



Agenda

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DATE 2-7-12 TIME 8:45am

SERVED BY William Lamboy

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SUMMARY COMMITTEE
Thursday, March 1, 2012 - 11:00am
Councilors Conference Room
City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL
- B. APPROVAL OF AGENDA
- C. APPROVAL OF MINUTES – January 5, 2012
- D. OLD BUSINESS
- E. NEW BUSINESS

1. **Case #2011-117. Pendergrass Lot Split.** Robert K. Riecken, Southwest Mountain Surveys, agent for Richard D. Pendergrass, requests plat approval to divide approximately 1.00 acre into two residential lots. The property is located between Agua Fria Street and Montaño Street and is zoned R-5 (Residential-5 dwelling units per acre). (William Lamboy, Case Manager) **(POSTPONED FROM DECEMBER 1, 2011 AND JANUARY 5, 2012)**
2. **Case #2012-003. Leeder Lot Split.** Jon Paul Romero, of South West Design, LLC, Agent for R. L. Leeder, requests plat approval to divide approximately 4.19 acres into two lots. The property is located on South Meadows Road, south of NM 599, and is zoned R-5 (Residential – 5 dwelling units per acre). (William Lamboy, Case Manager)
3. **Case #2012-012. Vialpando Lot Split.** Joe Vialpando, owner, requests plat approval to divide approximately 0.79 acres into two lots. The property is located at 4010 Rufina Street, and is zoned R-3 (Residential – 3 dwelling units per acre). (William Lamboy, Case Manager)

- F. BUSINESS FROM THE FLOOR
- G. STAFF COMMUNICATIONS
- H. MATTERS FROM THE COMMITTEE
- I. 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.**

SUMMARY INDEX
CITY OF SANTA FÉ
SUMMARY COMMITTEE
March 1, 2012

ITEM	ACTION	PAGES
ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved as amended	1
APPROVAL OF MINUTES - January 5, 2012	Approved as amended	1
OLD BUSINESS	None	2
NEW BUSINESS		
1. <u>Case #2011-117</u> Pendergrass Lot Split	Postponed	2
2. <u>Case #2012-003</u> Leeder Lot Split	Approved as recommended	2-3
3. <u>Case #2012-012</u> Vialpando Lot Split	Approved with conditions	3-5
BUSINESS FROM THE FLOOR	None	5
STAFF COMMUNICATIONS	Discussion	5-6
MATTERS FROM THE COMMITTEE	None	6
ADJOURNMENT	Adjourned at 11:30	6-7

**MINUTES OF THE MEETING
OF THE CITY OF SANTA FÉ
SUMMARY COMMITTEE
March 1, 2012**

A regular meeting of the City of Santa Fé Summary Committee was called to order by Tom Spray, Chair, on March 1, 2012 at approximately 11:00 a.m. in the City Council Chambers, City Hall, Santa Fé, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Commissioner Tom Spray, Chair
Commissioner Angela Schackel-Bordegary
Commissioner Michael Harris

OTHERS PRESENT:

Ms. Tamara Baer, Current Planning Division
Mr. William Lamboy, Current Planning Division
Mr. Carl Boaz, Stenographer

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

B. APPROVAL OF AGENDA

Ms. Baer reported that the Pendergrass lot split was postponed indefinitely. They were working on requirements of the wastewater division and it wouldn't appear until they were ready. They would also have to re-notice.

Commissioner Harris moved to approve the agenda as amended with the Pendergrass case postponed. Chair Spray seconded the motion and it passed by unanimous voice vote. Commissioner Schackel-Bordegary was not present for the vote.

C. APPROVAL OF MINUTES – January 5, 2012

Chair Spray requested one correction on page 10 under "speaking to the request" where the word "peaking" should be "speaking."

Commissioner Schackel-Bordegary arrived at this time.

Commissioner Schackel-Bordegary moved to approve the minutes of January 5, 2012 as

amended. Chair Spray seconded the motion and it passed by unanimous voice vote.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. **Case #2011-117. Pendergrass Lot Split.** Robert K. Riecken, Southwest Mountain Surveys, agent for Richard D. Pendergrass, requests plat approval to divide approximately 1.00 acre into two residential lots. The property is located between Agua Fria Street and Montañño Street and is zoned R-5 (Residential - 5 dwelling units per acre). (William Lamboy, Case Manager)
(POSTPONED FROM DECEMBER 1, 2011 AND JANUARY 5, 2012)

This case was postponed indefinitely under Approval of Agenda.

