



# Agenda

DATE 6/9/10 TIME 3:10 pm

STORY BY Geraldine Quintero

RECEIVED BY [Signature]

## PLANNING COMMISSION

July 1, 2010 – 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: May 20, 2010 Field Trip, June 3, 2010

FINDINGS/CONCLUSIONS

Case #2010-72. 501 Rio Grande, Unit J-8 Variance.

- E. OLD BUSINESS
- F. NEW BUSINESS

1. A resolution adopting design guidelines for landscaping medians and planting strips. (Councilor Dominguez) (Wendy Blackwell, case manager)
2. **Case #2010-75. Chaparral Compound Development Plan.** Liaison Planning Services Inc., agent for Chaparral Investment Properties, requests Development Plan approval to construct three commercial office warehouses consisting of a total of 35,752 square feet building on 4.135± acres. The property is located on the northwest corner of Agua Fria and San Felipe Road within the Presumptive City limits and within Phase 2 of the City-initiated annexation. The property is zoned I-1 (Light Industrial). (Dan Esquibel, case manager)
3. **Case #2010-77. Padilla Center Preliminary Subdivision Plat.** Design Engineuity, agent for Nino Padilla, requests preliminary subdivision plat approval for 3 lots on 8.140 +/- acres located on the north side of Airport Road, either side of Camino Tierra Real within the Presumptive City limits and within Phase 2 of the City-initiated annexation. (Donna Wynant, case manager)
4. **Case #2010-87. Padilla Center General Plan Amendment.** Design Engineuity, agent for Nino Padilla, requests approval of a General Plan future land use map amendment to change the designation of 2.85 +/- acres of land from Office to Neighborhood Center. The property is the western portion of 8.140 +/- acres located on the north side of Airport Road either side of Camino Tierra Real within the Presumptive City limits and within Phase 2 of the City-initiated annexation. (Donna Wynant, case manager)

5. **Case #2010-76. Padilla Center Rezoning.** Design Enginuity, agent for Nino Padilla, requests rezoning of 2.85± acres of land from C-1 (Office and Related Commercial) to C-2 (General Commercial). The property is the western 2.85+/- acres of 8.140+/- acres located on the north side of Airport Road either side of Camino Tierra Real within the Presumptive City limits and within Phase 2 of the City-initiated annexation. (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  
July 1, 2010

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
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<u>APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS</u>		
MINUTES – February 4, 2010	Approved [amended]	2
FINDINGS/CONCLUSIONS Case #2010-72. 501 Rio Grande, Unit J-8 Variance	Approved	2
OLD BUSINESS	None	2
<u>NEW BUSINESS</u>		
A RESOLUTION ADOPTING DESIGN GUIDELINES FOR LANDSCAPING MEDIANS AND PLANTING STRIPS	Approved	3-5
<u>CASE #2010-75. CHAPARRAL COMPOUND DEVELOPMENT PLAN. LIAISON PLANNING SERVICES INC., AGENT FOR CHAPARRAL INVESTMENT PROPERTIES, REQUESTS DEVELOPMENT PLAN APPROVAL TO CONSTRUCT THREE COMMERCIAL OFFICE WAREHOUSES CONSISTING OF A TOTAL OF 35,752 SQUARE FEET BUILDING ON 4.135± ACRES. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF AGUA FRIA AND SAN FELIPE ROAD WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN PHASE 2 OF THE CITY-INITIATED ANNEXATION THE PROPERTY IS ZONED I-1 (LIGHT INDUSTRIAL)</u>	Approved	5-10

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
<b>CASE #2010-77. PADILLA CENTER PRELIMINARY SUBDIVISION PLAT. DESIGN ENGINEITY, AGENT FOR NINO PADILLA, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 3 LOTS ON 8.140± ACRES LOCATED ON THE NORTH SIDE OF AIRPORT ROAD, EITHER SIDE OF CAMINO TIERRA REAL WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN PHASE 2 OF THE CITY-INITIATED ANNEXATION</b>	<b>Approved [amended]</b>	<b>10-17</b>
<b>CASE #2010-87. PADILLA CENTER GENERAL PLAN AMENDMENT. DESIGN ENGINEITY, AGENT FOR NINO PADILLA, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 2.85± ACRES OF LAND FROM OFFICE TO NEIGHBORHOOD CENTER. THE PROPERTY IS THE WESTERN PORTION OF 8.140± ACRES LOCATED ON THE NORTH SIDE OF AIRPORT ROAD EITHER SIDE OF CAMINO TIERRA REAL WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN PHASE 2 OF THE CITY-INITIATED ANNEXATION</b>	<b>Approved</b>	<b>10-17</b>
<b>CASE #2010-76. PADILLA CENTER REZONING. DESIGN ENGINEITY, AGENT FOR NINO PADILLA, REQUESTS REZONING OF 2.85± ACRES OF LAND FROM C-1 (OFFICE AND RELATED COMMERCIAL) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS THE WESTERN 2.85± ACRES OF 8.140± ACRES LOCATED ON THE NORTH SIDE OF AIRPORT ROAD, EITHER SIDE OF CAMINO TIERRA REAL WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN PHASE 2 OF THE CITY-INITIATED ANNEXATION</b>	<b>Approved</b>	<b>10-17</b>
<b>BUSINESS FROM THE FLOOR</b>	<b>None</b>	<b>17</b>
<b>STAFF COMMUNICATIONS</b>	<b>Information</b>	<b>17</b>
<b>MATTERS FROM THE COMMISSION</b>	<b>Information/discussion</b>	<b>17-18</b>
<b>ADJOURNMENT</b>		<b>18</b>

