



Agenda

CITY CLERK'S OFFICE

DATE 3/17/11 TIME 11:25am

BY: [Signature] J. J. [Signature]

PLANNING COMMISSION
April 7, 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 17, 2011

FINDINGS/CONCLUSIONS:

Case #2011-14. Cielo Azul Annexation Agreement Amendment.

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

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

E. OLD BUSINESS

- 1. 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 AND MARCH 3, 2011) (TO BE POSTPONED INDEFINITELY)**
- 2. 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) **(POSTPONED FROM MARCH 3, 2011)**
- 3. 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) **(POSTPONED FROM MARCH 3, 2011)**

F. NEW BUSINESS

1. **Case #2011-22. Las Soleras Tract 4A Preliminary Subdivision Plat.** James W. Siebert, agent for Beckner Road Equities, requests Preliminary Subdivision Plat approval for 7 lots on 8.32 +/- acres located east of Cerrillos Road between the planned Las Soleras Drive roadway and the Crossing at Chamiso roadway. The property is zoned C-2 (General Commercial). (Heather Lamboy, Case Manager)
2. **Case #2011-24. Las Soleras Tract 1 Preliminary Subdivision Plat.** James W. Siebert, agent for Beckner Road Equities, requests Preliminary Subdivision Plat approval for 5 lots on 10.25 +/- acres located east of Cerrillos Road between Beckner Road and the Arroyo de los Chamisos. The property is zoned C-2 (General Commercial). (Heather Lamboy, Case Manager)
3. **Case #2011-34. Las Soleras Annexation Phasing Plan Amendment.** James W. Siebert, agent for Beckner Road Equities, requests an amendment to the Annexation Phasing Plan to divide Phase 1 into Phase 1A and Phase 1B. (Heather Lamboy, Case Manager)

G. BUSINESS FROM THE FLOOR**H. STAFF COMMUNICATIONS**

1. Overview report on status of park planning and funding. (Fabian Chavez, Director of the Parks Division)

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.**

**Index Summary of Minutes
Santa Fe Planning Commission
April 7, 2011**

INDEX	ACTION TAKEN	PAGE(S)
Cover Sheet		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, 3 excused absences	2
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Spray.	2
Approval of Agenda	<u>No Staff or Commission Changes</u> Commissioner Hughes moved for approval of the agenda, second by Commissioner Spray, motion carried by unanimous voice vote.	3
Approval Minutes, March 11, 2011. Corrections: Chris Brasier (last name correction) to Christopher Graeser Renee Villarreal (name correction) Page 13 was in bold print, should be in regular print.	Commissioner Bordegaray moved to approve the minutes of March 17, 2011 as amended, second by Commissioner Hughes, motion carried by unanimous voice vote.	3-14
OLD BUSINESS 1. <u>Case #2010-191</u> Scherer Preliminary Subdivision Plat. 2. <u>Case #2011-01</u> Purple Horizon Mobile Home Park General Plan Amendments. 3. <u>Case #2011-02</u> Purple Heart Horizon Mobile Home Park Rezoning.	Commissioner Villarreal moved to deny Case 2011-01 for the general plan amendments, second by Commissioner Bordegaray, 2 in favor of denial, 2 in favor of approval, the Chair broke the tie vote and voted to deny, motion carried at a 3-2 vote to deny. Commissioner Villarreal moved to deny Case #2011-02, second by Commissioner Spray, 3 in favor of denial, 1 opposed, motion carried.	3-15
<u>New Business</u> <u>Case #2011-22 Las Soleras Tract 4a Preliminary Subdivision Plat.</u>	Commissioner Bordegaray moved to approve Case #2011-22 with staff conditions including the memorandum from Mr. Siebert and Mr.	16-22

**Index Summary of Minutes
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<p><u>Case #2011-24. Las Soleras Tract 1 Preliminary Subdivision Plat.</u></p> <p><u>Case #2011-34. Las Soleras Annexation Phasing Plan Amendment.</u></p>	<p>Romero, second by Commissioner Hughes, motion carried by unanimous voice vote.</p> <p>Commissioner Bordegaray moved to approve Case #2011-24 with staff conditions including the condition and consideration of the easement between tract 1 lot 4 and across lot 4 for a possible future connection to tract 4 including staff conditions and the memo from Mr. Siebert, Commissioner Hughes second the motion, motion carried by unanimous voice vote.</p> <p>Commissioner Bordegaray moved for approval of Case #2011-34 with staff conditions and the memo from Mr. Siebert and Mr. Romero, motion carried by unanimous voice vote</p>	
Business from the Floor	None	22
Communications from Staff Overview report on status of park planning and funding. Fabian Chavez, Director of the Parks Division	Informational	23-26
Matters from the Commission	Informational	26
A. ADJOURNMENT AND SIGNATURE PAGE	There being no further business to come before the Planning Commission, the meeting was adjourned at 9:30 pm.	26

Santa Fe Planning Commission

Meeting Minutes

April 7, 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 **April 7, 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
Renee Villarreal
Lawrence Ortiz
Ruben Montes
Angela Schackel-Bordegaray

Excused:

Dr. Mike Mier
Ruben Montes
Lawrence Ortiz

Staff Present:

Tamara Baer
Dan Esquibel
Kelley Brennan, City Attorney
John Romero, Traffic Engineer
Fabian Chavez, Parks Department

Pledge of Allegiance was led by Commissioner Spray.

III. Approval of Agenda

Case #2010-191. Scherer Preliminary Subdivision Plat

Ms. Baer stated that the applicant's agent, JenkinsGavin Design and Development, requests that consideration of the Scherer Preliminary Subdivision Plat be postponed indefinitely in order to have additional time to work with the neighbors in addressing their concerns.

No Staff or Commission Changes

Commissioner Hughes moved for approval of the agenda, second by Commissioner Spray, motion carried by unanimous voice vote.

Approval of Minutes and Findings/Conclusions

Corrections to Minutes:

Chris Brasier (last name correction) to Christopher Graeser

Renee Villarreal (name correction)

Page 13 was in bold print, should be in regular print.

Commissioner Hughes moved to approve the minutes of March 17, 2011 as amended, second by Commissioner Villarreal, motion carried by unanimous voice vote.

Findings/Conclusions:

Case #2011-14. Cielo Azul Annexation Agreement Amendment

No findings or conclusions.

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

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

Commissioner Hughes moved to approve the Findings/Conclusions for Case #2010-163 and Case #2011-05, second by Commissioner Bordegaray, motion carried by unanimous voice vote.

Expression of gratitude is sent to Ms. Jeanne Price, Legislative Liaison who will be retiring on 4/8/11. She has been professional and has been an asset to the Planning Commission. The Chair as recorded on record expresses her thanks on behalf of the Planning Commission.

