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PLANNING COMMISSION
December 3, 2015

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PLANNING COMMISSION
Thursday, December 3, 2015 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

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

A. ROLL CALL

Roll Call indicated lack of a quorum (later established) for the meeting.

Members Present
Commissioner Vince Kadlubek, Chair
Commissioner Brian Patrick Gutierrez, Secretary
Commissioner Roman Abeyta [arriving later]
Commissioner Justin Greene [arriving later]
Commissioner Piper Kapin
Commissioner Sarah Cottrell Propst

Members Absent
Commissioner John B. Hiatt [excused]
(Two Vacancies)

OTHERS PRESENT:
Ms. Lisa Martínez, Planning and Land Use Department Director
Mr. Greg Smith, Current Planning Division Director and Staff Liaison
Mr. Zach Thomas, Current Planning Division, Senior Planner
Ms. Donna Wynant, Current Planning Division, Senior Planner
Mr. Zach Shandler, Assistant City Attorney
Mr. Carl Boaz, Stenographer

Because there was not yet a quorum, the Commission continued with matters not needing action until the quorum was established.

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

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION [not on the agenda]

Ms. Lisa Martínez said on behalf of the City Staff how much they appreciated Mr. Michael Harris' efforts and tough work with the Planning Commission through the long meetings and careful research with the cases brought to the Commission.

Ms. Martínez presented a Certificate of Appreciation to Mr. Harris after reading the inscription on it.

Mr. Harris thanked everyone for the recognition. He said it has been a privilege to serve. He felt he was fairly well versed in land use issues when he started but learned a tremendous amount while leading the Planning Commission. He also thanked Ms. Martínez for her leadership in the Land Use Department and Mr. Greg Smith for all of his work and also Mr. Shandler who has always given good responses.

Ms. Martínez announced that Mr. Zach Thomas will be leaving the City and he will be missed. He does fantastic work and is going to work with the New Mexico Finance Authority. So we thank him also. He will receive a formal thanks from the Mayor and Council and a certificate. She wished him the best in his new position.

The Commission took a break for refreshments at 6:12.

Commissioner Greene arrived at 6:16, establishing a quorum.

The Commission reconvened at 6:20

C. APPROVAL OF AGENDA

Staff had no changes to the agenda.

Commissioner Kapin moved to approve the agenda as published. Commissioner Gutierrez seconded the motion and it passed by unanimous voice vote. Commissioner Abeyta was not present for the vote.

D. APPROVAL OF CONSENT AGENDA

Staff had no recommendation on the Consent Agenda.

Chair Kadlubek asked for discussion on Case #2105-107 - Village Plaza.

Commissioner Propst asked for discussion on Case #2015-108 - Komis Business Park.

Commissioner Kapin moved to approve the Consent agenda as amended (to no cases). Commissioner Propst seconded the motion and it passed by unanimous voice vote. Commissioner Abeyta was not present for the vote.

E. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES: November 5, 2015

Commissioner Propst asked again that her name be spelled correctly in the minutes. She also requested a change on page 10, 3/4 down in the motion where "non" should be "no one."

Commissioner Greene moved to approve the minutes of November 5, 2015 as amended. Commissioner Kapin seconded the motion and it passed by unanimous voice vote. Commissioner Abeyta was not present for the vote.

2. FINDINGS/CONCLUSIONS:

Case #2015-83. Pulte Phase 1 Final Subdivision Plat

Commissioner Propst moved to approve the Findings of Fact and Conclusions of Law for Case #2015-83 as presented. Commissioner Gutierrez seconded the motion and it passed by unanimous voice vote. Commissioner Abeyta was not present for the vote.

Case #2015-92. Pulte SFHP Lot Split

Commissioner Kapin moved to approve the Findings of Fact and Conclusions of Law for Case #2015-92 as presented. Commissioner Greene seconded the motion and it passed by unanimous voice vote. Commissioner Abeyta was not present for the vote.

