



# Agenda

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## PLANNING COMMISSION

July 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: June 2, 2011

FINDINGS/CONCLUSIONS:

Case# 2011-41. El Corazon de Santa Fe Development Plan Amendment.

- E. OLD BUSINESS
- F. NEW BUSINESS

1. Case #2011-53. Entrada Contenta Preliminary Subdivision Plat. JenkinsGavin Design and Development, agent for Herrera Associates, LLC, requests Preliminary Subdivision Plat approval for 12 lots on 9.57± acres. The property is zoned C-2 (General Commercial) and is located at 5500 Herrera Drive. (Heather Lamboy, Case Manager)
2. Case# 2011-52. Entrada Contenta Development Plan Amendment. JenkinsGavin Design and Development, agent for Herrera Associates, LLC, requests a second Amendment to their Development Plan to reflect the lot lines created by the proposed 12 lot commercial subdivision. The property is zoned C-2 (General Commercial) and is located at 5500 Herrera Drive. (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  
July 7, 2011**

<b>INDEX</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
Cover Sheet		1
Call to Order	Commissioner Hughes called the meeting to order at 6:00 pm	2
Roll Call	A quorum was declared by roll call. The Chair was excused.	2
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Ortiz	2
Approval of Agenda	<u><b>No Staff or Commission Changes</b></u>  Commissioner Spray moved to approve the agenda as presented, second by Dr. Mier, motion carried by unanimous voice vote.	3
Approval of Minutes, June 2, 2011  Findings and Conclusions: Case #2011-41, El Corazon de Santa Fe Development Plan Amendment	Lisa Bemis was present at the June 2, 2011 meeting. Commissioner Carnes is <b>Karnes</b> throughout the document. Commissioner Villarreal was excused for the meeting Page 3: Line 4 (adding the words in bold) – Most of these are from Kelly Brennan, Assistant City Attorney <i>and additional changes by Tamara Baer</i> correcting the titles. Page 7: Correction on Name: Heather Lamboy to William Lamboy  <i>Commissioner Spray moved to approve the minutes as amended, second by Dr. Mier, motion carried by unanimous voice vote.</i>	3

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

	<i>Commissioner Spray moved to approve Case #2011-41, El Corazon de Santa Fe Development Plan Amendment under case findings, second by Dr. Mier, motion carried by unanimous voice vote.</i>	
<b>OLD BUSINESS</b> None	None	3
New Business <ol style="list-style-type: none"> <li>1. <b><u>Case #2011-53. Entrada Contenta Preliminary Subdivision Plat.</u></b> JenkinsGavin Design and Development, agent for Herrera Associates, LLC, requests Preliminary Subdivision Plat approval for 12 lots on 9.57± acres. The property is zoned C-2 (General Commercial) and is located at 5500 Herrera Drive. (Heather Lamboy, Case Manager)</li> <li>2. <b><u>Case# 2011-52. Entrada Contenta Development Plan Amendment.</u></b> JenkinsGavin Design and Development, agent for Herrera Associates, LLC, requests a second Amendment to their Development Plan to reflect the lot lines created by the proposed 12 lot commercial subdivision. The property is zoned C-2 (General Commercial) and is located at 5500 Herrera Drive. (Heather Lamboy, Case Manager)</li> </ol>	<p><b>Public Hearing is opened.</b></p> <p><b>No participants. Public Hearing is closed.</b></p> <p><i>Commissioner Schackel: I move to approve case 2011-53, second by Commissioner Villarreal, motion carried by unanimous voice vote.</i></p> <p><i>Commissioner Schackel: I move to approve case 2011-52 with staff conditions, second by Commissioner Villarreal, motion carried by unanimous voice vote.</i></p>	3-16

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

<b>Business from the Floor</b>	None	17
<b>Communications from Staff</b>	Informational	17
<b>Matters from the Commission</b>	None	17
<b>A. ADJOURNMENT AND SIGNATURE PAGE</b>	The Planning Commission meeting was adjourned at 7:30 pm.	17

# **Santa Fe Planning Commission**

## **Meeting Minutes**

July 7, 2011

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

**Vice Chair Ken Hughes** called to order the regular meeting of the **Santa Fe Planning Commission** at **6:00 pm** on **July 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:**

Ken Hughes, Acting Chair  
Tom Spray  
Rene Villarreal  
Lawrence Ortiz  
Ruben Montes  
Angela Schackel-Bordegaray  
Dr. Mike Mier

#### **Absent:**

Signe Lindell, Excused

#### **Staff Present:**

Tamara Baer  
Heather Lamboy, Case Manager  
Kelley Brennan, Assistant City Attorney

Pledge of Allegiance was led by Commissioner Ortiz.

