



Agenda

PLANNING COMMISSION
October 02, 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**

1. An ordinance repealing Sections 14-8.11(G)(3), 14-8.13, 14-8.16 and 14-8.17 SFCC 1987 regarding annual water budget, water rights transfer requirements and water rights banking; creating a new Section 14-8.13 SFCC 1987 regarding the City's water budget, development water budget requirements, the water rights transfer program, and the retrofit program; making such other related changes as are necessary. (Councilor Wurzbarger and Councilor Ortiz) (Dale Lyons, case manager) **(POSTPONED FROM JULY 17, 2008, AUGUST 07, 2008 AND SEPTEMBER 18, 2008)**

F. NEW BUSINESS

- 1. An ordinance amending Section 14-8.10(A) SFCC 1987 to permit City banners commemorating the 400 year anniversary of the founding of La Villa Real de La Santa Fe de San Francisco de Asis. (Councilor Trujillo and Councilor Bushee) (Jeanne Price, case manager)
- 2. **Case #M 2008-30. 1089 Mansion Ridge Road Escarpment Regulations Variance.** Marcy Loomis requests a variance to Article 14-5.6(D)(1) of the Escarpment Overlay District Regulations to enlarge the master bedroom and add a temperature controlled storage area. The property is located in the Ridgetop Subdistrict of the Escarpment Overlay District and is zoned R-1 (Residential -1 dwelling unit per acre). (Lou Baker, case manager)
- 3. **Case #M 2008-31. Camino Real Pavilion Annexation.** JenkinsGavin, agent for Camino Real Pavilion, LLC requests annexation of subject property (7.961± acres of land) located north of Airport Road, between Agua Fria and Camino Juliana for a total of 9.96 acres including public right-of-way. (Lucas Cruse, case manager)
- 4. **Case #ZA 2008-12. Camino Real Pavilion Rezoning.** JenkinsGavin, agent for Camino Real Pavilion, LLC requests rezoning of 7.961± acres of land from R-1 (Residential, one dwelling unit per acre) to C-2 (General Commercial). The property is located north of Airport Road, between Agua Fria and Camino Juliana. (Lucas Cruse, case manager)

5. **Case #M 2008-32. Tract 4-A2 Annexation Master Plan and General Plan Amendment.** JenkinsGavin, agent for Herrera Associates, requests approval of an Annexation Master Plan amendment and General Plan and Future Land Use Map amendment to change the designation of a total of 6.9034± acres from Residential, High Density (12-29 units per acre) to Community Commercial. The property is located west of Cerrillos Road at the intersection of Hernandez Road and Herrera Drive. (Dan Esquibel, case manager)

6. **Case #ZA 2008-13. Tract 4-A2 Rezoning.** JenkinsGavin, agent for Herrera Associates, requests rezoning of 6.9034± acres from RM-1 (Residential, Multi-Family - 21 units per acre) to C-2 (General Commercial). The property is located west of Cerrillos Road at the intersection of Hernandez Road and Herrera Drive. (Dan Esquibel, 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

October 2, 2008

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D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS		
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E. OLD BUSINESS		
1. An ordinance repealing Sections 14-8.11(G)(3), 14-8.13, 14-8.16 and 14-8.17 SFCC 1987 regarding annual water budget, water rights transfer requirements and water rights banking; creating a new Section 14-8.13 SFCC 1987 regarding the City's water budget, development water budget requirements, the water rights transfer program, and the retrofit program; making such other related changes as are necessary.	Postpone indefinitely	2
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MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

October 2, 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 Arnijo
Angela Schackel Bordegaray
Ken Hughes
Signe Lindell
Gloria Lopez
Matthew O'Reilly, Chair

MEMBERS ABSENT:

One vacancy
Estevan Gonzales (excused)
John Salazar, Vice Chair (excused)

STAFF PRESENT:

Tamara Baer, Planning Manager
Kelley Brennan, Assistant City Attorney
Wendy Blackwell, Director Technical Review Division
Donna Wynant, Senior Planner
John Romero, Traffic Engineer
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

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

C. APPROVAL OF AGENDA

Ms. Baer asked who can brief the Commission on the ordinance under old business.

