



Agenda

CITY CLERK'S OFFICE

DATE 9-12-07 TIME 2:05SERVED BY Geraldine QuintanaRECEIVED BY [Signature]**PLANNING COMMISSION****October 04, 2007 – 6:00 P.M.****CITY COUNCIL CHAMBERS**

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

August 30, 2007**E. OLD BUSINESS**

1. **Case #M 2007-22.** **750 Cañada Ancha Escarpment and Terrain Management Regulations Variance.** Karl Sommer, agent for Steven and Margo Pike requests a variance to the escarpment overlay district to allow construction on the ridgetop and terrain management regulations to allow for more than half of the building footprint to be constructed on slopes between twenty and thirty percent. The property consists of 2.163± acres and is zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager) **(POSTPONED FROM JULY 19, 2007, AUGUST 02, 2007 AND AUGUST 30, 2007)**

F. NEW BUSINESS

1. **Case #ZA 2007-07.** **518, 520, 526 and 532 Agua Fria Street Rezoning.** Steve Rizika, agent for the property owners requests rezoning of 4 lots totaling .669 ± acres of land from RM-1 (Residential – Multi-family, 21 dwelling unit per acre) to BCDWES (Business Capitol District, Westside Townscape Subdistrict). The property is located on the south side of Agua Fria and west of Montezuma Avenue. (Dan Esquibel, case manager)
2. **Case #M 2007-31.** **518, 520, 526 and 532 Agua Fria Street General Plan Amendment.** Steve Rizika, agent for the property owners requests approval of General Plan future land use map amendment to change to designation of .669± acres of land to Community Commercial. The area is located on the south side of Agua Fria and west of Montezuma Avenue. (Dan Esquibel, case manager)
3. **Case #M 2007-24.** **Weston Studio Gallery General Plan Amendment.** Dell Weston, property owner requests approval of a General Plan Future Land Use map amendment to change the designation of 3.708± acres of land from Office to Transitional Mixed Use. The area is located at the southeast corner of Airport Road and Buffalo Grass Road. (Lou Baker, case manager) **(POSTPONED FROM AUGUST 02, 2007)**

4. **Case #M 2007-25. Weston Studio Gallery Annexation.** Dell Weston, property owner requests annexation of 4.45± acres of land, located at the southeast corner of Airport Road and Buffalo Grass Road. The annexation plat includes 0.742± acres of Airport Road right-of-way west of the Dell Weston parcel. (Lou Baker, case manager) **(POSTPONED FROM AUGUST 02, 2007)**
5. **Case #ZA 2007-06. Weston Studio Gallery Rezoning from R-1 to MU.** Dell Weston, property owner requests rezoning of 3.708± acres of land from R-1 (Residential – 1 dwelling unit per acre) to MU (Mixed Use). The application includes a master plan for live-work and commercial building comprising of approximately 17,785 square feet. The property is located at the southeast corner of Airport Road and Buffalo Grass Road. (Lou Baker, case manager) **(POSTPONED FROM AUGUST 02, 2007)**
6. **Case #M 2007-28. Global Storage and Rodeo Lane Compound General Plan Amendment.** Padilla & Associates Architects, agent for Thakur Enterprises, LLC requests approval of a General Plan future land use map amendment to change the designation of 2.12± acres of land to Community Commercial. The area is located at the southeast corner of Rodeo Road and Rodeo Lane. (Lou Baker, case manager)
7. **Case #M 2007-29. Global Storage and Rodeo Lane Compound Annexation.** Padilla & Associates Architects, agent for Thakur Enterprises, LLC requests annexation of 4.91± acres of land located at the southeast corner of Rodeo Road and Rodeo Lane. (Lou Baker, case manager)
8. **Case #ZA 2007-09. Global Storage and Rodeo Lane Compound Rezoning.** Padilla & Associates Architects, agent for Thakur Enterprises, LLC requests rezoning for 2.12± acres (proposed Tract A) from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial) and for 2.79± acres (proposed Tract B) from R-1 (Residential, 1 dwelling unit per acre) to R-4 (Residential, 4 dwelling units per acre). The tracts are located at the southeast corner of Rodeo Road and Rodeo Lane. (Lou Baker, case manager)
9. **Case #SP 2007-25. Lot Split for Thakur Enterprises, LLC.** Padilla & Associates Architects, agent for Thakur Enterprises, LLC, request plat approval to divide 4.91± acres into two lots. Tract A will consist of 2.12± acres of land. Tract B consist of 2.79± acres. The property is located at the southeast corner of Rodeo Road and Rodeo Lane and is zoned R-1. (Lou Baker, 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**

INDEX OF
CITY OF SANTA FE
PLANNING COMMISSION

October 4, 2007

ITEM	ACTION TAKEN	PAGE(S)
A. ROLL CALL	Quorum	1
B. PLEDGE OF ALLEGIANCE		1
C. APPROVAL OF AGENDA	Approved	1
D. APPROVAL OF MINUTES August 30, 2007	Approved	1-2
RECOGNITION		2
E. OLD BUSINESS		
1. <u>Case #M 2007-22. 750 Cañada Ancha Escarpment and Terrain Management Regulations Variance.</u> Karl Sommer, agent for Steven and Margo Pike requests a variance to the escarpment overlay district to allow construction on the ridgetop and terrain management regulations to allow for more than half of the building footprint to be constructed on slopes between twenty and thirty percent. The property consists of 2.163± acres and is zoned R-1 (Residential, 1 dwelling unit per acre).	Approved as amended	2-7
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2. <u>Case #M 2007-31. 518, 520, 526 and 532 Agua Fria Street General Plan Amendment.</u> Steve Rizika, agent for the property owners requests approval of General Plan future land use map amendment to change to designation of .669± acres of land to Community Commercial. The area is located on the south side of Agua Fria and west of Montezuma Avenue.	Approved	7-11
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9.	<u>Case #SP 2007-25. Lot Split for Thakur Enterprises, LLC.</u> Padilla & Associates Architects, agent for Thakur Enterprises, LLC, request plat approval to divide 4.91± acres into two lots. Tract A will consist of 2.12± acres of land. Tract B consist of 2.79± acres. The property is located at the southeast corner of Rodeo Road and Rodeo Lane and is zoned R-1. Approved	14-24
G.	BUSINESS FROM THE FLOOR	24
H.	STAFF COMMUNICATIONS	24
I.	MATTERS FROM THE COMMISSION	24
J.	ADJOURNMENT	24

MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

October 4, 2007

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

A. ROLL CALL

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Bonifacio Armijo
Ken Hughes
Shayna Lewis
Gloria Lopez
Matthew O'Reilly
John Salazar
Angela Schackel Bordegaray
Signe Lindell, Vice Chair
Estevan Gonzales, Chair

MEMBERS ABSENT:

None

STAFF PRESENT:

Anne Lovely, Assistant City Attorney
Greg Smith, Director Permit and Development Review
John Romero, Traffic Engineer
Ron Pacheco, Office of Affordable Housing
Lou Baker, Senior Planner
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

Chair Gonzales asked Commissioner Lewis to lead the pledge of allegiance.

