



# Agenda

CITY CLERK'S OFFICE

DATE 10-16-09 TIME 9:30

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**PLANNING COMMISSION**  
**November 05, 2009 – 6:00 P.M.**  
**CITY COUNCIL CHAMBERS**

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

**MINUTES: October 15, 2009**

**FINDINGS/CONCLUSIONS**

**Case #M 2009-10. Villa Alegre Final Development Plan. (POSTPONED FROM OCTOBER 15, 2009)**

**E. OLD BUSINESS**

- 1. An ordinance amending Sections 14-9.2(F)(1)(j) and 14-9.2(H) SFCC 1987 regarding sidewalks and curb and gutters in the City's Historic Districts. (Councilor Bushee and Councilor Wurzbarger) (Jeanne Price, case manager) **(POSTPONED FROM OCTOBER 15, 2009)**

**F. NEW BUSINESS**

- 1. An ordinance creating a new Section 25-1.2 SFCC 1987 requiring all City water service customers to comply with Chapter 25 SFCC 1987 (water) and creating a new Section 25-1.3 SFCC 1987 requiring applicants for City water service to comply with Chapter 14 SFCC 1987 (Land Development Law). (Councilor Ortiz) (Jeanne Price, case manager)
- 2. **Case #S 2009-01. Governor Miles Business Park Preliminary Subdivision Plat.** Linda Tigges, agent for Crowne Santa Fe, LLC requests preliminary subdivision plat approval for 10 lots on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager) **(POSTPONED FROM APRIL 16, 2009, JUNE 4, 2009, SEPTEMBER 17, 2009 AND OCTOBER 15, 2009)**

3. **Case #M 2009-03. Governor Miles Business Park Development Plan.** Linda Tigges, agent for Crowne Santa Fe, LLC requests development plan approval for a total of 76,350 square feet on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager) (**POSTPONED FROM APRIL 16, 2009, JUNE 4, 2009, SEPTEMBER 17, 2009 AND OCTOBER 15, 2009**)
4. **Case #M 2009-15. Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension.** Scott Hoeft, agent for Peter Komis, requests a time extension for Final Development Plan and Final Subdivision Plat for 18 lots on 58.5± acres located north of the intersection of I-25 and NM 599. The property is zoned C-2 (General Commercial) and is in Phase 2 of the City-initiated annexation. (Donna Wynant, case manager) (**POSTPONED FROM OCTOBER 15, 2009**)

## **G. BUSINESS FROM THE FLOOR**

## **H. STAFF COMMUNICATIONS**

1. **The City of Santa Fe EPA National Pollution Discharge Elimination System (NPDES) Storm Water Quality Program.** City of Santa Fe Storm Water Management staff will make a brief presentation on the City's Municipal Separate Storm Sewer System (MS4) permit, the Storm Water Management Plan and storm water quality treatment requirements relating to construction and new land developments. (Jim L. Salazar, CFM, Storm Water Manager) (**POSTPONED FROM OCTOBER 15, 2009**)

## **I. MATTERS FROM THE COMMISSION**

## **J. 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.**

Index Summary of Minutes  
Santa Fe Planning Commission  
November 5, 2009

INDEX	ACTION TAKEN	PAGE(S)
Call to Order	John Salazar, Chair called meeting to order at 6pm, City Council Chambers, Santa Fe	1
Roll Call	A quorum was declared by roll call	1
Pledge of Allegiance	Pledge of Allegiance was led by Vice Chair Lindell.	1
Approval of Agenda	No changes to the agenda from staff or the commission. The Chair approved the agenda as presented.	1
Review and Approval of Minutes, Findings and Conclusions  Pg. 5 – No second to the motion, (Second by Commissioner Gonzales) Pg. 7 – Commissioner Armijo noted Fire has \$119,000, and the Police has \$17,000, and thinks those should be <del>very near</del> separate in costs. Pg. 8 – Dr. Mier spelling of name Pg. 19 – Commissioner Armijo said the Northwest Quadrant was approved by the City Council, and asked if the Council also <del>improved</del> approved the variances.	<b><i>Minutes from October 15, 2009 are approved as corrected.</i></b>  <b><u>Case #M 2009-10. Villa Alegre Final Development Plan. (POSTPONED FROM OCTOBER 15, 2009)</u></b>  <b><i>No changes from staff. The Chair and Commission approved as presented.</i></b>	1-2
<b>Old Business</b> 1. An ordinance amending Sections 14-9.2 (F)(1)(j) and	<b><i>Commissioner Lindell moved to make a recommendation to the governing body to support</i></b>	2-6

Index Summary of Minutes  
Santa Fe Planning Commission  
November 5, 2009

<p>14-9.2(H) SFCC 1987 regarding sidewalks and curb and gutters in the City's Historic Districts. (Councilor Bushee and Councilor Wurzburger). (Jeanne Price, Case Manager) <b>(Postponed from October 15, 2009)</b></p>	<p><i>ordinance amending Sections 14-9.2(f)(1)(j) and 14-9.2(h) SFCC with a friendly amendment to have the city pay for the sidewalk repairs, second by Commissioner Hughes. Motion failed by roll call vote.</i></p> <p><i>Commissioner Gonzales made the motion to recommend to the city council that they not adopt this amendment to ordinance Sections 14-9.2 (F)(1)(j) and 14-9.2(H) SFCC 1987 regarding sidewalks and curb and gutters in the City's Historic Districts, second by Commissioner Montes Motion carried by roll call vote, 5-2.</i></p>	
<p><b>New Business</b></p> <p>1. An ordinance creating a new Section 25-1.2 SFCC 1987 requiring all City water service customers to comply with Chapter 25 SFCC 1987 (water) and creating a new Section 25-1.3 SFCC 1987 requiring applicants for City water service to comply with Chapter 14 SFCC 1987 (Land Development Law).</p>	<p><i>Mr. Montes made a motion that the Planning Commission recommend approval of the ordinance creating a new Section 25-1.2 SFCC 1987 requiring all City water service customers to comply with Chapter 25 SFCC 1987 (water) and creating a new Section 25-1.3 SFCC 1987 requiring applicants for City water service to comply with Chapter 14 SFCC 1987, second by Commissioner Vigil, motion carried by unanimous voice vote.</i></p>	<p>7-15</p>

