



Agenda

PLANNING COMMISSION
Thursday, August 2, 2018 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

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

MINUTES: June 21, 2018
July 5, 2018

FINDINGS/CONCLUSIONS:

Case #2018-45. Boies Station Condos at the Railyard Development Plan.

Case #2018-46. Acequia Lofts Development Plan.

Case #2018-44. 200 Murales Road Telecommunication Facility

Case #2018-33. 5651 Rufina Final Subdivision.

Case #2018-48. Las Soleras Lot 11-B General Plan Amendment.

Case #2018- 49. Las Soleras Lot 11-B Rezoning.

Case #2018-50. Las Soleras Master Plan Amendment.

Case #2018-51. Las Soleras Lots 9A-2 and 11-B Lot Line Adjustment and Vacation of 50 foot PNM Easement.

Case #2018-58. Madera Apartments Development Plan.

E. OLD BUSINESS

1. **Case #2018-34. 5670 Rufina Street Preliminary Subdivision (Rael Subdivision).** Dolores Vigil of Liaison Planning Services, Inc., Agent for Louie and Mary Lou Rael, Owners, requests approval of a Preliminary Subdivision Plat for eight single-family lots located at 5670 Rufina Street. The property is approximately 2.984 acres and is zoned R-3(Residential- three dwelling units per acre). (Margaret Ambrosino, AICP, Case Manager) (**POSTPONED FROM MAY 3, 2018 AND JULY 3, 2018**)

F. NEW BUSINESS

1. An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending Subsection 14-5.5(C)(3) to add applicability to single-family dwellings and detached multiple-family dwellings; amending Subsection 14-5.5(C)(5) to provide a setback from the Airport Road right-of-way and screen wall requirements for single family dwelling units and detached multiple-family dwellings; amending Subsection 14-5.5(C)(7) to add landscaping requirements for single-family dwellings and detached multiple-dwellings adjacent to the Airport Road right-of-way; and making such other changes that are necessary to carry out the purpose of the ordinance. (Councilors Abeyta, River and Lindell) (Greg Smith, AICP)

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: 7/18/18
TIME: 1:44 PM

2. **Case #2018-66. Piazza Fiorina Preliminary Subdivision Plat.** Jennifer Jenkins of JenkinsGavin, Inc., Agent, for Fit Properties, LLC, Owner, requests approval of a preliminary subdivision plat to create four commercial lots located at 3777, 3781, 3787 and 3795 Cerrillos Road. The property is approximately 6.86 acres and is zoned C-2 (General Commercial). (Margaret Ambrosino, AICP, Case Manager)
3. **Case #2018-65. Piazza Fiorina Development Plan Amendment.** Jennifer Jenkins of JenkinsGavin, Inc., Agent for Fit Properties, LLC, Owner, requests an Amendment (#3) for Vegas Verdes Restaurants Site Development Plan. This site encompasses 3777, 3781, 3787 and 3795 Cerrillos Road and is zoned C-2 (General Commercial). (Margaret Ambrosino, AICP, Case Manager).
4. **Case #2018-64. Markana de Santa Fe Apartments Development Plan.** Joseph Karnes of Sommer Karnes & Associates, LLP, Agent, representing KLG 26 LLC, Owner, requests approval of a Development Plan to build a 180-unit multi-family development on approximately 7.30 acres. The property is located on the east side of Richards Avenue north of Cerrillos Road and south of Rufina Street, and is zoned C-2 (General Commercial). (Lee Logston, Case Manager)

G. STAFF COMMUNICATIONS

H. MATTERS FROM THE COMMISSION

I. 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.**

SUMMARY INDEX
PLANNING COMMISSION

August 2, 2018

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1-2
C. Approval of Agenda	Approved as approved	2
D. Approval of Minutes & Findings/Conclusions		
1. MINUTES:		
a. June 24, 2018	Approved as amended	2
b. July 5, 2018	Approved as amended	2
2. FINDINGS/CONCLUSIONS:		5-6
E. Old Business		
1. <u>Case #2018-34</u> 5670 Rufina Street Preliminary Subdivision (Rael Subdivision)	Approved	6-10
F. New Business		
1. Land Development Code Amendments	Approved	3-5
2. <u>Case #2018-66</u> Piazza Fiorina Preliminary Subdivision Plan	Discussion	10-13
3. <u>Case #2018-65</u> Piazza Fiorina Development Plan Amendment	Approved	10-13
4. <u>Case #2018-64</u> Markana de Santa Fe Apartments Development Plan	Approved	13-24
G. Staff Communications	Comment	24
H. Matters from the Commission	Comment	24
I. Adjournment	Adjourned at 8:07 p.m.	24-25

**PLANNING COMMISSION
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue
Thursday, August 2, 2018**

CALL TO ORDER

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

A. ROLL CALL

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

Members Present

Commissioner John B. Hiatt, Chair
Commissioner Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Stephen Hochberg
Commissioner Mark Hogan

Members Absent/Excused

Commissioner Sarah Cottrell Propst, Vice-Chair
Commissioner Piper Kapin
[One vacancy]

Others Present:

Councilor Roman Abeyta
Ms. Carol Johnson, Land Use Department Director
Mr. Richard Word, Assistant City Attorney
Ms. Margaret Ambrosino, Planner Senior
Mr. Lee Logston, Planner Senior
Mr. Noah Berke, Current Planning Division Manager & Staff Liaison
Mr. Greg Smith, Current Planning Director
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-
C. APPROVAL OF AGENDA

The Pledge of Allegiance was recited.

Chair Hiatt requested the first case under New Business be heard before the Approval of Findings and Conclusions.

MOTION: Commissioner Hogan moved, seconded by Commissioner Faulkner, to approve the agenda as amended with Case #1 under New Business heard prior to the Approval of Findings of Fact and Conclusions of Law.

VOTE: The motion passed unanimously by voice vote with Commissioners Garcia, Gutierrez, Hochberg, Faulkner and Hogan voting in the affirmative and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS OF FACT MINUTES

1. Minutes:

a. June 21, 2018

Commissioner Faulkner said minor corrections were given to Mr. Boaz.

MOTION: Commissioner Hogan moved, seconded by Commissioner Hochberg, to approve the minutes of June 21, 2018 as amended with the minor corrections.

VOTE: The motion passed on a voice vote with Commissioners Garcia, Faulkner Gutierrez, Hochberg, and Hogan voting in the affirmative and none voting against.

b. July 5, 2018

Commissioner Faulkner said she provided minor corrections to Mr. Boaz.

