



Agenda

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AMENDED

PLANNING COMMISSION March 15, 2007 – 6:00 P.M. CITY COUNCIL CHAMBERS

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES**

February 1, 2007

E. OLD BUSINESS

1. *An ordinance amending Table 14-6.1-1 SFCC 1987 and repealing section 14-6.2(D) (2) SFCC 1987 to prohibit individual storage areas in C-2 commercial zoning districts and to allow mini-storage in I-2 districts. (Jeanne Price, case manager) (POSTPONED FROM MARCH 1, 2007)*
2. **Case #S 2006-32. Sun Vista Subdivision Preliminary Subdivision Plat.** James W. Siebert, agent for Alliance Group Properties, LLC requests approval of a preliminary subdivision plat to create 9 lots on 9.040± acres located north of NM 599 and west of Camino De Las Montoyas. The property is zoned R-1 (Residential, one dwelling unit per acre). (Gary Park, case manager) **(POSTPONED FROM FEBRUARY 15, 2007)**

F. NEW BUSINESS

1. An ordinance amending Section 14-4.3(E)(1)(c) SFCC 1987 to define major and minor projects in the Railyard Redevelopment Subdistrict. (Frank Romero, case manger)
2. ~~A resolution directing City staff to begin the process to adopt the Southwest Santa Fe Community Area Master Plan as an amendment to the General Plan. (Katherine Mortimer, case manager) (REMOVED BY STAFF)~~
3. **Case #M 2006-27. San Isidro Phase II Final Development Plan.** Greg Gonzales, agent for Branch Design & Development requests final development plan approval for San Isidro Village mixed use development on +/- 6.81 acres east of Zafarano Drive between Cerrillos Road and Rufina Street. The application includes waivers to "Big Box" standards to allow part of the screening requirements to be met with berms and screen walls in place of buildings, and to allow one public entrance instead of two. The property is zoned C-2-PUD (General Commercial, Planned Unit Development). (Gary Park, case manager) **(POSTPONED FROM AUGUST 3, 2006, AUGUST 31, 2006, SEPTEMBER 28, 2006 AND JANUARY 18, 2007)**

4. **Case #M 2006-52. Old Las Vegas Highway Subdivision General Plan Amendment.** Jennifer Jenkins, agent for Homewise, Inc. requests approval of a General Plan future land use map amendment to change the designation of 15.35± acres of land from Mountain/Corridor to Residential, Very Low Density. The area is located east of Old Las Vegas Highway and south of Old Pecos Trail. (Gary Park, case manager) **(POSTPONED FROM FEBRUARY 15, 2007) (TO BE POSTPONED)**
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6. **Case #ZA 2006-21. Old Las Vegas Highway Subdivision Rezoning from R-1 to R-3.** Jennifer Jenkins, agent for Homewise, Inc. requests rezoning of 15.35± acres of land from R-1 (Residential, one dwelling unit per acre) to R-3 (Residential, three dwelling units per acre). The property is located east of Old Las Vegas Highway and south of Old Pecos Trail. (Gary Park, case manager) **(POSTPONED FROM FEBRUARY 15, 2007) (TO BE POSTPONED)**

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

- 1) Procedures in front of the Planning Commission are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) 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 be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings. ***An interpreter for the hearing impaired is available through City Clerk's Office upon 5 days notice. Please call 955-6521**

INDEX OF
CITY OF SANTA FE
PLANNING COMMISSION

March 15, 2007

ITEM	ACTION TAKEN	PAGE(S)
A. ROLL CALL	Quorum	1
B. PLEDGE OF ALLEGIANCE		1
C. APPROVAL OF AGENDA	Approved	1-2
D. APPROVAL OF MINUTES February 1, 2007	Approved	2
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F. NEW BUSINESS		
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2. <i>A resolution directing City staff to begin the process to adopt the Southwest Santa Fe Community Area Master Plan as an amendment to the General Plan. (Katherine Mortimer, case manager) (REMOVED BY STAFF)</i>		3
3. <i>Case #M 2006-27. San Isidro Phase II Final Development Plan. Greg Gonzales, agent for Branch Design & Development requests final development plan approval for San Isidro Village mixed use development on +/- 6.81 acres east of Zafarano Drive between Cerrillos Road and Rufina Street. The application includes waivers to "Big Box" standards to allow part of the screening requirements to be met with berms and screen walls in place of buildings, and to allow one public entrance instead of two. The property is zoned C-2-PUD (General Commercial, Planned Unit Development).</i>	Postponed to April 5th	3

