

**MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION**

Santa Fe, New Mexico

March 17, 2022

1. A. This meeting of the Santa Fe County Planning Commission called to order by Chair Charlie Gonzales on the above-cited date at approximately 4:00 p.m.

The meeting was conducted on a virtual platform via Webex.

- B. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Charlie Gonzales, Chair
Frank Katz, Vice Chair
J. J. Gonzales
Leroy Lopez
Wendy Pierard
Rhea Serna

Member(s) Excused:

Steve Krenz

Staff Present:

Vicki Lucero, Building & Development Services Manager
Roger Prucino, Assistant County Attorney
Destiny Romero, Clerk's Office
Matt Hernandez, IT
Paul Kavanaugh, Building & Development Supervisor
John Lovato, Case Manager
Gabriel Bustos, Case Manager

2. **Approval of Agenda**

There were no changes to the agenda and Member Katz moved to approve and Member Pierard seconded. The agenda was unanimously approved.

SFC CLERK RECORDED 06/08/2022

3. Approval of Minutes: February 17, 2022

Member Katz moved to approve the minutes and Member J.J. Gonzales seconded. The motion passed by unanimous voice vote.

[Proceedings were temporarily stalled while the Applicant connected with WebEx.]

4. New Business

- A. Case #21-5200, First Serve Academy and Tennis Center, Applicant, Riskin Associates Architecture (Marci Riskin), Agent, request a variance of Section 7.7.4.1.1 to allow Tennis Court fencing to exceed 8' (allow 10') at a proposed commercial tennis complex that will serve the children and youth of Santa Fe. The 8.9-acre property is zoned as Public/Institutional (P/I). The site is located at 3233 Rodeo Rd, Within Township 16 North, Range 9 East, Section 4. SDA-2 (Commission District 5).**

GABRIEL BUSTOS (Case Manager): On December 15, 2021, the Applicant submitted a variance request to allow sections of tennis court fencing to be 10 feet in height for a proposed commercial tennis complex. Per Chapter 7, Section 7.7.4.1 of the SLDC states the maximum height of walls or fences shall not exceed eight feet. Therefore, the Applicant requests a variance to allow a fence to exceed code requirements by two feet and allow a 10 foot-high fence.

The subject property is 8.9 acres and is situated off Rodeo Road adjacent to commercial properties located within Santa Fe City limits. The Applicant has submitted an application to Santa Fe County for an Administrative Site Development Plan for a classroom and sports facility complex. The First Serve complex includes an 8,626 square foot administrative building consisting of classroom, office space, six outdoor tennis courts and four outdoor pickleball courts. There will also be a 56,628 square foot building which will house six indoor tennis courts. The proposed 10-foot high fencing will be located on the rear and rear sides of the outdoor tennis and pickleball courts at the west end of the property. Each section of 10-foot fencing is roughly 120 feet in length with one large section that is 165 feet in length.

On February 10, 2022, this request was presented to the Sustainable Land Development Hearing Officer. There was no one from the public who spoke in regards to the case. The Hearing Officer memorialized findings of fact and conclusions of law in a written order on this request. The Hearing Officer, based on the evidence presented, recommended approval of the variance request.

The Applicant has addressed the variance criteria and staff has responded. Staff recommendation: the request for a 10-foot fence does not meet the requirements of the SLDC; however, the Applicant is not requesting the variance for visual aesthetics but rather for practical purposes. Staff believes fencing 10-feet in height will be beneficial in preventing tennis balls from being hit out of the tennis courts and onto surrounding properties and roads.

If the Planning Commission finds the variance criteria has been met and recommends approval of the variance staff recommends the following condition be imposed. Mr. Chair, may I enter the following conditions into the record?

CHAIR GONZALES: Yes, you may.

SFC CLERK RECORDED 06/08/2022

Condition:

1. The fencing height shall not exceed 10 feet in height.

MR. BUSTOS: Thank you. I now stand for any questions.

CHAIR GONZALES: Okay. Does the Commission have any questions? Frank.

MEMBER KATZ: Where is it? Can you show us a graphic that shows where it is in relations to the rodeo grounds and such?

MR. BUSTOS: Thank you, Ms. Lucero. I was going to try and share my screen.

