



Agenda

CITY CLERK'S OFFICE

DATE 8-6-08 TIME 2:05SERVED BY [Signature]RECEIVED BY [Signature]**PLANNING COMMISSION****August 28, 2008 – 6:00 P.M.****CITY COUNCIL CHAMBERS**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**
 - MINUTES**
 - FINDINGS/CONCLUSIONS**
- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. **Case #M 2008-26. La Triada Townhomes Final Development Plan.** JenkinsGavin, agent for Sofiar LLC, requests final development plan approval for 40 townhomes on 7.44± acres. This application also includes 2 variance requests for bridge construction within arroyo setbacks, and reduction of the required 25' turning radius at the proposed Fifth Street entrance. The property is zoned R-5 (Residential, 5 dwelling units per acre) and is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)
2. **Case #M 2008-25. Inn at the Loretto Development Plan and Variance Time Extensions.** Nancy R. Long, agent for Lowe Enterprises Investment Management, LLC, requests time extensions for development plan for a 25-room addition and variance to flood plain regulations. The applicant is requesting an eighteen-month time extension to the time allowed for approvals granted by the Planning Commission on January 4, 2007. The site occupies 3.78± acres bounded by Water Street, Cathedral Place, Old Santa Fe Trail and Alameda Street, and is zoned BCD LOR (Business Capitol District, Loretto Subdistrict). (Dan Esquibel, case manager)
3. **Case #SP 2008-07. Lot Split for Lot 15 Colores Del Sol Subdivision.** JenkinsGavin, agent for Centex Homes, requests plat approval to divide .55± acres into two lots. 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). (Lou Baker, case manager) **(POSTPONED FROM AUGUST 7, 2008)**

4. **Case #S 2008-05. Tierra Contenta Phase 2C Preliminary Plat.** David Thomas, agent for Tierra Contenta Corporation, requests preliminary plat approval for 61.37± acres consisting of 6 tracts for development totaling 32.73± acres, and open space tracts totaling 23.38± acres, and road rights-of-way totaling 5.26± acres. This application includes 2 variance requests to allow disturbance of slopes greater than 30%, to allow earthwork cut and fill slopes greater than 15 feet in height and a dedication of right of way. The site is located on the west end of Tierra Contenta Master Plan Community, adjacent to NM 599, and is zoned PRC (Planned Residential Community, 10 – 20 dwelling units per acre). (Lou Baker, case manager)
5. **Case #M 2008-29. Weston Studio Gallery Final Development Plan.** Dell Weston, property owner, requests approval of a development plan to construct four (4) live/work units and an art gallery for a total of 9,150 sq.ft. The property consists of 3.708± acres and is zoned MU (Mixed Use). The area is located at the southeast corner of Airport Road and Buffalo Grass Road. (Lou Baker, case manager)

G. BUSINESS FROM THE FLOOR**H. STAFF COMMUNICATIONS****I. MATTERS FROM THE COMMISSION****J. 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.**

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CITY OF SANTA FE
PLANNING COMMISSION

August 28, 2008

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A. ROLL CALL	Quorum	1
B. PLEDGE OF ALLEGIANCE		1
C. APPROVAL OF AGENDA	Approved	1
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS		
MINUTES	None	2
FINDINGS/CONCLUSIONS	Approved	2
E. OLD BUSINESS		
F. NEW BUSINESS		
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MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

August 28, 2008

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair O'Reilly 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:

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

MEMBERS ABSENT:

One vacancy
Estevan Gonzales (excused)

STAFF PRESENT:

Tamara Baer, Planning Manager
Kelley Brennan, Assistant City Attorney
Wendy Blackwell, Director Technical Review Division
Donna Wynant, Senior Planner
Lou Baker, Senior Planner
John Romero, Traffic Engineer
Charlie Gonzales, Technical Review Coordinator
R.B. Zaxus, City Engineer
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

Chair O'Reilly asked Commissioner Salazar to lead the pledge of allegiance.

C. APPROVAL OF AGENDA

Ms. Jenkins stated that the 2nd case (Inn at the Loretto Development Plan and Variance Time Extension) on the agenda requested to be first on the agenda and she has no objection to that.

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

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES – None

FINDINGS/CONCLUSIONS

Commissioner Salazar moved to approve the findings and conclusions included in Exhibit "1", Commissioner Armijo seconded the motion which passed by unanimous voice vote.

E. OLD BUSINESS – None

F. NEW BUSINESS

2. **Case #M 2008-25.** Inn at the Loretto Development Plan and Variance Time Extensions. Nancy R. Long, agent for Lowe Enterprises Investment Management, LLC, requests time extensions for development plan for a 25-room addition and variance to flood plain regulations. The applicant is requesting an eighteen-month time extension to the time allowed for approvals granted by the Planning Commission on January 4, 2007. The site occupies 3.78± acres bounded by Water Street, Cathedral Place, Old Santa Fe Trail and Alameda Street, and is zoned BCD LOR (Business Capitol District, Loretto Subdistrict). (Dan Esquibel, case manager)

Memorandum from Dan Esquibel, Land Use Planner Senior prepared August 12, 2008 for August 28, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Landscape comments for Case #M-2008-25 from Charlie Gonzales, CFM, Technical Review Coordinator, are incorporated herewith to these minutes as Exhibit "2(A)."

