



Agenda

DATE 4/29/11 TIME 11:00 a
 PREPARED BY Geraldine Guevara
 REVIEWED BY [Signature]

PLANNING COMMISSION

May 19, 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: May 5, 2011

FINDINGS/CONCLUSIONS:

Case #2011-17. 444 Camino De Las Animas Building Permit Appeal.

Case# 2011-21. 1139 Cerro Gordo Variance.

- E. OLD BUSINESS
- F. NEW BUSINESS

1. Case #2011-23. **Las Soleras Tract 4A Final Subdivision Plat.** James W. Siebert, agent for Beckner Road Equities, requests Final 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 #2011-25. **Las Soleras Tract 1 Final Subdivision Plat.** James W. Siebert, agent for Beckner Road Equities, requests Final Subdivision Plat approval for 5 lots on 10.25 +/- acres, and one remainder lot (Tract 1B) consisting of 25.436 acres, for a total of 6 lots all 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)

- 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.**

Index Summary of Minutes
Santa Fe Planning Commission
May 19, 2011

INDEX	ACTION TAKEN	PAGE(S)
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Call to Order	Chair Lindell called the meeting to order at 6:15 pm	1
Roll Call	A quorum was declared by roll call: 6 present - 3 excused	1
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Spray	1
Approval of Agenda	Commissioner Bordegaray moved to approve the agenda as amended, second by Commissioner Spray	1
Approval of Minutes MINUTES: May 9, 2011	Commissioner Spray moved to approve the May 5, 2011 minutes (as amended), seconded by Commissioner Bordegaray	2
Old Business	None	2
New Business	<u>Case #2011-23.</u> Las Soleras Tract 4A Final Subdivision Plat <u>Case #2011-25.</u> Las Soleras Tract 1 Final Subdivision Plat	2-18
Business from the Floor	None	18
Communications from Staff	None	18
Matters from the Commission	Informational	18-19
Adjournment and Signature Page	There being no further business to come before the Planning Commission, the meeting was adjourned at 8:15 pm.	19

PLANNING COMMISSION
May 19, 2011 – 6:00 P.M. – 8:15 P.M.
CITY COUNCIL CHAMBERS

A. ROLL CALL

Present

Signe Lindell, Chair
Tom Spray
Lawrence Ortiz
Lisa Bemis
Angela Shackle Bordegaray
Ruben Montes

Absent/Excused

Ken Hughes, Vice Chair
Renee Villarreal
Mike Mier

Others Present

Tamara Baer, Manager – Current Planning Division
Ms. Kelley Brennan, Assistant City Attorney
Teresa Casados, Recording Stenographer for Fran Lucero

B. PLEDGE OF ALLEGIANCE

The pledge was led by Commissioner Spray

C. APPROVAL OF AGENDA

Commissioner Lindell asks for any changes to the agenda.

Staff requests postponement of 2011-17 findings.

Also, we inadvertently did not put April 21 minutes on agenda. Both will be on the June 2nd agenda. You will hear the minutes first and then findings and conclusions.

No changes from the Commission.

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

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: April 21, 2011 and May 5, 2011
FINDINGS/CONCLUSIONS:

Approval of the April 21, 2011 minutes was postponed to June 2.

Approval of the May 5, 2011 minutes open for discussion. Commissioner Montes commented that he was not present at the May 5, 2011 meeting but is listed as having taken action on the approval of the agenda and elsewhere.

Commissioner Spray moved to approve the May 5, 2011 minutes (as amended), seconded by Commissioner Bordegaray, motion carried by unanimous voice vote.

Case# 2011-21. 1139 Cerro Gordo Variance.

Commissioner Lindell opens the floor for discussion on Case #2011-21 (no comments)

Commissioner Spray moved to approve, seconded by Commissioner Ortiz, motion carried by unanimous voice vote.

E. OLD BUSINESS

There is no old business.

Commissioner Lindell states that the two cases on Las Soleras will be heard together.

F. NEW BUSINESS

1. **Case #2011-23. Las Soleras Tract 4A Final Subdivision Plat.** James W. Siebert, agent for Beckner Road Equities, requests Final 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)

Ms. Lamboy provided the Commission a written update to the staff report. Chair Lindell also requested Ms. Lamboy provide the 4/7/11 minutes, which was done on very short notice, to refresh our memories on inquiries. Ms. Lamboy provided a memo which provided highlights,

Ms. Lamboy: I am presenting two cases for final plat for Tracts 1A and 4A of Las Soleras. I am going over basic information which was heard on 4/7/11. For the Northern tract there are 7 lots proposed which comprise approximately 8.32 acres. Each lot would be approximately 1 acre. For Tract 1 to the South would be a proposal for 5 lots on 10 acres. That configuration includes one larger lot and several smaller lots that would be located more adjacent to Beckner Road. The access off again is off Beckner Road, not Cerrillos Road. There is one minor access on Cerrillos Road. The zoning was approved with the annexation in the original plats of Las Soleras. The zoning is C2. Across Cerrillos Road is the Entrada Contenta development. The retail /commercial main street will be built after Walmart. There has been a lot of discussion about pedestrian connections in Las Soleras. We have been doing research on the pedestrian tunnel that was built several years ago as part of the Cerrillos Road improvement. The tunnel is there, it is intact – and we need to figure out how to connect.

