City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 7/13/11 TIME 3:00 pm
STATUS: Geraldine Gonzales
RECEIVED BY

PLANNING COMMISSION
August 4, 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: July 7, 2011

FINDINGS/CONCLUSIONS:

Case #2011-53. Entrada Contenta Preliminary Subdivision Plat.
Case# 2011-52. Entrada Contenta Development Plan Amendment.

E. OLD BUSINESS
F. NEW BUSINESS

1. **Case #2011-92. 1858 Siringo Terrain Management Variance**. Antonio Gallegos requests a variance to terrain management regulations , 14-8.2 (F)(2)(b)(iii), to exceed 5 vertical feet above the natural grade in order to construct a private residence at 1858 Siringo Road. The property is on the south side of Siringo Road, just west of the Pacheco Street intersection, and is zoned R-1 (Residential - 1 dwelling unit per acre.) (Donna Wynant, Case Manager)

2. **Case #2011-65. Ten Thousand Waves Terrain Management Variance.** James W. Siebert, agent for Warumono LLC, requests a variance from Terrain Management regulations for the disturbance of 30 percent or greater slopes. The property is zoned C-2 PUD (General Commercial) and is located at 3451 Hyde Park Road. (William Lamboy, Case Manager)

3. **Case #2011-66. Dollar General Development Plan.** Michael Henry, agent for US Bank National Association, requests Development Plan approval for a 8,972 square foot commercial facility on a 1.0± acre tract. The property is zoned SC-1 (Planned Shopping Center) and is located at the southeast corner of Fields Lane and Airport Road. (Donna Wynant, Case Manager)

4. **Case #2011-69. Village Plaza Annexation**. Santa Fe Planning Group, Inc., agent for Richard Cook, requests annexation of 26.96± acres. The subject property is within Phase 2 of the City annexation area and is currently zoned residential R-3 (Residential, 3 dwelling units per acre). The property is located east of NM 599, south of Jaguar Drive and north of Mutt Nelson Road. (Heather Lamboy, Case Manager)

5. **Case #2011-70. Village Plaza General Plan Amendment**. Santa Fe Planning Group, Inc., agent for Richard Cook, requests amendment of the General Plan Future Land Use Map for 4.52± acres from Low Density Residential to Community Commercial. The property is located east of NM 599, south of Jaguar Drive and north of Mutt Nelson Road. (Heather Lamboy, Case Manager)

6. **Case #2011-67. Village Plaza Rezoning.** Santa Fe Planning Group, Inc., agent for Richard Cook, requests rezoning of 34.18± total acres from Planned Residential Community (PRC) to Commercial (C-1 and C-2), 16.05± acres to C-1 (Office and Related Commercial) and 18.13± acres to C-2 (General Commercial). The subject property is designated "Village Commercial" in the Tierra Contenta Master Plan. The property is located east of NM 599, west of Plaza Central and north of Jaguar Drive. (Heather Lamboy, Case Manager)

7. **Case #2011-68. Village Plaza Preliminary Subdivision Plat**. Santa Fe Planning Group, Inc., agent for Richard Cook, requests Preliminary Subdivision Plat approval for 12 lots on 61.09± acres. The property is located east of NM 599, west of Plaza Central and north and south of Jaguar 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
August 4, 2011 – 6:00 p.m.

Index	Action Taken	Page(s)
Cover Sheet		1
Call to Order	Chair Lindell called the meeting to order at 6:05 p.m.	3
Roll Call	A Quorum was declared by roll call. Commissioner Montez was excused	3
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Spray	3
Approval of Agenda	Chair Lindell requested the Agenda be revised to change the order of New Business. Commissioner Hughes moved to approve the agenda as amended, seconded by Commissioner Mier, motion carried by unanimous voice vote	3
Approval of Minutes, July 7, 2011 Findings/Conclusions: Case #2011-53 – Entrada Contenta Preliminary Subdivision Plat Case #2011-52 – Entrada Contenta Development Plan Amendment	Commissioner Spray moved to approve the minutes as amended, seconded by Commissioner Villarreal, motion carried by voice vote Commissioner Spray moved to approve Case 2011-53, seconded by Commissioner Villarreal, motion carried by unanimous voice vote. Commissioner Bordegaray moved to approve Case 2011-52, seconded by Commissioner Spray, motion carried by unanimous voice vote.	4
Old Business	None	5
New Business: Case #2011-65 – Ten Thousand Waves Terrain Management Variance Case #2011-92 – 1858 Siringo Terrain Management Variance Case 2011-66 – Dollar General Development Plan	 Commissioner Hughes moved to approve Case #2011-65, seconded by Commissioner Bordegaray, motion carried by unanimous voice vote. Commissioner Hughes moved to postpone Case #2011-92, seconded by Commissioner Mier, passed unanimously by voice vote. Commissioner Mier moved to approved Case 2011-66 with staff conditions, seconded by Commissioner Spray, motion carried by	5-28

Case #2011-69 – Village Plaza Annexation Case #2011-70 – Village Plaza General Plan Amendment Case #2011-67 – Village Plaza Rezoning Case #2011-68 – Village Plaza Preliminary Subdivision Plat	unanimous voice vote. Commission Hughes moves to recommend Case #2011-69 be heard by the City Council, seconded by Commissioner Mier, motion carried by unanimous voice vote. Commission Hughes moves to recommend Case #2011-70 be heard by the City Council, seconded by Commissioner Mier, motion carried by unanimous voice vote. Commission Hughes moves to recommend Case #2011-67 be heard by the City Council, seconded by Commissioner Mier, motion carried by unanimous voice vote. Commission Hughes moves to approve Case #2011-68 with staff changes, seconded by Commissioner Mier, motion carried by unanimous voice vote.	
Business From the Floor	None	28
Staff Communications	Informational	28-29
Matters from the Commission	Informational	29
Adjournment	The Planning Commission meeting was adjourned at 9:05 p.m.	29

Santa Fe Planning Commission
Meeting Minutes
August 4, 2011 – 6:00 p.m.

Call to Order:

Chair Signe Lindell called to order the regular meeting of the Santa Fe Planning Commission at 6:05 p.m. on August 4, 2011 in the City Council Chambers, Santa Fe, New Mexico.

A. Roll Call

The following Commissioners were present:

Chair Lindell
Commissioner Spray
Commissioner Villarreal
Commissioner Bordergaray
Commissioner Hughes
Commissioner Bemis
Commissioner Ortiz
Commissioner Mier

Absent:

Commissioner Montez - excused

Staff Present:

Tamara Baer, Manager, Current Planning Division
William Lamboy
Heather Lamboy
Donna Wynant

Others Present:
Teresa Casados for Fran Lucero, Stenographer

B. Pledge of Allegiance - led by Commissioner Spray

C. Approval of Agenda

Chair Lindell requested a change in the order of New Business. Request to move Case #2011-65 Ten Thousand Waves Terrain Management Variance first.

Commissioner Hughes moved to approve the agenda as amended, seconded by Commissioner Mier. Motion carried by unanimous voice vote.

D. Approval of Minutes and Findings/Conclusions

July 7, 2011 Minutes

Lisa Bemis was present at the July 7, 2011 meeting
Page 3, last bullet, change the word "substentative" to "substantive"
Page 8, 2nd paragraph, change "What pedestrian, connectivity." to read "What is the pedestrian connectivity?"
Page 8, 4th paragraph, change "connectively" to "connectivity"
Page 8, 5th paragraph, change "neighborhood in Las Soleras" to "neighborhoods in Las Soleras"
Page 9, 2nd paragraph, change "Los Soleras" to "Las Soleras" and "Wal-Mart connect." to read "Wal-Mart effect"
Page 10, 7th paragraph, change "drying" to "trying"
Page 14, 15th paragraph, replace "connection" with "trail". Remove question mark in second sentence and replace with period.
Page 15, 3rd paragraph – grammatical change "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" to read " I made my point. Thank you for the information. I depend on staff. It is going to be built and paid for."
Page 16, 4th paragraph change ""Heather send" to "Heather sent"

Commissioner Villarreal noted that her name is misspelled in the roll call.