Mr. Esquibel presented the staff report included in Exhibit "2."

Staff recommends:

There is no staff recommendation although the applicants request was made in a timely fashion and identifies a change in ownership as the reasons needed for the time extension.

Public Hearing

Nancy Long, 2200 Brothers Road, was sworn. She was present on behalf of the Loretto Hotel owners. She said this extension is similar to the one granted to the Archdiocese last November. The issue is extending the previous approval given in January of 2007. The Loretto Hotel property was sold a little less than a year ago, so they have been busy addressing issues such as stuccoing, refurbishing, hiring, etc. They can now move forward with the development plan. In addition, Mr. Gomez can now seek FEMA approval for a map revision that will take six months. The previous conditions will still apply. They have been able to address the question from the City Engineer regarding the FEMA maps. The Historic Design Review Board has granted a one year extension.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo did not oppose the extension, but commented that they were accused of delaying the case and now the applicant is asking for a time extension.

Commissioner Bordegaray asked when the Historic Design Review Board extension was given.

Ms. Baer believed in May 2008.

Ms. Long said it was given in March 2008 and the extension was given to May 2009.

Commissioner Lindell asked if this is not completed within the Historic extension, what the limit on extensions is.

Ms. Long said there is a limit with the Planning Commission of one extension for 18 months. The administrative extension from the Historic Board can be given one more time if it goes back to the Board.

David Rasch said the H Board approved the case in May of 2007 which was good for one year and the applicant came before the end of that year and was granted an extension to May 2009. If they do not start the building permit prior to May of 2009 they will have to go back to the Historic Board again because the extension will expire.

Commissioner Lindell understood that they really only need a year because they have to start by May. She recalled the rush also.

Ms. Long said they will have to meet the more stringent deadline.

Commissioner Armijo asked what the FEMA process entails.

Mr. Mike Gomez, 1599 South St. Francis Drive, was sworn. He said they will go for a letter of map amendment or revision that could take up to six months.

Commissioner Armijo asked if that is to get off the flood fringe.

Mr. Gomez stated that it is to build within the flood fringe.

Commissioner Lindell moved to approve Case #M-2008-25. She questioned if there are staff conditions.

Mr. Esquibel explained that all the conditions previously adopted stand. This does not re-open the case.

Commissioner Armijo seconded the motion.

Commissioner Salazar asked if that is for the 18 month extension.

Commissioner Lindell replied yes.

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

1. **Case #M 2008-26. La Triada Townhomes Final Development Plan.** JenkinsGavin, agent for Soñar LLC, requests final development plan approval for 40 townhomes on 7.44± acres. This application also includes 2 variance requests for bridge construction within arroyo setbacks, and reduction of the required 25' turning radius at the proposed Fifth Street entrance. The property is zoned R-5 (Residential, 5 dwelling units per acre) and is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)

Ms. Baer clarified that they are considering a development plan, no preliminary plan. She said this was advertised as a final development plan, but only in certain cases specified in the code are there no requirements for a preliminary development plan. She quoted section 14-3.8.

Memorandum from Donna Wynant, Senior Planner, prepared August 15, 2008 for August 28, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Memorandum from JenkinsGavin regarding the proposed private roadway/driveway design to serve La Triada is incorporated herewith to these minutes as Exhibit "3(A)."

Project Timeline and Responses to Neighborhood Concerns presented by JenkinsGavin is incorporated herewith to these minutes as Exhibit "3(B)."

Letter from Stella Martinez, 2065 Calle Sombra, dated August 28, 2008 is incorporated herewith to these minutes as Exhibit "3(C)."

Letter from Robert Hake, concerned neighbor, dated August 28, 2008 is incorporated herewith to these minutes as Exhibit "3(D)."

Letter from Carla Romero, 2068 Calle Sombra, dated August 28, 2008 is incorporated herewith to these minutes as Exhibit "3(E)."

Letter from David Blackman, concerned neighbor, dated August 28, 2008 is incorporated herewith to these minutes as Exhibit "3(F)."

Petition from neighbors in opposition of the proposed La Triada is incorporated herewith to these minutes as Exhibit "3(G)."

Letter from John Padilla, Padilla and Associates Architects, dated October 17, 2001 regarding the request for ingress/egress easement is incorporated herewith to these minutes as Exhibit "3(H)."

Ms. Wynant presented the staff report included in Exhibit "3."

Staff recommends:

The Planning Commission approve the variance requests and the Final Development Plan for La Triada. The application is in compliance with the existing R-5 zoning, and is in compliance with the variance criteria. Staff believes that the proposed townhouse development provides for a transition between the commercial development to the north and west, the apartments to the east, and the single family neighborhood to the south.

