



Agenda

CITY CLERK'S OFFICE

DATE 2-8-11 TIME 3:55

SERVED BY Cynthia Gurnea

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AMENDED

PLANNING COMMISSION

February 17, 2011 – 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: January 20, 2011**
 - FINDINGS/CONCLUSIONS**
- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. **Case #2010-177. Wolf Preliminary Subdivision Plat.** Monica Montoya, agent for John and Mary Beth Wolf, requests Preliminary Subdivision Plat approval for 3 lots on 1.056 +/- acres located at 621 Old Santa Fe Trail. The application includes a variance to street design standards. The property is zoned AC/RC8 (Residential Compound/8 dwelling units per acre; Arts and Crafts Overlay). (Dan Esquibel, Case Manager) **(POSTPONED FROM JANUARY 6, 2011 AND JANUARY 20, 2011)**
2. **Case #2010-163. The Pavilion Office Complex Development Plan.** Santa Fe Planning Group Inc., agent for Richard Cook, requests Development Plan approval for approximately 35 buildings on two parcels of land totaling 371.20 acres; 86 acres zoned C-2 (General Commercial) and 285 acres zoned BIP (Business/Industrial Park). The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager) **(POSTPONED FROM JANUARY 20, 2011) (TO BE POSTPONED TO MARCH 3, 2011)**
3. **Case #2010-191. Scherer Preliminary Subdivision Plat.** JenkinsGavin Design and Development, agent for Sky Scherer, requests Preliminary Subdivision Plat approval for 4 lots on 1.48± acres located at 623½ Garcia Street. The application includes a variance to street design standards. The property is zoned R-3 (Residential, three dwelling units per acre) and is in the Downtown and Eastside Historic Overlay District. (Donna Wynant, Case Manager) **(TO BE POSTPONED TO MARCH 3, 2011)**

4. **Case #2010-192. Christus St. Vincent's Guadalupe Street Sign Variance.** Branch Design and Development, agent for Hancock Properties LLC, requests a Development Plan Amendment and a variance to allow for one additional sign to be located on a single lot. The property is zoned SC-1 (Shopping Center) and is located at 510 North Guadalupe Street. (Dan Esquibel, Case Manager) **(TO BE POSTPONED)**
5. Chapter 14 Rewrite Amendments. Consideration of amendments to two sections of Chapter 14 SFCC 1987 as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff: 1) Section 14-7 Dimensional Standards and Measurements; and 2) Section 14-8 Development and Design Standards. (Greg Smith, 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.**



PLANNING COMMISSION

February 17, 2011 – 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: February 3, 2011

FINDINGS/CONCLUSIONS:

Case #2010-177. Wolf Preliminary Subdivision Plat.

Case #2010-191. Scherer Preliminary Subdivision Plat.

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

- 1. Chapter 14 Rewrite Amendments. Consideration of amendments to two sections of Chapter 14 SFCC 1987 as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff: 1) Section 14-7 Dimensional Standards and Measurements; and 2) Section 14-8 Development and Design Standards. (Greg Smith, Case Manager)

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- J. ADJOURNMENT**

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Index Summary of Minutes
Santa Fe Planning Commission
February 17, 2011

INDEX	ACTION TAKEN	PAGE(S)
Cover Page		1
Call to Order	Chair Lindell called the meeting to order at 6:00 pm	2
Roll Call	A quorum was declared by roll call, 1 excused absence.	2
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Mier.	2
Approval of Agenda Staff Changes: <ul style="list-style-type: none"> The Pavilion Office Complex Development Plan has been postponed to March 3, 2011 and will be heard at the same time as the final subdivision plat for the Pavilion. Scherer Preliminary Subdivision Plat has been postponed at their request to March 3, 2011. Christus St. Vincent's Guadalupe Street Sign Variance is postponed at this time and they are expecting that it will be withdrawn and rolled in to a larger variance application for signage at De Vargas Mall. 	Commissioner Mier moved to approve the agenda as amended, second by Commissioner Villarreal, motion carried by unanimous voice vote.	
Approval of Minutes Minutes: January 20, 2011 Corrections: Page 8-8 th paragraph – “double strip” should be “devil strip” throughout paragraph. Page 10 – 6 th paragraph: Commissioner Spray should be Staff said.... Page 10 – 7 th paragraph: Delete sentence. Page 17 – 8 th paragraph: Commissioner Villarreal asked where the original proposed site of the open space park was located .	Commissioner Spray moved to approve the minutes of January 20, 2011 as corrected, second by Commissioner Villarreal, motion carried by unanimous voice vote. Findings/Conclusions: None to approve.	2-3

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Page 18 – last paragraph: insert the words: <i>access to the park</i> after the word consider.		
OLD BUSINESS	None	3
NEW BUSINESS <ol style="list-style-type: none"> 1. <u>Case #2010-177 Wolf Preliminary Subdivision Plat.</u> Monica Montoya, agent for John and Mary Beth Wolf, requests Preliminary Subdivision Plat approval for 3 lots on 1/056 ± acres located at 621 Old Santa Fe Trail. The application includes a variance to street design standards. The property is zoned AC/RC8 (Residential Compound/8 dwelling units per acre; Arts and Crafts overlay). (Dan Esquibel, Case Manager) (Postponed from January 6, 2011 and January 20, 2011) 2. <u>Case #2010-163.</u> The Pavilion Office Complex Development Plan. Santa Fe Planning Group Inc. agent for Richard Cook, requests Development Plan approval for approximately 35 buildings on two parcels of land totaling 371.20 acres; 86 acres zoned C-2 (General Commercial) and 285 acres zone BIP (Business Industrial Park). The property is located west of NM599, between Airport road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager) (Postponed from January 20, 2011) (to be postponed to March 3, 2011) 3. <u>Case #2010-191.</u> Scherer Preliminary Subdivision Plat. JenkinsGavin Design and Development agent for Sky Scherer, requests Preliminary Subdivision Plat approval for 4 lots on 1.48± acres located at 623 ½ Garcia Street. The 	<i>Commissioner Hughes moved to approve Case #2010-177, Wolf Preliminary Subdivision Plat with staff conditions be approved, second by Commissioner Mier, motion carried by unanimous voice vote.</i>	3-18

