



# Agenda

CITY CLERK'S OFFICE

DATE 2/8/12 TIME 1:35

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## PLANNING COMMISSION

March 1, 2012 – 6:00 P.M.

Lamy Room

Santa Fe Community Convention Center

201 W Marcy Street

\*\*\*Please note change in location\*\*\*

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS  
MINUTES: February 2, 2012
- E. OLD BUSINESS
- F. NEW BUSINESS

1. **Case #2011-138. Beaver Toyota Annexation and Master Plan.** James W. Siebert and Associates, Inc., agent for Beaver Motors, LLC, requests Annexation of 19.218± acres. The application includes 2 Variance requests to: 1) Terrain Management for disturbance of slopes greater than 30%; and 2) Cerrillos Road Highway Corridor minimum building setback from 40 feet to 25 feet. Additionally, one waiver is requested to Big Box regulations for minimum building frontage along arterial streets, from 75% to 53%. The site is located on the northwest corner of the Beckner and Cerrillos Road intersection, is located within the Phase 2 Annexation area, and is zoned General Commercial (C-2). (Heather Lamboy, Case Manager) **(POSTPONED FROM FEBRUARY 2, 2012)**
2. **Case #2012-02. 2572 Tano Compound Escarpment Variance.** Eric Enfield of Architectural Alliance, Inc., agent for Warren and Margaret Thompson, requests two Variances to the Escarpment Overlay standards. The property is located within the Ridgetop District of the Escarpment Overlay. Variances are requested to: Section 14-5.6(D)(1) SFCC 1987 to permit construction of an addition on the east elevation, where development in the Ridgetop in a post-1992 lot is prohibited; and to Section 14-5.6(F)(4) SFCC 1987, to increase the height of the proposed addition to 21'11" above existing grade, where 14' is the maximum height allowed. The property is zoned R-1 (Residential, 1 dwelling unit per acre) (Heather Lamboy, Case Manager).

3. **Case #2012-04. Arroyo San Antonio Preliminary Subdivision Plat.** James Roth of Dry Creek Development LLC, requests Preliminary Subdivision Plat approval for 4 lots on 0.97± acres located at 1713 Montano Street. Development Plan approval was previously granted for a 5 unit residential development. The property is zoned R-5 (Residential, 5 dwelling units per acre). (Donna Wynant, Case Manager)
4. **Case #2012-05. Clark Road Final Subdivision Plat.** Monica Montoya, agent for Adams/Miller LLC, requests Final Subdivision Plat approval for 4 lots on 1.955± acres at 1287 Clark Road. The property is zoned I-1 (Light Industrial). (Donna Wynant, Case Manager)
5. **Case #2012-06. Corazon Santo Final Subdivision Plat.** Monica Montoya, agent for Anasazi MVJV LLC, requests Final Subdivision Plat approval for 40 lots on 6.28± acres located south and west of the intersection of Agua Fria and Harrison Road. The property is zoned R-6 (Residential, 6 dwelling units per acre). (Donna Wynant, Case Manager)

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

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.  
**\*Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

**Index Summary of Minutes  
Santa Fe Planning Commission  
March 1, 2012**

INDEX	ACTION TAKEN	PAGE(S)
Cover Sheet		1
Call to Order	Chair Hughes called the meeting to order at 6:00 pm – Lamy Room of the Santa Fe Convention Center	2
Roll Call	A quorum was declared by roll call.	2
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Villarreal	2
Approval of Agenda	Agenda approved as presented	2
Approval Minutes February 2, 2012 (no Case Findings) Corrections: Page 8 – 2 <sup>nd</sup> sentence after public, add the word sector	Commissioner Spray moved to approve the minutes as amended, second by Commissioner Lindell, motion carried by unanimous voice vote.	2
Old Business None		2
New Business 1. <u>Case#2011-138. Beaver Toyota Annexation and Master Plan.</u> James W. Siebert and Associates, Inc., agent for Beaver Motors, LLC, requests Annexation of 19.218± acres. The application includes 2 Variance requests to: 1) Terrain Management for disturbance of slopes greater than 30%; and 2) Cerrillos Road Highway Corridor minimum building setback from 40 feet to 25 feet. Additionally, one waiver is requested to Big Box regulations for minimum building frontage along arterial streets, from 75% to 53%. The site is located on the northwest corner of the Beckner and Cerrillos Road intersection, is located within the Phase 2 Annexation area, and is zoned General Commercial (C-2). (Heather	<i>Commissioner Spray moved to approve Case #2011-138 the Beaver Toyota Master plan with the conditions outlined in the staff report, second by Commissioner Villarreal, motion carried by unanimous vote.</i>  T. Baer: Staff would request that the Commission make a second vote on postponing of the waiver until the time that the Development Plan is heard.  <i>Commissioner Spray moved for postponement of the waiver of Sec. 14.8.8 Big Box Regulations building frontage from</i>	4-18

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<p>Lamboy, Case Manager) <b><u>(POSTPONED FROM FEBRUARY 2, 2012)</u></b></p>	<p><i>75% to 53 %, second by Commissioner Bemis, motion carried by unanimous voice vote.</i></p>	
<p><b>2. <u>Case #2012-02.</u> 2572 Tano Compound Escarpment Variance.</b> Eric Enfield of Architectural Alliance, Inc., agent for Warren and Margaret Thompson, requests two Variances to the Escarpment Overlay standards. The property is located within the Ridgetop District of the Escarpment Overlay. Variances are requested to: Section 14-5.6(D)(1) SFCC 1987 to permit construction of an addition on the east elevation, where development in the Ridgetop in a post-1992 lot is prohibited; and to Section 14- 5.6(F)(4) SFCC 1987, to increase the height of the proposed addition to 21'11" above existing grade, where 14' is the maximum height allowed. The property is zoned R-1 (Residential, 1 dwelling unit per acre) (Heather Lamboy, Case Manager).</p>	<p><i>Commissioner Lindell moved to deny Case #2012- 02 the 2572 Tano Compound Escarpment variance, second by Commissioner Bemis. Roll Call Vote</i></p> <p><b>Roll Call vote:</b> Commissioner Harris – abstain Commissioner Villarreal – yes Commissioner Spray – yes Commissioner Bemis – yes Commissioner Lindell – yes Commissioner Ortiz – yes Commissioner Schackel – Abstain</p> <p><b>5 in favor of denial-2 abstentions, motion carries to deny Case #2012-02.</b></p>	
<p><b>3. <u>Case #2012-04.</u> Arroyo San Antonio Preliminary Subdivision Plat.</b> James Roth of Dry Creek Development LLC, requests Preliminary Subdivision Plat approval for 4 lots on 0.97± acres located at 1713 Montano Street. Development Plan approval was previously granted for a 5 unit residential development. The property is zoned R-5 (Residential, 5 dwelling units per acre). (Donna Wynant, Case Manager)</p>	<p><i>Commissioner Schackel moved to approve Case# 2012-04 with staff conditions, second by Ms. Bemis, motion carried by unanimous voice vote.</i></p>	