MS. LUCERO: I can share that document. Can everyone see the aerial on the screen?

CHAIR GONZALES: Yes, thank you.

MS. LUCERO: This is the property that we're speaking of, that we're dealing with here today – 3233 Rodeo Road. It's the top square highlighted in blue. I believe Gabe can probably walk us through it but I believe the 3221 to the east is the Genoveva Chavez Center.

MEMBER KATZ: Thank you. So it's just that one square, 3233, not the ones that abuts Rodeo Road.

MS. LUCERO: I believe that's correct. Gabe, you can correct me if I'm wrong.

MR. BUSTOS: Commissioner Katz, that is correct. The property to the south of the subject property is the Santa Fe County Fairgrounds Building and that's the parcel that abuts Rodeo Road.

MEMBER J.J. GONZALES: Mr. Chair.

CHAIR GONZALES: J.J.

MEMBER J.J. GONZALES: I've got a question. So this property is within the City limits: how is it that Santa Fe County has jurisdiction on this property for zoning? I just wonder.

MS. LUCERO: Mr. Chair, Commission member Gonzales, it's actually within County jurisdiction but it is surrounded by the City limits. So these two properties do fall within the County's jurisdiction – the two highlighted on the map.

MEMBER J.J. GONZALES: I thought at one time that the City acquired jurisdiction over everything within 588, I-25, for their purposes; how does this stay out of the City jurisdiction?

MS. LUCERO: Mr. Chair, Commission member Gonzales, I believe because it was owned by Santa Fe County so it stayed as a couple of small pockets within the City limits that was still under the County's jurisdiction.

MEMBER J.J. GONZALES: Will the City have to come and approve anything that we approve today or disapprove or this is the final agency? Is this the final on this project on this variance?

MR. BUSTOS: Commissioner Gonzales, the case that is being presented is strictly just for the tennis court fencing height. The Applicants have submitted for an Administrative Site Development Plan which is currently being reviewed. But as far as what's being presented tonight, it is strictly regarding the height of the fencing.

MEMBER J.J. GONZALES: I understand that, yes. That's good. Thank you.

CHAIR GONZALES: Thank you, J.J. Anybody else, any other Commissioners have a question of staff?

MEMBER PIERARD: Yes, I had a question. Is the only condition from staff that the fence be no higher than 10 feet?

MR. BUSTOS: Yes, Commissioner Pierard, that was the only condition that staff had.

MEMBER PIERARD: Thank you.

CHAIR GONZALES: Gabriel, I think from what you stated earlier, the tennis courts have not been constructed yet. They are proposed; correct?

MR. BUSTOS: Mr. Chair, that is correct.

CHAIR GONZALES: Thank you. Okay, any other questions from the Commission of staff? Is the applicant ready to make her presentation?

MARCI RISKIN: Yes, yes, I'm still here.

[Duly sworn, Marci Riskin, testified as follows]

MS. RISKIN: Business address, 227 East Palace Avenue, Suite C, Santa Fe, 87501.

I'm not sure that I have anything to add as far as the presentation. Everything that Gabe said was correct. It is a piece of County property that is sitting completely surrounded except for that other piece, I believe, that you saw that is adjacent to Rodeo Road, I think is also a piece of County property. But we're kind of an island surrounded by City property. There are some things that we do need to go through the City for which are things like access and we're going to be accessing off Richard's. And, also, City water and sewer. But otherwise it is a County property and we're going through the permitting process through the County. And if you have any other questions feel free to ask.

CHAIR GONZALES: Does anyone have questions of the Applicant?

MEMBER J.J. GONZALES: I do, Mr. Chair.

CHAIR GONZALES: J.J.

MEMBER J.J. GONZALES: I was wondering, are you leasing the property from the County or are you buying it from the County?

MS. RISKIN: It has already been purchased. So it's under County jurisdiction but it is no longer owned by the County. It was actually purchased from someone else. I'm not sure when the County owned it or if they owned it. But it was purchased by a private party from another private party.

MEMBER J.J. GONZALES: That's kind of confusing. I thought it was County property but that's okay.

MS. RISKIN: I think it used to be County property. It is in County jurisdiction.

