



Agenda

PLANNING COMMISSION
Thursday, February 6, 2020 - 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: None**
 - FINDINGS/CONCLUSIONS: None**

- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. An Ordinance Amending the Land Development Code to Add a Definition for "Apothecary"; and Amend the Definition of "Clinic". (Councilors Abeyta and Lindell) (Eli Isaacson, Interim Land Use Director, esisaacson@santafenm.gov, 955-6830)
2. **Case #2019-1523. 913 ½ A&B Old Pecos Trail Variance.** Montoya Land Consulting Inc., Agent, for Lucy Lopez et alia, Owner, requests a variance from Table 14-7.2-1 "Table of Dimensional Standards for Residential Districts" to allow a side yard setback of less than 5 feet. The property is zoned R-3 (Residential - three dwelling units per acre), and is within the River and Trails Archaeological Review District. (Dan Esquibel, Case Manager daesquibel@santafenm.gov, 955-6587)
3. **Case #2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).
4. **Case #2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential- one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

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.**

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: January 21, 2019

TIME: 10:04 AM

**SUMMARY INDEX
PLANNING COMMISSION MINUTES
FEBRUARY 6, 2020**

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes and Findings/Conclusions	None	2
E. Old Business:	None	2
F. New Business		
1) Ordinance Amending the Land Development Code to Add a Definition for "Apothecary"; and Amend the Definition of "Clinic"	Recommended Approval	2-3
2) Case #2019-1523. 913 ½ A&B Old Pecos Trail Variance.	Approved	3-5
" Findings/Conclusions	Approved	5
3) Case #2019-20. 4000 and 4100 Geo Lane Rezoning.	Postponed	5-33
4) Case #2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision.	Postponed	6-33
G. Staff Communications	Comments	33
H. Matters from the Commission	Comments	33-34
I. Adjournment	Adjourned at 9:25 pm	34

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, February 6, 2020 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt 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. (Jack) Hiatt, Chair
Commissioner Janet Clow
Commissioner Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Jessica Lawrence

Members Absent

Commissioner Mark Hogan (excused)
Commissioner Dominic Sategna (excused)
(One Vacancy)

Others Present:

Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa D. Byers, 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 Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

B. APPROVAL OF AGENDA

MOTION: Commissioner Faulkner moved, seconded by Commissioner Lawrence, to approve the agenda.

VOTE: The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, and Lawrence voting in favor and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

None

E. OLD BUSINESS:

None

F. NEW BUSINESS

1. **An Ordinance Amending the Land Development Code to Add a Definition for "Apothecary"; and Amend the Definition of "Clinic". (Councilors Abeyta and Lindell) (Eli Isaacson, Interim Land Use Director, esisaacson@santafenm.gov, 955-6830) Staff Report**

Staff Report:

Mr. Berke presented this as Mr. Isaacson was out of town.

He stated that the bill seeks to have the Land Use Development Code add a definition for "apothecary", amend the definition of "clinic" and add a new row to the permitted uses table to allow apothecaries, pharmacies and laboratories as accessory uses to the primary use of the clinic. This bill was introduced by Councilor Abeyta and co-sponsored Councilor Lindell.

The purpose of the bill is to clarify allowable accessible uses within clinics and differentiate a traditional pharmacy and apothecary for alternative health practitioners. A traditional pharmacy is defined as a place where drugs and other medicines are dispensed, according to the Land Development Code. The proposed definition of apothecary will be a business where alternative medicines are dispensed or compounded by a pharmacist, druggist, herbalist, nutritionist or a licensed provider of cannabis. It also changes the definition of clinic, defining it as a business in which one or more physicians, dentists or other licensed health professionals practice the profession exclusively on an outpatient basis. A clinic may provide operation rooms for outpatient surgical procedures.

Clinics are currently permitted as a principal use in the Districts of C1, C2, C4, hospital, BCD, Industrial one, business and industrial parks and all shopping center districts. They are also allowed as principal uses with the special use permit in RAC and AC overlay districts. There is not a row to the permitted uses table to allow apothecaries, pharmacies, and laboratories as an accessory use to a clinic. The change before the Commission tonight would add that.

The change will also expand the role of clinics by allowing accessory uses that provide additional health services to their patients. The allowance as an accessory use will also not allow the proliferation of standalone clinics or apothecaries in these districts.

The Planning Commission will make a recommendation to the Governing Body on these text amendments and the changes will proceed to Public Works Committee, the Finance Committee and then to the Governing Body, once for a request to publish and then for a public hearing.

Mr. Berke stood for questions.

Public Comment

None.

Commission Discussion

Commissioner Garcia asked staff if he was reading from items in the packet.

Mr. Berke replied he was reading from his notes, but an email was sent earlier this week from Geraldine that had updates to the definition and permitted uses table. There is an FIR (Fiscal Impact Report) in the packet and some of what he read came from those sections as well as from the general narrative, section D, page 3 of the FIR.

Action of the Commission

MOTION: Commissioner Faulkner moved, seconded by Commissioner Clow to recommend approval of the ordinance to the Governing Body.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none voting against.

2. **Case #2019-1523. 913 ½ A&B Old Pecos Trail Variance. Montoya Land Consulting Inc., Agent, for Lucy Lopez et alia, Owner, requests a variance from Table 14-7.2-1 "Table of Dimensional Standards for Residential Districts" to allow a side yard setback of less than 5 feet.**

The property is zoned R-3 (Residential - three dwelling units per acre), and is within the River and Trails Archaeological Review District. (Dan Esquibel, Case Manager daesquibel@santafenm.gov, 955-6587)

Staff Report

Mr. Esquibel said staff is recommending approval of this case. The applicant has met compliance and addressed all variance criteria. In essence, this is a lot line adjustment being reviewed administratively. The adjustment is a consolidation of lots in a family-owned area where they divided up their property, but not in accordance with the rules and regulations.

He explained there are a bunch of legal nonconforming lots. The applicant is rearranging those lots in accordance with the deeds. One line between two existing homes, which was there prior to the effective date, is not going to meet the prerequisite 5' setback between the two houses. The applicant is asking for a variance to place the line there to give an easement of the 5-foot side yard setback between the two homes.

Staff recommends approval with no conditions.

Applicant's Presentation

Monica Montoya, 726 Gregory Lane, was sworn. She is a City local planning consultant and has been working with the family a little more than a year. The father deeded properties to his children who recently realized their deeds did not match the legal lots of record of their father's property. This was done before the creation of the zoning ordinances in the 1950s.

The applicants request a variance of a setback. There are five legal lots of record that are preexisting to zoning ordinances. They were established around in the 1990s. The father deeded properties to his children and the deeds were recorded with Santa Fe County. That was typical of how things were done at the time. The situation became problematic over the years. The lot line adjustment variance will be the last step to create a conforming situation for the Lopez family. The lot line adjustment will take five legal lots of record and create four legal lots of record that conform with City Code. The exception is a setback of a new property line between Margaret Lopez and Juanita Espinoza.

No physical changes are proposed to the property, this just creates conformity and a basis for future potential development. Anything in the future would have to conform with new requirements.

Ms. Montoya thanked staff for their fairness in the process. She stood for questions.

Public Comment

None.

Commission Discussion

Commissioner Lawrence asked to clarify if there would be any access issues with the new lot arrangements.

Mr. Esquibel said no, the accesses have all been preestablished.

Action of the Commission

MOTION: In Case #2019-1523, 913 ½ A&B Old Pecos Trail Variance, Commissioner Garcia moved, seconded by Commissioner Gutierrez, to approve the Variance subject to the conditions of approval and technical corrections recommended by staff.

Chair confirmed with Ms. Paez that the motion had enough detail for the variance.

Commissioner Gutierrez commented the Commission had denied a few variances in the past but with the history of the property and the longevity of the family living there, he wanted to second the motion.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none voting against.