IV. Old Business

1. **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 623 ½ 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 AND MARCH 3, 2011) (TO BE POSTPONED INDEFINITELY)**
2. **Case #2010-01. 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 Street and west of Home Depot. (Dan Esquibel, Case Manager) (POSTPONED FROM MARCH 3, 2011)

On August 5, 2010 the applicant presented a similar application, which was rejected by the Planning Commission at a subsequent meeting on October 7, 2010. The applicant has made changes to the proposal with this new application. Cases #2011-01 through #2011-02 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but each is a separate application and shall be reviewed and voted upon separately.

Recommendations

The Project has been reviewed by the Land Use Department and other City Departments through the DRT process. The Land Use Department is unable to support this request. The proposed use, senior housing is not regulated by Chapter 14 and cannot be monitored or enforced by the city. If the Planning Commission finds in favor of this request the Land Use Development recommends approval be subject to conditions set forth in "Purple Horizon Mobile Home Park Conditions of Approval" Table A1 including that the applicant make a commitment on the plat to 100% senior housing. I believe there are some amendments have been placed and the applicant has agreed to place those on the development plan.

Mr. Esquibel referred to the matrix on pages 2 and 3 of 12, indicating the changes. (Information in Commissioners packet).

Ms. Baer informed the commission that she and Mr. O'Reilly have met with Mr. Siebert, agent for the applicant. Mr. O'Reilly's suggestion to Mr. Siebert, on behalf of the applicant might be willing to make a commitment as a condition to the rezoning and/or on the plat stating that the new use would change to senior housing. Mr. Siebert has pointed out in this particular packet that the affordable housing definition requires that only 80% of all the units meet the senior housing requirement and in order to meet the senior housing requirement the conditions of 80% is that one person in the household be over the age of 55. The city cannot monitor, regulate or enforce in private covenants. It is also specified in their covenant that no one under the age of 18 can spend the night there. It is our feeling that it would be a difficult for the city but not impossible to enforce the requirements of the population related to senior housing. There is still another problem with the proposal currently and that is while the roads have been changed to all public there are still two separate rights of way wider and that is simply because the lot is narrow. It starts off as a 46 foot right-of-way and then it goes to a 38 foot right-of-way and there is proposed parking on the wider portion of the right-of-way. There are two problems with that; one is that the mobile home regulations say that you cannot or may not park on the street in a mobile home park and the second is that the Fire Marshal has stated that he does not want any parking on the

street. The project continues to have 2 parking spaces for each mobile home space and there is additional parking for the laundry and storage area, 7 spaces. The city would not permit parking on any portion of the street.

Jim W. Siebert, 915 Mercer Street, Santa Fe, NM 87505 (Representing Mr. Montano, Client for this case.) *Sworn In.*

Let me talk about what has changed from the previous application. First of all there was an issue regarding schools; we have a letter from Richard Polese, President of the School Board stating that as long as the mobile home park remained a project for the elderly that there was capacity in the school system to support this project. That raises the issue that we have been discussing with the Director of the Land Use Department, and that is how you actually go about enforcing that particular provision. As stated by Ms. Baer, what we would like to do [*Mr. Siebert proceeded to give the Commissioners a handout*]. We are willing to accept a condition that would be both stated in the zoning ordinance and put on the development plan itself. "If the applicant shall maintain Purple Horizon as a Senior Housing Manufactured Mobile Home Park in conformance with the Department of Housing and Urban Development rules for Housing for Older Persons, Act of 1995. (Exhibit A-Letter from Mr. James Siebert). He also distributed a form that is required as each person comes in and wants to rent a space needs to complete and testify that they are 55 or older, they have to bring a drivers license and their certification goes forward at that time. (*Letters are included in Exhibit A*)

Mr. Siebert showed the Planning Commission the view of the roads, the roads before backed up to a private road, they have transitioned it to be completely a public road based upon the collector street standard.

We reserved right-of-way going east and west for connections that would take place more to the east. Before we had the office, the parking and the dumpster all located off the right-of-way, we have taken them and made them completely separate with a reserved right-of-way. The other thing that we have done which is different from the last application is that we have 6' wall along the west side of the property and a 6' wall on the east side of the property and a 6' fence on the southern side of the property.

Public Hearing: The constituency who provided testimony were sworn in as a group.

Joni Miller, Owner/Manager of the Trailer Ranch, Private Park and Senior Community,

3471 Cerrillos Road, Santa Fe, NM

Our concerns with this proposal have not altered since the last time we were in attendance at this meeting. Our concerns are the overall safety and security of our elderly residents as well as the vulnerable RV's that are stored at the back of the property and immediately adjacent to the proposed development. We do appreciate

the efforts of the owner and developer to propose a senior mobile home park. But regardless of what ends up in development next door to us, the bottom line is that our disclosure increases greatly. That said; we cannot support this development without the same conditions of approval as were outlined in the original proposal which we called the Proposed Conditions of Approval. This was all done at the October 7, 2010 meeting. As noted in the meeting minutes and agreed to at that time by the Owner, they were as follows:

- 1) Installation of an 8' monolithic concrete structure screen wall to be constructed along the entire west link of the proposed development property line as well as an 8' solid fence to be constructed on the southern border of the property. Both of which are being constructed during the infrastructure phase of construction.
- 2) We ask that the final rules and regulations of this mobile home park be no less stringent, I have not seen anything new but it looks like they will comply with what was presented at the October 7th meeting.
- 3) We ask that the owner would establish sufficient management for the enforcement of their rules and regulations 24-7, and I understand the owner has agreed to this. The difference is that we are now talking about a difference from 8 foot to 6 foot which they agreed to 8 feet in October.

We would also like to add that if the Planning Commission decides to recommend approval for this proposal that as stated that you will attach to the property a condition that it can be only a senior community. That now and in the future that it will only be allowed for senior housing.

We cannot support this development without these conditions of approval. Now that I say that, I don't have any many residents here tonight, some are ill and we couldn't coordinate getting them here. My residents have sent questions for the Planning Commission:

How does the senior requirements aspects of the mobile home park will be enforced? In the event that the senior requirements are violated what will be the repercussions and how will it be rectified? Which department of the city will oversee and make sure it is upheld or govern it? In the event that the senior community is developed that the owner is not able to build the park and therefore returns to the city appealing the conditions based on a case financial hardship; and asking for families to be allowed in, what would be the likelihood of this condition being overturned?

I keep hearing that 80% has to be senior housing and I do want to caution that there is an 80/20% rule and HUD actually mandates that you market senior housing at 100%. The 20% HUD will allow for a caretaker who may be under 55 and can live in the senior household. In the event that the resident, 55 or over happens to pass away then the particular person acting as caretaker and may be under the age of 55, is not kicked out of the home, they are allowed to stay in

the home. Once you go below the 80% of senior residency, you default the rules and regulations of HUD. Even HUD does not have a penalty if a senior community falls below compliance. We view our senior class status, Designation 1 as a privilege and we do everything to comply and not lose that privilege. Every single member comes in and completes an application and is 55+ and no one under the age 30 can live in the same household under our guidelines. Thank you for your time and thoughtful consideration in this matter.