F. CONSENT DISCUSSION

1. **Case #2015-107. Village Plaza Final Subdivision Plat Time Extension.** Report of the Land Use Director's approval of a non-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)

Ms. Martínez explained that normally, when these cases come forward and are approved by the Planning Commission, the approval has an expiration date. The City Code allows a one-year time

extension after the first year has passed. That extension went until November 3, 2015 and the Code provides for one more one-year extension as the final extension allowed.

Chair Kadlubek asked if, in Staff's communication with the applicant, they gave justification or just a request or if Staff has other information on why the extension should be approved.

Ms. Martínez said that in this case, there is a note on page 2 of 3 and in the 2nd paragraph, the reason stated is to record final subdivision plat and grading at the intersection at NM 599 has to finished before it can be recorded. The applicant is present and could answer the question more fully.

Mr. Smith added that Exhibit C provides the written request for the extension. It is on the very last page in the packet.

Commissioner Propst said that letter references the extension in 2014 and both say grading work as the reason.

Chair Kadlubek asked what the extension might mean for it to be held up this long with regard to proposed commercial development that might be affecting the viability of other commercial plans. The Commission already knows there is a need for a grocery store in Tierra Contenta. That viability might be affected by this delay and the market interest might be reduced. "For future reference, are we holding that land to this project and do we think that is potentially affecting the market viability of other private investors in this area?"

Mr. Smith said it is always the case that any property would be developed when the owner believes it is the best time for development. There is nothing in the Tierra Contenta Master Plan that ties one development to the completion of another. Whether or not this extension remains in place, other projects can be considered and go forward.

The principal goal is to ensure there is adequate land for development but cannot compel the development within a certain time frame.

Chair Kadlubek asked what would happen if the Commission did not approve the extension.

Mr. Smith said the applicant could apply for a new project but here, they would probably appeal to City Council or district court and would have a good case on the basis of their infrastructure completed already.

Commissioner Greene recalled there was an extension given at the HDRB and no changes could be made. He said that Mr. Hoeft presented this at the Chamber before it was a case here and announced there could be potential changes to the plan. For clarity he asked, if there is need, if it precludes this.

Mr. Shandler said the applicant has certain entitlements but he wouldn't speculate on the possibilities.

Commissioner Propst moved to approve Case #2015-107, Village Plaza Final Subdivision Plat Time Extension as requested. Commissioner Gutierrez seconded the motion and it passed by unanimous voice vote.

2. **<u>Case #2015-108</u>. Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a Final Development Plan and Final Subdivision Plat for 18 lots on 59.54± acres located north of the intersection of I-25 and NM 599. The property is zones C-2 (General Commercial). The time extension would extend approvals to November 13, 2016. Santa Fe Planning Group, agent for Komis Land Company, LLC. (Zach Thomas, Case Manager)

Commissioner Propst noted there is lots of material in the packet and it has extended over a decade. At this point, she asked why they would not start fresh.

Ms. Martínez deferred to the case planner, Mr. Zach Thomas.

Mr. Thomas agreed this case has an extensive history, first by the County and now in the City. This is the second and final extension. The applicant stated that additional time is needed to acquire adequate water rights.

Commissioner Gutierrez asked for an update on the water rights issues from the applicant.

Mr. Scott Hoeft was sworn. He said this is complicated because the site was in the County and then it was annexed by the City. Mr. Komis acquired his water rights (45 acre/feet) as County water rights. But the City Attorney said those water rights were useless to the City and they were worth $7,000 in the County. He hired an attorney and it doesn't have any conclusion after 7 years. They agreed in theory to accept the subdivision plats, etc. but didn't think through the water rights. We satisfied the county water rights so we've been struggling over it for several years. So the question is how to sell these rights and buy rights that are acceptable to the City.

Commissioner Kapin moved to approve Case #2015-108, Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension as requested. Commissioner Propst seconded the motion and it passed by unanimous voice vote.

G. OLD BUSINESS

There was no old business.