**Index Summary of Minutes  
Santa Fe Planning Commission  
March 1, 2012**

<p><b>4. <u>Case #2012-05. Clark Road Final Subdivision Plat.</u></b> Monica Montoya, agent for Adams/Miller LLC, requests Final Subdivision Plat approval for 4 lots on 1.955± acres at 1287 Clark Road. The property is zoned I-1 (Light Industrial). (Donna Wynant, Case Manager)</p>	<p><i>Commissioner Schackel moved to approve Case 2012-05 with conditions of approval as outlined in Exhibit A, second by Mr. Harris, motion carried by unanimous voice vote.</i></p>	
<p><b>5. <u>Case #2012-06. Corazon Santo Final Subdivision Plat.</u></b> Monica Montoya, agent for Anasazi MVJV LLC, requests Final Subdivision Plat approval for 40 lots on 6.28± acres located south and west of the intersection of Agua Fria and Harrison Road. The property is zoned R-6 (Residential, 6 dwelling units per acre). (Donna Wynant, Case Manager)</p>	<p>Commissioner Schackel moved to approve Case 2012-06 with staff conditions, second by Commissioner Ortiz.</p> <p>The Chair called for a roll call vote. The vote will be in the affirmative as an approval of the final subdivision plat.</p> <p><b>Roll Call Vote:</b>  Commissioner Harris: Yes  Commissioner Villarreal: No  Commissioner Bemis: Yes  Commissioner Lindell: No  Commissioner Ortiz: Yes  Commissioner Schackel: Yes</p> <p><i>The motion carries 4 – 2 in the affirmative.</i></p>	
<p><b>Business from the Floor</b></p>	<p><b>None</b></p>	<p>18</p>
<p><b>Staff Communications</b></p>	<p><b>Informational</b></p>	<p>18</p>
<p><b>Adjournment and Signature Page</b></p>	<p><b>Meeting was adjourned at 8:30 pm</b></p>	<p>18-19</p>

# PLANNING COMMISSION MINUTES

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March 1, 2012 – 6:00 pm – 8:30 pm  
Lamy Room - Santa Fe Community Convention Center  
201 W Marcy Street, Santa Fe, NM

## A. ROLL CALL declared a quorum.

### Present

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

Commissioner Joe Catanach has resigned.

### Staff Present

Heather Lamboy, Senior Planner  
Tamara Baer, RLA Manager  
Donna Wynant, Case Manager  
Matthew O'Reilly, Land Use Department Director  
Risana "RB" Zaxus, City Engineer for Land Use Department

### Others Present

Fran Lucero, Stenographer

## B. PLEDGE OF ALLEGIANCE

Commissioner Villarreal led the Pledge of Allegiance

## C. APPROVAL OF AGENDA

No changes to the agenda.

Agenda approved as presented.

## D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: February 2, 2012

*Page 8 – 2<sup>nd</sup> sentence after public, add the word sector*

Commissioner Spray moved to approve the minutes as amended, second by Commissioner Lindell, motion carried by unanimous voice vote.

## E. OLD BUSINESS

None

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### F. NEW BUSINESS

1. **Case #2011-138. Beaver Toyota Annexation and Master Plan.** James W. Siebert and Associates, Inc., agent for Beaver Motors, LLC, requests Annexation of 19.218± acres. The application includes 2 Variance requests to: 1) Terrain Management for disturbance of slopes greater than 30%; and 2) Cerrillos Road Highway Corridor minimum building setback from 40 feet to 25 feet. Additionally, one waiver is requested to Big Box regulations for minimum building frontage along arterial streets, from 75% to 53%. The site is located on the northwest corner of the Beckner and Cerrillos Road intersection, is located within the Phase 2 Annexation area, and is zoned General Commercial (C-2). (Heather Lamboy, Case Manager) (**POSTPONED FROM FEBRUARY 2, 2012**)

Ms. Lamboy provided a power point presentation and the Commissioner's followed on the screen on both the Annexation and Master Plan.

It was noted that the sites high point will be closest to Cerrillos Road. There was a grading permit that was granted through Santa Fe County when the site was active with Santa Fe County so a portion of the site has been graded already. There is a planned roadway at Beckner Road and that would go straight across and that would be the southern boundary. The applicant has requested a couple of variances: The first is a terrain management variance for disturbance of slopes greater than 30%. There are two different slopes on the site, the first are natural slopes and the second are manmade slopes which were probably created by the grading that was done previously.

There is a second Variance Request to reduce the minimum building setback from Cerrillos Road from 40 feet to 25 feet. The applicant is proposing to move the buildings up closer to the frontage although in the end there will be a substantial setback from Cerrillos Road.

The Development Plan will need to address in detail:

- Location of buildings, percentage of buildings along frontage. Staff has recommended, there is a waiver request for reducing the percentage along the frontage and we did not feel like we were there yet, so we put off consideration at the development plan level.
- Refine landscape and site design – This is part of Santa Fe's southern gateway and we want to make sure it is a signature gateway.
- Ensure all access approvals are obtained through the applicant and NMDOT; the process does take a while.
- Work out details on the trail connection; the applicant has committed whether financial or actual construction. Those design details have not been reached and we recommend that goes to the development plan for consideration as well.

With reference to addressing the criteria for an annexation, the site located in the prospective city limits so it is expected that the city will go this way. It is contiguous to the current city limits and the cost of infrastructure has been offset to the annexation agreement and the agreement for infrastructure within that agreement. It falls within the expected growth boundary. The city is already planning for development in that area.