**MINUTES OF THE MEETING  
OF THE  
PLANNING COMMISSION  
July 1, 2010**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Acting Chair Signe Lindell, at approximately 6:00 p.m., on July 1, 2010, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

Dr. Signe Lindell, Acting Chair  
Estevan Gonzales  
Ken Hughes  
Dr. Mike Mier  
Ruben Montes  
Angela Schackel-Bordegary  
Dolores Vigil  
[Vacancy]

**MEMBERS EXCUSED:**

John Salazar, Chair

**OTHERS PRESENT:**

Tamara Baer, Planning Manager, Current Planning Division – Staff liaison  
Kelley Brennan, Assistant City Attorney  
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 Gonzales moved, seconded by Commissioner Montes, to approve the Agenda as published.

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

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

**1. MINUTES – May 20, 2010 Field Trip and June 3, 2010**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Montes, to approve the minutes of the May 20, 2010 Field Trip, as presented.

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

The following corrections were made to the minutes of June 3, 2010:

Page 3, paragraph 3, line 4 correct as follows: "...by the Mechanical Permit ~~Committee~~ Reviewer.."

Page 9, paragraph 6, line 1, correct as follows: "This is for Kelley. ~~buyers all have to know that~~ Zoning is bounded on the powers that each city is given to protect the public.."

Page 9, paragraph 6, line 2, "Based on the public's need for peace, health and safety, ~~and I don't know that I saw it to be individual health~~, isn't it that we should not judge the case on individual health?"

Page 9, paragraph 6, correct as follows: Add a question mark after the last sentence.

**MOTION:** Commissioner Hughes moved, seconded by Commissioner Gonzales, to approve the minutes of the meeting of June 3, 2010, as amended.

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

**2. FINDINGS/CONCLUSIONS**

The Findings of Fact and Conclusions of Law in Case #2010-72 are incorporated herewith to these minutes as Exhibit "1."

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve the Findings of Fact and Conclusions of Law in Case #2010-72, as submitted by staff.

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

**E. OLD BUSINESS**

There was no old business.

## **F. NEW BUSINESS**

### **1. A RESOLUTION ADOPTING DESIGN GUIDELINES FOR LANDSCAPING MEDIANS AND PLANTING STRIPS (COUNCILOR DOMINGUEZ). (WENDY BLACKWELL, CASE MANAGER)**

A Memorandum dated June 18, 2010, with attached Guidelines, to the Planning Commission, from Wendy Blackwell, Technical Review Division Director, is incorporated herewith to these minutes as Exhibit "2."

Wendy Blackwell presented information regarding this matter from her Memorandum of June 18, 2010 [Exhibit "2"], noting these are guidelines, not law, and are intended to apply to all projects in the City, both public and private, although Public Works could waive the guidelines for public projects, based on safety concerns, or can make them more stringent based on site specific conditions.

#### **Public Hearing**

There was no one testifying for or against this request.

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

Commissioner Hughes said this is great work and he appreciates it very much. He said on pages 3 and 4, there is reference to some City websites. He was able to get most of those websites, although one didn't work. He asked if there is a way to move it up on the URL so they don't get outdated.

Ms. Blackwell said she isn't the technical person, but she assumes there is a way to do this, and asked which of the websites is already outdated.

Mr. Hughes said it is the one referenced in 5(A) on page 3.

Ms. Blackwell said she will speak with Mr. Ransom to see if there is an updated located, or a better way to get to that website.

Commissioner Gonzales noted that there are companies/individuals which have adopted a median and the median looks horrible, and asked if there is a way to require those people to care for those medians or the City will remove the sign.

Ms. Blackwell said there is a disclaimer in the introduction which says the individual/company is supposed to coordinate with the Adopt-A-Median program. However, there is no specific language requiring them to bring existing medians into compliance. She said these are guidelines, not regulations and staff wasn't anticipating to go back to private developers or the Adopt-A-Median program. She said

she will call staff to see if we can circulate these and see if they can come up with a requirement for new or renewal agreements. Responding to a question from the Commission, Mr. Blackwell said this program is part of Keep Santa Fe Beautiful.

Commissioner Gonzales asked if there is a possibility to bring these medians into compliance.

Ms. Blackwell said she is happy to research this, commenting that she doesn't know much about this program, and will email the Commission with an answer.

