

# City of Santa Fe, New Mexico

# memo

**DATE:** November 16, 2015 for the December 3, 2015 Meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Greg Smith, AICP, Director, Current Planning Division 

**FROM:** Zach Thomas, Senior Planner, Current Planning Division 

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**Case #2015-107. Village Plaza Final Subdivision Plat Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a Final Subdivision Plat for 12 lots on 61.05+/- acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive. The time extension would extend approval to November 3, 2016. Santa Fe Planning Group, Inc. agent for Richard Cook (Zach Thomas, Case Manager)

## I. RECOMMENDATION

Staff recommends that the Commission **ACCEPT** the Land Use Director's decision to approve the applicant's request for a one-year time extension. This approval is being placed on the consent agenda and reported to the Planning Commission in accordance with SFCC Section 14-3.19(C), which states that the Commission may accept, reject or modify the Director's action.

## II. APPLICATION OVERVIEW

The Village Plaza Development Plan and Final Subdivision Plat were approved by the Planning Commission per their approval of the Findings of Fact and Conclusions of Law on November 3, 2011. The original expiration date for the final subdivision plat approval was November 3, 2014. A one-year administrative time extension was approved by the Director and accepted by the Planning Commission on December 4, 2014, which extended the expiration date to November 3, 2015. This is the second and final administrative time extension and would extend the expiration date to November 3, 2016.

The approval consisted of a Final Subdivision Plat for 12 lots on 61.05± acres and approval of a Development Plan for 100,500 square feet of retail uses, 140,800 square feet of office uses, 56,600 square feet of community service uses, and 20 live/work dwelling units.

The agent for the owner of the property is requesting the one-year extension of time allowed to record the Final Subdivision Plat. Ongoing work done by the applicant for site grading, road preparation and work associated with the interchange at NM 599 will prevent the development plan for this project from expiring, so no time extension is required for the development plan. (See **Exhibit C**).

As stated in the approval criteria, the administrative extension may not approve revisions to the development approvals or amendments to the conditions of approval. If any amendment, or change to the conditions of approval is requested, those requests would need to be considered by the Planning Commission through the full public hearing process, including the requirement of an Early Neighborhood Notification (ENN) meeting.

### **III. APPROVAL CRITERIA**

#### **Section 14-3.19(C) SFCC 1987 Time Extensions**

##### **(2) Administrative Extensions**

- (a) The land use director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the land use director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.
  
- (b) Administration time extensions approved by the land use director, pursuant to this Subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The land use director shall identify the action taken and place it on a consent agenda for the planning commission. The land use director shall provide the planning commission with the applicant's written application and the land use director's written proposal. The planning commission may accept, reject or modify the proposal.

### **IV. ATTACHMENTS:**

EXHIBIT A: Land Use Director Letter of Approval of One Year Time Extension

EXHIBIT B: Development Plan and Final Subdivision Approval

1. Findings of Fact Approved on November 3, 2011

2. Time Extension Staff Report for Planning Commission meeting of December 4, 2014. (Project Approval Staff Report Attached as Exhibit B2)

EXHIBIT C: Letter of Application

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit A**

**Land Use Director Letter of Approval of  
One Year Time Extension**



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909  
www.santafenm.gov

*Javier M. Gonzales, Mayor*

**Councilors:**

Peter N. Ives, Mayor Pro Tem, Dist. 2  
Patti J. Bushee, Dist. 1  
Signe I. Lindell, Dist. 1  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Christopher M. Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Bill Dimas, Dist. 4

November 17, 2015

Scott Hoelt  
Santa Fe Planning Group, Inc.  
P.O. Box 2482  
Santa Fe, NM 87504

**RE: Request for Time Extension of Development Approval(s) per §14-3.19(C) SFCC 1987  
Village Plaza Final Subdivision Plat**

Dear Mr. Hoelt,

I have reviewed the request you submitted on November 3, 2015 for a 1-year time extension of the following development approval(s):

**Case #2011-90.** Village Plaza Final Subdivision Plat – A Final Subdivision Plat for 12 lots on 61.05 +/- acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive.

I have determined that no substantive changes have occurred to the regulations or policies that apply to the previous approvals, to the proposed development, or to the circumstances that apply to the site and vicinity, since the Planning Commission granted approval on November 3, 2011. Therefore, in accordance with SFCC 1987 Section 14-3.19, a second and final one-year time extension is approved for the Village Plaza Final Subdivision Plat, subject to the original conditions of approval as approved by the Planning Commission of the City of Santa Fe on November 3, 2011.

The time extension will allow the plat to be recorded prior to the extended deadline, as provided in SFCC Section 14-3.19. The approvals will expire if you do not record the plat prior to November 3, 2016. SFCC Section 14-3.19 requires that the grant of this time extension be reported to the Planning Commission by placement on the Commission's consent Agenda. The Planning Commission may accept, reject or modify this approval.

Feel free to contact me at 505-955-6617 if you have questions regarding this matter.

Sincerely,

Lisa Martinez  
Land Use Department Director

Cc: Project File

# **City of Santa Fe, New Mexico**

## **Planning Commission**

### **Exhibit B**

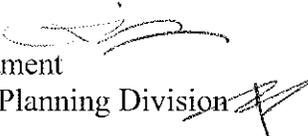
- 1) Staff Report for Planning Commission  
meeting of May 15, 2014**
- 2) Staff Report for Planning Commission  
meeting of November 5, 2009**

# City of Santa Fe, New Mexico

# memo

**DATE:** November 10, 2014 for the December 4, 2014 Meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Tamara Baer, ASLA, Manager, Current Planning Division 

**FROM:** Zach Thomas, Senior Planner, Current Planning Division 

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**Case #2014-103. Village Plaza Final Subdivision Plat Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a Final Subdivision Plat for 12 lots on 61.05+/- acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive. The time extension would extend approval to November 3, 2015. Santa Fe Planning Group, Inc. agent for Richard Cook (Zach Thomas, Case Manager)

## I. RECOMMENDATION

The Land Use Director has **APPROVED** the applicant's request for a one-year time extension. This approval is being reported to the Planning Commission in accordance with SFCC Section 14-3.19(C).

## II. APPLICATION OVERVIEW

The Village Plaza Development Plan and Final Subdivision Plat were approved by the Planning Commission per their approval of the Findings of Fact and Conclusions of Law on November 3, 2011. The expiration date of the approval was November 3, 2014.

The approval consisted of a Final Subdivision Plat for 12 lots on 61.05± acres and approval of a Development Plan for 100,500 square feet of retail uses, 140,800 square feet of office uses, 56,600 square feet of community service uses, and 20 live/work dwelling units.

The agent for the owner of the property is requesting the one-year extension of the Final Subdivision Plat. While the Development Plan has been vested with the ongoing site grading, road preparation and work associated with the interchange at NM 599, a time extension for the

Final Subdivision Plat has not been recorded and therefore needs the requested time extension to stay valid. (See **Exhibit C**).

As stated in the approval criteria, the administrative extension may not approve revisions to the development approvals or amendments to the conditions of approval. If any amendment, or change to the conditions of approval were requested, those requests would need to be considered by the Planning Commission through the full public hearing process, including the requirement of an Early Neighborhood Notification (ENN) meeting.

### **III. APPROVAL CRITERIA**

#### **Section 14-3.19(C) SFCC 1987 Time Extensions**

- (2) Administrative Extensions
  - (a) The land use director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the land use director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.
  - (b) Administration time extensions approved by the land use director, pursuant to this Subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The land use director shall identify the action taken and place it on a consent agenda for the planning commission. The land use director shall provide the planning commission with the applicant's written application and the land use director's written proposal. The planning commission may accept, reject or modify the proposal.

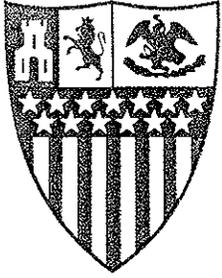
### **IV. ATTACHMENTS:**

EXHIBIT A: Land Use Director Letter of Approval of One Year Time Extension

EXHIBIT B: Development Plan and Final Subdivision Approval

- 1. Findings of Fact
- 2. Staff Report

EXHIBIT C: Letter of Application



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Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

November 17, 2014

Scott Hoefl  
Santa Fe Planning Group, Inc.  
P.O. Box 2482  
Santa Fe, NM 87504

**RE: Request for Time Extension of Development Approval(s) per §14-3.19(C) SFCC 1987  
Village Plaza Final Subdivision Plat**

Dear Mr. Hoefl,

I have reviewed the request you submitted on October 21, 2014 for a 1-year time extension of the following development approval(s):

**Case #2011-90.** Village Plaza Final Subdivision Plat – A Final Subdivision Plat for 12 lots on 61.05+/- acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive.

I have determined that no substantive changes have occurred to the regulations or policies that apply to the previous approvals, to the proposed development, or to the circumstances that apply to the site and vicinity, since the Planning Commission granted approval on November 3, 2011. Therefore, in accordance with SFCC 1987 Section 14-3.19, a one-year time extension is approved for the Village Plaza Final Subdivision Plat, subject to the original conditions of approval as approved by the Planning Commission of the City of Santa Fe on November 3, 2011.

The time extension will allow the plat to be recorded prior to the extended deadline, as provided in SFCC Section 14-3.19. The approvals will expire if you do not record the plat or file for another time extension prior to November 3, 2015. SFCC Section 14-3.19 requires that the grant of this time extension be reported to the Planning Commission by placement on the Commission's consent Agenda. The Planning Commission may accept, reject or modify this approval.

Feel free to contact me at 505-955-6617 if you have questions regarding this matter.

Sincerely,

Lisa Martinez  
Land Use Department Director

Cc: Project File

EXHIBIT A

City of Santa Fe  
Planning Commission  
Findings of Fact and Conclusions of Law

Case #2011-89 – Village Plaza Development Plan

Case #2011-90 – Village Plaza Final Subdivision Plat

Applicant's Name – Santa Fe Planning Group, Inc.

Owner's Name – Richard Cook

THIS MATTER came before the Planning Commission (Commission) for hearing on September 15, 2011 upon the application (Application) of Santa Fe Planning Group, Inc. as agent for Richard Cook (Applicant).

The Applicant seeks the Commission's approval of the final subdivision plat and development plan for 12 lots on 61.05+/- acres of land located east of New Mexico State Highway 599 (NM 599), west of Plaza Central and north and south of Jaguar Drive (Property). The Commission approved the preliminary subdivision plat for the Property on August 4, 2011 under Case #2011-68.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and members of the public interested in the matter.
2. Pursuant to Code Section 14-2.3(B) the Commission has the authority for approving subdivision plats within the corporate boundaries of the City.
3. Code Section 14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [Code Section 14-3.7(B)(5) and (6)] and criteria for the Commission's approval [Code Section 14-3.7(C)] (collectively, the Applicable Requirements).
4. Code Section 14-9 sets out subdivision design, improvement, and dedication standards and requirements.
6. Code Sections 14-3.7(B)(2) and 14-3.1(F)(2)(a)(vii) require compliance with the early neighborhood notification (ENN) requirements of Code Section 14-3.1(F) for final subdivision plats where a preliminary plat has not previously been approved.
7. A preliminary subdivision plat was approved by the Commission on August 4, 2011; therefore no ENN is required in this case.
8. Pursuant to Code Section 14-2.3(C)(1) the Commission is authorized to review and approve or disapprove certain development plans in accordance with applicable Code provisions.
9. Code Section 14-3.8(A)(1)(a) requires development plan approval by the Commission for new construction with a gross floor area of 30,000 square feet or more located within any zoning district of the City.
10. Code Section 14-3.8A(7) sets out certain general submittal requirements (the Required Submittals) for development plans.
11. The Applicant has made the Required Submittals in accordance with Code.

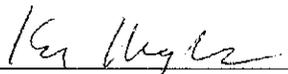
12. Commission staff reviewed the final subdivision plat and development plan for conformity with Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat and development plan be approved, subject to certain conditions set out in such report (the Conditions).

CONCLUSIONS OF LAW AND ORDER

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

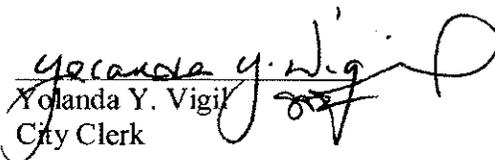
The final subdivision plat and development plan for the Project are approved, subject to the Conditions.

**IT IS SO ORDERED ON THE 3 OF NOVEMBER 2011 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE**

  
Kenneth Hughes  
Chair

11-3-11  
Date:

FILED:

  
Yolanda Y. Vigil  
City Clerk

11/4/11  
Date:

APPROVED AS TO FORM:

  
Kelley Brennan  
Assistant City Attorney

11/3/11  
Date:

# City of Santa Fe, New Mexico

# memo

**DATE:** September 2, 2011 for the September 15, 2011 Planning Commission Meeting

**TO:** Planning Commission

**VIA:** Matthew S. O'Reilly, P.E., Director, Land Use Department   
Tamara Baer, Planning Manager, Current Planning Division 

**FROM:** Heather L. Lamboy, AICP, Senior Planner, Current Planning Division 

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**Case #2011-89. Village Plaza Development Plan.** Santa Fe Planning Group, Inc., agent for Richard Cook, requests Development Plan approval for 100,500 square feet of retail uses, 140,800 square feet of office uses, 56,500 of community service uses, and 20 dwelling units on 61.05± acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive. (Heather Lamboy, Case Manager)

**Case #2011-90. Village Plaza Final Subdivision Plat.** Santa Fe Planning Group, Inc., agent for Richard Cook, requests Final Subdivision Plat approval for 12 lots on 61.05± acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive. (Heather Lamboy, Case Manager)

## I. RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

*Cases #2011-89 and #2011-90 are combined for purposes of staff report, public hearing and Planning Commission comment, but each is a separate application and should be voted upon separately.*

## II. APPLICATION OVERVIEW

The Village Commercial area on the western edge of Tierra Contenta is identified as a commercial node on the Tierra Contenta Master Plan. The purpose of these commercial parcels was to balance commercial and residential uses to enable access to shopping opportunities within the Tierra Contenta neighborhood. Planned commercial locations included Plaza Contenta at Paseo del Sol and Jaguar Drive, Plaza Central (western edge of Tierra Contenta adjacent to NM 599), the commercial parcels adjacent to Cerrillos Road, between Las Soleras Drive and Herrera Drive (eastern edge of Tierra Contenta), and the Village Commercial component at Jaguar Drive, which

is the subject of these Development Plan and Subdivision Plat applications.

The same developer as the Pavilion Business Park, which is located on the west side of the recently-approved NM 599 interchange at Jaguar, purchased the Village Commercial tracts in Tierra Contenta. With the approval of the Pavilion Business Park, the NM 599 overpass and road infrastructure are being developed, which support development of the Village Plaza parcels.

The Planning Commission approved the Preliminary Subdivision Plat on August 4, 2011. Much of the discussion at that hearing centered on the Economic Impact Analysis and the proposed trail network. The Planning Commission was clear to the applicant that the trail network was an important feature of the development and would support multi-modal use, both for transportation and recreational purposes.

There are several remaining issues that need to be addressed before plat recordation:

1. **The Governing Body must approve the related Annexation (Case #2011-69), General Plan Amendment (Case #2011-70), and Rezoning (Case #2011-67) before the Development and Final Subdivision Plat can be recorded.** The Planning Commission recommended approval with conditions at the August 4, 2011 hearing, and the cases are tentatively scheduled to be heard at the October 12, 2011 City Council hearing.
2. **Complete deletion of frontage road south of the Jaguar/NM 599 interchange from the MTP 2010-2035 Future Regional Roadway Network Map.** The New Mexico Department of Transportation (NMDOT), in a letter dated July 20, 2011 from Miguel Gabaldon, District 5 Engineer, has requested an amendment to the MTP 2010-2035 Future Regional Roadway Network Map to remove the frontage road. The public comment period for the proposed amendment ended on August 30, 2011, and no comments were received. The MPO Technical Coordinating Committee made the recommendation to the Transportation Policy Board (TPB) to remove the frontage road at their meeting on August 22, 2011. The TPB will hold a public hearing on the matter at their meeting of September 8, 2011 and make a final decision as to whether to remove the frontage road at that time. The letter from Miguel Gabaldon is attached in Exhibit B.
3. **Provide additional information on the proposed trail network.** There is a need to connect with the regional trail network, the Tierra Contenta trail network, and to provide on-site amenity trails on the property. Although the applicant has provided more detailed information on the location and types of trails in this development, there are a few missing connections, including access trails from the Arroyo Chamiso to Lot 1 and Lot 3A and identification of trails that would be maintained by the Business Owner Association. Additionally, a financial commitment needs to be made to connect the Arroyo Chamiso Trail to the City's Southwest Activity Node Park to the east and the Pavilion development to the west. An approved conceptual design for the underpass connection at New Mexico 599 shall be provided prior to plat recordation. These recommended conditions of approval are outlined in the memorandum from Eric Martinez.
4. **Coordinate with the Southwest Activity Node Planning Team for the Construction of Jaguar Drive and Plaza Central.** The design, construction, and drainage of these two roadways impact the usable area of the Southwest

Activity Node. The applicant shall insure that the viability of this important recreational area will not be negatively impacted, and shall coordinate the road designs with programmatic elements of the park. Recommendations regarding the design of Plaza Central and Jaguar Drive have been outlined in a memorandum from Landscape Architect Claudia Horn.

#### **IV. ATTACHMENTS:**

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team (DRT) Memoranda, Minutes

1. Southwest Activity Node Memorandum and Exhibits, from Design Office, Landscape Architect, to City Staff
2. Traffic Engineering Division Memorandum, John Romero
3. Technical Review Division Memorandum, Risana Zaxus
4. Wastewater Division Memorandum, Stan Holland
5. Water Division Memorandum, Antonio Trujillo
6. Roadways and Trails Engineering, Eric Martinez
7. Santa Fe Metropolitan Planning Organization, Keith Wilson
8. Fire Department, Rey Gonzales
9. August 4, 2011 Planning Commission Minutes
10. August 4, 2011 Planning Commission Findings of Fact and Conclusions of Law

EXHIBIT C: Maps

1. Current Zoning
2. Future Land Use Map
3. Aerial

EXHIBIT D: Applicant Submittals

1. Justification Letters
2. Proposed Development Plan and Final Subdivision Plat

EXHIBIT E: ENN Materials

1. Meeting Notes 5-12-11

**City of Santa Fe, New Mexico**

# **Exhibit A**

**Conditions of Approval**

# Village Plaza Development Plan and Final Subdivision Plat—Conditions of Approval

Planning Commission  
Cases #2011-89 and #2011-90

Conditions	Department	Staff
<p>Review comments are based on submittals received on July 13, 2011. The comments below should be considered as Conditions of Approval to be addressed prior to final signoff unless otherwise noted:</p> <ol style="list-style-type: none"> <li>1. The developer shall generate and place sign distance triangles, in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines on both the landscaping plan and the proposed subdivision plat. These sight triangles shall be designated as areas where landscaping, structures, or other sign impeding objects are not allowed to be placed.</li> <li>2. The developer shall provide spline information for the proposed roundabout to ensure proper design.</li> <li>3. The center island of the roundabout shall be raised with a patterned concrete edge per current standards.</li> <li>4. The developer shall provide the ultimate multi-lane roundabout design as determined by the approved Traffic Impact Analysis, so that adequate right-of-way can be reserved, including that needed for cut/fill slopes.</li> <li>5. The developer shall place 1-2” and 1-3” electrical conduit across all legs of the roundabout at intersection #3 and the roundabout at the intersection of Pavilion Loop and Jaguar Drive. All conduits shall terminate into one of four large pull-boxes to be placed at all four corners of the subject intersection. Each conduit shall have a pull string and a bare #8 copper tracing wire.</li> <li>6. The driveways into lots 8 and 11 shall be situated to line up with the future residential development across Plaza Central.</li> <li>7. The typical sections for both Jaguar Drive and Plaza Central shall meet the specifications in the Tierra Contenta Phase 2C design standards for a Parkway, which includes 5’ sidewalks, 4’ buffer space, 2’ curb &amp; gutter, 5’ bike lanes, 11’ driving lanes, and a 14’ median (1’ curb &amp; gutter and 11’ turning lanes, where located).</li> <li>8. The developer shall provide a pavement design for Jaguar Drive and Plaza Central. The minimum pavement section shall be 4” of Super Pave-IV over 6” of Untreated Basecourse.</li> <li>9. The developer shall provide a street light plan to include a metered system with LED type fixtures. The design and fixture types shall be reviewed and approved by the City’s Traffic Engineering Division. The developer will not be required to pay for the metered electricity related to the street lights. The Traffic Engineering Division may adjust this requirement between now and implementation including reverting back to a non-metered High Pressure Sodium System.</li> <li>10. In addition to what is mentioned above, the Traffic Engineering Division will perform an additional review of signing, striping, drainage, roundabout design, and other specific items during the final subdivision plat and development plan approval processes.</li> </ol>	<p>Traffic Engineering</p>	<p>John Romero</p>
<p>The following comments are to be considered conditions of approval:</p> <p><u>Subdivision Plat:</u></p> <ol style="list-style-type: none"> <li>1. Floodplain limits identified in the February 18, 2011 Preliminary FIRM are unchanged from floodplain limits shown on the current effective FIRM dated June 17, 2008. Add a note to this effect on the Plat, such as “the Preliminary FIRM dated February 18, 2011 shows no change to the Special Flood Hazard</li> </ol>	<p>Terrain Management</p>	<p>Risana Zaxus</p>

# Village Plaza Development Plan and Final Subdivision Plat-Conditions of Approval

Planning Commission

Cases #2011-89 and #2011-90

Conditions	Department	Staff
<p>Area."</p> <ol style="list-style-type: none"> <li>2. Reference the FIRM panel number used in identifying the floodplain limits shown.</li> <li>3. In the floodplain legend, identify the "Zone AE channel" instead as "Floodway area in Zone AE," and add the following definition: "The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights."</li> <li>4. Correct the discrepancy between note 3 and note 23 regarding maintenance of improvements.</li> <li>5. Add lot addresses (contact Marisa Struck 955-6661).</li> </ol> <p><u>Development Plan:</u></p> <ol style="list-style-type: none"> <li>1. Correct General Note 14, "... Certificates of Occupancy will NOT be issued..."</li> <li>2. Revise vicinity map for clarity and reproducibility.</li> <li>3. Show all proposed stormwater ponds.</li> <li>4. Add lot addresses.</li> </ol> <p><u>Grading and Drainage:</u></p> <ol style="list-style-type: none"> <li>1. Submit drainage calculations for review prior to sign-off for Final Plat.</li> <li>2. On Grading and Drainage sheets, show a key map.</li> <li>3. On Grading and Drainage sheets, show all stormwater ponds and volumes.</li> </ol> <p><u>Homeowner Documents:</u></p> <ol style="list-style-type: none"> <li>1. Amend Business Owner Association Documents per attached memorandum.</li> </ol>	<p>Roadway and Trails Engineering</p>	<p>Eric Martinez</p>
<p>Upon review of the referenced development submittal received on July 13, 2011, the following comments should be considered as conditions of approval and addressed prior to final signature or plat recordation.</p> <ul style="list-style-type: none"> <li>• It should be noted the applicant failed to adequately address previous comments regarding Multi-use Trails as detailed in the staff report for related development Cases #2011-67, 68, 69, and 70. These previous comments shall be addressed fully.</li> <li>• Multi-use Trail design details are limited. Development Plan Sheet 1 of 5 (Sheet 3-1) contains a note assigning design and construction responsibility of the Arroyo Chamiso Trail to the City with the developer agreeing to participate financially. However, in accordance with the Annexation Agreement under related development Case #2011-69 approved by the Planning Commission on August 4, 2011, the applicant shall participate fully in the design and construction of the trail system as it can best be accommodated/integrated as part of the overall development without undue constraints. Under the Annexation Agreement, the trail shall include connections to the Pavilion project located on the west side of NM 599, to the Village Plaza to the north, and to the future City recreation center (Southwest Activity Node Park) to the east. Multi-Use Trail infrastructure within and traversing New Mexico Department of Transportation (NMDOT) right-of-way and utilizing existing drainage structures will require NMDOT and City review and approval. Should the use of existing drainage structures be denied by NMDOT, trail development will be re-evaluated by City staff.</li> </ul>	<p>Roadway and Trails Engineering</p>	<p>Eric Martinez</p>