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

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

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

### **IV. Approval of Minutes and Findings/Conclusions**

#### **June 2, 2011 Minutes**

Lisa Bemis was present at the June 2, 2011 meeting.  
Commissioner Carnes is **Karnes** throughout the document.

Commissioner Villarreal was excused for the meeting

Page 3: Line 4 (adding the words in bold) – Most of these are from Kelley Brennan, Assistant City Attorney **and additional changes by Tamara Baer** correcting the titles.

Page 7: Correction on Name: Heather Lamboy to be William Lamboy

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

## **FINDINGS AND CONCLUSIONS**

**Case # 2011-41**, El Corazon de Santa Fe Development Plan Amendment

***Commissioner Spray moved to approve Case #2011-41, El Corazon de Santa Fe Development Plan Amendment under case findings, second by Dr. Mier, motion carried by unanimous voice vote.***

### **V. Old Business**

**None**

### **VI. New Business**

- a) **Case #2011-53. Entrada Contenta Preliminary Subdivision Plat.**  
JenkinsGavin Design and Development, agent for Herrera Associates, LLC, requests Preliminary Subdivision Plat approval for 12 lots on 9.57± acres. The property is zoned C-2 (General Commercial) and is located at 5500 Herrera Drive. (Heather Lamboy, Case Manager)
- b) **Case# 2011-52. Entrada Contenta Development Plan Amendment.**  
JenkinsGavin Design and Development, agent for Herrera Associates, LLC, requests a second Amendment to their Development Plan to reflect the lot lines created by the proposed 12 lot commercial subdivision. The property is zoned C-2 (General Commercial) and is located at 5500 Herrera Drive. (Heather Lamboy, Case Manager)

Both cases heard together. (Power Point) - Heather Lamboy.

The application is for the preliminary subdivision plat. A couple of comments on process.

- Preliminary subdivision plat approval = Commission also reviews final subdivision plat. The final subdivision plat will address the technical issues.
- There is not much sustentative change to the development plan other than to include lot lines. There will be some minor changes – potentially the dumpsters to incorporate recycling. They may need to move the dumpsters so the trucks can get to them. There may be some parking considerations.

- Applicant remains committed to the development plans as approved.

#### Entrada Contenta History:

- Originally annexed in 1993, party to the Tierra Contenta Annexation
- The owner agreed to contribute to the regional trail system and it is spelled out clearly in the annexation amendment.
- Overall Entrada Contenta development approved in 2006, that included Wal-Mart site. Not only did it include Wal-Mart but also the main street. Wal-Mart was subject to the big box standards. This was designed to provide a screen to Wal-Mart.
- Entrada Contenta site separated and Development Plan amended in 2009
- The subject subdivision is 9.57 acres and the request is to subdivide it into 12 lots. There are 3 lots that will not change:
  - The bank site at Las Soleras and Cerrillos Road.
  - Two retail sites
- The original plat had all this as one tract. What was proposed was a common type development where each business would be on its own tract with a condominium type arrangement. Everything would be a shared typed agreement for parking and common areas. As it turns out for marketing these it is very difficult to attract retail occupants who want that type of arrangement. That is the main reason for this new request.
- It is currently zoned commercial (C-2)
- Amendment to Development Plan to agree with Plat

#### Major issues to be addressed between preliminary plat and final plat:

- Construction of Arroyo Chamiso Trail and connection. The Arroyo Chamiso trail was discussed because there is a commitment to open up the pedestrian tunnel that was constructed by NMDOT. There is need for the other side to be opened up and this is the time to do so.
- Sign height determination within design standards. There is a concern or disagreement on the height. There are some variances that need to be requested. There is needed public infrastructure and bus shelters.
- The trail is located on the southern edge of the site. The plan would be to connect the trail and come up at the area of the bus shelter. Crosswalks would be provided to get to the main street and Wal-Mart. The design standards are agreeable to staff with the exception of the proposed sign height (multi-tenant).

