



Agenda

CITY CLERK'S OFFICE

DATE June 12, 2007 TIME 11:35SERVED BY Sharonne K. V. [Signature]RECEIVED BY Sharonne K. V. [Signature]AMENDED

PLANNING COMMISSION

June 21, 2007 – 6:00 P.M.

CITY COUNCIL CHAMBERS

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES
May 17, 2007

E. OLD BUSINESS

- 1. **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, MAY 3, 2007, MAY 17, 2007 AND JUNE 07, 2007 PUBLIC TESTIMONY IS CLOSED)**

F. NEW BUSINESS

- 1. **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) **(POSTPONED FROM MAY 17, 2007 AND JUNE 07, 2007)**
- 2. **Case #S 2007-06. Kaushal Business Park Preliminary Subdivision Plat.** Linda Tigges, agent for A.K. Kaushal requests preliminary subdivision plat approval for 11 lots on 1.998± acres located north of Rodeo Road between Sawmill Road and SFRR right-of-way. The application includes a variance from Section 14-9.2 (E) regarding standards for private streets to clarify the use of driveways for the entrance to a commercial subdivision. The property is zoned I-1 (Light Industrial). (Donna Wynant, case manager) **(POSTPONED FROM JUNE 07, 2007)**

3. **Case #M 2007-21. Electric Facilities Plan General Plan Amendment.** Amendment to the General Plan to adopt an Electric Facilities Plan as called for by General Plan Implementing Policy 7-5-I-2. (Greg Smith, case manager)
4. **Case #CA 2007-01. Electric Facilities Code Amendment.** An ordinance creating a new section 14-6.2(F) SFCC 1987 establishing requirements regarding electric facilities and making such other changes as are necessary. (Greg Smith, case manager)
5. **Electric Facilities Fee Resolution.** A resolution adoption of a fee schedule for the review of applications for electric facilities. (Jeanne Price, case manager)
6. **Utility Under Grounding Amendment.** An ordinance amending section 14-6.2(G)(6) and 14-6.2(G)(7) SFCC 1987; making clarifications to the procedures for underground electric, telecommunication and cable utility lines. (Jeanne Price, case manager)
7. **Case #M 2007-16. PNM South Pacheco 13 Distribution Project.** Request by Public Service Company of New Mexico for determination of consistency with adopted General Plan for a proposed 12.5kv electric distribution line along Siringo Road and St. Francis Drive. (Greg Smith, case manager)
8. **Case #M 2007-15. PNM South Pacheco 11 Distribution Project.** Request by Public Service Company of New Mexico for determination of consistency with adopted General Plan for a proposed 12.5kv electric distribution line along Yucca Street and Rodeo Road. (Greg Smith, case manager)
9. **Case #S 2007-08. Raven Ridge Townhouses Final Subdivision Plat.** Lorn Tryk, agent for Raven Ridge, LLC. request final subdivision plat approval to create 33 lots on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Donna Wynant, case manager)
10. **Case #M 2006-48. Raven Ridge Townhouses Development Plan.** Lorn Tryk, agent for Raven Ridge, LLC. request development plan approval to create 33 single-family attached dwelling units on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Donna Wynant, case manager)
11. **Case #M 2007-13. Beaty South General Plan Amendment.** Jennifer Jenkins, agent for Building Services of Santa Fe requests approval of a General Plan future land use map amendment to change the designation of 96.73± acres of land to Low Density (3 – 7 dwelling units per acre). The area is located west of Richards Avenue and south of Governor Miles Road. (Donna Wynant, case manager)
12. **Case #M 2007-14. Beaty South Annexation.** Jennifer Jenkins, agent for Building Services of Santa Fe requests annexation of 96.73± acres of land as well as the adjacent Richards Avenue right-of-way, for a total of 99.28± acres, located west of Richards Avenue and south of Governor Miles Road. (Donna Wynant, case manager)

13. Case #ZA 2007-03. Beaty South Rezoning from R-1 to R-5. Jennifer Jenkins, agent for Building Services of Santa Fe requests rezoning of 96.73± acres of land from R-1 (Residential – 1 dwelling unit per acre) to R-5 (Residential – 5 dwelling units per acre). The property is located west of Richards Avenue and south of Governor Miles Road. (Donna Wynant, case manager)

14. Case #M 2007-18. 1661 East Cerro Gordo Road Escarpment Regulations Variance. Christopher Martinez requests a variance to the escarpment regulations to allow the reconstruction of a pitched roof. The property is located east of Gonzales Road and north of Upper Canyon Road and is zoned R-3 (Residential, 3 dwelling units per acre). (Lou Baker, 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 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**

INDEX OF
CITY OF SANTA FE
PLANNING COMMISSION

June 21, 2007

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D. APPROVAL OF MINUTES May 17, 2007	Approved	2
E. OLD BUSINESS		
1. <u>Case #M 2006-27. San Isidro Phase II Final Development Plan.</u> 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).	Approved	2-5
F. NEW BUSINESS		
14. <u>Case #M 2007-18. 1661 East Cerro Gordo Road Escarpment Regulations Variance.</u> Christopher Martinez requests a variance to the escarpment regulations to allow the reconstruction of a pitched roof. The property is located east of Gonzales Road and north of Upper Canyon Road and is zoned R-3.	Approved	5-6
1. <u>Case #M 2007-07. 538 Del Norte Lane Terrain Management Variance.</u> 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.	Approved	6-8
2. <u>Case #S 2007-06. Kaushal Business Park Preliminary Subdivision Plat.</u>	Postponed	8-9
3. <u>Case #M 2007-21. Electric Facilities Plan General Plan Amendment.</u> Amendment to the General Plan to adopt an Electric Facilities Plan as called for by General Plan Implementing Policy 7-5-I-2.	Approved	9-10