Commissioner Mier said the name is "Keep Santa Fe Beautiful," noting he is the Chair of that organization. He said Gilda Montano, a staff of one, is in charge of the Adopt-A-Median program throughout the City. He said this has been a major concern for all of the Committee members who are all volunteers. There have been changes in City requirements because of liability issues which have created heartburn for some people who have been interested in adopting medians which is one issue. He said it really isn't the program it should be today because of that issue, because people feel they can't afford to do it in some cases. Additionally, with only a staff of one, Ms. Montano really doesn't have the resources to control the medians, or to contact and encourage people to maintain the medians or to sign up new people in the program. He said the City needs to step up and give Ms. Montano some assistance, but admitting that resources are very limited right now.

Commissioner Montes said there is a stretch of Cerrillos Road from the Auto Park to the building site of the new Super Walmart store, where all of the *locust* trees are dead. He said in Section 5, the guidelines discuss the types of trees, and it seems like some of the pine trees don't work for the median. He suggested the City might want to examine the species of trees which are planted there which aren't doing well, noting he doesn't believe it is from neglect because he's seen City crews watering the trees.

Bob Wood, City Parks Division, said the City encourage water conservation, and Parks doesn't have adequate staff to water the medians. He said the dying *locust* trees are due to bugs. He said it is the right species, but because so many were planted it became a macro-culture which caused the insects to come in and "take them out," sort of what happened to the *pinon*. He said there is no water availability on the median. He would like to come up with a different design for the medians, to come up with planting areas, instead of one tree every 35 feet. He said they don't have the money to do that right now.

Mr. Montes asked if they will remove the trees.

Mr. Wood said they will, but he is going to have to come up with something to replace them. He said, with regard to the link, if you go to the Water Conservation website, there is a link to a separate website for the LIDS program, so all of that is available. He said he was on that website today, so he knows it works.

Chair Lindell commented that [inaudible] has adopted a median near the new State parking garage and it is fantastic. It is beautifully designed and implemented, and the stonework is fantastic. She said the program is working some place, and she hopes we can get that design implemented in the City.



**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Vigil, to recommend to the City Council to adopt the Resolution adopting the Landscape Design Guidelines as presented.

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

2. **CASE #2010-75. CHAPARRAL COMPOUND DEVELOPMENT PLAN. LIAISON PLANNING SERVICES INC., AGENT FOR CHAPARRAL INVESTMENT PROPERTIES, REQUESTS DEVELOPMENT PLAN APPROVAL TO CONSTRUCT THREE COMMERCIAL OFFICE WAREHOUSES CONSISTING OF A TOTAL OF 35,752 SQUARE FEET BUILDING ON 4.135± ACRES. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF AGUA FRIA AND SAN FELIPE ROAD WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN PHASE 2 OF THE CITY-INITIATED ANNEXATION. THE PROPERTY IS ZONED I-1 (LIGHT INDUSTRIAL). (DONNA WYNANT, CASE MANAGER)**

Commissioner Vigil recused herself from participation on this agenda item.

A copy of a Memorandum prepared June 21, 2010 for the Planning Commission meeting of July 1, 2010, with attachments, to the Planning Commission, from Dan Esquibel, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

The staff report was presented by Tamara Baer, Planning Manager, Current Planning Division. Please see Exhibit "3," for specifics of this presentation.

## **Public Hearing**

### **Presentation by the Applicant**

**Greg Allegretti, 1925 Aspen Drive, Suite 802(B), architect for developer, was sworn.** Mr. Allegretti said the Traffic Engineer is also in attendance, noting they should be able to cover all items. He said they have reviewed the staff conditions of approval, and he has detailed questions, but they generally agree with the staff conditions of approval

Acting Chair Lindell asked if the applicant has a presentation he would like to make.

Mr. Allegretti said he can make a presentation, and he has drawings but no graphics prepared.

Mr. Allegretti said the project is in three phases, with office warehouse construction, metal buildings with stucco finish. He said the tenants will be varied and will range from small trade contractors, light manufacturing, storage, office occupancies. He said all of the occupancies are consistent with I-1 zoning. He said there will be 3 phases, 3 buildings, with an asphalt parking lot and landscaping.

### **Speaking to the Request**

There was no one speaking for or against this request

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

Commissioner Mier said at the ENN meeting, the only recommendation was a paving of that segment of Agua Fria, and asked if that was discussed as staff gathered the conditions of approval.

Ms. Baer said that was not made a condition of approval, noting that currently it is not the means of access to the property. She said the anticipation is that as the property behind it develops, that segment of the road would be required to be paved. She said it is not a part of their property and it is not a requirement at this time.

Commissioner Hughes asked the Applicant if they accept all of the conditions of approval.

Mr. Allegretti said yes, but he does have questions.

Commissioner Hughes said Mr. Allegretti should have brought those up previously.

Commissioner Hughes noted that the #1 condition says "rejected," and asked what that is about.

