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PLANNING COMMISSION
Thursday, March 1, 2018 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

MINUTES: January 18, 2018
February 1, 2018

FINDINGS/CONCLUSIONS:

Case #2017-133. General Plan Amendment for Northerly Portion of Housing Authority Hopewell-Mann Lease Tract.

Case #2017-134. Rezoning for Northerly Portion of Housing Authority Hopewell-Mann Lease Tract.

Case #2017-140. General Plan Amendment for Housing Authority Hopewell-Mann Lease Tract.

Case #2017-139. Rezoning for Housing Authority Hopewell-Mann Lease Tract.

Case #2017-135. Gerhart Apartments Final Development Plan.

E. OLD BUSINESS

1. **Case #2017-123. Estancias del Norte Preliminary Subdivision Plat and Variance Request.** James Siebert & Associates, Inc, agent for HPR Properties, LLC, requests preliminary subdivision plat approval for 49 lots on approximately 40.47 acres. The property (Tract 2) is part of Phase 3 of Estancias Primera and is located at 702 Hyde Park Road. The applicant requests a variance to Subsection 14-9.2(C)(6)(i)(ii) to exceed the 10 percent maximum grade of a sub-collector road to 12 percent for 500 feet of roadway. The applicant is also requesting approval of an innovative street design and the removal of neighborhood commercial use from 1981 Estancia Primera Master Plan at Hyde North Road and Calle Mirasol. The property is zoned PRC (Planned Residential Community). (Donna Wynant, AICP, Case Manager) **(POSTPONED FROM JANUARY 4, 2018)**

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PLANNING COMMISSION

March 1, 2018

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PLANNING COMMISSION
Thursday, March 1, 2018
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

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

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present

Commissioner John B. Hiatt, Chair
Commissioner Sarah Cottrell Propst Vice-Chair
Commissioner Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Stephen Hochberg
Commissioner Mark Hogan
Commissioner Piper Kapin

Members Absent/Excused

Commissioner Vince Kadlubek

Others Present:

Ms. Lisa Martinez, Planning and Land Use Director
Mr. Greg Smith, Current Planning Division Director
Mr. Noah Berke, Current Planning Division Manager & Staff Liaison
Mr. Richard Word, Assistant City Attorney
Ms. R. B. Zaxus, Planning and Land Use Engineer
Ms. Sandra Kassens, Traffic Division Engineer
Mr. Dan Esquibel, Planner Senior
Ms. Donna Wynant, Planner Senior
Mr. Carl Boaz, Stenographer

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

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

Notice of Meeting Issue

Chair Hiatt said there was an issue of notice. He asked former City Councilor Heldmeyer to come forward.

He explained the Councilor raised an issue and generally on this type of issue the Commission hears the facts. He would hear from former Councilor Heldmeyer and then make a decision, which the Commissioners could overrule if they choose.

Ms. Karen Heldmeyer was sworn.

Councilor Heldmeyer explained she prepares a weekly list of meetings in the City and the online listing did not include the Planning Commission. She alerted the City Clerk's office and asked why the meeting was not posted on line or in the hallway of City Hall, etc. She was told by the Clerk's office that the meeting had been canceled.

She learned this morning from the Clerk's office that the meeting was not canceled and had been posted within the required 72 hours, but in the interim, those she contacted had contacted and told others about the cancellation. She thought there could be people who wanted to be present that were not because they thought the meeting was canceled.

Chair Hiatt apologized on behalf of the Planning Commission and the City. He recognized Karl Sommer who came forward to speak.

Mr. Sommer said on behalf of his clients, they have a case on the agenda that could be impacted by the Chair's decision.

Chair Hiatt replied that his discussion with Ms. Heldmeyer was not ex parte and she did not raise any specific case. This was a matter of administrative procedures for the Planning Commission.

He acknowledged Mr. Word.

Mr. Word also apologized for any confusion. As a matter of law, the notice of the Planning Commission meetings is governed by the Open Meetings Act, Section 10-15-1 which the City adopted as well as annually adopting an Open Meetings Resolution. The two documents guide them in determining what is required by law.

There are also notice provisions in Chapter 14 of the Land Use Code and Staff and Chair can confirm that those requirements and the Open Meetings Act requirements have been met. Both require a minimum of 72 hours' notice. The meeting was published in the New Mexican Newspaper 15 days in advance. Although there may have been a delay in posting the meeting on the web page, it was posted there more

than 72 hours prior to the meeting. The notice requirement was met and would be up to the Commission to proceed or not.

Mr. Word stood for questions.

Mr. Smith said the notice for tonight's meeting was a continued hearing from the January meeting. Staff received an *affidavit from the applicant* of notice provided prior to the January hearing, which met the 15-day requirement. The sign remains posted and the date has been corrected and is more than required by code.

In addition, the announcement at the January Commission meeting to postpone the hearing to a date certain - i.e. tonight's hearing - also meets Chapter 14 and the agenda was published as required.

There were no further questions.

Chair Hiatt ruled that notice had been met and was proper and the Commission would proceed. There were no challenges to his decision.

Commissioner Gutierrez noted for the record that he had a difficult time finding the listing on the website. There were two tabs and he found the packet with the items in the second tab.

Ms. Martinez noted recent changes made by the City to the webpages and if that made things more difficult to find information, she was happy to pass that on.

Chair Hiatt asked Ms. Martinez to convey the Commission's concern about the confusion to the City Clerk.

C. APPROVAL OF AGENDA

Mr. Smith noted that not all the findings listed on the agenda have been prepared or included in the Commission packets.

Chair Hiatt replied they would consider the prepared items. He confirmed Case #6 of the 551 rezoning of Alarid Street would be scheduled in a future meeting.

There were no other changes from the Commission.

MOTION: Commissioner Hogan moved to approve the agenda as amended. Commissioner Faulkner seconded the motion and it passed unanimously.

Chair Hiatt said he received an email about changes to the minutes requested by Staff. He asked if the changes were given to the stenographer.

Mr. Smith indicated he did not have a copy of the changes due to the confusion with the delayed set

up, but if acceptable, would provide them to Mr. Boaz.

Secretary Faulkner indicated she did make changes and would submit those to Mr. Boaz as well.

Chair Hiatt indicated that Commissioner Kadlubek had come to the meeting but was called away and is excused.

D. APPROVAL OF MINUTES AND FINDINGS OF FACT MINUTES

1. Minutes:

- **January 18, 2018**

Commissioner Hogan said he saw two minor typos on page 19, third to the last sentence: *'to the governing body - make sure other errors not covered by the clinic staff with housing... might have been intended as stay with housing.*

Page 20, fifth paragraph from the bottom: *"Commissioner Kapin, wondered if there is another type of designation like a special use permit that would state what this could be used for.*

MOTION: Commissioner Faulkner moved to approve the minutes of January 18, 2018 as amended. Commissioner Garcia seconded the motion and it passed by unanimous voice vote except Commissioner Hogan who said he was absent from the meeting and abstained.

- **February 1, 2018**

There were no changes from staff or the Commission.

MOTION: Commissioner Kapin moved to approve the minutes of February 1, 2018 as presented. Commissioner Faulkner seconded the motion and the motion passed by unanimous voice vote.

Chair Hiatt asked Mr. Word which copies the Commission had of the Findings and Conclusions.

Mr. Word indicated the Commission should have copies of the Gerhardt Apartments Findings.

Mr. Smith said the Findings had had changes but were not substantive.

2. Findings of Fact and Conclusions of Law

- **Case #2017-133. General Plan Amendment for Northerly Portion of Housing Authority Hopewell-Mann Lease Tract.**
- **Case #2017-134. Rezoning for Northerly Portion of Housing Authority Hopewell-**

Mann Lease Tract.

- **Case #2017-140. General Plan Amendment for Housing Authority Hopewell-Mann Lease Tract.**

- **Case #2017-139. Rezoning for Housing Authority Hopewell-Mann Lease Tract.**

The Findings listed above were postponed to the next regular meeting of the Planning Commission.

- **Case #2017-135. Gerhart Apartments Final Development Plan.**

MOTION: Commissioner Kapin moved to approve Findings of Fact and Conclusions of Law for Case #2017-135, Gerhart Apartments Final Development Plan. Commissioner Propst seconded the motion. The motion to approve the Findings and Conclusions as presented passed unanimously by voice vote.

E. OLD BUSINESS

1. **Case #2017-123. Estancias del Norte Preliminary Subdivision Plat and Variance Request.** James Siebert & Associates, Inc, agent for HPR Properties, LLC, requests preliminary subdivision plat approval for 49 lots on approximately 40.47 acres. The property (Tract 2) is part of Phase 3 of Estancias Primera and is located at 702 Hyde Park Road. The applicant requests a variance to Subsection 14-9.2(C)(6)(i)(ii) to exceed the 10 percent maximum grade of a sub-collector road to 12 percent for 500 feet of roadway. The applicant is also requesting approval of an innovative street design and the removal of neighborhood commercial use from 1981 Estancia Primera Master Plan at Hyde North Road and Calle Mirasol. The property is zoned PRC (Planned Residential Community). (Donna Wynant, AICP, Case Manager) (**POSTPONED FROM JANUARY 4, 2018**)

Ms. Wynant explained this was postponed from the January 4, meeting and the minutes were in the packet. The focus was a drainage report by an independent outside consultant that went through an RFP process. The RFQs went out to a number of firms in Albuquerque and Santa Fe and the firm selected is in the packet. She reported on what has occurred since January 4 and the Land Use Department's three recommendations and conditions of approval.

Ms. Wynant began first with the scope of work listing five things the consultant Design Ingenuity, was responsible for and what was involved in the site evaluation.