Rick Montoya, 2085 Plaza Montoya, Santa Fe, NM (Representing the Montoya Family where their property adjoins the east side of the proposed property.

We have spoken with Mr. Siebert about a lot of issues and we have come to some agreements in almost all of them. The first concern we continue to have is the density, it seems like we are overloading this portion of land with a lot of units and a lot of family's; one way in/out. We also have questions regarding a stand up curb, it is a requirement to do in an engineering section where John Romero, City Traffic Engineer wanted a left hand turn lane on Rufina in to the proposed project. To extend the stand up curb pass the area where our family driveway is built will cross in to our property. Mr. Montoya stated that he wrote a letter to Mr. Romero (*in packet for Commissioners*), and he has not received word back from Mr. Romero or Mr. Siebert with any solutions to this matter. The problem is, this has been a family property for many generations and when Rufina went through it separated our land in to two sections and our driveway access to Rufina but just to get across from the north side in to the south side, to a stand up curb would be an extreme hardship. If I was going to do some maintenance on either end, I would not be able to get a tractor over the stand up curb. A comment was made; you have to make a right hand turn and go around and go back to the island and on the sidewalk to get on to your driveway. There were so many varieties of driveways worked in to Santa Fe and I sent a few examples to Mr. Romero for consideration or maybe if they shorten the turn lane a little ways where the concrete would end just before their crossing and then continue from that point on for approximately another 25 feet or 20 feet with painted striping. That way there would be no obstruction there and this goes way back when all of these decisions were being made. This goes back to when Mr. Craig Watts and Mr. Chuck Lange were in City Engineering and my dad who is 101 made arrangements with them. He doesn't get around too much and he wished he could have come to this meeting; a lot of these arrangements were made through him as the land owner. From what I understand the city said that they would provide free and clear access in to and across Rufina roadway and it was agreed by the City Engineers, Mr. Craig Watts and Mr. Chuck Lange and accepted on the right-of-way acquisition deed performed by Mr. Alarid from Alarid and Associates. This was way back in the mid 90's when Rufina came about. That is our problem, we would like to have consideration to get across from one side to the other without an obstruction and also so that the family can use the driveway to access Rufina in/out. So far I have not heard anything. Thank you for your time and your consideration.

William Mee, 2073 Camino Samuel Montoya, Santa Fe, NM

I am President of the Agua Fria Village Association and early on in the process our association did take a position opposing this particular development. We were just informed about these changes with the new curb and what has happened is that the Regional Emergency Communication Center, computerized instructions from the dispatcher to the responding emergency vehicle which would be the Agua Fria Fire and Rescue and the Sheriff's office, require a left hand turn from Rufina St. to the subject properties in the Agua Fria Village area. Access is not directed through Agua Fria Street because of the width of the private driveways are too small and there is a lot of crowding of those driveways by older houses. The proposed idling in the latest proposal block this access to Plaza Montoya, Avenida de los Montoya and partially Callejon de Rita. I don't have a count but it is easily over 100 people that would be blocked from emergency access. So for these properties you are taking away a property right without any compensation if you approve the traffic plan as is. I think that puts the onus back on the city. We could work out these things but I think we need to invite in the Fire Department and emergency officials to hash this out and redo the traffic plan. I had first hand knowledge of this is because I live on Camino Samuel Montoya which is blocked by the Atocha island which is the only island on Rufina Street presently and that island blocks 5 properties from making a left hand turn. That has become an issue; a family member has routinely had health issues and the ambulance would come and they didn't know how to turn in to the driveway, they had to make a u-turn, we would be compounding this type of problems with an additional island. It would be interesting to see where the Atocha island and this island would meet, there would only be a break at Rudolfo Rd and Rudolfo Rd property is only about 130 feet wide and I know that the tail end of it touches Rudolfo Rd. On our particular property we have the same kind of island situation and it is very hard to get livestock trailers in to. Rufina Rd. is a very busy road; we even drive on the sidewalk to get in to our property, which is the only way we can do it. We are trying to get a curb cut and we may have to take some action through land use or through the city council, we have been working for approximately seven years on this problem. If we do something tonight we are going to add more problems for the community. We should hold off until we get some guidance on the traffic and safety issues. Thank you.

Public Hearing Closed

Commissioner Hughes, question for staff; last time did staff support this proposal?

Ms. Baer: We did support it with the conditions of the development plan but what came out of the hearing was that the development plan had a fatal flaw which made it difficult for the entire project to go ahead. That had to do with the unusual requirement for mobile homes in the code which required a letter from the School Board President saying that they could support the added population.

Commissioner Hughes asked the City Attorney regarding the statement that the city does not monitor senior housing enforcing the senior housing provisions? That is a federal law for senior housing.

Ms. Brennan stated that this was correct; there are no provision in the code for senior housing or district created for senior housing. The use here is for residential mobile home park.

Commissioner Hughes asked how does the city handle the senior housing enforcement on Cerrillos Road.

Ms. Brennan said that typically it would be enforced by our regular measures; for example if there was a violation of conditions regarding use, they would be cited until they were in compliance and they would be due to a penalty and a fine after 90 days for as long as the violation continued.

Mr. Esquibel said that there was a previous senior housing project that came before this body, there were two city planners involved in that, including myself. That was the senior housing apartment complex behind McDonald's on St. Michael's Drive. It came over as Senior Housing and converted over to a regular apartment complex. That is the only one I can remember where that particular issue came up.

Commissioner Hughes asked Mr. Siebert, as he was the agent for the above mentioned property, if there were any stipulations that they found.

Mr. Siebert said that there was never a condition of zoning on this property.

Mr. Esquibel offered clarification on some items mentioned earlier in the meeting. In regards to the emergency response; this is all in the city and in that area you have county and on the other side you have city. To my knowledge the city responds to city and the county responds to county for the exception of the incorporated areas. The fire marshal did look at all aspects of emergency access and did review this project. With regard to some of the other issues; in your packet I did include statements from the Federal Housing Administration (FHA) under (A-11) that included not only the work of the legislation but there are some questions and answers on that section that refer to some of the issues related to affordable housing. It talks about the right to discriminate against basic family. There is no penalty under the federal guidelines outside if you don't maintain it you could lose that right to discriminate otherwise you have to fall under the basic standards of fair housing where you are not allowed to discriminate. There is a discrepancy when it comes to our ordinance regarding streets. Under the code for mobile home parks under I-VII, it basically says there should be no on street parking and that is standard across the board. Then it says you can build the road based upon city standards that will allow on street parking. So there are two standards where one will allow in the design and one will say we don't want it at all. The Fire Marshall did make it very clear today that because of the length of the road, he would require a 26' driving surface in order to allow on-site parking and in the design of this

mobile home park you do not have a 26 foot driving surface anywhere along that segment. Given that fact, I think that we would recommend that we maintain that there is no on-site parking within that street as code requires. Walls and fences; the code in residential districts and within mobile home parks only allows a 6 foot height fence. In the ENN process there was no advertising for an 8 foot high fence, 7 foot high fence or anything outside of this on this property. A portion of this property does abut up against Trailer Ranch. Now Trailer Ranch until you get to their storage lot where they store the campers and RV's, when you get to that property line to Cerrillos Road, it is C-2 and the code does allow commercial non-residential unit to build an 8 foot high wall. In the past we have practiced that because you are sharing that property line between the non residential use and the residential use we have allowed those residential uses to build an 8 foot high fence without going through the variance process because if once side can do it why can't the other side do it. We have consistently allowed that, but beyond that it would be the maximum of 6 foot high.

