



Agenda

CITY CLERK'S OFFICE

DATE 9/15/10 TIME 2:20pm
STAMPED BY Geraldine Gurel
MODIFIED BY D. S. S. S.

PLANNING COMMISSION
October 7, 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: September 2, 2010

FINDINGS/CONCLUSIONS

Case #2010-103. Padilla Center Final Subdivision Plat.

Case #2010-104. 417A East Palace Avenue Lot Split and Variance.

E. OLD BUSINESS

1. **Case #2010-81. Purple Horizon Mobile Home Park General Plan Amendments.** James W. Siebert, agent for Purple Horizon Properties, LLC, requests General Plan Future Land Use map amendments to change the designation of .84± acres of land from Community Commercial to Medium Density Residential; 2.10± acres of land from Mixed Use Transitional to Medium Density Residential; and 4.68± acres of land from Low Density Residential to Medium Density Residential. The area is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, case manager) **(POSTPONED FROM AUGUST 5, 2010)**
2. **Case #2010-82. Purple Horizon Mobile Home Park Rezoning.** James W. Siebert, agent for Purple Horizon Properties, LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, Single Family) to MHP (Mobile Home Park). The application includes a development plan for 46 modular home spaces. The area is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, case manager) **(POSTPONED FROM AUGUST 5, 2010)**
3. **Case #2010-97. 442 Camino De Las Animas Appeal.** Richard Klein, Claire Zoeller and Rod Boren appeal the City of Santa Fe Land Use Department issuance of building permit for grading #09-1525 at the residence of James Swearingen at 442 Camino de las Animas. (Kelley Brennan, case manager) **(POSTPONED FROM SEPTEMBER 2, 2010 FOR MEDIATION)**

F. NEW BUSINESS

1. **Case #2010-138. Las Soleras Park Location.** James W. Siebert and Associates, Inc., agents for Beckner Road Equities, Inc., request Planning Commission approval for the location of a 20-acre park, as required by a condition of annexation approval imposed by the governing body at their meeting of February 11, 2009. (Heather Lamboy, case manager)
2. **Case #2010-139. 517 St. Francis Rezoning and Variance.** Darren Branch, agent for Annette Garcia, requests rezoning of .10± acres of land from R-8 (Residential, 8 dwelling units per acre) to C-4 (Limited Office and Retail District). The application also includes a variance request from Section 14-7.4(D)(4)(e), landscape buffer requirements for non-residential uses abutting developed residential uses. (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.**

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Santa Fe Planning Commission
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INDEX	ACTION TAKEN	PAGE(S)
Call to Order	Chair Lindell called the meeting to order at 6:00 pm	1
Roll Call	A quorum was declared by roll call, 1 excused absence.	1
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Ortiz.	1
Approval of Agenda <p>Staff changes: Case #3 – Camino de las Animas Appeal is still postponed. The Land Use Director has met with the Appellant and the Appellee and they have agreed to a process which they will follow to come to an agreement. They are still hoping to find an agreeable settlement between them. Ms. Baer said that we are probably looking at another 2 months; the case will continue to be shown on the agenda but it will be postponed.</p> <p>Ms. Baer referred to a request in the packet related to New Business, #2 – Case #2010-139, 517 St. Francis Rezoning and Variance to be postponed. The applicant has requested postponement until the next meeting, November 4th.</p> <p>No changes from the Commission.</p>	<p><i>Commissioner Mier moved to approve the agenda as amended, second by Commissioner Spray, motion carried by unanimous voice vote.</i></p>	1
Approval of Minutes and Findings/Conclusions Minutes: September 2, 2010	Commissioner Hughes moved to approve the minutes of September 2,	2

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<p>Corrections: Page 1: Commissioner Mier was Present. Page 20: 2nd sentence: insert the word “not” -- rather <i>not</i> have some type of arbitration. Page 23: Mr. O’ Reilly: 5th sentence ceased should be seized Page 24: Mr. O’Reilly: employee of the year employed a mediator to get to that agreement. Page 28: 3rd paragraph, 5th sentence – selling zoning Page 33: #6 2nd to last sentence: not insert the word: will now go to Council for their approval. Page 33: Commissioner Spray: Clarified that his statement did not imply he would not vote against the motion.</p>	<p>2010 as amended, second by Commissioner Mier, motion carried by unanimous voice vote.</p> <p>FINDINGS/CONCLUSIONS <u>Case #2010-103.</u> Padilla Center Final Subdivision Plat.</p> <p><i>Commissioner Mier moved for approval of Case #2010-103, second by Ms. Villarreal, motion carried by unanimous voice vote.</i></p> <p><u>Case #2010-104.</u> 417A East Palace Avenue Lot Split and Variance.</p> <p><i>Commissioner Mier moved for approval of Case #2010-104, second by Mr. Spray, motion carried by unanimous voice vote.</i></p>	
<p>Old Business: 1. Case #2010-81 Purple Horizon Mobile Home Park General Plan Amendments. James W. Siebert, agent for Purple Horizon Properties, LLC, requests General Plan Future Land Use map amendments to change the designation of .84± acres of land from Community Commercial to Medium Density Residential; 2.10± acres of land from Mixed Use Transitional to Medium Density Residential; and 4.68± acres of land from Low Density Residential to Medium Density Residential. The area is</p>	<p>Note: 2010-81 and 2010-82 are combined for discussion but require a separate vote for each case.</p> <p><i>Commissioner Mier moved to deny Case # 2010-81, second by Mr. Spray, motion carried by affirmative vote.</i></p> <p><i>Commissioner Mier moved to deny Case# 2010-82, second by Mr. Spray, motion carried by affirmative vote.</i></p> <p><i>The Chair clarified that all affirmative votes are voting to deny approval.</i></p>	<p>2-15 (Case 2010-81 and Case 2010-82)</p>

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located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, case manager) (POSTPONED FROM AUGUST 5, 2010) 2. Purple Horizon Mobile Home Park Rezoning. James W. Siebert, agent for Purple Horizon Properties, LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, Single Family) to MHP (Mobile Home Park). The application includes a development plan for 46 modular home spaces. The area is located north of Cerrillos Road, south of Rufina Street and west of Home Depot. (Dan Esquibel, case manager) (Postponed from August 5, 2010)		
Case # 2010-97. 442 Camino de las Animas Appeal.	Postponed	15
New Business 1. Las Soleras Park Location. James W. Siebert and Associates, Inc., agents for Beckner Road Equities, Inc., request Planning Commission approval for the location of a 20-acre park, as required by a condition of annexation approval imposed by the governing body at their meeting of February 11, 2009.	<i>Commissioner Mier moved to approve the 20 acre segment as proposed and give staff the option to come back to reallocate; second by Commissioner Hughes.</i> Clarification as it stands: The motion as it stands is to accept the 20 acre segment and to allow staff to make the administrative changes Call for the Question:	16-22

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(Heather Lamboy, case manager)	<p><i>3 - No Commissioners Montes, Villarreal and Spray</i></p> <p><i>3 – Yes Commissioners Hughes, Ortiz and Mier</i></p> <p><i>The Chair voted in the affirmative. Motion carried.</i></p>	
Case #2010-139. 517 St. Francis Rezoning and Variance.	Postponed until next meeting by request of the applicant.	22
Business from the Floor	None	22
Staff Communications	Informational	22
Matters from the Commission	Introduction of new Commissioner, Ms. Renee Villarreal and Senior Planner, Heather Lamboy.	22
Adjournment	Meeting was adjourned at 8:30 pm	22
Signature Page		23

**PLANNING COMMISSION
CITY COUNCIL CHAMBERS
OCTOBER 7, 2010
6:00 pm – 8:30 pm**

MINUTES

A. ROLL CALL

In Attendance:

**Signe Lindell, Chair
Ken Hughes, Vice Chair
Lawrence Ortiz
Tom Spray
Angela Schackel Bordegaray
Dr. Mike Mier
Renee Villarreal
Reuben Montes**

Excused:

Estevan Gonzales

Staff in Attendance:

**Tamara Baer, City Planner
Heather Lamboy, Land Use Planner
Dan Esquibel
Kelley Brennan, City Attorney**

Others Present:

Fran Lucero, Stenographer

B. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner Ortiz.