She said Ms. Guerrerortiz with Design Ingenuity had stated in the report that the drainage calculations from the Applicant meets the City's specifications per Chapter 14 of City Code. The consultant stated in her professional opinion that the plans would improve the current condition of the site and the existing active erosion conditions. She also said the final plans addressed the 17 items she listed in her report. Also, the consultant recommended a drainage maintenance plan be prepared for the HOA clearly indicating as-built locations of all facilities and the original design of each. The maintenance plan should clearly indicate what

items should be checked, what maintenance is necessary and a schedule for the maintenance.

Design Ingenuity recommended the HOA documents include a required drainage maintenance fund with no less than \$10,000 set aside for drainage maintenance needs. Other recommendations included a cutoff swale be installed on the Estancias del Norte property along the El Matador property line to the Arroyo de los Piedras based on the 100-year 15-minute rain fall event, assuming 100% of the rain runs off.

And finally, it recommends that the HOA maintain ponds and provide for at least 2000 impervious square feet per lot of home development as a safety factor in their ponding volume calculations.

She said Ms. Guerrerortiz stated that since homeowners may neglect the maintenance of their ponds on their lots, the HOA should be required to inspect the individual ponds annually and provide maintenance to the ponds as necessary.

The attached letter from Mr. Siebert addresses HOA and drainage maintenance issues. As noted in the January 4th Staff Report, analysis has determined that the proposed preliminary plat will comply with all applicable standards subject to compliance with the conditions recommended by City Staff. Staff also supports the conditions of approval recommended by the consulting engineer.

The Staff recommendations are included in the report. There are three motions the Commission discussed and considered at the at January 4, 2018:

1. A variance to exceed 10% maximum grade of a sub-collector road to 12% for 500 feet of roadway.
2. The requested innovative street design pursuant to subsection 14-9.2B4 based on a determination that the proposed design will achieve the street improvement and design standards and provide adequate bicycle and pedestrian facilities, as well as necessary transit facilities.
3. Improve the 49-lot preliminary subdivision plat subject to recommended conditions of approval and technical corrections based on a determination that the proposed subdivision will comply with approval criteria specified in subsection 14-3.7C. The conditions include recommendations 1-17 from Design Ingenuity's memo.

Ms. Wynant said Commissioner Kapin called her to ask why other recommendations were not included in the report with the 17 recommendations by Design Ingenuity. She prepared a chart of the additional conditions for the Commission's consideration. They relate more to the HOA and their responsibilities.

Chair Hiatt indicated the Commission would like to see the chart.

Mr. Smith added for the record that the Commissioners have several communications from various individuals and neighborhood groups.

Chair Hiatt asked Mr. Smith to speak before hearing from Ms. Guerrerortiz.

Mr. Smith explained that Ms. Guerrerortiz's Report had been released to the Commission and staff was contacted by individuals in the neighborhood. He explained it was abnormal to distribute the materials, but they were trying to maximize communication on the technical issues. The city engineer and case planner also met

with the representatives of the El Matador property and attempted to connect with other neighbors but were unable to due to scheduling, etc.

Ms. Orallynn Guerrerortiz at 1421 Luisa Street, Suite E, was sworn.

Ms. Guerrerortiz commended Staff for their excellence and the skill of the City's engineers. She reviewed the preliminary plan and found it in accordance with and exceeding City Code, especially on erosion and protection issues. Her report confirms that Staff used logical values in their analyses and were conservative in their analysis. That was key and showed their diligence in protecting the neighborhood.

The site is experiencing active erosion problems and there are a number of check dams from the 1920's, some filled with sediment. She recommended all of that be left in place and agreed with staff's recommendation to install more and never remove or clean them of the sediment. The design concept is this slows the water down by stepping it and releasing the energy of the water that erodes, rather than rushing down. Trying to clean out the sediment would create more disturbance problems.

She has recognized that people forget what they need to do, and key is planning ahead and mapping. She believed all 17 conditions would have been addressed anyway and came from the fact that the plans were in a preliminary stage. The Commission should not be concerned about them.

Ms. Guerrerortiz noted all her recommendations are beyond what the Code requires because the area is unusual with existing problems and possibly needs more care. She offered to address her recommendations and noted they were just her experience in the community.

Chair Hiatt asked if Ms. Guerrerortiz would remain in case there were questions later.

Mr. Word clarified the reference to recommendations was to the six in the handout.

Chair Hiatt confirmed the six were not part of the 17 from Ms. Guerrerortiz. Ms. Wynant agreed they were not.

Commissioner Propst said the 17 all made sense. Her question was that many of the recommendations refer to the HOA. She asked if the six recommendations on top of the 17 were appropriate for the Commission to incorporate as conditions.

Ms. Guerrerortiz agreed they were but on condition #4 she thought a swale should be installed. She would not recommend who should pay for that but given the existing problems, it is necessary. The other recommendations were appropriate.

Commissioner Faulkner noted Ms. Guerrerortiz had experience with those types of problems. She asked if \$10,000 would be enough to cover something calamitous.

Ms. Guerrerortiz said generally, that would be more than enough for one year and in most years, they would spend a few thousand. The HOA would have to do improvements if there is a calamitous problem but the \$10,000 could be untouched for years.

Commissioner Kapin thanked Ms. Guerrerortiz for her report and thoughtfulness and she fully agreed with her. She asked if Ms. Guerrerortiz had other projects that had put a drainage and maintenance plan in place.

Ms. Guerrerortiz said Las Estrellas neighborhood is an example and they have a maintenance fund for drainage and Charlie Gonzales is their inspector and is out there all the time directing. Paseo del Norte does also; most do have a drainage fund. The fund comes out of the historic need and recognition of the need to put money into drainage maintenance.

Chair Hiatt asked if the \$10,000 would need to be replenished in ten years.

Ms. Guerrerortiz agreed and had stated in her report that she anticipates all the check dams would be replaced in 20 years.

Chair Hiatt stated they all have confidence in the engineers. But based on the number of complaints and the limited ability to look at this, the Commission wanted another set of eyes. He thanked Ms. Guerrerortiz and Mr. Romero for picking up the tab for the consultant.

Applicant's Presentation

Chair Hiatt clarified that he would open the public hearing again, but it was limited to this report only.

Mr. Jim Siebert, 915 Mercer St., was sworn.

Mr. Siebert began by saying he agreed with the Staff's conditions and the 17 conditions recommended by Design Ingenuity. He asked to discuss the recommendations for clarity and noted there were no problems with conditions one through three. On condition #4 - a swale along the El Matador property line based on the 100-year, 15-minute rainfall event. They have been in discussion with El Matador Condominium Association for three weeks. Today, they finalized a letter of agreement between Mr. Romero, HPR, LLC and the El Matador Association.

He passed out the letter of agreement and informed the Commission he would like to replace Condition #4 with the letter of agreement and wanted that to be part of the record. The letter has details regarding who is responsible, who would pay for what and who is responsible in the long-term to maintain the drainage structure.

Chair Hiatt asked for Ms. Wynant and Ms. Guerrerortiz to confirm the letter was along the lines of what they had proposed.

Mr. Seibert confirmed that Ms. Wynant had been part of the conversation and familiar with the letter. He noted that on conditions 5 and 6, Design Ingenuity made the conditions either/or. They must assume an additional 2000 square feet of impervious surface that would have to be maintained in the central ponds, or the HOA would be responsible for inspecting the ponds. The current covenants and by-laws would have to be modified to make that happen.

They agree with condition #6 that there would be an inspection. The current theory in stormwater management is to try to keep the stormwater as close to the source as possible. The ponds are used to maintain and directed toward vegetation as a supplemental and they feel they should be close to the house. They do agree that the HOA would ensure those ponds would be maintained by the Association. If Condition 4 is superseded by the letter, #5 would not be needed. That is the way it has been in the Design Ingenuity Report and they are willing to include that in the inspection requirements.

Santa Fe Engineering also has a brief presentation on maintenance of the structures and he could have them make the presentation if the Commission would like.

Chair Hiatt said they would hold off on a presentation for the moment. He indicated for the record that Ms. Guerrerortiz had stood up and nodded yes in agreement that #5 and #6 are alternatives and was consistent.

Chair Hiatt asked those wanting to attest in the public hearing to come forward. He provided instructions and noted that he would assume that each of them had read the report.

Public Hearing

JENNIFER JOHNSON at 605 Sunset Street was sworn. She recalled that Commissioner Hogan had asked for the terms for the extra study and climate change was discussed and the FEMA studies and the 100-year floodplains. She has provided information on FEMA's changes on 500-year flood plains down to 25-year flood plains. She did not see that addressed and thought it was a critical part of what they had agreed to in January.

Chair Hiatt confirmed that Ms. Johnson was the author of the study packet the Commission had received and confirmed the packet was included in the record. He asked Commissioner Hogan if that was his request.

Commissioner Hogan replied he had requested that because it had come up in his work that FEMA has been in flux. He had directed the question to Ms. Zaxus if that would influence the long run performance of the structures.

Chair Hiatt thought the points were well taken but was not sure and did not expect the report to include that kind of information. It is important going forward as a society, but he thought it would not be part of the Commission's decision.

Ms. Johnson stated it is an important part of the impact of the Arroyo de los Piedras and the construction done upstream, and she thought this would be part of the study.

Mr. Smith replied staff and Ms. Zaxus discussed excess capacity. The consulting engineer's report recommends a 20% safety factor that affects not just siltation but changes in flow volumes.

RICHARD FOLKES, who did not state his address, was sworn. He indicated he included a letter on the topic and has read both engineering studies. He found an omission of the condition of the Arroyo de los Santa Fe Planning Commission

Piedras. After the last Commission meeting in January he talked with the soil scientist at the Natural Resource Conservation Service who downloaded two pictures. The first picture shown on screen was taken in 1991 of the previous proposed development with 13 less units more than this proposal. He pointed out the width of the arroyo and the vegetation, or lack of, and property to the east where the 49-unit development is proposed.