#### (Discussion and visual on Entrada Contenta Design Standards)

##### Required Variances

- Variance minimum lot depth of 225 feet (Zone 4 Cerrillos Corridor Protection Overlay). There is a transitioning from more urban to less urban so there are zones there that cause for urban design. This is a concentrated development so it will not meet the less urban development. The main street is designed to buffer Wal-Mart. There are a couple requirements playing against each other.

- Variance from 45 feet to 25 feet for the minimum sign setback. We have not done substantial review of these variances. An ENN is required because it is a change in the application – meeting scheduled for July 11.

Entrada Contenta:

- Due to the expected large volume of transit riders, a bus shelter will be necessary on both sides of Herrera Drive.
- Santa Fe Trails reworking route to accommodate new development.
- Current demand is 780 riders per week (37,440 per year) at Wal-Mart stop. It is expected that there will be a large demand for transit.

Section 14-8.8(E)(6) Public Transit

- To quote a section of the code “A retail structure...adjacent to an arterial street which is...used as a transit route...shall provide on site or adjacent to the site accommodations for public transit access, including a bus pullout and shelter. The development plan has the pullout and stop but no shelter at this time. That is being proposed.
- Large Bus Shelters cost \$10,000-\$15,000
- The applicant has committed \$5,000 to construction of these bus shelters which would be approximately 1/6 of the cost. There are opportunities to partner with the City – Bus Shelter Public Art Program. The applicant may contact the arts commission and see if there would be opportunity for a bus stop like this.

Staff recommends *conditional approval* for the preliminary subdivision plat and development plan amendment. We will be coming back for final plat review and hopefully all these issues will be addressed.

**Sworn In:**

**Ms. Jennifer Jenkins, JenkinsGavin Design, 130 Grant Ave., Suite 101, Santa Fe, New Mexico – on behalf of the Herrera Family.**

We request a preliminary subdivision plat of 12 lots for the Entrada Contenta Main Street project as well as an amendment to our development plan to reflect the creation of these lots. This is to design to create separate lots for the proposed buildings. Having a subdivision which creates as much flexibility as possible so the buildings can go up as soon as possible. That is the justification for our request. The intent to have the smaller screening type buildings to screen the Wal-Mart structure– we are staying true to that intent as is required in the big box ordinance. All the parking will be shared, nothing has changed on how the project will evolve and be handled over time. It is just sales to create the possibility of attracting potential tenants to the project.

I would like to address a couple of items regarding the conditions of approval. With respect to the bus shelters, we recognize the need for adequate public facilities. The original plan shows bus stop pull outs that have been built at



this time. This puts the Herrera Family in a difficult position with respect to their relationship with the Wal-Mart Corporation, the Herrera family sold them their tract of land. There was a cohesive agreement created around that. They have discussed the terms of who would pay for what, and the deal was struck on what the city mandated as the infrastructure improvements in 2005. It was approved on the box ordinance, it got overlooked, and the development plan did not get recorded until 2009 because of the lawsuit. A lot of time went by and today we are hearing about the bus shelters. The only leverage the City has in order to fund these is to ask for this commitment from the Herrera family. In reality, the Wal-Mart is the one generating the transit traffic. I would ask for some time to between now and when we are here before you for final plat approval to collaborate with the city, we need to reach out to Wal-Mart. We need to come up with a solution here. It seems somewhat unfair to say “oops”. I respect the need for it. We do not argue that they are necessary but we do argue that it is not 100% the responsibility of the Herrera Family we did offer to contribute or recommend a \$5000 monetary amount to the city. We would ask for some time to work with the City and Wal-Mart and see if we can come up with a solution that is fair. Lastly, regarding the design standards. The only sticking point is the proposed monument signage that would be adjacent to Cerrillos Road and Soleras Drive. We understand the desire to keep everything as low as possible and as attractive as possible. We do not design signs and we cannot make sure what the signs are going to look like. To commit to something that has a pretty significant impact on the future design or physical placement, what is the terrain like, what will the visibility study show. We are lower than Las Soleras, we don't have any intention, the code says 25'. We have already come off that by 7'. At the end of the day it will probably between 14 and 16' but I am uncomfortable making that commitment today to something that is more restricted than the 18'.