There were several issues that were raised at the preliminary plat by planning commission. Staff has made list of those issues and has worked with applicant. They are outlined in staff

report. The applicant read the staff report and expressed an interest in discussing the issues further. We have done that. This memo is a result of our continued negotiations.

The first issue was the timing of infrastructure and impact fee credit agreement. Cerrillos Road has already been improved to a certain degree because of project. There are a lot of improvements expected. John Romero's memo is very lengthy and illustrates all required development requirements for the transportation side of things. There is also the infrastructure for water, wastewater, sidewalks and, of course, pedestrian amenities as well. Staff is working with the applicant to get data and analysis together necessary to understand what are the investments the applicant must make and what the City is going to give in terms of an impact fee credit because of those investments. We have been using Mr. Romero's requirements as a basis. We have several staff involved in this. The condition is stated that the impact fee credit agreement must be approved by City staff prior to recordation of plat. There will be no plat prior to ensuring that the infrastructure completion policy will be met.

Staff recommendation No. 2 dealt with the fact that the details on the trail design were preliminary and very limited. A concern is that the trail is at right angle (which creates a bicycle problem). Suggested that the applicant meet with City staff re: trail design and also NMDOT for access permit. The applicant agreed to do so. We do have a meeting scheduled for Tuesday w/DOT officials and Mr. Eric Martinez (Public Works Division). We will get a concept plan will be approved prior to plat recordation but we will not get final design documents complete before that time. Access permit from NMDOT takes longer than 6 – 8 weeks.

The 3rd recommendation was that sidewalks be located throughout the entire development, specifically for the roadway south of Las Soleras drive. Apparently that was intended to be shared driveway between two parcels. Our traffic engineer indicated that because of distance to proposed driveway it is not long enough and would cause problems with traffic. They have agreed to completely eliminate this drive and the sidewalk issue goes away. Therefore this issue is deleted.

The 4th issue is a fairly large issue. The issue with these particular lots is they are small enough that they will not trigger a requirement for development plan. Staff is concerned about having this gateway to our City looking attractive. Therefore we wanted some type of design control. There were a couple of sticking points. The first is parking lot screening. The applicant agreed to eliminate and put a 3 foot wall or landscape buffer.

In terms of window or door openings, we don't want blank facades facing Cerrillos Road. Walmart actually has an articulated façade facing Cerrillos Road for that purpose. In our design standards we wrote that there should be a minimum of 30% openings on that elevation. The developer had some concern with their corporation clients and thought that might not be achievable. We came to a compromise of 30% or 15% window and door together coupled with other architectural features. So at least 30% of the side has some form of architectural element to it.

I shared the memorandum with applicant today and they agreed to memorandum. With reference to cross access we have had lots of discussion. Because of the terrain it was determined that vehicular cross access might be difficult. What was agreed upon was that the cross access would be for pedestrians and not necessarily for vehicles.

Finally, as part of the urban design we sought controls over signage. The staff requested that there be a unified font and requested stricter standards than our sign code allows for. What has been agreed upon is that the monument signs will have a unified font as well as the common area – entrance signs. The wall signs on the buildings, which require substantial setback from roadway, can be of traditional corporate style but the regulation would be that letter height cannot exceed 24” and the logo cannot exceed 30”.

Finally, the cross access easement that would occur between Tract 4 – Prado Blvd. – would extend across so there would be good internal circulation. There would be two bus stops which would circulate to Cerrillos road. May be more advantageous to use internal circulation in the future. Staff and the applicant agreed to that provision.

The final thing is the reference to “Pavilion” on the street names and staff objected because there is another development named Pavilion. They have removed “Pavilion” and replaced with “Prado”.

This concludes staff presentation.

Chair Lindell – thank you. Is the applicant present?

Jim Siebert – 915 Mercer Santa Fe, NM.

Heather did an excellent job explaining the issues surrounding this. What we would like to do is discuss what actually makes this project different from some of the others along Cerrillos Road and commercial projects in general in Santa Fe. It became evident that what would be appropriate is for us to go around town – because the issues we have are architectural design standard issues. I thought it would be appropriate to go around town to do a visual scenario to see what has been well done and what could be improved. It gives an indication to the planning commission the kinds of things we would like to incorporate in a project and those we would like to avoid. (Visual presentation)

At each end you have Las Soleras which will be linking to the future Presbyterian hospital site. Down below is the crossing which will border western boundary of the Presbyterian site. Between is the connector road – the only access to these lots. There will be no direct access from Cerrillos Road to any of these lots. We have set aside a location for a bus stop. The actual location will be determined either at the time that Santa Fe Trails feels a bus stop is needed or when 4B is developed. The Arroyo de los Chamiso is actually here and continues down south of the crossing.

Commissioner Bordegaray: Can you please point out arroyo.

Mr. Siebert: Points out arroyo and access points. No access to lots from Cerrillos road. Bus stop exact location determined in future.

Commissioner Bordegaray – asks for further clarification - hard time understanding and locating.

Mr. Siebert – The discussion was that there would have to be an extension that would connect to the crossing at Chamisos. One of the issues came up that it is approximately 1,000 feet to crossing. If we had a bridge crossing here we would end up with three bridge crossings – about every 4,000 feet on the average. The reason for that is it is expensive and has an environmental consequence.