Mr. Folkes noted that every resident and household would drain into the arroyo and looking at 26 years later in a proposed development with 13 more units shows the entire arroyo choked with Elm and Chamisa to Sierra del Norte. His father authored the Santa Fe County Soil Survey and he had walked this area every day. He noted the width of the arroyo in 1990-1991 versus present day and that the constriction had degraded to the point it would carry less than half the load it did 25 years ago.

They are now looking at a proposed development of 13 units more than in 1995 and neither report covered the remediation of the Arroyo. He would like to bring that to their attention and find out how that would be handled.

SUE HERRMANN, 1305 Calle Ramon, said they are ignoring the elephant in the room. All the responsibility for the maintenance of the important structures is put on the HOA for the safety of the neighbors. The problem in her area and that area of town, is that full-time resident occupancy rates are plummeting and the sub divisions at 800 East occupancy is 37% and about 20% - 22% for the rest. When she moved there 30 years ago, there was one second home and they are now up to 10 and older residents are dying out.

She expressed concern that the homeowner's association would have no one there to do the work. And another problem there was no way to enforce this. Presumably, when fully developed, three years after that, the LLC responsible for the development of Las Estancias would be gone or not have assets to pay for any damages. In regard to liability, when there is damage liability will fall on people who are damaged below, and they would have to go up to enforce whatever they could against those residents.

Ms. Herrmann quoted Mr. Siebert when asked at the ENN about liability "*The homeowners association, to the extent that it exists*". That is the problem residents will have and is not a question of what is going to happen or if it is going to happen but when it is going to happen. There should be a way for those damaged to be made whole.

ERNIE ROMERO, 2011 Botolph Road, was sworn. He highlighted in the report on Design Ingenuity condition #2 that they volunteered not only to meet the City's standards for drainage control but to exceed them by 20 percent. They understand how sensitive the property is and how the arroyo contributes to the Arroyo de los Piedras. Under City Code with regard to the Arroyo, they are not allowed to discharge any more water than they do currently. The plan that will be finalized will discharge less, and more importantly, whatever is discharged will be discharged more slowly, which helps with the erosion factor. The Arroyo de los Piedras is governed by bodies other than the private sector, the Corps of Engineers, etc. and he knows what the Arroyo looks like and would be happy to be part of a group to address the Arroyo and the area.

There were no other speakers from the public regarding this case and the public hearing portion was closed.

Mr. Siebert asked to comment regarding the HOA. They are managed by professional companies and it would not matter if 100% were second homes. They still must pay their HOA dues. A lien is placed on their property if that is not paid. He pointed out two safety factors are built in. The covenants give the entity the right to inspect any of the drainage improvements. Also, when the plat is signed and recorded a provision allows the City the right to enter and if they fail to maintain the drain structures, the City can make necessary repairs and place a lien on the property to pay for corrections.

Chair Hiatt said he and Mr. Smith and Mr. Word discussed the HOAs. He asked them to speak to their discussion. He thought they could lien the property, but it would be difficult to collect until the property is sold. He recalled 8 or 10 years ago there were over 100 associations for condominiums, homeowners, etc., registered at the Land Use Department.

Mr. Smith said Staff concurred with Mr. Siebert's summary. Staff would inspect any onsite maintenance structures as the subdivision is improved and road planning, etc. is completed. There is a 1-2 year maintenance process and the City would reserve a bond to ensure construction is up to standards.

He noted that Mr. Siebert was also correct that 14-8.2(K) gives City Staff wide latitude to enter the property and inspect for maintenance issues and correct problems and place a lien on the property. The Land Use Department Staff currently has the capability to ensure the improvements were designed to standards and to respond to complaints from neighbors should there be problems.

Mr. Smith said he would not raise false hopes about the City's ability to closely monitor an HOA routinely or monitor inspections in each of the sub divisions throughout the City.

Chair Hiatt noted this is a preliminary subdivision plat and, if approved, they would have another opportunity to look at the proposal.

Commissioner Kapin, following up on what Mr. Smith said, noted typically when called to inspect property there are records of inspections and maintenance. She asked if HOAs were responsible for keeping those or providing those to the City.

Mr. Smith deferred to Ms. Zaxus who could probably respond in more detail.

Commissioner Kapin said she asked because in trying to figure out enforcement for the neighborhood the Commission was requesting maintenance plans and schedules etc. She thought it reasonable to request the HOA keep track of the records and wondered if the Commission would be open to including that in the conditions. She asked Ms. Zaxus to respond.

Ms. Zaxus asked that the question be repeated and replied she did not have information on that and had never been involved in a situation where she had to ask those questions.

Mr. Eric Jimenez at 1599 St. Francis was sworn. He responded regarding the maintenance that he was not sure if the HOA is required to keep records, but on this subdivision the stormwater maintenance requires the HOA to maintain records and keep logs of every time inspections are done or there is routine maintenance.

Commissioner Kapin asked if the records would be available to the City. Mr. Jimenez replied they would be and it is in the covenant.

Mr. Siebert indicated the inspection schedule is twice a year, but he did not know the requirement for keeping the records. He assumed it was for ten years.

Chair Hiatt addressed Mr. Siebert regarding his comment that someone else had a brief report. He asked if the report was essential.

Mr. Siebert said it was not and the Commission had covered everything adequately.

Commissioner Faulkner expressed concern about the considerable liability put on an HOA that was not yet established. That could be setting up residents for a situation as well as the neighborhood. She asked if the maintenance fund could be increased to something higher because she was concerned about the residents of both areas.

Mr. Siebert explained the HOA must adopt a budget on an annual basis and as the \$10,000 was drawn down for repairs, it had to be replenished and there is always a minimum of \$10,000. He agreed with Ms. Guerretortiz that the amount would be more than adequate to take care of even a major rain storm. Generally, there is enough money in the budget as contingency to cover that.

Mr. Word said Mr. Siebert and others have referenced specific covenants proposed for the plat that reference HOA maintenance and they are all in the record. He asked if possible to read the particular covenants for clarification.

Mr. Siebert directed Commissioners to their packet. He pointed out they had discussed which sections of the covenants apply to the bylaws and they are a matter of record. He said he would not go through them case by case, but as a matter of record they are available to the Commission.

Chair Hiatt asked if Mr. Siebert suggested that in the January 4, 2018 hearing.

Mr. Siebert replied no. These were supplemented for this hearing. He recalled that Commissioner Propst had the exact concern of how to guarantee the HOA would entertain this.

Commissioner Hogan expressed his appreciation for the 20% safety factor the developer had agreed to include that referenced the changes of increase in run off due to climate change. He thought that the responsible thing to do and it had addressed his concerns.

Action of the Commission

MOTION: Commissioner Hogan moved approval of the variance to subsection 14 9.2 C612 to exceed the 10% maximum grade above a sub-collector road to 12% for 500 feet of roadway. Commissioner Cottrell Propst seconded the motion.

Mr. Word said he loves specificity and that should suffice. The standards are in the code for the variance, but perhaps a specific reference that all of the standards have been met.

Mr. Smith noted that on pages 6-7 in the staff report of January 4 includes steps of the analysis of the variance criteria.

Chair Hiatt asked Commissioner Hogan if his motion included criterion for one of the special circumstances.

Commissioner Hogan replied it does.

Chair Hiatt asked if the motion also includes criterion #2 to the special circumstances making it feasible for reasons other than cost to develop the property.

Commissioner Hogan replied it does.

Chair Hiatt asked if the motion includes in criterion #3 the intent that the development shall not exceed that which is allowed on other properties.

Commissioner Hogan replied yes, it does.

Chair Hiatt asked if the motion included in criterion #4 the variance that would make it possible for reasonable use of the land.

Commissioner Hogan responded yes, along with the other conditions that were listed.

Chair Hiatt asked if the motion included the consistency with the purpose and intent of Chapter 14.

Commissioner Hogan replied yes.

Chair Hiatt asked if Commissioner Hogan's motion was not contrary to the public interest.

Commissioner Hogan answered it was not contrary to public interest.

Chair Hiatt asked if the second to the motion also agreed that those criteria are what is being approved by the Commission.

Commissioner Propst agreed.

The motion passed unanimously by roll call vote with Commissioners Hogan, Propst, Garcia, Gutierrez, Hochberg, Kapin, and Faulkner voting in favor of the motion and none voting against.

Chair Hiatt asked if there was a motion for the innovative street design.

MOTION: Commissioner Propst moved approval of the requested innovative street design pursuant to subsection 14-9.2 (B)(4) based on a determination that the proposed design will achieve the intent of the street improvement and design standards and will provide adequate pedestrian and bicycle facilities as well as necessary transit facilities. Commissioner Hochberg seconded the motion.

The motion passed unanimously by roll call vote with Commissioners Garcia, Hochberg, Gutierrez, Hogan, Faulkner, Kapin, and Propst voting in the affirmative and none voting against.

Commissioner Kapin noted the additional recommendations were made in the form of recommendations. She asked if in the next motion those would be per the Commission, considered conditions of approval moving forward.

Chair Hiatt replied it would depend on the vote but the person making the motion could include those as conditions and if the Commission agreed that could be included. He thought that was the intent.

MOTION: Commissioner Kapin moved to approve the 49-lot preliminary subdivision plat subject to recommended conditions of approval, technical corrections and additional recommendations made in the Design Ingenuity report dated 2/15/18 based on the determination that the proposed subdivision will comply with approval criteria specified in subsection 14-3.7(C). These conditions include recommendations 1 through 17 in the attached memo from Design Ingenuity dated 2-15-18, with #4 replaced by the letter of intent and #5 removed. Commissioner Hogan seconded the motion.

The motion passed unanimously by roll call with Commissioners Faulkner, Garcia, Gutierrez, Hochberg, Hogan, Kapin and Propst voting in the affirmative and none voting against.

Mr. Hiatt thanked everyone who participated. Through the two hearings they had a lot of community input and he appreciated that and they had done a wonderful job. There were a lot of questions and he thought not all had been answered, but they had to make a decision and they did that.

