



Agenda

CITY CLERK'S OFFICE

DATE 12/22/17 TIME 11:41

SERVED BY Almadene Guevara

RECEIVED BY [Signature]

AMENDED

PLANNING COMMISSION

Thursday, January 4, 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 CONSENT AGENDA

E. ELECTION OF OFFICERS

1. Chair
2. Vice-Chair
3. Secretary
4. Summary Committee (Three members, including committee Chair and Secretary)
5. Long Range Planning Subcommittee (Three members)

F. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: November 16, 2017

December 7, 2017

FINDINGS/CONCLUSIONS:

Case #2017-96. Ross's Peak Preliminary Subdivision Plat and Terrain Management Variance.

Case #2017-97. Ross's Peak Lot Line Adjustment Plat.

Case #2017-112. Contenta Ridge Apartments Development Plan.

G. CONSENT

1. Case #2017-131. 454 St. Michael's Drive Development Plan Time Extension. Report of the Land Use Director's approval of a one-year administrative time extension for a Variance from SFCC Section 14-8.10(C)(1) Prohibited Signs. The property is a 6.7± acre tract zoned C-1 (Office and Related Commercial) and located within the South Central Highway Corridor Overlay District. The January 9, 2017 expiration would be extended to January 9, 2018. JenkinsGavin, Inc., agent for Presbyterian Health Services. (Donna Wynant, AICP, Case Manager)

H. OLD BUSINESS

I. NEW BUSINESS

1. **Case #2017-114. Rufina Subdivision.** Dolores Vigil of Liaison Planning Services, Inc., agent for ~~Manuelita Mendoza~~, *Patral Enterprises, LLC*, owner, requests approval of a preliminary subdivision plat for ~~seven~~ *six* residential lots located at 5651 Rufina Street. The property is approximately ~~3.749~~ 3.34 acres and is zoned R-2 (Residential - two dwelling units per acre) (Margaret Ambrosino, AICP, Case Manager)
2. **Case #2017-113. Cerro del Norte Preliminary Subdivision Plat.** JenkinsGavin, Inc., agent for Summit Business Group, LLC, requests approval of a preliminary subdivision plat for 32 residential lots on approximately 7.44 acres. The property is located between Fifth Street and the Rail Trail, north of the Casa del Cerro subdivision. The applicant requests approval of an innovative street design for Cerro del Norte to include the proposed 38-foot right-of-way. The property is zoned R-5 (Residential- five dwelling units per acre). (Donna Wynant, AICP, Case Manager) **(POSTPONED FROM DECEMBER 7, 2017)**
3. **Case #2017-120. 553 Del Norte Lane Variance to Escarpment Overlay District.** Laura Long and Michael Jorgensen, agents and owners, request approval of a variance to Subsection 14-5.6(F)(10) "Escarpment Overlay District Architectural and Site Standards", which limits maximum disturbed area of the lot to 40%. The property is zoned R-21 (Residential – twenty one dwelling units per acre) and is located in the Escarpment Overlay District. (Lee Logston, Case Manager)
4. **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)
5. **Case #2017-124. 213 South El Rancho Road Subdivision.** Wayne Dotson, agent for Arnold Carrillo/Carrillo's Construction request preliminary 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)
6. **Case #2017-125. Paseo De Rio Subdivision.** Jennifer Jenkins of JenkinsGavin, Inc., agent for Secure Logistics, LLC, owners, requests approval of a preliminary subdivision plat for thirty six (36) single-family lots located at 5201, 5251, and 5299 Agua Fria. The property is approximately 9.55 acres and is zoned MU (Mixed Use) (Margaret Ambrosino, AICP, Case Manager).

7. **Case #2017-104. Las Soleras Regional Park Preliminary Subdivision Plat.** James W. Siebert & Associates, agent for Las Soleras del Oeste, requests preliminary 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). (Dan Esquibel, Case Manager)
8. **Case #2017-105. Las Soleras Tract 9A-1A Preliminary Subdivision Plat and Lot Line Adjustment.** James W. Siebert & Associates, agent for Las Soleras del Oeste, requests preliminary subdivision plat approval to divide approximately 25.99 acres (Las Soleras Master Plan Tract 9-A-1) into two Lots of 10.37 +/- acres and 15.39 +/- acres. The applicant is also requesting a Lot Line Adjustment/Consolidation between Lot 9A-2 and Lot 9A-3 increasing the lot size of 9A-2 (Las Soleras Station) from 4.5026 +/- acres to 4.702 +/- acres. The property is zoned R-21 (Residential- twenty one dwelling units per acre). (Dan Esquibel, Case Manager)

J. STAFF COMMUNICATIONS
K. MATTERS FROM THE COMMISSION
L. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**



Agenda

CITY CLERK

DATE 12/15/17

SERVE

RECEIVED

3:01 PM

Geraldine Gurne

PLANNING COMMISSION

Thursday, January 4, 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 CONSENT AGENDA

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F. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

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Case #2017-97. Ross's Peak Lot Line Adjustment Plat.

Case #2017-112. Contenta Ridge Apartments Development Plan.

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1. Case #2017-131. 454 St. Michael's Drive Development Plan Time Extension. Report of the Land Use Director's approval of a one-year administrative time extension for a Variance from SFCC Section 14-8.10(C)(1) Prohibited Signs. The property is a 6.7± acre tract zoned C-1 (Office and Related Commercial) and located within the South Central Highway Corridor Overlay District. The January 9, 2017 expiration would be extended to January 9, 2018. JenkinsGavin, Inc., agent for Presbyterian Health Services. (Donna Wynant, AICP, Case Manager)

H. OLD BUSINESS

I. NEW BUSINESS

1. Case #2017-114. Rufina Subdivision. Dolores Vigil of Liaison Planning Services, Inc., agent for Manuelita Mendoza, owner, requests approval of a preliminary subdivision plat for seven residential lots located at 5651 Rufina Street. The property is approximately 3.749 acres and is zoned R-2 (Residential - two dwelling units per acre) (Margaret Ambrosino, AICP, Case Manager)

2. **Case #2017-113. Cerro del Norte Preliminary Subdivision Plat.** JenkinsGavin, Inc., agent for Summit Business Group, LLC, requests approval of a preliminary subdivision plat for 32 residential lots on approximately 7.44 acres. The property is located between Fifth Street and the Rail Trail, north of the Casa del Cerro subdivision. The applicant requests approval of an innovative street design for Cerro del Norte to include the proposed 38-foot right-of-way. The property is zoned R-5 (Residential- five dwelling units per acre). (Donna Wynant, AICP, Case Manager) **(POSTPONED FROM DECEMBER 7, 2017)**
3. **Case #2017-120. 553 Del Norte Lane Variance to Escarpment Overlay District.** Laura Long and Michael Jorgensen, agents and owners, request approval of a variance to Subsection 14-5.6(F)(10) "Escarpment Overlay District Architectural and Site Standards", which limits maximum disturbed area of the lot to 40%. The property is zoned R-21 (Residential – twenty one dwelling units per acre) and is located in the Escarpment Overlay District. (Lee Logston, Case Manager)
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5. **Case #2017-124. 213 South El Rancho Road Subdivision.** Wayne Dotson, agent for Arnold Carrillo/Carrillo's Construction request preliminary 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)
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7. **Case #2017-104. Las Soleras Regional Park Preliminary Subdivision Plat.** James W. Siebert & Associates, agent for Las Soleras del Oeste, requests preliminary 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). (Dan Esquibel, Case Manager)

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SUMMARY INDEX
PLANNING COMMISSION

ITEM	ACTION TAKEN	PAGE(S)
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B. Pledge of Allegiance	Recited	1-2
C. Approval of Agenda	Approved as amended	2
D. Approval of Consent Agenda	Approved as presented	2
E. Election of Officers	Elections made	31-32
F. Approval of Minutes & Findings and Conclusions Minutes: December 7, 2017	Approved with changes	2
Findings of Fact & Conclusions of Law Case #2017-93	Approved as amended	2-3
G. Old Business	None	3
H. New Business		
1. <u>Case 2017-114. Rufina Subdivision</u>	Approved with conditions	4-7
2. <u>Case 2017-113. Cerro del Norte Preliminary Subdivision Plat</u>	Approved with conditions	13-18
3. <u>Case #2017-120. 553 Del Norte Lane Variance to Escarpment Overlay District</u>	Approved with conditions	7-8
4. <u>Case #2017-123. Estancias del Norte Preliminary Subdivision Plat and Variance Request</u>	Postponed with directions	18-31
5. <u>Case #01-124. 213 South El Rancho Road Subdivision</u>	Approved with conditions	8-9
6. <u>Case #2017-125. Paseo De Rio Subdivision</u>	Approved with conditions	9-11
7. <u>Case #2017-104. Las Soleras Regional Park Preliminary Subdivision Plat</u>	Approved with conditions	11-12
J. Staff Communications	Discussion	32
K. Matters from the Commission	Discussion	33
L. Adjournment	Adjourned at 11:20 p.m.	33

PLANNING COMMISSION
Thursday, January 4, 2018 - 6:15 pm
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 Piper Kapin, Vice-Chair, on the above date at approximately 6:15 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

Vice-Chair Kapin welcomed the new members, Pilar Faulkner and Lee Garcia, to the Commission.