Commissioner Bordegaray: So, the northern tract has its own access road. Is this similar design on two tracts? Where is the other crossing?

Mr. Siebert – Arroyo del Chamiso.

Commissioner Bordegaray: Where is the other crossing?

Mr. Siebert: Points out crossing on presentation slide.

Tamara Baer: If you look at the monitor there are two subdivisions. 4A is on top and 1 is on the bottom. There are two other parcels right above where it says Arroyo Chamiso that are not a part of this. These don't immediately bud up against each other divided by the arroyo. You have the two more lots which we are not discussing. Then there is the arroyo and subdivision 1A. Does that help?

Commissioner Bordegaray: Yes, so what you have is two strip developments which have no relation to each other. How far from here to here? From the street in lay person terms are we making enough internal circulation?

Mr. Siebert – 1000 feet.

Commissioner Borderagay: What is that like?

Commissioner Lindell: About a mile.

Commissioner Borderagay: I am just trying to visualize. The Target center does not work. You have to drive to everything. This is similar? How is this different? Similar to Outback Steakhouse and Kohl's. You have to drive everywhere.

Mr. Siebert: You have a point that if Arroyo Chamiso wasn't there you could make that connection. But here it creates difficulty because you have a bike path and no crossing other than the bike path. I'm not sure you would walk.

Commissioner Borderagay: I would walk depending on how it is built and designed. Make that relationship.

Chair Lindell: Can we let him finish the presentation and then we can delve into the details.

Siebert – The issue is design standards. One of the questions that first came up was how are you going to insure that design standards are implemented. First, put on the plat. That is the language we worked out with staff and will be recorded and part of the record. The other thing is we have reflected the standards in the covenants. There are two sets for north side and one for 1A, south lot. The other thing when talking about what makes us different (shows slide of Richards to Avenida de las Americas which has 8 driveways in 800 feet) We are saying that there is no driveways from Cerrillos Road. Recites from the "Design Standards" and shows pictures of how they envision the berm looking.

Photos of Rodeo Road Plaza which is pleasant and well designed – slight elevation to it. NM Bank & Trust on St. Michael's Drive. Difference is it does have a wall and trees. Does not have same type of screening as Rodeo Plaza. Plaza Princessa off St. Michael's – this has more

mature trees – parking down below – had a good feel to it. New LANB site – 20' landscape strip – trees and shrubbery – and once again it has a pretty good feel to it.

Architectural Elements – get back to idea that this has to have architectural features on four sides. These are some of the elements included in that. The last is the one Heather was discussing regarding the side facing Cerrillos Road has to have minimum of 30% fenestration, or 15% fenestration if coupled with other architectural features so that at least 30% of the façade covered.

Shows photos of:

backside of Albertson's with trellis and vines with color and architectural motives – well done with landscaping.

Santa Fe Auto Park – what you don't want to have. Design standards have eliminated the possibility.

Zafarano/Borders – well done – window element helps a great deal on visual aspect. I agree that you need window element.

St. Frances Drive – no window elements.

One of the other things you observe is the number of utility hot boxes visible. Hot boxes and electrical boxes are required to be set back or enclosed in architectural feature.

Shows photos of:

Zafarano and Cerrillos.

Another issue that came up with staff was how we would handle gas station canopies. There concern was how the canopy would look and the support structure. I have a picture:

Example of structure that is well done. Have a picture of Giant – well done.

We also talked about signs. Monument and Wall signs would be carefully regulated. Wall signs would be limited re: height of lettering 24" and logo 36". We have a couple of examples. Shows photos of:

McDonald's is a good example.

Santa Fe Art and Design – good example.

San Isidro Plaza – closest example of what staff is trying to achieve.

Landscape is an incredibly important feature of this project. What we've done along the entire Cerrillos Road corridor is a consistent landscape theme. Shows photos:

Zafarano and Cerrillos is what not to do.

Del Norte Credit Union on Cerrillos has done good job incorporating drainage features

Cerrillos & Richards – good example – sidewalk with landscape strip with vegetation (closest to what will happen in Las Soleras)

Mr. Siebert – concludes presentation.

Chair Lindell – open to public hearing prior to commission questions. Public hearing closed.

Commissioner Bemis: What is the use of a tower? Is it a space that the business uses or is it just an architectural piece?

Mr. Siebert: Those listed in design standard?

Commissioner Bemis: One photograph that you showed that had a tower. Considering this is a very important road entering Santa Fe and setting the feeling of things being low, and adobe, and different, is the tower a compliment – is it helpful?

Mr. Siebert: The one thing we have done is the C2 zoning allows for 42' height – which has been restricted to 24'. The intent was that through tower elements they can go to 30'. Point was it would provide for architectural interest.

Commissioner Bemis: so this is not spaced that is used.

Mr. Siebert: No, just architectural element.

Chair Lindell: Before we continue I would like to make a couple of clarifications.

Ms. Lamboy, I believe that due to the size of this project we will not be seeing a development plan? Correct.

Ms. Lamboy – Yes, that is correct. Because of the size of the lots on this, the trigger is not there for a development plan.

Chair Lindell: What would trigger the need for a development plan?

Ms. Lamboy: The minimize size for a commercial unit is 30,000 square feet.

