



Agenda

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SUMMARY COMMITTEE

Thursday, August 4, 2011 - 11:00am

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL
- B. APPROVAL OF AGENDA
- C. APPROVAL OF MINUTES – June 2, 2011
- E. OLD BUSINESS
- F. NEW BUSINESS

1. **Case #2011-43.** **James Baumbach & Dioly Piedrahita Lot Split.** Lorenzo Dominguez, agent for James Baumbach & Dioly Piedrahita requests plat approval to divide 1.853± acres into two lots. The property is located at the corner of Camino Carlos Rey and Arroyo de los Chamisos and is zoned R-5 (Residential, five dwelling units per acre). (William Lamboy, Case Manager) **(POSTPONED FROM JUNE 2, 2011)**
2. **Case #2011-56.** **Edward S. & Mary Jean Cook Revocable Trust, Lot Split.** Jennifer Jenkins, Jenkins Gavin Design & Development, agent for Edward S. & Mary Jean Cook Revocable Trust, requests plat approval to divide 4.858± acres into two lots. The property is located at 901 Camino San Acacio and is zoned R-1 (Residential, one dwelling unit per acre). (William Lamboy, Case Manager) **(WITHDRAWN BY APPLICANT)**
3. **Case #2011-58.** **La Cieneguita Elderly Housing Corp. Lot Split.** Richard Horcasitas, Horcasitas Land Use Consultants, agent for Cieneguita Elderly Housing Corp., requests plat approval to divide 1.2553± acres into two tracts. The property is located at 1600 La Cieneguita and is zoned RM-1. (Residential, twenty-one dwelling units per acre). (William Lamboy, Case Manager)
4. **Case #2011-62.** **Manuel & Isela Loya Family Transfer Lot Split.** Gerald A. Sandoval, Zia Surveys, agent for Manuel & Isela Loya Family Transfer, requests plat approval to divide 2.51± acres into two tracts. The property is located at 109 Mutt Nelson Road and is zoned R-1 (Residential, one dwelling unit per acre). (William Lamboy, Case Manager)
5. **Case #2011-63.** **Albert & Constance Durand Lot Split.** Rob Ricken, Southwest Mountain Surveys, agent for Albert and Constance Durand, requests plat approval to divide 2.2346± acres into two tracts. The property is located at 1467 Upper Canyon Road and is zoned R-2 (Residential, two dwelling units per acre). (William Lamboy, Case Manager)

G. STAFF COMMUNICATIONS
H. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Summary Committee 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 postponement by a motion and vote of the Summary Committee.
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Summary Committee meeting. This agenda is subject to change at the discretion of the Summary Committee.
- 3) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. 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.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**

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CITY OF SANTA FE
SUMMARY COMMITTEE
August 4, 2011

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**MINUTES OF THE MEETING
OF THE CITY OF SANTA FE
SUMMARY COMMITTEE**

August 4, 2011

A regular meeting of the City of Santa Fe Summary Committee, was called to order by Tom Spray, Chair, on August 4, 2011, at approximately 11:00 a.m., in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Tom Spray, Chair

Mike Mier

Lawrence Ortiz

OTHERS PRESENT:

William Lamboy, Current Planning Division

Chris Martinez, Current Planning Division

Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

B. APPROVAL OF AGENDA

MOTION: Commissioner Mier moved, seconded by Commissioner Ortiz, to approve the Agenda as published.

VOTE: The motion was approved unanimously on a voice vote.

C. APPROVAL OF MINUTES – June 2, 2011

MOTION: Commissioner Mier moved, seconded by Commissioner Ortiz, to approve the minutes of the meeting of June 2, 2011, as submitted.

VOTE: The motion was approved unanimously on a voice vote.

D. OLD BUSINESS

There was no Old Business.