Approval should include the following conditions:

1. Public Works – Engineering Division Traffic Review Memo
2. Technical Review Division – Engineering Review comments
3. Technical Review Division – Landscape Review memo
4. Fire Dept. Review Memo
5. Water Division Review Memo

Commissioner Salazar left the meeting at this time.

Public Hearing

Jennifer Jenkins, 130 Grant Avenue, Ste. 101, was sworn. She introduced their team. In May, they came with a mixed use proposal for the site. Based on the concerns of the Commission and neighbors, they are no longer requesting a rezoning of the property, but will be in compliance with the current zoning that has been in place for some time. They have had five neighborhood meetings. She passed out a timeline of what has occurred on this project included in Exhibit “3(B).” She reviewed the changes that have been made to accommodate the wishes of the neighbors. The neighbors do not want any commercial development.

Colleen Gavin, 130 Grant Avenue, Ste 101, was sworn. She reviewed the site plan which is designed with the R-5 zoning. There are two story units and single story units which are all 1500 square feet with two car garages. They allowed for private spaces to the side or rear of each unit. The arroyo is a beautiful asset to the property and creates a nice backdrop to the units flanking each side of it. They have worked the idea of connectivity so it flows with the neighborhood, the Rail Trail and pedestrian connections. These are mainly duplex units; it is difficult to put the traditional single family dwelling on a single family lot. The duplex works well between the commercial use and the traditional single family lots to the south.

Orelyn Guerrero-Ortiz, PO Box 2758, Santa Fe, was sworn. She said they currently have to ask for a variance to cross the arroyo. They had to cross to make the loop, but it is a minimal disturbance. There is a 30 foot easement, so they put in the largest road possible which has a curb return of 15 foot radius. She pointed out that most of the downtown has a 10 foot radius or less. In the past, they were more concerned about pedestrians and bicyclists and the shorter curb returns have the ability to bring the pedestrian to the intersection. She said it is safer for pedestrians in general. Typical designs are 25 feet radius and there are reasons to go to a shorter design. Cars can easily handle this radius. Effectively they have an 18 foot radius. The Fire Marshal and traffic engineer approved the design.

John Block, III, 2048 Placita De Vida, spoke on behalf of Stella Martinez, was sworn. He read Ms. Martinez’s letter included in Exhibit “3(C).” He added that Stella lived in Los Angeles for many years and saw many neighborhoods destroyed by developments.

Rick Martinez, 725 Mesilla Road, was sworn. He expressed concern that this is a final development plan. In his opinion this does not look like a development plan, but a subdivision which has a preliminary hearing that keeps the neighbors involved. The only voice now is to appeal this to the City Council. The code should be changed because these are townhouses that still look like regular subdivision houses. There are forty homes and the traffic created should allow the neighborhood more of a voice. He feels it would be more appropriate to have an additional hearing.

Robert Hake, 2068 Calle Sombra, was sworn. He read his letter into the record included in Exhibit "3(D)."

Paul Sena, 2070 Calle Sombra, was sworn. He agreed with Stella Martinez. He has lived here for 30 years and has had a wonderful experience living in the neighborhood. He understands development needs to be done. He was upset about the four way stop.

Carla Romero, 2068 Calle Sombra, was sworn. She read her letter into the record included in Exhibit "3(E)."

Malita Serna, President Fifth Street Business Condominium Association, 1919 Fifth Street, was sworn. She explained that this property abuts the proposed town home development. The association granted an ingress and egress easement to Great Western Investments to be used only as a supplementary or emergency access. The primary access will be from Warner Circle and St. Michael's Drive. The Fifth Street Association would have never approved the request if it was for the primary entrance. She referenced a letter included in Exhibit "3(H)." There are serious concerns regarding the variance as it will create significant traffic congestion. Fifth Street is designated as an emergency corridor.

David Blackman, 2024 Calle Perdiz, was sworn. He read his letter into the record included in Exhibit "3(F)." He also handed out a neighborhood petition included in Exhibit "3(G)."

Rod Hager, 2061 Camino Lado, was sworn. He agreed with everything the neighbors have said. He pointed out that you have to go along way before finding duplexes. It is a nice neighborhood with good qualities that may be changed. There are drainage issues. The flood plain is bermed on all three sides and breaching the berm will increase the risk of flooding. He agreed that the arroyo is beautiful and has been used as a park. The property should be eminent domain back to the city because they have no other park in this area. This may be a future location for a Rail Runner stop. He said they need to look at this piece of property that the public once had until a few years back. There was a woman killed at the corner of Fifth Street and St. Michael's due to the traffic. The development will put pressure on the traffic flows that will go back onto Fifth Street.