Chair Lindell: So it would have to be 30,000 square feet before requiring a development plan. So I am trying to clarify to commissioners that we will not see this again. We will have no look at how these will look or what signage or landscape will look like. It is a very major access into the city. Can we clarify on any of these lots what is going to be on these lots?

Mr. Siebert: So far we have four buyers that have submitted letters of interest. Once is a credit union, gas station, fast food restaurant, and sit down restaurant.

Chair Lindell: Are those divided between 4A and 1A or one section?

Mr. Siebert: Three of them are in 4A and one is in 1A.

Chair Lindell: Because they are separate lots and not as 1A/4A that keeps them from hitting the threshold for coming back with a development plan, correct?

Tamara Baer: Not really the reason. What we are looking at is a subdivision agreement. Development on each lot does not trigger the development plan. What you would be seeing is the larger single user on the remainder of both lots. On the upper it may be Target or Costco or maybe even Bloomingdales. There will be two big box users and you would be seeing those because presumably the user would be over 30,000 sq. ft.

Chair Lindell: So in section 1A the furthestmost northern lot?

Tamara Baer: No, the remainder lots (C2) on both of those pieces.

Chair Lindell: Just wanted to clarify for the commission.

Commissioner Spray: I would like to thank Lamboy and staff - appreciate conditions of approval and on design component of this, especially since we don't see this again. We know someone is taking a look and watching. If we make approval tonight who will watch and review.

Ms. Lamboy – We have discussed how to implement with technical review staff. The reason you see the design standards on the plat is that they would have to submit with building permit application and it goes on record. That will be a trigger and we will train staff on these standards if they were approved by commission tonight

Commissioner Spray: So that would be an internal review by existing staff – do we use preliminary drawings?

Ms. Lamboy – The applicant would have to go for a building permit review if this approved. The building permit staff would review for compliance (City engineer, John Romero as well). It would be completely at that level.

Commissioner Spray: I have a question regarding the fenestration. What was the problem with 30% fenestration?

Mr. Siebert – the issue was of door and window openings. We came to agreement that the door and window openings were an important aspect of façade.

Commissioner Spray: Sp 30% does not concern you?

Mr. Siebert: No, we are in agreement with that. We are in agreement with all the conditions.

Commissioner Spray: Okay. Who is the architect?

Mr. Siebert: We don't have legal lots of records so there is no serious design that's begun. One design is local architect.

Commissioner Spray: They are corporate clients? They would probably have their own architects.

Mr. Siebert: The credit union is local and would probably have a local architect. Franchise types have an architectural firm that represents them across US w/local licensed architect.

Commissioner Spray: By this time we usually have construction drawings and are ready to go. I appreciate your tour of commercial buildings of Santa Fe. I appreciate the staff including the architectural elements that they are adding to this. I am concerned with the level of design, and the chance of not being able to make any substantive change to that design. That does trouble me.

Mr. Siebert: This is no different from any other commercial lot in town. The planning commission does not see it. What I want to emphasize if you notice the newer buildings are much better designed than older ones. A lot of that is due to staff review.

Commissioner Spray: Agree – lots of that goes to staff for review. How well will that come out when we looking at it on a limited basis.

Chair Lindell: A procedural question – as far as design standards go - what if an applicant asks for variance from design standards what land use committee would that go to?

Ms. Lamboy: This would have to be an amendment to plat because it is part of the plat so it would come back to this commission.

Chair Lindell: Any variance from any design standard would have to come back to planning commission.

Ms. Lamboy: Any major change to design standards. For instance, there is a section # 17 on page 1 of 2 on plat document. Minor amendments for instance if terrain issue and the sign would have to be designed different – if it does not deviate from purpose and intent it is only a staff review. Any major change required to go to planning commission – under direction of land use director.

Chair Lindell: Trying to establish what the procedure would be.

Commissioner Bemis: Also, about the signage and the font – would these chain stores be held to that. Would they all have to use same signage?

Mr. Siebert: On monument sign they would. They would be obligated to use same font size.

Commissioner Bemis: Displayed on Cerrillos road side?

Mr. Siebert: Monument signs on Cerrillos Road.

Commissioner Spray: The reduction from 45' in C2 to 24'. Can you talk about that?

Ms. Lamboy: That is actually the Applicant's initiative. It is a good initiative because 45' can be pretty tall. The taller buildings will be to rear of site. But the Cerrillos Road are intended to be no taller than 2 stories which mirror the main street heights.

Commissioner Spray: Thank you. I appreciate work from staff and Mr. Siebert to make as it good as it possibly can. C2 is commercial space and it is what it is. My issue with the design has been discussed to my satisfaction for what can be done at this point.

Commissioner Bordegaray: I just have a question going back to the original site plan. This whole area was annexed into the city in 2009. Did we look at it in total at one point? Can I get a review history of Las Soleras to put back in context?

