south end you were talking about sir. Let me back up a little bit. Mission Bend, when

they did their subdivision, they were supposed to, what you just said sir, build a wall all the way around their property. I talked to Donna about this. They never built it. My son and I are building a fence because they never did what they were required to do by law. If you look at the plots and the drawings, it's on there. So I'm here to follow the law the way I'm required to do it. I'm spending over \$4,000 just on material to build this, because someone else did not do their job. Had that happened, we would not be having this conversation today."

- Chair Spray asked Commissioner Bemis if this answers her question, and she said no. Chair Spray asked Mr. Kavanaugh to answer Commissioner Bemis's question.

- Commissioner Bemis said where the arroyo goes through, she gathers that the house already there is the one nearest Governor Miles Road.

Mr. Kavanaugh said this is correct.

- Commissioner Bemis asked where he proposes to build the other two houses.
- Mr. Kavanaugh said they will "center within the center area." He said if they have to do septic, then they would have to look at how to set that up.
- Commissioner Bemis said there an arroyo in the center.

Mr. Kavanaugh said not in the arroyo, and asked if she is talking about the two properties on the south end.

- Commissioner Bemis said yes.

Mr. Kavanaugh said it would be in the center of the property. He said his home is 2,400 sq. ft., so they are looking at about 2,200 sq. ft. on the new homes.

- Commissioner Lindell asked if there are red tags on this property.

Ms. Baer said that is their information from the inspections office.

- Commissioner Lindell said, "I want to be very clear that one of the conditions of approval as presented to us tonight, is to restore the property to its original condition, by removal of drives off Mission Bend Road as noted on the plat and per the direction of the Technical Review Division. I just want to make that clear."

- Commissioner Lindell asked if the Homeowners Association will be able to put a gate on Mission Bend Road should it choose to do so.

Ms. Baer asked if she means across Mission Bend Road.

- Commissioner Lindell said yes.

Ms. Baer said, "Yes, they would. It is private property. There is this oddball situation when the County platted roads, they very often called them private roads and then they would put for public access, and we struggle with that – we're not sure what that means. So we think what it means is that an emergency vehicle can go there, a delivery truck can go there, but it's still a private road. And as a private road, they could put a gate across it, but they would have to provide for fire access."

- Commissioner Lindell said, like Commissioner Villarreal, she supports family transfers such as this, and likes to see this happen.

MOTION: Commissioner Lindell moved, seconded by Commissioner Pava, to approve Case #2013-72, Kavanaugh Family Transfer Subdivision, with all conditions of approval as recommended by staff.

DISCUSSION: Commissioner Padilla noted in the plat, the existing residence is a modular home, and it very clear that the condition of approval states that mobile homes are not allowed on these tracts.

Chair Spray said it is site built houses.

Ms. Baer doesn't recall that condition.

Commissioner Padilla said it is the 6th item up from the bottom, and it states that, "Mobile homes are not allowed on these tracts."

Ms. Wynant said, "I believe that note is on the title sheet of the applicant's submittal, an 11 x 17 sheet, the note there that mobile homes would not be erected or allowed on the property. As I understand it, manufactured homes are those units that are dated after 1976 and those are allowed by Code."

Commissioner Padilla asked staff for a definition of mobile home.

Ms. Baer said, "The federal regulations that came into effect in 1974 set standards under the Housing & Urban Development Department for manufactured housing. Anything built after 1974 is built to certain safety and construction standards and that's considered a manufactured house and we treat those exactly the same as we do site built housing. If it was built before 1974, it was called a mobile home, and we do not allow new mobile homes on lots."

Mr. O'Reilly said Ms. Baer is correct, 1976 is when those regulations went into effect.

CLARIFICATION OF THE MOTION: Ms. Brennan said, "I just wanted to ask, as a point of order, if it was Commissioner Lindell's intention to include the removal of the gate from the 20 ft. Fire Access Easement shown on the plat. It shows a gate there now." Commissioner Lindell said it is included in the motion.

Chair Spray asked if the Applicant is providing the irrevocable offer to dedicate a right of way. He said irrevocable to him means irrevocable as "in that's it, as in, you've got your insurance, you can keep it. It's irrevocable. Is that accurate."

Ms. Baer said this is correct, although rights of way – it's a right that's dedicated to the City to build the road, but it doesn't mean the City will expand the road and such, so it remains land typically that is included in calculations for density and those kinds of things.

Commissioner Pava agrees that the family transfer serves an important purpose in Santa Fe. He said, "It would be nice if there could be some accommodations here to live and let live. I would hate to see the creation of what is legitimately allowed by property rights and City Code in septic tanks, when we have a perfectly good solution, apparently, less than 200 feet away. And that's all I have to say."

Commissioner Villarreal asked Commissioner Pava if he is suggesting a possible solution to that comment through a condition.

Commissioner Pava said, "I don't believe I can suggest the condition on advice of legal counsel this evening, nor can we even entertain the idea of deferring this case until it's resolved in the Courts."

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Lindell, Padilla, Pava, and Villarreal voting in favor of the motion and no one voting against [5-0]

At this time, both Councilor Dominguez and Councilor Rivera had arrived at the meeting and Chair Spray moved to Items #F(1) and #F(2) on the agenda

1. **AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, AMENDING SUBSECTION 14-6.1(C) TABLE 14-6.1-1 TABLE OF ALLOWED USES, TO ALLOW CERTAIN FOOD AND BEVERAGE USES IN THE 8-2 GENERAL INDUSTRIAL DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR CARMICHAEL A. DOMINGUEZ, SPONSOR). (GREG SMITH, CASE MANAGER)**

A Memorandum prepared October 28, for November 7, 2013 meeting, with attachments, to the Planning Commission, from Greg Smith, Director, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

Mr. Smith presented information from Exhibit "3." Please see Exhibit "3" for specifics of this presentation.

Councilor Dominguez thanked the Planning Commission for its work. He said the proposed ordinance is pretty simple, and he would stand for questions.

Public Hearing

There was no one speaking in favor of or against this request.

The Public Testimony Portion of the Public Hearing was closed

The Commission commented and asked questions as follows:

- Commissioner Pava said he is aware of Piccolino's on Agua Fria. He asked, for example in the case of Piccolino's, how this proposal would affect that establishment. He said Piccolino's is in the I-2, but it's on Agua Fria.

Mr. Smith said Piccolino's is in I-2, and it has direct frontage and access to Agua Fria. It has a driveway with property that does front on Siler Road. There is a provision in the Code that says that land use regulations apply to lots of record, unless in the judgment of the Director, the lot of record is part of a premises. The regulations can be applied to premises composed of lots of common access driveways as opposed to individual lots of record. So it would be a judgment call as to whether that particular site would or would not be included in these regulations.

- Commissioner Pava is concerned the change could impact a successful local business, and he wouldn't want to see some inadvertent impact.

- Mr. Smith said the change made 2 years ago is the one that would have the greater effect on Piccolino's. The proposed change possibly would serve to alleviate that non-conforming status for that particular site.
- Chair Spray asked if there should be a motion to recommend approval of the proposed Ordinance to the Governing Body.

Ms. Brennan said this is correct, this body is making a recommendation to the Governing Body.

- Commissioner Villarreal asked if the site on #599 would be impacted by this ordinance amendment.

Mr. Smith said the lots on #599 wouldn't be impacted by this amendment since they do not have frontage on Siler Road.

- Commissioner Villarreal asked then why we are saying all I-2 zoned properties when it doesn't address the entire property, such as on Agua Fria, and why is Siler Road the focus.

Mr. Smith said staff is responding to the balancing between preserving sites for industrial uses and trying to come up with a proposal that would distinguish between a limited class of I-2 zoned properties that might be different than other places on 599 north of Airport Road, for example, where we have concrete batch plants, etc., larger developed or undeveloped tracts of lands as opposed to these ones. He said the text of the regulations, including the footnote, do make it clear that it applies only to those lots that have Siler Road frontage, but the title isn't specific as it could be.

- Commissioner Villarreal said she is still perplexed as to why there is an exception just for this road, and asked if there was impetus for this particular road.

Mr. O'Reilly said, "There have been a lot of changes to Siler Road. When you travel Siler Road, the lots that front it don't really look like heavy, industrial uses any more. And Siler Road has become much more of a cut through road now that the bridge over the river has been installed. As Mr. Smith said, it is important to preserve heavily industrially zoned areas in the City. And this is one large block of property. On the other hand, as I said, there have been changes to how the lots that front Siler Road are being use. Particularly because, up until two years ago, it was possible to get other kinds of uses in the I-2 zone, and that typically would happen along a road like Siler Road. It is less likely that someone wants to put a restaurant way down in the very center of an I-2 zone next to a concrete batch plant. This really is a recognition of the changes on Siler Road right now, and to limit

it only to that area so we preserve as much as possible of the existing I-2 zoning that we have in the City."

- Commissioner Villarreal asked if this is way to get around having to rezone, and is this the solution to opening it to Siler versus looking at that area again and realizing it's changing. And instead of rezoning, you are looking at an easier way to do that.

Mr. O'Reilly said there are lots of way to do this. One way the City has approached these kinds of corridors in the past has been to adopt a corridor overlay which the Council did recently on Airport Road. He doesn't think staff feels the time is right to do an entire corridor overlay district study, and years of work on Siler Road. However, there is a recognition that things are happening on tracts which are adjacent to Siler Road that are not exclusively heavy-industrial. It's an attempt to address that, without diminishing the needed I-2 zones in other parts of the City .

- Commissioner Villarreal asked if there is a project in mind to do this particular change.

Mr. O'Reilly said, "Not that I'm aware of."

- Commissioner Padilla asked Mr. O'Reilly, in reference to I-1, that it appears food and beverage are allowed and it also has special use permits in I-1. He asked if there is a micro brewery restaurant in the I-1 zone off Richards Avenue.

Mr. O'Reilly asked if he is referring to the Richards Avenue Business Park, and Mr. Padilla said yes.

Mr. O'Reilly said the City recently issued a permit for dual brewing inside the Richards Avenue Business Park.

- Commissioner Padilla asked if that is successful in I-1, why are we limiting it to only Siler Road. He said in many other communities there are micro-breweries and other restaurants that coexist fairly easily in industrial areas and it adds to the "funkiness" of those and really is the draw to those that appreciate those, especially a micro-brewery. He doesn't see that much heavy industrial coming into Santa Fe to be inside our community which is a very active and populated area. He would like a staff response.
- Mr. O'Reilly said he has already answered the question, but he can embellish his response by saying we certainly need every scrap of I-2 zoned land in the City. He said things that can happen only in I-2 are significant employment centers where our citizens work, and we need them. He thinks it unlikely that large areas will be rezoned in the future to allow heavy

industrial, but we do need those jobs. And there are existing businesses we don't want to force out of those zones. He believes it would behoove us to keep the I-2 compact and in one spot, and Siler Road is one of those areas of I-2.

Mr. O'Reilly continued, saying we could do a whole corridor study a la St. Michaels or Airport Road, but we're not at that point. However, that doesn't preclude us from making a minor tweak here to make the zoning work better.

- Commissioner Padilla asked if someone found something deeper in the I-2 zone, would it be allowed to move forward.

Mr. O'Reilly said no, not under this bill. He said he thinks someone currently is looking at doing a restaurant along Siler Road which may have precipitated this Ordinance.

- Commissioner Lindell said that's probably true, or we wouldn't be entertaining this bill. She said the first use category of bar, cocktail lounge, nightclub, no outdoor entertainment, should require a special use permit, particularly if it is within 200 feet. She said there are very sizeable buildings which currently are vacant along Siler Road which could become sizeable nightclubs and she isn't interested in seeing that happen along Siler Road. She said if the Council chooses to adopt this change, she would like to see that the first category also should require a special use permit because it is completely centered around alcohol.

Mr. O'Reilly said staff was trying to mimic the requirements for the I-1 zone which is in the column directly to the left, noting currently no special use permit is allowed for that type of use in the I-1, therefore staff deemed it wasn't necessary in I-2 which is a heavier industrial zone. However, it is in the purview of the Planning Commission to make a suggestion that certain of these kinds of uses require special use permits as part of a recommendation to the Governing Body.

- Responding to Commissioner Lindell, Mr. O'Reilly said he can understand why the next category down which is bar, cocktail lounge, nightclub with outdoor entertainment would require a special use permit because the noise could create problems for a neighborhood.
- Commissioner Lindell reiterated her concern.

Mr. Smith said, "I understand your concern. You've cited the first category which has, as drafted, the code "p" in Footnote 10, which means these kinds of uses would be allowed by right without any special permit in any circumstance. If you go down further to the category of bar, cocktail lounge, nightclub with entertainment, that "p star" symbol means a special use permit would be required with or within close proximity to a residential district. If the

intention, Commissioner Lindell, of yourself and the Commissioner to make a motion that would restrict all such uses, then you might propose, as I understand your concern, you might make a recommendation to put an "s 10" code in the top category, bar, cocktail lounge, no outdoor entertainment as well as the next category, bar, cocktail lounge, with outdoor entertainment, then you might consider doing that in the category at the bottom of the page which is the 25% of total serving area which would require approval of the Board of Adjustment on all such uses on all locations on Siler Road. As opposed to the hypothetical case where there is a situation where there is property on Siler Road within 200 feet of a residential district."

- Commissioner Lindell asked if he is saying to accomplish what she wants, would be to recommend in Section 1 that it be a Special Use Permit.

Mr. Smith said this is correct. Her concern might be addressed by eliminating every code from those 3 categories so they aren't allowed under any circumstances. Or replacing the Code with an "s" which would require Board of Adjustment approval for all such uses in all 3 categories.

- Councilor Dominguez said he understands the concern, and he would be okay with requiring a special permit to allow that. He said we don't want to encourage more of that kind of entertainment that we have to. However, it isn't that there is a particular establishment that wants to come in, and this is something he has been thinking about for a long time. His initial idea is to transition some of that out or change the dynamic of the area, since that dynamic has been changing already for some as Mr. O'Reilly said. He said, "The intent is to accommodate and recognize the dynamic that's changing in that part of the community."
- Commissioner Pava said, "For the record, I would like to make a statement. I appreciate the idea that we need to conserve the Industrial CI-2 land, and I appreciate that Siler might be changing somewhat. I don't see that there's an urgent public need that could not be addressed with most if not all of these being special uses, so we would have a little extra review on a case by case basis on Siler Road, about a mile between Cerrillos and Agua Fria. I would like to see the Table show special use, with the exception of perhaps the Restaurant Full Service with or without incidental alcohol service. The others, to me, I don't think we have a shortage of nightclubs or fast food restaurants within 10 minutes walk from Siler Road and I don't think we need any more of them, let alone a Starbucks."

- Commissioner Pava continued, noting the Commission recently approved a Starbuck's and twice in the last week he has seen people are crossing St. Francis and heading into oncoming traffic so they can get into the drive-through. He doesn't want to see that happen on Siler Road, so he isn't favor of drive-throughs without a special use permit.
- Commissioner Villarreal asked how this bill would impact mobile food carts in the area.

Mr. O'Reilly said they would be allowed only where the underlying zoning allows them. So, in a case like this, it would allow a mobile food vender along a road with frontage along Siler. He said, "I would comment, if it is the Commission's intention to recommend that we go to requiring special use permits for all of these kinds of things in the I-2 along Siler Road, I would point out that these kinds of things are permitted uses in much less intense zoning districts. They currently are allowed in all of the shopping center districts, MU Districts, the BCD, C-2 Districts. So I think we should be careful that we're not allowing a greater requirement for approval in a District that is already a heavier use District. Generally, we require those kinds of special use permits, when a commercial use encroaches or is proposed in lighter zoned district such as residential. This is one of the reasons we require a special use permit for a church, school or museum in a residential zone. So I think we could be setting up a very strange anomaly in the Code, if we required that in I-2 zones, but didn't require them in I-1, SC-1, SC-2, SC-3, MU and C-2. My suggestion would be, if anything would be that we would add an asterisk to the 'p' in this column because that asterisk requires special use permits when you a certain distance away from a residential area. My two cents, Mr. Chair."

- Commissioner Villarreal said she concurs with Mr. O'Reilly, because she keeps looking at the other districts and doesn't understand how they were ever a 'p' in these categories. So, maybe we can look at this further, even though we did in the past. She would prefer to do the star for now for the 'p' because it does look at residentially zoned areas to consider the 200 feet. She thinks would be a good area for a nightclub, because we don't have many nightclubs, especially on the south side.

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla for purposes of discussion, to recommend to the City Council to approve the Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987, amending Subsection 14-6.1(C) Table 14-6.1-1 Table of Allowed Uses as presented by staff, with a recommendation to include asterisks for the remainder of the column under I-2, with the asterisk indicating that a special use permit is required if it is located within 200 feet of residentially zoned properties.

DISCUSSION: Chair Spray asked Ms. Brennan if we are within our legal purview to do this, and Ms. Brennan nodded that it is.

Commissioner Padilla said Mr. O'Reilly has helped us to make a decision as to where the asterisk needs to reside and within 200 feet of residentially zoned property. He said there is no residential zoning on the stretch of Siler from Agua Fria to Cerrillos Road.

Mr. O'Reilly said he is correct, there is nothing zoned residential at this time.

Commissioner Padilla asked the reason we are further burdening this zoning by adding the asterisk to the column of permitted uses.

FRIENDLY AMENDMENT: Commissioner Padilla proposed an amendment to the motion that the Planning Commission recommend approval of the ordinance amendment as is, without the asterisks." **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER WHO SAID SHE PREFERRED TO WITHDRAW HER MOTION, BECAUSE SHE UNDERSTANDS IT IS NOW A MOOT POINT IF WE'RE LOOKING AT AN AREA WITHOUT RESIDENTIAL.**

WITHDRAWAL OF THE MOTION: Commissioner Villarreal withdrew her motion and Commissioner Padilla withdrew his second.

MOTION: Commissioner Padilla moved, seconded by Commissioner Villarreal, to recommend to the City Council to approve the Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987, amending Subsection 14-6.1(C) Table 14-6.1-1 Table of Allowed Uses as presented by staff.

DISCUSSION: Commissioner Lindell said she isn't comfortable with the Ordinance amendment as it is written and can't support it. She said part of this works, but it needs more work, and she isn't comfortable with the ordinance as currently written.

Commissioner Villarreal asked Commissioner Lindell if there is something that would help further clarify the bill, or does she have a suggestion.

Commissioner Lindell said she doesn't have a suggestion as to what would make the bill work for her. She said she doesn't think we need a Rodeo Nights on Siler Road and this opens the door for that and she is uncomfortable with it.

Commissioner Pava acknowledged Commissioner Lindell's comments, noting there are only 230 acres of I-2 zoned land.

VOTE: The motion failed to pass on a voice vote, with Commissioners Padilla and Bemis voting in favor of the motion, and Commissioners Villarreal, Pava and Lindell voting against the motion [2-3].

Responding to the Chair, Ms. Brennan said, "As is usual, in this case I would recommend a positive motion that the Commission recommends denial of this case."

MOTION: Commissioner Pava moved, seconded by Commissioner Lindell, to recommend to the Governing Body to deny approval of the Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987, amending Subsection 14-6.1(C) Table 14-6.1-1 Table of Allowed Uses as presented by staff.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Lindell, Pava, and Villarreal voting in favor of the motion, and Commissioner Padilla voting against [4-1]

2. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, CREATING A NEW SUBSECTION 14-8.6(B)(1)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR CHRISTOPHER M. RIVERA, SPONSOR). (GREG SMITH, CASE MANAGER)

A Memorandum prepared October 29, for October 7, 2013 meeting, with attachments, to the Planning Commission, from Greg Smith, Director, Current Planning Division, is incorporated herewith to these minutes as Exhibit "4."

Mr. Smith presented information from Exhibit "4." Please see Exhibit "4" for specifics of this presentation.

Councilor Rivera thanked the Commission for adjusting the agenda to accommodate he and Councilor Dominguez. He thanked the members and for their dedication and hard work.

Councilor Rivera said he spent 23 years in public safety with the City. During that time he responded to Skaggs Alpha-Beta when a vehicle drove through its front door and injured patrons. He also responded to the Concentra accident where someone drove through the front door into the waiting area and there were fatalities in that accident. He said the intent of the Ordinance is to save lives, noting it is open to bollards or other devices which would at least slow vehicles enough so that people could get away, or perhaps even stop a vehicle.

Public Hearing

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing was Closed

The Commissioners commented and asked questions as follows:

- Commissioner Lindell said the change affects only new buildings and there is no requirement for retrofits.

Councilor Rivera said this is correct. However, if there was remodeling or they wanted to do something different, then they would have to comply with the new ordinance.

- Commissioner Lindell referred to "big cement things or parking curbs," and asked if those would meet the criteria under the ordinance.

Councilor Rivera said it is just at the store front, and would need to be large enough to stop a vehicle or make enough noise to alert patrons of an establishment. He is unsure what concrete barriers she is speaking to.

- Commissioner Lindell said like the ones in parking lots where you pull up and your front tires touch.

Councilor Rivera said he imagines something larger than that, a planter, a bollard standing a few feet from the ground.

- Responding to Commissioner Lindell, Councilor Rivera said the protective barriers will go only where the entry doors are located.
- Chair Spray said it hasn't been proved that bollards or other barriers typically provide an effective barrier to the kinds of crashes addressed by the proposed amendment, and asked Mr. Smith to speak to that.

Mr. Smith said it is not unusual to have barriers for the newer stores, noting Target has a large concrete symbol in front, but it wouldn't provide effective protection to all the traffic that might be directed to the front of the building. He said staff hasn't done photographic or inventories – haven't done the detailed research, and if the barriers would address all of the traffic that might be generated by a driveway. He said there may not be a driveway in an existing center that points out the barriers. He said it would be necessary to develop

standards which are flexible sufficient to address esthetics, and tough enough to stop vehicles at a reasonable rate of speed is something for more detailed research.

Mr. Smith said with regard to Councilor Rivera's comment about triggering the need for the barriers if there is remodeling done to a parking lot, if the Commission agrees, staff will draft language which refers to Section 14-8.4 in the Landscaping Regulations for parking lots which triggers based on the dollar value of the remodeling, and that would be added to the bill as it goes to the Council.

- Chair Spray said the architectural element Mr. Smith mentioned is important because this could be "gawd awful" or as he's seen elsewhere, quite attractive, and that could be made a plus, "and I would vote for the plus."
- Commissioner Padilla thanked Councilor Rivera for bringing it forward for public safety purposes.
- Commissioner Padilla said, "As a design professional, my concern would be... you said bollards or other barriers. That seems just wide open. I may propose concrete or pipe that is 5 inches around and 4 foot high as a sufficient barrier, so it is subjective. There is nothing specific stating the design criteria. The Land Use Code is very specific in terms of land use, architectural element... I'm concerned now with what we move forward in terms of architectural design criteria. And the point needs to be made that this is another requirement that is going to be imposed on the design community and it is pretty wide open." He said he isn't moving forward with this, noting the security at the federal buildings are part of the Homeland Security efforts to keep someone from moving closer to the buildings, noting those are architecturally acceptable. He asked what would be an "acceptable barrier," and what would trigger installation of the barriers. He asked if we are placing a burden on those businesses with a small remodeling. He asked the intent/thought process which led to this.

Mr. Smith said the trigger language he has suggested currently applies to remodeling. Section 14-8.4, if you upgrade your parking lot, if you add 1,000 sq. ft. to the building or you do any remodeling with a valuation of \$100,000 or more. The language he has suggested would put the bollard upgrade in the same category as the landscape upgrade which currently applies to parking lot remodels.

- Commissioner Padilla asked if that would apply if the remodel is strictly interior, and nothing being done to the accessible route, and it was all carpet and tile and new dressing rooms, bathroom improvements to meet ADA requirements.

Mr. Smith said the language has been in the Code since the landscape regulations were adopted in 1999, and was increased from \$80,000 to \$100,000 two years ago by this Commission and the City Council.

- Commissioner Padilla asked Mr. Smith to speak to the bollards and other barriers, agreeing with the Chair that it is not clear that they typically provide an effective barrier. He asked what would the design community have to do to provide an adequate barrier for your review and approval.

Mr. Smith reiterated that staff hasn't done enough research or analysis to say what those standards would be. He said the staff would encourage the development community to provide the most attractive, possible solution. He said there are federal standards for those kinds of barriers, but that is not what staff has in mind to require. He thinks staff would encourage the design professionals to do that, but it would take a moderate amount of work by staff to come up with specific standards about when we would allow bollards in the form of pipes filled with concrete, and planters, or if they would do that in different cases.

- Commissioner Padilla asked, if this is approved and moves forward to the Governing Body, if there will be encouragement for public input and the design community to express concerns and ask questions.

Mr. Smith said there will be a hearing on the Ordinance at Public Works in December 2013, or early January 2014. The public hearing would be scheduled for the first or second meeting of the City Council at the first or second meeting in January 2014, depending on the vote of this Commission tonight and the Public Works Committee.

- Commissioner Padilla said he would hope the design community would offer its assistance and input.
- Chair Spray asked Mr. Smith if he would see the design of these being reviewed by the H-Board if this were to be approved.

Mr. Smith said he believes they would be within the H-Board's purview if they were part of the streetscape. If they were shielded from public view, it is possible they might not be subject to review by the H-Board.

