

SUMMARY INDEX
PLANNING COMMISSION

July 7, 2016

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PLANNING COMMISSION
Thursday, July 7, 2016 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Vince Kadlubek on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present

Commissioner Vince Kadlubek, Chair
Commissioner Brian Patrick Gutierrez, Vice-Chair
Commissioner John B. Hiatt, Secretary
Commissioner Justin Greene
Commissioner Stephen Hochberg
Commissioner Mark Hogan
Commissioner Piper Kapin
Commissioner Sarah Cottrell Propst

Members Absent

Commissioner Roman Abeyta [excused]

OTHERS PRESENT:

Ms. Lisa Martínez, Land Use Department Director
Mr. Greg Smith, Current Planning Division Director and Staff Liaison
Mr. Noah Berke, Current Planning Division, Senior Planner
Mr. Zach Shandler, Assistant City Attorney
Mr. Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Planning and Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

Ms. Martínez received a request to move the Presbyterian Hospital signage case to the end of the agenda.

Chair Kadlubek said there are two items left with 1, 4 and 5 having been postponed. So that would mean switching items 2 and 3.

Commissioner Propst moved to approve the agenda as amended with item 3 heard before item 2 and items 1, 4, and 5 postponed. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS OF FACT

1. MINUTES: June 2, 2016

Commissioner Hiatt had some typos to correct as follows:

Page 3, in the motion, where “findings” should be “Findings.”

Page 4, 2nd paragraph from the bottom where “Sonya Abbot” should be “Somie Ahmed.”

Page 18, 4th paragraph from the bottom where “was” should be “were.”

Page 22, 2nd paragraph, where “Ranch” should be “Rancho.”

Page 28, 2nd paragraph, where “Commissioner” should be “Commissioner Greene.”

Commissioner Propst asked for a correction on page 5, toward the bottom where it should say, “Commissioner Propst, for the record, for the attorneys when they build a record from the Staff memo, it does appear that all the criteria have been met and the Commission heard that through the testimony.”

Commissioner Hiatt moved to approve the minutes of June 2, 2016 as amended. Commissioner Hochberg seconded the motion and it passed by unanimous voice vote.

2. FINDINGS OF FACT & CONCLUSIONS OF LAW

a. Case #2016-49. Las Soleras Minor Amendment to Road Phasing Plan.

Commissioner Hochberg moved to adopt the Findings of Fact and Conclusions of Law for Case #2016-49 as presented. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.

b. Case #2016-50. Presbyterian Health Services Hospital Development Plan and Terrain Management Variance.

Commissioner Hochberg said he would abstain since he recused himself from this consideration.

Commissioner Hiatt moved to adopt the Findings of Fact and Conclusions of Law for Case #2016-50 as presented. Commissioner Hogan seconded the motion and it passed by unanimous voice vote except Commissioner Hochberg who abstained.

c. Case #2016-46. 102 Montoya Circle Escarpment Variance.

Commissioner Hiatt moved to adopt the Findings of Fact and Conclusions of Law for Case #2016-46 as presented. Commissioner Hogan seconded the motion and it passed by unanimous voice vote.

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

1. An ordinance amending Subsection 14-6.2(H); creating a new Subsection 14-6.2(J) of the Land Use Development Code to establish urban agricultural activities and uses for commercial purposes; and making other such changes as necessary to carry out the purpose of this ordinance. (Mayor Gonzales and Councilor Ives) (John Alejandro)
 - a. An ordinance amending Subsection 14-6.2(H); creating a new Subsection 14-6.2(J) of the Land Use Development Code to establish urban agricultural activities and uses for commercial purposes; and making other such changes as necessary to carry out the purpose of this ordinance. (Mayor Gonzales and Councilor Ives) (John Alejandro)

This matter was postponed under Approval of the Agenda.

3. **Case #2016-64. Las Soleras Minor Amendment to Master Plan – R-6 and R-12 Height and Side Yard Standards.** James W. Siebert & Associates, Inc., agent for Las Soleras Oeste, LTD., Las Soleras Center, and Pulte Homes of NM Inc., requests approval of a ~~minor~~ an amendment to the Las Soleras Master Plan to establish alternative height and setback standards for the R-6, R-12 and R-21 residentially zoned districts of Las Soleras. (Noah Berke, Case Manager) **(POSTPONED FROM JUNE 16, 2016)**

Staff Report

Mr. Berke presented the staff report for this case. For details concerning the staff report for this case, please refer to Exhibit 1, incorporated herewith to these minutes as Exhibit 1.

Mr. Berke handed out photos that were not reproduced adequately. [A copy of these photographs are attached to these minutes as Exhibit 2.]

Questions to Staff

There were no questions to Staff.

Applicant's presentation

Mr. Jim Siebert, 915 Mercer, was sworn

Mr. Kevin Patton was also sworn.

Mr. Siebert used a Power Point to show the Commission the variety of home styles for the streetscape. Ceiling heights are 9'; the joists for the roof or between floors for the two-story models have all the ducts and equipment. The styles include flat and pitched roofs and most of the buyers prefer a pitched roof. The standardized design reduces cost to buyer. Pulte is a tract builder so they take advantage of bulk buying of materials. [A copy of the presentation is attached to these minutes as Exhibit 2A.]

The proximity of homes to open space and trails is mostly within 300'. He showed the entire plan that shows 1A is age-targeted, 1B is traditional, and 1C is age-targeted. The open space connects to SWAN Park on the left. The typical lot is 50x120 with setbacks of 5' side, 15' in the rear and 20' street-facing. Heights are standard for R-6 and R-12 for these setbacks. Houses above 14' require a 24' set back or the other option under R-12 is to modify if approved by the Planning Commission.