Terrain Management Variance:

- Proposal does not nullify the intent and purpose of the regulations

## PLANNING COMMISSION MINUTES

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- Proposed variance represents less than 1% of the site. The intent and purpose of the terrain management regulations are to make sure that our natural landscapes are maintained. Because this is approximately 5,000 square feet of area the overall character of our natural landscaping will be retained especially with the arroyo chamiso proximity.

### Cerrillos Road Highway Corridor Variance:

- Zone 4 no longer rural in character
- Special conditions (unusually large right-of-way) exist at this site
- Will be harmonious with other development on this section of Cerrillos Road

The Land Use Department recommends approval with conditions as outlined for the Annexation with Variances, and recommends postponement of frontage waiver to the Development Plan.

### **James Siebert, 915 Mercer St., Santa Fe, NM (sworn in)**

Mr. Siebert reiterated statements that staff made; he explained that the property is within the presumptive city limits, the city was in the process of going through the settlement agreement, and we were good because basically the extra territorial area was dissolved. It is part of the Annexation that is scheduled for Phase 2; the property is zoned C-2 and it is subject to the Big Box Ordinance as we have one building on the site that is 30,000 sq. ft - 50,000 sq. ft..

Nuances: The overall circulation pattern, the roads that are solid black are existing, he shows where Wal-Mart Building and where other retail businesses are strategically placed. To the west is the School for the Deaf property which is vacant. The dash shows the roadway. Mr. Siebert passed out a portion of the Metropolitan Transportation plan and explained that the roads in the yellow color are roads that have been officially designated on the Metropolitan Master Transportation Plan and are scheduled for construction at some point in the future. The roads that are designated in blue are set for further study to determine if they are really warranted for an extension. The road they have reserved on the property would be an extension of Beckner Road which on the east side of Cerrillos Road and would come in and hook in at the Tierra Contenta project.

In terms of what is going on in the property now, Arroyo Chamiso, there is an area which is the flood plain and showed the utilities on the property. He talked about the sewer drop, manmade slopes and another sewer that serves the business part that is further down on the frontage road; it is a 36 inch sewer line that was constructed by the city as well. There is electric, fiber optic telephone, gas line has recently been extended at Wal-Mart and will need to be extended to the site. There is a water line that feeds the southern part of the water system. There is an issue that will come up which is access to the property; we do have access through Cerrillos Road, we are also trying to gain access from the frontage road, it is not required, we do have access limited to right in and right out, we would like to get access from the frontage road to Cerrillos Road.. There is something they call the access control line, it is when the Federal Government divided the interstate road system, in some cases they acquired access rights and you could not cross this line without permission from the state access control line committee. Mr. Siebert said they continue to work with this committee and continue to pursue that. There is an allowable access easement was originally granted for access through the subdivision and he pointed out where this access was. It was later on when they discovered that they needed to go beyond this access line to get to their property. Mr. Siebert said they continue to pursue this issue with the Highway Department and they would not have to go to the access control committee in they were within the access control line.



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The site itself, the main structure sits facing Cerrillos Road. Building is approximately 55,000 square feet. There is a separate retail building and since they are part of the Big Box Ordinance there is a requirement that they have 30% frontage along Cerrillos so they have included a retail facility. It probably would not be Beaver Toyota but something associated with that business type. Descriptors of the body shop and the paint shop were on the plan. People who would want to go north would have to do a U-turn and come back.

As far as the process itself, they are at an Annexation Master Plan and will have to come back for a Development Plan Review in front of the Planning Commission. He said what they would like to do in this process is sort out some of the design issues that are key considerations so that when they come back with the development plan and they compare the engineering plan they would not have to come back multiple times.

### **Public Hearing**

**No comments from the public.**

Commissioner Harris asked staff why we have Annexation and Master Plan as one vote.

T. Baer: Mr. Chair, Commissioner, the annexation plan requires that a master plan be associated with it so it is not actually a separate application. The application is for an annexation with a master plan.

Commissioner Harris: I realize that some of these documents are preliminary, but the annexation agreement in the packet speaks to two waivers; one waiver in the packet refers to the Big Box standard of 75%. And there is another one described hereby approves a waiver from Chapter 14-8.8 on approval of increase of parking by over 10% of the required parking. Is that carried over from past discussion?

Ms. Lamboy: It was carried over from past discussion and we determined there is no waiver to parking from Beaver Toyota. There is a difference between display and parking for the purposes of the code. It was determined it was not needed as part of the waiver relating to the parking for the function of the site and the parking of the vehicles for sales. The client is also showing the parking for the purpose of the customers, therefore they are not over the 10%.

Commission Harris: Reiterate that this is not an issue and will not show on the annexation agreement.

Ms. Lamboy: Confirmed that this is correct.

Commissioner Harris brought to Mr. Siebert's attention that on P-2 and P-3 they reference New Mexico School for the Deaf and Dumb and requested that the applicant strike that reference.

Commissioner Harris continued that the language in the submittal refers to a 24 inch sewer line and in the presentation it referred to 36 inches and in both cases they seem to be smaller. Your exhibit P3 says 36", text says 24", P3 says 10" on the west property line and the text says 8". Certainly I believe those sizes; I think are appropriate for this development

Mr. Siebert confirmed that they are the larger sizes, the plan is correct.

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Commissioner Harris referred to a note from Mr. Burk to the applicant to look for an alternative to shrubs and grasses on the highway right of way and then another reference from NMDOT that says they only want to see shrubs and grasses.

T. Baer stated that this is something that will be worked out, not only through the development plan but with NMDOT. There are some larger trees about 4-5 piñon in the right-of-way and Ms. Baer said that she does not know what the NMDOT standards are for landscaping. The applicant will apply through NMDOT to make improvements in the right-of-way at a later date.

Commissioner Harris: What happens if DOT denies?

T. Baer: We will come back with more concrete information at a later time when the applicant returns with the development plan.

Commissioner Spray: Q: Terrain Management Variance Staff Response: *The proposed variance will not have the effect of nullifying the intent and purpose of the Terrain Management regulations. The City Engineer asked for some specific detail on the areas of 30%, which have been reflected in conditions of approval. This can be addressed at the Development Plan level. In concept, the City Engineer and Land Use staff can support the proposed variance. Concept meaning when we answer the questions that are outlined in the conditions? Is that the concept that you mean?*

Ms. Lamboy: The applicant had to clarify what was manmade vs. what natural and that clarification took place after the report. RB Zaxus can also clarify that in further detail.