A. ROLL CALL

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

Members Present

Commissioner Piper Kapin
Commissioner John B. Hiatt
Commissioner Pilar Faulkner
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Mark Hogan
Commissioner Sarah Cottrell Propst

Members Absent/Excused

Commissioner Stephen Hochberg
Commissioner Vince Kadlubek

Others Present:

Ms. Lisa Martínez, Planning and Land Use Director
Mr. Noah Berke, Current Planning Division Manager & Staff Liaison
Mr. Richard Word, Assistant City Attorney
Ms. Margaret Ambrosino, Planner Senior
Mr. Dan Esquibel, 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.

C. APPROVAL OF AGENDA

Vice-Chair Kapin proposed a reordering of the agenda to hear short cases first and longer cases later.

Commissioner Hogan agreed and proposed the cases be heard in this order: 114, 120, 124, 125, 104 and 105, 113, and 123. He also proposed holding the elections at the end of the agenda.

MOTION: Commissioner Hiatt moved to approve the agenda as amended. Commissioner Hogan seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF CONSENT AGENDA

MOTION: Commissioner Hiatt moved to approve the Consent Agenda. Commissioner Hogan seconded the motion and it passed by unanimous voice vote.

E. ELECTION OF OFFICERS

The election was moved to the end of the agenda.

F. APPROVAL OF MINUTES AND FINDINGS OF FACT MINUTES

1. MINUTES:

November 16, 2017

Mr. Berke requested a change on page 8, where Chapter 24 should be Chapter 14.

Commissioner Hiatt noted two typos.

MOTION: Commissioner Hiatt moved to approve the minutes of November 16, 2017 as amended. Commissioner Hogan seconded the motion and it passed by unanimous voice vote.

December 7, 2017

MOTION: Commissioner Hiatt moved to approve the minutes of December 7, 2017 as presented. Commissioner Hogan seconded the motion and it passed by unanimous voice vote.

2. FINDINGS/CONCLUSIONS

Case #2017-96. Ross's Peak Preliminary Subdivision Plat and Terrain Management Variance.

MOTION: Commissioner Hiatt moved to approve the Findings/Conclusions for Case #2017-96, Ross's Peak Preliminary Subdivision Plat and Terrain Management Variance as presented. Commissioner Faulkner seconded the motion and it passed by unanimous voice vote.

Case #2017-97. Ross's Peak Lot Line Adjustment Plat.

MOTION: Commissioner Hiatt moved to approve the Findings/Conclusions for Case #2017-97, Ross's Peak Lot Line Adjustment Plat as presented. Commissioner Garcia seconded the motion and it passed by unanimous voice vote.

Case #2017-112. Contenta Ridge Apartments Development Plan.

MOTION: Commissioner Hiatt moved to approve the Findings of Fact and Conclusions of Law for Case #2017-112 as presented. Commissioner Faulkner seconded the motion and it passed by unanimous voice vote.

G. CONSENT

- 1. Case #2017-131. 454 St. Michael's Drive Development Plan Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a Variance from SFCC Section 14-8.10(C)(1) Prohibited Signs. The property is a 6.7± acre tract zoned C-1 (Office and Related Commercial) and located within the South-Central Highway Corridor Overlay District. The January 9, 2017 expiration would be extended to January 9, 2018. JenkinsGavin, Inc., agent for Presbyterian Health Services. (Donna Wynant, AICP, Case Manager)

This case was approved above under Approval of Consent Agenda.

H. OLD BUSINESS

There was no Old Business.

I. NEW BUSINESS

- 1. Case 2017-114. Rufina Subdivision.** Dolores Vigil, of Liaison Planning Services, Inc. Agent for

Patral Enterprises, LLC., owner, requests approval of a preliminary subdivision plat for six residential lots, located at 5651 Rufina Street. The property is approximately 3.34 acres and is zoned R-2 (residential, two dwelling units per acre). (Margaret Ambrosino, AICP, Case Manager)

Staff Report

Ms. Ambrosino presented the staff report for this case. She said it is a very long lot across from the elementary school and presents challenges in design and changes from the ENN held in August 2017. It was postponed at that time to address fire and sewer issues and to reconfigure for fire access and the subdivision was reduced from 7 lots to 6 lots. There was also a change in ownership. So it was a long time in process. The seven conditions listed on page 2 have all been discussed with the applicant. Many neighbors on Las Santeros Road have concerns about cutting through and a chicken wire fence on the west. She pointed out the lot access driveway which is to be maintain by the applicant and there was a covenant when it was first sold.

The applicant addressed landscaping, despite the note. Ms. Ambrosino briefly addressed the criteria for a subdivision and concluded that Staff recommended approval and she stood for questions.

Applicant's Presentation

Ms. Dolores Vigil, Liaison Planning, P.O. Box 1835, was sworn. She clarified the previous applicant, Manuelita Mendoza, sold the property to Patral and they worked with Staff to make sure it meets all criteria. She asked that the first condition be clarified by the City traffic engineer. The adjacent neighbors at the ENN and at preliminary, gave feedback. One was on the fencing and landscaping do not require a fence on the perimeter, but we are required to have a fence on Rufina. She showed a picture of a dog eared wooden fence with pilasters, which they propose, and they will provide a six-foot dog-eared fence along the west. The east end will be open.

The property is currently occupied by a tenant, using it for construction storage. The new applicant is giving them up to 60 days to remove all materials. Applicant will comply with the covenants regarding parking and trash; no abandoned vehicles on the property and no parking on the driveway easement. It is not wide enough and needs to be clear for fire turnaround. The agreement includes roadway maintenance. They will provide the required affordable housing units, either stick-built or manufactured.

Public Comment

Mr. Kenny Keelin, 5760 Rufina, thanked the Applicant for the emails. He grew up in that area and summarized its history. The land was farmland. Water runoff is not an issue there. There is no elevation - it is flat and then a 20' drop and continues on to Rufina. There are neighbors adjacent that cannot hook up to sewer because they don't have enough elevation. He brought that up at the first meeting. The sewer is uphill. Fire and police have one way in and out and he believed that was setting them up for failure. They might be able to turnaround but where will hydrants be - almost on the street. Dirt comes out onto the street or road and down into the sewer or runoff. It is not a pretty road. It is a dirt road with no way to prevent the

dirt. The runoff will come down from property owners toward the west on that road and there is no way to stop it.

He inherited his property from his grandfather. It will flood. He has seen it. He has two 1-acre lots and one had 3' of standing water after a storm. The land will be a dirt driveway. How will they maintain it? They will have "no parking" signs. Look at the plat; how much land is there. The homes are right on the edge. Every double-wide trailer is beyond the width of the land. All of it was open land from the top of Airport Road and downhill. We once got all of our water from irrigation. It is not designed for what they want to do. Will owners be able to put their trash out at the street. They have to walk down there with their trash.

Mr. Dan Pawley was sworn. He said it made him sad that there is another development that won't improve the area. There is lots of low income out there and this won't have sidewalks either. The fence along Santeros Road where most of us live we maintain with our own money and it is very expensive. Our kids can't walk the road because of stray dogs. A fence like this will last only as long as the first person wants to take it apart to use Santeros Road. He agreed with the concerns of the first speaker. He hoped there could be more consideration on the quality of the development. He questioned whether a double-wide would even fit on the lots.

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

Commission Discussion

Commissioner Hiatt asked Ms. Ambrosino if these questions were raised at the ENN, including those on the sewer.

Ms. Ambrosino said there was some discussion on it there. As a result, Ms. Vigil met with Mr. Holland. Tech Review has addressed ponding for each of the lots prior to final submittal.

Mr. Morey Walker was sworn and said the sewer is on a flat site and couldn't gravity flow back to Rufina. Currently, they are getting an easement on the north to tie in with Rufina or put in a pump. We understand the issue. Regarding water and fire hydrants, they talked with the water company and it has to be looped from Rufina and Agua Fria and now they are installing hydrants.

Commissioner Hogan assumed they would have hammer head turn-arounds.

Ms. Ambrosino agreed. Two hammerheads are required and in the preliminary plan, those were addressed per specs.

Commissioner Hogan asked if that turn around would also be used by solid waste.
Ms. Ambrosino said that was not addressed but it would be.

Commissioner Propst asked about what was worked on with the drainage and grading plan.

Ms. Ambrosino said she couldn't comment further on grading and drainage. The Applicant discussed it with the engineer and will submit it before final and that satisfied the City Engineer.

Mr. Berke noted that part of this is a bar ditch to collect stormwater and also ponding. Regarding double-wide homes, Staff stepped out setbacks and it could handle a single wide and meet setback requirements.

Commissioner Gutierrez saw on the plat, that the property comes to a point and could maybe have a drive to Agua Fria.

Ms. Ambrosino clarified that with a point, there is no room for access. Staff did discuss that internally to widen that tract, but it is not a requirement of approval. That is the configuration, so the only access is off Rufina.

Commissioner Gutierrez asked about an exit to Agua Fria on the west, if they could purchase an easement there.

Ms. Vigil said on the northwest of the property, they are in negotiation for a utility easement only. That property is needed for future development but, for traffic to Agua Fria, it would not work. They need 25' for the utility easement.

Commissioner Gutierrez asked if they could you do an emergency access. That would be better than one way in and out.