Chair Lindell's recommended change on Page 10, 7th paragraph, change "serious" to "series".

Ms. Baer's recommended change on Page 4 last bullet take out "so there are zones there that cause for urban design."
Page 8, 7th paragraph change "connect direction" to "direct connection".

Commissioner Spray moved to approve the minutes as amended, seconded by Commission Villarreal, motion carried by unanimous voice vote.

Findings/Conclusions: Case 2011-53 Entrada Contenta Preliminary Subdivision Plat.

Commissioner Spray moved to approve Case 2011-53, seconded by Commissioner Villarreal, motion carried by unanimous voice vote.

Findings/Conclusions: Case 2011-52 Entrada Contenta Development Plan Amendment.

Commissioner Bordergaray moved to approve Case 2011-52, seconded by Commissioner Spray, motion carried by unanimous voice vote.

E. Old Business

None

F. New Business

1. 2011-65 – Ten Thousand Waves Terrain Management Variance. James W. Siebert, agent for Warumono LLC, request a variance from Terrain Management regulations for the disturbance of 30 percent or greater slopes. The property is zoned C-2 PUC (General Commercial) and is located at 3451 Hyde Park Road. (William Lamboy, Case Manager)

Mr. Lamboy: Ten Thousand Waves is interested in proceeding with the next phase of their plan, which includes a 2,400 sq. ft. Tea House. In order to build the Tea House, the Fire Department requires a second means of access. The terrain necessitates a variance for the access road. Ten Thousand Waves is located in Phase 3 of the annexation area and has been in business for 30 years. In 2009 the agent proposed, and the city agreed, to enter into a development agreement. The agreement recognizes the previous uses. Packet Ex. D3. The City has jurisdiction over land use matters and the construction project must meet City of Santa Fe standards, which includes a 20 foot wide secondary access road. The Tea House would be located at the top of that road. The project is currently zoned C-2 PUD. In this particular case the terrain presents an extraordinary hardship by the fire department. The development of the new access road will necessitate disturbance of the required slope. This is a very distinct business need as access cannot be accommodated with the existing road. The Land Use Department has reviewed the application and recommends approval.

Jim Siebert: Jim Siebert – Planning Consultant. I would like to introduce the owner of Ten Thousand Waves, Mr. Duke Klauck, who will speak to you on behalf of Ten Thousand Waves.

Duke Klauck: I am the person who built 10,000 Waves and am still running it. We started from scratch and are now doing $8M in business this year. We have 80 employees and 120 therapist contractors. None of these people are minimum wage. Over half of our revenue goes to payroll of those two groups. Other half is to suppliers and utilities in Santa Fe. Virtually all $8M gets circulated in Santa Fe County each year. Recently everyone has had a hard time. There are three major economic factors in Santa Fe; government, construction and tourism. Government and construction have not done too well over the last few years. Tourism, fortunately, is doing okay. Santa Fe ranked #5 in favorite destinations in North America. Ten Thousand Waves was ranked #15 in spas. We are a part of what attracts people to this town. The reason we are 15 instead of in the top 5 is because we do not have a restaurant. That is the biggest complaint we get from all our guests. That is what we are trying to take care of with this request. Rather than staying 2 days they might stay 4 days.

This is going to help us and it is going to help the City. I hope that you see fit to approve this project today so that we can continue being the best spa in North America.

Chair Lindell: How many years did you say you have been in business?

Mr. Klauck: 30 years.

Mr. Siebert: I would like to give a history of how this whole project has evolved over time. This is the plan that was approved by the Extraterritorial Zoning Commission. When the city adopted presumptive city limits they took over jurisdiction within the city's urban area. TTW fell within that jurisdiction. The preliminary project – phase I of construction – the county fire did not have a problem with emergency access to the site. They have the vehicles, equipment and training to deal with mountainous terrain. Because it is now part of the city jurisdiction we fall under city fire regulations. The city has different fire standards, which require a 20 foot minimum clear width of access to the site. With this type of property they prefer two points of access. In order to keep the parking and achieve the 20 foot width it requires destruction of more than 30% slopes than what we are proposing. The Tea House sits atop this, which will be the next project. Another of the approved projects, the Woodshop, was recently completed. (Hands out photos) What we attempted to do for the secondary access for the spa was to minimize the amount of cut and fill that would take place and to minimize the visibility from Hyde Park Road. We asked two employees to stand out with a white drop cloth (about 5' x 10') to determine the visibility from Hyde Park Road. I had to circle the photo with a red marker because it is so difficult to see the 5 x 10 white drop cloth. We believe we have done a good job of designing the road in such a way that it is compliant with the fire department standards. We had a road grade that came up at 15% and the engineer managed to get down to around 13%. What you see is a cut area that represents an old water line. The first part of the roadway follows the existing cut. The grade is such that we can do that. After that it is purely engineering. We have to meet the grade standards and the radiant standards. The slope disturbance falls out as a result of that engineering. The road does three things – it provides a secondary access to the spa; provides for a city water line (which is not shown) but in the roadway will be an 8" city waterline. The reason for that is the spa currently has a 2" waterline which is insufficient to handle the sprinkler system. The 8" will go up and a fully operational sprinkler system will be at the spa. The advantage is we do not have to worry about other utilities. The existing road is full of a variety of utilities. At the very top,, where it connects to the existing road we worked out with the fire department a staging area for fire trucks. Previously the fire truck would have to back down the entire road. We have provided a place that they can back up and then go down. We feel that first, we had to comply with a standard we were not aware of. In doing that we have done everything possible to minimize the disturbance of 30% slopes and to minimize visibility. With that, I will stand for any questions.

Chair Lindell: This is a public hearing if anyone cares to come forward and address this issue. No public comment. The public hearing is closed.

Commissioner Hughes: John Romero – I am curious if you have a fill for how many cars per day go by this site?

Mr. Romero: Not off the top of my head. I would say it is fewer than 10,000.

Commissioner Hughes: And that is 30 mph?

Mr. Klauck: It is 45 mph.

Commissioner Hughes: I believe that is still in the county and we do not have control. When we annex do you anticipated changing this speed limit?

Mr. Romero: That road is owned and maintained by the State, DOT. They would continue to hold responsibility of that but I can ask that they look at the speed limit.

Commissioner Hughes: Does this road meet your approval and your standards?

Mr. Romero: Yes, we had one comment and they addressed it.

Commissioner Hughes: Concern to Ms. Baer - I know your staff is very familiar, but can you have Mr. Carr be more formal in his correspondence.

Ms. Baer: Certainly.

Chair Lindell: When is the Phase 3 annexation scheduled?

Ms. Baer: What we are hearing is that it will be done by the end of 2013. That's what we anticipate.

Chair Lindell: The sooner the better as far as we are concerned. When I heard Mr. Klauck talk about $8M in revenue, I certainly want the city to share in the GRT.

Ms. Baer: We are looking at that issue. In this case one of the criteria is 15% continuity within city limits. This property is surrounded by the county and they would not qualify for a stand alone annexation.

Chair Lindell: Mr. Siebert – will this be – it is a secondary access – will it be used by the general public or is it for service vehicles?

Mr. Siebert: The access here (indicates on drawing) will be moved (request from City traffic) with two gates. The idea is to keep this strictly emergency access.

Commissioner Spray: I want to commend the owner and Jim for a very thoughtful approach to this issue. TTW is a wonderful establishment. I do think we need to be very cautious with a disturbance of this size. Mr. Lamboy mentioned that the regulations say we are to protect and maintain the welfare of the citizens, which is

true. We are to minimize destruction of the landscape from extensive grading. I would like to explore the other alternative about the expansion of the existing road. Can you talk a little more about that?