Commissioner Hughes asked Ms. Miller; in your experience how many cars do you have per unit?

Ms. Miller said that they allow two cars per unit and is stipulated in our agreement.

Commissioner Hughes asked if they have two cars or less?

Ms. Miller said that less usually, but they actually use less and it also depends if they have a caretaker they may have the second car.

Commissioner Hughes asked if they use these vehicles a lot, say in rush hour.

Ms. Miller said that allot of the seniors still have jobs and are still driving.

Commissioner Villarreal asked if the access to Trailer Ranch is from Cerrillos Road or from Rufina St.?

Ms. Miller said that they do not have access from Rufina St.; their property does not go all the way back to Rufina St. so we stop about 100 yards from Rufina so all access is through Cerrillos Road.

Chair Lindell asked Ms. Miller how many spaces they have in Trailer Ranch and how many extra parking places they have.

Ms. Miller said that they have 65 spaces and their lanes are about 30-45 feet in width. The mobile homes are set back to where they can park their cars off street which is in front of the mobile home. If I was to count with storage I would say another 45 spaces.

Commissioner Villarreal asked if Trailer Ranch is at capacity.

Ms. Miller said they are currently at capacity and everyone has a member that is 55 or older.

Commissioner Spray asked Mr. Siebert about the re-zoning criteria. A different use category, can you tell us why switch from R-3 to this is advantageous to the community?

Mr. Siebert said going back to the General Plan itself; when this property was brought in to city jurisdiction there was a range of housing density; it was 3-7 in this case and that was based on access to utilities. What the city had decided to do was in every case was to watch the lower end of the density range. If you look at the general plan the criteria was; are utilities available, are roads available, that minimum density should be 5 units per acre. This particular density is 5.4 units per acre. We feel if you take a look at the General Plan as a whole, we are very consistent with that. If you take a look at the densities in the area immediately adjoining, they are all approximately about 5 or 6 units per acre.

Commissioner Spray asked Mr. Esquibel if he wanted to comment on Mr. Siebert's response.

Mr. Esquibel stated that for the most part, Mr. Siebert is correct. When you look at that area they are well within those capacities especially with the mobile home parks that are already established and in operation in that area.

Commissioner Spray talked about affordable housing. He quoted Mr. Siebert, "the affordable housing is diminishing in the community." Can you quantify that statement?

Mr. Siebert responded, "no I can't." It is an intuitive feel and if you look at the affordable housing requirement and how many affordable housing units have resulted from that from the regulations, I don't think there are that many. If you look at public housing and how it has been provided in and take a look at the community as a whole, we do not provide a sufficient range of affordable housing. My point is that this is another way of providing another housing project. The city has not approved a manufactured housing project in probably over 30 years. Mr. Siebert said that this is another opportunity to have another product in housing. If you talk to people and they ask where you can put a manufactured house, there are very few places. In fact in the city the manufactured home parks are at capacity.

Commissioner Spray addressed the question regarding the 24-7 management request and security, would there be someone living there full time as a caretaker?

Mr. Siebert said that what they were proposing was that there would be an office unit on site and they would be available 5 or 6 days a week and then our proposal to Ms. Miller was that we would have someone in the park 24-7 in lieu of the rent and they could call someone in the case of an emergency for an immediate response. They would not have someone living in the park due to the amount of units proposed.

Commissioner Spray asked about the amount of units allowed on the property.

Mr. Siebert said they could do 29 units on the property with the current R-3 zoning.

Commissioner Spray asked Mr. Esquibel to address the decking and the 20 foot separation requirements.

Mr. Esquibel said that he measured the distances between the existing site proposed and they were close. They would need the city to meet the requirement to comply with the code. I wanted to see a typical site layout that identified how each site would comply with those standard measurements that are required by code.

Commissioner Spray asked Ms. Baer regarding the Fire Marshall parking issue concerns and Mr. Siebert said that he had not heard of this before tonight.

Ms. Baer said that the Fire Marshal stated in his memo that no parking is allowed on the street. This information has been communicated to Mr. Siebert. Ms. Baer had a conversation with the Fire Marshal this afternoon and he stated that the reason for that had to do with the length of the roadway. That is a regulation in the fire code, if the roadway were not that length or if there was another outlet; perhaps that requirement would not be there. He does say in his memo, "no parking on the street."

Mr. Siebert offered a response and said that the memo he had January 20, 2011 does not say anything about restrictions on parking, and this is the first he hears of this. There is a secondary access and what they have done and discussed with the Fire Marshal is the access to Cerrillos Road and showed the opticom gate access and he agreed to this condition.

Ms. Baer, quoting from the memo of January 20, 2011 from the Fire Marshal, Angelo Ortega, January 20, 2011, Item 3, "due to the length of main entry in to the development, there will be no parking in the street."

Mr. Siebert said he has discussed this with them and the issue was that they wanted secondary access which they provided to Cerrillos Rd. through an opticom gate.

Commissioner Villarreal referred to the access point on Cerrillos Road, would that serve as a pedestrian access point so people could get to Cerrillos Road.

Mr. Siebert said that is correct. It is a base coarse roadway and it will remain as a base coarse roadway.

Commissioner Villarreal referred to the open space park which is 12,000 square feet and parking. Is this an actual green space park or is this space going to be utilized for parking.

Mr. Siebert said that the 12,000 square feet includes the parking.

Chair Lindell wants to address Mr. Montoya's concerns and asked Mr. John Romero to come forward. The Chair is concerned about this crossing that Mr. Montoya spoke about and asked if we have a remedy for this?

