

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

May 19, 2016

I. This meeting of the Santa Fe County Planning Commission was called to order by Chair Frank Katz, on the above-cited date at approximately 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

II. & III. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Frank Katz, Chair
Susan Martin, Vice Chair
Bette Booth
Louie Gonzales
Leroy Lopez
Rena Gray

Member(s) Excused:

Phil Anaya

Staff Present:

Vicki Lucero, Building & Services Manager
Jose Larrañaga, Development Review Team Leader
Andrea Salazar, Assistant County Attorney

IV. APPROVAL OF AGENDA

A motion was made by Commissioner Martin which was seconded by Commissioner Booth. The motion carried unanimously.

V. APPROVAL OF MINUTES

A. April 21, 2016

Upon motion by Commissioner Lopez and second by Commissioner Gray the minutes were unanimously approved as published.

VI. NEW BUSINESS

- A. CASE # V 16-5001 Madrid Mixed Use Variance. Lori and Richard Woodcock (Applicants), requested administrative approval, of a Site Development Plan, to allow 1,173 square feet of retail space and 656 square feet of living area, on top of the retail space, on 0.204 acres. The site is within the Madrid Community District Overlay (MCD) and is zoned as MCD Commercial Neighborhood (MCD CN). Under the MCD Use Table 9-6-8, an office or store with a residence on top is a permitted use. In order for the structure to be 28 feet in height, the Applicants request a variance of Chapter 9.6, Table 9-6-4, Dimensional Standards MCD CN, maximum height of 25 feet. The property is located at 2889 Highway 14, T14N, R7E, Section 25 (Commission District 3)**

JOSE LARRANAGA (Case Manager): Thank you, Mr. Chair. Lori and Richard Woodcock requested administrative approval, of a site development plan, to allow 1,173 square feet of retail space and 656 square feet of living area on top of the retail space, on 0.204 acres. The site is within the Madrid Community District Overlay and is zoned as MCD Commercial Neighborhood. Under the MCD Use Table, 9-6-8, an office or store with a residence on top is a permitted use. In order for the structure to be 28 feet in height, the applicants request a variance of Chapter 9.6, Table 9-6-4, Dimensional Standards, MCD CN, maximum height of 25 feet. The property is located at 2889 Highway 14, Township 14 North, Range 7 East, Section 25, Commission District 3.

On March 24, 2016 the application for a variance of Chapter 9, Section 9.6, Table 9-6-4, Dimensional Standards, within the MCD CN was presented to the hearing officer for consideration. The hearing officer supported the application as memorialized in the findings of fact and conclusions of law written recommendation.

The property is a 0.204-acre site within the Madrid Community District Overlay, as defined by Ordinance 2015-11, Sustainable Land Development Code, Chapter 9, Section 9.6. The established zoning for this site is Commercial Neighborhood. The applicants submitted an application for a site development plan to allow 1,173 square feet of retail space and 656 square feet of living area located on top of the retail space. Under the MCD Use Table 9-6-8, an office or store with a residence on top is a permitted use within the MCD Commercial Neighborhood, and can be approved administratively.

The height at the rear of the proposed structure is designed at 28 feet. Chapter 9, Table 9-6-4, Dimensional Standards, MCD Commercial Neighborhood, allows a maximum height of 25 feet. The applicant is requesting a variance of the Dimensional Standards set forth in Chapter 9, Table 9-6-4 of the SLDC to allow a portion of the proposed structure to exceed 25 feet in height.

The applicants state the following: "The street frontage of the building will conform to the 25-foot height limit. Due to the slope of the site, I would like to obtain approval for the rear west elevation to be a total of 28 feet in height. The additional height will not be noticeable from the street and will enhance the look of the buildings as well as make for a viable mixed-use project."

The application for the site development plan was reviewed for the applicable design standards as per Chapter 7, Sustainable Design Standards and Chapter 9, Section

9.6.of the MCD of the SLDC and meets those standards, other than the height requirements. The Madrid Community District Overlay, Chapter 9, Section 9.6.2.4.2, Viewshed Preservation, states: "In order to preserve the unobstructed horizons surrounding Madrid, no portion of a residential, commercial, or any other structure shall be visible above a ridgetop when viewed from the centerline of NM 14 at the nearest spot on the highway with a direct view of the proposed structure."

The applicant submitted photo simulations of the structure on the site and the horizons in the background. The photo simulations illustrate that no portion of the structure is visible above the ridgetop. The photo simulations also illustrates that the adjacent structure known as the boarding house is taller than the proposed structure. No additional design standards from Chapter 9, Section 9.6 are applicable to this request.

Recommendation: Staff recommends denial of the applicants' request for a variance to allow the proposed structure to be constructed 28 feet in height. Chapter 9, Section 9.6, Table 9-6-4, Dimensional Standards, Madrid Community District Commercial Neighborhood states that the maximum height within a CN Zoning District is 25 feet.

If the decision of the Santa Fe County Planning Commission is to support the hearing officer's decision, a final order which signifies the hearing officer's recommended decision and order shall be adopted.

Mr. Chair, I stand for any questions.