Mr. Siebert listed the age-targeted homes, all of which are one-story. He did not show all of the models because some are only slight modifications. He briefly described each as he showed them. Then he showed the traditional models and the streetscape of mixed one and two story homes. He compared it with

a layout of Villa Sonata and Nava Adé and pointed out that the Commission granted a variance for 5' side setbacks for two-story residences. The modification would have no adverse impacts. [A copy of the designs is attached to these minutes as Exhibit 2B.]

Lastly, Mr. Siebert said they agree with all staff conditions.

Public Hearing

There were no speakers from the public regarding this case.

Questions to Applicant

Commissioner Hochberg noted that in one slide it indicated that **most** dwellings were no further than 300'. But in the Staff Report, it says **all**.

Mr. Siebert replied that there are about 5-10 further than 300' out of 390 homes.

Commissioner Hiatt referred to Exhibit C, page 1, from the ENN where it says they are 200' from open spaces.

Mr. Siebert said it is 300' and that was just a mistake on the report.

Commissioner Hochberg asked why the Staff had understood that all were within 300'.

Mr. Berke said it was a Staff oversight. He agreed with the applicant.

Commissioner Hochberg asked, if the variances are approved, when construction would begin.

Mr. Patton said Pulte is ready to start and anticipating starting grading as soon as the Council approves the variance - the very next day.

Commissioner Hochberg asked if the Master Plan and Development Plan are in place.

Mr. Patton agreed.

Commissioner Hochberg asked Staff if that is finalized.

Mr. Berke said there is the Las Soleras Master Plan and development plans and then the individual development plans associated with those lots. So there are two parties involved. Mr. Siebert represents multiple parties.

Commissioner Hochberg asked if all parties have signed off on it.

Ms. Martínez clarified that at this point, the normal steps would be first to record the Master Plan and then when approved, record the development plan. We have not yet recorded the Master Plan because there are three outstanding conditions of approval to be met. They pertain to dedication of land for the regional park; dedication for the school site; and dedication for the fire station.

Commissioner Hochberg asked Mr. Siebert if this application is premature then.

Mr. Siebert didn't think so. He would disagree with two of the conditions. The fire station was never part of any condition imposed on any Master Plan or any development plan in Las Soleras. There is also no condition that requires a specific design or a specific time schedule for improvement at the regional park. It will happen but in most cases, park improvements are not done before people live there to support them.

Regarding the school dedication, there has been a delay. Las Soleras had to enter into agreement with Santa Fe Public Schools (SFPS) and that agreement has gone back and forth for several months now. Las Soleras has submitted the signed agreement to the Schools and they were trying to get it on the agenda hoping for the school board to approve it tomorrow but couldn't get it on their agenda. So it goes to them on August 4.

Commissioner Hochberg asked if the applicant will deal first with the school dedication before any construction begins.

Mr. Siebert agreed. He couldn't recall when it would go to Council.

Mr. Shandler said they talked about the first meeting in August.

Commissioner Hochberg asked if he agreed the park is part of this Master Plan.

Mr. Siebert agreed and asked for a moment to look at his notes. He handed the Stenographer page 23 from the June 18 Planning Commission meeting.

Mr. Smith said Council will eventually consider the request to modify the height limits. In the meantime, if the plat is recorded, the City could issue construction permits immediately for the units that meet the code, even before the Council votes to approve the amendment. But that would not include those that don't meet the standards. And the plat won't be recorded until after the Council votes.

Commissioner Hochberg clarified that he just didn't want these things to slip between the cracks. So they can start grading right after variance is granted but there are major things to be resolved first. We want the housing and want Pulte to proceed but we need the park and the school at least. He didn't know about the fire station.

Mr. Patton said there is a distinction between Pulte Homes and Las Soleras, who is the master developer. Pulte is purchasing a portion in the Las Soleras Master Plan zoned for residential and Pulte has

not requested rezoning. If Pulte had a plat today, they could start building models and homes and would love to start building in July. The commitments the master developer was also made to Pulte. The Regional Park is for the entire Master Plan. The school and roads are responsibilities of the master developer and none of those three conditions impact this development.

Commissioner Hochberg thought that had blinders on. There is a scope and Pulte must work under the Master Plan. The school and park are very important and the fire station would be an important selling point. So the Commission cannot give approval until those things are settled. And if they don't, Pulte has a case against them. He asked if Mr. Siebert had suggestions for the Commission to make it go forward.

Mr. Siebert said the hang-up is the school board. Both the SFPS Counsel and SFPS representative are willing to write a letter to the City stating that the agreement has been finalized except for school board review. He asked if such a letter would satisfy the agreement with SFPS.

Ms. Martínez asked if the fact that Superintendent Boyd is leaving would cause any potential hang-up.

Mr. Siebert said the Superintendent is only part of the process. Their Counsel is the one who says it satisfies their commitment. Dr. Boyd has never been a part of the process.

Chair Kadlubek wanted to stay focused on this, rather than talking about school and park and fire station.

Commissioner Hogan thought it might be helpful to clarify if we are talking about designation of land for those purposes. He asked if those properties had been identified and were not part of any of the Pulte development.

Mr. Siebert said that is correct.

Commissioner Hogan reasoned that Commission approval of this doesn't take away from those conditions.

Mr. Berke explained that Las Soleras is part of the annexation agreement that requires park space dedication. The 10 acres for school dedication location has not been identified. If this contract goes away, the Schools will walk away from it. And the last piece is the Fire Station which doesn't affect any of Pulte area. How the park plays into this development is that it is just more open space. Pulte's justification is that there is more open space for the reduced setbacks (from 10' to 5') with the regional park there.

Regarding the amendments from last year, rezoning amendments and down zoning are part of the Master Plan approved by Council. It is not yet recorded because those conditions have not been met. The park design or financial guarantee have not been met yet. Staff is working with Pulte and the City Attorney to record Estancias 1 A and 1 B. We have identified the park space location but there is not yet any dedication or an approved plan for the park development. Pulte agreed to provide a soccer field and a tot lot as a portion of the park which is just one component of the regional park.