Index Summary of Minutes  
Santa Fe Planning Commission  
November 5, 2009

<p>(Councilor Ortiz) (Jeanne Price, Case Manager)</p> <p>2. <b><u>Case #S 2009-01</u></b> <b>Governor Miles Business Park Preliminary Subdivision Plat.</b> Linda Tigges, agent for Crowne Santa Fe, LLC requires preliminary subdivision plat approval for 10 lots on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, Case Manager) (Postponed from April 16, 2009, June 4, 2009, September 17, 2009 and October 15, 2009)</p> <p>3. <b><u>Case #M 2009-03.</u></b> <b>Governor Miles Business Park development Plan.</b> Linda Tigges, agent for Crowne Santa Fe, LC requests development plan approval for a total of 76,350 square feet on 6.485± acres. The property is</p>	<p><i>Commissioner Mier made the motion approve with conditions, <u>Case #S 2009-01 Governor Miles Business Park Preliminary Subdivision Plat, second by Commissioner Hughes, motion carried by unanimous voice vote, one in opposition.</u></i></p> <p><i>Commissioner Bordegaray made the motion to approve <u>Case #M 2009-03. Governor Miles Business Park development Plan, second by Commissioner Gonzales, motion carried by unanimous voice vote, one in opposition.</u></i></p>	
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Index Summary of Minutes  
Santa Fe Planning Commission  
November 5, 2009

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<p>4. <b>Case #M 2009-15. Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension.</b> Scott Hoeft, agent for Peter Komis, requests a time extension for Final Development Plan and Final Subdivision Plat for 18 lots on 58.5± acres located north of the intersection of I-25 and NM 599. The property is zoned C-2 (General Commercial) and is in Phase 2 of the City-initiated annexation. (Donna Wynant, Case Manager) <b>(POSTPONED FORM OCTOBER 15, 2009)</b></p>	<p><i>Commissioner Gonzales made the motion to approve Case #M 2009-15. Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension, second by Commissioner Lindell, motion carried by unanimous voice vote.</i></p> <p><i>Note: Commissioner Vigil out of the room during vote</i></p>	

Index Summary of Minutes  
Santa Fe Planning Commission  
November 5, 2009

Business from the Floor	None	16
Staff Communications The City of Santa Fe EPA National Pollution discharge Elimination System (NPDES) Storm Water Quality Program. City of Santa Fe Storm Water Management staff will make a brief presentation on the City's Municipal Separate Storm Sewer System, (MS4) permit, the Storm Water Management Plan and storm water quality treatment requirements relating to construction and new land developments. (Jim L. Salazar, CFM, Storm Water Manager) (POSTPONED FROM OCTOBER 15, 2009)	Informational Jim L. Salazar, CFM, Storm Water Manager Power Point Presentation  John Shoemaker, Citizen	16-18
Matters from the Commission	As stated in minutes.	18-19
Adjournment and Signature Page	There being no further business to come before the Planning Commission, the Chair called for adjournment at 9:00 pm	19

PLANNING COMMISSION

MINUTES

November 5, 2009

**A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair John Salazar, at 6:00 pm, on November 5, 2009, in the City Council Chambers, Santa Fe, New Mexico.**

**A. Roll Call**

**Members Present:**

**John Salazar, Chair**

**Signe Lindell, Vice Chair**

**Dolores Vigil**

**Estevan Gonzales**

**Ken Hughes**

**Dr. Mike Mier**

**Reuben Montes**

**Bonifacio Armijo**

**Angela Schackel-Bordegaray**

**Staff Present:**

**Tamara Baer, Planning Manager**

**Kelley Brennan, Assistant City Attorney**

**Jeanne Price**

**David Rasch, Planning Supervisor in the Historic Preservation Division**

**Wendy Blackwell**

**Jim L. Salazar, CFM, Storm Water Management**

**Others Present:**

**Fran Lucero, Stenographer**

**B. Pledge of Allegiance**

Vice Chair Lindell led the Pledge of Allegiance.

**C. Approval of Agenda**

No changes to the agenda from staff or the commission. The Chair approved the agenda as presented.

**D. Approval of Minutes and Findings/Conclusions**

Minutes: October 15, 2009

Findings and Conclusions

Pg. 5 – No second to the motion, (Second by Commissioner Gonzales)

Pg. 7 – Commissioner Armijo noted Fire has \$119,000, and the Police has \$17,000, and thinks those should be ~~very near~~ separate in costs.

Pg. 8 – Dr. Mier spelling of name



PLANNING COMMISSION

MINUTES

November 5, 2009

Pg. 19 – Commissioner Armijo said the Northwest Quadrant was approved by the City Council, and asked if the Council also ~~improved~~ approved the variances.

*Minutes from October 15, 2009 are approved as corrected.*

**Case #M 2009-10. Villa Alegre Final Development Plan. (POSTPONED FROM OCTOBER 15, 2009)**

*No changes from staff. The Chair and Commission approved as presented.*

**E. Old Business**

1. An ordinance amending Sections 14-9.2 (F)(1)(j) and 14-9.2(H) SFCC 1987 regarding sidewalks and curb and gutters in the City's Historic Districts. (Councilor Bushee and Councilor Wurzburger). (Jeanne Price, Case Manager) **(Postponed from October 15, 2009)**

Jeanne Price stated that David Rasch, Planning Supervisor from the Historic Preservation Division attended the meeting to answer questions from the Commission.