E. NEW BUSINESS

1. **CASE #2011-43. JAMES BAUMBACH & DIOLY PIEDRAHITA LOT SPLIT. LORENZO DOMINGUEZ, AGENT FOR JAMES BAUMBACH & DIOLY PIEDRAHITA REQUEST PLAT APPROVAL TO DIVIDE 1.853± ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT THE CORNER OF CAMINO CARLOS REY AND ARROYO DE LOS CHAMISOS AND IS ZONED R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared July 21, 2011 for the Summary Committee Meeting of August 4, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "1."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "1."

Recommendation: The Land Use Department recommends approval with the conditions of approval as outlined in this report [Exhibit "1"].

Public Hearing

Lorenzo Dominguez, agent for the Applicants was sworn. Mr. Dominguez said this is a simple parcel split. He said the Applicant is agreeable to the City erecting a barrier between the trail and the driveway, as well as providing the trail easement. He said there will be separate water and sewer for each lot, and the Applicant agrees with City staff recommendations and conditions of approval.

Speaking to the Request

All those speaking were sworn en masse

Helene Foster, Annajean Court [previously sworn]. Ms. Foster said she is unsure why she received a certified letter. She has read what is available and she still has a rather hazy idea of what this is going to look like. She heard there would be two lots, two houses, and is unsure what trail is being discussed, and asked if it is the bicycle path which she uses every day. Her concern today is that there will

be no interference with the bicycle/walk path. She would like a more clear idea about how the fence will look, and how close it would be to the bicycle path, and whether there will be any interference with the bicycle path from the fence.

Chair Spray asked Mr. Lamboy if he would like to add anything.

Mr. Lamboy said the path being discussed is the asphalt path which is the bicycle path. The fence would be aligned along the path, 5 feet off the path on the subject's property.

Ms. Foster asked the length – "from where to where."

Mr. Lamboy said, "For the entire length of their property which is approximately 270 feet."

Ms. Foster said, "Okay from Camino Carlos Rey – 270 feet"

Mr. Lamboy said this is correct.

Ms. Foster asked the height of the fence, and Mr. Lamboy said he doesn't have that information right now.

Ms. Foster asked the construction materials for the fence.

Mr. Lamboy said it is a post and cable fence.

Ms. Foster said then we would be seeing the cars come in and out, and Mr. Lamboy said yes.

Norman Lagasse was sworn. Mr. Lagasse said he is representing his mother who is in the hospital, and can't be here today. He said her name is Ida A. Rajotte who is one of the three signers of a Memorandum expressing concern with this development project. He said the third person is elderly and unable to attend. He said they all have been living on Camino Carlos Rey on 3 adjoining lots – his mother since 1976, the Valdezes since 1973, and the Westmorelands for approximately 20 years. They have seen a lot of the history and growth of the City. He said they drafted the letter presenting issues which is in the Committee packet.

Mr. Lagasse said Mr. Lamboy indicated some of the notices were returned, etc. He said "Diana and I are neighbors, and one of the signers as well." He said she canvassed the neighborhood. He said, "We came up with, according to the ordinances and such that relate to this kind of submittal, that within 200 feet of the subject property that those people need to be notified, excluding the right-of-ways, I came up with a total of 23 families, individual owners and entities. Two are entities, being that the park property adjoining immediately east of the subject property is a private park to the development there, so that, I believe would be a homeowners association neighbor. The other entity is the actual neighborhood

association. So, of the 23, those two would be the entities. The rest would be individuals. Our account of the owners and the entities didn't receive it is about half and half of the notices. I guess I'm unaware of the ones returned and so on and so forth. But the President of the neighborhood association is Laura Lee Frielich. She did not receive a certified letter notifying the neighborhood association that this lies within... and like I said, I have the list here of the ones that did not receive... So, we had personal contact door to door and these people said at that time that they had not received... so, I'm hinging some of my concerns based on that initially."

Mr. Lagasse said, "Some of the flood plain issues... sounds like I didn't receive the comments to those issues, but did you gentlemen have an opportunity to look at the maps, perhaps..."

Chair Spray said, "We read and reviewed all of the material submitted to us, yes."