Ms. Jenkins responded that they are bound by City code and this project has a few minor variances compliant with the City zoning. This is a textbook infill project with proximity to services and employment centers. There is alternative transportation close by. There is available infrastructure and they are providing access points to existing manholes. They have addressed the thirty foot access easement. They have researched the easement issue and the easement documentation shows no limitation on that easement and that was researched prior to the closing of the property. This is not a subdivision. They tried to layout a subdivision and due to the constraints there was a loss of open space and it was less pedestrian friendly and less attractive. Staff concurs that town homes are an appropriate transition even though it is not an increase in density. She was confused about the four way stop as the only traffic controls are all internal to the site. She commented that most of the turning radii around town are 10 feet and federal regulations state that a 15 foot radius is enough. The curbs are mountable in case there is a truck moving in or an emergency vehicle cannot be accommodated. It is in the best interest of the entire neighborhood that there be two accesses.

Ms. Guerrero-Ortiz explained that the proposed design of the bridge will be outside the banks of the existing arroyo. They have shown the FEMA flood zone. She said the adoption and draft were identical, but they do need to update to show the final plans. They are retaining water and releasing it at a rate that is equivalent to existing flows leaving the site.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes asked if there are restrictions to the easement.

Ms. Brennan believed she looked into this and there is no restriction on the record that would limit subsequent owners.

Commissioner Hughes asked what they could do without the variances.

Ms. Baer explained that the variances allow the arroyo crossing. She understands they are not disturbing the arroyo and the abutments are outside the arroyo. She said they might have to build a different kind of bridge.

Commissioner Hughes asked why the applicant chose private streets.

Ms. Baer explained that the applicant proposes the street type and this is less expensive and less maintenance for the City.

Commissioner Lindell asked how many units were previously proposed.

Ms. Jenkins stated 43 units total.

Commissioner Lindell understood they are down 3 units and they are no longer requesting a lot split, rezoning or a general plan amendment. She said the previous proposal might have created less traffic, although the neighbors did not want that. She understands change is tough, but the Commission is bound by the code. She commented that the 15 foot radius is preferable to her; it makes it more dangerous to cross the street when there is a 25 foot massive intersection. She does not recall ever seeing staff recommend approval of a variance before. She asked where the affordable units are.

Ms. Gavin called out unit 38 and 37, unit 32 and 31, unit 24 and 25, unit 18 and 19, unit 14 and 15, and unit 1 and 2. These are spread out between the single story and two story units, although they are grouped together for construction purposes.

Commissioner Lindell questioned the letter included in Exhibit "3(H)."

Ms. Jenkins said there is no mention of any limitation on Fifth Street. The Calle Sombra access could be in lieu of the Warner Circle access. She said the title search did not turn up anything.

Commissioner Bordegaray asked what the Warner Circle Development is.

Ms. Jenkins showed an aerial photograph of the property and surrounding areas.

Commissioner Bordegaray questioned how they lost the possibility of a connection.

Ms. Baer explained that these are private land transactions, so the City does not monitor it. The Warner Circle subdivision did not require a connection.

Commissioner Bordegaray felt that this is how patchwork development occurs. She said the amount of time and money spent on this case is ridiculous. The neighbors are upset. She does not see any better access. She supports infill projects. She disagreed that this is a degradation of the environment. She looks forward to having this woven into the neighborhood and the St. Michael's corridor. This will only get better.

Commissioner Armijo asked if the Fire Marshal is okay with the access to the property.

Ms. Salas said they can gain access from both sides and they will have a roll over curb.

Commissioner Armijo asked what kind of fencing for protection from the Rail will be.

Ms. Jenkins showed a photograph. They do not want to create a hallway. The neighbors are concerned about security and safety. The fencing proposed is black metal round posts consisting of a wire mesh material. It is transparent and climbable. She pointed out the proposed opening points for pedestrians.

Commissioner Armijo asked the applicant why they proposed private streets.

Ms. Jenkins said the homeowners association will maintain these. She explained that you cannot do condominium ownership with public right of way as it creates odd legal issues. The documents will be reviewed and referenced on the development plan, so the City could step in if these are not followed.

Commissioner Armijo asked about the concerns regarding the sewer.

Ms. Guerrero Ortiz said there are several existing manholes around the site and some on the property that have poor access which may have caused maintenance issues. When they developed Century Bank, they put a fence in front of the manholes so this proposed project will be providing access to manholes not on the property. They hope to have better maintenance going on. She said they do have an interceptor and she has heard that there have been problems.

Commissioner Hughes asked about the lack of parks in the area.

Ms. Baer stated that there will be impact fees collected.

Commissioner Hughes understood there was a bond passed for acquiring land or developing parks.

Ms. Baer said that was for both.

Commissioner Hughes asked what the fair market value of the property is.

Ms. Jenkins agreed to confer with her client.

In the meantime, Commissioner O'Reilly asked if the easement is legally recorded for ingress and egress.

Ms. Brennan did not verify that.

Ms. Baer stated that it was verified as part of the legal lot of record.