Mr. Berke said there is not enough width at the north. They could hypothetically create an access in the future.

Commissioner Gutierrez would like to see more than one entrance. If it would be a0 viable option. He asked if that is within City authority for an emergency or a regular entrance. Mr. Berke nodded.

Commissioner Hogan asked about how many opportunities there would be for cut through traffic.

Ms. Vigil thought this would probably bring more traffic if we did allow for an opening on the north, but they could consider a gated fire access. It would be simple to do on that 7th lot as an emergency exit.

Commissioner Gutierrez asked that they keep in mind the future fire station near there.0

Vice-Chair Kapin for Traffic engineer to respond.

Ms. Sandra Kassens said in the beginning of the Applicant's presentation they were confused on condition 1. The intention is to grant the access for the six lots and to the lot adjacent to the east. It could also be stated as access through a private easement. When the lot to the east develops, it will have more than 8 lots and the lane would have to be brought up to city standards. That could possibly connect to Agua Fria. The second part of that condition is an existing driveway on the other side would have to be closed. It is a typical thing Traffic puts on that they could not have another access from Agua Fria.

Mr. Walker agreed that was clear and they would agree with that condition.

Action of the Commission

MOTION: Commissioner Hiatt moved to approve Case 2017-114, Rufina Subdivision, subject to the Staff conditions and technical corrections in the Exhibit. Commissioner Hogan and Commissioner Faulkner seconded the motion and it passed by unanimous roll call vote with Commissioners Faulkner, Hogan, Hiatt, Propst, Gutierrez and Garcia voting in favor and none voting against.

3. **Case #2017-120. 553 Del Norte Lane Variance to Escarpment Overlay District.** Laura Long and Michael Jorgensen, agents and owners, request approval of a variance to Subsection 14-5.6(F) (10) "Escarpment Overlay District Architectural and Site Standards", which limits maximum disturbed area of the lot to 40%. The property is zoned R-21 (Residential – twenty-one dwelling units per acre and is in the Escarpment Overlay District. (Lee Logston, Case Manager)

Staff Report

Mr. Logston presented the staff report. He was unable to get a photo of it. It is not really a mountainside lot, but the escarpment overlay does apply. The variance is consistent with intent and purpose of Chapter 14. The underlying zone would allow the house they propose. The backyard will allow private open space. The escarpment allows 892 and they propose 1400. If the house configuration changes, it would still limit the disturbance area to 45.2%.

Applicant's Presentation

Mr. Karl Sommer said the applicants agreed with the recommended conditions of approval.

Public Comment

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

Action of the Commission

Commissioner Hiatt moved in Case #2017-120, 553 Del Norte Lane Variance to Escarpment Overlay District, to approve the variance, subject to conditions recommended by Staff, including the variance as a lot improvement, and secondly that the intensity shall not exceed the proposed intensity and thirdly that it is the minimum variance to allow a structure; and could not be used for

another category; fourth, that the escarpment meets the required conditions for a variance. Commissioner Hogan seconded the motion and it passed by unanimous roll call vote with Commissioners Faulkner, Hogan, Hiatt, Propst, Gutierrez and Garcia voting in the affirmative and none voting against.

5. **Case #01-124. 213 South El Rancho Road Subdivision.** Wayne Dotson, agent for Arnold Carrillo/Carrillo's Construction request preliminary 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 provided the Staff Report for this case. He noted that the agent is changed to Karl Sommer. Staff recommended approval of the preliminary plat. It is very straightforward, and he would stand for questions.

Applicant's Presentation

Mr. Sommer said Mr. Carrillo is present. He is a local tradesman - a successful framer, and an employer of 35 people. He has cleaned up the property for four stick-built homes and is in agreement with conditions of approval and he would stand for questions.

Public Comment

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

Commission Action

Commissioner Hogan moved in Case #01-124 - 213 South El Rancho Road Subdivision, to approve the subdivision, subject to conditions of approval recommended by Staff. Commissioner Hiatt seconded the motion.

Vice-Chair Kapin asked on #4 why it is a condition of approval.

Mr. Esquibel said cases do have some conditions imposed by the Sewer Department. So he makes it a standing condition

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

6. **Case #2017-125, Paseo De Rio Subdivision.** Jennifer Jenkins of JenkinsGavin, Inc., agent for Secure Logistics, LLC, owners, requests approval of a preliminary subdivision plat for thirty-six (36) single-family lots located at 5201, 5251, and 5299 Agua Fria. The property is approximately 9.55 acres and is zoned MU (Mixed Use) (Margaret Ambrosino, AICP, Case Manager).

Staff Report

Ms. Ambrosino corrected the case number which was a typo error. This subdivision is for three lots, located north of Agua Fria, down South Meadows, near El Camino Real Academy, across from Fairway Village and south of the Cottonwood Mobile Home Park. She noted the lengthy list of conditions in it. The ENN was in September and had not much attendance. Traffic is working on the roundabout nearby. Due to the new school, this area is seeing much more traffic and this proposal of 36 lots will add to it. A TIA was done at peak hours. The ENN was sparsely attended but other meetings were held that Fairway Village residents attended.

Staff recommends approval of the subdivision. It has been redesigned since preliminary and addresses sidewalks. Sidewalks already exist at Cottonwood and the roundabout will have sidewalks. The final will be based on completion of that project.

The Applicant also proposes for Affordable Housing, seven lots and a fractional fee to be paid to Santa Fe Homes. She had the draft agreement which was signed but not finalized. Staff feels the five conditions have been met.

Topography, drainage and ponding have conditions to be addressed prior to the final plan. The northern portion is in a 100-year flood plain and the development stays out of that area.

Applicant's Presentation

Ms. Jennifer Jenkins, 130 Grant Avenue, Suite 101, was sworn. She shared a visual presentation for this 9.5 acres at the Santa Fe River and Cottonwood drive at South Meadows. She pointed out the various zoning designations for the area which is primarily mixed use. No commercial is proposed. Across Agua Fria is R-5 and to the north is a mobile home zone. She identified the limits of the 100-year flood plain. Over three acres along the river is being preserved as open space. The density is about 3.7 du/acre overall.

The proposed site plan has access from Cottonwood with a hammerhead turnaround. It slopes to the north toward the river. She showed the ponding areas. They will better distribute landscaping through the area. It is an amenity for the neighborhood with access to the river and that supports the health of the river.

The conceptual overlay of the proposed roundabout was shown. They prepared a TIA that shows failing movements at that intersection. So the city is breaking ground for the roundabout soon.

They will financially contribute to that effort and address the additional ROW. The math worked out for a trade to donate that ROW to the City in lieu of financial contributions. Cottonwood is private but will be dedicated as a public road. Also, after the survey, the right turn decel lane on Agua Fria is also on our property and that will be dedicated to the City. In the schematic design for the development, they found the roundabout affects the first three lots and the layout corresponds with that roundabout design. It still allows plenty of room to accommodate the roundabout.

They agree with conditions and technical corrections. One condition is about sidewalk and tree amenities. They are cooperating with the City for those to resolve them and will have it shown by the final plat submission. The process is still in flux, but they are aware of their obligation for sidewalks and tree frontage.

Ms. Jenkins stood for questions.

Public Comment

Ms. Judith Sedlow, 1059 Village Way, was sworn. She didn't really object to added homes across from Fairway Village, but it is a failed intersection. Traffic backs up on South Meadow to Fairway Village and it is pretty dangerous there. When school lets out, it is backed up all the way to the school. The City does need to fix that intersections before construction at this project.

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

Commission Discussion

Commissioner Propst asked the Applicant to say more on the sidewalks in the subdivision.

Ms. Jenkins said there are very traditional existing sidewalks along Cottonwood to the mobile homes. There are none along Agua Fria. So they are working with Public Works to understand what is in the plans for the roundabout and where we should dovetail with what the City is doing. This project will start this Spring and the earliest we would build houses is maybe late fall, but no one will occupy them this year. So it fits with City plans. An active CIP project to address the congestion and failed intersection at South Meadows in late 2019 or early 2020. So there is a little time lag there. We are not creating any further delay. The roundabout will be in place first. So South Meadows will be addressed as well.

Furthermore, we are looping our water line back to Agua Fria and the secondary emergency exit. Traffic had no interest in full access from Agua Fria, but emergency access creates an opportunity for more pedestrian connectivity as a trail. It serves multiple purposes right there. It will look like a path that can accommodate an emergency vehicle.

Commissioner Hogan was concerned about having no trees on the landscape plan.

Ms. Jenkins explained that was because they were unclear what was part of the roundabout plan. It will be addressed on the final plat once they have more clarity from the City. They had discussions with Staff on backyards at Agua Fria and the best way to provide privacy and noise abatement. So there will be wall/fencing detail behind the street trees. Staff said what they wanted to see and at final we will have a visual for the Commission. We want the ponds to serve the river and looking at where vegetation needs to be pulled in the river corridor. It is very native and natural - not overly manicured. They will make it a park-like riverway there. The proposed trail is north of the river and these neighbors will have direct access.

Commissioner Gutierrez asked if Twilight Homes is the builder.\

Ms. Jenkins agreed. They are working just down the street and do a very nice project.

Commissioner Gutierrez pointed out that this is only the second development to have AH homes built. He thanked them for that.

Ms. Jenkins explained that the calculation was 7.2 houses so the .2 is a cash contribution.

