



Agenda

CITY CLERK'S OFFICE

DATE 3-1-11 TIME 4:30

SERVED BY Rosalva Garcia

RECEIVED BY [Signature]

AMENDED

PLANNING COMMISSION

March 3, 2011 – 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: February 17, 2011

FINDINGS/CONCLUSIONS:

Case #2010-177. Wolf Preliminary Subdivision Plat.

E. OLD BUSINESS

1. Case #2010-173. *Corazon Santo General Plan Amendment.* Monica Montoya, agent for Anasazi MVJV LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 2.41± acres of land from Residential Low Density (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) **(POSTPONED FROM JANUARY 6, 2011 AND JANUARY 20, 2011)** **(TO BE POSTONED TO MAY 5, 2011)**
2. Case #2010-174. *Corazon Santo Rezoning to MU.* Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 2.41± acres of land from R-2 (Residential, 2 dwelling units per acre) to MU (Mixed Use). The application includes a Development Plan for mixed use for up to 24 residential units and up to 21,000 sq. ft. of commercial space. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) **(POSTPONED FROM JANUARY 6, 2011 AND JANUARY 20, 2011)** **(TO BE POSTONED TO MAY 5, 2011)**
3. Case #2010-175. *Corazon Santo Rezoning to R-7.* Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 6.28± acres of land from R-2 (Residential, 2 dwelling units per acre) to R-7 (Residential, 7 dwelling units per acre). The application includes a Development Plan for 46 residential lots. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) **(POSTPONED FROM JANUARY 6, 2011 AND JANUARY 20, 2011)** **(TO BE POSTONED TO MAY 5, 2011)**

4. **Case #2010-176.** ***Corazon Santo Preliminary Subdivision Plat.*** Monica Montoya, agent for Anasazi MVJV LLC, requests Preliminary Subdivision Plat approval for 46 lots on 6.28+/- acres located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) **(POSTPONED FROM JANUARY 6, 2011 AND JANUARY 20, 2011) (TO BE POSTONED TO MAY 5, 2011)**

F. NEW BUSINESS

1. **Case #2011-14.** ***Cielo Azul Annexation Ageement Amendment.*** Branch Design and Development, agent for EZMO, LLC, requests an amendment of the Annexation Agreement to reduce the required percentage of affordable housing units from 40% to 30%. The subdivision is located on the south side of Agua Fria between Calle Larranaga and Calle Nueva Vista, and consists of 40.749 acres, with 201 approved units, zoned R-6/PUD (Residential, 6 Dwelling Units per Acre/Planned Unit Development). (Heather Lamboy, Case Manager)
2. **Case #2010-191.** ***Scherer Preliminary Subdivision Plat.*** JenkinsGavin Design and Development, agent for Sky Scherer, requests Preliminary Subdivision Plat approval for 4 lots on 1.48± acres located at 623½ Garcia Street. The application includes a variance to street design standards. The property is zoned R-3 (Residential, three dwelling units per acre) and is in the Downtown and Eastside Historic Overlay District. (Donna Wynant, Case Manager) **(POSTPONED FROM FEBRUARY 17, 2011) (TO BE POSTPONED TO APRIL 7, 2011)**
3. **Case #2010-163.** ***The Pavilion Office Complex Development Plan.*** Santa Fe Planning Group Inc., agent for Richard Cook, requests Development Plan approval for approximately 42 buildings on two parcels of land totaling 371.20 acres; 86 acres zoned C-2 (General Commercial) and 285 acres zoned BIP (Business/Industrial Park). The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager) **(POSTPONED FROM JANUARY 20, 2011 AND FEBRUARY 3, 2011)**
4. **Case #2011-05.** ***The Pavilion Final Subdivision Plat.*** Santa Fe Planning Group Inc., agent for Richard Cook, requests Final Subdivision Plat approval for 34 lots on 371.20 acres, of which 8 lots are in the C-2 portion of the project and 26 lots are in the BIP portion of the project. The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager)
5. **Case# 2011-01.** ***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 0.84± acres from Community Commercial to Medium Density Residential; 2.10± acres from Mixed Use Transitional to Medium Density Residential; and 4.68± acres from Low Density Residential to Medium Density Residential. The property is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, Case Manager) **(TO BE POSTPONED TO APRIL 7, 2011)**

6. **Case #2011-02. Purple Horizon Mobile Home Park Rezoning.** James W. Siebert, agent for Purple Horizon Properties, LLC, requests rezoning of 7.62± acres from R-3 (Residential, Single Family) to MHP (Mobile Home Park). The application includes a Development Plan for 44 modular home spaces for senior housing. The property is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, Case Manager) **(TO BE POSTPONED TO APRIL 7, 2011)**

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.**



Agenda

CITY CLERK'S OFFICE

DATE 2-11-11 TIME 1:20 PM

SERVED BY [Signature]

RECEIVED BY [Signature]

PLANNING COMMISSION

March 3, 2011 – 6:00 P.M.

CITY COUNCIL CHAMBERS

A. ROLL CALL

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C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

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Case #2010-177. Wolf Preliminary Subdivision Plat.

Case #2010-191. Scherer Preliminary Subdivision Plat.

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Index Summary of Minutes
Santa Fe Planning Commission
March 3, 2011

INDEX	ACTION TAKEN	PAGE(S)
Cover Page		1
Call to Order	Chair Lindell called the meeting to order at 6:00 pm	2
Roll Call	A quorum was declared by roll call, 1 excused absence.	2
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Montes.	2
Approval of Agenda Staff Changes: Amended Agenda – Case #2010-173, 2010-174, Case #2010-175 and Case #2010-176 to be postponed to May 5, 2011. Case #2011-02, Purple Horizon Mobile Home Park rezoning to be postponed to April 7, 2011.	<i>Commissioner Mier moved to approve the agenda as amended, second by Commissioner Villarreal, motion carried by unanimous voice vote.</i>	2
Approval of Minutes MINUTES: February 17, 2011 FINDINGS/CONCLUSIONS: <u>Case #2010-177. Wolf Preliminary Subdivision Plat.</u> Page 14-15: Corrections: night-sky ordinance should be: dark sky ordinance	<i>Commissioner Bordegaray moved to approve the minutes as corrected, second by Commissioner Spray, motion carried by unanimous voice vote.</i> <i>Commissioner Mier moved to approve Findings/Conclusions for Case #2010-177, second by Commissioner Ortiz, motion carried by unanimous voice vote.</i>	2-3
OLD BUSINESS 1. <u>Case #2010-173. Corazon Santo General Plan Amendment.</u> Monica Montoya, agent for Anasazi MVJV LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 2.41± acres of land from Residential Low Density (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south and	Postponed	2-3

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Santa Fe Planning Commission
March 3, 2011

<p><i>west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)</i> (POSTPONED FROM JANUARY 6, 2011 AND JANUARY 20, 2011) (TO BE POSTONED TO MAY 5, 2011)</p> <p>2. <u>Case #2010-174. Corazon Santo Rezoning to MU.</u> Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 2.41± acres of land from R-2 (Residential, 2 dwelling units per acre) to MU (Mixed Use). The application includes a Development Plan for mixed use for up to 24 residential units and up to 21,000 sq. ft. of commercial space. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) (POSTPONED FROM JANUARY 6, 2011 AND JANUARY 20, 2011) (TO BE POSTONED TO MAY 5, 2011)</p> <p>3. <u>Case #2010-175. Corazon Santo Rezoning to R-7.</u> Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 6.28± acres of land from R-2 (Residential, 2 dwelling units per acre) to R-7 (Residential, 7 dwelling units per acre). The application includes a Development Plan for 46 residential lots. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) (POSTPONED FROM JANUARY 6, 2011 AND JANUARY 20, 2011) (TO BE POSTONED TO MAY 5, 2011)</p> <p>4. <u>Case #2010-176. Corazon Santo</u></p>		
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Santa Fe Planning Commission
March 3, 2011