Mr. Romero said that the intent of this restriction is one that the city has been imposed on many streets such as Old Pecos Trail and Airport Road. The case is when you get a street that has this much volume and as the adjoining properties develop, if you don't restrict access and put up medians and face what is on Airport Road right now; it is called a suicide left, people can make left in/left out, they are degrading the safety of the roadway. The intent of this is to promote that safety. That being said, the property to the left of this development; we have required the developer to provide an easement to that property. So that property would have full access to Rufina St. through the Purple Horizon Mobile Home park. My understanding in talking with Mr. Siebert, he has offered to provide this access through the reserved right-of-way. They will have full access at that point. As far as any commitments that the city has made as part of the Rufina project, it has been brought up several times; we have not seen anything in writing that says the city will provide full left in left out from Rufina. The way the roadway was built there are many right of ways that are enough for all the turn ins and medians, etc., and they didn't place any medians at the time because right now it is just separating vacant fields. Of these vacant fields only Purple Horizon has chosen to develop and that is where we have started to layout to see how Rufina is going to look with medians and turn lanes.

Chair Lindell asked about Mr. Mee's concerns regarding emergency vehicle access.

Mr. Romero said they have not had any correspondence from the fire department regarding that. Again, we have implemented access restriction from Cerrillos, Airport, Old Pecos Trail where you cannot do a left hand turn you have to make a U-turn at the end of the road. There is a draw back and the Traffic Engineering Division feels that the traffic safety that is realized from that makes it an inconvenience but does provide the safety.

Chair Lindell stated that we have a mobile home park here with 44 units and with 2 spaces per unit and no on street parking, am I understanding that correctly?

Mr. Esquibel responded, "that is correct."

Chair Lindell continued to say, "and 7 additional parking spaces for guests on the property."

Mr. Esquibel responded, "that is correct."

Chair Lindell said that if those 44 people had 3 guests in on a given evening, it seems logical to me that they would fill up all of the extra spaces, which means you would end up with people either parking on the street or parking in a neighbor's driveway. I am concerned about the available parking. Secondly, when we talked

about the walls and fencing we were talking about a 7 foot pre cast fence and now we are looking at a 6 foot block wall on part of it.

Mr. Siebert showed on the design map where the block wall would be along the Trailer Ranch side. The wood fence would go along the opposite site.

The Chair asked if there a reason why this fence has to be wood, why couldn't it be a block wall.

Mr. Siebert responded that Ms. Miller wants it to be 8 feet.

Chair Lindell prefers a block wall or pre-cast as wood fences require maintenance.

Commissioner Villarreal asked how that fence or wall would allow the people to get to Cerrillos Road?

Mr. Siebert stated that you can't block the opticom gate. The city standard is that if you have narrow streets that you have to have one additional space per dwelling unit. We are committing to 22 off street parking spaces and we might have to eliminate one of the mobile home spaces to accomplish that.

Chair Lindell asked if someone had set that we heard no one under 18 could be there.

Ms. Baer said that she did say that but she had to say she did not read it and asked if maybe Mr. Siebert could verify that.

Mr. Siebert said that is correct and it is patterned after other covenants and the commission has not seen this.

Chair Lindell said that would be very hard to enforce. The project over by St. Michael's drive is no longer senior housing. The enforcement of senior housing is very tough.

Chair Lindell said one of the items she is concerned about is regarding a statement made by Mr. Montoya, although as things develop along Rufina Road, I don't know how they will be any different. I don't know the answer to it and without documentation of the agreement that your father made; I don't know what we could do about that. Would you like to comment on that?

Mr. Montoya said that a lot of this was done in the early years of his life. I understand that some of this language is included in some of the right of way. It says that the city has to allow free access to the right of way. Initially Rufina Street was going to be a 2 lane in both directions and that did not happen. We would like to continue our life pattern the way it has always been and it is too bad that the city changes its mind now and then. I don't agree with what Mr. Romero has said. I do not intend to encroach in Mr. Montano's property to get to our land. I do recall a lot of members being against the Rufina Rd. project. It is so ironic that we would

help the city in years past and now the city wants to stab us from behind. I don't know why Mr. Romero is so invested in that curb and gutter. Our life style is still kind of rural and we want to maintain that vs. the urban style of this project. We want to work with you but we don't want it to obstruct our access across Rufina. This collector road on the south side of Rufina, I'm not sure what Mr. Romero called it. We are the last property and Home Depot is not going to send anyone out through this road he makes reference to. We want to use the same drive-ways that we have used and we don't want the change. We can't understand why the city won't work with us.

Commissioner Villarreal said that based on comments from her colleagues and from those who have testified in the audience, I don't think we are ready to make a decision on this. There are going to be problems in the future regarding the rural and urban setting. With all the issues we have brought up of adequate management and who is going to

Commissioner Villarreal moved to deny Case 2011-01 for the general plan amendments, second by Commissioner Bordegaray, 2 in favor of denial, 2 in favor of approval, the Chair broke the tie vote and voted to deny, motion carried at a 3-2 vote to deny.

Discussion: Commissioner Villarreal said that she feels that these proposed mobile home parks are not advantageous to the city. We need to look at other development projects; I want to invite the applicant to look at other affordable homes. One project example on Alameda is LEAD approved. I am not sure why we go back to mobile homes in this city; there are other options for people.

Commissioner Hughes said that Commissioner Villarreal's comments are related to Case #2011-02 and he cannot support this.

Commissioner Spray said that he is inclined to support this proposal. As he looks at it tries to identify the best use, we probably can do better in terms of developing it. He said that if he thought that the owner was being deprived, but with the R-3 zoning there is still a viable way to develop that property. He stated that he would support his colleague's motion.

3. 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) (POSTPONED FROM MARCH 3, 2011)

Commissioner Villarreal moved to deny Case #2011-02, second by Commissioner Spray, 3 in favor of denial, 1 opposed, motion carried.

New Business

1. Case #2011-22. Las Soleras Tract 4A Preliminary Subdivision Plat. James W. Siebert, agent for Beckner Road Equities, requests Preliminary Subdivision Plat approval for 7 lots on 8.32±/-acres located east of Cerrillos Road between the planned Las Soleras Drive roadway and the Crossing at Chamiso roadway. The property is zoned C-2 (General Commercial). (Heather Lamboy, Case Manager) Tamara Baer to proceed on behalf of Ms. Lamboy.

Las Soleras came before this body and was approved by the council in 2009 for annexation and subdivision. The 2 subdivision cases before you this evening are described in the visual (Exhibit 2). There is a blank lot where it says Arroyo Chamiso and that property has been sold to a bank. At the time of the annexation and re-zoning they were C-2 so there is no change proposed as they are C-2. You will see the Wal-Mart site to the west across Cerrillos Road from Track 4, Entrada Contenta (main street portion that face inward to a main street). Beaver Toyota is not expected to apply for a few months. When Las Soleras was initially submitted we talked about design guidelines and at this time we feel it important to have design guidelines for the complete project and the applicant has approved. The applicant has approved the two CCR's and they are in the packet, we have asked the applicant to put the standards adopted on the plat and that would help the city to track and the applicant has agreed to do this. The threshold for development would be 30,000 square feet. If anything were to come in for a proposal it would go to Building Permit and Planning would not see it and this is why we wanted the design standards on this important piece of Cerrillos Road. This is a preliminary subdivision plat and it would come back to the Planning Commission to review the design plan.