Action of the Commission

Commissioner Hiatt moved in Case #2017-125 - Paseo De Rio Subdivision, to approve, subject to conditions and technical corrections recommended by Staff. Commissioner Faulkner seconded the motion and it passed by unanimous roll call vote with Commissioners Faulkner, Hogan, Hiatt, Propst, Gutierrez and Garcia voting in the affirmative and none voting against.

- 7. Case #2017-104. Las Soleras Regional Park Preliminary Subdivision Plat.** James W. Siebert & Associates, agent for Las Soleras del Oeste, requests preliminary 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). (Dan Esquibel, Case Manager)

Staff Report

Mr. Esquibel presented the staff report for this case. He explained that this and the next case are together for the same project. The first is preliminary Subdivision for 10.144 acres and the second for 11.155 acres. We have phase one of the park and the other will come later as the subdivision develops. Staff recommends approval with conditions and the Applicant agrees with them.

For case 105, there are two Applicants. The lot line adjustment was approved administratively so this is only for subdivision and makes it easier so that 105 acreage can be dedicated to the City. He read the report for 105. The lot line adjustment was taken off. The Applicant agrees with conditions and corrections.

Applicant's Presentation

Mr. Jim Siebert, 915 Mercer, was sworn.

Commissioner Hiatt thanked him for bringing this park before the Commission after ten years.

Mr. Siebert said, "You are welcome. We have completed Phase 1 of the Park and are peeling it off for the City to maintain and manage it. We had an obligation to provide an additional seven acres and really provided 10 acres, including the Arroyo Chamiso. We are in agreement with conditions and will answer questions."

Public Comment

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

Commission Discussion

Vice-Chair Kapin noticed on 104 under Background, that the phase 1 punch list is still pending.

Mr. Esquibel said the City always does a punch list when land is dedicated to the City to deal with any failures and he hoped there are none here.

Action of the Commission

Commissioner Hiatt moved in Case #2017-104, Las Soleras Regional Park Preliminary Subdivision Plat, to approve preliminary subdivision, subject to conditions recommended by Staff and technical corrections. Commissioner Propst seconded the motion and it passed by unanimous roll call vote with Commissioners Faulkner, Hogan, Hiatt, Propst, Gutierrez and Garcia voting in the affirmative and none voting against.

- 8. Case #2017-105. Las Soleras Tract 9A-1A Preliminary Subdivision Plat and Lot Line Adjustment.** James W. Siebert & Associates, agent for Las Soleras del Oeste, requests preliminary subdivision plat approval to divide approximately 25.99 acres (Las Soleras Master Plan Tract 9-A- 1) into two Lots of 10.37 ±acres and 15.39 ±acres.

The applicant is also requesting a Lot Line Adjustment/Consolidation between Lot A-2 and Lot 9A- increasing the lot size of 9A-2 (Las Soleras Station) from 4.5026± acres to 4.702± acres. The property is zoned R-21 (Residential- twenty-one dwelling units per acre). (Dan Esquibel, Case Manager)

This case was heard as part of the previous case.

Action of the Commission

Commissioner Hiatt moved in Case #2017-105, Las Soleras Tract 9A-1A Preliminary Subdivision Plat, to approve subject to conditions recommended by Staff and technical corrections. Commissioner Faulkner seconded the motion and it passed by unanimous roll call vote with Commissioners Faulkner, Hogan, Hiatt, Propst, Gutierrez and Garcia voting in the affirmative and none voting against.

- 2. Case 2017-113. Cerro del Norte Preliminary Subdivision Plat.** JenkinsGavin, Inc., agent for Summit Business Group, LLC, requests approval of a preliminary subdivision plat for 32 residential lots on approximately 7.44 acres. The property is located between Fifth Street and the Rail Trail, north of the Casa del Cerro subdivision. The applicant requests approval of an innovative street design for Cerro del Norte to include the proposed 38-foot right-of-way. The property is zoned R-5 (Residential- five dwelling units per acre). (Donna Wynant, AICP, Case Manager) (POSTPONED FROM DECEMBER 7, 2017)

Staff Report

Mr. Berke asked for a time limit on public comment for this case.

Ms. Martínez, when asked about the lot line adjustment, said it was done administratively.

Ms. Wynant presented the Staff report for this case. It has 32 residential lots on 7.44 acres. They are within the allowed density. Six are Affordable Housing lots, and it will have two streets at 42' wide for public streets and have a hammerhead turnaround. Staff reviewed the street layout and recommended approval of the innovative street design with full access to 4th street and a 30' wide easement for access from Cerro del Norte to the site. This is the third proposal for this site.

She commented that this has been challenging and neighbors asked all kinds of questions. They seemed to like the way it was laid out. Staff found the criteria are met and evaluated in the report. Staff recommended approval with the innovative street layout. Two motions required - one for street design and the other for the preliminary subdivision plat.

Applicant's Presentation

Ms. Jennifer Jenkins, JenkinsGavin, 130 Grant Avenue, Suite 101, was sworn. She introduced the engineering team with Oralynn Guerrerortiz and Ray Ortiz. She noted this site has a long and storied history back to 1942. She pointed out the railroad and associated trail. It is an odd shaped property. The reason is that a railroad went all the way over to the Santa Fe College campus in WWII with built up berms on one side.

Because of the rail trail moving through, it has much pedestrian access through it and bisected by Arroyo Cañones. We started working on it in 2007; the condo project was approved in 2009 but the recession caused it to never be built. It was on the market for a long time. It has a new owner now with a single-family subdivision proposed. It is zoned R-5 and consistent with the south neighbor and all to the north is commercial. There is a shopping center at K Mart and office users in the area. So it is a diverse mixed-use area. This property is not part of the Re-Mike overlay, but this is a good opportunity for housing and a very walkable development with the Rail Trail, access to services, and a dynamic community.

She explained the color codes in the aerial of the area. Calle Sombra dead ends at the southern boundary. The site plan shows full access at 5th Street and a hammer head turnaround. It is a single loaded street. Calle Sombra is also terminating with a hammer head and double loaded street plus a small driveway for six lots. There is lots of communication with the City on connecting the two streets. The previous plan had that a connection, but this design is intentional to minimize impact of traffic to the south neighbors. They had a special opportunity with the new design to mitigate traffic impact - which is minimal and only half of the 32 will go through the neighborhood. The rest is from 5th Street and will connect them by a pedestrian trail, going over the arroyo with a culvert for emergency crossing, and incorporate pedestrians and bikers there.

Regarding the innovative street design, there are unique constraints from the arroyo. So they designed the streets to public standards and would make the lots as generous as possible and some are unusual, but they are also designing homes to fit those lots. There is no sidewalk on one side. From Staff comments, they will revisit the street trees and address the deficit. On the non-sidewalk side has only four feet but it can have the 5' planting strip and she explained how it would work.

There are also a couple of direct connections to the Rail Trail. Coming in on Calle Sombra is a guest parking area up against the trail, and on the other side of the arroyo, at the end of the hammer head is a direct connection with a 4'-wide, crusher fines trail. But Staff wanted 8' there so they will make it an 8' asphalt trail with connections at both ends.

She talked with Mr. Rogers about the bicycle connections and decided to eliminate the last parking space, so cyclists can reach the street there. That will be refined for final for trail connections.

Ms. Jenkins said when the original plan was submitted, Staff requested a connection at the south end. We were willing to consider that but found a huge grade change there. Mr. Wilson, James Martínez, and Ms. Wynant agreed to eliminate it, since it would not be ADA compliant. So she is formalizing the trail access with neighbors. They worked diligently over the years to keep it cleaned up. It will make that portion of the trail safer.

Regarding access to 5th Street, they have a 30' easement to connect. That is why there is no sidewalk on one side. There is an existing median to accommodate a left turn lane into offices and they will modify the left turn lane design to access the property. A TIA was done and included in the packet. All levels of service are A and B - except one at D level during a peak hour. So there is minimal impact for traffic.

Public Comment

Mr. Jeff Pawley, 1919 5th Street, was sworn. He noted regarding the easement, that in 2009, they granted a 30' easement for the last subdivision as egress only. We knew it was not a guarantee but very concerned with the statement of minimal traffic impact. There is Aspen School, the Social Security Office and increased parking on Aspen Street has constrained it. Coming up 5th Street is a major entrance to Santa Fe High. There have been near misses at Social Security and CYFD. NMDOT said it would need remodeling of the intersection. He just wants to make sure that is addressed.

Mr. Paul Senna, 2070 Calle Sombra, was sworn. He has been a resident there for 40 years. That street has always been closed. When they tried the last development, we fought it and we still don't feel it should be done. Have they done an assessment on the old Brunn Hospital? How they are going to clean that up. The street was never opened and that was the reason I bought that house.

Mr. Joseph Padilla, 2109 Padilla Circle, was sworn. He owns a business and was not opposed to this, but it might affect his business that cares for dogs. He said the business causes noise and he didn't know of anyone who would want to be right there. "We house 80 dogs there 365 days a year."

Mr. Tim Rogers, 411 Cortez Place, and Trail Manager for Santa Fe Trust, was sworn. He showed slides of the Brunn Army Hospital rail line which he had done for Re Mike. Regarding trail connections, the area was really designed as pedestrian connections and having read the technical corrections, he was happy they will accommodate bikes.