Ms. Jenkins commented that the open space requirement is 250 square feet per dwelling unit. This results in 10,000 square feet, but they have 98,000 square feet of open space provided. This is ten times what the code requires. She said the property is worth about \$2 million.

Commissioner Lopez commented that previously she sympathized with the neighbors, but the reality is that this is in compliance with the code and the variances are reasonable. She said unfortunately you cannot always pick your neighbors. She apologized, but said she will have to support the recommendation. She wished there would have been some other plans in place so there was not so much traffic going through this neighborhood.

Commissioner Armijo asked if the ENN meeting advertised the final development plan.

Ms. Baer replied yes.

Commissioner Lindell moved to recommend approval of Case M-2008-26 with staff recommendations and conditions, including variances, Commissioner Bordegaray seconded the motion which passed by majority voice vote of 4 to 1 with Commissioner Hughes voting against the motion.

3. Case #SP 2008-07. Lot Split for Lot 15 Colores Del Sol Subdivision. JenkinsGavin, agent for Centex Homes, requests plat approval to divide .55± acres into two lots. 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). (Lou Baker, case manager) (POSTPONED FROM AUGUST 7, 2008)

Memorandum from Dan Esquibel, Land Use Planner Senior,, prepared August 18, 2008 for August 28, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Letter of concern from neighbor dated August 25, 2008 is incorporated herewith to these minutes as Exhibit "4(A)."

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

Staff recommends:

Approval subject to the following additional conditions as well as the conditions imposed by the City Council.

1. Subdivision plan comply with any and all red line comments prior to recordation.
2. PUD conditions be satisfied prior to recordation of the subdivision plat.

Public Hearing

Ms. Jenkins was previously sworn. She explained that there was approval of a development plan and because it was a PUD they had to amend the development plan to allow for the increased density of one home. This went to City Council for approval and now they are back for the lot split. She updated them on the issues raised at City Council. Cleaning crews have been dealing with any debris that blows into the neighbor's yards. Centex homes met with Ms. Trujillo to repair the fence. She said they are in compliance with all the conditions including the additional items.

Commissioner Hughes left the meeting at this time.

Valisia Trujillo, was sworn. She was not opposed to this development and attended many meetings with Mr. Branch. She has a County approved clinic in her home. Her specialty is working with quadriplegic and paraplegic and her clinic works with those that have asthma, sensitive to pesticide and toxic materials. It is not uncommon for someone to be wheeled in with breathing done by a machine. She did not realize that she would be diagnosed with congestive heart failure because she was exposed. She was severely ill and was not able to live in her home due to the dust and diesel from the construction. Her testimony caused the postponement. She thanked the Councilors who listened to her plea and entered the requirements. Some of the garbage has been removed and the fence was repaired. Peter Stein, project manager, met with her on August 12th. She was contacted by Dan Esquibel who discussed the plans with her. She was apprised of the tar prior to it being used. She has had to rent an office in town during this time. She expressed concern at this point with people who are delicate that need ongoing information when they will do something toxic. She said she is the face of what happens when dust is not dampened down according to the law. She had 14 lbs. of edema and she is assuming she will be fine eventually. She requested Centex continue to give notice when they are doing something toxic and that Centex wet down the dust or do something healthy with it. She said chances are that oil will be highly toxic if it is used to control the dust. The five feet of land is no mans land because she did not file the quick claim deed because she does not want to be responsible for this area.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Lindell asked if the five foot strip of land is owned by Centex.

Ms. Jenkins explained that the previous shared property line between Jemez Road and this project had a lot of encroachments with rear sheds that went onto the Colores del Sol properties. The solution arrived at was to deed five additional feet of real estate to the neighbors which accomplishes more of a buffer and alleviates the encroachment.

Commissioner Lindell asked if the remainder of the land was bought by Centex. She did not understand why Centex is now responsible for this property.

Ms. Baer stated that City Council asked Centex to help correct the issue and so Centex became responsible.

Ms. Jenkins did not know how many of the deeds have been filed. The strip is in the County and they have rules regarding weeds and trash. Centex was asked to facilitate the issue.

Commissioner Lindell understood this does not really have much to do with the lot split.

Commissioner Armijo clarified that Ms. Jenkins stated this was County property.

Ms. Jenkins said there was a lot line adjustment as the Jemez neighbors are in the City, but the strip of land is in the County just as the other properties are.

Commissioner Lopez asked if these lots fit into the neighborhood.

Ms. Jenkins said they will be the largest lots in the neighborhood.

Commissioner Lindell moved for approval of Case #SP-2008-07 with staff conditions. She asked if this goes back to the City Council.

Ms. Baer explained that they cannot negate the conditions imposed by City Council.

Commissioner Lindell restated the motion, Commissioner Lopez seconded the motion which passed by unanimous voice vote.

