



**PLANNING COMMISSION**  
*December 03, 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: November 5, 2009**

**FINDINGS/CONCLUSIONS:**

**Case #M 2009-14. Nature's Creations Final Development Plan.**

**Case #S 2009-01. Governor Miles Business Park Preliminary Subdivision Plat.**

**Case #M 2009-03. Governor Miles Business Park Development Plan.**

**Case #M 2009-15. Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension.**

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

1. An ordinance amending Sections 14-5.5 SFCC 1987 regarding the South Central Highway Corridor Protection District to increase minimum building setbacks for property within 600 feet of the edge of the right-of-way of both sides of Old Pecos Trail from I-25 to St. Michael's Drive. (Councilor Wurzbarger and Councilor Romero) (Jeanne Price)
2. **Case #2009-21. Callejon Tisnado Preliminary Subdivision Plat.** Estevan Trujillo, property owner, requests preliminary subdivision plat approval for 3 lots on 0.286± acres located near the intersection of Camino Del Campo and West San Francisco Street. The application includes a variance to setback requirements to allow for 3 foot setbacks. The property is zoned RM-2 (Residential Multi-Family, 29 dwelling units per acre). (Donna Wynant, case manager)
3. **Case #2009-23. Esplanade Village Preliminary Subdivision Plat.** JenkinsGavin Design and Development Inc., agent for Esplanade Development LLC, requests preliminary subdivision plat approval for 9 commercial lots on 6.903± acres located at the intersection of Airport Road and Paseo del Sol within the Presumptive City limits and within Phase 2 of the City-initiated annexation. The property is zoned SC-1 (Planned Shopping Center). (Donna Wynant, case manager)

4. **Case #2009-22. Esplanade Village Preliminary Development Plan.** JenkinsGavin Design and Development Inc., agent for Esplanade Development LLC, requests preliminary development plan approval for 9 commercial lots on 6.903± acres located at the intersection of Airport Road and Paseo del Sol within the Presumptive City limits and within Phase 2 of the City-initiated annexation. The property is zoned SC-1 (Planned Shopping Center). (Donna Wynant, case manager)

**G. BUSINESS FROM THE FLOOR**

**H. STAFF COMMUNICATIONS**

**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.**

SUMMARY INDEX  
CITY OF SANTA FE  
PLANNING COMMISSION  
December 3, 2009

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CALL TO ORDER/ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
<u>APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS</u>		
MINUTES – November 5, 2009	Approved [amended]	2
FINDINGS/CONCLUSIONS		
CASE #M-2009-14	Approved	2
CASE #S-2009-01	Approved	2
CASE #M-2009-03	Approved	3
CASE #M-2009-15	Approved	3
OLD BUSINESS	None	3
<u>NEW BUSINESS</u>		
AN ORDINANCE AMENDING SECTIONS 14-5.5 SFCC 1987, REGARDING THE SOUTH CENTRAL HIGHWAY CORRIDOR PROTECTION DISTRICT TO INCREASE MINIMUM BUILDING SETBACKS FOR PROPERTY WITHIN 600 FEET OF THE EDGE OF THE RIGHT-OF-WAY OF BOTH SIDES OF OLD PECOS TRAIL FROM I-25 TO ST. MICHAEL'S DRIVE	Postponed to 02/2010	3-8
<u>CASE #2009-21. CALLEJON TISNADO PRELIMINARY SUBDIVISION PLAT. ESTEVAN TRUJILLO, PROPERTY OWNER, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 3 LOTS ON 0.286± ACRES LOCATED NEAR THE INTERSECTION OF CAMINO DEL CAMPO AND WEST SAN FRANCISCO STREET. THE APPLICATION INCLUDES A VARIANCE TO SETBACK REQUIREMENTS TO ALLOW FOR 3 FOOT SETBACKS. THE PROPERTY IS ZONED RM-2 (RESIDENTIAL MULTI-FAMILY, 29 DWELLING UNITS PER ACRE)</u>	Approved	8-10

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<p><b>CASE #2009-23. ESPLANADE VILLAGE PRELIMINARY SUBDIVISION PLAT. JENKINGGAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR ESPLANADE DEVELOPMENT LLC, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 9 COMMERCIAL LOTS ON 6.903± ACRES LOCATED AT THE INTERSECTION OF AIRPORT ROAD AND PASEO DEL SOL WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN PHASE 2 OF THE CITY INITIATED ANNEXATION. THE PROPERTY IS ZONED SC-1 (PLANNED SHOPPING CENTER)</b></p>	<p>Approved [amended]</p>	<p>10-16</p>
<p><b>CASE #2009-22. ESPLANADE VILLAGE PRELIMINARY DEVELOPMENT PLAN. JENKINGGAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR ESPLANADE DEVELOPMENT LLC, REQUESTS PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR 9 COMMERCIAL LOTS ON 6.903± ACRES LOCATED AT THE INTERSECTION OF AIRPORT ROAD AND PASEO DEL SOL WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN PHASE 2 OF THE CITY INITIATED ANNEXATION. THE PROPERTY IS ZONED SC-1 (PLANNED SHOPPING CENTER)</b></p>	<p>Approved</p>	<p>16-17</p>
<p><b>BUSINESS FROM THE FLOOR</b></p>	<p>None</p>	<p>17</p>
<p><b>STAFF COMMUNICATIONS</b></p>	<p>Information/discussion</p>	<p>17</p>
<p><b>MATTERS FROM THE COMMISSION</b></p>	<p>Information/discussion</p>	<p>17</p>
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**MINUTES OF THE MEETING  
OF THE  
PLANNING COMMISSION  
December 9, 2009**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair John Salazar, at approximately 6:00 p.m., on December 9, 2009, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

