



Agenda SERVED BY *Joyce Gurell*

RECEIVED BY *J. Gurell*

PLANNING COMMISSION

January 5, 2012 – 6:00 P.M.

CITY COUNCIL CHAMBERS

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS
 - MINUTES: December 1, 2011
 - FINDINGS/CONCLUSIONS: None
- E. OLD BUSINESS
- F. NEW BUSINESS

1. **Case #2011-55. DeVargas Center Sign Plan Variance.** Modulus Architects, agent for DeVargas Center Associates, requests a variance to 14-8.10(E) Permanent Signs: Specific Requirements According to Class of Sign. The property is zoned SC-2 (Community Shopping Center) and is located at 564 North Guadalupe Street. (Daniel Esquibel, Case Manager) **(POSTPONED FROM OCTOBER 6, 2011 AND DECEMBER 1, 2011) (TO BE POSTPONED TO FEBRUARY 2, 2012)**
2. **Case #2011-127. Clark Road Preliminary Subdivision Plat.** Monica Montoya, agent for Adams/Miller LLC, requests preliminary subdivision plat approval for 4 lots on 1.955± acres at 1287 Clark Road. The property is zoned I-1 (Light Industrial). (Donna Wynant, 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 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.

**Index Summary of Minutes
Santa Fe Planning Commission
January 5, 2012**

INDEX	ACTION TAKEN	PAGE(S)
Cover Sheet		1
Call to Order	Acting Chair Spray called the meeting to order at 6:00 pm	2
Roll Call	A quorum was declared by roll call, 2 excused absences	2
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Lindell	2
Approval of Agenda	Motion and second to approve the agenda as presented, motion carried by unanimous voice vote.	2
Approval Minutes	Motion and second to postpone approval of minutes of December 1, 2011 instructing the stenographer to retrieve pertinent statement related to Commissioner Lindell discussion on page 7, motion carried by unanimous voice vote.	2-3
Old Business None		3
New Business 1. Case #2011-55. DeVargas Center Sign Plan Variance. Modulus Architects, agent for DeVargas Center Associates, requests a variance to 14-8.10(E) Permanent Signs: Specific Requirements According to Class of Sign. The property is zoned SC-2 (Community Shopping Center) and is located at 564 North Guadalupe Street. (Daniel Esquibel, Case Manager) (POSTPONED FROM OCTOBER 6, 2011 AND DECEMBER 1, 2011) (TO BE POSTPONED TO FEBRUARY 2, 2012) 2. Case #2011-127. Clark Road Preliminary Subdivision Plat. Monica Montoya, agent for Adams/Miller LLC, requests	1. Postponed to February 2, 2012 meeting. 2. <i>Commissioner Lindell moved for approval of case #2011-127 Clark</i>	3-5

**Index Summary of Minutes
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preliminary subdivision plat approval for 4 lots on 1.955± acres at 1287 Clark Road. The property is zoned I-1 (Light Industrial). (Donna Wynant, Case Manager)	<i>Road Preliminary Subdivision Plat with staff recommendations and conditions, second by Commissioner Villarreal, motion carried by unanimous voice vote.</i>	
Business from the Floor	None	5
Staff Communications	None	5
Matters from the Commission	Informational	5-6
Adjournment and Signature Page	Meeting was adjourned at 6:40 pm	7
Additions: Presentation by Donna Wynant on Case #2011-127		

**MINUTES
PLANNING COMMISSION
January 5, 2012 – 6:00 P.M.
CITY COUNCIL CHAMBERS**

A. ROLL CALL

Present

Commissioner Tom Spray, Acting Chair
Commissioner Michael Harris
Commissioner Lisa Bemis
Commissioner Signe L. Lindell
Commissioner Lawrence Ortiz
Commissioner Angel Schackel Bordegaray
Commissioner Renee Villarreal

Not Present (Excused)

Ken Hughes, Chair
Commissioner Joe Catanach

Staff Present

Tamara Baer
Donna Wynant

Others Present

Fran Lucero, Stenographer

B. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner Lindell.

C. APPROVAL OF AGENDA

No changes from staff or commission.

Commissioner Lindell moved to approve the agenda as presented, second by Commissioner Harris, motion carried by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: December 1, 2011
FINDINGS/CONCLUSIONS: None

No changes from staff.