C. APPROVAL OF AGENDA

Chair Gonzales requested an agenda item be added after approval of the minutes so they could recognize Harriet Heltman, former Planning Commissioner and Anne Lovely, Assistant City Attorney, who will be retiring November 2nd.

D. APPROVAL OF MINUTES

August 30, 2007

Commissioner Armijo corrected page 6, third paragraph to read **guest house**, not *quest*.

Commissioner Bordegaray corrected page 17, the fifth paragraph and requested the trail portion of the sentence be stricken from the record.

Commissioner Armijo moved to approve the minutes of August 30, 2007 as amended, Commissioner Lindell seconded the motion which passed by unanimous voice vote.

RECOGNITION

Chair Gonzales welcomed the new Commissioners, Commissioner Shayna Lewis and Commissioner Gloria Lopez. He then thanked Commissioner Heltman for all the time and dedication she put into the Commission.

Former Commissioner Heltman thanked the Commission.

Chair Gonzales gave a fond farewell to Ann Lovely who has guided the Planning Commission through some difficult evenings. He thanked her for everything and said they will miss her greatly.

Ms. Lovely said it was a pleasure working with the Planning Commission and an honor to serve them. She appreciates all the respect that has been given to her.

The Commission took a recess for 15 minutes.

E. OLD BUSINESS

1. **Case #M 2007-22. 750 Cañada Ancha Escarpment and Terrain Management Regulations Variance.** Karl Sommer, agent for Steven and Margo Pike requests a variance to the escarpment overlay district to allow construction on the ridgetop and terrain management regulations to allow for more than half of the building footprint to be constructed on slopes between twenty and thirty percent. The property consists of 2.163± acres and is zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager) ***(POSTPONED FROM JULY 19, 2007, AUGUST 02, 2007 AND AUGUST 30, 2007)***

Memorandum from Lou Baker prepared September 21, 2007 for October 4, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1." She noted that the applicant came in with a signed copy and calculation after her memo was written. The variance is not to exceed the height limit.

Exterior elevation and grade slope presented by Karl Sommer is incorporated herewith to these minutes as Exhibit "1(A)."

Comparison of footprints in the area of the proposed home is incorporated herewith to these minutes as Exhibit "1(B)."

Letter of support from Paul Flaggman dated October 3, 2007 is incorporated herewith to these minutes as Exhibit "1(C)."

Design for proposed home prepared by Levi Romero dated September 19, 2007 is incorporated herewith to these minutes as Exhibit "1(D)."

Ms. Baker presented the staff report included in Exhibit "1."

Staff notes that the applicant did not submit signed and stamped plans and calculations in a timely manner. As per memo from Director of Technical Review Division, "It appears that the applicant has responded to the Planning Commission requirement to redesign the building to not require a variance to the 50/50 rule. However, without the appropriate professional signatures, staff cannot state this as a definite conclusion." Therefore, in order to be consistent with the purpose and intent of the Escarpment Overlay District ordinance, staff cannot support the application request for a variance to § 14-5.6 (D)(3)(e) Escarpment Overlay District (D) Location of Structures: Buildable Site. If the Planning Commission determines the merits of variance application M-2007-22 warrant approval, staff recommends the following conditions:

1. The applicant shall comply with the Water Allocation and/or Water Offset Retrofit provisions of Ordinance No. 2002-29 and Resolution 2002-55 at the time of permit application or water hookup request. Compliance shall be achieved by use of either retrofit credits or water transfer; and
2. Comply with comments from the Fire Department (Exhibit F) – J.T. Bolleter, Assistant Chief; and
3. Stormwater Certification statement shall be placed on the cover sheet of the mylar drawings. The Certification shall appear next to the As-Built Certification statement; and
4. Applicant shall submit a certified slope analysis, topographic survey and building footprint calculations signed by a New Mexico licensed surveyor or engineer that complies with § 14-8.2 (F)(2)(b)(ii) Terrain and Stormwater Management (F) Building Permits for all other Development.

Public Hearing

Karl Sommer, P.O. Box 2476, was sworn. He stated that he is here on behalf of Dr. Pike and his wife, Margo. He reminded the Commission that there was a request at the previous meeting to reduce the footprint of the house and move it into the escarpment district to lower the profile which was done. These were two lots that were consolidated into one lot; they are back now with a smaller house. The process they went through to develop the design took 3-4 years and the last two months have been spent tweaking that design. He believes they have come up with something that is meaningful. This project will require a variance that will have to be brought back. He showed the area around the site and how the lots were consolidated. There are no foothill subdistricts in this exact area. This is on the other side of the ridge so you cannot see it from the City. The original proposal and design was to allow for more than 50% of the house to be between 20-30% slopes, but the Planning Commission suggested moving it into the ridgetop and eliminating the need for the variance. This made the footprint smaller by 1000 square feet. He showed how the bottom part of the house drops down and will require them to come back for a variance for two feet. This was explained on a large scale elevation exhibit. He reviewed the exterior elevation and grade slope included in Exhibit "1(A)." He noted that there was a hallway missing from the design that has been added. He pointed out that the house as currently designed would be 53.7% between 0-20% slopes and then 46.3% would be between 20-30% slopes; this also lowers the profile of the home while not requiring a variance. He referred to an email from a neighbor included in Exhibit "1(C)." He added that the Homeowner's Association has no objection to the plan. He reviewed the lot coverage averages in this neighborhood included in Exhibit "1(B)." The lot coverage for this home would be 6.6% which is far below the average for this neighborhood. He feels they have accomplished what the Planning Commission requested.

Steven Pike, 6830 North Cascade Spring Place, Tucson, was sworn. He feels this is a twist of irony as he is in full support of the regulations regarding ridgetop, escarpment and slopes. They purchased these lots in the early 1990's with already approved building envelopes for each lot, but they felt the lots were too small and the density too much for this area. To build a home would result in tremendous scarring. They also did not want to be seen from the roads or anywhere else, so they felt the only proper location would be between the lots. This resulted in the consolidation of the lots in 1995. They wanted to build a house that did not fight the property but kept with the terrain and the spirit of the regulations. This was done long before the ordinance. They believed they would be in compliance as they relied on the building envelope as designed, platted and signed by the City. He has always had great reverence for the land and personally feels rejuvenated from being in this environment. His wife has suffered with life threatening illness and the idea of building this house caused her to fight for her health. Their interest is to build a house keeping with the historical values of this community using local talent with a series of artisans from this area that are ready and willing to provide the special touches. When he was growing up, he never imagined he would be able to live in a home in this area of the City. They have worked over the last month on the suggestions from the previous hearing cutting over 1000 square feet. Due to the terrain in order to be in strict compliance, they would have to scar the ridgetop in an unappealing way. They could flatten the site and not exceed the 14 foot height restriction. His intent is that the home will have the feel and look as though it has grown from the land. He is hopeful that the Planning Commission has something that complies with their expectations.

Mr. Sommer said Mr. Romero, the architect, is here to answer questions on the design. He said previously the Planning Commission made a suggestion that was in keeping with the ideas and purposes of the escarpment district resulting in moving it into the ridgetop district. He thinks the applicants have done a valiant job in meeting the concerns staying sensitive to the law and terrain.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked if they are just looking at approving building in the ridgetop area.