- Commissioner Lindell said, "I appreciate Councilor Rivera bringing this forward. I think though, the way this stands it has quite a bit more work to be done to it before I could support it. Another thought I had was this... it's a very hard thing when we're talking about public safety. Everybody is for public safety, but the devil is always in the details on these

things. And I think one of the situations we had in town at one point in time, was a car that went into a waiting room, that wasn't necessarily the direct entry. And you could have the bollards, or whatever at the entry, but, for example, you've still got a plaza area of a strip mall, whether it is a clinic or what it is. Do you then extend it the entire distance. I just think that sometimes the good intentions of these items, the details of them and the unintended effects just overwhelm the good intentions of them. So that's a comment I had to make."

MOTION: Commissioner Pava moved, seconded by Commissioner Padilla, to recommend approval of the Ordinance amendment relating to the Land Development Code, Chapter 14, SFCC 1987, as presented by staff.

VOTE: The motion failed to pass on the following roll call vote [2-3]:

For: Commissioner Padilla and Commissioner Pava.

Against: Commissioner Lindell, Commissioner Villarreal and Commissioner Bemis

MOTION: Commissioner Lindell, seconded by Commissioner Bemis, to recommend to the Governing Body to deny approval of the Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987, creating a new Subsection 14-8.67(B)(1)(g), as presented by staff.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Lindell and Villarreal voting in favor of the motion, and Commissioners Padilla and Pava voting against [3-2].

There was a short break at this time

4. **CASE #2013-103. LOT 6A, PLAZA LA PRENSA, SOUTHWEST BUSINESS PARK PRELIMINARY SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENTS FOR CARMEL LLC, FINAL LLC, SF SOUTH LLC, AND STATE PROPERTIES OF NEW MEXICO LLC, REQUEST PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 3 LOTS ON 6.54± ACRES LOCATED AT 37 PLAZA LA PRENSA. THE PROPERTY IS ZONED BIP (BUSINESS +INDUSTRIAL PARK) AND IS LOCATED WITHIN THE PHASE 2 ANNEXATION AREA. (TAMARA BAER, CASE MANAGER)**

A Memorandum prepared October 24, 2013 for the meeting of November 7, 2013, with attachments, to the Planning Commission, from Tamara Baer, Manager, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

Tamara Baer presented information via overhead projector, using the documents in the Commission packet. Please see Exhibit "5," for specifics of this presentation.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in the Staff Report [Exhibit "5"].

Public Hearing

Presentation by the Applicant

Jim Siebert, 915 Mercer, Agent for the applicant, was sworn. Mr. Siebert said, "The reason for this is that the State has a policy that, where possible, and funding is available, they would prefer to buy the building than lease the building, because it turns out to be a much better proposition financially in the long run. What this gives the opportunity to do, as funding becomes available for these various State agencies, is they have the ability to actually purchase the building and lot, in order to bring it in within the State agency."

Mr. Siebert continued, "Maybe one comment on the second condition. Ms. Baer pointed out there are covenants, and I was sitting here thinking that we would have to amend the plat and it's not this plat, because the residential units aren't on this plat, and we would have to amend another plat. There were covenants. The desire was to not allow mobile homes on the residential units. They used the term mobile home, thinking that they were covered. So I guess, rather than amend the plat, I would like to see if we can work something out that we can simply amend the covenants. They own all the lots, they totally control it, they can amend it any way they like. But as an alternative, whatever that language is that prevents whatever you call a mobile home, we would like to just simply amend the covenants in order to accomplish that, rather than to try to figure out how we get a plat, pull it out of the County or do a brand new plat, all of which is very expensive. And the much simpler solution is simply to amend the covenants. So I'll answer any questions you may have."

Speaking to the Request

There was no one speaking for or against the request.

The Public Testimony Portion of the Public Hearing Was Closed

The Commissioners commented and asked questions as follows:

Ms. Brennan said, "With respect to simply amending the covenants to address manufactured housing or site built, the City would not have the authority to enforce those

covenants. They would need to be noted on the plat, which would require an amendment of the plat in any event."

- Commissioner Padilla asked the reason the City is applying conditions on adjacent property which is not a part of this Preliminary Subdivision Plat.

Ms. Baer said, "This property was all developed in concert. It was all one piece. As I mentioned earlier, it is still under the same ownership so we have the opportunity to that. The City accommodated these owners by correcting lot lines and zoning to allow the subdivision to go forward. The owners actually overbuilt into the residential lots, even though that was something that was approved by the County administratively, and we felt that was a fair request to make, since they did still have control over those lots."

- Commissioner Padilla said, "In reference to the Landscape Plan and Landscape Plan L-101, is everything that is grayed out on this Landscaping Plan.... I guess this is either to staff or Mr. Siebert, is everything that is grayed out on there that shows landscaping as well as a cistern and catch basins, etc., basically site improvements, is all existing and we have no concerns with those existing improvements, and the only thing that we are asking is to address your note. The main concern are the landscape buffers approved with the original plans that had not been installed."

Ms. Baer said, "That's not exactly correct. What's grayed at the very top on the north side, is actually a detention basin. And that graphic is showing a different material on the ground, it's a rock-lined detention basin. I would say that most of this material that Ms. Ocuma has shown is new, certainly in both of the landscape buffers to the north and west, that's all new material. And then there is additionally new material within the parking lot. She went out and did an analysis of what was there and what wasn't and I'm not sure you can read it on here, possibly on the larger plat, it's clear as to what's already there and what is new material, but that was clear when we reviewed it as staff."

Chair Spray asked if she is looking at L-101.

Ms. Baer apologized and said she was looking L-201.

Ms. Baer said, "So as I said earlier, the part that is grayed out at the top is just a different surface treatment. It doesn't indicate whether it's new or not."

- Mr. Padilla rephrased his question: "Everything that is shown in black on our plot that is presented in our package, I show is indicated as new landscaping material along the west property line and along the north property line, along with whatever ground cover treatment

they're proposing there, everything else, and there's some trees scattered inside some of the planting areas within the site. Is everything else that is shown on this plan, including the cistern, catch basins and other site improvements, existing."

Ms. Baer said, "I believe it is not, so I think that's just a problem with the graphics." She asked Mr. Siebert to confirm that, noting she knows the cistern is already in place.

Mr. Siebert said, "For sure, the cistern is there and catch basins going into the cistern are there. Frankly, probably only [inaudible] could tell exactly which is existing and which is to be planted. There's no... I don't see anything on here anything that would specifically distinguish that."

- Commissioner Padilla said then we are to assume, by the Planting Plan L-101, that this is specifically addressing the concerns of the neighbors to provide the landscape buffer and it addresses one of the conditions of approval.

Ms. Baer said, "I believe it is a compromise. It's not as extensive as the original landscape buffer that was promised them, but part of the reason for that is that the original landscape buffer was outside the property lines of this development. And nobody felt that was a reasonable or practical thing to do."

- Commissioner Padilla said, "Then this is acceptable to staff for us to recommend, if we recommend approval, to meet the neighbors' concerns about landscape buffer."

Ms. Baer said yes.

- Commissioner Pava asked if we were to approve the preliminary plat, would the subdivision then comply with standards of the BIP District, with regard to setbacks, height and such, commenting this is an existing situation.

Ms. Baer said she can't answer that completely, because she is unsure staff did the analysis, simply because it was already there. She said, "When we look to see if a variance is required, for example, the trigger for that is whether the action being requested creates a non-conformity or exacerbates a non-conformity. And I can tell you that it does not. So whether it's in total compliance with all BIP standards, I'm not completely sure, but we're not making it worse."

- Commissioner Pava said the second condition of approval talks about residential construction on Lots 2, 3, 4, 5 and 6, which shall be site built. He said, "Do I understand it, that the City can propose, provided the applicant and owner accept this condition, that

doesn't contravene anything in federal or state law, with regard to the placement of manufactured type housing in residential districts."

Ms. Brennan said, "As I understand it, there's an existing covenant, and this is more in the nature of updating that provision to make sure it remains effective on these properties. So, I think that the answer is no, I don't think it violates state or federal."

- Commissioner Padilla said there are 4 bullet items, 3 specifically related to landscaping. The 4th bullet states, "Show how trail and walking path along the west edge of the property will connect to trails on adjoining property, specifically how it will connect to the southwest edge of the property." He said, "Now, I'm looking at sheet P-2 provided by Siebert & Associates. It does show a path along the west property line. What's it connecting to."

Ms. Baer said there is a path there, and the PERA building to the south is not currently accessible. She said when they looked at that in the field, it seemed a shame that they weren't connected, but some of the State office buildings have security concerns, and so Mr. Burke is asking that they investigate the possibility of opening that up just so employees on the property can use that path during lunch or break or whatever to walk the perimeter of the property. She said staff understands that may not be possible, and we can't make it a condition because we don't control the other property. We are just looking to investigate that a little further.

- Chair Spray said on page 3 of the Memorandum, Ms. Baer says, "Overdevelopment of the office buildings on Lot 6A resulted in the reduction of lot sizes..." He said he presumes overdevelopment doesn't mean illegal and presumes it was approved by the County.

Ms. Baer said this is correct. She said, "There was a series of approvals. At one point the EZC said that any further development changes could be approved administratively, and in 2008, the County Administrator approved the expansion of the parking which encroached into those residential lots. And that was approved properly. And as you know, part of the SPPAZO agreement is that we honor County approvals."

MOTION: Commissioner Lindell moved, seconded by Commissioner Villarreal, to approve Case #2013-103, Lot 6A, Plaza la Prensza, Southwest Business Park Preliminary Subdivision Plat, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Lindell, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [5-0]

G. STAFF COMMUNICATIONS

A copy of the 2014 Planning Commission Schedule and the 2014 Summary Committee Schedule are incorporated herewith collectively to these minutes as Exhibit "6."

Chair Spray noted the schedules on the Commissioners' desks for 2014 for the Planning Commission and the Summary Committee.

Ms. Baer said these are still in draft form because we depend on the City Clerk to confirm the final dates, and she typically doesn't do that until the beginning of the year. However, since our schedules carry-over, starting now, into next year, we wanted you to be aware of those.

H. MATTERS FROM THE COMMISSION

Commissioner Villarreal wished Matthew O'Reilly a Happy Belated Birthday from yesterday.

Commissioner Padilla asked what are the next steps for Cases F(1) and F(2).


Mr. O'Reilly said, "As you know, the Planning Commission is a recommending body on legislative matters, so it really depends on the sponsors. They could, based on the comments they receive tonight, decide to take those comments and attempt modifications of the Ordinances. Or they could ignore your comments entirely and move on to the Council. Or, they could drop the Ordinances altogether."

Commissioner Pava thanked Director O'Reilly for his assistance during a most unusual visit of a delegation of Mayors and City officials earlier this month from Shandong Province in China, which is the most populous province in China. He said they were very interested in Santa Fe, and he thanked Mr. O'Reilly for going all out and doing whatever he could to make it work.

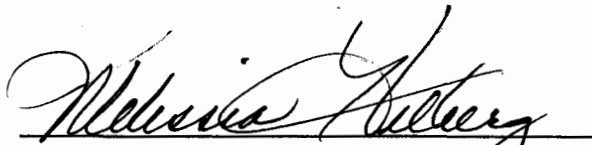
Mr. O'Reilly said Commissioner Pava gave a brief presentation on how things work in the State of New Mexico, and the City of Santa Fe and the Planning Commission. The presentation was really great and they really appreciated it.

I. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 8:45 p.m.



Tom Spray, Chair



Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

DATE: Prepared October 23, 2013 for the November 7, 2013 meeting

TO: Planning Commission

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

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division *DW*

Case #2013-72. Kavanaugh Family Transfer Subdivision. Aaron Garcia, agent for the Kavanaugh Family, requests Final Subdivision approval of a Family Transfer Subdivision for 3 lots on 2.5 acres located at 3360 Governor Miles Road. The property is zoned R-1 (Residential, 1 dwelling unit per acre). (Donna Wynant, Case Manager)

RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as listed in this report.

No specific development will occur as a result of this application. Family Transfer Subdivisions are only reviewed one time by the Planning Commission as a Final Plat.

I. EXECUTIVE SUMMARY

The applicant is requesting Family Transfer Final Subdivision Plat approval of a 2.5 acre tract into three (3) lots, located at 3360 Governor Miles Road. The subject property is zoned R-1 (Residential, one dwelling unit per acre) and was annexed into the city in Phase I Annexation. The property is located along the south side of Governor Miles Road, east of Richards Road and the Zia Methodist Church and north of the Mission Viejo subdivision. The property is rural in character with several pens, sheds and trailers for various animals on site. Animal pens that straddle the new property lines will be removed as noted on the plat. The R-1 zoning of the property allows a density of 1 dwelling unit per acre. Family Transfer subdivision density regulations allow the applicant to round up on the number of units to allow the 3 units as requested.

The proposed lots will need to obtain addresses prior to recordation of the plat. Lot 1 is 1 acre in size and includes the existing single family home which will retain its current address of 3360 Governor Miles and will remain with the parents, Ernest (Sr.) and Rosalie Kavanaugh. The new lots (lot 2 and lot 3), both 0.75 acres in size, will be required to obtain new addresses and must identify which family member is to acquire the lot. SFCC 1987 14-3.7(F)(2)(b) requires that the persons proposing to create

the subdivision file appropriate documentation of conveyance as further described in this section. The Land Use Department requires proof of conveyance prior to or at the same time as the plat is recorded.

Access to all 3 lots will be provided by means of a 20 foot wide driveway from Governor Miles Road, extending across the 50 foot wide drainage easement for the arroyo that crosses the property. Since the driveway exceeds 150 feet, the Fire Marshal requires a hammer head turnaround at the south end of the drive, which is shown on the plat. The drive must also consist of an all-weather drivable surface for Fire Department apparatus. At the time this lot was created in the County, the property owners were only required to create an easement to provide access along the frontage of the property for Governor Miles Road. The city traffic engineer, John Romero, therefore requires an irrevocable offer to dedicate right-of-way for the 33 foot wide portion of the Governor Miles Roadway easement.

The notes on the plat that state "entrance off Mission Bend Road" for Lot 2 and Lot 3, reflect existing access drives into the property that are in dispute as part of a legal action brought by the Mission Viejo Home Owners Association against the Kavanaughs. These access drives cross a 10± foot width of land privately owned by the Mission Viejo Subdivision and not a part of the right of way of Mission Bend Road. Based on two separate complaints from neighbors in the Mission Viejo Subdivision, the City twice red-tagged the Kavanaugh property and issued a Notice of Violation for one of the two complaints for litter and debris, which was lifted on 10/29/13. The other red tag for grading without a permit for driveways onto Mission Bend Road remains outstanding pending litigation between the parties. The Kavanaughs have not removed the drives and since that time, have obtained a permit on 10/4/13 to erect a fence at the rear of their property, leaving openings for the drives onto Mission Bend Road. The City does not and cannot approve access to Mission Bend Road across privately owned property. Depiction of this access must be removed from the plat prior to recordation. Access to the new lots will have to come from Governor Miles Road only.

According to the City Engineer for Land Use, RB Zaxus, the arroyo that crosses the property is not part of a FEMA floodplain and carries less than 100 cfs in the 1% flood event. Construction of an unpaved low water crossing is acceptable for establishing access to the lower lots.

The existing dwelling on the property is served by a private well and a septic system. At the time of building permits for new development, the Water Division requires a main extension to serve new lots 2 and 3 from Governor Miles Road. According to the Wastewater Division, connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved and is accessible to the City sewer system. The closest accessible sewer line is approximately 600 feet to the east in Menford Lane. The minimum lot size for septic is ¾ acre, which is the size of the two new lots. Any proposed septic is permitted by the New Mexico Environment Department. Prior to the issuance of building permits for new development, the property owner is required to obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division. While the City supports utility connection to Mission Bend Road, it cannot require these connections as the line would have to cross private property which belongs to the Mission Viejo Home Owners Association and is not part of the right of way. This matter is the subject of pending litigation between the Kavanaughs and the Mission Viejo Home Owners Association. If and when the court decides to require such connections, then openings onto Mission Bend Road may occur per order of the court and issuance of a driveway permit.

An Early Neighborhood Notification meeting was held on September 16, 2013 (See Exhibit D-1: ENN Report). The two neighbors who attended asked questions about the density of the proposed

development, asked who would acquire the new lots and about the type and character of development that would occur.

II. CONCLUSION

The proposed project is in keeping with the density of the area, which is low density (1-3 dwelling units per acre), and supports City policy of infill development. Because this is a Family Transfer, there is Final Plat review only. No new construction is currently proposed. The recommended conditions of approval are generally of a technical nature and can be met prior to plat recordation or at the time of building permit.

ATTACHMENTS

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Technical Review Division – City Engineer email, Risana Zaxus
2. Water Division memorandum, Antonio Trujillo
3. Traffic Engineering Division memorandum, John Romero
4. Wastewater Management Division memorandum, Stan Holland
5. Fire Marshal memorandum, Reynaldo Gonzales

EXHIBIT C: Maps & Photographs

1. Aerial Photo
2. Future Land Use Map
3. Zoning Map
4. Utilities Map
5. Photographs of Site

EXHIBIT D: Early Neighborhood Notification

1. ENN Report: 9/16/13
2. ENN Guidelines
3. ENN Sign-In Sheet
4. Communications from neighbors
 - a. Vivian Daugherty Lentz
 - b. Linda Hortter
 - c. Mission Viejo Home Owners Association with attached petition opposing the proposed Family Transfer Subdivision

EXHIBIT E: Applicant Materials

1. Applicant's Letter of Application
2. Family Transfer Subdivision Plat

Kavanaugh Family Transfer Subdivision
(Case #2013-72)

DRT Conditions of Approval	Department	Staff
<p>1. The arroyo that crosses the property at 3360 Governor Miles Road is not a FEMA floodplain and carries less than 100 cfs in the 1% flood event. As such, no building setback is required; however, no disturbance of 30% and steeper slopes is allowed for building construction.</p> <p>2. An unpaved low water crossing acceptable to reach the other side of the arroyo from access off of Governor Miles Road. Alternatively, a concrete slab may be poured at grade with existing bottom and sides of the arroyo.</p> <p>3. A grading permit will be required in either event.</p> <p>From memo dated 10/15/13: The following review comments are to be considered conditions of approval:</p> <p>1. Revise floodplain reference to correctly identify FIRM # 35049CO413E.</p> <p>2. Add street addresses for all lots.</p> <p>3. Show existing well.</p> <p>4. Add information as to whether 50' drainage easement exists or is granted.</p> <p>6. Add a prominent family transfer subdivision note as required by Article 14-3.7(F)(5)(b).</p> <p>7. In accordance with Article 14-3.7(F)(3)(b), any one person may receive only one lot total by family transfer. Revise the lot transfer information shown, to be in compliance with this provision.</p> <p>8. Compliance with Article 14-3.7(F)(3)(d) must be documented prior to recordation of the Plat.</p>	Tech Review Div/Land Use	Risana Zaxus
Add a note to the plat stating that a main extension is required to serve the resulting Lot 2 and Lot 3 from Governor Miles Road. Fire protection requirements are addressed by the Fire Department at a time of building permit.	Water Division	Antonio Trujillo
The applicant shall provide an irrevocable offer to dedicate right-of-way for their portion of the Governor Miles Roadway easement (33' wide).	Traffic Engineering	John Romero
<p>The Applicant shall add the following note to the plat: Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</p>	Wastewater Management/Pubic Works	Stan Holland

EXHIBIT A

Kavanaugh Family Transfer Subdivision
(Case #2013-72)

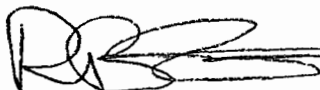
<p>Prior to any new construction or remodel these conditions would apply:</p> <ol style="list-style-type: none">1. Shall Comply with International Fire Code (IFC) 2009 Edition.2. Fire Department Access shall not be less than 20 feet width.3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.4. Shall have water supply that meets fire flow requirements as per IFC.	Fire Marshal	Rey Gonzales
<ol style="list-style-type: none">1. Restore the property to its original condition by removal of drives off Mission Bend Road as noted on the Plat and per the direction of the Technical Review Division.2. Provide appropriate and recorded documentation of conveyance of the lots containing the following:<ol style="list-style-type: none">A) a legal description of the property being transferred; andB) a statement that the transferor has not made any other transfers of any other lots to the person receiving it that would require the filing of an affidavit pursuant to this section.3. On the plat show the name of each family member to whom a lot is being transferred.4. Prominently portray the following legend on the plat; "NOTICE: This subdivision has been approved pursuant to the inheritance and family transfer provisions of the Santa Fe City Code. Procedures for inheritance and family transfer subdivision improvements are significantly different than for other types of subdivisions. No sale or lease of any lot designated on this subdivision plat shall occur within three years of the date this transfer is legally made. Any person intending to purchase a lot within this subdivision should contact the city of Santa Fe land use director. Requests for construction permits on illegally sold lots shall be denied."	Land Use Dept./Current Planning Division	Donna Wynant

RE: 3360 Governor Miles Road
Low Water Crossing

The arroyo that crosses the property at 3360 Governor Miles Road is not a FEMA floodplain and carries less than 100 cfs in the 1% flood event. As such, no building setback is required; however, no disturbance of 30% and steeper slopes is allowed for building construction.

An unpaved low water crossing is acceptable to reach the other side of the arroyo from access off of Governor Miles Road. Alternatively, a concrete slab may be poured at grade with the existing bottom and sides of the arroyo.

A grading permit will be required in either event.



RB Zaxus, PE, CFM
City Engineer for Land Use

10/11/12

EXHIBIT *B-1*
(P. 1 OF 2)

DATE: October 15, 2013

TO: Donna Wynant
Case Manager

FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department

RE: Case # 2013-72
Kavanaugh Family Transfer subdivision

The following review comments are to be considered conditions of approval:

- *Revise floodplain reference to correctly identify FIRM # 35049CO413E.
- *Add street addresses for all lots.
- *Show existing well.
- *Add information as to whether 50' drainage easement exists or is granted.
- *Add a prominent family transfer subdivision note as required by Article 14-3.7(F)(5)(b).
- *In accordance with Article 14-3.7(F)(3)(b), any one person may receive only one lot total by family transfer. Revise the lot transfer information shown, to be in compliance with this provision.
- *Compliance with Article 14-3.7(F)(3)(d) must be documented prior to recordation of the Plat.

EXHIBIT *B-1*
(*P 2 of 2*)

City of Santa Fe
memo

DATE: October 16, 2013
TO: Donna Wynant, Land Use Planner, Land Use Department
FROM: Antonio Trujillo, *A* Water Division Engineer
SUBJECT: Case #, 2013-72. Kavanaugh Family Transfer Subdivision

Add a note to the plat stating that a main extension is required to serve the resulting lot 2 and lot 3 from Governor Miles Road. Fire protection requirements are addressed by the Fire Department at time of building permit.

City of Santa Fe, New Mexico

memo

DATE: October 15, 2013
TO: Donna Wynant, Planning and Land Use Department
FROM: John Romero, Traffic Engineering Division Director *JR*
SUBJECT: Kavanaugh Family Transfer (Case #2013-72)

ISSUE

Request for Final Subdivision approval of a Family Transfer Subdivision for 3 lots on 2.5± acres located at 3360 Governor Miles. The property is zoned R-1 (Residential, 1dwelling unit per acre).

RECOMMENDED ACTION:

Review comments are based on submittals received on October 2, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to final signoff unless otherwise noted:

1. The applicant shall provide an irrevocable offer to dedicate right-of-way for their portion of the Governor Miles Roadway easement (33' wide).

If you have any questions or need any more information, feel free to contact me at 955-6697.
Thank you.



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: October 15, 2013

To: Donna Wynant, Case Manager

From: Stan Holland, P.E.
Wastewater Management Division

Subject: Case 2013-72 3360 Governor Miles – Kavanaugh Family Transfer Subdivision

There is a public sewer line within 200 feet of the property. However, the property does not have access to the public sewer line through an easement. Therefore, the subject property is not accessible to the City public sewer system. Prior to any new construction on the lot, the owner shall obtain a septic system permit from the State of New Mexico Environment Department (505-827-1840).

The Applicant shall add the following note to the plat:

1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.

EXHIBIT B-4

City of Santa Fe, New Mexico

memo

DATE: October 23, 2013
TO: Case Manager: Donna Wynant
FROM: Reynaldo D Gonzales, Fire Marshal *RDG*
SUBJECT: Case #2013-72 Kavanaugh Family Transfer Subdivision.

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to any new construction or remodel these conditions would apply

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Fire Department Access shall not be less than 20 feet width.
3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
4. Shall have water supply that meets fire flow requirements as per IFC.

