



Agenda

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AMENDED

PLANNING COMMISSION

May 17, 2007 – 6:00 P.M.

CITY COUNCIL CHAMBERS

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES**

April 19, 2007

E. OLD BUSINESS

- 1. *An ordinance amending Table 14-6.1-1 SFCC 1987 and repealing section 14-6.2(D) (2) SFCC 1987 to prohibit individual storage areas in C-2 commercial zoning districts and to allow mini-storage in I-2 districts. (Jeanne Price, case manager) (POSTPONED FROM MARCH 1, 2007, MARCH 15, 2007, APRIL 05, 2007 AND MAY 03, 2007)*

F. NEW BUSINESS

- 1. **Posting Requirements Amendment.** An ordinance amending Section 14-3.1(H)(1)(a)(ii) and 14-3.1(H)(3) SFCC 1987 regarding posting requirements for public hearing. (Councilor Rebecca Wurzbarger, ordinance sponsor)(Jeanne Price, case manager)
- 2. **Case #M 2006-27. San Isidro Phase II Final Development Plan.** Greg Gonzales, agent for Branch Design & Development requests final development plan approval for San Isidro Village mixed use development on +/- 6.81 acres east of Zafarano Drive between Cerrillos Road and Rufina Street. The application includes a variance to the 15' landscape buffer requirement to allow for zero side yard construction along the east property line and waivers to "Big Box" standards for architecture and massing, screening, and required public entrance to the building. The property is zoned C-2-PUD (General Commercial, Planned Unit Development). (Dan Esquibel, case manager) **(POSTPONED FROM AUGUST 3, 2006, AUGUST 31, 2006, SEPTEMBER 28, 2006, JANUARY 18, 2007, MARCH 15, 2007, APRIL 05, 2007 AND MAY 3, 2007)**

3. **Case #ZA 2007-01. Agua Fria Compound Rezoning.** Jim Hays and Associates, Inc., agent for Marc Bertram and Eric Enfield, requests rezoning of 4.12± acres from R-2 (Residential, two units per acre) to MU (Mixed Use). The property is located on the south side of Agua Fria Road and west of Harrison Road. (Donna Wynant, case manager)
4. **Case #ZA 2007-02. 2210 West Alameda Rezoning.** Derrick Archuleta, agent for PICORP Incorporated requests rezoning of 2.452± acres from R-5 (Residential, 5 dwelling units per acre) to R-7 (Residential, 7 dwelling units per acre). The property is located east of Camino Carlos Rael, west of Calle Nopal and north of the Santa Fe River. (Donna Wynant, case manager)
5. **Case #M 2007-07. 538 Del Norte Lane Terrain Management Variance.** Derrick Archuleta, agent for JJ Norte Corporation, requests a variance to terrain management regulations for waterway setback. The property is located north of Del Norte Lane and is zoned RM-1 (Residential Multi-Family, 21 dwelling units per acre). (Lou Baker, case manager)
6. **Case #M 2007-08. 1104 Arroyo Piedra Terrain Management Variance.** Hugh MacPherson Driscoll requests a variance to terrain management regulation for waterway setback. The property is located at the southwest corner of Arroyo Piedra and Sierra del Norte and is zoned R-1 (Residential, one dwelling unit per acre). (Lou Baker, case manager) (***TO BE POSTPONED***)
7. **Case #S 2007-04. Desert Sage Subdivision (Homewise Tract 4) Final Subdivision Plat.** Jennifer Jenkins, agent for Homewise, Inc. requests final subdivision plat approval creating 80 lots on 26.788 acres. The application includes a variance to the second-story side yard setback requirement from ten feet to zero feet. The property is zoned R-3 (Residential – 3 dwellings per acre and is located at the northeast corner of Richards Avenue and I-25. (Lou Baker, case manager) (***POSTPONED FROM APRIL 19, 2007***)
8. **Case #M 2007-09. Sunset View Senior Apartments.** Tishman Group agent and owner requests a development plan amendment including a variance from 14-8.6 Off Street Parking and Loading, to allow one space per apartment i.e.136 spaces. The site consists of 3.31± acres and is located at the northwest corner of St. Francis Drive and St. Michael's Drive. The property is zoned C-2. (Dan Esquibel, case manager). (***POSTPONED FROM MAY 03, 2007***)

G. BUSINESS FROM THE FLOOR**H. STAFF COMMUNICATIONS****I. MATTERS FROM THE COMMISSION**

1. Preliminary report from Short Term Rental Committee

J. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Planning Commission are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) 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 be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.
***An interpreter for the hearing impaired is available through City Clerk’s Office upon 5 days notice.
Please call 955-6521**

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CITY OF SANTA FE
PLANNING COMMISSION

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MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

May 17, 2007

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Robert Werner at approximately 6:00 p.m. on this date in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Estevan Gonzales, Vice Chair
Bonifacio Armijo
Michael Trujillo
Harriet Heltman
Ken Hughes
Signe Lindell
Robert Werner, Chair

MEMBERS ABSENT:

Vacancy
Eric Lujan (vacancy)

STAFF PRESENT:

Greg Smith, Development Review Division Director
Donna Wynant, Senior Planner
Jeanne Price, Legislative Liaison
Lou Baker, Senior Planner
Anne Lovely, Assistant City Attorney
John Romero, Traffic Engineer
Ron Pacheco, Office of Affordable Housing

B. PLEDGE OF ALLEGIANCE

Chair Werner asked Commissioner Lindell to lead the pledge of allegiance.