MOTION: In Case #2019-1523, 913 ½ A&B Old Pecos Trail Variance, Commissioner Garcia moved, seconded by Commissioner Gutierrez, to approve the Findings of Fact and Conclusions of Law.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none voting against.

3. **Case #2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

4. **Case #2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential-one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

A photograph of Airport Road and Geo Lane is attached as Exhibit "1".

Staff Report

Mr. Logston said the two cases would be heard together. The Commission has considered this case before on June 6, 2019 as an R6 zoning request and general plan amendment. The Commission recommended approval of the general plan amendment from institutional to low-density residential but asked that the rezoning be reconsidered. The applicant has returned with the rezoning request and has added a preliminary subdivision request, conditioned on approval of the rezoning.

In the first case 2019-20 there is the rezoning request from R1 to R5. The subdivision portion is a preliminary subdivision for 42-lot single-family residential. There is 8.59 total acreage. The Commission approved the general plan amendment and tabled the rezoning. The applicant was asked to return with something less dense to better address concerns of local residents. The applicant has done that by way of explanation.

The applicant missed a notification deadline and rather than postpone, was advised by staff to wait until he had the rezone recommendation. Then both could be taken to City Council together. The applicant is requesting R5 in preliminary subdivision and made efforts to address the safety and quality of life concerns expressed by the residents in the ENN process in June. Much of that is included in his staff report.

In summary, the applicant is open to making off-site pedestrian improvements: increased width of roads for more parking on-street; increased width of lots in response to lot configuration and plans to dedicate a open space to KSK. That will be left as open space for a community garden if not accepted by KSK. Another concern of the residents was manufactured homes. The applicant is willing to put conditions such as appearance, how they attach to the ground and the finish, that would be in covenant with the subdivision.

Mr. Logston noted an error in his staff report on Condition of Approval #1, (page 2) that rezoning be granted to R6 - that should actually be R5.

Staff feels the criteria of rezoning has been met and the proposed preliminary subdivision meets development standards and approval criteria and does not create any nonconformities or increase them. Therefore, staff recommends approval.

Four motions will be needed: 1) recommend the Governing Body approve the rezoning request; 2) approve the preliminary subdivision; 3&4) a motion approving Findings of Fact and Conclusions of Law for each case.

Commissioner Clow noted on page 6 that the applicant also is willing to place a restriction on guest houses in the HOA covenant.

Mr. Logston confirmed that was correct.

Commission Gutierrez asked if the June 6, 2019 minutes had been emailed or printed out.

Mr. Logston replied they were emailed.

Mr. Logston added that he received a call from Pat Padilla, who was not sure she could make the meeting tonight. She owns the Shalom Mobile Home Park on the corner of Airport and Geo Lane. Ms. Padilla asked that he relay her overall concerns about traffic in general on the southside and about the crime.

Commissioner Faulkner asked staff to go over Item 7 (e), (f),(g) and (h) of the Conditions of Approval.

Mr. Logston needed to check the Code, but thought it had to do with active water harvesting.

Ms. Paez noted in 14-8.4, the Landscape and Site Design section, paragraph (e) is water harvesting and irrigation standards; (f) is plant material standards; (g) is street tree standards and (h) is open space planting requirements.

Mr. Berke elaborated on the sections. The water harvesting reference is an option to the applicant to actively or passively harvest water and show how they will do that, prior to final subdivision. The remainder of the section talks about irrigation and graywater. Irrigation details requirements for most of the street trees such as backflow prevention and control boxes. Plant material standards specific to types of trees, acceptable sizes of shrubs, and preservation and relocation of trees. The open space requirement is 1 tree and 2 shrubs for every 500 ft.² of open space, and quantity and spacing.

Mr. Logston said his staff report details the concerns of the neighbors and he knew the applicants would discuss what they have done in that regard. He offered to read those if the Commission wanted.

Chair suggested waiting until after the public hearing.

Applicant's Presentation

John Reeder, 824 Gonzales Road, was sworn. He said they took the criticism heard in June to heart and have addressed all of the issues possible. They have incorporated much of the suggestions into their new proposal. Primary was the density of the subdivision and they reduced their request from R6 to R5 - a 12.5% reduction in density. They contacted City Parks who accepted a donation of 1/4 acre of their open space for a park. They reconfigured three lots to a more traditional square shape due to suggestions on configuration and have discussed with HomeWise a possible partnership. HomeWise has committed to helping them find homeowners and offered to consider stick-built houses in the subdivision. An open space lot will be given a legal description to enable them to donate it and they discussed donation with KSK adjoining the subdivision. He showed the lot on the map and the open space offered to KSK. If they do not accept the open space it will remain open space of the subdivision.

When lots were removed, they also made the roads much wider. Every road is now 50 feet wide with the exception of the small road to the cul-de-sac on the south side of the subdivision. The extra width will allow space for two cars to park off street as well as on street on one side of the road. The point was to discourage parking on Geo Lane and make it more convenient for those in the subdivision to park within the subdivision.

He noted their engineer Maury Walker was present, and could speak to impacts the subdivision could have in terms of utilities and other items. Also, Kim Shanahan wanted to speak.

Chair confirmed both Mr. Shanahan and Mr. Walker would speak in the public comment for the applicant.

Chair Hiatt opened the floor to public comment with a three-minute limitation.

Public Comment

Kim Shanahan at 51 Herrera Road, was sworn. He said he was speaking on behalf of the applicant because he knew him, and Mr. Reeder and his partners are not greedy developers. They are Santa Feans who believe in the community and want to do something good; to provide affordable housing. He knows about affordable housing as a former executive officer of Santa Fe Area Homebuilders Association. In his opinion, the proposal accommodates every concern of the neighbors relative to density, affordable housing and other concerns. He said Mr. Reeder mentioned the public park within the subdivision. In fact, property that he designated for the park is outside of the subdivision and faces the neighborhood and will be more of a neighborhood park.

Mr. Shanahan added that Mr. Reeder is willing to give the open space to the Buddhist Community because of its proximity to their dormitory. Again, he is trying to be

a good neighbor. He also plans to extend the sidewalks on both sides past his property to Airport Road to further connect walk ability. The manufactured homes/stick-built homes are difficult to build for less than \$200 a square foot. That's \$300,000 for a 1500 ft.². Doublewides on concrete foundations are mortgageable and will increase in value and are appropriate for the neighborhood.

Anna Hansen, 2008 Kiva Road, was sworn. She is a long-time member of KSK and helped build the stoupa. The community has been there a long time and are good neighbors and have improved the quality of life in the area. She is concerned about the dormitories and is grateful they want space in between. She also understands KSK would like a wall. Another concern is the road is very narrow and the applicant should consider the kind of traffic that will use the road. The road may need improvement and pavement and sidewalks as well as a crosswalk across Airport Road. She asked the Commission to consider comments from the KSK neighborhood. She cares deeply about the Center and the quality of life for residents there.

Marmika Paskiewicz, 1829 Hano Road, was sworn. She is a member of the Board of Directors of KSK Buddhist Center and they met recently. They have considered some suggestions made by Mr. Reeder. The Board is happy he is willing to do the extra space, but feels a wall is necessary. The Buddhist center is a little different and exotic and could attract interest and would be helpful to have some protection. A primary concern beyond that is traffic and the right turn on red on Paseo del Sol. A U-turn has to be made and people freely run through the red light. The turn on red has right of way but doesn't work well for them because of the medians. They asked that the Commission eliminate the right turn on red and make arrangements for a safe crossing for pedestrian/school traffic. The Center supports the residents' concerns and feel those should be considered.

Debra Snyderman, 3810 KSK Lane, spoke as a resident of KSK. She is also on the Board of Directors for the KSK Center and has lived there since 1988. She has seen many changes to the neighborhood without much concern to quality of life. The Commission granted R4 zoning on June 6th and Mr. Reeder's plans are based on R5 zoning. In her discussions with Mayor Webber in the summer of 2019, he told her the poverty around Airport Road is concentrated in trailer parks. Also, the Santa Fe Reporter, July 2019, stated regarding the Airport Road area *"has one of the highest rates of people living in poverty and poor health and the highest number of children on free and reduced lunch in the entire country."* According to the Community Health Needs Assessment, 22.9% of people in the Airport Road area are less than the poverty level - over 4,000 people. And again, the poverty is concentrated in trailer parks.