RB: What has been said is accurate; there were some manmade slopes and some non-manmade slopes. When we did the walk thru there were slopes that were not identified as either and asked for further clarification and now they are identified as either manmade or not.

Commissioner Hughes referred to a letter from a neighbor on the variances of slopes sitting at the foothill which would effectively increase the steep slopes on his property.

RB: I was confused by that letter, I believe he is up slope and everything on this property is a down flow.

Commissioner Spray referenced the Applicant Response (page 6-7 of 11) in packet, when talking about the area of steep slopes and staff states that the area is no appreciably larger than the permitted disturbances at 1,000 sq. ft, and the permitted is not 1,000 by 5,000 sq. ft. Is the exemption to improve the entire property or certain areas of the property?

Ms. Lamboy: The 1,000 sq. ft. limitation is for the entire property so the 5,000 sq. ft. exceeds that.

T. Baer: My understanding is and we can get RB to clarify that it is per occurrence.

RB: There was one for 5,000 so they had to go for a variance, 1,000 sq. ft. per occurrence is correct.

Commissioner Spray wanted staff to reiterate officially that it would be 1,000 square feet per occurrence because the applicant mentions 5,000 sq. ft which is much larger. Is staff satisfied with this and still recommends granting the variance with the other large amount.

Ms. Lamboy: Yes, staff is satisfied with the 1,000 square feet per occurrence.

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Commissioner Spray referred to an additional statement in the constitute letter; 40' vs. the 25' set back and asked Mr. Siebert to show on the chart where that would be and why the setback is requested back from the road.

Mr. Siebert, spoke about the slope disturbance. The slope of this property is towards the arroyo of Chamiso, so their property is much higher. In terms of the issues of the setback, this building set back exceed is 70 feet which exceeds the requirement. The retail building as pointed out is 25 feet to the right-of-way.

Commissioner Schackel: To understand the access better, do I understand that there is only one access off of Cerrillos Road.

Mr. Siebert: There is one access and we are working with the highway department to approve the right in and right out. This particular access point we are still working with the highway department and we do anticipate having a second access as we continue to work with NMDOT. The frontage road comes out to the signal by the Fashion Outlet.

Commissioner Lindell: Is this annexation completely specific to this master plan?

Staff: Yes

Commissioner Lindell: If this were approved and we had an annexation and Beaver Toyota were to sell this piece of property it would no longer be annexed?

T. Baer: This is correct, however it is within the presumptive city limits, the City has already assigned zoning and it wouldn't need to be annexed. The annexation is in fact an advantage to the city because we would get the gross receipts.

Commissioner Lindell: Thank you for clarifying that. Added comment that when it comes back to the Planning Commission that there be a very clear agreement on contributions to trails and how that is going to be worked out and that we do not have any confusion on that. We would like to see that be very clean as to what Beaver Toyota's participation and sharing in the cost is.

Commissioner Schackel: Q: In the staff report on Page 4 – talks about the water, is Wal-Mart connected to the city water system?

Ms. Lamboy: Yes, it is connected to city water but there will need to be some extension of water to Beaver Toyota site.

*Commissioner Spray moved to approve Case #2011-138 the Beaver Toyota Master plan with the conditions outlined in the staff report, second by Commissioner Villarreal, motion carried by unanimous vote.*

T. Baer: Staff would request that the Commission make a second vote on postponing of the waiver until the time that the Development Plan is heard.

*Commissioner Spray moved for postponement of the waiver of Sec. 14.8.8 Big Box Regulations building frontage from 75% to 53 %, second by Commissioner Bemis, motion carried by unanimous voice vote.*

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2. **Case #2012-02. 2572 Tano Compound Escarpment Variance.** Eric Enfield of Architectural Alliance, Inc., agent for Warren and Margaret Thompson, requests two Variances to the Escarpment Overlay standards. The property is located within the Ridgetop District of the Escarpment Overlay. Variances are requested to: Section 14-5.6(D)(1) SFCC 1987 to permit construction of an addition on the east elevation, where development in the Ridgetop in a post-1992 lot is prohibited; and to Section 14-5.6(F)(4) SFCC 1987, to increase the height of the proposed addition to 21'11" above existing grade, where 14' is the maximum height allowed. The property is zoned R-1 (Residential, 1 dwelling unit per acre) (Heather Lamboy, Case Manager).

Site is located off Tano Drive, in the Ridgetop District. House was built in 1961 with lot line adjustments in 2003 and is subject to current Escarpment Ordinance. The Ridgetop District permits no development other than driveways and utilities. Reason for this is the intent to protect distinctive and historic Ridgetop and foothills area environment.

In the power point presentation an aerial map of 2572 Tano Compound with escarpment was included. Photos were also provided showing the skylight and the view of home. Elevation plan for N-S-E-W were included.

The variance criteria from the applicant is extraordinary hardship results from strict compliance with regulation. The purpose and intent is to preserve the natural environment and distinctive Ridgetop environment as an asset. Staff report includes the definition of *extraordinary*.

Staff cannot recommend in favor of the variance, does not meet Sections 14-5.6(K) or 14-5.6(A) SFCC 1987. Design alternatives are available to mitigate visual impact, step with the hillside; large impact on the character of the hillside and site is highly visible.

**Eric Enfield, Architectural Alliance, Inc., 612 Old Santa Fe Trail, Santa Fe, NM (sworn in)**

I would like to correct that only a portion is in the Ridgetop, the whole site is not in the Ridgetop. The owners are in the audience.

Mr. Enfield proceeded to explain the existing triangular deck which is at 200' and was built in 1962; the owner's would like to add an additional 200" and proposing to close in the two ends of the triangular deck. A portion is not in the escarpment district so technically in (pointed out area) we could build 24' high without a variance from the City because there is not a foothill. Mr. Enfield pointed out the small area that is not in the Ridgetop (C-1 site plan). Mr. Enfield clarified that they are not planning to do any changes to the master bedroom strictly to the patio that is on the Westside.