ITEM	ACTION TAKEN	PAGE(S)
4. <u>Case #CA 2007-01. Electric Facilities Code Amendment.</u> An ordinance creating a new section 14-6.2(F) SFCC 1987 establishing requirements regarding electric facilities and making such other changes as are necessary.	Approved	10
5. <u>Electric Facilities Fee Resolution.</u> A resolution adoption of a fee schedule for the review of applications for electric facilities.	Approved	10
6. <u>Utility Under Grounding Amendment.</u> An ordinance amending section 14-6.2(G)(6) and 14-6.2(G)(7) SFCC 1987; making clarifications to the procedures for underground electric, telecommunication and cable utility lines.	Approved	10-12
7. <u>Case #M 2007-16. PNM South Pacheco 13 Distribution Project.</u> Request by Public Service Company of New Mexico for determination of consistency with adopted General Plan for a proposed 12.5kv electric distribution line along Siringo Road and St. Francis Drive.	Approved	12-13
8. <u>Case #M 2007-15. PNM South Pacheco 11 Distribution Project.</u> Request by Public Service Company of New Mexico for determination of consistency with adopted General Plan for a proposed 12.5kv electric distribution line along Yucca Street and Rodeo Road.	Approved	14
9. <u>Case #S 2007-08. Raven Ridge Townhouses Final Subdivision Plat.</u>	Postponed to July 19 th	14
10. <u>Case #M 2006-48. Raven Ridge Townhouses Development Plan.</u>	Postponed to July 19 th	14
11. <u>Case #M 2007-13. Beaty South General Plan Amendment.</u> Jennifer Jenkins, agent for Building Services of Santa Fe requests approval of a General Plan future land use map amendment to change the designation of 96.73± acres of land to Low Density (3 – 7 dwelling units per acre). The area is located west of Richards Avenue and south of Governor Miles Road.	Approved	14-20
12. <u>Case #M 2007-14. Beaty South Annexation.</u> Jennifer Jenkins, agent for Building Services of Santa Fe requests annexation of 96.73± acres of land as well as the adjacent Richards Avenue right-of-way, for a total of 99.28± acres, located west of Richards Avenue and south of Governor Miles Road.	Approved	20
13. <u>Case #ZA 2007-03. Beaty South Rezoning from R-1 to R-5.</u> Jennifer Jenkins, agent for Building Services of Santa Fe requests rezoning of 96.73± acres of land from R-1 (Residential – 1 dwelling unit per acre) to R-5 (Residential – 5 dwelling units per acre). The property is located west of Richards Avenue and south of Governor Miles Road.	Approved	20

<u>ITEM</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
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MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

June 21, 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
Eric Lujan
Michael Trujillo
Harriet Heltman
Ken Hughes
Signe Lindell
Robert Werner, Chair

MEMBERS ABSENT:

Vacancy
Bonifacio Armijo (excused)

STAFF PRESENT:

Greg Smith, Development Review Division Director
Anne Lovely, Assistant City Attorney
Frank Katz, City Attorney
Jack Hiatt, Planning and Land Use Director
Jeanne Price, Legislative Liaison
Lou Baker, Senior Planner
Donna Wynant, Senior Planner
John Romero, Traffic Engineer

B. PLEDGE OF ALLEGIANCE

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

C. APPROVAL OF AGENDA

Ms. Lovely said item 9 and 10 have been postponed to July 19th which are Case #S-2007-08 Raven Ridge Townhouses Final Subdivision Plat and Case #M-2006-48 Raven Ridge Townhouses Development Plan.

Chair Werner pointed out that item 2 has been postponed as well which is Case #S-2007-06 Kaushal Business Park Preliminary Subdivision Plat.

Commissioner Gonzales requested they move item 14 – M-2007-18 - to the first item under new business.

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

D. APPROVAL OF MINUTES
May 17, 2007

Commissioner Heltman noted that under Roll Call Commissioner Lujan was excused, not a vacancy.

Commissioner Heltman moved to approve the minutes of May 17, 2007 as amended, Commissioner Lindell seconded the motion which passed by unanimous voice vote.

E. OLD BUSINESS

1. ***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, MAY 3, 2007, MAY 17, 2007 AND JUNE 07, 2007 PUBLIC TESTIMONY IS CLOSED)***

Memorandum from Dan Esquibel prepared June 20, 2007 for June 21st Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Mr. Dan Esquibel read the staff report included in Exhibit "1." He noted that they are no longer requesting a variance. He reviewed the matrix included in the packet.

Staff recommends the following conditions of approval:

1. Compliance to conditions and additional documentation required as stipulated in (Big Box) Article 14-8.8 review matrix (Exhibit B).
2. Compliance to development plan red line comments.
3. Site signage shall comply with 14-8.10 SFCC.
4. Development plan shall be modified to comply with the Wastewater Management comments noted below and in Exhibit D (attached).
5. Development plan shall be modified to comply with the Engineering Development Review comments noted below; and
6. Development plan shall be modified to comply with the Engineering Division/Traffic Impacts Section comments noted below; and
7. Development plan shall be modified to comply with the Fire Department comments; and
8. Development plan shall be modified to comply with the Landscaping comments; and
9. As a result of conditions of approval and waivers, modifications/revisions to the development plan shall be re-submitted to DRT for review of changes prior to filing the Development Plan; and
10. Applicant shall comply with all conditions of annexation and rezoning ordinances and annexation agreement including special water policy provisions; and

11. Additional landscaping with screening walls and trellis structures (with vine vegetation) for phase 1 are incorporated as part of Phase 2 approval and Shown on Exhibit 6 and on plan set titled San Isidro Commercial Development – Phase 2 Development Plan Submittal, Zafarano Drive Streetscape.
12. Signage shall be placed to discourage loading out side of loading designated areas.
13. All out door lighting shall comply to Article 14-8.9 SFCC
14. Driveway permit be obtained from the public works prior to any construction.
15. A sign plan shall be implemented to help mitigate loading circulation congestion and loading hazards.
16. Applicant shall dedicate additional Right-of-Way for sidewalks behind bus pull-out to approval of Public Works and Transit Director.

Chair Werner noted that the public testimony and public hearing were closed at the end of the last hearing. He said any testimony will be in direct response to questions of commissioners. He asked the applicant if he wanted to add to the staff report.

Karl Sommer, PO Box 2476, Santa Fe, was sworn. He said they have worked tirelessly to address the issues brought up by the Commission. He said the building was moved back 20 feet and the architectural features are within 15 feet. He said the issues he heard were to address the impact along Zafarano, the impact internally and the impact to the adjoining property owner. He feels that Greg Gonzales, Greg Weigh and Jeff Branch have worked hard with staff to address those with a meaningful response to what the Commission requested. He said they will not see a sea of parking. He noted that Mr. Esquibel suggested that the landscaping and screening match Phase 1 to provide uniformity. He said they addressed the Transit issues without impacting the parking. He believes the exceptions and waivers are justified under the standards discussed. He does not believe some of the waivers are required, but if they are he believes they have met the standards for it. He said they addressed the concerns in a way that has made the project better for everybody concerned.

Commissioner Gonzales asked when the applicant received the staff report.

Mr. Sommer replied approximately 1:30 p.m. today, but he did have a look at the initial draft so he was aware of the issues.

Commissioner Gonzales said at the last hearing there was disagreement on the matrix, so he questions if this was resolved and they are in agreement with the conditions of approval.

Mr. Sommer said for the most part the objections raised were addressed to resolve the disagreement. He said they can live with the conditions of approval. His understanding is that the submittals that go to the DRT will be looked at for conformance with the approval and conditions, not that they would be making a new re-submittal.

Mr. Esquibel said the previous matrix was in response to the incompleteness, but as the information came in he worked on it. He said the DRT condition is due to the changes made recently so the DRT staff needs to have the opportunity to evaluate them.