David addressed the questions from a memo that had been distributed. He clarified that this ordinance amendment was initiated by the Public Works Department and the Public Works Committee, not from his office, but his office does support it. He told the commission members that he never knew how much earth tone concrete is present. All the older concrete is earth tone. Even the earth tone colors have a patchwork, there is no consistency. He doesn't envision ever achieving harmonious color throughout the sidewalks. The color that was approved was an earth tone buff, which they no longer have available. The Public Works department has been using the earth tone color. The glaring patchwork is where the earth tone color has not been used; in one sample you see the grey concrete. (Color was visually shown on overhead presentation). It is all over town. Regarding the pricing, 1 cubic yard of concrete costs anywhere from \$115 to \$120 and to put an earth tone in to it is an increase of anywhere from 16 to 20% of cost.

What this ordinance does not do is suggest colors; it just says earth tone color must be used. (Colors were shown and how they vary). Colors that were approved were Sequoia Sand, Omaha Tan and Sand Stone. What is accurate is that the colors vary minimally. What the three colors do is that they allow the city or private contractor to look at the adjacent color and choose one of the lighter, darker or medium colors. It is important to get back to using a patchwork of earth tone colors and not the concrete grey.

PLANNING COMMISSION  
MINUTES  
November 5, 2009

The safety issue; Public Works has looked into this issue and they have determined that the earth tone concrete isn't more safe or less safe than the grey concrete.

**PUBLIC COMMENT**

**Marilyn Bain, President of the Old Santa Fe Association**

I urge you on behalf of the Old Santa Fe Association to give this approval to require having tinted concrete in the historical association. We have talked about the painting of the concrete in Canyon Road and keeping it as natural as possible it is more of a rosy color. It was agreed that Canyon Rd would be paved and would be earth color, it was not expected for so many colors to be integrated. We do understand that tinted concrete is more expensive, but in the historic district the purchase price of homes are of higher value than any other parts of the cities. We should continue what we have and keep it tinted and keep the historic district uniform to what it has. I think some patchwork is inevitable, if we could only ask that they please match what exists.

**Public comment closed.**

Commissioner Armijo called his concrete supplier and found out that the minimal cost difference for earth tones would be \$100/yd. for regular concrete, (per yard) minimum cost to add color would be an added \$35 ++, going up to \$200/yd. Commissioner Armijo feels that this is not the time to have these increases. The grey concrete in time creates its own patina. Back in the days they didn't wash the sand, now they wash the sand.

Commissioner Armijo stated that he disagrees with Ms. Bains in reference to Canyon Road being unique and historical in itself. Santa Fe in its entirety is unique. He is born and raised and has family on the eastside and doesn't feel like they should distinguish one from the other. He stated that the problem with the recommendation is that there is no current approved list. There are no color changes listed; what is the Commission suppose to approve.

Commissioner Hughes asked if when a sidewalk is approved or changed does the land owner pay for it.

David Rasch: There have been cases where the private owner does pay. There is no consistency on these request's, they are done case by case. They are also responsible for the maintenance of that public right of way in front of their property.

Commissioner Hughes asked David that if in time it becomes really bad and needs to be replaced is the owner asked to pay for it or does the city pay for it.

Jeanne Price stated that the city on occasion may do sidewalk replacement through CIP in neighborhoods, and in those cases the city does the work and pays for it. In general if

## PLANNING COMMISSION

### MINUTES

November 5, 2009

your sidewalk is in bad shape the city will notify the property owner to replace and incur the full cost of the repairs.

Commissioner Hughes said it was interesting that this is coming up in Public Works. Cost is a consideration and if property owners help to pay for it and with that in mind, he would support this resolution.

Commissioner Lindell: Disclosed that she lives in the historic district. The questions that were raised regarding the safety concerns have been put to rest. In looking around the historic district you can see the patchwork, but it is very subtle and not offensive to her eye. What is offensive are some of the repairs, for example the repair to the manhole, there is some concrete that it is so grey that it doesn't blend in. She was unaware that the city has been doing this and she asked how long this has been done.

David Rasch: He did not know when the city stopped doing the earth tone concrete; he could not give a date as to how far back it goes. The concrete repairs go back to about 6 months ago.

Commissioner Gonzales stated that if families are required to bare the cost from the sidewalk to the curb, based on the cost of 30% or more, it might present an unnecessary burden for those families who would have to incur this cost. He would like to see the improvements go out for the entire city not just the historical district. He appreciates the intent of this but feels bad for the instances where local folks who have been here a long time will have to pay for repairs like this if they need to comply. What will the city do if they don't comply?

David Rasch: We have had some violations, one done by the city itself. We realize that this is a cost concern, we did allow a surface paint to be applied to make it more harmonious.

Commissioner Mier: I share some of the same concerns as Commissioner Armijo and Commissioner Gonzales. I understand the intent; I find it difficult to support anything that might create a hardship for the citizens of Santa Fe. I don't think it is intended to really provide for city compliance, I think it is required to make residents comply. I don't know that this is a good idea at this time. It is a financial hardship for citizens of Santa Fe and New Mexico. I don't feel that the timing is right. I do appreciate the testimony and the explanation.

Commissioner Lindell: How many people have been required to comply in the last year?

David Rasch: Historic zone covers 20% of Santa Fe, he knew of three projects in six years.

PLANNING COMMISSION  
MINUTES  
November 5, 2009

Commissioner Lindell stated that three projects in six years is really not very many. She also feels for people who are having hardships. Three projects in six years doesn't seem like many in exchange for the aesthetics that it brings. She would like to think that the concrete would last longer.