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<p>application includes a variance to street design standards. The property is zoned R-3 (Residential, three dwelling units per acre) and is in the Downtown and Eastside Historic Overlay district. (Donna Wynant, Case Manager) (To be postponed to March 3, 2011)</p> <p>4. <u>Case #2010-192. Christus St. Vincent's Guadalupe Street Sign Variance.</u> Branch Design and Development, agent for Hancock Properties LLC, requests a Development Plan Amendment and a variance to allow for one additional sign to be located on a single lot. The property is zoned SC-1 (Shopping Center) and is located at 510 North Guadalupe Street. (Dan Esquibel, Case Manager) (To be postponed)</p> <p>5. <u>Chapter 14 Rewrite Amendments.</u> Consideration of amendments to two sections of Chapter 14 SFCC 1987 as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff: 1) Section 14-7 Dimensional Standards and Measurements; and 2) Section 14-8 Development and Design Standards. (Greg Smith, Case Manager).</p>	<p><i>Commissioner Hughes made a motion to approve the 14-7.1 through 14-7.3 corrections with staff recommendations, second by Commissioner Gonzales, motion carried by unanimous voice vote.</i></p> <p><u>14-7 Motion List:</u> Draft Page 3 Sec. 7.1(C)3 – Change from a 3 foot in height to 4' in height Draft Page 5, Sec. 7.1(D)-2 Change the word <i>front</i> to the</p>	
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	<p>word <i>street</i> and add the word <i>street</i> before the word <i>existing</i> Draft Page 7 – Sec. 7.1 4(C) - Replace the words <i>this paragraph</i> with the words - <i>this subparagraph 4</i> Section 14-7.2 Draft Page 9 – Commission needs to discuss whether they want to reinstate the 15' yard setback Draft Page 46 – Deleting the new note 1, identified as the old note 7 as recommended by the staff report Draft Page 62 – Note 4 should be titled the Loretto sub district Draft Page 79 section small (b) 2 – add the words <i>community garden</i> to the list of items of site accessories Staff would recommend that the motion include all other recommendations in the staff report and a general recommendation that staff will repair misspelling and numbering errors</p> <p>Mr. O'Reilly said that the present code reflects 15 foot setback.</p> <p><i>Commissioner Gonzales moved to add the amendment to add the 15 foot rear yard setback as it exists, second by Commissioner Mier, roll call vote determined a positive motion, 4-3. Motion carried.</i></p> <p><u>Roll Call Vote:</u> No Commissioner Hughes Commissioner Spray Commissioner Schackel-Bordegaray</p>	
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	<p>Yes Commissioner Villarreal Commissioner Ortiz Commissioner Gonzales Commissioner Mier</p> <p>Commissioner Villarreal shared her concern about the older homes that don't have the 15' setback. There are other restrictions in the code; it is possible that someone might not be able to build even if it was 5'. This is the current code in Santa Fe right now; going to 5' would be a significant change</p> <p>Is the intent to restore it in all districts where it applies? Yes, all districts.</p> <p><i>Commissioner Hughes moved to recommend to the City Council for approval of 14.7 with changes, staff recommendations and the amendment passed, second by Commissioner Gonzales, motion carried by unanimous voice vote.</i></p> <p><i>Commission Hughes moved to approve everything in 14.8 with staff recommendations, with the exception of table 14-8.1 parking standards and a correction in 14.8-9 fee schedule greater than 4000 sq. ft. total 1147 be replaced with 4147, second by Commissioner Mier, motion carried by unanimous voice vote.</i></p>	
Business from the Floor	None	17
Communications from Staff	None	17
Matters from the Commission	<i>Commissioner Hughes moved to approve the</i>	17
Long Range Planning Commissioner		

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Representation	<i>recommendation and appointment of Commissioner Villarreal to the Long Range Planning Committee, second by Commissioner Mier, motion carried by unanimous voice vote.</i>	
A. ADJOURNMENT AND SIGNATURE PAGE	There being no further business to come before the Planning Commission, the meeting was adjourned at 9:05 pm.	17-18

**Planning Commission Meeting
February 17, 2011
City Council Chambers, Santa Fe, NM
6:00 pm – 9:30 pm**

A. Roll Call

The Planning Commission meeting was called to order by the Chair, Signe Lindell at 6:00 pm in the City Council Chambers, Santa Fe, New Mexico. A quorum was declared by roll call.

Present:

Signe Lindell, Chair
Ken Hughes, Vice Chair
Tom Spray
Angela Schackel Bordegaray
Renee Villarreal
Lawrence Ortiz
Estevan Gonzales
Mike Mier

Absent:

Ruben Montes

Staff Present:

Kelley Brennan, Assistant City Attorney
Dan Esquibel
Tamara Baer
Donna Wynant
Matthew O'Reilly
Wendy Blackwell
Greg Smith

Others Present:

Mr. Chris Brasier, Attorney (Chapter 14 Rewrite)
Donna Reynolds, Santa Fe Association of Realtors
Fran Lucero, Stenographer

B. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Mier.

C. Approval of Agenda

Staff Changes:

- The Pavilion Office Complex Development Plan has been postponed to March 3, 2011 and will be heard at the same time as the final subdivision plat for the Pavilion.
- Scherer Preliminary Subdivision Plat has been postponed at their request to March 3, 2011.
- Christus St. Vincent's Guadalupe Street Sign Variance is postponed at this time and they are expecting that it will be withdrawn and rolled in to a larger variance application for signage at De Vargas Mall.

Commissioner Mier moved to approve the agenda as amended, second by Commissioner Villarreal, motion carried by unanimous voice vote.