**Public Hearing is opened. No participants.**

**Public Hearing is closed.**

Commissioner Schackel: Statement about the different grade between the east and west side of Cerrillos Road. Asked the applicant first and then question to staff.

Ms. Jenkins: There is natural grade and finished grade, based on the description of the site we are probably talking about 2-3 feet but I don't have the exact figures.

Ms. Lamboy: I was at the site a couple of days ago and they both have an issue with the grade dropping away from Cerrillos Road. Cerrillos Road will be above both sites. Los Soleras had permits issued by the County. We were trying to get the final grading but we have not received that information yet. Right now they are both even – just from an eyeball view.

Commissioner Schackel: Regarding signage – my understanding is it is the Cerrillos Road overlay district standards that supersede the code. How does this work as far as what applies here.

Tamara Baer: In this case we are asking that the design standards to which the application has agreed to abide would override both of those. In any case, whatever is more restrictive than the code would apply the Cerrillos Road standards. We are asking for something comparable to what was agreed to across the street so that one development does not overwhelm the other. It was our feeling that as far as Wal-Mart goes it is a destination and 14' is sufficient to accommodate the other users of the main street project – the Entrada Contenta site. They will also be similar to Las Soleras. In addition to the monument sign there will be wall signage and we thought that was sufficient. Beside the wall sign and monument sign there will be information directional signage which is not restricted by the code or the design standards. When you pull into one of the driveways there will be two users on the left of Herrera Drive and we would also allow directional signage to let people know where the user were. Amongst those three different kinds of signage we felt that 14' was sufficient on Cerrillos Road.

Commissioner Schackel: Is the Wal-Mart sign 14'?

Tamara Baer: We are only addressing the main street signage we do not have control over Wal-Mart's signs.

Ms. Jenkins: I don't know the exact dimensions of the sign (not significantly tall) but it is being proposed (as shown on the screen, off of Herrera Drive) for primary sign here. I believe their sign has already been permitted. Wal-Mart is not proposing a sign along Cerrillos Road.

Commissioner Schackel: What is the condition – the relationship of what you are calling "Main Street" is a block of blocks?

Ms. Jenkins: We are calling it Main Street but it is Herrera Drive and Las Soleras Drive. It is an internal driveway serving a shopping center. There are smaller buildings staggered in relation to Cerrillos and "Main Street".

Commissioner Schackel: What happens to the west of the building?

Ms. Jenkins: It is parking. And the building itself sets ...

Tamara Baer: The packet has a document that shows the layout.

Commissioner Schackel: It is essentially probably an alley behind the main street buildings, the parking and Wal-Mart? How do they connect?

Ms. Jenkins: There is main driveway in front of Wal-Mart – like in front of Lowe's. There is pedestrian as well as vehicular connectivity.

Commissioner Schackel: What pedestrian, connectivity. What neighborhoods are we talking about? How do we get all these residents to Wal-Mart on foot or on a bike?

Ms. Jenkins: The connection point would be a sidewalk. It is really the building serving as a transitional point as opposed to being walled in.

Commissioner Schackel: When we talk about connectivity to the neighborhood – what neighborhood are we talking about?

Ms. Lamboy: The neighborhood that will be built to the west – there will be connectivity to that. There are also neighborhood in Las Soleras itself. The trail is proposed to be an arterial trail. If somebody wanted to hop on their bicycle and come to the shopping center there would be a connecting point.

Commissioner Schackel: What I am interested is how this fits together. We seem to look at this piecemeal. If you live in Tierra Contenta how do you easily get to Wal-Mart on your bike? Can someone explain this to me? If it is not possible then the City needs to work on easements and connecting this.