Ms. Baker said that is correct.

Wendy Blackwell stated that they wanted to be specific because this does talk about exceeding the 14 foot maximum height in escarpment, but that variance was not noticed and did not go through the formal process so they cannot vote on that.

Commissioner Armijo clarified that even though the square footage is minimal it would have to go through the process.

Ms. Blackwell replied yes.

Commissioner Armijo asked if the variance is for the bedroom.

Levi Romero, 1936 Quiet Lane, was sworn. He stated that the variance would be for the great room. The height would be 16 feet 9 inches. He said if they adhered to the height it would be -3 feet and they would be covering the hillside at the top. He showed this on the site plan. He said this is problematic in terms of where they are willing to give something up as this is a difficult site to conceive. The road is 2-4 feet below.

Commissioner Armijo said he was trying to get the exact elevation, so he now understands that if they reduced that by the 3 feet they would be left with an 8 foot ceiling in the great room which would not fly in a house of this magnitude.

Commissioner O'Reilly asked Mr. Romero if he is a licensed architect.

Mr. Romero explained that he is not licensed. He has a bachelor's degree and master's degree in architecture. He said he is teaching at UNM, so he has not had time to set up the exams. He noted that he started as an apprentice in 1981 working on over 100 homes since that time.

Commissioner O'Reilly stated that the house has been significantly moved compared to the drawing in the packet. He questioned why the house was rotated down further onto the slope in the most recent submittal. He understands this is the submittal that staff was unable to review.

Mr. Romero said the rotation is because they are trying to maintain the floor level all across the house.

Commissioner Salazar arrived at this time.

Commissioner O'Reilly noted that there is a portion of the house outside the ridgetop, so he asked if they will comply with the restrictions outside the ridgetop.

Mr. Sommer clarified that Commissioner O'Reilly is asking if the portion outside the ridgetop and not in the foothills is at 14 feet which he believes the answer is no. He said outside the ridgetop it complies with the applicable regulation which is 24 feet.

Mr. Romero said it is within 24 feet and they will not exceed the limitation.

Commissioner O'Reilly asked what the finished floor elevation is at the garage.

Mr. Romero said it is -1 foot.

Mr. Sommer pointed out that if you look at the contour map in the packet it is one foot below 7600 feet.

Commissioner O'Reilly commented the applicant made a statement that the new variance has to do with raising or lowering the house as a whole and they decided to keep the house a little higher resulting in the height of the parapet at 16.9 feet. He noted that residences like this are built in these areas all the time and are cut down deeper into the hill to comply with the escarpment ordinance at each and every point. He added that based on the description it looks like raising the house higher will result in a driveway too steep for code. He feels the applicant has done their best to follow direction from the last meeting and has tried very hard. He understands that some of the difficulty is

related to the design of the house itself. He feels it would result in a better design for access and avoiding the additional variance if they lowered the house another 2.9 feet to comply with the ridgetop ordinance.

Commissioner Bordegaray asked for the east facing elevation.

Mr. Sommer agreed with the suggestion of lowering the house. He said they do not have that elevation for this latest design.

Commissioner Bordegaray asked what the dimension is from grade to parapet.

Mr. Romero said if they look at the contours they are going up 69 instead of 49.

Commissioner Bordegaray asked for an estimation of visual impact from the Dale Ball Trail.

Mr. Sommer pointed out that moving it up made it less visible, but he is not sure it could have been seen in the first place.

Commissioner Armijo asked how much square footage will be outside the escarpment.

Mr. Sommer said the calculations did not include a calculation of the area of the house outside the escarpment. He offered to calculate it quickly.

Commissioner Armijo asked why they do not have elevations showing the revisions. He commented that they went to the site and viewed the story poles to view the heights and now things have been revised with no drawings or answers to their questions.

Mr. Sommer apologized and stated that the revision did not allow time to get the renderings drawn up. He said they tried to get things to staff as quickly as they could.

Commissioner O'Reilly understood there is only a small element outside the ridgetop and most of it is a one story element with a roofed deck.

Mr. Sommer said that is correct and the two story element drops down.

Mr. Romero explained that the office is towards the back of the house and it is not two stories in appearance.

Commissioner O'Reilly moved to approve Case M-2007-22 with staff conditions and an additional condition that the entire house is lowered into the terrain to eliminate the need for an additional variance to the height as depicted on OB #1.

Mr. Sommer wanted to make clear it is the design shown this evening that has today's date with KHS – 1 handwritten on it and included in Exhibit "1(D)."

Commissioner Hughes seconded the motion.

Commissioner Lindell said she cannot understand why they do not have that design or drawing in their packet.

Mr. Sommer said when they did the redesign there was no hallway and so they had to put it in.

Commissioner Lindell said it does not make sense that they are asked to approve something that was not even passed out. She would like for that not to happen in the future as this is asking a lot of the Commission. It could have been handed out at the beginning of the meeting as it does exist.

Commissioner Bordegaray commended the applicant for doing the house in adobe.

Ms. Blackwell pointed out that Old Business #1 is not certified and they need a certified copy. She said if those calculations are not what appears on this document then that has to be taken into consideration.

Mr. Sommer stated that the only change will be the hallway. He has no objection to having the engineer or surveyor certify the document.

Commissioner O'Reilly stated that he is beginning to share Commissioner Lindell's frustration. He asked if the addition of the hallway to the square footage results in 100 square feet on top of the numbers in the packet.

Chair Gonzales clarified it would be 125 square feet with the understanding that the total building footprint would be 6349 square feet and they need the numbers certified by a surveyor/engineer.

Commissioner Armijo asked if they know what elevation they are dropping it from so they know what the finished elevation will be.

Mr. Sommer stated that 7599 is the finished floor elevation of the northwest corner of the garage.

Commissioner O'Reilly pointed out that they are lowering this 2 feet 9 inches.

Commissioner Armijo made a friendly amendment to clarify that this will lower the home to 7596 feet 3 inches; Commissioner O'Reilly accepted this as a friendly amendment. The friendly amendment passed by unanimous voice vote.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

F. NEW BUSINESS

- 1. Case #ZA 2007-07. 518, 520, 526 and 532 Agua Fria Street Rezoning.** Steve Rizika, agent for the property owners requests rezoning of 4 lots totaling .669 + acres of land from RM-1 (Residential – Multi-family, 21 dwelling unit per acre) to BCDWES (Business Capitol District, Westside Townscape Subdistrict). The property is located on the south side of Agua Fria and west of Montezuma Avenue. (Dan Esquibel, case manager)

Items 1 and 2 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

- 2. Case #M 2007-31. 518, 520, 526 and 532 Agua Fria Street General Plan Amendment. Steve Rizika, agent for the property owners requests approval of General Plan future land use map amendment to change to designation of .669± acres of land to Community Commercial. The area is located on the south side of Agua Fria and west of Montezuma Avenue. (Dan Esquibel, case manager)**

Items 1 and 2 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Memorandum from Dan Esquibel prepared for October 4, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Letter from Christopher and Kristen Dingle dated October 3, 2007 is incorporated herewith to these minutes as Exhibit "2(A)."