# Village Plaza Development Plan and Final Subdivision Plat—Conditions of Approval

Planning Commission  
Cases #2011-89 and #2011-90

Conditions	Department	Staff
<p>• The applicant shall provide additional Multi-use Trail design details in accordance with the AASHTO Guide for the Development of Bicycle Facilities, the MUTCD and applicable ADA guidelines (current editions). Such design details shall include, but are not limited to vertical/horizontal geometrics (i.e. alignment and grades—plan and profile), drainage accommodations, signing &amp; striping plans, details for street connections and/or grade separated crossings (i.e. underpass/culvert dimensions), typical sections w/pavement details (for normal trail section and grade separated sections), etc. Trail/street intersections may also require additional review and approval by the City Traffic Engineer.</p> <p>• All Multi-use Trail easements shall be dedicated to the City of Santa Fe.</p> <p>• That portion of the Arroyo Chamiso trail that traverses the developer's property must be constructed as part of Phase 1. No permits for Phase 2 will be issued prior to completion of the Arroyo Chamiso trail and connections to adjacent development, including the Pavilion development and the Southwest Activity Node.</p> <p>The Development Plan and Final Plat shall not be recorded until the frontage road has been approved for removal from the 2010-2035 Metropolitan Transportation Plan. If the removal of the roadway is not approved, the applicant may have to redesign the plat and development plan to accommodate the frontage road. <b><i>The applicant has been made aware that he proceeds at his own risk as this amendment may or may not be approved.</i></b></p> <p>The Applicant shall address the following design review comments for the Final Plat:</p> <ol style="list-style-type: none"> <li>1. Show proposed sewer easements on the plat. There are public sewer lines shown on the plan set within the individual tracts. The easements are not shown on the proposed plat.</li> <li>2. Show existing sewer manholes on the Development and Landscape plans.</li> <li>3. Clarify sewer vehicle maintenance access to the existing TC sewer manhole #15.</li> <li>4. Show the proposed and approved effluent line easement on the grading and drainage plans.</li> <li>5. Clarify the proposed effluent line alignment change. There is currently a Lot Split and Dedication Plat Case #2011-72 being prepared for the City by James Sanchez of Santa Fe Surveying to record the City approved sewer line effluent easement through this project both on and off site. For review, show the City approved effluent easement alignment as prepared by Santa Fe Surveying and the proposed easement alignment change on the plan sets.</li> <li>6. More detail will need to be provided for the 24 inch steel casing pipes to be installed for the effluent line on the roadway P&amp;P sheets. The casing pipe does not appear to show in the P&amp;P sections.</li> <li>7. Show all structures and water line crossings of proposed and existing sewer lines.</li> <li>8. Verify and identify on the plan set the diameter of the existing TC tie in manhole #15.</li> <li>9. Review the alignment of the sewer manholes so that the manhole frame and covers are not within the vehicular tire path.</li> <li>10. Review the alignment of the sewer lines connecting to proposed manhole A-1.</li> <li>11. Show the correct 40 foot sewer easement on sheet C-601 without the radius.</li> <li>12. Use the Wastewater Division updated General Notes (to be provided).</li> <li>13. Provide a utility construction phasing plan to reflect what utilities will be constructed as part of the</li> </ol>	<p>Metropolitan Planning Organization</p> <p>Wastewater Management Division</p>	<p>Keith Wilson</p> <p>Stan Holland</p>

**Village Plaza Development Plan and Final Subdivision Plat-Conditions of Approval**

Planning Commission  
Cases #2011-89 and #2011-90

Conditions	Department	Staff
<p>proposed phasing for this project.</p>		
<p>Fire Department: 1. Subdivision shall comply with the currently adopted International Fire Code.</p>	<p>Fire Department</p>	<p>Reynaldo Gonzales</p>
<p>Santa Fe Trails: 1. Bus stop and shelter construction will be required. As discussed with Santa Fe Trails, at least 3 stops are anticipated (2 on Jaguar and 1 on Plaza Central) of a medium size or larger. The bus stops are part of necessary public infrastructure and will be included on the Letter of Credit for each phase.</p>	<p>Santa Fe Trails</p>	<p>Jon Bulthuis/ Michael Kelly</p>
<p>Current Planning: 1. The developer shall coordinate with the City of Santa Fe Engineer for Land Use and the Southwest Activity Node planning team in order to design Plaza Central and Jaguar Drive in such a manner as to support the proposed program at the park.  2. Any approval of the Development Plan and Final Plat is conditioned on receiving approval by the City Council for the Annexation, General Plan Amendment, and Rezoning for this site.</p>	<p>Current Planning</p>	<p>Heather Lamboy</p>

**City of Santa Fe, New Mexico**

# **Exhibit B**

**Development Review Team Memoranda**

**Minutes**

**Findings of Fact**

**MEMORANDUM**

To: Mary MacDonald, City of Santa Fe  
From: Claudia Meyer Horn  
Date: August 19, 2011  
Project Name: SWAN - Park Master Plan (CIP 417)  
Project No: 120  
Subject: Park Master Plan – on + off site  
coordination w/ Cook development  
Copy To: Fabian Chavez, City of Santa Fe

**Southwest Park Master Plan – coordination w/ off-site improvements**

After an extensive public process to program and design a new regional park on 98 acres of land in Tierra Contenta, a Master Plan for the Southwest Park was presented at a final public meeting on July 28<sup>th</sup>, 2011. Concurrent with this process, a Preliminary and Final Subdivision Plat and Development Plan for the property adjacent to the Southwest Park is proceeding through the design and approval process. This development is planning and will be constructing the extension of Plaza Central, the roadway that divides the two properties and will serve as one of two access points to the park. It is understood that coordination can and should occur as both projects move forward.

**Southwest Park Master Plan - Assumptions**

The master plan process for the new Southwest Park identified a program and suggested layout on developable areas of the site (see Southwest Park Master Plan document for program and plan). Of primary concern to the public, organized sports groups, and the Parks Department was providing large areas of multipurpose fields, since there is a deficit of area for this use both in the city and in this part of town.

Two types of multipurpose fields were identified for the park: an artificial turf field area (with lights for nighttime games) that accommodates little league baseball and organized sports on a multipurpose field (with a size of 180' x 360' for flexible use), and a larger grass multipurpose field area.

The locations, configurations, and sizes of these fields are dictated by site constraints, optimal orientation, access, and a desire to locate the grass fields on more loamy soil (to help with the long-term maintenance and health of the grass) and the artificial turf fields above the base flood plain elevation (to protect this investment from flood damage and prevent the rubber material from entering the waterway). Final size and configuration will need to be adjusted based on more detailed design, engineering, and existing conditions information.

Given the constraints of the site and the large areas needed for field space, the team may need to seek a setback variance from city code from the west drainage channel in order to gain valuable usable space east of the channel for park elements.

**Coordination**

Based on several meetings with the Cook Development team and Planning and Land Use staff in June and July, 2011 we understand the Southwest Park site will be impacted within the limits of the west property edge by Plaza Central roadway grading and by a drainage channel at the base of the road embankment. This drainage channel runs parallel to Plaza Central through park property and will carry stormwater from upstream offsite development to the Arroyo de los Chamisos. Coordination needs to occur along this edge as both projects move forward in order to provide a beneficial outcome.



Reducing the width of the off-site improvements impacting SW Park property is of primary importance to grant the City more developable park area on the west side and flexibility as the park plan moves forward.

The design team proposes the following recommendations during coordination:

*Plaza Central extension east embankment grading coordination:* as more detailed planning occurs for the field area, pathways, and spectator seating areas, there could be opportunities for utilizing portions of the roadway embankment for spectator seating.

*Plaza Central extension east embankment landscape coordination:* tree locations, swale vegetation/design, and reseeding mixes should compliment those proposed for the park and not limit park development

*Drainage channel alignment, grade level + detailing:* the alignment of this channel should be as far west as possible and be coordinated with finish grades of the field area, the park access road (culvert connection), and trails (culverts?). Channel details should be reviewed and coordinated to allow for a pleasant pedestrian experience while walking adjacent to the drainage channel.

*Arroyo Chamiso Trail connection alignment + grading:* the alignment and grade levels of the trail connection (both at Phase 1 and Phase 5 buildout) should be identified and coordinated to work with site-specific conditions for both properties and allow a smooth connection.

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End of Memo

# SOUTHWEST PARK

## PARK MASTER PLAN

### LEGEND

- Master Plan Project Boundary
- Parcel Boundary
- Building Footprint
- Topography, 2-ft Contour
- Drainage, Major Arroyo
- Drainage, Minor
- Open Space, Native Landscaping
- Open Space, Native Re-vegetation Area
- Open Space, Water Harvesting Area
- Grass, Impacted Turf Lawn
- Tree, Existing Juniper
- Tree, Proposed Street Tree
- Tree, Proposed Colonnade Grove
- 1 Multi-Purpose Sports Field (Artificial Turf)
- 2 Playground
- 3 Hillside Adventure Playground
- 4 Basketball Court
- 5 Fruit Tree Orchard
- 6 Community Garden
- 7 Memorial Park Monuments
- 8 Festival Lawn
- 9 Terraced Pickleball Courts
- 10 Maintenance/Restrooms/Concession Building
- 11 Water Playground
- 12 Community Lawn
- 13 Skate Field Plaza
- 14 Soft Play Track
- 15 Multi-Purpose Sports Fields (Natural Grass)
- 16 Dog Park
- 17 Board Bikes Trailhead
- 18 Park Overlook



## DRAFT - PARK MASTER PLAN



JULY 2011

Produced for the City of Santa Fe  
 design office, warrick + associates, Wilborn & Company

# PARK MASTER PLAN

## RECREATIONAL NODES

The existing topography and system of minor and major drainageways define 6 landscapes, or recreational nodes within the Park. These 6 nodes are: 'The Green', the 'Rural Zone', the 'Field Community Center', the 'Native Zone', the 'Field Sports Area', and the 'Festival Lawn'. Based on site specific conditions, opportunities, and park activities, each node has a distinct character. Park activities have been organized in these nodes in a logical manner to generate a synergy in these areas.

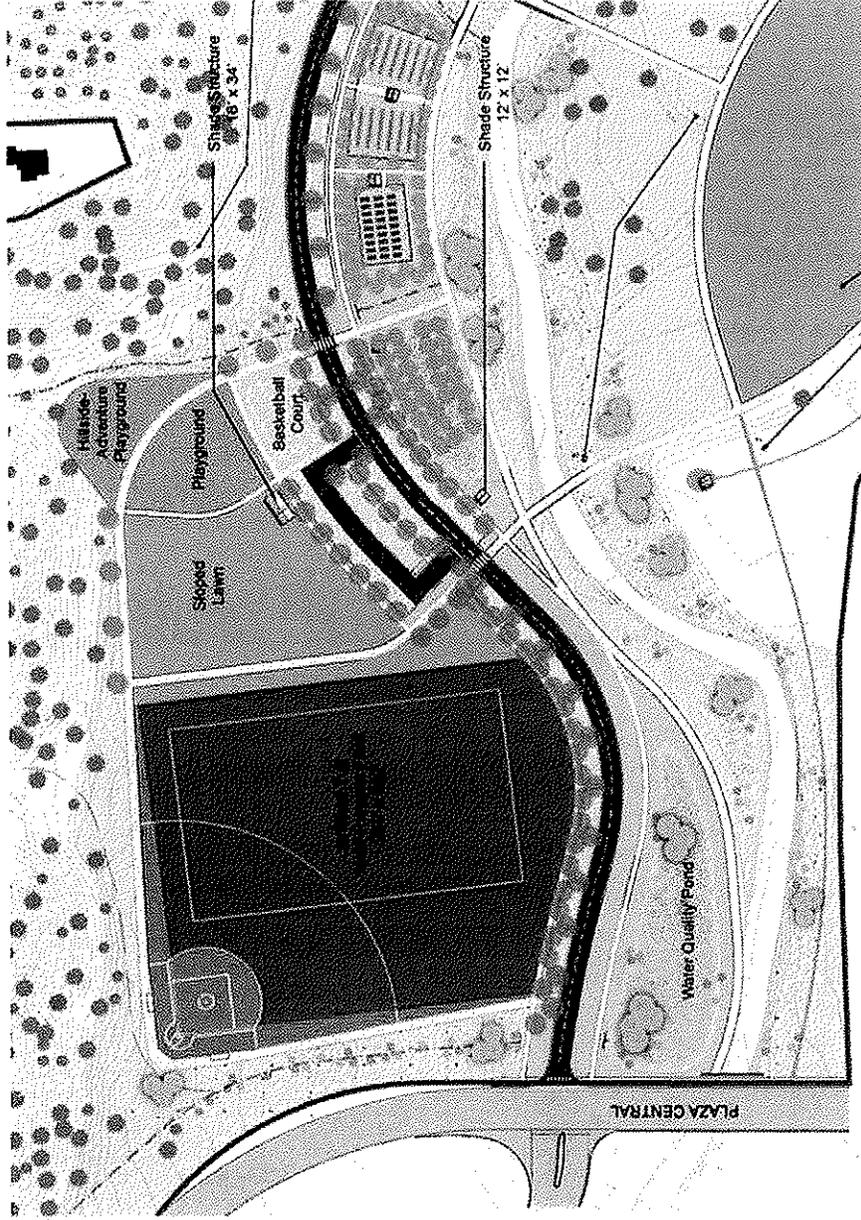
The boulevard with parking as well as a comprehensive trail system provides access to these activity nodes.

### 'The Green'

The first experience of the park from the west entry will be the 'Green', with it's all-season multi-purpose expanse of artificial turf. This area is intended to provide park activities for a range of ages and interest that compliment actively used fields. It is protectively nestled as the base of the hills to the north and the Plaza Central extension to the west. Where possible, hillsides and slopes can be integrated with park design elements, e.g. as spectator seating areas or adventure playgrounds.

#### Program Activities

- artificial turf field (lighted multipurpose field)
- baseball field (200' outfield, 60' plates - little league)
- lawn area
- picnic shelter
- basketball court
- playgrounds (traditional + adventure)
- perimeter trails
- parking



#### Recommendations

- make use of slopes to design the hillside playground as a unique, site-specific element that works with natural elevations, local materials, and regional design aesthetics.
- make use of grading on north, west, and east sides of artificial turf field to create sloped seating for spectators during sporting events.
- coordinate roadway and pathway connections with planned improvements to the west
- adjust drainage conveyance from offsite areas to maximize park use area
- clearly defined entry and visible park identity with wayfinding signage at park entry

# City of Santa Fe, New Mexico

# memo

**DATE:** August 19, 2011

**TO:** Heather Lamboy, Planning and Land Use Department

**FROM:** John Romero, Public Works Department/ Traffic Engineering Division *R*

**SUBJECT:** Case #2011-89, Tierra Contenta Village Plaza Development Plan  
Case #2011-90, Tierra Contenta Village Plaza Final Subdivision Plat

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## ISSUE

Request for Development Plan approval for 100,500 square feet of retail use, 140,800 square feet of office use, 56,500 of community service uses, and 20 dwelling units and request for Final Subdivision Plat approval for 12 lots on 61.09± acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive.

## RECOMMENDED ACTION:

Review comments are based on submittals received on July 13, 2011. The comments below should be considered as Conditions of Approval to be addressed prior to final signoff unless otherwise noted:

1. The developer shall generate and place sight distance triangles, in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines on both the landscaping plan and the proposed subdivision plat. These sight triangles shall be designated as areas where landscaping, structures, or other sight impeding objects are not allowed to be placed.
2. The developer shall provide spline information for the proposed roundabout to ensure proper design.
3. The center island of the roundabout shall be raised with a patterned concrete edge per current standards.
4. The developer shall provide the ultimate multi-lane roundabout design, as determined by the approved Traffic Impact Analysis, so that adequate right-of-way can be reserved, including that needed for cut/fill slopes.
5. The developer shall place 1-2" and 1-3" electrical conduit across all legs of the roundabout at intersection #3 and the roundabout at the intersection of Pavilion Loop and Jaguar Drive. All conduits shall terminate into one of four large pull-boxes to be placed all four corners of the subject intersection. Each conduit shall have a pull string and a bare #8 copper tracing wire.
6. The driveways into lots 8 and 11 shall be situated to line up with the future residential development across Plaza Central.

7. The typical sections for both Jaguar Drive and Plaza Central shall meet the specifications in the Tierra Contenta Phase 2C design standards for a Parkway, which includes 5' sidewalks, 4' buffer space, 2' curb & gutter, 5' bike lanes, 11' driving lanes, and a 14' median (1' curb & gutter and 11' turning lanes where located).
8. The developer shall provide a pavement design for Jaguar Drive and Plaza Central. The minimum pavement section shall be 4" of Super Pave-IV over 6" of Untreated Basecourse.
9. The developer shall provide a street light plan to include a metered system with LED type fixtures. The design and fixture types shall be reviewed and approved by the City's Traffic Engineering Division. The developer will not be required to pay for the metered electricity related to the street lights. The Traffic Engineering Division may adjust this requirement between now and implementation including reverting back to a non-metered High Pressure Sodium System.
10. In addition to what is mentioned above, the Traffic Engineering Division will perform an additional review of signing, striping, drainage, roundabout design, and other specific items during the final subdivision plat and development plan approval process.

If you have any questions or need any more information, feel free to contact me at 955-6638. Thank you.

N:\Engineering\Traffic Engineering\01-TIAs\2011\Tierra Contenta Village Plaza\FC Village Plaza 08-19-11.doc

# City of Santa Fe, New Mexico

# memo

DATE: August 22, 2011  
TO: Heather Lamboy, Case Manager  
FROM: Risana B "RB" Zaxus, PE, City Engineer for Land Use Department  
Cases # 2011-89 and # 2011-90, Tierra Contenta Village Plaza  
SUBJECT: Development Plan and Final Subdivision Plat

---

I reviewed a plan set dated July, 2011. The following review comments are to be considered conditions of approval:

Subdivision Plat:

- Floodplain limits identified in the February 18, 2011 Preliminary FIRM are unchanged from floodplain limits shown on the current effective FIRM dated June 17, 2008. Add a note to this effect on the Plat, such as "the Preliminary FIRM dated February 18, 2011 shows no change to the Special Flood Hazard Area."
- Reference the FIRM panel number used in identifying the floodplain limits shown.
- In the floodplain legend, identify the "Zone AE channel" instead as "Floodway area in Zone AE," and add the following definition: "The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights."
- Correct the discrepancy between note 3 and note 23 regarding maintenance of improvements.
- Add lot addresses (contact Marisa Struck 955-6661).

Development Plan:

- Correct General Note 14 ...certificates of occupancy will NOT be issued...
- Revise vicinity map for clarity and reproducibility.
- Show all proposed stormwater ponds.
- Add lot addresses.
- Clarify

Grading and Drainage:

- Submit drainage calculations for review prior to sign-off.
  - On Grading & Drainage sheets, show a key map.
  - On Grading & Drainage sheets, show all stormwater ponds and volumes
-

**LAMBOY, HEATHER L.**

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**From:** ZAXUS, RISANA B.  
**Sent:** Thursday, July 28, 2011 11:54 AM  
**To:** LAMBOY, HEATHER L.  
**Subject:** TC Village Plaza

Heather,

Here you go, see attached, sorry late.

I did not add to my formal comments: it is not defined exactly what financial contribution the developer will make to the Arroyo Chamiso trail connection. This should be clarified prior to recording...

RB

**From:** ZAXUS, RISANA B.  
**Sent:** Tuesday, August 02, 2011 9:59 AM  
**To:** LAMBOY, HEATHER L.  
**Subject:** RE: CCRs and all that stuff - Village Plaza

Heather, see attached general requirements for HO docs. From a quick read through, it looks like they need to address items 1 and 2.

RB

## HOMEOWNER'S DOCS

1. Include a statement that amendments to the Articles and/or By-laws, termination, dissolution, or merging with another entity shall require prior approval of the Land Use Department for the City of Santa Fe.
2. Include a statement that (i) the property shall at all times be subject to, and the Owners, including Declarant, shall abide by all City of Santa Fe ordinances, laws, regulations and rules as the same may be amended from time to time, and (ii) to the extent City approval shall be required for any matter governed hereby, then no decision of the Association shall be deemed to supersede any ordinance, law, regulation or rule of the City. Further, the Property and the Owners, including Declarant, are subject to all pertinent State of New Mexico laws, regulations and rules.
3. Address responsibility for maintenance of common property line walls, fences, and common access driveways.
4. Include a statement that private road easements, open space, and other private easements located on the property shall be maintained by the Association.
5. Include a statement that stormwater easements and other drainage improvements on private property will be maintained by the Association and kept fully functional as originally designed and constructed. There shall be no encroachment or other disturbance of easements, including but not limited to changing, altering, or converting of drainage easements except with the express written approval of the City of Santa Fe.



# MEMO

## Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

### E-MAIL DELIVERY

Date: July 22, 2011

To: Heather Lamboy, Case Manager

From: Stan Holland, P.E.  
Wastewater Management Division

Subject: Case 2011- 89 and 90 – Tierra Contenta Village Plaza Development Plan and Final Subdivision Plat

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The Applicant shall address the following design review comments for the Preliminary Plat:

1. Show proposed sewer easements on the plat. There are public sewer lines shown on the plan set within the individual tracts. The easements are not shown on the proposed plat.
2. Show existing sewer manholes on the Development and Landscape plans.
3. Clarify sewer vehicle maintenance access to the existing TC sewer manhole #15.
4. Show the proposed and approved effluent line easement on the grading and drainage plans.
5. Clarify the proposed effluent line alignment change. There is currently a Lot Split and Dedication Plat Case #2011-72 being prepared for the City by James Sanchez of Santa Fe Surveying to record the City approved sewer line effluent easement through this project both on and off site. For review, show the City approved effluent easement alignment as prepared by Santa Fe Surveying and the proposed easement alignment change on the plan sets.
6. More detail will need to be provided for the 24 inch steel casing pipes to be installed for the effluent line on the roadway P&P sheets. The casing pipe does not appear to show in the P&P sections.
7. Show all structures and water line crossings of proposed and existing sewer lines.
8. Verify and identify on the plan set the diameter of the existing TC tie in manhole #15.
9. Review the alignment of the sewer manholes so that the manhole frame and covers are not within the vehicular tire path.
10. Review the alignment of the sewer lines connecting to proposed manhole A-1.
11. Show the correct 40 foot sewer easement on sheet C-601 without the radius.
12. Use the Wastewater Division updated General Notes (to be provided).
13. Provide a utility construction phasing plan to reflect what utilities will be constructed as part of the proposed phasing for this project

Please contact me at 955-4637 if you have any questions.

cc: File

*City of Santa Fe*  
**memo**

**DATE:** July 22, 2011  
**TO:** Heather Lamboy, Land Use Planner, Land Use Department  
**FROM:** Antonio Trujillo, <sup>A</sup>Water Division Engineer  
**SUBJECT:** Case #2011-89, Tierra Contenta Village Plaza

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The comments for the subject case are as follows:

- The master utility plan as submitted is acceptable
- The subdivision plat submittal does not show the easements required for the water line located off of the public streets. Add the easements. Easements will be required before execution of an agreement to construct and dedicate contract.