C. APPROVAL OF AGENDA

Mr. Smith requested postponement of the following cases:

Item 2 – Case #M-2006-27 – San Isidro Phase II Final Development Plan – to June 7th

Item 5 – Case #M-2007-07 – 538 Del Norte Land Terrain Management Variance – to June 7th

Item 6 – Case #M-2007-08 – 1104 Arroyo Piedra Terrain Management Variance – to June 7th pending revised submittals

Item 8 – Case #M-2007-09 – Sunset View Senior Apartments – to June 7th

Mr. Smith said item 4 – Case #ZA-2007-02 is recommended for postponement pending further notification as staff believes this application will most likely be withdrawn.

Chair Werner requested they postpone discussion of the short term rental ordinance until June 7th.

Commissioner Trujillo moved approval of the agenda as amended, Commissioner Heltman seconded the motion which passed by unanimous voice vote.

D. APPROVAL OF MINUTES
April 19, 2007

Commissioner Trujillo moved approval of the minutes of April 19, 2007, Commissioner Heltman seconded the motion which passed by unanimous voice vote.

E. OLD BUSINESS

- 1. *An ordinance amending Table 14-6.1-1 SFCC 1987 and repealing section 14-6.2(D) (2) SFCC 1987 to prohibit individual storage areas in C-2 commercial zoning districts and to allow mini-storage in I-2 districts. (Jeanne Price, case manager) (POSTPONED FROM MARCH 1, 2007, MARCH 15, 2007, APRIL 05, 2007 AND MAY 03, 2007)***

Memorandum from Jeanne Price prepared May 7, 2007 for May 17th Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Jeanne Price presented the staff report included in Exhibit "1."

Public Hearing

There was no public testimony on this item.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes sees mini storage areas as a potential dulling effect for a neighborhood. He asked if there is the possibility of allowing retail out of the storage units because in other parts of the City he has seen them become mini flea markets.

Ms. Price said that is a good point and she does not see where it specifically states that you cannot turn the storage unit into a retail operation because retail is permitted in these districts also.

Mr. Smith agreed that multiple purposes would be allowed on the same property. He said the practice has been to make a special exception for mini storage in C-2 and I-1 and I-2, but he does not think overall that changes. The C-2 has always required a special exception and that would continue to be the case. The significant difference will be that it will be harder to locate on a small parcel as the landscape buffer requirement has increased.

Commissioner Armijo asked about the requirement for one story. He asked what the purpose of that is.

Ms. Price explained that this is existing language and she is not sure why it was in there. She said that might be a good recommended change especially for an elevated office for security.

Mr. Smith said he is not familiar with the history of the projects built over one story and he does not recall working on any over one story. He does not know the answer to this.

Commissioner Armijo commented that he does not know why that restriction is in there.

Commissioner Lindell asked for comment on the motivation of the units not being directly accessible from the outside of the building.

Ms. Price said the initial concept seemed to be mini storages being completely enclosed, but there were many garage doors. Recently there has been a market demand for units that do not have direct accessibility. She said many store art and valuables safely while in other residences. She said the intent is to define what really makes a difference between what is called storage and mini storage.

Commissioner Trujillo agreed that many storage places are climate controlled for that very reason. He asked if this was an oversight to have no second story.

Ms. Price doesn't think Councilor Dominguez was looking at completely overhauling the regulations, but looked at the specific things he saw going on.

Commissioner Trujillo said his only reservation would be the issue of the second story. He asked how people got second stories in the past.

Ms. Price said most likely either variances or oversights.

Commissioner Gonzales said the potential issue is the second story might obstruct views near residences although he understands it being desirable from a security standpoint.

Commissioner Trujillo imagined that in the future if they asked for a variance, they could have a second story.

Commissioner Heltman asked how many storage units they are planning to build.

Mr. Smith recalls three pre-application meetings for storage projects in the last 12 months, but if they would be built is impossible to predict.

Commissioner Heltman was unsure if there are lots of storage units in residential districts.

Ms. Price said there are many places where they abut residential districts.

Commissioner Trujillo moved to recommend approval by the City Council of this ordinance amending table 14-6.1-1 and Sections 14-6.2(D)(2) and (3), Commissioner Heltman seconded the motion.

Commissioner Hughes asked if the sponsor would strike on page 3, line 7 the reference to the height being only one story.

Commissioner Trujillo and Commissioner Heltman accepted this.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

F. NEW BUSINESS

1. **Posting Requirements Amendment**. An ordinance amending Section 14-3.1(H)(1)(a)(ii) and 14-3.1(H)(3) SFCC 1987 regarding posting requirements for public hearing. (Councilor Rebecca Wurzbarger, ordinance sponsor)(Jeanne Price, case manager)

Memorandum from Jeanne Price prepared for May 17th Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Jeanne Price presented the staff report included in Exhibit "2."

Public Hearing

There was no public testimony on this item.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Trujillo moved to recommend approval by City Council, Commissioner Heltman seconded the motion.

Commissioner Heltman said people have told her it is difficult to read the signs unless you stop and in some places it is hard to stop.

Chair Werner pointed out that in the last year they dramatically increased the size of the signs.