She said Mr. Reeder has plans to make money off the poor by buying the land between Buffalo Grass Road and Geo Lane. They plan to divide the land into as many lots as allowed and invest as little as possible to create a healthy place to live. There appears to be no standards for so-called affordable housing. Her opposition to Geo Lane Park is based on the following concerns: the park is a plan for another unhealthy, densely

concentrated, impoverished neighborhood within a larger community without the needed amenities to assist the growing numbers of poor with the means of getting out of poverty. Amenities include things like childcare centers, counseling services, job training, access to healthy food, clean, safe recreation spaces, health clinics and other items.

Her second objection to the Geo Park is the dangerous traffic concern. The Commission should consider there are five public schools within walking distance to the park, all on the south side of Airport Road. She mentions the schools to give a sense of the traffic issues at the beginning and end of the school day. Traffic during morning rush hour is frequently backed up by car accidents and emergency vehicles. After school, the neighborhood often sees children, with or without parents, and adults crossing Airport Road from South Meadows, Paseo del Sol where there are no safe or clearly marked crosswalks. Her neighbor was almost hit by a car when getting off a bus, because the car was turning right on red. There is no other way to get to and from their homes except by making U-turns because of the medians.

Helen Chavez, West Meadows Subdivision, was sworn. She showed the format of West Meadows built in 1983. The City has too many parks and half of them are run down, including the two parks in West Meadows. Kids don't use them, and one is used for dumping of furniture, weeds, old trees and other items. One of the roads is caving in and the landscaping is bad. She was told a lot of things that were promised when Mr. Hunt built the project, were not done. She doesn't take Mr. Reeder at his word that something will happen. She was against the project. She asked what is Airport Road - food trucks, a few schools, kids running across hoping to make it. The retention pond will create a lot of problems and bring bugs and people will dump their trash. Eighty percent of the people in West Meadows are Mexican Nationals and she has gone door to door to get support on this. They are afraid to come. The area will increase in crime, and invasion of people and how would that benefit their children. All she can say is "God help us if this gets done".

Marti Rodriguez, 6077 Quatro Vientos, was sworn. She agrees about the park. The park across the street is an eyesore and if they are going to make another eyesore, she doesn't want it. Why do they have to have old mobile homes on Airport Road that will take down property values. The paper had something the other day about removing the junkyard near the airport because it was embarrassing to the City when people fly in. Why not have something nice that families can do. Her mom and dad worked hard to pay for their property and the value is just decreasing. It's like West Side Story, get out of the south side, get out of the west side, move to the north side. We can't afford to live in the northside. She knows that they can stop the old mobile homes. When she tried selling her old mobile home, she was told she could not put it in the mobile home parks because it was too old.

Daryl McCown, 6077 Quatro Vientos, was sworn. He supports his neighbors. His concerns are mostly water, which is a big concern and traffic, a bigger concern. Making

a U-turn on Paseo del Sol is dangerous. His wife, when taking his daughter to school, hopes for a person courteous enough to let her come out on Geo Lane. Everyone lives on the south side and he hopes the City will do something about the traffic. If they put in a park, he hoped it will be environmentally friendly. Also, he would like to see more fire hydrants because there are only two on Geo Lane.

Alfonso Jaramillo, 6301 Jaramillo Lane, directly to the south of the project, was sworn. He also supports the community and has reviewed the new plan. Mr. Reeder went from 80 some lots to 40 some lots - a 12.5% reduction. He thought lots should be further reduced to 25% to 22 mobile home lots. Geo Lane has no lights and is a safety issue for people in the high-density traffic area and a light on Buffalo Grass Road, would make sense. There have been several accidents accessing County Club Gardens because they have to go in the middle of the lane and wait. He has been there since 1974 and the traffic flow is tremendous. There has been a lot of development on Airport Road and he hears more is coming in addition to Mr. Reeder. That is why he requests that the reduction be set lower to consider future development. He is not trying to stop the development. He understands the City has to grow and earns money through the water and sewer, but he is hoping the Commission considers this.

Commissioner Gutierrez asked Mr. Jaramillo how many units are on his property.

Mr. Jaramillo explained his family has been on the property since 1974 and he is now the owner. They manage a property of 30 units. He lives on Jaramillo Lane, a private lane and there is housing behind his property. They all enter and exit through Geo Lane. He also read a future apartment development is planned on Buffalo Grass Road. There is no other entrance and that is why he thought Buffalo Grass Road would be essential to have a streetlight. It would also benefit Country Club Gardens and traffic through Geo Lane.

Commissioner Gutierrez asked if they were able to access Buffalo Grass Road or is it always Geo Lane.

Mr. Jaramillo confirmed access was only through Geo Lane.

Chair Hiatt closed the public hearing.

Commissioner Garcia asked to address Ms. Snyderman and the five points she said she wanted the Commission to hear. He asked to hear the last two she was not able to discuss due to time, but she should be concise, in less than 30 seconds.

Ms. Snyderman said there were not actually five points. It is just that Buffalo Grass Road is 27 feet wide behind her house. The Buddhist Center property houses 7 people and Buffalo Grass Road has no dividing line. She wanted to know the legal size for a City

double-lane road because it is already used as a two-lane road by necessity. That is her biggest concern is the current use if they plan to add more cars.

Chair Hiatt said her testimony had something he wanted to ask Mr. Burke about. He did not remember the Commission approving R4 at the June 6th meeting.

Mr. Berke said that was correct, the Commission did not approve R4. They approved a general plan amendment for a recommendation for low density designation. The property was institutional and was proposed at the time to be rezoned to R6. The Commission would not approve that but agreed the general plan amendment could move forward to recommend a lower density than R6. They did not choose R4 specifically.

Alba Blondis, 7042 Valentine Loop, was sworn. She has observed a number of accidents as a traveler on Airport Road southwest bound, left-hand turn lane onto Geo Road. Her concern is safety if they add a lot more drivers. She thought Airport Road is a State road. She thought it would be up to the New Mexico State Department of Transportation to alter turning lanes or widen roads. She doubted that will occur in a timely fashion before an influx of drivers.

Chair Hiatt clarified that Airport Road is City owned.

Ms. Chavez, previously sworn, said she forgot to mention West Meadows owns a little bit of Geo Lane towards the back and it is a sharp U-turn. If you miss the U-Turn, you go downhill. West Meadows owns all the streets to the right coming in from Airport to Geo.

Ms. Rodriguez, previously sworn, asked to add they did not even have a sidewalk on one side of Geo Lane.

Chair Hiatt closed the public hearing.

He asked to hear from Mr. Walker, since he had heard all the concerns about traffic. He added that everyone knew all of the growth is occurring on the south side and when there is a project on Agua Fria, Alameda, Airport Road, the Commission hears this. They know the traffic is not good.

Maury Walker, 905 Camino Sierra Vista, with Walker Engineering, was sworn. He said he unfortunately did not do the traffic study. He was not completely aware of what the study revealed. He said John Romero may be more aware of that. They are going to provide sidewalks along their frontage on both sides of both Geo Lane and Buffalo Grass. The question on ponding collecting bugs and trash - this will be a retention pond that drains in 24 hours so there will be no standing waters. As far as 27 feet for the size of the road, that is adequate for two cars to pass; 24 feet is usually the minimum.

Commissioner Gutierrez noted in the revised plan all of the roadways, except one, are 50 feet to accommodate on street parking. He asked the roadway widths originally presented.

Mr. Walker said he would have to look them up but thought the cul-de-sac was 38 feet and some areas were 42 and they increased 38 feet to 42 and 42 was increased to 50 feet.