He said the Commission appreciated everyone's input.

F. NEW BUSINESS

1. **Case #2018-12, 213 South El Rancho Road Subdivision.** Karl Sommer, agent for Arnoldo Carrillo/Carrillo's Construction, requests final plat approval for a four-lot subdivision which includes lot line adjustment. The property is 1.13 +/- acres and is zoned R-5 (Residential – five dwelling units per acre). (Dan Esquibel, Case Manager)

Staff Report

Mr. Esquibel presented the staff report for this case. The applicant has substantially complied with the preliminary plat and addressed all the conditions imposed and does not oppose any of the conditions but is in favor of the conditions. Staff recommended approval.

Applicant's Presentation

Mr. Karl Sommer, PO Box 2476, Santa Fe, NM was sworn. He introduced Mr. Arnold Carrillo, the developer of the project who came with him. He said they both agreed with all of the conditions and would stand for questions.

Public Hearing

There were no speakers from the public regarding this case and the public hearing portion was closed.

Action of the Commission

MOTION: Commissioner Hochberg moved to approve the lot line adjustment between lot line 10 and 11 as presented. Commissioner Gutierrez seconded the motion.

The motion passed unanimously by roll call with Commissioners Hochberg, Garcia, Gutierrez, Propst, Kapin, Hogan and Faulkner voting in favor and none voting against.

Regarding the Final Subdivision Division Plat:

MOTION: Commissioner Hochberg moved approval of the final subdivision plat in Case #2018-12 including all the criteria for the final subdivision plan as contained in 14-3.7(C) and all the criterion thereof and all conditions proposed by staff. Commissioner Hogan seconded the motion.

The motion passed unanimously by roll call with Commissioners Hochberg, Garcia, Gutierrez, Propst, Kapin, Hogan and Faulkner voting in favor and none voting against.

- 2. Case #2018-09. Las Soleras Regional Park Final Subdivision Plat. James W. Siebert & Associates, agent for Las Soleras del Oeste, requests final subdivision plat approval to divide approximately 21.29 acres (Lot 12B-1A of the Las Soleras Master Plan) into two-lots of 10.144+/- acres and 11.155+/- acres. The property is zoned R-21 (Residential- twenty-one dwelling units per acre). (Mr. Esquibel, Case Manager)**

Staff Report

Mr. Esquibel said in the case report for cases 09 and 10, both had to do with acreage related to the park that will eventually be dedicated to the City. The applicant met all conditions and staff recommends approval for both divisions. Both subdivisions are in substantial compliance with the preliminary plat as approved by the Planning Commission.

Applicant's Presentation

Mr. Siebert (previously sworn) said they agree to the conditions for both subdivisions. Chair Hiatt stated on behalf of the Commission they are delighted to see the park.

Public Hearing

There were no speakers from the public regarding this case and the public hearing portion was closed.

Action of the Commission

Commissioner Kapin said Mr. Esquibel's report states it is substantially conforming to the preliminary plat that the Commission approved. She asked Mr. Esquibel what the changes were if any from the approval by Staff.

Mr. Esquibel replied there were none. His charge as a requirement of Chapter 14 is to ensure the final plat complies with what the Commission approved. He ensures the applicant addresses all the conditions going forward.

Chair Hiatt asked the meaning of "substantially." Mr. Esquibel did not know and said he would have to ask Mr. Smith, who wrote it.

Mr. Smith said the Commission must determine first if the final plat complies with all applicable codes and standards and must conclude it is at least substantially consistent with the preliminary plat. Otherwise they would have to go back to a preliminary plat hearing.

Commissioner Hochberg thought it was just to give a little margin of error.

Mr. Smith said the staff analysis determined that the final plan is fully consistent with applicable codes and the preliminary plat.

MOTION: Commissioner Hochberg moved in Case #2018-09, to approve the final subdivision plat division into 2,129 acres into two lots of 10.14 +/- acres and 11.55 +/- acres and has benefits approved according to the criteria and is subject to all of the conditions contained in the record and substantially complies with the subdivision. Commissioner Faulkner seconded the motion.

The motion passed unanimously by roll call vote with Commissioners Hochberg, Faulkner, Garcia, Gutierrez, Hogan, Kapin and Propst voting in favor and one voting against.

- 3. Case #2018-10. Las Soleras Tract 9A-1A Final Subdivision Plat. James W. Siebert & Associates, agent for Las Soleras del Oeste, requests Final subdivision plat approval to divide**

approximately 25.7 acres (Las Soleras Master Plan Tract 9-A-1) into two Lots of 10.37 +/- acres and 15.39 +/- acres. The property is zoned R-21 (Residential- twenty one dwelling units per acre). (Dan Esquibel, Case Manager)

MOTION: Commissioner Hochberg moved in Case #2018-10 to approve a final subdivision plat to divide into approximately 25.7 acres into two lots, 10.37 +/- acres and 15.39 +/- acres and this is in compliance with all recommendations and subject to the approval criteria contained in the staff report. Commissioner Faulkner seconded the motion.

The motion passed unanimously by roll call with Commissioners Hochberg, Faulkner, Garcia, Gutierrez, Hogan Kapin and Propst voting in favor and none voting against.

- 4. Case #2018-04. Ross's Peak Final Subdivision Plat.** James W. Siebert & Associates, agent for Ross's Peak LLC and Las Soleras del Oeste, requests approval of a final subdivision plat to create 182 residential lots in two phases. The property is approximately 25 acres and is zoned R-12 (Residential – twelve dwelling units per acre) and is located on Tract 12A-1 and 12A-2 of the Las Soleras Master Plan area. (Dan Esquibel, Case Manager)

Staff Report

Mr. Esquibel presented the staff report for Case #2018-04. Staff recommended approval of a final subdivision plat and the development plan attached, subject to the recommended conditions. Staff added new conditions with the final plat.

He said he understood that the applicant wanted to clarify condition #4 – to control dust - unless authorized by the Land Use Director, only one phase may be graded with 50% of that phase completed, including housing, before a grading permit can be issued for the next phase.

Mr. Esquibel said they want to control the dust onto Nava Adé and area residents. They believe this is written to give flexibility if the neighborhood and the Land Use Department and the applicant come together and agree upon a grading plan different from proposed. That gives the City the authority to move forward without compromising anyone. He noted the applicant wished to present something on their behalf.

Staff believed the applicant has substantially complied with the preliminary plat as approved by the Planning Commission and addressed all the conditions from the preliminary plat.

Applicant's Presentation

Mr. Siebert (previously sworn), said he wanted to clarify what was requested. In his experience if there is ambiguity it becomes difficult to implement the conditions from the City and the applicant's standpoint. He thought the language he passed out said the same thing but in a different manner.

He read the suggested language for clarification of condition #4:

"The key is that they have utilities and trails offset outside Unit 1 and they want the ability to grade those, to put in utilities and construct a trail. Upon issuance of the building permit for 50% of the lots within Unit 1 the City will issue a grading permit for Unit 2 consisting of 70 lots."

Mr. Seibert said the only difference he could see is that it defines at what point they determine the housing. They put 'building permits' because that is easier to track than final inspections.

They have agreed to all other conditions and just asked for this clarification.

Public Hearing

KAREN HELDMEYER, previously sworn, said some of the neighbors in the area have approached the Neighborhood Network and are still concerned about the dust. She paraphrased one statement that *the first people had to suffer because of the dust, but the City does to want to do anything to correct the situation and everyone has to suffer the same amount.*

Many people in the area did not feel the issue was sufficiently addressed, particularly on weekends and holidays. There may be dust control when workers are there but at other times there is no dust control and that should be considered.

Ms. Heldmeyer noted the Commission saw the pictures several meetings ago. She suggested strong recommendations would be appropriate because people thought this could also be a health hazard.

There were no other speakers from the public regarding this case and the public hearing portion was closed.

Commission Discussion

Mr. Esquibel noted regarding prior applications issued in the Las Soleras area, when the application is amended for any reason the condition is added. That requires them to address issues for their staging areas. Inspectors found that the trucks coming in and out were kicking up the dust and the condition requires them to put gravel on the staging areas at the time a permit is amended.

The condition is also attached to every building and grading permit. The condition was modified by the Land Use Planning Division and the Technical Review Committee and hits every aspect of environmental dust control and was done to catch that retroactively and stop the dust.

Mr. Esquibel noted both the neighborhood and Pulte Homes have been meeting to resolve the issues and he is working with them to ensure both sides are talking. Councilor Harris has also been involved and everyone is working with the neighborhood and Pulte Homes as they construct and move dirt in the Las Soleras area.

They believe the condition is strong enough to work with the neighborhood and gives them flexibility,

but the strength to enforce the condition in the event they stall.

Chair Hiatt asked when gravel is put on a staging area if it is on the entire area.

Mr. Esquibel explained it is required on the whole staging area, but whether with gravel or another hard surface is left up to the engineer.

Chair Hiatt confirmed his understanding regarding the suggested language by Mr. Siebert, is that Mr. Esquibel would stick to his Land Use #4 language. Mr. Esquibel replied that worked for them.

Commissioner Hochberg addressed Mr. Siebert. He said he found the dust situation has been horrible to everyone that lives in the area, and not necessarily that it was caused by Mr. Seibert because he knew he had been working on the issue. He thought Pulte Homes and Mr. Seibert as their representative has always acted in good faith and in the best interests of the community.

He said he could understand Mr. Siebert would like a more secure broader benchmark than the authorization from the Land Use Director; he wanted parameters. He asked if the language could be a guideline rather than mandatory that it is *anticipated that 50% of the condition would be addressed*.

He pointed out that Mr. Siebert is working with the community and everyone wants the dust to go away. He asked Mr. Seibert what the sticking point was; did he think the permit would not be reissued at 50 percent.