Chair O'Reilly understood from Commissioner Salazar that they may scrap the whole idea.

Ms. Blackwell reported that Mr. Lyons conveyed that apparently the Water Division is considering a conceptual presentation before going into the legal writings.

Chair O'Reilly was not sure when this will be on the agenda.

Ms. Blackwell said the subcommittee planned to go through each proposal line by line and now it sounds like this may be postponed longer.

Ms. Baer stated that they can postpone indefinitely.

Commissioner Armijo wanted to see what plan will be done and then later they were told it was a draft. Then the subcommittee met to review two options and now they are starting all over again. He is not sure what direction they are going in.

Ms. Blackwell understood that Daly Lyons, Frank Katz, Gary Martinez and Marcos Martinez met and came up with the idea of presenting a conceptual approach rather than continuing to rewrite the legal document.

Commissioner Armijo stated that he spent 8 hours on this and he hates to waste the time if this is not going anywhere.

Commissioner Lindell moved to approve the agenda, Commissioner Lopez seconded the motion.

Commissioner Bordegaray asked if they are postponing the water ordinance.

Chair O'Reilly said they will come to that item and make that decision.

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

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES - None

FINDINGS/CONCLUSIONS - None

E. OLD BUSINESS

- 1. An ordinance repealing Sections 14-8.11(G)(3), 14-8.13, 14-8.16 and 14-8.17 SFCC 1987 regarding annual water budget, water rights transfer requirements and water rights banking; creating a new Section 14-8.13 SFCC 1987 regarding the City's water budget, development water budget requirements, the water rights transfer program, and the retrofit program; making such other related changes as are necessary. (Councilor Wurzburger and Councilor Ortiz) (Dale Lyons, case manager) (POSTPONED FROM JULY 17, 2008, AUGUST 07, 2008 AND SEPTEMBER 18, 2008)**

Commissioner Bordegaray moved to postpone this item indefinitely, Commissioner Armijo seconded the motion which passed by unanimous voice vote.

F. NEW BUSINESS

- 1. An ordinance amending Section 14-8.10(A) SFCC 1987 to permit City banners commemorating the 400 year anniversary of the founding of La Villa Real de La Santa Fe de San Francisco de Asis. (Councilor Trujillo and Councilor Bushee) (Jeanne Ms. Price, case manager)**

Memorandum from Jeanne Price prepared September 19, 2008 for the Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Ms. Price presented the staff report included in Exhibit "1."

Public Hearing

There was no public present to speak on this case.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Lindell asked how many banners there are.

Libby Dover, Executive Director for the 400 Year Anniversary, stated that they will count light poles, but she is looking at approximately 100.

Commissioner Lindell asked what the material will be.

Ms. Dover said it has to withstand the weather and it has been related that cloth would be preferred.

Commissioner Lindell requested they use a local sign company.

Commissioner Bordegaray asked if this will be up for two years.

Ms. Price explained that there are events from Spring 2009 to the end of 2010.

Commissioner Armijo asked if the size has to be designated.

Ms. Price reported that the H Board wants to see the specifics before this goes back to Council and at that time they would describe the size. There are some poles downtown that are set up for banners. She is not sure of the size.

Commissioner Armijo asked if they would have to come back to amend the size.

Ms. Price states that the sign code and the specifics would be approved by the Governing Body.

Commissioner Lindell moved to recommend Council amend section 14-8.10(A) SFCC 1987 to permit the commemorative banners, Commissioner Armijo seconded the motion which passed by unanimous voice vote.