East and West walls as described by Ms. Lamboy are to protect the furniture from blowing off the deck. When there are high winds or inclement weather, this is for the comfort to allow his client to use the outdoor area. We have put openings on each side for there to be visibility and to break up the walls as pointed out. As far as the elevation, my letter states that we are reducing the height of the building because right now the height of the building from the ground level to the top of the bubble skylights is 23' 11". Our proposal reduces the original height to 21' 11", so we have a decrease in height of 2' overall in this structure. I don't think this was mentioned in the staff report but it is mentioned in my letter. The bubble skylight is 24' long and almost 44' high. Photos (before and after included in packet) show that our actual impact is minimal and if you look at before and after, whether it be from a distance which some of the photographs that staff presented were with telephoto lenses, not necessarily fair because that is not the public visibility

## PLANNING COMMISSION MINUTES

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element in this house. When you look in the packet at what we are proposing to do and what is existing, you can see that the bubble skylights actually do break the horizon and reduces the height to the house. In reviewing the report from staff, it appears that you have some basic concerns, which I would like to address. It appears to be mainly massing and visual impact of this structure; we are increasing the massing and visual impact of the structure. As an Architect, I do not agree with that. The reason I don't is because the massing and the visual impact of the residence is actually not increased as the existing massing was already in place for 15 years since 1962.

I would like to pass something out to the board that shows more graphically why I feel like we actually are not impacting the visual or the massing of this house. (Exhibit A) The line at the top of the house shows the mass of the existing house; when you add the addition to it you can see the decrease in height when you remove the bubble skylight, we did a line that follows the profile of the house. My point is that even adding the east wall and the west wall, we are not breaking the visibility or adding to the actual mass of the house. There is one area, pointed out which shows an increase in height in the parapet; that could be an argument that the mass is being affected and that is just to the left of the two openings. You will see a small piece of parapet where we are increasing the massing of the house. I believe that is true whether you look at it from Hwy. 285 or Tano Road. The massing of the house will remain behind our proposed addition. In relation to the impact, I am in hopes that the commission was able to view the house from the highway; there is no visibility from the city proper. As a matter of fact, I called my client a few months ago because the initial escarpment on the map did not include this area because by the computers own calculation it did not meet the visibility requirements for the Ridgetop. The Ridgetop was added back in not by visibility study computers but by staff based on a previous map of the Ridgetop. When we first started working on this design I told my client that with the new draft of the escarpment district this house was not in it and this ridge was not in it, because it wasn't visible and did not meet the visibility criteria for the City's own study. It was added back in by staff and I wanted to make that very clear. If you went to the site and looked at it from Hwy. 285 there are numerous 2 story homes in that area to the left and numerous 2 story homes as a gateway to the city. On the left there is county property and there are 2-story houses along that area and on the right there is city property and by the photographs distributed, you can see below my client's house is another 2-story house that is legally recently built because it is out of the Ridgetop. One of the things about the Ridgetop that is most important is breaking the plain of the ridge and you can see clearly from the study that we haven't increased the break of the visual plain of that Ridgetop. The fact that this house doesn't comply is based on the criteria of when the house was built in the 1960's – not in 2012.

There is another concern that staff raised about the stepping of the façade; they were worried that the façade wasn't stepped. If you look at my drawing there is a clear black line where the new east wall steps back from the existing wall, and not only that but there is a huge step back where the guard rail wall on the front of the portal is open to the opening beyond which means that there is a huge setback of about 15' to 20' before you get to the face of the living room. It shows on the proposed east elevation. We have about 14'5" per wall and then there is an open area and then we go to a very light portal roof that only has the beams and we tried to do light structure on the roof that actually matches the details that Mr. Lumpkin's had one on the other over hang. What we are trying to do is make this compatible with the existing house as much as possible. The area of construction which was in previously disturbed areas so it will not impact the natural landscaping with this addition. The visual plain of the east wall isn't even broken; the house behind it actually stops the vision through the ridge. As an Architect I think the openings in the east and west walls, a step back of the opening and the reduction of the glazing of living room is very high, once you recess set it back 15 feet you won't see that glazing.

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In concluding my presentation, the house was built a long time ago and it may never meet the present code. For this reason my client does have a hardship is that he can't meet the criteria for any addition to his house. Any addition to his house would require a variance; my client is simply looking at not adding a lot of heated area and only addition about 200 square feet to a roof area that is about 4,000 sq. ft. to a house that is about 5,000 square feet so you are talking about 7-10% increase in roof area. I do feel that the addition is s harmonious with the majority of the residences in the neighborhood as most of those residences are 2-story. We are reducing the height of the structure by 2 feet. I feel that any chance to reduce the height of a structure that is in the Ridgetop should be taken. I don't think that these skylights would ever be approved in any situation in the Ridgetop and certainly removing them can only help the house become more compliant with the Ridgetop by reducing the overall height of the house. We have the homeowner's approval and no negative input from the neighbors as a matter of fact the like the idea of the removal of the skylights. I feel that this proposal is a reasonable proposal and allows my client more beneficial use of his house and actually improves the existing conditions. I hope the Commission agrees with me and that my client is not trying to create a monster, he is just trying to create a usable area outside the present area that isn't used due to exposure, size and no privacy.

### **Public Hearing:**

**No public comment.**

Commissioner Lindell: In relation to this existing 5,000 square foot house; when you started out Mr. Enfield said; "what was the correction that you made to Ms. Lamboy about the residence being in the Ridgetop?"

Mr. Enfield: It was a portion of the site is in the Ridgetop.

Commissioner Lindell: Is the residence in the Ridgetop?

Mr. Enfield: Right now it is.

Commissioner Lindell: What was the purpose of the lot line adjustment in April, 2002?

Mr. Enfield: It was the result of the Tano Road Compound being created and I would have to ask my client.

*(Mr. Enfield has a direct conversation with the client.)*

Mr. Enfield responded that the Survey had not been done prior when they created the compound; there was a wall that was off property and it was increased to include inside the client's property. Wall was there before client purchased the house.

Commissioner Spray: Q: About the Ridgetop Ordinance itself, Mr. Enfield talked about the Ridgetop having been added in and that it was added back by staff, please comment.

Ms. Lamboy: There has been an update to the escarpment overlay.

Matt O'Reilly: There has been a working group that has been working on escarpment maps and this ordinance for about 4-years now. There are no updates to the escarpment ordinance at this

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time. There is a draft map at this time and neither the map nor the escarpment ordinance has been approved by the governing body. The map is entirely a draft.