2. **Case #2012-003. Leeder Lot Split.** Jon Paul Romero, of South West Design, LLC, Agent for R. L. Leeder, requests plat approval to divide approximately 4.19 acres into two lots. The property is located on South Meadows Road, south of NM 599 and is zoned R-5 (Residential – 5 dwelling units per acre). (William Lamboy, Case Manager)

Mr. Lamboy presented the staff report [attached as Exhibit 1]. The property was currently vacant and zoned R-5. Access for both lots would be from Kates Way. The property had no water service. Staff recommended approval of the lot split with the conditions listed in the report.

Mr. Jon Paul Romero, 12 Feather Catcher Road, Santa Fé was sworn. He stated that the owner, Mr. Leeder, wanted to subdivide his property. He met with City staff and might request subdividing later on the remaining parcel. He agreed with staff conditions and was present to answer questions.

There were no speakers from the public regarding this case and the public portion was closed.

Ms. Baer was going to propose another condition regarding connections to city water.

However, Mr. Romero said he talked with Antonio and there were stub outs to the property with valves in place and they would just connect from the tie outs.

Ms. Baer said the additional condition was not needed.

Commissioner Harris asked if the hook up charges would still apply.

Mr. Romero said the easement for the Buckman Direct Diversion was made with the County since the property was in the County at the time and "all those things were waived" and stub outs were installed.

This fell within the EZA so he couldn't say if they applied now. They didn't have to tap that main line.

Commissioner Harris asked for the size of the stub.

Mr. Romero said it was 8".

Commissioner Harris asked if the applicant clarified the condition to determine if the easement was for access and utilities.

Mr. Romero said they did and they granted the additional two feet onto the 38' as required by the City.

Commissioner Harris asked if the subdivision would be served through this utility easement.

Mr. Romero agreed that it would. The other easement also served as access to the river and the bridge.

Ms. Baer added that there was already sidewalk and curb in place so the only access would be from Kates Way.

Mr. Romero clarified that during the development of South Meadows Road the City placed driveways at appropriate places to be built to city standards.

Commissioner Schackel-Bordegary had no questions.

Chair Spray noted that the aerial view made it appear it passed over South Meadows.

Mr. Romero said that aerial was now outdated. The ROW was granted to the City.

Chair Spray understood.

Commissioner Schackel-Bordegary didn't think the Santa Fé River flowed quite like that now either.

Commissioner Schackel-Bordegary moved to approve the Leeder Lot Split in Case #2012-003 with the conditions recommended by staff. Commissioner Harris seconded the motion and it passed by unanimous voice vote.

3. **Case #2012-012. Vialpando Lot Split.** Joe Vialpando, owner, requests plat approval to divide approximately 0.79 acre into two lots. The property is located at 4010 Rufina Street and is zoned R-3 (Residential – 3 dwelling units per acre). (William Lamboy, Case Manager)

Mr. Lamboy presented the staff report [attached as Exhibit 2]. The request would split this property into two residential lots. 1-A-2 was currently vacant and the other parcel had a home. Both would be accessed from a private easement from Rufina. The R-3 zoning would allow 2 dwelling units on the property and no more would be allowed without rezoning. An 8" line from Rufina served these 2 parcels and 2 more.

Wastewater would require approving the agreement [attached as Exhibit 3].

Staff recommended approval of the request as outlined.

Mr. Joe Vialpando was sworn. He said he and his wife got divorced and they split the property as part of the divorce. They felt it was more beneficial to split rather than try to sell it as one home. The city inspected various things including the utilities. Those were already on the premises so the split was very doable.

There were no speakers from the public regarding this case and the public portion for this case was closed.

Commissioner Harris noticed a condition was the redline comments to the surveyor. The ownership of the parcel was not clear.

Mr. Lamboy clarified that there were two separate parcels.

Ms. Baer explained that the reason it was shown this way was to show where access came in from Rufina and he would show the adjacent owners.

Commissioner Harris saw that the Santa Fe Fire Department called for a hammerhead profile and pointed out where he assumed it would be. Mr. Lamboy agreed.