Mr. Sommer expressed concern with the broad standard that health, safety and welfare are met. He does not want to have to go back and redesign the project.

Mr. Esquibel said there are some changes that may need to be looked at after a meeting so compliance to the code is met. He does not think it is broad.

Mr. Smith said they do not anticipate revisions, but he cannot speak on behalf of the Fire Marshal or Transit that have not had a chance to review the plans. He thinks there would only be a minor technical review.

Commissioner Gonzales stated that he can see that staff and the applicant have moved mountains. He understands the height they are asking for, but asked if there is something to do to the right side elevation so that side does not look so plain.

Greg Gonzales, was sworn. He said they called out as one of the design elements cultured stone. He said the intention is not to have a blank slate overshadowing the neighbors so they could work on the architectural façade with colors, stones, accents, or nichos to make it more interesting.

Commissioner Trujillo thought the Commission directed staff to work with the applicant on these issues before this came back.

Mr. Esquibel said with the amount of time the applicant had to address the issues they would not have been able to move it around to the DRT.

Commissioner Trujillo said they asked if there would be enough time and if there was not he should have told them. He said he is upset that this applicant has had three different case planners and he thought it was understood that there would be resolution, but now he is hearing there are still problems.

Mr. Esquibel said when the changes came into the office for review there just was not enough time. His review did not stop until today so the other DRT members did not get copies of the plan yet. He does not anticipate problems.

Mr. Sommer said as the design team they do not feel there are major problems as they are down to technical stuff. He said the last two weeks have been a real push.

Commissioner Lindell understands that the height waiver request is 24.

Mr. Esquibel said that is correct, but if you measure as you go inward they have an area that hits 26.

Commissioner Lindell asked what the allowable is based on.

Mr. Esquibel said the allowable is based on measuring the existing buildings and then going 10% above that, then from that point step backs would have to occur on the building pursuant to the figures in the code.

Mr. Smith explained that when staff looks closely at the legal interpretation the code technically says the maximum is 17 feet. He said working with staff in drafting the regulations it seems fairly clear that the code was intended to allow 24 feet although it is not drafted that way. He said this would be a waiver not a variance. He said they may be approved if the intent of the regulations is accomplished by the alternative.

Mr. Esquibel pointed out that this portion of the building would be comparable to what is allowed on the residential side.

Commissioner Gonzales thinks there are some issues that can be worked out, but believes they have made significant progress and there is an understanding with regards to the direction to be respectful of the neighbors.

Commissioner Gonzales moved to approve Case #M-2006-27 with conditions of approval and adding condition 17 that the applicant examine other ways to aesthetically make the elevation more pleasing and approval of the waiver request, Commissioner Trujillo seconded the motion which passed by unanimous voice vote.

F. NEW BUSINESS

- 14. Case #M 2007-18. 1661 East Cerro Gordo Road Escarpment Regulations Variance. Christopher Martinez requests a variance to the escarpment regulations to allow the reconstruction of a pitched roof. The property is located east of Gonzales Road and north of Upper Canyon Road and is zoned R-3 (Residential, 3 dwelling units per acre). (Lou Baker, case manager)**

Memorandum from Lou Baker prepared June 11, 2007 for June 21st Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Ms. Baker presented the staff report included in Exhibit "2."

Approval shall include the following condition:

1. Comply with comments from the Engineering Development Review Division (Exhibit D).

Ms. Blackwell corrected the last sentence under item 2 of the staff report on page 4. She said the minimal slope for drainage is a 2% slope which would be 1:48. It is the same in concept, but what is on the current structure is steeper than the minimum. She thinks it is confusing the way it is written.

Public Hearing

Karl Sommer, previously sworn, explained that the work is done so this is more about forgiveness rather than permission. He said the pitch is on the back side of the roof. The house was built prior to the development of the escarpment ordinance and it has a legal pitched roof. There was a leak and the applicant endeavored in a fix that improved the drainage by improving the slope. He said they are asking to allow them to improve what was already a condition when the City allowed the original construction. He said the idea is to bridge where the water is now going in between, but it would be a hardship to rip the roof off and make a flat roof irrespective of the impact it would have on the inside of the house. He said they will continue to see cases where properties were approved long before they thought of an escarpment. He said technically this shows a lot of houses that are legal nonconforming and to make them comply is impractical. He said they are here after the fact, but that does not change what the question is. He noted that Mr. Martinez's job is to enforce the rules of the City of Santa Fe and in this case in a panic he has tried to fix his house. If he would have waited he would have a much bigger problem with his house. He is not expanding his house and he did not

realize he needed a permit. He thinks they have a health and safety issue related to what is Mr. Martinez's biggest investment.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Trujillo understands the hardship and moved to approve Case #M-2007-18 with the variance findings, Commissioner Heltman seconded the motion which passed by unanimous voice vote.

1. **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) ***(POSTPONED FROM MAY 17, 2007 AND JUNE 07, 2007)***

Memorandum from Lou Baker prepared June 11, 2007 for June 21st Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Ms. Baker presented the staff report included in Exhibit "3." She thanked the Commission for moving both her cases together as she had the first and last case.

The application seeks a variance to the setback from the top of the shoulder of an arroyo plus the depth of the arroyo channel as applied in the Santa Fe City Code §14-8.2(F)(2)(c)(iv)(A) (iv) Arroyo, Stream and Watercourse Standards

- A. *For arroyos, streams, or watercourses that carry 100 cubic feet per second or more of stormwater flow in a 100-year, 24-hour storm event, all structures, paved roads, driveways, and parking lots shall be set back a minimum of 25 feet from the top shoulder of an arroyo plus the depth of the arroyo channel. This setback provision does not apply to stormwater management structures or public access trails;*

Since the arroyo channel is degraded and has been extensively modified on the applicant's west property line and stabilization of the arroyo bank is desperately needed. Therefore, should the Planning Commission approve application M2007-07, a request for a variance to the setback from the top of the bank of the adjoining waterway, staff recommends the imposition of the following conditions.