Tamara Baer: We first looked at this as an annexation in 2008 when the city agreed to accept as an annexation. This was originally going to develop in county but there were issues with water. The City agreed to annex and provide develop opportunities for this area. Looked at what the land uses are overall. There were studies done that balance the various uses in terms of square footage to balance residential, commercial and institutional. Presbyterian Hospital expressed an interest to develop and purchased 70 acres (probably won't build for 10 – 15 years). They came in for annexation and master plan amendments along with zoning. There was an application general plan amendments along with rezoning. Everything comes as R1 until rezoned. This committee reviewed and made recommendations to city council. The City Council approved all annexation, future land uses, rezoning, street dedication and there were several conditions placed on development at that time. There was lengthy discussion on landscape issues – agreed as part of rezoning – future land use approval – that this area was community commercial. So it is a larger draw and it was understood that there would be large scale retail. The zoning was approved and it was understood that it would be commercial. One of the main organizing principles was certainly circulation. That was looked at as to how the roads would be developed. Draining was looked at. Recreation was considered – parks and open space. The City Council meeting the City Council asked for additional 20 acres of park – which were agreed to by developer. This is the first application for subdivision and development in Las Soleras. We have talked with a residential developer – 200 residential units. There is no official application. This is the first development in a series over the next 10 – 20 years.

Commissioner Bordegaray – You said that the roadways approved. If I recall correctly this extends to Governor Miles and Richards and I-25. Stubs out – access from Gov Miles. Is that the residential area?

Tamara Baer: Yes and a large park on that side.

Commissioner Bordegaray – I believe neighbors were concerned – was that all resolved? There was a road connection in question – I believe it had to do with circulation.

Tamara Baer: It was resolved. It was Dancing Ground. One of the issues was where that connection would be made to Beckner. There was an additional connection that was required and it was agreed to. It is past the school site. All the issues were resolved.

Commissioner Bordegaray – One more comment. Because this has been approved as “Las Soleras contains a mix use ... proximity to railrunner station” True that we are talking about railrunner station – closer to planned state office and hospital and that mixed use only works when you can walk. My comments go back to that. I look forward to seeing proposals for development in the large space. I will be looking to connect the whole site so if someone works at the hospital and they want to go to lunch they can walk. Similarly, if their child goes to school they can walk. This is the heart of my concerns and I feel strongly about future development that the pieces fit together.

Commissioner Montes: Thank you staff and Jim for detailed information. I saw an article in New Mexican that Governor is still - hasn't joined bandwagon for state office complex. What

type of contingencies - if Governor decides they do not want to go with this how does it affect discussion tonight.

Mr. Siebert: That's a good question. I have John Mahoney here and he has been involved with the State, I have not. I am going to ask John to speak to that.

John Mahoney – 3002 Rio Bravo SW, Albuquerque, NM

Mr. Mahoney – Opinions vary. The State came to Las Soleras a number of years ago and said we need a place for a large complex to consolidate departments scattered all over city of Santa Fe. They noticed Las Soleras was approved for rail stop and has great access to highway. They asked us if we were interested? The process has been circuitous. Every study comes back and says this is the right place to do this. As we are going through process the state needed to determine where to put capital, lease vs. own. They came back and said this is the right place. In addition to 20 acres we want option for another 30 because over the long term if Santa Fe is going to keep government in Santa Fe it needs campus that can be served by railrunner. Las Soleras is a plan for a campus for all government in and around Santa Fe. Twenty years ago they moved people out of capital into PERA. PERA “temporarily” moved out. Now the question is where do we put people, how do we consolidate and function as efficiently as possible. The City has half staff in one location and so on. It is the same with the State. New Governor and new staff. Lots of people with vested in keeping offices where they are today. Empty buildings require upgrading. The State has been a tenant for 20 years. We are in a down market so they are concerned with that. I believe the governor's concern – reading between lines – is this the right time to go build a building? Pros and cons – recommendation remains that they should require land. Should they build now? It would take a few years to build and get occupied.

That building will be a mile away from us. It is a huge parcel. We would be happy to have state there but if they do not it is not the end of world. Our retail would benefit from State Government but we agreed to provide retail close so employees didn't have to get in car and drive. They can walk from office building and get lunch.

Commissioner Montes: Were the state to pull out or not decide to build the impact would be on retail?

Mr. Mahoney: The retail that we are talking about now is really reacting to the Walmart. These businesses want to be next to Walmart. Restaurants reacting to idea that we can get a piece zoned and ready to go. Get off the highway, get gas, get lunch and keep going. If you look at the area to south and west where the New Mexican, American Tobacco, PERA, lots of businesses there. No place to go to lunch. Recognize that the state would help but not what is driving this now.

If I could while I am standing here – I appreciate concerns about design. We have the same concerns. Design we talked to staff about is we have people who want to come forward. We don't have enough information to develop a plan but we do want to do design guidelines. Staff wanted something that would go past us – when we sell the land. The design standards evolved from our design guidelines. We are very concerned. We have 500 acres behind here. This is our front door. We want to make sure it works and is attractive.

Chair Lindell: Hope it works too. I hope that you see this as a legacy project because it is a major entrance into the city. If you are talking about a gas station, a McDonalds and a credit union I would ask that you make it a legacy project. It is a major entrance into the city.

Mr. Mahoney: It is a long project and is a legacy for us as well. We are not in hurry. We want to make it right. At the same time we want to react to market now.

Chair Lindell: I have a couple of questions. Let's start with staff on page 4 of 10 of our packet on the bottom, it states "the applicant is not committed to maintaining a pedestrian underpass and crossing" where do we stand on that?