MOTION: Commissioner Hochberg moved, seconded by Commissioner Hogan, to approve the minutes of July 5, 2018 with minor corrections.

VOTE: The motion passed on a voice vote with Commissioners Garcia, Gutierrez, Hochberg, Faulkner and Hogan voting in the affirmative and none voting against.

Chair Hiatt noted the Findings and Conclusions for the four Las Soleras cases are not ready to be presented and will not be voted on. Also the Commissioners had received a memo of the findings in Murales Road matter and that would be discussed today.

Chair Hiatt congratulated Rick Word who is moving to a position with the County and said it had been a

pleasure working with him.

Chair Hiatt introduced the new Land Use Director, Carol Johnson.

Ms. Johnson replied she, like the other new directors, was trying to absorb all of the information on the internal operations and codes and ordinances in the community. She was pleased the Commission's recommendation of their priorities align with hers and it is just a question of resources and budget.

She indicated the Mayor and City Manager have brought in the former City Manager of Las Cruces to do an organizational assessment and identify strategic priorities for the community, many of which will play into the Land Use realm. That will help the City develop the budget for the upcoming fiscal year.

Ms. Johnson indicated she hopes to prioritize the update of the General Plan and is eager to get started on that. The City has a great precedent of community engagement that was used for the SFUAD re-planning that could only be built on and made better.

She added that it is a great time to be in Santa Fe and she is pleased and humbled to be a part of that.

Chair Hiatt indicated the Mayor called for "*all hands on deck*" from Land Use for the thousand-year flood event. His yard was wiped out, so he would be calling her.

Ms. Johnson noted the deadline of tomorrow at noon to call Constituent Services and request a damage assessment. They hope to wrap things up by Monday because it has caused delays in the normal business of conducting inspections and in code enforcement. It was wonderful to see a great show of community for a terrible circumstance that has strengthened the bonds of that neighborhood.

NEW BUSINESS: [amended agenda order]

- 1. An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending Subsection 14-5.5(C)(3) to add applicability to single-family dwellings and detached multiple-family dwellings; amending Subsection 14-5.5(C)(5) to provide a setback from the Airport Road right-of-way and screen wall requirements for single family dwelling units and detached multiple-family dwellings; amending Subsection 14-5.5(C)(7) to add landscaping requirements for single-family dwellings and detached multiple-dwellings adjacent to the Airport Road right-of-way; and making such other changes that are necessary to carry out the purpose of the ordinance. (Councilors Abeyta, River and Lindell) (Greg Smith, AICP)**

Councilor Abeyta presented the ordinance. He noted they recently discovered the Airport Road Overlay has no design standards for residential development and mobile homes were placed on Airport Road without screening or landscaping and the overlay did not require setbacks, screening or walls for residential.

He talked with the individuals who installed the homes who are currently constructing a wall. The amendment proposed would require single-family and detached residences to have site design standards such as a 20-foot setback and a wall to screen from Airport Road and within the setback landscaping would be required.

The Commission had the amendments to require setbacks, screening and landscaping before them. Councilors Lindell and Rivera are also sponsoring the bill.

Mr. Smith had nothing to add, noting the Councilor presented the information well.

The Land Use Staff recommended the Commission recommend the Governing Body approve the amendment to the ordinance.

Public Comment.

Ms. Mary Schruben at 2129 Camino Rancho Siringo was sworn.

Ms. Schruben indicated the Municipal Tree Board, a subcommittee of the PARC Parks Commission is starting a study of Chapter 14 for items related to landscaping, soils, slopes, drainage, trees/bushes, invasive species, etc. They will add the new ordinances to their project list to discuss.

They are concerned about the dying off of tree cover in Santa Fe and are currently doing an inventory of the Park trees and have found about 40% have a significant die-off. They hope the Commission will consider the ordinance and the Land Use Office continues to find areas where the urban forest is not addressed.

There were no other public comments and the public hearing was closed.

Commission Questions and Discussion

Commissioner Faulkner commented she drives past that situation every day and fully supports this.

Commissioner Hogan asked if this situation was because residential use was not anticipated on Airport Road.

Councilor Abeyta replied it was and the Airport Overlay zone was assumed to be primarily commercial or possibly high density/multifamily use. The lack of standards for residential was overlooked until someone applied. He has discussed looking at the code with Land Use because this is currently an allowable use.

Action of the Commission

MOTION: Commissioner Hochberg moved, seconded by Commissioner Faulkner, to recommend that the Governing Body approve the amendment to the ordinance as stated above.

VOTE: The motion passed by the following roll call vote:

FOR: Commissioner Faulkner, Commissioner Garcia, Commissioner Gutierrez, Commissioner Hochberg, and Commissioner Hogan.

AGAINST: None

Chair Hiatt noted his appreciation of all of Councilor Abeyta's work and asked that he pass the acknowledgment on to Councilors Lindell and Rivera.

2. Findings of Fact and Conclusions of Law

a) Case #2018-45. Boles Station Condos at the Railyard Development Plan.

MOTION: Commissioner Faulkner moved to approve the Findings of Fact and Conclusions of Law on Case #2018-45 as presented. Commissioner Hogan seconded the motion.

VOTE: The motion passed by unanimous voice vote with all Commissioners voting in favor.

b) Case #2018-46. Acequia Lofts Development Plan.

MOTION: Commissioner Hochberg moved to approve the Findings of Fact and Conclusions of Law on Case #2018-46 as presented. Commissioner Hogan seconded the motion.

VOTE: The motion passed by unanimous voice vote with all Commissioners voting in favor.

c) Case #2018-44. 200 Murales Road Telecommunication Facility

MOTION: Commissioner Faulkner moved to approve the Findings of Fact and Conclusions of Law on Case #2018-44 as presented. Commissioner Hogan seconded the motion.

VOTE: The motion passed by unanimous voice vote with all Commissioners voting in favor.

d) Case #2018-33. 5651 Rufina Final Subdivision.

MOTION: Commissioner Hochberg moved, seconded by Commissioner Hogan, to approve the Findings of Fact and Conclusions of Law on Case #2018-33 as presented.

VOTE: The motion passed by unanimous voice vote with all Commissioners voting in favor.

e) Case #2018-58. Madera Apartments Development Plan

MOTION: Commissioner Hochberg moved, seconded by Commissioner Hogan, to approve the Findings of Fact and Conclusions of Law for Case #2018-58 as presented.