John Salazar, Chair  
Boni Armijo  
Estevan Gonzales  
Ken Hughes  
Dr. Signe Lindell  
Dr. Mike Mier  
Ruben Montes  
Angela Schackel-Bordegary  
Dolores Vigil

**OTHERS PRESENT:**

Kelley Brennan, Assistant City Attorney  
Tamara Baer, Planning Manager, Current Planning Division  
Matthew O'Reilly, Director, Land Use Department  
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA**

**MOTION:** Commissioner Mier moved, seconded by Commissioner Montes, to approve the Agenda as published..

**VOTE:** The motion was approved on a voice vote (6-0) [Absent for the vote: Commissioners Lindell and Gonzales]

**D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**1. MINUTES – November 5, 2009**

The following corrections were made to the minutes of November 5, 2009:

Page 2, correct as follows: The vote was 5-3, not 5-2.

Page 17, paragraph 5, lines 1 and 5, correct as follows: "~~SWIPP~~ SWPPP plans are..."

Page 17, paragraph 10 line 2, correct as follows: "~~SWIFF~~ SWPPP."

Page 18, paragraph 3, line 1, correct as follows: "Storm water ~~brochure~~ procedure doesn't..."

**MOTION:** Commissioner Armijo moved, seconded by Commissioner Vigil, to approve the minutes as amended.

**VOTE:** The motion was approved on a voice vote (6-0) [Absent for the vote: Commissioners Lindell and Gonzales]

**2. FINDINGS/CONCLUSIONS**

The Findings of Fact and Conclusions of Law in Case #M-2009-14, Case #S-2009-01, Case #M-2009-03 and Case #M-2009-15 are incorporated herewith to these minutes as Exhibit "1."

**a) CASE #M-2009-14. NATURE'S CREATIONS FINAL DEVELOPMENT PLAN.**

**MOTION:** Commissioner Bordegary moved, seconded by Commissioner Vigil to approve the Findings of Fact and Conclusions of Law in Case #M-2009-14, as presented.

**VOTE:** The motion was approved on a voice vote (6-0) [Absent for the vote: Commissioners Lindell and Gonzales]

**b) CASE #S-2009-01. GOVERNOR MILES BUSINESS PARK PRELIMINARY SUBDIVISION PLAT.**

**MOTION:** Commissioner Mier moved, seconded by Commissioner Vigil to approve the Findings of Fact and Conclusions of Law in Case #S-2009-01, as presented.

**VOTE:** The motion was approved on a voice vote (6-0) [Absent for the vote: Commissioners Lindell and Gonzales]

c) **CASE #M-2009-03. GOVERNOR MILES BUSINESS PARK DEVELOPMENT PLAN.**

**MOTION:** Commissioner Armijo moved, seconded by Commissioner Mier to approve the Findings of Fact and Conclusions of Law in Case #M-2009-03, as presented.

**VOTE:** The motion was approved on a voice vote (6-0) [Absent for the vote: Commissioners Lindell and Gonzales]

d. **CASE #M-2009-15. KOMIS BUSINESS PARK FINAL DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT TIME EXTENSION.**

**MOTION:** Commissioner Mier moved, seconded by Commissioner Vigil to approve the Findings of Fact and Conclusions of Law in Case #M-2009-15, as presented.

**VOTE:** The motion was approved on a voice vote (6-0) [Absent for the vote: Commissioners Lindell and Gonzales]

**E. OLD BUSINESS**

There was no old business.

**F. NEW BUSINESS**

1. **AN ORDINANCE AMENDING SECTIONS 14-5.5 SFCC 1987, REGARDING THE SOUTH CENTRAL HIGHWAY CORRIDOR PROTECTION DISTRICT TO INCREASE MINIMUM BUILDING SETBACKS FOR PROPERTY WITHIN 600 FEET OF THE EDGE OF THE RIGHT-OF-WAY OF BOTH SIDES OF OLD PECOS TRAIL FROM I-25 TO ST. MICHAEL'S DRIVE (COUNCILOR WURZBURGER AND COUNCILOR ROMERO) (JEANNE PRICE).**

A copy of a Memorandum prepared November 16, 2009 for the Planning Commission meeting of December 3, 2009, with attachment, to the Planning Commission, from Jeanne Price, Legislative Liaison, with attachments, is incorporated herewith to these minutes as Exhibit "2."

Jeanne Price presented information regarding this matter from Exhibit "2." Please see Exhibit "2" for specifics of this presentation.

**REQUESTED ACTION:** Please review the attached bill and make a recommendation to the Governing Body.

## **Public Hearing**

There was no one speaking for or against the Ordinance.

### **The Public Testimony Portion of the Public Hearing was Closed**

Commissioner Vigil asked what notification was done to the neighborhood, and asked if the 7 property owners whose property would become legal non-conforming were given notice.