Mr. Lagasse said, "So, I suppose, particularly, the discrepancy of the topography as opposed to the information on the flood plain map. Did you get to see what we were able to see, that the flood plain seems to represent itself smaller. Not only from the topography, but from the previous survey upon which this was based by Medrano, which was the original creation of the lot back in April 1987. The flood plain shrinking in time, approximately twenty something years, up-stream development indicates with common sense, and also an engineering perspective that flood plains sometime decrease without that consideration of the previous, original plat to the current status. So, is there someone who can address those comments that I did not get to read."

Chair Spray said, "We can get back to more of this after you finish your remarks. We'll talk more. Continue and tell us what your issues are and then we'll go ahead."

Mr. Lagasse said he has lived at the house on Camino Carlos Rey off and on since 1976, noting he currently lives there. They have seen the growth of the City in general. He said Camino Carlos Rey is an arterial and the City can't place speed bumps because it is heavily used by emergency vehicles and such.

Mr. Lagasse said, "In my discussion with Mr. Romero, Mr. John Romero, I came here... well actually, I had a phone conversation with him, and he said he visited the site and all, and told me that there would be negligent impact to two lots being served by a single driveway. I understand that that's relatively negligent, but his point is that Carlos Rey was designed initially without respect and regard to individual homes being accessed directly on Camino Carlos Rey. That future development driveways were not directly connected to an arterial that came in off side streets, thus, his point is that it's been very difficult to manage the in and out traffic on an arterial. I believe that this adds to that same dilemma, to more, but particularly because it is at that point of intersection with the trail. And we've been there so long that we remember the days when motorcycles and four-wheelers just tearing up and down the roadways before the trail was made, and it was a lot of traffic then, noisy traffic, but the City has done a wonderful job and built that trail and has controlled that access and cleaned it up. It's quite like a park, and we've all in the neighborhood, and throughout the City, it's one of the most heavily used trails, and it's on a very busy

arterial street. And we're really concerned of the point of entrance and access right there at the trail. And there's no warning signs at that. We've had innumerable accidents. We've witnessed, we've heard, we've seen bicyclists, strollers, grandmas like mine, trying to cross...with now a new driveway, we're really concerned about the public safety issues involved in that, because frankly, you know, this is a very busy street and it's a very heavily used trail. So, I think I've gone through the four points I presented."

Diana Hardy, Camino Carlos Rey, next door to Mr. Lagasse [previously sworn]. She appreciates the work Mr. Lagasse has put into researching the issue. She said, "I have 3 concerns. One is that this driveway being added to Camino Carlos Rey, what is it going to do to the traffic. People are going to be coming in and out of that driveway, adding to the traffic, especially the visibility... the driveway is going to have to be engineered to have a retaining wall. It's just not going to be the same. So, I'm concerned about what it's going to do to the traffic. And, speaking of the retaining wall, I live right next to the path. My house is the first house that you see and this retaining wall is going to be right on the other side of my property line, and how's it going to affect my property. I have a fence that goes on the back side, and how's this driveway going to affect along the side of my property and go down and reach the houses, those two lots. I'm very concerned what it's going to do to my lot line and if we're going to have to make changes, which we shouldn't have to. And the third concern I have is these houses, I guess with the flood plain and the sewer easement, they're going to be built right next to our fence line on the back side. My fence line and Norm's fence line. And there's probably not going to be any obstructions on these houses. Are they going to built like 2-3 stories high and block our views. I'm concerned about what it's going to do to our esthetics living in the neighborhood, and the views that we have now."

Ms. Hardy continued, "I'd also like to add that I use the path every day. I ride my bike to work. I run on the path, I go to the gym. I use it extensively, and not just me. Like Norm was mentioning, it's a highly used trail, and having the trail, having this retaining wall, having this driveway and I guess a question I have, if it's serving two houses, will it be a single driveway or is it going to be a two-lane road and what requirements. Is there a requirement for it to be a two-lane road because it's serving two houses, and you know, you've got to go back and forth, or at least it has to be wide enough to consider double traffic. So those three concerns, and the fact that they, most of the City uses the path for recreation, for exercise, for relaxation, so I hope... it would be better if this thing was redesigned differently."