C. APPROVAL OF AGENDA

Staff changes: Case #3 – Camino de las Animas Appeal are still postponed. The Land Use Director has met with the Appellant and the Appellee and they have agreed to a process which they will follow to come to an agreement. They are still hoping to find an agreeable settlement between them. Ms. Baer said that we are probably looking at another 2 months; the case will continue to be shown on the agenda but it will be postponed.

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No changes from the Commission.

Commissioner Mier moved to approve the Agenda as amended, second by Commissioner Spray, motion carried by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

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Page 1: Commissioner Mier was Present.

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Page 33: Commissioner Spray: Clarified that his statement did not imply he would not vote against the motion.

Commissioner Hughes moved to approve the minutes of September 2, 2010 as amended, second by Commissioner Mier, motion carried by unanimous voice vote.

FINDINGS/CONCLUSIONS

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Commissioner Mier moved for approval of Case #2010-103, second by Ms. Villarreal, motion carried by unanimous voice vote.

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E. OLD BUSINESS

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2010-81 and 2010-82: Mr. Dan Esquibel described both cases as designated below.

There are two cases, Cases 2010-81 and 2010-82 are combined for discussion but each are a separate action and should be voted on separately.

Case 2010-81: Applicant requests General Plan Future Land Use map amendments to change the designation of .84± acres of land from Community Commercial to Medium Density Residential; 2.10± acres of land from Mixed Use Transitional to Medium Density Residential; and 4.68± acres of land from Low Density Residential to Medium Density Residential. The area is located north of Cerrillos Road, south of Rufina Street and west of Home Depot.

Case 2010-82: Applicant requests rezoning of 7.62± acres of land from R-3 (Residential, Single Family) to MHP (Mobile Home Park). The application includes a development plan for 46 modular home spaces. The area is located north of Cerrillos Road, south of Rufina Street and west of Home Depot.

(Refer to Exhibit A in Packet – Proposed Conditions of Approval) At the August 5, 2010 Planning Commission meeting the decision of the commission was to postpone these cases to allow the applicant to meet with the joint property owners and the items discussed at that meeting. The project has been reviewed and the Land Use Department for the DRT process, the staff recommends approval for Case 2010-81 plan amendment and 2010-82 of the rezoning. However, one requirement of the ordinance has not been satisfied today which is the letter from the school which is Section 14-6285. Before approval is granted for a Mobile Home Park application the proposed plan shall be examined regard to the ability of schools absorbing the increased number of school aged children that would be generated by the development and the developer shall present a letter signed by the President of the School Board attesting to the increase of children and accommodating the children from the development.

Staff cannot support the development portion of this application for that specific reason. The applicant has, as you can see from the conditions of approval, implemented many of the previous conditions into the new proposal and the school matter is the only outstanding issue with regard to the application aside from minor comments that need to be tweaked for the development plan. The conditions range from 1-10, condition #6 – the development plan shall include such detail showing decking and a note shall be placed on the development plan prohibiting accessory structures. Mr. Esquibel said he did not see that on the development plan; however, at the previous meeting there were some issues in regards to the separation requirements. That particular issue has been resolved but staff feels that it should be shown on the development plan. The rest of the conditions were notes required by the code and staff believes they should not have to be conditioned they are required regardless if they are not applied for as a variance. Aside from that, the applicant has submitted for the rules and regulations that were originally discussed at the previous meeting (in packet), and he has brought in a letter from the school which did not really address the issue of the ordinance but the applicant had brought in some supplement information regarding monies to the schools and the applicant will address that point.

Swearing In:

Mr. Jim Siebert, 915 Mercer Street, Santa Fe, New Mexico

What we have done since the last meeting is made some changes to the plan that was requested by the Owners of the Trailer Ranch and also addressed the comments from city staff to resolve the issues of the separation between units. We can show the decks on a plan, what we have done is provided additional detail, if we need to show it on the development plan, we can do that. You received tonight a handout from the Trailer Ranch Corporation discussing additional conditions that they would like imposed on the development (Exhibit A). The applicant is in agreement with those conditions and would agree to have them included as conditions in the zoning.

Mr. Siebert continued; the issue with the schools, and I have had several discussions with Justin Schneider on this matter. The schools have allocated from their \$160 million bond issue, \$9.5 million dollars for improvements to Kearney Elementary school. Currently Kearney School is up to its capacity. What we are proposing to do is coordinate our construction schedule with their construction schedule so that at the time of the lease of the park begins; Kearney Elementary school would have capacity. We don't expect that to happen before 2012.

Public Hearing: Swearing in by group, all listed individually below:

Joanie Miller, 3471 Cerrillos Road, Santa Fe, NM - Owner of Trailer Ranch

I am the Owner/Manager of the Trailer Ranch, the only Senior Mobile Home Park in Santa Fe; it is worth acknowledging the residents who have come here tonight. We would like to acknowledge and thanking Jim Siebert and members of the Montano family; they did meet with us and genuinely listened to our concerns. After this mornings' discussion with Jim Siebert we feel that they really have tried to incorporate these concerns. If you recall from the last meeting that we had, a big deal for us was having an 8 ft. wall along the western border, they have agreed to do that. They also have provided us with some very good rules; we have very stringent rules and regulations. They have agreed to provide proper on-site management for 24-7 management which will adequately monitor those rules and regulations. We wanted to thank them for taking our concerns into this consideration. We feel that we would still be asking for the same things regardless of what kind of development would be going in. Our priority is the safety and security of our seniors; we feel that they have been there so long they have a right going forward to feel safe. We need to ask you and implore that the conditions of approval should be voted in should you decide to approve the rezoning tonight. As we appreciate meeting with the Montano family and Mr. Siebert. The reality is going forward in the future it may not be Mr. Montano who is developing this property, so if these conditions of approval are attached to the property themselves, regardless who owns the property, we want to make sure that the person who continues on the development complies with the following 4 conditions: (Exhibit A – Conditions of Approval read for the sake of the residents and the audience.)

Chair granted this request.

Proposed Conditions of Approval

Purple Horizon Mobile Home Park General Plan Amendment (Case #2010-81)

Purple Horizon Mobile Home Park Rezoning (Case #2010-82)

- 1) A solid, monolithic screen wall made from cinder block, concrete or comparable material, no less than 8' in height, to be constructed along the entire west length of the proposed development's property line. The wall is to be installed during the infrastructure phase of construction. If a variance approval is required to construct an 8' wall along the portion of the property that is adjacent to residentially zoned land, then the applicant will request such variance and conclude the process prior to issuance of a grading or infrastructure permit.
- 2) An 8' solid fence (not chain link) will be constructed along the southern boundary of the property and will be installed during the infrastructure phase of construction.
- 3) Final Rules & Regulations for the Purple Horizon Mobile Home Park will be substantially in conformance and in no way less stringent than those presented & discussed at the Planning Commission Meeting on October 7, 2010.

- 4) Definitive on site management will be established so that enforcement of rules & regulations is provided 24 hours per day, 7 days per week.

It is important for you to know that we appreciate the great lengths they have done to do the rules and regulations; it shows that the Montano's effort to take pride in their property. Thank you for your time and consideration. Again, it is very important that you know that without these conditions of approval we are adamantly opposed to the applicants proposed rezoning request.