- 2. Case #M 2008-30. 1089 Mansion Ridge Road Escarpment Regulations Variance. Marcy Loomis requests a variance to Article 14-5.6(D)(1) of the Escarpment Overlay District Regulations to enlarge the master bedroom and add a temperature controlled storage area. The property is located in the Ridgetop Subdistrict of the Escarpment Overlay District and is zoned R-1 (Residential -1 dwelling unit per acre). (Lou Baker, case manager)**

Memorandum from Lou Baker prepared for September 25, 2008 for the October 2nd Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Ms. Baker presented the staff report included in Exhibit "2." She made some corrections to the staff report.

Staff recommends denial of the variance:

If the Planning Commission determines the merits of variance application M-2008-30 warrant approval, staff recommends the imposition of the following conditions:

- A. Applicant shall comply with the permissible color, architectural style, size and height of structures.
- B. Applicant shall comply with the permissible artificial exterior lighting for structures, streets and drives.
- C. Applicant shall comply with the permissible locations for placement of all utilities and driveway access.
- D. Applicant shall comply with criteria for landscaping, grading and revegetation.
- E. Applicant shall comply with all matters as are appropriate to preserve the environment of the Escarpment Overlay District.

Public Hearing

Marcy Loomis, 1089 Mansion Ridge Road, was sworn. She read the project description included in Exhibit "2." The boundaries of the lot have not changed and the proportion of structure to lot is below what is permitted. There are no objections from the neighbors or the neighborhood associations. She has planned the addition to improve the structure and make the home more comfortable. The intent is to preserve the aesthetics and the view. The changes will be harmonious with the physical surroundings.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked if a topographical map is required.

Ms. Baker stated that is correct.

Commissioner Armijo said if this were approved they would need to see the map to know what height to approve.

Ms. Baker referred to Mr. Gonzales' staff report and it shows elevations of 20% or greater and less than 30%.

Ms. Blackwell said they have the City's generated topographic map. At this point, they did not require the certified slope and topo because it is general enough that they know they are dealing with less than 20% slopes in the area of the addition. The proposal meets the criteria of 14 feet.

Commissioner Armijo said in all other cases they tie the exact elevation to the height.

Commissioner Lindell said Mr. Gonzales memo states that the existing landscaping will screen the addition and notes that additional screening may be required. She asked if the applicant was agreeable to additional landscaping if needed.

Ms. Loomis agreed.

Commissioner Lindell asked if anyone ever talked about the escarpment district and ridgetop and how hard it is to do additions and modifications to the property when Ms. Loomis was purchasing the property.

Ms. Loomis replied that she had a letter stating she could build there and has not been able to find it. At the time she thought it was a nice site and the first time she heard escarpment was when she began inquiring about building last year. She had inquired in the past about building and the only feedback given was about the height.

Commissioner Lindell stated that as a realtor she likes to know if those kinds of things are disclosed.

Chair O'Reilly commented that currently there is a working group with stakeholders organized by Ms. Blackwell and they are struggling with improving the ordinances. He hopes to address cases like this so it is clearer if a variance is required or not.

Commissioner Armijo questioned if there are potential alternate sites.

Ms. Blackwell explained that the perimeter of the current footprint is all in the ridgetop and there would be an alternative site if they were to do a separate building.

Chair O'Reilly noted that they are trying to get an answer as to the primary purpose of the ridgetop whether it is to preserve views or protect the environment on top of the ridges. He added that the group is leaning toward this being a visual ordinance.

Commissioner Bordegaray asked if the ordinance in its current form protects the view and terrain.

Ms. Blackwell explained that it depends who you talk to which is why they are looking at the ordinance.

Commissioner Armijo asked if the applicant erected story poles.

Ms. Baker said they did not ask the applicant to erect story poles. She agreed with Mr. Gonzales that there would be no visual impact as there is lots of vegetation on the property.

Ms. Baer referred to Mr. Gonzales' memo which states that the proposed site will not be visible from a public road.

Commissioner Armijo questioned why some applicants have to do site visits and story poles and others do not have to provide poles. In his opinion each applicant should be treated equally.

Ms. Baer stated that under circumstances where it is very clear that there is nothing visible and the topographical maps show the same they do feel it is necessary. If there is a question then staff asks the applicants to show that.