Mr. Siebert: There are several issues with that. The current road varies from 14 to 17 feet in width. One thing that Mr. Klauck is concerned about is keeping parking as close the spa as possible. The road would have to be 20 feet in addition to the parking. If we do that we would be cutting into the slope uphill.

Commissioner Spray: You want to maintain the parking along the road?

Mr. Siebert: We would have to maintain that. What that would mean is that you would have to cut on the uphill side and fill on the downhill side. We did take a look at that. There would actually end up being more disturbance of 30% slopes. The other two concerns are all the utilities that serve the spa are in that roadway. Those private utilities – we have no idea where they are located. It would be a very arduous process to widen that road. We also have to put a water line in and a sewer line (which have to be 10 feet apart). We would do a considerable amount of relocating existing utilities. The other thing is there are existing structures near the roadway.

Commissioner Spray: A couple other questions that had to do with something regarding the new access road – it appears the location will conflict with new building locations for other phases. P2 – it does appear that the access road goes straight through the area for a conference room and other activities. Is that true?

Mr. Siebert: That's correct. We would have to relocate some of the residential units on the existing development plan because of the new roadway. We actually have a plan that addresses that.

Commissioner Spray: These are proposed expansions?

Mr. Siebert: That's the actual approved development plan. The road would go through some of the residential units. At the time we developed the plan we had no idea about a secondary road.

Commissioner Spray: Do we have to modify the development plan first?

Ms. Baer: That is not necessary. The future master layout is of all the development anticipated. The reason for the variance is that this was not on the master layout. We can work with the development later on.

Commissioner Spray: So there would be a new plan required?

Ms. Baer: That depends. If they are relocating buildings that had already been approved we could do administratively. If they are adding it would require a new development plan. The trigger of what would need to be approved are twofold; an intensification of use or increase in square footage. Either of those would trigger a new

development plan or review by the planning commission. But doing less or moving something is a case by case.

Commissioner Spray: The last thing I noticed in the memo from Karen (new landscape architect) her comment is the road alignment must first meet the requirements to require access. The turning radius is pretty sharp and the entire project may have to be recalculated. I assume this has gone through the process?

Mr. Romero: My department does not review that. I would defer to Ivy or the fire marshall.

Commissioner Spray: Does that have to be in place before we do this?

Mr. Siebert: We have met with the fire department several times. They gave us the radius template for their largest fire truck. We have complied with the radius standards.

Commissioner Spray: Do we have to add something into that?

Ms. Baer: That comment is not necessarily appropriate coming from someone who is reviewing for landscape issues. This requirement for the secondary road was placed on the applicant by the fire department. The fire department is entirely satisfied with the road and we feel that is sufficient.

Commissioner Bemis: Mr. Lamboy – the road is dictated by the fire department. What about the trees? Is there anything talking about erosion? Has that come into the plan?

Mr. Lamboy: Yes, it does. This would be dealt with at the time that they come for application for grading.

Chair Lindell: By putting in the secondary road rather than existing road – to use the existing would have disturbed a sizeable amount of 30% slope, is that correct?

Mr. Siebert: That's correct.

Chair Lindell: Using the existing road, the cut would have been more visible than the new road, is that correct?

Mr. Siebert: That's correct. The road goes up in the trees and you can barely see it. Also, I did not mention, the disruption to the business. If you block the access off you cannot get clients to the spa.

Chair Liddell: Thank you, what is the pleasure of the commission?

Commissioner Hughes: I am tempted to call for site visit.

Commissioner Hughes moved to approve Case #2011-65, seconded by Commissioner Bordegaray, motion carried by unanimous voice vote.

2. **Case #2011-92 – 1858 Siringo Terrain Management Variance**. Antonio Gallegos requests a variance to terrain management regulations, 14-8.2(F)(2)(b)(iii) to exceed 5 vertical feet above the natural grade in order to construct a private residence at 1858 Siringo Road. The property is on the south side of Siringo Road, just west of the Pacheco Street intersection, and is zoned R-1 (Residential -1 dwelling unit per acre.) (Donna Wynant, Case Manager)

Donna Wynant: (Power Point presentation) The application is for a variance on the property to build a house. There were two variances granted in 2006, which was five years ago and these variances have both expired. One variance is no longer required. The variance which is being requested is to allow construction 5 feet above natural grade. The previous proposal was for a 2,910 sq. ft. home and the current request is for a home of 2,170 sq. ft. Ms. Wynant provided information regarding variance to terrain management regulations set out in Section 14-3.7 stating that the Planning Commission may vary the regulations so that substantial justice may be done and the public interest secured. We are also looking at 12 items related to 14-8.2.

The property in question is located south of Siringo Road. The site was subject to fill by dumping by various public and private entities. The property access is Calle Ensenada and the access permit has been received. Because the property has been used as a dumping site there was a considerable difference between the natural grade and the current terrain. (shows various photos of the site) Additionally, the neighbors were concerned about the impact on property values because this would be a modular type construction. Concerns about erosion have been discussed with the owner. The original topography map shows how the land was originally shaped. Utilities will be extended to the site from the end of Calle Ensenada via a 40 foot wide easement.

A terrain management plan that meets the regulations of SFCC 14-8.2(f), including the storm water calculation must be provided by a licensed engineer. A letter from Geotech explaining the requirements for the proposed structure, structural plans showing alternative 1 or alternative 2 of the geotechnical report must be produced for the previous proposal for foundation design, slab support and grading. Two alternatives – D foundation or shallow type foundation.

The Land Use Department recommends approval with conditions as outlined:

Documentation showing compliance with zoning, traffic;
A terrain management plan that meets the regulations of All Other Development, SFCC14-8.2(F). terrain management plan, including the storm water calculation, must be stamped and sealed by a licensed engineer. All improvements must be shown on the terrain management and site plan.
Geotechnical Engineering Report modification or letter from GeoTest explaining requirements for the current proposed structure.

Structural plans showing compliance with Alternative 1 or Alternative 2 of the Geotechnical Engineering Report;
Addressing to be off of Calle Ensenada and not Siringo Road.

Chair Lindell: Is the applicant present?

Mr. Antonio Gallegos - 3506 Anderson SE, Albuquerque, NM 87106

Mr. Gallegos: The variance that I am applying for was granted to me back in 2006. It concerns building on more than 5 feet of fill. I would be permanently attaching a modular home to the site. Nothing has changed since 2006. (photos) I have met with my engineer on the foundation and that will meet all the requirements that Geotech requires for the foundation. I also met on the terracing system – it will consist of using 8' railroad ties horizontally and 9' railroad ties vertically. The vertical would be in cement and stacked four high. They would be terraced off and I will plant native plants and trees at each level to break up the hillside. On the drainage the engineer developed a plan that would hook to the existing culvert on the property on my north side to the west corner of the property and runs south. We would connect 36' culverts from there to the end of the grant. That drainage would drain down to the holding pond. It has been diverted that same direction for 30 years and there is not any damage or erosion. As to the fill, there was fill dirt and the prior owner, when doing their construction, they were filling there. It was dirt that was dumped there. Geotech did test the soil condition and it is a buildable site. Any questions?

Chair Lindell: This is a public hearing. Is there anyone would like to come and comment or testify on this case?