Cerrillos Road is a state highway and the access permits have been obtained from the state. On the upper portion of the blue part the state has allowed an access from Cerrillos Road which is and in/out. Lots 3 and 4 also have been granted access. The state has said if it becomes clear that the traffic becomes dangerous because there is so much traffic they would relook at the other two access points.

Chair Lindell asked if an approval was rendered now and it became a problem, would it be rescinded.

Ms. Baer said yes, the state letter is in the packet and does communicate that they would take this action.

Ms. Baer stated that Mr. Siebert had said that we might want to extend an easement from lot 1 to lot 3 up to the arroyo so a crossing could be considered over Arroyo Chamiso. A bridge was never discussed but it would be wise to create an easement so this could happen. When this project was considered, there was a culvert to create access underneath Cerrillos Rd. to go all the way to the Pavilion project. Our staff is in discussion with the NPO transportation planners and DOT to see if we could have this connection made on this side in this project.

Ms. Baer said that on the question of phasing; when there is a project this big it is known that the phasing will change when you have the unknown. We entirely support that and we feel it is appropriate.

The code requires that sidewalks are provided when any roadway or street is constructed and we are requiring that sidewalks need to be done, discussion is if we have to have it on both sides if there are lots on both sides, such as on the southern portion on Track 1. On the two smaller access roads off Cerrillos Rd. it is a requirement that sidewalks be put in to place, applicant has not agreed to that. There will be curb and gutter on the roadway when constructed.

Conditions are lengthy and they can be discussed between now and the time of the hearing for the sub division plat. We would also ask that there be a commitment to putting the design on the plat. We would also ask for design standards and have the applicant provide design standards for the complete project.

Jim Siebert, 951 Mercer Street, SFNM *(previously sworn in)*

There are two subdivisions you are considering. (Mr. Siebert described the site locations and the businesses). This is the phasing schedule that Tamara talked about; originally it comes from the annexation plan or phasing plan. Our anticipation was that residential would exist in this first phase area by Governor Miles where there are utilities. With the commencement of Wal-Mart, it is taking place on Cerrillos Road. We put in the market plan that there is a demand along Cerrillos Road. There is a 25 foot landscape and a 45 foot setback required by code. What you see on Cerrillos Road and what you see now, you would have 2 driveways going in from Cerrillos Road. This is the north end which is a future arterial road that crosses over to Beckner and the one from Rodeo Rd going back to Beckner. This is a private roadway, right in right out, left in. It was mentioned by Tamara that the Highway Department has the right to close that off if there is a problem with traffic.

Mr. Siebert said that they have been in discussion with Mr. Romero from the Traffic Engineering Division and we have discussed some changes. First of all we would like to create a development agreement to discuss impact fees, how they are collected and allocated and the other thing is we have a sub-phase which we call Phase 1A where some of the lots would be developed and we would submit another traffic plan. The other issue is 3 lanes on Cerrillos Road, what the timing is and the traffic study, the traffic engineer would specify what is required for Phase 1A. We are in agreement with John on the memo.

In terms of the design standards, let me give you an example of some of the things that are included in the design standards. There will be a uniform landscape plan along Cerrillos Rd. which is part of these submittals; along Soleras Drive and across Arroyo Chamiso. Where parking is located in front of the building and between the buildings on Cerrillos Road there will be 3 foot wall. The architecture must be 4-sided and the concern here is that quite often when the building faces towards this

interior road they forget about the façade that faces Cerrillos. The point here is that we would require architectural detailing on all façade of the building. Loading dock would be located on the side of the rear of the building not facing Cerrillos Road. We are requiring cross pedestrian access between lots, and the rain harvest from the lot must take place on the lot. We do have ponds within each of the developments. The idea of the ponds is to take the run way from the roadways so the developer is responsible for the runoff from the roadways; the individual lot owner is responsible for the runoff from their particular lot. Utility boxes would be shielded and landscaped, fences and walls with certain setback standards. Drive through facilities cannot have drive up windows that face Cerrillos Road. The maximum height would be 24 feet with limited acceptance for architectural detail. As stated by Tamara, the way to enforce this would be through plat; we would have a separate sheet that would deal only with conditions and design standards and they would be recorded along with the main plat and they are in the covenants and one of the restrictions in the covenant is that the only way we could change the duct design standards is through approval of the Land Use Department.

Mr. Siebert went back to address some of the issues staff brought up tonight. On the interior roadway what we are proposing is not to have a sidewalk along here, but instead what we would have which is part of the covenant; is we would require a mandatory access between lots. What would happen is on the eastside you will be coming in from various points to parking lot areas, we are proposing not to build this parking lot (shown on design), but there is a bus parking area. If we did the parking lot on the east side of the parking drive we would put the sidewalks in.

The other issue is the access to the underpass which is under Cerrillos Road. This underpass really takes place (*pointed out on site plan*); we would ask the Planning Commission to allow our Engineers and the Planners to continue to work with city staff to determine the method for accessing that particular pipe. It is a lot more complex than it seems, part of it is in the right-of-way with jurisdictional issues; part of it is how do we handle the proximity to the floodplain and we haven't decided how to manage that and provide a safe access and there are substantial number of utilities all located right in front of that pipe. What we would ask the Commission to do is to allow us to continue to work with staff and pin down some of those obstacles.

Mr. Siebert stated that Ms. Baer raised an issue of access and I think what she is talking about is road crossing over to Chamisa, we have never had it on any of our plans, there has never been any traffic engineering done with it. We have determined that there is adequate capacity on these roads to accommodate all the development that takes place in Las Soleras. We are not in agreement with that particular issue but with that said we are in agreement with the conditions that are in the staff report so we can work with staff to connect to the under pass.

PUBLIC HEARING

No participation from the audience, public hearing closed.

Commissioner Hughes asked for clarification regarding the statement that Mr. Siebert did not agree with.

Mr. Siebert said that it was not part of the staff report that Ms. Baer would like an extension of this private roadway across the Chamiso and connecting at the crossing of Chamiso.

Commissioner Hughes asked for clarification regarding Mr. Siebert's reference to the covenants, I thought that the city did not honor those or did not require them.

Ms. Baer explained that this was correct, there are three separate levels in the documents, there are the covenants, the guidelines and what we are really looking at are the design standards. There would be a set of design standards that would then be, as Mr. Siebert pointed out, placed on a separate sheet and attached to the subdivision plat so that anytime the project came in for approval it would also have that sheet attached.

Commissioner Hughes directed his question to Mr. Rome: I am not in favor of private roads and asked why they are being proposed in this project.

Mr. Romero referred to the connection streets from Las Soleras Drive and Chamiso. We consider those to be not necessarily streets but inter-circulation between parking lots. In the end it will look like a shopping center but split up into different parcels. This is just an easement between parking lots.

