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**PLANNING COMMISSION**

March 3, 2016

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PLANNING COMMISSION  
Thursday, March 3, 2016 - 6:00pm  
Pojoaque/Nambé/Ohkay Rooms  
Santa Fe Community Convention Center  
201 West Marcy Street

**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 Pojoaque/Nambé/Ohkay Rooms at the Santa Fe Community Convention Center, 201 West Marcy Street.

**A. ROLL CALL**

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

**Members Present**

Commissioner Vince Kadlubek, Chair  
Commissioner Brian Patrick Gutierrez, Secretary  
Commissioner Roman Abeyta  
Commissioner John B. Hiatt  
Commissioner Stephen Hochberg  
Commissioner Mark Hogan  
Commissioner Piper Kapin  
Commissioner Sarah Cottrell Propst

**Members Absent**

Commissioner Justin Greene [excused]

**OTHERS PRESENT:**

Mr. Greg Smith, Current Planning Division Director and Staff Liaison  
Mr. Noah Berke, Current Planning Division, Senior Planner  
Ms. Katherine Mortimer, Current Planning Division Case Manager  
Ms. Donna Wynant, Current Planning Division, Case Manager  
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**

**Commissioner Hiatt moved to approve the agenda as published. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.**

## **D. APPROVAL OF MINUTES AND FINDINGS OF FACT**

### **1. MINUTES: February 4, 2016**

Commissioner Hiatt had three minor typos which he provided to the Stenographer.

**Commissioner Hiatt moved to approve the minutes of February 4, 2016 as amended.**

Commissioner Gutierrez asked for a correction on page 17, third sentence from the bottom, where it should say, "Mr. Romero said only in Española" rather than Commissioner Gutierrez.

**Commissioner Kapin seconded the motion and it passed by unanimous voice vote.**

### **2. Findings of Fact and Conclusions of Law**

- **Case #2015-124. Pacheco Courtyard Development Plan and Variance**

**Commissioner Kapin moved to approve the Findings of Fact and Conclusions of Law for Case #2015-124 - Pacheco Courtyard Development Plan and Variance, as presented. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote.**

## **E. OLD BUSINESS**

There was no Old Business.

## **F. NEW BUSINESS**

**1. Capital Improvement Plan Process and 2015-20 CIP. Presentation on changes to the CIP process and on the 2015-20 CIP. (Oscar Rodriguez, Finance Director)**

Mr. Rodriguez said he didn't have too much of a presentation. He said what the Commissioners have in front of them is the five-year Capital Improvement Plan (CIP) [attached as Exhibit 1]. It is a list of all the capital projects the city intends to do in the next five years. These are all projects for which there is funding. If the project does not appear in this list, there is no funding for it. With this planning document, the city ties together planning objectives and financial resources all in one, so that we can proceed in an orderly fashion. The City has never had this before. Up until now, capital projects were approved during the course of the year. It shows the source of the funding and when the projects will be started.

Mr. Rodriguez acknowledged it is a humble beginning because it was the first time the City tried to do this. Over time, this exercise will be done every year and they expect it to be better information and more accurately reflect the priorities that the community has for the City. Page 2 shows what the City expects to spend each year on capital projects for the next five years. This year, the total is about \$67 million and then drop significantly for the next year to \$27 million total. Then it starts going up there after. The large amount in 2016 – 2017 is because City intends to issue bonds to pay for some of these projects.

Page 3 shows how the projects are organized by different areas, not by department necessarily. So everything for the airport are together and projects related to drainage are lumped together, etc. he pointed out that operation and maintenance, which has typically been included in capital expenditures, here shows a zero amount. That is because the City will no longer use capital resources for operation and maintenance after this year. In the present year, the total for operation and maintenance is \$6.6 million. That is part of the \$15 million deficit presently.

This process will be an annual cycle, updated every year so the five years keeps rolling forward and the Governing Board will approve this alongside the operating budget so it is very clear what will get done in the next five years.

Chair Kadlubek thanked Mr. Rodriguez for his presentation

Commissioner Propst stated for the record that she was very pleased with this improvement at the airport, being a frequent flyer. She said she loved flying in and out of this airport. It is important to have a professional airport here and not have to drive to Albuquerque.

Commissioner Hiatt also appreciated it. He was particularly interested in the technology section in the Land Use Department. He saw two items in the list, one of which is modernization. He asked what would be modernized and how it would help the Planning Commission.

Ms. Lisa Martínez said this is a high priority project for the City. It comes in a couple of different phases. The City started out by looking at replacing the financial accounting system, known as J. D. Edwards system. Cindy realized that there were so many pieces that integrate with what is done at the Land Use Department - things related to business licensing, for example. So they discussed making what is

done at the Land Use Department and Community Development a part of the RFP process. There were some funds allocated through bond money a few years ago and we were able to utilize those toward hiring a consultant who was helping with the accounting RFP. Right now, we are receiving proposals for the system. It will be used to help streamline all of the processes from planning cases that come forward to the way they look at permitting and planning and will enable the City to do electronic permits online. The intention is to streamline everything that we do. Over the last few months, all of the business processes of the City have been evaluated and hopefully cleanup the way the city does business now and make it much easier for developers and contractors.

The deadline for receiving proposals was last Friday and received three as of today. They intend to make a selection within the next couple of weeks and the Land Use component will be part of phase 2. That means it would be implemented next July, 2017.

Chair Kadlubek asked if the priorities were coming out of the various departments and then being compiled or, how they got to this list.

Mr. Rodriguez agreed that was how to be - basically an internal exercise to catalog all the existing capital projects going on, and then the ones that seem to be in the pipeline for the future. Over time, this becomes the place for all plans to be listed and for the decisions to be made by the Council.

Chair Kadlubek recommended having a narrative attached to it that would help the public understand it. That would help the public understand what the intentions of the Governing Body are rather than a spreadsheet of a bunch of numbers. Also, a cover sheet would be helpful to introduce what is being shown and where the City is moving. He was very happy that this is happening. He also thanked Mr. Rodriguez for putting his foot down and not draw operating expenses from these capital funds anymore. It is the right step and needed to happen at some point.

Commissioner Abeyta agreed that the coversheet is a great idea and it should include language that explains how bonds get paid back. That would help the public understand why the city is building projects when it has a \$15 deficit. They don't understand that it is two separate pots of money and one does not necessarily affect the other. Often the employees themselves are confused about that.

Commissioner Hogan asked what the strategy is for the unfunded project needs. Those were listed on the back page. He asked if they were there just for looking for opportunities for funding.

Mr. Rodriguez agreed that was the reason. They were identified as priorities for which there is no money. So they are just there in case some opportunity arises. Perhaps that would be the link to ICIP that is presented to the legislature each year. They are there only for information.

Commissioner Hogan asked if any of them have been developed at all in terms of the shovel ready.

Mr. Rodriguez said the ones that are in the closer years have an objective to be shovel ready. That is so we never had an occasion to issue bonds and not have the projects ready to be built. The design and

pre-construction work can all be addressed well in sight of the project. The City Council recently passed a financial policy that the preconstruction work will be paid by cash so that only the construction work will be funded with capital resources.

Commissioner Hogan asked if there is a requirement for a fiscal impact report on these projects.

Mr. Rodriguez replied that it was not at this stage but as we get better at it, that will be part. However, they will have a much better description of each project with where the funds are coming from.

Commissioner Kapin was grateful that they would be able to see the use going forward. She knew a little bit from the technology considered at the CBQL. This technology will be able to help departments forecast their future work. It will also allow intercommunication among the departments. It gives an opportunity to bundle things together and better coordinate that work.

Chair Kadlubek recalled also recommendations coming out of CBQL regarding open-source software and to consider the idea among cities, counties and states throughout the country working together. It means when proposals are received, that the City talk with the developers of the software to consider creating the software as open source. The benefit there is that Santa Fe's processes are no different than any other city around the country. Maybe we would take on the brunt of the cost of that software. But in that software becomes free and available for use by other cities that has a similar system. The domino effect of savings across the country when people buy into it, then other cities could do it and Santa Fe could jump on board of the open software. This is a trend that is happening elsewhere except in government, mainly because governments are a vulnerable and gullible client, in that the money is there and end up writing the check for the proprietary software.