City Limits
Parcels
Airport Clear Zones
Santa Fe River
Major Roads and Highways
Other Roads and Streets
2011 Aerial Photography - 1 foot resolution

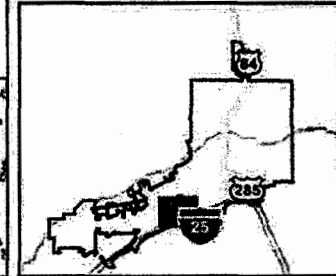
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Future Land Use Map

Kavanaugh Family
Transfer Subdivision:
designated Very Low
Density (1-3 du/ac)



Legend

City Limits

Building Footprint

Airport Clear Zones

Santa Fe River

Future Land Use

Mountain/Corridor (1 dwelling per 10+ acres)

Very Low Density (1-3 dwellings per acre)

Low Density (3-7 dwellings per acre)

Moderate Density (7-8 dwellings per acre)

Medium Density (7-12 dwellings per acre)

High Density (12-29 dwellings per acre)

Regional Commercial

Community Commercial

Neighborhood Center

Transitional Mixed Use

Business Park

Office

Industrial

Public/Institutional

Open Space



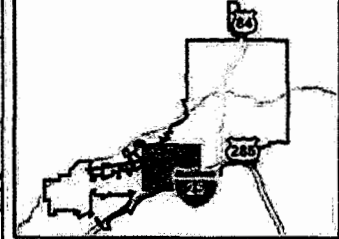
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EXHIBIT C-2

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Map center: 1715537, 1684408

Zoning Map



Legend

- City Limits
- Building Footprint
- Airport Clear Zones
- Santa Fe River
- Zoning**
- RR Rural Residential
- R1, (PUD) Single-Family 1du/ac.
- R2, (DT), (PUD), (AC) Single-Family 2du/ac
- R3, (PUD) Single-Family 3du/ac
- R4 Single-Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single-Family 5-du/ac
- R7, (I), (PUD), R8 Single-Family 7-8du/ac
- RCS, RCSAC Compound 8du/ac
- RCS, RCSAC Compound 8du/ac
- R10, (PUD) Multiple-Family 10du/ac
- R12, (PUD) Multiple-Family 12du/ac
- R21, (PUD) Multiple-Family 21du/ac
- R25, (PUD), (AC) Multiple-Family 25du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park



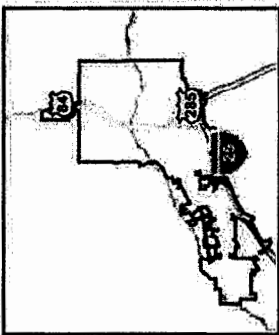
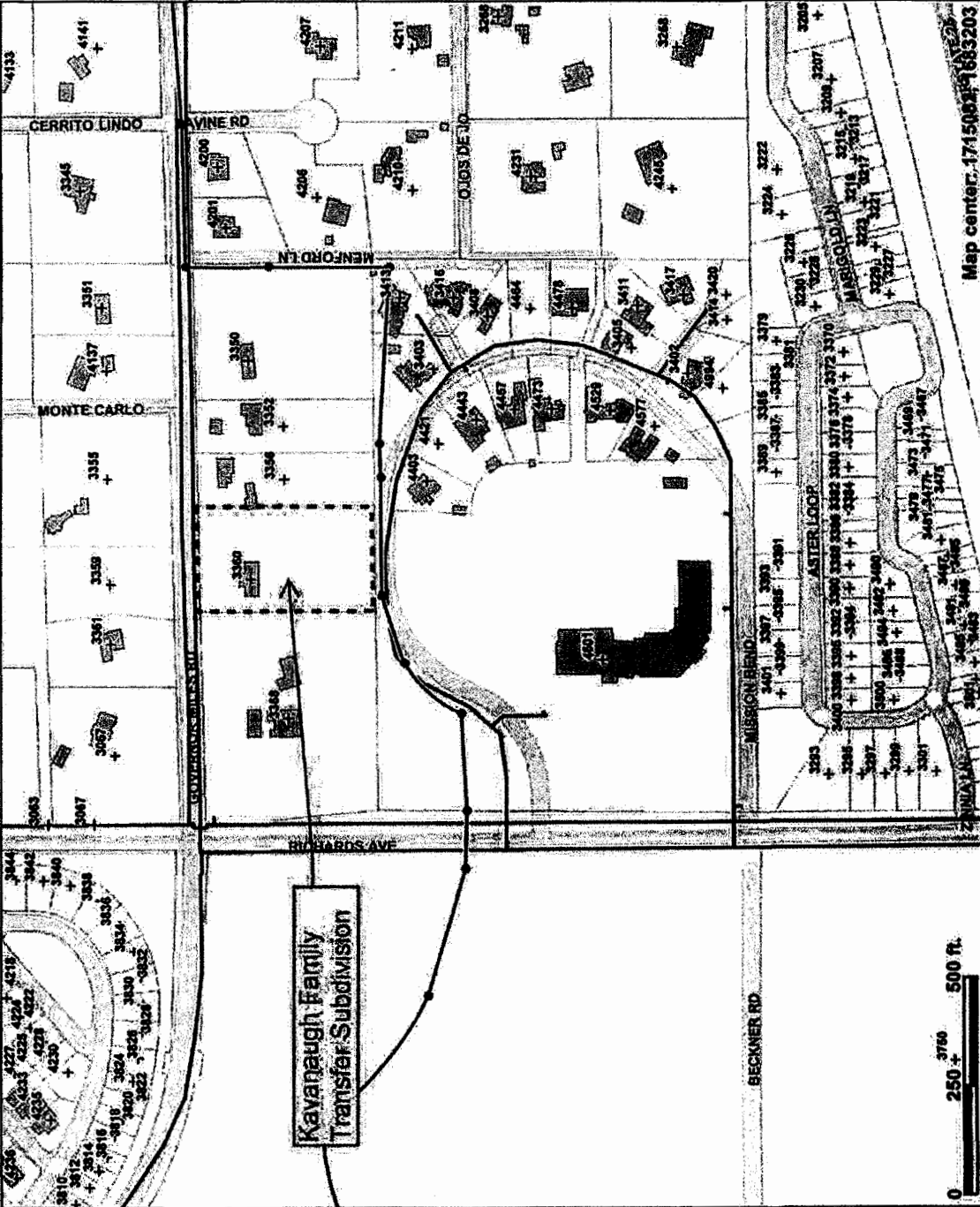
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3360 Governor Miles Rd.

Map center: 1715033, 1685991

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Water & Sewer Lines



- Legend**
- City Limits
 - Address Points
 - Sewer Manholes
 - Wastewater Collection Pipelines
 - Water Pipe Distribution
 - Parcel
 - Building Footprint
 - Airport Clear Zones
 - Santa Fe River
 - Major Roads and Highways
 - Other Roads and Streets

Scale: 1:4,248

Map center: 1715083, 183203



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Kavanaugh Family Transfer Subdivision



Figure 1: View of 3360 Governor Miles Road from the front of the property.

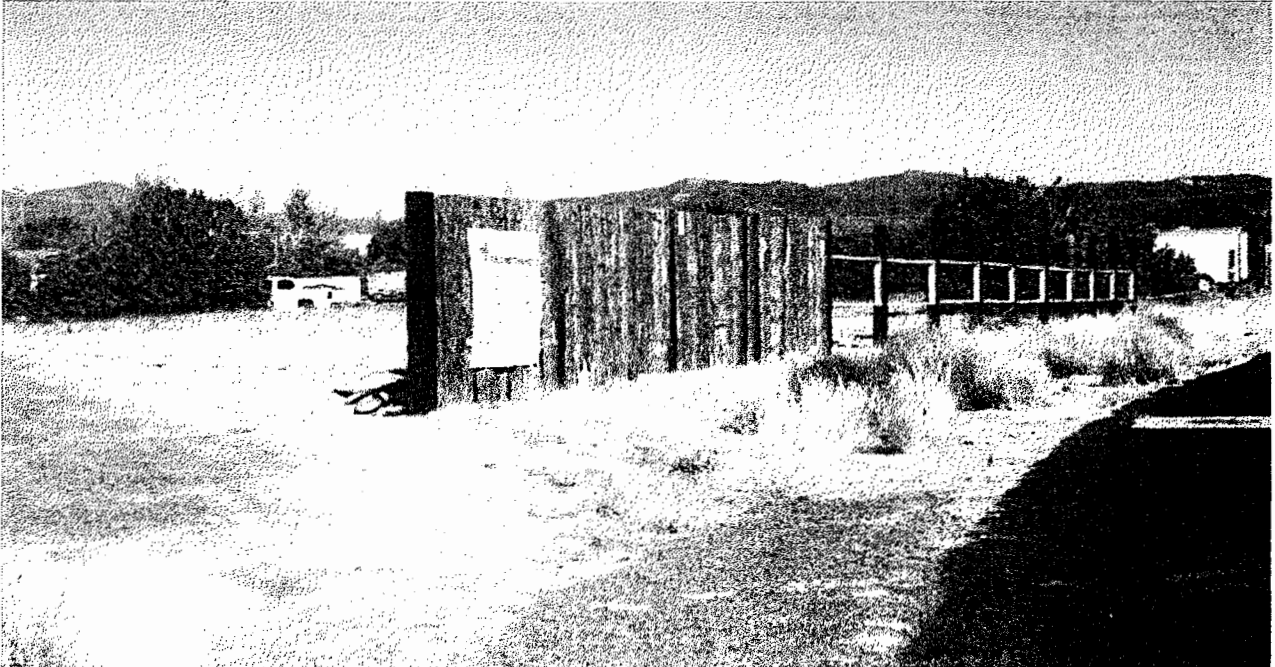


Figure 2: View of property from rear of property along Mission Bend Road.



**City of Santa Fe
Land Use Department
Early Neighborhood Notification
Meeting Notes**

Project Name	Kavanaugh Family Transfer
Project Location	3360 Governor Miles Road
Project Description	3 Lot Family Transfer Subdivision
Applicant / Owner	Kavanaugh Family
Agent	Aaron Garcia
Pre-App Meeting Date	
ENN Meeting Date	9/16/13
ENN Meeting Location	Santa Fe Community College
Application Type	Family Transfer Subdivision
Land Use Staff	Donna Wynant
Attendance	2 neighbors in attendance and 3 members of the family and their agent

Notes/Comments:

Meeting started at 5:30. Staff gave an overview of the ENN process and likely timeframe for this case as it goes to Planning Commission for public hearing. Two neighbors were in attendance and three members of the Kavanaugh family and their agent and surveyor, Aaron Garcia

Mr. Garcia pointed out that the request was to transfer ownership to two of Mr. & Mrs. Kavanaugh's children and showed the new lot lines for the subdivision to create the two additional lots.

Mr. Garcia also stated that the drives into the property from Mission Bend reflected existing conditions.

Mr. Bujold asked who specifically would get the new lots.

Meeting ended at around 6:30 pm.

EXHIBIT D-1



ENN GUIDELINES

Applicant Information

Project Name: Family Transfer For Ernest and Rosalie Kavanaugh

Name: Kavanaugh Ernest R.
Last First M.I.

Address: 3360 Governor Miles Road
Street Address Suite/Unit #
Santa Fe NM 87507
City State ZIP Code

Phone: (505) 984-2816 E-mail Address: ernest.kavanaugh1@stfc.edu

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.

No effect on character and appearance to surrounding neighborhood.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.

No effect to trees, arroyo, easement granted for access, turnaround and utilities.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.

No historic or cultural sites located on property.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.

Area Zoned R-1, one house per acre
variance allowed for Family Transfer

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.

No effect to traffic patterns. No pedestrian trails located on property.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.

Tax base impact to Santa Fe only.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.

No effect on availability of affordable housing.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.

Project maximizes efficient use of existing infrastructure.

(j) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.

Conservation and mitigation measures will be adhered to and utilized for project water quality and supplies.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.

No effect, property to remain residential.

(k) EFFECT ON SANTA FE'S URBAN FORM For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.

Appropriate infill development to be used through the Family transfer process.

(l) ADDITIONAL COMMENTS (optional)

AARON GARCIA SURVEYING
AARON HOWARD GARCIA
PROFESSIONAL SURVEYOR, LIC. # 9979
P.O. BOX 1502
SANTA FE, NM 87504-1502
505-982-5830
AGSurveying@q.com

KAVANAUGH
EARLY NEIGHBORHOOD NOTIFICATION MEETING
SIGN-IN SHEET

NAME

PHONE / MAILING ADDRESS / E-MAIL

Keith Bjold (505) 570-0506 4403 Mission Bend SE, NM.
kejaalso@aol.com

Ernest R Kavanagh 690-7219 ernest.r.kavanagh@sfcc.edu

City of
Santa Fe

Donna Wynant 955-6323 dwynant@conant.net
Santa Fe, NM

Vincent Kavanagh 231-7069

Rosalie Kavanagh 629-9997

Jacklyn Bjold (505) 930-5346 kejaalsojax@g.com

EXHIBIT D3

City of Santa Fe
Land Use Department
200 Lincoln Avenue
Santa Fe, NM. 87504-0909

September 11, 2013

Dear City of Santa Fe Planning Commission,

My name is Vivian Daugherty Lentz and I have received the Early Neighborhood Notification sent by Aaron Garcia Surveying on the behalf of Ernest and Rosalie Kavanaugh requesting a family lot transfer split of 2.5 acres located at 3360 Governor Miles Road.

As the owner of the property 3355 Governor Miles Road and referred to on the site plan as Lot 13A n/f Vivian Daugherty Lentz I am opposed to the approval of this family lot transfer request.

This family lot transfer does not meet the requirements provided under the City of Santa Fe General Plan or the zoning prescribed under district regulations regarding density.

14-9.6 Standards for Inheritance or Family Transfer Subdivisions

(B) Density and District Regulations

Inheritance and family transfer subdivisions are required to meet the standards for use, density, building placement, height, open space, parking and other items set forth in district regulations. Densities for newly annexed areas must conform to density range provisions set forth in the general plan.

The proposal is not keeping with the character or appearance of the surrounding neighborhoods (the City of Santa Fe General Plan expectation) as there are no properties in the immediate vicinity with this housing density without the offset of open space. As the zoning density of R-1 has already been set by the General Plan and district regulations, therefore having any more than one dwelling per acre is not meeting these requirements and should be rejected by the City of Santa Fe Planning Commission.

Sincerely,

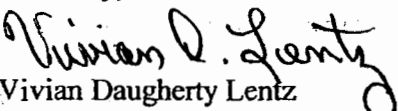

Vivian Daugherty Lentz
Home Owner

EXHIBIT D-4(2.)

WYNANT, DONNA J.

From: Linda Hortter <lhortter@gmail.com>
Sent: Sunday, September 22, 2013 1:07 PM
To: WYNANT, DONNA J.
Subject: Ernest and Rosalie Kavanaugh Family Lot Transfer

I live at 3405 Calle Viejo in the Mission Viejo Subdivision. My name is Linda K. Hortter.

I OPPOSE THIS ATTEMPT BY THE KAVANAUGH Family.

We have been involved for the past year with this families' attempt to invade our Subdivision by use of our road, and now the attempt to devalue our property as well. Please deny this request.

Linda K. Hortter

Mission Viejo Home Owners Association
Santa Fe, NM. 87507

September 16, 2013
City of Santa Fe Early Neighborhood Notification Meeting
Santa Fe Community College, Rm 318
6401 Richards Ave.
Santa Fe, NM. 87508

Mission Viejo Home Owners Association objection to the request by Ernest and Rosalie Kavanaugh to split their 2.5 acre property into 3; 1 of 1 acre and 2-¾ acre lots. The Mission Viejo Home Owners constitutes 20 individual family lots in the Mission Viejo subdivision who are deeply concerned with the impact that this proposed plan will have on the Mission Viejo Neighborhood Community.

According to the General Plan and the Land Use Codes this request for Inheritance and Family Transfer Subdivision is prohibited based on District Regulations and Density Regulations.

Land Use Code 14-9.6
STANDARDS FOR INHERITANCE OR FAMILY TRANSFER SUBDIVISIONS

(B) Density and District Regulations

Inheritance and family transfer subdivisions are required to meet the standards for use, density, building placement, height, open space, parking, and other items set forth in district regulations. Densities for newly annexed areas must conform to density range provisions set forth in the general plan.

District requirements:

Districts are Designated in Table 14-6.1-1 Land Use Code

City of Santa Fe Zoning Map indicates the 3360 Governor Miles Road zoning designation is R-1. By definition R-1 zoning states that only one dwelling unit per acre is allowed.

Additionally this lot transfer does not meet City of Santa Fe Fire Code who conducts itself under the International Fire Codes.

International Code Council – International Codes

Section D102 Required Access:

D102.1- Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

Appendix C – Fire Hydrant Locations and Distribution Table C105.1

Maximum Distance From Any Point On Street Or Road Frontage – 250 feet

Section D103 Dead Ends:

D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 shall be provided with a width and turnaround provisions in accordance with Table D103.4

At a minimum of 120-foot Hammerhead, 60 ft “Y” or 6-foot-diameter-cul-de-sac in accordance with figure D103.1.

Article 14-9: Infrastructure Design and Improvement and Dedication Standards

(8) Specific construction and engineering standards, *lot access driveway and streets* classified as lanes and certain sub-collectors:

(e) A lot access driveway that is required to provide emergency vehicle access pursuant to Chapter XII SFCC (Fire Prevention and Protection) must meet the standards of that chapter. Otherwise, a lot access driveway must have an all-weather driving surface at least ten (10) feet in width, must be no steeper than fifteen percent grade, or as required by the fire marshal and must accommodate drainage and utility facilities and easements.

The proposed Family Lot Transfer Plan has no access driveways. The plat submitted for review for ENN is inaccurate in stating, “entrance of Mission Bend Road”. These entrances are in fact non-permitted drive (curb) cuts put in by the family in the fall of 2012, and was red tagged by Bill Moore with the City of Santa Fe Land Use Department at that time. These non-permitted curb cuts removed Mission Viejo open space private property to create access to Mission Bend Road. The registered city plat for this lot does not contain any driveway easements onto Mission Bend Road. The Mission Viejo Church and School along with Mission Viejo Home Owners Association have pending litigation with Ernest and Rosalie Kavanaugh, and Ernest Jr. and Mercedes Kavanaugh (see State of New Mexico, County of Santa Fe, First District Court No. D-101-CV-2012-03197) regarding this prescriptive easement issue for driveway access onto Mission Bend Road. Furthermore the Kavanaugh family cancelled a scheduled Summary Judgment Hearing in this matter. A formal trial date has not been scheduled but is expected to be in late Spring 2014.

(K) Utilities, Storm Drainage and Street Improvements.

(1) (b) connection to city sewer services

The City of Santa Fe General Plan stipulates new subdivisions connect to city sewer services. This proposed Family Lot Transfer does not have access to the City of Santa Fe sewer service. This lot split will then require two additional septic systems in addition to the one already on the 2 ½ site for total of three septic systems and leach fields.

Early Neighborhood Notification Guidelines as stated under City of Santa Fe General Plan:

As the MV HOA will be the most impacted neighborhood community should this Family Lot Transfer request be approved with potential addresses on Mission Bend Road, we would request the following from the Senior Planner and the Planning Commission:

(a) Effect on character and appearance of surrounding neighborhoods:

1. Review of character and appearance:

(Previously approved lot split to Ernest Kavanaugh Jr. a son of Ernest and Rosalie Kavanaugh, essentially a preview of what character and appearance can be expected on further lot splits to family members.)

The 3356 Governor Miles Road property owned by Ernest Jr. (son of Ernest Sr. and Rosalie), and Mercedes Kavanaugh property was create by a lot split recorded with the County of Santa Fe in March 2003 when 2 ½ acres of the original 5 acre lot owned by Ernest and Rosalie Kavanaugh were divided into two 1 1/4 acre lots.

This property now contains three unregistered junk vehicles, several trailers containing garbage and trash, along with dog kennels with numerous dogs chained to dog houses throughout the property, all of which have been cited under City of Santa Fe Land Use Ordinance by James Martinez at Land Use and Danielle Woodman and Daniel Quintana of the City of Santa Fe Animal Control Department. In addition this property along with the parents property have multiple signs of "NO TRESPASSING" and roughhewed split-log wood fencing, making the property look like a prison camp and the neighborhood looking like a high crime area.

(b) Effect on protection of physical environment:

1. Septic tanks:

Two added septic tanks for the two additional proposed Family Transfer lots and associated leach fields will have a significant impact on the water table and potentially contamination of arroyo run off . According to Loni Martinez a Waste Water Engineer with City of Santa Fe and MV HOA land use attorney, Ron VanAmberg, the Kavanaugh's cannot access city sewer on the Mission Viejo subdivision property as it would require a utility easement across MV HOA open space and private property.

2. Rivers, arroyos, and flood plains:

Once again we need only look at the previous lot split of 3356 Governor Miles Road for an example of environmental impact.

Cows, horses, goats, pigs and dogs all corralled, penned, kenneled and chained to dog houses that have been defecating and urinating in less than a 1 ¼ acre area for 10 years or more. The MV HOA would hope that a thorough environmental, ground water, and arroyo impact study be conducted for the aforementioned property as we fear the smaller lots will be utilized in the same manner.

(c) N/A

(d) Relationship to existing density and land use within the surrounding area and with land uses and densities proposed by The General Plan:

As already stated in district requirements above, the area in question is R-1 zoning allowing one dwelling per one acre lot.

(e) Effects upon parking, traffic patterns, congestion, pedestrian safety, impacts of the project on the flow of pedestrian or vehicular traffic and provision of access for the disable, children, low-income and elderly to services:

Increased traffic on Mission Bend Road resulting in two more houses being approved with potential access to Mission Bend Road brings liability and traffic issues. Mission Bend Road is a private road with public access, however, Mission Bend Homeowners are responsible for maintenance and liability of the road.

(f) N/A

(g) N/A

(h) Effect upon public services such as fire, police protection, school services and other public services or infrastructure elements such as water, power, sewer, communications, but systems, commuter or other services or facilities.

Already addressed above under Utilities, drainage, and street improvements, and effects on physical environment concerns under "septic tanks". The Family Lot Transfer also fails to meet the public services fire code requirements of access and load, fire hydrant and dead end sections of the City of Santa Fe Fire Code per the International Fire Code .

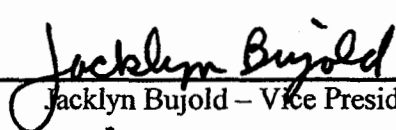
(i, j, k) N/A

Thank you for reviewing our concerns regarding the proposed Family Lot Transfer the Mission Viejo Home Owners vehemently opposed to this proposed plan. It is our hope


that the City of Santa Fe Planning Commission Board will reject the Family Lot Transfer as it does not meet the City of Santa Fe General Plan and District Zoning regulations and will not meet the existing neighborhood and neighboring community character and appearance.

Sincerely Yours,
The Mission Viejo Homeowners Board Representing the Mission Viejo Neighborhood Community

 9/15/13
Keith Bujold, - President

 9/15/13
Jacklyn Bujold - Vice President

 9-15-2013
Philip Treu - Secretary

 G. Solano 9-16-13
Gerald Solano - Treasurer

Early Neighborhood Notification
Sept 14, 2013

Ernest and Rosalie Kavanaugh
Family Lot Transfer Request

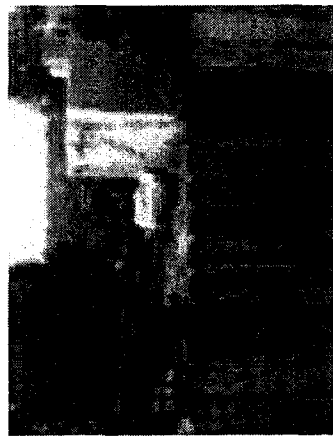
Ms. Donna Wynant
Senior Land Use Planner

Pictures of 3360 and 3356
Governor Miles Rd addresses
owned by the Kavanaugh family
as examples that current
properties do not meet
character and appearance
of surrounding neighborhood
properties



①

ENN - Donna Wynnant
Sept. 16, 2013
EdR Kavanaugh Properties
character and appearance
do not meet surrounding
neighborhood properties
character and appearance



②

ENN - Donna Wymant
Sept. 16, 2013
E & R Kavanaugh Properties
Character and Appearance
do not meet surrounding
neighborhood properties
character and appearance

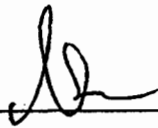


③

Mission Viejo Subdivision Home Owner - Lot 18

**Gerald and Nora Solano
4443 Mission Bend
Santa Fe, NM 87507**

**Signature(s) attest Opposition to the Proposed
Ernest and Rosalie Kavanaugh Family Lot
Transfer**



Signature

GERALD SOLANO

Print



FOR NORA SOLANO

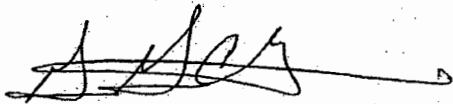
Signature

Print

Mission Viejo Subdivision Home Owner - Lot 16

**Gerard Chavez
4473 Mission Bend
Santa Fe, NM 87507**

**Signature(s) attest Opposition to the Proposed
Ernest and Rosalie Kavanaugh Family Lot
Transfer**



Signature

Gerard F. Chavez

15 September 2013

Print

Signature

Print

Mission Viejo Subdivision Home Owner - Lot 20

Keith and Jacklyn Bujold

4403 Mission Bend

Santa Fe, NM 87507

**Signature(s) attest Opposition to the Proposed
Ernest and Rosalie Kavanaugh Family Lot
Transfer**

Keith C. Bujold 9/15/13

Signature

Keith Bujold

Print

Signature

Print

**Mission Viejo Subdivision Home/Lot Owner - Lot
19 - 4421 Mission Bend**

**Teresa Sandlin
85 Granada Drive
Los Alamos NM 87544**

**Signature(s) attest Opposition to the Proposed
Ernest and Rosalie Kavanaugh Family Lot
Transfer**

Signature

~~Teresa~~ Theresa Sandlin

Print

Theresa Sandlin

Signature

Theresa Sandlin

Print

**AARON GARCIA SURVEYING
AARON HOWARD GARCIA
PROFESSIONAL SURVEYOR, LIC. # 9979
P.O. BOX 1502
SANTA FE, NM 87504-1502
505-982-5830
AGSurveying@Q.com**

DATE: Monday, September 30, 2013

**TO: Donna J. Wynant
City of Santa Fe Land Use Department
200 Lincoln Avenue, Santa Fe, NM 87504-0909**

Dear Ms. Wynant;

Please accept this letter of Application on behalf of my clients; Ernest R. Kavanaugh and Roaslie R. Kavanaugh.

