



Agenda

CITY CLERK'S OFFICE

DATE June 27, 2007 TIME 3:13

Geraldine Juarez
Christine K. Vega

PLANNING COMMISSION

July 19, 2007 – 6:00 P.M.

CITY COUNCIL CHAMBERS

- A. ROLL CALL
 - B. PLEDGE OF ALLEGIANCE
 - C. APPROVAL OF AGENDA
 - D. APPROVAL OF MINUTES
- June 07, 2007

- E. OLD BUSINESS
- F. NEW BUSINESS

1. **Case #S 2007-08. Raven Ridge Townhouses Final Subdivision Plat.** Lorn Tryk, agent for Raven Ridge, LLC. requests final subdivision plat approval to create 33 lots on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Donna Wynant, case manager) **(POSTPONED FROM JUNE 21, 2007)**
2. **Case #M 2006-48. Raven Ridge Townhouses Development Plan.** Lorn Tryk, agent for Raven Ridge, LLC. requests development plan approval to create 33 single-family attached dwelling units on 4.26 acres. The application includes a variance to the side setbacks on second floors to allow the two story townhouses to be on fee simple lots with zero side setbacks on both first and second floors. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Donna Wynant, case manager) **(POSTPONED FROM JUNE 21, 2007)**
3. An ordinance amending Section 14-9.2(F)(1) SFCC 1987 regarding the general requirements for sidewalks. (Councilor Heldmeyer) (Jeanne Price, case manager)
4. An ordinance amending Sections 6-4.3; various sections of Chapter 14; renaming Chapter XXVI; creating a new Article 26-2 SFCC 1987 all related to affordable housing, the Santa Fe Homes Program and low priced dwelling units. (Ron Pacheco and Kathy McCormick, case managers)
5. Repealing Resolution No. 1999-103 and Resolution No. 2004-20 regarding the City Planning Policy Commission. (Councilor Ortiz, Councilor Bushee and Mayor Coss) (Jeanne Price, case manager)

6. An ordinance amending the membership of the Planning Commission; creating the Long Range Planning Subcommittee and the Code Amendment Subcommittee of the Planning Commission. (Councilor Bushee) (Jeanne Price, case manager)
7. **Case #ZA 2007-04. College of Santa Fe Rezoning from R-5 to C-2.** Jennifer Jenkins, agent for the College of Santa Fe, requests rezoning of 81.0± acres from R-5 (Residential, 5 dwellings per acre) to C-2, (General Commercial). The property consists of Tracts E through Q owned by the College of Santa Fe and are located southeast of St. Michael Drive and to the north of Siringo Road. (Dan Esquibel, case manager)
8. **Case #S2007-10. Kachina Ridge Phases II and III Amendment to Subdivision Plats.** James W. Siebert, agent for SBS, LLC requests an amendment to the Kachina Ridge Phases II and III final subdivision plats to relocate two of the designated affordable units to Phase II of the project. The subdivision is located south of Avenida de las Americas and north of the main channel of the Arroyo de los Chamisos. The property is zoned RM-1/PUD (Multi-Family Residential – Planned Unit Development, 21 units dwellings per acre). (Lou Baker, case manager)
9. **Case #M 2007-05. Casas Bonitas Development Plan Amendment.** Linda Tigges, agent for Chapman Companies, requests approval of an amended development plan for 49 units on 8.020± acres located south of Rufina Street, east of Calle P'O Ae Pi. The application includes a variance to the 15' setback distance between each series of attached dwellings. The property is zoned R-7 (Residential, 7 dwellings per acre). (Donna Wynant, case manager)
10. **Case #S 2007-09. Casas Bonitas Final Subdivision Plat.** Linda Tigges, agent for Chapman Companies, requests final subdivision plat approval for 49 units on 8.020± acres located south of Rufina Street, east of Calle P'O Ae Pi. The property is zoned R-7 (Residential, 7 dwellings per acre). (Donna Wynant, case manager)
11. **Case #M 2007-10. 3273 Primo Colores Street Variance to Side Yard Setback.** Jennifer Jenkins, agent for Centex Homes requests a variance to reduce the 10 foot setback requirement for the second story to 7.5 feet. The property consists of .137± acres and is zoned R-6 PUD (Residential, six dwelling units per acre). (Lou Baker, case manager)
12. **Case #M 2007-11. 3271 Primo Colores Street Variance to Side Yard Setback.** Jennifer Jenkins, agent for Centex Homes requests a variance to reduce the 10 foot setback requirement for the second story to 7.5 feet. The property consists of .109± acres and is zoned R-6 PUD (Residential, six dwelling units per acre). (Lou Baker, case manager)
13. **Case #M 2007-19. 1003 Governor Dempsey Drive Escarpment Regulations Variance.** Karl Sommer, agent for Susan Peck Massey requests a variance to the escarpment regulations to allow the construction of a new residence within the Ridgetop Subdistrict at the same location as the existing residence. The property consists of 2.408± acres and is zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager)

- 14. Case #M 2007-20. 500 Hillcrest Drive Escarpment Regulations Variance.** Karl Sommer, agent for John Scanlan requests a variance to the escarpment regulations to allow the construction of a new residence within the Ridgetop Subdistrict at the same location as the previous residence. The property consists of 7.848± acres and is zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager)
- 15. Case #M 2007-22. 750 Canada Ancha Escarpment and Terrain Management Regulations Variance.** Karl Sommer, agent for Steven and Margo Pike requests a variance to the escarpment overlay district to allow construction on the ridgetop and terrain management regulations to allow for more than half of the building footprint to be constructed on slopes between twenty and thirty percent. The property consists of 2.163± acres and is zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager)