Ms. Price noted that the H Board signs are smaller.

John Romero informed Commissioner Heltman that a rule of thumb for traffic signs is that you can only expect a driver to read three lines of text no matter what the size, so increasing the size of the writing would not eliminate the amount of information on these signs.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

2. **Case #M 2006-27. San Isidro Phase II Final Development Plan.** Greg Gonzales, agent for Branch Design & Development requests final development plan approval for San Isidro Village mixed use development on +/- 6.81 acres east of Zafarano Drive between Cerrillos Road and Rufina Street. The application includes a variance to the 15' landscape buffer requirement to allow for zero side yard construction along the east property line and waivers to "Big Box" standards for architecture and massing, screening, and required public entrance to the building. The property is zoned C-2-PUD (General Commercial, Planned Unit Development). (Dan Esquibel, case manager) (POSTPONED FROM AUGUST 3, 2006, AUGUST 31, 2006, SEPTEMBER 28, 2006, JANUARY 18, 2007, MARCH 15, 2007, APRIL 05, 2007 AND MAY 3, 2007)

This item was postponed to the meeting of June 7th.

3. **Case #ZA 2007-01. Agua Fria Compound Rezoning.** Jim Hays and Associates, Inc., agent for Marc Bertram and Eric Enfield, requests rezoning of 4.12± acres from R-2 (Residential, two units per acre) to MU (Mixed Use). The property is located on the south side of Agua Fria Road and west of Harrison Road. (Donna Wynant, case manager)

Memorandum from Donna Wynant, Senior Planner, prepared May 3rd for May 17, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Santa Fe Homes Program Proposal for Sale Units was incorporated herewith to these minutes as Exhibit "3(A)."

Staff report presented by Donna Wynant included in Exhibit "3."

Staff recommends approval of the rezone this property from R-2 (Residential, two units per acre) to MU (Mixed Use). Such approval is based on the review criteria as set forth in Section 14-3.5(C) SFCC 2001 in determining whether a rezoning should be approved. The Master Plan dated March 12, shows 50% of the space as residential and the other half commercial in 32 units utilizing the guidelines of the Mixed Use district to provide live-work spaces, retail space and affordable housing. Recommended conditions of approval for the rezoning and associated Master Plan are listed below:

1. Comply with memorandum from Engineering Division Traffic Review.
2. Comply with memorandum from Engineering Division subdivision engineer.
3. Comply with memorandum from Engineering Division landscaping comments.
4. Comply with memorandum from Solid Waste comments.
5. Comply with memorandum from Parks, Trails and Open Space comments.
6. Comply with memorandum from Office of Affordable Housing comments.

Chair Werner asked if this is the first application to come in under the new mixed use ordinance for rezoned land.

Mr. Smith believes it is.

Public Hearing

Jim Hays, applicant, was sworn. He covered the changes made to accommodate the

setbacks and separation requirements. They configured the plan to comply with those and the plan does so without requiring any variances. There is a requirement of 30 feet separation for residents and then only 5 feet if it is just commercial to commercial. They had to keep 30 feet away. He noted that there is a 50 foot requirement if you have a use with environmental impacts. Within the context of the ordinance the units are entirely residential, although the downstairs will be work space and the upstairs residential. They accommodated the fire marshal requests within the project. The only concern they have heard was about traffic on Agua Fria and there is a note on the plat at Mr. Romero's request that notes a possible connection to Cook's Road. He said there is the issue of a mix of uses to the south and west, but they do not want more traffic coming up and down Cook's Lane and he does not want that traffic coming through the project. He understands the probability is small, but he is only doing what he was asked and does not have a preference regarding the connection to Cook's Lane. The application was to put 24 feet as the maximum height and he is now not sure when further refined if they may want to make it a maximum of 29 feet to create some variation.

Christopher Purvis, architect, was sworn. He said in working on the modulation, they laid out the units so they can be accessed from one side or the other. They made an effort to break down the rectilinear nature by carving out pieces of the corner when it comes too close to another building or adding some relief when it goes into a parking lot. They have combined this with variations of color of stucco and height. This will give the overall project some depth. He said if they stick with 24 feet it will not allow them to provide variety. If they put mechanical units on the roof it is much nicer to not screen the units separately, but to have them integral to the building. They changed the circulation pattern and there are more pockets of space between the buildings.

Phil Crump, 2200 Fort Union Drive, was sworn. He is a mediator and facilitator in private practice. He explained that in 2001, the City put forth an RFP for a facilitated infill pilot project to which he responded. The planner resigned and the project did not continue. The RFP was reissued in 2003 and it was accepted. The City also issued an RFP for a project to be developed in this process and this particular project came forward. The purpose was to early on bring together the developer, the neighbors and the City to discuss the options for developing that project in a manner suitable. That came to an early end but Mr. Hays continued on a private basis. He reported that the critical features were two ENN's conducted by City staff and he facilitated them. The plan was approved unanimously before the Planning Commission and City Council due to the process they underwent. He wanted to emphasize the utility of using an open facilitated process encouraging neighbors to speak up as it allows the developer to respond appropriately. He believes this project met those standards well.

Mr. Hays noted that they have over three times the open space that the ordinance requires. He credited Mr. Purvis with coordinating the plan to do so. They want to create private outdoor open spaces so the actual open space calculations may change.