Ms. Price said notification consisted of sending the agenda to the neighborhood associations and whoever is on the Planning Commission Agenda mailing list.

Commissioner Vigil said then the individual property owners were not notified, and it was a legal notice in the newspaper.

Ms. Price said there will be legal notice in the newspaper when this goes to the City Council.

Commissioner Vigil said, then there is no requirement for notice of our meeting.

Ms. Price said there is none on a legislative issue.

Commissioner Armijo is concerned that the City is taking property away from people, and he is unsure how large the lots are. He said the City is already taking 50 ft., and then there is another 25 ft. which they can't build on. He said we allow 25 ft. height on the setbacks. He suggested, if you are trying to eliminate a visual in a corridor, to reduce the height of the buildings and have them screened, so you aren't looking at the buildings. He said if there is a 25 ft. high building, you will see it whether it is at 50 or 75 ft. back. He suggested limiting height to 14 ft. at the 50 ft. mark, and at 15 ft. at the 75 ft. mark. He asked if reducing the height is a possibility.

Mrs. Price said this was discussed briefly, and that is one of the things which was included in the plan which was presented quite a few years ago – reduce the height to a single story 16 ft. height. However, after brief discussion, staff and Councilor Wurzbarger felt perhaps the setback would be easier to try to accomplish, rather than reducing building height. She said height definitely is an issue in discussing visual openness.

*Commissioner Armijo said the screening is minimal, and asked the screening requirement.*

Ms. Price said under the current landscaping standards, the property has to be undisturbed within 25 ft. of the property line, and no structures, fences, walls or parking are allowed in the setback, and that stays the same. She said the assumption that leaving 25 ft. undisturbed is a nice "grove of pinon and juniper that might be left now.

Commissioner Armijo reiterated he believes, if we are trying reduce visibility, we should consider limiting the height of the building, instead of the setback.



Commissioner Mier understood Ms. Price to say that there would be approximately 7 parcels which would be non-conforming.

Ms. Price said this is correct. Responding to Commissioner Mier, she said that would be 7 of 50 parcels or about 14% of the total.

Commissioner Mier is concerned about the notice as well. He said legally the property owners didn't need to have notice that this was coming before the Planning Commission. However, there is a significant impact to several property owners. He asked it would be feasible to postpone action on this item until we can give notice to the property owners, and give them an opportunity to come before the Planning Commission to express their concerns. He said if this was happening to his property, he would like to receive ample notice before it goes before the Council for action. He believes we should give property owners ample notice when the Commission is considering something of this nature which will impact their property.

Commissioner Vigil referred to the aerial photograph which shows the Old Pecos Trail right of way ["ROW"] and at the south end, near the intersection, there is one lot which has not been built-on. She asked where you can build on that lot if you take the 25 ft. from that lot. She is uncomfortable in approving something which will take away a lot of buildable area on a property and the property owner hasn't been notified. She believes there would be more people here speaking for or against, if we did give notice.

Chair Salazar asked, if this ordinance change is adopted by the Council, what would be the procedure for this particular property owner to develop this property and if there is a variance procedure.

Ms. Price said she believes there is a buildable lot, admitting she doesn't know the terrain or other limitations, but the house would have to be long, and parallel to Old Pecos Trail. She said the property owner could request a variance from the Board of Adjustment in this particular case.

Ms. Bordegary asked if this ordinance amendment is consistent with the General Plan, and asked what the General Plan says about setbacks in this corridor.

*Commissioner Signe Lindell arrived at the meeting*

Ms. Price said there isn't anything specific to this particular issue, except the General Plan does recognize the importance of visual corridors in our community and this is the reason we established this highway corridor many years ago, probably in the mid-1980s. She said, "This is within that concept."

Responding to Commissioner Bordegary, Ms. Price said there are 50 lots, not 50 structures, and it includes all of Quail Run as one lot and there probably are 20-30 structures in Quail Run.

Ms. Bordegary asked if the non-conforming structures which would be created under the ordinance are more toward the south, and was she able to identify some of the larger landmarks.

Ms. Price reviewed the things which are, or would become, non-conforming using the aerial photograph which is in the Commission packet. One of the new, major nonconforming structures would be a corner of one of the office buildings at the intersection where the road splits. Two houses in a cul-de-sac opposite Old Pecos Trail would become non-conforming for about half of their structure and the other for about one-third of the structure, noting these are pie-shaped lots. The front of the Real Burger structure would become non-conforming. The hotel wing is already non-conforming. She said, "They are non-conforming use too, so they have a bigger problem than setback." She said there is an accessory building across the street in Sol y Lomas which would become non-conforming. She said a building on the end on the west side toward the interstate which currently is completely non-conforming would remain non-conforming.

Commissioner Hughes said in the 1990s, Old Pecos Trail was widened, and residents packed a public hearing at the City Library. There was a lot of passion about retaining the feel of Old Pecos Trail. He said the widening was done, and he feels they did a great job. He said this is the last great entrance to Santa Fe, commenting that the "other ones have been trashed." He would hate to miss the opportunity to approve this. However, he would like the residents to have the opportunity to speak to this proposed ordinance.

Char Salazar asked if the Commission chose to move this forward, if it could impose a condition requiring notice to be given to the property owners along the corridor.

Ms. Price said yes, that has been a condition of approval for other cases by this body in the past. She said individual notification is not required.