Mr. Reeder clarified that the first turn into the subdivision off Airport Road was 50 feet and previously was 42. The road that was 38 was increased to 42 feet and additionally they shifted the entry onto Buffalo Grass Road to another location.

Chair Hiatt asked who conducted the traffic study.

Mr. Reeder said Terry O' Brown Traffic Engineers out of Albuquerque.

Chair Hiatt asked Mr. Reeder if he wanted to respond to comments from the public hearing.

Mr. Reeder replied there is an existing coyote fence, but he could discuss the wall contemplated by the KSK with his partners. He was sure they would be amenable to building a wall. If KSK does not want to own the lot, it would not be a problem. They would make it a community open space.

Chair Hiatt noted the decision would be left to him whether to give KSK in fee simple or keep it as an open space, but the wall sounds important. This is a good time to talk to his partners about that.

Mr. Reeder added he had forgotten to mention in addition to the donation of the open space, they created a 20-foot setback as a buffer along the KSK property. That was more than standard. That raises the question whether the wall should be on the property line or follow the setback to create more space for KSK, but they can discuss that.

Commissioner Faulkner asked how many vehicles per household were considered when the traffic engineer calculated the increase in traffic.

Mr. Reeder believed it was five but could double check.

Mr. Logston suggested asking John Romero.

Mr. John Romero, Traffic Engineer, said the calculation is based on a survey of numerous subdivisions of detached homes to determine a rate of vehicles per home, and what that roughly comes to during PM peak hours. They use national surveys developed by the International Traffic Engineering Association and their own local surveys. Santa

Fe is even lower. They estimate about 1 nighttime vehicle per day; and estimate 10 trips - with two trips as a person leaving and coming back throughout the day. The AM is even lower and is a fraction of .75 per house.

Commissioner Faulkner thought it counterintuitive. The number doesn't seem accurate when observing traffic in the morning on Airport Road.

Mr. Romero said he understood the perception. He has done five surveys of detached homes of subdivisions. Santa Fe is constantly lower than the rates they use in the traffic assumptions for traffic studies.

Chair Hiatt added, as acceptable for development. He confirmed in this case Mr. Romero was looking at whether the proposed traffic created by the development, as proposed, would have a significant impact on the rest of the traffic in the areas of Airport Road. He asked if his opinion was it would not significantly impact the traffic. It's hard to believe it would not have any impact.

Mr. Romero explained there is a difference of opinion on traffic congestion. Santa Fe relative to the entire nation has a very low traffic congestion. It takes 30 minutes max to get from one side of town to the other during rush hour. They have Bluetooth devices on some signals throughout the City that track people's travel across town. He understood Airport Road gets jammed in the morning, but a lot has to do with the timing of the signals, and they have a contract that will improve the timing. Another reason, especially in this area, is signal proximity. South Meadows and Jemez Road have a close signal proximity making it hard to time the signals. This study looks at the effects of removing the Jemez signal. They will hold public hearings, and study that to see if that will help to improve traffic flow on Airport Road. He noted in the 18 years he has been with the City there has not been a timing plan done on Airport Road.

Commissioner Faulkner asked when the study will be complete.

Mr. Romero said a notice to proceed has been issued to the consultant and they have obtained traffic counts and begun modeling. They hope to have something by summer. They will have a public meeting, with the primary purpose not to get feedback on expanding the road but just to discuss the removal of the signal.

Commissioner Faulkner asked if there is a traffic count for Geo Road.

Mr. Romero said the traffic study included a count, but he didn't recall the numbers.

Commissioner Garcia asked if there are any future City projects planned that could possibly redesign Airport Road and accommodate some of the issues. There are plenty of accidents coming out of Country Club Gardens trailer park, which should never have been allowed.

Mr. Romero replied none at the moment. They did a project to introduce the medians and before that it was a free-for-all. The numerous closely spaced access points caused a lot of problems and the access control shows a decrease in accidents. They had proposed left-in only at Country Club Gardens but realized they need to retain full access.

Placing a signal at Country Club Gardens was discussed but there were issues. One was Country Club Gardens and Buffalo Grass Road do not align. One signal could not service both. Secondly, if they introduced another signal it would further impede the through flow on Airport Road. The major issue is meeting the Federal warrants that is based on volume and there is not near enough exiting vehicles from Country Club Gardens to warrant a signal. Also, on the U-turn, when the left arrow comes up for U-turn for a left turn westbound, simultaneously Paseo going northbound gets a right arrow. The overlap right helps with the efficiency of the signal because there are a lot of people turning right going into town. Without that more green time would have to be given to the side street removing that green time from the main street. The right turners have the right-of-way and those making U-turns have to yield and signs explain that along Airport Road.

Commissioner Gutierrez asked if the median improvements actually improved Airport Road.

Mr. Romero thought it was an improvement over what was there, and they accomplished as much as possible with what they had. The City was developed over a long period of time without a standards and there were a lot of access points. If they did it over again, they would not allow subdivisions to make all the strip properties and all of the access points. It would be more like what was done in Las Solares. They have to retrofit these areas and is not ideal, but they try to maximize what they can, and he thought that was done on Airport Road.

Commissioner Gutierrez confirmed that to cross Airport Road closest to the property they would have to go to Paseo del Sol. He asked where someone would cross going east.

Mr. Romero thought South Meadows was the next signalized intersection.

Commissioner Gutierrez confirmed it would be between Paseo del Sol and South Meadows. He asked if possible, for another crosswalk in the area.

Mr. Romero said with the number of lanes and the volume of traffic on Airport, an uncontrolled crosswalk would be very dangerous and a potential for pedestrian crashes. Cerrillos Road as an example, crosswalks are allowed at signalized intersections and most signals are spaced about ¼ mile per signal. If a person wants to cross at Geo Lane

going to the signals is a reasonable way. If they want to go to Walgreens, they could continue on the south side of the road and cross at the signal. A convenient crossing for every potential need is hard to make safely. A big issue with multilane crosswalks and roads is the inside lane might stop for a person crossing, but it is impossible to know if the other lane would and they could hit the person.

Commissioner Gutierrez said that was fair to say and may luck be on your side if you don't go to the signal.

He indicated he has an issue with the staging lanes getting into Geo, the only left in that accesses the subdivision. He had Mr. Logston send photographs of the area and on the other side of the property there is a nice lane. He thought the staging lane is so short it will cause everyday problems. He suggested taking some of the staging lane from Esplanade for Geo Lane. He was not sure if that was possible with the subdivision of this nature. The 109 homes serviced by Geo Lane and a 40% increase proposed, to him Esplenda with the light at the McDonald's, is a path of least resistance. Opposed to a non-signalized left turn into the staging lane into the shopping center. He asked if possible, to remove some of the turning lane to the shopping center to provide more turning lane for Geo.

Mr. Romero said he couldn't answer definitively. They have looked at it with Terry Brown and will look at it again to see if they can add at least 20 feet. They will measure the Qs into the commercial development to see if possible, to take some of that to help Geo Lane.

Chair Hiatt asked Commissioner Gutierrez if he was talking about the chart currently on the screen, the left turn into Geo Lane.

Mr. Romero said yes, this is the one into Esplanade Village.

Commissioner Garcia said if this project were to pass, would they have to make that a condition of approval for the added turning lane to happen.

Mr. Romero suggested it be a condition and for that to be looked at and the findings presented at time of final subdivision plat. Staff could provide that information at that time.

Chair Hiatt asked to talk with Mr. Reeder about parks. Several have said the parks in their area are trash. He wasn't sure the Commission could do anything about the specific issue. He asked if Mr. Reeder wanted to respond about his plans with his parks.

Mr. Reeder said he does have a response but wanted to correct one misconception. Ms. Chavez mentioned two parks within the West Meadows subdivision she stated are City parks. He believed them to be private parks and that is why they are

in their current condition. They are not maintained by the City. The parks were shown on screen and were labeled as private parks.