Commissioner Hughes: For those who have reservations, would you be ok if the city would pick up the tab instead of the homeowner?

Commissioner Armijo stated that the city is struggling as well as the private owner.

Commissioner Hughes said that for health and safety, the sidewalks are what need to be repaired and could be paid for out of CIP. Albuquerque dedicates 3% of their CIP strictly for sidewalk improvements every year.

Commissioner Mier stated that this is the direction the city should take.

***Commissioner Lindell moved to make a recommendation to the governing body to support ordinance amending Sections 14-9.2(f)(1)(j) and 14-9.2(h) SFCC with a friendly amendment to have the city pay for the sidewalk repairs, second by Commissioner Hughes. Motion failed.***

Ms. Baer asked if this would be the total cost of the sidewalk or just the difference in cost of color.

Commissioner Lindell said that she was of the understanding that it would be for the difference in cost of color.

John: If it is approved as a motion it will be in conflict with Chapter 23 of city code which states that a property owner is required to repair their sidewalk 100% whether it is color or not.

Kelley: The commission is making a recommendation to the council.

John stated that in making this recommendation to the Council, it would be appropriate for an amendment to Chapter 23 be carried forward with it.

Ms. Baer said that there would be time to insert that into this resolution.

**Roll Call Vote:**

**Signe Lindell, Vice Chair – Yes**  
**Bonifacio Armijo – No**  
**Estevan Gonzales – No**  
**Ken Hughes – Yes**

**Angela Schackel-Bordegaray - Yes**  
**Dr. Mike Mier - No**  
**Reuben Montes - No**  
**Dolores Vigil - No**

PLANNING COMMISSION

MINUTES

November 5, 2009

*Motion fails by roll call vote, 3 – Yes, 5 – No.*

*Commissioner Gonzales made the motion to recommend to the city council that they not adopt this amendment to ordinance Sections 14-9.2 (F)(1)(j) and 14-9.2(H) SFCC 1987 regarding sidewalks and curb and gutters in the City's Historic Districts, second by Commissioner Montes, motion passed by roll call vote.*

**Roll Call Vote:**

Signe Lindell, Vice Chair – No  
Angela Schackel-Bordegaray - No  
Dolores Vigil - Yes  
Estevan Gonzales - Yes  
Ken Hughes - No  
Dr. Mike Mier - Yes  
Reuben Montes - Yes  
Bonifacio Armijo – Yes

**Motion carries 5-2, by roll call vote.**

*Record to reflect the discussion as to why it was not supported.*

**F. New Business**

1. An ordinance creating a new Section 25-1.2 SFCC 1987 requiring all City water service customers to comply with Chapter 25 SFCC 1987 (water) and creating a new Section 25-1.3 SFCC 1987 requiring applicants for City water service to comply with Chapter 14 SFCC 1987 (Land Development Law).  
(Councilor Ortiz) (Jeanne Price, Case Manager)

Jeanne Price: This bill does not involve an amendment to Chapter 14, it is an amendment to Chapter 25, but it is an amendment saying that in the water chapter that those parties who obtain city water are to comply with Chapter 14. The reason to do this is that in the last 9 years significant changes have been made to how we review the water needs to the development needs.

**Closed to Public Hearing:**

Commissioner Bordegaray – Can you provide a tangible example of how a property that is not subject to Chapter 14 now and is receiving city water services and is now eligible for water services. She is trying to understand the applicability of this, she understands the concept to supply adequate water services and supports that; what are some specific examples.

## PLANNING COMMISSION

### MINUTES

November 5, 2009

Tamara Baer: The main one that comes to mind is the County Court House; they would presumably connect to city water and would have to comply with Chapter 14 and the city regulations. Another example is Las Soleras; they have been negotiating with Health and Human Services to move forward on Las Soleras campus, the state project. Once that land is turned over to the state they could move forward and develop without consulting with the city. If this ordinance were to pass it would say that the state would have to comply with Chapter 14 ordinances and procedures. There has always been confusion on who has jurisdiction over governmental entity projects. Recently this was seen in the Planning Commission over the Villa Alegre project. Everyone believed that the city had no jurisdiction; the applicant came forward thinking they were appearing as a courtesy just to show what they were thinking of doing. It ended up that the jurisdiction was set up through a contract of the lease agreement. Normally, unless something like that is written into the lease agreement, it is not always clear. Any time a governmental entity outside of the city, (county, state, school district), presumably they would not be on a well they would connect to city water and this ordinance says they would have to comply with Chapter 14

Commissioner Bordegaray: Water service is the trigger for compliance of land development.

Ms. Baer: Yes. There has been some discussion of HB360, which only applies to the historic district. If you are building in the historic district you are going to follow the city's historic procedures. This is much broader than that.

HB 360 only applies to the state, not to the county.

Commissioner Bordegaray asked about the origin of this ordinance and requested a little bit of background.

Jeanne Price: There have been numerous discussions at all levels on how development reviews occur, and how the planning board views these, especially in regards to water issues. It was determined that it was best as a code amendment rather than just rely on contractual obligation which we could still use as a way of obtaining this compliance. We give water; we have requirements to know what is being developed so we can plan for that expenditure of water.

Chair Salazar: Reference was made to a case that had come before the county in the Agua Fria historic district; at the time he wasn't sure if there was a city ordinance or an MOU that exempted the traditional historic community in having to comply with city ordinances. How would it affect a situation like that?

Kelley Brennan: She stated that she was not familiar with this specific case, there are statutory standards that apply to the historic Agua Fria and the historic village, and she

## PLANNING COMMISSION

### MINUTES

November 5, 2009

would suspect there may have been some relationship with that. It may have been deemed to control the situation.