# City of Santa Fe, New Mexico

# memo

**DATE:** September 7, 2011  
**TO:** Heather Lamboy – Land Use Department  
**FROM:** Eric Martinez, PE, CFM – Roadway & Trails Engineering Division Director  
**SUBJECT:** Case #2011-89 & 90 – Tierra Contenta Village Plaza

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Upon review of the referenced development submittal received on July 13, 2011, the following comments should be considered as conditions of approval and addressed prior to final signature or plat recordation.

- It should be noted the applicant failed to adequately address previous comments regarding Multi-use Trails as detailed in the staff report for related development Cases #2011-67, 68, 69, and 70. These previous comments should be addressed fully.
- Multi-use Trail design details are limited. Development Plan Sheet 1 of 5 (Sheet 3-1) contains a note assigning design and construction responsibility of the Arroyo Chamiso Trail to the City with the developer agreeing to participate financially. However, in accordance with the Annexation Agreement under related development Case #2011-69 approved by the Planning Commission on August 4, 2011, it is recommended the applicant participate fully in the design and construction of the trail system as it can best be accommodated/integrated as part of the overall development without undue constraints. Under the Annexation Agreement, the trail shall include connections to the Pavilion project located on the west side of NM 599, to the Village Plaza to the north, and to the future City recreation center (Southwest Activity Node Park) to the east. Multi-Use Trail infrastructure within and traversing New Mexico Department of Transportation (NMDOT) right-of-way and utilizing existing drainage structures will require NMDOT and City review and approval. Should the use of existing drainage structures be denied by NMDOT, trail development will be re-evaluated.
- The applicant shall provide additional Multi-use Trail design details in accordance with the AASHTO Guide for the Development of Bicycle Facilities, the MUTCD and applicable ADA guidelines (current editions). Such design details shall include, but are not limited to vertical/horizontal geometrics (i.e. alignment and grades—plan and profile), drainage accommodations, signing & striping plans, details for street connections and/or grade separated crossings (i.e. underpass/culvert dimensions), typical sections w/pavement details (for normal trail section and grade separated sections), etc. Trail/street intersections may also require additional review and approval by the City Traffic Engineer.
- All Multi-use Trail easements shall be dedicated to the City of Santa Fe.

The Roadway & Trails Engineering Division will provide additional review of the aforementioned during the course of the development review process. Please feel free to contact me at 955-6612 should you have any questions or require additional information. Thank you.

**LAMBOY, HEATHER L.**

---

**From:** WILSON, KEITH P.  
**Sent:** Monday, August 22, 2011 11:24 AM  
**To:** LAMBOY, HEATHER L.  
**Subject:** RE: Voice Mail Message ( 6656 ) ( 32 seconds )

Hi Heather:

The Metropolitan Transportation Plan Amendment to remove the NM599 Frontage Road was released for a 30-day Public Review Period on July 27<sup>th</sup>. To date I have not received any public comment on the Amendment.

The MPO Technical Coordinating Committee will be reviewing the amendment and making a recommendation to the MPO Transportation Policy Board at their meeting this afternoon (see attached agenda). The MPO Transportation Policy Board will hold a Public Hearing before taking action on the amendment at their September 8<sup>th</sup> Meeting.

I have also attached the NMDOT letter requesting the amendment and the Map that would be amended if you want to include it in your staff report.

Let me know if you need additional information or have questions.

**Keith P. Wilson**  
MPO Senior Planner  
Santa Fe Metropolitan Planning Organization  
P.O. Box 909  
Santa Fe, NM 87504-0909  
Phone: 505-955-6706  
Fax: 505-955-6332  
[kpwilson@santafenm.gov](mailto:kpwilson@santafenm.gov)

Please Visit Our Website at: [www.santafempo.org](http://www.santafempo.org)



## **Santa Fe Metropolitan Planning Organization**

*"Promoting Interconnected Transportation Options"*



# **Santa Fe MPO Technical Coordinating Committee**

**Monday August 22nd, 2011, 1:30 P.M.**

*City Council Chambers, City Hall  
200 Lincoln Avenue, Santa Fe, NM*

## **AGENDA**

- ◆ Call to Order
  - ◆ Roll Call
  - ◆ Approval of Agenda
  - ◆ Approval of Meeting Minutes from July 25<sup>th</sup>, 2011
- 1. Communications from the Public**
  - 2. Items for Discussion and Possible Action:**
    - a. Review and recommendation on the proposed amendment to Figure 5-1 (Future Regional Roadway Network Map) of the Santa Fe Metropolitan Transportation Plan 2010-2035 – *MPO Staff*
    - b. Update on the design for the NM599/County Road 62 Interchange – *NMDOT Staff*
    - c. Update on the status of Rail Runner Express Service – *MPO Staff*
    - d. Update on the status of the Federal Transportation Bill Reauthorization – *MPO Staff*
  - 3 MPO Officer Report**
  - 4. Communications from TCC Members**
  - 5. Adjourn - Next TCC Meeting: Monday September 26<sup>th</sup>, 2011**

*Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to the meeting date.*

**LAMBOY, HEATHER L.**

---

**From:** WILSON, KEITH P.

**Sent:** Wednesday, July 27, 2011 6:02 PM

**Subject:** Notice of Public Comment Period - Proposed Amendment to the Metropolitan Transportation Plan 2010-2035

**NOTICE OF PUBLIC COMMENT PERIOD**

**FOR A PROPOSED AMENDMENT TO THE SANTA FE METROPOLITAN  
TRANSPORTATION PLAN 2010-2035**

The Santa Fe MPO has received a request from the New Mexico Department of Transportation (NMDOT) to amend Figure 5-1 "MTP 2010-2035 Future Regional Roadway Network Map" of the Santa Fe Metropolitan Transportation Plan 2010-2035 to remove the Frontage Road along NM599 between I-25 and Jaguar Drive.

This request necessitates that the proposed amendment be released for a 30-day Public Comment Period to allow the public an opportunity to review and provide comment on the proposed amendment.

The Public Comment Period runs from **July 27th through August 30th, 2011**. The MPO Technical Coordinating Committee will make a recommendation on the proposed amendment at their **August 22nd meeting** and the MPO Transportation Policy Board will hold a Public Hearing on the proposed amendment at their **September 8th, 2011 meeting**.

For more information, please review the following documents:

**NMDOT Amendment Request Letter**

**Figure 5-1: MTP 2010-2035 Future Regional Roadway Network Map**

The full MTP Document can be downloaded from: <http://santafempo.org/mtp/mtp2010-2035/>

For questions or to submit comments please contact:

**Keith Wilson**, MPO Senior Planner  
505-955-6706

**Keith P. Wilson**  
MPO Senior Planner  
Santa Fe Metropolitan Planning Organization  
P.O. Box 909  
Santa Fe, NM 87504-0909  
Phone: 505-955-6706  
Fax: 505-955-6332  
[kpwilson@santafenm.gov](mailto:kpwilson@santafenm.gov)

Please Visit Our Website at: [www.santafempo.org](http://www.santafempo.org)

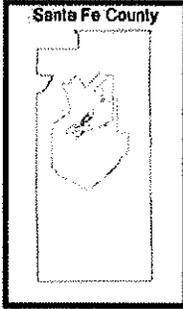
08/22/2011

**Figure 5-1 MTP 2010-2035 Future Regional Roadway Network Map**

**PROPOSED AMENDMENT  
For Transportation Policy Board  
Approval - September 8th, 2011**



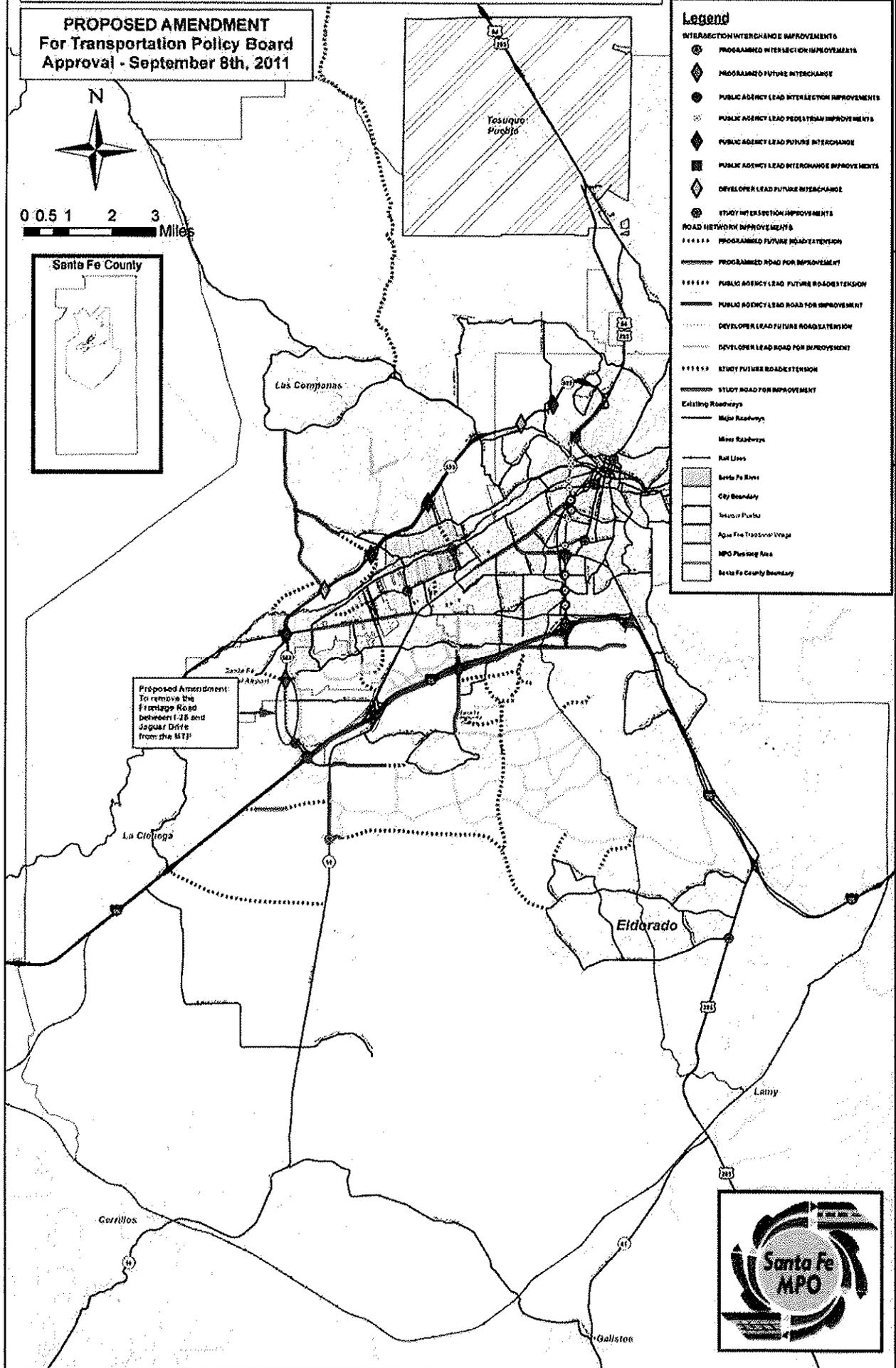
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**Legend**

- INTERSECTION INTERCHANGE IMPROVEMENTS**
- PROGRAMMED INTERSECTION IMPROVEMENTS
- ◆ PROGRAMMED FUTURE INTERCHANGE
- PUBLIC AGENCY LEAD INTERSECTION IMPROVEMENTS
- PUBLIC AGENCY LEAD PEDESTRIAN IMPROVEMENTS
- ◆ PUBLIC AGENCY LEAD FUTURE INTERCHANGE
- PUBLIC AGENCY LEAD INTERCHANGE IMPROVEMENTS
- ◆ DEVELOPER LEAD FUTURE INTERCHANGE
- STUDY INTERSECTION IMPROVEMENTS
- ROAD NETWORK IMPROVEMENTS**
- PROGRAMMED FUTURE ROAD EXTENSION
- PROGRAMMED ROAD FOR IMPROVEMENT
- PUBLIC AGENCY LEAD FUTURE ROAD EXTENSION
- PUBLIC AGENCY LEAD ROAD FOR IMPROVEMENT
- DEVELOPER LEAD FUTURE ROAD EXTENSION
- DEVELOPER LEAD ROAD FOR IMPROVEMENT
- STUDY FUTURE ROAD EXTENSION
- STUDY ROAD FOR IMPROVEMENT
- Existing Roadways**
- Major Roadways
- Minor Roadways
- Rail Lines
- Santa Fe River
- City Boundary
- Tesuque Pueblo
- Agua Fria Traditional Village
- MPO Planning Area
- Santa Fe County Boundary

Proposed Amendment:  
To remove the  
Franchise Road  
between I-25 and  
Jaguar Drive  
from the MTP





*New Mexico* DEPARTMENT OF  
**TRANSPORTATION**

July 20, 2011

Mark S. Tibbetts, MPO Officer  
Santa Fe MPO  
P.O. Box 909  
Santa Fe, NM 87504

Dear Mr. Tibbetts:

The New Mexico Department of Transportation (NMDOT) District 5 would like to request an Amendment to the Santa Fe MPO 2010 to 2035 Metropolitan Transportation Plan in that the NM 599 East Frontage Road to the Jaguar Interchange is deleted from the MTP for the following reasons.

1. The frontage road's intersection with Jaguar Drive would create substandard intersection spacing on Jaguar drive between the ramp terminals, the frontage road, and the proposed Plaza Central intersections;
2. The frontage road would be inaccessible to some of the adjoining properties because of terrain issues;
3. There is a planned roadway connecting Jaguar to the I-25 frontage just to the east of the subject NM 599 frontage road (shown on the MTP), that can provide sufficient access for the surrounding properties to either the future Jaguar/NM599 interchange or the I-25 Frontage Rd/NM 599 intersection.

The NM 599 Project Prioritization Plan prepared by Bohannon Houston for the NMDOT recommended that this frontage road be prioritized along with other interchange and frontage road projects. The project ranked last among the list of prioritized projects as this frontage road would only serve new development. As stated in Item No. 3 sufficient access for the surrounding properties can be obtained through other connections which eliminates the need for the construction of the frontage road in the future.

Please consider this request and if you have any questions or require further information please contact Mr. Phil A. Gallegos, ADE – Engineering D5 at (505) 476-4232.

Sincerely,  
  
Miguel B. Gabaldon, Jr. P.E. District 5 Engineer

Xc: Kathryn Bender, Deputy Secretary for Programs & Infrastructure  
Pat Oliver-Wright, Planning  
David Quintana, Project Development Engineer  
Phil A. Gallegos, Assistant District Engineer-Engineering

**Susana Martinez**  
Governor

**Alvin C. Dominguez, P.E.**  
Cabinet Secretary

**Commissioners**

**Pete Rahn**  
Chairman  
District 3

**Debra Hicks**  
Vice Chairman  
District 2

**Dr. Kenneth White**  
Secretary  
District 1

**Ronald Schmeits**  
Commissioner  
District 4

**Butch Mathews**  
Commissioner  
District 5

**Jackson Gibson**  
Commissioner  
District 6

# City of Santa Fe, New Mexico

## memo

**DATE:** June 23, 2011  
**TO:** Heather Lamboy, Case Manager  
**FROM:** Reynaldo Gonzales, Fire Marshal   
**SUBJECT:** Case #2011-67 thru 2011-70

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2006 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Shall comply with International Fire Code (IFC) 2006 Edition

*Commissioner Mier moved to approved Case 2011-66 with staff conditions, seconded by Commissioner Spray, motion carried by unanimous voice vote.*

**4. 2011-69 – Village Plaza Annexation.** Santa Fe Planning Group, Inc., agent for Richard Cook, requests annexation of 26.96+ acres. The subject property is within Phase 2 of the city annexation area and is currently zoned residential R-3 (Residential, 3 dwellings units per acre). The property is located east of NM 599, south of Jaguar Drive and north of Mutt Nelson Road. (Heather Lamboy, Case Manager)

**5. Case #2011-70 – Village Plaza General Plan Amendment.** Santa Fe Planning Group, Inc., agent for Richard Cook, requests amendment of the General and Future Land Use Map for 4.52+ acres from Low Density Residential to Community Commercial. The property is located east of NM 599, south of Jaguar Drive and north of Mutt Nelson Road. (Heather Lamboy, Case Manager).

**6. Case #2011-67. Village Plaza Rezoning.** Santa Fe Planning Group, Inc., agent for Richard Cook requests rezoning of 34.18+ total acres from Planned Residential Community (PRC) to Commercial (C-1 and C-2), 16.05+ acres to C-1 (Office and Related Commercial) and 18.13+ acres to C-2 (General Commercial). The subject property is designated "Village Commercial" in the Tierra Contenta Master Plan. The property is located east of NM 599, west of Plaza Central and north of Jaguar Drive. (Heather Lamboy, Case Manager).

**7. Case 2011-68. Village Plaza Preliminary Subdivision Plat.** Santa Fe Planning Group, Inc. agent for Richard Cook, requests Preliminary Subdivision Plat approval for 12 lots on 61.09+ acres. The property is located east of NM 599, west of Plaza Central and north and south of Jaguar Drive. (Heather Lamboy, Case Manager).

Ms. Lamboy: We are hearing four cases together regarding Village Plaza at Tierra Contenta. The first three cases involve the recommendation to the City Council by this body. That would be the annexation, general plan and rezoning. The final case, which is the preliminary subdivision plat is typically something that the Planning Commission acts on as a final action. It does not require a recommendation to the City Council. That is why you see two staff reports because you are the final authority on the subdivision plat. There will be a request for separate motions for each case when we get to that point. The Village Plaza is located between Plaza Central and NM 599 in the Tierra Contenta subdivision. Plaza Central and Jaguar Drive will be extended to serve this development and will connect to the newly proposed 599 overpass and Jaguar Drive (provides aerial). It is located at Tierra Contenta's western edge that has not yet been developed. As you exit I25 onto the Veteran's Highway the City limit basically starts north of Arroyo de Chamisos. Shows Tierra Contenta master plan. The proposal is related in that it was part of the master plan in 1993. However, it is separate from Tierra Contenta in that it is not part of the planned residential community. Originally Tierra Contenta envisioned a

master planned community that would have services available within the community. The three central areas for these types of services were 1) along Cerrillos Road (Walmart site); 2) Plaza Contenta site; 3) as well as this site in between Plaza Central and 599. The master plan called for office type uses on the northern portion of the site. Some community uses in the yellow area (2 acres) and the retail and commercial types of uses that were envisioned for parcel 54A. The current zoning for this site is Planned Residential Community (PRC). The annexation master plan requires that these parcels be rezoned because it will not reflect the appropriate uses. Under PRC there are commercial use. That is one of the reasons that the applicant is before you tonight. The residential 3 zoning district is the 26.96 acres that the applicant is proposing to annex into the City and will compliment the development to the North. Because of the nature of the site, some of the maps will be north facing up and in some north will be facing off to the side.

Series of maps – explaining annexation plat – under the phase 2 annexations. The applicant is trying to subdivide that land into four tracts. The tract north of the Arroyo del Chamiso, the applicant is proposing to rezone to a commercial zoning district. There would be open space tract for the arroyo. Finally, there are two tracts that would remain Residential 3. What are planned are for religious use on the site but those could change. Annexation master plan (visual) and the office incubator would be between the adjacent neighborhood and the development. Daycare is being proposed for community use, which would be located closer to the NM 599. There is a huge change in grade their so there would not be any type of danger. The live/work is being proposed across from the daycare facilities. To the south would be retail which would be centrally created around a plaza. The applicant has added elements in response to the early neighborhood notification meeting, as well as a meeting that the applicant had with the neighborhood. That would be pedestrian trails and a café facing the street and maybe a grocery store site. There would also be a walking trail. The sidewalk would not be a normal sidewalk but would actually be set off the roadway and sort of a winding walking trail. The retail is also being proposed to the south of Jaguar Drive. The open space would buffer to either residential or religious uses. The next item are the general plan amendments. The general plan amendment is for the northern portion of the plat. The 4.52 acres to amend it from low density residential to community commercial.

Finally, the Rezoning Plat. It is currently zoned PRC or R3 and the request is to change it to C1 for the office/business incubator and the live/work area. Also C1 for the community services area. C2 for the retail units to the north between the office area and Jaguar Drive and C2 for the community commercial area I just referenced. Of course, the area to the South of the arroyo as well as to the south of that would remain R3. The subdivision plat requests 12 lots. The plat will be governed by not only business owner association as well as CPR but this board acted on design standards for this particular area in January and approved the standards. Those would apply from the arroyo up or the proposed church or residential facility to the south would fall under standard city code for architectural review and design review.

Conditions of note: Keith Wilson's review of the future road regional roadway network. Originally the roadway network map envisioned a frontage road along 599. After taking a look at that and discussing with DOT, DOT wrote to the City requesting the removal of this because of the typography issues and the cost that would be associated with developing that frontage road. The request would be rather to shift that over to provide direct access to Paseo del Sol. On August 22 the Technical Coordinating Committee will act on this after a 30 day public review period which is already started.

The next couple of items have been addressed. The applicant worked diligently in updating responses to staff's comments and we were able to get those into your packet. I am going to go over them.

The affordable housing requirements for residential parcel. If it developed as residential there is a requirement for affordable housing. That needs to be included in the annexation agreement and the applicant has done that.

There is also need for pedestrian infrastructure. The applicant has included a commitment to pedestrian infrastructure in the annexation agreement.

Additionally, the annexation agreement needed to be updated with notes from the traffic engineer that address the commitment of construction for the NM 599 overpass which is currently underway. It is being reviewed by the DOT as well as the extension of Jaguar Drive and Plaza Central.

Finally, the applicant needed to provide some additional information to us on the trail network. He is working with Eric Martinez on the cross sections.

As you may recall at the Pavilion Development we had a lot of discussion about a crossing underneath 599 and we want to ascertain that crossing under 599 is going to happen. That requires DOT approval but we want to make sure it is started.

There are a couple new conditions – they are for clarification, really, The annexation and plat approval process, when is it final – the plat does not require a second hearing, whereas the annexation and the other require the hearing from City Council. So, this board's plat approval cannot be final to those until those actions are final. There is a condition on their that says approval is contingent on the annexation approval. Additionally, there is a master plan note regarding the annexation that gives the applicant a little bit of flexibility. Sometimes there is a shift in the footprint of the building to be kinder and gentler to the terrain and then they have to go back to City Council to get their annexation master plan amended. This allows a little bit of staff flexibility to help the applicant through the process because it is very difficult to know everything before you get to building permit. Finally, the effluent line goes through the site. This is a planned wastewater site that will serve the planned part in Tierra Contenta. This is treated effluent coming from the Waste Water Division. The design has already been completed and paid for by the City of Santa Fe. The applicant has requested an upgrade for this.

Therefore, the Applicant has addressed all the criteria for the annexation of the general plan amendment, annexation plan and rezoning and staff recommends approval with the conditions stated in my updated memo on my desk.

Chair Lindell: Thank you. Is the applicant present?

Scott Hess: 109 St. Francis Drive, Santa Fe, NM 87505

Mr. Hess: The additional conditions that Heather read into the record we do concur with those. The effluent line was designed by the City and it has been determined that it is going to need some tweaking based on the additional work we are doing. Let me first introduce my team – Mike Gomez, Robert, Nancy Long, Antwon, Phil.