4. **Case #S 2008-05. Tierra Contenta Phase 2C Preliminary Plat. David Thomas, agent for Tierra Contenta Corporation, requests preliminary plat approval for 61.37± acres consisting of 6 tracts for development totaling 32.73± acres, and open space tracts totaling 23.38± acres, and road rights-of-way totaling 5.26± acres. This application includes 2 variance requests to allow disturbance of slopes greater than 30%, to allow earthwork cut and fill slopes greater than 15 feet in height and a dedication of right of way. The site is located on the west end of Tierra Contenta Master Plan Community, adjacent to NM 599, and is zoned PRC (Planned Residential Community, 10 – 20 dwelling units per acre). (Lou Baker, case manager)**

Memorandum from Lou Baker, AICP, Senior Planner., prepared August 18, 2008 for August 28, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "5."

Proposed restatement of Condition #3 presented by Dave Thomas is incorporated herewith to these minutes as Exhibit "5(A)."

Memo from RB Zaxus dated August 28, 2008 is incorporated herewith to these minutes as Exhibit "5(B)."

Ms. Wynant presented the staff report included in Exhibit "5."

Staff recommends approval of the preliminary plat with the following conditions:

1. The applicant shall address concerns on the phasing of mass grading, vegetation worthy of preservation, erosion control and a soils engineering report at time of submittal for final plat as requested by City Engineer Technical Review Division.
2. A note shall be placed on the final plat as follows: "Any deviation between the Tierra Contenta design guidelines and the city code shall be individually considered by city staff as part of the review and approval of development plans and subdivision plats. Such deviations shall be approved if they are contemplated by these guidelines where the approval would not compromise health, safety or welfare. Alternately, city staff may impose conditions on deviations from the code that are permitted by these guidelines to serve health, safety and welfare."
3. The tract of land designated as an office incubator site shall not be developed until the proper rezoning has been completed. Design guidelines for that tract shall be reviewed and approved at the time of rezoning.
4. Applicant shall submit a construction staging plan with the building permit application detailing activities in a manner so as not to disrupt the harmony and safety of the neighborhood and existing vegetation; i.e. location of port-a-potty, location of dumpster, time of deliveries, time of construction, parking for construction workers, traffic control and warning signs (Construction Ahead), and tree protection, etc.
5. Final plat shall be recorded with the Santa Fe County Clerk along with any and all deeds, private reservations, easements, covenants and restrictions shall be recorded within five (5) days after the acceptance by the City Council or the Planning Commission as the case may be, of the public dedications, if any, shown thereon, but not until such acceptance. The acceptance of a public dedication by the City does not necessarily imply the maintenance of such dedication.
6. Development shall comply with Ordinance 2008-32 requiring notification to the Santa Fe Public Schools District of a Development Plan.
7. Development shall comply with Ordinance 2008-32 requiring the posting of home energy rating score for all new residential units.
8. Development shall comply with Land Use Department infrastructure completion policy.
9. Comply with conditions from the following Divisions:
 - Technical Review Division
 - Technical Review Division/Landscaping
 - Santa Fe Metropolitan Planning Organization
 - Fire Department
 - Public Works Department/Engineering Division/Traffic Impacts
 - Wastewater Management Division
 - Office of Affordable Housing
 - Solid Waste Division Engineer
 - Trails and Open Space Office
 - Sangre De Cristo Water Division

Ms. Baer excused herself from this discussion as she is on the Board of Directors for Tierra Contenta. She said she can answer questions regarding the code.

Public Hearing

Clif Walbridge, 1421 Luisa, Santa Fe, was sworn. He said this does two things. They will loop the existing roads between Jaguar Drive and Plaza Central in compliance with the master plan and they will create six lots for future development. He said regarding the variances, they met this afternoon with R.B. Zaxus and reviewed the alignment possibilities. He said Ms. Zaxus felt if they move the trail on the opposite side it would cut down on some more of the 30%. He said they are in compliance with all the conditions except items 7 and 8 from John Romero.

Dave Thomas, 6005 Jaguar Drive, was sworn. There are two conditions of approval that should be clarified, item 3 has to do with the tract designation as an office incubator and requires a development plan be put forward prior to development. He suggested the rewording included in Exhibit "5(A)." He said they will be changing land uses rather than zoning. The other condition of concern is from traffic engineering requiring a

financial guarantee for New Mexico 599. The annexation agreement commits an at grade intersection. The town center would be developed at the 599 connection although without the connection the area it is no longer economically viable. He said they will be amending the master plan which will move the office entitlements closer to the interior of the project. He recognized the fact that it is highly unlikely there will be a connection to 599. He said they will have to develop a traffic impact analysis to see if the connection is needed. Transfer of the obligation may be shifted to another location. He requested that condition be removed and serve until a traffic impact analysis can be guaranteed with a financial guarantee. He said without knowing when this will happen the financial guarantee could grow. He committed to work with the traffic engineering section between this and the final.