1. Construction will occur in an existing neighborhood therefore applicant shall submit a construction staging plan (Exhibit D) detailing activities in a manner as to not to disrupt the harmony and safety of the neighborhood; and
2. A certified slope analysis is not required for minor development. Generally, the project is considered "minor development" if the lot has 1) less than 3500 square feet of impervious surface, 2) no more than 5000 square feet of total disturbance and 3) no more than 10% slope disturbance. If a slope analysis is required it must be certified and signed by a New Mexico licensed surveyor. Applicant shall work with the Engineering Development Review Division to determine if a certified slope analysis is required; and
3. A note shall be placed on the final plat and on the final development plan 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 or water transfer; and
4. Storm water Certification statement shall be placed on the cover sheet of the mylar drawings. The Certification shall appear next to the As-Built Certification statement; and
5. Comply with Chapter 14 §14-8.4 (H) Open Space requirements in addition shall provide two (2) permanent charcoal bar-b-que grills, three (3) permanent benches and New Mexico Night Sky Protection Act and Chapter 14 §14-8.9 compliant outdoor lighting (preferably solar powered); and
6. The final plat shall be drawn in compliance with general formatting and plan content requirements as per Exhibit J. These requirements apply to each page; and

7. Plat, development plan and improvement drawings shall be modified to comply with "redline" comments from affected divisions and departments; and
8. 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
9. Comply with comments from the Engineering Development Review Division (Exhibit E); and
10. Comply with comments from the Engineering Development Review Division/Landscaping (Exhibit F); and
11. Comply with comments from the Trails and Open Space Office (Exhibit G); and
12. Comply with comments from the Solid Waste Division Engineer and Solid Waste Facility Design Standards (Exhibit H).

Public Hearing

Derrick Archuleta, PO Box 25911, Albuquerque, 87125, was sworn. He said the applicant had been working with City for nine months when the determination for the variance was established. The process involved the neighbors, a professional engineer and FEMA. There were two ENN's held where they introduced the project to the neighbors and then later discussed spreading out the structures. There was a professional engineer involved and a watershed analysis including base flood elevation studies were completed. The applicant has reviewed all 12 conditions and supports them and will comply.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Gonzales said the shoulder of the arroyo is not a unique or isolated occurrence and the five points presented by the applicant did not provide a clear and substantiated need warranting an easing of the regulations. He asked the applicant to respond to staff's viewpoint.

Mr. Archuleta said they feel it does comply with the intent of Chapter 14. He said they have worked with staff on providing infill development with this project.

Commissioner Gonzales noted that this failed to substantiate the need according to the staff report, but then it shows this is not a special privilege. He thinks this is contradictory.

Mr. Smith said some points are better substantiated than others. He thinks the primary question about the adequacy of the arguments is can reasonable use of the property be made without the variance. He said a house exists on the property that is in full compliance with the terrain management and setback regulations. It is unlikely they could build more than one duplex abiding by the arroyo setback rules without difficulty. He asked if there is the degree of hardship that requires relief.

Commissioner Gonzales said from the analysis it is showing that the setback compared to the preliminary setback will result in a more stable arroyo bank.

Ms. Blackwell explained that Joe Barela has been in the field with the applicant and came up with the recommendation for the setback. She clarified that the current edge of

the bank has been disturbed so it is not in a natural state. They have stabilized the bank. She pointed out where the edge of the new FEMA flood plain is and this is currently out of that.

Commissioner Lindell said she sees the notification, but no report of what happened.

Mr. Archuleta reported that they had two ENN's where they introduced the project to the neighbors and they walked away with a preference to have the buildings spread out on the property rather than forced to the front of Del Norte Lane. The second meeting was to show the neighbors how their feedback was incorporated.

Commissioner Lindell understood this property could support two structures without a variance.

Mr. Smith said that was a rough analysis.

Ms. Baker said the structure would abut or be much closer to Del Norte Lane than it would be with the variance. There is an existing structure and with this variance the applicant has proposed to remove that and three new structures would be placed which is when the SF Homes Program would kick in.

Commissioner Lindell asked if one unit would be affordable.

Ms. Baker was unsure, but said there are several ways the Santa Fe Homes Program would kick in. She said it would be one unit or they would pay a fee in lieu of if she is not mistaken. She wanted to yield to Ron Pacheco who was not present.

Commissioner Lindell asked if staff could confirm this.

Mr. Smith said his understanding is that the regulations require the applicant to pay a fee in lieu of 9/10 of the unit. He checked the code while the discussion continued.

Commissioner Lujan asked what the applicant is willing to do.

Mr. Archuleta confirmed that they will comply with whatever the requirements are.

Mr. Smith said it does not appear there are any mandatory requirement for 2-3 units.

Commissioner Gonzales moved for approval of Case #M-2007-07 with staff conditions including the variance, Commissioner Lujan seconded the motion.

Commissioner Gonzales asked if they need to submit findings and fact.

Mr. Smith said the formal process will be implemented at the July meeting.

The motion passed by majority voice vote of 5 to 1 with Commissioner Lindell voting against the motion.

- 2. Case #S 2007-06. Kaushal Business Park Preliminary Subdivision Plat. Linda Tigges, agent for A.K. Kaushal requests preliminary subdivision plat approval for 11 lots on 1.998± acres located north of**

Rodeo Road between Sawmill Road and SFRR right-of-way. The application includes a variance from Section 14-9.2 (E) regarding standards for private streets to clarify the use of driveways for the entrance to a commercial subdivision. The property is zoned I-1 (Light Industrial). (Donna Wynant, case manager) (POSTPONED FROM JUNE 07, 2007)

Postponed per approval of the agenda.

- 3. Case #M 2007-21. Electric Facilities Plan General Plan Amendment. Amendment to the General Plan to adopt an Electric Facilities Plan as called for by General Plan Implementing Policy 7-5-I-2. (Greg Smith, case manager)**

Items 3, 4 and 5 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Memorandum prepared by Greg Smith, Director Current Planning Division dated June 13, 2007 for June 21st Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Mr. Smith presented the staff report included in Exhibit "4." He noted that PNM is in concurrence with the recommendations and they are trying to reach agreement on the franchise agreement. He noted that Robert Gallegos and Jeanne Price have been working on this. The facilities plan was reviewed by the CPPC with no objections, but there was no quorum. The H Board reviewed it as well and it is not reflected in writing, but they recommended approval.

Public Hearing

Laurie Moyer, PNM, said she would like to thank the staff for hanging in there and creating a document that not everybody agrees with completely, but it is a consensus on most of the issues.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Gonzales commented that safety is an issue that may not need to be in the plan, but should be a component in his opinion. He asked if in the event of a death or accident whether or not the first responders are trained for the environment of an electrical facility. He assumes they are chaperoned by a PNM representative.

Mr. Smith said he cannot speak on behalf of the City staff, but he is confident the Fire Department does receive training.

Ms. Moyer added that a first responder would not be allowed in the facility without a PNM escort. She knows Mr. Quintana does do safety training and a representative of PNM responds with them when there is an emergency.

Commissioner Gonzales asked how comfortable they are with the safety plan in place.

Ms. Moya is unsure if there is a specific safety plan in place, but she agreed to check what it says to see if it needs revision or to be put in place.

Commissioner Gonzales moved to recommend City Council approve M-2007-21, Commissioner Hughes seconded the motion which passed by unanimous voice vote.