<p><i>Preliminary Subdivision Plat.</i> <i>Monica Montoya, agent for Anasazi MVJV LLC, requests Preliminary Subdivision Plat approval for 46 lots on 6.28+/- acres located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) (POSTPONED FROM JANUARY 6, 2011 AND JANUARY 20, 2011) (TO BE POSTONED TO MAY 5, 2011)</i></p>		
<p>New Business</p> <ol style="list-style-type: none"> <u>Case #2011-14.</u> Cielo Azul Annexation Agreement Amendment. Branch Design and Development, agent for EZMO, LLC, requests an amendment of the Annexation Agreement to reduce the required percentage of affordable housing units from 40% to 30%. The subdivision is located on the south side of Agua Fria between Calle Larranaga and Calle Nueva Vista, and consists of 40.749 acres, with 201 approved units, zoned R-6/PUD (Residential, 6 Dwelling Units per Acre/Planned Unit Development). (Heather Lamboy, Case Manager) <u>Case #2010-191.</u> Scherer Preliminary Subdivision Plat. JenkinsGavin Design and Development, agent for Sky Scherer, requests Preliminary Subdivision Plat approval for 4 lots on 1.48± acres located at 623½ Garcia Street. The application includes a variance to street design standards. The property is zoned R-3 (Residential, three dwelling units per acre) and is in the Downtown and Eastside Historic Overlay District. (Donna Wynant, Case Manager) (POSTPONED 	<p><i>Commissioner Hughes moved for approval of Case # 2011-14 with staff recommendations, second by Commissioner Spray. Roll Call Vote: Motion carried with a vote of 6-1.</i></p>	<p style="text-align: center;">3-20</p>

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<p>FROM FEBRUARY 17, 2011) (TO BE POSTPONED TO APRIL 7, 2011)</p> <p>3. <u>Case #2010-163.</u> The Pavilion Office Complex Development Plan. Santa Fe Planning Group Inc., agent for Richard Cook, requests Development Plan approval for approximately 42 buildings on two parcels of land totaling 371.20 acres; 86 acres zoned C-2 (General Commercial) and 285 acres zoned BIP (Business/Industrial Park). The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager) (POSTPONED FROM JANUARY 20, 2011 AND FEBRUARY 3, 2011)</p> <p><u>Case #2011-05.</u> The Pavilion Final Subdivision Plat and <u>Case #2010-163.</u> The Pavilion Office Complex Development Plan will be heard together with an individual vote on each.</p> <p>4. <u>Case #2011-05.</u> The Pavilion Final Subdivision Plat. Santa Fe Planning Group Inc., agent for Richard Cook, requests Final Subdivision Plat approval for 34 lots on 371.20 acres, of which 8 lots are in the C-2 portion of the project and 26 lots are in the BIP portion of the project. The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager)</p> <p>5. <u>Case# 2011-01.</u> Purple Horizon Mobile Home Park General Plan Amendments. James W.</p>	<p><i>Commissioner Mier moved to postpone this action to the next city Planning Commission meeting, (2 weeks from tonight) and give the developer and staff an opportunity to meet with all interested parties, second by Commissioner Villarreal, motion carried by unanimous voice vote.</i></p>	
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<p>Siebert, agent for Purple Horizon Properties, LLC, requests General Plan Future Land Use map amendments to change the designation of 0.84± acres from Community Commercial to Medium Density Residential; 2.10± acres from Mixed Use Transitional to Medium Density Residential; and 4.68± acres from Low Density Residential to Medium Density Residential. The property is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, Case Manager) <i>(TO BE POSTPONED TO APRIL 7, 2011)</i></p> <p>6. <u>Case #2011-02. Purple Horizon Mobile Home Park Rezoning.</u> James W. Siebert, agent for Purple Horizon Properties, LLC, requests rezoning of 7.62± acres from R-3 (Residential, Single Family) to MHP (Mobile Home Park). The application includes a Development Plan for 44 modular home spaces for senior housing. The property is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, Case Manager) <i>(TO BE POSTPONED TO APRIL 7, 2011)</i></p>		
Business from the Floor	None	20
Communications from Staff	Informational	20
Matters from the Commission	<i>Informational Notices</i>	20
A. ADJOURNMENT AND SIGNATURE PAGE	There being no further business to come before the Planning Commission, the meeting was adjourned at 8:30 pm.	20-21

MINUTES

PLANNING COMMISSION

March 3, 2011 – 6:00 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER:** The Planning Commission meeting of March 3, 2011 was called to order by Chair Lindell at 6:00 pm in the City Council Chambers, Santa Fe, New Mexico. The stenographer called the roll and a quorum was declared.

Present:

Signe Lindell, Chair
Ken Hughes, Vice Chair
Tom Spray
Angela Schackel Bordegaray
Renee Villarreal
Lawrence Ortiz
Mike Mier
Ruben Montes

Absent:

Estevan Gonzales, Excused

Staff Present:

Kelley Brennan, City Attorney
Tamara Baer, Planning Director
Heather Lamboy
John Griego, Technical Review Division
John Romero, Traffic Engineer

Others Present:

Keith Wilson, Metropolitan Planning Organization
Fran Lucero, Stenographer

B. PLEDGE OF ALLEGIANCE

Commissioner Montes led the Pledge of Allegiance.

C. APPROVAL OF AGENDA

Staff Changes: Amended Agenda – Case #2010-173, 2010-174, Case #2010-175 and Case #2010-176 to be postponed to May 5, 2011. Case #2011-02, Purple Horizon Mobile Home Park rezoning to be postponed to April 7, 2011.

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

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: February 17, 2011

FINDINGS/CONCLUSIONS:

Case #2010-177. Wolf Preliminary Subdivision Plat.

Commissioner Bordegaray moved to approve the minutes as corrected, second by Commissioner Spray, motion carried by unanimous voice vote.

Commissioner Mier moved to approve Findings/Conclusions for Case #2010-177, second by Commissioner Ortiz, motion carried by unanimous voice vote.

E. OLD BUSINESS

1. **Case #2010-173. Corazon Santo General Plan Amendment.** Monica Montoya, agent for Anasazi MVJV LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 2.41± acres of land from Residential Low Density (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) **(POSTPONED FROM JANUARY 6, 2011 AND JANUARY 20, 2011) (TO BE POSTONED TO MAY 5, 2011)**
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The Chair reconfirmed with Ms. Baer that this case would be going back to City Council; Ms. Baer confirmed that was correct.

Ms. Lamboy stated that the second property was annexed in June, 2006 with approval in December 2006, the plat was approved in December 2006 and approval was extended in January 2009. It was automatically extended again with Council Resolution 2010-34. Due to the economy being down an additional extension has been granted. The site is located between Agua

Fria Street and Rufina Street with Lopez Lane being to the east and Jemez to the west. The site is approximately 40.79 acres and in 2006 it was approved for 222 units. When rezoned, City Council sent a condition requiring 40% affordable housing. What is being considered this evening is bringing it back to that 30% which would go from 89 to 67. Ms. Lamboy showed by projection that the red units demonstrated the affordable units and black demonstrated the affordable to market rate which were distributed through the complete subdivision. The additional 10% that was required by the city council in 2006 was required at income level 5. It is for those potential buyers who have 100-120% of the area median income. Prices range from \$210,250 (2 bedrooms) to \$262,750 (4 bedrooms). Applicants have stated that it is difficult to get financing. The conditions in commissioners' packets have been updated to reflect current code. There is also a condition on the Acequia, back in 2006 Phil Bove had looked at the Acequia Madre. He is requesting for preservation and restoration of that area and the applicant has agreed to Mr. Bove's request. As proposed related to the 30% reduction, this case does meet all Land Development Code requirements. Staff recommends approval with conditions. After Planning Commission, this case will be heard by the city council.