The Kavanaugh Family own Tract A-2-A, a 2.500 acre tract located at 3360 Governor Miles Road. There is currently an existing dwelling.

The Kavanaugh Family now wishes to create a Family Transfer Subdivision dividing Tract A-2-A into three separate properties. The new lot lines are labeled on the survey plat submitted with this letter of application.

New Tract A-2-A, Lot 1 would be kept by Ernest R. Kavanaugh and Roaslie R. Kavanaugh or transferred to adult daughter Andrea Kavavnaugh.

New Tract A-2-A, Lot 2 would be transferred to adult son Vincent Kavanaugh.

New Tract A-2-A, Lot 3 would be kept by Ernest R. Kavanaugh and Roaslie R. Kavanaugh or transferred to adult daughter Andrea Kavavnaugh.

Tract A-2-A is a legal lot of record via survey entitled "Lot Split of Tract A-2, Ulrickson Replat for Grace Inc., " prepared by Philip B. Wiegel, NMPS No. 9758, dated December 5, 1994 and recorded with the Santa Fe County Clerk on december 20, 1995, Book 323, Page 016.

The dwelling on Tract A-2-A complied with the existing zoning criteria at the time of application for their building permit.

The existing dwelling on Tract A-2-A is served by community water system and a private septic tank system.

The Early Neighborhood Notification Meeting for this project was held on September 16, 2013 at the Santa Fe community college, Room 318.

In support of this request, the following documentation is submitted herein for your review;

1. Family Transfer Subdivision Plat (6 full size copies)
2. Family Transfer Subdivision Plat (PDF format)

Previous submittals to William Lamboy include Application Fee in the amount of \$480.00, (Family Trasfer Applcation Fee \$450.00, Public Notice Poster \$30.00). Also previously submittals include Family Transfer Application, Letter of Authorization, Warranty Deed, Legal Lot of Record.

Please contact me with any questions or cmments regarding this project at 982-5830 or AGSurveying@q.com.

Sincerely,



Aaron Howard Garcia, PS

EXHIBIT E-1

Lot 15B-2
n/f Gabriel A. Romero
Virginia V. Romero

Lot 13A
n/f Vivian Daughtry Lentz

FAMILY TRANSFER LAND DIVISION PLAT for
ERNEST R. and ROSALIE R. KAVANAUGH
SW 1/4, SW 1/4 Section 9, Township 16 North, Range 9 East, NMPM
WITHIN THE CITY OF SANTA FE
SANTA FE COUNTY, NEW MEXICO

PURPOSE STATEMENT: THIS PLAT CREATES 3 RESIDENTIAL LOTS
NO FURTHER SUBDIVISION OF THESE TRACTS ALLOWED

n/f Zia United Methodist Church

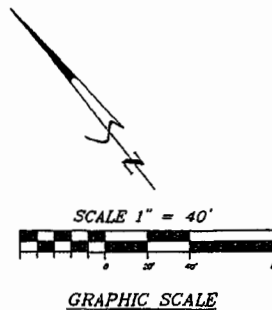
Tract A-2-A
LOT 1
1.000 Acres

Lot A-2-B1
n/f Ernest A. Kavanaugh
Mercedes C. Kavanaugh

Tract A-2-A
LOT 2
0.750 Acres

Tract A-2-A
LOT 3
0.750 Acres

n/f Mission Viejo Subdivision



NOTE:
TRACT A-2-A, LOT 1: Ernest R. Kavanaugh, Rosalie R. Kavanaugh, Andrea Kavanaugh, (Daughter).
TRACT A-2-A, LOT 2: Vincent Kavanaugh, (Son).
TRACT A-2-A, LOT 3: Ernest R. Kavanaugh, Rosalie R. Kavanaugh, Andrea Kavanaugh, (Daughter).

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY IS AN ACCURATE DELINEATION
OF A SURVEY COMPLETED BY ME IN June/July 2013 AND IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY
MEETS THE MINIMUM REQUIREMENT OF THE STANDARDS FOR LAND
SURVEYS IN NEW MEXICO.

AARON H. GARCIA, N.M.P.S. No. 9979 DATE
P.O. BOX 1502
SANTA FE, NEW MEXICO 87504-1502

NOTE: A
not to scale
Found Survey Cap
NMP 9758
SE cor.
Tract A-2-A
Lot 3

EXHIBIT E-2

Drawn by: A.H.G.

DATE: JUNE/JULY 2013

Checked by: A.H.G.

SCALE: 1 inch = 40 feet

SHEET NO. 2 of 2



AARON GARCIA SURVEYING
AARON HOWARD GARCIA PROFESSIONAL SURVEYOR
P.O. Box 1502 Santa Fe, New Mexico 87504-1502 Phone # (505)983-5830



Owner(s)

Owner(s): Ernest R. & Rosalie R. Kavanaugh

Location

Located within the City of Santa Fe
Santa Fe County, New Mexico

**Case 2013-72:
Kavanaugh Family Transfer
Subdivision Plat**

Planning Commission
November 7, 2013

Case #2013-72. Kavanaugh Family Transfer Subdivision. Aaron Garcia, agent for the Kavanaugh Family, requests Final Subdivision approval of a Family Transfer Subdivision for 3 lots on 2.5 acres located at 3360 Governor Miles Road. The property is zoned R-1 (Residential, 1 dwelling unit per acre). (Donna Wynant, Case Manager)

Exhibit "2"

Kavanaugh Family Transfer Subdivision Plat

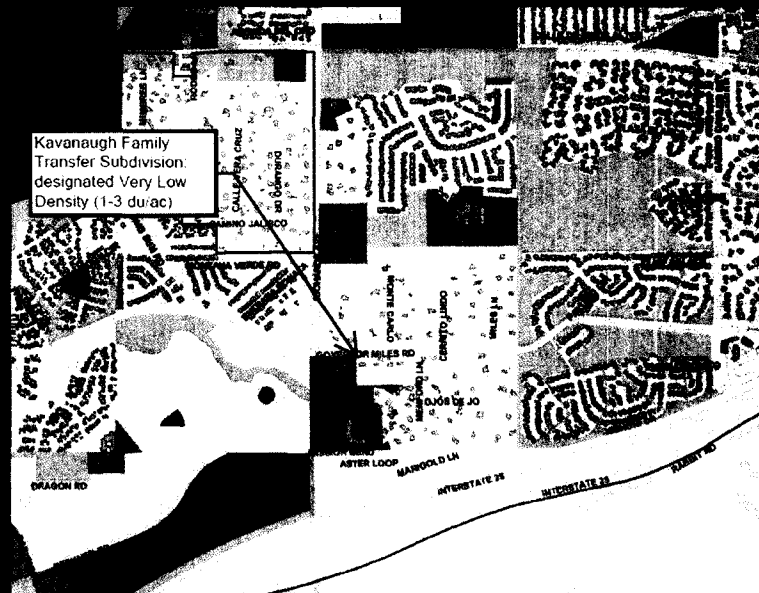
3360 Governor Miles is 2.5± acres in size, zoned R-1 (Residential, 1 du/ac).

Annexed into the city during Phase 1 of the city-initiated annexation.

Proposal: Subdivide the property into 3 lots as a Family Transfer Subdivision.

Next Step: Record the Plat with the county. No construction is proposed in the near future.

Future Land Use Map

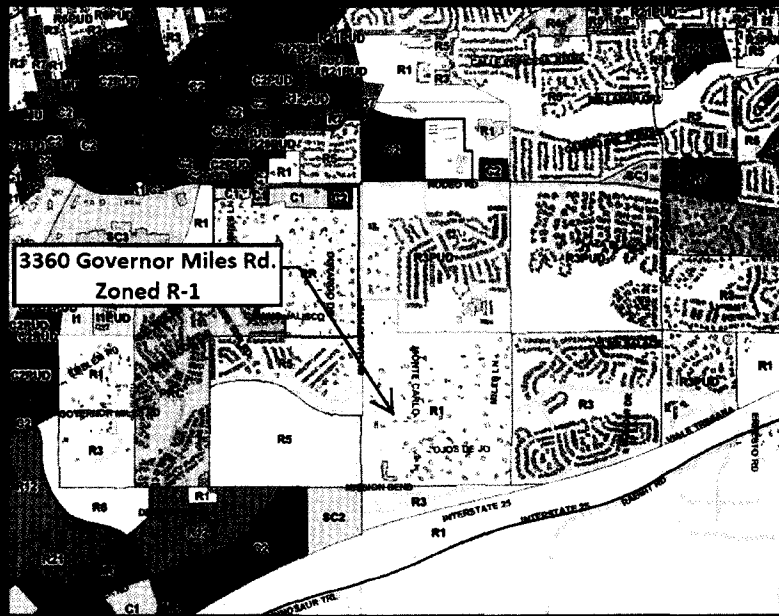


The site is located in this area designated as Very Low Density (1-3 du/ac).

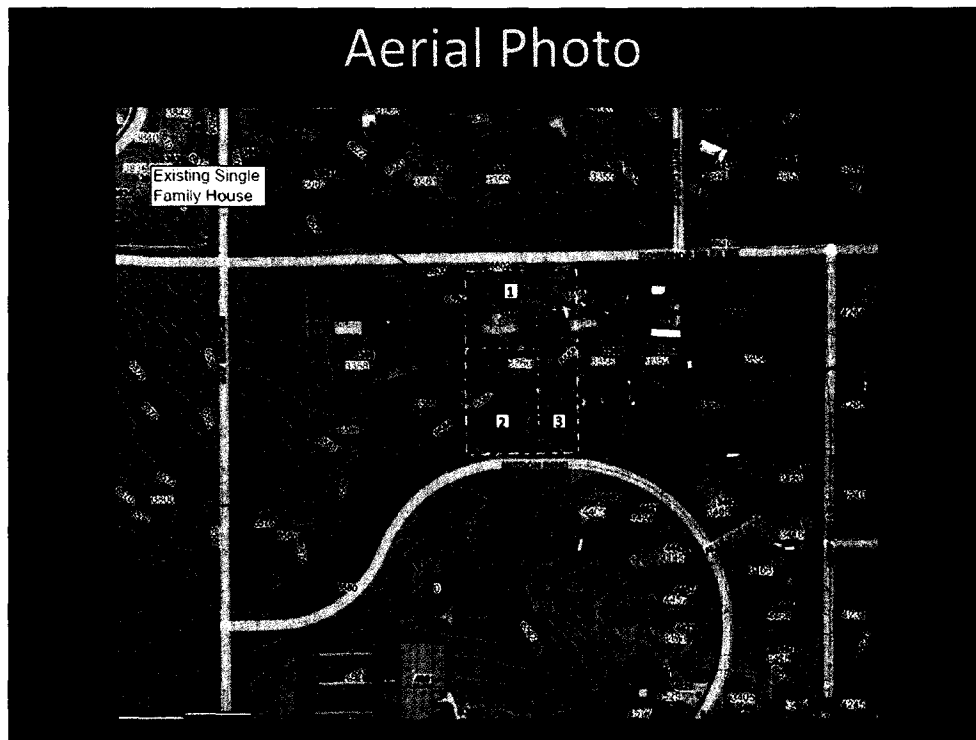
To the south is a Public Institutional designation shown here for the Zia Methodist church and the Mission Viejo church and school.

- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-9 dwellings per acre)
- Medium Density (7-12 dwellings per acre)
- High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional
- Open Space

Surrounding Zoning



The applicant is requesting Family Transfer Final Subdivision Plat approval of a 2.5 acre tract into three (3) lots, located at 3360 Governor Miles Road. The subject property is zoned R-1 (Residential, one dwelling unit per acre) and was annexed into the city in Phase I Annexation. The property is located along the south side of Governor Miles Road, east of Richards Road and the Zia Methodist Church and north of the Mission Viejo subdivision. The property is rural in character with several pens, sheds and trailers for various animals on site. Animal pens that straddle the new property lines will be removed as noted on the plat. The R-1 zoning of the property allows a density of 1 dwelling unit per acre. Family Transfer subdivision density regulations allow the applicant to round up on the number of units to allow the 3 units as requested.



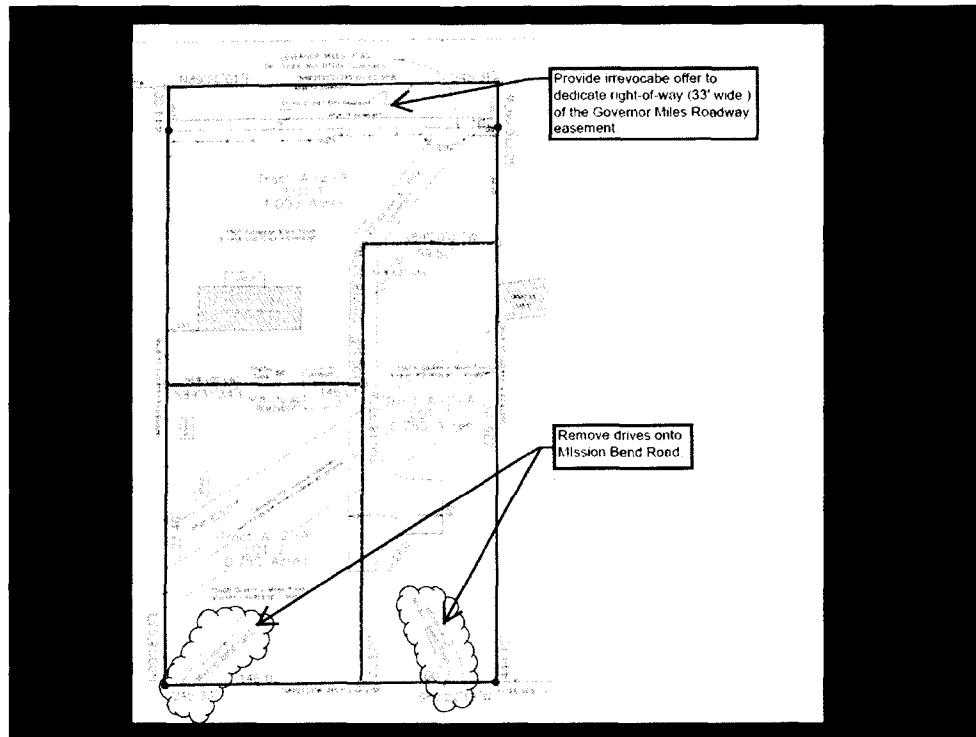
Access to all 3 lots will be provided by means of a 20 foot wide driveway from Governor Miles Road, extending across the 50 foot wide drainage easement for the arroyo that crosses the property. Since the driveway exceeds 150 feet, the Fire Marshal requires a hammer head turnaround at the south end of the drive, which is shown on the plat. The drive must also consist of an all-weather drivable surface for Fire Department apparatus. At the time this lot was created in the County, the property owners were only required to create an easement to provide access along the frontage of the property for Governor Miles Road. The city traffic engineer, John Romero, therefore requires an irrevocable offer to dedicate right-of-way for the 33 foot wide portion of the Governor Miles Roadway easement.

According to the City Engineer for Land Use, RB Zaxus, the arroyo that crosses the property is not part of a FEMA floodplain and carries less than 100 cfs in the 1% flood event. Construction of an unpaved low water crossing is acceptable for establishing access to the lower lots.

View from Governor Miles Rd.



This is the existing house as seen from Governor Miles. The parents will retain the this lot, which is labeled Lot 1.



The notes on the plat that state “entrance off Mission Bend Road” for Lot 2 and Lot 3, reflect existing access drives into the property that are in dispute as part of a legal action brought by the Mission Viejo Home Owners Association against the Kavanaughs. These access drives cross a 10± foot width of land privately owned by the Mission Viejo Subdivision and not a part of the right of way of Mission Bend Road. Based on two separate complaints from neighbors in the Mission Viejo Subdivision, the City twice red-tagged the Kavanaugh property and issued a Notice of Violation for one of the two complaints for litter and debris, which was lifted on 10/29/13. The other red tag for grading without a permit for driveways onto Mission Bend Road remains outstanding pending litigation between the parties. The Kavanaughs have not removed the drives and since that time, have obtained a permit on 10/4/13 to erect a fence at the rear of their property, leaving openings for the drives onto Mission Bend Road. The City does not and cannot approve access to Mission Bend Road across privately owned property. Depiction of this access must be removed from the plat prior to recordation. Access to the new lots will have to come from Governor Miles Road only.

Governor Miles Road, looking west.

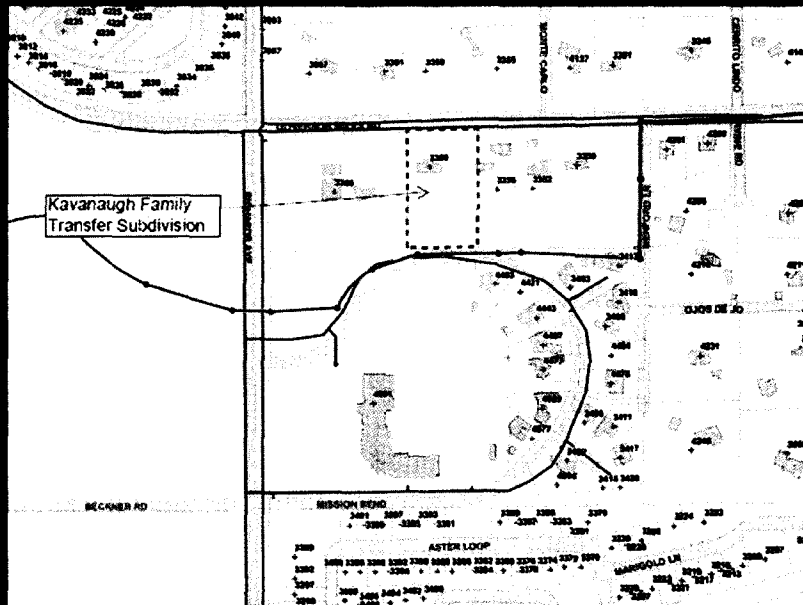


View from Mission Bend Road



The notes on the plat that state “entrance off Mission Bend Road” for Lot 2 and Lot 3, reflect existing access drives into the property that are in dispute as part of a legal action brought by the Mission Viejo Home Owners Association against the Kavanaughs. These access drives cross a 10± foot width of land privately owned by the Mission Viejo Subdivision and not a part of the right of way of Mission Bend Road. Based on two separate complaints from neighbors in the Mission Viejo Subdivision, the City twice red-tagged the Kavanaugh property and issued a Notice of Violation for one of the two complaints for litter and debris, which was lifted on 10/29/13. The other red tag for grading without a permit for driveways onto Mission Bend Road remains outstanding pending litigation between the parties. The Kavanaughs have not removed the drives and since that time, have obtained a permit on 10/4/13 to erect a fence at the rear of their property, leaving openings for the drives onto Mission Bend Road. The City does not and cannot approve access to Mission Bend Road across privately owned property. Depiction of this access must be removed from the plat prior to recordation. Access to the new lots will have to come from Governor Miles Road only.

Utilities Map



The existing dwelling on the property is served by a private well and a septic system. At the time of building permits for new development, the Water Division requires a main extension to serve new lots 2 and 3 from Governor Miles Road. According to the Wastewater Division, connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved and is accessible to the City sewer system. The closest accessible sewer line is approximately 600 feet to the east in Menford Lane. The minimum lot size for septic is $\frac{3}{4}$ acre, which is the size of the two new lots. Any proposed septic is permitted by the New Mexico Environment Department. Prior to the issuance of building permits for new development, the property owner is required to obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division. While the City supports utility connection to Mission Bend Road, it cannot require these connections as the line would have to cross private property which belongs to the Mission Viejo Home Owners Association and is not part of the right of way. This matter is the subject of pending litigation between the Kavanaughs and the Mission Viejo Home Owners Association. If and when the court decides to require such connections, then openings onto Mission Bend Road may occur per order of the court and issuance of a driveway permit.

Neighborhood Response

ENN was held on September 16, 2013

Questions asked about:

Density of the proposed development,

Type and character of development that would occur.

Other responses:

Vivian Daugherty Lentz

Linda Hortter

Mission Viejo Home Owners Association with attached
petition opposing the proposed Family Transfer
Subdivision

Early Neighborhood Notification meeting was held on September 16, 2013 (See Exhibit D-1: ENN Report). The two neighbors who attended asked questions about the density of the proposed development, asked who would acquire the new lots and about the type and character of development that would occur.

Other responses that are in your packet:

Vivian Daugherty Lentz

Linda Hortter

Mission Viejo Home Owners Association with attached petition opposing the
proposed Family Transfer Subdivision

Conditions of Approval

Add street addresses for all lots.

Connect to City public sewer and water system.

Provide an irrevocable offer to dedicate right-of-way for their portion of the Governor Miles Roadway easement (33' wide).

Restore property to its original condition by removal of drives onto Mission Bend Road per the direction of the Technical Review Division.

The Conditions of Approval from the Development Review Team are listed in your Exhibit A.

I'd like to point out the most significant of conditions with these 4 conditions.

Kavanaugh Family Transfer Subdivision Plat

Conclusion:

Staff supports the proposed three lot subdivision subject to the Conditions of Approval outlined in the Staff Memo.

The proposed project is in keeping with the density of the area, which is low density (1-3 dwelling units per acre), and supports City policy of infill development. Because this is a Family Transfer, there is Final Plat review only. No new construction is currently proposed. The recommended conditions of approval are generally of a technical nature and can be met prior to plat recordation or at the time of building permit.

Kavanaugh Family Transfer
Subdivision Plat

Additional Slides

Ulrickson Replat 9-17-87

1. **General:** This report is based on information received from the following sources:
 a. **Source:** [Name of source]
 b. **Location:** [Location]
 c. **Date:** [Date]
 d. **Time:** [Time]

2. **Summary:** [Summary of the report]

3. **Details:** [Detailed description of the report]

4. **Conclusion:** [Conclusion of the report]

5. **Recommendations:** [Recommendations of the report]

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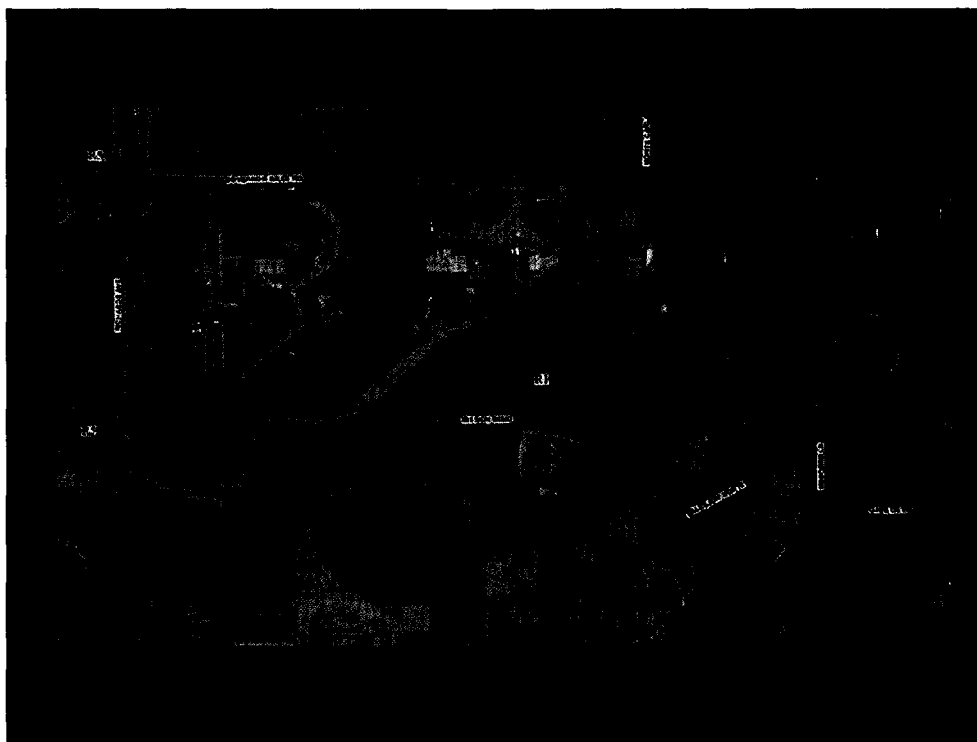
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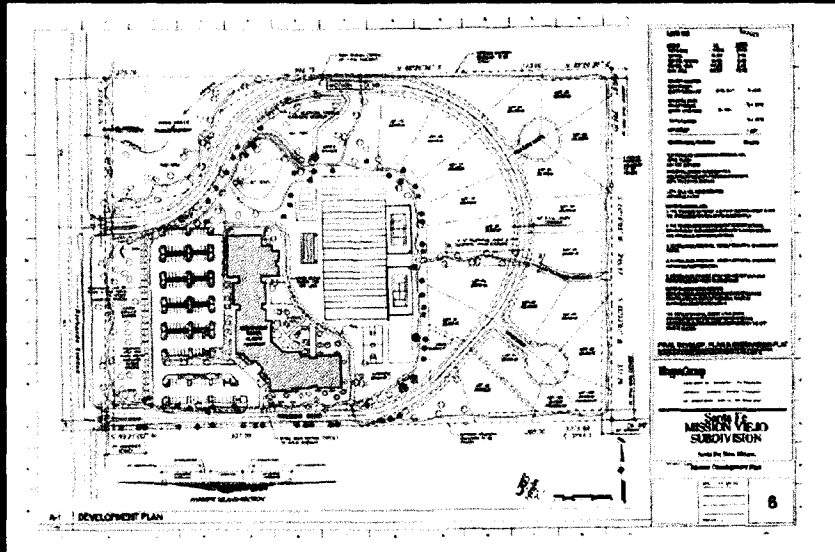




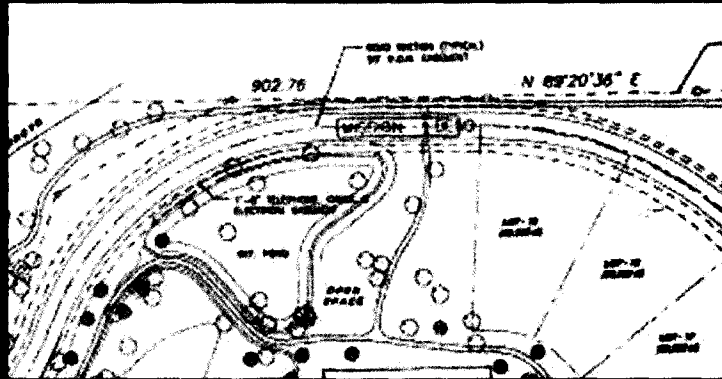
Timeframe for Kavanaugh Family Transfer Subdivision

11/7/13:	Planning Commission Public Hearing
12/5/13:	Findings of Fact to be reviewed and approved at PC Meeting
_____:	<p>Prior to recordation, the plat shall show the name of each family member to whom a lot is being transferred. Before the final subdivision plat is filed, a copy of the instrument of transfer to the transferee or his authorized representative must be provided to the city. A construction permit shall not be issued to a person other than the transferee or his authorized representative until the required time period is completed.</p> <p>If the property is transferred to a different family member acceptable under this section within three years, the plat and affidavit must be amended to reflect the different transferee. A Plat Amendment form (for Administrative review and approval, which does not require Planning Commission approval) must be completed and include a fee of \$300.</p>
12/5/13- 12/5/16:	May record the Final Subdivision Plat with the County after 12/5/13 when Findings of Fact are approved. You have 3 years to record the plat from this time, which makes 12/5/16 the last day to record the plat. (A financial guarantee is not required at the time of plat recordation with Family Transfer Subdivisions for required improvements.)
_____:	At the time of Building permit application for any improvements to be constructed on any of the lots on this family transfer subdivision completed.