Commissioner Armijo said it is a requirement. He is not opposed to this, but thinks they should treat everyone equally.

Commissioner Hughes said there are continuous issues with this ordinance. He agreed this does not warrant a site visit or story poles.

Commissioner Hughes moved for approval of Case #M-2008-30 with staff conditions, Commissioner Bordegaray seconded the motion.

Commissioner Lindell stated that she is not typically on board for variances in the escarpment district, but the line read from Mr. Gonzales' report that this will not be visible allows her to support this. She encouraged staff to move forward quickly and help the Commission and applicants out of these situations.

Commissioner Armijo commented that originally staff would go do a visual visit and this is why the ordinance was passed, so the decision was not left up to one individual. He does not want to leave the judgment to a person.

Commissioner Lopez did not understand some of these requirements, but asked if they should amend the motion to include this is approved provided it does not exceed the height.

Commissioner Armijo explained that staff will do that as part of the permit process and will verify the height of the rooftop. He appreciated the effort, but his point is that he does not want one person making these decisions.

The motion passed by a 4 to 1 vote with Commissioner Armijo voting against the motion.

- 3. Case #M 2008-31. Camino Real Pavilion Annexation. JenkinsGavin, agent for Camino Real Pavilion, LLC requests annexation of subject property (7.961± acres of land) located north of Airport Road, between Agua Fria and Camino Juliana for a total of 9.96 acres including public right-of-way. (Lucas Cruse, case manager)**

Items 3 and 4 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but are intended to be voted upon separately.

- 4. Case #ZA 2008-12. Camino Real Pavilion Rezoning. JenkinsGavin, agent for Camino Real Pavilion, LLC requests rezoning of 7.961± acres of land from R-1 (Residential, one dwelling unit per acre) to C-2 (General Commercial). The property is located north of Airport Road, between Agua Fria and Camino Juliana. (Lucas Cruse, case manager)**

Items 3 and 4 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but are intended to be voted upon separately.

Memorandum from Lucas Cruse, Senior Planner, prepared September 22, 2008 for the October 2nd Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Mr. Cruse presented the staff report included in Exhibit "3."

Staff recommends:

Approval of the request for Annexation subject to the Development Plan conditions outlined in the Development Review Team memorandum.
Approval of the request for Rezoning subject to the Development Plan conditions outlined in the Development Review Team memorandum.

Public Hearing

Jennifer Jenkins, JenkinsGavin, 130 Grant Avenue, Ste 101, agent, was sworn. This request is for an annexation and rezone for the property located at Airport Road and Agua Fria. The zoning requested is C-2 which is in compliance with the general plan. This property is designated for annexation in the settlement agreement to establish a presumptive city limits within the next five years.

Colleen Gavin, JenkinsGavin, 130 Grant Avenue, Ste 101, was sworn. Ms. Gavin reviewed the site plan. She said they focused on the connectivity to the neighborhood and trying to provide services that are void in this neighborhood. There are pedestrian walkways connecting this so that the neighbors can walk over. There is a generous landscape buffer wrapping the property. There were some concerns with the loading area for the grocery store and they have made some adjustments to that. The residents in this neighborhood have to drive all the way down Agua Fria to get to large shopping centers.

Ms. Jenkins stated that they will encourage alternative transportation which is appropriate for a neighborhood serving grocery store. They have worked with John Romero on the access plan.

Mike Gomez, 1599 South St. Francis Drive, was sworn. The key thing is a traffic plan. There was a detailed traffic study completed all the way over to San Felipe Road and Paseo del Sol. They were involved in the ENN meetings and based on the concerns he came up with a plan that is safe and relieves traffic in other congested areas. This plan reduces traffic on Camino Juliana by having a right turn in with a deceleration lane and right turn out onto Cerrillos Road. There is a high median so cars will not be able to make left turns. They have restricted the entrance on Camino Juliana and proposed curb, gutters and a median to ensure the right turns only. The site plan was altered so the exiting traffic is pushed towards Airport Road. The plan includes improvements to Agua Fria as well.