H. NEW BUSINESS

1. **<u>Case #2015-103</u>. Vista Serena, Tract 49 Tierra Contenta, Preliminary Subdivision Plat.** Oralynn Guerrerortiz of Design Enginuity, LLC, agent for Homewise, Inc., requests Preliminary Subdivision Plat approval for 50 lots on 12.7± acres. The application includes a variance to permit 16 separate disturbances of slopes in excess of 30%. The site is Tract 49 in Tierra Contenta Phase 2C, located on the south side of Plaza Central Road, east of Contenta Ridge Road. The property is

zoned PRC (Planned Residential Community, 6-9 dwelling units per acre). (Donna Wynant, Case Manager)

STAFF REPORT

Ms. Wynant presented the staff report for this case which is attached to these minutes as Exhibit 1. This report does not include the development plan for tonight which will come later. The report was brief because Ms. Guerrerortiz would go into all the details. There is a lot of history of Tierra Contenta.

She referred to two late communications that deal with the background of Tierra Contenta in response to Commissioner Kapin from Mr. Smith and a letter from Mr. Dave Thomas confirming the Tierra Contenta Corporation approval.

For this case, the Commission will consider whether the preliminary plat demonstrates that the final plat will meet the standards proposed for water, sewer, parks and roads will meet the need and that the houses can be built on these lots as laid out on the plat.

Homewise requests 50 dwelling units in this subdivision and it meets the criteria for development. The disturbance areas are fairly small but absolutely necessary on this development.

She explained that there are two phases and that Plaza Central Road will be part of phase 2 as well as 4.8 acres for open space. Secondary access also part of that phase.

The lots will meet or exceed the minimum lot size. All but two are on a street frontage. Fifteen are for affordable housing lots. This meets all subdivision criteria and the variance criteria for steep slopes. Without the variance this could not get quality development.

Staff recommended approval with conditions and then it will come back for final subdivision plat.

She reported that at the public meeting there were three attendees present.

QUESTIONS TO STAFF

There were no questions to Staff.

APPLICANT'S PRESENTATION

Ms. Oralynn Guerrerortiz was sworn and identified herself as the agent for Homewise. Ms. Guerrerortiz used a power point presentation which is incorporated herewith as Exhibit 2. In 1994, the Tierra Contenta Master Plan was approved for 1,421 acres, 860 of which were owned by the City and the remaining property owned by the New Mexico School for the Deaf. The Master Plan uses a neo-traditional design with houses closer to the street than garages and pedestrian-friendly with wide sidewalks.

She showed the map of Tract 49 which has three tracts and the Village Plaza is across the street. Jaguar extended to 599 and interchange opening soon. To the east is Plaza Central. South is an open space tract to be dedicated to the City. To the north is a town home project that may not get built. Basically, the site is three mesas separated by arroyos. She showed site views.

In 2007, the Planning Commission approved 68 townhomes for this property and since then decided to do single family homes instead. Phase 1 will have 33 homes; Phase 2 will have 17 homes, and overall density will be 7 units per acre. The compound will have one access road and a secondary emergency access with removable bollards.

They place most of the open space in the steeper terrain.

The homes will be built and sold by Homewise. Open space is to be maintained by the Home Owners' Association with a portion dedicated to the City. The affordable homes will be scattered throughout the development as they are chosen by prospective owners.

She showed possible layouts in the smallest lots with a range of setbacks and a range of sizes from 1100 - 1800 square feet houses.

Regarding variances, she presented a slope analysis showing the 16 steeper slopes where 5,408 square feet will be disturbed. They tried to leave them undisturbed but were forced to in order to build homes and have a loop road through the development. If the slope is not stable, they asked for a variance to stabilize them. She showed photos of erosion that has occurred there. She added that they will have lots of retaining walls and most will be under 3' in height.

All roads will be paved with curbs and gutter on both sides and sidewalks on one side. Stucco walls will be 5' high. She briefly described the landscaping details.

Ms. Guerrerortiz explained the use of a homeowners' association was to not add to the City's burden of maintaining frontage on main streets. Some trees won't have a house next to it. For the agreement with Village Plaza on shared development, she would get those contracts in writing and submit them to staff.

