



Agenda

DATE 4/18/08 TIME 2:50 P.M.
SERVED BY Geraldine Quintero
RECEIVED BY [Signature]

SECOND AMENDED

PLANNING COMMISSION

May 01, 2008 – 6:00 P.M.

CITY COUNCIL CHAMBERS

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES**

April 03, 2008

E. CONSENT CALENDAR

- 1. Findings of Fact Case #M 2008-05, ZA 2008-02. 1733 Hopewell Street General Plan Amendment and Rezoning.**
- 2. Findings of Fact Case #ZA 2008-03. 1711½ West Alameda Rezoning.**

F. OLD BUSINESS

G. NEW BUSINESS

- 1. An ordinance amending Section 14-8.14 SFCC 1987 regarding impact fees required to be paid under the “old” fee schedule. (Councilor Chavez) (Wendy Blackwell, case manager)**
- 2. Case #SP 2008-03. La Triada Business Park Lot Split. Jennifer Jenkins, agent for Soñar LLC, requests plat approval to divide 7.44± acres into two tracts. The property is located east of Fifth Street and south of St. Michael’s Drive and currently zoned R-5 (Residential, 5 dwelling units per acre). Proposed rezoning to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for Tract 1 (5.28± acres) and proposed Tract 2 (2.169± acres) to C-2-PUD (General Commercial, Planned Unit Development). (Donna Wynant, case manager) (POSTPONED FROM APRIL 17, 2008)**
- 3. Case #M 2008-03. La Triada Business Park General Plan Amendment. Jennifer Jenkins, agent for Soñar LLC requests approval of a General Plan future land use map amendment to change the designation of a total of 7.44± acres from Institutional to Residential, Low Density (proposed Tract 1) consisting of 5.28± acres and Community Commercial (proposed Tract 2) consisting of 2.16± acres. The property is located east of Fifth Street and south of St. Michael’s Drive. (Donna Wynant, case manager) (POSTPONED FROM APRIL 17, 2008)**

4. **Case #ZA 2008-01. La Triada Business Park Rezoning.** Jennifer Jenkins, agent for Soñar LLC, requests rezoning of 7.44± acres from R-5 (Residential, 5 dwelling units per acre) to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for 5.28± acres (proposed Tract 1) and to C-2-PUD (General Commercial, Planned Unit Development) for 2.169± acres (proposed Tract 2). The application includes a preliminary development plan for 39 town homes on Tract 1 and 200 indoor, climate controlled storage units in three buildings and four residential units on Tract 2. This application also includes variances to allow for bridge construction within arroyo setback and to allow for the placement of off-site signage. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager) **(POSTPONED FROM APRIL 17, 2008)**
5. **Case #M 2008-06. 12 Montoya Circle Escarpment Regulations Variances.** Christopher Purvis, agent for Larry Widmer requests a variance to Article 14-5.6 of the Escarpment Overlay District Regulations. More specifically, a variance to Article 14-5.6(D)(1), to allow for an addition of 495 square feet to the existing residence located within the ridgetop, for an overall total of 2100 square feet, and a variance to Article 14-5.6(F)(10), to allow more than 40% of graded land disturbance to the lot. The property is located in the Ridgetop Subdistrict of the Escarpment Overlay District, Downtown and Eastside Historic District, and is zoned R-5 (Residential, five dwelling units per acre). (Lou Baker, case manager)
6. **Case #M 2008-07. Governor Miles Business Park Annexation.** Linda Tigges, agent for Crowne Santa Fe, LLC requests annexation of 6.485± acres of land, located south of the Santa Fe Auto Park and north of Governor Miles Road. The annexation plat includes 4.375± acres of Governor Miles Road. (Donna Wynant, case manager)
7. **Case #ZA 2008-04. Governor Miles Business Park Rezoning.** Linda Tigges, agent for Crowne Santa Fe, LLC requests rezoning of 6.485± acres of land from R-1 (Residential, one dwelling unit per acre) to C-2 (General Commercial). The property is located south of the Santa Fe Auto Park and north of Governor Miles Road. (Donna Wynant, case manager)
8. **Case #M 2008-08. Colores Del Sol Development Plan Amendment.** Jennifer Jenkins, agent for Centex Homes, requests approval to amend the PUD preliminary development plan to increase the density from 286 units to 287 units. The property is located south of Agua Fria Road and east of Morning Drive and is zoned R-6 PUD (Residential – six dwelling units per acre, Planned Unit Development Overlay District). (Dan Esquibel, case manager).
9. **Revised Development Review Fee Schedule.** *Review and recommendation to Governing Body of revised development review fees related to Planning Commission's planning and platting authority.*

H. BUSINESS FROM THE FLOOR

I. STAFF COMMUNICATIONS

J. MATTERS FROM THE COMMISSION

K. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Planning Commission are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.
***An interpreter for the hearing impaired is available through City Clerk’s Office upon 5 days notice.
Please call 955-6521**