Eric Montoya 2085 Plaza Montoya, Santa Fe, NM (Son of Rick Montoya, Nephew of Mike Montoya who are the land owners to the East of the proposed Mobile Home Park.

I was present at the last Commission meeting on August 5, 2010. Towards the end of the meeting as I remember the plan was tabled with the conditions that Purple Horizon and the Planners get with the surrounding land owners, community, schools and other people of interest to discuss a possible compromise for this plan. To my knowledge, and this was before today, I had not heard of a compromise being made or attempted since the last Planning Commission meeting. I am interested to know if that can be confirmed by any of the interested parties which tonight it has been. Other than that, I haven't heard of any other compromises being made. The proposed mobile home park is in my neighborhood. All of us are afraid that it will have a big impact on Agua Fria Elementary school. For one instance, my cousin who was born and raised in the village of Agua Fria, attended Agua Fria elementary school in grades kindergarten to 6th, along with many of my cousins and extended family including myself, wanted to start their 4th child in Agua Fria elementary and she got turned down or denied because the school is overcrowded. Personally it is hard for me to imagine that after all the generations of kids in our family that went to Agua Fria elementary that they are now being turned away and sent to other schools when they live next door. I believe that there is already an overcrowding issue in our schools and adding another mobile home park is going to make the problem worse. Not to mention that it will impact the traffic in this area. I also believe that the proposed mobile home park will allow for more kids of our future generations of our great villagers to be turned away from our wonderful neighborhood school. In my opinion I don't think it is fair to have a no vacancy sign on a school that we villagers helped build. I am also concerned that our police and emergency services are already at capacity and this proposed plan will only further exhaust our own resources. We are asking for the Planning Commissions help and in closing I would have to say that I am against the zoning change for the proposed mobile home park until further planning is implemented to resolve these issues with the surrounding neighbors and me.

Rick Montoya, 2085 Plaza Montoya, Santa Fe, NM

We are right next door to the proposed development. I, as Eric were not informed of a lot of the negotiations that have been going on. I did not know that this project was that far along. I would like to read my concerns to you as a land owner right next door I have quite a few concerns. Time flies since we were here two months ago and I have two issues that really bother me towards the final decisions on these two cases. 1) Our family recently celebrated my dads 100th birthday, and it is quite interesting to see a generation that old and thinking of Santa Fe and how it all evolved. Our history goes back to the late 1500's as we were one of the first families to settle in this wonderful land. We are very serious about our private property and what might detrimentally impact us directly as a community. In fact the property in this case used to belong to my dads' sister before her husband sold it to the applicant a few years back. We are very proud of our community and our history and our roots and we will always

remain proud of our heritage. The reason I brought this up is because I want you to know that we have been in Santa Fe since day 1 and we will be in Santa Fe until our days end.

Since the last meeting I have evaluated how my immediate family, the community, the neighborhood and the surrounding properties could be permanently impacted upon by this case. The reality of this is the real and horrible problems that we have experienced with mobile homes next door to our property. There are problems that could come up with a poorly planned project, especially one of this magnitude and that would be totally unacceptable. Existing problems are extremely high density, no owner occupied management or security, we did not know about the conditions until today, insufficient open space and parking and we did not know about the wall as an adjacent land owner. If this development goes forward, I too would expect nothing less than an 8' wall to separate the properties. Existing problems we have experienced in the immediate neighborhood are numerous and I have communicated this to Mr. Siebert via phone calls on August 11 and most recently September 15th. Two months ago I mentioned, moderation is a good thing and relative to this case, we already have 11 mobile home parks in the vicinity, 8 of which are in our immediate area within our community. Some of these parks are owner occupied and managed, and some are not. Some real problems include, trespassing, vandalism, burglaries, fire hazard, destruction of property, domestic violence, etc. Confronting these problems is not an easy task and when calling the police they will not address it unless it is a matter of life or death. We don't need another neighborhood problem and that is my biggest fear. If something this huge is developed back there and it is not properly managed; we are going to have to be the police and problem solvers if the police will not support us. We do not need another problem and we do not support the General Plan amendment. If this applicant is serious about respectfully developing his property, he should do one dwelling per one $\frac{3}{4}$ quarter lot; that is how most of our neighborhood has evolved and you will find that around that whole vicinity. The developer should rethink his plan and include less items of negative impact on the neighborhood and the community in regards to what I have just mentioned. All of this was mentioned to Mr. Siebert on August 11, 2010. I am not speaking just for myself, I am speaking for my family and our immediate community; as a responsible adjacent land owner, I and we as a community respectfully request that you deny both applications as proposed and we appreciate your hearing us and our concerns.

William Mead 2073 Camino San Juan Montoya, President of the Agua Fria Village, SFNM

August Fria Village Association voted on March 3, 2010 to oppose the Victor Montano Mobile Home Park project and circulated a petition based on the fact that the SW Santa Fe Community Master Plan known as the SW Sector Plan of June 14, 2005 does not allow for this type of development as this area is designated as a transitional zoning area and a rural protection zone to the traditional historic community of Agua Fria. I was hoping that some of those copies of the petitions had made it here. We had another mobile home park in the area, Rodney Leeder property which had an ENN meeting on March 17, 2010. It was very interesting at that particular ENN meeting, there were some questions from the audience: Cottonwood Mobile Home Park Manager: I have experience with security and our corporation runs 30 parks in 5 states and Cottonwood is the #1 park for crime and our #2 is Riverside. Our parks range from 50 to 600 spaces so our largest park has $\frac{1}{2}$ to $\frac{1}{3}$ of the crime of Cottonwood. This is primarily why I was bought in, to get a handle on the crime taking place in these two mobile home parks. The crime is juvenile, immigrant based and is gang caused and very difficult to deal with and quite frankly beyond what security firms can do or the city police. We have 461 units and many are multiple family, people are doubling up in units because of this economy. Sometimes 2 or 3 distinct families live in a double wide. Based on the buses leaving from

Cottonwood I would say we have 6 kids per unit or 2400 children in the park. We switch from night time to day time security because we have a lot of drop outs in the park. Most are kicked out of school for dress code violations. We encourage the use of our facilities instead of breaking in to them and this has reduced our graffiti and vandalism. The parents and grandparents are the hardest working people they have 2 and 3 jobs each, the kids are the problem and with the gang behavior, they are generally rotten. We have had to learn to deal with this issue to minimize the risk of the park. So we ask for police reports and credit reports from potential renters and do long term leases with deposits. This is because the people with the best credit and no criminal history may have the worse kids. We have a problem of wandering kids in the park and they don't belong to any of the units and this is where the trouble starts. They might do break in's and we catch them and when the police get there they even know the kids by name because they have been in trouble so much. The kids laugh at them because they know they won't even spend the night in jail and they don't. We have three really bad families in drugs, the parents and grandparents sold drugs. The only method to get rid of them was eviction and this takes court action; it took 2 years to get them out. The judges are sympathetic to the fact that there are not a lot of trailer spaces in town and that it costs five to ten thousand dollars cash to move a trailer which these people don't have. They usually own the trailer out right so they have to take it with them. I would suggest you look in to different contacts. We have year end parties to show appreciation to our tenants at the end of the year. We only get about 200 people. We have a neighborhood watch and only those who have been victimized participate. It doesn't last beyond a year or two when they stop participating. My biggest advice is that the first 2 years of a new mobile home park it is special to residents and that is something you need to capitalize on.

What he is saying is that no matter how great these new regulations are the tenants that are in the Santa Fe area, they have these kids that are involved in juvenile crime and gangs and you just can't control it.