What Heather walked you through seemed pretty complex. We have an annexation, general plan amendment, rezoning and subdivision plat. There seems like a lot there but there really is not. I think if I walk you through this it is very simple. If you look at Tierra Contenta map there are colored areas (indicates on map) that are the subject area. It seems as though when you are looking at all the staff reports it is pretty complex. The red and pink are already zoned. The yellow is not zoned. We need to assign a zone. The 25 acres was in Phase 2 of the city annexation area and needs to be annexed. This is all one project. The top portion will be commercial. The lower half will be R3. The top will be C2 and C1. That is essentially all the tools we are dealing with. Is everyone on the same page about what needs to be done?

You can see from the plan that it is the same shape as the Tierra Contenta plan and down below we have 25 acres. As you can see, we have planned this all as one. We started last fall working with staff. It was getting cumbersome and confusing so we decided to slow things down and continue with the pavilion. We have improved the plan based on comments from staff. The other thing to highlight are – the interchange – the first stage is 30% reviewed. We have a hearing coming up in a week. The issue is that in order to submit to DOT you have to have a traffic impact analysis. In order to have a traffic impact analysis we had to show what we were doing. We needed to have some sense of the traffic. We have the interchange and then the Jaguar extension which will head to the interchange and the main road – Plaza Central, which heads to the south and to the new park. The regional park in Tierra Contenta (points out location of park). We have been meeting with the planners and discussing how the two projects will interact – access, effluent line, etc.

From a design standpoint we have a project that interacts with Tierra Contenta and we have a project – a commercial project that is to be built over a long period of time. The density is already there. This project has a grand chance of success because you have a density near the project. It will be a successful commercial project near residential. Looking at the design itself we started with office complex at the north – broken into multiple buildings. We have 7 buildings, including a small office complex. This is designed to interact with land across the street. Tierra

Contenta has three residential tracts that are approved. They include the Housing Trust, Habitat for Humanity, and Homewise. Directly across the street we will have housing. We designed our plazas to interact with the residential across the street. As you head south you have live/work units. We also have a daycare. The yellow is community services – that is the daycare. The market study shows that there is a demand. The daycare is designed for about 100 kids. As you head south we have a bank building, more office, retail, professional services, restaurant use (sit down) and a grocery store. We reduced the size to what we think we can attract. Trader Joes would be a great use on this side of town. That is the size of store we are going for. Sunflower market is already on this side of town. That does not mean that if someday a Smith's happened to be interested in the site that we would then have to come back to this board to modify the development plan on this project for a larger store. Right now this is in scale with the community. In other words we are developing smaller retail spaces, such as nail shops, Subway, a coffee shop. On the opposite side of Jaguar it would have a convenience store, car wash, fast food restaurants, mom & pop stores, grocery, etc. As you recall, this part is being rezoned to C2 and the balance is C2. Then you have the arroyo and the church site down below. The church site was picked for a couple of reasons. First, because it is in the residential usage to the south and we thought it would be a good transition. It could offer other opportunities in the future such as maybe a recreational complex. It provides a light quasi use that interacts with the existing residential. South of the roundabout would be built up to the arroyo and provide access to the park. We would ultimately cross the arroyo and head down to the church site in one of our later phases. We had a lot of meetings with staff and the neighbors in order to get this done.

The other issue is the trail issue. The trail connectivity issue does take the work from the Pavilion into consideration. One is a regional trail the other is a trail between buildings and sidewalks. We followed the same pattern on this side. The other thing I want to touch on is following our meeting with staff it was flushed out that this will be an entrance to the Tierra Contenta. This could someday provide the main access to Tierra Contenta. One of the things we took into account was dressing that up a little. We added landscaping down the center, with a side wall that will go completely to the roundabout. The roundabout could be the first double lane roundabout some day. The traffic volumes in the future may justify it. The trails underneath 599 are attached to this project. We will commence conversations with the City and DOT. We have other trails throughout the project. We can relocate that a little better once we understand how the residential developments will work. The trails are in lieu of a sidewalk. We need to figure out a way to loop the trail so you can come back up and around.

Chair Lindell: This is a public hearing, are there any comments on the development?

Rick Soto, 4545 Contenta Ridge, Santa Fe, NM

Mr. Soto: I have lived in Tierra Contenta since the very beginning and I didn't realize there were 2,400 families there. I am here so show my support and encourage that

everybody work together. I think this kind of growth is long overdue on the south side of town. We have plenty of families for an Albertsons or Smiths for sure. I hope we can work with these people and make it happen.

Dave Thomas, 6005 Jaguar Drive, Suite 105, Santa Fe, NM

Mr. Thomas: I am the project engineer for Tierra Contenta Corporation. The development of this commercial area is proving to be – it has been the most difficult element of Tierra Contenta since its inception in 1994. We are very pleased to see this coming through. It has been a dream - part of the master plan. It went from concept to a dream. The original idea was an at grade intersection with Jaguar Drive and 599. That was never going to work. Primarily because the DOT would not stand for it. We still hung in there and the Pavilion project came along and we saw an opportunity to blend commercial, residential and office development at the interchange with 599. That proved to be the fulfillment of the commercial area in Tierra Contenta that was part of the master plan to serve not only the residents of Tierra Contenta but the residents of the greater Santa Fe area. The interchange will allow this to happen. The benefit for Tierra Contenta, obviously, is jobs in proximity. We have always coveted that idea. The idea of putting offices in a commercial area in Tierra Contenta was part of that wish to have mixed use. This allows people being able to shop and work within a very short distance so they don't have to get out on Airport Road or Cerrillos Road. The goods and services that this will provide will be for Tierra Contenta and greater Santa Fe residents as well. Our architect review committee has met dozens of times with the applicant and will continue working with them on the development of this project. We are looking at this as the marquee entrance to Tierra Contenta and they are helping us out with that a lot. The relationship is excellent that we have with this developer. The Tierra Contenta Corporation strongly supports these applications and the further applications that will be coming down for final approval.

Chair Lindell: The public hearing closed.

Phil Sena, 4540 Contenta Ridge, Santa Fe, New Mexico.

Mr. Sena: We have been working on the design plan for a year to a year and a half. The arts commission has endorsed this along with the administration. I am proud to show it to you so you can get a first version of what the final approval looks like.

Commissioner Villarreal: I have a question - clarification questions on page 2 of fiscal impact study. It talks about Tierra Contenta being a site that qualifies for the new market financing. I was wondering if this has been confirmed as a viable option.

Fabian Trujillo, Economic Development Division Director for the City of Santa Fe.

Mr. Trujillo: The new markets tax credit has been determined in that particular census tract that businesses would qualify for that. The new market tax credit allows for investors to invest in commercial projects in that area to receive a 39% tax credit over

7 years. It is an allocation that the State of New Mexico applied for in 2007 and they received \$110M allocation. They received an additional \$46M allocation and they have roughly \$90 - \$100M for investment in these types of projects. Because it is in a low income census tract they would qualify for that type of investment. It is going to make it a lot easier for investors to come and develop this area.

Commissioner Villarreal: I think it is a great option. Who facilitates to make those connections between potential businesses?

Mr. Trujillo: It is marketed a lot through the City's Economic Development, but also through the State. The New Mexico Finance Authority is the governing body through Finance New Mexico. They have a couple times a year to submit an application for New Market Tax Allocation for a project. They usually do anything between \$5M and \$10M. You can do a maximum of \$20M project. They also have a way where you can apply "on the fly" where you get a \$10M allocation. They set aside about 60% of that for urban.

Commissioner Villarreal: These areas – what is the criteria for which a project would qualify. The areas are on a competitive basis such as high tech, clean energy, value added agriculture and rural economic development – so I was just curious about that.

James Wheeler, Commercial Properties, 2019 Galisteo Street, Santa Fe, NM

Mr. Wheeler: We have had some interesting things happen. We had one broker approach us and we to two sides of the street Pavilion West and Pavilion East. He didn't tell me why his prospect wanted to be on this side – the side we were talking about right now. It didn't come out until later. Ultimately it dawned on me why they wanted to be there. We had a couple of people wanting to be there. One was a Call Center and they were going to have 40,000 to 50,000 sq. ft. of a high tech kind of thing. We had another entity look at this side also. It was finally decided that because of the amount of trucks that would be coming in it was not appropriate for this side. This new market thing is going to be a big factor in terms of attracting new industry to Santa Fe. We have seen it happen already.

Mr. Trujillo: The industries that the state looks at are very compatible with industries that we've targeted. A lot of the industries that they are looking at are green, high tech, media, knowledge based, will all fit in that particular area.

Commissioner Villarreal: I hope we get new innovative ideas. I have one more question on page 5 – it shows retail gaps and shows spending patterns. How did they arrive at the numbers?

Antwon, 120 Grant Avenue. The information is coming from the census database to arrive at these numbers. You should go to page 6, it is very interesting [inaudible] shows information on groceries, gasoline, and restaurant. As you see the numbers shows a surplus to the far right. The negative number shows surplus and positive number is

where you have a gap. The new commercial center is going to be for various goods and services. All the data is from the report.

Commissioner Villarreal: Thank you. Based on the conditions of approval or the trail engineering numbers that we talked about - in the trail connections at the Pavilion - it says that the trail connectivity should be considered. I would like to understand more. Why does it say "should be considered" rather than "required".

Mr. Hess: It should be considered because DOT has authority. We are trying to get underneath 599 and need to defer to DOT. With the City's assistance we will approach DOT. We have approached and they said no. We are going to regroup and ask again. It seems as though there is precedent out there for the trails to occur in the Arroyo. Again, we will regroup.

Ms. Lamboy: The other issue is that it involves two different staffs. Mr. Martinez wrote it in a very soft nice way and then my trail condition echoed his concern but nailed it down a little more. Details on the trail can be worked out in the development plan phase and the agreement should provide a commitment for the construction of Arroyo Chamiso Trail and a placement plan in the recreation area as well as the Pavilion Development. There will be no development plan associated with urban space tracts. The Arroyo Chamiso Trail should be indicated in the plan.

Commissioner Bordegaray: We are not voting on this tonight, but, development at that stage is when we will hear more details. I have a question about the terrain there and building on that. If I am right about the area we are talking about – are we talking about those very sloped areas?

Mike Gomez, 1599 South St. Francis Drive.

Mr. Gomez: I would describe as dissected ridges with a road in between. As you may recall back when we came for Phase 2C subdivision plat we got a variance to make the grades to make the overpass work. We had to generate fill to fill those areas you are talking about. The areas will be filled in. The areas will be landscaped and will be similar to the other ridges that stick out. We are not asking for any new variances in terms of terrain management or drainage.

*Commission Hughes moves to recommend Case #2011-69 be heard by the City Council, seconded by Commissioner Mier, motion carried by unanimous voice vote.*

*Commission Hughes moves to recommend Case #2011-70 be heard by the City Council, seconded by Commissioner Mier, motion carried by unanimous voice vote.*

*Commission Hughes moves to recommend Case #2011-67 be heard by the City Council, seconded by Commissioner Mier, motion carried by unanimous voice vote.*

*Commission Hughes moves to approve Case #2011-68 with staff changes, seconded by Commissioner Mier, motion carried by unanimous voice vote.*

Mr. O'Reilly: Point of order, the first three cases, 2011-69, 2011-70 and 2011-67 – was the intent that they are approved with staff recommendations?

Chair Lindell: Yes.

### **Business from the Floor**

Chair Lindell: Any business from the floor?

None

### **Staff Communications**

Ms. Baer: We will e-mail everybody to confirm the arrangements for the field visit. I would like to invite you to a planning commission training held that will be held in conjunction with the APA conference on September 10. Specific training (9 – 3) on a Saturday at La Fonda. The training is specific for planning commissioners and covers legal, procedural, dos and don'ts and how tos. We hope that you can all attend. This is at the City's expense.

Chair Lindell: Thank you for putting that together.

Mr. O'Reilly: A question was asked about the procedure for annexing properties within the presumptive city limits, specifically in relation to the Ten Thousand Waves being annexed. The settlement agreement layouts phases for annexation. There is nothing in any of those agreements that would prohibit someone from coming forward and requesting annexation out of sequence. If someone is in Phase and wanted to be annexed prior to annexing all of phase 3 they could do that. The question regarding Ten Thousand Waves is a little different because one of the criteria for annexation is that there be a certain percentage of contiguity with other City property. Right now the Ten Thousand Waves property is in area 18 of Phase 3 of the annexation area has no other City property around it. That would prohibit Ten Thousand Waves from coming in.

Commission Hughes: I have seen some very creative annexation. We may want to think about Hyde Park Road as a candidate to getting you the existing condition. On the Chapter 14 update, where is that?

Mr. O'Reilly: The Planning Commission finished Chapter 14 a couple months ago. Greg Smith is the primary staff person assigned to Chapter 14 along with our consultant, Chris Grazer. They have been working to cross reference everything and are very close to bringing that document forward (public works committee first and then the city council). Hopefully that will happen in early September. It is unclear at this point how the public works and city council will hear Chapter 14 – either a lump sum or two or more pieces. Hope to get some direction from them. We have heard from the Public Works chair that he would appreciate some members of the

City of Santa Fe  
Planning Commission  
Findings of Fact and Conclusions of Law

Case #2011-69 – Village Plaza Annexation  
Case #2011-68 – Village Plaza Preliminary Subdivision Plat  
Case #2011-70 – Village Plaza General Plan Amendment  
Case #2011-67 – Village Plaza Rezoning

Applicant's Name – Santa Fe Planning Group, Inc.  
Owner's Name – Richard Cook

THIS MATTER came before the Planning Commission (Commission) for hearing on August 4, 2011 upon the applications (Applications) of Santa Fe Planning Group, Inc. as agent for Richard Cook (Applicant).

The Applicant seeks to (1) annex a 26.96± acre parcel of land located east of New Mexico State Highway 599 (NM 599), south of the proposed Jaguar Drive extension and west of the proposed Plaza Central extension identified as Tract A (Tract A) (with .04± acres to be dedicated public rights of way) and combine it with 34.13± acres of land located east of NM 599, north of the proposed Jaguar Drive extension and west of the proposed Plaza Central (the North Parcels) to facilitate the development of Tract A and the North Parcels (collectively, the Property); (2) to subdivide the 61.05± acre Property into 12 lots and 2 open space/parks tracts, including the subdivision of Tract A into four parcels, identified as Lot 1 (14.21± acres), Lot 2 (2.62± acres), Lot 3A (4.49± acres) and Tract 1 (5.60± acres); (3) to amend the General Plan Future Land Use Map (General Plan) to change the designation of Lot 3A from Low Density Residential to Community Commercial; and (4) to rezone 16.05± acres of the Property from Planned Residential Community (PRC) to Office and Related Commercial (C-1) and 18.08± acres of the Property from PRC to General Commercial (C-2). Tract 1 (5.60± acres) and Tract 2 (1.60± acres) are designated as open space.

After conducting a public hearing and having heard from staff, the Applicant, and all other interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) Section 14-3.4(C) sets out certain procedures for the annexation by the City of land, including:
  - (a) A pre-application conference [Section 14-3.4(C)(1)];
  - (b) Compliance with Code Section 14-3.1(F) Early Neighborhood Notification (ENN) requirements [Section 14-3.4(C)(2)]; and

- (c) Compliance with Code Section 14-3.4(D) approval criteria.
3. Code Section 14-3.4 provides that all newly-annexed parcels are considered to be R-1 (residential – 1 dwelling unit/acre) unless otherwise classified by zoning.
  4. Tract A is zoned residential – 3 dwelling units/acre (R-3).
  5. Under Code Section 14-2.3(C) the Commission has the review and decision-making responsibility for subdivisions of land and Code Section 14-3.7(B) sets out certain procedures required for the Commission’s review and approval of a preliminary subdivision plat under Code Section 14-3.7(B)(4)(d), including, without limitation:
    - (a) A pre-application conference [Code Section 14-3.7(B)(1)]; and
    - (b) An ENN meeting [Code Section 14-3.7(B)(2)].
  6. Code Sections 14-3.2(C) sets out certain procedures for amendments to the General Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body, with notice and conduct of the public hearing pursuant to Code Sections 14-3.1(H) and (I) [Section 14-3.2(C)(4).
  7. Code Sections 14-3.5(B)(1) through (3) set out certain requirements to be followed prior to the Commission’s recommendations to the Governing Body on a proposed rezoning, including:
    - (a) A pre-application conference [Section 14-3.5(B)(1)];
    - (b) Compliance with Code Section 14-3.1(F) ENN requirements [Section 14-3.5(A)(2)];
    - (c) Compliance with Code Section 14-3.1(H) and (I) notice and public hearing requirements [Section 14-3.5(A)(3)].
  8. Code Section 14-3.1(F) requires an ENN for proposed rezonings [Section 14-3.1(F)(2)(a)(iii)] and establishes procedures for the ENN, including:
    - (a) At least one ENN meeting [Section 14-3.1(F)(3)(b)(i)]; and
    - (b) Notice requirements for the ENN meeting [Section 14-3.1(F)(3)(b)].
  9. A pre-application conference was held on April 14, 2011.
  10. An ENN meeting was held at 5:30 p.m. on Thursday, May 12, 2011 at the Southside Library on Jaguar Drive.
  11. The ENN meeting was attended by the Applicant, City staff, and approximately 15 other attendees and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(5).
  12. Commission staff provided the Commission with two reports, the first on the annexation, General Plan amendment and rezonings and the second on the preliminary subdivision plat (collectively, the Staff Reports) evaluating the factors relevant to the Applications and recommending approval by the Commission of the annexation, the preliminary subdivision plat, the proposed General Plan amendment and rezonings, subject to those conditions contained in the Staff Reports, (collectively, the Conditions). The Conditions are attached as Exhibit A hereto and incorporated herein.

#### The Annexation

13. Code Section 14-3.4(A)(1)(c) provides for annexation of property by the City upon the approval of the Governing Body of a petition of a majority of landowners of the territory proposed to be annexed.

14. The Commission is authorized under Code Section 14-2(C)(8)(b) to review and make recommendations to the Governing Body regarding proposed annexations.
15. Code Section 14-3.4(D) sets out the approval criteria for a petition-method annexation.
16. The Commission has considered the criteria established by Code Section 14-3.2(D)(1) and finds, subject to the Conditions, the following facts:

(a) *The annexation shall take place within the urban area boundary [Section 14-3.2(D)(1)].*

Tract A is within Phase 2 annexation are of the Presumptive City Limits and within the urban boundary.

(b) *Generally the annexed area shall provide a consolidation of City boundaries and service areas... In all cases the proposed annexation shall be contiguous with existing City boundaries.*

Tract A is contiguous with existing City boundaries on the north, south and east and its annexation will provide a consolidation of City boundaries and service areas.

(c) *Generally, the development should not impose an economic burden on citizens, or result in an indirect subsidy of services by the City. Specifically, evidence shall be provided by the developer that the existing infrastructure, including but not limited to the streets system, sewer, and water lines, and public facilities, including but not limited to fire stations and parks and operating services such as ongoing garbage collection, police, and fire can accommodate the impacts of the proposed development. This does not preclude the City from hiring an independent consultant to review the developer's evidence. If the accommodation of the impacts cannot be demonstrated to the City's satisfaction as to the assumptions, methodology and data then (1) The developer and the City shall negotiate to offset the increased infrastructure, public facilities or operating costs to the City due to the proposed development. The development shall be subject to any specific City impact fee policies in effect at the time of the application; or (2) The City shall deny the annexation.*

The combination of Tract A with the North Parcels and the development of the Property will not impose an economic burden on the City. The Applicant has committed to construct at its expense the NM 599 Interchange at Jaguar Drive and will pay for all infrastructure within the Property boundaries necessary to support the Property's development and for all connections to existing water, sewer and roads outside the Property boundaries, including any and all improvements required under the Conditions.

(d) *The amount of land annexed and the proposed use for the land shall be generally consistent with the City's policies regarding the provision of urban land sufficient to meet the amount, rate, and geographic location of growth of the City. It is recognized that the City has no obligation to annex land if it is determined as a matter of City policy that the inventory of urban land, by land use category, is adequate to meet the project absorption rates of the City for housing and other purposes for a specified number of years as set forth in that policy.*

The proposed annexation is consistent with City policies for annexation and with the General Plan. The development of Tract A-2 for commercial use along Jaguar Drive to the NM 599 overpass will serve the residential uses on Tract A-1, Tierra Contenta, and

the surrounding area. In addition, the approved Tierra Contenta Master Plan provides for community-serving commercial uses in this area.

- (e) *When the annexed area creates a need for additional major public utility expansion then the developer may be asked to contribute a proportional fair share of the cost of the expansions.*

The Applicant will be responsible for expanded infrastructure required to support the development of the Property.

- (f) *The development shall be compatible with the extraterritorial plan.*

The proposed development of the Property is compatible with the Settlement Agreement and with SPPaZo.

- (g) *All annexation requests shall be for an area of no less than 25 acres unless the area is included and consistent with a City sector plan, or unless the area produces a consolidation of City boundaries or services or is in phase with the staging plan of the General Plan.*

At 29.96± acres, Tract A exceeds the 25-acre threshold and the proposed annexation will produce a consolidation of City boundaries and is consistent with the provisions of the Settlement Agreement.

#### The Preliminary Subdivision Plat

17. The Applicant has provided to the City Land Use Department (LUD) the data and submittals required under Code Sections 14-3.7(B)(3) and (4)(b).
18. LUD staff reviewed the preliminary plat and supplementary materials, including, without limitation, a preliminary development plan, for conformity with Code requirements.

#### The General Plan and Future Land Use Map Amendment

19. Code Section 14-3.2(B)(2)(b) requires the City's zoning map to conform to the General Plan, and provides for amendment of the General Plan when a change in land use classification is proposed for a parcel shown on the General Plan's land use map.
20. The Commission is authorized under Code Section 14-2(C)(8)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the General Plan.
21. The Commission has considered the criteria established by Code Section 14-3.2(D)(1) and finds, subject to the Conditions, the following facts:
  - (a) *Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [Section 14-3.2(D)(1)(a)].*  
The proposed amendment is consistent with the approved Tierra Contenta Master Plan, which provides for community-serving commercial development in the area to serve Tierra Contenta and with the proposed extension of Plaza Central and Jaguar Drive and construction of the NM 599 interchange, which will increase traffic adjacent to Tract A-2

from residential and commercial development in the wider area. The Applicant has committed to construct at its expense the NM 599 interchange at Jaguar Drive and will pay for all infrastructure within the Property boundaries necessary to support the Property's development and for all connections to existing water, sewer and roads outside the Property boundaries, including any and all improvements required under the Conditions. In addition, the proposed amendment is generally consistent with the economic development objectives set forth in the "City of Santa Fe Economic Development Strategy for Implementation", dated May 21, 2008, implementing the Angelou Economics report entitled "Cultivating Santa Fe's Future Economy".

(b) *Consistency with other parts of the General Plan [Section 14-3.2(D)(1)(b)].*

The proposed amendment is generally consistent with the growth management and other policies of the General Plan and with the General Plan's general and long-range themes in that it (i) reduces automobile dependence and dominance by providing commercial uses serving adjacent residential development on Tract A-1 and in Tierra Contenta; (ii) includes employment and neighborhood centers; and (iii) promotes a balance between residential and employment-based development to achieve self-sufficiency.

(c) *Provision for a determination of land utilization within a area larger than a single property and of general applicability [Section 14-3.2(D)(1)(c)].*

The proposed amendment permits the integration of Tract A-2 with compatible commercial development in the North Parcels west of Tierra Contenta and provides a buffer from traffic generated by the extension of Jaguar Drive and Plaza Central and the construction of the NM 599 interchange for residential uses in Tract A-1, providing for the unified development of the 61.05± acre Property.