He said he wrote the MPO Bike Master Plan and participated in the Re-Mike event. While it is private, and owners have a right to develop, it has been a unique green space there. It has critical trail connections and a historic background. So he was disappointed since it was an important green space and part of the trail plan. He apologized that he didn't do more to preserve it as public open space. He completely supports urban infill, but it is in a historic place and he would rather see infill at a parking lot. In the event it does not move forward, perhaps we can work together on a land swap to acquire it. TPL, and other entities would like to work with the City to preserve it.

Mr. Ernie Romero, 2011 Botolph Road, was sworn. He owns property on Warner Street and this has been a no man's land, with historic significance. For the business to the north, we've experienced a lot of vandalism and copper theft. We are in full support of this project.

Mr. Robert Hicek was sworn and said he lives on Calle Sombra. This is an important property that is going to be stepped on. It was originally designed for houses and he liked the innovative street design and the trail and layout. But, on Calle Sombra, this is a taking - a sacrifice. "And you should be ashamed." Nothing has been done there to protect the neighborhood from vandalism. Also, it is a bad intersection and is going to fail. Regarding density, the lots on the south side will be land locked. There is a perfect access to the Rail Trail on the south that will be closed.

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

Commission Discussion

Commissioner Propst wanted more response on the trails, the width and quality and connections, for which Ms. Jenkins said progress can be made.

Ms. Jenkins said it is a ten-foot wide asphalt trail and 20' easement. We propose a connection at the parking area. There is a sidewalk that wraps around it and is close to the trail, so it will be seamless. On the last parking space is to have an asphalt ramp to get cyclists to the street there.

On the other side of the arroyo at the end of the hammerhead is surrounded by sidewalk and will have an 8' path to the rail trail and the path with base course that is quite generous and can separate pedestrians from bikers. 5' plus to 5/5 base course shoulders.

Commissioner Hogan asked if the parking at the end of Calle Sombra is dedicated for trail head use.

Ms. Jenkins said it is parking but can serve as a trail head - guest parking on street.

Commissioner Gutierrez asked how many parking spaces are provided.

Ms. Jenkins said there are 22 spaces overall. There is no requirement above the two per lot. The Commission can require extra guest parking. We liked it and it was estimated at 16 at ½ per lot and we propose 22.

We want to make sure we have adequate street trees. And we expect to be above 16.

Commissioner Gutierrez asked how many spaces will be at that parking lot.

Ms. Jenkins said it is 7 now.

Commissioner Hogan noted that the back yards to Sombra and Del Norte Lane open to the arroyo. He asked if there will be mass grading or fences.

Ms. Jenkins said there will be some retaining walls, but they are staying out of the flood plain and will flatten out the buildable site a little higher than the arroyo. They integrate on the other side. We have a balanced site and will keep everything integrated. It is more seamless on the east side.

Commissioner Hogan agreed with Tim Rogers about the open space. It was just a shame that it could not be accommodated.

Vice-Chair Kapin asked if access at pedestrian bridges is possible.

Ms. Jenkins agreed, and they would facilitate that. Great idea. When we reach the railroad tracks - as you cross them is a little flood plain. As you go to the north, to preserve some of it as open and a natural amenity to take your dog down there on that path is a great idea.

Vice-Chair Kapin asked about the sidewalk on Calle Sombra.

Ms. Jenkins said they would be on both sides of Calle Sombra. The trees will be on the lot frontage and homeowners will still maintain them.

Vice-Chair Kapin asked if the little road has a name.

Ms. Jenkins said they will find out if they need to name it, but homes will have Calle Sombra addresses.

Commissioner Propst thought the left turn lane on 5th Street looks really tight.

Ms. Jenkins said they have storage there in the turn lane for one and a half cars. Our traffic engineer analyzed it and, since there are only 16 houses, it is enough. We had to analyze it carefully and that is adequate storage.

Commissioner Gutierrez said with 7 parking spaces at the end, he was okay with innovative street design and wanted to avoid stacking on Calle Sombra by this development.

Ms. Jenkins understood and added that they have adequate off-street parking.

Action of the Commission

Commissioner Hiatt moved in Case 2017-113 - Cerro del Norte Preliminary Subdivision Plat, to approve the innovative street design as presented. Commissioner Propst seconded the motion and it passed by unanimous roll call vote with Commissioners Faulkner, Hogan, Hiatt, Propst, Gutierrez and Garcia voting in the affirmative and none voting against.

Commissioner Hiatt moved in Case 2017-113 - Cerro del Norte Preliminary Subdivision Plat to approve the preliminary subdivision plat, subject to Staff conditions of approval. Commissioner Propst seconded the motion and it passed by unanimous roll call vote with Commissioners Faulkner, Hogan, Hiatt, Propst, Gutierrez and Garcia voting in the affirmative and none voting against.

4. 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) is part of Phase 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)

Staff Report

Ms. Wynant presented the staff report for this case. It is zoned PRC, located partially in the escarpment overlay and was divided in 2015. She corrected the report where, on the request for variance, she put in wrong wording for the variance request. She handed out the corrected language which was formatted as page six in the packet and showed deleted and inserted wording. The variance is to exceed 10% grade up to 12%. The 151-dwelling unit project was never developed. Chapter 14 does not require a new approval of it and it remains in effect. It is in Exhibit F.

There is lots of history to the site; lots of meetings involved. It was appealed to Council and was overturned as an appeal. She circulated copies of the history of the site

EXHIBIT -

Commissioner Propst asked why the case was overturned.

Ms. Wynant referred her to the report which goes through why it was overturned. She explained that she just received it and perhaps Mr. Word could speak to it.

Mr. Word said he was not employed by the City at that time. Mr. Shandler wrote it and he reviewed it. The appeal was not actually overturned but was rejected by the Governing Body.

Mr. Berke said it might come in handy under public testimony and reduce repetitive statements.

Ms. Wynant said this was part of a larger property on both sides of Hyde Park Road. The zoning change had restrictions and are part of the packet and have been reviewed. When the Hyde Park Company decided to build homes there, there was litigation in 2011 and the remaining 66 acres were sold to Ernie Romero, in 2013, the lot was split, and he sold 28 lots of the 66 to Cody North.

The escarpment covers quite a bit of both Ridgetop and Foothills. The majority of 49 are within Foothills or outside the overlay. Staff initially reviewed two sets of scenarios to evaluate placement of homes in the sites. What the Commission has now is the best solution they found for road layout and lots. Strict compliance with escarpment requirements would require some variance on terrain management and retaining walls.

The developer will be required to comply with the escarpment overlay section of the code. This is for a variance to exceed 10% slope of the sub collector road from Hyde Park up to 12%. The five criteria were reviewed, and she said the proposal meets the criteria.

The innovative street design includes keeping the streets private - with sidewalks on one side to enhance capturing water runoff and eliminate some street lights.

Based on the Master Plan of 1981, there would be no commercial designation in the corner of that site and they would like to move two other lots in there. If they get the variance, the night sky ordinance

would not be excluded. The innovative street design results in better site plan and less grading and fewer retaining walls.

Stood for questions. The motions are stated in the report.

Applicant's Presentation

Mr. Jim Siebert (previously sworn), said from his team, Mr. Eric Cornelius would address drainage, and Mr. Mike Gomez would speak to traffic improvements and elements on the traffic study.

After the ENN meeting, two concerns were evident: Estancia Primera on improvements to Hyde Park Road and the Matador condos on drainage from the rear of the project. So he met with them and made progress to resolve concerns. With Matador, it is ongoing and being handled cooperatively. He pointed out Hyde Park Road and Willow Drive and showed the outline of the project area and Hyde Park - Hacienda del Mirasol was discussed. In the appeal to Council, it was 8 lots and Council felt it should be a higher density. Current access is constructed. For 8 lots, no improvements were warranted for Hyde Park Road. The maximum density is based on requirements for the PRC zone.

The original Master Plan for Estancia Primera showed 151 dwelling units, including Mirasol and this application. So up to 143 units are still allowed under the Master Plan or original 1981-3 ordinance, at 2.5 du/acre. He is proposing 49 dwelling units or 1.22 du/acre. Averaging it across on north side, it is less than one per acre.

For tonight, he is requesting preliminary plat for 49 lots in two phases; the variance from maximum road grade from 10% to 12% for 500 feet of main road; private and not public roadways with innovative street design standards as an option for less disturbance and less lighting; and removal of the neighborhood commercial use from the Master Plan and replacing it with residential use. For the AH requirements, they will provide ten affordable units. The smallest lot is around ¼ acre. Streets are to be maintained by the Homeowner Association. There are two overhead electric lines. The other constraint is on conditions of 1981.3 for open space setback between the east property to 800 East. The drainage has been constructed at this point.

Mr. Siebert described the restrictions - standards for construction in the foothills escarpment with buildings furthest from the view line. The maximum height is 14' finished floor, less than 5 feet higher than natural. They are also limited by the 30% slopes. Up to half of a building can be on 20-30% slopes and none on 30% or more slopes. No housing is permitted within the Ridgetop area. There will be 29 units in the first phase and 20 in the second with the cul-de-sac shown. Utilities must be constructed before both phases for sewer and water.

