



Agenda

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DATE 1-10-07 TIME 1:40

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PLANNING COMMISSION
February 1, 2007 – 6:00 P.M.
CITY COUNCIL CHAMBERS

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES**

December 07, 2006

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

1. An ordinance amending Section 18-1.2 SFCC 1987 regarding the definition of distress merchandise sale and creating a new Section 14-8.10(H)(29) SFCC 1987 regarding the prohibition of price reduction signs in the Historic Districts. (Jeanne Price/David Rasch, case managers)
2. **Case #M 2006-49. Feed Bin Final Development Plan.** Clemens and Associates, agent for Kim Szidon, requests Final Development Plan approval for the expansion of the existing Feed Bin store. The property is zoned C-2-PUD (General Commercial, Planned Unit Development) and is located on the south side of West Alameda Street, west of St. Francis Drive. The application also includes a variance to the minimum 15' landscape buffer, and to the setback from the top of bank of the adjoining waterway. (Gary Park, case manager)
3. **Case #M 2006-50. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D Final Development Plan.** Cliff Walbridge, agent for B.T. Homes, requests final development plan for 40 residential lots on +/- 33.29 acres. The site is Tract 5D Las Estrellas in Santa Fe Estates. A request for variance is included for disturbance of 30% slopes of more than 1,000 sq ft. (Richard Macpherson, case manager).
4. **Case #S 2006-31. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D, Final Subdivision Plat.** Cliff Walbridge, agent for B.T. Homes, requests final subdivision plat for 40 residential lots on +/- 33.29 acres. The site is Tract 5D Las Estrellas in Santa Fe Estates. A request for variance is included for disturbance of 30% slopes of more than 1,000 sq ft. (Richard Macpherson, case manager).

5. **Case #S 2006-32. Sun Vista Subdivision Preliminary Subdivision Plat.** James W. Siebert, agent for Alliance Group Properties, LLC requests approval of a preliminary subdivision plat to create 9 lots on 9.040± acres located north of NM 599 and west of Camino De Las Montoyas. The property is zoned R-1 (Residential, one dwelling unit per acre). (Gary Park, case manager).
6. **Case #M 2006-54. Kohl's Department Store Signage Development Plan Amendment.** James W. Siebert agent for Kohl's Retail Department Store, requests approval of an amendment to the development plan for the Kohl's Department Store. The plan includes a variance to the permitted wall mounted sign from 80 square feet to 155 square feet. The property is located on the south side of Camino Entrada, west of Cerrillos Road in the Valdes Industrial Park and is zoned I-1 (Light Industrial) and is located within the Cerrillos Road Highway Corridor Protection Overlay District. (Katherine Mortimer, case manager).
7. **Case #M 2006-55. Vigil Office Building Development Plan.** Conron and Woods Architects, agent for Blue Sky Investments LLC requires development plan approval of approximately 1.408 acres. The site will consist of the existing office building and an additional newly constructed 7,814 square foot building. The application includes a request for variance to the 25 foot right-of-way setback requirement. The property is located at the northwest corner of St. Michael's Drive and Hospital Drive and is zoned HZ (Hospital Zone) within the South Central Highway Corridor Overlay Zone. (Gary Park, 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 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 the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) 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 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.

***An interpreter for the hearing impaired is available through City Clerk's Office upon 5 days notice. Please call 955-6521**

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CITY OF SANTA FE
PLANNING COMMISSION

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F. NEW BUSINESS		
1. An ordinance amending Section 18-1.2 SFCC 1987 regarding the definition of distress merchandise sale and creating a new Section 14-8.10(H)(29) SFCC 1987 regarding the prohibition of price reduction signs in the Historic Districts.	Approved with amendments	2-4
2. <u>Case #M 2006-49. Feed Bin Final Development Plan.</u> Clemens and Associates, agent for Kim Szidon, requests Final Development Plan approval for the expansion of the existing Feed Bin store. The property is zoned C-2-PUD (General Commercial, Planned Unit Development) and is located on the south side of West Alameda Street, west of St. Francis Drive. The application also includes a variance to the minimum 15' landscape buffer, and to the setback from the top of bank of the adjoining waterway.	Approved	4-6
3. <u>Case #M 2006-50. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D Final Development Plan.</u>	Postponed to March 1	6
4. <u>Case #S 2006-31. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D, Final Subdivision Plat.</u>	Postponed to March 1	6
5. <u>Case #S 2006-32. Sun Vista Subdivision Preliminary Subdivision Plat.</u>	Postponed to February 15	6