Mission Viejo Subdivision Master Plan



Mission Bend Road



City of Santa Fe, New Mexico

memo

DATE: Prepared October 28 for November 7, 2013 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*

FROM: Greg Smith, Director, Current Planning Division *GS*

SUBJECT

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO ALLOW CERTAIN FOOD AND BEVERAGE USES IN THE I-2 GENERAL INDUSTRIAL DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (Councilor Carmichael A. Dominguez, Sponsor)
(Greg Smith, Case Manager)

RECOMMENDATION

If the Commission determines that I-2-zoned lots along Siler Road are suited for food and beverage uses, and that those uses can be developed with no significant effect on the availability of land for industrial uses, the Commission should recommend that the Governing Body approve the proposed amendment.

SUMMARY ANALYSIS

1. Background

In 2012, the types of uses allowed in the I-2 General Industrial District were amended to allow fewer types of land uses. The amendment was intended to make better use of the limited amount of I-2 land, and to minimize potential conflicts between true industrial uses and other types of commercial uses that had been allowed in the past.

Prior to the Chapter 14 Rewrite Project amendments in 2012, the I-2 regulations allowed "any use which is lawful and which conforms to performance standards," with the exception of specified residential uses. The 2012 amendment went through the table of permitted uses in Table 14-6.1-1, specifying which of the various types of uses are appropriate with or without special use permits,

and which are prohibited. The basis for the revised regulations was the purpose of the I-2 district as stated in Section 14-4.3(G):

The I-2 district is intended primarily for general manufacturing and closely related uses. Also allowed in the district are commercial and other uses allowed in some commercial districts. To avoid burdensome regulations on general manufacturing but at the same time to provide adequate limitations on the development of industries incompatible with the city's general industrial characteristics, regulations for this district are intended to provide protection principally against effects harmful to other districts. These regulations do not afford the same level of protection for commercial and other allowed uses not related to general manufacturing as such uses would receive if located in districts primarily designed for them.

The restriction on the scope of permitted uses also insures that the relatively small area of the city that is zoned for heavy industrial uses will remain available for those uses, and will not be displaced by commercial development that can be located in other districts. These regulations are based on city goals of facilitating economic diversification, as well as land use compatibility goals.

There are about 230 acres of I-2-zoned land in the city and the annexation areas, most of which has been developed with light or heavy industrial uses. I-2 land is located in the vicinity of Siler Road between Rufina and Agua Fria Streets, and near the Airport Road-Highway 599 intersection, as shown on the attached maps.

After review by the Planning Commission, the amendment will go to the Governing Body's Public Works and Land Use Committee. Final action by the Governing Body is tentatively scheduled for January.

2. Summary of Proposed Amendment

The 2012 Rewrite amendment caused some existing land uses in the I-2 districts to become legally nonconforming, including any existing principal uses in the food and beverage categories. There are relatively few existing uses in those categories, although staff has not done a detailed inventory.

Under the proposed amendment, the various land uses in the Food and Beverage category would be treated the same in the I-2 district as they are in the I-1 Light Industrial district for parcels that have frontage on Siler Road. The different categories of restaurants and night clubs would be changed from prohibited uses to permitted or special use permit uses, as shown in underlined text in the I-2 column in the draft bill (attached). The Siler road restriction is in a new Footnote 10.

The proposed amendment would permit the establishment of new restaurants, and could restore conforming status to any existing restaurants, located on Siler Road. Nonconforming uses in other categories, such as retail and office uses, would not be affected by the proposed amendment.

Attachments

Proposed Bill

Vicinity maps showing I-2 districts

gtsc: I-2 Rest PC 20131107

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-__

INTRODUCED BY:

Councilor Carmichael Dominguez

AN ORDINANCE

**RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987;
AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO
ALLOW CERTAIN FOOD AND BEVERAGE USES IN THE I-2 GENERAL INDUSTRIAL
DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES
THAT ARE NECESSARY.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

**Section 1. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4, as amended) is
amended to amend the Table of Permitted Uses to permit Food and Beverage Uses in I-2
Zoning Districts, as follows:**

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

CATEGORY Specific Use	RR	R- 1 - R- 6	R- 7 - R- 9	R- 7 - I	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I- 1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU ***	Use- Specific Regs 14-6.2
Food and Beverages																						
Bar, cocktail lounge, nightclub, no outdoor entertainment								S ³	S ³		P*			P	P	<u>P¹⁰</u>		P*	P*	P*	P ²	
Bar, cocktail lounge, nightclub, with outdoor entertainment								S* ³	S ³		P*			P*	P*	<u>P*¹⁰</u>		P*	P*	P*	P* ²	
Restaurant - full service, with or without incidental alcohol service								S ³	S ³		P			P	P	<u>P¹⁰</u>	S	P	P	P	P	
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.								S* ³	S* ³		P*			P*	P*	<u>P*¹⁰</u>		P*	P*	P*	P* ²	

CATEGORY Specific Use	RR	R- 1 - R- 6	R- 7 - R- 9	R- 7 - I- 8	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I- 1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU ***	Use- Specific Regs 14-6.2
Restaurant - Fast service/take- out, no drive- through/ drive-up								S		P ⁴	P	P ⁴		P	P	P ¹⁰	S	P	P	P	P	
Restaurant - with drive- through/ drive-up											P*			P*	P*	P ¹⁰	S	P*	P*	P*	P* ²	

1 Section 2. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4, as amended) is amended to amend the Table of Permitted

2 Uses to create a new footnote #10 for the Table, as follows:

*Special use *permit* required if located within 200 feet of *residentially-zoned property*; otherwise permitted. (Ord. No. 2013-16 § 29)

**Uses listed are in addition to those permitted in the underlying district. No more than 3,000 square feet of *gross floor area* may be devoted to *nonresidential uses*.

***See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use. (Ord. No. 2013-16 § 22)

1. In the RR district, multiple-family dwellings are limited to four per lot.

2. Hours of operation limited to 7 a.m. to 10 p.m.

3. Amplified live entertainment or amplified music for dancing prohibited after 10 p.m.

4. Not to exceed 1,000 square feet *gross floor area*, sales of alcohol prohibited.

5. Hospital is a permitted use in the Las Soleras Hospital District; requires special use *permit* use in the Christus St. Vincent Hospital District.

6. See Section 14-6.2(A)(7) for additional regulations for *dwelling units* in the C-2, BIP and SC districts.

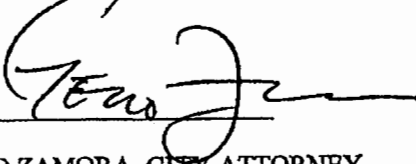
7. See Section 14-6.3 for additional *accessory* use regulations; see Section 14-6.4 (Temporary Uses or Structures)

8. In the Las Soleras Hospital District a heliport serving a hospital is a permitted use.

9. See Subsection 14-7.2(I) for standards for pre-existing mobile home parks and Subsection 14-6.2(A)(3)(a) for prohibition of new mobile home parks in MHP districts.

10. Permitted or special use on parcels with frontage on Siler Road; prohibited on other parcels.

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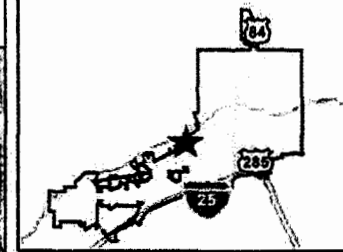
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4 GENO ZAMORA, CITY ATTORNEY

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I-2 Zoning Siler-Rufina Vicinity



Legend

City Limits

Parcels

Airport Clear Zones

Santa Fe River

Zoning

- RR Rural Residential
- R1, (PUD) Single - Family 1du/ac
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R8 Single - Family 5du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC5, RCSAC Compound 5du/ac
- RC8, RCSAC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD),(AC) Multiple - Family 29du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park

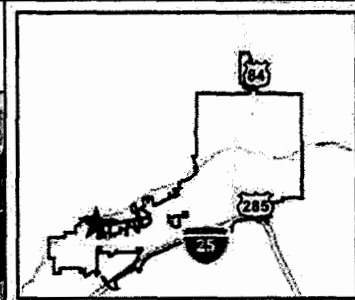


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I-2 Zoning Airport-HWY 599 Vicinity



Legend

City Limits

Parcels

Airport Clear Zones

Santa Fe River

Zoning

- RR Rural Residential
- R1, (PUD) Single - Family 1du/ac
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-8du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC3, RC3AC Compound 5du/ac
- RC6, RC6AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD),(AC) Multiple - Family 29du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park



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City of Santa Fe, New Mexico

memo

DATE: Prepared October 29 for November 7, 2013 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*

FROM: Greg Smith, Director, Current Planning Division *GS*

SUBJECT

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; CREATING A NEW SUBSECTION 14-8.6(B)(I)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY..
(Councilor Chris Rivera, Sponsor) (Greg Smith, Case Manager)

RECOMMENDATION

If the Commission determines that safety barriers should be required for parking lots in the city, the Commission should recommend that the Governing Body approve the proposed amendment.

SUMMARY ANALYSIS

Staff has drafted the attached bill as requested by Councilor Chris Rivera. The proposed amendment would require bollards or other safety barriers where driveways or parking lot aisles direct traffic toward major building entryways. The barriers are intended to prevent accidents caused when vehicles traveling in the direction of a building entry fail to stop or turn. The sponsor of the bill believes that the severity and frequency of such accidents warrants requiring preventive measures.

As drafted, the bill would not require retrofitting existing parking lots, and would not address barriers where parking spaces abut a storefront or on public streets. If the amendment is approved, Land Use Department staff would work with other affected city departments to research and develop administrative standards that address potential issues related to emergency access, accessibility for persons with disabilities, construction methods, etc.

Exhibit "4"

Bollards or other barriers are relatively common in front of newer buildings in the city, although it is not clear that they typically provide an effective barrier to the type of crashes that are addressed by the proposed amendment.

Attachment
Proposed Bill

1 **CITY OF SANTA FE, NEW MEXICO**

2 **BILL NO. 2013-__**

3 **INTRODUCED BY:**

4
5 Councilor Chris Rivera

6
7
8
9
10 **AN ORDINANCE**

11 **RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987;**
12 **CREATING A NEW SUBSECTION 14-8.6(B)(1)(g) REQUIRING SAFETY BARRIERS FOR**
13 **SPECIFIED DRIVEWAYS AND PARKING LOT AISLES; AND MAKING SUCH OTHER**
14 **STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.**

15
16 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

17 **Section 1.** A new Subsection 14-8.6(B)(1)(g) is ordained to read:

18 **(B) Standards for Off-Street Parking Spaces and Parking Lots**

19 **(1) General Standards**

20 *All off-street parking spaces and lots shall meet the standards set forth in this*
21 *Subsection 14-8.6(B) and any additional standards shown on an approved site*
22 *plan:*

23 **(a)** they shall be designed, maintained and regulated so that no parking or
24 maneuvering incidental to parking shall be on any *street*, walk or
25 alley; provided that the public works director may approve parking

lots serving one or two *dwelling units* and comprising four or fewer parking spaces designed to allow vehicles to back onto a *street* classified as a subcollector or lane, onto a walk or alley, or in exceptional circumstances onto a *street* classified as an arterial or collector;

(b) they shall be designed so that vehicles may be removed without moving another vehicle except in attended *lots*, or *single-family* residences where not more than two spaces assigned for use to the same *dwelling unit* may be arranged in tandem;

(c) they shall have barriers that prevent vehicles from extending over the public sidewalks, abutting *lots* or the minimum required *landscaped* area;

(d) they shall be designed to discourage parking *lot* traffic from accessing directly onto *major arterial streets*, unless no reasonable alternative is available;

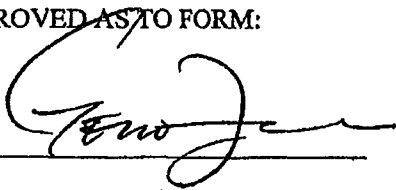
(e) they shall be appropriately marked to indicate the location of the spaces; and

(f) if they are required parking spaces, they shall be available at all times for parking the personal vehicles of *employees* and customers or residents and guests for which the spaces are required. Required parking spaces shall be unobstructed and shall not be used for storage, display, sales or parking of commercial or other vehicles used by *employees* in the conduct of the use for which the spaces are required, unless an itinerant vending *permit* or special use *permit* has been issued. Required *off-street loading spaces* shall not be included as

1 *off-street parking* spaces in the computation of required *off-street*
2 *parking*.

3 (g) A driveway or parking lot aisle that is oriented toward a primary
4 pedestrian entryway to a nonresidential or multiple family residential
5 building must have bollards or other safety barriers that prevent
6 accidental vehicle collisions with the entryway and pedestrians in
7 front of the entryway.

8 APPROVED AS TO FORM:

9 

10
11 GENO ZAMORA, CITY ATTORNEY

City of Santa Fe, New Mexico

memo

DATE: October 24, 2013 for the Meeting of November 7, 2013
TO: Planning Commission
VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
FROM: Tamara Baer, ASLA, Manager, Current Planning Division *TB*

Plaza la Prensa Preliminary Subdivision Plat

Case #2013-103. Lot 6A, Plaza la Prensa, Southwest Business Park Preliminary Subdivision Plat. James W. Siebert and Associates, Inc., agents for Carmel LLC, Final LLC, SF South LLC, and State Properties of NM LLC, request Preliminary Subdivision Plat approval for 3 lots on 6.54± acres located at 37 Plaza la Prensa. The property is zoned BIP (Business Industrial Park) and is located within the City's Phase 2 Annexation Area. (Tamara Baer, Case Manager)

RECOMMENDATION

The Land Use Department recommends Approval with Conditions as outlined in this report.

I. EXECUTIVE SUMMARY

The subject property is part of the larger 48± acre Southwest Business Park, originally developed in the late 1990s. The Business Park consists of some 18 lots, 7 of which are built out. The primary users include the New Mexican printing and distribution facility, Public Employees Retirement Association (PERA) offices, the Santa Fe Natural Tobacco Company, and the three State office buildings on the subject property. All roads, and other infrastructure, including sewer, water and stormwater facilities within the Park are private, and are maintained by the Southwest Business Park Association.

The subject property has been developed over several years by the State of New Mexico. There are three buildings on the site. One houses the State Investment Council and the other two contain offices for the Human Services Department. In keeping with a policy adopted by the State of New Mexico, the purpose of the subdivision is to allow sale of individual lots to the State so that their buildings are owned rather than leased. The applicant has stated that the three leases are due to expire at different times, which would give "the State the opportunity to purchase the buildings at different times consistent with the State funding cycles and availability of State monies allocated for the purchase of buildings."

The property was developed under a series of approvals granted by the EZC and EZA, as well as administratively by Santa Fe County. In 2000, the EZC approved a 10-lot residential subdivision that wrapped around the subject property to the north (Mutt Nelson) and west (Senda Corvo) sides. Three of the residential lots were zoned C-2 as part of the 2009 Subdivision, Platting, Planning and Zoning Ordinance (SPPAZO) to reflect the existing Kingdom Hall, Jehovah's Witness Church at 4 Mutt Nelson Road. Five residential lots have been reconfigured and reduced in size and currently wrap around the subject property. These lots are under the same ownership as the subject property on Lot 6A.

In 2008, Santa Fe County administratively approved a Final Development Plan, which added 122 parking spaces and a 50-foot landscape buffer on the north side. This and previous actions by the EZC resulted in discrepancies in lot configuration and zoning, which have recently been corrected by the City in order to allow the subdivision application to proceed. Lot lines have been adjusted to reflect actual build out and the entirety of Lot 6A is now zoned BIP.

II. ISSUES and CONDITIONS OF APPROVAL

The main issue raised at the Early Neighborhood Notification meeting held on March 15, 2013, and attended by approximately 8 members of the public, was landscape development. Neighbors in the Mutt Nelson area were aware of the build out on the property, which had taken place over several years beginning in 2004 and substantially completed by 2007. Their main concern was that landscape buffers, approved with the original plans, had not been installed.

A. Landscape

A Landscape Plan was approved with the original development, but was never fully implemented. Subsequent approved changes to the site plan made full compliance with the original design not possible. Since discussion of the current subdivision began, the applicant hired the Santa Fe Landscape Architecture firm Surroundings to analyze built conditions and propose a new landscape plan, meeting both the original design and current standards as much as possible. This plan, included with this submittal, has been reviewed and approved by the Land Use Department. See Memorandum by Noah Berke, A-1, attached. The primary issue remaining, is timing of the installation. The applicant has the following options for compliance: 1) they can install the landscape now and as currently approved; 2) they can provide a financial guarantee for installation in the Spring of 2014; or 3) they can provide an executed contract for that installation, to include a 10% contingency as is typically required.

B. Water

The property is currently served by the Santa Fe County Water Utility. As part of the Annexation Agreement between the City and County, the water system will be transferred to the City. At that time, the users will become customers of the City. The applicant has provided 'As-Built's to the City's Water Division as requested. Transfer of the water system will occur as part of the Annexation and is unrelated to the matter of the subdivision.

C. Wastewater

The property is currently served by a private gravity-flow wastewater system that carries flow to an off-site lift station and then by force main to a manhole located at the corner of Mutt Nelson and the I-25 frontage road, where it connects to the City's wastewater system. This infrastructure is owned and maintained by the owners' association. UEC and hook-up fees were paid to the City by the original developer of the property. Subdivision of the property will have no bearing on the operation of the wastewater system or its relation to the City's system.

D. Fire

The Fire Marshal has stated that he will accept the existing build-out as it is for the purposes of access, but did request fire flow calculations in order to determine that there is sufficient fire flow to meet fire suppression needs. This information has been provided and is attached to this report as Exhibit D-3. It includes the location of four fire hydrants on the site.

E. Traffic

The Traffic Division has no comments on the proposed subdivision. The roads within the Southwest Business Park are private and will remain private. It is not anticipated that the City will take over the roads in connection with the Phase 2 Annexation.

F. Other

Overdevelopment of the office buildings on Lot 6A resulted in the reduction of lot sizes of the immediately adjacent residential lots. This happened in part because of common ownership of 6A and the residential lots, which remain in the same ownership at this time. The Land Use Department recommends as a condition of approval of the subdivision that the owners agree that a condition be placed on the plat requiring residential construction on Lots 2, 3, 4, 5 and 6 be site built and that this condition remain with those lots in perpetuity, regardless of any future change in ownership.

This condition is proposed as a concession to adjacent residential lot owners, who were originally assured of landscape buffers from the non-residential uses. This landscape was never installed. Rather, the non-residential uses expanded beyond their originally approved boundaries, and in so doing, diminished the residential properties in size and in value.

III. CONCLUSION AND CONDITIONS OF APPROVAL

The proposed subdivision is supported by all reviewers with two conditions of approval recommended by the Land Use Department.

- 1) Landscape improvements shall be installed no later than Spring 2014. Options for accomplishing this end are as noted in paragraph II. A above; and
- 2) The owners shall agree to a condition on the plat that residential construction on Lots 2, 3, 4, 5 and 6 shall be site-built.

IV. ATTACHMENTS

EXHIBIT A: Development Review Team Memoranda

1. Technical Review Division, Landscape memorandum – Noah Berke
2. Water Division memorandum – Antonio Trujillo
3. Wastewater Management Division memorandum – Stan Holland
4. Fire Marshal memorandum – Rey Gonzales
5. Solid Waste Division form – Randall Marco
6. Traffic Engineering Division memorandum – John Romero
7. Technical Review Division, City Engineer memorandum – Risana Zaxus

EXHIBIT B: Maps

1. Vicinity Map and Zoning
2. 2011 Aerial View

EXHIBIT C: ENN Notes

EXHIBIT D: Applicant Materials

1. Letter of Application
2. Letter to Fire Marshal
3. Applicant's Subdivision Report

EXHIBIT A

DEVELOPMENT REVIEW TEAM MEMORANDA

City of Santa Fe, New Mexico

memo

DATE: October 25, 2013
TO: Tamara Baer, Planner Manager
FROM: Noah Berke, CFM, Planner Technician Senior
SUBJECT: Request for Additional Submittals for Case #2013-103, Lot 6A, Plaza la Prensa, Southwest Business Park Preliminary Subdivision Plat

Below are comments for the Plaza la Prensa Southwest Business Park Preliminary Subdivision request. These comments are based on documentation submitted September 30, 2013:

- **Provide a Financial Guarantee to secure the landscaping improvements. Provide a cost estimate by licensed engineer or architect that has a cost breakdown for all proposed landscape including installation. This document should be stamped, signed, and dated by the engineer or architect.**
- **Provide timeframe for when landscape improvements will be completed.**
- **It will be required that permit for landscape improvements is obtained and that final inspection is given for landscape.**
- **Show how trail or "walking path" along west edge of property will connect to trails on adjoining properties. Specifically, how will it connect on southwest edge of property.**

City of Santa Fe
memo

DATE: October 16, 2013

TO: Tamara Baer, Land Use Planner, Land Use Department

FROM: Antonio Trujillo, *A* Water Division Engineer

SUBJECT: Case #, 2013-103. Lot 6A, Plaza la Prensa, Southwest Business Park
Preliminary Subdivision Plat.

The property is served by the County Water Utility. The information exchange with the County is not complete therefore an analysis of the existing system cannot be performed at this time. Fire protection requirements are addressed by the Fire Department.

City of Santa Fe, New Mexico

memo


DATE: October 7, 2013
TO: Tamara Baer, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2013-103 Lot 6A, Plaza la Prensa Southwest Business Park Preliminary plat

The subject properties are accessible to the City sanitary sewer system through a private on-site sewer system that pumps to a nearby City public manhole in Mutt Nelson Road:

The Wastewater Division has no additional comments for the applicant to address at this time

City of Santa Fe, New Mexico

memo

DATE: October 16, 2013
TO: Case Manager: Tamara Baer
FROM: Reynaldo D Gonzales, Fire Marshal 
SUBJECT: Case #2013-103 Lot 6A, Plaza la Prensa

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. This department needs fire flow calculations for the existing buildings and if there is sufficient water supply to meet these calculations.

Prior to any new construction or remodel these conditions would apply

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Shall meet fire department access which would require more than one fire apparatus access road as per IFC 2009 Edition section D104.2

“Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.”

3. Shall meet requirements for second access roadway as per IFC 2009 section D104.3.

“Where two access roads are required they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served”.

4. Shall meet water supply requirements as per IFC 2009 Edition.

BAER, TAMARA

To: MARCO, RANDALL V.
Subject: RE: Plaza la Prensa, Southwest Business Park Preliminary Subdivision Plat

From: MARCO, RANDALL V.
Sent: Tuesday, October 15, 2013 3:10 PM
To: BAER, TAMARA
Subject: RE: Plaza la Prensa, Southwest Business Park Preliminary Subdivision Plat

Tamara,
Service for these building for commercial refuse is still to be determined due to the annexation.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

BAER, TAMARA

From: KASSENS, SANDRA M.
Sent: Tuesday, October 15, 2013 3:17 PM
To: BAER, TAMARA
Cc: ROMERO, JOHN J
Subject: Lot 6A, Plaza la Prensa Preliminary Subdivision Plat

Tamara,
The Traffic Engineering Division has no comments on the Preliminary Subdivision Plat of Lot 6A, Plaza la Prensa, case # 2013-103.

