



# Agenda

CITY CLERK'S OFFICE

DATE 3/7/11 TIME 4:25

SERVED BY Geraldine Guevara

RECEIVED BY [Signature]

## AMENDED

### **PLANNING COMMISSION**

**March 17, 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: March 3, 2011**

**FINDINGS/CONCLUSIONS:**

**Case #2011-14. Cielo Azul Annexation Agreement Amendment. (TO BE POSTPONED TO APRIL 7, 2011)**

**Case #2010-163. The Pavilion Office Complex Development Plan. (TO BE POSTPONED TO APRIL 7, 2011)**

**Case #2011-05. The Pavilion Final Subdivision Plat. (TO BE POSTPONED TO APRIL 7, 2011)**

### **E. OLD BUSINESS**

- 1. 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, FEBRUARY 3, 2011 AND MARCH 3, 2011)****
- 2. 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) **(POSTPONED FROM MARCH 3, 2011)****

**F. NEW BUSINESS**

1. **Chapter 14 Rewrite Amendments.** Consideration of amendments to two sections of Chapter 14 SFCC 1987 Land Development as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff: 1) 14-8.5 Walls and Fences; and 2) 14-9 Subdivision Design, Improvement and Dedication Standards (Greg Smith, 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.**



# Agenda

CITY CLERK'S OFFICE

DATE 2-23-11 TIME 10:55

SERVED BY [Signature]

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**PLANNING COMMISSION**  
**March 17, 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: March 3, 2011

FINDINGS/CONCLUSIONS:

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Case #2010-163. The Pavilion Office Complex Development Plan.

Case #2011-05. The Pavilion Final Subdivision Plat.

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**Index Summary of Minutes  
Santa Fe Planning Commission  
March 17, 2011**

<b>INDEX</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
<b>Cover Sheet</b>		1
<b>Call to Order</b>	Chair Lindell called the meeting to order at 6:00 pm	2
<b>Roll Call</b>	A quorum was declared by roll call, 1 excused absence.  Commissioner Estevan Gonzales has resigned.	2
<b>Pledge of Allegiance</b>	Pledge of Allegiance was led by Chair Lindell	2
<b>Approval of Agenda</b>	<b><u>No Staff or Commission Changes</u></b>  <i>Commissioner Spray moved to approve the agenda as presented, second by Commissioner Villarreal, motion carried by unanimous voice vote.</i>	2
Approval Minutes, March 11, 2011.  Findings/Conclusions: Case #2011-14. Cielo Azul Annexation Agreement Amendment (To Be Postponed to April 7, 2011)  Case #2010-163. The Pavilion Office Complex Development Plan (To Be Postponed to April 7, 2011)  Case #2011-05. The Pavilion Final Subdivision Plat. (To Be Postponed to April 7, 2011)	<i>Commissioner Villarreal moved to approve the minutes of March 11, 2011 as presented, second by Commissioner Hughes, motion carried by unanimous voice vote.</i>	3
<b>OLD BUSINESS</b> 1. <b><u>Case #2010-163</u></b> The Pavilion Office Complex Development Plan. Santa Fe Planning Group Inc.,	<b><i>Commissioner Bordegaray moved for approval of Case #2010-163 Development plan with conditions included</i></b>	3-5

**Index Summary of Minutes  
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<p>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, February 3, 2011 and March 3, 2011).</p> <p>2. <b><u>Case #2011-05</u></b> 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) (Postponed from March 3, 2011).</p>	<p><i>in packet, second by Commissioner Spray, motion carried by unanimous voice vote.</i></p> <p><i>Commissioner Bordegaray moved for approval of Case #2011-05 for the final subdivision plat of the Pavilion with staff recommendations and conditions, second by Commissioner Montes, motion carried by unanimous voice vote.</i></p>	
<p><b>New Business</b></p> <p>1. <b><u>Chapter 14 Rewrite Amendments.</u></b> Consideration of amendments to two sections of</p>	<p><i>Commissioner Spray moved to accept the</i></p>	<p>3-14</p>