Ultimately, open-source software billions of dollars just by having cities cooperating with each other.

Ms. Martinez said in response that last year she and other staff visited Clark County in Las Vegas Nevada and had, not only a tour of their facility, but their department staff were very gracious and willing to show us their software and the programs that they use and how it works among all of their departments. She said they kept saying as those things were shown to them that it is exactly what our city needs. We have about 16 individuals in their IT department that managed their program and continue to develop new items for them. What they come up with is really brilliant and speaks to what Chair Kadlubek is talking about. So they are certainly looking into those options. It would save a lot of money and if someone had already invented the wheel, the City didn't need to invent it again. She will be doing more research on it.

Commissioner Gutierrez asked Mr. Rodriguez what items he was successful with from the wish list this past session.

Mr. Rodriguez understood almost all of the appropriation went to the airport. The biggest piece was the airport and only three much smaller pieces going on elsewhere. So the highest priority wish was fulfilled.

Commissioner Kapin didn't want to get into too many details but pointed out one glaring one – on roadways and streets with \$14 million. She asked what was happening there.

Mr. Rodriguez said the bonding capacity is limited so there is not much happening until 2017. That's when it starts building back again. Next year, the entire capital program will go to about 40% of what it is this year. It will be a big drop.

Commissioner Hochberg thanked Mr. Rodriguez for coming to the meeting. His silence was approval.

- 2. Case #2016-02. 3760 Buffalo Grass Preliminary Subdivision Plat** Santa Fe Planning Group, Inc., agent for Buffalo Grass, LLC, requests approval of a preliminary subdivision plat to divide 1.193 acres into five ±.24 acre lots. The property is located at the southeast corner of Airport Road and Buffalo Grass Road. The property is zoned Mixed Use (MU), and is located in the Airport Road Overlay zone. (Katherine Mortimer, Case Manager)

#### Staff Report

Ms. Mortimer presented the staff report for this case. The report is incorporated herewith to these minutes as Exhibit 2. Please refer to Exhibit 2 for details concerning this report. She noted a handout at the meeting regarding final comments from the Traffic Engineering Department which were left off of the staff conditions of approval. Staff recommended approval of the Preliminary Subdivision Plat with the conditions included in Appendix A as well as those from the handout.

#### Applicant's Presentation

Mr. Scott Hess, Santa Fe Planning Group, 109 St. Francis, was sworn. He thanked the Planning Commission for allowing him to say a few words about the project. First, he said they agree with the conditions in the staff report. It is a very detailed report for this simple, straightforward project. This project had received previous approval and the time expired for the development plan. They plan for five on-acre parcels so the land is simply divided into five residential lots. Zoning is mixed use. However, when going forward with residential, it does not have to have a commercial component. But when going forward with commercial development, it is required to have a residential component. With residential, up to 12 dwelling units per acre is allowed. But he is only asking for 5 per acre.

In the Staff Report, there was a concern regarding the concern that someone could come in with commercial. He explained that the intention is to go forward with residential. There are commercial lots around and the owner has no desire<sup>44</sup> to do anything other than residential. However, he believed Staff could not stop non-residential uses from going forward on the project. He had mentioned a condition of approval that no uses other than residential would be allowed on the site. He found that condition was not permitted. But he did have a condition of approval to place on the plat so everyone is aware, that a non-residential use could theoretically be permitted on the site.

He pointed out that the area is very diverse with S-1 across the street, R-29 across the street and R-12 not far away. Their intention was to keep this site very light. They did not want to develop any high-density project. So it is a simple and straightforward subdivision. He stood for questions.

### Public Comment

Chair Kadlubek asked if anyone in the public wished to speak on this case.

There were no speakers from the public regarding this case. Chair Kadlubek closed the public portion of this case.

### Questions to the Applicant

Commissioner Propst referred to page six of the Staff Report and asked if a parking condition was listed. At the bottom of page 7, it said, "Because no curbside parking will be provided, lot sizes would limit the amount of off-street parking that can be provided. Land Use Staff recommends a condition of approval to direct the subdivider to provide a plan to address the parking at the final plat phase." She didn't see it in the list of approvals in the memo.

Ms. Mortimer agreed. That is a good catch. So that should also be added as a condition of approval. That would be the recommendation of Staff.

Commissioner Propst said the condition of approval would be to direct the subdivider to provide a plan for visitor parking at the final plat phase.

Commissioner Kapin followed up with another condition and referred to page 5 of 7 in the report to Staff analysis #2 where it says, "with conditions of approval recommended above." She wondered which conditions that statement references.

Ms. Mortimer said that was a remnant from a previous draft she used and it should say "the conditions of approval in Appendix A." She clarified that there are no conditions regarding flood zones and public health. It is a flat site. The project already complies with that criterion so no conditions of approval are needed specific to that criterion.

Commissioner Hochberg asked if those new conditions are acceptable to the applicant.

The Applicant said he heard there was a condition related to having a parking plan in the next submittal (final plat) and that is acceptable. And regarding the letter from the Traffic Engineer to have sight triangles shown on the plan was acceptable as well.

Action of the Commission

**Commissioner Hiatt moved to approve the preliminary subdivision plan in Case 2016-02 with conditions of approval found in Appendix A and visitor parking. Commissioner Gutierrez seconded the motion.**

Ms. Mortimer asked that the motion include the sight triangles also.

**Commissioner Hiatt added the requirement for sight triangles to be shown on the plan. Commissioner Gutierrez accepted that also.**

Chair Kadlubek said he had a couple of questions to better understand mixed use zoning since this is the first case he had come across with mixed use zoning. It does seem that mixed use zoning does have a certain intent behind it. That intent is listed as A through F. It is unfortunate that mixed use zoning does allow for residential and single-family dwellings to exist. It just seems like a situation here where we are taking something in the mixed use zone, ignoring all the intent of the mixed use as listed here. This development does not go along with any of those intentions.

He asked if the Commission has any place to be able to uphold this intention of mixed use.

Mr. Smith said he would concur. The airport overlay did contemplate a different use as well as the commercial and mixed-use standards. But the Staff have recommended approval of this application because it does comply with the letter of the law. He would defer to the applicants to justify their rationale for choosing only residential in light of what could be considered a higher and better use. With regard to the scope of the Commission's authority, he would defer to the City Attorney and whether the Commission would have the authority to deny the application on that basis.

Chair Kadlubek said an alternative would be the Commission's ability to amend mixed use zoning to eliminate the ability for somebody to just create some more single-family dwellings in a mixed use zone and how that process would be accomplished.

Mr. Smith said Staff, in working with the River trails corridor working group, has identified the need for modifications to the mixed-use district to address various policy issues that were raised in their planning effort. It is likely, when that work is completed, that the City Staff will be back in front of the Council with amendments to the mixed-use zone and they will keep this comment in mind in their analysis.

Chair Kadlubek clarified that he was not referring to this particular development because it does meet the letter of the law. It is more what the mixed-use allows for. But he did think the Commission should have a discussion on Chapter 14-7.5, regarding the 500 sq. ft. per acre of development for open space. It says that policy is only for developments that are not surely residential. If it says 500 square feet is required, then the Commission should stick with that. It was not intended for single-family lot divisions. It was intended for mixed-use zoning. So he wondered where we got that conclusion.

Mr. Smith said it was likely that the developer would exceed that minimum requirement several times. It was a conflict between the mixed-use standards and the single-family subdivision proposal.

Commissioner Hochberg thought he heard that a supermarket is proposed directly across the street from the proposed site. So in reality, there is mixed-use in this area.

Mr. Smith agreed, there is a whole variety of nonresidential uses up and down Airport Road on both sides, including some strip malls, grocery stores, etc.

Commissioner Hochberg asked if the applicant is correct when the state "that they are using a" light footprint and they would have been entitled to even more houses on this tract."

Mr. Smith agreed. As noted in the Staff's report, their intent was to create just one house on each lot and it would be possible for them to go to a duplex on each of these lots under the current zoning.