Commissioner Bemis and Commissioner Lindell commented that one portion of Commissioner Lindell's discussion on page 7 was incomplete and they requested

that the stenographer re-listen to the tape and provide the required detail.

Commissioner Lindell moved to postpone the approval of the December 1, 2011 minutes in order to have the stenographer check the record on Commissioner Lindells' comments, second by Commissioner Bemis, motion carried by unanimous voice vote

E. OLD BUSINESS

None

F. NEW BUSINESS

1. **Case #2011-55. DeVargas Center Sign Plan Variance.** Modulus Architects, agent for DeVargas Center Associates, requests a variance to 14-8.10(E) Permanent Signs: Specific Requirements According to Class of Sign. The property is zoned SC-2 (Community Shopping Center) and is located at 564 North Guadalupe Street. (Daniel Esquibel, Case Manager) **(POSTPONED FROM OCTOBER 6, 2011 AND DECEMBER 1, 2011) (TO BE POSTPONED TO FEBRUARY 2, 2012)**
2. **Case #2011-127. Clark Road Preliminary Subdivision Plat.** Monica Montoya, agent for Adams/Miller LLC, requests preliminary subdivision plat approval for 4 lots on 1.955± acres at 1287 Clark Road. The property is zoned I-1 (Light Industrial). (Donna Wynant, Case Manager)

Preliminary subdivision plat is under consideration tonight. Sight is located in an industrial area, location demonstrated on the overhead for the commission to view. It is in a light I-1 industrial district. The site is fully developed and is comprised of 4 buildings. They are all the same size structures and a list of tenants is in the packet, i.e., auto repair and other uses. For financial purposes the owners are defining individual lots. Each of the proposed lots is approximately a half acre in size. No minimum lot size is required in the I-1 district.

No changes to the site, infrastructure, parking, or open space are proposed. Neither the existing site, nor the proposed lots with the existing buildings will meet all dimensional standards of the I-1 (Light Industrial) District. However, the proposed subdivision will neither increase, nor exacerbate the nonconformities as they currently exist.

Staff recommendation is for approval based on conditions of approval stated in Exhibit A in packet.

Monica Montoya, 726 Gregory Lane, Santa Fe, NM 87505

Ms. Montoya represents the owners. Ms. Wynant did a good job of explaining the case facts before the Planning Commission. The property is located in an I-1 zoning district off of Siler Road and about 90% of the businesses in this area are industrial and a high percentage of the businesses are auto repair as well as Mesa Steel

which is located across the street. The purpose of the pictures is to show that it is one of the desirable properties in the area and landscaping is maintained. The owner does not intend to make any physical changes to the property; the purpose is strictly financial should there be a need to sell he would want to sell in an individual basis. Set back requirements are being met and there are no openings that are closer to 3 ft. and the code would allow zero set back.

Public Hearing:

None – Public hearing closed.

Comments: Commissioners

Commissioner Lindell - The proposed lot lines they run along the buildings is 3 feet.
Ms. Montoya: Yes, that is correct.

Commissioner Lindell: Would there be enough space to do maintenance in the back of these buildings. Ms. Montoya: Yes, that is correct.

Commissioner Harris asked if the property line allows for emergency access. Is there any intention of placing any wall or fence parallel to Clark Rd.?

Ms. Montoya has spoken to the Fire Department and the access into the drive ways is adequate. If a wall or fence was placed on the property line, they would be able to provide service. There are no intentions or plans to make any changes. To eliminate the potential of this happening on these properties we could place a note on the plat that would prohibit any type of wall or fences on the property.

Commissioner Lindell: Shared that she does not have that concern. Automotive places sometimes put a fence or wall; it would be unfair to put this type of stipulation for someone in the future. She concurred that there is adequate access.

Ms. Baer: These building were permitted in a period of 2001-2003 and the fire department would have reviewed the emergency access and safety and would have commented if there were problems at that time.

Commissioner Harris: In the follow up between now and the final plat, it is recommended that staff get a comment from the Fire Department.

Commissioner Villarreal: Clear definition on who will maintain vegetation? Do they have potential buyers for the individual lots?

Ms. Montoya responded that she does not know.

Commissioner Bordegaray: Extended her compliments on how the project was presented and appreciates that the landscaping and vegetation is appreciated. Keeping the landscaping up is important.