Ted Rivera, lives directly across from the proposed development, was sworn. He supports the development. He said that the developer has taken note at the meetings that they like the buffer landscape zone. He agrees it will be a good development for the area. The only thing is that they would like the businesses here to be environmentally and socially friendly.

Santos Montoya, spoke on behalf of Maclovio Montoya, was sworn. He said Maclovio Montoya did not get to see this project continue. He agreed that the developer has good plans to make this a beautiful place. He urged the Commission to approve the plan.

Robert Webb, owner Capital Scarp Metals, west of the development, was sworn. He expressed concern with the opening onto Cook's Road as it is private and way over congested now. This opening will create too much traffic and there is no maintenance on the street. He said it will create a problem both ways because many will take a short cut to Agua Fria. He feels the project looks good otherwise. He would like the access to Cook's completely eliminated. He said once they put in residential low cost housing like commercial he is concerned that he will be frowned upon as he runs a heavy industrial business. He is afraid the neighbors will be upset with him although he tries to keep the business down as much as possible. He just does not want to be the bad guy.

Jim Salz, business owner on Cook's Road, was sworn. He pointed out the problem on the map. He said the City has not seen fit to make the streets wide enough for two cars to pass each other. He feels this road should have never been allowed to be developed that narrow. He said they should come out to industrial roads where you have an intersection. He said if they do not believe the issues with this road, they are welcome to stand in his parking lot to view the issues. He expressed concern with the safety as emergency equipment cannot get up that street.

Don Garcia, owner Perfection Auto Craft, was sworn. He does not object to the plan and believes the fire access concerns were eliminated. He commented that unfortunately Mr. Cook did not hire a fine designer when the area was developed.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes asked the applicant if they are willing to paint the roofs white to save energy costs.

Mr. Hays appreciated the concern, but did not want to speak to that now. He said they will be coming back with a development plan and agreed to look at it during that process. He cannot think of anyone who would be looking down on the roofs. He has explored the possibility of placing solar collectors on the roofs.

Commissioner Armijo asked if they are using Cook's or not and if this impacts how the fire safety is used.

John Romero said he is not sure if Ted Bolleter intended that for a fire connection or emergency route. He said his department requested that this be shown as a possible future connection. The intent wasn't to constitute a commitment from the property owners on Cook's Lane, but a commitment from this development. They would at least have this one person that will not object. He said it will take many more steps and approval of the person that owns Cook's Lane to open that up. He said if this were dedicated to the City it would have to be brought up to standards. He noted that there could become a time when there will have to be some form of pavement rehabilitation

which could be repaving and at that time they may request it become a city street. He added that there are lots of ifs, but they wanted to leave the door open.

Commissioner Armijo asked if this would be tied into improvements for Cooks.

Mr. Romero replied no. He said if the improvements are done then the city can ask for a connection, but not improvement. He explained that the intent was for those in this development wanting to access Cerrillos Road as this would be more of a direct shot.

Commissioner Armijo asked what the traffic flow will be if this is approved.

Mr. Romero said there would be one access point onto Agua Fria, but he is unclear what the emergency access required is.

Commissioner Armijo expressed concern with keeping this mixed use and keeping this so that it does not become all work space. He asked how they would do this.

Mr. Hays expects to put a note on the plat and development plan that sets forth the requirements on a unit by unit basis as to the mix of occupancies. He would like to be able to modify within the project the four units closest to Mr. Webb's business as they would properly be entirely commercial, although he would like the flexibility to change the designation on another unit. He would keep the overall mix, but would like to be able to swap units. He said staff has been wonderful to work with so he feels confident they can address this in the development plan.

Commissioner Armijo said if they are working with a HOP unit he would want it to remain as such so that someone who cannot afford to get into a work space and house would have the opportunity. He complimented the project.

Mr. Hays explained that the HOP units would most likely be entirely residential. He said within his discussions with Ron Pacheco it was expressed that they do need affordable commercial space as well as affordable housing. He said being able to have a residence and work space moves them in that direction. He has a plan for a 2-bedroom unit upstairs and then to get 4 bedrooms they need to use upstairs and downstairs. He addressed the emergency access and said he met with Ted Bolleter who told him he could open an emergency access to Cook's Lane involving a locked gate that could be opened in an emergency and the other was to provide the turning radius with wide roads and a hammerhead turnaround function in the parking lots which they chose as the appropriate step.

Commissioner Lindell commented what a nice project this is. She asked if there is any other way for entry or exit other than Cook's Lane. She agrees with the neighbors that it is not a good answer.

Mr. Hays agreed that nobody wants Cook's Lane opened. He has discussed a future connection to Harrison Road which he has no objection to changing the possible connection to Harrison. He believes there is a 30 foot right of way on Harrison. He said none of the roads are set up to handle much traffic. He believes the traffic analysis is thorough. He commented that the intent is that they are living and working in the same area so they will not be generating a great deal of trips.

Commissioner Lindell asked why in the site generated trips there was a letter on the Oshara Project. She asked John Romero about the traffic report from CKS. She questioned the traffic report as the traffic can be backed up to Siler from Osage on Agua Fria and she does not see the intersection addressed.