One other outstanding issue is the pedestrian connection with Plaza Central. Mr. Keith Wilson at the MPO asked them to try to put in a pedestrian access on the east side but they resisted because there is a large change in elevation. They would have to put in steps on private property and were concerned about liability from it. In general, people would be headed toward the SWAN park or the commercial area. It would be 320 extra feet for them if they go to this development but not for commercial.

Commissioner Abeyta arrived during her presentation.

PUBLIC TESTIMONY

There was no public testimony and the public portion was closed.

QUESTIONS FROM THE COMMISSION

Commissioner Abeyta had a problem with having sidewalks on only one side only. He told the Commission that he owns a house in Tierra Content that has no sidewalk on his side and his children couldn't play outside at all. If he had a sidewalk, they could play on the sidewalk. So he would not support a development with only one sidewalk. He added that his neighbors on the same side feel the same way. So he asked Homewise to consider having sidewalks on both sides of the street.

Ms. Guerrerortiz said she would discuss it with her clients. They are trying to keep costs down.

Commissioner Abeyta offered to speak with anyone at Tierra Contenta about it. It is a big deal and he picked the wrong side for his house. The other issue is with shared driveways. There are lots of problems with neighbors and driveways being blocked.

Ms. Guerrerortiz explained that there is a single-car garage and a pad for parking two cars on each lot.

Commissioner Abeyta said if an owner has to back into the neighbor's property to get out, it is a problem. Another problem is when someone moves out and then rents their house and the tenants don't have the same respect.

Commissioner Greene supported Commissioner Abeyta's issue on driveways and sidewalks. Also, along Plaza Central the plan would have a 4' wide sidewalk to the commercial area. He would encourage a six-foot-wide sidewalk so people can go in both directions and pass each other. On neighborhood streets, 4' is okay.

Ms. Guerrerortiz clarified that the existing sidewalk width is 4' now and they planned for 5' but will look at 6'.

Commissioner Greene asked if there is a chance to lower the wall a little so it is not a canyon effect. A 5' wall is an invitation to graffiti.

Ms. Guerrerortiz said they leaned toward 5' because Plaza Central sits higher than this property and pedestrians can look into back yards. With the others, they could lower the wall.

Commissioner Greene said if it drops down, it would be an 8' wall they would see.

Ms. Guerrerortiz said there is a Tierra Contenta requirement for a wall there or at least fencing. They will take the suggestion into consideration.

Commissioner Propst asked if the open space will be usable for recreation or if it is too much slope.

Ms. Guerrerortiz said they have one place where it is a gentle slope and have a sidewalk there but in

the other places it is too steep.

Commissioner Propst asked if they are building a trail.

Ms. Guerrerortiz said it is probably a dirt path. Rich Silva has done them and they are nice.

Commissioner Propst asked about flood mitigation.

Ms. Guerrerortiz said there is no flooding risk but there is an arroyo down below. They will have a detention pond and a dam on the far east side of the open space.

Commissioner Propst asked what staff conditions Ms. Guerrerortiz was concerned with.

Ms. Guerrerortiz said #1 is the median. There is already a bond submitted. #3 is landscaping on the north side of the street. Neither one of those is their responsibility.

Commissioner Propst asked if she was asking for removal of those two conditions or can prove that it is met.

Ms. Guerrerortiz said it was the second. They will label what is to be built and by whom to clarify that issue.

Commissioner Gutierrez also agreed that sidewalks on both sides are important.

He asked the applicant to address on-street parking.

Ms. Guerrerortiz said the road gets wider in places and those are places for on-street parking. She pointed out the sites in the project. There are pockets for visitors and overflow.

Commissioner Gutierrez asked if she had an estimate on the numbers.

Ms. Guerrerortiz said she wouldn't have the numbers until the final subdivision plat time.

Commissioner Gutierrez said with the 2007 Planning Commission approval they also requested a variance for terrain.

Ms. Guerrerortiz agreed and they requested more than ours.

Commissioner Gutierrez noted that they would not know where they are located and asked how they would determine that.

Ms. Guerrerortiz said the Affordable Housing buyer will choose from available lots. You won't know where they are as a visitor. The intention is to spread them out.