Mr. Smith presented the staff report included in Exhibit "2." He noted that the Commission needs to vote on the General Plan Amendment first and then the Rezoning although they were listed in the other order.

Staff recommends that the Commission should recommend the Council deny the general plan amendment and rezoning requests, since it is not clear that they meet the applicable criteria for approval. If the Commission decides to recommend approval by the Council, the Commission must find that each of the approval criteria for plan amendments and rezoning are met.

Public Hearing

Steve Rizika, 54 Encantada Road, was sworn. He said the issue seems to be whether they erode or help the transition. He showed pictures of the property from Montezuma and the city zoning map from 2004. He pointed out that the subject properties are RM-1. He commented that the applicants suggest this represents a spot zone and they would like the line moved down to Agua Fria. They believe the requested zoning would be a better buffer as the properties are more commercial than residential.

Rick Martinez, 725 Mesilla Road, was sworn. He worries about the higher density being asked for and the height. He said they are starting to see more commercial encroachment in this area. He requests the Commission deny this and keep it as historical as possible. He believes this should be part of the historic district.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes asked if there is extra review due to the age of most of these buildings.

Mr. Smith said outside the historic district the age of the building is not relevant.

Commissioner Hughes said according to the zoning map it has not changed, so he believes the property owners could maximize the use of the land under current zoning.

Mr. Smith said that is correct and they could apply for redevelopment of the properties.

Commissioner Hughes did not understand the reason for denial.

Mr. Smith explained that staff believes going from high density residential to commercial is a step away from the policy established by the Council in 1999 calling for changing from high density to medium density residential uses.

Commissioner Hughes understood recommending following the plan, not the zone.

Mr. Smith said staff believes when they make a change to the zoning it should be in the direction called for by the plan rather than away from the direction.

Commissioner Lindell asked if this is one owner or four different owners.

Mr. Rizika replied four different owners.

Commissioner Lindell understood that two of the properties are significantly contributing.

Mr. Rizika said two of the properties are documented as significantly contributing.

Commissioner Lindell believed one of the buildings was previously used as a dog grooming facility. She said being someone that lives next door to RM-1, she would feel better about this change rather than leaving it as RM-1. She noted that the medium density change has not happened and it was suggested in 1999. She added that the commercial uses down this street are common and are on both sides. She is more comfortable with this proposed zoning rather than RM-1.

Commissioner Lopez asked why there are commercial uses if this is zoned residential.

Mr. Smith explained that the zoning is not uniformly residential as there is some C-1 and business capital district east and west of the section of Agua Fria being rezoned. The reference to non-conforming businesses relates to zoning regulations not being enforced prior to 1962. There are a number of businesses legally established prior to 1962 and so they are considered legally nonconforming. He added that they could be operating in violation and just have not been caught yet.

Commissioner Lopez commented that it is difficult for property owners where half the properties are commercial and half are residential. She thinks if it is allowed on part of the street than they should allow the entire street to be commercial.

Mr. Smith said with regards to the question of properties in historic districts, this is in the Guadalupe/Westside Historic District so development would be subject to historic regulations and height averaging rules.

Chair Gonzales asked if the applicant needs to re-notice with that description or if they can still hear the case given the fact that this is a historic area.

Ms. Lovely said it can be heard. The applicant would go to the H Board if they want to develop or do anything on the property after this hearing. The H Board is not involved in rezoning typically.

Commissioner Salazar asked what type of uses they would be allowed if this were rezoned.

Mr. Smith said the use regulations state essentially any use not prohibited in zoning is allowed subject to compliance with applicable building code requirements and parking regulations. He said they would be converting from non-conforming residential to commercial use. The townscape regulations would apply with regards to landscaping. There is a full range of office uses which they would be able to develop on the size of these parcels.

Commissioner Salazar asked the applicant what he envisions on this project.

Mr. Rizika explained that there is no plan. These are four separate property owners with one of the properties on the market. It is a strange zoning situation and having a community commercial designation gives a variety of uses and might appeal to a broader niche. He noted that the owners would have a difficult time adding to these four properties as they currently stand.

Commissioner Salazar asked how many people live fulltime near these properties.

Mr. Rizika did not have exact numbers, but some properties are definitely vacant.

Chair Gonzales asked if sufficient parking is criteria considered for rezoning.

Mr. Smith said the Commission should consider to what extent the property is suited to the commercial use proposed. There is no lot by lot analysis for these properties, but it appears from a cursory review it would be difficult to meet City standards with regards to parking although he does not have a detailed study.

Chair Gonzales asked if staff typically wants a study.

Mr. Smith said this is not a proposal for development so they have not gotten into this level of detail.

Chair Gonzales asked if they approved this request if the applicant would be able to build a second story.

Mr. Smith stated that in looking at the west side townscape subdistrict of the BCD, there is a height limit of 24 feet. The historic district regulations provide for averaging although they do not have that calculation currently.

Chair Gonzales is not clear they meet the zoning criteria. He questioned if some of this information was provided if staff would change their recommendation.

Mr. Smith said the staff recommendation relies more on the general plan. He said it is possible that less intensive development would occur under commercial zoning, but more intense use could occur. The residential zoning might allow a larger scale of building. The intensity of use could generate more traffic.

Commissioner Armijo said he does not understand why they are asking for rezoning if no change is likely to happen. He is not sure any altering could happen anyways with the

significant buildings. He asked why they would rezone an area that is not touchable.

Mr. Smith said under either the residential or commercial zoning they could get approval from the H Board for additional parking.

Mr. Rizika believes the issue is more of straight use rather than future development. It could be a small scale community center, small boutique or attorney's office.

Commissioner Hughes said it seems uses change over time and zoning may or may not accommodate that. This side of the street looks like most of the zoning is a change from RM-1 to BCD. It seems making this change makes it more consistent with the south side of the street, so he believes it is reasonable to acknowledge this kind of change. He supports the request.

Commissioner Bordegaray commented that this is an interesting case for someone that likes to preserve the neighborhood. She said with zoning became nonconforming although it functioned. It is a perverse process because they are requesting to go back to what was allowed before. The historic district overlay does severely limit what can be done in terms of streetscape, so they will be subject to an average of heights and institutions and churches will not be allowed. She understands that this is contrary to the policy. The building that is historically significant is occupied by residents, so the worst outcome would be the erosion of the neighborhood if more residents move out.

Commissioner Armijo said as part of the Downtown Steering Vision Committee they found that they need more residents into the downtown area and by doing this it will be reducing the residents in this area. He said the study recommended ways to get people back into the area.

Commissioner O'Reilly asked if a development plan has to accompany a rezoning request.

Mr. Smith explained that this district does not require a development plan as part of the rezoning although some districts do require it.

Commissioner O'Reilly said the BCD west side townscape would require plans to go to the Historic Board and then the BCD if they are larger than 10,000 square feet.

Commissioner Lindell moved to recommend City Council approve Case M-2007-31, Commissioner Lopez seconded the motion which passed by majority voice vote of 6 to 2 with Commissioners Bordegaray and Armijo voting against the motion.

Commissioner Lindell moved to recommend City Council approve Case ZA-2007-07, Commissioner Hughes seconded the motion which passed by majority voice vote of 7 to 1 with Commissioner Armijo voting against the motion.