Commissioner Gutierrez asked the applicant why, given the intense commercial development on Airport Road, they decided to go with single-family detached houses on this property.

The Applicant said he started off his presentation, indicating that the area had a variety of zoning. Across the street is SC-1, which is shopping Center. There is not a grocery store across the street. There is also C-1 zoning, R-12, R-29. So the whole area is mixed-use. In the original development plan for the area this parcel was to be a foundry by Mr. Del Weston. So at one time, the whole site was planned as more of a mixed-use project. That development plan had expired. So his intent was to come in with a single-family residential because there is a market for single-family residential use of that location. He thought it would be a good use at that location with a light footprint on it. It is not a big piece of land here that we are dealing with.

Commissioner Gutierrez thanked him. He asked what is the biggest allowable footprint on this subdivision.

Someone answered, up to 1000 sq. ft.

Mr. Smith pointed out that there is a relatively high lot coverage ratio permitted in the mixed-use district. It could be as much as 6,000 sq. ft. on this 8,000 sq. ft. lot.

Commissioner Gutierrez suggested that in the future, if they decided not to build single-family units, that it could become a 6,000 sq. ft. three-story building.

Mr. Smith opined that it was unlikely they could reach a three-story height, but it could be two stories in height. Some of the lots could reach the 35-foot-high limit and others would be just two-story.

Commissioner Abeyta noted that they are not requesting that the zoning be changed. So the two lots might be adjacent to Airport Road and they could decide that perhaps a commercial use would be more appropriate for a better market for that. They could always come in and do that. So it would not change the mixed-use zoning to approve this.

Ms. Mortimer agreed. One of the two lots along Airport Road is also along Buffalo Grass. And that one had the portion contiguous with residential use. So it would have a 40% residential requirement of lot coverage. The other one would have a 20%, so they would have to have some residential in them.

Commissioner Abeyta said there is an existing land use patterns along that area of Airport Road. He was surprised to find that there are a lot of residential homes on larger lots in this area. So it fits a pattern that is already there and he could see why there is a market for. But unless you enter behind Airport Road, like from the Tierra Contenta Subdivision, you don't realize that all of those homes are back there on the larger lots. That is why he seconded the motion to approve.

Chair Kadlubek saw an inconsistency here between the conditions of approval with regard to the notes to be added to the subdivision plat on page 8, where one of the conditions is for 250 sq. ft. of open space per dwelling unit. On the Staff memo, exhibit E-1 where it shows a minimum of 500 square feet.

Ms. Mortimer replied that the landscape reviewer reviewed for landscape requirements. In further review they found that the 500 minimum did not apply to the development of 100% residential single-family use. So the Case Manager (Ms. Mortimer) wrote them as a direct quote. That is a requirement of the code. She was trying to make it clear that it applied also to a guest house or multiple units so that when someone else comes in and looking at the flat and figuring out what they could develop would have some guidance.

Chair Kadlubek reasoned that the 500 square feet requirement doesn't apply.

Ms. Mortimer agreed.

Chair Kadlubek said the code doesn't say that the 500 sq. ft. minimum does not apply when it's totally residential.

Ms. Mortimer agreed. Her understanding was that the creation of the mixed-use zone anticipated a greater desire to build commercial and it needed a minimum requirement of residential and no one conceived at that time of the kind of development that was going to be a 100% residential. That was written long ago when developments were very different than they are now. So that is one of the issues that staff is being asked to consider in the amendment.

Commissioner Kapin asked if the front two lots were brought back for commercial development, if it would trigger the 500 sq. ft. open space requirement. She asked if any designation made now would affect this approval.

Ms. Mortimer agreed it would trigger that requirement. It would also trigger parking and several other items, as well.

Commissioner Hogan commented on the awkwardness of the zoning actuation because he was hearing it would be entirely possible to have a single-story, standalone residential house on one lot and on the next lot, it could be a much more intensive use development. So there could be a whole variety of different things all on this small cul-de-sac.

Ms. Mortimer affirmed that his assumption was correct. If they decided to develop commercially, they would have additional requirements. For these lots, the intensity of possible development is not that great. It is greater than a home occupation but not much more.

Commissioner Kapin wanted to make sure the conclusion on page 7 makes it onto the list of conditions - - the notice to potential buyers.

Ms. Mortimer said it was on the list at 8 2 B at the very end. She appreciated the catches by the Commission.

Commissioner Abeyta asked for a roll call vote.

**The motion was approved on a unanimous roll call vote with Commissioner Hogan, Commissioner Hochberg, Commissioner Gutierrez, Commissioner Kapin, Commissioner Abeyta, Commissioner Propst, Commissioner Hiatt and Chair Kadlubek voting in favor and none voting against.**

- 3. Case #2016-03. Vista Serena, Tract 49 Tierra Contenta, Final Subdivision Plat.** Orallynn Guerrerortiz of Design Enignuity, LLC, agent for Homewise, Inc., requests final subdivision plat and development plan approval for 50 lots on 12.7± acres. The site is located on Tract 49 in Tierra Contenta Phase 2C, located on the south side of Plaza Central Road, east of Contenta Ridge Road. The property is zoned PRC (Planned Residential Community, 6-9 dwelling units per acre). (Donna Wynant, Case Manager)

Commissioner Hiatt notified the Commission and the public that he had a potential conflict of interest because he sits on the board of Tierra Contenta. But he did not remember this case coming before that board. So he thought he could participate without bias.

Mr. Shandler said he had complied with the disclosure required by the city and could participate without objection.

#### Staff Report

Ms. Wynant presented the staff report for Case #2016-03. The report is incorporated herewith to these minutes as Exhibit 3. Please refer to Exhibit 3 for details concerning this report. She reminded the Commission that they had approved the preliminary subdivision plat on January 7, 2016. The applicant has addressed the issue of having sidewalks on both sides of the street except where there is open space and where there are no homes. Staff is in agreement with the final subdivision plat which is in substantial compliance with the preliminary subdivision plat.

Ms. Wynant did include in the packet a copy of chapter 5 of the Tierra Content design standards for reference. The applicant has provided steps down to the open space but not a connection from the private street at the north east corner of the development to Plaza Central.

### Applicant's Presentation

Ms. Oralynn Guerrerortiz, PO Box 2758, Santa Fe, was sworn. She introduced herself as from Design Enignuity and had Mr. Bryan Anderson from Homewise and James Hicks, Executive Director of Tierra Contenta. The project is in the southwest part of Tierra Contenta and we are developing tract 49. She described the parcel and mentioned that it has a large stockpile of dirt presently. The property to the north is Plaza Central, which in the future will continue to the south and connect to Jaguar Drive and SWAN Park.

The development plan is in the packet. The plan is for a 50 lot subdivision, created in two phases with 33 lots in one phase and 17 in the other. 32% of the project will be sold under the Tierra Contenta Affordable Housing program. All lots are at least 4,000 square feet in size.

She focused on the issues raised at the last meeting. She displayed the Tierra Contenta master Plan on the screen. She homed in on the western end which is Tract 49. Last time she came, they only had five walks on one side of the road and heard clearly that was objectionable, especially where houses were located. So they put sidewalks on both sides of the street everywhere except for the cul-de-sac where there are no houses. She pointed out an error in the site plan where some of the sidewalks didn't get colored correctly.

The reason the cul-de-sac doesn't have sidewalk is because it has a very steep drop off and not a good location for children to play. It also allowed them to save some money.

She reminded the Commission that they asked how many cars they could park in this project. Under the design standards, is only 100 but they actually have 197. The spaces are 18' long and didn't put them close together. She got 22 on the street or a total of 197. In the project.

Staff had asked her to identify which homes would be on lot lines. They could fit within the 4,000 square foot lots where they had zero lot lines. But at this point, she didn't think they would have any. Every home would have 5' setbacks on both sides.

At the main access intersection into the project area, the road is already built and plans already approved. But the plans did not include a cross walk or pedestrian access signs. So they will install those to make it safer. Every corner is already built and every ramp is already in. but they will build cross walks to connect the dots and make clear where pedestrians will cross there.