CHAIRMAN KATZ: Does anybody on the Commission have a question for staff? I guess now. Okay, may we hear from the applicant, please?

[Duly sworn, Lori Woodcock testified as follows:]

LORI WOODCOCK: Hi, I'm Lori Woodcock. Thank you for taking the time to hear me today. I'd like to start by explaining why I would like the building to be taller, because I think that's really the issue here. As you can see, this the street view out here, and at that elevation it would be 24 feet. But because of the slope of the property, to get enough height in the back to put a second floor, I end up at 28 feet at the back side, because the property is sloping and the floor needs to remain level. So that's the reason for it, just to keep it simple.

And then I have three – my architect did three – I don't know what you'd call them. Sort of photo simulations to show how it appears in the surrounding area. This first one is showing the boarding house here and then that's my building to the north of it. And I think this is the key one. This is straight on; you can see the hills still behind it, because I'm 24 feet at the front, and then if I flip this over, that's just sort of another view so you can sort of see how it fits in the scale of the area.

So we did a lot of attempts to get it to the 25 feet and it's just not possible to get a second floor and it really doesn't become a viable project in a lot of ways if we don't have that apartment, and that's really the typical scenario is the village is a live-work space, which I think people really like that aspect there. So that's how I ended up where I am. Do you have any other questions?

CHAIRMAN KATZ: First, I'd like to compliment you on those photo simulations because they really give us a very, very clear idea of what's happening.

MS. WOODCOCK: Thank you.

CHAIRMAN KATZ: I don't think I've ever seen such a nice job. I really appreciate it.

MS. WOODCOCK: Well, I know the people in the community. I wanted their buy-in as well and so it was helpful for them to envision what I'm going to do, because people there are pretty sensitive to what goes on, as most communities are, I guess. So I wanted everybody to be really clear on what I was doing.

CHAIRMAN KATZ: Good. Thank you. Are there questions for the applicant? Yes.

COMMISSIONER GONZALES: Chair Katz, members of the Commission, Ms. Woodcock, what is your intent? You're going to do retail? Are you going to do an art gallery? Or what are you going to do with it?

MS. WOODCOCK: I'm going to be the landlord so I don't have a specific tenant in mind yet, but I would say it's probably something in the art/retail/jewelry – the typical kinds of tenants we get in Madrid. But I don't have a specific tenant in mind.

COMMISSIONER GONZALES: So you're going to build it and then lease it out, I would assume.

MS. WOODCOCK: Well, there may be some interim step where, if I know this is a viable project and I get a specific tenant in mind, we would probably start the process of getting that approval with you for whatever use, but it will be a conforming use. But I don't know exactly what it will be. But yes, essentially, I would be leasing it out to a tenant.

COMMISSIONER GONZALES: And right now the property is vacant, correct?

MS. WOODCOCK: The property is vacant.

COMMISSIONER GONZALES: Thank you. Thank you, Chair Katz.

CHAIRMAN KATZ: Any other questions? Okay. This is a public hearing, and if there's someone from the public who would like to talk please come forward now. Not seeing anybody, what is the pleasure of the Commission?

COMMISSIONER BOOTH: First of all, I want to thank staff for briefing me yesterday. They took time out and since we're dealing with a new code I just kind of want to make sure I'm understanding. So what I think I understood yesterday was that staff would have had the right to approve ten percent difference, which would have been 27.5 feet, if the regulation is 25. Is that correct?

VICKI LUCERO (Building & Development); Mr. Chair, Commissioner Booth, that is correct. The code allows the administrator to grant a minor deviation of up to ten percent for dimensional standards, so up to – I believe you're correct, 27.5 feet could have been done administratively but since this is over that requirement it comes before the hearing officer and Planning Commission.

COMMISSIONER BOOTH: So we're basically talking about a half-inch [sic].

MS. LUCERO: That's correct. And in order to grant the minor deviation the administrator would have looked at certain review criteria and the same criteria that you're looking at as well.

COMMISSIONER BOOTH: Thank you.

CHAIRMAN KATZ: The public hearing is closed. Let me ask a question. Why does staff recommend denial? Is that sort of a pro-forma thing or what?

CHAIRMAN KATZ: Does anyone have anything from the public?

VI. B. Possible Action on the Findings of Fact and Conclusions of Law for Case #V 16-5001

MS. LUCERO: Mr. Chair, if I could just get clarification. Item letter B. under New Business, that – we had it as a separate item for approval of the findings of fact and conclusions of law, and those – a draft of that is actually in the packet. So just for clarification, if we could have a separate and second motion.

CHAIRMAN KATZ: Oh, I see it is. I missed that. It's in the very back. The very, very last page. The Commission hereby adopts in the entirety the hearing officer's recommended decision and order attached hereto as Exhibit A and approves it. Okay. Can I have a motion to approve the decision and order?

COMMISSIONER BOOTH: I so move.

COMMISSIONER MARTIN: Second.

MS. LUCERO: Mr. Chair, staff bases our recommendations strictly on the regulations in the Land Development Code, so anything that deviates from that staff generally recommends denial of variances.

CHAIRMAN KATZ: Okay. We can talk about this another time. I understand where you're coming from now. Okay. Other questions? Comments? Discussions? Motions even perhaps? Okay, Ms. Martin.