Chair Salazar: Would this affect the Indian School if they wanted to rebuild?

Kelley Brennan: Yes

Dr. Mier: On the question earlier on the Agua Fria historic district, Dr. Mier stated that he still has property on Agua Fria and is a member of the Agua Fria Water Board. He said there are two different scenarios; one is for a resident or property owner in the historical area cannot for some reason acquire water from the association, at that time they have two options, they can go for a well or apply for city water services. The community itself also has to agree with the city of Santa Fe and that basically provides permission to use water for the city on an as need basis and they need to comply with the requirements of the city.

*Mr. Montes made a motion that the Planning Commission recommend approval of the ordinance creating a new Section 25-1.2 SFCC 1987 requiring all City water service customers to comply with Chapter 25 SFCC 1987 (water) and creating a new Section 25-1.3 SFCC 1987 requiring applicants for City water service to comply with Chapter 14 SFCC 1987, second by Commissioner Vigil, motion carried by unanimous voice vote.*

2. **Case #S 2009-01 Governor Miles Business Park Preliminary Subdivision Plat.** Linda Tigges, agent for Crowne Santa Fe, LLC requires preliminary subdivision plat approval for 10 lots on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, Case Manager) **(Postponed from April 16, 2009, June 4, 2009, September 17, 2009 and October 15, 2009)**
3. **Case #M 2009-03. Governor Miles Business Park development Plan.** Linda Tigges, agent for Crowne Santa Fe, LC requests development plan approval for a total of 76,350 square feet on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, Case Manager). **(Postponed from April 16, 2009, June 4, 2009, September 17, 2009 and October 15, 2009)**

### **Tamara Baer**

Many of you will recall when it came up for annexation and rezoning and those two actions were approved by the City Council in June, 2008. Property has been annexed and recorded and it has been rezoned to C-2 which is general commercial district. The current application proposes approval for a preliminary subdivision plat and development

PLANNING COMMISSION  
MINUTES  
November 5, 2009

plan. It is about 6 ½ acres immediately south of the auto park and on Governor Miles Road. She pointed out that in the report and in some of the drawings there are different names for the road that comes in and intersects at the roundabout. The most recent name is Railrunner Rd. which is part of the Las Soleras development. In some places it is called Mikelina, and the most recent is Railrunner. The proposal is for 10 lots, 8 are for business park purposes, office space and possibly warehousing and some work spaces as needed. There are no known users to date. This is a very preliminary plan for a subdivision. The total development that is proposed is approximately 76,000 sq. ft. of office space. There are 10 lots and 2 are in the 100 year flood plane, and they would not be developed, they would be maintained by homeowners association and would be reserved as permanent open space with a dedicated trail through one of those lots that would connect eventually to the Arroyo Chamiso trail. The case was postponed many times; more so to do traffic analysis and evaluate what accommodations would need to be done on Governor Miles Road. The plan has the roundabout at the intersection with Railrunner. As future build out is projected, it might be necessary to add lanes to Governor Miles and to the roundabout; that is the main reason this case has been postponed. That determination has not been made. Once the determination is made and if more lanes are needed to be added, the applicant would need additional right of way on Governor Miles, both to create more lanes and a second lane on the roundabout

The application tonight is for the preliminary subdivision plan, staff has given conceptual approval and we are comfortable to go forward on that basis. If more traffic lanes are needed, than the project itself would actually shrink. Ms. Baer continued; procedurally the preliminary subdivision plat is before you this evening, the development plan is required for anything over 30,000 sq. ft in any zoning district so this project does require a development plan. However, there is no provision for a preliminary vs. final development plan. This is a preliminary version of the development plan and they are happy to bring back the final version of the plat for the Planning Commission to review.

***The staff recommends approval for both of these cases.***

**Linda Tigges, Tigges Consulting 1925 Aspen Drive, SFNM**

***Swearing in.***

Ms. Tigges introduced Mr. Mike Gomez, Civil Engineer on the project. John Mahoney and Aaron Mahoney were unable to attend tonight due to the flu. Ms. Tigges made reference to the project and through a visual aid showed the areas referenced. She stated that neighborhood meetings have been held; one for the annexation and one for this project with no persons attending from the public. The development plan is very similar to that approved part of the annexation master plan. She pointed out the retail portion along the Governor Miles Rd. and the two-story proposed showing the buffer between the auto park and the project, there are three access points. The main one is the roundabout and she pointed out two others. She talked about a lot of open space and made reference



## PLANNING COMMISSION

### MINUTES

November 5, 2009

to the 10 lot request and their request be considered in 2 phases. The concern and one of the hold ups was because of the traffic impact analysis. It was originally done and the traffic engineer wanted to make sure they had enough traffic right of way eventually generated by Las Soleras coming up Railrunner and also by Wal-Mart and other developments that would generate traffic at the intersection of Cerrillos Rd. and Governor Miles. It is her understanding that the traffic report was based on data from the Metropolitan Planning Organization (MPO). There was a fault discovered in that information and as a result they suggested less traffic. At any rate, that was one of the hold ups. If given approval for the subdivision plat and the preliminary approval for the development plan, they will come back with final plans and they will have the traffic information more appropriately done.

### **Public Hearing**

#### **Will Carp, 4391 Wakeman Sky, SFNM – Sworn In**

Mr. Carp is the Vice President of the Nava Ade Home Owner Association and lives right off of Governor Miles Rd., there are no houses between his house and Gov. Miles Rd. He stated that the traffic on Gov. Miles Rd. is horrendous and he hopes that the commission will consider that in their deliberation. Centex is developing their thing, Las Soleras will be there, Wal Mart is going to be one street away from Governor Miles, Monte de Sol is growing and all of these facilities are bringing in a lot of traffic in each direction of a one lane road. He did write a letter in July, 2005 and recommendation at that time was not to approve it. He is very concerned about the traffic. Their association is not aware of any ENN meetings, other than those that were held in 2005. Trails, he has not seen the trails and he believes would be land locked. The rotary is extremely tight; there will be trucking traffic and warehouse and he doesn't see how with the current configuration of Governor Miles this could be approved. Past concern and conversation has talked of houses on the top of hills and disturbing views and the location of where this warehouse is located, you would destroy a really nice view from Governor Miles. Thank you.