Commissioner Spray: Thank you Mr. O'Reilly, so this house is entirely in the Ridgetop? I would like staff to comment on Mr. Enfield's statement about the existing mass not being impacted as part of this and he talks about the height of the addition being 21'1" where 14' is allowable but the mass seems to have, according to Mr. Enfield is not really impacted. Can you describe that a bit.

Tamara Baer: There are two issues here in terms of the variances that are being requested, the first one says you cannot build in the Ridgetop if you have a re-subdivided lot after 1992, and that is the case here. The second has to do with the height; the height that is allowed in the Ridgetop is 14'. Mr. Enfield talked about the height of the existing skylights. Staff had discussion on the height and the mass of the building, which is a separate question. The height of the skylight exceeds the 14' already because it was built before the ordinance was in place. What he is proposing to do is lower that height to an existing roof level but it would still be in excess of the allowed height which is 14'. That would be the step in the variance that would be requested. The question with the massing is whether or not if we were to allow going to that height which is not in compliance with code. Whether it meets the purpose or intent which has been defined by many different sections and criteria in the code.

Commissioner Spray: Then the overall increase by 2'9" has not been the issue here; you are saying that any construction would exceed the 14'.

Tamara Baer: What they are proposing is an addition of a new volume, a mass that would sit on top of the portal so it would be new construction; it is not in the same place where the skylights are it would actually be in front of it. We are talking about new construction that would exceed the height of what is allowed in the Ridgetop.

Commissioner Harris: I have believed that removing the skylights is a reflective service will help diminish the visual impact of the building. I think that the glazing set back in would help diminish it. It is possible that if the project goes forward perhaps could make the building less visible and more pleasing. Mr. Enfield, question, the plans seem to say that you are going to raise the ceiling height by 2'6" and why is that necessary?

Mr. Enfield: Yes. Right now the ceiling height is 7'6" and when you are actually sitting in the living room you can't see the mountains. That is the reason.

Commissioner Harris: So your plan it to take it up to 10'?

Mr. Enfield. Basically the 2'6" is what we are asking for.

Commissioner Harris: You are taking it up to 10' and you will have 8' sliding doors?

Mr. Enfield: That is correct.

Commissioner Harris: Those decisions are driving the mass that seems to be the most offensive to people which is enclosing the sides of the portal. Correct? I think that is the mass we are really talking about, as I look at these, it is the angle the way they are presented. It seems to be the mass at the side of the portal and the mass gets you to the top of the parapet line. It seems to me that it is worthy of discussion in how staff and others might respond to lowering the ceiling

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height from what is proposed of 10' to say 8'6" and making some adjustments to the parapet side wall, that might allow that whole building to step more appropriately. I give you credit for taking away the reflective surfaces; those draw more attention than the parapet line.

Mr. Enfield: I have discussed those types of changes with my client and he is willing to entertain the changes. He is here to try to get the ability to make an addition to his home in the Ridgetop. This is what we have come before you and what we are asking for are two variances and they are not design specific. What I may suggest Commissioner Harris, speaking on behalf of my client, is allow us to build within the Ridgetop escarpment and, allowing us to exceed the present height because no matter what we do we are going to have to be over 14' and allowing us to work with staff on the particulars of their concern over massing and ceiling heights. That would then allow us to work with staff in a positive direction on design issues; this is not what you are hearing today. Design issues are not what you are hearing today. What you are hearing today is can my client add a portal and a deck on to his living room and can it exceed 14'. There certainly is the possibility of including a condition that we would work with city staff on final approval and height. That would be something that my client would be happy to do. You guys are not the design committee.

Commissioner Harris: We are being asked to respond to that design so we have to comment.

Mr. Enfield: It seems that you share some of the same concerns that staff does specifically about the east and west wall. When you look at the added mass I would say it would be at the west wall where we are adding mass.

Commissioner Bemis: I am a firm believer in all the hard work that comes up with the escarpment overlay and I believe those should be honored.

Commissioner Spray – I would like staff to comment on any addition would require a variance. Mr. Enfield is asking us to approve the variance and work with him.

Tamara Baer: A variance request is typically very specific. Mr. Enfield has submitted a specific request to a specific to design. We have addressed the application as it was submitted and I think would be difficult to put staff in that position to try to negotiate with Mr. Enfield later on what we think or he thinks is most appropriate.

Commissioner Spray: Is it correct that you feel he should come back with a modification and design should we say no?

Ms. Lamboy: With a variance you are looking at criteria to make sure they are met, and for these specific design criteria have not been met.

Commissioner Schackel: Question for Land Use Director can you comment on whether or how variances have been treated in the escarpment area, is there any way to review escarpment overlay requests?

Matt O'Reilly: There is only one way to get a variance; you have to meet the variance criteria. In reference to how the Planning commission has treated other variances in the past in the escarpment district; sometimes the Planning Commission has found that some projects have met all the criteria and it was shown that there was extra ordinary hardship. Sometimes the Commission did find that and in some instances the Commission has done a site visit to make



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those determinations. The commission has treated all projects individually and each one has to be considered separately.

Commissioner Schackel: Some of us have approved the variance because we believed it met the escarpment overlay district ordinance spirit was met. I do share the comments of Commissioner Harris that removing the reflective skylights would be pleasing.

Commissioner Lindell: These cases are hard, variances are hard but it is our obligation to assure that the applicant has met the intent of the criteria of the variance and we are here to make sure the criteria has been met. We are also here in public interest to assure that the criteria have been met. Often times it is hard to say that it hasn't been met. That is our obligation to assure that the criteria has been met.

Commissioner Harris: Reading through the variance language I think it is possible to do substantial justice in this case, but I do believe that we have to respond to the design, the specifics of what we have before us. I think that there is a better solution. There is a solution that would allow an addition to be built that would in fact diminish the visual impact that I think occurs right now. I believe if we are thinking about the public good, I truly believe some improvements to this building can in fact improve the public perception of this building and the immediate landscaping adjacent.

Commissioner Schackel: Any additions to this home would not be permissible to the height already. Extraordinary hardship is very difficult to understand, thank you to staff for including the definition of extraordinary. I think that hearing that this patio is so exposed to the elements, that this homeowner isn't able to use the patio, this is a masterpiece house, I would not find it such a stretch to allow the owner to make the patio more habitable, it wouldn't be such a stretch for me in this case. I totally support the escarpment ordinance, but I am on this commission to take it all in to account.