- 4. Case #CA 2007-01. Electric Facilities Code Amendment. An ordinance creating a new section 14-6.2(F) SFCC 1987 establishing requirements regarding electric facilities and making such other changes as are necessary. (Greg Smith, case manager)**

Items 3, 4 and 5 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Commissioner Gonzales moved to recommend City Council approve CA-2007-01 with the condition that staff and PNM look at the matter of additional training for first responders, Commissioner Hughes seconded the motion which passed by unanimous voice vote.

Commissioner Trujillo knows that PNM went out of their way when he was a fireman to show them how to take out the meters or remove wire. He said they would never enter a power station alone because of putting other people at risk.

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

- 5. Electric Facilities Fee Resolution. A resolution adoption of a fee schedule for the review of applications for electric facilities. (Jeanne Price, case manager)**

Items 3, 4 and 5 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Commissioner Gonzales moved to recommend City Council approve the Electric Facilities Fee Resolution, Commissioner Trujillo seconded the motion which passed by unanimous voice vote.

- 6. Utility Under Grounding Amendment. An ordinance amending section 14-6.2(G)(6) and 14-6.2(G)(7) SFCC 1987; making clarifications to the procedures for underground electric, telecommunication and cable utility lines. (Jeanne Price, case manager)**

Memorandum prepared by Jeanne Price, Legislative Liaison dated June 13, 2007 for June 21st Planning Commission meeting is incorporated herewith to these minutes as Exhibit "5."

Ms. Price presented the staff report included in Exhibit "4." She explained that in going through the facility plan process they realized some clarifications would help in the

underground ordinance regarding waivers to the underground requirements and procedures for accounting of the costs.

Public Hearing

Mary Shrubin, 2119 Rancho Siringo Road, was sworn. She encouraged the Commission to consider the cost for putting utilities underground. She believes this cost should be borne by the owners of the development and the development, not all customers. She is in one of the few nice neighborhoods in the area that do not have electrical lines above ground. She agreed the standard should be underground and the extra cost be above ground, but did not think all residents should have to pay.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Heltman asked if it is customary in other communities for developers to pay for the underground utilities rather than have the City pay for it.

Ms. Price explained the developer is required to place the utilities underground and that cost is passed to the purchaser of the lots. If PNM is constructing a line then PNM has the obligation to put it underground and can seek the recovery of the cost differential from the City. The City can pay out of its own coffers or they can allow PNM to seek approval for passing the cost onto the rate payers in the City of Santa Fe. This is based upon rulings from various courts that have looked at this issue.

Commissioner Heltman believes this will be expensive for the people of Santa Fe.

Ms. Price said there is one other provision in the PRC decision. When it is public, health and safety instead of seeking the cost from the rate payers they have other options and the ordinance approved is written in phases. The second phase is for the City to develop standards for when they call it public health and safety or other options.

Commissioner Lujan stated that PNM is PRC regulated, so he questions how PNM is able to pass the burden onto one community without rate increases to other communities.

Ms. Price said that was the ruling by the courts that the rate payers of that City pay for it if it is not a matter of health, safety and welfare.

Commissioner Lujan asked if there is a standard of how high they can raise the rates.

Ms. Price said that is what they will get into shortly.

Ms. Moye explained that they are talking about rate 22 which was adopted by the PRC which regulates PNM. The PRC felt that if communities are going to require lines be placed underground then the community should bear the cost differential and not all the rate payers would be responsible. This is the process happening now. PNM provides a cost to the municipality and then the municipality makes the decision of who will pay. The PRC looks at it and approves the rate then construction begins. At the end it is according to what the actual costs are, not the estimated costs.

Commissioner Lujan understood under rate 22 it is a temporary cost until the work is completed.

Ms. Moye said PNM determines how long the temporary rate should be on the bill as far as 7 years out and once the cost is complete then it comes off.

Commissioner Lujan asked if the City has the option to come up with a portion only.

Ms. Moye said the City can pay whatever portion they would like to pay.

Commissioner Hughes moved to recommend City Council approve the Utility Under Grounding Amendment, Commissioner Gonzales seconded the motion which passed by unanimous voice vote.

- 7. Case #M 2007-16. PNM South Pacheco 13 Distribution Project. Request by Public Service Company of New Mexico for determination of consistency with adopted General Plan for a proposed 12.5kv electric distribution line along Siringo Road and St. Francis Drive. (Greg Smith, case manager)**

Items 7 and 8 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Memorandum prepared by Greg Smith, Director Current Planning Division on June 12, 2007 for June 21st Planning Commission meeting is incorporated herewith to these minutes as Exhibit "6" for PNM South Pacheco 13 Distribution Project.

Memorandum prepared by Greg Smith, Director Current Planning Division on June 12, 2007 for June 21st Planning Commission meeting is incorporated herewith to these minutes as Exhibit "7" for PNM South Pacheco 11 Distribution Project.

Project Map for South Pacheco Feeder 11 Distribution Project is incorporated herewith to these minutes as Exhibit "7(A)."

Mr. Smith presented the staff report included in Exhibit "6" and "7." He said there are not specific criteria or procedures outlined in Chapter 14. The staff report presents the analysis that these types of expansions are subject to approval for consistency with the General Plan based on the state statutes. He said both projects were reviewed by the City Council with regard to whether they would be required to be constructed above or below ground. He said one would be allowed above and the other would be allowed partly above and partly below ground. The applicant states this will make the system more reliable due to additional demand. Staff would note that PNM has conducted community meetings similar to the ENN process for projects. Staff requested more specific information, but PNM representatives declined to present this although he does understand PNM intends to have an engineer available if the Commission wants more detailed exhibits. He referred to the letter from PNM questioning the procedure. He said once the code amendments are adopted there will not be questions about this type of project coming before the Commission.

Public Hearing

Laurie Moyer, PNM representative, was sworn. She said this has been reviewed and a decision was made by the City Council that this line should be built overhead.

Ellen Pines, PO Box 8251, was sworn. She said she lives in a home located off of Rodeo and Yucca, so she has been living in the midst of a construction mess. She said it is not fun living in a construction zone and she works out of a home office so she is there all day. She thinks those that live in the area have put up with lots of construction and she is concerned with another project. She is willing to bear their share of burden, but the burden should be shared equitably, so she hopes the work could be done along the proposed Zia Road side rather than Rodeo.

Mary Shrubin, previously sworn, explained that she protested against putting overhead lines in Arroyo Chamiso originally. They met and came up with alternatives to bring the line south on Yucca Street to Rodeo or to Zia. This seemed to be the right place to do this. She speaks in favor of this project because it was not put in Arroyo Chamiso. She is also in favor of putting the portion that runs south along Yucca below ground. She hopes the entire portion is placed below ground as there are already some tall power lines that run along the high school and two daycare centers. The neighbors understand the need to have additional routes, but they need to think carefully about the positioning of the lines. She feels the below ground lines are safer for all citizens who work along the routes and it beautifies the City to have them below ground.