Applicant: Karl Sommer, Attorney, Mr. Greg Gonzales and Mark Ruhlman are the Principals who purchased this property from Mr. Fred Lopez.

Mr. Sommer, Mr. Gonzales and Mr. Ruhlman were sworn in.

*Karl H. Sommer, 200 West March Street, #142, Santa Fe, New Mexico 87504
Greg Gonzales, P.O. Box 2328, Santa Fe, New Mexico 87504
Mark Ruhlman, P.O. Box 2328, Santa Fe, New Mexico 87504*

In summary, Ms. Lamboy's presentation is very thorough and speaks about the history of the application. Essentially the market is telling us that we are at a competitive disadvantage with everything else in the market and the three prospects that have done thorough analysis on this property have chosen not to go out and develop it and they are big developers. It is for that reason we are asking for your consideration to put us on an even part with everyone else in the community.

Mr. Sommer stated that when this case came before the Planning Commission it was in compliance with the 30% requirements of the ordinance and when they got to the city council it was suggested that they accept 40% with the additional 10% being in the top tier. They thought it was doable and acceptable. Messrs. Gonzales and Ruhlman went out and tried to get this property marketed by local and national builders but this property was not attractive to someone who is going to do housing because of this requirement. Mr. Sommer said that it is not solely because of this requirement because there are many other factors and he did not want to over state it; but it is one element that puts this property at a competitive disadvantage. The result is this, no housing is getting built, no one is doing development on the property and this is not good for the Santa Fe Housing stock particularly in these price ranges. Mr. Sommer offered himself for questions and confirmed that the conditions as stated by Ms. Lamboy are acceptable to the applicant(s).

Public Hearing:

Sworn In: Linda Wilder Flat, 950 Huerta Del Sol, Santa Fe, NM

This is a pleasure, thank you for listening. I am the President for Las Acequias Association. Our community has 550 house which we have lots of special housing that has been put in to our community which I think is a very important part, especially being on the south side. What I am asking is twofold; 1) I did not get information about the beginning of this back earlier and I am requesting is as a neighborhood right near and going to be affected by more traffic and housing, how do they determine who receives notification?

Ms. Lamboy responded that they utilize the not only the data of the adjacent property owners within 200 feet of the subject property which is based on County Assessor data. In order to capture those people who might be tenants, we also mail a first class letter to residents so that if there is a tenant who is not a property owner they get notified as well. Finally, there is an e-mail to the neighborhood association as well as notification to the neighborhood association and we have a data base of neighborhood associations that is current as possible.

Ms. Flat stated, "So in other words those located around that area, is that what you are saying, get notified?" Ms. Lamboy responded, "That is correct." Ms. Flat stated that this is her 2nd year as President and she did not know where the information comes from and she will submit an update to the city. She has several neighbors who found out about it and they were concerned because their children go to the elementary down there.

Ms. Flat said, "I think we are concerned basically about another development happening with the overcrowding of the schools and there are a lot of people in that area. Was it considered about the schools and how that was going to affect the overcrowded schools already?"

Ms. Baer responded that she did not believe that at the time the project came through originally that it was a requirement that we notify schools but we now have an ordinance that Councilor Dominguez introduced. Ms. Baer said, "I can't say with any certainty whether anyone notified schools. If this was coming through now we would have contact with the school, but this was not true at the time. I would just reinforce that we are not considering the project we are only considering an amendment. The project was already approved at this density with this layout. The only thing before this commission this evening and will go to the City Council is the question of reducing the amount of affordable units from 40% to 30%."

The Chair informed the public that they did have a letter to Santa Fe Public Schools and they were made aware of this project. The date was not available and there was no response.

Mrs. Flat said she was trying to get herself updated and this was the reason for her questions. "In my view as a person who lives in that area I see a need for the 40% and I don't know if my voice makes any difference. There are many people in that area and if you look at the cost of housing today, I just question and realize that it might not be important to the gentlemen who are developing this, that it is difficult to sell it, so to speak. In my opinion and speaking for my Board we feel that 40% would be really awesome if it could stay that way. I believe there are many families that could be helped."

PUBLIC HEARING CLOSED

Commissioner Villarreal: Asked for clarification regarding the difference in financing a market rate home and affordable housing home and what makes it difficult for financing for those of us who aren't in the housing industry.

Mr. Sommer responded; "first of all the Chrysler Institute says that a house in \$260,000 is a market rate house and because of the restrictions involved in the affordable housing program you need to have certain people that qualify within that price range and then you have to find those people to sell them those houses. What we are doing is making these houses have no restrictions on them so people can pay between \$210,000 - \$260,000 without having to go through all the steps required for that process."

Mr. Sommer wanted to clarify that this answered the question; is there a difference in financing of the development and then housing. From a general standpoint when a bank looks at whether to lend money against a development loan on a project and then it is going to be taken out by

another loan, they look at all of the factors that go into that. They do a market analysis of how this property is going to be sold. This 10% has a restriction on it and as the market says, that is about the market rate now but it is restricted to a particular group of people in that income qualification bracket which lessens the available pool of people out there that can buy. It is a factor that goes in to the financing; it is not a factor that goes in to any other development. In the market rate with these numbers, \$210,000 - \$260,000, that is about where people who are not income qualified or restricted are able to buy at current market rates but these houses can't be sold to those people because they have the income restriction. That is the difference in the individual financing.

Commissioner Villarreal said that you are not going to have that housing difference, the 10% is gone so does that mean the market rate would replace this and if so does that mean that there is a possibility that you can still have it at those rates that tier 5 would fall under?

Mr. Sommer responded that what it would mean is that people will probably be buying houses at those prices. That is what the market is right now, it might be a little higher or a little lower in some places like if you have comparisons made like the other side of I-25 La Cantera. It is a subdivision in the county and is income restricted affordable housing component. They are doing market rate housing at the affordable price so the market for affordable housing is at the highest affordable rate right now. So the house is going to get sold at that but the question is who it is going to get sold to.

Commissioner Villarreal: That answers my question, no further questions for now.

Commissioner Hughes: Mr. Sommer, at the Planning Commission on January 15, 2009 I asked you the question if "they-you" would come back in 2 years and say that you still do not have funding. You said, "Mr. Sommer thought that would be highly unlikely. There is a huge incentive to get this done. The extension date lets lenders know that the plat is not rescinded and will hasten up the ability to obtain financing."

Mr. Sommer: At the time that is exactly what we anticipated. In the last 2 years with what has happened in this economy is that there has been an incredible restriction on credit, incredible inability to find, not only on the financing side or lenders but on the buyers side. So the availability of credit due to developments has changed in a manner that anyone anticipated.

Commissioner Hughes: That wasn't the case in January, 2009?

Mr. Sommer: No it wasn't, I think things have gotten 20 times worse and the credit availability has gotten a lot worse than it was then. I know that this is not just from the project but many other projects. On the other end, people who are able to go out and get a mortgage, that group of people have shrunk so it has been a double impact on a development like this. As you can see these are not designed to be a high end expensive, this is a housing stock that Santa Fe needs and it is not getting done. We anticipated, and when I say we I mean Greg, Mark and Jeff Branch who conceived this project and brought it this far and thought we would be able to get this done. At the time we came to you Greg and Mark had met with a lender who looked like they were ready to do the deal and then they walked.

Commissioner Hughes: We aren't going to see you in 2013?