- 3. Case #M 2007-24. Weston Studio Gallery General Plan Amendment. Dell Weston, property owner requests approval of a General Plan Future Land Use map amendment to change the designation of 3.708± acres of land from Office to Transitional Mixed Use. The area is located at the southeast corner of Airport Road and Buffalo Grass Road. (Lou Baker, case manager) (POSTPONED FROM AUGUST 02, 2007)**

Items 3, 4 and 5 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

4. **Case #M 2007-25.** Weston Studio Gallery Annexation. Dell Weston, property owner requests annexation of 4.45± acres of land, located at the southeast corner of Airport Road and Buffalo Grass Road. The annexation plat includes 0.742± acres of Airport Road right-of-way west of the Dell Weston parcel. (Lou Baker, case manager) (POSTPONED FROM AUGUST 02, 2007)

Items 3, 4 and 5 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

5. **Case #ZA 2007-06.** Weston Studio Gallery Rezoning from R-1 to MU. Dell Weston, property owner requests rezoning of 3.708± acres of land from R-1 (Residential – 1 dwelling unit per acre) to MU (Mixed Use). The application includes a master plan for live-work and commercial building comprising of approximately 17,785 square feet. The property is located at the southeast corner of Airport Road and Buffalo Grass Road. (Lou Baker, case manager) (POSTPONED FROM AUGUST 02, 2007)

Items 3, 4 and 5 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Memorandum from Lou Baker prepared September 21, 2007 for October 4, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Lou Baker presented the staff report included in Exhibit "3."

Staff recommends approval based on the following conditions of approval:

Annexation: An irrevocable offer to dedicate sufficient right-of-way to the approval of the City Public Works Director for widening of Buffalo Grass Road as shown on the annexation master plan shall be recorded concurrently with the annexation plat.

Rezoning: Approval of the Final Development Plan.

Public Hearing

Al Weston, 701 Airport Road, was sworn. He stated that he is trying to build four artist live work studios and the second phase is a gallery on Airport Road.

John Padilla, Aspen Drive, Suite 801A, was sworn. He is the agent for Buffalo Grass residential development directly to the south of this project. He noted that one of the requirements for approval was for the developer to bear the brunt of the Road from his property to Airport Road. He is happy to see this coming forward and this applicant will dedicate and improve the portion that is part of his development. He wants to make sure they have participation as opposed to Buffalo Grass being the only contributor.

Mr. Smith explained that the staff condition requires dedication of the road at annexation, but does not require improvements until they are at the building permit stage. He said whoever goes first would not be allowed to file until the financial agreement is provided.

It could be possible for the two property owners to coordinate with each other so the burden could occur at the same time.

Mr. Padilla pointed out that there is now a lot that exists to the south of this property and north of his property with no proposed development. He agrees coordination with the property owners should be done so there is agreement. He is not in opposition to this project; he is speaking in support of the project. He noted that the lot in between them has been uncooperative in participating in the road.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes asked if Buffalo Grass Road is a City street.

Mr. Smith explained that before this is recorded the Road must be upgraded to a public right of way or a privately owned access easement. It is now a private road

Commissioner Armijo asked Ron Pacheco if the applicant has agreed to pay a fee in lieu of an affordable unit.

Ron Pacheco, Affordable Housing, said this will be a rental project creating artist studios that will not be sold. The requirement is 15% and because the amount of studios do not require a unit as payment, a fee in lieu will be accepted. This fee will allow them to leverage future money for the loan fund.

Commissioner Armijo asked how the well cap is verified.

Mr. Smith explained that this is a standard requirement; the applicant is required to file a covenant that prohibits future transfer of water rights. He noted that they do inspect at the time the annexation agreement is recorded or at the final development stage.

Chair Gonzales asked Mr. Romero if he wanted to address the Commission.

John Romero, Traffic Engineer, explained that with regards to Buffalo Grass Studios it was stated correctly that they were required to improve Buffalo Grass Road to Airport Road up to the City standards. They were credited impact fees to Airport Road. Due to that Mr. Weston will pay for his share of the road which was noted as a comment. He wanted to make sure his memo is included as a condition of approval.

Commissioner Lindell asked what restriction can be put in so these cannot be condo-ized a few years from now.

Mr. Pacheco said if they converted to condos it would be subject to the full ordinance and implications. He said they would have to make the actual conversion by getting a building permit. He noted that if they converted without a building permit it would be difficult to regulate.

Commissioner Lindell clarified that a conversion takes a building permit.

Mr. Pacheco said he has seen cases where people have decided to convert and then six months later they remodel. He said they do not have the police force to check on this. The action for applying for a conversion triggers the ordinance.

Commissioner Lindell noted that if someone did a conversion by hiring an attorney it might not necessarily trigger a permit. She asked if there could be agreement on the deed or a restriction.

Mr. Pacheco explained that to sell this property there would have to be a division of the property to become condos. This is suggesting apartments. The applicant is very intent on using this as his property with no interest in dividing and selling the property. He believes the action to sell this might be caught as a trigger during recordation. He added that if they converted, Mr. Weston would be required to put an affordable buyer into one unit.

Commissioner Hughes moved to recommend City Council approve Case #MM-2007-24, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

Commissioner Hughes moved to recommend City Council approve Case #MM-2007-25 with staff recommendations and Mr. Romero's July memo condition 1, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

Commissioner Hughes moved to recommend City Council approve Case #ZA-2007-06.

Mr. Smith noted that there is a condition stating that the rezoning application final development plan shall be approved at a future meeting. He explained that the correct statement would be that the rezoning is approved subject to a condition that a final development plan come to the Planning Commission at the time of development.

Commissioner Hughes amended his motion to add the condition that a final development plan come to the Planning Commission at the time of development. Commissioner Armijo seconded the motion which passed by unanimous voice vote.

- 6. Case #MM 2007-28. Global Storage and Rodeo Lane Compound General Plan Amendment. Padilla & Associates Architects, agent for Thakur Enterprises, LLC requests approval of a General Plan future land use map amendment to change the designation of 2.12± acres of land to Community Commercial. The area is located at the southeast corner of Rodeo Road and Rodeo Lane. (Lou Baker, case manager)**

Items 6, 7, 8 and 9 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

- 7. Case #MM 2007-29. Global Storage and Rodeo Lane Compound Annexation. Padilla & Associates Architects, agent for Thakur Enterprises, LLC requests annexation of 4.91± acres of land located at the southeast corner of Rodeo Road and Rodeo Lane. (Lou Baker, case manager)**

Items 6, 7, 8 and 9 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

- 8. Case #ZA 2007-09. Global Storage and Rodeo Lane Compound Rezoning.** Padilla & Associates Architects, agent for Thakur Enterprises, LLC requests rezoning for 2.12± acres (proposed Tract A) from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial) and for 2.79± acres (proposed Tract B) from R-1 (Residential, 1 dwelling unit per acre) to R-4 (Residential, 4 dwelling units per acre). The tracts are located at the southeast corner of Rodeo Road and Rodeo Lane. (Lou Baker, case manager)

Items 6, 7, 8 and 9 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

- 9. Case #SP 2007-25. Lot Split for Thakur Enterprises, LLC.** Padilla & Associates Architects, agent for Thakur Enterprises, LLC, request plat approval to divide 4.91± acres into two lots. Tract A will consist of 2.12± acres of land. Tract B consist of 2.79± acres. The property is located at the southeast corner of Rodeo Road and Rodeo Lane and is zoned R-1. (Lou Baker, case manager)

Items 6, 7, 8 and 9 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Memorandum from Lou Baker prepared September 21, 2007 for October 4, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Letter from Gale Melton dated October 1, 2007 is incorporated herewith to these minutes as Exhibit "4(A)."