Ms. Baer: I would say a couple things about that. There is new commercial development going in at Jaguar and 599 that you will see at the next meeting. It is on the far west side. This is on the far east side. We completely foresee vehicular, pedestrian and bicycle connections. We are in the process of creating those connections. We don't build the sidewalks, the city defers to the developers to put in the infrastructure to make those connections. We are doing those piecemeal, but they are being made. In this case, the most connect direction to Tierra Contenta will be Herrera Drive. That will depend on the development immediately to the west. There is another big piece of Tierra Contenta that hasn't been developed which belongs to the School for the Deaf. They have been working on it for several years but that has not happened. Those connections will start to be made. Another project is Beaver Toyota which is just west of the Wal-Mart development. When that comes in we are looking at a major road. We are anticipating where these connections will be made we are just not able to make them all at the same time.

Commissioner Schackel: Thank you for that. I am curious at whether you have looked at some possible connections and start to foresee when multi-buildings come in – what do you recommend for connectivity for the north/south. Is there anybody who has looked at that to anticipate how it would connect? I would like to get to some type of a grid.

Mr. Romero: Tierra Contenta has its own master plan. What that involves is the school for the deaf property. It also includes Paseo del Sol East and Paseo del Sol West. They are only constructed up to Jaguar – maybe a little past. Eventually Paseo del Sol is going to loop around and make a continuous loop. Las Soleras will connect to that. My understanding is that they are actively pursuing making one of those connections now. Tierra Contenta will connect to Wal-Mart and Los Soleras in the future. As far as north/south connections there is a plan from Los Soleras Drive to an area near the nursery. It is planned out – there is a grid – but the City does not have plans to construct those roads. All those plans are developer driven.

Commissioner Spray: A couple of months ago we did Los Soleras and we heard about “the Wal-Mart connect”.

Ms. Jenkins: There are different versions of it. There are some retailers who really like to be near Wal-Mart. Restaurants would like to be near Wal-Mart. Some retailers do not like to be near Wal-Mart. Wal-Mart as an anchor – it is not that everybody likes to be near them. It is not cut and dry.

Commissioner Spray: Your clients say you love the Wal-Mart effect. It is good for the tracts to be sold. The current trend to is to own the land that you build on – do you believe that is true in your situation?

Ms. Jenkins: Money is cheap right now. Interest rates are low so you will find a lot of users who feel they can own it and not rent – maybe with the same amount of money. But financing could be challenging. As an example of an existing platted lot, what we did last year, this main street area was one large lot and we had another lot, there was a bank that was interested, and they always want to own their dirt, so we were able to do a lot line adjustment to create a parcel for them. We also had a lot of interest from a national restaurant chain who is still actively looking at this vicinity. They were looking at a separate lot that they could buy. Even doing a land lease which is a way retailers develop, with a land lease it is much easier to have a separate parcel. Having the separate parcels helps create that flexibility.

Commissioner Spray: In 2005 there were conditions that were acceptable, and now we are saying things have changed.

Ms. Jenkins: Yes, absolutely things have changed.

Commissioner Spray: Let me ask you about the legal structure. There are covenants and restrictions – how does that work?

Ms. Jenkins: We have a lot owners association similar to a residential subdivision. Everyone owns their own lot and they agree to a set of restrictions and covenants. They agree to maintain the open space – this is

similar except for commercial lot association. There is what would be called common area expenses. Every month every one of the lot owners are writing a check for parking lot maintenance, snow removal, and all those types of things. It is still one project. The covenants have already been established and recorded and we are amending those to convert from a standard sort of restrictive covenant association to a lot owner association.

Commissioner Spray: I have a couple questions on the design aspect. This is from 7/7/2005.

Ms. Jenkins: That was Wal-Mart's design. Wal-Mart spearheaded the application process when the Entrada Contenta project came through in 2005 which included the Wal-Mart project as well as the Main Street project. It was a cohesive project but Wal-Mart took the lead on it.

Commissioner Spray: This is here for the purpose of illustrating what it was – what it could have been?

Ms. Lamboy: This is just for illustrating - giving proximity. Detailing what has been approved. This has since been refined.

Commissioner Spray: So when this was approved this is what everyone was looking at. Is it possible to say that as it was approved at the time – what are we looking at with relation to this section?

Ms. Jenkins: This is actually Wal-Mart itself. This image here is a view looking down Main Street. You see the trees and the median with buildings on each side.

Commissioner Spray: I was just trying to compare with the plans we have. What we have looked at is a series of connected buildings with – I don't see much parking lot – I understand these are conceptual. That's why I asked because it looks quite a bit different. It looks very different from what was approved. This commission had a lot of concern about what the design was going to be like. Now we have a different firm and we want to know what we are looking at.