**Index Summary of Minutes  
Santa Fe Planning Commission  
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Chapter 14 Rewrite Subcommittee and by Staff: 1) 14-8.5 Walls and Fences; and 2) 14-9 Subdivision Design, Improvement and Dedication Standards (Greg Smith, Case Manager)	<i>changes that were documented and read for the record, second by Mr. Ortiz, motion carried by unanimous voice vote.</i>	
<b>Business from the Floor</b>	None	14
<b>Communications from Staff</b>	None	14
<b>Matters from the Commission</b>	Informational	14
<b>A. ADJOURNMENT AND SIGNATURE PAGE</b>	There being no further business to come before the Planning Commission, the meeting was adjourned at 8:30 pm.	14

# **Santa Fe Planning Commission**

## **Meeting Minutes**

March 17, 2011

### **I. Call to order**

**Chair Signe Lindell** called to order the regular meeting of the **Santa Fe Planning Commission** at **6:00 pm** on **March 17, 2011** in the **City Council Chambers, Santa Fe, New Mexico**.

### **II. Roll call**

Fran Lucero conducted a roll call. The following persons were present:

#### **Present:**

Signe Lindell, Chair  
Ken Hughes, Vice Chair  
Tom Spray  
Rene Villarreal  
Lawrence Ortiz  
Ruben Montes  
Angela Schackel-Bordegaray

#### **Absent:**

Dr. Mike Mier

#### **Resigned:**

Estevan Gonzales

#### **Staff Present:**

Matthew O'Reilly, Land Use Development  
Heather Lamboy, Case Manager

Chris Brasier, Attorney (Chapter 14 Rewrite)

Pledge of Allegiance was led by Chair Lindell.

### **III. Approval of Agenda**

#### **No Staff or Commission Changes**

*Commissioner Spray moved to approve the agenda as presented, second by Commissioner Villarreal, motion carried by unanimous voice vote.*

## Approval of Minutes and Findings/Conclusions

*Commissioner Villarreal moved to approve the minutes of March 11, 2011 as presented, second by Commissioner Hughes, motion carried by unanimous voice vote.*

### Findings/Conclusions:

Case #2011-14. Cielo Azul Annexation Agreement Amendment (To Be Postponed to April 7, 2011)

Case #2010-163. The Pavilion Office Complex Development Plan (To Be Postponed to April 7, 2011)

Case #2011-05. The Pavilion Final Subdivision Plat. (To Be Postponed to April 7, 2011)

## **IV. Old Business**

- a) **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, February 3, 2011 and March 3, 2011).

### **Included in Commission Packet related to #2010-163**

- Neighborhood Meeting Summary for meeting held on March 10, 2011
- Memorandum dated March 17, 2011 from John Romero, Public Works Department/Traffic Engineering Division
- Revised Conditions of Approval

Ms. Lamboy stated that the entitlements sought with the Development Plan include:

- 181,442 square feet of uses proposed in the C-2 portion
- 864,963 square feet of uses proposed in the BIP portion.

Pavilion:

- Covenants, Conditions and Restrictions (CCRs)
- Business Owner Association (BOA)
- Maintenance Agreement with the City regarding Wastewater Lift Stations

Issue #1 – Pedestrian Circulation

- Developer must provide trail connection to Tierra Contenta
  - Staff proposes construction of trail to Pavilion property line
  - 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 Opticon 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
- Storm water should be clarified
  - o Storm water should be managed on each lot

**Neighborhood Meeting – Discussed Potential Impacts**

**Neighbors would like to see:**

- Reduced lighting at edges of development
- Construction of a wall along the edge of development’s southern parking lots and fence along the west side of the 60-foot utility and access easement.
- A note on the plat that the 60-foot access and utility easement will never be used for vehicular access by the Pavilion Development
- Better police protection and involvement in addressing burglaries and other nuisances.

**Staff recommends Approval with the conditions outlined in the report.**

- **Trail connections – Arroyo Chamiso and NM 599**
- **Emergency Road Access**
- **Wastewater Agreement**

*Commissioner Bordegaray moved for approval of Case #2010-163 Development plan with conditions included in packet, second by Commissioner Spray, motion carried by unanimous voice vote.*

Discussion:

Commissioner Spray, on record, stated that he appreciates the work that the applicant did on this as well as staff. Ms. Lamboy did excellent work on the ENN and her transcription and the summation in the 5-pages of notes, this was really great. It was great that we took the extra two weeks; it was not too late, the result was a project with good neighborhood support and communication. The people are going to be there for many years and you want to have that, you have it now.