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

July 19, 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 June 7, 2007	Approved	2
E. OLD BUSINESS		2
F. NEW BUSINESS		
2. <u>Case #M 2006-48. Raven Ridge Townhouses Development Plan.</u> Lorn Tryk, agent for Raven Ridge, LLC. requests development plan approval to create 33 single-family attached dwelling units on 4.26 acres. The application includes a variance to the side setbacks on second floors to allow the two story townhouses to be on fee simple lots with zero side setbacks on both first and second floors. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision.	Approved	2-5
1. <u>Case #S 2007-08. Raven Ridge Townhouses Final Subdivision Plat.</u> Lorn Tryk, agent for Raven Ridge, LLC. requests final subdivision plat approval to create 33 lots on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision.	Approved	5
3. An ordinance amending Section 14-9.2(F)(1) SFCC 1987 regarding the general requirements for sidewalks.	Postponed per approval of agenda	5
4. An ordinance amending Sections 6-4.3; various sections of Chapter 14; renaming Chapter XXVI; creating a new Article 26-2 SFCC 1987 all related to affordable housing, the Santa Fe Homes Program and low priced dwelling units.	Postponed per approval of agenda	5
5. Repealing Resolution No. 1999-103 and Resolution No. 2004-20 regarding the City Planning Policy Commission.	Approved	5-9

ITEM	ACTION TAKEN	PAGE(S)
6. An ordinance amending the membership of the Planning Commission; creating the Long Range Planning Subcommittee and the Code Amendment Subcommittee of the Planning Commission.	Approved	9-10
7. <u>Case #ZA 2007-04.</u> College of Santa Fe Rezoning from R-5 to C-2.	Postponed per approval of agenda	10
8. <u>Case #S2007-10.</u> Kachina Ridge Phases II and III Amendment to Subdivision Plats. James W. Siebert, agent for SBS, LLC requests an amendment to the Kachina Ridge Phases II and III final subdivision plats to relocate two of the designated affordable units to Phase II of the project. The subdivision is located south of Avenida de las Americas and north of the main channel of the Arroyo de los Chamisos. The property is zoned RM-1/PUD (Multi-Family Residential – Planned Unit Development, 21 units dwellings per acre).	Approved	10-11
9. <u>Case #M 2007-05.</u> Casas Bonitas Development Plan Amendment. Linda Tigges, agent for Chapman Companies, requests approval of an amended development plan for 49 units on 8.020± acres located south of Rufina Street, east of Calle P'O Ae Pi. The application includes a variance to the 15' setback distance between each series of attached dwellings. The property is zoned R-7 (Residential, 7 dwellings per acre).	Approved	12-14
10. <u>Case #S 2007-09.</u> Casas Bonitas Final Subdivision Plat. Linda Tigges, agent for Chapman Companies, requests final subdivision plat approval for 49 units on 8.020± acres located south of Rufina Street, east of Calle P'O Ae Pi. The property is zoned R-7 (Residential, 7 dwellings per acre).	Approved	14
11. <u>Case #M 2007-10.</u> 3273 Primo Colores Street Variance to Side Yard Setback. Jennifer Jenkins, agent for Centex Homes requests a variance to reduce the 10 foot setback requirement for the second story to 7.5 feet. The property consists of .137± acres and is zoned R-6 PUD (Residential, six dwelling units per acre).	Approved	14-16
12. <u>Case #M 2007-11.</u> 3271 Primo Colores Street Variance to Side Yard Setback. Jennifer Jenkins, agent for Centex Homes requests a variance to reduce the 10 foot setback requirement for the second story to 7.5 feet. The property consists of .109± acres and is zoned R-6 PUD (Residential, six dwelling units per acre).	Approved	16
13. <u>Case #M 2007-19.</u> 1003 Governor Dempsey Drive Escarpment Regulations Variance.	Postponed	16
14. <u>Case #M 2007-20.</u> 500 Hillcrest Drive Escarpment Regulations Variance.	Postponed	17

ITEM	ACTION TAKEN	PAGE(S)
15. <u>Case #M 2007-22.</u> 750 Canada Ancha Escarpment and Terrain Management Regulations Variance.		
	Postponed	17
G. BUSINESS FROM THE FLOOR		17
H. STAFF COMMUNICATIONS		17
I. MATTERS FROM THE COMMISSION		17
J. ADJOURNMENT		17-18

MINUTES OF
CITY OF SANTA FE
STUDY SESSION
PLANNING COMMISSION MEETING

July 19, 2007

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

A. ROLL CALL

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Harriet Heltman
Ken Hughes
Matthew O'Reilly
John Romero
John Salazar
Angela Schackel Bordegaray
Bonifacio Armijo, Secretary
Signe Lindell, Vice Chair
Estevan Gonzales, Chair

MEMBERS ABSENT:

None

STAFF PRESENT:

Greg Smith, Development Review Division Director
Anne Lovely, Assistant City Attorney
Wendy Blackwell, Engineering Development Review Division Director
Ron Pacheco, Office of Affordable Housing
Donna Wynant, Senior Planner
Lou Baker, Senior Planner
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

Chair Gonzales asked Commissioner Romero to lead the pledge of allegiance.