The biggest change was from what the Fire Marshal brought up. He had them enlarge a road for fire access for better access to the back of the lot. Commissioner Abeyta wanted them to design the common driveways so when people backed up they would not encroach on private property. So they designed it to meet that condition. They will also have no parking – fire lane signs where the fire lanes are located.

Along Plaza Central, there was concern about the wall they were going to build. They reconsidered that to avoid in tunnel effect. Now it is a combination of coyote and stuccoed pilasters and added a lot more landscaping with trees and bushes and ground cover. Coyote is less likely to get graffiti and would soften things. It will be at 5' in height because some houses have a back yard right there. The sidewalks are high relative to the houses. They put a lot of thought into the changes.

A Commissioner asked them for an estimate on water to stabilize the slopes. They have chosen to use a product from Plants of the Southwest called, "Dry Land Blend." It uses a native grass seed that does well with 12" of water or less and over the seeding, they will put a cocoanut mat that will last three years and works as a mulch so it won't use much water but in a drought, could add as much as six inches per year. That would add 48,000 gallons per year for two years at most. She asked Commissioners to go by the one they did on Old Las Vegas Highway that looks like a beautiful meadow.

One Commissioner had asked that she consider six-foot wide sidewalks along Plaza Central and they decided not to do that. The entire span of Plaza Central has already been approved by the former Planning Commission with five-foot sidewalks. Most of the adjacent roadway has already been constructed. And those roads are now owned by the City.

In conclusions, she respectfully requested the final approval and agreed with all staff conditions.

#### Public Comment

Chair Kadlubek opened the public hearing.

Mr. James Hicks, Executive Director of Tierra Contenta, and member of the Architectural Review Committee, was sworn. He noted that the Architectural Review Committee (ARC) reviewed this project over several meetings and approved the design, based on the Tierra Contenta Design Standards, which are different from the City Code. He showed the Commission the Fifth Version of those design standards (a large book). Those Design Standards were approved by the Planning Commission in January, 2011. The previous versions went back to 1995. This project falls under the definition of a local street in the design guidelines. Thus, the five-foot sidewalk meets the design criteria. He offered to make a copy of the design standards available, should the Commission want them. He noted that there will be other subdivisions of Tierra Contenta coming forward in the near future. The Commission will also be looking at Phase 3

standards for Tierra Contenta.

Chair Kadlubek asked if the ARC is a City committee.

Mr. Hicks explained that it is a committee of the Tierra Contenta nonprofit organization, Tierra Contenta Corporation. Three of the Board members are on the ARC, an architect, a planner, and a member of City Staff, as well.

There were no other speakers from the public regarding this case and Chair Kadlubek closed the public hearing.

#### Questions to the Applicant

Commissioner Abeyta thanked the Applicant for listening to his concerns about the sidewalk. He agreed that they did not need a sidewalk all around the cul-de-sac. His intent was to get a sidewalk in front of each home for the children to utilize. He also was never in favor of a six-foot wide sidewalk. He favored a five-foot sidewalk and five-foot fence.

Ms. Guerrerortiz thanked Commissioner Abeyta for bringing things to her attention that she was not aware of. She thought they have a better project today because of those comments from the Commission.

Commissioner Kapin went back to the slide on pedestrian crossing and asked if there are stop signs at that location. She was concerned about having pedestrians crossing it at the "rotary" where a lot more was going on. It is a pretty dense commercial area to have pedestrians crossing there. She was wondering if there was another place on that road where a crossing could be put instead of right at the intersection. She suggested perhaps at the second access. She appreciated that it was well marked but she personally would not to cross there.

Ms. Guerrerortiz emphasized that the rotary is not a typical roundabout. Some of them in Tierra Contenta actually have four stop signs around them. They are really considered that as a traffic calming measure. She believed the intent here was to have a stop sign at that location but the through traffic would not. She added that there is very good sight distance there. The signage warns of pedestrian traffic 50' from the front. Maybe they could do something else there to help. They could add another crossing further down but she was hesitant to say they should do that without going to that location to check on the visibility and make sure it would be a safe location.

Commissioner Kapin asked if there is a sidewalk on the other side.

Ms. Guerrerortiz said there is not now but there will be eventually. That side is being developed by the Richard Cook family and it will have sidewalks all the way down to SWAN Park. She said the median was not yet built so this is a good time to consider those things. So she would consider it and would take the Traffic engineer to the location and get his opinion and approval, if not at one location, then at another

where it is safe.

There was no traffic engineer from the City present.

Commissioner Propst referenced the conditions regarding the sewer system and asked if the Commission needed to be more prescriptive in sorting that condition out.

Ms. Wynant said she had seen that kind of comment from time to time.

Commissioner Propst asked if the applicant has agreed to those conditions.

Ms. Wynant said the applicant has agreed to those conditions and they are working with Stan Holland at the Wastewater Management Division on revising any drawings to accommodate that comment regarding the number of water line crossings. The applicant is in discussion with Wastewater Management and she deferred to the applicant.

Chair Kadlubek thought the question was more the wording of the condition of approval. "The applicant's engineer will work ..." which is how the condition of approval should be stated. Maybe that wording could be changed.

Ms. Wynant agreed.

Chair Kadlubek said it might be eliminated since the applicant's engineer is already working with Wastewater Management on the issue.

Ms. Wynant agreed and said she should have stated it more as a condition.

Chair Kadlubek said that condition will be amended to say, "The Applicant's engineer will work with the Wastewater Management Division on the sewer system design to address the concerns of staff on the number of water line crossings." It should also probably be identified as access to the adjoining arroyo for decreasing the erosion into the adjacent arroyo. That also just seems ambiguous and if it is identified as access to the adjoining arroyo, that they are going to have problems. So he wanted some clarification on that.

Ms. Wynant said she would defer to the Applicant because Ms. Guerrerortiz was in discussion with Richard Thompson on this comment and it was not really clear as to exactly what his concern was.

Chair Kadlubek agreed and noted that Commissioner Kapin had pointed out that the final sentence of "and does not satisfy the city's requirement for unrestricted access."

Ms. Wynant said those are all good comments and she needs to clean it up here.

Ms. Guerrerortiz said this condition is one of a couple that she did not understand what was meant. The reason is that there is no retaining wall next to the location where we show we are having access to the open space. So she called Richard Thompson and read the condition to him. He replied, "That's not for your project. Your condition was that I wanted to see details on the stairway and how you were building the timber stairway and you've included that in the design and it is on the grading plan detail sheet." She agreed but this showed up. Mr. Thompson told her, "I don't know what this is."

So, if you look at the plans, there is no retaining wall near where the open space access is. There are about fifty retaining walls around the project so she questioned which retaining wall was being referenced. What helps is that when they are finished with the Planning Commission approval, is to go to every person on this list and they have to sign off on the plans. That is their final check. So if Mr. Thompson recalls what it was later on, he could then sign off on it.

Chair Kadlubek asked if the Commission could get clarification from Staff that they don't believe this condition of approval is appropriate for this case.

Mr. Smith suggested the condition be replaced with a more general language that the details shall be approved by staff and recorded on the plat, if that is acceptable to the Commission.

Chair Kadlubek said it was acceptable to him. There were no objections from the Commission.

Chair Kadlubek suggested that when there is a question from an applicant for this or any other case about staff conditions, that they request the staff member the present at the hearing so they can speak to it directly. There was a situation at the last meeting where it would've been helpful to have City Staff present to answer the questions. The applicant new that the questions would be coming up so it is definitely a benefit to the applicants in their case to have a person present to answer the questions.