Commissioner Mier: I understand the reasoning for the request to reduce from 40% to 30% because the 10% is specific to a unique group and only that group that falls under affordable housing umbrella would be able to purchase these homes. Restrictions make a lender as well as the developer nervous because you may not have the ability to move that 10%. My question is

this and I think this is what my fellow Commissioner was trying to ask, I think I heard this. I'm hearing you say is granted your proposal is that you are not going to increase the cost of this 10% of homes you are going to maintain that cost of what we consider affordable based on what we have before us this evening. But that is not going to be restricted to those who qualify for affordable homes. Is that what I am hearing?

Mr. Sommer: Yes, to be accurate and clear, the market rate is right now in that range of 210,000-260,000-280,000, which is what housing, is going for and if we could find someone who would buy it and sell those, we would do it. That would be the optimal of what the market would bear. We would anticipate that the pool of people who would be buying them would be greater. I want to be clear because I hear you saying something, "are we going to keep the price the same and agree to keep the price the same just not the income qualification", that is the way I understood your question.

Commissioner Mier: Are you inclined to do that.

Mr. Sommer: No.

Mr. Sommer: We are not building the houses; we have to find a builder to do that. Our direct competitor is Centex and right now the market rate homes are \$170,000 to \$270,000. That is what we would think the houses would sell for in that market area but I can't stand here and say or guarantee that those houses would be that price.

Commissioner Mier: So you are not telling this Commission that 10% of those homes that you will be selling would be sold at the affordable rate?

Mr. Sommer: We just want to be on par with everyone else in the community and not be penalized by 10%.

Commissioner Mier: I think we were hearing something differently initially, or at least I was.

Mr. Sommer: This is why I wanted to clarify that the market rate is at that level right now. I wasn't saying that they would guarantee that price and your question went right to that and this is why I am clarifying that.

Commissioner Mier: Karl what is the lowest rate right now.

Mr. Sommer: \$210,000 to \$262,000 in this tier.

Ms. Lamboy: The lowest price right now for affordable housing is \$105,000 for a 2 bedroom.

Mr. Sommer: I think the area median income in that area is 50% to 65%.

Commissioner Mier: What is the range of homes in totality in this sub-division?

Mr. Sommer: They go from 50 to 120 right now.

Commissioner Mier: What I am hearing is that the 10% would not necessarily sell at the market rate.

Mr. Sommer: That is correct.

Commissioner Spray: You had mentioned a couple of times that you, Greg and Mark had gone to developers and/or banks, would you have some more background on that.

Greg Gonzales: We put together a budget, there are fixed costs that get spread over the entire project, we have to put in the infrastructure. That is regardless of what we sell a single house for or if we sell any house. We go to the bank and we say we need \$3 million dollars to put in the road, put in the sewer, put in the water and they say OK, how are you going to pay us back. Then we go to a home builder and they say, if you guys can do all this we can build house x-y-z that is going to sell anywhere from, (they take in to account the affordable and they take in to account the market) and somewhere in what we sell the lot to the home builder and what he sells the lot to the end user the bank has to be assured that they are going to get their money back. Both on our part and the home builder part so there are two bank loans that have to get serviced here. We have to do the infrastructure which is the larger loan and then on each individual home the home builder has to take out a construction loan, build the home and be able to sell it and pay his debt. There is also the cost of the underlying land, so three banks have to rest assured that they get paid and that there is a large enough market and not restricted market that would buy these homes.

Commissioner Spray: I understand about the risks, what did those banks say?

Mr. Gonzales: The banks are saying that real estate right now is probably a higher risk just based on the foreclosure rates. They are saying that the bank regulators are cramping down on them, they have limits on what they can do on these types of things. There is not a bank that has come out and said; oh this is a bad idea. But they have other excuses on how they do their debt coverage ratio and calculate whether it is a significant risk to them.

Commissioner Spray: So would you say you have a commitment in writing from any one of those financial institutions right now that if the Commission and Council rescind the 40% and take that back to 30% that you will get the financing?

Mr. Gonzales: No, but I do have commitments from banks that say as one of other criteria that 40% is a negative to that project. I don't have a commitment that if we get this done today that a bank is going to come on tomorrow.

Commissioner Spray: Do you have a commitment from any home developer and did they raise that particular issue of the 30%?

Mark Ruhlman: I do have a verbal commitment but we don't have a contract commitment from a builder who is even concerned about the 30% let alone the 40%. We feel good about this particular builder and we feel like in the next year we will get this project off the ground.

Commissioner Spray: So it is all verbal, it is all in hope, and I understand that with the banks and the developer there is a longer list of things that need to be done.

Ms. Gonzales: I will say, for history purposes, we typically have gone out and annexed ground and zoned ground and sold that ground as paper lots to builders. The Centex project we did, we did the project behind Lowe's so we have provided a lot of housing for the community and this is another one that Centex had a contract for in 2005 and then the market began to slide and they bailed on us. It wasn't our intention to hold on to it this long anyhow but we have persevered and we want to bring housing in to the community and we believe that over the next 12 months things will begin to loosen up and the banks are starting to talk to us. We have even had discussions with banks in Albuquerque about potential financing and so we are feeling pretty good about the prospects of getting this project done.

Commissioner Spray: When you agreed to the 40%, can you describe what your thinking was at that time?

Mr. Gonzales: You know, we went to City Council and at the time there was some talk about the 100-120% being a need for requirement for people who fit in that mode. Basically it was presented to us at City Council that if we wanted to do this project this was going to be the condition. We really had no choice at that point. We thought we could pull it off; it just hasn't worked out that way. Plus, now that 100-120 they can go out and buy market lots and don't have to go through the hassle of doing all the paper work the soft seconds, etc., so at the time we had no choice.

Commissioner Montes: Questions for Heather Lamboy – Regarding the ENN, back on December 20th, evidently the people that were there expressed some concern about the storm water collection system and the potential runoff onto their properties and when I went to the DRT and read through the conditions of approval, I didn't find mention of those concerns. Did the city nullify that concern?

Ms. Lamboy: The concern was addressed in the development review process associated with the case that was handled back in 2006. The whole storm water collection system was engineered in 2006 and when this case was looked at it was found that there was no need to change those conditions, the situation on the ground was the same and it provided for 100 year storm situation and a very large drain easement.

Commissioner Montes: The letter from the Acequia Madre is dated February 28th and the last sentence of the first paragraph talks about the acequias will have to be uncovered in using maps and aerial photographs of the exact acequia locations determined and the acequias cleaned out and list 1, 2, 3 and the routes of the acequias that are being designated as ancient acequia route. How were you responding to that since you just received this on Monday?

Ms. Lamboy: I did share that letter with the applicant and I believe that the placement of the fill on the acequia was an accident, quite honestly. They understand that this is a significant cultural resource and it has to be preserved and there are also conditions associated with the archaeological review dating back to 2006. I am coordinating with David Brash on this issue.

Commissioner Montes: Will this need to be added on as a condition of approval.

Ms. Lamboy: Yes, Commissioner.

Commissioner Mier: On the site plan that we see before us, where is the acequia located?

Ms. Lamboy: It is very difficult to see the location on the overhead.

Commissioner Mier: Was that taken into consideration when the site plan was developed?

Ms. Lamboy: Yes, that is correct. There are lots that lay over most of the acequia, mostly because it is an ancient acequia, not potentially a working acequia. Mr. Bove considered that it would be best to have interpretive signage, he did not deem it necessary to retain all of the acequia.

Chair Lindell: First of all I would like to see new affordable housing be started. I would agree that Tier 5 at this point in time are not only at market price but are over market price. A 2 bedroom at \$210,000, your competitor down the road is selling a brand new house for \$170,000. I know that this is tough. I have a couple of questions regarding your affordable agreement with the city. One of them being, is there an equity sharing clause in that agreement?