Ms. Baer said Randall Marcos is very fussy about how he wants things done, and it has been his experience in the past that if he doesn't make his wishes known up front, things get farther and farther along and to the permit stage, and then the layout is not such that he can get his trucks in and around. She said this is absolutely one of the things staff examines before approving the Development Plan, and Mr. Marcos will be seeing it again. However, he brings this to our attention in the beginning so it doesn't get too far along that the configuration of the parking and the roadway is such that he can't maneuver. She said he has very specific standards and will expect those standards to be met. She said she believes those just weren't shown on what was submitted, and those will be taken care of before it is approved internally.

Mr. Allegretti said after Mr. Marco issued his staff report, they met with him and he is very agreeable to working with them, and there are no problems there, noting there were some specs and details Mr. Marco wanted shown on the sheets and he has no problem in doing that.

Commissioner Hughes asked how far the subject site is located from Southwestern College.

Mr. Allegretti said about 1/4 mile.

Commissioner Hughes asked if Mr. Allegretti approached the Southwestern College about this.

Mr. Allegretti said they were if they were in the ENN district, but doesn't know whether or not it is in the ENN district.

**Dolores Vigil, 4366 Waking Sky, Santa Fe, was sworn.** Ms. Vigil said they have no problem approaching the Southwestern College. However, when they did the radius of 200 feet, it was not in that portion which was required to be notified for the ENN.

Ms. Baer said the requirement to notify for the ENN is 200 feet from any external point of the property perimeter, exclusive of right-of-way.

Commissioner Gonzales asked if this 35,000 sq. ft. development is considered to be a big box.

Ms. Baer said absolutely not, because that applies only to retail and it has to be all in one chunk.

Commissioner Gonzales asked if it would be a big bog if it isn't retail.

Ms. Baer said the 30,000 sq. ft. actually would kick in, but she needs to check to see if it applies when there are separate buildings, and believes it only applies when it is one solid structure.

Commissioner Bordegary asked Mr. Allegretti what questions he would like to ask regarding the conditions of approval.

Mr. Allegretti said the most significant is the request for road improvements, consisting of a sidewalk along 1,000 ft. of frontage of Agua Fria Street, along with 24 inch curb and gutter along the 1,000 ft. frontage, noting they also have requested grading and placing 6 inches of compacted base course on Agua Fria Road on that frontage. He said he doesn't know what staff may have had in mind, and it is difficult to incorporate into the first phase of development. He said they are okay with implementing this ultimately, but he would like to see if there is a way this can be spread across three phases so that they don't place a base course in phase one which would be useless if it wasn't paved in a timely manner. This is a significant item and he would like to work it out. He said perhaps this Commission could direct that it be distributed among the phases.

Commissioner Bordegary asked Ms. Baer to respond.

Ms. Baer said she believes staff would be willing to do on-site improvements in conjunction with the phasing of the project, but would like to deter to John Romero on the off site improvements

**John Romero, City Engineer,** said Section 14-9.2 of the City Code requires, if there is not sidewalk along the frontage, that it be constructed along the entire frontage of the property. He said for the sidewalk to coexist safely with the roadway, buffer space, curb and gutter are needed. He said all of this needs to be constructed to code – 5 ft. wide with a 5 ft. buffer. He said it also mentions that right-of-way needs to be dedicated for that. He said the reason he requested an additional 10 ft. of right-of-way is that would bring the total right-of-way of the road in conformance with the Code requirements for that classification of roadway. He said a base course isn't necessarily a temporary fix, and is an appropriate way to construct a roadway if it will remain dirt, which it will in this case.

Mr. Romero said, "The reason for that is when they construct the curb and gutter, we don't want them to follow the existing grade of the road which is who knows what. So, if they are going to construct the curb and gutter in a manner that will accept future paving of it, it's going to have to be graded straight or within whatever engineering standards, and in order to do that, they need to bring in base course in order to bring the roadway to the appropriate grade of the curb and gutter. I'm not sure if there is any leniency, but the Code says they have to build the sidewalk along the front of the property. I don't think anywhere in the Code it says they can phase it. If it was separate lots, maybe, but if it's one lot, I don't know if the Code has any leniency toward that." He said perhaps Ms. Baer would know that portion of the Code better than he does.

Ms. Baer said she does not think there is specific language about phasing improvements. She said she would defer to Mr. Romero and if he thinks it should be done, then it should be done.

Mr. Romero said this is his interpretation of the Code which says, "along the lot. Any development that occurs on the lot that does not have sidewalk, they have to construct sidewalk along the frontage. And this is an entire lot."

Commissioner Bordegary said that is pretty clear-cut in the Code. She asked when the sidewalk ordinance went into effect, commenting she believes it has been within the last 10 years.

Mr. Romero said he is unsure, but the recent sidewalk Ordinance is the one requiring property owners to maintain their sidewalks, including shoveling ice and snow, sweeping sand and cinders, as well as repairing any cracked or broken concrete. However, he doesn't know if it has to do with developer-triggered sidewalks.