#### Action of the Commission

**Commissioner Abeyta moved to approve Case #2016-03 with the changes to the conditions of approval as discussed. Commissioner Hochberg seconded the motion and it passed by unanimous voice vote.**

- 4. Case #2016-04. Estancias de Las Soleras Unit 1C Final Subdivision Plat.** James W. Siebert & Associates, agent for the Pulte Group, requests approval of a Final Subdivision Plat for 67 lots located on 25.86 acres on Tract 1 1A in the Los Soleras Master Plan. The property is zoned R-6 (Residential — 6 units per acre). The plat is the final unit of Phase 1 of the overall Pulte residential development. (Donna Wynant, Case Manager)

#### Staff Report

Ms. Wynant presented the staff report for this case. A copy of the staff report is incorporated herewith to these minutes as Exhibit 4. Please refer to Exhibit 4 for details concerning the staff report. She indicated that Staff in the Land Use Department agreed this project is in substantial compliance with the Preliminary Subdivision Plat. There were some concerns about what was presented for open space and trail that were presented on the plan sheets to connect Railrunner to Las Brisas. The Applicant as presentation boards to explain that. The Staff questions were about whether the trails would be public or private and built to what standards. Staff met with the applicants about this issue and heard arguments on both sides why they did not want the trails to be publicly dedicated trails. There is a connection through the regional Park but they expressed an interest in doing a view gate and not really connecting that trail to the park.

Commissioner Kapin had a concern about connecting the trail at the cul-de-sac in the development to the trail within open space. The Applicant did do that connection but they connected it to a street that is in a future phase development that shows up on the landscape plan. Keith Wilson, the MPO staff member, is present to speak to concerns about what is happening with this trail. There are some conditions within the Master Plan and the Annexation that clearly state what is to happen with trails, one of which is that trails going through public or private land should be publicly dedicated.

This and several other issues arose during the end of trying to finalize this report for the Commission. Ms. Wynant took responsibility for it and apologize to the Commission. It is confusing but the Applicant will be making his presentation. Mr. Wilson and she both feel very strongly about trails and connecting through regional parks and parks throughout the area. Right now, it is unresolved.

Otherwise, Staff believe it is in substantial compliance with the Preliminary Subdivision Plat.

Commissioner Kapin asked if this information coming in at the end changes the recommendation being offered to the Commission in the Staff Report. She asked where Planned Use Staff stand if this is what they are proposing now.

Ms. Wynant said Staff tried to recognize what the concerns of the Applicant were in light of what the Master Plan says and what the Annexation Plan says. Staff tried to weigh that out and at least lay out the options. Some staff members feel more strongly than others but within sections of the Code and the Comprehensive Plan, the goals of connectivity are very important. Perhaps the argument could be made the connections have been but there are routes through this development with trails to the open space that makes sense. But bicycle traffic is also important.

Mr. Smith noted that although the staff report was completed before the latest proposal from the Applicant was submitted to the Staff or the Commission for review, the Staff Report does recommend approval of the condition that required trails he built in the open space. There are two options. One construction option would be trails in the private open space with an easement dedicated to the City and maintained by the homeowners' association. The second option, in the memo from the trails staff would be trails to the private open space built to a different standard and asked the Parks Department to accept maintenance responsibility. The detailed language is in the memo from Mr. Keith Wilson and he is present at this hearing it to the Commission has questions on the details.

Chair Kadlubek asked for some legal clarification on page 2 in the second paragraph. It says the trails will be private. Subsection 14-8, the Master Plan and Conditions and Trail Dedication regulations do not specifically require that the trails be public. Further down on bullet point to, subsection 14-8.15 states that the Commission may require dedication "to provide access to new developments through existing or proposed parks, trails, public open space and roads." He wanted to get a sense of whether the Commission is within its legal right to demand that the trails be public and if the Commission could deny an application based on the trails being private.

Mr. Shandler said he thought about that this afternoon and as best he could tell, and the Applicant or Mr. Wilson could correct him if he was wrong, the Code as read is permissive. As he understood it, when the Applicant agreed to the Master Plan, they agreed to mandatory language. That is his understanding at present.

Chair Kadlubek asked if he could repeat what that mandatory language is - but that states. And if it is different than 14-8.

Mr. Shandler said he did not have Master Plan language in front of him. He thought it was condition number 25 but did not have it in front of him so the number might be incorrect.

Someone else confirmed it is condition 25.

Mr. Shandler said that in the packet at B-7, is a memo from Mr. Wilson and on page 2, at the top, Mr. Wilson put in quotes, Master Plan Condition #25 which says, "At the time of development for individual tracts, all trails through privately held open space shall be dedicated as public access easements to ensure permanent public access to the Las Soleras non-motorized transportation network."

### Applicant's Presentation

Mr. James Siebert, 915 Mercer, Santa Fe, was sworn. He set up his display boards close to the podium so he could use the microphone while pointing things out on them. He first introduced Mr. Kevin Patton with the Pulte Group in New Mexico and Director of Entitlements and a Professional Engineer. He also introduced Mr. Fred Arfman, Lead Engineer.

He recalled that in the preliminary, there were two issues raised by the Commission. One was for a description of the overall trail system in Las Soleras to see how they interconnect here. The other one was the visual aspect of the road corridor for Railrunner Road and for Beckner. So he provided a cross-section to indicate exactly what that looks like. He displayed a board showing the current network when Las Soleras went through an amendment to their Master Plan. The trails shown in red were two types of trails - one built by the developer, Skarsgaards. The other type is lesser trails that would be the responsibility of the developers of the individual lots. The principal trail connects as the Arroyo Chamiso Trail.

Mr. Siebert didn't think the Commission had acted on Ross's Peak yet, but there is an approved trail system within Ross's Peak which is basically on three sides and comes down to a point where the sewer lines are located. The idea with the Arroyo Chamisos Trail is that it would eventually come in with an underpass under Cerrillos Road that is in place now. That would continue on and connect into Tierra Contenta.

He pointed out the other trail system on the north side of the project within the open space. It was set aside as a buffer from the residential area of Nava Adé. It would come across and extend into Monte del Sol. He pointed out the realignment of the high-voltage line. He pointed out a trail to the north that had already been developed by the Master developer.

The other issue was what the road corridor actually looked like. They took a cross-section of two areas of the roadway and he described it what was included in the cross-section. He reminded the Commission of the city regulation that the height of the wall must be no higher than the amount of the setback from the trail. In this case, the setback would need to be 6 feet but Pulte has provided 17 feet. In that would be a landscaped area. He also shared a cross-section of Railrunner Road that has one lane each direction separated by a median. In this case it has a 20 foot landscaped setback. The concern was of a tunnel effect while driving down the road and it has been mitigated by the extra setback.

This area has more than four times the amount of trail that could be seen in any other project in Santa Fe, including Tierra Contenta. So there is a real desire to provide for continuous pedestrian walking and biking trail system throughout.

He also emphasized that the landscape, as prepared by Heads Up, is all maintained by the homeowners' association. The City does not maintain it. That includes the street trees as well. So the City is relieved of that particular substantial burden. The reason is because Pulte has found that their associations do a better job of maintaining the landscaping and the trail system than the city does.

The Staff has approved the roads, the water, the sewer, terrain management, landscape and the project has relatively few conditions of approval. And most of those listed have already been addressed from an engineering standpoint. So the one outstanding matter is the interior trail system. So he thought the question is why hasn't this issue been addressed.

Mr. Siebert provided a handout to the Commissioners. He said that on February 17, 2016 he received an email from Keith Wilson, reminding him of this condition. He had forgotten about it. There were 46 conditions imposed on the Las Soleras Master Plan and this condition number 25 was one of them. As a result, he wrote another letter on February 22 that said he was modifying the trail plan and that they would abide by the terms of the Las Soleras Master Plan. So the trail he showed in blue would be a public trail that would be built to City trail standards. It will be 8 feet wide paved with asphalt with a 20-foot easement. With that change, they are fully in compliance both with city law for public trails and also in compliance with AASHTO standards as well as the Las Soleras Master Plan.

Mr. Kevin Patton, Director of Land Entitlements for the Pulte Group, 7601 Jefferson Street, Albuquerque, was sworn. He said that Pulte is very excited to be here and anxious for this project to happen. It will be the first Pulte home development in Santa Fe. He appreciated the work and cooperation of the City Staff and noted that there is only one issue they do not agree on. Pulte is not opposed to having all the trails be public. So that is not an issue.

Mr. Patton said the opinions he is expressing at this meeting are professional as he is a licensed Professional Engineer. He explained that means that he is bound just as a physician is bound for the safety and health of the general public; he is bound by the same oath. He shared his background as an engineer for over 20 years in land development.