### **Close Public Hearing**

Linda Tigges informed the commission, for the record, that she does have certified notices that were sent to the neighborhood for the ENN and they were sent to the home management group and to the names of the neighborhood organizations. She also has certified letters and return receipts for notices of tonight's meeting.

Commissioner Bordegaray: Could it be that the NavaAde neighborhood association is out of that radius that was captured for this meeting.

Ms. Tigges stated that she sent a notice to the management for open space, because they have always been very interested. For the ENN she sent a notice to three people

## PLANNING COMMISSION

### MINUTES

November 5, 2009

representing NavaAde and some of those people had moved away. When she called the management people at NavaAde and they gave her an additional name for notification of this meeting.

Commissioner Bordegaray: Directed to Ms. Tigges the question of her making reference to a fault in the traffic plan. She asked Mr. Romero to come before the commission and address the traffic concern. She also asked that if Governor Miles Road as it is now is one lane in each direction? Is that anticipated to widen based on Las Soleras, Wal-Mart and expansion of Monte Sol?

Ms. Tigges confirmed that it is "faulty data".

John Romero responded that Governor Miles Road is one way in each direction. There is no current plan to widen this road. For the Las Soleras project they used the same future traffic model that this project used; the Santa Fe Metropolitan Planning Organization's traffic model. As it applies to this development it is not listed that it is going to generate new traffic; the city wants to make sure that this development reserves enough right of way. In the Las Soleras plan it outlines a Beckner Rd. which will be 4-lanes, which somewhat frontages I-25. As Ms. Tigges has said, in this model, there are a few errors that the current MPO staff has found, and there is a good chance that it will reduce the amount of anticipated traffic. Right now what has been submitted in the TIA to the commission for consideration is the worse scenario.

Commissioner Bordegaray: Thank you. Question for Mr. Carp; "you have made several points and you refer to the concern of the views and the escarpment; are you referring to coming from Cerrillos Rd. towards the Sangre's or Governor Miles heading towards the Sandia and the Ortiz mountains.

Mr. Carp responded coming from Cerrillos Rd. towards Richards Avenue; we also get community college traffic going through that road as well. The traffic is pretty heavy and that rotary is pretty tight. Right now, trucks trying to get into a warehouse will be hard. He had heard there were going to be 250 parking spaces and that is adding a lot of traffic. This one seems like the entry to the park is rotary.

Commissioner Bordegaray: The other point you made was in reference to the trail, you thought it might be landlocked?

Linda Tigges: She referred to the visual and said that the future plan will show the trail along the Arroyo Chamiso; however there are none built at this time.

Commissioner Bordegaray: Beckner Road, is that the road parallel to Cerrillos Road?

PLANNING COMMISSION  
MINUTES  
November 5, 2009

John Romero: It is the road that will be constructed that will go from the outlet mall to Richards around I-25 and connects to Railrunner. The intent of Beckner Road is to take traffic away from Governor Miles Rd. and get them directly to the interstate.

Commissioner Bordegaray: I think it addresses the traffic concerns and the existence of Governor Miles Rd. as it was built. I would like to give us a little more credit that we built it for its future use and that it is not completely outgrown. The traffic distribution is at play here and I'm pleased that we have it mapped out, these are the cases where it will go over into future developments and there will be other distribution points. Once Beckner Road is built it will alleviate traffic from Governor Miles. My other planning comment is that NavaAde is a beautiful community and there is a lot of development going on there and right now separated businesses, you can't walk anywhere for services. The idea of retail or commercial services and offices are planned for this area offers an opportunity to be closer to get to the services.

Mr. Carp: There is a trail in Big Sky – Arroyo Chamiso trail that goes to the JC Penney parking lot and connects under Rodeo Rd. to Sam's. Governor Miles Rd. right now is residential except for the bank location. He stated that now we are going to bring warehouse and office space is not going to be appealing for home value and the looks of it.

Commissioner Vigil: Q: Linda, comments that we have heard regarding the ENN and in the packet it shows the last ENN was Dec 30, 2008; were there any comments and did the development plan change since then?

Linda Tigges: No, the development plan is almost exactly the same, it did not change. There were no representatives from the public who attended the meeting and to the people within 200 feet and the Nava Ade people.

Commissioner Montes: Not so much a question, but more of an observation, there are 2 cases that are business parks. If you drive around this town and in this great recession you see all these signs of leased space, is the city and the council making note of that. What are we doing when other businesses are vacant, and here we are approving all these business parks?

Tamara Baer: The city is also trying to do economic development and create opportunities for businesses. This is an example of a space that would be business ready. The city is very interested in mixing up business locations and opportunities for employment and to place them fairly amongst residential areas. The city hasn't interfered in the private market to the extent that it would step up and say, we don't need housing so we are going to deny your project; or we don't need business space so we aren't going to approve your project.

## PLANNING COMMISSION

### MINUTES

November 5, 2009

Commissioner Montes: Is the city Economic Development office doing anything to help those owners of vacant buildings to get them filled.

Ms. Baer said that was a very good question and she would ask the Economic Development office and bring the answer back to the Commission.

Commissioner Mier: Based on the concerns from the homeowner associations and the whole issue of traffic, is there additional traffic lights planned for Governor Miles Rd. as a result of this development.