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6. <u>Case #M 2006-54. Kohl's Department Store Signage Development Plan Amendment.</u>	James W. Siebert agent for Kohl's Retail Department Store, requests approval of an amendment to the development plan for the Kohl's Department Store. The plan includes a variance to the permitted wall mounted sign from 80 square feet to 155 square feet. The property is located on the south side of Camino Entrada, west of Cerrillos Road in the Valdes Industrial Park and is zoned I-1 (Light Industrial) and is located within the Cerrillos Road Highway Corridor Protection Overlay District.	
	Approved	7-8
7. <u>Case #M 2006-55. Vigil Office Building Development Plan.</u>	Conron and Woods Architects, agent for Blue Sky Investments LLC requires development plan approval of approximately 1.408 acres. The site will consist of the existing office building and an additional newly constructed 7,814 square foot building. The application includes a request for variance to the 25 foot right-of-way setback requirement. The property is located at the northwest corner of St. Michael's Drive and Hospital Drive and is zoned HZ (Hospital Zone) within the South Central Highway Corridor Overlay Zone.	
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MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

February 1, 2007

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Robert Werner at approximately 6:00 p.m. on this date at City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

Roll call indicated a quorum as follows:

MEMBERS PRESENT:

Robert Werner, Chair
Bonifacio Armijo
Ken Hughes
Harriet Heltman
Signe Lindell
Michael Trujillo

MEMBERS ABSENT:

Vacancy
Estevan Gonzales, Vice Chair (excused)
Eric Lujan (excused)

STAFF PRESENT:

Greg Smith, Development Review Division Director
Anne Lovely, Assistant City Attorney
John Romero, Traffic Engineer
Ron Pacheco, Office of Affordable Housing
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

Chair Werner asked Commissioner Heltman to lead the Pledge of Allegiance.

C. APPROVAL OF AGENDA

Mr. Smith said staff is recommending with concurrence of the applicant that Case M-2006-50 and Case S-2006-31 – Pinon Ridge Final Development Plan and Final Subdivision Plat be postponed to March 1st. There is more time needed to conduct the additional neighborhood meeting. The applicant is requesting postponement of Case S-2006-32 Sun Vista Subdivision Preliminary Plat to work out technical issues regarding access. They would like to be postponed to the February 15th meeting.

Commissioner Trujillo moved to approve the agenda as amended. Commissioner Heltman seconded the motion which passed by unanimous voice vote.

D. APPROVAL OF MINUTES

December 07, 2006

Commissioner Heltman moved approval of the minutes of December 7, 2006 as presented. Commissioner Trujillo seconded the motion which passed by unanimous voice vote.

E. OLD BUSINESS – None.

F. NEW BUSINESS

1. An ordinance amending Section 18-1.2 SFCC 1987 regarding the definition of distress merchandise sale and creating a new Section 14-8.10(H)(29) SFCC 1987 regarding the prohibition of price reduction signs in the Historic Districts.
(Jeanne Price/David Rasch, case managers)

Memorandum from Jeanne Price dated January 23, 2007 is incorporated herewith to these minutes as Exhibit "1."

Councilor Heldmeyer explained that the initial idea for this amendment was to prevent signs that say X percent off continually just as the distressed merchandise sale ordinance was designed to prevent people who were continually going out of business. She said this is often done in other areas particularly historic and tourist oriented areas. The merchants attending the Mayor's coffee had this as their major concern. This has gone to the Historic Board and Business and Quality of Life Committee with their changes incorporated into this draft. Signs for percent off are allowed, but only for certain periods of time. They hope this is a simpler way of dealing with temporary signs administratively.

Public Hearing

There was no public testimony regarding this issue.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Chair Werner pointed out that it is unclear if there is one sign allowed for two weeks at a time or four signs within the period.

Councilor Heldmeyer said that was noted and should be changed. She clarified that it is four times a year which correlates to once a season.

Commissioner Lindell questioned this being the number one concern of downtown merchants.

Councilor Heldmeyer said it was along with a concern regarding authenticity which is not under the City's purview. She said the merchants felt that the lack of authenticity was often linked to the signs.

Commissioner Lindell asked how many businesses are in the downtown area.

Councilor Heldmeyer was not sure, but added that the room was filled for both coffees with the Mayor.