Commissioner Vigil asked Ms. Brennan if the Commission can impose this as a condition of approval now. She said, although it's not required, she is very uncomfortable not hearing from the neighbors.

Ms. Brennan asked Commissioner Vigil if she wants to make this recommendation to the City Council.

Commissioner Vigil said she would like to postpone this item and send notice to the property owners.

Ms. Brennan said she is unsure that this Commission has the authority or jurisdiction to do that, but the Commission can make a recommendation to Council that there be additional notice to the affected property owners, or community meetings, or a combination of those, or whatever the Commission deems appropriate as part of its recommendation.

Commissioner Armijo asked Ms. Brennan how this Commission can make a recommendation to the City Council, if this Commission wants to get the feedback from the community. He said he has different options to consider pursuing. He said we might get more insight from the community which we could include as part of our recommendations. He believes it is in proper order for a Commissioner to move to postpone and rehear it on notification of all property owners.

Ms. Brennan said she makes the suggestion, because the Code requirements for notice are established, and she is "erring on the side of caution; in that I think you have the authority to hear the matter again, I'm not sure about modifying the notice requirements on a legislative matter, and I can look into that. You can postpone it, and I can make a recommendation – and look into it further."

Commissioner Bordegary said this Commission reviewed a case/proposal in the past year of a development more "towards where the zipper... you know where the zipper separates on the west side, the Chapman Development, that we allowed two monument signs against the Code. Would those be... are those not in the 75 feet setback. I mean, I'm just curious, you know, because if it exists now and we are looking at a proposal to going forward, that there's probably some development that occurred in between the time this map was... when this was flown and now."

Ms. Baer said, "We've had some issues with signs in this corridor. There have been a number of them. I think at least one of them was permitted in error, another was simply installed, and that was the hospital one, and we're still dealing with the hospital, or we're trying to figure out whether we have any authority, because it's in State ROW, to even tell them what to do. Signs are considered structures and they should be subject to the Code requirements of the South Central Highway Corridor Regulations, so, I think there have just been some problems. As you recall, Mr. Chapman, Billy Chapman, when he built those residences, and then he put two signs in, and then he had to come to the Planning Commission because they weren't shown on his Development Plan, to ask for a variance for his signs. And I think there was sympathy for him because they were already built and those were allowed to remain. I think there's a temple that has a big sign, and I believe that was simply installed through a building permit, possibly it was permitted incorrectly, but no one actually challenged it. And so, I think there was not anything done to pursue either asking them to remove it, or put it back or set it back farther or decrease it in size. So, we've had issues with monument signs, specifically in this corridor and I don't know that we have a good track record of following the Corridor Regulations. I don't know the answer as to whether new signs would become non-conforming or not, if that was your original question."

Ms. Bordegary said that is a good way to put it, and in either case it would add to existing non-conforming structures. She asked, if the ordinance were to be adopted by the Council, if "we would be on top of that in terms of signage." She said signage is the issue, more than buildings, in talking about views and visual clutter and such. She would want to have assurance that any other signs would be caught and not approved, and if built, would have to be torn down, and that would happen through existing law.

Ms. Baer said, because of the problems which have been brought to the attention of staff over the past year, staff is being more vigilant, and hopefully will catch anything else which comes forward, in terms of signage. She said this particular ordinance won't have a great impact on that. Some of the existing signs are either legally or illegally non-conforming already and this ordinance won't make any difference.

Dr. Mier said, with regard to the issue of notification, he understands the legal requirements which are very clear about what is required prior to taking action by the City Council. He said, however, he does not believe there is anything which precludes this Commission from giving additional notice to residents at any time.

Ms. Brennan reiterated that she is being conservative and she will look into the issue, but she has a sense there may be a jurisdictional issue here.

**MOTION:** Commissioner Mier moved, seconded by Commissioner Vigil, to postpone this item to the February 4, 2010 meeting of the Planning Commission, so Ms. Brennan can research this issue and advise this Commission with regard to notice, so the Commission can, hopefully, give notice to the businesses and residents in this corridor so they can appear before the Commission to express their concerns or ask questions.

**DISCUSSION:** Responding to Ms. Price, Commissioner Mier said we will need the answer from Ms. Brennan to be able to provide the notice. He assumes that if we run into a legal issue, the Commission will be advised about it at the January meeting.

Commissioner Mier said we will hear the matter again in February and we will have businesses and residents in attendance. However, if we hear there is an issue in January, we know we will have to do something different with this case.

**VOTE:** The motion was approved on a voice vote, with Commissioners Armijo, Hughes, Mier, Montes, Bordegary and Vigil voting in favor of the motion, Commissioner Lindell voting against, and Commissioner Gonzales absent for the vote (6-1).