Sam Odis - 1800 Lamanta NE, Albuquerque, NM 87104

Mr. Odis: I own the lot right north of this property. I have an acre and a quarter. The request for variance – I have no problem with the variance exceeding the 5 vertical feet. The problem that I have is that it states that is variance is in order to construct a private residence. There will not be a residence on this property. Mr. Gallegos stated that he is going to put a modular that will be build someplace else. This is not a permanent residence. I have properties in Santa Fe, Albuquerque and Jemez Springs. A modular is a temporary. It is between a regular residence and a mobile home. What I have seen in the past is that modular, almost as much as a mobile home, tends to reduce the value of the property. Another concern that I have, Mr. Gallegos mentioned that they were going to put a 30" culvert. My property is right in front. When the Santanas filled in the property where Mr. Gallegos owns they created a dam across the south end of my property. The City – prior to that – put a storm drain without my permission, on the north end of my property. What resulted was that my property became a pond and became stagnant. There was a smaller culvert put in and I think it has been plugged up sometimes because the pond exists there. I also have an easement that goes from Siringo Road on the west end of my property – utility easement – I put barbed wire fence and posts on the front end and

south side and people continue to cut the fence down and use it as an access to the properties on the south side. The Siringo Road easement – the Ensenada owner has extended his fence to half of that easement – which his illegal and contributes to the problem. I have stated before that I have no problem with constructing a house, a residence. I do have a problem with a modular home.

Loretta Baca – 2107 Calle Ensenada, Santa Fe, NM

Ms. Baca: I was the yellow house that you saw picture of. I have met with Mr. Gallegos a month ago and I have no problem with him putting a home there. To me it does not matter if it is modular or whatever. My problem is the road. There is a 40 foot easement. This has been a problem all my life. I have lived there 25 years – raised 4 children there and now have 4 grandchildren and I still do not have the placement. The neighborhood wants to give me such a difficult time. There is a 20' utility easement and a 40' road easement. They are both on the left side of my home. I did not realize until right now that he wants to bring the road through Calle Ensenada, through my back way. It is bad enough that they are trying to tell me I have 3' to my kitchen door. This is not correct. I had a survey done in January. I do not have my paperwork with me. But this is not fair. I don't see why he can't have a 20' roadway. I would like to fence or wall because it is crazy as it is. People come through there flying. It is dangerous for my grandchildren. I have Peeping Toms because I can't fence. I am here to stand up for myself. We have to get this completely settled. I don't know how or where to begin. I am not against his home. The other neighbor on Calle Ensenada should have the same 40' easement and he got to put a fence. I do not understand this.

Chair Lindell: Is there anyone else who would like to come forward and comment? Public hearing closed.

Chair Lindell: Ms. Baer would you confirm for the commission that a modular home is permitted on this site?

Ms. Baer: That is correct. The City treats modular homes the same as it would a stick built.

Commissioner Ortiz: I look at the background and we have an old arroyo that ran through there. Obviously, as a historical drainage and it was covered up, blocked off. I am wondering, Mr. Gallegos, are you willing to restore this historical drainage to your property.

Mr. Gallegos: Actually the historical drainage that has been there the last 30 years has been from that 36" culvert coming from the north property, Mr. Mares' property, going to the west corner of my property. There is an arroyo on the west end that goes straight south on my property line. Past the level property there is a hillside to the southwest so it drains into a holding pond. It is not eroded – hasn't eroded in 30 years. The only thing that I was proposing was to put a culvert across there so I can fill over that and get property to the west end and put a fence between me and my neighbor on the west side. As far as drainage, the way it is now, it has worked for 30 years.

Commissioner Ortiz: I still have some historical background – I recollect a lot of ponding use to take place and a lot of complaints in that general area. I recollect a lot of issues with that drainage. I don't remember a drainage easement that was dedicated. I am wondering if we can address this.

Mr. Gallegos: The drainage coming off Siringo Road onto Mr. Mares property should not be there. The City is using his property as a drainage system for the City. There is not – he does not have any potential use for that property unless he got a permit from the City to fill it and to close that drainage off from Siringo Road. Why should Mr. Mares and myself be responsible for drainage off Siringo into our land? There is no drainage coming off Calle Ensenada.

Commissioner Ortiz: You are correct on that. I was just wondering if we can address this issue.

Mr. Gallegos: My engineer in Albuquerque said he was going to develop a plan where the culvert would connect to the culvert on the west side and we would put a break and have the water turn down toward the existing holding pond area and do the same thing on the bottom. The water drainage on the flat piece of property would be angled toward the SW corner of the flat part and there will be another culvert going down – he is engineering that to go down to where the culvert comes out.

Commissioner Ortiz: Thank you for that. What is the current status of the geotechnical report for buildable area? Is it still okay to build?

Mr. Gallegos: Yes. If anything it got more compact with the moisture. I will get paperwork from them stating that they are okay with our engineered foundation plan. The foundation plan will consist of taking about 3' of dirt out and recompacting it as well as 10' around the house.

Commissioner Ortiz: What is your timeframe to do this modular? You were approved 5 years ago and nothing took place.

Mr. Gallegos: It was not going to work out at the time. Right now my business is in Espanola (mobile home dealership) and we also have one in Santa Fe. I am currently commuting to Espanola. I am ready to go straight to permitting and want to start immediately on the construction.

Commissioner Bemis: Is it too late to request that the commission go see the site. The drainage system looks like to goes right to the railroad track. I would like to see it.

Chair Lindell: It is not too late because we haven't voted yet.

Commissioner Hughes: I believe this might deserve a field trip. I want to ask Commission Ortiz.

Commissioner Ortiz: I think it would really help for you to see the site. There are a lot of issues. It would be beneficial.

Ms. Blackwell: Mr. Gallegos asked if I could comment on the drainage issue. At the time of building permit we would certainly review the engineer grading plan and make sure it complies with our code. Our code requires that the current rate of flow and direction of flow be maintained. If they keep the water on their property for longer it is okay but the slow release of storm water cannot exceed the current rate of flow and also it cannot change historic direction. It will be engineered and we will do a check and balance at the time of permitting.

Commissioner Mier: I share some of the concerns I've heard. Perhaps staff can clarify for the Commission the whole issue of easements and right of ways and traffic flows. I am hearing this lady back here. I am somewhat familiar with the site and I am not aware of any issues of someone fencing off half a right of way. Have those issues been looked at by the Commission or staff. What is going on with all this?

Ms. Baer: The staff is satisfied that Mr. Gallegos has a legally platted easement from Calle Ensenada to his property. We are not aware of issues that Ms. Baca brought up in terms of one of the neighbors putting up a fence on the other side of Calle Ensenada. We satisfied ourselves that Mr. Gallegos has legal access in the manner shown in which he has shown on his plan. These other issues are separate from the request for the variance. We would be happy to look into them but I would caution that they are completely separate matters.

Commissioner Mier: What about septic?

Mr. Gallegos: I would be connecting to city sewer off Calle Ensenada. As well as the water. On the roadway coming in there, Ms. Baca was not aware, I guess – it is not going to be a 40' driveway it will be 22 feet wide. That is what was approved. As far as the fence line that she is talking about that is not part of the easement. If you look at the plat that I gave to you, on the first page, the property she is referring to is parcel 1K. West of my property. The fence line is actually on the south side of that roadway easement.

Chair Lindell: If I am looking at the right thing it says 1K is Mr. Ferrero's property.

Mr. Gallegos: She is just north of that to the left.

Chair Lindell: Her property is to the west of Tract 1-M.

Mr. Gallegos: Yes, that's correct.

Commissioner Hughes: I would like to temporarily table this case in lieu of a site visit.

Ms. Baer: You mean postpone.

Commissioner Hughes: Yes, postpone in lieu of a site visit.

Commissioner Mier – I second the motion.

Chair Lindell: Any discussion on this?

Commissioner Villarreal: Can we clarify for the public what our action is.

Chair Lindell: The proposal is to postpone this case so that the Commissioners have a chance to do a site visit. The site visit would be at a specified time. The public would be welcome to attend. The site visits are an informal manner – no chatting with commissioners or neighbors or owners of the property.

Ms. Baer: You might also keep in mind that we would have to notice this because it would be an official notice – 15 days to notice. If you want to suggest a date we can make arrangements.