Commissioner Bordegary said this helps her to understand why there are developer sidewalks which don't connect with anything, such as on East Zia. She asked if this is the effect of the ordinance requiring a sidewalk where there are no others – is it that in the future that there will be an opportunity for all of these to connect.

Mr. Romero said yes. He said it is a piecemeal effect, but said "piecemeal is better than no meal."

Commissioner Bordegary said this begs the question of phasing which isn't in the Code at this time.

Commissioner Hughes asked if the property currently is a part of the City which is to be annexed.

Ms. Baer said it is in the presumptive City limits, and part of phase 2 which will be annexed in 2011.

Commissioner Hughes asked, "Does this touch the City limits currently, any part of the property."

Ms. Baer said it is the presumptive City limits which essentially is the same thing.

Commissioner Hughes asked if the property across the street is in the City limits currently, and Ms. Baer said she doesn't know.

Commissioner Hughes asked Ms. Brennan if this Planning Commission currently can make land use decisions, even though the annexation is not yet done, and if this is part of the agreement.

Kelley Brennan, Assistant City Attorney, said it is part of the SPPAZO ordinance, and the City has platting, planning and zoning jurisdiction within the presumptive City limits.

Commissioner Mier asked if this parcel is located just west of the traditional Village of Agua Fria, as the road turns and loops toward Airport Road, and Ms. Baer said yes.

Commissioner Mier asked if the parcels on either side are developed with sidewalks and gutter.

Ms. Baer said she doesn't know, but perhaps the Applicant can answer this question.

Mr. Allegretti said the sidewalk, if developed, would join with no other sidewalks, and Mr. Romero said this is correct.

Ms. Baer said attachment B-1 shows the zoning, and it is relatively undeveloped on the north, and there is some housing developed on the south side – so “it’s yes and no. It’s partial.”

Commissioner Montes said in Exhibit E-9, there is a listing of the acceptable commercial uses for the development based on low flow water uses, but that doesn't mean they won't go with commercial uses which aren't on the list. He asked if this is restricted only to the uses listed.

Ms. Vigil said when the project was started 3 years ago a list was required by the County. However, under SPPAZO, it isn't required. She said that is part of the example of the types of uses, and the Code would govern the kinds of business and the design shows what would work. She doesn't perceive them doing anything other than what is on the list, but they aren't limiting themselves to just those on the list.

Commissioner Montes said these are examples and they might go with other types. He expressed concern about a proliferation of business such as in the strip development on Airport Road where there are 15-20 businesses, such as a payday loan business.

Ms. Vigil said a good example of what they are trying to achieve is like Bisbee Court near the Forest Service, noting her partner was part of that project, and this is what they are trying to achieve. She said they are trying to keep the development “low key and quite nice.” She said there will be things which may come up which aren't on the list and they will accommodate that, but not outside the general use – more light industrial in line with the zoning.

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case # 2010-75, with all conditions as recommended by staff and DRT reviews.

**VOTE:** The motion was approved on a voice vote, with Commissioners Gonzales, Hughes, Mier, Montes and Bordegary voting in favor of the motion, no one voting against and Commissioner Vigil recused.

3. **CASE #2010-77. PADILLA CENTER PRELIMINARY SUBDIVISION PLAT. DESIGN ENGINEITY, AGENT FOR NINO PADILLA, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 3 LOTS ON 8.140± ACRES LOCATED ON THE NORTH SIDE OF AIRPORT ROAD, EITHER SIDE OF CAMINO TIERRA REAL WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN PHASE 2 OF THE CITY-INITIATED ANNEXATION. (DONNA WYNANT, CASE MANAGER)**
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*Items F(3), (4) and (5) were combined for the purpose of Staff Report, staff presentation, public hearing and discussion, but were voted upon separately, with approval in the following order, at the request of Tamara Baer: F(3), then F(5) and finally F(2).*

A Memorandum prepared June 18, 2010, for the July 1, 2010 meeting, with attachments, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, regarding Case #2010-87, Case #2010-76 and Case #2010-77, is incorporated herewith to these minutes as Exhibit "4."

Copies of the Traffic Impact Analysis for the Padilla Center dated May 2010, prepared by Santa Fe Engineering Consultants, LLC; and the Preliminary Subdivision Plat are incorporated herewith to these minutes by reference, and are on file in, and copies can be obtained from, the City of Santa Fe Land Use Department.

The Staff Report was presented by Tamara Baer, which is included in Exhibit "4." Please see Exhibit "4" for specifics of this presentation. Ms. Baer noted that the DRT Comments beginning on page 1 of Exhibit A-1 should be considered as conditions of approval.

## **Public Hearing**

### **Presentation by the Applicant**

**Oralynn Guerrerortiz, Design Enginuity, P.O. Box 2758, agent for the applicant, was sworn.**

Ms. Guerrerortiz introduced, Nino and Nancy Padilla, owners; Ross [inaudible] one of the agents; George Alexandrus and Tim Stubbs of the Hunton Company which is developing the Family Dollar Store; and Mike Gomez, Santa Fe Engineering, the Traffic Engineer for the project.