MEMBER J.J. GONZALES: All right. Thank you.

CHAIR GONZALES: Thank you. Does anybody else have any questions?

MEMBER SERNA: Mr. Chair, I have a question.

CHAIR GONZALES: Commissioner, please do.

MEMBER SERNA: This is Commissioner Serna. Once again going back to the ownership issue, when did the change of ownership take place?

MS. RISKIN: I do have some ownership documents that we did submit. Gabe, do you have that in front of you? I can look for them as well. We have the warranty deed. I believe it was in 2020 that the current owner purchased the property, my client.

MEMBER SERNA: Thank you.

CHAIR GONZALES: Anybody else? I have a question for staff. This is probably not a perfect comparison but I remember when we had issues when I was with the County and we were dealing with the Country Club golf course on the fencing over there. Did that come for a variance or was that grandfathered in?

MS. LUCERO: Mr. Chair, I think I do recall them coming in for a variance on the height of the netting surrounding the country club at the time. Because it was a private entity and at that time it was under the County's jurisdiction.

CHAIR GONZALES: Okay, thank you. This is a public hearing. Does anybody have any questions or comments for or against this project? Anybody? With no one coming forward I will ask the Commission if we have any comments, discussion or motion?

MEMBER KATZ: Mr. Chairman, I'll make a motion.

CHAIR GONZALES: Mr. Katz, please do.

MEMBER KATZ: Yes, in this case I would move to approve the Application and find that all the criteria for the exception have been met and I would ask that it be approved with the condition recommended by staff.

MEMBER LOPEZ: I second the motion.

CHAIR GONZALES: Okay, can we have a roll call vote.

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

CHAIR GONZALES: Thank you all.

MS. RISKIN: Thank you.

5. Petitions from the Floor

None were presented.

6. Communications from the Commission Members

CHAIR GONZALES: I want to bring something up. Vicki, last summer we had a variance come up for a cell tower in Las Campanas. I know that when they came before us they were quite urgent and it was an emergency and I'm just curious, I do a lot of work out there and I haven't seen anything start yet. So I'm just curious have they received permits or submitted for permits? I'm just curious and if you don't have any updated information now you can give it to us at the next meeting that would be fine.

MS. LUCERO: Mr. Chair, I don't believe that we've issued permits on that. I know Gabriel was the case manager but he may have received something recently that I haven't been made aware of.

CHAIR GONZALES: Gabriel, please.

MR. BUSTOS: Mr. Chair, as you know that case did come before you some time ago and they did get their approval. But I do not believe they ever submitted for the actual construction permit. I know they were pretty eager to get the approvals but I think it was going to take some time to send the project out to bid and get a contractor onboard. But as far as the construction permit being issued, we have not issued that yet.

CHAIR GONZALES: Thank you. And I guess as with all the other variance, Vicki, the variance go with the land, correct? And there is no sunset, am I correct?

MS. LUCERO: Mr. Chair, under the SLDC there is an expiration of two years from the date the variance was granted so they would have to begin construction within that time frame.

CHAIR GONZALES: Thank you for the information. We need to make sure that we track that.

7. Communications from the Attorney

None were presented.

8. Matters from Land Use Staff

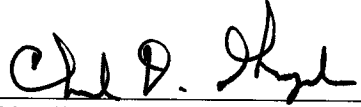
None were presented.

9. Next Planning Commission Meeting: April 21, 2022

10. Adjournment

Having completed the agenda and with no further business to come before the Commission, Member Katz moved to adjourn and Member Serna seconded. Chair Gonzales declared this meeting adjourned at approximately 4:30 p.m.

Approved by:

 6-7-22
Charlie Gonzales, Chair
Planning Commission

ATTEST TO:


KATHARINE CLARK
SANTA FE COUNTY CLERK

Respectfully submitted by:

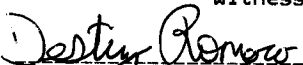

Karen Farrell, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PLANNING COMMISSION MI
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I Hereby Certify That This Instrument Was Filed for
Record On The 8TH Day Of June, 2022 at 01:35:59 PM
And Was Duly Recorded as Instrument # **1990516**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy  County Clerk, Santa Fe, NM