Mr. Eric Cornelius, 1599 South St. Francis, was sworn and addressed roadway and circulation issues. Calle Mirasol is the main entrance off Hyde Park Road and a driveway on the east side of the lots. As part of the development, the Fire Department requires secondary emergency access. Traffic does not want a public connector, so it is only for emergency access on Williams Street. They are providing sidewalks on one side of the road for innovative street design and will allow pedestrians to walk on

roadways. They also are proposing a trail on Mirasol parallel to the Hyde Park Road, to the end of our boundary. It is very close to Hyde Park Road to minimize disturbance of trees.

We considered more trails at the north end near the arroyo. The adjacent neighborhood said they do not want that trail and we will honor that on the north side.

Among reasons for innovative street design, is to have the private road maintained by the HOA. It is one sidewalk to have a narrower roadway prism to reduce disturbances. If a city street, we would have to have large street lights facing Valley Drive and that would be an eyesore to Valley Drive residents. We will install rain gardens to capture storm water from impervious areas and pond and percolate it back in. He showed a typical roadway section for public roads and their private sections. It is a 42' wide easement but only one sidewalk reduces the width by 8'. He showed a typical section of rain gardens. Curb cuts allow water to come in and any overage goes to the next rain garden down the road. He showed a typical garden that was still under construction. They tie together and cascade down. They performed beautifully last summer.

Road grade variance request is requested because the road alignment was set at the ridgetop and has a scar where people have been driving. Trees are missing and there are ruts. So they will follow that and follow natural topography, so they can disturb fewer 30% slopes and remove fewer trees. We just ask for marginally higher slope of 12%. Lanes can typically be up to 15% slope. Beyond that area, the road is only a lane, but they will treat it as a sub collector. It would disturb 25% more area at 10% grade maximum. He showed fire station #1 and #4 and pointed out that Williams Street is a 12.5% grade And Artist Road is 12.5% grade. Access from #4 has a 14% grade. He met with the Fire department and, as is mentioned in Item #7, they referenced International Fire Code that exceptions are allowed as approved by the Fire Chief. In the variance, they agreed to install sprinklers in all homes in this development and based on that compromise, they agreed. So we ask for no steeper than 12% road grade.

Regarding drainage concerns, as part of plan, he showed that they meet the City Code for stormwater runoff for all entering and exiting. He showed the drainage diagram and described their effort, using lower tech designs with check dams. Most of them are still holding up great. No underground French drains would be used. All of the design is on the surface to physically see them working, increase infiltration and minimize erosion. He showed a check dam built in 1930's. They propose building the same thing now and will repair those that failed. Most of the rock walls that were built have remained, but they will repair those that failed. They will locate drains that have filled with sediment and clear them as much as possible. Prior to stormwater reaching El Matador, they will divert by sewer line and a series of check dams and install additional inlets to rechannelize the flows. He showed the locations of the ponds and a series of water absorption sites. He felt they were doing everything possible to keep sediment and stormwater on the property and working with the residents for more protection. On the back side of the apartments, they would build up the rear wall, which now is in bad shape. They will also build a swale or piping system further down.

Mr. Mike Gomez, P.E., 1499 South St. Francis, was sworn to address traffic operations. He pointed out that the south intersection of Estancia Primera has a 100' ROW for Hyde Park Road, which is owned by NMDOT. They have granted the City authority for permits for driveways and access. There is a short taper

there from back in 1980's. DOT requires a decel lane for those making right turns to the entrance. He showed a portion in Mirasol and noted in the TIA there were numerous traffic counts. In January 2016, when the ski basin had good snow, they counted. Some residents were concerned with other time periods, so they did more counts in the spring of 2017. The numbers exiting Estancia Primera are lower. But left turns to the City are high at the morning peak. And then going west down from Hyde Park is almost none. The next count was in June 2017 and, with tourists and campers, it had a similar pattern with a small number out of Estancia Primera. The reason for that is they have two entrances with 177 lots, but generate about 1/3 of the traffic. Many of them are retired and for some, it is a second home. So it is a small traffic generator there. The Traffic engineer did a comparison, so we used the most conservative results from TIA.

He next showed the proposed traffic generation from the development and they did a capacity analysis. They found the calculations for every season had A levels, B levels and a few C levels. So there are excellent levels of service. Compared with other locations - Bishop's Lodge, Agua Fria and others from DOT data, Hyde Park Road doesn't carry much traffic. We will rebuild the intersection to comply with current DOT standards, incorporating a widened decel lane for right turns. He showed the widened area that has hatched lines and a color scheme for the widened cross sections. It all fits within the ROW. If approved, they will submit a much more detailed design. What was not shown was a bicycle lane. They discussed that with John Romero and they have room for that and will do it.

Public Comment

Mr. Richard Folkes, 119 Valley Drive, was sworn. He referred to the attorney, Fred Rowe, next to him who is 92 years old. He showed Los Vecinos as the same property from 1995. Taking away Mirasol leaves that area. It was 36 units and the overall project had 50 lots. The same property is an almost identical plan except with a higher density at 49 units, plus guest houses.

The 1995 plan was less dense and was denied three times by the Planning Commission and twice by City Council and once unanimously. He asked why we are doing this again. This plan is worse, denser - studied before with expert witnesses and denied; went to court and the appeal prevailed there.

Mr. Scott Bunton, 4451 Avenida Primera South, was sworn and spoke as Treasurer of the Board for Las Estancias. There are 189 lot owners. The Association President sent a letter on their concerns and is in the packet. The Estancia Primera entrance, which most people use and on some plans shown as Camino Mirasol is where the traffic in this area is of paramount importance to us because safety is affected by this new development.

He asked the Commission to take four actions: 1) the TIA supports the need for a left turn lane. The developer has agreed to a right turn lane. We are not suggesting contravening the TIA, but it is the maneuvers turning and not the volume and speed of Hyde Park Road traffic to the City. 2) we ask for removal of trees to be replaced as close within DOT standards.

Vice-Chair Kapin said his two minutes were up and the Commission has read extensively these points-

Mr. Bunton asked 3) for the Commission to support reductions of speed to 35 mph and prevent short term rentals and please make the waiver of commercial a condition.

Ms. Ann Folkes, 120 Valley Drive, was sworn and read a letter from Karen Heldmeyer from the Neighborhood Network, who mentioned, among other things and as a result of flooding there, the litigation was successful against City for the damage that resulted. The neighbors have no guarantee this will be better. The plans call for a variance to escarpment and the stormwater can add to the runoff. It also increases the density over plans previously turned down. The proposed plan for 36 units was denied earlier while this is 49 units. And the traffic patterns will exacerbate an already bad situation. The downstream neighbors need more than verbal assurances.

Ms. Sue Herman was sworn and said the residents in the Peralta Subdivision would echo those concerns of Estancia Primera. She pointed out that the speed limit in front of Ft. Marcy is 45 all the way up to the National Forest with varied pedestrian and bike traffic - They use the road - pedestrians walk it every day. There were two accesses, but the TIA didn't show one of them. Otero Street is a bob and weave street with parking on both sides where there is only room for one car, while people try to pass each other down to the traffic light at Washington. When considering the double project the first time, that level of service is F. Also, there is no guarantee for recovery of damage from downstream property owners with this PRC zoning. And there is no way that the new HOA can be forced to maintain things that were approved. The cost to the City was half a million dollars the first time around.

Ms. Jennifer Johnson, 605 Sunset Street, was sworn and made a brief comment. Jim Hays talked about the ENN. He lives on Sunset and never received an ENN notification. He only found out about it from friends on Valley Drive. They spoke only about Estancia Primera and Matador, but the damage was on Williams. Some neighbors on Sunset didn't know about this.

The most important thing is from April 26, 1995 from USDA Natural Resource Service on the last page where she quoted, "My opinion is that the land has more value as undeveloped and if developed for low density use only." It talks about soil not handling the erosion. Before, we talked about 34 units and how many more. Phase 2 makes no sense. FEMA talked about a 500-year flood plain and since then, it was lowered to be a 25-year flood plain - and people lost homes - So much more to this - Please let us to have time for rebuttal and not pass it today.

Mr. Peter White, on Hillside, was sworn and said he participated in 1981-3 ordinance with regard to Estancia Primera development. His primary concern was the City's duty to approve what is enforceable. With regard to the staff report, page 3, last sentence says the Applicant has addressed the conditions of approval in Exhibit F. But Exhibit F is labeled Communications. There is no statement there that says they agree with the conditions. Maybe I missed it and excuse me if I did.

The second statement there in staff's review has found it would comply with 1981-3. I urge Staff to set forth those enforceable conditions on maintenance and operation of stormwater drainage to protect the downstream neighbors. They should be required to submit them.

Mr. John Forsdale, 149 Valley Drive, was sworn and addressed erosion. He lived across from Matador and observed that the arroyo is already at capacity and exceeded flood stage level three years ago. It cannot handle more large developments. On the steep terrain, their efforts will fail. The 1930's photo shows the dam no longer impedes flow of water. We were told they would maintain structures, yet a lot of them are inaccessible to equipment like back-hoes. Are they proposing to manually dispose of the sediment and pack it out?

Proper maintenance is not feasible. A number of check dams were built on East 800 last year and filled up already. The next one up silted up also. One sewer line is washing away. No homeowner association exists. And the City has no resources to inspect all of them. There is a history of failed structures; yet the responsibility is being handed off to a nonexistent HOA.