Chair Kadlubek asked Mr. Siebert if he is representing both Pulte and Las Soleras.

Mr. Siebert agreed.

Chair Kadlubek asked where we are with the park dedication,

Mr. Siebert said he handed out the Planning Commission minutes from June 18, 2015. Mr. Thompson, Parks Director, said they would wait until the Parks Master Plan was completed in order to have a better idea how this park fit into the development of all parks in Santa Fe. This reflects that decision. There is a perception that there needs to be a design for the park but Mr. Thompson said he was not ready for that.

There was an issue by one City Councilor asking for proof that the park can even be developed - that 80% of it can be developed for park land. He submitted a plan that accomplished that to the City and even Councilor Dominguez looked at it. Topographically, it shows that 80% of this land is developable. So he thought this is premature and the Parks Director also thought it is premature.

Chair Kadlubek asked if the application could be approved if she knew the dedication was going to having a public park and wait on the design until after the Parks Department comes up with a Parks Master Plan.

Ms. Martínez said the dedication would absolutely be necessary and the code speaks to the development of a plan related to that park.

Mr. Smith said Section 14-8.14 requires the dedication and improvement of a park. The Staff, including Legal Staff, has reviewed that with Pulte and the Las Soleras partners how to implement that code provision. Staff is working with them to resolve that issue so that letter and intent of the law is complied with and so that the contractual obligations of annexation agreement are met.

Ms. Martínez said they have been in discussions as of late this afternoon about the matter and a week ago, discussed the idea of charettes about what the regional park could be. And maybe not just the park but the soccer field and a tot lot. She got a commitment from Mr. Skaarsgard and from Pulte this afternoon to have a design charrette in the first week of August. Hopefully, they will come up with a plan that would then have to be presented to Council for approval.

Chair Kadlubek surmised that a lot of things are going on in early August. Hopefully, that School Board meeting in early August will solve the school site issue. He asked if the commitment to that design meeting would satisfy the issue. They are removing open space because of access to a park will provide it. But the City says the park isn't as secured as the City would like. The City wants a dedication and some design. Even if the Commission approves this tonight, it won't go to the Governing Body until August.

So the design meeting will happen prior to the Council meeting.

He asked what other condition of approval or agreement could happen at this meeting that would solve the park issue and at least look at the setback issue and say it is justified.

Mr. Berke suggested that:

1. Pulte agrees to coordinate all of the stakeholders - Las Soleras, the City, the project development, Las Soleras LLC. Contract purchases and neighborhoods - to arrive at an acceptable design and implementation schedule as well as financing of the regional park, including but not limited to contributions or a financial guarantee up front.
2. Prior to issuance to the first building permit in the Pulte Subdivision, Pulte will post a financial guarantee in a form acceptable to the City in the amount of \$323,400. That would compensate for 294 lots in the Pulte Subdivision at ±\$1,100 park impact fees per lot. Some portion would be earmarked for a portion of the cost of the development of the regional park and shall be in lieu of park impact fees collected at the time of building permit.
3. Lastly, if consistent with the regional park, the plan is approved by the City, in lieu of this payment, Pulte will agree to construct a soccer field and tot lot at the regional park location. They already committed to do that.

He recommended imposition of those first two conditions and said the Commission could impose those conditions of approval, moving this forward.

Chair Kadlubek asked if Staff could provide written copies to the Commission. [A copy is attached to these minutes as Exhibit 3.]

Mr. Smith agreed and went to make copies.

Mr. Shandler said he has looked at them and pointed out that they were written by Pulte's lawyer.

Commissioner Hiatt asked Mr. Siebert if that means he agrees with those two conditions.

Mr. Siebert said this is the first time he has heard of those and wasn't sure if there were two conditions.

Commissioner Hiatt summarized them. He asked, if their attorney drafted it, why he wasn't agreeing with it.

Mr. Patton said this resulted from last week's discussion. Pulte has been working with the City. That actually came from Pulte's counsel. To show Pulte's depth of commitment, even though this is the responsibility of the Master Developer, Pulte is willing to post a financial guarantee as Mr. Berke indicated, for Pulte's portion of that park. We also, got an email from Skaarsgard, asked for a meeting or charette to discuss the design. They will follow through too. Pulte is doing everything possible to leverage their relations with the Master Builder. It benefits Pulte's home buyers too.

Chair Kadlubek recalled that the park was a significant piece of that discussion. We also wanted to say specifically what that park should be. He agreed to allowing some time to decide what the park would look like and in accord with City's park plan. If we know the land is dedicated and financial guarantee is there. That would be enough on the setback side. He hoped that would not hold up the development of the homes.

Ms. Martínez agreed the financial guarantee agreement is a huge step forward. While she also appreciated the commitment to work on the design charette and move forward in the development, she wanted to make sure that it is not the end of the process. The Council gave them 30 days to produce what the park was to look like. The developer did submit one plan but it was for an urban farm, not a regional park. Since then, there has been no follow-up information produced. So there is nothing else to look at or consider. The discussions are progressing again.

Commissioner Hiatt asked Mr. Patton why they could not just dedicate.

Mr. Patton explained that Pulte doesn't own that land, so Pulte does not have a way to dedicate it.

Commissioner Propst said she was uncomfortable because the approval of this is predicated on access to open space and the park is part of that open space. So it is in the scope of what the Commission should be talking about here. That is one matter and the other is that the Commission has not really heard why - since this is a Master Planned community and Pulte knows how big their models are so she asked why this plan wasn't corrected with the right kind of setbacks to begin with.