INDEX OF
CITY OF SANTA FE
PLANNING COMMISSION

May 1, 2008

ITEM	ACTION TAKEN	PAGE(S)
A. ROLL CALL	Quorum	1
B. PLEDGE OF ALLEGIANCE		1
C. APPROVAL OF AGENDA	Approved	1
D. APPROVAL OF MINUTES April 03, 2008	Approved	1-2
E. CONSENT CALENDAR		
1. <u>Findings of Fact Case #M 2008-05, ZA 2008-02. 1733 Hopewell Street General Plan Amendment and Rezoning.</u>		
2. <u>Findings of Fact Case #ZA 2008-03. 1711½ West Alameda Rezoning.</u>	Approved	2
F. OLD BUSINESS		2
G. NEW BUSINESS		
1. An ordinance amending Section 14-8.14 SFCC 1987 regarding impact fees required to be paid under the "old" fee schedule.	Approved	2-3
2. <u>Case #SP 2008-03. La Triada Business Park Lot Split.</u> Jennifer Jenkins, agent for Soflar LLC, requests plat approval to divide 7.44± acres into two tracts. The property is located east of Fifth Street and south of St. Michael's Drive and currently zoned R-5 (Residential, 5 dwelling units per acre). Proposed rezoning to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for Tract 1 (5.28± acres) and proposed Tract 2 (2.169± acres) to C-2-PUD (General Commercial, Planned Unit Development).	Postponed	3-12
3. <u>Case #M 2008-03. La Triada Business Park General Plan Amendment.</u> Jennifer Jenkins, agent for Soflar LLC requests approval of a General Plan future land use map amendment to change the designation of a total of 7.44± acres from Institutional to Residential, Low Density (proposed Tract 1) consisting of 5.28± acres and Community Commercial (proposed Tract 2) consisting of 2.16± acres.	Postponed	3-12
4. <u>Case #ZA 2008-01. La Triada Business Park Rezoning.</u> Jennifer Jenkins, agent for Soflar LLC, requests rezoning of 7.44± acres from R-5 (Residential, 5 dwelling units per acre) to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for 5.28± acres (proposed Tract 1) and to C-2-PUD (General Commercial, Planned Unit Development) for 2.169± acres (proposed Tract 2). The application includes a preliminary development plan for 39 town homes on Tract 1 and 200 indoor, climate controlled storage units in three buildings and four residential units on Tract 2. This application also includes variances to allow for bridge construction within arroyo setback and to allow for the placement of off-site signage. The property is located east of Fifth Street and south of St. Michael's Drive.	Postponed	4-12

ITEM	ACTION TAKEN	PAGE(S)
5. <u>Case #M 2008-06.</u> 12 Montoya Circle Escarpment Regulations Variances.	Postponed per agenda	12
6. <u>Case #M 2008-07.</u> Governor Miles Business Park Annexation. Linda Tigges, agent for Crowne Santa Fe, LLC requests annexation of 6.485± acres of land, located south of the Santa Fe Auto Park and north of Governor Miles Road. The annexation plat includes 4.375± acres of Governor Miles Road.	Approved	12-14
7. <u>Case #ZA 2008-04.</u> Governor Miles Business Park Rezoning. Linda Tigges, agent for Crowne Santa Fe, LLC requests rezoning of 6.485± acres of land from R-1 (Residential, one dwelling unit per acre) to C-2 (General Commercial). The property is located south of the Santa Fe Auto Park and north of Governor Miles Road.	Approved	12-14
8. <u>Case #M 2008-08.</u> Colores Del Sol Development Plan Amendment. Jennifer Jenkins, agent for Centex Homes, requests approval to amend the PUD preliminary development plan to increase the density from 286 units to 287 units. The property is located south of Agua Fria Road and east of Morning Drive and is zoned R-6 PUD (Residential – six dwelling units per acre, Planned Unit Development Overlay District).	Approved	14-15
9. <u>Revised Development Review Fee Schedule.</u> Review and recommendation to Governing Body of revised development review fees related to Planning Commission's planning and platting authority.	Postponed per agenda	15
H. BUSINESS FROM THE FLOOR		15
I. STAFF COMMUNICATIONS		15
J. MATTERS FROM THE COMMISSION		15
K. ADJOURNMENT	Approved	15-16

MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

May 1, 2008

A regular meeting of the City of Santa Fe Planning Commission was called to order by Vice Chair Ken Hughes at approximately 6:00 p.m. on this date in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Angela Schackel Bordegaray
Bonifacio Armijo
Gloria Lopez (late)
Signe Lindell
Matthew O'Reilly
John Salazar
Ken Hughes, Vice Chair

MEMBERS ABSENT:

Shayna Lewis
Estevan Gonzales, Chair (excused)

STAFF PRESENT:

Tamara Baer, Planning Manager
Kelley Brennan, Assistant City Attorney
Wendy Blackwell, Director Technical Review Division
Dan Esquibel, Land Use Planner Senior
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

Vice Chair Hughes asked Commissioner Salazar to lead the pledge of allegiance.

C. APPROVAL OF AGENDA

Ms. Baer reported that Case #M-2008-06 – Montoya Circle will be postponed to June 5th and the last item 9 – Revised Development Review Fee Schedule has been postponed to May 15th.

Commissioner Lindell moved to approve the agenda as amended, Commissioner Armijo seconded the motion which passed by unanimous voice vote.

D. APPROVAL OF MINUTES

April 03, 2008

Vice Chair Hughes made the following correction:

Page 9, fourth paragraph from the bottom: add: *if many people think that the neighborhood conservation is the best thing.*

Commissioner Armijo corrected page 12, motion at the bottom of the page:
Those voting against the motion add: Commissioner Salazar.