C. APPROVAL OF AGENDA

Mr. Smith recommended postponement of the following cases:

Items 3 and 4, ordinance amendments postponed to August 2nd

Item 7 – Case #ZA-2007-04 College of Santa Fe – applicant is amending the application so this is postponed indefinitely.

Item 13 – Case #M-2007-19 Governor Dempsey Drive Escarpment Regulations
Variance – postponed to August 2nd

Item 14- Case #M-2007-20 500 Hillcrest Drive Escarpment Regulations Variance – postponed to August 2nd

Item 15 – Case #M-2007-22 750 Canada Ancha Escarpment and Terrain Management Regulations Variance postponed to August 2nd

Chair Gonzales asked if the Development Plan for Raven Ridge needs to be heard prior to the Final Subdivision Plan.

Mr. Smith said that would technically be correct.

Chair Gonzales asked to swap item 1 and 2 so the Raven Ridge cases could be heard in the correct order.

Commissioner Lindell moved to approve the agenda as amended, Commissioner Heltman seconded the motion which passed by unanimous voice vote.

D. APPROVAL OF MINUTES

June 7, 2007

Commissioner Hughes corrected the first sentence under Questions and comments from the Commission: *pervious* should be *impervious*

Commissioner Heltman moved to approve the minutes of June 7, 2007 as amended, Commissioner Lindell seconded the motion which passed by unanimous voice vote.

E. OLD BUSINESS – None

F. NEW BUSINESS

2. **Case #M 2006-48, Raven Ridge Townhouses Development Plan.** Lorn Tryk, agent for Raven Ridge, LLC. requests development plan approval to create 33 single-family attached dwelling units on 4.26 acres. The application includes a variance to the side setbacks on second floors to allow the two story townhouses to be on fee simple lots with zero side setbacks on both first and second floors. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Donna Wynant, case manager) (POSTPONED FROM JUNE 21, 2007)

Items 1 and 2 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Memorandum from Donna Wynant prepared July 12 2007 for July 19th Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Ms. Donna Wynant presented the staff report included in Exhibit "1." She noted that staff determined that a variance is not necessary.

Staff recommends approval subject to approval by the following departments:

- Subdivision Engineer

- Engineering Division traffic review
- Water Division
- Wastewater Division
- Fire Department

Chair Gonzales asked if the Commission approves this if it would include a variance or not.

Mr. Smith said the motion would not need to include the variance.

Public Hearing

Joe Ortiz, 99 San Marcos Loop, was sworn. He said they are excited about the project as a whole. Raven Ridge has similar design features to El Nido. There is huge acceptance of the two story town home in this configuration. There are traditional portals and kivas. He urged them to go look at El Nido. There will be a total of 13 affordable units in all four tiers. The unit is backed up by Jaguar Village and adjacent to Ortiz Middle School and Sweeney. The units will have tremendous views off their respective decks. He said they are doing offsite construction and completing the units on site. This allows the efficiencies needed. There is a total of 33 units with a couple of two bedrooms and the range will start at \$94,000. He said there has been resistance to the four bedroom units which they are surprised about. He said they need a double car garage when they get to an attached four bedroom unit, so they will stay with mostly three bedrooms.

Commissioner Lindell pointed out that the executive summary should say 12 dwellings per acre with 40% or 13 designed as affordable. She commended the applicant for being willing to go to 40%.

Mr. Ortiz commented that the number does not work from a financial model. It is a balancing act that the bank has to do without a substantial City subsidy. He noted that they are scrambling to fill the gap and working with MFA to get their money. He said they will do it, but from a realistic market rate standpoint it does not float. He explained that when you have less than 100 units on a project the economics get pushed too hard and the skew becomes too great. He said it does not work in the planning.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes commented that Exhibit M recommends rejection of the proposal by the Fire Chief.

Ms. Wynant said there was an updated email from the Fire Chief that was not included.

Commissioner Hughes thought if the issue is posting fire lane signs that the applicant probably does not have a problem with that.

Mr. Ortiz said they will post the signs and address any conditions they have.

Chair Gonzales said with regards to the comments from the Fire Chief they do not quite know what the direction will be. He asked if they could approve with the condition that the applicant meets conditions imposed by the Fire Chief.

Mr. Smith said if the concern is the details were not shown then he suggests they reference addressing the requirements in the May 1 memo.

Commissioner O'Reilly asked about the easement requested by Anne McLaughlin and what it is that for and why it was requested.

Ms. Wynant stated that she did not look at the overall trail system connection.

Mr. Smith said his understanding is that there is a lot of open space on the north side and the Commission has the authority to approve the development plan with any setback deemed appropriate and reasonably in connection with the project.

Commissioner Armijo thought the 0-setbacks make these condos instead of townhouses.

Mr. Smith said attached housing can either be condos or actual lots of record which is the case here. He said there are other cases like this with lots of record.

Commissioner Armijo does not want to speak for the Fire Marshal, but wonders if he will have some concerns with that.

Mr. Ortiz said one of the advantages of the system used is an elevator wall. There are two complete systems separated by dead air space which works well for fire and sound. There is a two inch separation between them. He explained that by going with a town home fee simple product it does not create additional fees. He said it is staggering to see the charges going on when you have homeowner's fees.

Commissioner Armijo asked if the elevator walls are also fire rated walls.

Mr. Ortiz replied yes and said there are two complete systems.

Commissioner Heltman asked if all the properties are for sale.

Chair Gonzales asked if they will have an HOA.

Mr. Ortiz replied yes for communication and simple maintenance.

Chair Gonzales asked what the pricing for the HOA will be.