(d) *Compliance with the extraterritorial zoning ordinances and extraterritorial plan [Section 14-3.2(D)(1)(d)].*

The proposed amendment complies generally with the Santa Fe Extraterritorial Land Use Authority Ordinance No. 2009-01, entitled "*An Ordinance Establishing Subdivision, Platting, Planning and Zoning Rules within the Presumptive City Limits and within Unincorporated Areas of the County that are Subject to the Extraterritorial, Subdivision, Platting, Planning and Zoning Jurisdiction of the City of Santa Fe; Establishing Definitions; Providing for Transitional Provisions; Repealing Ordinance Nos. 1997-4, 1997-3, 1999-1, 1999-5, 1999-6, 2000-01, 2000-03*" (SPPaZo).

(e) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [Section 14-3.2(D)(1)(e)].*

The proposed amendment will contribute to a coordinated, adjusted, and harmonious development of the City for the reasons set forth in this paragraph 22(a)-(c).

22. The Commission has considered the criteria established by Code Section 14-3.2(D)(2) and finds, subject to the Conditions, that the extension of Jaguar Drive and the construction of the NM 599 interchange, the development of The Pavilion project, and the projected continued build-out at Tierra Contenta, constitute changes in conditions affecting the land

use of Tract A supporting the proposed amendments and that the proposed changes in land use will not have a negative effect on surrounding properties.

### The Rezonings

23. Under Code Section 14-3.5(A)(1)(d) any individual may propose a rezoning (amendment to the zoning map).
24. Code Section 14-3.5(A)(2)(b) requires all proposed rezonings to be reviewed to determine if they are consistent with the General Plan.
25. Code Sections 14-2.3(C)(8)(c) and 14-3.5(B)(4) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
26. Code Sections 14-3.5(A)(2) and(3) and 14-3.5(C) establish the criteria to be applied by the Commission in its review of proposed rezonings.
27. The Commission has considered the criteria established by Code Sections 14-3.5(A)(2) and (3) and 14-3.5(C), and finds, subject to the Conditions, the following facts:
  - (a) *Whether the proposed rezoning creates a uniform zoning classification for the entire Property and whether the proposed rezoning is consistent with the General Plan [Section 14-3.5(A)(2) and (3)].*

The proposed rezoning, as conditioned, establishes uniform zoning classifications for Lots 3A, 3B, 4, 5, 6, 7, 8, 9, 10,11 and Tract 2 consistent with the General Plan in that the boundaries of each zoning district are consistent with the lot lines of the parcels. Each of the proposed zoning districts is consistent with the corresponding proposed General Plan designations.
  - (b) *The need and justification for the change [Section 14-3.5(C)(1)];*

The extension of Jaguar Drive and the construction of the NM 599 interchange, the development of The Pavilion project to the west, and the projected continued build-out at Tierra Contenta to the east will generate increased traffic at the boundary of Lot 3A and its rezoning to C-2 will permit integrated development with the North Parcels to serve residential areas to the south on Lots 1 and 2 and Tierra Contenta and business development at the Pavilion. The rezoning of Lots 9, 10 and 11 to C-1 and 3B, 4, 5, 6, 7 and 8 to C-2 is consistent with the approved Tierra Contenta Master Plan and the Tierra Contenta Annexation Agreement, which provides that “[p]roperty currently zoned PRC...that is proposed on the [Tierra Contenta] Master Plan for a Village Center and Office/Business Incubator uses shall be rezoned to a zoning district that will permit use of the land for such other uses.”
  - (c) *The effect of the change, if any, on properties in the area proposed for rezoning and on surrounding properties [Section 14-3.5(C)(2)];*

The proposed development of the Property will have a major impact on this area of the City. The construction of the 599 Interchange and completion of Jaguar Road will provide increased connectivity and employment opportunities to residents of Tierra Contenta, as well as other residential neighborhoods in the area. Because development plans complying with the Conditions will be required for the development of each lot,

residents and owners of neighboring properties will have the opportunity to be heard on the development of those tracts having specific and immediate impact upon them.

- (d) *Whether the area proposed for rezoning and the proposed use for the area is consistent with the City's policies regarding the amount, rate, and geographic direction of the City's growth [Section 14-3.5(C)(3)].*

The area proposed for rezoning and the proposed uses for the area are consistent with the City's policies regarding the amount, rate, and geographic direction of the City's growth. The proposed rezoning complies with the City's General Plan as described above and with the approved Tierra Contenta Master Plan which provides for community-serving commercial development in the area.

- (e) *The ability of existing infrastructure to support development in the area as rezoned [Section 14-3.5(C)(4)].*

The Applicant will construct at its expense and in accordance with the Conditions all infrastructure within the Property required to support the Property's development and will construct required connections to services outside the boundaries of the Property, as well as the 599 interchange.

- (f) *If the proposed rezoning creates a need for the expansion of public utilities [Section 14-3.5(C)(5)].*

The Applicant will pay the required proportional share of any expanded infrastructure required for the proposed development of the Property

28. The Commission has considered additional criteria established under New Mexico case law and finds that the facts found by the Commission under paragraph 27 above demonstrate a sound basis and justification for the proposed rezoning, that the proposed rezoning is consistent with the City's adopted plans and objectives, that the existing zoning is inconsistent with the General Plan, that changed conditions, including the extension of Jaguar Drive and the construction of the NM 599 interchange, justify the change, and that the proposed rezonings are advantageous to the community as a whole, in that they contribute to the economic growth of the City and will provide increased connectivity.

### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

#### General

1. The proposed annexation, preliminary subdivision plant, General Plan amendment and rezonings were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The Annexation

3. The Applicant has the right under the Code to petition for annexation by the City of the County Parcel.
4. The Commission has the power and authority at law and under the Code to review the proposed annexation of Tract A and to make recommendations regarding the same to the Governing Body based upon that review.
5. The proposed annexation meets the criteria established by Code Section 14-3.4(D)(1) through (7), and should be approved by the Governing Body, subject to the Conditions.
6. The annexation agreement included in draft form in the Staff Report complies with Code Section 14-3.4(F), and should be approved by the Governing Body in substantially such form, subject to changes necessary to conform said agreement to the Conditions and to such other conditions as may be approved by the Governing Body.

The Preliminary Subdivision Plat

7. The preliminary subdivision plat for the Property is approved, subject to the Conditions.

The General Plan and Future Land Use Map Amendment

8. The Commission has the power and authority at law and under the Code to review the proposed amendment to the General Plan and to make recommendations to the Governing Body regarding such amendment.
9. The proposed General Plan amendment meets the criteria established by Code Section 14-3.2(D)(1) and should be approved by the Council, subject to the Conditions.

The Rezoning

10. The Applicant has the right under the Code to propose the rezoning of Lots 3A, 3B, 4, 5, 6, 7, 8, 9, 10 and 11.
11. The Commission has the power and authority at law and under the Code to review the proposed rezoning of Lots 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 11 and Tract 2 and to make recommendations regarding the proposed rezonings to the Governing Body based upon that review.
12. The proposed rezonings are necessary and justified under the criteria established by Code Sections 14-3.5(A)(2) and (3) and 14-3.5(C) and at law, and should be approved by the Governing Body, subject to the Conditions.

**IT IS SO ORDERED ON THE \_\_\_\_\_ OF SEPTEMBER 2011 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE**

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Case #2011-69 – Village Plaza Annexation  
Case #2011-68 – Village Plaza Preliminary Subdivision Plat  
Case #2011-70 – Village Plaza General Plan Amendment  
Case #2011-67 – Village Plaza Rezoning

Page 9 of 9

\_\_\_\_\_  
Signe Lindell  
Chair

\_\_\_\_\_  
Date:

FILED:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kelley Brennan  
Assistant City Attorney

\_\_\_\_\_  
Date:

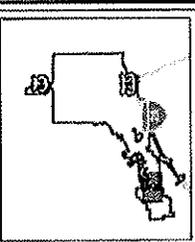
# City of Santa Fe, New Mexico

## Exhibit C

**Maps:**  
**Zoning**  
**Future Land Use**  
**Aerial**



# Village Plaza: Future Land Use



### Legend

- City Limits**
- Permits**
- Airport Clear Zones**
- San Antonio River**
- Future Land Use**
- Village of Agave Fins (VIC)**
- Greater Agave Fins Area**
- Masterplan/Corridor (1 dwelling per 1/2 acre)**
- Very Low Density (1-2 dwellings per acre)**
- Low Density (2-7 dwellings per acre)**
- Moderate Density (7-9 dwellings per acre)**
- Medium Density (1-12 dwellings per acre)**
- High Density (12-25 dwellings per acre)**
- Regional Commercial**
- Community Commercial**
- Neighborhood Center**
- Transitional Mixed Use**
- Business Park**
- Office**
- Industrial**
- Public/Institutional**
- Open Space**
- Parks**
- Major Roads and Highways**
- Other Roads and Streets**



Map center: 1693774, 1651567

PLAZO YELCO

2008

This map is a computer-generated map, output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



**City of Santa Fe, New Mexico**

# **Exhibit D**

**Applicant Submittals:  
Transmittal Letter  
Proposed Development Plan  
Proposed Final Subdivision Plat**

# DEVELOPMENT REPORT

Development Plan & Final Subdivision Plat  
60-acres

## TIERRA CONTENTA VILLAGE PLAZA

CITY OF SANTA FE

July 11, 2011

Prepared by:

**SANTA FE PLANNING GROUP, INC.**

PO Box 2482, Santa Fe, New Mexico 87504  
(505) 983-1134, FAX 983-4884

# **SANTA FE PLANNING GROUP, INC.**

**P.O. Box 2482  
Santa Fe, NM 87504  
505.983.1134; 505.983.4884 fax**

July 11, 2011

Heather Lamboy  
City of Santa Fe Land Use Department  
200 Lincoln Avenue, P.O. Box 909  
Santa Fe, New Mexico 87504-0909

RE: Tierra Contenta Village Plaza  
Development Plan; Final Subdivision Plat

Dear Ms. Lamboy:

Enclosed please find 8-sets of plans (2 disks) and 8-development reports for the Tierra Contenta Village Plaza, a proposed commercial area located on the west edge of Tierra Contenta, adjacent to NM599. At this time we are submitting for Development Plan and Final Subdivision Plat. The total land area is approximately 60-acres in size.

Please schedule this project for the **September 1 or 15, 2011** meeting of the Planning Commission followed by the City Council. If you have questions or require additional information, please do not hesitate to call at 412.0309.

Sincerely,

Scott Hoefft

#### **INCLUDED IN THIS REPORT:**

##### **Development Report (8 copies)**

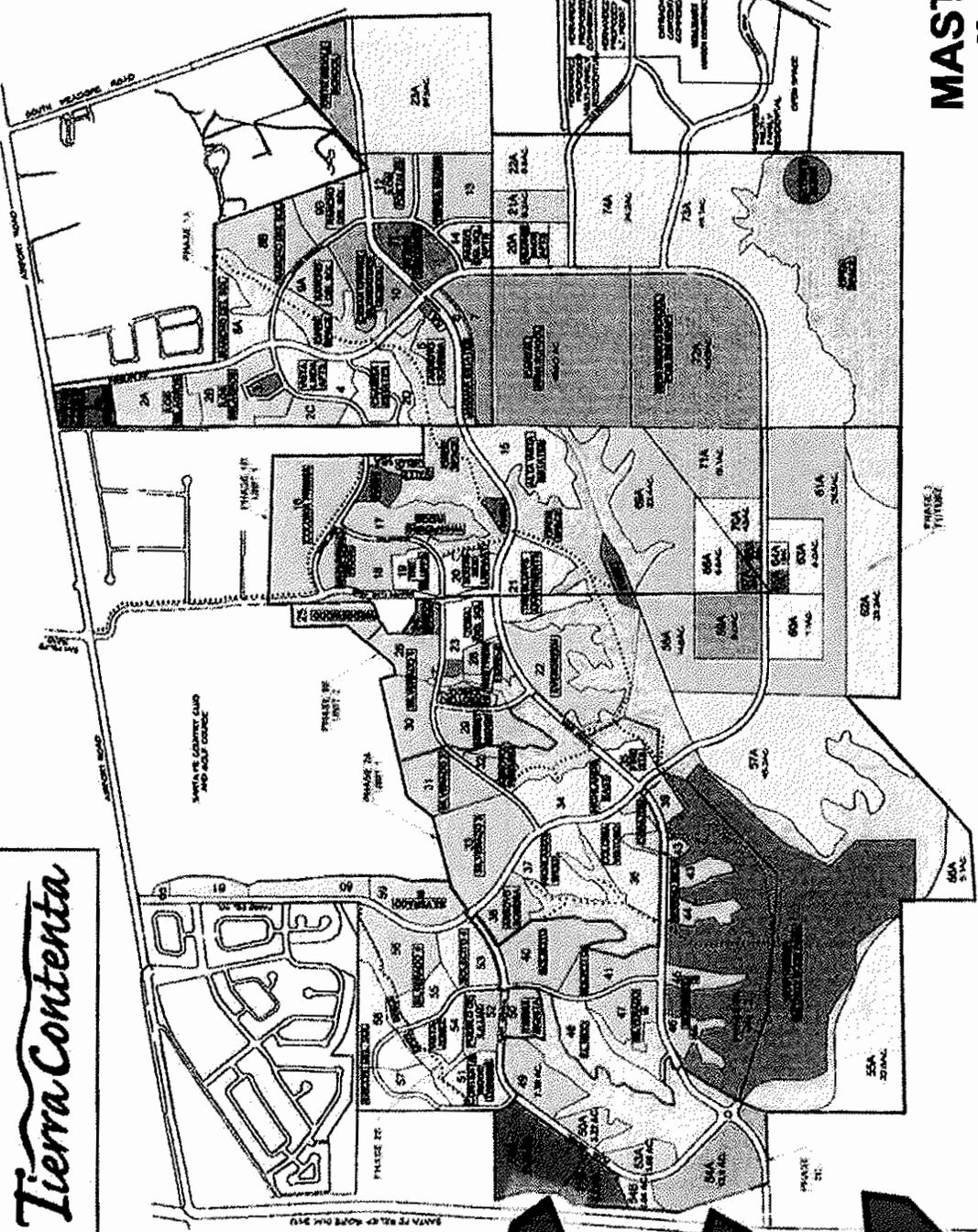
- Tierra Contenta Master Plan
- Development Plan, Phasing Plan
- Water Budget
- CCRs, Association Documents and Bylaws

#### **ATTACHMENTS UNDER SEPARATE COVER:**

- Application & Fee
- Plan Set (8-copies)
- Traffic Impact Study (TIA)

# LEGEND

[Symbol]	GENERAL RESIDENTIAL
[Symbol]	RESIDENTIAL
[Symbol]	RESIDENTIAL
[Symbol]	RESIDENTIAL
[Symbol]	SCHOOL
[Symbol]	OPEN SPACE
[Symbol]	VILLAGE COMMERCIAL
[Symbol]	NEIGHBORHOOD COMMERCIAL
[Symbol]	OFFICE/INDUSTRIAL
[Symbol]	INDUSTRIAL
[Symbol]	COMMUNITY
[Symbol]	MIXED PROPERTIES
[Symbol]	Productivity Index
[Symbol]	RECREATING TRAIL



*Tierra Contenta*

# MASTER PLAN

March 6, 2011

03-05-11 DMT

## TABLE OF CONTENTS

	PAGE
SUBJECT SITE	2
INTENT OF APPLICATION	2
PHASING	3
DESIGN GUIDELINES	4
WATER SUPPLY AND LIQUID WASTE DISPOSAL	4
WATER RIGHTS	4
AFFORDABLE HOUSING	4
<b>ATTACHMENTS (UNDER COVER)</b>	
UPDATED WATER BUDGET	
CCR'S, BYLAWS, ASSOCIATION DOCS	

**SUBJECT SITE**

The subject area is approximately 60-acres in size and exists as six (6) parcels of land. Five parcels are location within Tierra Contenta. One parcel is outside of Tierra Contenta and has been annexed into the City of Santa Fe. The entire 60-acres are being planned and entitled as one project, pursuant to Staff request.

**INTENT OF APPLICATION**

This application consists of an application for development plan and final subdivision plat for the Tierra Contenta Village Center. The following uses and densities have been assigned to the subject lots. The final subdivision plat consists of 11 commercial lots and 2 open space tracts.

Please find below the proposed land uses and densities for the property as shown on the development plan:

<b>Lot Number</b>	<b>Lot Size</b>	<b>Building</b>	<b>Land Use</b>	<b>Gross Floor Area</b>
1	14.2-ac	A	Church	28,500 sf
2	02.6-ac	B	Church	18,000 sf
3a	04.5-ac	C	Car Wash	3,500 sf
		D	Convenience Store	5,200 sf
		E	Fast Food	3,000 sf
3b	03.0-ac	F	Retail/Office/Service	6,000 sf
		G	Retail/Office/Service	8,500 sf
4	02.3-ac	H	Retail/Office/Service	2,300 sf
		I	Retail/Office/Service	7,400 sf
		J	Retail/Office/Service	2,600 sf
		K	Grocery Store	30,000 sf
5	05.4-ac	K	Grocery Store	30,000 sf
6	02.5-ac	L	Restaurant	12,000 sf
7	02.4-ac	M	Retail/Office/Service	10,000 sf
		N	Retail/Office/Service	6,000 sf
8	01.3-ac	O	Bank	4,000 sf
9	02.4-ac	P	Office/Residential	10,400 sf/10 du
		Q	Office/Residential	10,400 sf/10 du
10	02.4-ac	R	Daycare	10,000 sf
11	10.9-ac	S-W	Office Campus	120,000 sf
Tract 1	05.6-ac		Open Space	
Tract 2	<u>01.6-ac</u>		Open Space	
	<b>61.10-ac</b>			

**Land use Totals:**

Retail Total:	100,500 sf
Office Total:	140,800 sf
Community Service:	56,500 sf
Residential:	20 du

## PHASING

It is anticipated that the project will be completed in five (5) phases (Phase I-V) over a 10-year horizon of market-driven absorption. The highway interchange and corresponding road connections will be completed in year 2011-12. Development will occur first on both sides of Jaguar Drive and head north. (Please see the Phasing Plan, Sheet 5-6, attached for review).

	<u>Estimate Start Date</u>	<u>Buildings</u>
Phase I	2012	C, D, E, F, G
Phase II	2014	H, I, J, K, L
Phase III	2016	M, N, O, P, Q, R
Phase IV	2018	S, T, U, V, W
Phase V	2022	A, B

### Phasing of Trails and Bus Stops

Regarding the trails and bus stops that will be provided per Phase, two bus stops are planned for the project pursuant to our two meetings with SF Trails. The first is located along Jaguar Drive, just east of the round-about and north of the proposed recreation facility. The second is located along Plaza Central, midpoint down the road. Each is shown on only one side of the road as outlined by SF Trails. A pad for each will be constructed as part of the construction of Jaguar Drive and Plaza Central (as those two roads will be constructed as part of Phase 1). SF Trails will determine when/if a shelter will be needed at each stop and when the demand for the bus stop is needed (and available for service).

A significant walking trails system is planned throughout the property and near the property. Three types of trails are proposed: 1) regional connection; 2) spine trail through the project; and 3) feeder trails that will connect to existing trails and funnel to the subject site. Regarding the construction of the sidewalks and trails, the sidewalks along Jaguar Drive and Plaza Central will be constructed as part of Phase I. The trail along Plaza Central (west side) will be completed with the construction of Plaza Central. It should be noted that a sidewalk is not located along the west side of Plaza Central (a trail has been placed in lieu of the sidewalk). The spine trail that connects to the recreation facility and the arroyo chamiso trail will be constructed as part of Phase I (or more accurately, the feasibility of the arroyo chamiso trail will be explored with the NMDOT as part of Phase 1). If determined to be feasible by the NMDOT, the trail will be constructed as part of Phase I. The feeder trails east of Plaza Central will need to be coordinated with the construction of the housing developments that are proposed for that area (Homewise, Housing Trust, and Habitat for Humanity), as the proposed trail is in close proximity to the future building areas. The specific plans for these three project areas are uncertain as of this writing (though it is anticipated that the projects may soon be underway). Similarly the connection to the existing trail that is located within the proposed recreation facility will need to be coordinated with the development of the park (as its location to be determined pursuant to the park plans).

It should be noted that all offsite trails require further study as the grade limitations will be severe in some areas. The width of the trails and the amount of cut/fill needs further investigation. We will contact Eric Martinez to further refine the plan and phasing of the trails.

### **DESIGN GUIDELINES**

The Design Guidelines for the subject parcels of land within Tierra Contenta were reviewed and approved by the City of Santa Fe in January 2011. Titled, "Tierra Contenta Design Standards for Phase 2C," the Guidelines cover the subject commercial areas within Tierra Contenta and specify permitted uses, open space requirements, building forms and types, lot coverage, setbacks, building height, sign and advertising, drive-up facilities, parking, and landscaping. It is anticipated that the Phase 2C design guidelines will be applicable to the commercial area (C-2) to be annexed. The R-3 area will be subject to City of Santa Fe standards.

### **WATER SUPPLY AND LIQUID WASTE DISPOSAL**

The project will be served by the Sangre de Cristo Water Division and the City of Santa Fe Liquid Waste Division. A water budget is included as part of this report, and a Utility Service Application was submitted to Sangre de Cristo Water Division. We have further refined the water budget to be approximately 35.80-afy at full build out. The connection for water will come from the stub-out in Jaguar Drive on the east side of NM599, extend west across NM599 and will connect to Aviation Drive. Liquid Waste will connect to the City of Santa Fe sewer line, which is a short distance to the north of the subject site. It is the line that is visible to the west of NM599 as one traverses the highway.

### **WATER RIGHTS**

The applicant has completed a water rights exchange in 2010 with the City of Santa Fe and Santa Fe County in the amount of 81.40 acre-feet of consumptive use water rights. Tierra Contenta has provided 4-afy of additional water rights for a total of 85.40-afy. The water rights exchange agreement specifies that the water rights can be utilized for either project (The Pavilion and/or Tierra Contenta Village Center), which will be dependent upon build-out and demand. It is anticipated that said water rights can satisfy the needs of both projects simultaneously through approximately Phase III, or year 2018, should the project build-out as planned.

### **AFFORDABLE HOUSING**

The project features livework units, which is a combination of office space and residential units. Livework is an excellent transition use to proposed residential units that will be directly across the street on Plaza Central. It should be noted 15% (or 3) of the 20 dwelling units will need to be affordable. We will contact Melisa Dailey of the affordable housing office and create an affordable housing agreement.

# *Water Budget*

## TIERRA CONTENTA VILLAGE PLAZA Updated Water Budget

### Proposed Use & Density Provided

#### 26.50- Acre Area

Type	Density	Water Use Factors	AFY
Restaurant (limited service)	5,000 sf	1.63 afy / site	01.63
Retail	7,500 sf	0.06 afy / site	00.06
Convenience Store w/ Car Wash	6,000 sf	2.00 afy / site	02.00*
Religious Assembly	32,175 sf	0.15 afy / site	00.15
Religious Assembly	18,100 sf	0.15 afy / site	<u>00.15</u>
		Subtotal:	3.99
		line loss (10%):	0.40
		landscaping (10%):	<u>0.40</u>
			<b>4.79</b>

#### 34.20-Acre Area

Type	Density	Water Use Factors	AFY
Restaurant (limited service)	2,000 sf	1.63 afy / site	01.63
Retail	8,800 sf	0.06 afy / site	00.06
Retail	2,400 sf	0.06 afy / site	00.06
Grocery Store	30,000 sf	1.27 afy /10,000 sf	03.81
Restaurant (400 seats)	10,000 sf	0.02 afy/ seat x 400	08.00
Retail	10,000 sf	0.06 afy / site	00.06
Retail	6,000 sf	0.06 afy / site	00.06
Bank	4,000 sf	0.06 afy / site	00.06
Day Care	22,500 sf	0.85 afy / 100 kids	00.85
Office Campus	116,200 sf	0.70 afy / 10,000 sf	08.13
Live/Work	43,000 sf		
Work (Office)	21,500 sf	0.70 afy / 10,000 sf	01.51
Live	10 du	0.16 afy / unit	01.60
		Subtotal:	25.83
		line loss (10%):	2.59
		landscaping (10%):	<u>2.59</u>
			<b>31.01</b>
		<b>TOTAL:</b>	<b>35.80</b>

\*Water estimate provided by convenience store and car wash operator. Car wash uses recycled water. Data will be provided upon request.