I attended the neighborhood Block Captains meeting for the City of Santa Fe joint meeting with the County on March 8th, we had 50-60 people there and there were a lot of good tips to reduce crime. The crowd started complaining about immigrant juvenile crime and how to stop it and asked how to stop it and asked for statistics, 60% or more juvenile immigrants and about 6-7 years old. The city said they could not get involved in racial profiling. Agua Fria Village is being populated by juvenile immigrants. We have numerous crimes in our village, you can go to the Sheriff website to monitor our crimes. These unsupervised kids are the ones that do the crimes, there is no way to find out that they have these rotten gang kids. As the officer stated at this meeting, previous to Judge Vigil taking over these cases, it was routine to wait 6 months before the juvenile case was heard. In this time frame they may have been arrested 3 to 4 times more and had an additional 25 to 30 break ins. Now Judge Vigil is hearing cases within 1 to 2 weeks.

(Mr. Mead proceeded to read different headlines from the New Mexican from the last few weeks related to crime.)

Mr. Mead said that this case should be tabled until the City Police and the Fire Department come in and say whether they can handle this kind of population that is going to come in. I live next to Atocha Mobile Home Park and there are a lot of impacts that trailer court has had, there is a litter issue, we have gathered a pick up full of trash. There has been a lot of fence cutting and graffiti. There are a lot of impacts to this neighborhood that aren't being considered. My wife is the land owner on the south side of Rufina Street and they are looking at maybe developing that property. When you go in to land use there are pretty stringent conditions that

are being placed on the land owners that this particular case hasn't had to comply with. When we went in we were told we would have to build a frontage road in order to develop our property. If this development goes in the other lots have less of a chance to develop unless all of the infrastructure can be brought in all at the same time. I think that is another consideration for land owners south of Rufina St. It is incumbent on this body to do due diligence to make sure that the city avoids any liability of future law suits. Tabling it here and working out the issues with the neighbor is the best thing to do.

Public Hearing Closed

Commissioner Hughes directed a question to Mr. Esquibel. I am not sure what #5, Article 141-6.2A51 VII, what does that mean. His reference is Exhibit B-1 prepared by Jim Siebert. What does this mean?

Mr. Siebert said that Exhibit B-1 is a map. Jim said it was the zoning map.

Commissioner Hughes asked that in the future could you please say landscaping. Also, the problem Mr. Mead brought up zoning around the village of Agua Fria that it should have a buffer zoning category; does this honor that?

Dan Esquibel: We did analyze the Southwest Area Master Plan and it was determined that with or without the general plan amendment that the densities prescribed within the current zoning would allow for the number of mobile homes that were proposed. At the time it was just a cleaner proposal than to change the general plan than to leave it the way it was. There was discussion within the office that question whether it was needed and processed as part of the rezoning for the mobile home park. So with or without the General Plan Amendment the mobile home park and density is allowed under the current General Plan rule.

Commissioner Hughes directed a question to Ms. Brennan: How relevant for our consideration is such testimony on the potential criminal like behavior by potential residents? Is that something we are supposed to take into consideration?

Ms. Brennan, City Attorney: It is a factor that you should take into consideration.

Commissioner Mier: Mr. Siebert, was it not your understanding that it was the desire of this commission that you would meet with all the neighbors of the adjoining property?

Mr. Siebert: We have had many conversations with Mr. Montoya and in fact we made an offer at one point that we would share the access. Mr. Montano would build the shared access and do the improvements to Rufina St. with no cost to Mr. Montoya. I think at a certain point the dialogue just broke down and we had no further discussions at that point.

Commissioner Mier: It is my understanding that what you are saying is that after the meeting of the Planning Commission where you were asked to meet with the adjoining land owners; did you meet with the Montoya's?

Mr. Siebert: No, I never met with them, I attempted to. I had conversations with Mr. Montoya but he made it clear to me he did not want to meet with me to discuss the development of the property.

Commissioner Mier: So you offered to meet with them and refused?

Mr. Siebert: Yes.

Commissioner Mier: On the matter of the schools; you would consider a compromise to proceed and then after this is approved you would then go back to the schools and work with them to address the zoning issues?

Mr. Siebert: No, that would not be the case, we would not proceed with construction until there is a definitive time schedule for construction at Kearney elementary which includes additional cross roads. We would not begin the construction of the park until they had a tentative date to commence construction at Kearney elementary.

Commissioner Mier: The issue of parking, is it my understanding that your client is proposing no more than 2 vehicle parking spaces?

Mr. Siebert: That is correct. In addition to the park there is on street parking which is only in that parking sector, there are only 29 additional parking spaces. Those 29 spaces are located in the park and in the transitional area. We designed the public section of the road to accommodate parking so between the two there are 29 parking spaces.

Commissioner Mier: How many individuals could live in a dwelling? Is there a cap on how many people can live in a household?

Mr. Siebert: We have a cap of 6.

Commissioner Mier: No more than 6 people can live in one dwelling. Hypothetically speaking if you had mom and dad and 2 or 3 teenagers, would they be able to have their vehicles at their residence?

Mr. Siebert: The way the facilities are planned they would accommodate off-site parking.

Commissioner Mier: I have to be very candid; I have a difficulty with what is being proposed on parking. I don't see how the parking is going to work in this particular proposal. Lastly, can staff share with me any information provided by the police on the terms of their review of this proposal?

Dan Esquibel: We have invited the Police Department several times to join the development review team on every application that we forward to the bodies that we review to. To date we have not had any response.

Commissioner Mier: This concerns me, Mr. Esquibel. I think that any development of this magnitude or nature I think is going to have a significant impact on public safety. I think it would be a big mistake to approve this without having some input from the Police Department. I think we have to have a sign off from the public schools. I worked for Public School for many years and I can't support something that doesn't have the approval of the Superintendent. Thank you.

Commissioner Montez: I have one question for staff and possibly for Mr. Siebert, I am looking at a June 4th letter from Mr. Stan Holland, Wastewater Management Division, where he says he needs a plat for the proposed development and then on the DRT review of August 5th he is still saying that he doesn't have it. Do we know if he ever received it? I am assuming he needs the

plat to do a more accurate assessment of the public projects in the Wastewater Management Division. It seems that as of August 20th he still had not seen the plat.

Dan Esquibel: I believe that it was in the workflow consolidation and that will be presented to him to meet that requirement. It will also be incorporated as part of the development plan which will get filed downstairs; I am not quite sure where Mr. Siebert is or his surveyor is in the process of surveying the property.

Mr. Siebert: We did modify the lot consolidation plan to include the easements that were requested by Mr. Holland as well as other easements including drainage easements. It could be that the second round has not been distributed to him, it was not on the first application, which is correct.

Commissioner Montez: Do you think he has seen the plat to date?

Mr. Siebert: I don't know if he has seen the plat or not.

Commissioner Spray: I would like to refer back, Dan, to the July 26th memo where you layout the specific criteria that we have to look at as the Commission before granting a zoning change. We talked about the additional zoning criteria on 8-11 and we talked about the applicant not specifically address the above criteria. I didn't get a chance to ask this last time and I would like you to talk a little bit more about that and I would like to ask the applicant to specifically address that criteria.

Dan Esquibel: With every zoning application the applicant has to address many issues related to the code, they are not necessarily presented in the questions but there are standards that need to be addressed on how they are going to meet them. Sometimes some of the applications come in a little light and staff will review in order to present the case to the Commission. I don't believe that I can't recall if the applicant brought in the zoning criteria. I think they brought it in at the end. I know that when I looked at the case now and I went through every condition that I had imposed at the previous application, I went item per item with the development proposal and plans to see which ones he had addressed and which one he did not address. With the conditions that staff imposed with a couple of them he pretty much addressed all of them. We did recognize his conditions and we still move forward with approval of that zoning request since it meets the standards as the code has identified it in the technical sense. I have to keep that neutral balance, whether it is liked on one side and disliked on the other side; as long as it meets that balance within the minimum standards of the code, I have to recommend favorably for this application with the caveat of the Development Plan which I can't because of that specific standard.