The Public Hearing was closed

Questions and Comments from the Committee

Commissioner Ortiz said his biggest concern is the access point, and there is a substantial amount of traffic there. However, this is an approval for a lot split at this point in time, and asked if this is correct, and Mr. Lamboy indicated that it is.

Commissioner Ortiz asked the owner their immediate plans after this lot split, if the lot split is approved.

Mr. Dominguez said this is for a simple lot split for residential development. He said, "The plans for construction and even sale of the property have not been discussed, so they are uncertain at this time. They're just trying to create two lots for residential construction."

Commissioner Ortiz said he wanted to confirm that this is the case. He said at the point of construction there will be lot of engineering involved and how that will be handled. He said it is important that the trail be separated and allowed to function as it has been.

Mr. Dominguez said, "Absolutely. As part of our discussions with City staff, we have provided an easement along with a five-foot buffer included in that easement along the trail, and of course the construction of the barrier along the trail. As far as plans for development down the line, definitely we're going to comply with any City rules and regulations, ordinances, codes, set-backs, height restrictions, all of that comes into play at the time of building permit."

Commissioner Mier said, "Also, of the agent... now, just for clarification, for the record, I understand the trail will not be impeded in any way, any fashion as it exists today, the trail will exist if this is approved. Correct."

Mr. Dominguez said, "Correct."

Commissioner Mier said, "The trail is not an issue here. The issue really is one of traffic, access to the property."

Mr. Dominguez said, "We understand that, and along Camino Carlos Rey, a lot of homes, they are backing into the street. This access points provides for vehicular access directly at the intersection. In other words, you're facing the street when you access Camino Carlos Rey which makes for a much safer situation. They're not backing out into the street like some of those homes are."

Commissioner Mier asked about the retaining wall which has been mentioned, and asked if there is an intent to build a retaining wall.

Mr. Dominguez said, "At this point, no. The grade from the existing Camino Carlos Rey down into the property is less than 10%. However, there may be the need for some sort of a retaining wall, depending on engineering and construction, but at this point it doesn't look like there will need to be a retaining wall."

Commissioner Mier said, "Again, just to make it clear to the residents, that if a retaining wall is ever proposed in the future it's going to have to be approved by the City as you look at a building plan."

Mr. Dominguez said, "Absolutely."

Commissioner Mier said, so that's a whole different discussion for another day.

Chair Spray asked Mr. Lamboy to talk about how the mailings were done.

Mr. Lamboy said he would rather the agent spoke about the mailings. He said as far as staff is concerned and based on what they reviewed, it appears that Chapter 14 requirements were met, but the agent can provide more detail. He said he sat with Mr. Dominguez and reviewed his receipts from the June 22nd mailing and those are the numbers he provided.

Chair Spray asked Mr. Lamboy from his perspective if the mailing was done in accordance with the Chapter 14 requirements, and Mr. Lamboy said yes.

Mr. Dominguez said, "We sent out two sets of certified mail. One when we made the original application for the lot split. I got those owners names and addresses from County records. And then there were some comments made by the adjoining neighbors that maybe that list wasn't complete, and so, we got another list provided by the City with the names of owners and addresses, and again, we sent out another set of certified letters. And I sat down with Mr. Lamboy and we went over each and every one, showed him which ones were received and accepted by the recipients, which ones were 'return to sender,' or they just didn't pick them up. So I have all the receipts, all the letters that came back, and again, like I said and Mr. Lamboy... I think we met that requirement because we've done it twice."

Chair Spray asked Mr. Lamboy if it is customary to notify the neighborhood associations.

Mr. Lamboy said yes, neighborhood associations within 200 feet of the property are notified.

Chair Spray asked Mr. Lamboy to comment on the issues which were brought up about the flood plain.

Mr. Lamboy said the Land Use Engineer could address that best, but she isn't here today. He said, "It is my understanding, based on the documentation that is available now, this is as good as it gets. Basically that's what I understood based on my conversation with R. B. Zaxus."

Chair Spray said then what we have now is "as good as it gets" of what you've looked at to this point.