Commissioner Villarreal concurred with Commissioner Spray. The security and safety was an important point of communication and we now know that the County will need to work on this area with the residents.

- b) **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) (Postponed from March 3, 2011).

*Commissioner Bordegaray moved for approval of Case #2011-05 for the final subdivision plat of the Pavilion with staff recommendations and conditions, second by Commissioner Montes, motion carried by unanimous voice vote.*

--5 minute recess--

## V. New Business

1. **Chapter 14 Rewrite Amendments.** Consideration of amendments to two sections of Chapter 14 Rewrite Subcommittee and by Staff: 1) 14-8.5 Walls and Fences; and 2) 14-9 Subdivision Design, Improvement and Dedication Standards (Greg Smith, Case Manager)

### **Sections 14-8.5: Walls and Fences and Sections 14-9**

Mr. O'Reilly informed the Commission that Mr. Smith would not be available for the presentation this evening and he would provide the reported recommendations. The City Attorney was also not available and Mr. Brasier was available for questions on the Chapter 14 process.

14-8.5: Walls and Fences, in summary the subcommittee looked at during a number of different meetings and what staff recommended is that the walls be 6' in height, retaining walls would have to be separated by a distance of the height of the wall. Also, the overall height of a fence and retainer wall combination would be 10 feet for residential districts and 12 feet in non-residential districts.

14-9: In regards to the overall section of 14-9, there is a title change proposed for this section to better adjust to what is in the section.

Section 14-9.1b there is an applicability section added. The new language is designed to address references to various types of infrastructure that are required and also any new infrastructure that is needed to handle the projects direct impacts. This is in addition to impact fees which are required by the code which are applied to indirect impacts of the development.

Section 14-9.2(a) - General Plan Compliance: This is designed to recognize the extensive policy guidance that is provided in the general plan which has not been in Chapter 14 before.

Section 14-9.2(b) – Street Functions: There are a number of changes here; 1) acknowledge the effect of the International Fire Code. A lot of time the International Fire Code requirements really end up governing above what Chapter 14 requires. This change will reflect that. 2) There are different standards for private driveways that are going to be re-named lot access driveways. It changes the basic requirement that a driveway has to be 20 feet wide; it changes it back to 10 feet. The reason for that is that the 20 foot width was based on a former emergency fire code and it was seen as excessive where driveways in certain circumstances tend to need emergency vehicles to access. Another thing of significance in this section is that staff and the subcommittee recommended increasing required setback between the back of the curb and the sidewalk to 5 feet. The current standard varies from 2-5 feet in the code. The reason for this recommendation from the subcommittee was that this would make it easier for driveway paths to meet the standards. When you have the sidewalk too close to the back of the curb the driveway paths can get quite steep. That particular change would require street right-of-ways to actually be wider than they are now. There is a segment in the where part of the code right now where the street needs to have 3 feet between the back of the curb and the sidewalk, 5 feet of the overall right-of-way of the street would increase by 4 inches.

Section 14-9.2(c)3 – This is where no variance would be required for lead on to public streets. This is a new subsection that reflects the current practice of not requiring variances for substandard public roads providing access to a subdivision. The best way to understand would be like a Canyon Road and many roads on the east side of town. If you can imagine someone wanting to do a lot split on Canyon Road, Canyon Rd. doesn't meet, in many ways the city's road standards nor do many of the roads in the downtown east side area. We have been bumped up against this as a problem and in checking with the Fire Department we have been told, "yes, it doesn't meet the city's street standard but of course we are going to get fire service to that area if there was a fire." This is removing the need to ask for a variance for every public street that is between the fire station and the development.

Section 14-9.2(C) the technical standards have been relocated. Many of the technical street engineering standards have been deleted and reference to the city standards and national design guidelines are added. This is because the subdivision engineering tract engineer, old standards are over simplified and too strict in some situations and too permissive in others.