He noted the park he is proposing on Geo Lane is almost opposite the private park. John Munoz, the Director of City Parks and Recreation proposed a no maintenance park. He wasn't clear on the details but knew they are looking at a model with a permanent groundcover that is not earth, gravel, or grass. The surface is a cushioning type of surface that also acts as a weed barrier. The park would have exercise equipment and facilities and the City has committed to taking it as a Park, but the plans are pending.

Mr. Berke noted that Richard Thompson the Parks Division Director was present on behalf of Mr. Munoz. Staff has been talking with John and Richard about what the park would entail. They will present the final details of the park to the Commission at the final subdivision plat.

Chair Hiatt asked if there were questions about parks.

Mr. Richard Thompson explained USA Fitness offered a grant opportunity to build up to five outdoor exercise facilities. They would include a concrete slab, with a resilient safety surface of styrene bead resin polymer matrix that provides cushion from height. The exercise equipment includes a climbing wall as well as horizontal surfaces and a stairstep piece. The proposed parks that would receive the grant are predominantly regional trail systems and this park would be an exception. The development is about \$150k for 1/4 acre.

Commissioner Garcia asked who would maintain the park and how would it be regulated.

Mr. Thompson said if the Parks and Recreation Department/Land Use accepts the donation it would be added to the inventory of parks and maintained by Operations and Maintenance.

Commissioner Faulkner asked how many parks are in the City and how many people are on the crews to maintain those.

Mr. Thompson replied there are 78 parks and currently 51 staff from the Parks Division; 42 of those are front line staff and a supervisor.

Commissioner Faulkner asked what frontline staff meant.

Mr. Thompson explained it is the crew who pick up trash, mow grass, trim trees and other duties daily. There are 42 people frontline, 9 people in administration, IPM, horticulture, and special events.

Commissioner Faulkner asked the number of people who literally go out and if there are two crews.

Mr. Thompson replied there are five districts each with a staff of five and four temporary seasonal employees.

Commissioner Faulkner confirmed there were five people at each of five districts; that is 25 plus 4 is 29. She asked the number of parks in each district.

Mr. Thompson answered between 12-14. He added that crews not only maintain the parks, but maintain 120 trails, arroyos, and open space and 475 medians rights of way (68 miles).

Commissioner Faulkner asked if it were true that the parks workers also maintain some public buildings.

Mr. Thompson said the crews maintain all City properties. District allocation is the four, plus seasonal temps per district making another 20, and a trails crew and arterial crew and public space crew.

Commissioner Faulkner confirmed they manage all the properties including the buildings, the medians, the trails, and all the parks. She said she knows what the Parks Department is up against. Her concern is a) if the City has the money for a low-maintenance park and b) how to make it a safe place, not a gathering place for crime. The equipment is expensive to install, what do they expect for the lifespan on the rubber surface.

Mr. Thompson replied he wasn't sure about the equipment, that is stainless steel, but lifespan of the resilient safety surfacing is estimated at four years.

Commissioner Faulkner confirmed the first set would be installed with a grant but after that, the City would have to come up with she would imagine, tens of thousands of dollars minimum.

Mr. Thompson agreed.

Commissioner Faulkner was concerned. She lives on the south side of town and the Parks Department is amazing for what they are up against. She thought this was another case like traffic where there is an existing issue. She wasn't sure what the best solution is; to add more to the situation until a long-term sustainability plan is developed. That should include more personnel for the Parks Department.

Commissioner Gutierrez said he had a conversation with Mr. Berke on City Code. He is under the impression this subdivision will trigger the need for a park.

Mr. Berke said that is correct.

Commission Gutierrez stated the park is not a gift; the applicant must build a park. He asked Mr. Thompson why go after a grant for this park because the developer has to build a park for the subdivision.

Mr. Thompson said he may have misspoken. The five parks identified within the grant proposal did not include this park.

Commissioner Clow pointed out what she believed a misstatement on page 6, where it states: "lack of parks - while the dedication of parkland is not required for development of this size, the applicant will dedicate 1/4-acre public park." She asked if the park is required or not.

Mr. Berke explained the applicant has an option by the size of development to dedicate, do an improved park, or pay the impact fees in lieu of. The applicant has chosen to dedicate and improve the park working with the Parks Department.

Commissioner Gutierrez asked Mr. Thompson if the park would be built to specs and the City would ensure it all meets Code.

Mr. Thompson said that is the normal process.

Commissioner Gutierrez said while on the Commission he has seen less parks accepted than not accepted. He asked what would trigger Parks to say they do not want the park and if they could exercise that option.

Mr. Thompson said he was correct.

Commissioner Gutierrez said his youngest child is three years old and to her a park is a swing, some grass, and things for her to play on. Having a park such as explained by Mr. Thompson or Mr. Reeder is not a park. This is a subdivision park he envisions will have children and they will need a place to play.

Commissioner Faulkner asked Mr. Reeder on the open space if there was an indication KSK would accept the donation.

Mr. Reeder said they have had one conversation with some members of the KSK board, who did not commit. They were going to discuss with other board members and there has been no decision on that. They will donate the open space if KSK would like it, otherwise it will just be an open space within the subdivision.

Commissioner Faulkner asked who at that point would be responsible for maintaining the space.

Mr. Reeder replied it would have to be the HOA.

Commissioner Faulkner said it appears the target market for the housing might find HOA fees substantial enough to maintain the common area, including the open space and possibly the park, a burden to that population. It always concerns her when developers assign responsibility to the HOA. The HOA that existed when she moved into her neighborhood no longer exists. In some HOA's there are out-of-state management firms and it becomes a burden to the residents. Their fees are increased; maintenance becomes difficult to pay for, and in this scenario, she fears it will become much like the parks people complained about earlier. It is difficult to keep open space clean. She was not sure an HOA was a good solution.

Mr. Reeder explained he has other options as far as the open space. They are not required to provide open space because the lot sizes have been increased. If the open space is not desired it could be added to the two adjoining lots. Also, to the question about HOAs, it is necessary, but raises an issue he wants to address. Several people spoke about trailer parks. They are not proposing a trailer park, this will be affordable homes. They set out to develop a relatively affordable home subdivision. They are required to name 8 lots as affordable and price them accordingly. Their goal initially was to establish an affordable entry-level subdivision where people could own their first home, gain pride of home ownership and home equity that could possibly be used as a steppingstone to something more, later. This type of housing is necessary and in great demand in Santa Fe. He thought they were proposing something that would be welcomed because of the dire need. He turned the floor over to Mr. Logston for comments.

Mr. Logston pointed out that Santa Fe has not chosen to bond heavily in order to create storm drainage systems throughout the City. Every subdivision in the City, going way back, is responsible for its own drainage. HOAs are created in every subdivision, if for no other purpose than to maintain their own grading and drainage. He hears the issue of people failing to do that every day. At some point the citizens have to take the responsibilities of maintenance and homeownership and being a good citizen. An HOA will be put in place for that reason.

The applicant has offered to dedicate a park in response to residents' comments that they don't have parks. He understands that maintenance is an issue. The offer to donate land to KSK was also done in good faith to address some of their concerns regarding the proximity of the monk's residence. People all over the country are asking for that and enjoying. They may not have an answer for everything tonight, but all of the efforts have been to provide things that can add to the quality of life, one of the biggest things they heard. There is time to work out details for maintenance and other concerns before final subdivision approval.

Commissioner Clow commented on the restriction of guesthouses in the HOA. She thought that was important based on the presentation in June. There was concern that two families might reside on each lot. She asked to hear from the applicant if they are willing to add a restriction on the HOA covenants restricting guesthouses.

Mr. Reeder replied under current regulations every fee simple lot there is, is allowed a primary single-family dwelling as well as an accessory dwelling unit. He would propose to adopt covenants that would restrict an accessory dwelling unit to another fixed foundation unit on the property. Not what happened to the property developed on Buffalo Grass/Airport Road where people brought in manufactured homes they failed to anchor. Or old trailers or some other kind of trailer they connected to utilities. They intend to adopt covenants that address that and to prohibit any mobile/recreational vehicle or van that could be used as a dwelling unit. Those restrictions would be adopted and filed with their final plat.