Ms. Lamboy: The applicant realizes there are a lot of concerns and we are ironing them out. We have been working with Water Division and utilities because there are lines that cross access point. There is also the underpass and connections to the rest of the network, which there was a plan approved as part of agreement. The graphic that you have above your text is a portion thereof. The one concern was that the applicant indicated that they were going to bring the trail (this was verbal only) we never worked out all details and that would be the sub terrain across the trail as part of the phase. We will cross that bridge when we get there. We need to ensure a sub grade crossing so there is no conflict between pedestrians and vehicles.

Chair Lindell: Is it premature to ask us to approve when we don't know what that is?

Ms. Lamboy: It is a lengthy process to get approval. What we are requesting now is approval in concept. That they agree to open up that trail. It would take several months to get full approval.

Chair Lindell: I understand but I don't know what difference of a couple months makes. These issues have not all been addressed.

Mr. Siebert: The Las Soleras is committed to making that trail connection to the underpass and it would be their financial responsibility to do that. In terms of design, we have a conceptual design but working with DOT is a slow and arduous process. Traffic signals took well over a year to go through the final process of getting driveway permits.

Chair Lindell: I understand but what this says is that the "applicant has not committed to maintaining the pedestrian underpasses" which that is assuming that they would be approved and we are moving forward.

Mr. Siebert: That is an older draft that was carried forward. Los Soleras has committed to making that connection and they are financially responsible for it.

Chair Lindell: So what you are saying is staff report is not the position of the applicant at this point in time and the applicant has committed to maintaining the pedestrian underpasses?

Mr. Siebert: That's correct.

Chair Lindell: Thank you – so noted. This next question is for Ms. Lamboy. We have a memo that refers to the Cerrillos Road highway overlay standard. I am confused about those.

Ms. Lamboy: There are four zones that overlay the highway corridor. The intent of overlay is to make more attractive Cerrillos Road. There are plans relating to landscaping and planning standards.

Chair Lindell: The memo that we received this evening – it again looks to me in staff condition #1 is the recommended position of approval. I am not sure how we can include that as a condition of approval when we don't know what condition is. It has not been agreed to, is that true?

Ms. Lamboy: That's correct. Still working on total cost of infrastructure and total cost.

Chair Lindell: Moving on to Recommendation #3 which is to be deleted. The question I have is, I understand that that roadway has been removed but would the standards with sidewalks and trees and some of the other conditions in that recommendation –don't they apply to anywhere else in this project? Like the like connector road that goes down behind 4A and 1?

Ms. Lamboy: You are correct in that we should be expecting sidewalks and landscape and buffer.

Chair Lindell: Why delete that just because we are eliminating that one connecting road?

Ms. Lamboy: C202 shows street sections. The typical roadway section includes 60' of right of way. That's Promenade Drive – which you are referring to. It includes pavement, curb and gutter and 5' sidewalk. That is part of the requirement for all of the roadways. What I was trying to accomplish with that condition is that was listed as a roadway and it wasn't showing pedestrian crossings.

Ms. Brennan: I want to say this agreement is very strictly governed by an ordinance that provides for by ordinance and state statute. There is not a lot of room for negotiations beyond the basic principles in the ordinance. It has to be recorded at the time of recordation of the plat. There is some self correcting – not open ended agreement – that nobody understood. Therefore, we've been discussing it among staff and with applicant as well and we are working towards principles to embody in that agreement.

Chair Lindell: On to recommendation #5. We originally, in April, talked about that easement and now we have changed that so we will have the road extend. I am still uncomfortable with that. That is a long way. A thousand feet is a long way. No one is going to walk 1000 feet to cross. That was a sticking point the last time we met. We talked about it being a pedestrian crossing but staff had recommended that it actually be an auto crossing also. But now the entire easement has been – we don't need that easement anymore. It thinks it is a long way to think that people aren't going to get in their cars to walk. A thousand feet is the length of 3 football fields. People are not going to walk to get to a crossing. It seems to me that it would still be reasonable to at least have a pedestrian crossing there. That's my comment on that.

Commissioner Spray: Very glad to hear Mr. Mahoney address the design issue and how important that was to him and his clients. Again, I am happy that the staff has looked at that. Given the importance of that - given how the permit process develops – is it feasible for this Commission to add a condition that prior to a building permit being granted that design development drawings and elevations would come back to this commission to review them?

Ms. Lamboy: Are you talking for each building permit on each parcel?

Commissioner Spray: That's correct.

Ms. Brennan: I am not sure you have design review approval for that. So, I would say no, I don't think so.

Commissioner Spray: Do we have approval of design standards?

Ms. Brennan: In relation to subdivision approval, yes. You have it on the plat so that they can set some standards.

Commissioner Spray: So you would say no, we cannot have that. I would ask Mr. Siebert or Mahoney, would you object to doing that?

Mr. Mahoney: I am not sure I understand. Object to doing which part?

Commissioner Spray: Well bring something forward to the Commission to demonstrate in graphic and visual way prior to your developing construction drawings and going for a permit – what your plans are?

Mr. Mahoney: We anticipate that the staff will look at it because it is on the plat and it is required for building permit. Since the permit is issued from the same department. If you would like us to clarify that those design standards are reviewed by the planning staff and deem to be met, that's fine.

Commissioner Spray: That's not the issue. Just to be able to say that given the importance of this location and what commissioners have talked about – would it be feasible to be able to come forward back to the commission, or staff, with design development drawings or even elevations, on buildings in question, to be able to take a look at that prior to you spending the money to develop those final drawings. These might come back to the staff at the permit stage and say we reject this. This would put an intermediate step in there.