Section 14-9.2(D) no road network standards based on the General Plan. Several new standards are added as directed from the 1999 General Plan. There is a thru street every 1000 feet, provide 2 road connections for every 10 acres, providing access to the trail network where feasible [*that particular requirement due to a tracking error did not make it into the packet, but that is what is intended*]. Finally, single family developments with 6 or more units shall not be gated. That was something that was mentioned in the General Plan and there was discussion at the subcommittee meeting and I would like to remind the Chair that the general feeling

of the subcommittee meeting was that this should be discussed by the full Planning Commission.

14-9.2(F) a cap on sidewalk cross additions and remodeling. This is modified to cap sidewalk at 20% of the value for additions and remodeling. The purpose of this is that we have had some situations where there is intent on existing commercial buildings to do some tenant improvements inside the building and then has had to upgrade the entire site sidewalk standards which exceed the cross of tenant improvements. It was felt that there ought to be a cap of how much work you have to do on site as a percentage of how much work you do. It should be noted that this only applies to the additions and remodeling. If you are doing a brand new project of course you have to bring your entire site up to code.

14-9.5 – Financial Guarantees. These are basically technical modifications that are made to reflect staffs current practice as set out in staffs structured completion policy. This is a policy on how to complete a structure that was developed over a one year period thru many meetings between staff, developers to come up with this policy.

14-9.6 (old 14-9.4) Modifies the Standards for Inheritance for Family subdivisions. Most references to lower standards for family transfer subdivision improvements or to lease it. There is an exception that family transfers will still be exempt from having to post financial guarantees.

***Staff is available for questions.***

The Chair welcomed the public to comment at anytime.

***Commission Discussion:***

#### 14-8.5 Walls and Fences

Commissioner Spray referred to everything on page 2 & 3 is struck, does everything on page 1 & 2 simplify this change? Mr. Brasier answered that this was correct due to the substantial changes they simply deleted everything that was there and started over. Mr. Brasier continued to say that what was there was hard to read and they started over. Mr. O'Reilly clarified that there is a subcommittee of the H-Board working on the regulations.

#### 14-9.1 A and B

Commissioner Spray: 14-9.1 – Page 1 in the first paragraph, could you define quasi public infrastructure. Mr. O'Reilly stated that what quasi public means is that there is some infrastructure like streets, curb and gutter, sewer lines, water lines that are clearly owned by the city and they are public infrastructure. There are other kinds of improvements, say a trail system through a project which may not be dedicated through the city but might be a private trail in a private easement but is necessary to allow members of the public to move through it or things like retention ponds,

drainage facilities that might be private and hard to maintain but necessary to protect the public from drainage problems. Those kinds of things we often ask for financial guarantees for even though they are not going to be actual public improvements. Commissioner Spray said that he does not see any place where that definition or comment is defined and he would like to know if that is going to be placed in the definition section of the code? Mr. Brasier said that it is not currently defined in the code and in reference to the comment there was discussion by the committee that if you would like that definition in the code or if you feel more comfortable, staff will put it in. Commissioner Spray said he would definitely like to have the definition as Mr. O'Reilly explained it very well. It could be very encompassing as we would be asking for financial guarantees.

Mr. Dave McQuarie (Public Input) 2997 Calle Cerrado, Santa Fe, NM 87505

It has come up over and over about the ADA issues and how they have been addressed for all these years. I would encourage you to incorporate someone who is familiar with this rule. Width of sidewalks is very important.

Mr. O'Reilly stated in response to Mr. McQuarie's comments that before the Chapter 14 section, 14-9 moves on to Council from the Planning Commission that the City's ADA Coordinator will be involved to make sure that we are referencing the correct standards in this section.

The Chair asked Mr. O'Reilly if we could continue with the review tonight and ask staff to have the ADA coordinator look at this. Mr. O'Reilly confirmed that this is his recommendation to move forward. In most sections of the code, the goal here is not to include so many specific standards in the code because the code will become obsolete when new versions of those standards are promulgated. The idea is to refer to standards and those standards can change without the city having to change its ordinances. That would be the intent regarding ADA issues.

14-9.2(a) - No comments.