Thomas Williams, 4022 Painted Pony Circle, was sworn. He stated that he could walk across Airport Road to this development from his home. He addressed the issue of annexation with the Vista Primera Homeowner's Association, but is concerned with the City annexing in piecemeal fashion and this property already has services. This will be a commercial development in the middle of this residential area. He expressed concern with the impact, traffic, noise, light, pollution, and trucks at night. Other developments are going in and he hopes this does not end up being a half finished project. He was opposed to annexation of Vista Primera and this being done without the input of the people. He noted that he speaks for himself only.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Bordegaray asked if there are aerial photographs of the site.

Ms. Baer referred to Exhibit B.

Commissioner Hughes asked if this comes back if it is for development approval.

Ms. Baer replied yes.

Commissioner Armijo asked how this works with the annexation agreement between the City and County.

Ms. Baer explained that the settlement agreement was initiated in part because of Las Soleras and it basically says that the City and County agree to the presumptive city limits and will not object to the City annexing within 599. The most common way for annexations to happen is privately initiated petition and the most important issue is contiguity which this property has. The settlement agreement does not enter into this case, but this is within the area that agreed to annexation.

Commissioner Bordegaray asked if there is a signal at the intersection.

Ms. Jenkins said there is a signal.

Commissioner Lopez asked if the property is vacant currently.

Ms. Jenkins replied yes.

Chair O'Reilly asked for an explanation of the importance of the right in and right out.

Mr. Romero explained that they can put curb and gutter and force them to go the way they want. He said inevitably people will find a way to get in the way they want. Based on the amount of traffic coming off of Agua Fria, the projected splits and the site plan, he believes making it more complicated may save only 10-20 cars during the peak hour and it would not be worth it.

Mr. Gomez showed the improvements on a map. The neighborhood brought up the issue that if one passes the signalized entrance they may be forced to make a u-turn on Airport Road. The restricted access provides connectivity to the apartment complex and another exit for emergency vehicles.

Chair O'Reilly did not understand why the channel-ization is important.

Ms. Jenkins stated that the concern expressed was the traffic increasing in the neighborhood and this reduces the traffic in that area.

Commissioner Hughes asked why roundabouts have not been looked at for Camino Juliana.

Mr. Gomez replied that it is not appropriate with the volume of traffic and they would need more right-of-way. He added that it is hard to fit into this area. He agreed to look at this as they move forward.

Commissioner Hughes understood that the traffic plan is beyond the scope of this case tonight, but he has seen roundabouts that would fit into this area.

Commissioner Bordegaray commented that it appears there are four access points.

Ms. Jenkins clarified that there are three access points and one delivery only access.

Commissioner Bordegaray understood the traffic from Agua Fria will be accessing the site and they are trying to keep it off Camino Juliana.

Ms. Jenkins added that they are addressing the pedestrian connection especially across Airport Road.

Commissioner Lopez understood the annexation and rezoning are before them only.

Ms. Jenkins explained that a master plan accompanies the annexation. The development plan application reflects this and as they move ahead there will be adjustments and modifications, but if they veer off too greatly they could be asked to come back. The master plan does need to be followed.

Commissioner Lopez said the point is that this would be discussed at the next phase.

Chair O'Reilly pointed out that the conditions of approval state a different recommendation than Mr. Romero's memo.

Commissioner Armijo moved to approve Case #M-2008-31 with staff conditions, Commissioner Hughes seconded the motion which passed by unanimous voice vote.

Commissioner Armijo moved to approve Case #ZA-2008-12 with staff conditions, Commissioner Lopez seconded the motion.

Commissioner Hughes asked the applicant to look into permeable pavement.

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

- 5. Case #M 2008-32. Tract 4-A2 Annexation Master Plan and General Plan Amendment. JenkinsGavin, agent for Herrera Associates, requests approval of an Annexation Master Plan amendment and General Plan and Future Land Use Map amendment to change the designation of a total of 6.9034± acres from Residential, High Density (12-29 units per acre) to Community Commercial. The property is located west of Cerrillos Road at the intersection of Hernandez Road and Herrera Drive. (Dan Esquibel, case manager)**

Items 5 and 6 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but are intended to be voted upon separately.