*Commissioner Lindell moved to deny Case #2012-02 the 2572 Tano Compound Escarpment variance, second by Commissioner Bemis. Roll Call Vote*

**Roll Call vote:**

Commissioner Harris – abstain  
Commissioner Villarreal – yes  
Commissioner Spray – yes  
Commissioner Bemis – yes  
Commissioner Lindell – yes  
Commissioner Ortiz – yes  
Commissioner Schackel – Abstain

**5 in favor of denial-2 abstentions, motion carries to deny Case #2012-02.**

**Break – Chair Hughes Excused – Vice Chair Spray continued to Chair the remainder of the meeting.**

**Meeting called back to order by Chair Spray.**

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3. **Case #2012-04. Arroyo San Antonio Preliminary Subdivision Plat.** James Roth of Dry Creek Development LLC, requests Preliminary Subdivision Plat approval for 4 lots on 0.97± acres located at 1713 Montano Street. Development Plan approval was previously granted for a 5 unit residential development. The property is zoned R-5 (Residential, 5 dwelling units per acre). (Donna Wynant, Case Manager)

Power Point presented by Ms. Wynant.

Property is located at 1713 Montano Street and is zoned R-5. It was originally approved in 2006 as a 5 unit condominium development. Two of the units along the south half of the property near the Acequia Madre have been constructed.

The proposal is to reduce the number of units from 5 to 4 units, and to subdivide the property for each unit to have its own low. If preliminary plat is approved the approved with return to Planning Commission for Final Subdivision Plat.

Ms. Wynant provided pictorial shots of the property. Yellow is all zoned R-5. The property is between Agua Fria to the North and Cerrillos is much father to the south. Site is between Acequia Madre to the South and Arroyo San Antonio to the North. This is not a flood plain property, there is no flood line to the property. The vegetation is very lush in that area of the city due to the arroyo and the acequias.

The Applicant will pay the required fee of \$10,643 under the Santa Fe Homes Program. Santa Fe - Homes Program Proposal = has been signed and an agreement will be finalized upon Final Subdivision Plat approval.

Conclusion: Staff supports the proposed four lot subdivision, which is in keeping with all code requirements.

### **James Roth, #5 Senda Torcida, Santa Fe, NM 87508 (sworn in)**

This project came before the city in 2006 and was heavily vetted; it went through the Planning Commission and went before the City Council, both times it passed I believe 8-1. A lot of attention came to this piece of property by neighbors and others. It is virtually impossible to finance condos and if you look at them they do not look like condos, they are free standing homes. Financially because of the condo laws they are considered condos and banks do not want to lend money for condos. For me to be able to finish the project I need to do a lot split.

### **Public Hearing;**

**No public comment.**

Commissioner Lindell: Mr. Roth, refresh my memory from the past. Remind me why this project did not have an affordable component?

Mr. Roth: What I was told at the time, obviously I would have had to pay it if it was required, and my understanding at the time was that because I did not seek a variance it didn't require an ENN. The only reason it came before the Planning Commission was because it was an appeal, it did not initially have to come before the Planning Commission. It was 5 building permits and the

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first thing I got was grading and drainage permit and then I applied for the building permit. That was the explanation given to me at the time. I spent a lot of time at the city.

Commissioner Lindell: I appreciate your answer, it didn't really help me, let's move on. How is the drive across the arroyo to be maintained, what is the agreement now that it is not a condominium?

Mr. Roth: It is the same agreement, essentially, what I am doing with my attorney is that he will take the condominium documents and change some of the language that says homeowner association. The maintenance agreement that is in place gets transferred to the Homeowner Association. One of the requirements for the application is to have a Homeowners Association.

Commissioner Lindell: I like the project and I do understand that condos cannot be financed at this time.

Commissioner Harris: My question has to do with condition approval that came from Ms. Zaxus, regarding at Exhibit A, 2, 3<sup>rd</sup> bullet, revise note 11 as on lot ponding is not required.

Tamara Baer: The difference is if each separate lot will have on lot ponding. On lot ponding is not required because there is a central ponding area that is shared at the same time for the four lots.

Commissioner Harris: So the submittal from Design Ingenuity which is sheet #5 – drainage plan, identifies 3 ponds, one of which is the smallest is on one of the new lots which is pond #3. Is this solution responsive to Ms. Zaxus comments?

Tamara Baer: Yes it is and the ponds will be maintained by the Homeowners Association.

Commissioner Ortiz: Q: Mr. Roth what is the structural integrity for access over the bridge as the primary access to the new proposed condominiums.

Mr. Roth: hat bridge is a highway rated bridge.

Commissioner Ortiz: Are there any problems with Acequia Madre.

Mr. Roth: When I looked at that property in 2005, the first person I called was Phil Bove and I met with him and asked him what I could do. Initially I was told that the Arroyo San Antonio which you have to drive across was the Acequia Madre and I got very nervous. Mr. Bove came on to the property and clarified which was the Acequia Madre. Mr. Bove did say that he wanted a maintenance easement and on the agreement which both are on the plat. There is an easement alongside so when Youth Works comes down to clean it they will go through there. It is in the condo agreement and in the homeowner agreement and one of the stipulations will be that the homeowners association maintain and keep it clean.

*Commissioner Schackel moved to approve Case# 2012-04 with staff conditions, second by Ms. Bemis, motion carried by unanimous voice vote.*

4. **Case #2012-05. Clark Road Final Subdivision Plat.** Monica Montoya, agent for Adams/Miller LLC, requests Final Subdivision Plat approval for 4 lots on 1.955± acres at 1287 Clark Road. The property is zoned I-1 (Light Industrial). (Donna Wynant, Case Manager)

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Ms. Wynant explained that the next two cases are final subdivision plats so there will not be a presentation but a brief overview. The next case which is 1287 Clark Road – approval on the preliminary subdivision plat was on January 5<sup>th</sup> subject to several conditions. The findings were in the packet of information. The property is zoned I-1, Light industrial and the site is just under 2 acres in size and has 4 warehouse type buildings on that property and applicant would like to sub-divide and preliminary subdivision was approved. This is looking at final and what has happened since then is some addressing of the lots which is explained on page 2 of the staff memo. Signage will be on Clark Rd. required by Traffic Engineer to prevent parking on the east side of the road. A note will be placed on the plat prohibiting construction of fences or walls or other obstructions across or within public sanitary sewer easements.