Commissioner Faulkner asked the cost of the average monthly mortgage in the development.

Mr. Reeder said likely their homes would be in the \$300,000 range, probably a little less. A mortgage payment would be around \$1,500 per month. The intent is that these be relatively affordable. Again, affordable has specific definitions based on the average area income.

Commissioner Faulkner confirmed there would be about 42 lots and the HOA would be responsible for maintaining the drainage, the common areas and possibly the park. She asked if \$20 a month would be sufficient to cover the maintenance. She noted covenants are only enforceable if the HOA takes someone to court. If the HOA can't afford to stop someone violating the covenant, the covenant would matter. She said these are philosophically great solutions she thought \$20 a month per household was not enough.

Chair Hiatt thought they could not pin them down on what the HOA would look like, what they would charge or how successful they would be. He pays \$10 month in a reasonable neighborhood off Governor Miles and it is an out-of-state company. There are hundreds of households in his neighborhood. He knows they will have trouble, and that the process after the fact is incredibly difficult. The only thing the HOA can do generally is put a lien on the property so once it is sold, they recover the money.

Commissioner Faulkner said that is her point. Ruling maintenance and costs over to the HOAs when they don't know who they will be or if the fee will be enough. She didn't like putting future homeowners in charge of something this significant without knowing how it can be implemented.

Mr. Reeder responded that the only common areas proposed are the open space and the detention pond. The pond is designed to drain within 24 hours to avoid a breeding ground for mosquitoes. Both the pond and open space will require some maintenance. They plan to create an HOA and establish a fee and collect it initially as the developer. It will be up to the homeowners to maintain the association. This is where the neighbors have to take responsibility and look after their own neighborhoods. They cannot legislate that or require it; it has to be voluntary.

Commissioner Faulkner said she feels for him as a developer. This part of town is already overpopulated in that the schools and streets are overwhelmed. There are a lot of challenges related to access to food and amenities that are walkable. She did not like density increases in the area because they are already struggling just to provide a quality life for residents already there. It is a significant number of people.

Commissioner Gutierrez said his end game is to have a subdivision that the neighbors are happy with and the developer can make money. Regarding the open space, he asked staff to read the Code about lot size and an open space is no longer required.

Mr. Berke explained the developer could provide open space on each individual lot. The lot size threshold is 20-25% of the lot.

Mr. Logston added, generally it is around 4000 ft.² with the common open space and the lots in this subdivision average 5800 ft.² and the lots exceed the size that would require common open space.

Commissioner Gutierrez confirmed all of the lots hit that threshold.

Commissioner Garcia said he's not opposed to people developing their property and having economic development and growth where there is a lot of space. There are already three trailer parks or neighborhoods in this area. He wants to support the development economically, but also sees a lot of issues, including the open spaces. He asked if there was anything else the applicant could tell him before they wrap up.

Chair Hiatt noted that the Commission is charged to follow the regulations and the ordinances. When developers meet all the criteria the Commission has to respond affirmatively, unless there's an overriding concern in the public interest. In his mind, the Commission has to follow those obligations. They heard from the community. The applicant has tried in good faith to respond to the community. They have to honor people's property rights to buy property to develop as long as they're doing it within the Code. He tries to take public interest into consideration. Traffic is a bugaboo that is disconcerting in this City and safety goes along hand in hand. But the City traffic engineer says this meets code and is in fact better than the national code. He thought that has to be considered.

Commissioner Garcia said this development is right in the middle of three other trailer parks. He asked how that affects the safety of the community especially with the amount of people coming in and the traffic, the deceleration left turn lane into Geo. He wants to feel like this development is going to be okay and not another problem in the area.

Mr. Logston noted in their packets is an executive summary of the TIA. In that summary, exhibit D, page 2 through page 3 they can only measure and grade the traffic at the intersections. The traffic study shows that the intersection of Geo Lane operates at B using grade school ratings on the evening, a.m., and p.m. peaks, and will continue to operate at a level of service B. Geo and Airport currently operate at level B and are projected to operate at the same level and Buffalo Grass is also at level B. Any road in the City is busier in the morning or evening and the rest of the time it is not bad. It is one of the better performing intersections around. The left-turns are not necessarily easy onto Geo and the U-turns can be dangerous, but he doesn't know what else to say.

Mr. Berke said he wanted to clarify some points. Some of the issues are bigger than this subdivision and will not be solved if approved or denied. Traffic on Airport Road is a bigger issue; people living in poverty is a bigger issue than a subdivision.

One thing before them today is a rezoning request which tends to ask if this would be compatible with the surrounding area. Compatibility can come in different forms, style of life, density and other issues. Generally speaking, they have heard from the Commission and the public that staff doesn't work enough with the developers, the developers don't work enough with neighbors; neighbors don't necessarily want anything. We have tried to listen to the Commission and many months ago they said this proposal at R6 is too dense for the area.

The developer went back to the neighborhood and staff attended 2-3 meetings. Subsequently almost every need was addressed that was heard from stakeholders in the area. Some needs just couldn't be met; they cannot improve the crime rate on the south side. Staff pushed the developer to do things, including covenants on older manufactured homes. It is unfortunate there are no design standards for manufactured homes or single-family units, and it relies on the developers and HOAs to include those in the covenants.

Also, the developer is willing to create a sidewalk going past their property line to Airport Road on Geo Lane. And both Geo Lane and Buffalo Grass are public right of ways. They are maintained by the City right of ways at 40' on Buffalo Grass and 50' on Geo Lane, which is standard.

He also points out that the Airport Road overlay discourages direct access onto Airport Road. The City took that action in 2011/12 to address too many cuts and slowdowns. Staffing at the Parks level is a funding mechanism and is a bigger issue.

The City still has the requirement of fee in lieu of, or a park dedication. The Parks accepted the dedication and the developer offered to improve it. That will be seen on the final subdivision.

Commissioner Clow said in reading staff's report and listening to the presentation she couldn't see any way she could vote against this. It is not ideal, but it does meet the requirements of the Code. Also, there is a big need for affordable housing. This provides more affordable lots although unfortunate it is on the south side. But that is where the vacant land is in Santa Fe. It is hard to have a development and make everything perfect, but she thought it better to have the project than not.

Commissioner Faulkner said the reason she uses to vote against this is it is only looking at the Code. She said the Commission's charge is to take quality-of-life seriously. This is what has led to the southside being what it is today. To follow the same process; they have made these mistakes consistently without considering quality-of-life above what the Code allows. She said it is not responsible to just recognize they have made mistakes and continue doing them. The Commission is charged to consider quality-of-life as well.

She noted in her neighborhood police are called every weekend about people parking on the street. The formula used was that every house would only have two cars. That isn't true in a family subdivision. Formulas are not taking into account the rationality of reality; they use an average. She takes quality-of-life very seriously on the south side because she knows what is happening there. If you know you have certain problems, you don't make them worse by adding more challenges to the situation. Increasing density in the area will add more challenges to an already taxed community. Her job as a Commissioner is to look at quality-of-life as priority.

Commissioner Gutierrez said he understands the Commission is charged to look at the Code. He asked Chair Hiatt if it was fair to say they could look at the quality of life, or do they just look at the Code. Also, what other things keep them from just looking at Code.

Chair Hiatt said health and safety are always part of the consideration. He hasn't heard enough to feel this is a health and safety issue. He realizes traffic will increase and more dangerous situations will occur on Airport Road from right turns, based on 42 more homes and more people. The City has a commitment to infill; they have to because they do not have enough places. This wouldn't be allowed on Canyon Road, obviously. This is a fact of life; they live in a small city with small roads and that is a problem. But he hasn't heard enough not to accept this when the applicant follows the law and has done more than asked under the law.