Commissioner Spray asked Mr. Siebert to comment on this statement.

Mr. Siebert: I am not quite sure what you are referring to. There is a specific criterion that you have to address and they were addressed in that letter and there were additional criteria in the guidelines so we believe we have satisfied that condition in the letter and in the report for the application.

Commissioner Spray: So you feel that you have established the criteria to your satisfaction?

Mr. Siebert: Yes

Commissioner Villarreal: I have a few concerns and share some concerns with Commissioner Mier about impacts that weren't really addressed in the packet. One is traffic; this area is extremely busy and when I looked at the packet there wasn't really substantial information that discussed what the traffic impact would be. I wanted to get more details from city staff who can indicate what is considered an acceptable level of service in this particular size of development.

Dan Esquibel: The only information that I would be able to offer is the same memo that was presented by John Romero at the previous meeting which is in the old packet labeled Exhibit A-7. Those comments are still in effect as he has not provided any additional information. The applicant did provide information to Mr. Siebert but I believe that the concern with the trailer park was discussed at the previous meeting was the internal road whether that be public or private. I would like to add a comment on something that was said earlier so that everyone is aware with regards to the school systems. No one knows when and where they schools will increase their buildings in order to accommodate growth. With the issues relevant to what is plaguing the school systems now where they have shut down many schools and consolidated some of the schools, which has created some pressures around all of the districts where they have to shuffle kids around. But given the fact that this particular school may grow and the applicant if this was to be approved, would wait until this construction would be done, I would advise everyone that the development plan and even a rezoning does have sunset rules. Even if the school system decides that they are not going to build for 2 or 3 years, this could be a problem for approval that may end up sun setting without coming in for an extension of a development plan.

Commissioner Villarreal: The other concern I have is based on not having sufficient police and fire input. I know there was one letter that says the Fire Marshall had certain conditions. I looked back to an ENN statement made by Mr. Siebert where it says that the county might continue to provide police and fire protection to this area for a number of years delineating the cost to the city. I would like to ask Mr. Siebert how he can make the assumption that the county is going to serve this area or this particular development as it is being proposed.

Mr. Siebert: Let me clarify one issue first, you discuss traffic. There was a traffic report that was prepared and submitted to the city that not only evaluated this intersection but other intersections as well. At the time that I said that, it was my belief that this area had officially been annexed to the city. It hasn't been. There are other areas within the presumptive city limits that have not been annexed. It is my understanding that those areas have been annexed and do receive city police and fire protection.

Commissioner Villarreal: I think it would be good to get input, as Commissioner Mier had pointed out to have more substantial information that clarifies that. I did speak to one of our county Fire Chiefs and they said they would only assist with mutual aid and it would be the city's responsibility pretty much entirely for this new development. One other question for Mr. Siebert or the applicant; I was wondering if you considered any other affordable housing options for this site other than a mobile home park?

Mr. Siebert: We did not.

Commissioner Villarreal: Based on some of your responses you thought this area would advantageous so I wanted some clarification as to what makes an area advantageous, just because there are other mobile home parks in the area.

Mr. Siebert: Advantageous in a sense that with the completion of Rufina Street now having an arterial roadway along with all the utilities. Until this time we did not have advantage of those standards. We will be responsible for moving the water line from Cerrillos to Rufina St. that would have never been possible if there hadn't been a water line. That is the reason that both the SW Sector Plan and the city General Plan recommend density, 3 to 7 units per acre. It is really an inflow project.

Ms. Baer: I would like to provide follow up on Commissioners Mier and Villarreal's question related to traffic. Unfortunately the Traffic Engineer was here earlier but had to leave. We have spoken to him as recently as this afternoon and the reason he did not object to the traffic or didn't have any comments about it, as Mr. Siebert has said that a traffic impact analysis has been submitted. Those are not the basis for his objections. I will call your attention to his memorandum which is in the original staff report, Exhibit A7 dated May 28, 2010. He told me as late as this afternoon that his comments have not changed, in that staff report he recommends denial of this project. His problems have more to do with the internal roadway than it does with traffic concerns exterior to the plan. I wanted to let you know this on his behalf.

Commissioner Spray: I have a question regarding internal roadway; are we talking about public private, I would like to see it on the map.

Mr. Baer: That is correct, Mr. Romero was not comfortable with that arrangement where part of the road would be public and part would be private. There is nothing in his code or our code that specifically precludes that layout so he was able to deny that out right because it is not a code issue but he was uncomfortable with it.

Commissioner Spray asked Mr. Siebert to point it out on the map.

Mr. Siebert: The only issue that John Romero has is that he wanted a connection that would connect to the Montoya property on one side and the Trailer Ranch on one side. What we have done as a concession to John is we have a public road up to that point should that connection ever occur. Our proposal was that we would reserve that on the plat as a road reservation for some time in the future. John isn't asking for any improvements but he is asking that the area be free of any manufactured homes. Our concern as we showed it to you in the slides at the last meeting is the Vegas Verdes where they have half the road that was constructed and it has ended up as a place for people to trash and it is for that reason we felt we did not want to leave that as an open corridor.

Chair Lindell: Mr. Siebert, I would beg to differ that on that memo that Mr. Romero put forth on May 28th, which Ms. Baer just confirmed that he stands by that memo and he is asking for improvements and those are not his major concerns, and those are not the four reasons he lists for his reasons of denial. That is his memo.

Mr. Siebert: I understand that is his memo, and maybe my recollection is bad. At the last meeting when Mr. Romero spoke he was not requesting improvements, he was simply requesting that it be reserved free and clear.

Chair Lindell: We need to stand by the record of what is submitted in writing.

Commissioner Spray: He has answered my question.

Commissioner Bordegaray: I have a question for Mr. Eric Montoya, I want to understand your concern about family members being turned away from Agua Fria Elementary school and how that relates to this proposal that proposes to send to Kearney schools.

Eric Montoya: All of our family live right next to Agua Fria School in fact their fence borders our property line. We have lived there for many years and now our family is being turned away because of the overcrowding issue and sent to Kearney or a different school. For us, that is a big problem.

Commissioner Bordegaray: Did the district line change in your neighborhood?

Eric Montoya: No, it didn't and that this is what we don't understand.

Chair Lindell: Mr. Montoya, can I ask you a question; since the last meeting, were you contacted to have a meeting with the applicant?

Eric Montoya: No, Chair Lindell. From what I can recall and my dad might be able to confirm this or clarify it, he was called numerous times with no messages left. He finally called Mr. Siebert back in August to see what the issues were. We knew that they were suppose to have some kind of compromise or whatever and as far as I understood there was no compromise made, it was suggested that we share access to the trailer park, which is basically taking 25 ft. from our land to create a cul-de-sac on the other. When we saw that we said this is not a compromise it is forcing us to give up more of our land. I think this is the reason no more contact was made. We were willing to hear what they have to say and willing to compromise: we came with conditions to the last meeting but none of that ever got mentioned. We have never been contacted since.

Commissioner Mier: What was said by Dan Esquibel earlier is of great significance. It appears to me that even if this commission was to approve this case this evening that it is all hinging on availability of space within Kearney Elementary School which is at this point unknown whether that will ever exist. What we have heard from the Montoya family this evening, there is no space at Agua Fria. I don't understand why this is even being discussed this evening. We can't approve this tonight Madam Chair. Based on what I am reading we have to have before us this evening, something in writing from the Santa Fe Public Schools that says they can absorb the increase of children. We don't have that letter and it is a requirement. There is no guarantee that they will be able to absorb these children in the future. Lastly, we talk about increased traffic and I have a great respect for Mr. Romero and I think his concerns are legitimate. Rufina Street was, as I said at the last meeting, was built to try to take some of the traffic off of Agua Fria and I think it has been somewhat successful in doing that. By inundating it with additional traffic, I think it really defeats the purpose of constructing that thoroughfare. There are so many holes in what I am seeing this evening and it makes no sense.