14-9.2(b) - No comments

14-9.2(c) - No comments

14-9.2 (d)

Commissioner Villarreal: Page 12: Street Names – It says that street names need to be approved by the planning commission. Mr. O'Reilly answered that is correct, when development plans and subdivision plats come before the Planning Commission they often have the street names on them and therefore you are approving the street names.

Commissioner Spray: Page 14 (d) 1 – Access to traffic, can you explain a bit more than what is in that paragraph as it refers to arterial streets on marginal access for collector streets. Mr. O'Reilly responded that the intent here is that arterial streets

are special kinds of streets and are intended not to have many access points on to them. I think what the intent of this section is to make this clear in the code. If someone were to come forward and want ten connections to an arterial that the code can actually require less connections. Mr. O'Reilly said that he believed this was a directive from the Traffic Engineer.

Commissioner Spray asked if this also referred to the reverse frontage. Mr. O'Reilly stated that reverse frontage is talking about turning the front of homes away from the arterial towards the inside of the development.

Commissioner Spray referred to deep lots. Mr. O'Reilly answered that there is no definition of deep lots but what that implies is that the lot may be longer than usual from front to back. Mr. O'Reilly said he supposed they could put a definition there but rather than have a definition they should be more descriptive in that paragraph of what that means. Commissioner Spray said that would be useful.

Commissioner Montes referred to 14(e) where it talks about gravel lanes must have a driving surface of 22 feet and a 6 inch minimum thickness of crushed gravel base coarse material. Mr. O'Reilly said that different cases will have different standards on how thick the gravel base should be; the county differs. This has always in our code to have a 6 inch gravel base coarse surface.

Chair Lindell referred to #7 on page 15, Single Family Residential Development with 6 or more units shall not be gated. Mr. O'Reilly stated that this is mentioned in the General Plan and his recollection of the 1999 General Plan process. He said there was some sentiment in the city at that time that gate communities were not good and that was why it was added to the General Plan. What we see today is that staff is sometimes getting applications to install a gate in an existing subdivision because of the crime rate and as you know this was discussed at the subcommittee and the subcommittee felt that the Planning Commission should have a discussion. Chair Lindell asked how many applications the city receives per year to add gates. Mr. O'Reilly said maybe one in an established subdivision but there are other projects and single family lots where someone chooses to put a gate on their lot. Mr. O'Reilly said that right now there is an application to put an electronic gate at a residence on Bishops Lodge Road who has had their home broken in to a number of times and they are asking for a gate to be put on their driveway and this is an area of 2 lots. Right now in the code there are no prohibitions to putting a gate on anything; the above reference is used as an example where someone wants to put a gate on a common driveway with two existing houses and the neighbors are going to get together to put the gate up and share.

Chair Lindell said that she understands the need for gates for safety and security. She would like to maintain the right to be able to do this should the need be expressed.

Commissioner Spray echoed this sentiment. There have been downtown sites that have placed requests for a gate several times. From a public safety standpoint it is good to have the option at some point to do it.

Commissioner Ortiz stated that talking from personal experiences about a year ago they gated their community which has about 160 homes in this subdivision. The HOA was supportive in making this safety change and it has worked quite well to keep crime away and protect the subdivision.

Commissioner Hughes has been philosophically opposed to gated communities but they are becoming more and more passé. The larger issue here is the effort to update our zoning code to reflect the General Plan. One may not like what is in the General Plan of 1999 but that is what is in there. There are very clear stated goals. My question is to Mr. O'Reilly and Mr. Brasier; are we trying to update this code like the General Plan or are we putting in our opinions?

Mr. O'Reilly, what we are doing is updating Chapter 14 and where appropriate putting things in to Chapter 14 on things that come up a lot in reference to the General Plan that we think would help if they were in the Chapter 14. As you know the General Plan is our General Plan but the General Plan has sections that conflict. We are trying to address some of the things that are hanging out there in the General Plan and asking for discussion 12 to 15 years later from the time of the original General Plan. That decision falls to you all.

Chair Lindell referred to page 15, #7 says that on single family residence developments of 6 or more units shall not be gated.

Commissioner Villarreal asked for clarification that as stated they are able to be gated but by policy as expressed in the text of the General Plan no gated community.