Commissioner Gutierrez asked about the temporary irrigation for grass and what that would consume.

Ms. Guerrerortiz said he could figure it out. They will use SW Landscaping and the species is low level native grass.

Commissioner Gutierrez asked why they were not making the emergency access a general access by residents.

Ms. Guerrerortiz said it was primarily because they wanted a main entrance and the area for emergency access would be a development of the need to be more private. The traffic engineer has tried to minimize an entrance from major roads. It would end up having an offset access with the Village Plaza and would have to change the subdivision plat for 2C. For those reasons, we chose it for emergency only.

Commissioner Kapin asked about the #2 condition which said no landscaping was shown but you did show trees.

Ms. Guerrerortiz said they added the trees after being notified about that requirement.

Commissioner Kapin asked if they could have a graded ramp instead of steps at the grade. Pedestrian access is very important.

Ms. Guerrerortiz explained that it would be at least a 45' ramp which would significantly impact that lot. Plus, it is a private access road/ it is not dedicated. But a very long ramp would be an alternative.

Commissioner Kapin thought it would be an important part of the MP. Having people crossing the street in the middle of roundabout is not good. She asked where a safe crossing would be.

Ms. Guerrerortiz said she would have to look into it. She presumed they put in a sidewalk crossing and if not, they would use the median as a safe harbor. It could be designed to walk straight through it.

Commissioner Kapin noted regarding the wastewater condition, Staff had some serious concerns. She asked if their engineers are prepared to address it.

Ms. Guerrerortiz said she is the engineer and wants to minimize manholes to save costs but will put in the extra manholes. All of the conditions are very reasonable.

Chair Kadlubek said the Village Plaza is across the street and is a heavy commercial area and for foot traffic, it should have a more pedestrian-friendly intersection there.

Regarding the Tierra Contenta Master Plan approved in 1984, he asked how much work goes into taking the user experience into account as other tracts get developed or if that has happened.

Mr. Smith said it is an excellent question. With Tierra Contenta approvals over the past 20 years, there was a substantial amendment made between phase 1A and Phase 2.

Originally, there were no parking lanes on the streets and the first amendment adopted the current

street section. That was in 1997. The development is now at Phase 3 and there is a book for design standards for Phase 1 and one for Phase 2 and now will have a book for Phase 3 and 4.

Chair Kadlubek didn't think the Commission needed to put in conditions before it comes back.

Commissioner Abeyta asked them to please look at the sidewalks. Also, the front yards are all gravel so there is no place for kids to play. But because it is Homewise, he did not want the sidewalks to kill the project.

Ms. Guerrerortiz said they would consider that where houses are located but not put them in where there are no houses.

Commissioner Abeyta asked when the road will be built.

Ms. Guerrerortiz said it is graded out dirt right now. The Village Plaza, as she understood, was the first parcel to go in right in front of us and are they required to connect to Jaguar. We were planning to build our part in Phase 2.

Commissioner Greene asked if the Commission could require at least one parking space per unit on the street.

Ms. Guerrerortiz said it would be impossible to get 50 on-street parking spaces in. They are committed to have 3 parking spaces on each lot and at least an 18' pad in front of each house. In many cases it would be 4 spaces on the lot. That is above the standard and the best I can commit to now.

Commissioner Greene asked about how wide the curb cuts will be and if the drive is 16' wide.

Ms. Guerrerortiz said they are usually 16' to 18' but parking won't be on both sides of the street.

Mr. Smith said the Code allows the Planning Commission to require 0.5 parking space in front of each unit. Specific numbers would be given at the final plat.

Chair Kadlubek recapped the requested changes: put sidewalks on both sides of the street, widen the sidewalks to 6' at entrances; make the walls lower; provide a landscaping buffer; Tierra Contenta responsible and for the roundabout. Clarification is needed on the number of on-street parking spaces; how much water for temporary landscaping and a pedestrian crossing near the roundabout.