Ms. Jenkins: From a site planning standpoint, the original development plan that was approved in 2005 - we amended that in 2009. As the leasing effort really got kicked off we got a lot of feedback from the broker and prospective tenants that we needed to make adjustments to the design that was presented originally. We actually broke up some of the larger buildings which is much more attractive. As far as vertical architectural design, none of these buildings have been designed yet. But the intent to have a harmonious vernacular – unique feeling and flavor. We are a bunch of small buildings and want the architecture to reflect that.

Commissioner Spray: I certainly kind of like the buildings all joined together. I liked the original plan. They did a good job of it. I still have some further questions. I certainly would like to see some of those changes.

Chair Hughes said to keep in mind that it will come back for finals.

Commissioner Spray: I realize that. I would still like to have the changes noted.

Ms. Jenkins: If I may offer, I still have one other image that might be helpful. It is highly conceptual but we had submitted this when we amended the development plan last year. Staff had requested information of what might the Main Street project look like from Cerrillos Road. (View provided on the screen). We worked to make sure that each side of the building had architectural elements. We liked the idea of each building having a little of its own character while still creating a harmonious atmosphere.

Commissioner Ortiz: Question for Ms. Jenkins – can you provide some more information on what the status is on the pedestrian tunnel?

Ms. Jenkins: I believe Staff would be in a better position to answer that.

Ms. Lamboy: DOT has worked with us to cooperate with the developer. There are a couple issues. The tunnel was built to a certain point but there are some utilities that have to be moved. We have worked with the City Wastewater to determine if anything has to be moved there. A request has been made by DOT to move those utilities on the Las Soleras side. The tunnel is built completely with the exception of – it is like an oval kind of structure and so a concrete pad would have to be built in the bottom to be bicycle and pedestrian friendly -- that has not been completed. There would need to be some lighting incorporated. When the left hand turn lane was incorporated for Herrera Drive the skylight that was built as part of the original design was covered over in concrete. So, we are determining what lighting arrangement will have to be made. We are working with the Las Soleras engineer to give us some final design information. We have shared all of the technical data with the Entrada Contenta developer so they can work on coordinating that on their side. The reason that the letter of credit is not included in your packet from Wal-Mart is there is agreement between Wal-Mart and Dr. Herrera for the infrastructure. Wal-Mart agreed to put in the major infrastructure. In that letter of credit there is a line item for \$104,000 for the infrastructure. That should provide the access on this side of the tunnel to open it up and get it hooked up to the bus stop.

Commissioner Ortiz: Staff feels confident that there will access to the trail?

Ms. Lamboy: To the best of my knowledge, yes we are working in that direction.

Commissioner Bemis: We talked about the sign height. Is there anything cohesive about the sign or can each business do what they want?

Ms. Lamboy: We had concerns about that too. There are specific standards about the surrounding structure of the sign and how high it can be (landscaping, providing a certain design element). The letter height cannot exceed 24" on the wall sides with the logo not exceeding 36". There are very restrictive design standards relative to those signs so it will have a consistent appearance at our southern gateway.

Commissioner Montez: You mentioned that Wal-Mart will recruit their own retail to an area that they can lease?

Ms. Jenkins: No, Wal-Mart has their own parcel and they are building their store. The portion of the development under the Herrera umbrella is Main Street.

Commissioner Montez: When I drive by every day I see a sign that says now leasing for retail space. Is that the Herrera's?

Ms. Jenkins: Yes.

Commissioner Montes: We have 12 commercial lots, and Las Soleras that will develop commercial lots. What is the amount?

Ms. Jenkins: About 15 lots.

Commissioner Montes: Is this a build it and they will come type of philosophy? I would like to add the caveat build it and they will come, yes, but if the market conditions are right, if the population base is right to support it and if the economy is right. I still think of my hometown of 65,000 – 70,000 people and I see a retail bubble that is going to burst in this town. I don't know if it is long term sustainable. It seems like a lot for our City.