Commissioner Lindell asked how many permits have been issued in the past for the signs.

Councilor Heldmeyer clarified that the signs have not been permitted in the past. She explained that currently the administrative process is very complicated. There were many violations issued by the enforcement officer for the historic office after Christmas which angered many merchants. The plan is to encompass temporary signs administratively through a simple process.

Commissioner Lindell commented that 12 X 18 is barely larger than a legal sheet of paper.

Councilor Heldmeyer said this is what the Business and Quality of Life Committee came up with.

Commissioner Lindell feels this is myopic even though the merchants may want this done. She is not aware of these signs when she shops downtown. She cannot imagine being a business owner and not being able to put up a sign to move improperly purchased merchandise. The rent downtown is already quite prohibitive of new independent businesses coming in.

Councilor Heldmeyer pointed out that this is very specific and only restricts signs with a certain percentage off. There could be a sign saying "Big Spring Sale."

Commissioner Lindell feels this is directed toward certain merchants.

Councilor Heldmeyer said it is directed toward a certain practice, not certain merchants. This is not unlike the practice of always going out of business that was addressed by the distress sale ordinance. She said the other ways to get at this would require large numbers of staff and lots of time by auditing invoices of businesses.

Commissioner Trujillo has huge issues with this. He understands where they are coming from, but knows how it feels because he was issued a violation recently also. He commented that when he had called he was told he could have three signs no larger than 4 square feet, but this was not correct under Historic Design Review. He said it is so hard to do business in town and get a sign permit. He would like to see this work, but they need to support businesses trying to make it. He feels 12 X 18 signs are too small.

Councilor Heldmeyer agrees with much of what Councilor Trujillo has to say, but said much of what he is talking about is not addressed in the specific sections of the ordinance that are in front of them to review. This is just trying to make signs simpler from an administrative and enforcement standpoint. She will be bringing some of these issues forward at a later time as this is not the whole answer.

Commissioner Trujillo suggested allowing 90 days rather than 30 days as someone going out of business would need more time.

Councilor Heldmeyer said going out of business is not covered here and there is more time allowed for that. That would be covered under the distressed merchandise ordinance.

Commissioner Trujillo asked how many days the signs can be up.

Ms. Price said the price reduction signs that are 12 X 18 can be up four times a year for two weeks each of those times. She clarified that this body has no jurisdiction over the first section of this bill regarding distressed merchandise.

Commissioner Hughes asked what size sign a home business is allowed.

Councilor Heldmeyer replied a one foot square.

Commissioner Trujillo asked Commissioner Lindell what the size is on a normal realtor sign.

Commissioner Lindell replied 18 X 24 and the next size is 24 X 36.

**Commissioner Hughes moved to recommend approval to the City Council.
Commissioner Armijo.**

Commissioner Trujillo made a friendly amendment to increase the size of the sign allowed to 18 X 24 which was accepted by Commissioner Hughes and Commissioner Armijo.

The motion passed by majority voice vote of 4 to 1. Those voting for the motion: Commissioners Trujillo, Heltman, Armijo and Hughes. Those voting against the motion: Commissioner Lindell.

2. **Case #M 2006-49. Feed Bin Final Development Plan.** Clemens and Associates, agent for Kim Szidon, requests Final Development Plan approval for the expansion of the existing Feed Bin store. The property is zoned C-2-PUD (General Commercial, Planned Unit Development) and is located on the south side of West Alameda Street, west of St. Francis Drive. The application also includes a variance to the minimum 15' landscape buffer, and to the setback from the top of bank of the adjoining waterway. (Gary Park, case manager)

Memorandum prepared by Gary Park, Senior Planner, prepared January 24th for February 1, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Staff report was given by Gary Park included in Exhibit "2." He pointed out that there were two variances referenced on the agenda, but one on reconsideration does not apply. The only variance being applied for is the arroyo setback.