Mr. Ortiz asked if the streets will be dedicated.

Mr. Smith explained that the major streets will be public streets such as Lucia Lane and the stub out will be dedicated to the public after construction. The alleys between the units and the loop that runs north and west will be private roads.

Mr. Ortiz said it will be a minimal cost. He added that the home owners are responsible for their own homes which keep down the fees.

Commissioner Lindell moved for approval of Case M-2006-08 with staff recommendations, Commissioner Heltman seconded the motion.

Commissioner Armijo asked if they could include fire marshal approval as an amendment to the motion, Commissioner Salazar seconded the friendly amendment which passed by unanimous voice vote.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

- 1. Case #S 2007-08. Raven Ridge Townhouses Final Subdivision Plat. Lorn Tryk, agent for Raven Ridge, LLC. requests final subdivision plat approval to create 33 lots on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Donna Wynant, case manager) (POSTPONED FROM JUNE 21, 2007)**

Items 1 and 2 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Commissioner Lindell moved for approval of Case S-2007-08 with staff recommendations, Commissioner Heltman seconded the motion which passed by unanimous voice vote.

- 3. An ordinance amending Section 14-9.2(F)(1) SFCC 1987 regarding the general requirements for sidewalks. (Councilor Heldmeyer) (Jeanne Price, case manager)**

This item was postponed per approval of the agenda to August 2, 2007.

- 4. An ordinance amending Sections 6-4.3; various sections of Chapter 14; renaming Chapter XXVI; creating a new Article 26-2 SFCC 1987 all related to affordable housing, the Santa Fe Homes Program and low priced dwelling units. (Ron Pacheco and Kathy McCormick, case managers)**

This item was postponed per approval of the agenda to August 2, 2007.

- 5. Repealing Resolution No. 1999-103 and Resolution No. 2004-20 regarding the City Planning Policy Commission. (Councilor Ortiz, Councilor Bushee and Mayor Coss) (Jeanne Price, case manager)**

Items 5 and 6 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Two memorandums from Jeanne Price prepared July 10, 2007 for July 19th Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Memorandum from Jeanne Price prepared July 19, 2007 for Planning Commission meeting regarding City Planning Policy Commission recommendations is incorporated herewith to these minutes as Exhibit "2(A)."

Ms. Jeanne Price presented the staff report included in Exhibit "2." She made a correction to the agenda striking the language about the code amendment committee. She said this was introduced by Councilor Bushee and is co-sponsored by Councilor Ortiz and Mayor Coss. She reviewed the recommendations made by the City Planning Policy Committee included in Exhibit "2(A)." She noted that the main recommendation of the CPPC was to not have the representation specified on the subcommittee as all those appointed to the Board should not be representing specific fields of interest, but should look at the needs of the community as a whole. She asked the Planning Commission to recommend approval or denial of the two issues with or without amendments. This will go to Public Works, Finance and then to City Council.

Chair Gonzales clarified that the recommendation would be to repeal 1999-13 and replace that with 2004-20.

Ms. Price said the proposal repeals both resolutions.

Public Hearing

There were no members of the public present to speak on behalf or against this case.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked why this is not working.

Ms. Price explained that it has always been a problem and however they have tried to incorporate long range planning has not worked. There is a disconnect between long range planning and development review, the intent is make sure that the Planning Commission has a background and awareness of long range planning concerns. The goal of the general plan in relationship to the specific development review does not happen when the same people are not looking at the issues. The other issue is that the CPPC has taken on some of the specific development review general plan amendments that are also done by this body so it duplicates and is not as efficient as it might be. She noted that the CPPC feels they do not have staff to bring forward issues although she is not sure if that is true.

Commissioner Armijo thought it might be hard to get seven members to be on the subcommittee.

Mr. Smith explained that the issue has been discussed and considered previously, but rather than disband them they proposed official status on long range planning although that amendment never got to the full body. He said there are some advantages and disadvantages to the system. He anticipates the two additional staff members would help with the added workload created by this proposal.

Ms. Price said it would be a lot easier because the homework will have been done when issues come to the Planning Commission. She believes this will work better.

Commissioner O'Reilly asked if the quorum requirements proposed are enough.

Ms. Price said the requirement he is referring to was proposed by the CPPC.

Commissioner O'Reilly asked why the specific requirements regarding Commissioner membership are being proposed.

Ms. Price explained that Councilor Bushee initiated that and wanted some experience regarding the issues they look at.

Commissioner Lindell said the five additional members to the subcommittee essentially makes it sound like another CPPC with 8 members. She thinks that is too many. She understands the consideration of work division, but knows the intent is to streamline. The subcommittees do come and report on the recommendations, so she is not comfortable with five additional members. She then referred to the membership representation and asked who constitutes open space.

Ms. Price was unsure.

Commissioner Lindell asked if the at large representative could also fit one of the other categories.

Ms. Price believes that would be okay.

Commissioner Lindell asked who a neighborhood representative would be as everyone is from a neighborhood. She feels more comfortable with five at large representatives.

Commissioner Salazar asked if Councilor Bushee has looked at the recommendations from the CPPC made yesterday.

Ms. Price said she forwarded the memo to Councilor Bushee.

Commissioner Salazar commented that representatives from neighborhoods could be members of neighborhood associations.

Ms. Price agreed.

Commissioner Heltman thought the neighborhood representatives should be from different parts of town.