*Chair John Salazar left the meeting at this time and Commissioner Signe Lindell, Vice Chair, assumed the duties of the Chair for the balance of the meeting.*

2. **CASE #2009-21. CALLEJON TISNADO PRELIMINARY SUBDIVISION PLAT. ESTEVAN TRUJILLO, PROPERTY OWNER, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 3 LOTS ON 0.286± ACRES LOCATED NEAR THE INTERSECTION OF CAMINO DEL CAMPO AND WEST SAN FRANCISCO STREET. THE APPLICATION INCLUDES A VARIANCE TO SETBACK REQUIREMENTS TO ALLOW FOR 3 FOOT SETBACKS. THE PROPERTY IS ZONED RM-2 (RESIDENTIAL MULTI-FAMILY, 29 DWELLING UNITS PER ACRE). (DONNA WYNANT, CASE MANAGER).**

A copy of a Memorandum prepared November 18, 2009 for the Planning Commission meeting of December 3, 2009, with attachments, to the Planning Commission, from Donna Wynant, AICP, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

Tamara Baer, Planning Manager, Current Planning Division, presented information regarding this matter from Exhibit "3." Please see Exhibit "3" for specifics of this presentation.

**STAFF RECOMMENDATIONS:** Staff recommends the Planning Commission approve the preliminary subdivision plat approval for 3 lots on .286± acres. Staff also recommends the Planning Commission approve the variance as requested to allow for 3 foot setbacks, subject to the conditions of approval

outlined below and in the attached Development Review Team memoranda (See Exhibits E & F):

1. Technical Review Division – Engineer Review Memo;
2. Technical Review Division – Landscape Review Memo;
3. Public Works Dept. – Traffic Review Memo;
4. Wastewater Management Division Review Memo;
5. Solid Waste Division Review Memo; and
6. Fire Department Memo.

## **Public Hearing**

### **Presentation by the Applicant**

**Estevan Trujillo, Owner/Applicant, 523 ½ West San Francisco, Unit C, was sworn.** Mr. Trujillo said, as described by Ms. Baer, the history of the whole subdivision is that it has been subdivided with family transfers. There have been a lot of issues such as water, which he took care of. He said they separated the sewer and created the required ponding, all of which was a huge expense. He said he hopes the Commission will approve this since he has complied with all recommendations to make this a better fit for the City. He said they have come a long way since he developed his lot. He said two units were sharing water and they were able to get separate water lines for each unit. He said they just keep improving the compound where they live.

### **Speaking to the Ordinance**

There was no one speaking for or against the Ordinance.

### **The Public Testimony Portion of the Public Hearing was Closed**

*Estevan Gonzales arrived at the meeting*

Commissioner Bordegary asked, regarding the acequia, in the previous meeting, she thought Commissioner Gonzales, or someone, recommended that the neighborhood apply for some kind of acequia protection, and asked the status. She asked how we are handling acequia matters overall.

Mr. Trujillo said it never will be a functioning acequia. He said there was interest at one of the meetings he and Ms. Baer had with one of the neighbors and they discussed the history of it. He has not applied for any grants to restore it. He said he has been working to preserve and enhance it. He said it is an old, crumbling acequia and most of it is falling apart. He believes it would be good to apply for a grant, commenting he would have to take the initiative and he is busy with other things.

Commissioner Montes asked the name of the acequia.

Mr. Trujillo said it is the Acequia Mascaras.

Commissioner Montes asked what is the meaning of Tisnado.

Mr. Trujillo said it is a family surname.

Commissioner Mier said no action was taken for a year, and asked the reason.

Mr. Trujillo said first there was a cost to get these things done, and there was a big economic downturn during the period, and it was hard for him to get this done. He was in contact with Ms. Wynant the whole time. He thought he was still in compliance, but he wasn't. He said there was a lot of coordination with neighbors which took a lot of time, as well as the time necessary to address the requirements through the City, plus there was an absentee owner.

**MOTION:** Commissioner Bordegary moved, seconded by Commissioner Montes, to approve Case #2009-21, with all staff recommendations.

**VOTE:** The motion was approved on a voice vote, with Commissioners Armijo, Hughes, Mier, Montes, Bordegary and Vigil voting in favor of the motion, none against and Commissioner Gonzales abstaining because he wasn't in attendance for the full presentation. (6-0)

3. **CASE #2009-23. ESPLANADE VILLAGE PRELIMINARY SUBDIVISION PLAT. JENKINGAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR ESPLANADE DEVELOPMENT LLC, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 9 COMMERCIAL LOTS ON 6.903± ACRES LOCATED AT THE INTERSECTION OF AIRPORT ROAD AND PASEO DEL SOL WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN PHASE 2 OF THE CITY INITIATED ANNEXATION. THE PROPERTY IS ZONED SC-1 (PLANNED SHOPPING CENTER). (DONNA WYNANT, CASE MANAGER).**

*Items #3 and #4 were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.*

A copy of a Memorandum prepared November 18, 2009 for the Planning Commission meeting of December 3, 2009, with attachments, to the Planning Commission, from Donna Wynant, AICP, Senior Planner, Current Planning Division, regarding Case #2009-22 and Case #2009-23, is incorporated herewith to these minutes as Exhibit "4." The "Esplanade Village Preliminary Subdivision Plat and Development Plan Submittal," is on file in, and copies can be obtained from, the Land Use Department.

A copy of the site plan with photographs, submitted for the record by Jennifer Jenkins, is incorporated herewith to these minutes as Exhibit "5."

A copy of the maps used in the power point presentation by Ms. Jenkins are incorporated herewith to these minutes as Exhibit "6."

Tamara Baer, Planning Manager, Current Planning Division, presented information regarding this matter from Exhibit "4." Please see Exhibit "4" for specifics of this presentation.