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4. <u>Case #M 2006-52.</u>	Old Las Vegas Highway Subdivision General Plan Amendment. Jennifer Jenkins, agent for Homewise, Inc. requests approval of a General Plan future land use map amendment to change the designation of 15.35± acres of land from Mountain/Corridor to Residential, Very Low Density. The area is located east of Old Las Vegas Highway and south of Old Pecos Trail. Postponed to April 19th	3
5. <u>Case #M 2006-53.</u>	Old Las Vegas Highway Subdivision Annexation. Jennifer Jenkins, agent for Homewise, Inc. requests annexation of 15.35± acres of land located to the east of Old Las Vegas Highway and south of Old Pecos Trail. Postponed to April 19th	3
6. <u>Case #ZA 2006-21.</u>	Old Las Vegas Highway Subdivision Rezoning from R-1 to R-3. Jennifer Jenkins, agent for Homewise, Inc. requests rezoning of 15.35± acres of land from R-1 (Residential, one dwelling unit per acre) to R-3 (Residential, three dwelling units per acre). The property is located east of Old Las Vegas Highway and south of Old Pecos Trail. Postponed to April 19th	3-4
G. BUSINESS FROM THE FLOOR		4
H. STAFF COMMUNICATIONS		4-7
I. MATTERS FROM THE COMMISSION		7-9
J. ADJOURNMENT		9

MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

March 15, 2007

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Robert Werner at approximately 6:00 p.m. on this date at City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Robert Werner, Chair
Signe Lindell
Bonifacio Armijo
Eric Lujan
Michael Trujillo
Estevan Gonzales
Harriet Heltman
Ken Hughes

MEMBERS ABSENT:

Vacancy

STAFF PRESENT:

Greg Smith, Development Review Division Director
Katherine Mortimer, Supervising Planner
Richard Macpherson, Senior Planner
Anne Lovely, Assistant City Attorney
John Romero, Traffic Engineer
Ron Pacheco, Office of Affordable Housing

B. PLEDGE OF ALLEGIANCE

Chair Werner asked Commissioner Lindell to lead the Pledge of Allegiance.

C. APPROVAL OF AGENDA

Mr. Smith said he has requests to postpone Old Business item 1 – ordinance amendment to April 5th and under Old Business item 2 – Sun Vista Subdivision Preliminary Subdivision Plat to April 5th. The applicant and staff request postponement of item 3 under New Business – San Isidro Phase II Final Development Plan to April 5th. Items 4, 5 and 6 – Old Las Vegas Highway - were requested for postponement by the applicant to April 19th.

Chair Werner said FEMA is revising the flood maps and so staff requested a short presentation to bring the Commission up to date on what the changes will be. He suggested placing this after the Railyard development ordinance change.

Commissioner Trujillo moved to approve the agenda as amended. Commissioner Gonzales seconded the motion which passed by unanimous voice vote.

D. APPROVAL OF MINUTES

February 1, 2007

Commissioner Hughes corrected Page 11, 3rd paragraph under Matters from the Commission, first sentence. He clarified that the overview was with regards to what is happening in the legislature.

He also requested that paragraph 1 and 2 be combined for clarification and added that this is with regards to Las Soleras annexation.

Commissioner Heltman corrected the motion on page 4 to state that Commissioner Armijo seconded the motion.

Commissioner Trujillo moved to approve the minutes as amended. Commissioner Heltman seconded the motion which passed by unanimous voice vote.

E. OLD BUSINESS

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F. NEW BUSINESS

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Memorandum prepared by Robert Siqueiros, Projects Administrator for the March 15th meeting is incorporated herewith to these minutes as Exhibit "1."

Mr. Robert Siquieros presented the staff report included in Exhibit "1." He noted that the BCD/DRC did forward this with approval.

Public Hearing

There was no public testimony.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Trujillo thinks this is important as it takes care of the smaller businesses at the Railyard. He agreed that this needs to be done and feels the ordinance is important.

Commissioner Trujillo moved to approve the ordinance amending section 14-4.3(E)(b)(iv) SFCC 1987. Commissioner Heltman seconded the motion which passed by unanimous voice vote.