Mr. Siebert replied he just wanted to clarify for instance what housing means; is it when fully occupied, when the building permit is issued, or when final inspection is conducted.

Commissioner Hochberg said Mr. Siebert made a point that Mr. Esquibel could address. He talked about the utilities and staging areas, etc. that are not necessarily at the site. Nothing in the Land Use condition #4 language proposed by the City discusses that. He asked if that language could be put in to address that.

Another question if the City was amenable to having it as a guideline, is that 50% of the phase would be targeted to building permits opposed to final inspection. He asked if both of those issues could be addressed.

Mr. Esquibel replied that one of the biggest fears this year is that they have had no moisture and the wind issue will be horrendous. The condition in place provides the greatest amount of flexibility to work with the applicant and help the neighbors endure. There is nothing that prohibits them from building the sub division or the required infrastructure components because of their application to Las Solaris.

Mr. Esquibel explained the condition is designed to prohibit them from moving into the second phase until 50% of the subdivision is complete, including the construction of houses. Mr. Seibert argued whether that means final inspection or at Certificate of Occupancy, but for Land Use if they are at 50% and they have a building permit, that is 50% complete. They would be allowed to move forward. He would not get into a finite area of where the 50% is and once they start construction they are at 50 percent.

Commissioner Hochberg said so you agree with them, and if that is incorporated into the Land Use condition #4 that takes them a long way to dealing with Mr. Siebert's concerns. Mr. Siebert was not arguing for more than that, he is just addressing the peripheral things. He thought it appeared they were talking about two different things, but if wind conditions are terrible and there is no moisture he thought all bets would be off. Assuming it is normal conditions; dusty and windy - Mr. Esquibel is saying 50% based on building permits and so is Mr. Siebert.

Mr. Esquibel replied there are multiple phases to constructing a subdivision. Mr. Siebert will want a grading permit in the first phase, but they are dealing with 25 acres; 12.5 acres in the first phase. During the windy season, the dust is almost like flour and the neighborhood is in peril as soon as the wind kicks up. Land Use wants to allow them to grade and once they have and dust is controlled, and they see that even in the most stringent wind conditions there are water trucks and ensuring the dust is managed and the staging areas are managed.

But at the same time, when they start building houses and want to move on to the next phase, Land Use Department does not want them to do that until 50% is complete, which includes a total amount of housing. The second part of the condition was *unless* the neighbors and the Land Use Department and the applicant could agree on a next phase.

They want to allow them to build but only when they have proven themselves on the first phase. That provides the Land Use Director the flexibility to make that decision and monitor and move forward with the applicant and the neighbors to meet everyone's goals.

Commissioner Hogan noted as he read the language Mr. Siebert provided that it was not just about the threshold of when he could go into phase two. He asked to confirm that it was also to clarify that the facilities, the trenching, the trails, etc. that support the first phase would cause disturbances in phase two.

Mr. Siebert agreed.

Commissioner Hogan confirmed that Mr. Siebert wanted the Commission to understand that the language under condition #4 did not clarify that there would be some disturbances.

Chair Hiatt said regarding Commissioner Hogan's question; if the City's Land Use condition #4 is amended at the end to say *"grading outside the boundary of Unit 1 for construction of utilities, trails, staging area to serve Unit 1 is permitted for inclusion in the calculation* – he was not sure the language met his concern.

Mr. Siebert thought the 50% issue was separate from the grading issue. He stated they would accept the proposed language for grading.

Mr. Esquibel explained that Land Use has found that when they come in for the building permit for Las Soleras they target one area but take from two phases. Land Use ends up with grading in an area that was not identified. There were multiple building permits where they address an area in the application and show a different area in the plan and do not identify what that means. Then they grade and take and bring in dirt

and end up grading a larger area than originally permitted. Their response when questioned is that Land Use had approved the permit and it was included in the permit.

Mr. Esquibel said Land Use has become smarter and designed the conditions to help when a permit is issued, so they can monitor more closely and avoid that discrepancy.

He said, granted the applicant has come a long way and works well with the neighborhood, but Land Use conditions are based on "show me" opposed to trust.

Ms. Martinez added that to grade one area, they were required to take dirt from a different area to make things work. An example was when they started on the Presbyterian Hospital they were also working on the Regional Park and they thought it smart and efficient to take dirt from the Presbyterian site and move it to the park site. From a financial perspective that made sense.

That ended up shifting tons of dirt everywhere and they did not anticipate the dust. That also happened in the Pulte Subdivision and in addition to grading and leveling the land they are moving massive amounts of dirt. They are digging huge holes that she was not sure would be filled. The terrain does not look like what they started with and a result is an excessive amount of dirt moved.

Ms. Martinez said when moving massive amounts of land, you end up with consequences and that is what they are trying to be conscious about. They need to determine how to manage and are being ultra-cautious to make sure they are not creating excessive problems.

Commissioner Hogan asked for the cut and fill for Phase I if there was an area from phase two.

Mr. Siebert noted the presence of Fred Arfman, the project engineer. They had a graphic as part of the record that shows where the grading takes place and does not.

Mr. Fred Arfman at 128 Monroe St. NE., Albuquerque was sworn. He explained the exhibit being distributed is the Las Soleras development on site. The arrows at the bottom are indicative of water lines and trails to the south. On site is Unit 1 and Unit 2 and the pond built for Unit 1 is in blue and Unit 1 is a faint tan line and Rail Runner Road is to the East. The crosshatch area in red is a proposed staging and borrow area and there were too many constraints to make this balance.

Mr. Arfman said the staging area is a hill that was a remnant between the two portions of construction of Unit 1 and the material is necessary to be brought into Unit 1 and a logical location. Also, in Unit 2 the exhibit indicates an 8-inch sewer line that would serve Unit 1 and go through Unit 2 and is the reason some lots will be rough-graded between the sewer line and the pond.

Commissioner Kapin asked if a solution could be to reorganize to include the disturbance for the utilities, trails and staging area. Make it part of the original 55% by decreasing the size of the lots in Unit One.

Mr. Arfman replied he supposed, but this was approved for the preliminary plats regarding the ratio and number of lots.

Commissioner Kapin asked how much more than 50% would be disturbed for the utilities, staging, trails and stockpile area in the initial phase.

Mr. Arfman explained putting in the whole staging area is about 50% of Unit 2.

Commissioner Kapin said now they are at 75% of the full project. They should negotiate to get back to closer to 50% which is what was agreed upon and if up to 75% it defeats the plan put in place.

Chair Hiatt asked Mr. Arfman if it made any difference in terms of dust control to start at the SE portion rather than along Governor Miles Road.

Mr. Arfman replied that everything is possible, but they were trying to be logical and they would cut out some areas and step down about 3 feet along Governor Miles to help generate some dirt. Also, dictated by the developers is to have a good window along Governor Miles and is why it was posed that way in the plan.

Chair Hiatt asked if the drawings indicated the anticipated construction of the utilities, the staging area, the trails, the stockpile; if that is everything.

Mr. Arfman replied it is, but he would add some size-sloped transitions. They are modifying the size slopes to make them gentler to avoid retaining walls. They have permission from the owner to do off-site grading.

Chair Hiatt asked if that had to happen at this point.

Mr. Arfman replied that it would for Unit One.

Commissioner Hochberg said working with Land Use condition #4 there is a different issue about where they would get the dirt. And now they are saying they will import some dirt. They should say that only one phase may be graded and then utilities would be put in and trails included, before they could apply for a building permit. There would be no discussion until they get to that stage. That would be more stringent than it is now but would take away the indefiniteness in both proposals.

Commissioner Hochberg said that could be a trigger point where they could request additional permitting.

Mr. Paul Wymer with Pulte Homes, 7601 Jefferson Street was sworn.

Mr. Wymer pointed out the issue of phasing was tied to the term "unit". Unit on the plat is the first phase and Unit 2 is the second phase. In reading the condition worded by Staff, if phase is replaced with unit, the wording is acceptable. They are now in the discussion of where the dirt comes from to fill Unit 1 areas, then getting into the stockpile.

That is the reason Pulte wanted clarification. They want to be sure they are on the same page with the

Commission and staff. They understand this is not just Nava Adé who would be impacted; some of their residents that have purchased homes are also impacted. They understand the issue of dust and have been working with Mr. Esquibel and City staff and have a strategy and a plan in place for other phases. He agreed with Mr. Esquibel this should be done a step at a time to ensure it works, but they also want to be sure they can do the grading in a logical manner. Cutting Unit 1 in half would mean there is even more dirt to move. If they can keep most or all the dirt on site, they can keep the amount of airborne dust in one location.

Chair Hiatt stated he hoped that Mr. Wymer appreciated that the Commission was trying to work with him, but they were not finding the language that made this a simple decision. He was ready to conclude the discussion and make a decision.

Mr. Esquibel said perhaps a simple condition to address this is at the building permit stage *"the construction of phases shall be approved by the Land Use Director at the time of permitting"*. That allows opportunity to deal with both the applicant and the neighbor and is a better plan. They could negotiate with everyone opposed to identifying what would be affected now.

He noted that Mr. Siebert had already graded half of phase 2 and Land Use preferred before issuing any permits, to know they were in line with not only Councilor Harris, but the Nava Ade Homeowner's Association as well as the applicant. No one wants to prevent the applicant from developing the project, but they also do not want to create the problem they had in the past.

Chair Hiatt asked for language for the maker of the motion.

Mr. Esquibel provided language: *"Construction and phasing of Ross's Peak will be approved by the Land Use Director at the time of the building permit."*

Commissioner Hochberg confirmed that would substitute for condition #4.

Mr. Siebert pointed out an issue before they come in for a building permit is they have to have a grading and drainage, utility and landscaping permit. He thought the *building permit* did not work, but a grading and drainage permit would probably work.

Mr. Esquibel suggested a *construction* permit would work.