D. Approval of Minutes and Findings/Conclusions

Minutes: January 20, 2011

Corrections:

Page 8-8th paragraph – “double strip” should be “devil strip” throughout paragraph.

Page 10 – 6th paragraph: Commissioner Spray should be **Staff said....**

Page 10 – 7th paragraph: Delete sentence.

Page 17 – 8th paragraph: Commissioner Villarreal asked **where** the original proposed site of the open space park **was located**.

Page 18 – last paragraph: insert the words: **access to the park** after the word consider.

Commissioner Spray moved to approve the minutes of January 20, 2011 as corrected, second by Commissioner Villarreal, motion carried by unanimous voice vote.

Findings/Conclusions: None to approve.

E. Old Business

None

F. New Business

1. **Case #2010-177 Wolf Preliminary Subdivision Plat.** Monica Montoya, agent for John and Mary Beth Wolf, requests Preliminary Subdivision Plat approval for 3 lots on 1/056 ± acres located at 621 Old Santa Fe Trail. The application includes a variance to street design standards. The property is zoned AC/RC8 (Residential Compound/8 dwelling units per acre; Arts and Crafts overlay). (Dan Esquibel, Case Manager) (Postponed from January 6, 2011 and January 20, 2011)

Dan Esquibel stated that recommendations are for preliminary subdivision plat approval and variance approval subject to the following conditions:

1. The applicant shall place a note on the plat stating that each lot will be served by a separate sewer service line.
2. The applicant shall show on the plat appropriate private sewer services easements for Lots 2 and 3.
3. The applicant shall submit as part of the Final Plat approval a signed Easement agreement for egress/ingress rights of the private portion of Halona Street
4. Additional requirements per City Engineer for Land Use (reference 12.13.10) memo on Exhibit B5)

The applicant has addressed the variance criteria.

Monica Montoya, 726 Gregory Lane, Santa Fe, NM on behalf of John Wolf. (Sworn In)

We have a 1 acre parcel located at 621 Old Santa Fe Trail. [Ms. Montoya showed the plat on screen.] The plat was also displayed as a projection. What they proposed to do is to create three lots, each lot will be 7000 sq. ft. and each lot will be for single family residence and Tract 1 will have access through Old Santa Fe Trail, Tract 2 and 3 will have access through Halona Street which resulted from the neighborhood meetings. A preliminary site plan was then viewed. Those lots will be designated for single family residence. The existing commercial view was explained with access through Old Santa Fe Trail. Again, the two proposed homes were shown. The neighbor has provided approval for access agreement to the two homes on Halona Street. To the north, there is a 20' ingress/egress

easement access that is specifically granted to John Wolf on 2005 through a plot adjustment plat. The warranty deed is also available that allows him use of this access. Acequia Madre to Paseo de Peralta is public access.

As part of our application we are asking the planning commission to grant us a variance request requiring a 30' access for private lanes. Staff has agreed that we meet the criteria variance and as Mr. Esquibel stated; we went over board to meet that criteria. Pictures of Halona Street were shown and Ms. Montoya said that they will design their homes to meet the architecture on the existing Halona Street. Halona Street is in the historic district and the streets do not meet the minimum street width requirements. Ms. Montoya feels that the approval will enhance the character of the neighborhood.

The extraordinary hardship is exceeding the usual, average or normal measure or degree; beyond or out of the common order or rule, not usual, regular, or of a customary kind; remarkable; uncommon; rare. In this case, the extraordinary hardship is related to the peculiar circumstances of the land as it has been developed restricting the availability of any expanded access. Substantial justice is served by allowing the property to be developed in conformance with the existing zoning and at the same density as surrounding properties. The intent and purpose of the regulations is preserved.

Ms. Montoya said that they held two ENN meetings and several one-on-one meetings. We will keep all of the construction traffic completely off of Old Santa Fe Trail; this request came out of the ENN meetings. There is an existing dumpster that will be relocated away from Old Santa Fe Trail and there is an easement agreement with Placitas Descansar and we have agreed to be a member of the Home Owners Association where we will share the cost of maintenance fees, upkeep of the road, etc.

Public Hearing

No participation, the public hearing is closed.

Questions from the Commission:

Commissioner Ortiz: I have a question on the maintenance, am I understanding that you are going to share with the homeowners association the cost that is privately owned.

Ms. Montoya answered that the maintenance agreement will be shared with the Acequia Compound, Plaza Chamisal, the Placitas Descansar and they will ask the Association of counties to share the cost for those who use the Halona Street.

The Chair asked if any work has been done on this agreement. Ms. Montoya responded, no. The Chair asked if these people have been approached then how would the Planning Commission know they want to participate in this subdivision.

John Wolf, 984 Acequia Madre, Santa Fe, NM

We do have an agreement with the Placitas Descansar and is signed off on. We have met with the Richard Meyer from the Acequia Compound who is the owner of the property that has 8 homes in this area but we do not have an agreement with him. Placitas Descansar is worried about the maintenance of the road as other neighbors do not participate.

Commissioner Hughes: Did you say construction trucks would come in from Old Santa Fe Trail or Halona?

Ms. Montoya responded that they will come in from Old Santa Fe Trail. Visitors to two of the tracts would enter through Halona Street and one unit would come in through Old Santa Fe Trail. Ms. Montoya showed the plat and

showed the area of open space; they will propose a fence or wall to separate the property.

Commissioner Hughes asked if there is an opportunity for the owner to contribute to affordable housing.

Ms. Baer said that the affordable housing kicks in where there are 2 or more properties. The applicant will pay a 30% contribution in lieu of.

Commissioner Hughes gave his compliment on the effort that the applicant has made to do a 38' road which is not necessary.

Commissioner Spray: Page 4 of your report regarding variances says; "however, the code would not prohibit the construction of the two dwellings on the property as a single lot."

Mr. Esquibel answered, "That is correct."

Commissioner Spray asked if we would still keep a variance for the width.