Commissioner Armijo moved to approve the minutes of April 3, 2008 as amended, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

E. CONSENT CALENDAR

1. ***Findings of Fact Case #M 2008-05, ZA 2008-02. 1733 Hopewell Street General Plan Amendment and Rezoning.***
2. ***Findings of Fact Case #ZA 2008-03. 1711½ West Alameda Rezoning.***

Commissioner Salazar moved to approve the consent calendar findings of fact, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.

F. OLD BUSINESS – None

G. NEW BUSINESS

1. **An ordinance amending Section 14-8.14 SFCC 1987 regarding impact fees required to be paid under the "old" fee schedule. (Councilor Chavez) (Wendy Blackwell, case manager)**

Memorandum from Reed Liming, Long Range Planning Division Director, prepared for May 1, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Ms Wendy Blackwell presented the staff report in Mr. Liming's absence included in Exhibit "1."

Staff recommends that the Planning Commission recommend City Council adopt the Impact Fees bill as drafted.

Public Hearing

There was no public testimony on this matter.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner O'Reilly asked what constitutes final approval; the date the plat is signed or recorded.

Ms. Blackwell replied the date the plat is signed by the City Engineer. Impact fees stay reserved for four years.

Commissioner O'Reilly stated that it seems they should define what the date of approval is or if there is a state statute that designates it.

Ms. Blackwell said that is a good point.

Ms. Baer suggested clarifying this under the Chapter 14 revisions, defining what constitutes final approval and whether that is different for different kinds of approval.

Commissioner Armijo referred to page 2 of Exhibit "1." He asked if this is based for every thousand square feet.

Ms. Blackwell explained that single family attached is per unit and in retail/commercial it is per 1000 square feet.

Commissioner Armijo questioned that this does not apply for apartments or condos.

Ms. Blackwell said that is correct it would be a flat fee regardless of the square footage. Detached is broken down based on square footage.

Vice Chair Hughes agreed there is a difference in size for all apartments and condos.

Commissioner Armijo thought they might be losing funds for larger condos.

Ms. Blackwell said she could not explain why it is set up this way, but felt Mr. Liming might have an explanation for this.

Vice Chair Hughes asked if this goes to the City Council.

Ms. Blackwell said this goes to Public Works and Finance before Council.

Vice Chair Hughes agreed that condominiums should be charged as single family dwelling units.

Ms. Blackwell explained that this recommendation can be an amendment that can accompany this as it moves forward.

Commissioner O'Reilly moved to recommend approval of the impact fees bill amendment with the condition that condominiums be based on square footage, Commissioner Armijo seconded the motion which passed by unanimous voice vote.

- 2. Case #SP 2008-03. La Triada Business Park Lot Split. Jennifer Jenkins, agent for Sofar LLC, requests plat approval to divide 7.44± acres into two tracts. The property is located east of Fifth Street and south of St. Michael's Drive and currently zoned R-5 (Residential, 5 dwelling units per acre). Proposed rezoning to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for Tract 1 (5.28± acres) and proposed Tract 2 (2.169± acres) to C-2-PUD (General Commercial, Planned Unit Development). (Donna Wynant, case manager) (POSTPONED FROM APRIL 17, 2008)**

Items 2, 3 and 4 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

- 3. Case #M 2008-03. La Triada Business Park General Plan Amendment. Jennifer Jenkins, agent for Sofar LLC requests approval of a**

General Plan future land use map amendment to change the designation of a total of 7.44± acres from Institutional to Residential, Low Density (proposed Tract 1) consisting of 5.28± acres and Community Commercial (proposed Tract 2) consisting of 2.16± acres. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager) (POSTPONED FROM APRIL 17, 2008)

Items 2, 3 and 4 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

- 4. Case #ZA 2008-01. La Triada Business Park Rezoning. Jennifer Jenkins, agent for Sofiar LLC, requests rezoning of 7.44± acres from R-5 (Residential, 5 dwelling units per acre) to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for 5.28± acres (proposed Tract 1) and to C-2-PUD (General Commercial, Planned Unit Development) for 2.169± acres (proposed Tract 2). The application includes a preliminary development plan for 39 town homes on Tract 1 and 200 indoor, climate controlled storage units in three buildings and four residential units on Tract 2. This application also includes variances to allow for bridge construction within arroyo setback and to allow for the placement of off-site signage. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager) (POSTPONED FROM APRIL 17, 2008)**

Items 2, 3 and 4 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

Vice Chair Hughes explained that the Commission will hear this and in all probability will follow up with a site visit next week and not make a decision at this hearing.

Memorandum from Donna Wynant, prepared April 23, 2008 for May 1, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Letter of concern from Anou Mirkine, neighbor, is incorporated herewith to these minutes as Exhibit "2(A)."

Letter and survey submitted by Melita Serna regarding agreement regarding and ingress easement on the southern portion of the Fifth Street Business Condominiums is incorporated herewith to these minutes as Exhibit "2(B)."

Sample of proposed fencing for the trail is incorporated herewith to these minutes as Exhibit "2(C)."

Letter regarding organization of Casas del Cerro Neighborhood Association dated April 29, 2008 is incorporated herewith to these minutes as Exhibit "2(D)."

Petition signatures stating opposition to this case is incorporated herewith to these minutes as Exhibit "2(E)."

Letter of opposition from Charles Maxwell is incorporated herewith to these minutes as Exhibit "2(F)."

Traffic Generation report from Jenkins Gavin Design and Development is incorporated herewith to these minutes as Exhibit "2(G)."

Project Timeline of meetings and responses to neighborhood concerns from Jenkins Gavin Design and Development is incorporated herewith to these minutes as Exhibit "2(H)."