Mr. Gallegos: I am kind of in a financial situation where I need to move onto the property. Everything I do on the land will be engineered. It won't be stuff I am just pulling up. We are not engineers and we don't know what is right. We are not engineers. We cannot make that call. How would it be fair to have a group of people look at a piece of property that don't have the credentials to say what needs to be done to it. That should take place at permitting.

Chair Lindell: Your point is noted.

Commissioner Bordegaray: It would not be the only reason we benefit from a site visit. I feel ill equipped with the information presented about the actual easements. I wish we had more materials and clarification about that. That is why it needs to be postponed.

Mr. Gallegos: I do have a bigger plat that I could show you.

Commissioner Bordegaray: I am not prepared to make a decision.

Mr. Gallegos: Actually, ...

Commissioner Bordegaray: I appreciate that but it is too late a juncture to have that. We needed that information before us to go on. There are too many questions. We need to see what we are talking about here.

Mr. Gallegos: The roadway was permitted with the driveway with John Romero. He visited the property and saw the easements. He had all the information. That is what he does for the City. It was permitted.

Commissioner Bordegaray: This is an incomplete case if you ask me. Since I brought it up I would not know what questions to ask John. I need some visuals. Everybody else does to.

Mr. Romero: As far as the access that he has, he has a clean access permit form us. He is utilizing a legal easement that he has rights to. That easement is situated very close to Ms. Baca's property. But it is a legal easement. We don't have any form of discretion to say that the applicant can't use that easement just because Ms. Baca's house was constructed close to it. It is a legal easement. There are no obstructions in it. I think the easement portion of this case – there is not much to be said. We can go out there and take a look and see where it is but if it is a legal easement that would be permitted.

Commissioner Bordegaray: That helps. I appreciate knowing that. There has been mention of a neighbor who built a fence on the property. What about that issue?

Mr. Romero: I would like to echo Tamara's comment. I do think that is a separate issue and is not related to this site. The one they are talking about is on the other side of Camino Ensenada on the west side. Total different properties and total different easement. I think to mix that up with this – I don't see how one has a bearing on the other.

Mr. O'Reilly: I have to agree with both colleagues. The issue before you tonight is a variance to the terrain and nothing else. If there is an obstruction on a private access easement that is a civil matter between the parties. The issue before you tonight is a terrain management variance only.

Commissioner Spray: I feel I have enough information to vote tonight but if the commission wishes to postpone – I have enough information.

Chair Lindell: I do also. But we do have a motion and second so let's have a roll call vote on the postponement.

Commissioner Spray - no
Commissioner Villarreal - no
Commissioner Bordegaray – no
Commissioner Hughes – yes
Commissioner Bemis – yes
Commissioner Ortiz – yes
Commissioner Mier – yes

Chair Lindell: We have a postponement on this case. We need to make specific if we want a site visit. That is my understanding for the reason for the postponement. Need a date as soon as possible.

Mr. O'Reilly: If staff could suggest a date no less than 21 dates for adequate time to notice the public hearing. We can have it on a date that the planning commission would not meet later.

Chair Lindell: August 25?

Ms. Baer: No meeting on the 25th.

Chair Lindell: Is the 25th possible?

Ms Baer: That would be fine.

Mr. O'Reilly: I recommend that you set the date for the site visit and part of your motion could be to set the date at which you will then rehear the case. It would potential be the first meeting in September, which is September 1st.

Commissioner Hughes – I would like to amend the motion to schedule the site visit on August 25 at 6:00 p.m. with the case to be returned to planning commission on September 1st. Motion seconded by Commissioner Mier (and requests that staff, specifically John Romero, be in attendance at site visit).

Lindell: We have an amended motion but we already voted on it.

Commissioner Hughes moved to postpone Case #2011-92, seconded by Commissioner Mier, passed unanimously by voice vote.

[5 minute recess] Meeting called to back to order at 7:45

3. 2011-66 Dollar General Development Plan. Michael Henry, agent for US Bank National Association, requests Development Plan approval for a 8,972 square foot commercial facility on a 1.0+ acre tract. The property is zoned SC-1 (Planned Shopping Center) and is located at the southeast corner of Fields Land and Airport Road. (Donna Wynant, Case Manager).

Ms. Wynant: Michael Henry agent requests development plan approval. The property is zoned SC 1 and located at the southeast corner of Fields Lane and Airport Road. (Shows aerial photos). Points out surrounding businesses. Clarification in report is that Fields Lane is on the other side of the drain ditch. The site is relatively flat. Points out the entrance into the site. We are looking at this project because during the adoption process of the subdivision plan ordinance it was discussed and agreed that proposed projects and shopping centers would require a development plan approval by the planning commission. Chapter 14 requires both preliminary and final development review. It was decided that those areas would be subject to a single development consolidated development review process.

The property is zoned SC1 located –as you can see there are several properties in this district. This property is SC1. For some reason McDonalds is zoned SC1. There is

a lot of mixed use in the area. There are high density residential zoning districts. Across the street is another SC1 Village. Fields Land – as you can see it is a little confusing because of the property line. We did get a call from Ms. Fields who had questions about a variety of things, mainly utility hookup. We got that figured out right away. The minimum site size for the SC1 plan shopping center is 5 acres. The subject site is 1 acre and so the proposed development meets the intent – retail shop and stores that provide for the regular needs and convenience of families regarding the adjacent residential neighborhood. Overall, the shopping center, could result in unified grouping, good planning and circulation among the developments.

The Development Plan – the Dollar General Store is located further back on the site with parking in this fashion (demonstrates on overhead). There are lots of improvements to be made along Airport Road. There was a traffic impact analysis to study stacking to see if there is enough area here for cars to come in and to exit the site. That was determined to meet the standards for traffic impact analysis. (Points out the bus stop area). That is the basic circulation of the site. The structure has 36 parking spaces – which meets code requirements. There is an access for a 31' wide aisle to give access to development as it occurs further to the east. There is a 50' deep planter easement along the frontage of Airport Road. The landscape plan will incorporate shade trees and drought tolerant plants. Storm water retention ponds will contribute to the watering of the landscaping. One of the main things we discussed is how to gain access or ensure that there is an access easement into the other properties. The staff memo has potential language for easement language. We felt that was important to find ways to assemble or ways to have the properties relate to each other. This is a one acre property. This is one way to look at how we coordinate the circulation of these properties. The traffic engineer is requiring that this is not to be a detailed lane here. They would like more of an urban treatment of the curb and pull out so that an actual bus will have to move right into the space and get out of traffic. They are making that a condition of the approval. In summary, the staff is recommending approval of the development plan and application with the conditions of approval as stated in the report as summarized in your conditions of approval Table, Exhibit A.

Chair Lindell: The applicant present?

Michael Henry: 167 Tesuque Village Road, Santa Fe, NM 87506.

Mr. Henry: One of the big questions that we have been asking is why this property was handed down as SC zone as opposed to regular commercial zoning. It is a 1 acre site and SC 1 is typically required to have at least 5 acres. It pushes us into development plan review which takes a long time. It has promoted discussion about various things – particularly the property surrounding us. We have 16 acres of mixed use behind us and SC to the east of us. The discussion we talked about eventual population density and use and, in particular, circulation. We did a traffic study that used pretty conservative numbers about what the potential uses would be. We had discussion with John Romero and explored quite a bit about circulation up against Airport Road as well as less dense usage at the back of the property. John has

proposed that we have easement running across east and west to allow access to the property to our east, which would then access to Garcia Tire. At first we thought that we be a pretty good idea. Then we had reservations. I am very happy to say we have ingress/egress language that everybody is happy with. With regard to the sidewalk realignment we understand the benefit that our project will receive by having this but we believe it is unfair to levy this against my client simply because he is the first to do the development on the block. However, my client feels like he cannot afford further delays. It has taken 107 days to get through this process. Prices are going up and we are running out of building season and we will accept the restrictions. We hope to have drawings ready for approval next week.