- 6. Case #ZA 2008-13. Tract 4-A2 Rezoning. JenkinsGavin, agent for Herrera Associates, requests rezoning of 6.9034± acres from RM-1 (Residential,**

Multi-Family - 21 units per acre) to C-2 (General Commercial). The property is located west of Cerrillos Road at the intersection of Hernandez Road and Herrera Drive. (Dan Esquibel, case manager)

Items 5 and 6 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but are intended to be voted upon separately.

Memorandum from Daniel A. Esquibel, Senior Planner, prepared September 24, 2008 for the October 2nd Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Conceptual site plan for Tract 4-A2 Rezone is incorporated herewith to these minutes as Exhibit "4(A)."

Letter from James Hicks, Executive Director, Tierra Contenta, dated September 18, 2008 is incorporated herewith to these minutes as Exhibit "4(B)."

Letter of support from David Hernandez dated September 25, 2008 is incorporated herewith to these minutes as Exhibit "4(C)."

Comments from John Romero, Public Works Department/Engineering Division/Traffic Engineering Section, dated September 25, 2008 is incorporated herewith to these minutes as Exhibit "4(D)."

Email correspondence dated October 2, 2008 from Stan Holland, Engineer Wastewater Division, is incorporated herewith to these minutes as Exhibit "4(E)."

Mr. Esquibel presented the staff report included in Exhibit "4." He asked to remove e from the recommendations. The other issue is that there were some changes to how the construction would occur.

Staff recommends approval based on the following conditions:

1. Compliance with DRT comments:
 - a. August 20, 2008 response from Antonio Trujillo, Water Division.
 - b. September 15, 2008 response from John Romero, Public Works/Engineering Division/Traffic Engineering Section.
 - c. August 25, 2008 response from Barabara Salas, Fire Marshal
 - d. August 28, 2008 response from Risana Zaxus, M.S., PE, CFM, City Engineer for Land Use Department.
 - e. Comments from Bob Siqueiros regarding trails and open space.
2. A comprehensive development plan shall be submitted in accordance with §14-3.8 SFCC at the time of development plan submittal for Tract 4-A2 before the Planning Commission showing:
 - a. Pedestrian, bicycle and vehicular traffic connectivity between Phase I (referenced as the proposed Wal-Mart) and Phase 2 (Tract 4-A2).
 - b. The development plan shall also promote avoidance between pedestrian, bike and vehicular circulation.

Mr. Romero explained that the additional memo was in regard to financial contributions. The Hernandez-Herrera property was responsible for two connections to Cerrillos Road. When the Wal-Mart development came forward there was discussion about where to place the signals. The plan was to generate Herrera and Las Soleras drive. Herrera-Hernandez will contribute one signal that will be placed somewhere else.

Public Hearing

Ms. Jenkins, previously sworn, stated that this request is to rezone the subject property. This property was part of the original Tierra Contenta annexation. The Hernandez family property is north of this site and the Herrera Family had property in this area as well. The two tracts are RM-1. The property between this is the Entrada Contenta property consisting of Wal-Mart and smaller retail buildings. She showed a drawing that reflects the relationship of this site to the Entrada Contenta property. The tracts originally zoned were very square and when the roads were re-aligned there were some odd shaped parcels that remained.

Commissioner Bordegaray asked if the Wal-Mart access is off of Cerrillos.

Ms. Jenkins replied no and pointed it out. There were several multi family developers that were contacted about developing this property and the configuration created huge issues. She showed the original configuration of the roadway. The RM-1 residential zone is backed up to the Wal-Mart parking lot which is not ideal for residential uses. This will continue the C-2 zoning.