He referred to the display boards and said they are in agreement with all of Staff's recommendations except for one regarding how a trail and sidewalk are connected. They do want to provide connectivity which, to him, means providing the shortest distance between point A and point B. He pointed out the dashed line which identifies the location of the trail system in the Nava Adé development and the entry to the Pulte development. He then pointed out the location for phase 1 and the location for phase 2 as well as the age targeted area for people 55 years of age and older. They are all single-story single-family homes. Originally, they had talked about having a gated community here but since have changed that to non-gated so the gates on the drawings have been removed.

He addressed next the pedestrian crossings for the development as connections to major trails. He pointed to a location where they wanted to correct a midblock crossing for pedestrians. For safety, midblock crossings need to be minimal. Normally, they should be put at points where vehicles must stop to have a safe crossing for pedestrians. He advised against the connection point that was recommended to Pulte because of the liability created there. He pointed out where Pulte is proposing a crossing to the trail, heading north. He said that out of 300 lots only ten lots would be affected by the location they propose. He didn't believe the buyers of those 10 lots would be inconvenienced but probably would be grateful that Pulte did not provide a trail crossing at that point.

Chair Kadlubek asked if the Commissioners understood the argument here.

Commissioner Kapin said she did understand but asked how far someone would have to go if they were heading north and crossed at that location.

Mr. Patton said the difference from the end of the cul-de-sac to that road is about 400' - less than a 10<sup>th</sup> of a mile. So the inconvenience is no more than 400 feet.

#### Public Comment

Chair Kadlubek opened the hearing for public comment.

There were no speakers from the public regarding this case and Chair Kadlubek closed the public hearing portion of this case.

Mr. Wilson, Senior Planner with the Santa Fe Metropolitan Planning Organization (MPO), clarified that the MPO is a federally designated entity that receives federal funds through the Federal Highway and Transit Administration under a JPA among Santa Fe City, Santa Fe County, and Tesuque Pueblo. The MPO act says the regional planning entity for the metropolitan area. As part of their duties, they service the City and the County to provide technical support and, related to trails, the City asked him to provide the support related to trails.

He was not sure the Staff Report really captured what he put in his memo, which is attached to the report. When the Final Subdivision Plat was submitted they had the same trail system, plus the connection that Commissioner Kapin requested to connect to the cul-de-sac. But there was also on a note saying quote private asphalt trails by others." In his review, he asked Staff with that note meant. He met with the Applicant on February 17 when they clarified that they intended for those trails to remain private - that they didn't want the public to be using those trails were the open space. He talked with them about what the requirements were regarding the Code. He quoted from sections of the Code to them that they. So he added a condition on to the Trails Master Plan that "connections from main trail alignments into lots will be expected, as part of the development plans." The reason he did that was because there is a great trail system throughout Las Soleras for major trails. And with 40 to 60 acre lots there, staff could not prejudge where the trails would go. So the condition was to put applicants on notice they could not just come in and develop it and ignore connectivity to the surrounding trail system.

Mr. Wilson also talked with the applicant about dedication of trails requirements from Chapter 14. In that meeting, they could not come up with a solution to move forward and agreed to bring it to the Planning Commission to determine the appropriate action to take. After that meeting, he became aware of condition number 25 in the Las Soleras Master Plan. He saw two options open to the Planning Commission on how to deal with the trails issue. One was to maintain the trails alignment, privately maintained and not necessarily built to city standards. When the City agrees to take on a trail they want to make sure that the trail will last more than a year and not become a nuisance or a nightmare. With that option the trails would need to be dedicated to the City for public access. The second potential option is to require that the trails be built to city standards and the trails would be dedicated to the city for city maintenance.

On February 22 that one connection was added to the development plan. He has not had an opportunity to respond to that. He did not believe that connection met the requirements for connection to main trail alignments because it does not connect to a main trail. It uses a convoluted way of connecting to one road.

#### Questions to the Applicant

Commissioner Kapin asked where the trail connection is on the north side of the property going toward Nava Adé, if it was a major trail artery or if it was the point going toward Cerrillos.

Mr. Wilson said it was at least a collector if not an arterial trail. The main trail through this property is the Arroyo Chamiso Trail and has major City significance. Once filled in, it would take the user from the Rail Trail at Siringo Road all the way out west of NM 599, through approvals of other projects. He further explained that at the display board.

Commissioner Kapin asked him if he did not feel that the connection on the north was adequate to meet the criteria of conductivity and asked where he would suggest a connection.

Mr. Wilson said what they originally proposed was a good solution to create that trail connectivity not only for the residents of that subdivision but for the larger context. He reminded the Commission what the original proposal was. They removed connectivity to Railrunner Road and removed connectivity from the Beckner Road trail system into the subdivision.

Regarding the type of trail, it would be time into a 10-foot-wide trail which is buffered from the road and Railrunner Road has a Boulevard type design with a big landscaped median. He didn't believe people would recognize it as a place to cross the way it is now proposed.

Commissioner Hogan complimented the applicants on the overall proposal. He appreciated the attention to the details on sidewalks, setbacks from the walls, and open space trail circulation along the streets. The most obvious landscaped open space internal to the development for residents is the Greenspan going through the middle which is where the trail system appeared last time. He was at a loss to understand why that was removed. He referred to the lighting plan on sheet 40 that still shows the remnants of that original plan. It was a very good connection plan, as Mr. Wilson pointed out it would allow residents access to open space, which is a lot more pleasant than walking along the street. So he asked why the internal part of that trail removed.

Mr. Patton replied that at the beginning they were planning to make it a gated subdivision. So the original trail network through there was always private. So when it was decided to remove the gate, they needed to deal with the difficult terrain and the storm water detention ponds to reduce that. When the City Staff determined that it must be public, Pulte wanted to limit the liability of the HOA who was responsible for the traffic there. So they took out all public and private trails there and made the connection to the north to honor that conductivity. There is still a nice walk with street trees along the roadways. It wasn't related to convenience but to the quality of the walk along there.

Commissioner Hochberg said the sub-text for this change was that they didn't want people coming from the park and using certain areas in this development for dog walking or other uses. But that seems contrary with the idea of large public walking trails where people can conveniently go – not just residents living in this development – but from the whole community. Pulte has conceded the point of making them public but also making it a detour from my viewpoint. It is not just 400'. It seems to be "twisty." Other than on this, Pulte is complying with the City request. But on this issue, they are standing their ground. He didn't think that was best. They should go back to their original plan and let people walk where they are supposed to walk. This is in Santa Fe and the City has 2,500 miles of walking trails. It doesn't say circuitous routes. He thought the sub-text was that they are trying to discourage the public coming through. He said they

should stop discouraging that.

Chair Kadlubek asked if that spine had ever been a public trail.

Mr. Patton said no. They never proposed that as public. He thought it was the miscommunication that led them to where they are now.

Chair Kadlubek asked if Staff had ever considered that public.

Mr. Smith said the trail alignment shown on the Preliminary Plat was not specifically identified as either public or private on the original plan he mentioned.

Commissioner Kapin recalled the conversations specifically around the gate being relevant to whole purpose in requesting the removal of the gate. It was about connectivity; about trail systems and not having a pocket of this project closed off to the open space and the other part of their project coming through toward the open space. That was the language in Chapter 14 of the intent not to have gated communities.

So when the Commission saw this before there were questions that the Commission and also at Council about the gates actually cutting off the trails. The City's intent is for trails to be public and for people to be able to connect and use them.

Mr. Patton said they were not opposed to adding additional trails. But his concern and because of his oath as a professional engineer, understanding the health and safety of the public, is that the connection, which he pointed out, is not in the best interests of the general public. It is for the same reason that schools put fences in the median to discourage students from crossing at those locations where it is dangerous.

Chair Kadlubek pointed out that they are confusing two different things. One is cul-de-sac to Railrunner and whether that is safe or not. The larger issue is connecting that spine from Walking Rail through as originally designed, even if pedestrians would have to detour somewhat to go north. So the question is from the cul-de-sac down to Walking Rain.

Mr. Patton said he would agree to add trails and he pointed out where they could locate them. He added that they have not brought phase 2 to the Commission yet. He suggested an alternate location for that connection.