Commissioner Propst said she would suggest opening this up more. They are aware this has been an issue and that flexibility is required and they cannot control the weather. She was willing to make this broader, but they would not be able to figure it all out tonight.

Commission Action:

Commissioner Hochberg moved to approve a final subdivision plat creating 182 residential lots in two phases. The property to be approximately 25 acres zoned R12 and tracks A2 in accordance with the findings and recommendations of the department with the substitution of new language for

Land Use condition #4 being: "the construction of Ross's Peak will be determined by the Land Use Director at the time of construction".

Mr. Word assumed the motion's intent was to adopt the conditions that had been recommended by staff.

Chair Hiatt agreed.

Commissioner Faulkner seconded the motion.

Commissioner Hochberg added all of the conditions and the technical corrections. Commissioner Faulkner seconded.

Commissioner Kapin noted they did not get into the rest of the case. She acknowledged that the Commission is again seeing almost half of the density allowable on the property for housing. Although the applicant was within their rights to do that, every project in Las Solaris was coming in at smaller density than allowed and Santa Fe needs housing.

She hoped the Commission would start to see the density that had been planned for the area.

The motion passed unanimously by roll call.

Ms. Martinez said she has regularly scheduled meetings with Mr. Siebert and is there often and sees a lot and is keeping track.

5. **Case #2018-05, Santa Fe Recovery Center Development Plan Amendment.** Paul Mifsud of Mifsud Associates Architects, LLC, agent for the Santa Fe Recovery Center, Owner, requests approval of an amendment to the development plan to add three additional phases of development. Phase one will include 2,500 square feet that will serve for residential treatments and a daycare. Phase two will include a 12,000 – 14,000 square foot residential treatment facility. Phase three will include twenty-one two-bedroom transitional housing units. The property is approximately 5.0 acres and is zoned MU (Mixed-Use). The property is located at 4100 Lucia Lane. (Ms. Donna Wynant, AICP, Case Manager)

Commissioner Faulkner disclosed for the record that she represented this organization in 2015 and was specific to the behavioral health budget at the New Mexico State Legislature and lobbied on their behalf. She recused herself from the case and left the room.

Mr. Word stated for the record he also needs to disclose that his wife has been a contractor for this organization for a few years but also would say for the record that it would not influence him.

Commissioner Garcia asked, since he manages a business in the area, if that would create a conflict.

Chair Hiatt appreciated his disclosure, but he was sure Commissioner Garcia could be fair. There was

no conflict of interest.

Staff Report

Ms. Wynant presented the staff report for the Santa Fe Recovery Center Plan Amendment. Mustang Village across Lucia Lane was approved last June. A map of the area was shown with the existing locations of the Center building and parking, a church to the south of the Recovery Center campus, Fields Lane coming in from the north, the junior high and high school and South Meadows.

The site was annexed into the City in 2012 and the Recovery Center includes an out building and recreation building. The current site comprises 14,934 ft.² of buildings and parking on the five-acre site.

The applicant first came in to the pre-application meeting seeking approval for the Family Center - a 2500 square foot building. She learned after some discussion about other things with the other two phases. Phase two is a treatment center and ultimately transitional housing over 8-10 years of a phased plan for 21 two-bedroom units.

Their immediate need is for daycare and they have grant funding. They are concerned about meeting the deadlines and want to be fully operational by September. The report has all of the conditions required of the development by the Review Team and there was a lot of discussion about public improvements for Lucia Lane as well as street action. Those sections of Chapter 14 have been included in the packet as well as policies in the General Plan and the SWAMP (Southwest Area Master Plan).

The code requires secondary access, which staff discussed. The Fire Marshal Ray Gonzales and the Traffic Engineering staff were present [Marshal Reagan]. The development is required to complete sidewalks along Lucia Lane in a phased approach as identified by Traffic Engineering.

The developer and applicant of Mustang Village, Joe Ortiz is also present for questions regarding timing for plans for public improvement. The Recovery Center and Mustang Village share Lucia Lane between them and is located on the Village plat. That stretch of the road will be dedicated by the Mustang Village as publicly dedicated.

The question is when the improvements will take place and it is the first person who comes for their permit. They also discussed with the applicant an east-west easement.

The requirements about connectivity and cross easements and getting across easements from, in this case Lucia to Buffalo Grass are in the Chapter 14 code. They discussed with the applicant a cross connection that would be an irrevocable offer to dedicate the right of way along their north property line, and the applicant agreed to that.

The east-west cross connection from Lucia Lane would be a required condition that will be added to the report. She has reviewed all conditions with the applicant and thought for the most part Mr. Mifsud agreed and those are spelled out in the report. Mr. Mifsud wants to speak to those requirements and the costs for the improvements.

Ms. Wynant noted in evaluating the proposal on a per/phase basis the proposal meets code requirements for setback, height, parking, required landscaping. There seemed to be no concerns with the development and only one resident attended the meeting. She noted that several board members from the Recovery Center were also present.

Mr. Smith added the Staff Report notes that the analysis includes discussion about the connectivity standards applicable to the case. For the record, the general rule for a development code 14-9 indicates they are responsible for completion of the infrastructure including dedication and build out and is tied to the development of the property when development plans are approved for issuance of construction permits.

Staff shared the concern with the developers that the cost of improving the streets to City standards are significant. They noted that the City did not have a funding mechanism to complete streets other than developers paying to improve them as they go.

Staff's recommendation is to defer as much of the road improvements to phases 2 and 3 – the larger buildings. As Ms. Wynant indicated the developer of the other property may wish to speak to sharing the cost of the improvement of the infrastructure.

Mr. Smith acknowledged Fire Marshal Ray Gonzales, Alexander Ladd from Affordable Housing Programs and Ms. Kassens from the Engineering Division in attendance who might be able to address the Commissioners' questions.

Chair Hiatt asked if there is an AH issue.

Mr. Smith explained the grant funding is issued by the Affordable Housing office. The transitional housing in phase 3 is also specifically subject to Chapter 25, or 26 housing rules in some respects.

Applicant's Presentation

Mr. Paul Mifsud, 1700 A Paseo del Peralta, was sworn. He thanked the Commission for their consideration of the amendment for the Santa Fe Recovery Center, a 501C3 accredited nonprofit corporation that provides behavioral health services since 2005. The facility is at 4100 Lucian Lane and is a well-established substance abuse treatment center that has been operating for 25 years. The organization is in dire need of expansion to a dire problem.

The Center occupies a five-acre tract of land currently underutilized and they would like to add space to expand services over time. Their greatest need is a place to provide residential treatment services to women with infants and toddlers.

Phase 1 of the proposal would provide a building to separate this function from the treatment occurring in the main building. Subsequent additions would include another residential treatment building and transitional housing units with the intent to provide a bridge between the intensive treatment program and going home to continue to recovery.

The designs of the improvements are intended to result in a phased campus and will contain facilities that address aspects of the substance abuse treatment that add to the efficiency of the Center and reduce recidivism in the community. The expansion of the facility will fully comply with the Land Use Code and will not require any variances or exceptions. The addition of proposed buildings would expand greatly needed treatment services.

The development plan is different from what the Commission is used to, and developers do not benefit from the project. The beneficiaries are those who will have the means to correct their past mistakes and become responsible contributing members of the community.

He indicated that Ms. Wynant had covered the phasing, but he could expand on it.

Chair Hiatt said that could be skipped but the Commission is anxious to hear how he would overcome the road issues.

Mr. Mifsud said there are 44 conditions placed by staff on the project and he has issues with only three. The first is Exhibit #5 that requires them to relocate *"existing gates and any future proposed gates, driveways accessing Lucia Lane, so they are 25 feet back from the curb or edge of the traveled way"*

Chair Hiatt noted there were two different forms and asked to confirm the correct exhibit.

Mr. Mifsud explained the correct Exhibit A, is a comment from Traffic that has *relocate existing gates*.

He continued that the Traffic Department wanted them 25' back. There is an existing solid wood fence along the property line and two chain-link gates the Center would be required to change to solid wood. Setting the new and existing gates back would result in recessed nooks 10-12' deep and 20' wide that would be concealed space outside the fence and compromise security with the Women's and Children's Program.

The board of the Center believes that would create a dangerous condition and request the removal of the requirement. Keeping the gates in line with the fence would still allow a 12'-15' deep area of the driveways for a vehicle to pull off the road if the gates were closed. The gates are typically only closed at night when there is less staff as well as much less traffic on Lucia Lane.

The second comment of issue is condition #25 referencing the International Fire Code - additional access to the site. He read from the code requirement: *'the fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access'*.

The Fire Code is requiring a second improved road to the property but there has been no indication as to why. There does not appear to be any issues of potential impairment from Jaguar Drive due to congestion or condition of that terrain. This appears purely a subjective requirement and unjustified. The Center has paid for improvements on Lucia Lane from the pavement and to the South up to the existing entry to the facility. Also, of note is that all existing and proposed buildings are and will be fully sprinkled.

The Board feels given the construction cost of about \$360,000 for a small phase I building, bearing the cost of the condition estimated at \$41,000 (11% of the building cost) is excessive and not achievable. At a minimum the Center request that this condition, be imposed at the development of Phase II.

The third comment of issue is a memo from the Traffic Department labeled Comment Number Two.

He read the comment: *"At the time of construction of any phase of the Recovery Center if the roadway improvements on Lucia Lane are not in place the developer shall install a standard two-foot-wide curb in addition to and corresponding to the sidewalk for that respective phase of the development."*

The Center strongly disagrees with the concept of building 800' of curb and gutter for a road to be constructed sometime in the future for several reasons. First, the curb would prevent run off from going into the drainage ditch along the road. Since this is a gravel road there would be substantial erosion along the lip of the curb and over time more erosion along the road itself.

Second, several utility crossings are planned to go under the curb including water mains for two future fire hydrants. It would be more expensive to complete the crossings after curb and gutter are in place and they would likely be damaged during road construction by heavy equipment.