Mark Cobal, 4737 Via Verde Court, was sworn. He said it sounds like they want to change the parcels to some other use rather than residential and want to change connecting 599 to Jaguar Drive. He asked why they want to change the six properties. He was confused about what they are doing. They are saying they do not want to connect but on the same hand they do not want to move forward with the development until they change the land use. He asked how they will speed up the connection.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Lindell asked for general answers to Mr. Cobal's questions.

Mr. Thomas explained that this application divides the property that is known as the town center into six parcels and allows them to build the roads required by the master plan. The roads will be the same whether the land is residential or commercial. At this time they are not identifying land uses. He said they want a logical order of the land available for development. The primary reason they are looking at changing the location of the commercial areas is that the connection will be made only with an interchange. This is not on the five year plan, but the State is working on a study of 599 and I-25 to prioritize the connections. He does not expect the connection to be in the top five, so this means that the interchange will have a limited life. He said they cannot afford to wait for ten years. He added that they are currently working with the New Mexico School for the Deaf on this master plan amendment to incorporate some of their changes for phase 3.

Commissioner Bordegaray said there was reference to a spine trail and asked for that pointed out.

Mr. Thomas pointed it out. The paved trail goes down through the arroyo open space.

Commissioner Bordegaray understood that there is a Rail Runner stop being built in the 599 area, so she would hate to think they are foreclosing a connection.

Mr. Thomas explained that they have the right of way to make the connection, but they object to the financial guarantee as he suspects there are other areas that may need it more. He said any future connection to 599 will be an interchange, not a traffic intersection.

Commissioner Bordegaray did not want to hold this up, but felt the connections are very important. She understood the connections to Cerrillos Road are more eminent. She found the letter from Craig Watts disconcerting as it references the lack of communication with the MPO. She asked if it would be fair to ask for more information about master planning so the transportation network is ensured.

Mr. Thomas said they have every intention to come in with a traffic impact analysis to determine if and when the connections are needed. He hopes to bring the other amendments forward in six months time.

Chair O'Reilly commented that other large developments have come with informational hearings before filing formal applications. He noted that the right of way is granted by this plat and goes to 599. If that is not made in the future that would have to be dealt with.

Commissioner Bordegaray expressed concern that they do not have current MPO data.

Mr. Thomas stated that it is not really a lack of communication, but a scheduling problem getting current data. The MPO is currently recalibrating their traffic model, so they are getting lots of input. The data has not been generated yet.

Chair O'Reilly commented that there are inconsistencies between some of the engineering drawings show the entrance points.

Mr. Thomas said they intend to show the entrance points.

Chair O'Reilly stated that it looks like there is a traffic circle on 12(a), so he wondered if the circular curb will prohibit access to the tracts.

Mr. Thomas said the intent is one of traffic calming; however John Romero does not like them. He said they do not have a problem to come up with something else.

Chair O'Reilly agreed with Mr. Romero's comment as the traffic circles have caused problems in Tierra Contenta. The drainage structures tend to get tagged, so he suggested designing the grates so they are locking and cannot be pulled out.

Commissioner Lindell moved for approval of Case #S-2008-05 with staff conditions with the exception of the traffic item, Exhibit H, item 7.

Ms. Baer recommended the condition amended be taken out entirely as this is required by law. She asked if they want to eliminate condition 3 on page 2.

Commissioner Lindell restated and moved for approval of Case #S-2008-05 with staff conditions with the exception of condition 3 and item 7 on Exhibit H, Commissioner Bordegaray seconded the motion which passed by unanimous voice vote.

Commissioner Bordegaray asked why they removed that condition with regards to the traffic.

Commissioner Lindell explained that the applicant has agreed to work with traffic to come up with an alternative. The timing and money as well as the uncertainties are not realistic to commit.

Mr. Thomas pointed out that they are bound to provide the funds for an at grade intersection, but they do not want to post the financial guarantee and it gets set aside until this happens. He said the annexation obligation will stand instead of the onerous bonding.

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

- 5. Case #M 2008-29. Weston Studio Gallery Final Development Plan. Dell Weston, property owner, requests approval of a development plan to construct four (4) live/work units and an art gallery for a total of 9,150 sq.ft. The property consists of 3.708± acres and is zoned MU (Mixed Use). The area is located at the southeast corner of Airport Road and Buffalo Grass Road. (Lou Baker, case manager)**

Memorandum from Lou Baker, AICP, Senior Planner,, prepared August 19, 2008 for August 28, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "6."

Memo from Antonio Trujillo, Water Division Engineer, dated July 31, 2008 is incorporated herewith to these minutes as Exhibit "6(A)."

Donna Wynant presented the staff report included in Exhibit "6."