In response to a concern raised at the January 5<sup>th</sup> meeting, if the applicant places a fence or wall along Clark Road to provide better security for the various businesses, the Fire Marshal shall require fire access to any gate blocking access to emergency vehicles.

The Final Subdivision Plat conforms substantially to the preliminary plat as approved by the Planning Commission, and staff recommends approval.

**Monica Montoya, 726 Gregory Lane, Santa Fe, NM 87505 (sworn in)**

Donna has outlined where we are since we have preliminary approval. We have complied with the staff conditions and we have worked with the Traffic Engineer to identify five locations on Clark Road for the creation of no parking signs on each side of Clark Rd. We have addressed the private and restricted covenants on common facilities and submitted to RB for review and approval, and we have been in contact with Fire Marshall Gonzales in response to emergency access per Commissioner Harris question. If there was a gate to be installed the Fire Marshall would determine what type of gate is needed.

**Public Hearing:**

**No public comment.**

*Commissioner Schackel moved to approve Case 2012-05 with conditions of approval as outlined in Exhibit A, second by Mr. Harris, motion carried by unanimous voice vote.*

5. **Case #2012-06. Corazon Santo Final Subdivision Plat.** Monica Montoya, agent for Anasazi MVJV LLC, requests Final Subdivision Plat approval for 40 lots on 6.28± acres located south and west of the intersection of Agua Fria and Harrison Road. The property is zoned R-6 (Residential, 6 dwelling units per acre). (Donna Wynant, Case Manager)

Monica Montoya is the agent. Corazon Santo, this is the final step in the overall review process on this case. It is going for rezoning and general plan amendment, it has received approval from City Council. The Preliminary Subdivision plat was approved by the Planning Commission on October 6<sup>th</sup> to subdivide the south 2.28 acres in to 40 lots subject to conditions as outlined in the staff report. As you recall the northern part of the site, 2.41 acres was approved for mixed use development. The request for final subdivision plat is the last step in this overall process.

Some of the changes that have occurred and shown on the subdivision plat are some street name changes to approve duplication as follows: “Isaiah Lane” is now the name of the east-west street that connects Harrison Road to Paseo Corazon and to the properties west of Corazon Sato; the alley that gives access to properties along the west side of Harrison and the east side of Paseo Corazon is “Zachary Lane.”

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There is a comment from John Romero on lighting, he only wanted lighting at the intersections not throughout the whole subdivision. At Agua Fria and where Paseo Corazon meets is designed s right in/right out only. A Santa Fe Homes Program Proposal for 8 of the 40 hoes (20%) has been signed and is attached.

In conclusion staff supports the proposed 40 lot subdivision, which is consistent with the preliminary plat and conditions of approval and is in compliance with all code requirements.

**Monica Montoya (Agent on record was sworn on previous case)**

Here for final plat approval, worked very closely with neighbors, commissioners and staff. We have a few details to work out on the lighting, we have a few meetings with traffic engineer for right-in/right-out on Agua Fria.

**Public Hearing**

**Danny Vigil, 1103 Harrison Road, SFNM 87507(sworn in)**

Here to compliment the developer who worked with the neighborhood. There was one safety issue and I was able to speak to Monica and she has clarified on the plat the question I had. I wanted to make sure that the sidewalk connected between Agua Fria to Harrison Road as the kids need to walk on the other end of the street.

Ms. Montoya commented that the sidewalk is part of the neighborhood process from the NW corner of our project along Harrison Road to Agua Fria. A sidewalk does exist, we will build a sidewalk to ADA requirements to Agua Fria. We have asked the Baca's if they would dedicate 2' for the sidewalk but 3' is sufficient.

**No more public comments.**

**Public Hearing closed.**

*Commissioner Spray noted that as the chair he would not be voting.*

**Commissioner Schackel moved to approve Case 2012-06 with staff conditions, second by Commissioner Ortiz.**

Discussion:

Commissioner Lindell: This is a project I voted against the preliminary subdivision and my question to staff is; in as much as it was passed and it is brought to us this evening with all conditions met that were approved at that point in time, is what we are voting on that it has been brought to us with all of those conditions met?

Tamara Baer: That is correct.

Commissioner Lindell: I want to clarify that we are voting on that this project has come to us with all the conditions met that were put on this project when we voted on the preliminary plat.

Mr. O'Reilly: It may or may not be true that is for the commission to determine, but even if that were true and there was a commissioner who was not in favor of this project they could vote against it.

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Commissioner Lindell: Thank you for the clarification.

Commissioner Villarreal: I was out of town when this case was heard and I would have voted against it. I feel that the affordable housing changes don't meet my standards, and I feel there were issues with open space and it doesn't meet how we want to see our community grow.

Mr. O'Reilly: Your vote is your own, you exercise it how you feel you need to as a point before this commission.

**Commissioner Schackel moved to approve Case 2012-06 with staff conditions, second by Commissioner Ortiz.**

The Chair called for a roll call vote. The vote will be in the affirmative as an approval of the final subdivision plat.

**Roll Call Vote:**

Commissioner Harris: Yes

Commissioner Villarreal: No

Commissioner Bemis: Yes

Commissioner Lindell: No

Commissioner Ortiz: Yes

Commissioner Schackel: Yes

*The motion carries 4 – 2 in the affirmative.*

**G. BUSINESS FROM THE FLOOR**

None

**H. STAFF COMMUNICATIONS**

Mr. O'Reilly stated that today is an important day as Chapter 14 went in to affect today. The code is on line as of today and we will get paper copies of the code to each commissioner. If anyone would prefer to have a CD vs. a paper copy please let Mr. O'Reilly know.

Chair Spray, thank you for your hard work, please extend gratitude from the Planning Commission to staff and those who worked so hard on the Chapter 14 process.

**I. MATTERS FROM THE COMMISSION**

None

**J. ADJOURNMENT**

*There being no further business to come before the Planning Commission, the Chair called for adjournment at 8:30 pm.*

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*Signature Page:*

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*Chair Ken Hughes*

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*Vice Chair Tom Spray*



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*Fran Lucero, Stenographer*