Chair Lindell asked the pleasure of the Commission, "are we going to leave this in or do we want to eliminate it?" How many people would like to leave this in? (2) How many people would like to eliminate it? (3) By a 3-2 vote, they will be eliminating it as a recommendation. Commissioner Villarreal stated that she would not be voting as there is not enough clarity on this action.

14-9.2 (f)

Commissioner Spray referred to page 17 and extended his thanks for everyone who offered the concrete section. At the bottom of page 17, b. the inspections according to the office of the Land Use Director on projections and approvals, is it necessary to have something there on the inspections of the construction? Should there be an inspection on everything, particularly the sidewalks? Mr. O'Reilly responded that was a very good catch. If you notice further in that section on page 17 & 18, that was the reason it was taken out, simply because it was redundant as inspections are required for everything.

Commissioner Spray referred to page 18 under the Pedestrian Crosswalks and the reference to the street crossing location required by the Land Use Director. Is there a particular criteria that you use? Mr. O'Reilly said that when it refers to the Land Use Director, what that really means is the overall term for staff. Sometimes we get review comments from the city's traffic engineer recommending different locations for these kinds of things. We want this to be specific to intersections.

Commissioner Spray asked if this could then be referring to different locations. Mr. O'Reilly responded that generally the traffic engineering division tries to avoid blocks at pedestrian crossings. However, there may be some other instances where there might have to be pedestrian crossings somewhere other than an intersection. Commissioner Spray expressed his thanks and reiterated that pedestrian crosswalks must have sidewalk wheel chair ramps on each side of the street.

14-9.2 – Commissioner Villarreal made reference to page 23, grammar reference. Acknowledged by Mr. Brasier to correct.

Commissioner Spray made reference to page 22 - #3, on pedestrian crossings there is a note there, "consistent with requirements of findings". Findings of what? Mr. Brasier said that this is consistent with the requirements that have been adopted over a result of years by the Planning Commission and other administrative bodies who are required to issue written compliance. What this does is if you are not rating a crosswalk it has to be decided by the Planning Commission that they are not essential.

Commissioner Spray referred to 14-9.5 – Section B, 1<sup>st</sup> paragraph refers to the infrastructure of policies adopted by the Land Use Director, is that what you were referring to earlier. Mr. O'Reilly said yes, the infrastructure completion policy. Commissioner Spray asked if it would be advisable to use it as a specific mention of infrastructure completion policy that a development would have to meet. Commissioner Spray stated that he assumed that is where the infrastructure policies adopted by the Land Use Director would be at all times. Mr. O'Reilly concurred that this was a good recommendation. Thank you.

Commissioner Spray referred to financial construction cost estimates, we struck on 1.1 construction costs prepared by the NM License Professional Engineers, is there a particular reason for this? Mr. O'Reilly said that it is because the term Professional Engineer has been updated in the definition section to mean someone licensed in New Mexico. Thank you.

Commissioner Spray referred to page 24 under Agreement of Construction Improvements and Financial Guarantees, #1 talks about the agreement to construct improvements, it never says who the agreement is between? Is the intent to be with the City? Mr. O'Reilly said it is between the developer and the City.

Commissioner Spray: Also on #2 regarding financial guarantee, there is no mention specifically as to what will satisfy that. Mr. O'Reilly asked if the reference is that the city not require financial guarantee?



Commissioner Spray said, "Yes." Mr. O'Reilly clarified that this talks about the infrastructure completion policy. This is another instance where we need to not define in the body of the code for a couple of reasons; 1) most of the developers use what is called a memorable stand by their credit and for many years those were thought to be irrevocable until they were revoked. We had a couple of situations where a bank simply revoked these letters of credit because the bank went under. We are re-thinking the type of financial instruments that we are going to be accepting for these types of things. I don't think we will do away with a letter of credit but we have definitely added things in to the infrastructure completion policy that will address that particular problem that has come up because of the financial crisis we are in right now. Thank you.