VOTE: The motion passed by unanimous voice vote with all Commissioner voting in favor.

The Findings of Fact and Conclusions of Law for the following four cases were postponed:

- Case #2018-48. Las Soleras Lot 11-B General Plan Amendment.
- Case #2018-49. Las Soleras Lot 11-B Rezoning.
- Case #2018-50. Las Soleras Master Plan Amendment.
- Case #2018-51. Las Soleras Lots 9A-2 and 11-B Lot Line Adjustment and Vacation of 50-foot PNM Easement.

E. OLD BUSINESS

- 1. Case #2018-34. 5670 Rufina Street Preliminary Subdivision (Rael Subdivision).** Dolores Vigil of Liaison Planning Services, Inc., Agent for Louie and Mary Lou Rael, Owners, requests approval of a Preliminary Subdivision Plat for eight single-family lots located at 5670 Rufina Street. The property is approximately 2.984 acres and is zoned R3(Residential- three dwelling units per acre). (Margaret Ambrosino, AICP, Case Manager) (POSTPONED FROM MAY 3, 2018 AND JULY 3, 2018)

Ms. Ambrosino presented the Staff report for this case.

The case was postponed from May 3 and there have been a few corrections since then:

On Condition #1 should be revised: *"The developer shall grant a 21-foot wide ingress, egress and utility easement along the western boundary of tract three; and additional 4-foot-wide access and utility easement adjacent to and along the eastern edge of that 21-foot wide easement"* and the easement language is *"to be approved by the Public Works Department"*.

Condition #2 is an irrevocable offer to dedicate the same 21-foot easement and the dedication language is *"to be placed in the dedication statement and subject to the approval of Public Works"*.

She noted that Ms. Sandra Kassens could clarify, if needed.

Ms. Ambrosino indicated the City Traffic Engineer had stated in their memo that this is to be completed prior to final plat and she had discussed that with the engineer and Ms. Vigil and the Applicant. Staff wanted the language finalized and on the plan prior to the final plat application.

The Applicant submitted a final round of revisions on July 31 and the interim engineer in his correspondence mentioned these have been reviewed and is comprised of small modifications. In the Technical Corrections Matrix (Exhibit A) terrain management, grading and drainage has been brought down significantly and there is now a list of four technical corrections. Those have been discussed with Ms. Vigil and were discussed with Mr. Chatroop.

Staff would like the Applicant to make any remaining corrections prior to a final subdivision application, of which there were quite a few. Traffic, City Wastewater, and City Land Use Engineers have indicated their willingness to meet with the Applicant to discuss and finalize to standards.

Staff deemed criteria #2 (page 7 of Staff's Report) as conditional and is in Staff's analysis:(reading from Chapter 14) *"If the Commission considers whether the proposed project is in the best interest of the public, health safety or welfare, or if they find that the land is not suitable for platting and development of the kind proposed when approving or denying the subdivision"*.

The lots are R-3 and the land is currently vacant. The proposed lots range from a little over 5000 ft.² to 6850 ft.² and is intended to accommodate manufactured homes, single or double wide. There are no opportunities with neighboring lots to gain advantage of width of the subdivision. The project is under 10 lots and therefore defined by the Santa Fe Home Program as a small project. A small project is permitted to be paid by right and constitutes compliance with the program.

Ms. Ambrosino noted the presence of Ms. Ladd to address questions on affordability or income certification and the utility fee discounts, etc. related to individual lot owners.

Staff recommended approval with Conditions #1-5 as corrected and with the technical revisions.

Questions to the Staff

Chair Hiatt asked on criterion #2, h if anything had been done since the first hearing that would change Staff's recommendation or the criteria to their recommendation. He anticipated limiting the scope of the public comment if there was no significant change.

Ms. Ambrosino pointed out there was discussion of a meandering walkway that appeared to be a straight walkway, otherwise there were no significant changes.

Applicant's Presentation

Ms. Dolores Vigil, P. O. Box 1835, Santa Fe, was sworn.

Ms. Vigil stated that the Applicant agreed with all Staff conditions stated and had done some re-designed configurations. One adds a 5-foot walking pedestrian trail west of the lots. She has worked diligently with several engineers, the last being Joe Barela, to ensure the criteria was met for the bar ditch, driveway easement and the pedestrian trail.

In addition, the Applicant would like to include at least one shade tree on each lot as part of the application if approved. The location of each shade trees is not specified because of the uncertainty of the locations for the homes. All criteria for setbacks, lot coverage, open space etc. will be met and culverts for the drainage proposed and the configuration by topo for drainage has been added as well as ponding areas on the property to address runoff.

The Applicant and engineer designed a good solution and will also create CC&Rs to address drainage ponds and the maintenance of the ponds, culverts and ditches, the pedestrian trail, landscaping, ingress, egress and utility easements. Those will be recorded with the plat and will run with the land.

In addition the Commission has been provided with a typical lot layout and examples and types of manufactured homes and double-wide options for review. The subdivision development will be in two phases with Phase I for Lots 1-4 and 5-8 in the second phase.

Public Comment

Chair Hiatt explained there was a hearing on July 3rd and those who testify should only testify like to new elements in the application. The Commission did not need to hear previous testimony issues.

Mr. Ken Keelin, 5760 Rufina Street, was sworn.

Mr. Keelin said Santa Fe just had 1000-year flood and he would like to know the elevation from the top of the hill from Airport Road down and the amount of that drop, because it is a flood area.

There are also prairie dogs and he believed the Grand Junction Prairie Dogs are protected. The Applicant had stated no wildlife would be disrupted and his pictures showed wildlife all over the area.

Mr. Keelin added that the road through the area is not asphalt and is required as a new development to be asphalt. And turning off of the main road into each driveway should be clarified because the Applicant has stated there will be 18-inch culverts in the driveways. The driveways are going to be wherever they want them, and he wondered if lot owners would turn into one drive with an 18-inch culvert or be able to drive over the culvert.

Mr. Donald Stone, 3222 Calle Maria Louisa, was sworn.

Mr. Stone said there are two lots that are to be open spaces at the site. He recommended the flood plain area be the open spaces. The flood plain goes right through his property and there is a condominium

complex that is all concrete and asphalt. They have never had a container pond and the complex drains off the two properties onto his land.

He suggested putting the ponding in the open space even though the Applicant would lose prime property, because it would cause irreparable harm to anyone buying the area where the water drains.

There were no other comments and the public comment portion was closed.