Mr. Sommer: Let me see if I understand that question. Is the equity sharing between the owner and the city on the increase in the equity. I believe that the ordinance at the time has that in the

hot lean to have this equity sharing in ratio to whatever the lean was at the time. Whatever the lean required at that time is incorporated in our agreement.

The Chair said she did not see it.

Mr. Sommer said it would show up in the lean itself not the affordable housing agreement. When they come to the city, whatever form of lean they were doing at the time; that is where the requirement would show up.

Chair Lindell: Sometimes developments have negotiated that they don't have this.

Mr. Sommer: We didn't have that.

Chair Lindell: In the agreement, Exhibit A in the affordable housing section for Cielo Azul. At the bottom of Exhibit A there is a matrix that says, "Minimum family size". Typically in affordable housing you are allowed to buy one more bedroom than your household size and this does not indicate that.

Mr. Sommer: The numbers that are in those locations were provided to us by city staff at the time, we didn't have any particular preference one way or other at the time. These do not comport with current standards in terms of household size. We have no objection to changing those so they do comport with current standards.

Chair Lindell: That would be to your benefit.

Mr. Sommer: Certainly, it would get more people into housing.

Chair Lindell: Ms. Lamboy, do you have a comment on that?

Ms. Lamboy: With reference to the number of bedrooms and the household size, that is based on the code. I spoke to Nicholas Schiavo, the Acting Director from Housing Community Development who said that the reason being is they want to make sure that family's can get in to these units. He did say that they have a waiver process so that if there is a need for somebody to go up in a unit, they have a process in which they waive that requirement to get somebody into a house.

Chair Lindell asked staff to re-check that. I think the ordinance allows a family of 2 to buy a 3 bedroom home and this should be looked at and correctly reflect that.

Mr. Sommer: We have no objection to changing that to meet the standard if it makes it more available.

Commissioner Bordegaray: On that note, that is an interesting issue and I would echo the need to find out. Thank you to the Las Acequias Homeowners Association President for being here tonight and availing herself of the opportunity to engage and get information. I also found it refreshing to hear of a neighbor in support of affordable housing. I am not a home financing expert or affordable housing expert but I am a planner and planners are trained to create options for living arrangements and while I see the need for increasing affordable housing in Santa Fe which our city has capably done I also see the need for making it possible for projects to be built and that is where this case lies for me. We have regulations and a market that we have to balance.

Chair Lindell: In eliminating this class of affordable homes, the developer will be responsible for some additional costs. Probably some additional costs of permits, some utility hook-ups and will it involve bringing more water rights.

Mr. Sommer: Yes, it will involve bringing more water rights.

Ms. Lamboy: Chair Lindell, that is correct. I have checked with Antonio Trujillo from Sangre de Cristo Water Company and the water rights, they have sufficient water rights even at 30%.

Commissioner Hughes moved for approval with staff recommendations, second by Commissioner Spray. Roll Call Vote: Motion carried with a vote of 6-1.

2. **Case #2010-191. Scherer Preliminary Subdivision Plat.** JenkinsGavin Design and Development, agent for Sky Scherer, requests Preliminary Subdivision Plat approval for 4 lots on 1.48± acres located at 623½ Garcia Street. The application includes a variance to street design standards. The property is zoned R-3 (Residential, three dwelling units per acre) and is in the Downtown and Eastside Historic Overlay District. (Donna Wynant, Case Manager) **(POSTPONED FROM FEBRUARY 17, 2011) (TO BE POSTPONED TO APRIL 7, 2011)**
3. **Case #2010-163. The Pavilion Office Complex Development Plan.** Santa Fe Planning Group Inc., agent for Richard Cook, requests Development Plan approval for approximately 42 buildings on two parcels of land totaling 371.20 acres; 86 acres zoned C-2 (General Commercial) and 285 acres zoned BIP (Business/Industrial Park). The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager) **(POSTPONED FROM JANUARY 20, 2011 AND FEBRUARY 3, 2011)**

Case #2011-05. The Pavilion Final Subdivision Plat and Case #2010-163. The Pavilion Office Complex Development Plan will be heard together with an individual vote on each.

Ms. Lamboy presented the following information for Commission consideration:

- March 2010
 - Annexation
 - General Plan Amendment as well as
 - Rezoning
- January, 2010
 - Preliminary Subdivision Plat
- February 2010
 - City Council approval for Jaguar Road Extension from the overpass to the Pavilion development
 - Pavilion is currently in permitting process with NMDOT for overpass
- Site is located between the Santa Fe Municipal Airport and NM 599
- Site area total 371.20 acres
- 86 acres will be zoned for general and commercial use, C-2
- 285 acres will be zoned for the Business Industrial Park (BIP)
- Entitlements sought with the Development Plan include:
 - 181,442 square feet of commercial uses proposed in the C-2 portion
 - 864,963 square feet of uses proposed in the BIP portion.

Comment: The reason the applicant is providing such a detailed development plan for such a large site is because they would like the site to be permit ready so that when a user comes along they would only need to apply for a building permit.

There are approximately 40 buildings on the site.

- Development Plan is broken into four phases
 - 15-year build out

- Improvements include the extension of Jaguar Drive, construction of Pavilion Loop, and the construction of a trail network
 - 3 conservation easements over archaeological sites.
- Traffic and Circulation:
 - Developer Responsible for:
 - Construction Jaguar Drive Extension
 - Public access point will be off of NM599 Overpass along Jaguar Drive to Pavilion Loop
 - There will be an emergency access road that will go by way of Cuerno Vaca Road that will connect to CO. Rd. 54
 - Transit stops and pedestrian enhancements, including trails
 - They have received archaeological clearance (in packet)
- Architectural Design Guidelines, the general style will be Northern NM and Territorial revival style
- Landscape Design Guidelines
- Covenants, Conditions, and Restrictions (CCRs)
- Business Owner Association (BOA)
- Maintenance Agreement with the City regarding Wastewater Life Stations
- Issue #1:
 - Pedestrian Circulation – The Metropolitan Transportation Plan for 2010 to 2035 discusses the importance of transportation options that have been acknowledged the Pavilion through the creation of the trail system. As part of the council condition back when this property was annexed into the city they required that there must be a connection to Tierra Contenta.
 - Developer must provide trail connection to Tierra Contenta
 - Staff proposes construction of trail to Pavilion property line
 - Developer provides financial contribution for sub-grade crossing under NM599
 - Developer dedicates trail to the City of Santa Fe upon completion of construction
- Issue #2
 - Emergency Access Road
 - Cuerno de Vaca, connects to County Road 54
 - 50-foot Public Access and Utility Easement
 - Unimproved roadway
 - Currently maintained by property owners
 - Note on plat removes dedication to County
 - Developer proposed improving the roadway to meet fire access standards, maintain roadway
 - Gated entrance with Opticom system, no public or construction access
- Issue #3
 - Technical Review
 - Flood Plain has been updated, prior to construction a Conditional Letter of Map Revision (CLOMR) is required
 - Stormwater Ponds need to be clarified
 - Stormwater should be managed on each lot
 - Additional Task
 - Operation and Maintenance Agreement for Lift Stations must be approved by Finance, Public Works, and City Council prior to recording
 - Applicant working with Stan Holland to begin process

Staff recommends approval with the conditions outlined in the report.

1. Trail Connections – Arroyo Chamiso and NM 599

2. Emergency Road Access
3. Stormwater Management, Floodplain
4. Wastewater Agreement

This concludes Ms. Lamboy's staff presentation.