Ms. Gavin, previously sworn, explained that they tried to respond to the retail center and find a way to buffer future RM-1 development. They have proposed commercial development in a smaller neighborhood style. This will create a center place where the neighbors can walk to their store. She showed the pedestrian pathway and reviewed the site plan.

Ms. Jenkins pointed out that they will come back with a development plan application.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes commented that this country is way overbuilt on retail and chain stores, but way under built on affordable housing in Santa Fe. This takes away the possibility of affordable housing. He asked if there was anybody interested in developing this.

Ms. Jenkins said the developers that looked at this could not make the site work.

Commissioner Hughes asked if they considered Homewise.

Ms. Jenkins explained that Homewise does not do multifamily rental product. A national multifamily developer did not find it viable. The solution was that it would be better to continue the pattern because there is not the buffer of a roadway. A resident looking into a Wal-Mart parking lot is not an ideal situation.

Commissioner Lopez asked what is west of Herrera Drive.

Ms. Jenkins explained that there are two parcels and as you move west there is the NM School for the Deaf property and future phases of Tierra Contenta. She said for a distance it is undeveloped.

Commissioner Lopez asked if there are homes there now and understood that there will be some residences in the area.

Ms. Jenkins replied no there are not homes, but they are zoned for residential. She stated that having a roadway as a point of separation is a much more gradual transition from something more intense. They tried to move the parking so they are not pushing the buildings to one side of the property.

Commissioner Bordegaray questioned the orientation of the proposed Wal-Mart.

Ms. Gavin pointed it out on the site plan.

Chair O'Reilly commented that Tierra Contenta modifies its master plan from time to time, although they keep the balance of uses the same. He asked if rezoning changes the balance in this part of the master plan.

Ms. Jenkins explained that it does change the balance to a small degree and they are amending the annexation master plan to modify the zoning. She said they met with the Hernandez family and School for the Deaf to get thoughts on this as these are the most significant neighborhoods. This is a small project and could just as likely have office users. She did not believe this will change the balance significantly.

Commissioner Bordegaray understood there is a net loss of housing in this area, but this would allow for a greater mix of uses. It is better to have services nearby and this makes for better urban design.

Commissioner Lindell moved for approval of Case #M-2008-32 annexation, master plan and general plan amendment; Commissioner Armijo seconded the motion with staff conditions. The motion passed by unanimous voice vote.

Commissioner Lindell moved for approval of Case #ZA-2008-13 with staff conditions, Commissioner Armijo seconded the motion.

Commissioner Hughes wanted to amend the motion for mixed use instead of C-2 zoning allowing the potential for residential if designed correctly.

Ms. Baer stated that mixed use requires 50% residential.

The amendment was not accepted.

The motion passed by 4 to 1 voice vote with Commissioner Hughes voting against the motion.

G. BUSINESS FROM THE FLOOR - None

H. STAFF COMMUNICATIONS

Ms. Baer said there are some ethics ordinances that need signatures. She wanted to propose or ask if the Commission wants a further study session on the northwest quadrant and also on Tierra Contenta.

Chair O'Reilly asked for a study session on both.

I. MATTERS FROM THE COMMISSION

Commissioner Lindell agreed with Commissioner Armijo's previous statement that they do not want to go and determine variances by what is visible to one person.

Commissioner Armijo said he did not want to allow someone grounds for an appeal because the Commission is not being consistent.

Ms. Blackwell commented that the working group has discussed visual analysis software tools and if the computer analyzes the data that would take out the subjective view of the person reviewing the case.

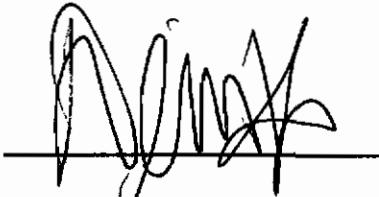
J. ADJOURNMENT

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 8:00 p.m.

Approved by:

Chair Matthew Chair O'Reilly

Submitted by:

A handwritten signature in black ink, appearing to read 'Denise Cox', written over a horizontal line.

Denise Cox, Stenographer