Commission Discussion

Commissioner Hochberg asked if the shade trees would be covenanted and run with the property.

Ms. Vigil replied the trees would run with the land for each lot owner to care for and would be on the CC&Rs.

Commissioner Hogan noted at the last hearing there was discussion about limiting the number of automobiles. He asked if that had been considered.

Ms. Vigil indicated parking areas have been designated and there will be at least three; two are required and one is for guests. In the CC&Rs parking will not be allowed on driveway easements and there will be signs stating cars will be towed; it is a private easement.

Commissioner Gutierrez asked if someone would enforce the parking.

Ms. Vigil offered to include that in the CC&Rs. She agreed they could also include that only one family is allowed on each lot in the CC&Rs as well as putting that in each deed.

Chair Hiatt commented he was certain the Applicant would follow the City ordinance regarding the prairie dogs, but he also wanted to know the elevation of the land.

Ms. Vigil replied the elevation was approximately 15' down along 1900 linear feet. She had looked at all of her properties the morning after the flooding and noticed no debris or damage to this property.

Chair Hiatt asked that Ms. Vigil discuss Mr. Keelin's question regarding the culverts at the driveways and talk with Mr. Stone about the open space and his concern with ponding being in the wrong place.

Action of the Commission

MOTION: Commissioner Hogan moved, seconded by Commissioner Faulkner, in Case #2018-34 Rael Subdivision, to approve a preliminary subdivision plat for a single-family lot located 560 Rufina Street subject to the technical corrections and the conditions of approval and the

agreements made at this meeting in relation to parking and trees recommended by Staff.

VOTE: The motion passed by the following roll call vote:

FOR: Commissioner Faulkner, Commissioner Garcia, Commissioner Gutierrez, Commissioner Hochberg and Commissioner Hogan

AGAINST: None.

2. **An ordinance relating to the Land Development Code**, Chapter 14 SFCC 1987; amending Subsection 14-5.5(C)(3) to add applicability to single-family dwellings and detached multiple-family dwellings; amending Subsection 14-5.5(C)(5) to provide a setback from the Airport Road right-of-way and screen wall requirements for single family dwelling units and detached multiple-family dwellings; amending Subsection 14-5.5(C)(7) to add landscaping requirements for single-family dwellings and detached multiple-dwellings adjacent to the Airport Road right-of-way; and making such other changes that are necessary to carry out the purpose of the ordinance. (Councilors Abeyta, River and Lindell) (Greg Smith, AICP)

F. NEW BUSINESS

2. **Case #2018-66. Piazza Fiorina Preliminary Subdivision Plat.** Jennifer Jenkins of JenkinsGavin, Inc., Agent, for Fit Properties, LLC, Owner, requests approval of a preliminary subdivision plat to create four commercial lots located at 3777, 3781, 3787 and 3795 Cerrillos Road. The property is approximately 6.86 acres and is zoned C-2 (General Commercial). (Margaret Ambrosino, AICP, Case Manager)
3. **Case #2018-65. Piazza Fiorina Development Plan Amendment.** Jennifer Jenkins of JenkinsGavin, Inc., Agent for Fit Properties, LLC, Owner, requests an Amendment (#3) for Vegas Verdes Restaurants Site Development Plan. This site encompasses 3777, 3781, 3787 and 3795 Cerrillos Road and is zoned C-2 (General Commercial). (Margaret Ambrosino, AICP, Case Manager).

Ms. Ambrosino presented the staff report for Cases #2018-65 and #2018-66.

Condition #2 was updated and had a technical correction. The properties are located in zone 3 of the Cerrillos Road Highway Corridor District.

The City Wastewater Engineer talked with the Applicant early in the week and has revised his condition and memo to read that *"the final design of the sewer system serving Lot 4 shall be as reviewed and approved by the City's Wastewater Division and this shall be completed and submitted with the final plat application, should the Commission approve the preliminary subdivision plan"*.

The technical correction (in Exhibit A from Environmental Services) has been revised to apply only to the newly created Lot 4, as the dumpster pickup. The new code states a 12-foot-deep trash enclosure that applies to the new Lot 4 and that a pad should be built.

In summary, the bulk of the project property identified as Tracts 14 and 15 in Exhibit E Applicant submittals. The tract borders Cerrillos Road and Aggie Road to the west and along Aggie Road takes a bend running north, northeast and from where Aggie meets Cerrillos there are three existing businesses; Chili's Restaurant, U.S. Bank and then the Olive Garden.

The purpose of each subdivision is to give each business owner their own lot. There is a lot of adequate space to propose a fourth parking lot to the rear of the Olive Garden Restaurant.

The Applicant's analysis indicates this is typical C-2 use whether retail or commercial service related and would meet parking requirements and Staff concurs the use and parking, landscaping and any of aspects of Chapter 14 code could and should be met at the time of building permitting. The existing lots with the restaurants and bank, would be lots one through three.

The Development Plan Amendment the original Vegas Verdes Restaurants site development plan contains in the Lot of Record labeled as Lot 1A and at the corner of Cerrillos and Vegas Verdes Avenue will not be affected by the preliminary subdivision plan but is included in the development plan to be amended.

There would be an increase in traffic and flow on the ingress/egress to the east of Vegas Verdes Avenue and the northern edge of parcel Lot 1A. There was some discussion at the ENN regarding traffic but no major issues.

Staff recommended approval subject to the revised Conditions #1-3 and technical revisions (Exhibit A).

Chair Hiatt appreciated the notes of the ENN being included in the report and found that helpful.

Applicant's Presentation

Ms. Jennifer Jenkins, 130 Grant Avenue, Suite 101, Santa Fe, was sworn.

Ms. Jenkins indicated she represented FIT properties in the request and would briefly give an overview of the request. She noted in an aerial photograph the locations of the area and that most of the property in the vicinity is zoned C-2 although some residences are north of Aggie Road.

The shopping center is comprised of two existing parcels. The corner of the parcel is Lot 1A and is part of the development plan and shopping center and shares parking easements and access but is not being modified as part of the subdivision, although part of the development plan application.

The proposal is for each business to be on its own parcel and in the northeast corner of the property to create a new undeveloped parcel with opportunity for an additional building.

The property is over-parked and even with the development they estimate at maximum of a 9000 ft.² building would remain over parked. The property will continue to function as a shopping center and access will continue to be shared. They like the idea of reducing the asphalt and adding additional landscaping and more services for the community.