Mr. Patton said, "To be honest, when we came to Staff, we said, when we first came in, the homes that we have built in Santa Fe in the two that are listed here, Villa Sonata, Cuesta del Sol, all had a variance so the homes we built there already had the opportunity to build as we are building now. In all honesty, it is a mistake on my team's part. We thought this already had that same ability to build it. So when we came in and we presented to you in the last floor design, we didn't think there was an issue with what we call the wedding cake. And so when it came to our attention that it was, I was not really happy with my thinking and when we came before the city and gave our apologies; it is a mistake on our part. We didn't know that. Coming in, we didn't know so it sounded like we came in and said, okay, we are going to do a change and we already thought that what we had been proposing from day one could be built. And when we found out it didn't, we are before you today, asking for this variance. I would say that it is no different - the variance, even though ... or we are asking for an amendment to the Master Plan, I should say... it fits in to Nava Adé. Nava Adé is your field some of these fertiles if you drive out there, how the same concept that we are asking for tonight.

Everyone in Villa Sonata asked the same thing. So the general area of where the homes are being built, it is trying to reflect the same type of setbacks and some of the height requirements. So I do want to make one clarification on the point. We do include the park in our open space. But I would share with you that in the rea that we are developing, the hundred acres, let's just say - that's outside the park; that's next to Railrunner, Beckner, Nava Adé - that area that what we are speaking about more in general, is that we

could have made at the time, if we were thinking and knew that we needed this, we could have made our lots wider to keep that setback.

We still would have had to come before you for the maximum height allowance for our two-stories. But the error of the setback that we are requesting - if we would have made our lots wider, it would reduce the open space that surrounds the terrain so we would have had less buffer - less open space that more people could enjoy. Yes, we would have had the open space between the homes. But only the homes could enjoy that - the people that own that. And so you would have less private open space. We've provided more private open space than we are required to do. And we thought that was a good thing because then everyone gets to enjoy that. We have created buffers from Nava Adé and the others."

Commissioner Kapin said when Pulte came to the Commission for down zoning, their analysis of what the Commission needed was less density, less intensity and now Pulte is increasing the intensity of those lots. She didn't understand the statement he just made that they would eat into the open space if they made the lots bigger. She was surprised to see this. Being five feet away from one's neighbor, the houses don't have windows on the sides. It is dark. It kind of contradicts what Pulte came and told the Commission at the last meeting when they came and asked to be down-zoned for so much space.

Mr. Patton said if members visited the communities in Albuquerque that they referenced, that exact same model that was shared there are these same models. That has not changed from day one. So that is what they thought they could do from day one. They are transferring intensity from right or left. It would push out from the interior of the subdivision so there would be less private open space on the outskirts. It would be the same number of lots.

Commissioner Kapin reasoned that Pulte may have to have fewer lots.

Mr. Patton said there is a certain number of lots that Pulte has to have to make it work.

Commissioner Greene reminded him that when they started it Pulte had the opportunity to make it twice as dense - in fact, four times as dense. They are essentially at R-2 now. This was originally R-12 and down zoned to R-6 and made it a quarter of their potential density. They had the opportunity to do more lots and do it with the current zoning.

Mr. Patton agreed they could have done that if they decided to have narrow lots like in Villa Sonata.

Chair Kadlubek asked if the reason for the design proposed is that Pulte thinks it is more attractive and will sell better - with the pitch to the street and not to the side.

Mr. Patton said it is an option we would like to make available to the buyer so it doesn't all look the same. Most consumers who are older, want less space to maintain. The rear lots are deeper but sides and front is less. They are not trying to deceive anybody. The age-targeted area is in the Pulte tradition. A narrower lot would change the population Pulte wants to service.

Chair Kadlubek went back to the three conditions of approval, that were now copied, and they would just look at a and b and not worry about condition c.
[See Exhibit 3.]

Mr. Berke agreed. If the Commission chooses to recommend with the conditions of approval to clarify that it is Pulte and the Developer who post the financial guarantee for the development of the park. This is 100% of the residential component of this subdivision and parks are linked to residential subdivisions.

Chair Kadlubek asked Mr. Siebert how he felt about the first two conditions (a and b).

Mr. Siebert said Las Soleras has already begun that process on condition a.

Mr. Smith made one correction. "Las Campanas" should read "Las Soleras."

Chair Kadlubek agreed and thought the Commission would probably have lots of changes here.

Mr. Siebert clarified that in condition b, the \$1,100 would come from the impact fee for the lot. The commitment Staff is requesting is that the impact fee that normally would be paid at time of building permit, those fees would be paid in advance. So he asked if, every time they come in for a building permit, they would be charged again for the park impact fee.

Mr. Berke thought they needed to go into more depth on this. This was submitted about three hours ago from their attorney. The assumption is that at building permit, the park fee would be waived.

Chair Kadlubek agreed. That would make sense.

Ms. Martínez explained that when impact fees are collected, they go into a fund and a city committee decides how that money will be used. But to earmark them, might need to go to the Governing Body for approval. She didn't want the Commission to make a decision on something it has no authority for.

Commissioner Hiatt said he sits on that committee and Ms. Martínez is right. That committee makes recommendations to Council on how it is spent. But if there is an agreement of minds here, then the language can be changed to accomplish this obligation. But he was hesitant to use impact fees in that context.

Chair Kadlubek suggested they change the language so it is strictly a financial guarantee in that amount of \$323,400 and have some language that for every \$1,100 of impact fee that is collected would come out of that financial guarantee.

Mr. Shandler clarified that if this was a standard development, they would pay their park impact fees. But under the City Code, when it is part of a Master Plan they (Pulte) don't have to pay any park impact fees. They will post a financial guarantee. And we should figure out what they would have to pay without this for a park impact fee.

Chair Kadlubek reasoned they are just using this equation then, to get a number that makes sense for the park costs.

Commissioner Hochberg said that means the impact fees language shouldn't even be there.

Chair Kadlubek agreed. So they will rework the language. The calculation of 294 lots times \$1,100 should be deleted and not have the number of lots and amount for each.