*CCR's, Bylaws of the  
Owner's Association, Articles  
of Incorporation*

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
“TIERRA CONTENTA VILLAGE CENTER”**

This Declaration of Covenants, Conditions and Restrictions is made this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by Commercial Center at 599, Inc., as “Declarant” with reference to the following:

- A. The Property known as the Tierra Contenta Village Center has been planned as a commercial and residential development under the control and supervision of Declarant, or agent, as the developer. This Declaration establishes basic controls for the entire Master Development Plan areas within the Property.
- B. Declarant intends by this Declaration to impose upon the Property mutually beneficial restrictions under a general plan of improvement for the benefit of all lessors or owners of tracts within the Property for the development of the commercial center, and to establish a method for the maintenance, preservation and use of the Property.

**ARTICLE 1  
DEFINITIONS**

Except as otherwise expressly provided in this Declaration, the following terms shall apply for this Declaration, having the meanings set forth below:

1.1 **“Declaration”** shall mean this Declaration of Covenants, Conditions and Restrictions recorded in Misc. Book \_\_\_\_\_, pages \_\_\_\_\_ to \_\_\_\_\_ on \_\_\_\_\_, 2011, under Document No. \_\_\_\_\_.

1.2 **“Development Plan”** shall mean the final development plan for the Property approved by the City of Santa Fe and recorded in Plat Book \_\_\_\_\_ Page \_\_\_\_\_.

1.3 **“Guidelines”** shall mean the design standards described in Article 2.4.

1.4 **“Governing Documents”** shall mean these Covenants, Conditions and Restrictions and the Articles and Bylaws of the Tierra Contenta Village Center Owners Association, Inc. (“Association”).

1.5 **“Improvement”** shall mean: (a) a building, fence, wall or other structure; (b) a road, driveway or parking area (c) any trees, plants shrubs, grass or other landscaping improvements of every type and kind; (d) any statuary, fountain, artistic work, craft work, figurine, ornamentation or embellishment of any type or kind (whether or not affixed to a structure or permanently attached to a Lot).

1.6 **“Lot”** shall mean any one of the tracts created by the final subdivision plat for the Property.

1.7 “**Master Plan**” shall mean the plan approved by the City of Santa Fe for the Property and recorded in Plat Book \_\_\_\_\_ Page \_\_\_\_\_.

1.8 “**Project Documents**” shall mean this Declaration and the Guidelines.

1.9 “**Property**” or “**Project**” shall mean all that portion of “Tract \_\_\_\_” recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ within Sections \_\_\_\_ & \_\_\_\_, T\_\_N, R\_\_E, N.M.P.M., Santa Fe County, New Mexico, containing \_\_\_\_\_ Acres +/-.

1.10 “**Owner**” shall mean anyone having a fee interest or leasehold interest in the Property.

1.11 “**Site Walls**” shall mean fences, walls or other structures that define the boundary of a Lot.

1.12 “**Structure**” shall mean any antenna, building, fence, gate, driveway, parking area, sign, utility or communication installation (whether above or below ground), recreation facility, wall landscaping and excavation of any kind.

## **ARTICLE 2 USE RESTRICTIONS**

2.1 **Permitted Uses.** The Property involves three zoning designations: C-1, C-2 and R-3. All uses permitted by the City of Santa Fe for these three districts are permitted for the respective areas indicated on the Master Plan and Development Plan. This includes, but is not limited to, the following uses as per the recorded Final Development Plan:

- Retail establishments
- Professional business offices
- Medical offices
- Restaurant / dining facilities
- Business services
- Research and development businesses
- Personal service establishments
- Banks or other financial institutions
- Business and vocational schools
- Health club & spa facilities
- Residential live-work uses

2.2 **Conservation and Energy Usage.** Energy performance goals are to be established for each building according to guidance points from the Energy Star program as follows: (1) Set goal for energy performance and allocate funds for integrated design process; (2) Select multi-disciplinary design team to establish project goals, costs and benefits; (3) Conduct a design meeting to address architecture, energy and environmental issues and identifying where possible, synergies between design concept and energy use; (4) Determine scope of work, project budget and schedule; (5) Based on comprehensive analysis of site and building orientation, determine natural shading features to reduce cooling load, consider day-

lighting to reduce electrical lighting requirements and air conditioning load; (6) Review energy strategies with energy expert, including analysis of design concepts; (7) Right-size the mechanical systems based on anticipated performance loads and make adjustments to integrate energy performance strategies into design; (8) Refine design to meet energy performance goals and prepare energy performance specifications for construction documents; (9) Construction and bid documents are to include Statement of Energy Design Intent; (10) Change orders require consideration of energy issues; (11) Track, measure and verify energy performance, as against design target, using EPA portfolio manager; (12) Compare building's actual energy consumption to industry benchmark using EPA portfolio manager.

**2.3 Compliance with Local Codes.** Improvements within the Property shall comply with all applicable Federal, State, and Santa Fe County codes and regulations.

**2.4 Design Standards.** The Property, with the exclusion of Lot 1, is subject to the Tierra Contenta Design Standards for Phase 2C, adopted by the City Planning Commission, dated January 2011, as the same may be amended from time to time. The Tierra Contenta Design Standards establish an Architectural Review Committee for the review and approval of building plans and submittals. The review of all improvement requests for Lot 1 shall be made only by the City of Santa Fe and not by the Architectural Review Committee.

**2.5 Temporary Structures.** No temporary structures or temporary buildings shall be placed anywhere on the Property except that temporary construction trailers will be permitted only during the active construction phase on any parcel or tract (estimated to be approximately 18 months).

**2.6 Parking.** Vehicles shall be parked only in designated parking spaces on any tract within the Property and shall be sufficient in number to satisfy the requirements set forth in the recorded Development Plan. Preferably parking and driveway areas shall be paved with asphalt or concrete, or an alternate surface as approved by the Architectural Review Committee. During construction it shall be the responsibility of the Owner to see that adequate parking for the construction crew is available on the Property.

**2.7 Pedestrian and Bicycle Circulation.** Buildings and parking areas shall be designed so that pedestrian access shall be provided from parking areas to building entries with paved sidewalks. Pedestrian and bicycle connections will be provided that will connect to NM 599.

**2.8 Loading and Service Areas.** Where feasible, loading doors, docks, accessory structures and service areas shall be screened by walls or landscaping from these roads.

**2.9 Storage Area.** Materials, supplies, merchandise and equipment or similar items shall be stored indoors, or shall be screened with site walls, fencing and/or landscaping. Equipment storage is permitted within fenced areas designated on the Development Plan as Outdoor Storage or Manufacturing/Light Industrial tracts.

**2.10 Utilities.** All proposed utilities shall be located beneath the ground or within an enclosed structure.

2.11 **Garbage and Trash.** No refuse, garbage, trash or scrap lumber or metal, and no grass, shrub or tree clippings, and no plant waste, compost, bulk materials or debris of any kind shall be disposed of on the Property except within an enclosed structure or container approved in writing by the Architectural Review Committee, except that any refuse container containing such materials may be placed outside at such times as may be reasonably necessary to permit garbage or trash pick-up. Any changes to dumpster locations must be approved by the City's solid waste management division staff.

2.12 **Construction Materials.** Before, during, and after construction of any Improvement the storage of construction materials, supplies, and equipment shall be done in a neat and orderly manner by the Owner.

2.13 **Water Conservation.** Water conserving fixtures and water collection systems are required. The use of xeriscape techniques and drought tolerant plants are also required. All sites must comply with the City approved landscape plan.

### **ARTICLE 3 MAINTENANCE AND REGULATION OF OPERATIONS**

3.1 **Maintenance of Building Sites.** Owners shall be responsible for maintaining the appearance and repair of all building exteriors, fences and walls, in a neat and orderly condition.

3.2 **Repair and Maintenance.** No occupant of any building (or tenant, guest, invitee, or employee) shall do or permit any act that willfully does damage, destroys, or impairs the structural soundness or integrity of any site wall, or which would cause any party wall to be exposed to the elements, and, in the event any such occupant, tenant, guest, invitee, employee or agent does or permits any such act, such owner shall be responsible for any such damage or destruction.

3.3 **Refuse Pick-Up.** All trash collection shall be made by the City of Santa Fe. Each Owner shall contract individually for trash collection during the construction of any Structure(s) on a Lot. All construction debris must be taken to the Caja del Rio landfill.

### **ARTICLE 4 WATER, WASTE WATER AND STORMWATER SYSTEMS**

4.1 **Connection to City of Santa Fe Water System.** Each Building shall be connected to the Sangre de Cristo Water Company water system. Each Owner is responsible for the cost of the connection from the Structure to the main water line located in the public or private roadway and pavement, of customary connection fees and installation of a water meter acceptable to the Sangre de Cristo Water Company. No private wells shall be drilled or permitted within the Property.

4.2 **Connection to Central Waste Water System.** Each Owner is required to connect to the City of Santa Fe waste water system, and is responsible for all customary connection and maintenance fees. Depending upon the type of waste being placed into the system, the lessee may be required to have a pre-treatment facility. All wastewater discharged to the system must be free of hazardous substances or hazardous waste.

4.3 **Stormwater Systems.** Each Owner shall maintain all stormwater easements and any other drainage improvements on each Lot and such easements shall be kept fully functional as originally designed and constructed within private property boundaries. The City has the right of access for inspection of said improvements. The City has the right, in the event of drainage facility maintenance deficiency and after ten (10) days written notice to the respective Owner, to enter and restore full functional capacity of the drainage improvements; and to lien the property for both direct and indirect costs associated with such work.

## **ARTICLE 5 ASSESSMENTS**

5.1 **Assessments for Operation.** Declarant covenants and each lot owner, by acceptance of a deed or lease to a Lot, covenants with each other lot owner and with the Association to pay all assessments levied by the Owner's association board.

5.2 **Annual and Special Assessments.** Annual and special assessments may be imposed for the purpose of paying the necessary costs and expenses incurred by the Association in connection with implementation and enforcement of this Declaration (as same may be modified from time to time), the costs and expenses incurred in acquiring, building, maintaining, and operating the common facilities of the Property and to maintain off-site improvements. These common facilities may include, but are not limited to, fences, walls, driveways, utility equipment, sewer lines and appurtenances; private access easements, open space and recreational easements, drainage easements, trail system easements, landscaping easements, and improvements on any of the aforesaid easements; portions of public streets and roads not accepted for maintenance by the City, drainage structures and associated facilities which serve more than one (1) Lot, entry features to the Property and associated structures, monuments and signs identifying the Property, and other similar improvements. Special assessments may be imposed upon the Lot or Lots of any owner to cover the costs of enforcing the provisions of this Declaration or for actions taken against that owner and the cost of remedying any failure of that owner to comply with the same. Said assessments shall be payable to the Association and shall be a continuing lien against each Lot until paid. If any assessment shall remain unpaid for thirty (30) days after the due date thereof, a late charge of ten percent (10%) of the outstanding balance owed shall accrue, or such other charge as may be imposed from time to time; and, thereafter, any such delinquent assessment and late charge shall bear interest at the rate of eighteen percent (18%) per annum. Liens for assessments may be foreclosed by the Owners association in the manner provided by law for the enforcement of mortgages.

5.3 **Assessments and Liens as Personal and Individual Debt.** All assessments levied by the Association Board and all costs incurred, and charges and interest imposed, by the Association in connection with enforcement hereof, and maintenance, repairs, or corrections performed pursuant to the provisions of this Declaration, shall be a lien against the Lot(s) and shall be the personal and individual debt of the owner(s) thereof (jointly and severally) at the time the assessment is made, the cost is incurred, or the charge or interest is imposed; and, by the acquisition of title to any Lot within the Property, and in consideration thereof, each lot owner thereby agrees to the foregoing. Suits to recover a money judgment shall be maintainable without foreclosing or waiving a lien securing same.



**BYLAWS  
OF  
TIERRA CONTENTA VILLAGE CENTER OWNERS ASSOCIATION, INC.**

**ARTICLE I  
Identity**

**Section 1. Declaration.** These Bylaws shall govern the operation of Tierra Contenta Village Center Owners Association, Inc. (the "Association"), a New Mexico nonprofit corporation created pursuant to the New Mexico Nonprofit Corporation Act. The Association was created to govern the Tierra Contenta Village Center project, excluding Lot 1 ("Property"), which is subject to that certain Master Plan recorded on \_\_\_\_\_ at \_\_\_\_\_, which by this reference is incorporated herein. Any amendments to the Master Plan shall automatically be incorporated herein, and all references to the Master Plan shall be deemed to include any such amendments or supplements.

**Section 2. Terms.** Terms used herein that are defined in the Master Plan shall have the same meanings as in the Master Plan.

**Section 3. Priority of Declaration and Articles.** The provisions of the Master Plan and the Articles of Incorporation shall have priority over these Bylaws, and any provision hereof which is contrary to or inconsistent with the Master Plan or the Articles shall be void to the extent of such inconsistency.

**Section 4. Principal Office.** The principal office of the Association shall be initially located at \_\_\_\_\_.

**Section 5. Seal.** The Board of Directors may obtain a seal for the Association, which shall bear the name of the Association, the word "New Mexico," the word "non-profit", the year of incorporation, and such other matters as the Board of Directors may elect.

**ARTICLE II  
Membership**

**Section 1. Members.** Ownership of a lot within the Property subject to the Master Plan (with the exclusion of Lot 1) ("Lot") is required in order to qualify for membership in the Association. Membership in the Association shall be limited as set forth in the Articles and these Bylaws.

**Section 2. Meetings.** Meetings of the Members shall be held within the Property or at another convenient meeting place as designated by the Board of Directors. Unless unusual conditions exist, meetings of Members shall not be held outside Santa Fe County, New Mexico. Annual meetings of the Members shall be held on the second Thursday of March in each year or on such other date as directed by the Board of Directors.

**Section 3. *Special Meetings.*** A special meeting of the Members shall be promptly scheduled by the Board in response to:

- (a) The vote of the Board of Directors itself, or
- (b) A written request for a special meeting signed by Members representing at least forty percent (40%) of the total voting power of the Members entitled to vote on the matter to be considered at the special meeting.

**Section 4. *Notice of Meetings.*** Notice of annual and special meetings shall be given by the Board to Members by means of first class mail or hand delivery to each member not less than ten (10) nor more than ninety (90) days before the date of any meeting at which Members are required or permitted to take any action. The notice shall specify the place, day and hour of the meeting and, in the case of a special meeting, the purpose for which the meeting is called. Any Member may waive notice of any meeting before, during or after the meeting or by attending any meeting.

**Section 5. *Voting.*** The voting rights of the Members shall be as provided in the Articles.

**Section 6. *Quorum.*** A quorum of Members for any meeting shall be constituted by a majority of Members represented in person or by proxy. Unless the vote of a greater number is required by these Bylaws, the Articles or applicable law, the affirmative vote of a majority of a quorum of Members shall be binding as the act of the Members. A meeting of Members shall not be organized, and no business of the Association shall be transacted at any meeting of Members, unless a quorum of Members is present at the meeting in person or by proxy.

**Section 7. *Adjourned Meetings.*** If any meeting of Members cannot be organized because the quorum requirements have not been satisfied, a majority of the Members who are present, either in person or by proxy, may adjourn the meeting to another time, but may not transact any other business. An adjournment for lack of a quorum by those in attendance shall be to a date not less than five (5) days and not more than thirty (30) days from the original meeting date. The quorum for an adjourned meeting shall be as provided in Section 6, above, of these Bylaws. If a time and place for the adjourned meeting is not fixed by those in attendance at the original meeting or if for any reason a new date is fixed for the adjourned meeting after adjournment, notice of the time and date of the adjourned meeting shall be given to the Members in the manner prescribed in Section 4, above, of these Bylaws.

**Section 8. *Action Taken Without a Meeting.*** The Members shall have the right, pursuant to applicable New Mexico law, as may be amended from time to time, to take any action in the absence of a meeting which they could take at a meeting by obtaining the written consent of Members to resolutions specifying the action. The foregoing written consent of Members shall be unanimous, unless New Mexico law allows the action to be taken with the written consent of a lesser percentage, in which event the action may be taken upon the written consent of the greater of (a) the percentage required under New Mexico law, or (b) the percentage required under the Bylaws.

**Section 9. Action By Unanimous Consent.** Any action required to be taken at a meeting of the Directors, or any other action which may be taken at a meeting of Directors, may be taken without a meeting if a unanimous consent in writing, setting forth the action so taken, must be signed by all of the Directors entitled to vote with respect to the subject matter thereof. Such consent will have the effect of a unanimous vote and will be equally valid as if said action were approved at a meeting. A Director's written consent to an action may be documented by an e-mail message from that Director provided that:

(a) The e-mail message sufficiently identifies the Director from whom it was sent and the specific action to which that Director has consented; and

(b) Immediately thereafter, the Director signs a copy of such e-mail message and delivers same to the Corporation by overnight delivery (e.g., Federal Express), or by facsimile or like transmission.

**Section 10. Proxy.** Proxies must be in writing, dated and executed by the Member. No Member may vote for more than one other Member. Revocation of any proxy may be made at any time by written notice to the Secretary. A revocation of a proxy shall not affect any vote or act taken or authorized pursuant thereto prior to such notice to the Secretary. A proxy shall terminate one year after its date, unless it specifies a shorter time.

**Section 11. Order of Business.** The order of business at all meetings of the Members shall be as follows:

- (a) Verification of proxies.
- (b) Proof of notice of meeting or waiver of notice.
- (c) Distribution of minutes of preceding meeting (except at first annual meeting).
- (d) Reports of officers.
- (e) Reports of committees (if any).
- (f) Appointment of inspectors of election, when required.
- (g) Election of members of the board, when required.
- (h) Unfinished business.
- (i) New business.
- (j) Adjournment.

## **ARTICLE III**

### **Board of Directors**

**Section 1. *Number and Qualification.*** The business, property and affairs of the Association shall be managed, controlled and conducted by a Board of Directors. The initial Board of Directors shall consist of three members. The number of directors may be altered from time to time by a majority vote of the Board of Directors. In any event there shall be no more than seven and no less than three directors. In the event of any increase in the number of directors in advance of an annual meeting, each additional director shall be elected by the then members of the Board of Directors and hold office until his successor is elected. Directors appointed by the Owner need not be Members of the Association.

**Section 2. *Powers and Duties.*** The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association, and may do all such acts and things as are not by law or otherwise directed to be exercised and done by the Members or the President. The powers of the Board of Directors shall include, but not be limited to, all of the rights and duties of the Board of Directors as set forth elsewhere in these Bylaws and the Articles and shall also include the power to promulgate such rules and regulations pertaining to the rights and duties of Members of the Association, and all other matters, as may be deemed proper and which are consistent with the foregoing. The Board of Directors shall also have the authority to repair, maintain and inspect all common areas, utilities, roads, trails and easements, to fix, determine, levy and collect the assessments to be paid by each owner, to impose penalties and collect delinquent assessments by suit or otherwise, to enjoin and seek damages from an owner, to impose liens on any owner's lot, to enter into contracts, to establish bank accounts, to prepare and deliver an annual budget, to foreclose any lien against a lot, to provide for reimbursement of expenses of directors and officers and for reasonable compensation of employees of the Association, to suspend the rights of a Member and remove a Member as director and/or officer and all other acts necessary to administer the Association. The Board of Directors may delegate to one or more committees thereof, and to other persons, such duties and powers, all as appears to the Board of Directors to be in the best interests of the Association and to the extent permitted by law.

**Section 3. *Election and Term of Office.*** Members of the Board shall be elected by a majority (if two candidates only for the director position) or plurality (if more than two candidates for the director position) of votes cast at the annual meeting of the Members; the initial terms of the directors' service shall be as follows:

Position 1: 2 years  
Position 2: 2 years  
Position 3: 1 year

Upon the expiration of the term of any director position, the person elected to such position shall serve for a period of two (2) years such that the terms of the directors are partially staggered. A director shall serve until his or her term expires and a successor is duly elected and qualified, the director resigns or is unable to serve, or the director is removed in the manner

hereinafter provided. Any vacancy in the Board occurring before the end of a term shall be filled in the manner provided in these Bylaws.

**Section 4. *Vacancies.*** Vacancies on the Board of Directors caused by any reason other than removal of a director by a vote of the Members of the Association shall be filled by vote of the majority of the remaining directors even though less than a quorum, or by the remaining director if there be only one, and each individual so elected shall be a director until his or her successor is duly elected and shall qualify.

**Section 5. *Removal of Directors.*** Subject to the provisions of Section 6 herein, at any annual meeting or special meeting of the Members of the Association duly called, any one (1) or more of the directors, excepting any director named in the Articles of Incorporation, may be removed from the Board with or without cause by the vote of seventy-five percent (75%) of the Members of the Association, and a successor may then and there be elected to fill each vacancy thus created. Any director whose removal has been proposed by the Members shall be given an opportunity to be heard at the meeting. Failure by a director to make payment in full of any outstanding Assessment, after written notice is provided, shall result in automatic removal of the director from the Board. A successor may then be elected to fill such vacancy thus created in accordance with the provisions of these Bylaws.

**Section 6. *Initial Control by Declarant.*** Notwithstanding anything herein to the contrary, Owner shall appoint and remove the initial officers and members of the Board and may continue to appoint and remove a majority of the members of the Board until the first annual meeting after one hundred percent (100%) of all residential lots and cluster units (if any) in the entire Pavilion project depicted by the Master Plan have been conveyed to owners other than the Owner. The Owner may voluntarily surrender the right to appoint and remove officers and members of the Board before termination of this Control Period, in which case the Owner reserves the right to file an instrument specifying that, until the time Owner would have been required to end control of the Board, certain actions of the Board must be approved by the Declarant before they become effective.

**Section 7. *Compensation.*** No compensation shall be paid to directors for their services as directors. No remuneration shall be paid to a director for services performed by him or her for the Association in any other capacity, unless a resolution authorizing such remuneration shall have been unanimously adopted by the Board of Directors before the services are undertaken. Directors and officers, however, may be reimbursed for any actual expenses incurred in connection with their duties as such officers or directors.

**Section 8. *Regular Meetings.*** Regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the directors, but at least one such meeting shall be held during each fiscal year. The meetings may be held at such convenient locations as the Board of Directors elects. Notice of the time and place of the meeting shall be communicated to directors not less than four days prior to the meeting. Notice of a meeting need not be given to any director who has signed a waiver of notice or a written consent to holding of the meeting.

**Section 9. *Special Meetings.*** Special meetings of the Board of Directors may be called by the President on not less than seventy-two (72) hours' prior written notice signed by the President or oral notice by the President or the President's designee and given to each director, personally or by mail, telephone or facsimile, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board of Directors shall also be called by the President in like manner and on like notice, upon the written request of at least two of the directors other than the President. Notice of any such meeting need not be given to any director who signed a waiver of notice or a written consent to holding of the meeting. Special meetings of the Board shall be held at a location selected by the President.