Ms. Guerrerortiz demonstrated the subject site using large drawings, saying it is located on Airport Road at a location called Camino Tierra Real. She said Camino Tierra Real splits the property in half, but it is a single 1.4 acre tract. They want to split it into 3 separate pieces. She said they are surrounded by intense uses. The project currently is zoned C-1 which is office which currently is overbuilt in Santa Fe. They want to split the property right at Camino Tierra Real and make one portion C-2, which Ms. Guerrerortiz demonstrated on the enlarged drawing. She said Family Dollar for sure wants to go in. She said there were two ENN meetings with the neighbors and modifications were made in response to the first ENN. She said they had to hold a second ENN because there was a general plan amendment question they had to go back to.

Ms. Guerrerortiz said they are trying to make the development pedestrian friendly. It is surrounded by sidewalks, but they heard from the community that no one wants to walk along Airport Road because it is "scary." They would like pedestrian walkways to communicate with the different developments so they don't have to walk along Airport Road.

Ms. Guerrerortiz said there is one change from what is developed, which is the addition of 3 deceleration lanes, which came from the TIA. Unfortunately, the TIA was being done at the same time she was doing drawings, so they didn't mesh. She said the next time they come before the Planning Commission they will see the deceleration lanes.

Ms. Guerrerortiz said phase 1 would be Family Dollar and a deceleration lane on Airport Road leading to Camino Real. She said when phase 2 is developed they will put in another deceleration lane. She said when the office park is developed it will have a separate entrance from Airport Road with its own deceleration lane. She said they haven't focused at all on the office park at this time.

Ms. Guerrerortiz demonstrated the layout of the subject site using large drawings. She said the Family Dollar Store will be all stucco on the sides with a portal in front. She said they would welcome any comments about the project from the Planning Commission.

Ms. Guerrerortiz said they do agree with all conditions of approval, but she wants to make one clarification and hopes to have more discussions with Mr. Romero in this regard. She said they would like to make the Camino Tierra Real roadway and the portion of the Thomas Road roadway a separate tract of land. She said in most cases where there are private roadways they are set up in separate tracts such as

in Tierra Contenta, Rancho Viejo and such. She said this done at the advice of lawyers over the years. Rather than provide easements, set it up as a separate tract for the advantage of later dedication, and having all property owners responsible for the roadways. When they come back to the Planning Commission, instead of a reservation tract they want to have a private tract which will be dedicated to the owners association for the Padilla Center. So, other than the one question of whether it will be an easement or separate tract, they agree with all conditions of approval.

### **Speaking to the Request**

There was no one speaking for or against this request

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

Commissioner Hughes said he is unfamiliar with the concept of streets as lots, and believes they should be dedicated to the City as public streets and asked if there is a City policy in this regard.

John Romero said for the street to be dedicated to the City it would have to be built to City standards. In this case, the road it will connect to is not a public street.

Commissioner Hughes asked if the Southwest Sector Plan calls for it to become a public street.

Mr. Romero said not to his knowledge, noting there are a number of private streets throughout the City and in the presumptive City limits which aren't maintained by the City because they are not built to City standards.

Commissioner Hughes said he does not like the concept of private streets, and questions why we will allow the perpetuation of private streets off one of the major streets in the City. He asked if it is a problem to make these public streets.

Mr. Romero reiterated that City Code provides in order for a road to be dedicated to, and accepted by, the City it has to be built to City standards. He said the only other way it could be accepted would be by action of the County Commission. He said most of the private roads are in bad shape and could result in a significant financial burden to the City, commenting the City might not be able to do much with them anyway.

Commissioner Hughes said we are talking about only two half block streets, and said he is speaking to this particular case only.

Mr. Romero said his rationale in not requiring dedication is that it wouldn't make a whole lot of sense to have a 100 ft. segment of street that the City would have to snow plow and such, and it isn't a contiguous street that would make for fluid maintenance.

Commissioner Hughes said in 15 years it would be built to City standards, so you wouldn't have to redo it. He said to him private streets are a code word for substandard, and doesn't believe we should be



in this game any more in Santa Fe. If we are going to have development, we should require it to be up to Code.

Responding to Commissioner Bordegary, Ms. Guerrerortiz said Thomas Road was built to County standards and services the Mobile Home Park. She said it has sidewalks, curb and gutter, and 3-4 inches of pavement.

Commissioner Bordegary asked if there is an Auto Zone near this development, and Ms. Guerrerortiz demonstrated the location of Auto Zone on the enlarged map.

Commissioner Bordegary asked Ms. Guerrerortiz to walk through the sidewalk plan in conjunction with the idea of doing away with the sidewalk along Airport.

Ms. Guerrerortiz said they aren't talking about doing away with the sidewalk, and actually will have to rebuild the 5 ft. sidewalk to put in the g-celling [?]. She reiterated that the community has said they really don't want to walk along Airport Road., so there will be sidewalk coming off Camino Tierra Real, and then stamped concrete across the parking lot, demonstrating this on the enlarged drawing. She said there will be other opportunities as to how to pass from one thing to another without having to go out to Airport Road. She said there will be the same landscaping plan along the front.