Commissioner Hochberg understood his point on the basis of safety for not choosing that particular location. In principle, Mr. Patton was agreeing to connectivity being diminished by his current proposal from the previous proposal and he could restore it except in the area that would only affect the ten units at the cul-de-sac but it more circuitous.

Mr. Patton agreed.

Chair Kadlubek asked if anyone felt strongly about the cul-de-sac to Railrunner connection.

Commissioner Kapin said the only reason she does is because of what Mr. Wilson said about where the right place to cross that road is. Without knowing about safety and the engineering where the right place is, she was a little hesitant about where it should be. The Commission doesn't have that information about the rest of the development on the other side of Railrunner Road. So she didn't know where the City is suggesting that connection should be located.

Chair Kadlubek said the Commission should have clarification why the current connection from Monte del Sol to Railrunner is the best location at the north. That is the most direct access to the park.

Mr. Patton said, as they discussed at the Monte del Sol School, one of the issues is access. When the regional park was originally closer to the school, the concern was access to the park. So the trail that they are going to be using is the northern trail and there would be ten lot owners who would have to drop down in order to cross. There is no park development plan. That is still in process so no one knows where the park trail would be located. But it does not make sense for Monte del Sol's connection to have to drop down and then cross.

Chair Kadlubek said the unspoken concern is to not have a direct connection from the park that goes directly into a neighborhood. He asked Mr. Patton if that was the real reason.

Mr. Patton said that northern location is the better location. Just from a developer standpoint and information received from people who wanted to live in this development, it is their safety concern. But, yes, he didn't want this neighborhood used as an overflow from the regional park. He didn't want them to have that direct access to the open space. There are also drainage facilities there, so it is an increased liability risk.

Commissioner Gutierrez asked about exhibit 1 (from Mr. Wilson) that Pulte wanted to put those trails back in and with the main trail on top in the black and he said they would keep the connectivity with those two lots by the cul-de-sac. On the original exhibit, there was another trail that connected with the main trail.

Mr. Siebert asked to comment to Commissioner Kapin about the connection to the northern trail. It doesn't have to be a 12' wide trail. There is already a sewer line that serves Nava Adé. The requirement of Wastewater for that easement is twelve feet wide. The other aspect is that when that phase gets completed, people will be used to having that trail. This trail goes through to the park – directly to the regional park and from the regional park, it ties back in to the Arroyo Chamiso Trail. So, in his opinion as a planner, this will become the most predominant trail in all of Las Soleras except for the Arroyo Chamiso Trail, once it gets connected. So the connection to that trail makes more sense than trying to get the connection mid-block.

Commissioner Hogan asked if there is a reason why on Railrunner, street trees, sidewalk and everything goes right up to the north end of landscaped area and then it just stops.

Mr. Siebert said that would get developed as well.

Commissioner Hogan felt that not doing the other access would address the safety concern.

Mr. Patton said they have agreed to add more trails as Mr. Wilson said would provide connectivity. In the next phase, if they added another connection, it would improve the connectivity. They would still be directing traffic to that mid-block crossing. We didn't show that now but it would be addressed in the second phase.

Mr. Wilson understood the applicant is now proposing where the added trail would be located. In his opinion, that would help provide a continuous trail between the two. He explained it at the display board and his comment was inaudible.

Mr. Patton said he would like to leave that open until the next phase when it could be addressed. He asked if the sidewalk along the cul-de-sac there would need to be more than 5 feet wide since the trail access there would be 8 feet wide. He asked the Commission for permission to address all that in phase 2.

Chair Kadlubek asked if Mr. Patton would agree to say that would be a continuous connection and not identify exactly what that continuous connection is. It doesn't need to be identified today.

Mr. Patton agreed.

Chair Kadlubek understood that there would be one trail crossing rather than two crossing locations. He accepted that.

Mr. Wilson thought there was some confusion. No one was proposing a crossing at the location discussed. He was proposing a connection into the ten-foot wide trail that runs along Railrunner Road that is buffered by seven feet from the edge of the road, that also has a media. So there would be one trail crossing of Railrunner Road for all of the trail network at a northern undetermined location now. He thought that was a reasonable solution if done correctly. The problem is that it is not part of this subdivision. It is a future item and we might not be here then. There are also concerns about trails crossing driveways and safety concerns from people backing out. It is not just pedestrians but also bicyclists that are also legitimate forms of transportation.

Commissioner Hochberg said they understand that this all is predicated on the connection being made at what he called the black line – connecting to Monte del Sol. That should be in the conditions so it could be enforced.

Mr. Wilson pointed out that no one knows when that next subdivision will be developed. So he suggested a deadline be set somewhere between 2-5 years that requires them to build that trail connection.

Commissioner Kapin agreed and asked what their plan is for that phase 3.

Mr. Patton said it is phase 2 and they anticipate building it in the next couple of years for approval. They don't yet have permission to grade that area. The existing grade is temporary until that development comes in. He didn't know what the inconvenience is. It is also predicated on the park being built. So he didn't want to promise it if Railrunner Road is not extended; if the park doesn't exist to build something that would not get used.

Chair Kadlubek asked what other connection exists if the northern one is not made.

Mr. Patton said they are not extending Railrunner Road until the next phase but there is Ross's Peak that goes up to Governor Miles.

Mr. Shandler said before the Commission makes a motion, there needs to be clarity on who is maintaining the trail connection. That was part of Mr. Wilson's memo. He summarized that the dispute was that Mr. Wilson thought the green circle should be connected to the red lines but the applicant was only willing to connect the green circle to the purple circle ultimately. That was confusing so he said the question is who is going to maintain the trails.

Mr. Patton said Pulte is willing to accept the maintenance of the public trails described at the meeting. He clarified that it was not because they believe the City doesn't do a good job but that the HOA takes ownership because the trails are within the community.

Chair Kadlubek said the agreement is to connect Walking Rain through the public open space where the retaining ponds are and connect ultimately to the northernmost trail that is the Monte del Sol Trail to Railrunner Road.

Mr. Wilson said the best way to describe the trail system now is that the trails shown on Sheet 19 in the Final Subdivision Plat submittal, minus the connection from the cul-de-sac connector to Railrunner Road, plus a connection directly to the next phase subdivision to the trail to the north, maintained by the HOA and open to the public. The trails will be 8' wide, paved. The guidance is that for multi-use trails, 10' widths should be done but going down to 8' is allowed.

Mr. Patton agreed with that but the five-foot-wide sidewalk at the cul-de-sac connects those 8' wide trails. All the sidewalks leading to it are 5' wide.

Mr. Wilson said that doesn't meet the trail standard.

Chair Kadlubek asked Mr. Wilson how people would connect to that trail system on the other end. He asked how many connections they were making. He felt they were getting into subconnections within subconnections.

Commissioner Hochberg said the Commission's condition should only be that there will be connectivity from wherever it is being defined in phase 2 to the other end and reserve the right to have it done when they finally build it. They have already conceded most of what was at issue. They are cooperating. The

gates are gone. And this is all in the weeds – way in the future.

Action of the Commission

**Commissioner Abeyta moved to approve Case #2016-04 with the trail configuration just discussed going to the open space and the trail being public; the trail being 8’ wide and paved; maintained by the Homeowner’s Association Commissioner Propst seconded the motion.**

Mr. Smith noted that staff members were not able to see all the pointing going on and suggested that by the end of the meeting, the applicant draw on the exhibit to indicate what he was willing to do with point-to-point lines on what Pulte is willing to do.

Commissioner Hochberg thought Mr. Wilson spelled it out correctly.

Chair Kadlubek asked that all staff present at the meeting be in a place to see the board while Mr. Patton points out what was decided in the discussion of the last fifteen minutes.

Mr. Patton said what was agreed upon was to add back in what was referred to as Sheet 19, a trail connection “from the location here in the open space ...

Commissioner Hochberg interrupted to request that it all be written down. And it was.

Commissioner Kapin asked if it was clear that it was the original trails map that was presented to the Commission at the last meeting, minus the little connection.

Mr. Patton agreed.