**Section 10. *Waiver of Notice.*** Before, at, or after any meeting of the Board of Directors, any director may, in writing, waive notice of such meeting, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a director at any meeting of the Board shall be deemed to be a waiver of notice by him or her of the time and place thereof. If all the directors are present at any meeting of the Board, no notice shall be required, and any business may be transacted at such meeting.

**Section 11. *Quorum.*** A majority of the Board of Directors shall constitute a quorum for the transaction of business, but if at any meeting of the Board there be less than a quorum present, a majority of those present may adjourn the meeting from time to time. No business of the Board shall be transacted at any meeting of the Board unless a quorum is present. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board unless the Articles or the Bylaws otherwise specifically requires the affirmative vote of a different number of directors on a specific matter. Unless otherwise prohibited by law or resolution of the Board of Directors, meetings of the Board, whether regular or special, may be held by means of a conference telephone call or similar communications equipment arrangement which allows all persons participating in the meeting to hear each other. Participation in any such meeting shall constitute presence in person at the meeting.

**Section 12. *Adjournments.*** The Board of Directors may adjourn any meeting from day to day or for such other time as may be prudent or necessary in the interests of the Association, provided that no meeting may be adjourned for a period longer than 30 days.

**Section 13. *Action Taken Without a Meeting.*** The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining from the directors a unanimous written consent specifying the action. Any action so approved shall have the same effect as though taken at a meeting of the directors.

**Section 14. *Fidelity Bonds.*** The Board of Directors may require, in its discretion, that all officers and employees of the Association handling or responsible for the Association's funds shall be appropriately bonded. In the event such bonds are required upon determination of the Board of Directors, the premiums therefor shall be paid by the Association.

**Section 15. Committees.** The Board of Directors may appoint committees of the Board, which committees shall have the powers and authority designated in the resolution or resolutions establishing them.

**Section 16. Common or Interested Directors.** Each member of the Board shall exercise his/her powers and duties in good faith and with a view to the interests of the Association. No contract or other transaction between the Association and any of its directors, or between the Association and any corporation, firm or association in which any of the directors of the Association are directors or officers or are pecuniarily or otherwise interested is either void or voidable because any such director is present at the meeting of the Board or any committee thereof which authorizes or approves the contract or transaction, or because his/her vote is counted for such purpose, if any of the conditions specified in any of the following subparagraphs exists:

(a) The fact of the common directorate or interest is disclosed or known to the Board or a majority thereof or noted in the minutes, and the Board authorizes, approves or ratifies such contract or transaction in good faith by a vote sufficient for the purpose; or

(b) The fact of the common directorate or interest is disclosed or known to at least a majority of the owners, and the owners approve or ratify the contract or transaction in good faith by a vote sufficient for the purpose; or

(c) The contract or transaction is commercially reasonable to the Association at the time it is authorized, ratified, approved or executed.

Any common or interested directors may be counted in determining the presence of a quorum of any meeting of the Board or committee thereof which authorizes, approves or ratifies any contract or transaction, and may vote to authorize any contract or transaction with like force and effect without regard to his or her interest in the transaction.

## **ARTICLE IV Officers**

**Section 1. Designation.** The principal officers of the Association shall be a President, a Secretary, a Treasurer and, if deemed necessary by the Board of Directors, one or more Vice Presidents, all of whom shall be elected by the Board of Directors. The directors may appoint an Assistant Secretary and an Assistant Treasurer, and such other officers as in their judgment may be necessary. The President and one of the Vice Presidents shall be members of the Board. Any other officers need not be directors. Any one person may hold two or more offices at the same time, except that no one person shall simultaneously hold the office of President and Secretary. All officers, except the officers elected while the Owner is in control of the Board during the Control Period, must be Members of the Association.

**Section 2. Election of Officers.** The officers of the Association shall be elected from time to time by the Board of Directors.

**Section 3. *Removal of Officers.*** Upon an affirmative vote of a majority of the members of the Board of Directors, any officer may be removed, either with or without cause, and his successor elected.

**Section 4. *Resignation of Officers.*** Any officer may resign at any time by giving written notice to the Board, the President or the Secretary. The resignation of an officer shall take effect on the date of receipt of such notice or at any later time specified therein, and, unless otherwise specified therein, the acceptance of a resignation shall not be necessary to make it effective.

**Section 5. *Vacancies.*** A vacancy in any office may be filled by a vote of a majority of the Board of Directors. The officer elected to such vacancy shall serve for the remainder of the term of the officer he replaces.

**Section 6. *President.*** The President shall be the chief executive officer of the Association. He or she shall preside at all meetings of the Members of the Association and of the Board of Directors. He or she shall have all of the general powers and duties that are normally vested in the office of the President of a corporation, including, but not limited to, the power to appoint committees from among the Members of the Association from time to time as he or she may, in his or her discretion, decide is appropriate to assist in the conduct of the affairs of the Association. The President shall also have such other powers as provided for in the Declaration.

**Section 7. *Vice President.*** The Vice President, if a Vice President is chosen (or the most senior Vice President, if there shall be more than one), shall take the place of the President and perform his or her duties whenever the President shall be absent, unable to act or refuses to act. If neither the President nor a Vice President is able to act, the Board of Directors shall appoint some other member of the Board to do so on an interim basis. A Vice President shall also perform such other duties as shall from time to time be imposed upon him or her by the Board of Directors.

**Section 8. *Secretary.*** The Secretary shall keep the minutes of all meetings of the Board of Directors and the minutes of all meetings of the Members; he or she shall have the custody of any seal of the Association; he or she shall have the charge of the Membership books and such other books and papers as the Board of Directors may direct; and he or she shall, in general, perform all the duties incident to the office of the Secretary.

**Section 9. *Treasurer.*** The Treasurer shall have the responsibility for the Association's funds and securities and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. He or she shall be responsible for the deposit of all moneys and other valuable effects in the name, and to the credit, of the Association in such depositories as may from time to time be designated by the Board of Directors.

**Section 10. Compensation.** No compensation shall be paid to officers for their services as officers. No remuneration shall be paid to an officer for services performed by him or her for the Association in any other capacity, unless, before the services are undertaken, a resolution authorizing such remuneration shall have been unanimously adopted by the Board in accordance with the provisions of the Declaration, the Articles, these Bylaws and applicable law.

## **ARTICLE V Penalties and Procedures for Violations**

**Section 1. Power of Board.** Subject to any restrictions under the Articles and applicable law, the Board shall have the power to impose reasonable fines, which shall constitute a charge applicable to the owner and become a lien upon the owner's lot, and to suspend an owner's right to vote and an owner's right to use any common areas for violation of the Declaration, the Articles, these Bylaws, or any rules and regulations duly adopted hereunder; provided, however, nothing herein shall authorize the Association or the Board to prevent ingress and egress to or from the owner's Lot. The failure of the Board to enforce any provision of the Declaration, the Articles, these Bylaws, or any rule or regulation of the Association shall not be deemed a waiver of the right of the Board to do so thereafter.

**Section 2. Committees.** The Board may delegate all or a portion of its authority pursuant to this Article V to one or more committees.

**Section 3. Adoption of Rules.** The Board or a committee with delegated authority from the Board may adopt rules for the imposition of sanctions including an appeal thereof, if any, which may be amended by the Board or the committee, from time to time.

**Section 4. Additional Enforcement Rights.** Notwithstanding anything to the contrary herein contained, the Association, acting through the Board, may elect to enforce any provision of the Declaration, the Articles, these Bylaws, or the rules and regulations of the Association by self-help (specifically including, but not limited to, the towing of vehicles that are in violation of parking rules and regulations) or by suit at law or in equity to enjoin any violation, foreclose any lien or to recover monetary damages. In any such action, to the maximum extent permissible, the person and the owner, if the violator is other than the owner, responsible for the violation of which abatement is sought shall pay all costs, including reasonable attorney's fees, actually incurred by the Association in the enforcement action.

## **ARTICLE VI Assessments**

**Section 1. Mutual Covenants to Pay Assessments.** Owner covenants and agrees and each owner, by acceptance of a deed to a Lot or contract of sale therefore, covenants and agrees with each other owner and with the Association, to pay all assessments levied by the Board, as required in these Bylaws, whether or not such covenant is contained in such deed or contract or other conveyance.

**Section 2. Annual Budget.** Not less than fifteen (15) days nor more than thirty (30) days prior to the beginning of each fiscal year, the Board shall prepare and adopt a budget for the next fiscal year (the "Annual Budget") to pay the common expenses to be incurred to operate within the Property, to maintain and repair the trails, open space, drainage structures, retention ponds, landscaping, signage, lift stations, entrance pavers and other improvements and expenses which are the responsibility of the Association. Such budget may also include reasonable amounts as the Board considers necessary to provide working capital, a general operating reserve and reserves for contingencies and replacements. Within thirty (30) days after such adoption of the Annual Budget, the Board shall furnish each owner an itemized copy thereof. The Annual Budget shall be based upon the aggregate sum as the managing agent or Board shall from time to time determine is to be paid by all of the owners, to provide for the payment of all estimated common expenses, which sum may include, among other things, expenses of management, premiums for all insurance in the amounts and types required hereunder, landscaping and care of grounds, common lighting, legal and accounting fees, management fees, expenses and liabilities incurred by the managing agent or Board under or by reason of these Bylaws, monies for any deficit remaining from a previous period, the creation of a reasonable contingency or other reserve or surplus fund, as well as other costs and expenses relating to the Association's affairs and duties.

**Section 3. Assessments.**

(a) Effective the first day of each such fiscal year after the first assessment made by the Association, each owner shall be assessed a sum equal to the owner's percentage of Lot ownership of the total Lots multiplied by the total Annual Budget, which sum shall be paid by the owner to be paid as determined by the Board.

(b) Contributions for yearly assessments shall be prorated if the ownership of a Lot commences on a day other than the first day of the year. Any unpaid assessments by a prior owner shall attach to the Lot and shall be assessed to any new owner, who acquires the Lot. The omission or failure of the managing agent or the Board to fix the assessment for any year shall not be deemed a waiver, modification or a release of the owners from obligations of the owners to pay the assessment for the year.

(c) If the amount of the Annual Budget proves inadequate for any reason including, without limitation, non-payment of any owner's assessment, the Board may at any time levy a further assessment by increasing the Annual Budget and each owner shall be assessed a sum equal to the owner's percentage of ownership of Lots multiplied by such increase. The Board shall give written notice of any such increase, and the reasons therefor, to each owner, and shall state the date and terms of payment of such increase.

(d) All such assessments collected shall be paid and expended for the purposes authorized in these Bylaws and the Declaration, and (except for such special assessments as may be levied against less than all the owners and such adjustments as may be required to reflect delinquent or unpaid assessments) shall be deemed to be held for the benefit, use and account of all owners in the same percentages as their percentage ownerships of the total Lots.

**Section 4.     *Special Expenses.***

(a)     In the event that any damage to the Property and any of its improvements is caused in any way through the intentional or negligent act or omission of any owner or the agents, employees, or invitees of the owner, the expense incurred by the Association for the repair of such damage shall be deemed a Special Expense. Such Special Expenses shall be levied by the Board and assessed only to the owner whose act or omission (or agent's employee's or invitee's act or omission) resulted in the aforementioned damage, and shall be paid by the owner, together with the owner's next assessment due the Association, or at the option of the Board, assessed to the owner as a Special Expense due upon receipt.

(b)     Special Expenses shall include amounts assessed to any owner for road damage resulting from damage caused by vehicles entering and leaving a Lot.

**Section 5.     *Lien for Non-payment of Common and/or Special Expenses.***

(a)     All sums assessed and fines imposed by the Association, but unpaid, for annual assessments and any other assessments and violations of these Bylaws and any applicable rules and regulations are chargeable to any Lot or its owner, and shall constitute a continuing lien on such Lot.

(b)     If any assessment shall remain unpaid for thirty (30) days after the due date thereof, the Board or managing agent may assess a late charge of ten percent (10%) and then assess interest thereon at a rate equal to eighteen percent (18%) per annum, commencing on the date such assessment was due, together with reasonable costs, the late charge and any attorney's fees incurred in connection with the collection thereof. The Board may increase such charges and interest by notice to the owners.

(c)     In any foreclosure of such lien, or suit for collection, the owner shall be required to pay the costs and expenses of such proceeding, all reasonable costs of collection and all reasonable attorney's fees. The owner shall also be required to pay to the Association any assessment due for the Lot during the period of foreclosure. The managing agent or Board shall have the power to bid on the Lot at foreclosure sale, and to acquire, hold, lease, mortgage and convey the same.

**Section 6.     *Personal Debt of Owner.*** The amount of any assessments and costs assessed against each Lot shall be the personal and individual debt of the owner thereof at the time the assessment is made. Suit to recover a money judgment for unpaid assessments shall be maintainable without foreclosing or waiving the lien securing each Lot.

**Section 7.     *Disclosure of Unpaid Assessments.*** Upon payment of a reasonable fee established by the Board, and upon the Board's receipt of a written request from any owner or any mortgagee or prospective mortgagee of a Lot, the Association, by its managing agent or Board, shall provide a written statement of all unpaid assessments due on the subject Lot or Lots.

**ARTICLE VII**  
**Indemnification and Liability**

**Section 1.     *Indemnification.***

(a) The Association shall indemnify every director and officer of the Association, every committee member, and their heirs, personal representatives, executors, administrators, successors and assigns against all costs and expenses, including attorneys' fees, actually and necessarily incurred in connection with any action, suit or proceeding to which such person may be made a party by reason of being or having been a director or officer or committee member of the Association, except as to matters as to which such person shall be finally adjudged in such action, suit or proceeding to be liable on the basis that the person has breached or failed to perform the duties of the person's office and the breach or failure to perform constitutes willful misconduct. In the event of a settlement, indemnification shall be provided only in connection with such matters covered by the settlement as to which the Association is advised by counsel that the person to be indemnified has not engaged in willful misconduct.

(b) The foregoing rights shall not be exclusive of other rights to which such director or officer or committee member may be entitled. All liability, loss, damage, costs and expense incurred or suffered by the Association by reason of arising out of or in connection with the foregoing indemnification provisions shall be treated and handled by the Association as assessments. Nothing contained in this Section shall, however, be deemed to obligate the Association to indemnify any owner who is or has been a director or officer or committee member of the Association with respect to any duties or obligations assumed or liabilities incurred as an owner under or by virtue of the Declaration, or the ownership of a Lot, as distinguished from the owner's conduct and activities as an officer or director or committee member of the Association.

**Section 2.     *Non-Liability of the Directors and Officers.*** No director or officer of the Association shall be personally liable to the Members of the Association for any mistake of judgment or for any acts or omissions of any nature whatsoever as such director or officer, except for any acts or omissions found by a court to constitute gross negligence or willful misconduct. No director or officer shall be personally liable with respect to any contract made by him or her on behalf of the Association.

**ARTICLE VIII**  
**Evidence of Ownership and Registration of Mailing Address**

**Section 1.     *Proof of Ownership.*** Except for those owners who initially purchase a Lot from Owner, any person on becoming owner of a Lot shall furnish to the managing agent, Board of Directors or Secretary a photocopy or certified copy of the recorded instrument vesting that person with an interest or ownership, which instrument shall remain in the files of the Association. Such person shall neither be deemed to be a member of the Association in good

standing nor shall the person be entitled to vote at any annual or special meeting of Members of the Association unless this requirement is first met.

**Section 2.     *Registration by Owner of Mailing Address.***

(a) Each owner shall register the owner's mailing address and/or electronic mail address with the Association upon becoming an owner of a Lot. Periodic assessment statements and notices of annual and special meetings as provided in the Bylaws, and all other notices or demands intended to be served upon an owner shall be sent by either (i) regular U. S. mail, postage prepaid, addressed in the name of the owner at such registered mailing address; or (ii) electronic mail in the name of the owner at such registered electronic mail address. In the event an owner fails to register the owner's address with the Association in accordance with these Bylaws, the Association shall send all notices, statements, demands, etc. to such owner at the address of the owner's Lot.

(b) All demands, or other notices intended to be served upon the Board or the Association shall be sent certified mail, postage prepaid, to \_\_\_\_\_ with a copy to \_\_\_\_\_, until such address is changed by a notice of address change. All notices, demands, statements or other information shall be deemed furnished and delivered to an owner, Mortgagee or person other than the Association upon deposit thereof in the U. S. mail, postage or charges prepaid, addressed to the party in accordance with this Section, and in any event, upon actual receipt by such party.

**ARTICLE IX  
Miscellaneous**

**Section 1.     *Books and Accounts.*** The Board, at all times, shall keep, or cause to be kept by the Treasurer, true and correct records of account in accordance with generally accepted accounting principles, and shall have available for the inspection of all Members at reasonable times, such books that shall specify in reasonable detail all expenses incurred and funds accumulated from assessments or otherwise. Notwithstanding anything to the contrary herein, the Association's records of account may be kept on a cash accounting basis if the Board so elects, subject to the requirements of applicable law. Every director of the Association shall have the absolute right at any reasonable time to inspect all books, records and documents of the Association and the physical properties owned or controlled by the Association. The right of inspection by a director includes the right to make extracts and copies of documents.

**Section 2.     *Execution of Corporate Documents.*** With the prior authorization of the Board of Directors, all notes, checks and contracts or other obligations shall be executed on behalf of the Association by such one or more directors or officers of the Association as the Board shall designate.

**Section 3.     *Venue.*** The proper venue for any dispute arising in connection with these Bylaws shall be Santa Fe County, New Mexico.

**Section 4. Fiscal Year.** The fiscal year of the Association shall end on the 31<sup>st</sup> day of December of each year, unless another fiscal year is approved by the Board.

**ARTICLE X**  
**Amendment of the Bylaws and Articles of Incorporation**

These Bylaws and the Articles of Incorporation may be amended by the affirmative vote of a majority of the Members of the Association, but no amendment shall take effect unless approved by sixty-seven percent (67%) of the Members. Notwithstanding the foregoing, for so long as Owner or any related entity owns any property subject to the Master Plan (a) no amendment of these Bylaws or the Articles of Incorporation shall be effective without the approval of Owner, and (b) Owner may amend these Bylaws or the Articles of Incorporation at any time without the Members' approval. These Bylaws shall not be amended to contain any provisions that would be contrary to or inconsistent with the Articles, and any provision or purported amendment or modification to these Bylaws which is contrary to or inconsistent with the Articles shall be void to the extent of such inconsistency.

THE FOREGOING BYLAWS having been adopted by the Board of Directors of the Association by unanimous consent without a meeting on \_\_\_\_\_, the undersigned, being the President and Secretary of the Association, have hereunto set our hands as of the \_\_\_\_\_ day of \_\_\_\_\_.

**TIERRA CONTENTA VILLAGE  
CENTER OWNERS ASSOCIATION, INC.**

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

**ARTICLES OF INCORPORATION OF  
TIERRA CONTENTA VILLAGE CENTER OWNERS ASSOCIATION, INC.**

THE UNDERSIGNED, desiring to form a private non-profit membership corporation under the laws of the State of New Mexico, has prepared and hereby adopts the following Articles of Incorporation:

**ARTICLE I  
NAME**

The name of the Corporation is TIERRA CONTENTA VILLAGE CENTER OWNERS ASSOCIATION, INC. (the "Association").

**ARTICLE II  
DURATION**

The period of duration of the Association shall be perpetual.

**ARTICLE III  
PURPOSES**

The Association shall not afford, directly or indirectly, pecuniary gain or profit to its members. The purposes of the Association are:

To operate exclusively for the benefit of the owners and occupants within the property located in the City and the County of Santa Fe, New Mexico (hereinafter called "the Property"), which is the subject of the Master Plan for the Tierra Contenta Village Center recorded on \_\_\_\_\_ at \_\_\_\_\_ (with the exclusion of Lot 1 as shown on the Master Plan).

**ARTICLE IV  
POWERS**

The Association shall have the following powers:

A. To perform any and all acts necessary and proper to promote the health, safety and welfare of the owners, occupants or tenants situate within the Property, including, without limitation, any of the following acts:

1. To establish and collect annual and special assessments and charges to be levied against the members of the Association and their lots located within the Property;
2. To enforce any and all restrictions and design guidelines applicable to the Property;

3. To receive, administer and apply funds generated by annual and special assessments for the common benefit of the owners of lots and occupants or tenants within the Property;

4. To accept such properties, improvements, rights and interests as may be conveyed, leased, assigned or transferred to the Association and assume all obligations thereunder;

5. To purchase or otherwise acquire title to any lots or common areas within the Property;

6. To purchase insurance on the Association property and insurance for the protection of the Association and its members; and

7. To employ personnel to perform the services required for proper operation and use of the property of the Association and for the benefit of its members.

B. To perform all acts and exercise all powers authorized by the Non-Profit Corporation Act, Sections 53-8-1 through 53-8-99, NMSA 1978, as now or hereafter amended, and to perform all acts and exercise all powers which a non-profit corporation is authorized to do under all applicable statutes of New Mexico, as now or hereafter amended, including, without limitation, the following:

1. To receive and administer funds and contributions received by gift, deed, bequest or devise and to hold, invest, expend, contribute or otherwise dispose of such funds and contributions for the purposes for which this Association is organized;

2. To borrow money and make, execute or issue bonds, debentures, promissory notes or other corporate obligations for money borrowed, or in payment for property acquired, and to secure the payment of any such corporate obligations by pledge, mortgage, indenture, agreement or otherwise;

3. To acquire by purchase or otherwise, personal property of every kind whatsoever and to hold invest and reinvest same for the purposes for which the Association is organized;

4. To acquire by purchase or otherwise real property and to hold, use, improve, lease, rent, sell, convey or encumber same for the purposes for which this Association is organized;

5. To enter into, make, perform and carry out contracts, agreements, commitments and assurances of every kind for the purposes for which this Association is organized; and

6. In doing, exercising or performing any of the foregoing, to do the same as a contractor, subcontractor, principal, agent, employee or on its own behalf, or in

association, partnership, corporation, or joint venture with any person, partnership, corporation, joint venture or other business entity.

C. The Association shall neither have nor exercise any power nor shall it directly or indirectly engage in any activity which would result in its net earnings inuring to the benefit of any private person.

**ARTICLE V  
REGISTERED AGENT AND REGISTERED OFFICE ADDRESS**

The registered agent of the Association is \_\_\_\_\_ and the address of the registered office at which the registered agent may be contacted is \_\_\_\_\_  
\_\_\_\_\_.

**ARTICLE VI  
BOARD OF DIRECTORS AND OFFICERS**

A. The management of the affairs of the Association shall be vested in a Board of Directors ("Board"). The initial Board shall consist of three members. In the absence of any provision in the Bylaws of the Tierra Contenta Village Center Owners Association, Inc. ("Bylaws"), the Board shall consist of three members. Members of the Board need not be members of the corporation if appointed by the Owner.

The names and address of the directors who have consented to serve as directors are as follows:

<u>NAME</u>	<u>ADDRESS</u>
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B. The Directors shall be appointed or elected in accordance with the Bylaws.

C. The principal officers of the Association ("Officers") shall be a President, a Secretary, a Treasurer and, if deemed necessary by the Board, one or more Vice Presidents, all of which shall be elected by the Board.

**ARTICLE VII  
MEMBERSHIP AND VOTING RIGHTS**

A. Every person or entity, who is the owner of legal title to the fee of any lot within the Property, shall be a member of the Association; provided, however, that any person or entity holding such interest as security for the payment of a debt or performance of any obligation shall not be a member; provided further that any person or entity who acquires such interest at a judicial sale or by conveyance in lieu of foreclosure shall be a member. Membership shall be appurtenant to and may not be separated from this ownership of any lot within the Property. Any transfer of ownership of any lot subject to the Declaration shall operate to transfer the appurtenant membership rights without the requirement of any express reference thereto. The membership shall be held by the owner or owners of a lot in the same proportionate interest and by the same type of tenancy in which title to the lot is held, provided always that there be only one membership per lot. Certificates of shares of stock shall not be issued nor required for membership in the corporation.