ACTION OF THE COMMISSION

Commissioner Abeyta moved to approve Case #2015-103, Vista Serena, Tract 49 Tierra Contenta, Preliminary Subdivision Plat with staff conditions as summarized by Chair Kadlubek. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

I. STAFF COMMUNICATIONS

Mr. Smith said for the calendar, the next meeting is the first Thursday in January. They may be able to schedule a study session on the questions coming up. It depends on how well Staff can prepare.

He would entertain topics Commissioners would like to see. The schedule is for meeting on January 7 and 21.

Chair Kadlubek asked what technical questions at study sessions have come up.

Mr. Shandler said the City Attorney contemplates a hypothetical scenario to train on each step in the process.

Mr. Smith said possibly one affordable housing project that would benefit from a public hearing could be done on that date.

Ms. Martínez welcomed Chair Kadlubek as new chair of the Planning Commission.

J. MATTERS FROM THE COMMISSION

Commissioner Abeyta appreciated the comment regarding what is happening in our City. There was a big push for affordable housing some years ago and the accommodations and living in them, maybe we shouldn't have done that or do it no more or maybe the city needs to build the sidewalks. It may be time to rethink all of that.

Another is the Homeowners' Association issue. The developer comes in, builds and then leaves and the owners are left without any other support. We were supposed to have an HOA where he lived in Tierra Contenta but none has happened in the 13 years he has lived there. And, in Tierra Contenta, the City says they are not responsible for sidewalks there.

Ms. Martínez appreciated him letting Staff know the potential problems. Over last summer we dealt with medians, sidewalks and landscaping that were overgrown. Several species should not have been planted by the sidewalks.

Commissioner Kapin noted in the conditions that Staff suggested not using Chamisa. He asked if City Staff could assemble a list of plants that would be preferred - some alternatives to what is listed there.

Ms. Martínez said they have already talked about that and the Councilors support that.

Commissioner Gutierrez congratulated Chair Kadlubek on a fantastic first meeting as chair. He said the Commission needs to have these study sessions; stay focused; and address the outdated issues with the General Plan.

Chair Kadlubek thanked Staff for support through the process of becoming Chair. He promised to do

his best as Chair.

Chair Kadlubek noted they now have two sector plans happening as part of Long Range Planning. However, the subcommittee meetings seem to get canceled often and there is a lot to learn about sector plans and Long Range Planning and how they are working for the future of Santa Fé.

The LRP Committee should meet even when there are no issues identified to get clarity on processes. Out of 5 meetings scheduled, 2 have been canceled.

Mr. Smith agreed to communicate that to LRP Staff. He also expressed his thanks to Chair Kadlubek for an excellent job.

Commissioner Abeyta asked if the Commission needs to select a Vice Chair.

Mr. Smith said the Commission could. We are consulting with the City Attorney on the process for new officers. It is a provision that is not in the Code.

Commissioner Propst thought normally the election is in July.

Mr. Smith agreed. There are appointments for LRP and elections for the Summary Committee.

Commissioner Abeyta asked if the Chair could be re-selected as Chair in July.

Mr. Smith agreed. There are no restrictions on number of terms.

Commissioner Gutierrez asked if the Commission needs to elect the Chair and the Vice Chair.

Ms. Martínez understood that when the Chair leaves, the Vice Chair would serve until the time for elections.

Chair Kadlubek asked, if he could not be present, whether the Secretary would preside or they would elect a Vice Chair.

Ms. Martínez assumed the Secretary would preside.

Commissioner Greene pointed out that some were on 2-year terms and some on 3-year terms.

Commissioner Kapin said she wanted to make sure we are staggered.

Ms. Martínez agreed and said they are staggered two-year terms.

She clarified that Commissioner Kapin, Chair Kadlubek, and Commissioner Gutierrez came on to finish unexpired terms so their terms are three years. We have two vacancies. So one new recommendation is coming on Wednesday and she hoped to fill the last vacancy in January.

K. ADJOURNMENT

Having completed their business, the Planning Commission meeting was adjourned at 7:55 p.m.

Approved by:

_____

Vince Kadlubek, Chair

Submitted by:

Carl G. Boaz

Carl Boaz for Carl G. Boaz, Inc.