*Sandra Kassens
Traffic Engineering Division
Public Works Department
City of Santa Fe
PO Box 909
Santa Fe, New Mexico 87504*

*Phone: 505-955-6697
Fax: 505-955-6439*

City of Santa Fe, New Mexico

memo

DATE: October 15, 2013

TO: Tamara Baer
Case Manager

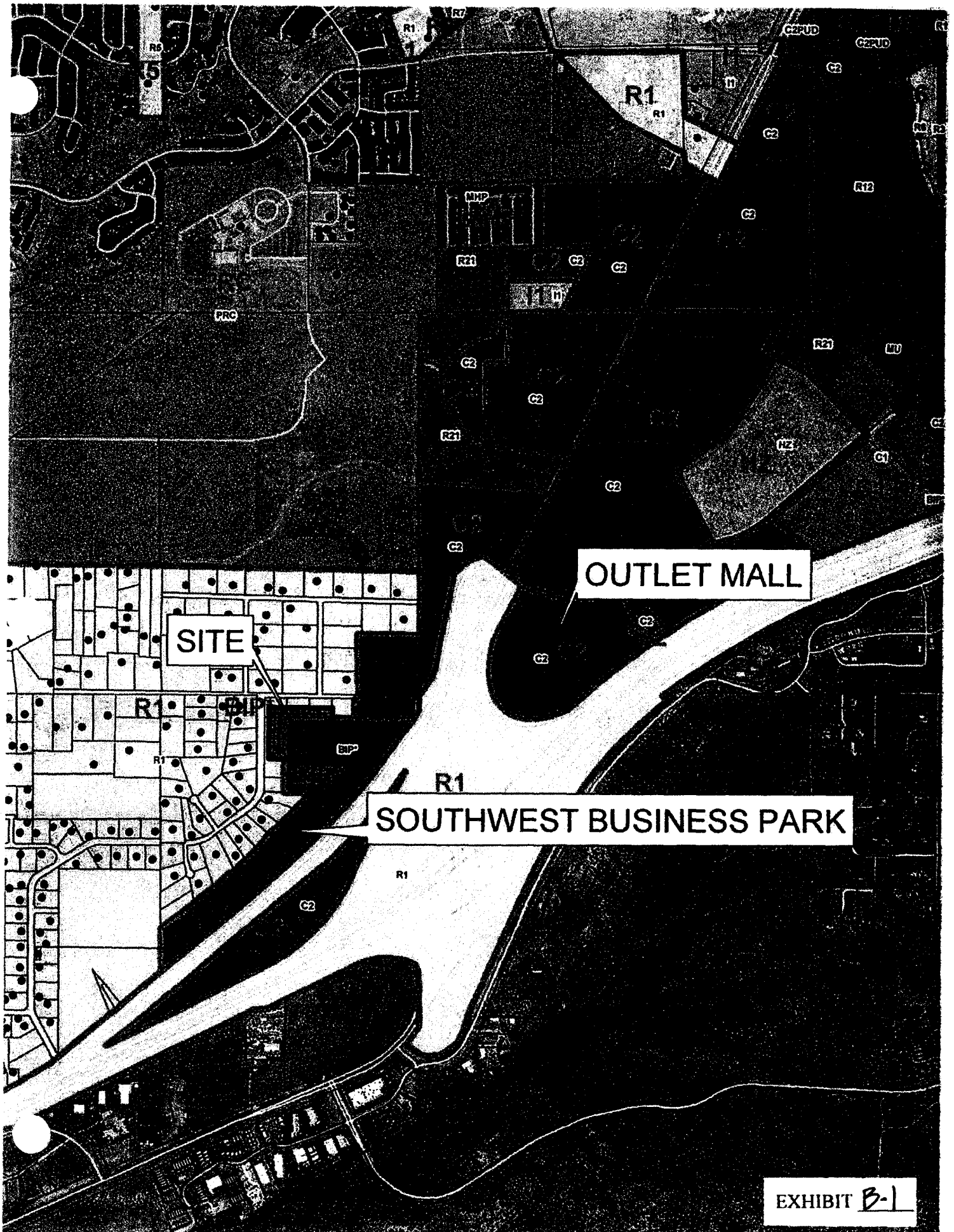
FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department

RE: Case # 2013-103
Lot 6A, Plaza la Prensa, Southwest Business Park
Preliminary Subdivision Plat

I have no review comments on this case.

EXHIBIT B

MAPS



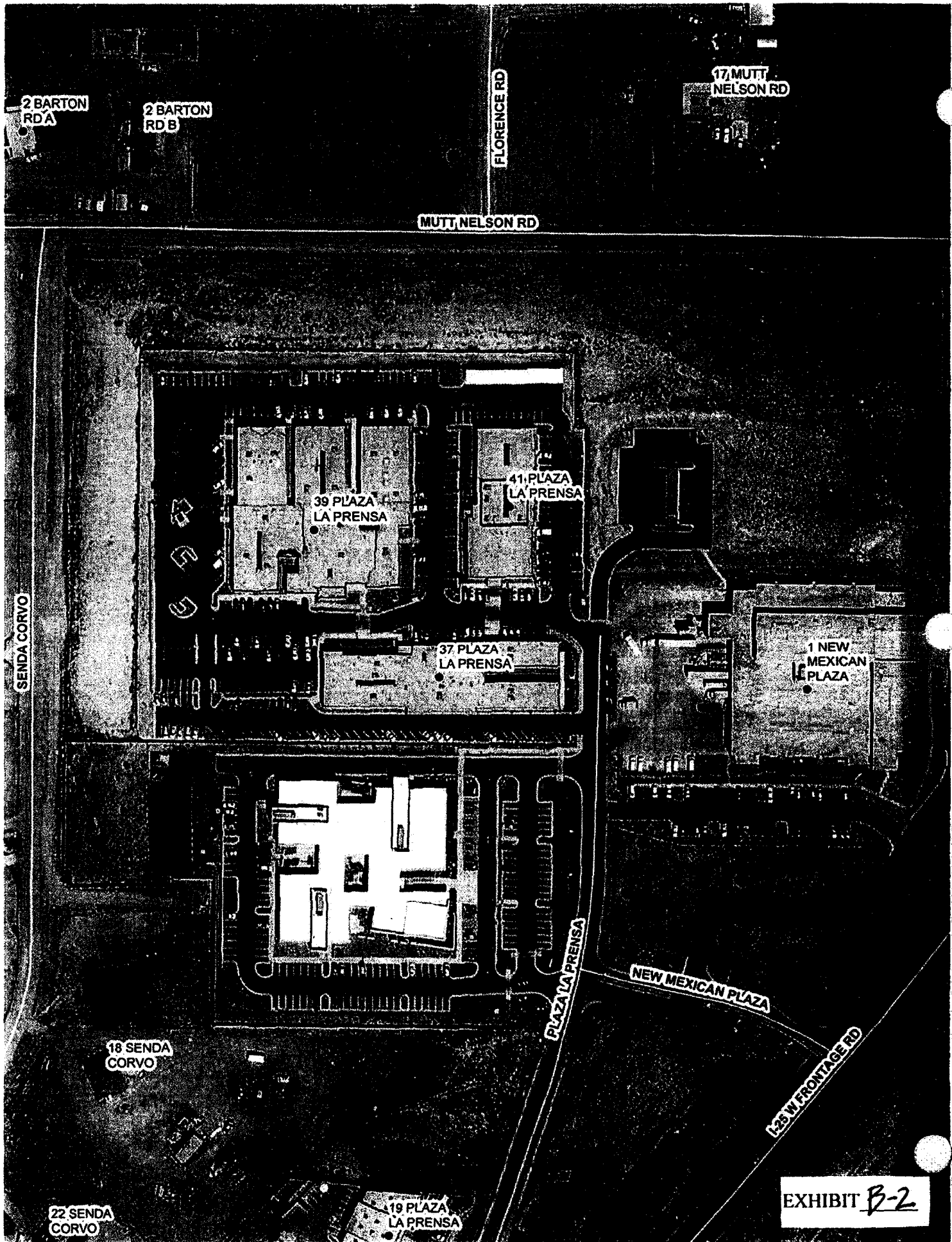


EXHIBIT B-2

EXHIBIT C

ENN NOTES



City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	Southwest Business Park
<i>Project Location</i>	37, 39 and 41 Plaza La Prensa, near the I-25 West Frontage Rd.
<i>Project Description</i>	3 Lot Subdivision of Lot 6A within the Southwest Business Park
<i>Applicant / Owner</i>	Carmel LLC, Final LLC, SF South LLC, and State Properties of New Mexico LLC
<i>Agent</i>	Victoria Dalton for James W. Siebert and Associates, Inc.
<i>Pre-App Meeting Date</i>	March 15, 2013
<i>ENN Meeting Date</i>	May 15, 2013
<i>ENN Meeting Location</i>	South Side Library
<i>Application Type</i>	Preliminary Subdivision Plat
<i>Land Use Staff</i>	Tamara Baer
<i>Other Staff</i>	
<i>Attendance</i>	Eight members of the public

Notes/Comments:

Tamara Baer, Current Planning Division Manager, explained the status of the property under consideration, updated the neighbors in attendance on the City's annexation process and phasing, and presented the Subdivision review procedures.

The property lies within the next phase of City-initiated annexation, which should be complete by the end of 2013.

The property is approximately 6 ½ acres and is fully built out. There are three office buildings on the single lot. They are currently leased to three different State agencies.

Victoria Dalton, representing Siebert and Associates, explained that the proposal was to divide a single commercial lot, currently under one ownership, into three smaller lots so that each could potentially be separately owned.

Neighbors in attendance had concerns that the proposed project intended to eliminate the residential lots that had been created as a buffer to other residential lots on Mutt Nelson and Senda Corvo. They were relieved to hear that those lots were to remain residential. There was discussion of water and sewer accessibility. CityThe property is served by a private sewer system. It was noted with some concern that the residential lots, which are all currently undeveloped, were too small to meet State of New Mexico Environment Department standards for $\frac{3}{4}$ acre minimum lot size for septic systems. It was noted that that there are numerous private wells and septic systems in the immediate vicinity.

There was discussion of the original landscape plan that was never implemented. City staff assured the residents that installation of the required landscape, plus any additional landscape requirements of City Code, would be a requirement of the subdivision approval.

The meeting adjourned at approximately 6:15 pm.

EXHIBIT D

APPLICANT MATERIALS



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

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

September 30, 2013

Tamara Baer
Current Planning Division
Division Manager
P.O. Box 909
Santa Fe, NM 87504

Re: Preliminary Subdivision Plat within the Southwest Business Park

Dear Ms. Baer,

On behalf of Carmel LLC, Final LLC, SF South LLC., and State Properties of NM LLC, I am submitting a preliminary three lot subdivision plat for review by the Planning Commission. The subdivision is to create three commercial lots on a tract of land which currently contains three separate commercial buildings that are currently leased to the State of New Mexico.

The property is located at 37 Plaza La Prensa, within the Southwest Business Park, located south of Mutt Nelson and is within Phase 2 of the Presumptive City limits scheduled for annexation early 2014.

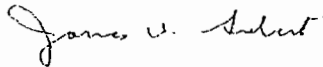
Tamara Baer
Subdivision request
September 30, 2013
Page 2 of 2

Included with this application are the following items:

- Application fee in the amount of \$430.00
- Completed application
- Six copies of six sheet plan set in a 24 x 36 format
- Six copies of the subdivision report

Please schedule this request to be heard by the Planning Commission on their meeting of November 7, 2013.

Sincerely,



James W. Siebert

Xc: David Sparks
Jan Ahern



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

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

MEMORANDUM

Date: October 16, 2013

To: Rey Gonzales, Fire Marshal

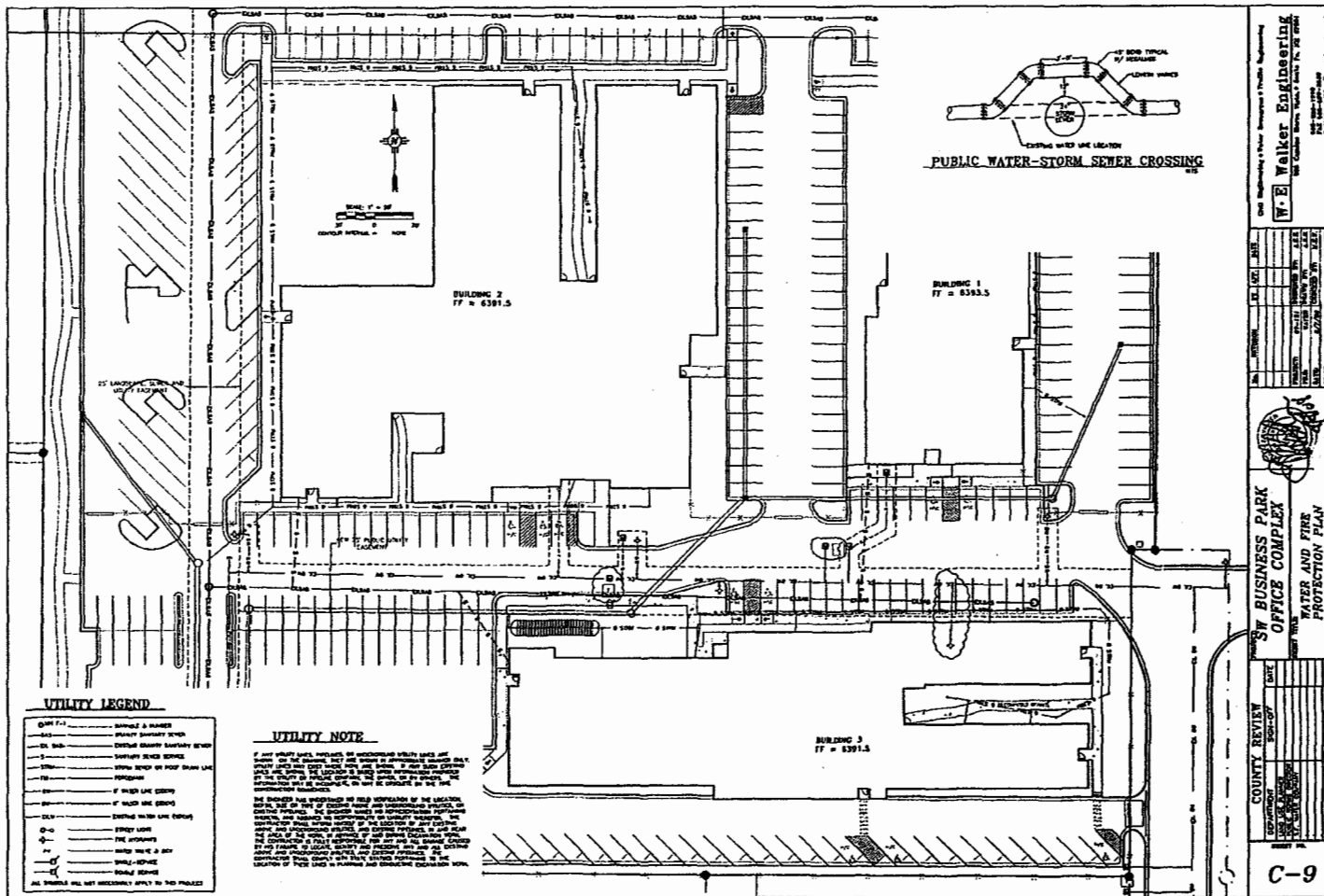
From: Jim Siebert

Re: Southwest Business Park

This memorandum provides information that you may not have on the three buildings in the Southwest Business Park that are part of Case # 2013-103, a three lot subdivision. The property and three buildings are served by the County Water system including the hydrants that have been installed within the Park. A plan is enclosed showing the location of the four fire hydrants and loop water line that serve the Southwest Business Park. This water system which is currently owned and maintained by the County will be turned over to the City. It is my understanding that Antonio Trujillo has just received the plans for this water system and other County water systems to be delivered to the City and he has not had the opportunity to review the plans.

The other issue that you are not aware of is that Building B, consisting of 34,304 square feet is sprinklered and the Santa Fe County Fire Department approved the sprinkler system. The fire line into Building B is shown on the engineering plans that I am sending in a PDF format. Given the information provided above it is my understanding that the Uniform Fire Code 2009 does not require a secondary access. I assume that Antonio Trujillo can run a fire flow evaluation once he has the opportunity to review the County water plans.

Xc: David Sparks
Tamara Baer



**LOT 6A
SUBDIVISON
REPORT
WITHIN THE
SOUTHWEST
BUSINESS
PARK**

**PREPARED FOR FINAL
LLC., SF SOUTH LLC.,
STATE PROPERTIES LLC.,
& CARMEL LLC**

**PREPARED BY
JAMES W. SIEBERT & ASSOC., INC**

SEPTEMBER 30, 2013

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OWNERSHIP AND LEGAL LOT OF RECORD

This 6.535 acre property is owned by, Carmel LLC., SF South LLC., and Final LLC. The warranty deed for the property is provided as Appendix A to this report. The legal lot of record is based on a Lot Line Adjustment Plat recorded in Book 762, Page 31 of the Office of the Santa Fe County Clerk. A reduction of this plat is found in Appendix B.

HISTORICAL CONTEXT, ZONING AND JURISDICTIONAL STATUS

The subject tract of land is located within the Southwest Business Park which was developed in the late 1990's. This development request sits at the northeastern end of the Park adjacent to the New Mexican offices and production facilities. The entire Park is located within the Presumptive City Limits and is therefore under the City of Santa Fe regulatory control.

The property was permitted under extraterritorial jurisdiction and is currently located within the Presumptive City Limits but has not been annexed by the City. It is anticipated that at the beginning of 2014 the City should have completed the annexation of most of the urban area which will then make this property subject to City gross receipts tax and eligible for City services.

The City application of zoning was applied to the property in 2008 in conformance with the Settlement Agreement between the City and County. The lot is currently zoned BIP, Business and Industrial Park.

PROJECT LOCATION AND CURRENT USE OF THE PROPERTY

This subdivision is one of several tracts of land within the Southwest Business Park located on the I-25 west frontage road. Figure 1 describes the location of this property, which currently is located in Santa Fe County. All infrastructure has been constructed within the Southwest Business Park including interior roads and improvements to the frontage road for access to the Park. Three buildings have been constructed within the proposed subdivision. These buildings are currently being leased and occupied by the following state agencies.

- Human Services Department
- State Investments Council
- Human Services Behavioral Health

LOT 6A SUBDIVISION SWBP

1

SEPTEMBER 30, 2013

ACCESS AND TRAFFIC CIRCULATION

There is a private road that provides access to the three buildings on this property and New Mexican offices and production facilities. The name of this roadway is Plaza La Prensa. Unless another arrangement is worked out with the City, this road will continue to be maintained by the Southwest Business Park Association after the property is annexed.

Improvements have been completed to the I-25 west frontage road including a left turn lane and a southbound deceleration lane. No further improvements to the I-25 west frontage road are needed in order to accommodate the full development of the Business Park.

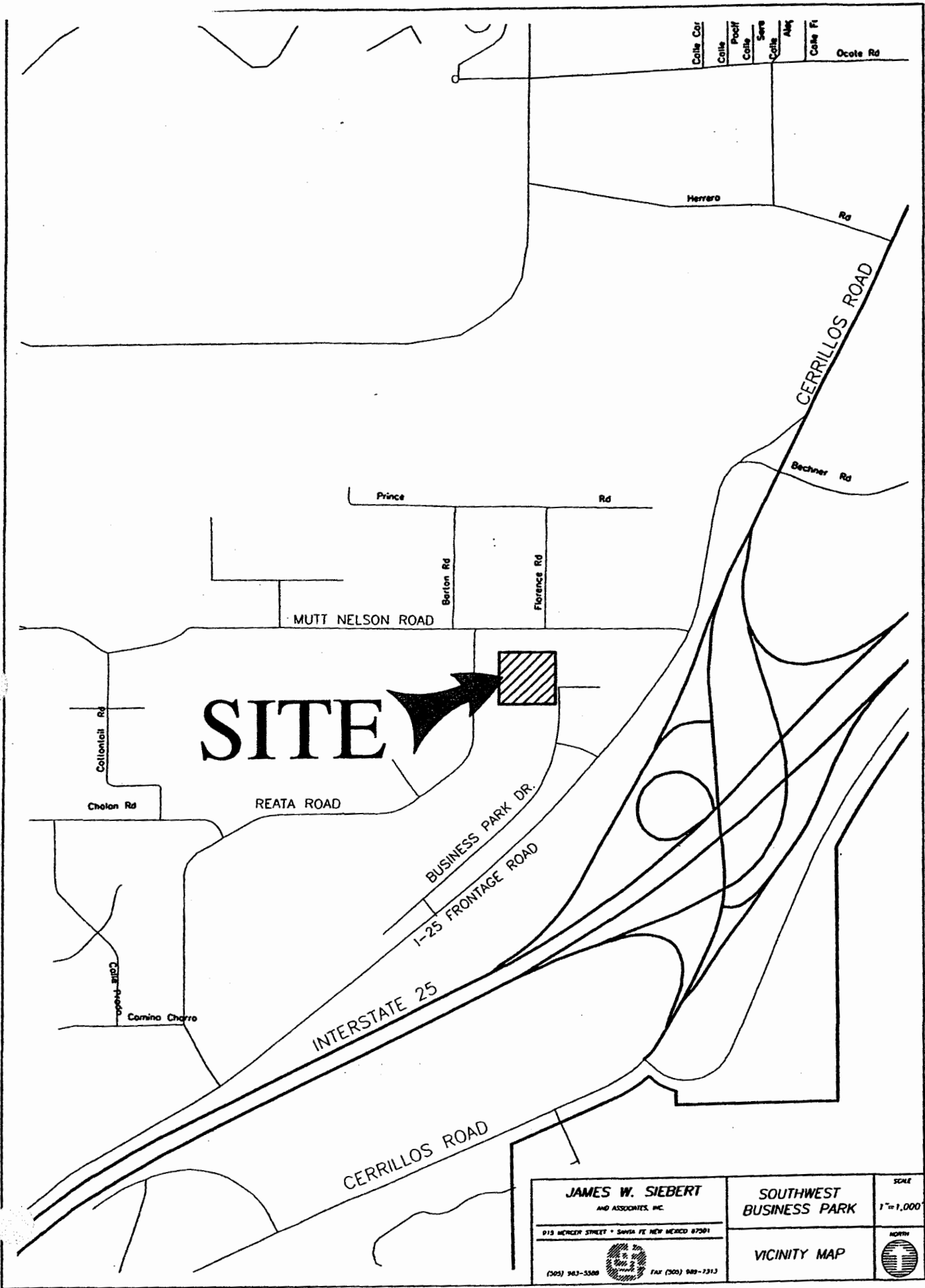
WATER AND SEWER SERVICE

The Southwest Business Park is currently served by County water. As part of the annexation of this land into the City the water system will be transferred from the County to the City. The responsibility for maintenance and billing for the water system will be transferred to the City after the City initiated annexation is completed. City gravity flow sewer begins at the intersection of Mutt Nelson Road and the I-25 west frontage road. Upon completion of the annexation this sewer line that extends from the above intersection to a City sewer main on the west side of the Arroyo de los Chamisos will become the property of Santa Fe. The City will be responsible for maintaining this sewer line.

The buildings within this development are served by a private sewer system that is a gravity flow sewer system carrying effluent to a lift station that is off-site from the subject tract. The lift station carries effluent by force main to the manhole that is located at the corner of Mutt Nelson Road and the I-25 west frontage road intersection. The gravity sewer within the boundaries of this tract, the lift station and the force main will continue to be operated and maintained by the Association. The original developer has previously paid the UEC and hookup fees to the City.

MAINTENANCE OF COMMON FACILITIES

The roads are private within the Southwest Business Park maintained by the Southwest Business Park Association. The sewer system and drainage structures are also private and are maintained by the Southwest Business Park Association. The Association is responsible for maintaining the central storm water pond located within the Park serves as the collection of storm water from this tract of land, the PERA building and the New Mexican facilities.



JAMES W. SIEBERT AND ASSOCIATES, INC. 013 MERCER STREET • SANTA FE, NEW MEXICO 87501 (505) 363-5500 FAX (505) 989-7313	SOUTHWEST BUSINESS PARK	SCALE 1" = 1,000'
	VICINITY MAP	NORTH

WATER AND SEWER

This tract is served with water by the Santa Fe County Utilities Department. Upon annexation by the City the water system will be turned over to the City of Santa Fe at which point the tenants on this lot will become customers of the Santa Fe City Water Division. The property is served by a private sewer system. Wastewater is collected within this lot and is carried to a private lift station located outside the boundary of this tract. The lift station pumps the effluent up to a manhole located at the Mutt Nelson Road and I-25 frontage road intersection. This manhole is part of the City sewer system. The interior sewer system will remain private even after the City annexes the land within the phase 2 of the scheduled annexation.

LANDSCAPE

A landscape plan was submitted to the Extraterritorial boards. Some of the landscape that was shown on the approved landscape plan was not installed. A revised landscape plan is submitted with this application in order to bring the landscape design more into compliance with City regulations. That is the reason that landscape plans are included along with the plat for this subdivision.