Mr. Mahoney: I have no problem with the staff reviewing plans before permitted to make sure they meet design standards. I think it would be very awkward and cumbersome to come back here just because of the schedule. I have no problem going back to staff with it. Whatever language we want to put on that to say in addition to just...

Chair Lindell: It has to go back to staff anyway. That's a given.

Mr. Mahoney: I have no problem with that.

Commissioner Spray: I appreciate that, Mr. Mahoney.

Lamboy: One suggestion I might offer is sometimes hindsight helps us. When the development plans come in for your review for the larger parcels, which you will see, we might ask the applicant if we can have a secondary review of those design standard to see if they are consistent with what we want.

Commissioner Spray: I appreciate that. Can I ask the exact definition of "secondary review"?

Ms. Lamboy: That would be taking a second look at it to see if it is working and then modify the standards if necessary vis a vis taking a look at the water development.

Commissioner Spray: That's what I am speaking about – to take a look at it prior to coming back for construction and the building permit phase. I agree with you that coming back to the commission is a whole other animal. But, I think a condition would be to come back to the staff to be able to look at that in a secondary review given the importance of the location and all the things that we've talked about.

Chair Lindell: If I could just ask - didn't the design standards – isn't the very last section – say that the only way the design standards, in terms of a secondary review, would -- it is not a unilateral decision to change those. If we don't like the way it looks Las Soleras can say "too bad – we do like the way it looks" and not enter into a secondary review.

Ms. Lamboy: There is just one final review. There are two things going on here. First, Commissioner Spray requested an elevation of any proposed building for staff review prior to submittal of a building permit. The second thing I suggested was when the larger tracts develop to the east that will trigger a development plan requirement because the design standards will be associated with those development plans. Maybe, if it okay with the applicant we could take a look at those design standards and make sure that we are still doing the right thing.

Commissioner Spray: I am just trying to be able to take one more step to look at it – that if it doesn't come back to the Commission that it comes back to staff prior to just coming in with construction documents for a building permit. Staff can look one more time prior to determine if they need to make any changes.

Mr. Siebert: Let me suggest something.

Tamara Baer: I wanted to clarify Commissioner's Spray's request. I think when you refer to staff, there is building permit staff, and there is current planning staff. I am wondering if you are specifically addressing current planning staff. The building permit staff will absolutely take a look at everything – the elevation, and the design - to ensure that the proposal for each lot is in conformance with the design standards as they have been agreed to by this body. So, I am not sure if you wanted to clarify which staff you are referring to.

Commissioner Spray: Not necessarily. I am just concerned at having another look by whoever is appropriate prior to the development of the construction documents.

Mr. O'Reilly: These design standards as approved by staff will be incorporated onto the approved subdivision plat on this project, which means that they will have to be complied with by anyone developing on these parcels. Most people who are coming in for a building permit that have those kinds of conditions placed upon it do not go so far as to prepare 100% construction drawings just on the hope that they will sail right through the building permit division of the City. I would image that, were they wise, that they would be meeting with staff – all of us, current planning staff, building permit staff – to make sure that before they spend tens and tens or potentially hundreds of thousands of dollars on architecture that what they are proposing is going to comply with the design standards and staff will make sure that they do. I would say that is going to happen as a matter of course. That could be put down as a condition of approval by this commission that that happens, but I think it is not necessary. I think that

will happen. It will have to happen because no sensible developer would spend that much money not knowing if staff was going to approve or not approve their design.

Commissioner Spray: I hope that would be true – that they would want to do that.

Mr. O'Reilly: Just again, to make it absolutely clear – were they not to do that and prepare these drawings, and staff was later to determine that they do not comply with the design standards they would be spending tens of thousands of dollars to redesign their drawings because staff would not be approving designs that do not comply with the design standards.

Mr. Siebert: I have a better understanding of what your concern is. Can I make a suggestion? I don't know if staff is going to agree to this because it means more work for them, perhaps. The standard procedure of any major project is you have the pre-application conference. We would agree that every applicant for a building permit on one of these lots would have a pre-application conference with City land use staff prior to submitting the building permit application. As Mr. O'Reilly pointed out, in almost every single situation anybody that is a sophisticated developer is going to do that anyway. But we would be willing to make that a condition just to make sure that it happens. I think it is a reasonable request.

Commissioner Spray: Thank you.

Chair Lindell: I am not sure, Mr. Seibert, that that really addresses the concern that this Commission is expressing. I think that this Commission is concerned that perhaps these design standards – I know that the applicants have to abide by them. It will be on the plat. I think with such an important piece of property and development, I think that this Commission is trying to err on the side of being very, very, very careful on what those design standards are. We don't know what they are going to look like. That is one of the concerns of this Commission.

Commissioner Bordegaray: I listened carefully and want to go back to staff recommendation #5 regarding the cross access easement issue. As I understand it, that condition has been eliminated because the issue is being met by a crossing at another place further down. I have a couple questions so I can make a coherent request. Those two lots are not owned as part of Las Soleras? What is the status of those two lots that we are not talking about tonight? What is the ownership?

Mr. Siebert: The (points out the lots in question) lots are owned by Century Bank. The second lot is still under the ownership of Las Soleras.