Applicant: Scott Heff, Santa Fe Planning Group, 109 St. Francis Drive, Santa Fe, New Mexico

I concur with the presentation by Heather Lamboy; I believe it is accurate and we have been working on the conditions to satisfy the concerns that we have had to deal with in the last several weeks.

- 1) Over the last several weeks we have been working with a variety of agencies such as Solid Waste Management. We met with Randall Marco and essentially had to revise every dumpster location for recycling on the project. The new policy is to have a dumpster plus recycling dumpster next to every single lot. All the 28 lots were revised for recycling dumpsters and I believe Randall was satisfied with the plan.
- 2) Transit, we worked with Santa Fe Trails to determine the number of bus stops on this property. Our first plan only had a few and we beefed it up pursuant to their recommendation, we now have 5. We had a meeting with them last week and we may need to beef it up again pursuant to more things we are working through. They are saying that they may want a clockwise and counter clockwise rotation. The work with transit is evolving and they are working out their routes as well. Before we record the development plan we will know how many bus stops are needed on the project.

This is a fairly complicated project from an engineering standpoint and development standpoint.

Emergency Access: We had a meeting with the neighbors to understand the concerns regarding the emergency access roads and to further discuss our intentions for that road. We provided Ms. Lamboy additional information on this revised condition this afternoon; I'm not sure how many of the neighbors are aware of this information. This afternoon, pursuant to the discussions, this will be used for emergency access only, it will have a gate with opticom which is pursuant to the sounds of siren it will open. The County Fire Marshal said they don't have an opticom, the main point is that the gate will be locked at all times. The Fire Departments will have access to the box at all times to open it. The maintenance was the next concern; once we get it improved how are we going to maintain it. The issue with the county was that they would only take over the maintenance if we would pave it and we don't have any intentions of paving it. The neighbors don't want it paved either. The road is part of our business association and we will have a schedule of maintenance on the road, it will be inspected regularly. It will be part of the dues that our business owners will share in the maintenance of that road. The Fire Marshal for the City has said if they do an inspection we will need to do maintenance within 5 calendar business days which we concur with.

The points I would like to get on the record consistent with the meeting I had with the neighbors and that doesn't necessarily reflect in the conditions, I want to relate our earnestness in tackling this issue is one. Designing in a vacuum to improve the emergency access road; we need to develop a plan an engineering set of drawings. Rather than doing that in a vacuum, once we get the plans to a certain level, we will sit down with the neighbors and show them what we have accomplished and welcome their input mostly related to drainage, and we would be more than happy to do that.

The last component is how are we going to guarantee that we are going to do what we say we are going to do over the life of the project. We have agreed to a lot of the language on the plats and it is in our development plan and CC&R by-laws and we would share those documents with them prior to recording so they can take a look and know that they are consistent with what we have said. That wasn't quite handled in the condition and if we want to revise the condition we can. What I wanted to do this evening was to convey the message that we are earnest in our attempt to make this right. The emergency access

road is to the west. I want to make reference to the subject road, what I want to highlight is the access to I-25, that is something we have placed on the plan pursuant to the MPO study that was completed last year, it was the corridor study. The land between our site and the highway is controlled by the city of Santa Fe; it is a 25 acre parcel that is owned by the city. That was put there pursuant to the comments from the Traffic Engineer. We have a cul-de-sac that essentially dead ends that road for us.

The arroyo crossing we have come to a sense of understanding. It was a bit touchy for a while, but we have sorted it out. We are addressing the arroyo crossing and getting across the box culverts on 599, there are 7 of them. The city has been putting trails through the box culverts. We were concerned about the liability. As we began to explore we feel that we can work with staff and we need city assistance. We can explore the decision with the city. The DOT has control over this issue and we have to go through an access control plan with DOT. We will need to work through their process to come to a resolution. We believe with help from the city we can make that occur. If for some reason we can't make it occur we will need to come back to the city planning committee and the city council to have that condition removed. It might be that not all 7 culverts are necessary but how are we going to convince DOT that their engineering is wrong. The plan is to take one of those box culverts of the 7, leave at least 6 at the flood plain through the 7. They are roughly 10' tall and 10' wide.

Note: Ms. Lamboy said that they put proposed conditions in the box with the agenda's for the public.

Public Hearing:

**Sworn in: Andrew Villa, 54 Cuerno de Vaca, Santa Fe, NM
(Abutting neighbor to the development plan.)**

I met with Mr. Hess last night and tonight I did not hear that those conditions were going to be placed in the by-laws, I didn't hear that. Also, the access road on Cuerno de Vaca will be and shall not be ever a thoroughfare.

Mr. Hess responded that they did get that in the conditions.

Lastly for city staff, the lighting on commercial buildings, I haven't spoken to anyone on the lighting conditions, I believe I spoke to Tamara one time. I don't want to walk out of my home in the middle of the evening and find out that I can see everything on the ground. I have concerns about that.

Sworn In: Vivian Montoya, 50B Tierra Hermosa Court, Santa Fe, NM

Our residents were not properly notified of this meeting, there are 19 people that we contacted today, and only 2 were officially notified by certified mail. That is not proper. There are 28 residents on this road and only 2 were notified by certified mail. I was not notified of the January 3rd meeting nor the February 3rd meeting. I do believe this Pavilion would be wonderful, the trails would probably be nice, the buildings would be beautiful; I feel as a property owner adjacent to this area, I should be informed of the changes that are going to affect me. I bought property in the county for a reason, not to become a city resident. One of the areas of concern is that Tierra Hermosa is a privately owned road by the residents who live there. It is not a county road although we access it from County Road 54. We are the road before you get to Cuerno de Vaca. There is one access road on the map that we received today. One of those is identified as a proposed future connection. We do not want any access to the Pavilion from our road. Absolutely not and the reason being is that the city and county do not maintain our roads, and we know that our roads will not be maintained. We do not want anyone going through there as a quick access to businesses or quick access out of there. I have a signed letter from the residents that are opposing that proposal. (Exhibit A) I am asking that because of that improper notification that this be postponed to a later date so residents can review these documents and give their input. We don't want anything passed over us. That is not the proper way to do things.

Why are you choosing emergency access road off of Cuerno de Vaca instead of 599 according to this map that we were provided? It is not logical why you are choosing private residents roads to be an emergency

access. One of these residents on Cuerno Vaca, I spoke with her and she was not notified to do any emergency access. She was not notified and could not be here tonight but wanted to be on record, (reference from Exhibit A, #M). I beg to differ that you contacted everyone. I don't know where you are getting the addresses from but we were not notified. I live across from C. If these access road are going to be approved then we would like to know, are our roads going to be paved, are we going to have city water; not that we want to become city residents but is that factored in? If there is an emergency are we going to use city or county? The gated lock to me, as an example the residents of Agua Fria were sold on gated locks off of Rufina, that no one would go through those private roads. If you drive through Rufina all the gates are knocked down and people are driving through there. Now the crime is up on Agua Fria. There are too many people going through private driveways tearing down gates. I would like to be involved in any decisions that this commission is making or that this planner is doing. I am not opposed to the Pavilion, I want to make sure that my view is not obstructed by these tall buildings, I want to be involved; we don't want to be left out. Thank you.

Chair Lindell: What map are you referring to?

Ms. Montoya: This is a map and a notice that one of our residents, Mr. Gallegos received with notice of this meeting.

Ms. Lamboy clarified that this map is in the commission packet as Plat Sheet 2-2: Lots that she is referring to are south of the Pavilion A-F, immediately south to the easement.

Ms. Montoya: The map shows an easement up to lot 21 & 32 where it says a proposed future connection, what is that? Is that a future connection?

Mr. Hess: That is our road, it is a cul-de-sac. The second one has been removed. The other one is put on by the highway corridor. (Mr. Hess showed the roads on the overhead). At one time there were two roads identified, the Fire Marshal said we only needed one access, so the other one is gone.