Letter from Mary Helen Follingstad, Executive Director, Santa Fe Regional Planning Authority, dated September 12, 2007 discussing comparison of zoning districts is incorporated herewith to these minutes as Exhibit "4(B)."

Neighborhood Commercial and Residential Use Photos of the area are incorporated herewith to these minutes as Exhibit "4(C)."

Letter from Bill Waganner is incorporated herewith to these minutes as Exhibit "4(D)."

Letter from Sujay Thakur is incorporated herewith to these minutes as Exhibit "4(E)."

Lou Baker presented the staff report included in Exhibit "4."

Staff recommends:

General Plan Amendment: Staff recommends denial of the request to amend the General Plan. The requested Community Commercial designation is not appropriate land use and circulation planning. The transition from commercial to residential along Rodeo Road should not be piece meal zoning but rather a holistic approach.

Annexation: Staff recommends approval with the following condition:

1. The development shall create a 22' wide perpetual roadway right-of-way reservation for future dedication to the City along the property's western frontage from the middle jog in the property line to the southern corner. This is along the 361.30' long property line with a bearing of N00°13'03"E.
2. The developer shall construct sidewalk with curb and gutter along its western frontage from Rodeo road to the properties southernmost access onto Rodeo Lane.
3. The access point into Tract A shall be aligned with the northern access into the Rodeo Office Complex.
4. The roadway in Tract B may only be dedicated to the City if Rodeo Lane is brought up to City standards and dedicated to the City up to the roadway's intersection with Rodeo Lane. The design of Rodeo Lane shall be reviewed and approved by the Public Works Department including all needed drainage considerations.

Rezoning: Staff recommends denial of Global Storage and Rodeo Lane Compound request for rezoning. The subject property is designated in the Santa Fe in the Santa Fe Regional Planning Authority Future Land Use Plan as Urban Residential and the City of Santa Fe 1999 General Plan designation is Office. She noted that if the lot split is approved then she could recommend approval of the rezoning for Tract B.

If the Commission approves the following conditions were added by staff:

- 1) Applicant submit a construction plan, pre-protection and traffic management plan.
- 2) Meet with Randall Marcus in regard to design standards for solid waste

Lot Split: No recommendation or conditions of approval.

Mr. Smith explained that the Commission has the authority to approve either or both of the rezoning cases. It is illegal unless a lot split is filed at the same time. It could be conditioned on approval of the annexation by the City Council. He said until the annexation is concluded, the City does not have the authority to record a subdivision plat. He added that the lot split plat has to be recorded at the same time as the annexation.

Chair Gonzales asked when the annexation issues will be resolved.

Mr. Smith said possibly at the second City Council meeting in November, although he cannot predict with certainty.

Ms. Baker referred to the letter from Gale Melton included in Exhibit "4(A)" and memorandum from Mary Helen Follingstad, Executive Director, Santa Fe Regional Planning Authority included in Exhibit "4(B)." She added that she has a copy of the affordable housing agreement.

Chair Gonzales understood that staff is not supporting the general plan amendment or compound rezoning although staff supports the annexation request. The Commission has the power to rezone either tract or neither tract. There is no official staff position on the lot split.

Mr. Smith explained that if the property is annexed it will be R-1 by default.

Ms. Baker said the agent agreed to strike the conditions of approval for the rezoning. If this were approved there would be two conditions of approval:

- 3) Applicant submit a construction plan, pre-protection and traffic management plan.
- 4) Meet with Randall Marcus in regard to design standards for solid waste

John Padilla, architect and agent, was previously sworn. Tract A is being requested for a community commercial use designation and tract B a low density residential use. He reviewed the photos and the uses existing in the area included in Exhibit "4(C)." He understands the original designation in this area being rural, but there have been significant changes over the years. Development has happened and the area has changed. He is sympathetic to providing a buffer between Rodeo Road and the

neighbors to the south. They would like to present this being a buffer between the commercial nature of Rodeo Road and the way the area has changed over the years. The 13 units are in keeping with the General Plan. The road is paved to the south end of the Rodeo Office Compound and they would like to continue the improvement down to the project. He believes they are compatible with the surrounding neighborhood. The proposed use is not adding any additional impact. There is a natural division of the property in the arroyo which they will be utilizing as a division between the lots. This is an appropriate rezoning and land use, so he hopes the Commission considers the proposal and acts favorably.

Bill Wagaaneer, owner of the property, was sworn. He spoke for his siblings along with himself. This was their home for about 60 years. They are natives of Santa Fe being one of the first families to live in this area. The property grew from a beautiful prairie to Rodeo Road. They now find this property that is a liability as they have vagrants in the upper section and the drainage is not that good. He said they cannot maintain the property as they did when their parents lived there. He said since they need to divide the property among themselves, they have to sell the property. He still feels a real kinship with the neighbors although they feel forced to do something that may not be what everyone would like to see happening. He talked to quite a few people about developing this property. They were impressed when they met Sujay and viewed his complex in Albuquerque which does not look like storage sheds, but like an office building. They thought the neighborhood could be comfortable with this. He said from a security aspect, they thought something commercial might deter people from going down and bothering the neighbors.

Sujay Thakur, developer of the property, was sworn. He pointed out that he had a previous application on the lot in front of the Genoveva Community Center. The Planning Commission approved the application, but the City wanted to use the land to build a park, so he withdrew the application and looked for property closer to the commercial end of Rodeo Road. He noted that staff was concerned that the zoning in the front could be more traffic intensive and use more water. He said his storage units look like any other office building with all the metal doors inside. He said the security spent on his facilities ranges from \$60,000-100,000 which would be advantageous to the neighborhood. He noted that Rodeo Lane is lacking drainage, so they will address the problem due to the staff conditions. He would argue that he could do office there, but the impact is 10-15 cars per day for the storage facility which is much less than an office would have. He is willing to take a different zoning if there are uses the Planning Commission wants to restrict. He is not trying to maximize the profit of the land to sell this, he is trying to get the zoning he wants for the business he wants.

Andrew Lucero, PO Box 8218, was sworn. He spoke on behalf of his family that owns three houses. They are in between the office complex and the academy, so they are looking at the offices every day. They are asking to keep this low density as they have sacrificed enough. The arroyo used to be a trickle and now it is a flash flood. He said when the Chapman's built their development his family was unable to come to the meeting and the drainage pit was placed right by his front door. He wants to stay in his home, so he requested they consider his concerns.