Commissioner Bordegaray asked if each of the lots would have 3 free standing buildings.

Mr. Siebert said that they would be free standing.

Commissioner Bordegaray said that this is more of a configuration for a very large shopping center. It would be a connection between parking lots. Think of Zafarano, Bed Bath and Beyond, Albertson's, we can't envision it.

Ms. Baer said it is not like the Zafarano model, this is very different, and it has a big box. It would behoove the retailers if there was the cross connection and the desire to have it all work together.

Commissioner Bordegaray asked if the parking lot was proposed on the back.

Ms. Baer said that the parking would not be facing Cerrillos Rd., the parking would be in the interior, and you would see an animated façade.

Commissioner Bordegaray asked if anyone knows when the tunnel will be dug out? Do you know the origin or why it was put there?

Mr. Romero said that he did not have the answer to this question.

Commissioner Spray asked if there was demand on this project.

Mr. Siebert said that they have letters of intent already for tract 5 and close to the intersection and he referred to another location on the map.

Commissioner Villarreal asked if there are any businesses or companies that are interested in these lots.

Mr. Siebert said that there are no legal lots of record so they can only enter in to Letters of Intent. There is a whole range of businesses; i.e. restaurants, banks, credit unions, etc.

Commissioner Villarreal said that when the hospital is built it will be nice for them to be able to walk to the adjacent restaurants and businesses. Thank you for thinking of this.

Chair Lindell asked on 4A, what would be the approximate size of that building?

Mr. Siebert said that the 4A lot is smaller than 1A; it is approximately 4,000 square feet.

Chair Lindell said that these buildings front Cerrillos Road but it looks like their access is through the interior.

Mr. Siebert said you have to consider all four sides of the building.

Chair Lindell asked about the crossing and if this information was in the packet.

Ms. Baer said that she is suggesting an easement that would allow a crossing?

Mr. Siebert asked if this is a pedestrian easement.

Ms. Baer said no she is proposing a full road easement.

Chair Lindell asked Mr. Siebert if he was in agreement with Mr. Romero.

Mr. Siebert said that he isn't in disagreement, he is in discussion about impact fees for Las Soleras, and also wanted clarification for lots that they are interested in and a traffic study to find out what the impacts are. Mr. Siebert said that they are trying to balance the two traffic signals and Las Soleras has already put in over \$2 million dollars and Wal-Mart has also put in almost an equal amount. We are looking at the revenues to offset those costs.

Mr. Romero said that his original memo was for Phase 1, that office complex had a lot to do with the mitigation measures. Improvements: They are going to prepare a TIA and if some of those improvements are not needed, I will review. This is the only time we would allow the mitigation. They could not come back with a Phase 2 at a later date.

Chair Lindell asked Mr. Romero if he had a chance to review Mr. Siebert's document.

Mr. Romero commented on condition 2 that Mr. Siebert commented on. That language was from the annexation agreement. In anticipation of these lots coming in, we would continue to collect money and the developer would have the money to use when needed. From an accounting standpoint, the city takes in the money and if we try to give it back it creates a problem. We are continuing to discuss how we simplify this. Mr. Siebert is going to figure the impact fees and the cost share, and then figure out what they equal to. This is a time sensitive matter as to when improvements would be made and Mr. Siebert hasn't stated it that way in his memo and he hasn't disagreed with Mr. Romero's comment but he is working on making the agreement more clear.

Chair Lindell said that this seems like it is very important but it is not really in a format to bring the Commission forward to a vote and I am concerned that we need to have some clarification on this and additionally I would like to see one of the conditions be the easement. I am really concerned about getting this motion right should we decide to proceed on this.

Mr. Siebert made a suggestion based on the comment that Mr. Romero previously made, it is going to be very complex. Mr. Siebert said that they do have to come back for final plat, and he would ask for a condition that they come back at final plat with further clarification on this particular issue.

Ms. Baer said that a lot of the conditions are technical lines and staff is committing to work with Mr. Siebert to simplify the conditions including what the outcome is when Mr. Romero and Mr. Siebert come to an agreement and we can come back with that outcome at the time of final plat.

Chair Lindell asked if the suggestion is that the Commission proceed. Should we approve this tonight with all staff conditions and recommendations.

Ms. Brennan stated that that is part of the idea of the preliminary approval that you are giving guidance but it is at this point that you articulate the conditions generally that you expect for them to fulfill at the time of final approval.

Mr. Romero said he would recommend approval with staff conditions and asking that staff consider Mr. Siebert's letter for final plat approval. (Exhibit 3). Mr. Romero said that he will provide a new memo stating what his ultimate decisions are.

Commissioner Bordegaray said that she did not want to prescribe to this without knowing more about the design and asked staff for the appropriate steps.

Ms. Baer said that the problem is if the Commission doesn't do they won't have the opportunity to do it 20 years from now, something will be built over it and it is not likely, it is more likely that something will come in that is the right size and come in for building permit. You will not be able to get that connection in the future. Unless you plan for that connection now you give up the opportunity to ever achieve that.

Ms. Brennan said that the language of the code also provides that if you conditionally approve with a preliminary plat, you express the conditions and give guidance for preparation of the final until it comes back for the final approval.

Commissioner Bordegaray moved to approve Case #2011-22 with staff conditions including the memorandum from Mr. Siebert and Mr. Romero, second by Commissioner Hughes, motion carried by unanimous voice vote.

Case #2011-24. Las Soleras Tract 1 Preliminary Subdivision Plat. James W. Siebert, agent for Beckner Road Equities, requests Preliminary Subdivision Plat approval for 5 lots on 10.25 +/- acres located east of Cerrillos Road between Beckner Road and the Arroyo de los Chamisos. The property is zoned C-2 (General Commercial). (Heather Lamboy, Case Manager)

Commissioner Bordegaray moved to approve Case #2011-24 with staff conditions including the condition and consideration of the easement between tract 1 lot 4 and across lot 4 for a possible future connection to tract 4 including staff conditions and the memo from Mr. Siebert, Commissioner Hughes second the motion, motion carried by unanimous voice vote.

2. Case #2011-34. Las Soleras Annexation Phasing Plan Amendment. James W. Siebert, agent for Beckner Road Equities, requests an amendment to the Annexation Phasing Plan to divide Phase 1 into Phase 1A and Phase 1B. (Heather Lamboy, Case Manager)

Mr. Siebert said that 1B would be the remainder of 1A.

Commissioner Bordegaray moved for approval of Case #2011-34 with staff conditions and the memo from Mr. Siebert and Mr. Romero, motion carried by unanimous voice vote.

V. Business from the Floor

None

VI. Staff Communications

1. Overview report on status of park planning and funding. (Fabian Chavez, Director of the Parks Division).

Overview on Parks: Mr. Chavez responded to six questions that Ms. Baer had provided for report to the Commission.