John Romero: There are not current plans. City Council adopted a traffic policy that specifies we cannot provide anymore vertical devices on emergency response.

Commissioner Mier: When you conducted the traffic study and looked at the impact of traffic on Governor Miles, based on this proposal was there any consideration on impact given to the neighborhood based on current traffic, basically traffic both entering and leaving, was that given any consideration in the report?

John Romero: Are you asking that we do our traffic assumptions and take into consideration the traffic coming in and out? Yes, and the way it does that, the model that is used was developed for the 2030, but there is also a current calibrated 2007, we plug in all the land uses, to its best ability it tells you where the cars are going.

Commissioner Mier: Based on that study did you indeed find that the traffic that would be entering the development would be using Cerrillos vs. Richards Avenue?

Mr. Romero: Yes, as there is more population west of the property.

Commissioner Mier: Would this be the first series of businesses off of Governor Miles Road.

John Romero: Coming from Richards this would be the first one. There are other businesses.

Commissioner Lindell: On that entry, the roundabout, is that adequate for semi's and tractor trailers to pull in and out of there?

**Mike Gomez: 1599 S. St. Francis Drive, Santa Fe, NM (Sworn In)**

(Semi trailer) WD50 trucks, designed, there may be some encroachment on the roundabout.

Commissioner Lindell: You are saying a 50 foot truck can go around that circle and make essentially a left hand turn from Cerrillos Road. Would you have to drive over the curb?

PLANNING COMMISSION  
MINUTES  
November 5, 2009

Mr. Gomez responded, yes.

Mr. Romero responded that roundabouts are designed to drive over the apron.

Commissioner Lindell: In reading the minutes from City Council a couple of things I would like clarified; trail alignment and the easement, have they been addressed?

Linda Tigges: Yes, they talked about the trail on the west. If it is pushed all the way to the west than the trail runs into a parking lot. We worked with the city trail staff and moved it to the west of the development but to the east of the arroyo. It is on the plat as an easement ready to go.

Commissioner Lindell: One of the other things that were part of the approval process was to have some type of water harvesting, has that been addressed?

Linda Tigges: We have not addressed that specifically, but that would be part of a final development plan once we know where the foot prints are.

Ms. Baer addressed the commission, "that would be one of the conditions of approval from Charlie Gonzales and we would be looking for that."

Mike Gomez: The water harvesting is different from the storm water drainage. Storm water harvesting is for landscaping and irrigation. Whereas the code requires that it contain the 100 year storm so they are two separate issues. Cisterns and the water harvesting are part of the building design. Cisterns would come in at the permit process when you come in for a building permit.

Commission Lindell: So the project would be using cisterns rather than ponds?

Mike Gomez: We will be using a combination of ponds and underground tanks to store the run off. The cisterns are part of the building permit process.

Wendy Blackwell: It is an odd part of the terrain management regulations but what Mike is describing is a requirement of the way the code is currently written where the storm water requirements for a project of this type have to be met by a combination of detention, retention or infiltration. So you can actually get credit for your rain water harvesting cistern for storm water management. What he is saying fits in with how we do these projects.

Commissioner Gonzales: Is there going to be a monument there?

Linda Tigges: No, a final recommendation has not been made.

PLANNING COMMISSION

MINUTES

November 5, 2009

Commissioner Gonzales: Asked if semi trucks that deliver to SFCC, do they have the right to make drop offs there and then travel to Governor Miles Rd and Richards Avenue?

John: There are heavy truck traffic ordinances, but I'm not sure if it fits into this one.

Commissioner Gonzales: With this type of development, I would be concerned about heavy truck traffic coming down Governor Miles Rd. through Nava Ade.

John Romero: It is an ordinance that is proposed by a city councilor, it is incorporated in Chapter 21 or 22, if it got placed on that list, they would have to make their drop off on Beckner, Railrunner, and go along the future Beckner.

***Commissioner Mier made the motion approve with conditions, Case #S 2009-01 Governor Miles Business Park Preliminary Subdivision Plat, second by Commissioner Hughes, motion carried by unanimous voice vote, one in opposition.***

***Commissioner Bordegaray made the motion to approve Case #M 2009-03. Governor Miles Business Park development Plan, second by Commissioner Gonzales, motion carried by unanimous voice vote, one in opposition.***

4. **Case #M 2009-15. Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension.** Scott Hoeft, agent for Peter Komis, requests a time extension for Final Development Plan and Final Subdivision Plat for 18 lots on 58.5± acres located north of the intersection of I-25 and NM 599. The property is zoned C-2 (General Commercial) and is in Phase 2 of the City-initiated annexation. (Donna Wynant, Case Manager) (POSTPONED FORM OCTOBER 15, 2009)

**Tamara Baer**

It has been in effect for about 10 years. The property in this case is outside City limits but within the Annexation Area, which came under City of Santa Fe jurisdiction on October 4, 2009 for the purposes of subdivision, platting, planning and zoning as established by joint City and County approval under Ordinance No. 2009-01 (SPPAZO).

The applicant requests that "the City of Santa Fe Planning Commission acknowledge, affirm, and memorialize the prior approvals (Final Development Plan and Subdivision Plat) and the conditions of approval for the Komis Business park that were granted by the EZC and BCC."

The 58.5 acre business park site is located in the area north and east of the intersection of I-25 and NM 599. The property is zoned C-2 (General Commercial) and features 18 commercial lots. The land is vacant and no construction has occurred.

## PLANNING COMMISSION

### MINUTES

November 5, 2009

In keeping with the spirit and intent of the agreement between Santa Fe County and the City of Santa Fe, the City will honor all current County approvals. Therefore, the City did not perform a full DRT review for this project. Development review of individual parcels will follow City of Santa Fe procedures per Chapter 14, and will be subject to the review for city utilities from the Sangre de Cristo City Water Division and the Wastewater Management Division of the Public Utilities Department.