Ms. Price said that was not considered. She explained that Councilor Bushee thought it might be a good idea to look at the membership criteria and so she looked at anything that had criteria so they could propose these groupings. She said they were not thinking of representatives of neighborhoods from different sides of town, but wanted to ensure a mix of people as they made appointments so the bases were covered.

Commissioner Bordegaray asked how the additional members are selected.

Ms. Price said they would be appointed by the Mayor.

Commissioner Bordegaray asked what staff thinks the perfect world recommendation would be.

Ms. Price said this is the third version. She previously saw a 14 member Planning Commission, then the CPPC and Planning Commission as they are now. She is interested in this third version because the others were not perfect.

Mr. Smith said the Planning and Land Use Department raised concerns about the difficulty of coordinating the long range policies included in the general plan especially the land use map and policies. There will be a significant increased volume of public hearings required when they begin amending the code. Chapter 14 makes clear concise allowances for ad hoc committees, but the State statutes do authorize two Planning Commissions.

Commissioner Hughes agreed that according to state law the Planning Commission is charged with updating the long range general plan. He likes this proposal, but is not keen on the ordering of representatives. The whole Long Range Planning division will have a voice to go with on their ideas which will have advantages. He likes the subcommittee with three people idea.

Chair Gonzales likes the idea of the group coming from the Planning Commission. When he thinks of long range planning there are two areas that need to get plugged in somehow; the Santa Fe Public Schools and a utility representative which could be someone from PNM or Qwest. These could serve an advisory role so they can actively come to the meetings. They do not have to have the authority to make decisions, but he would like their input.

Commissioner Lindell moved to support the resolution repealing resolution 1999-103 and resolution 2004-20 regarding the City Planning Policy Commission, Commissioner Heltman seconded the motion.

Commissioner O'Reilly said the problem he has with spelling out specific people is what Commissioner Lindell brought up. He believes they ought to be asking for people licensed if there are specific requirements. He also agrees with the other five members being at large. It is a good idea that it be the majority comprised from this Planning Commission. He is worried that three are not enough.

Chair Gonzales said this pertains to the next case.

There being no abstaining or dissenting votes the motion passed by unanimous voice vote.

Commissioner O'Reilly felt the composition of three people is nice, but a quorum is only two. He said it is not a popular position to be in if they do not allow some to vote, but they recommend back to the Planning Commission. He thinks they need more than three people on the subcommittee.

Commissioner Lindell commented that the appointments are made by the Mayor with a rotation of terms. She is not uncomfortable staying with the existing system. She noted that in looking at the present Commission she could not be more pleased with the diverse representation that has occurred purely by appointment.

Commissioner Heltman supports the remarks made by Commissioner Lindell. She thinks the Mayor needs some leeway in appointing members and the makeup should be representative as the Mayor sees fit.

- 6. An ordinance amending the membership of the Planning Commission; creating the Long Range Planning Subcommittee and the Code Amendment Subcommittee of the Planning Commission. (Councilor Bushee) (Jeanne Price, case manager)**

Items 5 and 6 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Commissioner Hughes moved to accept the ordinance as written with two exceptions; striking the added language in Section 1 and keeping section 2 new material with the additions of 2-3 Planning Commissioners to serve on the Long Range Planning Subcommittee along with a representative from public schools and a representative from utilities, Commissioner Armijo seconded the motion.

Commissioner O'Reilly asked if the two additional representatives will be voting members of the subcommittee.

Commissioner Hughes replied yes.

Commissioner Lindell asked for clarification on the motion.

Commissioner Hughes said in effect they will let the Mayor make the choices in creating the subcommittee of three Planning Commissioners and two other people.

Commissioner Bordegaray noted that this does not include the five additional members, so she asked for someone from the transportation department be included.

Commissioner Hughes said utilities could be construed very broadly as transportation. He said the subcommittee would have the opportunity to have many people testify before them prior to bringing the issue to the Planning Commission under the Open Meetings Act.

Commissioner Lindell felt uncomfortable with making the subcommittee members from a specific area; she would prefer they be at large appointments.

Commissioner Lindell moved to amend the motion to make the appointments at large. Commissioner Heltman seconded the amendment.

Ms. Lovely clarified that the subcommittee would have to have a quorum but would not come under the Open Meetings Act so there will be no minutes and they will not be making a final decision.

Commissioner Romero commented that the spirit of the amendment is to eliminate the extra body and to allow the Planning Commission to consider matters. He questioned what advantage they see in having this kind of extra group involved.

Chair Gonzales said it appears to be a compromise from a big committee.

Commissioner Heltman asked what the subcommittee's role will be exactly.

Ms. Price explained that the subcommittee will be designed to study long range issues which would be code amendments. These issues take a lot longer time to complete. The subcommittee will bring the recommendations back and have public hearings to make a recommendation as a whole by the Planning Commission.

Commissioner Armijo asked how the subcommittee members from the Planning Commission would be appointed.

Ms. Price said the Planning Commission would vote on who they want.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

Ms. Price clarified that the two extra members are at large. She said the subcommittee should ask others to attend that could lend insight to the issue at hand.

7. **Case #ZA 2007-04.** College of Santa Fe Rezoning from R-5 to C-2. Jennifer Jenkins, agent for the College of Santa Fe, requests rezoning of 81.0± acres from R-5 (Residential, 5 dwellings per acre) to C-2, (General Commercial). The property consists of Tracts E through Q owned by the College of Santa Fe and are located southeast of St. Michael Drive and to the north of Siringo Road. (Dan Esquibel, case manager)

This item was postponed indefinitely per approval of the agenda.