B. All members of the Association shall be entitled to one (1) vote for each lot in which they hold the interest required for membership as provided in Section A of this Article VII. When more than one person or entity holds such interest, all such persons or entities shall be members, but only one vote shall be cast with respect to any one lot. The Bylaws may contain provisions which further define and regulate voting rights.

C. The Association may suspend the voting rights of a member for failure to comply with the Articles, the Bylaws or any rules or regulations of the Association or the Tierra Contenta Village Center project.

**ARTICLE VIII  
NAME AND ADDRESS OF INCORPORATOR**

The name and address of the Incorporator is Nancy R. Long, 2200 Brothers Road, PO Box 5098, Santa Fe, New Mexico 87502-5098.

IN WITNESS WHEREOF, the undersigned Incorporator of this Association has made and signed these Articles of Incorporation this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
NANCY R. LONG





**City of Santa Fe, New Mexico**

# **Exhibit E**

**Neighborhood Meeting Notes**

**Initial ENN Meeting: May 12, 2011**

**Additional Follow-Up Meeting: July 27, 2011**

**(Early Neighborhood Notification requirement covered  
by Preliminary Plat, Rezoning, General Plan  
Amendment, and Annexation Application)**



## City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	Tierra Contenta Village Commercial (Pavilion East)
<i>Project Location</i>	East of NM 599, in vicinity of Jaguar Drive and Plaza Central
<i>Project Description</i>	Rezoning to C-2 and C-1, Subdivision Plat and Development Plan North 35 Acres; Annexation, Rezoning to C-2, Subdivision Plat South 25 Acres
<i>Applicant / Owner</i>	Richard Cook
<i>Agent</i>	Santa Fe Planning Group
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	Thursday, May 12, 2011
<i>ENN Meeting Location</i>	Southside Branch of the Santa Fe Public Library
<i>Application Type</i>	Annexation, Rezoning, Subdivision Plat and Development Plan
<i>Land Use Staff</i>	Heather L. Lamboy, AICP
<i>Other Staff</i>	
<i>Attendance</i>	Project Team (Scott Hoefft, Mike Gomez, Al Lilly, Dave Thomas, Phil Sena) plus 15 members of the public

### Notes/Comments:

Ms. Lamboy began the meeting at 5:35 with an overview of the Early Neighborhood Notification (ENN) process. She stated that the purpose of the meeting was to get feedback from the neighborhood association regarding the proposed development, and stressed that the applicant had not yet made any formal application to the City.

Mr. Hoefft began his presentation regarding the proposed Village Commercial area at Tierra Contenta. He oriented the audience to the location of the site (in the vicinity of Jaguar Drive and Plaza Central, east of NM 599), and discussed infrastructure improvements that would provide access to the site, including the extension of Jaguar Drive, the extension of Plaza Central which would intersect with Jaguar Drive at a newly-constructed traffic circle, and the construction of the overpass over NM599 would eventually would link the airport with Jaguar Drive. Mr. Hoefft pointed out on the map and described the location of the proposed

overpass. He stated that in many ways, this will become the primary gateway to Tierra Contenta, due to the fact that other entrances to the subdivision have intervening uses. Mr. Hoeft reviewed the Tierra Contenta Master Plan and discussed how this project would align with the Master Plan.

An audience member remarked that she lives south of the site. She wondered how much of the overpass and the development she would be able to see.

Mr. Hoeft responded that they would discuss the topography in detail soon. He did want to assure the audience that the development would be designed in an attractive manner due to the fact that the City sees this as Tierra Contenta's front door; it is the only area where Tierra Contenta directly interfaces with a major roadway. Mr. Hoeft pointed out the 90-acre Tierra Contenta recreation area that is currently being planned, and stated that would act as a significant buffer to those properties to the south. Mr. Hoeft then discussed the extension of Jaguar Drive and Plaza Central.

A member of the audience asked what the new roads would look like. Mr. Hoeft responded that the roads will all be built according to the Tierra Contenta Road standards – the road section would depend on the anticipated traffic. Jaguar Drive, for instance, would continue in the same design as it is currently – two lanes divided with a landscaped median. The audience member asked whether speed humps had been considered. Mr. Hoeft stated that they had not in this case, and that the city has a process for determining whether speed humps were necessary. Mr. Hoeft stated that it was the developer's intention to fit within the neighborhood without the need for speed humps. He pointed out that currently, only 2 points of access are available to Tierra Contenta. Jaguar Drive and the NM599 interchange will provide an additional point of access. Furthermore, the commercial node at this intersection will not be conducive to cut-through traffic as it is at the extremity of the Tierra Contenta development.

Mr. Hoeft reviewed the rezoning request, making the northern portion C-1 to accommodate office and live/work uses, then the commercial core C-2 for retail commercial, convenience commercial, and gas station uses. On the southern portion of the project, the zoning would remain the same at Residential-3. It is anticipated that a church would locate on the remaining parcel.

An audience member asked about the planned weight class for the road – will big trucks be allowed in Tierra Contenta. Mr. Hoeft replied that Jaguar Drive is classified as a minor arterial, and a 10-ton limit was imposed by the City Council on Jaguar Drive in order to protect the neighborhood. He added that there would have to be allowances for deliveries to the retail sites along Plaza Central and south of Jaguar Drive. Typically a grocery store requires a larger-size delivery truck. Mr. Hoeft stated that the Economic Development Division of the City is encouraging employment opportunities to be located close to neighborhoods,

and that is why this development is attractive, with the office campus, daycare, live/work units, and retail job opportunities.

Mr. Hoeft continued reviewing the site plan by discussing the proposed streets and how the developer is attempting to make them user-friendly for vehicles, bicycles and pedestrians. An audience member asked whether the arroyo across the proposed Plaza Central was owned by the developer. Mr. Hoeft replied no, but it was the developer's goal to tie to both internal Tierra Contenta and regional trail networks.

Another member of the audience commented that trails paralleling roadways are nasty and not good for pedestrians. It was stated that it would be better to separate vehicular traffic from pedestrian and bicycle traffic. The example of Country Club Drive was given where the trail is a sidewalk that is not separated from vehicular traffic. The audience member stated that the Country Club trail has no ambience and actually discourages potential users.

Another audience member asked for clarification on what exactly a trail is. Mr. Hoeft responded that some are just sidewalks, and others are very large multi-purpose trails. In this case, a trail is considered as 5 feet of paved surface in the more urban areas, and 10 feet of trail surface along the Arroyo.

An audience member suggested that the trail not intersect with a driveway because of the opportunity for accidents – she asked whether there were any opportunities for pedestrian bridges. Mr. Hoeft replied that the applicant is looking at a lot of options for trails in the area. The applicant's one concern with the arroyo is potential for danger during floods. He stated that the applicant, however, wanted to keep the open spaces as natural as possible as well.

Another questioned where the entrance to the regional park would be, when it was constructed. Mr. Hoeft pointed out on the plans that Plaza Central would continue south of Jaguar Drive into the park area.

There was a question about the limits of the floodplain, and Mike Gomez, the project's engineer, illustrated on the map the limits of the floodplain and discussed how the buildings would have to be set back from the floodway.

An audience member asked whether the market was ready for another shopping center. James Wheeler responded that the demographics for a shopping center aren't strictly based on "rooftops" anymore, rather, on drive time. He stated that this area is projected to grow the fastest in town over the next 5-10 years, and this commercial center will serve more than Tierra Contenta. Ultimately, it could serve areas such as Aldea, Cienega, and the NM14 neighborhoods as well.

An audience member complained that today there is low water pressure in Tierra Contenta and asked what was happening with Paseo del Sol West and

connections to the Wal-Mart development. Dave Thomas replied that the Master Plan for Tierra Contenta show connections in Phase III. Mr. Thomas stated that the current buildout for Tierra Contenta is 2,400 homes, and the ultimate buildout will be about 4,500 homes. The total development of the subdivision is only about ½ of the way through. Mr. Thomas stated that the proposed densities and land uses will be similar to what is approved.

Another asked about how many homes are currently under foreclosure. Mr. Thomas stated that he did not know the answer to that question, but also explained that very few homes have been built in Tierra Contenta in the last few years due to the economy. He added that Tierra Contenta does not operate on a speculative basis, rather, once a contract is signed for a home, and then the home is built. Mr. Thomas explained that there are 3 tracts adjacent (across Plaza Central to the east) to the Village Commercial tract that are approved for residential development. On those tracts, 80 dwelling units are approved for development. One of the tracts is owned by Homewise. Mr. Thomas stated that currently Tierra Contenta is about 45% affordable and 55% market rate housing.

An audience member asked where will be water come from. Both Mr. Hoeft and Ms. Lamboy responded that water rights were allocated for Tierra Contenta when the master plan was developed. Additionally, the developer has purchased additional water rights.

A question was brought up as to whether the speed limit for NM599 would be reduced to 55mph, like the rest of the bypass on the other side of Airport Road. Mr. Hoeft stated that he did not know the answer to that question.

An audience member asked about the anticipated start date. Mr. Hoeft replied that the applicant hoped to be done with the development approval process by late fall, and start on the grading and drainage for the Jaguar Drive, Plaza Central and roundabout in late 2011 or early 2012. The design approval process for the NM599 overpass is currently underway with the New Mexico Department of Transportation (which was begun as part of the Pavilion Business Park development review process). Next, utilities will be placed in the roadway right-of-way to serve the future tracts. Mr. Gomez stated that the utility construction may help the water pressure issues in Tierra Contenta. Mr. Hoeft stated that treated effluent would be used for the landscaping, and part of the infrastructure work would be to connect to the treated effluent lines. Finally, Jaguar Drive will be built on the side of the hill, not on top in order to better conceal it from view. Additionally, parking and circulation areas will be designed in a manner so that you cannot readily see the lots and lights from the surrounding areas.

Another audience member expressed concern about all this activity being located immediately adjacent to the WIPP route. In addition, concern was raised regarding the proposed gas station. She said she lives south of the site and has

a well in the Cienega watershed – would this impact her? What happens if there is a leak and her neighborhood is “downstream?”

Mr. Gomez responded that during the construction of the WIPP route, test borings were done and it was determined that the area has good soils. The construction activity will not impact the integrity of the NM599 roadway. Mr. Hoeft responded that nowadays gas station tanks are much better design to resist corrosion and other treats to the structural integrity of the tank. Mr. Lilly promised that there could be a follow-up meeting where more specific information was presented regarding gas stations for a better dialogue on whether there would be a potential threat or not. He added that with reference to the design of the gas station, the City has expressed concern in the design and how to make it look attractive.

A member of the audience stated that at an earlier meeting, Tamara Baer had mentioned a sound wall as a possibility. Ms. Lamboy promised to follow up on that issue due to the fact that the Environmental Impact Statement (EIS) that was completed when NM599 was built did not identify the need for sound walls. [Staff note: Ms. Baer does not recall a sound wall discussion, and would not recommend them]

Another audience member referenced Zafarano Road and compared the scale to this project. She mentioned that it was scary to think about that amount of congestion. Mr. Hoeft responded that, based on the traffic analysis that has been completed, that the car density will be approximately 1/6 or 1/7 of Zafarano.

An audience member mentioned that it is important to have something like a small supermarket within the neighborhood to be able to walk or ride a bike to. He asked, however, to not put the walking path and trail next to the sidewalk as that does not make for a pleasurable walking experience and is not as safe as one has to traverse driveways.

Another stated that he is strongly against a gas station being located in this development – and asked the developer to consider moving it as there is already a gas station in Tierra Contenta.

Some of the audience asked about some surveying that had been going on last week around the Contenta Ridge subdivision. Mr. Thomas clarified that the surveying did not have anything to do with the Village Commercial application and said he would look into it.

After some questions regarding the connections throughout the neighborhood and to the south, Mr. Thomas stated that long-term, Tierra Contenta will be looking for some form of connection opportunity to connect with Mutt Nelson Road. Right now the Highway Corridor Plan does propose a frontage road next

to NM599, but it does not seem that there is enough room and the right-of-way has not been acquired. It is an unfunded plan.

An audience member asked whether the trail could be built through the arroyo across the street from the proposed village commercial development. Mr. Hoeft and Mr. Thomas stated that they would be willing to work on that to see if it can happen.

There were questions about public notice, and Mr. Hoeft clarified that his team had gone over and above the City Code requirement of letters to property owners within 200 feet and the large yellow signs. They actually sent letters to property owners within about 400 feet and posted notices on the mailboxes throughout the Tierra Contenta development.

A concluding request was made from neighbors that live along Mutt Nelson Road that some form of landscape berm or wall is built along the southern ramp to the Jaguar Road interchange. They felt that the vehicle noise would travel and impact the character of the neighborhood.

The meeting concluded at approximately 7:45pm.



## City of Santa Fe Land Use Department Public Meeting Notes

<i>Project Name</i>	Tierra Contenta Village Plaza
<i>Project Location</i>	East of NM 599, in vicinity of Jaguar Drive and Plaza Central
<i>Project Description</i>	Rezoning to C-2 and C-1, Subdivision Plat and Development Plan North 35 Acres; Annexation, Rezoning to C-2, Subdivision Plat South 25 Acres
<i>Applicant / Owner</i>	Richard Cook
<i>Agent</i>	Santa Fe Planning Group
<i>Pre-App Meeting Date</i>	
<i>Meeting Date</i>	July 27, 2011
<i>Meeting Location</i>	Southside Branch of the Santa Fe Public Library
<i>Application Type</i>	Annexation, Rezoning, Subdivision Plat and Development Plan
<i>Land Use Staff</i>	Heather L. Lamboy, AICP
<i>Other Staff</i>	
<i>Attendance</i>	Scott Hoeft, Dave Thomas, and 7 members of the public

### Notes/Comments:

This meeting was scheduled by the applicant as a follow-up to the Early Neighborhood Notification meeting. The applicant felt it important to respond to the issues raised at the ENN as well as share the updated site plan with the neighborhood for review and comment.

Mr. Hoeft began the meeting by providing an overview of the updated site plan for the project. He reviewed the proposed building sizes and uses. He stated that the proposed grocery store had been downsized to allow for a better relationship with the grade and to minimize the number of retaining walls.

Mr. Hoeft reviewed the proposed vehicular roundabout and stated that it would be constructed as a one lane roundabout, but is designed to be expanded to two lanes if necessary. He stated that this project has a 15-year buildout, and over time the traffic demand may require an additional lane for the roundabout.

A neighbor asked whether the proposed supermarket would be a single level. Mr. Hoeft replied that was correct, and added that the only 2-story development on the site would be the live/work units and potentially some buildings on the office campus at the northern end of the site. The neighbor asked whether the HVAC units would be screened, and Mr. Hoeft responded that the project must follow Tierra Contenta Design Standards and that parapets must screen all rooftop mechanical equipment. He added that, in many commercial buildings today the HVAC is typically on the ground.

Mr. Hoeft then went on to review the proposed church site on the south of the project site, and commented that the church building had been downsized as well in order to avoid the construction of a lot of retaining walls.

A neighbor asked how Jaguar would be built, and what path it would take. Mr. Hoeft replied that the road, from the point where it stops currently the road will travel into the arroyo, then along the side of the existing hill next to NM599, thereby not affecting the skyline view as it is today.

A neighbor asked about utilities, specifically water. Mr. Hoeft responded that there currently is a 12" water line that is stubbed in the Jaguar Drive right-of-way. He stated that there would be a loop along Plaza Central, and eventually the line may be extended to the Santa Fe Municipal Airport to create a loop there. Currently, the airport is on a dead-end line which is less efficient.

Mr. Thomas noted that there is also a proposed effluent line that will cross the site to the arroyo and direct treated effluent to a tank between Sweeny and Ortiz Elementary Schools. The effluent will serve parks and the schools in the area.

At that point Mr. Hoeft reviewed how his project team had been coordinating with City staff and the City's consultant on the development of the Southwest Activity Node Park. He noted some changes that had occurred as a result of the development review process, including the access point for the park.

Mr. Hoeft then attempted to address some of the issues that had been discussed at the Early Neighborhood Notification meeting. Some had expressed a desire for a sound wall along the NM599 right-of-way and off ramp. Mr. Hoeft stated that they studied the issue. He described the location of the roadway vis-à-vis the neighborhood area, and stated that sound would not travel that far. He commented that the Arroyo de los Chamisos and church property to the south provide a large buffer to the neighborhoods to the south.

A neighbor asked whether an Environmental Impact Study was done for this project. Mr. Hoeft stated that the NMDOT required an Environmental Impact Assessment as part of the interchange design process, and added that the

requirement was met in 2010. He stated that he could send a copy of the assessment to the neighbor, and she replied that she would like to see it.

Mr. Hoeft addressed the issue of trails next. He stated that the trail issue has been important to the city in addition to the neighborhood. Mr. Hoeft reviewed the locations of the trails – the Arroyo Chamiso trail, the trail to the east of Plaza Central along the arroyo which would connect existing Tierra Contenta trails with the development and undeveloped residential tracts in the vicinity with the Village Plaza, and a possible loop trail around the site north of Jaguar Drive. Mr. Hoeft stated that while some sidewalks will follow typical Tierra Contenta design standards, portions of the site will have a more winding trail-like sidewalk in order to improve the pedestrian experience.

A neighbor asked whether a substation for the police was proposed. Mr. Hoeft replied that no substation was planned due to the close proximity of the main police headquarters in Valdez Business Park and a substation at the Santa Fe Municipal Airport. Mr. Thomas added that there is adequate coverage for fire protection as well with the construction of the Tierra Contenta Fire Station.

Mr. Hoeft addressed the question about the number of homes in foreclosure that had been brought up at the ENN meeting. He had the Market and Fiscal Impact study updated to include information on the number of foreclosures in the area. In Tierra Contenta, there are only 13 foreclosures, and only 6 or 7 of them remain vacant. Mr. Thomas commented that represented only about ½ of 1% of the housing stock in Tierra Contenta, which is very good.

Mr. Hoeft then went on to review the commercial absorption for Santa Fe and the southside. In a given normal (non-recession) year, commercial development needs approximately 220,000 square feet. The horizon for this project is approximately 10-15 years; not everything will be built immediately on the site. In the short term, only infrastructure will be constructed. Additionally, unemployment is lower in Santa Fe than in the nation as a whole. Mr. Hoeft stated that the study showed that within 3 miles, there is a \$11 million demand for gas services and a \$6 million demand for restaurants. This demand increases if the demand area is increased. Mr. Hoeft added that the Village Plaza location is unique in that it is situated along the relief route and will serve a larger region in the County, like La Cienega, Aldea, and portions of NM14. He finished by stating that in a given year, the demand for commercial is 200,000 square feet, and the Village Plaza was offering that amount of square footage for the next 10-15 years.

Mr. Hoeft addressed a letter next that he had received from Mr. Mark Coble. Mr. Coble in the letter questioned whether the City was building roads for the developer. Mr. Hoeft stated that the opposite was true; it is the City's requirement that the developer provide the infrastructure. The Village Plaza

development will be providing the extensions for Jaguar and Plaza Central as well as all utilities as part of the development.

Finally, Mr. Hoeft invited Tracy Neil of Kachina Petroleum Company to talk about underground gas storage tanks due to the fact that a concern was raised at the ENN meeting. Mr. Neil stated that in 1988, the gasoline tanks started being regulated. Prior to that, tanks were made of single-layer steel and buried. Due to the corrosive nature of gasoline, the steel tanks would leak over time. With growing environmental concern, regulations were developed. The newest technology requires tanks to be double walled and equipped with sensors to ensure that no gas leaks between the inner tank and the outer tank. Automatic leak detection systems shut off the pumping system if a leak is detected. Each month, the sump pumps are checked for leakage, and each year, the state inspects each tank and pumping system. The tanks vary in size from 10,000 to 20,000 gallons and are made of fiberglass or fiberglass and steel. Mr. Neil stated that the tanks are buried 3 feet below surface, and typically the tanks are 8 feet deep. Therefore, the tanks typically extend at least 11 feet below the surface. Mr. Neil concluded by stating that to date, there had been no leaks with the new technology, which has been used since 2008.

With no more questions from the audience, the meeting concluded at approximately 7pm.

# SANTA FE PLANNING GROUP, INC.

P.O. Box 2482

Santa Fe, NM 87504

505.983.1134; 505.983.4884 fax

October 21, 2014

Lisa Martinez  
Land Use Director  
City of Santa Fe Land Use Department  
200 Lincoln Avenue, P.O. Box 909  
Santa Fe, NM 87504

RE: Tierra Contenta Village Plaza  
Cases #2011-89, 90

Dear Ms. Martinez:

The Tierra Contenta at Village Plaza Final Development Plan and Final Subdivision Plat will expire on November 4, 2014, (three years from the date of the approved Findings). We would like to proceed at this time with a request for an administrative extension of the Final Plat pursuant to Section 14-3.19(C)(2a) of the City of Santa Fe land development code.

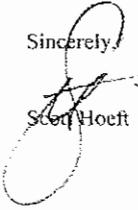
We would like to recognize in writing that it is our opinion that the Final Development Plan is vested due to the commencement of the "qualifying offsite improvements," namely the work on the NM599 Interchange as well as qualifying "onsite" improvements, which include the grading work for the project.

## PROJECT INFORMATION & ENTITLEMENTS HISTORY

The project was approved for Final Development and Final Plat in September 15, 2011 (the findings were approved on November 3, 2011). The construction work for the project commenced in year 2013 with an emphasis on site grading, road preparation, and preparation for the new interchange at NM599. We anticipate that with the Interchange at NM599 will be complete in the Spring 2015. Our work will turn to the final infrastructure improvements for TCVP.

We appreciate your consideration of our request and if you concur with our assessment will be placed on the consent agenda of the Planning Commission. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,



Scott Hoeft

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit C**

**Letter of Application**

# SANTA FE PLANNING GROUP, INC.

P.O. Box 2482

Santa Fe, NM 87504

505.983.1134; 505.983.4884 fax

October 28, 2015

Lisa Martinez  
Land Use Director  
City of Santa Fe Land Use Department  
200 Lincoln Avenue, P.O. Box 909  
Santa Fe, NM 87504

RE: Tierra Contenta Village Plaza  
Cases #2011-89, 90

Dear Ms. Martinez:

The Tierra Contenta at Village Plaza Final Development Plan and Final Subdivision Plat will expire on November 4, 2015, (three years from the date of the approved Findings). We would like to proceed at this time with a request for a second administrative extension of the Final Plat pursuant to Section 14-3.19(C)(2a) of the City of Santa Fe land development code.

We would like to recognize in writing that it is our opinion that the Final Development Plan is vested due to the commencement of the "qualifying offsite improvements," namely the work on the NM599 Interchange as well as qualifying "onsite" improvements, which include the grading work for the project.

## **PROJECT INFORMATION & ENTITLEMENTS HISTORY**

The project was approved for Final Development and Final Plat in September 15, 2011 (the findings were approved on November 3, 2011). The project received an extension of the Final Plat pursuant to Section 14-3.19(C)(2a) of the City of Santa Fe land development code in November 2014.

The construction work for the project commenced in year 2013 with an emphasis on site grading, road preparation, and preparation for the new interchange at NM599. The Interchange at NM599 and Jaguar Drive will be complete in November 2015. Our work will turn to the final infrastructure improvements for TCVP in the Fall 2016.

We appreciate your consideration of our request and if you concur with our assessment will be placed on the consent agenda of the Planning Commission. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hoeft", is written over the word "Sincerely,". The signature is stylized and somewhat cursive.

Scott Hoeft  
Partner