Ms Wynant presented the staff report included in Exhibit "2."

Staff recommends on Case #SP-2008-03:

If the Commission decides to recommend approval of the lot split request, that action must be based on findings per Chapter 14-9.2(D) as outlined in Exhibit A. The applicant requested a lot split on 11/01/07, but was postponed until the overall development of the site could be reviewed, rather than splitting the property and then determining if the future development plan could work with the already approved split. The Lot Split is to divide 7.44 ± acres into two tracts: Tract 1 (5.28± acres) and Tract 2 (2.169 ± acres).

On Case #M-2008-03:

If the commission decides to recommend approval of the General Plan Amendment, that action must be based on findings per Chapter 14-3.2(D) SFCC 2001, as outlined in Section 14-3.2(D) (See Exhibit), Amendments to the General Plan – Approved Criteria). If the Planning Commission determines that the Residential, Low Density and Community Commercial general plan designation is more appropriate for the property than institutional designation, it should recommend approval to the City Council. Recommendations and approvals for general plan amendment do not include conditions of approval.

On Case #ZA-2008-01:

If the Commission recommends approval of the La Triada rezoning, that action must be based on the findings per Chapter 14-3.5(C) SFCC 2001 (See Exhibit C, Rezoning Approval Criteria). If the Planning Commission determines that the requested rezoning from R-5 (Residential, 5 dwelling units per acre) to R-7 PUD (Residential, 7 dwelling and to C-2-PUD (General Commercial, Planned Unit Development) is more appropriate than the existing R-5 zoning, it should recommend approval to the City Council.

Public Hearing

Jennifer Jenkins, Jenkins Gavin Design and Development, was sworn. She said this is a request for a rezone of two tracts for a 7.4 acre parcel east of Fifth Street and south of St. Michael's Drive. She gave an overview of the site. This area was a former spur turnaround for the Railroad.

Commissioner Armijo asked if they postpone if this would be open to the public again or if it would be closed to the public.

Ms. Baer stated that the Commission can close the public hearing if they choose or they can leave it open and limit it in any way they choose.

Ms. Brennan agreed.

Commissioner Lopez arrived at this time.

Ms. Jenkins stated that they recognize the existing C-2 and R-5, Railroad tracks, arroyo with required setbacks and the combination of a dense three story apartment surrounding this parcel. They have been working for a year and a half to address all these issues that make this parcel so unique. The commercial component is pushed to the extreme north end of the site due to the latest concerns from the neighbors.

Colleen Gavin, Jenkins Gavin Design and Development, was sworn. She said this lot is unique in shape, size and context within where the lot is sitting and the Railroad on

the east side. She showed a 360 degree view of the site on the overhead monitors.

Ms. Jenkins explained that they have made significant changes due to the neighborhood concerns. The first ENN meeting was a year ago today as shown in Exhibit "2(H)." She reviewed the site plan included in the packet. This is a transitional parcel from the General Plan which buffers commercial from lower density residential neighborhood. One of the uses defined is medium density residential which is what is being proposed. They acknowledged in the neighborhood meetings that nobody would want to live next to commercial development. Indoor climate controlled personal storage generates minimal traffic and is the least intensive commercial use. To the south there is a slight increase to R-7 allowing for the development of 39 residential town homes. She said there may be testimony from neighbors wanting this developed under the current zoning, but if they wanted to develop it under the current zoning they would do 40 homes on this site, which generates more traffic and uses more water than what they are proposing. This proposal is less intense and has lower impact than what would happen under the current zoning. This site has excellent access to services and infrastructure. Neighbors want to access the Rail Trail from the project and so they are proposing an access. There were concerns with walls and boxing in the trail. She passed out a sample of the type of fencing proposed included in Exhibit "2(C)." They are offering an additional pedestrian point of access in the center of the site. There is 60% more open space than required. The General Plan recommends clustering homes and providing more open space. She said increasing the density slightly, it is more appropriate to be adjacent to commercial because the price point of the units will be lower than what the price would be in a traditional single family development. This is a clean transition with precedent for it. She gave the example of San Isidro that has the intense commercial transitioned to higher density residential and lower density residential. This is appropriate according to the General Plan and this pattern is the most appropriate way to provide housing in this area. There will be 12 affordable homes. She said this is the best and most challenging infill location she has had the opportunity to work on.

Ms. Gavin reviewed what is proposed architecturally. There will be a mix of single story and two story town home units in a traditional territorial vernacular with portals and trim around the openings and flat roofs. She showed the view coming off of Fifth Street.

Ms. Jenkins stated that they agreed to use single story to mirror the development in the neighborhood.

Ms. Gavin said there was a berm that will have to be removed because they will have to meet grade with the roadway at Calle Sombra. She showed the view from the northern perimeter. The two story town homes were extended further into the site to respond to the neighbor's concerns. They feel the architectural style will benefit the neighborhood. The intent was to create a transitional zone connecting the commercial area to the existing neighborhood. She said they tried to embrace what is around them and make it work for everyone.

Ms. Jenkins said the proposal will generate traffic, but it minimizes the traffic. If they developed all single family homes under the current zoning there would be 20% more traffic. Storage generates less traffic than any use and the water use is significantly less. She said they have made an effort to do something that works and preserve a natural feature of the arroyo in this neighborhood. The proximity to services and transportation and the connection of the trail are all important features.