8. **Case #S2007-10.** Kachina Ridge Phases II and III Amendment to Subdivision Plats. James W. Siebert, agent for SBS, LLC requests an amendment to the Kachina Ridge Phases II and III final subdivision plats to relocate two of the designated affordable units to Phase II of the project. The subdivision is located south of Avenida de las Americas and north of the main channel of the Arroyo de los Chamisos. The property is zoned RM-1/PUD (Multi-Family Residential – Planned Unit Development, 21 units dwellings per acre). (Lou Baker, case manager)

Memorandum from Lou Baker prepared June 29, 2007 for July 19th Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Lou Baker presented the staff report included in Exhibit "3."

Staff recommends approval based on the following conditions:

1. Construction will occur in an existing neighborhood, therefore applicant shall submit a construction staging plan (Exhibit D) detailing activities in a manner as to not to disrupt the harmony and safety of the neighborhood and existing vegetation; and
2. A certified slope analysis is not required for minor development. Generally, the project is considered "minor development" if the lot has 1) less than 3500 square feet of impervious surface, 2) no more than 5000 square feet of total disturbance and 3) no more than 10% slope disturbance. If a slope analysis is required it must be certified and signed by a New Mexico licensed surveyor. Applicant shall work with the Engineering Development Review Division to determine if a certified slope analysis is required; and
3. A note shall be placed on the final plat and on the final development plan that the property will be subject to the Water Allocation and/or Water Offset Retrofit provisions of Ordinance No. 2002-29

- and Resolution 2002-55 at the time of permit application or water hookup request. Compliance shall be achieved by use of either retrofit credits or water transfer; and
4. Stormwater Certification statement shall be placed on the cover sheet of the mylar drawings. The Certification shall appear next to the As-Built Certification statement; and
 5. Comply with Standards for Development. Infrastructure Improvement and Plat Documents as per Exhibit K. These requirements apply to each page; and
 6. Comply with comments from the Engineering Development Review Division (Exhibit E); and
 7. Comply with Solid Waste Facility Design Standards (Exhibit F); and
 8. Comply with comments from Wastewater Management Division (Exhibit G) – Stan Holland, PE; and
 9. Comply with comments from the Fire Department (Exhibit H) – J.T. Bolleter, Assistant Chief.

Mr. Ron Pacheco explained that the change of the location of two units into another phase is fine with the Office of Affordable Housing. He said the switch makes sense and they are recommending approval of the change in lots.

Public Hearing

Victoria Reyes, Jim Siebert, 913 Mercer, was sworn. She said this amendment is to relocate the affordable units into phase II. There will be no increase or decrease in affordable lots. They are in agreement with staff conditions.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked why they had to relocate these lots.

Ms. Reyes explained that it is for better distribution to comply with the program, so the lots are not clustered.

Commissioner O'Reilly asked if it is necessary for this to come to the Planning Commission since structures are not moved, but they are switching to being affordable.

Mr. Smith explained that the code provides for the HOP units to be identified on the plat so they are amending the final subdivision plat. He said in an effort to err on the side of caution in amending plats with affordability issues they brought this to the Commission.

Commissioner O'Reilly asked what conditions of approval have to do with this change.

Ms. Baker wanted it to be part of the record although the majority of these are attached to the original case. The applicant has worked diligently with staff and all of the issues have been taken care of. This application is only to relocate the units into phase II.

Commissioner Armijo commented for the new Commissioners that they have been careful to ensure the affordable units are intermixed properly and have asked to know which lots are designated as affordable to make sure they are not all together.

Commissioner Armijo moved for approval of Case S-2007-10 with staff conditions, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

9. **Case #M 2007-05. Casas Bonitas Development Plan Amendment.** Linda Tigges, agent for Chapman Companies, requests approval of an amended development plan for 49 units on 8.020± acres located south of Rufina Street, east of Calle P'O Ae Pi. The application includes a variance to the 15' setback distance between each series of attached dwellings. The property is zoned R-7 (Residential, 7 dwellings per acre). (Donna Wynant, case manager)

Items 9 and 10 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Memorandum from Donna Wynant prepared July 11, 2007 for July 19th Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Donna Wynant presented the staff report included in Exhibit "4."

If the Commission determines that the variance findings allow less than a 15 setback distance between each series of attached dwellings per Section 14-7.1-1(6) can be supported based on the review criteria as outlined in Section 14-3.16(c) then staff recommends approval subject to approval by the following departments:

- Subdivision Engineer
- Engineering Division traffic review
- Water Division
- Wastewater Division
- Fire Department

Chair Gonzales asked if the motion is to approve the variance.

Mr. Smith said they should approve the development plan including approval of the variance.

Public Hearing

Bill Chapman, 1679 Villa Bosque, was sworn. Mr. Chapman reported that this project is 49 homes on 8 acres with 14 affordable units. The intent was similar to Fairway Village designs of pitched roofs and attached the garages. He said by putting the units together they create better use of the yard and more space for homes to expand. He said larger denser subdivisions are not required to have the 15 foot setback. This is just a note on the designation of R-7. He showed how the homes will be placed in relation to the street. He pointed out that in subdivisions such as Tierra Contenta they have U-shaped yards that do not allow expansion of the home. They have turned the homes on the perimeter to get a much bigger backyard. The lots are wider. There is a bonus room above the garage; they will provide an unfinished master bedroom, so the homebuyers can buy a bigger home than normal and expand. He explained that in R-8 they get the setback and in R-6 also, but in R-7 a variance is required. The HOP units will be spread throughout and are identical to the market rate homes. They will run the plumbing, heating and electrical components into the unfinished space so it will be easy to expand. He expressed concern with the road in front of the school. The schools paved half the road and did not put in medians. His proposal will put in the entire road and will place the medians. He said it is his fair share to pay for the paving, sidewalk, curb and gutter, but not the median so they will use the impact fees to pay for the median. If the median

costs more than the impact fee they will pay the remainder and apply for an adjustment. The City would like the road to be a future arterial road which is why the standard is more. The intent is to connect to County Road 62 at the bypass at some future date.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked if it is correct that the setback is not required in R-6 or R-8.