Commissioner Hughes: Mr. Siebert, at the last meeting I believe your client stated upon questioning that he would not want to make this a senior citizen park? Do you think this is something he might consider?

Mr. Siebert: That is always a possibility. I would need time to speak to my client.

Commissioner Lindell: Thank you Ms. Baer for directing us to Mr. Romero's memo, which was really the basis for many of my questions. I am concerned in having a roadway be part public and part private and seemingly pretty short on parking spaces. I know from experience

of living on a private road, that if you have a problem with parking on that private road, that is your problem. The police and fire department are not interested in taking problems in a private road. It is extremely problematic. Second thing I am concerned about is that on this plat it continues to say fence or precast wall; I don't think we are talking about a fence anymore, are we?

Mr. Siebert: No, the decision to go with an 8' wall was made today.

Commissioner Lindell: Can you show us on the plat the area's that would be walled and the areas that are not going to be walled.

Mr. Siebert pointed out that the 8 ft. wall would run from the south end of the property where the pond is, and if we had an agreement from the Gonzales family, there would be a 6 ft. wall that would go around their side of the property contiguous with Purple Horizon. We also agreed that should they need access to this roadway we would provide two gates.

Commissioner Lindell: How about on the other side of the park.

Mr. Siebert: On the other side we are proposing a 6' wood fence.

Commissioner Lindell: What kind of fence?

Mr. Siebert: 6 ft. wood fence.

Commissioner Lindell: I think that a wood fence in this kind of situation would end up needing a fair amount of maintenance.

Commissioner Lindell: I wanted to ask Ms. Brennan, I think the city has some concerns about the proposed conditions of approval that would allow the Trailer Ranch Development to support this case.

Ms. Brennan: I am concerned because the 3rd and 4th points in those conditions are fundamentally appropriate for private covenants and I would be concerned in they were in a straightforward manner made conditions that the city would in the future be in a position or be asked to enforce what is essentially a private covenant. I think that I would be more appropriate for the parties to enter into an agreement and provide enforcement on the record between them and if they wanted to make that process a condition that would be an actual condition on these items.

Commissioner Mier moved to deny Case # 2010-81, second by Mr. Spray, motion carried by affirmative vote.

Case #2010-82. Purple Horizon Mobile Home Park Rezoning. James W. Siebert, agent for Purple Horizon Properties, LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, Single Family) to MHP (Mobile Home Park). The application includes a development plan for 46 modular home spaces. The area is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, case manager) **(POSTPONED FROM AUGUST 5, 2010)**

Commissioner Mier moved to deny Case# 2010-82, second by Mr. Spray, motion carried by affirmative vote.

The Chair clarified that all affirmative votes are voting to deny approval.

3. **Case #2010-97. 442 Camino De Las Animas Appeal.** Richard Klein, Claire Zoeller and Rod Boren appeal the City of Santa Fe Land Use Department issuance of building permit for grading #09-1525 at the residence of James Swearingen at 442 Camino de las Animas. (Kelley Brennan, case manager) **(POSTPONED FROM SEPTEMBER 2, 2010 FOR MEDIATION)**

Camino de las Animas is still postponed. The Land Use Director has met with the Appellant and the Appellee and they have agreed to a process which they will follow to come to an agreement. They are still hoping to find an agreeable settlement between them. Ms. Baer said that we are probably looking at another 2 months; the case will continue to be shown on the agenda but it will be postponed.

F. NEW BUSINESS

1. **Case #2010-138. Las Soleras Park Location.** James W. Siebert and Associates, Inc., agents for Beckner Road Equities, Inc., request Planning Commission approval for the location of a 20-acre park, as required by a condition of annexation approval imposed by the governing body at their meeting of February 11, 2009. (Heather Lamboy, case manager)

Heather Lamboy – Land Use Staff

I bring to you this evening the Las Soleras Park Location. Approximately a year ago, February, 2009, city council approved the annexation master plan as well as a general plan amendment to enable the development of Las Soleras. Las Soleras is located in the triangle between Governor Miles Road, Interstate 25 and Cerrillos Road and it is comprised of several different uses including rail stop for the Railrunner as well as mixed use development. Furthermore, the Hospital Zone is included in that as well as office and light industrial uses closer to the Santa Fe Outlet. There is commercial development that is proposed along Cerrillos Rd. and a mixture of medium density multi-family housing as well as single family residential development. Part of the negotiations included a site tour of the Santa Fe Public Schools which is indicated on Parcel 14 in Exhibit D. There is a Camino del Monte Sol school expansion that is being proposed and is highlighted on the parcel map so there will be a relationship between the Public School and the Charter school site.

This application seeks to ratify what the council imposed at its' hearing in February, 2009. The condition requested an additional 20 acres for active recreational uses. The development already has a lot of linear parks and open space associated with it along the highway, along the main blvd. which is Beckner Rd. and Dancing Ground Rd. and there are more open spaces, and it wasn't enough. The applicant met with Justin Snyder, SFPS, and with Fabian Chavez, City Parks and Recreation Division, Land Use Department and Planning Staff, Tamara Baer and I to discuss where the active recreation uses would be more fitting. Active recreational uses typically conveys something like a ball field or something that would be more demanding on the land required, a flatter type of surface. (Topographic survey included in packet.) Mr. Siebert and the team of folks met and we looked at all of the opportunities. The issue with the public school site is the public school has not planned for what kind of facility is needed for that parcel. It could be a K-8 facility or it could be an elementary school, both of those have very different programs in terms of is required. The school has not yet defined its need whether

the 22 acre site would be required completely or only a portion. What was proposed was that a discreet 20 acre parcel be located on the site bordering Nava Ade. I want to point out that you do have some recent information from the Nava Ade Home Owners Association and the Park Committee as well as a revised plan. That discreet 20 acres would provide one location for a park. The staff could not determine whether the original intent of that condition would be to have just one park location or whether several strategic parks located in different areas or exchanges of land located in different areas that total 20 acres would be sufficient. There is already a park planned on the site which is approximately 21 acres to the west of the proposed public school site on parcel 14. That would not be affected and this 20 acres would be an addition to that park site. But there is land that is suitable for placement of additional park and active recreation facilities. Mr. Chavez has been involved in those conversations and agrees that the potential location and facilities to the north of that park is plausible. Staff is recommending that in the implementation of this condition that there be a little bit of flexibility and the mechanism would be an addendum to the annexation master plan that would be a Mylar that would be recorded and the 20 acres would be the discreet park but as the development plan continues, for the individual parcels that it would be tracked through the annexation master plan document. Staff recommendation is (Exhibit D-9) to allow for an exchange of land contingent upon the approval of the Santa Fe Public School district representative, the representative from the City Parks & Recreation Department as well as Land Use staff. Open for questions.