2. ~~A resolution directing City staff to begin the process to adopt the Southwest Santa Fe Community Area Master Plan as an amendment to the General Plan. (Katherine Mortimer, case manager) (REMOVED BY STAFF)~~
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G. BUSINESS FROM THE FLOOR – None

H. STAFF COMMUNICATIONS

Ms. Blackwell explained that back in May FEMA issued preliminary digital flood insurance rate maps. The City did not have to fund the remapping project. This is one of the pilot projects that FEMA did where they contracted with URS to do the mapping. She said staff participated in prioritizing the different arroyos, but they did not have the money to do detailed studies on every reach. There are only certain locations within the City where they reran the hydrological model. She said they took the old FEMA maps that have some streets, but nothing else. They took the information from the old studies and applied it to recent topography. This is a huge difference for the City as there have been arroyos mapped 20 feet too far to the south. She showed examples of the new maps. She said the estimate is between 1800 and 2000 properties within the city that have a portion of them on the flood plain. She said this is a nationwide effort and there will be some people affected that will be angry. There is a grandfather policy to carry on the insurance premium in perpetuity even if you sell the property as long as the policy remains continuous. Staff is doing some public outreach to get this message out. She said there are a lot of people in flood plain who are not required to have flood insurance due to errors. The problem is if someone gets flooded their regular insurance does not cover the damage. There are 504 policies and an estimate of about 1800 properties in the flood plain. She noted that they will be moving from using the term 100 year to a 1% chance.

Ms. Blackwell reported that they did a public meeting in the fall with mostly surveyors and engineers attending and not very many general public. They introduced the maps and looked at individual properties. There was a 90 day appeal period that ended in November if you wanted to appeal the presentation and study. There were 5 appeals within the City. She hopes to see this resolved and then a final letter of determination will be issued. She said City Council will need to have give approval to modify the existing ordinance to adopt the new maps. She showed two other maps to the Commission.

Chair Werner said he met with staff regarding his home and it was very helpful.

Ms. Blackwell explained that the City is responsible for implementing the federal program in what they are now calling the Engineering and Development Review Division. She said as a public service the City is responsible for getting the word out. They plan to do a mailing and send a form letter to encourage people to come into the City to help us figure out the direction they are going. She said if a resident is going to be paying a higher flood insurance premium and they secure a policy prior to the adoption by City Council they are grandfathered in at the lower rate.

Chair Werner asked if the recent cases approved under the old maps could be used as an example to further educate the Commission.

Ms. Blackwell said they have known since last summer that these new maps would be used so each of those cases were required to show compliance with whichever map is more restrictive. She said the flood plain was modified for the Inn at the Loretto due to the preliminary maps.

Mr. Smith said the Archdiocese predated the new draft maps.

Ms. Blackwell explained that for the permits they are requiring the applicant meet the more restrictive of the two.

Commissioner Gonzales asked when this becomes effective.

Ms. Blackwell stated that FEMA has to respond to all the appeals, so they estimate a final determination letter will be given in May or June and then the maps are not official until City Council adopts them. By the time this goes through the committee process and gets to the City Council it will probably be August.

Commissioner Gonzales asked approximately how many properties are affected.

Ms. Blackwell said there are 2000 affected by the flood plane, but she is unsure of how many are going in or coming out. She said if any portion of the property is in the flood plain it is considered.

Commissioner Gonzales asked if it is fiscally responsible to have meetings that people could come to so they could take it a step further.

Ms. Blackwell would like to figure out which neighborhoods have the arroyo becoming narrower or wider so they can contact the neighborhood associations. She wanted to do some flyers in those neighborhoods. She said they can certainly add a public meeting or two as things are going through the process.

Commissioner Gonzales asked if the data is confidential and wondered how they could avoid the insurance companies wanting to come in and ask for this resulting in raising rates to customers.

Ms. Blackwell said the blue lines mean it is proprietary data and FEMA will not release it to a private individual. She said they are not releasing these maps to anyone in the public. She said currently it is a very informal map with preliminary data and no street names. She noted that the maps are online in PDF format where anyone can access it. She pointed out that until FEMA gives the letter of determination and the City Council gives approval it will not be on the FEMA website.

Commissioner Gonzales asked what the degree of accuracy is for the maps.