Lisa Martinez, 3618 Rodeo Lane, was sworn. She knows the developer has spent a lot of time looking at the issues of concern related to security and traffic. The area where you make the turn going in and out as you drive up Rodeo Road is not adequate

to address the traffic. She suggested a turning lane to address the issue. She said to exit you have to go right and make a u-turn which can be difficult with the traffic coming down Rodeo Road at a high rate of speed. The portion of the lane next to the Rodeo Office Complex has been annexed, but the remainder is considered a private drive. She asked if the remainder of the road would be annexed into the city or if it would remain private. She understands there is a proposal to widen the lane.

Joe Amarmeno, 3525 Tobasco Lane, was sworn. He lives at their southeastern property line. When he bought the property they liked the peace, tranquility and quiet and the back of the property. Now when he sits on the back of his property, he looks at this property and there are some nice trees there. He understands where they are coming from, but they will have about 8 homes with 3-4 people living in them to look at. He feels there are already enough dogs in the area. His dilemma is the impact. He will have new neighbors. He asked if they will have any two story homes. He is nervous about accepting the fact that there will be so many additional people disturbing his peace of mind. He has other issues as the city is trying to annex his property as well.

Mr. Padilla explained that he has not designed any of the units, so he cannot say absolutely there will be no two story units. He said if they look at the layout there is the possibility of limiting two stories along the southern end of the site to preserve the views. He said these are good size lots so they can probably accomplish what they need to on the size of lots they have. He pointed out that west on Rodeo Road going left on Rodeo Lane there is a decel lane. There was a requirement of the office complex that there be a left in/right out only. He said there was an issue with the alignment of Legacy Court and Rodeo Lane. He offered to look at doing anything they can do to further mitigate the problem. The road is improved up to the southern end of the Chapman development. He said they will pave into the development with the condition of approval that they must dedicate a 22 foot right of way. He is open to addressing the issue of paving all the way down to the southern end of the lot.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Chair Gonzales asked if the City is annexing the rest of the road.

Mr. Smith said the applicant has worked with the Traffic Engineering staff with regard to the possible configuration if the south parcel is redesigned and subdivided, but they have not applied for a subdivision. Subdivision regulations say they are not allowed to have half streets, but the Traffic Engineer is requesting to reserve the half street when the other side is annexed in the future. He said when the property is subdivided they could require this. He said it is likely that John Romero has done more analysis than the land use staff has.

Mr. Romero said they annex across public roadways with annexation. Rodeo Lane does not have to be annexed as it is a private lane. He said they could continue the construction up to city standards and dedicate it to the City with the cooperation of the property owners on the other side. This would be contiguous to a public road. If that does not work then they are requesting the applicant reserve 22 feet of frontage for right of way dedication so the City can expand in the future.

Commissioner Bordegaray asked if the RPA will be making a recommendation in December. She thought there might be a typo in the memo from the RPA Director.

Ms. Baker said that is the tentative timeline.

Commissioner Bordegaray asked if tract A is empty and tract B has a house on it. She asked if they will demolish the home and wanted a description of the street frontage.

Mr. Thakur said he does not want the wall there. He would build the building out and place landscaping right along there with something engraved in the stucco.

Commissioner Bordegaray asked what the landscape standards would be.

Mr. Smith said there is no detailed analysis on this as there is not an actual application for development. There are various drawings showing how they intend to landscape when they file a development plan. He said they are not legally bound to apply for a specific use, but there will be a requirement for a 10-15 foot landscape buffer with hedges or screening for the parking lot.

Commissioner Bordegaray appreciates the offer to consider another use.

Chair Gonzales said approving C-2 use does not mean they are approving use as a storage unit.

Mr. Smith said the applicant could have applied for a C-2 PUD zoning which would have required a particular use. He said it is not clear the Commission can put conditions on a rezoning application, although at times the Council has put conditions on applications. The concern is that rather than continue the history of commercial approvals, it would be appropriate to do a comprehensive study that will address traffic issues on a neighborhood by neighborhood basis.

Chair Gonzales asked how, when and who pays for a comprehensive zoning study.

Mr. Smith said with the cooperation of neighbors or the long range planning division under the direction of City Council and City Manager. It is a large scale study of macro land use patterns in this vicinity where they take into the account the existing and likely future uses. He said the Council would have to find something from the General Plan to support it. There are dozens of property owners, whose interests would be affected so the Commission is not in the position to initiate this.

Chair Gonzales asked if they expect the Council to address annexation issues in this area around November or December, although they have no specific date.

Mr. Smith replied yes. The Southwest Area Plan will come before the Commission in December.

Commissioner Armijo asked how many of the units are affordable.

Mr. Pacheco stated that there are 3 affordable units and .9 fee in lieu of payment for \$49,050 that will go into the housing loan fund.

Commissioner Armijo asked if this will be designated when they come forward.

Mr. Pacheco said the applicant agreed to distribute the units throughout the development. They have not decided on specific sizes of homes, but they will come to an official agreement when the process is completed.

Commissioner Armijo asked if they could do more medium income vs. low income since these are good size lots.

Mr. Pacheco noted that the applicant agreed to provide a four bedroom unit and three bedroom units, although they have not made the exact decision. He said this goes along with Commissioner Armijo's thinking. This covers incomes from 50-100% of AMI, but there are no plans to go up to 120% AMI. He said in some cases the Council has imposed 40% affordability for annexations. He said the Council may possibly ask for an additional 10% at the increased AMI.

Mr. Smith referred to the previous question regarding the date on the RPA Director's memo. He believes the date is correct and it was approved in 2006, although the recommendations are not binding.

Chair Gonzales said if C-2 zoning were approved they are not guaranteeing 54,000 square feet of commercial space. He asked if the Commission could grant C-1.

Mr. Smith said that is correct. He noted that the difficulty is that storage uses are not allowed in the C-1 district.

Commissioner O'Reilly pointed out that they could grant a C-2 PUD, but asked if they could do this without a development plan.

Mr. Smith is aware of occasions that this happened but the results were complicated and difficult. He said if that is the intention, he would request they postpone action and direct the applicant to amend the application.

Commissioner O'Reilly questioned the staff report as page 4 states the proposed General Plan Amendment is not consistent with the majority of the parcels in the surrounding neighborhood, but page 5 states that this is an ideal buffer between the uses surrounding it.

Ms. Baker said it is not consistent with the parcels, so they should strike the ideal buffer.

Mr. Smith believes the language from 1 C was from an earlier staff report.

Commissioner O'Reilly wanted to clarify that staff now says this is not an ideal buffer. He commented that he agrees the general plan is what they should be following, but in 2005 the Southwest Area Master Plan came along. This calls for this to be office. He said this appears to be macro level planning for this area that supercedes what was done in 1999. He said if they look at the last page of the report staff included a section of the Southwest Area Master Plan stating that retail centers generate more traffic. He thinks an indoor storage facility would certainly limit the traffic and comply with the intent for less intense uses. He said it would be most obvious to grant C-1 but that would preclude self storage. He knows the applicant might be okay with this.

Ms. Baker stated that she felt it was important to bring all this information into the review. She stressed that if they grant the rezone to C-2 to tract A, the applicant is not obligated to come back with a storage unit project.

Commissioner O'Reilly said it would be possible to approve the rezoning for the residential portion and leave the front portion at R-1 when the applicant comes back with a more definitive plan.