The first question is how is planning for parks done in the city of Santa Fe? How do we identify projects? They basically happen in three ways; it could be a governing body action, there might be a councilor that comes forward and says, "we need this in our neighborhood either a new park or a renovation." It could come as a response from a constituent or a special user group. It may not even come to the governing body first. Thirdly, it might be the traditional way which is the Planning Department says, the developers are at this point in their development and they are ready to build a park and at that point staff will come forward and provide assistance in the designing process and then when we really get into it is when the project goes in to construction.

Second question is how do we fund park projects in the city of Santa Fe? First of all it has been traditionally through CIP bonds usually piggy backing in the past has been through legislative appropriations. Normally we do not use operational funds for parks. Most recently there was a special bond election for the first time in Santa Fe where we appropriated over \$30 million dollars to renovate and build new parks, open space and trails. Sometimes they are built by the developer, they fund it and maintain it for a year and then we take over. There are organizations that fund parks, Home Depot funds fund children parks, we have been fortunate to get grants thru US Forestry to develop specifically trees in urban parks. The National Park Service has helped us in the past and most recently we have applied through the Tommy Hawk Foundation to specifically develop state parks.

The third question, what is the current state of planning and funding in the city? We have 6 project managers that work for us full time on park trails, park planning and design. They are also involved in construction oversight. We also hire consultants, and we have about 8 right now, we work with archaeologist consultants and wild life relocators, BLM and others for example prairie dogs need to be relocated so we work with BLM to relocate where they were historically.

Current status of funding, we are about two-thirds thru the park bond, the park development planning and construction. We are ramping up on the development at about \$8.7 million dollars in trails and open space and the NW

quadrant. We are at the tail end of a couple of legislative appropriations and we haven't received anything this year and I don't think we will get funding from the state of New Mexico for at least 3 years due to the economy.

We have a grant that is being used for storm water diversion and try to channel the water in to parks and frontage areas instead of taking it directly in to the river to irrigate.

We are seeking private contributions, most of it is in-kind. Many have come forward to pay for a particular portion of Cathedral Park, Amelia White Park, and most recently people have come forward and said if the city will do this we will do our part in community gardens.

Fourth question was what is in the works? The biggest project in the works is Tierra Contenta Master Plan. We are in the signed development master plan phase right now on a 96 acre tract in Tierra Contenta. We are also working on development of Trails in the NW quadrant.

If we are going to build a park, let's look at all the users and we look at the locality of schools and hospitals and there is a need because of the residential use, how can we leverage those lead uses and efficient development of space so that maybe all of these users are using the same parking lots, the same park space. We are looking at developing equestrian trails. Some of the areas where people can ride their horses are now land locked.

Santa Fe has no legal spaces for motorized vehicles to recreate. One of the last opportunities in Santa Fe is to use a portion of the NW quadrant for a motor cross park. We are also working on skate parks in Santa Fe. If you go to any of our parks, with the eye you will see the skate folks are the users. We are working on a grant to add capacity to the skate park at Governor Miles Park, and the skaters are moving away from the traditional skating on the flat part. Across the country they are moving to a skate plaza where the park looks like an urban park downtown.

We are working with an initiative called Prescription Trails where we have mapped out with the systems trails in town where healthcare givers might be able to recommend for those that are recovering from illnesses and need an area to walk. The physician can write out a prescription and tell them where to walk for convalescing.

Another initiative is one called State Routes to Schools which was a request from DOT instead of a park that has walking around it, take that trail and at the perimeter of that park how can we get them to school with safe routes and connectivity.

Fifth question was what are the affects of the down turn of the economy?

We got lucky and we passed the Parks Bond before the economy went down and this how we have been able to develop parks because the CIP money is dried up and Legislative money is dried up. There is a flip side to that and that is the challenge of continuing park maintenance beyond 2012.

Sixth question was how do you coordinate with the NPO and trail user groups? We have 3 trail project managers and anytime there is any trail development or construction is occurring, we direct our staff to work with the NPO representative of the city.

Commissioner Spray expressed his thanks and asked on question five related to maintenance, what is the answer?

Mr. Chavez said that he feels the answer is sustainability. When you look at the way other cities do this you cannot provide maintenance on soft dollars like legislative appropriations, or currently the stop gap measure which is CIP funds. The CIP funds are dependent on capacity of the city to bond with CIP and that is what we are doing right now. The sustainable answer is a gross receipts tax income that makes the capacity to say that you run in the black not in the red to provide the maintenance and property tax. The only way to develop a maintenance crew and staff that doesn't change is to have permanent positions that aren't temporary. It is currently staying flat and we have lost positions, if things get worse there will be a time when the city of Santa Fe will have to decide where they want to cut it.

Commissioner Spray addressed the question in the NW quadrant, hiking trails, equestrian trails and a motor cross park.

Mr. Chavez said on the motor cross park they are planning about a 50 acre foot print which would be if you take a look at the NW quadrant on the SW corner and you can see it from 599. Currently BMX is there and maintained by their volunteers. There are also property managers working on the design factors for walking trails.

Ms. Brennan said that there is some consideration given to an approved plan when development is occurring on a small portion.

Mr. Chavez clarified that there are currently 6 project managers, and 8 consulting firms and their planners working on projects. We have about 8 consultants working on projects and the 6 in-house project managers working on staff.

Tierra Contenta Project: Mary McDonald is the Project Manager and consultant for this project is the contact to the NPO.

The Pavilion, it is the responsibility of the project manager and the design firm to work with the NPO and other players in the project.

Commissioner Bordegaray asked about the Ragle Park project; regarding safe routes to school, does this apply in the renovation of Ragle Park.

Mr. Chavez, said that in the second month of the design of that project, Tom Agard of DOT came to us and said we can see the trail system and the kids coming to and from the school through Chaparral and the neighborhood; would you consider the redesign of not the inter trail system but the way the trails connect to the portion of the street and they stop at the school. We did change the design plan to provide those connections.

Commissioner Bordegaray made a request to invite the NPO to a Commission meeting and have them provide an overview of the bicycle master plan and how it ties in to parks and trails.

Ms. Baer reported on the bus route to old Las Vegas place, there are no bus routes. The demand is not there and it is too far.

Ms. Baer asked the commission if they would like a couple of other overviews, Tierra Contenta, to understand the relationship between the city. If so she will contact Dave Thomas to give a brief update.

Santa Fe homes presentation on affordable housing.

Long term planning number of dwelling units in TC – 4,000 approved dwelling units, 2,300 are built, and Las Soleras 2,567 approved dwelling units.

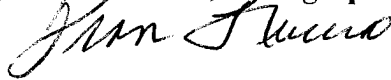
VII. Matters from the Commission

VIII. Adjournment

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:30 pm.

Signature Page:

Minutes submitted by: Fran Lucero, Stenographer



Minutes approved by: Signe Lindell, Chair