Mr. Lamboy said yes, noting the agent has looked at the 2008 flood maps as well as the preliminary 2011 flood maps, but the 2011 maps won't be approved for about another year.

MOTION: Commissioner Mier moved, seconded by Commissioner Ortiz, to approve Case # 2011-43, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote.

2. **CASE #2011-56. EDWARD S. & MARY JEAN COOK REVOCABLE TRUST, LOT SPLIT. JENNIFER JENKINS, JENKINS GAVIN DESIGN & DEVELOPMENT, AGENT FOR EDWARD S. & MARY JEAN COOK REVOCABLE TRUST, REQUESTS PLAT APPROVAL TO DIVIDE 4.858± ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT 901 CAMINO SAN ACACIO AND IS ZONED R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE). (WILLIAM LAMBOY, CASE MANAGER) (WITHDRAWN BY APPLICANT)**

A Memorandum prepared July 5, 2011 for the Summary Committee Meeting of August 4, 2011, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, indicating the Applicant's request to withdraw this application from consideration, is incorporated herewith to these minutes as Exhibit "2."

3. **CASE #2011-58. RICHARD HORCASITAS, HORCASITAS LAND USE CONSULTANTS, AGENTS FOR CIENEGUITA ELDERLY HOUSING CORP., REQUESTS PLAT APPROVAL TO DIVIDE 1.2553± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 1600 LA CIENEGUITA AND IS ZONED RM-1 (RESIDENTIAL, TWENTY-ONE DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared July 1, 2011 for the Summary Committee Meeting of August 4, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "3."

Recommendation: The Land Use Department recommends approval with the conditions of approval as outlined in this report [Exhibit "3"].

Public Hearing

Statement by the Applicant

Richard Horcasitas, agent for the Applicant, was sworn. Mr. Horcasitas said they have reviewed the Staff Report and feel comfortable with the recommendations. He said, "We feel that what is proposed is in keeping with the City of Santa Fe Land Use Code and especially RM-1 zoning, and we appreciate your approval." He said they are here to answer any questions the Committee may have.

Speaking to the Request

There was no one speaking for or against the request.

The Public Hearing was closed

Questions and Comments from the Committee

Chair Spray said the Staff Report indicates the lot split is necessary "in order to develop the proposed affordable housing under new ownership," which he assumes is the Elderly Housing Corporation.

Mr. Horcasitas said the Elderly Housing Corporation is the owner. He said, "The issue is that with this property being 1.25 acres, in order to get financing and funding to build any new structures, with this section being tied in with the larger piece, it is important to be able to separate this 1/4 acre out, let it stand on it's own in order not to be intermingled and encumbered by larger piece... similar to if you would have a condo association, to separate it out, would let it stand on its own. So, basically, the lot split here today... the request for the lot split is to separate it out to create its own single piece."

Chair Spray said, "Then you're talking about Lot 1B, the 12,000 sq. ft., and that's being cut off. "

Mr. Horcasitas said this is correct, and reiterated the reasons for it being separated out is for purposes of obtaining financing to build new structures. He said to the north are the units that are developed, and then there is a lot line. He said the lenders are having a problem lending on "this larger piece because it would be encumbered by the structures that are already there, so the owner just needs to separate it out from the larger piece in order to get funding to build any new structures."

Chair Spray said then construction would be only on B, and Mr. Horcasitas said this is correct, and everything else is existing.

MOTION: Commissioner Mier moved, seconded by Commissioner Ortiz, to approve Case # 2011-58, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote.

4. **CASE #2011-62. MANUEL & ISELA LOYA FAMILY TRANSFER LOT SPLIT. GERALD A. SANDOVAL, ZIA SURVEYS, AGENT FOR MANUEL & ISELA LOYA FAMILY TRANSFER, REQUESTS PLAT APPROVAL TO DIVIDE 2.51± ACRES INTO TWO TRACTS. THE PROPERTY I LOCATED AT 109 MUTT NELSON ROAD AND IS ZONED R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared July 21, 2011 for the Summary Committee Meeting of August 4, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "4."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "4."