Staff recommends:

1. Applicant shall submit a construction staging plan with the building permit application detailing activities in a manner so as not to disrupt the harmony and safety of the neighborhood and existing vegetation; i.e. location of port-a-potty, location of dumpster, time of deliveries, time of construction, parking for construction workers, traffic control and warning signs (Construction Ahead), and tree protection, etc.
2. Final development plan M2008-29 shall be recorded with the Santa Fe County Clerk along with any and all deeds, private reservations, easements, covenants and restrictions shall be recorded within five (5) days after the acceptance by the City Council or the Planning Commission as the case may be, of the public dedications, if any, shown thereon, but not until such acceptance. The acceptance of a public dedication by the City does not necessarily imply the maintenance of such dedication.
3. Development shall comply with Ordinance 2008-32 requiring notification to the Santa Fe Public Schools District of a Development Plan.
4. Development shall comply with Ordinance 2007-32 requiring the posting of home energy rating score for all new residential units.
5. Development shall comply with Land Use Department infrastructure completion policy.
6. Comply with conditions from the following Divisions:
 - Technical Review Division
 - Technical Review Division/Landscaping
 - Santa Fe Metropolitan Planning Organization
 - Fire Department
 - Public Works Department/Engineering Division/Traffic Impacts
 - Wastewater Management Division
 - Office of Affordable Housing
 - Solid Waste Division Engineer
 - Sangre De Cristo Water Division

Public Hearing

Dell Weston, 101 Airport Road, was sworn. He said these will be four artist studios.

Edward Vasquez, 407 Buffalo Grass Road, was sworn. He supported the project. The area was worked on many years ago. They have a mixed use area and this would fit in perfect.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked why there is no development plan.

Ms. Baer replied that this is required at the time of building permit. She said usually they see them, but Mr. Weston has been working on this on his own.

Mr. Weston said he was advised that they were not needed.

Commissioner Lindell asked if these are rental units.

Mr. Weston replied yes, but he is not sure how many he will be renting as he will be using them.

Commissioner Lindell asked if there is any reason they could not be turned into condos.

Mr. Weston addressed this previously and recalled he would have to go before some Board for approval to do that.

Ms. Brennan said he is paying a fee in lieu because he ended up with a fraction.

Ms. Baer said the fee in lieu may be because it is not an entirely residential use. She believes the fee is based on the portion that is the live part. She said there is agreement with Santa Fe Homes Program.

Commissioner Lopez asked if this will be four additional structures.

Mr. Weston said it will be two additional structures; one is artist studios and then a gallery in front of the building.

Commissioner Lopez asked if the building permit comes before the Planning Commission.

Ms. Baer replied that it is strictly staff review.

Chair O'Reilly noted the recommendation in condition 2 is confusing. He asked if this condition is relevant to this case.

Ms. Baer said that is a general condition that may not apply to this case. She commented that Ms. Baker is often thorough.

Commissioner O'Reilly asked if the approval is when the case is approved or when the findings are approved. He said it seems these kinds of conditions are almost impossible to comply with.

Ms. Brennan stated the effective date is the filing with the City Clerk.

Ms. Baer added that the final action is the final signature and that triggers the five days.

Commissioner O'Reilly commented that the drainage calculations were marked by someone that is not a civil engineer. He said that is illegal and encouraged staff to report this when they see it.

Commissioner Armijo moved for approval of Case #M-2008-29 with staff conditions, Commissioner Lopez seconded the motion which passed by unanimous voice vote.

G. BUSINESS FROM THE FLOOR – None

H. STAFF COMMUNICATIONS – None

I. MATTERS FROM THE COMMISSION

Commissioner Bordegaray thanked Ms. Baker for her thoroughness in her staff report.

Ms. Baer said she will encourage developers to do the informational sessions. At the next meeting there will be a session regarding transit oriented development. She said some developers may not know that they would like to take the time for information sessions, so she will be sure to pass that along.

Chair O'Reilly reported that the water ordinance subcommittee can meet because the draft is ready. Those on that subcommittee are Commissioners Salazar, Armijo, Gonzales and Bordegaray. He said they may need to change the date of hearing if there is not time to review that prior to the scheduled meeting.

Ms. Baer said that has been removed from the agenda and she advised Mr. Lyons to contact the subcommittee.

Chair O'Reilly asked if it is necessary to read the case numbers for finding and fact.

Ms. Brennan replied that they can be approved in mass. She said they could be listed.

Chair O'Reilly questioned how the corrections to the minutes are recorded. He would like the corrections to minutes made at later meetings be recorded on the original.

Commissioner Armijo thought the water ordinance was postponed indefinitely.

Ms. Baer said it was until it was ready. She said they wanted the subcommittee to make its full recommendations.

Commissioner Armijo asked about the Carrows demolition again.

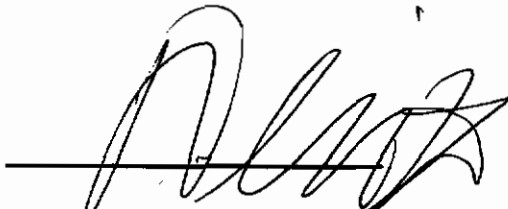
J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Lindell moved, seconded by Commissioner Lopez to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 9:30 p.m.

Approved by:

Chair Matthew O'Reilly

Submitted by:



Denise Cox, Stenographer