Acting Chair asked Ms. Wynant that if when this plat comes back to the Planning Commission for final approval, he wanted to make sure that if by dividing this, that any prospective purchaser would have no other issues with open space requirements or nothing else should they have interest in purchasing.

Ms. Wynant said that once it is sub-divided and goes to final plat it is recorded and I believe it would be a part of a business association HOA documents would be part of the requirements recorded and there would be no further variances required. There is no room to add on to these structures, there is a height restriction and you can't go any higher than they are as they are built out to the maximum height right now.

Ms. Baer stated that the only time that something might arise if someone came in for a building permit application and they wanted to do additions and then staff would look into code compliance requirements. As a reminder to the commission, at this time we have been advised by the City Attorney Office that we don't require a variance where the action is being requested and taken. That does not either create or exasperate a nonconforming.

Commissioner Lindell moved for approval of case #2011-127 Clark Road Preliminary Subdivision Plat with staff recommendations and conditions, second by Commissioner Villarreal, motion carried by unanimous voice vote.

G. BUSINESS FROM THE FLOOR
None

H. STAFF COMMUNICATIONS
None

I. MATTERS FROM THE COMMISSION

Commissioner Bordegaray: When does the new arrangement, by which the Planning Commission considers cases from the former Business District as the Starbucks matter has been in the news.

Ms. Baer: The ordinance changes that were adopted by the Council on November 30, 2011 will be effective March 1, 2012: The way this specific BCD issue addressed and it was recommended and approved was that the BCD DRC be dissolved as when any business that was brought before them before March 1st has been taken care of. Therefore any applications filed in the BCD DRC review prior to March 1st will still be heard by the BCD. The current application is in and it should be heard this month. Planning may or may not have another application filed for demolition of the building in the Railyard prior to March 1st if there is such an application or the BCD DRC will continue to review that case even if it were after

March 1st. After that the trigger is for review, in other words there use to be complex review criteria or triggers for review at the BCD DRC that is going away. Now anything that is going to be reviewed by the Planning Commission, even if it is with the BCD will come to the Planning Commission.

Commissioner Bordegaray – I understand that the City Council is going to take up an appeal on the Planning Commission's decision to not allow the Herrera Family to change the name of Las Soleras Drive. We voted 4-1 and she was interested to hear what her fellow commissioners had to say.

Ms. Baer said that staff recommended against that name change and the Planning Commission supported that recommendation and it was appealed by Dr. Herrera so the Council will hear it.

Commissioner Harris: Will we get a hard copy of Chapter 14?

Ms. Baer said that it is being formalized and hopefully will be available by March, 2012.

Commissioner Harris referenced the December 1, 2011 memo from the City Attorney regarding ex parte communications with or by adjudicatory board members and the question on testimony by adjudicatory Board Members. "I assume that since we were given this and it came from the City Attorney's office to the current Planning Commission that this is gospel."

Ms. Baer: It is the position of the City Attorney's office and it is advisable to comply. The memo and action is not directly referred towards the Planning Commission. There was a case that came before the governing body where a member of another land use board wanted to speak on an appeal that they had heard and I believe the memo came after this type of action.

Commissioner Harris provided his views on ex parte communications and certainly accepts the directive. If we were to discuss a case after a certain action such as this evening would that be correct?

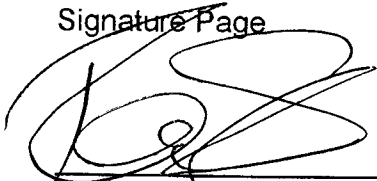
Ms. Baer said that she could not provide legal consultation and she would ask the question of legal counsel. She did recommend that any cases that are not finalized should not be discussed amongst each other. There will be additional finding of facts and the case will come back to Planning Commission and they should not be discussed with any applicants of a case.

Commissioner Harris requested refresher on ex parte.