Recommendation: The Land Use Department recommends approval with the conditions of approval as outlined in this report [Exhibit "4"].

Public Hearing

Statement by the Applicant

Gerald Sandoval, Agent for the Applicant, was sworn. Mr. Sandoval said he is here to answer any questions the Committee may have about this endeavor, and requested approval.

Speaking to the Request

There was no one speaking for or against this request.

The Public Hearing was closed

Questions and Comments from the Committee

Commissioner Mier said it indicates this is a "family lot split," and asked if the intent is to split what exists so that the other half can be given to a family member.

Mr. Sandoval said this is correct. It is being given to the Applicant's son who is of age, age 19.

Commissioner Mier said, "For the record it is 2.5 acres, but I heard Mr. Lamboy say 1.5."

Mr. Sandoval said it is 2.5 acres being split into two lots of 1.25 acres each.

Commissioner Mier asked if proper notification was posted and all requirements were met, and Mr. Lamboy said yes.

Commissioner Ortiz asked if Mutt Nelson Road is maintained by the County or by the City.

Mr. Sandoval said it really isn't maintained by anyone, but it is a base core road, and to his knowledge, the City hasn't been out there and done anything to the Road.

Mr. Lamboy said he looked into that, and Mutt Nelson Road is accepted and maintained by the County of Santa Fe.

Commissioner Ortiz asked if there are any road issues incurred in this lot split, and Mr. Sandoval said no.

Commissioner Ortiz asked the plans for the lot split – development, homes and such.

Mr. Sandoval said he was told the son would construct a residential dwelling on the property, but he has no idea of the time frame, but this is the intent. He noted there is a holding period for family lot splits.

MOTION: Commissioner Mier moved, seconded by Commissioner Ortiz, to approve Case # 2011-62, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote.

5. **CASE #2011-63. ALBERT & CONSTANCE DURAND LOT SPLIT. ROB RIEKEN, SOUTHWEST MOUNTAIN SURVEYS, AGENT FOR ALBERT AND CONSTANCE DURAND, REQUESTS PLAT APPROVAL TO DIVIDE 2.2346± ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 1467 UPPER CANYON ROAD AND IS ZONED R-2 (RESIDENTIAL, TWO DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)**

A Memorandum prepared July 21, 2011 for the Summary Committee Meeting of August 4, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "5." Mr. Lamboy noted staff would like to withdraw Condition of Approval #8, because the Applicant provided satisfactory document to the Land Use Director pertaining to the pre-existing crossing.

Recommendation: The Land Use Department recommends approval with the conditions of approval as outlined in this report [Exhibit "5"]

Statement by the Applicant

Robert Riecken, agent for the Applicant, was sworn. Mr. Riecken said in addition to what Mr. Lamboy has outlined, they provided a topographic plat, analyzing the terrain according to the Terrain Management Ordinance, and find here is ample room to build on both lots, much more than the required minimum of 2,000 sq. ft., exclusive of the flood plain. In addition, they have addressed, to the satisfaction of the Sewer and Water Department, access for those utilities.

Albert Durand, Applicant [previously sworn], said his home is contiguous to this property, noting they purchased this property in 1999. He said on the plat the 2.24 acre site is zoned R-2, but with the steep and mountainous terrain overlay district requirement, that will be reduced by 25%, so the allowable developability of this site is 3.35 dwelling units which rounds to 3. He said that would allow 3 lots with 3 homes and 3 guest houses. He said, "However, as part of the consent agreement to this, we have added provisions by my wife the property owner, that limits the developability of the property, 'In addition the undersigned owner does hereby create the following covenants and restrictions on Tracts B-1 and B-2, A. Tracts B-1 and B-2 may each have either one house or one accessory dwelling unit guest house. Neither tract may have both a house and a guest house. B. A house or guest house located on Tract B-2, which is the smaller tract, may not exceed one story above terrace grade or 1,900 sq. ft. of heated area.' The intent of that is to keep it at the scale of a guest house."