Chair Lindell: This is a public hearing. Is there anyone who would like to come forward and comment? Public hearing closed.

Commissioner Ortiz: Can you explain how your onsite septic system is going to work based on page C2 of development plans?

Morry Walker – 905 Camino Siera Vista, Santa Fe

Mr. Walker: It is actually a pretty standard septic system. It pulls the lines under the parking lot. It is only for the toilets and sinks in the shop. There will be no food preparation so it is a very low use septic system that we put in. It is a private system.

Commissioner Ortiz: I had a question because I saw the drawing and I was wondering about that. I know we have storm water systems in the Target area.

Mr. Walker: It will be very similar to that.

Commissioner Ortiz: On page C1 does the storm water go into the 12 foot easement?

Mr. Walker: Yes.

Commissioner Hughes: The concern I have is the location of the building. It concerns me that the staff has made the intent more consistent with and have a fairly uniform location. This location does not do that. I would really like to see if we can look at ways to pull the building closer to the street.

Mr. Henry: We cannot bring our trucks into the property unless we have the easement in the parking area in the front to back the delivery trucks down. Your access easement is across that side as well.

Commissioner Hughes: Even the 10 parking spaces north of the building could not be moved to the back?

Mr. Henry: There is no place to put the parking. We studied this pretty extensively.

Chair Lindell: What is the pleasure of the Commission?

Commissioner Mier moved to approved Case 2011-66 with staff conditions, seconded by Commissioner Spray, motion carried by unanimous voice vote.

4. 2011-69 – Village Plaza Annexation. Santa Fe Planning Group, Inc., agent for Richard Cook, requests annexation of 26.96+ acres. The subject property is within Phase 2 of the city annexation area and is currently zoned residential R-3 (Residential, 3 dwellings units per acre). The property is located east of NM 599, south of Jaguar Drive and north of Mutt Nelson Road. (Heather Lamboy, Case Manager)

5. Case #2011-70 – Village Plaza General Plan Amendment. Santa Fe Planning Group, Inc., agent for Richard Cook, requests amendment of the General and Future Land Use Map for 4.52+ acres from Low Density Residential to Community Commercial. The property is located east of NM 599, south of Jaguar Drive and north of Mutt Nelson Road. (Heather Lamboy, Case Manager).

6. Case #2011-67. Village Plaza Rezoning. Santa Fe Planning Group, Inc., agent for Richard Cook requests rezoning of 34.18+ total acres from Planned Residential Community (PRC) to Commercial (C-1 and C-2), 16.05+ acres to C-1 (Office and Related Commercial) and 18.13+ acres to C-2 (General Commercial). The subject property is designated "Village Commercial" in the Tierra Contenta Master Plan. The property is located east of NM 599, west of Plaza Central and north of Jaguar Drive. (Heather Lamboy, Case Manager).

7. Case 2011-68. Village Plaza Preliminary Subdivision Plat. Santa Fe Planning Group, Inc. agent for Richard Cook, requests Preliminary Subdivision Plat approval for 12 lots on 61.09+ acres. The property is located east of NM 599, west of Plaza Central and north and south of Jaguar Drive. (Heather Lamboy, Case Manager).

Ms. Lamboy: We are hearing four cases together regarding Village Plaza at Tierra Contenta. The first three cases involve the recommendation to the City Council by this body. That would be the annexation, general plan and rezoning. The final case, which is the preliminary subdivision plat is typically something that the Planning Commission acts on as a final action. It does not require a recommendation to the City Council. That is why you see two staff reports because you are the final authority on the subdivision plat. There will be a request for separate motions for each case when we get to that point. The Village Plaza is located between Plaza Central and NM 599 in the Tierra Contenta subdivision. Plaza Central and Jaguar Drive will be extended to serve this development and will connect to the newly proposed 599 overpass and Jaguar Drive (provides aerial). It is located at Tierra Contenta's western edge that has not yet been developed. As you exit I25 onto the Veteran's Highway the City limit basically starts north of Arroyo de Chamisos. Shows Tierra Contenta master plan. The proposal is related in that it was part of the master plan in 1993. However, it is separate from Tierra Contenta in that it is not part of the planned residential community. Originally Tierra Contenta envisioned a

master planned community that would have services available within the community. The three central areas for these types of services were 1) along Cerrillos Road (Walmart site); 2) Plaza Contenta site; 3) as well as this site in between Plaza Central and 599. The master plan called for office type uses on the northern portion of the site. Some community uses in the yellow area (2 acres) and the retail and commercial types of uses that were envisioned for parcel 54A. The current zoning for this site is Planned Residential Community (PRC). The annexation master plan requires that these parcels be rezoned because it will not reflect the appropriate uses. Under PRC there are commercial use. That is one of the reasons that the applicant is before you tonight. The residential 3 zoning district is the 26.96 acres that the applicant is proposing to annex into the City and will compliment the development to the North. Because of the nature of the site, some of the maps will be north facing up and in some north will be facing off to the side.

Series of maps – explaining annexation plat – under the phase 2 annexations. The applicant is trying to subdivide that land into four tracts. The tract north of the Arroyo del Chamiso, the applicant is proposing to rezone to a commercial zoning district. There would be open space tract for the arroyo. Finally, there are two tracts that would remain Residential 3. What are planned are for religious use on the site but those could change. Annexation master plan (visual) and the office incubator would be between the adjacent neighborhood and the development. Daycare is being proposed for community use, which would be located closer to the NM 599. There is a huge change in grade their so there would not be any type of danger. The live/work is being proposed across from the daycare facilities. To the south would be retail which would be centrally created around a plaza. The applicant has added elements in response to the early neighborhood notification meeting, as well as a meeting that the applicant had with the neighborhood. That would be pedestrian trails and a café facing the street and maybe a grocery store site. There would also be a walking trail. The sidewalk would not be a normal sidewalk but would actually be set off the roadway and sort of a winding walking trail. The retail is also being proposed to the south of Jaguar Drive. The open space would buffer to either residential or religious uses. The next item are the general plan amendments. The general plan amendment is for the northern portion of the plat. The 4.52 acres to amend it from low density residential to community commercial.

Finally, the Rezoning Plat. It is currently zoned PRC or R3 and the request is to change it to C1 for the office/business incubator and the live/work area. Also C1 for the community services area. C2 for the retail units to the north between the office area and Jaguar Drive and C2 for the community commercial area I just referenced. Of course, the area to the South of the arroyo as well as to the south of that would remain R3. The subdivision plat requests 12 lots. The plat will be governed by not only business owner association as well as CPR but this board acted on design standards for this particular area in January and approved the standards. Those would apply from the arroyo up or the proposed church or residential facility to the south would fall under standard city code for architectural review and design review.

Conditions of note: Keith Wilson's review of the future road regional roadway network. Originally the roadway network map envisioned a frontage road along 599. After taking a look at that and discussing with DOT, DOT wrote to the City requesting the removal of this because of the typography issues and the cost that would be associated with developing that frontage road. The request would be rather to shift that over to provide direct access to Paseo del Sol. On August 22 the Technical Coordinating Committee will act on this after a 30 day public review period which is already started.

The next couple of items have been addressed. The applicant worked diligently in updating responses to staff's comments and we were able to get those into your packet. I am going to go over them.

The affordable housing requirements for residential parcel. If it developed as residential there is a requirement for affordable housing. That needs to be included in the annexation agreement and the applicant has done that.

There is also need for pedestrian infrastructure. The applicant has included a commitment to pedestrian infrastructure in the annexation agreement.

Additionally, the annexation agreement needed to be updated with notes from the traffic engineer that address the commitment of construction for the NM 599 overpass which is currently underway. It is being reviewed by the DOT as well as the extension of Jaguar Drive and Plaza Central.

Finally, the applicant needed to provide some additional information to us on the trail network. He is working with Eric Martinez on the cross sections.