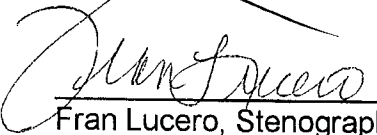
J. ADJOURNMENT

Meeting was adjourned at 6:40 pm

Signature Page



Commissioner Tom Spray, Acting Chair



Fran Lucero, Stenographer

Case #2010-127

Clark Road

Preliminary

Subdivision Plat

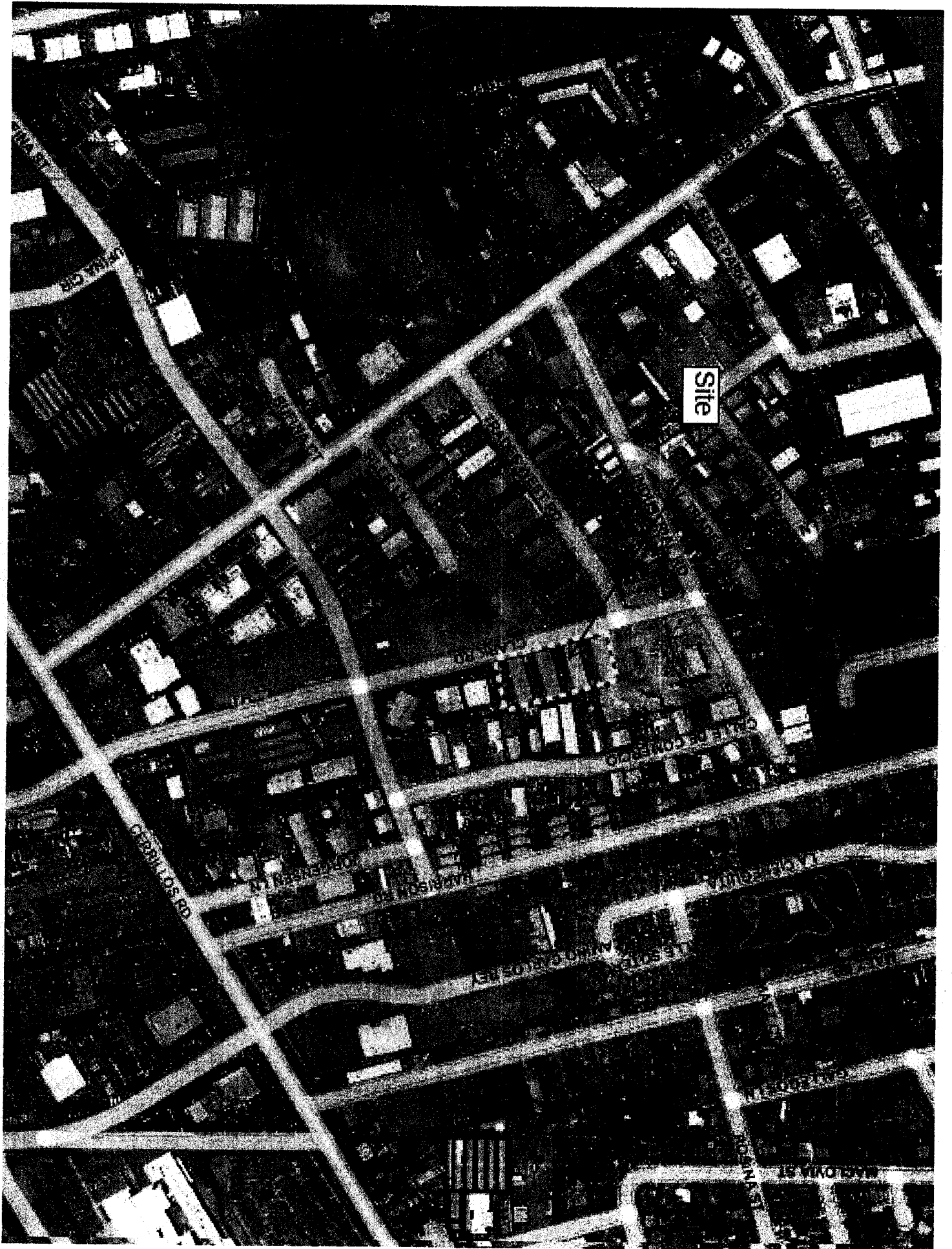
**Monica Montoya, agent
for Adams/Miller LLC**

Clark Road Subdivision Plat Review Process

Preliminary Subdivision Plat:

Final Subdivision Plat:

- Planning Commission for final decision.



Site

ST. JAMES ST.

OSWALD ST.

ST. JAMES ST.

ST. JAMES ST.

ST. JAMES ST.

ST. JAMES ST.

ST. JAMES ST.