Mr. Durand continued, "The last clause is that 'each tract may have other accessory buildings allowed by City Code. These restrictions are in effect until 2099. One hundred years. Unless amended by the undersigned owner, but no such amendment shall allow more than two families to live on these lands now included in Tracts B-1 and B-2.' And we did that in the consent portion of the plat. Should I bring this forward."

Chair Spray said yes, so they can see "where that is on the plat."

Mr. Durand approached the Committee and said, "There's a two page plat. One is the text and the other is the plan. The owners consent is in the upper right corner. We elected to do this on the plat rather than in the covenants, because we wanted people to see it... any prospective buyer or subsequent owner to us to see this condition. This is a two-thirds, sixty-seven percent reduction in developability of this site. The reason is that... there's a variety of reasons. The reasons are that when we purchased the property we put... originally 5.5 acres, we put 50% of the area of the site, including most of the River, into a perpetual wildlife conservation easement with Santa Fe Conservation Trust. Since then, as part of a sale to the Upaya Zen Center, which we felt was a really compatible use for this property, particularly the very delicate westerly end of it which is very riparian and had not been historically farmed. We later added an additional wildlife conservation easement to eliminate a road which would have made it difficult for the Conservation Trust to tell where their easement was, there was this long about 400 to 500 foot long road through the middle of the property and that road accessed two building sites which we did not want to have built. When we sold that end of the property, it was 3.5 acres to the Upaya Zen Center, it was zoned, as I

recall, for 5 units, 5 homes. We covenant, plat and deed restricted that down to one home and one non-rentable guest house. I've been on the Board of Directors for the neighborhood association for about 6 years and one of the biggest issues we face is that we really have sub-standard, driving, right-of-way widths on Canyon Road. We have significant emergency vehicle access in case of a fire and so forth and the selfish aspect of this also is that this is really our back yard, and the access to this property goes to our front yard and then to our side yard, and along the edges, and then the full length of the property, so that's why we did that."

Public Hearing

There was no one speaking for or against this request.

The Public Hearing Was Closed

Commissioner Ortiz said Condition #8 provides, "Prior to recordation provide an updated letter from the Army Corps of Engineers concerning the preexisting crossing of the Santa Fe River." He asked the status of that letter.

Mr. Lamboy said it was a misunderstanding between staff and the Director, and the letter which was attached in the packet has a sunset provision. He said when it went to the Director, the Director was under the impression the crossing had not been constructed. However, the crossing was constructed before the letter was issued. He said once the Director was aware of the status of the crossing, he asked staff to withdraw that condition. He said, "This was our own internal mix-up."

Commissioner Ortiz said, as an engineer, he knows all-weather crossings are fairly good in certain areas, but not so much in the Santa Fe River. He asked if there are future plans to build a bridge across the river.

Mr. Durand said this is a 100 year old river crossing, and this wagon road at one time connected Canyon Road and Cerro Gordo, noting it was a rock crossing, and they went through a lengthy process of approval, and detailed that process and conditions of approval. He said he can provide a packet of information in that regard to the Committee.

Commissioner Ortiz said he doesn't need that packet, and said he just wanted to know if building a bridge was ever in the plan, but it sounds like Mr. Durand went through a lengthy process to get an approved all-weather crossing.

MOTION: Commissioner Mier moved, seconded by Commissioner Ortiz, to approve Case # 2011-63, with all conditions of approval as recommended by staff, including the withdrawal of Condition #8.

VOTE: The motion was approved unanimously on a voice vote.

G. STAFF COMMUNICATIONS

There were no Staff Communications.

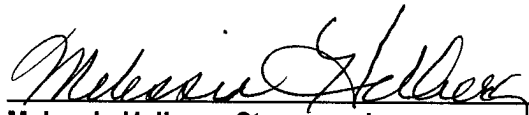
H. ADJOURNMENT

There was no further business to come before the Committee.

MOTION: Commissioner Mier moved, seconded by Commissioner Ortiz, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 12:00 noon.

Tom Spray, Chair



Melessia Helberg, Stenographer