Mr. Smith said that is correct. He said up to R-6 they do not anticipate that there are attached units with lot lines. He noted that they do not make provisions for clustering. The R-7 is not geared toward units on separate lots. The setback's intent is to keep the streetscape from becoming monolithic.

Commissioner Armijo asked how much the variance is for.

Mr. Chapman said it is from 15 to 10 feet.

Commissioner O'Reilly commented that the gross density is 6 units per acre, so he could see why they want the R-1 through 6 setbacks, but that also calls for a five foot setback on the first and second floor. He asked if they are asking for both the first and second floor.

Ms. Wynant deferred to the applicant.

Mr. Chapman said in R-7 there is not setback requirement for the second floor. The intent is to do the 10 foot separation for first and second story.

Chair Gonzales asked John Romero if he is in agreement with the cost sharing for the road as his memo does not mention the cost sharing.

Mr. Romero stated agreement. He believes that the conditions on the memo were included during the rezoning.

Commissioner Hughes moved to approve Case #M-2007-05 with staff conditions, Commissioner Lindell seconded the motion.

Commissioner O'Reilly agrees with the applicant that this is essentially an R-6 subdivision, but the setbacks being essentially the same is not quite accurate as they are creating smaller setbacks because they are not setting back the second floor. This is creating less than the 15 foot setback all the way up and less than allowed in lower zonings. He supports the subdivision, but not the variance.

Mr. Smith said there should be a reference to the findings required for the variance. The issues were discussed with the previous development plan as this is just a plan amendment.

Commissioner O'Reilly asked for further clarification.

Mr. Smith said the development plan was approved as part of the rezoning and did show less than the 15 foot setback. The side yard setback is whatever was deemed appropriate by the Planning Commission. The applicant is correct that the two story portion is not a variance, but a flexible requirement at the discretion of the Commission.

The motion passed by a majority voice vote of 8 to 1 with Commissioner Romero voting against the motion.

- 10. Case #S 2007-09. Casas Bonitas Final Subdivision Plat.** Linda Tigges, agent for Chapman Companies, requests final subdivision plat approval for 49 units on 8.020± acres located south of Rufina Street, east of Calle P'O Ae Pi. The property is zoned R-7 (Residential, 7 dwellings per acre). (Donna Wynant, case manager)

Items 9 and 10 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Commissioner Hughes moved to approve Case #S-2007-09. Commissioner Lindell seconded the motion which passed by unanimous voice vote.

- 11. Case #M 2007-10. 3273 Primo Colores Street Variance to Side Yard Setback.** Jennifer Jenkins, agent for Centex Homes requests a variance to reduce the 10 foot setback requirement for the second story to 7.5 feet. The property consists of .137± acres and is zoned R-6 PUD (Residential, six dwelling units per acre). (Lou Baker, case manager)

Items 11 and 12 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Memorandum from Lou Baker prepared June 29, 2007 for July 19th Planning Commission meeting regarding 3273 Primo Colores is incorporated herewith to these minutes as Exhibit "5."

Memorandum from Lou Baker prepared June 29, 2007 for July 19th Planning Commission meeting regarding 3273 Primo Colores is incorporated herewith to these minutes as Exhibit "6."

Letter from concerned neighbor dated July 17, 2007 is incorporated herewith to these minutes as Exhibit "5(A)."

Map showing locations of 3271 and 3273 Primo Colores Street is incorporated herewith to these minutes as Exhibit "5(B)."

Lou Baker presented the staff report included in Exhibit "5" and "6."

Staff recommends the following conditions:

1. Applicant shall submit footing affidavit signed and sealed by professional registered New Mexico surveyor for all current and future structure siting; and
2. Applicant shall comply with all conditions of approval for the Colores del Sol final development plan and final subdivision plat.

Public Hearing

Jennifer Jenkins, 130 Grant Avenue, was sworn. These two lots are directly next door in the Colores del Sol subdivision. She explained that the application for the building permit was submitted showing a common lot line with a 7.5 foot side yard setback and the two story homes are mirror images of one another. The second story is not stepped back from the first story along the property line. The setback requirement is only five feet for the first floor so they are exceeding that by 2.5 feet. The setback for the second would be 10 feet and they are lacking 2.5 feet on the second story. The homes are 15 feet away from each other. The site planning reflected the 7.5 feet, but permits were approved based on that submittal and the error in the siting was not caught. The homes were staked in the field with the approved permits and when the homes were 80% built the Centex personnel in the field noticed the error and stopped construction on the homes. She said Centex was very proactive and were advised by City staff the best course of action was to request a variance. She clarified that this was an applicant mistake and a City mistake as well. She noted that in the PUD there are differing standards, so it is not uncommon to have different setbacks. She pointed out that to the south there is commercial development pending for Colores del Sol. This just impacts these two homes that are not yet sold so it will be disclosed to future buyers. She expressed concern with one of the conditions which is item 1. She said if the home was staked incorrectly according to the permit she could understand this, but the home was built according to the permit issued. She asked them to remove that condition.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner O'Reilly asked what the applicant's position is on what might happen in the future on this lot. He asked if she is suggesting the error could be compounded or if she is suggesting any additions be built to the 10 foot.