Ms. Blackwell said the accuracy is 1-500 feet.

Commissioner Gonzales clarified that the City will have a process if a resident disagrees with the map.

Ms. Blackwell said the person would go to FEMA and request a letter of map amendment with an elevation certificate signed off by a surveyor. They have to identify

the elevations and send that in to FEMA. She said the City does not have an obligation to say anything.

Chair Werner said in the past you would find out when you go for your building permit.

Commissioner Gonzales said if they could inform constituents that it is federal data and if they have issues they can contact FEMA it will lower the cost of doing business for the Constituent Services Office.

Commissioner Lujan thanked Ms. Blackwell for this information. He asked if any of the projections are in the proposed annexation areas.

Ms. Blackwell said the City has not done an overlay, but it will not change the FEMA maps. She said the County is going through the same process. She said the City has the obligation to let FEMA know that the boundaries have changed. She said corrections to the map used to be a piece of paper in file drawer, but now that it is digital they will be able to modify the FEMA maps within 3-6 months.

Commissioner Heltman commented that on your deed it states whether you are in a flood plain or not and you know that when you purchase a property. She thinks they may be contacting people that already know they are in the flood plain.

Commissioner Hughes said last summer the floods in Rio Rancho were at the 250 year level. He asked if they could you map what the 250 year flood plain is.

Ms. Blackwell said she has the data on the 500 year flood, but she is unsure if they have the numbers to run the 250 year flood.

Commissioner Hughes thought it would useful to work with the River Commission to bring this to their attention as well.

Commissioner Armijo asked what happens if someone has the plat that already shows the flood plain and then they sell their property and FEMA shows it differently.

Ms. Blackwell said if they modify the lot they go through the City and it is required to include the flood plain. She said they have been asking for both. She agreed it is a bit of a public outreach challenge when you have a legal lot of record and are being told it has changed.

Chair Werner said the new maps are where the flood plain is no matter what.

Ms. Blackwell said the appeals show more detail than what FEMA has, so you may not be limited forever although it is extra work.

Commissioner Armijo anticipates people backing out of purchases if they find out they are in the flood plain.

Ms. Blackwell said they are required to inform the buyer if they know and so they have been educating the real estate community, lenders and mortgage brokers.

Chair Werner suspects that the purchaser would be able to back out in light of the new fact.

Commissioner Gonzales asked at what point along the process does a developer need to be at to be considered in the new flood plain.

Ms. Blackwell said they are required to use the most up to date data so anything past last May would have been considered with this data. She was unaware that the Archdiocese came before this.

Mr. Smith said the Archdiocese application was absent a specific development plan and so depending on the dates there may be some question as to whether they can rely on the variance that was done without the development plan. He said the Archdiocese may come before the Commission for an extension, but if they do not make progress on the application within a year the code expires the variance.

Mr. Smith reported that Galen Buller is the official City Manager. Mr. Tallman has been offered the Deputy City Manager position. Jack Hiatt is now the Acting Planning and Land Use Director.

I. MATTERS FROM THE COMMISSION

Commissioner Gonzales thanked Councilor Dominguez for attending this meeting. He referred to the recent articles in the newspaper with Councilors making comments on the appeal process. He is interested in hearing comments from the Commissioners on ways to improve how they do business. He said this is not a single issue or problem that can be pointed out. He said the type of information and the training play into these factors. He said if the Mayor knew who he wanted to appoint a few months earlier, there could be curriculum where someone could learn the code from an outside consultant. He asked if the Commission would be interested in appointing a committee to look at how to improve doing business and then they could make suggestions. Personally, he thinks the orientation and the direction given to the new members has brought everyone up to speed quickly. He thanked the Chair for his guidance. He noted that he suggested to the Mayor they revisit the orientation process.

Commissioner Trujillo thought they had taken care of this and feels insulted. He said they have done all the things and have done a really good job on what they were asked to do. He said to say they are making decisions arbitrary and capricious is insulting. He said if the Council wants to tell the Commission how to vote they would just be a rubber stamp committee. He reported that they have gone above and beyond in the Summary Committee to clean things up. He said they are doing things legal so that the cases do not come back. He pointed out that today the Wal-Mart case was approved and the court upheld the decision. He said when City staff tells the Commission to approve a project, he listens. He said if the Councilors are upset they should come talk to the Commission as there is no need to pick on the Commission in the newspaper. He feels they have tried to clean stuff up since the orientation by making decisions based on Chapter 14. He said the Mayor told them not to listen if the cases are not complete and they have been holding to that. He asked what Mr. Smith contributes the lightened case load to.