Ms. Bordegary asked if the details of that will come later.

Ms. Guerrerortiz said no, it is in this evening's Commission packet.

Ms. Bordegary asked if there are other penetrations in the vegetation so people along the sidewalk can access other areas.

Ms. Guerrerortiz said yes, the intent is not to wall it off, and there will be random connections, noting the sites on the map.

Commissioner Bordegary asked if there is an elevation of the landscaping in the packet.

Ms. Guerrerortiz said yes.

Commissioner Bordegary understands that people don't want to walk on Airport Road, but that is a main thoroughfare and people still walk along Airport Road, noting she lived on Fairley Road when she was in high school and took the bus which dropped her on Airport Road.

Ms. Guerrerortiz said one nice thing about Airport Road is there are a lot of bus stops. She said one complaint was the people couldn't see the traffic coming out when the buses were parked. She said there are planned medians going on Airport Road. She said the Traffic Analysis showed they should have only right-outs from Thomas Road and Camino Tierra Real, with only left in, noting that left out is not a safe movement. She said they showed the report to John Romero and he is having the City median design plans changed to cut out left-outs onto the roadway.

Commissioner Bordegary asked how the residents feel about not being able to turn left onto Airport Road.

Ms. Guerrerortiz said there was only one person who attended the ENN.

Commissioner Bordegary said there is a whole community who can't turn left on Airport Road any more, and this happens when things aren't thought out comprehensively. She said this is more a planning issue than an engineering issue as well as an issue of quality of life.

Mr. Romero said the traffic studies show that it is significantly safer and much quicker to make a right turn out and then a u-turn, as opposed to waiting for sufficient gaps to make a left. He said the City does and continues to do access management projects, and continues to do access management along Cerrillos Road. He said preventing left-out access from some of the businesses isn't necessarily a bad thing and has improved access to Cerrillos Road from Squeaky Clean Carwash and The Sonic. He said this is easy to do as opposed to negotiating all of the traffic to make a left-out.

Commissioner Bordegary said she understands what has happened, but we need to remember it is a road near which many people live. She said one of the City Councilors is very interested in the quality of life along Airport Road, and we will be seeing more emphasis and focus on Airport Road in all of this.

Ms. Guerrerortiz said even if the project doesn't move forward, the close-off for left turns would still happen because the current situation is not safe.

Commissioner Bordegary said it isn't safe because that's the only way for the neighborhood to get in and out, and it is just bad planning. She said she hopes we can find creative ways to do this which will make for better neighborhoods, noting there are closed off developments all up and down Agua Fria.

Commissioner Gonzales appreciates Commissioner Bordegary's comments, because he travels that road every day and turn onto Country Club Road every single day, and appreciates her looking after their neighborhood.

Commissioner Mier said Ms. Guerrerortiz noted the ENNs were poorly attended.

Ms. Guerrerortiz said there were 5 people at the 2<sup>nd</sup> ENN, and only 1 at the first ENN.

Commissioner Mier said it isn't required, but asked if the residents of Country Club Gardens were advised about the ENNs.

Ms. Guerrerortiz said all of the people who backed up to Airport Road got notice, and she had phone calls from people in the area with concerns who didn't attend the meeting.

Commissioner Gonzales asked if they sent invitations to Country Club Gardens residents.

Ms. Guerrerortiz said no, noting their association isn't registered officially with the City, and she is required to send to the registered HOAs and associations and it isn't registered.

Commissioner Gonzales asked if the applicant is required to send notice to the homeowners.

Ms. Baer said she is unsure whether those are separate lots, because if they are separate lots, they are only required to send notice to separate addresses with 200 feet of the property. She said if the lots are leased in Country Club Gardens, they would have been required to send notice to every resident and owner in Country Club Gardens, or to individual lots within 300 feet of the subject property.

Commissioner Gonzales said he has lived in a mobile home park before, and believes the process would have been a lot better if we reached out to every single person, even though it is not required.

Ms. Guerrerortiz said she sent out 61 certified letters and really doesn't want to send out any more. She said the signage was helpful because people go in and out that one roadway, and thinks it would call the proposed development to their attention – two ENN signs and one for this meeting this evening.

Commissioner Gonzales said he understands the City rules, but a lot of people don't know what the yellow signs are for. He believes there would have been more public involvement if the individual families living in the mobile home park knew about this.

Ms. Guerrerortiz suggested perhaps putting a sign where people get their mail.

Commissioner Vigil said Esplanade did contact the property manager and she showed up at the public hearing and talked about the connections between Esplanade and the mobile home park and how they felt. She suggested that Ms. Guerrerortiz she might contact her just as a courtesy.

Commissioner Gonzales said he appreciates Commissioner Vigil's suggestion. However, he has lived in a mobile home park and many times the managers don't tell the residents anything. He said people living in mobile homes deserve the opportunity to know what is happening in their neighborhood and to attend these meeting.