Commissioner Harris noted there were no dimensions given and wanted to know if they were sufficient.

Mr. Lamboy agreed and added that they could not put anything on that easement.

Commissioner Harris was okay with it.

Commissioner Harris asked for clarification on the language in #6, not having seen it before.

Ms. Baer said it was standard language.

Commissioner Harris accepted that. It didn't show the private easement and he presumed it was within the easement.

Mr. Lamboy agreed it was within the easement.

Commissioner Harris said it showed the easement but not the line.

The surveyor was present and was asked to respond.

The surveyor, Mr. Bernie Alarid, was sworn and stated that the utility lines were in the utility easement.

Commissioner Harris noted there was a use agreement in place if they wanted to dedicate that to the

city for maintenance.

Ms. Baer said it would remain private.

Mr. Vialpando explained that it wasn't 8" and thus would require replacement if it was dedicated to the City. One neighbor was still on a septic system there.

Commissioner Harris asked if it was for the existing house and these two lots. Mr. Vialpando agreed.

Mr. Lamboy referred to the previous lot split and confirmed that note #4 was the same note.

Commissioner Harris accepted that.

Commissioner Harris moved to approve the lot split with the conditions as stated. Commissioner Schackel-Bordegary seconded the motion and it passed by unanimous voice vote.

F. BUSINESS FROM THE FLOOR

There was no business from the floor.

G. STAFF COMMUNICATIONS

Ms. Baer reported that the Lagasse appeal that had been approved by the Summary Committee was upheld by City Council and the findings of fact were approved last night so the decision of the Summary Committee would stand and the applicant's only remaining recourse would be district court.

Commissioner Harris asked what the nature of the discussion was and if it was extensive.

Mr. Lamboy said it was extensive. In the end it came down to property rights. Quite a bit of testimony was given and the hearing lasted about a half hour.

Ms. Baer clarified that because it was heard *de novo* it was not based on the hearing here. One question was what could or could not be built there.

Another issue was if the flood plain had changed or not (it had not). With the effect of the flood plain the discussion was on how much could be developed. It was learned that whatever was proposed would come as a separate application and Council asked the owner what he would do there and he was fairly non-committal. He might build a residence there.

There was also some confusion regarding density calculations. The site was complex because of the flood plain there. As one parcel it could have 5 units but with the lot split it could only have four units. The neighbors were nervous even about three units there on one of the lots. But it was unlikely to happen. There were constraints on what could be developed.

Council paid a lot of attention because the neighbors came to the hearing.

Commissioner Harris asked if *de novo* meant the Council didn't have any Summary Committee documents.

Ms. Baer said they had all of them but were not making a decision on that information.

Mr. Lamboy said they had 89 pages for them.

Chair Spray thought their explanation of density restraints was good. Some of the neighbors who testified last time also testified here. The issue was the same and they worked through a nice set of conditions that seemed appropriate for the property rights issue this committee raised.

The neighbors were used to seeing the lot vacant for the past 38 years but this Committee did the right thing by granting the split.

Commissioner Schackel-Bordegary said she and Commissioner Harris were both very familiar with the traffic issues there. She asked if they addressed that issue at all.

Mr. Lamboy agreed it was raised but was not really developed to much extent.

Ms. Baer said they also didn't ask John Romero about a potential conflict there. The visibility was obscured from the lot to the north. But the question was raised for any other location and there wasn't the same obscurity.

Commissioner Harris asked if the Council added or took away conditions.

Ms. Baer said there was only the one that he had brought up.

Commissioner Harris asked if it was on the grade of the drive to the street. Ms. Baer agreed.

Chair Spray thought it was a fascinating hearing.

H. MATTERS FROM THE COMMITTEE

There were no matters from the Committee.

I. ADJOURNMENT

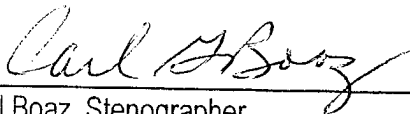
Commissioner Schackel-Bordegary moved to adjourn the meeting. Chair Spray seconded the motion and it passed by unanimous voice vote.

The meeting was adjourned at 11:30 a.m.

Approved by:

Tom Spray, Chair

Submitted by:



Carl Boaz, Stenographer