The Applicant agrees with Staff conditions, especially the two amendments regarding wastewater design and the modification from the Environmental Services for a new dumpster enclosure to meet current standards.

Ms. Jenkins stood for questions.

Public Comment

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

Commission Questions to the Applicant and Discussion

Commissioner Faulkner indicated that residents at the ENN had mentioned having a higher wall on Aggie Road and limited access.

Ms. Jenkins showed images of the original development plan and a condition to maintain pedestrian connectivity from the project with neighbors to the north. The wall proposed in the back is currently 4.5' tall and the Applicant felt that was adequate and a taller wall would attract more graffiti. The applicant is supposed to raising the height of the wall and does not see the benefit and there is no direct vehicular traffic.

Commissioner Hogan asked to hear more about the signage plan.

Ms. Jenkins explained there is an existing monument sign that the Applicant would have space on as well as the building that would be in accordance with code.

Commissioner Hogan asked how drainage would be addressed.

Ms. Jenkins replied that Mike Gomez with Santa Fe Engineering was asked to assess the drainage and it comes down to maintenance. There will be a maintenance plan as part of the final plat application to clean out and desilt and properly maintain the existing drainage.

Commissioner Hochberg expressed exasperation with Cerrillos Road and found it ugly although it had the essential things people need. It is a crowded road that has nothing beautiful or Santa Fe-like and he wanted to understand how adding another business in the area would improve anything. He asked if they could start to make the area more attractive.

He said they talked about being overparked - now there would be more traffic in the area. He asked Ms. Jenkins to tell them something that would make him think they are starting to beautify the area.

Ms. Jenkins thought the center one of the more attractive along Cerrillos Road with well-maintained landscaping and vegetation along the road. The buildings are attractive and newer, and it is a more current development and she preferred an attractive building that is providing additional services to asphalt.

Action of the Commission

MOTION: Commissioner Hogan moved, seconded by Commissioner Faulkner, in Case #2018-66 Plaza Fiorina, to approve the preliminary subdivision to create four commercial lots located at 3777, 3781, 3787, 3795 Cerrillos Road, subject to conditions and technical corrections.

Commissioner Hochberg asked if correct that four lots would be created when there are three lots.

Ms. Ambrosino explained that Tract 14 and 15 exclude Lot 1A at the corner, which is one lot. He was correct they are making four lots out of one and each owner would be given their own lot for Lots 1-3 and Lot 4 would be the future commercial lot.

VOTE: The motion passed by unanimous roll call vote as follows:

For: Commissioner Faulkner, Commissioner Garcia, Commissioner Gutierrez, Commissioner Hochberg, Commissioner Hogan.

Against: None.

MOTION: Commissioner Hogan moved, seconded by Commissioner Faulkner, in Case #2018-65 Plaza Fiorina Development Plan Amendment, to approve the site development plan with all conditions and technical corrections.

VOTE: The motion passed unanimously by the following roll call vote:

For: Commissioner Faulkner, Commissioner Garcia, Commissioner Gutierrez, Commissioner Hochberg, Commissioner Hogan.

Against: None.

- 4. Case #2018-64. Markana de Santa Fe Apartments Development Plan.** Joseph Karnes of Sommer Karnes & Associates, LLP, Agent, representing KLG 26 LLC, Owner, requests approval of a Development Plan to build a 180-unit multi-family development on approximately 7.30 acres. The

property is located on the east side of Richards Avenue north of Cerrillos Road and south of Rufina Street, and is zoned C-2 (General Commercial). (Lee Logston, Case Manager)

Mr. Logston presented the Staff report for the case.

He noted that Joseph Karnes represented the owner of the Markana de Santa Fe Apartments Development Plan request and the multi-family use is permitted in a C-2 zone. The request is because the complex has more than 10,000 ft.² of development, it is 172,000 ft.² with 180 units in 27 buildings on 7.3 acres. The site has been vacant many years and has had drainage issues because Richards Avenue was undeveloped on the east side.

The developer would make road improvements and address the drainage issues.

Staff considers this an irregular lot for setbacks and site design and therefore the setbacks as proposed conform to code.

The conditions of approval in points 1, 2, and 3 regarding fire requirements have mostly been addressed and the Applicant has submitted a fire plan. Landscaping has been addressed as well in the Appendix B – DRT, the Applicant response to additional information requests.

The development plan must meet three criteria for approval: 1) That the Planning Commission is empowered to approve the development plan. 2) That the plan does not adversely affect the public interest. Staff's opinion is this will provide needed housing and the location is good in terms of services and transit. 3) That the use of buildings is compatible with and adaptable with surrounding uses and fits in with the other buildings. Staff's opinion is that the development plan clearly meets criteria.

The Land Use Department recommends approval with the conditions of approval that have been outlined in this report. One motion could be made to either approve or deny the development plan subject to Staff recommended conditions of approval and technical corrections.

Chair Hiatt clarified whether to include the conditions of approval 1-5 in the motion to approve.

Mr. Logston suggested the conditions remain in the motion because the final details are being completed in the fire plan and would recognize the conditions would be satisfied prior to recordation.

Applicant's Presentation

Mr. Joseph Karnes with Sommer Karnes and Associates, 200 West Marcy, Santa Fe, was sworn.

Mr. Karnes noted they have identified the need for housing, particularly rental in Santa Fe and the client is Legacy Hospitality in Albuquerque. They have done hotels and apartment projects, some in Santa Fe and currently some are being done in Seattle Washington.

The 7.3 acres site they feel is ideal that is close to Cerrillos Road and there is a scarcity of contiguous large properties zoned for allowance of apartment use. Services are readily available as well as public transportation and the access for the apartment units for ingress/egress is ideal to get to major arterials.

The site has been vacant for a long time and was annexed with the Home Depot property in the 1990's as a single annexation. Home Depot was developed but this property remained vacant with the only inhabitant, the prairie dogs, which will be relocated per ordinance prior to construction.

There are 7 buildings that are a mixture of 2 and 3-story units that can accommodate 180 apartments and the 263 spaces of parking that is required. There will be 297 parking spaces provided. The application meets all city code requirements and Mr. Gomez has prepared a TIA; the archaeological study found no relevant artifacts and has been approved by the Archaeological Committee; and there are no variances necessary.

Staff scored the project at 100% in the architectural matrix. Two access points will be off to the north and south of Richards Avenue and the project will result in the completion of Richards. The property will be gated and intends to facilitate pedestrian traffic within the site and out to Cerrillos to access public transportation, etc.