Ms. Montoya: Perfect. At no point in time do we want the Tierra Hermosa Road open to 599.

Mr. Hess: Concurred.

Ms. Montoya said that no one from A-J were notified for this meeting. My view is going to be of your buildings and they will probably be beautiful.

The Chair asked if these residents were notified.

Ms. Lamboy stated that the lots that are located within 200 ft. would have been notified. In this particular case the lots are relatively large, they are in the county. I looked at the scale for those particular lots, reference Lot C itself is at least 300 feet in depth. Unfortunately, in this particular case they would not have been given notice. I do know that the notification addresses were updated in January through the County Assessors data.

Ms Montoya said that she has lived there since 1994.

Sworn In: John D. Romero – 50-A Tierra Hermosa Court, Santa Fe, NM

My sister just spoke and I too was not informed of this meeting or any other letters that were sent supposedly by certified mail. Although we are not in the 200-foot range but all these houses are. Their house may not be in the 200-foot range, but their property line is. To use the excuse that because the house isn't there within 300 ft. or 200 ft., the property lines do meet up. There are other people that weren't notified. (Mr. Romero asked those in the audience to raise their hands if they were not notified.) One in the audience was notified. If it was a certified letter no one knew about it. If the 599 road is going to meet up to the traffic light then it is going to go over Tierra Hermosa at the back. We are not opposed

to the project; we are opposed to the lack of notification. We would like to have a little more voice. We would like to get this postponed until there is more notification; these 200 feet is not correct when you say the houses are 300 feet away.

Sworn In: William Mead, 2073 Camino Montoya, Santa Fe, NM

I am with the United Communities of Santa Fe County and we are a group of Associated Neighborhood and Home Owner Associations, Acequia associations and environmental associations. We have been trying to act as a clearing house for starting new neighborhood associations throughout the county. What I see here, this particular subdivision is on a fast track and there hasn't been adequate notification. It is a new annexed area that is abutting a county area that isn't really organized. It is when the rural areas meet the urban areas, that is when there are going to be difficulties. There seems to be quite a few neighbors here that are affected by not being notified. The county has notification requirements, the city has its own and this has fallen in the grey spot. This should be tabled until the developer can meet and speak to the neighbors to pull it together. They certainly are amenable and they have a stake in this project.

Sworn In: Fidel Gallegos, Tierra Hermosa Ct., Santa Fe, NM

My concern is that when you refer to 200 feet, I live across from E. I was one of the two that was notified and I am across the street way over the 200-foot range. When they say that it is not an access road than why is it marked as an access road on this latest one that I received? I am past the 200 mark and we did receive letters.

Mr. Hess: That is an existing access road on Tierra Hermosa, it has nothing to do with us.

Sworn in: Daniel Notche, #13 Cuerno de Vaca, Santa Fe, NM

Last night our neighbor down the road, Andy, did receive the notices because his property is adjacent to it. We have a pretty tight neighborhood and there are a few of us that maintain the road to a degree. Our road has been designated as an emergency access and we had a private meeting at my house and we felt that as a neighborhood we should show up to the meeting. Scott and another lady came by the house last night. They contacted us and asked us if we could have some type of meeting to address our concerns and reassure us of what they are want to do. Our concern is that our road not ever get used other than an emergency access. If they are going to update our road to gravel pack to allow for emergency access there would be a maintenance schedule, some type, in place. Scott has already assured us that it will be put in to their by-laws. I am cool with that. They might not have been notified by the developer himself or the city and the city may have neglected those that are not in the city. But in my house my wife made up letters and we posted it at the mailbox and one neighbor did show up. The neighbors at Cuerno de Vaca were notified. So far there are only 3 households that showed up tonight. My concern is the access and the drainage, my property is one of the lowest. The road feeds into to my property and I usually have to deal with it; I get a pond. My concern is how the road is going to be drained once they construct the bar ditches. He has reassured us that we will be informed when there are engineering plans.

Chair Lindell said she had an opportunity to drive on their road today and it has been maintained very well.

Mr. Notchie said that there are a few neighbors that worked together to keep up the road. As a neighborhood we took a collection, \$15 per person, we did our own patchwork on our road. Our biggest concern is how it is going to drain.

Chair Lindell asked Mr. Hess if he was aware of Mr. Notchie's concern on the drainage.

Mr. Hess: Yes, Chair Lindell.

Chair Lindell: That is something that you said will be addressed.

Mr. Hess confirmed that he knows about the drainage concern and that before they get the engineering plans going they will sit down with the neighborhood and discuss drainage.

Public Hearing Closed:

Commissioner Hughes: Keith and John can you come up so we can talk about the roads. The Long Range Transition Plan; is it correct that you are requiring this up to 599.

Keith Wilson: No. The corridor study that Scott is referring to was the long term transportation plan that was completed last April. The recommendation of connecting was not one of the recommendations in that plan; we took the recommendations from the NM 599 corridor study. The NM 599 corridor study did not know about this plan.

Commissioner Hughes: When the plan gets updated what will happen with this?

Keith Wilson: The Metropolitan Transportation Plan just got passed last year and we definitely update it every 5 years. If this rises to a level of something that needs to be included in our plan, we would need to do an amendment. The plan is for 5 years.

Commissioner Hughes: Who sets the standard for lighting in the city?

Ms. Lamboy: We have an ordinance of light standards in our Land Development Code and it references how many foot candles and different kinds of uses. There is a lighting plan in your packet with reference to the concern raised by Mr. Villa. There is a substantial set back from his property to where there is any development and we will study that further to assure that the glare is minimized.

Commissioner Hughes said that according to the standards they show to be over lit.

Commissioner Villarreal: Did staff look at lighting requirements in the county?

Ms. Lamboy: Basically the large setback which is several hundred feet and city standards would apply. We can check with the county since it is rural out there.

Commissioner Montes: I have a question for Mr. Heff. I am looking at the minutes of our Planning Commission meeting almost a year ago, March 4, 2010 and at the bottom of page 13 you say, "We are not going to put up huge 50,000 square foot buildings and then wait for someone to come this is a build to suit project." Is this still true a year later?

Mr. Heff: Yes Commissioner Montes, it is.

Commissioner Spray: Did the applicant notify the neighbors correctly?

Ms. Lamboy: I reviewed with the applicant the notice process for this meeting and it does meet city code requirements for notification.

Commissioner Spray: I have a couple more questions on financing of the project per commission comments. In the current packet we have from Southwest Planning Marketing a fiscal impact study that details a lot of possibilities on the gross receipts tax. Back at the council meeting on April 28, 2010 Mr. Poster from SW Planning Marketing talked about speaking with realtors about an insurance development needing 125,000 square feet, a packaging plant for 120,000 square feet, and 3 businesses looking for 50,000 to 75,000 sq. ft for executive space. There is no mention of any of these opportunities being current. Do you have any current prospects as of now?

Mr. Heff: Yes, we do Commissioner. That was at a time as Heather mentioned an interesting point which is the strategy on our behalf which is to get the project approved so we can market it as permit ready. One of the detriments of trying to attract a tenant is that they have to go through 8 months of the city of Santa Fe process. Just today a broker called, James Wheeler, and he wanted to know when we would have lots. The broker cannot sell any land until there is a plat. We would create the roads and lots, the broker would sell the lot.

Commissioner Spray: How do you feel about postponing the action tonight according to the neighbors request for a future meeting?

Mr. Heff: This has been a slow process we do feel that we have met our notification process, 200 ft., the city provided me the map, we did notify the neighbors and we do sometimes get a lot of letters returned. We had a packet of someone who had called and three of his letters had come back rejected.