PARKING

The parking layout complies with security controls that are imposed on governmental buildings. There is a public parking area where only the public is permitted. Entrances to each of the buildings are controlled at the points that the public is permitted to enter the buildings from the parking lot. Employee parking takes place on the site behind secure gates. A parking evaluation plan is provided as part of the drawings submitted with the application. This plan reflects the current parking layout and to some minor degree differs from the approved final development plan. An evaluation of the parking provided and parking required is shown on the parking evaluation plan.

Lots 6A-1 and 6A-2 have been aggregated since there is shared parking between the two lots and they are isolated from Lot 6A-3 by the public parking. The parking evaluation which is submitted as part of the plan set indicates that there is a surplus of parking for this development. This is supported by field observation which indicates that many parking spaces remain unoccupied during the day.

A draft reciprocal parking agreement has been prepared which allows for shared parking between the buildings. This reciprocal parking agreement is included in the report as Appendix C.

REASONS FOR THE SUBDIVISION

State government has adopted a policy that recommends where financially practical that state agency buildings should be owned by the State rather than leased. It has been determined by State economic studies that purchase of buildings results in savings of hundreds of thousands of dollars over the life of a building. Given the fact that different state agencies lease different buildings within the proposed subdivision and other State agencies may occupy the buildings over the next few years it seemed reasonable to divide the property into three lots. With the leases expiring at different times this gives the State the opportunity to purchase the buildings at different times consistent with the State funding cycles and availability of State monies allocated for the purchase of the buildings.

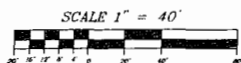
LOT 6A SUBDIVISION SWBP

5

SEPTEMBER 30, 2013

LEGEND

- DENOTES POINT FOUND AND SET BY SURVEYOR
- DENOTES NO. 5 METAL NAIL/CLIP SET BY SURVEYOR, UNLESS NOTED OTHERWISE
- DENOTES POWER POLE
- DENOTES EXISTING CONDUIT OFFICE BRUSH CAP
- DENOTES CALCULATED POINT
- DENOTES POWER LINE
- DENOTES FENCE LINE
- DENOTES LIGHT POLE
- DENOTES SERVICE WIRELINE
- DENOTES ASSESSMENT
- DENOTES POWER POLE



GRAPHIC SCALE

Utilities

US West Communications _____ Date _____ Public Service Company of New Mexico _____ Date _____

City of Santa Fe _____ Date _____ Sangre de Cristo Water Company _____ Date _____

Approved by the City of Santa Fe Planning Commission Meeting Of _____ Date _____

Chairman _____ Date _____

Secretary _____ Date _____

Approved by the City of Santa Fe _____

City Engineer for Land Use _____ Date _____

City Planner _____ Date _____

OWNER CONSENT

I, Ernest R. and Rosalie R. Kavanagh, OWNERS/PROPRIETORS OF THE LAND SHOWN HEREON DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF SAID TRACT OF LAND AND THAT THE TRACTS CREATED BY THIS PLAT ARE CREATED WITH MY FREE CONSENT AND IN ACCORDANCE WITH MY DESIRES. EASEMENTS ARE DRAWN AS SHOWN.

ERNEST R. KAVANAUGH _____ ROSALIE R. KAVANAUGH _____

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) SS

THE FORE GOING INSTRUMENT WAS ACKNOWLEDGE BEFORE ME THIS _____ DAY OF _____, 2013, BY Ernest R. and Rosalie R. Kavanagh

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

NOTE: The property described is located within Zone "X" (outside the 500 year flood plain) as shown on the Federal Emergency Management Agency flood insurance rate map No. 25049C0413E.

NOTE: The basis of bearing for this survey is taken from a survey entitled "Lot Split Of Tract A-2, Ulrickson Plats For Grace Inc.", prepared by Philip B. Wiegel, NMPM No. 9958, dated December 5, 1994 and recorded with the Santa Fe County Clerk on December 20, 1995, Book 323, Page 016.

NOTE: This property is subject to all easements of record.

REFERENCED DOCUMENTS:

1. Warranty Deed to Ernest R. and Rosalie R. Kavanagh, recorded with the Santa Fe County Clerk on March 17, 1988, Book 1487, Page 061.
2. Survey Plat entitled "Lot Split Of Tract A-2, Ulrickson Plats For Grace Inc.", prepared by Philip B. Wiegel, NMPM No. 9958, dated December 5, 1994 and recorded with the Santa Fe County Clerk on December 20, 1995, Book 323, Page 016.
3. Warranty Deed to Ernest R. and Rosalie R. Kavanagh, recorded with the Santa Fe County Clerk on May 13, 2003, Book 3322, Page 420-427.
4. Survey Plat entitled "Plat of Family Transfer Land Division for Thomas M. and Darlene E. McWhorter", prepared by Philip B. Wiegel, NMPM No. 9958, dated September 3, 2002 and recorded with the Santa Fe County Clerk on February 27, 2003, Book 329, Page 008.
5. Warranty Deed to Elia United Methodist Church, recorded with the Santa Fe County Clerk on December 11, 1987, Book 338, Page 969-970.
6. Warranty Deed to Gabriel A. and Virginia V. Romero, recorded with the Santa Fe County Clerk on May 26, 1988, Book 1495, Page 084.
7. Survey Plat entitled "Plat of Survey Lot Split for Purposes of Family Transfer for Richard and Marilyn Ulrich", prepared by Allen C. Grace, NMPM No. 12443 dated February 7, 1987 and recorded with the Santa Fe County Clerk on April 25, 1987, Book 360, Page 036.
8. Deed to Vivian Dougherty, recorded with the Santa Fe County Clerk on Book 84, page 22.
9. Survey Plat entitled "Replat and Final Subdivision for Mission Vieja Subdivision", prepared by Richard A. Chiffoleau, NMPM No. 11011 dated August 1, 2001 and recorded with the Santa Fe County Clerk on January 30, 2003, Book 322, Page 063-026.

City of Santa Fe Notes and Conditions:

NOTICE: This subdivision has been approved pursuant to the inheritance and family transfer provisions of the Santa Fe City Code. Procedures for subdivision improvements are significantly different than for other types of subdivisions. No sale or lease of any lot designated on this subdivision plat shall occur within three years of the date this transfer is legally made. Any person intending to purchase a lot within this subdivision should contact the City of Santa Fe Land Use Director. Requests for construction permits on illegally sold lots shall be denied.

The Lands shown hereon lie within the Planning and Platting Jurisdiction of the City of Santa Fe.

Maintenance of private access easement (all weather drivable surface), is not the responsibility of the City of Santa Fe, unless dedicated and accepted for maintenance by the City of Santa Fe Public Works Department and the City Planning Commissioners.

The approval of this plat does not constitute the approval of any further development including building permits. All standard county permits and fees must be in place prior to commencement of construction activity of any kind. Development permits for building construction will not be issued until required improvements for roads, fire protection, terrace management, and drainage are completed and approved.

The Tracts created by this plat cannot be sold for period of 3 years after final approval.

No further subdivision of these tracts created herein shall be approved as per current zoning requirements.

Mobile homes not allowed on these tracts.

The tracts shall have individual utility service meters.

No water wells withdrawn on these tracts shall be allowed.

These tracts shall have individual connections to water and sewer systems.

Water Division Note: A main extension is required to serve the resulting Lot 2 and Lot 3 from Governor Miles Road. Water Fire Protection requirements are addressed by the Fire Department at the time of building permit application.

Water Management/Public Works Division Note: Connection to the public sewer system is mandatory when the property is in the city limits and is being developed or improved and is accessible to the City sewer system. Prior to the development or improvement of the property, owners/developers of the property shall obtain a technical sewer evaluation by the City of Santa Fe Waste Water Division.

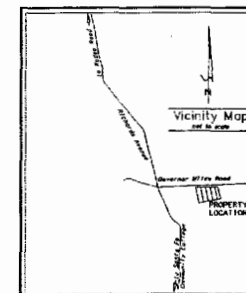
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS AN ACCURATE DELINEATION OF A SURVEY COMPLETED ON JULY 10, 2013 AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY MEETS THE MINIMUM REQUIREMENT OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

AARON H. GARCIA, N.M.P.M. No. 9975, DATE _____
P.O. BOX 1502, SANTA FE, NEW MEXICO 87504-1502

FAMILY TRANSFER LAND DIVISION PLAT for
ERNEST R. and ROSALIE R. KAVANAUGH
SW 1/4, SW 1/4 Section 9, Township 16 North, Range 9 East, NMPM
WITHIN THE CITY OF SANTA FE
SANTA FE COUNTY, NEW MEXICO

PURPOSE STATEMENT: THIS PLAT CREATES 3 RESIDENTIAL LOTS
NO FURTHER SUBDIVISION OF THESE TRACTS ALLOWED



PARCEL CODE 1-051-095-061-110

Indexing Information for Santa Fe County

FAMILY TRANSFER LAND DIVISION PLAT for
ERNEST R. and ROSALIE R. KAVANAUGH
SW 1/4, SW 1/4 Section 9,
Township 16 North, Range 9 East, NMPM
WITHIN THE CITY OF SANTA FE
SANTA FE COUNTY, NEW MEXICO

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) SS

I hereby certify that this instrument was
for record on the _____ day of _____, A.D.
20____, at _____ o'clock _____ m., and was
 duly recorded in Book _____, Page _____
of the records of Santa Fe County.
Witness my hand and Seal of Office

County Clerk, Santa Fe County, New Mexico

DEPUTY

Drawn by: A.H.G.	DATE: June / July 2013		AARON H. GARCIA SURVEYING	Owner(s)	Location
Checked by: A.H.G.	SCALE: 1 inch = 40 feet	SHEET NO. 1 of 2	AARON H. GARCIA PROFESSIONAL SURVEYOR P.O. Box 1502 Santa Fe, New Mexico 87504-1502 Phone # (505)980-0830	Owner(s): Ernest & Rosalie Kavanagh	Located within the SW1/4, SW1/4 S. 9, T16N, R9E, NMPM Santa Fe County, New Mexico

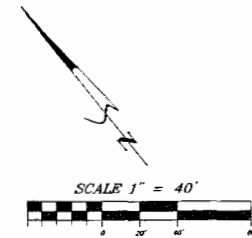
Lot 15B-2
n/f Gabriel A. Romero
Virginia V. Romero

Lot 13A
n/f Vivian Daughtry Lentz

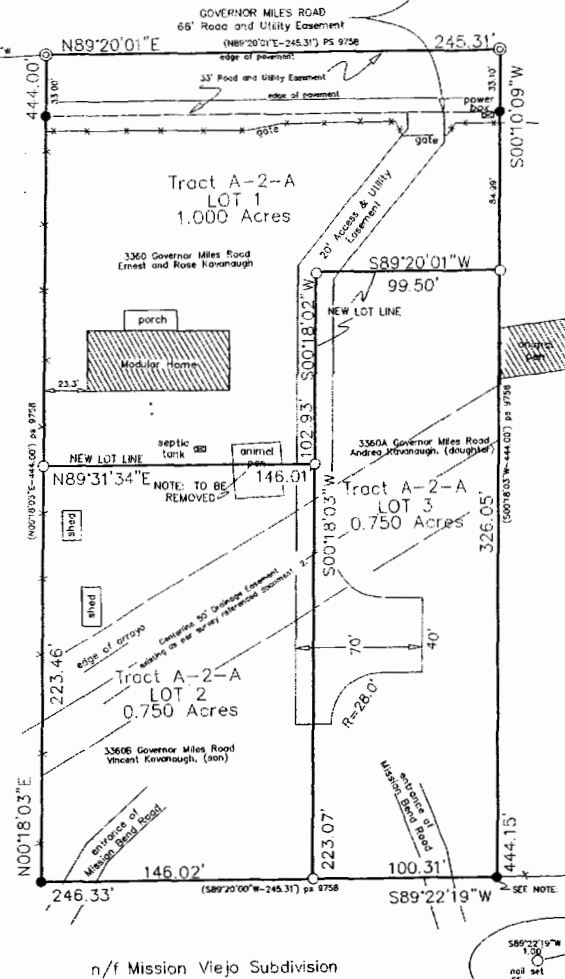
FAMILY TRANSFER LAND DIVISION PLAT for
ERNEST R. and ROSALIE R. KAVANAUGH
SW 1/4, SW 1/4 Section 8, Township 16 North, Range 9 East, NMPM
WITHIN THE CITY OF SANTA FE
SANTA FE COUNTY, NEW MEXICO

PURPOSE STATEMENT: THIS PLAT CREATES 3 RESIDENTIAL LOTS
NO FURTHER SUBDIVISION OF THESE TRACTS ALLOWED

NOTICE: This subdivision has been approved pursuant to the inheritance and family transfer provisions of the Santa Fe City Code. Procedures for subdivision improvements are significantly different than for other types of subdivisions. No sale or lease of any lot designated on this subdivision plat shall occur within three years of the date this transfer is legally made. Any person intending to purchase a lot within this subdivision should contact the City of Santa Fe Land Use Director. Requests for construction permits on illegally sold lots shall be denied.



n/f Zion United Methodist Church



Lot A-2-B1
n/f Ernest A. Kavanaugh
Mercedes C. Kavanaugh

NOTE:
TRACT A-2-A, LOT 1: Ernest R. Kavanaugh, Rosalie R. Kavanaugh
TRACT A-2-A, LOT 2: Vincent Kavanaugh, (son)
TRACT A-2-A, LOT 3: Andrea Kavanaugh, (daughter).

SURVEYORS CERTIFICATION
I HEREBY CERTIFY THAT THIS IS AN ACCURATE DELINEATION
OF A SURVEY COMPLETED BY ME OR MY DEPUTY, JULY 2013, AND IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY
MEETS THE MINIMUM REQUIREMENT OF THE STANDARDS FOR LAND
SURVEYS IN NEW MEXICO.

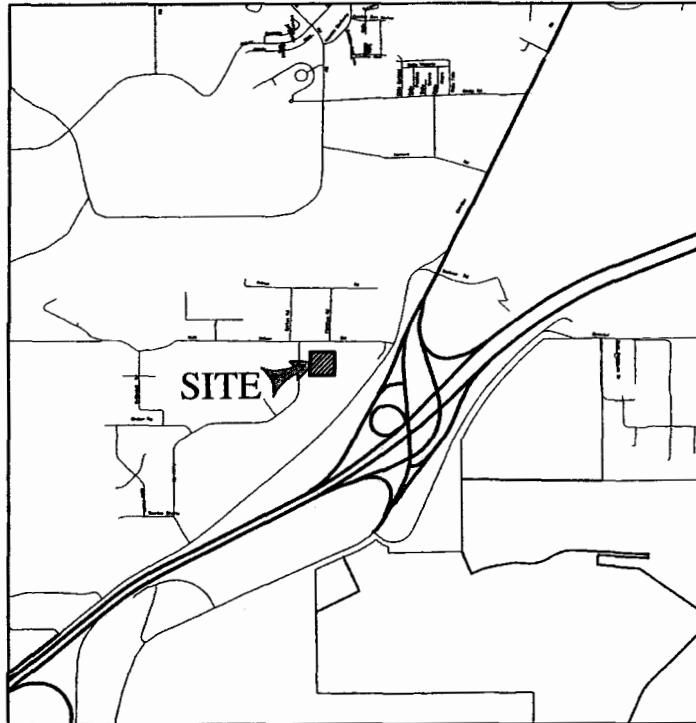
AARON H. GARCIA, N.M.S. # 9979 DATE
P.O. BOX 1502
SANTA FE, NEW MEXICO 87504-1502

NOTE: A
not to scale
Found Survey Cap
NMPM 9750
not set
SE cor.
Tract A-2-A
Lot 3

Drawn by: A.H.G.	DATE: JUNE/JULY 2013	AARON HOWARD GARCIA SURVEYING AARON HOWARD GARCIA PROFESSIONAL SURVEYOR P.O. Box 1502 Santa Fe, New Mexico 87504-1502 Phone # (505) 882-5830	Owner(s) Ernest R. & Rosalie R. Kavanaugh	Location Located within the City of Santa Fe Santa Fe County, New Mexico
Checked by: A.H.G.	SCALE: 1 inch = 40 feet	SHEET NO. 2 of 2		

SOUTHWEST BUSINESS PARK

3 LOT SUBDIVISION



VICINITY MAP
1" = 1,000'

TOWNSHIP 16 N, RANGE 9 E, SECTIONS 19

OWNERS:

CARMEL LLC & FINAL LLC
C/O DAVID SPARKS
5620 VIVENCE AVE NE, SUITE J
ALBUQUERQUE, NM 87113
(505) 268-9742

CONSULTANTS:

JAMES W. SIEBERT AND ASSOCIATES
PLANNING CONSULTANT
915 MERCER STREET
SANTA FE, NM 87505
(505) 983-5588
(505) 989-7313 FAX

RICK CHATROOP
SURVEYOR
110 WAGON TRAIL RD
CERRILLOS, NM 87010
(505) 470-0037



REMARKS:

THE SUBDIVISION IS TO CREATE THREE COMMERCIAL LOTS ON A TRACT OF LAND WHICH CURRENTLY CONTAINS THREE SEPARATE COMMERCIAL BUILDINGS THAT ARE CURRENTLY LEASED TO THE STATE OF NEW MEXICO.

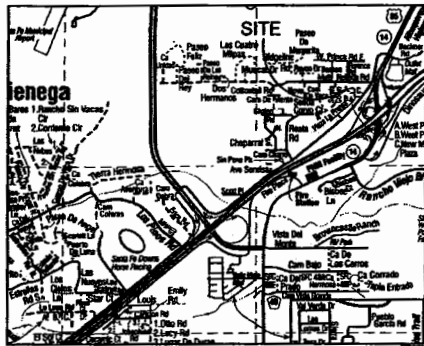
INDEX TO SHEETS

LIST OF SHEETS	SHEET NUMBER
PLANNING SHEETS	
COVER SHEET	P-1
EXISTING CONDITIONS	P-2
PARKING EVALUATION PLAN	P-3
LANDSCAPE PLAN	L-1 & L-2
SURVEYOR SHEETS	
SUBDIVISION PLAT	S-1

CASE # 2013-103

JAMES W. SIEBERT AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE NEW MEXICO 87505 (505) 983-5588	SOUTHWEST BUSINESS PARK	SCALE: AS SHOWN DRAWN BY: HJF	DATE: SEPTEMBER 2013 CHECKED BY: JPS	NORTH
	COVER SHEET	REVIEWED: HJF/HJF DATE: 10/10/13	FILE NAME: P-1	SHEET: P-1

<p>JAMES W. SIEBERT AND ASSOCIATES, INC.</p> <p>2100 KENDRICK STREET • SUITE 110 NEW HAVEN 07005</p> <p>(203) 862-5500 FAX (203) 869-7212</p>	<p>SOUTHWEST BUSINESS PARK</p> <p>EXISTING CONDITIONS</p>	<p>SCALE 1" = 50'</p> <p>DATE SEPTEMBER 2013</p> <p>DESIGNED BY JWS</p> <p>HP</p> <p>REVISED 02/05/2010 03/05/2010 04/05/2010</p>	<p>NO. 1</p> <p>Sheet</p> <p>P-2</p>
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VICINITY MAP
NOT TO SCALE

LEGEND AND NOTES

- DENOTES POINT FOUND
- DENOTES TELE. METER
- DENOTES TRANSFORMER
- DENOTES 110V CAPPED REGRA SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES WATER VALVE OR METER
- DENOTES UTILITY POLE
- DENOTES MANHOLE SANITARY SEWER UNLESS NOTED
- DENOTES FIRE HYDRANT
- DENOTES R.P.-NAP
- △ AS-NOTED
- DENOTES EDGE OF EASEMENT
- DENOTES FENCE LINE

1. BASIS OF BEARING TAKEN FROM "REPLAT AND SUBDIVISION FOR SOUTHWEST BUSINESS PARK" BY RICHARD A. CHATROOP MAP/LS 11011 AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BK. 503, PG. 017-18.
2. THIS PLAT IS SUBJECT TO ALL EASEMENTS, COVENANTS, AND CONDITIONS OF RECORD.

PLAT REFERENCES

- A. "SUBDIVISION PLAT OF SOL Y LUNA SUBDIVISION" BY RICHARD A. CHATROOP MAP/LS 11011 AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BK. 503, PG. 017-18.
- B. "REPLAT/LOT CONSOLIDATION FOR THE SOUTHWEST BUSINESS PARK LOTS 4 THRU 10 AND SOL Y LUNA LOTS 2 & 3" BY RICHARD A. CHATROOP MAP/LS 11011 AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BK. 573, PGS. 33-35.

NORTH
SCALE 1"=60'

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON JUNE 18TH, 2013, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW MEXICO.

RICHARD A. CHATROOP N.M.P.L.S. #11011



DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS, HAVE CAUSED TO BE DEDICATED THOSE LANDS SHOWN HEREON. THIS DEDICATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNERS. ACCESS EASEMENTS GRANTED FOR PUBLIC UTILITY. EASEMENTS ARE GRANTED TO THE APPROPRIATE COMPANIES FOR EXISTING UTILITIES AND MAINTENANCE, INSTALLATION, REPAIR AND REPLACEMENT OF UTILITIES SERVING LOTS WITHIN THE SOUTHWEST BUSINESS PARK AND SOL Y LUNA SUBDIVISIONS, RESPECTIVELY. DRAINAGE AND SLOPE EASEMENTS ARE GRANTED AS SHOWN WITH MAINTENANCE THE RESPONSIBILITY OF THE SOUTHWEST BUSINESS PARK OWNERS ASSOCIATION, INC. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS DIVISION CONTAINS 5.535 AC.± AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

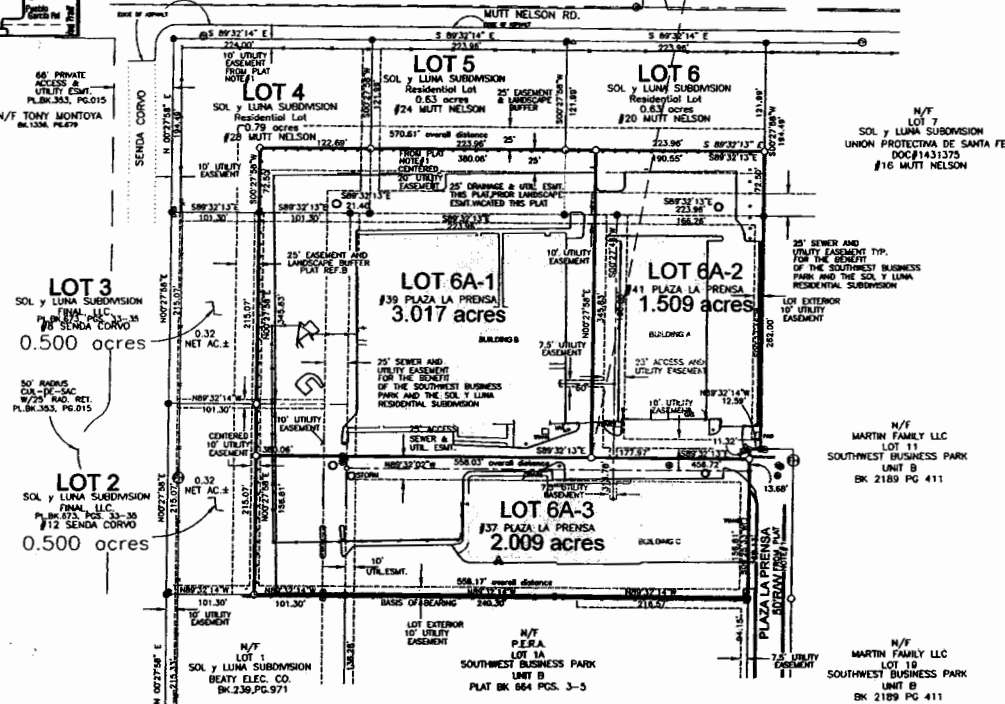
STATE PROPERTIES OF NEW MEXICO, LLC, TIMOTHY C. THOMPSON, MANAGING MEMBER
CARROLL, LLC, TIMOTHY C. THOMPSON, MANAGING MEMBER
SOUTH, LLC, TIMOTHY C. THOMPSON, MANAGING MEMBER

STATE OF ARIZONA SS
COUNTY OF MARICOPA

THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED AND

SUBSCRIBED BEFORE ME BY
STATE PROPERTIES OF NEW MEXICO, LLC, TIMOTHY C. THOMPSON, MANAGING MEMBER
CARROLL, LLC, TIMOTHY C. THOMPSON, MANAGING MEMBER
SOUTH, LLC, TIMOTHY C. THOMPSON, MANAGING MEMBER

THIS _____ DAY OF _____, 2013,
MY COMMISSION EXPIRES _____, NOTARY PUBLIC



UTILITY COMPANIES

CENTURY LINK COMMUNICATIONS _____ DATE _____
PUBLIC SERVICE CO. OF N.M. _____ DATE _____
NEW MEXICO GAS COMPANY _____ DATE _____
CITY OF SANTA FE WATER DIVISION _____ DATE _____
CITY OF SANTA FE WASTEWATER DIVISION _____ DATE _____

COUNTY OF SANTA FE, N.M.
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS SHOWN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY THE ABOVE NAMED PARTIES.
Witness my Hand and Seal of Office
County Clerk, Santa Fe, New Mexico.