Ms. Jenkins said her understanding is that the variance runs with the land based on the structure, but future additions would have to comply with code.

Mr. Smith said the staff interpretation is that the findings explain the variance is the minimum relief under the code. He said the motion should make it clear that the variance applies only to the development shown on the site plan in front of the Commission.

Ms. Jenkins said that is acceptable.

Commissioner Armijo has only one concern which is with the fire code. The fire code is the reason for the setback requirement. He asked if they could allow for some outside safety issues to satisfy the fire code.

Ms. Jenkins said her understanding is that the minimum is 10 feet and they have a 15 foot separation all the way up for the entire façade. They are exceeding the setback for the first floor, but the second floor is lacking five feet total.

Commissioner Armijo asked why they require an additional five feet setback for second stories.

Mr. Smith believes the intent is to accommodate the views and improve the visual streetscape of the subdivision down the entire length of the lot rather than fire concerns. The setback allows more light to penetrate onto the walls.

Commissioner Armijo asked if the surveyor has the complete plat of what is going on so this does not occur.

Ms. Jenkins explained that the surveyor is not charged with a code analysis or establishing what is encroaching. She said within the Centex organization, they go through a pre approval process for unit types and internally prepare a site plan for the lot and pre-approved building plans are submitted. Once they are permitted, the site plan is utilized to do the construction staking.

Commissioner Armijo said the development plan does show all setbacks and the surveyor should be looking at that not just per lot surveys. He said they need to be looking at the entire development so this does not happen in the future.

Ms. Jenkins assured Commissioner Armijo that this will not occur in the future.

Mr. Smith said staff believes there was an error occurring in the field and the mistake might have been on the approved plans. This issue has shown up on other lots, so staff plans to match the plans in each and every case. He said it is likely that this will be policy.

Commissioner Lindell moved approval of the variance on Case M-2007-10, Commissioner Armijo seconded with staff conditions and the findings in section 14-2.3 (C)(3). The motion passed by unanimous voice vote.

- 12. Case #M 2007-11. 3271 Primo Colores Street Variance to Side Yard Setback.** Jennifer Jenkins, agent for Centex Homes requests a variance to reduce the 10 foot setback requirement for the second story to 7.5 feet. The property consists of .109± acres and is zoned R-6 PUD (Residential, six dwelling units per acre). (Lou Baker, case manager)

Items 11 and 12 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Commissioner Lindell moved approval of the variance on Case M-2007-11, Commissioner Armijo seconded with staff conditions and the findings in section 14-2.3 (C)(3). The motion passed by unanimous voice vote.

- 13. Case #M 2007-19. 1003 Governor Dempsey Drive Escarpment Regulations Variance.** Karl Sommer, agent for Susan Peck Massey requests a variance to the escarpment regulations to allow the construction of a new residence within the Ridgetop Subdistrict at the same location as the existing residence. The property consists of 2.408± acres and is zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager)

This item was postponed per approval of the agenda to August 2, 2007.

- 14. Case #M 2007-20. 500 Hillcrest Drive Escarpment Regulations Variance.** Karl Sommer, agent for John Scanlan requests a variance to the escarpment regulations to allow the construction of a new residence within the Ridgetop Subdistrict at the same location as the previous residence. The property consists of 7.848± acres and is zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager)

This item was postponed per approval of the agenda to August 2, 2007.

- 15. Case #M 2007-22. 750 Canada Ancha Escarpment and Terrain Management Regulations Variance.** Karl Sommer, agent for Steven and Margo Pike requests a variance to the escarpment overlay district to allow construction on the ridgetop and terrain management regulations to allow for more than half of the building footprint to be constructed on slopes between twenty and thirty percent. The property consists of 2.163± acres and is zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager)

This item was postponed per approval of the agenda to August 2, 2007.

G. BUSINESS FROM THE FLOOR – None

H. STAFF COMMUNICATIONS

Mr. Smith said they will be implementing the findings and fact for the August 16th meeting as discussed at the training session.

Commissioner Hughes asked if the County objected to the Beaty annexation.

Mr. Smith replied yes and said the Council will have to decide if they object or not.

Mr. Smith said he tried to get all the information to the Commissioners that they requested at the orientation. He asked if anything is missing.

Commissioner Heltman asked for a new list of the employees and telephone numbers. She also wanted a copy of the material given out at the training they went to in Albuquerque.

Commissioner Bordegaray requested an organizational chart for long range planning, so they know where housing, economic development and long range planning falls.

Commissioner Hughes passed out information on a conference "Making Cities Livable" which will be next June at La Fonda. He hopes they look at how to use mixed use zoning.

I. MATTERS FROM THE COMMISSION – None

J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Heltman moved,

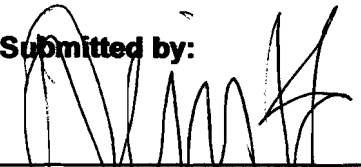
seconded by Commissioner Lindell to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 8:40 p.m.

Approved by:



Chair Estevan Gonzales

Submitted by:



Denise Cox, Stenographer