Ms. Martínez said it is critical to keep "a portion of the cost of development" because we don't want to make the assumption that this amount is going to cover the cost of the whole park. No one knows what that cost will be.

Chair Kadlubek said all that is being asked for is a financial guarantee in a form acceptable to the City which is \$323,400 for the park as a condition of approval here.

Mr. Berke said they usually get a park design and an engineer's estimate and ask for a guarantee for that part. He was not sure this would cover the development of a 28-acre park in total. The amount for the financial guarantee would probably cover the park portion. And there are others coming forward for Las Soleras later on so this is important to remember.

Chair Kadlubek assumed that they cannot earmark impact fees but we can earmark this guarantee of \$323,400 which is for a portion of the park. It is not an impact fee. He asked if that would suffice.

Mr. Berke agreed that is a portion of the cost.

Commissioner Kapin pointed out that we don't know this is a proper portion.

Chair Kadlubek agreed but the Commission just wants to make sure a park is developed.

Commissioner Kapin asked if it would have to wait until August then.

Chair Kadlubek said we have to wait until August anyway. There is agreement so why do we want to get in the middle of it. This number is just a suggestion to get past this problem.

Commissioner Hochberg considered it a reasonable amount, given in good faith. The Commission is supposed to give Council a recommendation that will work. He asked why there was such a flurry of activity in the last few days. The Commission has to leave the imperative and get the party that is going to do it in here. Often the Commission deals with small things like bike trails but these are big things here. The Park and school and Fire Station didn't just emerge yesterday. Everyone understood those conditions when the Master Plan was approved.

It is not enough for them to say they made a mistake. Pulte is a big company. They have a legal

department and should know what these things are. He also didn't know why Pulte needs these behemoth two-story houses here. But before we get to that, we need the park, the school and the fire house.

Chair Kadlubek reminded him that this site to be dedicated is not for a school but a field for a school that already exists. A lot of these things are adjustments from the last few months. With regard to the park. Our city's own Parks Department is saying to wait for the design. So he was just trying to tip toe forward. He was totally fine with moving this to the next meeting but wanted to ask a few other things here.

Mr. Berke clarified that in the minutes handed out, what Mr. Thompson said in the past. We are in a new fiscal year. There is an RFP out to get a master plan complex designed. The current Master Plan doesn't address the park as it was designed. The park and school and fire house were part of the 2008 annexation agreement and came to more specificity in 2015. This is not something that is new. It is important to implement these things as quality of life issues.

Chair Kadlubek agreed. We all agree with that. We were adamant about the park and the school in approving the Master Plan. A lot of the elements have been in the plan, thanks to the amendments in 2015. Monte del Sol was present during the Development Plan hearing and saw the developer try hard to appease Monte del Sol. He would hate to see Monte del Sol not agree to the land have that halt the process. So if Pulte and Las Soleras are working in good faith with the school, he asked if that would allow it to go forward.

Mr. Shandler pointed out that those are two different schools. Monte del Sol is a Charter High School with a sliver of land for a soccer field. SFPS thought they would have an elementary school out there but never agreed on a location. Mr. Siebert was talking about the public elementary school site.

Mr. Siebert agreed. As part of negotiations with SFPS, he recommended a site within the Pulte development and they rejected it. They offered an alternate site near the Interstate but the School Board rejected that one also.

Chair Kadlubek said if the Commission is going to hold up their development because of their negotiation failure with SFPS, it puts the developer in a bad position and SFPS can keep asking for more, knowing they are holding up the development.

Mr. Berke said the condition requires a dedication of 10 acres. Whether the SFPS builds a school is different.

Commissioner Hochberg agreed that postponement is likely but asked to finish the discussion of the conditions.

Commissioner Hiatt thanked Commissioner Hochberg for expressing some of his own feelings. He appreciated everything Mr. Patton has done to bring a quality product to the City and also Staff's work with Pulte. He said he lives close by and drives Governor Miles every day. He knew what was discussed and was disappointed that we can't live by these agreements. Pulte is a nationwide company and has models

that work everywhere else and now they are going down a rabbit hole. He was trying to embrace the pitched roofs. He didn't see the diversity here and has heard this discussion for 30 years. He was not sure that having homes that look alike is bad.

He was also concerned about how narrow that 5 feet setback is and what it does to the living environment. His neighborhood has a few more feet. He was not sure that he was going to support the variance in the long run but wanted to keep an open mind. If it is not improved, he hoped Pulte had enough other models. There is a need for pitched roofs in Santa Fé.

He told Mr. Siebert that he could now realize what a conflict of interest is. He represents both so he needs to be the mediator and needs to get with the staff to get it worked out. Pulte is put in a really bad spot with the Master Plan. They made a mistake. Those plans will only work if the City grants a variance.

Chair Kadlubek said they have a certain number of models that don't meet the variance. But he asked why hold them up with those that do meet the ordinance.

Mr. Smith said they cannot start building until the recording of the plat happens. The key issue does hinge on the Governing Body approval of the park issue.

Mr. Shandler summarized that in 2015, an amendment to Master Plan was approved but not yet recorded. And subsequent to that, there are lots that are not recorded. Once the plats are recorded, they can sell legal lots. The hold up with the Master Plan means they don't have legal lots of record yet.

Chair Kadlubek asked then, why this is in front of the Commission now.

Commissioner Hogan agreed with the testimony that has taken place. He didn't object to the 8 targeted units. Those exceptions are very reasonable. But he did have a problem with the two-story homes; not so much with the 5' setback on one-story buildings but with the 2-story buildings. He also had a problem with having a pitched roof on two-story models.

He asked if there is any regulation on how the two-story models get allocated around the development.

Mr. Patton said the buyer gets to choose (site and design). Pulte's rule is that it can't be the same design next to each other. 55% of the lots are age-targeted. 134 are in traditional lots. Half are choosing one-story and half are choosing two-story in Pulte developments. So less than one-third would be two-story homes. No more than three two-story homes could be next to each other. Pulte could put some controls in place and work something out.