Mr. Edward (??), 111 Valley Drive was sworn and said he lives downhill from the no man's land - and Matador where much drainage discussion was done. He was a professional hydrologist for the last 20 years. He didn't see a very thorough analysis of storm patterns or runoff events. It is very complicated process, depending on moisture conditions, storm intensity and snow runoff. None of those variables were in the drainage analysis. He said he was not an expert in erosion - but said while there are things good in the plan like water harvesting and rain gardens, short of a ten-year study, an excellent example in Estancia over the last 25 years exists. The burden of proof is on the developer to show that it compares well.

Ms. Roselle, at 109 Valley Drive, was sworn. She said Arroyo Piedras reached a 100-year level and dumped about 1.7 inch of rain. The floodwater was 7 feet on their property. And, on the other side- it reached the top of gabions at El Matador. She walked up later and saw a large check dam was badly damaged. Since then, the City has done bare minimum repair at the site.

Mr. Cornelius said they are working on it more quickly, but the water needs rather to be slowed down. Cody North's check dams have filled in.

Ms. Roselle asked the Commission to not approve the variance request. The Land Use Department said the variance is not contrary to public interest, but I disagree for those downhill. Until they work on the main Arroyo Piedras and Cody North cleans up his structures, nothing will remediate it and the City could be held liable.

Mr. Justin Greene, 711 Campana Place, was sworn and welcomed Commissioner Faulkner and Commissioner Garcia. He had handed out some history that was glossed over. It was not presented to the Commission in case 1981-60 so phase three was not previously approved. There are a few errors in the presentation. The lot split was in 2012 and concerns were brought up by the same neighbors when the owners subdivided it.

It was not properly notified on Williams Street with the fire entrance there. There should be some debate on the options. The variance criteria are not met. This is not the best use of this property.

He looked forward to a denial and 70 days to consider the traffic on Hyde Park Road, which averages 58 mph where it has a 45-mph limit.

Ms. Suby Bowden, 333 Montezuma Ave., said, as a former Planning Commissioner, in four hearings, we rejected a plan with the same density, same location, same roadways. The City Council denied it and a state judge denied it. She found a 110-page document but there were none of those plans in the entire document. She had to rely on a photo taken at ENN. You cannot tell the neighbors that the Planning Commission will approve it without sharing that information.

She pointed out that Mr. Cornelius said he didn't know how to handle the drainage. Don't do it later. It must have the entire information now. It is very steep, and erosion happens quickly. The Feds said the soils are too soft and slopes too steep. Also, a lane is for 8 homes; not 49 homes.

A variance needs a hardship. They purchased it at the same density after the court denied it. What is the hardship? None that is justified. You must give this community time to study the plans on everything that was said to be just fine.

Mr. Jim Hays, 400 Kachina Court, was sworn and said he has lived there 23 years and developed 25 lots there. He has probably been through that intersection more than anyone else. The drainage problems resulted with Peralta in the 1970's and no terrain management and that water continues to degrade Arroyo Saiz. That drainage has been largely controlled but it took \$500,000 to build there. He believed the drainage could be controlled. He did a brief PowerPoint on watershed management to the Commission. He believes they are effective. On traffic, it needs a left turn lane into Estancia westbound on Hyde Park Road and the Commission should require more TIA there with traffic going through there in August or ski season. He agreed with lowering the speed limit and was also concerned with the project's road right by Hyde Park Road. It would be hard to tell where the headlights are going there.

Ms. Sandra Greene, 611 Campana Place, was sworn and said the plan eliminates two critical elements. It brings a big risk to downward neighbors. We don't want the same problems that Hillside neighbors had with flooding. Why not a complete plan on the Matador side? They address it on the property but need a complete plan for drainage and erosion. We are not asking you to stop the project but that our concerns be addressed first.

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

Ms. Wynant thought Mr. Peter White made a good point on the conditions of 1981-3. The conditions are in the staff report. She apologized for giving the wrong Exhibit letter. The conditions are in Exhibit E - with submittals from the Applicant.

Commission Discussion

Vice-Chair Kapin suggested discussion by topic, starting with drainage and erosion control.

Commissioner Hiatt said the Commission's responsibility is to follow the law as best we can. In my opinion, I'm not satisfied with the erosion issues here. He asked Ms. Zaxus for a response.

Ms. Zaxus said she looked at the terrain management report and the calculations were done correctly and meet our code. They had information on the soils and she was not sure why it was brought up from previous NCRS analyses. They are A and B soils that are highly recipient to water and less runoff.

Commissioner Hiatt said about 13 people talked about erosion and drainage. Does any of it cause you concern?

Ms. Zaxus said, unfortunately, we will be looking at bigger storms than in the past and their concerns are valid. But they meet the limits of our code. I'm not sure how to address it, except to change our code.

Commissioner Hiatt asked why the similar project from 20 years ago was rejected.

Ms. Zaxus didn't know.

Commissioner Propst said there are two separate issues. If it is all built out, how do we assure they are properly maintained? What are the options? Is it bonding or some enforcement we can impose on the project?

Ms. Zaxus said the City does require a stormwater agreement that is recorded on the plat- and that the City, if there are problems - can force the developer or put a lien on the property. It has never been done before.

Commissioner Propst asked when the HOA becomes responsible.

Ms. Zaxus said it is after the lots are sold.

Commissioner Garcia asked if there was any insight on why the 1985 plan was denied. We obviously are looking at the same property. He asked if it was by The Planning Commission or Council.

Mr. Berke said he was not privy to why. But Council did hear an appeal and denied it just one year ago. It was all one property and the lot split was in 2012.

Vice-Chair Kapin calmed the public down.

Commissioner Garcia said drainage is the main factor and traffic which both refer back to safety and liability of the City. More information from the studies would be helpful.

Commissioner Gutierrez asked if residents on Williams Street were supposed to be notified and if posting there was adequate for the case.

Ms. Wynant said the yellow signs must be placed where the property meets up to public roads and would defer to the Applicant about the signage posted. There are other ways to get notified. Notifications go out to property owners in a 300' radius and noticed on the City web site and Next Door social media.

Commissioner Gutierrez asked if there should have been a posting on Williams Street for the emergency access there.

Ms. Wynant agreed there should probably have been one there.

Commissioner Gutierrez said with that, he was uncomfortable going forward.

Mr. Berke said they would have to see the configuration. If it doesn't abut Williams, it would not be needed. The mailing goes out by first class mail and to the neighborhood associations and to Next Door as well.

Commissioner Gutierrez asked Ms. Zaxus about the statement made that 12% provides for more runoff. What do you say is the outcome for that 500 feet for runoff?

Ms. Zaxus said it is insignificant. The speed might be more but not the volume.

Commissioner Faulkner asked about the assumption on liability to maintain the drainage throughout the property would follow the HOA/

Ms. Zaxus agreed. She reviewed the bylaws and CC&R's and it does obligate them.

Commissioner Faulkner asked if it requires any sustainability fund

Ms. Zaxus said there are costs laid out for how collected, but she didn't know the details.

Commissioner Faulkner asked what a good number is to use over the long term.

Mr. Siebert said the way it works is that the developer builds the structure and for the first ten years, is responsible for maintaining it. There must be money collected in the HOA for them to take it on.

Commissioner Faulkner assumed, if there was a significant problem downstream, the HOA would have to take it on.

Mr. Siebert said if a drainage facility fails, he assumed that would be the case but "I'm not an attorney." He added that Ms. Zaxus said she had not in her experience any knowledge of claims to an HOA. Thinking back 20 years, he could not think of any that caused downstream flooding problems.

Commissioner Hiatt said obviously, the HOA would be on the hook for it but was not sure whether they would be successful.

Commissioner Hogan said that is why most HOA's have insurance. In the testimony about not having adequate plans for the review, he counted three sets in this packet. He didn't know why the public would not have access to it.

Ms. Wynant said at the ENN, she stated that people could contact her for access to the file. We can electronically share them. We have paper copies of the drainage plan in the office. A few people came

with flash drives and she shared it with them. But no one came in to look at the studies. So the information is there and is public and she tried to make that clear. She thought most people looked at the staff report.

Commissioner Hogan assumed that all the documents this evening were available to the public and they could come to City hall to review them.

Mr. Berke said by Thursday last week it was all available and posted on line. But, we don't have room for all the documents by applicants. That would crash the website.

Commissioner Hogan pointed out that much of it controlled by swales or check dams. They are well dispersed through the site. He wondered how they will construct them and maintain them. It would probably not be by heavy equipment.

Mr. Cornelius agreed. It would generally be with a lot of manual labor- it is hard to use equipment without tearing up the terrain and we have to make sure we don't violate any 30% slopes. We use some small equipment but must do most like in 1930's using rocks on site, etc. and wired together.

Commissioner Hogan asked what mulch material they are using.

Mr. Cornelius said straw only.

Commissioner Hogan saw straw mulch on the plans. Everywhere there are dashed lines are essentially swales.

Mr. Cornelius agreed, and they would fill in with straw.

Commissioner Hogan asked about their life span.

Mr. Cornelius said it restricts the direct path of water flow and slows down the speed at each one to slow down velocity.

Commissioner Hogan asked if they considered any other mulch that could be used instead of straw.