CITY OF SANTA FE APPROVAL, NOTES AND CONDITIONS:

CITY PLANNING COMMISSION

CHAIRMAN	DATE
SECRETARY	DATE
CITY ENGINEER FOR LAND USE	DATE
CITY PLANNER	DATE

1. MAINTENANCE OF PUBLIC ACCESS, ROADS AND UTILITY EASEMENTS TO BE RESPONSIBILITY OF THE SOUTHWEST BUSINESS PARK OWNERS ASSOCIATION, INC.
2. THIS PARCEL LIES WITHIN ZONE X OTHER AREAS OUTSIDE 0.25 ANNUAL CHANCE FLOOD PLAIN AND SHOWN ON F.U.M.A. MAP/LS 8300000 SOME, DATED 12/04/2012.
3. WATER USE ON THESE LOTS RESTRICTED BY COVENANTS FILED IN THE OFFICE OF THE COUNTY CLERK. ONCE PROPERTY IS ADDED INTO THE CITY LIMITS THIS CONDITION SHALL BE VOID. DOCUMENT # 1312733
4. SANITARY SEWER SERVICE SYSTEM AND MAINTENANCE TO BE THE RESPONSIBILITY OF THE SOUTHWEST BUSINESS PARK OWNERS ASSOCIATION, INC. AND THE SOL Y LUNA OWNERS ASSOCIATION, INC.
5. THE SUBDIVISION DISCLOSURE STATEMENT REGARDING THESE TRACTS IS FILED IN THE OFFICE OF THE COUNTY CLERK AND IS RECORDED IN BOOK NO. 2134, PAGES 911-923 AS DOCUMENT NO. 1207 767
6. THESE LOTS ARE SUBJECT TO UTILITIES OF THE CITY OF SANTA FE WATER SYSTEM, OR CITY WATER SYSTEM AFTER APPROVAL.
7. THESE LOTS ARE SUBJECT TO UTILITIES OF THE SANTA FE COUNTY WATER SYSTEM, OR CITY WATER SYSTEM AFTER APPROVAL.
8. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHAPTER 14, LAND DEVELOPMENT CODE, 2011 AND SUBSEQUENT AMENDMENTS.
9. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO PLAT AND/OR DEVELOPMENT PLAN RECORDING WITH THE COUNTY CLERK OR SUBMITTAL FOR A BUILDING PERMIT APPLICATION THAT MODIFIES ANY PROVISION OF CHAPTER 14, LAND DEVELOPMENT CODE, 2011 AND SUBSEQUENT AMENDMENTS.
10. BUILDING AREAS FOR PLATTED PARCELS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS DETAILED IN THE LAND DEVELOPMENT CODE.
11. PRIOR TO ANY NEW CONSTRUCTION, PLAT WILL BE SUBMITTED TO CITY FIRE DEPARTMENT FOR COMPLIANCE WITH INTERNATIONAL FIRE CODE.

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

1. NEW MEXICO GAS COMPANY for installation, maintenance and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas.
2. PUBLIC SERVICE COMPANY OF NEW MEXICO for the installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment, structures and related facilities reasonably necessary to provide electrical service.
3. DIRECT for installation, maintenance and service of all buried and aerial communication lines and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to alarm ground potentials and closures.
4. CABLE TELEVISION for the installation, maintenance, and service of such lines, cable and other related equipment and facilities reasonably necessary to provide Cable TV services.

included, in the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, repair, operate and maintain facilities for the purposes described above, together with free access to, from, and over said right of way easement, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantor, and to use and remove trees, shrubs or bushes which interfere with the purpose set forth herein. No building, sign, post (above ground or subterranean), but, concrete or wood post, deck, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon.

It is agreed that this plat, Public Service Company of New Mexico (PSCN) and New Mexico Gas Company (NMGCC) did not conduct a Title Search of the properties shown herein. Consequently, PSCN and NMGCC do not value or release any easement or easement rights which may have been granted by prior plat, record or other document and which are not shown on this plat.

LAND DIVISION FOR THE
STATE PROPERTIES OF NEW MEXICO, LLC.
WITHIN THE SOUTHWEST BUSINESS PARK LOT 6A
PURPOSE: TO CREATE 3 COMMERCIAL LOTS

LYING WITHIN SECTION 24, T14N, R8E, N44PM, SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR

NEW MEXICO REGISTRATION NO. 11011

(505) 870-8037 119 THOMAS STREET, CORRAL ARIZONA, AZ 87019

FOR MORE INFORMATION FOR THE COUNTY CLERK

STATE PROPERTIES OF NEW MEXICO, LLC.
CARROLL, LLC
SOUTH, LLC
LOCATION: LYING WITHIN SECTION 24, T14N, R8E, N44PM, SANTA FE COUNTY, NEW MEXICO.

LANDSCAPE NOTATIONS

THE PLANTING PLAN IS BASED ON PROVIDING THE ADDITIONAL PLANTS NEEDED TO BRING THE PROPOSED LOTS IN TO COMPLIANCE WITH LANDSCAPE REQUIREMENTS FOR PARKING AND DRAINAGE DETENTION PONDS, AND PROVIDE ADDITIONAL PLANTS ALONG THE WEST PROPERTY LINE.

PARKING LANDSCAPE CALCULATIONS
THE PARKING LANDSCAPE REQUIREMENT ARE CALCULATED SEPARATELY FOR EACH OF THE PROPOSED LOTS.

Parking: Total (Stalls x 100 sq ft) = required parking landscape area / 100 sq ft = required parking lot trees

LOT 6A-1 (NEW LOT)
PARKING STALLS 146
PARKING AREA LANDSCAPE REQUIRED 1460 SF
REQUIRED PARKING TREES 18
EXISTING PARKING TREES 15
ADDITIONAL PROVIDED IN PLAN 3

LOT 6A-2 (NEW LOT)
PARKING STALLS 106
PARKING AREA LANDSCAPE REQUIRED 1060 SF
REQUIRED PARKING TREES 12
EXISTING PARKING TREES 9
ADDITIONAL ADDED ON PLAN 3

LOT 6A-3 (SOUTH LOT)
PARKING STALLS 136
PARKING AREA LANDSCAPE REQUIRED 1360 SF
REQUIRED PARKING TREES 15
EXISTING PARKING TREES 20
ADDITIONAL ADDED ON PLAN 0

DETENTION POND LANDSCAPE CALCULATIONS
THE LANDSCAPE REQUIREMENT FOR THE DRAINAGE POND ARE CALCULATED

Detention Pond: Total detention pond area / 1000 sq ft = required pond shrubs

LOT 6A-1 (NEW LOT)
DETENTION POND AREA 11,110 SF
REQUIRED POND TREES 22
TREES ADDED ON PLAN 22
REQUIRED SHRUBS / VINES 67
SHRUBS ADDED ON PLAN

LOT 6A-2 (NEW LOT)
DETENTION POND AREA 4800 SF
REQUIRED POND TREES 10
TREES ADDED ON PLAN 10
REQUIRED SHRUBS / VINES 29
SHRUBS ADDED ON PLAN 29

LOT 6A-3 (SOUTH LOT)
THE DETENTION FOR THIS LOT IS PROVIDED ON LOT 6A-1 AND 6A-2

WEST AREA LANDSCAPE BUFFER PROVIDED
THE ADDITIONAL PLANTING ALONG THE WEST AREA ALONG WITH THE EXISTING PLANTS IN THE AREA ARE IN FULLFILLMENT OF BUFFER LANDSCAPE REQUIREMENTS.
ADDITIONAL TREES ADDED ON PLAN 14
ADDITIONAL SHRUBS ADDED ON PLAN 12

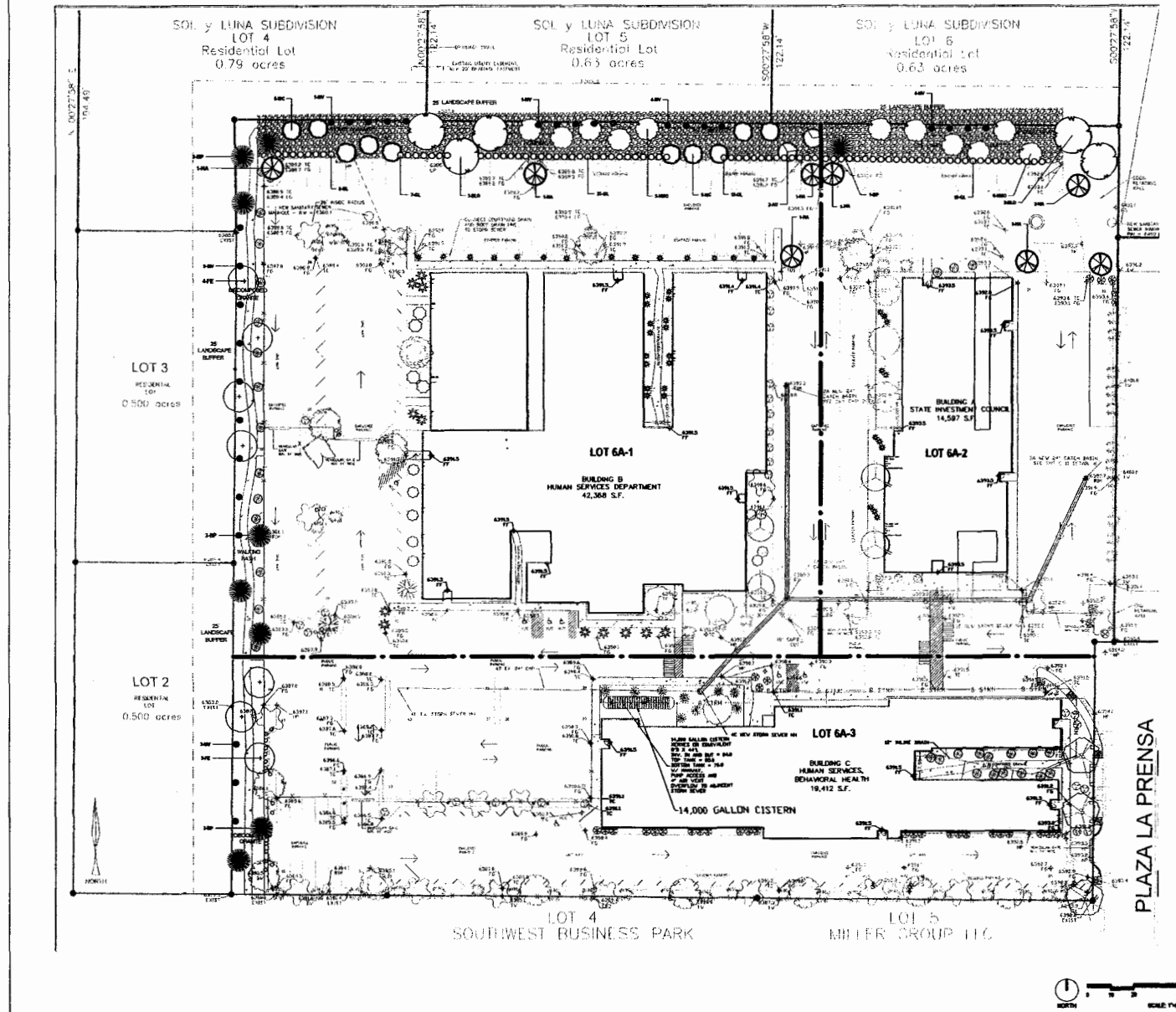
PLANT PALETTE

SYM	COMMON NAME	COMMON NAME	SIZE
BL	PLATYRHOA 'BLOODGOOD'	BLOODGOOD PLANT TREE	7' CAL
FE	YUCCA 'FRODO'	FRODO ELM	7' CAL
MO	POREIRIA MEXICANUS	NEW MEXICO CLIM	7' CAL
AV	FRAX MEX	AUSTRIAN PINE	6 FT. HT.
SP	FRAX LEXICOMUS	SOBRAN PINE	6 FT. HT.
MA	CRATAEGUS CRUA GALLA	THORNLESS HAWTHORN	7' CAL
VE	FRAX MEX	WESTERN CHERRYBERRY	7' CAL
MP	CHAPARRAL 'MEXICAN'	MEXICANA TRUMPET VINE	5 CAL
GL	SHRUB T. 1200-LW	GRANDLOW CREEPING PAIR	5 CAL

surroundings

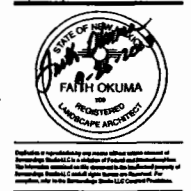
urbanization
urbanization
urbanization

1000' from street (N2)
street to lot (N2)
1000' from street (N2)
street to lot (N2)



PLAZA LA PRENSA

REVISIONS:		
No.	Date	Revised



SOUTHWEST BUSINESS PARK
SANTA FE
NM

SCALE: AS NOTED
DATE: 30 SEPT 2010
PROJECT: 1153
DRAWN BY: JC

PLANTING PLAN
L.101

IRRIGATION NOTES

THE IRRIGATION SYSTEM IS DESIGNED TO CONNECT TO EXISTING IRRIGATION SYSTEM ON SITE. THE EXISTING SYSTEM ON-SITE IS A CISTERN FEED SYSTEM. THE CISTERN IS LOCATED ON THE NORTHWEST CORNER OF THE BUILDING ON LOT 6A-3. THE CISTERN COLLECTS WATER FROM ALL BUILDINGS ON LOT 6A-1, LOT 6A-2, AND LOT 6A-3. THE CISTERN HAS A HOLDING CAPACITY OF 14,000 GALLONS. THE EXISTING SYSTEM HAS BACKFLOW PREVENTOR AND AUTOMATIC CONTROLLER.

IRRIGATION NOTES:

- SUBMITTAL PLAN. CONTRACTOR SHALL CONFIRM EXISTING IRRIGATION SYSTEM PRIOR TO ANY WORK ON THE SITE.
- REQUIREMENTS FOR ADJUSTMENTS / ADDITIONS TO EXISTING IRRIGATION SYSTEM.
 - ADJUSTMENTS / ADDITIONS IRRIGATION SYSTEM SHALL MEET ALL LOCAL CODES AND UTILITY REQUIREMENTS.
 - IRRIGATION SYSTEM SHALL CONNECT TO EXISTING AUTOMATIC CONTROLLER.
 - IRRIGATION SYSTEMS TO PLANT TYPES SHALL BE:
 - IRrigation SYSTEM TREES, SHRUBS, PERENNIALS, AND GROUNDCOVERS
 - PROVIDE EMITTER SCHEDULE RATE FOR EACH PLANT TYPE OR SPECIES.
- MAINTENANCE. THE CONTRACTOR SHALL MAINTAIN THE IRRIGATION SYSTEM UNTIL SUBSTANTIAL COMPLETION OF THE SITE IS ACCEPTED BY THE OWNER.
- TURN-OVER. THE CONTRACTOR SHALL HOLD A TURN-OVER MAINTENANCE AND OPERATIONS MEETING WITH THE OWNER AND THE LANDSCAPE MAINTENANCE PROVIDER PRIOR TO SUBSTANTIAL COMPLETION.
- WARRANTY. THE CONTRACTOR SHALL PROVIDE ONE-YEAR WARRANTY ON ALL EQUIPMENT, MATERIALS, AND INSTALLATION.

IRRIGATION LEGEND:

- DWP TEE
- 1" PE MAIN LINE
- PROBABLE LOCATION OF PE MAIN LINE
- 1/2" PE LATERAL LINE

surroundings

landscape
architecture
urbanism

10000 hours street #103
phone: 505 975-0000

c. 505 975-0000
f. 800 450-4578

REVISIONS:

No.	Date	Notes



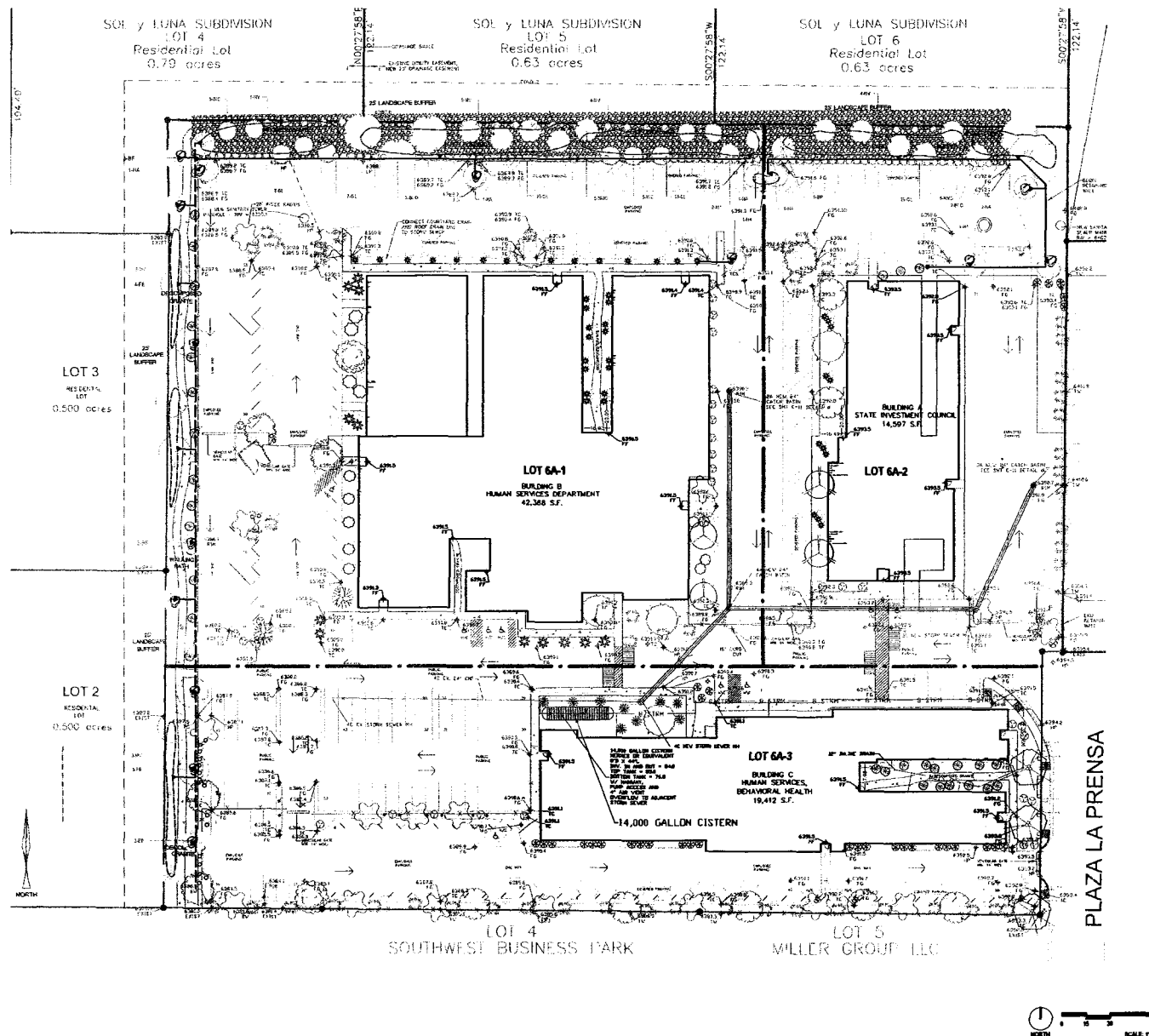
Professional seal of Faith Okuma, Landscape Architect, State of New Mexico, License No. 10000.

SOUTHWEST BUSINESS PARK

SANTA FE
NM

SCALE: AS NOTED
DATE: 30 SEPT, 2013
PROJECT: 1133
DRAWN BY: JCJ/SB

IRRIGATION PLAN L.201





City of Santa Fe 2014 Planning Commission Schedule

ENN Notices - 15 Days before ENN Meeting	Last Day for Neighborhood Meeting (ENN)	Application Deadline - Last Monday 10:00 AM	DRT First Meeting (3:30 PM Wed.)	Request Add'l. Submittals	Additional Submittals Due (Before 10:00 AM)	DRT Final Comments - 5:00 PM	Final Agenda to Paper, Clerk, Mailroom	Posting and Publication Deadline	Final Report Prepared	Exhibit Copies for Agenda Packets Due	Agenda Packets Distributed	Planning Commission Meeting 6:00 PM
64	49	38	36	31	24	22	22	15	15	10	6	# Days
Wed	Thu	Mon	Wed	Mon	Mon	Wed	Wed	Wed	Wed	Mon	Fri	Thu
Oct 31	Nov 14	Nov 25	Nov 27	Dec 9	Dec 16	Dec 18	Dec 18	Dec 23	Dec 23	Dec 30	Jan 3	Jan 9
							Dec 31	Jan 8	Jan 8	Jan 13	Jan 17	Jan 23*
Dec 4	Dec 19	Dec 30	Jan 2	Jan 6	Jan 13	Jan 15	Jan 15	Jan 22	Jan 22	Jan 27	Jan 31	Feb 6
							Jan 29	Feb 5	Feb 5	Feb 10	Feb 14	Feb 20*
Dec 31	Jan 16	Jan 27	Jan 29	Feb 3	Feb 10	Feb 12	Feb 12	Feb 19	Feb 19	Feb 24	Feb 28	Mar 6
							Feb 26	Mar 5	Mar 5	Mar 10	Mar 14	Mar 20*
Jan 29	Feb 13	Feb 24	Feb 26	Mar 3	Mar 10	Mar 12	Mar 12	Mar 19	Mar 19	Mar 25	Mar 28	Apr 3
							Mar 26	Apr 2	Apr 2	Apr 8	Apr 11	Apr 17*
Mar 5	Mar 20	Mar 31	Apr 2	Apr 7	Apr 7	Apr 9	Apr 9	Apr 16	Apr 16	Apr 21	Apr 25	May 1
							Apr 23	Apr 30	Apr 30	May 5	May 9	May 15*
Apr 2	Apr 17	Apr 28	Apr 30	May 5	May 12	May 14	May 14	May 21	May 21	May 27	May 30	Jun 5
							May 28	Jun 4	Jun 4	Jun 9	Jun 13	Jun 19*
Apr 30	May 15	May 27	May 28	Jun 2	Jun 9	Jun 16	Jun 18	Jun 25	Jun 25	Jun 30	Jul 3	Jul 10
							Jul 2	Jul 9	Jul 9	Jul 14	Jul 18	Jul 24*
May 29	Jun 19	Jun 30	Jul 2	Jul 7	Jul 14	Jul 16	Jul 16	Jul 23	Jul 23	Jul 28	Aug 1	Aug 7
							Jul 30	Aug 6	Aug 6	Aug 11	Aug 15	Aug 21*
Jul 2	Jul 17	Jul 28	Jul 30	Aug 4	Aug 11	Aug 13	Aug 13	Aug 20	Aug 20	Aug 25	Aug 29	Sep 11
							Aug 27	Sep 3	Sep 3	Sep 8	Sep 12	Sep 25
Jul 30	Aug 14	Aug 25	Aug 27	Sep 2	Sep 8	Sep 10	Sep 10	Sep 17	Sep 17	Sep 22	Sep 26	Oct 2
							Sep 24	Oct 1	Oct 1	Oct 6	Oct 10	Oct 16*
Sep 3	Sep 18	Sep 29	Oct 1	Oct 6	Oct 14	Oct 15	Oct 15	Oct 22	Oct 22	Oct 27	Oct 31	Nov 6
							Oct 29	Nov 5	Nov 5	Nov 10	Nov 14	Nov 20*
Oct 1	Oct 16	Oct 27	Oct 29	Nov 3	Nov 10	Nov 12	Nov 12	Nov 19	Nov 19	Nov 24	Nov 26	Dec 4
Updated August 9, 2013 All dates are subject to change							Nov 26	Dec 3	Dec 3	Dec 8	Dec 12	Dec 18*

* A second meeting each month may be scheduled at the discretion of the Land Use Department

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City of Santa Fe
2014 Summary Committee Schedule
 The Summary Committee meets at 11:00 AM in the City Council Chambers

Application Deadline - 10:00 AM	Request for Additional Submittals	Additional Submittals Due 10:00 AM	Final Comments Due by 5:00 PM	Final Agenda to Paper / City Clerk / Mailroom	Posting & Publication Deadline	Final Report Prepared	Committee Meeting at 11:00 AM
38 days	31 days	24 Days	22 Days	22 days	15 days	15 Days	No. of Days
Nov 25	Dec 9	Dec 16	Dec 18	Dec 18	Dec 23	Dec 23	Jan 9
Dec 30	Jan 6	Jan 13	Jan 15	Jan 15	Jan 22	Jan 22	Feb 6
Jan 27	Feb 3	Feb 10	Feb 12	Feb 12	Feb 19	Feb 19	Mar 6
Feb 24	Mar 3	Mar 10	Mar 12	Mar 12	Mar 19	Mar 19	Apr 3
Mar 31	Apr 2	Apr 7	Apr 9	Apr 9	Apr 16	Apr 16	May 1
Apr 28	May 5	May 12	May 14	May 14	May 21	May 21	Jun 5
May 27	Jun 2	Jun 9	Jun 18	Jun 18	Jun 25	Jun 25	Jul 10
Jun 30	Jul 7	Jul 14	Jul 16	Jul 16	Jul 23	Jul 23	Aug 7
Jul 28	Aug 4	Aug 11	Aug 13	Aug 13	Aug 20	Aug 20	Sep 11
Aug 25	Sep 1	Sep 8	Sep 10	Sep 10	Sep 17	Sep 17	Oct 2
Sep 29	Oct 6	Oct 13	Oct 15	Oct 15	Oct 22	Oct 22	Nov 6
Oct 27	Nov 3	Nov 10	Nov 12	Nov 12	Nov 19	Nov 19	Dec 4

Revised 10/08/2013

All dates are subject to change

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