Applicant *(Previously sworn in):*

Mr. Jim Siebert: 915 Mercer Street, SFNM

Ms. Lamboy did an excellent presentation of what has been requested and I will walk you through graphically. *(The 21 acre park location was indicated on the map as pointed out by Mr. Siebert.)* In discussions that we have had with Fabian Chavez and staff is one consideration that we are requesting the Commission to consider is the acquisition of land along here. What the situation here is that these tracks come over from Cerrillos and they are isolated by the Arroyo de los Chamisos floodplain and they are land locked. In terms of use, at this point they have minimal potential for use. Another thing that is happening is that one of the main Arroyo de los Chamisos bike trails and pedestrian trails, we thought that was an opportunity to develop that trail as part of the park and enhance that ability to make connections into the park that would be bicycle areas for kids and for schools. The idea is that we would create – Monte del Sol is looking at putting their active play field facilities in this particular area here. We would have done an analysis, there is a high voltage line and we have to stay away from that easement. We have done an analysis where we would not have to provide land in this particular area to adequately fit a regulation size play field. There are two areas in all of Las Soleras being on the outside which is the flattest area, which is this area here. Fabian Chavez appreciates the fact for two things; one is that it coincides with the trails and it was flat and was easy to develop. In the overall proposal, everything that has the large hatch mark is the area that we would like the Planning Commission to consider that would satisfy the park condition. As Ms. Lamboy has spoken, if we are successful in getting 7 acres here, we would take an equivalent 7 acres out of here and that would be our desire. Should the commission approve this concept we would begin to explore the acquisition of these properties.

Commissioner Villarreal: You had said that the left side of the trails or Arroyo de los Chamisos; are you talking about east of the arroyo or west?

Mr. Siebert: The Arroyo de los Chamisos trail, there is a sewer on it that runs down the east side of the arroyo and that discussion has always been put the trail on the top of the sewer lines. That answer is that the trail would be on the east side, the same side we are proposing.

Commissioner Villarreal: How do you define a linear open space?

Mr. Siebert: In terms of linear, what we are saying is we have left this area as open space here that would be outside of the ownership of the schools. The idea is to put the trail on top of the sewer line. We are beginning to create that linear corridor here where you have active playing fields here and you have a connection back to the park, you would have active play fields, more in the order of practice play fields.

Commissioner Villarreal: In the area you just pointed out, you consider those the linear not the ones off of Beckner which is where it now shows it?

Mr. Siebert: No, in this discussion of the highway corridor, this is the linear area (referred to on map).

Public Hearing: (Swearing in)

Steve Burns, 4246 Howling Wolf Lane, Santa Fe, New Mexico - Nava Ade

Unfortunately, I didn't get to see the latest update as to where he was pointing. Just by way of background before I start, I am a landscape architect and I have been following this project for the last 10 years since it started since we moved in to Nava Ade. I am also the Chairman for the Parks Committee in Nava Ade, I am employed with the National Park Service here in Santa Fe. In the years that I have followed this project, I have not seen what the official comments were to the city. My comments are as a resident and someone actively working with the city in parks. I want to commend the developers, even though I have been a thorn on their side because I think there could still be improvements but overall there have been great improvements to the Las Soleras project.

My primary request to the commission is to look out for the best interest of the community in identifying where these parks are. It is a little bit unclear as to what the intent may be on the condition that was placed on the annexation with the 20 acres of additional park and that clarity is whether they should be pocket parks as are being considered here within this larger area or is active use. I think that it is a very important point of consideration because it has very different landscape needs for those two different kinds of parks. If the consideration is that the park has been requested as a condition that the 20 acre be primarily for active use which seems implied. I think it is incumbent on the commission to look very closely at the Topo plan and those areas that lend themselves for active recreational use as opposed to passive recreational use. The points I would like to draw the commission's attention really have to do with the nature of the topography and the associative vegetation. *(Exhibit B)*

Clearly the two areas that are the largest, contiguous large parcels with relatively flat area where little vegetation would need to be destroyed, most suitable for active recreation; soccer fields, baseball fields, etc., are in parcels 14 and 15. Those are the most suitable large areas. If a park is adjacent to the school, parcel 14 is the better choice for a contiguous 20 acre park, if that school site is an elementary site. If that school site is an elementary school through Junior High it will require a larger parcel which will take up most of 14. One of the other will fill up that entire area. The logical area if the park and the school is a Junior High would be 14 next to

15. Looking at the topography those are the two largest contiguous areas that most suit themselves for large recreational facilities. The question is; is that the intent of this park? In contrast if you look at the area to the west of Monte Sol, that area is completely unsuitable for several reasons. There are pretty steep drainage and filled with piñon – junipers and most of the vegetation would have to be removed and it is also bisected by power lines. You really can't consider ball fields under power lines. It is incumbent upon the applicant and the considerations to insure that those areas that are most suitable in fact be selected for recreation in this park. The caution for consideration would be that the potential exists in looking at adjacent smaller parcels in this larger area and in the future adding up to the 20 acre parcel, they could be lots of smaller areas. I think Parks & Recreation has offered some really good possibilities to the trails. The only underscore statement that I would like to make is that you consider closely what the landscape conditions are that lend themselves to what is being requested in the conditions and that flatter areas that are less vegetated are clearly more suitable for a 20 acre park.

Public Hearing Closed

Commissioner Mier asked Mr. Siebert to show him the area where the charter school is. The map that I have is showing hard lines intersecting the parcel immediately to the left. My concern is what uses that parcel to the left of the proposed expansion of that school when you really can't do much with it. Yet you are saying if we were to negotiate the parcel that is acquired from the far right that you would take 7 acres from the far right from the parcel that is being considered. So we are giving up good property to acquire 7 acres over there but then we have the property that is on the left that is intersected by a power line that we can't do much with. Is that a fair statement?

Mr. Siebert: No. (*Handout*) A diagram of two parcels, the first one indicates what could be accommodated here we need additional land and this is why we allocated it to the south of the current boundary. They can accommodate a regulation soccer field and actually even a ball field. So the answer is, yes we can accommodate that and we would have to do some grading as pointed out. This terrain is not flat. There is no flat terrain on Las Soleras it is mostly all rolling hills. Regarding the issue on the 20 acres, the staff felt that the way to comply literally with the condition was to provide a 20 acre consolidated park. The problem with complying with that literal condition is it doesn't necessarily really satisfy the real potential for recreational facilities in Las Soleras. This is the reason we provided a more flexible approach.

Commissioner Spray: Question for Heather; in the packet that we got today we had a new Exhibit E, is that equivalent to Exhibit D9 – as marked by the city staff.

Heather: I mentioned a revised map in my presentation, I failed to mention that the revised map is what is now recommended to exclude the flood way. Nothing is buildable in a flood way, it was deemed important to exclude that portion and only include the flood fringe.

Commissioner Spray: The drawing that Mr. Siebert held up is the colored map. The 5.73 acres is the open space south of the boundary.

Heather: The 5 acre open space was always contemplated as part of the Las Soleras plan. There was a discussion between staff as to whether open space could be converted to active recreation, and it was determined by the Land Use Director that it could be considered.

Commissioner Spray: On 14-15, are those areas we want them to work in later for recreational purposes?

Heather: That is correct, the opportunity to compliment the different school facilities in area is a good opportunity.

Commissioner Spray: All things being considered, the schools did not do anything. At some time in the future, the cross section for the park would be the 20 acres.

Ms. Lamboy: If there is nothing done by the applicant nor the schools the park will remain the same.

Commissioner Spray: Question for Mr. Siebert, can you point out the lots you are talking about as play fields.

Mr. Siebert: Diagonal line across – high voltage line that goes right through here.

Commissioner Spray: Would the baseball and soccer field fit in the 5.73 acres?

Mr. Siebert: No, it would not fit.

Commissioner Villarreal: I was wondering if the school decides to expand would the primary use of that park be for the school or would it be multi-purpose for the new community, Nava Ade or any other user from other trails.

Mr. Siebert: We have had several meetings with the schools and public parks and the intent of the schools is to enter into a joint agreement for recreation and they want to enter in to a joint agreement for joint use of that park. Schools now are being designed to accommodate that. What they do is they take the recreation area and put a one sided building right next to the park and that area can be sequestered from the rest of the school. There is one other instance at Atalaya school, so it isn't something new, it would just be expanded.