Commissioner Kapin asked if the Commission could just use that or say that for the record and that what the Commission agrees to.

Chair Kadlubek agreed – with a future connection that the Commission would deal with at Phase Two.

Mr. Shandler asked if the language about future was clear.

Chair Kadlubek stated: “with a future continuous connection being made to the Monte del Sol Trail to the northernmost trail under the same conditions – public and maintained by the HOA.”

Mr. Shandler said that was acceptable.

**The motion passed by unanimous voice vote.**

Chair Kadlubek asked if the Commission wanted a short break. They decided not to take a break.

- 5. Case #2016-06. 1503 Cerros Altos Terrain Management Variance.** Sommer, Karnes and Associates, LLP, agent for Julie Silverstein Trust and the Kim M. Colweck Trust, requests a variance to the Terrain Management Regulations (Subsection 14-8.2(D)(3)(b)) to construct a single family residence. The applicant is requesting a variance to have more than one-half of the building footprint in natural slopes of greater than 20%. The property contains both Foothills and Ridgetop Subdistricts of the Escarpment Overlay Zone. The property is 4.337 acres and is zoned R-1 (Residential — 1 unit per acre). (Katherine Mortimer, Case Manager)

#### Staff Report

Ms. Mortimer presented the staff report for this case. A copy of the staff report is incorporated herewith to these minutes as Exhibit 5. Please refer to Exhibit 5 for details concerning her report.

She explained that this house would have one of the largest footprints in the immediate neighborhood and was totally within the Escarpment Overlay Zone. But because it was on the largest lot, it would have the smallest percentage of lot coverage in the neighborhood.

One of two emails received was handed out at this hearing and both supported the applicant's request.

Staff recommended approval of the variance with the conditions of approval contained in the staff report and subject to the restrictions of Chapter 14.

#### Applicant's Presentation

Mr. Joseph Karnes, 200 West Marcy Street, was sworn. He immediately pointed out that there were no existing trails in this property. With him were John Dick, the project architect, Julie Silverstein and Kim Colweck, who flew in from Chicago to be present at this meeting. They purchased the property. They lived in Santa Fe in the past and have a condo up on Gonzales Road for a number of years. They made the decision that they want to live in Santa Fe and build their dream home here.

This lot is a vacant lot of 4.3 acres. He thought this is the last vacant lot in the subdivision. It is a challenging property. It has limited areas of greater than 30% slopes. The whole property is sloped to the extent that it needs either a variance to the 50/50 criteria or to the Ridgetop Escarpment Subdistrict criteria. So it is a complex regulatory tuition. He pointed out that they don't have slopes that are radically different than 20% in the area of the proposed home. That is within the designated building area. In addition, there are fire issues. Getting sufficient water there to fight a potential fire is also challenging.

He said that Mr. Dick located the house in a location that works for the site and respects all the different rules. The Staff analyzed the site thoroughly to determine if there would be a better location but the best is

where it is now located. He was pleased to receive a recommendation of approval from the Staff. The selected building site is the same location as identified in the 2004 development plan. The lot is partially in the Ridgetop Subdistrict which is the most sensitive area. The Code prohibits development within the Ridgetop Subdistrict and this building envelope is as far from the Ridgetop Subdistrict as possible. The location of the house is up against a 50' no-build easement along the boundary of the property.

Mr. Karnes said the applicants agree with the recommended conditions of approval.

### Public Comment

Chair Kadlubek opened the public hearing. There were no speakers from the public regarding this case. Chair Kadlubek closed the public hearing.

### Questions to the Applicant

Commissioner Hiatt said that after reading the staff reports, he was inclined to support this application. He thanked Mr. Colweck for coming in from Chicago for this meeting. He said the Commission takes the escarpment ordinance very seriously. He was concerned and didn't understand how the Applicant made the connection of how the approval of the Cerros Colorado Development Plan to authorize construction of single-family dwelling. The Plan did not approve the dwelling, itself. But the Applicant seems to think it is already entitled.

Mr. Karnes responded that when you have a single-family parcel that is zoned residential, it is "a use of right." If the City denied all reasonable economic use of the parcel, there would be adverse condemnation. So he was not talking about approval of a specific location within the property. He understood, as stated in the staff report, but the buildable area shown on the subdivision plat and development plan in 2004 did not approve that buildable area. But if the City denied any house on the property, then that would be a taking. By improving the subdivision, the City intended that there could be a single-family dwelling on this property.

Commissioner Hiatt but they have come to the best decision on a building location and he complimented the applicant and the architect or doing that.

Chair Kadlubek asked Mr. Shandler if he agreed with that interpretation.

Mr. Shandler said, "These are two esteemed land use attorneys, and I'm not going to get in the middle of that. I think that you have worked out the resolution."

Commissioner Hochberg asked if this is a requirement that they have a 4300 ft.<sup>2</sup> house. He understood they could build something but not necessarily at this size and that might affect all these regulations.

Ms. Mortimer said it is a matter of reasonable use which has been defined in practice by the City at looking at how properties in the surrounding area with similar characteristics - how intense the development has been. This one fits within the realm of how similar properties have been used. She explained that was why she did the exercise of looking at the footprints of surrounding homes in this subdivision and in the neighborhood adjacent. This proposal is in the higher range but within the average. Two of the six houses are bigger than one proposal and for our smaller. It is very clear that this is the largest lot by a fair measure than the others, but because it is a difficult site to put the house on. And when viewed as a percentage of lot size, it is much smaller percentage than the others. So this is a reasonable use of the lot.

#### Action of the Commission

**Commissioner Hogan moved to approve a variance request in Case #2016-06 with the conditions placed on it, assuming that the applicant has agreed to the conditions. Commissioner Hochberg seconded the motion and it passed by unanimous voice vote.**

#### **G. STAFF COMMUNICATIONS**

Mr. Smith had no specific communications. He reminded the Commission that the next scheduled meeting for the Planning commission is on April 7, 2016. He asked members to please notify his office if they could not attend the in order that they could make sure that one would be present at that meeting.

Ms. Martínez will recall that at the last study session an invitation was extended from Staff, original away from Pulte, to tour a couple of their subdivisions in Albuquerque. Because of the discussion on the trails tonight she thought it would be good to see some of the trails they have built and see what the final outcome is. She would like to schedule that trip in the next couple of weeks. She asked the Commissioners to please let her know of their interest in attending.

#### **H. MATTERS FROM THE COMMISSION**

Commissioner Hogan complimented Staff for what he found to be a very informative and well-presented study session. It reconnected him to the responsibilities of the Commission and he appreciated it.

Chair Kadlubek agreed.

Commissioner Hochberg thanked Mr. Shandler for providing the decision which the Commission had requested.

Chair Kadlubek said he had received a request from form Commission Chair, Ken Hughes, to also look at a couple of developments, including Nob Hill, that are dense infill, contemporary but attractive

developments to use in considering the West River Corridor and Siler Road for comparison.

Ms. Martínez related that she went on a tour with Ken Hughes a month ago to look at those projects and she felt it would really be beneficial for everyone to see and about. There was a good discussion about how they worked through these projects, including working with the neighborhoods, to make sure they were comfortable with what was coming forward. So she highly recommended that, as well.

Chair Kadlubek said he was definitely interested in proposed to use email to coordinate a schedule.

Commissioner Hochberg asked how to follow up procedurally with what manifested today about Multi-Use districts. He said he was asking for a distinction among staff and commission responsibilities and didn't want to wait for a whole zoning overview. He understood they could not prevent people from exercising their legal rights but would have to do something to stop it in the future.

Ms. Martínez said there are a few efforts around the City looking toward Mixed Use and better clarifying ho it should be used. They are undertaking that through the committee that is looking at the West River Corridor Plan. There is also another group of Staff working with a couple of Councilors and others to talk about other options for Mixed Use. Hopefully, they will have some proposals ready to be considered quickly with something that will work for the long term.

Chair Kadlubek had feared this meeting might have gone past midnight and thanked the Commissioners for their work. He was proud that this Commission completed its work this early.

The Commissioners had a general discussion about their work.

## I. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Approved by:

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Vince Kadlubek, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.