Ms. Baer: Each of these developments, because of their size, did have to do an economic development analysis which is only required for very large projects. Neither of us was here when Wal-Mart was coming through but I know it was a requirement for them. More recently Bruce Poster made a presentation to this body in terms of an economic analysis for the Las Soleras project. One of the things the City looked at specifically was a mixture of residential, commercial and institutional on that entire 450 acres. We did look at that in terms of a balance and how much retail could be supported by residential. It was also in the context of projected population increases.

Commissioner Montes: Was it done before the depression?

Ms. Baer: No. For Las Soleras it was done last year when the development plan and master plan for all of Las Soleras.

Commissioner Montes: Did that take into account the impact on existing businesses?

Ms. Baer: It doesn't. It looks at the particular area and how much it can support. There is also long term – it looked at the hospital that will be there.

Commissioner Villarreal: I have a question about the need for the set back from 45' to 25' and where it will be positioned by Cerrillos and other streets.

Ms. Jenkins: We are proposing monument signage. Again, we are not sure – either the southside or northside (north side will have a sign) and one on the SW corner (indicates on drawing). We are not acting on the variance, we will do this when we provide the final plat request. We have smaller building with smaller lots, we would have buildings closer to Cerrillos and how it will be situated to the sign. We are looking to create something that is a logical proportion.

Commissioner Villarreal: I encourage you to take the time because it is really important to figure out the bus shelter situation. Although you or a lot of people proposing this project do not ride the bus, there are a lot of people will ride the bus. You will also find a lot of other advocacy groups for bicycle routes. It would be important and save a lot of grief if you would deal with it now. I am confident Staff can work with you on other issues that have not been addressed. I want to remind you of the connectivity aspect.

Dr. Mier: Question for staff, we talked about the bus stops and the shelters and I can understand Dr. Herrera's concern for the cost of this. Does the City maintain any leverage over Wal-Mart?

Ms. Lamboy: The letter of credit is pretty much done in terms of the Wal-Mart letter of credit that was issued in 2006-2007 and there is no provision for transferring funds that are unused over to another needed item. We would be happy to work with the Applicant. The issue is that this subdivision plat includes the bus shelter. When the separation happened between Wal-Mart and Entrada Contenta it got lost along the way. The letter of credit didn't include the bus shelters because it was not part of Wal-Mart's site.

Commissioner Mier: I believe the issues remaining will all be resolved prior to final?



Ms. Lamboy: It is our intent to make sure to have all these issues addressed.

Commissioner Mier: I am equally concerned with connectivity of trails. I have difficulty with even talking about variances until we have more information in terms of elevation as it relates to Las Soleras. I believe our conversations are pre-mature until we have more information.

Commissioner Hughes: I agree that the signs and the bus shelters should be worked out before it comes for final. Are those recommendations connected to case 53 or 52?

Ms. Lamboy: The bus shelters are indicated on the development plan.

Commissioner Hughes; What about the signs?

Ms. Lamboy: The signs are also part of the development plan.

Commissioner Hughes: How much does it cost to pave one parking lot space?

Ms. Jenkins: It depends on how many spaces are in the entire lot. But it is several thousand dollars.

Commissioner Hughes: Are you intending to share parking with Wal-Mart or is it informal?

Ms. Jenkins: It is informal. Someone could be shopping at the Wal-Mart, leave their car there, and walk over to Main Street but it is not a formal shared parking lot.

Commissioner Hughes: How much do the bus shelters cost?

Ms. Jenkins: \$10,000 to \$15,000.

Commissioner Hughes: I would assert that taking one or two parking spaces would easily pay for that. I am of the philosophy that less is more.

Ms. Jenkins: Unfortunately the retailers don't agree with you.

Commissioner Schackel: Thank you for the work that staff is doing to uncover this connection. I am dismayed to learn how it got covered up? Can someone explain when Herrera was constructed and who paid for it?

Ms. Lamboy: Herrera Drive was designed and built as part of the infrastructure with Wal-Mart. What was required to serve Herrera Drive was a left turn. Originally it was not covered up by the asphalt, the grades were changed in such a matter that any type or rainwater would flow into the tunnel

and make it non usable. So the engineers at that point at District 5 decided it would be best to cover it up and have alternative lighting available.

Commissioner Schackel: Did they consult with the City when they made that decision? Who know about that?