As you may recall at the Pavilion Development we had a lot of discussion about a crossing underneath 599 and we want to ascertain that crossing under 599 is going to happen. That requires DOT approval but we want to make sure it is started.

There are a couple new conditions – they are for clarification, really, The annexation and plat approval process, when is it final – the plat does not require a second hearing, whereas the annexation and the other require the hearing from City Council. So, this board's plat approval cannot be final to those until those actions are final. There is a condition on their that says approval is contingent on the annexation approval. Additionally, there is a master plan note regarding the annexation that gives the applicant a little bit of flexibility. Sometimes there is a shift in the footprint of the building to be kinder and gentler to the terrain and then they have to go back to City Council to get their annexation master plan amended. This allows a little bit of staff flexibility to help the applicant through the process because it is very difficult to know everything before you get to building permit. Finally, the effluent line goes through the site. This is a planned wastewater site that will serve the planned part in Tierra Contenta. This is treated effluent coming from the Waste Water Division. The design has already been completed and paid for by the City of Santa Fe. The applicant has requested an upgrade for this.

Therefore, the Applicant has addressed all the criteria for the annexation of the general plan amendment, annexation plan and rezoning and staff recommends approval with the conditions stated in my updated memo on my desk.

Chair Lindell: Thank you. Is the applicant present?

Scott Hess: 109 St. Francis Drive, Santa Fe, NM 87505

Mr. Hess: The additional conditions that Heather read into the record we do concur with those. The effluent line was designed by the City and it has been determined that it is going to need some tweaking based on the additional work we are doing. Let me first introduce my team – Mike Gomez, Robert, Nancy Long, Antwon, Phil.

What Heather walked you through seemed pretty complex. We have an annexation, general plan amendment, rezoning and subdivision plat. There seems like a lot there but there really is not. I think if I walk you through this it is very simple. If you look at Tierra Contenta map there are colored areas (indicates on map) that are the subject area. It seems as though when you are looking at all the staff reports it is pretty complex. The red and pink are already zoned. The yellow is not zoned. We need to assign a zone. The 25 acres was in Phase 2 of the city annexation area and needs to be annexed. This is all one project. The top portion will be commercial. The lower half will be R3. The top will be C2 and C1. That is essentially all the tools we are dealing with. Is everyone on the same page about what needs to be done?

You can see from the plan that it is the same shape as the Tierra Contenta plan and down below we have 25 acres. As you can see, we have planned this all as one. We started last fall working with staff. It was getting cumbersome and confusing so we decided to slow things down and continue with the pavilion. We have improved the plan based on comments from staff. The other thing to highlight are – the interchange – the first stage is 30% reviewed. We have a hearing coming up in a week. The issue is that in order to submit to DOT you have to have a traffic impact analysis. In order to have a traffic impact analysis we had to show what we were doing. We needed to have some sense of the traffic. We have the interchange and then the Jaguar extension which will head to the interchange and the main road – Plaza Central, which heads to the south and to the new park. The regional park in Tierra Contenta (points out location of park). We have been meeting with the planners and discussing how the two projects will interact – access, effluent line, etc.

From a design standpoint we have a project that interacts with Tierra Contenta and we have a project – a commercial project that is to be built over a long period of time. The density is already there. This project has a grand chance of success because you have a density near the project. It will be a successful commercial project near residential. Looking at the design itself we started with office complex at the north – broken into multiple buildings. We have 7 buildings, including a small office complex. This is designed to interact with land across the street. Tierra

Contenta has three residential tracts that are approved. They include the Housing Trust, Habitat for Humanity, and Homewise. Directly across the street we will have housing. We designed our plazas to interact with the residential across the street. As you head south you have live/work units. We also have a daycare. The yellow is community services – that is the daycare. The market study shows that there is a demand. The daycare is designed for about 100 kids. As you head south we have a bank building, more office, retail, professional services, restaurant use (sit down) and a grocery store. We reduced the size to what we think we can attract. Trader Joes would be a great use on this side of town. That is the size of store we are going for. Sunflower market is already on this side of town. That does not mean that if someday a Smith's happened to be interested in the site that we would then have to come back to this board to modify the development plan on this project for a larger store. Right now this is in scale with the community. In other words we are developing smaller retail spaces, such as nail shops, Subway, a coffee shop. On the opposite side of Jaguar it would have a convenience store, car wash, fast food restaurants, mom & pop stores, grocery, etc. As you recall, this part is being rezoned to C2 and the balance is C2. Then you have the arroyo and the church site down below. The church site was picked for a couple of reasons. First, because it is in the residential usage to the south and we thought it would be a good transition. It could offer other opportunities in the future such as maybe a recreational complex. It provides a light quasi use that interacts with the existing residential. South of the roundabout would be built up to the arroyo and provide access to the park. We would ultimately cross the arroyo and head down to the church site in one of our later phases. We had a lot of meetings with staff and the neighbors in order to get this done.

The other issue is the trail issue. The trail connectivity issue does take the work from the Pavilion into consideration. One is a regional trail the other is a trail between buildings and sidewalks. We followed the same pattern on this side. The other thing I want to touch on is following our meeting with staff it was flushed out that this will be an entrance to the Tierra Contenta. This could someday provide the main access to Tierra Contenta. One of the things we took into account was dressing that up a little. We added landscaping down the center, with a side wall that will go completely to the roundabout. The roundabout could be the first double lane roundabout some day. The traffic volumes in the future may justify it. The trails underneath 599 are attached to this project. We will commence conversations with the City and DOT. We have other trails throughout the project. We can relocate that a little better once we understand how the residential developments will work. The trails are in lieu of a sidewalk. We need to figure out a way to loop the trail so you can come back up and around.

Chair Lindell: This is a public hearing, are there any comments on the development?

Rick Soto, 4545 Contenta Ridge, Santa Fe, NM

Mr. Soto: I have lived in Tierra Contenta since the very beginning and I didn't realize there were 2,400 families there. I am here so show my support and encourage that

everybody work together. I think this kind of growth is long overdue on the south side of town. We have plenty of families for an Albertsons or Smiths for sure. I hope we can work with these people and make it happen.

Dave Thomas, 6005 Jaguar Drive, Suite 105, Santa Fe, NM

Mr. Thomas: I am the project engineer for Tierra Contenta Corporation. The development of this commercial area is proving to be – it has been the most difficult element of Tierra Contenta since its inception in 1994. We are very pleased to see this coming through. It has been a dream - part of the master plan. It went from concept to a dream. The original idea was an at grade intersection with Jaguar Drive and 599. That was never going to work. Primarily because the DOT would not stand for it. We still hung in there and the Pavilion project came along and we saw an opportunity to blend commercial, residential and office development at the interchange with 599. That proved to be the fulfillment of the commercial area in Tierra Contenta that was part of the master plan to serve not only the residents of Tierra Contenta but the residents of the greater Santa Fe area. The interchange will allow this to happen. The benefit for Tierra Contenta, obviously, is jobs in proximity. We have always coveted that idea. The idea of putting offices in a commercial area in Tierra Contenta was part of that wish to have mixed use. This allows people being able to shop and work within a very short distance so they don't have to get out on Airport Road or Cerrillos Road. The goods and services that this will provide with be for Tierra Contenta and greater Santa Fe residents as well. Our architect review committee has met dozens of times with the applicant and will continue working with them on the development of this project. We are looking at this as the marquise entrance to Tierra Contenta and they are helping us out with that a lot. The relationship is excellent that we have with this developer. The Tierra Contenta Corporation strongly supports these applications and the further applications that will be coming down for final approval.

Chair Lindell: The public hearing closed.

Phil Sena, 4540 Contenta Ridge, Santa Fe, New Mexico.

Mr. Sena: We have been working on the design plan for a year to a year and a half. The arts commission has endorsed this along with the administration. I am proud to show it to you so you can get a first version of what the final approval looks like.