Mr. Romero explained that according to the guidelines it does need a deceleration lane, but he met on the field and talked about the legitimacy of putting one out there. There are several things that make it hard, the property does not have a long enough frontage for the deceleration lane and there are several trees that would have to be relocated. He said there is a shoulder and a dual left in the median, so there is enough room for a car turning right and another car to scoot around it. This will be consistent with what is out there now. He said this development will generate 22 peak hour trips in the am and 25 in the pm, so when they distribute that out of the development it is a small amount of traffic with approximately 9 cars going each way. They did not find the project obligated to provide improvements for the intersection as they are not contributing much traffic to that problem.

Commissioner Lindell asked how many cars can pass through the light in one interval.

Mr. Romero did not have those numbers with him and this analysis did not look at that.

Commissioner Lindell was concerned that a deceleration lane is needed, but because it is difficult to do they are not requiring one. She noted that the report suggests the bicycle lane can operate as a de facto right turn which is not acceptable to those on bicycles.

Mr. Romero explained that this occurs historically up and down Agua Fria. He agrees this is in conflict. There are numerous areas where shoulders are designated for vehicles and bicycles, but there are no cars that will be parked in the area adding to the problems.

Mr. Hays said he does not have a solution either. He commented that when traffic is backed up from Osage you do not need a deceleration lane because you have to wait your turn. He shares the concern regarding safety and bicycles. He said Craig Watts and John Romero seem to think it would work fine the way it is proposed. He agreed to implement a suggestion to provide three lanes going in and out of the project so there will be room for two cars.

Mr. Smith responded to the previous question of the letter from Oshara. He said the applicant's engineer provided this as documentation of the rate used to calculate the traffic generated by the development.

Commissioner Gonzales agreed they are all concerned about the congestion along Agua Fria. He feels this is a City and a County issue and this is not a moratorium on development along Agua Fria so he asks himself what the best use of this property is. He thinks all residential is not good and all commercial is not good either. He would like to have the density of all residential, but he does not think it would provide a good transition from the commercial so he thinks this is a sensible approach. He agrees with the mixed use designation, but he does struggle with the density. He asked on what basis staff evaluates the capacity for a mixed use development.

Mr. Smith explained that the staff analysis is based on the ability to comply with the setback, parking and open space requirements which this does comply. They also coordinate the review with General Plan policies for transitions between land uses and the ability of the existing and proposed infrastructure to support traffic and utility service to the property. He said they are relying on the traffic engineer. The City Council has expressed strong interest in encouraging the applicant to come up with a feasible connection between this project and an alternate route. It is unfortunate that the surrounding roads were not platted properly and caused a loss of interconnection.

Commissioner Gonzales asked how the 32 units came about as being supported by staff.

Mr. Smith explained that they based this on the recommendation of the Fire Marshal, evaluation by the Traffic Engineer and evaluation of minimum standards for mixed use.

Commissioner Gonzales struggled with the density. He feels there will be a lot of traffic coming in and out although he respects Mr. Romero's recommendation. He does not feel comfortable approving a lower density without some justification. He asked if Mr. Romero's opinion is that this should be a lower density.

Mr. Romero pointed out that there are problems on Agua Fria and this TIA did not evaluate Agua Fria as a corridor due to the amount of trips this is generating as it is negligible compared to the traffic on Agua Fria. He said cumulatively as properties develop in this area it adds fuel to the fire, but it is hard to quantify on a case by case scenario. He said they can qualitatively say they will reduce the units by 5, it will have a more positive impact on the road, but it really is still negligible. Agua Fria needs a four lane facility no matter what this development is.

Commissioner Gonzales clarified that it is negligible based on all of Agua Fria. He said if they are trying to get some place close to this development it may not be negligible, it may be a bigger impact.

Mr. Romero said a rule of thumb is that if a development generates more than 25 peak hour trips they will look at an expanded traffic study. He said once you take these trips and split them up going both ways, there is a change of level of service of a fraction of a second.

Commissioner Gonzales said he is still struggling with the density.

Commissioner Heltman agreed and expressed concern with more development that will be coming in and they do not know how they can accommodate it. She said they need an alternate corridor from downtown to the airport. She feels it is ridiculous how much the road is used. She asked what time of the day these surveys are done. She does not understand how the formula works when you have to wait for three lights to get through an intersection.

Mr. Romero said they take traffic counts to encompass the a.m. rush hour and p.m. rush hour. He said typically they count traffic from 7-9 a.m. to encompass the spike from the morning rush hour. He estimates the efficiency of roads and signals by using the Highway capacity manual. The area of Agua Fria is a regional traffic problem. He said the City can either work at fixing the regional problem or put a moratorium on development as any development will always add to the problem. He noted that the City

is working on making a Siler Road connection across the Santa Fe River to West Alameda. He added that Rufina relieves some of the problem, but it has some of its own problems as they were directed to only do two lanes. He said to relieve the problem they need more north south connectors to make 599 more readily available so it is used as a belt around the City. Until that happens, there will be problem.

Commissioner Trujillo commented that they are trying to solve problems created many years ago. He does not believe this a development issue because until the City decides they are willing to fix this there will be problems. He feels this is a much grander issue than this project. He likes the way the cuts are made. He feels the density looks good. There are traffic issues as the City is outgrowing the infrastructure, so they have to trust the traffic engineers. He thinks this is a good project although he agrees it is frustrating.

Commissioner Trujillo moved approval of Case #ZA-2007-01 with staff conditions, Commissioner Hughes seconded the motion.