Commissioner Spray asked if henceforth it is documented. Mr. O'Reilly responded that it is done administratively; the purpose of the infrastructure completion policy is to adopt a policy that satisfies the intent of these regulations where we don't allow projects to be improved that have quasi public infrastructure in them without absolutely guaranteeing that should they default we will have a way to closing these projects. That was never spelled out very clearly in the code but it is spelled out very clearly in the infrastructure completion policy. It needs to be adjusted and modified usually in consultation with the City Attorney's office as a condition.

Chair Lindell referred to page 24, warranty the infrastructure improvements for a period of 1 year, that doesn't seem like very long. Is that a typical amount of time? Mr. O'Reilly responded that it is fairly difficult and it has been the policy of the city for as long as he can remember. The thing to remember about that one year period is that the one year period does not start until the project has been completed and accepted by the city which could take a very long time. That could take several years before the city is at a point where it is going to accept the infrastructure for maintenance and release all the financial guarantees. It is only at that point that the warranty period starts. It actually could be a number of years before the infrastructure is in place. The intent for this warranty period is for staff to review and go back after a year and make sure that the infrastructure is performing as it was designed to perform. It is not meant to guarantee that 20 years from now that the street may not have to be repaved or that there is a crack in the sidewalk.

Commissioner Montes referred to page 19 under Easements, #2 – what was struck out? Mr. O'Reilly responded that Mr. Brasier would research the wording on this item.

Pages 25-26-27 – No Comments.

Suggested changes were documented by Heather Lamboy, Case Manager.

***Commissioner Spray moved to accept the changes that were documented and read for the record, second by Commissioner Ortiz, motion carried by unanimous voice vote.***

1. **Commissioner Spray asked about Section 14-9.1(B): Is there a definition for quasi-public infrastructure? Mr. O'Reilly responded there are streets and other infrastructure that are clearly public. But, there may be a trail system through a project that allows members of the public to move through it, or a detention pond that is private and maintained privately, but for the benefit and protection of the public. Mr. O'Reilly stated that the word quasi-public is not currently defined in Code, but he stated that a definition could be incorporated. Commissioner Spray agreed that it would be important to define, especially to clarify for financial guarantees.**
2. **Chair Lindell asked whether could still proceed, and asked staff to coordinate the issue regarding persons with disabilities. Staff to consult with the City's ADA Coordinator to make sure that the text of the ordinance matched current law with regard to the ADA.**
3. **Commissioner Spray asked about a definition for deep lots. Mr. O'Reilly responded that the words imply the lots may be longer than usual from front to back, and stated that he would explore putting in a definition or be more descriptive in that paragraph.**
4. **Commissioner Bordegaray asked whether the General Plan specifies a number of lots before a subdivision can or cannot be gated. Chair Lindell responded that there was no reference in the General Plan, and the subcommittee could find no answer to 6 as the determining number. Chair Lindell called the question about whether to eliminate that section. Commissioners Montes, Ortiz, and Spray voted to eliminate the section, and Commissioners Bordegaray and Hughes voted to keep the section. Based on that vote, the recommendation was made to eliminate that section.**
5. **Commissioner Spray thanked staff for including colored concrete in the code. However, relative to sidewalk inspections, is it to have inspections specifically for the sidewalks? He stated that inspections are required for everything – redundant to have in this part of the code. Mr. O'Reilly agreed.**
6. **Commissioner Villarreal pointed out a grammar correction on page 23, Section B: "The infrastructure must..."**

7. **Commissioner Spray suggested that Section 14-9.5 on Page 23 be in all caps or highlighted to make sure the developer gets notice of the infrastructure policy.**

8. **The Commission voted for the elimination of 14-9.2(d) 7.**

Chair Lindell extended her thanks to staff for their hard work.

**VI. Business From the Floor**

None

**VII. Staff Communications**

None

**VIII. Matters from the Commission**

Reminder that the next Chapter 14 rewrite meeting is next Tuesday.

Chair Lindell made the announcement earlier that Commissioner Estevan Gonzales has resigned and will be recognized in the future for his many years of service as a Commissioner and as a Chair.

**IX. Adjournment**

**Chair Lindell** adjourned the meeting at 8:30 pm.

**Signature:**



**Minutes submitted by: Fran Lucero, Stenographer**

**Minutes approved by: Signe Lindell, Chair**