Commissioner Vigil said it is just a suggestion to contact this manager who apparently did contact the people in the mobile home park.

Commissioner Gonzales said there are points the public could have made which could have gone into this design – many of the points which Commissioner Hughes brought up regarding traffic.

Commissioner Montes said he travels Airport Road a lot, and noticed a sign that a Walgreen's is being built somewhere in this vicinity, and asked the location.

Ms. Guerrerortiz said she believes it is on the southeast corner of South Meadows Road about ½ mile to the west of the project.

Commissioner Montes is concerned about the impact on traffic if there is a drive in pickup window for prescriptions, and asked if these things have been considered.

Mr. Romero said yes, those things were considered. He said these kinds of developments are convenience stores and won't attract new traffic onto Airport Road, and people use these mostly on their way home. He said larger stores such as Walmart do pull in different people. He said these developments are usually pass-by traffic which pulls in and pulls out.

Commissioner Montes said if Walgreen's becomes a 24 hour store it will pull people from other places which isn't pass by traffic.

**MOTION:** Commissioner Hughes moved, seconded by Commissioner Gonzales with a Friendly Amendment, to approve Case #2010-77, the Padilla Center Preliminary Subdivision Plat, with all conditions recommended by staff, and "that Thomas Road and Camino Tierra Real, the portions that are adjacent to the three lots, to be dedicated to the City and built to City standards."

**FRIENDLY AMENDMENT:** Commissioner Gonzales proposed to amend the motion, "moving forward if the applicant can... I don't know whether it's send... have a meeting with the neighbors and send out... it doesn't have to be certified, but send out a notice to the resident of such and such, you don't necessarily have to know their name, but if you know the address... the resident of 26 Ash, say, that somehow those folks be included in the future process. **THE AMENDMENT WAS FRIENDLY TO THE MAKER OF THE MOTION, AND THERE WERE NO OBJECTIONS BY THE OTHER COMMISSIONERS.**

#### **CLARIFICATIONS ON THE MOTION:**

Ms. Guerrerortiz clarified that the notice would be by regular mail, and Commissioner Gonzales said yes.

Ms. Baer pointed out that another ENN is not required for the final subdivision plat when you've already had one for preliminary, so the notice would be for the hearing, if that is sufficient, and Commissioner Gonzales said yes.

Commissioner Bordegary asked if Commissioner Gonzales means the mobile home park which is adjacent to the development, or if he means Country Club Gardens.

Commissioner Gonzales said he is speaking about the one adjacent and Country Club Gardens, and Commissioner Bordegary said Tierra Real is adjacent to the project.

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

**MOTION:** Commissioner Hughes moved, seconded by Commissioner Mier, to approve Case #2010-87, the Padilla General Plan Amendment, with all conditions as recommended by staff.

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

**MOTION:** Commissioner Hughes moved, seconded by Commissioner Gonzales, to approve Case #2010-76, the Padilla Center Rezoning, with all 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 she has been asked when the Planning Commission will appoint the third member to the Summary Committee.

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

**MOTION:** Commissioner Lindell moved, seconded by Commissioner Vigil, to appoint John Salazar to fill the vacancy on the Summary Committee.

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

Commissioner Vigil would like to do something for outgoing Commissioner Boni Armijo. Ms. Vigil said she would be happy to put something together and then we can work out the specifics. She would like to do that at the next Commission meeting which will be in August.

Commissioner Hughes urged the Commissioners to attend the "Great St. Michael's Street Forum," on July 16, 2010, 4:00 to 6:00 p.m., and on July 17, 2010, from 10:00 a.m. to Noon at the College of Santa Fe. He said the City has put together a very impressive panel to talk about how to make transformations, and St. Michael's is high on the list.

Commissioner Montes would like to think about something on Airport Road..

Commissioner Hughes said Commissioner Dominguez has asked him about doing something on Airport Road. He said there is an agenda on the part of the Long Range Planning Division and the Economic Development Division, to look at revitalizing and transforming the major streets starting with St. Michaels, Airport Road and parts of Cerrillos, so this could be the inspiration for many parts of Santa Fe.

Commissioner Gonzales said he has withdrawn his name for consideration for reappointment to the Planning Commission, and has agreed to serve until a replacement is appointed. He said he has served for 5 years, and needs to spend time in the evening with his children.

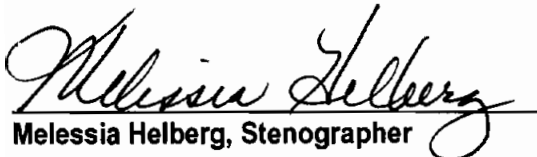
Commissioner Gonzales recommended, in addition to the activity for Commissioner Armijo, to have a picnic for the new Commissioners. He said this is a great Planning Commission and we have a great way of working together and have built a great culture, and he would like to do everything possible to acclimate the new Commissioners.

#### **J. ADJOURNMENT**

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

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**John Salazar, Chair**

  
**Melessia Helberg, Stenographer**