Commissioner Armijo wanted to know if they are asking a developer to supply future costs for taking care of traffic problems. He said at some point they will need help offsetting the future costs.

Mr. Romero said they are collecting impact fees, but with the traffic generation from this project compared to what is out there would result in a small amount of money that they would have to hold onto and track which makes it not worth the money compared to what the Agua Fria project would cost.

Commissioner Trujillo clarified that this is just a rezoning, so they have to come back with the development plan.

Chair Werner asked if the height being placed would control what they can submit on the development plan.

Mr. Smith said it would be better for the master plan to not imply limits that are not intended to be maintained at the development plan stage.

Chair Werner felt that in order to breakup the massing they should allow 29 feet to make the buildings more attractive aesthetically.

Commissioner Trujillo amended his motion to add the height allowed be 29 feet as a condition of approval, Commissioner Hughes accepted this amendment.

Commissioner Lindell stated that she is not opposed to this rezoning. It seems that when it comes back there should be some ideas to improve some of these traffic problems.

Mr. Hays explained that one of the intents of the mixed use ordinance is to reduce the traffic impact. He said all residential would be generating more peak hour traffic. The traffic will be more during off peak hours. He said working where you live already does not create traffic. The Council was trying to address with this ordinance reducing the traffic and spreading it out more throughout the day. He thought they should put more effort into alternative transportation so that someone could catch a bus on Agua Fria every ten minutes so people do not feel the need to drive.

Commissioner Gonzales thinks mixed use would reduce traffic, but there are 140 parking spots planned which indicates traffic. He said it has not been sufficiently proven to him that this density is allowable in this area.

Commissioner Armijo clarified that they are voting on the rezoning and no height changes.

Chair Werner said they are recommending rezoning and allowing height in the master plan to be amended to 29 feet to create variation in the height of the building. They will look at the detail and heights again when they review the development plan at a later date.

Commissioner Armijo asked if they would be allowed to have the height at 29 feet for all the buildings. He thinks it would be best to vote on that when they look at elevations. He is opposed to voting on the height.

Chair Werner stated that this would allow them to submit a development plan and have heights as high as 29 feet, but they still have control during the development plan review.

Mr. Smith explained that typically the master plan is part of the zoning action as it establishes maximum and minimum limits with the Commission retaining some jurisdiction within those when the specific details come forward.

Commissioner Trujillo understood that some of the Commissioners were not here when this came to them previously. He explained that the whole reason behind the mixed use ordinance was so traffic would not have an impact as the residents are working at home. He added that the Council wanted to see this happen. He understands the concerns with seeing the parking space numbers. He said there is not a problem with 29 feet and they can make changes at the final development hearing.

Mr. Smith explained that the zoning allows up to 35 feet, so they could leave it open until the development plan comes forward.

The motion passed on the following majority roll call vote of 4 to 3:

Those voting for the motion: Commissioner Armijo, Commissioner Hughes, Commissioner Trujillo and Chair Werner broke the tie.

Those voting against the motion: Commissioner Gonzales, Commissioner Heltman, and Commissioner Lindell.

- 4. Case #ZA 2007-02. 2210 West Alameda Rezoning. Derrick Archuleta, agent for PICORP Incorporated requests rezoning of 2.452± acres from R-5 (Residential, 5 dwelling units per acre) to R-7 (Residential, 7 dwelling units per acre). The property is located east of Camino Carlos Rael, west of Calle Nopal and north of the Santa Fe River. (Donna Wynant, case manager)**

This item was postponed indefinitely as may be withdrawn.

- 5. Case #M 2007-07. 538 Del Norte Lane Terrain Management Variance. Derrick Archuleta, agent for JJ Norte Corporation, requests a variance to terrain management regulations for waterway setback. The**

property is located north of Del Norte Lane and is zoned RM-1 (Residential Multi-Family, 21 dwelling units per acre). (Lou Baker, case manager)

This item was postponed to the meeting of June 7th per approval of the agenda.

6. **Case #M 2007-08. 1104 Arroyo Piedra Terrain Management Variance.** Hugh MacPherson Driscoll requests a variance to terrain management regulation for waterway setback. The property is located at the southwest corner of Arroyo Piedra and Sierra del Norte and is zoned R-1 (Residential, one dwelling unit per acre). (Lou Baker, case manager) **(TO BE POSTPONED)**

This item was postponed to the meeting of June 7th per approval of the agenda.

7. **Case #S 2007-04. Desert Sage Subdivision (Homewise Tract 4) Final Subdivision Plat.** Jennifer Jenkins, agent for Homewise, Inc. requests final subdivision plat approval creating 80 lots on 26.788 acres. The application includes a variance to the second-story side yard setback requirement from ten feet to zero feet. The property is zoned R-3 (Residential – 3 dwellings per acre and is located at the northeast corner of Richards Avenue and I-25. (Lou Baker, case manager) **(POSTPONED FROM APRIL 19, 2007)**

Chair Werner pointed out that the staff packet came with the recommendation to postpone this to the June 7th meeting. He assumes the Commission took this recommendation and may not have reviewed the material in the way they normally would. He asked the Commission if they want to hear this application or postpone.

Commissioner Trujillo said he looked at it and the applicant is ready to go so he would like to hear the case.

Commissioner Heltman said she did not look at it after she saw the case was recommended for postponement. She has no idea what this is about.