Commissioner Gutierrez said health and safety should be considered. He asked if quality of life should be considered or not.

Chair Hiatt said if they can define quality of life meaning how it will work in my neighborhood and whether they have quality-of-life. That's a wonderful argument, but it's the same argument they hear all the time, I don't want this in my neighborhood. He didn't hear that from KSK, and the fact is, there is space there. Mr. Reeder bought the space and has done a remarkable job trying to assert a quality of life for everybody. He is not sure that the neighborhood won't be better, but he is not sure they can solve all the problems. He agreed crime is a serious problem but it is not clear to him that this will add to or detract from the crime in the area.

Commissioner Gutierrez said after listening to the Chair he has two issues he would like resolved. Number one - for safety, the left turn. He would like a deeper turn lane. He was okay if quality of life is considered and Mr. Reeder has done a good job. A trigger tonight was when he received his packet, he was under the impression through the HOA and meeting minutes there would be one single residence per given lot. Now, there is a guest residence. He asked Mr. Reeder if he would include in his HOA covenant, no RVs could be parked there, and homes would be on a block. Then he would be okay with guest homes. Until those two issues are worked out, he could not support the current proposal.

Chair Hiatt asked if Mr. Gutierrez would be willing to approve as a preliminary plan and wait until the final to see if Mr. Reeder made those corrections.

Commissioner Gutierrez addressed staff. He said one question is always traffic. If the traffic comes back and says they cannot do this, he would be supporting without knowing the end result. He's not sure what it would take to see if they could do this regarding traffic.

Chair Hiatt said they will have to do a traffic study of some sort. He asked Mr. Reeder to come to the podium to address the additional units on the property. He said he thought he heard Mr. Reeder say when talking about restrictions of anchors to land, he was referring to the principal residence. He asked if he was referring to additional dwelling units.

Mr. Reeder said to be honest, he is also unclear. He is not sure to what extent the City regulation would trump anything they try to implement as a covenant. He did not think they could flat-out disallow every accessible dwelling unit. He thought they could put restrictions on what the accessory dwelling units would look like. They intend to definitely disallow anything of a recreational vehicle nature or motor home.

Chair Hiatt asked Mr. Berke if they could restrict through the HOA.

Mr. Berke said as a municipality the City cannot impose a restriction on something already given by right in Code. If the applicant wanted to place a restriction in their covenants the City would honor that as part of the permitting process.

Chair Hiatt asked Mr. Reeder if he has the opportunity to include that, would he restrict additional dwellings units in his HOA covenants.

Mr. Reeder said short answer, "yes".

Chair Hiatt noted Mr. Shanahan spoke in the public hearing, which has been closed. He asked Mr. Shanahan to come forward.

Mr. Shanahan said he was a Planning Commissioner from 2003 to 2006 and led the charge to adopt the 30% affordability requirement. He has built over 200 homes and is an affordable housing advocate as well as an advocate for the south side. Regarding codes, this applicant is requesting a change of zoning. It opens up a can of worms for the Commissioners to make their points, all which have been good. However, shortly there will be other applicants in C-1 zoning on Airport Road saying they are entitled to 21 units per acre. They will have the right to do that. The Commission will have a difficult time denying them on any quality-of-life considerations, because Code allows it.

That Mr. Reeder wants to do single-family detached, home ownership in the neighborhood, that is exactly what they want. It seems they should be more macro perspective. Airport Road will get more traffic, considerably more because of the C-1 zoning that exists and is touted as where multi-families should go. If put into perspective: R5 single family detached, homeownership, even potentially with a 400 to 500 ft.² casita, is what they should be allowing.

Commissioner Clow said she has couple of other issues. She confirmed on the extended sidewalk that the applicant is willing to do that. Also, the HOA would restrict manufactured homes over five years old.

Mr. Reeder said he would be willing to extend the sidewalk even though the City does not require that. He agreed part of the HOA covenants would include that there could be no manufactured homes over five years old.

Mr. Reeder addressed Commissioner Garcia on his point about trailer parks. He wanted to reiterate and emphasize they are not developing a trailer park. These will be deeded lots owned by the homeowner. It is less at an R5 density than anything in the area. They are trying to create something that will elevate the neighborhood making every home more valuable and desirable, not less.

Commissioner Garcia noted there are trailer park properties around this property, but realizes it is a development.

Chair Hiatt asked that the Commissioners call them mobile homes or manufactured homes.

Commissioner Faulkner said some of the concerns can be addressed between now and the final submission.

Mr. Logston agreed. The Commission is asked to make a recommendation on a rezone and by the preliminary subdivision the covenants will be hammered out. There are a few moving parts that couldn't be drafted in general language. The Commission's decision is if the 42-lot subdivision is planned enough to move forward. The details would be worked out in final.

Commissioner Faulkner asked if that includes the park.

Mr. Logston said they will have full details on the park. This will go to the Governing Body for rezone and general plan amendment before coming back for final subdivision.

Commissioner Faulkner asked if there is a chance the traffic study could be done before that.

Chair Hiatt thought that would take the next several months and this will move faster.

Commissioner Gutierrez said Mr. Reeder and Mr. Shanahan made good points. We need single family dwellings, and this is a place people would take pride in, but he wanted them to know where he stood. He was still troubled by the turn lane and at this point could not support the request.

Mr. Berke suggested the Commission could recommend the Governing Body request a study or request the staging lane be extended as part of the rezoning.

Action of the Commission

MOTION: In Case #2019-20, 4000 and 4100 Geo Lane Rezoning, Commissioner Clow moved, seconded by Commissioner Lawrence, to recommend approval to the Governing Body for the rezoning to R5 and recommend the Governing Body address the issue of an extended left turn lane onto Geo Lane. Commissioner Lawrence seconded the motion.

VOTE: The motion failed by majority roll call vote with Commissioners Clow and Lawrence voting in favor and Commissioners Faulkner, Garcia, and Gutierrez voting against.

Commissioner Faulkner said she still felt there were a lot of unanswered questions such as the park, how it will be paid for, if the City will accept it, and traffic issues. The applicant has done a lot to make this work but there are still too many unanswered questions.

Commissioner Garcia is not against the development of new places, but is voting no regarding traffic studies.

Commissioner Gutierrez said they may not know he moonlights as a tow truck driver and the accidents he sees on Airport Road are enough to make this a safety concern. Until they have a definitive on extending the turn lane, he is not comfortable supporting.

Commissioner Lawrence explained her vote yes is because the R5 is reasonable zoning and reasonable for the neighborhood and the area, despite the other concerns.

Chair Hiatt said he would have voted yes, and the motion still would have failed because it did not have a majority. He asked if they want a separate motion to recommend disapproval.

Ms. Paez explained the Commission's recommendation is that the Governing Body does not approve the rezoning. This will still go to the Governing Body and will trigger a slightly different voting requirement. Instead of the majority of the quorum they would need a majority of the actual members.

A condition of the approval of the preliminary subdivision plat, Condition #1, is conditioned on the rezone going through. The Commission can still vote on the preliminary plan. The preliminary plan will go forward if approved by the Governing Body.

MOTION: In Case #2019-1520, 4000 and 4100 Geo Lane Preliminary Subdivision, Commissioner Clow moved to postpone the preliminary subdivision decision. Commissioner Faulkner seconded the motion.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none against.

Chair Hiatt said they need to vote on the amended Findings of Fact and Conclusions of Law for the rezoning only.

Ms. Paez suggested it might be appropriate to revise them more significantly based on the concerns raised by the Commissioners. She suggested reviewing them.

Mr. Berke asked since the critical criteria had not been met, they review each of the rezone approval criteria and state why the criteria was not met.

Chair Hiatt referred to page 9 and asked Commissioners Faulkner, Garcia and Gutierrez to make distinctions in terms of the findings.

Mr. Gutierrez asked if that had to be done tonight.

Mr. Logston said it needs to be done because they are saying it does not meet the criteria of a rezone. The Commissioners have articulated general reasons why it doesn't, but they need to be specific which criteria it doesn't meet and why.