The estimated cost of the requirement is about \$26k (or 7% of building cost). The Center does not believe this is prudent to require at this time and requests at minimum this be imposed in phase 2 development.

Public Comment

CHRISTINE WENDELL, 621 Diaz Loop, and chair of the Santa Fe Recovery Center said she is also in long-term recovery and a product of treatment. She knows what treatment can do and is both a consultant and an advocate for the City, County, State and Federal government. There is need for gender specific treatment and long-term continuing care through transitional housing that is imperative.

Ms. Wendell explained they recover by developing community among themselves and being allowed to continue to recover and grow into productive citizens. She encouraged the Commission to allow them to continue to improve their services.

Chair Hiatt expressed appreciation of all the members of the Commission for her work and that of the board of directors and employees. They know how important the work is.

CARLA LATILL, 2405 San Patricio Plaza, said she is also in recovery and serves as the Secretary of the Board and works with others in the community. She knows the need for the service as a woman who struggled to have a safe place to go, and she sees how children are impacted by women trying to get sober.

SYLVIA BARELA, 4129 Montes Sol Loop, said she is the CEO of the Recovery Center. The plan before the Commission is a culmination of many years of efforts and expansion is not always easy because of funding issues. The Center is proud to have the opportunity to expand the much-needed services. The

program for women and children is part of phase I and does not exist anywhere in New Mexico. There is no residential substance abuse disorder treatment program where a woman can bring a child into treatment with her.

She hoped this could move forward and appreciated the Commission's time and attention.

Chair Hiatt addressed Ms. Barela as the CEO that testimony was that \$41,000 is required for item #25 and \$2,000 for item #2 of the Traffic Engineers Report. He asked if that has an impact on the overall proposal.

Ms. Barela replied that it does, and funding is tight for the project and they are borrowing funds to complete it and the conditions make it difficult to proceed.

KEITH WALLER, was sworn and noted his viga yard abuts part of the Recovery Center property and he stated, "*God knows we need recovery.*" His daughter has been there, and he really likes the organization, but he came to talk about traffic. The problem is that after McDonald's the street turns to dirt from the airport and goes into the arroyo. No one has the money to fix that. The City does not have the money and keep depending on citizens for that, but no one has the money.

Now the only way out is Jaguar Drive, and this will be a bit of an expansion. His question is if it would be required for the arroyo to be straightened. The east-west connection might be a good idea, but he does not see where it would go.

Chair Hiatt asked Mr. Ortiz to address the Commission.

JOE ORTIZ at 99 San Marcos Loop was sworn. He said the history behind the Recovery Center and his property is long standing and they have always supported one another. He tries to build AH housing for the City, but the project has failed for twelve years through tax credits and market rates and affordable housing market rate housing. Now it is approved, and the dedication plat has been created for the dedication of Lucia Lane to the City and to vacate the Raven Ridge Road.

Mr. Ortiz noted it is there because a burden of infrastructure of this magnitude on a small to medium size project with 48 units - economics do not work. They could have built the project a dozen times if everyone had been sharing the cost of the public road.

He pointed to the location of the Recovery Center buildings on the map and the residential space. The current road being used is probably on the edge of what is considered a safe environment for the roadway. The proposed additional east-west crossing at the northern boundary has a huge amount of topography and would be expensive to make the roadways work.

Mr. Ortiz indicated he would like to support the project *and* his project and is trying to find a solution. In stepping back – if they never developed their 48 units and the City decided it was within their rights to condemn the land; what would that scenario be like. He wanted Mr. Smith to speak regarding that.

Chair Hiatt said he was confused about what Mr. Ortiz was saying and if he wanted the Recovery

Center project to work.

Mr. Ortiz answered he wanted the project to work and would like it for the community because it serves the community at large, but he would like that to be reflected in the development cost for all parties. He is contributing the land for the road for the development of the project. He wants to see how the value would be determined.

He asked the process if the City condemned his land and took the property as a right of way.

Chair Hiatt replied that is an issue for him and the Land Use Department, not for the Commission to consider condemnation when considering a project across the street. He pointed out that is Mr. Ortiz' project and the Commission is dealing with the Recovery Center. He suggested Mr. Ortiz come back between 8 a.m. and 5 p.m. to talk with the City staff.

Mr. Smith informed the Commission that an earlier discussion was about who would be the first. If Mr. Ortiz asked for his permits for the 48 units, the code would require him to dedicate and improve Lucia Lane at least to the extent of the street in front of this property.

Similarly, the code would require the Recovery Center when seeking permits, to ensure the improvements were in place for Lucia Lane across the frontage of their property. There is not a mechanism to create a half street nor does the City have funding to improve the road to meet those standards absent improvements by the developer.

The City of Santa Fe has many neighborhoods where the subdivider built all the streets and houses. There are retail buildings where the project worked well for one developer and on the other side of the street were able to cooperate between them and coordinate the improvement of the streets. There are some cases where developers do not want to meet the standards of the entire street themselves but could not find how to coordinate between different owners to complete the streets.

Chair Hiatt requested Mr. Ortiz take a seat and they may come back to him, but he wanted to hear from the Traffic Engineer Sandra Kassens first.

There were no other speakers from the public regarding this case and the public hearing portion was closed.

Commission Discussion

Mr. Smith noted for the record that Mr. Ortiz is obligated by his annexation agreement to dedicate the right of way for Lucia Lane to the north boundary of his part of the property without cost to the other property owner on the other side. The issue would be the timing of improvements not the timing of the dedication of the north-south land. For the record he also noted that Lucia Lane north of the Ortiz and Recovery Center properties is a private easement. The City has no means of acquiring those access rights, however is able to acquire the property in front of the two entities.

Chair Hiatt asked Ms. Kassens to speak regarding the conditions of approval #5, relocating the gates.

Ms. Kassens explained the standard practice for driveways is to have minimum of 20-25' so a car could be off the road while waiting for the gate to open. The question would be whether the gate is open most of the time or is it only closed at night.

Mr. Wyman answered that the gate is always open during the day, but it has been open at night, but they should assume the gate would be closed at night with the addition of the women and children.

Ms. Kassens thought Mr. Wyman noted there would be about 12 feet.

Mr. Mifsud said it varies -- it is 10-12' with the new curb cut and currently is more like 15' or 16'.

Ms. Kassens thought considering the security issues there would probably be no objection to having that be in line since there is not a lot of traffic at night when the gates are closed. They could work with that.

Chair Hiatt noted the second issue on the February 8th memo about the construction phase roadway improvements (#2 on the Traffic Engineers Report) a 2' curb for 800'.

Ms. Kassens clarified that is also #2 on the Exhibit A, not just her memo. The idea that Commissioner Hiatt wanted to promote is that they do not want a sidewalk built along a ditch. Mr. Wyman said the curb could be blocking rather than helping the drainage and if there is no asphalt connected to the curb it would not serve the purpose of the curb to provide drainage. It would be reasonable if the road is still out of a base course nature, they could show us with the sidewalk in place how drainage could be dealt with without the curb.

Mr. Mifsud agreed he could do that.

Ms. Kassens understood that putting in a curb much of it would be broken during construction.

Chair Hiatt asked Marshal Gonzales to respond.

Mr. Ray Gonzales, City Fire Marshal, noted that Deputy Fire Marshal Geronimo Griego made the comments in his absence. He met with some of the applicant's and his concern is the fire code and the issue of a private easement. Their biggest concern is fire access and only that. In the initial phase of the project, if they have adequate turnarounds per the code for the distance of what is considered a private drive, anything over 150' would require a fire access turnaround. However, with phase 2 and 3 in the future that has residential and sleeping quarters, they would require a second access for emergency.

They were asking phase 1 modifications to make at minimum for the road to be passable. Currently, the Fire Department would not be able to access that from Airport Road, but that does not necessarily mean the road has to be paved and graded etc., it just needs to meet the weight and turnarounds.

Chair Hiatt asked if Mr. Wyman understood what Ray and Sandra said and agreed with that.

Mr. Mifsud agreed with everything Ms. Kassens said, but was not clear on what the fire marshal said. He assumed he wanted the road graded and not, it would be fine in phase 2 but there is no funding to do much to the road. Paving the road was not required before and their price was based on base course compacted and a leveled road. They could fill in the ruts and smooth the road out.

The Fire Marshal agreed that would suffice for Phase 1 and that there would not be any driveways in excess of 150 feet.

Commissioner Probst did not understand because she thought only the turnaround was needed for phase 1 and phase 2 would be the second access, the weight and width had to be in place.

Fire Marshal Gonzales said phase 1 could proceed with just the emergency turnarounds, however as a recommendation they are asking for some modification to the road to make it accessible. It would not meet the fire code or the requirements and was not mandated but in phase 2 that would be required.

Chair Hiatt noted that it appeared Mr. Mifsud agrees with that and if so, he would return to the east-west connection.

Mr. Smith clarified staff recommended the east-west connection on the north edge of the property condition to dedicate 42' of ROW so when the adjoining property is developed there is the possibility to extend the street to interconnect from Lucia to Buffalo Grass Road, and possibly Fields Lane, depending on development north of the project and south of Airport Road. The interconnection of those roads is addressed in Chapter 14-9.2 standards that calls for interconnection at a spacing no greater than 1000 square feet and in the text of the General Plan Land Use element from the 1999 General Plan and is specifically addressed in the SWAMP amendments to the 1999 General Plan that calls for creating interconnections between the north-south roads without creating an arterial class road. Local streets are anticipated as the remainder of the land is developed. Staff recommendation currently is to obligate this project no further than to dedicate the land for the 42' maximum width.

Chair Hiatt asked if the applicant had agreed to that.

Mr. Smith understood they were amenable to that.

Commissioner Hogan asked if all 42' would come out of the north end of the property or would it be split between the other two properties.