Mr. Esquibel said that the way the code is set is the width of the roadway is triggered by the subdivision standards as a single lot. They have enough density to build the two lots but they would be required to increase that roadway and there would be another section of the code that would fall under that which would allow the Fire Marshall, the Engineer and the subdivision engineer to look at it as an alternative roadway. Now that it is a subdivision that had to look in to another standard which required a variance.

Commissioner Spray asked if Mr. Esquibel could elaborate on why the land use department believes that no special privilege will be granted.

Mr. Esquibel said when you look at the issues you look at the conditions. A lot of the times if this was self inflicted or it was created by their development at that point in time we review the variance to assure we are in compliance. Since the property is developable either way the only constraints are the road, which didn't have anything to do with this property. If a variance was granted, there was no special privilege that was being granted one way or other.

Ms. Montoya stated that under Chapter 14, under condominium that two residences could be constructed on the east end of the property, in essence the two property owners would have ownership of the entire tract and they would do covenants of some kind and maintain it.

Commissioner Villarreal commented on the point of condominiums; I am confused as to how the two properties will contribute to the maintenance of the road, how the agreement will be in place.

Lauren Evans, on behalf of the Homeowners of the Acequia Compound (Sworn In)

I can confirm that they have had a meeting with the Board President of Acequia Compound, and they have agreed to share the costs for the road maintenance, it will be shared by the number of units by compound. It was a very productive meeting and her understanding is that the cost will be shared primarily according to the breakdown of the number of units per compound as well as the amount of the traffic which is significant. There is a gentleman's agreement and everyone is on the same page in terms of sharing cost. Thank you for all your considerations, it was a concern and we are content with this agreement.

Commissioner Villarreal expressed her thanks to Ms. Montoya in answering the questions from the commissioners. Commissioner Villarreal would like to have a clear idea from the ENN meetings and the report was not as strong as

requested. Commissioner Villarreal had a question for staff regarding one of the conditions was that each lot would be served by a separate line. What is the purpose of having each lot served by a separate line?

Mr. Esquibel: Those are ordinance requirements that they have to have their own separate utilities and their own separate connections and the sewer department made those conditions as a requirement.

Ms. Baer added that if you have two separate owners and they get into a disagreement and they have a shared sewer then there are all sorts of problems down the line. This way there is a shared access easement but there is still an access where the main line would come in. If someone needed to get in there would not be any questions on going in to someone else's property, they would have the right to do that through the shared easement. That is what we asked for, that there be a shared easement for the utilities but they are metered separately.

The Chair commented under ENN guidelines and the report in the Commission Packet, #7 – "Effect upon availability of affordable housing and availability of housing choices for all Santa Fe residents. N/A. The Santa Fe Housing Ordinance applies to multi-family residential projects." That is not really the case, I looked in the packet and I assumed that were working off this. I think it would be good to have it in the packet.

Ms. Baer said that at the last meeting it was asked why there was not an agreement in place. Ms. Baer clarified that this is a proposal not an agreement. The applicant and the Office of Affordable Housing work out a proposal and that is what is presented, you should have had that with this case.

The Chair asked if it is safe to assume that this is happening.

Ms. Baer said it is caught at building permit time; that and impact fees are absolutely caught at the time of building permit and it has to be done by then.

The Chair wanted assurance that she would not have to include this in the motion.

Ms. Baer said "it will definitely happen."

Commissioner Hughes moved to approve Case #2010-177, Wolf Preliminary Subdivision Plat with staff conditions be approved, second by Commissioner Mier, motion carried by unanimous voice vote.

2. **Case #2010-163.** The Pavilion Office Complex Development Plan. Santa Fe Planning Group Inc. agent for Richard Cook, requests Development Plan approval for approximately 35 buildings on two parcels of land totaling 371.20 acres; 86 acres zoned C-2 (General Commercial) and 285 acres zone BIP (Business Industrial Park). The property is located west of NM599, between Airport road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager) (Postponed from January 20, 2011) (to be postponed to March 3, 2011)
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postponed)

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The Chair thanked staff, Mr. Brasier and everyone who has worked on the subcommittee. Donna Reynolds representing real estate, Dennis, Fred Rowe, Marilyn Bain and many people who have put in a lot of hours, Commissioners Hughes, Commissioner Spray, Commissioner Schackel-Bordegaray and Mr. O'Reilly.

Greg Smith, Director, Current Planning Division

The Commission did conduct a hearing on January 6th regarding 14-8.6 Off-street parking and loading, and recommended approval of this subsection. No further changes are recommended, with the exception of correcting a typographical error. Likewise 14-8.5 Walls and Fences are still in subcommittee.

In 14-7 the title has been changed from "Dimensional Standards and Measurements" to "Building Envelope and Open Space Standards," in order to better describe the contents and to differentiate it from 14-8 Development Standards.

Sections renumbered and re-sequenced. The general rules are relocated from the last section (Old 14-7.4) to the first (New 14-7.1). Staff and the public have been prone to overlook the general rules in the old section.

Open Space Section Added. Open space provisions have been consolidated into a new section 14-7.5, with most numerical requirements listed in a new column in the residential standards table (New 14-7.2). Most of the open space provisions from Old 14-8.4 have also been relocated to New 14-7.5.

New 14-7.1 (Old 14-7.4) General Rules of Measurement and Exceptions. The current code is silent with regards to decks, area covers, things of that nature should or should not be subject to coverage or set back regulations. Over 30" height you are subject to set back rules.

We have simplified the Measurement of Height regulation, we add a restriction that requires buildings to step up or down on sloping lots rather than using tall "stem wall" construction on the low side; and quantifies the "second story step back" rule.

Required yards: Changes the regulations from referring to "required setbacks" to "required yards," in order to make the language more clear. Specifies which structures are allowed in required yards (low decks, fences, etc.) now referred to as "other yards."