Most conditions have been satisfied, but Condition #7 – the construction of a sidewalk up to Rufina Street - the grade presents difficulties in achieving the condition. The Traffic Engineer Department has a good idea that the engineer would address with the Commission.

Public Comment.

Mr. Rick Martinez, 725 Mesilla Road was sworn.

Mr. Martinez noted once again, there are no Affordable Housing units. He asked why the City would allow the developer to have no affordable units. The affordable units would recycle themselves.

Everyone says "*Well they are paying the fee in lieu of*" but he thought it time they stood up. The City talks about having affordable units and that there is no Affordable Housing in the City and yet they keep giving it away. He noted that the Commission has approved over a couple of thousand apartment units with not one affordable unit in the process and that is a shame.

Chair Hiatt responded to Mr. Martinez saying he was, "Preaching to the choir" and he has heard this every time the topic is discussed. He indicated if the Commission decided not to approve this unless affordable housing was included the City would be sued. It is the law and the Applicant has the right.

He suggested Mr. Martinez become the new Land Use Director's best friend and try to get her to get the Governing Body to change the ordinance.

Mr. Martinez said he would also point back to the Planning Commission that they should be telling the Director. He had not seen the Commission say the City should change the ordinance.

He thought regarding Affordable Housing it is about thinking about what is good for the City.

Commissioner Hochberg confirmed with Ms. Ladd there is a sunset clause January 2020. He noted the Commission could not relitigate what has been agreed to but could prevent that from happening again if they had people like Mr. Martinez speak up.

Commissioner Hochberg added that in less than 18 months the ordinance would be history and the astute developers want to prepare their projects with *in lieu of* in mind and have the right to do that.

Mr. Martínez replied he understood, but the Commission has a voice too and why not ask for at least one affordable unit. It does not have to be 15%; it could be 5 percent.

Commissioner Faulkner addressed Mr. Martinez and indicated this is also a concern of hers. She met with the new Land Use Director and they need to diversify the population. She is afraid if they continue to allow *in lieu of* apartment complexes, there will be no affordable housing mix in the market value apartments. Her concern is they will build “crack” houses in other parts of town.

Mr. Martínez thanked the Commission for listening. He grew up with the Santa Fe diversity and sees more and more that Santa Fe is losing that diversity for exclusivity.

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

Commission Questions to the Applicant and Discussion

Chair Hiatt asked Mr. Karnes why not put affordable units in the apartments.

Mr. Karnes replied that City Council had the wisdom to adopt this ordinance which provides *in lieu of* as a matter of right. Other projects have complied with the ordinance and that is what the applicant is doing and as pointed out, the ordinance will sunset.

He added the ordinance was adopted for a reason having to do with economy and the crash to stimulate projects to fulfill the need for housing, in this case rental housing. He understands other clients have been before the Commission but as a right, the Applicant will comply with the ordinance.

Chair Hiatt asked if Mr. Karnes had discussed whether to do affordable or *in lieu of* with his clients.

Mr. Karnes said he did and this was a business decision.

Commissioner Hochberg said the Applicant is complying with the law, everything was litigated, and he is within his rights. He thought the plan appeared, although a little crowded, to be an attractive building with a pool, etc. He asked what the rent would look like.

Mr. Kames said it would be market rate rental houses with three different product types ranging from 800/900 ft.² to 1300 ft.² within the market segments.

Commissioner Hochberg added there is a desperate need for rental housing at any price in Santa Fe.

Chair Hiatt said the complex looks enormous and he sees two entrances. He asked to hear from the Traffic Department.

Mr. Mike Gomez at 1599 St. Francis Drive was sworn.

Mr. Gomez indicated the traffic generated in the morning would be about 45 cars exiting the site and 16 cars entering the site. They have counted a similar size apartment complex in Santa Fe and found that ITE overestimates the counts they do. The numbers are realistic and are accepted by the City and by DOT as well as nationwide.

ITE also analyzed Cerrillos Road as the most likely direction people would take going to and getting home from work. Traffic counts were done on March 13, 2018 and the drawing shows three failing lanes currently for people going eastbound and downtown. The right turn has 128 fails in the morning. In the evening, the orange shows northbound left is failing. The project is on the north side and none of their traffic uses any of the failing movements and there is none on the horizon or 20 years down the road.

Chair Hiatt asked assuming the 45 exits in the morning are going to Cerrillos, if those figured into the 136 for the left turn lane onto Cerrillos or need to be included in that.

Mr. Gomez explained they would have to be added in for the direction they travel. They have a traffic model that shows that at Cerrillos Road they are generating 17 right turns in the morning and 17 left turns and 14 through movements. The apartment impact at that intersection is minimal compared to the total traffic numbers.

Mr. Gomez added they went beyond Cerrillos and analyzed to Rufina and Richards Avenue, Siler and Rufina and Agua Fria. The extension of Richards Avenue and all the intersections have level B and C service and the only issue is Cerrillos Road. Although they are not impacted by that or making them worse, the right turn deceleration lanes eastbound that should have been built as part of the Cerrillos Road improvement project would solve that if they would make a priority for a right turn lane.

He noted that on through traffic, the City periodically times the signals, and all are coordinated, and they could not just do one intersection. They have to do the entire line of traffic signals and requires a synchronization study to adjust the lights to give more time as needed.

He noted that was not done for this study. In addition although not used by the apartment traffic, the northbound left could be retimed, or the street could be enlarged to make a dual left. The traffic generated by the apartment complex would use a dual left and on their side of the street and has a dedicated right turn lane and would be an easy in and easy out.

The Applicant will widen the street to a four-lane facility in each direction with a left turn lane to get into the existing Home Depot, etc. At the entrance to the apartment they are adding right turn and left turn deceleration lanes so even if Richards Avenue sees a big increase in traffic, their driveways would not be a problem. Their capacity analysis shows their driveways as high B and C levels of service.

Commissioner Hogan thought the apartment complex was a great project with attractive architecture and amenities for the residents. They were a little creative getting the stormwater to the pond across the street. He asked Mr. Gomez to elaborate on that.

Mr. Gomez replied the project was annexed in 1995 and Santa Fe Staff at that time was concerned with runoff and Richards Avenue was not there. Agreements and easements were made that this site could discharge into the large pond near Home Depot, but it never gets water because this part of the road had not been completed. The storm sewer was installed but has never been used.

The Applicant plans to pick up that meet all the conditions and annexation requirements in the amount of water diverted.