Staff recommends approval of the amendment with the following conditions:

1. Permit and Development Review:
 - a) outdoor sales and storage shall be limited to the areas shown on the final development plan.
 - b) A note shall be placed on the final development plan stating that the use of the property shall be limited to the current uses of the Feed Bin store.
 - c) The final development plan shall show compliance with:
 - i. minimum parking and setback requirements
 - ii. and the channel setback except as approved under the variance herein.
 - d) The final development plan shall include a detailed grading and drainage plan, showing existing drainage and trail easement and including certified topography and slope analysis mapping.
 - e) Applicant shall install curb, gutter, and sidewalk to City standards between the two driveways serving the site.
 - f) Comply with P&DR Landscape memo (Exhibit E)
2. Engineering Division traffic review memo (Exhibit F)
3. Wastewater Division review memo (Exhibit G)
4. Engineering Development review comments (memo pending)

Public Hearing

Mark Hogan, architect for Feed Bin, was sworn. He said the project is essentially the same as last time. The application of the setback is formed off of right of ways with the red line on the site plan showing what the setback would be. This setback does not affect the building location although it does affect the existing building and Fire Department. There was an ENN meeting to address this subject with no adverse comments. He said there were concerns expressed regarding the mass of the building on Alameda even though the face is 22 feet back from the sidewalk, so the owners voluntarily addressed that issue by reducing the front elevation down.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes asked if this calls for paving the parking.

Mr. Hogan said they are proposing keeping the parking surface permeable and will not be paving the lot. The plan will address grading, drainage and ponding to a greater extent than the current state of the property does.

Commissioner Hughes was pleased by that.

Commissioner Lindell appreciated the concerns of the neighbors being addressed and feels this is a nice project.

Commissioner Armijo asked what the setback entails.

Mr. Hogan said the ordinance requires 25 feet plus the depth of the channel as a setback on water ways with a certain cfm. He said clearly this will be required. He said the City tried to restore this portion of the river, but there was not anything that could be done. He said the setback is intended for new projects to provide a safe distance back. He noted that the existing building is closer than allowed as is the Police Station.

Commissioner Armijo clarified that the variance is for the parking area as the existing building is within the setback.

Mr. Hogan said that is correct.

Commissioner Trujillo made a motion to approve case M-2006-49 with staff conditions and the variance as it meets the variance criteria. Commissioner Lindell seconded the motion which passed by unanimous voice vote.

3. **Case #M 2006-50. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D Final Development Plan.** Cliff Walbridge, agent for B.T. Homes, requests final development plan for 40 residential lots on +/- 33.29 acres. The site is Tract 5D Las Estrellas in Santa Fe Estates. A request for variance is included for disturbance of 30% slopes of more than 1,000 sq ft. (Richard Macpherson, case manager).

This item was postponed per approval of the agenda to March 1st.

4. **Case #S 2006-31. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D, Final Subdivision Plat.** Cliff Walbridge, agent for B.T. Homes, requests final subdivision plat for 40 residential lots on +/- 33.29 acres. The site is Tract 5D Las Estrellas in Santa Fe Estates. A request for variance is included for disturbance of 30% slopes of more than 1,000 sq ft. (Richard Macpherson, case manager).

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This item was postponed per approval of the agenda to February 15th.

6. **Case #M 2006-54. Kohl's Department Store Signage Development Plan Amendment.** James W. Siebert agent for Kohl's Retail Department Store, requests approval of an amendment to the development plan for the Kohl's Department Store. The plan includes a variance to the permitted wall mounted sign from 80 square feet to 155 square feet. The property is located on the south side of Camino Entrada, west of Cerrillos Road in the Valdes Industrial Park and is zoned I-1 (Light Industrial) and is located within the Cerrillos Road Highway Corridor Protection Overlay District. (Katherine Mortimer, case manager).

Memorandum prepared by Katherine Mortimer, Supervising Planner, prepared January 24th for February 1, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Staff report was given by Katherine Mortimer included in Exhibit "3."

Staff recommendation: If the Planning Commission chooses to approve the variance, the staff has no recommended conditions of approval. Staff does not recommend approval of the variance.

Public Hearing

Jim Siebert, 915 Mercer, was sworn. He introduced Sarah Kalfan and Jackie Miller, sign specialists for Kohl's Department Store. He believes there was some confusion at the last meeting because there were two signs they were requesting variances for and then at the last minute they changed one sign so there was only one variance requested. He reviewed the site plan and the issues regarding the visibility. He said the distance from Cerrillos Road to the face of the building is almost 800 feet. He handed out examples of signs from other large retailers along Cerrillos Road which are on file with the Planning and Land Use Department.