John Romero: When the DOT decided to rebuild this part of Cerrillos Road, the City asked them to put in the crossing for the anticipated trail. They did the crossing with the skylight to fit the access plan that we had then, which is not what we have now. There was going to be an access point between the Herrera signal and the Los Soleras signal. The access plan was adjusted. That action is what covered the light. The trail crossing itself was covered immediately after it was built. The city was not ready to make the connection yet.

Commissioner Schackel: The answer is it was a political decision, the conflict of access for Las Soleras and La Entrada, that access was a strong issue, and this became a casualty. What happened was whatever was spent to design this, would easily pay for bus shelters now. It is really disdainful to me that public decision led to this waste of public money and it should be corrected. Now it should be fixed. I appreciate your sound response, of why that does not work now because of the drainage. That does not change what happened and how wrong that was and how ill served the public was. We cannot sacrifice connections or public money. The fact that they had the foresight to design this was amazing and now we have wiped it out. That is disgusting to me as a planner. I made my point, thank you for the information and I depend on staff, you are going to build it pay for it and it is going to be built.

Commissioner Spray: City of Santa Fe Design Standards, I notice in the memo we are currently drafting design standards for review. Is it common that the developer or applicant to develop their own design standards?

Ms. Lamboy: It is not common on a small lot development type of basis. We have design standards in Chapter 14 our Land Use Code. Because of the size of this development and its gateway to our city, we felt it was important, we have done it in another cases like the Pavilion development. You will see standards also with the Tierra Contenta application.

Commissioner Spray: Any discussion with them on what you would like to see or do. Any discussion with them?

Ms. Baer: We asked the applicant for the design standards, they did not propose them, and we asked them because we had just gotten them across the street and we wanted continuity. They graciously agreed. We used the ones from across the street as a model.

Commissioner Spray: Is it generally part of the process?

Ms. Baer: It is not.

Commissioner Spray: In terms of the applicant on the design standards, can you tell us how those were developed?

Ms. Jenkins: We started with a couple – it's kind of a hybrid. Heather send over the design standards from Las Soleras. The whole point of this exercise was to create continuity. We had design standards that had been developed as part of the restricted covenants. We merged those. There were some things that the design standards from Las Soleras contemplated that we had not considered. I spent a lot of time looking at code to make sure what we were proposing was appropriate and would produce the result that the City was looking for.

Commissioner Spray: What input did Decker Sabatini have?

Ms. Jenkins: Not much. The design standards do not go into a lot of architectural specifics. The key element from the architectural standpoint was ensuring that we had architectural features on all four sides of the buildings. With regard to the original design guidelines for the private covenants, Decker Parish was involved in those. Their input has been incorporated. I worked to create a hybrid document to incorporate that.

Commissioner Spray: You might consider hiring them to do design. I did notice you have Parish listed as doing landscape design.

Ms. Jenkins: they do all of our drafting. They are a drafting firm we worked with on the revision of the landscape plan.

Commissioner Spray: I take it that they will not be involved in the next stage of the design?

Ms. Jenkins: No, that is not true. Even though we are proposing a subdivision it is very likely that the Herrera family will retain ownership of several of these lots and they will build buildings and lease out space. The Herrera's will very likely use Parish for the design work.

Commissioner Spray: So it is possible?

Ms. Jenkins: Yes. There is an architectural control committee for the Herrera family and they will be involved in reviewing the plans. The Herrera family has an interest in the architectural design. They will be very involved in keeping a cohesive design in the project.

Commissioner Spray: I am in favor of this.

Ms. Jenkins: We want it all to look great.

*Commissioner Schackel: I move to approve case 2011-53, second by Commissioner Villarreal, motion carried by unanimous voice vote.*

*Commissioner Schackel: I move to approve case 2011-52 with staff conditions, second by Commissioner Villarreal, motion carried by unanimous voice vote.*

**VII. Business From the Floor**

None

**VIII. Staff Communications**

Kelley Brennan: I provided you with some information on the proposed telecommunications ordinance. The Council did adopt the ordinance and it is in effect. At the next meeting I will bring it and explain what the Planning Commission responsibilities are.

**IX. Matters from the Commission**

**X. Adjournment: 7:30 pm**

**Signature:**



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

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