Greg White, 1968 Morris Place, was sworn. He said he sent a letter two weeks ago that has shown the applicant has failed to complete the application and has not met the General plan in over 35 ways. There are a number of statements that are inconsistent and inaccurate. One of those was that nobody would want to live out here at this end although the owner of the property has stated he plans to live out there. He said the applicant stated that only 39 units will be built and failed to mention the four additional apartment units as part of this. The applicant stated that they moved the buildings off of Fifth Street, but the buffer backs up to a bunch of single family residences creating a double frontage situation which the subdivision ordinance recommends against. The applicant has created an environment of increasing commercial and residential density based on the premise that this property is not developable for low income residences because of adjacent commercial uses. He stated that the Railroad tracks are not going to go away, the Railroad tracks are not going away and the existing apartments will not go away, so what sense does it make to increase the encroachment of residential and commercial density based on that argument. He said the number of people in opposition continues to grow at each hearing. He looks forward to seeing the Planning Commission on the site.

Barbara Romero, 1944 Morris Place, was sworn. She is in favor of the property being developed. It is awkward for a property of this size to combine commercial with residential. She said it should be all one or all the other. There is a problem with the way this is designed. The only access to commercial is through the residential area, so they are commingling the commercial and residential. If this could be accessed on the other side it would be a whole different story. She would not want to buy a home in a neighborhood with a commercial road running through the middle.

Robert Hake, 2068 Calle Sombra, was sworn. He presented a petition with 92 signatures in opposition included in Exhibit "2(E)." He said they have formed the Casas del Cerro Neighborhood Association as shown in Exhibit "2(D)." They now have a formal means of communication encompassing Calle Sombra, Calle Perdiz, Camino Lado, Camino Claro and Thomas Street. He showed a picture of a light day with only 7 cars parked, although there are usually 12-14 cars parked along the sides of the road and rarely is there room for two lanes to pass. He said the style of homes does not look anything like what is being proposed to be built. He showed a view from the Calle Lorca apartments on the first floor so there is no transition for these folks so they will be looking at large storage units.

Rick Martinez, 725 Mesilla, was sworn. He said as part of the Neighborhood Network he has been working with Patrick Nicholson and updating neighborhood associations as there is currently no formal way to get a neighborhood association registered with the City. He encouraged this neighborhood to form a neighborhood association and they have done so formally and he asked that they be recognized as such. He said until the City can start registering the associations, they should be recognized. He said introducing commercial into an existing neighborhood is the wrong process. Calle Sombra should not be affected with commercial traffic. They need to look at the arroyo that goes through there during the site visit as it runs high. He is unsure how the application will handle the arroyo with the houses they are designing.

Anou Mirkine, 2023 Calle Perdiz, was sworn. She lives in the 3rd house from Fifth Street and would be directly affected by any incoming traffic. This proposal will compromise her peace and quiet and quality of life. When she purchased her home a

year ago, one of the selling points was the open space behind the home. She is concerned this will bring more traffic into a congested and difficult to navigate intersection. She expressed concern about being fronted on two sides by roads which may lower the value of her home. This will bring the commercial even closer to the residential area and it is not beneficial to spread this closer. She said this parcel needs to stay R-5 if developed.

Alan Hill, 2020 Calle Perdiz, was sworn. He stated strong opposition to the lot split and rezoning changes for the reasons stated by Mr. White and Mr. Hake.

Paul Sena, 2070 Calle Sombra, was sworn. He was strongly opposed to the split. He heard they will do a site visit and wants them to look at Calle Sombra as there are so many extra cars and it is not feasible to make a good entry from there.

Michael Kinney, lives at the corner of Calle Perdiz and Fifth Street, was sworn. He has two problems. His concern is that it is irrational to have houses up against the commercial area and a delivery truck will be right in his backyard. He said if they are putting in an illuminated sign he will be looking up at it.

Stella Martinez, 2060 Calle Sombra, was sworn. She strongly opposed the splitting of the lot and the zoning changes.

Alica Castellano, 2069 Calle Sombra, was sworn. She has been a resident for 30 years. The charm was that this was a small street where she was able to raise children. They now have new families moving in and their children are in this section. She said if this proposed community is self sufficient they do not need to open up the access. She commented that within a two mile radius there exist 8 self storage facilities. She works for a company that owns three storage unit facilities. The company alone has more than 1000 storage units in 3 facilities and 7 other storage facilities exist which is more than 2000 storage units which is plenty of access for residents. She understands where they live is now being considered as a flood zone, so she questioned how they can build new facilities in this area. This is an unacceptable plan and she stated opposition.

Malita Serna, 1919 Fifth Street, Suite L, President of Fifth Street Business Owner Association, was sworn. The property abuts the proposed business park at the northeast which will allow them access across her land. She stated that in January of 2002 they granted a 30 foot egress and ingress easement to the Burro Alley partners as a secondary access. She said the vacant portion of the Warner subdivision would allow them to cross into Warner and St. Michael's Drive. The association objects to the use of this easement as a primary access which was granted as a secondary access to Fifth Street. They also object to the use of Fifth Street for a primary access because it is highly congested and the traffic is fast. She presented the supporting documents included in Exhibit "2(B)."