Commissioner Villarreal: The maps you provided to us did not show the linkage to the Nava Ade trails, is that just an oversight or maybe in the future will they be added to the maps so we can see them?

Mr. Siebert: [Showed the linkage on the map.] It was actually an oversight.

Commissioner Villarreal: I believe there are 3 trails in Nava Ade that could link up.

Mr. Siebert: I believe there is only one that can link up.

Commissioner Villarreal: I remember that staff had mentioned that there was a requirement to work with public schools, parks and recreation and I would like to add an additional partner which is the MPO and have that as a requirement and have language to have them included as they know where the linkage makes sense. I believe these are possibilities for linkage, and I would like to add that MPO be a part advisor to look at future connections when more information is provided from the school

Mr. Siebert: We have met with the consultant Tim Rogers from the MPO and we have included them in this process already.

Commissioner Spray: What are we suppose to be approving – 20 acre park, have we established that the 20 acre part is in this area.

Heather Lamboy: The request is for a discreet 20 acre park as it is drawn in the cross hatched area with a condition that would enable for the exchange of land as long as it is a total of 20 acres in maintained in addition to the existing planned park plan. *The Amendment including the MPO's is accepted as a friendly amendment.*

Commissioner Villarreal: Is there a reason why we are approving this tonight for the developer or are there other reasons we don't know tonight, more so since the school matter hasn't even been decided.

Heather Lamboy: The reason is that the applicant cannot proceed in any further manner with the development review process without having this established in some manner or another. The Council has put them between a rock and a hard place because even to get a site development permit, it is not possible. The applicant would like to do proceed planning for the initial parcels and cannot do so until the park issued has been resolved.

Commissioner Spray if someone could give appropriate language on how to word the motion.

Tamara Baer: A point of clarification, there are two separate proposals; one would be to approve the park location as shown, 20 acres discreet, done. And the alternative to that would be to do that and to give staff the authority to reallocate portions of that 20 acres to other parts of the site which have been described and delineated as well as those other portions of the property come forward for development. So it is two part. Your options would not to give staff that authority and just to go with the 20 acres and that is it and if they wanted to move any of that space anywhere else they would have to come back with a different proposal alternatively. We just feel that there are so many moving parts and so many unknowns in Las Soleras in terms what will be developed in what parcels at what time that we felt that flexibility was in order so we are asking for your approval to reallocate portions of the 20 acres for active park space in other areas of Las Soleras as we go forward with staff as administrative approval.

Commissioner Spray: So that is the additional 20 acres?

Ms. Baer: There is an existing 21 acre park that is approved as part of the Master General Plan and annexation agreement, this had nothing to do with that. We will not be using any of that for the exchange of the additional 20 acres. The council, at the last minute, added this condition that they had to give us an additional 20 acres of active park land and they had to work with staff to locate that park land with the approval of the Planning Commission before they could go forward with any part of their development.

Ms. Baer said that what is before the Planning Commission tonight is the issue of locating that park land. One way to do that is to draw a line and say this is where it is and you can't move it. Alternatively you can say we are locating it in this space but we are giving staff the authority to reallocate portions of it into these other spaces as they become available.

Commissioner Hughes asked if in the motion would the flood fringe?

Ms. Baer: The flood fringe is developed for park land the flood way is drawn in.

Commissioner Mier: If this Commission agrees to approve the location of the park within those 20 acres and that is the motion that is approved, that staff can come back to us if they want to discuss the relocation of other parcels which might enhance the recreational capabilities of this development. There is nothing to prohibit it?

Ms. Baer: That is correct.

Commissioner Mier: We don't necessarily have to say to staff, we are going to approve this 20 acres but then we are also going to approve your negotiating the open space. Personally I would like to see them come back to us and say, you have approved this 20 acres but we would like very much for you to consider part of the arroyo as trails, or whatever comes out of it. Is that a fair statement?

Ms. Baer: Not entirely, as the different portions of the property come back for development plan review you would see it at that time.

Commissioner Mier: It would already basically be a done deal because staff would have negotiated the open space and the parcels s they would have the authority as given by this commission.

Ms. Baer: it certainly would be in your purview to override or disapprove this.

Commissioner Mier moved to approve the 20 acre segment as proposed and give staff the option to come back to reallocate; second by Commissioner Hughes.

Discussion:

Heather Lamboy: I wanted to seek clarification of Commissioner Mier's motion, the intent of Commissioner Mier's motion is to state that staff come back if there is an exchange of land that it has to come back for Planning Commission review. The only difference would be from what is before you, the revised drawing and the condition is that it would have to come back for Planning Commission review instead of Administrative review.

Commissioner Mier: Correct

Commissioner Villarreal clarified that the reason for her Friendly Amendment on MPO'S is because she feels that with staff expertise, city Parks expertise and MPO's that they can make the right decision for the public vs. the commission. It takes a lot of time to listen to these changes. I feel confident in the staff and my friendly amendment not to have to hear this if there are any adjustments in the future.

Commissioner Mier accepted the friendly amendment from Commissioner Villarreal.

Commissioner Montes: I want to go on the record by saying that I get the feeling that we are doing this not to delay the developer. That should not be this body's main motivation. We should make sure that the school, the community and everybody is on board.

Commissioner Mier: I believe everyone is on board as stated earlier. I see no point in delaying this further.

Commissioner Spray would still like to have the friendly amendment that requires the review to come back to the Planning Commission.

Clarification as it stands: The motion as it stands is to accept the 20 acre segment and to allow staff to make the administrative changes

Call for the Question:

3 - No

Commissioners Montes, Villarreal and Spray

3 – Yes

Commissioners Hughes, Ortiz and Mier

The Chair voted in the affirmative. Motion carried.

2. **Case #2010-139. 517 St. Francis Rezoning and Variance.** Darren Branch, agent for Annette Garcia, requests rezoning of .10± acres of land from R-8 (Residential, 8 dwelling units per acre) to C-4 (Limited Office and Retail District). The application also includes a variance request from Section 14-7.4(D)(4)(e), landscape buffer requirements for non-residential uses abutting developed residential uses. (Donna Wynant, case manager)

Postponed at the request of the applicant until next Planning Commission Meeting.

G. BUSINESS FROM THE FLOOR

None

H. STAFF COMMUNICATIONS

Ms. Baer: I wanted to report back that the hearing officer and upheld the decision on stagecoach, his recommendations will now go to the city council and see if they want to hear or accept the decisions of the city council

I. MATTERS FROM THE COMMISSION

Ms. Renee Villarreal introduced herself, she is a Community Planner for Santa Fe County. She stated that she does not work directly with development review, she works on community plans for future growth. There is a learning code since the county code is different from the city code.

Commissioner Mier: I would like to ask that when we have a public hearing, that we are unable to gain the input from the city police, that is a sad statement to make publicly. I would ask the chair to draft a letter to the City Manager asking our Chief of Police to participate actively.

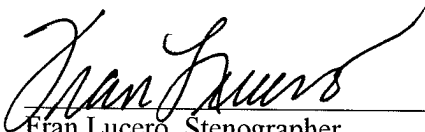
Heather: I worked for the City of Santa Fe in the Historic Preservation, in the interim I have lived in Colorado and have 3 kids, I was with the Hillsborough Planning Commission in Florida, which was long range planning. I learned a lot and provided balance. I have experience in redevelopment and am glad to be back in NM. It is going to be fun, I look forward to working with all of you.

J. ADJOURNMENT

There being no further business to come before the Planning Commission, the chair adjourned at 8:30 pm

Signature Page:

Chair Signe Lindell



Fran Lucero, Stenographer