Sarah Kalfan, Kohl's Capital Projects Coordinator, was sworn. She gave some background on Kohls'. There are currently 817 stores in 45 states. This store plans to open September 30, 2007. They are asking for a variance from the 80 square feet that is code to a 155 square foot sign. She said code allows two signs, but they are asking for one larger sign. This will be a reduction from the regular prototype of 195 square feet. She pointed out that the sign will be only 1.7% of the façade and if they were to stay within code it would be less than 1% of the façade. She referred to a photo taken from a little over 800 feet away from the building. It does show a larger sign than they are asking for, but there will not be a clear view from Cerrillos with buildings and landscaping obstructing the view. The speeds in this area along Cerrillos are approximately 45 miles per hour so the larger sign will help with way finding. She believes that the code does not allow proper signage for this size of building. She asked the Commission to keep them with other large retailers and give them a fair chance to compete.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked if Home Depot, Lowe's and Baillo's asked for variances.

Mr. Smith said the Commission did approve a substantial variance for Lowe's. He is not familiar with Baillo's although it is in a different subdistrict. He said with frontage directly on Cerrillos there are highway corridor restrictions.

Ms. Kalfan pointed out that Baillo's also has four small signs so their complete square footage is approximately 160 square feet plus 60 square feet and another 48 square feet.

Commissioner Armijo agreed that Kohl's needs to be exposed to the public and he does not believe enlarging the sign is a problem.

Chair Werner said he was embarrassed when they did not give the sign at the last hearing just like Lowe's had been given several months before. He thought the City could split the difference and approve 4.5 foot letters.

Commissioner Hughes asked why they did not want to move the building closer to Cerrillos Road.

Mr. Siebert explained that the trash compactor and backyard needs to face away from Cerrillos Road. This is a leased tract from the Hart family who wanted it away from Cerrillos to allow for other smaller uses to take place along Cerrillos. Also the big box ordinance requires smaller buildings buffering the bigger building.

Commissioner Hughes understood, but said the way it is there is a sea of parking lot that does not encourage walking or synergy within this development. He sees this as a missed opportunity.

Commissioner Trujillo made a motion to approve case M-2006-54 with the variance. Commissioner Armijo seconded the motion which passed by majority voice vote of 4 to 1. Those voting for the variance: Commissioners Armijo, Heltman, Lindell and Trujillo. Those voting against the variance: Commissioner Hughes.

7. **Case #M 2006-55. Vigil Office Building Development Plan.** Conron and Woods Architects, agent for Blue Sky Investments LLC requires development plan approval of approximately 1.408 acres. The site will consist of the existing office building and an additional newly constructed 7,814 square foot building. The application includes a request for variance to the 25 foot right-of-way setback requirement. The property is located at the northwest corner of St. Michael's Drive and Hospital Drive and is zoned HZ (Hospital Zone) within the South Central Highway Corridor Overlay Zone. (Gary Park, case manager).

Memorandum prepared by Richard Macpherson, Senior Planner, prepared January 19th for February 1, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Landscape review prepared by Katherine Mortimer, Supervising Planner, January 31, 2007 for February 1st Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4(A)."

Staff report was given by Richard Macpherson included in Exhibit "4."

Staff recommends:

Approval of this requested development plan. it is consistent with the underlying city zoning designation of HZ (Hospital Zone) and is compatible with the adjacent neighborhood character as well as traffic circulation. A variance is being requested to the setback dimension along St. Michael's Drive. Staff does not recommend approval of the variance. Staff recommends the following conditions of approval.

1. Comply with the Engineering Division review – Exhibit E
2. Comply with the Landscape Review – Exhibit F
3. Comply with the Wastewater Division Review – Exhibit G
4. Comply with the Subdivision review – Exhibit H
5. Comply with the Water Division review – Exhibit I
6. Comply with the Solid Waste Division review – Exhibit J
7. Comply with: provide bicycle racks as required by Code section 14-8.6(D)

Public Hearing

David Martin, Conron and Woods Architects, was sworn. He thanked Mr. Macpherson for the thorough review. He said the existing building is a one story office building sitting right on Hospital Drive and the proposal is for a two story office building directly to the west with a shared courtyard and expanded parking. They meet all the requirements for lot coverage, density, parking and building heights. He has replied to the reviews received to date except the landscape review received today. The variance request to the 25 foot setback is required because the land right off of St. Michael's Drive is New Mexico State Highway right of way. His understanding is that there is to be a greenbelt along St. Michael's Drive; there is already a 150 foot setback so adhering to another 25 foot setback would reduce the size of the site considerably. He reviewed the site plan. The landscaping will hide the parking adjacent to St. Michael's.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes clarified that the variance is to put parking in the setback.