Neil Curran, 2026 Calle Perdiz, was sworn. He said he does not directly adjoin, but he is on the south intersection. He presented a letter from a gentleman that could not attend the meeting. He read into the record a letter from Charles Maxwell, 2091 Camino Lado, included in Exhibit "2(F)." He has a deep concern and feels this will increase the amount of traffic. This is a neighborhood that has a number of families with children. He felt the two story condos are not appropriate for this neighborhood. These are narrow streets in a residential area with commercial that has no access, except coming through

this area. They have discussed options with the planning of the project. Another issue he is concerned with is the flooding. He noted that the flume is not drawn in on the map that comes in between two residents and is about four foot wide and three feet deep. There is a house behind him that has flooded several times up to 3-4 feet. He said they have gone to a great expense to hopefully restrict this from flooding again. He strongly opposes the project.

Collen Roska, 2066 Calle Sombra, was sworn. She is the last home where the project will come in. She has lived there for 30 years. She is afraid they will never be able to drive out of their homes. She said if the water comes in from that section it will flood out her home. She is level to the street and the driveway goes down. She is opposed to the zoning and development.

Cynthia Hamma, 2075 Camino Lado, was sworn. Her major concern is traffic with two kids that board and ride bikes. The increase in the traffic will be huge and she does not believe it will not be. Their lives are at stake because people do not pay attention. It is a quiet neighborhood with kids and that was the reason they bought their home a year ago. She questioned who will be buying into that neighborhood and the price range. She did not think it was wise to go lower as this is an odd zone that could plummet everything. She does not want to see this changed into a commercial zone or a low income area. She said with the inconsistencies and what has changed, she questioned how they know that what is proposed is what will be built.

James Campbell, 2064 Calle Sombra, was sworn. He opposed the lot split and zoning changes. He questioned the need for more storage units and said it is not a nice transition.

Leslie Campbell, 2064 Calle Sombra, was sworn. She showed a schematic that was shown at a neighborhood meeting which demonstrates some of the inconsistencies. There is a walking path that goes all the way to Fifth Street, but they do not own the last part and so there is not consistent legal access to the path they are proposing. The plan has changed since the last community meeting. She expressed deep concern with the proposed property split and the zoning change.

Carla Romero, 2068 Calle Sombra, was sworn. She stated opposition to the zoning and lot split. She was concerned with the traffic. According to her calculations if they each leave in the morning and return at night there are over 300 trips. She knows that when waiting for her daughter at DeVargas Junior High School after school on Aspen last year in front of the storage units, in a 10 minute period she was amazed at how much traffic came in and out. What she witnessed is contrary to what the applicant said. This brings moving trucks which is a major disturbance to the quality of the neighborhood. She said they already have to deal with the traffic problems the high school creates. Her daughter becomes driving age this year, so she is concerned for her safety. During the ENN meeting, Mr. Raymond directed a question toward the neighbors; he said he plans to sell the homes for \$350,000 and asked them how many could sell their homes for that much money. She said for that reason maybe that development does not belong in this neighborhood. During that same meeting, Ms. Jenkins stated they are not allowed to touch the arroyo but will bring it to a more natural state. She is unsure what that means. The arroyo narrows as it approaches Fifth Street and there is flooding that occurs already. She said she thinks about the ecological system that is there and the damage that can be done to it.

Nancy Bono, 2067 Calle Sombra, was sworn. She stated strong opposition to the lot split and zoning changes proposed. She bought her home because it is on a dead end street in a quiet neighborhood. She hates to see this area open to a lot more traffic and she does not think they can handle more traffic.

Katie Whitcomb, 2053 Camino Lado, was sworn. She expressed concern with the traffic. She is concerned for the safety and she backs onto the arroyo that will be near the development. She feels the value of their homes may go down with the low income housing that may be developed.

David Blackman, 2024 Calle Perdiz, was sworn. He thanked the Commission and said he would summarize the concerns. They have been fighting this action for a year and the opposition has grown at every stage. They have tried to provide the Commission a basis in law to reject the proposal; they have signed petitions and have shown a presence. The signatures have doubled since the first Summary Committee meeting. He said they reject the contention that the property as developed with these changes will have a lower impact. They understand local government's right to determine and establish zoning for the property. They acknowledge the R-5 zoning is in keeping with the surrounding residential neighborhood and this is an important factor in their property values and rights. He said they are dealing with a request by a developer to convince the local government to change the existing zoning at the detriment of the property rights of the citizens of the neighborhood simply for the developer's opportunity to make more money by the requested zoning changes and general plan changes. They do not need more storage units as there are several thousand in the St. Michael's area. He respectfully requested they deny the requested changes.

Ms. Jenkins responded to the concern regarding the traffic increase. She said they will not pretend there will not be an increase in traffic. She gave a sampling from the General Plan talking about neighborhood connectivity. She said this will be a change for this neighborhood and nobody likes change. She said everywhere in the general plan it states they need to support and require connectivity. The reason Calle Sombra is not a cul-de-sac is because it was dead ended to allow for future connection. The dead end street is over 350 feet long and international fire code states that if there is a dead end that is 150 feet long or more there has to be an emergency turnaround. The dead end is a safety issue for the people living there. The original plan did not have a connection to Calle Sombra because they were proposing an office condominium development and when they revised the plan staff said they have to connect at Calle Sombra. They envision this as a continuation of this neighborhood. Neighborhoods should have a mix of housing opportunities according to the General Plan. This is a classic mixed use neighborhood already. They are adding to the mix through sensitive design. There is a concern with the neighbors living along the road and there was an earlier version moving the homes so the backyards were facing each other but the neighbors did not want that. Each version has pros and cons, but they can move the homes to the other side of the road. The pedestrian path makes more sense along the roadway instead of between two backyards. She was unsure how to respond to the concern with the affordable housing.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Vice Chair Hughes commented that this is a tough lot. He still cannot get his arms around it and is having a hard time visualizing this.