COMMISSIONER MARTIN: I move that the Planning Commission support the hearing officer's decision, which is to allow this variance.

CHAIRMAN KATZ: And adopt their decision –

COMMISSIONER MARTIN: And adopt the final order. Yes. Recommended decision and final order of the hearing officer.

CHAIRMAN KATZ: Is there a second?

COMMISSIONER BOOTH: Second.

CHAIRMAN KATZ: Okay. It's been moved and seconded to –

COMMISSIONER GONZALES: Chair Katz.

CHAIRMAN KATZ: Yes.

COMMISSIONER GONZALES: Clarification on what we're voting on. Are we voting against the variance?

CHAIRMAN KATZ: No. The motion was to approve the variance.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN KATZ: Okay. Everybody understand what we're voting on?

The motion passed by unanimous [6-0] voice vote.

CHAIRMAN KATZ: Thank you very much.

MS. WOODCOCK: Thank you.

VI. C. Petitions from the Floor

CHAIRMAN KATZ: Does anyone have anything from the public?

VI. B. Possible Action on the Findings of Fact and Conclusions of Law for Case #V 16-5001

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COMMISSIONER BOOTH: I so move.

COMMISSIONER MARTIN: Second.

The motion passed by unanimous [6-0] voice vote.

CHAIRMAN KATZ: Okay. That is adopted. Thank you. I was a little confused as to that. Member Martin pointed it out to me too.

COMMISSIONER GONZALES: May I ask a question?

CHAIRMAN KATZ: Yes.

COMMISSIONER GONZALES: This is a question for staff. Vicki, is that the way we're going to do all these from now on? You'll have a case and then you'll have an order on the variance?

MS. LUCERO: Mr. Chair, Commissioner Gonzales, any case that goes before the hearing officer first will have an order prepared by the hearing officer as to what her decision or her recommendation was. So we'll bring that forward to you and if you vote to adopt her findings, if you vote in accordance with her recommendation and to adopt her findings, then we will have it on the agenda and you can adopt it that same day. If you have a different decision, different outcome, different conditions, or you want a modification, then we can go back and amend that final order and bring it back to you the next month. So we'll try – if you vote in accordance with the hearing officer you may be able to approve it the same day.

COMMISSIONER GONZALES: So that way we'll be able to add amendments or conditions, and then you would do that and come up with another order and then bring that back to us.

MS. LUCERO: Back to you the following month. Yes.

COMMISSIONER GONZALES: I understand. Okay. Thank you.

CHAIRMAN KATZ: I think the hearing officer process allows us to be more expeditious when we go that direction.

V. D. Communications from the Committee

None were presented.

V. E. Communications from the Attorney

ANDREA SALAZAR: Chair Katz, I don't have any, although we could address the area of the variance criteria. You asked why staff might be recommending denial. I think moving forward we are planning to list the criteria and to kind of go through it, more than just recommending denial. So that might be the path that we are moving forward on.

CHAIRMAN KATZ: Thank you. That would be very helpful to get staff's recommendation on whether they think the criteria for the variance have been met or have not been met, because that's really what we're here about and staff's input is always very welcome on that.

COMMISSIONER GONZALES: Chair Katz.

CHAIRMAN KATZ: Yes.

COMMISSIONER GONZALES: That's always been a dilemma for us up here with the variances, and so with that, what you just said, if we are indeed – if we are going to do variances, obviously they're going to come before us and we'll have the same issues over and over. Once we get through this a couple times, is there any way we could

have a little study session, if you would, because this has always been a hard thing for us with variances, even now with the recommendations and how we process these things. I think this board always wants to do the right thing and the just thing and variances have always been hard for us.

So if we could do that that would really be appreciated, because I don't see that much of a change from what it was before to what it is now. They're still a variance and they're still – even though this was a minor bending of the rules, so to speak, and Commissioner Booth brought out the fact that it was a ten percent that you guys made the addition in there. What? A half a foot that we're talking about. I think that's kind of interesting because I'd never heard that before. So that's kind of helpful if we could have some kind of study session, even when we meet here one of these days where we have a little bit of time if we could just have a little study session on variances if this board wouldn't mind, I would like to introduce that. Thank you.

V. F. **Matters from Land Use Staff**

None were presented

V. G. **Next Planning Commission Meeting: June 16, 2016**

V. H. **ADJOURNMENT**

Having completed the agenda and with no further business to come before the Planning Commission Chair Katz declared this meeting adjourned declared this meeting adjourned at approximately 4:20 p.m.

Approved by:

[Signature]

Frank Katz, Chairman

Submitted by:
[Signature]
Debbie Doyle, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
PLANNING COMMISSION MI
PAGES: 7
I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of June, 2016 at 04:08:54 PM
and Was Duly Recorded as Instrument # 1796603
of The Records Of Santa Fe County

ATTEST:

[Signature]
GERALDINE SALAZAR
COUNTY CLERK

6-16-2016

Witness My Hand And Seal Of Office
Deputy *[Signature]* County Clerk, Santa Fe, NM
Geraldine Salazar