Commissioner Hogan thought they were 18-inch pipes. He asked if the recent storm had caused Mr. Gomez to reconsider any of the pipe sizing.

Mr. Gomez said the ponding area, not the pipe size is the issue. They have an intricate site plan that uses low-impact methods to control runoff and some areas have pervious pavement with interlocking pavers and swales in the landscape and ponds and there are controlled inlets and gravel mulch. They have calculated everything to meet code and have overflow capability with a large storm to avoid anyone being flooded out.

Commissioner Hogan asked if the pond would be modified.

Mr. Gomez replied the pond is over-engineered and he thought there had never been any flow over the top from the pond.

Commissioner Faulkner asked about the Condition #7 sidewalk. She was aware it is an ADA issue and the Applicant might not be able to meet the condition.

Mr. Gomez passed out photographs of the existing situation to the Commissioners. On the apartment side of the road the sidewalk was never built, possibly because they anticipated the Richards project would extend to Rufina Street. There were two driveways with curb cuts for both but driveway number two the land is six feet higher than the road. They have used driveway #1 to get into the triangular shaped property that has the three buildings and the dumpster.

Photographs show on driveway #2, they did not even try to connect to the street and there is a picture of the City dumpster in the right of way. There is a problem with the grade and if the Applicant met City code they would be forced to build a series of retaining walls because at maximum they could only be 6-foot-high and guardrails would be needed for liability within the right-of-way.

The estimate was about \$135,000 to push the sidewalk up to the curb and gutter which is a very expensive sidewalk. The City Traffic Engineer agreed the driveways are not adaptable to add a sidewalk. They proposed a crosswalk be put in, so people could cross to the west side to use that sidewalk and the Applicant accepted that as a condition

Commissioner Faulkner stated that it was critical to allow access to people in wheelchairs and the crosswalk made sense.

James Martinez from the City Traffic Engineer Department came forward.

Commissioner Faulkner asked if the alternative described would be ADA compliant.

Mr. Martinez replied it would be a way to meet compliance and provide ADA accessibility and for a sloped sidewalk they would need to meet 8.3% Federal standards, but he thought they would not meet the slope requirement. In addition they would have to supply a resting area after a certain distance and either way would require a lot of reconstruction, dirt removal and improvements to the road as well as a header wall to retain the soil.

Commissioner Faulkner was concerned. She indicated she has a disability and knows the City is getting better at ADA compliance, but that has been a problem. It has been difficult for paratransit riders to access the best site because of this type of situation and she would be comfortable with as much ease of access as possible.

Mr. Martinez replied crosswalks can give a false sense of safety and are intended to get people to cross in a specific location. They could assess whether a crosswalk is warranted and how many pedestrians would be crossing.

Commissioner Hogan asked why they were not doing the strip in between; have a 5-foot sidewalk that follows the grade of the street, which seemed more reasonable.

Mr. Gomez responded that was the alternative priced at \$130,000, not including the cost of utilities relocation. The City code requires the five-foot no-strip and then a five-foot sidewalk and tiered retaining walls.

Commissioner Hogan suggested looking for an exception and not have the no-strip and if they get the sidewalk up against the street they would not have to retain it.

Mr. Gomez thought that a feasible option. The tiers would eat into the driveway at the top and a garbage truck etc. may not be able to get up there. They had looked at moving it to the back of the curb and that would be \$135k without utility location included and adding 5 feet is a lot more.

Commissioner Faulkner asked if the sidewalk as asked for in Condition #7 would blow the budget.

Mr. Gomez did not know. The developers do not know until they get approvals what their budget would be, and everything added increases the cost of the housing and someone has to pay for it.

Mr. Logston indicated at the time to turn in the report Joe Barela had determined the developer would have to do off-site improvements. He and Mr. Gomez met with Mr. Barela last week and it was concluded the Applicant would not be required to do off-site improvements. Generally off-site improvements are not required of developers and the City plans to rework the Rufina intersection in the near future. The driveways would get refigured on the City's dime and should not fall on the developer.

Chair Hiatt asked to clarify why this was considered off-site.

Mr. Logston explained it is not part of the developer's property. He noted that aerial photograph (C-3) showing a couple of parcels to the north of this project where the area in question is. He said it is not part of their project.

Commissioner Gutierrez noted he was not in favor of people having to cross the street to use a sidewalk on the opposite side but looking at a project with 27 buildings and 180 units he thought including \$135,000 for improvements would be doable.

Commissioner Hochberg said it was not reasonable to ask people to crisscross across traffic to get to a contiguous sidewalk. He had heard the city may be doing the sidewalk. He asked why the City is not coordinating this and the project would take about 18 months to build and between now and then could be coordinated. He asked why the Planning Commission has to rubberstamp a condition.

Commissioner Faulkner said she has no sidewalks in her neighborhood and sidewalks are critical and change the dynamics of the neighborhood.

Commissioner Faulkner was not sure this would be the developer's responsibility, but it is a critical item with this and other projects and should be considered by the Commission.

Chair Hiatt asked if there were any issues other than the sidewalks.

Commissioner Hochberg confirmed that the gated property would not tie up traffic.

Chair Hiatt said the Commission would focus on the sidewalk now.

Mr. Gomez indicated the City shares the Commission's concern about access and ADA. The Applicant is willing to build and abut the sidewalk against the back of the curb if they could receive impact fee credits.

The credits are common in the Traffic Engineering Department because this improvement is not just for the project but everyone in the community. The developer would be spending a lot of money with \$135k on top of widening Richards Avenue and fixing everything in disrepair since those days.

Ms. Johnson thought it important to clarify that they were talking about two different segments of sidewalk; one segment is adjacent to the property. She thought the section with the 5-foot landscape strip possible.

Mr. Gomez replied the code requires them to improve the street in front of their property.

Ms. Johnson added that part of the street will have the landscape buffer and the sidewalk with trees and when they move off site to the north and the private parcel is when they run into the gray condition.

The code does not require the developer to build the off-site section and including that in this approval muddies the project. That should be negotiated with the developer through the impact program outside of the land use approval.

Commissioner Hochberg asked the number of feet of the area being discussed and was told it is about 1000 feet and the sidewalk in front of the property is about 3000 feet.

He said they are creating a circumstance of building something beautiful where there should be a continuous sidewalk that did not need a sidewalk before and it is the Applicant's responsibility.

Chair Hiatt said he understood the Ms. Johnson's proposal was to negotiate with the other departments and the developer to take care of the issue.