The Commission took a five-minute break.

MOTION: In Case #2019-20, 4000 and 4100 Geo Lane Rezoning, Commissioner Faulkner asked for a reconsideration of the vote on the rezoning recommendation to the Governing Body. The motion was seconded by Commissioner Gutierrez.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none against.

Chair Hiatt said back to the first issue - the motion for rezoning.

MOTION: In Case #2019-20, 4000 and 4100 Geo Lane Rezoning, Commissioner Faulkner moved to postpone the decision on the rezoning to provide the developer and the community time to get answers for the concerns expressed by herself, Commissioner Garcia, and Commissioner Gutierrez. Commissioner Gutierrez seconded the motion.

Commissioner Clow added a friendly amendment that all the issues are clearly listed.

Mr. Berke asked to clarify if postponement is to a date certain or to the next meeting.

Chair Hiatt asked how long staff would need to work on the issues with Mr. Reeder.

Commission Faulkner captured the issues: the park, traffic and the HOA.

Chair Hiatt asked what is specific about traffic.

Commissioner Gutierrez replied his specific issue on traffic is 1) the left-hand turn onto Geo Lane, specifically the staging lanes and 2) a traffic study that doubles the number of dwellings. The traffic study was done on 42 lots. He wants to know if that considers the possibility of guest homes.

Commissioner Garcia said his major concern was the left turn into Geo.

Commissioner Faulkner said she would like to know if the lot would be accepted as a donation or would be another open space.

Mr. Berke stated if they were going to undertake a new traffic study and change the modeling, it might take 60 days.

Mr. Reeder said the last time they engaged Terry Brown it was at least 45 days before he could get to the study. This doesn't sound like a full-blown new study but more an analysis and could possibly be done sooner. Another option is Maury Walker, who is also a certified traffic planner.

Chair Hiatt asked Mr. Reeder if 60 days was reasonable.

Mr. Reeder said 60 days is okay. He said being honest he felt if they went to City Council tonight the evidence is on his side. They have met all of the criteria and he would hope to receive more of an impartial treatment there. He thought they would get that but is willing to stick with the Planning Commission another 60 days see if he can satisfy their concerns. The short answer is yes.

Mr. Logston said regarding the park dedication, he was not certain that is something the Commission could put on the developer. It is a larger City strategy and management issue that he did not think Mr. Reeder can solve. They have received a verbal commitment from Parks they will take the dedication, and a justification of why it will be inexpensive for them to maintain. They shouldn't expect Mr. Reeder to answer to that.

Chair Hiatt asked that Mr. Logston include that in the additional staff report with more flourish.

Ms. Paez added that usually, once there is a specific condition from the Parks Department of their requirements, at that point it becomes part of the financial guarantee. It is not a matter of the park not being accepted down the line. It is a matter of meeting the requirements. They supply a financial guarantee to show they have done that, and it is the City's.

Mr. Logston said he is not aware of any subdivision in the City where every single home has a casita. He was not sure they have ever asked an applicant to do this with a traffic study. He reminded them the level of service on the intersections was B and that did not change.

Commissioner Clow said it is not realistic to ask the applicant to do a traffic study when they agreed to do restricted covenants and only one unit per lot. It doesn't make sense to put that financial burden on the developer to do a study in anticipation that homeowners will violate restrictive covenants.

Commissioner Gutierrez explained the traffic study has been done and there is a base. The HOA would take the burden of the guest houses, but Ms. Paez stated there was no way the City has to enforce that.

Ms. Paez agreed.

Commissioner Gutierrez said that leaves the possibility of guest houses. He didn't find the burden reaching because a study has already been done. Everything tonight was focused on traffic.

Commissioner Clow asked if there was an HOA with restricted covenants on the other subdivision where two dwellings were on many of the lots.

Commissioner Gutierrez didn't recall.

Mr. Logston clarified although the City does not enforce HOA covenants, from the standpoint of a building permit, they ask applicants to produce their covenants. There will be covenants of some type, if nothing else for drainage, and the permit for an accessory dwelling unit would be denied. They check if one is put in improperly if a building permit is pulled.

Chair Hiatt asked if the permit department reviews every HOA applying for a permit.

Mr. Berke said not long ago there was a covenant restriction on a lot split that had to be tabled. They have seen conditions imposed by the applicant put on a plat and almost always, when there are notes on the plat, they enforce those. Some of the conditions are more restrictive on covenants than with the City. But they don't go through every set of covenants of every building permit.

Mr. Paez said there would be an initial review by her when finalized. If the covenant said no auxiliary dwellings it would say none and would be on the plat.

Commissioner Gutierrez asked if the Commission could make that a condition of approval.

Commissioner Clow said they could make that a condition of approval because the applicant agreed as part of the approval. That is what the Commission has accepted.

Ms. Paez agreed.

Mr. Reeder said he was okay with that condition of approval.

Commissioner Gutierrez said after everything, he would be okay scrapping the revised traffic study.

Mr. Berke suggested the motion include adding a condition of approval that the applicant has agreed to put a note on the plat that restricts each lot within the subdivision there could be no accessory dwelling unit. That doesn't touch on sheds or garages.

Chair Hiatt reminded everyone the motion is to *postpone*.

Mr. Gutierrez said the traffic study was going to put them out 60 days plus money out of pocket.

Chair Hiatt restated the motion is to postpone to a date certain no less than 60 days out. The sooner the better.

Ms. Paez indicated they only need to postpone to a date certain for noticing requirements. They are providing adequate notice by making this announcement and do not need to pick a specific date.

Commissioner Clow said the only issue is the extension of the left-hand turn lane.

Commissioner Gutierrez said that is the only one he has brought forward. He does have others to bring up between preliminary and final, which include the park.

Ms. Paez reiterated, this motion is to postpone a decision on making a recommendation to the Governing Body on the rezoning, and requests the applicant return with more information on the left-turn lane.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none voting against.

G. STAFF COMMUNICATIONS

Mr. Berke said he emailed the Commission a spreadsheet with information on housing. The total units under construction now are 1,071 active building permits, with 791 under construction permit review for a total of about 1800 units. If anyone has questions, let him know.

The next meeting is on February 20, 2020. There are two cases to be heard.

Commissioners Clow and Lawrence indicated they would not be at the March meeting.

Mr. Berke noted on February 20, the Lensic and an old development plan will be heard. The March 5 agenda will be a loaded agenda and two meetings might be needed in March. There will probably be seven case captions but not necessarily seven different cases.

Ms. Paez added the guest attorney will be Andrea Salazar.

Mr. Berke said They will hear a case on March 5 on Agua Fria and Rufina St. zoning request along Airport Road. There will be quite a few cases for Airport Road because that is where much of the development is taking place.

Chair Hiatt asked Mr. Berke to poll the Commission regarding attendance for the February and March meetings.

Ms. Faulkner thought she would have a conflict of interest on one of the developments on Airport Road. She wants to recuse herself if on the next agenda and suggested possibly doing the case last if she does have to recuse.

H. MATTERS FROM THE COMMISSION

Commissioner Gutierrez thanked Mr. Berke for the numbers for the multifamily housing units. He has seen some lot split signs. He asked if everything was going smoothly.

Mr. Berke said relatively smooth. They did a new application and put a sign together that works well. They also created a letter that includes a PDF of the proposed

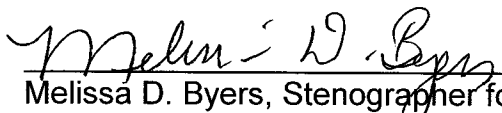
project as part of the mailer. The response from the public has been positive and no one has come in with concerns.

He is currently reviewing development review cases.

I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Planning Commission, the meeting was adjourned at 9:25 p.m.

Submitted by:



Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:

John B. Hiatt, Chair

EXHIBIT

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AIRPORT RD

GEO LN

AIRPORT RD