Ms. Moyer addressed the South Pacheco feeder 11. She said the City Council voted to have PNM rebuild an existing line from Siringo down to the arroyo and then go underground to Rodeo Road. She said at that point they will come up and then double circuit from Yucca to Camino Carlos Rey. This is currently at the PRC for a rate rider approval due to the underground component. She is not sure when construction will begin, but assumes it will be at least late fall. She said they will not be blocking traffic with this project.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes recalled that the Santa Fe Energy Task Force recommended against putting this in the arroyo and asked staff to comment.

Robert Gallegos said that is correct.

Commissioner Hughes asked if the Task Force reviewed going underground or above ground.

Mr. Gallegos does not recall them making recommendations specific to undergrounding.

Ms. Moyer explained that a portion will be underground which is designated by the dotted line on Exhibit "7(A)."

Commissioner Gonzales moved to approve Case #M-2007-16, Commissioner Heltman seconded the motion which passed by unanimous voice vote.

- 8. Case #M 2007-15. PNM South Pacheco 11 Distribution Project. Request by Public Service Company of New Mexico for determination of consistency with adopted General Plan for a proposed 12.5kv electric distribution line along Yucca Street and Rodeo Road. (Greg Smith, case manager)**

Items 7 and 8 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Commissioner Gonzales moved to approve Case #M-207-15, Commissioner Heltman seconded the motion which passed by unanimous voice vote.

- 9. Case #S 2007-08. Raven Ridge Townhouses Final Subdivision Plat. Lorn Tryk, agent for Raven Ridge, LLC. request final subdivision plat approval to create 33 lots on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Donna Wynant, case manager)**

Postponed per approval of the agenda to July 19, 2007 Planning Commission Meeting.

- 10. Case #M 2006-48. Raven Ridge Townhouses Development Plan. Lorn Tryk, agent for Raven Ridge, LLC. request development plan approval to create 33 single-family attached dwelling units on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Donna Wynant, case manager)**

Postponed per approval of the agenda to July 19, 2007 Planning Commission Meeting.

- 11. Case #M 2007-13. Beaty South General Plan Amendment. Jennifer Jenkins, agent for Building Services of Santa Fe requests approval of a General Plan future land use map amendment to change the designation of 96.73± acres of land to Low Density (3 – 7 dwelling units per acre). The area is located west of Richards Avenue and south of Governor Miles Road. (Donna Wynant, case manager)**

Items 11, 12 and 13 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Memorandum prepared by Donna Wynant dated June 12, 2007 for June 21st Planning Commission meeting is incorporated herewith to these minutes as Exhibit "8."

Letter from Lisa Flynn, Nava Ade resident, dated June 20, 2007 is incorporated herewith to these minutes as Exhibit "8(A)."

Letter from Bobbie Gutierrez, Santa Fe Public Schools, dated June 21, 2007 is incorporated herewith to these minutes as Exhibit "8(B)."

Response of Nava Ade Homeowner's Association to the proposal from ENN dated April 9, 2007 is incorporated herewith to these minutes as Exhibit "8(C)."

Summary of Trip Generation Calculations from Morey Walker dated June 21, 2007 is incorporated herewith to these minutes as Exhibit "8(D)."

Donna Wynant presented the staff report included in Exhibit "8."

Staff recommends:

Case #M-2007-13, General Plan Amendment:

If the Commission decides to recommend approval of the general plan amendment, that action must be based findings per Chapter 14-3.2(D) SFCC 2001, as outlined on pages 5 & 6 below in this report. If the Planning Commission determines that the Residential, Low Density general plan designation is more appropriate for the portions of the subject property designated for Institutional and Business Park uses, it should recommend approval of the City Council. Recommendations and approvals for general plan amendment do not include conditions of approval.

Case #M-2007-14 Annexation

If the Commission recommends approval of the Beaty South Annexation, that action must be based on the findings per Chapter 14-3.4(D) SFCC 2001, as outlined on pages 7&8 below in this report. Staff believes that the application is clearly consistent with all applicable annexation criteria. The following condition of approval should be included with a recommendation for approval:

1. An irrevocable offer to dedicate sufficient right-of-way to the approval of the City Public Works Director for widening of Richards Avenue, and for creation of Beckner Road as shown on the Annexation Master Plan, shall be recorded concurrently with the annexation plat.

Case #ZA-2007-03, Rezoning

If the Commission recommends approval of the Beaty South rezoning, that action must be based on the findings per Chapter 14-3.5(C) SFCC 2001, as outlined on pages 8-10 below in this report.

Public Hearing

Jennifer Jenkins, Jenkins Gavin Design and Development, 128 Grant Avenue, Suite 227, was sworn. She introduced her team including Mr. Beaty. She reviewed the site plan. She said there is an active drainage way, but it is not in the FEMA flood plane. The intent is to preserve this as a natural feature for the neighborhood. There will be two park areas in addition to the passive open space. She reviewed the roadways and entrances. She showed how the General Plan reads vs. what was approved as a General Plan Amendment in 2003. She clarified that at no time has Mr. Beaty been involved with Las Soleras. Mr. Beaty was contacted in 2000, but declined to participate in the Las Soleras proposal. Mr. Beaty had no opposition to what was happening and had no reason to assume they were master planning his property at their expense. Las Soleras could not make a deal with the City with respect to the water rights so they proceeded to master plan the property in the County including this property without consent. There are requirements to have a village district if there is a minimum of 450 acres. They included Mr. Beaty's 97 acres to get 426 acres and were granted a variance, but without Mr. Beaty's property the variance is 124 acres. When she started working with Mr. Beaty last year on the annexation they discovered what was happening on the sidelines. She does not know what affect this annexation will have on the Las Soleras master plan approval in the County. She said they are asking the Planning Commission to approve Mr. Beaty's vision for the property, not Las Soleras' vision for the property.

Ms. Jenkins showed the 1999 General Plan with a little area for a school site which got a lot bigger when the General Plan was amended and the open space got a lot bigger

without Mr. Beaty's knowledge. She showed what is proposed. The quantity of open space is about the same, although it is distributed differently. The location for the original institutional use was designated as 2.5 acres and the four surrounding property owners could all donate 2.5 acres. She showed how Las Soleras changed that to 10 acres on Mr. Beaty's property and 2.9 acres on their property. She is aware that Councilor Dominguez is working on a program to create an opportunity for the schools to either have contributions of land or if there is no need for land they can receive a financial contribution toward the schools. She proposes the General Plan Amendment to amend that corner of the property to residential in the event the schools allow financial contributions. She said if the school wants land in this location they will provide their fair share towards that, but Mr. Beaty should not have to take the entire burden to benefit the neighbors to the south. They feel it is extremely important to be responsible for their fair share. She said this development will be 18% of the school population. They plan to continue this dialogue with the school district and will have that resolved prior to the Council hearing.