Commissioner Faulkner asked if the Commission's motion could forego Condition #7 with the understanding the requirement would be met by the developer negotiating with Staff to do this with impact fees.

Chair Hiatt asked what if they could not come to an agreement.

Mr. Logston suggested they strike Condition #7 and add a new condition that the City negotiate with other agencies and the developer to create a sidewalk solution. He thought a sidewalk with an island as a refuge could be one solution.

The City should not impose on the developer the building of a retaining wall and moving dirt that might be ripped up in a few years. He also thought a cross walk could be a solution.

Mr. Berke explained this intersection is not a high priority project in the next five years. However, the condition was made by the temporary city engineer and this is an off-site improvement.

The City Code does not require a continuous sidewalk off of the Applicant's property and is written with the hope that as the next property comes in they would also do a sidewalk and complete connectivity.

He stressed the Commission's vote tonight was not whether to do a mid-street crosswalk but is just on the project as proposed. The developer has complied with code with a sidewalk on site and a 5-foot planter strip and 5-foot sidewalk that meets the ADA requirements. This was a suggestion more than a requirement because Staff cannot require that this be done.

Chair Hiatt agreed, but he did not see an unwillingness by the developer to try to solve the problem. He said he trusts in the good faith of Ms. Johnson and Mr. Karnes to work this out and he was happy to waive impact fees because this will be expensive.

Commissioner Hochberg asked the magnitude of the impact fees. Other projects have been asked by the Commission to do things and they have recognized the need to do that for the community.

He emphasized that the City might undo this sometime in the future, true, but it is not even on the drawing board now. It would be good if the Commission could help ameliorate the impact on the Applicant, but he would like to require this. Otherwise the Applicant and developer could walk away and that would be the end of it.

He could not understand the Applicant's reluctance, because they need a sidewalk and have to commit to it and the City will hopefully work with them.

Commissioner Faulkner asked Staff if there was precedence to include off-site work in conditions.

Mr. Berke replied there has been. The Gerhart Apartments had a fair share contribution to the intersection improvements that made it a high priority project and funded it. The Commission could direct Staff to work with the Applicant to determine a solution even as a condition, to allocate impact fees prior to construction toward the improvements of the sidewalk and working with the Traffic Engineering Division and the Public Works Department.

He said Staff would be happy to undertake that and the Applicant was more than willing to work with them on this.

Chair Hiatt asked Mr. Word if he had drafted anything regarding the issue.

Mr. Word replied he was looking at the approval criteria and that should be their focus. The 3 criteria for development plans - b) *approving the development plan will not adversely affect the public interest* - seems to be the only criteria they could factor this in and it is vague and broad.

He noted *how the public interest is affected* by putting in 180 new apartments – the residents presumably would walk to the amenities on Rufina but that is a public interest question and they might get a legal challenge from developers.

Chair Hiatt preferred doing this cooperatively and recommended approval on the criterion's met under the development plan without #7. He thought a vote was not necessary and would work if the Commission

just directed the Land Use Department and developer to get together.

He asked that Commissioner Hochberg suggest language in lieu of Condition number seven.

Commissioner Hochberg wanted a public undertaking from the Applicant that they would work toward this with the hope the developer would be coming before the Commission again.

Chair Hiatt confirmed that Mr. Karnes understood the conversation and what the Commissioners were asking and that they were committed to doing that.

Mr. Karnes understood and indicated the Applicant is committed to working with the Land Use Director to devise a solution that made sense and is implemented.

Commissioner Hochberg asked if he understood the undertaking would have some cost to the developer.

Mr. Karnes agreed that would be part of the discussion with the Land Use Director.

Commissioner Gutierrez asked to clarify if the sidewalk is constructed off-site, whether the Applicant would have to come back before the Commission to ask for variances, etc.

Mr. Berke indicated if developed by a private developer there is alternate means of compliance in the code. The Applicant would not have to come back unless they could not come to an agreement.

Commissioner Faulkner noted the Commission's reliance on Staff and said she appreciated that the developer was willing to take on additional cost to resolve this.

Commissioner Gutierrez asked how high R zoning went.

Mr. Berke replied the highest density zoning is C-2 which has no density and like this and then R-29 and RM-1s and RM-22, but he thought they had changed some of the RMs up R-29.

Mr. Logston thought this was R-24.

Action of the Commission

MOTION: Commissioner Hochberg moved to approve the request with Conditions 1-6 (with Condition # 7 removed) and the understanding as stated by Director Johnson. Commissioner Faulkner seconded the motion.

VOTE: The motion passed by the following roll call vote:

FOR: Commissioner Faulkner, Commissioner Garcia, Commissioner Gutierrez, Commissioner

Hochberg, and Commissioner Hogan.

AGAINST: None.

Chair Hiatt said he represents Richards Avenue Business Park and worries about people on the sidewalk, He thought seeing the growth as he drives down Henry Lynch, that this is the right decision.

G. STAFF COMMUNICATIONS

Chair Hiatt asked Ms. Johnson if this was an exciting first meeting.

Ms. Johnson replied it was and she appreciated the cordiality among the Commissioners and the applicants.

Chair Hiatt noted they have really good applicants who bring good projects, but this is a 400-year-old City and that makes it hard.

Mr. Berke reminded the Commission the second meeting of the month has been canceled.

H. MATTERS FROM THE COMMISSION

Commissioner Faulkner requested Staff email her any documents handed out during the meeting that are not in the Commission packet.

Mr. Word said the next time he is before the Commission it might be to talk about revisiting traffic on Agua Fria approaching St. Francis because there are new units being developed. He lives in the area and his children cross Agua Fria on their bikes.

Chair Hiatt said that has been discussed so many times and the Commission does not feel empowered to do much and developers follow the code and what alternative does the Commission have.

Mr. Word said he Mr. Berke told him there will be 2,000 units developed on Agua Fria that have been approved.

I. ADJOURNMENT

Commissioner Faulkner moved, seconded by Commissioner Gutierrez to adjourn the meeting.

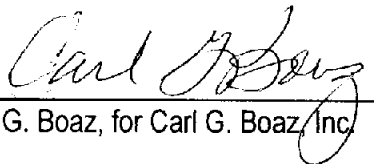
The meeting was adjourned at 8:07 p.m.

[Signatures on the following page]

Approved by:


John B. Hiatt, Chair

Submitted by:


Carl G. Boaz, for Carl G. Boaz, Inc.