Commissioner Gonzales moved to hear the project, but said he would have to excuse himself from the meeting at this time.

Mr. Smith said the staff recommendation for postponement was based on the project being under review by the Traffic Division.

Commissioner Trujillo asked if the applicant was aware of the notice.

Ms. Jenkins said they were continuing to work with the traffic engineer which is why they stayed on the agenda, but they were aware of the notice.

Commissioner Lindell disclosed that she has a family member on contract with Homewise; however she feels she could evaluate this in an unbiased manner.

Commissioner Trujillo clarified that there is no financial gain on this project for Commissioner Lindell so he thinks she should rule on the case.

Commissioner Armijo asked what the reason was that staff did not have the information.

Mr. Romero explained that there were conditions of approval on the annexation and the preliminary subdivision plat that asked the developer to show the offsite improvements on Rodeo. He said the improvements had not been shown to Public Works liking so they worked with the applicant and on May 9th received an acceptable design. He said the design affected the amount of right of way the property would have to dedicate for the improvements on Richards. He reviewed the additional information when he got it just in case the Commission wanted to hear the case.

Commissioner Armijo asked when the information was due.

Mr. Smith said the administrative guidelines call for the completion of submittals 30 days prior to the meeting. He is not sure if staff notified the applicant in a timely manner. The requirement to show the documents was made at the time of rezoning.

Commissioner Armijo said if the developer has not submitted within the time frame they normally would postpone, but he said if they were not notified it is not the applicant's fault.

Commissioner Trujillo asked Ms. Baker if she is comfortable with the Commission hearing this.

Ms. Baker said her staff report depended highly on the traffic comments, so she feels comfortable going forward.

Mr. Romero was also comfortable going forward now. He requested that his memo be added as a condition of approval.

Memorandum prepared by Lou Baker, Permit and Development Review Senior Planner on May 5, 2007 for May 17, 2007 Planning Commission meeting was incorporated herewith to these minutes as Exhibit "4."

Comments from John Romero, Public Works Department, Engineering Division, Traffic Impacts Section dated May 9, 2007 is incorporated herewith to these minutes as Exhibit "4(A)."

Memo from Kathy Tully, Santa Fe Public Schools dated May 16, 2007 is incorporated herewith to these minutes as Exhibit "4(B)."

Staff recommends approval based on the following conditions of approval:

1. Applicant shall submit a construction staging plan (Exhibit H) detailing activities in a manner as to not to disrupt the harmony and safety of the surrounding neighborhood; and
2. The final subdivision plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that part of the approved or conditionally approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that the final plat and the portion of the land to be subdivided conform to all requirements of the Code and all applicable City of Santa Fe ordinances and regulations; and provided further that the Planning Commission may require the subdivider to include in or exclude from the final plat whatever part of the lands included in the preliminary plat which it deems necessary for orderly development; and
3. Public sidewalks shall be in compliance with ADA requirements. Applicant shall work with the City's ADA reviewer; and

4. Development shall comply with all previous conditions of annexation, zoning, development plan, and subdivision approval; and
5. A note shall be placed on the final plat that the property will be subject to the Water Allocation and/or Water Offset Retrofit provisions of Ordinance No. 2002-29 and Resolution 2002-55 at the time of permit application or water hookup request. Compliance may be achieved by use of retrofit credits for "Type A" low-priced residential units if applicable; and
6. Stormwater Certification statement shall be placed on the cover sheet of the mylar drawings for all development plans and subdivisions. The Certification shall appear next to the As-Built Certification statement; and
7. If the final plat is approved by the Commission, such approval shall be recorded on the face of the original drawing of the final plat and on two (2) copies thereof and such approval shall be dated and verified thereon by the signature of the Chairperson of the Commission in the spaces provided, and such date and signatures shall be with black ink; or if the final plat is disapproved by the Commission, the reasons for disapproval shall be referenced and attached to two (2) copies of the final plat and such action shall be dated and verified by the signature of the Chairperson of the Commission affixed to said copies. In either event, one (1) of the said signed copies shall be returned to the subdivider and the other shall become part of the files of the Planning and Land Use Department. If a final plat is approved, the original drawing of the same shall be used in part for recordation purposes and thereafter retained in the files of the Planning and Land Use Department. If the final plat is disapproved, the original drawing shall be returned to the subdivider; and
8. The final plat shall be drawn in compliance with general formatting and plan content requirements as per Exhibit R. These requirements apply to each page; and
9. Final plats shall be recorded with the Santa Fe County Clerk along with any and all deeds, private reservations, easements, covenants and restrictions. Final plats shall be recorded within five (5) days after the acceptance by the City Council or the Planning Commissioner as the case may be, of the public dedications, if any, shown thereon, but not until such acceptance. The acceptance of a public dedication by the City does not necessarily imply the maintenance of such dedication; and
10. Comply with comments from the Public Works Department/Engineering Division/Traffic Impacts (Exhibit J); and
11. Comply with comments from the Wastewater Management Division (Exhibit K); and
12. Comply with comments from the Engineering Development Review Division/Landscaping (Exhibit L); and
13. Comply with comments from the Office of Affordable Housing (Exhibit M); and
14. Comply with comments from the Fire Department (Exhibit N); and
15. Comply with comments from the Trails and Open Space Office (Exhibit O); and
16. Comply with comments from the Solid Waste Division Engineer (Exhibit P).