**STAFF RECOMMENDATION:** Staff recommends approval of the Development Plan (Case #2009-22) and Preliminary Subdivision Plat (Case # 2009-23) for 9 commercial lots on 6.903± acres, subject to the conditions of approval as outlined below and in the attached Development Review Team memoranda (See Exhibit F)

## Public Hearing

### Presentation by the Applicant

**Jennifer Jenkins, JenkinsGavin Design & Development, Agent for the Applicant, was sworn.** Ms. Jenkins said they are in attendance to request approval for a Preliminary Subdivision Plat and Development Plan for Esplanade Village, which is an existing neighborhood center on Airport Road. Ms. Jenkins distributed a sheet containing the project site plan and photographs [Exhibit "5"]. Ms. Jenkins said AutoZone is now up and running on the site which is the first user.

Ms. Jenkins said the project is in the presumptive City limits in phase 2 of the annexation which will be done in 2012, and it is subject to the SPPAZO ordinance, so it is under the City's land use jurisdiction at this time. The project is located at the signalized intersection at Paseo del Sol, the entrance to Tierra Contenta. Ms. Jenkins demonstrated the subject site via power point [Exhibit "6"]. She said the primary, main entrance is a new leg of the Paseo del Sol intersection.

Ms. Jenkins said the applicant has constructed improvements on Airport Road, in terms of turn lanes and landscape median improvements, pursuant to their EZA Development Plan approval two years ago. She said most of the infrastructure is already built on site – the AutoZone building, another building currently is under construction and another building has been permitted.

Ms. Jenkins said approximately 40,000 sq. ft. remain to be built. She said they are requesting that the subdivision provide the owners with as much flexibility as possible, with respect to marketing the project. She said many users, such as banks, prefer to own their real estate, while others prefer ground leases. She said in this economic climate they need as much flexibility as possible.

Ms. Jenkins demonstrated the zoning via power point [Exhibit "6"]. She said it is designed to be a neighborhood center to provide much needed services to the neighborhood. The applicant has made improvements to the intersection, in terms of pedestrian access; constructed a bus stop; and done a lot of things to encourage alternative transportation and people can walk here for neighborhood services and neighborhood serving type of retail.

Ms. Jenkins said the property is long and narrow, with a lot of frontage on Airport Road and screens for development as a strip center. She said they worked very hard to create a design which would not do that. There are separate, independent buildings, with varying setbacks from Airport Road. There is a significant landscape buffer along Airport Road, 25 ft. in some places. She said the stamped concrete

area is intended to foster a “park once and shop” atmosphere, with a safe and clearly defined pathway to do that.

Ms. Jenkins said they believe this will be a wonderful addition to the neighborhood, esthetically, and will raise the bar for commercial projects on Airport Road, which is their intent.

### **Speaking to the Request**

There was no one speaking for or against the Ordinance.

### **The Public Testimony Portion of the Public Hearing was Closed**

Commissioner Hughes asked the location of the gate for the Mobile Home Park, so they can access this center.

Ms. Jenkins said they worked very closely with Connie Martinez, Manager, Country Club Gardens, the community to the north. She said Ms. Martinez requested that there not be direct pedestrian access because they were concerned about security. She said they are open to the concept, but they received a request from Ms. Martinez to not have a direct pedestrian connection, so people from the shopping center would not have access into Country Club Gardens with ill intent. She said currently, the access would be coming down their driveway and there is a poured sidewalk all along the front. She said they connect their esplanade – sidewalks – in several places to the public sidewalk along Airport Road.

Commissioner Hughes said this seems inconceivable to him. He said they are subjecting themselves to having to drive to this place, which defeats the purpose of a neighborhood center, commenting once in the car there is no reason not to go elsewhere along Airport Road or even further. He said it is hard to call this a neighborhood shopping center

Ms. Jenkins said the applicant always has been willing to have that access, but they were trying to accommodate the request of their neighbor. She said they will be coming back to the Commission for final Plat approval, and she would be happy to reach out to Ms. Martinez and raise the issue again.

Commissioner Hughes said he definitely would like for her to do this.

Ms. Jenkins said many things are not based on logic, and are based on perception, emotion and such.

Commissioner Hughes asked Ms. Baer to provide any statistics she might have on crime in neighborhood centers next to residential which might dispel the notion that there would be issues.

Commissioner Bordegary suggested a condition of approval for the Applicant to meet with some of the neighbors. She asked Ms. Brennan if it would be possible for the Applicant to hold a neighborhood meeting with Country Club Gardens where Ms. Jenkins could “very ably, capably explain” the benefits of connectivity.



Ms. Jenkins said it is important to bear in mind that this real estate is totally owned by one entity, and the residents rent space in Country Club Gardens. She said the residents will have opinions and what they feel is important. However, she would be uncomfortable calling a meeting of the residents, but she perhaps could offer this for Ms. Martinez's consideration. She said the owner of the property is concerned about security and/or liability. She said we are dealing with a wholly owned piece of property, much like an apartment community, which is a "different animal" than a residential subdivision. She reiterated that she would be happy to "offer that up for sure."

Commissioner Bordegary would urge Ms. Jenkins to continue discussions with Ms. Martinez. She said they have done well to design it so it is pedestrian friendly and she likes the one park design concept. She said it is also neighborhood oriented to Tierra Contenta which needs and deserves services. She said it is difficult to walk through this area, and spoke about her personal experience in walking her dog. She said we need to think about the whole radius in thinking of neighborhood connectivity.