Mr. Martin said that is correct.

Commissioner Hughes asked where the City is on pervious parking.

Mr. Smith said there is no code requiring pervious parking material at this time.

Commissioner Hughes asked if there is a cistern underneath.

Mr. Martin said there is a cistern at the north end of the site that will be used for irrigation and there is a water retention pond. There is a permeable turf paver used in the area near the turnaround required by the Fire Department.

Commissioner Hughes asked if they would consider dual plumbing so they could use the cistern water for indoor use as well as irrigation.

Mr. Martin agreed to talk to his engineer regarding this.

Chair Werner clarified that the landscape review handed out at this hearing would become a condition.

Mr. Smith replied yes.

Mr. Martin explained that the confusion with the landscape review is because the landscape plan did not show the existing landscaping around the existing building.

Commissioner Lindell asked why the screening requirement is not met.

Mr. Martin pointed out that this refers to the parking area at the far east end of the site which has existing landscaping. He is confident that if the existing landscaping were included on this plan they would meet the landscape requirements. He plans to revise the plan showing the existing landscaping.

Commissioner Lindell asked if they will meet the requirement for parking islands because she only sees four islands and there are nine required.

Mr. Martin said he would have to discuss this with the person preparing this as he is unsure how that number was arrived at. He agreed to work with staff and adjust the parking as required.

Michael Whiting, agent for Blue Sky, was sworn. He noted that the plan shows there is only one span of parking with 20 cars and every other has less than 20. He is unclear where that number of islands comes from.

Ms. Mortimer apologized for the lateness of the memo. She explained that for every parking space you need 10 square feet of parking landscape area and for every 90 square feet of required parking landscape area you need a parking island with a tree. This is how she arrived at nine islands. She said there is nothing in the plan that she sees as a deal breaker as often there is some shifting around that has to be done. This will happen before the mylars are signed as this is a condition of approval.

Commissioner Heltman asked who is responsible for the trees once they die as she sees many of these parking areas around town with dead trees.

Ms. Mortimer said this is an ongoing requirement. She said they respond on a complaint basis.

Commissioner Trujillo made a motion to approve Case M-2006-55 with staff conditions and the variance granted. Commissioner Heltman seconded the motion which passed by unanimous voice vote.

G. BUSINESS FROM THE FLOOR – None.

H. STAFF COMMUNICATIONS

Mr. Smith introduced Donna Wynant, new senior planner. She will begin presenting to the Commission as early as March 1st.

Mr. Smith recapped the cases that went to City Council the previous evening. He said the Old Taos Highway General Plan Amendment and Rezoning was postponed because the applicant wanted to revisit the schematic or conceptual plan prepared. He said it is still unclear if this case will have to return. The Pakin lot split appeal was postponed by the Council for two weeks to allow research on the validity of the multiple time extensions. The Zia Vista zoning was approved as recommended by the Commission, but the Council asked that the final development plan come back to them after the Commission to ensure there is adequate parking for the entire development.

I. MATTERS FROM THE COMMISSION

Chair Werner asked Commissioner Hughes for a summary of the annexation proposed.

Commissioner Hughes said the Municipal Boundary Commission voted once again not to accept the City's case. The petition was dismissed. The City today filed an appeal in District Court along with the Municipal League on the grounds that it is a catch 22 because the County does not want the roads so they cannot proceed.

Commissioner Hughes gave an overview of what is happening that could affect the Commission. There is a bill being considered which would require water conservation measures on projects.

Commissioner Heltman complained that the radio station that carries the City Council meetings cuts in and out. She does not think the City is getting a good value as the debate cuts off at 10 p.m.

Mr. Smith suggested contacting Constituent Services and the Public Information Office. He was unsure what the specifics of the contract are or what the public service requirements are.

Commissioner Trujillo reported that he is undergoing surgery again next week and will be out at least one meeting.

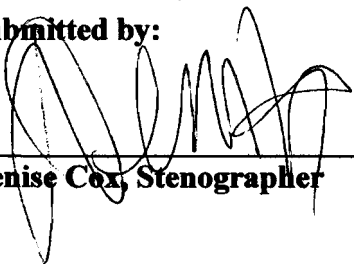
J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Trujillo moved, seconded by Commissioner Heltman adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 7:40 p.m.

Approved by:

Robert J. Werner 4-3-2007
Chair Robert Werner

Submitted by:


Denise Cox, Stenographer