Commissioner O'Reilly wondered if would be better to ask the questions and then visit the site or visit the site and then ask the questions.

Vice Chair Hughes said the visit might be better prior to the questions. He said at times the visit answers the questions.

Commissioner O'Reilly moved to leave the public portion of the meeting open so they can hear follow up comments from the neighbors and postpone the decision to a later date and schedule a visit to the site for the entire Commission, Commissioner Salazar seconded the motion.

Ms. Baer said next Thursday at 5 p.m. would work and said they can postpone this to May 15th and they would not need to notice this other than entering that decision into the record.

There was discussion regarding the date and time for a site visit. There was agreement to have the site visit on Monday, May 12th.

Commissioner Lopez said she would have to look at her calendar, but she is familiar with the area since she lived in the vicinity for many years.

Commissioner Armijo asked Commissioner O'Reilly why they would want to reopen this because they have all the feedback.

Commissioner O'Reilly stated that he is not suggesting hearing the entire testimony again, but they might have questions to ask specific people, so he would like to leave it open so they could question individual property owners as needed.

Ms. Brennan stated that they would leave it open.

Commissioner O'Reilly said they could limit it to questions they have of people and not have additional presentations.

Commissioner Armijo suggested limiting it to additional information from the representatives for the neighborhood association.

Commissioner O'Reilly amended the motion to have the site visit on May 12th and continue the hearing on May 15th. Commissioner Armijo accepted this as well.

Commissioner Bordegaray asked if the field visit includes staff, the applicant and the public and wanted to know what kind of opportunity they would have for questions.

Ms. Baer stated that there will be no discussion. There is no opportunity for the applicant or the neighbors to speak to the Commission and there is no discussion between the Commissioners. This is strictly informational. She let the neighbors know that they are welcome to attend, but they cannot interact with the Commission unless there is some very factual matter that needs clarification.

Commissioner Bordegaray wanted to make sure they will be able to provide answers to the questions and then when they come back there will be the opportunity to ask questions. She understood it is just the facts that can be addressed.

Commissioner Armijo understood they could ask questions, but they cannot discuss the answers.

Ms. Brennan said they can ask questions and get answers, but there is no discussion between Commissioners. They cannot discuss the merits of the case; only the factual matters of the case. This will be an information gathering session.

Commissioner Lopez stated that the neighbors are absolutely right that Camino Lado would be way too congested. She wanted the Commission to see that they are already dodging the cars that are parked on the sides as it is. She agreed the traffic would be horrendous. She appreciates the neighbors made an effort and are telling the truth.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

5. **Case #M 2008-06. 12 Montoya Circle Escarpment Regulations Variances.** Christopher Purvis, agent for Larry Widmer requests a variance to Article 14-5.6 of the Escarpment Overlay District Regulations. More specifically, a variance to Article 14-5.6(D)(1), to allow for an addition of 495 square feet to the existing residence located within the ridgetop, for an overall total of 2100 square feet, and a variance to Article 14-5.6(F)(10), to allow more than 40% of graded land disturbance to the lot. The property is located in the Ridgetop Subdistrict of the Escarpment Overlay District, Downtown and Eastside Historic District, and is zoned R-5 (Residential, five dwelling units per acre). (Lou Baker, case manager)

This item was postponed per approval of the agenda.

6. **Case #M 2008-07. Governor Miles Business Park Annexation.** Linda Tigges, agent for Crowne Santa Fe, LLC requests annexation of 6.485± acres of land, located south of the Santa Fe Auto Park and north of Governor Miles Road. The annexation plat includes 4.376± acres of Governor Miles Road. (Donna Wynant, case manager)

Items 6 and 7 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

7. **Case #ZA 2008-04. Governor Miles Business Park Rezoning.** Linda Tigges, agent for Crowne Santa Fe, LLC requests rezoning of 6.485± acres of land from R-1 (Residential, one dwelling unit per acre) to C-2 (General Commercial). The property is located south of the Santa Fe Auto Park and north of Governor Miles Road. (Donna Wynant, case manager)

Items 6 and 7 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

Memorandum from Donna Wynant, prepared April 24, 2008 for May 1, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Ms. Wynant presented the staff report included in Exhibit "3." She clarified that Las Soleras was approved at the Council hearing the evening before.

Staff recommends approval based on the following conditions:

- Traffic Review Memo
- Fire Dept. Review Memo
- City Engineer Review Memo
- Landscape Review Memo
- Wastewater Management Review Memo
- Water Division Review Memo
- Solid Waste Division Review Memo
- Trails and Open Space Review Memo
- Land Use Department: Applicant shall pursue approval of vacation of surplus Governor Miles right of way, or obtain a license for use of the right of way, concurrently with development plan approval.

If the Commission is to recommend approval of the request for Annexation and Rezoning it must determine that the application meets approval criteria in Sections 14-3.2, 3.4 and 3.5 SFCC 2001 respectively. Staff also recommends that the applicant comply with the requirements provides by various City Departments at the time the final development plan is submitted.