Chair Kadlubek asked if that could be an additional condition of approval of the variances. That could be critical.

Mr. Berke said the applicant is agreeable to that condition. We will hear about variances in the next case. These are amendments.

Commissioner Kapin asked if he was suggesting no two stories next to each other.

Chair Kadlubek said he was suggesting no two models next to each other.

Mr. Patton said their preference would be not to have two-story homes next to each other. They would like no more than three but could live with two maximum and not the same model.

Commissioner Hochberg said the highest is 28'. He asked if Pulte has a lot at 28' feet.

Mr. Patton clarified that there is only one model that is 28' high. Their experience in every other development is that the height restriction is the mean level of the homes. Santa Fé measures to the very top of the home. If it was the mean, all homes would be in compliance.

Commissioner Hochberg asked if the other developments have 28' high homes.

Mr. Patton agreed and invited him to come see them. It is just a choice - not a row of 28' high homes.

Commissioner Hochberg pointed out that whatever the Commission approves for Pulte means others will point out that the Commission has already allowed it.

Mr. Patton said that was why they didn't ask for a variance but for an amendment because it fits with surrounding developments that all have the same setbacks from other homes. He invited Commissioners to drive around the area and see the surrounding developments.

Chair Kadlubek said having information on the surrounding heights and setbacks would help the Commission.

Mr. Shandler concurred. Asking Staff to do the investigation would be preferred.

Mr. Smith said the study session is on July 21 and the regular meeting on August 4. Commissioners have in the proposed color photographs in the packet. There is more to this case than just the Pulte subdivision. It is also large enough to do a setback design.

Chair Kadlubek suggested that just knowing what was approved in Nava Adé would help.

Mr. Smith didn't think there were any above 26' in Nava Adé.

Commissioner Propst asked which of the three conditions would likely be resolved if this is postponed to August 4th.

Mr. Berke said there has been a lot more movement with the City and Pulte in the last few weeks. The Fire Station should be separated. If the Commission wanted to set a deadline for the dedication, we could

accomplish a lot. Hypothetically, we could get the park wrapped up with a solidified design for the regional park.

Ms. Martínez said with a design charette the first week of August and SFPS Board meeting August 4th, we could have good information and at the second meeting in August, could get it done.

Commissioner Kapin suggested postponing this to August 18.

Commissioner Greene had an issue with 2-story homes in traditional lots when they are on corner lots at Las Brisas or the open space. He asked if the Commission could address requiring those either to be one-story or have façade fenestration. It is like the wedding cake design and needs- some clarification if that should be addressed in the design feature. It casts shadows; many are side lots that are entered from the side streets. Maybe they could preclude sheer two-story façades.

Secondly, he was concerned about fire egress between those houses and asked if this would require sprinklers or no added restrictions on them.

Mr. Berke said both National and local building codes are stringent with the ten-foot separation between structures. With the amendment, the designs would still meet the fire code and those within 500' of a fire hydrant, would not require sprinklers if the driveway is not 150' long. So probably none would need to be sprinklered.

Commissioner Greene observed there may be more stringent landscaping requirements like more street trees to mask the larger volumes.

Commissioner Gutierrez recalled when Mr. Siebert first came in and said he was wearing two hats, he said this would be a place where people could walk to school, walk to a park. The dedication delays have put a kink in that. With the amendment tonight, he could have gone either way. People know what they are getting into with the setbacks. They have the choice to buy in or stay out. Pulte tried to sell the Commission on more private open space within 300'. He would like to see how much is being taken away with 5' stepback vs. 10' setback. That would show the Commission who is going to benefit from it.

Lastly, Mr. Siebert said they were about to settle the deal with the School Board. He asked if the deal is money in lieu of dedication of what the deal is.

Mr. Siebert replied that the requirements in city code are that residential subdivisions have no required open space. Pulte has 22-25% of the total land area as open space.

Commissioner Gutierrez asked if they opened up the open space to increase the regional park.

Mr. Siebert said he didn't recall the exact commitment for park area off the top of his head. There are five acres between Monte del Sol and Nava Adé and more along the trails.

Commissioner Gutierrez clarified that he was talking about usable open space, either a trail or what the tradeoff is.

Mr. Siebert asked if he meant compared to the Las Soleras Master Plan.

Commissioner Gutierrez said Pulte gave up something for the park - whatever they agreed to give up or provide in open space. What open space is Pulte giving to the whole neighborhood? Mr. Siebert also said most homes would be within 300' of open space. He asked how many are not that close.

Mr. Siebert thought it was somewhere between five and ten lots.

Chair Kadlubek said regarding the park, that he needed staff confidence that the Commission is where it needs to be on approval of these amendments.

Commissioner Propst recapped that the Commission could expect to see the school board decision and on the park, maybe Staff could make another recommendation. She heard that the Commission is moving in the right direction that apparently, progress has just picked up in the last few weeks. Perhaps by that time, Las Soleras could be approved at the next meeting.

Commissioner Kapin requested that the Parks Director be here for that meeting too.

Chair Kadlubek asked if the applicant had any other questions.

Commissioner Hochberg said Mr. Siebert represents Las Soleras and asked if he had authority to bind or commit Las Soleras.

Mr. Siebert said he didn't.

Commissioner Hochberg reasoned that the Commission also needs someone here who does have the authority.

Mr. Berke asked, in order to keep his notes straight, if the Commission would like a fully developed park plan or just assurance that Staff is in conversation about it. This park affects the whole subdivision.

Commissioner Kapin asked for the park plan, if it is possible to have a plan here. She was in favor of having it as far along as it could be. "We need to see what we can expect from Las Soleras, Pulte and the City."

Chair Kadlubek pointed out that parks don't usually get designed before the houses are there. It seems backward to him.