Ms. Jenkins said the last General Plan amendment relates to the business park designation. She said the need for the four lanes on Richards is documented and the need for the interchange is still being studied. She said if the interchange is approved then it might be appropriate to have a business park, but based on current conditions Richards Avenue cannot support the traffic generated by a business park. She passed out trip generation data and reviewed it included in Exhibit "8(D)." She reported that they have been working closely with Mark Tibbets of the Metropolitan Planning Organization so they can provide more data to John Romero. She said they will be contributing financially to the future widening of Richards Avenue, the improvements to the intersection at Rodeo and Richards and building a section of Beckner Road. They are proposing a dedicated right turn lane heading south on Richards as part of phase 2 and another one in phase 3. She said they have increased the open space buffer at the request of Nava Ade. Nava Ade also asked them to build a connection into Monte del Sol, so they have identified the most logical location for an alternative access.

Robert Largasate, 4405 Autumn Leaf Road, was sworn. He read a statement by Richard Lange who could not attend this meeting. He said they do appreciate the concessions and agreements reached, but are divided on some specific issues. He said they have always asked that the City annex the entire property around them. He said the Beaty South Plan requests are not consistent with the objectives of the General Plan or preserving the quality of life in the neighborhood. They oppose the rezoning because it will increase the number of home tracts by reducing the business park and will alter the future land use plans in an already densely populated area. It will increase weekend traffic and noise. The proposed home sites are as close as 30 feet from the road which will disrupt the vital view of the terrain and the Ortiz mountains. He said the appropriate landscaping of the intersection leading into Nava Ade is a vista sprawl of 500 flat rooftops. They believe squeezing home sites this close to the road will degrade the area making it feel like a low income housing project. He said if they continue with this kind of sprawl they could lose the designation as a tourist destination and the income from tourists. He said they have specified their requests for the City included in Exhibit "8(C)." He said without these requested modifications they do not support this request.

Joanne Duran, 5601 Dona Ana Loop, Rio Rancho, was sworn. She supports this proposal because her family has all lived in Santa Fe, but now she has moved to Rio Rancho due to the high cost of housing. She feels they need to provide affordable

housing for the residents of Santa Fe. She said the Planning Commission needs to come up with the best decision to support the local citizens.

Emilio Duran, 5601 Dona Ana Loop, was sworn. He said they moved to Rio Rancho due to affordable housing. He supports this for the kids who want more affordable housing.

Philip Sena, 2201 Camino Rancho Siringo, was sworn. He is proud to say when his children can go downtown and identify the Sena Plaza it makes him happy. He does not want his children to leave and wants them to be a part of the City. He has two major projects in Valencia County and would like to define affordable housing as it does not mean low income, but it is what you can pay for. He said what the applicant is trying to do for the entire community is commendable. He strongly supports this and asked for support. He urged the Commission to think about the children as his kids do not care if they have a view they want a roof over their head.

Lisa Bowling, 2201 Camino Rancho Siringo, was sworn. She stated that she is a single mom of two kids and works two jobs. She is tired of living in an apartment, so she trying to buy a home in Santa Fe. She wants to live in Santa Fe. This project is a big opportunity to be able to have a roof over her children's head. She hopes they support this project.

Theresa Montoya, 3013 Camino del Bosque, was sworn. She supports affordable housing as it is keeping families together. She has had many friends that have had to move away because they cannot afford to live in Santa Fe. Many families are being split apart and affordable housing can help so many stay in Santa Fe. She said trying to build commercial business would raise the congestion, so she would like to see affordable housing.

Lisa Barela, 2727 Calle Serena, was sworn. She said she is so tired of hearing that people have to move to Rio Rancho. She is a single mother with two children and was able to purchase a home as the person she purchased from was near foreclosure. She reiterated affordable housing is the key.

Agnes Herrera, 67 Harrison Road, was sworn. She said if it were not for affordable housing her daughters would not have homes. They need to keep this going for the youth of today so they stay in Santa Fe.

Pamela Herrera, 4167 Rain Dance Lane, was sworn. She said if it were not for affordable housing programs she would probably have moved somewhere in Albuquerque. She is close to her family and her mother watches her kids. She hopes her kids can grow up and live in Santa Fe.

Paul Montoya, 3013 Camino Bosque, was sworn. He also supports the affordable housing. He personally knows families that have family that live in Rio Rancho and commute to Santa Fe for work. He commented that the affordable housing is mostly in Tierra Contenta now, so it would be nice to spread that out. He said the traffic congestion with opening up of the back roads and completing a second entrance may be lighter than with a business park. He said this is right in a family neighborhood with schools, parks and churches, but the business park is pretty open, so they could end up

with bars or other things that are not wise in the area. He believes they should keep this more conformed for families and children.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Trujillo said it is correct that they need to spread affordable housing around. He feels it is unfair to have the school property all changed to Mr. Beaty's responsibility although it is nice to see a school there. He looked at the traffic impact. He agreed that they want their kids to be able to live in Santa Fe and be proud. He does not hear much objection. He agreed it would be nice if they could put an off ramp in the area instead of having to come through the City. He appreciates the open space concept and how they have worked with the neighbors.

Commissioner Hughes asked what the status of the options for a stop of the Railrunner is.

Mr. Smith said there is no final decision on this.

John Romero reported that to his knowledge there is no exact location for the Railrunner station although they are looking at a possible site at I-25 and Richards.

Commissioner Hughes pointed out that this stop could possibly be within walking distance of this subdivision, so it seems premature to scale down the density given the enormous value it will have if a train stop could be a few feet away. He suggested they greatly increase the density on the Richards Avenue side. He asked if the applicant is willing to hold off on finalizing the density subject to the site chosen for the stop.

Ms. Jenkins was uncomfortable with the concept because it is anybody's guess how long that could take. They have waited a long time to move forward. She noted that there is land south of the property.

Commissioner Hughes asked when the site selection will take place.

Mr. Romero said his understanding is that the implementation is a high priority.

Ms. Jenkins showed the proximity to the interstate area and they are about 800 feet from Beckner Road. She said there is a lot of land area that is available and in closer proximity. She believes they are actually looking more closely at the south side of I-25 for the stop.

Commissioner Hughes said the evidence around the country is that people are more than willing to walk for a station site. He feels this is an enormous opportunity to take advantage of. He said they could zone in a way to accommodate both high density residential as well as local serving retail.

Ms. Jenkins assumes that if the State was seriously considering land owned by Mr. Beaty he would have received some communication from them.

Commissioner Hughes said it seems clear that this has to be consistent with the General Plan, so he asked for staff's opinion.