Mr. Smith is not aware of any direction to lighten the case load. He said the level of applications were down in January and February, but it is back up again so the coming meetings will be heavy in April, May and June.

Commissioner Trujillo understands why they are mad at the H Board. He said there are good portion of the Commission who are highly offended by the article.

Chair Werner reported that Carmichael Dominguez served on the Commission and he had the pleasure of serving as a new member and was educated by Carmichael Dominguez. He says this to inform the Commission that Councilor Dominguez understands the frustration as he has been here and done this.

Commissioner Hughes asked if staff will be attending the Planning Conference in Philadelphia.

Mr. Smith said they are investigating this, although often the MPO staff attends due to outside funding. He said there is no funding in the approved budget for out of state travel, but there may be some funding from salary savings.

Commissioner Hughes offered to provide some information about what is going in the planning world such as trends and topics because he has been approved to attend the conference.

Commissioner Heltman said they are appointed to be on the Planning Commission and in the code book there is nothing written saying they are not permitted to use their own judgment and that they must always agree with what everybody else thinks. She noted that in many areas of the code book and the General Plan it states the Commission is concerned with the health and welfare and the citizens. She said the City Councilors are not thinking in the same terms that the Commission thinks. She feels someone has been miffed personally by some of the decisions so they are saying the Commissioners are making arbitrary and capricious judgments. She said they cannot approve something just because someone is a nice person. She said they have approved some places that the applicants are going to wake up with water one of these days. This community's total integrity is being jeopardized and the Commission is trying to maintain this. She noted that they should all be working together for the good of Santa Fe. She urged the City Councilors to come and tell the Commission what specific case they are referring to. She knows that the City Council does not always read everything thoroughly and accurately as they have so much information. She felt the orientation was very valuable and worthwhile for new commissioners as well as a good review for the other Commissioners. She said she trained herself and looked at the code book. She said if you are dedicated to Santa Fe and providing the best life, then the groups elected and appointed need to put on a solid front and have a unified approach. She urged people to come to the meetings and hear their reasons for approving cases. She said the paper is biased and often does not provide both sides of the story. She feels they have lost the idea of common ground. The Commission is trying to do what they think is most valuable, but apparently there has not been a meeting of the minds. She said if they knew what they were doing that was so wrong it would be different. She said if you do not like something you can appeal it as this is a democracy which is the reason we live in the United States. She said it is rude and inconsiderate of all those involved.

Mr. Smith said the City Attorney has a contact with outside counsel to propose amendments to the appeals process. He anticipates this coming before the Commission in a few months. He said it is likely that they will be changing the format of the staff report and fine tune the procedures so there is a formal process with specific findings and fact with less room for confusion as to the basis for the decision.

Commissioner Heltman asked why the Fire Department looks at roads not within the standards and then say they are okay. She said it seems the Fire Department is at opposite ends of what they are trying to promote. She asked where they are getting their information.

Chair Werner said Mr. Smith and the Fire Department are in different chains of command. He said it is appropriate to express concern to the City Council.

Commissioner Armijo said in his opinion it is a process that starts with staff helping the Commission out. He relies on staff and the City Attorney. He agreed it is all part of Santa Fe and it is all teamwork. He said if they want to look good as a community they need to push for that energy. He agreed the appeal process is part of it whether the Commission is making the right or wrong decision. He said they can make the right decision and it will still be appealed.

Mr. Smith said there are in state training seminars and various publications that aim towards educating Planning Commissioners. He said if they are interested that is something that might be conveyed to the Council.

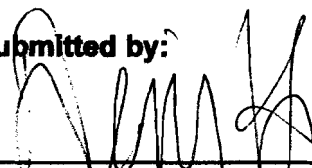
Chair Werner attended Municipal League training specifically for Planning Commissioners. He found it interesting to hear from different communities and the information was helpful. He noted that some of the other Commissioners attended as well.

J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Lujan moved, seconded by Commissioner Heltman to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 7:15 p.m.

Approved by:


Chair Robert Werner

Submitted by:

Denise Cox, Stenographer