Lou Baker presented the staff report included in Exhibit "4."

Commissioner Gonzales left the meeting at this time

Public Hearing

Jennifer Jenkins, Jenkins Gavin Design and Development, was sworn. She thanked the Commission for allowing them to remain on the agenda as they have been working diligently to satisfy the requirements from the Traffic Engineer. She responded to the requests made at preliminary plat. She presented and reviewed the impact statement from the public schools which is included in Exhibit "4(B)." She showed an example of the ladder Commissioner Trujillo requested for emergency egress from the second story. The ladders will be made available to all home buyers who request one. She stated agreement with staff conditions.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes asked what the dwelling units per acre are for this proposal.

Ms. Jenkins stated that the zoning is R-3 with three dwelling units per acre.

Commissioner Hughes asked how close they are to Richards and what the status of the proposal to put a rail runner stop at this site is.

Ms. Jenkins said they are adjacent to Richards.

Mr. Smith understands there is a conceptual plan to put a rail runner stop in this location but there is no specific identification. There are corridor studies underway that would potentially impact the width of right of way for the off ramps and on ramps that have not yet been approved at I-25 for an interchange. He said there is some uncertainty with regards to Las Soleras. The City has not formally abandoned the effort to annex the tracts of land immediately west of Richards.

Commissioner Hughes said it was a shame this could not be made into a modular situation so they could greatly increase the density if a rail stop were added. He said this will be a huge increase in value and potential use of properties. He said usually you can put 20-30 units more than usual around rail stops due to the decrease in traffic.

Commissioner Trujillo moved for approval of Case #S-2007-04 with staff recommendations including the traffic report.

Mr. Smith asked if they wanted a condition that emergency egress ladders would be provided for the two story units. He noted that there would not be a separate development plan on this case so this is the last review hearing for this project.

Commissioner Trujillo wanted the ladders included in the motion as condition 17.

Ms. Baker wanted clarification on whether the ladders would be provided to the very first homebuyer or if they are required to be provided to every homebuyer for the life of the project.

Ms. Jenkins expressed concern as they cannot provide ladders to future homebuyers.

Commissioner Trujillo did not see how they could require Homewise to continue to provide ladders once the project is sold out. He thinks it would be in the best interest of the homeowners to buy the ladder, but only wanted the ladders provided while Homewise is involved with the purchase of the home.

Commissioner Hughes seconded the motion.

Mr. Smith clarified that the addition of the traffic report is the May 9th memo which will be the reference on condition 10.

Commissioner Trujillo said that is correct.

Commissioner Armijo asked why this does not come back again.

Mr. Smith explained that the applicant did not apply for a PUD zoning so there is no requirement for a development plan and so unless variances are requested they do not have to come back.

Commissioner Armijo clarified that this goes through the permit process.

Mr. Smith said that is correct, but the ponding and overall site landscaping will be reviewed by staff as part of the subdivision plat recording process. Each permit application will be on a lot by lot basis.

Ms. Jenkins pointed out that they did submit a landscape plan that has been reviewed by staff with comments. They are developing new floor plans which will be a combination of single and two story homes and patio/courtyard homes.

Commissioner Heltman asked what the beginning price range will be.

Ms. Jenkins explained that 30% will be priced at \$115,000-175, 000 for 3 bed/2 bath, 26 units will be available to people making 80% of the area median income and the additional 30 market rate homes will be affordable to those making 120% of the area median income. She said it would be more accurate to say this is 100% affordable.

Commissioner Heltman asked what kind of building materials they will use.

Ms. Jenkins said they would be wood frame construction and they will be energy star rated homes. Homewise has very high construction standards.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

8. **Case #M 2007-09. Sunset View Senior Apartments.** Tishman Group agent and owner requests a development plan amendment including a variance from 14-8.6 Off Street Parking and Loading, to allow one space per apartment i.e.136 spaces. The site consists of 3.31± acres and is located at the northwest corner of St. Francis Drive and St. Michael's Drive. The property is zoned C-2. (Dan Esquibel, case manager). (POSTPONED FROM MAY 03, 2007)

This item was postponed to the meeting of June 7th per approval of the agenda.

G. BUSINESS FROM THE FLOOR – None

H. STAFF COMMUNICATIONS

Mr. Smith apologized for the confusion and said there has been difficulty with communication between departments and they are trying to eliminate this problem.

I. MATTERS FROM THE COMMISSION

1. **Preliminary report from Short Term Rental Committee**

This item was postponed to the meeting of June 7th per approval of the agenda.

Chair Trujillo reported that they have met twice on the short term rental issue coming up with lots of ideas. The goal is to bring this to the first meeting in June.

Commissioner Heltman asked if the short term rental program would be available to anyone and everyone within the City.

Commissioner Trujillo replied that so far yes it would affect everyone. He said they really do not know at this point as they are only working on the issue.

Chair Werner added that it depends on what the ordinance says.

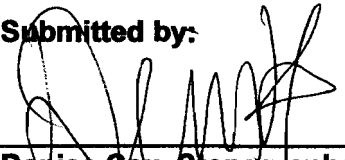
J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Hughes moved, seconded by Commissioner Armijo to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 8:20 p.m.

Approved by:

Robert J. Werner 06-26-2007
Chair Robert Werner

Submitted by:



Denise Cox, Stenographer