Quantify the side yard "step back" requirement. The code currently requires a five-foot side yard for one-story portions of buildings in R districts; and a ten-foot setback is required for two-story portions of buildings. This has been quantified as a double "setback" ten-foot setback for a height over 12 feet, 15-foot setback for a height over 24 feet in all residential zones.

14-7.1 (C) (3) Height of Building Attachments: Previously there was no specific height for these fixtures. Staff proposed at a recent subcommittee meeting to set a maximum height for antennas, chimneys,

etc., three foot limit for these fixtures. The subcommittee feedback was that this did not appear to be sufficient so staff would propose that the height should be four feet for residential development and eight feet for non residential developments for rooftop ornaments.

New 14-7.1 (F) (2) and 14-7.1 (F)(3). The city traffic engineer has recently recommended that the corner cutoff triangles be revised to 5x10 feet from the property line or 15x30 feet from the traffic lane, whichever is more restrictive. Additional text added to reflect the public works Department's authority under Chapter XXIII Streets, Sidewalks and Public Places, and regarding authority to require more-or-less restrictive cutoffs when determined to be consistent with AASHTO standards.

New 14-7.2 Residential Districts (Old 1407.1)

New 14-7.2(A) Table of Dimensional Standards. Several changes have been made to the column headings.

- Notes have been used in place of text where there are cross-references in the headings, in order to make the table easier to read and to provide more detail.
- The last column in the table has been changed from "Building Separation" to "Open Space Requirements." Most building separation requirements are recommended for elimination, and the open space requirements are easier to find in the table than was the case when they were listed in the text of Old 14-2.
- (Various subsections) the "RM" districts will be re-designed similarly to the other R districts. For example, the "RM-1" district will become the "R-21" district. Note that staff was unable to re-format the numerous "RM" references prior to the agenda deadline; those changes will be made in the version that goes to the Governing Body for hearings. Staff and consultant will go by and do the editing for consistency. Note: RM district are multi-family residential districts. It was also stated that staff was waiting for clearance from the city attorney on the residential district change and the city attorney is ok with this change. Staff has also recommended that the code be amended to have the same procedural height of 24' requirement for any density with any 10 units per acre. That is feedback from neighbors through the review process.

14-7.3 Nonresidential and Mixed Use Districts (Old 14-7.2)

- New 14-7.3(A) Table of Dimensional Standards. Although not discussed with the subcommittee, staff is recommending that the Commission consider deleting New Note 1 (Old Note 7) to this table. That note requires a ten-foot separation at side yards, unless no space is left between buildings. Elimination of this requirement would be consistent with the elimination of separation requirements in other parts of 14-7.

Commissioner Feedback: Sections 14-7.1

Commissioner Spray complimented staff for all the hard work that has been done.

Page 3: Under Measurement of Maximum Height: Does [7] and further down [8](3) refer to notes or something? *Comment [7] using escarpment definition for consistency. Mr. Smith said that there will be three definitions on heights in the code.*

[8](3) – references height in the H-district regulations.

Commissioner Hughes commented on the three foot height regulation especially for those who use solar structures. In this case, would state law trump the historic district regulations?

Mr. O'Reilly answered yes, state law would trump some respect for the historic district regulation.

Mr. Smith said that it should read 4 feet for residential structures, not three feet.

Commissioner Spray: Page 5, number 2. Mr. Brasier explained that this comment says that section was moved up from another section. Commissioner Spray asked for clarification, "Minimum front yards may be reduced to match the average existing yards of the street within 150 feet of the property." Is that existing yards, front yards, back yards? Mr. Smith stated this would be front yards, developed lots.

Page 7, third line: Typo – right-of-way

Page 7 4(c) this paragraph does not apply to the BCD district. Question: does this apply to both (a) and (b) or the entire paragraph. Mr. Smith said that this would apply to the entire paragraph. Mr. Brasier said that we should add this sub-paragraph 4 for clarification. It will read: *This sub-paragraph 4 does not apply to the BCD District.*

No further comments on 14-7.1

Table of 14-7.2

Chair Lindell said that she is concerned over the change made on the side yards which on the table it says other yards. I am going to ask the commission to reinstate the 15 foot rather than a 5 foot. This will change the rear yards to 5 feet. The Chair feels that it is too small for a rear yard set-back. It will affect the views and the pricing for neighbors. The Chair asked the Commission as a whole to consider this and make an opinion on it.

Mr. Smith said that the current set-back rule says 5 feet, 15 feet for principle buildings but allows accessory buildings to be set back only 5 feet from the rear property line. In each case if the neighbor grants permission you can go to a zero set back in many situations. There are similar rules for side yards although for principle and accessory buildings side yards is going to be 5 feet unless your neighbor grants permission for zero. Rather than have those side yard rules and rear yard rules repeated over and over again, rather than have those rules differentiate between principle and accessory buildings, staff included that in practice there is insufficient difference in the real world to justify having different rules for side yards and rear yards. Staff recognizes this is a policy decision.

Mr. Smith said that one of the aspects is the design of simplicity. One of the things that we have found in the past is that when we have tried to differentiate, which applies to which lots is even more complicated, of which regulations comply with which lot. Example on the 15' setback. If we decide on a side yard with 5' and a rear yard with 15'.

The Chair feels that there is not a need to minimize down to 5 feet. Over a course of time it will cause a lot of people to come in to Land Use and say, "what is happening with my neighbor building 5' from my back fence?" She has seen many homes which have almost no yard as it is. The Chair asked that the commission consider reinstating the 15 feet vs. the five feet.

Commissioner Hughes: I think one thing that comes up with newer homes is the lack of distinction between side and rear. Feng Shui can be utilized in some design to make the distinction from back to side. Design does matter; maybe we need to insist on having more creative design so this standard does work.