Mr. Cornelius said they could look at alternatives. They are falling back on low tech mitigation on this project - concrete would channel it. We want to keep it soft and let it degrade over time.

Commissioner Hogan asked if they would have scheduled maintenance or only when it fails.

Mr. Cornelius said they would have inspection in fall and spring and after any significant rain.

Vice-Chair Kapin pointed out they have heard several cases for this area. It seemed to her that having a project up there should help from top down to slow the flow down to help with that situation down to Bishops Lodge Road.

Ms. Zaxus agreed.

Vice-Chair Kapin asked if infiltration ponds would help.

Ms. Zaxus thought the estimated volumes could be captured by the ponds.

Mr. Cornelius agreed. The rain gardens are sized and spaced to handle 100% of volume from impervious surfaces such as roadways. We can supplement that with central ponding.

Commissioner Hogan asked regarding runoff, if the road cut is designed to meet 10% disturbance, whether the variance might help reduce runoff.

Mr. Cornelius said yes because it disturbs less natural area.

Commissioner Gutierrez asked if the neighboring development complains were for remediation.

Ms. Zaxus said no one has talked to her about that.

Mr. Cornelius said on Haciendas there were some issues and some upstream development is still being constructed. But the ones in operation are performing exactly as planned.

Innovative Street Design was the next issue.

Commissioner Faulkner understood these are private and not public streets.

Mr. Cornelius agreed.

Commissioner Faulkner asked who maintains them.

Mr. Cornelius said the HOA would maintain roads, trails, and open space.

Commissioner Propst noted the design of driveway at the top of Hyde Park Road is very close to it and asked if there would be a problem of confusion there.

Mr. Cornelius did not think so since it is significantly lower than the elevation of Hyde Park Road.

Commissioner Hogan heard in the testimony that Fire is in agreement with the 12%.

Mr. Berke agreed and that was if the owners agree to sprinkle all homes.

Commissioner Hogan asked what governs the interest of fire department on lesser sloped streets - whether it was ice on the streets and trucks filled with water. The testimony included other streets over 12% and he wondered if this would pose a significant problem.

Marshal Green said on April 14, 2017, they met with the Applicant and they will provide fire hydrants in the area and they opted to sprinkle all homes for the variance. So the fire department gets

hydrants and sprinklers. The Fire vehicles can still access the area. Some other areas have up to 15%. So every one of the 49 units will be sprinklered and all are accessible from adequate fire flow from hydrants.

Vice-Chair Kapin suggested a specific location for the 12% slopes.

Mr. Berke said the Commission could amend that condition.

Traffic was the next issue:

Commissioner Gutierrez was positive about accidents at Cottonwood and Agua Fria - There was nothing showing accidents in that area. He knew that speed is likely a problem. The police department accident report would have been helpful.

Commissioner Hiatt noted that the testimony was that Hyde Park Road is a state-owned road, so he asked Mr. Gomez if the City does not have control over speed there.

Mr. Gomez agreed.

Commissioner Hiatt surmised that the concern of neighbors regarding speed limits would be to ask it of the state.

Mr. Gomez agreed. He added that their TIA presented all accident history. The entire area is from Bishops Lodge or Sunset up to the entrance to the development.

Ms. Kassens said the TIA was forwarded with a request to NMDOT and they are willing to do a speed study in January.

Vice-Chair Kapin asked about any other issues.

Commissioner Faulkner clarified that all the documentation was available from Thursday.

Mr. Berke agreed. It was available last Thursday and that is standard practice. We don't make things available until the Commissioners have it. Friday at 5 p.m. is typical but staff would be out, so we finished it on Thursday.

Commissioner Hiatt said his inclination was to ask for an independent hydrologist to do a study.

Ms. Martinez agreed to do that.

Commissioner Hiatt was still concerned with erosion and drainage. He was not criticizing Mr. Cornelius or Ms. Zaxus but didn't want to move it along for independent review and would postpone it for 60 days.

Mr. Berke said the Commission could require that to be done before final review.

Commissioner Hiatt said he didn't participate with the Cody North case for conflict of interest. But he was concerned with all of these people and their concerns tonight. He wasn't sure the condition Mr. Berke proposed would take care of it wasn't sure it answers our decision if the review is negative. He would rather do it here than at Council.

Commissioner Gutierrez was on the fence but leaning toward Commissioner Hiatt's recommendation. He was not comfortable with the erosion. He felt they should be afforded an opportunity to do something with the property, regardless of previous denials. But he agrees with Commissioner Hiatt. If they have that plan, working as a community for something we can be proud of.

Ms. Wynant recalled at the ENN, one of the neighbors asked if the Applicant would be willing to hire a hydrologist and they said yes - to have them look at the calculations. We tried to record everything at ENN, but she remembered that specifically and she asked if we knew of a hydrologist engineer with that background.

Commissioner Propst asked if they were willing but didn't take the step.

Ms. Wynant clarified that the Applicant said they were willing to have an independent hydrologist do it, but they did not get one.

Mr. Ernie Romero, 2011 Botulph was previously sworn and responded that, if the Commission sees fit, he would hire a hydrologist. The City didn't require us to do that. We volunteered and will do it and pay for it, if required. He briefly described their involvement in this property and how they had cleaned it up right after their purchase in 2011.

Commissioner Garcia thought the drainage, when engineered properly, would work. If this were on south side - it would be many more units.

Mr. Romero said they would hire a hydrologist and have that fully done and vetted out before final.

Commissioner Hiatt said this is for an independent hydrologist. He was not making a motion to approve someone Mr. Romero picks. The choice has nothing to do with Mr. Romero -

Commissioner Faulkner commented that she hoped if we decide to do 60-day postponement, that the neighborhood should be involved. The neighbors should do due diligence to see how it can work and use the 60 days to find common ground.

Commissioner Hiatt said he would leave it to Ms. Martinez to find who could make the hydrology study.

Ms. Martinez said when the professional engineer puts their stamp on the plans, they are using their best professional judgment and their liability that these plans will work. It is not just a draftsman but true professional who is evaluating them. She wanted that on the record.

Commissioner Hiatt thought the City should pay for it. They put their best foot forward with Mr. Cornelius.

Commissioner Gutierrez asked if that would slow down the 60-day clock and if so, how much.

Ms. Martínez explained that the LUD has limited resources and didn't think her department could pay for it.

Mr. Siebert said the applicants will pay for the cost of hiring a consultant to determine if the drainage plan is adequate but will leave the selection of the hydrologist to City staff. They get a proposal and get a fee and the applicant will pay for it.

Action of the Commission

Commissioner Hiatt moved in Case #2017-123 - Estancias del Norte Preliminary Subdivision Plat and Variance Request, to postpone for 60 days and submit to City staff for selection of appropriate drainage engineer and to approve the variance for up to 12% slope in the 500-foot specific area. Commissioner Gutierrez seconded the motion and it passed by unanimous roll call vote with Commissioners Faulkner, Hogan, Hiatt, Propst, Gutierrez and Garcia voting in the affirmative and none voting against.

E. ELECTION OF OFFICERS

1) Chair

The Commission elected Commissioner Hiatt as Chair by unanimous voice vote.

2) Vice-Chair

The Commission elected Commissioner Propst to be Vice Chair by consensus.

3) Secretary

The Commission elected Commissioner Faulkner by consensus.

4) Summary Committee (Three members, including committee Chair and Secretary)

The Commission retained Commissioner Gutierrez and Commissioner Propst on the Summary Committee and appointed Commissioner Garcia as the third member.

5) Long Range Planning Subcommittee (Three members)

Commissioner Hiatt and Stephen currently serve on the Long-Range Planning Subcommittee and Chair Kapin appointed Commissioner Faulkner to serve on it.

Upon motion by Commissioner Hiatt and second by Commissioner Gutierrez the appointments were ratified.

Commissioner Hiatt moved that the Planning Commission recognize the outstanding service of Commissioner Kadlubek as Chair and ask staff for an appropriate resolution for Council. Commissioner Faulkner seconded the motion and it passed by unanimous voice vote.

J. STAFF COMMUNICATIONS

Ms. Martínez described their new electronic system. The City is working to reduce the amount of paperwork and will provide more materials electronically.

Mr. Berke said they are getting the materials together for the study session on January 19th and will provide packets digitally for those who want them. They can provide the digital materials on a flash drive, as well.

Commissioner Hogan pointed out that handouts made at the meeting mean the Commissioners are not privy to what is put on their desk ahead of time and the City should not encourage that.

Ms. Martínez agreed. And there were members of the public who wanted to see the packet before the meeting. However, the Commission members should have the first look. We are not opposed to giving packet materials to them.

K. MATTERS FROM THE COMMISSION

Commissioner Hiatt said he gets mesmerized by all the email traffic from Staff.

Commissioner Gutierrez commended Ms. Martínez and her department for keeping up. This is the busiest that Planning has been since 2005. Keep up the good work. He also welcomed both new Commissioners from District 3 and the opportunity for their input.

Commissioner Gutierrez reported there was a Summary Committee meeting today.

Commissioner Faulkner announced she has been married 26 years today to her husband (who was present in the audience).

There were no other matters from the Commission


L. ADJOURNMENT

The meeting was adjourned at approximately 11:20 p.m.

Approved by:


Piper Kapin, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.