Public Hearing

Linda Tigges, 1925 Aspen Drive, was sworn. She said Mr. Karl Sommer can answer questions regarding the settlement agreement. The Governor Miles part complies with the City's General Plan and was not part of the Las Soleras Village. The application went to the EZ separately and was approved in 2007 for Community Commercial zoning which is like C-2 zoning in the City and it got master plan approval. She said that is an aside because she is here for annexation and rezoning. She reviewed the plan. She said from Premier Auto they are looking at the backside of the property. She said the rear buffer has work/office/warehouse space land uses and if they follow what the thinking is they would probably be more one story. The Fire Department reviewed the entrances. Land was donated by the property owner to the City and they paid for the design and roundabout. Annexation requires a master plan, but it is not like a development plan; it is conceptual and shows what the applicant has in mind with appropriate zoning. The applicant is required to come back with a development plan that is specific which may not look exactly the way it is now.

Karl Sommer, PO Box 2476, was sworn. He stated that this Las Soleras project has been controversial both in the City and County, although they have resolved a good deal of the problems that were generated by annexation. The next annexation will be part of a settlement agreement which is the vast majority of the property between I-25 and the current City boundary and Cerrillos Road at the current City boundary. The agreement approved at City Council last night requires they submit an application for annexation giving the Planning Commission the opportunity that they do not often get with many landowners coming together to develop a large chunk of property that is not piecemeal.

Commissioner Hughes said he will be glad to see the day arrive that the last remaining huge piece of land will come in for annexation. This is a small portion of that.

Commissioner Bordegaray asked if the area south of Governor Miles is all Las Soleras.

Ms. Tigges reviewed the map and entrances.

Commissioner Bordegaray referenced Exhibit G, the engineering and traffic report. She questioned the contribution to the Rodeo/Richards intersection improvement as she thought this project was done. She asked if they would contribute to a project that is already done.

Ms. Tigges said they are adding more traffic on Governor Roads, but mostly on Richards and they are still collecting money to pay for the existing improvements.

Ms. Baer explained that it is monitored closely and they collect fees as negotiated. She was unsure of the complete process, but she knows the technical review staff is connected with the fee collection.

Commissioner Salazar moved to recommend approval of Case #M-2008-07 with staff conditions, Commissioner Lindell seconded the motion which passed by unanimous voice vote.

Commissioner Salazar moved to recommend approval of Case #ZA-2008-04 with staff conditions, Commissioner Lindell seconded the motion which passed by unanimous voice vote.

- 8. Case #M 2008-08. Colores Del Sol Development Plan Amendment.** Jennifer Jenkins, agent for Centex Homes, requests approval to amend the PUD preliminary development plan to increase the density from 286 units to 287 units. The property is located south of Agua Fria Road and east of Morning Drive and is zoned R-6 PUD (Residential – six dwelling units per acre, Planned Unit Development Overlay District). (Dan Esquibel, case manager).

Memorandum from Dan Esquibel, prepared April 23, 2008 for May 1, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Mr. Dan Esquibel presented the staff report included in Exhibit "4."

Staff recommends approval based on the following conditions:

1. Compliance to DRT comments and conditions including Office of Affordable Housing regarding Santa Fe Homes program.
2. The applicant shall amend the PUD development plan.
3. Lot development will be subject to existing conditions and standards of the subdivision and PUD.

Public Hearing

Jennifer Jenkins, representing Centex Homes, was previously sworn. This request is to amend the PUD to allow for a lot split. She reviewed the site plan. She knows most of the Commissioners are familiar with the project. Lot 15 is over half an acre and the average lot size is 4500 feet. There was an earlier property owner that did not participate until the end when the land was consolidated, so it was purchased and left this large lot. They want to split it to keep with the pattern for the rest of the neighborhood. Each lot will be over a quarter of an acre and will be the largest lots in a five mile radius. Since it is a corner lot this is a reasonable way to divide that. Because

this is a PUD they have to amend the development plan with Planning Commission approval and City Council approval and then will come back with the lot split. This additional lot would not require an additional affordable housing unit. The development did provide 86 units of affordable housing.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner O'Reilly clarified that this requires Planning Commission and Council approval.

Mr. Esquibel said anything that intensifies the development plan has to come back.

Commissioner Lindell moved to recommend approval of Case #M-2008-08 with staff conditions, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

9. Revised Development Review Fee Schedule. Review and recommendation to Governing Body of revised development review fees related to Planning Commission's planning and platting authority.

This item was postponed per approval of the agenda to May 15th.

H. BUSINESS FROM THE FLOOR – None

I. STAFF COMMUNICATIONS

Ms. Baer reminded them that May 12th will be the site visit.

Ms. Brennan stated that at the study session they had a discussion about what is considered a minimal change that can have staff approval.

Mr. Esquibel said they have the same discussion going before the BCD.

Commissioner Armijo asked if these minor changes could go to Summary.

Mr. Esquibel explained that PUD is an overlay.

J. MATTERS FROM THE COMMISSION

Vice Chair Hughes announced that Saturday is a public workshop on the St. Francis and Zia Rail Runner stop. He said there will be a follow up meeting focusing on St. Michaels.

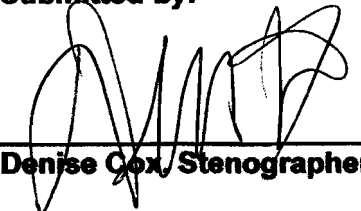
K. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Salazar moved, seconded by Commissioner Lindell to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 8:30 p.m.

Approved by:

Vice Chair Hughes

Submitted by:



Denise Cox, Stenographer