Commissioner Villarreal: I have a question - clarification questions on page 2 of fiscal impact study. It talks about Tierra Contenta being a site that qualifies for the new market financing. I was wondering if this has been confirmed as a viable option.

Fabian Trujillo, Economic Development Division Director for the City of Santa Fe.

Mr. Trujillo: The new markets tax credit has been determined in that particular census tract that businesses would qualify for that. The new market tax credit allows for investors to invest in commercial projects in that area to receive a 39% tax credit over

7 years. It is an allocation that the State of New Mexico applied for in 2007 and they received $110M allocation. They received an additional $46M allocation and they have roughly $90 - $100M for investment in these types of projects. Because it is in a low income census tract they would qualify for that type of investment. It is going to make it a lot easier for investors to come and develop this area.

Commissioner Villarreal: I think it is a great option. Who facilities to make those connections between potential businesses?

Mr. Trujillo: It is marketed a lot through the City's Economic Development, but also through the State. The New Mexico Finance Authority is the governing body through Finance New Mexico. They have a couple times a year to submit an application for New Market Tax Allocation for a project. They usually do anything between $5M and $10M. You can do a maximum of $20M project. They also have a way where you can apply "on the fly" where you get a $10M allocation. They set aside about 60% of that for urban.

Commissioner Villarreal: These areas – what is the criteria for which a project would qualify. The areas are on a competitive basis such as high tech, clean energy, value added agriculture and rural economic development – so I was just curious about that.

James Wheeler, Commercial Properties, 2019 Galisteo Street, Santa Fe, NM

Mr. Wheeler: We have had some interesting things happen. We had one broker approach us and we to two sides of the street Pavilion West and Pavilion East. He didn't tell me why his prospect wanted to be on this side – the side we were talking about right now. It didn't come out until later. Ultimately it dawned on me why the wanted to be there. We had a couple of people wanting to be there. One was a Call Center and they were going to have 40,000 to 50,000 sq. ft. of a high tech kind of thing. We had another entity look at this side also. It was finally decided that because of the amount of trucks that would be coming in it was not appropriate for this side. This new market thing is going to be a big factor in terms of attracting new industry to Santa Fe. We have seen it happen already.

Mr. Trujillo: The industries that the state looks at are very compatible with industries that we've targeted. A lot of the industries that they are looking at are green, high tech, media, knowledge based, will all fit in that particular area.

Commissioner Villarreal: I hope we get new innovative ideas. I have one more question on page 5 – it shows retail gaps and shows spending patterns. How did they arrive at the numbers?

Antwon, 120 Grant Avenue. The information is coming from the census database to arrive at these numbers. You should go to page 6, it is very interesting [inaudible] shows information on groceries, gasoline, and restaurant. As you see the numbers shows a surplus to the far right. The negative number shows surplus and positive number is

where you have a gap. The new commercial center is going to be for various goods and services. All the data is from the report.

Commissioner Villarreal: Thank you. Based on the conditions of approval or the trail engineering numbers that we talked about - in the trail connections at the Pavilion - it says that the trail connectivity should be considered. I would like to understand more. Why does it say "should be considered" rather than "required".

Mr. Hess: It should be considered because DOT has authority. We are trying to get underneath 599 and need to defer to DOT. With the City's assistance we will approach DOT. We have approached and they said no. We are going to regroup and ask again. It seems as though there is precedent out there for the trails to occur in the Arroyo. Again, we will regroup.

Ms. Lamboy: The other issue is that it involves two different staffs. Mr. Martinez wrote it in a very soft nice way and then my trail condition echoed his concern but nailed it down a little more. Details on the trail can be worked out in the development plan phase and the agreement should provide a commitment for the construction of Arroyo Chamiso Trail and a placement plan in the recreation area as well as the Pavilion Development. There will be no development plan associated with urban space tracts. The Arroyo Chamiso Trail should be indicated in the plan.

Commissioner Bordegaray: We are not voting on this tonight, but, development at that stage is when we will hear more details. I have a question about the terrain there and building on that. If I am right about the area we are talking about – are we talking about those very sloped areas?

Mike Gomez, 1599 South St. Francis Drive.

Mr. Gomez: I would describe as dissected ridges with a road in between. As you may recall back when we came for Phase 2C subdivision plat we got a variance to make the grades to make the overpass work. We had to generate fill to fill those areas you are talking about. The areas will be filled in. The areas will be landscaped and will be similar to the other ridges that stick out. We are not asking for any new variances in terms of terrain management or drainage.

Commission Hughes moves to recommend Case #2011-69 be heard by the City Council, seconded by Commissioner Mier, motion carried by unanimous voice vote.

Commission Hughes moves to recommend Case #2011-70 be heard by the City Council, seconded by Commissioner Mier, motion carried by unanimous voice vote.

Commission Hughes moves to recommend Case #2011-67 be heard by the City Council, seconded by Commissioner Mier, motion carried by unanimous voice vote.

Commission Hughes moves to approve Case #2011-68 with staff changes, seconded by Commissioner Mier, motion carried by unanimous voice vote.

Mr. O'Reilly: Point of order, the first three cases, 2011-69, 2011-70 and 2011-67 – was the intent that they are approved with staff recommendations?

Chair Lindell: Yes.

Business from the Floor

Chair Lindell: Any business from the floor?

None

Staff Communications

Ms. Baer: We will e-mail everybody to confirm the arrangements for the field visit. I would like to invite you to a planning commission training held that will be held in conjunction with the APA conference on September 10. Specific training (9 – 3) on a Saturday at La Fonda. The training is specific for planning commissioners and covers legal, procedural, dos and don'ts and how tos. We hope that you can all attend. This is at the City's expense.

Chair Lindell: Thank you for putting that together.

Mr. O'Reilly: A question was asked about the procedure for annexing properties within the presumptive city limits, specifically in relation to the Ten Thousand Waves being annexed. The settlement agreement layouts phases for annexation. There is nothing in any of those agreements that would prohibit someone from coming forward and requesting annexation out of sequence. If someone is in Phase and wanted to be annexed prior to annexing all of phase 3 they could do that. The question regarding Ten Thousand Waves is a little different because one of the criteria for annexation is that there be a certain percentage of contiguity with other City property. Right now the Ten Thousand Waves property is in area 18 of Phase 3 of the annexation area has no other City property around it. That would prohibit Ten Thousand Waves from coming in.

Commission Hughes: I have seen some very creative annexation. We may want to think about Hyde Park Road as a candidate to getting you the existing condition. On the Chapter 14 update, where is that?

Mr. O'Reilly: The Planning Commission finished Chapter 14 a couple months ago. Greg Smith is the primary staff person assigned to Chapter 14 along with our consultant, Chris Grazer. They have been working to cross reference everything and are very close to bringing that document forward (public works committee first and then the city council). Hopefully that will happen in early September. It is unclear at this point how the public works and city council will hear Chapter 14 – either a lump sum or two or more pieces. Hope to get some direction from them. We have heard from the Public Works chair that he would appreciate some members of the

Planning Commission to talk about the process that we went through to get to where we are. I will let planning commission know.

Matters from the Commission

Commissioner Hughes: I want to report on yesterday's meeting of the planning commission subcommittee. We had a good meeting and got a lot done. The staff has worked on putting together a form based code for St. Michael's Drive. We are going to meet with staff tomorrow to talk about how to move forward on that. Good progress on what the code will look like. Change to 21st century desires of Santa Fe.

Commissioner Bordegaray: There will be an open house on Aug 11, 12 and 13. The city will release flyers. It will be at Cinema Café. It will show the redesign of St. Michael's Drive. It is a very interesting concept.

Chair Lindell: Send us an e-mail on that.

Adjournment

Chair Lindell adjourned the meeting at 9:15 p.m.

Signature Page:

Signe Lindell, Chair

Fran Lucero, Stenographer