Commissioner Bordegary asked if the AutoZone fronts Airport Road.

Ms. Jenkins said the sign is at the bottom, left hand corner of the main entrance, and is perpendicular to Airport Road. Ms. Jenkins demonstrated the subject site via power point.

Commissioner Bordegary said, "I assume that those are the signage requirements for Airport Road in this area."

Ms. Jenkins said the monument signage was permitted through the County process. However, she believes the signs are very tasteful and low. She hasn't run a complete analysis as to whether the signs are fully in compliance with City regulations, but believes they are close.

Commissioner Bordegary said then the Commission will see the signage for the project at the time of Final Development, and Ms. Jenkins said yes. Commissioner Bordegary said she would anticipate they would incorporate a tasteful design, with signage being a huge visual issue.

Ms. Jenkins said no additional monument signage is proposed. The only signage yet to be done would be building mounted signs for the individual buildings yet to be built, and at the top of each entrance there would be tasteful directional signs. She said they did submit sketches of the schematic design for the signs with the application.

Commissioner Bordegary asked the location of the photographs.

Ms. Jenkins said it is in Santa Fe, and demonstrated the location. *[Ms. Jenkins was away from the microphone and her remarks here are inaudible.]*

Commissioner Bordegary urged that the applicant make accommodation for future connections by putting in gates which are locked, in anticipation of future connections.

Ms. Jenkins said this would need to make sense in terms of how their pedestrian circulation happens internally.

Commissioner Gonzales said he has lived in a mobile home community and unfortunately there was no type of commercial activity near there where he could walk. He lives in Tierra Contenta and travels Airport Road every day. He said the community on the south side is a very pedestrian type of community where people walk to places. He is going to push hard, and support Commissioners Hughes and Bordegary, for at least five access points from the mobile home community, which are well lit at the access points. He said we, as planners and Planning Commissioners, need to exercise our better judgment and not cave into what one person thinks is best for the community, when those who live there would like this pedestrian access. He asked Ms. Jenkins to let Ms. Martinez know that he and other Commissioners will be pushing for access points. He said many people work 2-3 jobs, and don't have time to attend neighborhood meetings, and he doesn't think the Commission should sit and wait and ask the applicant to meet with them, reiterating the chances are they won't attend because they are busy working.

Commissioner Vigil said, for the record, she understands the reason behind subdividing this property and the marketing strategy. However, a subdivision plan just creates the lots and it isn't a development plan, although she likes that it should be connected to the subdivision plat. She said the Subdivision Plat should run with the development plan. She would hate to see someone buy one of those lots and totally change how this looks now. The setbacks, the landscaping and such, which is before this Commission, should run with what is approved as far as the Subdivision Plat is concerned. She said, however, there is room for change, but they need to continue to work with what was approved and the intent of the development in the future. She likes that a lot of the infrastructure already is in place, and can't imagine someone changing too much.

Ms. Jenkins said buildings may be a little smaller or larger, noting, for example, Building 4 is permitted to accommodate several smaller spaces.

Commissioner Vigil said, for the record, she wants to be sure that any development in the future keeps with what has been approved on the Development Plan, in keeping with the spirit, but she doesn't want to take away too much from what can happen in the future.

Ms. Baer said, in response to her concern, one safeguard already has been put into place, on Sheet 2-2 under Development Plan Notes, which says, "This development is subject to the Esplanade Village Lot Owners Association Covenants." She said this would be a good place to get that assurance put into place.

Commissioner Montes said, for the 9 people attending the ENN, the overarching concern was about traffic. He said John Romero seemed to "give you a pretty clean bill of health there." He asked the speed limit in front of the area.

Ms. Jenkins said it is 35 mph. She said the area is safer than it used to be. She said the improvements they implemented are consistent with the City's master vision for Airport Road, in terms of median improvements, trying to prevent a lot of "left outs." She noted Airport Road "is a very busy road for

being as heavily accessed as it is. There's a lot of little driveways and it affects safety. So, part of the master intention with the City, as far as the Airport Road improvement project that they're embarking on, is to try to limit that. And so, we have turn lanes with medians, not just the dual turn 'suicide lane' here. We have decel and accel lanes as you are coming into the site, we have decel lanes so you can get out of traffic to turn into the site. We have improved pedestrian access across Airport Road, so we have done a lot to improve how traffic flows in and out of the site."

Responding to Commissioner Montes, Ms. Jenkins said she attended the ENN and the traffic concerns were general. The people know it will bring cars and wanted to know how those were being accommodated. She said they addressed a lot of concerns when they discussed the improvements they were required to do.

Commissioner Montes asked if there are plans for shade for the seating area in the summer.

Ms. Jenkins said there are no plans. She said there will be plantings. She said she doesn't want to do something "roofed there, because I think that could be a little weird to have something... but maybe we could improve... we could do some additional deciduous trees there that would provide really nice shade."

Commissioner Montes observed it would be a while before the trees provide adequate shade.

Commissioner Gonzales asked if there will be a bus shelter.

Ms. Jenkins said no, this is a proposed, future bus stop.