Mr. Smith explained that the criteria for approving the annexation and rezoning both make specific references to consistency with the General Plan, but the applications do include a General Plan Amendment to make it consistent. He is not sure he got all the implications the applicant presented regarding the modification to the school site. He made it clear that the exhibit passed out is the General Plan as adopted by the City at the time of the joint application by Mr. Beaty and the other property owners in 2003. He said the expansion of the school site was not part of the action by the EZA, but was adopted by the City Council in 2003. He does not have a recommendation from the school board, but he knows they prefer sites of 10-15 acres.

Commissioner Hughes commented that Richards Avenue is in the County. He asked if the County has to give approval to annex this property.

Ms. Lovely deferred to the City Attorney.

Frank Katz, City Attorney, said it depends. The County has to give consent for annexation of its land, so the question is if Richards Avenue belongs to the County in fee simple or whether it is just a county roadway. The Boundary Commission case that was Santa Fe County vs. Edgewood questioned if Santa Fe County could appeal and it was determined that they could only appeal if they owned land in the area which were roads. The court said they do not own roads. Santa Fe argued that they do not own roads in fee. He said this is part of the litigation ongoing in the appeal from the Boundary Commission decision dismissing the request to annex this whole area which is before district court now. He said if this were owned by the County and they denied consent, then they could remove the roads from the annexation and they could allow annexation of the portion that does meet the standards. He said if the County would like to retain Richards Avenue it would simply be removed from the annexation.

Commissioner Lujan agreed that affordable housing should be everywhere. He pointed out that affordable housing means they can start sticking local people back in Santa Fe because they can afford to live here, but it does not mean low income housing. He said they have got to keep the locals here and affordable housing keeps the local products here.

Commissioner Trujillo said if they build it they will come, so he hopes if they build homes here the Railrunner will come.

Commissioner Trujillo moved to recommend the City Council approve Case M-2007-13 with staff recommendations. Commissioner Heltman seconded the motion.

Commissioner Gonzales asked how they can move forward with the school district. He was unsure which case that falls under.

Mr. Smith said the General Plan Amendment does include the area designated for institutional use.

Ms. Jenkins pointed out the corner area is shown with housing and open space and the connection to Monte del Sol based on the assumption that they participate in a new financial contribution program. If that is not set up with the school board, then they will amend the request to reflect this. She said it is up in the air, so they are requesting some time to hammer this out prior to going to City Council.

Commissioner Gonzales made a friendly amendment that the developer continue the dialogue with the school district and some resolve takes place on the contribution or the property prior to the Council hearing.

Commissioner Trujillo accepted this and said it is Councilor Dominguez's goal to work this out. They need to make it work so the neighbors have affordable housing and the school has property.

Commissioner Heltman also accepted the friendly amendment.

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

- 12. Case #M 2007-14. Beaty South Annexation. Jennifer Jenkins, agent for Building Services of Santa Fe requests annexation of 96.73± acres of land as well as the adjacent Richards Avenue right-of-way, for a total of 99.28± acres, located west of Richards Avenue and south of Governor Miles Road. (Donna Wynant, case manager)**

Items 11, 12 and 13 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Commissioner Trujillo moved to recommend City Council approve Case M-2007-14 with staff conditions, Commissioner Heltman seconded the motion which passed by unanimous voice vote.

- 13. Case #ZA 2007-03. Beaty South Rezoning from R-1 to R-5. Jennifer Jenkins, agent for Building Services of Santa Fe requests rezoning of 96.73± acres of land from R-1 (Residential – 1 dwelling unit per acre) to R-5 (Residential – 5 dwelling units per acre). The property is located west of Richards Avenue and south of Governor Miles Road. (Donna Wynant, case manager)**

Items 11, 12 and 13 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Commissioner Trujillo moved to recommend City Council approve Case #ZA-2007-03 rezoning from R-1 to R-5. Commissioner Heltman seconded the motion which passed by unanimous voice vote.

G. BUSINESS FROM THE FLOOR - None

H. STAFF COMMUNICATIONS

Mr. Smith reported that the meeting of July 5th has been moved to July 12th meeting.

Staff has been advised that it is likely the Mayor intends to decide on reappointments at the Council meeting on Wednesday. He said on behalf of the Planning and Land Use staff he wants to express sincere gratitude if the Commissioners are not reappointed.

Chair Werner said he will not be reappointed.

Mr. Smith said if that is the case, in particular Chair Werner has continued to expand and improve the dedicated service of the Planning Commission in furthering the overall public interest. He recognizes how important the Commissioners are. In his opinion, this Commission has done as good or a better job than previous Commissions he has worked with.

Chair Werner said it has been a pleasure over the six years as a Commissioner and his fifth year as Chair to work with staff who have done a wonderful job considering the tremendous turnover. He truly appreciates Mr. Smith and Ms. Lovely.

Commissioner Trujillo said he has been informed that he will not be reappointed. He asked the Commissioners who are staying to remember public safety. He said it has been a pleasure working with everyone. He complimented Mr. Hiatt as he has brought the department to where it needs to be. He said all the Commissioners made a difference. He tried to be smart development. He said he was nicknamed commissioner win-win because that is what it has to be so the neighbors are happy and development does not take over the City. He said it was a learning process and someday he will be back. He thanked staff and feels the new Commissioners are doing a great job.

Commissioner Heltman said she has enjoyed the group and she feels she has learned a great deal about the mechanics and about how everything works. She knows staff has a lot on their plate and they are always so patient. She thanked all the staff.

Commissioner Lujan stated that four years ago he sat in on his first meeting. He expressed his thanks and gratitude to former Mayor Delgado who gave him the opportunity to sit on the Planning Commission and ran a great administration. He thanked Mr. Smith and Ms. Lovely for what they taught him. He thanked Reyes Aragon and Jim Salazar. He wanted the Commission to keep in mind the focus of Santa Fe and giving opportunities where they are deserved. He said this Commission made decisions that affected the city and it will be felt for years to come. He urged the Commissioners to keep in mind that the people have to live with the decisions made and hopefully will benefit from them. He said it was a great pleasure serving with Chair Werner and he could not have asked for a better man to chair this Commission. He thanked Chair Werner for being a father figure and taking him aside when he got out of line. He appreciated that. He hopes the next Commission continues to keep the community at heart.

Commissioner Gonzales said they knew the appointment time was coming, but the reality knocks the air out of him. He is at a loss for words. He feels the agenda at the next meeting will have an appropriate thank you ceremony for those that have served. He thanked them for their hard work and dedication spending time selflessly away from their families.

Ms. Lovely thanked the Commissioners for their hard work. She knows it is a sacrifice. She has enjoyed working with all of them. She informed Chair Werner that he is a star.


She thanked them on behalf of the City for all the time, energy and conscientiousness in coming to the meetings and seriously undertaking every single case. She wished them the best and thanked them.

I. MATTERS FROM THE COMMISSION - None


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 9:30 p.m.

Approved by:


Chair Robert Werner
Estevan Gonzales

Submitted by:


Denise Cox, Stenographer