Commissioner Greene noted that Pulte is building the amenities in their development in Albuquerque. In this one, they asked Mr. Skaarsgard to come up with the amenities. Pulte could take it off the table and

build it themselves if they wanted.

Commissioner Gutierrez added that this was addressed 9-10 months ago and they failed to do that.

Ms. Martínez said that was the Urban Farm.

Commissioner Propst asked Ms. Martínez what kind of benchmark the Commission could use.

Ms. Martínez said her goal would be to use design charettes that lay out the possible options that could be done in a regional park and could result with a plan. It is coming up with a formal plan and as soon as they can get that plan the project can go forward and make a decision on a financial guarantee. We need to have that and possible rough estimates by August 18 so we can have that path moving forward.

Chair Kadlubek said that sounds great.

Action of the Commission

Commissioner Hiatt moved to continue this case to the Planning Commission meeting on August 18, 2016. Commissioner Propst seconded the motion.

Chair Kadlubek thought the Commission got into a lot of areas that could help the recommendation. They could probably avoid a lot of long discussion to have the recommendation up front. The Commission is recommending approval if it conforms to the Las Soleras Master Plan. There is a lot of ambiguity that could be cleared up ahead of time. He realized it all came down to the last 5-6 days and a rush for a decision. Maybe the case is not ready to be discussed tonight.

Mr. Berke said ultimately, Staff wants the Commission to make the decision. The Commission asked very good questions tonight. If the findings are that it is consistent with the Las Soleras Master Plan, the Commission should approve it. But if not, the Commission probably wouldn't. He will work on it.

Chair Kadlubek said what he saw here are recommendations of approval but tonight we are told it does not meet the standards and recommend denial or don't bring the case forward. It was not clear tonight but at the end of the day we ironed out a lot.

Ms. Martínez respected everything the Commission said, especially the statement of ambiguity. A lot of big picture items were coming together in just the last couple of days.

Out of respect for Pulte, she felt this was an opportunity to have things heard. We were not trying to be vague.

The motion to continue this case at the August 18 meeting passed by unanimous roll call vote with Commissioners Hogan, Greene, Kapin, Gutierrez, Propst, Hiatt and Hochberg voting in favor

and none voting against.

The Commission took a short break at 8:37 p.m. and reconvened at 8:44 p.m.

2. **Case #2016-57. Variance Requests to Sign Standards for Presbyterian Hospital.** James W. Siebert & Associates, Inc., agent for Presbyterian Healthcare Services, requests approval of variances to the provisions of Section 14-8.10 SFCC 1987 'Signs', on Tract 8, a 39.03-acre parcel which is zoned HZ, Hospital Zone District. (Noah Berke, Case Manager) ~~Las Soleras Minor Amendment to Master Plan.~~ James W. Siebert & Associates, Inc., agent for Beckner Road Equities Inc., requests approval of a minor amendment to the Las Soleras Master Plan to add a Comprehensive Sign Plan which includes modifications to the provisions of Section 14-8.10 SFCC 1987 'Signs', on Lot 8, a 39.03-acre parcel which is zoned HZ, Hospital Zone District. **(POSTPONED FROM JUNE 2, 2016 AND JUNE 16, 2016)**

Commissioner Hochberg recused himself from consideration of this case and left the meeting.

Mr. Berke presented the staff report which was postponed from the June 16 meeting for minor modifications and in consultation with City Attorney for the best path. The details of his staff report are attached herewith to these minutes as Exhibit 4.]

Staff recommended approval of the variance requests.

Applicant's Presentation.

Mr. Siebert (previously sworn) used a Power Point for the Commission. He stated the purpose of the sign regulations and said why Presbyterian Hospital is in compliance with the purpose and intent. The purpose is for aesthetics, integrating signs with architecture, direction and wayfinding, and identification. Heather Flynt, with his firm, running the computer was introduced. [A copy of the presentation is attached to these minutes as Exhibit 5.]

The sizes were established long ago when Mr. Siebert was with the Planning Department and St. Vincent's Hospital was developed. They are a mirror of C-1 office district standards but not for an actual hospital.

Mr. Siebert went through each type of sign needed at the hospital and described their function and size, comparing them with the maximum sizes in the sign ordinance. Where they exceeded the regulations, he stated the variance requested. [A copy of the listing is attached to these minutes as Exhibit 6.]

Public Hearing

There were no speakers from the public regarding this case.

Questions to the Applicant.

Commissioner Kapin had no problem with the signage proposed except the big sign seen from I-25 which doesn't say "Hospital." She asked why that was not included.

Mr. Siebert deferred to Mr. Jim Jepsen.

Mr. Jepsen was sworn. He stated that it does say "medical center" on the sign.

Commissioner Kapin understood but that part is very small and she couldn't make that out. She asked how people would know if they couldn't read it.

Mr. Jepsen said they clearly want people to know this is a hospital.

Mr. Berke added that the blue hospital markers will also guide people to the hospital in addition to the larger sign. The blue H signs are at I-25.

Chair Kadlubek asked if the applicant accepts the conditions recommended by Staff.

Mr. Siebert said they do accept the recommendations.

Action of the Commission

Commissioner Hogan moved to approve Case #2016-57 - Variance Requests to Sign Standards for Presbyterian Hospital, subject to all staff proposed conditions. Commissioner Hiatt seconded the motion, identifying the specific criteria: from Section 14-3.16 (c) (1), special circumstances apply; Unusual physical characteristics exist that distinguish the land or structure, including the hospital structure, as unique and distinguishable from others; it requires unique wayfinding criteria for specialty urgent emergency services; there is unusual topography. Also, there are special circumstances, making it infeasible for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14. Intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14. The variance is the minimum variance that will make possible the reasonable use of the land or structure. The variance is consistent with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted. And the variance is not contrary to the public interest.