Mr. Smith said that one of the aspects promoted by staff is simplicity, rules would apply to construction of new homes, and it would apply to additions or other modifications on pre-existing lots. One of the

things that staff has done in the past, when they have tried to differentiate between new lots and old lots the difficulty of keeping track of which regulation applies is even more complicated. We decided that trying to pick out which regulation applies to which size of porch lots so staff would be skeptical in trying to differentiate between old lots and new lots.

Chair Lindell commented on Tierra Contenta, they have a 5' setback on each side; no one enters their homes on the side there is no room to enter on the side. I feel that we should protect the neighbors as best we can.

Commissioner Spray: Page 13, Section B – Does the number, on top there is a 1 and then the floating 2. Am I right that the number 1 is the total number of acres in the site to two decimal places. Yes.

Commissioner Spray: Page 17, No. 12 – Additional Regulations, do we want to say “zero lot lines” vs. “Zero other yards?”

Mr. Smith said that the use of the words other yards will be subject to the conclusion the commission comes to on that topic. In other places we have used zero foot when talking about rear yards or setbacks.

Commissioner Spray: Page 34 Section D: I could not find in front of that section, C, has that been moved? Mr. Brasier assured Commissioner Spray that he will check the numbering.

Page 35: Typo – (b) *requirements*

Page 39: Diagram – NW & SE corners are the same, is that correct?

Mr. Smith said, "That is correct and the duplication will be eliminated."

No additional comments on 14-7.2

14-7.3

Commissioner Spray: Page 46 – do these notes refer to the preceding table?

Mr. Smith said that there should be notes within the table that identify the changes.

Mr. O'Reilly asked that the Chair and Commission look at page 43, the bottom table, 4th column, Minimum Setback Requirements, (C1) and (C2) zones you will see super scripts that refer to Note 7 and Note 8. Those in the table will have to be adjusted to the notes in Page 46.

Commissioner Spray: Page 62: Paragraph 4 – 2nd sentence – shall exceed sixty-five vertical *feet*, is that correct and should it refer to Loretto sub-district as well as East Marcy/East Palace?

Mr. Smith stated that the section referred to, editorial error, insert the word *feet* after vertical.

Mr. Smith said that the capitalization is not consistent but will be consistently right before it goes to the Mayor and Council.

Commissioner Spray: Page 65 – The maximum building height permitted in a redevelopment subdistrict shall not exceed sixty five feet. Is that referring back to the chart we were looking at before

as a redevelopment subdistrict or is this something different.

Mr. Smith said that the redevelopment subdistrict has different standards than those that are in the table. There is no table and 65 feet is a correct number.

The Chair asked the question that she recalled there was a request to recommend a resolution to the city council on the historic and downtown district regarding cement color. This commission did not move that forward, but it went to council and was adopted at the council level. Is something like that put in to the ordinance?

Mr. Smith there has always been a general colored concrete provision. This will be looked at under 14-17.9 this Thursday.

Ms. Reynolds:

14.7 – page 3: Section related to the appendages, chimneys; in the staff memo it says it was changed to 4 feet for residential structures and the language still says 3 feet. Ms. Reynolds said that her association had asked for some rationale because in a casual drive through the city you may find chimneys and other appendages more than 3 feet even 4 feet or taller.

Mr. Smith - We noted the correction that it should be 4 feet rather than 3 feet. Brief rationale we discussed with the technical review staff that the old rule 3 feet would have accommodated because we do not have the technical requirements for chimneys in residential districts. It is unusual in a residential district for a swamp cooler to be more than 4 feet above the roof so that is why we came up with 4 feet. 8 feet gets the vast majority; the person who builds the building can lower the roof by 1 foot to accommodate 9 feet of solar collectors if need be.

Commissioner Villarreal: Page 77 – Residential Private Open Space Standards, it doesn't specify what that could entail. I am curious to know if open spaces would include roof top gardens; how you would figure that out. Would it be part of the percentage for space requirement.

Mr. Smith asked the commission to refer to Page 77, (2) Balconies, roof decks or roofed areas such as porches or portals may be included as 25 percent of the required private open space. Staff will be more explicit and add *roof gardens*.

Commissioner Villarreal: Page 78, No. 3 – should it be referred to as common space.

Mr. Smith stated that staff will review for consistency as a technical amendment, I believe that there are not different planning standards for residential common, non residential private, open space.

Commissioner Villarreal: Page 79 (b) – “The open space reduction shall not result in an increase in parking area.” Question: are we considering permeable concrete as an alternative?

Mr. O'Reilly said that the intent of this section is that if someone was to incorporate passive or active water harvesting systems in to their project, they can produce the total amount of open space required by either 5 or 10%. That has been in the code for at least 10 years. The intent here is if they take that reduction open space they don't take up that additional 5 or 10% of land area. The issue about whether we want to require parking lots or streets to the permeable pavement is a separate issue. Right now it is not a code requirement that they do so.

Commissioner Villarreal: Page 79 B(ii) – Would like to add community gardens to the wording.

This concludes 14.7

Commissioner Hughes made a motion to approve the 14-7.1 through 14-7.3 corrections with staff recommendations, second by Commissioner Gonzales, motion carried by unanimous voice vote.

14-7 Motion List:

Draft Page 3 Sec. 7.1(C)3 – Change from a 3 foot in height to 4' in height

Draft Page 5, Sec. 7.1(D)-2 Change the word *front* to the word *street* and add the word *street* before the word *existing*

Draft Page 7 – Sec. 7.1 4(C) - Replace the words *this paragraph* with the words - *this subparagraph 4*

Section 14-7.2 Draft Page 9 – Commission needs to discuss whether they want to reinstate the 15' yard setback

Draft Page 46 – Deleting the new note 1, identified as the old note 7 as recommended by the staff report

Draft Page 62 – Note 4 should be titled the Loretto sub district

Draft Page 79 section small (b) 2 – add the words *community garden* to the list of items of site accessories

Staff would recommend that the motion include all other recommendations in the staff report and a general recommendation that staff will repair misspelling and numbering errors

Mr. O'Reilly said that the present code reflects 15 foot setback.