Commissioner Borderagay: What I would like to do is revive the condition that there be an access/easement between those two lots through the arroyo that would allow someone to walk across the arroyo from the southwest tract to the northwest tract between those two lots that I just asked you about. The lot owned by Century Bank and the lot that Las Soleras owns. And, I've been thinking about this so in order to make sense. We are talking about the arroyo – something that we walk across anyway. I wouldn't even stipulate – without being out there on the site to look at it - that it be a bridge. That is just be some orientation or entry that if anybody chose to walk across that there way to walk across that. What I am getting at is it doesn't have to be up to trail standards and I am going to talk to MPO about this, and Tim Rogers. Look for creativity around ways to make these connections possible. Not that you have to pay for all these but that you make it possible. So, I would like to – the motion is not

on the floor but – this condition eliminating the access/easement is not acceptable to this commissioner. I think there are ways to do it – and you do it now. Later it is not possible.

Chair Lindell: I would look to legal to ask how that would be put on to the - once we have a motion – how we make a friendly amendment to accomplish what she has requested.

Ms. Brennan: I believe she would just add the friendly amendment that she specified just now.

Chair Lindell: To have that easement available.

Ms. Brennan: Right and define its purpose.

Chair Lindell: What is the pleasure of this Commission?

Commissioner Bemis: I find it very hard to vote on something which I can't see. I liked Mr. Siebert's photographs – I have great trust in what you are going to do. I would love to see something – a drawing or something.

Chair Lindell: Unfortunately we will not be seeing a development plan on this. That is some of the consternation of this commission tonight.

Commissioner Borderagay: I make a motion that we move for approval of case 2011-23 – do we do these separately – what I spoke of can be on either one.

Ms. Brennan: Put on both.

Commissioner Borderagay: I move for approval with the recommended conditions of approval in the staff memo dated May 19, as discussed with a friendly amendment – because it calls for deletion of the crossing and that is not the intent of my motion.

Ms. Brennan: Staff has recommended conditions and so you are suggesting approving with all the conditions except condition X, which you will want to modify to be “blank”.

Commissioner Borderagay: Right. All of the conditions except recommendation 5 to modify to read “A cross access easement shall be identified on the plat that will provide for a potential future arroyo pedestrian crossing that will internally connect Tract 1A and Tract 4A.”

Tamara Baer: Can you clarify what type of access you are looking for. It is pedestrian only?

Commissioner Borderagay: Pedestrian, bicycle. It does not need to be vehicle.

Chair Lindell: Thank you Commissioner.

Commissioner Bordegaray moved for approval of Case 2011-23 as amended, second by Commissioner Ortiz. Roll call vote as follows:

Commissioner Spray – yes

Commissioner Bordegaray – yes

Commissioner Bemis – no

Commissioner Ortiz – yes

Commissioner Montes – yes

The motion carried 4:1.

Commissioner Borderagay: Moves for approval of Case 2011-25 with staff conditions of approval as noted in memo dated May 19 except for recommendation # 5 which I would amend or propose to modify to read “A cross access easement shall be identified on the plat that will provide for a potential future arroyo pedestrian crossing that will internally connect Tract 1A and Tract 4A.”

Commissioner Bordegaray moved for approval of Case 2011-25 as amended, second by Commissioner Ortiz, motion carried by unanimous voice vote.

2. Case #2011-25. Las Soleras Tract 1 Final Subdivision Plat. James W. Siebert, agent for Beckner Road Equities, requests Final Subdivision Plat approval for 5 lots on 10.25 +/- acres, and one remainder lot (Tract 1B) consisting of 25.436 acres, for a total of 6 lots all 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)

Discussion on Case #2011-25 included above.

Commissioner Borderagay: Moves for approval of Case 2011-25 with staff conditions of approval as noted in memo dated May 19 except for recommendation # 5 which I would amend or propose to modify to read “A cross access easement shall be identified on the plat that will provide for a potential future arroyo pedestrian crossing that will internally connect Tract 1A and Tract 4A.”

Commissioner Bordegaray moved for approval of Case 2011-25 as amended, second by Commissioner Ortiz, motion carried by unanimous voice vote

G. BUSINESS FROM THE FLOOR

None

H. STAFF COMMUNICATIONS

None

I. MATTERS FROM THE COMMISSION

Commissioner Spray: I would like to thank Ms. Ms. Brennan for giving us the packet last week of material on the cell tower and other information. I appreciate the background. I'm not sure how did that ever get passed commission!

Chair Lindell: I would like to thank the Commission for their hard work. These are hard cases and I appreciate everyone coming well prepared and drilling down through these cases.

Secondly, I would like to thank staff for a very well done staff report and meeting requested additional material on super short notice. Very nice for you to do that. I would like to – at some point in time when we have an abbreviated agenda spend some time on the appeals process so that we can have a training session. Or just do it on its own in another commission meeting. It deserves some of our time.

Ms. Brennan: I had anticipated doing that. I was thinking about doing it tonight but I thought we would be doing the findings on the appeal and I wanted to separate that from the discussion.


Chair Lindell: Commissioners please hold on to this packet and we will have a discussion.

J. ADJOURNMENT

There being no further business to come before the Planning Commission, the Chair called for adjournment at 8:15 p.m.

Signature Page:

Chair Signe Lindell



Fran Lucero, Stenographer