Commissioner Gonzales asked their intentions in this regard.

Ms. Jenkins said they would have to meet with the City and typically the City provides the bus shelters, and deciding the infrastructure at a bus stop.

Commissioner Gonzales asked if the City pays for transit shelters.

Ms. Baer said generally the City pays for the shelters, and sometimes they are funded through the 1% for the arts. The really nice ones around town are funded from a different source.

Ms. Jenkins said the seating area would do double duty, noting it was "strategically done so that the bus stop and the little seat/park area are related to one another."

Commissioner Gonzales recalled requiring applicants in the past to help pay.

Ms. Baer said perhaps he is thinking of the requirement to build bus pullouts, but not the shelter itself.

Commissioner Gonzales said people on the south side where he lives are disadvantaged, and he supports whatever can be done to help people riding the bus, and he really likes and supports Commissioner Montes' idea, and would like to see staff pursue doing something like that.

Commissioner Mier said there currently is one business in this development, and asked what other interest has been expressed.

Ms. Jenkins said they have had interest from restaurants and different entities, and more local serving, retail, entrepreneurial type businesses. She said the intent is to create "kind of a balance between the AutoZones of the world and providing nice, relatively small... when it's small it can be a little more affordable, sort of retail space for locally owned businesses. We're really looking at striking a balance there." She said they really would like to attract a bank, drug store, and smaller, locally owned type retail establishments.

Commissioner Mier said if these businesses lend themselves to the community there will be less traffic, because people won't be driving out of the community. They will be walking or stopping on the way home from work. He hopes consideration is given to this when businesses are selected for this area. He said it would be a wonderful development if it is planned and the right businesses are attracted.

**MOTION:** Commissioner Mier moved, seconded by Commissioner Vigil, to approve Case #2009-22, Esplanade Village Development Plan, with conditions as recommendation by staff.

**CLARIFICATION OF MOTION:** Commissioner Vigil asked if the motion includes a condition of working for pedestrian access.

Commissioner Mier said we all agree that pedestrian access is important, but is unsure if it is a condition. The request was that the conversation would happen.

**FRIENDLY AMENDMENT:** Ms. Jenkins said they are in agreement to do this, and are happy if they need to make it an official condition to continue exploring that, and have a dialogue. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COMMISSIONERS.**

**VOTE:** The motion , as amended, was approved unanimously on a voice vote.

4. **CASE #2009-22. ESPLANADE VILLAGE PRELIMINARY DEVELOPMENT PLAN. JENKINS GAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR ESPLANADE DEVELOPMENT LLC, REQUESTS PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR 9 COMMERCIAL LOTS ON 6.903± ACRES LOCATED AT THE INTERSECTION OF AIRPORT ROAD AND PASEO DEL SOL WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN PHASE 2 OF THE CITY INITIATED ANNEXATION. THE PROPERTY IS ZONED SC-1 (PLANNED SHOPPING CENTER). (DONNA WYNANT, CASE MANAGER).**

**MOTION:** Commissioner Mier moved, seconded by Commissioner Vigil, to approve Case #2009-23, Esplanade Village Preliminary Subdivision Plat, with conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote.

**G. BUSINESS FROM THE FLOOR**

There was no business from the floor.

**H. STAFF COMMUNICATIONS.**

Ms. Baer said at the last meeting, interest was expressed to have people from the Economic Development Division to attend and present information. She said the Department Director would like to do that presentation at the January 2010 meeting.

**I. MATTERS FROM THE COMMISSION**

Commissioner Hughes said another Commissioner should join Commissioner Bordegary and him as members of the Long Range Planning Subcommittee, noting there is a vacancy. He said every other month they have an hour with staff to discuss what the Economic Development Division is doing, such as the potential redevelopment of St. Michael's Drive, or various stages of annexation. He said two members are appointed by the Mayor [Jim Hays and Peter Brill], and 3 Councilors also serve on the Subcommittee.

Commissioner Hughes said we also need to get the Chapter 14 Ad Hoc Committee moving forward again, and asked Mr. Baer to talk to Mr. O'Reilly in this regard.

Acting Chair Lindell suggested that they send the agendas for the Long Range Planning Subcommittee to the members of the Planning Commission.

Ms. Brennan said the Subcommittee would welcome additional attendants just for information purposes.

Commissioner Hughes said he will look for inspiration next week when he attends the Climate Change Conference in Copenhagen, as to what is going on worldwide which is cutting edge in the planning world and report back at the next meeting..

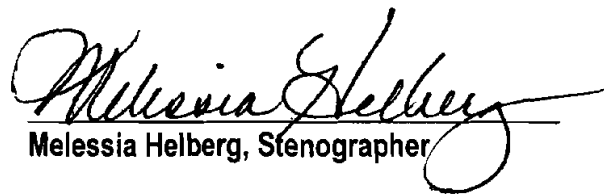
Acting Chair Lindell said Chair Salazar will be hosting the Christmas party in his home on Friday, December 18, 2009, and people will be getting an email from the Chair in this regard. She said generally, spouses and partners of Commissioners, staff, the Mayor and Councilors are invited.

**J. ADJOURNMENT**

There was no further business to come before the Commission and the meeting was adjourned at approximately 7:30 p.m.

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**John Salazar, Chair**



**Melessia Helberg, Stenographer**