Commissioner Hogan accepted that as friendly and the motion passed by unanimous roll call vote with Commissioners Hogan, Greene, Kapin, Gutierrez, Propst and Hiatt voting in favor and

none voting against. Commissioner Hochberg had recused himself and was not present for the vote.

4. **Case #2016-42. The Pavilion Office Complex Development Plan and Final Subdivision Plat Time Extension and Amendment to the Phasing Plan.** Santa Fe Planning Group Inc., agent for Commercial Center at 599, requests development plan and final subdivision plat time extension and amendment to the phasing plan for 32 lots on 371.2± acres located west of NM 599, between Airport Road and I-25, and east of the Santa Fe Municipal Airport. The site is zoned BIP (Business Industrial Park) and C-2 (General Commercial). The time extension would extend approvals to 2031. The applicant is also requesting the phasing plan be increased from the original 4 phases of development to 7 phases to allow smaller increments of development to occur at one time. Scott Hoeft, agent for Commercial Center at NM 599. (Donna Wynant, Case Manager) **(POSTPONED FROM JUNE 2, 2016 AND JUNE 16, 2016) (TO BE POSTPONED TO AUGUST 4, 2016)**

This matter was postponed under Approval of Agenda.

5. **Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.** Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager) **(POSTPONED FROM JUNE 16, 2016. TO BE POSTPONED TO AUGUST 4, 2016.)**

This matter was postponed under Approval of the Agenda.

G. STAFF COMMUNICATIONS

Mr. Smith reminded them that the Commission has a meeting on August 4th and August 18th in addition to the study session on July 21st which discusses the West Santa Fé River Plan.

Chair Kadlubek asked if he referenced cases on August 4th.

Mr. Smith said yes and listed them.

Chair Kadlubek asked if they would have new cases for that meeting.

Ms. Martinez said the other two items are a presentation on the urban agriculture ordinance and Matt O'Reilly is prepared to present the St. Michael's Corridor Overlay Plan.

Chair Kadlubek asked if they would have public hearings on the ordinances.

Mr. Smith agreed. The ordinance requires a public hearing at the Planning Commission or HDRB.

Chair Kadlubek asked if that was required for resolutions.

Mr. Smith said any resolutions that affect the General Plan would be required for public hearings.

H. MATTERS FROM THE COMMISSION

Chair Kadlubek asked if the study session would have an opportunity for the public to speak.

Mr. Smith said that is at the Commission's discretion to accept or not accept public comment.

Commissioner Hiatt asked why they wouldn't accept public comment.

Chair Kadlubek said because the Commission might want to control the discussion itself, knowing that it will come before the Commission again. He said he was open to having public comment.

Mr. Smith agreed it will be required that the plan and ordinance have a public hearing at a future date.

Chair Kadlubek noted that he sent suggestions to Staff on the format of the study session and would take other suggestions. He asked if there is a certain cut-off date for those suggestions.

Ms. Martínez said the City has published an agenda and plans to have a sub-agenda for the items Chair Kadlubek listed as other discussion items. She offered to distribute that to the Commissioners.

Chair Kadlubek asked if he could forward that to everyone.

Ms. Martínez agreed and she would take care of that for him.

Commissioner Greene asked if there is an analysis put together on it. The Commission had asked about that before and he would like time to review the draft.

Ms. Martínez said there is an analysis on process and discussions out of it and recommendations for moving forward. Land Use is identifying potential conflicts with Chapter 14 so they will have that analysis and will provide it in advance of the meeting.

Commissioner Greene recalled in a previous meeting, he asked if the Commission could have a review on how the escarpment ordinance is enforced as a choice to preempt questions at the August meeting. Perhaps they could have Mr. Berke give some review of the current state of the escarpment ordinance, if that could be added to the agenda.

Mr. Berke asked if he would like it in writing or just as an oral presentation.

Commissioner Greene said there is a little bit of history and some investment in future plans of it and how the City should be enforcing it. But it is up to the Staff.

Mr. Berke said okay.

Chair Kadlubek suggested maybe limit it to ten minutes and limit questions from the Commission to 5 minutes. It will help the Commission for the August 4th meeting. He heard it at the Summary Committee and sounded pretty tight.

Commissioner Kapin asked if the Commission made a decision regarding public comment at the study session. She would support a time limit on each comment.

Commissioner Propst agreed.

Chair Kadlubek asked if it needs to be noticed for public comment.

Mr. Smith said there is no requirement to be specific on that.

Chair Kadlubek would like to have public comment. If for nothing else just because it is an important discussion and they are up against it with the plan for a lack of public input.

Commissioner Kapin asked if the session is scheduled for two hours.

Ms. Martínez said it could go into two hours. She pointed out that as this draft was worked on, there were 21 public comment meetings held.

Chair Kadlubek understood the public meeting at Frenchy's was not well publicized.

Commissioner Greene said the Commission does have some level of knowledge for what to focus on. There is housing and the other infrastructure matters will be presented by City staff. He asked if they need to have some advocates for areas that might be under-represented.

Chair Kadlubek said he had asked for John Romero from Traffic and Stan from water; Alexandra Ladd from Housing and Kate Noble from Economic Development to attend.

Ms. Martínez said Alexandra Ladd will have an alternate there for Affordable Housing.

Commissioner Hiatt asked if the La Cienega case could be at the end of the next regular meeting because he had to recuse himself.

Commissioner Propst felt public comment needed to be limited in some way.

Chair Kadlubek suggested letting people sit in for the presentation and then a little comment afterward. And comment could also be forwarded to the Commission.

Chair Kadlubek asked if they need to add elections to the August agenda.

Ms. Martínez agreed.

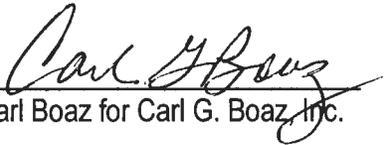
I. ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

Approved by:

Vince Kadlubek, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.