Commissioner Gonzales moved to add the amendment to add the 15 foot rear yard setback as it exists, second by Commissioner Mier, roll call vote determined a positive motion, 4-3. Motion carried.

Roll Call Vote:

No

Commissioner Hughes

Commissioner Spray

Commissioner Schackel-Bordegaray

Yes

Commissioner Villarreal

Commissioner Ortiz

Commissioner Gonzales

Commissioner Mier

Commissioner Villarreal shared her concern about the older homes that don't have the 15' setback. There are other restrictions in the code; it is possible that someone might not be able to build even if it was 5'. This is the current code in Santa Fe right now; going to 5' would be a significant change

Is the intent to restore it in all districts where it applies? Yes, all districts.

Commissioner Hughes moved to recommend to the City Council for approval of 14.7 with changes, staff recommendations and the amendment passed, second by Commissioner Gonzales, motion carried by unanimous voice vote.

14-8.1 or 14-8.2 – staff recommendations

8.1 General Provisions there are no substantial amendments.

8.2 Terrain and Stormwater Management. Despite extensive reorganization changes, no major policy changes are recommended. Similar changes are made in several subsections.

- Lists of application requirements are deleted. Consistent with changes to other sections, application checklists will be adopted by the Director. This will provide more flexibility for both the staff and for applicants.
- Numerous references are added to be in compliance with the City's blanket federal storm water permit.
- Standards for "minor development" have been upgraded to reflect the practices followed by staff. In fact, it may be appropriate to eliminate the "minor development" category altogether.

No comments or changes from the Commission.

14-8.3 – Flood Regulations

- Relief from the flood regulations will be described as a waiver. This will distinguish it from the standard city variance process, which has some important distinctions from the federally-approved flood regulations. This has been reviewed at several subcommittees.
- A three-tiered approach is used for storm water management and flood regulations. Development that does not have any impact on flooding or exposure to flooding is exempted (re-roofing, re-stuccoing, etc.). Minor changes that have inconsequential impacts may be approved by the Floodplain Administrator without going through the waiver process (filling in a window; changing a window to a door, or vice versa, for examples). Certain low-impact uses are allowed without a waiver, where previously variances were required for all uses. Development with potentially significant impacts would still come before the Planning Commission for a waiver hearing.

No comments or changes from the Commission.

14-8.4 Landscape and Site Design

8.4(B)1a – Family transfer subdivisions have been exempt for compliance with the landscaping regulations since the current version was adopted in 2001. Staff and subcommittee recommend that family subdivisions do not get lower standards. As a refresher, when the commission looked at 14-3.7 the procedures for subdivisions are well established in that discussion that there will be procedural differences for family transfer subdivisions and for other subdivisions but there will not be lower development standards for those with the exception if a family transfer subdivision is eligible for density.

8.4 (B)(1)(d) – There is language in the current code that says compliance is bringing the entire site into compliance with landscape regulations is "triggered" by additions or remodeling of structures that disturb greater than 1,000 square feet of land, or by a building permit with a valuation of \$80,000. The subcommittee and staff are recommending that the valuation be raised to \$100,000 to reflect inflation in construction costs.

8.4(B)(2) – Applicability language has been changed to make it more clear, which regulations apply to single family dwellings, and which apply even when no development occurs.

8.4(B) – Some of the technical requirements of the regulations are not strictly enforced, as noted in the margin comment, and some are proposed for deletion.

8.4(F)(5)(c) – This subsection requires direction approval to remove mature trees, even if there is no development occurring at the time. Authority over "non-development" removals has rarely been

exercised, but has been preserved for use when necessary.

8.4(H) – Most of the open space standards previously included in this subsection have been moved to New 14-7.5.

8.4(J)(1) – In the past, restrictions on the types of materials allowed for publicly-visible fences and walls has not been applied to fences for smaller projects, such as fences built by homeowners. This has been reflected by exempting minor projects.

No comments or changes from the Commission.

8.5 Walls and Fences

We will work in the subcommittee group next week.

8.6 Off Street Parking and Loading

Changes to this subsection were approved by the Planning Commission on January 6, 2011, and recommended approval of that subsections. No further changes are recommended, with the exception of correcting a typographical error.

Commissioner Hughes was not privy to the changes as they did not go to the subcommittee.

The table is still to be determined for 14-6. Thank you.

8.7 Architectural Design Review

Significant change is deletion of subsection (E), subsection (D) has the standards for architectural design in buildings and subsection (E) of sites. Review by staff of subsection (E), which awards points for compliance with optional sit planning standards. Most of the standards have been mandatory by newer ordinances. The remaining building standards section was modified to reflect the fact that the optional lighting standards have been superseded by mandatory standards in 14-9.

No comments from the Commission.

Donna Reynolds: Stormwater Management Section, there are quite a few regulations, what are the costs associated with those? This item is reflected under Section 8.2.

14-8-8 Supplementary Regulations for Retail Structures 30,000 Square Feet or Larger

No substantive amendments have been made.

14-8.9 Outdoor lighting

The current version of this subsection refers to consistency with the “recommended standards of the Illuminating Engineering Society.” In practice, staff has relied on a simplified table that established maximum illumination levels based on the minimum levels in the standards. The practice has been written into the code to simplify administration, and the Director has been given authority to approve exceptions based on the IES standards.

Commissioner Hughes: Does this acknowledge the sky light ordinance?

Mr. Smith said that this issue was discussed in detail when the city adopted the standards initially and there was testimony and support for the sky light ordinance.

Mr. O'Reilly: The Table that is in the code which is before you tonight, bottom of Draft Page 4; these

light values are generally the lowest lighting values allowed by the Society of Illuminating Engineers, staff shows the lowest illuminating levels to maintain minimum safety on a site. If someone was to come forward and make a case that there parking lot was not safe and they needed a higher level and provided engineering data, but without that we use the minimum standards from IES.