The applicant is requesting a 2-year time extension, staff supports that decision.

**Scott Hoeft, 109 St. Francis Drive., 87505 Santa Fe Planning Group**

Mr. Hoeft stated that the access issue through DOT is progressing and they are working to get the project wrapped up and recorded. He saw that time was coming up and recognized that it was time to request an extension. He has been in conversation with city staff since August regarding this matter. On behalf of the client we respectfully request a 2-year time extension.

**No Public Input:**

***Commissioner Gonzales made the motion to approve Case #M 2009-15. Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension, second by Commissioner Lindell, motion carried by unanimous voice vote.***

***Note: Commissioner Vigil out of the room during vote***

**G. Business from the Floor**

**H. Staff Communications – Jim**

1. The City of Santa Fe EPA National Pollution discharge Elimination System (NPDES) Storm Water Quality Program. City of Santa Fe Storm Water Management staff will make a brief presentation on the City's Municipal Separate Storm Sewer System, (MS4) permit, the Storm Water Management Plan and storm water quality treatment requirements relating to construction and new land developments. (Jim L. Salazar, CFM, Storm Water Manager) (POSTPONED FROM OCTOBER 15, 2009)

***Note: The commission was presented with a power point hard copy to follow the presentation.***

In research they determined there were about 30 properties listed in the historical listing and about 1/3 are in the 100 year flood plains.

PLANNING COMMISSION  
MINUTES  
November 5, 2009

It was noted that Ms. Blackwell and Mr. Salazar's group work very close together before they can even apply for infra-structure notices.

Commissioner Gonzales is pleased to see this process. How expensive is it to develop a SWIPP?

There is a consultant in the audience who might be able to expound on this.

**John Shoemaker, 1071 Willow Way, Santa Fe, NM (Sworn in)**

Private Citizen who helps private homeowner and subdivisions on storm water. Since 2003 those costs are about \$1500, depending on the slope. He works very closely with David Pike from the City of Santa Fe staff.

SWIPP plans are required if you are putting in an infra-structure to develop the water system. One thing that he noticed is that there is a gap working through David Rasch's office. A lot of times homeowners go to their Engineer/Architect and they will get their permits from the city. They will be half way done building their homes and they ask for their SWIPP plan, and the homeowner does not know what that is. There is a gap between the check list and the compliance for the small homeowner, the fine from the state of NM is \$32,500. A homeowner will say they didn't know they had to do it, I can see a gap in the understanding.

Commissioner Armijo asked if the city asks the homeowner if they have a SWIFF plan.

Mr. Shoemaker answered yes. There are plans for the infrastructure but not for the single home.

Drop inlets, what happens to the oils? Vactor truck that shoots water and sucks it all out. Why hasn't the city adopted a green water system? Under state regulations a green water system is allowed.

Wendy Blackwell: Unless the staff would have a specific direction or ordinance to allow for it, staff does not have that direction. Plan review has to come up with a new standard; and how it applies in this city is just a nice idea. If the commission feels that it should move forward, we can be directed to do so.

Permit Process is a general understanding that if you are disturbing more than 1 acre of land, or part of a 10 acre project, you would need a SWIFF plan; people just don't follow it in this region.

Storm Water management plan has been adopted and there needs to be more education in order to assure conformance.



PLANNING COMMISSION  
MINUTES  
November 5, 2009

Jim Shoemaker said it would help if it was put on the plats.

Commissioner Armijo: Storm water brochure doesn't seem like it is even Santa Fe. Is the city itself open for a possible fine?

Commissioner Lindell: In the brochure, EPA construction applies to the following areas, why is NM one of those areas. New Mexico has one but the EPA requires nationwide.

New Mexico was one of those states that could not pay, the federal government brought in Rich Powell to help us pay for the EPA system.

Biofiltration is retention or detention.

The difference between retention and detention: retention system maintains a significant amount of water and it holds and releases, detention is shallow.

Storm Water Management office is its own division, David is the enforcer. 2 on staff.

Some drainage courses are privately owned, some have easements for the storm water, some are dedicated for maintenance repair by the city of Santa Fe, and we would have to see a plat to see who is responsible.

ESA and Santa Fe County, do we have endangered species? Not in the incorporated part of the city of Santa Fe but there are in the county.

**I. Matters from the Commission**

- Commissioner Lindell expressed her condolences to Estevan Gonzales and his family on the recent loss of his brother.
- How does Beaver Toyota get permission to grade that lot without permission from the city? They came in and the city and county gave them permission because Wal-Mart was doing grading on the road and they had extra fill for the dirt.
- Wendy Blackwell: The County gave them a grading permit, the city has a 3-page letter of agreement with the attorney that Beaver Toyota is working with and there is a financial guarantee being held by the city. The dirt is available due to the Wal-Mart grading, they are moving it to the site and that is all they have permission to do. There is no pre-approval for the future project.

Commissioner Hughes, I feel that it is highly presumptuous.

Wendy Blackwell has a PDF letter explaining the approval process.

PLANNING COMMISSION  
MINUTES  
November 5, 2009

Next Meeting will be December 3<sup>rd</sup>. Happy Thanksgiving.

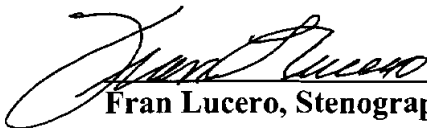
**J. Adjournment**

*There being no further business to come before the Santa Fe Planning Commission  
the meet was adjourned at: 9:00 pm*

**SIGNATURE PAGE:**

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**John Salazar, Chair**



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**Fran Lucero, Stenographer**