Mr. Smith agreed that is a conceivable option, but that process would mean the same applicants would be coming back with the same neighbors in the future.

Commissioner O'Reilly commented that conceptually the detention pond shown is boxing in the neighbor.

Mr. Padilla said they are indicating the ponds in the areas, but tract A will have active water harvesting and they will be holding the runoff on the property. He agreed to change the location of that and the size. He commented that he is amazed that staff reports are having comments stricken from public record during the hearing. He said he would have spoken to those two items in his notes as he had the same comments as Commissioner O'Reilly. He said they will work with the neighbors to make sure that tract A is acceptable. He said they have made several changes to accommodate the neighbor's wishes and will continue to do so.

Commissioner O'Reilly said he is assuming they might put in some extra screening or vegetation along the residential edge to help the neighbors.

Mr. Padilla said as they go along with the development they will involve the neighbors and will make sure they mitigate the impact. He plans to address privacy and view corridors. He does not want to necessarily say berms and shrubs are the answer as they take time to grow.

Chair Gonzales clarified that it is all R-1 around the land.

Mr. Padilla believes the land is all in the County as R-1, except for the Chapman complex which is C-1.

Chair Gonzales said if there is higher density it will open the door for others to want to develop their properties at a higher level as well. He asked if they have considered a C-1 zoning.

Mr. Thakur explained that the neighbors did not want anything commercial behind the arroyo. He said they said no to the storage and anything commercial. Rodeo Lane will have houses facing it. He said instead of delaying this, he asked why they cannot do C-1 with storage.

Mr. Smith clarified that storage is not allowed in the C-1 zone.

Chair Gonzales asked if they could keep the property along Rodeo Road C-1 and then have the property to the south mixed use as a buffer.

Mr. Padilla said the issue would be the live/work which has more traffic and more flexibility to be commercial in nature. He said they are responding to the neighbors who want the lots as rural as possible. He suggested having office and storage to mitigate some of the traffic impact concerns.

Commissioner Lopez said it appears there is more than one residence on the tracts.

Commissioner Armijo asked if the County designation for the Rodeo Road Self Storage is the same as the City's C-2.

Mr. Smith said it is similar, but not directly comparable.

Commissioner Armijo is unsure they are opening up any flood gates as across the street the zoning is R-5.

Commissioner Salazar moved to recommend approval of Case #M-2007-28, Commissioner Hughes seconded the motion which passed by majority voice vote of 7 to 1 with Commissioner Lindell voting against the motion.

Commissioner Salazar moved to recommend approval of Case #M-2007-29 with the Traffic Engineer conditions of approval in Exhibit I, Commissioner Hughes seconded the motion which passed by unanimous voice vote.

Commissioner Lindell asked how they can change zoning on two tracts that do not exist.

Mr. Smith said both actions cannot be done without the other, so it is a catch-22. He suggested forwarding the action on the motion on the lot split to City Council.

Commissioner Salazar moved to recommend approval of Case #ZA-2007-09 keeping the zoning at R-1 for Tract A and tract B zoning is changed to R-4, Commissioner Lindell seconded the motion.

Commissioner Hughes clarified that this is a holding zone. He assumes that if a development plan was approved then rezoning would be in order.

Mr. Smith said they did not distinguish between the front and the back when discussing the general plan recommendation which is consistent with the C-2 zoning. He said the action on the General Plan indicates they would favor C-2 in the future.

Commissioner O'Reilly understands the City does not have a zoning designation called community commercial.

Mr. Smith explained that community commercial is a general plan category. In some cases it is consistent with the BCD zoning and in other cases with the C-2 zoning.

Commissioner O'Reilly said they cannot zone to community commercial.

Mr. Smith said they can zone to C-2 as which would be consistent with the general plan category.

Ms. Lovely wanted to make sure the Commission understands that at the same meeting they can reconsider something already done with someone voting in the affirmative making a motion to reconsider.

Mr. Smith said if they decide to take that tract, then office would be the designation for the general plan amendment with C-1 zoning.

The motion failed by a voice vote of 3 to 5.

Those voting for the motion: Commissioners Hughes, Salazar and Lindell.

Those voting against the motion: Commissioners Armijo, Bordegaray, Lewis, Lopez and O'Reilly.

Commissioner O'Reilly moved to recommend approval by City Council of Case #ZA-2007-09 rezoning tract B from R-1 to R-4 including staff conditions and conditioned on the lot split, Commissioner Armijo seconded the motion which passed by unanimous voice vote.

Commissioner Lopez moved to recommend City Council approve Case #ZA-2007-09 rezoning tract A to C-2, Commissioner Armijo seconded the motion.

Commissioner O'Reilly is not concerned with this applicant's goals, but if someone else comes along they could do tire re-treading and other uses that could be an imposition on the neighborhood.

Commissioner Lindell echoed Commissioner O'Reilly's comments. She said if she purchased a home next to R-1 and the Planning Commission zoned the property next door C-2 she should would be disappointed and bewildered.

Commissioner O'Reilly said if they approve something other than C-1 the applicant can come back and rezone again with a development plan for PUD zoning.

Mr. Smith said if the Commission directs staff and the applicant has submitted enough information for preliminary development the current case could be postponed to November 1 and the applicant could amend the application so staff could complete a recommendation.

Commissioner O'Reilly said at a later date they could ask to rezone or they could ask for a variance to allow storage units in a C-1 zone and then they could impose conditions that would be landscaping and buffering.

Mr. Smith explained that if they recommend C-1 zoning the applicant could amend the application and come back November 1st. They do not allow use variances; the only option is to amend the zoning map.

Mr. Romero said C-1 is less intense, but C-2 zoning would provide more traffic generation so if someone comes with an office complex there is a whole different set of dynamics. He said if the intent is to ultimately get to a storage unit, it is same thing if they approve a C-1 zoning.

Mr. Smith said if the Commission wants to approve a zoning that allows and requires a storage development then the direction to come back would be the most economical.

Commissioner Armijo withdrew his second, so the motion died for lack of a second.

Mr. Smith suggested they postpone final action until the meeting of November 1 with direction to amend the application for tract A. He noted that at the point the applicant files the development plan they will generate additional fees of approximately \$5000. He wanted the applicant to know that amending the application will trigger this, although they will not be required to pay this for the final development plan. He said it will either be incurred now or in the future.

Mr. Padilla stated understanding and said November 1st would give them enough time.

Commissioner O'Reilly moved to postpone Case #ZA-2007-09 relating to tract A until November 1st, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

Commissioner O'Reilly moved to approve Case #SP-2007-25, Commissioner Hughes seconded the motion which passed by unanimous voice vote.

G. BUSINESS FROM THE FLOOR – None

H. STAFF COMMUNICATIONS

Mr. Smith said City Council will be considering the Villa Sophia case at the last meeting in October. He noted that there would not be a second Planning Commission meeting in October.

I. MATTERS FROM THE COMMISSION

Chair Gonzales welcomed the new Commissioners. He thanked them for their efforts at this meeting.

K. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner O'Reilly moved, seconded by Commissioner Armijo to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 11:30 p.m.

Approved by:


Chair Estevan Gonzales

Submitted by:


Denise Cox, Stenographer