Commissioner Hughes said at that point could we put some maximums. Example: some gas stations are lit up brightly.

Mr. O'Reilly said that the minimums are maximums.

Mr. Smith said that the observations on gas stations that are over illuminated is that they may install more lighting than what was approved and it requires enforcement.

Commissioner Schackel-Bordegaray: Did the city develop their own standards before the night sky ordinance?

Mr. Smith: It is my understanding that it was before the night sky ordinance and it does not have maximum standards for illumination, but we do not have that detail.

Mr. O'Reilly: The night sky ordinance only applies to rights-of way not it does not apply to private property. This is necessary to address those illumination matters on private property through a city ordinance.

The Chair had a question on Draft Page 5, #2 – In all case the average maintains candles at residential property lines shall be zero.

Mr. Smith responded that this is why the table reflects that the average shall be zero.

The Chair said there is confusion, is that saying that it is from a commercial property on to residential or is it saying that my residential lights can't be illuminating past my property line?

Mr. Smith responded that you cannot illuminate over your property line. That was an attempt for staff to draft, it may be that the average of zero is too specific and we may want to look at a reasonable average, we will redraft as a technical change.

14-8.10 to 8.18

14-8.10 – Signs: Significant amendments are needed to this subsection, but are outside the scope of the current rewrite project.

14-8.11 Santa Fe Homes Program

No significant amendments are recommended.

14-8.12 Relocation of Gunnison's Prairie Dogs

No significant amendments are recommended.

14-8.13 Development Water Budgets

No changes recommended; completely rewritten by Ordinance 2009-38.

14-8.14 Impact Fees

Two relatively minor changes should be noted: new categories are added to the schedule of impact fees; and inclusion of the current practice of adopting impact fee credit as conditions of approval of development applications by the Planning Commission.

14-8.15 Dedication and Development of Land for Parks, Open Space, Trails and Recreational Facilities

Relatively new, no significant changes there.

Page 25. This is a new provision. The Planning Commission, BCDDRC or governing Body may approve a credit for eligible improvements as a condition of approval for a plat, development plan or other similar application. The approved impact fee credit shall be identified on the plat to be used at the time of building permit in the fee calculation.

Ordinance is only a couple of years old, no recommended changes.

Commissioner Villarreal: Page 15E – Parking garages should not be charged an impact fee. Generally parking lots or parking garages are to provide spaces to park and not charge impact fees.

Wendy Blackwell: For the parking lots we wanted to specify it in the code because there have been several questions on impact fees. When the state parking structure came up or whatever is causing the additional volume of traffic, they get charged the impact fees.

Commissioner Villarreal: Page 27(A) 3 - Census 2000 which is 2.0 persons per unit for the City of Santa Fe. Shouldn't we change it to census 2010?

Mr. Smith said that staff will make this change if the number is available before it goes to council.

Commissioner Spray: 8.14 Impact Fees, Page 16-17, some of the land use types are in red type do they signify anything?

Mr. O'Reilly responded that they are new areas that have been added. New sections that have been added. More than 4000 sq. feet (typo should be 4147 sq. ft.).

New fee schedule was considered by the planning commission in 2008, there was extensive analysis by the long range planning staff as to how these new fees were created. The long range planning commission worked with a paid consultant on this fee schedule.

Ms. Blackwell: The only reason that the old fee schedule is in the ordinance is because the state statute requires that it be in there.

Draft Page 19a (i) – Residential

Does that mean exactly what it says that you have to pay an impact fee?

Mr. Smith said if you hang your shingle you do not pay an impact fee.

Impact fees are only assessed if you have a new dwelling unit.

Donna Reynolds:

If it is a single dwelling, will the developer pay the impact fee?

Mr. O'Reilly: Impact fees are only charged at the time that new permit is applied for. If there was a developer who was applying it is charged at the time they apply for their permit.

Mr. O'Reilly stated that the city encourages home occupation businesses.

Ms. Reynolds: Storm Water Management: Section 14-8.1 Page 3 speaks to adding the word entering to prevent storm water, does it require additional burdens?

Page 29 – Speaks to a wide variety of storm water requirements that this is not the current practice. Is there something new that would create a burden?

Mr. O'Reilly: 8.2 – Ms. Reynolds is correct, they were at the sub-committee when the Mayadormo stated, "is it really possible to prevent storm water to enter acequias", and the answer to that question, "it depends." You cannot prevent storm water that goes in to the acequias.

Mr. Smith stated that on Page 29, none of the text is new, what has been struck out is coming out of the code. It imposes less burdens and requirements in this case.

Commission Hughes moved to approve everything in 14.8 with staff recommendations, with the exception of table 14-8.1 parking standards and a correction in 14.8-9 fee schedule greater than 4000 sq. ft. total 1147 be replaced with 4147, second by Commissioner Mier, motion carried by unanimous voice vote.

G. Business from the Floor

None

H. Staff Communications

Meeting of Chapter 14 subcommittee on February 22, 2011

Amendments will be sent to the commissioner by e-mail on 14.9.

I. Matters from Commissioners

Should we keep the plats for the next meeting? If there are significant changes we will let you know. Commissioners are to hold on to their packets.

Commissioner Montes is on the Long Range Planning Committee and is having a hard time getting to meetings. The Chair asked Commissioner Villarreal if she would represent the Planning Commission on the Long Range Planning Committee.

Commissioner Hughes moved to approve the recommendation and appointment of Commissioner Villarreal to the Long Range Planning Committee, second by Commissioner Mier, motion carried by unanimous voice vote.

Commissioner Gonzales asked if he could get a PDF file of the staff agenda and attachments. After administrative discussion, it was agreed that an attempt will be made.

J. Adjournment

There being no further business to come before the Planning Commission the meeting adjourned at 9:05 pm.

Signature Page:

**Signe Lindell, Chair
Planning Commission**

A handwritten signature in cursive script, appearing to read "Fran Lucero", written over a horizontal line.

Fran Lucero, Stenographer