Commissioner Mier: I know the project very well and I am comfortable with it but some of the things that make me uncomfortable tonight is that people who live in this community have been there for a very long time. What is the significance to the developer to delay for a month to allow the neighbors to ask questions, re: lights, setbacks, roads, emergency access, all the things I would like to know if I lived adjacent to this property.

Mr. Heff: I would be extremely resistant to delay it, we have been trying to get this done so we can work interchange to the airport and the Jaguar extension. When we were delayed at the beginning of this year because we were working with staff to get all of our projects cleaned up, all of the issues and conditions cleaned up. Each delay just kills us. I would be willing to meet with the neighbors but if at all possible I would like to get approved this evening. I would be willing to meet with the neighbors and staff and if anything was to come up that is a concern that we haven't belabored in the last year and a half already, between 30 staff people and concerned citizens that we couldn't work in to a condition of approval possibly for a comment, I would be willing to do that. I am seeking approval, this has been a long road for us, Commissioners. We feel that we have met our obligations and I do understand the concerns.

Chair Lindell: What about the concerns with the flights and light safety issue, are we done with the airport?

Mr. Heff: We submitted to the FAA the 80 year air space study which we had to revise it to submit for every single lot, all 20 acres of the Pavilion and we are awaiting results from that. We have met with Mr. Montman on the lighting. As a point of reference our tallest building is 30' and we are about ½ mile from the runway and pilots need to be around 3000 feet at that distance. In terms of the lighting of the project, we have gone several rounds with our lighting engineer as well as the dark sky ordinance and we will meet the requirements. One thing to highlight again is the distance, we have a significant open space buffer on the south side of the project that was put there intentionally.

Chair Lindell: Lighting and the signage are some of the greatest concerns I have with this and it is a rural area. The neighbors are deserving of the developers sensitivity. They live there for a reason. I hope that you will remain sensitive to that. Is this essentially the same usage mix that we have previously seen?

Mr. Heff: Correct

Chair Lindell: Do you have any initial prospective tenants, purchasers?

Mr. Heff: Just today when I spoke to Mr. Wheeler, there is a potential call center interested. We cannot sell anything until we get approval on these lots. As far as the sensitivity to the neighbors needs, they don't want Cuerno Vaca Rd. paved and we were willing to pave it for them.

Sworn in: Phillip R. Sena – 4540 Calle Contenta, Santa Fe, New Mexico

(Lives 300 yds. from the property)

I am the developer and the project manager for the Pavilion. Our staff has worked very hard, promoting the project, working on getting the overpass, the extension aviation to the airport, extension to the National Guard Hangar which is a maintenance hangar. We have done that, we have worked with Mr. Montman at the airport, we have worked with the FAA. We can't sell anything until we have approval. I have no problem going back to the neighbors and we will go over the project with them as the owner of this property, no one has been willing to put up this kind of money for an interchange, extension to the airport, water to the city. What we are trying to do and the owner of the property is trying to create jobs. Any delays that we get on this we can't promote the property. I want to enclose the property for safety reasons. It is a beautiful safety measure, there is probably about 1.6 miles, this is something that we ask you, we still have to come before you for issues on the east side, it is so important on our time and financially. In these economic times I ask you to let us go forward, we will meet with the neighbors, we can make it a contingency and come before you, and we have no problem with that.

Commissioner Hughes: Does this go to City Council?

Kelley Brennan: No it does not.

Commissioner Mier: If we tabled this could it come back to the Planning Commission in 2 weeks?

Ms. Baer: There is no time for official notice but official notice has been given to the people who are required by ordinance to receive them. There would not be a 15-day requirement.

Commissioner Mier: If we tabled this tonight and allow the developer to meet with all of the interested parties that are concerned, we could have this come to the Planning Commission in 2 weeks?

Ms. Baer: You would postpone to a day certain which removes the requirement for an official notice. We would not have to have a mailing, it would simply be a postponement.

Commissioner Mier moved to postpone this action to the next city Planning Commission meeting, (2 weeks from tonight) and give the developer and staff an opportunity to meet with all interested parties, second by Commissioner Villarreal, motion carried by unanimous voice vote.

Discussion:

Commissioner Spray: I would be willing to vote tonight. And I think we need to do the right thing. I asked the applicant if anything is pending and if there is no financial hardship I intend to support this motion.

Commissioner Villarreal: I second and I understand that this project has been through a lot, if they make a concerted effort to meet with everyone, or have a representative there. There are so many approvals and a lot of staff that has to be involved. I do understand that if you don't understand what is happening around you, it is scary. The map that you were showing us and explained it, I know that helps. As a planner I don't always understand maps, but if we take the time to help them understand. I know 2 weeks is hard for the applicant. It is important for the neighbors to make every effort to go to the next meeting.

Chair Lindell: Is this the third public hearing we have had on this development?

Ms. Lamboy: We have heard it in different forms, it came first as an annexation, you heard it for preliminary plat, it is here for final approval and it is the first for the development plan. The development plan, this is the third time.

Chair Lindell: We have had three public hearings, for each hearing we have had notice by letter. Although we have been told that – was signage put up? Signs were put up where the development is, at

599, and at the end of Cuerno de Vaca for all hearings. And it was put in the newspaper. That is a lot of public notice.

4. **Case #2011-05. The Pavilion Final Subdivision Plat.** Santa Fe Planning Group Inc., agent for Richard Cook, requests Final Subdivision Plat approval for 34 lots on 371.20 acres, of which 8 lots are in the C-2 portion of the project and 26 lots are in the BIP portion of the project. The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager)
5. **Case# 2011-01. 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 0.84± acres from Community Commercial to Medium Density Residential; 2.10± acres from Mixed Use Transitional to Medium Density Residential; and 4.68± acres from Low Density Residential to Medium Density Residential. The property is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, Case Manager) *(TO BE POSTPONED TO APRIL 7, 2011)*
6. **Case #2011-02. Purple Horizon Mobile Home Park Rezoning.** James W. Siebert, agent for Purple Horizon Properties, LLC, requests rezoning of 7.62± acres from R-3 (Residential, Single Family) to MHP (Mobile Home Park). The application includes a Development Plan for 44 modular home spaces for senior housing. The property is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, Case Manager) *(TO BE POSTPONED TO APRIL 7, 2011)*

G. BUSINESS FROM THE FLOOR

None

H. STAFF COMMUNICATIONS

Ms. Baer informed the commission that she had followed up on the request to provide more information on parks, and how parks are managed. Fabian Chavez will come to the April 7th Commission meeting.

I. MATTERS FROM THE COMMISSION

Long Range Planning Meeting on March 9th at noon.

March 19, 2011 - 12 – 2 pm - Webinar on Round-Abouts – Keith Wilson

Commissioner Bordegaray – Thank you for the review. I reserved questions and I would like to talk about circulation. There is no other development like this. This is a good time to have connections. I want to hear the rationale and I want to know the understanding. I would urge that you have a representative from the NPO.

Commissioner Mier: I am pleased to hear that city transit is a part of this site. How does one go about getting transportation?

Ms. Baer: When a project comes forward we always look where the bus stops are and depending on how many people we are talking about, sometimes there aren't enough people. Jon Bulthuis, would it be appropriate to see if that was looked at.

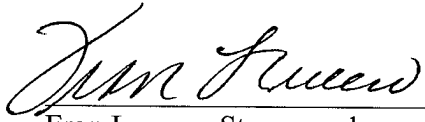
Commissioner Bordegaray – Quail Run does not want connectivity.

J. ADJOURNMENT

There being no further business to come before the Planning Commission, the Chair called for adjournment at 8:30 pm.

Signature Sheet:

Chair Signe Lindell



Fran Lucero, Stenographer