Mr. Smith explained the 42' is from the Recovery Center property. There is concern about the topography because of the culvert and the topography in the area of the arroyo would make it difficult to put half of a road on one side of the property line and half on the other.

A similar requirement, referenced by Mr. Ortiz who offered to dedicate a road between Lucia Lane and South Meadows with his project, was considered and vacated by the Commission a year ago. The extension was abandoned when the school district declined to participate in connecting the road.

Mr. Walker indicated where Mr. Ortiz' property was in relation to the Recovery Center.

Commissioner Hogan said he was not sure he understood the drainage structure interference with the road centered on the property line versus having the whole amount come out of their property.

Mr. Smith explained a slope easement might be needed to create a 42' wide road. He pointed out the embankment falls away from the roadway level. The plans developed with Mustang Village indicate the property owner would upgrade from a single culvert to double culvert under the road at the time the sidewalk, curb, gutter and paving occurs and that complicates the issue.

As to the question of why this owner has to donate all of the land – they could make the argument that the owner, by dedicating the land would actually be getting off with less than his share of the cost if dedication and improvements were required to be shared between the two entities.

Commissioner Hogan asked the applicant to respond to the suggestion and dedication.

Mr. Mifsud responded that the subject of the east-west connector was never well defined and there is no map or plan and no comment to them until tonight. They did discuss it and agreed to dedicate some land if it would not interfere with phase 3 development. The 42' falls within the acceptable range they could handle.

Commissioner Hogan confirmed that he could accommodate 42' without compromising phase three.

Mr. Mifsud explained they would have to relocate ponds and the setbacks would have to be 7' if not residential, but they could accommodate that.

Commissioner Kapin noted on the aerial that some drawings appeared to have an east-west road of some sort.

Ms. Wynant pointed out the locations of Buffalo Grass and Fields Lane and part of the property that has a fence.

Commissioner Garcia offered to shed light on the area, indicating the property abuts through phase 3 and is similar to an arroyo and is all private. He has traveled the road often and the dirt road connecting Airport Road to the facility requires a 4-wheel drive to get through it.

Commissioner Kapin noted they have an east-west connector of sorts and they are asking for another.

Mr. Smith clarified that there is no passable road and she was possibly looking at a private driveway on the map. A previous subdivision over 10 years ago had been approved and at the time the Commission required the project to be stepped out. If the subdivision had not allowed its approval perhaps there would only be one property between the Recovery Center and the Buffalo Grass properties.

Commissioner Kapin confirmed that the Commission had removed the requirement for the easement on the other side of the street. She wondered if they were doing a road to nowhere.

Mr. Smith said he heard discussed a possible feasible east-west connector once the land north is developed. There are an equal number of property owners but currently none are before the Commission.

Chair Hiatt asked if Mr. Waller's testimony about issues with the arroyo was something the Commission could address.

Mr. Smith explained when Lucia Lane is extended to the north edge of the Recovery Center property or the north edge of the Mustang Village property, there is one corrugated culvert in the arroyo location currently and eventually there would be two. When the second culvert is put in with the curb gutter and sidewalk there will also be head walls. There is a question of making it passable to the arroyo. The Commission is leaning toward the Fire Marshal's recommendation to do some grading and wait on the full improvement of the arroyo crossing for phase 2 and 3, or the Mustang Village project.

Chair Hiatt asked about Mr. Waller's reference to the traffic issue and if the Traffic Engineer had that in mind and if it had been addressed or is addressable.

Mr. Waller said he had no quarrel with this but seemed that all the traffic would have to go to Jaguar Road.

Ms. Kassens replied it would currently.

Mr. Waller noted then traffic is an issue and he wondered if people would now consider how to get to the airport. He was not sure about the other connections but thought the arroyo connection was a bicycle trail.

Ms. Kassens confirmed a trail section is planned along the arroyo on the north side beyond the two projects. Eventually the area would be improved, but it has a path that people walk along. Also, Mustang Village came through several times and were required to design the road past their property line to be sure they had proper grade to cross the arroyo. She thought that was where the increase in the number of culvert pipes came from. Regarding the rest, it might take care of crossing the arroyo, but they would wait for developers to come in with a plan to subdivide and they would need to find and build the rest of the road to the airport.

Commissioner Hogan asked if they were asking for dedication of easement or fee simple on the road issue.

Mr. Smith said they suggested language as an option to dedicate a right of way to the City.

Commissioner Hogan asked if they could agree to dedicate that at the time. Their plat could show an easement is reserved, but they would not be bound or dedicate the property until a road is proposed.

Mr. Smith replied yes, it is recorded as an offer to dedicate and the City would not activate the offer unless appropriate to improve the road. He confirmed that the plat recording shows that phase 3 should be planned with that requirement. Should the property not proceed with the dedication and another

development had the need to improve the road, the City would improve the road regardless of whether phase 3 was approved. The City would acquire the right of way using funding from the City or another developer.

Commissioner Hogan confirmed at that point they would not have acquisition cost.

Commissioner Gutierrez asked on the offer to dedicate, Fields Lane and Buffalo Grass were the two areas they looked at for connectivity. He asked if they were City streets.

Mr. Smith understood Fields Lane to be a private road and Buffalo Grass was dedicated and improved along the north edge and becomes a private easement further south.

Commissioner Gutierrez said they may be looking at a road to nowhere if people never bring the roads to standards or dedicated them to the City. He asked if not dedicated, then nothing would happen, and it would stay the way it is.

Mr. Smith agreed possibility it is a road to nowhere and the offer to dedicate makes either of those an option.

Commissioner Gutierrez asked if grading would be from Airport Road to the end of the Recovery Center with possible fire accessibility.

Mr. Morey Walker, 905 Camino Sierra Vista with Walker Engineering was sworn. He noted the road is hard to drive on now and the fire department wants them to smooth it out. That would probably help them get construction vehicles in there anyway.

Commissioner Gutierrez confirmed that the improvement would be paved from Airport Road to the Recovery Center.

Mr. Walker agreed that they would get that smoothed and passable but there would not be base course.

MOTION: Commissioner Hogan moved approval of Case #2018-05 Santa Fe Recovery Center Development Plan amendment subject to the recommendations and conditions of approval and all technical corrections in Exhibit A with the exceptions of #2 and #5 and with #25 to be considered at a subsequent approval request.

The Commissioners discussed the exceptions.

Commissioner Hogan restated his motion to approve Case #2018-05 Santa Fe Recovery Center Development Plan amendment subject to all conditions of approval recommended by staff and all technical corrections in Exhibit A with the exception of conditions #2 and #25 from the Conditions of Approval and #25 regarding the gates being removed from the technical corrections. The applicant shall record an irrevocable offer to dedicate right of way for a future street of 42 feet in width along the north edge of the project site.

Mr. Smith asked if the Commission intended to include or exclude the recommendation for the offer to dedicate the right of way.

Commissioner Hogan wanted to include language that the applicant agreed to dedicate land for 42' at the end of the property.

Mr. Smith read into the record language for the motion: *The applicant shall record an irrevocable offer to dedicate right of way for a future street 42 feet in width along the north edge of the project site.*

Commissioner Kapin seconded the motion.

Commissioner Hochberg questioned exception # 2 because he was under the impression the technical correction #2 had also been removed. They were saying it is instead #2 of the conditions of approval.

Ms. Kassens clarified that the technical correction #2 was about sight distance, but the applicant's concern was on the Condition of Approval #2 regarding the curb and gutter. She stated again, they were not getting rid of the condition but asking the applicant how they would lay out the sidewalk and maintain the ditch.

Mr. Mifsud indicated he both understood and agreed with that.

The motion passed unanimously by roll call.

6. **Case #2018-03, 551 Alarid Street Rezoning.** Jeffery Seres of Studio Southwest Architects, agent for The Santa Fe Public Schools, Owner, requests rezoning of approximately 2.90 acres from R-8 (Residential-eight dwelling units per acre) to BCD-RED (Business Capitol District-Redevelopment Subdistrict) and Master Plan approval. The property is located at 551 Alarid Street. (Dan Esquibel, Case Manager)

This case was postponed under Approval of Agenda.

G. STAFF COMMUNICATIONS

Mr. Word asked to clarify for the record that under Exhibit A there were only 5 conditions and 1-44 technical corrections and some confusion on the two #2 conditions. He said Ms. Kassens made it clear they are speaking of the gutter / curb section and the #5 and #25 are in technical corrections.

Mr. Smith reminded the Commissioners that the second meeting of the month has been canceled and they will meet the first Thursday in April.

I. MATTERS FROM THE COMMISSION

Chair Hiatt said he was contacted by Commissioner Faulkner and they discussed AH and why the Commission could not make progress. At the same time, they learned that Reed Liming and Richard Word are both retiring. He suggested Commissioner Faulkner talk with Mr. Word and Mr. Liming and encouraged her to look for a way to think this through with the committee - if there is a long-range Committee - to see what could be done.

Chair Hiatt asked Ms. Martinez to let the Commission know if they could do anything regarding the retirements. They would be happy to participate.

Ms. Martinez replied she wants to recognize the work both have done over the years and she will plan something and keep the Commission informed. Possibly they could do something at the next meeting.

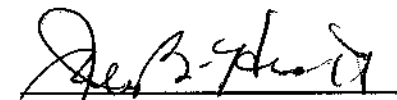
Commissioner Kapin noted she preemptively would need to be excused from the first meeting in April.

Mr. Smith asked that the chairs of the Planning Commission and the Summary Committee and the secretary remain to sign documents.

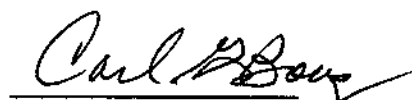
J. ADJOURNMENT

MOTION: Commissioner Hochberg moved to adjourn at 9:42 p.m. Commissioner Hogan seconded the motion and it passed unanimously.

Approved by:


John B. Hiatt, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.